23529

# CONGRESSIONAL RECORD:

CONTAINING

## THE PROCEEDINGS AND DEBATES

OF THE

## FORTY-EIGHTH CONGRESS, FIRST SESSION.

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## VOLUME XV.

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WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

VOLUME XV, PART III.

# CONGRESSIONAL RECORD,

## FORTY-EIGHTH CONGRESS, FIRST SESSION.

TABLE 5.—*Illiteracy in the United States, census of* 1880.—Continued.

| States and Territories. | Total population. | Total population who can not read, ten years of age and over. | Per cent. of total population who can not read. | Total population who can not write, ten years of age and over. | Per cent. of total population who can not write. | Total white population. | Total white population who can not write, ten years of age and over. | Per cent. of total white population who can not write. | Total colored population. | Total colored population who can not write, ten years of age and over. | Per cent. of total colored population who can not write. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| North Carolina | 1,399,750 | 367,890 | 26.28 | 463,975 | 33.15 | 867,242 | 192,032 | 22.14 | 532,508 | 271,943 | 51.07 |
| Ohio | 3,198,062 | 86,754 | 2.71 | 131,847 | 4.12 | 3,117,920 | 115,491 | 3.70 | 80,142 | 16,356 | 20.41 |
| Oregon | 174,768 | 5,376 | 3.08 | 7,423 | 4.25 | 163,075 | 4,343 | 2.66 | 11,693 | 3,080 | 26.34 |
| Pennsylvania | 4,282,891 | 146,138 | 3.41 | 228,014 | 5.32 | 4 197,016 | 209,981 | 5.00 | 85,875 | 18,033 | 21.00 |
| Rhode Island | 276,531 | 17,450 | 6.31 | 24,793 | 8.97 | 269,939 | 23,544 | 8.72 | 6,592 | 1,249 | 18.95 |
| South Carolina | 995,577 | 321,780 | 32.32 | 369,848 | 37.15 | 391,105 | 59,777 | 15.28 | 604,472 | 310,071 | 51.30 |
| Tennessee | 1,542,359 | 294,385 | 19.09 | 410,722 | 26.63 | 1,138,831 | 216,227 | 18.99 | 403,528 | 194,495 | 48.20 |
| Texas | 1,591,749 | 256,223 | 16.10 | 316,432 | 19.88 | 1,197,237 | 123,012 | 10.35 | 394,512 | 192,520 | 48.80 |
| Utah | 143,963 | 4,851 | 3.37 | 8,826 | 6.13 | 142,423 | 8,137 | 5.71 | 1,540 | 689 | 44.74 |
| Vermont | 332,286 | 12,993 | 3.91 | 15,837 | 4.77 | 331,218 | 15,681 | 4.73 | 1,068 | 155 | 14.61 |
| Virginia | 1,512,565 | 360,495 | 23.83 | 430,352 | 28.45 | 880,858 | 114,692 | 13.02 | 631,707 | 315,660 | 49.97 |
| Washington | 75,116 | 3,191 | 4.25 | 3,889 | 5.18 | 67,199 | 1,429 | 2.13 | 7,917 | 2,460 | 31.07 |
| West Virginia | 618,457 | 52,041 | 8.41 | 85,376 | 13.80 | 592,537 | 75,237 | 12.70 | 25,920 | 10,139 | 39.12 |
| Wisconsin | 1,315,497 | 38,693 | 2.94 | 55,558 | 4.22 | 1,309,618 | 54,233 | 4.14 | 5,879 | 1,325 | 22.54 |
| Wyoming | 20,789 | 427 | 2.05 | 556 | 2.67 | 19,437 | 374 | 1.92 | 1,352 | 182 | 13.46 |
| Total | 50,155,783 | 4,923,451 | 9.82 | 6,239,958 | 12.44 | 43,402,970 | 3,019,080 | 6.96 | 6,752,813 | 3,220,878 | 47.70 |

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
*Washington, D. C., February* 26, 1884.

SIR: In response to your communication of this day, inclosing certain printed tables relating to the public schools and to the illiteracy of the United States by States, I beg to return the same, with such changes in the figures as are necessitated by the records of this office.

The columns of the table of illiteracy reading "Total colored population" should be altered to read "Inclusive of Chinese, Japanese, and civilized Indians."

Very respectfully,
GEO. W. RICHARDS, *Acting Superintendent.*

Hon. ALBERT S. WILLIS, M. C., *House of Representatives.*

TABLE 6.—*The total and illiterate population* 10 *years old or over, the white and illiterate white population of the same age, the colored and illiterate colored population of the same age, and the percentage of illiterates to population in each case and for each State and Territory.*

[From the census of 1880.]

| States and Territories. | Population, 10 years old and over. | Illiterates, 10 years old and over. | Per cent. | Number of whites, 10 years old and over. | White illiterates 10 years old and over. | Per cent. | Number of colored people, 10 years old and over. | Colored illiterates, 10 years old and over. | Per cent. |
|---|---|---|---|---|---|---|---|---|---|
| Alabama | 851,780 | 433,447 | 50.9 | 452,722 | 111,767 | 24.7 | 399,058 | 321,680 | 80.6 |
| Arkansas | 531,876 | 202,015 | 38.0 | 393,905 | 98,542 | 25.0 | 137,971 | 103,473 | 75.0 |
| California | 681,062 | 53,430 | 7.8 | 589,235 | 26,090 | 4.4 | 91,827 | 27,340 | 29.8 |
| Colorado | 158,220 | 10,474 | 6.6 | 155,456 | 9,906 | 6.4 | 2,764 | 568 | 20.5 |
| Connecticut | 497,303 | 28,424 | 5.7 | 487,780 | 26,763 | 5.5 | 9,523 | 1,661 | 17.4 |
| Delaware | 110,856 | 19,414 | 17.5 | 91,611 | 8,346 | 9.1 | 19,245 | 11,068 | 57.5 |
| Florida | 184,650 | 80,183 | 43.4 | 99,137 | 19,763 | 19.9 | 85,513 | 60,420 | 70.7 |
| Georgia | 1,043,840 | 520,416 | 49.9 | 563,977 | 128,934 | 22.9 | 479,863 | 391,482 | 81.6 |
| Illinois | 2,269,315 | 145,397 | 6.4 | 2,234,478 | 132,426 | 5.9 | 34,837 | 12,971 | 37.2 |
| Indiana | 1,468,095 | 110,761 | 7.5 | 1,438,955 | 100,398 | 7.0 | 29,140 | 10,363 | 35.6 |
| Iowa | 1,181,641 | 46,609 | 3.9 | 1,174,063 | 44,337 | 3.8 | 7,578 | 2,272 | 30.0 |
| Kansas | 704,297 | 39,476 | 5.6 | 673,121 | 24,888 | 3.7 | 31,176 | 14,588 | 46.8 |
| Kentucky | 1,163,498 | 348,392 | 29.9 | 973,275 | 214,497 | 22.0 | 190,223 | 133,895 | 70.4 |
| Louisiana | 649,070 | 318,380 | 49.1 | 320,917 | 58,951 | 18.4 | 328,153 | 259,429 | 79.1 |
| Maine | 519,669 | 22,170 | 4.3 | 518,011 | 21,758 | 4.2 | 1,658 | 412 | 24.8 |
| Maryland | 695,364 | 134,488 | 19.3 | 544,086 | 44,316 | 8.1 | 151,278 | 90,172 | 59.6 |
| Massachusetts | 1,432,183 | 92,980 | 6.5 | 1,416,767 | 90,658 | 6.4 | 15,416 | 2,322 | 15.1 |
| Michigan | 1,236,686 | 63,723 | 5.2 | 1,219,906 | 58,932 | 4.8 | 16,780 | 4,791 | 28.5 |
| Minnesota | 559,977 | 34,546 | 6.2 | 557,183 | 33,506 | 6.0 | 2,794 | 1,040 | 37.2 |
| Mississippi | 753,693 | 373,201 | 49.5 | 328,296 | 53,448 | 16.3 | 425,397 | 319,753 | 75.2 |
| Missouri | 1,537,631 | 208,754 | 13.4 | 1,453,238 | 152,510 | 10.5 | 104,393 | 56,244 | 53.9 |
| Nebraska | 318,271 | 11,528 | 3.6 | 316,312 | 10,926 | 3.5 | 1,959 | 602 | 30.7 |
| Nevada | 50,666 | 4,069 | 8.0 | 42,595 | 1,915 | 4.5 | 8,071 | 2,154 | 26.7 |
| New Hampshire | 286,188 | 14,302 | 5.0 | 285,594 | 14,208 | 5.0 | 594 | 94 | 15.8 |
| New Jersey | 865,591 | 53,249 | 6.2 | 835,385 | 44,049 | 5.3 | 30,200 | 9,200 | 30.5 |
| New York | 3,981,428 | 219,600 | 5.5 | 3,927,603 | 208,175 | 5.3 | 53,825 | 11,425 | 21.2 |
| North Carolina | 959,951 | 463,975 | 48.3 | 608,806 | 192,032 | 31.5 | 351,145 | 271,943 | 77.4 |
| Ohio | 2,399,367 | 131,847 | 5.5 | 2,339,528 | 115,491 | 4.9 | 59,839 | 16,356 | 27.3 |
| Oregon | 130,565 | 7,423 | 5.7 | 119,482 | 4,343 | 3.6 | 11,083 | 3,080 | 27.8 |
| Pennsylvania | 3,203,215 | 228,014 | 7.1 | 3,136,561 | 209,981 | 6.7 | 66,654 | 18,033 | 27.1 |
| Rhode Island | 220,461 | 24,793 | 11.2 | 215,158 | 23,544 | 10.9 | 5,303 | 1,249 | 23.6 |
| South Carolina | 667,456 | 366,848 | 55.4 | 272,706 | 59,777 | 21.9 | 394,750 | 310,071 | 78.5 |
| Tennessee | 1,062,130 | 410,722 | 38.7 | 790,744 | 216,227 | 27.3 | 271,386 | 194,495 | 71.7 |
| Texas | 1,064,196 | 316,432 | 29.7 | 808,931 | 123,912 | 15.3 | 255,265 | 192,520 | 75.4 |
| Vermont | 264,052 | 15,837 | 6.0 | 263,245 | 15,681 | 6.0 | 807 | 156 | 19.3 |
| Virginia | 1,069,034 | 430,352 | 40.6 | 630,584 | 114,692 | 18.2 | 428,450 | 315,660 | 73.7 |
| West Virginia | 428,587 | 85,376 | 19.9 | 410,141 | 75,237 | 18.3 | 18,446 | 10,139 | 55.0 |
| Wisconsin | 965,712 | 55,558 | 5.8 | 961,433 | 54,233 | 5.6 | 4,279 | 1,325 | 31.0 |
| Arizona | 32,922 | 5,842 | 17.7 | 28,634 | 4,824 | 16.8 | 4,288 | 1,018 | 23.7 |
| Dakota | 99,849 | 4,821 | 4.8 | 98,348 | 4,157 | 4.2 | 1,501 | 664 | 44.2 |
| District of Columbia | 136,907 | 25,778 | 18.8 | 91,872 | 3,988 | 4.3 | 45,035 | 21,790 | 48.4 |
| Idaho | 25,005 | 1,778 | 7.1 | 21,481 | 784 | 3.6 | 3,524 | 994 | 28.2 |
| Montana | 31,989 | 1,767 | 5.3 | 28,986 | 631 | 2.2 | 3,003 | 1,076 | 35.8 |
| New Mexico | 87,966 | 57,156 | 65.0 | 79,767 | 49,597 | 62.2 | 8,199 | 7,559 | 92.2 |
| Utah | 97,194 | 8,826 | 9.1 | 95,876 | 8,137 | 8.5 | 1,318 | 689 | 52.3 |
| Washington | 55,720 | 3,889 | 7.0 | 49,269 | 1,429 | 2.9 | 6,451 | 2,469 | 38.1 |
| Wyoming | 16,479 | 556 | 3.4 | 15,240 | 374 | 2.5 | 1,239 | 182 | 14.7 |
| Total | 36,761,607 | 6,239,958 | 17.0 | 32,160,400 | 3,019,080 | 9.4 | 4,601,207 | 3,220,878 | 70.1 |

TABLE 7.—*The white and colored adult males and the adult male illiterates of the two races, with percentages, for each State and Territory.*
[From the census of 1880.]

| States and Territories. | Total white male adults. | Illiterate white male adults. | Per cent. | Total colored male adults. | Illiterate colored male adults. | Per cent. |
|---|---|---|---|---|---|---|
| Alabama | 141,461 | 24,450 | 17.3 | 118,423 | 96,408 | 81.4 |
| Arkansas | 136,150 | 21,349 | 15.7 | 46,827 | 34,300 | 73.2 |
| California | 262,583 | 12,615 | 4.8 | 66,809 | 16,857 | 25.2 |
| Colorado | 92,088 | 3,627 | 3.9 | 1,520 | 289 | 19.0 |
| Connecticut | 173,759 | 9,501 | 5.5 | 3,532 | 696 | 19.7 |
| Delaware | 31,902 | 2,955 | 9.3 | 6,396 | 3,787 | 59.2 |
| Florida | 34,210 | 4,706 | 13.8 | 27,489 | 19,110 | 69.5 |
| Georgia | 177,967 | 28,571 | 16.1 | 143,471 | 116,516 | 81.2 |
| Illinois | 783,161 | 44,536 | 5.7 | 13,686 | 5,271 | 38.5 |
| Indiana | 487,698 | 33,757 | 6.9 | 10,739 | 4,345 | 40.5 |
| Iowa | 413,633 | 16,202 | 3.9 | 3,025 | 1,009 | 33.4 |
| Kansas | 254,949 | 7,998 | 3.1 | 10,765 | 5,623 | 52.2 |
| Kentucky | 317,579 | 54,956 | 17.3 | 58,642 | 43,177 | 73.6 |
| Louisiana | 108,810 | 16,377 | 15.1 | 107,977 | 86,555 | 80.2 |
| Maine | 186,659 | 8,420 | 4.5 | 664 | 144 | 21.7 |
| Maryland | 183,522 | 15,152 | 8.3 | 48,584 | 30,873 | 63.5 |
| Massachusetts | 496,692 | 30,951 | 6.2 | 5,956 | 941 | 15.8 |
| Michigan | 461,557 | 26,330 | 5.7 | 6,130 | 1,852 | 30.2 |
| Minnesota | 212,399 | 12,372 | 5.8 | 1,086 | 364 | 33.5 |
| Mississippi | 108,254 | 12,473 | 11.5 | 130,278 | 99,068 | 76.0 |
| Missouri | 508,165 | 40,665 | 8.0 | 33,042 | 19,028 | 57.6 |
| Nebraska | 128,198 | 3,836 | 3.0 | 844 | 256 | 30.3 |
| Nevada | 25,633 | 1,173 | 4.6 | 5,622 | 1,194 | 21.2 |
| New Hampshire | 104,901 | 5,264 | 5.0 | 237 | 42 | 17.7 |
| New Jersey | 289,965 | 15,902 | 5.5 | 10,670 | 3,560 | 33.4 |
| New York | 1,388,692 | 76,745 | 5.5 | 20,059 | 4,521 | 22.5 |
| North Carolina | 189,732 | 44,420 | 23.4 | 105,018 | 80,282 | 76.4 |
| Ohio | 804,871 | 40,373 | 5.0 | 21,706 | 7,041 | 32.4 |
| Oregon | 51,636 | 1,669 | 3.2 | 7,993 | 2,005 | 25.1 |
| Pennsylvania | 1,070,392 | 65,985 | 6.2 | 23,892 | 6,845 | 28.6 |
| Rhode Island | 75,012 | 7,157 | 9.5 | 1,886 | 467 | 24.8 |
| South Carolina | 86,900 | 13,924 | 16.0 | 118,889 | 93,010 | 78.2 |
| Tennessee | 250,055 | 46,948 | 18.8 | 80,250 | 58,601 | 73.0 |
| Texas | 301,737 | 33,085 | 11.0 | 78,639 | 59,669 | 75.9 |
| Vermont | 95,307 | 6,731 | 7.1 | 314 | 82 | 26.1 |
| Virginia | 206,248 | 31,474 | 15.3 | 128,257 | 100,210 | 78.1 |
| West Virginia | 132,777 | 19,055 | 14.4 | 6,384 | 3,830 | 60.0 |
| Wisconsin | 338,932 | 21,221 | 6.3 | 1,550 | 474 | 30.6 |
| Arizona | 18,046 | 2,150 | 11.9 | 2,352 | 422 | 17.9 |
| Dakota | 50,962 | 1,678 | 3.3 | 641 | 210 | 32.8 |
| District of Columbia | 31,955 | 1,350 | 4.2 | 13,918 | 7,520 | 54.0 |
| Idaho | 11,669 | 319 | 2.7 | 3,126 | 869 | 27.8 |
| Montana | 19,636 | 410 | 2.1 | 1,908 | 483 | 25.3 |
| New Mexico | 30,981 | 14,898 | 48.1 | 3,095 | 2,779 | 89.8 |
| Utah | 32,078 | 2,137 | 6.7 | 695 | 356 | 51.2 |
| Washington | 24,251 | 642 | 2.6 | 3,419 | 1,126 | 32.9 |
| Wyoming | 9,241 | 160 | 1.7 | 939 | 84 | 8.9 |
| Total | 11,343,005 | 886,659 | 7.8 | 1,487,344 | 1,022,151 | 68.7 |

TABLE 8.—*Colored schools and colored-school enrollment in the Southern States for five years, from* 1877 *to* 1881, *both dates inclusive.*
[Prepared by the United States Bureau of Education.]

| | 1877. | | 1878. | | 1879. | | 1880. | | 1881. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Schools. | Enrollment. | Schools. | Enrollment. | Schools. | Enrollment. | Schools. | Enrollment. | Schools. | Enrollment. |
| Public schools | 10,792 | 571,506 | 14,247 | 675,150 | 14,341 | 685,942 | 16,669 | 784,709 | 17,248 | 802,372 |
| Normal schools | 27 | 3,785 | 34 | 5,236 | 42 | 6,171 | 44 | 7,408 | 47 | 7,621 |
| Schools for secondary instruction | 23 | 2,807 | 28 | 5,299 | 42 | 5,297 | 36 | 5,237 | 34 | 5,284 |
| Universities and colleges | 13 | 1,270 | 15 | 1,620 | 16 | 1,933 | 15 | 1,717 | 17 | 2,203 |
| Schools of theology | 17 | 462 | 19 | 626 | 22 | 762 | 22 | 800 | 22 | 604 |
| Schools of law | 2 | 14 | 3 | 44 | 3 | 42 | 3 | 33 | 3 | 45 |
| Schools of medicine | 3 | 74 | 4 | 94 | 4 | 99 | 2 | 87 | 2 | 116 |
| Schools for the blind and deaf-mutes | 2 | 99 | 2 | 121 | 2 | 120 | 2 | 122 | 2 | 120 |
| Total | 10,879 | 580,017 | 14,352 | 688,181 | 14,472 | 700,366 | 16,793 | 800,113 | 17,375 | 818,365 |

TABLE 9.—*Giving the popular majorities received at the last three Presidential elections, and the number of illiterate voters as shown by the census of* 1880.

| States and Territories. | Electoral vote, 1880. | Popular majority, 1872. | Popular majority, 1876. | Popular majority, 1880. | Illiterate voters, 1880. |
|---|---|---|---|---|---|
| Alabama | 10 | 10,828 | 33,772 | 34,509 | 120,858 |
| Arkansas | 6 | 3,446 | 19,113 | 18,828 | 55,649 |
| Delaware | 3 | 422 | 2,629 | 1,033 | 6,742 |
| Florida | 4 | 2,336 | a926 | 4,310 | 23,816 |
| Georgia | 11 | 9,806 | 79,642 | 49,874 | 145,087 |
| Kentucky | 12 | 8,855 | 59,772 | 43,000 | 98,133 |
| Louisiana | 8 | 14,634 | b4,627 | 27,316 | 102,932 |
| Maryland | 8 | 908 | 19,756 | 15,191 | 46,025 |
| Mississippi | 8 | 34,887 | 59,568 | 40,896 | 111,541 |
| Missouri | 15 | 29,809 | 54,389 | 55,042 | 59,683 |
| North Carolina | 10 | 24,675 | 17,010 | 8,326 | 124,702 |
| South Carolina | 7 | 49,400 | 964 | 54,241 | 106,934 |
| Tennessee | 12 | 8,736 | 43,600 | 20,514 | 105,549 |
| Texas | 8 | 16,595 | 59,955 | 98,383 | 92,754 |
| Virginia | 11 | 1,772 | 44,112 | 43,956 | 131,684 |
| West Virginia | 5 | 2,264 | 12,384 | 11,148 | 22,885 |
| | 188 | | | | |

TABLE 9.—*Giving the popular majorities received at the last three Presidential elections, &c.*—Continued.

| States and Territories. | Electoral vote, 1880. | Popular majority, 1872. | Popular majority, 1876. | Popular majority, 1880. | Illiterate voters, 1880. |
|---|---|---|---|---|---|
| California | 6 | 12,234 | 2,738 | 78 | 29,472 |
| Colorado | 3 | | | 2,800 | 3,916 |
| Connecticut | 6 | 4,348 | 1,712 | 2,656 | 10,197 |
| Illinois | 21 | 53,948 | 19,630 | 40,716 | 49,807 |
| Indiana | 15 | 21,098 | 5,515 | 6,636 | 38,102 |
| Iowa | 11 | 58,149 | 50,191 | 78,000 | 17,211 |
| Kansas | 5 | 33,482 | 32,511 | 61,000 | 13,621 |
| Maine | 7 | 32,335 | 15,814 | 8,868 | 8,564 |
| Massachusetts | 13 | 74,212 | 40,423 | 53,245 | 31,892 |
| Michigan | 11 | 55,968 | 15,642 | 53,890 | 28,182 |
| Minnesota | 5 | 20,694 | 21,780 | 40,588 | 12,736 |
| Nebraska | 3 | 10,517 | 10,326 | 26,456 | 4,092 |
| Nevada | 3 | 2,177 | 1,075 | 879 | 2,307 |
| New Hampshire | 5 | 5,444 | 2,954 | 4,058 | 5,306 |
| New Jersey | 9 | 14,570 | 11,690 | 2,010 | 19,462 |
| New York | 35 | 51,800 | 26,568 | 21,033 | 81,266 |
| Ohio | 22 | 34,268 | 7,500 | 34,227 | 47,414 |
| Oregon | 3 | 3,517 | 547 | 671 | 3,674 |
| Pennsylvania | 29 | 135,918 | 9,375 | 37,276 | 72,830 |
| Rhode Island | 4 | 8,336 | 4,947 | 7,416 | 7,624 |
| Vermont | 5 | 29,961 | 23,838 | 27,000 | 6,813 |
| Wisconsin | 10 | 17,686 | 5,205 | 29,763 | 21,695 |
| | 231 | | | | |

*a* Or 94. *b* Or 5,303.

The Southern States, seventeen in number, including the District of Columbia, are usually classed together as a section of the country requiring special help. Of all but Maryland, Missouri, and the District of Columbia this is true. The following table exhibits their condition:

TABLE 10.—*Comparative statistics of education at the South.*

| States. | White. | | | Colored. | | | Total expenditure for both races, *a* |
|---|---|---|---|---|---|---|---|
| | School population. | Enrollment. | Per cent. of school population enrolled. | School population. | Enrollment. | Per cent. of school population enrolled. | |
| Alabama | 217,590 | 107,483 | 49 | 170,413 | 72,007 | 42 | $375,465 |
| Arkansas | *b*181,799 | *c*53,229 | 29 | *b*54,332 | *c*17,743 | 33 | 238,056 |
| Delaware | 31,505 | 25,053 | 80 | 3,954 | 2,270 | 70 | 207,281 |
| Florida | *b*46,410 | *c*18,871 | 41 | *b*42,099 | *c*20,444 | 49 | 114,855 |
| Georgia | *d*236,319 | 150,134 | 64 | *d*197,125 | 86,399 | 45 | 471,029 |
| Kentucky | *e*478,597 | *c*241,679 | 50 | *e*66,564 | *c*23,902 | 36 | 803,490 |
| Louisiana | *c*139,661 | *d*44,052 | 32 | *c*134,184 | *d*34,476 | 26 | 480,320 |
| Maryland | *f*213,669 | 134,210 | 63 | *f*53,591 | 28,221 | 44 | 1,544,367 |
| Mississippi | 175,251 | 112,994 | 64 | 251,438 | 123,710 | 49 | 800,704 |
| Missouri | 681,995 | 454,218 | 67 | 41,489 | 22,158 | 53 | 3,152,178 |
| North Carolina | 291,770 | 136,481 | 47 | 167,554 | 89,125 | 53 | 352,882 |
| South Carolina | *g*83,813 | 61,219 | 73 | *g*144,315 | 72,853 | 50 | 324,629 |
| Tennessee | 403,353 | 229,290 | 57 | 141,509 | 60,851 | 43 | 724,862 |
| Texas | *h*171,426 | 138,912 | 81 | *h*62,015 | 47,874 | 77 | 753,346 |
| Virginia | 314,827 | 152,136 | 48 | 240,980 | 68,600 | 28 | 946,109 |
| West Virginia | 202,364 | 138,779 | 68 | 7,749 | 4,071 | 53 | 716,864 |
| District of Columbia | 29,612 | 16,934 | 57 | 13,946 | 9,505 | 68 | 438,567 |
| Total | 3,899,961 | 2,215,674 | ..... | 1,803,257 | 784,709 | ..... | 12,475,044 |

*a* In Delaware the colored public schools have been supported by the school-tax collected from colored citizens only; recently, however, they have received an appropriation of $2,400 from the State; in Kentucky the school-tax collected from colored citizens is the only State appropriation for the support of colored schools; in Maryland there is a biennial appropriation by the Legislature; in the District of Columbia one third of the school money is set apart for colored public schools, and in the other States mentioned above the school moneys are divided in proportion to the school population, without regard to race. *b* Several counties failed to make race distinctions. *c* Estimated. *d* In 1879. *e* For whites the school age is 6 to 20; for colored 6 to 16. *f* Census of 1870. *g* In 1877. *h* These numbers include some duplicates; the actual school population is 230,527.

Excluding the States of Maryland and Missouri and the District of Columbia, and the total yearly expenditure for both races is only $7,339,932, while in the whole country the annual expenditure is, from taxation $70,341,435, and from school funds $6,580,632, or a total of $76,922,067 (see tables 2 and 7), or one-tenth of the whole, while they contain one-fifth of the school population. The causes which have produced this state of things in the Southern States are far less important than the facts themselves as they now exist. To find a remedy and to apply it is the only duty which devolves upon us. Without universal education not only will the late war prove to be a failure, but the abolition of slavery be proved to be a tremendous disaster, if not a crime.

TABLE 11.—*The population and the assessed valuation of personal property and real estate in the States and Territories in the United States, from census reports for* 1860, 1870, *and* 1880.

| States and Territories. | 1860. | | 1870. | | 1880. | | *a* Increase, per cent., 1860 to 1880. | |
|---|---|---|---|---|---|---|---|---|
| | Population. | Assessed valuation. | Population. | Assessed valuation. | Population. | Assessed valuation. | Population. | Assessed valuation. |
| Alabama | 964,201 | $432,198,762 | 996,992 | $155,582,595 | 1,262,505 | $122,867,228 | 31 | — 72 |
| Arizona | | | 9,658 | 1,410,295 | 40,440 | 9,270,214 | ..... | ..... |
| Arkansas | 435,450 | 180,211,330 | 484,471 | 94,528,843 | 802,525 | 86,409,364 | 84 | — 52 |
| California | 379,994 | 139,654,667 | 560,247 | 269,644,068 | 864,694 | 584,578,036 | 128 | 319 |
| Colorado | 34,277 | ..... | 39,864 | 17,338,101 | 194,327 | 74,471,693 | 467 | ..... |
| Connecticut | 460,147 | 341,256,976 | 537,454 | 425,433,237 | 622,700 | 327,177,335 | 35 | — 4 |

TABLE 11.—*The population and the assessed valuation and real estate in the States and Territories, &c.*—Continued

| States and Territories. | 1860. | | 1870. | | 1880. | | *Increase, per cent., 1860 to 1880. | |
|---|---|---|---|---|---|---|---|---|
| | Population. | Assessed valuation. | Population. | Assessed valuation. | Population. | Assessed valuation. | Population. | Assessed valuation. |
| Dakota | 4,837 | ..... | 14,181 | $2,924,489 | 135,177 | $20,321,530 | 2,695 | ..... |
| Delaware | 112,216 | $39,767,223 | 125,015 | 64,787,223 | 146,608 | 59,951,643 | 31 | 51 |
| District of Columbia | 75,080 | 41,084,645 | 131,700 | 74,271,693 | 177,624 | 99,401,787 | 137 | 142 |
| Florida | 140,424 | 68,929,685 | 181,748 | 32,480,843 | 269,493 | 30,938,309 | 92 | —55 |
| Georgia | 1,057,286 | 618,232,387 | 1,184,109 | 227,219,519 | 1,542,180 | 239,472,599 | 46 | —61 |
| Idaho | ..... | ..... | 14,199 | 5,294,205 | 32,610 | 6,440,876 | ..... | ..... |
| Illinois | 1,711,951 | 389,207,372 | 2,539,891 | 482,899,575 | 3,077,871 | 786,616,394 | 80 | 102 |
| Indiana | 1,350,428 | 411,042,424 | 1,680,637 | 663,455,044 | 1,978,301 | 727,815,131 | 46 | 77 |
| Iowa | 674,913 | 205,166,963 | 1,194,020 | 302,515,418 | 1,624,615 | 398,671,251 | 141 | 94 |
| Kansas | 107,206 | 22,518,332 | 364,399 | 92,125,861 | 996,096 | 160,891,689 | 829 | 615 |
| Kentucky | 1,155,684 | 528,212,693 | 1,321,011 | 409,544,294 | 1,648,690 | 350,563,971 | 43 | —34 |
| Louisiana | 708,002 | 435,787,265 | 726,915 | 253,371,890 | 939,946 | 160,162,439 | 33 | —63 |
| Maine | 628,279 | 154,380,388 | 626,915 | 204,253,780 | 648,036 | 235,978,716 | 3 | 53 |
| Maryland | 687,049 | 297,135,238 | 780,894 | 423,834,918 | 934,943 | 497,307,675 | 36 | 67 |
| Massachusetts | 1,231,066 | 777,157,816 | 1,457,351 | 1,591,983,112 | 1,783,085 | 1,584,756,802 | 45 | 104 |
| Michigan | 749,113 | 163,533,005 | 1,184,059 | 272,242,917 | 1,636,937 | 517,884,359 | 119 | 217 |
| Minnesota | 172,023 | 32,018,773 | 439,706 | 84,135,332 | 780,773 | 258,028,987 | 354 | 706 |
| Mississippi | 791,305 | 509,472,912 | 827,922 | 177,278,890 | 1,131,597 | 110,628,129 | 43 | —78 |
| Missouri | 1,182,012 | 266,935,851 | 1,721,295 | 556,199,969 | 2,168,380 | 532,795,801 | 83 | 100 |
| Montana | ..... | ..... | 20,595 | 9,943,411 | 39,159 | 18,609,802 | ..... | ..... |
| Nebraska | 28,841 | 7,426,949 | 122,933 | 54,584,616 | 452,402 | 90,585,782 | 1,469 | 1,120 |
| Nevada | 6,857 | ..... | 42,491 | 25,740,973 | 62,266 | 29,291,459 | 808 | ..... |
| New Hampshire | 326,073 | 123,810,098 | 318,300 | 149,065,290 | 346,991 | 164,299,531 | 6 | 33 |
| New Jersey | 672,035 | 296,682,492 | 906,096 | 624,868,971 | 1,131,116 | 572,518,361 | 68 | 93 |
| New Mexico | 93,516 | 20,838,780 | 91,874 | 17,784,014 | 119,565 | 11,363,406 | 28 | —45 |
| New York | 3,880,735 | 1,390,464,638 | 4,382,759 | 1,967,001,185 | 5,082,871 | 2,651,940,006 | 31 | 91 |
| North Carolina | 992,622 | 292,297,602 | 1,071,361 | 130,378,622 | 1,399,750 | 156,100,202 | 41 | —47 |
| Ohio | 2,339,511 | 959,867,101 | 2,665,260 | 1,167,731,697 | 3,198,062 | 1,534,360,508 | 37 | 60 |
| Oregon | 52,465 | 19,024,915 | 90,923 | 31,798,510 | 174,768 | 52,522,084 | 233 | 176 |
| Pennsylvania *b* | 2,906,215 | 719,253,335 | 3,521,951 | 1,313,236,042 | 4,282,891 | †1,683,459,016 | 47 | 134 |
| Rhode Island | 174,620 | 125,104,305 | 217,353 | 244,278,854 | 276,531 | 252,536,673 | 58 | 102 |
| South Carolina | 703,708 | 489,319,128 | 705,606 | 183,913,337 | 995,577 | 133,560,135 | 41 | —73 |
| Tennessee | 1,109,801 | 382,495,200 | 1,258,520 | 253,782,161 | 1,542,359 | 211,778,538 | 39 | —45 |
| Texas | 604,215 | 267,792,335 | 818,579 | 149,732,929 | 1,591,749 | 320,364,515 | 163 | 20 |
| Utah | 40,273 | 4,158,020 | 86,786 | 12,565,842 | 143,963 | 24,775,279 | 257 | 496 |
| Vermont | 315,098 | 84,758,619 | 330,551 | 102,548,528 | 332,286 | 86,806,775 | 5 | 2 |
| Virginia | 1,596,318 | 657,021,336 | 1,225,163 | 365,439,917 | 1,512,565 | 308,455,135 | *c*34 | *c*32 |
| Washington | 11,594 | 4,394,735 | 23,955 | 10,642,863 | 75,116 | 23,810,693 | 548 | 442 |
| West Virginia | ..... | ..... | 442,014 | 140,538,273 | 618,457 | 139,622,705 | ..... | ..... |
| Wisconsin | 775,881 | 185,945,489 | 1,054,670 | 333,209,838 | 1,315,497 | 438,971,751 | 70 | 136 |
| Wyoming | ..... | ..... | 9,118 | 5,516,748 | 20,789 | 13,621,829 | ..... | ..... |
| Total | 31,443,321 | 12,084,560,005 | 38,558,371 | 14,178,986,732 | 50,155,783 | 16,902,755,893 | *d*60 | *d*40 |

*a* Per cent. preceded by the minus sign indicates a decrease.
*b* In Pennsylvania occupations are also valued for assessment. This valuation for 1880 was $68,659,580.
*c* Virginia and West Virginia are taken together, as West Virginia belonged to Virginia in 1860.
*d* Average for the United States.

In this connection it is proper to observe that in the States where slavery existed in 1860 the valuation then aggregated $2,289,029,642, of which $842,927,400 was in slaves, and proper allowance must be made for this fact in estimating present power to bear taxation. The negroes were then taxed; they were productive as property. Now they require to be educated; then education would have destroyed them as property They are now doing little more as a totality than to support themselves. Their taxable property is thus far very slight.

The following table gives the actual taxation for the support of schools in the year 1880:

TABLE 12.—*Amount raised by taxation for support of public schools in each State and Territory during the year* 1880.

[Prepared by Bureau of Education, at request of H. W. BLAIR.]

| States and Territories. | Amount received from taxation. | | |
|---|---|---|---|
| | From State tax. | From local tax. | Total. |
| Alabama | $130,000 | *a* $120,000 | $250,000 |
| Arkansas | *b* 111,605 | 77,475 | 189,080 |
| California | 1,318,209 | 1,393,572 | 2,711,781 |
| Colorado | ..... | *c* 336,333 | *c* 336,333 |
| Connecticut | 210,353 | 1,066,314 | 1,276,667 |
| Delaware | ..... | *d* 151,045 | *d* 151,045 |
| Florida | (104,530) | | 104,530 |
| Georgia | *e* 345,790 | 125,239 | 471,029 |
| Illinois | 1,000,000 | 5,735,478 | 6,735,478 |
| Indiana | *f* 1,456,834 | *f* 2,108,302 | *f* 3,625,136 |
| Iowa | ..... | 4,227,300 | 4,227,300 |
| Kansas | ..... | 1,276,786 | 1,276,786 |
| Kentucky | 535,354 | *g* 382,038 | 917,392 |
| Louisiana | 356,000 | *h* 94,000 | *h* 450,000 |
| Maine | 224,565 | 596,295 | 820,860 |
| Maryland | 491,406 | 721,571 | 1,212,977 |
| Massachusetts | ..... | 4,372,286 | 4,372,286 |
| Michigan | *i* 379,758 | 2,074,073 | 2,453,831 |
| Minnesota | 257,689 | 1,073,837 | 1,331,526 |
| Mississippi | ..... | 334,769 | 334,769 |
| Missouri | ..... | 2,163,330 | 2,163,330 |
| Nebraska | 73,808 | 713,155 | 786,963 |
| Nevada | ..... | ..... | ..... |
| New Hampshire | ..... | ..... | *f* 544,716 |
| New Jersey | 1,017,785 | 724,413 | 1,742,198 |
| New York | 2,750,000 | 6,925,992 | 9,675,992 |
| North Carolina | (314,719) | | 314,719 |
| Ohio | 1,558,207 | 5,155,879 | 6,714,086 |
| Oregon | 133,477 | 79,562 | 213,039 |
| Pennsylvania | ..... | 7,046,116 | 7,046,116 |

TABLE 12.—*Amount raised by taxation for support of public schools in each State and Territory during the year* 1880—Continued.

| States and Territories. | Amount received from taxation. | | |
|---|---|---|---|
| | From State tax. | From local tax. | Total. |
| Rhode Island | $80,800 | $414,852 | $495,652 |
| South Carolina | | | 440,110 |
| Tennessee | | | *j*698,776 |
| Texas | *k*678,603 | | *k*678,603 |
| Vermont | 113,173 | 304,318 | 417,491 |
| Virginia | 596,516 | 665,459 | 1,261,975 |
| West Virginia | 212,753 | 490,432 | 703,185 |
| Wisconsin | 25,090 | 2,198,581 | 2,223,581 |
| Arizona | | | *m*67,028 |
| Dakota | | 123,643 | 123,643 |
| District of Columbia | | 474,556 | 474,556 |
| Idaho | | 48,017 | 48,017 |
| Indian Territory | | | |
| Montana | *n*64,643 | 5,256 | 69,899 |
| New Mexico | | | |
| Utah | 63,041 | 43,337 | 106,378 |
| Washington | *f*102,201 | *f*3,319 | *f*105,520 |
| Wyoming | | *f*7,056 | *f*7,056 |
| Total | 14,287,570 (419,249) | 53,913,986 | *o*70,371,435 |

*a* From poll-tax.
*b* State apportionment, which here probably includes the income of the State school fund for 1880, the State tax, and so much of the ordinary State revenue as may be set apart for the purpose by the Legislature.
*c* From county and district tax, fines, &c.
*d* This amount raised for white schools.
*e* This includes rental of State railroad ($150,000).
*f* In 1879.
*g* Includes tax on billiards and dogs.
*h* Estimated.
*i* From township tax.
*j* Includes income from permanent fund.
*k* State appropriation.
*l* Special for building purposes.
*m* Total income as reported for 1880, the greater part of which comes from Territorial, county, and district taxes.
*n* From county tax.
*o* Includes $1,750,630 reported as derived from taxation and given in the column of totals but not appearing in the first two columns.

Table No. 12 gives the amount received in each State from interest on funds and rent of lands. The total from taxation is $70,371,435; from funds and rents, $6,580,632; total, $76,952,067.

TABLE 13.—*Rate of tax for school purposes in various cities.*

[Mills per dollar of assessed valuation.]

| | *Mills.* | | *Miles.* |
|---|---|---|---|
| Little Rock, Ark | 5 | Manchester, N. H | 2.7 |
| New Haven, Conn | 3 | New Brunswick, N. J | 2.54 |
| Columbus, Ga | 2.97 | Brooklyn, N. Y | 3.12 |
| Macon, Ga | 2 | New York, N. Y | 2.84 |
| Chicago, Ill | 9.5 | Poughkeepsie, N. Y | 2.2 |
| Quincy, Ill | 6.4 | Rochester, N. Y | 3.58 |
| Rock Island, Ill | 10 | Syracuse, N. Y | 3 |
| Fort Wayne, Ind | 2.6 | Erie, Pa | 8 |
| Indianapolis, Ind | 2 | Harrisburg, Pa | 13 |
| Louisville, Ky | 3 | Pottsville, Pa | 8 |
| Newport, Ky | 3 | Newport, R. I | 1.3 |
| New Orleans, La | 1.9 | Charleston, S. C | 3 |
| Bangor, Me | 2.45 | Knoxville, Tenn | 2.25 |
| Lewiston, Me | 1.93 | Memphis, Tenn | 2 |
| Baltimore, Md | 1.52 | Nashville, Tenn | 4.5 |
| Boston, Mass | 2.54 | Galveston, Tex | 2 |
| Lowell, Mass | 2.9 | Alexandria, Va | 2.8 |
| Springfield, Mass | 2.9 | Norfolk, Va | 1 |
| Vicksburg, Miss | 4 | Richmond, Va | 1.37 |
| Kansas City, Mo | 4 | Wheeling, W. Va | 7 |
| Saint Louis, Mo | 5 | | |

TABLE 14.—*Showing the population, total assessed valuation of property, total taxation, per capita of valuation, per capita of taxation, rate of taxation, total indebtedness, per capita of indebtedness, by States and Territories, drawn from the census of* 1880.

| States and Territories. | Population. | Total assessed valuation of property. | Total taxation. | Per capita of valuation. | Per capita of taxation. | Rate of taxation. | Total indebtedness. | Per capita of indebtedness. |
|---|---|---|---|---|---|---|---|---|
| Alabama | 1,262,505 | $122,867,228 | $2,061,978 | $97 32 | $1 63 | .016 | $14,728,545 | $11 66 |
| Arkansas | 802,525 | 86,409,364 | 1,839,090 | 107 67 | 2 29 | .021 | 7,938,784 | 9 89 |
| California | 864,694 | 584,578,036 | 12,628,005 | 676 05 | 14 72 | .021 | 16,755,688 | 19 37 |
| Colorado | 194,327 | 74,471,693 | 2,052,008 | 383 22 | 11 07 | .028 | 3,594,296 | 18 49 |
| Connecticut | 622,700 | 327,177,385 | 5,365,739 | 525 41 | 8 61 | .016 | 22,001,661 | 35 33 |
| Delaware | 146,608 | 59,951,643 | 604,257 | 408 92 | 4 12 | .01 | 2,346,585 | 16 005 |
| Florida | 269,493 | 30,938,309 | 605,180 | 114 80 | 2 25 | .019 | 2,626,509 | 9 74 |
| Georgia | 1,542,180 | 239,472,599 | 2,207,008 | 155 28 | 2 07 | .013 | 19,681,903 | 12 76 |
| Illinois | 3,077,871 | 786,616,394 | 19,283,413 | 255 57 | 6 26 | .024 | 44,942,422 | 14 27 |
| Indiana | 1,978,301 | 727,815,151 | 10,843,630 | 367 90 | 5 48 | .014 | 18,354,737 | 9 27 |
| Iowa | 1,624,615 | 398,671,251 | 10,261,605 | 245 39 | 6 31 | .025 | 7,962,707 | 4 90 |
| Kansas | 996,096 | 160,891,689 | 4,414,821 | 161 52 | 4 43 | .027 | 16,005,853 | 16 06 |
| Kentucky | 1,648,690 | 350,563,971 | 5,204,017 | 212 63 | 3 15 | .014 | 14,977,881 | 9 08 |
| Louisiana | 939,946 | 160,162,439 | 4,395,876 | 170 39 | 4 67 | .027 | 42,865,952 | 45 60 |
| Maine | 648,936 | 235,978,716 | 5,182,135 | 363 64 | 7 98 | .021 | 22,406,850 | 34 52 |
| Maryland | 934,943 | 497,307,675 | 5,437,462 | 531 91 | 5 81 | .01 | 10,896,006 | 11 65 |
| Massachusetts | 1,783,085 | 1,584,756,802 | 24,326,877 | 888 77 | 13 64 | .015 | 91,283,913 | 51 19 |
| Michigan | 1,636,937 | 517,666,359 | 8,627,949 | 316 24 | 5 27 | .016 | 8,803,144 | 5 37 |
| Minnesota | 780,773 | 258,028,687 | 3,713,707 | 330 47 | 4 75 | .015 | 8,476,004 | 10 85 |

TABLE 14.—*Showing the population, total assessed valuation of property, &c.*—Continued.

| States and Territories. | Population. | Total assessed valuation of property. | Total taxation. | Per capita of valuation. | Per capita of taxation. | Rate of taxation. | Total indebtedness. | Per capita of indebtedness. |
|---|---|---|---|---|---|---|---|---|
| Mississippi | 1,131,597 | $110,628,129 | $2,384,475 | $97 75 | $2 10 | .021 | $2,013,190 | $1 77 |
| Missouri | 2,168,380 | 532,795,801 | 10,269,736 | 245 71 | 4 73 | .019 | 57,487,384 | 26 51 |
| Nebraska | 452,402 | 90,585,782 | 2,792,480 | 200 23 | 6 17 | .03 | 7,425,787 | 16 41 |
| Nevada | 62,266 | 29,291,459 | 871,673 | 470 42 | 13 99 | .029 | 1,024,523 | 16 45 |
| New Hampshire | 346,991 | 164,755,181 | 2,697,640 | 443 11 | 7 77 | .016 | 10,724,170 | 30 90 |
| New Jersey | 2,131,116 | 572,518,361 | 8,958,065 | 505 26 | 7 91 | .015 | 49,547,102 | 43 80 |
| New York | 5,082,871 | 2,651,940,006 | 56,392,975 | 521 54 | 11 09 | .021 | 218,723,314 | 43 03 |
| North Carolina | 1,399,750 | 156,100,202 | 1,916,132 | 111 52 | 1 36 | .012 | 8,194,606 | 5 85 |
| Ohio | 3,198,062 | 1,524,360,508 | 25,756,658 | 479 77 | 8 05 | .016 | 48,756,454 | 15 24 |
| Oregon | 174,768 | 52,522,084 | 1,113,942 | 300 52 | 6 37 | .021 | 848,502 | 4 85 |
| Pennsylvania | 4,282,891 | 1,683,459,016 | 28,604,334 | 393 06 | 6 67 | .016 | 114,034,759 | 26 62 |
| Rhode Island | 276,531 | 252,536,673 | 2,692,715 | 913 22 | 9 73 | .01 | 13,102,790 | 47 38 |
| South Carolina | 995,577 | 133,560,135 | 1,839,983 | 134 15 | 1 84 | .013 | 13,345,938 | 13 40 |
| Tennessee | 1,542,359 | 211,778,538 | 2,788,781 | 137 37 | 1 80 | .013 | 37,387,900 | 24 24 |
| Texas | 1,591,749 | 320,364,515 | 4,568,716 | 201 26 | 2 87 | .014 | 11,604,913 | 7 29 |
| Vermont | 332,286 | 86,806,775 | 1,745,111 | 261 24 | 5 22 | .02 | 4,352,168 | 34 92 |
| Virginia | 1,512,565 | 308,455,135 | 4,642,202 | 203 92 | 3 07 | .015 | 42,099,802 | 27 83 |
| West Virginia | 618,457 | 139,622,705 | 2,056,979 | 225 76 | 3 32 | .014 | 1,513,424 | 2 44 |
| Wisconsin | 1,315,497 | 438,971,751 | 5,838,325 | 333 69 | 4 43 | .013 | 11,876,992 | 9 02 |
| Alaska | | | | | | | | |
| Arizona | 40,440 | 9,270,214 | 293,036 | 229 23 | 7 25 | .031 | 377,501 | 9 33 |
| Dakota | 135,177 | 20,321,530 | 478,066 | 150 33 | 3 53 | .023 | 998,860 | 7 38 |
| District of Columbia | 177,624 | 99,401,787 | 1,469,254 | 503 32 | 8 27 | .014 | 22,675,459 | 127 66 |
| Idaho | 32,610 | 6,440,876 | 195,887 | 197 51 | 6 00 | .03 | 235,319 | 7 21 |
| Indian Territory (Cherokees, Chickasaws, Choctaws, Creeks, Seminoles.) | | | | | | | | |
| Montana | 39,159 | 18,609,892 | 383,947 | 475 33 | 9 80 | .02 | 759,925 | 19 46 |
| New Mexico | 119,565 | 11,363,406 | 126,942 | 950 39 | 1 06 | .011 | 84,872 | 70 |
| Utah | 143,963 | 24,775,279 | 435,238 | 172 09 | 3 02 | .017 | 116,251 | 80 |
| Washington | 75,116 | 23,810,693 | 505,417 | 316 98 | 6 72 | .021 | 239,311 | 3 18 |
| Wyoming | 20,789 | 13,621,829 | 230,228 | 655 24 | 11 07 | .016 | 205,462 | 9 88 |

TABLE 15.—*Showing assessed valuation of real and personal property; total population by States, groups, and grand total; also average valuation per capita for the several States and groups.*

NEW ENGLAND STATES.

| States. | Total assessed valuation. | Total population. | Valuation per capita. |
|---|---|---|---|
| Maine | $235,978,716 | 648,936 | $363 |
| New Hampshire | 164,755,181 | 346,991 | 474 |
| Vermont | 86,806,775 | 332,286 | 261 |
| Massachusetts | 1,584,756,802 | 1,783,085 | 888 |
| Rhode Island | 252,536,673 | 276,531 | 912 |
| Connecticut | 327,177,385 | 622,700 | 525 |
| Totals for the group | 2,652,011,532 | 4,010,529 | 661 |

SOUTHERN STATES.

| | | | |
|---|---|---|---|
| Virginia | 308,455,135 | 1,512,565 | 203 |
| West Virginia | 139,622,705 | 618,457 | 225 |
| North Carolina | 156,100,202 | 1,399,750 | 111 |
| South Carolina | 133,560,135 | 995,577 | 134 |
| Georgia | 239,472,599 | 1,542,180 | 155 |
| Florida | 30,938,309 | 269,493 | 114 |
| Alabama | 122,867,228 | 1,262,505 | 97 |
| Mississippi | 110,628,129 | 1,131,597 | 97 |
| Louisiana | 161,162,439 | 939,946 | 170 |
| Texas | 320,364,515 | 1,591,749 | 201 |
| Arkansas | 86,409,364 | 802,525 | 107 |
| Kentucky | 350,563,971 | 1,648,690 | 218 |
| Tennessee | 211,778,538 | 1,542,359 | 137 |
| Totals for the group | 2,370,923,269 | 15,257,393 | 155 |

WESTERN STATES.

| | | | |
|---|---|---|---|
| Ohio | 1,534,360,508 | 3,198,062 | 479 |
| Indiana | 727,815,131 | 1,978,301 | 367 |
| Illinois | 786,616,394 | 3,077,871 | 255 |
| Michigan | 517,666,359 | 1,636,937 | 316 |
| Wisconsin | 438,971,751 | 1,315,497 | 333 |
| Iowa | 398,671,251 | 1,624,615 | 245 |
| Minnesota | 258,023,687 | 780,773 | 330 |
| Missouri | 532,795,801 | 2,168,380 | 245 |
| Kansas | 160,891,089 | 996,096 | 161 |
| Nebraska | 90,585,782 | 452,402 | 200 |
| Colorado | 74,471,693 | 194,327 | 372 |
| Nevada | 29,291,459 | 62,266 | 469 |
| Oregon | 52,522,084 | 174,768 | 300 |
| California | 584,578,036 | 864,694 | 676 |
| Totals for the group | 6,187,266,625 | 18,524,989 | 334 |

TABLE 15.—*Showing assessed valuation of real and personal property, totals, &c.*—Continued.

MIDDLE STATES.

| States. | Total assessed valuation. | Total population. | Valuation per capita. |
|---|---|---|---|
| New York | $2,651,940,006 | 5,082,871 | $521 |
| New Jersey | 572,518,361 | 1,131,116 | 506 |
| Pennsylvania | 1,683,459,016 | 4,282,891 | 393 |
| Delaware | 59,951,643 | 146,608 | 409 |
| Maryland | 497,307,675 | 934,943 | 531 |
| District of Columbia | 99,401,787 | 177,624 | 559 |
| Totals for the group | 5,564,578,488 | 11,756,053 | 473 |

TERRITORIES.

| | | | |
|---|---|---|---|
| Arizona | 9,270,214 | 40,440 | 226 |
| Dakota | 20,321,530 | 135,177 | 150 |
| Idaho | 6,444,876 | 32,610 | 197 |
| Montana | 18,609,802 | 39,159 | 475 |
| New Mexico | 11,363,406 | 119,565 | 95 |
| Utah | 24,775,279 | 143,963 | 172 |
| Washington | 23,810,693 | 75,116 | 316 |
| Wyoming | 13,621,829 | 20,789 | 655 |
| Totals for the group | 128,213,629 | 606,819 | 211 |
| Grand totals | 16,902,993,543 | 50,155,783 | 337 |

TABLE 16.—*Changes in assessed valuation of property in Southern States, 1870–'80.*

| States. | Assessed valuation in 1870. | Assessed valuation in 1880. | Increase. | Decrease. | Increase in population. | | |
|---|---|---|---|---|---|---|---|
| | | | | | White. | Colored. | Total. a |
| Virginia | $365,439,917 | $308,455,135 | | $56,984,782 | 168,769 | 118,775 | 287,402 |
| West Virginia | 140,538,273 | 139,622,705 | | 915,568 | 168,504 | 7,906 | 176,443 |
| North Carolina | 130,378,622 | 156,100,202 | $25,721,580 | | 188,772 | 139,627 | 328,389 |
| South Carolina | 183,913,337 | 133,560,135 | | 50,353,202 | 104,438 | 188,518 | 289,971 |
| Georgia | 227,219,519 | 239,472,599 | 12,253,080 | | 177,980 | 179,991 | 358,071 |
| Florida | 32,480,843 | 30,938,309 | | 1,542,534 | 46,458 | 35,001 | 81,745 |
| Alabama | 155,582,595 | 122,867,228 | | 32,715,367 | 140,801 | 124,593 | 265,513 |
| Mississippi | 177,278,890 | 110,628,129 | | 66,650,761 | 96,502 | 206,090 | 363,675 |
| Louisiana | 253,371,890 | 160,162,439 | | 93,209,451 | 92,889 | 119,445 | 213,031 |
| Texas | 149,732,929 | 320,364,515 | 170,631,586 | | 632,537 | 139,909 | 773,170 |
| Arkansas | 94,528,843 | 86,409,364 | | 8,119,479 | 229,416 | 88,497 | 318,054 |
| Kentucky | 409,544,294 | 350,563,971 | | 58,980,323 | 278,487 | 49,241 | 327,679 |
| Tennessee | 253,782,161 | 211,778,538 | | 42,003,623 | 202,712 | 80,820 | 283,839 |
| | | | b 202,868,844 | | | | |
| | 2,573,792,113 | 2,370,923,269 | 208,606,246 | 411,475,090 | 2,525,355 | 1,478,413 | 4,006,982 |

a This total includes the white, colored, 686 Chinese, 1 Japanese, and 2,527 civilized Indians. b Net increase.

TABLE 17.—*School-district indebtedness.*

NOTE.—The officials in some States and Territories, in reporting school-district indebtedness, made no division into bonded debt and floating debt. In such cases the whole amount is entered as floating debt. In the States and Territories having no indebtedness the school-district system does not exist, or exists only for administrative purposes.

| States. | Bonded debt. | Floating debt. | Total. |
|---|---|---|---|
| NEW ENGLAND STATES. | | | |
| Maine | | $80,034 | $80,034 |
| New Hampshire | | 65,607 | 65,607 |
| Vermont | | 157,278 | 157,278 |
| Massachusetts | | | |
| Rhode Island | | 181,466 | 181,466 |
| Connecticut | | 683,910 | 683,910 |
| Total | | 1,168,295 | 1,168,295 |
| MIDDLE STATES. | | | |
| New York | $417,904 | 162,529 | 580,433 |
| New Jersey | 697,627 | 280 | 697,907 |
| Pennsylvania | 2,451,548 | 4,414 | 2,455,962 |
| Delaware | | 4,222 | 4,222 |
| Maryland | | | |
| District of Columbia | | | |
| Total | 3,567,079 | 171,445 | 3,738,524 |
| SOUTHERN STATES. | | | |
| Virginia | | 90,588 | 90,588 |
| West Virginia | 28,132 | 15,426 | 43,558 |
| North Carolina | | | |
| South Carolina | | | |
| Georgia | | | |

TABLE 17.—*School-district indebtedness*—Continued.

| States. | Bonded debt. | Floating debt. | Total. |
|---|---|---|---|
| Florida | | | |
| Alabama | | | |
| Mississippi | | | |
| Louisiana | | | |
| Texas | | | |
| Arkansas | | | |
| Kentucky | | $16,388 | $16,388 |
| Tennessee | | | |
| Total | $28,132 | 122,402 | 150,534 |
| WESTERN STATES. | | | |
| Ohio | 1,452,199 | | 1,452,199 |
| Indiana | | | |
| Illinois | | 3,406,306 | 3,406,306 |
| Michigan | 1,293,592 | 96,081 | 1,389,673 |
| Wisconsin | | 276,567 | 276,567 |
| Iowa | 1,125,138 | | 1,125,138 |
| Minnesota | 640,745 | 50,727 | 691,472 |
| Missouri | | 746,784 | 746,784 |
| Kansas | 1,749,357 | 29,151 | 1,778,508 |
| Nebraska | | 827,641 | 827,641 |
| Colorado | | 328,468 | 328,468 |
| Nevada | | 1,506 | 1,506 |
| Oregon | | 26,585 | 26,585 |
| California | | 377,963 | 377,963 |
| Total | 6,261,031 | 6,167,779 | 12,428,810 |
| THE TERRITORIES. | | | |
| Arizona | 13,000 | | 13,000 |
| Dakota | | | |
| Idaho | | 696 | 696 |
| Montana | | 35,552 | 35,552 |
| New Mexico | | | |
| Utah | | | |
| Washington | | | |
| Wyoming | | | |
| Total | 13,000 | 36,248 | 49,248 |
| The United States | 9,869,242 | 7,666,169 | 17,535,411 |

TABLE 18.—*Valuation and taxation.*

| States. | Assessed valuation. | | | Taxation. | | | | |
|---|---|---|---|---|---|---|---|---|
| | Real estate. | Personal property. | Total. | School. | Other purposes. | Total. | Per cent. of school of total. | Rate of taxation on $100. |
| NEW ENGLAND STATES. | | | | | | | | |
| Maine | $173,856,242 | $62,122,474 | $235,978,716 | $937,525 | $4,244,610 | $5,182,135 | 18.0 | $2 19 |
| New Hampshire | 122,733,124 | 42,022,057 | 164,755,181 | 516,449 | 2,181,191 | 2,697,640 | 19.1 | 1 63 |
| Vermont | 71,436,623 | 15,370,152 | 86,806,775 | 429,706 | 1,315,405 | 1,745,111 | 24.6 | 2 01 |
| Massachusetts | 1,111,160,072 | 473,596,730 | 1,584,756,802 | 4,955,428 | 19,371,449 | 24,326,877 | 20.3 | 1 53 |
| Rhode Island | 188,224,459 | 64,312,214 | 252,536,673 | 411,993 | 2,280,722 | 2,692,715 | 15.3 | 1 06 |
| Connecticut | 228,791,267 | 98,386,118 | 327,177,385 | 1,276,111 | 4,089,628 | 5,365,739 | 23.7 | 1 64 |
| Total | 1,896,201,787 | 755,809,745 | 2,652,011,532 | 8,527,212 | 33,483,005 | 42,010,217 | 20.2 | 1 58 |
| MIDDLE STATES. | | | | | | | | |
| New York | 2,329,282,359 | 322,657,647 | 2,651,940,006 | 10,466,552 | 45,926,423 | 56,392,975 | 18.5 | 2 12 |
| New Jersey | 442,632,638 | 129,885,723 | 572,518,361 | 1,742,201 | 7,215,864 | 8,958,065 | 19.4 | 1 56 |
| Pennsylvania | 1,540,607,957 | 143,451,059 | 1,683,459,016 | 6,298,408 | 22,305,926 | 28,604,334 | 22.0 | 1 69 |
| Delaware | 50,302,739 | 9,648,904 | 59,951,643 | 132,408 | 471,849 | 604,257 | 21.9 | 1 00 |
| Maryland | 368,442,913 | 128,864,762 | 497,307,675 | 1,218,443 | 4,219,019 | 5,437,462 | 22.4 | 1 09 |
| District of Columbia | 87,980,356 | 11,421,431 | 99,401,787 | (a) | 1,469,254 | 1,469,254 | (a) | 1 47 |
| Total | 4,818,648,962 | 745,929,526 | 5,564,578,488 | 19,858,012 | 81,608,335 | 101,466,347 | 19.5 | 1 82 |
| SOUTHERN STATES. | | | | | | | | |
| Virginia | 233,601,599 | 74,853,536 | 308,455,135 | 1,125,028 | 3,517,174 | 4,642,202 | 24.2 | 1 50 |
| West Virginia | 105,000,306 | 34,622,399 | 139,622,705 | 752,763 | 1,304,216 | 2,056,979 | 36.5 | 1 47 |
| North Carolina | 101,709,326 | 54,390,876 | 156,100,202 | 345,720 | 1,570,412 | 1,916,132 | 18.0 | 1 22 |
| South Carolina | 77,461,670 | 56,098,465 | 133,560,135 | 423,623 | 1,416,360 | 1,839,983 | 23.0 | 1 37 |
| Georgia | 139,983,941 | 99,488,658 | 239,472,599 | 387,818 | 2,819,190 | 3,207,008 | 12.0 | 1 33 |
| Florida | 18,885,151 | 12,053,158 | 30,938,309 | 109,146 | 496,034 | 605,180 | 18.0 | 1 95 |
| Alabama | 77,374,008 | 45,493,220 | 122,867,228 | 260,147 | 1,801,831 | 2,061,978 | 12.6 | 1 67 |
| Mississippi | 79,469,530 | 31,158,599 | 110,628,129 | 474,905 | 1,909,370 | 2,384,475 | 19.9 | 2 15 |
| Louisiana | 122,362,297 | 37,800,142 | 160,162,439 | 545,654 | 3,850,222 | 4,395,876 | 12.4 | 2 74 |
| Texas | 205,508,924 | 114,855,591 | 320,364,515 | 549,827 | 4,018,889 | 4,568,716 | 12.0 | 1 42 |
| Arkansas | 55,760,388 | 30,648,976 | 86,409,364 | 558,700 | 1,280,390 | 1,839,090 | 30.3 | 2 12 |
| Kentucky | 265,085,908 | 85,478,063 | 350,563,971 | 1,109,623 | 4,091,394 | 5,201,017 | 21.3 | 1 48 |
| Tennessee | 195,644,200 | 16,134,338 | 211,778,538 | 928,609 | 1,860,172 | 2,788,781 | 33.2 | 1 31 |
| Total | 1,677,847,248 | 693,076,021 | 2,370,923,269 | 7,571,563 | 29,935,854 | 37,507,417 | 20.1 | 1 58 |
| WESTERN STATES. | | | | | | | | |
| Ohio | 1,093,677,705 | 440,682,803 | 1,534,360,508 | 6,954,053 | 18,802,605 | 25,756,658 | 26.9 | 1 67 |
| Indiana | 538,683,239 | 189,131,892 | 727,815,131 | 3,394,442 | 8,949,188 | 12,343,630 | 27.4 | 1 69 |
| Illinois | 575,441,053 | 211,175,341 | 786,616,394 | 6,329,680 | 18,256,338 | 24,586,018 | 25.7 | 3 12 |
| Michigan | 432,861,884 | 84,804,475 | 517,666,359 | 2,524,104 | 6,103,785 | 8,627,949 | 29.2 | 1 66 |

TABLE 18.—*Valuation and taxation*—Continued.

| States. | Assessed valuation. | | | Taxation. | | | | |
|---|---|---|---|---|---|---|---|---|
| | Real estate. | Personal property. | Total. | School. | Other purposes. | Total. | Per cent. of school of total. | Rate of taxation on $100. |
| Wisconsin | $344,788,721 | $94,183,030 | $438,971,751 | $1,906,489 | $5,681,836 | $7,588,325 | 25.1 | $1 72 |
| Iowa | 297,254,342 | 101,416,909 | 398,671,251 | 4,113,576 | 6,948,029 | 11,061,605 | 37.1 | 2 77 |
| Minnesota | 203,446,781 | 54,581,906 | 258,028,687 | 1,331,526 | 3,014,774 | 4,346,300 | 30.6 | 1 68 |
| Missouri | 381,985,112 | 150,810,689 | 532,795,801 | 2,496,197 | 7,773,539 | 10,269,736 | 24.3 | 1 92 |
| Kansas | 108,432,049 | 52,459,640 | 160,891,689 | 1,118,859 | 3,860,791 | 4,979,650 | 22.4 | 3 09 |
| Nebraska | 55,073,375 | 35,512,407 | 90,585,782 | 769,800 | 2,022,680 | 2,792,480 | 27.5 | 3 08 |
| Colorado | 35,604,197 | 38,867,496 | 74,471,693 | 424,628 | 1,727,380 | 2,152,008 | 19.7 | 2 88 |
| Nevada | 17,941,030 | 11,350,429 | 29,291,459 | 122,048 | 749,625 | 871,673 | 14.0 | 2 97 |
| Oregon | 32,584,966 | 19,937,118 | 52,522,084 | 224,932 | 889,010 | 1,113,942 | 20.1 | 2 12 |
| California | 466,273,585 | 118,304,451 | 584,578,036 | 2,709,787 | 9,918,218 | 12,628,005 | 21.4 | 2 16 |
| Total | 4,584,048,039 | 1,603,218,586 | 6,187,266,625 | 34,420,181 | 94,697,798 | 129,117,979 | 26.6 | 2 08 |
| THE TERRITORIES. | | | | | | | | |
| Arizona | 3,922,961 | 5,347,253 | 9,270,214 | 49,667 | 243,369 | 293,036 | 16.9 | 3 16 |
| Dakota | 13,333,918 | 6,987,612 | 20,321,530 | 102,714 | 375,352 | 478,066 | 21.4 | 2 35 |
| Idaho | 2,297,526 | 4,143,350 | 6,440,876 | 36,380 | 159,507 | 195,887 | 18.5 | 3 04 |
| Montana | 5,077,162 | 13,532,640 | 18,609,802 | 83,998 | 299,949 | 383,947 | 21.8 | 2 06 |
| New Mexico | 4,788,764 | 6,574,642 | 11,363,406 | 34,748 | 92,194 | 126,942 | 27.3 | 1 11 |
| Utah | 14,779,344 | 9,995,935 | 24,775,279 | 141,651 | 293,587 | 435,238 | 32.5 | 1 75 |
| Washington | 11,335,923 | 12,474,770 | 23,810,693 | 111,091 | 394,326 | 505,417 | 21.9 | 2 12 |
| Wyoming | 4,485,291 | 9,136,538 | 13,621,829 | 34,294 | 195,934 | 230,228 | 14.8 | 1 69 |
| Total | 60,020,889 | 68,192,740 | 128,213,629 | 594,543 | 2,054,218 | 2,648,761 | 22.4 | 2 06 |
| The United States | 13,036,766,925 | 3,866,226,618 | 16,902,993,543 | 70,971,511 | 241,779,210 | 312,750,721 | 22.6 | 1 85 |

*a* No tax for the support of schools separate from other taxes is levied, but the expenses of the schools, amounting to $438,567, are paid out of the district revenue.

TABLE 19.—*Selected cities, valuation and taxation.*

| Cities. | Assessed valuation. | | | Taxation. | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Real estate. | Personal property. | Total. | Rate of levy on $100. | | | | Amount of levy. | | | |
| | | | | State. | County. | City. | Total. | State. | County. | City. | Total. |
| New York, N. Y | $918,134,380 | $175,934,955 | $1,094,069,335 | $0 34 | (*a*) | $2 24 | $2 58 | $3,751,062 | (*a*) | $24,475,927 | $28,226,989 |
| Auburn, N. Y | 7,216,899 | 1,587,550 | 8,804,449 | 24 | $0 14 | 2 30 | 2 68 | 20,852 | $11,997 | 202,449 | 235,298 |
| Philadelphia, Pa | 529,169,382 | 52,560,377 | 581,729,759 | 03 | (*a*) | 2 02 | 2 05 | 200,812 | (*a*) | 11,775,720 | 11,976,532 |
| Harrisburg, Pa | 5,271,698 | 112,931 | 5,384,629 | 01 | 89 | 2 72 | 3 62 | 565 | 52,156 | 159,621 | 212,342 |
| Manchester, N. H | 13,126,737 | 3,495,242 | 16,621,979 | 24 | 24 | 1 11 | 1 59 | 39,724 | 39,366 | 184,460 | 263,550 |
| Chicago, Ill | 91,152,229 | 26,817,806 | 117,970,035 | 27 | 87 | 3 20 | 4 33 | 313,979 | 1,021,945 | 3,776,451 | 5,112,375 |
| Boston, Mass | 428,777,000 | 184,545,691 | 613,322,691 | 02 | 04 | 1 18 | 1 24 | 122,665 | 282,128 | 7,261,741 | 7,666,534 |
| Saint Louis, Mo | 136,071,670 | 29,216,730 | 165,288,400 | 40 | (*a*) | 1 83 | 2 22 | 655,256 | (*a*) | 3,017,427 | 3,672,683 |
| Kansas City, Mo | 7,750,840 | 2,826,420 | 10,577,260 | 40 | 75 | 3 40 | 4 55 | 42,309 | 79,329 | 359,627 | 481,265 |
| Baltimore, Md | 183,580,023 | 60,463,158 | 244,042,181 | 19 | (*a*) | 1 03 | 1 22 | 457,581 | (*a*) | 2,520,000 | 2,977,581 |
| Cincinnati, Ohio | 131,272,619 | 38,033,016 | 169,305,635 | 29 | 22 | 2 40 | 2 91 | 490,986 | 365,700 | 4,070,225 | 4,926,911 |
| San Francisco, Cal | 190,280,810 | 54,196,550 | 244,477,360 | 55 | (*a*) | 1 69 | 2 24 | 1,344,625 | (*a*) | 4,131,667 | 5,476,292 |
| New Orleans, La | 71,424,382 | 20,369,968 | 91,794,350 | 60 | (*a*) | 2 04 | 2 64 | 546,708 | (*a*) | 1,859,257 | 2,405,965 |
| Newark, N. J | 65,733,315 | 17,631,095 | 83,364,410 | 25 | 41 | 1 42 | 2 08 | 209,612 | 345,176 | 1,182,325 | 1,737,113 |
| Louisville, Ky | 49,795,000 | 16,014,000 | 65,809,000 | 46 | (*a*) | 1 82 | 2 28 | 299,431 | (*a*) | 1,200,056 | 1,499,487 |
| Detroit, Mich | 63,981,315 | 19,216,725 | 83,198,040 | 27 | 20 | 99 | 1 46 | 227,817 | 165,644 | 824,230 | 1,217,691 |
| Providence, R. I | 86,816,100 | 28,765,600 | 115,581,700 | 17 | (*a*) | 1 23 | 1 40 | 202,257 | (*a*) | 1,415,887 | 1,618,144 |
| Richmond, Va | 28,783,389 | 10,738,967 | 39,522,356 | 46 | (*a*) | 1 40 | 1 86 | 181,538 | (*a*) | 549,904 | 731,442 |
| Petersburg, Va | 5,921,845 | 3,210,485 | 9,132,330 | 45 | (*a*) | 1 50 | 1 95 | 41,183 | (*a*) | 137,041 | 178,224 |
| New Haven, Conn | 34,866,224 | 12,102,163 | 46,968,387 | 15 | (*a*) | 1 25 | 1 40 | 70,453 | (*a*) | 587,104 | 657,557 |
| Charleston, S. C | 14,585,818 | 7,957,605 | 22,543,423 | 48 | 63 | 2 00 | 3 10 | 107,081 | 140,896 | 450,868 | 698,845 |
| Minneapolis, Minn | 16,809,149 | 6,606,584 | 23,415,733 | 15 | 20 | 1 11 | 1 46 | 35,124 | 46,831 | 259,064 | 341,019 |
| Nashville, Tenn | 10,763,560 | 2,573,200 | 13,336,760 | 20 | 80 | 2 00 | 3 00 | 26,674 | 106,694 | 266,735 | 400,103 |
| Memphis, Tenn | 15,784,314 | 1,000,000 | 16,784,314 | 20 | 54 | 1 05 | 1 79 | 33,032 | 90,835 | 176,236 | 300,103 |
| Atlanta, Ga | 12,900,000 | 5,100,000 | 18,000,000 | 35 | 35 | 1 50 | 2 20 | 63,000 | 63,000 | 270,000 | 396,000 |
| Savannah, Ga | 9,070,001 | 5,990,444 | 15,060,445 | 45 | 35 | 2 13 | 2 93 | 67,772 | 52,713 | 321,058 | 441,543 |
| Portland, Me | 19,825,800 | 10,359,128 | 30,184,928 | 39 | 07 | 2 04 | 2 50 | 117,835 | 19,886 | 616,902 | 754,623 |
| Wheeling, W. Va | 10,095,011 | 4,078,589 | 14,173,600 | 36 | 54 | 78 | 1 68 | 51,000 | 76,500 | 110,554 | 238,054 |
| Mobile, Ala | 8,509,981 | 4,481,814 | 12,991,795 | 65 | 50 | 1 45 | 2 60 | 84,447 | 64,959 | 188,381 | 337,787 |
| Galveston, Tex | 11,389,392 | 3,515,464 | 14,904,856 | 50 | 70 | 1 50 | 2 70 | 75,000 | 105,000 | 223,573 | 403,573 |
| Raleigh, N. C | 2,430,225 | 427,244 | 2,857,469 | 32 | 34 | 1 45 | 2 12 | 9,239 | 9,801 | 41,512 | 60,552 |
| Little Rock, Ark | 3,254,411 | 1,210,794 | 4,465,205 | 65 | 1 50 | 1 70 | 3 85 | 29,024 | 66,978 | 75,908 | 171,910 |
| Worcester, Mass | 30,708,100 | 8,877,671 | 39,585,771 | 03 | 11 | 1 40 | 1 56 | 14,255 | 46,497 | 557,193 | 617,945 |
| Lynn, Mass | 17,316,639 | 5,171,225 | 22,487,864 | 03 | 10 | 1 47 | 1 61 | 7,460 | 24,362 | 332,481 | 364,303 |

*a* No tax levied.

TABLE 20.—*Drawn from returns of school statistics from the several States and Territories for year* 1881, *showing number of youth not enrolled in school, and expense of supplying them with necessary school-houses and teachers and text-books for school of three-months' length for first year.*

| States and Territories. | Number of school age not enrolled in school. | Number of school-houses and teachers required for them. | Cost of school-houses required. | Cost of qualifying teachers. | Cost of a three-months' school teacher's wages. | Cost of text-books. | Total cost of school-houses, expenses of preparation of teachers, the pay of teachers, and of school-books. |
|---|---|---|---|---|---|---|---|
| Alabama | 246,450 | 54,929 | *c*$1,478,700 | *d*$1,232,250 | *e*$443,610 | *f*$7,395 | $3,161,953 |
| Arkansas | 177,097 | 3,482 | 1,044,600 | 870,500 | 313,380 | 5,223 | 2,233,703 |
| California | 47,382 | 945 | 283,500 | 236,250 | 85,050 | 1,417 | 606,217 |
| Colorado | 14,804 | 296 | 88,800 | 74,000 | 26,640 | 444 | 189,884 |

TABLE 20.—*Table drawn from the returns of school statistics from the several States and Territories for the year* 1881—Continued.

| States and Territories. | Number of school age not enrolled in school. | Number of school-houses and teachers required for them. | Cost of school-houses required. | Cost of qualifying teachers. | Cost of a three-months' school-teacher's wages. | Cost of text-books. | Total cost of school-houses, expenses of preparation of teachers, the pay of teachers, and of school-books. |
|---|---|---|---|---|---|---|---|
| Connecticut | 24,364 | 487 | $146,100 | $121,750 | $43,830 | $730 | $312,410 |
| Delaware | 8,163 | 163 | 48,900 | 40,750 | 15,570 | 244 | 105,464 |
| Florida | 49,362 | 987 | 296,100 | 246,750 | 88,830 | 1,485 | 633,165 |
| Georgia | 216,819 | 4,336 | 1,300,800 | 1,084,000 | 390,240 | 6,504 | 2,781,544 |
| Illinois | 309,595 | 6,012 | 1,803,600 | 1,503,600 | 541,080 | 9,018 | 3,856,698 |
| Indiana | 210,488 | 4,209 | 1,262,700 | 1,052,250 | 378,810 | 6,313 | 2,700,073 |
| Iowa | 163,217 | 3,224 | 967,200 | 800,000 | 293,160 | 4,836 | 2,071,196 |
| Kansas | 99,145 | 1,983 | 594,900 | 495,750 | 178,470 | 2,974 | 1,272,094 |
| Kentucky | 315,198 | 6,304 | 1,891,200 | 1,576,000 | 567,360 | 9,456 | 4,044,016 |
| Louisiana | 209,044 | 4,181 | 1,254,300 | 1,045,250 | 376,290 | 6,271 | 2,682,111 |
| Maine | 63,860 | 1,277 | 383,100 | 319,250 | 114,930 | 1,915 | 819,195 |
| Maryland | 160,292 | 3,206 | 961,800 | 801,500 | 288,540 | 4,809 | 2,056,649 |
| Massachusetts *a* | | | | | | | |
| Michigan | 146,551 | 2,931 | 879,300 | 732,750 | 263,790 | 4,386 | 1,880,226 |
| Minnesota | 123,645 | 2,473 | 741,900 | 618,250 | 222,570 | 3,709 | 1,586,429 |
| Mississippi | 182,675 | 3,653 | 1,095,900 | 913,250 | 328,770 | 5,479 | 2,343,399 |
| Missouri | 247,108 | 4,942 | 1,482,600 | 1,235,500 | 444,780 | 7,413 | 3,170,293 |
| Nebraska | 52,048 | 1,041 | 312,300 | 260,250 | 93,690 | 1,561 | 667,801 |
| Nevada | 2,204 | 44 | 13,200 | 11,000 | 3,960 | 66 | 28,226 |
| New Hampshire *a* | | | | | | | |
| New Jersey | 132,089 | 2,641 | 792,300 | 660,250 | 237,690 | 3,961 | 1,694,201 |
| New York | 640,840 | 12,817 | 3,845,100 | 3,204,250 | 1,153,530 | 19,225 | 8,222,105 |
| North Carolina | 227,356 | 4,547 | 1,364,100 | 1,136,750 | 409,230 | 6,820 | 2,916,900 |
| Ohio | 318,579 | 6,371 | 1,911,300 | 1,592,750 | 573,390 | 9,556 | 4,086,996 |
| Oregon | 27,143 | 543 | 162,900 | 135,750 | 48,870 | 814 | 348,334 |
| Pennsylvania | 490,628 | 9,812 | 2,943,600 | 2,453,000 | 883,080 | 14,718 | 6,294,398 |
| Rhode Island | 8,157 | 163 | 48,900 | 40,750 | 14,670 | 244 | 104,564 |
| South Carolina | 128,821 | 2,576 | 772,800 | 644,000 | 231,840 | 3,864 | 1,652,504 |
| Tennessee | 262,407 | 5,248 | 1,574,400 | 1,312,000 | 472,320 | 7,822 | 3,366,542 |
| Texas | 43,741 | 875 | 262,500 | 218,750 | 78,750 | 1,312 | 561,312 |
| Vermont | 24,817 | 496 | 148,800 | 124,000 | 44,640 | 744 | 318,184 |
| Virginia | 317,619 | 6,352 | 1,905,600 | 1,588,000 | 571,680 | 9,528 | 4,074,808 |
| West Virginia | 67,988 | 1,359 | 407,700 | 339,750 | 122,310 | 2,038 | 871,798 |
| Wisconsin | 191,236 | 3,824 | 1,147,200 | 956,000 | 344,160 | 5,736 | 2,453,096 |
| Alaska | | | | | | | |
| Arizona | 5,727 | 114 | 34,200 | 28,500 | 10,260 | 171 | 73,131 |
| Dakota | 13,364 | 267 | 80,100 | 66,750 | 24,030 | 400 | 171,280 |
| District of Columbia | 16,259 | 325 | 97,500 | 81,250 | 29,250 | 487 | 208,487 |
| Idaho | 1,440 | 29 | 8,700 | 7,250 | 2,610 | 43 | 18,603 |
| Indian Territory (Cherokees, Chickasaws, Choctaws, Creeks, Seminoles) | | | | | | | |
| Montana | 4,783 | 95 | 28,500 | 23,750 | 8,550 | 142 | 60,942 |
| New Mexico | 24,500 | 490 | 147,000 | 122,500 | 44,100 | 735 | 314,335 |
| Utah | 15,581 | 311 | 93,300 | 77,750 | 27,990 | 466 | 199,506 |
| Washington | 9,145 | 183 | 54,900 | 45,750 | 16,470 | 274 | 117,394 |
| Wyoming | 1,205 | 24 | 7,200 | 6,100 | 2,160 | 36 | 15,496 |
| Total | 6,030,936 | 120,567 | 36,170,100 | 30,141,850 | 10,854,930 | 180,782 | 77,347,662 |

*a* A large number attend school beyond the school age, which carries the enrollment above the total school population, so that the absence of those of school age does not appear. *b* Allowing one teacher to each fifty pupils. *c* Allowing one school-house of a cost of $300 to fifty pupils. *(d)* Allowing one year at a normal school at a cost of $250. *e* This is the additional cost of a school of three months for the non-attending persons of school age according to the returns for 1881; other returns can be made for 1882. *f* This is an expense incurred by each parent, and, though not a public tax, is a part of the additional expense to be incurred by the communities.

TABLE 21.—*Table drawn from the returns of school statistics from the Southern States and District of Columbia for the year* 1881, *showing the number of youth not enrolled in school and the expense of supplying them with the necessary school-houses and teachers and the books for a school of three-months' length for the first year.*

| Southern States and District of Columbia. | Number of school age not enrolled in school. | Number of school-houses and teachers required for them. | Cost of building school-houses required. | Cost of qualifying teachers. | Cost of a three-months' school-teacher's wages. | Cost of books for pupils. | Total cost of school-houses, expense of preparation of teachers, pay of teachers, and school-books. |
|---|---|---|---|---|---|---|---|
| Alabama | 246,450 | *a*4,929 | *b*$1,478,700 | *c*$1,232,250 | *d*$443,610 | *e*$7,393 | $3,161,953 |
| Arkansas | 174,097 | 3,482 | 1,044,600 | 870,500 | 313,380 | 5,223 | 2,233,703 |
| California | | | | | | | |
| Colorado | | | | | | | |
| Connecticut | | | | | | | |
| Delaware | 8,163 | 163 | 48,900 | 40,750 | 15,570 | 244 | 105,464 |
| Florida | 49,362 | 987 | 296,100 | 246,750 | 88,830 | 1,485 | 633,965 |
| Georgia | 216,819 | 4,336 | 1,300,800 | 1,084,000 | 390,240 | 6,504 | 2,781,544 |
| Illinois | | | | | | | |
| Indiana | | | | | | | |
| Iowa | | | | | | | |
| Kansas | | | | | | | |
| Kentucky | 315,198 | 6,304 | 1,891,200 | 1,576,000 | 567,360 | 9,456 | 4,044,016 |
| Louisiana | 209,044 | 4,181 | 1,254,300 | 1,045,250 | 376,290 | 6,271 | 2,682,111 |
| Maine | | | | | | | |
| Maryland | 160,292 | 3,206 | 961,800 | 801,500 | 288,540 | 4,809 | 2,056,649 |
| Massachusetts | | | | | | | |

TABLE 21.—*Table drawn from the returns of school statistics for the Southern States and District of Columbia for the year* 1881, *&c.*—Continued.

| Southern States and District of Columbia. | Number of school age not enrolled in school. | Number of school-houses and teachers required for them. | Cost of building school-houses required. | Cost of qualifying teachers. | Cost of a three-months' school-teacher's wages. | Cost of books for pupils. | Total cost of school-houses, expense of preparation of teachers, pay of teachers, and school-books. |
|---|---|---|---|---|---|---|---|
| Michigan | | | | | | | |
| Minnesota | | | | | | | |
| Mississippi | 182,675 | 3,653 | $1,095,900 | $913,250 | $328,770 | $5,479 | $2,343,399 |
| Missouri | 247,108 | 4,942 | 1,482,600 | 1,235,500 | 444,780 | 7,413 | 3,170,293 |
| Nebraska | | | | | | | |
| Nevada | | | | | | | |
| New Hampshire | | | | | | | |
| New Jersey | | | | | | | |
| New York | | | | | | | |
| North Carolina | 227,356 | 4,547 | 1,364,100 | 1,136,750 | 409,230 | 6,820 | 2,916,900 |
| Ohio | | | | | | | |
| Oregon | | | | | | | |
| Pennsylvania | | | | | | | |
| Rhode Island | | | | | | | |
| South Carolina | 128,821 | 2,576 | 772,800 | 644,000 | 231,840 | 3,864 | 1,652,504 |
| Tennessee | 262,407 | 5,248 | 1,574,400 | 1,312,000 | 472,320 | 7,822 | 3,366,542 |
| Texas | 43,741 | 875 | 262,500 | 218,750 | 78,750 | 1,312 | 561,312 |
| Vermont | | | | | | | |
| Virginia | 317,619 | 6,352 | 1,905,600 | 1,588,000 | 571,680 | 9,528 | 4,074,808 |
| West Virginia | 67,988 | 1,359 | 407,700 | 339,750 | 122,310 | 2,038 | 871,798 |
| Wisconsin | | | | | | | |
| Alaska | | | | | | | |
| Arizona | | | | | | | |
| Dakota | | | | | | | |
| District of Columbia | 16,259 | 325 | 97,500 | 81,250 | 29,250 | 487 | 208,487 |
| Total | 2,873,399 | 57,465 | 17,239,500 | 14,366,250 | 5,172,750 | 86,148 | 36,864,648 |

*a* Allowing one teacher to each fifty pupils.
*b* Allowing one school-house at a cost of $300 to fifty pupils.
*c* Allowing one year at a normal school at a cost of $250.
*d* This is the additional cost of a school of three months for the non-attending persons of school age, according to the returns for 1881; other returns can be made for 1882.
*e* This is an expense incurred by each parent, and, though not a public tax, is a part of the additional expense to be incurred by the community.

TABLE 22.—*Table based on returns to the Bureau of Education for* 1881, *showing legal schoolpopulation; total school expenditure; per capita of school expenditure; proportion of* $15,000,000 *based on number of persons by census of* 1880 *ten years old and upward who cannot read; proportion of* $15,000,000 *to per capita of school population of* 1881; *total of school expenditure including* $15,000,000; *and total per capita expenditure including* $15,000,000.

| States and Territories. | School population, 1881. | Total school expenditure, 1881. | Per capita of school expenditure, 1881. | Proportion of $15,000,000, national aid, based on illiteracy of 1880. | Per capita of $15,000,000, to school population, 1881. | Total of school expenditure, 1881, increased by proportion of $15,000,000 based on illiteracy of 1880. | Per capita of school expenditure, 1881, increased by proportion of $15,000,000. |
|---|---|---|---|---|---|---|---|
| Alabama | 422,739 | $410,690 | $0 97 | $1,127,869 83 | $2 66 | $1,538,559 83 | $3 64 |
| Arkansas | 272,841 | 388,412 | 1 42 | 466,735 53 | 1 71 | 855,147 53 | 3 13 |
| California | 211,237 | 3,047,605 | 14 42 | 147,983 82 | 70 | 3,195,588 82 | 15 12 |
| Colorado | 40,804 | 557,151 | 13 65 | 28,373 77 | 69 | 585,524 77 | 14 34 |
| Connecticut | 143,745 | 1,476,691 | 10 27 | 63,933 36 | 44 | 1,540,624 36 | 10 71 |
| Delaware | 37,285 | 207,281 | 5 56 | 51,514 96 | 1 38 | 258,795 96 | 6 94 |
| Florida | 88,677 | 114,895 | 1 29 | 213,887 07 | 2 46 | 328,782 07 | 3 75 |
| Georgia | 461,016 | 498,533 | 1 08 | 1,360,596 42 | 2 95 | 1,859,129 42 | 4 03 |
| Illinois | 1,002,222 | 7,858,414 | 7 84 | 294,880 21 | 29 | 8,153,294 21 | 8 13 |
| Indiana | 714,343 | 4,528,754 | 6 34 | 213,244 37 | 29 | 4,741,998 37 | 6 63 |
| Iowa | 594,730 | 5,129,819 | 8 62 | 85,644 38 | 14 | 5,215,463 38 | 8 76 |
| Kansas | 348,179 | 1,976,397 | 5 67 | 77,682 14 | 22 | 2,054,079 14 | 5 90 |
| Kentucky | 553,638 | 1,248,524 | 2 25 | 786,434 56 | 1 42 | 2,034,958 56 | 3 67 |
| Louisiana | 271,414 | 441,484 | 1 62 | 905,612 35 | 3 33 | 1,347,096 35 | 4 96 |
| Maine | 213,927 | 1,089,414 | 5 09 | 55,379 33 | 25 | 1,144,793 33 | 5 35 |
| Maryland | 319,201 | 1,604,580 | 5 02 | 339,284 80 | 1 06 | 1,943,864 80 | 6 08 |
| Massachusetts | 312,680 | 5,776,542 | 18 47 | 230,384 21 | 73 | 6,006,926 21 | 19 21 |
| Michigan | 518,294 | 3,418,233 | 6 59 | 143,503 15 | 27 | 3,561,736 15 | 6 87 |
| Minnesota | 300,923 | 1,466,492 | 4 87 | 62,598 35 | 20 | 1,529,090 35 | 5 08 |
| Mississippi | 419,963 | 757,758 | 1 80 | 961,354 15 | 2 28 | 1,719,112 15 | 4 09 |
| Missouri | 723,484 | 3,152,178 | 4 35 | 422,839 63 | 58 | 3,575,017 63 | 4 94 |
| Nebraska | 152,824 | 1,165,103 | 7 62 | 23,850 18 | 15 | 1,188,953 18 | 7 78 |
| Nevada | 10,533 | 140,419 | 13 33 | 11,279 34 | 1 07 | 151,698 34 | 14 40 |
| New Hampshire | 60,899 | 577,022 | 9 47 | 36,497 17 | 59 | 613,519 17 | 10 07 |
| New Jersey | 335,631 | 1,914,447 | 5 70 | 119,208 26 | 35 | 2,033,655 26 | 6 05 |
| New York | 1,662,122 | 10,923,402 | 6 57 | 507,539 75 | 30 | 11,430,941 75 | 6 87 |
| North Carolina | 468,072 | 409,659 | 87 | 1,120,692 94 | 2 39 | 1,530,351 94 | 3 26 |
| Ohio | 1,063,337 | 8,133,622 | 7 65 | 264,252 68 | 24 | 8,397,874 68 | 7 89 |
| Oregon | 61,641 | 318,331 | 5 16 | 16,375 30 | 26 | 334,706 30 | 5 43 |
| Pennsylvania | 1,422,377 | 7,994,705 | 5 62 | 445,136 35 | 31 | 8,439,841 35 | 5 93 |
| Rhode Island | 53,077 | 549,937 | 10 36 | 53,170 98 | 1 00 | 603,107 98 | 11 56 |
| South Carolina | 262,279 | 345,634 | 1 31 | 980,141 88 | 3 73 | 1,325,775 88 | 5 05 |
| Tennessee | 545,875 | 638,009 | 1 16 | 1,201,296 71 | 2 20 | 1,839,305 71 | 3 36 |
| Texas | 230,527 | 753,346 | 3 26 | 780,455 26 | 3 37 | 1,533,801 26 | 6 65 |
| Vermont | 99,463 | 447,252 | 4 99 | 39,576 68 | 39 | 486,828 68 | 4 89 |
| Virginia | 556,665 | 1,100,239 | 1 97 | 1,098,067 77 | 1 95 | 2,198,306 77 | 3 94 |
| WestVirginia | 213,191 | 761,259 | 3 57 | 158,516 89 | 74 | 919,766 89 | 4 31 |

TABLE 22.—*Table based on returns to the Bureau of Education for* 1881, *&c.*—Continued.

| States and Territories. | School population, 1881. | Total school expenditure, 1881. | Per capita of school expenditure, 1881. | Proportion of $15,000,000, national aid, based on illiteracy of 1880. | Per capita of $15,000,000 to school population, 1881. | Total of school expenditure, 1881, increased by proportion of $15,000,000 based on illiteracy of 1880. | Per capita of school expenditure, 1881, increased by proportion of $15,000,000. |
|---|---|---|---|---|---|---|---|
| Wisconsin | 491,358 | $2,279,103 | $4 65 | $117,858 88 | $0 23 | $2,396,961 88 | $4 87 |
| Alaska | | | | | | | |
| Arizona | 9,571 | 44,628 | 4 66 | 16,740 82 | 1 74 | 61,368 82 | 6 41 |
| Dakota | 38,815 | 314,484 | 8 10 | 9,424 32 | 24 | 324,908 32 | 8 37 |
| District of Columbia | 43,588 | 527,312 | 12 10 | 65,613 89 | 1 50 | 592,925 89 | 13 61 |
| Idaho | 7,520 | 44,840 | 5 96 | 4,215 66 | 56 | 49,055 66 | 6 52 |
| Indian Territory, Cherokees | | | | | | | |
| Indian Territory, Chickasaws | | | | | | | |
| Indian Territory, Choctaws | | | | | | | |
| Indian Territory, Creeks | | | | | | | |
| Indian Territory, Seminoles | | | | | | | |
| Montana | 9,895 | 55,781 | 5 63 | 4,660 38 | 47 | 60,441 38 | 6 10 |
| New Mexico | 29,255 | 28,973 | 99 | 161,419 72 | 5 51 | 190,392 72 | 6 50 |
| Utah | 42,353 | 199,264 | 4 70 | 14,776 15 | 34 | 214,040 15 | 5 05 |
| Washington | 23,899 | 114,379 | 4 78 | 9,719 79 | 40 | 124,098 79 | 5 19 |
| Wyoming | 4,112 | 28,504 | 6 94 | 1,300 64 | 31 | 29,804 64 | 7 24 |

TABLE 23.—*Showing the sum of money which each State and Territory would receive in the division of* $15,000,000 *among them all in proportion to their relative population ten years of age and upwards who cannot write (census of* 1880, 6,239,958).

NEW ENGLAND STATES.

| Relative amounts used by each State. | State. | Number who cannot write. | Amount. |
|---|---|---|---|
| 33 | Maine | 22,170 | $53,429 70 |
| 36 | New Hampshire | 14,302 | 34,467 82 |
| 35 | Vermont | 15,837 | 38,167 17 |
| 19 | Massachusetts | 92,980 | 224,081 80 |
| 32 | Rhode Island | 24,793 | 59,751 13 |
| 30 | Connecticut | 28,424 | 68,501 84 |
| | Total | 198,506 | 478,399 46 |

MIDDLE STATES.

| | | | |
|---|---|---|---|
| 12 | New York | 219,600 | 529,236 00 |
| 26 | New Jersey | 53,249 | 128,320 09 |
| 11 | Pennsylvania | 228,014 | 549,513 74 |
| 34 | Delaware | 19,414 | 46,787 74 |
| | Total | 520,277 | 1,253,857 57 |

SOUTHERN STATES.

| | | | |
|---|---|---|---|
| 3 | Alabama | 433,447 | 1,044,607 27 |
| 14 | Arkansas | 202,015 | 486,856 15 |
| 21 | Florida | 80,183 | 193,241 03 |
| 1 | Georgia | 520,416 | 1,254,202 56 |
| 8 | Kentucky | 348,392 | 839,624 72 |
| 9 | Louisiana | 318,380 | 767,295 80 |
| 16 | Maryland | 134,488 | 324,116 08 |
| 6 | Mississippi | 373,201 | 899,414 41 |
| 13 | Missouri | 208,754 | 503,097 14 |
| 2 | North Carolina | 463,975 | 1,118,179 75 |
| 7 | South Carolina | 369,848 | 892,333 68 |
| 5 | Tennessee | 410,722 | 989,840 02 |
| 10 | Texas | 316,432 | 762,601 12 |
| 4 | Virginia | 430,352 | 1,037,148 32 |
| 20 | West Virginia | 85,376 | 205,756 16 |
| | Total | 4,695,981 | 11,318,394 21 |

WESTERN STATES.

| | | | |
|---|---|---|---|
| 15 | Illinois | 145,397 | 350,406 77 |
| 18 | Indiana | 110,761 | 266,934 01 |
| 27 | Iowa | 46,609 | 112,327 69 |
| 28 | Kansas | 39,476 | 95,137 16 |
| 22 | Michigan | 63,723 | 153,572 43 |
| 29 | Minnesota | 34,546 | 83,255 86 |
| 17 | Ohio | 131,841 | 317,736 81 |
| 24 | Wisconsin | 55,558 | 133,894 78 |
| | Total | 627,911 | 1,513,265 51 |

TABLE 23.—*Showing the sum of money which each State and Territory would receive, &c.*—Continued.

PACIFIC STATES.

| Relative amounts used by each State. | State. | Number who cannot write. | Amount. |
|---|---|---|---|
| 25 | California | 53,430 | 128,766 30 |
| 38 | Colorado | 10,474 | 25,242 34 |
| 37 | Nebraska | 11,528 | 27,782 08 |
| 43 | Nevada | 4,069 | 9,806 29 |
| 40 | Oregon | 7,423 | 17,889 43 |
| | Total | 86,924 | 209,486 44 |

TERRITORIES AND DISTRICT OF COLUMBIA.

| | | | |
|---|---|---|---|
| 41 | Arizona | 5,842 | 14,079 22 |
| 42 | Dakota | 4,821 | 11,618 61 |
| 45 | Idaho | 1,778 | 4,284 98 |
| 46 | Montana | 1,707 | 4,113 87 |
| 23 | New Mexico | 57,156 | 137,745 96 |
| 39 | Utah | 8,826 | 20,970 86 |
| 44 | Washington | 3,889 | 9,372 49 |
| 47 | Wyoming | 556 | 1,339 96 |
| 31 | District of Columbia | 25,778 | 62,114 98 |
| | Total | 110,353 | 265,640 93 |

The amount to each illiterate who cannot write is $2.41; to each who cannot read it is about $3.00.

TABLE 24.—*Table showing the sum of money which each State and Territory would receive in the division of* $15,000,000 *among them all in proportion to their relative population ten years of age and upward who cannot read (census,* 1880).

| States and Territories. | No. of such illiterates in each State. | Proportion of $15,000,000 to each State. |
|---|---|---|
| Alabama | 370,279 | $1,127,869 83 |
| Arizona | 5,496 | 16,740 82 |
| Arkansas | 153,229 | 466,735 53 |
| California | 48,583 | 147,983 82 |
| Colorado | 9,321 | 28,373 77 |
| Connecticut | 20,986 | 63,933 36 |
| Dakota | 3,094 | 9,424 32 |
| Delaware | 16,912 | 51,514 96 |
| District of Columbia | 21,541 | 65,613 89 |
| Florida | 70,219 | 213,887 07 |
| Georgia | 466,683 | 1,360,596 42 |
| Idaho | 1,384 | 4,215 66 |
| Illinois | 96,809 | 294,880 21 |
| Indiana | 70,008 | 213,244 77 |
| Iowa | 28,117 | 85,644 38 |
| Kansas | 25,503 | 77,682 14 |
| Kentucky | 258,186 | 786,434 56 |
| Louisiana | 297,312 | 905,612 35 |

TABLE 24.—*Table showing sum of money, &c.*—Continued.

| States and Territories. | No. of such illiterates in each State. | Proportion of $15,000,000 to each State. |
|---|---|---|
| Maine | 18,181 | $55,379 33 |
| Maryland | 111,387 | 339,284 80 |
| Massachusetts | 75,635 | 230,384 21 |
| Michigan | 47,112 | 143,503 15 |
| Minnesota | 20,551 | 62,598 35 |
| Mississippi | 315,612 | 961,354 15 |
| Missouri | 138,818 | 422,839 63 |
| Montana | 1,530 | 4,660 38 |
| Nebraska | 7,830 | 23,850 18 |
| Nevada | 3,703 | 11,279 34 |
| New Hampshire | 11,982 | 36,497 17 |
| New Jersey | 39,136 | 119,208 26 |
| New Mexico | 52,994 | 161,419 72 |
| New York | 166,605 | 507,539 75 |
| North Carolina | 367,890 | 1,120,692 94 |
| Ohio | 86,754 | 264,252 68 |
| Oregon | 5,376 | 16,375 30 |
| Pennsylvania | 146,138 | 445,136 35 |
| Rhode Island | 17,456 | 53,170 98 |
| South Carolina | 321,780 | 980,141 88 |
| Tennessee | 394,385 | 1,201,296 71 |
| Texas | 256,223 | 780,455 26 |
| Utah | 4,851 | 14,776 15 |
| Vermont | 12,993 | 39,576 68 |
| Virginia | 360,495 | 1,098,067 77 |
| Washington | 3,191 | 9,719 79 |
| West Virginia | 52,041 | 158,516 89 |
| Wisconsin | 38,693 | 117,858 88 |
| Wyoming | 427 | 1,300 64 |
| Total | 4,923,451 | 15,000,000 00 |

Mr. President, the Committee on Education and Labor has also reported another bill, the purpose of which is to provide a perpetual fund for distribution among the States and Territories for the support of common schools. For the first ten years it is proposed that that distribution be made on the basis of illiteracy, and ever afterward on that of actual population. The proposition is to found a fund, and to increase that fund by placing to its account every year the proceeds of the sales of public lands and one-half the income from the land-grant railroads of the country, so called, and to distribute not the money itself thus received, but the interest thereof.

Of course, at the beginning the amount for distribution would be very trifling, as the interest upon the three, four, or five million, whatever the amount might be, which would be passed to the credit of this fund as the accumulation from the two sources mentioned, for the first year would be very little indeed; but gradually it would increase, and in the course of ten years the amount of interest that would be likely to accrue for distribution would become of essential consequence. It might reach in ten years the amount of three or four million dollars, and ever afterward it would continue to increase.

That bill has in substance been before the country for ten or twelve years. The honorable Senator from Massachusetts [Mr. HOAR] whom I do not now see in his seat was one of the earliest and strongest advocates of that measure, and the honorable Senator from Vermont [Mr. MORRILL] has identified his name with it as he has with so many other of the great measures of legislation which have been enacted during the last twenty years in this country. That measure has received the sanction of the Senate upon, I think, more than one occasion. It has failed to pass the House of Representatives heretofore. At some time that bill will come up for consideration by the Senate.

The Committee on Education and Labor looked upon these two bills as entirely harmonious in their relation with each other, the one now being discussed relating only to a temporary exigency, proposing to distribute a larger amount of money immediately to reach an existing difficulty, in order to equalize the educational condition of the country as a whole, and the other bill would naturally supplement it, and about the time the fund from the temporary-aid bill shall disappear something substantial will be coming from this.

I make these remarks at this time in order that I may introduce, as bearing upon the general subject of national aid to education and as contributing something to the symmetry of the discussion, which must include that bill earlier or later, certain documentary matter. I present table No. 25, showing the aggregate amount received from the disposal of public lands in the past twenty years, and one-half the yearly amount received from the railroads, and the yearly income to be derived upon an average yearly amount at 4 per cent. for each of the next ten years for school purposes; a like table, No. 26, giving the income from railroads for three and a half years; and table No. 27, showing the disposals of the public lands and the amount received therefrom in each fiscal year from July 1, 1862, to June 30, 1882, inclusive. I think these tables, in connection with the others which I have already introduced, will furnish to the Senate and to everybody practically all the statistical information that exists in this country in the possession of the Government, from its archives, as bearing on the subject-matter of education.

TABLE 25.—*Showing aggregate amount received from the disposal of public lands in the past twenty years, $49,874,303.38; average amount per year, $2,443,715.17; one-half of the yearly amount received from railroads, $223,689.92.*

| Years. | Fund. | Income for distribution. | To schools. | To agricultural colleges. |
|---|---|---|---|---|
| First year | $2,667,405 09 | $106,696 20 | $71,130 80 | $35,565 40 |
| Second year | 5,334,810 18 | 213,392 40 | 142,261 60 | 71,130 80 |
| Third year | 8,002,215 27 | 320,088 60 | 213,392 40 | 106,696 20 |
| Fourth year | 10,669,620 36 | 426,784 80 | 284,523 20 | 142,261 60 |
| Fifth year | 13,337,025 45 | 533,481 00 | 355,654 00 | 177,827 00 |
| Sixth year | 16,004,430 54 | 640,177 20 | 426,784 80 | 213,392 40 |
| Seventh year | 18,671,835 63 | 746,873 40 | 497,915 60 | 248,957 80 |
| Eighth year | 21,339,240 72 | 853,569 60 | 569,046 40 | 284,523 20 |
| Ninth year | 24,006,645 81 | 960,265 80 | 640,177 20 | 320,088 60 |
| Tenth year | 26,674,050 90 | 1,066,962 00 | 711,308 00 | 355,654 00 |

TABLE 26.—*List of cash payments into the Treasury of the United States made by the Central Pacific Railroad Company on account of "25 per cent. of net earnings," under the act of May 7, 1878, from July 1, 1878, to December 31, 1881:*

| | |
|---|---|
| Six months ending December 31, 1878 (report for 1879, page 38) | $181,329 51 |
| Twelve months ending December 31, 1879 (report for 1880, page 37) | 229,076 32 |
| Twelve months ending December 31, 1880 (report for 1881, page 20) | 144,436 74 |
| Twelve months ending December 31, 1881 (report for 1882, page 27) | 79,149 91 |
| Total for three and a half years | 663,992 48 |

Amounts found to be due in cash from the Union Pacific Railway Company on account of "25 per cent. of net earnings," under the act of May 7, 1878, for the period from July 1, 1878, to December 31, 1881; but owing to questions in dispute payments have not yet been made by the company (see report for 1882, pages 14 and 33):

| | | |
|---|---|---|
| Six months ending December 31, 1878 (report for 1881, page 14) | | $422,779 31 |
| Twelve months ending December 31, 1879 (report for 1881, page 14) | | 524,038 38 |
| Twelve months ending December 31, 1880 (report for 1881, page 16) | | 721,993 08 |
| Twelve months ending December 31, 1881 (report for 1882, page 34) | | 590,191 31 |
| Total for three and a half years | | 2,259,002 08 |
| Less amounts due the company for services rendered prior to the act, which had been withheld by the Treasury Department, namely: | | |
| Union Pacific (report for 1881, page 18) | $491,244 34 | |
| Kansas Pacific (report for 1881, page 18) | 865,920 71 | |
| | | 1,357,165 05 |
| Due United States in cash | | 901,837 03 |

| | |
|---|---|
| January 6, 1883.—Payments made during the last three and a half years by the Central Pacific, average yearly | 189,712 13 |
| Claimed by Government to be due, but nothing paid by Union Pacific, yearly average | 257,667 72 |
| Total per year | 447,379 85 |
| One-half of same | 223,689 92 |

GENERAL LAND OFFICE, *January 8, 1883.*

TABLE 27.—*Statement showing the disposals of the public lands and the amount received therefrom in each fiscal year from July 1, 1862, to June 30, 1882, inclusive:*

| Year. | Acres. | Amount. |
|---|---|---|
| 1863 | 2,966,698.43 | $232,239 68 |
| 1864 | 3,281,865.52 | 797,817 92 |
| 1865 | 4,513,738.46 | 900,131 16 |
| 1866 | 4,629,312.87 | 824,645 08 |
| 1867 | 7,041,114.50 | 1,347,852 52 |
| 1868 | 6,655,742.50 | 1,632,745 90 |
| 1869 | 7,666,151.97 | 4,472,886 28 |
| 1870 | 8,095,413.00 | 3,663,513 90 |
| 1871 | 10,765,705.39 | 2,929,284 70 |
| 1872 | 11,864,975.64 | 3,218,100 60 |
| 1873 | 13,030,606.87 | 3,408,515 50 |
| 1874 | 9,530,872.93 | 2,469,938 50 |
| 1875 | 7,070,271.29 | 1,784,001 27 |
| 1876 | 6,524,326.36 | 1,747,215 85 |
| 1877 | 4,849,767.70 | 1,452,969 23 |
| 1878 | 8,686,178.88 | 2,022,532 16 |
| 1879 | 9,333,383.29 | 1,883,113 56 |
| 1880 | 14,792,371.65 | 2,290,161 60 |
| 1881 | 10,128,175.25 | 4,402,112 53 |
| 1882 | 13,998,780.27 | 7,759,898 82 |

In addition to the area and amount given for 1882 there were disposed of Indian lands 310,386.13 acres for $634,617.22, which, added to the total for 1882, make a grand total for 1882 of 14,309,166.40 acres and $8,394,516.04.

Mr. President, I now come to certain propositions which I think are fairly deducible from the premises already laid down. These propositions are, I think, true:

First. That intelligence and virtue generally diffused among the masses of the people are necessary conditions to the existence of republican governments in the nation and in the States.

Second. That in so far as ignorance and vice exist republican governments fail, and that although the forms of freedom may continue, yet the substance will be eaten out and ultimately the fabric itself will fall.

Third. That there is now in all parts of the country a dangerous degree of ignorance among the people, and that those invested with the

sovereignty, which is the suffrage, are by reason of ignorance to a dangerous degree unfitted to exercise the functions of government.

Fourth. That this mass of ignorance is increasing and not diminishing, although there has been a slightly greater increase of population than of illiteracy relatively during the decade from 1870 to 1880 in the country as a whole.

Fifth. That in many parts of the country conditions are growing rapidly worse rather than better, and that the evil is of that peculiar nature that the local power and disposition to apply the remedy grows less as the necessity for it increases.

Sixth. That the danger to the country is everywhere, although the disease may be largely local; that ignorance anywhere circulates everywhere and poisons the political and social life of each State and of the whole people.

Seventh. That the remedy must be applied by those who perceive the danger; that if there is anywhere indifference to the remedy it proves that there is the more occasion for its use, and that the insensibility of the patient requires at once such measures on the part of those still in relatively sound health as will prevent the spreading of the plague; and that the cry of physicians and nurses for help should control our action rather than the convulsions or the stolidity of the patient.

Eighth. But in this case there is neither indifference nor stolidity; there is simply an inability to combat the plague unaided and a cry of distress. Ignorance is worse in a republic than the pestilence.

Ninth. That the exceptional degree of illiteracy prevailing in some parts of the country as it constitutes a common danger so it is the result historically of causes for which the whole country is responsible; and that those portions of the land which have been free from the immediate presence of the institution to which we trace the evil are not without participation in the guilt, as well as the lucre, which appertained to it.

That everywhere the pharisee business is played out and the prayer of the publican is in order.

Tenth. Those parts of the country where there is least illiteracy have as a rule received already very largely pecuniary assistance from sources which originated in fortunate location and the wise providence of those who lived before them; and that there is justice in the request for help made by those whose ancestors acquired and defended the soil whereon these happy millions and glorious institutions now repose in prosperity and strength.

Eleventh. That there is no State or Territory in the Union where the facilities for common-school education should not be greatly increased, and none where twice the amount of expenditure and effort now going on might not profitably be made.

Twelfth. That local taxation is very heavy, falling chiefly upon homesteads and visible personal property and the estates of those least able to bear taxation, which should come from the surplus of society and not from its primary means of existence, while the national income is derived mainly from things either better not consumed at all, and therefore the more heavily taxed the better still, because there will be the less of that harm which comes from consumption, or from articles paid for by those who have the surplus earnings and accumulated wealth of society.

Thirteenth. That since, at the present time, national taxation is far less burdensome to the masses of the people, upon whom falls much more heavily the weight of the support of State and local institutions, and also since the existence of the nation is as much imperiled by ignorance as the perpetuity of the States, therefore the common good requires the appropriation of national aid to the support and maintenance of common schools.

Fourteenth. That this aid should be distributed in such way and should so long continue as is necessary, in order to equalize the facilities for common-school education, and to once elevate the status of the masses of the community to a high standard of intelligence, at which point and after which the community would, in self-defense and from the instinct which inclines men to keep a good when they possess it, be sure to educate itself sufficiently without national help. This is proved: That systems of education are best supported and most firmly fixed in the most intelligent States. Those States would as soon surrender their liberties as their schools. They are synonymous.

I now pass to consider the ability of the different sections to bear taxation. The ability of communities to bear taxation is not in proportion to their relative total wealth or property. But there must first be deducted as properly exempt from any imposition so much property and producing power as is necessary to subsistence, and taxation can not be sustained except upon the surplus remaining, if any. The valuation per capita of the New England States is $661; of the Middle States, $473; of the Western States, $334; of the Territories, $211; of the Southern States, $155; of the colored population, not over $5; average of whole country, $337.

But the ability to bear taxation depends upon producing power at the time the levy is made as much as upon accumulated property, for property will not sell and consequently can not pay unless producing forces are active.

The census shows that from 1870 to 1880 in the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee, thirteen States, there was a net loss in valuation of $202,868,844. In Texas there was a gain of $170,631,586; in Georgia, $12,253,080; North Carolina, $25,721,580; total, $208,606,246. Consequently the total loss of valuation in the other ten States enumerated was the enormous sum of $411,475,090 in ten years.

Bear in mind these are not the ten years during which the slaves were liberated. These were the ten years between 1870 and 1880.

Mr. MILLER, of New York. If it will not interrupt the Senator, I should like to ask him if it is not possible that that difference or shrinkage of value in some of the Southern States is accounted for by the difference in the value of money in the census reports, being currency in 1870 and gold in 1880?

Mr. BLAIR. I can not say in regard to that. That is an open question upon which everybody can draw his own inference. But during the same time in the country at large, as the Senator knows, the aggregate valuation, which undoubtedly was made upon the same substantial basis in all parts of the country, very nearly doubled. It went from sixteen billion to thirty billion dollars or more, if I recollect aright. I will not vouch for the figures, but I think it was from sixteen to thirty billion dollars, the actual values. The Senator will observe, too, that in three of the States enumerated there was an actual increase: in North Carolina of $25,000,000, in Texas of $170,000,000, and in Georgia of $12,000,000. I apprehend that the valuation is substantially on the same basis.

Mr. EDMUNDS. How do you account for it?

Mr. BLAIR. I account for it in the actual diminution in the cash value of the property in those States, if the figures are worth anything.

Mr. EDMUNDS. But how do you account for it?

Mr. BLAIR. From the general influences that operated in that section of the country. I think the data before the country very plainly show in most of these same States a quickening and revival in the business tendencies and in the business activity of the people and a general inclination to the investment of capital from abroad. The people are turning their attention to industrial questions, and very rapidly. The face of the South is being transformed, and the old poetic quotation will come in one of these days; the South will really bud and blossom as the rose, and that before a great while. But between the years 1870 and 1880 we all know the condition of the Southern country, and I do not think I could elucidate the subject in such a way that it would be better understood than the honorable Senator from Vermont and others already understand it.

The lack of education among the masses of the people is undoubtedly one more reason why property depreciated; perhaps the greatest reason was the absence of schools, and that was one cause why Northern immigration failed to find its home in the South rather than in the West. If there is anything that a Northern man or a Northern family wants, it is a chance to educate the children; it will not go where there are no schools. It is only primarily by the establishment of schools that that portion of the country can avail itself of the natural tendencies to immigration in that direction, either of individuals or of capital largely.

The decrease in the losing States varied from 45 to 78 per cent. I call attention to the thread of what I was saying, showing a decrease in the valuation in ten of those States of $411,000,000. During the same ten years the increase of population was 4,006,982, which is I suppose at least 30 per cent. on the population of the same thirteen States in 1870.

Ignorance and poverty procreate faster than intelligence and wealth.

Again, ability to bear taxation for a certain purpose will depend upon the other existing demands for the application of revenue. In a great section of our country the fixed capital, the houses, structures of all kinds for residence and business of every description, highways, and other means of transportation, &c., were lately destroyed by fire and sword, and when for that reason they have to be replaced or must be produced as a primary condition to existence and advancement for any reason, the taxation, such as poor and struggling communities can bear, must be greatly absorbed in these uses. A community has certain primary physical necessities like an individual, and as he must eat before he learns to read, so the community must provide for some things even before it provides completely for the intellectual culture of its children; hence it would be expected for all these causes that the people in the Southern States would be able to pay far less for the support of common schools than other portions of the American people. Yet, as a fact, they pay in proportion to their valuation as much and in proportion to their capacity to be taxed a great deal more for the education of their children. It is not a question of effort, but of strength.

The rate per cent. of school to total taxation is, in New England, 20.2 per cent.; Middle States, 19.5 per cent.; Western States, 26.6 per cent.; Territories, 22.4 per cent.; Southern States, 20.1 per cent.; average, whole country, 22.6 per cent.

Mr. EDMUNDS. Do you mean on the total valuation?

Mr. BLAIR. No, the percentage of school taxation to the entire amount of taxation.

Mr. EDMUNDS. To a fixed ratio.

Mr. BLAIR. Taking the entire taxation of the country and dividing that taxation into groups, the New England States, the Middle States,

the Western States, the Territories, and the Southern States. In New England 20.2 per cent. of all taxation is given to education, to schools.

Mr. EDMUNDS. That percentage of the total for all purposes?

Mr. BLAIR. Of the amount of all taxes raised and collected. For instance, where there is $100,000 raised in any given community in New England, $20,200 of that $100,000 is applied to schools; in the Middle States, $19,500 of the $100,000 is applied to schools; in the Western States, $26,600 is applied to schools; in the Territories, $22,400 is applied to schools; in the Southern States, $20,100 is applied to schools; and the average for the whole country of every $100,000 of taxation is $22,600. It has a very important bearing on the merits of the proposition that this table be understood.

I now proceed to consider the increase of educational expenditure required. I have not dared to make these calculations up to what I think they really should be; they are the minimum. The education of children is a business just as much as the running of a government, or a line of transportation, or the raising of crops. A plant is first required. The child, ignorant of his letters, is the raw material; and, in theory at least, the young man or woman instructed in the rudiments of knowledge and skilled in the primary arts for its acquisition is the manufactured article.

Falling back upon the returns of the Bureau of Education of 1881, the latest and most reliable we have, and bearing in mind all that I have said in the early part of my remarks of the increase since that time and the enlarged proportions of the problem we are dealing with, I ask attention to the following facts:

In 1881 there were children of the school ages in the United States not enrolled, that is, not attending at all anywhere in public or private schools, 6,030,936.

I will here state that educators complain everywhere that they lack accommodations for those who are actually enrolled. There are no school-houses for their accommodation. In fact there are not sittings for more than are enrolled anywhere. A school-house for fifty pupils can not cost less than $300. We have, then, a necessity for increase of school-houses 120,567, and of teachers at least the same number. The houses would cost $36,170,100; if you fit the teachers with one year of instruction, at $250, $30,141,850; teachers' wages for three-months' school, at $30, boarding themselves, about 50 cents per day—one-third pay of diggers of ditches and short drains—$10,854,930; cost of books, which must be paid for by some one, $180,782; total, $77,347,662, to provide the plant and run it three months for the instruction of the children not now attending school at all in this country.

Take now the seventeen Southern States, including the District of Columbia. There were not-enrolled children of school ages returned to the bureau in the year 1881, 2,873,399; school-houses and teachers required, 57,465; cost of houses, at $300 each, $17,239,500; cost of fitting teachers, at $250 one year, $14,366,250; pay for three months, wages at $30 per month, teacher paying board, $5,172,750; school-books, $86,148—a total cost to provide for and instruct for three months the children not now enrolled in public or private schools $36,864,648, of which $31,692,898 is necessary before the schools could begin.

Now, all this done, in addition to what already exists north and south, the country would be only tolerably supplied with a school plant, the repair and reproduction of which, with constant increase of investment to perform properly the increasing educational work, must be provided for.

But it should be borne in mind that a school of three months leaves nine months of the year in which to forget what has been learned in the three. Many schools are far less in duration, and consist of but a single term during the year, some not more than three or four weeks, in fact. These averages are pernicious, inasmuch as it is like an effort to divide the crime or misery of the country according to population, and say that each person suffers 25 per cent. from cancer, or is three-fourths a lunatic, or 50 per cent. a murderer. But it is the best we can do, and in no event are we likely fully to grasp the tremendous significance of the solid facts. The schools in my opinion should be six months yearly, and be divided in two terms. That is enough; and the rest of the time of youth should be given to industrial improvement and recreation.

The actual yearly expenditures of all moneys for public schools in the whole country is at this time just about $80,000,000. I believe that to be a liberal estimate. Of this, in the sixteen Southern States, with the District of Columbia, there may be $14,000,000. In the year 1881 it was $13,359,784, as returned to the Commissioner of Education. The schools average about three months yearly.

If we deduct the $14,000,000 from $80,000,000 we have remaining as the expenditure in the rest of the country $66,000,000. As these Southern States have one-third the total population, in order to place that section upon an equality of privilege with the rest there should be, instead of $14,000,000, a yearly expenditure of $33,000,000 for her enrolled children, and none of these calculations make any provision for children not enrolled at all.

It is too low an estimate to say that in the North there should be an expenditure of $100,000,000 at once to increase school facilities, provide and qualify teachers for their work, and at least as much more in the South, or in the whole country, $200,000,000. Upon the present basis of expenditure in the North there would be $100,000,000 annually paid for the support of public schools in the whole country. If one-third the children are now unenrolled and unprovided for, there should be an increase in yearly expenditure of $50,000,000 on their account. This would make the annual cost of our public schools only $150,000,000, and would give to all the children of the whole country but six months' training each year, and to teachers only the pay of common laborers or less.

The proposition of the Senator from Illinois [Mr. LOGAN]—setting aside the source of supply from which he proposed to get the money which, would have a tendency to identify the support of the public schools with the prosperity of a business which I hope will yet disappear from the earth, which proposition was to appropriate about $80,000,000 yearly to schools—is really moderate when the necessities of the problem are fairly stated; and I take this occasion to say that the proposition of the Senator from Illinois divested of the objectionable feature referred to is worthy of a great statesman and far-seeing patriot. There is nothing the matter but our own failure to fully appreciate the stern requirements of the situation.

If fifty, eighty, or one hundred millions could be substituted for the fifteen millions proposed in this bill, and the whole distributed upon the basis of population, or of illiteracy, temporarily, it would be far better. But I have no hope of the adoption of such a measure, and the committee felt under the necessity of confining the amount to the comparative pittance of fifteen millions, which must necessarily, if not very largely increased, be confined to the dense clouds of ignorance where explosions are threatened; that is to say, it must be applied locally to the evil itself. In States which receive but little, comparatively little is wanted.

Even after $15,000,000 are divided upon the basis of illiteracy, the individual child will receive for his education in California, $15.12; in Colorado, $14.34; in Connecticut, $10.71; in Nevada, $14.40; in New Hampshire, $10.07; in Rhode Island, $11.36; in District of Columbia, $13.61, and in Massachusetts, $19.21.

While in Alabama he will receive $3.64; in Arkansas, $3.13; in Florida, $3.75; in Georgia, $4.03; in Kentucky, $3.67; in Louisiana, $4.96; in Mississippi, $4.09; in Virginia, $3.94; in West Virginia, $4.31; in North Carolina, $3.26; in South Carolina, $5.05.

While the immediate need in these last States is at least for double the education called for in the first group.

This bill appropriates $15,000,000 the first year, and will give to every State and Territory $3 for each person over ten years of age who can not read, and $2.41 for each person who can not write, lessening in amount, that is according to the basis of distribution, $1,000,000 yearly for ten years, when all payments are to cease.

The State will apply the funds and render a yearly account of the manner in which the work is done. The Executive, if dissatisfied, can withhold further expenditures, subject to the action of Congress.

Each State and Territory must expend for school purposes at least one-third the amount received during the first five years and an equal amount the second five years of the operation of the bill if it should become a law.

States receiving small amounts can expend the same for normal instruction, teachers' institutes, or otherwise, as they prefer. The amount that New Hampshire receives, for instance, would increase her normal school facilities more than threefold beyond the present expenditure of the State, or give 59 cents yearly to persons of school age.

The funds must be applied to schools and not to structures, not exceeding one-tenth to the qualification of teachers, which is the first necessity. The States are required to so use the fund as to bring about an actual equalization of school advantages to all children alike. Industrial education is provided for when practicable, which will be but seldom, although something may be done in suitable localities and in the way of beginning.

We are a great way deeper in the mire than we realize when we talk of doing much in the way of teaching trades and occupations before our children can half of them find a chance to learn to read. But it will come in time, and a beginning can now be made in the way of setting out a few young trees.

The Territories are of the utmost importance, and the bill undertakes to provide for them indispensable legislation, both in appropriations and administration.

The method of expenditure in the States is the same substantially which has already been adopted by the Senate in the passage of the bill establishing a national school fund from the proceeds of the sale of public lands, &c. As both parties have already indorsed that method of expenditure on more than one occasion, the committee, or at least a majority of its members, have thought best to avoid all chance for controversy on that subject by adopting that which, having been repeatedly sanctioned, can not now be repudiated with consistency.

I also embrace this fitting opportunity to say that I fully believe that the States will everywhere disburse the moneys received under this bill, if it becomes a law, in good faith and with as sacred regard to the demands of prudence and honor in one section of the country as in the other. For a year or two there may be some possible confusion in setting up and testing machinery, but in the existing condition of the public mind the better way is to give outright to the States and hold

them, as they desire to be held, to an undivided responsibility, to be redeemed upon their honor. We shall not trust to that honor in vain.

Mr. President, the absolute necessities of this nation and of these States, of their darkened present and of their portentous future, demand the appropriation of public money from a full Treasury to aid in the establishment and support of common schools throughout the country.

Sir, I appeal to the facts, and entreat the Senate to pass this bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the committee.

Mr. BAYARD. The termination of the Senator's speech has left the Senate, I think, unprepared to vote upon this matter without further discussion. I think there are other Senators who desire possibly to be heard upon the measure that he has brought before the Senate. I am not one of them; but I think that there should be the opportunity for discussion, and the accident of the moment seems to have prevented that by the absence of Senators. I move, therefore, that the Senate do now adjourn.

Mr. BLAIR. I hope that no action will be taken which will prevent this bill from coming up as the unfinished business to-morrow.

The PRESIDENT *pro tempore*. An adjournment will leave it the unfinished business.

Mr. BLAIR. I wish to say that there is not the slightest disposition——

The PRESIDENT *pro tempore*. The motion to adjourn is not debatable.

Mr. BLAIR. The Senator will consent, I think, to withdraw the motion.

Mr. BAYARD. I withdraw the motion to adjourn for the purpose of an explanation of the existing condition of business.

Mr. BLAIR. I wish to say that there is not any disposition on the part of the committee, certainly none on the part of myself, to prevent a full discussion of this bill. I know that several Senators desire to speak upon it. It is quite apparent, without its being said that the elements which must enter into the discussion, the examination of data, and all that appertains to wise legislation, where $15,000,000 of immediate expenditure and an accruing expenditure of over $100,000,000 are concerned, require careful thought and consideration on the part of the Senate. But it will be remembered that this measure came before the last Congress, and that there has been for years great urgency for action. It should be known either that there is or that there is not to be national aid to common schools. The attention of the country is turned in this direction, and has been for years. If the aid is not to be extended, they should know it in those communities where they are hoping for it, so as to fall back upon themselves. Therefore, I shall urge the consideration of this bill as rapidly as is consistent with thoroughness and propriety of action. I would not like to consent to its being displaced by any other bill on the Calendar. There are several Senators who I have no doubt will occupy the day to-morrow; and perhaps it is best that we should adjourn now.

PRINTING OF TESTIMONY.

Mr. PLATT. I wish to ask leave that the Committee on Patents may have printed for its use two hundred and fifty copies of some testimony taken before it in a hearing upon the bills relating to patent suits which are pending before the Senate. I do not know that it is necessary to put it in the form of a written motion; if it is, I will do so.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that it be at this time ordered that two hundred and fifty copies of the testimony taken before the Committee on Patents, relating to patent bills pending before the Senate, be printed for the use of the committee. Is there objection? The Chair hears no objection, and the order to print is entered.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

AMENDMENT TO A BILL.

Mr. BOWEN submitted an amendment intended to be proposed by him to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations; which was ordered to lie on the table, and be printed.

BILLS INTRODUCED.

Mr. BOWEN introduced a bill (S. 1873) for the relief of Thomas H. Norton and James McLean; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DAWES introduced a bill (S. 1874) for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail & Robinson; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Indian Affairs.

Mr. CALL introduced a bill (S. 1875) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read twice by its title, and referred to the Committee on Appropriations.

NAMING OF A PRESIDING OFFICER.

Mr. INGALLS. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Before putting the motion the Chair asks unanimous consent to say that it is quite probable he will be obliged to be absent to-morrow, and the Chair names the Senator from Ohio [Mr. SHERMAN] to occupy the chair in his absence for the next three days. The question is on the motion of the Senator from Kansas that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 24 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *March* 18, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of Monday.

Mr. SKINNER, of New York. I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions, &c., be dispensed with.

There was no objection.

The remainder of the Journal was then read and approved.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

Mr. EATON. I would like to ask unanimous consent for a moment.

The SPEAKER. The Chair cannot entertain that request pending the demand for the regular order.

Mr. EATON. I hope the gentleman from Illinois will withhold his demand for the regular order for a moment.

Mr. TOWNSHEND. I would be glad to accommodate my friend, but we want to dispose of this Post-Office appropriation bill to-day. After that I shall have no objection whatever to his request.

The SPEAKER. The regular order is the call of committees for reports.

Mr. TOWNSHEND. I move to dispense with the morning hour for the call of committees.

Mr. BELFORD. I hope that the gentleman from Illinois will not insist upon the regular order.

The SPEAKER. The Chair understands the gentleman from Illinois to insist upon his demand.

Mr. BELFORD. We ought to have an hour at least to go to business on the Speaker's table and take up bills that have passed the Senate.

Mr. TOWNSHEND. I insist upon the regular order.

The SPEAKER. The question is on the motion to dispense with the morning hour for the call of committees. This requires a two-thirds vote.

The motion was not agreed to.

The SPEAKER. The morning hour begins at 12 minutes past 12 o'clock.

CONTESTED-ELECTION CASE, WOOD VS. PETERS.

Mr. ELLIOTT, from the Committee on Elections, submitted a report in the case of Wood *vs.* Peters, accompanied by the following resolution; which was ordered to be printed and laid over:

*Resolved*, That S. R. Peters was duly elected a member of Congress from the State of Kansas and entitled to his seat.

Mr. BENNETT. I ask leave to present the views of the minority in that case, to be printed with the report of the committee.

There was no objection, and it was so ordered.

DIRECT TAX OF 1861.

Mr. MORRISON. I am directed by the Committee on Ways and Means to report back the resolution of inquiry which I send to the desk, and to ask that it lie on the table. The information is already to be found in a printed report.

The Clerk read the resolution, as follows:

*Resolved*, That the Secretary of the Treasury be, and is hereby, requested to furnish the House of Representatives with a tabulated statement showing as follows, to wit: The amount of money apportioned to and assessed upon the several States and Territories and District of Columbia under the act of Congress approved August 5, 1861, and acts supplemental thereto and amendatory thereof; the amount paid by and allowed to each thereof, with dates of each respective payment and allowance; the amount of the credits on account of the 10 and 15 per cent. deduction named in said acts, and dates of each of such credits; the amount of credits allowed each thereof from other sources, stating the source and nature and authority of such credits, and dates thereof, respectively; the total amount after deducting all such credits, allowances, and deductions; the total amount paid by and the total amount due by each and all thereof, respectively, and now remaining unpaid, including all taxes, collected and uncollected, proceeds from sales for non-payment of taxes, including amounts bid in excess of taxes, purchase-money refunded, and balance of proceeds from sales, as shown by the records of his Department at this date.

The resolution was ordered to lie on the table.

ELIZABETH COMSTOCK.

Mr. McKINLEY, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 498) to reimburse Elizabeth Comstock customs dues paid by her on articles for the relief of colored refugees; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS LYNCH.

Mr. HERBERT, from the Committee on Ways and Means, reported back with an adverse recommendation the bill (H. R. 265) for the relief of Thomas Lynch; which was laid on the table, and the accompanying report ordered to be printed.

JUDICIAL DISTRICTS OF TEXAS.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported, in lieu of House bills H. R. 2813 and H. R. 3802 referred to the committee, a bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas and to attach a part of the Indian Territory to said districts, and for other purposes; which was read a first and second time time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The bills in lieu of which this is reported will be laid upon the table.

Mr. CULBERSON, of Texas. The bill I have reported is intended to be a substitute for two bills.

The SPEAKER. There can not be a substitute for two bills. A substitute is of itself an amendment, and there can be an amendment but to one bill. The other two bills will be laid on the table.

TERMS OF COURT IN NORTH CAROLINA.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, also reported, as a substitute for H. R. 5110, a bill (H. R. 6075) to authorize terms of the circuit court of the United States for the eastern district of the State of North Carolina at the city of Wilmington, in the said district; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The bill for which this is reported as a substitute will be laid upon the table.

BRIDGES OVER RIO GRANDE RIVER.

Mr. REAGAN, from the Committee on Commerce, reported, as a substitute for H. R. 2829, a bill (H. R. 6076) to authorize the construction of a bridge for the transportation of street cars and other vehicles, horses and other animals, and pedestrians over the Rio Grande River between the city of Laredo, Tex., and Nueva Laredo, Mexico; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The bill for which this is reported as a substitute will be laid on the table.

Mr. REAGAN, from the Committee on Commerce, also reported, as a substitute for H. R. 2830, a bill (H. R. 6077) to authorize the construction of a bridge for the transportation of street cars and other vehicles, horses and other animals, and pedestrians over the Rio Grande River between the city of Eagle Pass, Tex., and Piedras Negras, Mexico; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 2830) was ordered to lie on the table.

ALIENS AS ENGINEERS AND PILOTS.

Mr. DAVIS, of Illinois, reported back with a favorable recommendation the bill (H. R. 782) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

STEAM VESSEL, ETC., FOR ALASKAN WATERS.

Mr. PETERS, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 2601) appropriating certain moneys for the construction of a steam vessel of the revenue marine and steam-launch for special service in Alaskan waters; which was referred to the Committee on Appropriations.

BRIDGES OVER MISSOURI RIVER.

Mr. PETERS, from the Committee on Commerce, also reported back with an amendment the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri; which was referred to the House Calendar, and, with the amendment and accompanying report, ordered to be printed.

Mr. PETERS, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 581) to authorize the construction of a bridge over the Missouri River at the city of Leavenworth, Kans.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS NIAGARA RIVER.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for H. R. 1045, a bill (H. R. 6078) to authorize the construction and maintenance of a bridge across the Niagara River; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 1045) was ordered to lie on the table.

BRIDGE ACROSS THE HUDSON RIVER.

Mr. SEYMOUR, from the Committee on Commerce, also reported, as a substitute for H. R. 2426, a bill (H. R. 6079) to authorize the construction of a bridge across the Hudson River, between Storm King and Breakneck Mountains, in the State of New York; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 2426 was ordered to lie on the table.

GEORGE S. FISHER.

Mr. HITT. I am instructed by the Committee on Foreign Affairs to report back the memorial of George S. Fisher, late consul at Beirut, and to ask that it be referred to the Committee on Appropriations.

The SPEAKER. Under the rules of the House the reference can be made through the petition-box.

Mr. HITT. There is a written report, recommending that the memorial be referred to the Committee on Appropriations.

The SPEAKER. Under the rules of the House the committee can make the proper indorsement on the memorial and put it in the petition-box, sending it to the Committee on Appropriations.

STATE WAR CLAIMS.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with an amendment the joint resolution (H. Res. 172) amendatory of the act of June 27, 1882, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of the claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasions and suppressing Indian hostilities, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COURTS-MARTIAL.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with an amendment the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

HARRY S. KELLOGG.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported a bill (H. R. 6080) for the relief of Harry S. Kellogg, administrator of the estate of Lyman M. Kellogg; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONDEMNED ORDNANCE.

Mr. MURRAY, from the Committee on Military Affairs, reported adversely the following; which were severally laid on the table, and the accompanying reports ordered to be printed.

A bill (H. R. 5392) to donate condemned cannon to Ezra Griffin Post 139, Grand Army of the Republic, of Scranton, Pa.; and

A bill (H. R. 5393) to donate condemned ordnance to the Scranton Veteran Soldiers' Association of Scranton, Lackawanna County, Pennsylvania.

PROMOTION OF JUDGE-ADVOCATES.

Mr. MORGAN, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 206) to provide promotion in the corps of judge-advocates; which was placed on the House Calendar, and the accompanying report ordered to be printed.

PROMOTION OF SERGEANTS IN SIGNAL CORPS.

Mr. MORGAN, from the Committee on Military Affairs, also reported back with a favorable recommendation the joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants; which was placed on the House Calender, and the accompanying report ordered to be printed.

LOAN OF TENTS, CANNON, ETC.

Mr. LAIRD, from the Committee on Military Affairs, reported, in lieu of House joint resolutions 22, 104, 165, 174, and 181, a joint resolution (H. Res. 209) authorizing the Secretary of War to loan from any fort, supply depot, or arsenal such cannon, tents, and muskets as can be spared for the use of ex-veteran Union soldiers on the application of the governor of any State; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original resolutions for which the joint resolution (H. Res. 209) was reported were severally laid on the table.

ERNEST H. WARDWELL.

Mr. LYMAN, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3236) for the relief of Ernest H. Wardwell; which was referred to the Committee of the Whole

House on the Private Calendar, and the accompanying report ordered to be printed.

DR. JOHN B. READ.

Mr. SLOCUM, from the Committee on Military Affairs, reported back with an amendment the joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of the said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE B. WEBSTER.

Mr. SLOCUM, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 211) for the relief of George B. Webster; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. GILE.

Mr. SLOCUM, from the Committee on Military Affairs, also reported back with an amendment the bill (H. R. 3533) to correct the record and fix the rank and pay of George W. Gile, a lieutenant-colonel in the United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OSCAR EASTMOND AND JAMES W. ATWILL.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 368) for the relief of Oscar Eastmond and James W. Atwill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. STEELE. In view of the fact that the Committee on Military Affairs have reported favorably a Senate bill for the same purpose, I now report back House bill No. 3688, for the relief of Oscar Eastmond and James W. Atwill, and move that it be laid on the table.

The motion was agreed to.

FRANKLIN THOMPSON.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5334) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. WASHINGTON BRANK.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company —, Second North Carolina Mounted Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. ANNIE B. LEWIS.

Mr. BUCHANAN, from the Committee on Naval Affairs, reported back the bill (H. R. 5878) for the benefit of Mrs. Annie B. Lewis; when the Committee on Naval Affairs was discharged from the further consideration of the bill, and it was referred to the Committee on Invalid Pensions.

AMENDMENT OF NAVAL APPROPRIATION ACT.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with amendments the bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. THOMAS. On behalf of a minority of the Committee on Naval Affairs I ask leave to file the views of the minority upon the bill just reported.

The SPEAKER. If there be no objection, the minority of the committee will have leave to submit their views, to be printed with the report of the majority.

There being no objection, it was so ordered.

ASSISTANT ENGINEER HOWARD D. POTTS.

Mr. THOMAS, from the Committee on Naval Affairs, reported a bill (H. R. 6081) for the relief of Assistant Engineer Howard D. Potts, United States Navy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported back with amendments the bill (H. R. 4480) to authorize the retirement of officers of the Navy after thirty years' honorable service; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

TRANSPORTATION OF MAILS BY RAILROADS.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. 3273) to regulate the compensation of railroads for transportation of the mails on railroad routes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LOTTERY CIRCULARS, ADVERTISEMENTS, ETC.

Mr. ROGERS, of Arkansas, from the Committee on the Post-Office and Post-Roads, reported back adversely the bill (H. R. 1910) to prohibit the mailing of letters and circulars concerning lotteries, or newspapers and other periodical publications containing lottery advertisements, and prescribing a penalty therefor; which was laid on the table, and the accompanying report ordered to be printed.

EASTERN BAND OF NORTH CAROLINA CHEROKEES.

Mr. PERKINS, from the Committee on Indian Affairs, reported back the bill (H. R. 1112) to pay certain expenses of the Eastern Band of Cherokee Indians of North Carolina; when the Committee on Indian Affairs were discharged from the consideration of the bill, and it was referred to the Committee on Appropriations.

IOWA INDIAN RESERVATION.

Mr. PERKINS, from the Committee on Indian Affairs, also reported a bill (H. R. 6082) to provide for the sale of the Iowa Indian reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH SIOUX RESERVATION, DAKOTA.

Mr. NELSON, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 5420) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation in Dakota; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. NELSON, from the Committee on Indian Affairs, also reported back with a favorable recommendation the bill (H. R. 5282) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company throughout the Sioux reservation in Dakota; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

BARTHOLDI STATUE OF LIBERTY.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation joint resolution (H. Res. 167) authorizing the temporary exhibition in the Capitol of a model of the pedestal of the Bartholdi statue of "Liberty enlightening the world;" which was referred to the House Calendar, and the accompanying report ordered to be printed.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. HANBACK, from the Committee on Pacific Railroads, reported, as a substitute for H. R. 4363, a bill (H. R. 6083) granting the right of way to the Cinnabar and Clark's Fork Railroad Company to connect the Northern Pacific Railroad with the Clark's Fork mines; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed; and House bill 4363 was, by unanimous consent, laid on the table.

PETER K. DEDERICK.

Mr. GREENLEAF, from the Committee on Patents, reported back with an amendment the bill (H. R. 2889) for the relief of Peter K. Dederick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ATKINSON, by unanimous consent, presented the views of the minority; which were also ordered to be printed in connection with the majority report.

ELON A. MARSH.

Mr. ATKINSON, from the Committee on Patents, also reported back the bill (H. R. 2298) to make operative certain letters patent of the United States granted to Elon A. Marsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GABRIEL NEUDECKER.

Mr. ATKINSON, from the Committee on Patents, also reported back the bill (H. R. 4511) to extend the patent of Gabriel Neudecker for process of preparing tobacco for manufacture; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP WIGGINS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5374) granting a pension to Philip Wiggins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. KATHARINA T. WUNSH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an amendment a bill (H. R. 583) granting a pension to Mrs. Katharina T. Wunsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH M'INTOSH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back a bill (H. R. 2085) granting a pension to Joseph McIntosh; which was referred to the Committee of the Whole House on the Private Calendar, and, with accompanying report, ordered to be printed.

WILLIAM B. KEITH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back a bill (H. R. 3892) granting a pension to William B. Keith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. SHUCKERS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back a bill (H. R. 2105) granting a pension to John A. Shuckers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES CLARK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back a bill (H. R. 4694) granting a pension to James Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4152) to rerate the pension of Charles H. Holt;

A bill (H. R. 529) to increase the pension of William W. Andrew;

A bill (H. R. 3618) for the relief of Donald Knox;

A bill (H. R. 4151) to rerate the pension of Stephen C. Monroe;

A bill (H. H. 5029) granting a pension to Beverly Post; and

A bill (H. R. 2078) granting an increase of pension to Samuel C. Sprouse.

MARIA C. M'PHERSON.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back the bill (H. R. 5336) granting a pension to Maria C. McPherson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SARAH E. E. SEELYE.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CALVIN H. FRENCH.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 827) granting a pension to Calvin H. French; which was laid on the table, and the accompanying report ordered to be printed.

MARGARET DAILY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 5735) granting a pension to Margaret Daily; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM R. BROWNE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1751) for the relief of William R. Browne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ALICE T. SHERWOOD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES B. CADDY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 392) granting a pension to Charles B. Caddy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA J. THOMPSON.

Mr. MATSON, from the Committee on Invalid Pensons, also reported back with an amendment the bill (H. R. 5307) granting a pension to Louisa J. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLA STOLZ.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3171) granting a pension to Ella Stolz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WALTER H. CROW.

Mr. MATSON, from the Committee on Invalid Pensions, also reported a bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank.

The message further announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House of Representatives was requested, namely:

Joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease.

WILLIAM PRINTZ.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 2660) granting a pension to William Printz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK WILHELM.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES I. DAIL.

Mr. HOUK, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5176) for the relief of James I. Dail; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report and amendment, ordered to be printed.

RICHARD G. SHARP.

Mr. HOUK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 4282) granting a pension to Richard G. Sharp, which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY L. WELLS.

Mr. HOUK, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5172) granting a pension to Mary L. Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. WICKWIRE.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3909) granting a pension to George W. Wickwire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report and amendment, ordered to be printed.

MARIA L. HAMMER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1977) for the relief of Maria L. Hammer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report and amendments, ordered to be printed.

WILLIAM J. SAWYER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1998) for the relief of William J. Sawyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report and amendments, ordered to be printed.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported

back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 1774) for the relief of James Suple; and
A bill (H. R. 4047) for the relief of George Stapleton.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. HOLMES, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Military Affairs, namely:

A bill (H. R. 1987) to remove the charge of desertion from the military record of Henry B. Jay; and
A bill (H. R. 1795) for the relief of Edmund Williams.

JOHN A. HASSELL.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported a bill (H. R. 6085) granting a pension to John A. Hassell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. BAGLEY, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2456) granting a pension to Julia Stokes; and the same was referred to the Committee on Pensions.

PATRICK FOLEY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4530) granting a pension to Patrick Foley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAURA J. GODDARD.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5544) for the relief of Laura J. Goddard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES B. MAHAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3728) granting a pension to Charles B. Mahan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'ANNY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2394) granting a pension to James McAnny; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. GRIFFITH.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1046) granting a pension to Mary A. Griffith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES HASENZAHL.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4828) for the relief of Frances Hasenzahl; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSE ANN GALBRAITH.

Mr BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4818) for the relief of Rose Ann Galbraith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

MARGARET MADDEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4178) granting a pension to Margaret Madden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5361) for the relief of Andrew G. Walker;
A bill (H. R. 5365) granting a pension to Mrs. Mary Ann Hurst;
A bill (H. R. 5352) for the relief of Mary L. P. Hamilton;
A bill (H. R. 4190) for the relief of Mrs. Clara U. Drake;
A bill (H. R. 3039) restoring the name of Bridget Dowd to the pension-roll;
A bill (H. R. 4184) granting a pension to A. C. Thopkins;
A bill (H. R. 993) to rerate the pension of George E. Ward;
A bill (H. R. 2396) for the relief of Abram Colley; and
A bill (H. R. 4851) for the relief of Bryan Maginnis.

P. W. BRADBURY.

Mr. FYAN, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 875) granting a pension to P. W. Bradbury; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

OCTAVIA A. NEWHALL.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5330) granting a pension to Octavia A. Newhall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BETSEY A. MOWER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2137) for the relief of Betsey A. Mower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ELIZABETH A. BARBOUR.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3694) granting a pension to Elizabeth A. Barbour; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ANN CORNELIA LANMAN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA WALCOTT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2987) granting a pension to Rebecca Walcott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

FANNIE S. BEAUMONT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 747) granting an increase of pension to Fannie S. Beaumont; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3891) granting a pension to Sophia West; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on Pensions.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (H. R. 3803) to increase the pension of Mrs. Laura Hentig; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on Pensions.

CLARK ROBERTS.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1894) granting a pension to Clark Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

MARTHA H. STRIBLING.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2869) to increase the pension of Martha H. Stribling, widow of Cornelius K. Stribling late rear-admiral United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

JACOB MILLER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4417) granting an increase of pension to Jacob Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

SARAH A. BECKTEL.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported with an amendment the bill (H. R. 3591) for the relief of Sarah A. Becktel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE A. MARSHALL.

Mr. STEELE, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 3527) granting a pension to George A. Marshall; which was referred to the Committee of the

Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB FOUKE.

Mr STEELE, from the Committee on Pensions, also reported adversely the bill (H. R. 3046) to increase the pension of Jacob Fouke; which was laid on the table, and the accompanying report ordered to be printed.

FRANCIS M'NEIL POTTER.

Mr. YORK, from the Committee on Pensions, reported back with an amendment the bill (H. R. 4822) for the relief of Francis McNeil Potter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRUS L. DUNHAM.

Mr. DOWD, from the Committee on Claims, reported adversely the bill (H. R. 342) for the relief of the estate of Cyrus L. Dunham, deceased; which was laid on the table, and the accompanying report ordered to be printed.

PAUL M'CORMICK.

Mr. VAN ALSTYNE, from the Committee on Claims, reported a bill (H. R. 6086) for the relief of Paul McCormick; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. C. ELLIS.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported adversely the claim of William H. C. Ellis for professional services as attorney at law; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour for the call of committees for reports has expired.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill. Pending that motion I move that all debate upon the pending paragraph of said bill and all amendments thereto be limited to thirty minutes.

The SPEAKER. The question is first on the motion to limit debate.

Mr. CURTIN. I am instructed by the Committee on Foreign Affairs to make a report.

The SPEAKER. But there is a motion pending before the House.

Mr. CURTIN. I hope the gentleman from Illinois [Mr. TOWNSHEND] will permit me to make this report.

Mr. TOWNSHEND. I would be glad to yield to the gentleman from Pennsylvania [Mr. CURTIN], but I am acting under instructions of the Committee on Appropriations.

The SPEAKER. The gentleman from Illinois declines to withdraw his motion. The question is first on the motion to limit debate.

The question was taken; and upon a division there were—ayes 61, noes 56.

Mr. DEUSTER. No quorum has voted.

Tellers were ordered; and Mr. DEUSTER and Mr. TOWNSHEND were appointed.

The House again divided; and the tellers reported that there were—ayes 93, noes 56.

Mr. DEUSTER (one of the tellers). I will not insist on a further count.

So (no further count being called for) the motion to limit debate was agreed to.

The SPEAKER. Before putting the question on the motion to go into Committee of the Whole, if there be no objection the Chair will lay before the House sundry executive communications.

There was no objection.

UNLAWFUL FENCING OF PUBLIC LANDS.

The SPEAKER accordingly laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of Representatives of March 1, 1884, and transmitting a report of the Acting Commissioner of the General Land Office concerning the unlawful fencing of public lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

BURLINGTON AND MISSOURI RIVER RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in answer to the resolution of the House of Representatives of March 11, 1884, transmitting report of the Acting Commissioner of the General Land Office concerning the land grant to the Burlington and Missouri River Railroad Company; which was referred to the Committee on the Public Lands, and ordered to be printed.

LOCKS AND DAMS ON KENTUCKY RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers in regard to the necessity of making special provision for the payment of expenses incident to the working of locks and dams on the Kentucky River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEYOR-GENERAL OF NEVADA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of the General Land Office asking for an appropriation for the office of surveyor-general of Nevada; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into Committee of the Whole for the consideration of general appropriation bills.

The question was taken; and upon a division there were—ayes 72, noes 67.

Mr. CURTIN. No quorum has voted.

Tellers were ordered; and Mr. DEUSTER and Mr. TOWNSHEND were appointed.

The House again divided; and the tellers reported that there were—ayes 89, noes 75.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. The bill last under consideration and now pending in Committee of the Whole is the Post-Office appropriation bill. All debate on the pending paragraph and amendments thereto has been limited to thirty minutes. The Clerk will report the paragraph.

The Clerk read as follows:

SEC. 2. That section 4002 of the Revised Statutes of the United States be, and the same is hereby, amended as follows: In line 21 of said section strike out the word "less" and in lieu thereof insert the word "more."

The CHAIRMAN. The Chair desires to state that on this paragraph points of order were reserved by several gentlemen.

Mr. CANNON. I desire to be heard on the point of order. I think the provision just read is clearly subject to a point of order under the third clause of Rule XXI. The section of the Revised Statutes referred to—the second clause of section 4002—provides what shall be the compensation of railways for carrying the mails and how that compensation shall be determined. The first provision is that railways carrying their whole length a daily average of two hundred pounds of mail matter shall receive not more than $50 per mile per annum, and then the rates of pay decrease in proportion to the increased amounts of mail matter carried. The section then provides—

The average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in four years—

So that the rate of compensation now provided by the statute which is proposed to be amended is so much per pound, according to the weight of matter carried, which is to be determined by weighings made not less frequently than once in four years. And this provision, under a proper construction, would authorize these weighings to be made, in a sound executive discretion, more frequently than once in four years.

Now, the clause of this bill upon which I make my point of order proposes to amend this section of the statutes by striking out the word "less" and inserting the word "more," taking away the executive discretion to weigh more frequently than once in four years. If this clause of the bill be enacted the weighing must be once in four years and not oftener.

Now, Rule XXI, in clause 3 (with which the Chair is familiar), provides that upon a general appropriation bill no provision changing existing law shall be in order unless it retrenches expenditures in one of three ways. I will read the language:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures—

How?

by the reduction of the number and salary of the officers of the United States—

That is one mode of reduction—

by the reduction of the compensation of any person paid out of the Treasury of the United States—

That is another method—

or by the reduction of amounts of money covered by the bill.

Now, the pending provision of this bill, as it proposes to change existing law, must, to be in order, not only retrench expenditures, but must do so in one of the three modes specified by the rule. It is true that under a subsequent clause of Rule XXI an amendment reported by a committee properly charged with the subject-matter of the amendment would be in order if it retrenched expenditures in any way; but the power of the Committee on Appropriations to propose for the consideration of the House in a general appropriation bill provisions chang-

ing existing law is confined to such propositions as shall retrench expenditures in some one of the three ways specified.

It is not necessary for me to take any considerable time in referring to the construction which this rule has always received. The first construction that it had was by Mr. Kerr, a former Speaker of this House, who held that the retrenchment or economy must be in one of the methods prescribed by the rule, and further, that it must appear upon the face of the provision proposed to be incorporated in the law that it does retrench expenditures in one of the ways specified in the rule. The construction thus laid down by Mr. Speaker Kerr has been followed from that time to this—that if it is necessary to resort to argument in order to show a retrenchment of expenditures the provision at once becomes subject to the point of order.

Now let us apply that test to the provision of the present bill. Can the Chair say that this provision upon its face retrenches expenditures in any one of the three ways designated by the rule? If the Chair can do this, the power of the Chair to discern retrenchment is greater than mine. Gentlemen may argue that it retrenches expenditures; I may disagree (and I would do so if the merits of the proposition were now in question); that it does not retrench, but is extravagant in its tendency—would lead to great abuses and great harm to the Department. But I prefer at this time to rest fairly upon the point of order that this provision does not upon its face retrench expenditures in either of the three ways provided by the rule and is a change of existing law.

Mr. HOLMAN. I concede, Mr. Chairman, that this provision, to be in order under the rule, must, upon its face or from facts within the official knowledge of the presiding officer, accomplish in one of the three ways named some reduction of expenditures; and in this instance the retrenchment would have to be by a "reduction of the compensation of some person paid out of the Treasury of the United States" or by the "reduction of amounts of money covered by the bill." The Chair will of course take official knowledge of the fact that the Post-Office Department is one in which the expenditures are constantly increasing at a greater or less per cent. each successive year. It is not necessary, therefore, I take it, under this provision of the rule, that the reduction shall be upon the basis of some former appropriation; it is sufficient if there be a reduction upon the basis of what would be the appropriation in the absence of this provision in the pending bill; because otherwise we could never show upon the face of this bill an absolute reduction in comparison with expenditures for the current fiscal year, as the business of the Department in all its branches is steadily increasing.

Mr. Chairman, it is impossible to state exactly the extent to which the expenditures contemplated by this bill are reduced by this provision from the fact I have named. But there is a fact upon which I think this proposition may rest, and it is this: The Chair will take official knowledge of the current expenditures of this Government. He will know in his official capacity just as a judge upon the bench knows officially a fact of which he will take cognizance even in the absence of proof. The Chair will take official notice of the fact that the weighing of the mail will inevitably, according to the ordinary course of proceeding of the Government, increase the cost of the expenditure of carrying on the service. If the Chair takes official knowledge of that fact, of course the decision of this question is easy. The Chair will then take official knowledge of the fact that the frequent weighings of the mail, not only weighing once in four years but as often as the gentleman having charge of this branch of the service thinks proper—that these frequent weighings of the mails do increase the expenses of the Government. That is a fact within the knowledge of the presiding officer of this Committee of the Whole House on the state of the Union. I ask, then, why the Chair may not on this official knowledge hold that the amendment in prohibiting these weighings of the mail—which do increase expense to the Government—oftener than once in four years does to that extent retrench expenditures and bring it within the meaning of the rule.

Mr. KEIFER. Mr. Chairman, this is an important point of order; important because of its effect upon the present bill, and it is highly important it should be decided right, so that we may have a precedent worthy to be followed hereafter. It will be a pure matter of speculation to work out in any way a theory that will show, by the incorporation of section 2 into this bill, it will retrench expenditures. It may be, in the weighing of the mails, that it would be highly important for the Government to have the right in the discretion of the Postmaster-General to weigh the mails oftener than once in four years, as there are many roads upon which the mails are carried and lines over which they may be carried from which they may be transferred to other lines of road, and thus after a time the cost of carrying the mail may be increased to the public. Instances have been given where the weight has been reduced one-half or more by the establishment of new and competing lines of railroad. And still the Government, while paying for the carrying of mails which went by the old line, would be paying also on the new line. On that principle and theory and for that purpose was the old law framed.

I think it is fair and reasonable to say that this provision of the law which provides for the weighing of the mail at least once in four years is largely in the interest of the Government, but I dispute the proposition of the gentleman from Indiana [Mr. HOLMAN] that to weigh only every four years would be in the interest of the Government. The proposition is to strike out of section 4002 of the Revised Statutes the word "less" and in lieu thereof to insert the word "more," the effect of which would be to provide that the mails should not be weighed oftener than once in four years. It may be under the present law the mails must be weighed once in four years; that is the proposition and that is the law as I understand it. Gentlemen must reason out and speculate on this in order to arrive at a conclusion that it would be economy to the Government to change this statute. But if it were possible—and we deny it is possible with any sort of certainty—if it were possible it would not bring this section of the bill within the rule, as has been well stated by my colleague on the Committee on Appropriations from Illinois [Mr. CANNON]. I will not read the whole of paragraph 3 of Rule XXI. The first sentence of that paragraph prohibits new legislation on general appropriation bills. That is wise. We are charged with various subjects of legislation which come before the House, and it is wise that the Committee on Appropriations should be inhibited from running into general legislation. It has always been vicious and always dangerous. We have had some marked examples in the last seven or eight years. Then follows what is intended to be an exception:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

That is the first provision of that sentence. It has always been a matter of doubt whether a subject of purely general legislation on an appropriation bill could be said to be germane to the appropriations in such bill because they happened to be related to the same general subject. We are here making appropriations for the purpose of carrying on the Post-Office Department. The subject-matter of this bill is an appropriation bill relating to the Post-Office Department. Here we propose legislation which changes the time of the weighing of the mails. We think that is not the subject-matter of the Post-Office appropriation bill. It may relate to post-office matters, but not to appropriation matters, and certainly, so far as that provision of the rule is concerned, that it must be germane, would not admit of this section of the bill.

Now we come to the second:

> By the reduction of the compensation of any person paid out of the Treasury of the United States.

The second section of the bill clearly has no reference to the compensation of any person whose salary comes out of the Treasury of the United States; and I am very much surprised to hear the gentleman from Indiana [Mr. HOLMAN], who is so well versed in all of these matters, claim, that in any sense of the word it comes within that provision. Now, as to the last clause:

> Or by the reduction of amounts of money covered by the bill.

And I beg your attention to this latter clause, for there can be no possibility of this section being in order under either of the others. If it is in order at all it must be under this branch of the rule.

It will be borne in mind that this section of the bill, the second section, now under consideration, will not affect the amount of money appropriated by the bill a single dollar. So that it can not be claimed that it comes within the clause I have just read, and I read it again:

> Or by the reduction of amounts of money covered by the bill.

There is nothing in this section which reduces the amounts of money appropriated by the bill a single copper. So in no sense can it be said to be in order under the rule.

It has been wisely stated, and I think very early after this clause of the rule was adopted by the House, that a provision in the nature of new legislation, in order that it shall be held to be within the rule, must be something that affirmatively shows a reduction of expenditures. It must not be a matter of mere speculation, not a matter of opinion, not a matter of doubt which might exist in the minds of members or in the mind of the chairman of the Committee of the Whole. It must be something tangible, as has been held long ago, and the decisions are, I think, uniform in that regard. It is something that must be clear upon its face, clear within itself, and not a matter that may be worked out by some method of reasoning.

This section in my judgment is clearly subject to the point of order.

Mr. RANDALL. Mr. Chairman, I am very sorry that the point of order has been made with reference to this section, and especially so as coming from the gentleman from Ohio. There can not be a doubt that in the spirit and letter of this rule it was intended as a provision to reach just such cases as this. This changes the law which relates to the support of the Post-Office Department. We know by experience, for we have a notorious instance of it, that by the reweighing of the mails the Government has almost always been the sufferer, and in the instance to which I have alluded the Government absolutely lost, I think, $800,000, or at any rate some enormous sum of money. Under that reweighing system the newspapers were carried and paid for. It is to meet that particular case and to prevent its recurrence that this provision is incorporated. And it is as notorious a fact as any other fact connected with the history of the support of the Post-Office Department that this constant reweighing of the mails has always been an injury and an expense to the Government. I did not suppose really that there would have been, in the presentation of this subject, anything else

than perfect unanimity of sentiment in order to correct the wrong that I speak of.

Mr. HOLMAN. Will the gentleman from Pennsylvania permit me a moment? It has been suggested to me by the gentleman from New York [Mr. HUTCHINS] that the saving of the expense of reweighing alone, which is largely done by the Government, will be of itself a reduction of expenditures. I do not say how much, but it necessarily costs something to reweigh the mails, and to that extent there will be a reduction of expenditures. It saves, therefore, the expense of reweighing without any reference to the ultimate reduction.

Mr. RANDALL. The amount of money to be paid for the weighing of the mails is embraced in this bill for the current year. You can not weigh them for nothing. Hence, you not only almost always lose money by this reweighing, but the Government has to pay for it. It costs more money to weigh the mails every year than it would to weigh them once in four years.

Mr. TOWNSHEND. Mr. Chairman, it will be observed with reference to Rule XXI that three clauses are specified, the first two of which are much more narrow and circumscribed than the last. The arguments of the gentleman from Ohio and my colleague from Illinois were based upon the second proposition, which confines amendments of this character to instances where the reduction will be obtained in the compensation of the persons paid out of the Treasury or by the reductions of the amount carried by the bill. These gentlemen failed to read the third proposition of this clause, the proviso which was intended to give control to the two others. But it seems that the rule had been made down to the proviso, and the House was then of opinion that it was too narrow and circumscribed, and in order to give power to the Committee on Appropriations to meet just such emergencies the proviso was added, which declared that it should be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, and I ask gentlemen to mark this language—

Which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. CANNON. Will my colleague allow me right there? This is not the report of a committee having jurisdiction of the subject-matter of this change of law.

Mr. TOWNSHEND. I am coming to that point; for the gentleman made that point when addressing the Chair. Now, what does the Committee on Appropriations have jurisdiction of? Taking the definition given by the gentlemen who have addressed the Chair on the point of order, the jurisdiction is ample and complete upon all appropriations providing for the postal service.

Now, to what does this amendment relate? It relates to compensation which shall be allowed the railway companies for carrying mails. It provides the basis upon which their compensation can be fixed.

Mr. BINGHAM. A railway is not a "person," and your rule speaks of the reduction of the compensation "of any person."

Mr. TOWNSHEND. My friend from Pennsylvania [Mr. BINGHAM] misunderstands the proviso to the rule. The proviso says any amendment is in order which shall retrench expenditures, being germane to the subject-matter of the bill.

As I said a moment ago, nothing can be more intimately related to or more directly connected with the jurisdiction of the committee over appropriations than this very clause; for it fixes the basis upon which the appropriations are to be made. It seems to me there is no question about the jurisdiction of the committee.

Now let us come to the question as to whether this does retrench expenditures. And I must express my surprise that both gentlemen who have addressed the Chair in support of the point of order have taken the position before the House that this will not retrench expenditures. Why, the notable instance mentioned by the gentleman from Pennsylvania [Mr. RANDALL] must be fresh in the recollection of all here. And there is another notable instance he has not alluded to. I refer to the instance where Postmaster-General James allowed a reweighing of mails—it is charged, I do not know as to the truth of the charge, to accommodate New York newspapers.

Mr. CANNON. No, sir.

Mr. TOWNSHEND. Yes; there are two instances complained of by the press of this country, and it was discussed in this House to my recollection; the statement being that there were grave abuses practiced under the administration of Postmaster-General James, the charge being that he, under the inspiration of some of the New York dailies, was induced to cause the mails on the roads from New York to Philadelphia to be reweighed, so that the railroad companies might put on a fast train for carrying the mails to Philadelphia so as to allow the New York publishers to get their papers earlier into Philadelphia. In the administration of that same Postmaster-General, in obedience to the request of a man I believe by the name of Smith, Emory Smith, connected with the Philadelphia press, the abuse that was mentioned by the gentleman from Pennsylvania [Mr. RANDALL] occurred where there was a reweighing of the mails from Philadelphia to Harrisburg, and in consequence from $800,000 to $1,000,000 was lost by the Treasury to enable the railroad company to furnish a fast-mail train for the Philadelphia papers to reach Harrisburg.

Mr. RANDALL. It does not matter as regards the point of order whether it is an abuse or not; the point is that it cost more money.

Mr. TOWNSHEND. I venture this assertion: I do not say every instance of reweighing has resulted in increased compensation for carrying the mail, for I am not familiar enough with that point to know. But I never heard an instance mentioned before my colleague [Mr. CANNON] suggested there were such instances. He is the only one I ever heard assert that the reweighing of the mails ever resulted in the reduction of the cost of compensation. I supposed it was a well-known fact that it was only necessary to go to the Post-Office Department and examine the records to find in almost every instance, if not every instance, it has resulted in large losses to the Treasury. But, as was said by the gentleman from Indiana [Mr. HOLMAN], the Chair must take cognizance of the official action of the Department as well as the law. The official action of the Department is in one sense the law. It is in pursuance of the law. It is of such a nature as the Chair in my judgment must take cognizance of.

I am satisfied the Chair cannot entertain a shadow of doubt as to this point of order. There is not a scintilla of doubt that this amendment to this bill will work great retrenchment to the Treasury and will accomplish the very purpose for which that proviso was annexed to this rule.

But I do not wish to consume time in discussing this question further. This section is so evidently in the line of retrenchment and falls so clearly within the jurisdiction of the Committee on Appropriations under the proviso of the third clause of Rule XXI, that I do not think it necessary to waste further time in discussing the point of order.

Mr. CANNON. I did not intend to add another word to what I said a few moments ago, and I should not have done so if it had not been for the fact that the gentleman from Pennsylvania [Mr. RANDALL], chairman of the Committee on Appropriations, and my colleague from Illinois [Mr. TOWNSHEND] have seen proper to wander away from the merits of the point of order and to discuss from a one-sided view the question as to whether there was economy in the proposed section or not. Now, if I can have the attention of the Chair, I will read a brief abstract of the first decision that was ever made upon this question:

In the decision of Speaker Kerr on the transfer of the Indian Bureau to the War Department it was held that the amendment, to be in order, must clearly on its face and in affirmative terms reduce expenditures; that it must not, as a matter of speculation or calculation, assume that, but must actually retrench by specific results.

And I undertake to say the current of authority is in line with that precedent established by the first decision made by Speaker Kerr under this rule.

Now one word as to the argument of the gentleman from Illinois that this would retrench expenditures. Mind you, my point is, the very minute you have to commence to argue that there is retrenchment, the very minute that it does not stand out plainly upon the very face of the provision itself, that very minute you confess it is subject to the point of order. And I only proceed to argue that the proposed section does not retrench expenditures because it is fair to this side of the House and fair to myself that I should say a word in reply to the assumptions of my colleague.

In the first place, one would suppose from the remarks of the gentleman from Pennsylvania [Mr. RANDALL] that it was the custom of the Department to reweigh the mails oftener than once in four years. I say such is not the custom, and I speak advisedly; it has been done in very rare instances. It may be that in one instance, when Postmaster-General James was in charge of the Post-Office Department, the mails were reweighed on the Pennsylvania Central Railroad for the purpose of getting an early morning train to accommodate the Philadelphia press, when under a sound executive discretion he ought not to have done so. But I apprehend gentlemen can find no other instance.

But even suppose it was so. The law fixes the compensation for carrying the mails at so much per pound. If it was practicable to weigh the mails every day and to pay for the exact number of pounds carried, that would be exact justice and equity under the law. Although this executive discretion may have been abused by Postmaster-General James, the Government, even by such alleged abuse, never paid one cent for mails which were not in fact carried.

Let me give the argument on the other side as gentlemen have presented it on their side. Take the New York Central Railroad, for instance; last week that road put on a fast train which carries nothing but the mails. There are three or four roads that run west from New York city—the Pennsylvania Central, the Erie, the Baltimore and Ohio, and the New York Central. The statute provides that for the first two hundred pounds of mail carried on each of these roads the pay shall be $50 per mile per annum, and for all amounts over 5,000 pounds the pay shall only be $25 a ton per mile per annum; that is, $50 a mile for the first two hundred pounds, and $25 a mile for each 2,000 pounds where the mail exceeds 5,000 pounds.

Now, it is clear economy to mass the bulk of the mails on the New York Central or any other road that will take them, and the present Postmaster-General does well when he gets a special mail-train on that road that carries nothing but the mails, and which may amount to thirty, fifty, or one hundred thousand pounds, as he gets it carried at the rate of $25 a ton of 2,000 pounds per mile per annum.

Suppose that the New York Central should refuse to run that special

mail-train after a weighing, while it carries the bulk of same, then the mails would be divided up between it and the other lateral lines. Yet the New York Central would, under the proposed amendment, get the large pay for four years, while it would only carry a small amount of the mails, and the Postmaster-General would be powerless to readjust its pay for four years.

I say again, under the proposed amendment of the law, which the gentleman from Pennsylvania [Mr. RANDALL] says is clearly in the line of economy, the New York Central might throw off the mails a month after the weighing, and it would then, under this proposed amendment, get pay for four years at an exceedingly high rate, and would not carry one-fourth of the mail which it carries on these special trains. That is the hole which gentlemen seek to put the country into. Why? Because they allege that Postmaster-General James at one time violated sound executive discretion in the reweighing of the mails in one instance. The power of impeachment lies against officers when they violate duties and do so willfully. And the power of public opinion is ever ready to operate upon them.

Now, when gentlemen set their faces and make haste, without sufficient knowledge or study of the law, to make these radical changes on an appropriation bill in the name of economy, they are very apt to be like the bull in the china-shop—they make a great deal of noise and do a great deal of damage.

I beg pardon of the Chair for having discussed the merits of this question, and would not have done so except that it was due to myself in answer to the arguments made by the gentleman from Pennsylvania [Mr. RANDALL] and to my colleague from Illinois [Mr. TOWNSHEND].

The CHAIRMAN. The Chair will direct the Clerk to read what was formerly Rule CXX.

The Clerk read as follows:

No appropriation shall be reported in such general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The CHAIRMAN. The committee will observe that that rule is much broader in its scope than the present rule, so far as relates to the power of committees to report provisions in appropriation bills changing existing law. That proposition was placed in the rules on the motion of the gentleman from Indiana [Mr. HOLMAN]. Subsequently, there being much discontent on account of the legislation incorporated in appropriation bills, the rules were modified on motion of the gentleman from Illinois [Mr. MORRISON], and paragraph 3 of the present Rule XXI was then adopted and has been in operation ever since.

It will be observed that under the present rule, unless coming from a committee, there are but three ways in which legislation changing existing law can be had on appropriation bills. The Chair will read that portion of the rule:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

The point to which the legislation embraced in this bill is addressed is of this character: it is alleged that the discretionary power of reweighing the mails oftener than once in four years has been abused, that the weighings have not only been too frequent, but have often been made for some other purposes than to ascertain the weight of mails or to do equity toward the railroad companies. This, perhaps, is true. But the attention of the Chair is forced back to the three methods in which the reduction to be accomplished by new legislation must be done under the rule. Does this provision reduce "the number or salary of officers of the United States?" This is not claimed by any one. Does it reduce "the compensation of any person paid out of the Treasury of the United States?" This does not appear. The Chair recognizes the fact that the railroad companies are artificial persons and may be included in the word "persons." But there is nothing in this bill which indicates that there is to be a reweighing and that there are appropriations here which would be reduced by reason of it. The Chair can not assume, and there is no indication from any reports or anything else which the Chair could recognize, that there is to be a reweighing, and the railroad companies by reason of it would get more under this bill in the next fiscal year than they will receive if the proposed legislation is adopted.

It is alleged by the gentleman from Illinois that the provision is in order by reason of the following proviso of Rule XXI:

*Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

The question here arises, what committee has jurisdiction of the subject-matter of this legislation? What committee is charged with the recommendation of this legislation? Rule XI provides that—

All proposed legislation shall be referred to the committees named in the preceding rules as follows, namely: Subjects relating—

* * * * * * *

To the post-office and post-roads, other than appropriations for their support, to the Committee on the Post-Office and Post-Roads.

It is very clear to the mind of the Chair the legislation here proposed is of such character as the rules would require to be considered by the Committee on the Post-Office and Post-Roads; therefore the Committee on Appropriations could have no jurisdiction of this legislation under this proviso of the rule, and it is not in order under this proviso.

The Chair would not go so far as the gentleman from Illinois [Mr. CANNON] and claim that the provision does not in fact retrench expenditures. The Chair is satisfied from an examination of official reports that annually there are weighings on certain routes in excess of the period of four years, and that under this provision there would be a reduction in the weighings. Whether or not it would be equitable to allow railroads to receive compensation for the carrying of a given amount of mail matter when the Department was conscious of the fact that the roads were transporting a larger quantity is a different question. The operation of the proviso might be inequitable, and yet it might reduce expenditures in that way. But such a reduction the Chair can not recognize in making this decision under the rules, and he therefore sustains the point of order.

Mr. AIKEN. Mr. Chairman, I submit a *pro forma* amendment simply that I may express my opinion upon this bill. We shall soon be called upon to vote for or against it, and I am so much opposed to many of its provisions that I feel it my duty to state why I shall vote for it with reluctance.

I look upon this whole bill, Mr. Chairman, as the most niggardly appropriation of public money that we have been called upon to consider since I have been a member of Congress. In reading the bill before it was amended the first point to which my attention was called was the provision that no postmaster in the United States should receive a salary more than $4,000. That provision, I am aware, has been stricken out; but as it was expressive of the views of the Committee on Appropriations I think I am warranted in saying that when we come to consider the legislative appropriation bill we may expect that committee to be consistent with itself, and recommend that no one of the members on this floor shall receive a salary of more than $4,000. I contend from observation and experience that the administrative ability and executive talent necessary to administer successfully a large post-office is at least equivalent to the talents which are necessary to make a man prove himself an average Congressman.

When I read further in this bill I find a sweeping reduction of 50 per cent. upon the compensation of the railroad companies that have received land grants from the Government, excepting what is known as the Union Pacific combination. Now, Mr. Chairman, to my unprejudiced mind there would rise up in spite of me a suspicion that there was vicious legislation behind that clause; and I am more convinced of it from the fact that after the House had discussed that provision for some hours the great objector to the legislation of this House rises in his seat and presents an amendment to his own bill, so as to take in the very roads that he had excluded when framing the bill. This, I say, excited suspicion in my mind. I do not know what is behind it; I do not want to charge anybody with having a job in it or anything of that kind, but it was suspicious, to say the least, to have the framers of the bill include subsidized railroads after they had excluded them when framing the bill.

Mr. HOLMAN rose.

Mr. AIKEN. Mr. Chairman, I hope the gentleman will not interrupt me, for Indiana and Illinois have already consumed on this floor more time than the two States are able to pay for. [Laughter.]

The CHAIRMAN. The gentleman from South Carolina [Mr. AIKEN] declines to yield.

Mr. AIKEN. I can not yield; and I hope that this interruption will not be taken out of my time.

The next thing that I see, as I read this bill, is that there shall be an appropriation of $4,600,000 for star-route service and an additional imaginary appropriation of $1,000,000. Now, Mr. Chairman, where is that million of dollars? The Postmaster-General tells us distinctly that on June 30, 1883, there was $1,100,000 of surplus somewhere. Where has it been lying now for nine months? If the committee have found this $1,000,000 which they can appropriate as surplus, why did they not appropriate the whole $1,100,000, and reduce this appropriation to $4,500,000 instead of $4,600,000? What is to become of this other little surplus of $100,000 floating around in the Post-Office Department? To my mind there is covert legislation right there which I can not explain in any way.

Now, Mr. Chairman, reading still further I find that there is appropriated for railway post-office clerks $4,000,000. Last year we appropriated for this purpose $3,977,125. The officer of the Government charged with the distribution of this money says that he will require $4,295,259.60. He is either capable of saying exactly what he wants or he is the grandest fraud in the Post-Office Department. When any officer of the Government comes here and says, "I want an appropriation of several millions of dollars," and calculates the amount down to a single cent, it is the duty of this House, in my humble judgment, to give him every dollar he asks for.

Mr. TOWNSHEND. Then Congress ought to abdicate its powers entirely and give the power of appropriation to the Departments.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. AIKEN] has expired.

Mr. HOLMAN obtained the floor.

Mr. AIKEN. I ask unanimous consent to say a few words more.

Mr. CANNON. If the Chair will recognize me I will yield to the gentleman from South Carolina.

The CHAIRMAN. The Chair has recognized the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Without losing my right to claim the floor hereafter, I will yield to the gentleman from South Carolina.

Mr. AIKEN. The gentleman from Illinois said to me, why should Congress have anything to do with it if my suggestion be adopted? I think the Post-Office Department might be infinitely better off if the Congress of the United States had nothing to do with it, and that is my honest conviction. I say so for this reason: the whole power of the Committee on Appropriations has been exercised in this bill to appropriate less than the sum the Post-Office Department says is necessary. They have not considered maturely how to administer the Post-Office Department further than to say it will take less than the Postmaster-General says is necessary, and that same gentleman my friend from Illinois has taken a half-dozen occasions to extol upon this floor.

I see nothing in this bill, Mr. Chairman, appropriated for the fast-mail service. Why? For the simple reason it has not been asked for. That is the only reason which has been assigned. I will say here in passing that it is my honest conviction that if the whole of the American people were to vote on that question they would give half a million dollars to a fast line from the city of New York to ramify every part of this broad land. The humblest and the most ignorant man in sight of a railroad, when he sees the trains which carry the mails of the country flitting by faster than the wind of a cyclone, glories in the fact that intelligence is speeding throughout the land with such rapidity. [Applause on the Republican side.]

I say this Committee on Appropriations have not given us a dollar in this bill for this purpose simply because it has not been asked for by the Post-Office Department. If this committee refused to give because the Postmaster has not asked for it, why, in the name of common sense, do they object to giving when he does ask for it? [Applause on the Republican side.] That is an argument to prove to me this Post-Office Department would get along as well without Congress as Congress would without it. That species of niggardly legislation is manifest in every page of this bill, as has been proved by the amendments adopted by the House. It all shows conclusively to any right-thinking man that the purpose of the bill is to get up a cheap notoriety for grand economy. [Laughter and applause on the Republican side.] I will now yield the floor.

The Clerk read as follows:

SEC. 3. That section 29 of the act of March 3, 1879 (United States Statutes at Large, page 362), be, and it is hereby, amended so as to read as follows:

"The provisions of the fifth and sixth sections of the act entitled 'An act establishing post-routes, and for other purposes,' approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, not including members of Congress, the envelopes of such matter in all cases to bear appropriate indorsements, containing the proper designation of the office from which or officer from whom the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail matter of the Smithsonian Institution: *Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from whom official information is desired, the same to be used only to cover such official information: *Provided further*, That any letter or packet to be registered by either of the Executive Departments, or bureaus thereof, or by the Agricultural Department, may be registered without the payment of any registry fee; and any part-paid letter or packet addressed to either of said Departments or bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional, such letter or packet shall be returned to the sender: *Provided further*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses of postages. And section 3915 of the Revised Statutes of the United States, so far as the same relates to stamps and stamped envelopes for official purposes, is hereby repealed."

Mr. HOLMAN. Mr. Chairman, I hardly think that the gentleman from South Carolina could have heard the debate which occurred in this committee touching the lant-grant roads and the extension of the 50 per cent. clause to the Union Pacific Company. If he had he would not have indulged in the line of remarks which have just fallen from his lips.

Mr. AIKEN. I have heard enough for my own affliction. [Laughter.]

Mr. HOLMAN. I say the gentleman did not hear the discussion; I feel confident he could not have heard it, or else he misapprehended it. I do not complain that he condemns the reduction of transportation of the land-grant roads. That is his right to condemn. The gentleman understood very clearly the reason why the Committee on Appropriations had not embraced the Pacific roads under that head was because it was believed that subject could be better adjusted in the interest of the Government by leaving those roads subject only to the provision of the funding act. But the gentleman distinctly understood, if he listened to the debate, that the reason why finally the Pacific roads were placed under the same provision as the other land-grant roads was because the Committee of the Whole indicated a disposition not to discriminate between those two classes of roads.

The gentleman talks about this being covert. He talked about the covert purpose of this bill. I think gentlemen here owe it to themselves as well as to their constituents not only to consider but to discuss in a spirit of fairness all questions of public concern. Is there anything in the bill covert against the interests of the Government? Is there any effort on the part of the Committee of Appropriations to increase the expenses of the Government improperly? Have they brought forward a single provision the effect of which is not understood and known to every gentleman on this floor? Covert! Was it not known to every member of the committee and to this House that the Union Pacific road was omitted from the original provision? Was it not known to every member of the committee that upon a proper presentation of the facts, on my own motion, the Union Pacific road was brought within the 50 per cent. clause? Can the gentleman say there is anything covert in that?

Now, if anything is to be abhorred, it is the attempt on the part of any member of this House of Representatives or this committee to deceive his fellow-members. If in matters which concern the public welfare any man representing a constituency fails to act with that ingenuousness which becomes questions of public concern, I hope we may know it. I hope if the gentleman has discovered there is any hidden purpose in this bill to the wrong or injury of this Government, or to deceive any member of this House, or to deceive the country—if the whole thing is not patent on its face, I hope he will be more specific and definitely point out in what way any member of the House has sought to deceive the Committee of the Whole or the people of the country. Fairness and open dealing, and nothing short of that, becomes the duty of the Representatives of the people.

[Here the hammer fell.]

Mr. REAGAN. Mr. Chairman, I move to amend by striking out the word "not," in line 10 of this section.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

In line 10 strike out the word "not;" so that if amended it will read:

"Extended to all officers of the United States Government, including members of Congress," &c.

Mr. REAGAN. This bill deals with the transmission of the mails; and this amendment, relating as it does to the clause under consideration, proposes to extend to members of Congress the privilege granted to heads of Departments and others.

Mr. HORR. Are you making it applicable to members of Congress?

Mr. REAGAN. Yes, sir. Section 5 of the act of 1877, which is the foundation for the present amendment, provides:

That it shall be lawful to transmit through the mails free of postage any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package, to entitle it to pass free, shall bear, over the words "official business," an indorsement showing also the name of the Department, and if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

The object of this provision of the bill was to enable the different Departments and the officers of the Government to send official mail matter free of postage, but under the statutory restriction which will prevent the abuse of the power of so sending. If the same statutory provisions are extended to the sending of official communications by members of Congress, including Senators, Representatives, and Delegates, it seems to me that there can be no just objection to it.

The item of postage to members of Congress is no insignificant one, as members will bear me out; and all that is paid for it comes out of their own pockets, they being in a condition to be taxed with that postage for the benefit of the public. If we receive official communications, whether large or small, from the Department to be transmitted to our constituents, no matter what the postage, we are forced to bear it; it is charged up against us. By striking out the word "not" in this section, so as to make it apply as well to members of the legislative department of the Government as to the other departments and officers of the Government, that injustice would not be perpetuated.

I know it may be said that abuses grew up in former times that caused the abolition of the franking privilege; but as it was then exercised it was not under the limitations and restrictions now imposed upon the sending of official matter covered by an indorsed envelope and under a penalty for a violation of the privilege.

I do not care to consume any more time in reference to this matter, but it seems to me the ends of justice would be equally subserved and common fairness would be promoted by extending to members of Congress, in their official communications, the privileges which are extended to the officers of the other Departments of the Government.

Mr. TOWNSHEND. I rise, Mr. Chairman, to oppose the amendment of the gentleman from Texas. I can not approve of the proposition he submits, although no man has a higher appreciation of his motives than I have. I am satisfied he would not tolerate any proposition if it were within his power to prevent it which would lead to any abuse. I believe that the amendment he suggests, if adopted, will have that result, and I beg leave to differ with my friend from Texas as to the operation of the rule if we shall accept his amendment. It will be

in my judgment merely opening again the doors to the abuse which in former years led to the abrogation of the franking privilege.

We are allowed now as members of Congress $125 each for our postage——

Mr. DUNN. No.

Mr. TOWNSHEND. Our stationery——

Mr. DUNN. I beg the gentleman's pardon; if there is anything allowed to us for postage I have never been able to find it.

Mr. TOWNSHEND. I beg the gentleman's pardon, and wish to repeat that we have $125 allowed to us for our stationery and other expenses connected with it. I am satisfied that the average member of Congress will not use one-half of the $125 allowed to him for his stationery.

Mr. DUNN. But that is not an allowance for postage.

Mr. TOWNSHEND. There is enough left out of his allowance for stationery to pay the postage. He can take the one-half of the allowance given him for stationery, which, as I have said, is unused, and apply it to the payment of his postage.

Now if we do not get enough to cover our stationery and postage, let a bill be brought in increasing the compensation of members of Congress. Let us meet the question squarely.

Again, Mr. Chairman, I want to say in regard to this question that I regret deeply that the other branch of Congress has provided for a private clerk, to be paid at the Government's expense, for each member of the Senate. I am very sorry that ever that branch has made such a provision. I look upon it as bad legislation. I look upon it as an injustice to the tax-payers of this country; as a violation of the contract made by the Senator or Member of this House when he accepted the position with the salary and emoluments pertaining to the office, to increase them in that way when no such salary or emoluments pertained to the office at the time he accepted it; and the person who accepts an office accepts it with the conditions implied. It is not an act of justice to the people of this country to change the conditions after accepting the position. I would resist any such action in this House if it was attempted. I repeat, if the salaries of members of Congress are not sufficient to pay their postage and their other necessary expenses and such clerk-hire as they are compelled to have in order to keep up with the public business, let a bill be brought in increasing the salaries of the members of Congress who will organize the next House. We can not and ought not to do it now. That is the position I take with reference to this matter, and for that reason I shall oppose the amendment of the gentleman from Texas.

I do not care, sir, to debate this proposition any further. I rose merely for the purpose of stating my opposition to the amendment.

Mr. CRISP. Mr. Chairman, there is no question upon which this Congress can legislate that comes more nearly home to the people, the whole people of the country, than the carrying of the mails. The history of the mail system is wonderful, and I want to say just here that for celerity and certainty no people on earth can excel us. Considering the immense number of letters that are daily transmitted through the mails, it is remarkable how few miscarry, and with what rapidity a letter reaches its destination.

But, Mr. Chairman, I want to see the privileges which you and I enjoy extended to all the people, and I want to contribute in any way I can to that result. This Congress has passed a law declaring all public highways to be post-routes. Prior to this, whenever a post-route was desired application had to be made to Congress for it, and a bill introduced and passed establishing the route. Now that is no longer necessary. All public highways are post-routes, and the Postmaster-General may put service upon such of them as the public necessity demands and the appropriation made by Congress will allow. Now, there can be no question that it is greatly to the interest of each individual member of society to be within easy distance of a post-office, and that which is for the interest of each individual must of necessity be for the advantage of the whole. Now, in many parts of the country large numbers of highly intelligent people, people who read the papers, who write and receive letters, who seek to keep up with the general literature of the day, suffer great inconvenience for want of reasonably good mail facilities. Can we not correct that? Can we not make such appropriation and give such direction as will enable and require the Post-Office Department to extend what is called the star-route service?

We have three kinds of service—railway, steamboat, and star-route. The latter includes and means all mail service that is carried over the public roads of the country other than railroads. By the star-route service we reach the remote settlements and all places not on railroads or rivers. By this service the people in the country are supplied with the mail. Now, can we not improve this service? All public highways being post-routes now by law, the first step in the improvement of the service is to get post-offices established at a sufficient number of places in each county in every State to enable the people to get their mail without having to travel as far for it as they now do. Why, sir, take the district I have the honor to represent on this floor. Several of the counties are remote from the railroads and are only reached by the star-route service. In some of them there are persons who have to ride fifteen or twenty miles to a post-office, and that office receives a mail only once a week.

Now, if this were a new country, or if the people did not care for or want the advantages of convenient mail facilities, it would not matter so much; but such is not the case. These counties are rapidly developing; the people are thrifty and intelligent; they read the papers and periodicals of the day, and feel keenly the fact that they can not have more accessible offices and more frequent trips of the mail. Now, sir, is there any reason why in a country like that post-offices may not be established at such points as to enable each individual to get his mail by going two or three miles after it, and might not the mail go to each office three times a week at least? Of course, sir, it will cost something to do this, but in my judgment it can be done for the same amount now appropriated for the support of the Department, and that too without depriving any other section, town, or city of first-rate mail facilities. To do this, however, some change must be made in the present plan. We must stop our large expenditures in the effort to improve the service where it is already well-nigh perfect, and spend more in extending mail facilities to localities and places that are now well-nigh deprived of them.

I do not wish to be understood as being opposed to improved facilities in large cities; on the contrary I favor them, but I consider their claim for better service than they now have as subordinate to the claim of those who have hardly any service at all. Our whole mail system is self-supporting, and last year paid into the Treasury a surplus of more than $1,000,000; that is to say, the people who wrote letters and sent packages and took papers paid in a sufficient amount of money to the Post-Office Department to pay all expenses, transporting the mails, salaries, and everything else connected with it, and then left a surplus of over a million dollars. Now, Mr. Chairman, I think the Government should not make a profit from the service, and so far as I am concerned, and I think in saying this I represent the intelligence of the country. I am willing if the receipts from the Department will not support the system properly extended to appropriate money from the Treasury for that purpose.

But, sir, as I said just now, that is not necessary if we will devote the money derived from the system to its extension among the people who are now practically without mail facilities and let them in the larger cities be content for a while with the really magnificent system they now have. To illustrate this point: As the law now stands the Postmaster-General may establish free delivery of mail matter in any city having 20,000 inhabitants and upward; that is to say, in such places as he establishes free delivery the mail is taken from the office by carriers employed for that purpose by the Government and delivered to the person to whom it is addressed at his home or at his store; he does not have to go to the post-office for it; it is brought to him, and he pays no more for it than the country gentleman pays for his who is forced to ride, perhaps through the rain, ten and sometimes twenty miles to his nearest office; and more than this, these carriers do not stop at taking the mail to a gentleman's house or store once a day, they go two and three and sometimes nine times a day, and as I said just now this costs the receiver of the letter nothing; the person sending it puts 2 cents thereon and that is all. But of course, Mr. Chairman, this service and delivery costs somebody something.

Now, let us see who it is. We have in this country one hundred and fifty-four free-delivery offices; that is, offices where the mail is carried to the home of the receiver as I have just described. Now it takes 3,680 carriers to do this; it takes that many men in addition to the regular force employed to receive and distribute the mail. These men cost the Government on an average $859.95 each year, and the total cost of the free-delivery system for the last fiscal year was $3,173,336.51. So that much is paid for the luxury of having mail delivered at the door of the persons to whom it is addressed. I do not object to the luxury, but I do think the people enjoying it should pay for it. Now let us see if they do pay for it. The Department has a plan of determining that question; that is, they take the number of drop-letters at a given office and see what sum they pay, and if they pay more than the cost of the carriers at that office then they say the system is self-sustaining.

Now, taking this plan or rule as correct, and only fourteen of the one hundred and fifty-four free-delivery offices are self-sustaining; and I will say in passing that the only one of the fourteen in the entire South is Georgia's capital city—enterprising, progressive, thrifty Atlanta. There the excess of local postage over the expense of the free delivery is $256.65; but we have one hundred and forty offices where the system is not self-sustaining, and the support of carriers and other such expenses is a burden upon the general fund. Now, I do not think the Department should have improved in that direction before extending further the star-route service, but inasmuch as I think it bad policy to go backward, inasmuch as they already have the free-delivery system at these one hundred and fifty-four offices, I would not deprive them of it; but we might say that two deliveries a day were sufficient, and in that way perhaps reduce the number of carriers employed and hence lessen the expense of the system; but whether that is practicable or not, we should not extend the system to other towns or cities until we fully extend the star-route service to the people who live in the country away from towns and cities, unless it should be demonstrated that in any given city the system would be self-sustaining, would not be a charge upon the gen-

eral fund. When such is the case there could be objection to its establishment.

Again, Mr. Chairman, we have in this country, or had on the 30th of June last, 2,143 post-offices of the first, second, and third class, post-offices where the salary of the postmaster is $1,000 and upward. Now, every one of these offices is located in a town or city. Compare the conveniences and privileges extended the patrons of these offices with those afforded at free-delivery offices and see the difference. In the latter, as I said before, your mail matter is brought to your door; in the former, the patron goes to the office for his mail and asks at the window for it; or if he does not wish to do that, if he is a modest man and does not wish to disturb the postmaster or his clerk by calling for his mail two or perhaps three times a day, for the mutual convenience of both himself and the postmaster he rents a post-office box. That is a place where his letters are put by the postmaster, and where he can get them without trouble to any one. For this privilege the patron pays from $2 to $6 a year. Why not improve here before extending further the free-delivery system? Why not add to the convenience of and lessen the expense to the resident of the smaller towns and cities before doing more in the direction of increasing the number of free deliveries in cities where that system obtains?

Again, why should there be such gross inequalities in the prices charged for rent of post-office boxes? Why should the rent not be uniform and cheap? Why should the person who rents a post-office box in Ohio or Illinois pay less for it than the man who rents one in Alabama or Georgia? Why should the price of box-rent in one town or city in Georgia be more or less than it is in another town or city in the same State? Can any reason be given for this distinction or discrimination between sections or places? None occurs to me; and yet such distinctions and discriminations are made. Why, sir, in the city where I live, a small but enterprising and progressive place, up to quite recently we were required to pay $6 a year for box-rent. I have myself paid that sum for years. Now we pay $4 a year. Other places in the same State pay less, and perhaps some pay more.

I am informed that in the North and East no such prices are charged. I do not think such prices should be charged anywhere. I think the price should be reduced everywhere; but if this can not be done, why should we not have uniformity? Why should not the patrons of an office where boxes are to be rented, whether the office be north, south, east, or west, whether the office be located in a large or small town or city, have the privilege of renting at the same price? Can any one give a reason for difference in prices; and why would not $1 be enough for any one to pay for box-rent? There is no expense attached to that system save only the cost of the boxes; it is really an advantage to the postmaster, and saves him much trouble. Now, you see, improvement might be had here properly, before going forward to the free-delivery cities.

But, Mr. Chairman, the great point I wish to stress is that we should do more to improve the service at the 45,720 fourth-class offices we now have, and at the same time greatly increase their number. You gentlemen who live in cities, where your mail is three or four times a day brought to your very door, or even those who can go to an office within the town where they live and unlock their box and take out their mail, have no conception of the inconvenience and trouble required on the part of a large number of our most intelligent people to get their mail; and my object is to bring that matter to your attention, so that some sort of relief may be afforded. I am not complaining at the present management of the Department. So far as I know they try to accommodate the people; I have always found the officers obliging and courteous; but I want to call a halt to the advance until the rear catches up. We understand that in matter of grace "to him that hath shall be given," &c.; but I do not want that rule applied to the postal service. I want first to give to him who "hath not," and then we can consider the propriety of giving to him who "hath" already.

Mr. WHITE, of Kentucky. I ask that the pending amendment be again reported.

The Clerk read as follows:

In line 10 of section 3 strike out the word "not."

Mr. WHITE, of Kentucky. Now Mr. Chairman I desire to say a word in opposition to the amendment. If I understand the proposition of the gentleman from Texas it is to give practically to members of Congress the franking privilege.

Several MEMBERS. Oh, no.

Mr. WHITE, of Kentucky. I say it is practically to give to members of Congress the franking privilege in another way. If it does not mean that, what does it mean?

Mr. HORR. Shall I tell you?

Mr. WHITE, of Kentucky. Yes; I ask the gentleman from Michigan to tell me.

Mr. HORR. If this amendment be adopted, it simply gives Congressmen the right to use free envelopes for postage on all matters where they are written to officially; the Department will have to furnish them envelopes, and then when they return the matter to the Pension Office, or any other Department of the Government, they can use one of those free envelopes. It does not give them the right to frank a general letter on general matters at all in any way, shape, or manner.

Mr. WHITE, of Kentucky. I am glad the gentleman from Michigan has explained that, because it is now about as clear as mud.

Mr. HORR. That is, to you.

Mr. WHITE, of Kentucky. It is to any man who understands about the letters that come to a member of Congress. If a letter comes to the gentleman from Michigan to-day asking him the status of a pension claim, he refers that, by the riding-page, to the Pension Office. That does not cost him a cent.

Mr. HORR. Or I go myself to the Pension Office.

Mr. WHITE, of Kentucky. When the Pension Office replies to that letter, it not only sends the reply to the gentleman free of postage, but incloses an envelope addressed to the party who made the inquiry of the gentleman from Michigan.

Mr. BRUMM (in his seat). If the member is at home, how is it then?

Mr. WHITE, of Kentucky. I can only reply to one gentleman at a time. But if the gentleman from Pennsylvania [Mr. BRUMM] will rise, he can put his question in proper form.

Mr. BRUMM (having risen). Suppose I am at home and am requested while there to ascertain the condition of the pension claim of one of my constituents, then how do I get that information unless I pay the postage?

Mr. WHITE, of Kentucky. Now, Mr. Chairman, the postage on inquiries of that sort that would reach a member while at home will not be enough to break up any member of Congress, especially when we are allowed so much for stationery. I undertake to say, sir, that the allowance now for stationery and the allowance for mileage, in addition to salary, which the members on this floor receive are quite sufficient to cover this little item, especially when you read in lines 17 and 18 of this same section the following:

*Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from whom official information is desired, the same to be used only to cover such official information.

I say, sir, that as members of Congress we can not afford to open the door to the abuse which a few years ago enabled members of Congress to distribute their franks to their friends in their towns and to send their dirty clothes a thousand miles to be washed and returned under their frank. This is simply a subterfuge to get around the repeal of the franking privilege.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. WHITE, of Kentucky. Yes, sir.

Mr. CANNON. Does the gentleman think his dirty clothes would be official matter? [Laughter.]

Mr. WHITE, of Kentucky. That might be the Wabash interpretation of it, Mr. Chairman. [Renewed laughter.] That is what I am afraid of, that the Wabash construction which would be put on the franking privilege might include the dirty clothing.

[Here the hammer fell.]

Mr. RANDALL. No one will deny that the effect of this amendment is to restore practically the franking privilege in so far as concerns the sending of official matter connected with the duties of members of Congress. The gentleman from Illinois will himself, I think, admit that. And whatever may be my personal view about that question and the manner in which the repeal of the franking privilege was brought about, I want to say in my opinion the public judgment is against the re-establishment of the franking privilege. Therefore I do not think it wise for this Congress, certainly not at this time, to take any such step. I therefore hope that the amendment will be voted down.

Mr. TOWNSHEND. I move that the committee rise for the purpose of limiting debate.

Mr. HOLMAN. Let us vote instead of having the committee rise.

Mr. CANNON. I desire a few minutes.

The motion that the committee rise was not agreed to.

Mr. BELFORD. As I have said on previous occasions, the gentleman from Pennsylvania [Mr. RANDALL] is competing with the gentleman from Indiana [Mr. HOLMAN]; they are posing before the country as the twin brothers in the interest of economy.

Mr. RANDALL rose.

Mr. BELFORD. Wait. I am only allowed five minutes.

Why should not a member of this House have a right to send free a letter on public business? Now the gentleman can answer that question. I will yield to the chairman of the Committee on Appropriations to answer the question why members of this House should be taxed for transmitting to their constituents answers to letters exclusively relating to public business. Any man who will object to it is so narrow between his eyes that he can look through a key-hole with both of them without obstructing the range of vision of either.

Mr. RANDALL. I am not going to attempt to cope with the gentleman from Colorado in either his wit or vulgarity.

Mr. BELFORD. Is that all the answer the gentleman from Pennsylvania can make?

Mr. RANDALL. So far as I am concerned with this franking priv-

ilege I have always had my own views; but I do say the people have condemned that practice, and that members of Congress came here knowing that they did not have the franking privilege, and I hear no demand among the people for its re-enactment.

Mr. BELFORD. I hope the gentleman will not take up all my time.

The CHAIRMAN. The Chair understood the gentleman from Colorado to yield.

Mr. BELFORD. Not for a speech. I yielded only for an answer to my question.

It is idle for gentlemen to say what the gentleman from Pennsylvania has just asserted. I say that the interest of members of this House in the transaction of their public business requires that they should be allowed to send these official letters free through the mails. This pretense of economy on your part, with $150,000,000 of surplus revenue in the Treasury [laughter], is a sham and a fraud. That is what I say.

And I will declare further that when the political campaign comes on we will expose your hypocrisy to the people of this country. We will inform them that while you have been pretending to economize in one direction you have been keeping in the Treasury hundreds of millions of dollars, and thereby keeping out of work thousands of people in this country who have been seeking employment. Take your issue, and we will join you upon it the coming summer. Hypocrisy will not win; political sham will be exposed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. I think that those who stand here for economy do so regardless of either sneers or applause, having a consciousness of performing a public duty in an intelligent, honest way. That is all that any member of Congress needs to go home with.

I do not know what may be the issues of the coming campaign. I do know one fact, and that is that the Democratic party will never be condemned for economy and frugality in public expenditures. I am quite willing to leave that issue to the people, and am certain that we will stand firmly before them, even though the gentleman from Colorado may not stand with us in that respect.

Mr. REAGAN. I desire to say but a word more. I do not attach any very great importance to the amendment which I have presented, nor do I think it likely that it will form a very material issue in the coming election.

When the franking privilege was abolished we abolished it entirely. We have now restored it so far as concerns all public documents sent through the mails. Most members are taxed with a great many letters about business of legislation and matters affecting their constituents. It occurred to me that inasmuch as we allowed the Departments to send communications on official business free in printed envelopes there could be no great harm in extending the same privilege to members of Congress, and no great matter of economy involved in it.

I sympathize with my friend from Illinois [Mr. TOWNSHEND] and the gentleman from Pennsylvania [Mr. RANDALL] in their desire to promote economy in the administration of the Government, and I generally act with them. I did not suppose that by allowing official letters to be sent postage free by members of Congress we would thereby be making any very serious raid on the Treasury, especially when the privilege is regulated by a requirement that each such package shall be indorsed "official business," with the name of the bureau or office from which it shall go, and when there is printed on the envelope a notice of $300 penalty for using it for any other purpose in violation of the law. The amount of money which would inure to the Government by refusing to members of Congress the privilege of thus sending official communications would scarcely be perceptible in the account; yet it is something to the various members of Congress. It seemed to me to be but fair and right that they should be allowed to send official communications under cover of these penalty envelopes. I have no desire to continue the debate any further.

Mr. CANNON. I was in hopes that the amendment of the gentleman from Texas [Mr. REAGAN] could be discussed without those references to economy or anti-economy which we have heard here bandied back and forth in a general way from one side and the other. I was in hopes that it might be considered as a business proposition. There is no reason why I as a Republican should be for or against it, or why any gentleman on the other side, because he is a Democrat, should be for or against it.

Having said that much, I want to look for a moment to the merits of the proposition. When the Forty-second Congress increased the salaries of members of Congress to $7,500 a year it repealed the franking privilege entirely, both as regards official matter and every other kind of matter sent through the mails. A subsequent Congress cut down the salaries of members of Congress to $5,000 a year, and in addition restored the franking privilege substantially.

Mr. HORR. On public documents.

Mr. CANNON. On all public documents. I want to say that the franking privilege is now as full and free, with a very slight exception, as it ever was. The exception is the letters of members of Congress and other matters not official, which they formerly were accustomed to send under their franks. I undertake to say that there is not one-thousandth part of 1 per cent. of mailable matter that is not covered by the franking privilege now which ever was covered by it prior to 1873. Tons and tons of books—two tons; yes, three tons of public documents—go now where a few years ago not one ton of documents was sent under franks of members of Congress.

What is it that does not now go under a frank which the gentleman from Texas [Mr. REAGAN] by his amendment proposes shall go free hereafter? Merely official correspondence in an official envelope, with a notice printed on it that there is a penalty of $300 for the use of such envelope except for official purposes.

Now, who has that kind of franking privilege? There is not a clerk of the 8,000 clerks in Washington but what has it; there is not a head of Department in Washington but what has it, and this bill extends it to the Regents of the Smithsonian Institution. Let me read the bill:

The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, not including members of Congress, the envelopes of such matter in all cases to bear appropriate indorsements, containing the proper designation of the office from which or officer from whom the same is transmitted, with a statement of the penalty for their misuse.

"Not including members of Congress." Every army officer and every naval officer and every other officer of the United States Government shall have the privilege of using these penalty envelopes, "not including members of Congress."

Of these thousands of people who hold office every one, big and little, has this privilege. Who are excepted? Three hundred and twenty-five members of the House and seventy-six Senators are alone by our own act, as to the identical class of matter, discriminated against as not worthy of having this privilege.

One of these officers may get a letter from John Smith about a pension or any other official inquiry, and he uses a penalty envelope for the reply; but a member of Congress can not do the same. I undertake to say that either gentlemen have not thought about this discrimination or else they have greater fear of doing right by themselves while they are doing right by about one hundred thousand other people that hold office than I have or than I think it manly for anybody to have.

[Here the hammer fell.]

Mr. HOLMAN. My friend from Illinois [Mr. CANNON] overlooks the fact, apparent from the language of this bill, that its harmony will be disturbed and destroyed if this amendment of the gentleman from Texas should be adopted. In lines 30 to 32 of this paragraph it is provided:

That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses of postages.

Now, when $125 was fixed upon as the amount to be allowed members of the House and the Senate for stationery, the item of postage, which was formerly a comparatively small sum, was expressly taken into account. Gentlemen will discover this to have been the fact by a reference to the debates at the time this allowance was fixed.

My friend from Illinois will also discover another fact, that the legislation adopted in 1873, at the close of the Forty-second Congress, increasing salaries of members, was most earnestly condemned by the entire country, for the reason that members of Congress in that legislation had enlarged their compensation beyond what it was when they assumed the trust. That was the strongest ground upon which the popular condemnation rested as to that legislation. We accepted our offices upon a fixed compensation, an ample salary of $5,000 a year and mileage, going even beyond the actual cost of traveling, and $125 additional for stationery, which was intended to include this very item of postage. Can we, consistently with our own sense of duty, go back upon this contract, understood to be a contract by our constituents when they intrusted us with the duties we are now performing? We are not legislating with reference to some other portion of the people of the United States, but as to ourselves; and I submit we should in such a case be infinitely more cautious, for fear of subjecting ourselves to just criticism, than when we are legislating as to matters upon which in the nature of things we can afford to be impartial.

I trust, therefore, that this amendment will not be adopted, and that the slight expense we have heretofore borne in the payment of our own postage will be borne in the future. I trust that this House of Representatives will not in a matter of this kind, personal to ourselves, adopt such legislation as is now proposed, without any intimation from our constituents that they desire it.

Mr. TOWNSHEND. I again move that the committee rise for the purpose of limiting debate on this paragraph.

The motion was agreed to; there being—ayes 99, noes 10.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the Post-Office appropriation bill, had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills; and pending that motion I move that when the Committee of the Whole shall resume the consideration of the Post-Office appropriation bill all debate on the pending paragraph and amendments thereto be closed in one minute.

Mr. MILLS. I move to amend the motion of the gentleman from Illinois by striking out "one minute" and inserting "twenty minutes."

Mr. TOWNSHEND. There has been already nearly an hour's debate on these pending questions.

Mr. KEIFER. Is it understood that the limitation proposed applies merely to the pending amendment?

The SPEAKER. The Chair understood the gentleman from Illinois to move to limit debate upon the pending amendment and the paragraph.

Mr. TOWNSHEND. All amendments to the paragraph.

The SPEAKER. The motion can not be made in that form. The only form in which it can be made under the rules is——

Mr. TOWNSHEND. Let me state my proposition again. It is that all debate upon the paragraph and amendments thereto be closed in one minute.

The SPEAKER. The only form in which the motion can be made under the rules is to limit debate upon the pending amendment and the paragraph under consideration; but the effect of that motion if adopted would be to cut off all debate upon any amendment subsequently offered in Committee of the Whole to the paragraph.

Mr. TOWNSHEND. Very well. I accept of course the Chair's suggestion, and in order to avoid waste of time I accept the amendment of the gentleman from Texas and move the previous question.

Mr. WHITE, of Kentucky. How is the time to be divided?

Mr. BROWNE, of Indiana. Let the time be occupied by gentlemen who have not yet taken part in the discussion.

The SPEAKER. That is a matter for arrangement among gentlemen on the floor.

Mr. WHITE, of Kentucky. If the gentleman in charge of the bill accepts the amendment of the gentleman from Texas——

Mr. TOWNSHEND. I have called for the previous question and debate is not in order.

Mr. BISBEE. I rise to a parliamentary inquiry. If the demand for the previous question shall be ordered, I should like to know whether it will cut of debate on an additional paragraph to the bill?

The SPEAKER. It will only stop debate on the paragraph now under consideration in the Committee of the Whole. The Chair does not know officially in the House what is being done in committee until it has been reported.

Mr. WHITE, of Kentucky. I wish to know whether it is now in order to amend the proposition of the gentleman from Illinois as it has been modified by the acceptance of the amendment of the gentleman from Texas?

The SPEAKER. It will be if the demand for the previous question be not sustained.

Mr. KEIFER. I ask the gentleman from Illinois to allow ten minutes of debate on substantive propositions moved as amendments to the paragraph.

Mr. TOWNSHEND. I insist on my demand for the previous question. I believe the House fully understands this question, and that it is clear enough without further debate.

Mr. KEIFER. I do not ask for further debate on that, but other on questions.

Mr. TOWNSHEND. I insist on the demand for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion as modified, that debate on the paragraph and pending amendment be closed in ten minutes.

Mr. WHITE, of Kentucky. Is an amendment in order?

The SPEAKER. The House has sustained the demand for the previous question.

The motion as modified was agreed to.

The SPEAKER. The question recurs on the motion to go into committee.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. BLOUNT in the chair.

The CHAIRMAN. The committee resumes the consideration of the Post-Office appropriation bill, and by order of the House debate on the pending paragraph and amendment thereto has been limited to ten minutes.

Mr. MILLS. Mr. Chairman, when I came to Congress ten years ago, in the Forty-third Congress, the franking privilege had been abolished. It had been repealed by the Forty-second Congress, and no member of the Forty-third Congress had any privilege of sending out anything from this House except by paying the postage on it. I remember I paid some $200 or $300 postage on Agricultural Reports and other public documents I sent to my constituents. I began to advocate the question for the restoration at least of the right to members of Congress to send public documents to their constituents. In conjunction with the gentleman from Indiana then representing the Indianapolis district [Mr. Coburn] I went to work to restore the franking privilege to Agricultural Reports. I succeeded. Afterward it was extended until all public documents were given the franking privilege, to be sent by members of Congress broadcast all over the country. If it had not been for that I believe the the printing of public documents would have been stopped, because no member could afford to pay the postage on them. Our salaries would not have been sufficient to distribute public documents among our people. All of the franking privilege has been, in fact, since restored except as to letters written by members of Congress.

So far as such letters are written by members of Congress on their own individual business I do not wish to disturb the settlement of that matter by the Forty-second Congress. But Congress has given to other officers of the Government the right to send in an official envelope communications on business pertaining to their offices. This right is given to all officers of the Government except to Senators and Representatives of Congress, and in a modified form it has been restored even to them. We have confided to the clerks in the Executive Department a power which we seem unwilling to intrust to ourselves. When seeking information in relation to matters of our constituents the clerks in the Departments are authorized in making their responses to slip in official envelopes to us to go through the mails free, under which to forward our answers to our constituents' letters. They do send us envelopes for that purpose, but for fear we may use them in some other way for our own private interests they always back them, to prevent our cheating the people of the United States out of 2 cents.

Now, I think I have always voted since I have been a member here that the Representatives of the people may be trusted. For one, I will take the responsibility in behalf of my own people that they will sustain me in voting to intrust in the hands of the Representatives the power which is now placed in the hands of these executive clerks.

I will cordially support any amendment which authorizes members of Congress to use penalty envelopes to disseminate intelligence to their people. Why should it not be done? This business is growing all the time with you gentlemen of the North in reference to pensions; it has been an onerous task which has been imposed upon you. It is growing in the South, because your soldiers are coming in and settling in our country, and day by day I find that business is growing on my hands in attending to the pension cases of your soldiers.

There are many other reasons why penalty envelopes should be permitted to be used for the purpose of attending to the business of the Government, and not for personal business. By granting the use of the penalty envelope to every other officer of the Government except to a member of Congress we degrade our positions and discredit ourselves before our constituents. I am opposed to it, and shall, as I have said, support any amendment that will give members of Congress the same right as to penalty envelopes that is extended to other officers of the Government.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. Mr. Chairman, while I believe in the principle involved in this amendment, I shall be compelled, for reasons I shall give, to vote against it in its present shape. Some years ago, it will be remembered, Congress increased its compensation from $5,000 to $7,500 per annum, and made the increase retroactive, and in that connection abolished the franking privilege. That privilege as then existing was abused, not simply in the manner referred to by the gentleman from Kentucky, in transmitting matter not properly mailable, but not infrequently a Representative in Congress would put his frank on the back of a number of envelopes and distribute them promiscuously among his friends and constituents, who availed themselves of their use really in fraud of the postal laws of the United States.

I think it was really by reason of that violation of the law of the franking privilege that it became distasteful to the people, and there was a demand for its repeal. When Congress repealed the increase of Congressional salaries and restored them to $5,000 a year, it at the same time gave $125 for each session of Congress to each member in lieu of postage and stationery.

Now, I would be willing to stand at that if it was equal to the expenditure of the member for this purpose. I have kept some account of the amount I am expending for postage in recent years, and I think I am within bounds when I say that a member of Congress will average an expenditure of $3 a week the year round on account of postage; so that our expenditures for postage will run up to $156 or $160 a year. In addition to that we are compelled to buy every envelope, every sheet of paper, every rubber-band, every lead-pencil, every pen and penholder, every bottle of ink, and everything else that we are required to use in our correspondence. The bills—the paper upon which we write the bills that we introduce; the paper upon which we write the committee reports, upon which we send official information to the Departments or to our constituency, we pay for out of our own pockets, either out of the salary we receive or out of the appropriation of $125 now allowed us.

This amendment, as I said, is right in principle in allowing a member of Congress to transmit official information to his constituents under a penalty envelope, or a franked envelope, or whatever you may call it. It adds but little to the expenditures of the Government, for we already send tons of matter under the Congressional frank to our constituents. I think I have sent during the past week a four-horse wagon-load of books, garden seeds, and letters to my constituents under my frank.

But the reason why I shall vote against this amendment is this: I

believe on principle that every member of Congress accepts his office upon an implied contract that he will serve during that term for the compensation given him by law, and that he ought not to increase it during his term; but that all increase of pay or emoluments ought to be made to take effect with the new Congress, so that the people by their votes may interpose between Congressional legislation and the Treasury, and rebuke Congress if they see proper to do so for such legislation. For such a provision I should vote. I can not support the pending amendment.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having taken the chair, a message from the President of the United States in writing was communicated to the House by Mr. PRUDEN, one of his secretaries.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Texas.

Mr. REAGAN. I ask consent to withdraw that amendment and substitute in lieu of it the words "that the privileges extended by the provisions of this section shall be allowed to members of Congress after the 4th of March, 1885."

The CHAIRMAN. Is there objection to the modification of the amendment proposed by the gentleman from Texas.

There was no objection.

Mr. RANDALL. I would like to know if the time for debate has expired?

The CHAIRMAN. It has.

Mr. RANDALL. Of course the gentleman has the right to modify his amendment in any way he sees proper.

The CHAIRMAN. To what part of the section under consideration does the gentleman offer this amendment?

Mr. REAGAN. As a proviso.

Mr WHITE, of Kentucky. I would like to ask if this conforms to the constitutional requirement——

The CHAIRMAN. The gentleman from Texas is entitled to the floor to perfect his amendment.

Mr. REAGAN. The amendment as read from the desk is correct.

Mr. WHITE, of Kentucky. Then I repeat the question, whether this conforms to the constitutional requirement that no Senator or Representative shall during the time for which he was elected have the emoluments of his office increased?

Mr. MILLS. This only applies to the next Congress.

Mr. WHITE, of Kentucky. Very well.

Mr. TOWNSHEND. Let it be again read.

The Clerk read, as follows:

*Provided*, That the privileges extended by the provisions of this section shall be allowed to members of Congress after the 4th of March, 1885.

The committee divided; and there were—ayes 61, noes 93.

So the amendment was not agreed to.

Mr. TOWNSHEND. In order to perfect the text of this bill I offer this amendment——

Mr. HORR. Has the question been taken upon the amendment of the gentleman from Texas?

The CHAIRMAN. The Chair submitted the amendment of the gentleman from Texas, and it was rejected.

Mr. HORR. But the first motion was to strike out the word "not."

The CHAIRMAN. That was withdrawn or modified by the subsequent amendment.

Mr. HORR. Then I renew that amendment to strike out the word "not."

Mr. RANDALL. Let us vote upon it; there is no debate.

Mr. TOWNSHEND. I have not yielded the floor, but rise for the purpose of offering an amendment which I am authorized to offer by the Committee on Appropriations.

Mr. KEIFER. Let us finish this subject first.

The CHAIRMAN. This relates to the pending paragraph.

Mr. TOWNSHEND. The amendment that I offer relates to it also.

The CHAIRMAN. The gentleman will send the amendment to the desk.

The Clerk read as follows:

On page 9, line 24, after the word "Department," insert the words "or by the Public Printer;" so that it will read:

"*Provided further*, That any letter or packet to be registered by either of the Executive Departments, or bureaus thereof, or by the Agricultural Department, or by the Public Printer, may be registered without the payment of any registry fee; and any part-paid letter or packet addressed," &c.

The amendment was agreed to.

Mr. HORR. Now, Mr. Chairman, I move to amend by striking out the word "not," in line 10, before the word "including;" so that it will read:

The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, including members of Congress.

Mr. HOLMAN. I make the point of order on the amendment. Its effect is to change existing law and it does not retrench expenditures.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. HORR. I submit that it is too late to make the point of order.

The CHAIRMAN. The Chair thinks not. The amendment has just been offered by the gentleman from Michigan. The point of order is sustained.

Mr. KEIFER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 20, after the word "from," insert the words "or to," and in line 21, after the word "information," insert "and indorsements relating thereto;" so that it will read:

"*Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or to whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto."

Mr. KEIFER. At present, if I may be allowed——

The CHAIRMAN. Debate is not in order.

Mr. KEIFER. I presume there will be no objection to a very brief explanation. At present we are daily sending out envelopes that are sent to us from the Departments. If this bill is passed as it is it may cut off that right. My object is to have the section so amended that these envelopes may be sent to us as they are now from the Pension Office, and that we may be allowed to make an indorsement on the communication so as to give an explanation to the person to whom it is sent.

The amendment was agreed to.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Congress," in line 10, insert the following: "but including the Clerk and Sergeant-at-Arms of the Senate, and the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster of the House."

Mr. REAGAN. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

The question being taken on the amendment, the chairman stated that the "noes" appeared to have it.

Mr. HOLMAN. I call for a division, and I ask that the amendment be again read.

The amendment was again read.

Mr. HORR. I make the point of order on that amendment. It is subject to the same point of order that the gentleman from Indiana made on my amendment.

Mr. HOLMAN. Oh, no; we appropriate the money for those officers.

Mr. HORR. You change the law without decreasing expenditures.

Mr. TOWNSHEND. I object to debate.

Mr. HOLMAN. On the point of order I wish to say that you now appropriate the money out of the Treasury.

The CHAIRMAN. The point of order is made too late. The committee was dividing on the question.

The committee again divided; and there were—ayes 26, noes 83.

So (further count not being called for) the amendment was not agreed to.

Mr. BISBEE. I offer what I send to the desk as an additional section.

The Clerk read as follows:

SEC. 4. That the stamped envelope, newspaper-wrapper, dead-letter envelope, and all other articles herein provided for shall be manufactured from the cheapest material obtainable in the market.

Mr. TOWNSHEND. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. I make the point of order that the amendment does not retrench expenditures, while it does change the law. And it does seem to me to be such an amendment as should not in any case be attached to the bill. It seems to me absurd on its face.

Mr. BISBEE. It seems to be perfectly plain to me that that amendment is not obnoxious to any point of order.

Mr. RANDALL. What standard would the gentleman from Florida set up for the quality of paper?

Mr. BISBEE. Perhaps the word "suitable" should have been inserted.

Mr. RANDALL. If the Department fixes a quality of paper to be used, then the amendment is clearly right. The contract ought to go to the lowest bidder.

Mr. BISBEE. I shall modify the amendment so that it will read "cheapest suitable material."

Mr. RANDALL. To be fixed by the Post-Office Department.

Mr. CANNON. I think the point of order is well taken, and I want to show why.

Mr. BISBEE. Before the gentleman from Illinois [Mr. CANNON] proceeds I wish to be heard a moment. I certainly did not expect the gentleman from Illinois [Mr. TOWNSHEND] in charge of this bill would make the point of order on so valuable an amendment as that. I supposed it would be his highest gratification, and that of the people of his district, to see all stamped envelopes, newspaper-wrappers, dead-letter wrappers, and everything of that nature circulating through his district and State made of the cheapest possible brown paper, and addressed in blue ink, and perhaps with blue pencil. That would seem to me to be in the line of retrenchment, economy, and reform, and it is certainly germane to this bill. [Laughter.] I hope that the chairman will over-

rule the point of order, for I desire to make some remarks and to state my objections to this bill and the reasons why I am compelled to vote against it.

Mr. TOWNSHEND. Upon the point of order I want to say, if the gentleman is through, that perhaps the kind of material he speaks of would satisfy the people of his own district well. But I represent perhaps a somewhat better class of people than he does, and I know they would not be satisfied with such material. Therefore I insist upon the point of order.

Mr. CANNON. I wish to say a word upon the point of order, and I ask that the amendment be again read.

The amendment as modified by insertion of the word "valuable" before the word "material" was again read.

Mr. CANNON. I want to ask the gentleman from Florida if he is in earnest about his amendment?

Mr. BISBEE. I am in dead earnest.

Mr. CANNON. I support the point of order for this reason. The amendment applies to all stamped envelopes, whether they are used by the Government or whether they are used by the parties who use the stamped envelopes. Now, it does not retrench expenses upon its face. To show that it does retrench requires an argument. Gentlemen may say these envelopes may be made cheaper. The reply to that would be that if they are made cheaper they would be sold cheaper.

The truth is, the policy of the Post-Office Department has been to promote the use of stamped envelopes, for the reason that many hundred thousand dollars' worth of stamps annually are detached from letters after they have been used, washed and reused, and thereby the revenues of the Department have been lessened. Under the policy of the Department to promote the use of stamped envelopes by people generally throughout the country, the envelopes being paid for in addition to the stamp, it is right and proper that the material of which the envelopes are made shall be of such a nature that people will buy them and use them in their ordinary business; and when a stamped envelope is once used it can never be used again.

There you have an argument against the proposition of the gentleman from Florida [Mr. BISBEE]. You have to resort to argument back and forth to show that the amendment he proposes will retrench expenditures or that it will not retrench expenditures, and that fact of itself proves that the proposition is subject to the point of order under the ruling of the Chair.

Mr. HORR. I do not now recollect to have ever made, during my short service in this House, any remarks on a point of order. I think I once stated to the House that if there was any such question where the pathos of the speaker was tender it was a question of order. [Laughter.]

It does seem to me, however, that in this case I ought to make a remark or two. I am not certain whether I shall be able to confine myself strictly to the question of order, because my only knowledge of what it is proper to say on such a point and under such circumstances is derived from my experience here in this House, and I do not now recollect anything that has ever been before this House that has not been discussed on a point of order.

I think this amendment of the gentleman from Florida must be offered in all seriousness. If I get at his idea, it is that we should have hereafter the cheapest paper possible for all the business of the Post-Office. He gets at that notion from the character of the provisions of this bill generally. If he had only included in it that this bill itself should go to the Senate on brown paper, I rather think I should have favored it.

Mr. TOWNSHEND. I rise to a question of order.

Mr. HORR. That is just what I was afraid of.

Mr. TOWNSHEND. The gentleman is not confining himself to the point of order.

Mr. HORR. That is the very difficulty I was afraid I should meet. [Laughter.] I am going to try and tell you why I think this amendment is in order.

This is a Post-Office appropriation bill, in which you appropriate $295,000 less for the purpose of distributing your mails on the railroads than it actually needs to do the work. Such a bill as that ought to provide for cheap paper in every possible shape and form. It is a bill that cuts down below the actual necessities of the Department almost every item that has been recommended to us, and such a bill as that ought to be printed on cheap paper. [Laughter.]

I say, and I wish to say it now for fear I shall not have a chance to do so in the regular way, and I do not know but this applies strictly to the point of order—I say that since I have been in this House I have never yet voted against the passage of an appropriation bill. But you have made this bill so entirely inadequate to meet the wants of the Department for which you are legislating that I consider it my duty to vote against it here and hereafter.

And I wish to say to the House that it does not make any difference upon what kind of paper we send this bill to the other branch of Congress. I hope they will sit down to its consideration in a candid manner and try to provide in some way for the needs of this service, for this bill as it now stands will not do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BISBEE. Is there any limitation of debate on the point of order?

The CHAIRMAN. The Chair is ready to rule on the point of order, and rules that the amendment is not in order.

Mr. TOWNSHEND. I move that the committee now rise and report the bill, with amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with a recommendation that the amendments be agreed to and the bill as amended passed.

Mr. TOWNSHEND. I call the previous question on the bill and amendments.

Mr. REED. I hope the gentleman will give us an opportunity to make an observation or two on the bill.

Mr. TOWNSHEND. I demand the previous question.

Mr. REED. I think the gentleman has an hour after the previous question shall have been ordered.

Mr. TOWNSHEND. I do not propose to occupy more than five or ten minutes of the hour, merely to explain the amendments. I will yield the same length of time to the opposite side of the House.

Mr. REED. That will do.

Mr. RANDALL. The gentleman from Illinois [Mr. TOWNSHEND] has an hour under the rule. But it is now 10 minutes to 4 o'clock, and the majority here mean to pass this bill to-night if we can.

Mr. REED. The gentleman from Pennsylvania [Mr. RANDALL] need give himself no uneasiness on that point; the majority shall have that glory if they want it. We shall not take up any time unnecessarily. The sooner the majority have the glory of this bill the better we shall be satisfied

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] calls for the previous question upon agreeing to the amendments and ordering the bill as amended to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. The question is now upon agreeing to the amendments reported from the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND. I now propose to occupy five minutes; but before doing so I will yield five minutes to the gentleman from Florida [Mr. BISBEE].

Mr. REED. I understood the gentleman from Illinois [Mr. TOWNSHEND] would occupy about ten minutes.

Mr. TOWNSHEND. Then I will occupy ten minutes and allow the same time to gentlemen on the other side, so that there may be no dissatisfaction.

Mr. RANDALL. Gentlemen should understand that there will be at least two votes by yeas and nays.

Mr. TOWNSHEND. I yield five minutes to the gentleman from Florida [Mr. BISBEE].

Mr. BISBEE. Mr. Speaker, I desire to express very briefly my objections to this bill. I am very sorry that what I offered as an additional section was not adopted. This is a cheap bill all the way through—framed by a cheap party, through its cheap committee, upon a cheap estimate of the people of this country; and I think the section which I offered was in keeping with the character of the bill. The bill is not complete without it; that section was necessary to give the measure character and tone.

The majority of this House knows perfectly well that there is more population in this country this year than there was last. There are more post-offices, more clerks in post-offices, and more railway clerks needed this year than last year. Gentlemen know very well that it costs more to provide for a family of six than it does for a family of three. You know very well that you have not given money enough in this bill by at least $3,000,000. You have not given money enough to pay the postmasters of this country. You have not given money enough to pay the railway clerks now employed in this country—not enough by $26,000. The chairman of the Committee on the Post-Office and Post-Roads [Mr. MONEY] offered an amendment the other day to increase the appropriation for the payment of railway clerks by adding to the sum proposed in the bill $295,000. He told you, gentlemen, that you did not in this bill give money enough to pay the clerks now in the employ of the Government, and not one of you has even suggested that any too many are employed. He told you further that 11,000 miles of new railroads had been completed, and that it required 368 more railway clerks in order to perform satisfactorily the railway service of this country—the additional number which the Postmaster-General recommends in his report. You voted that proposition down "without rhyme or reason."

More than that; we have now through a large section of the country fast-mail service. The train leaving New York at 4.30 a. m. arrives in Florida the next day at 2.30 p. m. We are able to read in Florida at this hour to-day newspapers and other mail matter that left New York

yesterday morning. But under the provisions of this bill those special mail facilities are cut off, and after the 30th of June next we must go without them. It makes a difference of one whole business day to the people of North Carolina, South Carolina, Georgia, and Alabama, and by a slight extension, the road being now completed, of Louisiana and Texas. Yet gentlemen from a vast section of the country who are interested in this service, extending from Maine to Texas, embracing sixteen States, have practically sat silent here and permitted the other side of the House to cut off this valuable mail service.

Now, Mr. Speaker, I want to know what this means? Have you gentlemen on the other side, who came here three months ago flushed with the victories of the past, so lost your confidence that you are driven to this mean, contemptible parsimony for the purpose of framing an issue for a Presidential election? Is that it? Or are you afraid that some of the postmasters and postmasters' clerks and railway clerks may possibly contribute a dollar or two of their salaries to aid the success of the Republican party of this country?

[Here the hammer fell.]

Mr. TOWNSHEND. I now yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, it seems to me that gentlemen on the other side occupy an extraordinary attitude in regard to this bill. There is no appropriation bill passed by this House which is so important to the people. There is none, except this, which costs the Treasury nothing. The people of the United States day by day pay the postal bills. Nobody is taxed for this service except those who participate in its benefits. There is no taxation incident to this bill at the present time. Yet, nevertheless, gentlemen on the other side have deliberately and knowingly refused the appropriations which they know this Department needs; and they have even gone further, and refused appropriations which by law this Department must have and will have in spite of them, for until they change the law in regard to postmasters, those officers will draw their pay as surely as human instincts prompt men to keep that which belongs to them.

What, then, is the object of gentlemen on the other side? They know and understand these facts. They know and they rely upon the fact that the Senate of the United States will make these necessary appropriations. And yet they will do it for no purpose any man can understand except for the purpose of keeping their hands in. They do it for the purpose during the campaign of talking about the savings they would have made.

And yet it is an open secret here there are a good many on their side who never would have voted down the proper amendments which have been offered had it not been for assurances that the Senate would do the right thing.

Is that a proper attitude for this Chamber to occupy? Is that a proper attitude for the great party which is on trial before the public to occupy? Are they not content with tampering with the business interests of this country in every other way, but they must seek to tamper with the business interests of the country in the transmission of intelligence and of business letters?

And yet these gentlemen aspire to-day, as they have been aspiring for years, to control this country. This country may have moments of hallucination, when it permits these gentlemen to be in control of a part of the Government, being well satisfied that they are safely anchored at the other end of this Capitol.

I say to you, gentlemen, such things as these which have been more particularly described by my friend from Florida [Mr. BISBEE] are not likely to create public confidence in your methods of administering business. A million of dollars has been shown not to have been really appropriated by this bill, and yet you pretend it has been. Here are hundreds of thousands of dollars which you know must be given to furnish route-agents on the ever-increasing railroad lines of this country, which must be furnished because the business of the country demands it, and yet you refuse to make the necessary amendment. And you can not do it upon any ground that you are dissatisfied with the Postmaster-General, because he has received commendation from that side of the House to an extent which might make him almost suspicious himself. [Laughter.] Yes, the business of the country demands it and you have no excuse for not doing it. [Applause on the Republican side.]

Mr. TOWNSHEND. Mr. Chairman, the time allotted to me under the rules would give me an opportunity to defend this bill to the length at least of one hour. I do not claim, however, more than the same length of time I have yielded to the opposite side of the House.

The Committee on Appropriations have been sustained in all the provisions of this bill except in reference to two items; one where the amount was increased $400,000 in the letter-carrier system, and the other a reduction, under the recommendation of the Postmaster-General, of $36,000 in printing postal cards. Those are the only two amendments to the bill of the Committee of the Whole since it came from the hands of the Committee on Appropriations affecting the amount of appropriations recommended by the committee.

In answer to the observations of the gentleman from Florida [Mr. BISBEE] and the gentleman from Michigan [Mr. HORR] and the gentleman from Maine [Mr. REED] I want to say that I had the opportunity yesterday of a conversation with a leading member of the Senate, a Republican member of the Senate on the Committee on Appropriations there, who said to me that he had read this bill carefully, that he had followed the debate throughout, and that it was a fair and liberal bill.

A member rose.

Mr. TOWNSHEND. Do not interrupt me; because I do not want to be interrupted.

Mr. REED. Nobody is interrupting you except yourself. [Laughter.]

Mr. TOWNSHEND. I wish I had the privilege of naming that Senator. I repeat, the declaration of that Senator to me, he being a Republican member of the Committee on Appropriations, was that this was a liberal bill, a fair bill. What further did he say to me? He said that he was glad to know that I had exposed the hypocrisy that was practiced by his own party in the last Congress in cutting down the appropriation for this Department far below the needs of the service.

Mr. JOSEPH D. TAYLOR. Name the Senator.

Mr. TOWNSHEND. I hope I will be permitted to proceed.

Mr. JOSEPH D. TAYLOR. I ask the gentleman to give the name of the gentleman to whom he refers.

The SPEAKER. The gentleman from Illinois declines to be interrupted.

Mr. TOWNSHEND. I do not want this to come out of my time.

The SPEAKER. The gentleman has fifty minutes.

Mr. TOWNSHEND. I will claim an extension.

Now, Mr. Chairman, since this bill came into this House every clown on that side has been brought forward to ridicule it. Every advocate of extravagance, every defender of jobs and of railroad corporations has been brought here, and every one of them has taxed his ingenuity to the utmost extent in order to raise a false clamor against this bill.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. I want to know whether the use of the word "clown" is parliamentary?

Mr. TOWNSHEND. When the clown is present it is. [Laughter.]

The SPEAKER. When anything disrespectful is used any member has the right to have it taken down, and the question submitted to the House.

Mr. HAMMOND. It is complimentary.

Mr. TOWNSHEND. Mr. Speaker, I was about to say when interrupted that in regard to the salaries of postmasters, in which the gentleman charged that we had appropriated an insufficient sum, I want to call attention simply to the fact that the last House appropriated a sum $1,250,000 (one and a quarter million) less than we have appropriated this year by this bill. That is a fact that can be ascertained instantly by comparing the bills.

But what further? The estimates of the Department last year were $185,000 less than the expenditures were for the previous year. The estimates were some $10,300,000 for one item; but to enable the Committee on Appropriations of the last Congress to play their deceitful rôle they came in with an appropriation of $9,250,000 to pay the salaries of postmasters.

They were told on the floor of this House that the expenditures for the previous year were more than ten and one-half millions of dollars and that the sum they proposed was insufficient, and yet they come now parading assumed virtues and charge us with niggardly appropriations when we increase their own appropriations a million and a quarter of dollars on this item. We have increased it, I repeat, that amount over what they themselves appropriated last year, and what is the result on the bill? This bill appropriates as it now stands $2,136,000 more than they appropriated last year for this service.

Now, Mr. Chairman, I wish to say that I am not at all surprised at the action of that side of the House in their endeavors to throw odium upon this appropriation bill. I have been liberal in my treatment toward them with reference to this bill. They have occupied, I think it is just to say, at least one-third more time than we have occupied in the discussions on this side of the House. The gentleman from Indiana [Mr. HOLMAN] and myself, having studied the bill and being familiar with its provisions, were called upon to take the floor more frequently than we wished in order to defend it from the assaults made upon it by the other side. The result was that on this side of the House comparatively few gentlemen have participated in the debates upon the bill.

But, in conclusion, I wish to say that I am not surprised at the action of the gentleman from Michigan, who simply seeks to make political capital for his party on this and other bills and who is only carrying out the programme which was laid down in the last Congress. He has adopted the same position with reference to this bill that he has taken with reference to all measures emanating from this side of the House. He seeks to make political capital out of them all.

Nor am I surprised at the action of the gentleman from Maine. I have been a member of this House with him for four years. I have served on committee with him, and venture the assertion here and now,

sir, that if you examine his course of conduct on this bill and compare it with his whole course in the past you will find it to be absolutely consistent.

Mr. REED (from his seat). That is so.

Mr. TOWNSHEND. If a peculator has been ever charged on this floor with maladministration; if ever an extravagant appropriation has been attempted to be made in this House, he has been found its defender. If ever the interest of a railroad corporation was at stake in this House, I have found the gentleman from Maine its champion and defender.

Mr. HISCOCK. I call the gentleman from Illinois to order, and ask that his words be taken down.

Mr. REED. I do not wish to have them taken down. I do not wish to give them so much significance. But when he talks of extravagant appropriations and of peculators, if he looks at the record in the star-route cases he will find that I voted with the committee in condemnation and that he was not here. [Applause on the Republican side.]

Mr. TOWNSHEND. I have never heard peculation assailed on the floor of this House but that the gentleman from Maine has sprung to his feet and defended it.

Mr. REED. Name one single instance.

Mr. TOWNSHEND. I remember an instance that the gentleman from Kentucky brought up; charges that were made in the last session of Congress. I do not now remember the name of the party, but the incident all will remember.

Mr. REED. Name one.

Mr. TOWNSHEND. I decline to yield.

Mr. REED. Just give us the name.

Mr. TOWNSHEND. Mr. Speaker, I have not time, and declined to be interrupted. [Derisive laughter on the Republican side.]

Mr. REED. I call upon the gentleman to name one.

Mr. CUTCHEON. Just one. [Cries on the Republican side of "Give the name."]

The SPEAKER. The gentleman from Illinois is entitled to the floor.

Mr. TOWNSHEND. The gentleman from Maine ——

Mr. REED. I want the gentleman to name one.

Mr. TOWNSHEND. When the gentleman from Maine takes his seat and behaves as he ought to behave, I will proceed with my remarks.

The SPEAKER (rapping with the gavel). The House will come to order.

Mr. TOWNSHEND. Now, that gentleman has taken occasion to assail almost every member of this side of the House, not only in this but previous Congresses, and I now propose to answer him, to let him understand that he is well known here, and that I have less regard for his estimate of myself, for his opinion of myself, than I have for the opinion of any other member upon this floor.

On last Saturday he took the floor here and imputed to me improper motives in my advocacy of this bill. I did not have an opportunity to reply to him on that occasion. But I want to say now that he is only playing the rôle that he has played ever since I first knew him in Congress, as the defender of every railroad scheme that has been brought in here, and as the obstructor of every character of legislation that has been attempted to put a restraint upon the railroad corporations and compel them to comply with their obligations and to meet their duties and their dues to the Government.

One word only in conclusion. I repeat that this bill, in all its details, is the most liberal postal appropriation bill that has ever been brought into the American Congress; and when it goes into the American Senate I vouch for it the Senate will find less fault with this bill than it found with the bill passed by the Republican House at the last session and sent to them; a bill that was born of a desire only to reduce so far the appropriations of the Government as to force this Democratic House to make large appropriations, in order that these gentlemen might turn their demagogues loose upon the stump in the next campaign and assert that a Democratic House was more extravagant than a Republican Congress.

Mr. REED. I desire to say only a word.

Fortunately the observations which the gentleman from Illinois—the Shawneetown district of that State—has had the kindness to make were made in the presence of this House, that knows both of us. Now I say to this House that my record is open to the world upon any and all topics. And there are only two sets of people for whose opinion I care a great deal. The one is my constituency, which knows me, and the other is this House, which knows him. [Applause on the Republican side.] And it is hardly necessary to say that I shall stand vindicated before them both.

I desire to say that I have never been found upon any occasion vindicating any improper measure in this House, and I have referred him to one conspicuous public occasion where a bad man was being hunted to the ground, and where I was found on the right side and he was found nobody knows where.

I desire to say another thing: that if I have at any time been found upon the side of a railroad corporation, which is a term of reproach upon his part, it has been because I was defending the cause of justice upon the floor of this House; and while I stand here a member of this House there is no man on the face of the earth so poor nor any corporation so rich that I will prostitute myself to injustice for the sake of that temporary advantage which comes of maintaining a false position because some dishonest men are clamoring against me. [Applause.]

It is the duty of every member of this House to act upon his conscience and his sense of duty. It is his business to stand up for what he believes to be right, careless of what may happen to him in consequence thereof. I do not undertake to boast here, but I venture to say that I have no occasion to lower my head in the presence of any man of this House, no matter what party he belongs to, and although I have had occasion in the course of my service here, following out my sense of duty, to say severe things about gentlemen on the other side, I venture to say that he is the only man on that side who would be capable of making the remarks he has made. [Applause on the Republican side.]

The SPEAKER. The question is on agreeing to the amendments reported by the Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I call for a separate vote on each. There are very few of them.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

After line 22 strike out these words: "And no salary of any postmaster under the act entitled 'An act to adjust the salaries of postmasters,' approved March 3, 1883, shall exceed the sum of $4,000 per annum."

The question being taken on agreeing to the amendment, the Speaker stated that the "ayes" appeared to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 91, noes 78.

Mr. TOWNSHEND and Mr. HOLMAN called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 19—not one-fifth of the last vote.

So the yeas and nays were not ordered, and the amendment was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

In lines 29 and 30 strike out "$3,600,000" and insert "$4,000,000;" so that it will read:

"For payment to letter-carriers and the incidental expenses of the free-delivery system, $4,000,000."

Mr. RANDALL. I call for the yeas and nays on that amendment.

The yeas and nays were ordered.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HATCH, of Missouri, indefinitely, on account of sickness.

To Mr. GIBSON, indefinitely, on account of ill-health.

To Mr. FINDLAY, indefinitely, on account of sickness.

### POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The question is on agreeing to the second amendment reported from the Committee of the Whole, on which the yeas and nays have been ordered.

Mr. BRUMM. I ask that the amendment be again reported.

The amendment was again read.

Mr. RANDALL. That is the increase of $400,000 for the letter-carrier service.

The SPEAKER. The question is on the adoption of the amendment.

The question was taken; and there were—yeas 123, nays 137, not voting 60; as follows:

YEAS—123.

| | | | |
|---|---|---|---|
| Adams, G. E. | Greenleaf, | McKinley, | Rowell, |
| Barr, | Guenther, | Mayo, | Russell, |
| Bayne, | Hanback, | Millard, | Skinner, C. R. |
| Beach, | Harmer, | Miller, S. H. | Slocum, |
| Belford, | Hatch, H. H. | Money, | Smith, |
| Bisbee, | Henderson, D. B. | Morey, | Spooner, |
| Boutelle, | Henderson, T. J. | Morrill, | Steele, |
| Brainerd, | Hepburn, | Morse, | Stephenson, |
| Breitung, | Hewitt, A. S. | Mutchler, | Stevens, |
| Brewer, F. B. | Hiscock, | Nelson, | Stewart, J. W. |
| Browne, T. M. | Hitt, | Nutting, | Stone, |
| Brown, W. W. | Holmes, | Ochiltree, | Strait, |
| Brumm, | Hooper, | O'Neill, Charles | Struble, |
| Budd, | Hopkins, | O'Neill, J. J. | Sumner, C. A. |
| Calkins, | Horr, | Parker, | Taylor, E. B. |
| Campbell, J. M. | Howey, | Payson, | Taylor, J. D. |
| Cannon, | James, | Perkins, | Thomas, |
| Chace, | Jeffords, | Peters, | Tillman, |
| Cox, W. R. | Johnson, | Phelps, | Valentine, |
| Culbertson, W. W. | Kean, | Poland, | Van Alstyne, |
| Cullen, | Keifer, | Price, | Wadsworth, |
| Cutcheon, | Ketcham, | Pusey, | Wakefield, |
| Dargan, | Lacey, | Ranney, | Washburn, |
| Davis, G. R. | Laird, | Ray, G. W. | Weaver, |
| Davis, R. T. | Libbey, | Ray, Ossian | Wemple, |
| Dingley, | Long, | Reed, | White, J. D. |
| Dorsheimer, | Lovering, | Rice, | White, Milo |
| Dunham, | Lyman, | Robinson, J. S. | Woodward, |
| Ellwood, | McCoid, | Robinson, W. E. | Worthington, |
| Evans, I. N. | McComas, | Rockwell, | York. |
| Everhart, | McCormick, | Rogers, W. F. | |

NAYS—137.

| | | | |
|---|---|---|---|
| Aiken, | Deuster, | Jones, J. T. | Seney, |
| Alexander, | Dibble, | Jordan, | Seymour, |
| Arnot, | Dibrell, | Kleiner, | Shaw, |
| Bagley, | Dockery, | Lamb, | Shelley, |
| Ballentine, | Dowd, | Lanham, | Singleton, |
| Barksdale, | Duncan, | Le Fevre, | Spriggs, |
| Belmont, | Dunn, | Lewis, | Stewart, Charles |
| Bennett, | Eldredge, | Lore, | Sumner, D. H. |
| Blackburn, | Elliott, | Lowry, | Talbott, |
| Blanchard, | Ermentrout, | McMillin, | Thompson, |
| Bland, | Ferrell, | Matson, | Throckmorton, |
| Blount, | Fiedler, | Miller, J. F. | Townshend, |
| Boyle, | Follett, | Mills, | Tucker, |
| Breckinridge, | Foran, | Mitchell, | Tully, |
| Broadhead, | Forney, | Morrison, | Turner, H. G. |
| Buchanan, | Fyan, | Moulton, | Turner, Oscar |
| Buckner, | Geddes, | Muller, | Vance, |
| Burnes, | Glascock, | Murray, | Van Eaton, |
| Cabell, | Graves, | Neece, | Ward, |
| Caldwell, | Green, | Oates, | Warner, A. J. |
| Candler, | Halsell, | Paige, | Wellborn, |
| Clardy, | Hammond, | Patton, | Weller, |
| Clay, | Hardeman, | Pierce, | Wilkins, |
| Clements, | Henley, | Peel, S. W. | Williams, |
| Cobb, | Herbert, | Post, | Willis, |
| Collins, | Hewitt, G. W. | Pryor, | Wilson, W. L. |
| Connolly, | Hill, | Randall, | Winans, E. B. |
| Converse, | Hoblitzell, | Rankin, | Winans, John |
| Cook, | Holman, | Reagan, | Wise, G. D. |
| Cosgrove, | Hunt, | Reese, | Wolford, |
| Crisp, | Hurd, | Riggs, | Wood, |
| Culberson, D. B. | Hutchins, | Robertson, | Yaple. |
| Curtin, | Jones, B. W. | Rogers, J. H. | |
| Davidson, | Jones, J. H. | Rosecrans, | |
| Davis, L. H. | Jones, J. K. | Scales, | |

NOT VOTING—60.

| | | | |
|---|---|---|---|
| Adams, J. J. | Evins, J. H. | Kasson, | Pettibone, |
| Anderson, | Findlay, | Kelley, | Potter, |
| Atkinson, | Finerty, | Kellogg, | Ryan, |
| Barbour, | George, | King, | Skinner, T. G. |
| Bingham, | Gibson, | Lawrence, | Snyder, |
| Bowen, | Goff, | McAdoo, | Springer, |
| Brewer, J. H. | Hancock, | Maybury, | Stockslager, |
| Burleigh, | Hardy, | Milliken, | Storm, |
| Campbell, Felix | Hart, | Morgan, | Taylor, J. M. |
| Carleton, | Hatch, W. H. | Muldrow, | Wait, |
| Cassidy, | Haynes, | Murphy, | Warner, Richard |
| Covington, | Hemphill, | Nicholls, | Whiting, |
| Cox, S. S. | Holton, | O'Hara, | Wilson, James |
| Eaton, | Houk, | Payne, | Wise, J. S. |
| Ellis, | Houseman, | Peelle, S. J. | Young. |

So the amendment was not agreed to.

The following were announced as paired until further notice:

Mr. STOCKSLAGER with Mr. PEELLE, of Indiana.

Mr. MCADOO with Mr. HANBACK.

Mr. WARNER, of Tennessee, with Mr. HAYNES.

Mr. MORGAN with Mr. MORRILL.

Mr. SNYDER with Mr. GOFF.

Mr. KING with Mr. WILSON, of Iowa.

Mr. HOUSEMAN with Mr. WHITING.

The following were announced as paired for the day:

Mr. RYAN with Mr. SPRINGER.

Mr. NICHOLLS with Mr. KASSON.

Mr. BINGHAM with Mr. MULDROW.

Mr. WAIT with Mr. EATON.

Mr. HOUK with Mr. HATCH, of Missouri.

Mr. COX, of New York, with Mr. HENDERSON, of Illinois.

Mr. FINDLAY with Mr. ATKINSON.

Mr. ELLIS with Mr. KELLOGG.

The following were also announced as paired:

Mr. SKINNER, of North Carolina, with Mr. SKINNER, of New York, till March 30.

Mr. CARLETON with Mr. LAWRENCE, till March 23.

Mr. MAYBURY with Mr. HART, till March 24.

Mr. COVINGTON with Mr. BREWER, of New Jersey, till March 19.

Mr. EVINS, of South Carolina, with Mr. O'HARA, till March 24.

Mr. HENDERSON, of Illinois. I am paired with the gentleman from New York, Mr. COX, on all political questions; but as I understand he would have voted in the affirmative on this amendment had he been present, I have voted.

The result of the vote was then announced as above stated.

Mr. TOWNSHEND. I ask that the vote be taken on the remainder of the amendments in gross.

Mr. HOLMAN. I think the amendments had better be voted on separately.

The next amendment reported from the Committee of the Whole was, to insert after line 34 of the printed bill the following:

*Provided*, That periodical publications other than daily newspapers when delivered within the city where they are published shall be charged with the same postage as is now imposed by law upon such publications when delivered elsewhere than in the city of publication.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was, to insert after line 47 of the printed bill the following:

And the Postmaster-General is authorized to designate postmasters at money-order post-offices as disbursing officers for the payment of salaries of officers and employés of the postal service, and for such other payments as the postmasters are now authorized to make from postal revenues.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was to strike out the following:

The foregoing provision, and all of the general provisions of law touching the rate of compensation of railroad companies for the transportation of the mails, shall apply to all railroad companies whose railroads were constructed in whole or in part by subsidies in bonds and public lands granted by the United States under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and all acts and parts of acts amendatory thereof; and the said act, and the sixth section thereof, and all acts amendatory of said act, are hereby altered, amended, and modified in conformity with and to conform to the foregoing provision for the readjustment of the compensation to be paid to railroad companies for the transportation of the mails. But nothing in this provision shall be construed in any wise to affect or impair the right of Congress at any time hereafter further to alter or amend the said act approved July 1, 1862, and the act and acts amendatory thereof referred to; and the foregoing provision shall be subject to alteration or amendment as in the opinion of Congress justice or the public welfare may require; and nothing herein shall impair any right now existing in favor of the United States; and the foregoing provision touching the rates of compensation to railroads constructed under the provisions of said act of July 1, 1862, and amendment thereof, for the transportation of the mails, shall be held as in alteration and amendment of said act and of the act amendatory thereof, and of both of said acts: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, shall receive only 50 per cent. of the compensation authorized by this act to the other railroad companies for corresponding service.

And to insert in lieu thereof the following:

*Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by the land grants made by Congress on the condition that the mails should be transported over their roads respectively at such prices as Congress should by law direct, or on the condition that such railroads should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed in whole or in part by subsidies, in bonds and lands granted and issued by the United States under the provisions of an act entitled "An act to aid in the construction of the railroad and telegraph line from the Mississippi River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and all acts amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal services. And the above-entitled act, approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provisions fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed in whole or in part by subsidies, in bonds and lands, under the provisions of said act for the transportation of the mails; and said acts and each of them shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare. But no right now existing in favor of the United States in relation to said railroads or either of them, or in relation to said grants or either of them, shall be deemed impaired or waived by this act or any provision thereof.

This amendment was agreed to.

The next amendment reported from the Committee of the Whole was, in line 127 of the printed bill, to strike out the words "inland transportation of star routes" and to insert in lieu thereof the words "the postal service."

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was, to strike out "sixty-eight," in line 149, and insert "thirty-two;" so as to make the paragraph read:

For manufacture of postal cards, $232,000.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was, to insert after the word "from," in line 20, page 9, the words "or to."

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was, to insert after the word "information," in line 21, page 9, the words "and indorsements relating thereto;" so that the clause, with this and the preceding amendment, would read as follows:

*Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or to whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was, to insert after the words "Agricultural Department," in line 24, page 9, the words "or by the Public Printer;" so as to read:

That any letter or packet to be registered by either of the Executive Departments or bureaus thereof, or by the Agricultural Department, or by the Public Printer, may be registered without the payment of any registry fee.

The amendment was agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and was accordingly read the third time.

Mr. TOWNSHEND. I call for the previous question on the passage of the bill.

Mr. HORR. Pending that motion, Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions which I ask the Clerk to read.

The Clerk read as follows:

Recommit the bill to the Committee on Appropriations with instructions that they report back to the House a bill providing the following sums for the following purposes, to wit:

For clerks in post-offices, $4,900,000.
For railway postal clerks, $4,295,000.
For mail messengers, $1,000,000.
For mail-bags and mail-bag catchers, $250,000.
For rent, light, and fuel, $480,000.
For steamboat mail service, $625,000.
For letter-carriers and the incidental expenses of the free-delivery system, $4,000,000.

The question being taken on the motion of Mr. HORR, there were—ayes 71, noes 103.

Mr. RANDALL and Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 91, nays 159, not voting 70.

YEAS—91.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ellwood, | McCoid, | Rogers, W. F. |
| Barr, | Evans, I. N. | McComas, | Rowell, |
| Bayne, | Everhart, | McCormick, | Russell, |
| Bisbee, | Guenther, | McKinley, | Skinner, C. R. |
| Boutelle, | Harmer, | Millard, | Smith, |
| Brainerd, | Hatch, H. H. | Miller, S. H. | Spooner, |
| Breitung, | Henderson, D. B. | Morey, | Steele, |
| Brewer, F. B. | Hepburn, | Nelson, | Stephenson, |
| Browne, T. M. | Hiscock, | Nutting, | Stewart, J. W. |
| Brown, W. W. | Hitt, | Ochiltree, | Stone, |
| Brumm, | Holmes, | O'Neill, Charles | Strait, |
| Burleigh, | Horr, | Parker, | Struble, |
| Calkins, | Howey, | Payson, | Taylor, E. B. |
| Campbell, J. M. | James, | Perkins, | Taylor, J. D. |
| Cannon, | Jeffords, | Peters, | Thomas, |
| Chace, | Johnson, | Poland, | Valentine, |
| Culbertson, W. W. | Kean, | Price, | Wadsworth, |
| Cullen, | Keifer, | Ranney, | Wakefield, |
| Cutcheon, | Lacey, | Ray, G. W. | Washburn, |
| Davis, G. R. | Laird, | Reed, | Weaver, |
| Davis, R. T. | Libbey, | Rice, | White, J. D. |
| Dingley, | Long, | Robinson, J. S. | White, Milo. |
| Dunham, | Lyman, | Rockwell, | |

NAYS—159.

| | | | |
|---|---|---|---|
| Aiken, | Dibble, | Lamb, | Shaw, |
| Alexander, | Dibrell, | Lanham, | Shelley, |
| Arnot, | Dockery, | Le Fevre, | Singleton, |
| Bagley, | Dorsheimer, | Lewis, | Slocum, |
| Ballentine, | Dowd, | Lore, | Spriggs, |
| Barbour, | Duncan, | Lovering, | Stevens, |
| Barksdale, | Dunn, | Lowry, | Stewart, Charles |
| Beach, | Eldredge, | McMillin, | Sumner, C. A. |
| Belmont, | Elliott, | Matson, | Sumner, D. H. |
| Bennett, | Ermentrout, | Miller, J. F. | Talbott, |
| Blackburn, | Farrell, | Mills, | Thompson, |
| Bland, | Fiedler, | Mitchell, | Throckmorton, |
| Blount, | Follett, | Money, | Tillman, |
| Boyle, | Foran, | Morrison, | Townshend, |
| Breckinridge, | Forney, | Morse, | Tucker, |
| Broadhead, | Fyan, | Moulton, | Tully, |
| Buchanan, | Geddes, | Muller, | Turner, H. G. |
| Buckner, | Glascock, | Murray, | Turner, Oscar |
| Budd, | Graves, | Mutchler, | Van Alstyne, |
| Burnes, | Green, | Neece, | Vance, |
| Cabell, | Greenleaf, | Oates, | Van Eaton, |
| Caldwell, | Halsell, | O'Neill, J. J. | Ward, |
| Candler, | Hammond, | Paige, | Warner, A. J. |
| Clardy, | Hancock, | Patton, | Wellborn, |
| Clay, | Hardeman, | Pierce, | Weller, |
| Clements, | Herbert, | Peel, S. W. | Wemple, |
| Cobb, | Hewitt, A. S. | Post, | Wilkins, |
| Collins, | Hewitt, G. W. | Pryor, | Williams, |
| Connolly, | Hill, | Pusey, | Willis, |
| Converse, | Hoblitzell, | Randall, | Wilson, W. L. |
| Cook, | Holman, | Rankin, | Winans, E. B. |
| Cosgrove, | Hopkins, | Reagan, | Winans, John |
| Cox, W. R. | Hunt, | Reese, | Wise, G. D. |
| Crisp, | Hurd, | Riggs, | Wolford, |
| Culberson, D. B. | Hutchins, | Robertson, | Wood, |
| Curtin, | Jones, B. W. | Robinson, W. E. | Woodward, |
| Dargan, | Jones, J. H. | Rogers, J. H. | Worthington, |
| Davidson, | Jones, J. K. | Scales, | Yaple, |
| Davis, L. H. | Jones, J. T. | Seney, | York. |
| Deuster, | Kleiner, | Seymour, | |

NOT VOTING—70.

| | | | |
|---|---|---|---|
| Adams, J. J. | George, | Kellogg, | Potter, |
| Anderson, | Gibson, | Ketcham, | Ray, Ossian |
| Atkinson, | Goff, | King, | Rosecrans, |
| Belford, | Hanback, | Lawrence, | Ryan, |
| Bingham, | Hardy, | McAdoo, | Skinner, T. G. |
| Blanchard, | Hart, | Maybury, | Snyder, |
| Bowen, | Hatch, W. H. | Mayo, | Springer, |
| Brewer, J. H. | Haynes, | Milliken, | Stockslager, |
| Campbell, Felix | Hemphill, | Morgan, | Storm, |
| Carleton, | Henderson, T. J. | Morrill, | Taylor, J. M. |
| Cassidy, | Henley, | Muldrow, | Wait, |
| Covington, | Holton, | Murphy, | Warner, Richard |
| Cox, S. S. | Hooper, | Nicholls, | Whiting, |
| Eaton, | Houk, | O'Hara, | Wilson, James |
| Ellis, | Houseman, | Payne, | Wise, J. S. |
| Evins, J. H. | Jordan, | Peelle, S. J. | Young. |
| Findlay, | Kasson, | Pettibone, | |
| Finerty, | Kelley, | Phelps, | |

So the House refused to recommit the bill with instructions.

The previous question was ordered on the passage of the bill.

The SPEAKER. On the passage of the bill the question will be taken by yeas and nays, as the rules require.

The question was taken; and it was decided in the affirmative—yeas 160, nays 77, not voting 83; as follows:

YEAS—160.

| | | | |
|---|---|---|---|
| Aiken, | Dorsheimer, | Le Fevre, | Seymour, |
| Alexander, | Dowd, | Lewis, | Shaw, |
| Arnot, | Duncan, | Lore, | Shelley, |
| Bagley, | Dunn, | Lovering, | Singleton, |
| Ballentine, | Eldredge, | Lowry, | Slocum, |
| Barbour, | Elliott, | McComas, | Spriggs, |
| Barksdale, | Ermentrout, | McMillin, | Stevens, |
| Beach, | Ferrell, | Matson, | Stewart, Charles |
| Belmont, | Fiedler, | Miller, J. F. | Sumner, C. A. |
| Bennett, | Follett, | Miller, S. H. | Sumner, D. H. |
| Blackburn, | Foran, | Mills, | Talbott, |
| Bland, | Forney, | Mitchell, | Thompson, |
| Blount, | Fyan, | Money, | Throckmorton, |
| Boyle, | Geddes, | Morrison, | Tillman, |
| Breckinridge, | Glascock, | Muller, | Townshend, |
| Broadhead, | Graves, | Murray, | Tucker, |
| Buchanan, | Green, | Mutchler, | Tully, |
| Burnes, | Greenleaf, | Neece, | Turner, H. G. |
| Cabell, | Halsell, | Nelson, | Turner, Oscar |
| Caldwell, | Hammond, | Oates, | Van Alstyne, |
| Candler, | Hancock, | O'Neill, J. J. | Vance, |
| Clardy, | Hardeman, | Paige, | Van Eaton, |
| Clay, | Henley, | Patton, | Ward, |
| Clements, | Herbert, | Pierce, | Warner, A. J. |
| Cobb, | Hewitt, A. S. | Peel, S. W. | Weaver, |
| Collins, | Hewitt, G. W. | Post, | Wellborn, |
| Connolly, | Hill, | Pryor, | Wemple, |
| Converse, | Hoblitzell, | Pusey, | White, Milo |
| Cook, | Holman, | Randall, | Wilkins, |
| Cosgrove, | Hunt, | Rankin, | Williams, |
| Cox, W. R. | Hutchins, | Reagan, | Willis, |
| Crisp, | Jeffords, | Reese, | Wilson, W. L. |
| Culberson, D. B. | Jones, B. W. | Riggs, | Winans, E. B. |
| Curtin, | Jones, J. H. | Robertson, | Winans, John |
| Dargan, | Jones, J. K. | Robinson, W. E. | Wise, G. D. |
| Davis, L. H. | Jones, J. T. | Rogers, J. H. | Wolford, |
| Deuster, | Jordan, | Rogers, W. F. | Wood, |
| Dibble, | Kleiner, | Rosecrans, | Woodward, |
| Dibrell, | Lamb, | Scales, | Worthington, |
| Dockery, | Lanham, | Seney, | Yaple. |

NAYS—77.

| | | | |
|---|---|---|---|
| Adams, G. E. | Evans, I. N. | McCormick, | Russell, |
| Barr, | Everhart, | McKinley, | Skinner, C. R. |
| Bisbee, | Guenther, | Millard, | Spooner, |
| Boutelle, | Hatch, H. H. | Morey, | Steele, |
| Breitung, | Henderson, D. B. | Nutting, | Stephenson, |
| Brewer, F. B. | Hepburn, | Ochiltree, | Stewart, J. W. |
| Brown, W. W. | Hiscock, | O'Neill, Charles | Stone, |
| Brumm, | Hitt, | Parker, | Strait, |
| Calkins, | Holmes, | Payson, | Struble, |
| Campbell, J. M. | Horr, | Perkins, | Taylor, J. D. |
| Cannon, | Howey, | Peters, | Thomas, |
| Chace, | James, | Poland, | Valentine, |
| Culbertson, W. W. | Johnson, | Price, | Wadsworth, |
| Cullen, | Kean, | Ranney, | Wakefield, |
| Cutcheon, | Lacey, | Ray, G. W. | Washburn, |
| Davidson, | Laird, | Reed, | White, J. D. |
| Davis, G. R. | Libbey, | Rice, | York. |
| Davis, R. T. | Long, | Robinson, J. S. | |
| Dunham, | Lyman, | Rockwell, | |
| Ellwood, | McCoid, | Rowell, | |

NOT VOTING—83.

| | | | |
|---|---|---|---|
| Adams, J. J. | Ellis, | Kasson, | Pettibone, |
| Anderson, | Evins, J. H. | Keifer, | Phelps, |
| Atkinson, | Findlay, | Kelley, | Potter, |
| Bayne, | Finerty, | Kellogg, | Ray, Ossian |
| Belford, | George, | Ketcham, | Ryan, |
| Bingham, | Gibson, | King, | Skinner, T. G. |
| Blanchard, | Goff, | Lawrence, | Smith, |
| Bowen, | Hanback, | McAdoo, | Snyder, |
| Brainerd, | Hardy, | Maybury, | Springer, |
| Brewer, J. H. | Harmer, | Mayo, | Stockslager, |
| Browne, T. M. | Hart, | Milliken, | Storm, |
| Buckner, | Hatch, W. H. | Morgan, | Taylor, E. B. |
| Budd, | Haynes, | Morrill, | Taylor, J. M. |
| Burleigh, | Hemphill, | Morse, | Wait, |
| Campbell, Felix | Henderson, T. J. | Moulton, | Warner, Richard |
| Carleton, | Holton, | Muldrow, | Weller, |
| Cassidy, | Hooper, | Murphy, | Whiting, |
| Covington, | Hopkins, | Nicholls, | Wilson, James |
| Cox, S. S. | Houk, | O'Hara, | Wise, J. S. |
| Dingley, | Houseman, | Payne, | Young. |
| Eaton, | Hurd, | Peelle, S. J. | |

So the bill was passed.

During the roll-call the following announcement of additional pairs was made:

Mr. HEMPHILL with Mr. SMITH, for to-day.

Mr. WELLER with Mr. BROWNE, of Indiana, for to-day, on the Post-Office appropriation bill.

Mr. BUCKNER with Mr. DINGLEY, for the remainder of the day.

Mr. HURD with Mr. EZRA B. TAYLOR, on passage of the Post-Office appropriation bill.

Mr. MORSE with Mr. HARMER, on Post-Office appropriation bill. Mr. MORSE would vote "yea" and Mr. HARMER "nay."

Mr. SKINNER, of New York. I am paired with Mr. SKINNER, of North Carolina, on political questions. While this seems to be a political question, there was a perfect understanding between that gentleman and myself that I should have the right to vote on the passage of this bill. With the exception of two bills I had the right to vote my own pleasure.

The vote was then announced as above recorded.

Mr. TOWNSHEND moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank; when the Speaker signed the same.

OHIO MUSTER-ROLLS.

Mr. CONVERSE. I ask unanimous consent to introduce a joint resolution (H. Res. 210) to furnish copies of certain muster-rolls to the governor of the State of Ohio.

The joint resolution was read, as follows:

*Be it resolved by the Senate and House of Representatives, &c.*, That the Secretary of War be, and is hereby, required to furnish to the governor of Ohio, upon his request, copies of such muster-rolls as are filed in his Department and other information from the records of his office as may be necessary to complete the military history of the troops that entered the service of the United States from the State of Ohio during the Mexican war and war of 1812.

Mr. CONVERSE. The object is simply to complete the military records in Ohio for publication.

Mr. WHITE, of Kentucky. I ask that the State of Kentucky be included as well as Ohio.

Mr. CONVERSE. I have no objection. I can state that the Legislature of Ohio has made an appropriation and required the governor to complete this list and have it published for the benefit of the State. This is to supply omissions in the rolls of certain regiments from the War Department files. I hope the gentleman will not insist on his amendment.

Mr. WHITE, of Kentucky. I should like to have my amendment inserted.

Mr. COSGROVE. I also want Missouri included.

The SPEAKER. The Chair hears no objection.

The joint resolution was read a first and second time.

Mr. WHITE, of Kentucky. I object to the resolution if my amendment is not allowed to come in.

Mr. CONVERSE. It comes too late.

The SPEAKER. The Chair did not understand the gentleman to object when it was asked for; and it now comes too late.

Mr. WHITE, of Kentucky. I move to include Kentucky.

Mr. CONVERSE. I call for the previous question.

The previous question was ordered.

The amendment was disagreed to; there being, on a division—ayes 20, noes 71.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORESTRY.

On motion of Mr. SKINNER, of New York, by unanimous consent, the following petition was ordered to be printed in the RECORD:

*To Congress:*

At a regular meeting of Jefferson County Pomona Grange, held in the city of Watertown, N. Y., March 5, 1884, the following resolution was introduced by D. S. Marvin, of Watertown, and unanimously adopted:

"*Resolved*, That Congress be requested to enact laws for the restoration, maintenance, and government of the forests and unoccupied lands of the public domain; also, that the necessary laws be enacted for establishing schools of forestry in connection with the West Point schools, the Agricultural Bureau at Washington, and upon unoccupied lands of the public domain, so that the students may be employed as forest guards and in acquiring and disseminating a knowledge of forestry among the people."

GEO. E. HERRICK, *Master*,
*Three Mile Bay, N. Y.*
S. C. WIGGINS, *Secretary*,
*Antwerp, N. Y.*

And then, on motion of Mr. WARD (at 5 o'clock and 50 minutes p. m.), the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Newton White, for an appropriation to pay for property—to the Committee on War Claims.

By Mr. BAYNE: Petition of Capt. Jacob Kline and others, officers of the United States Army, in favor of passage of H. R. 3117—to the Committee on Military Affairs.

By Mr. BREITUNG: Petition for passage of an act to amend chapter 3 of Title LIX of the Revised Statutes of the United States, entitled National Homes of Disabled Volunteer Soldiers, by adding thereto section 4838—to the same committee.

Also, that salary of soldiers, &c., should be made equal to gold at time of receipt—to the same committee.

Also, petition for passage of an act to amend chapter 3 of Title LIX of the Revised Statutes of the United States, entitled National Homes for Disabled Volunteer Soldiers, by adding thereto section 4838—to the same committee.

By Mr. COBB: Petition of James McCabe, for expenses incurred in contesting the seat of Hon. Godlove S. Orth in the Forty-sixth Congress—to the Committee on Elections.

By Mr. DIBRELL: Papers relating to claim of Mrs. J. P. Williams for $900 alleged to be due her on contract—to Committee on War Claims.

By Mr. DOCKERY: Resolutions of the Merchants' Exchange of Saint Louis, Mo., asking the passage of the Willis bill extending the bonded whisky period—to the Committee on Ways and Means.

By Mr. ELLIS: Petition of J. R. Carroll, for the passage of an act giving him payment out of the Chinese indemnity fund for his losses by the pillage and destruction of the bark Caldera—to the Committee on Foreign Affairs.

By Mr. EVERHART: Petition and protest of proprietors and employés of Powhatan Mills, Chester, Pa.—to the Committee on Ways and Means.

Also, petition and protest of proprietors and employés of S. A. Crozer & Sons, Upland, Delaware County, Pennsylvania—to the same committee.

Also, petition and protest of proprietors and employés of Chester Dock Mills, Chester, Pa.—to the same committee.

By Mr. HITT: Report of Committee on Foreign Affairs on the memorial of George L. Fisher—to the Committee on Appropriations.

By Mr. HOUK: Papers relating to claim of Cynthia Miliken—to the Committee on War Claims.

By Mr. HUTCHINS: Memorial relating to education in Alaska—to the Committee on Education.

By Mr. LAIRD: Petition of Whitehead Post, No. 114, Grand Army of the Republic, Orleans, Nebr., for making pay received by soldiers equal to gold and for issue of land-warrants to soldiers—to the Committee on Military Affairs.

By Mr. MOREY: Papers relating to pension claim of Henry C. Stuart—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Caroline Trekell for pension—to the same committee.

By Mr. MORRILL: The memorial of the Kansas Cane-Growers' Association, asking additional appropriation to enable the Department of Agriculture to continue its experiments in producing sugar from the sorghum cane—to the Committee on Agriculture.

By Mr. PRICE: Memorial of the Milwaukee Chamber of Commerce, in relation to the revenue-marine service—to the Committee on Commerce.

Also, memorial of the Milwaukee Chamber of Commerce, in relation to coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. PERKINS: Petition of J. M. Bannan and others, citizens of Kansas, asking for legislation making the provisions of the Chinese restriction act more stringent and to protect the artisans of the country against the competition of Chinese labor—to the Committee on Foreign Affairs.

Also, resolutions adopted by the Cane-Growers' Association of Kansas—to the Committee on the Public Lands.

Also, petition of J. Wade McDonald and others, citizens of ——— County, Kansas, asking for an increase of the compensation of United States circuit and district judges—to the Committee on the Judiciary.

By Mr. PETERS: Resolutions of the State board of agriculture of Kansas, in relation to the sugar interests and asking an appropriation to carry on experiments—to the Committee on Agriculture.

By Mr. PIERCE: Papers relating to the claim of John R. Watkins, administrator of Matilda W. Anderson, of Haywood County, Tennessee—to the Committee on War Claims.

By Mr. ROBERTSON: Papers relating to claim of William R. Gibson—to the same committee.

By Mr. STRAIT: Petition of P. Cudmore, of Faribault, Minn., and 450 others, praying for the equalization of bounties and the passage of an act giving arrears of pensions to all persons whose claims are allowed by the Department, such arrears to commence at the date of discharge—to the Committee on Invalid Pensions.

By Mr. VAN ALSTYNE: Papers relating to claim of J. A. Henry and others—to the Committee on War Claims.

By Mr. WAKEFIELD: Petition of members of the Grand Army of the Republic for the passage of the bill (S. 46) to equalize bounties to soldiers, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WASHBURN: Petition of 140 citizens of Minnesota, for a constitutional amendment to prohibit disfranchisement of United States citizens on account of sex—to the Committee on the Judiciary.

By Mr. WILKINS: Joint resolutions of the Ohio Legislature, asking increase of pensions in certain cases and for equalization of bounties—severally to the Committee on Invalid Pensions.

By Mr. WILLIS: Protest of members of George H. Thomas Post, No. 6, Grand Army of the Republic, and various pensioners, against change of present method of paying pensions—to the same committee.

By Mr. E. B. WINANS: Petition of Jay L. Mudge, David Frost,

G. R. Clark, and 95 others, citizens of Elsie, Clinton County, praying for a Michigan branch of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. YOUNG: Papers relating to the claim of Matthias App, of Memphis, Shelby County, Tennessee—to the Committee on War Claims.

## SENATE.

### WEDNESDAY, *March* 19, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PENSION LEGISLATION.

The PRESIDENT *pro tempore*. The Senate yesterday ordered the printing for the use of the Senate of the remarks of the delegation of the Grand Army of the Republic before the Committee on Pensions. The order provided for printing the document "for the use of the Senate," and it was accordingly journalized as proposed to be printed for the use of the Senate. A difficulty arises at the Printing Office in respect to how many copies shall be printed. If there be no objection the usual number for the use of the Senate, under the ordinary practice being two hundred and fifty copies, will be printed. Is there objection? The Chair hears none, and that order will be entered.

DISCOVERY OF PHOSPHATES IN BRAZIL.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, and, with the accompanying letter and papers, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 15th of January last, respecting the discovery of phosphates upon the coast of Brazil by a citizen of the United States, I transmit herewith a report from the Secretary of State upon the subject, together with the accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
*Washington, March* 18, 1884.

LADY FRANKLIN BAY EXPEDITION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed, as follows:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a communication of the Secretaries of War and the Navy concerning the expediency of offering rewards for the rescue of Lieutenant Greely and party by the independent efforts of private vessels, in addition to sending the three ships constituting the national relief expedition.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 18, 1884.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate, and calls the attention of Senators to it, a petition of the Delaware Indians, asking that their status and rights as citizens of the Cherokee Nation may be defined and protected. The rule of the Senate prohibits the introduction of any petition from the subjects of any foreign nation or power; and whether the Chair can properly lay this petition of the Delaware Indians, they not being citizens of the United States in the technical sense, before the Senate, the Chair leaves to the consideration of the body. If there be no objection the Chair will lay the petition before the Senate, and it will be referred to the Committee on Indian Affairs. The Chair hears no objection, and it is so referred.

Mr. MILLER, of New York, presented a petition of late officers of the volunteer army, praying for the passage of Senate bill No. 1306 and House bill No. 3485, proposing to fix the rate of pension hereafter to be granted to all commissioned officers; which was referred to the Committee on Pensions.

He also presented a petition of inventors, merchants, and other citizens of the United States, praying for the recommittal to the Committee on Patents of certain bills proposing to amend the patent laws, in order that they may have a hearing in regard thereto; which was referred to the Committee on Patents.

Mr. BECK presented the petition of Mrs. N. Cushman, widow of the late Commander C. H. Cushman, United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. LAPHAM presented a resolution adopted at a meeting of the New York State Cane-Growers' Association, held at Geneva, in that State, in favor of the continuation of the appropriation of a suitable sum of money for the purpose of experimenting in the different processes of sugar-making; which was referred to the Committee on Appropriations.

Mr. LAPHAM. I hold in my hand a resolution of the Free Canal Union of the State of New York, adopted at a meeting held at the rooms of the Chamber of Commerce on the 14th of the present month, in which they ask a favorable consideration of House bill No. 3538, which provides for the payment of $1,000,000 annually for the period of ten years for the purpose of making permanent improvements upon the Erie Canal.

When De Witt Clinton and his associates projected the construction of that great water way they sought the aid of the General Government at that early period, but in the then condition of the country and of the finances of the Government they were unable to procure the aid, and the canal was constructed by their energy and skill without any such aid. The reasons which applied at that time for such assistance from the General Government have increased a hundred-fold; we are in a condition now to grant the aid, and I think the condition of that work is such that it should be given.

The canal has been twice enlarged and the locks doubled since its original construction. Two years since the people of the State of New York by a very large vote declared that it should be forever free to the people of the United States as a channel of commerce. It is now being supported by an expenditure of nearly three and a half million dollars by way of taxation from the people of the State. The canal needs further enlargement of the locks and further deepening of the channel in some of its portions to make it a most effective water way. The object of this legislation and of this aid from the Government is to make the canal what it should be in its present condition as a free water way, the most effective water way possible for the use of the public.

I trust that this subject will receive the earnest consideration of the Senate in the support of the bill which is referred to in the resolution. I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SHERMAN. I present resolutions of the Chamber of Commerce of the city of Cincinnati, Ohio, remonstrating against the passage of the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha River and to prescribe the dimensions of the same, setting forth the ground on which they believe that the construction of the bridges proposed will interfere with the commerce of the Kanawha and Ohio Rivers, and suggesting certain modifications and changes in the bill. I move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PENDLETON. I have a memorial and resolution of the Chamber of Commerce of Cincinnati in relation to Senate bill 1441, remonstrating against the passage of that bill, which provides for the construction of bridges over the Great Kanawha River. I presume it is the same memorial and resolution just presented by my colleague, but I move that it be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of T. M. English, administrator of the estate of Richard Fitzpatrick, deceased, praying compensation for wood and rent of property used by the military authorities of the United States, as ascertained by a judgment of the Court of Claims, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. HARRISON. I am directed by the Committee on Indian Affairs, who were instructed by a resolution of the Senate of December 5 last to inquire into the expediency of creating a military academy west of the Mississippi River for the training of Indian youths as soldiers, &c., to submit a report expressing the opinion of the committee against the proposed legislation.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the subject, and the report will be placed on file.

Mr. SAWYER. I am instructed by the Committee on Railroads, to whom was referred a petition of citizens of New Jersey and New York praying for the passage of a bill authorizing the construction of bridges across Staten Island Sound, to ask to be discharged from its further consideration and that it be referred to the Committee on Commerce, as the bill is before that committee.

The report was agreed to.

Mr. MILLER, of California. The Committee on Foreign Relations, who were instructed by a resolution of the Senate of January 22, 1884, to inquire into and report to the Senate such legislation as shall protect our interests against those governments which have prohibited or restrained the importation of meats from the United States, have directed me to report a bill which they deem necessary and proper legislation upon the subject.

The bill (S. 1876) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, was read twice by its title.

Mr. VANCE. I ask leave at some future day to file the views of the minority on the bill just reported.

The PRESIDENT *pro tempore*. That leave will be granted, if there be no objection.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1538) for the relief of the legal representatives of the estate of James Beatty, late of Baltimore, Md., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 1877) granting an increase of pension to John Hall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH (by request) introduced a bill (S. 1878) for the relief of Zunis Swick; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1879) for the relief of H. B. Oatman; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1880) for the relief of Francis M. Vanderpool; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MANDERSON introduced a bill (S. 1881) for the relief of W. H. Tibbits; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HOAR introduced a bill (S. 1882) authorizing the employment of secretaries by the justices of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1883) for the relief of George Brown; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1884) for the relief of Daniel A. Dwight and the legal representatives of Henry W. Taylor; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAYARD introduced a bill (S. 1885) for the erection of a public building at Wilmington, Del.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

REPRINTING OF A BILL.

Mr. DAWES. I ask unanimous consent that the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, be reprinted, as the copies heretofore printed are exhausted.

The PRESIDENT *pro tempore*. If there be no objection, that order will be entered. The Chair hears none.

MEAT EXPORTATIONS.

Mr. MILLER, of California, submitted the following concurent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 6,000 extra copies of the report and accompanying documents of the Committee on Foreign Relations of the Senate upon the resolution of the Senate requiring said committee "to inquire into and report such legislation as shall protect our interests against those governments which have prohibited or restrained the importation of meats from the United States;" 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

NAVAL FORCE BY STATES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Navy be directed to furnish to the Senate, so far as the records of his Department will enable him, the number of men contributed to the Navy by each State during the late war.

AMENDMENTS OF THE RULES.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolution," that order is closed. The Chair lays before the Senate the Calendar, under Rule VIII.

Mr. HARRIS. I ask the Senate to consider at this time the resolutions that I reported a couple of days since from the Committee on Rules, taking up first the amendment proposed to Rule VIII.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of Order of Business 379, which will be read.

The Chief Clerk read as follows:

*Resolved*, That the eighth rule of the Senate be amended by adding thereto the following words:

"All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee to now consider the resolution.

The motion was agreed to; and the Senate proceeded to the consideration of the resolution.

Mr. HARRIS. I desire to state that the only object of this amendment is to prevent the waste of time that all of us have so often witnessed in debating the question as to which of two or more measures shall have consideration. It simply provides that that question shall be settled without debate. That is all that I desire to say in explanation of the resolution.

Mr. HOAR. The Committee on Rules reported several amendments to the rules. One of them was passed without any attention being attracted to it in the Senate; the others were postponed.

I have no objection whatever to the amendment of the rule now proposed, but the one which authorizes the President of the Senate to lay before the Senate at any time bills from the House and messages from the President of the United States was proposed when the committee reported a general change in the rules, and if I recollect aright on consideration by the Senate rejected. It will have the effect which we at some time shall feel to be a great inconvenience, of adding to the number of cases already too large in which it is in the power of a single Senator to compel the Senate, whether a majority desire or not, to displace the business which is pending and which the Senate desires to complete. It seems to me that that rule would operate very hard unless it shall be construed by the Chair, as I hope it will, to allow any Senator when the Chair lays a bill or series of bills from the House before the Senate, before making the question of reference in order and debatable, to raise the question of consideration, as may be done when other privileged motions or even privileged reports are made. With that interpretation of the rule it will do no harm; without that it will at some time be a very serious and dangerous weapon.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Massachusetts, if he may be permitted to do so, that although the question is not now before the Senate, the Chair would hardly under the practice of the Senate feel authorized to entertain a motion which would raise the question of consideration. It is a matter, so far as the Chair understands, that has never been brought forward in the Senate. Of course any Senator may object to the second reading of a bill from the House of Representatives, which would instantly put it over until the next day; but the Chair, speaking now informally to the Senator from Massachusetts, is inclined to think——

Mr. HOAR. Would the Chair hold that the question of reference would not be open, by laying the bill before the Senate, as of right?

The PRESIDENT *pro tempore*. Not the question of reference. After the first reading the next question would be the question of second reading. That being objected to could not take place on that day, but would carry the bill over until the morning of the next day.

Mr. HOAR. That would completely relieve the rule from the difficulty.

The PRESIDENT *pro tempore*. The bill would then be open to debate on the question of its second reading.

Mr. HOAR. I suppose, however, that it is the settled parliamentary rule, even as applied to reports of conference committees, that the question of consideration may be raised, and, if so, it is to be determined without debate by vote.

The PRESIDENT *pro tempore*. The rule expressly provides that that question as to a conference report shall be determined without debate. The question is on agreeing to the resolution now before the Senate amending Rule VIII.

Mr. BAYARD. If it is to be understood by this amendment that the opportunity for a succinct, intelligible explanation of a measure proposed for the consideration of the Senate is to be excluded, I think the amendment had better be modified in order that some reasonable and intelligible explanation may be made possible.

By the rules of the Senate a petition is to be stated in substance. The purport of the address to the consideration of the Senate must be stated by the Senator offering it under the rule, and we know that in consequence the object of petitions is explained, and where it can be more shortly done, and the Senate does not object, the petition itself may be read in full in order for self-explanation.

It seems to me that the effect of the rigid construction of the amendment now offered would be to cause the Senate to vote oftentimes blindly, without knowledge of the meaning, of the intent, of the object to be reached.

Debate signifies, as I understand, a discussion pro and con, and relates to the merits of the subject; but surely when a motion to postpone a present order and substitute another is made there ought to be an opportunity to explain the nature of the other without debate, that is to say, without entrance upon the merits pro and con of the subject.

I submit that the common sense which ought to mark all our action here would suggest that the rule now proposed should be subjected to the qualification and perhaps the modification that would permit a statement explanatory in a succinct way of the subject which it is proposed the Senate should prefer in the order of consideration. Offering such explanation is not of course debate. The Senator presenting a petition is required to state its purport in order that the Senate may know whether it is a subject proper to be received or whether it is an abuse of the privilege of petition. So it seems to me that when the question of the precedence of measures is to be considered, a statement of the subject-matter, an explanation of the object and intent of the bill sought to be brought before the Senate, ought to be allowed for the purpose of enabling the Senate to act intelligently.

Mr. HARRIS. Mr. President, I take for granted, if the rule as reported by the committee shall be adopted, that any Senator in the very making of his motion to proceed to consideration would submit a statement of the general character of the proposition and the reason why, in his opinion, it was important for present consideration. That would be done in the making of the motion itself. Beyond that the Committee on Rules were unanimously of opinion that it was unwise to allow a debate as to the consideration of this or that or one of a dozen different bills that may be brought into the discussion and as to the relative importance of each, in view of the fact that all of us have witnessed hours spent here in a discussion as to which measure shall be considered, to the destruction of the time necessary to the consideration of either. I

think my friend from Delaware will find no inconvenience in the operations of this rule if it shall be adopted, when without it we are liable to waste the two hours between this and 2 o'clock to-day in discussing the question as to what measure shall be considered. I hope the rule will be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HARRIS. I desire now the consideration of the proposed amendment reported by myself the day before yesterday to Rule X.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of Order of Business 392, being a resolution to amend the tenth rule. The resolution will be read for information.

The Chief Clerk read as follows:

*Resolved*, That the tenth rule of the Senate be amended by adding thereto the following words:

"And all motions to change such order shall be decided without debate."

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the resolution.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. HARRIS. I am directed by the Committee on Rules to offer the following amendment: after the word "order," in the first line, I move to insert:

Or to proceed to the consideration of other business.

So as to make the proposed amendment of the rules read:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The amendment was agreed to.

The resolution as amended was agreed to.

JAMES H. WOODARD.

Mr. HARRISON. I desire to ask unanimous consent for the consideration of Order of Business 359. It is a private bill, but it is a meritorious one, and as I do not often trouble the Senate with such requests I hope this may be allowed.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate now proceed, as he has a right to make that motion, to the consideration of Order of Business 359, being the bill (S. 1027) for the relief of James H. Woodard.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, after the word "infantry," to strike out "all," and in line 9, after "1864," to strike out:

"The said payment to be made out of any unexpended balance of the Army appropriation for 1864, and if there be none, then."

So as to make the bill read:

That the Paymaster-General of the Army is hereby ordered to pay to James H. Woodard, late adjutant of the One hundred and twenty-eighth Regiment of Indiana Volunteer Infantry, the pay and allowances of an adjutant of infantry from the 7th day of March, 1864, to the 22d day of June, 1864. Payment shall be made out of the appropriation for the Army for the present year.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF DISTRICT JUDGES.

Mr. HOAR. I move to take up Order of Business 373, being the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and notwithstanding the rule just adopted I ask unanimous consent to make one statement to the Senate.

This bill was reached in its order on the Calendar during my absence in the service of the Senate and by its direction some three or four weeks ago, and was recommitted, or rather the bill for which this is a substitute and successor was recommitted, in order to obtain some further information in regard to some of the districts in the United States.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SAULSBURY. I understand that the bill applies to all the district judges in the United States. I have no doubt that many of the district judges earn $5,000, and perhaps more; but it must be known that in many of the districts the judges do not earn anything like such a salary, as compared with the services rendered by other judges. Take the Delaware district; I know something about that. The judge of that district does not perform any more service than the judges of the State courts and not as much; and yet the chief-justice of my State does not get more than half the allowance named in the bill for the United States district judge. I do not say that the chief-justice of my State gets enough; I do not think he does for the services rendered. I think the salary now fixed for the district judge for Delaware, $3,500, and for many other districts, is sufficient. There are many other district judges that do not render service beyond the pay they are now getting, and yet here is a proposition to increase the salaries of all those judges.

I am perfectly willing to vote for an increase in any district where it is needed, but I am not willing to vote for an increase in all the districts, without regard to the services which the judges render. I shall therefore not give my vote for the bill.

Mr. HOAR. Mr. President, this bill was recommended by the committee on the most careful and thorough inquiry from judges and Senators and other sources of information in regard to the labors and duties of the different judges; and it appears that in nearly all the districts in the United States the judges are fully employed in a hard year's work every year. There are some thirteen or fourteen in which the judges are not employed the whole time; but it seemed to the committee that the number was so small that it was not worth while to go into an inquiry as to whether any particular judge did or did not earn as much as any other. The business is constantly and most rapidly increasing. The judges of the district courts are judges of the circuit courts *ex officio*, entitled to hold those courts; and even in the smallest district great questions concerning railroads, great questions concerning manufactures, and in case of war great questions of prize, are liable to be presented to the judge; and you want in every district in the United States, even if in a few the judge is not employed the whole time, a man of legal learning, of legal ability, of independence, of integrity, and of a weight that shall give authority and public respect to his decisions. In those respects the judges of all the districts ought to have the same qualifications. A man to whom the people of the United States can commit the duty of arresting a great railroad, with a capital of millions or hundreds of millions of dollars, of dealing with the questions which concern such a road on the one side and the public on the other, is required in every district of the United States. Such a man as that, whether he is employed the whole year or not, is bound to hold himself the whole year at the command of the United States. He must be ready to be summoned to hold court in any other district in his circuit at the discretion of the circuit judge. He must abstain from professional labor; he must abstain from ordinary business. It would not be considered compatible with the decencies and proprieties of life to have the district judge of Delaware or of Southern Florida engage in mercantile business or in the service of a great railroad or still less in professional business.

Under these circumstances it seemed to the committee that the proper rule was to put all the judges on an equality. The judge of the district court of California now has $5,000 a year. There are a few States where the judges of the supreme court, the principal court of the State, have a smaller salary, yet as a rule the States are increasing the salaries of their judges. In the State of New York it is double the amount, I believe, which the district judge is given by this bill.

Mr. MILLER, of California. Do the salaries of the circuit judges remain as they are?

Mr. HOAR. The salaries of the circuit judges are $6,000. This bill does not deal with that question at all.

Mr. HALE. What is the lowest salary?

Mr. HOAR. Now $3,500. This bill makes all $5,000.

Mr. MAXEY. I do not intend to say anything about the value of the services of judges in any district or State of the Union outside of that in which I live.

The State of Texas is divided into three judicial districts. Each of those districts has an average of about 97,000 square miles. There are three different points in each district where the court is holden. I know, and I speak with confidence in respect of my own district when I say, that there is probably not a district judge in the United States who has the confidence of the people of the United States more than Judge McCormick has of the people, irrespective of party, in the northern district of Texas. He is a man of ability, he is a man of courage, he is a ripe scholar and an able lawyer, and a fairly impartial judge. I never heard him accused of permitting politics to interfere with his opinions.

With respect to the western district I am not so well acquainted with the work of Judge Turner. In the eastern district the judge has died recently, and there is a vacancy there now which ought to be filled by a competent man. If these judges do their duty, if they are competent for the great task which is assigned to them by the law in those three districts, they are certainly entitled to $5,000 salary. I know that Judge McCormick is entitled to it in the northern district because I know that he does his duty fully and well, and if the others do their duty equally as well they are equitably entitled to that pay. I have so much respect for the judiciary and for the securing of men who will justly deal with life, liberty, and property, that I want to secure the very best men that can be had, and I know in my State a man who is capable of making a competent Federal judge can not be secured for a small salary. I want the best; I shall therefore vote for the bill.

Mr. MORGAN. Mr. President, the salaries of the district judges in different parts of the United States are now graduated by acts of Congress so as to pay them for supposed extraordinary services in certain districts. That is a very much wiser provision than it is to fix the salaries of all the judges upon the same basis. The judges in the Territorial courts have as much to do in the service of the United States as

the judges of the district courts of the United States, and if we raise the salaries of one set we ought to raise the salaries in all of them.

The judges who are now upon the bench have sought appointments to these places. I expect that remark can be made almost without exception throughout the entire country. Not only have they sought the places, but they and their friends have been seeking them assiduously, and through political and other influence earnestly, knowing what the salaries were, expressing in that way in the most formal manner their desire to hold these offices on the salaries that Congress had then provided. There had been no intimation of an intention on the part of Congress to do otherwise than to have larger salaries in certain exceptional cases, and the judges when they accepted these offices understood that that was the attitude of public sentiment amongst the legislators of the country and amongst the people.

If there is any judge on the bench of the United States who would prefer to take the risk of resigning and being reappointed in order to get a higher salary, I should be willing to accommodate him; and I shall offer as an amendment to this bill:

*Provided*, That this act shall apply only to judges that shall be hereafter appointed.

There are some judges in the United States that I could name whom I would very willingly present this contingency to. I would be very willing indeed to see whether they would let loose the hold they have on office now with a view of getting a more just compensation, one that they thought was better suited to their talents and abilities, and one that perhaps the Executive and the Senate might consider that they were better entitled to.

There is a principle in the general law of the United States that a man who accepts an office takes it with the understanding, particularly if it is a life tenure, that the emoluments of that office ought not to be increased during the term of his office, unless it may be for very exceptional reasons. That principle ought to be applied to this bill. I should be willing to say that a judge of the district court of the United States should have $5,000 if by saying that we could induce to go upon the district bench a higher order of talent and ability than we now have. But this bench has been filled up at $3,500 prices, and I suppose we have been fortunate in getting $3,500 men, and I am not for holding on to $3,500 men and raising the price to $5,000. That is not fair to all the judges; it is not fair to the people, and it is not a just method of legislation either.

I could name some of the judges who have not very much to do who have salaries now that are larger than the governors of the States in which they reside, larger than the States can afford to pay to their most exalted officers, the chief-justices of their own courts, &c. I think when we send our judges into the poorer States, the smaller States, where there is not so much business to do, it is not exactly becoming in us that we should send them in on very large salaries with a view of having contrasts presented before the world of the ability of the Government of the United States to reward its servants with the ability of the States to reward theirs. The people of the United States in the different localities of this country estimate their own ability to pay taxes, and correspondingly they fix the salaries of the judges of their courts. In my State we are not able to pay the judges of the supreme court such salaries as are provided by this act; and yet I should do the Supreme Court of the Unites States not the slightest injustice if I were to say that the three gentlemen who now preside in the supreme court of Alabama would ornament that bench. Neither are we able to pay our governor a salary at all equal to that which is proposed by this bill.

Our Federal judges in some parts of the South devote a large portion of their time to the consideration of those judicial questions which are involved in public elections. They are very important judicial questions, we all know, and they devote themselves in a large portion of their administrative labors to taking care of the Congressional and other elections in which the United States is concerned. They have been willing to do that, I suppose, for the sake of the political renown they could bring around themselves at salaries of $3,500 a year; and I am not willing to increase their pay merely for the distinction they have gained in those branches of judicial science at the expense of all reputation in other branches, where they are known to be and confessed to be ignorant of their duties and of the rights of the people under the law.

I do not feel that I should be satisfying the sentiment in my State at all if I were to increase the salary of the district judge who resides there, and who sits at three places and has but 50,000 square miles of country over which his jurisdiction extends, and certainly I should not be able to find any justification in the fact that Texas happens to have a very fine judge who presides in a district the area of which is 97,000 square miles, as I believe the Senator from Texas informs us. He does not quote that as a precedent for Alabama. I am very glad he does not. I can not accept it in any sense as being an argument applicable to my own State.

I should be willing, I believe, to vote for this bill, notwithstanding I do not concede that it is a just bill in every sense, if the proviso that I offer to it is put upon it by the vote of the Senate, for I would like very much indeed to ascertain whether some of the district judges of the United States are really willing to resign their offices and take the chances of reappointment in order to raise their salaries $1,500 a year. If they are willing to take that risk I am, and I should like to lay that much inducement before them and see whether or not they could be tempted into that act of public grace, as I consider it, of tendering a resignation to the President in order that they might have the opportunity, if he saw fit, for reappointment, and that the Senate might have an opportunity to judge somewhat of their fitness for the place upon the question of confirmation. But unless the bill is so amended I shall vote against it.

Mr. PLATT. Mr. President, I hope this bill will pass and without amendment. So far as my knowledge and observation extend I think that the judges of the district court are men whose ability and experience fairly entitle them to this salary, and in many instances to a much higher salary. It may be possible that in some districts in the country such is not the case; but if that be true it is a matter which will regulate itself in the years which are to come, and I think that as deaths occur and resignations take place and the offices become vacant, the result of passing this bill will be that men of perhaps a higher order of ability, of more experience, of better qualifications for the office will be appointed.

I do not believe that with any party in power the selection of district judges is to be controlled to any extent by political considerations. I believe that any President of any party will so far regard the wishes of the people, the high character of the offices, that more and more those appointments will be relieved from any imputations of being made for political considerations. I desire that the judiciary of this country shall be a judiciary which will reflect credit upon our system of jurisprudence. I desire that this department of our Government shall not only be kept up to the high standard of excellency which has characterized it in the past, but shall constantly be increased in its efficiency and in the estimation in which it is held by this people; and I do not believe that these results can be obtained when we pay so inadequate salaries as are paid in most of the districts in this country. I do not believe it is wise to make any discrimination in the salaries which are paid to these judges, and I do not believe it is wise to adopt the amendment which is suggested by the Senator from Alabama.

Mr. SAULSBURY. I stated when I was on the floor before that I had no objection to an increase of the salary of the district judge in any district where the service required is not compensated by the present salary paid. My objection is to raising all the salaries without reference to the services performed by the judges.

I differ with the Senator from Connecticut when he says that political considerations do not enter into the appointment of judges. I have been here for some thirteen years, and I do not remember that a single district judge or supreme court judge has been nominated of the party to which I belong in all that time. There may have been an instance, but I do not remember one. I think it is unfortunate that political opinions do enter into the appointment of judges; and the very fact that they have entered in and colored the appointment of judges to the district court and the circuit court and the Supreme Court of the United States has lessened the respect of the people of this country for the judgments of those courts.

Why, sir, take the recent opinion of the Supreme Court of the United States on the legal-tender question; if that should be affirmed and reaffirmed by the present court, constituted as it is of members of one political party almost exclusively, it would fail to command the respect of a very large portion of the people of this country. It is unfortunate that political considerations do enter in; but we all know, judging from the past, that they will continue to enter into the appointment of judges.

But it is not because of the political complexion of the courts that I interpose an objection to this indiscriminate raising of salaries. It is because I honestly believe that a portion of the district judges will be compensated far in advance of what they ought to receive as compared with other district judges of the same grade. Then suppose you give the district judges in some of the districts $5,000, how does that compare with the services rendered by the judges of the Supreme Court at salaries of $10,000? Those judges come here and spend a large part of the year in laborious service, whereas the district judges remain at home and hold their court in the town where they live—it is so in the district where I reside—subject to comparatively no expense beyond the ordinary expenses of their families. The judges of the Supreme Court are compelled to come here and live in this city on a salary of $10,000, which is perhaps not more than sufficient to pay their expenses here, whereas the district judges upon a salary of $5,000, doing but very little service, are not put to any unnecessary expense by reason of their appointment. If they were pursuing any other avocation, or if they pursued no avocation in life, they would have the same expenses for their families that they incur at present.

I am opposed therefore to that feature of the bill which proposes to make no discrimination between the judges of the districts courts, but to pay them all alike, to pay those men who render comparatively very little service the same salary that you pay those men who are occupied almost ten months out of the year. It is not fair, it is not just, and I do not believe it is in accordance with the general sentiment of

the people of this country. They pay the taxes out of which these judges are paid their salaries, and instead of increasing the burden and expense of the Government, our true policy ought to be to economize as far as possible. But unfortunately at the present time we have a Treasury overflowing, and while that is the case extravagance will be the rule. If we would cut down the taxes of the people, lighten the burdens of the people, reduce the taxation that is laid upon the people, and have in the Treasury only sufficient to meet the wants of the Government, then we should have economy instead of extravagance as a rule; but I fear that while this excessive taxation is kept up, while the doctrine of protection for the sake of protection is kept up, pouring untold wealth into the Treasury, extravagance will be the rule, and we shall not only increase the salary of judges, but we shall increase the salary of everybody else, and give the hard earnings of the people collected by taxation in extravagant appropriations from the public Treasury. I am opposed to it, and so far as I am concerned my record shall be against it. I shall vote for the strictest economy consistent with the interests of the country, against extravagant salaries and extravagant appropriations, if I know it.

Mr. INGALLS. Before the Senator from Delaware takes his seat I should be glad to obtain his view upon one point. He was liberal enough to say that he would be willing to raise the salary of those district judges where the compensation now given was inadequate to the services performed. I should be glad if he would advise the Senate what, in his opinion, is the measure of compensation for a district judge of the United States who is compelled to give all his time to the United States, debarred from engagement in other avocations, and prevented from engaging in the practice of his profession. What is the measure of compensation?

Mr. SAULSBURY. If I were to judge I should have to judge by other matters. I should have to make a comparison of the services of that judge with the services of other people. I ask the Senator what he thinks is a fair compensation for Senators of the United States, who have to incur the expense of an election to this body, who have to incur the expense of bringing their families from their homes and keeping them in Washington city? What would he consider a fair compensation for members of the Senate?

Mr. INGALLS. Will the Senator pause a moment there?

Mr. SAULSBURY. Let me answer the question. I am perfectly willing to take the pay that is given to Senators as a measure for district judges who are occupied all their time in the service of their country, and I do not see that there is any reason why we should go beyond that for district judges while we retain our own salaries at the sum of $5,000.

Mr. INGALLS. The Senator has referred to the compensation received by members of this body. This year we assembled on the 3d of December, and may be here until the 1st of August. Last year we assembled in December, and adjourned on the 4th of March. Would the Senator make any discrimination between the compensation that we are to receive based upon the number of days we are engaged in the public service?

Mr. SAULSBURY. I will say to the Senator that though we may not be here for six months every year, we are still Senators of the United States fitting ourselves as best we can for the business before the Senate.

Mr. INGALLS. Apply that to judges. Although they may not be employed six or nine months in every year, they are still engaged in fitting themselves for the discharge of their duties. They are compelled to sit whenever they are called upon. How can you measure the compensation of a person who is appointed to a place of that kind by the days that he is actually employed?

Mr. SAULSBURY. I take it, Mr. President, that the Senator from Kansas in assuming the position which he occupies has abandoned all other business; is engaged in no other business?

Mr. INGALLS. There are plenty of Senators here who try cases in the Supreme Court; there are many of them who are occupied in various mercantile enterprises. Does the Senator from Delaware seriously propose to state that as a matter of fact all the earnings of members of this body are confined to the compensation they receive as Senators?

Mr. SAULSBURY. No, I do not; but I will venture the assertion that the Senator from Kansas himself scarcely ever goes into a State court; I will venture the assertion that his business as a lawyer has fallen off so that it is not now worth pursuing; and that is the case with most of the members of the Senate who are lawyers. Some of them may have other business in which they are engaged. I know that so far as I am concerned I had an excellent and lucrative practice when I came into the Senate of the United States. I turned the key in my door. I have tried a few cases since then which have lingered on the record, but at present I have no connection with any case, I believe, on the calendar of my court. So it is, I know, with most of the Senators here who are lawyers. Some few who have attained to that distinction in the profession which commands the attention of the country are employed to argue cases in the Supreme Court upon briefs furnished by other lawyers. Unfortunately some of us have not attained that position at the bar which secures to us large fees and large compensation for arguing in the Supreme Court cases upon the briefs made up by other lawyers; and most of us, therefore, are in the position that I said we are.

Mr. INGALLS. The position the Senator occupies in response to my question is that a proper measure of compensation for district judges would be that which is paid to Senators of the United States. That is exactly what this bill provides. So I understand the Senator abandons the position he occupied, and states now that he believes the just measure of compensation is that which is paid to Senators.

Mr. SAULSBURY. No, sir; I said where they were engaged for any large portion of the year.

Mr. INGALLS. How large a portion?

Mr. SAULSBURY. I will not specify six months or one month or two months; but the Senator knows full well that the measure which he now advocates is not just to give the same salary to all the district judges when one of them is occupied ten months in the year and another is not occupied altogether two months in the year. There can be no justice in that. I am not unjust. Where men spend all their time in the service of the country or a large proportion of their time, I am not so unjust as to say they should not be properly compensated; but I do say that it is unjust to take the money of the people and with it to give to gentlemen who are occupied perhaps not more than two months in the year the same salary you give to a judge who is occupied ten months.

Mr. INGALLS. The Senator's position, then, is that if the judge is occupied all his time he is worth more than $5,000 a year.

Mr. SAULSBURY. The Senator can state my position as he pleases; I have not stated it as he chooses to state it. I have stated fairly and frankly that there are some of the district judges who I have no doubt are fully entitled to the compensation proposed, and that there are others of the district judges who are not entitled to it if you compare their services with those of others who perform more onerous duty.

Mr. INGALLS. What does the Senator think about the district judge in his own State?

Mr. SAULSBURY. I say the district judge in my own State does not earn a salary of $5,000 as compared with the other districts where the judges are occupied for ten months.

Mr. INGALLS. Is that a fair compensation for the judge in that State?

Mr. SAULSBURY. I think he is fairly compensated now at a salary of $3,500. I know that there are a number of members of that bar who would be glad to have the position at that salary, and I do not propose to give a bounty to other gentlemen to come in and ask for the place. I do not know a single Republican lawyer in all the State but what would perhaps be willing to take the position. I know there are some competent lawyers in the State who would be glad to have the position at the present salary. What is the necessity, therefore, of increasing it? We can get almost any number of applicants for the office at the present salary without increasing it.

Mr. WILLIAMS. I think, sir, that there is nothing that the people of this country look upon with more disfavor than the tendency toward high offices and increase of salaries. It is a wide mistake to suppose that by increasing salaries you get better officers, that the quality of the officer is improved with the price we pay. I am against the bill, and I am not for the amendment offered by the Senator from Alabama.

Sir, the simple question is, Can we get competent judges at the salaries we now pay? I think we can. Do any of them propose to resign because of the inadequacy of the pay? Let them resign, and I am sure we can find better men.

Mr. HOAR. Let me ask the Senator whether he supposes that if Congress should reduce our salaries to $4,000 a year Senators would resign?

Mr. WILLIAMS. No.

Mr. HOAR. Not one?

Mr. WILLIAMS. Not one of them.

Mr. HOAR. Then why does the Senator not labor to have our salaries reduced to $4,000?

Mr. WILLIAMS. I am not required to answer that question in order to illustrate the argument I am making.

Mr. VAN WYCK. May I?

Mr. WILLIAMS. I rose only to say a very few words.

Mr. VAN WYCK. I wish to say only a word in reply to the suggestion just made.

Mr. WILLIAMS. I yield.

Mr. VAN WYCK. I suggest that the argument of the Senator from Massachusetts would apply provided the Senator from Kentucky was proposing to raise his salary beyond $5,000.

Mr. WILLIAMS. Exactly; and that was the reason I would not answer him on that point.

I assert that in all my observation I have never known a case where the quality of an office-holder was improved by an increase of his salary. These judges rarely die and never resign, and when in the providence of God one of them is taken off the bench we find forty applicants here worrying the President for the place, and we find efforts made every session of Congress to divide the States so as to make more districts. There is an application in my own State now for another district.

I can remember when the salary of the highest judges in my State was $1,500 for the judges of the supreme court and when the circuit judges of the State got only $1,000, and the quality of our judges then

was superior to what it is now. Then we had such men as Bibb and Gill and Ouseley on the circuit bench at $1,000 a year and on the supreme bench of the State at $1,500. I do not think it will improve the quality of the district judges of the United States to increase their salaries. It will be adding to the expenses of the Government and the taxation of the people without securing any better service. I think the best thing to do, if they have too much labor, is to restrict them within their proper jurisdiction that they once had, and turn over to the State courts the extra business that seems to be thrown into the vortex of Federal jurisdiction. Instead of increasing the number of Federal courts and the salaries of the judges, I think we had better limit their jurisdiction.

I did not rise to make a speech, but merely to enter my protest against the practice session after session of increasing the salaries and multiplying the offices and thereby increasing the taxes of the people.

Mr. BAYARD. Mr. President, I concurred with the committee in this recommendation. There are fifty district judges of the United States. By the information laid before the committee, and deemed reliable, thirty-six of those fifty are employed all the year round virtually. To attempt to discriminate as to the relative value of the services rendered by each individual judge would not only be impracticable, but it would be an assumption of a power incapable of being justly exercised. The country is already aware that, by reason of the insufficient pay, judges of high character, unquestioned ability, and of great public value have felt themselves constrained to retire from the bench simply because the pay allowed by law was insufficient for their support. That has been repeated too often for the country to be unmindful of it, and has resulted in great detriment to the public service.

The salary proposed ought in my judgment to be equal as to all. I do not think it well that there should be that discrimination as to whether there was more or less labor, because sometimes you may have a very diligent occupation with very little resulting value, and it is impossible, therefore, to estimate for the public the value of decisions because they are numerous or to underrate the value of others because they are few.

I think my respected colleague has omitted from his calculation this fact, that although in some districts there is more occupation and labor for one district judge than another, yet that under the present law the judge of one district may be called in to assist another where the labors are greater than that other can perform. The district of Connecticut adjoins one of the districts of New York, and, as a matter of fact and within my own knowledge, the district judges of Connecticut have been and are oftentimes employed to sit within the southern district of New York and to assist in the greater labors imposed by the business and population of that great State. That can be done in every district. I have known the district judge in Delaware, the smallest of the districts as to population, called into the adjoining district of Pennsylvania in the sickness or absence or the overwork of the judge of the eastern Pennsylvania district. So, therefore, there is full opportunity for the enlistment of service should there be too much leisure in one district or overoccupation in another.

The salary of $5,000 a year is in my judgment reasonable and moderate for the duties in question, for the character of ability required to perform them, and for the additional consideration that there is an absolute deprivation of all other gainful occupation to the man who sits upon the bench. I am glad for one to see the judicial station made more desirable. I believe it ought to be rather the prize of the profession. Well is it for a people when the result of their institutions is to draw the highest grade of personal character and ability into the public service. I know no other way of testing the value of a government than that. The government that shall bring the highest grade of human faculty and human virtue to its service is the successful government, frame it as you please, and the government that shall result in throwing high place and power into low hands will be a failure as sure as the sun rises and sets.

Now, I do not believe that by money alone and that by the mere bid of pecuniary recompense you are to obtain high service, because you may degenerate the whole thing into a mere scramble for money, and a plutocracy may take the place of a government of law; but also do I believe that there is a just and proper medium, that shall not, according to the current rates of reward for labor and industry in the community, exclude from public station men of talent and character by reason of their poverty. There is nothing in my judgment unreasonable in the sum proposed, and there is everything to recommend it in the equality that is suggested in the bill, and which I hope will prevail.

Mr. PUGH. Mr. President, as a member of the Committee on the Judiciary I satisfied myself that there ought to be an increase of the salaries of district judges in several States, and the committee undertook to regulate that increase upon the basis of the amount of labor performed by the several judges. The committee originally made the time they were employed in the discharge of their judicial duties the basis of the increase of compensation proposed. There are fifty district judges in the United States. We addressed letters to each one of these judges, calling for information as to the length of time each was employed in the discharge of his official duties; and taking that information as the basis of the several amendments allowed, we increased the bulk to a salary of $5,000, leaving only fifteen to stand at the rate of compensation now allowed by law, $3,500. The arguments that were made as to the reasons which should govern the compensation of judicial officers were accepted by the committee, and the report was made that is now before the Senate, putting all at $5,000.

My principal objection to this increase is that it raises the salaries of the district judges in the Southern States to the same compensation that is allowed in the Northern States, where the amount of labor performed is double, sometimes more than double, the amount of work done by the district judges in the South. My principal objection is that the district judges within my knowledge in the Southern States are not superior in capacity or in legal learning to the State judges, and that as a rule the State judges do two or three times the amount of work done by the district judges and their expenses in reaching their courts are much greater. The amount of compensation allowed State judges is regulated by the legislation of the several States upon the basis of the ability of the people in their present condition to compensate their judicial officers.

I acted upon the rule myself as a member of the Judiciary Committee that we can not discriminate between the judicial officers of the Government who are performing judicial duty; but the people of the States will not be satisfied if we allow so much greater compensation to the judicial officers of the Federal Government than is received by the judicial officers of the States. That is my reason for objecting to this compensation, broadcast as it is. In the Northern States, in some of the New England States, the State judges are paid as much as $6,000.

Mr. BAYARD. In the State of New York $12,000 and $14,000.

Mr. PUGH. In several States the State judges get $5,000, and the amount of labor performed by the Federal judges in those States is equal if not greater than that of the State judges. In those States I thought it was just that the compensation of the district judges should be increased, but I can not satisfy myself that it is right and proper to make a great difference between the pay of the Federal district judges in the South and in the Northern States. I believe myself that the compensation of the State judges in many of the States ought to be increased, but the Legislatures have gone as far as they thought they could go considering the ability of the people to carry their burdens of taxation.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN], which has not yet been read to the Senate. The Secretary will read it.

The CHIEF CLERK. It is proposed to add to the bill:

*Provided*, That this act shall apply only to judges that shall be hereafter appointed.

Mr. HARRISON. Mr. President, I do not desire to detain the Senate, as I would rather we should get to a vote; but I will say just a word or two.

The Senator from Alabama who last addressed the Senate [Mr. PUGH] puts his objection to the increase of these salaries in the Southern States upon the ground that the States, by reason of the poverty of the people or their inability to meet other demands upon them, pay an inadequate compensation to their own local judges. I think the Senator must see, if he will reflect for one moment, conceding as he does that the State judges are underpaid by reason of the fact that the people are not able to pay them a fair, liberal, full compensation for their services, that if that be true it is the poorest reason in the world why the judge of the United States court in a State should be kept down to these poverty wages, when the Treasury out of which he is to be paid is ample to meet this demand. In other words, the people who are to pay the salaries of the United States judges, as the Senator from Alabama admits, are able to pay fair salaries. Now shall we not pay those salaries because the local constituency are not able to pay fair salaries to local judges?

Sir, the salaries that many of our district judges have been receiving have been utterly inadequate to their decent support. Most of these judges are compelled to reside in the larger cities or towns of their respective States, for there the courts are held; and it is not so much a question of how many days in the year the judge has to work; there are three hundred and sixty-five days in the year, and every one of those days the judge and his family are to be fed and clothed and his children to be educated; and he ought not to engage in business; he ought to be independent; he ought to be above the temptation to go into any other business or enterprise or speculation to eke out his short salary.

I do not think these salaries ought to be exorbitant; I do not think the positions ought to be sought as places where one can lay up money; but I do think if we are to have a respectable and independent judiciary we should pay a sufficient salary to enable the judge to live decently and to raise his family decently and give his children an education. And yet in my State, with a population of two million and a quarter, our district judge, doing the business of the entire State and holding court in four places in the State, has been living upon a salary of $3,500 in the capital city of the State. It is inadequate, and it is not fair to say to some young man who, caught by the distinction of going upon the bench of the United States, has entered upon a judicial

career and has spent years there and lost all his professional associations, "If you want more money, resign your place." He has acquired the judicial habits; he has become more valuable by these years of experience, and we certainly ought to pay a fair compensation. I do not believe we can make discriminations. The salary proposed in this bill is not exorbitant. It will be but little more certainly, if any more, anywhere than a fairly decent support upon which a man can live and raise a family as his neighbors about him raise theirs.

Mr. BUTLER. I concur, Mr. President, entirely with what has fallen from the Senator from Indiana [Mr. HARRISON]. I think that this Government is certainly able to pay its own public servants salaries commensurate with the dignity and work of their offices; and I was surprised to hear the statement of the Senator from Alabama [Mr. PUGH], a member of the Committee on the Judiciary, that there were fifteen judges, as I understood him, in the Southern States that he thought ought to be excluded from this general increase of salary. I do not know how it is in other Southern States, but I can say that so far as my own State is concerned the district judge of the United States does as much work as almost any judge in this country. He holds court at three different points in the State—Charleston, Columbia, and Greenville. He has to traverse the entire length of the State, from the seacoast to the place of holding court at Greenville, near the mountains on the northern border, and back, and I undertake to say that he has lived and has educated his family on a salary wholly inadequate to the position which he occupies, as has been suggested by the Senator from Indiana. I am therefore entirely opposed to excluding any of the judges from the operation of this bill, and I am opposed to the amendment of the Senator from Alabama [Mr. MORGAN] for that very reason. The judge in my own State I know does as much service almost as any other district judge of the United States; but I was surprised to hear the statement of the Senator from Indiana as to the amount of work that was done by the district judge of that State. Instead of $5,000 he certainly ought to be worth double that amount, in my judgment.

The salaries of our State circuit judges in South Carolina are $3,000, and I believe in Georgia they receive $2,000. There are eight circuits in my State, with three judges of the supreme court, and yet Judge Bryan, of the district court of the United States, has two districts, the eastern and western, with circuit court powers, and with his court open almost the entire time in the city of Charleston, where the admiralty and maritime jurisdiction is constantly invoked. Then he goes to the mountains, where cases of violation of the internal-revenue laws are tried; and he goes to Columbia and holds court there. Three thousand five hundred dollars is wholly inadequate. I was therefore glad to see that the Committee on the Judiciary had agreed in their report to give all the district judges $5,000 a year, and I think that is inadequate in many instances.

Mr. MORGAN. Mr. President, when the Constitution of the United States was adopted a principle was brought into it that the United States judiciary should hold their offices during good behavior, which means during life. There was a great deal of apprehension at that time that it might turn out to work badly, for the reason that judges would get on the bench and would become steadfast there who were not fit for their positions, and who could not be removed except by impeachment. We are realizing, and in my State we have realized very keenly, the apprehensions that were expressed at the time this feature was put into the Constitution. It makes very little difference what a judge of the district court of the United States may do in his office, there is practically no chance to reach him by any process of impeachment. You may take a judge of the district court in my State and prove, as can be proved, that there have been grave and flagrant violations of duty; carry him before the House of Representatives during this session, and suppose articles of impeachment are brought before the Senate of the United States for trial and he should stand here for trial, the Congress will have expired before a trial can be had. It has got to that pitch now that a judge on the bench can do pretty much what he pleases with impunity, because he knows that while he may be amenable to censure and public contempt, he is nevertheless practically not amenable to impeachment. I regret very much that we have not the power of removing judges in some other way than by impeachment. I regret very much that the inferior tribunals at least of the United States courts are not so arranged as that judges can be retired by the expiration of a reasonable term of office. But so it is, when we get a judge now, it makes no difference what are his qualifications or disqualifications, he sticks to the bench and sticks to the people and sticks to the country, and taxes us to death to pay him for false judgments. And he has got to stay there until he dies. As the Senator from Kentucky [Mr WILLIAMS] well observed a while ago, these judges never resign. The judge is paid, of course, until he dies; it makes no difference what the nature of his physical disability may be to perform the duties of his office.

There is but one way for us to reach a matter of this kind that I can see, and that is to keep the salaries at low-water mark except in those cases where they deserve to be increased in consequence of the accumulation of public business, and in consequence, I might say, of the approbation of the country in respect of the judicial bearing and conduct of the man himself. If the Senator from Indiana feels that the judge in his State is underpaid, I will vote to tax the people of Alabama to pay him a sufficient salary, and do it upon the ground that the compensation is now inadequate, and it is my duty to vote an adequate compensation to him for the labor he has to perform and the circumstances by which he is surrounded in living.

If the Senator from South Carolina can show that his judge deserves a higher compensation, I will vote to tax his people and mine to raise it. I will vote, if he says so, to raise it four times the salary that it is now, for the Senator seems to be rather extravagant this morning in his ideas of the compensation of certain classes of public officers. If he and his colleague will get up and state in their places on the floor of the Senate that their district judge needs four times the salary that he is getting now, I will vote with them to give him that salary. But I will not vote to give the district judge in the State of Alabama an additional dollar of salary. He does not deserve it; he does not earn it. He is not the peer of any judge of the circuit bench in my State, and they get $2,500, and the chancellors get the same. I can not vote to tax my people to pay him $5,000 a year when the State of Alabama is not able to pay her supreme court judges more than $3,500, her circuit judges $2,500, and her chancellors the same. I should feel that I was outraging public sentiment in my State.

I have none of that feeling of grandeur which some Senators seem to enjoy here, that because we are in contact with a plethoric Treasury therefore we must forget the men who contribute out of their labor to its supply, and vote whatever sums of money, according to our imagination or our fancy, we may consider would be a becoming reward to men of high judicial station.

All these men accepted their offices, and not only did they accept them but after a greedy search and hunt for them they obtained them by pressure of one sort and another, and now they and their friends come into the Senate of the United States and say that they have made a great mistake in trying to raise a family decently upon $3,500 a year. If they have made a mistake let them resign. Let us pass a bill giving them salaries of $5,000 and provide that they shall go out of office by resignation, and if they have gained the hold upon the affections and the confidence of the country that is assumed by the Senators from Indiana and South Carolina there will be no difficulty in having them reappointed. But if it should turn out to be one of the results of such legislation that some of them that we let go should not be able afterward to regain their places, I for one would send up most pious ejaculations of thanks to Almighty God that something had at last happened by which we might rid the bench of the United States of some of its miserable incumbents, for that is the God's truth.

This is a subject with which I have been brought in contact now for twenty years in a way to leave anything but pleasant impressions upon my mind. The President of the United States found it necessary, in order to have repose in the Army of the United States and proper service there, to take a brigadier-general, who was a militia general, I believe, and who was cutting up in a very peculiar way, I suppose, in the Army, and give him a place upon the district bench of the United States in Alabama. From the time of that appointment down to this good day the people of my State have been instructed by an experience which I would not see repeated for any consideration that a human being could name. There is a power lodged in the hands of an officer appointed for life upon the district bench of the United States to wrong and outrage a people in the name of justice and through its appointed instrumentalities that is the worst form of persecution that ever was visited upon a free and civilized people in the history of mankind. I am not in any humor or any condition to bestow rewards upon men who inflict such injuries upon my people. Senators here may do so if they choose, but they can not do it until they have heard the facts.

I propose an amendment to the bill by which any district judge in the United States can get a salary of $5,000 if he chooses to come before the Senate and the President of the United States upon his record on the bench. How can a Senator object to allowing him to place himself in that position? That is a measure of justice; it is a measure that leads to the purification of the bench; it is a measure demanded by the history of these times, written in anguish upon whole broad States of this Union. I demand, if they get any more money out of the Treasury by holding these life offices, that they shall submit themselves to the scrutiny of the Senate, and that we shall have an opportunity of saying whether or not they have been good and faithful servants in their offices.

I am not parsimonious toward any set of officers in the United States; I wish to see them amply compensated; and yet I must confess that I think it is a bad public example to place the salaries of the great central Government of the United States very high above that which the States are able to pay. The wisdom of the people of the United States as expressed in their local affairs is quite as great as that expressed in these central bodies, in Congress. I will take the action of State Legislatures and State constitutional conventions as a better measure of general public wisdom than the action of Congress. If we cast our eye over the whole length and breadth of this great country we do not find the people in their wisdom inclined to put the salaries of their officers at an exorbitant point. Instead of following a good example set to us by the people, we are trying to set a bad example to them. We tax them without mercy. We gather where we do not sow; we reap where we

have not planted. We take harvests of wrong from this people, and after we have accumulated the money in the Treasury we congratulate ourselves that we have the ability to bestow our generosity upon public servants at a rate which the people of the States have condemned throughout all their history.

I feel when I am on this floor that I am still the representative of the people who sent me here, and that I am not permitted merely to consult my own whims and caprices and fancies in piling up enormous salaries upon public servants. Besides that, it gives them a consequence and a power and a dignity, a supremacy, if you will allow the word, over men in the States who are not so well paid, both in respect to their social position and that sort of influence that the world is apt to attribute to a man who receives a high salary, which is very unjust and very disturbing in its effects. It is not wise; there is no public necessity for it.

I should like to know in any case where it can not be asserted that the labors of the district judges have been very greatly increased, what plea or pretext there is for this increase of their salaries. There are cases in the United States where judges of the district courts have very little work to do. They live in ease, elegance, and quietude. The cares of life are all removed and they have no apprehensions of the future. They know that this great Government will be able to pay them their salaries while they live. In a state of quiet repose they look down the vista of the future without a single disturbing apprehension. This is considered to be a happy state of mind——

The PRESIDING OFFICER. The Senator from Alabama will suspend. It becomes the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived. The bill (S. 398) to aid in the establishment and temporary support of common schools is before the Senate as in Committee of the Whole; and the question is on agreeing to the amendment reported by the Committee on Education and Labor.

Mr. HOAR. I hope my friend from New Hampshite [Mr. BLAIR] will allow this salary bill to be finished. The debate has been substantially completed.

Mr. BLAIR rose.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business may be temporarily laid aside, so that the matter under consideration when the hour of 2 o'clock arrived may be proceeded with.

Mr. PLUMB. I ask unanimous consent to make a report from the Committee on Public Lands.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. BLAIR. I yield for formal business.

### REPORTS OF COMMITTEES.

Mr. PLUMB. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 559) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, to report an original bill in the nature of a substitute. I also report back Senate bill No. 559 with the recommendation that it be indefinitely postponed.

Mr. HARRIS. Is the amendment reported by the Senator from Kansas a substitute for the bill?

The PRESIDING OFFICER. He reports an original bill.

Mr. HARRIS. Is it a substitute?

Mr. PLUMB. It is an original bill in the nature of a substitute, being on the same matter.

Mr. HARRIS. Does not that dispose of the former bill?

Mr. PLUMB. Possibly it does.

Mr. HARRIS. It is an amendment in the nature of a substitute.

Mr. PLUMB. I want to avoid the printing of the original bill and the carrying of that amount of paper and array of words on the records and files of the Senate. I want to have the committee's bill printed by itself and the other bill disposed of in such a way that it will not cumber the records of the Senate.

The bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, was read twice by its title.

Mr. PLUMB. I wish the consent of the Senate that I may file a written report at some later day, before the matter is considered.

The PRESIDING OFFICER. Without objection that leave will be granted.

Mr. MORGAN. On that bill I desire to submit the views of the minority of the committee.

The PRESIDING OFFICER. There being no objection, the views of the minority of the committee will be received.

Mr. PLUMB. I move that Senate bill No. 559, which I have just reported adversely, be indefinitely postponed.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid, reported it without amendment.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 509) for the relief of the estate of Robert H. Montgomery, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BECK. I am directed by the Committee on Finance, to whom was referred the bill (S. 968) for the relief of Fielding Hurst, to submit an adverse report. I think the Senator from Tennessee [Mr. HARRIS] desires the bill to be placed on the Calendar.

Mr. HARRIS. No; let it be disposed of.

Mr. BECK. Then I move that the bill be indefinitely postponed.

The motion was agreed to.

### BILL INTRODUCED.

Mr. LAPHAM introduced a bill (S. 1887) providing for the sale of navy-yard and United States naval hospital land on and near Wallabout Bay, in the city of Brooklyn, N. Y.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

### REPRINT OF THE STANDING RULES.

Mr. INGALLS. Certain amendments have recently been adopted to the standing rules of the Senate that require the printing of a new edition. I move that the Committee on Rules be directed to prepare a new edition of the standing rules of the Senate for immediate publication, covering recent amendments, and that five hundred copies be printed.

The motion was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebr.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; and

Joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank; and it was thereupon signed by the President *pro tempore*.

### SALARIES OF DISTRICT JUDGES.

Mr. HOAR. I ask unanimous consent that the judicial salary bill, which has been debated this morning up to 2 o'clock, may retain its place at the head of the Calendar of cases to be considered prior to 2 o'clock. I should like myself to finish it now, but my friend from New Hampshire, who has charge of the educational bill, learns that there are two or three Senators who would still like to speak on the judicial bill, and objects to displacing his bill so long. The bill was at the head of the Calendar and was displaced by a motion to recommit, and I simply want to have it keep its place for to-morrow morning.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Massachusetts asks unanimous consent that the bill which has been under discussion relating to the salaries of district judges shall be placed at the head of the Calendar for to-morrow morning. Is there objection?

Mr. COKE. I object.

The PRESIDING OFFICER. The Senator from Texas objects.

Mr. HOAR. Then I shall move to take the bill up to-morrow morning.

The PRESIDING OFFICER. The Senator from Massachusetts gives notice that he will to-morrow morning move to proceed to the consideration of the bill. The Senator from New Hampshire has the floor.

Mr. BLAIR. If the educational bill is in order I have nothing more to say.

### ORDER OF BUSINESS.

Mr. MILLER, of New York. I move to take up House bill 3967, being the pleuro-pneumonia bill.

Mr. BLAIR. I suppose no such motion can be made——

The PRESIDING OFFICER. The Senator from New York moves to take up at this time the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

This motion is to be decided without debate.

Mr. MILLER, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GARLAND. I wish to ask a question. The Senator from New Hampshire insists upon his educational bill, as I understand.

Mr. BLAIR. I certainly do. I do not consider it an act of good faith to press the pleuro-pneumonia bill at this time.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from New York.

Mr. GEORGE. What is the proposition?

Mr. BLAIR. To displace the educational bill. Let the question be stated again.

The PRESIDING OFFICER. The Chair will state that at the hour of 2 o'clock the unfinished business, which is the bill (S. 398) to aid in the establishment and temporary support of common schools, was laid before the Senate. The Senator from New York then moved to proceed to the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. The question is whether the Senate will agree to that motion. The Secretary will call the roll.

The roll was called.

Mr. VEST. I wish to announce the fact that the Senator from Louisiana [Mr. JONAS] is confined to his room by sickness. I understood him to be paired with the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I am paired with the Senator from Louisiana [Mr. JONAS] upon all political questions, but in arranging the pair I expressly exempted the votes respecting pleuro-pneumonia and kindred questions.

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN] on the bill. As I do not know how he would vote on this question, I withhold my vote.

Mr. BOWEN. I am paired with the Senator from Florida [Mr. JONES] on the bill. I suppose my pair would extend to this vote. I would vote "yea" if he were here.

The result was announced—yeas 22, nays 33; as follows:

YEAS—22.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Manderson, | Van Wyck, |
| Cameron of Wis., | Harrison, | Miller of Cal., | Vest, |
| Cockrell, | Hawley, | Miller of N. Y., | Williams, |
| Conger, | Hill, | Plumb, | Wilson. |
| Cullom, | Ingalls, | Sabin, | |
| Dawes, | Lapham, | Sherman, | |

NAYS—33.

| | | | |
|---|---|---|---|
| Bayard, | Edmunds, | Jackson, | Platt, |
| Beck, | Farley, | Kenna, | Pugh, |
| Blair, | Garland, | Lamar, | Ransom, |
| Brown, | George, | Mahone, | Riddleberger, |
| Butler, | Gibson, | Maxey, | Slater, |
| Call, | Hale, | Mitchell, | Vance. |
| Camden, | Hampton, | Morgan, | |
| Coke, | Harris, | Morrill, | |
| Colquitt, | Hoar, | Pike, | |

ABSENT—21.

| | | | |
|---|---|---|---|
| Aldrich, | Gorman, | McMillan, | Sewell, |
| Anthony, | Groome, | McPherson | Voorhees, |
| Bowen, | Jonas, | Palmer, | Walker. |
| Cameron of Pa., | Jones of Florida, | Pendleton, | |
| Fair, | Jones of Nevada, | Saulsbury, | |
| Frye, | Logan, | Sawyer, | |

So the motion was not agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio was read twice by its title, and referred to the Committee on Military Affairs.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Education and Labor. [Having put the question.] In the opinion of the Chair the ayes have it.

Mr. BLAIR. I do not suppose the Senate understands the force of the question that is being taken.

Mr. SHERMAN. There is a misunderstanding about it. If the Senator from New Hampshire simply wishes to substitute the amendment as the text of the original bill, there is no objection; but to adopt the amendment now as a substitute would prevent any amendment hereafter being made to the great and important bill that is now before us.

Mr. INGALLS. Except by addition.

Mr. SHERMAN. Except by addition. I think all the Senator from New Hampshire desires is that the amendment should be adopted as the text, being still open to amendment.

Mr. BLAIR. The Senate understanding distinctly that this would be subsequently open to amendment, and the amendment becoming practically the original bill, I should like to have the question taken at once.

Mr. HARRIS. By unanimous consent the substitute can be treated as the original bill, amendable as the original bill. If the Senator will ask it, I have no doubt unanimous consent will be granted.

Mr. BLAIR. Very well; I make that request.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the amendment proposed by the committee, if adopted, shall be treated as the original bill and be open to amendment. Is there objection? The Chair hears none.

Mr. BLAIR. That makes the substitute the original bill now, and it is in order for consideration.

The PRESIDING OFFICER. In view of this agreement the Chair does not deem it necessary to put the question again. The ayes have it, and the amendment is agreed to, with the understanding of the Senate which has just been reached.

Mr. HARRIS. If the Chair announces that the amendment is agreed to, in the parliamentary sense the text of it is not subject to amendment; it can only be amended by addition. Instead of agreeing to it as an amendment, the Senate, by unanimous consent, has agreed to treat the substitute as an original bill and to be open to amendment.

The PRESIDING OFFICER. The Chair so understands. The question now is upon the bill, which is the substitute reported by the committee. The bill is still in the Senate as in Committee of the Whole and open to amendment.

Mr. SHERMAN. I trust that the Senator from New Hampshire, having made an elaborate speech containing a great number of tables, will allow this bill to be put aside with a view to go on with the Calendar. I will say to him that the Senate is in no condition to act upon a bill appropriating $120,000,000, to be distributed among the States upon the ground of illiteracy, not to be conducted by the General Government, but to be distributed $15,000,000 this year, $10,000,000 next year, and so on. This project has not been considered at large among the people. It has not been understood. The Senate is in no condition to vote upon it. Senators around me say they are not now prepared to vote upon it. I trust, therefore, that the Senator will allow it to go over so that we can think it over a little. It is too large a subject, too large an amount, too new a principle to be acted upon hastily. While Senators may not be prepared to speak upon it, they are certainly not prepared to vote upon it.

I move, therefore, that the Senate proceed under Rule IX to the Calendar.

Mr. BLAIR. I do not understand that that motion is in order.

Mr. SHERMAN. It is in order to move to postpone the present matter with a view to go on with the Calendar.

Mr. BLAIR. That may be; that is another question, and is a debatable question.

Mr. SHERMAN. I move to postpone the present order without displacing it as a special order, with a view to proceed to the consideration of bills on the Calendar under Rule IX.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to postpone the consideration of the present order, announcing that if that motion shall prevail he will move to proceed to the consideration of the Calendar.

Mr. BLAIR. Mr. President, for some reason the calves and cattle and all manner of interests can run over the children of this country. The Senator from Ohio seems to imagine that there is a new principle and a new idea embodied in this bill. The Senate has considered the same principle involved here time and again. It has passed bills involving precisely the same principle. I think the Senator probably himself may have voted for them on former occasions. The project to grant some definite and some really substantial appropriations in the direction of the removal of the illiteracy of the country is one that was before the Senate during the entire last Congress. The Senator's own Legislature has memorialized Congress for the passage of this bill or a bill substantially like it for the appropriation of national money for the aid and support of the common schools of the country.

I assure the Senator that if he is not familiar with the ideas of this bill the country at large is familiar with the principles of the bill, and that the masses of the people of this country as I believe feel a far stronger and deeper interest in the consideration and in the success of a measure of this kind than they do in tariff questions and other important, as he will admit to be important, questions that come before us in this Congress and in former Congresses.

I assure the Senator that there are occasionally new ideas in this country and that the people are coming to consider new questions and new issues, and it is necessary to learn something in regard to them as we go along. If Senators have not considered this bill it is no fault of mine. I pressed it urgently upon my own party associates and upon the Senate all through the last Congress. I did so earlier. Leading citizens of this country, leading members of the Senate, have done it for ten or fifteen years past, and it is no new idea whatever.

Whenever we approach this bill some infinitesimal, unimportant measure is brought forward to kill it with, and all manner of adroit maneuvering as it seems to me, parliamentary maneuvering I mean to say, in which I am not a special adept, seems to be summoned to the rescue to postpone this bill.

If the Senator is not ready to speak upon it there may be somebody else ready to speak upon it. It must be that others have thought in regard to it. For one, after we have approached this bill in the face of such manifest and continual obstructions and at last have reached it and it has the right of way, and after having given way for two or three days' debate upon the pleuro-pneumonia question when I expected not more

than an hour or two, and when it was antagonized with that bill itself this morning, I hope we shall not now be called upon a second time to postpone the bill in favor of other bills and other measures of infinitely less moment.

I made a speech on this bill that occupied the whole of yesterday afternoon. Two or three Republican Senators were present, one or two dozen may have been upon the other side. When this measure was before the Senate Senators had nothing to do but to be present to learn something upon one side of this question, if they had seen fit or had desired to do so. I hope that the bill will not be displaced, and that it will stay here, and Senators desiring to learn something in regard to it will have the opportunity, if they choose, to attend to the public business.

The PRESIDING OFFICER. The Chair understands that the Senator from Ohio moves to postpone the consideration of the educational bill until to-morrow without having it lose its place as a special order, to be proceeded with as a special order.

Mr. SHERMAN. Yes; and I propose to follow that with a motion to go on with the regular order of business on the Calendar.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

The question being put, there were on a division—ayes 11, noes 25; no quorum voting.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. GARLAND. I wish to announce the pair of the Senator from Texas [Mr. MAXEY] with the Senator from Illinois [Mr. LOGAN].

The result was announced—yeas 16, nays 38; as follows:

YEAS—16.

| | | | |
|---|---|---|---|
| Bayard, | Cockrell, | Manderson, | Plumb, |
| Beck, | Farley, | Miller of Cal., | Saulsbury, |
| Camden, | Harris, | Morgan, | Sherman, |
| Cameron of Wis., | McPherson, | Pendleton, | Vest. |

NAYS—38.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Jackson, | Pugh, |
| Blair, | Garland, | Kenna, | Riddleberger, |
| Bowen, | George, | Lamar, | Sabin, |
| Brown, | Gibson, | Lapham, | Sawyer, |
| Butler, | Groome, | Mahone, | Slater, |
| Call, | Hale, | Mitchell, | Vance, |
| Coke, | Hampton, | Morrill, | Williams, |
| Colquitt, | Hawley, | Palmer, | Wilson. |
| Conger, | Hill, | Pike, | |
| Dawes, | Ingalls, | Platt, | |

ABSENT—22.

| | | | |
|---|---|---|---|
| Aldrich, | Frye, | Jones of Nevada, | Sewell, |
| Anthony, | Gorman, | Logan, | Van Wyck, |
| Cameron of Pa., | Harrison, | McMillan, | Voorhees, |
| Cullom, | Hoar, | Maxey, | Walker. |
| Edmunds, | Jonas, | Miller of N. Y., | |
| Fair, | Jones of Florida, | Ransom, | |

So the motion was not agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. MORRILL. I offer an amendment, to come in at the end of section 15:

> And the power to alter, amend, or repeal this act is hereby reserved.

I think there will be no objection to that.

Mr. BLAIR. I have no objection to the adoption of the amendment.

The amendment was agreed to.

Mr. SHERMAN. Mr. President, I again call the attention of the Senate to two or three important features of this bill. I do not propose to discuss it. I am perfectly willing to take the vote upon it. The bill proposes to apportion among the States $15,000,000 this year, not upon any constitutional basis, not upon the number of inhabitants, not upon the tax-paying power of the people, but upon the basis of illiteracy. Out of $15,000,000 the bill would give to the people of the Southern States $11,318,394. That money is not to be disbursed by the United States; it is not to be disbursed under the authority of the United States. The United States is to have no control over its disbursement. It is to be placed in the hands of State authorities. There is no power even on the part of the General Government to see to its disbursement, to control its disbursement, to call for an account of the money disbursed, but the money is to be placed in the hands of State authorities.

We have had some very pretty speeches made in regard to the powers of the States and the powers of the National Government. It has been doubted and denied whether the National Government had the right to protect the people of the several States from infectious diseases among domestic animals. It has been asserted that there was no power in the Constitution to authorize their destruction or to prevent infection. But here is a proposition to take money for school purposes from the common fund of the people of the United States, collected in the form of national taxes, and to make this unequal distribution among the several States, without any power or control over the money. The immediate effect of it is to place in the hands of the several States this enormous sum of money, to be disposed of by them for educational purposes.

What kind of education, what kind of ideas, is to be promulgated? Who is to control that matter? It seems to me that it is unfair and unjust, and that when the people of the country understand that this disposition is to be made of their money there will be a profound feeling of discontent. I know there is a general desire to cure illiteracy in this country, to help to some extent the Southern States to grapple with a great evil; but it seems to me that no provision could be made more unjust than this, and I do not believe, if the measure should pass this year, that it would be retained next year.

But there are other objections to the bill. This is an appropriation made for ten years. The Constitution of the United States provides for annual appropriations of public money. I have not the language before me, but the Constitution even forbids appropriations for a long period of time. Appropriations for the Army can only be made for two years. It has been the general policy of the Government year in and year out to get rid of all permanent appropriations. It will be remembered that efforts were made by a former Senator from West Virginia for some time to abolish permanent appropriations. Yet here is a provision making an appropriation permanently for ten years, without regard to the condition of the Treasury, without regard to the wants of the Government. Whether we should be at peace or at war, for ten years we must go on and make these appropriations unless we can carry a law repealing the measure.

We have over and over again refused to make appropriations for more than one year. The very safety of our financial system depends upon annual appropriations made according to the amount of money that we have collected annually from the various sources of revenue. But here in this new matter, for the first time entered upon in our history after nearly a hundred years have rolled over this country, we propose to make a direct appropriation of $120,000,000, not annually but in one mass. That ought not to be done, although it is one of the minor objections.

The second section of the bill provides:

> That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of 10 years and over, can not read and write bears to the whole number of such persons in the United States; and until otherwise provided such computation shall be made according to the official returns of the census of 1880.

This national money collected for national purposes is to be paid out on the requisition of the Secretary of the Interior by the Secretary of the Treasury to the authorities of the several States; and he is to "apportion the said total sum so certified among the several States and Territories and the District of Columbia upon the basis of population and illiteracy specified in the second section of this act."

This money is to be paid upon the proper warrant "to the treasurer of the State, Territory, or District, or to such officer as shall be designated by the laws of such State, Territory, or District, to receive, account for, and pay over the same."

Under the old act of distribution, the act of 1836, where there was an amount of money in the Treasury that was already creating embarrassment and distress, and where a law was passed to distribute that money among the States, it was distributed as a deposit subject to recall. That power was even doubted and denied by a large portion of the people at the time. Here is a proposition to pay over by an unequal distribution upon a novel basis the large sum of $120,000,000, and place it practically beyond our control, in the hands of State authorities, to be expended as they see proper.

Sir, I am not one among those who seek to limit and control very much the powers of the Federal Government; but I say here is the exercise of power that ought to excite some remark from the other side of the Chamber, if indeed this measure depends not merely upon the interests of the particular States who are to receive the money to be appropriated, but upon some broad general principle of constitutional law. That is about the whole gist of the measure. Now, let us go a little further.

I frankly say to you, and I wish in legislation at least to be frank, that I am not prepared to pay over to the local authorities of the Southern States eleven or twelve million dollars out of $15,000,000 of money which belong to the people, nearly eight-tenths of which is collected from the resources of the Northern States, who are to receive no portion of that amount. Especially am I not willing to turn over this money to the disbursement of those who I fear will not deal justly with the money in the education of the masses of the people in their midst. I am not prepared to vote to the Southern States money from the public Treasury for any purpose until we have better signs than we have had for the last year or two that they are willing and feel bound to respect the rights of citizens of the United States. If I had no other reason for voting against the bill at this time, I am frank to say I should do so because I am not satisfied that if this money were placed in their hands it would be properly used for the education of all classes of the people of those States, and I am not willing to trust them to disburse the money of the United States until they respect the acknowledged rights and constitutional privileges conferred plainly by the Constitution of the United States upon all the citizens of this country alike.

Let us go further. I think, however, that I have gone over the gist of the whole bill. The fifth section describes the kind of instruction that shall be given in these schools. It shall include—

> The art of reading, writing, and speaking the English language, arithmetic,

geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws, and shall include, whenever practicable, instruction in the arts of industry, and the instruction of females in such branches of technical or industrial education as are suited to their sex, which instruction shall be free to all, without distinction of race, color, nativity, or condition in life.

But after all the whole of this disbursement depends absolutely upon the State authorities, and the United States could claim and exercise no power of supervision.

Section 8 provides—

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof.

That is, two-thirds of the expense of maintaining the schools shall be paid for by the National Government. In the State of Ohio we appropriate an enormous sum for the maintenance of schools, and every child has the opportunity of education even to the extent almost of what was considered a university education fifty years ago. Children can go to the high schools and from these they may easily go to the colleges. We pay that expense ourselves. We ask no aid, no assistance. Is it just and right that the people of the Northern States which have their systems established, who have at great expense built their schoolhouses which dot almost every section of land in those States, where all the children are gathered together, paid for by the voluntary contributions or by taxes levied under their own laws, as in Ohio, should be called upon to make this enormous disbursement from the common Treasury without receiving a proportionate share themselves?

If this money is to be appropriated for school purposes, why not have it distributed so that each State may have the benefit of it according to its population? If in some States they do not need it, let them then diminish their school-taxation. Shall Ohio and the older States go on and tax their people by a tax not only derived from the sinking fund gathered in the past, but by direct taxation, as our school fund in Ohio is mainly collected, and tax our property and levy various forms of school-tax on our people year in and year out, and yet pay to other portions of the country three or four or five times as much as we receive ourselves under the operations of this proposed law? It is not just or right; it is not equal.

Now, Mr. President, although this thing has been talked of in a sentimental kind of way in this country for some years; although there is a general desire, I have no doubt, to promote the education of the youth of the South, and there is a feeling of kindness, a disposition to help at least in educating the emancipated freedmen of the South; although that feeling is floating around, no doubt some time or other to be embodied in the form of a law, yet I do not think the public opinion of the United States is now prepared for any such measure as this; and if it should pass the Senate, especially if it should pass Congress, it would at once excite great agitation, great complaint, great discontent, and I do not believe the system would stand long before a general public voice would demand its repeal on the ground of injustice and inequality.

That is all I desire to say about it. I did not intend at first to say a word. I have not given much attention to the subject. I confess, notwithstanding the great efforts made by the Senator from New Hampshire, my ignorance of the details of the subject. I speak only from my general impressions, and under those impressions I do not feel myself at liberty at this time to vote for any such bill as this containing its provisions or involving so large an expenditure of the public money.

The PRESIDING OFFICER. The question is——

Mr. BLAIR. Mr. President, I do not care to speak on the bill at any length, and I only rise, as no one else takes the floor, to make a suggestion or two in reply to something that has been advanced by the Senator from Ohio.

He complains that here is something like a permanent appropriation, which is a thing very familiar to any one connected with the financial system of the United States. I think on a moment's reflection the Senator will admit that there is nothing incongruous in making a permanent appropriation for ten years for a specific object, when by general law we have made many appropriations permanent without any limitation whatever.

Mr. SHERMAN. For the interest on the public debt.

Mr. BLAIR. That does not change the principle involved. The principle is that Congress has power to make appropriations for a continuing series of years. With reference to the support and maintenance of the Army and Navy, another principle, of course, obtains, one derived from the revolution in England. The Senator says that the basis of distribution is bad, that if the money is to be distributed at all it should be upon the basis of population or the basis of valuation or something of that kind. Now this appropriation is made, if made at all, for the reason that we appropriate money to the improvement of rivers and harbors or for any other great national purpose, and we put the money in such case where the difficulty is. It might as well be urged that the appropriations under the river and harbor bill should be divided per capita among the various States according to the population or according to the valuation in the various States which contribute to the accumulation in the public Treasury, as to say that when we legislate to remove illiteracy we should expend the money which we appropriate for that purpose not where the illiteracy is and in proportion to where the illiteracy is, the evil which we would remove, but that we should put it all over the country indiscriminately and uniformly. The argument is entirely incongruous and does not apply at all.

So far as the right to appropriate the money is concerned, it seems to me there can not be any serious complaint of inconsistency on the part of our friends on the other side of the Chamber if they should vote for this appropriation and at the same time find some perplexity and difficulty in supporting a bill like the pleuro-pneumonia bill and others to which they have objected on this floor. The questions are not parallel; there is no similarity at all between the cases. The question here is whether the National Government shall so legislate as to perpetuate itself; whether it has the right of self-defense; whether it may lay foundations whereupon to build republican institutions for the discharge of the functions of the National Government itself; whether we can maintain a national form of government republican in substance—that is the real question; because intelligence is as necessary to the existence of the National Government republican in form as intelligence is necessary to the existence of the State governments republican in form.

So, then, this is a question underlying the superstructure of both forms of government. I do not need to cite authorities or to give reasons and lay down propositions to maintain a position of this kind. You may ignore the State governments utterly, the principle upon which this appropriation is made would still hold good. Were there no State governments, might not then the nation educate the children of the nation who are to become the citizens of the nation? The fact that the same individual child is to become a citizen of both governments does not deprive the National Government of its power to qualify that child to be its own citizen, to vote and act intelligently so far as the creation or the maintenance of the national powers are concerned.

In this bill there is no question of State rights; at least there is not so far as my own mind is concerned. The only question that arises here as touching the States is whether we will employ them as the agency through which this fund shall be administered. I would have been glad if my political friends had rallied a year ago, when we had both Houses of Congress and could have passed the bill with some features Republican in it that I should have been glad to have. Though I would be glad if the bill were somewhat different, still I now believe that the only practicable thing to do is to do what was done in the Morrill bill, or in the bill advocated still earlier by my friend from Massachusetts [Mr. HOAR]—give the money directly to the States and hold the States responsible for the administration of the school system in their limits, re-enforced as they will be by this appropriation from the national Treasury. I think that the more judicious thing to do. Trusting at all, it is better to trust fully; and I think at the present time there is no practicable way in which any appropriation can be made for the removal of this evil unless we give it virtually to the States; and by this bill we do not give it to the States without any power of review, we are not entirely without remedy.

The Senator speaks of the alarming condition of things in the Southern States, social disorder, disintegration, violation of personal rights, and so on, perhaps more sensitive on that subject by reason of his recent examination of questions of fact. That may be; but how comes he by this knowledge of the condition of the Southern States? In what way have we during the last twenty years come to send our committees throughout the Southern States to obtain the information which has from time to time so stirred the heart of the North, helped in elections, and helped us in the vindication of human rights, not always purely political considerations? We have had, as we shall have in this case, the power to investigate. The bill expressly reserves it; and if the bill did not reserve it it would still exist; and if there is an abuse in the expenditure of this money, how long will it be before the people all over the country will understand that the school funds are being misappropriated? I assure you, Mr. President, and everybody, that I think there is no cause to complain that the public mind south as well as north would not be stirred to its lowest depths by an accusation shown by the proofs to be well founded that the money of the children was being malappropriated by any of the authorities. This power to investigate is sufficient. It is all we have had in any case thus far. Let us continue and preserve that power, as we do in this bill, and I think we have the most available of any safeguards.

The Senator asks another question, and that is whether it is right that the Northern States should be called upon to contribute. Well, Mr. President, if the principle upon which we give at all is correct, I see no objection based on the fact that the larger proportion of it goes to some particular section. Suppose all the rivers and harbors were in the Southern States; would it be any less constitutional, any less proper, any less within the functions properly exercised by the Government of the United States that the appropriation should still be made and should be there expended? Suppose that an appropriation is made for coast defense; do we not tax the people of the interior? Why may they not complain, "You have no right to call upon us to

help to pay for defense along the Atlantic coast?" The principle is not one which holds water better than a sieve.

I have nothing more to submit.

Mr. MORRILL. Mr. President, I think that I can offer an amendment that will slightly remove one objection which may be made to this bill. By the terms of the second section it will be seen that this money is to be distributed to the several States according to illiteracy by the census of 1880. Now, it strikes me that there may be some improvement and less illiteracy in 1890 in some States than there is under the census of 1880. I, therefore, will move to strike out, in lines 7 and 8, section 2, the words "official returns of the census of 1880" and insert in lieu thereof "last preceding published census of the United States."

Mr. BLAIR. I think there is no objection to that. It is a very proper amendment.

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on the amendment of the Senator from Vermont [Mr. MORRILL].

Mr. SHERMAN. That amendment will not take effect for seven or eight years, so that it is a very harmless one and not a very important one.

The amendment was agreed to.

Mr. HOAR. I move to amend the bill, in the twenty-seventh line of the thirteenth section by adding after the word "thereof:"

And the other matters herein prescribed to be so reported.

This does not, I think, alter the sense of the bill, but makes it clear that making all the reports prescribed is a condition for receiving the money.

Mr. BLAIR. That is not objected to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusettts [Mr. HOAR].

The amendment was agreed to.

Mr. BLAIR. Before proceeding further with the bill I should like to make a formal amendment in section 2. In the fourth line I move to strike out the words "read and." The reason of this is that the number of persons who can read and the number of persons who can write are two different numbers, and the number of persons who can not write is the greater. It seems to be generally conceded that inability to write is a better test of illiteracy than inability to read. As it is necessary that the apportionment should be made upon one sum or the other, and as that apportionment will give a little more money in the Northern States and a little less in the Southern States than the apportionment upon the basis of those who can not read, I ask that the words "read and" be stricken out, leaving the basis of distribution upon the number of persons who can not write as shown by the census.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire [Mr. BLAIR].

The amendment was agreed to.

Mr. BLAIR. In section 12 the words "read and" should be stricken out for the same reason to correspond with the amendment already made. At the end of the second line I move to strike out "read and."

The amendment was agreed to.

Mr. INGALLS. Mr. President, section 1, in lines 11, 12, and 13, contains the following language:

Which several sums shall be expended to secure the benefits of common-school education to all the children of school age mentioned hereafter living in the United States.

I should be glad if the Senator having in charge the bill would point out where the "school age mentioned hereafter" is found in the bill.

Mr. BLAIR. It is in one of the later sections, and is the school age prescribed by law in the State or Territory where the money is to be expended.

Mr. INGALLS. I think not.

Mr. BLAIR. I know it is so.

Mr. INGALLS. Section 11, to which the Senator undoubtedly refers, declares—

That the moneys distributed under the provisions of this act shall be used in the school-districts of the several States and Territories in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made.

But that refers to a different subject from that which is mentioned in section 1. There is nowhere in the bill a distinct recognition of what is to be regarded as the school age for the pupils who are to receive the benefits of this sum of $105,000,000.

Mr. BLAIR. That is a matter which can easily be rendered certain, if it is not already certain. I do not see any reason why the provision of the bill that seems to be quite explicit and was thought by the committee to be sufficiently so is not clear that the moneys distributed under the provisions of this act shall be used in the school districts on the basis here prescribed. The moneys paid over to the several States are to be distributed and to pass to the States upon a fixed basis, that is, the illiterates, as shown by the census. They are not the school children; they are the persons 12 years of age and over who can not write; so that the basis of distribution to the States is one of absolute fixed certainty. Now, section 11 refers to the fund of money after, in accordance with that fixed apportionment, it shall have been received into the treasury of the State; and it provides:

That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided and new ones may be established, as may be deemed best in the several localities.

I do not myself see that the bill fails to be explicit enough.

Mr. INGALLS. Section 1 provides for the expenditure of $105,000,000 in ten years "to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States." Section 11 provides that after the money drawn from the Treasury in pursuance of the first section shall have passed into the hands of the authorities of the State, Territory, or District, it shall be distributed there upon the basis of illiteracy within that territorial area, so as to provide for "the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory." That is to say, if I understand this bill, after this money passes from the Treasury of the United States into the treasury of the State, Territory, or District, it is there to be used in proportion to illiteracy within those limits so as to secure an equalization within the limits of that State, Territory, or District of school privileges to children of the school age prescribed by the State, Territory, or District.

I have examined this bill with a good deal of minuteness; I have applied to it such scrutiny as I have been able since it has been before the Senate; and I repeat that in very important particulars it is crude, it is undigested, it will be inoperative; and as the first suggestion I call the attention of the Senator to this point in the first place the language of the bill where language is used which does not find its counterpart or correlative anywhere when you come to ascertain upon what basis the distribution is to be made.

The same objection may be found in the proviso of section 13:

*Provided*, That if the public schools in any State admit pupils not within the ages herein specified it shall not be deemed a failure to comply with the conditions herein.

It was obviously the design of the person who drew this bill to specify somewhere what should constitute school age. If it does not it is worthless. There is no sense in saying that we shall appropriate $105,000,000 to be disposed of by the people of the States and Territories exactly as they see fit. This is intended to apply $105,000,000 to the common-school education of certain classes in the States and Territories of the United States. The purpose was to declare somewhere, as appears by the language of these sections, what should be the school age, the age at which pupils should be admitted and the age when the school privilege should cease; but it does nowhere appear here, nor is there anywhere whatever in any portion of the bill any recognition of what shall constitute the school age; and I submit that without that this bill is very imperfectly drawn and this vast sum of money is very insecurely guarded.

Mr. PUGH. Will the Senator allow me a suggestion?

Mr. INGALLS. Certainly.

Mr. PUGH. I see the difficulty suggested by him. The bill as I understand it recognizes the school ages as prescribed in the different States and Territories.

Mr. INGALLS. Where?

Mr. PUGH. By that section——

Mr. INGALLS. Section 11?

Mr. PUGH. The section which refers to school ages.

Mr. INGALLS. Certainly it refers to it, but refers to it on an entirely different basis, for a different purpose from that mentioned in section 1.

Mr. PUGH. The object of the bill was to recognize in each State the school age that the State law provided; and if you adopt, say 6 to 20 or 5 to 20 as the age within which this fund shall be applied, what would be the result? The school age is different in different States and Territories; there may be one age in one State and a different age in another. If you put in your bill a uniform age, say from 5 to 20, it would come in conflict with the State or Territorial laws in reference to the school age.

Mr. INGALLS. There we have it again, Mr. President. This money is to be paid out of the national Treasury for a national purpose, but only as the States may see fit to have it expended. They are to prescribe how this money is to be appropriated; and the Sentor tells us that in a bill to deal with a great national evil like this, upon the only theory on which we can deal with it, to expend a gigantic sum of money, the intention is to have it expended only as the States may see fit to permit, and that if we say, sitting here as the representatives of the nation, that it ought to be expended for the education of children between the ages of 5 and 20, it will create a conflict between the national authority and the authority of the States where this money is to be expended! Mr. President, I shall not vote for the expenditure of a dollar upon that theory. If we are to be told that this money is to be expended upon a national theory for the education of the children of this country, to secure us against a great danger and to rescue this nation from igno-

rance, and that it can only be expended as the authorities of the States see fit, I have done with the bill.

Mr. VANCE. Will the Senator allow me to put a question to him?

Mr. INGALLS. Certainly.

Mr. VANCE. I should like to ask him if the generous and princely gift of the United States to the State of Kansas of public lands for the education of her children contained any prescription as to who should be educated, and how it should be done?

Mr. INGALLS. The United States Government never gave an acre or a rood of land to the State of Kansas for the purposes of education.

Mr. VANCE. How, then, did the State of Kansas acquire the lands that had been supposed to belong to the Government of the United States?

Mr. INGALLS. I do not understand the Senator.

Mr. VANCE. How did the State of Kansas acquire title to those lands which had been the property of the United States and which she now uses as the basis of her school fund?

Mr. INGALLS. They were given to the Territory of Kansas.

Mr. VANCE. That is a quibble that I think the Senator ought not to resort to.

Mr. INGALLS. It is not a quibble. It has been one of the conditions upon which Territories have been admitted into the Union as sovereign and independent States, according to the phrase that is so frequently used, for a great many years past.

Mr. VANCE. Well, then, Mr. President, if land could be given to a Territory, an inchoate State, to do as she pleased with it for the education of her children, could it not for a much better reason be given to the State to be disposed of according to the laws of a mature community?

Mr. INGALLS. I shall have no altercation with the Senator from North Carolina upon this proposition. I understand that this bill is supported by its advocates upon the theory that great dangers threaten this nation on account of the prevalence of illiteracy and ignorance in various parts of the country, and that in consequence of that we are asked to make an appropriation of $105,000,000, extending over the period of ten years, to be expended in the education of the young; and the Senator from Alabama and the Senator from North Carolina by very direct inference leave us to understand that unless this money is to be turned over to the authorities of the different States to be expended or not expended as they see fit they do not propose to take it. With my consent they will never get it.

I call attention in this connection to one other proposition of this bill. I want the Senate to look at the provision in section 8, in the three lines at the bottom of the page, which declares:

> That no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof.

We are asked to vote for a bill that authorizes them to keep two-thirds of the amount allotted to them in their own treasury to do nothing with.

Mr. BLAIR. Not at all.

Mr. INGALLS. It says:

> Shall not during the first five years of the operation of this act annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof.

Mr. BLAIR. There is a misprint.

Mr. INGALLS. The Senator would have passed this bill, misprint and all, if no attention had been called to it.

Mr. BLAIR. I presume we should. I think it is an exceedingly narrow and small style of construction to say that anything further is necessary to make the bill explicit enough on that point. But since the Senator raises the criticism there is no objection, and there ought to be none since the criticism is raised, to inserting "from its own taxation;" and I ask to have the bill amended in that respect.

The PRESIDING OFFICER. The Senator will state his amendment.

Mr. BLAIR. I will see that it is put in at the proper time.

Mr. SAULSBURY. Say "in addition to the moneys."

Mr. BLAIR. That is a matter for discussion.

Mr. INGALLS. In section 7, after the word "act," I move to strike out the clause relating to the Commissioner of Education and his relation to the school authorities of the District of Columbia. The section provides:

> SEC. 7. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but its existing laws and school authorities shall not be affected by the operation of this act.

Now follows:

> The Commissioner of Education shall be charged with the duty of superintending the distribution of its allotment, and shall make full report of his doings to the Secretary of the Interior.

I move to strike out the words after "act." There is no reason why a discrimination should be made between the Territories and States and the District of Columbia. There is here a broad, liberal, generous, well-supported system of education maintained at the expense of the Government and of the tax-payers of the District, with which there is no complaint. The school authorities here are recognized by the District government and by the laws of the United States; there is no large per cent. of illiterates here; and I ask that that clause may be stricken out, that no discrimination may be made against the authorities of the District or against the school system here.

The PRESIDING OFFICER. The Senator from Kansas moves to strike out of section 7 all of the words after the word "act," in line 4. The question is on that amendment.

Mr. BLAIR. As the Senator is charged specially, so far as the Senate is concerned, with the interests of the District of Columbia, I should not personally feel much inclined to make opposition to his motion perhaps; but it will be observed that the Commissioner of Education is only charged with the duty of superintending the distribution of the allotment, and that he is required to make a full report of what he does to the Secretary of the Interior. I do not think there could be a more innocuous method of superintending or looking after the amount that the District of Columbia would be entitled to under this act. There does not seem to be any reason for making an invidious distinction between the District of Columbia and the rest of the country by withholding any benefit from the District under the provisions of this act; and in fact I do not myself see how we can properly do it. We adopt as a basis of distribution the illiteracy of the whole country.

Mr. INGALLS. The Senator does not understand me as objecting to the payment of its proportion to the District of Columbia?

Mr. BLAIR. In what way would the Senator understand, then, that this money would be distributed?

Mr. INGALLS. This provides that the Commissioner of Education shall have the control of it.

Mr. BLAIR. The distribution?

Mr. INGALLS. It reads "shall be charged with the duty of superintending the distribution of its allotment;" that is, he shall designate the schools where it is to go, interfering with the administration of the school system here by the school board, for which certainly there can be no necessity.

Mr. BLAIR. Why not substitute then "the school board" or "board of education of the District of Columbia" for "the Commissioner of Education?"

Mr. INGALLS. That is provided for in section 4:

> SEC. 4. That the amount so apportioned to each State and Territory and to the District of Columbia shall be paid, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the treasurer of the State, Territory, or District.

Mr. BLAIR. That is not into the hands of the school board.

Mr. INGALLS. He pays it out of the Treasury into the hands of the school authorities precisely as in other cases. There is no reason why the Commissioner of Education should be allowed to come in here and superintend the distribution of this money after it reaches the authorities of the District.

Mr. BLAIR. If the Senator feels clear that there is any difficulty in the school authorities of the District reaching the money after it is paid in accordance with the provisions of section 4 to the treasurer, I have no objection to the words being stricken out; but it would be more explicit to substitute——

Mr. HOAR. Let me ask the Senator from Kansas if there is an officer now designated by the law—of course the District can not make any law; we have to make the necessary law—to receive this money?

Mr. INGALLS. There is.

Mr. HOAR. Who is he?

Mr. INGALLS. The treasurer of the school board, to whom it could pass from the Treasury of the United States exactly as provided for in section 4. The intention of the clause to which I call attention is to give the Commissioner of Education the control of this fund in this District independent of the school board. I am opposed to that.

Mr. BLAIR. I have no objection to the substitution of the school board or board of education of the District, if that is the proper title of the board. Is there a treasurer of the school fund of the District?

Mr. INGALLS. There is.

Mr. BLAIR. Then the bill in section 4 does not provide for a payment to the treasurer of the school fund, but does provide for payment to the treasurer of the District. The bill ought to provide, it seems to me, that this fund in the hands of the treasurer of the District may be reached in some way by the school board. Would it not be well to substitute "the school board" for "the Commissioner of Education?"

Mr. INGALLS. I have no objection to that.

Mr. BLAIR. Let that substitute be made.

The PRESIDING OFFICER. Does the Senator move to amend the amendment?

Mr. BLAIR. The Senator from Kansas has no objection to it.

The PRESIDING OFFICER. The Senator from New Hampshire will state his amendment.

Mr. BLAIR. No; the Senator from Kansas suggests an amendment, and he will state it.

Mr. INGALLS. Say "the school board" instead of "the Commissioner of Education."

The PRESIDING OFFICER. The amendment will be read as modified.

The CHIEF CLERK. In line 4 of section 7 it is proposed to strike out

"Commissioner of Education" and insert "school board of the District of Columbia."

Mr. INGALLS. And to strike out "of his doings."

Mr. SAULSBURY. With the permission of the Senator from Kansas, I should like to ask the chairman of the committee who reported the bill why the District of Columbia should be included in this bill? Congress has already provided liberally for educational purposes in this District. I believe that one-half of the moneys now appropriated to the schools in this District is paid out of the Treasury of the United States; and yet it is proposed in this bill to include the District of Columbia with the States for which no provision is made out of the Federal Treasury. It seems to me Congress has already made ample provision for the education of the children in this District. I am not certain as to the amount, but my impression is that something like $400,000 is annually appropriated for educational purposes in the District. How much of that is paid out of the Treasury of the United States I am unable to say, but it occurs to me if we are going to make any appropriation of money the District ought not to come in for an additional share.

Mr. BLAIR. The District of Columbia gets money under this bill like all the rest of the country, the States and Territories throughout, upon the basis of illiteracy; that is to say, its necessity based on the ignorance that remains in the District notwithstanding the appropriations already made by the Government and by the people of the District and expended in the way of schools. There does not seem to be any reason why the people of the District of Columbia, being a portion of the nation, as well as the inhabitants of States and Territories, having needs of the same kind, should not under this bill receive equally their proportion of assistance according to the ignorance or the illiteracy actually prevailing. I do not see any principle upon which they can be exempted from the operation of the bill and deprived of their proportionate share, however small it may be. It will not embarrass them, because it goes into the general fund, and they are treated like the rest of the country.

Mr. SAULSBURY. Congress annually appropriates all the money that is deemed necessary for educational purposes in this District.

Mr. BLAIR. But the ignorance remains; the illiteracy is here; and only in proportion as it shall be found, here as well as elsewhere, will the District receive money under this bill.

Mr. SAULSBURY. Then the suggestion of the Senator furnishes the strongest argument against the proposed appropriation contained in this bill. If year after year appropriations have been made to the full extent of the requirements of education in this District, and there still remains after several years appropriation of money the same amount of illiteracy that obtains in other sections of the country, then the statement of that fact by the Senator has furnished the strongest argument against the passage of this bill.

Mr. BLAIR. The Senator misapprehends. I did not say that there was as much illiteracy in proportion to population. I said that there was a certain degree of illiteracy remaining here. The District of Columbia is far more intelligent, of course, than those portions of the country where there has been a much less expenditure, and the bill only gives to the District, as it does to New Hampshire and Delaware and Massachusetts and Florida, in proportion to the illiteracy found here. There seems to be no reason for depriving the District of Columbia of the same benefits we give to the Territory of New Mexico or the State of Oregon.

Mr. PUGH. My friend from Delaware will allow me to suggest that the annual appropriation made for educational purposes in this District will be made hereafter of course with reference to the fact that an appropriation is made for this purpose under this bill; and certainly the annual appropriation heretofore made will not be repeated in the face of the appropriation made by this bill. The appropriation in this bill will be the one for educational purposes in the District of Columbia instead of the annual appropriations heretofore made.

Mr. SAULSBURY. I do not know how that may be. That may or may not be true. That would disturb the proportion that the Congress of the United States has acknowledged as the proportion which Congress should appropriate for educational purposes in the District. If there is any diminution in the amount of the appropriation for school purposes, it will disturb the arrangement under which the District government has been carried on for some years; but my suggestion in reference to this bill was simply that there might not be any special favoritism to the people of this District, because I did not believe it was necessary. I am, however, opposed to the bill upon principle. I am not opposed to it upon the suggestion that was made by the Senator who first opened the discussion on this bill this morning, the Senator from Ohio [Mr. SHERMAN], on the ground that it would give to the people of the Southern States an undue proportion of this money. I oppose it not upon that ground, nor do I oppose it on the ground suggested by the Senator from Kansas [Mr. INGALLS] that it would place money under the control of the State authorities.

My opinion is if any appropriation of money is made it ought to be placed under the control of the State authorities in the States that are to be the recipients of this bounty. But I am opposed to it because I believe that the object proposed is not one for which we can properly and legitimately exercise the taxing power; and this proposition is not simply, as was the proposition in 1836, to distribute a surplus in the Treasury, but it is a proposition that there shall be annually appropriated out of the money hereafter collected into the Treasury the sums of money specified in the bill.

I do not believe that the educational interest of the people of this country is one of the legitimate objects of Federal taxation. I do not believe it was contemplated at the time the Constitution of this country was adopted that the taxing power should be exercised for any such purpose. In my opinion we have just as much right to exercise the taxing power for the purpose of feeding and clothing the children of this country as we have for their education. I am not opposed to education. But it is not a proper object for the appropriation of money out of the Federal Treasury.

Mr. BLAIR. Will the Senator allow me?

Mr. SAULSBURY. Yes, sir.

Mr. BLAIR. The Senator sets up a distinction between the money that was distributed in 1836—some $28,000,000, I think—among the States and this money proposed to be given *in futuro*, because he says that money was already in the Treasury and this is not there yet. But does it not all get there by precisely the same process?

Then can the Senator establish any distinction between the right of the Government to give this money growing out of the fact that in one case it has it already in possession by a certain process and in the other it proposes to obtain it?

Mr. SAULSBURY. I do not propose to enter into a discussion as to the right to have made the appropriation which was made in 1836. That was a question upon which there was doubt expressed at that time, but it has been too long past now to reopen the discussion of that question. I am discussing this bill, and I call on the Senator to point out that provision of the Constitution, that specific grant of power, which gives to Congress the right to impose taxes on the people of this country for the education of the children of the country. So far as I understand the Constitution, no such power exists. I do not subscribe to that latitudinarian doctrine which would, under the clause relating to the "general welfare," exercise the taxing power for any purpose that might suit the whim or caprice of Congress.

I learned my notions of the Constitution in a different school, in that school which holds to a strict construction of the powers of the General Government. I believe that the intention of the framers of the Constitution was to grant only such powers to the General Government as were necessary to carry on the Government, and that those powers are such as are specifically granted or such as are necessary to carry out the granted powers, and that the powers granted must be strictly construed. I do not believe that there is any warrant in the Constitution upon the mere whim or pleasure or caprice of the Congress of the United States to take money out of the Treasury for every conceivable purpose, however humane or charitable such purpose may be, nor do I believe that education in the aggregate would be promoted by this appropriation.

Education is necessary and is a proper thing, but education, like other benefits, is appreciated by the people to some extent according to what it costs them. If parents and communities are relieved of all responsibility and expense in the education of their children they will feel less interest in their education.

I do not believe that we ought to take a dollar of this money. I shall vote against the bill. I know my State would get perhaps a just proportion of the money distributed under this bill, but I am here to carry out what I believe to be the best interests of the country according to the powers that we have under the Constitution, and I do not believe that it will promote the education of the children or that we shall decrease illiteracy by this appropriation of money.

How is it in this District? Congress has year after year been appropriating large sums of money for the education of children; and yet we see them on the streets; we know what class of children they are. There are white children and colored children on the streets, with all the advantages of education afforded to them, as illiterate to-day as in any portion of this country; and, sir, you may appropriate not only this $105,000,000, but you may appropriate $500,000,000, and until the people of the various localities themselves determine to educate the children of their communities you will not have it done.

I shall vote against the bill, however it may be amended. The suggestion which I made in reference to the District of Columbia I thought was a proper one to perfect the bill if it shall become a law.

Mr. LOGAN. I desire to ask the Senator from New Hampshire a question. I do not wish to enter into the discussion. The bill goes on the theory that the money will be distributed according to the illiteracy of the children of school age?

Mr. BLAIR. No; the illiteracy of persons of 10 years of age and upward, whether adults or not.

Mr. LOGAN. Call it school age. The point I want to get at is that there is nothing in this bill that requires the different States before they become the recipients of this donation from the National Government to by law require all the children to have education to attend school; nor is there anything in this bill that would prevent the money from being distributed to States where by their statute law a certain class of people are prevented from entering certain classes of common schools. To illustrate what I mean, take the State of Kentucky. There the col-

ored children are not permitted, as I understand, to receive the benefit of taxation derived from the property of white people; they are only permitted to receive education from taxation that is applied to the property belonging to the colored people. In a bill that I proposed I had a provision that required that all children should receive education under the law, colored and white alike in the common schools. I wish to see a provision of that sort in this bill. I wish the Senator to understand that I am not antagonizing the bill, but am only making these suggestions so that they may be reflected upon and that it may be seen whether the bill does not require amendment in that particular.

Mr. BLAIR. In reply to the suggestions of the Senator from Illinois, which I understand to come from a friendly source, I will say that in reference to the State of Kentucky I am informed, and I think I am correctly informed, that its present Legislature has changed the law in regard to the distribution of the school funds of the State. I shall be glad to be corrected by the Senators from the State if I am wrong, but I think I am not. The law now is that all children, irrespective of race or color, share equally in the proceeds of the school tax of the State of Kentucky. The only other State where a different system of distribution of school money obtained was the State of Delaware. Whether any change has been made there perhaps the honorable Senator who spoke last [Mr. SAULSBURY] will be able to say. I do not know.

But with reference to a provision for compulsory education there are but very few of the Northern States even that have now a compulsory school law, so called. Even in the Northern States where those laws exist they are not enforced to any better extent, to say the least, than the laws which prohibit the indiscriminate sale and use of intoxicating liquors. In other words, compulsion does not compel any better than prohibition prohibits. Where you have a compulsory law you do not secure the attendance of the children at school anything in accordance with the design of the law, and those compulsory provisions have not obtained in the school system in any but the most advanced, if I may use the expression, relatively the most intelligent States. A compulsory school law comes along as one of the later outgrowths and benefits resulting from general education when a sufficient mass of the voters are so intelligent that they will insist that children shall all attend school and make a law to that effect. They will not leave it to the will of the parent, who oftentimes wants the work of his child more than he desires his education. Taking the States of this country in their present condition it would be practically impossible to enforce a compulsory school law. We might, I think, perhaps almost as well not make this appropriation so far as the States which would be most benefited by it are concerned as insist as a condition precedent on the enactment of a compulsory State school law. I think that in the first place the lack of school-houses, the lack of teachers, the lack of everything that appertains to the school itself, is an insuperable difficulty. To make a law that the child shall attend when there is no school in existence for him to attend would certainly be inconsiderate and premature legislation.

We ought, I think, to remember that this provision which we are making is for communities which so far as the education of the masses is concerned are in a very rudimentary condition, anxious to escape from it, anxious to build up common schools, in no better condition than was the Commonwealth of Pennsylvania about 1830, 1831, 1832, and 1833 when they had no common-school system even there. They then established it. A few of the more intelligent men succeeded in enacting a system into law by action of the Legislature, but the mass of the people of the State opposed it with such violence that it was the political death of almost every one of the members of the Legislature who in the ensuing session stood by the system and opposed its repeal. It is well understood as a historical fact that the school system of Pennsylvania was saved only by the masterly eloquence and effort of the late Thaddeus Stevens. The men who under the spell of his eloquence and the vigor of his arguments voted to sustain the school system went home to their political deaths, a very large number of them. That was only so long ago as about 1833 in our own adjacent Commonwealth of Pennsylvania, a Commonwealth where to-day probably a compulsory school system could be enforced. And yet if it were required of other communities, perhaps of two-thirds of the States of this Union that they should enact a compulsory school law, we should have no common schools whatever; and if we had power to make such a law and enforce it, probably two-thirds, certainly one-half the States of the Union would be very likely to refuse, at least under compulsion, to enact such a law.

We may well expend a few millions a year for ten years, and then we shall find that though we have made very great progress we have not reached the goal. I think there may be some failure to apprehend the serious conditions with which we are dealing. I have reflected much myself upon this proposition, which I supposed would be suggested, of requiring a compulsory system to be adopted in every State of the Union before the provisions of this bill could be made applicable; and my judgment is that it is better, far better, not to do it. I think the result would be that in those States most needing the appropriation the appropriation would utterly fail.

I do not know but that there was one other suggestion of the Senator from Illinois to which I have not replied. If so, if he will mention it I will speak to it. But there is one other matter to which I will allude while on the floor; and that is in regard to the amount which the bill requires that each State shall expend of its own money in order to secure the advantages of the appropriation proposed in this bill. The entire period of time covered is ten years. The bill provides that no State shall receive appropriations under it unless for the first five years it shall expend from its own taxation—it can be so amended as to specify the suggestion of the Senator from Kansas—at least one-third of the amount that it receives under the provisions of this bill. There are quite a number of the Southern States that at the present time are not raising and expending a much if any larger sum than one-third of their proportion under this bill. The State of Alabama is now, I think, raising a little over one-third and a little less than one-half of the amount of money it would receive under the provisions of this bill. Perhaps it may have attained to one-half. If so, I do not know that there is any State which is not at present raising and expending from local taxation one-half the amount it would receive the first year when the $15,000,000 are distributed under the provisions of this bill.

There is a spirit of anxiety arising in all these communities to educate their children. I think they are stimulating themselves in the direction of taxation as largely as they well can bear. I think the provision for the first five years is well enough in the bill, and for the remaining period of the term the bill provides that no State shall receive anything which does not raise and expend as much of its own money as it will receive under the provisions of the bill. I consider that a matter of secondary importance; but if it is thought best to increase the proportion slightly, I shall not object. I think it ought not to be increased so as to embarrass those States which, as I endeavored yesterday to show, are subjecting themselves to as great or greater taxation than we are in the North, and certainly as much taxation as we are in the North in proportion to their ability to bear it, for school purposes. I think, I say, it is hardly well to require of them as an exaction a larger expenditure of their own money than the bill provides for now.

Mr. INGALLS. Mr. President, I do not wish to seem unnecessarily critical in the consideration of this bill. For, as the Senator from New Hampshire well knows, I sympathise with the general object and purpose he has in view; but I should like to hear from him how under the terms of section 8 any portion of this money could be paid out until five years had expired?

No part—

Mark the language—

No part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend, &c.

How can you ascertain whether or not the States do annually appropriate so much for five years unless you wait until the five years have expired? I submit to the Senator from New Hampshire that technically under the language of this section it is not possible that one cent of this money shall be drawn from the Treasury until the expiration of five years from the passage of the act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. BLAIR. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. In section 7, line 4, after the word "the," it is proposed to strike out "Commissioner of Education" and insert "school board of the District of Columbia," and in line 7 of the same section to strike out "of his doings;" so as to read:

The school board of the District of Columbia shall be charged with the duty of superintending the distribution of its allotment, and shall make full report to the Secretary of the Interior.

Mr. BLAIR. I understand that was agreed to.

Mr. INGALLS. There is no objection to that.

The PRESIDENT *pro tempore*. The amendment requires the vote of the Senate.

The amendment was agreed to.

Mr. INGALLS. I move, in line 13 of section 1, to strike out "of the school age mentioned hereafter" and insert "between the ages of 5 and 15 years."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

Mr. BLAIR. Mr. President, if the Senator has ever been in a colored school he probably has seen pupils all the way from 5 to 40 years of age, and the older the more industriously were they conning their books and endeavoring to acquire knowledge to be useful to them in the remainder of life.

This bill by a provision later along expressly provides that no child of school age shall be deprived of its benefits, and no person shall be deprived of its benefits for the reason that he or she is not within the school age of the State. The bill is made that way because it is easy to see that without some provision of that kind it would be in the power—I think not the disposition, but it would be within the power—of any one of those who might administer this law to exclude from its benefits a very large class of the ignorant colored population of this country who are exceedingly anxious to obtain the benefits of common-school education.

The Senator by his amendment proposes that this money shall be distributed among those in the various States who are between 5 and 15 years of age, and he would exclude from the benefits of this appropriation all who are not included within those ages. Otherwise there is no occasion whatever for the amendment. There is no available paper by which the numbers of children within the United States included within those ages can be ascertained. There are no data in the census; there are no data in the local school returns; there are no data in possession of the State authorities, and none anywhere from which the number is ascertainable; and it would be necessary if the amendment should prevail, as the first condition to the practical operation of the bill, that a census should be taken of the persons in the United States between 5 and 15 years old. Then the schools throughout the country have got to be broken up and remodeled, and only those included in a school where this money appropriated by the United States is to be expended who are between the ages of 5 and 15.

The school ages in this country vary. From 4 to 21 years is the age in Texas, if I recollect aright. In my own State, by a recent enactment, the school age is from 5 to 15. In many States it is from 6 to 17; in some from 6 to 18; in some from 5 to 18. The school age is found to be various in different portions of the country under the State laws and the Territorial laws, for I think there is no State or Territory where the common-school age is not prescribed by law. The bill, as I think, with sufficient explicitness already provides, first, that the distribution shall be made to the States upon the basis of illiteracy. That is not the basis of school population at all; but it is taken as a test indicative of the need of education within the State; and the actual enumeration of illiterates is of all persons 10 years of age or older who can not write. Upon that basis, ascertained by the census, the money is first carried to the treasury of the State. Then, under the direction and control of the State authorities, subject to report to the General Government and to the right to investigate and all that, and to a forfeiture of their appropriation if they are found to have misapplied it in any given year—under all these safeguards the expenditure is to be made within the State for the purposes of common-school education to all the children within the State, irrespective of race or color or previous condition, and in such a way, as far as possible, as to equalize the educational accommodations and give to all substantially the same opportunity for education. In some localities it may be necessary to expend a larger proportion of money, because schools may be more expensive in those localities than in others. It may be possible to find suitable instructors for a school district back among the mountains by paying $15, $20, $30, or $40 a month to a teacher, and get just as good instruction as would be obtained where it would be necessary to pay twice that sum of money in the larger places. We know that the laws of political economy operate in all parts of the country alike. The purpose is to give to each child substantially the same opportunities to be educated and qualified for the duties of citizenship and of private life.

Mr. PUGH. Mr. President, I suggest to the Senator from Kansas that his school age of 5 to 15 will operate to exclude from the benefits of this appropriation all the colored people over 15 years of age, and the effect of it will be to operate entirely against that class of illiterates. The school age in my State is from 5, I think, up to 20, and is made as high as 20 for the purpose of embracing that class of illiterates among the colored people. I am satisfied that he does not intend that effect to be produced. The class of colored people above 15 years of age very much need the benefit of school education. I object to that change.

Let me make another suggestion in regard to section 8, as to the meaning of that section in relation to the expenditure of the amount appropriated during the first five years. I think it would be well to amend it by inserting after the word "expend," in the ninth line, the words "out of its own revenue;" so as to read:

That no part of the money appropriated under this act shall be paid out in any State or Territory which shall not during the first five years of the operation of this act annually expend out of its own revenue for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

Then under section 13 the Senator will see how the information is derived by the Federal Government as to the State having complied with the terms prescribed in the eighth section.

Mr. INGALLS. The Senator will see that even with his amendment the section is still inaccurate.

Mr. PUGH. I thought the Senator would make it clear.

Mr. INGALLS. "Annually expend out of its own revenues," as amended by the Senator from Alabama, "for the maintenance of common schools," as it now reads, "at least one-third of the sum." It should be amended by inserting after the word "schools:"

An amount equal at least to one-third.

Mr. PUGH. That is satisfactory.

Mr. BLAIR. There is no objection to that.

Mr. PUGH. There will be no objection to that amendment.

Mr. BLAIR. Let that be fixed now.

The PRESIDENT *pro tempore*. The present question is on the amendment proposed by the Senator from Kansas regulating age.

Mr. INGALLS. With the consent of the Senate, upon the suggestions already made, I will modify my amendment, if the Chair will permit me, by making it read: "between the ages of 5 and 20 years."

Mr. BLAIR. Well, Mr. President, I should like to be heard upon that.

The PRESIDENT *pro tempore*. The Senator from Kansas modifies his amendment. The amendment will be read as modified.

The SECRETARY. In line 13, section 1, after the word "children," strike out "of the school age mentioned hereafter" and insert "between the ages of 5 and 20 years."

Mr. GEORGE. I wish to ask the Senator from Kansas to put it "21" instead of "20."

Mr. INGALLS. Very well; "21."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. BLAIR. I object to the amendment under any circumstances. It will only make confusion and "confusion worse confounded," and will operate against the colored population of this country, numbers of whom attend the common schools after they are 21 years of age. I wish every human being who desires to attend the common schools of this country, so far as they are aided by this act, to have the opportunity of doing so, even if he is over 21 years of age. There is a very large number of people who will be benefited by leaving the bill as it is.

Mr. INGALLS. Now, Mr. President, as the Senator from New Hampshire has based his opposition to my amendment upon the ground that the colored people who are above the age of 21 will be excluded thereby, I shall be pleased if he will tell me how they would be included under the terms of the bill as he interprets them. He says that this money is to be distributed for the purposes of the education of school children in the United States between the school ages prescribed by the States and Territories. It is not claimed here by any Senator that the school age is defined by any State to extend to a greater age than 21 years. Therefore the intelligent but uneducated colored man of 40 would not be permitted to come in and pursue his studies even under the interpretation suggested by the Senator from New Hampshire.

Mr. BLAIR. I ought undoubtedly to have gone further, and called the attention of the Senate to the proviso at the conclusion of the thirteenth section, on the fourteenth page, which covers the point, so far as it can be covered, which I desire to retain in the bill.

*Provided*, That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein.

Mr. INGALLS. The public schools can not admit pupils except under the laws of the State.

Mr. BLAIR. They do.

Mr. INGALLS. It can not be supposed that this bill confers on the public schools within the States the authority to admit anybody they please, irrespective of the school age prescribed by the State. It seems to me that the proviso, instead of relieving the difficulty, intensifies it.

Mr. BLAIR. If the Senator will consult the school returns from the State of Massachusetts he will find that a very considerable number of scholars attend who are outside of the school age of that State. The law prescribes a certain school age, but by common consent, there being facilities and there being a necessity and there being the desire on the part of the pupils, they are admitted; they attend school; they get the benefit of the schools. In just the same way it is the fact now, I think, in every State—I have no doubt in every State of the Union—there are more or less of the schools' pupils attending who are over the school age prescribed by law. Certainly it is true in my own State, where the age is from 5 to 15, that a very large number of scholars attend up to 18, 19, 20, 21, and 22 even. I remember attending common school myself where there were young men 23, 24, and I do not know but 25 years of age.

The Senator would reach the point which he wishes to cover and leave the bill just as it is now really, but still he would have a prescribed school age that would include all the school ages within the United States, if he should say "from 4 years to 21;" but I am not sure that that would not occasion considerable confusion in administration. I think it very much better to leave the bill as it is, allowing pupils to attend the schools of the school age prescribed within the States, with this provision at the end of section 13:

That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein.

Allowing the bill to stand in that shape will leave room for the continuance of the generous practice which obtains now everywhere, and obtains so largely in the Southern States, where the colored schools are, of admitting pupils above the prescribed school age, even after they are adults. I think we ought not certainly by a provision of this national law to interfere with the liberal practice that already obtains in the several States.

Mr. LOGAN. I do not rise for the purpose of discussing this bill at length, but I rise for the purpose of making one suggestion in reference to the section as to illiteracy and as to the age of the school children. When I read this section and understand it if I do, it reminds me of the proposition that in the Congress of the United States the people are to be represented according to the population of the differ-

ent States, but if any portion of those people are deprived of certain civil rights, then the representation of the State enforcing the deprivation shall be reduced accordingly. So this bill goes upon this principle that the appropriation of money shall be based upon the illiteracy of the people, no matter of what age they may be, but shall only be applied to those of certain ages in the schools.

Now, according to the theory of this section of the bill where the bulk of the colored men reside, in the South, you appropriate money based upon the illiteracy of the whole. We all know that the colored people could not read and write prior to the war, and but few of them can since. Hence you base the provision on the illiteracy of those people. In the North nearly all our people read and write over the age of 21. Hence the South receives a larger appropriation, based on the colored illiteracy, than the North, as applicable to children. The meaning of this provision is—and I object most seriously to that—to appropriate money, for which the people of the North are to be taxed, based on the illiteracy of people who may be 90 or 100 years old, not for their benefit, but for the benefit of others. That is the proposition, and I object to it most seriously.

I submitted a proposition for the appropriation of money from the Treasury for the education of the children of the whole country of school age. Why? Because the white and the colored alike of 5 years old are illiterate. So a proposition of that kind is just and equitable. It applies with equal force to the white and the colored. But when you base it on the illiteracy of the whole, and then you take money from the Treasury based on the illiteracy of those who can not attend school for the benefit of a few States who refuse to tax themselves for their own benefit, I object to it. The fair and just proposition is, if money from the national Treasury is appropriated, that it shall be appropriated to apply equally to all the children of the United States, white and black. That is fair.

Let the appropriation be based on the illiteracy of the children, not the illiteracy of the grown people, who do not attend school. That is an unfair estimate, an unfair taxation of the people who pay the taxes in this country. If it is based on the illiteracy of children between the age of 5 and 20, then it applies equally to all everywhere; it is just then to the colored man and just to the white man. Any other proposition is the character of proposition that I mentioned. For instance, to-day under the Constitution and the laws of this country the representation in Congress is based on population, but there is a provision that if the people are deprived of the exercise of the elective franchise the representation shall be reduced in proportion. Yet in States where the elective franchise is not exercised by the colored people a Representative in Congress chosen at an election where 5,000 votes were cast stands equal to one chosen by 25,000 votes. The same principle exists in this bill, that is, there shall be a donation from this Government based on the illiteracy of those who can not and will not attend school, instead of upon the illiteracy of those who do attend school. That is in exactly the same ratio as the bad faith which permits the election of a Representative to Congress on a vote of 5,000 people when you require twenty or twenty-five thousand in other quarters.

I say that all children, both colored and white, are illiterate (to use the common term) at 5 years old. Hence where you apply that test of age it applies equally to all classes, white and colored; but when you go beyond that to those who cannot be educated or attend school, it is unfair, because the illiteracy is down there, and then an unfair proportion goes to those people not for their benefit, not for the benefit of those upon whom the expenditure is made on account of their illiteracy, but for the benefit of white people down there as well as colored people.

Mr. SHERMAN. The point which the Senator from Illinois makes is perfectly just and perfectly fair; still I want to call his attention to this one difficulty: if he puts a limit below 10 years we have no information as to the number of people who are illiterate between 5 and 10, because I suppose the census-takers would naturally assume that all below 10 would be illiterate.

Mr. LOGAN. I am speaking of the bill as it has been amended. It has been amended to read from 5 to 21 years.

Mr. BLAIR. Oh, no.

Mr. LOGAN. That is the proposition.

Mr. SHERMAN. I do not want to interrupt the Senator without his consent.

Mr. LOGAN. It is no interruption.

Mr. SHERMAN. I wish to say if the apportionment is made upon the number of illiterate people North and South between the ages of 10 and 20 years it would largely remove the injustice of this proceeding, because the number of illiterate persons above the age of 20 years and who can not go to school manifestly ought not to be made the basis of the apportionment. The Senator from Illinois is perfectly just on that point; but if the basis of illiteracy is taken upon all between the ages of 10 and 20 years, the apportionment would undoubtedly be in favor of the South, where the colored people are and where they have not had the benefit of education; yet it would be much less marked than it is according to the present basis, because under the basis now made by the bill between eleven and twelve million dollars in round numbers is given to the Southern States the first year and only $3,000,000 to the Northern States. It would not take long before such a distribution as the bill proposes would be seen to be so manifestly in favor of the South, considering the preponderance of population in the North, that it would create profound discontent, whatever the Senate might think of it. But if you take the number of illiterate children between the ages of 10 and 20 in all the States, and base your allotment upon that number, then the disparity would not be so great, and it would be just, because it is those people who are to be educated and not those above the age of 20.

Mr. MILLER, of California. Why draw the basis on illiteracy? Why not make it the children of school age; that is, between 5 and 20, who are the persons who need education in this country? Under the bill you base the apportionment upon the illiteracy of all over 10 years of age. That will give each child of school age in the South at least four times as much money per capita as a child in the North of school age.

Mr. LOGAN. Certainly.

Mr. MILLER, of California. It would probably be more than that, because the illiteracy there over 10 years of age is very much greater.

Mr. LOGAN. Certainly.

Mr. MILLER, of California. If you are going to give anything at all from the national Treasury, why not give to each child in this country of school age alike, whether white or black, without regard to illiteracy?

Mr. LOGAN. The Senator from California asks why not give it alike to all children of school age. I was remarking before that the proposition I made to the Senate of the United States was exactly that proposition, and I will read it. The language that I used, and the language that I would use now if I had the amending of the bill, is as follows:

For the education of all the children living within the United States.

That was the proposition I made.

Mr. MILLER, of California. That is fair.

Mr. BLAIR. That would take $150,000,000.

Mr. LOGAN. It does not make any difference whether it would take $10,000,000 or $500,000,000, one child is as much entitled to education as another, if it needs it.

Mr. MILLER, of California. One needs it just as much as another.

Mr. LOGAN. One needs it just as much as another. So I proposed that all children of school age in the United States should receive education and that the appropriation should be made according to the population; in other words, that it should be distributed according to the population, reckoning the children of school age in the States and the Territories, so that the basis of the distribution and the basis of the appropriation should be according to the number of children in the United States who required education; that not only the appropriation, but the distribution should be made according to the number of children in the United States, and that taxation in the different States should be regulated in reference to the appropriation made by the Congress of the United States.

I am not the enemy of this bill; I am only making suggestions as to what I think ought to be put in the bill; that the appropriation shall be made applicable to the children who are to be educated; that the basis of distribution and the basis upon which the appropriation should be made shall be that basis, and not upon the illiteracy of all persons over the age of 10. By this provision nearly every colored person over 40 years of age would be considered illiterate in the South, and the appropriation would be made based upon their numbers in the calculation, and not upon the number of children or those who had to be educated.

Sir, I insist that it is unfair and unjust to the colored people as well as the whites for this very reason: The appropriation is made for the Southern States, based upon the illiteracy of the black people, for the benefit of the whites. You make your appropriation based upon the illiteracy of the old people of the black race, but when you come to distribute it in the South you give it to the whites as well as to the blacks. You use the black man to get the appropriation, and then you give it to the white man. Make your appropriation based upon the illiteracy of the black man; then if the enumeration of the black man obtains the appropriation, give that money to the black man's children, if you want to deal fairly and justly with them.

Mr. BLAIR. Mr. President, the bill endeavors carefully to avoid all recognition of distinctions of race or color. There is no appeal to Northern or Southern prejudice in the bill. Illiteracy is taken as the basis of distribution, because illiteracy is the only mathematical, available, pertinent measure of the necessity of the case, and it is only because there is a necessity that there is any appropriation whatever justifiable.

If we are to give at all we must give relatively to the need. As I said earlier, we put our money for rivers and harbors where the rivers and harbors are. All over this country and all over the world the principle in taxation is recognized that the man who has money must pay the taxes. It is not the man who has the children who is to educate the children; but the assessable property of the entire community, very largely vested in the hands or in the ownership of individuals who have no children, is made answerable for the education of the entire mass, because it is essential to social life.

The principles that are advanced here are as I think entirely erroneous. They are not recognized and they ought not to be recognized in any system of the administration of laws anywhere. The Senator from Illinois says that we get the money because the black man is ignorant, and then expend it for the white man. Suppose that that is all true and that we obtain a larger aggregate of money in the South for the reason that there has been more of ignorance there among the colored people than the white people, the aggregate amount of ignorance is all the time the same. An ignorant colored man is just as dangerous as an ignorant white man, and an ignorant white man is just as dangerous as an ignorant colored man. The matter of ignorance is not a matter of race or color so far as the effect upon society is concerned. If there is a difference the white man is more dangerous because he is more likely to be criminal than the colored man. Therefore, if the colored man's illiteracy is made the measure of getting more money, it is made the measure of getting more so far as he is the inferior of the superior race and suffers most when that superior race is ignorant and violent.

Take this measure of illiteracy which Senators complain of, the major portion of illiteracy being among the blacks rather than among the whites, if you follow it to any legitimate conclusion it tends to the benefit of the colored man rather than the white man. Suppose you distribute your money in the Southern States upon the basis of white illiteracy, the colored man would be the sufferer because there would be the less money there and the white man would be less civilized, and being more violent than the colored man, the latter would suffer more than he now does.

Illiteracy is taken as the basis to determine the relative necessity of the different States, and then, after the money is distributed among the different States, it goes equally to the white and to the black child. When this money is applied to the scholar, to the removal of an existing status and to the amelioration of an existing condition and to the elevation of the races, it is applied, just as it ought to be, dollar for dollar to the child, white or black, and without any reference whatever to this invidious race distinction to which the Senator appeals and which offensive principle I think he would ingraft in this bill. There is no justice in it; not the slightest.

Suppose we adopt the principle that this money should be distributed upon population. I admit if we are to make the matter of education a national subject, if the nation is to take possession of the schools and is to take the children wholly from their A B Cs all the way up and furnish all the money, there is justice, there is propriety in the principle that is advanced. But I have not drawn the bill nor do I support the bill on the idea that the National Government is to interfere permanently with the education of local communities. It is only a measure of temporary aid. As I said before, if we were to adopt the idea of expending fifty, one hundred, one hundred and fifty, or two hundred million dollars annually and if we were shelving upon the national shoulders the entire burden of the education of the national child and the to-be national citizen, I should advocate the principle advanced by the Senator from Illinois. But this is proposed to be merely a measure of temporary aid addressed to an existing evil, an effort to elevate the depressed conditions of various portions of the country until we can place the whole upon something more nearly approximating a level, an average, a point from which for the future all the children of the country may start with a fair chance in the race of life; and then after that let the local community that will not educate its children sink; let it share the fate of Sodom; I care not what becomes of it. I would obliterate such a community from the face of the earth if I had my way. But we know the conditions which now exist in the country, and I think we know something of the duty that devolves upon those who are able to meet this exigency and to contribute toward it.

Mr. PLATT. Will the Senator from New Hampshire allow me to interrupt him?

Mr. BLAIR. Certainly.

Mr. PLATT. Does the Senator think that there is any necessity of extending Government aid to the New England States, for instance? In other words, are not the New England States abundantly qualified to educate their children? Is there not a sentiment in the New England States which will result in the appropriation by the State authorities of all the money that is needed to educate their children? I speak merely of the New England States because I assume that they are able to educate their children. Will the giving of this Government money to the New England States upon the plea of aiding them in the education of their children, in the opinion of the Senator, have any effect in stimulating a higher degree of education in those States?

Mr. BLAIR. Of course the necessity is less in the New England States for the reason that the masses are much better educated already and there is a much larger amount of wealth or a much greater source of taxation for the maintenance of schools. Yet if the census is at all reliable it is a fact that there is a great deal of illiteracy prevailing even in New England, and those States do not give to their people that degree of education which it would be for their good to receive.

It was thought to be necessary to adopt some general principle of distribution. That of illiteracy was deemed the best measure. The actual necessity exists in a lesser degree in the New England States, to be sure. By this bill the State of New Hampshire, in regard to which I may speak, would get some $26,000 to $30,000. Twenty-five thousand dollars in New Hampshire expended as the bill provides it may be, in the education of teachers, in the qualification of teachers, in the support of normal schools, would give us three normal schools where we now have but one, and we need them. I do not think the State of New Hampshire would reject this money. I do not think there is an absence of necessity for the expenditure of that amount of money, or even more, for that matter. The fact is that the State does not raise the money, and the normal schools and normal education, the training of teachers, do not exist as a matter of fact. The Senator will find that he is not better off in the State of Connecticut than in the State of New Hampshire, and so all through the New England States. What I say now with reference to those which perhaps generally will be thought to be the best off educationally of any of the Northern States is true of the remaining Northern States. The amount of money that will be received under this bill will do a mighty deal of good for the Northern States if it is expended there as it ought to be.

After this distribution is made, if it should ever be made, of $15,000,000 upon the basis of illiteracy—after that is all done, what will be the proportion? I ask the attention of the Senator from California to what I now state, and I ask the attention of all Senators, for there were but few of them here yesterday; and there has been no point that has been suggested to-day, I think, which was not met in what I said to the Senate yesterday. I ask the attention of the Senator from California to this statement, that even after $15,000,000 shall be divided upon the basis of illiteracy, the individual child, the colored child and the white child of course alike, will receive for his education in California, combining the national and State assistance in one sum—the individual child of school age will receive in California $15.12 annually; in Colorado, $14.34; in Connecticut, $10.71; in Nevada, $14.40; in New Hampshire, $10.07; in Rhode Island, $11.36; in the District of Columbia, $13.61; in Massachusetts, $19.21; while in Alabama he will receive $3.64; in Arkansas, $3.13; in Florida, $3.75; in Georgia, $4.03; in Kentucky, $3.67; in Louisiana, $4.96; in Mississippi, $4.09; in Virginia, $3.94; in West Virginia, $4.31; in North Carolina, $3.26; in South Carolina, $5.05. Even after the distribution is made the Northern child will receive $3 where the Southern child will receive $1 for his education, taking the average; so that with all this provision the Southern colored child as well as the Southern white child is still left greatly to the disadvantage as compared with the Northern child.

I wish to say further, for it covers the whole case, that at the South the colored man's average of property is less than $5 to-day. The average of the Southern population, including the colored, is $155. The average wealth by valuation of the population of the whole country is $337, and in New England it is $667 I believe. In the Territories it is $225, I believe. I do not know that I can state the figures accurately without reference to the tables contained in to-day's RECORD.

Mr. HOAR. What does the Senator state to be the average of the colored population?

Mr. BLAIR. I say they do not average $5 apiece. The census does not show it in regard to population, but I will give you my data in regard to that. It has been stated on the floor of the Senate, I think in the last Congress—at all events I have a speech of the honorable Senator from Georgia [Mr. BROWN] in which he said, and the State superintendent, Mr. Orr, repeats the same statement, that the colored people have accumulated since the war some $6,000,000 of taxable property in the State of Georgia and have done well. They had nothing. They have earned their living upon low wages and they have saved some $6,000,000; and that is all the taxable property they have there. The amount of that per capita of the colored people in the State of Georgia is about $5. There is no other State in the South, as the colored people testified before the Committee on Education and Labor last fall, where the colored people are as well off as they are in Georgia, at least they think not. Some think they are better off in North Carolina.

Mr. HOAR. May I ask the Senator a question about the fact he has stated?

Mr. BLAIR. Certainly.

Mr. HOAR. I want to understand it, not to interfere with his argument. Does the $6,000,000 owned by the colored people in Georgia mean all their property or does it mean their taxable property?

Mr. BLAIR. It means all taxable property. It is their valuation.

Mr. HOAR. So when the Senator says that the colored people of the South are not worth more than $5 apiece on an average, he means the return of valuation for taxes?

Mr. BLAIR. Certainly.

Mr. HOAR. Not their actual property, so that it would not include personal property and household effects exempt from taxation?

Mr. BLAIR. If you value the boots and shirts of Northern people you can add very essentially to the figures which I have given.

Mr. HOAR. The Senator made the statement that the colored people of the South were not worth $5 apiece. That struck me as a very serious statement, and I wanted to know whether he meant that or whether he meant something else.

Mr. BLAIR. I mean that the colored people of the South are worth not exceeding per capita of assessable property $5 each. I have an idea that a man is worth more than $5, that a woman, that a child is

worth more than $5; but that is what the colored people are worth for taxable purposes.

Mr. MILLER, of California. I wish to ask the Senator a question. According to his calculation, he says that when this distribution is made, taking the amount of State aid in California to schools with this aid given by the General Government, each child will receive about $15.

Mr. BLAIR. Fifteen dollars and twelve cents in California.

Mr. MILLER, of California. How much of that comes from the State?

Mr. BLAIR. Nearly all of it.

Mr. MILLER, of California. How much?

Mr. BLAIR. I will tell the Senator in a moment. The expenditure per capita in California, as the Senator will see by table No. 22 in to-day's RECORD, in 1881 was $15.12. I have the return on which the table is based. There is nothing taken from the revenues of the United States for California.

Mr. MILLER, of California. I hope not. I hope they will not get anything from us.

Mr. BLAIR. You will get just as much as you would if it were not for this bill.

Mr. PLATT. Mr. President——

Mr. BLAIR. This bill does not hurt California at all.

Mr. MILLER, of California. I am much obliged to the Senator for that assurance.

The PRESIDENT *pro tempore*. Senators will please address the Chair. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. BLAIR. Certainly.

Mr. PLATT. I wish to indicate to the Senator from New Hampshire the difficulty which I have about this bill and without saying how I shall vote upon it; but to my mind we can only justify ourselves in the appropriation of the Government money to aid in the education of the children of this country upon the ground that the States are unable or unwilling to educate their children, and I do not know but that I would put it upon the ground of their being unable to do it. I could justify my action in voting away the money of the Government of the United States for the education of the children in those States that were fairly unable to educate their own children; but I can not justify myself in voting the money of the United States to be used in the education of the children in those States that are abundantly able and willing to educate their own children. I wish to ask the Senator from New Hampshire whether he believes that in New Hampshire or Connecticut or New York there is one single child of the school age who can not obtain at the expense of those States a competent school education?

Mr. BLAIR. I do.

Mr. PLATT. And are not those States willing to appropriate from their own treasury all the money that is necessary to educate those children? I do not see that this basis of distribution which the Senator provides here is a just one at all; and I think I represent the sentiment of the State of Connecticut when I say that the State of Connecticut does not want any of the money of the Government of the United States to aid in the education of the children of the State of Connecticut. I do not say that they will not take it; I do not say that they will refuse it; but I say that if there be a State in the nation that is for any reason unable to educate its children, the State of Connecticut would very much prefer that the amount of money appropriated by this bill which would come into the treasury of the State of Connecticut should be paid to that State and that the State of Connecticut should have none. This basis upon which the distribution is made, as it seems to me, is one which has no foundation in justice.

Mr. BLAIR. Will the Senator permit me to ask him a question? He is putting to me a speech. I ask the Senator if his State took its proportion of the $26,000,000 distributed in 1836? New York took its and made a $4,000,000 fund for school purposes, and there is where New York got ahead, and yet there is one assembly district in New York city where there are 2,500 children who can not get into a schoolhouse.

Mr. PLATT. As the Senator from Delaware said, this is not exactly the time to discuss the propriety of the distribution of that money in 1836. I always had my opinion about it. I always felt that the Government had done a thing that it ought not to do. I do not understand that that money was paid by the Government to the States; I understand that it was loaned to the States; that they avoided the difficulty which confronts us in this bill by loaning that money to the States. I understand that the State of Connecticut took the money which was so loaned to them and that they divided it up between the towns, loaning it to the towns, and that the towns have kept it as a deposit fund for the benefit of schools, and that it can be returned to the treasury of the State of Connecticut; that the towns are under obligations to return it to the State treasury when called on, and the State to return it to the Government Treasury.

Mr. BLAIR. The Senator says that the State of Connecticut, that New England, does not want any help from the National Government. For five generations of school life at least has he or any citizen of Connecticut ever proposed to return it since this necessity existed, if it ever did exist, of using this money for school purposes?

Mr. PLATT. They have always been ready to return it.

Mr. BLAIR. Has the Senator in his national capacity, or has any Representative of Connecticut in his national capacity, representing the interests of the Government, said, "Here is a million dollars nearly in the State of Connecticut that she has no further need of?" With the necessities of the war upon us and with $1,500,000,000 of public debt to-day, has any public man of Connecticut ever undertaken in behalf of the interests of the National Government which he represents here to call on his State to pay over the million dollars that she has had the use of for all these years?

Mr. PLATT. The State of Connecticut, as I said, has always held that money subject to the call of the General Government. I think it is quite time for a creditor to pay money when it is demanded of him or when he is asked to pay it; and the fact that the State of Connecticut has not rushed forward and made itself conspicuous in offering to pay back the money when none of the States had been called upon for it has I think nothing whatever to do with this question.

Mr. BLAIR. I only put the question to the Senator because he raises the point, and no other Senator has, that New England needs no money, and that this money which comes from the National Government ought to be rejected because we do not need it. It is a pertinent citation to the question of principle involved, it seems to me.

Mr. PLATT. The Senator does not understand my point. It is that this money should be used where it is needed, and sadly needed, as I agree. I know of no reason why the New England States, why New York or Pennsylvania, why the Western States, why the State of my friend from Indiana [Mr. HARRISON], who I see is listening to me, should not be excluded from this distribution, and that the money should be put just where it is needed and where only the expenditure of it can be justified.

Mr. BLAIR. Here comes the Senator from Illinois who says every dollar of this money must be distributed upon population; here is the Senator from Connecticut who says there should be no money paid out except only where it is needed; and this matter of necessity is a question upon which we may differ; it is a question upon which the judgment of different Senators may arrive at different conclusions. I think the necessity is in the Northern States as well as in the Southern States, relatively less to be sure, but we must have some principle of distribution; and how are we to make those invidious distinctions which it is proposed to make by the suggestions of the Senator? Will he exclude New Hampshire? For one I would be very glad to have $25,000 up there to help along our normal schools. Our people are not so thin-skinned as to object to receiving it, in my belief. We took $600,000 in 1836 anyway, and it is up there in the State now, and we do not propose to return it, and nobody proposes to return any proportion of the $26,000,000 then distributed. We know that very well. There is no Senator who acts upon any other theory than that that money is to remain where it is, outlawed, if that is a possible thing to be done, and you can never arrange that. We all know that it is gone and that it will stay gone.

Mr. HARRIS. I desire to ask the Senator from New Hampshire if he will yield to a motion to adjourn?

Mr. BLAIR. I will with this suggestion to the Senators who are raising objections here which I answered yesterday, that between now and to-morrow they will read the speech of mine in to-day's RECORD. ["No!" "No!"] Very well; or that they will withdraw their opposition to the bill.

Mr. HARRIS. I wish to know if the Senator from New Hampshire makes that a condition precedent to the adjournment? ["No!" "No!"]

Mr. BLAIR. Then, of course, I understand that the opposition to the bill will be withdrawn, because it is hardly fair to reject a bill which is already well established in an argument that is before the Senate in print.

Mr. PLUMB. Before the Senator from Tennessee insists upon his motion I should like to make one.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee withdraw his motion to adjourn?

Mr. HARRIS. I withdraw it for the suggestion of the Senator from Kansas.

Mr. PLUMB. The discussion of this measure has, I think, developed a sufficient contrariety of opinion to clearly indicate that there ought to be further action by the committee, so as not to use the time of the Senate in discussing matters so much in detail. Therefore, for the purpose of getting the bill in a shape where it is more likely to meet the consideration of those who are in favor of the principle, I move that the bill be recommitted to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from New Hampshire [Mr. BLAIR] is entitled to the floor, and only yields for a motion to adjourn.

Mr. HARRIS. I make the motion to adjourn.

Mr. BLAIR. Then the bill is the order.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

Mr. PLUMB. I understood that the motion to adjourn was withdrawn.

The PRESIDENT *pro tempore*. It was only withdrawn to enable the Senator from Kansas to make a suggestion.

Mr. HARRIS. The Senator from New Hampshire having yielded the floor to me for the purpose of moving an adjournment, the Senator from Kansas could not take the floor for the purpose of making the motion he has indicated.

Mr. PLUMB. I understood that the Senator from Tennessee had withdrawn his motion.

Mr. HARRIS. I did, in order that the Senator from Kansas might make his proposition.

Mr. BLAIR. I do not yield the floor for anything but a motion to adjourn.

The PRESIDENT *pro tempore*. The Chair understands the position of the Senator from New Hampshire. The Senator from New Hampshire is entitled to the floor, pending which he consents that the Senator from Tennessee may move an adjournment.

Mr. BLAIR. I do not yield for any such motion as that suggested by the Senator from Kansas. The committee has had the bill under consideration several times——

The PRESIDENT *pro tempore*. The Senator from New Hampshire will be entitled to the floor to-morrow morning. The question is on the motion to adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

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## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *March* 19, 1884.

The Clerk of the House, Hon. JOHN B. CLARK, jr., at 12 o'clock m., called the House to order, and directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, D. C., March* 19, 1884.

DEAR SIR: You are hereby appointed to preside in the House to-day in my absence.

J. G. CARLISLE,
*Speaker House of Representatives.*

Hon. J. C. S. BLACKBURN.

Mr. BLACKBURN accordingly took the chair as Speaker *pro tempore*.

Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

GREELY RELIEF EXPEDITION.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations:

*To the Senate and House of Representatives:*

I transmit herewith, for the consideration of Congress, a communication from the Secretaries of War and the Navy, concerning the expediency of offering rewards for the rescue of Lieutenant Greely and party by the independent efforts of private vessels, in addition to sending the three ships constituting the national relief expedition.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 18, 1884.

DELAWARE INDIANS.

The SPEAKER *pro tempore* also laid before the House a memorial from the Delaware Indians, in relation to certain treaties with the Cherokee Nation; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BAYNE for ten days.

PRINTING FOR JUDICIARY COMMITTEE.

By unanimous consent, leave was granted to the Committee on the Judiciary to have manuscript reports prepared by the members of said committee on the bill for the relief of William McGarrahan printed for the use of the committee.

PRESIDENTIAL SUCCESSION.

Mr. EATON. Mr. Speaker, I desire to ask unanimous consent that the privilege be granted to the Committee on Law respecting the Election of President and Vice-President to appoint a day for the consideration of bills reported by them. At the request of the committee, therefore, I ask unanimous consent that Tuesday, the 22d day of April, may be assigned for the consideration of bills upon the question of Presidential count and succession, and that their consideration be continued from day to day until disposed of, not to antagonize revenue bills, appropriation bills, or bills from the Committee on Public Lands, or prior orders.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection, and it was ordered accordingly.

FOOT-AND-MOUTH DISEASE.

Mr. RYAN. I ask unanimous consent to take from the Speaker's table Senate joint resolution No. 75, making appropriation for the eradication of the foot-and-mouth disease, for reference to the Committee on Appropriations, with leave to report at any time.

Mr. DIBRELL. I object.

Mr. RYAN. I hope the gentleman will not object to this reference.

Mr. DIBRELL. I shall not object to its reference to the Committee on Agriculture. I do object to the reference to the Committee on Appropriations.

BUSINESS FROM THE COMMITTEE ON THE TERRITORIES.

Mr. OURY. Mr. Speaker, I ask unanimous consent to introduce for reference to the Committee on Rules a resolution.

The SPEAKER *pro tempore*. The resolution will be read, subject to objection.

The Clerk read as follows:

*Resolved*, That Saturday, the 29th day of March, and that Saturday, the 31st day of May, 1884, be, and the same are hereby, set apart for the consideration of legislation for the several Territories, not to include the consideration of bills of a private character, nor bills having for their object the organization into States of any of such Territories, nor to interfere in any manner with the consideration of general appropriation bills.

Mr. HOLMAN. Unless it also excepts reports from the Committee on the Public Lands I shall object to it.

Mr. DUNN. It should also include revenue bills and prior orders among the exceptions.

Mr. CASSIDY. It is proper that the Territories should have a time for the consideration of business.

The SPEAKER *pro tempore*. Is there objection to the reference of the resolution?

Mr. HOLMAN. Unless it be modified as suggested by the gentleman from Arkansas I shall object.

Mr. OURY. I will accept the modification.

Mr. DUNN. As I have said, it should exclude revenue and appropriation bills, bills from the Committee on Public Lands, and all prior orders.

Mr. OURY. I accept the modification.

The resolution as modified was referred to the Committee on Rules.

JAMES SWEET NATIONAL BANK, NEBRASKA CITY.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 1314 to change the name of the James Sweet National Bank of Nebraska City, Nebr., and put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

*Be it enacted, &c.*, That the name of the James Sweet National Bank of Nebraska City, a corporation transacting business in Nebraska City, Otoe County, and State of Nebraska, shall be changed to the Merchants' National Bank of Nebraska City, whenever the board of directors of said James Sweet National Bank of Nebraska City shall accept the new name by resolution of the said board, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act, and that all the expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of the said James Sweet National Bank of Nebraska City shall devolve upon and inure to the said Merchants' National Bank of Nebraska City whenever such change of name is effected.

SEC. 3. That nothing in this act contained shall so be construed as in manner to release the said James Sweet National Bank from any liability or affect any action or proceeding in law in which said bank may be or become a party or interested.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

There being no objection, the bill was read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS FROM THE COMMITTEE ON NAVAL AFFAIRS.

Mr. TALBOTT. By instruction of the Committee on Naval Affairs I wish to submit the following resolution, and ask unanimous consent for its adoption.

The Clerk read as follows:

*Resolved*, That on Tuesday, April 1, and on Wednesday, April 2, the House take a recess at 5 p. m. until 7.30 p. m., and that the session of each evening until adjournment shall be devoted to the consideration of bills and resolutions reported from the Committee on Naval Affairs or upon the Speaker's table over which the Committee on Naval Affairs may have jurisdiction, except Senate bill 698 or other bills authorizing the construction of additional steel cruisers.

The SPEAKER *pro tempore*. Is there objection to the consideration of the resolution?

Mr. MORRISON, Mr. O'NEILL of Pennsylvania, Mr. WARNER of Ohio, and others objected.

Mr. TALBOTT. I hope gentlemen will not insist upon their objection.

Mr. MORRISON. I withdraw the objection.

The SPEAKER *pro tempore*. The Chair does not understand that the objection made by several other gentlemen has been withdrawn.

Mr. O'NEILL, of Pennsylvania. I object.

PRINTING OF JOINT RESOLUTIONS.

Mr. WELLER. Mr. Speaker, I hold in my hand several joint resolutions adopted by the Legislature of the State of Iowa, and ask unanimous consent that they be printed in the RECORD for the information

of the House. They are addressed to the Forty-eighth Congress. They are very short.

The SPEAKER *pro tempore*. Does the gentleman desire to have them read?

Mr. WELLER. No. I only ask that they be printed in the RECORD. They are brief.

Mr. KEIFER. What is the subject?

Mr. WELLER. One relates to the liens of judgments obtained in the Federal courts and the other one to interstate commerce.

The SPEAKER *pro tempore*. Is there objection to their printing in the RECORD?

Mr. COX, of North Carolina. I object.

HEYL'S DUTIES ON IMPORTS.

Mr. COX, of New York, by unanimous consent, introduced a joint resolution (H. Res. 211) to supply Congress with Heyl's United States Duties on Imports; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CUSTOM-HOUSE AT RICHMOND, VA.

Mr. JOHN S. WISE. I ask unanimous consent to take from the Speaker's table, for present consideration, the bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.

The SPEAKER *pro tempore*. The bill will be read, after which objections, if any, will be in order.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I object, and call for the regular order.

Mr. GEORGE D. WISE. I hope the gentleman from Indiana will not insist on his objection.

THE LATE DR. EDUARD LASKER.

Mr. CURTIN. I am instructed by the Committee on Foreign Affairs to submit the privileged report which I send to the desk.

Mr. HUTCHINS. I call for order.

The SPEAKER *pro tempore*. The House will come to order.

Mr. KEIFER. It is impossible for us to tell whether the report is a privileged one or not until we hear it.

The SPEAKER *pro tempore*. The Clerk will read the report. The Chair does not know whether it is privileged or not.

Mr. KEIFER. I presume the question whether it is a privileged report will be reserved until it is read?

The SPEAKER *pro tempore*. All points will be reserved.

The report was read, as follows:

The Committee on Foreign Affairs, to which was referred the message of the President of the United States, together with the correspondence of the State Department and certain resolutions submitted in the House, all referring to the death of Dr. Eduard Lasker, late an eminent citizen or subject of the German Empire, has considered the various matters referred to it, and reports:

The resolutions adopted by the House on the 9th of January were intended to express to the German Government and people sympathy for the death of an eminent man who died in this country, who had served his native land as a member of its highest legislative body, and as a tribute of respect to his memory.

While your committee is of opinion that said resolutions should have been received and transmitted in the same spirit of cordiality and good-will by which they were prompted, it refrains from expressing an opinion as to whether the course pursued by the authorities of the German Empire in regard to them was or was not in accordance with the proprieties governing the internal regulations of said empire, as a matter not within its province of consideration.

The dignified position assumed by the Department of State merits and will command the confidence of the country, fully sustaining the high character which that Department has maintained since the organization of the Federal Government.

As to the resolutions offered on the 10th day of March, your committee is of the opinion that they contain language, under present circumstances, superfluous and irrelevant, and not necessary or proper to vindicate the character or dignity of this House.

Your committee therefore reports back said resolutions with the recommendation that they lie upon the table, and reports the following resolutions with the recommendation that they be adopted as a substitute therefor:

*Resolved*, That the resolutions referring to the death of Dr. Eduard Lasker, adopted by this House January 9 last, were intended as a tribute of respect to the memory of an eminent foreign statesman who had died within the United States, and an expression of sympathy with the German people, of whom he had been an honored representative.

*Resolved*, That the House, having no official concern with the relations between the executive and legislative branches of the German Government, does not deem it requisite to its dignity to criticise the manner of the reception of the resolutions, or the circumstances which prevented their reaching their destination after they had been communicated through the proper channel to the German Government.

Mr. CURTIN. I move the adoption of the resolutions reported by the committee.

Mr. KEIFER. Although I think it very doubtful whether this is a privileged report or not, I do not desire to make the point, except to say I think this ought not to be made a precedent for future reports. I have no objection to the report being considered, and do not make the point that it does not present a matter of privilege.

Mr. RYAN. I suggest to the gentleman from Pennsylvania to call the previous question.

Mr. CURTIN. I think it is quite unnecessary to discuss the report, and I call the previous question.

Mr. REAGAN. I hope the gentleman from Pennsylvania will not insist on the previous question on the resolutions. We have made apologies enough for being insulted without making this additional one.

Mr. CURTIN. I insist on the call for the previous question. I will say, however, in answer to the gentleman from Texas [Mr. REAGAN], that there is not one word or sentiment in the report or resolutions which can be construed into an apology to anybody.

Mr. REAGAN. If the resolutions mean anything they mean an apology. [Cries of "Regular order!"]

Mr. CURTIN. I am sure if my friend from Texas will examine the resolutions carefully he will find that they contain no apology.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. CURTIN] moves the previous question on the resolutions reported by the Committee on Foreign Affairs.

Mr. COX, of New York. Would it be in order to move to lay the whole matter on the table?

The SPEAKER *pro tempore*. That motion would be in order.

Mr. COX, of New York. I think that would be the right way to treat the German chancellor. I move to lay the whole business on the table and so get rid of it. He has insulted this Republic. Let us dispose of it in that way.

Several MEMBERS. Wait till the previous question is ordered.

The SPEAKER *pro tempore*. Does the gentleman from New York make his motion now to lay on the table?

Mr. COX, of New York. Yes, sir; I ask that the vote be now taken on laying the whole matter on the table, unless the gentleman from Pennsylvania [Mr. CURTIN] desires to speak.

Mr. KEIFER. Let the previous question be ordered first.

Mr. GUENTHER. I ask the gentleman from Pennsylvania [Mr. CURTIN] to yield to me.

Mr. COX, of New York. I ask the gentleman from Pennsylvania whether he desires to debate the report? Of course if the motion to lay on the table were agreed to that would cut him off.

Mr. HUTCHINS. We do not want any debate.

Mr. CURTIN. If I had desired to debate I would not have called the previous question.

Mr. COX, of New York. I presumed so, and therefore I made my motion.

The question being taken on the motion of Mr. COX, of New York, to lay on the table, there were—ayes 83, noes 125.

Mr. WELLER. I call for the yeas and nays.

Mr. COX, of New York. I ask the gentleman from Iowa not to insist on that.

Mr. WELLER. At the suggestion of the gentleman from New York who submitted the motion to lay on the table I withdraw the demand for the yeas and nays.

So the motion to lay on the table was not agreed to.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania moves the previous question on the adoption of the resolutions.

The question being taken, the Speaker *pro tempore* stated that in the opinion of the Chair the ayes had it.

Mr. REAGAN. I ask for a division.

The ayes rose; but before the count was completed,

Mr. REAGAN said: I do not ask for further count.

So the previous question was ordered.

The SPEAKER *pro tempore*. The question is on the adoption of the resolutions.

Mr. REAGAN. I ask for a second.

The SPEAKER *pro tempore*. The previous question has been ordered by the vote of the House.

Mr. OCHILTREE. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. OCHILTREE. I wish to inquire whether the action of the House in ordering the previous question cuts off all debate?

The SPEAKER *pro tempore*. It does not. Under the rule, after the ordering of the previous question fifteen minutes are allowed for debate on each side.

Mr. OCHILTREE. I ask to be recognized to make a few remarks.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Texas [Mr. OCHILTREE].

Mr. CURTIN. I would ask the gentleman from Texas whether he is for or against the resolutions?

Mr. OCHILTREE. I will show to the gentleman how I stand on this question in the very few minutes allowed to me. I think he will know before I get through whether I am for them or against them.

Mr. CURTIN. I want to know now whether the gentleman is for or against the resolutions reported from the Committee on Foreign Affairs?

Mr. OCHILTREE. I am against the adoption of the resolutions.

Mr. CURTIN. Then you are entitled to fifteen minutes of time, and can take it at once.

Mr. OCHILTREE. Thank you. [Laughter.] If I am entitled to it I will keep it. This is an American House of Representatives, and not a reichstag.

The SPEAKER *pro tempore*. Under the rule, after the previous question has been ordered thirty minutes is allowed for debate, fifteen for and fifteen against the proposition. The Chair recognizes Mr. OCHILTREE for fifteen minutes in opposition to the report of the Committee on Foreign Affairs.

Mr. OCHILTREE. Mr. Speaker, I yield to no gentleman on this floor in my confidence and esteem for the distinguished members of the Committee on Foreign Affairs, and ordinarily I am disposed to rely implicitly upon their judgment in routine matters affecting our relations abroad; but, sir, this affair has gone beyond the domain of "red tape and circumlocution." It has assumed a phase that calls upon each and every Representative upon this floor to look to it that his individual honor and dignity are preserved, and in preserving their own to defend that of the people we represent.

It is not becoming, sir, to the dignity of this body to enter into any explanations whatever as to the meaning of the original resolution; it speaks for itself. The semi-apologetic tone of that portion of the resolution reported from the committee is unworthy the Representatives of this great nation.

Mr. Speaker, my connection with the introduction of this resolution renders it proper that I should give expression to the views that prompted me thereto.

Among the many who have raised their voices for the advancement and amelioration of the great body of the people of the Old World no one has been more conspicuous than Eduard Lasker—a man of humble birth, of a proscribed and persecuted race, who had elevated himself to a high position in a country wherein heretofore only those claiming the most exalted aristocratic lineage had been enabled to achieve eminence. What had impressed me most forcibly about him was his advocacy of constitutional government at home and his relations to well-regulated liberty everywhere else in the world; not radicalism, not socialism, but constitutional freedom. I do not believe there was another German so profoundly versed in the great principles of Anglican and American liberty as was Dr. Lasker. As a writer alone, and a thinker, apart from his active political life, he was entitled to the tribute paid him by that resolution. I mean that such a compliment would not have been amiss had he left nothing upon record except his wonderful literary labors.

Suppose Matthew Arnold had died suddenly under the most painful circumstances during his late visit to this country, would a resolution of condolence in honor of his memory have been regarded with disfavor? Say, instead of Arnold, Lord Coleridge or Herbert Spencer. None of these men ever wrote anything surpassing Lasker's lectures to the working classes or his powerful essays on constitutional or budget questions. Suppose that Charles Sumner had visited the continent during the time of the San Domingo imbroglio and had died there under the same untoward circumstances as did Eduard Lasker, would resolutions of condolence from a foreign parliament have been unseemly? All who are cognizant of the differences existing at that time between the President of the United States and the great Senator are well aware that the most extreme feeling of antagonism existed between the two; and yet is there one within the sound of my voice who would believe that the hero who had shown at Appomattox the grandeur of a great soul, he who knew so well how to temper his mighty victory with sweet mercy, would have answered a resolution of condolence passed by any foreign legislative body on the death of the accomplished Massachusetts Senator other than in that generous and forgiving manner practiced by the ancients—"*De mortuis nil nisi bonum?*"

The impress of Lasker's intellect and character is in every just law that has passed the German Parliament within the last fifteen years, and even the great chancellor was at times compelled to depend upon his powerful aid to carry through many of his most important measures that at the time were imperatively demanded for the unification and consolidation of the German Empire.

The words which Lasker spoke at the coffin of his friend Twisten, October 18, 1870, well apply to himself:

> Fifty years of his life were devoted to the fatherland. Again after fifty years the nation will weigh the words of the man, and judge what part of them be worthy to be handed down to posterity. We expect history to confirm our judgment; we are convinced that coming generations will esteem him a true champion of right, liberty, and the grandeur of his fatherland.

His entire political course was sustained by an unshaken faith in the happy future for the fatherland and the liberal development of free institutions.

The last of his greater, unfortunately unfinished, work related to the elucidation of the idea of liberalism in contrast to the partisan aims of the conservatives, and was an illustration of the two fundamental dogmas of progress and of reaction.

Says Hanel:

> The substance of his fruitful life was a free, unselfish service to fatherland. His highest ambition that the institutions of the re-established powerful empire might be sustained by the spirit of justice, of tolerance, of liberty of conscience, and love for mankind. This work is our heritage.

Lasker was a poor man all his life, and derived his livelihood from hard work as a lawyer and a writer. He despised riches, and worked for the people regardless of his own interests. He was known as the people's lawyer, because he always appeared for the poor without fee.

> Unskillful he to fawn, or seek for power,
> By doctrines fashion'd to the varying hour;
> Far other aims his heart had learn'd to prize:
> More bent to raise the wretched than to rise.

A compliment to Lasker is a rebuke to the prince chancellor, for Lasker was personally and politically the antithesis of Bismarck. The present incident in itself shows of what base metal the chancellor was molded. A courtier, cold, haughty, and insulting to the representatives of the people, he has ever been a subtle flatterer and sycophant to royalty. There is not an instance in his whole life where he ever of his own accord espoused the rights of the people against the usurpations of the crown. He has never lost an opportunity to denounce popular sovereignty and constitutional government. The proudest boast of this man of "blood and iron," who could have said with Napoleon that he was the Rudolf Hapsburg of his own family, is that he and his have served the royal family of Prussia for over two hundred years.

The poet Coleridge well described such a man as one possessed of "intense selfishness—the alcohol of egotism." Of course such a man can see a high political principle at stake when the representative body of the Great Republic recognizes and pays tribute to Eduard Lasker, the advocate of liberal ideas and constitutional government. The two principles, liberty on the one hand and despotism on the other, are incompatible and can not coexist in the same country. The spirit of liberty is an attribute of strength wherever it exists; it speaks in winning accents to the hearts of men, and nerves them to assert their freedom and the right of self-government. Well may this proud and partisan instrument of despotism seek to shut out the moral influence of America's example from the hearts and minds of the German people, brought to view in this demonstration of honor to the humble citizen Herr Lasker, whose purity of character, devotion to liberty, and exalted talents she holds in higher admiration than all the orders of nobility, all the stars and garters, and all the vast wealth conferred upon her obedient and serviceable chancellor. High principle, indeed—a principle of absolute imperialism, which can not withstand the power of the moral influence of the Americanism of government.

Mr. Speaker, when upon the sad news of the sudden and painful death of this great and good man, as it were in our very midst—for only a few days before he had stood upon this very floor and received respectful homage from many of the most distinguished members of this body, and none more earnest than the kind and cordial welcome of the Speaker himself, whom you so worthily represent to-day [Mr. BLACKBURN, of Kentucky, in the chair]—was it to be wondered at that I should in the line of precedent, as I shall attempt to show, have thought fit to lay that humble tribute upon his bier? The exigency was such that I thought it better the resolution should be introduced and passed without reference to a committee, never for a moment deeming that there could be the least objection urged thereto. Indeed, I took occasion to consult with a distinguished member of the Committee on Foreign Affairs, a gentleman who has honored the nation and himself as the representative of our Government at one of the leading capitals of Europe, and at a court as jealous of its dignity and as careful of its prerogatives as any other in Christendom.

The only surviving member of Herr Lasker's family, a noble and devoted brother, happens to be one of my constituents, and it was there in the bosom of his family that I had the honor of knowing, closely and intimately, the many admirable traits, the high aims, and exalted virtues and patriotism of the dead statesman.

And only a few days since I received a letter from Mr. Moritz Lasker, in which he quoted a portion of one received from the deceased, wherein he spoke kindly of the services I had been enabled to render him during his short sojourn at the capital, and I read it without I hope any imputation of egotism, but simply to show that my heart as well as my judgment was enlisted in the presentation of that resolution:

> Mr. OCHILTREE offered me his kind services, and has, without any shadow of ceremony, introduced me to President Arthur, the ministers of State, and to a number of Senators and Representatives, especially to the Speaker, Mr. CARLISLE. Judge REAGAN also, after vainly looking for him for two days, I met with to-day in the House of Representatives, and his personality made a most striking impression upon me.

My suggestion to the distinguished member of the Foreign Affairs Committee, as to the advisability of the introduction of this resolution, met with his instant approval, and upon my expressing a wish that he should draw up one that would be proper in all respects, he replied that, as I was possessed of a knowledge of the circumstances, I had best do so myself, whereupon the paper was formulated. Good or bad, as it may be, whether calculated to wound the sensibilities or to disturb the technical ideas of etiquette of the great chancellor, was not the question or motive with me. Little one recks when throwing a garland into the open grave of one who had done only good to his fellow-man whether the act would be repelled with the thrust of a bayonet. And yet there have been parallels, and one has been brought to my mind by this incident.

When King Charles IX of France, after the massacre of the Huguenots on Saint Bartholomew's Day, had viewed the mutilated body of Admiral Coligni, whose hand in hypocritical assurance of friendship he had warmly pressed only a few days before, one of his courtiers called attention to the fact that the corpse was decaying fast and had become offensive in its odors. "Let that be," said the crowned monster, "a dead enemy always smells good to me."

My motive, I reiterate to-day, was one purely and entirely of condolence and a pledge of sympathy and amity to the great country which Herr Lasker represented. Although I do not feel called upon to adduce

precedent for the introduction of this resolution, I will take occasion to briefly cite a still more unusual if not more flattering homage paid to the memory of one of America's greatest sons. On the morning after the news of the death of Benjamin Franklin reached Paris, June 11, 1791, Mirabeau arose in the Assembly, and in one of those grand perorations that stamped him as the greatest orator of his time, among other expressions he said:

Political cabinets have but too long notified the death of those who are never great but in their funeral orations. The etiquette of courts has but too long sanctioned hypocritical grief. Nations ought only to mourn for their benefactors. The representatives of freemen ought never to recommend any other than the heroes of humanity to their homage.

La Rochefoucauld and La Fayette rose immediately and seconded the motion of the orator, which was adopted by acclamation. It was further resolved that the discourse of Mirabeau should be printed, and that the president of the Assembly, Abbé Sieyès, should address a letter of condolence to the Congress of the United States. To this letter, in compliance with the instructions of Congress, Washington sent a reply, in which he said that "so peculiar and so signal an expression of the esteem of so respectable a body for a citizen of the United States whose eminent and patriotic services are indelibly engraved on the minds of his countrymen can not fail to be appreciated by them as it ought to be." What a contrast this dignified and noble answer of the immortal Washington is to the ungraceful and petulant reply of the arrogant chancellor!

Again, I read from the proceedings of the Senate of the United States (then, I believe, in executive session after the adjournment of Congress), wherein resolutions of condolence were sent to the Government and family of the Czar of all the Russias:

DEATH OF THE CZAR OF RUSSIA.

Mr. MORGAN. I ask unanimous consent to offer a resolution and to have it read for information at this time, when I shall ask that it lie on the table.

The VICE-PRESIDENT. The resolution will be reported.

The resolution was read, as follows:

"Whereas the Senate of the United States of America, now convened in special session, has been informed of the death, by unlawful and inhuman violence, of His Majesty the Emperor Alexander II of Russia:

"*Resolved*, That the Senate unites its voice with that of all civilized people in denouncing assassination as a means of redress for any grievances, either real or imaginary.

"2. That, remembering and cherishing with satisfaction the relations of genuine friendship that have always existed between the people and the Governments of Russia and of the United States, to the strengthening and maintenance of which the late emperor has earnestly contributed his great influence, the Senate extends to the Government and people of Russia its sincere condolence in this sad national bereavement.

"*Resolved*, That the Secretary of the Senate deliver a copy of these resolutions to the President of the United States, with the request that he communicate the same to the Russian Government."

And yet there seems to have been no objection urged in all that mighty realm when this message of sympathy was presented, because perchance they were indicative of sympathy for the death of one who ruled by divine right, because they were written on parchment and bore great seals of state, and were delivered by befrilled and befurbelowed courtiers at the very foot of the throne of the great Peter. Is it to be supposed that we intended by those resolutions of condolence to convey to the successor of the unfortunate Czar an indorsement of his policy of absolute government, any more than we intended to indorse German liberalism or to reflect on the chancellor's policy in passing the resolutions expressive of respect and sympathy for Germany when death deprived her of the great patriot Lasker? See how the polite and accomplished minister of the Emperor Alexander responds.

DEATH OF THE CZAR OF RUSSIA.

The VICE-PRESIDENT laid before the Senate the following communication; which was read:

DEPARTMENT OF STATE, *Washington, April* 4, 1881.

SIR: I have the honor to transmit herewith, for the information of the Senate, a copy of the response of the Russian Government to the communication made to it, by the United States minister at St. Petersburg, of the Senate resolution of the 15th ultimo on the death of the late Emperor Alexander II.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. CHESTER A. ARTHUR, *&c., &c., &c.,*
*President of the Senate.*

[Inclosure.]

*Mr. De Giers to Mr. Foster.*

ST. PETERSBURG, *March* 5 (O. S.), 1881. [*March* 17, 1881.]

[Translation.]

ST. PETERSBURG, *March* 5, 1881.

SIR: I have submitted to His Majesty the Emperor the letter you addressed to me in order to transmit to me the vote of the Senate of the United States of America on the occasion of the horrible crime under which has fallen the benefactor-sovereign whom all Russia weeps for to-day.

My august master has been profoundly touched by this mark of respect for his beloved father and of sympathy with himself, coming from the high assembly of a country for which the deceased emperor always professed a sincere esteem and warm friendship. It is a legacy which he leaves to the Emperor Alexander III, and which his majesty, in accord with the Russian nation, accepts from the bottom of his heart.

Will you, sir, give this assurance to the Senate of the United States, while transmitting to it the thanks of my august master?

Receive at the same time, &c., &c.,

GIERS.

Mr. ANTHONY. I move that the communication lie on the table and be printed.

The motion was agreed to.

Now, it has been asserted that the passage of the returned resolution was not called for, because Dr. Lasker did not occupy that position of eminence that would justify such extraordinary action on the part of this House. In reply to this I shall quote to you a few words as to what was said at his obsequies in New York by two of our own countrymen, Andrew White, president of Cornell University, and ex-Senator Carl Schurz, neither of whom needs any introduction from me, and both of whom have in times past represented this Government with honor and distinction in the most responsible and important positions both at home and abroad. President White, for years the honored minister of the United States at Berlin, said:

It is now four years since I saw for the first time him to whom Americans today pay the last sad tribute. He stood in the Parliament of his country, nominally the representative of its metropolis, really as the representative of a constituency far greater and wider than that; for wherever on German soil men struggled for reason against unreason, for justice against injustice, for right against wrong, there were the friends and constituents of Eduard Lasker.

Soon afterward I came to honor him as a friend, saw him in his own house and in mine, discussed with him political problems both German and American, and my respect for him became deeper still. He was indeed a German to his heart's core; but he was more than that. He represented something broader than the German Empire, something higher than its interests. His sympathies were extended to liberty throughout the world, his faith rose to an ideal of the high destiny of man.

But let us look at his career more closely.

First, then, he represented the idea of liberty, rational and constitutional; not liberty which finds its joy in carnage, not liberty which springs from the caprice of a mob, not liberty which produces fine speeches and nothing more, but liberty rejoicing in industrious peace, based upon principles, secured by institutions, insisting not only upon rights but upon duties.

Next, he represented the idea of progress; not a wild progress, secured by noise and chicanery, but a steady progress, secured by order and thrift and based upon the application of justice and law.

He represented also the idea of reform: not of reform by vague declamation, or by the trick of shielding partisan friends and exposing partisan enemies, but by thorough study of the defects of his own country and the excellences of other countries, by fearless exposure of malefactors, whether high or low, whether of this party or of that, by an honest struggle against that greed for place or pelf which in this century is the main agent in debauching legislation.

And, finally, he represented the elevation of man: not by going back to romantic ideals, not by making of existing society a heap of ruins, with schemers or dreamers "orating" from its summit, but by steadily increasing the sum of truth and justice in laws, in institutions, and in the hearts of men.

Such was the man; and for such an apostolate he was well equipped. As a writer and scholar, he took high rank in a land richly endowed with writers and scholars. As an essayist, he took a wide range. The first of his essays in the volume most recently collected is upon the dealing with state problems and world problems. Following this are discussions philological and biological, and finally brief treatises upon the best methods of instruction. Broad as the field was, he brought to every part of it deep and conscientious thought.

As a statesman, few equaled him in the work of adjusting society to a new time. As a debater, no one among those eminent statesmen of the first days of the empire surpassed him in keenness and vigor.

My friends, as we stand by his coffin there must come upon all of us whose souls are not hopelessly closed a vivid sense of the brotherhood of man. There lies one, born far from us, separated from many of us by abysses of race, language, creed, custom—yet in the highest sense our brother. This brotherhood he recognized. No barriers of creed could shut out from him the view of it. Never was he more vigorous than when he stood up for the rights of Roman Catholics in Parliament; never more eloquent than when he stood by the grave of his Protestant friend Twisten. He came of that race which has upheld for thousands of years, against all temptation, all sophistry, all obloquy, all cruelty, the idea of the Divine Unity. And he loved his race; but he rose superior to all the environments of race and creed. Like Baruch Spinoza and Hugo Grotius in the seventeenth century, like Moses Mendelssohn and Gotthold Lessing in the eighteenth century, so did Eduard Lasker in the nineteenth century belong to the good and noble and true souls who have labored to make this earth better and more beautiful, who, whether Jew or gentile, form the true elect of mankind, the very Israel of God.

Well might we praise Lasker's eloquence with which he swayed the minds of his peers in the Prussian Diet and in the German Parliament, and fortified opinions or remodeled them; his ever-armed readiness to meet the unexpected; his cutting criticism, and the adroitness in debate with which he knew how to confuse and overpower an antagonist. All this has brought him well-merited praise, but it was not this which has endeared him to the German people. It was not only the master in parliamentary fencing which the people honored in him. It revered in him far more the earnest man, who devoted his whole mind, stored with vast knowledge, to the service of the fatherland. It honored in him the jurist who found the means in his own deep, comprehensive knowledge not to become a law trickster for his own advantage, but a law reformer, laboring for the common welfare. It honored in him the statesmanlike lawgiver, who drew within the compass of his conception and investigations all questions of public interest, devoting to it an inexhaustible productive power and an almost painful conscientiousness and zeal which knew of no rest. Thus the stamp of his mind became perceptibly imprinted on the wide range of laws made in his time, whether constitutional or municipal, whether referring to the penal code or provincial enactments, educational or military questions, home or foreign politics. It honored in him the patriot, whose every thought and action was inspired by the warmest love of country, who watched over the welfare of his people with an almost motherly devotion, who boldly dismasked the growing corruption, and who, at the call of duty, disdained the favor of the mighty, defying their displeasure; but who also, if the public interest seemed to demand it of him, was capable to hold out the hand of reconciliation, even after the most bitter controversy, to assist in that which he had proved to be good, and ready to render to his opponent the tribute of his gratitude for his merits in the service of the fatherland.

And, lastly, it honored in him the man whose strict integrity even the tongue of calumny did not dare to assail, who despised riches and pomp in his ceaseless labors to be useful, whose noble soul revolted against every wrong, whose tender heart felt the cares and wants of others as were they his own, and whose spotless life was a pattern to all.

This was Lasker, whom the German people honored in his life and at whose death they mourn.

A few months ago he came to us, tired and sick, to seek in this country a restoration of vigor, rest, health, new hope, and desire for work. Oftimes it seemed as if his quest would be rewarded. His friends were pleased with his robust appearance, his reawakening humor, and the kind and thoughtful interest evinced in his narration of what he saw and experienced; and he had seen and learned so much here which gave him new joy in life and fresh courage.

The accomplished statesman, the patriot, and military hero of two

continents, Carl Schurz, paid the following tribute to the memory of Lasker:

The name of the man at whose dead body we stand awakens the memory of great struggles. But at this bier the voice of party is silent. Honor owes and honor gives the German to the mightiest of all the statesmen of our time, whose far sight, prodigious power, and bold courage rescued the old fatherland of its desolate disruption and humiliating impotence. All honor to the wise warriors and to the heroic people in arms who swept the field for the union of the great German nation and the resurrection of the empire in new power and glory. And no less honor is due to the men who, with patriotic spirit and zealous conviction, endeavored to finish this mighty building not only as a strong bulwark against the outer enemy, but also as a safe and homelike dwelling for a free people. And when the German recalls this list of honor the name of Eduard Lasker will rank among the very first.

The independence of a nation, the existence of an empire, and its outward power, safety, and honor are maintained and guarded by diplomatic prudence and by the sword. But the welfare of a people and its inner moral greatness can only prosper through the rule of right embodied in the law. History perhaps records more brilliantly the fame of the conqueror who, after sanguinary struggles, plants his victorious banners on the field of battle, who destroys hostile armies, and subjugates peoples; but his real merit is only measured by the aim for whose realization he fights. More calmly and modestly labors the man who fathoms with conscientious research the moral and social condition of his people, apprehends their wants, exposes the imperfections of the commonwealth, devises means to better this condition, to heal these infirmities, to restrain power within its proper limits, to help the weak to his right, and to secure individual liberty in the common order.

Thus manifests itself the wise legislator, the more quiet and more modest but in reality the greater benefactor of mankind. Upon such a field has the departed won his laurels, as the problem had to be solved to shape Germany's new era into enduring institutions and lawful order.

Well do I know that there are petty critics who say, what is al' this worth? Has he not been guilty of political errors? Did he not show himself in momentous situations weak and wavering? Be it so. He has committed errors and exhibited weakness. But of what consequence are these errors when we consider the great things he has accomplished? What are these weaknesses when compared with his virtues, which make him the peer of the first of his time?

Poor indeed would be the critic who would tear the sun from the firmament because its rays are too hot in the summer or not warm enough in the winter. Take the whole man as he was, and as he now stands in the history of his time, with all his thoughts and deeds, with his immense knowledge and noble aspirations, with his unselfish devotion and the extent of his work, how many are there who surpass him? Where is the nation which would not be proud to name him among their own?

It sounds like a libel upon human nature when the report reaches us from the other side that the fanatics of this new persecution of the Jews, this empty mockery of the boasted enlightenment and civilization of the nineteenth century, even now, after having darkened the last years of his life, are seeking to vilify him in the coffin because he was a Jew. Let us pity them, for they realize not their own shame and disgrace; in truth it may be said, "They know not what they do!" But all the more willing and proud are we to stand here, American and German citizens of a free country, not of his faith, and with us stands every honorable man who respects a man's true worth, and remembering the noble heart, the great mind and lofty ambition of the departed, we reach the hand of brotherhood to him even beyond the grave.

Let us see; and I beg the courtesy of the House while I attempt to explain in as brief a manner as possible the condition of parties in Germany and the relation of the distinguished dead thereto.

Absolute power pertains to every nation, the supreme and sovereign power which rules the entire body-politic. The residence of that sovereignty is the great question of the nineteenth century. In America, in England, and in France it unquestionably lies in the mass of the society, the community. In Germany it rests in the crown, not delegated, not held in trust, but inherently and absolutely, although since 1866 there has been a claim or show of constitutional government. All Germany has long been restless under this despotic form of government.

The liberal party of Germany is divided into three fractions: The progressist, the national liberal, and the secessionist. In 1866, after the Austro-Prussian war, which the government had carried on without any appropriation from Parliament, a conflict occurred between the representatives of the people and Bismarck. The old Parliament having been dissolved by the government, a new Parliament was elected more largely in opposition than was the previous one. Bismarck proposed a compromise, by acknowledging that the carrying on of the war without appropriation had been unconstitutional, and, provided that the present Parliament would give him indemnity for the money expended, he would then agree to a clause in the constitution which would make the expenditure of money permissible only after proper appropriation.

The progressist party refused indemnity. It was then that, mainly through the influence of Lasker, the national liberal party was formed upon the basis of the compromise offered by Bismarck. For eight years following this party, in healthy co-operation with Bismarck, established the now existing German constitution. In 1879, when Lasker found that the national liberal party were leaving the principles from which they took their name, and supporting Bismarck unconditionally, he seceded from it and was soon followed by its most prominent members, such as Baumberger, Richert, Forckenbeck, Stauffenbach, and others. This fraction of the liberal party is now called the secession party.

The conservative party consists of a great portion of the old nobility and Junkerdom, who accepted the German constitution very reluctantly, and are only too glad to support the reactionary measures of the prince chancellor, being warmest in their support when his actions ignore mostly the constitution that he helped to frame.

The ultramontane party is the catholic or church party, led by Windthorst. This party was formed at the time Bismarck inaugurated the noted Kulturkampf. There is no such thing as a government majority in the German Parliament, and the only way a majority can be obtained is by forming a combination of two or more of the parties mentioned.

Mr. Herbert Tuttle, in an interesting article on the representative composition of the Imperial Diet, said:

It represents all sections, all interests, all classes, all shades of political opinion; North German and South German; the Danes of Schleswig and the Poles of Posen are united in a single assembly. It contains Calvinists, Lutherans, Catholics, Jews, skeptics, and atheists. Printers and blacksmiths sit side by side with mediatized princes of the empire, priests by the side of judges, lawyers and professors with farmers and merchants. The division of parties is carried out with almost the minuteness of the scholastic logicians, so that the differences between some of them are hardly perceptible to the naked eye. Thus there may be found the German imperial party, or free conservatives, and then the conservatives proper, who are, however, no less free than their neighbors. The Catholics form a party called the center. But the Poles are also Catholics, yet they make a fraction by themselves; and so, too, are, for the most part, the deputies of Alsace-Lorraine, who have their own place in the parliamentary annual.

As to talent, finally, the Diet contains the best there is in Germany. The ineligible by law are few in number, and it must be said for the credit of the German constituencies that they have seldom been influenced by local claims, but have almost invariably preferred men of reputation and ability, wherever found, to obscure nobodies of their own neighborhood and district.

As soon as the determination of the chancellor to introduce protection became clearly known, and many liberals were hesitating between servile personal devotion to Bismarck and loyalty to their early economic convictions, Forckenbeck, though still president of the Diet, and burgomaster, not of Breslau, but of the capital, Berlin itself, came out openly and boldly in opposition, and made speeches which created an impassable gulf between him and the government. His fate was from that moment decided. Forckenbeck, and with him the liberals, must be punished at any cost. The cost was that of sacrifices to the ultramontanes, without whose aid the conservatives could not carry their candidates, and in the winter of 1878–'79 this coalition elevated Herr Von Seydewitz to the speakership.

This same writer goes on to say:

There are men in the German Reichstag whose forensic talents would adorn any legislative body in the world, and who presumably, if in office, would develop administrative talents not inferior to those of the forum who in England or France could command, and, if party conditions were favorable, would receive portfolios in the ministry, but who under the German system may spend their lives in unprofitable debate, without ever being invited to share the work of construction and execution. Such a man is, for instance, Professor Gneist. Known abroad, and well known as an accomplished jurist and constitutional scholar, he has in Germany the additional reputation of an experienced legislator, who has left his imprint on nearly every great organic measure of the past decade as an effective debater, who is always heard with the profoundest respect, and as a politician who only wants the opportunity to show the qualities of the statesman.

Speaking of Lasker, he says:

He is a product of the "Conflikts-Zeit," but from 1866 to 1878 he ranked as a tolerably regular, though candid and discriminating, supporter of Bismarck's policy. The constitutional legislation of 1867 and again of 1871 enjoyed the advantage of his intelligent and forcible advocacy. * * * The great process of judicial reform and consolidation received from him a support which Bismarck hardly distinguished from open hostility, but which was indispensable to its triumph. Even the repressive measures against socialism, though deplored, were practically accepted by Lasker.

But the chancellor is satisfied in the end with nothing short of absolute and unhesitating obedience. The breach between him and Lasker, threatened for several years, finally came in 1878, and, as in the case of Forckenbeck, it was caused by the fiscal innovations. A brief explanation of this fatal controversy is essential to a correct understanding of the actual relations of parties in the Diet.

The traditional policy of the empire, or rather of the Zollverein, which antedates the empire, was that of free trade. It had, indeed, always had its enemies. Some were such from conviction, others from interest; but they were few in number, and without influence. The government, with Bismarck at its head, paid no attention to the dreary harangues which men like Kardorff and Varnbüler annually delivered on their favorite grievance, and up to 1878 showed no disposition to suffer, much less to propose, any change. But in 1878 the chancellor began to waver, and after various preparatory hints and signs, actually issued a protectionist manifesto, which at once revolutionized the whole aspect of affairs. Commercial reasons, fiscal reasons, political reasons, were all used to justify the abandonment of free trade. German industry was languishing, and needed the stimulus of favorable legislation; the imperial treasury was not sufficiently independent, and ought to have revenues of its own adequate to its wants; the old system was the chief prop of state-rights, and its modification would be a great step toward unity and strength. These arguments were all specious, and some of them, from one point of view, not unsound; and where the argument failed, the prince threw his own personality into the scale, and eventually carried his point. Parties were variously distributed in regard to the subject, but the distribution was no obstacle to Bismarck's plans. The conservatives were on the whole inclined to protection for its own sake, and ready to accept it blindly for the sake of its new champion. The radicals were opposed both to the person and the project of the chancellor. The ultramontanes, as above said, were open to what the French call a "transaction." And as for the national liberals, they were keenly anxious to avoid a rupture with the great minister, whom they had supported for over a decade, but they were also committed, as a party and as individuals, to the cause of free trade. The result was easy to predict. A schism in the party was produced, some of them throwing aside their convictions out of subservience to Bismarck, and the others obeying their consciences, and going into reluctant opposition. The conservatives, the ultramontanes, and a few of the national liberals formed a majority, and the work was done. Protection was introduced, Forckenbeck was expelled from the speakership, and the national liberal party went to pieces.

This explains why Lasker is now found in the opposition, and with him some of the best talent of the party, among them the gifted Bamberger.

With this explanation I shall quote from adherents of one or the other of these parties to show Lasker's political standing in Germany; and I think I shall succeed in proving that by none of the parties was he looked upon or treated as either a strict opponent to the existing government, or, much less, an ordinary agitator, but that all agree, no matter how much they might have occasion to differ with him politically, as to his patriotism and true efforts to act only for the good of the fatherland.

We find attending his funeral not, as seems to be the general impression here, simply adherents of his own immediate party friends, but, on the contrary, conservatives, ultramontanes, the liberal party in all its shades, all the dignitaries of the city of Berlin, representatives

of the press, professors of the universities—in fact, all phases of German life and German politics except those directly under the control of the chancellor. We find there the president of the Reichstag, who is an ultra conservative; we find the vice-president of the same body, also a conservative; nearly all the chief officers of the Prussian Diet and the president of the imperial chamber. In fact, most of such as hold any public positions in either the German or Prussian Parliament assembled with the political friends of the deceased statesman to render the last honors to his memory.

No wonder, then, that the absence of all such officials as depend upon the will of the government only appears the more glaring. I shall attempt to show from quotations, from writers and speakers of all political sides, as to the difference of feeling about Lasker in Germany before and after the funeral.

Heinrich Richert, member of the Reichstag, says:

Friends and opponents know what services he has rendered in the most important departments of our legislation; they know that his wonderful, inexhaustible working power, his quick and keenly penetrating perception, and his earnest mind were, especially during the great reformatory epoch since the wars of 1866 and 1870, the most reliable support of all efforts in behalf of national success and liberal institutions. He frequently characterized as the happiest epoch in his life, notwithstanding the labor they cost him, those significant years when the government and the people's representatives labored harmoniously in retrieving the neglect of decenniums.

Does this sound like the comment of one agitator about another? I shall continue to read from the same source and leave you to judge whether the remarks are of a partisan nature:

Whenever the idea of the national state had to be upheld in contrast to narrow-minded particularism, whenever it was necessary to assist the demands of the public weal against selfish acts and to cleanse public life of low practices, then was he ever found in the front of the fray. At this time his influence in Parliament, inconvenient as it may have been to many, was undisputed. During those laborious years Lasker indulged in but very little leisure and recreation, not for the want of their proper appreciation, nor because he would not have understood how to use time taken from political work in a more pleasant manner. Few understood how to enjoy the wonders of nature and art with so much thorough exaltation as he. His sense for the beautiful, his great respect for earnest research, caused him to seek especially the society of men of science and of art. Nor did he despise true sociability, and he knew how to enliven conversation by good humor and ready wit, until he, usually before any of the others, retired to return to his labors. To him the doctrines of love of mankind and equal rights for all were no mere theories; he substantiated them by his deeds in his mode of living and intercourse. He was not only a reliable friend to his political associates, but held also most pleasant personal relations with political opponents. * * * During the conflicts of 1878 and the following years Lasker stood in the front rank, notwithstanding his failing health.

In the positive creations also he took, as far as his convictions would permit, a most active part, in spite of unfavorable circumstances. Only last year he accepted a place in the commission for the sick-fund law, despite the remonstrances of his friends, and labored in it for months, besides performing his duties in the sessions of the house. Lasker's eminent services in this commission during the deliberations of the Reichstag met with recognition from all sides of the house. It was the last of his parliamentary labors. It had so completely exhausted him and he showed such evidences of an overstrain of his faculties that even he became convinced of the necessity of indulging for some time in quiet retirement.

You see the spirit of all that is said here is in praise of one who was assumed to be beyond dispute a patriot and a lover of his country under the institutions then existing. Albert Hanel, progressist, with whom Lasker had had many a political tilt, says of him:

We most deeply mourn for the man—not because it is the custom to let partyism be silent at the open grave, but because the importance of his life demands it. He grew out of narrow circumstances, he lacked the backing which rank and fortune afford; he was not favored by reason of physical advantages nor through insinuating mental endowments; he has never sought nor found the favors of the governing powers. Through never-tiring energy, incessant industry, through a character trained to morality, and relying only upon his own powers and his own courage, he succeeded in securing for himself a foremost place in the Parliament of Germany, in directing party life in a decisive manner, and in exerting an important influence on the government and the course and character of legislation. That is merit, independent of the estimate to be placed on the results of each of his actions. For it is a blessing to every people to find animating examples of what the will and effort of one man may accomplish, to be possessed of conciliating evidences that the distinctions in the outer conditions of life are not insurmountable. Among the self-made men of Germany Lasker will always be named first, and with reverence.

Rudolph Gneist, a national liberal of Bismarck proclivities, and one of the acknowledged leaders of the Reichstag, says:

Ever filled with warmest love for fatherland, ever spurred to strive for the highest moral ideal of the state, ever honestly working for the realization of his ideal on the basis of existing conditions, Eduard Lasker will not only live in the memory of his friends—his name will ever be mentioned among the most honorable and most unselfish, who, during a happy epoch, labored most productively. I know that I may pronounce this grateful acknowledgment in behalf of all my political friends.

Is such tribute usually paid to a partisan or an agitator by one opposed to him politically during life?

Hear Ludwig Baumbach, one of Germany's greatest men:

It was a horror to our friends to see the German Reichstag desecrated by haggling and chafing over import duties on grain and iron. Many a one, proud of his Christianity, could have learned much from this Jew, especially that humanity which is the true foundation of Christianity.

I remember that Dr. Windthorst, who always cherished kindly feelings for Lasker, although his opponent, said to me once, "Lasker has for years done fully one-half of the parliamentary work."

Lasker was a thorough national man. He himself has told me that in his earliest youth, when among the poor, maltreated Jews in the province of Posen, where he grew up, they were imbued with the highest respect for the Prussian monarchy and Hohenzollerns, and how that respect had been indelibly impressed upon his mind.

Speaking of the influence which the enactment of the criminal code (which was mainly Lasker's work) might have on the liberal party, Baumbach says:

At that time the life of the party seemed to be in danger, and then it was that Lasker said to me: "A party is a self-purpose; even if the national liberal party is wrecked, the German nation has its criminal law."

Our deceased friend had, during that time, been frequently reproached with having indorsed Prince Bismarck's policy altogether too readily, while others criticised the severity with which he not unfrequently opposed the chancellor. He himself said once in the Reichstag, after all intercourse between them had ceased:

"I can say for myself, and the country knows it to be true, that I have supported the chancellor through many years in a spirit that has not been excelled by any one in this house, whether with as much ability or not is a matter of opinion. I was not his opponent when he followed the policy which he repudiates to-day. I am naturally his opponent since he walked in the opposite direction. Of course, I have always rendered my assistance with the perfect independence of my own opinion. If that alone suffices to make me his opponent, then certainly I have been his adversary of old."

As is well known, the chancellor answered thereto that he was forced to destroy his illusions with rough hands.

"The representative," said Prince Bismarck, "is perhaps so organized in mind that he considers as a kindness what the recipient considers—I will not say a grievance, but as an act of opposition. I have felt his efforts from the beginning to be, though not in principle, yet in fact, opposed to me and my plans. Before some amendments of Lasker were agreed to I had little hope of support, and these amendments frequently crossed my tendencies severely. I feel that I owe no thanks for any support rendered me by him."

In Lasker's celebrated speech against the excesses in the matter of charging railroad companies, he said:

During my whole life I have taken pains that every step of mine in pecuniary matters can bear public scrutiny; that I refused everything which was not only in direct contradiction but even in competition with my public acts.

Only a man so irreproachable as Lasker could attack the most influential and prominent men at the time when stock swindling flourished most, as he did in his speech of February 7, 1873. Wherever Lasker found wrongdoing, his character ceased to be mild. Said he in his memorable speech—

I have received letters threatening to publish names which belong to my political friends, which would make the scandal as far-reaching as possible; if one, all should fall. Gentlemen, I have derided those threats. Whoever has a clear conscience need not care for such things, and, God forbid it! if men who do not deserve to be here have sneaked into the ranks of honest men, then cast them out! Good society discards them; they are forgotten, and the moral sense of the people stands unimpaired. But as long as such men remain in honorable society as secret poison, they will corrupt; therefore, out with them.

And yet the close of this life filled with conflicts and difficulties was rounded off beautifully. Joyfully was he affected by the homage paid him on the other side of the ocean.

Baumbach continues:

"I find," wrote the dear friend to me but a few weeks ago, "what I have sought—grand, encouraging, and refreshing impressions. I count the voyage to America among the happiest performances of my life. It is exceedingly interesting to observe how in the life of the far East, the whole West, as well as the South of that great country, the same views prevail, and how identically the affairs of state are being performed in the widely different portions of the great continent. Public opinion and national pride are so universal, that we can only wish Germany may have an equally powerful national feeling and a like pride of union and an equal unity of interest."

And this from a member of his own party. Does he boast of his colleague as one who had attempted to destroy the institutions of his government, or one who had succeeded in his opposition to the existing government? Or does he speak of him as one who, whether co-operating with or opposing the chancellor, was guided only by one idea, the welfare of the state? Does he not tell you, in Lasker's own words, that party was considered by him but the means, the good of the whole country the object, in all his political efforts? In quoting to you what was said by Baumberger (unquestionably the first German orator of our day) after the funeral, I wish you to pay close attention to the effect that this jealous abstinence of all government officials from the funeral of this man, whose memory was universally acknowledged to be dear to the whole country, naturally had upon the minds of the German people.

Says Baumberger:

Such a panorama has passed before us this morning, a picture grander in merit than anything my words can describe—the picture of a great community, a great political association, an escort representing the noblest elements of the whole of Germany, who followed the cortege devoutly and collected piously around the catafalque, plainly, without ostentation, as was befitting the man, and especially without that official pomp to which he ever remained a stranger, and which we have not missed to-day. Although it did not follow his coffin, it was no part of him who was a whole citizen, a self-reliant man, wholly a legislator, who needed no other support but that of the rights which he represented. May I be capable of portraying a man who understood how to bind so many hearts to himself!

Wherever grand results for the common good have been achieved in Germany during nearly two decenniums, there the name of Lasker shone in the front rank, there his co-operation was always invited. That inspiration which led the people to grand achievements was partly his work, and that harvest of grand deeds which took substantial form in German national life bears, more than that of any other, the marks of the master-hand of this great political artist, who was our dear friend. He it was who labored more incessantly, more diversely, than any of his associates in the very front of political activity.

Death is a great master; in destroying mortal life he also elevates it above the oppressiveness of temporal barriers in which it moves. He portrays it as a whole before the vision of the survivor in one moment. And this master-work death performed when the message came from beyond the ocean, Lasker is dead! In the same moment broke the cloud that had obscured the name of Lasker to some classes of the people. And as the wailing call and the exclamation of admiration from across the seas was heard, so pervaded the wails of sympathy, of gratitude, of mourning for Lasker throughout the German Em-

pire, from north to south, from east to west. And well may we say this moment that death alone has re-established that justice which for a time seemed to be denied to him.

Men who honor Germany without distinction of party, who love Germany, who are filled with the kindest wishes for Germany, and know it well from personal observation—men like Carl Schurz and Andrew White, the latter, who as minister of the United States lived in Berlin for years, and as a scholar as well as a statesman learned to appreciate Germany—such men have borne witness of Lasker's universal fame; and the Congress of American Representatives—to whom, as I believe, Germany's liberal-minded men may express their grateful thanks in my voice—that Congress has shown us by the honorable vote for the memory of our friend how not only the world separated by space, but also that separated by time—posterity—will judge him.

And how could it be otherwise? How could we, when we contemplate the works of the man—I mean his influence on his fellow-citizens—how could we explain them except by the fact that also he understood to speak and act from the innermost and best part of the nation. Oh, he was not armed with the wiles of the misleader of the people. Nobody could have been less a demagogue; no one was less affected by the wild element that carries away the passions of an easily moved populace by the delusions of oratory. What he did have, what won him hearts, what made his word to be more important than that of thousands, was the fact that he spoke from out of the inwardness of a whole people. This made him powerful, and there is no other real power of speech but this. An orator may please, but he who for more than a decennium forms the thoughts, resolutions, and views of his fellow-citizens does only succeed by being one of them, by having read the innermost recesses of their souls, and, knowing, to clothe in words the uninterpreted thoughts floating through their minds. That was his art, his secret. Not he, the German nation, has for more than ten years spoken through his mouth.

And now I ask what was the true work of this battler, this man who made himself so prominent in the state and among the people? I would not like to say that he was really what is called a man of liberty, nor that the phrase "the man of the people" covers and exhausts the meaning. Certainly a good and liberal portion of both was in him, but were I asked to picture in a single word the man, the flame that burned most strongly within him, and was the *spiritus rector* of all his thoughts and deeds, then would I say "He was a man of right—right and justice!" Right and justice was the god that dwelt within his soul; that explains all his thoughts and works. I myself found during the last days, among the notes I searched to again familiarize myself with his fruitful course of life, the first traces of his appearance in public, and I found them in an act vindicating right and justice.

A liberal candidate for Parliament was to be nominated for a Berlin district in the beginning of the year 1865. A state's attorney named Schwarck had been proposed. There arose in the meeting an unknown, insignificant-looking man and opposed his nomination. He called attention to the singular rôle played by the candidate in the Stieber trial. He challenged him before the meeting. He cross-examined him with all the acuteness and agility of his legal ability, and the result was that not more than three or four votes were cast for this candidate, who had come strongly before the meeting. It was a first act in expiation of public justice that ushered our friend into public life, and to this calling he remained true to the end. * * * Altogether he was perhaps of all others whom the newest time had estranged from the powerful statesman who shapes the destinies of Germany the man who most sympathized with certain leading features of his newest policy. It was he who had assisted him, enabling him to carry out his internal policy. Without Lasker the acquisition of the railways by the state would not have been accomplished. It was his influence which had prepared his party in the house of representatives for the acquisition of the railroads by the state; and as we know ingratitude to be the reward in public life, especially when one is associated with the great of the world, so he has never received thanks for his great assistance.

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When, perhaps by reason of a miraculous accident, we have not seen a single representative of the power of the state at the bier of Lasker, if it was not mere accident but perhaps a providential occurrence, then it must have been because this providence reasoned: The spirit of Lasker is so dangerous to me that even in his death I dare not honor him by apparently approaching him. Really, my friends, I will not say no more beautiful, but certainly no more grateful or characteristic, homage to the power of Lasker's mind could have been rendered than by that absence which shone among us as we buried him; for it shows us what we possessed in him. It proves to us that it is found necessary to further combat the ideas, the aims, the mind, that lived within him, because the dead Lasker lives on still and leads us further as a living man. He was the man of the people, who asks nothing of the official state, no recognition, no homage. And if he was such, he was it by reason of deeds incomparable in greatness and in numbers.

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Nor was he a Utopian, except perhaps, in one respect—his works of charity. One frequently hears of some one living in great luxury; where does he take the means for such extravagance? That could of course not apply to Lasker, but I, who have had an insight into his circumstances, have sometimes asked where does he take the means for all his charities?

So has he risen by work, and finally just by rendering the Government of the German Empire a valuable service (for which alone it should have been grateful to him). He worked himself sick on that law which has emanated from the sick-fund bill. His alone is the merit, if it be one, of having made it. It was introduced mixed up with the accident-insurance law, which is destined to occupy us in the future. On one of those days I promenaded with Lasker, and I casually remarked, without attaching any importance to it, and perhaps I am yet sorry for it to this day, in the course of conversation: "Some part of this law might possibly be saved if the sick-fund was pared off." He immediately took up this thought, went home and worked it out, and the passage of the law was only due to his gigantic efforts in the committee. The last speech which he made to us (his mind was still fresh and clear—crippled were only his wings) was made in behalf of this law. With it expired the remnant of his power.

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Yes, honored audience, when I recall those times, when I remember how, when a law was in course of preparation, ministers and counselors of state listened eagerly to Lasker's words—how well then they knew that the fate of the law depended upon his decision, and that minister of state remarked to his secretary: "Lasker has spoken approvingly, I am now well safe," and I could recite more such remarks. I have witnessed that a high official of state, who today also has demonstrated the independence of his opinion by his absence, said upon his promotion into a higher office to Lasker, "I hope that you will render me the same assistance in my new office as you have done in my former." They went to him, mounting the three flights of stairs. He never went to one of them to ask anything.

Much that has been said since this resolution was adopted has not found favor in the eyes of the one man who, not satisfied with autocratically dictating to his own people, not satisfied to reduce the ministers of his state to the position of mere clerks, not satisfied with attempting to degrade the Parliament of his own country, undertakes to seize what appears to him an acceptable opportunity to disgrace a foreign minister before his own Government because, forsooth, he acts with a view only of executing with dignity and spirit the duties he owes that Government. He also undertakes to cast contempt upon the Congress of another most friendly nation because it did not foresee that its expressions of sympathy for one they knew was considered a patriot in his own country and a supporter of universal brotherhood throughout the world would arouse his displeasure.

The theory which Prince Bismarck has attempted to ascribe to this mere act of courtesy, this simple display of good-will, that the passing of this resolution aimed at interference of one country with the political affairs of another, has found favor with a few, but thank God only a few, people in this country. That Lasker was not, by his labors nor by any quality that we know of concerning him, entitled to such respect, has also (like every other theory that is advanced when a dispute arises about any important matter) some supporters. I think that without any comment of mine, even those who have had the least opportunity to know the man for all his worth will feel convinced after the quotations from the leaders of German opinion and from the German press that the one theory has as little foundation as the other.

We find all of the expressions about Lasker after his death, whether they come from one party or another, agreeing alike in the fact that he was a man foremost among the patriots of his country; that he was a philanthropist; that justice was the main composition of his nature. And we find further that his people consider him as part of their history, and, as Baumberger says, of their best history. Is it presumption on the part of a friendly nation, then, to express their feelings of condolence to a representative man of another friendly nation upon the tragic end of such representative, when this end takes place upon the shores of the nation expressing this condolence? Or is such a man as we find Lasker to be, from all sources of information which are accessible to us, to be considered of too little importance for such expressions of sympathy? If, for argument sake, we have made a mistake in the importance of the man, where is the injury to the prince chancellor or his government or the German people in these expressions of sympathy? Is it usual among either individuals or nations, when supposed to hold friendly relations with each other, to seek unfriendly motives in friendly expressions? I should think not. Nay, gentlemen, this is, as I started out to show, an intentional effort on the part of the German chancellor to make good his own mistake by putting those into a ridiculous attitude who attempted to honor Lasker's memory. In his efforts so to do he forgets every consideration due the American people and casts this insult at them, depending on his undisputed skill of diplomacy to pacify us if we should take any exception to his action.

Mr. Speaker, we now learn for the first time that no opinion can be allowed to go to the Reichstag unless, in the reported language of the chancellor of the empire, it be his "own." If Prince Bismarck is correctly reported, then, sir, so far as Germany is concerned, he and not this House is the judge of the extent of the bereavement occasioned by the death of Herr Lasker. In Prince Bismarck's opinion he himself is the government and Herr Lasker was his enemy. If this is the correct view of the case, if the people of Germany have no existence to the outside world except as an appanage of the chancellor, then I admit that a mistake was made in tendering our sympathy to a personage who so little appreciated our good-will. We might now, without lowering our dignity, retract the resolution had not it been so brusquely returned to us. It is a custom as old as civilization for friendly nations as well as men to express toward each other sympathy on occasions of great bereavements. Such expressions are customary on the death of great men. Following this gentle custom, we tendered to Germany, not to Prince Bismarck, our condolences on the death of Lasker.

In face of that brusqueness we can not retract the tender of our sympathy with Germany, and we can not condescend to explain to the rude chancellor that no offense was intended toward himself or the emperor or reflection intended on his or their policy of government.

In the light of international precedent no fair construction of the resolution would show any such intention on our part.

So long as friendly relations are maintained between nations it should require very clear and unmistakable language of the one to the other to justify a construction showing hostile reflection on the policy of either government in respect to its internal affairs.

When in this House a few years ago the representatives of the American people in Congress assembled adjourned to receive and hear an address from Mr. Charles Stuart Parnell, who was then, as he still is, the brilliant leader of a small but most able body of representatives in the British Parliament, the Irish national party, do you suppose for a moment, sir, that in extending that courtesy a partisan attitude was taken by the House in respect to the land-league policy of Mr. Parnell or that any reflection on Mr. Gladstone's policy was intended?

If at that time Mr. Parnell had died here—long may he live!—think you, sir, that a resolution similar to that passed on the death of Lasker would have been any more objectionable to Mr. Gladstone than the reception extended to his parliamentary opponent, or that the great prime minister of England would have considered himself degraded to the position of a "postman" for his enemies, had our minister asked him to forward the resolution to the House of Parliament? The great Irish patriot and agitator O'Connell has often been eulogized in this House.

I do not remember whether any resolutions were passed by either House of Congress on the occasion of his death; but if there were, I am sure they must have been laudatory of his patriotic life and work and inoffensive toward the British Government. Death strikes down all partisan feeling. The noble aspirations of the departed soul, even when uncongenial with our own, are remembered with admiration.

When we passed the resolution of sympathy with the people of Germany we were under the reasonable impression that their Parliament was a free body. We knew that, like all representative legislatures or councils, it contained delegates of opposite parties. But if such parties presented themselves to our minds we would have ignored their divisions, under the assumption that each was devoted to the advancement of the best interests of the German people according to its best judgment.

It is not to be admitted, and no action ought now be taken that would afford grounds for the supposition, that this popular branch of the American Congress so far forgot what was due to international courtesy as to assume a partisan attitude in respect to any element of the German Parliament.

In assuming that we took such an attitude Prince Bismarck jumped at a most erroneous conclusion. He made a serious mistake in refusing passage to our resolution, and was guilty of a gross rudeness in returning it to our Government without being certain as to our intentions in passing it.

If the rudeness was with the intent to offer insult—let us have even but the smallest grounds for such a belief, and it would be our duty to demand an apology for the insult. The people of the United States will hold us to a strict accountability in this matter. In my opinion, Mr. Speaker, the resolution before the House is either unnecessary or worse. I would have something more vigorous or else silence. Our first resolution was simply eulogistic and sympathetic; it requires neither retraction, explanation, nor apology. It was a customary act among nations, and no better occasion or more worthy ever arose in our national existence than that which inspired it.

Mr. Speaker, this question goes deeper than appears on the surface. Nothing impressed me more thoroughly during a late visit abroad than the undoubted and unquestionable progress of liberal opinions and free institutions on the continent, and the persistent resistance thereto by certain surviving royal families, of whom the German chancellor is the chief representative and spokesman. These people believe in the "divine right of kings." Even so kind and good a lady as Queen Victoria speaks with pride (in her recent memoirs) of having "Stuart blood" in her veins. When the Emperor William, himself one of the very best of men, spoke at the unveiling of the national monument, dedicated last summer to the soldiers of Germany, he said: "The Germans were led by their princes." At his coronation in Moscow last summer the present Czar of Russia, elated by the incense offered to him as a representative of Heaven, renewed the idea of the superiority in personal attributes of royalty, and in all orders and newspapers influenced by this despotic caste France is invariably spoken of as "isolated." Why? Because she has dared to become a republic. Because under free institutions she has dared to improve, and is day after day attesting the possibility of a great nation, under positive free government, of achieving unexceptionable prosperity, and that without the aid of any other "divine right or interposition" save that which comes from the great Ruler in the heavens above.

Apropos of this statement, I cite an instance where this audacious and autocratic prince deliberately brought about, by the use of one of his so-called expert diplomatic efforts, a bitter antagonism between two countries that were enjoying the warmest relations of friendship. Alphonso of Spain, a young, gallant man, intending a visit of acquiescence in and admiration for the Republic of France, wherein he had received sanctuary during the expulsion of himself and family from his own country and where he was awaited by that kind-hearted and generous people with enthusiasm, was made the cat's-paw for an unprovoked insult to that nation. The purpose of the wily chancellor was to alienate public sentiment from them by inciting them to incivility to a guest of their nation, and to show further that a republic was a spiritless government, which could not resent an affront to its dignity.

The very same purpose actuates Bismarck in the return of these resolutions to this Government.

Liberal ideas are growing too strong in Germany. The Republic of the United States is a constant argument in favor of those ideas. The chancellor proposes to show his people that he can treat our Republic with supreme contempt!

We are strong enough, some say, not to care. Yes; but have we a right to set back the growing hope of mankind, who look to us as the examplar of successful free government?

Prince Bismarck has undertaken to say that he will not give these resolutions to the emperor or to the representative body of the empire to which they were addressed. Why? Because they commend freedom, and he believes in absolutism. By what right then does he, an inferior by his own argument, suppress and return them? We can receive a reply only from the head of the state, and in a republic we can not recognize the right of any one citizen to arrogate to himself the authority of the people. He is not the chief executive of Germany; he is not the Reichstag!

These resolutions were a national communication, and ought to have an answer from a nation—not a single individual of that nation. If, then, Prince Bismarck, by his own argument, be but a lackey of an absolute throne, we should demand that the resolution be forwarded by him to that throne. If there be indeed a people and a government in Germany, the Republic of the United States should insist that a communication from the Government of the United States, addressed to the Government of Germany, shall be delivered to that government.

I will read an eminent authority on the duties and prerogatives of ministers of state. Vattel, in his Law of Nations, says:

When a nation chooses a conductor it is not with a view that he should deliver up his charge into other hands. Ministers ought only to be instruments in the hands of the prince; he ought constantly to direct them, and continually endeavor to know whether they act according to his intentions. If the imbecility of age or any infirmity render him incapable of governing, a regent ought to be nominated, according to the laws of the state; but when once the sovereign is capable of holding the reins let him insist on being served, but never suffer himself to be superseded.

Mr. Speaker, one little incident of a not uneventful life I treasure above all others. Over one hundred years after the establishment of this Government I had the pleasure of accompanying the minister of the United States to the French Republic on a journey to the inauguration of a statue erected to one whose youthful mind had been inspired and wrought up to enthusiasm by that heroic struggle of our forefathers against tyranny and oppression. That man was La Fayette. Another hundred years would have elapsed, in my humble belief, before this tribute had been rendered him from the nation in which he was born and to whose greatness and honor he had contributed the best years of his life, had France been under the control of a monarchical or imperial government.

I hope, Mr. Speaker, ere I die that I will have the proud privilege and pleasure of going with another American minister upon a similar mission; and near to that grand statue lately erected upon the banks of the noble Rhine, which represents the grandeur of the United German Confederation, I hope to see one rearing its proud front to heaven, with no insignia of crown or scepter, no gaudy semblance or reminder of bloody wars, but like the civic hero whose memory it will commemorate, plain, unostentatious, and grand in its chasteness and simplicity, with the legend inscribed upon its base, "Eduard Lasker, the friend of law and constitutional liberty."

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ADDENDA.

[From the CONGRESSIONAL RECORD, January 9, 1884.]

Mr. OCHILTREE. I ask unanimous consent to introduce for present consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which there will be opportunity for objection.

The Clerk read as follows:

"*Resolved*, That this House has heard with deep regret of the death of the eminent German statesman Eduard Lasker.

"That his loss is not alone to be mourned by the people of his native land, where his firm and constant exposition of and devotion to free and liberal ideas have materially advanced the social, political, and economic condition of those peoples, but by the lovers of liberty throughout the world.

"That a copy of these resolutions be forwarded to the family of the deceased as well as to the minister of the United States resident at the capital of the German Empire, to be by him communicated through the legitimate channel to the presiding officer of the legislative body of which he was a member."

There being no objection, the resolution was considered and adopted.

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[From the Berliner Boersen Courier (Progressist), January 7, 1884.]

During two decenniums stood the man who has now closed his eyes for the everlasting sleep in the very midst of the political life of our fatherland, which during that period has undergone the most far-reaching, most powerful changes; his whole soul, all his aims, belonged to the political development of Prussia and Germany. He devoted all his strength and power to it, and he did it with such entirety, such devotion, and unselfishness as none other beside him.

Whatever attacks may have been made upon him during party strife, the tireless zeal, the personal disinterestedness of the man compelled recognition even from his enemies, and not the slightest stain has ever rested upon this pure character. His personal affairs prove his whole life and all his endeavors were devoted to the public interests only. Lasker remained unmarried; his time, his inclinations, his whole soul belonged to public life, to his political efforts.

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[From the Neue Preussische Zeitung (Conservative, Orthodox Protestant), January 8, 1884.]

To judge, without injustice on the one and without sentimentality on the other hand, a political opponent is no easy task. It will satisfy an impartial observer to say of Representative Lasker that he was a man of uncommon genius, who was also imbued with an idealism that ever aims at the best. Objective praise would not sound well from us, because it could not be pronounced without disowning our own aims and acts.

In most everything was the deceased one of our most honest, but also in principle one of our most radical, opponents. The result of this fact can not be changed even at the open grave; it must remain as it was in life; but whatever of bitterness might have attached thereto must now disappear. Grudges would be out of place even toward an enemy of less honorable ways of thinking. But of this departed one we take leave with the simple words: "May he rest in peace!"

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[From the Berlin Post (Conservative) January 8, 1884.]

In parliamentary meetings he excelled through very extraordinary oratorical talents and remarkably steady industry. Since the founding of the national liberal party, as one of its leaders and most important orators he was borne on a growing flood of popularity that reached its highest mark February 7, 1873, when he made his celebrated speech against stock-swindling, which had risen

highest during the latter part of 1872, and while the menacing specter of the approaching catastrophe was towering in plain view of all sensible people.

[From the Berlinische Zeitung (royal privileged), January 7, 1884.]

Lasker's importance in the entire history of our modern political development can not be exhausted within the narrow frame of a plain obituary. Like those singular natures who, as products of strict self-training, so frequently attain uncommon importance in that land where he breathed his last, so was he in the true sense of the word a self-made man.

[During the foregoing remarks the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Texas [Mr. OCHILTREE] has expired.

Mr. MILLS. I ask unanimous consent that his time be extended.

Mr. BELFORD and Mr. WELLER asked consent for an extension of time.

Objection was made.

Mr. OCHILTREE. Then I ask leave to print the remainder of my remarks.

Objection was made, but afterward withdrawn.

Mr. WASHBURN. I would like to inquire what time was assigned to the gentleman from Texas?

The SPEAKER *pro tempore*. Fifteen minutes.

Mr. WASHBURN. Under what rule?

The SPEAKER *pro tempore*. Under the twenty-eighth rule.

Mr. WASHBURN. I would like to hear that rule read.

The SPEAKER *pro tempore*. The Clerk will read clause 3 of Rule XXVIII.

The Clerk read as follows:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER *pro tempore*. That is the answer of the Chair to the question of the gentleman from Minnesota [Mr. WASHBURN].

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BELFORD. It is whether it is in order for this House at this time, through one of its members, to present a resolution apologizing to the iron tyranny of the chancellor of the German Empire?

The SPEAKER *pro tempore*. The Chair would say that it was not in order. The gentleman from Pennsylvania [Mr. CURTIN] is recognized for fifteen minutes.

Mr. CURTIN. I do not design to speak to the resolution reported from the Committee on Foreign Affairs. I will yield four minutes to the gentleman from Wisconsin [Mr. DEUSTER], my colleague on the Committee on Foreign Affairs.

Mr. DEUSTER. Mr. Speaker, I for one regret the hasty action of the German chancellor in refusing to transmit the resolution of condolence of this House at the death of Dr. Lasker, merely, as it appears, on account of his antipathy against a departed political adversary. He knows, as does every person, that to place before the Reichstag the resolution of the American House of Representatives did not in any wise imply that he indorsed the sentiments therein expressed. His office, so far as the resolution is concerned, was that of the medium rather than that of the master, and his assumption of the latter rôle was in my opinion unfortunate only for himself.

We can afford to cover this act with the charity of forgetfulness; to err is human, to forgive divine. We may say with Pericles:

We are liberal in our public administration; and with regard to the mutual jealousy of our daily pursuits we are not angry with our neighbor if he does anything to please himself, nor wear on our countenance offensive looks, which, though harmless, are unpleasant.

The Parliament and the people of Germany are in possession of the letter and spirit of the resolutions, even though the parchment upon which they were indited be doomed to molder in the chancellor's waste-basket. The action of our State Department can not be too highly commended. It was not only dignified, but it did not overstep the bounds of international courtesy, while at the same time administering a rebuke to what it justly considered an unwarranted usurpation of the rights and privileges of the German Parliament and people.

Mr. Speaker, I was, I may say it with some degree of pride, intimately acquainted with him whose death has given rise to this controversy. I was among the last persons with whom he conversed before his death, and in justice to his memory I deem it my duty to say that I have Dr. Lasker's own words for it that he had the highest regard for the German chancellor, both as a man and a statesman. They both differed mainly only on one question, a question, sir, upon which not only the two political parties upon this floor differ, but upon which the members of each are not united. Dr. Lasker was a free-trader. This much hath his offending; no more. People uninitiated into German politics have stigmatized him with nihilism, socialism, and all other "isms" in the vocabulary, simply because, as a liberal, he believed in opening the marts of Germany to the competition of the world.

It is not my purpose, nor is this the place, to eulogize the deceased German statesman, but in my heart I mourn his loss as a man of broad views, grand inspirations, and a noble heart. As an American citizen he would have achieved distinction as an advocate and guardian of institutions broad enough for his broad mind; as a German he claimed the right to expand beyond the boundaries of arbitrary power. The result is seen to-day in the vindication of the one and rebuke of the other.

Mr. CURTIN. I yield six minutes to the gentleman from New Jersey [Mr. PHELPS], a member of the Committee on Foreign Affairs.

Mr. PHELPS. Mr. Speaker, this may have been a small matter. Circumstances have made it an important matter. The committee, after much trouble, has made a unanimous report. It ought to have an explanation. That is my excuse for the few remarks that I shall make.

I remember that it was at the close of a long day when the gentleman from Texas sent his resolutions to the desk and asked unanimous consent for their adoption. We were closing our desks preparatory to adjournment, and paused only to hear the object of the motion. It was regret for the death of Lasker. He had just died in this country, suddenly, and only a few days after he had received an informal but cordial welcome on the floor of this House. We felt the regret, saw no need to supervise the manner in which such a sentiment was expressed, gave our consent to the resolutions, and adjourned. They took the usual course. They went to our State Department; the State Department sent them to our minister; our minister delivered them at the office of foreign affairs in Berlin. In the mean time we had forgotten the incident.

Suddenly we learned by telegraph that the German chancellor had refused to accept them. This was startling and serious news. We hurried to the RECORD of January 10 to refresh our memories. We found that we had expressed regret for the death of an eminent German statesman and sympathy with the German Parliament of which he was a member. We had also expressed a belief that his devotion to free and liberal principles had materially advanced the interests of his people. Both statements were true, but in the first case the truth could be exported anywhere; in the other case the truth could not be exported and delivered to a friendly government who thought that his opinions had materially retarded the prosperity of his country. Evidently in our hasty action we had put ourselves in a dilemma. We wished to resent the rejection of friendly sentiments, but resentment was out of place when these sentiments were on the same sheet with political sentiments which no international code could approve.

What were we to do? There seemed no avenue of complete escape. There was an avenue which offered a temporary relief to our feelings. We could assume, not very logically but very naturally, that Bismarck, who had thrust himself into personal prominence in the transaction, did not represent his government or his people. We could separate him from them for our purposes and censure him for failing in his duty. We could call him an untrustworthy servant or postman, and could commiserate the German Government and the German people that they could not find a better. This was the wish at first of this House and of the country, that we should relieve our feelings by some such expression of dignified resentment for Bismarck and his act. The gentleman from New York offered a resolution giving voice to this feeling. This House received it, but wisely referred it. For this House, I wish my newspaper friends to notice, while very fast when it means buncombe, is very slow when it means business. [Laughter.]

The SPEAKER *pro tempore* (at the expiration of the six minutes yielded by Mr. CURTIN to Mr. PHELPS) said: The time of the gentleman from New Jersey [Mr. PHELPS] has expired.

Mr. ROBINSON, of New York. I hope the gentleman's time may be extended.

Mr. COOK. I ask that the gentleman by unanimous consent proceed with his remarks.

Mr. PHELPS. I am not speaking on either side, but am simply explaining the resolutions——

Mr. GUENTHER. I object, unless the same courtesy be extended to other members of the House.

Mr. PHELPS. I ask permission to print the residue of my remarks.

Mr. BOUTELLE. Mr. Speaker, I must object to every such request unless the objections that have been made on the other side to requests of other gentlemen for leave to print be withdrawn.

Mr. CURTIN. The courtesy has been extended, I understand.

Several MEMBERS. Oh, no!

Mr. CURTIN. Mr. Speaker, I do not desire to detain the House more than a moment in speaking upon these resolutions.

Mr. BELFORD. It is impossible on this side of the House to hear the remarks of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania will suspend his remarks until gentlemen resume their seats and order is restored.

Mr. CURTIN. Mr. Speaker, the Committee on Foreign Affairs gave to the resolutions of the 9th of January careful consideration. It will be noticed that in the report we accept the spirit of the resolutions as offered here and adopted, without any reference to the manner of their passage.

We desired to treat this subject with the dignity becoming the House of Representatives; and we therefore refrained from naming any man

connected with the German Empire, as we were dealing with the government of that great country. We refer especially to the agreeable relations which have existed with that country since the formation of this Government, and we express our desire that those relations shall continue. We do not attempt to criticise the internal regulations of the German Empire or the relations of that government to the people or to its legislative body. But we express our sympathy with the German people on the death of an eminent man, who belonged to the people and who served them faithfully for twenty years in the parliament of that country. We commend the conduct of our State Department in its treatment of this delicate question; and we reiterate in our resolutions all that was said in the resolutions of the 9th of January.

The committee desired to maintain the dignity and consequence of this House by continuing to express regret at the death of an eminent man and sympathy for his loss to the people of his own country and to the liberal sentiment of the world. At the same time we have not let the subject down to a bandying of words or to attack any individual connected with the German Empire.

We assert our own dignity in these resolutions and the accompanying report. I therefore now propose we vote on the adoption of the resolutions. Before that vote is taken perhaps I ought to say to the House that immediately after action on the pending resolutions the Committee on Foreign Affairs will submit a further report to the House in answer to the resolution passed by the Liberal Union of the German Parliament couched in words which can not be misunderstood.

Several MEMBERS. Read them now.

Mr. CURTIN. I shall ask those resolutions may be spread upon the Journal of the House.

Mr. HAMMOND. Before the vote is taken I desire to suggest that these objections——

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. CURTIN. I thought my time had expired.

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. HAMMOND. I ask the gentleman to yield to me for half a minute.

Mr. CURTIN. Certainly.

Mr. HAMMOND. I think, Mr. Speaker, that the unusual objections to printing remarks grew out of misunderstanding on both sides of the House. I hope they will be withdrawn and that gentlemen who have made the request to print the balance of their remarks may be allowed to do so.

Mr. CURTIN. I hope that will be done.

Mr. HAMMOND. As objection came from this side of the House in the first place, I hope it will be withdrawn.

Mr. COSGROVE. I objected first to the extension of time when requested by the gentleman from Texas [Mr. OCHILTREE] because when I did it some gentlemen on the other side in a contemptuous manner seemed to question my right to do so, and then under the impulse of the moment I insisted on my objection. After the explanation has been made I now withdraw my objection.

Mr. BOUTELLE. And I withdraw my objection.

Mr. BRUMM. And I take great pleasure in withdrawing my objection to the printing of remarks by the gentleman from Wisconsin.

Mr. GUENTHER. I also withdraw my objection.

Mr. CURTIN. All then will have the right to print their remarks which have been objected to.

The SPEAKER *pro tempore*. Certainly.

Mr. CURTIN. At the request of several members, and in order that the House may understand the action of the Committee on Foreign Affairs in all its extent, I ask the Clerk to read the resolutions which I have referred to as those that committee will report after the pending matter has been disposed of. It can be done in my time and as a part of my speech.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred the memorial of the Liberal Union of the members of the German Parliament, which was introduced by the member from Wisconsin, beg leave to report that the resolution contained in this memorial expresses so just an appreciation of the action of this House and so cordial a wish for the prosperity of our country and of the two nations that it is deemed proper to make a fitting acknowledgment. The committee therefore ask the adoption of the following resolutions:

*Resolved*, That the House cordially reciprocates the wishes of the Liberal Union of the members of the German Parliament for a closer union of the two nations, and recognizes their graceful appreciation of its sympathy with those who mourn the death of Eduard Lasker.

*Resolved*, That the House accepts these resolutions, and asks that they be spread upon the Journal.

Mr. CURTIN. I give notice I will present those resolutions from the Committee on Foreign Affairs immediately after the pending resolutions.

The SPEAKER *pro tempore*. The gentleman's time has now expired.

Mr. GUENTHER. I ask unanimous consent of the House that the time on each side be extended three minutes.

The SPEAKER *pro tempore*. Is there objection?

Mr. LAMB and Mr. GEORGE D. WISE objected.

Mr. COX, of New York. As I understand it now debate is entirely exhausted.

The SPEAKER *pro tempore*. It is.

Mr. COX, of New York. I move to recommit the resolutions with instructions to report them back with the resolution I send to the Clerk's desk to be read.

Mr. JOHN S. WISE. Is it in order now to offer a substitute for the resolutions of the committee?

The SPEAKER *pro tempore*. It is not, as the House is acting under the operation of the previous question.

Mr. JOHN S. WISE. But I understand this to be a new motion.

The SPEAKER *pro tempore*. The gentleman from New York moves to recommit the resolutions with the following instructions, which the Clerk will read.

The Clerk read as follows:

*Resolved*, That the pending resolutions be recommitted to the Committee on Foreign Affairs with instructions to report back the following:

"*Resolved*, That this House does hereby repeat the expression of its sincere regret at the death of the late Eduard Lasker, and offer its sympathy with the Parliament of the German Empire, of which for so many years he was a distinguished member."

Mr. EATON. We have already done that.

Mr. COX, of New York. The gentleman from Connecticut is out of order, as I can not debate in reply.

Mr. KEIFER. I have no objection to the House voting on that question, but I protest against a precedent being established thereby against the rules of the House.

Mr. BELMONT. I move to refer that to the Committee on Naval Affairs. [Laughter.]

Mr. BELFORD. I demand the yeas and nays on the motion to recommit.

Mr. COX, of New York. I understand some one moved to refer to the Committee on Naval Affairs. As the House paid no attention to it I will take no notice of it.

The SPEAKER *pro tempore*. The pending question is on the motion to recommit with instructions.

Mr. BELFORD demanded the yeas and nays.

The House divided; and there were ayes 26.

The SPEAKER *pro tempore*. Not a sufficient number.

Mr. MILLER, of Pennsylvania. I ask for a further count.

The House divided; and there were noes 157.

So the yeas and nays were refused.

The motion of Mr. COX, of New York, to recommit with instructions was rejected.

Mr. JOHN S. WISE. I move to recommit with instructions.

The SPEAKER *pro tempore*. Under the rules only one motion to recommit is in order after the previous question is called.

The question recurred on the adoption of the resolutions.

Mr. BRUMM demanded the yeas and nays.

The yeas and nays were not ordered.

The resolutions were adopted.

Mr. CURTIN moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CURTIN. I now present the report from the Committee on Foreign Affairs, which the Clerk has already read.

The resolutions were again read.

Mr. CURTIN. I move the adoption of those resolutions.

Mr. HUTCHINS. I would ask the gentleman to explain what is this Liberal Union of the German Empire to which reference is made?

Mr. CURTIN. I demand the previous question.

Mr. GUENTHER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GUENTHER. May I ask if that resolution is not now open to debate?

The SPEAKER *pro tempore*. It is not yet before the House for consideration, and will not be open for debate unless the House determines to consider it.

The Chair understands the gentleman from New York [Mr. HUTCHINS] to take the floor and make objection to the present consideration of the resolution.

Mr. HUTCHINS. I do not object to its consideration.

Mr. BRUMM. I rise to a parliamentary inquiry.

Mr. CURTIN. I will answer the gentleman from New York——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania on the left is recognized.

Mr. BRUMM. After the resolutions were read and were before the House and no objection had been made to their immediate consideration, I understood the Chair had recognized the gentleman from Wisconsin [Mr. GUENTHER]. The gentleman from Wisconsin then asked whether debate was in order. I understood the Chair to reply that it was not. I should be glad to know the reason.

The SPEAKER *pro tempore*. The Chair stated that it would not be in order until the House had given unanimous consent to consider the

report of the committee. The gentleman from New York was then, as the Chair supposed, objecting to its consideration.

The Chair is now informed that no objection was made, and under the rule the Chair first recognizes the chairman of the Committee on Foreign Affairs, who submitted the report. Debate under the rule will be in order then, if the previous question be ordered, for fifteen minutes on each side.

Mr. CURTIN. I have no desire to say anything on the subject.

Mr. HUTCHINS. I would like to have the gentleman from Pennsylvania answer my question.

Mr. CURTIN. Certainly. What is it?

Mr. HUTCHINS. I wish the gentleman to explain what this Liberal Union is, and why this House should be called upon to act upon the resolution adopted by that union if it is not an official organization?

Mr. CURTIN. I will explain that.

The gentleman from New York interrogates me as to the party sending to this Government the resolutions offered by the gentleman from Wisconsin [Mr. DEUSTER]. They represent sixty members of the German Parliament known as the Liberal Union, and during a long period in the life of Dr. Lasker he stood at the head of that organization. They constitute what is known as the liberal branch of the German Parliament; and while the Committee on Foreign Affairs deals with the Imperial Government of Germany as a government, it is thought proper that this House should recognize the sympathy and manner in which that sympathy is expressed by the Liberal Union for the continued prosperity and pleasant relations of the two governments, and at the same time thanking us for the resolution passed by the House in sympathy with the death of Dr. Lasker. That is all. I do not think that there is any need for debate.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Pennsylvania to demand the previous question?

Mr. CURTIN. I do demand it.

The previous question was ordered.

Mr. GUENTHER. Mr. Speaker, I am heartily in favor of this resolution reported by the Committee on Foreign Affairs. I wish I could have said as much for the other resolution. I subscribe to every word of praise uttered here to-day in behalf of Dr. Lasker, whom I learned to love and esteem while he visited this capital last December.

I voted for the motion of the gentleman from New York to lay the former report of the Committee on Foreign Affairs upon the table for the reason that I am not in favor of any *post mortem* resolutions. Had the resolution been reported in proper time I should probably have given it my support and voted in favor of it; but at this late day it has lost its force, and it fell as dead as Julius Cæsar upon the country. I should have been in favor of the adoption of proper resolutions at the proper time, that is to say, immediately after the receipt of the message of the President of the United States returning the Lasker resolution, which, while dignified and respectful in character, should be couched in firm and decisive language, and which would have conveyed to the chancellor of the German Empire, as well as to the whole world, the fact that after the dignity of the House of Representatives of the United States had been violated in an entirely uncalled-for manner, in a manner unwarranted by any of its acts or intents, it would not be deluded into submissive acquiescence by any mere Machiavelian phrases.

Considered in the light of former and subsequent evidence, in view of the continued uncalled-for assaults upon our minister at Berlin by the semi-official press of the German Empire with at least the tacit approval if not the direct inspiration of the German Government, the words accompanying the return of the Lasker resolution and the statements in the Reichstag made by the German chancellor can not be given the weight and consideration to which they might have been entitled were his acts, either of commission or omission, in conformity with them.

I do not wish to take up the time of this House much longer on this subject; and in conclusion I wish to state simply as my deepest conviction and belief that the citizens of the United States, whether native-born or naturalized, are not in favor of silently submitting to affronts upon our national dignity not even by the most powerful of nations without resenting them in the most positive manner. [Applause.]

The chancellor of the German Empire must be made to understand that the people of the United States can not be treated with discourtesy and will then silently pocket the same.

Inferentially he ought also be made to see that the American people will not much longer tolerate the uncalled-for treatment of our duly accredited minister at Berlin, a gentleman whose only offense has been to jealously guard and faithfully represent the interests of his country and to carry out the instructions received from our State Department.

If Prince Bismarck wants to show to the Reichstag his lack of respect for that body, or for any of its members, or any of his political opponents, he must not do so at the expense of the dignity of the House of Representatives of the United States.

We mean to treat and we do treat every nation with due respect, and all we ask in return is a like respectful consideration; nothing more, but certainly nothing less. [Applause.]

I yield the remainder of my time, if I have any, to my distinguished friend from New York [Mr. COX].

Mr. COX, of New York. The gentleman from Wisconsin and myself are perhaps on the same side. I thought he started out in favor of these resolutions.

Mr. GUENTHER. I started out in favor of the present resolutions in regard to the message of the Liberal Union.

Mr. COX, of New York. Well, Mr. Speaker, it looks to me very much as if the original motion to lay this whole matter on the table should have passed; not because the distinguished chairman of the Foreign Affairs Committee has taken the guardianship of the House and its proprieties, for no one is better fitted for that purpose than himself, but because we are now trying to show ourselves thankful to one portion of the Reichstag only—how large a portion I do not know. It may be a very small or large number. We are trying to express our gratitude and thankfulness to a small number of the Reichstag after being grossly insulted by the "blood-and-iron" minister who sways the great body of its members. This is one of our predicaments to-day.

Then, sir, there is another aspect of our position. We are thanking the members of a particular local organization for thanking us! Are we not thus complicating the matter? Is there not such a way as to lose all the dignity, all the courage, all the Americanism that belongs to this Congress? Let us recur to the old democratic days. Rufus Choate, who was a Republican, became at the end of his life a Democrat. He gave the splendor of his fame and imagery to the party which he said he loved. Why? Because it was the party which in perilous days "had a gay and festive defiance of foreign dictation." Lo! now and here we sit, sir, discussing how best we can put our mouths in the dust before this blood-and-iron chancellor of a blood-and-iron dynasty.

This is not merely a matter of dignity or comity between nations. It is a matter of much higher concern. This manly man Herr Lasker was a type of a great class. He was a friend of labor. He was its interpreter and prophet, its friend and adviser, in a realm where the word of the kaiser was law, and liberty was suppressed by penalty and force. He was the representative of democracy in the larger sense of that term. He was an orator and a splendid type of the great race that has come down to us from the "chosen people" in earlier times. The tribute paid to his memory was also a tribute to the race from which he sprung—a race whose history runs back into the dawn of time. To that race we owe our entire system of ethics and the preservation of the foundations of religion. Amid centuries of glorious nationality and through long ages of intolerance and most cruel persecution, Hebrew virtue, pride, and courage remain untarnished by the hand of time. In everything that broadens civilization, Hebrew genius, intellect, research, and learning stand forth pre-eminent.

What a race has been stricken by the death of this distinguished German and Hebrew? I say it is only a part of the history of persecutions which in this day of the nineteenth century are a humiliation and not to be tolerated in this country. In the Middle Ages one nation alone sacrificed six hundred thousand Jews. They were the flower of science, the devotees of literature, skilled in art, and enthusiastic in poetry. They were men of industry, enterprise, and commerce—honest, social, and hospitable. I would not suffer for a moment that we should give even a possible shadow of excuse for bowing before this terrible specter of persecution.

Twice have I called the attention of the House—on the 21st of May, 1880, and again on the 31st of July, 1882—to the persecutions of the Jews in Russia. We have become used to the persecutions in that country. It is a part of its barbarism. But it is only within the past few years that the same ruthless system of persecution has obtained in Germany. The time of Hebraic liberty will come, and I trust soon, as it has come in this and some countries in Europe, notably in Spain, which has invited the Hebrew exiles of Germany to her shores. To the Hebrew race it is proclaimed by God Himself in Holy Writ: "I will shake all nations, and the desire of all nations shall come, and I will fill this house with glory, saith the Lord of Hosts."

It becomes us especially, who have offered an asylum to these stricken people, and in view of their remarkable attainments in all that civilizes and blesses, that the indirect insult to their race, through one of its distinguished sons, shall receive no mitigation by tenders of semi-sympathy to the organ of autocratic power, even where that power is concealed in the silken glove of an accomplished statesman.

If gentlemen have only noticed the signs of the times in Russia, in Austria, and especially in Germany—where the anti-Semitic movement is fomented by those very nearly connected with Prince Bismarck—they will see the animus of this attempt to humiliate us, or rather of the insult cast upon the American Congress over the dead body of Herr Lasker.

The Constitution of the United States, the people of the United States, all that is elevated in religion and glorious in civil and religious liberty, protest against the measures we have taken so humbly to-day. For one I asked that the resolution offered the other day by my colleague from New York [Mr. HISCOCK], which was dignified, honorable, and consistent, be sent back for reconsideration to the Committee on Foreign Affairs, that it might be acted upon in the proper and in the new lights and revelations of debate. The result is that the House of Representatives preferred to salaam before iron and blood, and make republicanism and democracy, here combined, almost a farce.

I know what the good people of the Teutonic races in both hemispheres will think of this meek mockery of reiteration. John Milton, in his famous plea for unlicensed printing—the Areopagitica—said that the old Teutonic tongue never syllabled the words of slavery. The German people gave to the world Magna Charta before it was penned at Runnymede. They favored liberty in the ancient days and primeval forests of Germany, to which Tacitus has given immortalization. Those Goths, so much reviled by the ignorant, bore their *fueras* for personal and public rights and liberties into Spain in the Dark Ages—whose glory is yet sung in the hymn of Riego. The people of Germany are in accord with the people of this country. I say the people, not the royal personages. But for the great standing armies and the immense power of blood and iron, which means taxation and poverty, emigration and discontent, there would have been perhaps earlier, as there may be in a future day not remote, such an uprising of the old Teutonic element that liberty in her elemental grandeur shall become as resplendent in the Eastern as in our hemisphere. [Applause.]

I trust that the House of Representatives will take no backward step. Let us advance! Why, sir, what have we in America to beg pardon for? For being born? We were born as a people, protesting in our charters, first with our Declaration of Independence and then with our matchless Constitution, against just such titled creatures of feudalism, force, and kingcraft as now rule, vex, and tax Europe. Our protest has been maintained for more than a hundred years. It has gone over oceans and under oceans. Did not its electricity make the French revolution? Did it not create an insurgency of peoples long subject and oppressed? The grandeur which now encircles the republics of France and Switzerland is reflecting the refulgent glory of free government upon the nations around them; and the peoples of the Old World are preparing to dethrone despotism and enshrine liberty.

For one I would not, for any policy of iron and blood, taxes and repression, lower one stripe nor blot out one star upon that flag. [Applause.]

Mr. BRUMM. I ask the gentleman from New York to yield me a portion of his time.

Mr. COX, of New York. I yield to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. The great trouble with the American Congress has been in all matters in relation to foreign affairs that resolutions have been brought into this body and we have been too cowardly to permit debate and consider them deliberately. Had we in the first place debated this resolution, if there was anything wrong in it debate would have developed it. Now it is too late to draw back. The original resolution was passed by unanimous consent and without debate. One mistake breeds another. And thus we are placed in the humiliating position of first passing a resolution indorsing the contemptible and mean acts of the chancellor of Germany, and then we attempt to place ourselves right by patting those on the back whom we insulted by that very indorsement.

It is carrying water on both shoulders. Talk about dignity! The chairman of the Committee on Foreign Affairs [Mr. CURTIN] has no apology to make for his acts except dignity. I say that if it be dignified to shrink from every responsibility, if it be dignified to pat the one party on the back and then answer that by patting the other, I for one have never yet learned that miserable kind of dignity. In my judgment true dignity is to be honorable at all times, to be heroic and brave; to express your convictions, and not to play the coward simply because a chancellor might forsooth say that you have not followed the strict rule of parliamentary etiquette.

Mr. CURTIN. I apprehend that the gentleman from New York [Mr. COX] is in favor of these resolutions; is he not?

Mr. COX, of New York. No; I am not now for any of this business.

Mr. CURTIN. You are not?

Mr. COX, of New York. I voted to lay the whole subject on the table.

Mr. CURTIN. Then you are opposed to the sympathy expressed for this country by the Liberal League?

Mr. COX, of New York. The gentleman can judge from my remarks what I am in favor of.

Mr. CURTIN. Who are you in favor of in Germany, if not of that party which is in favor of freedom and enlarged liberty? And where did the electric spark of which the gentleman speaks so eloquently fall more powerfully than in Germany; and who represent those liberal sentiments but the sixty-five men who signed the paper which we desire to put on record and for which we desire to return our sympathy?

The definition of national honor uttered by my colleague [Mr. BRUMM] would have been very well in place before the resolutions were passed. He, however, seems to be in favor of those resolutions. I assert that there is not one word in the report of the committee, in the preamble or in the resolutions, which does not in proper and significant language express to the German chancellor just what is right and proper on the part of this House. If gentlemen will read the resolutions in the text and between the lines they will not find that those who made that report and brought it to this House fall at all below the lofty standard of morality and honor of which my colleague from Pennsylvania [Mr. BRUMM] prates so loudly.

I yield the remainder of my time to the gentleman from New Jersey [Mr. PHELPS].

Mr. OCHILTREE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. OCHILTREE. Will these resolutions be sent through the German chancellor to the Reichstag?

Mr. PHELPS. I desire to inquire how much time I have.

The SPEAKER *pro tempore*. The gentleman has seven minutes.

Mr. PHELPS. Mr. Speaker, the remarks that have been made since I was interrupted convince me more than ever that the House does not fully understand the resolutions which our committee has reported and that further explanation is necessary.

While we were waiting, holding in our hands the resolutions of the gentleman from New York, a solution of our troubles came to us from powerful and unexpected quarters. The two problems which seemed insoluble fell instantly before the skill of Bismarck and Frelinghuysen. We wished an apology from the German Government because we thought we had meant well, and we did not wish to receive back our resolutions, although a part of them was justly subject to this treatment. Bismarck solved one of these problems, Frelinghuysen solved the other.

The German chancellor instructed the German minister in returning the resolutions to the Secretary of State to say that he would have gratefully received and transmitted the resolutions of the House had they concerned only the personal qualities of the departed statesman, but that he was reluctantly obliged to return them because they contained an estimate of his political opinions which the chancellor believed to be incorrect, and, having that belief, felt himself without authority to deliver them to his Parliament. And when the Secretary of State was tendered the resolutions he could find neither in tradition nor in precedent any authority which would warrant him to accept them, and the Secretary of State returned them to the German minister with the same courtesy with which the German minister had offered them.

Pending those formal efforts of high officials in the two Governments to create a pathway by which we should walk out of our slough, a pleasant incident outside served to warm the atmosphere which surrounded the transaction. The liberal members of the German Parliament passed a resolution of hearty gratitude to us for our action upon the death of their deceased associate, and availed themselves of the same opportunity to express most cordial good wishes.

To wind up the whole matter as far as the Executives of both nations were concerned, and to make the atmosphere still warmer and rosier, the proud chancellor entered the Reichstag for the first time for eighteen months and there formally renewed his disavowal of any intention to express discourtesy or disrespect to this body.

After what had been done by the German chancellor and the American Secretary there was nothing left for our committee to do except to crown their edifice with a becoming capital. We think that we have done this so well as not to merit rebuke but to merit praise. Each man on the committee has refrained from insisting upon much which he would like to have expressed. We were encouraged in this self-sacrifice by the reticence and restraint in the House. We knew that it was hard for the fiery knight from Colorado not to rush down the aisle and tell us that the white dove of peace which we had sent across the German Ocean had come back to us with the same olive branch, and for the gentleman from Texas to watch in silence his fame as it expanded beyond the limits of his own State to the circumference of the world.

In our first resolutions we state that the object of the original resolutions was to express regret for the death of an eminent German statesman, and sympathy with the German Parliament of which he was a member. This is a reiteration of the original. In our second resolution we state that after we had put this communication into the proper channel it was not our business to criticise the relations between the executive and legislative branches of the German Government which had prevented it from reaching its destination. And in the third resolution—for practically the resolutions appended to the two reports form a single series—we acknowledge the receipt of the memorial of the Liberal Union and reciprocate all the cordial wishes which it contains. It will be noticed that there is no word of apology from us and at the same time no word of insult to them. It is a fair solution of a most troublesome matter, and I submit that after accomplishing so much, after saving the dignity of this House, after spreading the fame of Lasker into new regions, after getting the great chancellor into the Reichstag in his new rôle as a complacent and apologetic gentleman, after getting an invitation for the American minister to dine at a state dinner where they may give him American pork, we can in a fair spirit of satisfaction group ourselves around the gentleman from Texas and ring down the curtain upon this international episode.

The question being taken upon the resolution reported by Mr. CURTIN from the Committee on Foreign Affairs, it was agreed to.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. In order to proceed to the consideration of a contested-election case, I move to dispense with the morning hour.

Mr. RANDALL. I hope we shall have the morning hour and go on with the election case afterward. But if the gentleman desires to press the consideration of the election case, he need not make his motion to dispense with the morning hour, as the election case has precedence over the morning hour.

Mr. TURNER, of Georgia. In reply to the gentleman from Pennsylvania [Mr. RANDALL] I desire simply to say that good faith clearly requires I should make this motion—good faith to gentlemen who have been conferring with me on the subject.

The SPEAKER *pro tempore*. Does the gentleman from Georgia insist on his motion?

Mr. TURNER, of Georgia. I do.

Mr. HOLMAN. I rise to a parliamentary inquiry. Is not a contested-election case of higher privilege than the morning hour?

The SPEAKER *pro tempore*. The right of a member to a seat is a question of the highest privilege, but the gentleman from Georgia did not exercise his privilege or claim to call the case up as one of privilege, but contented himself with a motion to dispense with the morning hour.

The question being taken on the motion of Mr. TURNER, of Georgia, to dispense with the morning hour, it was not agreed to; there being—ayes 88, noes 72 (less than two-thirds voting in the affirmative).

The SPEAKER *pro tempore*. The morning hour commences at 2 o'clock and 45 minutes. The Chair recognizes the call as resting with the Committee on Claims.

Mr. TURNER, of Georgia. Mr. Speaker, I was not in the House when the session opened this morning, and am not fully informed as to the status of business. As a parliamentary inquiry I ask what is the order of business now?

The SPEAKER *pro tempore*. The call of committees.

Mr. TURNER, of Georgia. Then I ask to submit a report from the Committee on Elections. Is not this a privileged motion?

The SPEAKER *pro tempore*. The Chair stated to the gentleman from Georgia that the report which the Chair understood he wanted to submit was a question of privilege. The gentleman did not see fit, however, to avail himself of that, but contented himself with a motion to dispense with the morning hour, which required a vote of two-thirds for its adoption; and that motion was not agreed to.

Mr. TURNER, of Georgia. Mr. Speaker, I ask the recognition of the Chair to submit the report of the Committee on Elections on the privileged matter to which reference has already been made.

The SPEAKER *pro tempore*. The Chair will state that it is not, in his opinion, a usual procedure to interrupt the call of committees for reports in this way, but the Chair recognizes the character of privilege to which the gentleman refers.

Mr. RANDALL. The Committee on Elections is first under call in the morning hour during the call of committees for reports.

The SPEAKER *pro tempore*. The Chair is proceeding with a call left unfinished, and the call now rests with the Committee on Claims.

Mr. BUCKNER. Does the Chair decide that the gentleman from Georgia is precluded from submitting his privileged report from the Committee on Elections?

The SPEAKER *pro tempore*. On the contrary, the Chair recognizes, as he has already stated, the privileged character of the report from the Committee on Elections. He has stated that in his opinion it is not usual to interrupt the call of committees after a vote has been had to dispense with the morning hour and that motion has been defeated. The present call of committees begins where the former call was left unfinished. The call now rests with the Committee on Claims. The Chair understood the report which the gentleman from Georgia wished to submit was one of the highest privilege, coming as it does from the Committee on Elections and in reference to the right of a member to his seat upon this floor, and that report he can submit at any time at his pleasure.

Mr. CALKINS. If the gentleman from Georgia insists upon presenting his question of the highest privilege, of course that will displace the morning hour.

The SPEAKER *pro tempore*. The morning hour will not be dispensed with, but it will for the time being be displaced.

Mr. RANDALL. The report which the gentleman from Georgia proposes to submit is undoubtedly one of the highest privilege under the Constitution.

The SPEAKER *pro tempore*. The Chair does not doubt for a moment that the question is one of the highest privilege and may be called up at the gentleman's pleasure.

Mr. TURNER, of Georgia. Then I call it up now.

The SPEAKER *pro tempore*. For present consideration?

Mr. TURNER, of Georgia. I desire to submit the report at this time.

The SPEAKER *pro tempore*. Then the Clerk will read it.

VIRGINIA CONTESTED ELECTION—GARRISON VS. MAYO.

Mr. TURNER, of Georgia, from the Committee on Elections, in the contested election of George T. Garrison *vs.* Robert M. Mayo, from the first Congressional district of Virginia, submitted a report, concluding with the following resolutions:

The Clerk read as follows:

*Resolved*, That Robert M. Mayo was not elected as a Representative to the Forty-eighth Congress from the first Congressional district of Virginia, and is not entitled to the seat.

*Resolved*, That George T. Garrison was duly elected from the first Congressional district of Virginia, and is entitled to the seat.

Mr. TURNER, of Georgia. I ask for the present consideration of the resolutions, and will now demand the previous question.

Mr. HEPBURN. I suggest, Mr. Speaker, that hasty action ought not to be taken on the resolutions just read, but that the report of the committee should be laid before the House and printed, so members may understand the case.

Mr. TURNER, of Georgia. The resolutions represent the unanimous action of the committee.

Mr. HEPBURN. There is a member of the House who desires to be heard, and it is only right he should be advised of the character of the printed report and have some time for preparation.

Mr. TURNER, of Georgia. To whom does the gentleman refer?

Mr. HEPBURN. The sitting member.

Mr. TURNER, of Georgia. I will afford the gentleman from Virginia ample time to discuss that report.

Mr. HEPBURN. It may be that he is not prepared to discuss the report at this time, and he ought to have an opportunity to examine it and know what it contains.

Mr. MAYO. I ask only for a day.

Mr. CALKINS. The gentleman I understand only asks for a day to examine the report and prepare his reply.

Mr. TURNER, of Georgia. For nearly four months the gentleman we think rightfully entitled to a seat on this floor has been excluded, and a good reason ought to be given for his further exclusion from his seat. If the gentleman from Virginia will rise in his place and state that he desires an opportunity to prepare a speech on the question, so as to present the contrary view and to claim the seat upon the arguments he will present, I will not insist on immediate consideration, although I desire here to say that the resolutions which I have had the honor to submit to the House in this case are unanimously agreed to by the members of the committee present at the time. I wish to be understood. I will not consent to a single hour's delay in this case unless the gentleman interested in it, who is to be excluded by the effect of the adoption of the resolution, shall rise in his place and state that in good faith he desires to oppose the adoption of the resolutions and show he is entitled to his seat.

Mr. HEPBURN. There is no desire on the part of any one to unnecessarily delay the action of the House on this matter, but it is only fair that a report of this importance—and it is an important report, and there are many things referred to in it necessary to be understood and upon which members of the House should be advised—it is only fair, I say, that some time should elapse after it has been presented to the House, so it may be printed and examined by members before they are called upon to vote upon it.

It is only fair that it should be printed and laid upon our desks in the usual way. I have not certainly any desire to interpose unnecessary and improper objections to the consideration of this or any other case; but we have a right, I think, to insist upon the printing of the report and time enough to consider it. I think the gentleman from Virginia ought not to be compelled to make the statement which he has been called upon to make. It is unusual, and the action of the committee is not warranted by the exigency of the case.

Mr. MAYO. Mr. Speaker, I have no possible objection to answering fully what I have been called upon to answer by the gentleman in charge of this report. I believe that under the laws of this country I am justly and fairly entitled to my seat on this floor. Leaving out of consideration every technical question known under the election laws of the country, I believe that I am entitled to the place; and I would like to have an opportunity to examine upon what ground these gentlemen have rejected the votes whereon I claim I have a majority and have been duly elected, giving up, as I have said, every technical question. I have not had an opportunity of doing so; and all I ask is that an opportunity be accorded to me.

It is only right, I think, that I should be allowed to examine into the question, and I will say this, that if I am satisfied with the reasoning of the gentlemen on the committee, and that I am not entitled to the place, I shall get up before this House and say so fairly and distinctly.

Mr. TURNER, of Georgia. Will the gentleman from Virginia state to the House, if he will pardon an interruption, whether he can not proceed to-day to occupy the entire time for debate?

Mr. MAYO. In answer to the gentleman from Georgia I will say that I can not do so without an examination into the question presented by this report, because of the fact that the report to-day, which has just been presented, has taken me considerably by suprise, and I am not in a condition to discuss the matter. I have never seen it except, I will say, by the courtesy of my friend from Georgia, the chairman of the Com-

mittee on Elections, who has been courteous in all of his actions in connection with the matter, and who handed me a copy this morning. I should like, therefore, to have an opportunity of examining the report before being called upon to discuss the question presented.

Mr. TURNER, of Georgia. Mr. Speaker, in justice to myself I wish to state that I handed the gentleman from Virginia a copy of the report immediately upon the termination of the session in the Committee on Elections at which the report was agreed to. That was early this morning.

But, further, on the statement which the gentleman from Virginia has made I do not believe that it would be exactly proper to press him to a precipitate discussion of the case. Having in good faith stated, as I understand him, grounds on which he desires to contest the conclusion at which the committee have arrived, he should have an opportunity to do so. With that view, therefore, I acquiesce in his request that it shall go over until to-morrow morning, and I now give notice to the House that I will call it up immediately after the reading of the Journal to-morrow.

Mr. SPRINGER. Regular order!

The SPEAKER *pro tempore*. The regular order is the further call of committees for reports.

ADVERSE REPORTS.

Mr. LORE, from the Committee on Claims, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 146) for the relief of the widow and heirs of the late Capt. Samuel Jeffrey; and

A bill (H. R. 923) for the relief of J. H. Merrell.

DAVID W. JONES.

Mr. RAY, of New York, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4549) for the relief of David W. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. DOCKERY, the Committee on Claims was discharged from the further consideration of the letter of the Secretary of the Treasury submitting the claim of the State of South Carolina under the act of June 7, 1862; and the same was referred to the Committee on Appropriations.

CHARLES H. GETMAN AND OTHERS.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back, as a substitute for the bill (H. R. 2442) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co., certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption, a bill (H. R. 6087) of the same title; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COLUMBUS F. PERRY AND ELIZABETH GILMER.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 6) for the relief of Columbus F. Perry and Elizabeth Gilmer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Z. M. PETTIGREW.

Mr. WOOD, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3002) for the relief of Z. M. Pettigrew; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. WOODARD.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 4008, a bill (H. R. 6088) for the relief of James H. Woodard; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOSES F. CARLETON.

Mr. GEDDES, from the Committee on War Claims, also reported, as a substitute for H. R. 4792, a bill (H. R. 6089) for the relief of Moses F. Carleton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4516) for the relief of Fred. Hess;

A bill (H. R. 405) for the relief of Mrs. Sarah H. Wiggins;

A bill (H. R. 221) for the relief of Jacob B. King;

A bill (H. R. 5526) for the relief of George F. Brott; and

A bill (H. R. 866) for the relief of the heirs of Horatio N. Spencer, deceased.

MRS. P. L. WARD.

Mr. WELLER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2850) for the relief of Mrs. P. L. Ward, widow and executrix of William Ward, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORA A. SLOCUMB AND OTHERS.

Mr. ROWELL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4776) for the relief of Cora A. Slocumb, Ida A. Richardson, and Caroline Augusta Urquhart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'GHEE.

Mr. ROWELL, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 3783) for the relief of James McGhee.

Mr. DIBRELL. I ask that that bill go to the Private Calendar with the adverse report.

The SPEAKER *pro tempore*. That is the gentleman's right.

The bill H. R. 3783 was referred to the Committee of the Whole House on the Private Calendar, and the accompanying adverse report ordered to be printed.

ADVERSE REPORTS.

Mr. ROWELL, from the Committee on War Claims, also reported back with adverse recommendations the following bills and petition; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3689) for the relief of Lawson Moore;

A bill (H. R. 3293) for the relief of John G. Eberle; and

Petition of the trustees of the La Grange Synodical College.

SIDNEY HENDERSON.

Mr. TULLY, from the Committee on War Claims, reported, as a substitute for H. R. 3522, a bill (H. R. 6090) for the relief of Sidney Henderson, executrix of John Henderson, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DIBRELL. By a resolution of the House adopted on Friday last this bill, then recommitted to the committee, was not to lose its place on the Calendar when reported back.

ELIZA E. HEBERT.

Mr. TULLY also presented the views of the minority of the Committee on War Claims on the bill (H. R. 684) for the relief of Mrs. Eliza E. Hebert; which were ordered to be printed, with the report of the majority of the committee, and referred to the Committee of the Whole House on the Private Calendar.

WILLIAM H. GORDON.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 1543) for the relief of William H. Gordon; which was laid on the table, and the accompanying report ordered to be printed.

PROTECTION OF NEW YORK FRONTIER.

Mr. ROGERS, of New York, from the Committee on War Claims, ported back with a favorable recommendation the joint resolution (H. Res. 89) authorizing the Secretary of the Treasury to pay certain expenditures incurred by the State of New York for the defense and protection of the frontier from invasion from Canada in the year 1864; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROGERS, of New York, from the Committee on War Claims, also reported back with adverse recommendations the following bill and petition; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. 81) for the relief of Eva Moore, Henry Carleton, and Maud Carleton Courtis, children of General James H. Carleton; and

Petition of George C. Harper.

JOHN CONNOLLY.

Mr. WORTHINGTON, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 2858) for the relief of John Connolly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN CASEY.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back the bill (H. R. 3811) for the relief of Stephen Casey, and moved that the committee be discharged from its further consideration and that it be referred to the Committee on Claims.

The motion was agreed to.

SARATOGA MONUMENT.

Mr. SINGLETON, from the Committee on the Library, reported back with a favorable recommendation the bill (H. R. 3327) to provide statuary and historic tablets for the Saratoga monument; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

LAWRENCE S. BRUMIDI.

Mr. SINGLETON, from the Committee on the Library, also reported a bill (H. R. 6091) for the relief of Lawrence S. Brumidi, heir of Constantine Brumidi, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNIVERSITY OF ALABAMA.

Mr. OATES, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SARAH O'NEILL.

Mr. O'NEILL, of Missouri, from the Committee on Labor, to which had been referred the petition of Miss Sarah O'Neill, complaining of having been discharged on account of illness contracted in the basement of the Treasury building, by reason of its unfitness for human occupation, reported the following resolution; which was placed on the House Calender, and the accompanying report ordered to be printed:

*Resolved*, That the Committee on Labor be, and it is hereby, authorized to inquire into the sanitary condition of places where labor is employed by the Government, the hours of labor, and such other matters pertaining to the welfare of persons employed by the Government as it may deem necessary.

ARMING THE MILITIA.

Mr. STRAIT, from the Committee on the Militia, reported back with an amendment the bill (H. R. 5057) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms for the militia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSTRUCTION OF STATE MILITIA.

Mr. COX, of North Carolina, from the Committee on the Militia, reported back with an amendment the bill (H. R. 2633) for the special and uniform instruction of State militia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES J. JOHNSTON.

Mr. WINANS, of Michigan, from the Committee on Patents, reported back with an amendment the bill (H. R. 1210) for the relief of James J. Johnston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALGERNON M. COOK.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 4387) for the relief of Algernon M. Cook, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The motion was agreed to.

BEN MORGAN.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported with an amendment the bill (H. R. 1256) increasing the pension of Ben Morgan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT BRANT.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported with an amendment the bill (H. R. 3382) granting a pension to Albert Brant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES RODEN.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2543) granting a pension to James Roden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HUGH RYAN.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2537) granting a pension to Hugh Ryan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MICHAEL MACK.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2536) granting a pension to Michael Mack; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALLY INGHAM.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4238) granting a pension to Sally Ingham; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. KISER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2539) granting a pension to George W. Kiser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM BOLWORK.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3749) granting a pension to William Bolwork; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM ARCHIBALD.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2535) granting a pension to William Archibald; which was laid on the table, and the accompanying report ordered to be printed.

JAMES A. QUINLAN.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 3747) granting an increase of pension to James A. Quinlan; which was laid on the table, and the accompanying report ordered to be printed.

HENRY HUNT.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 3748) granting a pension to Henry Hunt; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM J. M'PHERSON.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2541) granting a pension to William J. McPherson; which was laid on the table, and the accompanying report ordered to be printed.

ISABELLA BERTHA WEAVER.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5723) granting a pension to Isabella Bertha Weaver; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The SPEAKER *pro tempore* (Mr. SPRINGER). This concludes the call of committees for to-day.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. HATCH, of Michigan. I ask unanimous consent to make several reports from the Committee on Railways and Canals, as I was not in my seat when the committee was called.

There being no objection,

Mr. HATCH, of Michigan, from the Committee on Railways and Canals, reported back with a favorable recommendation joint resolution (H. Res. 176) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RAILROAD REGULATIONS.

Mr. HATCH, of Michigan, by unanimous consent, also reported back adversely, from the Committee on Railways and Canals, the bill (H. R. 313) to regulate the coupling of cars on the various railroads in the United States, and providing penalties for the violation of the provisions of this act.

The SPEAKER *pro tempore*. If there be no objection this bill will be laid on the table, and the accompanying report ordered to be printed.

Mr. CALKINS. I ask that the bill be placed upon the Calendar.

The SPEAKER *pro tempore*. Upon the demand of the gentleman from Indiana [Mr. CALKINS] the bill will be placed upon the House Calendar, and the accompanying report ordered to be printed.

Mr. HATCH, of Michigan, by unanimous consent, also reported back adversely from the Committee on Railways and Canals the bill (H. R. 312) to establish a uniform code of signals for use on railroads.

The SPEAKER *pro tempore*. This bill, being reported back adversely, will, if there is no objection, be laid on the table, and the accompanying report ordered to be printed.

Mr. CALKINS. I ask the same action in this case as in the last.

The bill was placed on the House Calendar, and the accompanying report ordered to be printed.

COINAGE OF DOUBLE EAGLES.

Mr. BLAND, by unanimous consent, reported back with amendments, from the Committee on Coinage, Weights, and Measures, the bill (H. R. 5076) limiting the coinage of double-eagles and discontinuing the coinage of certain United States coins; which was referred to the House Calendar, and the accompanying report ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. ELLIS, from the Committee on Appropriations, reported a bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CALKINS. I desire to reserve points of order on this bill.

The SPEAKER *pro tempore*. All points of order will be reserved.

INDIAN MASSACRE IN OREGON IN 1847.

Mr. GEORGE. I desire to make a privileged report from the Committee on Indian Affairs.

The Clerk read as follows:

*Resolved*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and directed to make an examination and investigation into the massacre by Indians of Dr. Marcus Whitman and others, in the Columbia River Valley, in Oregon, in 1847; and to report to this House the names, ages, and sexes of those massacred; and also of all those who survived or escaped said massacre (at said times and places) and now living, with their present places of abode; and what property, kind and value, was destroyed by said Indians, naming them, and to report any and all facts and circumstances relating to said massacre, and to make such recommendations in the premises as the facts by him ascertained may seem to justify.

Mr. GEORGE. I ask the present consideration of this resolution.

Mr. THOMPSON. I rise to a parliamentary inquiry. Under what rule of the House is this a privileged report?

The SPEAKER *pro tempore*. The gentleman from Oregon [Mr. GEORGE] rose and stated that he desired to submit a privileged report. He has submitted the resolution just read by the Clerk.

Mr. THOMPSON. Under what rule of the House is it privileged?

The SPEAKER *pro tempore*. The Chair has not decided that it is a privileged report. The Chair will hear any point of order.

Mr. THOMPSON. Then I raise the point of order that this report is not privileged.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. THOMPSON] having made a point of order that this is not a privileged report, the Chair is of opinion——

Mr. CALKINS. The resolution comes back from the Committee on Indian Affairs under the rule.

The SPEAKER *pro tempore*. The Chair is of opinion that this resolution is not addressed to one of the heads of the Executive Departments, but to the Commissioner of Indian Affairs.

Mr. GEORGE. I claim that it is also directed to the head of the Interior Department. The resolution was introduced and referred to the Committee on Indian Affairs, and is now reported back under the rule. It proposes to call upon the Commissioner of Indian Affairs, the head of the Indian Bureau, and also upon the Secretary of the Interior, to furnish this information to the House. It seems to me it is privileged.

The SPEAKER *pro tempore*. The Chair calls the attention of the gentleman to clause 1 of Rule XXIV, the language of which is "Resolutions of inquiry directed to the heads of the Executive Departments shall be in order," &c. This not being a resolution directed to the head of a Department, it is not a privileged matter. The gentleman can only make it privileged by introducing it again in such a form as to call upon the Secretary of the Interior for this information. The report is not now in order.

Mr. GEORGE. Then I withdraw it.

ORDER OF BUSINESS.

Mr. FIEDLER. I ask unanimous consent to present a resolution for consideration at this time.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THOMPSON. Has the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. THOMPSON. Has it been announced?

The SPEAKER *pro tempore*. It has. The gentleman from New Jersey asks unanimous consent.

Mr. THOMPSON. I demand the regular order of business.

The SPEAKER *pro tempore*. That is in the nature of an objection.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. DOWD. I raise the question of consideration and call for the special order. Let the Clerk read the resolution fixing the special order for to-day. It will be found in the RECORD of the 19th.

The SPEAKER *pro tempore*. The Chair is of the opinion that the motion of the gentleman from Kentucky that the House resolve itself into the Committee of the Whole House on the state of the Union is in order. If that be voted down the other motion will be in order.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering revenue bills.

Mr. RANDALL. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 130, nays 121, not voting 69; as follows:

YEAS—130.

| | | | |
|---|---|---|---|
| Aiken, | Eaton, | Le Fevre, | Robinson, W. E. |
| Arnot, | Eldredge, | Lewis, | Rockwell, |
| Barksdale, | Ellis, | Lore, | Rogers, J. H. |
| Barr, | Ellwood, | Lovering, | Rogers, W. F. |
| Belford, | Follett, | Lowry, | Rosecrans, |
| Belmont, | Foran, | Lyman, | Seymour, |
| Bennett, | Glascock, | McKinley, | Shaw, |
| Bisbee, | Graves, | Matson, | Shelley, |
| Blackburn, | Green, | Miller, J. F. | Slocum, |
| Blanchard, | Greenleaf, | Mills, | Spooner, |
| Breckinridge, | Halsell, | Mitchell, | Spriggs, |
| Breitung, | Hancock, | Money, | Springer, |
| Broadhead, | Hemphill, | Morey, | Stewart, Charles |
| Budd, | Henderson, T. J. | Morgan, | Stone, |
| Burnes, | Henley, | Morrison, | Sumner, C. A. |
| Caldwell, | Herbert, | Morse, | Sumner, D. H. |
| Cassidy, | Hewitt, A. S. | Moulton, | Talbott, |
| Clardy, | Hill, | Muldrow, | Throckmorton, |
| Clay, | Hoblitzell, | Murphy, | Townshend, |
| Cobb, | Holman, | Murray, | Tucker, |
| Collins, | Holton, | Mutchler, | Tully, |
| Cox, S. S. | Hooper, | Neece, | Turner, Oscar |
| Culbertson, W. W. | Hopkins, | Nicholls, | Van Eaton, |
| Curtin, | Houk, | Ochiltree, | Ward, |
| Dargan, | Jeffords, | O'Neill, J. J. | Willis, |
| Davidson, | Jones, J. H. | Paige, | Wilson, W. L. |
| Davis, G. R. | Jones, J. T. | Patton, | Wolford, |
| Davis, L. H. | Jordan, | Phelps, | Wood, |
| Davis, R. T. | Kean, | Rankin, | Worthington, |
| Deuster, | Keifer, | Ranney, | Yaple, |
| Dibble, | Kleiner, | Riggs, | York. |
| Dorsheimer, | Laird, | Robertson, | |
| Dunham, | Lamb, | Robinson, J. S. | |

NAYS—121.

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|---|---|---|---|
| Adams, G. E. | Culberson, D. B. | Jones, B. W. | Reese, |
| Alexander, | Cullen, | Lacey, | Rowell, |
| Anderson, | Cutcheon, | Lanham, | Ryan, |
| Atkinson, | Dibrell, | Lawrence, | Scales, |
| Bagley, | Dingley, | McAdoo, | Singleton, |
| Ballentine, | Dockery, | McCoid, | Smith, |
| Beach, | Dowd, | McCormick, | Steele, |
| Bland, | Dunn, | McMillin, | Stevens, |
| Blount, | Ermentrout, | Millard, | Stewart, J. W. |
| Boutelle, | Evans, I. N. | Miller, S. H. | Struble, |
| Bowen, | Everhart, | Milliken, | Taylor, E. B. |
| Boyle, | Ferrell, | Morrill, | Taylor, J. D. |
| Brainerd, | Fiedler, | Muller, | Taylor, J. M. |
| Brewer, F. B. | Forney, | Nelson, | Thomas, |
| Brown, W. W. | Fyan, | Nutting, | Tillman, |
| Browne, T. M. | Geddes, | O'Neill, Charles | Turner, H. G. |
| Brumm, | George, | Parker, | Van Alstyne, |
| Buchanan, | Guenther, | Payson, | Vance, |
| Buckner, | Hammond, | Pierce, | Wadsworth, |
| Burleigh, | Hardeman, | Peel, S. W. | Wait, |
| Cabell, | Hatch, H. H. | Perkins, | Wakefield, |
| Campbell, Felix | Haynes, | Peters, | Warner, A. J. |
| Campbell, J. M. | Hepburn, | Pettibone, | Weaver, |
| Candler, | Hewitt, G. W. | Poland, | Wellborn, |
| Cannon, | Hiscock, | Post, | Weller, |
| Chace, | Hitt, | Price, | Williams, |
| Clements, | Holmes, | Pryor, | Winans, E. B. |
| Connolly, | Horr, | Pusey, | Wise, G. D. |
| Converse, | Howey, | Randall, | |
| Cox, W. R. | James, | Ray, G. W. | |
| Crisp, | Johnson, | Reed, | |

NOT VOTING—69.

| | | | |
|---|---|---|---|
| Adams, J. J. | Hardy, | Maybury, | Strait, |
| Barbour, | Harmer, | Mayo, | Thompson, |
| Bayne, | Hart, | Oates, | Valentine, |
| Bingham, | Hatch, W. H. | O'Hara, | Warner, Richard |
| Brewer, J. H. | Henderson, D. B. | Payne, | Washburn, |
| Calkins, | Houseman, | Peelle, S. J. | Wemple, |
| Carleton, | Hunt, | Potter, | White, J. D. |
| Cook, | Hurd, | Ray, Ossian | White, Milo |
| Cosgrove, | Hutchins, | Reagan, | Whiting, |
| Covington, | Jones, J. K. | Rice, | Wilkins, |
| Duncan, | Kasson, | Russell, | Wilson, James |
| Elliott, | Kelley, | Seney, | Winans, John |
| Evins, J. H. | Kellogg, | Skinner, C. R. | Wise, J. S. |
| Findlay, | Ketcham, | Skinner, T. G. | Woodward, |
| Finerty, | King, | Snyder, | Young. |
| Gibson, | Libbey, | Stephenson, | |
| Goff, | Long, | Stockslager, | |
| Hanback, | McComas, | Storm, | |

So the motion was agreed to.

Mr. HARMER. If I were not paired I would vote "no."

Mr. SKINNER, of New York. I am paired with Mr. SKINNER, of North Carolina. If he were present, I would vote "no" and he would vote "ay." I also wish to announce in behalf of my colleague, Mr. PAYNE, that if he were here he would vote in the negative.

Mr. MCKINLEY. I wish to state that the gentleman from Iowa [Mr. KASSON], who is absent paired, would if present vote in the affirmative on the motion to go into the Committee of the Whole House on the state of the Union.

Mr. NICHOLLS. I am paired with Mr. KASSON, and understood he would vote "ay," and therefore I have voted in the affirmative.

Mr. CONNOLLY. My colleague, Mr. STORM, who is absent attending to business, would if present vote "no."

Mr. VALENTINE. I was called from the Chamber previous to the calling of my name. If I had an opportunity I would vote "no." I would like to have my vote recorded that way.

Mr. THOMPSON. I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON. I object.

The Clerk recapitulated the names of those voting.

Mr. THOMPSON. Mr. Speaker, I am paired with the gentleman from Maryland [Mr. MCCOMAS], and therefore desire to withdraw my vote.

The following pairs were announced:

Mr. GIBSON with Mr. BINGHAM, on all political questions, until further notice.

Mr. FINERTY with Mr. HARMER, on all political questions, until further notice.

Mr. BARBOUR with Mr. HANBACK, on all political questions, for today.

Mr. KING with Mr. WILSON of Iowa, on all political questions, until further notice.

Mr. PEELE, of Indiana, with Mr. STOCKSLAGER, on all political questions, until further notice.

Mr. MORGAN with Mr. MORRILL, on all political questions, until further notice.

Mr. GOFF with Mr. SNYDER, on all political questions, until further notice.

Mr. HOUSEMAN with Mr. WHITING, on all political questions, until further notice.

Mr. YOUNG with Mr. BAYNE, on all political questions, until further notice.

Mr. FINDLAY with Mr. LONG, on all political questions, until further notice.

Mr. HUNT with Mr. KELLOGG, on all political questions, until further notice.

Mr. MAYBURY with Mr. HART, on all political questions, until March 4.

Mr. LAWRENCE with Mr. CARLETON, until March 23, on political questions.

Mr. SKINNER, of New York, with Mr. SKINNER, of North Carolina, on all political questions, until March 30.

Mr. EVINS, of South Carolina, with Mr. O'HARA, on all political questions, until March 24.

Mr. ELLIOTT with Mr. JOHN S. WISE, on all political questions, until March 22.

Mr. ADAMS, of New York, with Mr. BAYNE, on the bonded extension bill.

Mr. YOUNG with Mr. PAYNE, on the bonded extension bill.

Mr. WARNER, of Tennessee, with Mr. WASHBURN, on the bonded extension bill.

Mr. THOMPSON with Mr. MCCOMAS, on this vote.

Mr. WILKINS with Mr. HURD, on this vote.

Mr. OATES with Mr. RAY, of New Hampshire, on this vote.

Mr. REAGAN with Mr. RUSSELL, on this vote.

Mr. NICHOLLS with Mr. KASSON, on all political questions, for this day.

Mr. COVINGTON with Mr. BREWER, of New Jersey.

Mr. BELFORD. Mr. Speaker, I desire to explain why I voted. I was paired with the gentleman from Minnesota [Mr. STRAIT] for thirty minutes, with the understanding that he would vote against this measure and that I should vote for it when it came up. The thirty minutes expired before his return, and on consultation with other members here I cast my vote. I want to make this statement in justice to Mr. STRAIT. He failed to get here within the thirty minutes, and I notified him that I would vote for this measure if it came before the House.

Mr. CUTCHEON. I wish to state that my colleague, Mr. MAYBURY, of Michigan, asked me, before leaving the House, to pair with him on the bonded-whisky bill. I voted on this question not knowing that it included that measure. I am informed, however, that the vote is supposed to affect it. If that is embraced in my pair, I shall withdraw the vote.

The SPEAKER *pro tempore*. The Clerk informs the Chair that the gentleman from Michigan, Mr. MAYBURY, is paired with Mr. HART.

Mr. CUTCHEON. Then I shall permit my vote to stand.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DORSHEIMER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering revenue bills on the Calendar. The Clerk will report the first bill.

Mr. BLACKBURN. I ask that the revenue bills be reported now in the order in which they stand on the Calendar.

The CHAIRMAN. The Chair has already directed that to be done.

EXTENSION OF THE BONDED PERIOD.

The first business on the Calendar of the Committee of the Whole House on the state of the Union was the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. HISCOCK. I object to the consideration of that bill.

Mr. BLACKBURN. I move that the committee rise and report the objection to the House.

Mr. HISCOCK. Under the rule the objection is of itself sufficient to compel the committee to rise and report the objection to the House.

The CHAIRMAN. Under the rule the committee will now rise and report the objection to the House.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union having had under consideration revenue bills, and having reached the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse, objection was made to its consideration; whereupon under the rule the committe rose, and he reported the objection to the House.

The SPEAKER *pro tempore*. The question is whether the House will direct the committee to consider that bill.

Mr. HISCOCK. Is that the way in which the motion should be put, or is it proper to put it in this form: "Shall the objection be sustained?"

The SPEAKER *pro tempore*. The Clerk will read the rule.

Mr. HISCOCK. Let the motion be put in whatever way is required by the rule.

The SPEAKER *pro tempore*. The Clerk will read Rule XXIII.

The Clerk read as follows:

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The SPEAKER *pro tempore*. The question is, Will the House direct the committee to consider this bill?

The question was taken; and the Chair decided that by the sound the "noes" seemed to prevail.

Mr. BLACKBURN. I ask a division.

Mr. RANDALL. It will save time to have the yeas and nays at once.

Mr. BLACKBURN. Then I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 118, not voting 64; as follows:

YEAS—138.

| | | | |
|---|---|---|---|
| Adams, G. E. | Dorsheimer, | Le Fevre, | Robinson, J. S. |
| Aiken, | Dunham, | Lewis, | Robinson, W. E. |
| Arnot, | Eaton, | Libbey, | Rockwell, |
| Barksdale, | Eldredge, | Lore, | Rogers, J. H. |
| Barr, | Ellis, | Lovering, | Rogers, W. F. |
| Belford, | Ellwood, | Lowry, | Rosecrans, |
| Belmont, | Follett, | Lyman, | Seney, |
| Bennett, | Foran, | McKinley, | Seymour, |
| Bisbee, | Glascock, | Matson, | Shaw, |
| Blackburn, | Graves, | Mayo, | Shelley, |
| Blanchard, | Green, | Miller, J. F. | Slocum, |
| Bland, | Greenleaf, | Mills, | Spooner, |
| Breckinridge, | Halsell, | Mitchell, | Spriggs, |
| Breitung, | Hancock, | Money, | Springer, |
| Broadhead, | Hemphill, | Morey, | Stewart, Charles |
| Budd, | Henderson, T. J. | Morgan, | Sumner, C. A. |
| Burnes, | Henley, | Morrison, | Sumner, D. H. |
| Caldwell, | Herbert, | Moulton, | Talbott, |
| Cassidy, | Hill, | Muldrow, | Throckmorton, |
| Clardy, | Hoblitzell, | Murphy, | Townshend, |
| Clay, | Holman, | Murray, | Tucker, |
| Cobb, | Holton, | Mutchler, | Tully, |
| Collins, | Hooper, | Neece, | Turner, Oscar |
| Connolly, | Hopkins, | Nicholls, | Van Eaton, |
| Cosgrove, | Houk, | Ochiltree, | Ward, |
| Cox, S. S. | Jeffords, | O'Neill, J. J. | Wemple, |
| Cox, W. R. | Jones, J. H. | Paige, | Willis, |
| Culbertson, W. W. | Jones, J. T. | Patton, | Wilson, W. L. |
| Curtin, | Jordan, | Phelps, | Wolford, |
| Dargan, | Kean, | Potter, | Wood, |
| Davidson, | Keifer, | Rankin, | Woodward, |
| Davis, G. R. | King, | Ranney, | Worthington, |
| Davis, R. T. | Kleiner, | Reagan, | York. |
| Deuster, | Laird, | Riggs, | |
| Dibble, | Lamb, | Robertson, | |

NAYS—118.

| | | | |
|---|---|---|---|
| Alexander, | Boyle, | Campbell, Felix | Cullen, |
| Anderson, | Brainerd, | Campbell, J. M. | Cutcheon, |
| Atkinson, | Brewer, F. B. | Candler, | Dibrell, |
| Bagley, | Browne, T. M. | Cannon, | Dingley, |
| Ballentine, | Brown, W. W. | Chace, | Dockery, |
| Beach, | Brumm, | Clements, | Dowd, |
| Blount, | Buchanan, | Converse, | Dunn, |
| Boutelle, | Buckner, | Crisp, | Ermentrout, |
| Bowen, | Cabell, | Culberson, D. B. | Evans, I. N. |

| | | | |
|---|---|---|---|
| Everhart, | Lacey, | Post, | Thomas, |
| Ferrell, | Lanham, | Price, | Tillman, |
| Fiedler, | Lawrence, | Pryor, | Turner, H. G. |
| Forney, | McAdoo, | Pusey, | Valentine, |
| Fyan, | McCoid, | Randall, | Van Alstyne, |
| Geddes, | McCormick, | Ray, G. W. | Vance, |
| Guenther, | McMillin, | Reed, | Wadsworth, |
| Hammond, | Millard, | Reese, | Wait, |
| Hanback, | Miller, S. H. | Rowell, | Wakefield, |
| Hardeman, | Milliken, | Ryan, | Warner, A. J. |
| Hatch, H. H. | Morrill, | Scales, | Weaver, |
| Haynes, | Muller, | Singleton, | Wellborn, |
| Hepburn, | Nelson, | Smith, | Weller, |
| Hewitt, G. W. | Nutting, | Steele, | White, J. D. |
| Hitt, | Payson, | Stevens, | White, Milo |
| Holmes, | Pierce, | Stewart, J. W. | Williams, |
| Horr, | Peel, S. W. | Strait, | Winans, E. B. |
| Howey, | Perkins, | Struble, | Wise, G. D. |
| James, | Peters, | Taylor, E. B. | Yaple. |
| Johnson, | Pettibone, | Taylor, J. D. | |
| Jones, B. W. | Poland, | Taylor, J. M. | |

NOT VOTING—64.

| | | | |
|---|---|---|---|
| Adams, J. J. | George, | Kelley, | Skinner, C. R. |
| Barbour, | Gibson, | Kellogg, | Skinner, T. G. |
| Bayne, | Goff, | Ketcham, | Snyder, |
| Bingham, | Hardy, | Long, | Stephenson, |
| Brewer, J. H. | Harmer, | McComas, | Stockslager, |
| Burleigh, | Hart, | Maybury, | Stone, |
| Calkins, | Hatch, W. H. | Morse, | Storm, |
| Carleton, | Henderson, D. B. | Oates, | Thompson, |
| Cook, | Hewitt, A. S. | O'Hara, | Warner, Richard |
| Covington, | Hiscock, | O'Neill, Charles | Washburn, |
| Davis, L. H. | Houseman, | Parker, | Whiting, |
| Duncan, | Hunt, | Payne, | Wilkins, |
| Elliott, | Hurd, | Peelle, S. J. | Wilson, James |
| Evins, J. H. | Hutchins, | Ray, Ossian | Winans, John |
| Findlay, | Jones, J. K. | Rice, | Wise, J. S. |
| Finerty, | Kasson, | Russell, | Young. |

So the House decided the bill should be considered.

Mr. CLAY. I move to dispense with the reading of the names of members voting.

Mr. WHITE, of Kentucky. I object.

The Clerk proceeded to read the names.

Mr. HISCOCK. Since voting I have consented to pair with my colleague, Mr. HEWITT, of New York, and therefore I withdraw my vote.

The following additional pairs were announced:

Mr. WILKINS with Mr. HURD, on this vote.

Mr. HEWITT, of New York, with Mr. HISCOCK, on this vote. Mr. HEWITT would vote "ay" and Mr. HISCOCK would vote "no."

Mr. RAY, of New Hampshire, with Mr. OATES, for to-day.

The result of the vote was then announced as above stated.

The Committee of the Whole House on the state of the Union resumed its session, Mr. DORSHEIMER in the chair.

The CHAIRMAN. The House has overruled the objection, and directed the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse to be considered. The Clerk will report the bill.

The Clerk proceeded to read the bill, and read its title.

Mr. WHITE, of Kentucky. Mr. Chairman, I move that the committee rise in order that I may present to the House a question of privilege.

The CHAIRMAN. The Chair will inform the gentleman from Kentucky [Mr. WHITE] that that motion is not in order at this time. The bill will be reported.

Mr. WHITE, of Kentucky. Is not the motion that the committee rise in order?

The CHAIRMAN. It is not in order at this time. [Cries of "Regular order!"]

The Clerk read the bill, as follows:

*Be it enacted, &c.*, That the time within which distilled spirits heretofore entered for deposit and now remaining in distillery warehouses, or special bonded warehouses, upon which the tax has or shall become due after December 1, 1883, are required to be withdrawn therefrom, pursuant to the conditions of any warehousing bond taken upon the entry of such spirits into any such warehouse under the provisions of existing laws of the United States, shall, on written request of the distiller or owner thereof, be extended for a period not exceeding two years from the date the tax has or would have fallen due upon any such distilled spirits under existing laws; but such extension shall not be made in any case unless a new warehousing bond, in a penal sum not less than the amount of the tax, in a form to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, and with sureties satisfactory to the collector of the district in which the warehouse is located, shall be given, conditioned that the principal named in said bond shall pay the tax on the spirits specified therein, and also interest on such tax at the rate of 4½ per cent. per annum for the time of the extension, and within five years from the date of the original entry of such spirits for deposit in warehouse. When any distilled spirits upon which the time for payment of the tax shall become extended under the provisions of this act are regauged for withdrawal from warehouse, the allowance for loss shall be no more than is now authorized for a warehousing period of three years; and the tax, and interest on the tax at the rate above named, shall be collected also upon any excess of loss found upon such regauge at the time of the withdrawal of such spirits.

Mr. RANDALL. Now let the report be read.

Mr. WHITE, of Kentucky. I now move that the committee rise. I make this motion for the purpose, as I have said, of stating to the House a question of privilege.

Mr. RANDALL. The gentleman from Kentucky can wait a moment until the report is read.

Mr. WHITE, of Kentucky. I can wait, but I do not know that I have to.

Mr. RANDALL. I merely suggest to the gentleman to wait.

Mr. WHITE, of Kentucky. At the suggestion of the gentleman from Pennsylvania I will.

The report was read, as follows:

Mr. MORRISON, from the Committee on Ways and Means, submitted the following report, to accompany bill H. R. 5265:

The Committee on Ways and Means, having considered the subject of extending time for the payment of the tax on distilled spirits now in warehouse, beg leave to report:

The production of distilled spirits in the United States has become larger than demanded by the market. The taxes are the largest paid by any domestic industry. It suffers in common with other industries from the present depression of trade. The burden from which it chiefly suffers is that directly imposed by the Government. Its relief would probably prevent serious disaster and bankruptcy not only to the interest itself, but to associate business interests. This bill proposes not to relieve any liability for taxes now imposed by law, but simply to postpone their payment for a period not exceeding two years, on condition of further security and of the payment of interest on the postponed taxes at the highest rate (of interest) paid by the Government on any of its bonded debt.

The CHAIRMAN. The gentleman from Illinois [Mr. MORRISON] is recognized.

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The Chair has recognized the gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means.

Mr. MORRISON. Having reported this by the direction of the Committee on Ways and Means, I desire, if it please the Committee of the Whole, to make a short statement as to its purpose and object. As the law now is, the tax on distilled spirits must be paid within three years from the time they are made, and as much sooner——

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MORRISON] has the floor.

Mr. WHITE, of Kentucky. But I rise to a question of order.

The CHAIRMAN. The gentleman from Kentucky will state his question of order.

Mr. WHITE, of Kentucky. I stated, when the Clerk was about to read the report, that I desired to make the motion that the committee rise in order to present to the House a question of privilege. At the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] I withdrew that motion till the Clerk should have read the report. After the reading of the report I addressed the Chair. I now desire to know whether the Chair proposes to rule me out of order in making the motion that the committee rise in order that I may present to the House a question of privilege affecting, I may say, the proceedings of the House on the very measure we are now to consider?

The CHAIRMAN. The Chair respectfully informs the gentleman from Kentucky that when his motion was made it was not in order; and on the completion of the reading of the report the Chair recognized the gentleman from Illinois, the chairman of the committee. That gentleman now has the floor.

Mr. BRUMM. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Pennsylania [Mr. BRUMM] will state his point of order.

Mr. BRUMM. I understood the Chair to say that when the gentleman from Kentucky made his motion the Chair declared it out of order. When that motion was made it was made before the bill was read by the Clerk, and the Chair evidently decided properly. But after the bill was reported and before the report was read the gentleman from Kentucky again got the attention of the Chair and made the motion. The Chair did not rule the motion then out of order, but the gentleman from Kentucky [Mr. WHITE], at the suggestion of the gentleman from Philadelphia [Mr. RANDALL], said that he would not insist upon his motion at that time, but would permit the report to be first read.

Now, the point of order that I raise is this: Does the Chair contend that, having recognized the gentleman from Kentucky before the report was read for the purpose of making that motion, and the gentleman from Kentucky having addressed the Chair after the report was read, he having permitted the report to be read at the suggestion of the gentleman from Pennsylvania, the Chair will then recognize another gentleman without allowing the gentleman from Kentucky to submit his motion?

The CHAIRMAN. The Chair respectfully says to the gentleman from Pennsylvania [Mr. BRUMM] that the Chair can not enter into any discussion as to whether his ruling is correct or incorrect. The rules of the House point out the manner in which the decision of the Chair may be reviewed, if any member so desires. The gentleman from Illinois [Mr. MORRISON] has the floor.

Mr. WHITE, of Kentucky. I regret very much to appeal from the decision of the Chair, but I will do so, and do so upon my responsibility as a man and as a Representative on this floor and upon the rules of the House.

Mr. CHAIRMAN. The question before the committee is: Shall the ruling of the Chair stand as the judgment of the committee?

Mr. KEIFER. Desiring simply to preserve the good conduct of the House, I think, with all due respect to the Chair, that there is no such thing as an appeal from a recognition by the Chair.

The CHAIRMAN. The Chair thanks the gentleman from Ohio [Mr. KEIFER] for referring him to a well-known parliamentary rule. The

Chair declines to entertain the appeal of the gentleman from Kentucky. The gentleman from Illinois has the floor, and will proceed.

Mr. WHITE, of Kentucky. I rise to a question of order.

Mr. MORRISON. With the permission of the gentleman from Pennsylvania [Mr. BRUMM] and the gentleman from Kentucky [Mr. WHITE] I will proceed to say what I was about to say when interrupted, that as the law now is the tax on distilled spirits——

Mr. WHITE, of Kentucky. I rise to a question of order.

Mr. MORRISON. I do not yield.

Mr. WHITE, of Kentucky. I know you do not; but the rules of the House will prevail in this committee or we will have disorder, one or the other.

Mr. MORRISON. There is always disorder where the gentleman is.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. WHITE, of Kentucky. On page 356 of the Digest questions of privilege are defined. They are as follows:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their Representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Now I rise in my place here and state to the Chair that I desire to go back into the House in order to present to the House a question of the highest privilege. I will state it to the Chair if he desires to know what it is. It is that a member of the whisky ring is now on this floor, to which he has been admitted under a rule of the House after having first subscribed his name on the register to a statement that he has no interest in any bill pending before this body. Yet within a few days after he took that card of admission to the floor of this House he was found before the Committee on Ways and Means addressing that committee in favor of the bill which is now before the Committee of the Whole.

Mr. BLACKBURN. Will my colleague allow me to make a suggestion?

Mr. WHITE, of Kentucky. Wait a moment. That member of the whisky ring has been on the floor repeatedly since and is on the floor now, as is also the editor of the Courier-Journal, from a town where there is more whisky in bond than in any other town in the United States.

Mr. BLACKBURN. That is no point of order, and the gentleman has no right to be heard on it and he knows it.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Kentucky [Mr. WHITE] has not stated a point of order.

Mr. WHITE, of Kentucky. Then the gentleman from New York [Mr. DORSHEIMER] and the committee can take the responsibility; I have done my duty.

Mr. BLACKBURN. I desire to state that the gentleman from Kentucky [Mr. WHITE] has presented no point of order and he knows it, or ought to know it.

Mr. WHITE, of Kentucky. I say it is a point of order, and that I am entitled to be heard on a question of privilege.

The CHAIRMAN. The Chair has decided the point of order. [Cries of "Regular order!"]

Mr. WHITE, of Kentucky. You may bulldoze this whisky bill through the House, but the coming election will condemn you. [Renewed cries of "Order!" "Order!"]

The CHAIRMAN. The committee will come to order, and gentlemen will take their seats. [After a pause.] The gentleman from Illinois [Mr. MORRISON] will proceed.

Mr. MORRISON. When interrupted I was about to say that as the law now is the tax on distilled spirits must be paid within three years from the time they are made, and as much sooner as they are sold and removed from the warehouse. The object of this bill (and the effect of it if it shall become a law) is to extend the time for the payment of the tax on spirits now in warehouse, on condition of new guarantees and the payment of interest on the amount of the tax extended.

If this business of converting grain into alcohol exists only to be taxed, then the beneficiaries of this bill ought to have no footing here and no consideration from Congress. But regarding it as a legitimate branch of manufacturing industry, it is entitled to be placed on an equal basis with all other industries—on the same basis with other industries or interests subject to internal taxes.

In the last twenty years the men engaged in this business have paid into the Treasury of the United States more than one thousand millions of dollars; and this distilling interest is to-day the source from which you derive more than one-fifth of all your revenue. When the law imposing internal taxes was first enacted all these taxes were paid when the articles upon which they were levied were sold and went into consumption, and not before. Taxes are so paid yet on tobacco and malt liquors—on everything upon which we impose internal-revenue taxes except this one interest now asking for this extension.

They are so paid in all other countries where internal taxes are levied. So levied, paid, and collected, they are taxes on consumption, not on production. When taxes are so levied and collected men pay on what they use or destroy, not on what they make or produce.

This law was so amended in 1868 as to require immediate payment of taxes on this one article of production. It was so changed because at that time there were in connection with the collection of these taxes great abuses and frauds, although abuses and frauds were not singular to this distilling business. They existed in the collection of customs revenue. They were everywhere quite too common. In the several years first after the war in all the public service of State, county, and city, as well as the National Government, these frauds and abuses existed. When we had grown away from that condition, the time within which these taxes should be paid was extended one year and afterward to three years—a period ordinarily sufficient, but not always so.

It is estimated by the Commissioner of Internal Revenue that in the last year, besides the distilled spirits that were regularly taken from warehouses and taxes paid upon them, there was, under this three-year law, forced out 3,000,000 gallons upon which the payment of taxes was enforced, these 3,000,000 gallons being wholly without a market—a surplus. In the next two years 70,000,000 gallons must pay taxes, and for much of this there is no market.

The Commissioner estimates the surplus for which there will be no sale, surplus of the whiskies already made and now in warehouse, at 45,000,000 gallons, and on all of this taxes must be paid in the next two years. To carry or to keep in store this surplus or oversupply large sums of money have been and will need to be invested, borrowed and loaned, involving in threatened bankruptcy not only the producers of and dealers in whisky, but bankers and merchants as well. This money was advanced and invested upon the reasonable expectation that it would be returned within three years upon the sale of these whiskies and before the expiration of the tax-paying period.

In order that these people may not go into bankruptcy, or, in other words, to save what they have already invested, large sums will be needed in addition to those now invested in this surplus; because to keep this 45,000,000 gallons in the warehouse without paying taxes the owners have already invested only ten or twelve million dollars; but to keep it in store tax-paid will require $50,000,000.

But it may be said, "Why shall we grant this relief? Did not these manufacturers of whisky or distilled spirits know what the law was? Did they not know when this tax would become due? Why did they manufacture more than they could sell or pay taxes upon?" The answer is simply this, that in the years when this whisky was made everything was overdone. Excessive production was not confined to this industry or business; it was common to all the large producing interests of the country.

At one time the distillers attempted to establish, and thought they had established, an export trade, from which they expected a large and profitable market. During a very short period they exported, I believe, 65,000,000 gallons, a quantity nearly equal to the entire production of a single year. But our foreign commerce was so embarrassed and hedged about with restrictions that our people were finally unable to sell the alcoholic product of our grain in the European markets at a profit. The French were our principal customers for this product; but even in France the Germans had an advantage of 12 cents a gallon over us, an advantage equal to 50 per cent. or one-half the cost of the export.

Germany made war on France, battered down her walls, overturned her government, and compelled payment of the cost of grim-visaged war. We fight both with commercial restrictions—a protective war tariff maintained against ourselves. As a consequence we must sell our grain in alcohol, if we sell at all in the French market, in competition with the countrymen of the ill-natured Bismarck, at the disadvantage of one-half its cost.

When we put our grain into hogs—make pork of it—neither France nor Germany will take it at all. [Laughter.] Commercially, we have so behaved that in the countries where we must sell our surplus grain nobody wants anything to do with us.

But suppose it be true, fellow-citizens—I mean Mr. Chairman. [Laughter.] I do not occupy as much of the time of the House as some gentlemen, and therefore may be pardoned if I sometimes mistake or miscall my audience.

Mr. THOMPSON. We are only fellow-citizens at last.

Mr. MORRISON. Suppose it to be true, Mr. Chairman, that this surplus or oversupply is purely the result of the speculative or money-getting spirit of our people. Is that a good and sufficient reason why an industry of this magnitude should not be relieved when it can be and is proposed to be done without cost to the Government?

No guarantees for payment are lost or surrendered. New bonds are to be taken to secure final payment of all taxes with interest to be paid at 4½ per cent., the highest rate which the Government pays on its own indebtedness.

Suppose the payment of these taxes to be extended at 4½ per cent. interest shall be enforced under existing law at once when they are due, we at once pay out the money on a bond that bears but 3 per cent.; and I ask again, what has the Government to gain by enforcing payment of taxes on whiskies before they are sold or go into consumption?

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a question?

Mr. MORRISON. Yes, sir.

Mr. WHITE, of Kentucky. When the extension was granted to them a few years ago, by the terms of the law these distillers promised 5 per cent. interest. Now, did they pay it?

Mr. MORRISON. I suppose they could be made to pay it.

Mr. WHITE, of Kentucky. Did they not in a subsequent Congress get relief from that tax, and will they not do it again? Is not this an act to enable them not to pay anything at all, not only the payment of interest on the taxes but the payment of the taxes themselves?

Mr. MORRISON. I am not familiar with former legislation on that subject or with the action of the Government in that respect. I never saw the inside of a still-house. There is not one in my district, and, so far as I know, not one of my constituents has any interest in the subject now before the House. I am acting in this as I do on every public question. New securities and new bonds are required under this bill, and should be in all like cases, and I presume there is absolutely nothing of substance in the gentleman's question.

Mr. WHITE, of Kentucky. The point I make is, they did not pay before, and, in my judgment, neither will they pay this time.

Mr. THOMPSON. I should like to answer my colleague, if the gentleman from Illinois will permit me.

Mr MORRISON. Certainly.

Mr. THOMPSON. When they extended the bonded period before they required interest should be paid on whisky on which the tax was extended at the rate of 5 per cent. There was at that time only 6,000,000 of gallons of whisky on which it was extended. The effect of Congress coming in and extending the bonded period relieved the market, and all that whisky went into consumption almost immediately under the demands of the trade. It was continued on such a small amount that the whole sum collected of interest was but $75,000.

Mr. WHITE, of Kentucky. And that they did not pay.

Mr. THOMPSON. In 1880 when the Carlisle bill, so called, crystallized that joint resolution of 1878 into law they took off the charge of interest because they realized nothing from it.

Mr. WHITE, of Kentucky. Then my colleague admits they did not pay the interest.

Mr. THOMPSON. They did pay the interest at that time.

Mr. WILLIS. The answer is that they did pay it.

Mr. THOMPSON. Yes, they did pay it.

Mr. MORRISON. I do not know whether they will pay it or not. They will, unless some Congress comes in and releases them. I can not tell about that. I only know that I shall never relieve whisky from the payment of taxes.

Mr. WHITE, of Kentucky. And this is one step in that direction.

Mr. MORRISON. It may be if you have the execution of the law. [Laughter.] It is not my purpose to relieve them of anything. When this bill came to my hands it did not provide for payment of interest. That provision was inserted in it on my own motion.

Now, I was about to say, Mr. Chairman——

Mr. STRUBLE. I rise to a question of order. I went over to the seat of the gentleman from Illinois [Mr. MORRISON] and could not find for myself any seat there and I could not possibly hear him. I cannot hear him here, and I hope he will agree to take a position somewhat more central in the House, and then we will all be able to take our seats and hear what is going on.

Mr. MORRISON. I have but little more to say. I was saying the Government had nothing to gain by the enforcement of taxes at an earlier time than articles which paid them went into consumption; and for the reason that if you force out to-day more than is used, less will go out to-morrow. If you take out more this six months than goes into consumption, less will go out the next six months. At last you get the taxes on what the people consume, and no more.

Production, Mr. Chairman, is coming down; in fact it is already down to the demand for annual use. In 1881, three years ago, 117,000,000 of gallons were made, and in the last year but 74,000,000 of gallons, and this is about the quantity which our people annually use. It has been said that this is special legislation, or class legislation, that it is legislation in behalf of a specially interested few.

Mr. Chairman, that can not be true. This bill gives but partial relief to an interest (the largest tax-paying interest in the country) specially legislated against, and does not yet put it on an equality with other interests equally special on which internal taxes are levied, tobacco and malt liquors. So far as this bill goes its effect is to undo special legislation.

The Commissioner of Internal Revenue recommends the passage of this bill. I ask the Clerk to read——

Mr. RANDALL. Is that the late Commissioner of Internal Revenue?

Mr. MORRISON. No; the new, Commissioner Evans.

Mr. STRUBLE. I have been in my seat, but I can not hear what is going on. It is impossible to hear the gentleman from Illinois from this locality, and I would request that he take a position more in the center of the Hall, so members can hear what he has to say.

The CHAIRMAN. The Chair has no power to give effect to the gentleman's suggestion.

Mr. MORRISON. I have but little more to say. I ask the Clerk to read what I have marked from the letter of the Commissioner of Internal Revenue, whose duty it is to collect this tax or have it collected.

The Clerk read as follows:

If the subject were any other than whisky there would probably be but very little difficulty. Viewing it in the abstract, as I have conceived it my duty to do, it seems that the name or quality of the article should not make any difference in determining a plain business proposition such as I suppose this to be. It was long since made a business matter by the Government in its mode of dealing with it.

I have looked at the subject in its revenue aspects only, without reference to any theory of morality which may be supposed to be involved in it, and with which, indeed, in my present position, I could properly have nothing whatever to do, and I unhesitatingly say that I can see no objection to the proposed legislation so long as provision is made for the perfect security of the Government for the ultimate payment of the whole amount due, together with interest at the rate of at least 4½ per cent. during the time of the extension, and so long as it is provided that there shall be no allowance for loss by leakage or evaporation during the extended period.

Mr. MORRISON. That is what Mr. Commissioner Evans, the chief of the Internal Revenue Department, says.

Mr. BELFORD. Mr. Chairman, I rise to a point of order. It is impossible to hear the gentleman from Illinois. This is an important bill, and the House ought to be able to hear the chairman of the Committee on Ways and Means upon it. I wish he would take a position nearer the center of the Hall, so that all may hear him.

Mr. MORRISON. I shall not occupy the floor for many minutes longer.

I have said, Mr. Chairman, that the Commissioner recommends the passage of this bill. In the last Congress——

Mr. WHITE, of Kentucky. Will the gentleman yield for a question right there?

Mr. MORRISON. Yes, sir.

Mr. WHITE, of Kentucky. I would like to ask the gentleman from Illinois, the chairman of the Committee on Ways and Means, if he is not aware of the fact that the ex-Commissioner of Internal Revenue, Mr. Green B. Raum, recommended this in the last Congress, and that the Secretary of the Treasury recommended to the Senate that it should not pass? Now, has the gentleman in charge of this bill any recommendation from the Secretary of the Treasury? Has he any authority of the Secretary of the Treasury that this is a good bill?

Mr. MORRISON. I have not stated that I had.

Mr. WILLIS. If the gentleman from Illinois will yield to me for a moment, I desire to answer the question of my colleague from Kentucky.

Mr. MORRISON. Very well.

Mr. WILLIS. I will say in reply to his question that the bill now pending before this House was recommended by Charles J. Folger, the Secretary of the Treasury, in the identical letter which my colleague referred to. Here is the exact wording——

Mr. WHITE, of Kentucky. I ask, then, that it be put into the RECORD.

Mr. WILLIS. This House passed a bill providing for unlimited extension of the bonded period. It went to the Senate. Now, here is a letter from the Secretary, and I quote an extract:

I may be permitted to add that I am satisfied—

This letter was written on the 21st day of April, 1882—

that an immediate attempt to collect the tax upon the spirits now in store would be oppressive and ruinous to many. I am therefore not in antagonism to legislation that shall give temporary aid to an important branch of business. I believe it to be needed and that it may be so accorded as to be healthful to all. This can be effected by a prolongation, but for a fixed period, of the time for which spirits may remain in store without payment of tax.

Mr. WHITE, of Kentucky. What is the date of that letter?

Mr. WILLIS. That letter is dated on the 21st of April, 1882.

Mr. WHITE, of Kentucky. I ask that the entire letter be printed in the RECORD.

Mr. MORRISON. The gentleman from Kentucky must excuse me from yielding further to him.

Mr. WHITE, of Kentucky. It will show, if printed in full, that Secretary Folger, at the same time, said that this bill was a big steal.

Mr. MORRISON. After yielding so often I have said I did not yield further. Has this man no limit to his persistency?

Mr. WHITE, of Kentucky. I thank the gentleman for his courtesy.

Mr. MORRISON. That is the first time you have thanked me for it, though it has been several times extended. I was about to say, Mr. Chairman, that in the last Congress, when five of the present members of the Ways and Means Committee were members of that committee, when the Speaker of the present House [Mr. CARLISLE], the chairman of the Judiciary Committee [Mr. TUCKER], the chairman of the Committee on Appropriations [Mr. RANDALL], and myself also were among its members, that committee reported to this House, so far as I know without a single objection, when the necessity was not so urgent as now, a bill extending the time—not for two years, but indefinitely, not requiring the payment of 4½ per cent. interest, but without interest. That bill passed the House, as I remember, unchallenged. There was lying upon our table when the last Congress adjourned a bill passed by the Senate extending the time for two years without interest.

Mr. WILLIS. With interest; the very bill Mr. Folger suggests.

Mr. MORRISON. The gentleman from Kentucky states that the Senate bill required interest; as to that I seem to be in error. Mr. Chairman, if these precedents and the recommendation of the Secretary of the Treasury and the Commissioner are not sufficient to secure the passage of this bill, then I need to say nothing more in support of it.

I believe, sir, with the Commissioner of Internal Revenue that if this House was dealing with any other subject than whisky there would be no question about the passage of this bill.

Whenever the Government has the financial ability, the unquestioned right, and the undoubted constitutional power to grant relief to a great number of its citizens engaged in a large and important tax-paying industry, that relief should be granted, when, as in this case, it can be done without cost to the Government or people.

This bill, if it is passed, will not cost the Government of the United States one cent. Nor will it increase the burdens of a single one of our fifty-five millions of people to the extent of a hundredth part of a single farthing. Therefore I think one of the imperative duties imposed upon Congress is to pass the bill.

I now yield to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I desire to say that the people of Illinois, the people of Kentucky, of Ohio, and of half a dozen other States, my own included, are deeply, vitally interested in the passage of this bill. I wish to say that letter after letter and hundreds of telegrams have come to every member on this floor from these States urging the passage of the bill. But I wish further to say that we do not, even if we had a majority, wish to push the bill through by any railroad system. If there is anything wrong in it we want it to come out. If there is anybody that wishes to make inquiry about it we want to answer their questions.

But as it is now late I shall yield the floor to my colleague for the purpose of making a motion that the committee rise.

Mr. BLACKBURN. It is evident that we can not finish the discussion of this bill this evening. I will therefore move that the committee rise in order that we may begin it early to-morrow, and I hope will be able to get through with it before the setting of to-morrow's sun.

The motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse and had come to on resolution thereon.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. Before submitting the motion to adjourn the Chair will lay before the House some personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HEWITT, of New York, until Tuesday next, on account of ill-health.

To Mr. HEWITT, of Alabama, until the 4th of April, on account of important business.

To Mr. HUNT, for two days, on account of important and urgent business.

To Mr. MCCOMAS, until Tuesday next.

To Mr. HOPKINS, for three days.

CONTESTED ELECTION—GARRISON VS. MAYO.

Mr. TURNER, of Georgia. The gentleman from Texas [Mr. MILLS] yields to me for a moment that I may ask unanimous consent to have the report of the Committee on Elections on the contested-election case of Garrison vs. Mayo printed in to-morrow's RECORD.

Mr. RANNEY. I object.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Kentucky will state his question of privilege.

Mr. MILLS. I submit to the Chair that the motion to adjourn now pending is of the highest privilege.

The SPEAKER *pro tempore*. It had escaped the attention of the Chair that the gentleman from Texas had entered a motion to adjourn. The gentleman from Texas insists on that motion.

Mr. WHITE, of Kentucky. Does the gentleman from Texas insist on that motion in order to aid the whisky bill?

The SPEAKER *pro tempore*. Does the gentleman from Texas yield?

Mr. MILLS. I do not.

Mr. WHITE, of Kentucky. If the gentleman insists on his motion for that purpose, I desire to give him notice I shall be heard yet.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CONVERSE: Petition of John W. Shaw and 25 others, citizens of Fairfield County, Ohio, praying for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of Harriet L. Clifford, of Charlevoix County, Michigan, asking for increase of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Kalamazoo, Mich., asking for the establishment of a soldiers' home in Michigan—to the Committee on Military Affairs.

Also, petition of similar import from E. O. Peck and others, citizens of Ferry, Mich—to the same committee.

Also, memorial of similar import from members of Post 92, Grand Army of the Republic, Department of Michigan—to the same committee.

By Mr. DEUSTER: Memorial of the ——— Association of the city of Milwaukee, Wis., asking for the repeal of the law requiring the coinage of silver dollars to the amount of 2,000,000 per month—to the Committee on Coinage, Weights, and Measures.

By Mr. DINGLEY: Petition of citizens of Rockport, Me., in favor of bill to promote the efficiency of the revenue-marine service—to the Committee on Commerce.

By Mr. ELDREDGE: Petition of Clinton Spencer, Nelson Chamberlain, and 35 others, asking that a branch soldiers' home be established in Michigan—to the Committee on Military Affairs.

Also, petition of Theodore F. Drake and 22 others, citizens of Moncie, Mich., asking that a branch soldiers' home be established in the State of Michigan—to the same committee.

By Mr. HANCOCK: Papers relating to the claim of the heirs of Henry Völcker—to the Committee on Private Land Claims.

By Mr. HOLTON: Petition of the Maryland State Temperance Alliance, asking for the prohibition of the alcoholic liquor traffic in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HOPKINS: Petition of R. N. Spohn, relative to the liquor traffic—to the same committee.

By Mr. KEAN: Petition in favor of bridge over Staten Island Sound—to the Committee on Commerce.

By Mr. KETCHAM: Petition of Charles McClelland, late a private Company K, One hundred and fiftieth New York Volunteers, asking for a pension—to the Committee on Invalid Pensions.

By Mr. MATSON: Memorial of James S. Ragan, for pay withheld from him while a soldier of the United States—to the Committee on War Claims.

By Mr. MCCORMICK: Papers relating to claim of John Robinson, late private Company H, Second West Virginia Regiment—to the same committee.

By Mr. MCKINLEY: Petition of workingmen of Washingtonville, Ohio, against the further admission of Chinese to the ports of the United States—to the Committee on Foreign Affairs.

By Mr. MORSE: Petition of Thayer & Lincoln and others, praying for the dredging of a certain portion of the harbor of Boston, Mass.—to the Committee on Rivers and Harbors.

By Mr. PUSEY: Petition of John W. Duncan, for discharge and pay and bounty—to the Committee on War Claims.

By Mr. STEELE: Petition of the Grand Army of the Republic, by Commander Brown, of Laymon Post, Warren, Ind., for equalization of bounties and issue of land-warrants and pensions for prisoners of war—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Petition of J. D. Cox and others, relating to reorganization of the infantry of the Army—to the Committee on Military Affairs.

By Mr. YAPLE: Petition of C. F. Peck, J. T. Robinson, and others, citizens of Bloomingdale, Mich., relative to a bill for the establishment of a Michigan branch of the National Home for Disabled Volunteer Soldiers—to the same committee.

Also, petition of L. S. Duncan, F. M. Gray, and 150 others, citizens of Niles, Mich., for the passage of a bill to amend chapter 3 of title 59 of the Revised Statutes of the United States, entitled "National Home for Disabled Volunteer Soldiers," by adding thereto section 4838—to the same committee.

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## SENATE.

### THURSDAY, *March* 20, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. GORMAN presented the petition of B. W. Hunter and others, citizens of Maryland and the District of Columbia, praying that a survey for a ship-canal may be made from a point on the Eastern Branch of the Potomac River to the Chesapeake Bay; which was referred to the Committee on Commerce.

Mr. HARRISON presented resolutions adopted by Tippecanoe Post, No. 51, Grand Army of the Republic, Department of Indiana, of Monticello, Ind., in favor of the passage by Congress of the measures recommended by the pension committee of the Grand Army of the Republic in relation to pensions; which were referred to the Committee on Pensions.

Mr. KENNA. I present the memorial of a number of citizens of the Kanawha Valley, State of West Virginia, remonstrating against the passage of the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha River, and to prescribe the dimensions of the same. I ask its reference to the Committee on Commerce, and in that connection I desire the Chief Clerk to read the passage I have marked in the RECORD of February 8, containing a statement made by me on introducing the bill against which this remonstrance is made.

The PRESIDING OFFICER (Mr. GARLAND in the chair). If there be no objection it will be read.

The Chief Clerk read as follows:

Mr. KENNA. In introducing this bill I desire to say that there is a difference of opinion as to the propriety of the height of the bridges authorized by it to be constructed so as not to interfere with navigation. Therefore I have left the height blank. There are also other provisions of the bill which I have not personally investigated to which I wish to give some attention and perhaps make some suggestions about. There is a general desire to have the bridges, but likewise a universal feeling against interference with navigation. I shall place all available information on the subject before the committee, and hope that if the bill is not now it may be so formulated as to permit the bridges and save harmless the navigation.

Mr. KENNA. I desire to add to the observations which the Chief Clerk has just read from the RECORD the statement that this remonstrance is largely the result of misapprehension or misrepresentation of both the bill introduced by me and the object of its introduction. I desire to add further for the information of those who have signed the remonstrances that the bill introduced by me was referred to the Committee on Commerce, and by them at my request it went to the Department, and through the Department to the engineers in charge of the improvement of the Great Kanawha River. It has already been subjected to close scrutiny by the engineers, who will shortly make their report, and I am informed recommend modification in the present bill. It will go through a like process by the committee, and I am quite confident that no gentleman on this floor or on the floor of the other House would give his vote to any bill which will in any way interfere with the navigation of that river. Upon full information every requirement of the navigation will be carefully guarded.

The PRESIDING OFFICER. The memorial will be referred to the Committee on Commerce.

Mr. PENDLETON presented a memorial and resolution of the Toledo Produce Exchange, in opposition to all provisions of law similar to those contained in House bill 5918, regulating the lake marine; which was referred to the Committee on Commerce.

Mr. GROOME. I present resolutions of the Legislature of Maryland, asking Congress to pass legislation in favor of refunding to that State certain moneys advanced to the Government in 1790 for the purpose of erecting public buildings. I ask that they may be read.

The resolutions were read, and referred to the Committee on Claims, as follows:

[Chapter 60.]

Whereas the State of Maryland did in the year 1790 advance the sum of $72,000 to the use of the General Government to be applied in such manner as Congress shall direct toward erecting public buildings; and

Whereas the General Assembly did on the 11th day of February, 1843, by resolution request our then Representatives in Congress to obtain the passage of a law refunding said sum with the interest thereon to the State; and

Whereas the said sum of money so as aforesaid advanced to the Government of the United States has not yet been refunded to the State, although frequent requests therefor have been made; and

Whereas several reports have been made to Congress by the committees thereof at various times, all agreeing that said sum of money is justly due and owing to the State of Maryland, and the bills for the repayment thereof have several times been passed by the Senate and House of Representatives of the United States but never by both during the same Congress: Therefore,

*Resolved by the General Assembly of Maryland*, That our Representatives in Congress be, and they are hereby, requested to use their best endeavors to obtain the passage of a law by Congress to authorize the Secretary of the Treasury to refund to the State of Maryland the sum of $72,000, with interest, which was so as aforesaid advanced by the State to the General Government in the year 1790 for the purpose of erecting public buildings.

*Resolved*, That his excellency the governor be respectfully requested to forward a copy of these resolutions, under the great seal of the State, to our Representatives in Congress.

J. PEMBROKE THOM,
*Speaker of the House of Delegates.*
HENRY LLOYD,
*President of the Senate.*

Approved March 7, 1884.
[SEAL.]
ROBERT M. McLANE,
*Governor.*

MARYLAND, *set.*:

I, Spencer C. Jones, clerk of the court of appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the act of the General Assembly of Maryland, of which it purports to be a copy, as taken from the original law, deposited in and belonging to the office of the clerk of the court of appeals aforesaid.

In testimony whereof I have hereunto set my hand as clerk, and affixed the seal of the said court of appeals, this 8th day of March, A. D. 1884.

[SEAL.]
SPENCER C. JONES,
*Clerk of the Court of Appeals of Maryland.*

STATE OF MARYLAND, *Executive Department.*

I, Robert M. McLane, governor of the State of Maryland, do hereby certify that Spencer C. Jones is clerk of the court of appeals of Maryland, and, as such, keeper of the acts and resolutions of the General Assembly of the State, and that full faith and credit are due and ought to be given to his acts as such.

In testimony whereof I have hereto set my hand and affixed the great seal of the State of Maryland on this 8th day of March, in the year of our Lord 1884

[SEAL.]
ROBERT M. McLANE.

By the governor.

R. C. HOLLYDAY,
*Secretary of State.*

Mr. McMILLAN presented the petition of Sarah B. Stearns, C. M. Coleman, Mary E. Murdoch, Dr. Anna M. Brockway, George W. Kimberly, Mrs. E. S. Hammond, and 81 others, citizens of the State of Minnesota, praying the passage of a sixteenth amendment to the Constitution prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

REPORTS OF COMMITTEES.

Mr. FARLEY. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 54) for the relief of Wilbur F. Cogswell, to report adversely thereon and recommend its indefinite postponement.

Mr. McPHERSON. Mr. President——

Mr. FARLEY. I was about to make a statement, but I see the Senator from New Jersey [Mr. McPHERSON] here.

Mr. McPHERSON. I wish to submit the views of the minority on the bill, and I ask that the bill may take its place on the Calendar. I do not agree with the majority of the committee.

The PRESIDING OFFICER. If there be no objection such will be the order.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1664) for the relief of the legal representatives of the estate of David Wood, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1665) for the relief of John W. Cator, surviving partner of the firm of Aymar & Co., of New York city, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, to report it with amendments, and I give notice that to-morrow I shall endeavor to have it considered.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 719) to provide for the refund of excess of duties assessed and collected on imports of raw sugars, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McPHERSON. I am requested to introduce a bill, and I do so without committing myself to any of its provisions.

The bill (S. 1888) to incorporate the Trust and Indemnity Company of the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. RANSOM (by request) introduced a bill (S. 1889) to continue in force for one year, eight months, and five days the act of Congress "to confirm the term for the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston," approved May 27, 1878; which was read twice by its title, and referred to the Committee on Patents.

Mr. RIDDLEBERGER introduced a bill (S. 1890) to provide for the erection of a post-office at Fortress Monroe, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1891) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Yorktown, Va., and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GORMAN introduced a bill (S. 1892) relating to the pay of retired officers of the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1893) granting a pension to Mrs. Julia M. Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 1894) granting a pension to Octavia A. Newhall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1895) granting a pension to Christopher P. Davidson; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GROOME, it was

*Ordered*, That the papers in the claim of the owners of the schooner Addie B. Bacon be taken from the files and referred to the Committee on Claims.

AMERICAN SILK FLAG.

Mr. MILLER, of California, submitted the following resolution; which was referred to the Committee on the Library:

*Resolved*, That the silk flag presented by Mr. Joseph Neumann, of California, to the Senate and accepted by the Senate on the 12th day of July, 1870, the said flag being it is believed the first American flag made of American silk, be deposited in the Smithsonian Institution for exhibition and preservation.

EXPENSES OF STAR-ROUTE CASES.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to furnish the Senate copies of the accounts and vouchers of the disbursing agent of the Department

of Justice for miscellaneous expenses relating to the star-route cases during the last three years.

REVOLUTIONARY SOLDIER ROLLS.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior is hereby directed to inform the Senate whether the Commissioner of Pensions has in his possession the rolls of Revolutionary soldiers belonging to any of the States; if so, how said rolls came into his possession or the possession of the United States; whether there is any reason why the same should not be returned to the States from which they were received, and, if the same are needed for use by the United States, whether written or printed copies of the same can not be substituted for the originals without detriment to the public interest.

SCHOONER DRUID.

The PRESIDING OFFICER. If there be no further "concurrent or other resolutions," that order of business will be closed.

Mr. HOAR. I ask unanimous consent of the Senate to take up the bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid, the last bill upon the Calendar, for present consideration, and I ask to make a brief statement of the reason why I ask consent to take it up.

A short time ago a war vessel of the United States ran down at sea a vessel belonging to Nova Scotia, near the Nova Scotia coast. It was a clear case of the fault of the officer of the United States vessel. A court-martial was held by order of the Navy Department, and the court-martial found that the United States officer was guilty of gross negligence and sentenced him to be suspended for two years, which sentence is now in force, having been approved by the President.

The wreck of the vessel run down was towed by our vessel into Massachusetts; and was there purchased by two Massachusetts citizens, who have expended upon the wreck twice as much as the cost of the wreck itself. They now ask to have an American register issued to that vessel, the law requiring that they should have expended three times as much in ordinary cases; but in this case, of course the United States being liable to pay the entire injury to the vessel injured, all that the purchasers pay is clear gain to the United States. Therefore, the Committe on Commerce supposed that it was a case where the special authority to issue an American register might properly be granted.

It is important, as the vessel is lying at the wharf and can not go to sea, that the bill should pass at once, and if it can pass the Senate this morning it can pass the House on private-bill day to-morrow.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. I simply desire to say in relation to this matter that the House sent over a general bill which it was supposed would cover this case, but in my opinion and in the opinion of several other members of the Committee on Commerce the general bill would not cover this case; it would have to be retroactive in order to do it. Therefore the Committee on Commerce withhold any report on the general bill to further consider it. I can not see the slightest objection to issuing the register to this vessel by name.

Mr. MILLER, of California. As I understand the bill, it appears that the repairs cost twice as much as the original cost of the vessel.

Mr. HOAR. Yes, sir.

Mr. MILLER, of California. Then what is the use of any act, because it will come under the general law?

Mr. HOAR. The repairs would have to cost three times as much.

Mr. MILLER, of California. The repairs would have to cost three-quarters of the original cost of the vessel, not three times as much.

Mr. HOAR. Oh, no; three times three-quarters of the cost of the vessel when completed, as we understand it.

Mr. FRYE. We have examined it. The statute does not cover this case.

Mr. MILLER, of California. Why should there be an exception made in this case?

Mr. HOAR. If the Senator had listened to my statement he would have heard me say that this vessel was run down by a United States vessel. Every cent that these men paid for the wreck saves the United States just so much expense. In my judgment they should get an American register under the circumstances if it had only cost a quarter as much for repairs, because otherwise it has got to be broken up and sold for old truck. There has been a court-martial of the officer of the United States war vessel that ran her down. The officer was found guilty of gross negligence and suspended for two years, and the sentence is in force at present.

Mr. MILLER, of California. Does the United States have to pay the damage?

Mr. HOAR. Certainly; the United States is liable for the damage. Where it occurs in American waters we always give a special authority to go to the Court of Claims or a district court, but this occurring in foreign waters, the foreign government can make demand on our Government.

Mr. MILLER, of California. I see no objection to the bill.

Mr. FRYE. There is no objection to it.

Mr. VEST. I merely want to say that I agreed in committee to report this bill, and I shall make no opposition to it, but I wish it distinctly understood that I enter a protest against that clause of the navigation laws which requires that when an American citizen purchases a vessel that is damaged or wrecked he shall pay three times as much for repairs as the original purchase-money in order to be entitled to an American register. I agreed to this measure because the general navigation law is still upon the statute-book, but I am opposed to the whole principle, and I do not want myself committed to any such thing as an approval of that legislation as it now exists because I do not oppose this bill. The whole thing is wrong in my judgment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebr.; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. COKE. I ask unanimous consent to take up Senate bill No. 48. I will remark that I would not ask to take the bill up out of its order if I were satisfied that the Senate would go to the Calendar and proceed with it, as it might be reached this morning in a very short time. It is an important bill, and I ask unanimous consent to take it up.

Mr. CAMERON, of Wisconsin. What is the bill?

Mr. COKE. It is the bill to provide for the allotment of lands in severalty to Indians on various reservations.

Mr. HOAR. That is a long bill.

Mr. CAMERON, of Wisconsin. It is a general bill, and I have no doubt will excite a great deal of discussion, and if it is taken up it will occupy not only the morning hour this morning but in all probability the morning hour for a week to come. I hope the Senator from Texas will not ask to take up that bill at this time.

Mr. COKE. I will state to the Senator, if he will permit me, that this bill passed the Senate once in the morning hour without any discussion at all, and since that time universal expressions of approval have come up from all portions of the country.

The PRESIDING OFFICER (Mr. GARLAND in the chair). This debate is proceeding of course by unanimous consent, as the rule is against debating a motion to take up a bill. Does the Senator from Texas move to proceed to the consideration of a bill?

Mr. COKE. Do I understand the Senator from Wisconsin to object to taking up the bill?

Mr. CAMERON, of Wisconsin. I will not object.

Mr. COKE. Then I make the motion.

Mr. HOAR. I should like to make an inquiry. Was there not unanimous consent given yesterday that the bill which was discussed, and which stood at the head of the Calendar until it was recommitted, the district court salary bill, should be at the head of the Calendar this morning?

Mr. COKE. I think not.

The PRESIDING OFFICER. The present occupant of the chair was not then in the chair. He is informed, however, that there was objection to that request.

Mr. HOAR. I did not hear the objection.

Mr. HARRIS. There was objection.

The PRESIDING OFFICER. Such is the information of the Chair.

Mr. HARRIS. Hence I think the Senator from Massachusetts gave notice that he would move to proceed to the consideration of the bill this morning.

Mr. HOAR. I gave notice that I would move it. If the Senator's bill will only take a few minutes I certainly do not wish to make an objection, especially as I have just had the indulgence of the Senate myself. If it is to be a long general debate, I think it will be my duty to move to take up the other bill, which stood in its position at the head of the Calendar as of right and then it was recommitted in my absence, and it was debated very thoroughly yesterday, so that there will not be, of course, a great deal more of debate. Some other gentlemen wish to speak on it.

Mr. COKE. I will state to the Senator from Massachusetts that I make this motion at the suggestion of, and in entire accord with, the chairman of the Committee on Indian Affairs, who like myself very much desires that the bill shall be taken up and considered.

Mr. HOAR. I should like to inquire if there would be objection to unanimous consent to taking up the district judges' salary bill after the bill of the Senator from Texas.

Mr. COKE. I shall not make any objection to that proposition.

Mr. HARRISON. As we have considered the judicial bill and there has been some debate upon it, I hope the Senator from Texas will consent that we may proceed to the consideration of that bill and finish it, and then take up the bill which he has mentioned. The judicial has been under discussion, and the longer it is put off the more likely we are to have the discussion repeated. I think we can finish it very soon, and then I am sure there will be unanimous consent of the Senate to proceed to consider the bill which the Senator from Texas wishes to bring before the Senate.

Mr. COKE. I will consent to that arrangement with the under-

standing that Senate bill No. 48 shall be proceeded with after the judicial bill is disposed of.

Mr. HARRISON. Very good.

Mr. HOAR. I move to take up the judicial bill.

The PRESIDING OFFICER. The Senator from Texas withdraws his motion to take up the bill indicated by him, and the Senator from Massachusetts moves to take up the judicial salary bill. Is there objection? The Chair hears none.

SALARIES OF DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN], which will be read.

The CHIEF CLERK. It is proposed to add to the bill:

*Provided*, That this act shall apply only to judges that shall be hereafter appointed.

Mr. GEORGE. Mr. President, I feel it my duty to submit some observations to the Senate in opposition to this bill. I do not believe that salaries ought to be regulated by the ability of the Government to pay or even exclusively by the value of the services rendered. The standard for the regulation of the salaries of officers of all kinds in my judgment is a reference to the gains in private life of men in the locality in which the duties of the office are to be discharged. I say a fair average of the gains in private life of men in that locality who are competent to fill and discharge the duties of the office is the proper standard. Anything more than that makes the office more desirable, more valuable than the public interests require. Anything less than that would fail to secure the services of competent men to discharge the duties of the office. I do not believe that the salaries of officers should be fixed either for the purpose of enriching or impoverishing the incumbent. I think his gains, his salary, or his fees, whatever they may be, should be so regulated as to give a moderate and fair compensation for his labor and for his services, without making the position exceptionally profitable or exceptionally desirable in the community in which he discharges his duty.

The desirability of an office to a good man is not composed alone of the fees or profits which he may gain by it. There is a generous ambition in the hearts of good men which makes them seek to obtain possession of power and office for the purpose of using it for the public good and for the purpose of winning for themselves an honorable fame for honorable and useful public service. I do not think the salaries of officers ought to be so regulated as to obscure or depress that motive. I do not think that in regulating official salaries we ought to appeal to the avarice of men rather than to their sense of justice and their honorable ambition to serve the public.

Public officers, on the theory of our Government, are public servants. This position should never be forgotten and should be kept steadily in view. To be a servant of the public includes the idea to some extent of personal sacrifice. It means serving a master, and not serving one's self. It excludes the idea of such advantages derived from the position as place the incumbent exceptionally in a better condition than those whom he serves. Taxation is restricted to the legitimate wants and needs of the Government; it can not be justly used to enrich officials of any class or unnecessarily to grant liberal largesses to any class of men.

Our fathers in the beginning of this Government acted on this rule. They did not give these large and enormous salaries. They calculated largely upon the patriotism and public spirit of officials in order to have offices well and properly filled. I have during the last night looked over the legislation of Congress upon the subject of official salaries from the beginning down to the present, and I desire to bring the facts before the Senate.

In 1789, in the very first bill that ever was passed on this subject, a bill approved by Washington, the salary of the supreme judges of the United States was fixed at $3,500; in 1819 the salary was made $4,500; in 1855 the salary was fixed at $6,000. I am speaking now of the salaries not of the inferior judges, but of the supreme judges. At that figure it remained as long as the Democratic party was in power in this country. In 1871 the salaries of the supreme judges were fixed at $8,000, and in 1873 at $10,000, the present amount.

The district judges by the act of 1789 had salaries as follows: The district judge of Maine had $1,000; of New Hampshire, $1,000; of Massachusetts, $1,200 (in 1819 it was raised in Massachusetts to $1,600); in Connecticut it was $1,000, and so far as my researches go the salary of the district judge of Connecticut, fixed by the act of 1789 at the sum of $1,000, was not changed until 1836. In New York the salary, under the act of 1789, was $1,500; in 1819 it was raised $100, to $1,600. In New Jersey the salary was put at $1,000; in Pennsylvania it was $1,600, and when the western district of that State was formed, in 1818, the judge of that district had $1,600. In Delaware the salary was put at $800. Two hundred dollars was added to that in 1795, and in 1819 it was raised to $1,600, and in a subsequent statute the unprecedented thing was done in the history of official salaries that it was reduced $100, so as to put it at $1,500. In Maryland the salary was $1,500; in Virginia, $1,800, and in 1818 a western district was formed for Virginia, and the salary of that district judge was fixed at $1,600. In Kentucky it was fixed at $1,000, and in 1803 raised to $1,500. In South Carolina the salary was fixed at $1,800; in Georgia, $1,500.

These were the salaries under the act of 1789.

North Carolina was not a member of the Union at that time. The salary fixed for the district judge in that State by the act of 1790 was $1,500. Rhode Island at the same time came into the Union and had a district judge, and his salary was fixed at $800. Vermont in the same year having become a member of the Union, a district court was established there with a salary of $800 for the judge, $200 being added to it in 1795. In Tennessee, in 1796, the salary of the district judge was fixed at $800, raised in 1802 to $1,500. In Ohio, on her admission into the Union, the salary of the district judge was fixed at $1,000. In Louisiana, in 1803, the salary of the district judge was $3,000; larger than any salary up to that time that had been given to any district judge in the Union. In Indiana, admitted in 1817, the salary was fixed at $1,000, and in Mississippi at $2,000.

And in that very singular piece of judicial legislation performed in the closing hours of John Adams's administration, when a bill was passed, avowedly almost, for the purpose of giving patronage to the Federal party, then in its last hours of life, when I believe sixteen circuit judges were created, the salaries of those officers were fixed at $2,000, except in the sixth circuit, and in that circuit the salary was $1,500.

In 1819 Illinois was admitted into the Union, and the salary of the district judge was fixed at $1,000; in 1820 Alabama was admitted with a district judge's salary of $1,500; in 1822 Missouri came in with a salary for the district judge of $1,200.

In 1830 there seems to have been a general revision of the salaries of the district judges by Congress, and in that revision I find that the district judges in the States of Massachusetts, South Carolina, Georgia, Alabama, and the eastern district of Pennsylvania were fixed at $2,500; in North Carolina at $2,000; in Maine at $1,800; in Rhode Island at $1,500; in Delaware at $1,500, being as I before remarked a reduction of $100 from the salary of the judge of that district; in Maryland $2,000; in New Jersey $2,500; in Vermont $1,200; in the western district of Pennsylvania $1,800.

In 1836 Arkansas was admitted into the Union, and the district judge of that State had his salary fixed at $2,000. In the same year Michigan was admitted, and the salary of the judge there was put at $1,500. Texas was admitted in 1845, and the salary there was $2,000, and Wisconsin in 1846, and the salary was $1,500.

Again, in 1855 there seems to have been a kind of general revision of the subject of the salaries of the district judges, with this result: In Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, New Jersey, Iowa, and Wisconsin the salary was fixed at $2,000 each; in the northern district of Florida it was fixed at $2,250; in the western district of Virginia, in North Carolina, in the eastern and western districts of Tennessee, in the northern and southern districts of Mississippi, in the western district of Pennsylvania, in the western district of Louisiana, in Texas, in Kentucky, in Ohio, in Indiana, in Missouri, in the eastern and western districts of Arkansas, in Illinois, and in Michigan the salary was put at $2,500 each. In Georgia by this same act of 1855, in South Carolina, in the eastern district of Virginia, in the northern district of New York, and the northern and southern districts of Alabama, the salaries were put at $2,750; in Maryland, Massachusetts, the eastern district of Pennsylvania, the southern district of Florida, and the southern district of California at $3,000; the eastern district of Louisiana at $3,500; the southern district of New York at $3,750; and the northern district of California at $5,000.

In 1857 the salary of the district judge of the northern district of Illinois was made $3,500; in the district of Wisconsin it was made $2,500, and in Michigan $3,000. In 1864 the salary of the district judge of the northern district of New York was made $3,500. In 1865 the salary of the district judge of Nevada was fixed at $3,500. In 1867 the salary of the California judge was fixed again at $5,000, the eastern district of Louisiana at $4,500; Massachusetts, the northern and southern and eastern districts of New York, and the eastern and western districts of Pennsylvania, Maryland, the northern district of Illinois, the southern district of Ohio, and New Jersey, at $4,000; and all the other districts at $3,500.

The present salaries of these judges is fixed by section 554 of the Revised Statutes:

SEC. 554. District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: The judge of the district of California, $5,000; the judge of the district of Louisiana, $4,500; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio, and the northern district of Illinois, $4,000. The judges of all other districts, $3,500. No other allowance or payment shall be made to them for travel, expenses, or otherwise.

It will be observed on looking at these salaries that Congress in each one of the acts which have heretofore been passed has discriminated in the salaries of the several district judges. This is the first bill that was ever introduced which ignored the difference between the several districts and undertook to have a uniform salary throughout the United States. The former acts to which I have called attention, especially the

earlier ones, seem to have been framed upon a careful consideration of all the elements which ought to be taken into consideration in fixing the salaries of judges.

And here let me remark, Mr. President, that it is not the sole or even the most important element in fixing the salary of a judge to determine as to what may be the abstract value of his services. Uniformly up to now the salaries have been regulated with reference to professional gains in the States in which the appointments were made, with reference to the cost of living in the several States in which the judges resided, and by taking into consideration all these things and another one to which I will allude presently, the Congress has up to now fixed a satisfactory adjustment of these salaries.

The other consideration to which I allude is this: that up to now Congress in fixing the salaries of the district judges has had some reference to the salaries paid by the States in which the judges discharge their duties to their own judicial officers. It has not, up to this time, been the policy of Congress to give to its judicial officers performing local duties inside of the States an invidious advantage over the judicial officers of the States in whose jurisdiction they perform their duties.

I have a list of the salaries paid by the several States of this Union, not to their inferior judges—I could not get that—but to their highest judicial officers, and by a comparison of that list, which I shall read to the Senate directly, it will be seen that to these inferior—because that is the term by which they are designated in the Constitution—judicial officers of the Government of the United States this bill proposes to give a salary larger than is given in a large majority of the States of this Union to their highest judicial officers. I have made no comparison between similar officers in the States to these—the circuit and district judges who perform nisi prius duties. I have had no means of ascertaining what is the salary paid to those officers in the States, but I have taken the highest judicial officers of the States, the supreme judges, and I find that in only six States is the salary paid to the highest judicial officer higher than is proposed by this bill to be paid to inferior Federal officers. In New York the salary is $7,000, with $2,000 for expenses; in Pennsylvania it is $8,000; in New Jersey it is $7,000; in Nevada it is $6,000; in California it is $6,000; in Massachusetts it is $6,000. These six States are the only States which pay their highest judges a salary greater than is allowed by this bill.

Mr. CAMERON, of Wisconsin. Allow me to say that the judges of the supreme court in the State of Wisconsin receive a salary, the chief-justice and the associate justices, of $5,000 a year. The act increasing their salary was only passed a few years ago, so that the Senator may have overlooked that fact.

Mr. GEORGE. So far as the State judges are concerned I have obtained my figures from the American Almanac, prepared by Mr. Spofford, the Librarian. I am willing to be corrected in reference to Wisconsin; but there are yet only six States which pay their highest judges a larger salary than is proposed to be paid by this bill to the inferior judges of the United States.

I find that there are only six of the States which pay their supreme judges a salary equal to the salary proposed by this bill. They are Colorado, Illinois, Kentucky, Louisiana, Wisconsin, and Ohio; and Ohio's law does not go into operation as to the present incumbents, only as to future incumbents; an idea which sustains the proposition contained in the amendment offered by the Senator from Alabama [Mr. MORGAN]. There is also support for that amendment in the effort made by Mr. Madison in the convention which framed the Constitution to have inserted in that clause which prohibits the diminution of the salaries of the judges during their continuance in office the further provision that they should not be increased.

I go on. In Missouri the salary of the supreme judges is $4,500.

Mr. FARLEY. Allow me a moment.

Mr. GEORGE. Certainly.

Mr. FARLEY. In the State of California the judges of the courts of the State, their salaries being fixed when they enter on the duties of the office, can not be increased or diminished during their term.

Mr. GEORGE. That is in accordance with Mr. Madison's idea. That seems to be the idea embraced in the amendment offered by the Senator from Alabama.

Now, Mr. President, I go on further, because I want all these statistics to be laid before the Senate and before the country, however dreary they may be. In Missouri the salary of the supreme judges is $4,500; in Connecticut, Rhode Island, Michigan, Minnesota, Indiana, and Iowa the salary is $4,000; less than the amount proposed to be paid by this bill to the judges of the inferior courts of the United States sitting in the same State and administering a part of the same jurisdiction as the State supreme judges do. Maryland, Mississippi, South Carolina, and Texas pay their supreme judges $3,500; $1,500 less than is proposed by this bill to be paid to the inferior judge of the United States district court who holds his court within the limits of the State. In Alabama, Arkansas, Florida, Maine, Virginia, and Kansas the salary of the supreme judges is $3,000; in New Hampshire it is $2,700; in Georgia, Nebraska, Vermont, and North Carolina it is $2,500; in West Virginia, $2,250; in Oregon, $2,000; and in Delaware, $2,000.

A recapitulation of this will show that there are three States that pay a salary of over $6,000, four which pay a salary of $6,000, seven which pay a salary of $5,000, one of $4,500, seven of $4,000, four of $3,500, six of $3,000, one of $2,700, four of $2,500—just one-half of the amount to be paid under this bill to this inferior judge of the United States; one of $2,250, and two of $2,000.

But, Mr. President, that is not all the difference; it lacks a great deal of being all the difference in favor of the Federal judge against the State judge. The difference of tenure is great. I find in looking over the tenure of the judges of the supreme courts of the various States that they range about six and twelve years. One State has twenty-one, Pennsylvania; in New York it is fourteen years, and in New Jersey seven, but all of them have limited terms, very few going over nine years, some of them going as low as two years, as in Vermont; and one, a very remarkable tenure, in Rhode Island, where they hold their office until a joint resolution shall pass both houses of the Legislature removing them from office or asking them to resign.

These Federal officers have the advantage in tenure, and it is a very great advantage that they have security in their position. They are appointed during good behavior, which is tantamount to an appointment for life. That seems to be the practice of the Government, though from the little reflection I have given to that subject I am satisfied that there is a mode, if adopted, by which they can be got rid of without impeachment when they become inefficient. That is not all, Mr. President; when one of these inferior judges has served ten years and arrived at the age of 70 he can resign his place and draw his salary for the rest of his life. That is the law; but in practice, owing to the difficulty of getting them out of their places, if one of them becomes inefficient before he reaches the age of 70 years and before he has served ten years he will be invited or authorized to resign his place by an act of Congress giving him his salary to the end of his term, as was done in the case of Judge Hunt. I believe that is the only case, but if is the precedent set, and it will be followed whenever and wherever one of these judges, before the expiration of his tenure of service and before his arrival at the age of 70, shall become disqualified in any way to discharge the duties of his office. There is no reason why it should not be done in a case of that sort the same as it was done in the case of Judge Hunt; and so, sir, I may say that it is the accepted doctrine that a Federal judge may resign his place under the authority of a special act of Congress at any time that his health will not permit him to discharge the duties of his office and draw the salary to the end of his life. No such privilege is allowed to any State judge.

Mr. President, the States are as important agencies of the people in the administration of their governmental affairs as the Federal Government. Within their keeping, within their jurisdiction, lies the great mass of powers which protect life, liberty, and property. In fact, the two sets of governments, the State government and the United States Government, are but agencies of the people to have their governmental business done. There is no preference to be given to one over the other. The dignity and importance of the State governments should not be lessened or diminished by any act of ours.

What is the effect of this? You put an inferior Federal judge in a State, you give him a salary twice as large in some instances and in many instances much larger than is given by the State to the judges of her highest tribunal; and what is the effect? You enter into a competition on the part of the Federal Government with the State to purchase from the State service, to seduce from the State service by these higher salaries, the services of her best sons. I do not believe we ought to do anything of that sort. I do not believe that we ought to send an inferior judge into a State with a salary larger than is allowed to the highest judge in that State. Such a practice as that augments unduly the powers and importance of the Federal Government, and it depresses the powers and importance of the State governments.

But, Mr. President, there is no necessity for passing this bill. Does any Senator say—will he rise in his place and say that the present salaries have been unable to secure competent and faithful and able men in the service of the United States in the district courts? Is there any public reason—not a private reason to accommodate a particular judge—but is there any public reason based upon considerations of public policy and of the efficiency of the public service which demands the passage of this bill? If there be an exception in any particular State, as I admit there may be, I am willing to meet that demand as to that particular State.

It was said yesterday by the Senator from Kentucky [Mr. WILLIAMS] who addressed the Senate that for every vacancy that occurred in one of these district judgeships there were at least forty applicants. I suppose he is correct. But I deny the proposition as founded in reason or the experience of this country that high salaries necessarily produce or procure a more efficient service than moderate salaries. Judge Story served upon the Supreme Bench of the United States for a long time at $3,500 and for another long time at $4,500, and we have produced no abler man than he. Marshall, the greatest judge that ever sat, I suppose, in the Supreme Court of the United States, served most of his time with a bench whose salaries were $3,500. It does not follow that high prices get the best material.

How are these judges selected? Will the gentleman say that the President of the United States in making a selection for a district judge goes among the bar of a State and asks the best-qualified man to accept the

office? No, sir; we know that such a statement would be untrue. He selects from his own party alone and never considers the qualifications or the claims for the position of any one outside of it. Has any Democrat been appointed to a judicial office since the close of the war—I was about to say since the advent of the Republican party? I know in my own State under the present rule of selecting judges that the President confining himself to his own party would not have a chance by a great deal of getting the best legal or judicial talent of the State. I make no complaint against the present district judge there; he is a good man and a fair lawyer; an impartial, upright, and non-partisan judge; but I am discussing the question now of the efficiency of high salaries to procure the best talent and the best judge. I believe that its tendency would be directly the reverse. You make these offices the objects of greed, make them the aim of avarice, and you bring them almost necessarily within the reach of the most unscrupulous party man who seeks the place.

We have had a little experience in some of the States in reference to high salaries upon the advent of governments which were formed there in 1868 and 1869 under the reconstruction laws of Congress. The very first thing that was done was to raise enormously all official salaries beyond what they had ever been before, and the result was that in the judiciary at least there never was a more incompetent set of men put upon any people whatever. I believe they went so far as to appoint a doctor as a chancellor in Mississippi who had not even been licensed to practice law, because they could not find, I suppose, a man any better qualified within the circle out of which they had determined to make their appointments.

So, Mr. President, I shall vote against this bill. I think it is full of evil. I think it is an unnecessary waste of the people's money. I think it will do no good. It will overpay in many instances a class of men who are better off now than they ever were before in the places which they have.

For these reasons I shall vote against the bill.

Mr. KENNA. I desire to present a memorial at this time, signed by members of the Kanawha bar, asking for an increase to $5,000 of the salary of the judge of the United States district court for the district of West Virginia. As the bill has been reported by the committee and is now before the Senate, I ask to have this memorial inserted in the RECORD as if read. It does not embrace a dozen lines.

The PRESIDING OFFICER. The Senator from West Virginia asks that a memorial relating to the bill before the Senate be printed in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The memorial is as follows:

*To the Senate and House of Representatives of the United States of America:*

We, the undersigned, members of the Kanawha bar, do respectfully request that the salary of the judge of the United States district court for the district of West Virginia be increased so that the same will amount to the sum of $5,000 per annum.

Charleston, W. Va., March 15, 1884.

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| I. S. SWANN. | JOHN B. FLOYD. |
| C. HEDRICK. | T. B. SWANN. |
| S. A. MILLER. | HENRY M. MATHEWS. |
| JAMES F. BROWN. | PETER FONTAINE. |
| WM. A. QUANIN. | W. E. CHILTON. |
| THOS. L. BROWN. | GEO. W. PATTEN. |
| J. M. PAYNE. | A. BURLIN. |
| WM. H. HOGEMAN. | W. S. EDWARDS. |
| GEO. S. COUCH. | E. B. WRIGHT. |
| H. D. SHREWSBURY. | JOHN L. COLE. |
| J. W. ST. CLAIR. | JOHN A. WAITH. |
| W. MOLLOHAN. | MALCOLM JACKSON. |
| E. W. WILSON. | J. W. KENNEDY. |
| JAMES H. FERGUSON. | MURRAY BRIGGS. |
| J. H. BROWN. | JAMES E. MIDDLETON. |
| JOSEPH RUFFNER. | L. A. MARTIN. |
| S. S. GREEN. | |

Mr. DOLPH. I desire to ask the Senator from Mississippi a question. The Senator has presented some very interesting figures showing the amount of salary of the district judges at different times. I may have failed to understand the logic of those figures. I ask whether he condemns the acts of Congress which have raised the salaries of district judges from time to time as the country has grown, as the wages of labor have increased, or whether he is now in favor of reducing all the salaries of district judges to the original amount fixed by law, say $1,000 or $1,500 or $2,000 each?

Mr. GEORGE. I am in favor of the salaries remaining exactly where they are, except in some particular case it can be shown that the salary is not sufficient. I presented these figures for the purpose of showing what had been the legislation of this country on that subject, and especially to show that up to this time there never had been a proposition to make the salaries of the district judges in all the States equal; that in every single act ever passed by Congress there had been discriminations.

Mr. DOLPH. Mr. President, a reason has been advanced why the bill now under consideration should not be passed which I do not consider sound. It has been suggested that all the district judges sought and accepted their offices knowing what salary was provided by law, and therefore are not entitled to an increase of compensation. I will answer the suggestion by saying that they also took their offices knowing that it was within the power of the Government to increase their salaries whenever the difference in values, whenever the cost of living, or whenever the amount of business which the courts were required to transact made such an increase of salary just and reasonable.

I thank the Senator from Mississippi for the figures he has given us this morning. I think they conclusively show that Congress has from time to time, as the circumstances and conditions of the country appeared to require it, made a just and proper increase in the salaries of the Federal judges, and I, for one, think the time has now arrived when there should be a further increase.

The truth is that when the salaries of Federal judges were fixed at $1,000 per annum and upward wages of common laborers were 25 cents a day and $6 a month, or less. Even as late as 1860 I think $3,500 was equivalent for the purposes of supporting and educating a family to $7,000 now.

It has been suggested that if the present district judges should resign their offices there would be numerous applicants from every district for the positions thus made vacant. That may be true, and I presume to assert that if the compensation of every officer of this Government, from the Chief Executive of the nation to the clerk in one of the Departments who receives $50 a month, was reduced by law at once one-half, there would still be found a sufficient number of persons who would be willing to sacrifice themselves for their country and who would assume the duties and take the compensation attached to those places. But I doubt whether any Senator would claim that it would be either economical or right to compel the present incumbents of the various offices in the Departments to resign their positions by reducing their compensation and to put into their places incompetent and inexperienced men to transact the business of the Government.

I have a case in my mind which fairly illustrates the propriety and justice of this bill. Upon the admission of the State of Oregon into the Union a judge of the Territorial court was appointed district judge of the United States for the district of Oregon at a salary of $3,500 a year. During the war and afterward he received his salary in currency worth at different times, say, 40, 60, 70, and 90 cents on the dollar. I know that his salary has been and is inadequate compensation for the services performed by him. So far as the contrast which has been made between his salary and the salaries paid the judges of the supreme court of the State is concerned, I will say that the salaries paid the State judges are grossly inadequate; but I think there is no question but that the labor which is devolved upon the judge of the district court in Oregon is greater than the labor which is performed by the judges of the State courts. The district and circuit courts of Oregon—the latter being for the most part held by the district judge—are open I may say the year round; and the entire time of the judge is necessarily devoted to the business of his office.

While there might be men in that State and elsewhere who would be willing to take the office and perform the duties for the compensation the judge now receives, it would be in my judgment a great loss to the country if he were compelled to resign that position on account of the inadequacy of his compensation. The Government would lose the experience of a quarter of a century upon the bench—the services of a judge who by reason of his long service is familiar with the laws and judicial decisions of the State of Oregon and of the United States.

If there ever was a time when this country needs a learned, fearless, and independent Federal judiciary, that time is now; and nothing more is needed to enforce this assertion than the remarks which we have listened to on this floor this morning and within the last few days.

Why, sir, we spend days and even weeks discussing the constitutionality of matters very trivial in themselves. A resolution to expend $25,000 was discussed here day after day as to its constitutionality, and our Federal courts are constantly called upon to determine nice questions of jurisdiction, nice constitutional questions as to the powers of Congress and the powers of the several States.

The district courts have jurisdiction of the laws for the punishment of crimes and misdemeanors. They have civil jurisdiction and equity jurisdiction in various cases; they have jurisdiction of admiralty and prize cases, and the district judges are authorized to hold circuit courts in the various districts.

The duties of these courts are constantly increasing; the field of Congressional legislation is constantly widening. We have scarcely entered upon one extended field of legislation, the regulation of commerce under the power of Congress to legislate in regard to interstate commerce. Within the last few years railroads have been greatly extended, great corporations have been multiplied, and the United States courts have been called upon to decide important questions important not alone on account of the amount involved, but important on account of the questions involved. Our commerce has increased within the last ten years something like 60 per cent., and under the power of Congress to regulate commerce all the laws upon the subject are to be construed and enforced by our Federal judiciary.

For one I am in favor of securing the best obtainable material for Federal judges by paying adequate compensation for the services required.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. MORGAN], which will be read.

The CHIEF CLERK. It is proposed to add to the bill:

*Provided*, That this act shall apply only to judges that shall be hereafter appointed.

Mr. GEORGE. Mr. President, there are a few statements I desire to place before the Senate and the country on this subject by one of the wisest men who ever lived in this country; I allude now to Dr. Franklin:

Sir, there are two passions which have a powerful influence in the affairs of men. These are ambition and avarice—the love of power and the love of money. Separately each of these has great force in prompting men to action; but when united in view of the same object they have in many minds the most violent effects. Place before the eyes of such men a post of honor that shall at the same time be a place of profit, and they will move heaven and earth to obtain it. The vast number of such places it is that renders the British Government so tempestuous. The struggles for them are the true source of all those factions which are perpetually dividing the nation, distracting its councils, hurrying it sometimes into fruitless and mischievous wars, and often compelling a submission to dishonorable terms of peace.

Now I will read another short extract from the same speech:

Sir, though we may set out in the beginning with moderate salaries—

As we did—

we shall find that such will not be of long continuance. Reasons will never be wanting for proposed augmentations; and there will always be a party for giving more to the rulers, that the rulers may be able in return to give more to them. Hence, as all history informs us, there has been in every state and kingdom a constant kind of warfare between the governing and the governed; the one striving to obtain more for its support and the other to pay less.

I recognize that that warfare is on us, and I enlist on the other side in this case.

Mr. MCPHERSON. I shall vote for the committee's bill and vote against any amendment, and I shall do it for this reason: I think the salary reported by the committee's bill is even insufficient to secure that kind and order of talent which is necessary to make a good judge. It requires for that purpose a man of judicial mind; and a man who can not earn more than the sum here provided in any other kind of business, especially in the legal profession, is entirely unfit by reason of his training and acquirements to act as judge of any court.

It is very true that there are some other factors that are to be considered, but a judge of a United States court can not subsist on honor alone. Some other substantial meed is necessary to enable him to live as other men live. In my own State we have the case of Judge Nixon, one of the most able and distinguished men upon the bench, who really gives more hours during the year to the duties of his position than is given by any judge in our State courts. He receives the small salary of $4,000 per year, while our State circuit court judges receive from seven to eight thousand dollars.

I say it is entirely unjust to require of Judge Nixon, or any man of his ability and his attainments and of his success as a judge, to work for the sum of $4,000.

It is true, as some Senators have said, that if the judges dislike to serve longer in that capacity for the salary given them they can resign from the bench; but that is not the way to get a good dispensation of law. It is not the way to give justice to the people who seek redress in the courts. I think it is wise to secure the highest order of talent and pay for it a price commensurate with its worth. I think we have illustrations enough of men of distinguished talent and success upon the bench who have been really required through stress of circumstances to surrender their position and resort to other means of occupation for livelihood, especially to the profession of the law. A man who is fit to be a judge of one of the United States courts for which we are here making provision can earn two or three times that amount in the practice of his profession.

Mr. MORGAN. Mr. President, I had nearly finished yesterday the remarks which I desired to make when the hour of 2 o'clock was reached, and I was cut off from presenting some views that I entertain about this question which I think are important and which will control my vote. Section 554 of the Revised Statutes is:

SEC. 554. District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: The judge of the district of California, $5,000; the judge of the district of Louisiana, $4,500; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio; and the northern district of Illinois, $4,000. The judges of all other districts, $3,500. No other allowance or payment shall be made to them for travel, expenses, or otherwise.

We have observed the practice, and it has been found to be a good one, of applying to the different judges who might require larger salaries because of the labors of their office and because of their places of residence, and giving them more to live upon. It is now proposed to raise the salaries of all the judges of the district courts in this country to $5,000 a year. I remarked yesterday that if that was done the judges of the Territorial courts ought also to have $5,000. They get $3,000 now. They have as much work to do, and of as important a character, or rather of a more important character, than the average of the district judges of the United States.

When we have raised this salary, as I understand it we shall not hereafter be able to reduce it during the lives of any of the incumbents. That means forever. We fix it at $5,000 now, to remain that way under the Constitution always, beyond our power of ever being able to get back to it without discriminating against some judge who will be found upon the bench. The Constitution provides that—

The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

So that when we fix $5,000, it makes no difference how serious the mistake may be or how great a burden it may necessarily impose upon the country, we have got to stand by it; any judge can claim it against us as long as he lives. That makes the matter a little more serious than the first appearance of it, for this is not a repealable act; it is not one that may be got rid of when we may determine that it is based upon a bad policy. Therefore we had better pursue the system we have heretofore observed, of giving additional salaries only in those cases where it has been demonstrated by experience that the salaries at present are insufficient.

Gentlemen have edified the Senate upon the principles involved in giving large salaries to judicial officers. They say that a good, round, fat salary is necessary in order to maintain the dignity of the office and to obtain the proper grade of talent upon the bench; and then they argue, very illogically, *ergo*, having upon the bench a set of judges, it is necessary in order to improve their talents and respectability that we should give them more money. As to some of these judges, I grant you that if we could improve their talents or their respectability by voting them more money it would be a good thing to do; but I can not do that in justice to the people. We can not take money out of the Treasury for the purpose of plastering up abraded consciences, bad records, incompetent abilities, and a slouchy, miserable, mean service.

I should like to know if any Senator here can deceive himself or thinks that the country can be deceived by the proposition that we shall improve the character of the incumbents of the district court judgeships by increasing their salaries. Is that the way that we are going to spend the money of the people of the United States? We have got to that situation here now with this hundred millions of surplus money in the Treasury that we seem to be dazzled with it all the time. We have lost our composure, it seems to me, and our sense of justice to the people, because we happen to be not out of debt but we happen to have a sum of money that we can control for the present moment of time, amounting to about $100,000,000, in the Treasury.

While we are increasing the salaries of judges who took these offices at the present price, and who were glad to get them, the men who pay the money into the Treasury are afflicted with distress throughout the land to an extent that brings an outcry continually before the Senate. We find the country filled with strikes; no demand for labor. The man who is willing to go to his anvil or his plow or any other instrument of industry and toil day by day and thanks God for the opportunity of getting 75 cents or $1 for the chance to work for it, is forgotten entirely, it appears, by the Senate of the United States, and we are here lavishing money, raising salaries $1,500 a year, and for life at that, upon men who were willing and anxious and begging to get these offices when they were appointed to them.

Then they are to have it, as the Senator from Delaware [Mr. SAULSBURY] reminds me, after they have left the service and after they are incompetent to serve the country any longer. I was speaking when I closed my remarks yesterday of the happy condition of a man who had himself provided for for life at a salary of $3,500 a year. Peace visits that man in all of his sleeping and in all of his waking hours. He has no cares about the future. He has only to observe a frugal and commendable economy for the purpose of keeping the expenditures of his family within the limits of a sum of money which he is bound to receive quarterly from the Government of the United States.

I maintain that a man who has a salary of $3,500 a year for life has a better estate in his hands, a better reliance for his family, than a man who holds a position for six years in the Senate of the United States at $5,000 a year, or in the other House for two years at $5,000, or as governor of a State, if you please, at $6,000, $7,000, or $8,000 a year. It is a very much more important matter to him to have it understood, in respect of all his future prospects in life, that he is to receive annually the sum of $3,500 than it would be to be able by running for some important office, or being elected or appointed to it, to get $5,000 or $10,000 for a few years during the era of the very maximum power of his manhood. We have got our United States bonds out. If we put them at thirty years or forty or fifty years' maturity, we can sell them for par in gold at 3 per cent. interest without any difficulty. If you shorten the time to five or to six years you may find difficulty in selling them at an interest of 4½ or even 5 per cent. Why is the difference? We understand it perfectly well. It is simply that the long tenure of the bond during which a man may keep his money invested in a permanent way adds advantage, security, safety, to it. Is there nothing of advantage in the fact that a man has a life tenure in a district court judgeship? I venture to say that the best paid men in the United States today, in comparison with the amount of labor they have to perform and the public responsibility they have to meet, are the district judges of the United States taking them one by one. It is proposed to give $5,000 to every judge of a district court in the United States who happens now to be the incumbent of one of these offices. We find that there is nothing to be gained by it but merely to increase his revenues; we find that

he was satisfied with the present salary at the time he took the office and was delighted to get it; we find that he has been living, if he has been an honest and a frugal man, in accordance with his income and raising his family on it in a proper degree of fashionable luxury upon $3,500 a year. He can go and quietly settle himself down upon a little farm, if he chooses to do so. He can buy a little farm for the half of one year's salary; he can bring around him all the comforts of life that a moderate man ought to desire, and in peace and in quietude, retired from the strife and the battles of life, he can consider those questions of law which are brought to him by counsel learned in the law and argued before him. After all, the great thing in making a good judge is to be an honest man. Any well-instructed and fair-minded man who has a sound conscience and a clean heart can make a good judge. If he has able lawyers to present the questions of law on either side to him, his task is a comparatively light one.

I am not arguing against giving proper salaries to the judicial officers of this country; but I am arguing against the principle which is invoked here, that men who have taken their offices for life upon a certain stipulated salary shall now have their salary raised when they do not bring to the satisfaction of the Senate or of the country evidence of having a higher range of abilities than they had when they took the offices or evidence of having earned from the Treasury of the United States this increased compensation, which after we have made it we can never revoke.

This is no light and trifling matter. When we place this statute upon the books it will run along through the years, and there will never be found a Congress that can repeal it. It may have one good effect. It may have the effect hereafter of preventing us from creating some new districts that are sought to be created and are looked after with great eagerness in different parts of the United States. It may have that effect; but that is the only line of light or of justice that shines through this bill. It is a bill of extreme and permanent injustice to the people of the United States. We inflict upon them a burden of $1,500 additional pay in favor of every district judge in the United States for all time to come. I am not willing to participate in shouldering that burden down upon my people. Gentlemen who feel more liberal than I do in this respect, especially the Senator from New Jersey, who lives in a rich manufacturing community, probably can see their way through. His judge gets already $4,000 a year. He is complaining that he does not get enough. Perhaps that Senator has some reason for desiring to see this Treasury emptied anyhow. There are Senators here who desire to see the Treasury, when filled up, emptied upon appropriations continually. My judgment is that their real foundation reason for it is that it gives them a better chance to tax the people——

The PRESIDENT *pro tempore*. The hour of 2 o'clock has arrived, and it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. McPHERSON. Mr. President——

Mr. HOAR. I wish we might have unanimous consent——

The PRESIDENT *pro tempore*. The Senator from New Jersey [Mr. McPHERSON] has addressed the Chair.

Mr. MORGAN. I object. Let the bill go over. We have not thought about it enough.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. McPHERSON. Yes, sir.

Mr. HOAR. I rose to ask unanimous consent that the judicial salary bill might be proceeded with, so that the Senator from Alabama may finish his remarks.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senator from Alabama be permitted to continue his remarks upon the judicial salary bill. Is there objection? The Chair hears no objection.

Mr. MORGAN. I did not ask to go on to-day, sir. Gentlemen are very kind indeed, and I thank them very profoundly.

Mr. HOAR. The Senator does not want to talk the bill to death, of course.

Mr. MORGAN. I am a little hoarse, and do not care to speak to-day. I would rather speak to-morrow.

Mr. HOAR I believe the Senator is the only member who does not desire to have his remarks finished.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the House had passed the bill (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD.

### MIANTONOMOH CONTRACTS.

Mr. McPHERSON. Before the Senate proceeds to the consideration of the unfinished business I ask the Senator from New Hampshire to agree to lay it aside informally for a moment. I wish to submit a resolution asking for some information from the Navy Department, and as the naval appropriation bill will come before us in a few days, I desire to obtain the information before that reaches us.

Mr. BLAIR. It will take no time?

Mr. McPHERSON. No, sir; no time.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent to offer at this time a resolution. It will be read for information.

The Chief Clerk read as follows:

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate copies of the contract or contracts between the Navy Department and Messrs. Cammell & Co., of Sheffield, England, and John Brown & Co., of Sheffield, England, or with any other parties, for the turrets, or material for the same, for the ironclad Miantonomoh.

The PRESIDENT *pro tempore*. Is there objection to the present reception and consideration of the resolution?

Mr. COCKRELL. Why not include in it any other contract in regard to the same thing, so that we may have the whole matter?

Mr. McPHERSON. It is there. It reads: "Or with any other parties." I think the resolution is broad enough.

The PRESIDENT *pro tempore*. Is there objection to the present reception and consideration of the resolution?

Mr. BLAIR. I shall object if it is likely to lead to debate.

Mr. McPHERSON. I think there is no objection to it. There can be no objection to such a resolution.

Mr. COCKRELL. I do not object to it.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none; and the question is on agreeing to the resolution.

The resolution was agreed to.

### STATEN ISLAND SOUND BRIDGES.

Mr. McPHERSON. I ask the Senator from New Hampshire to yield to me one moment longer to make a transfer of a petition sent to the wrong committee.

Mr. BLAIR. I do not understand the Senator distinctly.

Mr. McPHERSON. I wish to have a petition that I sent by mistake to the Committee on Railroads a day or two since transferred to the Committee on Commerce, who are considering the matter.

Mr. BLAIR. I have no objection, of course.

Mr. McPHERSON. It is the petition of citizens of New Jersey and New York, praying for the passage of a bill authorizing the construction of bridges across Staten Island Sound, which by mistake was referred to the Committee on Railroads. I ask that it be referred to the Committee on Commerce instead, as they are considering the matter.

The PRESIDENT *pro tempore*. The Chair is informed that yesterday the petition was reported back from the Committee on Railroads by the Senator from Wisconsin [Mr. SAWYER], and that it was referred to the Committee on Commerce.

Mr. McPHERSON. All right.

### MEAT EXPORTATIONS.

Mr. HAWLEY. The Senator from New Hampshire is kind enough to yield to me for a moment. The Committee on Foreign Relations reported a resolution which was referred to the Committee on Printing. They are anxious to have their report and accompanying documents concerning the export of meats published as soon as possible. The Committee on Printing reports it favorably.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent to make a report at this time from the Committee on Printing. Is there objection? The Chair hears none. The resolution reported will be read.

The Chief Clerk read the following resolution, submitted yesterday by Mr. MILLER, of California:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 6,000 extra copies of the report and accompanying documents of the Committee on Foreign Relations of the Senate upon the resolution of the Senate requiring said committee "to inquire into and report such legislation as shall protect our interests against those governments which have prohibited or restrained the importation of meats from the United States;" 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. INGALLS.

Mr. BLAIR. Mr. President, last evening at the adjournment I had very nearly concluded what I then proposed to say upon this bill. This morning I shall occupy only a few moments in placing some matters before the Senate which are suggested by the fact that there seemed to be upon this side of the Chamber some doubt arising as to whether the principle involved in the appropriation was not a new and unheard-of principle to the Republican party.

Mr. VAN WYCK. Before the Senator proceeds to debate that branch of the case, there are one or two points in regard to the matters he has

previously discussed to which I should like to call his attention and on which I wish to hear some suggestion from him. I have read carefully the Senator's speech made on the first day of the consideration of this bill, and I do not think he is as clear upon one or two points as he would himself like to be. I wish to call his attention to one of the strong points made in his first speech and to which he alluded in a measure yesterday. It may not in a broad view be considered very material; but one of the strong points in his speech and in his position was that the benefit to be derived from this appropriation was the education of the illiterate children, and that in some portions of the country there are colored children who are very illiterate, and therefore the result of the bill would be to aid very much towards their education. I fail to discover in the Senator's speech and I fail to discover in the Senator's bill any sort of guarantee that this great bounty will reach a portion of the class which he wishes this bounty to reach. I see no guarantee in his bill on that matter. I ask him the question because I may have overlooked it; and I call his attention to the point whether the bill itself furnishes any guarantee to Congress or to the people who will have to pay this taxation that that portion of the illiterates of the American people will have the benefit which he thinks will go to them? Is there any guarantee that that will be done?

Mr. BLAIR. I understand that there is. The bill distributes the money irrespective of race or color entirely. It distributes the money to the several States upon the basis of illiteracy, whether it is white or black or Indian or what not, existing within the State, as reported by the official returns of the census. The bill then expressly requires that the aid granted shall be applied within the State without distinction of race or color. It does not provide that the colored people shall have it in proportion to their illiteracy more than the others or less than the others. It simply provides that the amount distributed shall be given to each State upon the basis of illiteracy. It will be taken mainly by the States where most of the colored people live, as the Senator well understands, but the bill provides that when taken within the States it shall be distributed and used without any reference to color whatever, and in such a way as to equalize as far as may be the educational advantages of all classes, of all races, within the jurisdiction of the State. The bill is explicit in that regard.

Mr. VAN WYCK. Precisely; but that is a mere legislative declaration in the bill. Is there any guarantee of the execution of that provision of the bill? The money is to be placed, as I understand, in the hands of the States and is to be controlled by them. It is to be distributed among that class of population in a great many States to which we gave the elective franchise. We gave them the privilege to vote. That was a gift. Now you propose to give them millions of money to be distributed to educate children of this same race.

Mr. BLAIR. And the other.

Mr. VAN WYCK. Certainly, and the other; both.

Mr. BLAIR. We do not refuse it to our own race.

Mr. VAN WYCK. Very well. The elective franchise was given to both; it was given to the whites and also to the blacks. The State governments were to administer the law; and notwithstanding our legislation gave the blacks the right to vote, and it was guaranteed in the acts we passed and it was supported and sustained by a constitutional amendment, yet there are gentlemen who will say on this floor and off it that that gift to that class of American people has never been enjoyed. I suppose my friend will agree with me in that statement.

Mr. BLAIR. I will agree with the Senator that Senators will say so, and I believe so to a very considerable extent.

Mr. VAN WYCK. That gift was declared by legislation, it was sustained by a constitutional enactment of the American people, and yet it failed to reach the object sought. Now it is proposed, as I understand the Senator, to give immense millions, for the purpose of the education of a portion of that same class, to the same channel that was to bestow the elective franchise on them, that is, the State governments. In order that nobody shall be deceived or misunderstand this matter I desire to know before the debate is closed that there shall be some sort of guarantee to that portion of the people whom this money is meant to reach and who are intended to be benefited by it.

Mr. BLAIR. I do not know that $1,000,000 is any more "immense," given for this purpose, than any other. Although a million may seem more immense to the Senator from Nebraska when expended in this way than when expended in the way of improvements upon the Mississippi and Missouri Rivers, undoubtedly the bill does call for a large amount of money.

Before replying to the Senator I wish to advert to the impression which seems to exist that money expended for education is a vastly greater amount of money than it is when expended for any other given purpose. We hear from time to time in the discussion of this bill about our expending $120,000,000, and it is lumped together as though the country was to be impressed with the idea that we were to expend it all in one year. We do not talk in that way when we are dealing with other bills and other forms of expenditure. If I were to reply to that in the same spirit in which the objection is advanced, I should talk about the expenditures for carrying on the Government as two or three billions during the same period. If we pay out even $100,000,000 or $120,000,000 ($105,000,000 is the exact amount that is covered by the bill), the distribution is to be extended over the next ten years. I suppose this country would be very thankful to get on with a river and harbor bill that would average $10,000,000 a year during the same time. Would there be anything atrocious in our expending as much to relieve ourselves from this great evil of illiteracy as in the improvement of the rivers and harbors of the country during the next ten years? Would it on the whole be a less judicious expenditure of that amount of money? It is a question that well may be thought of by Senators who raise objections of this ephemeral and deceptive form, not designed, but which really do give a wrong impression in regard to the public burden which is to be imposed by the enactment of this bill into a law.

My friend the Senator from Illinois [Mr. LOGAN], who proposed in the last Congress the expenditure of about $80,000,000 annually, might be told and his bill might be opposed on the ground that it would be appropriating $800,000,000 during the same period of time that this bill proposes an expenditure of $105,000,000. But would that be anything like a fair putting of the case? Are we to lump the expenditures of all time to come and oppose a bill of this description on that ground? If we are to do so, let us put alongside with it the parallel in regard to expenditures in other directions. After all, the expenditure for education, the most important of all objects of legislation, either State or national, the most pressing of any at the present time, will be found to be a very moderate and a very modest expenditure that is proposed by the bill. It is very modest as compared with the evil itself.

A word now in regard to the safeguard which the Senator from Nebraska [Mr. VAN WYCK] suggests as perhaps wanting in this bill. He speaks of the political differences and the political difficulties which we have had in the past; that here is a race which for some reason, notwithstanding the constitutional guarantees and rights under the statute laws of the land, fails to be actually felt and counted at the ballot-box and to which the right of citizenship is practically denied. That Senator knows very well that if those men were enlightened they would have their rights. It is only because they are ignorant that they are feeble; it is only because they are ignorant that they lack power, for knowledge is power. Give to an unintelligent race, whether black or white, sufficient knowledge, and in due time it will acquire property, in due time it will acquire power, and it will be felt at the ballot-box. It will defend itself; it will then have the power to do it.

Let me say to my Republican friends, in view of the efforts by military interference to vindicate the right to the ballot at the point of the bayonet, and in view of the failure of those efforts and the practical abandonment of the voters in the South to the regulation and control of the State authorities, Senators on this side of the Chamber may well hesitate to assert that there is any other remedy left for the condition of things that they complain of in the South except the establishment of common schools and the increase of the individual power of the man who is entitled to suffrage by making him more intelligent.

If Senators on this side of the Chamber wish to discuss this as a political measure, I say that the only political sense for the Republican party to exercise in this matter is to give schools to the South. We believe in our principles; intelligence embraces those principles wherever it exists, as we think. Why then and how then can we possibly oppose the introduction of the very elements and conditions which are essential for us to apply in order that we may appeal successfully to the popular judgment? And having convinced the popular judgment among the masses who are to exercise that judgment, there will be sufficient force to vindicate their right to be heard at the ballot-box, and so to participate in the government of the country. There is no other way open. We have abandoned the South. What have we done to vindicate the ballot-box in the South since 1876? Not one thing that is of tangible and practical value to the colored population to which we gave the franchise but failed to give the common schools when we had control practically in the Southern States. That colored population is turned over, as we know, utterly, and must be forever, unless reached by the introduction of schools which will reach both races alike. It is given over wholly and totally; and it is a settled, fixed condition and status of that colored population at the South to-day that they are not voters, that they are not citizens as a rule. I believe that as thoroughly as the Senator from Nebraska, and speaking simply as a Republican politician, I assert that this measure should be enacted into a law for the purpose of spreading the principles of the Republican party and as the only possible way of doing it now and hereafter.

I was about to speak a little with reference to the suggestion made last night that there were doubts whether a bill of this kind could be advocated properly by this side of the Chamber, as though it was a new question, a doubtful thing yet to be considered. I desire to remind everybody that four successive Republican Presidents of the United States have most emphatically declared in their messages and in public addresses in favor of national aid of a substantial character to common schools. There is no measure whatever that can be brought before the American Congress to-day in which the great general of our armies, ex-President Grant, feels as I believe so deep, so strong an interest as he does in the success of this or kindred measures which shall look to the elevation by national means of the people of the South. I do not limit his sympathies to either race, for they extend to all races there and everywhere. We know, too, that in the inaugural addresses

and in the messages of President Hayes, and in his frequent public addresses since he ceased to be the Chief Magistrate of the country, he has strongly advocated precisely this measure in principle. The same is true of the present Chief Magistrate. I think in two of his messages, certainly in one, he very emphatically calls upon the American Congress to make liberal appropriations for the maintenance of the common schools throughout the country, especially in that region of the country where they are most required. Perhaps I ought not to go further and read from Republican platforms, and yet in the last Republican platform we did take this position:

The work of popular education is one left to the care of the several States—

The bill certainly is not in contradiction to the Republican platform in that respect. I call the attention of the Senator from Nebraska to the bill and to the platform so far as this point is concerned—

The work of popular education is one left to the care of the several States, but it is the duty of the National Government to aid that work to the extent of its constitutional power. The intelligence of the nation—

I ask attention to this proposition—

The intelligence of the nation is but the aggregate of the intelligence in the several States, and the destiny of the nation must be guided not by the genius of any one State, but by the aggregate genius of all.

As we live in modern times, and four years ago may belong to ancient history, I will call the attention of my friends on this side of the Chamber to the precise language in which they are now appealing to the people of the United States for their suffrages in the ensuing Presidential contest through their national committee. I read from the call of the national committee as adopted in the call of the Republican State convention of Maine to choose delegates to Chicago the ensuing national convention:

Without regard to past political differences, who are in favor of elevating and dignifying American labor—

I remind Senators that there is a bill here for the establishment of a bureau of labor statistics also—

protecting and extending home industries, giving free popular education to the masses of the people, securing free suffrage and an honest counting of ballots.

Divers and sundry other equally good propositions are embraced in the call, whereon we appeal to the masses of the American people for the support of our nominees who shall be named at the convention soon to be held. I might go further in this direction, for I do not consider that in advocating this bill I am exactly an outlaw from the Republican party. That remains to be seen; and I suggest that Republican Senators look over the record and consider the attitude of the party and of the American people so far as that people is included within the ranks of the Republican party as to the previous record of that party upon this great question.

I read in conclusion from the report, I understand a unanimous report, of the House Committee on Education in favor of a bill pending upon the Calendar of the House at the present session. The report is submitted by Mr. WILLIS, of Kentucky.

The PRESIDENT *pro tempore*. The Chair thinks that it is not in order to read the reports of a committee of the other House of this session.

Mr. BLAIR. I will read an extract from President Garfield's inaugural address, March 4, 1881.

The PRESIDENT *pro tempore*. That is in order.

Mr. BLAIR. I will withdraw what I said in regard to the report of the House committee. President Garfield said:

But the danger which arises from ignorance in the voter can not be denied. It covers a field far wider than that of negro suffrage and the present condition of the race. It is a danger that lurks and hides in the sources and fountains of power in every State. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in the citizen when joined to corruption and fraud in the suffrage.

The voters of the Union who make and unmake constitutions, and upon whose will hangs the destinies of our governments, can transmit their supreme authority to no successors save the coming generation of voters, who are the sole heirs of sovereign power. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless.

The census has already sounded the alarm in the appalling figures which mark how dangerously high the tide of illiteracy has risen among our voters and their children.

To the South this question is of supreme importance, but the responsibility for the existence of slavery did not rest upon the South alone. The nation itself is responsible for the extension of the suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population. For the North and South alike there is but one remedy. All the constitutional power of the nation and of the States and all the volunteer forces of the people should be summoned to meet this danger by the strong influence of universal education.

This administration commenced with that declaration in the inaugural of the dead. It remains a question whether this administration is to redeem that pledge. One Congress is over; it has not yet been done; and I ask my Republican associates to reflect well upon what they are doing ere we decide finally and conclusively that the pledge shall not be redeemed.

I may add in conclusion that what may be termed the operating machinery of the bill is taken from one which has more than once passed the Senate, known as the Morrill bill. In the last Congress when it was acted upon the vote stood 41 yeas and only 6 in the negative. The Republican party is committed absolutely to the machinery and to the principle; and that machinery has been adopted in the pending measure very largely, so far as I am concerned, in view of the consideration that division might arise on this side of the Chamber if another and a more vigorous method of national interference were provided in the terms of the bill.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. VEST. What is that amendment?

The PRESIDENT *pro tempore*. It will be reported for information.

The CHIEF CLERK. In section 1, line 13, after the word "children," it is proposed to strike out "of the school age mentioned hereafter" and insert "between the ages of 5 and 21 years;" so as to read:

Which several sums shall be expended to secure the benefits of common-school education to all the children between the ages of 5 and 21 years living in the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was rejected.

Mr. PLUMB. I move, in line 10 of section 8, to strike out the words "at least one-third of the sum" and insert the words "an amount at least equal to the sum."

Mr. INGALLS. The words "equal to" have already been inserted.

Mr. PLUMB. The purpose of my amendment is that the States who receive this money shall pay as much out of their own treasury as they receive from the Federal Treasury.

Mr. INGALLS. Strike out the word "one-third" and it will accomplish it.

Mr. PLUMB. I was not aware of the previous amendment.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The SECRETARY. In line 10 of section 8, after the word "schools," it is moved to strike out "at least one-third" and insert "an amount equal to."

The PRESIDENT *pro tempore*. The question is on this amendment.

Mr. PLUMB. I suppose there will be no objection to that.

Mr. BLAIR. Let us see how it is. My attention was distracted. The amendment as proposed by the Senator is very objectionable to my view.

Mr. PLUMB. The amendment is simply that any State receiving this money shall pay at least as much for the education of the children in its own limits as it receives from the Federal Government.

Mr. BLAIR. This is proposed in that innocent and unbusinesslike way which makes it seem as though it ought to be assented to; but, after all, it is one of the most vital and troublesome amendments the Senator could have suggested to the practical operation of this bill.

Mr. PLUMB. I am sorry to trouble the Senator.

Mr. BLAIR. I have no doubt it is a source of great grief to my friend to have suggested anything in any way troublesome to me; and I assure him he has not as yet, because the suggestion is not as yet an accomplished fact. If it becomes so, it will be the act of the Senate and not of the Senator, and, of course, I shall acquiesce; but I should like to be heard upon the amendment if the Senator urges it.

Mr. PLUMB. The Senator has the privilege of making any remarks.

Mr. BLAIR. I know the Senator would like to hear me speak, and that is one reason that induces me to insist on being heard before voting on the amendment. If the Senator has any reason to offer for his amendment, I should be glad to hear it before replying; if not, I will reply in advance to show wherein the amendment, as it seems to me, might be quite hurtful.

Under the operation of this bill there will be given the first year more than at any subsequent period to each State, and the first year every State which is specially benefited will be less able to bear taxation than at any subsequent year, assuming that the natural course of prosperity now arising shall continue. The bill will divide $15,000,000 the first year, giving, for instance, to the State of Alabama between eleven and twelve hundred thousand dollars. It is now struggling to raise between five and six hundred thousand dollars for this purpose. If now within that State we are to compel them to double their school taxation, raise two dollars where they now raise one before they obtain any benefits under this bill, it is a hardship with which they can not comply, and the result must be that for several years Alabama would receive no benefit whatever under the operation of the law, and it might, so far as Alabama is concerned, as well not be enacted at all. What is true in this illustration is true, of course, all the way through.

I shall not object if it is thought best to increase the amount to be first raised in the States to one-half the sum they receive under the operation of the bill; but to make it equivalent, equal to the amount conveyed to each State by the bill, would be very destructive to the purpose of this measure.

Mr. PLUMB. Mr. President, I think there is nothing unfair about this proposition, and I think something of this kind will be necessary in order to put upon the States the obligation to do that which they ought to do to accomplish the purpose which it is said is in view in the presentation and passage of this bill. I am greatly in hopes, however, that the bill will not pass in any shape. If it shall pass, it ought to so pass as to give some reasonable guarantee that it will perform some one

of the objects proposed to be accomplished by it. In its present shape my objection is that it will result in destroying the entire school system of the Southern States so far as that school system depends upon voluntary effort with reference to taxation or any kind of local support, and will result in the adoption by the General Government of the functions of schoolmaster and tax-payer, completely to the exclusion of every effort on the part of the States. That result will also extend in my judgment measurably to all the States alike if this system shall be carried on for the term of years provided for in the bill.

I know, Mr. President, that when anything is said to be in behalf of education it is perhaps evidence of temerity that any one should oppose it. I have the honor to represent in part here a State which has done more for education in proportion to its means, as I believe, than any other State in the Union, certainly as much as any, and with as happy results both with reference to the degree of illiteracy among the people and with reference to the pecuniary results to be derived from the maintenance of a sound, comprehensive, and liberal system of common schools; and I do not believe that that system has been benefited to any perceptible degree by the largess of the General Government, which was maintained here yesterday by the Senator from North Carolina [Mr. VANCE]. In fact, that largess is of very small account even in a pecuniary way. It rendered some service in the infant days of Kansas, when the people were substantially without taxable property; but I do not believe that now it adds in any perceptible degree to the value of the school system of that State, and I believe it might be removed without in any way affecting the efficiency of that system or adding to its burden.

Mr. President, I believe that every State of the Union, certainly every one of the older States, is able to pay for all the schooling that persons within its limits need. It does not cost any more to educate a person 10 years old or 20 years old to the point of being able to read or write than it does to teach one 5 years old. The number of persons within the school-year limit is not greater in the Southern States in proportion to the population than it is in the Northern States, and the taxable valuation in the Southern States is as great as it is in the agricultural States of the North in proportion to population.

I have here the tables which the Senator from New Hampshire very kindly inserted in his speech of the day before yesterday, and I take for the purpose of my comparison the States of Kansas and Louisiana. As shown by the census of 1880 Kansas had at the date of that census a population of 996,096, with an assessed valuation of $160,891,689. The State of Louisiana had a population of 939,946 and an assessed valuation of $160,162,439, a difference between those two States in reference to taxable valuation of only about $700,000.

Louisiana, then, has just as much taxable property in proportion to its population as Kansas has, and by reason of its being an older State and values therefore more permanent, society perhaps better organized, it is in a better condition to respond to the demand made upon it by the school children of the State than Kansas; certainly it is as able to do it, at all events. But it is said there are more illiterate people down there than in Kansas. The answer to that is I think distinctly and unqualifiedly, in the first place, that it costs no more to educate to the point of learning to read and write a person at the age of 20 years or 10 years than it does one at the age of 5 years. There are required no more school room, no more teachers, no more books, no more of any of the appliances; and consequently Louisiana is just as able to provide all children within her limits with the advantages of common schools as the State of Kansas is.

But the State of Louisiana, for purposes of its own—which I do not here characterize at all or mention in any way to reflect upon that State—saw fit to appropriate in the year 1880 for school purposes, exclusive of buildings and incidentals, $450,000, while the State of Kansas that year appropriated $1,276,786; nearly three times as much.

Mr. HOAR. How much does Louisiana get under this bill?

Mr. ALLISON. Nine hundred thousand dollars.

Mr. HOAR. If it is not interrupting the Senator from Kansas I should like to ask whether there are any States that do not now expend as much as they would get under this bill?

Mr. BLAIR. Oh, yes; there are quite a number.

Mr. ALLISON. Louisiana gets $900,000 under this bill.

Mr. PLUMB. I do not remember the amount. That marks the difference of opinion perhaps in the people of these two States with reference to the necessity for common-school education, the desirability of advancing perhaps in the degrees of that education; and that is one of those things that I do not wish to criticise, but only to state that unless Louisiana shall develop more disposition and determination with reference to the investment of the funds which shall be given her by the National Government than she has with reference to her own funds, there is no reason to suppose that the giving of the additional sum proposed by this bill would result in any substantial advantage whatever.

Take the State of Alabama——

Mr. SAULSBURY. Before the Senator leaves that point I wish to know whether that includes money which the several parishes raise for educational purposes or whether it is confined to appropriations from the State treasury?

Mr. PLUMB. The sum is divided in this way: From State tax, $360,000; from local taxes, $94,000. I therefore suppose it embraced all sources of revenue for school purposes raised in that State.

Take the State of Alabama. The State of Alabama, according to the census of 1880, had 1,262,205 people. It had an assessed valuation of $122,867,228, nearly thirty-eight million less than the State of Kansas. Alabama paid for school purposes in 1880 $250,000; less than one-fifth the amount paid by the State of Kansas. Alabama is a State that is exceptionally rich in all the elements of natural wealth. It has, perhaps, more mileage of navigable waters than any other State in the Union. It is not only rich in agricultural land and in timber, but what is a great deal more to the purpose, it is rich in coal and in iron, and there is being developed in that State what I believe will be some of these days the greatest mechanical industry of the United States. The wealth is there now in its natural state and is being rapidly put in a shape to be realized upon. And yet the State of Alabama paid only $250,000 for school purposes in 1880, while the people of Kansas paid $1,276,000 from about the same taxable valuation.

If this is a matter which is to be commended to the General Government on behalf of the States, why do not these States manifest their disposition in favor of education by appropriating money in proportion as other States appropriate money for that purpose? It does not do for them to come here and say they are not able to do this until they have done all they are able to do. If my theory is incorrect and it does take more money to educate a person of 20 years than a child of 5 and therefore the burden is greater on them than on Kansas, let them do at least as much as they can by levying an equivalent amount of tax before they call on us to eke out for them what they are so unwilling to do for themselves.

I do not speak in reference to any demand from the Southern States, and as the Senator from South Carolina [Mr. BUTLER] says in my hearing they have made none, I do not say they do make any, but I am putting it upon all possible ground. If the States demand it, the answer is complete. They have not done themselves what they ought to have done; they have not acted in reference to their own resources as other States have in reference to theirs, and therefore there is no claim on their part that they should have this money from the National Treasury. They are able to do all that is necessary to be done. There is no pretense that Connecticut or Massachusetts or Kansas wants any of this money, and I say that you can not add money enough to the school fund of Massachusetts or Connecticut or Kansas to make any difference in the illiteracy prevailing in those States. There is no question about there being money enough in Massachusetts for educational purposes and no question about there being money enough in Connecticut for educational purposes, and so in New York and in Kansas and other Northern States, and yet there is a percentage of illiterate people in all those States. If the good people of Massachusetts or of Connecticut or of New York were able to see that by the expenditure of more money they could decrease the percentage of illiteracy that money would have been forthcoming long ago.

What is the result? That inevitably under any system we have heretofore been advised of, and in reference to any possible expenditure of money which is within human conception, some degree of illiteracy is bound to prevail and can not be helped.

Mr. HOAR. The Senator has alluded to Massachusetts. I think it may be proper to say that the illiteracy in Massachusetts of natives of that State is only two-tenths of 1 per cent. of the entire population; and that includes not only natives of Massachusetts but all natives of the United States who are illiterate. So it is substantially and practically true that there is no person born in that State of sound mind over the age of 10 years who can not write.

Mr. HAWLEY. Will the Senator from Kansas permit me to make a single remark in the same direction as the observation of the Senator from Massachusetts? There is no excuse for any person of the most moderate degree of intelligence born and brought up in Connecticut who can not read and write. I have personally known but one such instance; there are doubtless others to be found. But the State is upon the seashore, and a considerable number of immigrants stop there who have not been fortunate in the places of their nativity. There is, therefore, reported against us a considerable amount of illiteracy, and we do the best we can with it.

Mr. PLUMB. That does not meet the proposition which I made.

Mr. HAWLEY. I was not controverting the Senator's proposition; I only made a statement of fact.

Mr. HOAR. I took the liberty when the Senator from Kansas mentioned Massachusetts to make that statement in reference to his remark that it was a necessity of the case that there should be some illiteracy, no matter how much the community endeavored to provide against it. The statistics show that there is substantially no illiteracy in my State except illiterates who were born beyond its borders.

Mr. PLUMB. The percentage of illiteracy in New Hampshire is 5 per cent.; in Massachusetts 6 per cent. and a fraction over.

Mr. HOAR. Not if native.

Mr. PLUMB. In Kansas it is 3 per cent. and a fraction over.

Mr. PUGH. I desire to correct the Senator in reference to the amount expended in Alabama for common schools. I thought I had the report of the superintendent of education of that State, but I find that

it is at my house. I am satisfied that the amount expended last year was in the neighborhood of $400,000, and I know that the appropriations for the present year is over half a million.

Mr. BLAIR. If both Senators will excuse me, the superintendent of Alabama was before the committee, and as I recollect his statement it was that there would be very near the sum of $600,000 expended in Alabama the present year. The amount is increasing every year. It was about $400,000 in 1880, and it is increasing every year, and the State is taxing itself more and more every year for the purpose. At the same time under the provisions of this bill that State would receive nearly $1,200,000; one of the most needy States. So the effect of this amendment is apparent.

Mr. PLUMB. Well, Mr. President, I am glad to hear the statement that Alabama is doing better, and I am glad to bear witness, as far as I may with my imperfect knowledge, to the fact that all over the South there is an increasing disposition to support liberally and effectively the common schools in those States. It is because I would not check this that I oppose this bill. I believe that worse than to destroy one-half the property of the Southern States would be to put their schools under the benefaction of the General Government. I do not believe that any amount of money which is paid out by people who themselves do not originally pay it into the Treasury, disbursed by them, will ever do any good to any school system anywhere. I do not believe, on the whole, in school funds, but that the people who pay the tax should every year determine what in their judgment, quickened by their self-interest and by their knowledge and belief in regard to their own responsibility, is the proper amount to be levied and the way in which it shall be applied.

Reform, to use a hackneyed term, must come from within, in this case at all events, although I know our Democratic friends when they march up to the polls next November will proceed on a different theory. It is either reform that is begotten in the parent of the child who believes that his child should be educated and is stimulated by that belief to make sacrifices in the way of the payment of taxes necessary to perform that office. Without that, without the careful, the conscientious feeling of the parent himself in favor of the education of his child, there is no machine work on the part of the State that can ever supply that child with the education which it needs.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. PLUMB. Certainly.

Mr. JONES, of Florida. Does the Senator think that anything very dangerous would result? I do not state it as an advocate of this bill, but I ask for information on his line of argument, is he aware that the General Government in times gone by set aside a very considerable portion of the public domain in the States in aid of education? Does he think any great detriment resulted to the system from the aid given by this Government to the States in that way?

Mr. PLUMB. I do not know whether I should decide that it was a detriment or an advantage. Whichever way it is, it hugs the line very closely. Whether it would have been better to have given over the lands to public settlement under a wise and judicious homestead law than to have given them to the States to be sold for what money they could realize, to be put into their school fund, I am not competent to judge; but I put the advantage at all events at the minimum. I think in the early history of States like the State of Kansas the little money that was derived from the benevolent act of the Federal Government was an advantage in enabling the communities to get on their feet, and so anywhere; but as applied to an old State, to a State that has the population and the property necessary to carry on successfully the business of government, that there is an advantage in giving to them 60 or 70 or 80 cents a scholar is something I do not believe. The school fund of Kansas to-day yields 80 cents a scholar, and the people of Kansas pay over $9 added to that out of their own pockets. So the Senator can see that the amount given is very small indeed. It does not add perceptibly to the revenues of the State or sensibly diminish the burdens of taxation.

The people of that State entered upon that great domain known as the American Desert in 1855 and 1856. Practically there was no population there on which government could rest until several years later. Since that time they have erected out of the taxation which they have levied upon themselves over 5,000 school-houses, at a cost of over $5,000,000. They have maintained schools six and eight and nine months in the year in nearly every school district in that State. Men have gone out onto that frontier where there was no property of any kind, houses or cattle or any other thing hardly, and taxed themselves to a large proportion of their earnings, actually deprived themselves almost of the necessaries of life in order to maintain schools, and every tax-payer has felt an interest in schools because he has paid to keep them up.

The school meetings are town meetings, where everybody attends, men and women alike over the age of 21 years, all of them qualified to vote on the question of the taxes to be levied and the officers of the school districts, on the question of debt as well as of taxation and the question of the employment of teachers, and the number of months that the schools shall be kept open. They have levied out of their poverty thousands and tens of thousands and millions of dollars, which have come back to them seven, ten, ay and a hundred-fold, in added wealth and population drawn thence by the educational and social advantages which grew out of this free expenditure for schools. It has been the sign by which they have conquered. The school-house on the hill and the church near by represented not the benevolence of somebody on the outside, but the virtue and the self-sacrifice of the people themselves; and they paid for them out of their hard earnings; and that has attracted immigration, brought people to that country, laid broad and deep and strong the foundations of a commonwealth of which the whole nation is proud, as a crowning result of American civilization. There never was a school system, there never was a local administration of any kind, there never will be anything that is worth anything in human affairs where all things material to it are not the result of sacrifice on the part of those immediately concerned; and the beneficence of the General Government introducing itself into the school districts, into the townships, into the counties, into the States, with the arm of its power accompanied by its gold, will shrivel up all these aspirations of the people themselves, will induce them as far as anything can to put out their children to nurse to the General Government, take away the interest of the people in regard to this great subject, and substitute for it the idea of leaning upon the General Government for everything that is material with reference to this question of education.

I do not see in this any question of constitutional power, but I do see in it the most dangerous endeavor I have ever witnessed to extend the power of the Federal Government at the expense not only of the State governments but of every form of government within them. If there is any way in which the General Government can take to itself every particle of power in this country, from the smallest political subdivision to the greatest, it is by taking the children of this country at the age of 5 years and drawing to itself their control with its own money and its own teachers and its own instrumentalities until they come to the age of manhood and womanhood. That, Mr President, is the result which this bill is the first step toward. And yet what say the friends of State rights on the other side of the Chamber? Why are they silent? Is it because their people are to be the chief beneficiaries of the bill?

Mr. JONES, of Florida. Do I understand the Senator to say that this bill does that?

Mr. PLUMB. This bill is the opening door to it. If the General Government pays $15,000,000 into the treasuries of the several States this year, every morning we shall be deluged with resolutions of inquiry to know from the Commissioner of Education how the money is spent in Louisiana and Alabama and other States, and my friend from New Hampshire will be filled with holy horror when he learns some day that in some portions of these States the black man whom he is now solicitous for has not his proportion, and at once there will be a committee of investigation and a resumption of the money—not of the money but of the instrumentalities by which it shall be spent. And the principle having been started that the Federal Government shall be accountable for results, it will apply it in its own way and through the hands of its own officials. That does not alarm me in any special way. I am willing to submit to that if that is the best thing to be done; for I believe in education, and I think it is the bane of the South that it does not pay more attention to the education of its children.

When an eminent Southerner about a year ago was complaining to me about the taxes in his own State, that they were nearly 1 per cent., I told him what the South wanted to learn was the grace to pay taxes. The Senator from Indiana [Mr. HARRISON] says the grace to pay 2 per cent. The people of Kansas pay an average of nearly 3 per cent. for all purposes. They pay 5 per cent. sometimes for school purposes alone in a single year, and always as much as may be necessary to accomplish the object of education for all. That State has grown and flourished and prospered because it has levied taxes freely for beneficial objects—for schools, for bridges, for public improvements—and it has then taken care that the money should be well spent. The man who is called upon to pay taxes says, "I want to know where this goes." He goes to the school meeting and town meeting and to the county election, and he is concerned about who shall represent him in spending it and what it shall be spent for; and out of it grows a responsibility and beneficent system of administration. The South to-day can afford to spend more money. It would be money in their pockets, and every year the assessment would grow up, the demand for property would be greater, the prices would be higher, new men would go in there with new capital, and there would be a double movement in the right direction throughout all that country. But, Mr. President, these results can not be reached by giving money out of the National Treasury.

Mr. HAMPTON. May I interrupt the Senator a moment to ask a question?

Mr. PLUMB. Certainly.

Mr. HAMPTON. Is the Senator aware of the amount expended annually by the Southern States to-day for education?

Mr. PLUMB. I have here before me a table which purports to give that expenditure.

Mr. HAMPTON. What does the table state about it?

Mr. PLUMB. All the States together?

Mr. HAMPTON. Yes.

Mr. PLUMB. I have not got them all together, but I have a statement of what the expenditure purports to be in detail.

Mr. HAMPTON. I can inform the Senator that the Southern States apply annually $7,000,000.

Mr. LOGAN. All the Southern States together?

Mr. BLAIR. That only includes a portion of the Southern States proper. The Southern States, those which were the slave States, including the District of Columbia, expend now some thirteen and a half millions; the present year it may be fourteen millions. In 1881 the returns of the Bureau of Education show that they spent thirteen million three hundred and odd thousand dollars.

Mr. LOGAN. I was going to remark that if all the Southern States together pay but $7,000,000 for school purposes they pay just the amount that my State alone pays.

Mr. PLUMB. The more the better. I hear with pleasure any statement that any Southern Senator will make in regard to increasing interest in the subject of education as manifested in the payment of taxes. I said a moment ago that I believed it to be for the interest of the Southern people that they should pay more taxes for schools and take hold of the subject in earnest. I rejoice in every evidence that they are willing to submit to increased taxation for this purpose, for I know that not only means more teachers and more school-houses, but a closer supervision and a more lively and wholesome interest in results, for as they pay more taxes they will give greater attention to the expenditure, and there will be better teachers, a better class of schools, and more and better advantages to be derived generally from the school system of those States than they have had heretofore.

It is because I want that to go on as it has gone on elsewhere, it is because those people are able to pay, it is because for every dollar they pay themselves they will get more good than they will from five spent by the General Government, that I do not want a bill of this kind to pass to check the rising aspirations of that section of the country, and of all sections of the country in fact, in regard to this pre-eminently important question. At once there comes a waiting to know how much the General Government is going to pay; and, mind you, the expenditure is based on illiteracy, not a premium for teaching the children to read and write; by no means; but the more ignorance you have got and the more you keep that ignorance the more money you will get and continually get. In my State when we apportion what we call the State school money for the purpose of enabling the western counties to get along until their lands become taxable, we give it to them in proportion to the number of children of school age that they put into school to educate and the number of months school is taught, and not in proportion to the number they do not put into school and educate.

This bill is a premium to every State desiring to receive this bounty to return as many illiterate children as it can, in order to magnify the amount it shall get. Its effect will be to keep up the very vice that it is aimed at, and to invite a return of illiteracy in order to make the donation from the General Government greater.

Mr. BLAIR. The Senator will observe that the bill provides that the distribution is to be made upon the returns of the census, which are taken by Federal officers. It can hardly be claimed that the States will be able to increase their illiteracy. The basis is the Federal enumeration.

Mr. PLUMB. If this bill passes we shall have entered on a subject of legislation which will be before us every session of Congress, demands here and demands there depending upon State censuses, upon official representations, upon private representations. You can not put $150,000,000 before any people as a bait without having every means in the world resorted to to get it. The bill provides for using the Federal census only until some other enumeration is provided for.

I shall regard the passage of a bill of this kind as the death-knell of the present school system of the United States. The appetite once created, the demand for more will be presented here each year, until finally the Government will appropriate for all the expenses and take full and sole control. With this will come a loss of interest on the part of the people, and the General Government will have charge of all the children of school age and be responsible for them.

Mr. President, the National Government can not do this thing as the States can anyhow. Wherever education is carried on as it should be the control of the subject is remitted to small bodies of people and to small territorial districts. It is the one thing that is brought closest home to the people. In my State there are sometimes in a municipal township six miles square two or three school districts. There is never less than one, and rarely less than two. It is brought, therefore, just as near home as you can bring any single scheme of government. It is a neighborhood affair. The men and women become interested in the management of the schools close to them. The taxes are levied there; the people are appealed to for the taxes and for all the machinery of the school, and it keeps alive that interest without which the school system would lose its power. Education carried on through the Federal Government as the center from which it should flow; all direction and control would simply scorch and destroy it. It would be absolutely vain to think of anything which could be called education from a common-school standpoint that should derive its source and power from the Federal Government. It is the one thing more than any other function of government, the one thing more than anything else that the people have an interest in, which they ought to keep close to themselves, regulate themselves in their own way, on their own plan; assimilated as near as may be to the family and kept close to the family; based upon the judgment of parents and tax-payers as to benefits; enlarged or modified, as the case may be, by individual knowledge and responsibility.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. LOGAN. I desire to call up the conference report on the Military Academy bill which has been received from the House. I ask leave to make the report from the conference committee.

The PRESIDENT *pro tempore*. The Senator from Illinois presents a report from the committee of conference on the Military Academy appropriation bill. If there be no objection the report will be now read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, and 6, and agree to the same.

JOHN A. LOGAN,
M. W. RANSOM,
WILKINSON CALL,
*Managers on the part of the Senate.*
J. WARREN KEIFER,
WM. H. FORNEY,
E. JNO. ELLIS,
*Managers on the part of the House.*

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee.

The report was agreed to.

Mr. LOGAN. I will submit, to go into the RECORD, a statement showing the reductions made in conference.

The PRESIDENT *pro tempore*. If there be no objection the paper will be printed in the RECORD.

The statement is as follows:

MILITARY ACADEMY BILL, 1885.

| | | |
|---|---|---|
| Amount as passed the Senate | | $315,683 50 |
| Reduction made in conference, namely: | | |
| Extra pay of enlisted man in department of drawing | $120 | |
| Additional bath-tubs | 1,000 | |
| Total reduction | | 1,120 00 |
| Leaving amount of bill as agreed to | | 314,563 50 |
| Less than act for 1884 | | 4,094 00 |

## AID TO COMMON SCHOOLS.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Senators will find in table 15, on page 2202 of the RECORD of March 19, the figures to which I wish to call attention as bearing on that aspect of this question which has been discussed by the Senator from Kansas, the delinquency and failure to do what ought to be done in the Southern section of the country toward the education of the people. I may say that I concur in all that he says in reference to the high position taken on the subject of education by the citizens of Kansas, and that flourishing Commonwealth is a demonstration of the beneficial results of common schools. I am glad he has held up Kansas as an example for the country and the world to look at, and it will do not only the Southern States but many of the Northern States good to gaze upon her.

Now, in regard to the distribution of taxation, the burdens that fall upon us in this land in the various sections of the country, I ask attention to the third column of table 15, on the page of the RECORD which I have mentioned. There the various States are grouped together, with their total assessed valuation, total population, and valuation per capita. It will be seen that the New England group of States has a per capita valuation of $661, the Southern States have a per capita valuation of $155, the Western States have a per capita valuation of $334, the Middle States of $473, and the Territories of $211, while the average valuation of the entire country, north and south, Territories and all included, is $337.

As I stated yesterday, from a calculation based upon the valuation of the property of the colored people in that State, to wit, Georgia, where they are supposed to be best off, they are worth not exceeding $8; and it is a fair average, I think, taking all the South together, that they have an average assessable property not exceeding $5 apiece. Taken in connection with the suggestion that there are certain primary physical necessities that every individual must provide for, that every family must provide for, and that every State must provide for before it can expend for the higher purposes of life, such as education, the maintenance even of religious institutions, and the like, it is evident that the Southern people are relatively unable to bear taxation as compared with the rest of the country.

I restate in this connection a fact which I stated day before yesterday, and which is to be found and may be fully traced in table 16,

on the next page, page 2203, that in thirteen of the Southern States there was an actual loss between 1870 and 1880 in taxable property of $202,868,844, and in ten of these States (there being an increase in three) there was a net loss of $411,475,090, and those are the States as much as any and more than any other in which aid is needed, for Texas has a very large school fund, and has an enormous mass of public lands available by dedication of the State to that purpose as they are sold. Missouri is not included in this list. Missouri is one of the more northern of those States, and has a large school fund, derived very largely from the public lands, as is the case with most of our Western friends, and their public schools are not in that extremity that they are in some other States.

Notwithstanding this disparity of capacity to bear taxation in the Southern States, we find by examination of table 18, on page 2204, the two last columns of the table, that the New England States had an average taxation of 1.58 per cent., a little over 1.5 per cent. for all purposes and a taxation for schools of 20.2 per cent. of the total taxation; 1.58 per cent. taxation on the valuation of the States, and of that amount so raised 20.2 per cent. is expended for schools. In the next group of States, the Middle States, the aggregate of taxation is 1.82 per cent., less than 2 per cent. upon taxable property in these States, and 19.5 per cent. of that amount is expended for schools; less, as you will see, than the amount paid in New England by nearly 1 per cent. In the Southern States the rate of taxation upon their entire valuation is the same as it is in New England, 1.58 per cent., of which taxation 20.1 per cent., the same as in New England lacking only one-tenth of 1 per cent., is paid out for schools in the Southern States to-day.

So then the Southern States tax themselves, notwithstanding their poverty, for all purposes as much as does New England with her wealth, and for the purpose of education (which is not one of the primary necessities of life, although in reference to advancement it is an indispensable necessity) they tax themselves the same as New England substantially. The Western States tax themselves at the rate of 2.8 per cent., almost 3 per cent. for all purposes; the highest rate of taxation considerably to be found in the whole country. That is in the Western States as a group. It might be well to bear in mind that the power to defray taxation depends on the producing capacity, and nowhere is wealth accumulated with any such rapidity as it is in the Western States. They can, without feeling the burden, bear taxation at 3 per cent. easier than the South can bear taxation at 1 per cent. The rate per cent. that money commands at interest and the rapidity of accumulation are such that a taxation of 3 per cent., I beg leave to remind my Western friends, is not greater in their States than is borne in New England at 1.5 per cent. to-day, and not so great as is borne in the South, for the South is taxed relatively much higher than is New England compared with the capacity to pay. A man who has $500 or $1,000 in a homestead has to maintain his family before he has anything in the way of surplus to spare for the State. In the Western States school taxation is 26.6 per cent. of the whole taxation, a little over one-fourth part. In the Territories the rate of taxation is 2.6 per cent. for all purposes, and 22.4 per cent. of that amount is expended for schools.

Mr. President, there is one other point to which I should like to call the attention of the Senate in these tables bearing upon the remarks of the Senator from Kansas. By referring to page 2207 of the RECORD, table 22, in the last column will be seen the per capita of school expenditure in 1881, increased by the proportion which each State will have of the $15,000,000 which it is proposed to expend by this bill the first year and to distribute on the basis of illiteracy. By reference to that table any Senator can see the amount that would still remain to be expended in the several States according to the needs so far as the children or the educable population are concerned. That table is based not on illiteracy, but it shows how much there will be after this distribution for each child whom it is necessary to educate at all.

I will make part of my remarks a telegram just received, which I ask the Secretary to read.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that a telegram on this subject be read. If there be no objection it will be read.

The Chief Clerk read as follows:

BOSTON, MASS., *March 20, 1884.*

Hon. HENRY W. BLAIR,
*United States Senate, Washington, D. C.:*

The National Educational Association and the Interstate Federal Aid Commission, with all prominent educational men, urge the passage of the education bill before the United States Senate.

THOS. W. BICKNELL,
*President of National Educational Association and of Federal Commission.*

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB], in line 10 of section 8, after the word "school," to strike out "at least one-third of" and insert "an amount equal to."

Mr. LOGAN. Before the amendment is acted on, as I was out when the vote was taken on the amendment to section 2, I wish to say that I had an amendment to propose.

Mr. SHERMAN. The Senator's amendment has not been offered.

Mr. LOGAN. No; and I desire to offer the amendment; but that section having been passed, I desire to know whether we can go back to it at this time.

Mr. SHERMAN. It is all open.

The PRESIDENT *pro tempore*. All parts of the bill will be open to amendment after this amendment is disposed of.

Mr. LOGAN. I ask the question because we had passed over that section and I did not know whether the Senator from Kansas would allow a vote to be taken on my proposition before his amendment is acted on.

Mr. SHERMAN. It makes no difference.

Mr. LOGAN. It is not material. I will state, however, that I propose, in section 2, line 4, to offer an amendment to include in this distribution all between the ages of 10 and 20. I shall propose that an appropriation be made within the ages of 10 and 20, because that comes within the census report, showing the illiteracy in reference to children between the ages of 10 and 20 years.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. BLAIR. Let the amendment be read again and stated so that the Senate may understand it. It is a vital amendment.

The PRESIDENT *pro tempore*. The amendment will be again read, if there be no objection.

Mr. BLAIR. Read the bill as it will stand if amended in that connection.

The PRESIDENT *pro tempore*. The clause proposed to be amended will be read.

The Secretary read as follows:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

The PRESIDENT *pro tempore*. The amendment is in line 10, section 8, after the word "schools," to strike out "at least one-third of" and insert "an amount equal to;" so as to read:

Shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools an amount equal to the sum which shall be allotted to it under the provisions hereof.

Mr. CALL. I hope this amendment will not be adopted, but that the bill will be allowed to stand as it was reported by the committee. If the principle of the bill is correct, if there is any propriety or wisdom in the Government of the United States making a donation of money for the cause of education in these States, it can not be made effective upon the basis of the ability of the States or the willingness of the States to give one-half as much as the United States gives. The purpose of the bill is to provide the means of education and to remove ignorance, from whatever cause it may have come.

I do not propose now to investigate why it is that there is a large population in some parts of this country which is without education. It does not matter or concern the object of this bill why it is that this grievous evil is upon the country; but the bill proposes to give aid to the States in conformity with the principles of this Government for the eradication of an admitted evil, an evil that unquestionably threatens the prosperity of this country and its future welfare, not alone in one but in every point of view; for the economic considerations which attach to education, industrial as well as common school, of which the common school is but the foundation, demand that whether the States be inert or active; whether our Government is a correct form of government or an incorrect one, as some of the arguments in opposition to the bill assert; whether we have failed in establishing institutions that are adequate to carry into effect the great principle of popular government or not, as has been indicated by the Senator from Ohio, for whose ability I have a great respect, and as is indicated in this amendment from the honorable Senator from Kansas; whether the principle of a National Government and one of States is a correct form of institution or not; whether the people who live within the States are intelligent and capable citizens, or degraded and unmanly people not to be trusted, as has been stated by some Senators, or not, this Government is equally concerned in providing the means for the eradication of that evil.

This bill has been carefully considered, and the aid to education provided in it is sought to be given in conformity with our institutions, with our system of the distribution of power of that which is local to the States and that which is general or national to the United States, and we have determined, after full consideration by the committee, in conformity with the opinion of all the educators throughout the country, that this would be a fair proposition. Now, that may not be so. There may be some other amount in proportion which would do as well or better, but no reason has been given to show any better proportion; none can be. The Senator from Kansas says that it will destroy the desire on the part of the people of these States for education to furnish them to any extent the means of education and that it will be an inducement to

them to make their people appear more illiterate than they are. But this money can be applied by them to no other purpose than that specified in the bill; it can be used for no other purpose; and it is impossible that it should have the effect of inducing the States to represent their people as more illiterate than they are, because the amount of aid is not determined by any representation of the States, but by a census already taken.

I undertake to say, Mr. President, and perhaps I may have something more to say when the bill comes up again, that you can not appropriate too much money in this country for education. We are proud of our educational institutions, and they are now and will be in the future still more essential to the welfare of this country and to its future prosperity as dependent on industrial economies essential to destroy the rapidly increasing poverty of large numbers of people in our own country and the vast inequalities of fortune which have been exhibited before the committee, essential to provide remunerative employment for the 600,000 laboring people who have had their representatives time and again before the Committee on Education and Labor to protest against the neglect of them and their interests and their inadequate employment and pay.

I undertake to say that you can not give too much for education; too much to prepare for industrial education to remedy that great evil which is growing up of the want of adequate and remunerative employment for our people. The more we become wealthy the more consolidated and concentrated in a few persons our wealth becomes, and the more necessary it is that the cause of education in its application to the economic interests of the country shall be regarded. Even in Kansas and even in Massachusetts, admirable as their institutions are, they are yet behind some other portions of the world, and behind the necessities of the time in those branches of education which are essential to the easy and comfortable support and welfare of their people and to such a distribution of wealth or production as will effect this end. But so far as this great evil exists in any portion of the country, in the Southern States especially, so far as this evil which appertains deeply and largely to the whites and to the colored people who have been placed in that condition by the power and the laws of the National Government, for whatever purposes it was done in respect to them, there can certainly be no objection to fixing the amount provided in this bill as the condition for aid to the States from the National Government. That amount, namely, one-third, has been fixed with reference to the amount necessary for the education of the number of persons in each State who are without any education and with reference to the means which such States are able to apply to this object.

Mr. VEST. Mr. President, this bill is not consistent with itself. It is a heterogeneous mixture of national and State authority without any parallel in the legislation of this country. Reference has been made here repeatedly to the grant of lands to the Western States; but no such bill was ever enacted by the Congress of the United States with similar conditions in the grant of lands for educational purposes as is found in the bill before us.

This bill, as one of its provisions declares, is not intended to establish an independent system of education, but is only to assist the States, and the General Government becomes only an auxiliary, an instrumentality, to help the States, and not to dictate or control the mode of education of the State itself. And yet in another provision of the bill the National Government comes down into the States and prescribes the school-books which are to be used in the States under this aid that is given to them by the National Government. It ought to be either one or the other. If the States are to control, then——

Mr. BLAIR. I do not know that I understood the Senator. I understood him to say that the bill prescribed the text-books that should be used in the schools.

Mr. VEST. I mean to say this: that it prescribes that certain branches of learning shall be taught.

Mr. BLAIR. Oh, yes.

Mr. VEST. Reading, writing, arithmetic, and geography.

Mr. BLAIR. It does do that.

Mr. VEST. In other words, instead of leaving that to the States——

Mr. BLAIR. It enumerates the common-school branches of education, because it proposes that the money shall go to common schools.

Mr. VEST. Exactly. Instead of leaving this question to the States, that have always hitherto governed and controlled in this matter, now the General Government is to go down and say what shall be taught in the public schools in the different States. Why, sir, the Republican platform, which the Senator himself read in his last address to the Senate, declared that this question of education was one for the States to control, and no other doctrine has ever been held by any school in this country, either Mr. Hamilton, or Mr. Jefferson, or Mr. Madison, or any expounder of the Constitution.

I do not propose to discuss the constitutional question here. I believe I have rather lost my standing as a State-rights advocate by voting for the resolution of the Senator from Kansas appropriating $50,000 to remove the foot-and-mouth disease. But I can not refrain from expressing some wonder at not having heard a single voice lifted on this side of the Chamber in this debate in favor of the Calhoun and Jeffersonian doctrine. All is silent now, although a few days ago there was a clamor here for a strict construction of the Constitution and the last degree of State rights according to the old school.

If this power comes from any section of the Constitution, it comes from the one invoked so elaborately the other day by the Senator from Arkansas [Mr. GARLAND], the clause in regard to the general welfare, which, as Sancho Panza said about sleep, covers a man all over like a blanket—the general-welfare clause, under which we are expected to do anything and everything for anybody and everybody throughout this country. I do not propose to discuss that question at all further than to say that if this power comes from any clause of the Constitution, the power to interfere with education in the States, it comes from that clause, and if the General Government can touch this question at all it can touch it because the evil is a national one and affects the welfare of the United States. The language of that clause in the Constitution is that—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare—

Of whom? Not of the States, not of the people, not of communities, but—

of the United States.

And therefore this evil must be one that affects the whole country, it must be national, and it must be subject to national jurisdiction. I mean to say that when you derive this power from that clause of the Constitution, it is because the evil is a national one and the redress must be national.

If it is a national power, it must be carried out and can only be carried out by the instrumentality which the Constitution has provided in regard to national powers, and that instrumentality is the President of the United States and his subordinates, and not the States or the State Legislatures. Where is the power found here on the part of the National Government to set aside a fund or to give it to the States and say then that the States shall part of the time control it and part of the time not control it? If you give this to the States outright and absolutely, then the States should have the power to control the public schools, the studies in those schools, and all the different departments of an educational system in the States. But instead of doing that this bill gives it to the States in one place and takes it away in another. It says in one clause that this is not a bill to establish a general system, an independent system of Federal education, and in the next clause it says that the States shall do so and so, and if they do not then they shall pay the penalty; and this penalty is most remarkable. They are permitted to take the first installment under this appropriation and misappropriate it or do with it what they please, and then it is provided that when they come the next time if there be fault then discovered and made known to Congress, the General Government may then impose on them the forfeiture of all subsequent appropriations.

I agree absolutely, Mr. President, with the Senator from Kansas in saying that I do not believe this bill will do any good for the cause of education. The Senator from New Hampshire has presented the bill and I respect his motives, but I pay no attention to telegrams that come here from abstractionists and theorists who know nothing about the negro population of the South and who talk about applying the same rules to them that are applicable to the Caucasian race. It is an absurdity, and any man who has lived with the African population in the South knows it to be an absurdity. Whom does the telegram come from? It comes from some estimable gentleman in Massachusetts who does not know any more about the negro than I know to-day about the internal arrangements of Kamtchatka, and not as much.

Mr. BLAIR. Will the Senator allow me to make an observation at that point?

Mr. VEST. Certainly.

Mr. BLAIR. This telegram is from a gentleman who knows more, I venture to say, about the subject-matter under discussion in the Senate than the entire Senate together. I have no doubt of that.

Mr. SHERMAN. We had better have him here then.

Mr. BLAIR. He has come by his telegram and sent his opinion. In saying that I do not undertake to disparage the knowledge of the Senate. He is a man of high ability, who has devoted himself to educational subjects for now what is getting to be a long life. He attended the national convention recently held in the Southern States on the same subject. He is as largely a representative man, and has indicated in what directions by his signature to the telegram, as any educator in the country; and I assure the Senator he hardly does him justice in the terms he applies.

Mr. VEST. I do not know the gentleman and make no reflection on him. I speak of a class; I speak of the abstractionists who flood the country with treatises on education in the South and call on Congress to appropriate millions of dollars and allow the States to distribute the money under a bill which is first Federal, and then derives its power from the States, and then goes back to the General Government again.

Now, Mr. President, this sort of thing is often heard in regard to the Indians. The country is flooded and inundated with theories in regard to educating Indians. Millions of dollars have been spent by this Government for day schools and public schools among the Indians, and what do they amount to? You may go from one end of the country

to the other—and I speak from personal observation as to a large portion of it—you may go into all the Indian reservations, and their day schools are the veriest frauds and humbugs ever seen by mortal man. They have, as I saw last summer on one reservation, an attendance, as one of the teachers stated before our committee, of from seventy-five to five hundred scholars during the week, varying from seventy-five to five hundred, and when she was asked the question, "How does it happen that this variation occurs; when do five hundred come?" she said they came on ration day, Saturday, and the balance of the week there would be from seventy-five to two hundred and two hundred and fifty and three hundred, and out of the whole number but three or four of them could understand the English language. I asked her what the Government taught those Indians. She said "enumeration;" and upon cross-examination it turned out that two of the scholars could count up to twenty-two, and for that the Government of the United States paid its money.

The whole secret of it is that you can not sustain a system of education among an inferior race, like the negroes, or like the Indians, unless you use some sort of compulsion. The only schools to-day that are leading the Indians one single step from barbarism are the boarding-schools established by the Jesuits and other denominations, where the children are taken away from the father and mother and brought into the habitudes and customs and principles of civilized life. If you let them go back to their people, instead of elevating their people they are degraded by the association, and their last state is worse than the first.

I do not propose to argue this bill at any great length, but I simply wish to say that I want universal education as much as any Senator in this Chamber, because I believe that universal suffrage should be accompanied by universal education; but you will never get it by any such system as this. I was glad to hear my friend from Kansas take the Democratic ground that when the United States went into the local and domestic affairs of a State it paralyzed the energies of any people. In every State people must be taught to depend upon themselves, and only in that way can we have the proper amount of general common-school education throughout the country. Without that there must be and inevitably will be a failure.

If I am asked for the remedy, I am not compelled to give it, but I will frankly say that in my judgment the remedy above all others that has commended itself to me is so to amend our Constitution and so to arrange our laws that every State shall have representation in Congress not according to its whole population as now, but according to its population who over a certain age can read and write. When that is done, when you make it the interest of the States to educate their own people, you will find that domestic instrumentalities will take hold of this question, and you need not then resort to the glittering generalities and to the incongruous collection of systems and principles and legislation that is found in this bill.

Mr. GARLAND. Mr. President, I wish to call attention directly and in very few words to the amendment offered by the Senator from Kansas as I understand it. I shall not discuss the general features of the bill now. I propose before we get through with it to simply stand again on the plane that I have from the first vote I ever cast in this body to the present day, and to cover this subject with the general-welfare clause, the blanket clause of the Constitution; and when I come to discuss that I shall not read the liberal or the loose authorities, but I will read some of the constipated authorities on the subject of the Constitution.

If I understand the Senator from Kansas, his amendment is that we must show that the same amount the Government contributes each year is contributed by the States. I suppose that would serve the intention of the Senator who offered it, that is, to destroy the bill in many instances; and it is to that I wish to call the attention of the Senate. According to the returns here, and some of them, as shown by the Senator from New Hampshire, are incomplete necessarily, but taking those which are true and correct, some of the States that would get the benefits of this act are absolutely unable, do all that they may and do the very best they can, to make a contribution equal to this; so that if you withhold this contribution on that score you take it from them entirely. When I come to speak upon the bill generally, I think I can show from the very best authority that the States which have been alluded to, the Southern States particularly, have done the very best upon the common-school system that they can. If you say they must do more than that you simply withhold from them this contributory relief, for it is but contributory at last. It is to assist them in their efforts at this somewhat novel system to them, a system adopted since the war, the common-school system in general.

If the amendment should be adopted as offered by the Senator from Kansas, the bill would be virtually destroyed as to some States. If that is the purpose, of course it serves its purpose very well; but if the friends of the bill wish to pass it and to make it effectual they can not vote for the amendment.

My distinguished friend from Missouri voted for the resolution finally upon its passage to which he alluded himself, and when the Senator from Kansas was satisfied that we could go into Kansas, as I was and am still, by a contribution to cure the foot-and-mouth disease of cattle, I had hoped and thought and believed that there would be no difficulty on his part in concluding that we could go into the States to cure a much worse and a more calamitous disease among the people. If that is the purport of his amendment and meets with his approbation, I am somewhat astonished at his offering it after the experience he had last Friday and Monday in the vote upon the Kansas resolution.

I wish briefly to call the attention of the Senate to the status of the question upon that point, and that is all that I care to say for the present. I wish the attention of the Senator from New Hampshire for a moment who has the bill in charge. In the eighth line of this same section that is under discussion this language is used:

During the first five years of the operation of this act.

I have bothered over that a good deal. If that means just what it says, nothing can be paid until the end of the five years, because you would not know the default until that time.

Mr. BLAIR. That difficulty was suggested yesterday by the Senator from Kansas [Mr. INGALLS], and it struck me as one of the refinements of an unusually acute mind that directed both the telescope and the microscope to the dissection of this bill. I am inclined to think I may have been the one in fault if the Senator from Arkansas finds a difficulty also; and if either Senator, or both, will suggest the language that will relieve the bill of any ambiguity there, I shall be very glad to have it incorporated.

Mr. PUGH. My understanding is that there was an amendment to meet that objection agreed upon.

Mr. GARLAND. No, there was no amendment agreed upon as I understand. I think there is a mistake as to that.

Mr. PUGH. I certainly so understood.

Mr. GARLAND. Now let us see whether the point made is telescopic, microscopic, or horoscopic.

Mr. PUGH. My understanding was that an amendment was proposed by the Senator from Kansas [Mr. INGALLS], and that it was accepted.

The PRESIDENT *pro tempore*. The Chair stated that no amendment could be accepted, and the pending question then was upon another amendment; that it could be afterwards proposed.

Mr. GARLAND. The language is, "During the first five years of the operation of this act."

Mr. BLAIR. "Annually." "During the first five years of the operation of this act, annually." There can be nothing clearer.

Mr. GARLAND. How is that to be shown?

Mr. BLAIR. "Annually" here means once a year for five years. The bill requires reports to be made every year.

Mr. GARLAND. I do not exactly comprehend it. It may be so.

Mr. BLAIR. Other sections of the bill make it clear.

Mr. GARLAND. But I want to have the provision as clear as possible.

Mr. BLAIR. I wish the Senator to have it so that he will be perfectly satisfied that it says what it means. I am ready to accede to the adoption of any amendment he suggests, and if he wants a little time to fashion the language to be substituted it can be done at another time.

Mr. PUGH. Here is what passed on yesterday as reported in the RECORD——

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. GARLAND. Yes, sir.

Mr. PUGH. I said to the Senator from Kansas:

Let me make another suggestion in regard to section 8, as to the meaning of that section in relation to the expenditure of the amount appropriated during the first five years. I think it would be well to amend it by inserting, after the word "expend," in the ninth line, the words "out of its own revenue;" so as to read:

"That no part of the money appropriated under this act shall be paid out in any State or Territory which shall not during the first five years of the operation of this act annually expend out of its own revenue for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act."

Then, under section 13, the Senator will see how the information is derived by the Federal Government as to the State having complied with the terms prescribed in the eighth section.

Mr. INGALLS. The Senator will see that even with his amendment the section is still inaccurate.

Mr. PUGH. I thought the Senator would make it clear.

Mr. INGALLS. "Annually expend out of its own revenues," as amended by the Senator from Alabama, "for the maintenance of common schools," as it now reads, "at least one-third of the sum." It should be amended by inserting, after the word "schools:"

"An amount equal at least to one-third."

Mr. PUGH. That is satisfactory.

Mr. BLAIR. There is no objection to that.

Mr. PUGH. There will be no objection to that amendment.

Mr. BLAIR. Let that be fixed now.

The PRESIDENT *pro tempore*. The present question is on the amendment proposed by the Senator from Kansas regulating age.

Mr. INGALLS. With the consent of the Senate, upon the suggestions already made, I will modify my amendment, if the Chair will permit me, by making it read: "between the ages of 5 and 20 years."

I see there was no objection to that amendment, as I thought.

The PRESIDENT *pro tempore*. The bill could not be changed without the Chair putting the question to the Senate and another question was pending at that time, so that the Chair could not in order entertain it.

Mr. PUGH. There is certainly no objection to the amendment proposed by the Senator from Kansas and now suggested by the Senator from Arkansas.

Mr. BLAIR. The Senator will excuse me——

Mr. HOAR. Will the Senator allow me to try my hand on a suggestion?

Mr. PUGH. If in order——

Mr. BLAIR. Will the Senator from Arkansas allow me to——

The PRESIDENT *pro tempore*. To whom does the Senator from Arkansas yield?

Mr. GARLAND. I believe I shall have to yield to the first one in order. I yield to the Senator from Alabama.

Mr. PUGH. If in order, I move to insert the words proposed by the Senator from Kansas.

The PRESIDENT *pro tempore*. That is not now in order; another amendment is pending.

Mr. GARLAND. I do not believe that either the Senator from Alabama or the Senator from New Hampshire understands exactly what I am proposing here. Admitting that all has gone in that the Senator from Alabama has suggested, it does not meet the difficulty yet:

Which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools, &c.

You have got to construe the term "five years" and "annually" together to make a complete sentence. What does that mean? It means that you must bring your reports here for five years, showing that each year you make this expenditure, and therefore you can not get any contribution until after the lapse of five years. That is perfectly plain upon this language. Upon similar language, in a bill to pay Southern *ante bellum* mail-carriers, the Senator from Ohio [Mr. SHERMAN], then the Secretary of the Treasury, construed us entirely out of court. That is, he made them all bring their claims to be approved before any money could be paid to any one, and his construction doubtless was right upon the face of the law, and such would be the construction here. You must take the "five years" and "annually" together; that is, that each year's expenditure for five years in the aggregate must show this. You never will know that each year has been complied with until your five years are out. That is the difficulty I am laboring under.

Mr. BLAIR. If the Senator from Arkansas or any other Senator will suggest language that will relieve the difficulty I am willing that it shall be adopted.

Mr. HOAR. Will the Chair allow the amendment suggested by the Senator from Kansas [Mr. PLUMB] to be read for information at this time?

The PRESIDENT *pro tempore*. If there be no objection the amendment suggested by the Senator from Kansas [Mr. PLUMB] will be reported for information.

The CHIEF CLERK. In section 8, line 10, after the word "schools," it is proposed to strike out the words "at least one-third of" and to insert in lieu thereof the words "an amount equal to;" so as to read:

No part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools an amount equal to the sum which shall be allotted to it under the provisions hereof.

Mr. HOAR. If the Senator from Arkansas will give me his attention——

Mr. GARLAND. I am giving it.

Mr. HOAR. I suggest to amend the bill by inserting after the words "which shall not," in the eighth line of the eighth section, the words "each preceding year have complied so far with the conditions hereof as is required for that year," and then begin the following sentence, "each State shall during the first five years annually expend," &c.

Mr. GARLAND. I think that meets the difficulty.

Mr. HOAR. I trust there will be unanimous consent to inserting that in the section at this time so that we may not have to go back to it again.

Mr. PLUMB. I object to that.

The PRESIDENT *pro tempore*. Objection is made. It will be in order to move the amendment after the question is taken on the amendment proposed by the Senator from Kansas.

Mr. HOAR. I will move the amendment at that time.

Mr. INGALLS. Mr. President, this section is past all surgery. It is maimed and lame and halt and blind, and will not, no matter how it may be passed, effectuate in any way whatever what I suppose to be the desire of the committee. Look at the first few lines of it. There is an argument or a declaration inserted at the beginning of section 8 as follows:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that—

What has that to do with legislation—a declaration about what the design or purpose or intention of the act is? It seems to me that somebody who was very inexpert in legislative literature must have prepared this section at least, and I can think of no better use to put it to and no better course to pursue than to refer it to the eminent gentleman from Boston who sent us the telegram which has just been read, and who we have been assured is so entirely familiar with all the needs and wants of education in this country.

But the Senator from Arkansas and the Senator from Alabama both apparently forgot that there were two difficulties in the succeeding portion of this section. In the first place, it is evident, under the language that is employed in the succeeding lines to what I have read, that no part of this money can be drawn out of the Treasury until five years after the passage of the bill. The Senator from New Hampshire may characterize that as telescopic or microscopic or polariscopic, or whatever other scopic he may see fit to apply to it; but the fact remains, and the plainest interpretation will admit of nothing else but that. We are called upon to enact into a law a bill which says that no portion of the money shall be appropriated until five years after the act is passed. It may be called verbal criticism, or narrowness of horizon, or impossibility of giving a broad, general, comprehensive treatment to this great subject, but that fact remains under this language:

No part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend, &c.

How can any portion of that money be expended until five years have elapsed, for how are you to know whether they have annually appropriated for five years the amount of money that this bill calls for until the time has expired? That may be intellectual microscopy or telescopy or polariscopy, but when we are dealing with a measure of this importance, that involves the expenditure of $105,000,000, it is worth while, perhaps, to apply the microscope a trifle to the bill that is under our consideration, as well as to apply the telescope to the far-off distance which we are called upon to deal with in the subject-matter of the bill.

That is the first difficulty in this section. Aside from the argumentation that occupies the first five or six lines of it this is the first difficulty, and then follows the one which was called up yesterday, which the Senator from Alabama [Mr. PUGH] has alluded to, where the original language was:

Shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools—

What?—

at least one-third of the sum which shall be allotted to it under the provisions hereof.

That is to say, if the Government sends into Alabama under the provisions of this bill $300, all that they are required to expend in Alabama is $100 of that $300, and the remaining $200 can be kept for any purpose that they see fit to use it for. I suggested yesterday that after the word "expended" should be added the words "out of its own revenue," and after the word "schools" the words "an amount equal to," which would have made some remote possibility of ascertaining what was intended so far as that clause is concerned. But with regard to the first part of this section which comes after the argument, I say that there is no amendment that can carry out what is evidently the purpose or was the purpose of those who framed the bill. If you are to withhold all payments and expenditures under this act out of the money that is provided for in the bill until you have ascertained, at the expiration of five years, that an amount equal annually to the amount of that money has been spent by the State, then the bill may as well not pass at all in any shape.

I will, however, venture upon one contribution to the phraseology, and suggest that it would be rendered somewhat more intelligible than it is if the words "during the first five years of the operation of this act" were to be stricken out entirely, so that it should provide:

That no part of the money appropriated under this act shall be paid out in any State or Territory which shall not annually expend for the maintenance of common schools, &c.

For I suppose it can not be the intention of even the gentleman from Boston, who has sent his telegram here instructing us what we shall do and that this bill ought to be passed just exactly as the committee reported it, that this is the only thing that will accomplish these great results. I suppose even the gentleman from Boston would hardly be willing to have a limitation put into the bill that would prevent the expenditure of any portion of the money for five years. Of course I am ready to sit at the feet of Gamaliel to take instructions, and if it is absolutely essential that the bill must be passed in the very words of the text as it appears from the committee and we must take it and swallow it and pass it, I would suggest that even with the admonition which we have received, with the instruction that has been sent down to us like a celestial benediction, it might be well perhaps to inquire a little further into the phraseology of the bill even if it requires examination by the microscope and the telescope.

Mr. HARRISON. I venture modestly to suggest a contribution to the phraseology of the section which we have been discussing. I am not sure whether it is admissible now, if a point of order is made, as an amendment to the amendment of the Senator from Kansas [Mr. PLUMB]. It proposes to strike out some words in the section that are not covered by his amendment, but it is practically to the same point that his amendment is addressed. I propose to amend the section and I ask the attention of the Senator from Kansas who has just addressed

the Senate [Mr. INGALLS]. Beginning after the word "provided," in line 6, section 8, I suggest to strike out what follows and to insert:

That no greater part of the money appropriated under this act shall be paid out in any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Of course we can take the preceding year as the basis upon which this distribution is to be made, if we are to be in a condition to make any distribution until that year in which it is to be used is ended. I therefore suggest this amendment, taking the preceding year as the basis of the expenditure and limiting the expenditure to the amount which the State out of its own revenue in the preceding year has used for the purposes of education—an equal amount, not including of course moneys expended for school buildings. If this amendment is adopted, the measure of the gratuity or aid of the General Government is the activity and liberality of the State itself in support of public schools, each year's appropriation being determined by what the State has done in the preceding year.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas, as the Chair understands the agreement when the general amendment of the committee was adopted, is open to amendment. If the Senator from Indiana will send to the Chair in writing the amendment he proposes the Chair will then rule whether it is in order or not.

Mr. BLAIR. I ask that the amendment of the Senator from Kansas be put in writing, unless it is proposed to substitute this for his amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas has been received and reported two or three times; so unless the Senator from Kansas chooses to reduce it to writing the Chair thinks that he would have no right to order him to do so. The amendment proposed by the Senator from Indiana to the amendment of the Senator from Kansas will be reported, after which the Chair will decide, when the question is made, whether it will be in order.

The CHIEF CLERK. In section 8, line 6, after the word "provided," it is proposed to strike out the remainder of the section and to insert:

That no greater part of the money appropriated under this act shall be paid out in any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Mr. HARRISON. All the remainder of the section will be stricken out. That appears on the other page.

Mr. INGALLS. I was going to suggest that unless the latter part of the section was stricken out they would not be able to get any money.

The PRESIDENT *pro tempore*. That is not a question of order.

Mr. INGALLS. It is a question of disorder.

The PRESIDENT *pro tempore*. The Chair thinks the amendment of the Senator from Indiana [Mr. HARRISON] as an amendment to the amendment of the Senator from Kansas [Mr. PLUMB] is in order. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment of the Senator from Kansas.

Mr. PLUMB. I do not see why the Senator from New Hampshire and the Senator from Arkansas have conceived so violent an objection to the amendment which I proposed, and which in its sense and particulars is substantially the same as that of the Senator from Indiana. While it is true I do not think the bill should pass, I yet can not conceive that it could be in any worse shape than it is now in reference to the accomplishment of any good purpose, and it certainly is not beyond the proper purview of those who oppose the bill to endeavor to get it into such a shape as to make it less objectionable and to accomplish the least evil.

If the bill is to pass at all it ought to pass in the shape of a stimulus to the States to do their part. As it is now it is not a stimulus to them to do their part, but it is a plain invitation to them to do as little as possible. For the first five years all they need to do is to appropriate from their own revenue one-third of what the General Government gives them. They ought to be willing to vote dollar for dollar at least. I am willing, so far as I am concerned, to put it in the other shape; and if they are not willing to appropriate so much as would fall to them by this allotment, to at least give them a dollar where they appropriate a dollar.

But why do these States or the persons who represent them on this floor and who are asking for this benefaction avow their unwillingness to do what they ought to do and what the Northern States are doing themselves in order to realize the benefit of this act? The State of Kansas, after this shall have been adopted, will not get certainly more than one-half of the amount which she will levy each year for the purpose of common schools within her borders and not one-half the amount she will pay out on account of it. In what way is it a burden upon any State for the General Government to come forward with its hand full of money and say, "Put an equivalent amount with ours and put both sums into your treasury for the benefit of common schools?" If that is a burden, why stop at a third and not go the whole figure? What charm is there in this sum of one-third that so captivates those persons who are seeking the benefit of this bill that they want that particular sum? Is it not because there is a determination not to do more than is now being done to maintain the present relation between expenditure and necessity and to ask the General Government to give the remainder, and to give it upon a basis which will require us to increase the amount every single year instead of diminishing it? It is for the purpose of making this bill at least to have some regard for the interest of the people of the United States at large, to have it act as a stimulus to the people who are to receive its benefits, to themselves contribute liberally and thereby feel and be actuated by the spirit of a support upon substantial and honorable grounds of the school system of the respective States, and not upon the basis simply of what they can receive from the General Government.

I did not find, as the Senator from Arkansas seemed to think I found, any constitutional objection to this bill. I admit its entire constitutionality, but I object to its policy, not to its lawfulness; and I object to it because as I believe it will not only be inefficient, but I believe conscientiously that it will destroy the very system that it is designed to protect and to nourish. That is the ground on which I put it.

But it seems certain that the Senate is getting into something of a tangle about the terms of this bill, and that it needs not the action of the Senate at large for the purpose of reducing it to shape and getting it into a condition where it will meet with approval, but the action of a committee. I think that the mover of the bill himself will realize that it ought to go back to the committee, and the committee ought to consider themselves instructed by the action of the Senate to bring in a measure which shall be freed from the objections which have been interposed to this one. By this course a debate of weeks may be avoided.

I shall therefore presently, if some one else does not, except for something that I am not now advised of, move that the bill be recommitted to the Committee on Education and Labor with a view that it may be perfected.

Mr. BLAIR. So far as verbal imperfections or inaccuracies or indefiniteness of expression are concerned in the bill, I am willing that any critic upon proposed legislation should compare it with any production of either Senator from Kansas and divide the result. Now that the one who first spoke has relieved himself from that mass of matter, which certainly is much better within so far as looks are concerned than without, I hope we shall get along. So far as I am concerned, in regard to amendments offered from any source whatever, which are not manifestly hostile to a consideration of the bill upon its merits and are not designed covertly to injure while speciously pretending to be favorable to the general purpose which the bill seeks to accomplish, I shall be very glad indeed to co-operate in securing the adoption of such amendments.

I would suggest to both Senators who make allusions to telegrams and to the efforts of the Senate to perfect measures which come before them, that they recall the fact that only a few days ago one Senator from Kansas undertook to telegraph through a measure to establish hospitals for sick calves all over this country and he had nothing else to depend upon but telegrams, and he undertook to prevent a fair consideration of the important principles involved in the resolution which he offered here by reason of his multitudinous telegrams, which one Senator says are truthful and another Senator says only indicate the necessity of immediate action, lest the recovery of the sick cattle should defeat the resolution, and he could hardly wait his twenty-four hours for authentic intelligence from the happy land of Kansas, that he has so eulogized upon the floor of the Senate to-day—and I affirm that his eulogies are well deserved—he could hardly wait until we could get accurate information by telegraph from that country. I have myself heard nothing since the passage of the resolution of any particular necessity for the $50,000 that it proposes to use in curing the cattle and hogs of this land, while he allows the children all over the country, in his own as well as in other States, who are growing up in ignorance and illiteracy, to go uncared-for.

I am very anxious indeed that this bill should be subjected to the most searching and friendly criticism. I am not here to listen tamely or acquiescingly to the sort of euphonious and sarcastic sound with which the Senator from Kansas who last spoke or the one on my immediate left indulged in the criticism of this bill. I am not inclined to think that he is a friend even of the general objects of the bill and that from the beginning his talk of friendly feeling toward the grand purpose of this bill had any foundations in fact. I know very well, and it is apparent enough, that there is a disposition on the part of some members of the Senate to defeat this bill by indirection. I much prefer an open, manful, and outspoken method of conducting warfare. I am accustomed to that.

Here an amendment comes in moved by the Senator from Kansas [Mr. PLUMB], a friend to the bill. I do not know that that Senator from Kansas will claim that he is a friend of the bill, but he is a remarkably strong friend to education generally. He proposes that the Southern States, or the States where the aid is most needed, shall be required the first year, when their emergency and need is the greatest, to pay a sum equivalent to the amount that they receive from the appropriation itself, when the appropriation is the largest that will be made. The first year it is to be $15,000,000. It decreases annually. It is manifestly the purpose to apply the largest amount when the greatest need exists. That must be perceived by everybody to be the real object of the bill, as it ought to be the object of the bill.

Now let us see what would be the result of the adoption of the amend-

ment that is proposed. The Senator says, and the Senator from Indiana embodies the same idea in his amendment to the amendment, that the States ought to give as much as they receive. I wish merely to state now the actual effect of that. By the returns of 1880 the State of Alabama raised from State and local tax $250,000. By way of fines and forfeitures, &c., that amount was somewhat increased. It was not far, as I remember, from $350,000, possibly $400,000 in the year 1881; and as I said a little while ago, it is thought by the superintendent of education that the present year it will extend to not far from $600,000, and they are struggling, doing their utmost to achieve that amount.

By the provisions of this bill, dividing the $15,000,000 on the basis of those who can not write 10 years of age and upwards, the State of Alabama would receive $1,127,869. In other words, she would be obliged substantially under the amendment proposed to double her taxation immediately for school purposes in order to receive anything whatever of this appropriation. Other Senators can arrive at these same data by taking table 12, on page 2200 of the RECORD. Take the State of Arkansas. In the year 1880 she raised from State and local tax $189,000 for schools. By the provisions of this bill she would receive the first year $466,000. Of course the appropriation would diminish every year. Take the State of Delaware, for instance. She raised in the year 1880 $150,000 for schools. By the operation of this bill Delaware would receive as her proportion $51,000.

Mr. SAULSBURY. I should like to inquire of the Senator how he ascertains the amount of money which was raised for school purposes in the State of Delaware.

Mr. BLAIR. I suppose there are ways of arriving at the amount of money raised in the State of Delaware for school purposes, and that the same means are applied there as in other States. This table was prepared by the Bureau of Education.

Mr. SAULSBURY. I will state to the Senator that we have a school fund which is appropriated by the State, but that the State authorities have nothing else to do with the amount of money raised for educational purposes. The State distributes this fund, giving to each district a certain proportion of the State fund upon condition that the district raises a certain amount specified in the law by taxation itself. But moneys so raised by taxation never go into the State treasury, they are never handled by any State authority or by any county authority—simply by the commissioners of the district. There are no data, therefore, in the State from which that estimate can be made. The Senator has stated, perhaps, the money distributed over the State out of the school fund proper, but it does not include the amount raised by local taxation in each particular district.

Mr. BLAIR. These particulars are returned by the school authorities of the various States directly to the Bureau of Education.

Mr. SAULSBURY. I am satisfied that that must apply to the distribution of the school fund, which goes into the hands of the school districts from the State.

Mr. BLAIR. No; it covers the amount of State tax and local tax. I have another table here which shows other amounts.

Mr. SAULSBURY. I know that in the small town in which I live we raise by local taxation for the support of common schools between two and three thousand dollars, which never goes into the State treasury and does not go into the county treasury.

Mr. BLAIR. It is a local tax.

Mr. SAULSBURY. It is collected by the State and county machinery, but is a local matter and entirely applicable to the district.

Mr. BLAIR. I have no quarrel certainly with the Senator on that matter.

Mr. SAULSBURY. I make the statement because I notice that the language of the amendment offered by the Senator from Indiana is that the State shall pay "out of its own revenues." The money which is collected by taxation for school purposes in my State is not paid out of the State revenues, for it never goes into the State treasury.

Mr. BLAIR. That may be all true; very likely it is so. Notwithstanding the table is made up from definite returns, and it is true of every State in the Union.

Mr. DOLPH. If the Senator will allow me, I should like to make a statement in regard to the school-tax of Oregon.

Mr. BLAIR. If the Senator please, I wish to put in a few statements from the tables and then I will yield to him. I would a little rather not have so much matter injected into my speeches. The State of Florida raised $104,530 for schools. Under the operation of this bill the first year she would receive $213,000. This is based upon the number of those who can read and write. The State of Georgia would receive $1,360,595, while the same State in the year 1880 raised $471,000. I do not need to read at greater length to show the hurtful operation of the adoption of the amendment. It would be manifestly impossible for these States immediately and for a considerable time to bear the amount of increased taxation which would be necessary in order that they might derive any benefit under the act if the amendment should prevail. I now yield to the Senator from Oregon.

Mr. DOLPH. The suggestion I desired to make was in reference to the effect of the provision of the proposed amendment that no greater amount shall be paid under the bill to the several States and Territories than is expended by the several States and Territories. In the State of Oregon we have three different funds from which the schools are supported. One fund is paid through the State. It is derived from the management of the school fund, the sale of school lands. An annual tax is levied by the counties, and a considerable fund is raised in that manner. Then each school district lays an annual tax and raises a fund annually for the support of schools. I think by far the largest portion of the money used for the support of schools is raised in the manner suggested by the Senator from Delaware, by taxation in the school districts, which never goes into any State or county fund.

Mr. BLAIR. I will say to the Senator that all those sources of taxation are aggregated, and they are in the returns of the Bureau of Education, and make the sum total that by the provision of the bill must be at least one-third of the amount that is derived by the State from its appropriation the first year.

Mr. DOLPH. They should all be aggregated in any provision that may be adopted.

Mr. BLAIR. The States must, however, produce proof to the Government that they have actually expended this amount for the maintenance of common schools and satisfy the Government that it is so.

Mr. CALL. Mr. President, as a member of the Committee on Education and Labor, from which this bill was reported, I am not quite content to let this matter pass over without some reply to the criticisms that have been made upon the bill and its language. They are not true. They do not import the fact. The bill is clear enough, although the suggestions of the Senator from Massachusetts [Mr. HOAR] are an improvement to it. It is not deserving of the criticisms so far as its language is concerned which have been made upon it by the Senator from Kansas who first spoke. I have never before in the Senate heard it insisted with so much pertinacity that a law is to be construed by one single proviso in it, that its whole context is not to be taken into consideration. The bill is a very good bill. It expresses very clearly the purpose of the committee and the object in view, and a very slight verbal correction will make it as clear as even the criticism of the Senator from Kansas could make it.

The first section of the bill provides "that for ten years after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums," and the second year so and so. The second section provides "that such money shall annually be divided among and paid out to the several States and Territories." There can be no clearer language than that. The annual division and the annual payment is clearly expressed, and although the terms of the proviso in the eighth section might perhaps be subjected to some little criticism, still in view of the expression in the section "that the design of this act not being to establish a permanent system of schools, but rather to aid for the time being," it is "provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act," &c. The term "first five years of the operation of this act" is qualified time and again everywhere throughout the bill, in half a dozen places, as referring specifically to an annual division and an annual appropriation. There is nothing of truth in the criticism that has been made upon it so far as the correct construction of the bill is concerned. It would be easy enough to ascertain it.

In regard to the suggestion of the Senator from Kansas [Mr. PLUMB] who last spoke as to what there was in this amount of one-third, I wish to state that the proportion of one-third was made with reference to the annual production of these States in comparison with other States. It was made in reference to the amount of school tax fixed in the constitutions of some of these States, which was done when the States were reorganized and reconstructed, and became a constitutional provision, as it did in my own State. It was fixed by the committee with reference to the tables after a careful examination by intelligent men interested in this question in the North and in the South and everywhere, by the friends of education, as to the capacity of the States at this time to pay a larger sum, not because of any magic quality in a third, but because that more nearly named the proportion between the capacity of these States to educate and the needs of education in proportion to the amount of illiteracy in the States.

I do not think it could be improved by any of the Senators who have considered the question and proposed a half. If they had examined very closely into the tables, which show the relative tax-paying power of these States, they would find that they have paid and are paying liberally and equal to any other part of the United States, whether it be Kansas or anywhere else, when you consider the annual productive capacity and the actual net returns from production in the several States.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON] to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. ALLISON. If I understand the amendment of the Senator from Indiana I intend to vote for it. I understand his proposition to mean that a State shall not receive aid from the General Government in any one year in a greater sum than it raises by taxation from its own people.

Mr. HARRISON. That it shall not receive any greater sum than it raised in the preceding year for school purposes, not including school buildings.

Mr. ALLISON. If that is the meaning of the amendment of the Senator from Indiana I am in favor of it. I am in favor of it for several reasons, the first and chief of which is that I think if we double the school fund in the States where illiteracy abounds in any one year, we furnish as much as can reasonably and economically be expended in those States. Take, for illustration, the State of Louisiana. I believe it has been stated on the floor that Louisiana raised for school purposes, all told, about $400,000 last year.

Mr. BLAIR. In 1881.

Mr. ALLISON. Well, in 1881. Now, under the pro rata found in the tables presented by the Senator from New Hampshire the State of Louisiana receives at once under this bill nearly $1,000,000 for school purposes the first year. Now, I submit to the gentlemen who have carefully prepared this bill that the sum of $1,000,000 can not be suddenly thrown into a State as large as the State of Louisiana for the purpose of educating the children of that State and be economically and prudently expended.

Mr. BLAIR. I will state to the Senator the precise sum upon the basis of those who can not write, as he will find it in table 23, on page 2208 of the RECORD, which is the table which indicates the exact distribution. The State of Louisiana would receive $767,295.80 upon that basis.

Mr. ALLISON. I have been misled then by table 22. By one table that is submitted by the Senator from New Hampshire I find upon the basis of the school population of 1881 Louisiana would receive $905,612.35. On the basis of the table to which he now calls my attention Louisiana would receive $767,295.80. Although the sums differ somewhat, the difference is not material to the argument which I make; and that is that if you suddenly throw into the rural districts of the State of Louisiana a sum more than twice the amount now raised in that State for educational purposes, it will not be economically expended. I have as my authority for this statement a letter placed in the RECORD by the Senator from New Hampshire himself, written by the superintendent of schools of that State, in which he says that the sum of $1,000,000 to be expended for educational purposes in the State of Louisiana would require 5,000 teachers, and I find on looking at other tables that there are in that State to-day less than 2,000 teachers.

Now in the nature of things is it probable that you can throw into the State of Louisiana in a single year twice the amount of money she now expends for educational purposes, and acquire the proper teachers, procure the proper school-houses and erect them in the various localities, and expend this money as it should be expended?

That brings me to another objection I have to this bill, if the Senator from New Hampshire will pardon me, and that is that his scale is in the wrong direction. It ought to begin with a smaller sum and increase, and that is the inevitable tendency of this appropriation, whatever we may do. I remember only a few years ago I was in the other House when we established a bureau of education in the Interior Department. The appropriation, I believe, for the first year for that bureau was $5,000 or $6,000, I do not remember the exact sum.

Mr. BUTLER. About $3,000.

Mr. ALLISON. It has swelled annually until now it amounts to over $60,000, and there is a constant complaint from that bureau that we do not give them what they need for the purposes intended in the creation of the bureau, namely, the gathering of statistics of education in this country and in other countries. If I were to make the scale with reference to appropriations I should begin with the smaller sum, and if the appropriation is successful from year to year it should be increased as the States increase their appropriations.

Take the State of Louisiana again for illustration. She expended $400,000 in 1880, and that would be the basis of the expenditure of the next year. We give her $400,000 next year. That gives her for her school fund $800,000, a sum double what she had last year. Is not that enough? Is not that as much as she can economically expend? Then she is stimulated and next year appropriates, instead of $400,000, $500,000 or $600,000. Then the General Government gives her an equal sum so that she can gradually expand her schools. Is it expected by this bill that we are to educate all the people of this country in one year or five years or ten years? If we enter upon a system for the education of the colored race (and I believe we ought to enter upon it), it is a question of many years; and it will not end with the ten years involved in this bill.

Therefore it is, Mr. President, that I concur in the principle of the amendment of the Senator from Indiana [Mr. HARRISON], because under that principle we shall be enabled to make a less appropriation now and enter on this experiment, and if it is successful we can from year to year increase and expand the appropriations. If his amendment is adopted the $15,000,000 should be stricken out and a sum necessary under the proposed amendment should be inserted in lieu of it. I do not know any reason why we should appropriate $15,000,000. I do not see why a smaller sum would not do if the amendment of the Senator from Indiana should be adopted. There is nothing cabalistic in these figures, $15,000,000.

Let us give this money to the States that need it if we are to give it at all. Why is it that Iowa is included in this bill? The State of Iowa appropriates and expends in that State for educational purposes nearly $6,000,000. She annually taxes her people nearly $5,000,000 for the purposes of education, and the amount that she is to receive I see under this bill will be less than $100,000. Is that any object to the State of Iowa?

If there is a reason why the General Government should enter upon this question that has been supposed hitherto to belong to the States, let it do it upon the plain reason that is given here in these speeches and in this bill, namely, on the ground of the great illiteracy in certain States of the Union arising from the situation of the colored race in those States. I think we are bound in reason to appropriate money from the general Treasury for the purpose of educating the colored people. I will not go into the history and situation of those people during the last few years. It is sufficient for me to know that many of those States can not raise by taxation a sufficient sum to educate these people properly, or at least I do not believe they can. Therefore I am willing to enter upon some system that will give aid to those States that can not themselves educate the colored race; but I see no reason why we should appropriate money here for the State of Massachusetts or the State of Connecticut or the State of New Hampshire.

I see a most singular thing in this bill, if the Senator from New Hampshire will allow me to call his attention to it. It provides that in a State where the illiteracy is not over 5 per cent. the sum applicable to that State under this bill may be used for normal schools. Why put in that idea? It happens, of course as a matter of coincidence and accident, that the State of New Hampshire is the only State that has just 5 per cent. of illiterates. The State of Iowa, it is true, comes under the same category, because her illiteracy is less than 5 per cent. Therefore, in all these States, beginning with New Hampshire and running up to Iowa and Nebraska, we can use this money for normal schools for the purpose of educating teachers.

Mr. BLAIR. The Senator is under a misapprehension. I do not like to interrupt him, for I want to reply to him on several other points.

Mr. ALLISON. If I misapprehend the bill I shall be glad to be corrected.

Mr. BLAIR. The Senator misapprehends in this: The State is at liberty to use it precisely as she pleases. It is suggested that she may appropriate it all for that specific purpose. Otherwise she would be expected to distribute it among the scholars; and the amount being so small, this provision is made so that it may be as a body directed to the preparation of teachers.

Mr. ALLISON. Undoubtedly. I understand that it is not compulsory; but the States where the illiteracy is not over 5 per cent. are permitted to use the money, not for the purposes of common-school education except indirectly in the way of normal schools. Now, my belief is that we ought to come square up to what we intend in this matter. It is the purpose and intention of this bill to aid the Southern States in educating the colored and the white illiterates in those States. If that be true and we have the constitutional power to do it, let us appropriate a reasonable sum for that purpose, and either assign it to the States or do it in some way under our authority and power. In my judgment there is no need to-day greater than the need of normal schools in the Southern States. We certainly have the power to establish normal schools there for the education of teachers out of the funds of the United States Treasury and to employ teachers and the machinery for these normal schools. That we can do. Why not do that?

This very bill provides that one-tenth of the sum appropriated in it may be used for normal schools in those States. If a million and a half of dollars of the $15,000,000 is found necessary for the purpose of educating school teachers in order to enable the people in the Southern States to teach their fellows, why not appropriate that money directly, and establish four or five normal schools in the different States of the South and have some method of admission whereby teachers shall be instructed to teach the children in the South? I do not believe myself that you can throw into those States these vast sums of money and find competent teachers at once who can enter upon the business of teaching the children. Therefore it is that I think we ought to make some special provision for normal schools, begin in that way, and from year to year increase the appropriation.

While I am up, Mr. President, I wish to say for one that I will not agree to bind succeeding Congresses by appropriations which shall run for ten years. We can trust the future Congresses to make the necessary appropriations to carry out what we initiate here without binding the Government for ten years in the way of making this permanent appropriation. We have, it is true, made permanent appropriations, but we never have made them except where the obligation was absolute and binding, such as to pay the interest on the debt of the United States, such as to pay the interest which we bound ourselves to pay in our Indian treaties, and so on. We have never entered upon a policy of making appropriations for more than one year for the general purposes of our Government. On that point a new policy is involved in this bill, and I think it is a dangerous one even for the success of the bill itself. If we want this money to be appropriated, let us do it from year to year, in order that there may be an ever-present reason for the appropriations We need not be afraid that these appropriations will grow less. If this

method of teaching the people who are illiterate shall be successful, these appropriations, in the nature of things, will expand from year to year and grow greater, instead of less, as provided for in this bill.

Mr. GARLAND. We are just getting now into the interior of this bill; it is 5 o'clock; and I move that the Senate adjourn.

Mr. BAYARD. We had better have an executive session.

Mr. GARLAND. I move, then, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were re-opened, and (at 5 o'clock and 4 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *March* 20, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebr.

JUDICIARY COMMITTEE—LEAVE TO PRINT.

The SPEAKER. The request is made on behalf of the Committee on the Judiciary to have printed certain arguments made before the committee on the proposed sixteenth amendment to the Constitution.

There was no objection, and it was so ordered.

VIRGINIA CONTESTED ELECTION—GARRISON VS. MAYO.

Mr. TURNER, of Georgia. I call up the contested-election case of Garrison *vs.* Mayo, from the first Congressional district of the State of Virginia.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

*Resolved*, That Robert M. Mayo was not elected as a Representative to the Forty-eighth Congress from the first Congressional district of Virginia, and is not entitled to the seat.

*Resolved*, That George T. Garrison was duly elected from the first Congressional district of Virginia, and is entitled to the seat.

Mr. TURNER, of Georgia. I ask that the gentleman from Virginia [Mr. MAYO] be now heard.

Mr. MAYO. Mr. Speaker, I promised on yesterday to examine the report of the Committee on Elections and ascertain if in my judgment it was altogether correct, and if I so found it that I would state to the House that I believed it to be correct and ask for the adoption of these resolutions.

I have examined carefully this report, and I am free to say that if the act of the General Assembly of Virginia requiring the prepayment of a capitation tax as a prerequisite for voting is constitutional, with respect to the Constitution and laws of the United States and with respect to the constitution of the State of Virginia itself, then this report is correct. I can not make out within about six or seven votes that I am entitled to my seat after giving the votes I did before the committee to my competitor which he failed to get by reason of technicalities, amounting to about seventy, which were thrown out by the board of canvassers in Richmond.

But, Mr. Speaker, I not only believe but I feel absolutely certain that the act of the General Assembly of Virginia requiring this prerequisite is unconstitutional and void, and if the votes which were rejected because the persons giving them, who went to the precincts and offered to vote for me and who swore here that they were rejected on that account, had not complied with that law—if those votes are counted for me, then I am entitled to a seat on this floor by a majority of about seventeen.

I do not propose to discuss at length that constitutional question, because I believe that after a committee has been so unanimous in reporting as this committee has been, it would be an almost useless expenditure of time. But as this question will, in all probability, be before this House again in other cases from Virginia, I deem it my duty to say a few words here with respect to that matter. Before I go into that question, however, let me put myself right before this House, as I think I have been somewhat wronged by two of my colleagues from Virginia. The House will remember that from the very moment that I took my seat upon this floor it was contended that I was not even entitled to a *prima facie* seat here. Now, sir, let me say this much, not in my own vindication, but in vindication and justification of the board of canvassers of the State of Virginia.

That board is merely ministerial; the function it performs is simply to add up and subtract, and return who has the majority from the returns of votes received from the several counties. It can not send for witnesses; it can not take any testimony *aliunde*, but is bound by the returns that come to it from the different counties, provided those returns are made in the form required by law.

In the case of the vote of Gloucester County, according to the returns that came before that board, there was a majority of fifty-six for the contestant. That return, however, came before the board without the seal on it which was required by the law of the State of Virginia. The law of the State of Virginia requires that these returns shall be sealed with the seal of the county court. The return from Gloucester County, instead of being sealed with the seal of the county court, had had impressed upon the paper the seal or stamp of the circuit court, and then the word "circuit" was scratched out and the word "county" written above with a pen and ink.

Now with respect to that question of a seal let me read the law of the State of Virginia. The law provides that every court shall have a seal, and if any court has none the governor shall provide a seal. Then chapter 15, title 9, section 12, defines what shall constitute a seal, and is as follows:

In cases where the seal of any court or public office is required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to include the impression of such official seal made upon the paper alone, as well as an impression made by means of wafer or of wax affixed thereto.

Now, it is clear that nothing but the impression made by the seal, and that is the brass instrument furnished by the governor to the county court of Gloucester, could make valid any paper requiring that seal. It seems that the seal of the county court of Gloucester has worn out, and that, instead of applying to the governor for a new one, some person borrowed the seal of the circuit court, made its impression on the paper, then scratched over "circuit" and wrote "county" above it. This was clearly no seal at all, because it was partly impressed and partly written, and to give the clerk authority to write a part of the seal would be equivalent to abolishing the law requiring seals altogether.

I say, therefore, that it was proper for the canvassing board, this ministerial body, to have rejected that paper. It was not a lawful paper, and the board of canvassers had no other means of ascertaining what the vote of Gloucester was.

There was also another vote in a precinct belonging to the county of Northumberland, known as Hog Island, situated out in the Chesapeake Bay about fifteen miles from the mainland. That precinct gave fifteen votes to my competitor. The vote did not arrive at the county seat in time to be returned to Richmond. There was an attempt made afterward to get it there, but the secretary of the Commonwealth says that there never was any legal return from the Hog Island precinct, and therefore that vote was not counted. The board failing to count these seventy votes returned me by one majority. I have said this much in vindication of the action of that board.

It is contended that the governor of the Commonwealth of Virginia did not sign my certificate. He is one of the board of canvassers and only one; and he does not sign the certificates which he sends here. I send to the Clerk and ask him to read my certificate, and I call upon every member from Virginia to state whether it is not identically the same certificate that he and every other member from Virginia has had for the last fifty years.

The Clerk read as follows:

COMMONWEALTH OF VIRGINIA:

This is to certify that at a meeting of the board of State canvassers, held at the office of the secretary of the Commonwealth, the fourth Monday of November, one thousand eight hundred and eighty-two, on an examination of the official abstracts of votes on file in that office, it was ascertained and determined that, at an election of Representatives in the Congress of the United States, held pursuant to law, on the first Tuesday after the first Monday in November, one thousand eight hundred and eighty-two, Robert M. Mayo was duly elected a Representative of this State in the Congress of the United States for the first Congressional district.

Given under my hand and seal of office, at Richmond, this twenty-ninth day of November, eighteen hundred and eighty-two.

[SEAL OF STATE OF VIRGINIA.] W. C. ELAM,
*Secretary of the Commonwealth.*

Mr. MAYO. It has been said on this floor that the governor did not sign my certificate. That is the certificate, and he did not sign it. But here is the signature of the governor and the four other canvassers to the fact that I received 10,505 votes and that my competitor received 10,504 votes; thereby returning me by 1 majority.

Mr. GEORGE D. WISE. Will the gentleman permit me to interrupt him a moment?

Mr. MAYO. Certainly.

Mr. GEORGE D. WISE. Just below that signature is another paper where the governor's signature does not appear.

Mr. MAYO. Underneath there his signature does not appear; why I do not know; I was not present. But it was too late for the governor to refuse his signature, because he had nothing to do with that. Here is the law of Virginia.

Mr. GEORGE D. WISE. Let me interrupt him again.

Mr. MAYO. Yes.

Mr. GEORGE D. WISE. The certificate which the governor refused to sign is the certificate that he ought to have signed if he believed that you were elected.

Mr. MAYO. The question of the governor's signature does not matter here. There is one paper there to which it does not appear, but it ap-

pears in the preceding paper certifying that I received a majority of votes. I will read the law:

In all elections for the choice of any officer, unless it be otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office.

There is the certificate of the governor and the others that I did receive the highest number of votes, and there is the law which says that having received the highest number of votes I am elected. The question whether or not he signed any other certificate is a question I know nothing about nor do I care. I was not present. But if he did so, it does not amount to anything. He was only one of the board of five commissioners, any three of whom had power to act; and for aught I know, or anybody else on this floor knows, there may have been but three commissioners sitting when the gentleman's certificate was signed; and his certificate may have been signed by only two of those three. Still he would be just as much entitled to a certificate and just as much entitled to a seat on this floor as any other member in this House, and he knows it. It is very frequently the case that only three members of the board sit. They determine by their majority who is entitled to the seat, and they certify that fact. There is the certificate that I did receive 10,505 and my competitor received only 10,504.

So much in vindication of myself upon the score of being a "fraud;" so much in vindication of the board that sat in Richmond, who, I believe, acted entirely in accordance with law and did what any legal man would have advised.

But, Mr. Speaker, let me say I did not expect to hold my seat on this floor upon any such title as that. I knew that this body had the right to go behind, and ought to go behind, these technicalities to ascertain exactly who was entitled to the seat; and long before this board had reported I had ascertained the fact that a sufficient number of votes actually offered to be cast for me had been rejected to entitle me to be regarded as having received a majority of the votes actually cast at that election. Therefore I went to work as soon as the contest began and took my evidence, which I have brought before this body. It is true that some of this evidence, owing to the fact that there were few able lawyers in our party, is badly taken, and the committee were perfectly right in rejecting it. If it had been properly taken, I would not have been obliged to raise this constitutional question; but it would have been apparent to every one that I was entitled to my seat by about seventeen majority, as set forth in the brief which is on the desks of members.

But, sir, I come back to the position taken by these honorable gentlemen from Virginia, these so-called Democrats here on the floor of this House, bearing the names of illustrious men, as they do, the fathers of the Democracy of Virginia, such men as Henry A. Wise and John Randolph. Men bearing such names get up before this House and put their puny and insignificant words against the seal of their own State! Shades of the immortal Wise and Randolph, what think you of such Democracy as that? Yet these same gentlemen, who in this case ignore the seal of their own native State, disgrace and trample it under their feet, when their own man was to be sworn in, a man who did not even claim his seat, urged that the seal of Mississippi was good to seat him, although the seal of the poor old mother State of Virginia was not good to seat me. That is Democracy! That is fairness and justness, is it not, to seat your man upon the very ground that you refuse to recognize as good when my seat is in question? Why is this? Because I happen to belong to that poor thing known in Virginia as the Radical Republican party. It is not because, as you say, of anything personal to myself; but it is just such an attack made on my party through me as the representatives of that so-called Democracy in Virginia made in its Legislature when they deliberately turned out without cause, without a hearing before any committee, fifteen senators and representatives, in order to obtain a two-thirds majority to pass bills over the veto of the governor—deliberately keeping out men who had been elected, sending back some to be elected twice; and one man, a senator, presented three certificates before he was allowed to take his seat upon the floor of the senate.

In the mean time they passed laws over the veto of the governor, most of which were passed to give them the absolute control of the ballot-box, in order that they might do as they pleased with it in the coming election. Why this violent attack upon me and my party and men who hold the position that I do? Why, Mr. Speaker, because I believe the war is over, and I am trying to teach my children and my neighbor's children that the war is over; because I say that the proudest thing I have to boast of is that I did my duty as a soldier in the confederate army under the greatest chieftain that America has ever produced—Stonewall Jackson—and I am not ashamed of it; but at the same time I believe and say that when the history of that great revolution is written, two of the greatest names that will go sounding down the corridors of time will be those of Abraham Lincoln and Stonewall Jackson—much alike in their character and persons—tender of heart yet stern and unflinching when they believed that they were right; the one giving up his life a martyred President to the cause of a great Union which he had restored, the other giving up his in the cause that he believed right—the cause of his native State when she called him to the front. Each in the cause which he believed it his duty to follow did his duty as he saw it best.

Each wrought with God's supreme designs,
And under love's eternal law
Each life with equal beauty shines.

To teach such doctrines, to say that I rejoice that the Union is restored, that the curse of African slavery is abolished (that eternal thorn in the side of the Union), is treason down South, and I am called a deserter after the war! Any man who takes a position down there now that I have taken, although so many years after the war, has to face precisely the same consequence which I have had to contend against; and when I happened to vote as I did here for a Union soldier for Speaker of this House I was told they were exceedingly surprised I should here in this Hall vote for a man who had gone down South to whip me. That is the spirit that animates the fight in Virginia. That is the spirit that has brought about the state of things whereby my native State has been disgraced in the eyes of the outer world.

Mr. Speaker, the people of Virginia are not murderers, the people of Virginia do not deliberately go to work to kill anybody, whether white or colored, but in order to work out their purpose a political party in Virginia did array one class against another upon a false issue until strife was stirred up in the hearts of the ignorant white people on the one side and ignorant colored people on the other, so that in many places they believed there was going to be an actual outbreak of civil war. Those gentlemen, in order to carry out their political purposes, did this thing, but not intentionally to stir up murder. These gentlemen do not look like cut-throats, they do not look like people who would foment a disturbance such as that which occurred at Danville intentionally, but when they preached the doctrine that the party to which I belonged meant to have mixed marriages and mixed schools in Virginia, they excited the poorer class of people in my country to such an extent that in most places, the places where there was a majority of colored people, such a disturbance as that at Danville might have broken out. It was wrong for them to have done this because they ought to have known we had no such intention, they ought to have known that we preached the docrine that the negro question was settled, that the Republican party could give him no more rights than he had, while the Democratic party said they did not intend to take any away from him. Therefore, sir, it was settled, and settled forever. As long as they could keep alive that feeling, just so long that party would remain as the white party of Virginia and have a large majority of the people. That is the trouble and that has brought about this strife; and I feel it to be my duty on this floor to say to you that the people of Virginia are not cold-blooded murderers.

I am happy also to say in reference to my own case that I do not believe in the annals of the world there ever was a fairer election. I do not believe there was probably more than one or two votes that were fraudulently cast on either side intentionally. That mistakes will be made is very natural; that mistakes will be made on the side of the party that may have the majority of the people and they will lean a little to their own side is also very natural. But outside of that there never was a fairer election than that held in the case of Mr. Garrison and myself.

Now, Mr. Speaker, I have wandered off rather too far from the question I have proposed to discuss. I come now to this question: Is the act of the General Assembly of Virginia imposing a capitation tax of $1.05 as a prerequisite for voting unconstitutional—first, with respect to the fourteenth amendment to the Constitution of the United States and the reconstruction acts passed in pursuance thereof; and, secondly, if not, is it unconstitutional in respect to the Constitution of the United States itself?

Mr. COOK. Will the gentleman yield to me for a question?

Mr. MAYO. Certainly.

Mr. COOK. Do you claim in this report any votes were deducted from you or you were deprived of any votes in consequence of the capitation tax?

Mr. MAYO. Yes, sir.

Mr. COOK. Is it not true that the report expressly ignores that subject and confines the case against you on other grounds, and that you were deprived of no votes on account of payment of the capitation tax?

Mr. MAYO. I will say the report does so state, but when you come to look at the figures the figures do not show that. The figures show there were certain votes of persons not assessed outside with this capitation tax and who offered to vote but whose votes were rejected. If it had not been for a question of law there would have been no necessity for their assessment and therefore they would have been allowed to vote. Give me those, and in addition if I get the votes you do reject because of the insufficiency of evidence in the case on that question, I believe it will foot up to about 17 majority for me.

Mr. COOK. If all those votes were counted for you would you receive a majority of the votes?

Mr. MAYO. Yes; I would. Give me the votes placed in the ballot-boxes, which the counsel on the other side admitted I was entitled to—give me those votes and give me the votes rejected which offered to

vote and were refused, and I think it will be seen I am entitled to about 17 majority.

Now, sir, let us see what the law is. Here is the reconstruction act passed in pursuance of the fourteenth amendment to the Constitution of the United States when Virginia was admitted into the Union:

The constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except, &c.

Now, it has been contended that the requirement of the prepayment of $1 as a prerequisite for the privilege of voting is not a restriction upon the right of suffrage contemplated by this act. But, Mr. Speaker, it is manifest if they had a right to say that this prerequisite should be $1, had not they an equal right, on the same principle of reasoning, to say that it should be $5, or $10, or $500? Had not they a right to say that it should be five hundred acres of land, or make any other property qualification that they might see proper to devise? The intent of this law was to prevent exactly what was done in Virginia. It was in its inception and origin a scheme to get around the provisions of the fourteenth amendment to the Constitution. There is not an honest man in Virginia of any intelligence whatever who will deny the fact that this law was passed purely and solely for the purpose of getting around the fourteenth amendment of the Constitution of the United States. But that does not appear upon its face, say the supporters of this act; that that was not the intention as shown by the act itself. That is true, for it makes no exception with reference to color; it applies to white and black and rich and poor alike; it is the same to all. Therefore, Mr. Speaker, it must be brought down to this provision of the reconstruction constitution which says that no change shall be made in that constitution with reference to this right of suffrage; and that question is the very one to be decided here by this body, not by the courts, because it was upon the adoption of that provision that this body admitted the representatives from Virginia upon this floor, and only upon its adoption. They were admitted upon the solemn assurance of the constitution of the State of Virginia that this right of suffrage should remain unchanged forever, and that no alteration of the constitution in that respect would be permitted. And yet she has done so by the passage of this law to which I have called attention, and for the express object of getting around the fourteenth amendment, under which her representatives were admitted upon this floor.

Now that matter is discussed fully in this brief, which has been distributed among the members of this House, and the authorities are fully cited. I shall not, therefore, take up the time of the House by going through them in this discussion. But it strikes me, I may be permitted to repeat, that if they had the right to make this prerequisite $1 they had the same right to make it anything whatever, and they might have carried it to the extent of depriving half the people of the State of the right to vote.

Let us see how far it is unconstitutional with respect to the constitution of the State of Virginia. This act of the General Assembly of the State requires the prepayment of $1.05 before a man shall vote, the 5 cents being added by way of penalty for non-payment of the tax. The constitution of Virginia expressly says that where a party has paid his capitation tax of $1 prior to the day of election he shall have the right to vote.

Now, 5 cents may be a small matter; but if the Legislature of Virginia have the right to add 5 cents as a penalty they had the right to add $5. The principle is just the same. Admit the right of the State to change that law in any respect from the prerequisite of $1 and you give them the right to go behind the constitution and change it in any way they please by adding any amount they choose. That position I have never heard disputed as a constitutional question, and I do not believe it can be gainsaid. There is no power in the Legislature to fix the prerequisite of $1.05 in order that the voter may have the right to vote when the constitution itself limits the amount expressly to $1.

Now, in conclusion, Mr. Speaker, I wish in a few words to thank this House and especially the Committee on Privileges and Elections for the courtesy and kindness with which they have considered this case and the fairness and justice with which I think they have acted throughout. In addition let me say that I am exceedingly sorry that it should have happened that the only gentlemen who seem peculiarly anxious to get rid of me were those from my own State.

I thank you, gentlemen.

Mr. TURNER, of Georgia. Mr. Speaker, I ask the previous question upon the adoption of the resolution.

Mr. RANNEY. I hope the gentleman from Georgia will not ask the previous question until I shall have had an opportunity of saying a few words.

Mr. TURNER, of Georgia. How much time does the gentleman desire?

Mr. RANNEY. About fifteen minutes.

Mr. TURNER, of Georgia. I shall endeavor to yield to the gentleman such time as he requires after the previous question has been ordered.

The SPEAKER. After the previous question has been ordered the Chair will state there can be no debate upon the resolution.

Mr. TURNER, of Georgia. I shall yield, then, to the gentleman for fifteen minutes.

Mr. VALENTINE. I hope the gentleman from Georgia will not insist upon the previous question until the gentleman from Massachusetts has been heard. While the committee are substantially unanimous in their resolution, still they do not entirely agree upon the wording of the report submitted by the majority of the committee.

Mr. RANNEY. Mr. Speaker, it is true, as stated by the chairman of the Committee on Elections, that the committee was unanimous in recommending the adoption of the resolution appended to the report of the committee. Mr. Mayo, the sitting member in this contest, only claimed before the committee a majority of 17 votes; and by the most favorable and liberal construction possible upon the evidence and upon the case as presented by himself it is impossible to find that he was elected, but, on the contrary, there is a clear majority of at least 4 votes against him.

I do not desire to go into the detail of that evidence. I wish, however, to say that while there is no minority report in this case, the committee do not sanction the report as made by the chairman. We sanction only the resolutions which are appended to it; and he alone, so far as I know, is responsible for the statements contained in the report. But inasmuch as that report may hereafter be treated as a precedent and do injustice to the other members of the committee, I desire to place upon record our dissent from many of its positions. I have reduced it to writing, but in justice I think I ought to state the substance of it, that the learned chairman of the Committee on Elections and the House may understand what the grounds of our dissent are.

In the first place, I think the report puts the sitting member and some officials in Virginia in a wrong attitude. The gentleman has stated, I think, in language which is designed, if not intended, to be a censure perhaps upon the sitting member and upon the returning board in this respect, that the return from Gloucester County giving the contestant fifty-seven majority came to the canvassing board with a seal which had been altered and which was not the seal of the proper court, and the returning board rejected the return; and they have been charged with improper conduct in relation to it, and this report relieves from censure the governor, but leaves under censure, apparently, the others.

Now, sir, that matter was referred to the Committee on Elections, and there is a report before the House which has not been acted upon relating to the *prima facie* case which deals with that question, and I do not care to discuss it. I will simply say, however, that the officers who judged of that return had to perform in the main merely ministerial duties; but their duty was judicial so far as this: they were bound to determine the genuineness and authenticity of that return, and it was the wrong seal of a wrong court and not the regular seal of a regular court as required by law, and it came to them altered; the impression of wax altered in ink. And now, sir, without attempting to determine the question whether those judges determined rightfully or wrongfully, I say they were in that respect acting in a judicial capacity, and were bound to determine the genuineness and authenticity of that return. The majority of the committee have reported upon it, and the committee have not found that there was anything like fraud or anything that savored of fraud on the part of any of those gentlemen who refused to count that return; and it ought to be understood and ought to be placed before the House in its proper aspect.

But the majority report leaves open the implication of a concession on the part of the contestee that may work a reflection. It says he concedes the votes from Gloucester County should be counted. He does so concede, but not on the ground that the returning officers or the canvassing board were in error or were guilty of any fraud or any improper conduct, because the evidence in the case showed conclusively, going behind those returns, independent of the returns—*aliunde*, as the lawyers say—what the vote actually cast and counted was; and it is on the strength of the evidence that the concession is made. And the concession made by the contestee before the committee was not that the returning board did wrong or were guilty of any fraud or any improper conduct, but on the strength of the evidence which went behind that return and stood independent of the return and showed what the vote actually was. I think in that respect the report of the chairman does injustice. I objected to it and object to it now. It is not properly stated; it is unwittingly perhaps, not intentionally, misrepresented. But it is due in justice to the sitting member to say that he has not come in here and claimed and obtained and held the seat to this time on any concession on his part that he held it on the strength of fraud. I think the returning board erred in rejecting that return.

Mr. TURNER, of Georgia. Do I understand the gentleman from Massachusetts to say that I have taken any such position? I have not.

Mr. RANNEY. I did not say the gentleman intended to take any such position; but his report, inadvertently perhaps, is so drawn that it leaves it open for that implication, because he says it is fair to the governor to say that he had not sanctioned that action; which implies he was right and the others were wrong. Relieving the one from the censure implies the others are subject to it. I do not agree to that.

The argument before the committee shows that the returning board

who rejected that return followed the bad precedent in Virginia set by the opponents. That is the only thing in relation to it.

There is one other fact, sir. I call the gentleman's attention to the case of Charles Yeatman. He is shown to have voted for the contestant twice, once fraudulently. The report so finds. The report, however, proceeds to state and leaves it open to the implication that the evidence offered was not competent or sufficient to show how he voted. I do not agree to the report in that respect. I do not propose to discuss it. But it will be argued hereafter, as establishing a precedent or a ruling in a matter of law which may possibly become very important in a case which may hereafter be presented to the House. I can not therefore allow the report to go on record without dissent in that respect, while it would carry an implication possibly that the committee unanimously held that the evidence offered there was not competent evidence or even sufficient; because that question is held open and never has been discussed by the committee in this case and has never been acted upon, and no one so far as I know assented to that position in the report.

One other matter: In Essex County there were thirty votes offered at the polls by voters who desired to vote for the contestee, and they were rejected on the ground that the election officers were not satisfied that the capitation tax had been paid in their cases. That raises an important question, which will come before the House in another case. I hold, and I desire to so state now, that those votes should have been received, and that they were wrongfully rejected. I do not want any implication to be made from this report which the House can hereafter use as a precedent to the contrary; and I think my associates on the committee do not want it.

There is another question that there possibly may be some error about. At this election there were two ballot-boxes, one to receive ballots on a question of constitutional amendment and another to receive ballots for members of Congress. There were found in the box to receive the ballots on the constitutional amendment thirty-three ballots for member of Congress. The precinct officers refused to count those ballots for Mr. Mayo, they having been cast for him. They rejected them, and returned that fact to the county canvassing board.

The report of the committee says that it does not appear that the county canvassing board did not include those ballots in the result. I do not agree with that statement in the report. The precinct officers counted the votes and made the returns, rejecting these votes found in the wrong box, and accompanied their return to the county officers with a statement to that effect. This report says that it may be that the county canvassing board counted those votes; that it is not shown that they did not. I dissent as a matter of law entirely from that proposition. I say that the canvassing board were simply ministerial officers; they had no right to go behind the return made by the precinct officers and try the question of fact whether those votes in the wrong box were put there by the innocent mistake of the voter or by the fraud or error of the election officer. The presumption is not that they counted them or might have counted them, but that they did their duty and did not count them.

Without any evidence on the subject I say the case stands before this House as one where those votes were rejected; and if the question is presented as a matter of law whether they should have been counted, then the sitting member received thirty-one votes which were not counted for him. There is some doubt as to two of the votes, and therefore I put the number at thirty-one.

Mr. ROBERTSON. Will the gentleman permit me to ask him a question?

Mr. RANNEY. Do not interrupt me now. I am nearly done, and when I am through I will answer any question.

In the case of Cook *vs.* Cutts, decided by the last House, this question was discussed and decided by the House. If I should follow the precedent set in that case then I should count these votes for the sitting member. But I do not follow it; I do not yield to it as a matter of law, but protest against it now here and shall always, although all of the other side of the House, and I am sorry to say twenty on this side, decided against me.

The law is this: that in such a case you can not count such votes unless a satisfactory explanation is made to show that they were put into the wrong box by the mistake of the voter or by the error or fraud of the election officer. It would not do to hold otherwise, because a fraudulent voter might put a vote for member of Congress in the box to receive such ballots and then might step right along and put another vote for a member of Congress into the box to receive the ballots on the constitutional amendment; for it is a vote by secret ballot and no one can tell what the character of the vote is. In that way two votes for a member of Congress might be given by one voter.

The law therefore will not presume a mistake or fraud, and those votes can not be safely counted unless there is proof explanatory of the fact, showing that they were put into the wrong box by the innocent mistake of the voter or by the error or fraud of the election officer for the purpose of depriving an honest voter of his vote. This House at the last session solemnly adjudicated to the contrary; but it is a bad precedent, and I decline for one to follow it. If, however, that precedent is to be followed, then 31 of these vbtes should be counted for Mr. Mayo. I hold that it should not be followed, and therefore I refuse to count them, because there is no satisfactory explanation.

Mr. RAY, of New York. Was there a tally-sheet kept?

Mr. RANNEY. One moment. I say there is no evidence to explain those votes, to show that the number of ballots counted for members of Congress, including those votes in the wrong box, did not exceed the number of names on the poll-list. In the case of two of the ballots it appears that two ballots on the constitutional amendment were found in the box for Congressional ballots, showing that there was an exchange of two votes; that the men put the wrong ballots into the wrong boxes. That is an explanation in regard to two of the ballots, and I would count those two. But there is no explanation in regard to the others, and I refuse to count them. I wish to put myself on record as protesting against the statement made in the report of the majority, and to assert what I believe is the law of the case and what should be adhered to hereafter.

But, sir, in this case if you count for Mr. Mayo the 31 votes rejected, the votes found in the wrong box, the result is not changed. Allowing to the full extent all these matters to which I have referred, urged on behalf of Mr. Mayo, I can not without straining the law and violating my duty as a judicial officer find that Mr. Mayo was elected. Allowing all these things claimed on his behalf, adopting the extreme view on that side, he is still left in a minority by 4 votes. On his own showing I can not find that he is elected. I have found against him because, acting in a judicial capacity, I can not afford to come to any other conclusion.

There have been raised on behalf of the contestant important questions of constitutional law which require for their determination great consideration, questions in regard to the capitation tax, the law requiring that tax to be paid, and the legality of that tax. If we had not found as we have upon this claim of the contestee it would have been necessary to go into those questions, and they would have raised a very interesting and grave discussion. But we did not find it necessary in this case to pass upon them. They will come up in subsequent cases, but there is no use of discussing them now.

I have said this much for the reason that otherwise it might have been inferred that the majority of the committee have yielded to what my esteemed friend from Georgia, who means to be a fair man, has put into the report, but which, with all respect to him, is in my judgment erroneous.

Mr. CUTCHEON. Will the gentleman now permit a question?

Mr. RANNEY. I will.

Mr. CUTCHEON. I understood the gentleman to say that a number of votes which were offered in Essex County were rejected, and as the gentleman from Massachusetts thought, improperly rejected.

Mr. RANNEY. Yes, sir.

Mr. CUTCHEON. If those votes had been permitted to be cast, would the sitting member have been elected?

Mr. RANNEY. Mr. Speaker, I have already undertaken to answer that question. It is proved that 31 votes in Essex County, which were offered to be cast, would have been cast for Mr. Mayo; but the precinct officers refused to receive them, because the tax receipts of the persons offering to vote, which were competent evidence that the taxes had been paid, were signed by a man named Meaney; and the precinct officers said, "We do not know that this man is an officer; we do not recognize him as such, and we will not accept his certificates." Therefore they rejected those votes, though according to the evidence the man who signed those tax receipts was a properly authorized tax-collector, had given bond as such, had discharged his duties, and these taxes had actually been paid either by the voters themselves or in their behalf, with their acceptance and sanction; so that the precinct officers were bound to take judicial notice of the fact of this collector's appointment and of the fact that he did collect the money for those taxes and did rightfully give the receipts. But, sir, in coming to my conclusion upon this case I do count those 31 rejected votes for Mr. Mayo, I count the votes which were put into the wrong box, and I say that even then the sitting member falls short of an election by at least 4 votes. In my judgment no fair-minded man, no man acting in a judicial capacity, can possibly in the conscientious discharge of his duty find otherwise, however much he might be inclined to do so, if he had any inclination outside of his duty.

Mr. TURNER, of Georgia. Mr. Speaker, I had intended that this debate, so far as I was concerned, should terminate with the argument of the sitting member. I confess to the small vanity of an effort to have the report in this case printed in the RECORD and to have gentlemen supplied with such information as the report might impart before the case should be decided. But my honorable and learned associate [Mr. RANNEY] interposed his objection, and that weak scheme failed. He now labors under the difficulty of arraigning a report which is not before the House. If there is a seeming absurdity in the gentleman's position, he is responsible for it—not I.

Mr. RANNEY. Will the gentleman allow me to ask him a question?

Mr. TURNER, of Georgia. I will.

Mr. RANNEY. I would like to know whether these objections

which I have just indicated in my remarks were not called to his attention before the report was submitted and whether he was not requested to withhold his views so that we might agree on a report.

Mr. TURNER, of Georgia. I answer the first part of the gentleman's question in the affirmative and the last in the negative. I never agreed to change my conclusions to conform to the gentleman's views.

Mr. RANNEY. I did not say you agreed to do so, but that you were asked to do it and did not.

Mr. TURNER, of Georgia. The gentleman did ask me; I declined then and I decline now. On the issues between the honorable gentleman from Massachusetts and myself, either in this case or any other which is to come before the House, I am willing to stand by my convictions against him or any other comer, so far as I am able.

Mr. RANNEY. I do not object to your standing on your convictions, but I wish to be allowed to stand on mine.

Mr. TURNER, of Georgia. But the difficulty with my honorable friend, if I may be allowed to state it, is that he wants to cross a certain bridge before we get to it. If he desires to fight battles which are hereafter to take place over the Virginia cases or any other cases, I tell him frankly that on some of the issues involved in those cases I desire to reserve my judgment for fuller consideration. And when I do come to a decision on them I intend to announce the decision as the result of careful and painstaking investigation. I do not intend by criticisms to be goaded into premature commitments upon questions of the gravest character. I wish the gentleman from Massachusetts himself had been equally prudent.

Mr. Speaker, the gentleman has indulged himself in criticism of the report in one respect to which I now intend to advert. He charges that the report which I had the honor to submit contains an implied censure of the board of State canvassers of Virginia. Mr. Speaker, the report is vulnerable to criticism here, I know it very well, but it is vulnerable to criticism not for what it does say but for what it does not say. Since I have been provoked to it by the honorable gentleman I desire to put on record my everlasting contempt for the pettifogging scheme by which the return of Mr. Mayo was consummated by the board of State canvassers of Virginia. [Applause on the Democratic side of the House.]

Mr. Speaker, from the bottom of my heart I desired the gentleman from Virginia [Mr. Mayo] to go forth in his hour of defeat without the sting of a single bitter recollection, so far as I am concerned. But I can not forbear now to say that since the month of March, 1883, this gentleman whom I will not otherwise reproach has drawn his pay and held his high distinction as a member of this House solely as the appointee of the board of State canvassers.

Mr. RANNEY. I should like to ask whether there is not a majority report of the committee sanctioning his holding office—whether there is not such a *prima facie* report on record?

Mr. TURNER, of Georgia. The honorable gentleman from Massachusetts asks me a question which he knows would involve an inquiry into the divisions of that committee.

Mr. RANNEY. No; I only ask about a report on record made by the gentleman from Indiana [Mr. LOWRY] in favor of Mr. Mayo on a *prima facie* case.

Mr. TURNER, of Georgia. I admit the gentleman from Massachusetts agreed to a report which presented that question to the House. And I admit, Mr. Speaker, that some of my colleagues of the committee, concluding that they were not authorized by the resolution of the House to go beyond the face of the certificate, reported in favor of what the gentleman terms the *prima facie* case of Mr. Mayo. And that is all there is of that matter.

The gentleman from Massachusetts [Mr. RANNEY] I know has held all the time that this action of the State board of Virginia was not a fraud. I regret again this question has been raised. I see honorable gentlemen from Virginia around me who are concerned in the fair fame of that ancient Commonwealth.

Mr. JOHN S. WISE. Will the gentleman from Georgia allow me to ask him a question?

Mr. TURNER, of Georgia. Certainly.

Mr. JOHN S. WISE. I do not know whether I shall have an opportunity, unless I ask for it now, to reply to what the gentleman is saying about the board of State canvassers of the State of Virginia. While I do not desire to indulge in any general debate, I do want extended to me the courtesy and privilege of replying very briefly, certainly not longer than five minutes, to what has been said.

Mr. TURNER, of Georgia. Let the gentleman from Virginia take his five minutes now.

Mr. JOHN S. WISE. Thank you, sir. Now, Mr. Speaker, I thank the chairman of the Committee on Elections for permitting me to reply to his strictures on that State board of canvassers. I have a contest pending in this House, but from the day I took my seat here and until that contest is decided I will speak out in meeting regardless of consequences. If I am turned out, why, let it go. [Applause.]

The gentleman from Georgia has said here that the action of this State board of canvassers of Virginia in this case excited his contempt as a pettifogging scheme. I wish to tell that gentleman where the precedent for this action came from.

In the year 1874 an election was held in the State of Virginia in which the candidates were John Goode, a Democrat, and James H. Platt, a Republican. A Democratic State board, composed of a Democratic governor and all of the other officers upon it being Democrats, met to canvass the returns of that election, and this was the state of affairs: By the returns there filed, in the first place James H. Platt was clearly elected by nearly 400 majority. But when the returns were sent up those from the county of Prince George were improperly certified. This had been discovered before the day the board met for canvassing the returns and the informal returns were supplemented by another which was in due form and the proper attestation appended. That State board of canvassers, every one of them Democrats, refused to consider the formal return from Prince George County, confined themselves exclusively to the informal return, and threw out the informal return, giving the seat to John Goode, the Democrat. [Applause on the Republican side.]

He came here and took his seat, unquestioned, upon the certificate. The contest came on, and the Democratic committee of the House of Representatives took the case and made a report to this House that the State board of canvassers had erred when they rejected the return from Prince George County. Mr. Thompson, a Democrat from Massachusetts and member of the committee, declared that to seat John Goode under such circumstances would be to sanction and perpetuate a fraud upon the contestant's rights unparalleled in the partisan rulings of the House. The Democratic Elections Committee of the House reported that Goode was not entitled to the seat; and what was the result? The Democratic House refused to sustain the report of its own committee. A minority resolution seating Goode was adopted, Mr. JOHN RANDOLPH TUCKER, of Virginia, voting against the majority report, and Mr. SPRINGER, of Illinois, the very two gentlemen who not only tried in this case to turn Mr. Mayo out, but attacked his *prima facie* certificate the first day of the session at the organization of this House. [Applause on the Republican side.]

When the gentleman from Georgia talks about pettifogging precedents, let me say to him that the root and origin of this action of the State canvassers was in a Democratic board in the State of Virginia; and this last board did nothing more and nothing less than what had been done before and what had been sanctioned by the Democratic House in the face of a report of their own committee. [Applause on the Republican side.]

Now, Mr. Speaker, I expect to vote to unseat Mr. Mayo, because no partisan considerations, no question of expediency, no bias of affection for him, and no abuse which may be heaped upon me can make me forget the fact that I have sworn to do justice between these contestants, and I believe Mr. Garrison received the largest vote. But I say to the distinguished gentleman from Georgia that there was no occasion for going so far in his aspersions upon this board, and I felt it necessary to defend them, knowing them to be honorable men, who believe their action to be right, and who are the peers of any gentleman upon this floor. They were acting upon a state of facts which they had to meet and pass upon judicially; and while I always disagreed with their decision, they certainly followed a precedent, and no man has a right to question their motives in the absence of any proof whatever that they were corrupt, nor was such criticism necessary to sustain the report.

[Here the hammer fell.]

Mr. GEORGE D. WISE. May I ask the gentleman a question?

The SPEAKER. The gentleman's time has expired.

Mr. TURNER, of Georgia. I will resume the floor.

The SPEAKER. The gentleman from Georgia has the floor.

Mr. TURNER, of Georgia. Mr. Speaker, I must confess my regret——

Mr. TUCKER. Will the gentleman from Georgia allow me a single instant?

Mr. TURNER, of Georgia. How much time does the gentleman want?

Mr. TUCKER. Only a moment.

Mr. TURNER, of Georgia. I will yield to the gentleman.

Mr. TUCKER. Mr. Speaker, it has pleased the contestee in this case and the gentleman from Virginia, Mr. WISE, who has just addressed the House to lug my name into this discussion and to do it in a manner that, as I suppose, is intended to emphasize my former convictions upon a contest injuriously before the House——

Mr. JOHN S. WISE. Let me interrupt the gentleman. I do not desire to do anything injuriously to him. If the gentleman has been inconsistent it is legitimate, it seems to me, to point it out. Nothing that I have said is calculated to do the gentleman an injury, unless by his own inconsistency he has injured himself. That is all that I said.

Mr. TUCKER. I will take care of myself.

Mr. JOHN S. WISE. Very well.

Mr. TUCKER. The transient member from Virginia had better look out for himself. [Laughter.]

When the time comes, sir, I am ready, as I have been ever ready, to vindicate, as I did vindicate in the Goode and Platt contest, the ground upon which I voted for Mr. Goode's retaining his seat. And there were grounds which were satisfactory to my own sense of right. But I am not to be twitted in the House, and in the manner that it is attempted

here to be done, by the gentleman who is about to lose his own seat and who last spoke upon the subject, as if I had done a thing unworthy of the position I hold upon the floor of this House.

Mr. JOHN S. WISE. I repudiate the suggestion. I made no such statement.

Mr. TUCKER. I voted for the seating of John Goode not upon the question of the returns of the election at all. My recollection now is that the returns in that case were not similar in any respect to the one now before this House; that a different question was presented, and the case came before us in a different aspect. My vote in that case was predicated upon a question involving the validity of the election itself; that John Goode was elected, and the only ground of conflict was with reference to the facts in connection with the vote from the Norfolk navy-yard, that had been drilled and forced to vote by the power of the executive government here. That was the ground upon which I voted then.

But I did not intend to be forced into a discussion of this case. I thought, as the committee were unanimous in their conclusion, that there would be no discussion upon it.

Mr. BELFORD. I would like to ask the gentleman from Virginia a question: If within the last five years the Democratic party——

Mr. TUCKER. I have not the right to let the gentleman ask me a question or to answer it in the time my friend from Georgia has given me.

Mr. BELFORD. That is all good.

Mr. TUCKER. All perfectly good. I would be glad, if I could, to satisfy the sunny gentleman from Colorado.

Mr. TURNER, of Georgia. I regret that the gentleman from Virginia [Mr. JOHN S. WISE] to whom I yielded a part of my time saw proper to conclude his remarks by charging me with throwing aspersions on the board of State canvassers.

Mr. JOHN S. WISE. Yes; I regarded it as such.

Mr. TURNER, of Georgia. I was arraigned here, Mr. Speaker, for having faintly alluded to the fact that on a certain ground the canvassers of Virginia had excluded the return of the county of Gloucester. The gentleman from Massachusetts [Mr. RANNEY] claimed that from the context that was an indictment of these gentlemen which necessarily called forth a reply on my part. Inasmuch as the gentleman from Virginia has added to the arraignment of the gentleman from Massachusetts the charge that I have aspersed his friends in Virginia, allow me to state the facts.

Mr. Speaker, it was the duty of the clerk of the county court of Gloucester County to certify to the State board the election return from that county. The person who held this office was also clerk of the circuit court, and having no seal for the county court he used the seal of the circuit court, impressing the seal upon the paper, and over the word "circuit" in the seal thus impressed he wrote the word "county." On that ground the return was excluded. In this way a majority of 56 for the contestant was converted into a majority of 1 for Mr. Mayo. And after that was done the chief magistrate of that proud Commonwealth—proud, I regret to say, chiefly on account of her traditions—refused to certify as the result of that scheme the election of Mr. Mayo.

I have now, Mr. Speaker, stated the facts without using adjectives or epithets on my part, and if the facts asperse the gentleman's friends he must blame the facts and not me.

Mr. JOHN S. WISE. I referred to your language.

Mr. TURNER, of Georgia. One word more and I dismiss this subject. I have been drawn into this debate against my wish. My instincts were against it because the resolutions we reported here represented the unanimous action of the committee. Nobody, so far as I can learn, is disposed to vote against the resolutions, and therefore I deprecated debate and desired none. But, sir, since the gentleman from Virginia [Mr. JOHN S. WISE] has seen fit to characterize my remarks as aspersive of the State canvassers, I feel it due to myself and due to the country to add that this scheme under which a whole county was disfranchised was conceived and executed by officers representing a party whose chief slogan was "a free ballot and a fair count." [Applause.]

Mr. Speaker, I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolutions reported by the committee.

The resolutions were adopted.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TURNER, of Georgia. I ask that the gentleman from Virginia be now sworn in.

Mr. GEORGE D. GARRISON appeared and qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. I desire to submit a privileged report. I present the unanimous report of the committee of conference on the disagreeing votes of the two Houses on the Military Academy appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 4971, making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, and 6, and agree to the same.

J. WARREN KEIFER,
WM. H. FORNEY,
E. JNO. ELLIS,
*Managers on the part of the House.*

JOHN A. LOGAN,
M. W. RANSOM,
WILKINSON CALL,
*Managers on the part of the Senate.*

The SPEAKER. The Clerk will report the statement accompanying the report.

The Clerk read as follows:

The members on the part of the House of the conference on the disagreeing votes of the two Houses on the Military Academy appropriation bill for 1885 submit the following statement in explanation of the effect of the action recommended in the accompanying conference report:

On amendment 1: Inserts the following: "For pay of treasurer, quartermaster, and commissary of cadets, in addition to pay as captain of infantry, $700."

On amendment 3: Strikes out provision for additional pay to officers on increased rank for length of service.

On amendments 4 and 5: Strikes out the following: "For extra pay of enlisted man employed in the care and preservation of models, &c. (in lieu of extra-duty pay), $120;" and corrects the total stated in a paragraph.

On amendment 6: Appropriates $5,000 for completion of cadet hospital.

On amendment 8: Appropriates $2,000 for additional bath-tubs and repairs to bath-tubs.

The bill as agreed upon appropriates $314,563.50, being $1,120 less than as it passed the Senate, $5,700 more than as it passed the House, and $4,094 less than the appropriations for 1884.

J. WARREN KEIFER,
WM. H. FORNEY,
E. JNO. ELLIS,
*Managers on the part of the House.*

Mr. KEIFER. I think it is not necessary to enter upon any general discussion of these amendments. The first amendment of the Senate provides for the pay of the treasurer, quartermaster, and commissary of cadets, in addition to pay as captain of infantry, $700. It appears that this officer was not paid in addition to the ordinary pay allowed him in the Army.

By this amendment of the Senate he is simply put on the same footing with other officers serving at the Military Academy. It is fair to him to say that he perhaps performs more responsible duties than any other one officer there. He is the custodian of the property, and has charge of the funds, disbursing them, and in every sense is responsible for all of the moneys paid out, and keeps the accounts himself.

Mr. REAGAN. Is not the service he is required to perform easier service than that in the field, and is not a position at West Point much preferred by officers of that rank to service in the field?

Mr. KEIFER. I think I can answer that question satisfactorily. While it may be true that officers prefer service at West Point, and are desirous of obtaining positions there, yet they are unable with their ordinary pay to accept service there and discharge all the duties that are essential for the maintaining of their positions. I think this officer ought not to be excepted from the rule that applies to other officers at the academy; especially as he has a large financial responsibility. The committee of conference agree that this amendment of the Senate should be incorporated in the bill

Amendment No. 3 of the Senate is to strike out the words "and to officers on increased rank." It was believed that those words might affect the pay of officers who were obtaining pay on account of their length of service. It may turn out that they were superfluous words in the bill; at all events the conference committee recommend that the House recede from its disagreement to that amendment.

The House is also asked to recede from its disagreement to amendment No. 6 of the Senate, which provides the sum of $5,000 for the completion of the new hospital for cadets. The hospital was authorized to be built a number of years ago, and an appropriation was made for the purpose. It is not yet so far completed as to be capable of being occupied in case there shall be occasion for it. I am glad to say that my inquiry shows that there is very little necessity for a hospital for cadets at the Military Academy. There is rarely ever any sick cadet there who has to be treated in the hospital. Accidents occasionally occur by which limbs are broken, in consequence of the drill, especially the drill on horseback; but there are not many of those accidents. As we have the hospital there nearly completed, it was thought well to finish it, and this sum is recommended for that purpose.

It is also agreed that the Senate shall recede from its amendment No. 4, to give the small sum of $120 additional pay to an enlisted man while employed in the care and preservation of materials there. The Senate amendment proposed to give for the next fiscal year $120 as extra-duty pay to a private soldier employed for this purpose. The reason why the members of the conference committee and of the Committee on Appropriations of the House thought it was not wise to do so is that if

we enter upon the policy of paying an extra sum to this one person, that fact may be used for the benefit of others who do not get extra pay for extra duty. Senate amendment No. 5 is a mere alteration of the amount in consequence of inserting the $120 put on by the Senate for the purpose of paying this enlisted man.

The Senate also recedes from its amendment to appropriate $3,000 for the purpose of providing additional bath-tubs; leaving the appropriation as it was in the original bill, of $2,000 for that purpose.

Unless some gentleman desires to be heard, I will ask for a vote on adopting the report of the committee of conference.

The report of the committee of conference was adopted.

Mr. KEIFER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEXING CONGRESSIONAL RECORD.

Mr. SCALES. I am instructed by the Committee on Printing to report back with a favorable recommendation Senate bill No. 1692, to limit the cost of indexing the CONGRESSIONAL RECORD and to ask for its present consideration.

The bill was read, as follows:

*Be it enacted, &c.*, That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for issuing the index of the CONGRESSIONAL RECORD semi-monthly during the sessions of Congress; that the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index as he prints and distributes of the daily issue of the RECORD, and to the same persons and in the same manner; that the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing, who shall also fix and regulate the compensation to be paid by the Public Printer for the said work, and direct the form and manner of its publication: *Provided, however*, That the rate of compensation allowed for preparing the said semi-monthly indexes, including their compilation into a complete session index, shall not exceed, for each page of the printed CONGRESSIONAL RECORD, the average that it cost per page of the CONGRESSIONAL RECORD for compiling the session index of the Forty-sixth Congress: *And provided further*, That there may be employed and paid on said work, at times not interfering with their ordinary employment, persons who are also employed and paid in any other office or employment under the Government.

SEC. 2. That the joint resolution approved February 8, 1881, entitled "Joint resolution to provide for printing and distributing the index of the CONGRESSIONAL RECORD semi-monthly," is hereby repealed.

Mr. SCALES. I ask that the report be read; it is very short.

The report was read, as follows:

The Committee on Printing, to whom was referred the bill (S. 1692) "to limit the cost of indexing the CONGRESSIONAL RECORD," respectfully report:

That this bill was prepared by the Joint Committee on Printing of the two Houses to amend the act of February 8, 1881, in some details which they regard as essential to the economy and proper conduct of the work under their charge.

Under that act a very radical change was made in the methods and form of indexing the RECORD. These changes have not only proved of very great value, but also, it is estimated, effected a net saving of $30,000 in the cost of the indexes of the RECORD for the last Congress.

The committee find by experience that the work is very unequal. At times it requires a large force, at other times a small force. The amendment that the committee desire is simply to provide for the necessary elasticity in the force employed, by substituting a rated compensation for a fixed sum.

The amendment expressly stipulates that the rate of compensation shall not exceed the rate heretofore paid, and that the total amount shall be measured solely by the amount of work done. This will enable labor to be employed when needed and dispensed with when not needed.

The amendment is important to the economy and success of the work, and we accordingly report the bill back and recommend its immediate passage.

There being no objection, the House proceeded to consider the bill, which was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOOT-AND-MOUTH DISEASE.

Mr. RYAN. I ask unanimous consent to have taken from the Speaker's table the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease. I desire its reference to the Committee on Agriculture, with leave to report at any time.

Mr. MILLS. Let it take the regular course.

Mr. RANDALL. Let it go to the Committee on Agriculture.

Mr. MILLS. But not to be reported back at any time. I object to that privilege.

Mr. RYAN. I want to say to the gentleman from Texas that this is a matter of immediate importance——

Mr. MILLS. To the State of Kansas.

Mr. RYAN. No, sir; more than that; a matter affecting several States of the Union in which this disease has broken out; and if this House wishes to avoid national calamity it ought to act promptly. There ought to be no objection to giving the Committee on Agriculture the right to report this resolution at any time.

The SPEAKER. Objection is made to the request to report at any time——

Mr. MILLS. It is a matter affecting Kansas only.

Mr. RYAN. No, sir; the disease has broken out also in Illinois, Missouri, and some other States.

The SPEAKER. If there be no objection the joint resolution will be referred to the Committee on Agriculture.

There being no objection, the joint resolution was taken from the Speaker's table, read twice, and referred to the Committee on Agriculture.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move to dispense with the morning hour.

Mr. RANDALL. I think there will be no objection to that. The measure which the gentleman from Kentucky wants to reach has the right of way, and the sooner we get a vote on it the better.

The question being taken on the motion of Mr. BLACKBURN, it was agreed to (two-thirds voting in favor thereof).

PAYMENT OF TAX ON DISTILLED SPIRITS.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. DORSHEIMER in the chair), and resumed the consideration of the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. WILLIS. Mr. Chairman, as I said yesterday evening, the people of Illinois, of Ohio, of Iowa, and of the whole West and Northwest, as well as the people of Kentucky, are vitally interested in the immediate passage of this bill. The failure of this bill means bankruptcy, immediate and overwhelming, and ruin to many of the oldest, most important, and reliable firms in the State of Kentucky and throughout the West. It means financial embarrassment and ruin not only to the manufacturers of distilled spirits, but to thousands of innocent purchasers and holders of whisky, and to tens of thousands more who are employed in cooperage and other allied industries. It means serious embarrassment to many of the leading banking institutions of the country. It means a monetary crisis in the West whose results no prudent business man would wish to precipitate or dare to predict. But while that is true, while I recognize the grave peril which confronts my constituents, I would be unworthy of this place, I would not correctly represent them if I were to attempt to extort from your sympathies a vote which was condemned either by your judgment or your consciences. I would not, and I can say this in the presence of many of my colleagues who have known me on this floor for seven years past, I would not use an argument here which I did not believe was founded in sound logic. I would not for my right hand knowingly make an incorrect statement of any point of fact or law involved in this bill. If I do I invite interruption and correction, only asking that the gentleman calling me to order shall do so briefly and pertinently.

We come to you therefore as jurors, jurors sworn to hear the law and the facts of this case. Our only appeal to you, when this great interest stands at the bar of Congress asking remedial legislation, is that without passion, without prejudice you shall give it a fair and an impartial hearing; a request which in any criminal court would be granted to the meanest and guiltiest felon in the land. If upon such hearing you are satisfied that the rights and property of those who own this great property can be secured without loss or detriment to the Government, we ask you to say so by the passage of this bill. If, on the other hand, you conclude that the Government needs the money which is shortly to become due, and needs it so much that even the ruin of thousands of its citizens should not prevent its collection, we will bow submissively to your judgment, and our people will prepare as best they can to meet the crisis before them.

COMMERCIAL IMPORTANCE OF THIS INDUSTRY.

Mr. Chairman, if no other reason existed, the magnitude and importance of the distilling interest would, it seems, command a hearing from this House.

As appears from the last report of Hon. Walter Evans, Commissioner of Internal Revenue, there has "been collected from that article alone, to support the Government and to aid in the payment of its war debt, the enormous sum of $1,017,233,042.45 since 1862." The magnitude of this sum can hardly be realized without comparison. The net ordinary expenditures of our Government, for the support of the Army, Navy, Indians, pensions, and all its civil service, did not reach $26,000,000 a year for more than three or four years from its organization till the beginning of the Mexican war, 1846. The average of expenditures during that period did not exceed $10,000,000. In other words, the amount paid by this interest into the Treasury would have paid the ordinary expenses of the Government, as above stated, from its organization up to the present time.

The single State of Kentucky, which I have the honor in part to represent, has paid since 1862 the sum of $152,208,266.29 (see last report Commissioner Internal Revenue, page 95). The district which I represent paid last year the sum of $7,550,781.73. The receipts from distilled spirits for the fiscal year ended June 30, 1883, were $74,368,775.20. In preceding years the amount was much greater. There are invested in the plants and business of this industry not less than $200,000,000.

These figures give us some idea of the pecuniary importance of this interest. When we come to consider its importance with reference to agriculture and other allied interests, we find it equally astonishing. Last year witnessed a large reduction in the amount of spirits produced, but even then we find from the Commissioner's report (LXIII) that the quantity of grain used was 18,644,787 bushels. In 1882 the amount was 27,459,095 bushels, and in 1881 it was 30,318,000. The average quantity of grain used in the production of spirits for the last four years was 25,350,354 bushels. During the past six years 67,188,600 gallons of alcohol were exported to foreign countries, thus largely bringing about the inflow of specie to our country. It must be borne in mind, too, that the grain used in the manufacture of alcohol is of inferior quality—refuse grain, which to a large extent is unfit for any other use.

But not only in the consumption of grain is this interest an important one to the farming class and to the whole country, but it feeds and fattens every year large numbers of hogs and cattle. The live-stock fed in the year 1881 were as follows:

| | |
|---|---|
| Cattle | 83,867 |
| Hogs | 95,598 |
| | 179,469 |
| Total increase in weight of cattle.....pounds... | 18,495,404 |
| Total increase in weight of hogs.....pounds... | 10,720,474 |
| Total increase in weight of cattle and hogs.....pounds... | 29,215,878 |

In the fiscal year ended June 30, 1883, was as follows:

| | |
|---|---|
| Number of cattle fed at registered grain distilleries in the United States | 63,272 |
| Total increase in weight of cattle.....pounds... | 13,779,266 |
| Number of hogs fed at registered grain distilleries in the United States | 53,396 |
| Total increase in weight of hogs.....pounds... | 5,818,759 |
| Total number of cattle and hogs fed | 116,668 |
| Total increase in weight of cattle and hogs.....pounds... | 19,598,025 |

The coal consumed amounts annually to over 200,000 tons, giving employment to many thousands of people. So, also, the cooperage is a valuable industry, which in the West largely depends upon the distilling interest. In the State of Kentucky alone there are over 10,000 cooper-shops which are thus dependent. I have just received a letter from one of my constituents, Mr. Hugh Stafford, in which he says: "I have now 5,000,000 staves for which I have no market short of Europe, and can ship only at a heavy loss. In 1881 and 1882 I used over 2,000,000 pounds of hoop-iron and employed three hundred men. Now I am almost idle and almost ruined by loss on material. Every day I turn off coopers who want work and are suffering for work." This letter is an index to thousands.

Whether, therefore, you look at this industry from a tax-paying, a commercial, or agricultural standpoint its great importance—and the importance of its associated industries—must be recognized, and when it asks for a hearing from the Government which has so long been its great beneficiary, its request, I submit, deserves consideration.

What, then, is the legislation asked at your hands, what is its origin, history, nature, and merits?

I respectfully invite your attention to these points.

CONGRESS RESPONSIBLE FOR THE ORIGIN OF THIS BILL.

What, then, in the first place, is the origin of this bill? Why was it introduced in the last Congress? What necessity demanded the legislation it contemplates? I will briefly state the facts which antedated and caused its introduction. Before the last Congress met, a distinguished leader on the other side of the House, the honorable gentleman from Pennsylvania [Mr. KELLEY], in a speech which I have before me, delivered before the New York tariff convention, in the city of New York, on November 29, 1881, used the following unequivocal language:

> The time has come when we must determine whether our system of internal taxes shall be abolished or perpetuated. I aver that the abolition of these taxes would do more to harmonize the country than any single act of legislation that statesmanship can suggest. I trust it may be done, and done quickly.

Leading gentlemen also on our side of the House took the same position. The distinguished gentleman from Pennsylvania on the Democratic side [Mr. RANDALL], in the speech which he made to his constituents on the occasion of his renomination for member of Congress in the same year, declared that the whole internal-revenue taxation would be abolishsd and ought to be abolished immediately.

> The burden of internal taxation—
>
> Said he—
>
> will be first abated as our debt shall be reduced by the payments and expenses decreased by reduction in our rate of interest.

Mr. KELLEY. As the gentleman has used my name, I beg him to permit me to say that I am to-day very anxious to relieve the distillers of this country of the tax on spirits. I favor it because it would relieve them of the monopoly and large emoluments they derive from being farmers-general of this national tax. I am for the abolition of internal taxation.

Mr. WILLIS. I stated only what the gentleman will accept as true, that this declaration was made to the country that the whole tax on whisky would be taken off. When the Forty-seventh Congress convened in December, 1881, the agitation for the immediate repeal of the tax was promptly begun. What was the effect? The honorable gentleman from Pennsylvania [Mr. KELLEY] was made chairman of the Committee on Ways and Means, and this enforced the idea among the trade that such a result would be promptly secured. It paralyzed the markets. Values were disturbed. Trade was restricted. Dealers bought sparingly, as their necessity demanded. Men would not buy then, they will not buy now, when the threat of immediate abolition of this tax is hanging over this interest, because it implies a disadvantage of 90 cents on the gallon on the part of the man who has taken whisky out of bond, as compared with the man who has not done so.

As a result of this agitation the whisky interests were compelled to come to the last Congress and ask for relief. There had been, as I shall state presently, overproduction, but this was aggravated by the additional burden which this threatened abolition of the whole tax imposed. The owners of distilled spirits felt that, as Congress had thus prevented all sales except for immediate consumption, they ought not to be compelled to advance the tax upon the unsold amount, but that an unlimited extension of the bonded period should be granted, or at least sufficient time should be given for the final settlement of the question of abolition and the readjustment of the market. They did, therefore, come to Congress. Through the present honorable Speaker of the House [Mr. CARLISLE] a bill was introduced asking for the unlimited, the indefinite extension of the bonded period.

HISTORY OF THE PENDING BILL.

That bill was introduced into the last House on February 13, 1882. It went to the Committee on Ways and Means, and on March 16 following, just thirty-one days, it was adopted unanimously by that committee and was ordered to be reported favorably to the House. The honorable gentleman from Pennsylvania [Mr. KELLEY] was chairman of that committee; the honorable gentleman on my left [Mr. RANDALL] was a member of that committee; Mr. KASSON of Iowa, Mr. Dunnell of Minnesota, Mr. RUSSELL of Massachusetts, and Mr. MCKINLEY of Ohio, as well as our lamented friend Mr. Haskell, were also members of that committeee.

Mr. RANDALL. The gentleman from Kentucky does not wish, I know, to misstate my position even by inference.

Mr. WILLIS. Not at all.

Mr. RANDALL. I have always held that every character of legislation, when once referred to a committee, should be permitted to come out before the House. My conduct and that of the committee in reference to the bill which the gentleman refers to was not one of investigation at all. During most of the time occupied in hearing the matter I was absent, engaged in the consideration of other important matters. Most of the hearings were in the presence of the old Commissioner of Internal Revenue. I confess I did have great respect for his judgment and for his opinions, but my feeling in that regard has since been somewhat lessened.

Now, Mr. Speaker, when that bill came before this House did the gentleman from Kentucky find me voting for it?

Mr. WILLIS. Did the gentleman vote against it?

Mr. RANDALL. I was not here, and therefore could not have voted on either side. But my opposition to it was as well known as any legislative fact which can be established. Of this the gentleman himself must be aware, and the allusion he has made is a most unfortunate one.

When the bill went to the Senate it there became a question of investigation. I have no intention now in this debate to allude to what there took place, but it came back to this House with an odium that condemned it.

If the gentleman from Kentucky wants to make a point against me because I permitted this subject to come out of the Committee on Ways and Means and to be presented to the consideration of the House, is he aware whether a majority of the present Committee on Ways and Means which reports this bill have agreed to sustain it on the floor of this House? There is no minority report here accompanying this bill, and yet on yesterday and all through these proceedings there have been many members of the Committee on Ways and Means who have been found resisting the passage of the pending proposition in every form and on every vote.

Mr. WILLIS. Now I appeal to the gentleman from Pennsylvania if that is fair when I make a statement of a historic fact for him to consume the whole of the little time I have?

Mr. RANDALL. For all your time I have taken I will make it good out of my own time.

Mr. WILLIS. Very well, then, go on.

Mr. RANDALL. I wish to kill this matter instantly. [Applause.]

Mr. WILLIS. I say again in the presence of this House that the last Ways and Means Committee unanimously, and I hold in my hand their report, within less than thirty-one days reported a bill for the unlimited extension of the bonded period. I say that the gentleman from Pennsylvania [Mr. RANDALL] was a member of that committee, and there is no minority report accompanying that bill.

Mr. RANDALL. Just as there is none to-day.

Mr. WILLIS. I am merely giving the history of the bill.

Mr. REED. Does the gentleman from Kentucky——

Mr. WILLIS. The gentleman from Pennsylvania is mistaken if he supposes I am making any personal attack on him.

Mr. RANDALL. I know that, and I am merely anxious the whole history should be stated.

Mr. WILLIS. I am only stating a fact for the benefit of the House. The Ways and Means Committee came into this House with this bill on the 3d of April, 1882. Mr. Dunnell, of Minnesota, made that report. I will print it in the RECORD. The rules were suspended, and there were only twenty-nine men on this floor who voted against the bill. The gentleman from Pennsylvania says he was not present. There were twenty-nine men——

Mr. RANDALL. It is my recollection that I was not present.

Mr. WILLIS. Yes, sir.

Mr. RANDALL. I think it is so. I have no doubt the gentleman from Kentucky has examined the record.

Mr. WILLIS. There were twenty-nine men only. That bill was for unlimited extension without any interest.

Mr. RANDALL. It was better in having no interest.

Mr. WILLIS. Over two months afterwards there was a second and more elaborate report by the Ways and Means Committee on the same bill. This also was unanimous. It then went to the Senate of the United States.

Mr. RANDALL. The Committee on Ways and Means of this House report this bill without any recommendation, and it is a notorious fact that a majority of the members of that committee are in this House voting against it. It comes here without a majority report.

Mr. WILLIS. The gentleman will not dispute the historical fact that the unanimous report of the Committee on Ways and Means made by Mr. Dunnell, of Minnesota, brought that bill into the House, and by a two-third majority of the House, there being only twenty-nine votes against it, the bill was passed. He will not dispute the fact that on the 6th June, 1882, there was another unanimous and elaborate report of over twenty pages from the same committee, vindicating its previous action. The last report was made by the chairman, Hon. W. D. KELLEY, of Pennsylvania.

Mr. RANDALL. I never read the report of the committee, but only consented that the report might be made.

Mr. WILLIS. I am not arraigning anybody for his vote, but am simply stating facts.

Mr. RANDALL. But the gentlemen should so state it as not to permit improper inferences to be drawn.

Mr. WILLIS. I do not propose, Mr. Chairman, to blame any gentleman for his action in that case, as I have said. I merely state the fact. The record of the facts is open for the inspection of the House. Whether the vote was right or wrong I do not now propose to discuss. I believe the gentleman from Pennsylvania was right then but wrong now.

THIS BILL INDORSED BY THE SENATE AND SECRETARY OF THE TREASURY.

But sir, as I was about to say, that bill went to the Senate. Mr. Folger had just been appointed Secretary of the Treasury, and he objected to the unlimited-extension feature of the bill without interest. He presented a letter to the chairman of the Finance Committee of the Senate, in which he stated clearly that objection to the unlimited extension without interest and in which he with equal clearness and emphasis indorsed the present bill. I have here his exact language, which was quoted yesterday, and I shall quote it now for the information of the House. He says:

> I am not in antagonism to legislation that shall give temporary aid to an important branch of business. I believe it to be needed and that it may be so accorded as to be healthful to all. This can be effected by a prolongation, but for a fixed period, of the time for which spirits may remain in store without payment of tax.

Now, that is the identical bill that is before this Congress. Upon that letter of the Secretary of the Treasury the Finance Committee of the Senate unanimously reported a bill for a two-year extension without interest. That bill was reported to the Senate, the interest clause was added, and it passed. It came back to the House as a substitute for the unlimited-extension bill, but we were never able to reach it upon the Speaker's table. It came back in the last session of the last Congress and during the closing hours of Congress, and there were a thousand matters pressing for attention, which prevented us from ever securing a vote upon the bill.

Now, I repeat, Mr. Chairman, that this bill in the last Congress was indorsed, first, by two unanimous reports of the Committee of Ways and Means of this House It was indorsed, second, by the Commissioner of Internal Revenue, whose letter I will print in connection with the second report of the Ways and Means Committee. It was indorsed, third, by the two-thirds vote of this House, being every man that was present except twenty-nine. It was indorsed, fourth, by the Secretary of the Treasury, Mr. Folger, from whose letter I have just quoted. It was indorsed, fifth, by the Finance Committee of the Senate; and was indorsed, sixth, by the vote of the Senate.

Sir, what legislation ever came before Congress with a weightier and more unanimous indorsement? Nor was this indorsement given unadvisedly. Never was a public measure subjected to a more rigid and relentless criticism. Never were the sluiceways of falsehood, slander, bigotry, and fanaticism wider open. Never was there a better organized, a more persistent, and I may say a more reckless opposition both in and out of Congress—an opposition due largely to selfish and personal rather than to public and patriotic considerations. But notwithstanding all these adverse circumstances the Senate, after many months of consideration, after calling before a special committee every man who was presumed to know anything to the detriment of the bill, after long and repeated discussions—the Senate sent back to the House, as a substitute for the unlimited bonded bill, a bill for two years' extension and interest, the exact bill which we are now discussing except that the interest demanded was 5 instead of 4½ per cent.

TERMS OF THE PENDING BILL.

What is that bill? It is a simple relief measure. It does not give an unlimited extension; it does not exempt from interest, as the Ways and Means Committee of the last Congress recommended; neither does it apply to distilled spirits hereafter made. It merely gives distilled spirits now in bond two more years in which to pay the tax, and requires during that time interest at 4½ per cent., that being now the highest rate of interest now received by the Government. No additional outage or leakage is allowed. A plainer, juster, and more equitable request was never made of any government.

IS THE SECURITY GOOD?—OPINION OF THE WAYS AND MEANS COMMITTEE OF THE LAST HOUSE, OF THE FORMER AND PRESENT COMMISSIONER OF INTERNAL REVENUE.

One of the first questions to be answered is whether the security offered in this case is good. I will print in full the report of the Ways and Means Committee of the last House on this point. Their conclusions I give now. Referring to the supposed danger of loss in a case like this, the committee, after quoting the sections of the Revised Statutes prescribing what liens and remedies the Government shall have in such cases, says:

> It thus appears that, whether there is a warehouse bond or not, the Government has the following security for the payment of the tax:
>
> First. The possession of and the right to sell the whole quantity of spirits upon which the tax is due.
>
> Second. The joint and several personal liability of every person interested in the production of the spirits.
>
> Third. The first lien from the time the spirits are in existence on the distillery used in distilling the spirits, together with its machinery and fixtures and the tract or lot of land on which it is situated, including all buildings thereon.
>
> Fourth. A lien from the time when the assessment list is received by the collector upon all the property and rights of property belonging to the person or persons liable for the payment of the tax, and this includes not only goods, chattels, and real estate, but also stocks, securities, and evidences of debt.

Here, then, is a quadruple security. Under the existing law distillers of high wines, rye, wheat, bourbon and other grain-flavored spirits, are required to convey the product of the still directly to the receiving-cistern, from which it is drawn off by the gauger, in the presence of the storekeeper, into casks or packages, and immediately marked, branded, and gauged for taxation. This entry into warehouse must be made within the first five days of the succeeding month after the manufacture. Such entry shall describe the spirits, and give the serial numbers of the stamps upon them, and the amount of spirits in each package. At the time he makes such entry the distiller is required to give his bond in duplicate, with sureties satisfactory to the collector, that the tax shall be paid as specified in the entry, and at all events within three years from the date of entry. It is to be observed, therefore, that the bond is to be executed monthly, between the 1st and 5th of the month, for all the spirits that are withdrawn from the receiving-cisterns of a distillery and placed in a bonded warehouse during the preceding month. This is the warehouse bond referred to in the report above cited, and if a distillery continued in operation during a whole year there would be twelve such bonds in the hands of the collector of the district and duplicates thereof in the hands of the Commissioner of Internal Revenue.

I quote now from a letter forwarded on the 12th of last month by the Secretary of the Treasury to the Hon. JUSTIN S. MORRILL, chairman of the Senate Finance Committee. Said letter was written by Hon. Walter Evans, Commissioner of Internal Revenue. He says:

> The proposed bills which you have requested me to examine have for their object the extension of the time within which the tax shall be paid, provided the owner of the spirits asks for this extension. This, of course, he will not do unless he can not sell his spirits. By the terms of the bill it is provided that no allowance shall be made for loss by leakage or evaporation except as the law now permits, and interest is to be paid on the sum due to the United States from the time when the extension begins until payment is made. The security for the payment of the tax consists, first, in the distiller's bond, with proper personal security; second, a lien upon the spirits themselves, and they will become more valuable by reason of the increased age they will acquire during the period of extension; and, third, by a lien upon the distillery and distillery premises. Thus it will be seen that the Government is perfectly secure and will get interest at a rate as high as it pays on the national obligations, and will suffer no loss by reason of leakage or evaporation.
>
> The question then is a plain business one, namely, whether the creditor shall, in the terms just mentioned, whereby he is perfectly secure, extend time to a debtor who is in distress. It seems to me that unless the creditor needs the money, it would be harsh not to do so, and especially if by refusing a good customer may be ruined and the Government may in the end lose money by the failure to produce the article which pays the tax.

If trade should become prosperous the extension will not be asked for, although permitted by the provisions of the bill; and if it shall not become prosperous the debtor will be in very great distress unless this measure or something like it be adopted.

If the subject were any other than whisky there would probably be but very little difficulty. Viewing it in the abstract, as I have conceived it my duty to do, it seems to me that the name or quality of the article should not make any difference in determining a plain business proposition such as I suppose this to be. It was long since made a business matter by the Government in its mode of dealing with it.

The question of security, therefore, I rest upon the judgment of the Ways and Means Committee of the last Congress, as above quoted, and the opinion of the Commissioner of Internal Revenue, both of which are based upon sections 3186, 3187, 3188, 3189, 3251, 3259, and 3262 of the Revised Statutes. Such, then, is the bill now under consideration. A simple relief measure for two years upon the whisky now in bond, without further leakage, requiring 4½ per cent. interest upon the tax, and with a quadruple lien as security.

CONGRESSIONAL AGITATION AND OVERPRODUCTION NECESSITATE THIS LEGISLATION.

What are the facts out of which this bill arose? Why is it necessary? One reason has already been given. Over two years ago prominent members of this House began an agitation for the total abolition of this tax, which stopped all demand for distilled spirits except for immediate consumption. The second reason is equally well known. Prior to 1878 and 1879 there had been, as all will remember, a depression of business of every kind. The resumption of specie payments in 1879 caused a revival of business, and this industry revived with the others. Distilleries, like other establishments, resumed operations. Money became plentiful. The demand for distilled spirits, both for consumption and investment, increased to unusual proportions. Contracts were made for the future. Distillers, finding this demand, answered it just as any other business would have done. Was there any crime in that? Some gentlemen seem to think that it was, and would punish the guilty culprits. There was no purpose, no conspiracy among these men to overproduce. There was no knowledge on their part of the fact until after it was an accomplished fact. They presently discovered—the dealers and the whole market discovered—that there was enough spirits on hand for two years in advance of the demand.

The following tabular statement will show the years and the amount of this overproduction:

| Fiscal year. | Gallons produced. | Gallons withdrawn, tax paid. | Gallons exported. | Gallons remaining in distillery warehouse. |
|---|---|---|---|---|
| 1878 | 56,108,063 | 49,571,128 | 5,499,252 | 14,088,773 |
| 1879 | 71,892,621 | 51,892,714 | 14,837,581 | 19,212,470 |
| 1880 | 90,355,270 | 61,116,523 | 16,765,666 | 31,363,369 |
| 1881 | 117,728,150 | 67,377,623 | 15,921,482 | 64,648,111 |
| 1882 | 105,853,161 | 70,749,880 | 8,838,193 | 80,962,645 |
| 1883 | 74,037,135 | 76,762,063 | 5,326,427 | 80,000,000 |

It will thus be seen that the production in 1878 was under the usual amount; that in 1879 was about normal. The overproduction began in 1880, but the bulk of it occurred in 1881 and 1882, the tax for which will fall due in the years 1884 and 1885. In the year 1883 the normal amount was again produced, while in the first six months of the fiscal year 1884 only 32,820,280 gallons have been manufactured, which will be 10,000,000 gallons below the normal annual production. In this connection I read from the recent letter of the Commissioner of Internal Revenue heretofore referred to:

It is evident that the Government can gain nothing from a revenue standpoint by doing anything to further decrease the production of distilled spirits or by refusing to do that which may preserve the industry from disaster. The financial interests of the Government would seem to be rather in the giving of relief, and certainly, if it can do so, without the loss of any money.

Whether the proposed legislation is enacted into a law or not, there will always be a certain proportion of the quantity of spirits produced taken out of bond by the payment of the tax due, namely, such quantity as may be needed for consumption; but, as I understand the subject, it is the large surplus or actual overproduction of the years 1880, 1881, and 1882 which is giving all the trouble, by requiring the outlay of so much capital, which will have to be idle until the whisky can be disposed of, which, in the present condition of the trade, seems impossible.

All variety of spirits are, it is true, entered into bonded warehouses, but much the greater portion of them are taken out at once, because needed for use. There is a class of spirits, however, which, in order to become available for use at all, must remain in the warehouse for a period of at least three years. The annual consumption of this class of spirits is estimated to be now not over 18,000,000, but there were produced of this class in 1879, 12,588,129 gallons; in 1880, 21,756,139 gallons; in 1881, 43,564,224 gallons; in 1882, 38,800,444 gallons; and in 1883, 13,446,899 gallons, making a surplus in the product in 1880 of about 3,500,000 gallons; in 1881, about 25,500,000 gallons; in 1882, about 20,800,000 gallons, making at this date a surplus of about 45,000,000 gallons altogether. This is the incubus upon the whole industry. "The tax upon it has to be paid to the Government, and the distillers and those behind them can not get relief except at the hands of the Government."

The exact month when the distilled spirits now in bond were produced and the time when the tax fell due will be seen from the following table, which was presented to the Senate Finance Committee of the last Congress, and which is taken from the books of the Commissioner of Internal Revenue:

*Statement, by months, of spirits in bond, as shown by the records at the office of the Commissioner of Internal Revenue.*

| Months when produced. | Tax, when due. | Taxable gallons. | Amount of tax. |
|---|---|---|---|
| 1879—April | 1882—May | 250,585 | $225,526 50 |
| May | June | 338,361 | 304,524 90 |
| June | July | 242,634 | 218,370 60 |
| July | August | 102,244 | 92,019 60 |
| 1879—August | September | 68,011 | 61,209 90 |
| September | October | 115,205 | 103,684 50 |
| October | November | 232,967 | 209,670 30 |
| November | December | 411,640 | 370,476 00 |
| December | 1883—January | 612,307 | 551,706 30 |
| 1880—January | February | 936,941 | 843,246 90 |
| February | March | 1,276,587 | 1,148,928 30 |
| March | April | 1,768,393 | 1,591,553 70 |
| April | May | 2,098,358 | 1,871,431 20 |
| May | June | 1,971,078 | 1,773,970 20 |
| June | July | 1,663,143 | 1,496,828 70 |
| July | August | 1,119,528 | 1,005,575 20 |
| August | September | 437,499 | 393,749 10 |
| September | October | 664,395 | 597,958 20 |
| October | November | 1,578,169 | 1,420,352 10 |
| November | December | 2,496,459 | 2,246,813 10 |
| December | 1884—January | 3,327,119 | 2,994,407 10 |
| 1881—January | February | 3,724,776 | 3,352,298 40 |
| February | March | 4,028,774 | 3,625,896 60 |
| March | April | 4,991,913 | 4,492,721 70 |
| April | May | 5,369,175 | 4,832,257 50 |
| May | June | 5,338,751 | 4,804,875 90 |
| June | July | 4,017,874 | 3,616,086 60 |
| July | August | 1,929,556 | 1,736,600 40 |
| August | September | 932,665 | 839,398 50 |
| September | October | 1,804,541 | 1,624,059 90 |
| October | November | 3,269,295 | 2,942,365 50 |
| November | December | 4,393,257 | 3,953,931 30 |
| December | 1885—January | 5,230,083 | 4,707,074 70 |
| 1882—January | February | 5,046,892 | 4,542,202 80 |
| February | March | 5,317,673 | 4,785,905 70 |
| | | 77,087,831 | 69,379,047 90 |

Of the above, the following spirits are required to be tax-paid, as follows:

| | | |
|---|---|---|
| From May 1, 1882, to December 31, 1882 | 1,761,647 gallons, | $1,585,482 30 |
| From January 1, 1883, to December 31, 1883 | 16,603,870 gallons, | 14,943,483 00 |
| From January 1, 1884, to December 31, 1884 | 43,127,666 gallons, | 38,814,899 40 |
| From January 1, 1885, to March 31, 1885 | 15,594,648 gallons, | 14,035,183 20 |
| | 77,087,831 | 69,379,047 90 |

NOTE.—Over four-fifths of the above are held in bond by dealers residents of the States of Illinois, Kentucky, Massachusetts, Missouri, New York, and Ohio. (The statistics show that less than one-seventh of the above is held by residents of Kentucky.)

The Secretary of the Treasury in his last report, page XLIV, says:

"There were remaining in distillery warehouses on the 30th of June, 1883, and the 30th of June, 1882, respectively, distilled spirits as follows:

| | *Gallons.* |
|---|---|
| June 30, 1883 | 80,499,993 |
| June 30, 1882 | 89,962,645 |

"There should, under the present law, come out of the bonded warehouses and pay tax distilled spirits as follows:

| | *Gallons.* |
|---|---|
| By June 6, 1884 | 26,104,531 |
| By July 6, 1884 | 3,495,512 |
| | 29,600,043 |

"On which the tax would be $26,640,038.70; the whole quantity in bonded warehouses to come out and pay tax by July 6, 1886, is 80,499,993 gallons, at a tax of 90 cents a gallon."

Commenting upon the above instructive and startling statistics, well has a distinguished Senator from my own State [Mr. BECK] declared:

These figures tell the whole story. I can add nothing to their force. The men who are required to pay these vast sums before they are able to sell the taxed goods confess their inability to do so; you are their representatives; no public necessity requires you to drive them into bankruptcy; all other interests will suffer by their ruin. We have become so accustomed to speak of millions that we hardly realize the magnitude of the sum they must pay within six months. The net ordinary expenditures of this Government for the support of the Army, Navy, Indians, pensions, and all its civil service did not reach $26,000,000 a year for more than three or four years from its organization till the Mexican war broke out in 1846-'47, and did not average half that sum, as the report of the Secretary of the Treasury, table 2, page 10, shows. It is folly to attempt to coerce it from a comparatively small number of citizens, when we do not need it and hardly know what to do with it, when by giving them time we will save them from ruin, and secure, as fast as we can use it, every dollar they owe.

WHY NOT RELIEVE ALL INDUSTRIES SUFFERING FROM OVERPRODUCTION.

I have thus, Mr. Chairman, referred briefly to the overproduction in this industry and alluded to some of the embarrassments resulting therefrom.

Mr. BROWN, of Pennsylvania. Was there not overproduction in all other commodities?

Mr. WILLIS. There was.

Mr. BROWN, of Pennsylvania. Then why not relieve them also?

Mr. WILLIS. I will answer the gentleman. He is not the only one who has put this question. We have heard it in every direction and in every form since this bill was introduced. "Why does this interest

ask more favor than any other?" "Why is it so constantly appealing to Congress for legislation?" "Why should not the iron industry, why should not silk, glass, cotton, or the farming industry be relieved in the same manner?" The answer to all of these questions is that none of these industries occupy the same relation to Congress and to the Government as this does.

Tobacco and distilled spirits are the only articles of domestic production in this country which are now taxed. They are, therefore, exceptional. We have reduced the tax on tobacco to 8 cents per pound. The tax on distilled spirits is even more marked, for upon them we impose the enormous tax of from 400 to 600 per cent. The cost of manufacturing distilled spirits ranges from 15 to 30 cents per gallon. Every gallon must pay a tax of 90 cents. Under existing law, upon the expiration of three years from the day of manufacture every owner of whisky must pay to the Government five times the cost of its production. And this he must do whether he can sell it, whether he can find a consumer, or not. There is no other industry in the world that is taxed so high. There is no other industry in the United States except tobacco that is taxed even 1 mill. Your iron industry, your glass, and all other industries are hedged in and protected by a high tariff. They are taking their millions out of the pockets of the people. Why should they come to Congress? To them Congress has extended the hand of friendship and protection; this interest you would have it crush beneath its feet as unworthy of even a moment's consideration. You would "kill it instantly."

When other industries are embarrassed by overproduction they do not, it is true, come to Congress, nor on the other hand does Congress—does the Government—go to them. They are left to right themselves, which in due time they do. Overproduction in any industry soon corrects itself.

Suppose when your iron industry was embarrassed, as it now is, we should pass a law imposing a tax upon every ton which you manufactured, a tax five times greater than the cost of the article. Suppose, further, that Congress should say to your iron manufacturer as it does to the whisky manufacturer, at a fixed time, three or four or five years from the time you manufacture your iron, "My tax-gatherer will call on you for this enormous tax, and you must pay it whether there is any market for your iron, whether you have found a consumer, or not." Let the law be so changed and your constituents and mine will stand upon an equal plane, and you will be able to see clearer than you do now the harsh injustice of refusing the paltry boon which we are here asking for.

It is because the heavy hand of the Government rests upon us that we come asking that hand to be temporarily removed. It is not the burden of the dead capital which is the only burden which other industries during a period of overproduction are called upon to bear. That burden we, too, can carry, but when the Government insists at this time in imposing the additional burden, five times greater, we find ourselves unable to bear it, and we cry out for relief. Take, if you will, your pound of flesh, claim the forfeit of your bond, but do not hope that the calm and unprejudiced judgment of the commercial world will recognize your act as either just, prudent, or defensible.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman another question, whether the friends of this very measure are not opposed to the repeal of the tax upon whisky?

Mr. WILLIS. The friends of this measure are as divided upon this question as they are upon any other. For myself, I answer the gentleman with great frankness that, as at present informed, I will not vote for the removal of the tax on whisky, thus making it cheap and free to all.

I give him my individual answer, and in giving that I do not propose to say that all the friends of this bill agree with me. This is not a political question. It is not a temperance question. It is simply an economic business question, and the men who manufacture are divided in their opinions upon it.

The majority of the manufacturers as far as I know are Republicans. The strongest supporters of this bill; the largest interests in this business with which I have been brought in contact are members of your party

Mr. BROWN, of Pennsylvania. I am not raising this question in any party sense; but the question I asked the gentleman was this, whether the beneficiaries of this bill are not opposed to the repeal of the whisky tax?

I say again that the beneficiaries of this bill have never taken a position on this question, and as far as I know the majority of them are in favor of your proposition. I am not. But I do not claim to represent or to know what their sentiment is.

INCONSISTENCY OF SOME OF THE OPPONENTS OF THIS BILL.

I will say further to the gentleman that I do not see the significance of his question. What does he mean? Does he hope to coerce the representatives of the districts largely interested in this direction into a support of this free-whisky measure? Does he want to hold over me and my people the threat of bankruptcy if we dare to refuse our support to that theory of reform? I hope not; and yet I can see no other meaning to his question. We are to be punished for daring to be independent in our legislative duty.

Mr. Chairman, the inconsistency of some gentlemen who oppose this bill is remarkable. There are twenty or thirty gentlemen before me who voted in the last Congress for an unlimited, indefinite extension of the bonded period without interest who now refuse a short respite of two years with full interest. They were willing then to make a permanent change in the revenue law for all time; they are unwilling now to give a temporary relief for a brief period. Why this inconsistency? What change has come over these spirits?

There are other gentlemen, like the distinguished gentleman from Pennsylvania on our side [Mr. RANDALL], and the distinguished gentleman from Pennsylvania on the other side [Mr. KELLEY], who say, "We are ready to relieve your people by taking all the tax off of whisky at once." They are thus willing to make a gracious gift to the owners of distilled spirits of $50,000,000. What munificent generosity! And yet in the next breath they declare that these whisky people have had enough favorable legislation. They are asking too much of Congress. Other interests are not clamoring for relief. And yet they are willing today to give us fifty millions of the people's money. Why? Can any one give an answer consistent with the line of argument that has been followed by the opponents of this bill? If the distilling interests have had enough favors, why burden them with this? The only favor we ask we are ready to pay for. That they refuse to grant, but offer us a fifty-fold greater one. What would be thought of the consistency of a tavern-keeper who would refuse to let a traveler have his breakfast though ready and willing to pay for it, but who offered him breakfast, dinner, and supper all free if taken together?

IS THIS A TEMPERANCE QUESTION?

Another class of honorable gentlemen oppose this bill because of the idea that it involves in some way the temperance question, and throughout the country a number of good people have given themselves trouble for the same reason. I presume every gentleman here has received resolutions and newspapers to this effect.

I have, Mr. Chairman, the greatest respect as an individual and as a legislator for these good people and for their representatives upon this floor. Thousands of my consituents are advocates of this cause, and I presume every man of heart would be glad to find some remedy for the terrible evils of intemperance.

But will the defeat of this bill be a step in that direction? If you fail to pass this bill you throw upon a bankrupt market 50,000,000 gallons of whisky at such cheap prices that it will be within reach of the scantiest purse. You inaugurate for the next two years a saturnalia of drunkenness and crime. You enable new men to buy these distilleries at marshals' and sheriffs' sale at half their value. They will thus be enabled to continue the era of cheap whisky.

I am opposed to such results. I want the man who uses whisky to pay the highest price for it. I would put it beyond his reach. I would not for the purpose of wreaking a temporary vengeance upon those engaged in this business ruin them in order to enable a new and more powerful class of men to build upon that ruin a greater and more lucrative business of the same character. I see no temperance in that. I see only a headlong folly, that like a blind adder would strike regardless of results.

IS THIS CLASS LEGISLATION?

Other gentlemen have said they would vote for this bill if it did not look like special or class legislation. In answer I desire to say that distilled spirits is the only victim of special legislation now in this land. It is the only taxable article, whether internal or external, that under the law is compelled to pay a tax before it reaches the consumer. But as the Ways and Means Committee of the last Congress have presented an unanswerable argument upon that point, and as it is the unanimous report of that committee, I will ask the Clerk to read what I have marked.

I ask gentlemen, as they are to sit in judgment upon this question, to give their attention to the result of the examination of the subject by the Ways and Means Committee.

The Clerk read as follows:

1. *An indefinite extension of the time during which distilled spirits may remain in bond.*—Under the existing internal-revenue laws distilled spirits is the only article upon which the Government requires the tax to be paid before it is actually sold or removed for sale or consumption. In every other case the manufacturer keeps the article in his own possession and under his own exclusive control, without the payment of any tax until he chooses to sell it or remove it for consumption or sale.

The manufacturers of tobacco, snuff, cigars, beer, matches, perfumery, cosmetics, &c., are permitted to hold their goods until there is a consumptive demand for them, and pay the tax only when they sell. As we shall see hereafter, none of them are required to execute any bonds except as manufacturers, and the Government does not have the custody or control of their products, as it does in the case of distilled spirits. In all these cases the tax is strictly upon consumption, and the manufacturer or owner is permitted to take advantage of favorable markets and avoid unfavorable ones to the same extent precisely as if there were no tax upon his goods. This is undoubtedly the true principle of excise taxation. While the Government is justifiable in exacting its revenue, it is not justifiable in attempting to control the trade in a legitimate article of commerce by forcing the owner either to sell at a loss on the original cost of production or to permanently invest the amount of the tax in addition to that cost.

In his annual report for the year 1879 the Commissioner of Internal Revenue, speaking of deficiency taxes upon spirits withdrawn for exportation, used the following language:

"The intention of the internal-revenue laws is to levy a tax of 90 cents a g.

lon upon spirits which are manufactured for and actually go into consumption in this country, and the tax in question is evidently not intended for revenue, but as a restrictive measure to prevent fraud.

"There appears to be no sufficient reason why the single article of distilled spirits should be excepted from the general rule applied to all other taxable products. It can not be for the mere purpose of preventing fraud on the revenue, for certainly there is not as much danger of a fraudulent removal of the property without the payment of the tax in a case where the Government itself has actual possession and control of it as in the cases where it is left in the custody of the manufacturer or owner under a bond that he will pay the tax when he sells or removes it. And so far as the cost of governmental supervision is involved, it is exactly the same whether the spirits remain in the warehouse for one year or for an indefinite time. The compensation of the storekeeper is the same in amount in each case, and his constant attendance at the warehouse is required in both.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. The gentleman from Kentucky was interrupted and I heard intimations that his time would be extended. I ask that it be extended for a few minutes.

Mr. WHITE, of Kentucky. I ask that half an hour be yielded to my colleague, because he represents a district having the largest quantity of spirits in bond of any district in the United States.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Kentucky be extended half an hour.

Mr. RANDALL. I object. I will give the gentleman, however, fifteen minutes out of my own time.

Mr. THOMPSON. I hope we will have an extension of time for discussion on this bill.

Mr. WILLIS. I invite the attention of the House to that report. It declares the principle and true rule of excise to be that the article shall not pay the tax till it reaches the consumer. Why should you want to discriminate against distilled spirits? If I overproduce a million kegs of beer the Government does not require the payment of the tax on the beer at once, but lets it remain until I find a consumer. If I overproduce snuff, tobacco, and cigars, I can keep them forever in my warehouse. And the same rule applies to external commerce. If I import whisky, it can lie three years in bond and then be exported and brought back without any injury, and thus practically an indefinite extension is granted in the case of external commerce.

Why should our home manufacturers, upon whom we have placed this onerous burden of 500 per cent. tax—why should they be compelled to compete at such great disadvantage with the foreign manufacturer of whisky? Why should we want to punish our own citizens, who hire their labor here, who buy the corn and rye and coal and barrels for their industry from our own people, who employ our home labor? Why should we want to refuse to him the same privilege we now under existing law grant to the foreigner? Why should we let sherry and madeira wines come in, which are worth $5 a gallon and pay only a tax of 40 cents a gallon? Here we impose a tax of 10 per cent., while upon whisky we impose 500 per cent. The rich man who uses his fine imported wines pays a 10 per cent. duty; the poor man who drinks his glass of whisky must pay 20 cents, taxed 400 per cent. Is this a fair, equitable, and American system? Away with such discrimination.

Mr. WHITE, of Kentucky. Will my colleague permit me to ask him a question.

Mr. WILLIS. Certainly.

Mr. WHITE, of Kentucky. My colleague has made a comparison between whisky and tobacco in bond. I wish to ask him whether he considers that a fair comparison? Is not tobacco in warehouses constantly deteriorating in value? And is not whisky growing continually better?

Mr. WILLIS. The answer to that is that the rule is not as to tobacco only, but as to beer, cigars, snuff, and everything that is taxable in this country except distilled spirits. As a matter of fact, snuff and tobacco grow better as they are kept in the warehouse; but let that go. Every article in this country except distilled spirits pays the tax only when it reaches the consumer.

But, further, what an absurdity to assume that the manufacturer of whisky is not as much interested in getting rid of his goods at the earliest moment as the manufacturer of beer or tobacco. Is a positive statute necessary to inform the distiller when the loss on his goods begins? Must he be coerced into letting go his goods? If any gentleman here indulges such a belief let him offer to buy a million gallons even at the present bankrupt prices, and he will see how quick he will become one of this unfortunate class.

Moreover, my colleague well understands that when tobacco, snuff, beer, and cigars are taken from the warehouse for consumption they are in a completed condition of manufacture; they are ready for sale and use. Indeed the most of these articles are ready as soon as made, and yet they pay tax only when withdrawn for consumption, whether that be one or ten years.

Now, fine table whiskies, unlike high wines, require age before they are ready for use. The fusil oil and other poisonous substances are eliminated by atmospheric action; a process which requires three, four, and five years or more, according to the taste of the purchaser. When first made they are absolutely unfit for drinking. Age is a necessary element in their completed manufacture. Time ripens them as it ripens the fruit upon the tree. Until that time is elapsed whisky is not on an equality with any one of the articles of internal taxation.

EFFORTS TO CORRECT THE OVERPRODUCTION.

Again it is said, why have not these men themselves corrected this evil? In answer to that I say that they have done so. In the first place the number of distilleries has been largely reduced. This is true both of the high-wine and fine-whisky distilleries.

In the States of Illinois, Indiana, Iowa, Missouri, Nebraska, New York, Ohio, and Wisconsin, where high wines are chiefly produced, there were in operation in October, 1881, 82 distilleries, with a daily producing capacity of 261,200 gallons, while on the 1st of September, 1883, there were in these same States 40 distilleries in operation, with a daily producing capacity of 197,331 gallons.

In the States of Kentucky, Maryland, and Pennsylvania, in which fine whiskies which require aging are chiefly manufactured, the decrease has been still more marked, as the following statement will show:

| States. | October 1, 1881. | | September 1, 1883. | |
|---|---|---|---|---|
| | Distilleries. | Daily capacity. | Distilleries. | Daily capacity. |
| | | *Gallons.* | | *Gallons.* |
| Maryland | 8 | 9,844 | 3 | 2,139 |
| Pennsylvania | 50 | 21,665 | 15 | 2,063 |
| Kentucky | 91 | 103,082 | 33 | 10,127 |
| Total | 149 | 234,541 | 51 | 14,329 |

It will thus be seen that in two years there has been a reduction in the distilleries in operation of 98 and of 220,212 gallons in the daily producing capacity.

They have not only reduced the production, but they have canceled large outstanding contracts. Many men have paid from ten to twenty thousand dollars each to cancel contracts under which these distillers were authorized to go ahead and manufacture additional thousands of barrels. Besides that, they have been compelled to export this whisky, which, under existing law, can be done. To-day Congress is doing the unbusiness thing of compelling these men, those who are able to do it, to export this whisky to a foreign market, where they can leave it as long as they please and then bring it back without paying interest on the tax and with a reduction for leakage. They will pay duty only upon what comes back. If a man exports a million gallons and half a million disappear by leakage, when it comes back to this country he will pay tax only on what is left, and he will pay no interest. Already during the past fiscal year 988,842 gallons of these fine whiskies have been thus forced to seek a refuge in a foreign land. Thus may we deprive our own Government of large revenues and our own people of the money which must be paid for insurance, transportation, and warehousing.

Another important step which the distillers have taken to correct overproduction, especially in my own State, has been the establishment of a Kentucky pool association, with authority to regulate the amount of production. Exercising this authority, they ordered for the year 1883 that the capacity of production should be reduced 66⅔ per cent. of the average production for the years 1881 and 1882. It is because of this action that the last report of the Commissioner of Internal Revenue shows such remarkable decrease of bourbon or old whiskies.

They have been compelled most unwillingly to resort to these means of averting this danger. But there are thousands of men who are not capitalists, who have invested in ten and twenty and fifty barrels of whisky, and have borrowed money from the banks for the purpose. Those banks hold the warehouse receipts as collateral and will not allow this whisky to be exported for fear of invalidating their loans, so that the burdens fall on the poor, and not upon the rich.

WHO OWN THE SPIRITS NOW IN BOND?

Mr. DUNHAM. Who hold the warehouse certificates, the distillers or the banks?

Mr. WILLIS. The distillers hold comparatively little of it. If this bill passes it will benefit the distillers only indirectly. The whisky has been bought by men as an investment, just as they would buy iron or cotton or any other article of merchandise. It is owned to-day by men, by women, by orphans in my district, whose money has been invested in it in the hope that it would increase in value.

But I can probably better answer the gentleman's question by quoting again from the report of the Committee on Ways and Means:

A very small proportion of the spirits in bond is actually owned by the distillers who own and keep the warehouses. Returns from the bonded warehouses of forty-three distillers in the State of Kentucky show that they now contain 34,421,574 gallons of spirits, of which only 5,684,133 gallons, or about 16 per cent., belong to citizens of that State. How much of these 5,684,133 gallons belongs to the distillers and the warehousemen themselves, and how much to other citizens of the State, who are mere dealers, the committee has no certain means of ascertaining; but reasoning from the well-known course of the trade, it may be safely concluded that the parties who manufacture the spirits actually own but a small part of them. As a general rule they sell the article about as rapidly as it is produced, and the dealers leave it on storage in the warehouses until there is a demand for it in the market. The remaining 28,737,441 gallons now held in the forty-three warehouses alluded to are owned by citizens of

almost every other State and Territory in the Union, as is shown by the following statement:

*Table showing residence of the owners of whiskies now in the distillery bonded warehouses of forty-three distilleries in Kentucky, embracing the second, fifth, sixth, seventh, and eighth collection districts.*

| Residence of owners. | Packages. | Gallons, estimated. |
|---|---|---|
| Alabama | 260 | 12,220 |
| Arkansas | 500 | 23,500 |
| California | 6,268 | 294,596 |
| Colorado | 6,150 | 289,050 |
| Connecticut | 905 | 42,535 |
| Georgia | 1,545 | 72,615 |
| Illinois | 70,033 | 3,291,551 |
| Indiana | 23,250 | 1,092,750 |
| Iowa | 10,930 | 513,710 |
| Kansas | 5,311 | 249,617 |
| Kentucky | 120,939 | 5,684,133 |
| Louisiana | 605 | 28,435 |
| Maryland | 1,385 | 65,095 |
| Massachusetts | 33,831 | 1,590,057 |
| Michigan | 6,998 | 328,906 |
| Mississippi | 47 | 2,309 |
| Missouri | 92,647 | 4,354,409 |
| Minnesota | 11,009 | 517,423 |
| Maine | 89 | 4,183 |
| Nebraska | 4,392 | 202,194 |
| New York | 99,645 | 4,683,315 |
| Ohio | 190,757 | 8,965,579 |
| Pennsylvania | 5,025 | 236,175 |
| Rhode Island | 1,940 | 91,180 |
| Tennessee | 4,727 | 222,169 |
| Texas | 9,575 | 450,025 |
| West Virginia | 3,055 | 143,585 |
| Wisconsin | 12,011 | 564,517 |
| Virginia | 200 | 9,400 |
| Dakota | 735 | 34,545 |
| Montana | 1,463 | 68,761 |
| Utah | 210 | 9,870 |
| Wyoming | 875 | 41,125 |
| Canada | 50 | 2,350 |
| Scattered | 5,100 | 239,700 |
| Total | 732,372 | 34,421,574 |

It will thus be seen that the statements made in the newspapers and elsewhere as to the amount of whisky owned by people of Kentucky is ludicrously wide of the mark. Kentucky owns only about one-tenth of the whisky now in bond, but that, in view of her limited capital, will be enough, if this bill fails and no other relief is found, to create the most serious disturbance in her financial condition. It must be borne in mind that in addition to the whisky carried in bond Kentucky has invested many millions of dollars in distillery plant. When it is understood that the whole capital of Kentucky, as given in the last report of the Comptroller of the Currency, was only $12,567,900, the necessity for relief to her people, as well as the utter absurdity of the statement that over 50,000,000 gallons of this whisky was owned in her borders, are simultaneously demonstrated.

WHY BANKRUPTCY HAS NOT ALREADY BEEN THE RESULT.

It has been said again you predicted financial embarrassment two years ago when the first effort at relief was made. Why has it not come? A twofold answer might be made to this query. First, we might say with truth such has been the case. In Saint Louis, in Cincinnati, in Louisville, and all other places in this land, old and reliable houses, whose commercial standing was first-class, have been unable to meet this heavy tax and have gone to the wall. In my own city I recall at this moment one firm which because of non-action by the last Congress—the bill having been clogged up on the Calendar—was compelled to suspend, though doing a business of several millions of dollars a year. I recall another bankrupted for the same reason, which was one of the oldest and best-known establishments in the West. And what is true of Louisville is equally if not more the truth in New York, Saint Louis, in Cincinnati, and in all the leading commercial centers of the country. My first response, therefore, to the question as to our previous prophecies is that they have been fully verified. It may be that enough of our merchants have not yet been bankrupted to answer the reasonable and merciful wishes and expectations of some who voted then and will vote to-day against any measure of relief to this interest, however just and proper; but I can say to these gentlemen, if such there be, that however much they may have been disappointed in the number and character of the predicted failures, there have been enough, full enough for our people. The failures which have already occurred will amount to more than the whole banking capital of two-thirds of the States of the Union. And this they could more fully realize if they could look abroad in the country and see the thousands of workingmen who have been thrown out of employment, &c.

I might call attention by name to these houses, but I will not parade their misfortunes before the country. They were honorable men, who made an honest mistake in their business calculations; and the last Congress failing, not refusing, to give relief, they went into bankruptcy. But while the past has been bad enough, but not worse than we anticipated, the present is still more gloomy and threatening. The reason for this is apparent to every man well informed upon our revenue system. It was the present trouble that we foresaw and sought in time to prevent.

Two years ago the people of the West knew that two years' overproduction had recurred. They knew to the day when the 90-cent tax would fall due. They knew the number of gallons in warehouse, and that after three years, whether a consumer could be found or not, the whisky must come out and the Government tax must then be paid.

The table which I have already referred to, which was before the Senate Finance Committee, gives the exact amount as shown upon the books of the Commissioner of Internal Revenue, that would fall due on the 6th of each month, and at the foot of the table is the total number of gallons coming out each fiscal year.

It will be seen that for the year 1882 there were only one and a half millions of gallons, but for the following year, 1883, there were fifteen millions, and for 1884 over 38,000,000 gallons. These facts and figures were as well known then as now. We knew that except by legislation or exportation there was no escape from them. Like the man confined in a room whose adjustable walls he saw daily closing in upon him we sought to escape. We knew we were in a stream which led to ruin. We knew that just ahead was the cataract, and with its roar in our ears was it to be expected that we would wait until we were directly on the edge? Would that have been the course of prudent men? Many of our best firms having already gone over the edge, shall we wait until they all are dashed to destruction before we cry out for rescue?

PRECEDENTS IN FAVOR OF THE BILL.

Will it be said that this legislation is new and unusual in Congress? If necessary I could cite fifty different acts of a character similar to this. Your statute-books are loaded down with acts granting indulgence to the debtors for public lands. This as far back as 1809. When in 1835 the merchants of New York came to Congress asking an extension of their bonds for five years—the bonds due for imported goods—it was the great Henry Clay of my native State who championed their cause and secured the passage of the act which gave them the relief asked for, and that too without interest. When Chicago came here under similar circumstances you promptly and properly extended her bonds. Will you say that this relief was based upon great calamities which had befallen their people? I accept the statement, and I point you to a flood which has just inflicted upon the people of the Ohio Valley losses five times greater than the fire of New York. And mark you, gentlemen, the goods for which these bonds were extended were not taxed one-tenth the amount imposed upon distilled spirits, while the land paid no Federal tax.

SHRINKAGE OF VALUES.

If, then, these precedents are all in favor of this legislation; if the last Congress, both in the House and Senate, indorsed it; if the facts fully justify it; if the last Commissioner of Internal Revenue and the present one and the Secretary of the Treasury approve it; if justice demands it, why should it not be given?

Is this a time to experiment with the commercial interests of the country? Look at the shrinkage in this species of property: The product of Kentucky, Pennsylvania, and Maryland whisky for the year 1881 was worth when produced from 55 to 65 cents per gallon, according to brand. The best brands of these whiskies can be bought to-day at from 36 to 45 cents per gallon after being warehoused three years at a cost of about 20 cents per gallon, not including shrinkage.

What do these figures mean? They mean a loss of from thirty to forty millions of dollars. But what further? There has been a shrinkage of at least 50 per cent. in distillery plant, which would make another $60,000,000. Within the last forty days there has been a shrinkage in the price of whisky in bond of 5 cents a gallon, a loss of $4,000,000 to those holding it. Is this the condition of safety, even if this were the only interest that has suffered? But do we not know that there has been a shrinkage in stocks and bonds running up to hundreds of millions of dollars; an enormous shrinkage in pork, corn, and all the great staples of the country? Do we not remember that the great panic of 1857 began with the failure of a single firm in the city of Cincinnati, the Union Trust Company? Do we not know that our last panic of 1873 was caused by the failure of a single firm in this city, Jay Cooke & Co.? Do we want these episodes repeated? Confidence is the keystone of the commercial arch. Let us not strike it from its place. Let us be conservative toward all the great interests intrusted to our care.

One fact more. In England, where you found a market for your corn, during the last year they have supplied themselves from India, as the London Economist lately shows, with one-third of all the grain they need, and it is predicted that in less than three years they will be independent of the United States. What then will become of the hundreds of millions of bushels of grain now used in this great industry? If this bill fails and these distilleries should be closed and the demand from abroad shall cease, you will again see the time when corn will be burned for fuel in your great Western corn-producing States.

Mr. ADAMS, of Illinois. Will the gentleman state what proportion of the grain raised last year was used for the manufacture of alcohol? Or will he allow me to state that it was about 1½ per cent.?

Mr. WILLIS. Last year, as I have heretofore shown, there were consumed in this business in round numbers 18,000,000 of bushels of grain, while the year before there was used for the same purpose over

25,000,000 of bushels, showing a reduction of nearly 8,000,000 of bushels. What has been the result? The price of corn has gone down. And I will show to this House, upon tables which I will produce here, that the price of corn for the past ten years has been regulated largely by the demand of these distilleries.

Mr. KELLEY. The gentleman will permit me to say that as large a percentage of our corn crop goes into glucose as into alcohol; and it is stated that it would not hurt the corn crop to shut up the distilleries.

Mr. BELFORD. I would like to know whether the gentleman from Kentucky has a tabulated statement of the amount of money produced from the tax on liquor and used by the Government during the war to secure its salvation?

Mr. WILLIS. I would say to the gentleman that since 1862 over one thousand millions of dollars have been paid into the Federal Treasury by this single interest. It has fed and clothed your Army; it has supported the public credit; it has saved you from bankruptcy; it has enabled you to pay your hundreds of thousands of pensioners. And now upon this plain, just, economic proposition, recommended, I repeat, by the Secretary of the Treasury, recommended by the Commissioner of Internal Revenue, recommended by the leading committee of this House, I ask your prompt and favorable action.

Mr. MILLIKEN. As the gentleman has stated how many taxes whisky has paid, will he be kind enough to inform this House how many taxes whisky has made in the same time?

Mr. WILLIS. Now, the gentleman from Maine knows that that question has no pertinency to this bill. He knows that to-day the main opposition to this bill comes from men who want to make whisky free; and if we would yield to their demand to-day we could have this bill passed through with railroad speed. I stand here for dear whisky. I stand here insisting that it is an article which ought to be taxed. But those who oppose us, at least many of them, are in favor of cheap whisky. I do not know whether the gentleman from Maine [Mr. MILLIKEN] unites with them or not.

Mr. MILLIKEN. No, sir, I do not; and when we come to a vote the gentleman will find that I do not.

Mr. WILLIS. Then let the gentleman join us to prevent the accomplishment of that result.

CONCLUSION.

In conclusion, Mr. Chairman, I desire to call attention to the numerous petitions from leading banking and business firms which are here urging this legislation. I have just this moment received this dispatch. It is one of thousands which have been voluntarily sent:

NEW YORK, *March* 20, 1884.

Hon. ALBERT S. WILLIS, *Washington, D. C.:*

We believe the mercantile interests of this country demand the extension of the bonded bill and trust you may be successful in your efforts.

H. B. CLAFLIN & CO.

I need not remind this House that the firm signing this dispatch is the largest in the great metropolis of New York. That message is an index to the sentiments of thousands of firms in the United States. These petitions are from all the leading commercial centers—from New York, Chicago, Philadelphia, Saint Louis, Baltimore, San Francisco, Denver, Detroit, Pittsburgh, Cincinnati, Louisville, Omaha, &c. They declare that if these spirits are forced out upon a falling market "serious financial embarrassment" will ensue. We know that bankers do not sound an unnecessary note of alarm. When many thousand bankers send this word to us we know it has the greatest significance and should command our immediate attention. The Commissioner of Internal Revenue tells us that there are already 5,000,000 gallons on the market without a purchaser. We propose to add fifty more millions. We can do it. We have the power; but let us see to it that in our attempt to pull down this industry we do not, Samson-like, destroy the whole temple of commercial prosperity.

[Here the hammer fell.]

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## APPENDIX.

### No. 1.

[House Report No. 1277, Forty-seventh Congress, first session.]

EXTENSION OF BONDED PERIOD FOR DISTILLED SPIRITS.

Mr. KELLEY, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to whom was referred the preamble and resolution relative to the passage by the House of a bill "to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouse, and the withdrawal of the same therefrom," respectfully report:

On the 10th day of April last the following preamble and resolution were introduced into the House, and referred to the Committee on Ways and Means, to wit:

"Whereas on Monday, April 3, the rules were suspended and the bill (H. R. 5237) to amend the laws relative to the entry of distilled spirits in distillery and special bonded warehouse, and the withdrawal of the same therefrom, was passed; and

"Whereas the following letter was subsequently printed, at the request of a member, in the CONGRESSIONAL RECORD, to wit:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
*Washington, April* 3, 1882.

SIR: I acknowledge receipt of your valued favor of this instant in regard to House bill 5237, which provides for an extension of the bonded period upon distilled spirits.

The bill was prepared with great care, and in respect to its machinery I am satisfied it will work admirably. The principle of the bill, I think, is correct. Upon all manufactured articles upon which the internal-revenue tax is levied, except in the case of distilled spirits, the manufacturer or owner is not compelled to remove the same from the place of manufacture until he can find a sale for the product. This is so in respect to beer, tobacco, cigars, matches, &c. The extension of the bonded period to three years gave quite a stimulus to the manufacture of fine whiskies. On the 1st of March last there were 69,243,835 gallons in distillery warehouses in Kentucky, Pennsylvania, and Maryland. It seems to me unreasonable to suppose that these spirits can all be removed for consumption within the time now required by law. If the manufacturers and owners are required to pay the taxes within three years, I would expect to see such a decline in prices as would seriously embarrass many strong firms, probably cause many failures, and unfavorably affect other branches of business without any beneficial results to the Government. I think upon this ground alone the extension of the bonded period is entirely justifiable.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. BEN BUTTERWORTH,
*House of Representatives.*

"And whereas it appears that the proposed law will divert millions of public money from its way into the United States Treasury and donate the same to the large manufacturers and owners of distilled spirits in violation of the agreement of the Republicans of the House: Therefore,

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to report to this House his views on the subject-matter of the letter and the conduct of the head of the Internal Revenue Bureau as to what improper influences, 'if any,' were brought to bias his judgment in writing the same."

Although the resolution designates bill No. 5237, the committee supposes that bill No. 5656 is the measure really intended, as the latter is the only one relating to distilled spirits passed by the House during the present session of Congress. The measure referred to was, in various forms, pending before the committee from the 13th day of February until the 3d day of April, and was subjected to a very careful examination, not only in the committee itself but by the officers in charge of the Internal Revenue Bureau. It was once reported to the House and recommitted, in order that the proposed changes in its provisions might be thoroughly examined and understood; and finally it was reported a second time and passed, almost unanimously, under a suspension of the rules. Not only was the bill placed in the hands of the internal-revenue authorities for investigation, but the head of that branch of the public service, in obedience to the request of the committee, came before it in person, and suggested various changes and modifications of its provisions, every one of which was adopted by the committee and incorporated into the measure before it was finally reported to the House.

The history of the bill, as shown by the records of the committee and the House, is as follows:

"February 2. A delegation representing distillers and dealers appeared before the committee. G. C. Wharton, as attorney, addressed committee and presented draught of bill to amend the laws in relation to internal revenue, and for other purposes. C. S. Clarke, representing Western Distillers' Export Association; W. S. Shufeldt, president, and D. G. Rush, secretary, National Spirit Dealers' Association, also addressed committee in favor of bill.

"February 13. Mr. Carlisle introduced bill to amend the internal-revenue laws (4281).

"February 23. H. R. 4281 was referred to subcommittee on changes in internal-revenue laws.

"March 16. At morning session of committee a delegation representing Western distillers was heard. Addresses were made by C. W. Moulton, of Cincinnati; T. H. Sherley, of Louisville; E. G. Curley, of Lexington; and G. T. Stagg, of Saint Louis.

"Committee reassembled in the afternoon, when Mr. Dunnell, from the Committee on Changes in Internal Revenue Laws, reported a substitute for H. R. 4281. The substitute was read and considered by sections, and after being amended was adopted unanimously by the committee, and was ordered to be reported favorably to House. (See H. R. 5237.)

"March 23. Mr. Carlisle presented a written report, to accompany 5237; which was read and approved. The bill (5237) and accompanying report (811) were reported to House, and placed on Calendar of Committee of Whole.

"March 31. The Commisioner of Internal Revenue, by invitation of committee, appeared for purpose of conference in relation to House bill 5237. This was a meeting specially set apart for conference with the Commissioner touching the provisions of the bill in question, the regular meeting of the committee having been held on Thursday, March 30. Several amendments were suggested by the Commissioner, and, after full discussion, were adopted. In order that the amendments might be incorporated in the bill, the chairman was instructed to move in the House to discharge the Committee of the Whole and recommit the bill to the Committee on Ways and Means, and the bill was accordingly recommitted.

"April 3. The amendments agreed to March 31, having been incorporated in the bill, it was again reported to the House in the form of a substitue (see House bill 5656) and passed under suspension of the rules—ayes 123, nays 29; the vote being by division."

Under these circumstances the committee might well be surprised to see it deliberately stated, without qualification or condition, in a formal resolution offered in the House, that "the proposed law will divert millions of the public money from its way into the United States Treasury, and donate the same to the large manufacturers and owners of distilled spirits, in violation of the agreement of the Republicans of the House."

If the bill can have the effect thus attributed to it this committee has either been deceived by the advocates of the measure or it has purposely deceived the House. In either case a great public wrong has been done, and it becomes the duty of the committee and the House to take all necessary steps to correct it at the earliest possible moment.

If, on the other hand, the charge made in the preamble to the resolution is without foundation in fact, it is certainly due to the committee and the House that it should be exposed. In order to enable the House to understand fully the purpose and effect of the bill, it will be necessary to examine it somewhat in detail. It contains four principal provisions, which we will state in their regular order, making proper explanations as we proceed.

1. An indefinite extension of the time during which distilled spirits may remain in bond. Under the existing internal-revenue laws distilled spirits is the only article upon which the Government requires the tax to be paid before it is actually sold or removed for sale or consumption. In every other case the manufacturer keeps the article in his own possession and under his own exclusive control, without the payment of any tax, until he chooses to sell it or remove it for consumption or sale. The manufacturers of tobacco, snuff, cigars, beer, matches, perfumery, cosmetics, &c., are permitted to hold their goods until there is a consumptive demand for them, and pay the tax only when they sell. As we shall see hereafter, none of them are required to execute any bonds except as manufacturers, and the Government does not have the custody or control of their products as it does in the case of distilled spirits. In all these cases the tax is strictly upon consumption, and the manufacturer or owner is permitted to take advantage of favorable markets and avoid unfavorable ones to the same extent precisely as if there were no tax upon his goods. This is undoubtedly the true principle of excise taxation. While the Government is justifiable in exacting its revenue, it is not justifiable in attempting to control the trade in a legitimate article of commerce by forcing the owner either to sell at a loss on

the original cost of production or to permanently invest the amount of the tax in addition to that cost.

In his annual report for the year 1879 the Commissioner of Internal Revenue, speaking of deficiency taxes upon spirits withdrawn for exportation, used the following language:

"The intention of the internal-revenue laws is to levy a tax of 90 cents a gallon upon spirits which are manufactured for and actually go into consumption in this country, and the tax in question is evidently not intended for revenue, but as a restrictive measure to prevent fraud."

There appears to be no sufficient reason why the single article of distilled spirits should be excepted from the general rule applied to all other taxable products. It can not be for the mere purpose of preventing fraud on the revenue, for certainly there is not as much danger of a fraudulent removal of the property without the payment of the tax in a case where the Government itself has actual possession and control of it as in the cases where it is left in the custody of the manufacturer or owner under a bond that he will pay the tax when he sells or removes it. And so far as the cost of governmental supervision is involved, it is exactly the same, whether the spirits remain in the warehouse for one year or for an indefinite time. The compensation of the storekeeper is the same in amount in each case, and his constant attendance at the warehouse is required in both.

During the last fiscal year the consumption of distilled spirits in this country amounted to 67,372,575 gallons, the tax upon which was $62,214,127.56. About 12,000,000 gallons of these spirits consisted of what is known as bourbon and rye whiskies. On the 1st day of March last there was remaining in bond about 84,000,000 gallons of spirits, upon which the tax would amount to about $75,600,000. Much the greater part of this is bourbon and rye whisky. This vast accumulation of spirits in bond shows conclusively that the demand has not equaled the supply heretofore and does not equal it now; and yet, under the existing law, the article is being forced out of the warehouse, and the owners are being compelled to advance the tax upon before it can be sold.

In considering the question as to the propriety of extending the bonded period, it must be borne in mind that the Government can gain nothing whatever by forcing the owners to pay the tax before there is a demand for the article, for the obvious reason that the spirits thus forced out will constitute a stock in the market which must be consumed before another supply will be manufactured. If the Government were to compel the payment of the tax in every case immediately upon the production of the spirits, it would not in a series of years collect a dollar more than if it permitted the article to remain in the warehouse for an indefinite length of time.

In the first case, no more would be manufactured within a year than could be sold and consumed; while in the second, every gallon that could be sold or consumed would certainly be withdrawn from the warehouse during every year. In the end the result would be precisely the same, no matter which course is pursued by the Government. In the absence of fraudulent evasions of the tax, an actual diminution of the consumptive demand is the only thing that can possibly reduce the revenue. If all the spirits now in bond were to be immediately destroyed by fire or other casualty, the total amount of revenue would not be affected in the least, because its place would be at once supplied by a new product, and consumption would go on at the usual rate.

Suppose that the owners of the spirits now in bond shall be forced to pay 90 cents on the gallon, and remove them from the warehouse before there is an actual demand for them in the market, they will of course be compelled to sell them at such prices as they can obtain. They can not afford to hold for any considerable time an article in which they have been compelled to invest so much beyond its intrinsic value, and the consequence will be that they will necessarily put prices down to the lowest possible point, and sell in competition with the inferior grades of goods known as rectified and compounded spirits. To the extent that they compete with these other grades of spirits they necessarily prevent their consumption, and thus deprive the Government of the tax which those spirits would otherwise have yielded. It is manifest that the Treasury can gain nothing by a policy which forces the consumption of one kind of spirits instead of another so long as both kinds pay the same rate of tax, and it is equally manifest that the manufacturers and dealers in rectified and compounded spirits would be greatly injured by such a policy.

Appended to this report will be found a communication from the Treasury Department, transmitting statements showing the quantity of spirits (84,532,246 gallons) in warehouse according to the latest reports received by the Commissioner of Internal Revenue, and the quantity which, under the present law, must be withdrawn during each month up to the 1st day of May, 1883.

The Government has from the very beginning the possession of all the property upon which the tax is imposed. But this is not by any means all the security afforded by the law. Before the distiller can execute bond as such, or commence business at all, under the law he is required to give notice to the collector in writing, stating his name and residence, and if a company or firm, the name and residence of each member, the name and residence of every person interested or to be interested in the business, the precise place where the business is to be carried on, and if to be carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. The notice must also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash-tubs and fermenting-tubs, and the cubic contents of each tub, the number of receiving-cisterns and the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction, and that the distillery premises are not within six hundred feet in a direct line of any premises authorized to be used for rectifying distilled spirits by any process. (Section 3259 Revised Statutes.)

Having given this notice and furnished this description of the property proposed to be used, the parties must next comply with section 3262 of the Revised Statutes, which provides that no bond of a distiller shall be approved unless he is the owner in fee, unencumbered by any mortage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, or unless he files with the collector in connection with his notice the written consent of the owner of the fee, and of any mortgage or judgment creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other incumbrance, and that in case of the forfeiture of the distillery premises or any part thereof the title of the same shall vest in the United States discharged from such mortgage, judgment, or other incumbrance. It then provides that in any case where the owner of a distillery or distilling apparatus, erected prior to the 20th day of June, 1868, has only an estate for a term of years or other estate less than fee-simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in any case of such prior erection where the title was then and has continued to be in litigation; or in any case of such prior erection where such owner is possessed of the fee, but encumbered with a mortgage executed and duly recorded prior to said 20th day of June, 1868, and not due; or in any case of such prior erection where the fee is held by a *feme covert*, minor, person of unsound mind, or other person incapable of giving consent, the value of such lot or tract of land, together with the building and distilling apparatus, shall be appraised in a manner to be prescribed by the Commissioner of Internal Revenue, and the collector may, at the discretion of the Commissioner, be authorized to accept, in lieu of the written consent of the owner of the fee, the bond of such distiller in such form as the Commissioner may prescribe, with not less than two sureties, conditioned that in case the distillery, distilling apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in such bond.

Then section 3251 provides that every proprietor or possessor of, and every person in any manner interested, in the use of any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom, and the tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon, from the time said spirits are in existence as such until the tax is paid.

But in case a new bond shall not be executed at the end of the year as required by the bill, the tax, as we have already stated, becomes at once due, and under existing laws the Commissioner of Internal Revenue has the power to make assessments in all such cases. When an assessment is made and the tax is not paid it is the duty of the collector to add a penalty of 5 per cent. to the amount of the tax and proceed to make distraint therefor, together with interest at the rate of 1 per cent. per month. Sections 3186, 3187, 3188, and 3189 of the Revised Statutes prescribes what liens and remedies the Government shall have in all such cases. Those sections are as follows:

"SEC. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment-list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person.

"SEC. 3187. If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with 5 per cent. additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, and evidences of debt, of the person delinquent as aforesaid: *Provided*, That there shall be exempt from distraint and sale, if belonging to the head of a family, the schoolbooks and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep, and the wool thereof, provided the aggregate market value of said sheep shall not exceed $50; the necessary food for such cow, hogs, and sheep for a period not exceeding thirty days; fuel to an amount not greater in value than $25; provisions to an amount not greater than $50; household furniture kept for use to an amount not greater than $300; and the books, tools, or implements of a trade or profession, to an amount not greater than $100, shall also be exempt; and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt.

"SEC. 3188. In such case of neglect or refusal, the collector may levy, or by warrant may authorize a deputy collector to levy, upon all property and rights to property, except such as are exempt by the preceding section, belonging to such person, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy.

"SEC. 3189. All persons and officers of companies or corporations are required, on demand of a collector or deputy collector about to distrain or having distrained on any property or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint, or the property or rights of property liable to distraint for the tax due as aforesaid."

It thus appears that, whether there is a warehouse bond or not, the Government has the following security for the payment of the tax:

First. The possession of and the right to sell the whole quantity of spirits upon which the tax is due.

Second. The joint and several personal liability of every person interested in the production of the spirits.

Third. The first lien from the time the spirits are in existence on the distillery used in distilling the spirits, together with its machinery and fixtures, and the tract or lot of land on which it is situated, including all buildings thereon.

Fourth. A lien from the time when the assessment list is received by the collector upon all the property and rights of property belonging to the person or persons liable for the payment of the tax, and this includes not only goods, chattels, and real estate, but also stocks, securities, and evidences of debt.

But under the bill, as reported by this committee and passed by the House, there can never, under any circumstances, be a moment when the Government has not a bond. If the warehouseman fails to execute a new bond, as required by the bill, such failure of itself constitutes a breach of the condition in the old bond and the sureties remain liable on that obligation.

In order to show how much greater this security is than that exacted by the Government from the manufacturers and custodians of other taxable articles, it is only necessary to refer to the statutes now in force upon this subject. Manufacturers of tobacco who, as already stated, are permitted to keep their products in their own possession and under their own control until sold or removed for consumption or sale, are required by law to execute a bond, to be approved by the collector of the district, in the sum of not less than $2,000 nor more than $20,000, to be fixed by the collector, according to the quantum of business proposed to be done by the manufacturer, and conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render truly and correctly all the returns, statements, and inventories prescribed by law or regulations; that whenever he adds to the number of cutting-machines, presses, snuff-mills, hand-mills, or other mills or machines used by him, he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all tobacco and snuff manufactured by him before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale any manufactured tobacco or snuff which has not been stamped as required by law, and that he shall comply with all the requirements of law relating to the manufacture of tobacco or snuff.

It will thus be seen that the largest manufacturers of tobacco in the United States are not required to execute any bonds exceeding the sum of $20,000, although the annual taxes upon their products may, and in a great number of instances actually do, amount to many times that sum. Brewers of ale, beer, and other fermented liquors are required, on the 1st day of May in each year, to execute a bond, to be approved by the collector of the district, in a sum equal to twice the amount of the tax which, in the opinion of the collector, they will be liable to pay during any one month, and conditioned that the obligor shall pay, or cause to be paid, the tax required by law on all beer, lager beer, ale, porter, and other fermented liquors made by or for him before the same is sold or removed for consumption or sale, and that he shall keep the books required by law, and in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors. This class of manufacturers likewise retain the possession and control of their products until they actually sell them or remove them for sale.

Manufacturers of cigars are required to give bond in such penal sum as the collector may require, not less than $500, with an additional $100 for each person proposed to be employed by him in making cigars, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud

the Government of any tax on his manufactures; that he shall render correctly all the returns, statements, and inventories prescribed; that he will give notice of any additional number of cigar-makers employed by him; that he shall stamp, in accordance with law, all cigars manufactured by him before he offers the same, or any part thereof, for sale, and before he removes any part thereof from the place of manufacture; and that he shall comply with all requirements of law relating to the manufacture of cigars.

The manufacturers of matches, proprietary medicines, perfumeries, cosmetics, &c., are not required to execute any bond whatever. In fact the manufacturers of friction matches, cigar-lights, and wax-tapers are allowed to procure their stamps from the Commissioner of Internal Revenue on a credit of sixty days, upon the execution of a bond in his office for the payment of the amount at the end of that time, and if they purchase at any one time over five hundred dollars' worth of stamps they are allowed a discount of 10 per cent. on the whole amount purchased.

These provisons have been found ample to secure the payment of the tax on all classes of articles to which they relate, and, so far as the committee is advised, the revenue authorities are entirely satisfied with them. In the case of distilled spirits the law is much more stringent, and the security of the Government, as we have just seen, is much greater. The revenue system is now so perfect that it is absolutely impossible to remove spirits from the warehouse without the knowledge and connivance of the officials in charge, and even then the fraud would certainly be detected.

But it has been urged that in case of a general failure to execute new bonds the Government would be compelled to offer for sale such large quantities of spirits as to break down the market and reduce the price below the amount of the tax. In response to this assertion, for it is a mere assertion, it is only necessary to say that under the law no revenue officer is authorized in any case to sell distilled spirits for less than the whole amount of the tax due upon it.

Section 3334 of the Revised Statutes provides that "all distilled spirits forfeited to the United States, sold by order of court, or under process of distraint, shall be sold subject to tax; and the purchaser shall immediately, and before he takes possession of said spirits, pay the tax thereon. And any distilled spirits heretofore condemned, and now in the possession of the United States, shall be sold as herein provided. If any tax-paid stamps are affixed to any cask or package so condemned, such stamps shall be obliterated and destroyed by the collector or marshal after forfeiture, and before such sale: *Provided*, That in all cases wherein it shall appear that any distilled spirits offered for sale on distraint for taxes, where the taxes on such spirits have not been paid, or offered for sale for the benefit of the United States as forfeited spirits under order of court or under proceeding pursuant to section 3460 of the Revised Statutes, will not, by reason of such spirits being below proof, bring a price equal to the tax due and payable thereon, but will bring a price equal to, or greater than, the tax on said spirits, computed only upon the proof-gallons contained in the packages without regard to the greater number of wine-gallons contained therein, then, and in such case, upon sale being so made, tax-paid stamps to the amount required to stamp such spirits as if the tax thereon were only on the proof-gallons thereof, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other Government officer making such sale for the benefit of the United States without making payment for said stamps so used or delivered. Any collector using or furnishing stamps in manner aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp account with the Department. In such cases the officers selling the distilled spirits shall affix, or cause to be affixed, to the same the tax-paid stamps so provided, and shall write across the face of such stamps the true number of proof and wine gallons contained in the package, the amount of tax actually paid thereon, and also the words 'Affixed under provisions of act of ——, 1879' (inserting the date of the approval of this act)."

The spirits must, therefore, in every case be sold subject to the tax, and there is no legal means by which it can enter into the commerce of the country unless the package containing it bears a stamp showing the payment of 90 cents on every gallon of its contents. It follows, therefore, clearly that the Government can not possibly lose the tax or any part of it. So long as the internal-revenue laws remain in force a package of distilled spirits found anywhere in the United States without a stamp upon it showing the payment of the tax in full will be liable to instant seizure and forfeiture, and the owner will be personally liable to heavy penalties.

* * * * * * *

Fourth. The bill proposes to extend the maximum allowance for leakage and evaporation until the end of eight years instead of three years, as now provided by the act of May 28, 1880. The law prescribing a maximum allowance for loss of spirits by leakage and evaporation has been in force nearly two years, and its operation has been, so far as the committee has been able to ascertain, satisfactory alike to the tax-payers and the revenue authorities. From July 20, 1868, to May 28, 1880, the owners of distilled spirits were required by law to pay a tax on the whole quantity entered in the warehouse, although a large part of it may have been actually lost by leakage and evaporation while in the custody of the Government officials.

The seventeenth section of the act last mentioned required the spirits to be regauged when withdrawn, and established a scale of maximum allowances. In its report upon that bill this committee used the following language:

"A brief review of the former legislation upon this subject will show that the principle upon which the eighteenth section of the present bill is based is not a new one in this country, except in so far as it limits the measure of allowance for evaporation and leakage, and a reference to the existing internal-revenue laws imposing taxes upon manufactured articles other than distilled spirits will show that the same just and equitable rule is still applied to all of them.

"The forty-first section of the act of July 1, 1862, provided that there should be paid on all spirits that might be distilled *and sold*, or removed for consumption or sale, of first proof, on and after the 1st day of August, 1862, a tax of 20 cents on each gallon, and that it should be paid by the owner, agent, or superintendent at the still or other vessel in which such spirits might be distilled at the time of rendering the accounts of spirituous liquors as required by the act (12 Statutes, page 447). The forty-fifth section of the same act required these accounts of the distiller to be rendered on the first, tenth, and twentieth days of each month (12 Statutes, page 448). Under this section, and others contained in that law, no duty was exacted on spirits in warehouse until there was a sale or removal for sale or consumption, and then only upon the number of gallons actually sold or removed."

"The twelfth section of the amendatory act of March 3, 1863, expressly authorized the Commissioner of Internal Revenue to make rules and regulations providing for deductions on account of leakage from the quantity of spirituous liquors subject to taxation under the act to which it was an amendment, not exceeding 5 per cent., of the amount removed for sale; and it was provided that the deduction should be so adjusted in different parts of the United States as to be proportioned as nearly as practicable to the distances over which the manufacturer usually transferred such liquors for the wholesale thereof (12 Statutes, page 723). This, it will be observed, extended the principle a step further than the former law, and allowed for loss by leakage up to the time when the spirits had actually reached a market. Then followed the act of March 3, 1864, which returned to the principle of the act of 1862, and provided for a tax of $60 cents per gallon on all spirits that might be distilled and sold or distilled and removed for consumption or sale prior to the 1st day of the next July, and under this law the tax was imposed only on the spirits inspected out of the bonded warehouse when removed for sale or consumption.

"The act of June 30, 1864, increased the tax to $1.50 per gallon, but made no change in the law as to allowances for evaporation and leakage; nor did the act of July 13, 1866, make any alteration of the law in this respect.

"Under these laws the tax was collected only on the quantity of spirits withdrawn from the warehouse, as is shown by the official circulars and instructions issued from the office of the Commissioner. In a circular dated February 1, 1866, relating to bonded warehouse accounts, the collectors were directed to take credit 'for leakage and loss of spirits in transport, and which stand in the warehouse;' and in the same document it was provided that 'all actual loss of spirits or coal-oil from leakage while in bonded warehouse will be allowed upon the proper certificate of the inspector;' and again, in the regulations of August 29, 1867, collectors were authorized to allow for leakage, when it did not 'exceed 1 per cent. per month for each month the merchandise has been in store.' Any loss in excess of that amount was to be allowed by the Commissioner himself instead of the collector.

"This was the state of the law and the practice under it until July 20, 1868, when Congress passed an act the fourth section of which declared that distilled spirits, spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this act, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance, and that the tax should attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately or at some subsequent time transferred into any other substance, either in the process of original production or by any subsequent process (15 Statutes, page 126).

"The latter part of the section just mentioned, declaring that the tax 'shall attach to this substance as soon as it is in existence as such,' established for the first time in our legislation upon this subject a rule which makes a great discrimination against distilled spirits as to the manner of assessing internal-revenue taxes, and subjects the manufacturers of that article to the evil of which they now complain. According to the letter of this law, the tax attaches to the alcohol as it exists in the mash while in the fermenting-tubs, and before it has been separated from the other substances by the process of distillation; and in accordance with this interpretation the distiller is now in many instances actually required to pay tax upon the spirits which ought to have been produced from the mash, although the entire fermented matter may have been lost or destroyed by accident, and without fraud or negligence upon his part. This injustice is accomplished by assessing him as for a deficiency in not having produced 80 per cent. of the surveyed capacity of his distillery as established by law.

"As already intimated, this rule, which makes the tax attach to the article as soon as it has an existence, and without reference to its sale or consumption or removal for sale or consumption, is exceptional in our legislation, and applies only to distilled spirits. In the case of tobacco and snuff, articles upon which many millions of dollars are annually collected, the law provides for the collection of a tax only upon the quantities 'manufactured and sold or removed for consumption and sale,' and the manufacturer is permitted to retain them in his own possession, without the payment of tax, for as long a time as his interests or fancy may dictate. The law is the same with regard to fermented liquors, cigars, medicines, or preparations, perfumery, cosmetics, matches, wax-tapers, playing cards, &c. 'Manufactured and sold,' or 'made and sold, or removed for consumption or sale,' is the language of the law in all cases except distilled spirits; so that, with this single exception, the uniform and settled policy of the Government is to levy and collect internal-revenue taxes only upon manufactured articles which actually enter into consumption in this country, or are removed for consumption or sale in this country.

"During the present session, Congress, by the almost unanimous vote of both Houses, has reaffirmed this just policy by the passage of a bill allowing for loss by leakage while spirits are being transported to the port of shipment for exportation. The question of taxation upon exports could not affect the principle of that bill in the least, for the obvious reason that spirits actually lost by leakage or otherwise, and for which the allowance is to be made, can not be exported. It can only be vindicated upon the general ground that the citizen ought not to be compelled to pay an excise tax upon an article which can neither be sold nor consumed. This is undoubtedly the true policy, and is in strict accordance with the principles which underlie every just system of taxation; for upon no other theory or plan can the public burdens be properly distributed among those who ought rightfully to bear them. To tax the citizen upon a particular manufactured article simply because he has manufactured it, when, without fault or negligence of his, he can neither sell nor consume it, is to compel him to contribute more than his just proportion toward the support of the Government. When, however, the tax is collected upon the article sold or consumed, every one who purchases, or in any way uses it, necessarily pays his share of the duty.

"But the existing system, erroneous as it is in principle, has not even the merit of being uniform in its operation upon all classes of distillers. Notwithstanding the positive declaration of the act of July 20, 1868, that the tax shall attach to the spirits or alcohol as soon as it exists, there is another section of the law which, by construction, exempts a large class of distillers from the payment of a tax upon the whole product of the grain used in their establishments, and secures to them in every case an absolute allowance of from 3 to 5 per cent. upon the entire quantity of spirits manufactured. These distillers complete the manufacture of their spirits and prepare it for market by the process of continuous distillation; that is, they not only distill but also rectify, purify, or refine the spirits.

"The ordinary distillers of high wines, rye, wheat, bourbon, and other grain-flavored spirits are required by the law, as already stated, to convey the product of the still directly to the receiving cistern, from which it is drawn off by the gauger, in the presence of the storekeeper, into casks or packages, and immediately marked, branded, and gauged for taxation, without any allowance whatever for waste or absorption; but the continuous distiller is permitted to conduct the spirits produced by him from the still to the tub or cistern, and thence to the rectifying, purifying, or refining apparatus; and after it has been subjected to that additional process it is for the first time marked, branded, and gauged for taxation.

"From the time it leaves the still until it is gauged, after rectification and purification, there is a waste of from 3 to 5 per cent., or from one and a quarter to two gallons, in each package of forty gallons. This gives to the continuous distiller a great advantage over others who manufacture only high wines, rye, wheat, or bourbon spirits, because when the latter pay a tax upon one hundred gallons as it comes from the still he pays only upon ninety-five, or at the most ninety-seven, gallons; and, besides, he has so refined and purified his article that it is ready to go on the market for immediate sale and consumption.

"The bill reported will place all distillers upon precisely the same footing in this respect, by requiring all alike to pay the tax only upon the quantity sold or removed for consumption or sale, whether it be refined and prepared for the market by the mechanical process just mentioned or otherwise.

"It is a fact worthy of serious consideration in this connection, as tending to show the gross injustice resulting to domestic distillers, rectifiers, and dealers from the operation of the present law, that foreign traders may now purchase untaxed spirits in this country, or receive a drawback if the tax has been paid, with allowances for leakage between the warehouse and port of shipment, export it to a European or other port, keep it as many years as may be desirable to give it age and value, and then reimport it, have it gauged at the customs ware-

house, and pay a tax of 90 cents per gallon upon the actual contents of each package. In this way the foreign dealer receives the benefit of the whole amount of evaporation and leakage, is exempt from the payment of interest upon the tax, and finally places the spirits, greatly increased in value by age, upon the American market in competition with the domestic distiller and dealer, who have been compelled to pay a tax upon the original quantity contained in the packages, and interest upon that tax besides. The whole cost of exporting the article to Liverpool and reimporting it into this country will not exceed the interest which the home producer or owner is compelled to pay on the tax, so that the foreign parties actually secure by the operation a clear advantage of from seven and a half to ten gallons on each package of forty gallons.

"This proceeding is authorized by section 2500 of the Revised Statutes, which provides that upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal revenue has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles. Under this statute and the decisions of the Treasury Department upon the subject large quantities of domestic distilled spirits have already been sent from this country to Liverpool and to the Bermudas and other places, and, after remaining there in bond for a sufficient length of time to become purified and refined by age, have returned to our ports and paid the internal-revenue tax, with a full allowance for evaporation, leakage, and other loss."

The bill lately passed by the House does not increase the maximum allowances in any case, but merely extends the period for which they may be made from three years to eight years, and provides that after that time no allowance or deduction shall be made. The spirits are to be regauged as provided by the existing law, and if it shall be found that there has been a loss without the fault or negligence of the distiller or owner the tax is to be collected only on the quantity of distilled spirits contained in the cask or package at the time of the withdrawal; but in no case can the allowance exceed the quantity named in the bill, even though there may have been, in fact, a loss of double that quantity.

On the other hand, if it shall be ascertained by the regauge that less than the quantity mentioned in the bill has been lost, the allowance can be made only for the actual deficiency. Each package must be regauged and its contents accounted for separately, so that it is impossible under any circumstances for the owner or distiller to secure an allowance for more than is actually lost; while it may often happen, and in fact does often happen in the practical administration of the law, that he is compelled to pay the tax on spirits wholly lost by leakage and evaporation. For instance, if a number of packages have remained in the warehouses for two years and when regauged it is ascertained that one of them has lost two gallons, another three gallons, and another ten gallons, making an actual loss of fifteen in all, yet the distiller or owner will, under the bill, receive an allowance of only ten and one-half gallons. That is, he will be allowed only the actual loss on the first two packages, and the maximum quantity, five and a half gallons, allowed by the bill on the third one.

It will be seen, therefore, that the question of average losses by leakage or evaporation does not enter into the consideration of this subject at all. There are no average allowances; the distiller or dealer who has five thousand packages in the warehouse is in this respect in precisely the same situation as the distiller or dealer who has only one package. Each separate package will be allowed for its own loss of contents, unless it exceeds the quantity prescribed by the bill for the time it has been in the warehouse; and if it should exceed that quantity the owner must pay the tax on the excess without regard to the fact that some other package has lost less than the maximum allowance.

In this connection it is proper to call attention to section 3293 of the Revised Statutes, as amended by the act of March 5, 1879, under which the Commissioner of Internal Revenue has the right at any time when he believes that there has been an excessive loss of distilled spirits from any cask or package to require the immediate withdrawal of such spirits from the warehouse and the payment of the tax upon the original quantity entered. So much of the section as relates to this subject is as follows:

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section 3221 of the Revised Statutes of the United States, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, together with the interest accrued thereon, if any, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax and interest are not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected."

The preamble and resolution referred to the committee recites a letter written by the Commissioner of Internal Revenue to a member of the House of Representatives, in response to an inquiry made by the member touching the bill we have been considering, and the resolution itself calls upon the Secretary of the Treasury to report to the House his views on the subject-matter of the letter, and the conduct of the head of the Internal Revenue Bureau, "as to what improper influences, if any, were brought to bias his judgment in writing the same." In the opinion of the committee the passage of such a resolution would be a most unwarrantable imputation upon the conduct of an officer against whom no charge is made, either in the resolution itself or elsewhere, so far as the committee is advised.

The Commissioner is an impeachable officer, and if there is reason to believe that he has, in this or any other case, been improperly influenced to give his official indorsement to a measure pending before Congress, it is the duty of every one who possesses knowledge of the fact, or who has reasonable ground to believe that he has been so influenced, to prefer charges against him at once, in order that a proper investigation may be made. To call upon one officer of the Government to make an *ex parte* statement to the House concerning the motives of another is not only without precedent, but without excuse, in the opinion of the committee.

It appears from the letter of the Commissioner, incorporated in the preamble of the resolution, that it was written in response to an inquiry made by a member of the House, and the committee fails to discover, either in its contents or in the circumstances under which it was written, anything whatever conducing to show that improper influences or means had been used to procure it. In the absence of any reason to suspect the motives or conduct of the Commissioner in relation to this measure, it would be grossly unjust to give the sanction of the House to such a resolution as the one under consideration, even if it conformed to the regular course of proceeding in cases of alleged official malfeasance.

The committee considers it a matter of simple justice to the Commissioner of Internal Revenue to say that he did not at any time while the bill was pending make any communication or suggestion in relation to it, except when called upon to do so by the committee or its members, and that in every instance the alterations and additions suggested by him and adopted by the committee were made in the interest of the Government. He was consulted in his official capacity alone, the object of the committee being to secure his advice and co-operation in the preparation of a bill which would not in any manner impair the security of the Government for the collection of the tax, and at the same time afford what was believed to be a proper means of relief to the tax-payers.

The committee therefore reports the resolution back to the House with the recommendation that it be not adopted.

No. 2.

WESTERN EXPORT ASSOCIATION.

RIVERTON, ILL., *October* 1, 1883.

GENTLEMEN: The undersigned, president of the Western Export Association, a body embracing every distiller in the Northern States, would respectfully represent to you that common cause has been made with the Kentucky Distillers' Association, and which has the active co-operation of all the distillers of the Southern States, in asking of Congress the passage of a bill extending the bonded period on whisky now in bond for two years.

You will remember this bill passed the United States Senate at the last session, but never came to a vote in the House, and was consequently lost for want of action.

The passage of this measure was strongly urged by the Commissioner of Internal Revenue, by the National Board of Trade, by the boards of trade in the principal cities throughout the Union, and by bankers and business men generally in the States in which this interest is largely represented.

The amount of whisky in bond is so great that it is impossible to get it into consumption in the time specified by law, and unless Congress grants relief many firms will be ruined, and widespread disaster will be the consequence.

It is of no use to inquire into the causes which have occasioned this overproduction. We have booms and panics in this country, one as senseless as the other, and it was during one of these booms that this overproduction took place. The whisky States have not made a third of a crop the past season, and the Western States have but little in bond. We are preventing an overproduction for the future, but what is done can not be remedied.

Were it any other article of merchandise we would simply wait until there was a market for it, but in this case when the time is up the tax must be paid and the goods forced out whether there is a demand for them or not.

It is not a question of temperance, for as long as the Government collects $80,000,000 from this article, the manufacturers of it are entitled to consideration, besides which the Government will be a large gainer by the transaction. Experience has proven that the evaporation in three years in the process of aging amounts to 7½ gallons to the barrel, which is the limit allowed by law. From this it is safe to estimate the evaporation in the two subsequent years, for which there is no allowance made, at four gallons to the barrel, which at 90 cents tax would make $3.60 on every barrel, and as there are one and one-half million barrels in bond, the gain to the Government can easily be computed.

The demand last year was 75,000,000 gallons of spirits, and whether these goods are forced out or not, a sufficient quantity of goods will always be on hand to supply the market. The Western States can produce twice as many goods as can be sold, and the Government will receive its full amount of revenue.

Yours, respectfully, H. B. MILLER.

No. 3.

[*Taken from the Cincinnati Commercial-Gazette of December* 26, 1883.]

THE BONDED SPIRITS.

The spirit of the opposition in Eastern journals to the extension of the time of bonded domestic spirits indicates that this country is so great that journalists in the East can not become informed on its great business interests, or that the journalist of the seaboard stands with his back to the interior and West. The narrow view and the plentiful lack of information on this important manufacture and leading source of revenue are in strange contrast with the customary ascriptions to the modern means for the spread of intelligence, and to the increase of knowledge thereby.

The tone of opposition is as if the distillers were trying to rob the Government; as if they were brazenly asking the Government to lend them an amount of money equal to the taxes; as if they were asking the Government to "carry them," in the banking sense; as if they had conspired to manufacture spirits greatly in excess of the consumption, in order to put it in bond; as if the banks were in collusion with them in this conspiracy of overproduction against the public welfare, and were asking the Government to extend the bonded time in order to relieve them from just penalty for their evil doings.

To common intelligence and common sense the mere statement of these arguments shows their absurdity; but the above is no overstatement of the arguments used by Eastern journals which assume to be competent to guide public opinion in all affairs of state. And some Western journals follow them as sheep the bell-wether. To keep imported goods in bond without payment of duties until such a time as the importer shall desire to withdraw them for consumption is thought all right, as in fact it is. Yet the importer has not the liability of being compelled to import in excess by having a great manufactory on his hands which can not stop without great loss. In general he has no reason for importing in excess of consumption, save speculation.

Besides, our finance system intends to discourage rather than encourage imports, as injurious to domestic industry. The manufacturers of spirits ask no more than would be equitable in relation to imports. Imported goods are ready for consumption. The better kinds of spirits, such as are used for drink, require age to fit them for use. This is part of the process of manufacture. To give the owners equity with importers the limit of bonding time should be calculated from the time when the spirits are fit for consumption.

What they ask is consonant with the maxim of scientific taxation; that taxes on consumption should be laid as near as possible to the stage of consumption, because in the end the consumer has to pay for all the additional cost in putting on the taxes in the earlier stages. The Government, for its own convenience, lays on this tax at the manufactory. This is a variation from the maxim, and is solely for the convenience of the Government in collecting, and is not to make the tax higher to the consumer. But because it departs from the true rule it need not add other demands to make the tax still more onerous.

The Government keeps this maxim in the taxes on imports by letting them be stored in bond without payment of duties until withdrawn for consumption. The rate of the tax on spirits is enormous. It is as much as 300 or 400 per cent. on the cost. He who makes a barrel of forty gallons of sprits, costing eight or ten dollars, must pay to the Government $36 before he is allowed to put it into the market to start it on its way to the consumers, from whom in minute portions this tax is to come back. This puts on the manufacturer a great financial burden in addition to all the capital required to carry on the manufacture.

A little reckoning will give an idea of the vast amount of capital which is thus tied up. To tie it up for years is surely no gain to the Government and no benefit to general business. To reduce this locking up of capital to the lowest practicable amount and time is for the general welfare.

To answer the accusation of overproduction seems an indignity to the human mind, yet the accusation is ringing round the land, and is seriously made by journals and statesmen who have contempt for the unintelligent.

The common report is of overproduction in all lines of domestic manufactures—iron, woolen, cotton, wood, leather, and so on; but overproduction is not charged against these as an offense or a conspiracy. People see that great establishments can not be run closely on the hand-to-mouth rule, keeping on the ragged edge of consumption. The public regard the overproducers as a meritorious class. At times importations also are greatly overdone; but although this is thought evil to home industry, no warfare is made on the importers.

These zealous assailants are not intelligent in the nature of the distilling business. It requires a large investment of capital in the plant; the use of large capital in the purchase of grain and other stock; a large capital in the purchase of cattle and hogs for feeding; it enters into contracts ahead for the purchase or the feeding of cattle and hogs; it employs a large working force of men and animals; it has coopering and other industries connected with it, with all the advance buying of stock for them; its works deteriorate rapidly by stopping the use.

The business has to use banking credit, all of which has to be liquidated when production ceases. It can not suspend without great loss. Because of its various connections with animals and contracts it may be forced to run for a long time when the manufacture of spirits is at a loss. Like all other well-founded manufactures, it keeps running in adverse times, looking for better, in order to keep its men employed and save its property from decay. Thus in this, as in other manufactures, overproduction is a claim to the public favor, instead of a cause for Government hostility.

To compel the distillers to take out of bond a quantity of spirits which would break down the market in order to pay the tax is not a temperance measure, yet the prohibition feeling enters blindly into this opposition to extending the bonded period. But the bitterest and blindest opposition comes from journals which think themselves liberal and intelligent. They would treat these manufacturers as public enemies, and would ruin them to force sixty or ninety millions more into the enormous Treasury surplus which is now generating all sorts of prodigal schemes to get rid of it.

The charge has been made that while the manufacturers have been asking an extension of the bonded period they have increased the production. In this statement they are called a ring. People must be standing on their heads when manufacturers who continue overproduction to avoid turning workmen out of employ and to prevent the decay of their property are held guilty of an offense against the public and are called a ring. But, in fact, the Secretary of the Treasury's annual report states that the production of the fiscal year ending June 30 was less than that of the previous year by 31,839,853 gallons, and than of 1881 by 43,714,842 gallons. To defend the manufacturers it is necessary to state this, which in reality is a public misfortune, as it represents a large reduction in employment of labor and in the market for farm products.

The extension of the bonded period is in accord with the maxim of public finance and with public policy. It is for a manufacture which in all the relations to other industries and general business, and in the conversion of crude products to higher values, has the same elements of public wealth as all other manufactures. Never was the opposition to a measure of public finance so devoid of intelligence and reason.

S. R. R.

Mr. BLOUNT. Mr. Chairman, I did not, as a member of the Committee on Ways and Means, see fit to make a minority report on this bill. Knowing that reports are too often cast aside without examination by members, I preferred to state my objections on the floor of the House.

We are asked to extend the time for the payment of tax on 70,000,000 gallons of whisky—to give an extension in addition to the three years allowed under the present law. The sum of money involved amounts to $66,000,000. In the beginning of this system of taxation the rule was adopted of collecting the tax on this article when it was put upon the market for consumption. The frauds connected with the "whisky ring" brought the Government to a different policy, and a limit of one year was fixed. In 1878 the period of three years was adopted as the law of the land. The result of that legislation was predicted shortly afterward by the Commissioner of Internal Revenue, in his report of November 24, 1880. There had been an increase of 5,000,000 gallons in 1879 as compared with 1878. There would probably be an increase of 13,000,000 gallons in 1880 over 1879. Even so early as that the Commissioner of Internal Revenue said:

The steady increase in the number and capacity of distilleries in operation suggests the probability of the continued enlargement of the stock on hand. It has occurred to me that this business was on the eve of being overdone, and that in the event of a recurrence of the agitation for a reduction of the tax the holders of these spirits will be in danger of loss.

Such was the warning of the Commissioner of Internal Revenue at that period. Let us see how timely that warning was and how well it would have been if it had been heeded. What was the condition of the whisky in the country at that time? Let me read a statement of the quantity of spirits in warehouses at the beginning of the fiscal year 1879, with the quantity produced, &c.

| | Gallons. | Gallons. |
|---|---|---|
| Quantity of spirits actually in warehouses beginning of fiscal year | | 14,088,773 |
| Quantity of spirits produced during fiscal year | | 71,892,621 |
| Total | | 85,981,394 |
| Quantity of spirits withdrawn, tax-paid, during fiscal year | 51,885,939 | |
| Quantity of spirits withdrawn for exportation during fiscal year | 14,837,581 | |
| Quantity of spirits withdrawn for scientific purposes, for use of the United States, for transfer to manufacturing warehouse, destroyed by fire, allowed for loss by leakage in warehouses, &c | 45,404 | |
| Total | | 66,768,924 |
| Quantity of spirits remaining in warehouses at end of fiscal year | | 19,212,470 |

It thus appears that at the end of that fiscal year there remained in the bonded warehouses, in round numbers, only 19,000,000 gallons. Under the operation of the three years' extension there remained in the bonded warehouses at the end of the next year 31,000,000 gallons. In 1881 the quantity remaining in bond had increased to 64,000,000 gallons; in 1882, 87,000,000 gallons; and in 1883 there remained in bonded warehouses 80,000,000 gallons.

How well did the Commissioner of Internal Revenue foresee what would take place. There was an increase of production, an increase beyond the wants of the trade. There was a depreciation in price; there was an excess of production beyond what the public would consume. This is not a strange condition.

This is not peculiar to gentlemen who have invested their capital in the manufacture of whisky. Time and again, sir, but for the homestead laws of my State, thousands of men would have been deprived of all they had. Often have we seen merchants, by excessive and imprudent sales, involve themselves in bankruptcy and ruin. Frequently have we found the people of this country engaged in the manufacture and production of goods far beyond the public demand, and when they manufactured more than they could sell, when the supply was greater than the demand, of course, in obedience to well-known laws, there was depreciation of price and consequent serious loss to the manufacturers. Millions of dollars invested heedlessly in new railroad enterprises throughout this country have wrecked the fortunes of men who have been led indiscreetly to invest their capital in them.

Mr. EATON. Let me ask the gentleman a question.

Mr. BLOUNT. Certainly.

Mr. EATON. Suppose an amendment were offered to this bill compelling the payment in advance, say quarterly or semi-annually, of the tax, would not that tend to prevent the accumulation of whisky in bond?

Mr. BLOUNT. I have no doubt that is true.

Mr. EATON. Such an amendment will be offered at the proper time.

Mr. BLOUNT. I have a great deal to say, and if, within the limited time I have under the rule, I can get to that amendment before I take my seat, I will take pleasure in discussing it.

I was saying, Mr. Chairman, that it is nothing strange or peculiar that men who have invested their capital recklessly and beyond the demand of the market in anything should come to suffer loss and be subjected to a great many embarrassments.

Mr. NICHOLLS. Will my colleague allow me to ask him a question?

Mr. BLOUNT. I should prefer to continue my remarks, but will yield to my colleague if he desires it.

Mr. NICHOLLS. My colleague is at this time considering the subject of overtrading and overproduction. Let me ask him whether it is not true that every man should be allowed to manufacture his corn and his fruit into anything he may wish without being compelled to pay a tax upon it.

Mr. BLOUNT. Well, that may be all true, Mr. Chairman; I am now merely addressing myself in answer to the appeals for sympathy which have been put forward in behalf of the passage of this bill, and showing that this is not at all an exception to the general rule. It is the same old story we have had in almost every age and in almost every country, that money will take wings and fly away. Sir, I once heard a distinguished statesman say that most men failed in life; and when I witness the misfortunes of the gentlemen who have invested their capital in this enterprise I extend to them sympathy, as I do to every person in distress in every place and in every calling. But I propose to discuss this bill as a matter of principle and public policy.

Gentlemen say that the Government does not need this tax. Now, Mr. Chairman, if the Government does not need this tax for public purposes it is not right to collect it. Your tariff is too high and should be reduced. You have no right to continue it and to lend the money to anybody. You collect twenty-odd million of dollars from the poor men who are toiling on their farms raising tobacco, and you propose to continue that tax from which you collect a sum only one-third of what it is proposed you shall now lend to men engaged in the manufacture of liquor. You continue to collect that tax when you do not need it and lend it to somebody else who is in distress.

Mr. CLAY. Will the gentleman permit me to interrupt him?

Mr. BLOUNT. I prefer not.

Mr. THOMPSON. I hope my colleague will not insist on interrupting the gentleman from Georgia, whose statement I consider to be a very unfair one.

Mr. BLOUNT. So far as the criticism of the gentleman from Kentucky is concerned, I will say that I am presenting my views on this question without reference to any person.

Mr. THOMPSON. I think the gentleman should be fair enough to state to the House that the tax on tobacco is not collected until it goes into consumption.

Mr. BLOUNT. If the gentleman will not be in too much haste and allow me to proceed with my argument in my own way I will state at the proper time exactly how that tax is collected.

Mr. HARDEMAN. I suggest to my colleague to call attention also to the fact that the cotton tax of $3 per bale was collected before it left the gin-house, and before it was sold and entered into consumption.

Mr. BLOUNT. It is said, Mr. Chairman, that the distillers of whisky have paid enormous sums which have gone toward the prosecution of the war and in payment of pensioners of the Government, and therefore they are persons who are entitled to some consideration. Yes; that

tax has been paid, but it is a well-known fact, admitted by every one, that it is a tax paid by the people who consume the article and not by those who manufacture it. The gentleman from Illinois [Mr. MORRISON], chairman of the Committee on Ways and Means, himself admitted this fact in his argument yesterday. I presume there is no gentleman here who will controvert it.

The advantage of this provision of allowing liquors to go into bonded warehouses for three years has had its most happy result to the large distillers. The great body of the smaller distilleries have disappeared, or rather there has been a great restraint upon the part of small manufacturers, men with small capital, and the business has necessarily drifted into the very hands of the people who are now here asking for this relief—the men of capital.

The gentleman from Pennsylvania [Mr. BROWN] asked the gentleman from Kentucky [Mr. WILLIS] if the distillers themselves desired the continuation of this tax. Mr. Chairman, I think it quite evident, after what I have stated as to the restraints upon the small distillers and the large additions to the distillation on the part of the large distillers and in connection with the vast sums of money they have invested in the business, that if these things are to be regarded at all, if men are to be considered as standing by their own interests in business matters, I think there can be no difficulty in coming to the conclusion that they do not want the tax repealed. I was not surprised when the gentleman from Kentucky stated that this bill was a question between the men who wanted to restrain the manufacture of liquor and those who wanted to give unlimited distillation. It is an easy thing for the gentleman from Kentucky to range himself on the side of virtue in this proposition, claiming it will result in restraining distillation. Seven-tenths of the whisky now owned by the men who are now knocking at the doors of this Congress for relief is bourbon whisky; 53,000,000 gallons of that whisky comes from the Kentucky districts——

Mr. WILLIS. Does not the gentleman from Georgia know that not one-tenth of that whisky is owned in Kentucky?

Mr. BLOUNT. I do not know it.

Mr. WILLIS. The gentleman, as a member of the Committee on Ways and Means, ought to know that fact.

Mr. RANDALL. Who does own it?

Mr. BLOUNT. I say, sir, there is here presented a proposition to give an extension on 70,000,000 gallons, and 52,000,000 of that product is in Kentucky, while forty-five millions of the sixty-three millions to be loaned goes to the extension of time on whisky in Kentucky warehouses. And this being true, it does not befit the gentleman from Kentucky to take the position he has taken here. I say, Mr. Chairman, with this vast amount of whisky in the State of Kentucky, it does not befit the gentleman under such circumstances to declare that those who are disagreeing to this bonded extension are in favor of the unlimited distillation of liquor. Even by the gentleman's own statement more whisky is now in the country than can be consumed in four years, even under his virtuous process. They are four years ahead in the matter of manufacture.

Mr. WILLIS. No, only two years.

Mr. BLOUNT. Two years ahead in their manufacture, the gentleman corrects me.

Now, if this is true, the gentleman is mistaken in his temperance movement. There were only 19,000,000 gallons in the bonded warehouses when that act went into operation, when this legislation was adopted, and when they were not required to pay interest upon their capital, the act which allowed liquor to remain in bond for three years. It stimulated production. The Commissioner of Internal Revenue so states, and the gentleman from Kentucky himself must admit. Therefore, on the ground of the temperance interest, the gentleman had better change his position.

I stated a few moments ago that I regarded this in the light of a proposition to lend to these gentlemen the sum of $66,000,000 for two years. I do not believe that this measure, which they are pleased to call one of public policy, is going to remedy the evil of which they complain. In 1879 they made 71,000,000 gallons; in 1880, 90,000,000 gallons; in 1881, 117,000,000 gallons; in 1882, 105,000,000 gallons; and in 1883, 74,000,000 gallons—more than the country required. And yet they were at the last Congress asking for relief, although they were making that same year more than the country could consume. Sir, the extension in my judgment will not accomplish any good results. The effect will be to aggravate the evil.

But, Mr. Chairman, the gentlemen complain that whisky has been treated badly, in legislation exceptionally so; that it stands on a worse footing than beer, on a worse footing than tobacco, on a worse footing than the importers of foreign goods. I think I can show to this House with their patient attention that whisky has, in the legislation of this country, been granted a privilege over every one of these products.

Now, sir, let us look first at tobacco. They tell you the tax on tobacco is paid when it is put upon the market. Very well; that is undisputed. But let us have some more facts about it. Let us see the situation. Most of the tobacco is under contract and sold before it is manufactured. In less than three months the whole crop is manufactured and sold. I state this as a general proposition and gentlemen from the tobacco districts will doubtless verify my statement, and if they do not the report of the Commissioner of Internal Revenue shows that annually there is paid into the Treasury the tax on the manufactured tobacco. The gentleman from Virginia behind me [Mr. GEORGE D. WISE] declares it to be a fact. Then, Mr. Chairman, what indulgence is there to the manufacturer? Every year his tax is paid just as soon as the Government has occasion to use it. Where then, practically, is the privilege extended to the manufacturer of tobacco?

The gentleman from Kentucky [Mr. WILLIS] declared that the beer tax is paid when the article is put upon the market. Why, Mr. Chairman, what I have said as to the manufacturers of tobacco is true as to the manufacturers of beer. The tax is paid on the product within less than twelve months.

Mr. CLAY. Will the gentleman yield to me for a moment?

Mr. BLOUNT. Yes, sir.

Mr. CLAY. I ask the gentleman if the tax on manufactured tobacco and the tax on beer is not paid when the article enters into consumption and not until then? If that be a fact and whisky pays a tax before it enters into consumption, is not whisky the only article that is required to pay the tax before going into consumption?

Mr. BLOUNT. Mr. Chairman, I am dealing not with technicalities but with facts. I am dealing with facts which people have to battle with. I am dealing with facts which legislators should not conceal from their own eyes. And I say, as a matter of fact, there goes into the coffers of the Government all the tax to which manufacturers on tobacco are liable within six months after manufacture. I say, as a matter of fact, there goes into the coffers of the Federal Government within six months, or at least within twelve months, all the tax within any one year to which beer is liable.

Now, Mr. Chairman, let us see about customs. Gentlemen complain that they are not put upon an equal footing with the importers of foreign goods. Now bear in mind the fact that they have these $70,000,000, and that they have had it or will have it for three years without interest. And then let us look at the facts in connection with your customs. The duties on customs amount to from $230,000,000 to $240,000,000. I do not undertake to be precisely accurate. How much is there in the Federal warehouses? On January 1, 1883, of that immense sum, forty-three millions. And you find right away a withdrawal during the month of $10,000,000.

Going along down, you find the amount reduced to twenty-two millions, and then again gradually rising until on September 1, 1883, it has reached thirty-five millions. You will find, sir, that there is all the while going on a withdrawal while the goods are in the warehouse. They do not remain there. They are constantly being withdrawn. But even if they did, there is no period in which gentlemen can show there is one-sixth of the tax due on foreign goods withheld by reason of the permit to remain in the bonded warehouse. The great bulk of them is immediately withdrawn or withdrawn in a very short period.

I have before me from the Chief of the Bureau of Statistics a compilation in which we find the following:

Imported merchandise remaining in warehouses July 31, August 31, and September 30, 1883.

The value in dollars, July 31, was forty millions; on August 31 it had changed to thirty-five millions; in September, to thirty millions. And if you will examine the articles included in it, you will find the largest sums to be in fruits, clothing, and iron.

I submit to the good sense of this House that when gentlemen say that the importer of foreign goods at the expiration of three years has the privilege of re-exporting and getting an additional six years, I submit whether or not it would not be the wildest folly for any man to import goods and do business on the idea of allowing his iron, his fruits, or his cotton and woolen goods to lie six years while fruits were decaying and the styles in goods were changing. It is absurd to suppose any such thing. The business of this country is not done in that way.

I desire to call attention to the following statement of the laws in relation to customs:

Act August 30, 1842, section 12 (5 Statutes, 561): Duties to be paid in cash. On failure to pay goods to be placed in public stores and sold after sixty days by Government.

Act August 6, 1846, section 1 (9 Statutes, 53), amends former act of 1842 by allowing goods to be entered and placed in bonded warehouses. If remaining beyond one year in warehouse without payment of duties to be sold by Government.

Act March 3, 1849, section 5 (9 Statutes, 399), modifies former law by allowing goods to remain in warehouse an additional year for withdrawal for exportation (*i. e.*, two years from date of importation).

Act March 28, 1854, section 4 (10 Statutes, 270), allows goods to remain in warehouse three years either for consumption or exportation.

Act March 14, 1866, sections 1 and 2 (14 Statutes, 8), allows goods in bond to remain in warehouse three years for consumption or exportation, but if withdrawn for consumption after one year from date of importation they shall pay an additional duty of 10 per cent. on the duties originally assessed.

This last is reproduced in sections 2970 and 2971, Revised Statutes, and is the present law.

Act August 5, 1861, section 5 (12 Statutes, 293), provides that goods must be withdrawn from warehouse within three months for consumption and within three years for exportation, with proviso that they may be withdrawn for consumption after three months and before expiration of two years on payment of duties and 25 per cent. thereof additional.

Act July 14, 1862, section 21 (12 Statutes, 559), provides that goods must be withdrawn for consumption within one year and within three years for exportation.

When the provision in reference to exportation was inserted in that

legislation for what purpose was it done? In 1846, when there was the beginning of a liberal policy toward the importers, it was urged upon Congress that American merchants should have the privilege of bringing in foreign goods not for sale in American markets but with the view of making up mixed cargoes for exportation. It was alleged as a reason for and as an illustration of that policy that at that very time there was at Liverpool over two hundred millions in value of foreign goods brought in not for consumption but for re-exportation, brought in with a view to making up cargoes for re-exportation. It was not in the interest of any one in distress, but in the interest of a great public policy. As I understand it, the gentleman's proposition is not in the interest of any public policy except that general one, that general welfare which covers everything and which will relieve them from present distress. The gentleman, therefore, on the matter of exportation can furnish no reason to this House.

I have stated the principle upon which it was done as to foreign goods. Now, it is not the purpose of these gentlemen to export this whisky; they declare that they ask this relief because it is a case of pecuniary distress to themselves in the present emergency.

But let us look further. Goods imported may remain in the bonded warehouse without paying any charge for one year. Then they may remain two years more by the payment of 10 per cent. on the value of the goods. If the goods remain there twenty-four hours over the twelve months, this 10 per cent. must be paid. But in this case those interested in this legislation have already had or will have their liquors in bonded warehouses for three years without the payment of a nickel in the way of interest. Does the importer have any advantage in that respect? Let me read from the report of the Commissioner of Internal Revenue, who seems to think that these gentlemen have had a very especial advantage:

The causes which, in addition to the improvement of the times, have led to this great increase in the production of distilled spirits are the amendments of the internal-revenue laws, which have secured—

Have secured what?

First, the increase in the bonded period from one year to three years.

That is identical with the privilege accorded to the importer in bringing in foreign goods.

Second, the allowance for loss by leakage while in the warehouse.

This is an advantage which the distiller has over the importer.

Third, the relief from the payment of interest on tax while in bonded warehouse.

For two years out of the three which the importer can leave his goods in the bonded warehouse he must pay 10 per cent. of the value of the duty on the goods. The distiller of whisky is not required under the present law to pay one nickel of interest, as I have said, while his goods remain in the bonded warehouse.

Fourth. The allowance of leakage of spirits while in transportation for export or to manufacturers' warehouse.

I say that these are peculiar advantages to the distiller, when compared with the privileges allowed to the importer of foreign goods. Then as a matter of fact where is the peculiar hardship on the distiller? If at the end of three years the importer shall not pay his tax his goods are confiscated by the Government and sold.

It is said that the importer has the privilege of exportation. What does that amount to? For the fiscal year ending June 30, 1882, the value of imported goods amounted to $716,000,000 and the amount re-exported was only $17,000,000, and that proportion is pretty generally preserved. When an importer brings his goods into this country and finds there is a bad market here for them, in all probability the same will be the case in other parts of the world, and he must accept his misfortune and bear his loss.

Therefore it seems to me that the allegation here made that the legislation of this country has been hostile toward this people will not bear examination. They have an advantage over the manufacturers of tobacco in fact; perhaps, though, not in the mere terms of the law. In fact, the distiller of whisky has an advantage over the producer of beer, for the beer manufacturer wants no indulgence and the amount of his tax goes at once into the Treasury. It is true the form of the statute may give it to him, but the fact remains that he is not asking for indulgence.

These distillers have had an advantage up to this time in that they have had their whisky in bond for three years without paying interest on the tax. They have an advantage in that the great bulk of the whisky in the country has been held in bond and the Government has been kept out of the tax on it. They are not entitled to the privilege of exportation, because, as I have said, that privilege was intended as a great commercial policy.

This bill is not asking for the indefinite extension of the bonded period. It is not placed upon the great, broad, economic principle that the tax shall be paid when the goods are withdrawn from bond and put upon the market. It is urged here that there is an overproduction, that these parties who have had three years' time are now in distress, that they owe $66,000,000 or will do so in a short time, and if they are forced to pay it financial distress and embarrassment will be produced; they therefore want to be allowed two years more; that the Government shall loan them this $66,000,000 for two years more at 4½ per cent.

Who loans the poor toiling man in the tobacco-field in his time of distress money at 4½ per cent.? And why should he be compelled to pay taxes to the Government in order that the money may be used in this way? Why should there be taken from his hard earnings money to be used for any such purpose as this?

But the great difficulty lies in another direction. The owners of this whisky are threatening to export it. At one time we are told that they can not export it, because the banks will not allow them to do so. At another time it is noised all about us that they will export it, and the Government will lose the tax. I know that generally they have the power to export it and that the Government can not get the tax if they see fit to avoid it by exportation. They are protected by the Constitution of the United States in that.

But I know further that there is a growing disposition to repeal all the internal taxes. While I do not concur in that entirely, yet I understand that the time is not far distant when we will be in a condition to repeal those taxes, and leading men all over the country are now advocating it. In 1887 the last of these taxes on distilled spirits will become due. We will then be liable to the same condition of things and will have the same cry here.

We have no guarantee from the form of this bill that the demand will not be again repeated. Capital is ever ready to help itself by aid of legislation if it can get it. In the mean time the amount of this tax may perhaps reach from one hundred to two hundred millions of dollars. If it shall be the case that the internal taxes are abolished, you will then be asked to grant a rebate of this tax then due.

It will be said, "You have turned loose everybody else to engage in the business of distillation; you have allowed everybody else to manufacture whisky, and this tax is absolutely confiscation to us." The argument will come in a form that will address itself to the sense of justice of everybody, and you will be compelled to regard it. With what propriety can we allow this fund to be realized and accumulated, and then in the course of a few years cancel the obligation of these bonds? For one, sir, I can not consent to any such measure. Able newspaper writers, persuasive orators, may carry the mind of this House away from the simple truths that should govern our conduct on this occasion; but the people will calmly and soberly consider the facts, and will indignantly condemn our action if we should adopt this measure.

I yield the remainder of my time to my colleague [Mr. REESE].

Mr. REESE addressed the committee. [See Appendix.]

Mr. COX, of New York, addressed the committee. [See Appendix.]

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a resolution providing for the printing of 6,000 extra copies of the report of the Committee on Foreign Relations of the Senate upon the necessity for such legislation as shall protect our interests against those governments which have prohibited or restricted the importation of meats from the United States. Also, that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 1027) for the relief of James H. Woodard; and

A bill (S. 1407) to authorize the issuing of a register to John S. McQuinn and J. Warren Wonson for the schooner Druid.

### MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PRUDEN, one of his secretaries, announcing that he had, March 20, 1884, approved and signed a bill (H. R. 1292) for the relief of Louisa Boddy.

### TAX ON DISTILLED SPIRITS.

The Committee of the Whole resumed its session.

Mr. BROADHEAD. Mr. Chairman, here is a large interest in my district which is deeply concerned in the passage of this bill, and I am glad to have the opportunity of saying a few words in its favor. I have listened to the arguments on the other side, particularly to the speech of the gentleman from Georgia, and I fail to see that the passage of this bill will contravene any system of public policy or be in any manner injurious to any of the interests of this country.

I have heard the objection of the gentleman that the persons now interested and anxious for the passage of this bill received timely warning from the Secretary of the Treasury and from other public men that they were manufacturing too much of the article and that there would be a surplus of production. The argument to be derived from that statement is that these men acted unwisely, and because these gentlemen acted unwisely, because they failed to obey the suggestion of the Secretary of the Treasury or other wise statesmen who made the suggestions, that therefore they are not entitled to relief. That is all there is of it. For my own part, sir, I am compelled to say that I see no force whatever in that argument.

The gentleman seems to admit that the Government has no need for the money which will be derived from the payment of the tax upon this surplus production of spirits.

Mr. BLAND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. There is so much confusion in the Hall that it is impossible to hear the speaker who is now addressing the committee, and I am surprised that he can hear himself. [Laughter.]

The CHAIRMAN. The committee will be in order.

Mr. BROADHEAD. I shall be very brief in my remarks. The gentleman seemed to admit, as I have stated, that the Government has no need for the money which will arise from the payment of the tax upon this surplus production, and he says emphatically that if the Government has no need for it it has no right to collect it. I would like to ask the gentleman if he will vote for a proposition, if it shall be introduced in this House to-day, to abolish the tax upon this surplus production of spirits and let it come free from the bonded warehouses? Is that what the gentleman means?

If he says we have no right to collect the tax, then he should be in favor of passing a law to prevent its collection. But we know that the tax is existing upon this commodity. We know that in three years from the time it is deposited in the bonded warehouses it must be removed and the tax paid, and that it can not be removed until the tax is paid.

Now, what is the condition of affairs? We have, it is stated, a surplus of $140,000,000 in the Treasury. That much money is withdrawn from the circulation of the country. That amount fails to enter into the business of the country. It is an amount which is bearing no interest and yielding no good to the Government or to anybody else. Independent of this amount of one hundred and forty millions of surplus revenue it is proposed to force upon the market, not 70,000,000 of gallons, as the gentleman says, but 45,000,000 of gallons, according to the report of the Commissioner of Internal Revenue, upon which the tax is to be paid. In other words, it is proposed to add to this surplus of one hundred and forty millions which is derived from other sources of revenue as well as distilled spirits, and which is in part the revenue derived from distilled spirits already consumed or in process of consumption, the revenue which would be derived from the 45,000,000 of gallons of spirits, which would amount to something over $40,000,000. It is proposed, I say, to add this amount to the already existing surplus. This amount, for it is evidently a business matter, is in the Treasury now and bears no interest. It is, as I have said, yielding nothing to any one; and yet it is proposed to add to this already great surplus the revenue to be derived from 45,000,000 of gallons of spirits which are to be forced upon the market in excess of the demands of the country.

I submit to the gentleman if this proposition in any aspect in which you may view it is a wise financial policy to pursue by any statesman who looks to the interest of the country. Let me ask, why should this vast amount of money be drawn from the business of the country simply to be placed in the vaults of the Treasury and yielding nothing to any one? Why increase the surplus in the Government vaults by withdrawing from the business interests of the country the amount derived from the tax on distilled spirits? I say simply as a question of financial policy there is no reason in it, there is no wisdom in it.

But as a question of justice. The gentleman says that this is class legislation. Prior to 1868, we have been told, the tax was not collectible on distilled spirits until they were actually removed from the bonded warehouse. In other words, it was purely upon the consumption that the tax was levied, and the distiller was not bound to pay the tax until he was ready to sell the commodity for purposes of consumption. But that law, as you are all aware, has been changed; and now he has only three years, which is the limit within which the spirits may remain in the bonded warehouse free of tax, instead of the advantage previously granted him under the old law. This is a peculiar restriction upon his business, for prior to the date I have mentioned he was not required to pay the tax until the spirits went into consumption; but now he is required to do so at the expiration of the period named.

There is another point into the discussion of which I need not enter because it was so fully elucidated by the chairman of the Committee on Ways and Means—that this legislation is an exceptional legislation; that it applies to the liquor interest and that alone; that it does not apply to any other article on which internal-revenue taxes are collected; that it is class legislation. If this is class legislation, the whole legislation in regard to the whisky interest is class legislation. And do we do more than was done in 1878 by extending the period two years instead of three from the time the whisky is required to be taken out of the bonded warehouse? Nothing more. Class legislation is just the other way, as the gentleman from Connecticut [Mr. EATON] suggests to me. The persons engaged in this traffic we must look upon as entitled to the same rights, as entitled to the same consideration, as having a right to be governed by the same laws as any other citizens in the community. Whatever we may think about the traffic, it is a legitimate traffic; and no statesman has the right to distinguish, nor is it wise he should distinguish, between those engaged in that traffic and those engaged in any other traffic. We are not here as moralists to determine whether abstractly it is right to sell spirits and be engaged in the traffic. Not at all. Those engaged in the traffic are entitled to the same privileges as any other citizen. And I say here and now if there were any other interest subject to the payment of taxes in the United States which occupied the same position as the whisky interest does to-day I would be in favor of giving it that relief and protection from an impending calamity which this bill proposes.

That is all there is in it; and it is a protection which injures no one, which does not take money out of one man's pocket to put into the pocket of another man. It is a protection which does not injure the Government. It is strictly in accordance with law. And if we look upon these men and treat them as entitled to the same consideration as any other citizens in the community, then it is a protection which they are entitled to as well as any others.

The Commissioner of Internal Revenue tells us there are forty-five millions of gallons which will have to be taken out of the bonded warehouses. And that is to be thrown upon the market in addition to the production by the distilleries already in existence. It is unnecessary for me to say the effect of this will be to reduce the price of the article and to create distress, falling on those who have it on hand and those who have advanced money upon it. Then so far as they are concerned it is simply a question of justice and fairness and right. I can not conceive how any man, unless he has something against these distillers which I have not heard, unless he has some other argument which addresses itself to considerations of public policy which I have not heard, can claim that this bill should not pass.

The Government has it in its power to crush these men. They say so. The argument derived from the facts reported to us by the Commissioner of Internal Revenue proves that fact. And it is simply a question as to whether the Government, having it in its power to destroy this interest or to preserve it, will by simply withholding its hand, by doing that which injures no one, by doing that which contravenes no question of public policy—whether it will preserve or whether it will destroy. That is the question. It is a question of fairness and of justice, and so far as it can be looked at in a financial point of view a question of wisdom. I am aware that there is a spirit abroad in this land, not in this House, but there is a spirit abroad in this land which, because it may dislike a particular individual or class of individuals or abhor a practice in which they are engaged, however legitimate that may be under the Constitution and the laws, would for that reason, and that reason alone, crush them out of existence. I trust that there is no such spirit here. I trust that we will approach this question in a spirit of fairness and justice, and I am confident if that is the case this bill will be passed and these men will be relieved, because it is simply a question of relief.

I yield to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. What time does the gentleman from Missouri [Mr. BROADHEAD] have to yield?

The CHAIRMAN. Twenty-four minutes.

Mr. BELFORD. Ten minutes will be enough for me.

I desire to say, and I think every gentleman will avouch the correctness of my statement, that during the years I have been in this House I have never engaged in filibustering on any question, whether the Democrats had the majority or the Republicans. I voted for the consideration of this bill because I regard it as a bill of vital importance, and I was justified in voting for it on account of the reasons which I desire the opportunity to state.

My Democratic friends, and especially my sweet friend from New York who has made a partisan speech on the tariff, have proceeded on the principle of playing one way to-day and another way to-morrow. They cut down the appropriations on the naval bill $8,000,000. They cut down the appropriations on the next bill $4,000,000. And all this economy has come from the State of Pennsylvania and the State of New York. And I desire the country to know in the coming Presidential campaign that the Democratic party has been cheese-paring and peanutting on this question of finances. And now we are asked to put into the Treasury seventy million additional dollars in order that it may be kept there and in order that it may be kept out of the hands of the laboring people of this country. And if you can not summon a number of members sufficient to pass this bill I want the country to know that you lacked courage to do it. I for one, standing on this side of the Chamber, announce my purpose to vote for the bill, and I announce it upon these grounds:

First, the great banks of this country have invested millions of dollars in this whisky business, and if we drive this whisky out of the bonded warehouses we are going to have a panic. Any man who has sense enough to pound glass into a rat-hole ought to comprehend that proposition. That is reason number one.

I know that this whisky business is unpopular. But temperance, while I respect it, was defined by the old Roman to be *in medio via tutissimus ibis*—the middle way is the safe way. Temperance does not mean prohibition; it does not mean crankism. If you are going to adopt a temperance law in this House let me suggest one to you. It is to provide that any man who sells you adulterated wine or adulterated liquor should be sent to the penitentiary for life. [Laughter.] People have drunk liquor from the time of Noah, and they will drink it until the coming of the millennium. Christ himself manufactured wine, and what He could do we ought not to be ashamed of.

I say that in the great and vital conflict of this Republic, when we were struggling for the salvation of this nation, the men owning liquors paid over $100,000,000 of taxation year after year to the Government. I asked my friend from Kentucky [Mr. WILLIS] whether he had a tabulated statement showing the amount that had been paid by this interest in the form of taxes to the Government. I say to you that if you

will go to the Treasury Department and ask there how much this interest contributed to the support of our arms and to the salvation of our Republic you will find that what I have said is absolutely true.

But independent of that, let me tell you why we should pass this bill. I will reiterate it, as Cato did in the Roman senate. [Laughter.] Do not laugh yet; you will think differently when I get through. I will reiterate it as Cato did in the Roman senate when he said that Carthage should be destroyed. I will vote for this bill in order to keep $70,000,000 out of the Treasury, idle and unemployed, and in my judgment to be used for the purpose of producing distress and poverty among the people of this country. I am for the people, and against capitalists and monopolists. I do not care whether I float on one wave or another, so that I can aid them in securing bread and butter.

I do not propose that this administration, with the support of the Republican party or the support of the Democratic party, shall hoard up in vaults and keep idle and unused millions on millions of dollars, the amount constantly increasing, while that which belongs to the people is constantly diminishing and their means of earning an honest living is being impaired.

I care nothing about the opprobrium that may be attached to this bill. I am in favor of reducing the tax on whisky and tobacco because I am a high-tariff protectionist. I know that if we do not do so we will have to repeal the tariff. Standing upon the tariff, I am in favor of this bill or any other that will protect and benefit the great industries of the people of this country.

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. BELFORD. Certainly.

Mr. BRUMM. Is the gentleman in favor of relieving altogether the distillers of the tax on the whisky now in bond?

Mr. BELFORD. No; I am in favor of keeping that amount of tax out of the Treasury for the present.

Mr. BRUMM. If the gentleman is not in favor of that, then I ask him if this bill will not actually pay more money into the Treasury by requiring 4½ per cent. interest for two years upon the amount of the tax?

Mr. BELFORD. No; not at all. If I have two years in which to pay a note I do not see how the bank is going to get any money out of me before I pay it.

Mr. BRUMM. But you impose by this bill an additional tax of 4½ per cent. for the two years.

Mr. BELFORD. You must recognize one fact, and you can not escape it: We have now $150,000,000 of surplus revenue in the Treasury that is absolutely idle, and you propose if you do not pass this bill to add $70,000,000 more to it.

A MEMBER. Not that much.

Mr. BELFORD. I asked the chairman of the Committee on Ways and Means [Mr. MORRISON] whether the amount of tax on the whisky now in bond would not amount to $70,000,000, and he said it was certainly $50,000,000, and probably more. You Greenbackers ought never to vote against a bill that will keep that amount of surplus revenue out of the Treasury when you know from absolutely ascertained facts that it will be kept there idle all the time.

I am fighting for this bill on principle. I want to see that Treasury unload itself. I do not want to collect from the people taxes on whisky and tobacco if they are to be kept in the Treasury. Let them pay the debt that this nation owes. There are $260,000,000 of callable outstanding debt. Why does not the Secretary of the Treasury call in those bonds and pay them? Who can answer that question?

I care nothing about the fact that he is a Republican. I want his defenders on the floor of this House to tell me and to tell you why he keeps that money there and pays 3 per cent. on these bonds, when he has $150,000,000 with which to pay them and the effort is being made to put $70,000,000 more into the Treasury, so that it can be hoarded in the vaults of that great building. If that is republicanism I wash my hands of it.

Mr. HERBERT. Mr. Chairman, in discussing this bill I shall endeavor to be perfectly fair toward the interest which is seeking relief here at the hands of Congress. I shall treat those who are engaged in the production of whisky just exactly as I would treat the producers of any other manufactured article.

I oppose this bill not on temperance grounds, for I think that question has fairly nothing to do with the subject. I oppose it because in my opinion it has heretofore had all the special legislation it is entitled to. It has been before us time and again. It has had relief time and again, and I now feel morally certain that if we grant the relief this time we will be called upon hereafter to grant the same or some other and further relief.

In other words, I believe that if we shall pass this bill we will demonstrate that the Congress of the United States is unable to resist any demands that the whisky interest may press pertinaciously and unitedly upon us. I want this Congress to meet the question, and I want to be able to defeat this bill by a square vote, so that those who are interested in the manufacture of whisky and those who deal in and buy that article shall at last understand that the time has come when they, just as all other people of this country, must abide by the law, and that they can expect no further special legislation for their benefit. I think it is high time we should teach them that lesson.

Notwithstanding I feel thus, if I believed there was danger of a panic such as the advocates of the measure represent would follow the failure to pass this bill, if I believed that some great financial calamity would follow the defeat of the measure, I would vote for it. But, Mr. Chairman, whenever that interest has come before this Congress demanding relief, it has come just as it does now, telling us it was absolutely essential that special relief to it should be granted unless we were willing that some great calamity should overtake the country.

There are gentlemen around me now, members of the Forty-seventh Congress, who heard, and I venture to say that no one who heard it has forgotten, the eloquent, impassioned appeal made on this floor in behalf of a similar measure about one year ago by the distinguished statesman who is now at the head of the great Commonwealth of Kentucky. The present governor of that State, Hon. J. Proctor Knott, appealed to us at that time most feelingly to take up the bill, then pending, extending the time for the payment of taxes on whisky. He predicted, as did everybody else who was here urging the bill, that if relief was not granted a panic was just upon us. It floated through these corridors, it was heard on this floor——

Mr. WILLIS. The gentleman will allow me to say that immediately after the failure of that measure half a dozen of the most prominent firms in my own city went into bankruptcy. Similar failures occurred in Cincinnati and in New York, one of the establishments being the great firm of Ives, Beecher & Co.

Mr. HERBERT. The gentleman has only confirmed my position. The fulfillment of Mr. Knott's prediction, as this eloquent gentleman [Mr. WILLIS] now states when he rises to interrupt me, was the failure among the 50,000,000 of people in this country of only half a dozen firms he can specify.

Mr. WILLIS. I said that in my city there were half a dozen.

Mr. HERBERT. The prediction of Mr. Knott was that we were to have a panic; that the interests of the whisky manufacturers and the whisky owners were so intimately connected with the interests of everybody else, with all the business interests of the country, that a general financial panic would result at once from a failure to relieve them. But twelve months have passed, the whisky tax falling due in that time has been paid, and we have no panic yet.

Let us go back a little and look into the history of legislation on this subject, that we may gather some lessons from the laws which have been passed and the reasons which induced them.

Up to 1868 whisky paid taxes only when it was entered for consumption, and it is contended that this was the only proper plan. Under that plan there occurred at Chicago and Saint Louis and in other portions of the country those frauds which caused the cheek of every true patriot and lover of republican government to turn pale with apprehension for the future of the Government. The result was a change in the law. By the act of 1868 whisky was compelled to pay taxes within one year after it was produced. So the law remained until 1878, when, on the 28th of March, an act was passed at the behest of persons in this interest extending the period for the payment of taxes on whisky in bond to three years. That law was not only prospective, applying to whisky thereafter produced, but it was retroactive, applying to all whisky which had been produced within the previous year, and upon the whisky produced within the previous year a tax of 5 per cent. per annum was assessed. Afterward this interest tax was, in the interest of the whisky men, repealed, if I understand the matter correctly.

The gentleman from Kentucky [Mr. WILLIS] said to-day that most of or all of that interest tax had been paid before the repeal of the law. In this I think he must have been mistaken. If the tax had been paid, what was the reason for the repeal of the law?

Mr. THOMPSON. I think my friend from Alabama does not understand exactly the provision of that law.

Mr. HERBERT. I will yield for a correction.

Mr. THOMPSON. The law of 1878, which increased the bonded period from one to three years on whisky in bond at that time as well as on the future product, required 5 per cent. interest to be paid on the deferred tax. During the year 1878 the total amount collected as interest under this 5 per cent. provision was something over $74,000—nearly $75,000. The estimate was that it would produce after that time about $150,000 a year. But in 1880, when Congress undertook in a large measure to remodel the revenue system by what is known as the "Carlisle bill," removing the 10-cent stamp tax, the exporters' tax, and sundry other minor taxes which produced but little revenue and were annoying both to the Department and to the distillers, the 5 per cent. interest clause was repealed, because the amount of revenue produced by it was too insignificant to justify its continuance.

Mr. HERBERT. The gentleman has simply gone into details and cited the exact law which verifies my statement. I said that law was repealed while some taxes were still due under it. He says it was repealed in 1880. The law gave three years on all whisky made within one year before the 28th of March, 1878. There must then, as a matter of course, have been some whisky on which the interest tax was due at the time of the repeal of this act in 1880.

Mr. THOMPSON rose.

Mr. HERBERT. I am sure I am correct, and I hope the gentleman will not interrupt me.

I wish to show what results followed the passage of the law of 1878.

I maintain that the consequence of granting the relief asked for in this bill will be to encourage overproduction of whisky in the future. That is exactly what the passage of such acts in the past have resulted in; this I can demonstrate beyond any doubt. Here I hold the testimony offered in behalf of this bill before the Ways and Means Committee. On page 3 of that printed testimony it appears that in April, 1879, shortly after the extension of the bonded period, the amount of whisky produced in the United States was 250,585 gallons. That amount continued to increase. It went gradually along until in three years after the passage of that act the production had run up from 250,000 gallons in April, 1879, until it reached, in January, 1881, 3,724,776 gallons, and in February 4,028,774 gallons, and in March to 4,991,913. That is the gradual increase which followed the granting of the relief in 1878, and that relief was asked for, like this, because it was said to be necessary because it was believed to be absolutely essential to prevent great financial distress.

Then, in the fall of 1882, when the Forty-seventh Congress began, this House was flooded with bills asking a similar but further relief, asking absolute, indefinite extension; in other words, that distillers might keep whisky in bond till they got ready to put it on the market and pay taxes. Those bills went to the Ways and Means Committee of that Congress. A bill granting indefinite extension was reported back to this House, and under suspension of the rules, on the 3d day of April, 1882, it was passed.

What were the reasons given at that time? In the report it is said:

> Besides, the information received by the committee conduces to show that there is at this time an urgent necessity for the extension of the time during which spirits may remain in bond, as a measure of relief to distillers and dealers who have large stocks on hand.

Further on the report says:

> Unless the time shall be extended, the tax of 90 cents per gallon must be paid to the Government on these spirits whether there is a sale of the article or not, and there are reasonable grounds to believe that in many cases the immediate exaction of such large amounts of money from the owners of unsold goods would result in their financial ruin, while in all cases it would be a very great hardship.

Below I have marked another paragraph in a letter sent to the committee and published with this report where Mr. Green B. Raum, Commissioner of Internal Revenue, predicted that great financial distress would follow the failure to pass that bill just as we have the same thing predicted on this floor to-day. He said:

> It seems to me unreasonable to suppose that these spirits can all be removed for consumption within the time now required by law. If the manufacturers and owners are required to pay the taxes within three years, I would expect to see such a decline in prices as would seriously embarrass many strong firms, probably cause many failures, and unfavorably affect other branches of business without any beneficial results to the Government.

Mr. WILLIS. Will the gentleman yield to me?

Mr. HERBERT. I will for a question, but not for a speech.

Mr. WILLIS. I only desire to ask the gentleman if he knows in reference to this threat of bankruptcy—whether he, as a member of the Committee on Ways and Means, knows that for the year ending the 31st of December, 1882, there was only a million and a half due, and that for the year ending December 31, 1883, there were only fifteen millions due, and that for the present year there were thirty-eight millions? We saw the storm coming, and endeavored to get Congress then to provide against that storm.

Mr. HERBERT. Let me answer the gentleman. He says we saw, that is the distillers whom he represents at that time saw, the storm coming, and demanded the bill then pending. In January, February, and March while the bill was before the committee, and in April, 1882, when the bill passed, he says they saw the storm coming.

Mr. WILLIS. Does not the gentleman know this whisky was then produced and in bond? They knew it was there and would come out month after month as the three years expired.

Mr. HERBERT. I have given the production of whisky at that precise time, and the point I make is that while the distillers were asking for relief, that at the very time they came before the Committee on Ways and Means with their application, and exactly when they caused this report to be made, they were adding to the overproduction. The table presented to the present Committee of Ways and Means, showing the amounts of whisky produced for the months of January, February, March, and April, shows that the distillers were then gradually but rapidly increasing the amount of their production. Here it is: In December, 1881, they produced 5,230,083 gallons; in January, 1882, 5,046,892 gallons; and in February, 1882, 5,317,673 gallons. The gentleman says they saw the storm coming.

If the storm has come, they invited it. If they are in peril, if they are embarrassed, as some of them I know are, they are responsible, just as other business men in this country are responsible for their situation.

Now, that bill passed through this House. It went to the Senate and there it was delayed a long time. In the next session it was taken up, and when that bill was finally brought back to the House it was defeated, because the House, having learned more about it from the discussions in the Senate, refused to give it consideration. It was never taken from the Speaker's table. Then it was, and not until then, that the production of whisky began to fall off. Just so long as it seemed to the producers of this article that Congress would grant them whatever measure of relief they asked, just so long did they continue to manufacture it. They never stopped their production until they began to see that they could not command Congress at will. Then production began to fall off. Now they come again with the same appeal. They ask you to extend this relief. Why do they want it?

Why the gentleman from Kentucky [Mr. WILLIS] himself, in arguing this question, has indicated that the distillers wish to start again such distilleries as have closed. His argument is that a great deal of corn will thereby find a market. How? By beginning operations again in distilleries that are now idle. But why do this if there is already enough whisky on hand to answer the purposes of consumption, as they say, for two years? That is a plain business question. The whisky producers themselves admit, by their own arguments here when they say that the passage of this bill will furnish a market for corn, that now, when whisky is, as they themselves complain, a drug on the market, they will again begin operations if they get this act passed and add to that surplus already on the market.

I think, sir, that I have demonstrated my first proposition, but I ought to read some figures in order to do so. I hold in my hand a letter from the Commissioner of Internal Revenue on this subject. I asked him to give me the amount of whisky—bourbon and rye—produced in the last few years, and before I get through I will show you that this is the especial interest here claiming relief. I asked him to give me the figures showing the amounts produced of these two classes of whisky. The amount gradually runs down, as this table shows, from about 43,000,000 entered into bond during the year 1882 to 3,038,000 for the first half of the present fiscal year; and the whole amount of whiskies of that class in bond on the 1st day of January, 1884, is simply 64,000,000 gallons.

I do not believe, Mr. Chairman, that there is danger of any great financial disturbance to follow from the refusal to pass this bill. We may possibly be on the eve of a period of great commercial distress. But if it is to come it will not be the result of failing to give the whisky interest all the legislation it wants. I know, sir, that gentlemen who draw these dark pictures are very honest in their opinions. I know nearly every one of them; they are my personal friends. But I am satisfied that in their minds they aggravate the situation. How easy is it to do that. Telegrams came to them here day after day; newspapers, filled with articles drawing dark pictures of distress, come to them day after day; letters making urgent appeals come to them by every mail, and as a matter of course they feel deeply upon the subject. They are filled with the zeal of the advocate who pleads the cause of a client. It is an easy matter for a great interest like the whisky people to get into a panic. I feel perfectly certain that they themselves in their own minds exaggerate the situation.

If we would see the actual extent of the interest really involved here let us separate bourbon and rye whiskies and the other class known as high wines and cheap whiskies. The latter class, as everybody knows, does not require to be in bond to mature. Whiskies of that class are produced from time to time according to the demands of the market. There is no sort of necessity for keeping them in large stock on hand. There is but one reason why distillers of these whiskies are asking the passage of this bill. That is, that if the bourbon and rye whiskies are forced upon the market at a low price they will come into competition with their product and thus curtail the volume of their business in the future.

But the producers of the bourbon and rye whiskies stand upon a different footing. They say it is necessary their whiskies should lie in bond for some two or three years before they are fit for use; that they have to anticipate the market, and that, anticipating a better demand and a more profitable market than they have to-day, they overproduced. That is their case, I think, as fairly as it can be stated by its advocates themselves.

Now, then, is there any reason why these distillers should have any preference over the ordinary tax-payer? Most of us here represent other interests. Why is it that the producer of whisky should have any relief, any special legislation for him, that can not reach the producer of wheat or the producer of pork or the grower of cotton? The gentleman from Missouri who has spoken on this bill [Mr. BROADHEAD] said, as I understood him, that the law singled out the producers of whisky and imposed a large tax upon their product, and therefore he contends that the distiller, instead of standing before us in the attitude of one asking a favor, is really only here to be relieved of an invidious distinction the law makes against him.

Now let us see. To the average tax-payer the day for the payment of taxes comes like death. And, as a gentleman near me suggests, like death it is unwelcome. It is inevitable; he can not avoid it. He did not take it upon himself, but the law put it upon him. On the other hand the producer of whisky welcomes this tax. He surveyed the ground before he commenced the business. He knew what the law was. He made his calculation. And he said to himself, "I can make this business profitable; I calculate that it will be a good investment." And upon that idea he began the business. In other words, he voluntarily assumed for the sake of gain, whether legitimate or not is not the question here, the payment of these taxes. And now he says he made a mistake, and we ought to relieve him from the consequences of that

mistake. Mr. Chairman, mistakes are made by those in every occupation. Farmers fail; merchants fail; manufacturers fail. But all must take and have heretofore taken the consequences of their own miscalculations. The whisky men are the exceptions. They heretofore have asked of Congress relief when they wanted it, and Congress heretofore, except in the last House, has granted them the relief.

If we grant that relief again under these circumstances, why do we do it? How much rye and bourbon whisky is there on hand? On the 1st day of January of this year the amount in bond was 64,000,000 of gallons. That has three years within which to pay taxes. The Commissioner of Internal Revenue, who favors the bill, in his letter on the subject says that the annual consumption of whisky, bourbon and rye whiskies, in this country is about 18,000,000 gallons. Now, three times 18,000,000 gallons, or 54,000,000, would pay taxes and be consumed during three years. The whiskies that are to pay taxes in the three coming years, the rye and bourbon whiskies, amount to 64,000,000 gallons, and the consumption, according to the estimate of Mr. Evans, would be 54,000,000; so that the surplus that oppresses these men to be distributed in these three years is simply 10,000,000 gallons for the whole United States.

And so all this cry of a panic that is to come upon the country if this relief is not granted grows out of the fact that there are 64,000,000 gallons of this rye and Bourbon whisky in bond to-day that is to pay taxes in three years, supplemented by the argument that the market is already overstocked with surplus whisky.

Mr. WHITE, of Kentucky. Will the gentleman from Alabama yield to me for a motion that the committee rise, he retaining the floor?

Mr. HERBERT. Yes, sir.

Mr. BLACKBURN. I hope that motion will not be agreed to. I trust the gentleman from Alabama will not be interrupted in his argument. The hour will expire in twenty minutes, and then is the time for the committee to rise.

Mr. HERBERT. I am out of voice, and would prefer to go on in the morning.

Mr. WHITE, of Kentucky. I move that the committee rise.

The motion was agreed to.

Mr. WHITE, of Kentucky. Will the gentleman from Alabama yield to me for a motion that the committee rise, he retaining the floor?

Mr. HERBERT. Yes, sir.

Mr. BLACKBURN. I hope that motion will not be agreed to. I trust the gentleman from Alabama will not be interrupted in his argument. The hour will expire in twenty minutes, and then is the time for the committee to rise.

Mr. HERBERT. I am out of voice, and would prefer to go on in the morning.

Mr. WHITE, of Kentucky. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the SPEAKER having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse, and had come to no resolution thereon.

### REPRINT OF TARIFF BILL.

Mr. HISCOCK. I desire to offer the resolution which I send to the desk, to which I think there will be no objection.

The Clerk read as follows:

*Resolved*, That there be printed for the use of the House 2,000 copies of House bill No. 5893, to reduce import duties and war tariff taxes, with the tables prepared, by direction of the Committee on Ways and Means, by Charles H. Evans; also 2,000 copies of report No. 792 on House bill No. 5893.

There was no objection, and the resolution was adopted.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair, if there be no objection, will lay before the House two messages from the President of the United States.

There was no objection.

### STATUE OF JAMES A. GARFIELD.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of War, of the 18th instant, submitting a letter from Col. A. F. Rockwell, of the United States Army, in charge of the public buildings and grounds, embodying an estimate in the sum of $30,000 for a pedestal for the statue of General James A. Garfield, to be erected in the city of Washington by the Society of the Army of the Cumberland, together with a letter upon the subject from General Anson G. McCook, on behalf of the Society of the Army of the Cumberland, the object in view being the procurement of an appropriation by Congress of the amount of the accompanying estimate.

I commend the subject to the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 20, 1884.

The SPEAKER. The message will be printed, and will be referred to the Committee on Appropriations.

Mr. RANDALL. I think, although I am not certain, that that properly belongs to the Committee on the Library. All matters relating to statues go to the Committee on the Library.

The SPEAKER. The message is referred to the Committee on the Library, and will be printed.

### CONSULAR SERVICE.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

*To the House of Representatives:*

In accordance with the provisions of the act making appropriations for the diplomatic and consular service for the year ending June 30, 1883, I transmit herewith a communication from the Secretary of State in relation to the consular service.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 20, 1884.

### ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD.

### RETALIATORY LEGISLATION.

The SPEAKER, in pursuance of the statute, laid before the House the following concurrent resolution of the Senate; which was read, and referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 6,000 extra copies of the report and accompanying documents of the Committee on Foreign Relations of the Senate upon the resolution of the Senate requiring said committee "to inquire into and report such legislation as shall protect our interests against those governments which have prohibited or restrained the importation of meats from the United States;" 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The motion of Mr. BLOUNT was then agreed to; and accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned.

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### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Henry P. McMillion, for pay for property taken for the use of the United States during the late war—to the Committee on War Claims.

By Mr. COSGROVE: Petition of Grange No. 211, of Cooper County, Missouri, praying that a law be passed creating the Commissioner of Agriculture a member of the Cabinet—to the Committee on Agriculture.

By Mr. CUTCHEON: Petition of D. E. McVean and others, citizens of Kalkaska, Mich., asking for the establishment of a home for disabled soldiers in the State of Michigan—to the Committee on Military Affairs.

By Mr. DUNCAN: Papers relating to the claim of Orange M. Blair, administrator of Thomas P. Blair—to the Committee on War Claims.

By Mr. EVERHART: Protest of 26 citizens of Media, Delaware County, Pennsylvania, against the passage of the international copyright bill—to the Committee on Patents.

By Mr. FERRELL: Petition of citizens of the city of Camden, N. J., asking for further legislation on the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. FINDLAY: Memorial from the fruit importers of New York, Boston, Philadelphia, and Baltimore—to the Committee on Ways and Means.

By Mr. GOFF: Petition of E. M. Atkinson and 38 others, asking for the restoration of the duties on wool, &c.—to the same committee.

By Mr. H. H. HATCH: Petition of Capt. John Wagley, Amos S. Burnett, and 248 other citizens, praying for an appropriation for the protection of the Harbor Cross Village, in Emmet County, Michigan—to the Committee on Rivers and Harbors.

By Mr. HALSELL: Papers relating to the bill for the benefit of W. H. Wheeler, of Kentucky—to the Committee on War Claims.

By Mr. HOWEY: Papers relating to the claim for relief of Salmon B. Colby—to the same committee.

By Mr. LIBBEY: Petition of citizens of Newport News, Va., in relation to a public building at that city—to the Committee on Public Buildings and Grounds.

By Mr. McCORMICK: Memorial of Capt. James B. Bazell—to the Committee on War Claims.

By Mr. S. H. MILLER: Petition of H. A. Ross Post, Grand Army of the Republic, No. 251, of New Lebanon, Mercer County, Pa., in favor of the passage of additional laws relative to pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. S. J. PEELLE: Petition of Henry McBee, A. F. Mansing, and 63 others, citizens of Wayne Township, Marion County, Ind., asking Congress to amend the homestead law so as to give soldiers and sailors of the late war land-warrants in proportion to military service—to the Committee on the Public Lands.

By Mr. RIGGS: Petition of S. B. Tovee and 49 others, asking passage of House bill 4006, to pension Capt. B. F. Slaten—to the Committee on Invalid Pensions.

By Mr. THOMAS: Petition of 116 officers of steam-vessels of the Mississippi and Ohio Rivers, praying for the passage of House bill 4991 providing for the purchase of snug-harbors for disabled officers and seamen of the American domestic merchant marine—to the Committee on Commerce.

By Mr. WILKINS: Petition of M. R. Trace, J. A. Moorhead, and 47 others, citizens of Ohio, relative to the restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. WOOD: Two resolutions of Grand Army of the Republic, Post 102, Kentland, Ind., praying for bounties, pensions, and land-warrants—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of soldiers, asking Congress to act on the bills in their behalf without delay—to the same committee.

## SENATE.

### FRIDAY, *March* 21, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

NAMING OF A PRESIDING OFFICER.

The PRESIDENT *pro tempore*. The Chair expects to be absent for two or three days of next week, and asks unanimous consent that the Senator from Ohio [Mr. SHERMAN] perform the duties of the Chair during Monday, Tuesday, and Wednesday next. Is there objection? The Chair hears no objection, and it is so ordered.

ADJOURNMENT TO MONDAY.

On motion of Mr. DAWES, it was

*Ordered*, That when the Senate adjourns to-day it be to meet on Monday next.

PEDESTAL OF GARFIELD STATUE.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed, as follows:

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of War, of the 18th instant, submitting a letter from Col. A. F. Rockwell, United States Army, in charge of public buildings and grounds, embodying an estimate in the sum of $30,000 for a pedestal for the statue of General James A. Garfield, to be erected in the city of Washington by the Society of the Army of the Cumberland, together with a letter upon the subject from General Anson G. McCook, on behalf of the Society of the Army of the Cumberland, the object in view being the procurement of an appropriation by Congress of the amount of the accompanying estimate.

I commend the subject to the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 20, 1884.

CONSULAR SERVICE.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, and referred to the Committee on Appropriations, and ordered to be printed, as follows:

*To the Senate:*

In accordance with the provisions of the act making appropriations for the diplomatic and consular service for the year ending June 30, 1883, I transmit herewith a communication from the Secretary of State in relation to the consular service.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 20, 1884.

(The documents referred to herein have been transmitted to the House of Representatives.)

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of the Chief of Engineers, submitting reports from Maj. W. H. H. Benyaurd of the results of an examination and survey of certain portions of the Illinois, La Salle, and Sangamon Rivers, in the State of Illinois, made to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, submitting a preliminary report of the Commissioner of the General Land Office concerning the roll of the Cherokee Indians east of the Mississippi River, in accordance with a resolution of the 13th instant; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN. I present the petition of a large number of citizens of Minnesota, praying for such a change in the laws in regard to the public lands that all *bona fide* purchasers from the original locators may be protected in their titles in cases where the receipts have been issued to the original locators previous to sales by them. I present this petition in behalf of my colleague [Mr. SABIN], who is necessarily absent, and move that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. VEST presented the petition of Margaret Kimble, widow of Richard Kimble, late private Company K, Twentieth Regiment Indiana Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HARRISON presented a preamble and resolutions adopted by the Charles W. Heath Post, No. 109, Department of Indiana, Grand Army of the Republic, and resolutions adopted by the C. C. Mason Post, No. 235, Department of Indiana, Grand Army of the Republic, favoring the passage of various relief measures for the benefit of soldiers now pending before Congress; which were referred to the Committee on Pensions.

He also presented the petition of Catharine Carney, of Rossville, Clinton County, Indiana, praying for an increase of her widow's pension; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of John Simmons and other letter-carriers of Lincoln, Nebr., praying for the passage of a bill granting them thirty days' leave of absence yearly with pay; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. H. Tibbits, a citizen of Nebraska, late private Fifty-second Illinois Infantry, praying that his title to a certain tract of public land be confirmed; which was referred to the Committee on Public Lands.

Mr. CALL presented a paper to accompany the bill (S. 1002) for the relief of C. T. Jenkins; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 219) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River between its mouth and Peoria, in the State of Illinois, and to prescribe the character, location, and dimensions of the same, reported it with an amendment.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 1797) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1567) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota, reported it adversely; and the bill was postponed indefinitely.

Mr. BUTLER, from the Committee on Territories, to whom was referred the bill (S. 954) for the relief of F. Prosh and T. F. McElroy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. 956) for the relief of Pattison & Caldwell, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CULLOM (by request) introduced a bill (S. 1896) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 1897) granting a pension to James Mullen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 1898) to provide for the admission into the Union of the State of Tacoma, and for other purposes; which was read twice by its title.

Mr. PLATT. The bill relates to the admission of Washington Territory as a State. I move that it be referred to the Committee on Territories.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. FRYE submitted an amendment intended to be proposed by him to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PLATT. I think that amendments which are presented to appropriation bills ought to be placed upon our desks. Since the new rule by which only reports and bills reported from committees and placed on the Calendar are put upon our desks, we do not find before us proposed amendments to appropriation bills or to any bills which are under consideration. I think that papers of that character ought to be distributed and placed upon our desks. I do not know that any rule is necessary on that subject.

The PRESIDENT *pro tempore*. If there be no objection amendments offered to appropriation bills and printed will be distributed on the

desks of Senators. Is there objection? The Chair hears none, and it is so ordered.

SALARIES OF DISTRICT JUDGES.

Mr. HOAR. I move to take up the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, the pending question being on the amendment proposed by Mr. MORGAN to add to the bill the following proviso:

*Provided*, That this act shall apply only to judges that shall be hereafter appointed.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] is entitled to the floor on the pending amendment.

Mr. MORGAN. Mr. President, I had nearly concluded my remarks on this bill yesterday, and would not go on to-day, I believe, but for the earnest and polite invitation extended to me by the Senator from Massachusetts [Mr. HOAR], who expressed for the first time in his life a very amiable desire that I should be heard further upon the bill. I am always disposed to yield to any such request coming from that Senator, for he very rarely makes it, and I regard it as a great compliment. The Senate always loves to find the Senator from Massachusetts in a nice, good humor. It reminds one of washing-day with the scolding left out, and I always feel disposed to take a holiday when I find the Senator from Massachusetts wants me to proceed to discuss any question in the spirit of amiability which he indicated yesterday.

The question is a grave one for this body to consider. I mentioned yesterday the effect that our legislation would have upon the future of this country if we should raise this salary to $5,000 for all the judges of the district court and supplement it, as we should be compelled to do, I suppose very soon, by raising the salaries of the Territorial judges to the same amount of money.

We give to the district judges of the United States under this bill what is equivalent to an annuity for life of $5,000 per annum. The sum of money at 6 per cent. which would be necessary to raise that annuity would be $83,333.33. At the present time it is between $63,000 and $66,000. We propose to raise it $20,000 in the case of each of these judges, which is equivalent to taking out of the Treasury of the United States $20,000 and putting it at interest at 6 per cent. for the purpose of raising this additional stipend in favor of men who accepted their offices upon a very much lower basis of pay.

I referred yesterday to the advantages also of having a life estate in an office, an income upon which a person could rely during the whole period of his life. I expressed the opinion, which I still entertain and which I think is just, that an estate of that kind limited to a man for life is of very much higher value than would be an annual office of $5,000, such as a Senator or a member of the House of Representatives gets, and for which he has to take the chances of election and re-election from time to time. Therefore we are conferring upon these gentlemen a very large bounty.

I have sought to obtain from the Committee on the Judiciary some information, some state of facts, that would justify us in increasing this stipend so largely, predicated upon some additional reasons, some public service, some improvement of the public service to be gained by the money that we are thus expending. Nothing of that sort has been argued, nothing has been stated or suggested of that kind, except that Senators have essayed to say that as a matter of policy, as a matter of principle, we ought to give large salaries to our judges. Suppose that is a correct principle, I contend that the application of it in the present case is wrong. There is no necessity for it. We get nothing by the outlay. We do not improve the service merely by increasing the pay from $3,500 to $5,000 a year of those men who are now in office. We get no return for it at all. It might be a gracious thing to do; it might be a benevolent thing to do; but the question that we are to consider here is, is the public service improved by this expenditure? Does the Government of the United States gain anything by this additional expenditure which it has not already acquired? If there is a necessity in any case for the increase of salary, is there any reason why a Senator should not get up here and propound that necessity in the form of a bill, as has been done heretofore frequently, and let us vote upon the particular case and upon the particular necessity?

There is no reason why some judges who are not worth more than $3,500 a year should be boosted up into salaries of $5,000 a year because some other judges are entitled to $5,000 who are only getting $3,500. There is no logic in that statement of the proposition, and there is no justice in it.

It has been urged against the amendment which I have had the honor to propose that it would be a hard requirement upon a judge to say to him, "If you want to get the five-thousand-dollar salary you must resign your position and get a reappointment and a reconfirmation by the Senate." There is no injustice in that, for if the judge has earned a reputation upon the bench in the public service which entitles him to a reappointment he would undoubtedly get it, and he need have no false modesty or reluctance about resigning in order to get it. There is no stigma put upon him when we place before him the reward of an additional salary upon the condition that he sees proper to release his hold upon his office and let us examine his record and see whether in the particular case he is a man who deserves it or who has earned the reputation upon which we propose to reward him.

I have no disposition to strike at the Federal bench, to reduce salaries, if I had the power (and we have no power of that kind), or to put them under any new conditions that are not consistent with a sound public policy and with wisdom. All my inclinations have been the other way. During my whole life as a lawyer I have been in favor of giving to the judicial officers, both of the State and the Federal Government, ample compensation, so that they should live lives of entire independence and some degree of comfort, so that they should have an opportunity also of devoting themselves assiduously and without unnecessary interruption from poverty or other causes to the public service. I believe in the doctrine of placing the judges of the United States in a position of independence. But, sir, we have been growing in this country not alike in all parts of it. Some portions of our country have become much more important and populous than others in consequence of the fact that they have enjoyed larger commerce, larger influx of population, greater accumulations of wealth. In those regions of country it is due to the public service that we should increase the judicial salaries. Yet in a large portion of the country the work of the judiciary remains comparatively unimportant. The time of the judges is not very largely occupied in some of the districts. Some of them are small, unimportant districts in respect to the litigation that is pending in them. Why should we abandon the system under which we have put the salaries of the different judges in the more heavily populated communities at higher rates, and thereby have equalized the salary according to the labor that is to be performed, and strike out for a new one which places $5,000 as the uniform salary of the judges throughout the United States and fixes that upon us beyond the power of appeal?

I have had occasion in discussing this measure to make reference to the fact that some of the judges of the Southern States in my opinion are not men who are in every sense qualified for the high positions that they are intrusted with. That has been the misfortune of the country. It has been the inconvenience that the Government has been placed under of finding political partisans in the South who are men of competent ability to discharge the duties of these high offices. The result is that we have had to take men of inferior capacity and sometimes of very low character.

When a man through these misfortunes has been fixed upon a section of the country we find that there is no chance to get rid of him except by impeachment, and we find that that is a remedy which is entirely ineffectual, because no one would think now of putting a judge before the House of Representatives for impeachment or before the Senate for trial with any expectation of having the case determined during a session of Congress. So the remedy by impeachment upon which our fathers relied for freeing the bench of incompetent persons is a remedy which by stress of circumstances has become obsolete. It has been a number of years since any impeachment was attempted. The last one that was attempted in the House of Representatives I believe was of a judge from my own State, and there was so much difficulty and embarrassment about getting the matter attended to for want of time that he would have gone scot-free; it would have been impossible to have impeached him; and had it not been for the pressure of public opinion that enabled us to free ourselves of that judge we should not have been relieved.

The honorable Senator from Massachusetts [Mr. HOAR], in a very splendid speech that he made once in this body while conducting an impeachment against a public officer, referred to the fact that he had witnessed the pressure of public opinion driving I believe as many as three judges from the bench. They were not impeached but driven off. They could not probably have been impeached for want of time on the part of these bodies to try them.

Now you propose to increase these salaries. I say I will vote for your bill to give $5,000 salary, though I think that is a very exorbitant rate, if you will put a proviso in it that the measure shall apply *in futuro* only, and if there are any judges in the United States who wish to retain their places at $3,500 let them put their own prices upon themselves. Let them say, "I would prefer to hold this place at $3,500 rather than take the risk of going before the President of the United States and the Senate of the United States for the vindication of my record and my conduct and my character as a judge."

The Department of Justice has been pretty active during the last twelve months in the investigation of officers connected with the courts in almost all the Southern States and in some of the Northern States. About $24,000 of public money has been expended in those investigations, and the subject is still going on, not merely through the officers of the Department of Justice, but it is going on in the other House of Congress. A committee has been organized there for the purpose of investigating what? Frauds and villainies in the administration of law in the United States. The Department of Public Justice, of which of course the circuit and district courts comprise the most essential element, is arraigned now before the people of the United States upon charges connected with its administration; and what do we find? We

find developments there that would have shocked any people in the worst days of fraud in the English Government or in fact in any government in the world. We find the reports of the officers of the Department of Justice showing that subordinate officers of the judicial establishments in this country have been systematically and regularly swindling the people out of thousands and thousands of dollars and persecuting the people also, in order to get a chance to swindle the Government. Says the chief special agent of the Department in his report to the Attorney-General:

> You are aware that the fee system of compensating court officers has been found unreliable and unjust to the Government as well as to the citizen forced to appear in the United States courts. As a result of the examiners' investigations of the accounts of marshals, commissioners, and others, you were pleased to recommend to Congress in your last annual report the propriety of compensating court officers by salaries instead of fees. In the interest of the Government and the citizens it is hoped that your recommendation will be favorably acted upon, for it will be seen by reference to reports made by different examiners concerning the business of the courts in Alabama, Arkansas, Georgia, New York, Pennsylvania, and Texas that the abuses of the fee system are not confined to any district or section of country, but are, with a few notable exceptions, so prevalent and so odious that it is not to be wondered at that deputy marshals and deputy collectors of internal revenue have been shot down as if they were the enemies of the people.

The fact of their having been shot down is a fact that had escaped my attention in the portion of the country to which my attention has been particularly directed, my own State. But here is a revelation of which that is a substantial statement, a revelation of fact showing maladministration in the management of the courts in the South and in the North, in New York and Pennsylvania as well as in the Southern States, which is utterly shocking, and which, I must say, is sustained by the facts which are presented by this agent, and are also further sustained by the facts which have come out in the testimony before the committee of the House of Representatives. Now, what effect, it may be inquired, has this upon the judges? Why, sir, the very worst men in the whole South in the abuse of what is termed justice there have been the United States commissioners. In my own State the records show that there are men there who have been for years and years tolerated in office when the judges knew, for their attention was specifically called to it, not only in person, but I have called their attention and the attention of the country to it on the floor of the Senate myself—the judges knew that these commissioners were sending out drag-nets throughout the entire country to haul in innocent men, white and black, for alleged offenses against the public domain, such as cutting timber and the like, nine out of ten of whom were discharged upon a hearing. They were brought from distances varying from fifty miles to three hundred. They were incarcerated in prison without any necessity for it at all, and enormous expenses were incurred against the Government. The bills have been sent here and they have been paid, and these commissioners would so manage, having the deputy marshals circulating about distant regions of the State, as that they would sit in Montgomery day after day during almost every working day in the year, and they would demand in addition to their ordinary fees in each case $5 a day from the Government of the United States for sitting in those courts. A more gross and unjustifiable, a more cruel abuse of liberty in the name of justice was never inflicted upon a people in this world. It is stated that in the county of Covington in my State there is scarcely any who have not been called to Montgomery for the purpose of being tried by a United States commissioner upon some allegation connected with the taking of timber or the taking of wood or something of that sort from the public land.

These judges have sat there and they have known this thing to be going on. They have not removed these men; they have not indicted them; they have not rebuked them. They have encouraged them in their wrong, and that extends through various of the Southern States according to the report of the Department of Justice made to Congress.

I should like to know in the presence of these facts whether the Senate expects me to reward those judges by raising their salary from $3,500 to $5,000. The reward that I would give them, if I had the power to do it, would be to bring them to judgment before the Senate for their misbehavior in the neglect of their duties upon the bench whereby the people have been made to suffer and the Government has been swindled. I wish when the vote is taken on this bill that it shall be in contrast with these facts, and I desire to hear some Senator who proposes to support this bill to add this $1,500 a year reward to these men to rise in his place and deny what I have stated upon this subject. If he can do that successfully he can answer my argument, but he can not do it otherwise.

Here, sir, we are passing over reports of this kind that are brought to the Senate and laid upon our table, facts which ought to arouse the Senate to demand investigation and inquiry into these wrongs and outrages by the judges; and the first thing we do, instead of inquiring and instead of exposing and holding up to public scorn and contumely the men who are engaged in these things, is to reward them by increasing their salary $1,500 a year, not merely for their lives, but as long as this Government shall stand this is to be the law, for when you put it on the statute-book you can never afterward repeal it.

Mr. President, I have gone as far in this matter as I intend to go, so far as I am personally concerned. I have stated my reasons for desiring that this measure shall not apply to the bench as it exists unless they on their part shall consent to come back before this body and give us some opportunity to inquire into their character and their doings. I want investigation of this matter, and it is the only means I know of by which it can be obtained.

The district judges, the circuit judges, and the Supreme judges of the United States are the only men in the whole Government, except the Army and Navy officers, who are entirely independent of public opinion; and enough has been disclosed in the facts laid by the President before the Senate during the present session of Congress to satisfy us that we ought not to encourage and reward men who, while they are made by the law independent of public opinion, seem to have no respect for it. The safeguard of the liberties of this country depends upon the fact of the responsibility of all men in this land, as far as our Constitution will admit it, to the people of this country. If I felt that I had a life estate in the Senate I should dread, I should shudder, to think of the impression it might make on my mind of independence toward the people I represent, which would after a while culminate into antagonism, perhaps into tyranny, on my part. Here we have the judges of the district court of the United States who have no responsibility whatever to the people of the States in which they hold their courts. They do not confess to any moral responsibility, any legal responsibility, or any social responsibility to those people. Perhaps it may be one of the qualities of judgment upon the bench that a man shall be removed from responsibilities of this kind; but when that is the case and we find that the functions of office are being discharged in a way to wrong whole communities and to assist fraud and wrong against the Government instead of being a check upon it, then I am for seizing any opportunity that may come along that will enable me to lend a hand to its correction. I can not sit down idly and refuse to speak lest I might by speaking offend the delicate taste of some gentlemen and allow matters of this kind to go on without some examination.

Mr. BAYARD. Mr. President, the picture drawn by the Senator from Alabama of the oppression of the citizens of certain States is very shocking, and I am disposed to believe that it is entirely true, for he has vouched for many of these facts by the authority of the agents of the Attorney-General as stated in his last annual report.

I find by law that the power of appointment of United States commissioners is vested in the circuit courts of the United States. So it reads in section 627 of the Revised Statutes:

> Each circuit court may appoint, in different parts of the district for which it is held, so many discreet persons as it may deem necessary.

Now in the first place if this power of appointment is vested in the circuit courts, perhaps it may disarm part of the Senator's criticism upon the results of the misconduct of these commissioners that the salaries proposed to be affected by this law are not those of the judges of the circuit court.

Mr. MORGAN. The Senator from Delaware will allow me to suggest to him that the judges of the district court frequently hold the circuit court, and have the right to do it when no circuit judge is present.

Mr. BAYARD. The district judge may hold a circuit court in the absence of the circuit judge, but they do not constitute the circuit court, nor can they make the appointments now in question, nor do they. That I think my friend will agree to. I am not speaking of the circuit court powers of the district judges, but I am speaking of the powers of the circuit courts to appoint the commissioners. I believe that it is so. Section 627 provides for their appointment.

Now if it be true that the district judges have not the power nor responsibility for the appointment of the commissioners under whose authority this monstrous system of injustice and outrage upon the citizens has been conducted, then it seems to me that the objection to the district judges' salaries can scarcely be said to be applicable. If it were applied to the circuit judges, the effect of the argument might possibly be different.

But I would ask this of my friend from Alabama, how many of the district judges have the control in any way over the cases of abuse of power to which he has referred brought before them under warrants issued by the commissioners? How many does he believe to have been connected with an approval or rather with a failure to disapprove of this system of terrorization and outrage? There are fifty district judges in the United States; how many come within the Senator's view in the condemnation to which I think he has very properly given vent in this Chamber?

Mr. MORGAN. I will say that none of them have come within my personal view except as an observer of the current of events in my own State. I, however, referred to the report made by the officers of the Department of Justice as showing that this has prevailed in several of the States. They are named, and I have read them. The States of Texas, Pennsylvania, New York, Georgia, Arkansas, and Alabama have been named in this report.

Mr. BAYARD. I think therefore the number of inculpated district judges is six out of fifty. If it were a separate question or capable of being made a separate question, whether I would increase the salary of any judge of the United States who was proven to have aided, permitted, or winked at oppression, who it was proven having the power to repress or rebuke these outrages had yet consented to them, I would be not only

reluctant but absolutely unwilling to assist in any such inferential approval of his conduct. I go with the Senator from Alabama and say that there may be acts of omission as fatal, as dangerous as any of commission, that a judge who permits his court to be made the theater of oppression and outrage is just as guilty as the witness who is suborned or as the district attorney or prosecuting officer who suborns him or in any way prostitutes the powers of his office.

And, Mr. President, I am sorry to say that I also believe that the entire machinery of legislation, certainly that connected with the elections in this country, has been conceived in a partisan spirit and has been executed in a basely partisan manner. I think I am safe in standing here in the Senate and proclaiming, as I now do, that none but men of one political party have ever been indicted or called to answer at the bar of justice for violation of the United States election laws. I answer for that part of the country with which I am personally acquainted, and there I allege it to be the case. I will not speak so confidently in regard to other parts of the country with which I am not so personally acquainted; but having been a careful, interested, a vigilant observer, I state these facts here in the face of the Senate without fear of contradiction.

If this be so, certainly that judiciary that should hold the scales of justice evenly ought to be protectors of the parties defendant in those courts when they believe that the instigating cause of the prosecution has been the prejudice and heat of politics, and not the desire for public justice. All this is true. It is sadly true. It is one of the serious facts which the American people will soon be called upon to consider, together with the many others that affect their interests and welfare. But, Mr. President, I see these things, I recognize their danger, because he must be short-sighted indeed who does not see that these precedents of injustice and abuse of power will always come, like chickens, back to roost; that in the ebb and flow of political power, in its shifting sands that change from one side to the other, it may well be, and at a day not far distant, when this dangerous power of using legislative and judicial influences to persecute and punish party opponents may recoil upon those who have invented and set them in motion. But the cure undoubtedly lies in the administration. Bad administration, whether of the powers of prosecution or the powers of judgment and the conduct of cases, will alike produce utter injustice and overthrow laws which in just hands might be capable of beneficent operation. It is that broad question as to whether the great powers of the Government that were designed for the benefit and protection of all have been confined to the single use of one party's hostilities, and that party vindictiveness and not public justice has been both the object and the result of the administration of great public powers. That, sir, is a question which the history of this country in the past ten years will go far to illustrate, and which will at no distant day be submitted to the people of this country for their judgment.

But this bill does not, in my opinion, touch that important question. It is another question of broad and important public policy, as to the compensation of judicial officers who have not the control of the appointment or removal of this delinquent class—I call them delinquents, but might better style them criminals—the commissioners who prostitute their powers by issuing warrants in the wholesale, shameful, cruel, and oppressive manner which has been depicted by the Senator from Alabama. Those judges have not their pay in question. It is fifty men, whose number may from time to time be enlarged, who are intrusted with duties calling for a high degree of legal learning, personal character, and professional ability. Of these fifty but six are alleged to have condoned these offenses either by express or tacit approval, and surely it is not just to visit the supposed sins of the six upon the forty-four who are not implicated. Is it economy to the people, is the poor man and the friendless assisted by having an incompetent and unlearned judge? Is he benefited by having some weak tool of power, who is either corrupt or corruptible, to sit upon his case? No, sir. His only chance, and the great chance for the unfriended and for the weak, is the elevation of character and the ability of the court before whom he goes for trial.

I do not say that excessive salaries will procure a proportionate ability; but I do say that an insufficient salary excludes from the office the class of men whom it is the highest interest of the people should occupy the bench. My friend from Mississippi [Mr. GEORGE] read a very interesting and elaborate historical sketch of the gradual increase of judicial salaries from the earlier and simpler days of the Republic to the present time. It was well that he should have read it. It was instructive. It told of the march of luxury, of the growth of the country, the increase of the duties, and of the popular opinion of appreciation of those duties that has dictated a corresponding advance in the pay. Why, sir, until the act of 1870 was passed it was an absolute reproach and scandal to the people of this country that men were kept upon the bench and upon the Supreme Bench of the United States compelled after long and faithful service to the country, not to be measured by pecuniary salaries, but to be measured by a people's gratitude and an appreciation of those services that would endure for generations—men were kept upon the bench because no degree of frugality, no manner of life, however simple and consistent with their position, would permit them to lay by one dollar for the support of their families. When borne down by age and infirmities they were obliged still to carry their enfeebled forms upon the bench in order to receive the salary necessary to keep them from starvation. Sir, it was the conspicuous case of that great, learned, and excellent jurist and patriot Roger B. Taney that caused the Congress of the United States, with too tardy recognition after his death, to say that men who had served so long and well should be enabled to retire for a little breathing space between their labors and the grave, and not be condemned to pass their last hours in want and suffering. Sir, it is known that the children, the widowed daughters of that great man were compelled to labor for their daily bread, and to be the recipients of voluntary aid from members of the legal profession throughout this country because their father during the long years of his faithful public service never had received such a salary as would have permitted him to lay by a moderate sum that might stand between his children and the absolute poverty they were compelled to face.

There never was a more just or a wiser act passed by Congress than that law by which a man 70 years old who had served ten years on the bench should for the remnant of those days, if he chose, if ill-health or disease compelled him, be allowed to retire from labor and be supported for the short remnant of his days with propriety and comfort.

Sir, this bill may in some instances reward men who do not deserve it, but shall we for that reason withhold it from the many who do deserve it? While this bill was under discussion the other day I met a professional friend from the city of New York in whose law firm were two gentlemen who had been district judges of the United States, one in Connecticut and the other in the State of New York, and who, as he said, had borne starvation as long as they could, and had finally been compelled to resign from the district bench and go back to the ranks of the profession, where their abilities enabled them to earn many times over the present judicial salary.

So, Mr. President, I will go heart and hand with my friend from Alabama in condemning and in voting for the reformation of the evils and the outrages which he has referred to; but I do not think this amendment is the way to meet them. I do not think it would be an efficient way to meet them. I can not, therefore, support his amendment.

Sir, it is all-important for the people of this country that nothing should exist to keep the highest class of professional talent and personal character from administering the laws of this country from judicial station. It is in that view that I have voted for this general advance in salary of the judges, and not from any failure on my part to appreciate fully the wrongs, the cruelties, the maladministration which has gone on in many parts of this country and which seems to have met unfortunately so little disapproval in quarters where it ought to have been disapproved. The country in certain portions is ransacked to find some element to condemn among the disorderly classes, who will stain the good name of any community. Such disorder undoubtedly is to be condemned, but I declare it is not one-tenth part so dangerous, not one-tenth part so reprehensible, as the use of public power given for the sacred purposes of justice and perverted to individual oppression by partisan and official malignity.

Mr. GARLAND. Mr. President, there has been no bill before the Committee on the Judiciary since I have been connected with that committee which has given me as much work and as much labor and investigation as this bill. I support the bill as it came from the committee, and I will give the reasons briefly to the Senate which induce me to do so.

Very early in the session general bills were introduced and various bills to increase the salaries of the district judges in particular cases. They all went to the Committee on the Judiciary, and they were reported back by the Senator from Massachusetts [Mr. HOAR] with a list increasing the salaries of some fourteen or fifteen probably to the sum of $5,000 and several others to the sum of $4,000. That bill was scarcely reported at the Secretary's desk before there was a buzz in the Senate to know why this judge was omitted and that one and the other; and upon the request of the Senator from Indiana [Mr. HARRISON], he stating that there was some cause of complaint of this discrimination in his State, the bill was recommitted to the committee. Thereupon a number of communications were received in the way of data as to the labor of the different district judges and as to the number of days it required them to do their work; in other words, the exaction upon their time. The committee, not being able to come to any other conclusion, finally agreed to report an increase of all to $5,000. If they had stopped short of that and met simply the personal demands of Senators and other persons in reference to particular district judges the list probably would have been at least thirty-four or thirty-five. We were brought to this alternative: not to increase at all or to take the entire list.

The opponents of this measure, as I understand, are willing to vote for an increase in particular cases where the facts would warrant that increase. The committee found that at least thirty-four or thirty-five are entitled to an increase, and in view of the objection made to discriminations we became satisfied that no bill would pass unless we increased them all to $5,000. I am aware that the services of some of the district judges may not be worth that much, but there are others worth much more than this sum, and who perform duties for which a much larger sum would not compensate. So I was not willing for one to refuse to

increase the pay of these meritorious judges if we were compelled even to increase the pay in doubtful cases or in cases that we knew were not meritorious.

Now, take the State that I represent in part on this floor. We have a district judge with circuit-court powers at Fort Smith. He is occupied two hundred and ninety-two days in the year holding his court, and it is not a holiday court; it is not a fashionable court; but it meets at 8 o'clock, takes a recess for dinner, and adjourns at about 6 in the evening, in the fashion of the old school. The district judge at Little Rock has to go to Helena to hold his court at a great expense, and his court at Little Rock is held open for the same length of time as the court at Fort Smith. There are two cases where if the judges are worth $100 according to any standard by which I can compute such services they are worth $5,000. A number of cases which the Senator from Massachusetts has on his list are equally striking as the two I have instanced.

Mr. President, the theory on which salaries were fixed at the foundation of the Government, on which they were regulated many times in the past, it will not do to apply at this particular time and period for several reasons. The Senator from Oregon [Mr. DOLPH] yesterday gave one of them when he stated that the purchasing power of the $3,500 that Chief-Justice Marshall received on the Supreme Bench went further then than $10,000 goes now that the judges on the same bench receive at this day. So the salaries of $1,000 and $1,200 or of $2,000 for district judges alluded to yesterday by the Senator from Mississippi [Mr. GEORGE] in his very able speech went further in that day than three times the same salary would go now.

The analogy fails for another reason. When the district courts were organized, in the early part of the Government, they had but little business comparatively speaking The business of the country in those courts has grown enormously, and almost every conceivable question that can be imagined is before them for adjudication. The district judge that sat at Little Rock when the war came on had, I believe, about thirty-five cases, all told, upon his docket. Now the judge on that same bench has between three hundred and fifty and five hundred cases; and it is in the same ratio with the court at Fort Smith.

Both as to the purchasing power of the salary and as to the amount of labor the comparison fails utterly. The theory of fixing these salaries started on the idea that we would give the United States district judges the salaries the States gave their highest judges; but for the two reasons stated it was found that that would not do, and so a change was made.

In addition to that, it will not do to say because the poverty-stricken State of Arkansas, for instance, is only enabled to give her supreme judges, I am ashamed to say, $3,000 a year, therefore the United States, that is able to compensate its judges, should not give them more than $3,000 a year. If the argument is good, it will hold good in a respect which I wish to state now for the benefit of gentlemen. When the present government of Arkansas was organized the public officials received their pay in State scrip. I happened to be one of them then, the governor of the State of Arkansas. State scrip at that time and for four and a half months afterward was worth 22 cents on the dollar. That was all the pay we got. Now, if the argument is good that we should regulate the salaries according to what the States pay, we should follow this barometer according to the State scrip or currency, or whatever it is paid in, as it rises or goes down. The salary of the supreme judges of Arkansas cited by the Senator from Mississippi is lamentably and ridiculously low, but it is the best that the State can do. There are great exactions on the time of these judges. The State is not able to pay them better, but we are looking forward to the day when we hope we shall be able to pay them better.

The instance of the pay of a member of Congress has been cited. That is ridiculously low, and but for the retroactive effect that was given to the law raising it to $7,500 it would be that sum now.

So, Mr. President, on all the grounds of the comparison, I can not see that the theory of this bill is at all interfered with. We know that it is difficult to fix any rate, difficult to fix any standard. If you take the standard now contended for by my friend from Alabama [Mr. MORGAN], of course we see that that will not hold good. He admits we should pay more in individual cases that are meritorious. The bill first reported proposed to raise thirty-four or thirty-five of the judges in their salary, and at once objection was made to that that it did not include some who ought to be increased. It is not a contention for high or extravagant salaries, but it is simply a contention for good, substantial, reasonable, fair pay for the performance of these duties. The people will not, as I understand, quibble or quarrel about good, substantial salaries; they are willing to pay such salaries; but they want vigorous and diligent and conscientious work in return for it. This rendered, they will not and do not grudge liberal compensation.

Something has been said as to the effect of a life tenure of office. It is true that that circumstance attaches to the office of United States district judge, but there are other circumstances that attach also. Here the judge is taken from the ordinary business of men; he can not engage in speculation, he can not attach himself to corporations, because he does not know when they may come before him for adjudication. He lives to his good, ripe old age, if you please, with a family growing up around him to be fed and educated. In the case indicated yesterday by the Senator from Mississippi about pensioning special judges—that was the case of Judge Hunt—I can not believe there was anything wrong in that. That was a particular case.

Mr. GEORGE. I did not say there was anything wrong in it.

Mr. GARLAND. No; but it was specially mentioned.

Mr. GEORGE. I referred to it as one of the results of the life tenure; that was all. There was no other way of getting rid of him.

Mr. GARLAND. Exactly. He was upon the bench, he was paralyzed, unable to perform the duties of his office, he had nothing to go back on; he was gone beyond the chance of practicing his profession; he had become paralyzed in the public service; the docket was accumulating, and it was necessary something should be done for him with a view to the public business. Now, the docket of the Supreme Court stands here every year with 1,200 to 1,300 cases to be determined and passed upon by that court in some way or other, whereas in the olden times, before the war, there were hardly ever more than two hundred cases on that docket. On the 14th of April, 1861, there were but two hundred and twenty cases on the docket of the Supreme Court undisposed of.

These are the reasons, which, after careful consideration of this subject, prompted me to vote for the bill before the committee and will prompt me to vote for it here.

Mr. GEORGE. I should like to ask the Senator from Arkansas a question. He made a statement as to the purchasing power of a dollar in the early part of the century, that it was three times as great as it is now. I should like to know from the Senator what information he has on that subject which authorizes him to make such a statement, contrary to my observation and to my reading.

Mr. GARLAND. I think, as a fact, that the sum of $1,000 from 1843 to 1860 and the coming on of the war would purchase more than the sum of $3,000 in the last ten years here. I can take the bills of fare of the country, the simplest things we consume every day, and show this to be the fact. In 1849, for example, when I traveled from Bardstown, Ky., on horseback to Arkansas, I with my horse staid overnight at as good a place as a man would want to stay this side of heaven and it never cost me over 50 cents a night for me and my horse. And as the Senator from Kentucky [Mr. BECK] is near me, I should like to know where there is now a house on that road where a man and a horse could be taken care of for a night, get breakfast, and leave next morning for less than a dollar and a quarter or a dollar and a half. At that day and time the Senator from Kentucky knows well enough that as good a pint of liquor as ever cheered the fallen or depressed spirit of men could be purchased for from 5 to 10 cents, and he knows and I know that it can not be purchased now for less than 25 or 30 cents. [Laughter.]

Mr. MORGAN. If we could repeal the tax on whisky we should relieve the bench to that extent to say the least, and I have no doubt that would be a relief, and a good many of them would be very much obliged to us for cheapening whisky.

My amendment does not attack the amount of this salary; it is only intended to provide what I think the committee omitted to notice as to the persons to whom it shall apply and the conditions upon which it shall apply. I propose that it shall apply to those persons only who shall hereafter be appointed. I appreciate the difficulties of the Committee on the Judiciary in arriving at a just sum to be fixed as compensation for these judges, the embarrassments that they had when they reported back certain bills to increase the salaries of some fifteen or eighteen judges as I believe the Senator from Arkansas said, and I have not as yet undertaken to reduce the amount of $5,000 provided for in this bill.

But I rose, Mr. President, for the purpose of calling the attention of the Senate, and of the Senator from Delaware particularly who is not now in his seat, to the fact that the accounts of the different officers, the marshals, clerks, attorneys, and commissioners of the circuit courts, before they are sent to the Treasury of the United States to be audited, are required by section 846 of the code to be examined and certified by the judge of the district for which they are appointed. It may be true, as the Senator from Delaware contends, that the commissioners of the United States are appointed by the circuit courts and are to be removed by the circuit courts, and that the circuit courts in that sense can only be held by circuit judges. I do not concede the proposition, but I will do it for the sake of the argument. The point I made, however, on the report made by the chief examiner of the Department of Justice was that on the examination of the accounts of the commissioners, of the clerks and marshals in the Southern States and in the Northern States too, they found a vast amount of fraud and peculation, and this fraud and peculation had escaped the discernment of the judges whose duty it is to examine and certify to the accounts. It is the district judges who have that duty, and not the circuit judges.

We have an able circuit judge in the fifth circuit, a man whose course on the bench I am very proud to applaud on the floor of the Senate; but he has five or six States, from Georgia to Texas, an enormous area of territory, over which he has to travel, and it is a matter of impossibility that he should watch the conduct of the different commissioners and clerks and marshals throughout the districts. Congress recognized that it was impossible for him to do it, and required of the district judges that they should make these examinations.

Now, let me ask any man who has ever practiced before the bar of any court of this country, or any man who has ever witnessed the conduct of business within a court, if he finds the officers of that court slack and negligent in their dealings with public affairs, and the very affairs about which this criminal conduct exists have to pass under the examination of the judge and receive his certificate, and where the matter is carried on from year to year and in the face of protests, would he not come to the conclusion that that judge was himself a delinquent, that he cared nothing for the responsibilities or duties of his office?

Here your officers go to the States of Alabama, Georgia, Texas, Mississippi, Pennsylvania, New York, and elsewhere. They make these examinations; they find fraud abounding throughout the whole history for years past in these courts. Cases have lain there of criminal conduct toward the Treasury of the United States without investigation, and the statute of limitations comes in as a bar, and men can not be indicted, and it is so stated in these reports, because of the bar of the statute of limitations. Now, are we to infer that these judges who have the control over these officers have been performing their duty when the law requires that they shall examine and certify the various accounts in which these frauds exist? Let me demonstrate to you the impossibility of such a thing as that.

Here is the commissioner that I mentioned in Alabama; he sits almost every day in the year, and his accounts in the Treasury show it, and charges the Government of the United States $5 a day for a session in addition to the fees that belong to the respective cases that he hears. He returns case after case into the courts until the docket accumulates by hundreds—many hundreds of cases. The judge opens his court, and the country is surprised, and the Senate has often been surprised, and Senators have remarked their surprise upon that proposition here, to see that the courts when they are opened employ themselves for hours and hours each day in simply nolprossing cases. So flagrant has this evil become in Alabama, that when Judge Pardee came around and examined into the condition of affairs there he caused orders to be issued and circulated to the different commissioners that they should not send out a warrant of arrest against any human being for any offense at all unless the man who asked for that warrant should swear to his personal knowledge of a violation of the laws. What were those requirements meant for? To meet the case that men were employed by the commissioners day after day to stand at their side and make affidavits and swear out warrants against persons whom they might suspect of being implicated, knowing nothing of the facts at all. These cases accumulate on the docket, hundreds and hundreds of them. The judge finds it necessary on the presentation of the facts by the district attorney to nolpross them, turn them out of court. The commissioner comes in who caused these arrests and the marshal and deputy marshals who are alleged to have made the arrests come in with their accounts predicated upon the very service which the court has been notified of upon the records of the court, and thereupon the judge makes examination, if he does his duty under the statute, and gives his certificate that these accounts are just and true and lawful claims against the Government of the United States. And yet your Department of Justice here is now engaged in a praiseworthy necessary vindication of the Treasury of the United States against the corrupt practices of these subordinates certified to by the judges on the bench.

It makes no difference whether these officers are appointed by the circuit court or whether they are removed by the circuit court; the accounts through which and in which they offend against public justice and the criminal laws of the land are accounts that are examined and certified to by these very district judges whose salaries we are trying to raise $1,500 a year. These judges know that these accounts can not be just. Here is a circuit judge issuing an order that all these commissioners, trying to hold them down, shall receive affidavits from men who know something about the facts; and here the judges are engaged in nolprossing these numerous cases from the docket sent in by these commissioners, and yet they turn around and pretend to make an examination of the accounts so that they can certify them either upon their oaths or upon their honor as judges and they come here, and the Department of Justice in the execution of its duties investigates them and exposes this serious fraud before the world; and before the Senate of the United States has even adopted resolutions for an examination into these charges we go on to reward these men by an increase of their salaries $1,500 a year. No, sir; let us postpone the operation of this law to appointments hereafter to be made, and let these men come forward and account for these things. Give to a Senator from Texas or Georgia or Alabama or elsewhere where these allegations have been made against these judges and against their administration of public justice the right when a man has been reappointed to get his $5,000 to get up here and show what this judge has been doing in his pretended administration of public justice in the State.

I am willing that they shall have salaries of $5,000; but, Mr. President, if they feel conscious of their rectitude, and if they have the moral support of the country in which they live and of the bar by which they are surrounded and the Government at large, they need have no apprehension that they will not be reappointed. It will only be too gracious a duty for us to perform, too pleasing a duty for us to perform, then to reward such a man with reappointment. We should never crush a man who would say to the Senate of the United States, "I feel that I am entitled by my record and my course of public conduct to this increase of salary; I therefore lay down my commission, and I ask the President to reappoint and the Senate to reconfirm me, so that I can get the $5,000." That would be a fair measure of public justice. There would then be the honorable men on the bench, and it would rid us of some of the bad material which is now disgracing the bench of the United States.

If I had not believed that there was real merit in this, that it would accomplish something for the purification and exaltation of the bench itself, I certainly would not have offered the amendment.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be reported again.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of the bill it is proposed to add:

*Provided*, That this act shall apply only to judges that shall be hereafter appointed.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I do not know how he would vote on this question.

Mr. HAMPTON (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. ANTHONY].

Mr. HILL (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER]. Will his colleague state how he would vote on this question?

Mr. GARLAND. The Senator from Arkansas [Mr. WALKER] would vote "nay" if here.

Mr. HILL. Then I vote "nay."

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. CAMERON, of Wisconsin (when Mr. SAULSBURY'S name was called). The Senator from Delaware [Mr. SAULSBURY] is absent this morning and is paired with the Senator from Arkansas [Mr. WALKER]. The Senator from Delaware [Mr. SAULSBURY] would vote "yea" on this amendment and the Senator from Arkansas [Mr. WALKER] would vote "nay."

The roll-call was concluded; and the result announced—yeas 14, nays 45; as follows:

YEAS—14.

| | | | |
|---|---|---|---|
| Brown, | Farley, | Morgan, | Van Wyck, |
| Cockrell, | George, | Pugh, | Williams. |
| Coke, | Groome, | Ransom, | |
| Colquitt, | Harris, | Vance, | |

NAYS—45.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Kenna, | Platt, |
| Allison, | Frye, | Lapham, | Plumb, |
| Bayard, | Garland, | Logan, | Riddleberger, |
| Blair, | Gibson, | McMillan, | Sawyer, |
| Bowen, | Gorman, | Mahone, | Sewell, |
| Butler, | Harrison, | Manderson, | Sherman, |
| Camden, | Hawley, | Maxey, | Slater, |
| Cameron of Wis., | Hill, | Miller of Cal., | Vest, |
| Conger, | Hoar, | Miller of N. Y., | Wilson. |
| Cullom, | Ingalls, | Mitchell, | |
| Dawes, | Jackson, | Morrill, | |
| Dolph, | Jonas, | Pike, | |

ABSENT—17.

| | | | |
|---|---|---|---|
| Anthony, | Hale, | McPherson, | Voorhees, |
| Beck, | Hampton, | Palmer, | Walker. |
| Call, | Jones of Florida, | Pendleton, | |
| Cameron of Pa., | Jones of Nevada, | Sabin, | |
| Fair, | Lamar, | Saulsbury, | |

So the amendment was rejected.

Mr. VAN WYCK. I desire to offer an amendment, to substitute the word "four" for "five;" so as to read "four thousand" instead of "five thousand" dollars.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. In the somewhat lengthy discussion upon this bill I have been listening to hear something of a public reason why the Senate should stop at this time to pass a bill of this nature. I have not discovered that there is any danger of the bench being deprived of the judges who are presiding over it. True the Senator from Massachusetts [Mr. HOAR] mentioned the great qualifications which are needed in every person occupying a position upon the bench, but I failed to hear him follow it up with the statement that those upon the bench now did not possess those qualifications. I take it for granted that they do, and that all that is sought for by the Senator from Massachusetts we already have in the judges who are presiding. So there can be no reason on that ground at this time.

Then the Senator from Delaware [Mr. BAYARD] in his lengthy statement urged a reason purely of sympathy. One thing is noticeable, Mr. President, that there is one class of American citizens who always find a vast deal of sympathy on this floor and in the American Congress, and that is those who hold official positions. So it was with my friend

from Delaware. His sympathy overflowed. He could see much of hardship in the family of Judge Taney, who he said were poor; but does my friend from Delaware call up to his recollection other distinguished lawyers who are not upon the bench whose families also are poor and destitute? Is there any reason why there should be any more particular consideration for a distinguished lawyer who goes upon the bench and unfortunately may be poor than for a distinguished lawyer who does not go upon the bench and whose family also may be poor and necessitous?

There is another feature which appears in discussions of this kind. First, I say we always find sympathy for the office-holder. Then some gentlemen believe that the highest privilege of the American citizen and his greatest enjoyment is to pay taxes. Gentlemen point to our overflowing Treasury as an evidence of the great enjoyment it furnishes the American people to fill it.

My friend from Delaware probably does not go down to the thousands of families who are poor, who not only die poor but live poor, thousands of families from whose pockets are extracted the dollars that go into an overflowing Treasury. That is another proposition which always appears in these liberal discussions and liberal appropriations—the pleasure it is to the American people to pay taxes. And then, of course, the necessary corollary is the necessity of the American Congress being liberal in paying out the money. The proposition is first to fill up, and then deplete. There are various ways of doing this. One is the ease with which public offices are filled, and next the apparent ease with which salaries are made and increased.

The Senator from Arkansas [Mr. GARLAND] speaks of the necessity of the salaries of the judges being equal. Will my friend from Arkansas reflect on the Congress which passed the present law? It was supposed in 1867 when this law was passed that the salaries should be graduated, and they were graduated from $3,500 to $5,000. Was that law just then? Has it been just from 1867 to this day? Gentlemen say no; many judges do more labor than others; it would be liberal and generous to put them all on the same basis. From 1867 to now there has been this discrimination, twelve judges receiving from $4,000 to $5,000; the remainder receiving $3,500. That proposition was just, was equitable. It has remained upon our statute-book from 1867 to now, and there has been no murmur of complaint. Now it is proposed to equalize them. I would ask our generous brethren here, after you have equalized the salaries and placed them all upon the basis of $5,000 a year, how long will it be before judges in districts requiring all of their time will come and find Senators who will ask that that injustice shall be righted? Then we shall hear piteous appeals for them. Is it right that the overtaxed and overworked judges in New York and in Massachusetts and in Pennsylvania should receive no more salary than the judges in the rural districts, where such intricate and difficult questions do not come up for consideration?

Mr. HOAR. The Senator propounds, as I understand, a question to me, and if he would like to have the answer now I will tell him what is my answer to that difficulty. I think the law which has been recently passed would be made practical still more than it is now, requiring the judges to go out of their districts when directed by the circuit judge. So I look forward, I will tell the Senator very frankly, to a period soon to come when every district judge of the United States will be employed all his time, and will be obliged to go about to other districts besides his own. In Massachusetts the district judge in my own district is employed the whole year, and it is a very hard and laborious year's work for him; and for one or two years he has scarcely had a vacation of more than two days. I suppose there are nearly two men's work in that court now, but when a judge comes occasionally from Maine, from New Hampshire, from Rhode Island, the labor will be still more equalized.

Mr. VAN WYCK. The Senator concedes the fact, I suppose, that there are very many districts where the judges are not overworked, and where probably not half their time is required in discharging their official duties.

Mr. HOAR. There are twelve or thirteen districts out of the fifty, as near we can make out, in which the judges now are not worked a hard year's work. I expect that within a very few years every judge within those thirteen districts will be obliged to be constantly employed in doing the work which the others can not perform.

Mr. VAN WYCK. Then would it not be best for Congress to wait until that time does arrive?

Mr. HOAR. It has come near enough now.

Mr. VAN WYCK. The Senator thinks it has come near enough now. Possibly that may be in his idea of excessive generosity and liberality; but would it not be well to wait until that time does come if it is to be used as an argument why the salaries are to be increased? The Senator's hope is that in the future it will be so arranged that the district judge of Iowa may be ordered into the district of Nebraska or the judge of the district of Colorado——

Mr. HOAR. The district judges do not go out of the circuit in which their district is.

Mr. VAN WYCK. Then that will not meet the difficulty. I take it in the New York and Pennsylvania circuits every district in those circuits is now probably worked up to the maximum of what the Senator considers to be a hard year's labor. Maritime questions, great commercial questions, where large amounts of property are involved, are seldom heard in the interior districts. Therefore it is that in the far distant districts, in the rural districts, where the position is a comparatively easy one, the injustice would still continue, and there is not in those districts for half the year the labor that there is in a hard-worked district the whole year. Therefore, the objection is not removed, and the condition of things that my friend suggests can not possibly exist where the increase will apply most actively. I think that just at this juncture there is no necessity for the proposed increase of these salaries.

It would seem from all the hardships that are mentioned as if there were some sort of draft or conscription into the civil service of this country. When a gentleman overflows with sympathy for the hard-worked office-holder, you would naturally suppose that there was a draft or a conscription which forced the private citizen into a position of trust. But one thing is very remarkable in his suggestion in regard to the profession to which my friend belongs and that of the Senator from Arkansas. It is very remarkable when any position is suggested which that profession can fill that we hear so much of the great sacrifices which gentlemen who come from the bar and from the profession of the law give up to serve their country. We find that from considerations of patriotism the most distinguished lawyers in this country are willing to surrender their chances of fortune to take a position upon the bench; and they are willing from their great degree of patriotism to surrender positions of profit even to take seats in the American Congress, where as Senators claim they are so hard worked that it is necessary to furnish a clerk to each of them to aid them in the discharge of their duties.

As I said there is no conscription, there is no draft that will take a man out of the legal profession and put him on the district bench or the circuit bench or the Supreme Court. There is no power on earth that can take a distinguished lawyer from his remunerative practice and place him in a seat in this Chamber or in the other House. And yet it is impossible, so these gentlemen say, to get a lawyer of distinguished ability to fill these positions at the salary now paid. When there is a district judgeship vacant the whole State is torn up, and every lawyer of prominent position is anxious, if possible, to fill that chair. If there is a vacancy in a circuit judgeship, half a dozen States are torn up, as my friend from Kansas knows—Minnesota, Wisconsin, Iowa, Kansas, Nebraska, and Colorado.

Mr. CAMERON, of Wisconsin. Not Wisconsin.

Mr. VAN WYCK. Fortunately for Wisconsin that State is not in the circuit to which I allude where a vacancy now exists. The other States I named are in that circuit and they are all torn up. Each has distinguished lawyers, the ablest lawyers, and not too much can be said in their favor, to fill the circuit judgeship. To-day a struggle is going on in that circuit in which my friend from Wisconsin does not reside and in which my friend from Kansas does, and the President is besieged by delegation after delegation from each branch of Congress and citizens from the States probably come in regiments to beg the President to recognize the great merit of a distinguished lawyer in their State. Kansas presents her best man; Minnesota hers, Colorado hers, and Iowa hers, and they come here struggling for this judicial position. Yet we are told of the hardship they have undertaken, and that this great consideration must be extended to them. Certainly when gentlemen accepted the office of district judges at $3,500 it was rather in the nature of a contract; and why should we increase their compensation while they hold their office?

The Senator from Delaware is anxious that the judges shall be well paid. He agrees, he says, with the Senator from Alabama that great outrages have been perpetrated through the judiciary. Did I understand the Senator from Delaware to agree with the Senator from Alabama? The Senator from Alabama was stating his grievances, and I understood the Senator from Delaware to assent to them and to say that there were grievances.

Mr. BAYARD. I was accepting the statement of the Senator from Alabama as true; and if the facts he stated were true, they were gross outrages upon the rights of American citizens which ought to subject their perpetrators to punishment.

Mr. VAN WYCK. Then I understood either that Senator or the Senator from Alabama, I think it was the Senator from Delaware, to state that it was the circuit judge who made the appointments from which the people suffered in Alabama.

Mr. MORGAN. The circuit judges made the appointment of commissioners, not of marshals, of course. The marshals are confirmed here.

Mr. VAN WYCK. Precisely; but I wanted in that connection to suggest that it was the high-priced judges that are the cause of the most outrage upon the State of Alabama. The district judges to-day receive $3,500, the circuit judges receive $6,000, and it was the high-priced judges who produced the troubles under which you labor in Alabama, as I understand.

Mr. MORGAN. I went entirely on the report made to the Department of Justice by its chief agent, which I have before me and from which I read. I made no statement of my own in regard to that point.

Mr. VAN WYCK. Then I was correct about that.

I have made all the suggestions I desire to make upon this matter.

I was anxious principally to see what reason was to be given for this proposed increase, and, with all deference to the distinguished Senator from Massachusetts, I fail to see any force in his reasoning. As my friend from Delaware was anxious to have high-priced judges, and as I thought the Senator from Alabama had read that the high-priced judges produced the greatest iniquity in his State if not in other States of the South, I wished merely to draw the parallel, and also to show that in my judgment for this proposed legislation to-day it might be well to level the salary up to $4,000.

Mr. HOAR. I hope we may have a vote.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. HOAR. I ask unanimous consent to have a vote on the bill which has just been debated.

The PRESIDING OFFICER. The unfinished business will be laid before the Senate. It is the bill (S. 398) to aid in the establishment and temporary support of common schools. The Senator from Massachusetts asks unanimous consent that the vote may be taken upon the amendment proposed to the bill which was just under consideration.

Mr. COKE. I shall object, because I have an amendment that I desire to present, and I wish to make some remarks upon it.

The PRESIDING OFFICER. The Senator from Texas objects, and the unfinished business is before the Senate.

URGENT DEFICIENCY BILL.

Mr. ALLISON. The Senator from New Hampshire has kindly consented to give way at this moment that I may ask the Senate to take up a deficiency bill. I do not think it will occupy much time.

Mr. BLAIR. I understand the Senator has the right of way for his bill, it being an appropriation bill.

Mr. ALLISON. I believe I have under the rule. Nevertheless I wished the consent of the Senator in charge of the unfinished business.

Mr. BLAIR. I do not wish to be understood as giving any assent that will deprive the unfinished business of any right.

Mr. ALLISON. Not at all. I understand that.

Mr. BLAIR. It is to be resumed as soon as we get through with the deficiency bill.

Mr. ALLISON. I understand the Senator to yield informally.

The PRESIDING OFFICER. The Senator from Iowa asks that the pending order may be laid aside informally in order that the Senate may consider a deficiency appropriation bill. If there be no objection, the Senate will proceed to the consideration of the bill indicated.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that in the consideration of the bill the first reading may be dispensed with and that the amendments may be considered as the reading progresses.

The PRESIDING OFFICER. Is there any objection. If not, that will be taken to be the order of the Senate.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Treasury Department," in line 30, to increase from $105,000 to $128,000 the appropriation "for fuel, lights, and water, required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings under the control of the Treasury Department, inclusive of new buildings."

The amendment was agreed to.

The next amendment was, after line 31, to strike out the following words:

For furniture and repairs of furniture and carpets for all public buildings under the control of the Treasury Department, $100,000.

And in lieu thereof to insert:

For furniture and repairs of furniture and carpets for the following public buildings, namely: For post-office and subtreasury at Boston, $30,000; for custom-house at Cleveland, Ohio, $5,000; for court-house and post-office at Montgomery, Ala., $10,000; for post-office and court-house at Philadelphia, $15,000; and for custom-house and post-office at Saint Louis, Mo., $10,000; in all $70,000; and each of said amounts shall be so expended as to complete the furnishing of said buildings; and all furniture now owned by the United States in other buildings in said cities, respectively, shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to strike out lines 66 and 67, in the following words:

For heating, hoisting, and ventilating apparatus for public buildings, $16,000.

Mr. ALLISON. The items for buildings at different points named, comprising lines 49 to 67, inclusive, are not deficiencies; they are considered, however, by the committee necessary, because by making the appropriation now the buildings can be occupied sooner than they could be occupied if they were to await the annual appropriation bills. The item in lines 66 and 67, "for heating, hoisting, and ventilating apparatus for public buildings, $16,000," is entirely a new item, and relates to an expenditure which can just as well wait six months, or at least await the regular appropriation bill, as to be provided for now; therefore the committee, regarding this especially as not a deficiency, recommend that it be stricken out. So I will say of the custom-house and post-office at Cincinnati, where we have appropriated in this bill $100,000, it is not a deficiency, it is really an advance of the regular appropriation of next year in order to facilitate the completion of the building. I mention these facts in order that the Senate may not understand that these are pressing deficiencies.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "Interior Department," after line 71, to insert:

STATIONERY.

For stationery for the use of the Department of the Interior in wrapping and mailing the reports of the Tenth Census ordered by Congress to be distributed by this Department by the act of August 7, 1882, $5,393.18.

The amendment was agreed to.

The next amendment was, in line 80, to increase the appropriation "for incidental expenses of the several land offices" from $10,000 to $20,000.

Mr. ALLISON. The committee recommend an increase of this item for incidental expenses of the several land offices because it is necessary that the Land Office should now know what amount they can rely upon for the entire period from April 1, to July 1, as they must arrange their expenditures now for that period.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out the clause from line 98 to line 107, inclusive, as follows:

That the Secretary of the Interior is authorized to transfer from appropriations for the Freedmen's Hospital and Asylum for the fiscal year 1884 any unexpended balances and apply the same to purposes for which the appropriations for said institution for the current fiscal year are exhausted; but the aggregate amount appropriated for the expenses of the Freedmen's Hospital and Asylum for the fiscal year 1884 shall not be exceeded because of the transfer herein authorized.

And in lieu thereof to insert:

That the Secretary of the Interior is authorized to transfer the sum of $1,000 from the appropriation for clothing, bedding, forage, and transportation for the Freedmen's Hospital and Asylum for the fiscal year 1884, and apply said sum as follows: $600 to repairs and furniture and $400 to fuel and lights for said hospital for said fiscal year; but the aggregate amount appropriated for the expenses of the Freedmen's Hospital and Asylum for the fiscal year 1884 shall not be exceeded because of the transfer herein authorized. And the accounting officers of the Treasury are hereby authorized to settle and allow, if found correct, the accounts of the disbursing officers of the Interior Department for payments to clerks, watchmen, laborers, and teamsters of said hospital for the fiscal years 1882, 1883, and 1884, out of the appropriations for clothing, bedding, forage, transportation, and miscellaneous expenses for said fiscal years, respectively.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 131, after the word "Office," to insert "from January 1st;" and in line 132, after the word "first," to insert "1884;" so as to make the clause read:

INDIAN OFFICE.

To enable the Secretary of the Interior to pay the employés temporarily employed and rendering service in the Indian Office from January 1 up to and including July 1, 1884, $2,100.

Mr. ALLISON. In line 131, after the word "to," I move to strike out the words "and including;" so as to read "from January 1 up to July 1."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after the word "dollars," in line 133, to strike out the following clause:

And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law.

Mr. BECK. I desire simply to call attention to the character of legislation which sometimes creeps into bills of this sort. In an urgent deficiency bill that has been sent over to us here is a general provision that—

Hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law.

In other words, at the life-saving stations of the United States, for instance, the officers in charge, no matter what the urgency and what the emergency might be, would be prevented from using the absolutely necessary aid which is extended to them in such cases because it had not been provided for by law in a statute. So in very many other cases; and this provision is in an urgent deficiency bill in regard to which we are called upon to act promptly. So far as I was concerned, for the moment I believed it was an innocent matter, pertaining to the Indian service and limited to that, and but for the vigilance of the chairman of the committee it is likely it would have become a law without anybody observing it.

I only rose to show that we have been extremely careful in striking

out matters of that general character that come to us in an apparently harmless way.

Mr. HARRIS. It is a matter of general legislation.

Mr. BECK. It is a matter of broad, general legislation, and I call attention to it to show how careful we should be not to overlook such things.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Navy Department," in the appropriations for the Bureau of Equipment and Recruiting, after line 141, to insert:

For contingent expenses of the bureau, $5,000.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BECK. Before the bill passes I desire the chairman of the committee either to read or place upon record in some form that will reach the other House the communication made in regard to the Freedmen's Hospital and Asylum, where the House made a sweeping change authorizing any appropriations to be used for any purpose and thereby depriving us of the right to know what they shall account for. To show why we limited it by the amendment we made, I should like to have that communication placed on the record in some way before the bill goes to the House.

Mr. ALLISON. It will be observed that we made a radical change in the phraseology of that provision as it came from the House. The House phraseology would authorize the substitution of any one of the items of appropriation for the Freedmen's Hospital for any other item, so that it would have made the appropriation simply a lump appropriation for any and every purpose, and they could use the appropriations for the Freedmen's Hospital for all the purposes comprised under six or seven items. As the bill came to us from the House the appropriation for any one of those items could be used for any other item. The object, however, of the paragraph was to enable the Secretary of the Interior to utilize a thousand dollars of the appropriation for bedding, &c., for the purpose of making some repairs, and also for the purpose of fuel and lights. I will put on record the letter of the Secretary of the Interior explaining this matter, and I will also put on record the letter of the Comptroller of the Treasury relating to a decision made by that officer respecting the appropriation for fuel, &c.

The PRESIDING OFFICER. Does the Senator desire to have the letters read?

Mr. ALLISON. I do not. I simply ask that they may be printed in the RECORD.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, March* 19, 1884.

SIR: In reply to your telegram of this date I have to inform you that there will be a deficiency of $600 in the appropriation for repairs and furniture and $400 in the appropriation for fuel and lights for the Freedmen's Hospital for the present fiscal year, and an excess of $1,000 in the appropriation for clothing, bedding, forage, &c.

I also beg leave to call your attention to the inclosed copy of a decision by the First Comptroller concerning the payments of salaries to clerks, watchmen, laborers, teamsters, and laundresses, heretofore paid from the appropriation for "clothing, bedding, forage, transportation, and miscellaneous expenses." In it he decides that they are not provided for by law and can not be paid from any appropriation.

They were regularly estimated for in this and other fiscal years in the subdivision of the appropriation for "clothing, bedding, forage, transportation, and miscellaneous expenses," and the sum so estimated was allowed by Congress.

Owing to the decision of the Comptroller, no further payments can be made to the above class of employés, and all that has been paid to them during the present and past two fiscal years will be disallowed in the accounts of the disbursing clerk of this Department.

I have, therefore, to request that the item in the deficiency bill for the Freedmen's Hospital now before your committee may be so amended that suitable provision be made to pay the clerks, watchmen, laborers, teamsters, and laundresses out of the appropriation for clothing, bedding, forage, transportation, and miscellaneous expenses.

This amendment will not call for any additional appropriation.

Very respectfully,

M. L. JOSLYN, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
*United States Senate.*

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TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
*Washington, D. C., March* 6, 1884.

SIR: Yours of the 4th instant, inclosing a letter from the Secretary of the Interior with regard to payment of salaries and compensation of officers and employés of the hospital for the remainder of the fiscal year, is at hand.

In it you refer to a verbal decision given by me several months ago with regard to the payment of watchmen, teamsters, laborers, clerks, and laundresses not provided for in the act of appropriation, but by your statement necessary for the support of the hospital.

At the time referred to, in conference with the Assistant Secretary of the Interior and yourself, it was understood that in order not to embarrass the operations of the hospital the laborers above mentioned should continue to be paid as formerly, but that the disallowances would stand until the sanction of Congress for the payments should be had.

In view of section 4 of the act of August 5, 1882, the payment of laborers for the fiscal year 1883 was considered as a charge against the item for salaries and compensation rather than clothing and miscellaneous expenses.

You state, however, that in accordance with the understanding above referred to the payments were made from the latter item, as has been the practice heretofore, and have also been so made during the present fiscal year. The disallowance will be changed from the item of salaries and compensation and made against the item for clothing, &c., both for the fiscal year just past and present.

I hope the hospital will be able to continue its operations until the relief desired has been given by Congress.

Very respectfully,

WM. LAWRENCE, *Comptroller.*
J. TARBELL, *Deputy Comptroller.*

C. B. PURVIS, M. D.,
*Surgeon-in-Chief Freedmen's Hospital, Washington, D. C.*

Mr. BECK. I did not care so much about this particular item, although it is very bad legislation in my view; but the trouble we always have in the Appropriations Committee is to confine the persons who have the power to expend the appropriations that we make to the objects for which they are given, and if this should be allowed, other things broader and more troublesome and leading to worse confusion would follow. The object I had in calling attention to it was simply to emphasize the fact that we desire the House to know and the Senate to know that as far as we can we will limit the expenditure of the money we give to the purposes for which it is given; in other words, that we will prevent the Departments and the bureaus from taking control of our legislation, and keep it in our own hands by not allowing it to become a lump sum to be used for any purpose, and this is just as good a place as any to start in making that class of legislation.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## LADY FRANKLIN BAY EXPEDITION.

Mr. BLAIR. Prior to proceeding to the discussion of the educational bill before the Senate, I ask unanimous consent to offer an observation in a matter that I designed to present during the morning hour. It is of public interest. I received a letter from a prominent citizen of my own State, which is the native State of Lieutenant Greely, I believe, where his family reside, in which he says that the family of Lieutenant Greely feel a strong personal interest and great anxiety for the passage of the bill introduced by the Senator from Connecticut [Mr. HAWLEY] with reference to the offering of a reward of $25,000 for the discovery of Lieutenant Greely and his party, or in case valuable information is contributed leading to the discovery and the relief of that expedition. I will read what he says, because it is of an authentic character, and I think it ought to be considered in connection with other matters. He says:

I notice that one House or the other have instituted proceedings looking to offering a bounty to whalers who may find the Greely expedition or what remains of it.

After discussing other matters, he adds:

I can not help, however, thinking that no harm can come to the Government from offering bounties. If such discoveries are made the Government will be well paid in saving expenses of pursuing further investigation with its own fleet. If nothing is discovered then nothing is paid. I learn that the whalers start immediately, while the Government relief expedition can not start for many weeks. If indeed the Arctic voyagers are living, every month or week may diminish their chance of safety, and while I think everything should be done to relieve them, I am quite as decided that no more such expeditions should be encouraged by Congress, &c.

There is no doubt of the fact that the whalers will spread themselves all over the Arctic regions six weeks or two months earlier than the Government expedition can find that locality. I deem the suggestion of importance, and I will pass the letter to the Senator who introduced the bill or to the chairman of the Committee on Naval Affairs at a later time.

## F. PROSH AND T. F. M'ELROY.

Mr. DOLPH. I am informed that this morning the Senator from South Carolina [Mr. BUTLER] reported adversely from the Committee on Territories the bill (S. 954) for the relief of F. Prosh and T. F. McElroy, and it was postponed indefinitely. I desire to have the bill placed upon the Calendar under the rules. I was not in when the report was made.

The PRESIDING OFFICER. The Senator from Oregon requests that the vote by which the bill indicated by him was postponed indefinitely may be reconsidered, and that the bill be placed on the Calendar. If there is no objection that order will be made.

## PETITIONS AND MEMORIALS.

Mr. HAWLEY. I present the petition of Rev. Samuel G. Willard and 34 other citizens of Connecticut, praying national aid for the common schools of the States and Territories on the basis of illiteracy. As the petition relates to a pending question, I move that it lie on the table.

The motion was agreed to.

Mr. HAWLEY presented a petition of the Sons of Temperance of Connecticut, officially signed, representing 2,200 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. BECK. I present a petition, which I have received since that order was called this morning, signed by the Rev. W. F. V. Bartlett and a number of leading lawyers and men interested in education in the city of Lexington, Ky., praying for the passage of the bill now be-

fore the Senate, or some bill of that character, for reasons set forth in the petition. The petition may be laid on the table, as the bill is now before the Senate, or it may be referred to the Committee on Education and Labor, if the Senator from New Hampshire prefers.

Mr. BLAIR. I suppose, as the bill is pending, the petition should lie on the table. I think that is the usual disposition in such cases.

The PRESIDING OFFICER. The petition will lie on the table.

Mr. GARLAND presented the petition of S. S. Shedd, president, and T. Fritz, secretary, and a committee representing the Master Plumbers' Association of the District of Columbia, praying for such legislation as will carry into effect the act of Congress giving the commissioners of the District of Columbia authority to make certain rules and regulations governing plumbing and house drainage; which was referred to the Committee on the District of Columbia.

Mr. PLUMB presented a petition of citizens of Kansas, praying that the tract known as the Oklahoma lands, in the Indian Territory, may be thrown open to settlement; which was referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, presented the petition of John C. Welch, praying for the purchase by Congress of copies of his condensed statement of the Compendium of the Tenth Census; which was referred to the Committee on Printing.

### REPORT OF A COMMITTEE.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleeker, a paymaster in the Navy, reported it with amendments.

### BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 1899) granting an increase of pension to James M. Blades; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1900) granting a pension to Mrs. Mary M. Ord; which was read twice by its title.

Mr. LOGAN. I desire to say for the benefit of the committee which will have charge of the bill that the lady for whom I introduce the bill is the widow of General Ord, and is in very indigent circumstances. He was a very brave man and did great service for the country, and I hope the committee will report the bill as soon as they can possibly do so. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MCMILLAN. On behalf of my colleague [Mr. SABIN], who is necessarily absent from the Senate this morning, I ask leave at this time to introduce a bill.

The bill (S. 1901) for the relief of William H. Whiting was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MAHONE introduced a bill (S. 1902) for the erection of a public building at Staunton, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VEST introduced a bill (S. 1903) to amend "An act to authorize the construction of a bridge across the Missouri River at the most accessible point within five miles above the city of Saint Charles, Mo.," approved April 14, 1882; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BECK introduced a bill (S. 1904) for the benefit of Saint Augustine church, of Saint Augustine, Fla.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VANCE introduced a bill (S. 1905) to authorize the Secretary of the Interior to reimburse certain funds and to sell certain lands belonging to the North Carolina Cherokees, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CALL introduced a bill (S. 1906) to investigate the issue of fraudulent land-warrants and to protect soldiers and sailors of the United States from loss therefrom; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER, of New York, introduced a bill (S. 1907) for the relief of John N. Trook, administrator of William Hughes, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 1908) for the relief of Henry Martin; which was read twice by its title, and referred to the Committee on Public Lands.

### WITHDRAWAL OF PAPERS.

On motion of Mr. HARRIS, it was

*Ordered*, That Priscilla A. Burwell have leave to withdraw from the files of the Senate the petition and papers in respect to her claim upon the condition imposed by the rules.

### AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes; and

A bill (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD.

### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. HARRISON to the amendment of Mr. PLUMB.

Mr. BLAIR. I send to the desk a proposed amendment to section 8, which I ask may be read for information.

The PRESIDING OFFICER [Mr. HARRIS in the chair]. The Chief Clerk will report the amendment.

The CHIEF CLERK. It is proposed to amend section 8 by adding at the close of the section the following:

And unless the annual report of the State and Territorial authorities to the Secretary of the Interior herein required to be made shall show the expenditure during the year of such amount from the revenues of the State derived from State and local taxation and from income of permanent school funds, if any there be, or other source of revenue within the State, then no part of its allotment for the year ensuing shall be paid to such State or Territory, unless on appeal to Congress it shall be otherwise provided.

The PRESIDING OFFICER. The amendment not being in order at this time, it will lie on the table.

Mr. BLAIR. I offer it at this time as an amendment to section 8, leaving the section to remain as it now is.

The PRESIDING OFFICER. There is an amendment already pending.

Mr. BLAIR. I say I offer it for information at this time that the Senate may understand that if the pending amendment does not prevail I shall move this amendment, which I think will remove all difficulties in the mind of any one whatever as to the meaning of the section. I ask that the pending amendment may be reported.

The PRESIDING OFFICER. The Chief Clerk will report the amendment of the Senator from Indiana [Mr. HARRISON] now pending to the amendment of the Senator from Kansas [Mr. PLUMB].

The CHIEF CLERK. In section 8, line 6, after the word "provided," it is proposed to strike out the remainder of the section and to insert:

That no greater part of the money appropriated under this act shall be paid out in any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Mr. BLAIR. It has been suggested in the course of the debate that there are many States which already know enough, and that there is no occasion for the expenditure of increased revenues within those States for the cause of education; at all events, that certain of the States will not feel inclined to receive from the General Government whatever share might fall to them in a division of $15,000,000 or any other sum, upon the basis of illiteracy or upon any other basis. Should that be the case, there is nothing in the laws or the Constitution of the land or of any State to compel them to receive it, and they can by an act of their Legislatures or other proper authorities decline so to do, and they will have the right to designate the manner in which the sum which would fall to them should be appropriated. They can turn it over to the general fund; they can decline to receive it; or they can indicate the way in which they would be glad to have it applied under the provisions of the bill. So this difficulty, which we could not well avoid raising, if there are such States, could be obviated by the action of the States themselves. Any system of distribution which we might adopt would, it seems to me, in order to avoid just objection, if anybody chose to raise the objection and should not waive that objection, necessarily be uniform and carry some money to all portions of the country. If, then, some localities in the country which would receive a portion of it decline to receive it, waive their right to it, it can not be urged as an objection to the bill that the tender was made. Without such tender in the general law it seems to me there might be just objection to the bill.

The amendment to the amendment offered by the Senator from Indiana proposes that in each State there shall be an expenditure derived from the revenues of the State itself equal to the amount that is received by it under the provisions of the bill each year, not including in the expenditure by the State the amount paid out by the State for school-houses. Now, I would ask the attention of the Senator from Indiana——

Mr. HARRISON. The Senator will allow me to interrupt him.

Mr. BLAIR. Certainly.

Mr. HARRISON. The Senator has not properly understood the effect of my amendment. The amendment offered by the Senator from Kansas [Mr. PLUMB] would have prevented any State from receiving any portion of the sum appropriated by this bill unless the annual ex-

penditure by the State out of its own revenues was equal to the amount to which the State would be entitled under this bill. My amendment allows the State to receive an equal amount under this bill—an amount equal to the amount that it shall spend from its own revenue. In other words, if the allotment to Louisiana under this bill for this year was three-quarters of a million, $750,000, the amendment of the Senator from Kansas would prevent that State receiving anything unless the State should spend $750,000 from its own revenue; but under my amendment if the State should spend $200,000 from its own revenue it would get $200,000 under this bill.

Mr. BLAIR. Two hundred thousand dollars, does the Senator mean, without reference to the expenditure for school-houses?

Mr. HARRISON. Without reference to the expenditure for school-houses. That is provided for. If the State should spend in education the current expenses of the year, in paying teachers, &c., $200,000, it would get $200,000 under this bill according to the amendment.

Mr. BLAIR. So far as that goes, then, the effect of the amendment of the Senator from Indiana would be less hurtful and less objectionable than the original amendment proposed by the Senator from Kansas. But as bearing on this effort to modify seriously the nature of the bill itself, I call the attention of the Senate to the matter to be found in tables 20 and 21 in the RECORD of March 19, which relate to the number of unenrolled pupils or students in the country. The unenrolled are necessarily those who attend school nowhere. Everywhere it is admitted as a matter of discussion among educators that there are in this country sittings or school-house accommodations of any kind hardly equal to the number of those who are actually enrolled; so that when the Senate come to consider the statistics of the unenrolled children of the country they are considering the numbers for whom there is no provision whatever made now in the way of school-houses, teachers, books, or school accommodations. The figures to be found in these tables do not include those who receive instruction in private or parochial schools; in other words, they represent the numbers that attend no form of instruction whatever.

In the whole country there are children of the school ages not enrolled; and the school ages vary, as has already been explained, in the various States; in some from 5 to 15; in others from 4 to 21; in many States not including large numbers who actually attend school, and in other States where the ages are from 4 to 21, undoubtedly including many who would not under any circumstances attend school—within the school ages there is in the whole country an aggregate of 6,030,936 who are without any school accommodations, not enrolled, attending nowhere.

Now, assume that a school-house will accomodate fifty scholars, that the common-school houses of the country should be so constructed as to accommodate fifty scholars, and there will be required for this number of unenrolled scholars 120,567 school-houses now not existing at all, and for which no provision is as yet made by taxation or otherwise. Of course the same number of teachers at least will be required. It is generally, I believe, conceded that one teacher can not properly instruct more than about thirty scholars. Common-school teachers as a rule perhaps are obliged to take care of a larger number. Assume that each teacher is sufficient for each school of the number that I mention, fifty; then there must be as many teachers as houses, that is 120,567. Doubtless there should be a larger number.

The average cost of a school-house, any sort of a school-house throughout the country for the accommodation of fifty scholars, would not be less than $300. It would really be a much larger sum; but assume it to be $300. Then it will require to supply the unenrolled children of the whole country $36,170,100 simply for school-houses alone, taking the entire country north and south. Suppose now that this new number of teachers necessary for the additional school-houses which are to be provided and to be qualified in some way expend, or that the public expend for them upon their education one year's time and $250 in money, which is certainly a very moderate expenditure, and you have then in fitting this number of teachers for their work an expense of $10,854,930.

A very low estimate of the cost of text-books has been prepared also by request, and the cost of text-books to supply those scholars for those schools that do not now exist would be $180,782. Adding the cost of school-houses, the expenses of preparation of teachers, the pay of teachers, and the cost of school-books, so as to cover a three-months' school for the first year, there would be for the entire country an expenditure for its unenrolled and unprovided-for children of $77,347,662. These calculations have reference to the entire country. They do not include the deficient means for the education of those actually enrolled. Other data have already been cited in reference to that on a previous occasion.

Take now table 21, which relates to the Southern States and embraces the same particulars in the Southern States that I have stated in reference to the country at large. Senators will observe that table 21 enumerates the same States, but in the figures the Northern States are all omitted, so that the aggregate at the close of the table embraces nothing but the data from the Southern States. The number of unenrolled scholars in the Southern States, comprising about one-third of the actual population of the country, is 2,873,399, nearly 3,000,000 as the Senate will observe, while the total number for the whole country is 6,030,936. Practically in round numbers one-half the unenrolled children of the country are in the Southern States, where only one-third of the population is to be found. To provide for these children in the Southern States there would be necessary 57,465 school-houses; and speaking of this item of school-houses, it is of course well known that in the Southern States the provision in this regard is far less substantial than it is in the Northern States; there are comparatively very few school-houses and such as there are are of the cheaper and more temporary sort. To a great extent at least that is true.

Mr. FRYE. What is the average value of the school-houses in North Carolina?

Mr. BLAIR. I have seen it stated that it was not over $25; I have seen it stated that it was not over $50 at the outside. I can not say in regard to that. They have some good school-houses. The climate is comparatively mild, as we know. They have some very good school-houses. In some cases they have appropriated public buildings, that were occupied for other purposes before the war; but the great mass of the people are necessarily unprovided with school-houses, because it is only recently that the school system has been known there. Under what were called the carpet-bag State governments was established for the first time in the constitutions of the Southern States a common-school system. It has lived among great difficulties, as we all know, ever since, and the heavy investment necessary to begin with in the construction of school-houses has very seldom been made. Accommodations in various kinds of buildings, in private dwellings, in vestries of churches, and in various ways of a temporary character such as would answer temporarily the purpose desired, have been adopted all over North Carolina as well as in the South generally. But of course it is necessary, if the system is to stand, that there shall be school-houses in the South as well as in the North, and they can only be constructed by the means derived from taxation—taxation for school purposes. And that taxation, this bill provides, must come from the States themselves. This bill explicitly requires that no portion of the funds which are to come from the National Government shall be expended in school structures. It has been thought by the committee, and it is the request of the educators who have been heard by the committee from the South as well as throughout the country generally, that there should be no national expenditure for places wherein to hold the schools. Where they needed the schools themselves they would hold them out of doors under trees, in barns, sheds, vestries, &c.; they would have the schools, and get the school-houses as rapidly as they possibly could. We have thought it would be well that there should be some freedom of action on the part of the State authorities with regard to this matter of school structures.

As I was saying, it is necessary that there should be school accommodations or sittings, school-buildings of some kind to the number of 57,465 to accommodate the unenrolled children of the Southern States. The cost of these buildings, assuming it to be $300 apiece, would be $17,239,500. The cost of qualifying teachers would be $14,366,250, or a larger sum than all the seventeen Southern States, including the District of Columbia, are now able to expend for educational purposes of every kind—the construction of houses, providing the teachers, paying the teachers, and the qualification of teachers. The cost of teachers' wages for a three-months' school in each year would be $5,172,750. The cost of books for pupils in those States would be $86,148. These items give a total of $36,864,648, which it would be necessary to expend immediately in the Southern States in order to give this class the accommodations for those children whose names are not found upon any school register at the present time, that is to say, for those never yet inside of a school-house, a private school or a public school.

I state these matters in order to emphasize, or at all events to bring sharply before the Senate, an idea of the amount of actual expenditure not ordinarily taken into account which must be made in the Southern States particularly, and in fact in all the States of the country, in order that our unenrolled children may be properly provided for. In view of these figures showing that more than three times the amount which would go into the Southern States is to-day necessary to be expended in order to provide schools for the first three months for those children in the Southern States who now have no educational privileges whatever, it seems to me that the ten or eleven million dollars which this bill appropriates to be expended in that portion of our country is very trifling indeed, and that any effort to modify the bill in such a way as to lessen the amount they shall receive ought certainly to be resisted by the Senate.

Now I wish to say a few words bearing upon the amendment of the Senator from Kansas, and I should be glad to have his attention for a moment, because what I have to say now relates to the removal of the difficulty which he finds with the bill. He has proposed an amendment to section 8; that is the section which, after the recitation of what I suppose the Senator looks upon more as a stump speech than anything else, but which I thought necessary to be put there as indicating the purpose of the bill not to be to fasten permanently the idea of Federal aid upon the school system of the country, goes on to say:

That no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of

this act, annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

I have added, or propose, if the Senate see fit to adopt it, to add, to that section the amendment which was read just now for information, which provides that the annual report required by previous sections of the bill, which must be made before the close of each fiscal year, from each State and Territory of the manner in which the allotment of that year has been expended, must show that during the year of the expenditure of that allotment the State from its own revenues has already expended one-third of the amount at least that it has received from the General Government; and unless the report shows that fact, then it becomes the duty of the General Government under other sections of the bill to withhold from such State any allotment whatever for the year ensuing.

Senators will see that a bill which we pass to-day can have in no wise operated upon the States in their action previous to the passage of the bill. Whether they were to receive or were not to receive conditionally anything from the Government of the United States would not have influenced their action in the year preceding the passage of the bill, because there would have been no such action, and it is fair to assume that without power there is no effort. At the commencement of the year, unless this bill becomes operative during the present session, there is a year's time lost to the country, to the children of the country, and certainly this nation can not afford to lose the benefits of this increase in the school funds for her children for a whole year. Therefore the bill should be so framed that this allotment to the various States shall be available forthwith.

The system of supervision, if you please to so call it, is one which depends upon the reports which the States may make of what they have done. We, on the theory of this bill as of former educational bills passed in this body, give this money year by year to the State, and hold the State to a rigid accountability for good faith and for good sense in the distribution and use of the funds, and require within the same year a report to the General Government of what they have done with it. Of course they can do nothing with it unless they already have it; and it is absurd that the bill should require a report of that which has not previously passed into the possession of the State. All subsequent action after the second year or third or fourth or fifth and so on up to the tenth year, year by year depends on the action of the State as to what it has already received. Therefore the bill in other sections having provided for the distribution to the States and the report to the Secretary of the Interior before the close of the fiscal year, requires also compliance with certain other conditions specified in the bill as to the manner of the actual use of the money and one of the principal conditions, the principal condition if you choose so to consider it, but at all events one of the principal conditions required by the bill is that the State shall have expended of its own revenues during that year a sum not less than one-third of what the State has received from the General Government, and so on for five years; and if that condition is not complied with and is not shown to have been complied with by this report, what remedy have we? That money in some States may have been partially or wholly misapplied; we can not help that; we have got to run the risk of that. What is the guarantee? What is our remedy? We refuse any expenditure under the allotment to the State for the future until the deficiency is made up, as other sections of the bill show.

The meaning must be apparent to any one who examines all the provisions of this bill carefully and who will remember, as it is only fair to remember, with reference to this bill as we are obliged to do with reference to every other bill that ever came before Congress, that there is no bill entirely to be found in a single section or a single line. If that were so, the bill might be made correspondingly short. It is not possible in each section to enumerate substantially all else that there is in the bill. If that were so we must construct our bills on the principle of the old poem of The House that Jack Built. This is a bill; this is a bill for the establishment of common schools; this is a bill for the establishment and temporary support of common schools; this is a bill by which it is enacted by the Senate and House of Representatives, going on and reciting the first section, and so make it up section after section by a sort of conglomeration of poems of the description of The House that Jack Built. It is only good sense and fair treatment to construe one provision of this bill by other provisions of the bill; and if Senators will take the pains to do it, and will assume that it is possible that a bill which has been examined by others aside from the members of the Committee on Education and Labor, if they are supposed to be entirely incompetent to draft legislation, is so drawn that what is lacking in one section is to be found in another, and that there is some thought at the basis of the entire system which is to be found in this bill, I think they will come to the conclusion that on the whole it is a tolerably well-digested and a tolerably well-expressed bill to attain the purpose that is designed. Whether that purpose is one to be desired is another thing, of course. I only ask Senators to construe the bill as they would bills from the Judiciary Committee or bills from the Committee on Finance or from the Committee on Territories, or from any other of those committees that are confessedly competent to draft legislation and report it to the Senate.

I come now to the objections raised by the Senator from Iowa [Mr. ALLISON]. The Senator from Iowa says that he objects to the whole theory of the bill in this, that you should begin with a small sum and gradually increase. That is the inevitable tendency, he says. It is undoubtedly so as far as the expenditures of the General Government are concerned in the bureaus that are to be permanently in charge of the General Government. He cites the establishment of the Bureau of Education. Three thousand dollars was the first year's appropriation and a single man was employed. He made a preliminary examination and he made a most valuable report. Then the institution went into practical operation, and it commenced its great work, and now I believe the annual expenditure is about $60,000, and the Senator observed that the bureau is constantly asking for more. That is undoubtedly so, and it is constantly pinched in its legitimate and its proper and most useful operations, more so I believe than any other bureau of corresponding importance under the charge of the Government.

But, Mr. President, the theory of this bill has not been that common-school education was to become and to remain permanently the business of the General Government. I am very strongly opposed to any such result. I would not like the bill to pass at all if I supposed that the result would be to ingraft upon the General Government the maintenance and permanent support of the common-school system of the country at large. And therefore the bill provides that the largest sum be applied now when the greatest emergency exists, and it goes upon the theory that as time goes on and the States are stimulated to greater action and the expenditure of the money furnished by the General Government has its due effect, the necessity of our aid will decrease, for in ten years, bear in mind, we shall practically educate two generations so far as common-school education is concerned, because most scholars get their common-school education in five years, that which is most essential to them. The result will be, I assume, a gradually increasing degree of intelligence among the States themselves and a corresponding disposition to support their own schools, and the assistance of the Federal Government will be gradually eliminated; little by little it will disappear, and as it disappears gradually, so gradually on the other hand will the local communities rise to a full apprehension of the dignity and importance of the work committed to them of educating their own children and maintaining their own corresponding elevated status and condition.

That is the theory of the bill; and now the Senator will see that if this bill were constructed upon the opposite theory, almost as a matter of necessity the result would be the fastening of the common-school system upon the country at large. I do not think that he designs to do that. See how it would operate. Suppose you commence in this case with a small contribution to a State; instead of giving a million to a State which needs it, we give her $100,000. Suppose we do that and we require of her a contribution of $100,000; it runs year after year to half a million and she gets up to that point. The thing goes on *pari passu* between the State and the Federal Government. As she pays we increase as he suggests, and by and by we find a State that is like New York, requiring an expenditure of $10,000,000 a year. The Federal Government gives $5,000,000; the State taxes herself to the extent of $5,000,000 more; and the common schools are just as much dependent upon one as the other. We will assume—we are assuming now—that there is no tendency to shelve the entire expense upon the Federal Government, which would be the case unquestionably; we assume that the State keeps up her end of the yoke, to use a common expression. It goes on in this way. Is there ever any stopping place? Is not the necessity of national support increasing year by year? So by and by you find the nation contributing $100,000,000 to the support of the school system of the country and the States expending a corresponding sum. Evidently we must go on forever or we must stop, for this is one of the difficulties which grow worse as they go on. It is never cured by acting upon a theory of the kind which the Senator advances.

Now, suppose that, having reached this point where the schools are practically or very largely dependent on the National Government, we withdraw our aid at once, where is the school system? Utterly prostrated, of course, because one-half of what is necessary for its maintenance is withdrawn at once, and the system is utterly ruined. That I think the Senator will admit to be only the logical outcome of the position which he has suggested. I do not understand that he did more than suggest it. I did not understand that it was a position which he proposed to insist upon, but it was one that occurred to him and one that has occurred to myself before and been considered; and therefore this scale sliding down, it seems to me, is a very important feature in this bill.

Suppose that it operates according to the provisions of the bill as it now stands, at the end of ten years the last appropriation would be $6,000,000. That would be distributed, of course, throughout the country. Meanwhile the country would have very largely increased in wealth, in population, and in general intelligence, and local contributions to the support of the schools in local communities would have correspondingly increased, and the withdrawal of this $6,000,000 would not occasion any shock at all. But if it should, here is another bill which the Senate has sanctioned several times, which proposes to set apart a certain source of income from the Government, the receipts from

public lands and one-half the income derived annually from the land-grant railroads, so called, the interest on which accumulating year by year shall be distributed throughout the country. That, of course, gives at the present time nothing whatever. The interest for the first year on so small an amount would not be perceptible. It might lengthen the schools a day or two, not more than that; but it would be a constantly increasing fund and the interest would be constantly increasing the fund, and at the end of ten years there would be probably four or five million dollars derivable from that source which distributed in accordance with the provisions of that bill, which I hope will hereafter be adopted by the Senate, would come in to save any shock, if any shock there were, likely to be occasioned by the withdrawal of this contribution for temporary aid. The accumulations from that fund could never be looked upon as in any sense whatever dangerous in the great future to the common-school system of the States, because it would be of so trifling an amount that it could never be relied upon to any serious extent; and yet it would I say, at the end of the ten years, if there were any complaint of the withdrawal of the aid of the General Government under this bill, suffice to prevent any shock whatever.

Mr. President, it has been repeatedly urged as an objection to this bill that the States can not expend this money profitably. Well, I admit that at first sight there would be great force in that objection, but when we come to consider the real condition, the real facts in the case, I think Senators will concede that it is without force. I have already shown the extent of school accommodations and school privileges as they exist in the country at large. I confine what I now say to the Southern States, because the objection is made principally that the Southern States, not being well accustomed to the practical operation of school systems, are the most likely to waste these funds if they receive them in large amounts. In the Southern States they now expend some thirteen and a half or fourteen million dollars, the great mass of it being expended for wages of teachers, and in so doing they are able to secure schools for only about the average of three months per year. In many portions of the Southern States, I am sorry to say—yet it is a fact and the truth will bear its own weight and is necessary in order that we may apply the proper remedy—these schools are open not more than four or five weeks in the year. Yet what have we? I am not now dealing with the unenrolled, the unprovided-for that I mentioned in the first part of my remarks this afternoon. I am dealing with the schools as they exist, with the enrolled scholars, with the school houses and teachers, with the school plant that now actually exists in the Southern States where they spend this thirteen or fourteen million dollars, and yet have schools not averaging over three months in the year. What is necessary to give them six or eight or nine months' schooling in the year the same as we have in the cities and in the rural districts generally at the North? Nothing except an addition to the wages of the teachers; and every cent of this ten million dollars which goes to the Southern States could be expended simply in prolonging the existence of the existing agencies and giving to the agencies now alive in the Southern States anything like a corresponding season of activity with like agencies that we have the benefit of in the North at the present time. So there is no chance to waste this money unless there is a disposition to do so, unless there is a determination to do so, to take it by fraud or wrong. Nothing need be done but simply prolong these schools, paying the same teachers they now have, and giving them the same rate of wages they now receive, and instructing the same scholars they now have.

But, Mr. President, I do not suppose that this fund going to the Southern States would be made use of wholly to prolong existing schools. I do not anticipate that this sum of money going to the Southern States would prolong existing schools more than four and a half or possibly five months in the year, and it ought not to, because here are children unprovided for.

We require the States to provides the school-houses. We allow not exceeding one-tenth of the fund to be applied to the qualification of teachers, who are the indispensable, primal necessity to the existence of a school. If you have the teacher and the scholar you will have the school, because if the teacher understands his business he can give instruction without a text-book, and they will find somewhere that they can hold their convocations. Therefore, not exceeding one-tenth of this amount, or not exceeding $1,000,000, may be made available for the establishment of normal schools, for the holding of teachers' institutes, for the training and qualifiation of teachers either by temporary or by permanent means. That will take one million out for the qualification of teachers. Then for the establishment and instruction of schools for the unenrolled, it will be readily seen that a very large proportion, in fact two or three times the whole amount of this appropriation, would be absorbed in the proper supply of the want.

Mr. President, I do not know that I need to say anything else on the pending amendment. I look upon the vote that may be taken on these amendments as vital to the bill. I think that the adoption of these amendments—while any amount of money will do good—would interfere very seriously with the true theory upon which we ought to give if we give at all, that practically the bill would be extremely injured, and I should regret exceedingly that the Senate should adopt either the amendment to the amendment or the amendment itself. If it be rejected, I shall ask the Senate then to adopt the amendment which I have sent to the desk and which has been read for information, and which I think will remove the trouble.

Mr. HARRISON. Mr. President, I do not think the Senator from New Hampshire has furnished in the amendment which he has had read for information any substitute for the uncertainty of the eighth section as it stands. In my judgment the amendment which the Senator now proposes only adds confusion to a section that was confused before. It seems to be an attempt to remove the objections which were pointed out to section 8 yesterday by several Senators, and which I understand were confessed by the Senator from New Hampshire by putting in another provision that expressly declares another basis of distribution.

Mr. BLAIR. The Senator entirely misapprehends. The section is clear and explicit, conveys precisely the meaning that the committee designed it should, and taken in connection with other sections of the bill is easily understood. I propose to add the amendment simply for the purpose of making entirely clear in that same section precisely what is meant.

Mr. HARRISON. I am not content where we see a difficulty in the phraseology of a particular section to accept this general reference which the Senator is constantly making to other provisions of the bill. That is too general. If there is any specific provision elsewhere in the bill that makes certain that which is clearly uncertain in section 8 we ought to have our attention called to it; for while I will yield to no one in my general deference to the Committee on Education, and especially to the chairman of the Committee, yet when we come here as Senators to pass upon a bill so important as this, appropriating so much money as is given by this bill, we must act upon our own judgment as to the meaning of the language used.

Mr. BLAIR. Well, will the Senator allow me to refer him—I do not wish to interrupt his speech——

Mr. HARRISON. I scarcely claim to be making a speech at all, and it will not be an interruption for the Senator to call my attention to any other part of the bill.

Mr. BLAIR. I will then call the Senator's attention to the thirteenth section of the bill, which provides:

That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor, on or before the 30th day of June of each year, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory, &c.

And one of these conditions in section 8 is that they shall have expended at least one-third of the amount they receive from the General Government. If that report fails to show that fact, then the bill expressly provides, and in this same section, that no more money shall be paid over to the State. I tried to explain to the Senate how impossible it was to provide any test as to the paying over of the money based upon the action of the preceding year. I will ask him while I am on my feet where the language of section 8 is which provides that this money shall not be paid out in the State unless the conditions have been complied with?

Mr. HARRISON. Now, Mr. President, what has the Senator from New Hampshire done? He has only called my attention to a provision in this bill that has been mentioned a score of times by him and that has been noticed by every Senator on this floor. What is it? Simply that a report is called for by the bill from the State authorities as to what they have done with this money and how much of their own money they have expended. I would like the Senator to tell me what light that throws upon the phraseology used in section 8, what connection it has with it? Now, as the section stands—and I understood the Senator from New Hampshire yesterday to agree that the criticism first made by the Senator from Kansas who sits next him [Mr. INGALLS] and afterward by the Senator from Arkansas [Mr. GARLAND] was well taken, and I am clear that it is myself—the provision is:

That no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend——

Mr. HOAR. Read the rest of it.

Mr. HARRISON. I am going to read all of it if the Senator from Massachusetts will give me time—

annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof——

Mr. BLAIR. Now read the formal amendment in connection with it.

Mr. HARRISON. I will come to that presently. I will not have it read now. I am going to discuss it presently—

and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

Of course the Senator understands the terms "annually" and "annually during the second five years of its operation."

Mr. BLAIR. Certainly.

Mr. HARRISON. I do not know whether we should be authorized to put in the word "annually" there or not; but if that be so, how can you tell what the State has expended for five years until the end of the five years?

Mr. BLAIR. Can not you tell what it expends annually when it makes an annual report?

Mr. HARRISON. I can tell what it has spent annually, but until the end of five years it can not be told what it has spent annually for five years.

Mr. BLAIR. Oh, well; that is the merest carping criticism in the world, it seems to me. Here is a provision requiring that during a certain series of years an annual report shall be made showing what is expended each year for five years, and during that period of time one-third of the amount received from the Government must be expended by the State; during the second five of the ten years an annual report is required also, and it is required then that during that time the State shall have used as much each year as it shall have received from the General Government. It is impossible to mystify that matter.

Mr. HARRISON. The Senator is right in saying that an annual report is required, but until you have had five annual reports how can the Government know that you have spent annually for five years a given sum?

Mr. BLAIR. Oh, well; I do not understand the Senator. I would like to have him take two or three days to explain that.

Mr. HARRISON. Mr. President, the Senator yesterday, if I am not mistaken, when the Senator from Arkansas gave his authority for this criticism, which I was just repeating this morning, and that is all, certainly said that he himself saw the difficulty, and consented to an amendment, and now he proposes to leave it in the bill. I do not care to discuss with him the question as to which of us it is that is obtuse in this discussion; but this section requires that unless these States shall have expended one-third annually of the sum appropriated for a period of five years they shall not get anything. Language can not be plainer than that. You must have the five reports before they have laid the basis of a claim for this appropriation. Well, now, what does the Senator propose? Instead of making that clear, instead of changing that phraseology so as to make it clear that he means that they shall have their allotment each year if they have spent in that year one-third of the amount which they are entitled to under this bill, he proposes an amendment to which I ask the attention of the Senate, to see whether I am not right in saying that it simply adds to the confusion. The proposition is, if I am right, that there are to be five annual reports, because prior to that nobody can know that for five years they have paid out this sum that is required. Now he proposes to add:

> And unless the report of the State and Territorial authorities to the Secretary of the Treasury herein required to be made shall show the expenditure during the year of such amount from the revenues of the State derived from State and local taxation and from the income of permanent school funds, if any there be, or other sources of revenue within the State, then no part of its allotment shall for the ensuing year be paid to such State or Territory, unless on appeal to Congress it shall be otherwise provided.

Here is another proposition totally in conflict with the one I have already been discussing; that is, that they shall receive their allotment provided that for the current year they appropriate an amount equal to one-third of it out of their own revenue, and if they fail to do that they shall forfeit the allotment for the next year. It does not need any argument to show that that scheme is entirely at variance with the scheme which is disclosed in the previous part of this section. If this is the basis on which the Senator wants to put it, instead of adding it here it ought to be incorporated in place of the phrase upon which I have been commenting. It simply confuses the section by putting in as a proviso that which is inconsistent with the body of the section and substitutes a new scheme for it altogether.

I am not disposed to be hypercritical, but it does seem to me that this section should be put in such a shape that we shall not need to place a proviso at the end of it in order to understand what it means. If this is the scheme which the Senator proposes let it go into the body of the section, and let us strike out all this about the five years. What are you to do? What place does all this provision about five years discharge here?

Mr. BLAIR. The Senator will excuse me. He can not be in earnest in asking a question like that. What does the section say? It prescribes the amount which each State is conditioned to pay in order to receive anything whatever from the nation at large during the first five years—that is the object of the section—and the amount it is to receive during the second five years requiring it to raise as much as it receives from the National Government. That is the purpose of the section, and this that I propose to add was utterly unnecessary. It is all in the provision that the first division shall be upon the basis of illiteracy to the States; and, second, in the requirement of a report at the end of each year of what they have done with it, and a provision that they shall forfeit what they would receive in case the conditions are not complied with, of which conditions this condition in section 8 is one, and one of the most important. Yielding to the ideas of some Senators that it might be made more explicit, I prepared this amendment proposing practically to put other sections of the bill right in here, so that this fault might be removed, if it is a fault. I showed it to my friend the Senator from Arkansas [Mr. GARLAND], and he read it and he found no difficulty in arriving at the conclusion that it met every difficulty completely.

Mr. HARRISON. Mr. President, I can allow the Senator from New Hampshire to differ with me as to the weight of the suggestions which I may make, but I can not allow him to question my sincerity and earnestness in making them.

Mr. BLAIR. If I dropped an expression that seemed to do that, I withdraw it. I meant nothing of the kind. I believe in the integrity, the honor, and the Senatorial capacity and genius of the Senator from Indiana as strongly as I do in any one's.

Mr. HARRISON. I feel fully indorsed and re-established in the confidence of the Senator, and I will proceed with the word or two more I have to say.

Let me call attention now to an expression in this proposed amendment. I am sorry that the Senator yielded so far as to propose something which he says himself in his last speech is utterly unnecessary, because I am sure that every unnecessary word that he introduces here will only add confusion. When you have enough words to express the thought every additional word is in the way.

Now, the Senator says, "shall show the expenditure during the year of such amount"—that is the way it reads—"such amount." What does he mean?

Mr. BLAIR. If the Senator puts a question like that to me, I invite him to answer his own question by reading the section that that is a portion of. The amount is prescribed in an earlier sentence.

Mr. HARRISON. There are two modes prescribed. For five years there is one-third and for the other years there is a sum equal to the amount appropriated.

Mr. BLAIR. The Senator will not find any difficulty in the grammatical construction, even if that is precisely as he says.

Mr. HARRISON. I only rose to say that it seems to me this proposed amendment furnishes no reason for voting down mine, and, according to the confession of the Senator who proposes it, it introduces nothing new; it is unnecessary.

The object of my amendment was to take, as we must do, the preceding year as the basis for distribution. We can not take this year in which we are to make the appropriation, because we can not know what the States have done until the year is ended. Therefore I take the preceding year as the basis, and I give them such an amount, not exceeding of course their entire quota, as they have themselves spent, and then taking each preceding year during the whole period, not dividing it into periods of five years as this does, but taking for the whole period the basis of their expenditure the preceding year, we give them so much as they have spent, provided it does not exceed the entire allotment to the State. That is the idea of my amendment.

Mr. HOAR. Mr. President, it seems to me that as the bill is now drawn the Senator from New Hampshire has very clearly provided in the eighth section that no money shall be paid out under the bill until the expiration of ten years.

Mr. HARRISON. Five years.

Mr. HOAR. No; ten years.

Mr. HARRISON. I guess the Senator is right about that.

Mr. HOAR. Let me repeat. I am stating my views and those of no other person as far as I know. The Senator from New Hampshire seems to me to have clearly provided by the eighth section of his bill—it may be that there is something in some other section of it in conflict with it that the court or the Department might construe the two together and make sense of the two—that no money shall be paid out under this bill until the end of ten years. See how it is. No part of the money appropriated shall be paid in any State which during the first five years shall not annually expend a certain sum. How can you tell whether that annual expenditure has taken place until the end of the five years, and not a dollar is to go out of the Treasury until that has been ascertained?

> And during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

And no man is to know whether the State has annually paid out during those second five years this sum equal to what it gets from the Treasury until those five years are all over. It does not say that no money is to be paid out until for the next preceding year such proportion of annual payment shall have been shown. My friend from Indiana will see that I am right. It does not come until the end of ten years under the bill.

There is nothing which I think my friend from New Hampshire need be concerned about in this criticism. I profess to have some little experience as a lawyer, and twenty times in my life and more I have drawn bills which on putting different parts of them together I found contained such inconsistencies. It happens every day in the Judiciary Committee when it meets to consider bills before that committee, with so many learned and experienced lawyers and legislators; there is hardly a meeting when something of this kind does not come up. I should be very much surprised if the most experienced and capable Senator in this body were to report a bill of twenty sections to the Senate containing a new and complicated system that he should not get into it by a failure to put two parts of the bill together in his own mind as it changes and grows and is molded under his hand some little inconsistency of this kind; and I beg my friend from New Hampshire not to suppose that there is any disrespect to him intended by the criticism.

It does not seem to me that it is fair to meet that difficulty in the bill by the amendment which is proposed by my honorable friend from Indiana, because he not only makes the necessary verbal amendment to make the section convey the meaning which was intended by the author of the bill, but he couples with that an amendment to the principle of

the bill. The Senator from New Hampshire wants only to compel the State to pay a sum equal to a certain proportion of what it is to receive from the General Government, while the amendment compels it to pay a sum equal to all that is received from the General Government in the preceding year. Now, it seems to me that it is just to the committee and the author of this bill to permit an amendment to be made which shall express his meaning, which everybody, I trust, will agree to, and then take the sense of the Senate separately on the other proposition where the parties differ.

Now, Mr. President, I make this suggestion, which I hope will meet everybody's assent, so as to make the bill mean just what the Senator from New Hampshire thinks it means, and prevent its containing an error which will prevent me, one of its most ardent friends, from voting for it if it stands as it is now. I suggest that the Senator from Indiana consent to let the Senate make this amendment before taking the vote on his; that is, after the words "which shall not," following the word "Territory," in line 8, these words shall be inserted:

Each preceding year have complied so far with the conditions hereof as is required for that year.

Then a period; and then begin a sentence—

Each State shall during the first five years, &c.

Then the Senator from Indiana can propose to affix his condition if he pleases. That will make the section read in this way:

It is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not each preceding year have complied so far with the conditions hereof as is required for that year. Each State shall during the first five years annually expend, &c.

I ask that the sense of the Senate be taken on that amendment if the Senator from Indiana will permit.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from New Hampshire will allow the Chair to state the proposition now made. The Senator from Massachusetts, as the Chair understands, asks unanimous consent to propose an amendment at this time.

Mr. HARRISON. As the Senator from Massachusetts appealed to me, I do not think I shall consent to taking that question first. The amendment which I have proposed was not addressed to the phraseology of the bill, which I was criticising in a friendly spirit, simply because if it was to stand I want it to be in a proper shape; but it proposes a new system of distribution. The amendment is adapted to the language of the section as it stands now. If it should be modified, as suggested by the Senator from Massachusetts, I should have to attempt to reconstruct the amendment as applied to the amended section, whereas if a majority of the Senate voting now on the amendment which I have proposed favor this change in the basis of distribution we shall have reached an end which passes clear by this proposition of amending the phraseology of the bill. I therefore think it is the shorter way that we shall vote upon my proposition to change the basis of distribution; and if that is voted down, then the amendment proposed by the Senator from Massachusetts to correct the phraseology can be considered.

Mr. HOAR. I give notice, then, that I will move mine on the disposition by the Senate of the amendment of the Senator from Indiana.

Mr. BLAIR. Then I desire it to be distinctly understood that if the amendment of the Senator from Indiana is voted down, I shall be very glad, as I believe the committee will be, that the verbal amendment suggested by the Senator from Massachusetts be adopted, so that the question may be taken with reference to the substantial modification of the bill which the Senator from Indiana proposes; and if it is rejected, then that the bill may be modified as desired by the Senator from Massachusetts.

But, Mr. President, I wish to say to the Senator from Massachusetts that while I have the very highest respect for him, as he knows, and as a matter of legal criticism there is no higher authority anywhere upon such a matter than that Senator, I still insist that his amendment is unnecessary, that it is the section as it now stands, and I ask his attention to this point I make. This bill provides in its earlier sections that a certain proportion of money shall be paid by the nation to the several States. That is the first step taken. I say to the Senator that this section has no reference whatever to that act on the part of the General Government at all. It has nothing to do with the paying over of the money from the General Government to the State. The process of the use of this money begins and applies after the proportion of each State has reached the treasurer of the State and is in his hands. If the Senate will follow me closely I think they will see that I am right in this whole matter.

Assume that the money is now in the hands of the State, what is to be done with it? The bill imposes certain conditions as to its expenditure. What are those conditions? They are not all in one section, but in various sections. In one section it is provided that it shall be applied to the support and maintenance of common schools. That is one condition, when they have the money in their possession. Another condition is that it shall be paid out as to any educational privileges to all classes, irrespective of color or race or previous condition. That is another condition that they must comply with. Another condition is that it shall be so used, in so far as they can, as to equalize the privileges of education to all the children—not to give the amount per capita, but to equalize the school privileges of all the children in the State so far as they can. That is the third condition. There are other conditions provided.

Then there is in this eighth section another condition, which is that annually during the first five years the State shall pay, not that the country shall not pay over to the State, but that the State shall pay out no portion of this money unless it shall from its own revenues expend during the same year while it has the funds of the United States for the year in its hands one-third as much of its own money. That is another condition.

Mr. HOAR. The trouble is that it is paid to the State.

Mr. BLAIR. The Senator will excuse me. If he will hear with an unprejudiced mind, without any sense of committal to what he has already said, he will find that I am right, and I expect him to admit it yet. It may take some time to convince the court, but I propose to do it, because I am right in regard to this matter.

The State having possession of this annual installment already in its treasury, it shall pay out no portion of it for the actual support of schools unless during that same year it makes provision for and has actually expended one-third as much itself. At the end of the year it must report to the General Government what it has done with that money. That is a condition as to what the State shall do during the same year in order to obtain the right to pay out any portion of the money it already has in its treasury, the money being there as a trust fund. It is obliged to expend it upon certain conditions, and one of the conditions every year is that it shall pay out one-third as much of its own money, and if it does not comply with that condition thus prescribed in section 8 it violates the conditions upon which it has received the money, and as a result of its failure to pay out one-third as much at the end of the year, the General Government, being informed of that fact under the provisions of this bill, has a right and it becomes the duty of the General Government not to pay over to that State any sum whatever the next year, unless Congress shall relieve it of its disability.

The error of the Senator comes from this circumstance: that he imagines that this section applies to the power and duty of the National Government to pay to the State. It has no such reference whatever, and all this misunderstanding from beginning to end results from the fact that Senators have not studied the bill.

These are conditions imposed upon the action of the State. This has nothing whatever to do with the action of the General Government. If this condition is found not to be complied with, in exactly the same way as if the State were obliged to report that she had used this money for white children and not for black children or had used it for high-school or academic or collegiate education instead of common-school education; in just the same way as if the State had failed to comply with those conditions, as if the State has failed to comply with this condition and failed to pay one-third as much as the General Government furnished it during that year, that fact or any of those facts occurring in the report at the end of the year to the General Government, what is the General Government to do? To withhold the appropriation or apportionment or allotment for the next year. The Senator thinks this paying out has reference to the paying from the General Government to the States. It has no such reference whatever. It is a condition imposed upon the State in the expenditure of the money after it has received it.

Mr. HOAR. I should like to ask where the General Government is to be protected?

Mr. BLAIR. The bill, as I said before, is specific about that. It is to pay it over to that officer designated, if the State chooses to designate an officer to receive it; otherwise to the treasurer.

Mr. HOAR. He is an officer in the State.

Mr. BLAIR. A State officer who is to receive this money.

Mr. HOAR. Section 8 provides that no part of the money shall be paid out to any State until it has done something which you can not ascertain for ten years. Whether the payment by the National Government to the State be a payment in the State or not, if it is a payment in the State, as the Senator does say——

Mr. BLAIR. I say not that at all.

Mr. HOAR. Then it covers the payment of the National Government to the State; but at any rate it covers the payment of the State the instant the money is paid by the State.

Mr. BLAIR. Not at all. I take it the payment of the money is from the Treasury of the United States, and that is a provision as to the local expenditure within the limits of the State itself.

As I said before, I desire the adoption of the verbal amendment of the Senator from Massachusetts, and that the question may be taken upon the substantial thing.

Mr. DAWES. I ask that the amendment we are first to vote upon shall be read.

Mr. HARRISON. I should like to have that done, because of the suggestion just made by the Senator from New Hampshire that it has no relation to the subject of disbursement from the Treasury of the United States of this money, but only to the distribution of it in the State. If the amendment I proposed is capable of that construction, I want to modify it so that it shall relate to the distribution by the Government.

Mr. DAWES. If the money is to be locked up in the State for five years in order to ascertain whether the State has during that five years complied with the provisions of the law, we had better know it.

The PRESIDING OFFICER. The Chair will endeavor to state the question.

Mr. DAWES. I think it will be better to provide that it shall be deposited at some United States depository, so that it may be safe, if it is to be locked up that length of time. I should like to have the amendment read.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana will suspend. The Chair will state the question.

Mr. HARRISON. I was going to ask to modify the amendment. I think the amendment reads as does the text in line 7, "shall be paid out in any State." If it still reads so, I should like to change "in" to "to;" so as to read "shall be paid out to any State."

The PRESIDING OFFICER. The Senator from Indiana modifies his amendment by substituting the word "to" for "in."

Mr. DAWES. Now I should like to hear it read.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Kansas [Mr. PLUMB] moved to amend section 8 by striking out, in line 10, the words "at least one-third of" and inserting in lieu thereof "an amount equal thereto," whereupon the Senator from Indiana [Mr. HARRISON] proposed as an amendment to the amendment of the Senator from Kansas to strike out all of section 8, after the word "provided," in line 6, and to insert:

*Provided*, That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

The question is upon agreeing to the amendment proposed by the Senator from Indiana to the amendment of the Senator from Kansas.

Mr. JONES, of Florida. Mr. President, I desire to say a few words in regard to the question that was debated here yesterday touching the power of Congress to grant this relief, if it may be so called. I am not of the opinion of my distinguished friend from Missouri [Mr. VEST], who thinks we must find authority for a measure of this kind in the general-welfare clause of the Constitution. We have had, I think, enough of discussion about that; but I think there is ample authority in the Constitution for the passage of this bill. I am not speaking now of its details, nor do I intend to speak of its details; but I speak of the power of the Government under the Constitution as now existing to aid in the work of public education.

It must be recognized that a great fundamental change was effected, whether for good or evil, by the amendments to the Constitution; that there has been somewhat of a revolution, constitutionally speaking, by the ingrafting of those amendments on the Constitution must be admitted by everybody who has reflected upon the subject at all. When I say this I say nothing but what the Supreme Court has said; and while I am not one of those who are overanxious to cite its opinions here to guide us in our deliberations, still I think they afford sufficient evidence to persuade us at times to reach right conclusions.

I have often said that the Supreme Court has no more right to bind us than we have to bind the Supreme Court in the administration of the Constitution. Still they have told us what was meant by the recent amendments to the Constitution. They have told this country that by those amendments the persons formerly known as slaves in the country became by its operation citizens of the United States. Before those amendments it is well known that a citizen of the United States was so because he was a citizen of a State, but the fourteenth amendment reversed all that. It declared to the country that every person born in the United States, every naturalized person from that time onward should be a citizen of the United States and of the State wherein he resided. The Supreme Court in the Slaughter-house cases, (16 Wallace) decided that a person could be a citizen of the United States without being a citizen of a State. This is new law to me, but I am not responsible for it; it is the result of the amendments to the Constitution.

This change in the organic law reversed the old order of things, and we have accepted it. I do not intend to argue from that any great expansion of power, but I say a great government like this, which has changed its organic law to meet a condition of things exceptional in its character and which has produced such important results, must have power to pass this bill.

Mr. VAN WYCK. May I ask the Senator a question in the line of his argument?

Mr. JONES, of Florida. Certainly.

Mr. VAN WYCK. Does he concede the power of Congress to impose the discharge of certain duties upon State officers? Has the revolution of which he speaks gone to that extent?

Mr. JONES, of Florida. I think it is a very familiar principle in our jurisprudence under existing laws for duties of a Federal character to be imposed upon State officers, and they have been from the foundation of the Government. If the Senator will examine the Revised Statutes of the United States, although I have not had time to look into them and am not prepared for such interrogatories as that, he will find that in many instances State officers are required to perform Federal duties. A State magistrate may examine a person who violates a Federal law and commit him in some instances. There is nothing in that. The State officer may decline. The courts have held that the Government of the United States can not absolutely impose upon him a public duty, but he is at liberty to discharge it if he desires to do so.

Mr. DAWES. I ask the Senator if he apprehends as a practical question any difficulty in inducing the State officers in that part of the country from which he comes to exercise the duty imposed by the bill.

Mr. JONES, of Florida. None in the world.

Mr. VAN WYCK. That is rather begging the question, I suggest. I asked the question whether the Senator concedes the power of Congress to direct the execution of a duty by a State officer, to compel him in the discharge of his duty? I want that constitutional question settled.

Mr. JONES, of Florida. I do not think that question is involved at all in this matter. I was saying when I was interrupted by the Senator from Nebraska that I did not find it necessary to go to the general-welfare clause for authority to pass this bill. Five million persons who before this great change in the Constitution were nothing but chattels were transferred from property into free people, lifted up to the full standard of citizenship, without any preparation, without any training, and, in many instances, without any qualification. The foreigner who lands upon our shores is required to remain five years before he can exercise that privilege. Why? At one time it was twenty-one years, but under the inspiration of a wise and liberal democratic policy, thanks to the early fathers of the party for it, the liberal spirit in the early part of the century brought it down to five years.

Why was that five years required? As a state of probation, of culture, of training, of education before the foreign-born man could exercise the privilege of citizenship in this great country. Still this great change in the Constitution and the laws passed in pursuance of it took this 5,000,000 of people out of a state of slavery where they and their ancestors had been for two centuries, and lifted them up to a level with other citizens in the Union so far as political rights are concerned. Without the least disposition at the time to do these people injustice I felt that it was an unwise thing. I felt that in the course of time the right of suffrage would follow the right of freedom, but I was not prepared for so sudden and so radical a change. But now that it is accomplished I mean to do all in my power to maintain that right and to make the people who have it qualified to exercise it.

Gentlemen on the other side speak about the South asking this and asking that. I know of nobody on this side of the Chamber who is asking for this bill. I know of some opposition to it here. But the very Government that did this thing now comes forward and proposes to help to educate those people, and I say it is just as little as they could do. There is no question of State rights involved in this, there is no question of local authority here. These people owe their present status to this change in the organic law which made them citizens of the United States, and if there is anything in the reason of the law or in our system of jurisprudence it is that the legislative arm of the Government is always competent to carry out its organic provisions. The Constitution of the United States having made citizens and voters out of 5,000,000 of slaves and cast upon the people of the States the duty of educating them for the exercise of political power, surely there can be nothing very unreasonable in the Government of the United States aiding the States in educating these people.

Where do the States get authority to legislate for their citizens? Would it not be an anomaly to contend that a State could create a citizen, invest him with all the vigor and force and power of suffrage, bring him into life, raise him to the full standard of a full-fledged political character, and after it placed him there could not move another step? The States did not create these people citizens, but this change in the organic law of the Union did, ratified by the States.

Mr. COKE. Will the Senator from Florida permit me to ask him a question?

Mr. JONES, of Florida. Certainly.

Mr. COKE. I ask him if the States did not change the organic law?

Mr. JONES, of Florida. Yes; the States did it, and gave this power to the General Government and every power that the General Government possesses to-day was derived from the same source. Here is what the Supreme Court of the United States said in the Slaughter-house cases, speaking of the great change in the fundamental law, to which I call the attention of the Senate:

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

The first observation—

Say the court—

we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. (16 Wallace, 73.)

That is the doctrine of the Supreme Court interpreting the fourteenth amendment. I say, having invested these people with this right, admit as has been charged that this measure is a measure of relief for these people, here you have the authority of the Supreme Court, which says that these great organic changes were brought about to give this class of people the rights they now have. Under this provision of the Constitution many very harsh laws have been enacted and enforced, laws that I have never assented to and would not assent to; but when I find a beneficent provision like this one, brought forth to aid in the culture and the educational advancement of the people thus enfranchised by this great organic change, I shall not oppose it. I do not go to the general-welfare clause, but I go to those clauses in the Constitution which worked this remarkable revolution in our constitutional system as stated by the Supreme Court and which transformed 3,000,000 of men from chattels into free men and invested them with all the rights of American citizens.

This is not the first time that Congress has been called upon to do something in the interest of education. The lawyer who can draw a distinction between the granting of one sixteenth section or a thirty-sixth section of land to aid in the cause of common-school education and the granting of the money equivalent to that land can refine more than I am able to do and more than I ever want to do in the Senate of the United States. It is always interesting to go back to the early stages of our own history for example, when there were great lights worthy of being followed.

It is well known that by the treaty of 1763 between Great Britain and France it was agreed that the Mississippi River should be regarded as the western boundary of the British American colonies, and at the close of the Revolutionary war all the territory lying between the Atlantic on the east and the Mississippi on the west and the lakes on the north and the thirty-first parallel of latitude on the south was included in the lines of the thirteen original colonies. Those limits embraced a vast area of the most valuable land on this continent. Out of that territory numbers of prosperous States were formed, including the one represented by the distinguished Senator from Ohio [Mr. SHERMAN], not now in his seat, who said that he was not willing to trust Virginia or any of the States of the South in the disbursement of this fund.

Mr. PLUMB. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. JONES, of Florida. I would rather the Senator would not interrupt me.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. JONES, of Florida. I will say to the Senator from Ohio that the better portion of the most valuable territory at that time lay within the acknowledged limits of Virginia under her colonial charter. We know the trouble that arose at that early day for fear that Virginia would have more than her proportion of the public domain in consequence of her rights as a colony. With a generosity unparalleled in public history or among the States she ceded that vast domain for the benefit of all the other colonies and dedicated it to the use of the States that might be created out of it. In her deed of cession she incorporated this provision:

That the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the beforementioned purposes or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or Federal alliance of the said States (Virginia inclusive), according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose and for no other use or purpose whatsoever. (Act December 20, 1783.)

The grant was carried out in that way. It went to enrich the States that were carved out of it, and was used for school purposes and other purposes of a general character to build up the population of the various States that settled that territory and are now located upon that very soil.

Why was the first act passed by the Continental Congress, on 20th of May, 1785, for the disposition of the lands ceded by Virginia and the other States, and which has constituted the basis of the policy in regard to all the public lands, enacted? Mark you, this was under the authority of the Confederation, before we had any Constitution, when we were living under a league. In 1785, before our present Constitution was framed or ratified, an act was passed through the Continental Congress at Philadelphia to carry out the great trust of Virginia in respect to these lands. What did they do? They passed a law that provided that the land should be laid off into townships, that section No. 16 in each township should be reserved for the maintenance of public schools, and that two townships in every State should be set apart for the support of a university.

That was the spirit in which the early fathers met the educational question in the States, before we had any Constitution, before we had any quibbling as to what was meant by the general-welfare clause or any other clause, and at a time when every power not expressly delegated in the Articles of Confederation to Congress was reserved to the States, and when there was not a word in those articles in reference to this subject.

Under that same policy what was done? In 1848 and 1849 a still more liberal policy in regard to the provision for educational purposes in new States was adopted. In the acts passed in those years, respectively, creating the Territories of Oregon and Minnesota, section No. 36, in addition to section No. 16, in each township was set apart for school purposes; and to each new Territory organized and State admitted since 1848 (except West Virginia) the sixteenth and thirty-sixth sections of every township, one-eighteenth of the entire area, have been granted for common schools. Other States have received grants.

Mr. RIDDLEBERGER. Will the Senator from Florida permit me to state to him, if he is making his argument from a Virginia standpoint, that there is no amendment yet offered to the bill that could in any wise affect Virginia? That State gives $1,400,000 for public schools, and no amendment offered could in any wise affect that which would be apportioned under the original bill to that State.

Mr. JONES, of Florida. I was only speaking of the historical fact.

Mr. RIDDLEBERGER. I thought the Senator was arguing peculiarly from the Virginia standpoint.

Mr. JONES, of Florida. Not at all; I am not arguing anything about Virginia except to show what was done with the land which she gave up to the United States.

Other States have received grants for common schools than those I have named. Ohio received 69,120 acres, (and I have no doubt she disposed of it well at good prices), Florida and Wisconsin 92,160 acres, and Minnesota 82,640 acres.

From a report of the Commissioner of Education it appears further that under the acts of Congress passed in 1785 and 1786 there had been distributed among twenty-six new States and Territories 67,983,914 acres for the support of schools, besides what was given for universities and deaf-mute asylums. Of the pecuniary value of these grants some estimate may be formed by reference to the report of Dr. Barnard in regard to the lands granted to Minnesota. It appears from that report, that from 1862 to 1866, embracing a period of five years, Minnesota had sold 210,769 acres, which yielded $1,324,779, that she had got from the General Government. It is to be remembered that the distribution of lands to aid institutions of this kind is a very unequal method, because the lands of the great West went up in value far beyond what they did in other sections of the country, and they were wealthier and richer for agricultural purposes. Where a grant of the sixteenth section of land in Minnesota would be worth it may be $5,000, in Florida it would not be worth $500.

The idea that the General Government has never done anything in this way can not be sustained when we come to remember the millions and millions of dollars that have gone into the public treasury of the States of the West under this land-aiding system to build up and sustain their common schools; and now after 5,000,000 unfortunate people who, as a race, had been in bondage for two hundred years, were elevated to citizenship by a single act of this Government and the whole charge of their training and culture put upon that impoverished section and this Government comes forth with a generous hand under the lead of my friend from New Hampshire and proposes to take a little off the burden of taxation there by helping to educate these people, I say it is commendable. After all, in a great country like this the people are the state, and there was as much philosophy as poetry in the utterance of that great namesake of mine on the other side of the water when he said:

What constitutes a state?
Not high-rais'd battlement or labor'd mound,
Thick wall or moated gate;
Not cities proud, with spires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not starr'd and spangled courts,
Where low-brow'd baseness wafts perfume to pride.
No!—men, high-minded men,
With pow'rs as far above dull brutes endued
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men, who their *duties* know,
But know their *rights*, and, knowing, dare maintain,
Prevent the long-aim'd blow,
And crush the tyrant while they rend the chain:
*These* constitute a State.

Mr. GARLAND. I wish to move that the Senate proceed to the consideration of executive business, but before doing that I desire to ask that the bill as amended and the proposed amendments be printed.

Mr. INGALLS. I offer an amendment as an additional section, that I ask may be printed under the proposed order of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas asks that the bill with the amendments which have already been made and the amendments proposed to the bill shall be printed for the use of the Senate.

Mr. VAN WYCK. I desire to offer two amendments to the bill.

Mr. DOLPH. I offer an amendment, to be printed, to the pending bill.

The PRESIDING OFFICER. The Senator from Oregon offers an amendment to the pending bill; which will be received and printed.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Before the motion is put I wish to give notice that I shall offer at the proper time an amendment to the pending bill, in the eighth section, seventh line, by striking out the word "in" and inserting the word "by;" so that it shall read—

that no part of the money appropriated under this act shall be paid out by any State or Territory, &c.

The PRESIDING OFFICER. Does the Senator desire that amendment to be printed?

Mr. BLAIR. No.

Mr. SHERMAN. I send up an amendment to the school bill to be printed.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment to the pending bill, which will be received and printed with the other amendments.

Mr. SHERMAN. If the Secretary can read my handwriting I should like to have my amendment read.

The PRESIDING OFFICER. The Senator from Ohio asks that the amendment proposed by him as an amendment to be offered to the pending bill be read. It will be read if there be no objection.

The CHIEF CLERK. At the end of section 4 it is proposed to add:

And the sums so paid shall be expended for the education of children of the school age as prescribed by this act of such State or Territory, without distinction of race or color, and shall be apportioned among the several counties, cities, towns, parishes, townships, and when practicable among school districts, as defined by this act, in the proportion that the number of illiterate children in such corporation bears to the number of illiterate children in such State or Territory according to the census of the United States last taken before such distribution. And the assent of such State or Territory shall be first given to this condition before any distribution is made.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-one minutes spent in executive session the doors were reopened, and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned.

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## HOUSE OF REPRESENTATIVES.

### FRIDAY, *March* 21, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

NAVIGATION OF SOUTH PASS, ETC.

The SPEAKER laid before the House a letter from the Secretary of War, in reply to the resolution of the House adopted March 8, 1884, requesting him to inform the House what, if any, regulations he has made in relation to the navigation of South Pass or other public waters in Louisiana and affecting the authority of said State, and transmitting a report thereon from the Chief of Engineers; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COBB, for ten days, on acount of important business.

To Mr. DORSHEIMER, until Monday next, on account of important business.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I demand the regular order.

Mr. DOCKERY. I ask the gentleman to withdraw for a few minutes his call for the regular order until I can submit a report from the Committee on Accounts in reference to the extra month's pay for House employés.

Mr. BELFORD. I ask my friend from Ohio to withdraw the demand for the regular order so that we may consider some Senate bills on the Speaker's table.

Mr. EZRA B. TAYLOR. I would willingly withdraw the call for the regular order, so far as the report from the Committee on Accounts is concerned if I can then insist upon it.

The SPEAKER. The gentleman can withdraw the demand for the regular order and renew it whenever he sees proper.

Mr. EZRA B. TAYLOR. Then I will withdraw the demand for the regular order.

Mr. DUNN. I renew it. I do not object to the entertaining of propositions for unanimous consent in the usual way, but I do object to a gentleman calling the regular order and then waiving it temporarily for one purpose, giving notice that he will insist upon the call against all others. I therefore renew the demand for the regular order.

The SPEAKER. The regular order being insisted upon, this being Friday, the first business in order is the call of committees for reports of a private nature.

Mr. MATSON. I move to dispense with the morning hour for reports from committees.

The SPEAKER. That requires a two-thirds vote.

The question was taken; and upon a division there were—ayes 34, noes 32.

So (no further count being called for) the motion was not agreed to (two-thirds not voting in favor thereof).

The SPEAKER. The regular order is the call of committees for reports of a private nature, and the morning hour begins at ten minutes past 12 o'clock.

JOHN N. QUACKENBUSH.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 5758) to confirm the status of John N. Quackenbush as a commander in the United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN HEBERER.

Mr. ROWELL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 249) for the relief of John Heberer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY STILGEBOWER AND OTHERS.

Mr. ROWELL, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 3050) for the relief of Mary Stilgebower and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUT. JOHN C. GEYER.

Mr. FERRELL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2636) for the relief of Lieut. John C. Geyer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SIXTH STREET AND BLADENSBURG RAILROAD.

Mr. ROCKWELL, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 2183) to incorporate the Sixth-Street and Bladensburg Railroad Company of the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

The SPEAKER. The call of committees has been completed; but if there be no objection the Chair will now receive reports of a private nature from gentlemen who were not in their seats during the regular call.

There was no objection.

JAMES BRADFORD.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3701) granting a pension to James Bradford; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH H. ADAMS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 965) granting a pension to Joseph H. Adams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

M. P. JONES.

Mr. BRENTS, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 1301) for the relief of M. P. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. ROGERS, of New York. I desire to present three reports from the Committee on Printing for reference to the Committee of the Whole House on the state of the Union.

The SPEAKER. This being Friday, the call of committees is for reports of a private nature only; but if there be no objection these reports of a public nature sent up by the gentleman from New York will be received.

There was no objection.

REPORTS OF GEOLOGICAL SURVEY.

Mr. ROGERS, of New York, by unanimous consent, reported back from the Committee on Printing, with a favorable recommendation, the joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ANNUAL REPORTS OF BUREAU OF ETHNOLOGY.

Mr. ROGERS, of New York, by unanimous consent, also reported back from the Committee on Printing, with a favorable recommendation, the joint resolution (H. Res. 137) for printing the annual reports

of the Bureau of Ethnology; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. ROGERS, of New York, by unanimous consent, also reported back from the Committee on Printing, with a favorable recommendation, the following concurrent resolution; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed:

*Resolved by the House of Representatives (the Senate concurring)*, That the Secretary of the Interior be, and he is hereby, authorized to distribute the surplus copies of the Official Register of the United States in his charge among such public, college, and law libraries as have not already been supplied with the same.

HENRY GEE.

Mr. LEWIS, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 165) for the relief of Henry Gee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. WAIT. I desire to present from the Committee on Foreign Affairs a report in reference to the Chinese indemnity matter.

The SPEAKER. That is not a report of a private nature.

Mr. WAIT. I ask unanimous consent.

Mr. EZRA B. TAYLOR. I call for the regular order.

CHARGES AGAINST HON. E. JOHN ELLIS.

Mr. MONEY. I rise to present a privileged report. I am instructed by the Committee on the Post-Office and Post-Roads to report the resolution which the Clerk will read.

The Clerk read as follows:

*Resolved*, That the charges reflecting upon Mr. ELLIS, a Representative from Louisiana, in connection with star-route frauds, recently published, are untrue.

Mr. MONEY. I ask that the report accompanying this resolution be read.

The Clerk read as follows:

In support of the resolution herewith submitted the committee submit the following report. The action of the committee was under the resolution of February 25, which reads:

"*Resolved*, That the Committee on the Post-Office and Post-Roads be instructed to investigate the charges reflecting upon Mr. ELLIS, a Representative from Louisiana, in connection with star-route frauds, recently published, and for this purpose are authorized to send for persons and papers."

The committee had before it, for witnesses, Mr. P. H. Woodward, post-office inspector; Mr. George F. Brott, a mail-contractor, both persons named in the publication; and Mr. E. J. Edwards, the correspondent of the New York Sun, and author of the communication, and William A. Cook, esq., late special counsel in the star-route prosecution. The committee could hear of no other person who was supposed to know anything of the matter except Dr. B. H. Peterson, whose whereabouts was unknown. Mr. ELLIS, under oath, made substantially the same statement which he made to the House on the 25th of February.

The publication in the New York Sun of a copy of a memorandum deposited in the Post-Office Department contains the whole charge. This memorandum was without signature, although witness P. H. Woodward testified that he wrote it in May or June 1881; that it was in no sense an official paper; that it was written as his recollection of several conversations with George F. Brott in regard to the Sixth Auditor and deputy sixth auditor; that it was written some time after those conversations were held; that about the same time of these conversations there was much gossip and rumor involving apparently a great many people, and that there was nothing, so far as he knew, affecting Mr. ELLIS worthy of a moment's consideration. Mr. Woodward professed his esteem for Mr. Brott, whom he says was regarded as a good man in Connecticut, where he married, and also stated that Mr. Brott in his presence and in his office wrote a statement on March 29, 1882, contradicting the memorandum as far as it relates to Mr. ELLIS. Mr. Brott testified that the portion of Woodward's memorandum "which refers to Mr. ELLIS is absolutely false;" that he had never made any such statement to Mr. Woodward at that or any other time; that no such transaction ever occurred between him and Mr. ELLIS; that he wrote the contradictory statement, which "is absolutely true." Mr. Brott said he could not remember that Mr. ELLIS ever rendered any service in the New Orleans and Pearl River business; that he never paid or promised to pay Mr. ELLIS, either directly or indirectly, for that or any other service; that Mr. ELLIS never got nor assisted in getting a contract for him, and that Mr. ELLIS never asked him for pay.

Mr. E. J. Edwards testified that he is the correspondent of the New York Sun who wrote the communication; that it was written several days before publication; that he procured a copy of the memorandum, but declined to say how or from whom; that he never saw or heard of the contradiction made and filed by Mr. Brott; that he published it as soon as he could get it after he heard there was such contradiction made and filed by Mr. Brott; also that he doubted the truth of the memorandum reflecting on Mr. ELLIS before it was published, but knew nothing about its truth or falsity when he sent it to New York; that his instructions received here from Mr. Dana was to "publish records without editorial comment."

Mr. William A. Cook, late special counsel in the star-route prosecution, testified that neither he nor any of his subordinates to his knowledge ever had any memorandum or evidence affecting Mr. ELLIS.

This is a brief summary of the evidence: The whole trouble arose from the publication in the New York Sun of a charge against Mr. ELLIS, to which there was no signature, for which no one was responsible, and which was not official, was no part of any record, and which the correspondent who sent it did not believe to be true before or after it was published. The person who furnished the copy to the correspondent circulated the poison but withheld the antidote. The public appetite is eager for sensation, and in too many instances newspapers cater to it without regard to the old adage that "he who tells for the truth what he does not know to be true is guilty of falsehood" and reckless of the reputation and character of those who are misrepresented.

Mr. MONEY. I now ask a vote on the adoption of the resolution reported by the committee.

The question being taken, the resolution was adopted.

Mr. MONEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House now resolve itself into Committee of the Whole for the purpose of considering the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

SIDNEY HENDERSON.

The first business on the Private Calendar was the bill (H. R. 6090) for the relief of Sidney Henderson, executrix of John Henderson, deceased.

Mr. GEDDES. I understand the first bill on the Calendar to be that bill, 6090, reported from the Committee on War Claims. It was once in the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The Chair understands that to be the case. The bill is out of print and the Clerk has sent for the original bill. If the gentleman from Ohio has a copy he will send it to the Clerk's desk.

Mr. DIBRELL. That bill, according to the resolution of the House, was to hold its place under the previous question, and it is not necessary to be considered again in the Committee of the Whole House.

Mr. GEDDES. One word of explanation will obviate all objection.

The CHAIRMAN. The Chair is advised that the bill has not been printed, and that the original was sent to the Printer yesterday.

Mr. GEDDES. I desire to submit to the Chair the matter can be disposed of at this moment and without objection, and that a word of explanation will bring about that result.

Mr. STEELE. I rise to a question of order. I find in the Calendar of the 17th instant the bill for the relief of Henry Z. Blinn was at the top of the Calendar and the first business in order when the Calendar was reached, but on the Calendar to-day I find the first bill in order to be this bill for the relief of Sidney Henderson, reported by Mr. TULLY from the Committee on War Claims, although that bill was only reported March 19, while the other bill was reported January 22.

The CHAIRMAN. The bill for the relief of Sidney Henderson, reported by the gentleman from California [Mr. TULLY] from the Committee on War Claims, was placed at the head of the Calendar by order of the House. It therefore takes the first place, and the bill for the relief of Henry Z. Blinn comes next in order.

Mr. DIBRELL. It will not take a minute to pass it.

Mr. GEDDES. I was about to say this case came up for consideration the last day the House was in Committee of the Whole House on the Private Calendar. The claim met with some resistance in the form in which it was then presented, and on motion it was recommitted to the committee. It now comes up on the report of the bill as it was then considered in committee. I believe there is no objection to it as it now stands. I resisted the passage of the bill in the form in which the amendment was presented last week.

The CHAIRMAN. If there be no objection this bill will be passed over informally and will retain its place on the Calendar.

There was no objection, and it was ordered accordingly.

HENRY Z. BLINN.

The next business on the Private Calendar was the bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to so amend the rolls of Company A, Fifth Indiana Cavalry Volunteers, as to show Henry Z. Blinn a private in said company from the 5th day of August, 1862, until the 5th day of October, 1862, and to grant said Henry Z. Binn an honorable discharge, to date from October 5, 1862.

Mr. HOLMAN. I ask for the reading of the report.

Mr. STEELE. The report is quite lengthy, and if the gentleman from Indiana will allow me, in a few minutes I can explain the nature of the case.

Mr. HOLMAN. The reading of the report can be heard in all parts of the Hall much more distinctly than my colleague.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred bill H. R. 351, after considering the same, adopt the report of the Committee on Military Affairs of the Forty-seventh Congress, and recommend favorable action by the House.

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The Committee on Military Affairs, to whom was referred the bill H. R. 6684, having considered the same, respectfully report:

Henry Z. Blinn, it appears from reliable information (affidavits, certificates, and oral testimony), was duly enlisted into the service on the 5th day of August, 1862, as a soldier in the Indiana Volunteers, for three years or during the war; but before he was mustered into the service, on the next day, August 6, 1862, while acting in obedience to orders from the captain of his company, he was so injured by the premature discharge of a cannon as to render him unable to appear for muster with his comrades. It also is in evidence that the injuries were so severe as to prevent Blinn from reporting to his company again until October 1, 1862, when he reported to his captain, with his arm (which had been broken) in a sling. The captain of his company, recognizing Blinn as a soldier of his company, issued to him a proper allowance of clothing and rations, and continued to do so until the 5th day of October, 1862, when he (Captain James A. Stretch) took the responsibility of ordering him home, whither he went, and remained until he sufficiently recovered to enlist in another company and regiment as a

musician, and in which capacity he served until the close of the war. In view of the fact that it was held during the war that where a man voluntarily signed an agreement to enter the service (an enlistment paper) he was thereby held for the service, your committee are of the opinion that the bill under consideration is only giving to Blinn the record and pay to which he is justly entitled; and therefore, after calling attention to the following affidavits, as specimens from which these conclusions are derived, recommend the passage of the bill.

STATE OF INDIANA,
*Grant County, ss:*

On the 12th day of November, 1881, personally appeared before me, a notary public in and for said county and State, Henry Z. Blinn, who, being duly sworn according to law, deposes and says:

In relation to his matter to amend war record, as more fully set forth in his petition accompanying this affidavit:

That when he enlisted, as alleged, he was only about 18 years of age. When he signed his name to the enlistment paper said Captain Stretch, as such recruiting officer, administered an oath to him such as was prescribed by law for mustering men into the service, and he, to all intents and purposes, believed that he was a soldier regularly in the military service of the United States.

And it was by said Captain Stretch's orders that he and others were engaged in loading said cannon when he received his said injuries, and at that time believed it was his duty to obey the orders so given him, as he recognized said Captain Stretch as his superior officer, and knew no different.

After affiant had so recovered from his said injuries so as to be about he went to Indianapolis, about October 1, 1862, where said company and regiment were rendezvoused, and insisted upon being received in said company. Said captain gave him a uniform; he remained in camp with the company some four or five days, when said Stretch informed him that he could not receive him by reason of his injuries, as affiant at that time was carrying one arm in a swing that had been broken by said premature explosion, and affiant returned to his home.

Subsequently affiant enlisted and served as a musician in Company I, One hundred and eighteenth Indiana Volunteers, from September 3, 1863, to March 4, 1864, and again enlisted and served as a musician in Company A, One hundred and thirty-ninth Indiana Volunteers, from June 5, 1864, to September 29, 1864, and subsequently enlisted and served as a musician in Company D, One hundred and fifty-third Indiana Volunteers, from February 1, 1865, to September 4, 1865. He most respectfully submits his claim.

HENRY Z. BLINN.

Subscribed and sworn to before me this 12th day of November, 1881, and I certify that the foregoing affidavit was read over and explained to affiant before swearing, and the affiant is personally known to me to be the person he represents himself to be.

[SEAL.] JOHN A. KERSEY, *Notary Public.*

STATE OF INDIANA,
*County of Grant, ss:*

In the matter of Henry Z. Blinn, late enlisted man of Company A, Ninetieth Indiana, to amend war records, &c.

Personally came before me, a notary public in and for aforesaid county and State, John W. Hurley, aged 40 years, citizen of the town of Marion, county of Grant, State of Indiana, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he is personally acquainted with said Blinn. Affiant and said Blinn were raised boys together near said town of Marion, where both have resided until the present. Affiant was present on the 5th day of August, 1862, in said town of Marion, and saw the said Blinn sign his name to a proper enlistment paper in the hands of James A. Stretch, to serve for the period of three years in the Fifth Indiana Cavalry. Said Stretch was recruiting a squad of men with a view of becoming captain of a company in said regiment, and subsequently, upon the organization of said regiment, was commissioned as such in Company A of said regiment.

On the 6th day of August, 1862, affiant and said Blinn, and a number of others who had so enlisted in command of said Stretch, started for Wabash, Ind., a distance of twenty miles, for the purpose of going into camp. Upon nearing said town of Wabash, by the premature discharge of a cannon, said Blinn was injured as to disqualify him for the service at that time, and was not mustered into said regiment. Affiant went to Wabash with a view to enlist in said company, and did on the next day following said injury, being the 7th day of August, 1862. Said Blinn was loading said cannon by direction of said Stretch to affiant's personal knowledge, and was an eye-witness to the injury. He further declares that he —— no interest in said case, and is not concerned in its prosecution, and is not related to said applicant.

JOHN W. HURLEY.

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant —— personally known to me; that he is a creditable person, and so reputed in the community in which he resides.

Witness my hand and official seal this 23 day of November, 1881.

[SEAL.] JOHN A. KERSEY,
*Notary Public.*

(Certificate of official character on file in Department.)

STATE OF MISSOURI,
*County of Buchanan, ss:*

In the matter of Henry Z. Blinn, late enlisted man of Company A, Fifth Indiana Cavalry, to amend war record.

Personally came before me, a clerk county court in and for aforesaid county and State, Joseph Culbertson, aged 37 years, citizen of the town of Willow Brook, county of Buchanan, State of Missouri, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares, in relation to aforesaid case, as follows:

That he personally knows Henry Z. Blinn. Affiant and said Blinn were raised boys together near Marion, Grant County, Indiana; that on or about the 5th day of August, 1862, affiant and said Blinn, in the presence of each other and at the same time, in said town of Marion, subscribed their names to an enlistment paper to serve for the period of three years in a cavalry company that was being recruited for the Fifth Indiana Cavalry, which was subsequently lettered as Company A in said regiment; that said enlistments were made at the solicitation of one James A. Stretch, a recruiting officer, and in his presence; that he was subsequently commissioned as captain of said company; that on the day following said enlistments, as this affiant and said Blinn and a number of other recruits were approaching the town of Wabash, Indiana, under command and in charge of said Captain Stretch, said Blinn and this affiant were seriously injured by the premature discharge of a cannon that they were assisting in loading by order and direction of said Captain Stretch. Affiant and said Blinn each lost an eye, and received other bodily injuries, such as to prevent them from being mustered into said service in said company and regiment. He further declares that he has no interest in said case, and is not concerned in its prosecution, and is not related to said applicant.

JOSEPH CULBERTSON.

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, that he is a creditable person, and so reputed in the community in which he resides.

Witness my hand and official seal this 26th day of November, 1881.

[SEAL.] E. V. RILEY, *County Clerk.*

Mr. STEELE. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MAGINNIS. There is no objection to the bill, but in order to make it more secure I will move a proviso which I think the gentleman from Indiana will agree to.

The Clerk read as follows:

*Provided*, That said Henry Z. Blinn shall be considered as having acted in obedience to orders and in the line of duty when wounded on the 6th of August, 1862.

Mr. STEELE. I have no objection to that amendment.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. THOMAS.

The next business on the Private Calendar was the bill (H. R. 3932) directing the Adjutant-General of the United States Army to place the name of James M. Thomas on the muster-rolls of Company C, Second Regiment Tennessee Mounted Infantry, and for other purposes.

The bill was read, as follows:

*Be it enacted, &c.*, That the Adjutant-General of the Army be, and he is hereby, directed to place the name of James M. Thomas, late a private in Company C, Second Regiment Tennessee Mounted Infantry, as if recruited on the 1st day of February, 1864, and who died from a gunshot wound about the 15th of March, 1864, without being mustered, upon the muster-rolls of said company and regiment, of the dates aforesaid.

SEC. 2. That the heirs of said James M. Thomas, deceased, are hereby declared to be entitled to all the benefits arising from the enlistment of said soldier as fully as if he had been regularly mustered at the date of enlistment.

Mr. HOLMAN. Let the report be read.

The report was read, as follows:

James M. Thomas was enlisted as a private in said company and regiment, in Decatur County, Tennessee, about the 1st day of February, 1864, but there being no mustering officer present he was not mustered. And while his regiment and company was encamped at Clifton, Tenn., on or about the 15th day of March, 1864, said Thomas was accidentally shot, from the effects of which he died soon thereafter, and before being mustered; consequently he was never mustered and his name did not appear upon the company muster-rolls. These facts are proven by his captain of said company, Andrew J. Roberts, and by James Diem, Osborn Walker, and Hartwell Baker, all certified as creditable witnesses.

This case was favorably reported from this committee in the Forty-sixth Congress and passed the House, but failed on the Senate Calendar. Your committee are of opinion, as this soldier was regularly enlisted, and was accidentally killed while in the service, and before muster, that his family should have the benefit of his service, and therefore recommend the passage of the accompanying bill.

Mr. HOLMAN. I ask that this bill be again reported.

The bill was again read.

Mr. TAYLOR, of Tennessee. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. COSGROVE. I would like to make an inquiry of the gentleman who reports this bill. Why is it that the relief is granted to the heirs of said James M. Thomas and not the widow? Was he a married man?

Mr. DIBRELL. Yes, sir.

Mr. COSGROVE. I think if the widow is living that the bill should be amended so as to provide that the widow and heirs should he entitled to the benefits.

Mr. DIBRELL. I have no objection to that; and I move, therefore, to amend the second section of the bill by inserting the words "widow and" before the word "heirs."

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Tennessee.

The Clerk read as follows:

In section 2, line 1, after the word "the," insert the words "widow and;" so that it will read:

"SEC. 2. That the widow and heirs of said James M. Thomas, deceased, are hereby declared to be entitled to all the benefits arising from the enlistment of said soldier as fully as if he had been regularly mustered at the date of enlistment."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

BVT. MAJ. GEN. WILLIAM W. AVERELL.

The next business on the Private Calendar was the bill (H. R. 2487) authorizing the retirement of Bvt. Maj. Gen. William W. Averell, United States Army, with the rank and pay of brigadier-general.

The bill is as follows:

*Be it enacted, &c.*, That in view of the long and faithful services of Bvt. Maj. Gen. William W. Averell, United States Army, before and during the late war, and of severe wounds received by him in battles, the President is hereby authorized to place Brevet Major-General Averell on the retired-list of the Army with the pay and emoluments of a retired officer of the grade of brigadier-general.

The committee recommend the following amendment:

Strike out all after the word "President," in line 6, and insert "be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Bvt. Maj. Gen. William W. Averell on the retired list of the Army with the pay and emoluments of a retired officer of the rank of colonel."

Amend the title so as to read: "A bill authorizing the retirement of Bvt. Maj. Gen. William W. Averell, United States Army, with the rank and pay of a colonel."

Mr. MAGINNIS. In order to avoid the necessity of this amendment and with a view to amending the text, I offer the following as a substitute to the bill, and unless there be objection I ask that it be considered as the pending bill.

The CHAIRMAN. The substitute will be read.

The Clerk read as follows:

*Be it enacted, &c.*, That in view of the long and faithful services of Bvt. Maj. Gen. William W. Averell, United States Army, before and during the late war, and of severe wounds received by him in battles, the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William W. Averell, brevet major-general, United States Army, and late brigadier-general of United States volunteers, to the position of colonel in the Army of the United States, and to place him on the retired-list as of that grade, the retired-list being thereby increased in number to that extent. And all laws and parts of laws in conflict herewith are suspended for this purpose only.

Mr. HOLMAN. I call for the reading of the report.

The report was read, as follows:

That this bill has been considered by the committee, and it recommends the passage of the bill with the following amendment:

Strike out all in the sixth line after the word "President," and the seventh, eighth, and ninth lines, and insert: "be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint, Bvt. Maj. Gen. William W. Averell on the retired-list of the Army with the pay and emoluments of a retired officer of the rank of colonel;" and that the title of the bill be amended in correspondence with this.

The Committee on Military Affairs of the Forty-seventh Congress made a report in behalf of General Averell, and, excepting the part thereof recommending the retirement of General Averell as a brigadier-general, which differs from the recommendation of your committee that he be retired with the rank of colonel, the report then made is adopted. The report is as follows:

The Committee on Military Affairs, to whom was referred bill H. R. 6794, submit the following report:

In recommending, as we do, to the House the passage of the present bill "authorizing the retirement of Bvt. Maj. Gen. William W. Averell with the rank and pay of a brigadier-general" we do not deem it necessary to enter into any full account of the military services of that officer during the time he was connected with the regular Army. These services and their results were so great and conspicuous as to have passed into the history of the country and to have become familiar knowledge with all the members of the House. We shall do no more in this regard, therefore, than to attach to this paper an abstract of his military history, as derived from the official records of the Government, which we make Exhibit A, together with a list of the battles in which General Averell was engaged, which has been furnished to the committee by the Adjutant-General of the United States Army, and which we make Exhibit B. For the purpose of indicating the relations sustained to these engagements by General Averell, we have added to the report of the Adjutant-General those parts of Exhibit B which are embraced in brackets.

Since, however, the principal grounds upon which this application to be placed upon the retired-list is based are disability and incapacity, which are "the result and incident" of the said service, and because this fact is in its nature one which can not be fully disclosed by the public records, we have thought it best to obtain and attach to this paper such a statement of the nature of General Averell's services, the circumstances under which they were rendered, the injuries and wounds he received, and of the effect of the service upon his health as would be the most reliable, as based on actual personal knowledge, and would show the nature of such disability, and that it is "the result of an incident of the service."

Such a statement we hereto attach, marked Exhibit C, dated 25th January, 1879, addressed to Hon. HORACE B. STRAIT, of the Military Committee of the House of Representatives, by W. D. Stewart, brevet lieutenant-colonel and late surgeon of United States volunteers. It will be seen that this officer was a member of General Averell's staff, was his constant companion throughout the late war, and is of all others perhaps the most competent person living to give true and full information as to the arduousness of the general's services, the nature and effect of his wounds and disabilities, and the causes thereof, and of the danger to his life to be apprehended from his continuing in the service after the period at which his growing disabilities compelled him to resign, as explained by Dr. Stewart in his said letter.

This resignation occurred on the 18th of May, 1865, and not until he had passed through all the perils, exposures, and hardships of the entire war, had seen the complete restoration of peace, had written in his country's history one of its most brilliant chapters, and had learned by his failing health that he could no longer endure the exposures of the camp even in time of peace. We can not be mistaken in saying that in the innumerable examples of patriotic service furnished by the late war no one combines in it more of constant and protracted exposure, danger, and exhausting toil, greater demand for vigilance, sagacity, energy, and self-reliant command, more masterly ability, both in plan and execution, or more uniform success in campaign or battle, than is shown in the services of General Averell.

When at last he was prompted to resignation by the effect of his honorable wounds there was no law in existence which suffered him to be retired with the rank and pay which he had long held in the volunteer army, and in which he had led as commander portions of our armies to some of their most important victories.

To this fact we call special attention in connection with the other fact, that in precisely one year, two months, and thirteen days after his said resignation, the Congress did, for every citizen of the United States who sustained to the country the identical relation which General Averell sustained as a disabled officer of the regular Army on the day of his resignation, precisely what the present bill proposes to do for him now. The Congress, on the 28th of July, 1866, passed a general act authorizing every "officer of the regular Army, entitled to be retired on account of disability occasioned by wounds received in battle, to be retired upon the full rank of the command held by them, whether in the regular Army or volunteer service, at the time such wounds were received." These are the words of the act as found in 14 Statutes at Large, page 337, section 32.

All that the present bill, if enacted into law, will do for this distinguished officer is to put him on the retired-list, with the same honors and pay which the general laws of the land would have bestowed upon him, and did, in fact, bestow upon every citizen in his condition only a little more than a year after his resignation.

No extension of this statement can add anything to the force of the facts which we embody in the exhibits which we annex to the paper, and we therefore here conclude it.

EXHIBIT A.

*Regular Army record.*

Graduated from United States Military Academy and appointed brevet second lieutenant Mounted Riflemen July 1, 1855; second lieutenant Mounted Riflemen May 1, 1856; first lieutenant Mounted Riflemen May 14, 1861; captain Third Cavalry July 17, 1862; brevetted major March 17, 1863, for gallant and meritorious services at the battle of Kelly's Ford, Virginia; lieutenant-colonel, November 6, 1863, for gallant and meritorious services in the action at Droop Mountain, Virginia; colonel, December 15, 1862, for gallant and meritorious services during the Salem expedition; brigadier-general, March 13, 1865, for gallant and meritorious services in the field during the rebellion; and major-general, March 13, 1865, for gallant and meritorious services at the battle of Moorefield, Va. Service—On duty at Carlisle Barracks, Pa., from December 15, 1855, to August 27, 1857, when he left with recruits to join his regiment; joined regiment November 27, 1857, and served with it in New Mexico to (wounded in action with Navajo Indians on night of October 8, 9, 1858, and absent, sick, on account of wounds, to February 22, 1859) March 30, 1859; on sick leave and S. C. P. to June 7, 1861; on mustering duty at Elmira, N. Y., to July 2, 1861; acting assistant adjutant-general to Brig. Gen. A. Porter from July 5 to October 7, 1861. (See volunteer record below.) Resigned as captain Third Cavalry May 18, 1865.

*Volunteer record.*

Mustered in as colonel Third Pennsylvania Cavalry October 7, 1861, to rank from August 23, 1861, and served with his regiment in the Army of the Potomac to October —, 1862. Appointed brigadier-general of volunteers September 6, 1862.

Service—Commanding cavalry brigade Army of the Potomac from October, 1862, except when on sick leave from September 5 to 24, 1862, to February 22, 1863; second cavalry division, Army of the Potomac, to May 4, 1863, when ordered to report to the Adjutant-General of the Army, and, on May 13, 1863, was ordered to Philadelphia, Pa., to await further orders.

Assumed command of the fourth separate brigade of the Middle Department May 23, 1863, which became the first separate brigade, Department of West Virginia, in June, 1863, and commanded it to January 20, 1864; on leave of absence to February 9, 1864; commanding fourth division, Department of West Virginia, to April 26, 1864, and second cavalry division, Department of West Virginia, to September 23, 1864, when relieved by General Sheridan, and ordered to Wheeling, W. Va., to await further orders; awaiting orders until he resigned, May 18, 1865. The list of battles in which General Averell participated has not been fully made up; this report is not held for that, as it would involve a considerable delay; the list will be sent in as soon as completed if required.

E. D. TOWNSEND,
*Adjutant-General.*

EXHIBIT B.

*List of battles and other actions in which W. W. Averell, late colonel Third Pennsylvania Cavalry and brigadier-general of volunteers, participated during the war of the rebellion, as shown by the records of the Adjutant-General's Office.*

Bull Run, July 21, 1861 [acting assistant adjutant-general, regular brigade].
Siege of Yorktown, April 5, May 4, 1862 [colonel Third Pennsylvania Cavalry].
Williamsburg, May 4 and 5, 1862 [colonel Third Pennsylvania Cavalry].
Malvern Hill, July 1, 1862 [commanding rear guard].
Sycamore church, August 2, 1862 [in command, commanding brigade cavalry].
White Oak Swamp, August 5, 1862 [commanding brigade cavalry].
Upperville, Markham, Corbin's Cross Roads, Gaines's Cross Roads, Amissville, November 2–10, 1862 [commanding brigade cavalry].
Hartwood, February 25, 1863 [commanding second cavalry division].
Kelly's Ford, March 17, 1863 [in command, commanding second cavalry division].
Stoneman's raid, including skirmishes of Rapidan Station and Ely's Ford, &c., April 29-May 8, 1863 [in command, commanding second cavalry division].
Beverly, July 3, 1863 [in command, commanding fourth separate brigade].
Hedgesville, July 19, 1863 [in command, commanding fourth separate brigade].
Rocky Gap, August 26, 1863 [in command].
Droop Mountain, November 6, 1863 [in command; drove enemy for first time out of West Virginia; captured three guns and trains after severe engagement].
Cove Gap, May 10, 1864 [in command; severe and successful engagement with General John Morgan's forces, preventing his junction with Jenkins against General Crook, at Dublin; was severely wounded].
Lynchburg, June 17 and 18, 1864 [commanding two divisions of cavalry].
Liberty, June 19, 1864 [commanding two divisions of cavalry].
Buford's Gap, June 20, 1864 [commanding two divisions of cavalry].
Carter's Farm, July 20, 1864 [in command; defeated Ramseur's division of Early's army and Vaughn's division of cavalry; captured four guns].
Winchester, July 24, 1864 [commanding division of cavalry].
Moorefield, August 7, 1864 [in command; defeated McCausland's division; captured four guns and one-quarter of the enemy's forces and horses].
Martinsburg, August 31, 1864 [in command].
Bunker Hill, September 2, 1864 [in command].
Opequan, September 19, 1864 [commanding division cavalry; captured one gun and three field works].
Fisher's Hill, September 22, 1864 [commanding division cavalry; captured several guns and over four hundred prisoners].
Mount Jackson, September 23, 1864 [commanding division cavalry].

E. D. TOWNSEND,
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., January 25, 1879.*

EXHIBIT C.

WASHINGTON, D. C., *January* 25, 1879.

MY DEAR SIR: As one of the numerous friends of Bvt. Maj. Gen. W. W. Averell, I have the honor to submit for your consideration the following statement of facts, embracing my personal, official, and professional knowledge of his extensive and arduous military service during the late war of the rebellion, and the results upon his health, as manifested at the time and subsequently developed and which still continue:

Early in 1861 I was commissioned a "surgeon of the United States volunteers," and immediately assigned to duty as medical director on the staff of General Andrew Porter, U. S. A., at that time in command of the provost guard of the military district of Washington, including the District of Columbia and of Alexandria County, Virginia. General Averell at the time indicated was acting assistant adjutant-general (with rank of captain) to General Porter, and was at that time suffering from manifest physical disability caused by a wound received in battle with the Indians two years previous, in New Mexico, resulting in an oblique fracture of the upper third of the left femur or thigh-bone, and causing permanent shortening of the left leg by one and a half inches. This resulting disability had been much intensified by the great fatigue and exposure incurred by him as a bearer of dispatches to Colonel Emory, at Fort Arbuckle, Indian Territory, in February, 1861. From this time to May 18, 1865, the date of General Averell's resignation from the United States Army, my professional and official relations to General Averell were intimate and almost continuous.

I was his medical director during the important and exhaustive marches, campaigns, and battles in which he commanded in the Military Department of West Virginia, particularly the unparalleled and continuous march of twenty-three days and nights from New Creek, W. Va., to Salem, on the Tennessee Railroad,

destroying said railroad for many miles and the extensive depots of supplies assembled there for General Longstreet's army in December, 1863, and during the most terrible cold weather known for years. In this march of indescribable hardships, difficulties, and dangers, cutting entirely loose from the Federal lines and depending upon subsistence obtained in the enemy's country, and almost surrounded by an enemy greatly superior in numbers, in midwinter, General Averell's health sustained serious permanent injury from which he has never and never will recover, and under circumstances the most favorable to be hoped for will always remain disabled for life. On the return march from Salem, W. Va., after accomplishing the destruction of the railroad and extensive depots of rebel supplies at that important point, General Averell was, in consequence of the failure of promised and expected co-operation, compelled to literally cut his way through an enemy many times outnumbering his command, over a mountainous and almost roadless country, by unfrequented and indirect roads leading through narrow mountain gorges, the streams largely swollen by continuous rains and hail into apparently impassable rivers, forbidding in their rushing torrents the idea of attempting to cross, and yet crossing by swimming his command, artillery, and ambulance train at frequent intervals, in all of which, without cessation or intermission, day or night, General Averell, at the head of his command, led every movement—the weather so cold, the air so piercing, that after swimming the streams our clothes would be frozen stiff on our persons as ice itself.

Thus, through swimming torrents of freezing water, and over mountainous by-roads or paths glazed with ice, almost entirely without food or fire for three days and nights, General Averell led his command, not once seeking or favoring his own personal comfort, until he had successfully eluded the enemy, and reaching Martinsburg, W. Va., himself and his command almost exhausted from fatigue, hunger, and exposure. The effect of this long and terrible exposure was immediately perceptible on the health of General Averell, soon resulting in an attack of malarial remittent fever, complicated with the most serious hemorrhage from the bowels I ever witnessed or have ever known to recover. This was still further complicated by a fall General Averell received while visiting pickets at night, some two days previous to his being confined to his bed, by which accident he sustained the fracture of a rib.

The cessation of hostilities and close of the war left General Averell such serious physical disability—the result of such long-continued and exhaustive service—as to make it very doubtful if it were prudent for him to remain in the Army, with the liability, almost a certainty, of being ordered to the frontier, where he would not have either the rest or comforts essential to the repair and recovery of his health to that extent which he even might hope for by remaining here in immediate reach of all those appliances which his shattered and exhausted health, required his resignation, which I deemed at the time called for and justified by reason of the facts which I have indicated. The muscular atrophy of the fractured limb (left thigh), with permanent shortening of one and a half inches; frequent painful neuralgic attacks, resulting from the lacerated gunshot wound of the scalp, received at the battle of Wytheville, W. Va.; the fractured rib, and the permanent impress upon his organization; his long, arduous, and exhaustive services, make his claim to the favorable consideration of Congress and the gratitude of the country one of peculiar and quite exceptional merit.

In what I have said in the foregoing brief history, of the facts of which I was personally cognizant and familiar, I have but attempted to discharge a pleasant duty I feel incumbent upon me to a meritorious and faithful officer, who has lost his health and spent his best manhood in his country's service, and of whom it will ever be the pleasantest memory of my life to recur to the subordinate official relation I had the honor to sustain to him, or to serve him in the future in any way possible.

I have the honor to be, your obedient servant,

W. D. STEWART, M. D.,
*Brevet Lieutenant-Colonel and late Surgeon United States Volunteers.*

Hon. HORACE B. STRAIT, M. C.,
*Committee on Military Affairs.*

### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message was received from the Senate, by Mr. SYMPSON, one of its clerks, announcing that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4971) making appropriations for the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

### SWEARING IN OF A MEMBER.

Mr. ANDERSON. Mr. Speaker, I rise to a question of the highest privilege. I desire to present the credentials of Hon. E. H. Funstan, elected as successor to my late colleague Mr. Haskell, and ask that he be sworn in.

The SPEAKER. The certificate of the gentleman will be read.

The certificate was read, as follows:

STATE OF KANSAS, OFFICE OF SECRETARY OF STATE.
*Topeka, March* 13, 1884.

I, James Smith, secretary of state of the State of Kansas, do hereby certify that the State ——— of canvassers, from legal returns received, on file, and recorded in this office, of a special election held pursuant to law and the proclamation of the governor, calling the same on the 1st day of March, A. D., 1884, in the various counties of the second Congresional district of said State, to fill vacancy, did determine and declare that E. H. Funstan was duly elected to the office of Representative in Congress from the second Congressional district of said State to fill vacancy caused by the death of Hon. D. C. Haskell, for the term commencing March 4, A. D. 1884.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, this 13th day of March, A. D. 1884.

[SEAL.] JAMES SMITH, *Secretary of State.*

Mr. FUNSTAN then appeared at the bar of the House and qualified, taking the oath prescribed by section 1756 of the Revised Statutes.

### BVT. MAJ. GEN. WILLIAM W. AVERELL.

The Committee of the Whole resumed its session.

Mr. MAGINNIS. Mr. Chairman, General William W. Averell was graduated from the Military Academy in 1855 and appointed a brevet second lieutenant in the regiment of Mounted Riflemen. His first service was at the cavalry school at Jefferson Barracks, Mo., and Carlisle, Pa., as adjutant to Col. Charles A. May until August, 1857, when he joined his regiment in New Mexico. At that time the frontiers of Texas were constantly ravaged by bands of hostile Indians. He entered into the defense of that frontier with an enthusiasm and gallantry that could not be surpassed. His captain, Andrew Porter, being on leave of absence and his first lieutenant, Gordon Granger, on recruiting service, the command of his company (F) was assumed by him, and with it he was engaged in twenty-five combats with Indians; first with a band of Kiowas, which he destroyed, capturing the chief in a personal hand-to-hand fight; and afterward with the powerful tribe of Navajoes until severely wounded in December, 1858. For his gallant conduct in these engagements he was honorably mentioned in general orders by the commander-in-chief of the Army, General Winfield Scott, at various times.

The spring of 1861 found him at his home in Western New York, still suffering from the wounds, which had shortened his left thigh one and a half inches and created a permanent false bearing of his hip joint.

Apprehending the frightful danger which threatened the nation, and fearing that he might lose some opportunity to participate in the impending conflict of arms, although partially disabled, he proceeded to Washington and reported for duty on the 16th of April, 1861. The next day he was selected by General Scott as bearer of dispatches to Colonel Emory, then commanding two regiments in the Indian Territory, the only portion of our Army in the Southwest which had not then been lost by surrender or capture. All communications had been severed for weeks and armed secession forces occupied intervening positions, and even the whereabouts of Emory's command was but vaguely known. In fourteen days Lieutenant Averell traversed nineteen hundred miles, three hundred miles being by stage and wagon and two hundred and sixty on horseback, swimming two rivers. Pursued and captured, he escaped by crossing the San Bois Mountains without a path or guide, then two days and nights through a wilderness without food, until, exhausted, lacerated, and bleeding, he found Emory's command, endangered by rapidly concentrating forces of the enemy, and accompanied it to the borders of Kansas.

Returning to Washington he was ordered to mustering duty at Elmira, N. Y., until July 2, when he was appointed assistant adjutant-general to Brig. Gen. A. Porter, commanding the brigade of regulars, and participated in the battle of Bull Run.

He continued on duty as assistant adjutant-general to the provost-marshal-general of the Army of the Potomac and governor of Washington city, and in that capacity conducted an administration of military law and orders which brought comparative tranquillity to the capital for the first time after the war began. On October 7, 1861, he became colonel of the Third Pennsylvania Cavalry, to which command was immediately added the Eighth Pennsylvania Cavalry, constituting the first brigade of cavalry organized during the war, and with which he was the first to enter Manassas on the 9th of March, 1862. He led the advance on Yorktown, in April, 1862, and held the left of our line at Williamsburg, May 4 and 5, and saved Hooker's left from destruction by guiding Kearny to the threatened point where the determined onset of Wilcox's confederate column was checked.

The survey of the country between the Chickahominy and the James Rivers was intrusted to him, and upon the maps furnished by him the movements of the seven days' battles were made. He led the movement to the James and was engaged in several sharp combats on the flanks of the army. His command was the first to seize Malvern Hill, and our army was guided to its positions for that great battle by a sketch of the field prepared by Colonel Averell for the general commanding. He supervised and directed the action of our left during the battle by order of the general commanding the field, and on the following morning, by order of General McClellan, he alone held the front line and the field with five regiments of infantry and one of cavalry and one battery until noon, and checked the advance of the enemy step by step toward Harrison's Landing until dark, thereby enabling the army to secure itself in its new position.

The cavalry under his command was engaged successfully and arduously on both banks of the James River, and when the chief of cavalry, General Stoneman, received sick-leave at Harrison's Landing all the cavalry of the army was ordered to report to Acting Brigadier-General Averell, and by him the first orders were issued organizing it into a corps. During the Peninsular campaign Averell contracted a chronic diarrhea, which developed into a dysentery, but he remained on duty and covered the withdrawal of the army from the Peninsula, and when his command had been embarked on thirty-four vessels he was carried on board the last in an unconscious condition. Surviving an attack of typhoid fever which ensued, he regained his health sufficiently to enable him to resume his command and to participate in the movement of the army across the Potomac in November, when he led the advance and seized the gaps of the Blue Ridge which separated the Union and secession armies. In these operations Averell was engaged in daily combats with the enemy.

During the winter of 1862–'63 he commanded the second division of cavalry of the army, Stoneman having resumed command of the corps, and on March 27, 1863, crossed the Rappahannock at Kelly's Ford with his division and defeated the enemy's cavalry under the command of Stuart and Fitzhugh Lee, this being the first cavalry battle of the war where more than one brigade was engaged, and its successful issue exercised an important and beneficial influence on the cavalry service.

The cavalry of the army previons to the battle of Chancellorsville was concentrated into two divisions, one of which was commanded by Averell. During that battle the cavalry carried out its orders to the letter and was in position to intercept the expected flight of the enemy, but the failure of General Hooker to defeat and break up the confederate army under Lee rendered the cavalry dispositions useless and brought upon it unjust criticism.

After the battle of Chancellorsville General Averell was sent to West Virginia, where many minor disasters had occurred, and where the Secretary of War expressed a desire to have "a live man."

Averell assembled and organized the widely scattered fragments of various commands, purchased horses, and within eighty days after his arrival in the department had mounted, armed, and equipped three thousand men, marched six hundred and sixty miles, engaged in several combats and one battle (Rocky Gap) near White Sulphur Springs. In the latter, owing to the failure of a co-operating force to arrive, he could not drive the enemy from a strong position but fought him until his ammunition was exhausted, when he retired to Beverly, W. Va., where he increased his command to seven thousand men, rearmed his mounted troops, and drilled them daily for sixty days, at the same time covering a long line across the country.

In November, alone and unsupported, he marched his command over a hundred miles into the country held by the enemy, and defeated their concentrated forces at Droop Mountain, driving them from a strong position, with the loss of their guns and stores and sweeping them out of the State for the first time. Returning to New Creek, twenty miles west of Cumberland, after a march of over three hundred miles, he set out again on the 8th of December with twenty-five hundred men and four guns upon the expedition of Salem, on the Tennessee Railway, and during seventeen days and nights, in severe winter weather, traversed four hundred miles of a difficult mountainous region. The expedition was completely successful in destroying the supplies of Longstreet's army and twelve miles of railway. Early's corps and Fitzhugh Lee's division of cavalry were sent from Richmond to aid the confederate forces in West Virginia in intercepting Averell's command, but he "marched, climbed, slid, and swam" through and around the forty thousand men opposed to him amid unparalleled difficulties and privations, crossed snow-clad mountains and rivers with floating ice, and successfully eluded them, with a total loss in killed, wounded, drowned, and missing of one hundred and eleven officers and men.

The resolute and devoted men who followed Averell in this remarkable expedition returned in tatters, and some lost their feet or were disabled by having them frozen. The War Department granted to each of the enlisted men a new suit of uniform clothing gratis. The effect of the long strain of responsibilities and exposures upon the health of General Averell soon manifested itself in a malarial remittent fever, together with a hemorrhage, which left little hope for his life. This was still further complicated by a severe fall which he had experienced while visiting his picket at night, by which he sustained the fracture of a rib.

In the spring of 1864 he crossed the mountains between Charlestown, W. Va., and Wytheville, Va., with twenty-two hundred and fifty men, and fought the command of the confederate General John Morgan, five thousand strong, in which engagement he was wounded. He prevented the junction of Morgan with Jenkins at Dublin, thereby enabling General Crook to defeat the latter and to destroy the New River bridge.

Joining the expedition of General Hunter against Lynchburg, he led his advance and covered his retreat to the Kanawha Valley, undergoing many combats, hardships, and sufferings. When Hunter returned to Maryland with all his command excepting Averell, he found Early before Washington.

Averell, receiving Hunter's orders, came east with his command with all possible speed, and on reaching the Shenandoah Valley and learning that Early was retreating toward Winchester proceeded without orders with four regiments of infantry, three of cavalry, and three batteries, being the first that arrived, and attacked Early's flank at Carter's farm, July 20, defeating Ramseur's division of four brigades and Vaughn's division of cavalry, capturing a battery, and over two hundred officers and men prisoners, and killing and wounding about the same number.

When, on the 24th of July, Early attacked and defeated Crook at Winchester, Averell covered Crook's retreat and brought off several guns; and when Early recrossed the Potomac into Maryland, sending McCausland to burn Chambersburg, Averell, who had been picketing the Potomac, gathered seventeen hundred men, and without orders pursued McCausland day and night, overtook and surprised him at Moorefield, W. Va., August 7, 1864, and destroyed and dispersed his command, taking his guns, colors, and plunder, killing one hundred and fifty officers and men, and capturing four hundred and thirty-six officers and men and nearly half his horses.

Returning from this expedition he joined General Sheridan in the Shenandoah Valley. For twenty-six days and nights he, by order, "kept the enemy constantly in view and harassed him at every opportunity," until the battle of the Opequon, September 19, 1864, when on the extreme right he carried the field works in front of Early's left and decided the action of the day. He turned the enemy's left at Fisher's Hill, September 22, 1864, supported by Crook, and captured over four hundred prisoners and five guns.

He made every effort during the dark night which followed to get upon the enemy's line of retreat, but was prevented by darkness and fallen timber in a forest through which it was necessary to pass. The ensuing day he attacked General Early in strong position at Mount Jackson by order of General Sheridan, who had directed him to attack the enemy wherever overtaken and with the promise of support by the infantry. The enemy, at least twelve thousand strong, could not be dislodged by a cavalry force not exceeding four thousand. The promised support did not arrive, but at 11 o'clock of the night of the 23d of September an order arrived which relieved General Averell from the command of his division by order of General Sheridan, directing him to proceed to Wheeling, W. Va., to await orders.

This ended his military career. He and his friends made fruitless efforts to obtain an official inquiry into the causes for his removal until the close of the war. In order to secure such an inquiry or to obtain some statement which would relieve his record from stain or reproach he offered on May 18 a resignation conditioned upon the inquiry and statement desired. The resignation was at once accepted, without any reference whatever to the condition contained therein.

Believing that the resignation had been wrongfully accepted by the President, the only one who could accept it at all, General Averell turned toward Congress for relief. In 1880, becoming aware for the first time that his resignation had been illegally and improperly accepted by other than the President, General Averell addressed a letter to the Secretary of War withdrawing his resignation, to which he has never received a reply.

In view of the foregoing, and as touching the law and equities of this case, the letter to the Secretary of War is pertinent.

It is clearly shown by two reports by a board of surgeons setting forth the disabilities of General Averell upon which a pension was granted him that had his conditional resignation not been accepted he would have been entitled under the provisions of the act passed July 28, 1866, to be retired as a major-general, that having been his rank and command in the field. He received the appointment of major-general United States volunteers in 1864, but Congress adjourned before its confirmation was reached, and in 1865, upon the recommendation of General Grant, he was appointed a brevet major-general in the United States Army.

Now, Mr. Chairman, this bill differs from a bill we had under debate before. General Averell sent to the War Department a conditional resignation. With all the feeling of a young and gallant officer who had served so many years and never received anything but commendation from every commander-in-chief of the Army from General Winfield Scott to General Grant, he considered his relief from command was a reproach upon him, and he endeavored to obtain some explanation of the cause of it, and in a fit of wounded pride he sent the War Department a conditional resignation making this request:

If there was any just cause for my removal from command, I beg leave to withhold this resignation until such cause be established and stated by proper inquiry. If no cause existed—

That is, if I have been unjustly relieved—

If no cause existed, I have the honor to request, if unjustly relieved, this resignation be at once accepted.

Through, as he supposed, a mere clerical error his request was never granted. His resignation was in form accepted, although General Averell has persistently denied that his resignation was legally accepted or that he was ever out of the Army. And on several occasions he has submitted that legal proposition to Secretaries of War, and they have never taken it up and decided it. I mention this because that resignation is the only thing that could be pleaded as a possible legal bar to his rightful place on the retired-list. For when he offered that resignation he was by the law of 1861 entitled to go on the retired-list; because the certificate of disability which you have heard read from the Clerk's desk shows he had the right at that time to go upon the retired-list. And then in a year after Congress passed that law which allowed officers to retire upon any rank they held when wounded, either in the volunteer or regular service, he would have taken his place on the retired-list with Hooker, Carroll, Frank Fessenden, and with all the other officers who were by the gratitude of the country placed on the retired-list with that rank, and would have become legally entitled to draw from that time down to this the pay of a major-general on the retired-list of the regular Army of the United States.

That, Mr. Chairman, is all I have to say. This bill also differs from another one which was under discussion in the House in this: that at the time General Averell was undoubtedly entitled to go on the retired-list; that subsequently he would have attained a far higher rank under the law than is given him in this bill; and that he was suffering from wounds and disability.

How much time have I left?

The CHAIRMAN. The gentleman has forty-five minutes of his time remaining.

Mr. MAGINNIS. I will reserve my time to hear if any objections are to be made to the bill. If there are none, I will ask that it be laid aside to be reported favorably to the House.

Mr. BROWNE, of Indiana. I wish some gentleman would explain to me the precise difference between the bill pending for the relief of General Averell and the bill proposing to give relief to General Pleasonton, which was recommitted the other day by a majority vote of the House, largely coming from the other side. Once at least I am willing to acknowledge that the gentlemen who generally differ from me in politics were right.

Now, what are the facts here? If General Averell had been simply a volunteer officer and had been wounded in the military service of the United States he would have been entitled to a pension. That is all. No one would have thought of extending relief beyond that. He would have been invited to file his claim in the Pension Bureau and take such measure of relief as was afforded to him by the general laws. Had he lost both eyes and the sunlight had been forever shut out from him, if he had lost both legs and had to be carried through the streets, if he was in such a disabled condition as to require the constant presence of another person, the pension laws would have accorded to him, as it has accorded others, a pension of $72 a month. Distinguished as his record is, he was no more distinguished than hundreds of men who were disabled on the field of battle and who are receiving compensation at the hands of the Government in a much smaller sum than this bill proposes to give him.

Mr. MAGINNIS. I will ask my friend a question, if it will not interrupt him.

Mr. BROWNE, of Indiana. In a moment I will yield to the gentleman.

Mr. MAGINNIS. It is on this point.

Mr. BROWNE, of Indiana. I am not through yet with this point. Now, the first objection I have to the bill is on account of the discrimination that is constantly made in our legislation against the volunteer service. I know that in a few instances officers have been put on the retired-list as of the rank they held in the volunteer service. But it is only proposed, so far as I know, to restore men who have been officers in the regular Army that they may go on the retired-list; and this relief is confined exclusively to those who have been in the regular Army.

Mr. MAGINNIS. And have had special military training.

Mr. BROWNE, of Indiana. Yes; special military training. Then I say, if I may be permitted to repeat, I find my first objection in that. I insist upon it that unless the officer now occupies such a position as that he may rightfully go, under the law as it is, upon the retired-list of the Army, he should accept either such relief as is now afforded by the pension laws or we should pass a special bill giving him such a sum as a pension as the character of his disability and his services may demand.

This officer, as was the case with General Pleasonton, was at one time in the regular Army. He voluntarily resigned nineteen years ago and became simply a citizen of the United States. He no longer held any official relations to the Government, and after he resigned was no more a part of the Army than myself.

Mr. MAGINNIS. Remember that he always protested that he never was rightfully out of the Army.

Mr. BROWNE, of Indiana. I did not know that any controversy on that point existed nor do I now know its merits, and I do not intend to discuss that branch of the case. I know that the Government has for nearly twenty years treated him simply as a citizen; and I know of no reason why, if he tendered his resignation and it was accepted, he did not cease to be an officer in the military service. He is certainly now out of it and has for twenty years rendered no kind of military service.

I take it that an officer when he resigns ceases to hold an official position in the Army, and is no more than the peer of other citizens who have performed military service. He has no more right to go back into the regular Army, except it is intended because of his military experience to make him in fact an officer of the service, I mean an officer in active service, than any other citizen. As a matter of course, if it is intended to put him on active service, then his military training is to be considered because it concerns his fitness.

But Congress has no more right to put him into the Army for the purpose of placing him on the retired-list than it has to take any other citizen who has performed military service and put him into the Army simply that he may go upon that list. Suppose I could find in the volunteer service some officer or some private soldier, if you please, who had performed as distinguished and as dangerous services as General Averell, who had participated in as many engagements and had suffered as many wounds. If I could find such a case as that, I ask gentlemen if it would not appeal just as strongly to Congress to put him into the Army that we might also retire him? You would not do this thing for a volunteer.

Mr. MAGINNIS. You could not find such a case, because this man was in twenty-five battles before the late war began.

Mr. BROWNE, of Indiana. If the gentleman will permit me, I know of many persons who were in quite as many engagements and who never even bore a commission from the United States.

I think it is about time that we cease attributing all our successes to the officers. It is not true that our victories were all won by gentlemen with commissions. It is not true that they are entitled to all the honors, nor is it true that they are entitled to all the emoluments in the way of pensions.

I do not know why it is that we put a private soldier who is suffering from total disability, as it is called in the law, on the pension-roll at $8 a month, when we put an officer suffering from the same disability on the rolls at $30 a month. I do not understand why it is that we discriminate so largely against the widow of a private soldier, allowing her but $8 a month, and give to widows of officers $30 a month. I use that illustration only to enforce the point I am trying to make, and that is, that instead of restoring this man to the Army for the purpose of placing him on the retired-list, we should send him to the pension-roll, where he belongs. I am willing to pension him liberally; no man in this House would pension him more liberally than myself. But I want him to go to the pension-roll where he belongs. We pay as high tribute to his gallantry and his patriotism by putting him on the pension-roll as we would by placing him on the retired-list of the Army. He would be in good company, with distinguished men who suffered on the field of battle; maimed men, disfigured men, men who have been deprived of their health by reason of their sacrifices for their Government, which he and they have both served. The injustice is in this: for his character of disability a volunteer officer gets a pension of $30, a private soldier $8; but this bill puts General Averell where he will receive over $200 per month. Is this fair, is it right? Let us put him on the pension-roll.

There is no disgrace in that, and why should it not be done? The reason, and I repeat it, for putting him on the retired-list is that he may receive more than six times as much as other officers who have suffered equal disability and who have performed equally meritorious service.

Mr. ROSECRANS. I desire to ask the gentleman from Indiana [Mr. BROWNE] a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BROWNE, of Indiana. I always yield to my distinguished friend from California.

Mr. ROSECRANS. Do I understand the gentleman from Indiana to say that he thinks Congress has no power or right to put anybody distinguished for military service above any other person or to give him any particular or distinguished reward? Do I understand him to say that Congress has no right to do that? That is the question which I desire to ask.

Mr. BROWNE, of Indiana. I have said no such thing.

Mr. ROSECRANS. I understood the gentleman to say so.

Mr. BROWNE, of Indiana. Congress has the power, and I suppose the right also, to reward distinguished military services in any way it may please, but the retired-list of the Army was created by law for a purpose. It was intended as an inducement to men to devote their lives to the service of their country so long as they were able to serve. And after they had served almost a lifetime it was thought to be the duty of the Government to see that in their old age they should not suffer. That retired-list was made expressly for men in the Army and not for men out of it.

Mr. MAGINNIS. For men who were eligible either by years of service or by disability.

Mr. BROWNE, of Indiana. Yes, either by years or disability. It was made for those who had devoted their lives to or sacrificed their health in the service of their country. If a man entered the regular Army and remained in it, he was entitled, under the circumstances stated, to go on the retired-list. But here are men who have been in the regular Army and have seen fit to resign for the purpose of going into business. If they succeed, they never ask to get back into the Army.

Mr. MAGINNIS. This is not a case of that kind.

Mr. BROWNE, of Indiana. If they fail, then by reason of having failed they ask to get back into the Army that they may be retired—that they may retake what they voluntarily abandoned by their resignation.

Now, I am in favor of keeping the retired-list for the men for whom it was created; and I am for putting on the pension-list the men who are entitled to go there. If the general law giving pensions is not sufficient, then I am in favor of making special cases; and in determining the amount of pension to be paid, I would consider not only the character of the wound or other disability but the character of the service.

How stands this case? If I have understood correctly the reading of the report, General Averell was ten years in the Army. At the time he resigned, nineteen years ago, he was but a captain. Had he then gone on the retired-list by reason of wounds received, he would have gone on with the rank of captain.

Mr. MAGINNIS. Will my friend allow me to explain?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. MAGINNIS. His resignation was accepted before the reorganization of the Army. The reorganization was in 1867 or 1868, and General Averell's resignation was in 1865.

Mr. BROWNE, of Indiana. Am I correct in saying that he was at that time but a captain?

Mr. MAGINNIS. Yes, sir; he was a general by brevet, but only a captain by actual rank.

Mr. BROWNE, of Indiana. Then I am correct in saying that when he left the service he left it with the rank of captain; and if you restore him now by this bill, he goes back with the rank of colonel—not with the view of performing service in that rank, but simply that he may receive the increased pay of that rank.

Mr. CRISP. The bill proposes to retire him as a brigadier-general.

Mr. BROWNE, of Indiana. As a colonel, I believe.

Mr. HATCH, of Michigan. The bill has been amended in that respect.

Mr. BROWNE, of Indiana. I am correct, I believe, in my understanding that this bill proposes to retire him with the rank of colonel, notwithstanding he never reached a higher rank than captain in the regular service. Now, my last question is this: I want to know why in all these cases the Congress of the United States can not do ample, complete, generous justice by providing for officers of this kind a pension? If the object of this bill is not to get General Averell on the retired-list that he may draw a larger measure of compensation than Congress will ever give him in the nature of a pension, if that is not the purpose, what is the purpose? He will not perform any duty on the retired-list. It is confessed that he is not able to perform duty upon the active-list of the Army. You put him on the retired-list simply that he may draw his pay. Why should we in this way depart from the spirit and object of the legislation of Congress in regard to the retired-list? I appeal to gentlemen—why is it that we can not provide pensions in all these cases commensurate to the deserts of these men?

The other day I had something to say—not very much to say, but some voting to do—in regard to the bill for the relief of General Pleasonton. It was then charged that I voted against that bill because General Pleasonton was a Democrat. I did not know what his politics were, nor did I care. I knew that he had held an official position under a Republican administration. I supposed he was a Republican. I do not know what the politics of General Averell are, and again I do not care. I simply make mention of this because of the attack—not because I think that anybody either on the other side of the House or on this supposes I could be influenced by considerations of that kind. But in response to that statement I may refer to a very remarkable fact, that if I voted against General Pleasonton for the consideration mentioned, there were seventy-two Democrats, gentlemen on the other side, who voted against him I suppose for the same reason. But I am proud to believe that no gentleman on either side of the House is capable of being influenced in his action on these measures by partisan considerations.

Mr. MAGINNIS. The gentleman has asked me what is the precise difference between this bill and the bill which we debated the other day. It was urged against the other bill with great force by the gentleman from Ohio [Mr. WARNER], as the reason he and others spoke and voted against it, that General Pleasonton was not at the time entitled by law to go on the retired-list. That was one strong point made in the discussion. Now, the evidence in this case shows that at the time Averell was entitled to go on the retired-list with his lineal rank under the act of 1861, and within a short time afterward Congress raised the rank of men on the retired-list so that they should hold the rank they had at the time they were wounded. This covered the case of Sickles, who lost his leg as the gentleman has stated; it covered the case of General Paul, both of whose eyes were shot out as the gentleman has stated. And General Averell would have been legally and rightfully entitled as much as any one else to go on the retired-list with the rank in which he was serving when wounded and to draw the pay of that rank.

He did offer a conditional resignation, the conditions of which were not complied with. He has all the time claimed that he was not fairly out of the service. He did not go out of the Army to go into business, though he has not been a drone since he did go out. He is a man of philosophic temperament and inventive mind; since his retirement he has done his country some service. These beautiful streets in the city of Washington, of which we have the use, have been laid down under General Averell's patent, for which he has never received one cent from the Government or the city or any one else.

But that does not come into this case. It only shows, however, that he was not a drone since he went out of the Army, but on the contrary was a most useful man. As an officer of the retired-list I do not know of a single man who could be better detailed as a professor of a college for the purpose of teaching the military art or who could fill such a position more ably than General Averell.

Now, Mr. Chairman, we hear a good deal about the difference between volunteers and regulars. We have talked about that also, and pointed out the distinction, as you will remember. We saw the House the other day in the Mexican war pension bill provide for pensioning men because they were in the service, whether they were good soldiers or bad soldiers, whether they staid in the rear or pushed to the front; no matter where they were or what they did, provided they were in the service, they were pensioned all the same.

Mr. BROWNE, of Indiana, rose.

Mr. MAGINNIS. My friend from Indiana I know voted against that bill.

Mr. BROWNE, of Indiana. Yes, and for that reason.

Mr. MAGINNIS. He voted against that bill, as I understood his speech, on the ground that the bill did not include all the soldiers of the late war of the rebellion. Was that opposition based on any ground of economy? Was any ground of economy raised against it? Oh, no; but objection was made because it did not take every one who was mustered into the service during the late war, whether they were good and true soldiers or merely hospital shirks and coffee coolers; the principal objection urged by the gentleman to voting for that bill being that it did not take them, good, bad, and indifferent. All who were in the Union Army were to be put on a common level. As I understand it that was the reason my friend himself gave.

Mr. BROWNE, of Indiana. By my silence, Mr. Chairman, I do not wish to be understood as agreeing that the gentleman from Montana gives the reason why I voted against that bill.

Mr. MAGINNIS. I think the record will show that that was the principal ground of objection stated by several members as why they voted against the passage of that Mexican war pension bill—that it did not include every one who was mustered into the service in the late war.

Mr. BROWNE, of Indiana. I will stand by the record.

Mr. MAGINNIS. Now I will forever protest against the idea that all who entered the service were equally worthy. The most, indeed, were worthy of their uniforms and their colors, and it would be a disgrace to these to drag them down to the level of the unworthy. I was a volunteer. I knew no service but the volunteer service, but I protest against the view of the case that there is no difference and Congress should make no distinction between men who served the country. I am tired of hearing this demagogical sneer about shoulder-straps and general laudation of privates. I know what the privates did in this war. It was a people's war. It turned out to be a people's fight, and our great battles were won, not so much by great genius, not so much by wonderful and dazzling generalship, but by the valor of the soldiers of the Army. We often lost, as I have already said on another occasion, by the laches of our commanders, and what our armies won we purchased with the blood of our men. [Applause.]

But for all that, Mr. Chairman, every country pursues a policy which makes distinction between the ordinary soldier and the educated military man. We would not go so far as England and other countries, which offer great prizes to those who lead their armies and win great battles while they leave the common soldiers and others without such mark of recognition.

But, sir, if you are to have great military leaders, if you are to have great soldiers, if you are to have men who become heroes in time of trial, if you are to have men who in the time of danger and disaster when the lines are breaking and the columns are flying, who will put themselves into the vortex of the battle, will head the forlorn hope and direct it with intelligent skill, you will have to give rewards to men who thus distinguish themselves by their heroism and their bravery. [Applause.] That country which will not make such distinction will find itself without proper commanders in the time of need.

And, sir, if any man deserves recognition in honor for his services as a volunteer in the war and for that professional skill and ability which enabled him to marshal and mold and guide and direct armies, it is the beneficiary of this bill.

His distinguished services are known to you and we need not go over them.

His wounds and sufferings are known to you and we need not recount them again.

That he had the right to go upon the retired-list at the time is known to you all.

Now a few words about the *rationale* of the retired-list. It was made for this very class of cases. The argument of my friend is not against the principle of the retired-list, but it is against the system by which officers get on that retired-list. There is a technical flaw in this case, and the only question is whether you will stand by that technical flaw as against the services and wounds of this soldier and prevent him from going on the retired-list with his comrades in the war.

I will yield now to the gentleman from New York [Mr. RAY] for three minutes and to the gentleman from Michigan [Mr. HORR] for three minutes.

Mr. BROWN, of Pennsylvania. I should like to ask the gentleman from Montana a question before he yields the floor.

Mr. MAGINNIS. I have yielded to the gentlemon from New York and to the gentleman from Michigan, and the gentleman therefore must excuse me.

Mr. RAY, of New York. Mr. Chairman, if I correctly understand the case I think I must give my vote for this bill. I desire in a single moment to present my reasons for that action. If my position can be successfully controverted by the gentleman from Indiana or any other gentleman, then I shall vote against this bill.

The position occupied by General Pleasonton was, as I understand it, this: that after the close of the war, at a time when he was not disabled by disease or by wounds received in battle, he voluntarily resigned from the military service of the United States and entered into private business, going out into the world and engaging in private speculation as a matter of choice. In the case of General Averell we find no such claim whatever. On the other hand, this committee have expressly found that

he resigned from the military service of the United States because of disease contracted and disability incurred in that service to which he had devoted the greater and better part of his life.

That being the case, the committee further found that at that time the retired-list was in such shape under the law that he could not be placed thereon notwithstanding his conceded merit and long and gallant service.

If that be true, and he could not have been retired under the law as it then stood, we must say that he is to be commended for the action that he took, because we have here a man who has devoted, as I have said, the whole better part of his life to the service of his country; a man who was broken down by disease, broken down by these wounds; and if he resigned voluntarily to avoid being a burden to his country, it is a commendable thing on his part. But whether he resigned for this reason or not, or whether that was the law at that time, if he voluntarily resigned at a time when he could be of no further use to his country, it should not place him in a position where no relief can be extended. On the contrary, his position is such that he ought to be commended for his action. Now, when he comes back and knocks at the door of this Government asking us to take care of him in his old age by placing him on the retired-list of the Army, where I think he justly belongs, and where he certainly would be if he had the justice done to him which has been meted out to other soldiers of this country, I can see no reason why we should object to the relief. For my part I believe it to be eminently proper to extend it. He is certainly worthy and deserving not only of the honors it would confer, but of the pay it would give him. From his boyhood till the close of the civil war his whole life was devoted to the service of his country. On twenty-six battlefields in the civil war he proved his bravery and devotion; at three different times riddled with bullets, he shed his blood to keep the old flag in heaven; and if we deny him this honor and this protection, this immunity from want in his old age, under the cry of "precedent," we shall have done an ignoble thing, incurred the deserved displeasure of the soldiers, and disgraced our Government in the eyes of the civilized world.

[Here the hammer fell.]

Mr. MAGINNIS. I now yield five minutes to the gentleman from Michigan [Mr. HORR], and the remainder of my time, if he desires so much, to the gentleman from West Virginia [Mr. GOFF].

Mr. HORR. Mr. Chairman, I have but a few words to say upon this question. I have given the report in this case careful consideration, and inquired into it until I have become perfectly satisfied that we only do justice to this officer when we place him on the retired-list, where he would have had a right to go himself had his resignation not been accepted. That resignation, I am satisfied, he intended to make conditional, and I do not think he believed or imagined at the time that it would take him out of the Army.

Mr. BROWN, of Pennsylvania. May I interrupt the gentleman just there?

Mr. HORR. Certainly.

Mr. BROWN, of Pennsylvania. This, Mr. Chairman, is the pivotal point of this whole question. There has been an attempt made to show a distinction between this case and that of General Pleasonton, but every person who has endeavored to explain the matter has so far failed to make the distinction clear. Now I want to know the exact distinction between the merits of this case and the other.

Mr. HORR. I do not know about the Pleasonton case; but from an examination of the papers in this case I can not come to any other conclusion than one which is perfectly satisfactory to myself, that the general himself at that time did not expect or intend to leave the Army, but was simply seeking an examination, which he supposed would be brought about by this effort; and his only object was to bring about this examination, which he supposed, on the application he made, would be given him.

I differ a little with my friend from Indiana on this point. I do believe that this great Government of ours has a right to step aside from the ordinary rule and do for a man something commensurate with his merits without seeking for a precedent. The gentleman from Indiana and myself both agreed in that view in the case of Mrs. Garfield. We pensioned her, and, if my friend's argument is correct, in doing that we almost insulted every other widow in the United States by granting it. I do not so look at it. I regarded it simply as a matter which was proper under the circumstances and warranted by the facts. I believed it to be right to do it, and we certainly did it without regard to any precedent. I think my friend so saw it.

Now, in the present case I think there are circumstances which warrant the action recommended by this report. In this case if there is a man on the whole roll of our Army who is entitled to our consideration it is General Averell. He earned the position by hard service for his country. His record is beyond all question one of great merit. He received not only numerous wounds but severe ones, and is to-day carrying an amount of lead which he received in defense of his Government which makes it appeal to me in the strongest manner. It arouses my sympathy because I was not where I could carry any of the burden for him. My friend from Indiana was; but I have a very strong and warm feeling when I meet a man who stood at the front and received the shot of the enemy, especially when he comes back helpless and wounded and asks us to place him in a condition where he may be able to receive the maintenance and support of the Government. Especially is that applicable in this case, where this gentleman, if his resignation had not been accepted, would have been entitled to go upon the retired-list in a very short time.

Mr. BROWNE, of Indiana. I would like to ask the gentleman from Michigan if he had not tendered his resignation if he could not have continued in the Army at full pay?

Mr. MAGINNIS. No.

Mr. HORR. He would have gone on the retired-list in a short time.

Mr. BROWNE, of Indiana. Why did not he go on it?

Mr. HORR. Simply because they accepted his resignation. Have you examined the whole case?

Mr. BROWNE, of Indiana. Yes, sir; and understand he resigned his commission. Further, as I understand the gentleman from New York, he said that he would not be a burden upon the country——

Mr. MAGINNIS. He did not resign at all.

Mr. RAY, of New York. What I said was that he was commendable, if there was no reason for his remaining in the service, for resigning and not be a burden upon the Government; that he was commendable if he had resigned.

Mr. HORR. There seems to be some misapprehension about the wording of his resignation. I would like to have it read again.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HORR. I would like to have this read, if the gentleman will grant me time. The resignation shows on its face that he did not intend to resign.

Mr. MAGINNIS. I yield sufficient time to have the letter read.

The Clerk read as follows:

BATH, N. Y., *May* 15, 1865.

GENERAL: I have the honor herewith to tender the resignation of my commission as brigadier-general United States volunteers, and also my commission as captain Third United States Cavalry.

On the 24th of September, 1864, I was relieved from duty with the second cavalry division Department of West Virginia, without any cause or pretext being assigned.

Previous to that I had been ordered by Major-General Sheridan to report to a junior officer for orders, and had endeavored to procure of the Lieutenant-General commanding the armies of the United States an inquiry into the causes for such degradation, without success, as will be shown by the inclosed papers, marked A and B.

If there was any just cause for my removal from command, I beg leave to withhold this resignation until such cause be established and acted by proper inquiry; if no cause existed, I have the honor to request that this resignation be at once accepted.

I am, general, very respectfully, your obedient servant,

WM. W. AVERELL,
*Brig. Gen. U. S. Vol. and Capt. Third U. S. Cav.*

To Brig. Gen. L. THOMAS,
*Adj. Gen. U. S. A.*

Mr. MAGINNIS. I yield now to the gentleman from West Virginia [Mr. GOFF].

Mr. HORR. Before the gentleman from West Virginia proceeds allow me simply to add that any one who will read all the papers in connection with the letter of resignation will understand it was drawn by this general smarting under an order which put him out of his command without giving any cause or reason, and he was simply seeking to induce the proper officers to give him a fair and impartial trial. That was all he asked for, and he supposed this would bring it about. Now, I do say that a man who had as good a career as any man in the American service is entitled to some consideration under these circumstances. I shall cheerfully vote to place him on the retired-list.

Mr. GOFF. Mr. Chairman, it strikes me if the members of this House would carefully consider the report which has been filed by the Military Committee relative to this case there would hardly be a dissenting voice as to the passage of this bill. The facts in the military record of this general have been gathered, his entire military record has been carefully scanned, and without in the least detracting from the reputation of any other officer either in the regular or the volunteer service it seems to me I am justified in saying that there is no one who stands higher than General Averell to-day as regards the record made during the war.

Looking at the report, taking its data as correct, and I think no one will controvert them, then it strikes me that an officer standing in the light that General Averell does should receive from the American Congress at least the pittance that is here asked for. I can not look at the case exactly in the light of those who acquire their knowledge of it merely from this report, because—and I allude to it simply for the purpose of speaking of that which the report has brought prominently before this House—because I was with General Averell during one year of the time that is spoken of here. I know what the man did, I know what his services were worth, and I know the condition in which the close of the war found this wounded and wrecked officer.

When I first knew General Averell, when I first met him in the fall of 1862 he was as strong and as fine in physique as any officer in the American Army. He was a young man, flushed with the ambitions of early youth, so to speak, and a man devoted to his profession and de-

siring to do all he could to promote the cause of that flag he was then so gallantly bearing. He was then, I think, about 27 years of age—at least not much over that. When I left him, or rather when he left me, in the fall of 1864, he was a wreck. He had lost that health I have just alluded to, and I know that he lost it in the military service of his country. I know that the arduous duties that are said in this report to have been performed were rendered by that man. I was with him during the twenty-three days of that forced march to which your Military Committee call the attention of the House, and I know that when he returned from that memorable raid he was even then what the gentleman from Montana called him a moment ago, a very wreck in life.

Right here let me allude to the objection that has been made to restoring this officer to the service. It is objected that he voluntarily retired from it. Did he? In one sense he did; in another he did not. My friend from New York [Mr. RAY] has alluded indirectly to the fact that when General Averell tendered his resignation it was not as has been stated here for the purpose of entering into competition with other men that were engaged in civil pursuits and along the by-paths of life, but he tendered his resignation because—and I speak now not from my personal observation but from what the committee report to the House—because of the results of disability and incapacity incurred in the public service. At the close of the war, when he was disabled, when he could no longer render active service in the field even if he had remained and gone to the frontier as most of the officers did at that time, General Averell tendered his resignation on account of his physical disability to endure the hardships of the frontier service. If gentlemen desire to controvert the statement of the report upon that point then they must be prepared to show the contrary.

Mr. LONG. And there was a still stronger reason.

Mr. GOFF. If my friend alludes to the reason that is set forth in the letter of resignation of General Averell, I do not regard that as a reason interfering at all with the cause I now assign. Nor do I, as my friend may think, consider it a stronger one than was this physical disability.

As the gentleman from Michigan [Mr. HORR] has said, an officer smarting under an assumed or real wrong to his military record may tender, as General Averell did, his resignation. In tendering his resignation he said this in substance: "I want you, Mr. Secretary, not to accept my resignation if there is a cloud on my record; yet if there be no cloud, consider my resignation tendered." That is the way I read it. That is the way I look at it. "Consider it tendered; I have lost my health in the service of my country; I have been wounded; yet I am here to-day to demand of you if there is a stain upon my record that you shall withhold the acceptance of my resignation until that is investigated. And I do not believe there is. I am conscious of my standing in the eyes of my comrades and before the people; and therefore, wrecked as I am, I tender my resignation; and suffering as I do, I demand you shall not accept it until you have investigated my record, if you still claim there is a blot upon it."

That is all there is in it. Now, as to whether there was a blot upon the record of this officer go and ask the soldiers of Ohio or Illinois, the cavalrymen of Pennsylvania or West Virginia, and they will tell you, Mr. Chairman, whether the statement of the military record of this officer as given here by your committee is not a fair and a just one.

Mr. BROWNE, of Indiana. Nobody has controverted that.

Mr. GOFF. Congress, on the 28th day of July, 1866, passed an act to which I will now allude for the purpose of calling the attention of the House to the point made by the gentleman from Indiana [Mr. BROWNE], that this officer resigning with the rank of captain should not now be placed on the retired-list with the rank of brigadier-general. The rank on which it is proposed to retire him is even less than the rank which he held at the time he resigned from the Army. Section 32 of the act of July 28, 1866, reads as follows:

> Officers of the regular Army entitled to be retired on account of disability occasioned by wounds received in battle may be retired upon the full rank of the command held by them, whether in the regular or volunteer service, at the time such wounds were received.

At the time that General Averell was wounded he held the commission of brigadier-general in the volunteer service of the United States and he also held the command of major-general in that service.

Mr. MAGINNIS. He was brevet major-general in the regular service.

Mr. GOFF. Yes, but holding the rank of brigadier-general in the volunteer service he had the command of a major-general in that service?

Mr. MAGINNIS. Yes, sir.

Mr. GOFF. It is not necessary to go into the question of General Averell's physical disability and mental suffering and to state to the House the cause of that disability and that suffering. I say that had General Averell remained in the service for simply one year longer, then under the provisions of the act of Congress from which I have read he would have been retired with the full pay of a brigadier-general of the Army of the United States. He does not come here, as my friend from Indiana [Mr. BROWNE] would have this House believe, having resigned with the rank of brigadier-general, and ask Congress to give him a place on the retired-list with a rank greatly superior. The Committee on Military Affairs recommend that he be placed on the retired-list with a rank even below that which he held at the time he resigned.

I do not desire to occupy more of the time which my friend from Montana [Mr. MAGINNIS] has so kindly yielded to me. I desire to call the attention of the House to this case and to speak for many of the soldiers of the States to which I have alluded and of their appreciation of this gallant officer. The soldiers of those States believe in him and the service which he rendered in 1863 and 1864. I hope it may be the pleasure of this House to pass this bill.

Mr. MAGINNIS. How much time have I left?

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. MAGINNIS. I yield to the gentleman from Louisiana [Mr. KING] five minutes of that time.

Mr. KING. It is always sad, Mr. Chairman, to look back into a past so dark as was the late war. As it was the fortune of the gentleman from West Virginia [Mr. GOFF] to serve with the gallant soldier whose case is now presented for our consideration, I will say that it was my fortune to be thrown in opposition to him. I rise here to-day to speak of him as one whom I fought as hard as I could, and to testify to the vigor and courage manifested by that gallant officer.

My first acquaintance with General Averell, not personally but as an adversary, was on the field. I will say this for him, that in that long struggle there was no one with whom those I was associated with came in contact who fought us with more vigor and more skill than did General Averell.

And there are some other features connected with the service of that officer which I take still greater pride in mentioning. Wherever he went, though he carried the flaming sword of war, he always dispensed justice to the citizen. In that area of country through which he marched the women and children told me in their simple language that they had always been treated by him as a gentleman would treat them. In a large degree he conquered those people not by the sword, but by clemency and by kindness.

One distinctive feature of that scene which always recurs to my memory is this: In the large area now embraced in the State known as West Virginia, except possibly the northern portion of the valley of the Shenandoah, the name of General Averell was better known than that of any other Federal officer against whom we were opposed. And if I were asked who was most deserving of credit for bringing that portion of the country under the influence of the Federal arms I should say it was General Averell.

I know not what may be the spirit which will influence some of our friends on the other side of the House in their votes upon this bill, but I trust that generosity will always actuate those on this side with whom I am associated. I know that had I been on the victorious side in that contest any officer who served with the fidelity and the efficiency of this gallant officer should receive my vote to place him where he will be beyond want, and to do him that justice which a great and powerful Government should always do to those who defended it in the hour of its peril.

Those days are past, but there is no brave man who does not honor and respect an officer who did his part so well and so courageously as did General Averell. And when this Government is asked to do justice to such an officer, if my vote can aid him it shall always be given for that purpose. I shall cheerfully vote for this bill.

[Here the hammer fell.]

Mr. MAGINNIS. I yield five minutes to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Chairman, I propounded an inquiry to the gentleman who preceded me, not because I was opposed to this bill, but because I wanted to show to the House so far as I could not only that General Averell is entitled to the passage of this bill, but that the House did a very ungracious and very unjust thing in refusing to do the same for General Pleasonton. It is true that the case of General Pleasonton is not before us now, but in my opinion if we did not do our duty in that case the greater is the obligation upon us to do our duty now. Every argument offered in behalf of General Averell has convinced me that the House ought now to retreat from the position it took in the former case. The injustice which I believe we did to General Pleasonton is no reason why we should do injustice to General Averell.

Some gentlemen, perhaps, might cite our action in regard to General Pleasonton as a precedent in this case. But, sir, I care nothing for precedents in cases of this kind. Let us put behind us every precedent that would do injustice to an officer or a private. Let us do what the specific case before us demands we should do. I was for putting General Pleasonton on the retired-list, and I am also in favor of putting General Averell upon the retired-list.

The fact that a man has resigned his position on the Army Register is no argument with me why he should not be placed upon the retired-list when his time of need comes. In the case of General Pleasonton more than $45,000 was saved to the Government by his retirement from the Army in a time of peace. As we all know, his services would have been of no great moment to the Government in time of peace. I commend, therefore, the course of any general who goes out of the Army in time of peace when his services are not required by the Government, and I do not think that fact militates against his honor, or his valor, or his manhood, when in his hour of adversity he appeals to the Government

for which he gave his blood in the time of his country's peril. It is the business of this great Government to care for those who in the hour of its peril have been the pillars of its support. These men gave their all for their country when that country was in peril, and when any one of them is in distress, whether it be General Pleasonton or General Averell or any one else, I am willing to do what I can in my weak way to extend the relief needed. I make no distinctions among them.

I am not in the least driven from my position in support of this bill because I am told that a man resigned his commission when his services were not particularly needed. I say that a resignation under such circumstances is to an officer's credit; it is a reason in favor of his being put on the list rather than a reason against it.

[Here the hammer fell].

Mr. MAGINNIS. I now yield five minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, the gentleman from Indiana [Mr. BROWNE] says that General Averell should have been retired on his rank of captain. I want the gentleman to understand that General Averell was not at fault in this matter. A young, enterprising officer of the regular Army, he was offered by a State the position of colonel of cavalry, which he accepted. If he had remained in the regular Army, he would certainly have reached the rank of colonel in less time than he could in the volunteer army the rank of brigadier-general. By accepting the position as colonel of a volunteer regiment of cavalry he was taken out of the line of promotion in the regular Army. He organized the first brigade of cavalry ever organized under our Government. In view of the career of General Averell; in view of his military services, which in Europe, as the committee state, would have made him a field marshal; in view of his record without stain; in view of the wounds he received, for he carries lead in his body to this day; in view of all this faithful service to this country, it seems to me it would be a narrow policy on the part of the Government if it should fail to reward such eminent and distinguished military service.

Mr. Chairman, an army in the field without capable leadership is a mere mob. As to military efficiency, it amounts to nothing. In the course of my life I had occasion to try an improvised army against regular organized forces, commanded by experienced and skillful generals. My army had numbers, and that was all. An improvised corps can not contend in war against an adversary with fully equipped troops and with skillful and experienced generals. Capable officers in an army are as necessary as statesmen to a government. The generals, the colonels, the captains in command of troops are quite as necessary as the troops themselves.

God forbid that I should ever detract from the merits of the volunteers of this country who served in the war for the Union or that I should undertake to award to the plumed officers all the gratitude of this great country. We owe the preservation of this Government, we owe the presence in this Hall of Representatives from a part of the Union that was for a time cut off, we owe the glory of our flag and the power of the nation to the men who carried the musket and the saber, and also to the distinguished officers, skilled in war, who commanded them.

I know this officer well. I had the honor to give him a commission as colonel of cavalry before I ever saw him. I watched his career with interest. I have seen him in his broken health. I know his character. I know from himself that he claims to-day he is rightfully in the Army and should have had his promotion. A sensitive and delicate honor prompted his resignation, which was qualified in such a way as to show that he had the honor of a soldier as well as the pride of an American citizen. His demand for an examination was treated with contempt. Retiring from the Army, he has lived in private life, till now, in broken health, he asks that he be retired on the rank he would have had but for the place he accepted in the volunteer service of the country.

No nation engaged in war in ancient or modern times ever had success unless it held before its military men the hope of promotion and of reward for their services. I ask that we now extend such reward to General Averell.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. This case has been argued by gentlemen in favor of this bill as if somebody had attacked the record, the honor, or the services of General Averell. Nobody, I am certain, has thought of such a thing. I yield to him all that is claimed for him either in the record or by any gentleman who has pronounced his panegyric. I have opposed this restoration solely for the reason that it is illogical, and because ample provision can be made for the maintenance of this distinguished officer and for his reward in a proper and regular way.

I have appealed to the gentlemen of the other side to answer why it is if General Averell is wounded, and I know he is, if he is disabled as the gentlemen claim him to be, and his disabilities have been incurred in the military services of the country, that he can not receive ample recognition and reward by being placed, as other soldiers, on the pension-rolls, either under the general law or by special act of Congress. I continue to ask why this can not be done, but they do not answer.

I ask them in addition to this if they do not propose to restore him to the Army, to put him on the retired-list simply because in that way they can give him a larger sum out of the Treasury of the United States than Congress has ever given in a general pension law or is likely to give in a special one?

Several MEMBERS. No.

Mr. BROWNE, of Indiana. If that is the only purpose, as I assume, then it is not the pride of being associated with his brother officers on the retired-list that he desires to be put there, but this is simply a method by which he seeks, or his friends seek for him, to receive larger pay than is given to other men of equal merit.

Mr. CURTIN. I beg the gentleman's pardon. He is not to understand me to say that. I say he has a right to it.

Mr. BROWNE, of Indiana. I have not said that my distinguished friend from Pennsylvania did say so, but I think I see a gentleman on the other side of the House who did say it, but without his consent I will not name him.

Mr. ROSECRANS. I will answer your question if you will yield to me for that purpose, as the time alloted to this side of the House has expired.

Mr. BROWNE, of Indiana. I will yield all the time I have in a very few moments; and I would not be talking now but it seems to me the gentlemen who agree with me, and there are many of them, are talking on the other side.

Mr. ROSECRANS. If the gentleman from Indiana will give me a moment or two of his time I will answer him. Do I understand the gentleman will yield to me?

Mr. BROWNE, of Indiana. I will yield for a question.

Mr. ROSECRANS. I said if the gentleman from Indiana was kind enough to allow me a few moments, our time on this side having expired, I would be glad to answer his question.

Mr. BROWNE, of Indiana. How much time have I left?

The CHAIRMAN. Forty minutes remain of the hour.

Mr. BROWNE, of Indiana. Then I will yield to the gentleman some time before I close.

Mr. ROSECRANS. It is in answer to the very question the gentleman has himself put.

Mr. BROWNE, of Indiana. Very well. I will yield to the gentleman from California if he desires at this time.

Mr. ROSECRANS. You ask us why we are not willing to put General Averell on the pension-roll; why we want to have a special act for him.

Mr. Chairman, I beg to state to this committee and to the gentleman from Indiana that the Military Committee of this House, representing the House, has adopted a policy on that subject which I think, if fairly stated, the gentleman himself will concede to be a consistent one. We do not propose to discuss here solely on the ground of sympathy, not upon the ground solely of the needs and wants and sufferings of the distinguished soldier in whose favor we have reported a bill, but we assume that any great nation, beside the natural duty it owes to take care of those who have been wounded or who have incurred disability in its military service—in addition to the duty it takes upon itself when it enlists men and in words sweeter than honey saying in case of wounds and death their families shall be taken care of and their widows or mothers or children, as the case may be, shall be pensioned—that beside those duties which it takes by contract there is a third kind of duty a Government owes, and that is to mark with distinguished honor distinguished services. It is not solely, therefore, because General Averell would have been entitled to a pension and is now entitled to have a pension, but also because of the circumstances in this case, his distinguished services rendering it a peculiar one, that we have reported the bill pending before the House. We assume that it is not only the right but the duty of the Federal Government, or indeed the government of any country, to mark its sense of distinguished services whenever it chooses. We did not suppose when the Government undertakes to do that in any case it involves the necessity of doing it for every other case.

Mr. BROWNE, of Indiana. I think I have the gentleman's answer. I do not differ from the gentleman from California in the fact that the Government undertook to provide for those disabled in its defense, nor do I controvert his statement that it is the duty of the Government to provide generously and amply for such service. But, Mr. Chairman, the gentleman wholly fails to answer the question I put whether equal services should not be equally rewarded.

The question that I put is unanswerable in my opinion. I put the question to the gentleman, and I do not care to yield further, as I think I have heard his views. Why does——

Mr. ROSECRANS. If the gentleman from Indiana will pardon me for interrupting him a moment, he puts me in a false position and I desire to correct him.

Mr. BROWNE, of Indiana. Very well.

Mr. ROSECRANS. I did not say that equal service ought not to have equal reward, nor do I dispute the right of the Federal Government to give equal rewards for equal services. I only say that it is the sovereign right of a great government to mark distinguished services by distinguished honor, and I would consider a case of that kind without any distinction between Mr. A or Mr. B. But when Mr. A

comes before this House on a claim for such recognition, I do not think the argument should be made that you must give him distinguished honor because you have given it to Mr. B. The mere fact that for sufficient reasons the Government has given distinguished honor to him does not obligate it to do the same for Mr. A or anybody else.

Mr. BROWNE, of Indiana. I have said, Mr. Chairman, that I do not recognize the distinction that my distinguished friend from California attempts to make. Now, if I understand the logic of the Military Committee it is this: they do not propose to put anybody in the regular Army except it be somebody who has been there before. Is that true?

Mr. MAGINNIS. Yes, sir.

Mr. BROWNE, of Indiana. Then I am right so far. They do not propose to put anybody in the regular Army except those who have been there, and they do not intend to put anybody back into the regular Army for the purpose of retiring him except they take him from the walks of civil life, from the broad ranks of American citizenship. Now, I am right in reference to that point. And they take them back as one of the elements in the case because they have been heretofore in the Army and have voluntarily gone out of it to become citizens.

Let me stop to discuss that position for a moment. Then I ask my distinguished friend from California if he does not stop right at that point to discriminate? How can—if that be the rule of the Committee on Military Affairs—how can the most distinguished of all the volunteer officers of the Army get on the retired-list of the Army as reward for his gallantry? Let the Military Committee be kind enough to inform me the road by which he is to travel.

Mr. MAGINNIS. The act of 1866.

Mr. BROWNE, of Indiana. I am talking about what you have stated is the course you intend to pursue by special legislation, and I stop right there and say that it is unjust, that it is an unwise and an unjust discrimination. I say it is unjust, because if we are to take men in the Army and put them on the retired-list because of gallant and distinguished services, let us take the volunteers and those who have been regulars and all. Why make a distinction?

Mr. ROSECRANS. Permit me to say to the gentleman from Indiana that we have not established any such rule as he has just announced. Nothing but the law can do that. All that I have said, and from which the gentleman seems to draw his inference, is that the great Government for which we are at present acting has the right to distinguish by distinguished honors—mark, by distinguished honors—distinguished services. Now, whenever the law does that or directs that it be done to any class, I take it for granted that an honorable committee of the House of Representatives is at all times obliged to follow the law.

I have not undertaken to establish the proposition that we would not consider the case of a man who was in the volunteer service and put him on the retired-list. The case has not transpired, and we have not adopted such a rule as the gentleman seems to imply.

Mr. BROWNE, of Indiana. I confess, Mr. Chairman, that I can not understand the statement made by the gentleman from California and that of my friend [Mr. MAGINNIS] from Montana. I can not understand both of them. One or the other must certainly be mistaken or else I have misunderstood them. A few moments ago the gentleman from Montana said the policy of the committee was to confine relief of this kind to those who had belonged to the regular Army.

Mr. MAGINNIS. I am only speaking of what the committee has done. The gentleman from California speaks of what the committee might do.

Mr. BROWNE, of Indiana. Oh, Mr. Chairman, nobody doubts for a moment that the Committee on Military Affairs might report a bill that will put every American citizen, man, woman, and child, white or black, everybody, without regard to race or color or previous condition of servitude, upon the retired-list if they choose to exercise that power. But so far as the report of the committee develops a policy it proposes to confine this character of relief wholly to officers who have been at some time in the regular Army. That is one of the reasons that I protest against this legislation.

Mr. MAGINNIS. That is the opinion of the gentleman from Indiana.

Mr. BROWNE, of Indiana. I assume that to be the case, because so far as I know neither the Military Committee of this House nor any other Military Committee within my knowledge has departed from that rule.

Mr. MAGINNIS. Ah! I will remind my friend that the Military Committee at one session reported a bill to place a volunteer general on the retired-list and my honored friend from Indiana voted for it.

Mr. BROWNE, of Indiana. The gentleman from Montana may know that; I do not.

Mr. MAGINNIS. I refer to General Shields.

Mr. BROWNE, of Indiana. No; I do not think I did. When the Democratic party defeated General Shields for Doorkeeper with a confederate brigadier when he was a candidate for that office I think I was willing to assist the Democracy in repairing their wounded honor by doing something handsome for General Shields. I may have assisted them in doing something to get them out of the ridiculous dilemma in which they had placed themselves by that vote.

Mr. REED. Was not that a question of pensioning General Shields?

Mr. MAGINNIS. No; it was to put him on the retired-list.

Mr. REED. With what rank?

Mr. BROWNE, of Indiana. With the rank of defeated Doorkeeper. [Laughter.]

If the Committee on Military Affairs intend to establish a precedent by this bill, let it be a precedent to be applied to all persons who have performed distinguished services in the Army of the United States. But they will not do that. The House will not do it. The Congress of the United States do not think of such a thing. That retired-list was never intended to exceed in number four hundred. It was made for a particular purpose; and gentlemen on the other side do not intend to increase the aggregate of that retired-list very largely.

Let me say further, although I had not intended to talk at this length, it has been suggested that the resignation that has been read at the Clerk's desk was only a conditional resignation, and that General Averell in fact did not expect to get out of the service by reason of it. Why, sir, I think I can not be mistaken as to what that tender of resignation is and what it means. It says briefly this: "I desire to resign if there are no charges against me; if there are charges, this is not a resignation; if there be no charges, this is a resignation." And its acceptance was equivalent to saying on the part of the Executive there were no charges pending against him. Gentlemen of the committee may read it and they will see whether I have misinterpreted that resignation. If they say I have, I will wait right here until they correct me. The paper is at the desk. If they do not contradict what I say, then I may stand upon it that he did know that this was to be a resignation.

Mr. ROSECRANS. It was intended to force an examination of charges.

Mr. BROWNE, of Indiana. I speak of what the resignation says. I do not know what there was behind it. It may have been, for all I know, that General Averell was disgusted with the treatment he had received at the hands of some of his superior officers, and resigned to express his contempt for them. I do not know whether that is the case or not. I have as much right to suspect that was so as to suppose there was something behind this resignation which it did not contain.

One word more and I am done. I have not said anything in this case certainly that can be construed to mean that it is not the duty of the Congress to make ample provision for this distinguished man. I indorse everything that has been said in regard to his character and his record. I have simply protested against this measure because I believe that it is establishing a precedent from which we will be compelled to retreat. We had better stop now.

The CHAIRMAN. The gentleman from Indiana has twenty minutes of his time remaining.

Mr. MAGINNIS. I ask the gentleman from Indiana to yield me two or three minutes.

Mr. BROWNE, of Indiana. I have promised to yield to my friend from Tennessee [Mr. DIBRELL]. I yield that gentleman five minutes.

Mr. DIBRELL. As a member of the Committee on Military Affairs it is due I should define my position in regard to this matter. I agree with everything the gentleman from Indiana has said in regard to the precedent this would establish. I think it is a bad one. I admit that I voted for the proposition to place General Shields on the retired-list. I did that through sympathy for that gentleman. But I have never given a similar vote since, and I do not expect again to vote that one who has resigned or gone into private life to enter upon the business of a civilian should be placed on the retired-list.

I admit that everything that has been said about the military record of General Averell is true—that he was a gallant soldier and all that. But if you place him on the retired-list you establish a precedent for a large number of others. Several cases are already on the Calendar now ready to be acted on. Others are before the Committee on Military Affairs. And a number are waiting ready to come in should this precedent be established. When this is done you can not stop there. These other gentlemen have influence enough outside to get the same action from the Military Committee and from Congress if this bill should be passed.

I do not violate any of the privileges or reveal any of the secrets of the committee when I say that this report was not unanimous by any means. It passed the committee by a majority, but is not a unanimous report. I voted against it in the committee and expect to vote against it in the House. I think the proposition ought to be rejected. I think all such applications ought to be rejected which come from men who have retired from the Army and have been engaged in the avocations of private life for the last twenty years, and who now come asking to be restored to the privileges they would have enjoyed had they remained in the Army. The privileges of the retired-list were intended only for the officers of the Army who were worn out in the service. They were never intended for civilians who have gone into private life, and who, perhaps having failed in private business, come back and ask the Government to take charge of them and support them.

Mr. HENDERSON, of Iowa, addressed the Chair.

Mr. BROWNE, of Indiana. I believe I still control the floor.

The CHAIRMAN. The gentleman from Indiana is entitled to the floor.

Mr. HENDERSON, of Iowa. I do not propose to take the same view

as the gentleman from Indiana, and should like to have the floor in my own right.

Mr. BROWNE, of Indiana. I yield the floor for the present, reserving the time I have left.

The CHAIRMAN. The gentleman from Indiana has fifteen minutes remaining of his time.

Mr. HENDERSON, of Iowa. There seems to be one trouble in the mind of my friend from Indiana [Mr. BROWNE], and that is that this bill is illogical, that it will establish a dangerous precedent. He was frank enough to state that that is the only reason he has for opposing the bill. In a case of this kind that does not trouble me at all which seems to trouble him.

There are some questions which come up here to be acted upon which do trouble me somewhat. But when a question is presented that involves the recognition of the merits and services of a fellow-soldier I am not very particular in what shape it may come before me. I voted to pension the Mexican soldiers; I voted to retire General Pleasonton, another gallant soldier; and I shall vote for the pending bill. I hope that the majority of this House before this session shall close will go further than they have yet done, that through their able Committees on Pensions they will give me an opportunity to vote for some pension bill in behalf of the tens of thousands of poor soldiers who so far have had no place on this floor except in the mere cold, simple matter of the introduction of bills for their benefit.

I desire to say to my good friend from Indiana that he should not exert his giant intellect and expend his great eloquence in opposing this bill. When we find the other side of the House recognizing distinguished services in behalf of the perpetuation of the Republic, let us join hands and hearts with them; I am prepared to do it. And if they do not go still further than they have yet done and remember other soldiers of the Union, they will hear from me wherever I can strike at them, and they will hear from the soldiers of the Republic whenever they have a chance to be heard.

I want to quote a little from the Scriptures; I may not give it *in hæc verba*.

Mr. BROWNE, of Indiana. I should not think you would.

Mr. HENDERSON, of Iowa. And if I do not, then I trust my friend from Indiana, whose memory no doubt teems with the early teachings of his youth——

Mr. BROWNE, of Indiana. Oh, yes; I will forgive you for any mistake of that kind. [Laughter.]

Mr. HENDERSON, of Iowa. I do not ask you to forgive me. I am inclined to think that you will want some forgiveness yourself.

Mr. BROWNE, of Indiana. I do not expect you to quote the Scriptures correctly, because it is a work with which I am afraid you have but little acquaintance. [Renewed laughter.]

Mr. HENDERSON, of Iowa. The lack of Christian feeling which you have shown in antagonizing this bill makes me fear that you were not brought up with the Christian instructions which I myself enjoyed. [Continued laughter.] But I want to say this: I remember something of this kind in the Holy Scriptures, something to this effect: The apostles of the Lord came to Him one day and said, "Master, as we came along we found one by the wayside casting out devils; but he did not do it in Thy name and we forbade him." The Lord answered and said, "Forbid him not; he that is with us can not be against us."

Mr. BROWNE, of Indiana. Well, I do not see the application of that.

Mr. HENDERSON, of Iowa. The Lord was not afraid of precedents; the Lord was not afraid of illogical methods. When He found that the efforts of that person by the wayside pointed toward generous and noble action He said, "Let him alone; let him work." And I say to my friend from Indiana, when our Democratic brethren are in favor of recognizing those who stood as General Averell did, facing the foe in twenty-six battles, then I say, "Gentlemen, God bless you; go on; I forbid you not, but I will vote with you."

But I shall ask them to go further and remember the thousands of poor fellows in this country who because of ineffective pension laws can not obtain proper recognition of their services. I demand that you shall whip up your committees on pensions and make them bring in bills here that will do more than recognize old Mexican soldiers, God bless them; do more than recognize those who graduated at West Point, and God bless them also. Make your committees give us bills which will provide wholesome pension laws, which will provide for the brave but humble fellows who have not money to prosecute their pension claims, and who find the laws now on your statute-books an actual prohibition of their securing their rights.

I take this occasion to appeal to the House and to say that I hope no member will be troubled about precedents, but that each one here will cast his vote for General Averell. Let us join teams with our brethren across the aisle here, and then if they do not "come up to the scratch"—I hope as a Western man I may be allowed to use that phrase—we will remind them that as they joined us in one good cause they should not hesitate to go on with other good works.

Mr. BROWNE, of Indiana. I resume the floor and yield——

Mr. MAGINNIS. Mr. Chairman——

Mr. BROWNE, of Indiana. I will yield to the gentleman from Montana [Mr. MAGINNIS] if he desires.

Mr. MAGINNIS. I want merely to move that the committee rise for the purpose of limiting debate.

Mr. BROWNE, of Indiana. I will yield for that purpose.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar had had under consideration the bill (H. R. 2487) authorizing the retirement of Bvt. Maj. Gen. William W. Averell, United States Army, with the rank and pay of brigadier-general, and had come to no resolution thereon.

Mr. MAGINNIS. I now move that the House again resolve itself into Committee of the Whole for the purpose of considering the Private Calendar. Pending that motion, I also move that all debate upon the pending bill shall close in thirty minutes, with the understanding that ten minutes of that time shall be controlled by the gentleman from Indiana [Mr. BROWNE], ten minutes by the gentleman from Ohio [Mr. WARNER], and ten minutes by the gentleman from Kentucky [Mr. WOLFORD].

The SPEAKER. The division of time for debate is a matter for arrangement in Committee of the Whole.

The motion to limit debate was agreed to.

### VACATING ORDER FOR EVENING SESSION.

The SPEAKER. Before putting the question on the motion to go into Committee of the Whole, the Chair desires to state that the gentleman from Indiana, chairman of the Committee on Invalid Pensions [Mr. MATSON], requests unanimous consent to vacate the order for the evening session for this evening only, as he is not able to be present. Is there objection? [After a pause.] The Chair hears none, and the order for this evening's session is vacated.

### WILLIAM W. AVERELL.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole and resumes the consideration of the bill for the benefit of General Averell. By order of the House all debate upon the bill is limited to thirty minutes.

Mr. MAGINNIS. The gentleman from Indiana [Mr. BROWNE] is first entitled to the floor.

Mr. BROWNE, of Indiana. I hope the Chair will notify me at the end of five minutes, as I desire to yield the remainder of my time to the gentleman from Ohio [Mr. WARNER]. I do not know what I have said that could justify the attack made upon me by the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. You do not consider that an attack, do you?

Mr. BROWNE, of Indiana. The gentleman intimated that there was a want of generosity on my part toward the soldiers of this country. Why, sir, I have been here seven years endeavoring on this floor in a very humble way to fight the battles, so far as there was necessity for it, of those who were in the Army of the United States. I have voted at all times for the most liberal propositions that have been made for pensioning persons who have been disabled in the service and for providing for the dependent families of those who sacrificed their lives for their country. On this question I have made a record and I am proud of it.

Mr. HENDERSON, of Iowa. I do not want my friend from Indiana to subject me to the painful necessity of hearing him defend himself, as it were, from an attack on my part. I think that any one who knows the splendid patriotic record of General BROWNE knows that any man would discredit himself before the country by attacking my friend from Indiana on that head. I did not intend any such thing. I only hoped that my good friend would not, for fear of a precedent, be led into the mistake, as I view it, of opposing this bill, which I hope is in the right direction, and I have no doubt that it is, so long as it seeks to reach that common result for which he says he has so long labored.

Mr. BROWNE, of Indiana. Now, that is just what I do fear—precedent. Precedent has been drummed into the service, I will not say in this class of cases, but it has been drummed into the service for the purpose of defending every species of iniquity. Bad precedents have confronted us every day of our legislative life; and I do not intend, if I can help it, at any time in the future, to so vote in any case as to establish a bad precedent. Congress legislates all the time under the shadow of precedents. They lead us and mislead us. Let us from this time forward, whatever may have been our course in the past, establish good precedents and insure good legislation.

In conclusion, Mr. Chairman, no man shall go farther than myself for the purpose of making any krnd of recognition of the services of meritorious officers or privrte soldiers. I will vote for as liberal provision in the proper way for General Averell as any man on this floor. I oppose this bill, as gentlemen who agree with me have opposed it, because we think it establishes a bad precedent; and for that and the other reasons given I will vote against it. Gentlemen on the other side are, so far as I know, as generous in voting pensions and in rewarding the merit of the Union soldiery as we are. A generous spirit has

characterized their action in this connection so far as I have been able to observe it. Even my friend from Tennessee [Mr. DIBRELL], who was on the wrong side in the fight of 1861, has gone as far as I have gone in voting liberal pensions to Union soldiers. I am glad he has done so. I think he ought to do so. I think that he and those who were associated with him made a pension-roll necessary. I think they ought to help in voting to put men on that roll, and that they ought to pay liberally out of their own pockets to its support. We did not want the war; I am sorry it came. We did not want the pension-roll; I am sorry the necessity for it exists. Those who brought on the war ought to vote liberal pensions and help to pay them. I say this to these gentlemen in kindness. They ought to do these things gracefully, as they seem inclined to do. With these remarks, I do not propose to talk any further on this subject.

I yield the residue of my time to my friend from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Chairman, I admit that the Committee on Military Affairs has, in the case of General Averell, presented probably as strong a case as could be presented. The magnificent record of General Averell is all in his favor when he appears before the House asking to be restored to the regular Army in so far as to be permitted to go upon the retired-list with the rank and pay of a colonel. Nobody questions his record or his distinguished services. But what is the question before us? Under the law regular Army officers who are disabled in the service, or who have served a given number of years, are permitted to go upon the retired-list and for the remainder of their lives to draw certain monthly pay.

Under the operations of this law there have occurred within my own knowledge cases of this kind. In a certain battle a volunteer officer has lost an arm and in the same battle an officer of the regular Army also lost an arm. One was educated at West Point at the Government expense; the other educated himself. They were of about the same age and entered active military service about the same time. One of those men receives quarterly from the Government compensation at the rate of $30 a month; the other draws pay at the rate of $150 a month. I believe this distinction in such cases most unjust. Disabled volunteer officers all over the country are complaining of this injustice and asking us to change the law and permit them to go upon the retired-list at the same rate of pay for like disabilities as regular Army officers receive. That is, for the same disability they ask the same compensation as the regular Army officers receive.

But we know very well we can not restore to three-quarter's pay, nor half-pay, all the disabled volunteer officers. To do that and leave the private soldier with only his pittance would be great injustice to him; nor can we at this late day change the law so as to strike off of the retired-list those who have gone there for disabilities under the law as it exists, but we can prevent further inequalities such as those complained of.

But here comes, Mr. Chairman, another class of cases, a class to which General Averell belongs and to which General Pleasonton belongs, whose case we had up the other day, officers who, having been educated at West Point, having served in the regular Army for a longer or shorter period, have chosen to leave the military service and retire to private life.

How many there are of this class I do not know, but that there are a considerable number I do know. If we propose to restore this class of officers——

The CHAIRMAN. The gentleman's time has expired.

Mr. MAGINNIS. I will yield five minutes more to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I desire ten minutes more.

Now, Mr. Chairman, if it is proposed to permit this class who voluntarily retired to be reinstated in the Army and go upon the retired-list—which I do not think we ought to do, but if we do—then this right ought to be extended to all of that class who desire restoration and retirement on that list, and not to one or two favored ones. Why should we single out a few and leave out others, perhaps just as meritorious? That was the ground on which I opposed the bill to restore General Pleasonton the other day. That is, that we should not single out a few and give them the right while denying it to the rest. I say the very essence of injustice is to grant one what is denied to another.

How many there are asking to be placed on that list I do not know. No information has been given to us in this discussion, but if we establish the principle, doubtless a majority of those who at one time or another have resigned will desire to return and be placed upon the retired-list. That is the precedent this bill establishes. If we do that, and establish the precedent that when an officer resigns and elects to retire to private life and gives up the right to be placed upon the retired-list he may nevertheless come to Congress and be restored, with all his original rights, instead of being classed as a volunteer officer entitled to a pension only—I say if we are going to establish that principle we ought to open the doors wide enough to admit all of that class and volunteer officers too. For heretofore officers who have resigned their commissions in the regular Army have been classed under disability acts with volunteer officers. And did not the volunteer officers perform as meritorious service as the regular officers? I have some figures here, Mr. Chairman, which I will give, that may throw some light on the relative service of volunteer and regular soldiers. The total deaths in the late war, as given in the record I hold in my hand, were 304,369.

Of these 5,724 were from the regular Army and the rest from the volunteer forces. I find that there were killed or died of wounds or disease during the war 8,838 volunteer officers and 267 regular officers. These figures show pretty well the relative strength of the regular and volunteer forces and the part each, with its officers, played, and without depreciating the services of the regular Army officers, it is but the truth of history to say that the battles of the war were fought mainly by volunteer soldiers commanded by volunteer officers. Are not those who fought side by side and sustained like disabilities entitled to like compensation? Do you lay down the doctrine that the arm of a man educated at West Point is worth $150 a month, while the arm of a man who educated himself is only worth $30 a month? That is the principle of this bill; but, Mr. Chairman, that will not do. The law, I know, gives to the regular Army officer the right to a place upon the retired-list with a rate of pay much above the pension rate of volunteer officers, but it presupposes life service, which is not this case, and officers who voluntarily retired from the regular Army at the close of the war stand upon precisely the same ground as the volunteer officer and entitled to no more and no less.

The CHAIRMAN. The gentleman's time has expired.

Mr. WARNER, of Ohio. I understood the gentleman from Montana to yield to me ten minutes.

Mr. MAGINNIS. I have yielded to the gentleman ten minutes.

Mr. WARNER, of Ohio. And the gentleman from Indiana yielded me five minutes, making fifteen in all. I only desire a few minutes more in order to touch another point.

I admit that the gentleman from Montana, if he is right as to facts, lays the foundation of a claim stronger than the case before us the other day, and if I were entirely satisfied on that point I do not know but I should be willing to let this case go as an exceptional one. And that is this, that General Averell in fact was entitled to go upon the retired-list when he resigned his commission.

Mr. MAGINNIS. I can say to the gentleman from Ohio that there is not the least doubt of that fact. I thought it was a strong point and the only strong point made in the other case. General Averell was entitled at the time his resignation was accepted to go upon the retired-list.

Mr. WARNER, of Ohio. And it is claimed, too, as I understand, that General Averell did not consider himself to be out of the service. These are considerations I can not discuss, for I know nothing about them. Certainly, if there remains to General Averell any legal right or equitable right to go onto the retired-list, I would not wish to deprive him of that right. But I supposed this claim was pressed mainly on the ground of his services and his wounds, and I can not consent to place any officer on the retired-list on such grounds who has voluntarily resigned and thereby placed himself in the category of volunteers. I can not vote to make a distinction in the matter of disability between those educated at West Point by the Government and those who educated themselves, and such distinction is made every time we vote to place a man on the retired-list in order that he may draw more pay than another suffering a like disability. We can not do that in my judgment unless a legal right on his part can be established.

Mr. MAGINNIS. General Averell has always claimed he never left the service, and has repeatedly called upon the Secretary of War to decide that question.

Mr. WARNER, of Ohio. If that right exists, I would not cast a vote to deprive General Averell of it. I must say I am not entirely satisfied on that point. I will ask a question the answer to which may throw some light upon the matter.

The CHAIRMAN. The gentleman's time has expired.

Mr. MAGINNIS. General Averell has asked the Secretary of War to decide whether he was not yet in the Army. How much time have I left.

The CHAIRMAN. The gentleman has twelve minutes remaining of the time limited by the House.

Mr. MAGINNIS. I will yield ten minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Chairman, I did not expect, although I am a member of the Committee on Military Affairs and have given some little attention to this question, to say a word in this connection. But things have changed, so that I want to be heard for a very few moments.

I disagree materially with my distinguished friend from Indiana [General BROWNE] upon the doctrine of putting every man upon an equality, as I understood him, in several respects, and putting all upon the pension-rolls—those who served in the volunteer forces as well as those who served in the regular Army—without regard to service.

Nor do I agree, I may be permitted to say, with the views entertained by the framers of our pension laws as they now stand. I hold that every pension ought to be given and every pension case considered upon its individual merits. I hold to the belief that pensions should be granted according to the merits of the man who claims the pension.

In that way our pension laws, in my judgment, would be far more effective and just in their operation. I do not mean to be understood as saying that the precise amount of disability that may attach to any

particular case should govern. That is only one of the incidents which ought to be considered—the disability and the amount of the disability. But I mean that in the consideration of pension cases not only should that item be considered, but the amount of service and the kind of service performed should have due weight in fixing the rate. I care not, Mr. Chairman, whether the applicant be an officer or a private, if under the dispensation of an all-wise Providence he has been permitted to perform superior service for the good, for the honor, and for the glory and the happiness of his country, he ought to receive as a pension superior pay and recognition. I care not—and this I put upon the eternal principles of right and justice—I care not whether he was a volunteer, or whether he was drafted, or whether in the regular Army, the same principle should control.

Where he served and how he served is not a question that should enter into the consideration of the case, if only he served well and faithfully. I say nothing, Mr. Chairman, in disparagement of the volunteer officers or soldiers of our Army. As the gentleman from Ohio [Mr. WARNER] has so well said, they did the majority of the fighting; and why? Because they were greatly superior in numbers. No man should pretend to draw a distinction between the merits of our soldiers. All of them did their duty; and the volunteer forces did no better fighting, nor would I make any invidious distinction in their favor as against the regular Army. There was no better fighting upon one side than the other; and where all men did their duty to the best of their ability all deserve equal praise.

But, Mr. Chairman, here is a man, the beneficiary of the present bill, who, all will agree, distinguished himself in the military annals of this country, and stands I may say without a parallel in the history of the late war; a man whose services were great, notoriously great, wonderfully great. Then his reward should also be great.

Those that fought with him and under him stand upon this floor and say that much for him. No man who knows the history of the late war could say otherwise. The gentleman from West Virginia [Mr. GOFF] fought with him, and says that he did much; and I know that to be true. I saw him. We made a careful investigation in the Committee on Military Affairs, and made our report to this committee. His record was before that committee, the record of his services, in which it is shown that his services were wonderfully great for his country; that he was wounded, and still served his country even when it seemed that death was near at hand. When he was wounded almost to death, yet he remained proudly at the front of his forces fighting, not willing to quit his country in the time of his country's danger. No matter though weak and exhausted, he was still ready to do his duty, ready to fight for the honor and safety of his country.

Mr. Chairman, shall we refuse him relief when those men who fought against him stand upon this floor, one of them a general in the confederate army, and render their testimony to his achievements? They pay their part of the pensions and their proportion of the retired-list, and yet they say he is deserving of this reward.

And here just let me notice one remark of my distinguished friend from Indiana [Mr. BROWNE]. It is true they made the wounds, fighting in the honest conviction of what they believed to be right for their government, and their government I would always have fought to destroy. But, sir, I did not want to destroy the proud material of which that government was made. They stand upon this floor to-day honest, honorable men. They are being taxed as much as any other portion of the country, and though they are met with slanders, yet here they come with singular magnanimity to offer and extend the helping hand of this great Government of which they bear their proportion to the distinguished men who fought its battles against them.

I think, sir, it is time that these distinctions as to North and South should cease in this Hall, as it has been stopped by the wise voice of the people of this country. Is it to be a legacy of war which shall remain alone in Congress? These men come, as I have said, with wonderful unanimity and pay their taxes for the support of the maimed and crippled by the war; and when they see gallant, honorable officers and soldiers who fought the battles of the Union in want and distress, forgetting all prejudice in a spirit of admiration for their gallantry, forgetting the past, numbering their government with the lost things of the earth and standing here in the light of the present with the living things of to-day to build up the whole country, they are the first to extend the helping hand of the nation to its defenders, and when a man is rightfully entitled to a pension they are unanimously in favor of it.

I agree, sir, with the sentiment so well expressed by the gentleman from Pennsylvania [Mr. BROWN] that the failure of the House to pass the bill for the relief of General Pleasonton is no ground for a refusal to do justice in this case.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MAGINNIS. I yield two minutes to the gentleman from Kansas [Mr. HANBACK].

Mr. HANBACK. The State of Kansas has within her confines nearly 100,000 soldiers, men who responded to the call of their country in the hour of its trouble, men who have come from every State in this Union and settled there. I say to you, sir, and to the members of this committee to-day, that the vote which I shall give in favor of this splendid man for his splendid service to his country will receive commendation from every one of those soldiers from one end of my State to the other. I am glad that this precedent is being established. God grant that it may be far more established, and that these men, who left everything behind them, who left home and hope and threw life itself into the balance, shall receive from this Republic that meed of praise and protection their services so well entitle them to. I shall vote for this measure with pleasure.

Mr. MAGINNIS. Just one word. In commenting upon those officers like Sickles and Paul and Fessenden and others who were put on the retired-list under the act of 1866 I did not want to be understood as reflecting in any way against them. On the contrary, I regard that as the bright particular part of the list. And I only said General Averell belonged to the same catagory in order to show his right to go on the retired-list.

I understand it has been agreed without objection that the substitute which I have offered take the place of the bill; and I move that the substitute be laid aside to be reported favorably to the House.

The bill as amended by the adoption of the substitute was laid aside to be reported to the House with a favorable recommendation.

SIDNEY HENDERSON.

Mr. DIBRELL. The bill (H. R. 6090) reached this morning and informally passed over has now been printed and distributed with the report. I ask that its consideration be now taken up.

The Clerk read the bill, as follows:

A bill (H. R. 6090) for the relief of Sidney Henderson, executrix of John Henderson, deceased.

*Be it enacted*, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sidney Henderson, executrix of John Henderson, deceased, of Bradley County, Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, for timber taken and used by the Army of the United States during the late war.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3522) for the relief of Sidney Henderson, executrix of John Henderson, deceased, submit the following report:

That a favorable report was made in this case, authorizing the Quartermaster-General to investigate the claim and report the facts to Congress for its action in the premises.

On March 14 the claim was recommitted to the committee with instructions to report the same back to the House within ten days with the amount that they think should be paid on said claim, and that when said report is made this claim shall not lose its place upon the Private Calendar, but shall be placed where it now stands for action by the House.

The committee have given the case careful consideration, and have come to the conclusion that $1,000 would be a fair price for the wood taken and used, and report herewith a bill, as a substitute, appropriating that amount, and recommend its passage.

Mr. DIBRELL. Mr. Chairman, this bill is not as much as I expected to get from the committee; but inasmuch as I had it referred back to the committee and they have unanimously reported in favor of this, I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MAGINNIS. I wish to ask the gentleman from Tennessee [Mr. MCMILLIN] when he proposes to move that the committee rise so that action may be taken by the House on the bills which have been laid aside to be favorably reported?

Mr. MCMILLIN. Not for a little while yet. I think we may go on in committee a little longer, especially as the evening session has been vacated.

JOHN P. GREGSON.

The next business on the Private Calendar was the bill (H. R. 257) for the relief of John P. Gregson.

The bill and report were read.

Mr. HOLMAN. The amount involved in this bill is very small; still I would desire to hear some explanation of it.

Mr. TALBOTT. The gentleman from Illinois [Mr. THOMAS] who reported this bill from the Committee on Naval Affairs is at present engaged in the Committee on Rivers and Harbors. It would perhaps be best to let the bill be passed over informally without losing its place.

Mr. HOLMAN. Very well.

The CHAIRMAN. That order is made.

HEIRS OF LANGLEY B. CULLEY.

The next business on the Private Calendar was the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley.

The bill was read, as follows:

*Be it enacted*, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to the heirs of the late Langley B. Culley, a naval constructor in the Navy of the United States, the sum of $2,300, out of any money in the Treasury not otherwise appropriated, in payment for all services now due the heirs of said Culley from the United States.

The report was read, as follows:

Mr. TALBOTT, from the Committee on Naval Affairs, submitted the following report (to accompany bill H. R. 1615):

The Committee on Naval Affairs, to whom was referred the memorial of the heirs of Langley B. Culley, a naval constructor in the Navy of the United States, having had the same under consideration, respectfully submit the following report:

It appears by the records of the Navy Department that Langley B. Culley was

appointed naval constructor by the late John Y. Mason, Secretary of the Navy, February 26, 1845, at a salary, as stated in his letter of appointment, of $2,300 per annum; and that said appointment was revoked by George Bancroft, who succeeded Mr. Mason as Secretary of the Navy, April 17, 1845, Mr. Culley having accepted the appointment in a letter dated February 26, 1845. It also appears that at the time of his appointment and acceptance of the office he owned and occupied a ship-yard in Baltimore, Md., where he was doing a successful business in the line of his profession; and in order to enter on the discharge of the duties of the office to which he had been appointed by the Secretary of the Navy, he sold out his ship-yard and sacrificed a flourishing business; and after holding himself in readiness for fifty days to obey the orders of the Navy Department, he was informed by the Secretary of the Navy that, in consequence of the failure of Congress to make an appropriation for the pay of the office to which he had been appointed, said appointment was revoked.

In the mean time his business arrangements had been broken up and his ship-yard had passed into other hands.

From the numerous statements which the committee have examined, all of which bear testimony to the high moral, intellectual, and professional abilities of Mr. Culley and of his eminent fitness for the position to which he had been appointed, and taking into consideration the sacrifices which he made in accepting said appointment, and for which neither he nor his heirs have received any compensation, the committee are unanimously of the opinion that his heirs are justly and equitably entitled to at least one year's pay at the rate named in his letter of appointment, and herewith report the accompanying bill.

Mr. HOLMAN. I want to inquire of my friend from Maryland [Mr. TALBOTT] if the due measure of compensation here is not compensation at the rate of $2,300 per annum for the time this gentleman actually held the position to which he was appointed?

Mr. TALBOTT. I will say to the gentleman from Indiana that the facts in this case are clearly established by the records of the Navy Department. Mr. Culley was a man eminently qualified to be a naval constructor in the United States naval service. When he was appointed naval constructor he was at the time engaged in ship-building in Baltimore city. When he received his appointment he sold out his ship-yard and all the necessary tools and appliances for carrying on the business. He sold them out and they passed into other hands. He gave up his business entirely, expecting to be permanently in the service of the Government. The appointment was very shortly afterward revoked. In order to enter the service of the United States he had sacrificed a great deal more than the one year's pay would amount to. And this, in my judgment and the judgment of the Committee on Naval Affairs, is a very moderate compensation for him for sacrificing his entire business at his time of life to enter the service of the Government, and then being subjected to a violation, on the part of the Government, of the contract with him.

If, Mr. Chairman, this were a case between private individuals the person so treated would have his recourse in a court of law or equity, where he could show what damages he had sustained and recover them. I am not prepared to say how much consequential damages he could recover; but I am satisfied that in the case supposed any fair-minded juror in the land would have given him at least what this bill does—one year's pay.

This bill has been favorably reported by every committee that ever considered it. It passed this House in the last Congress and in the Forty-sixth Congress, and on both occasions failed in the Senate merely for want of time.

Mr. HOLMAN. Still I would be very glad if my friend would answer the question how long this gentleman was engaged in the service of the Government.

Mr. TALBOTT. To deal frankly with the gentleman I will say he was not engaged at all in the service of the Government, and he never received a cent from the date of his appointment until it was revoked. He did no service and received no pay. But, as I have said, he did sell out his business and accept the appointment tendered him by the Government. His letter is on file in the Navy Department. He received no pay, although he had sacrificed what was a living to himself and his family for the inducement held out by this appointment tendered to to him by the Government.

Mr. MCADOO. May I ask my colleague on the Committee on Naval Affairs a question?

Mr. TALBOTT. Certainly.

Mr. MCADOO. Can the gentleman state what was the cause of the revocation of that appointment?

Mr. TALBOTT. I think the failure of an appropriation to pay the salary was the real reason of it.

Mr. HOLMAN. That scarcely could have been the cause. Was it not a change of administration?

Mr. TALBOTT. That and a change of administration besides.

Mr. HOLMAN. Is not this the case which is presented to us: a person is appointed to an office, and before he enters upon the duties of that office at all somebody else is appointed in his place? Is not that the case?

Mr. TALBOTT. He was appointed to this office and accepted the appointment. So far as the Government and Mr. Culley were concerned it was a completed transaction. He was appointed a naval constructor, accepted the appointment, and as long as there was no complaint he had a right to presume that he was in the employ of the Government.

Mr. HOLMAN. Would not the action proposed here be rather a perilous one in the way of a precedent? A person is appointed to an office with an indefinite term. Before he has served for a single year, yes, before he has served for a month, either because of some change in the administration or for some other cause, his appointment is revoked and another person is appointed in his place. Now, would it not be rather a dangerous precedent to hold that the Government in that case must be required to pay him a year's compensation?

Mr. MORSE. It would depend very much upon what the man sacrificed in accepting the office.

Mr. HOLMAN. That is a matter for him to consider in accepting the office, but it is not a matter of public concern. The acceptance of the office is a voluntary act on his part, and he must run the risk.

I sympathize with my friend from Maryland [Mr. TALBOTT] in so far that this citizen seems to have sustained loss by his failure to get the office. But I am not able to perceive exactly the ground upon which the claim rests for the Government to pay him a year's compensation.

Mr. TALBOTT. I desire to say, in answer to the gentleman from Indiana [Mr. HOLMAN], that this man did not suffer loss in consequence of not obtaining the office, but in consequence of the Government not keeping its engagement with him.

Mr. WARNER, of Ohio. I would inquire of the gentleman from Maryland what time elapsed between the date of the appointment and the date of the revocation of the appointment?

Mr. TALBOTT. He was appointed on the 26th day of February, and the notice to him that the appointment had been revoked was not given until the 17th day of April, almost sixty days after the appointment. And in that time he had disposed of his business in order to enter upon the service of the Government.

This House has a right to treat this case exactly as it would a case between private individuals. As I have already said, if any private individual had violated a contract of this kind he could be made by law to give compensation to the individual for the loss sustained.

Mr. WARNER, of Ohio. If the committee had proposed as a measure of allowance to be given to this claimant compensation for sixty days, that would be one thing, and perhaps I might conceive that to be just. But it sets up another measure, and that is the loss which the claimant sustains in consequence of selling out his business. I think the committee should show that his business was a profitable one. Possibly it was a losing one and he made money by selling it.

To say the least of it, that is a very indefinite way of measuring the loss which any one has sustained. I might vote to pay this claimant for the sixty days' time during which he accounted himself in the service of the Government, but it is another thing entirely to set up some other measure, which I conceive to be a very indefinite one.

Mr. MORSE. Permit me to say that in a previous Congress I had this matter in charge. I made inquiry at the Department whether in their judgment it was proper that such a bill as this should pass, and I was informed that it was a proper bill to be passed. On that ground I made a favorable report upon the bill and it passed the House. That was two years ago. That is all I desire to say.

Mr. TALBOTT. In answer to just one point made by the gentleman from Ohio [Mr. WARNER] let me say that the report in this case states, and the committee are warranted in making that report, that at the time Mr. Culley was appointed naval constructor he was doing a successful business in the city of Baltimore as a ship constructor or builder, and he disposed of that business in order that he might enter upon the service of the Government.

Mr. WARNER, of Ohio. There is another point. When an appointment is given to an officer or employé does the Government obligate itself thereby to continue that person in employment for any given length of time? Is it not at all times the option of the Government to discontinue that service? And did the Government in this case do anything more than it had the right to do, and what this person knew it had the right to do when he accepted the appointment? If the Government pays for the time which elapsed between the date of the appointment and the date of the revocation of the appointment, it seems to me it will pay all that this claimant has any right to expect.

Mr. MORSE. 'We do not deny your position.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative—ayes 75, noes 23.

### LEGAL REPRESENTATIVES OF CAPT. JOHN G. TOD.

The next business on the Private Calendar was the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the late John G. Tod, of Texas, the sum of $12,500, the amount provided for a captain waiting orders in the United States Navy for the term of five years, in conformity with the provisions of section 12 of the act approved March 3, 1857, known as the act entitled "An act making appropriations for the naval service for the year ending the 30th of June, 1858," which section reads as follows: "That the surviving officers of the Republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade, when waiting orders, in the Navy of the United States for five years from the time of said annexation; and a sum sufficient to make the payment is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the accept-

ance of the provisions of this act by any of said officers shall be a full relinquishment and renunciation of all claim on his part to any further compensation on this behalf from the United States Government to any position in the Navy of the United States;" and a sum sufficient to make said payment is hereby appropriated.

Mr. HOLMAN. As a number of bills which have already been reported to the House from the Committee of the Whole have not been acted upon, and as quite a number will be reported to-day, I move that the committee rise and report its action to the House, so that we may dispose of the bills which have been considered by the Committee of the Whole.

Mr. McMILLIN. I hope the gentleman will not urge that motion. There are hundreds of claims on the Private Calendar. We have but one day in the week for their consideration, and then only five hours. If this House expects to give the least consideration to private claims, now is a good time to do it. I hope the gentleman from Indiana will withdraw his motion.

Mr. MILLER. We ought not to give a day to claims of this kind.

Mr. McMILLIN. Then take your course like men; do not pretend to give relief without giving it. What would become of your pension claims if no consideration were given to private bills?

Mr. MILLER. They do not come up on this Calendar.

Mr. McMILLIN. No; but you would consider one class of claims and ignore all others.

Mr. MILLER. I would not consider such claims as have been before the House to-day.

Mr. McMILLIN. You have not opened your mouth against them.

Mr. MILLER. It is no use. If no person would fight them perhaps they would not pass.

Mr. HOLMAN. I call the attention of the gentleman from Tennessee [Mr. McMILLIN] to the fact that the pending bill will probably give rise to discussion.

Mr. McMILLIN. If it does, let the discussion come. If the bill is discussed this evening it will not have to be discussed at another time.

Mr. HOLMAN. I have already suggested that a number of bills heretofore reported from the Committee of the Whole are now on the Speaker's table awaiting the action of the House. They ought to be disposed of. I have suggested that those bills, with those already acted on in the Committee of the Whole to-day, will be enough to occupy the remainder of this day's session. That was my reason for making the motion that the committee rise. I insist upon that motion.

Mr. McMILLIN. And because I did not think there was enough business to consume in the House the whole remaining time of this day's session I resisted the gentleman's motion. The gentleman will remember that the order for a session this evening has been vacated, so that we need not close this afternoon's session so early.

The question being taken on the motion of Mr. HOLMAN that the committee rise, it was not agreed to.

Mr. HOLMAN. I ask that the report upon the bill now pending be read.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1567) for the relief of the legal representatives of Capt. John G. Tod, of Texas, report:

That after the failure of the treaty by which Texas was to have been annexed to the United States and the consummation of the annexation by resolution, much dissatisfaction existed among the citizens of Texas because of the failure to transfer the officers of the navy of Texas to the Navy of the United States, with rank and emoluments corresponding with rank and emoluments held and enjoyed by said officers in the navy of Texas, as was provided for in the inoperative treaty; and that as it was ascertained that such transfer was impossible of accomplishment by reason of that provision in the Constitution of the United States which imposes on the President the duty of appointing the officers of the Navy of the United States, Congress did, as compensation for the non-performance of the stipulations contained in said inoperative treaty, pass a law, approved March 3, 1857, entitled "An act making appropriations for the naval service for the year ending the 30th of June, 1858," the twelfth section of which act is as follows:

"That the surviving officers of the Republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade when waiting orders in the Navy of the United States, for five years from the date of said annexation; and a sum sufficient to make the payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the acceptance of the provisions of this act by any of the said officers shall be a full relinquishment and renunciation of all claims on his part to any further compensation on his behalf from the United States Government to any position in the Navy of the United States."

And that it has been settled by the Supreme Court of the United States that the annexation of Texas to the Union was consummated on December 29, 1845; and that it was settled by the Court of Claims of the United States, in the case of E. M. Moore *vs.* United States (4 Nott & Huntington, p. 139), that "John G. Tod was a captain in the Texas navy at the time of annexation;" and that this decision of the Court of Claims is fully sustained by the commission of the said Capt. John G. Tod now on file in the Navy Department, signed by the president of the republic of Texas, dated July 12, 1845, more than five months prior to the date of annexation, according to the decision of the Supreme Court of the United States, a certified copy of which commission is on file with the committee. And that Capt. John G. Tod did, by his attorney, J. B. D. De Bow, a few weeks prior to the 10th day of June, 1857, file his claim with the Navy Department for five years' pay, as provided under the law of March 3, 1857, hereinbefore referred to; which proffer to accept the terms thereof did vest in the said Tod an immediate fixed right of present and future enjoyment of the benefit of said law.

And your committee further find that Capt. John G. Tod, some time in the latter part of the year of 1877, departed this life, leaving in Harris County, State of Texas, a wife and one son and one daughter, and that the county court of said Harris County, in said State of Texas, on the 8th day of October, 1877, ordered that letters of administration on the estate of John G. Tod be issued to Maggie G. Tod, as appears by a copy of said order and the letter of the attorney of the heirs on file with the committee.

And your committee find further that relief as prayed for under the bill referred has been afforded by act of Congress in like cases under the law hereinbefore referred to, as will appear by reference to the United States Statutes at Large, as follows:

Forty-third Congress, first session, page 608, chapter 403, "An act for the relief of the heirs at law of William C. Brashears, of the Texan navy;" Forty-fourth Congress, first session, page 454, chapter 209, "An act for the relief of Susan E. Rhea, widow of Dr. L. Burrows Gardiner."

Mr. BUCHANAN. Mr. Chairman——

Mr. HOLMAN. I trust that my friend from Georgia in the course of his remarks will inform us whether the papers upon which this claim is based were referred to the Secretary of the Navy; and, if so, what action was taken upon them?

Mr. BUCHANAN. My understanding is that the general appropriation made by Congress failed; and afterward payment of these claims was obtained by bills of a private nature. Commodore Moore was paid in this way. The Secretary of the Navy refused to pay his claim, and he came here afterward and invoked the action of Congress. Even in the last Congress interest was demanded on the amount of his claim, payment having been withheld for years. Commodore Moore, who has been paid, was an officer of the Texas navy, as Captain Tod was.

There are in this case only three questions to be considered. The first is as to this act of 1857. There can be no dispute about that. The Government of the United States passed this act to compensate all the officers of the Texas navy who were in commission at the time of annexation. Mr. Tod was a captain in the Texas navy at that time. A certified copy of his commission is on file here—certified by the Secretary of the Navy of the United States as being the commission of Capt. J. G. Tod. That commission was signed by the last president of the State of Texas, Anson Jones, on the 12th of July, 1845. The Supreme Court determined that annexation took place on the 26th of December, 1845. Consequently Captain Tod was an officer of the Texas navy in commission nearly six months prior to the annexation, and bore the rank of captain at the date of annexation. Now what other question is there to be determined?

Mr. HOLMAN. The question which I wished to put to the gentleman was whether these papers had been referred to the Secretary of the Navy for the purpose of ascertaining the facts and why the claim has not been paid before if the circumstances justified payment?

Mr. BUCHANAN. The whole facts are fully set out in the report of the Secretary of the Navy. There is a large amount of papers, which I did not deem it necessary to have printed. Every fact required to be proved under the act of 1857 is there set out in full. The letters of administration on the estate of Captian Tod are there, and every other paper requisite to prove his right under the act of 1857.

Mr. HOLMAN. If I understood the report correctly there are one or two matters which I should like to call to the gentleman's attention.

ENROLLED BILLS SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Commitee of the Whole House had had the Private Calendar under consideration, and had come to no resolution thereon.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. 6073) to provide for certain of the most urgent deficiences in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, with amendments, in which concurrence was requested.

CAPT. JOHN G. TOD.

The committee resumed its session, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 1567) for the relief of the legal representatives of Capt. John G. Tod.

Mr. BUCHANAN resumed the floor.

Mr. McADOO. Let me ask the gentleman from Georgia whether the other officers of the Texas navy having the like status of Capt. John G. Tod have ever been relieved?

Mr. BUCHANAN. This case has been before Congress for years, and every time a favorable report has been made on it both in the House and in the Senate. They had to go before the Supreme Court to establish their right under the act of March 3, 1857, and from that day to this no officer has obtained his rights except through private bills passed for their relief in each case.

Mr. HOLMAN. Will my friend from Georgia explain whether or not this officer after the annexation of Texas rendered any service.

Mr. BUCHANAN. Where?

Mr. HOLMAN. Anywhere.

Mr. BUCHANAN. To the United States Government?

Mr. HOLMAN. Yes, sir.

Mr. BUCHANAN. None of them were received into the United

States Navy, and that is what they complained of. As it was ascertained that such transfer was impossible of accomplishment by reason of that provision in the Constitution of the United States which imposes upon the President the duty of appointing officers of the Navy of the United States, Congress did, as compensation for the non-performance of the stipulations contained in said inoperative treaty, pass a law, approved March 3, 1857, entitled "An act making appropriations for the naval service for the year ending the 30th of June, 1858." That act of March 3, 1857, was passed as part compensation for their not having been transferred to the United States Navy; but the appropriation made by the act of 1858 was not paid out. There were questions which went before the Supreme Court, and the Supreme Court decided in the case of Commodore Moore that the annexation of Texas to the Union was consummated December 29, 1845, and under the law the surviving officers of the Republic of Texas who were duly commissioned as such at the time of annexation were entitled to the pay of an officer when awaiting orders in the Navy of the United States.

There is nothing else to be determined here but whether John G. Tod was a captain of the Texas navy on or before December 29, 1845. That is the whole question there is to be determined here. We have here a certified copy of his commission, purporting to be signed by Anson Jones, the last president of Texas, and countersigned by the proper authorities. It is certified by the Secretary of the Navy that that commission is on file in the Navy Department.

Mr. MCADOO. I should like to know whether the other officers of the Texas navy of the like status have been relieved.

Mr. BUCHANAN. I do not know whether they have all been relieved or not, but I presume they have.

Mr. HOLMAN. My friend will allow me a moment in order to get a proper understanding of this matter. The act under which this claim is made is that of the 30th of June, 1858.

Mr. BUCHANAN. No; the act was passed March 3, 1857.

Mr. HOLMAN. But the act making the appropriation?

Mr. BUCHANAN. The act making the appropriation for the naval service for the year ending the 30th of June, 1858, was passed March 3, 1857.

Mr. HOLMAN. Yes. Now let me read the twelfth section of that act:

> That the surviving officers of the republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade when waiting orders in the Navy of the United States, for five years from the date of said annexation; and a sum sufficient to make the payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the acceptance of the provisions of this act by any of the said officer shall be a full relinquishment and renunciation of all claims on his part to any further compensation on his behalf from the United States Government to any position in the Navy of the United States.

My friend sees this was an unlimited appropriation covering the whole ground. Why, then, under this ample power was not this officer paid?

Mr. BUCHANAN. I understand the Secretary of the Navy refused to pay any of them. Now, in the case of E. M. Moore the money was paid, and paid under the provisions of a bill like this which passed in his behalf.

Mr. HOLMAN. Will the gentleman state the ground of refusal on the part of the Secretary? Do the papers show the ground of his refusal?

Mr. BUCHANAN. I think so.

Mr. HOLMAN. Do they show why the Secretary of the Navy declined to make the payment?

Mr. BUCHANAN. An examination of this report shows that relief has been granted in some of these cases by Congressional action. All of these have been paid in this way: In the Forty-third Congress, the first session, page 608, chapter 403, will be found an act for the relief of the heirs at law of William C. Brashears, of the Texas navy. That is one of the cases. Commodore Moore, as he is called, or Captain Moore, was relieved in the same way. In the Forty-fourth Congress, at the first session, page 454, chapter 209, appears the act for the relief of Susan E. Rhea, widow of Dr. L. Burrows Gardiner. He was a surgeon in the Texas navy.

Mr. HOLMAN. But will the gentleman from Georgia state the grounds on which the Secretary of the Navy refused to pay? There was an ample appropriation of money and directions to pay it. Why, therefore, was it not paid?

Mr. BUCHANAN. I will yield to the gentleman from Texas [Mr. STEWART], who is more familiar with that point than myself, and he will give the gentleman the information.

Mr. STEWART, of Texas. Mr. Chairman, in regard to this matter I wish to make an explanation so that my friend from Indiana and others may understand the merits of this case. Texas, as is well known, was annexed to the United States by a joint resolution passed by Congress in 1845, the terms of which were accepted by the republic of Texas.

In that joint resolution passed by Congress it was provided that the republic of Texas should cede to the United States all public property, such as fortifications, barracks, ports, harbors, navy and navy-yards, docks, magazines, armaments, &c. Under the terms of that resolution it was the understanding of the government of Texas that her naval officers were to be included—that by the term "navy" her officers of that service were also embraced, and were to be provided for by the Government of the United States. But a different construction was placed upon that language by the United States Government. This Government held that it only meant its ships and munitions of war, and did not include its officers. Thereupon ensued a controversy between the State of Texas and the United States which lasted a number of years. Finally the matter was determined by an act of Congress, to which the gentleman from Georgia has already referred.

One section of that act provides:

> That the surviving officers of the Republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade when waiting orders in the Navy of the United States, for five years from the date of said annexation; and a sum sufficient to make the payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the acceptance of the provisions of this act by any of the said officers shall be a full relinquishment and renunciation of all claims on his part to any further compensation on his behalf from the United States Government to any position in the Navy of the United States.

Now, the question arose in regard to Captain Tod as to whether he was or was not a captain in the Texas navy. I do not now remember who was the Secretary of the Navy at that time, but because Commodore Moore, as we term him in Texas, or Captain Moore, applied under the provisions of that act, it was thought that Captain Tod was not an officer of the Texas navy at that time for reasons which I shall presently show. Captain Tod then, although he made his application under this act and complied with its provisions so far as he could do it, was refused payment because of the controversy that then arose as to whether he was or was not a captain.

That question has, however, since been judicially determined. I say that he was a captain. We have his commission, as you have been informed by the gentleman from Georgia, on file in the Navy Department, a commission issued months before the annexation of Texas took place. I do not remember the exact time, but some considerable time before annexation.

In the case of Moore *vs.* The United States the Court of Claims, in delivering the opinion, say:

> We think that there was a clear mistake made in the construction given to this act of Congress. We think from the evidence laid before us that there was a mistake of facts. The evidence shows that there was another person, John G. Tod, who held a position in the same navy with the rank of captain.
> This claim has been——

Mr. HOLMAN. Is there anything further in regard to Captain Tod in that decision of the Court of Claims to which the gentleman refers?

Mr. STEWART, of Texas. The question, I will state, in order that the matter may be clearly understood, that was raised in that case was whether Commodore Moore was a post captain. I believe it is called a senior captain, in the navy; and in determining that question the court adverted to the fact that there was another captain in the Texas navy in the person of Capt. John G. Tod.

This claim, I will say, has been often before Congress——

Mr. HISCOCK. If there had been two captains, under the terms of the joint resolution both would have been entitled to pay if both were commissioned?

Mr. STEWART, of Texas. Yes, sir; Moore being a post-captain, I believe you term it. But both were commissioned.

This claim has been before Congress on favorable reports from three or, I believe, four committees, and also on reports from committees of the Senate—all favorable reports; and the reason that it has never been determined before is that it has never yet been reached on the Calendar until this time. I believe that it is as fair and just a claim as ever came before Congress. Captain Tod was known in Texas not only as an efficient officer, but really he was the father of the Texas navy. The Texas navy, it is true, was a very small affair. It was composed of, I believe, but three or four vessels. The army of Texas was but a small affair too. But the Texas navy was of sufficient force to sweep Mexican commerce from the Gulf and to render efficient aid in establishing the independence of the republic of Texas. And no man in that strife made greater sacrifices or contributed more than John G. Tod, whose heirs now come before this Congress and ask that you in good faith shall do what you promised to do in the act of 1857.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia [Mr. BUCHANAN] that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

### ORDER OF BUSINESS.

Mr. HOLMAN. I suggest that it is time for the committee to rise.

Mr. MCMILLIN. The next bill on the Calendar I think would not give rise to any discussion. But as gentlemen around me seem to insist on it, I will move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House, having had the Private Calendar under consideration, had directed him to report to the House with favorable recommendations sundry bills, some with and some without amendments.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read the third time, and passed, namely:

A bill (H. R. 1965) granting a pension to John A. Crozier;

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn; and

A bill (H. R. 3932) directing the Adjutant-General of the United States Army to place the name of James M. Thomas on the muster-rolls of Company C, Second Regiment Tennessee Mounted Infantry, and for other purposes.

The following bill, reported from the Committee of the Whole House on the Private Calendar without amendment, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed:

A bill (H. R. 6090) for the relief of Sidney Henderson, executrix of John Henderson, deceased.

GENERAL W. W. AVERELL.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 2487) authorizing the retirement of Bvt. Maj. Gen. William W. Averell, United States Army, with the rank and pay of a brigadier-general. The bill was reported with an amendment in the nature of a substitute.

Mr. DIBRELL. I move to recommit that bill to the Committee on Military Affairs.

The SPEAKER. There is a substitute reported by the Committee of the Whole. The first question is upon the amendment in the nature of a substitute reported by the committee. Pending that the gentleman from Tennessee [Mr. DIBRELL] moves to recommit the bill to the Committee on Military Affairs.

The question being taken, the Speaker stated that the noes seemed to have it.

Mr. DIBRELL. I call for a division.

The House divided; and there were—ayes 36.

Mr. DIBRELL. I do not ask for further count.

The SPEAKER. No further count is demanded.

Mr. BROWNE, of Indiana. Yes, Mr. Speaker; it is.

The negative vote was counted, and there were—noes 62.

Mr. MILLER, of Pennsylvania. I wish to make the point of no quorum unless a yea-and-nay vote is agreed to.

Mr. MAGINNIS. I consent to a yea-and-nay vote on the passage of the bill.

Mr. MILLER, of Pennsylvania. That is all right.

Mr. BROWNE, of Indiana. I withdraw the demand for further count on the understanding that there will be a yea-and-nay vote on the passage of the bill. I want it understood that the House gives unanimous consent to that agreement.

Mr. COX, of New York. I am sure there will be no objection to that on this side.

Mr. HOLMAN. I think the yea-and-nay vote should be taken on the motion to recommit.

Mr. CALKINS. The agreement has been made now that it shall be taken on the passage of the bill.

Mr. COSGROVE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COSGROVE. Has the result of the vote been announced by the Speaker?

The SPEAKER. It has been; but the point was made that a quorum had not voted. The point as to a quorum, as the Chair understood, was subsequently withdrawn on the condition that there will be a yea-and-nay vote on the passage of the bill.

Mr. HOLMAN. I supposed the understanding was the yea-and-nay vote should be on the motion to recommit.

Mr. MILLER, of Pennsylvania. Very well; then let us have the yeas and nays now.

Mr. HOLMAN. I hope it will be agreed that the yeas and nays shall be ordered on the motion to recommit.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] calls for the yeas and nays on the motion to recommit the bill.

On the question of ordering the yeas and nays, the affirmative vote being counted, there were ayes 29—more than one-fifth of the last vote.

Mr. MAGINNIS. Count the other side.

The negative vote was counted, and there were noes 64.

The SPEAKER. The affirmative being more than one-fifth of the whole vote, the yeas and nays are ordered.

Mr. MAGINNIS. Will the Chair state on what question the yeas and nays are ordered?

The SPEAKER. On the motion to recommit the bill and amendment to the Committee on Military Affairs.

Mr. MORGAN. Would it be proper to inquire the purpose in moving to recommit the bill?

The SPEAKER. That would not be a proper question for the Chair to answer.

Mr. MORGAN. I suppose the motion is made for the purpose of defeating the bill.

The question was taken; and there were—yeas 49, nays 126, not voting 146; as follows:

YEAS—49.

| | | | |
|---|---|---|---|
| Alexander, | Crisp, | McMillin, | Scales, |
| Ballentine, | Dibrell, | Miller, S. H. | Singleton, |
| Bisbee, | Eldredge, | Morrison, | Steele, |
| Blanchard, | Evans, I. N. | Muldrow, | Taylor, J. M. |
| Blount, | Geddes, | Neece, | Tillman, |
| Boyle, | Hammond, | Oates, | Turner, H. G. |
| Breckinridge, | Hemphill, | Pierce, | Warner, A. J. |
| Buchanan, | Henderson, T. J. | Price, | Wellborn, |
| Cabell, | Holman, | Pryor, | Winans, E. B. |
| Campbell, J. M. | Jones, B. W. | Reed, | Wise, G. D. |
| Clements, | Jones, J. K. | Reese, | |
| Cook, | Lanham, | Riggs, | |
| Cox, W. R. | Lewis, | Rogers, J. H. | |

NAYS—126.

| | | | |
|---|---|---|---|
| Adams, G. E. | Foran, | McAdoo, | Skinner, C. R. |
| Adams, J. J. | Forney, | McCormick, | Smith, |
| Arnot, | Funstan, | Miller, J. F. | Spooner, |
| Bagley, | Fyan, | Milliken, | Spriggs, |
| Beach, | Glascock, | Mills, | Stephenson, |
| Bennett, | Goff, | Mitchell, | Stevens, |
| Brewer, F. B. | Graves, | Morgan, | Stewart, Charles |
| Brown, W. W. | Greenleaf, | Morse, | Stone, |
| Budd, | Halsell, | Muller, | Strait, |
| Burleigh, | Hanback, | Murray, | Sumner, C. A. |
| Burnes, | Hancock, | Mutchler, | Sumner, D. H. |
| Caldwell, | Hardeman, | Nelson, | Taylor, J. D. |
| Clay, | Hatch, H. H. | O'Neill, J. J. | Thomas, |
| Collins, | Henderson, D. B. | Parker, | Tucker, |
| Cosgrove, | Henley, | Peel, S. W. | Tully, |
| Cox, S. S. | Hepburn, | Perkins, | Van Alstyne, |
| Culbertson, W. W. | Herbert, | Pettibone, | Vance, |
| Cullen, | Hill, | Poland, | Van Eaton, |
| Curtin, | Hiscock, | Potter, | Wait, |
| Cutcheon, | Horr, | Pusey, | Wemple, |
| Dargan, | Houk, | Randall, | White, J. D. |
| Davis, L. H. | Howey, | Rankin, | White, Milo |
| Davis, R. T. | James, | Ray, G. W. | Wilkins, |
| Dingley, | Jeffords, | Robinson, J. S. | Wilson, James |
| Dockery, | Jones, J. T. | Robinson, W. E. | Wilson, W. L. |
| Duncan, | King, | Rockwell, | Winans, John |
| Dunham, | Kleiner, | Rogers, W. F. | Wolford, |
| Eaton, | Lacey, | Rosecrans, | Wood, |
| Ermentrout, | Laird, | Rowell, | Yaple, |
| Everhart, | Le Fevre, | Seney, | York. |
| Ferrell, | Long, | Seymour, | |
| Follett, | Lyman, | Shaw, | |

NOT VOTING—146.

| | | | |
|---|---|---|---|
| Aiken, | Dibble, | Kean, | Reagan, |
| Anderson, | Dorsheimer, | Keifer, | Rice, |
| Atkinson, | Dowd, | Kelley, | Robertson, |
| Barbour, | Dunn, | Kellogg, | Russell, |
| Barksdale, | Elliott, | Ketcham, | Ryan, |
| Barr, | Ellis, | Lamb, | Shelley, |
| Bayne, | Ellwood, | Lawrence, | Skinner, T. G. |
| Belford, | Evins, J. H. | Libbey, | Slocum, |
| Belmont, | Fiedler, | Lore, | Snyder, |
| Bingham, | Findlay, | Lovering, | Springer, |
| Blackburn, | Finerty, | Lowry, | Stewart, J. W. |
| Bland, | Garrison, | McCoid, | Stockslager, |
| Boutelle, | George, | McComas, | Storm, |
| Bowen, | Gibson, | McKinley, | Struble, |
| Brainerd, | Green, | Matson, | Talbott, |
| Breitung, | Guenther, | Maybury, | Taylor, E. B. |
| Brewer, J. H. | Hardy, | Millard, | Thompson, |
| Broadhead, | Harmer, | Money, | Throckmorton, |
| Browne, T. M. | Hart, | Morey, | Townshend, |
| Brumm, | Hatch, W. H. | Morrill, | Turner, Oscar |
| Buckner, | Haynes, | Moulton, | Valentine, |
| Calkins, | Hewitt, A. S. | Murphy, | Wadsworth, |
| Campbell, Felix | Hewitt, G. W. | Nicholls, | Wakefield, |
| Candler, | Hitt, | Nutting, | Ward, |
| Cannon, | Hoblitzell, | Ochiltree, | Warner, Richard |
| Carleton, | Holmes, | O'Hara, | Washburn, |
| Cassidy, | Holton, | O'Neill, Charles | Weaver, |
| Chace, | Hooper, | Paige, | Weller, |
| Clardy, | Hopkins, | Patton, | Whiting, |
| Cobb, | Houseman, | Payne, | Williams, |
| Connolly, | Hunt, | Payson, | Willis, |
| Converse, | Hurd, | Peelle, S. J. | Wise, J. S. |
| Covington, | Hutchins, | Peters, | Woodward, |
| Culberson, D. B. | Johnson, | Phelps, | Worthington, |
| Davidson, | Jones, J. H. | Post, | Young. |
| Davis, G. R. | Jordan, | Ranney, | |
| Deuster, | Kasson, | Ray, Ossian | |

So the motion to recommit was not agreed to.

The following members were announced as paired until further notice:

Mr. HUNT with Mr. KELLOGG.

Mr. YOUNG with Mr. BAYNE.

Mr. HOUSEMAN with Mr. WHITING.

Mr. SNYDER with Mr. GOFF.

Mr. MORGAN with Mr. MORRILL.

Mr. STOCKSLAGER with Mr. PEELLE, of Indiana.

Mr. FINERTY with Mr. HARMER.

Mr. GIBSON with Mr. BINGHAM.

Mr. PAIGE with Mr. HATCH, of Michigan.

Mr. HEWITT, of Alabama, with Mr. MCCOMAS.

Mr. GEORGE D. WISE with Mr. HOOPER.

The following were announced as paired for this day:

Mr. THOMPSON with Mr. MCCOID.

Mr. NICHOLLS with Mr. RICE.

Mr. WILLIS with Mr. CHACE.

Mr. BLACKBURN with Mr. MOREY.

Mr. ROBERTSON with Mr. VALENTINE.
Mr. WARD with Mr. HOLMES.
Mr. ELLIS with Mr. BINGHAM.
Mr. TOWNSHEND with Mr. CANNON.
Mr. STRUBLE with Mr. POST, of Pennsylvania.
Mr. HART with Mr. RUSSELL.
Mr. HOOPER with Mr. WELLER.

The following were announced as paired on the Averell bill:

Mr. JONES, of Texas, with Mr. BREITUNG. Mr. JONES would vote for the bill and Mr. BREITUNG against it.

Mr. BROWNE, of Indiana, with Mr. KELLOGG.
Mr. OCHILTREE with Mr. HAYNES.

The following were also announced as paired:

Mr. MCKINLEY with Mr. HURD, for this day.
Mr. EATON with Mr. BARR, till March 24.
Mr. MAYBURY with Mr. HART, till March 24.
Mr. CARLETON with Mr. LAWRENCE, till March 24.
Mr. SKINNER, of New York, with Mr. SKINNER, of North Carolina, till March 30.
Mr. EVINS, of South Carolina, with Mr. O'HARA, till March 24.
Mr. ELLIOTT with Mr. JOHN S. WISE, till March 22.
Mr. HEWITT, of New York, with Mr. KASSON, till March 25.
Mr. HATCH, of Missouri, with Mr. DAVIS, of Illinois, till March 23.
Mr. O'NEILL, of Pennsylvania, with Mr. DAVIDSON, till March 25.

Mr. EATON. I am paired with Mr. BARR, of Pennsylvania, on all political questions, I to be the judge. Not regarding this as a political question, I have voted.

Mr. CALKINS. I desire to inquire if my colleague, Mr. MATSON, has voted?

The SPEAKER. The Chair is informed that he has not voted.

Mr. CALKINS. Unless my vote is necessary to make a quorum——

The SPEAKER. It is not necessary.

Mr. CALKINS. I withdraw my vote, and announce myself as paired with my colleague Mr. MATSON.

The result of the vote was then announced as above stated.

The question recurred upon agreeing to the amendment in the nature of a substitute reported from the Committee of the Whole, as follows:

That in view of the long and faithful services of Bvt. Maj. Gen. William W. Averell, United States Army, before and during the late war, and the severe wounds received by him in battle, the President be, and he is hereby, authorized to nominate, and by and with the advice and consent of the Senate, to appoint William W. Averell, brevet major-general United States Army, and late a brigadier-general United States volunteers, to the position of a colonel in the Army of the United States, and to place him on the retired-list of the Army as of that grade—the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

The substitute was agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title of the bill was amended so as to read: "A bill for the relief of Bvt. Maj. Gen. W. W. Averell, United States Army."

### HEIRS OF LANGLEY B. CULLEY.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley.

The SPEAKER. This bill has been reported from the Committee of the Whole House with a recommendation that it be passed.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. MCADOO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### LEGAL REPRESENTATIVES OF CAPT. JOHN G. TOD.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 1567) for the relief of the legal representatives of Captain John G. Tod, of the Texas navy.

The SPEAKER. This bill has been reported from the Committee of the Whole House with a recommendation that it be passed.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. STEWART, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### LEAVE OF ABSENCE.

Mr. MCMILLIN. I move that the House now adjourn.

Pending the motion to adjourn, leave of absence was by unanimous consent granted as follows:

To Mr. GOFF, for four days.

To Mr. O'NEILL, of Pennsylvania, until Tuesday next.

To Mr. MATSON, until Monday next, on account of important business.

To Mr. CABELL, for three day from to-morrow, on account of important business.

To Mr. THOMAS, for three weeks from Monday next, on account of important business.

Mr. MCMILLIN. As the gentleman from New York [Mr. STEVENS] desires to report a resolution calling for executive information I withdraw the motion to adjourn.

### MILLE LAC CHIPPEWAS.

Mr. STEVENS. By direction of the Committee on Indian Affairs I report back the resolution which I send to the desk, and which I ask may be immediately considered.

The Clerk read as follows:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to inform the House whether by any treaty or other act of the Government the limits of the reservation of the branch of Chippewas of the Mississippi known as Mille Lac Indians, now and heretofore occupied by them, have been defined, and whether said Mille Lac Indians have, since the 20th of March, 1865, done any act violating the provisions in their behalf contained in the treaty ratified at said date between the United States and the Chippewas of the Mississippi and other bands of Chippewas, which provision is as follows:

"*Provided*, That owing to the heretofore good conduct of the Mille Lac Indians they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites."

And that he also inform the House whether any of the lands heretofore recognized as within the limits of the reservation of the said Mille Lac band of Indians have been sold or permitted to be entered, and if any part of the same has been sold or entered, that he inform the House in what manner, under what right, and to what extent the said reservation has been permitted to be entered, and whether such entries are legal and valid; and whether *bona fide* settlements have been made on the lands entered, or had been prior to or at the time of the treaty thereof.

The report of the Committee on Indian Affairs, accompanying the resolution, was as follows:

The Committee on Indian Affairs, to which was referred House resolution No. 245, have had the same under consideration, and find that very important questions and rights are involved, that can not be intelligently investigated and determined without the information asked for in said resolution. The committee therefore report the same favorably and recommend its passage.

The resolution was adopted.

Mr. STEVENS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MATTHEW W. ABNEY.

Mr. TILLMAN, by unanimous consent, introduced a bill (H. R. 6093) granting a pension to Matthew W. Abney; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

### ORDER OF BUSINESS.

Mr. MCMILLIN. I now renew the motion that the House adjourn.

Mr. VAN EATON. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. RANDALL. I hope this motion will not be adopted. If the regular order is not to come up there can be debate on the Indian appropriation bill.

The motion of Mr. VAN EATON was not agreed to, there being—ayes 28, noes 57.

The motion of Mr. MCMILLIN that the House adjourn was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

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### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of John C. Welch, asking for the purchase by Congress of copies of his condensed statement of the Compendium of the Tenth Census—to the Select Committee to Ascertain the Results of the Tenth Census.

By Mr. BARBOUR: Papers relating to the claim of Roger A. Francis—to the Committee on Claims.

By Mr. CALDWELL: Petition of J. B. Fay, for compensation for services performed under the Architect of the Capitol in the Library of Congress—to the same committee.

By Mr. COVINGTON: Petition of citizens of Talbot County, Maryland, for an appropriation to widen and deepen the channel at the mouth of Oak Creek, a branch of Miles River—to the Committee on Rivers and Harbors.

By Mr. S. S. COX: Petition of George Fricks and others, against the repeal of the vinegar act—to the Committee on Ways and Means.

By Mr. G. R. DAVIS: Papers relating to the claim of Foster & Smith, of Chicago, and of W. H. Reynolds—severally to the Committee on Claims.

By Mr. DIBRELL: Petition of Elizabeth Johnson, formerly Elizabeth McGee, for compensation for supplies furnished United States Army—to the Committee on War Claims.

By Mr. DINGLEY: Petition of citizens of Maine, that a survey may be ordered in the southern entrance of Owl's Head Harbor, with a view of deepening the channel—to the Committee on Rivers and Harbors.

Also, petition of Thomas W. Hyde and others, citizens of Bath, Maine,

for passage of bill to promote the efficiency of revenue marine—to the Committee on Commerce.

By Mr. ELDREDGE: Petition of John Strong, Jacob M. Van Riper, and 48 others, of Monroe and Wayne Counties, Michigan, praying for the establishment of a branch soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. FINDLAY: Petition of the Indian Rights' Association of Baltimore and others, in relation to the education of the Indians—to the Committee on Indian Affairs.

By Mr. FOLLETT: Memorial and resolutions of the Cincinnati Chamber of Commerce, protesting against the construction of a bridge across Kanawha River—to the Committee on Commerce.

By Mr. GEDDES: Papers relating to the petition for an appropriation for Black River Harbor, Lake Erie, Lorain County, Ohio—to the Committee on Rivers and Harbors.

By Mr. GEORGE: Petition of William W. Bates, ship-builder, of Portland, Oreg., praying for enactment of laws counteracting unjust discrimination against American vessels in freighting and insurance by British and other foreign interests—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of citizens of Oregon, asking the forfeiture of the Astoria land grant—to the Committee on the Public Lands.

By Mr. HALSELL: Papers relating to bill for benefit of W. H. Wheeler—to the Committee on War Claims.

By Mr. HANBACK: Petition of ex-soldiers and ex-sailors of the Union in the late war, for relief—to the Committee on Military Affairs.

Also, resolutions of Lebanon Post, No. 240, Grand Army of the Republic, Department of Kansas, relative to legislation in behalf of soldiers of the Union—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of officers of the line of the United States Army, in favor of the passage of House bill 2613—to the Committee on Military Affairs.

By Mr. KEAN: Two petitions from citizens of New York, in favor of improvement in harbor of Port Monmouth, N. J.—severally to the Committee on Rivers and Harbors.

By Mr. KLEINER: Petition of Thomas Burch Post, Grand Army of the Republic, Arthur, Ind., praying for pension, bounty, and back pay—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LIBBEY: The memorial of the common council and citizens of Norfolk, Va., asking that a light-ship be located off Smith's Island on the Cape Charles Shoal—to the Committee on Commerce.

By Mr. McKINLEY: Petition and papers relating to the claim of Robert Woodbridge, of Youngstown, Ohio—to the Committee on Claims.

By Mr. MATSON: Petition of Peter T. Matthews and 30 others, ex-soldiers, asking that a pension be granted to Jacob Van Dyke—to the Committee on Invalid Pensions.

By Mr. J. F. MILLER: Petition of citizens of Goliad County, Texas, for improvement of the bar at Pass Cavallo, Texas—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Resolutions of the Maritime Exchange of Philadelphia, favoring the passage of House bill 4483, to increase the effectiveness of the revenue-marine service and to provide for the retirement of its officers and for their promotion—to the Committee on Commerce.

Also, resolutions of the Maritime Exchange, Philadelphia, urging such appropriations by Congress as will establish upon a firm basis the United States Hydrographic Department, now so crippled for want of means to carry on its important work—to the Committee on Appropriations.

By Mr. PRYOR: Papers relating to the claim of Mrs. C. L. Robinson—to the Committee on War Claims.

By Mr. STRUBLE: Petition of C. E. Francisco and 155 others, citizens of Iowa, calling the attention of Congress, in the name of laboring men of the United States, to the Chinese restriction act, and the necessity of further and more stringent legislation to prevent evasion and violations thereof—to the Committee on Foreign Affairs.

## HOUSE OF REPRESENTATIVES.

### SATURDAY, *March* 22, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

#### CORRECTION.

Mr. LONG. On the motion to recommit the bill for the relief of General Averell I am recorded yesterday as having voted in the affirmative. I voted "no."

The SPEAKER. The Chair will examine the Journal. [After a pause.] The gentleman's name is recorded in the affirmative upon the Journal, and it will be corrected accordingly.

The Journal as corrected was approved.

#### ORDER OF BUSINESS.

Mr. BLAND. I demand the regular order of business.

Mr. BELFORD. I rise, Mr. Speaker, for the purpose of moving that the House proceed to the consideration of the business on the Speaker's table.

The SPEAKER. The gentleman from Missouri demands the regular order of business, which cuts off all unanimous consent.

Mr. BELFORD. I understood a demand for the regular order of business was made some time last week, and yet the gentleman from Indiana [Mr. COBB] was permitted to pass a bill by unanimous consent.

The SPEAKER. Will the gentleman state what transpired on that occasion?

Mr. BELFORD. I wish to say one word more. I know, Mr. Speaker, you are absolutely just and absolutely impartial, but I do appeal to gentlemen to let us have a few minutes when we can proceed to the consideration of the bills upon the Speaker's table, which are local in their character but nevertheless of absolute importance. I appeal to my friend from Missouri to allow me to take from the Speaker's table a Senate bill, purely applicable to educational purposes in my State, and put it on its passage at this time.

The SPEAKER. Is the demand for the regular order of business withdrawn?

Mr. BLAND. I made the demand for the regular order of business in good faith, and hope it will be proceeded with.

Mr. BELFORD. I give notice, Mr. Speaker, that no more bills shall pass by unanimous consent during this session of Congress.

#### CALL OF COMMITTEES.

The SPEAKER. The regular order having been demanded, the Chair will proceed to call committees for reports.

#### NATIONAL BANK, MIDDLETOWN, PA.

Mr. ERMENTROUT, from the Committee on Banking and Currency, reported back with an amendment the bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### ASSAY OFFICE, DEADWOOD, DAK.

Mr. NICHOLLS, from the Committee on Coinage, Weights, and Measures, reported back with an amendment the bill (H. R. 1689) to establish an assay office at Deadwood, in the Territory of Dakota; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### LIGHT-SHIP, SMITH'S ISLAND, VIRGINIA.

On motion of Mr. REAGAN, the Committee on Commerce was discharged from the further consideration of the bill (H. R. 5198) for the establishment and maintenance of a light-ship off Smith's Island, on the Cape Charles shoals, State of Virginia; and the same was referred to the Committee on Appropriations.

#### CHINESE INDEMNITY FUND.

Mr. WAIT, from the Committee on Foreign Affairs, reported back with an amendment the bill (H. R. 1004) relative to the Chinese indemnity fund; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### GEORGE MAXWELL.

Mr. PEEL, of Arkansas, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 3943) for the relief of George Maxwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### GEORGE H. PETTIGREW.

On motion of Mr. PEEL, of Arkansas, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 3978) for the relief of George H. Pettigrew; and it was referred to the Committee on Appropriations.

#### REDUCTION OF LIFETIME OF A PATENT.

Mr. VANCE, from the Committee on Patents, reported back adversely the bill (H. R. 3617) to reduce the lifetime of a patent to five years; which was laid on the table, and the accompanying report ordered to be printed.

Mr. VANCE. I ask that the report be read.

The Clerk read as follows:

Mr. VANCE, from the Committee on Patents, submitted the following report:

This bill (H. R. 3617) proposes to amend section 4884 of the Revised Statutes by striking out the word "seventeen" and inserting the word "five," and thereby make a most radical and unjust change in the patent laws of this country, its effect being to limit the life of a patent to five years. Such a change is not consistent with the spirit of our Constitution and laws made for the benefit and encouragement of inventors, and would be an act of gross injustice to the great mass of inventors of this country, who have done so much to develop the growth, wealth, and prosperity of the country. As to the right of property which the inventor has in his inventions, a recent and learned writer on patent law says: "The right of property which an inventor has in his invention is excelled in point of dignity by no other property right whatever." Contrasted with him who acquires property by inheritance or devise, contrasted with him who acquires property by marriage or donation, contrasted with him who ac-

quires property by revenue from the barter of merchandise or from the yield of money loaning, he who acquires property by invention, by bringing into being things which before were not, stands pre-eminently and confessedly on a higher foundation.

The same learned writer again remarks: "The inventor is not the pampered favorite or beneficiary of the Government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power nor secure from authority an unbought privilege. He walks everywhere erect, and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil or of increasing comfort, and what he gives can not be destroyed by use or be lost by misfortune. It is henceforth an indestructible heritage to posterity. On the other hand, he receives from the Government nothing which costs the Government or the people a dollar or a sacrifice. He receives nothing but a contract, which provides that for a limited time he may exclusively enjoy his own."

The committee are unanimously of the opinion that the present limit of seventeen years is a reasonable limit, and therefore recommend that the accompanying bill do not pass.

Mr. ANDERSON. Instead of being laid upon the table, I ask that that bill be referred to the House Calendar.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ADVERSE REPORTS.

Mr. JONES, of Texas, from the Committee on Pensions, reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2832) granting a pension to Joseph Hammons; and

A bill (H. R. 3101) granting a pension to Rody McClellan.

JOHN K. LE BARON.

Mr. ELLWOOD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5288) for the relief of John K. Le Baron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLEXEY W. VON SCHMIDT.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back with an amendment the bill (H. R. 118) to authorize Allexey W. Von Schmidt to bring suit in the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAINT LUKE'S PROTESTANT EPISCOPAL CHURCH.

Mr. SPRIGGS, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POTOMAC FISHERIES.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported with a favorable recommendation the bill (H. R. 3108) to protect fish in the Potomac River, in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 4786) to provide relief for policemen and firemen who may be disabled in service in the District of Columbia; and

A bill (H. R. 4815) to declare the true intent and meaning of the act of June 17, 1870, chapter 30.

EXPENSE OF ASSESSMENT, DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported back the bill (H. R. 3812) to defray the expenses of the late assessment of real property in the District of Columbia; which was ordered to be printed, and referred to the Committee on Appropriations.

WATER SUPPLY IN DISTRICT OF COLUMBIA.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 4651) to amend an act approved July 16, 1882, entitled "An act to increase the water supply in the city of Washington, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PAY OF CERTAIN HOUSE EMPLOYÉS.

Mr. DOCKERY, from the Committee on Accounts, reported back with a favorable recommendation the joint resolution (H. Res. 66) giving one month's pay to certain employés of the House of Representatives; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DOCKERY. I wish to state that I am instructed by the unanimous action of the Committee on Accounts to submit this report.

FOURTH IOWA VOLUNTEERS.

Mr. GREENLEAF (on behalf of Mr. WHITING), from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back with a favorable recommendation the bill (H. R. 3615) for the relief of volunteers of the Fourth Regiment of Iowa Infantry; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees. Without objection, the Chair will recognize gentlemen who were not in their seats at the time their committees were called.

VENEZUELAN CLAIMS.

Mr. COX, of North Carolina. Mr. Speaker, I desire to submit at this time a privileged report from the Committee on Foreign Affairs.

The SPEAKER. The resolution reported by the committee will be read.

The Clerk read as follows:

VENEZUELAN CLAIMS.

*Resolved*, That the President of the United States be requested to communicate to this House, if not incompatible with the public service, the following information, namely:

What action has been taken by the Government of the United States and of Venezuela, and by each and either of said governments, under the joint resolution of the two Houses of Congress approved March 3, 1883, entitled "A joint resolution providing for a new mixed commission, in accordance with the treaty of April 25, 1866, with the United States of Venezuela;" and especially that the President communicate to the House what claim is made by the said Government of Venezuela, or by its representatives, in regard to the effect of the said joint resolution upon the said treaty and upon the force and validity of the awards heretofore made under said treaty of April 25, 1866, and whether said Government of Venezuela is in any way delaying or declining to make payments upon the said awards or to further proceed in respect of the validity of such awards or of any or either of them; and also that he communicate to this House a statement of the amount of moneys paid in under the said awards and the date of the last payment, what amount has been distributed, and why further distributions have not been made; and that he transmit to the House copies of all correspondence between the two governments in relation to said treaty and awards since the said 3d of March, A. D. 1883.

The SPEAKER. The Clerk will read the report of the committee.

The Clerk read as follows:

The Committee on Foreign Affairs, to which was referred the resolution, introduced by Hon. THOMAS M. BROWNE, requesting the President of the United States to furnish certain information in regard to Venezuelan claims, which is explained by the said resolution, has had the same under consideration, and has instructed me to report that the information requested is of sufficient importance to warrant a compliance with the request. The committee therefore present a favorable report and recommend the passage of the resolution.

Mr. COX, of North Carolina. I ask the adoption of the report.

The resolution was agreed to.

Mr. COX, of North Carolina, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORT.

Mr. MOULTON, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 722) to relieve Abraham Brafman from a forfeiture under the internal-revenue laws; which was ordered to be laid on the table, and the accompanying report printed.

PRIVATE LAND CLAIMS.

Mr. MULDROW, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSPECTIONS BY LIGHT-HOUSE BOARD.

Mr. CLARDY, from the Committee on Commerce, reported back with an adverse recommendation the following resolution; which was laid on the table, and, with the accompanying report, ordered to be printed:

*Resolved*, That the Secretary of the Treasury be requested to furnish this House with copies of all reports of inspection made by the secretaries of the Light-House Board since the 1st day of January, 1875; and also copies of all reports of inspections made by the chief of the bureau of revenue marine since the 1st day of January, 1875, together with an itemized statement of the cost of such inspection.

PAYMENT OF TAX ON DISTILLED SPIRITS.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. REAGAN in the chair) and resumed the consideration of the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

The CHAIRMAN. The gentleman from Alabama [Mr. HERBERT] is entitled to the floor.

Mr. HERBERT. Mr. Chairman, before I take up my argument where I left off on Thursday evening when the House adjourned, I propose to reply briefly to the proposition asserted by the gentleman from Missouri that the Government had no use for this money. He says a

large surplus lies idle in the Treasury of the United States. This House recently sent a resolution of inquiry, and in answer to that the Secretary claimed there was some statutory provision under which he held every portion of what may be called the permanent surplus. The reply of the Secretary is Executive Document No. 110, I believe, and to be found in the folding-room. It appears that he holds what may be called the permanent fund in accordance with what he conceives to be the requirements of the law; a portion of it for the redemption of greenbacks, another portion for the redemption of silver and gold certificates, and other parts for other purposes he specifies; and so he goes on to show at length why it is that he holds this large balance. Whatever we may think of it, this has been and is the policy of the present Secretary.

It was the policy of his predecessor, Secretary Windom, and the policy of his predecessor, Secretary SHERMAN, to hold this large fund in reserve. But the reports of the Secretary of the Treasury show us that leaving this permanent fund untouched, whenever money comes in over and above the demands of the sinking-fund, interest on the public debt, and expenses of the Government, that money is applied to the reduction of the debt of the United States. The debt was reduced by many millions during the last year—I have not the figures before me—and if we get a surplus the present year from whisky or elsewhere, that will likewise be applied to the reduction of the debt. I should like to see that debt reduced as fast as possible, and I want to get all the money that is in sight into the Treasury and paid out on the debt. So much in answer to that argument.

Now, to resume where I left off. I think I succeeded in showing on Thursday evening that the distiller in asking for special legislation before this Congress does not occupy as favorable a position as the ordinary tax-payer would if he were here asking for relief; because the distiller voluntarily assumed, knowing what the law was, the payment of these taxes when he undertook the business of a distiller. I also showed that every demand heretofore made for relief by this interest at the hands of Congress was based on the idea that there had been overproduction, and that every relief measure that was granted was followed by increased overproduction.

I further showed that the refusal of the Forty-seventh Congress to pass the relief act then asked for resulted in the curtailment of production. I now propose to show that it is only by holding distillers to the law that we can expect to equalize production and consumption and give these distillers themselves permanent relief by compelling them to do business on a sound basis. Let me advert briefly to the figures presented by these gentlemen themselves who advocate this bill. It was in 1878 that the three-year extension bill was passed, changing the law from one to three years for the payment of taxes on distilled spirits. As I have said, those who were applying for relief stated then they wanted it because of overproduction. Now, what followed? During that year, 1878—that fiscal year was then nearly closed, ending in June, while the act was passed in April, 1878—there were but 56,000,000 gallons made.

During the next year, 1879, there was an increase of 26 per cent. and over, the quantity made being 71,000,000 gallons. During the year 1880 there was a still further increase of 26 per cent., running the amount of production to 90,000,000 gallons. And at that time this other and further relief was granted—the release of interest on unpaid taxes. Gentlemen say that was but a trifling matter. It may have been, but it showed the disposition of Congress to grant what this interest demanded; and we see that trifling relief act followed by a still further increase of 30 per cent., the production running from 90,000,000 in 1880 up to 117,000,000 in 1881.

In 1882 application was made here for relief again. Again the complaint all over the country was overproduction. The bill passed this House. It went to the Senate, and there was discussed as it had not been here; and while it was there suspended, undergoing that discussion, in the latter part of the first session of the Forty-seventh Congress there was a decrease in production, which fell off from 117,000,000 the proceding year to 105,000,000 in 1882. But the Forty-seventh Congress finally refused to grant any relief whatever, and the consequence was that in 1883, the fiscal year ending June 30 last, the production had fallen down to 74,000,000; and we are informed that there is a still further falling off during the first half of the present year.

Now, Mr. Chairman, does any gentleman here believe that if the bill in 1882 which passed this House, or even a bill such as was finally matured in the Senate, giving two years' extension, had passed both Houses of Congress and become a law, we should to-day have only the amount on hand that we have? Would not the granting of relief the third time have been followed by increased production? Would not the same result have followed a relief act then that followed each relief act before?

Why, sir, the very argument, as I said before, upon which was based the demand for relief was that distillers ought not to be compelled to close their distilleries; that they ought to be allowed to go on and furnish a market for corn, to go on fattening hogs and producing and increasing the amount of whisky on hand, which is the very burden of which they complain. It has been said that the distillers themselves saw this storm coming and for prudential considerations they should have curtailed the production of whisky, even if Congress had granted the relief asked in 1882. It seems, however, looking at the past, that the only thing which opened their eyes was the refusal of Congress at last to listen to their demands.

Did I say "open their eyes?" I beg pardon, Mr. Chairman; their eyes were open all the time. They knew all the time and they so constantly represented here that they had overproduced. Still they kept on overproducing, and it was only the strong arm of the law, or rather, I should say, the refusal of Congress to change the law in their behalf, which brought down the production. If that relief act had been passed in 1882, two years ago, the distillers to-day would have had still more whisky in stock; and, now that the two years is about expiring, they would have been here clamoring for relief, backed up by more arguments, backed up by more people, backed up by more whisky than to-day.

How is it, then? If two years ago there was no demand at home and no demand abroad sufficient to take up all the whisky in store, then I ask, and I wish gentlemen to answer me, how the distillers ever expected to get down to a sound basis except by curtailing production? They certainly could not do it by again opening their distilleries, for every single gallon that was made would simply aggravate the situation, and would only tend toward where the passage of this bill would tend—an eventually overwhelming demand for the repeal of the whole tax on whisky. Sir, if we have not the power to-day, under present circumstances, to compel these people to comply with the law, will we have the power when we shall have granted relief act after relief act? And when this overproduction shall have gone on constantly increasing, will we have the power then to deny the distillers when they ask for a total repeal of the tax?

For one I should like to get rid of this whisky tax and the tobacco tax, because they are both inquisitorial. But I do not believe we can do it now, unless we put duties on tea and on coffee, and higher duties on sugar, on tin plate, and on other necessaries of life. I do not believe we can pay the expenses of the Government, pay off the war debt or pay the interest on it, and carry on the Government without adding to the present tariff duties. I am certain that if we should repeal the whisky tax we should have no opportunity to lessen war-tariff taxation for many years to come. And whenever it comes to a question of furnishing cheap whisky to able-bodied men or cheap clothing and cheap necessaries of life to women and children, I shall not hesitate a moment in my choice. I will pile up the price on whisky and put down the price on the necessaries of life.

One of the arguments made here is that it is not the distillers alone who are asking this relief. That is so. I have before me a table which was alluded to the other day by the gentleman from Kentucky [Mr. WILLIS]. It was used in the last Congress, in the arguments on this question in the Senate, by Senator BECK. It shows that the bourbon and rye whisky produced by twenty different distilleries in the State of Kentucky was owned at that time in thirty-four different States and Territories. What does that prove? It proves, in the first place, that the owners of this whisky instead of being few are many. It proves, also, that they have more political power than whisky would have if it were concentrated in the hands of a few individuals.

When I speak of the political power which whisky has I hope gentlemen will not misunderstand me. I do not mean to impugn the motives of a single member on this floor. Neither do I mean that the whisky interest is corrupting or attempting to corrupt this body. I do not believe it is; I am sure it would not do it; and I thank God for the assurance in my own mind that it could not do it even if it would.

But here is the way this political power is wielded. Every morning when we come here we find fresh pamphlets on our desks. The latest issue is one I hold here: "Dispatches to WILLIAM R. MORRISON, urging the passage of the bonded whisky extension bill," coming from Kentucky, Illinois, Nebraska, and elsewhere, from bankers and other business men who are interested in this whisky question. Why are they interested in it? Because they have advanced money upon it; they bought it while it was in bond.

If gentlemen will consider for a moment they will see that it is to the interest of the dealer when he sells whisky to have it still in bond under the Government lock and key, for then the Government stands sponsor for its purity. This whisky then is held by persons all over the country, and thus the interest is diffused far and wide.

Therefore, when men in Cincinnati and Louisville and Chicago and Omaha and in New York telegraph here that they are in distress, when they represent their hardships to their members, as a matter of course their members listen.

That is the mode in which whisky manifests its political power. It is owned all over the country by influential men, men of money and brains and men who control other men.

Suppose, Mr. Chairman, that instead of there being on hand the present amount of whisky some 64,000,000 gallons of bourbon and rye on the 1st day of January this year there were in Government warehouse 264,000,000 gallons; that is to say, suppose that the amount now held was trebled and quadrupled and held by people all over the Union; how much power would that interest have here to-day?

Why, sir, the demand would be overwhelming; and, without any regard whatever to other questions of taxation, it could not be resisted.

Gentlemen may say that even if the surplus of whisky were treble what it is distillers and owners would not ask the tax to be repealed.

[Here the hammer fell.]

Mr. HERBERT. I would like very much to have ten minutes more.

The CHAIRMAN. If there be no objection the gentleman's time will be extended.

There was no objection.

Mr. HERBERT. I am much obliged to the committee for its courtesy, and I will hasten on.

I believe it would be to the interest of the owners of this article if they found themselves encumbered with a large amount of it to demand the repeal of the tax. Why? Because they would say if the tax were taken off they would be able to furnish cheap whisky to the people; that if whisky were cheap more people would buy it, and thus the dealers would have a market. This will be the result unless we take our stand firmly now and compel these people to comply with the law.

But gentlemen have argued here that an invidious distinction is made against persons engaged in this business; that the owners of tobacco are entitled to keep it in bond until they see proper to sell it or enter it for consumption. In reply to this argument it has been shown here by the gentleman from Georgia that tobacco does not stay long in bond; that self-interest prompts the owners of it to put it upon the market. The case is the same with beer.

I come now to the last proposition. The whisky men assert, in order to show that the law does not deal with them fairly, the argument in reference to imports. As has been stated, the distiller of whisky to-day is in a better condition than the importer of merchandise, because under our law if imported goods are not entered for consumption within twelve months the importer must after that, if he puts them on the market within two years, pay an additional 10 per cent.; whereas the whisky dealer or owner has three whole years within which to seek a market, and not one dime of penalty is charged against him during that time.

But I desire to show that practically this privilege of importing goods, then exporting them, and then reimporting them again, to avoid duties, is never resorted to. I refer gentlemen to the reports of exports and imports of foreign merchandise.

The figures, as I have them in my mind, show that our imports of dutiable goods for 1883 amounted to $532,000,000, and the amount of dutiable goods exported was $9,000,000. In other words, only 1.8 per cent. of the dutiable goods imported were exported; and it will be found that a corresponding amount of non-dutiable goods, $9,000,000, was also exported from the ports of the United States during the same period. The same reason must apply in one case as in the other. In the first place, a great many of these goods were imported not to be sold in the American market but to make up a cargo. This remark applies to dutiable and non-dutiable goods alike. Secondly, a portion of these goods, dutiable and non-dutiable, may have been imported to try this market, and after trying it unsuccessfully they were exported in order to try the foreign market.

It can not be shown that any appreciable proportion of these imported goods which were subsequently exported ever enjoyed the inestimable privilege which it is contended is denied to the distillers, the privilege of laying in bond for three years, trying this market for three years, and then paying port charges and transportation to a foreign port and transportation back again, in order to try again that same unsuccessful market. The contention of the whisky men in this, as in every case, to show that others have advantage of them in the law, is absolutely without foundation. I think, sir, I have shown that every argument by which gentlemen have undertaken to sustain this claim on the ground of an invidious distinction against those engaged in making distilled spirits is without a shadow of foundation.

It is said that in England distilled spirits are allowed to remain in bond for an unlimited time. My understanding is that the English law is the same with respect to imported goods. If I am correct in this understanding, the system of an unlimited bonded period applies there to imported goods as well as to articles manufactured in the kingdom. The English system is one and the same for both classes of articles, and our system ought to be and is the same for both.

It seems to me, Mr. Chairman, that the whisky men, having passed through as they have some suffering, having had some failures, ought not to want to go back and retrace that ground. All interests have failures. Whatever the law might have been some distillers would have failed just as some men in every other branch of business have done. I have here a table from Bradstreet giving the number of failures during the recent week as two hundred and eleven, and in the corresponding weeks of 1883, 1882, and 1881 the failures were respectively two hundred and thirty-three, one hundred and forty, and one hundred and thirty-three. Thus we see that even during the flush times of 1881 there were in one week one hundred and eighty-three failures, and few if any of them were in the whisky business. This table shows that, as everybody knows, failure is incident to every mercantile occupation in the country.

Because gentlemen can point to failures in Louisville and Cincinnati among whisky dealers, and can urge there are likely to be failures in the future if we do not grant relief, shall we open these distilleries again? Shall we encourage distillers to go on to overproduction which will but aggravate the situation? It seems to me that would be unwise legislation. I do not think that sound policy.

Mr. Chairman, I do not intend to go home to my constituents, to the farmers, to the merchants, to the professional men, to the mechanics, and say to them, "We have granted special legislation for the benefit of the whisky men and have done nothing for you."

Why, sir, there is no interest in this country that is not subject to great losses by the rise and fall of prices; and that, after all, is what the whisky people are here complaining of. A fall of 10 cents a bushel in wheat often costs the producers of that article a loss of more than $40,000,000, a fall of 1 cent a pound on cotton frequently causes the cotton growers to lose $30,000,000, and so I might go on through the whole list of the great industries of this country. The honest toilers who are engaged in these industries ask no special relief at your hands. They suffer, and must suffer, from any fall in prices, and they can not see, and I can not see, why distillers should not do the same. Whisky dealers, like other people, must take the chances of trade. But, sir, whisky dealers and owners are now on the road to a sound business basis; they must not turn back. They are beginning to curtail production because the law compels them, like other men, to pay taxes when they are due. Let us hold them to the law, and we will have them before us no more threatening panics to secure legislation.

But, sir, as I said, the refusal to pass this bill would be better for the owners of whisky than to pass it—better for them as well as for the country. If we pass the bill and start the distilleries again no one can tell how much whisky will be produced or where the end will be to overproduction. So no one will buy except for immediate consumption. But if we defeat this bill dealers will see, capital will understand, that we will not by loose and vicious legislation start the distilleries again, that overproduction is at an end, and that the supply on hand will soon be taken up, that there is never to be a better opportunity to buy cheap old and ripe whiskies than now, and so they will buy up the stock on hand.

[Here the hammer fell.]

Mr. CLAY. I take it, sir, the questions proposed by this bill should be treated by this Congress on the basis of fairness and justice to all parties concerned. I take it there is no moral or religious question connected with the bill, and there should be none in the discussion of the questions connected with it; and there will be none unless my colleague, on the other side of the House, from the State of Kentucky [Mr. WHITE], should deem it necessary to lug into this discussion some of his temperance proclivities and great moral ideas.

It is claimed by the friends of this bill, Mr. Chairman, that it is in the interest of a great class of manufacturers who have grown up, who have paid over a thousand millions of dollars into the public Treasury to defray the expenses of this Government, who have in every particular conformed to the law under which they were created, and who are as great lovers of the country as any class of citizens under its control.

Why legislation should not be had in their interest, why they should not be protected when protection is demanded, is answered by some with the narrowness which usually follows a narrow mind—that it is the article of whisky, and because the sale of it and the consumption of it are evils, therefore it deserves no consideration at the hands of this Congress. I claim, no matter what the individual members may believe on that subject, that it is an article of commerce, that it is made legitimate by the Government, and that it demands alike the protection which the Government would give to any other article of commerce or any other business or avocation in the country.

It is claimed by those opposed to the bill that it is class legislation, that it is special legislation, and on that ground, therefore, no action should be taken by this Congress in regard to the matter.

Is it class legislation, Mr. Chairman? Several years ago while the nation was in great distress it was deemed necessary to inaugurate the system of internal revenue for the purpose of aiding the Government in the great crisis which was then about to occur or in the great war which was then in existence. Taxes were levied under that system on numerous articles produced and in existence among the people of the United States. The subjects of taxation that now remain are whisky, beer, and tobacco, the other subjects of taxation under that system having been long since abolished.

Now, the tax on beer is not paid until the article enters into consumption; the tax on tobacco is not paid until that article enters into consumption; but the tax on whisky under the law is required to be paid before the article enters into consumption or is placed upon the markets of the country. Instead, then, of being special legislation, it is for the purpose of making the law general in its character and repealing as far as possible the special provisions by which whisky is made to pay a tax of from 400 to 500 per cent. more than its intrinsic value before entering on consumption, when under the internal-revenue system no other article pays such tax until it enters into consumption. In order that the law may be made general the necessity exists that this special legislation should be had; that whisky should be placed on the same footing as tobacco and beer.

It is claimed that it is in the interest of a monopoly. How in the interest of a monopoly? It is claimed that small distillers would be shut out of the market and large distillers would have control of it.

How, Mr. Chairman, could this possibly be the case? On the contrary, if the amount of whisky which is now in bond is thrown upon the market it must come in competition with the smaller distillers equally as much as with the large ones, and the small distiller would be compelled to sell the product of his still in competition with the large one. Therefore there is nothing which can properly in this regard bring this within the term "monopoly." And it is not a monopoly in Kentucky, although Kentucky is the largest manufacturer of the article. The right to manufacture is not alone given to Kentucky. It is given to every State in the Union and to every individual citizen of the United States as well as it is given to the State of Kentucky and to her citizens. All have the right to engage in the manufacture of it. Wherever corn or rye are grown, wherever water percolates in the United States, whisky can be manufactured. But because, forsooth, certain citizens of the State of Kentucky have found in that manufacture more profit than they could find in any other branch of business and have hence engaged in it, is no reason why it should be considered a monopoly. But then the bill is not in the interest of the distillers of Kentucky alone. It is in the interest of the whole commercial world. It is in the interest of every business in the whole country, because if you strike at any one of the great interests of the country you indirectly attack all. Our interests and prosperity are so blended that when injury is done one it affects each and every other. Kentucky owns but a small quantity of the whisky that is now in bond in that State. The State of Ohio owns more than Kentucky; the State of Massachusetts owns more than Kentucky; the State of New York owns more than Kentucky. The whisky that is now in bond in the State of Kentucky is held and owned by individual citizens throughout the United States, and they are calling upon you, not to relieve them on account of the original plant in the manufacture, not to prevent a failure on account of their investment, but to relieve them against an excise tax which is 500 per cent. more than the value of the original plant.

If it were a business proposition addressed to business men, could they for a moment fail or refuse to grant relief, is the question. I ask, Mr. Chairman, this question: If there was a debtor who owed a large sum of money, and that debtor should go to his creditor and ask him to relieve him temporarily by granting an extension upon his indebtedness, guaranteeing to him the amplest security, providing him with the most abundant security—I say, if he were to ask an extension of time under such circumstances as are here presented, would the creditor, if he had the ability to grant the extension for a solitary moment, refuse the request? Most assuredly not, I answer, and I am confident that there is no one so bold as would gainsay it.

Mr. REED. Will the gentleman allow me to interrupt him just there?

Mr. CLAY. Certainly.

Mr. REED. Suppose that request that the gentleman now suggests to be coupled with the further proposition on the part of the debtor that his creditor should go on lending him money to any extent he might ask. What would you think of that?

Mr. CLAY. I would think, I will answer in reply to the gentleman from Maine, that if the creditor should grant an extension that would entirely cut him out of his debt, that would be injudicious and unwise on the part of the creditor, and it is a request to which he would not be likely to yield. But I say further to the gentleman from Maine that there is no possible chance of such a thing happening in this case.

Mr. REED. But, if the gentleman will pardon me, there is no limit, as I understand it, to the amount of whisky a man can put into a warehouse.

Mr. CLAY. There is no limit, it is true, to the amount of whisky a man can put into a warehouse; but do these gentlemen pretend to say that the granting of such an extension would prevent the creditor from collecting his claim when it became due?

Mr. REED. But let me say to the gentleman from Kentucky that at the end of the time, instead of a claim of seventy millions, as now, there would probably be a claim of one hundred millions.

Mr. CLAY. Anything, of course, might be assumed as being possible or probable——

Mr. REED. I agree with the gentleman in that.

Mr. CLAY. But I am dealing now with the question of fact. The gentleman from Maine is in the habit of going beyond in his opposition to questions on this point on this floor and indulging in speculation and probabilities. He endeavors to raise ghosts by which to scare away members of this House. There is no ghost in this, however.

Mr. REED. No; this a question of spirits only. [Laughter.]

Mr. CLAY. They are spirits, it is true, but they are bourbon, and do not hurt like the ghosts that the gentleman is in the habit of dealing with.

Mr. REED. I do not agree with the gentleman there, either. I think they hurt considerably more than the other kind.

Mr. WILLIS. If my colleague will indulge me now for a moment I will say in response to the gentleman from Maine that if the gentleman will read this bill carefully he will find that it is limited in its operation to the number of gallons of whisky now in bond. It makes no provision nor will it take into consideration in the relief granted by it the whisky to be manufactured hereafter.

Mr. CLAY. Of course. I supposed the gentleman was familiar with the terms of the bill and had informed himself upon the subject. I deemed it scarcely necessary to make a reply to the suggestion that he made.

Mr. REED. But if the gentleman from Kentucky will pardon me, and I do not wish to interrupt him if it interferes with the course of his argument——

Mr. CLAY. Certainly, I will yield to the gentleman with pleasure.

Mr. REED. The gentleman from Kentucky was indulging in the supposition that if the man asked of his creditor an extension and gave him perfect security for the debt, would not the creditor on business principles be likely to grant it. Now, that is the case presented here, with this difference, that the debtor can go on incurring his debt for three years, piling up additional debts.

Mr. WILLIS. No, that is a mistake.

Mr. CLAY. The bill especially provides that this shall only refer to whisky now in bond, which was in bond on the 6th of December.

Mr. REED. But every gallon of whisky that is manufactured this year will have three years to stay in these warehouses.

Mr. CLAY. That is very true.

Mr. REED. And if the production should be increased from 70,000,000 gallons to 100,000,000 gallons, that would be 30,000,000 gallons more than the consumption of the country requires, and the distillers would run into debt to the Government in the amount of the tax on 30,000,000 gallons more.

Mr. CLAY. And what would the Government have then? The Government would have ample security for the payment of the tax on the increased production. For the Government has a lien upon the whisky itself in the first place. It has the bond with good security for the payment of the tax. In addition to those two things it has a lien upon the property of the distiller, including his machinery, his building, and any other property he may own; also his bonds or other securities, together with all the property of the sureties on the bond.

Mr. REED. But the gentleman's position is that to exact the payment of the tax on the 70,000,000 gallons liable to become due within the next two years will produce a financial difficulty. What will be the effect of demanding the tax that will in two years from now be due on 100,000,000 gallons? Why, of course, bigger financial difficulties.

Mr. CLAY. No, sir; that can not possibly be if distillers control themselves. And I will say to the gentleman in that regard that the high-wine and sour-mash distillers in the United States have met in convention and have agreed to reduce the production of the article. By that agreement the large distillers make only 20 per cent. of their capacity and the smaller distillers 33½ per cent. on the amount of their capacity. And year after year, instead of the production increasing under this proposed law it will diminish, and the Government will be finally in a better fix and the people who manufacture this article will be in a better fix. But I was going on to illustrate——

Mr. REED. If it does not interrupt the gentleman I should like simply to say that is not in the bill. On the contrary, I think I can show the reverse is in the bill.

Mr. CLAY. I admit that a few years ago when there was large prosperity in the country, under the idea the consumption would increase, notwithstanding the pendency of the extension bill at that time, distillers did go on and produce more than they had ever done before. That is true. The gentleman from Maine states it as a fact, and I concede it. But I say to him there is no disposition on the part of the distillers to do that again. The country was prosperous. They saw everything looking fair and they wanted to manufacture enough to supply the demand. From their great confidence in the future growth of the country, laboring under the belief that the prosperity of the country would demand a larger production, with large contracts outstanding for grain and large contracts for feeding cattle and hogs it is not surprising that overproduction ensued. They did not know that there was being manufactured more than would supply the demand. They thought they were doing that. But in their unwisdom they did more; they overproduced. That is an admitted fact. And now on account of that overproduction they come to you and ask this relief at your hands.

I was going to say, Mr. Chairman, that no creditor would refuse to grant the extension. In this case can the Government refuse to grant the extension? As I remarked, it does not do away with a single part of the security it now possesses. The Government has a lien upon the manufactured article. It has a lien upon the property, personal, real, and mixed, if there be any, of the distiller; and in addition to that it has his bond with security approved by the officers of the Government, and in no event can the tax be lost. I say, if the creditor under such a state of things had the ability to grant this relief to his individual debtor there would be no question about it. The one question that remains is: Has this Government the ability to do it?

Why, sir, there are about one hundred and fifty millions of surplus in the Treasury which is of no use to any one, which is not drawing any interest. You propose to place in that Treasury in its present plethoric condition sixty-six millions more, drawing it from the channels of trade,

retiring it where it bears no interest and is of no good to the people. The Government has the ability, because it has no use for the money. It receives when granting this extension 4½ per cent. interest upon the amount of the taxes when they fall due, which is equivalent to the highest rate of interest that the Government imposes on any part of its indebtedness.

It is urged again, as an objection to the bill, that the internal-revenue system ought to be abolished, and that this is the best mode of abolishing it. Mr. Chairman, I believe that that consideration is controlling members of this House more than any other. I admit that the internal-revenue system is bad. I admit that office-holders connected with it have produced more corruption and that the system itself is a greater source of corruption than almost anything else now known in the country. But I believe, while the system is wrong and while the office-holders should be dispensed with, some method not objectionable can be proposed and will be proposed by statesmanship to collect the tax from whisky and tobacco. I believe that those articles should bear the chief burdens of this Government. They are purely luxuries, and I believe the easiest mode to collect the revenue from the people of the country is by means of a tax paid by the consumers upon an article of luxury. The burden of such tax falls lightly upon the whole people. When the question is proposed to me to abolish the tax on whisky and tobacco, which goes wholly into the Federal Treasury, and levy indirectly the tax required for the support of the Government by way of tariff upon the necessaries of life, the greater part of which tax goes into the pockets of favored monopolists—the blanket, the coat, and hat of the poor man—then I say, as between the two, I am in favor of retaining the tax on whisky and tobacco and taking off from the necessaries of life the tax levied indirectly under a tariff law.

It was said by the gentleman from Georgia [Mr. BLOUNT] and by the gentleman from Alabama [Mr. HERBERT] that customs duties are collected within a year after the articles enter the custom-house. That is true, except that the parties owning the goods have the privilege of exportation, and thereby they may acquire almost endless time for the payment of the duties. But the gentlemen forget that goods entering the custom-house go into a building owned by the United States and paid for by the money of the people in the Treasury. The bonded warehouse of the distiller is erected by him, paid for by his money, and is then placed under the control of the Government officer, and the individual distiller has no right to enter it except in company of the agent of the Government; no authority to carry the keys of the warehouse, and no power to do a single solitary thing in connection with that bonded warehouse without the consent and the authority of the agent of the Government. There is, then, a great difference in that respect.

But the gentleman from Georgia [Mr. BLOUNT] has been guilty in his speech of considerable inconsistency upon this question of customs duties and the right of the manufacturer of whisky to export his product. In one portion of his speech he says:

> They [the distillers] are not entitled to the privilege of exportation, because, as I have said, that privilege was intended as a great commercial policy.

He there denies to the distiller the right to export his whisky. Further along in the same speech he says:

> I know that generally they [the distillers] have the power to export it, and the Government can not get the tax if they see fit to avoid it by exportation. They are protected by the Constitution of the United States in that.

In one part of his speech he says they can export, and in another part he says they can not. I coincide with him in the first view, that the distillers can export their product. But I ask if this Congress is going to compel an interest of this kind to export to Cuba or to Canada at a cost of 8 or 10 per cent. on their product, when by granting this relief you can permit that product to remain within the borders of the United States and in the bonded warehouses of the country under the control of the Government? It is not right to compel them to export. The Commissioner of Internal Revenue says that if the questions arising under this bill grew out of or were connected with any other article than that of whisky, it never would for a moment be thought of.

This measure of relief has been indorsed heretofore by Congress; it has been indorsed by a former Commissioner of Internal Revenue, and is indorsed by the present Commissioner of Internal Revenue and by the Secretary of the Treasury. Last winter, at the other end of the Capitol, it was indorsed by the Senator from Illinois [Mr. LOGAN] and by the Senator from Ohio [Mr. SHERMAN]. All these men, regardless of party (and there should be no partisan feeling in this matter), indorsed this simple measure of relief.

If Congress shall pass this bill it will prevent a financial crisis in the West, and particularly in my State. When you can grant the relief without detriment to the public interest, without in any way interfering with the necessities of the Government or with the payment of its debt, then I say to you gentlemen that in all fairness you should grant it.

I will yield the balance of my time to my colleague [Mr. THOMPSON].

Mr. THOMPSON. I would inquire how much time I will have?

The CHAIRMAN. The gentleman has thirty minutes.

Mr. THOMPSON. The only interest which I have in this bill is that of my constituents, and which being very great, I think is a sufficient apology for what I have to say to the House to-day in advocacy of its passage. If I can receive the attention of members I hope to demonstrate that this is merely a plain business proposition, one which addresses itself entirely to the intelligence of the House, and one that I hope and believe will receive that intelligent consideration at the hands of a majority of this body to which, on account of its great importance, it is fairly entitled.

I do not believe that we will arrive at any proper conclusion on this question if we allow prejudice to influence us. Nor do I expect, although it came from a distinguished member of the Committee on Ways and Means, that the speech of the gentleman from Georgia [Mr. BLOUNT] will have much weight in determining this business matter, for it was inspired by prejudice alone.

The proposition is simply this: whether or not the Governmont will by an enforced collection of this tax bankrupt one class of its citizens, when it does not require this money for any public purpose. I do not claim for the manufacturers of or dealers in this article that they are entitled to any more consideration at the hands of Congress than is any other class of our citizens. I was surprised to find the gentleman from Georgia [Mr. BLOUNT] was unwilling to accord to them less than other people in this country asked and received. They are entitled to the same, no more.

These parties ask only a patient hearing of their case. They do not come, as the gentleman from Alabama [Mr. HERBERT] alleged, demanding the passage of this bill at the hands of this House. As I listened to the opening of his speech, I almost thought I could see the distillers and liquor dealers arrayed at the doors of this Hall, with artillery, cavalry, Gatling guns, and all the implements of modern warfare in their hands, sounding upon their bugles their demand of this House its unconditional surrender to do their bidding and obey their behest.

Have we any such picture as that presented to us? I hold in my hand the humble request of these people in the shape of a petition to Congress, a petition under the Constitution of your free country (which accords even to these men the right of petition), to grant them that relief to which they may show themselves entitled. They do not come here and demand anything. They petition Congress to grant them an intelligent consideration and a patient hearing in behalf of the bill which they have presented to this House. If upon that consideration you do not believe they are entitled to relief, if the facts which they present to you do not satisfy your judgment, looking at the matter from a business standpoint and the high plane of statesmanship to which you have been elevated, then you have the right to refuse it to them just as you would refuse it to any others, and they will retire from your halls, go into bankruptcy, and settle with their creditors as best they can.

I am sorry that my friend from Alabama [Mr. HERBERT] whom I now see before me was not satisfied with the number of bankrupts who have marched out in our State within the last year in consequence of the harsh policy which Congress has forced upon them. When my colleague [Mr. WILLIS] called his attention to that fact, and showed that in one city alone half a dozen firms have been forced into bankruptcy, the gentleman from Alabama replied, "Oh, nothing but a universal panic will induce me to consider for one moment the proposition to grant relief to these parties."

The bankruptcy of a single State is not sufficient for him; there must be universal ruin before any relief should be granted. Mr. Chairman, I hope and believe that there are few men in this House whose prejudices are so strong that it requires universal bankruptcy before relief can be granted. If relief is to come only on that condition it will come too late, because then the men interested in this branch of business will be already ruined, and there will be no one left to relieve.

The men interested in this measure come to you for an intelligent consideration of this bill. I know they have been here before. But they are not criminals at the bar. The gentleman from Georgia treats them as if they were criminals. He prosecutes them here as if in the manufacture of whisky and its storage in bonded warehouses they were guilty of some high crime deserving the condemnation of the House, instead of being engaged in a useful and productive industry which is adding millions of wealth to the country. These men went on in their days of prosperity, and under the fostering influences of the Government, under the ameliorative legislation Congress has heretofore granted, built up a foreign and domestic trade—a foreign trade that carried millions of gallons abroad. In consequence of the ungenerous, harsh, and cruel policy now advocated by the gentleman from Georgia, a member of the Ways and Means Committee, a policy which, supported by fanatical influences, induced the last Congress to refuse any aid to this industry, that foreign trade has been stricken down, and the millions of gallons of spirits which were yearly exported have been thrown upon the home market, making demoralization where under prospective good treatment there would have been prosperity. Instead of exporting 16,000,000 gallons of their product these men are now compelled to lock it up in the warehouses; and bankruptcy and ruin are upon them because their foreign market has been taken away from them.

Mr. HISCOCK. I would like, for the sake of information, to ask the gentleman whether there has ever been any considerable foreign trade

in the class of whiskies now in bond and which will be aided by the legislation now asked?

Mr. THOMPSON. There has been some foreign trade——

Mr. HISCOCK. Any considerable foreign trade?

Mr. THOMPSON. There has been sufficient foreign trade, not only in these but other whiskies with which they are allied, to relieve the home market of 16,000,000 gallons per year. But now not one gallon can be exported by these men because of the cruel policy of their own Government, which has compelled them to forego the advantages they might have enjoyed by building up a foreign trade.

In this respect the policy of our Government is similar to that which the English Government has pursued toward the Irish people. When Ireland complains of the harsh laws enacted against her people, and says, "We are unable at present to support our population; we want the lands thrown open, so that we can labor and can support ourselves in productive industry," England refuses any aid, and tells the Irish people that the ports are open, that they may, if they choose, emigrate to other countries to seek that which is denied them at home. So when you have adopted harsh and oppressive legislation toward this interest, you say, "the ports are open; you may, if you choose, go to foreign governments and seek there what you are denied in free America."

No other government on earth adopts such legislation with reference to distilled spirits. No other government imposes excise taxes as we do upon the producer of spirits. The English Government long years ago outgrew this policy. Are we to go back and follow the system which other governments have cast aside? England has collected taxes upon spirits for over two hundred years, and for a long time fixed by law a period within which the tax must be paid upon spirits in bond; but she found that it only brought about the same condition of things that we have found here, it tended to bring bankruptcy and ruin upon the producers.

A harsh system of legislation brought about illicit distilling and violations of the law. Hence, in 1848, England so arranged her taxation as to lay it only on the consumer, the spirits remaining in bond until withdrawn for consumption, since which time she has been able to collect a tax of $2.50 upon every gallon of spirits consumed in that country, amounting to $260,000,000 every year, which goes into the coffers of the British Government, collected from among only 33,000,000 of population; while under our harsh system of legislation (which I think some gentlemen influenced by the fanatical sentiment of the prohibitionist would make harsher) our Government can only wring from this product between $60,000,000 and $80,000,000 a year, and in doing that bankrupt those who deal in it and produce it. I trust we will not listen to fanaticism or prejudice. Let us bring to this question the intelligent consideration of the House.

In 1864, when under your laws there was an unlimited bonded period and only 20,000,000 population to consume, the Southern States being in rebellion, there was manufactured and put into the bonded warehouses of the country 84,000,000 gallons of whisky. That whisky could remain there, as tobacco and beer do now, an unlimited length of time, until the necessities of trade called it forth for the legitimate purposes of consumption. Did bankruptcy follow that enormous manufacture of 84,000,000 gallons? Not at all. That whisky remained in bond from year to year until the demands of consumption called it forth, and no financial crisis ever arose. But in 1868, when the policy was adopted of requiring the tax to be paid within the year, whisky could not seek its legitimate avenues of trade, and then for the first time trouble commenced.

Having lived in a district where this productive industry is much followed, I tell you now that under that law distillers were made bankrupts every third year. In 1878, when this bankruptcy threatened to become universal, Congress interfered, and allowed three years upon all whisky then in bond and thereafter to be made. Why was the one-year law enacted in 1868? The gentleman from Georgia, a member of the Ways and Means Committee, tells us it was the frauds perpetrated upon the revenue under the former system that brought about the change in our legislation, and leaves you to believe the frauds resulted from the fact that no time was fixed in the law theretofore for the payment of the tax. I will tell you what was the cause. The frauds of which he speaks were not brought about by the failure of the law prior to 1868 to fix a period in which the whisky must be removed and tax paid. The tax was laid, and intelligently laid, upon the consumer; no distiller paid a tax until his product went into market. The law was the same then upon the distiller as upon the brewer and manufacturer of tobacco now. The change resulted from other causes than time.

These frauds were brought about by undertaking in those troublous times, the war just being over and the whole country demoralized, to extract from this article a tax of $2 a gallon, which was over ten times the cost price of its production.

Mr. CARLISLE. The frauds preceded it ten years.

Mr. THOMPSON. I am speaking of the act of 1868. What further? How were those frauds perpetrated and out of what did they grow? It was not the result of the unlimited time, by no means. They grew out of the enormous tax of $2 per gallon and the fact that the bonded-warehouse system at that time enabled men to transport whisky from one part of the country to another, from district to district, from State to State, until lost sight of by the officers, and the tax was escaped. The inducements to defraud at $2 per gallon were irresistible. They removed whisky from one bonded warehouse to another in an unlimited and unrestricted manner under the control and almost at the option of the men who owned it. They could travel it over the country until it was lost in traveling.

The $2 a gallon induced the Government officers to join in with the dealers and manufacturers and take it from these warehouses, brand it tax paid, and put it on the market in defiance of the law. It was not the distillers in Kentucky. No prosecution was ever made in the State I represent growing out of the whisky frauds of 1866 and 1867 and 1868. None ever occurred there and no stain was ever put upon the reputation of these men in Kentucky. They have never been charged with illicit distillation. They have never attempted to defraud the Government of one dollar of its revenue. On the contrary, the Commissioner of Internal Revenue tells us how in the last ten years since the extension of the bonded period that of all the millions which have been collected from this article and gone into the Treasury of the United States not one dollar has been lost by fraud or in any other way. That is a fair record, and it is with that honest record that these men present themselves before this House to-day in asking for this act of simple justice at the hands of the Government.

But the gentleman from Georgia [Mr. BLOUNT] tells you—and I was surprised to hear him say it; I wish he was in his seat now—he tells you, and I ask attention to the argument he makes in this case, he tells you, Mr. Chairman, that we have the bond of these men for the payment of this tax. He says to them, "You are intelligent men; you went into the manufacture of this article of whisky with the full knowledge that at the end of three years you must pay this tax: you have given us a bond for this payment, and we demand it in the name of that bond." Ah, Mr. Chairman, it is the same language that Shylock used when he demanded his pound of flesh—it was so nominated in the bond. Said Shylock, I demand my pound of flesh because you have so named it in your bond. So the gentleman from Georgia, a distinguished statesman, demands the payment of his bond although it bankrupts and turns out houseless and homeless the wives and children of every person who is engaged in the manufacture of these goods.

Is this great and generous Government, magnanimous as it is, to fall under the domination and control of men who exact and demand their pound of flesh although it is extracted at the expense of the tears of homeless weeping children; at the expense of bankruptcy and ruin to a large and industrious class of honest and faithful producers? Is that the boasted magnanimity and generosity of the men I have associated with so long? Are these our Southern friends by whom we have stood during the perilous and troublous time through which we have passed? I have been taught, and it has been a lesson I believed to be true, that in the South, this land of flowers, this land of beauty, with genial climate and fertile soil, radiant with eternal sunshine, where fruits and flowers spring perennial, generosity and magnanimity were the universal qualities in the hearts of every one of its people. Its hospitality, charity to the needy, and chivalric defense of the oppressed were lessons instilled into my infantile mind on the knees of my mother, who ever boasted of her native South.

But, sir, how has that splendid fabric of my childish belief been skaken to-day when I find two Southern gentlemen of the Ways and Means Committee out-Heroding Herod in favor of that cold and cruel policy which would demand in the name of the bond bankruptcy and ruin of these poor oppressed men, guilty of no crime. I have also been taught, Mr. Chairman, that upon the other side, coming from the North, instead of a kind and generous policy, to look for a cold enforcement of the principle that the last cent should be paid: that they were cold, money-making men, who devoted their lives to the accumulation of wealth. But what do I find? I find that the cold business men of the North look with more concern on the bankruptcy of our people, regard their condition with more magnanimity and generosity than do those whom I have so long loved and by whom I have stood in so many troublous times. These Southern men have turned the back of their hands upon us, and we find at the hands of the business men of the North that just and fair treatment which a great question like this deserves.

I come to the consideration of this proposition in a plain business way. I think I can demonstrate not only if this extension is given that the Government will not lose one cent of this revenue, but I think I can demonstrate furthermore that it will result in no reduction of the revenue during the time it is continued. There will be, in my judgment, no reduction of the revenue and no endangerment of its collection.

I can not understand why, with threatened bankruptcy on the one hand of a large number of its citizens, this extension can not be granted by the Government from a business point of view. Surely the welfare of any of its citizens is of interest to the Government. A moment ago I gave the history of this tax. I undertook to show that these men are making no unjust demand. But the gentleman from Georgia says it is an outrage for them to come here again and ask for an extension of time. It is not their fault, but it is the fault of the law. The defect is in the law and not in the men. The disease with which they are stricken is in the law itself; it is a fatal defect in the system that

brings periodical bankruptcy upon them. There never can and never will be quiet until the cause for agitation is removed. When the tax is again laid upon this article when called into consumption, as it is upon every other article of domestic manufacture, then agitation will cease, and Congress will not be periodically called upon for extensions of time. This is the only article which pays the tax before that period. The tax has been removed from all other manufactures except beer, tobacco, and spirits; and the producers of spirits only seek to be put equal before the law with the others.

As I said a moment ago, Mr. Chairman, the shorter this period is the more frequently recurring will be these disasters, while the longer the period the less trouble they will be.

And now let me address myself for a moment to another question. Why is there no danger of loss to the Government by this extension?

The answer is easy and simple. The Government has bonds with good sureties for the payment of the tax in full, which bonds are taken each month for the product of the month preceding. It has a lien upon the distillery premises, warehouses, and machinery, in addition to the bonds. Besides this, they give a bond every year for an enormous amount to protect against all frauds. The Government is not yet satisfied. It takes charge of the distillery and the warehouses, weighs out each bushel of grain, watches its progress of manufacture, attaches its tax as soon as mashed, receives the whisky when made, marks and brands it, puts it in the warehouse, locks it up, keeps the key from the owner, and finally delivers it out after the tax is paid and not before. After it is warehoused it can not escape the tax.

But, say gentlemen, if this whisky is continued in bond the Government will lie out of its revenues in consequence of the extension. Not at all. The revenue of the Government must at last come from consumption, consumption by evaporation, or other loss or legitimate use. This will amount to something near 80,000,000 of gallons per year. If you make the producer or manufacturer advance the tax for any considerable time and amount ahead of consumption you may bankrupt him, but you will not increase the revenue. Production will cease until consumption catches up, and there will be a decrease in the tax until this takes place and the basis of legitimate business is restored.

Every one knows this, and consequently to force this whisky out of bond ahead of consumptive demand and compel these men to sell it upon a broken-down market will bankrupt them, put the tax in the Treasury a few months earlier than it would go under the extension, but the next year would show a corresponding decrease, for none would be taken out until all forced thus upon the market had been consumed. What will result if the bill be passed? Of the 80,000,000 per annum consumed about 65,000,000 are of the low grade and about 15,000,000 fine whisky. Last year it reached nearly 20,000,000; so we can safely say of the 43,000,000 of bourbon whisky on which the tax will mature in the next two years 35,000,000 will be consumed during that time, and the extension will only apply to 8,000,000 of gallons of whisky of this age, and this 8,000,000 will be consumed in six months after the extension; so we will realize in interest about 2½ per cent. on $7,200,000, the tax on 8,000,000 of gallons. Nor will the Government experience any even temporary reduction of her yearly revenue. The 80,000,000 will be consumed per annum. The 8,000,000 of these two years of our production, which if forced on the market would have been consumed and been a part of the 80,000,000 of annual consumption, still remaining in bond as permitted by this act, its place will be taken by 8,000,000 of the lower-grade whiskies, on which the Government will get its 90 cents per gallon tax. We will illustrate it thus: Annual consumption, 80,000,000; revenue, seventy-two millions. Of this 65,000,000 low grade, revenue on which is fifty-eight and one-half millions; 15,000,000 bourbon, revenue on which is thirteen and one-half millions; total, seventy-two millions. This is what would occur if left to come out under the extension; but if no bill is passed, what then? It will stand thus: Annual consumption, 80,000,000; revenue, seventy-two millions. Of this 50,000,000 low grade, revenue on which is forty-five millions; 30,000,000 bourbon, revenue on which is twenty-seven millions; total, seventy-two millions. So we see the only question is the forced displacement of the lower grade of whisky by forcing the fine bourbon into its place, by driving the distillers and dealers into bankruptcy, selling their goods at 30 cents a gallon which have cost them 70, for no reason on earth unless it is to show the power of the Government.

We are asked, Mr. Chairman, whether, if this extension is given, these parties will not go on piling up in bond whisky on top of whisky until hundreds of millions are in the warehouse. Manifestly not. They do not make whisky to keep in the warehouse; they make it to sell. They will not make a gallon or keep it in the warehouse one day longer than the market requires it. They are governed by the same business interests and principles as other men. They will, if they are not mistaken, manufacture only what they can sell, and sell at a profit.

Do you know how much whisky was manufactured year before last? In 1881 31,000,000 gallons were manufactured; in 1882, 25,000,000 in Kentucky; and last year there were less than 10,000,000 gallons of this product made. What was the reason for this decline? Why was there this reduction? Because the manufacturers saw that there had been overproduction, and by shutting down their distilleries they have undertaken to relieve themselves as far as they could in a business way. Many of our largest distilleries, costing thousands of dollars, have not had a fire in them for nearly two years.

They shut off last year over 15,000,000 gallons out of the 25,000,000 that had been manufactured the previous year in Kentucky and 20,000,000 of this class all over the country.

Does not that look like an effort on their part to save themselves from a financial crisis and bankruptcy? They would be safe now were it not that the Government comes and demands of them in three months nearly $20,000,000 in taxes. They have been compelled to borrow and put into the product every dollar that they could borrow from the banks. Nearly every producer of this commodity has been compelled to go to the banks, and each one owes at least 30 cents a gallon for money borrowed on every gallon which is in their warehouses, and which is the full cost of manufacture. Having borrowed from their creditors the cost of production (and it being only worth now from 25 to 30 cents in the market, forced out by the Government in order to collect the tax upon it), do not you see that after having carried it for three years, paying the insurance and interest upon the loans, having to stand the shrinkage, it stands them at a cost price of 70 cents a gallon? Now force this whisky upon the market and it will sell for about 30 cents a gallon, the amount they owe on it, and the result of it is that every man who is engaged in the business is utterly ruined and his business destroyed.

Why force it now on the market for consumption in advance of the legitimate demands of trade? It is not because the Government wants the revenue to be derived from it, because we know that it will derive the same amount whether this particular whisky should enter into consumption and be forced upon the market or not. Because if you do not consume this whisky, if you do not force it into consumption at a reduced price, lower grades of whisky will enter into consumption, which can be made at a lower price and placed upon the market in lieu of this, and upon which lower grades the Government will get the same amount of tax at a fair profit. Besides that, we are told that the Government has a large surplus of revenue. Why, then, bankrupt these men by forcing this whisky upon the market before there is demand for it. There is no reason, Mr. Chairman, given for it; no intelligent reason so far as I have heard up to this time.

Now, Mr. Chairman, a few more suggestions in the time I have. I see now the gentleman from Georgia [Mr. BLOUNT] in his seat. I thought day before yesterday, during his speech, he would go into spasms when he found, as he alleged, the great tobacco-raisers, the farmers in the country, were groaning under a tobacco tax. The law gives to the manufacturer of tobacco an unlimited length of time in which to carry their product into market. But the gentleman from Georgia says the Commissioner of Internal Revenue reports to him that in less than three months after the tobacco crop is raised it goes into the manufacturers' hands and the tax is collected.

Mr. BLOUNT. I know my friend from Kentucky does not intend to misstate me.

Mr. THOMPSON. No, sir; I certainly do not. If I am in error I want my friend to correct me.

Mr. BLOUNT. I did not make that statement.

Mr. THOMPSON. But you made one so close akin to it that it would be difficult to tell the difference.

Mr. BLOUNT. Will the gentleman allow me to explain, although I do not wish to occupy his time? The argument had been made that the whisky manufacturers had an advantage over the manufacturers of tobacco. It was in that connection I made the statement, not in relation to the farmers but in relation to the manufacturers of tobacco, as to the time the article went into market and when the tax was paid.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BLOUNT. I am sorry that I have occupied my friend's time, and ask that it be extended five or ten minutes.

Mr. WOLFORD. I hope my colleague's time will be extended.

The CHAIRMAN. Is there objection to the time of the gentleman from Kentucky being extended for ten minutes? The Chair hears none.

Mr. THOMPSON. I am certainly thankful to the House for the indulgence they have shown me on this occasion. As I said in the outset, I feel a very deep interest in this question because of my constituents, a great many of whom at least are interested in this matter, and if this relief is withheld it means bankruptcy to them. Therefore I have felt it may be an undue interest in it, and I speak from the standpoint of an interested man. I am trying to state as fairly as I can to the committee what I consider the business propositions involved, and I had just come to the point where my friend from Georgia [Mr. BLOUNT], as I said a moment ago, almost went into spasms over the laboring man in the tobacco field, "who," he said, "pays an enormous tax on his tobacco."

Who loans the poor toiling man in the tobacco field in his time of distress money at 4½ per cent.?

Who loans it to him? Not my friend from Georgia, I am certain, because he is not ready to lend money to anybody at all it seems.

Mr. BLOUNT. Because I have not got it.

Mr. THOMPSON. The gentleman in his remarks the other day continued—

And why should he be compelled to pay taxes to the Government in order that the money may be used in this way?

Now, I do think my friend from Georgia, being on the Ways and Means Committee of this House, ought to know there is no tax paid by the farmer who toils in the field and raises tobacco.

Mr. BLOUNT. I did not say so.

Mr. THOMPSON. I am reading from the gentleman's remarks in the RECORD.

Who loans the poor toiling man in the tobacco field at 4½ per cent.? And why should he—

Who is "he?" Why, that poor toiling man that seemed to trouble my friend from Georgia so much—

And why should he be compelled to pay taxes to the Government in order that the money may be used in this way? Why should there be taken from his hard earnings—

Whose hard earnings? Those of the poor toiling man—

Why should there be taken from his hard earnings money to be used for any such purpose as this?

Now, then, if my friend from Georgia upon the Ways and Means Committee has not stated to this House in that speech that money has been wrung from the poor toiling man in the tobacco fields to loan to these bloated bondholding whisky men, I can not read the English language and fail to comprehend what the gentleman means.

Is that a fair statement of this case coming from the gentleman who, on the Ways and Means Committee, is to guide you to a fair and deliberate consideration of the business interest? Does not my friend know that no poor toiler in the tobacco field pays one cent of tax upon the tobacco he raises? If he did I would remove it instantly if I could. Does he not know that the poor man who toils in the field pays no more of a tax on his tobacco than the man who raises the corn manufactured into whisky pays the tax on the whisky?

The farmer raises his tobacco, and the manufacturer pays the tax when it goes into consumption. And that is all that these men ask. "Oh," but my friend from Georgia says, "you are extracting money from the pockets of the laboring men to lend to these people." Not one dollar. They do not ask you to lend them anything. They are not borrowing money from the Government. The Government has got no money to lend to them, and they have nothing to ask from the Government in that way. This money has not been collected yet. The Government is merely asked to take its hand off their throats in order that they may get breath enough to pay the Government the tax it demands of them. Nothing is taken from the coffers of the Government. It has not gone in yet. Until it has got there the Government can not lend it.

Mr. WILLIS. If burned up to-morrow it never would go in, and the Government would lose nothing.

Mr. THOMPSON. As my friend suggests, if the whisky were burned up to-morrow the Government would get nothing; and not only that, but if the owners were to export it to-morrow the Government would not get a dollar of its tax.

Not only that, but if the policy which gentlemen advocate here should be pursued and these men shall be forced to pay the tax on this article, then the next day after the tax was paid they could export this whisky and have the tax returned to them under the rebate system of the Government.

Gentlemen have argued here, and the gentleman from Maine [Mr. REED] has told us the same thing, that by the extension here asked you would merely pile up in these bonded warehouses more and more of this whisky, and would thereby induce an effort on the part of these men in the future to have the entire tax taken off. I say to those gentlemen that they are mistaken. I understood the gentleman from Maine by his question to my colleague [Mr. CLAY] to intimate that in extending the time for the payment of this tax the result would be that at the end of two years there would be a hundred millions of gallons of whisky in the bonded warehouses.

Mr. REED. If the gentleman will permit me, what I said was this: if the forced payment of the tax on 70,000,000 gallons of whisky would produce a panic, what will the forced payment of the tax on a hundred millions of gallons do?

Mr. THOMPSON. My friend is mistaken as to what will occur. If the time is extended none will be forced out; it will come out as consumption calls it. Let me tell you what has been the history of this matter. Under the one-year period there was left in the bonded warehouses an average of 16,000,000 gallons per year. When the time was extended to three years you would naturally expect that the amount would somewhat exceed that left in under the one-year period, because the distillers would then be carrying in stock not merely what would be consumed from day to day but what would be consumed during three years. It would naturally be something over three times that amount. Therefore you would expect to find in these warehouses from fifty to sixty millions of gallons of whisky, about 15,000,000 less than the amount that you do find.

It is this surplus of 15,000,000 which is being forced upon the market which is making all the trouble. If you extend the bonded period still further then these parties would carry a little more, because they can carry it in the warehouses as long as the Government tax is not forced upon them. The whole 50,000,000 would not be carried over for two years, and have thirty or fifty more added to it, as the gentleman from Maine suggests. It would be taken out from day to day during that time and full 35,000,000 of it consumed in the next two years; only the surplus of 15,000,000 would be carried over, and only 8,000,000 of that is this old whisky made in 1881 and 1882. The warehouses show a decrease of nearly 10,000,000 last year, and will show a much larger this. There is no danger of piling up again. It was not induced before by extension of time, but by the sudden freeing of capital and great prosperity and activity in all manufactures growing out of the resumption of specie payments.

Is it a crime in these men to manufacture whisky and to store it in these warehouses? And is it wrong in the Government to allow them to do so? Why should the Government demand the tax before the whisky is taken out for consumption? That is all there is in the matter.

You will get the same amount of revenue whether this tax is collected now or later. If you do not want this tax repealed, if you do not want a strong and powerful party for the repeal of this tax to be organized in this country, when you come in a year or two to consider this question of repealing the internal-revenue system, you will let this whisky remain in bond; for as long as it is in bond you will have a guarantee that the tax upon it will not be repealed.

But if you force this whisky now in bond out into consumption, then they will demand the repeal of the tax. They will point to the ruin it has wrought, to the grievance which they have borne, and want the tax repealed. There being little or no whisky in bond, there will be little opposition to a repeal of the tax.

But I was on the subject to which the gentleman from Georgia [Mr. BLOUNT] called my attention, that was the subject of the laws relating to the bonded warehouse system as connected with import duties. My friend from Georgia said that the tobacco men paid all their taxes within six months of the time the article was produced. I come from a tobacco-raising country, and I tell you that tobacco is not ready for the market within six months of the time that it is produced. From the tobacco field it goes into the tobacco barn, where it is cured. Then during the long weary and dreary winter months it is stripped and handled and prepared for market. The next spring, when the roads will permit, it goes into the manufacturer's hands, and quite a year expires before it is even manufactured. When manufactured, it goes into the manufacturer's warehouses unstamped and untaxed, and remains there until it is sold to the wholesale dealers and jobbers. When it is taken from the warehouse the tax is paid upon it by means of the stamp which is required by the Government.

The farmer has nothing to do with paying the tax; nothing is taken from any laboring man. If one straw was laid in additional weight upon the back of either, I would not support the bill. No one sympathizes deeper than I do with the unfortunate condition of the farmers and laboring classes in this country. I believe this bill to be in their interest. It opens up again a great market for their surplus grain and gives employment at remunerative wages to thousands of men.

[Here the hammer fell.]

Mr. JONES, of Arkansas. I will take the floor and yield a portion of my time to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Chairman, this bill does not propose a permanent change of existing laws in regard to the time or manner of collecting the tax on distilled spirits; but it proposes a special change, or rather a temporary suspension, of a general law affecting an important source of the revenues of the Government. Should it become a law it would postpone for two years the time of paying taxes now due or hereafter to become due since the 1st day of December, 1883, on spirits in the bonded warehouses. We are boldly asked, when sent here to legislate under the limitations of the Constitution for the general welfare of the whole people, to turn from this great purpose and to grant special relief to a special but powerful interest, to relieve it from just burdens under the law. Sir, I regard the bill under consideration as the worst form of class legislation, because it is in the interest of a great and strong monopoly and is retroactive in its operations, and because the relief sought, if granted, will be at the expense of the great body of the taxpayers of the country. The gentleman from Kentucky [Mr. THOMPSON] who has just spoken in favor of the bill, like others preceding him in this debate, announced in the beginning of his remarks that he would discuss the measure as a business question solely. But before he finished his speech we heard his sympathetic appeal on account of the widows and orphans that would be distressed in the event of the failure of this bill to pass.

We saw him turn, as he said, to those whom he had been taught to regard as cold and unsympathetic, coming from another section of the country, the North, while those whom he had been accustomed to trust, and with whom he had stood in the struggles of the past, turned the back of their hands upon this measure and arrayed themselves in opposition to it. He appealed to the former to come to the support of this bill.

I submit in all candor to the gentleman from Kentucky whether this is dealing with a business question solely in a business way. I do not

propose to deal with it except as a business question and as a matter of public policy.

I shall not discuss the temperance question. I do not believe that this bill affects that question one way or the other. Gentlemen tell us, and the statistics bear them out, that in the bonded warehouses there is now enough whisky to supply the demands of the country for two years to come, and that it can not be sold to profit in foreign countries. Then, if the whole country is supplied, and the foreign market is overrun, so that there is no demand even in foreign countries, how can this question affect the cause of temperance? It seems that the whole country has all the whisky it wants, and that there is a two years' supply laid up.

The gentleman from Colorado [Mr. BELFORD] seems to be disturbed about two matters. He is annoyed continually on account of the surplus of money in the Treasury. He is not annoyed on account of the surplus of whisky in the bonded warehouses, but he does complain of the quality of the whisky. How he gets his information as to that I am not able to say, but he advocates this measure upon the ground that the Government does not need the tax now due and shortly to become due on this whisky.

But let us come to a business view of the merits of the bill under consideration. The report of the Commissioner of Internal Revenue shows the amount of whisky in bond affected by this bill to be 73,000,000 gallons. The tax is 90 cents per gallon, and under the general law must be paid within or at the end of three years from the time it is placed in bond. Therefore the aggregate of the tax falling due under that imitation since the 1st of December last, and shortly to become due, is about $66,000,000. The payment of this we are asked to defer for two years upon the ground that there has been an overproduction of this article; that it is the only article taxed upon which the tax must be paid before it can be sold for consumption, and that it will withdraw from the business of the country $66,000,000 and lock it up in the Treasury where there is already a surplus.

Originally the tax upon this product was collectible only upon sale of the same for consumption, but under that system there sprang up the great and scandalous whisky frauds that attracted the attention of the whole country a few years ago. Then the time for the payment of taxes was limited by statute to one year. After that, in 1878, in the interest of large whisky manufacturers, that time was extended to three years. This increase of the time, as shown by the statistics, caused a greater overproduction than had ever occurred under prior laws, having reached more than 80,000,000 gallons last year. But upon the refusal of the last Congress to pass a bill similar to this the amount has been somewhat diminished.

But suppose that after having had three years this interest is allowed two more within which to pay the tax; have we any reason to doubt, in view of the past, that the oversupply at the end of that two years would be greater than it is now? It would then probably amount to 100,000,000 gallons or more. Gentlemen argue that if the $66,000,000 now due and soon to become due on that now in bond is required to be paid according to laws in existence before and at the time it was made it will bring about distress and even a financial crisis. If this is a true prophecy, then at the end of the two years' extension asked for, if granted, the crisis will be still greater or the collection of these taxes must be abandoned altogether, for it is evident that the longer the time is extended the greater is the overproduction above the demand for consumption.

It is argued that this product is discriminated against in this: that the tax is required to be paid within three years whether sold or withdrawn for consumption or not, whereas no tax is imposed on any other product and required to be paid except upon consumption. But a careful investigation of the revenue laws and the reasons upon which they stand will show this complaint to be unjust. It is said that there is no limit of time within which the tax on manufactured tobacco must be paid; that it is only paid when it is sold for consumption, without regard to any limited time. This is true; but every law has its reason.

Tobacco in the course of trade, regulated by supply and demand, is sold for consumption within a short time after manufacture. It does not improve by keeping, but soon begins to deteriorate in value. Therefore there is no reason for requiring the tax to be paid within a given time prior to sale for consumption, because it must be sold for that purpose within a short time. Not so with whisky, because under the internal-revenue system and the monopoly fostered by it large accumulations of capital are invested in its production, overstocking the markets of the world with about the only manufactured product that improves and rapidly appreciates in value by keeping. Under this system it is guarded and protected in the warehouses at the expense of the Government by officials paid by the tax-payers of the country, without expense to the manufacturer or owner.

If while in this custody it is destroyed by fire or otherwise, no tax is required. There is therefore no necessity of a specified time for the payment of tax on tobacco, but strong practical reasons why there should be as to the tax on the manufacture of whisky. Gentlemen have referred to the liberality of the laws with reference to importers of foreign goods to further show discrimination against the whisky interest, but a careful study and understanding of these laws will disprove the charge they make; for the latter may stay in the bonded warehouse free of tax and guarded by the Government, and then be withdrawn upon payment of the tax if to be sold or used in this country, or without tax altogether if it be exported to other countries.

Imported goods can remain in our custom-houses without payment of the duty only one year, or if longer than one year by payment of 10 per cent. upon their value for the second and third year. At the end of three years they are considered as abandoned to the Government unless the tax is paid. I fail to see any discrimination against manufacturers of distilled spirits by a comparison of these laws. Strip this question of all confusion thrown about it by the specious arguments adduced by the advocates of the measure, and it is nothing less than a proposition for the Government to loan money to those liable for this tax. I will not say that this is true to the full extent of the $66,000,000, which would be the tax on the whisky now in bond if it should all be sold or consumed in the United States, for it is fair to presume that it will not, and that some of it will be exported to other countries, and will not therefore under the Constitution, which forbids a tax on exports, be liable to any tax.

But it is also fair to presume that the greater part of it will be sold and consumed in the United States and will be liable under the law to the tax. This being true, the passage of the bill would be substantially a loan of the greater part of the sum of $66,000,000 to the owners of the product. But we are told that the Government has already a surplus in the Treasury and has no immediate need of this. Again, we are told that the bill requires the payment of 4½ per cent. interest per annum during the period of the extension or loan. Why should the Government collect promptly all that is due from the great body of tax-payers, the weak and the poor, many of whom pay 7 or 8 per cent. upon mortgage debts that rest upon their little homes, upon the very shelter that protects their families from the storm, and the soil that yields them support, in order to hoard money to loan by the million to a great monopoly?

We are told that the Government will be perfectly safe, and will get the tax with 4½ per cent. interest; that it is purely a business transaction, and a good one for the Government. If this were all true beyond dispute this great interest would be independent of such favors as are asked by this bill. If the owners of this whisky can make the Government so safe as to make this such an advantageous transaction to the Government, why can they not also secure individuals, banks, and business institutions equally as well? No, Mr. Chairman, there is in my judgment something beyond all this. It seems now quite probable that the internal-revenue system will not be continued in force many years longer. If the policy of postponing the collection of taxes to the encouragement of continued overproduction is begun, it is highly probable that when the time comes to abolish this system of taxation Congress will be asked to remit altogether the unpaid tax at that time, upon the ground that those paying 90 cents tax on the gallon can not compete in the market with those dealing in that made and sold free of tax.

The gentleman from Kentucky, replying to the question as to who will lend money at 4½ per cent. to the poor tobacco producers of the South, scouts the idea that the farmer who raises tobacco pays any tax to the Government. He says it is paid by the manufacturer.

It is true that the money is passed into the hands of the Government through the medium of the manufacturer, but in fact the tax is ultimately paid by the consumer in both cases. But when the gentleman from Kentucky says that the farmer who raises tobacco is not taxed he is mistaken. It is true that he may sell his tobacco to an authorized manufacturer who has complied with the laws of the United States in the manufacture of tobacco. But if the man who raises a small amount of tobacco on his farm undertakes to sell it to anybody else he violates a penal law of the United States. Although he may not have five hundred dollars' worth of property for the support of his family, for the maintenance and education of his children, yet if he sells a pound of tobacco to anybody except an authorized manufacturer under the law, you do not merely deal with his finances and threaten him with bankruptcy as to the small amount he owns, but you seize his person and incarcerate him in prison as a criminal for selling tobacco which he has made by the sweat of his face with his own hands upon his own land.

By act of the last Congress the producer is allowed the generous privilege of selling as much as a hundred dollars' worth of tobacco a year, provided he sells it on the premises on which he makes it and to the consumer only. Gracious privilege that the toiling farmer has in this free country! This was accorded to him only a few months ago. Prior to that time he could not sell a pound, except to an authorized manufacturer, without violating a penal statute and being indicted in a Federal court, perhaps one hundred miles from his home, where he could not defend himself without great expense.

But before discussing this system further now, as I wish to recur to it again, let us notice another argument that has been offered in support of the proposition before the House. The distinguished gentleman, chairman of the Committee on Ways and Means, in his report says that during the period that this oversupply of whisky was made it was not peculiar to that business, but that there was an overproduction in almost all other departments of productive industry throughout the country. What other business which has been overdone during that period is coming here and asking relief at the hands of the Government on ac-

count of overproduction or because of disasters in business? It is natural to sympathize with those who are in distress and who are unfortunate in business.

Mr. WILLIS. Will the gentleman permit me to ask him a question?

Mr. CLEMENTS. Certainly.

Mr. WILLIS. Can you name any other business interest in these United States, except the tobacco and whisky business, upon which there is an internal-revenue tax? I ask the gentleman to name a single one upon which this kind of a tax is imposed.

Mr. CLEMENTS. Tobacco and whisky are the chief products from which the internal-revenue tax is derived.

Mr. WILLIS. There are no others.

Mr. CLEMENTS. These are, I admit, the chief items.

Mr. WILLIS. Therefore they are not placed on a par with other industries, and they should not be compared with them by the gentleman in his argument.

Mr. CLEMENTS. It would be just as legitimate for the other industries to come and ask relief from the consequences of overproduction in another way as for this interest to ask relief from taxation. Now suppose, for instance, that there was overproduction of any given class or kind of goods until the supply had gone beyond the demand of the market and the manufacturers were consequently in financial distress. The gentleman from Virginia [Mr. TUCKER] suggests that we would have a howl for larger protection. I ask the gentleman from Kentucky and those who advocate this bill if they would respond to their appeal and advocate larger protection, if they would give relief on account of overproduction in that case? Is the paternal hand of the Government to be extended in relief to every private business? Is the Government to become an insurer against losses by speculation and overproduction

It is admitted that a large proportion of this whisky is now owned or controlled by others than the distillers; that the banks are largely interested in it. I invite attention to the copies of telegrams which have been recently sent from different parts of the country, mostly from those sections where the whisky is in bond, urging the passage of this bill.

Copies of these telegrams are upon our desks this morning. If I have made no mistake in hastily counting and classifying the persons and business firms from whom they come, I find one hundred and one in all, seventy-one of whom are bankers or bank officials; only three or four are distillers. Allow me to read just one of these telegrams. It is as follows:

I believe it will be a benefit to all Northwestern banks to pass the bond extension bill.

T. R. WALSH, *President.*

Are these the orphans alluded to by the gentleman from Kentucky? Banking is a legitimate business, entitled to justice under the laws, but I know of nothing entitling those engaged in it in the section of the whisky monopoly to special relief from the consequences of mistakes in business at the expense of the tax-paying public. Government should guarantee equal justice and protection to all, whether weak or strong, but not special favors to the few at the expense of the many.

Let these great interests as well as the poor individual tax-payer "render unto Cæsar the things that are Cæsar's."

Fifty-three million gallons of this whisky is in the Kentucky warehouses—over two-thirds of the entire amount. The strongest appeals for the passage of this bill come from Representatives from that State. Yet we look in vain to them for aid to repeal the internal-revenue system. They are unwilling to give up a system that has established and fosters this great monopoly, which is protective in its operations to this interest in the localities where it is established. On this account this interest seems to want the tax continued theoretically but not to be paid in fact.

I will join hands with those who desire to strike down this internal-revenue system in its entirety. I believe, sir, that the time has come when we can afford to do it. But it is said that we must tax whisky and tobacco because they are luxuries. The tax is borne by the consumer. The consumers of these articles are the poor as well as the rich. The tax on tobacco virtually excludes the small farmer from its production. If the vexations and penalties of this system were removed this would soon become an important and profitable product in many sections where under these vexatious laws it has been almost abandoned, and yet where the soil and climate are eminently suited by nature to its growth. The removal of the Federal tax from whisky will not make it free of tax. All of the States tax it and will continue to do so.

I boldly venture the assertion that the internal-revenue laws have not been promotive of temperance. Under them no less whisky has been made or consumed than would otherwise have been. There has been no less drunkenness under these laws than prior to their existence. Upon this point I appeal to the experience and observation of all. Under these laws the whole country now has an oversupply sufficient for two years. More is made and consumed than ever before in the history of the country; but under the monopolizing tendencies of these laws the profits of making it are concentrated in the hands of the few. This system means plenty of whisky for all, and large profits thereon to the protected few. Temperance, prohibition, local-option laws, &c., are not materially advanced by the indirect aid of tax on whisky. The success of such laws depends mainly, as is demonstrated all through Georgia and other States to-day, upon the support and strength of public sentiment. The abolition of this system would leave the States and local authorities to increase the tax for State and local purposes, thereby diminishing the direct tax for State and municipal purposes; and when public sentiment demands it, the State authorities could suppress the traffic as they now do in many instances.

The present large surplus of about $150,000,000 withdrawn from the business of the country and locked up in the vaults of the Treasury emphatically admonishes us that taxation must be reduced. This is necessary in order to avert financial embarrassment of the business of the country consequent upon the withdrawal of so great a sum from the aggregate circulation of the country, already none too large. Again, it is necessary, in the interest of honest, economical government, that we have no such constant and unnecessary surplus, inviting gross extravagance in the application of the same, for by whatever devious channel it reaches the vaults of the Government it is at last the result of burdens upon labor, the foundation of the wealth of nations as well as of individuals.

The excise or direct-tax system by the Federal Government has ever been repugnant to the people. It has only been resorted to three times in the history of the Government. First, in consequence of the Revolutionary war; second, in consequence of the war of 1812; and third, in consequence of the late war. Thus it will be seen that it has never been resorted to except as a war necessity. These laws have in each case been unwelcome to the people and resisted by them. They caused a great and expensive insurrection in Pennsylvania. They have caused strife and bloodshed whenever they have been in force. They are in their operations, with their spies and informers and petty prosecutions of the citizen, contrary to the genius and spirit of this Government of a proud and free people. It is said that these taxes are collected more cheaply to the Government than any other, but such a conclusion is the result of a false method of calculation. This would appear to be true if we only count the salaries and expenses of those engaged in the collection of these taxes. But when we add to these, the expenses attending the prosecution of the many thousand cases arising in the courts, and the expenses borne by the defendants in such cases, and the value of property seized and destroyed under these laws, the system is found to be an expensive one to the people.

The following figures show the heavy expense attending the collection of these taxes in the State of Georgia. Official statements show that in the fiscal year ending June 30, 1883, there was collected in the second Georgia internal-revenue district the sum of $307,770.27. The expenses for the same time in this district were $71,460.94. The collections in the third Georgia district for the same time aggregated $87,890.76, and the expenses $22,256.02. I mention these figures simply to show a part of the operations of a system which is not a cheap one, but expensive to the people. I would be glad to continue the statements as to other districts and States, but have not the time to do so.

Mr. Jefferson denounced the similar system of his time as an "infernal system." The late Mr. Stephens, of Georgia, during his last term of service in this Hall, inveighed against these laws and advocated their entire abolition, denouncing them as "anti-republican, anti-democratic, and anti-American."

Mr. BRECKINRIDGE. Mr. Chairman, in the remarks I shall offer upon this question I shall confine myself to discussing the principle of taxation that enters into the bill. When this bill first sought consideration in the House I voted against its introduction, because it seemed to be justly antagonized with public matters in the shape of an appropriation bill. My disposition and expectation was to vote against it upon its passage. Yet I was perfectly willing to give it its day in court whenever it applied for it without causing any serious disturbance to what I considered more commanding claims. That expectation upon my part was predicated upon what may be called the first blush appearance of the matter and upon my antipathies to the whole whisky question and traffic, which I can not dignify by a higher term when entertained here by one acting in his official capacity as a national legislator than prejudice, as we ought to know no businesses in this Congress except in the general catalogue of equal industries.

Sir, I do not know of a cause that upon first appearance has more against it than this. A careful analysis of the question, however, has led me to the conclusion that this is a just bill and one that ought to pass the House.

At first blush it looks as if it were a piece of Simon Pure class legislation. It looks simply as if a lot of men thoroughly cognizant of the law had gone into the business of whisky making of their own volition, and instead of the markets giving them the profits which they hoped for, it has been unfavorable from one cause or another, and now they fear heavy and ruinous losses, and want the Government to come in and help them control prices. It looks as if it were simply an appeal to the Government to hold up in the collection of the tax, and thus virtually to lend them money at a low rate until their troubles are over. This would be class legislation of the worst sort.

And it would appear also as if this matter comes before Congress at

a time singularly inopportune; as if it were an appeal to the Democratic majority now to grant exceptional relief. Though this is not a party question, or should not be, yet the Democratic party is responsible for the legislation which gets through the House, and will so be held by the country. This looks as if it were a piece of class legislation coming to us when the majority of our party in the House and a still greater majority of the party throughout the country are engaged in a special contest for the steady repeal of all such legislation which has been foisted upon the country.

It comes to us at the time when the Supreme Court itself has thrown open the flood-gates to the wildest heresies upon the currency question; at a time when, under the sanction of the Supreme Court of the United States, the people can come here and demand that Congress emit bills of credit without limit except its own discretion. It would seem as if any other class of people could come before Congress with exactly the same claims upon it for consideration if they should happen to get into business troubles. This doctrine would certainly be intolerable to Democrats, and would be singularly out of place now.

But if we give this matter careful and dispassionate consideration, what is the true status? Is this business in its relations to Congress in the same attitude as all other businesses in the country? No, sir. Is it in the same attitude with reference to Congress as any other business in the country? No, sir. It has marked, conspicuous, and very great and potent points of difference in its relations with Congress from that which is sustained by any other business that we have.

But those points of difference are not points of natural difference. This is not as if a plea were made for an "infant" industry to be fostered by subsidies until it gains prematurely, by feeding upon the blood of its brethren, the strength of manhood. I do not believe in legislating to crush out or by a partial treatment to force away any natural differences that exist between industries; for, in the first place, Congress has no just power, much as it has been and is now exercised, to legislate upon these distinctions; and, in the second place, Congress ought not to have any such power, for those differences are better equalized by natural growth.

But the differences in this case are artificial and have been caused by acts of a legislative character. The differences have been made by the acts of the Congress of the United States, and therefore they can properly be taken cognizance of by Congress. They are differences which you have created, and as the thing created never rises higher than its maker, these differences are always thoroughly under your dominion.

What are these differences? In the first place, this commodity is taxed higher by far than any other commodity in our country; it is taxed not less than 400 per cent. upon the cost value of the product. Those who have taken occasion to look into the question know that to produce a gallon of whisky in this country costs upon the average from 20 to 23 cents. The rate of tax is 90 cents on the gallon. What other commodity do we tax to the extent of 400 per cent.?

Compare it with the one other article of a somewhat similar character which we tax, an article which if it has any unjust difference arising from our action can come here and ask us to take cognizance of it. I refer to the article of tobacco. The tax on tobacco is now 8 cents per pound, which is about 100 per cent. of the average price of the article. If I am in error in that I trust my distinguished friend from Virginia [Mr. TUCKER] will correct me. I remember reading in a speech of his a year or two ago that the average value of tobacco in the leaf was about 8 cents per pound. Am I correct in that?

Mr. TUCKER. Hardly as much as that.

Mr. BRECKINRIDGE. Very well. The tax of course is laid upon tobacco after it has acquired an additional value by being manufactured, in which case the perentage is less; so it can not be over 100 per cent. of the value of the article at the time it is taxed. Therefore, take our treatment of these two articles, the one we tax 100 per cent. and the other we tax 400 per cent. I need not multiply by quoting wines and other articles from the tariff list.

I am perfectly willing to admit the claim that the consumer pays the tax; that the tax is a small burden on the manufacturer of whisky. I am willing for the sake of argument to admit more. I am willing to admit that the mere matter of tax upon whisky, although it amounts to fully 400 per cent., is no burden whatever upon the manufacturer, and furnishes no ground for complaint.

Then wherein does come this cause of complaint? It comes from the manner in which that tax is laid. We all know the difference between carrying a burden rightly fitted and one that is badly fitted. The nature of the burden is that upon some classes of whisky the tax is compelled to be paid before the commodity enters into consumption; such whiskies have to go through an aging process, which is a part of the manufacturing, before they can be made ready for market. The tax is paid upon this article the same as upon cheap whiskies which do not require fifteen minutes to age them. Whenever you place a 400 per cent. tax upon an article before it is ready for the market you place a burden upon it which is of a most exhaustively onerous character.

Suppose they want to export that whisky, of which they have to export a large part; and compare the burden in this case with such a tax upon cotton or corn or wheat. If you have a bale of cotton worth $50, and there exists a condition of things under which you can not put it upon the market properly until after the lapse of two or three years, and you must pay a tax of $200 upon that bale of cotton before the time to market it comes, what chance have you to compete with other parts of the world when you have been losing the interest not only on your $50 but on $200 besides? If you wanted to hold it you could not; and if you were compelled to hold it, although you get a drawback of your tax when you export years hence, yet you have lost the interest or had it to pay upon $250 instead of upon only $50, and it would ruin you. That would take $25,000 as a steady outlay to hold one hundred bales of cotton. The interest would kill you. That would cut you off from the foreign market. Is that right?

Mr. HERBERT. Will the gentleman allow me to suggest that exported whisky does not pay the tax?

Mr. BRECKINRIDGE. Of course not. I am glad the gentleman has made that suggestion. It pays it, but the tax is paid back without interest when years after the whisky is exported. There is a drawback then. But the exporter of whisky loses all the interest on the 400 per cent. tax that had been paid. That is my main point. I want it to be clear.

Mr. WILLIS. And loses all the leakage.

Mr. BRECKINRIDGE. That is true and also proper. It prevents stealing. And he stands evaporation, which is right. If you pay the tax and want to hold that whisky three years, as indeed you have to hold it before it is ready for sale, and then you want to export it and put it upon the foreign market or you sell it to a foreign buyer, you lose the interest on 400 per cent. of the principal invested in the commodity, as well as on the principal itself, which latter is right, and you simply get back the naked tax with the loss of three years' interest on it. Here the whisky maker has been compelled to lend an enormous sum to the Government for years for nothing. Is that right?

Mr. HERBERT. I want to call the gentleman's attention to the fact that the manufacturer can hold his whisky here three years before the payment of any tax. At the end of that time it is said to be ripe for use; he can then export it, and there is no export tax on it at all.

Mr. BRECKINRIDGE. I am astonished that my friend from Alabama, who has had occasion to study this bill, should know so little about whisky as that. [Laughter.]

Mr. HERBERT. I do not claim to be a judge.

Mr. BRECKINRIDGE. I trust, sir, that we both now will know the facts of the trade without being judges of the merits of the article. [Renewed laughter.] When whisky comes out of the still the cheaper article, by the use of berries and chemicals, is made immediately ready for commerce. The fusil oil, a destructive and poisonous element, is thus extracted. It is ready for any market, and enters, with alcohol, which also requires no time, immediately into the arts, as well as into more objectionable consumption. But if it be intended to make the finer quality of whisky, for which there is at times a large foreign demand, the objectionable ingredients must be extracted by the chemical process of age, and it takes all of six years to do this. If it remains ten years, it is of course more perfect still. I have never heard any one complain that whisky grew meaner as it grew older. This is one thing that always honors its age.

Therefore, when you pay the tax at the period demanded by law, and you send the article to the port for the foreign market, you lose the interest on 400 per cent. of the principal as well as the interest on the principal. This is all I ever claimed as being the real burden; for I have admitted that the mere tax itself is, in my humble judgment, no burden worthy of complaint here at this time, and this industry is making no such complaint. I have tried to show the consequences that accrue from the method of collecting the tax; and in due time I will try to show that while we can rightly encumber this business in its home market, so far as the burden of simply taxing it for revenue goes, yet we have no right to go beyond that and persecute it, for the States have not given us that power; and we certainly can not deprive any community of the right of free export, for the Constitution expressly denies us that power. Hence to do what we now do is to usurp a power upon the one hand, and to violate a plain injunction, with all the danger and meanness of a clandestine method, upon the other hand. The Constitution says: "No tax or duty shall be laid on articles exported from any State." And right here, when we have arrived at the full measure of the true status of this business, will all the rights and wrongs of the case appear.

Now, we know that this method of imposing taxes does not apply to any other commodity in this country. As has been frequently and clearly demonstrated, you do not pay tax upon tobacco until it goes immediately into consumption. If the manufacturer of tobacco wants to keep it any length of time he puts it into the warehouse, and it never costs him interest except upon the capital invested in the tobacco. He does not have to buy his supply of stamps more than seven days ahead, and only one day ahead if a revenue officer be convenient. He pays his tax just as he ships his invoices. Tobacco pays tax as it goes into consumption, and that is the principle upon which taxes should be paid. Any other method of laying this taxation is burdensome and unjust. Hence this whisky interest has the right to complain of the discrimination that is made against it, and to ask as a legal business, so far as

we are concerned, to be relieved of this class legislation. If any State lets it live we have to recognize it as the equal of any other business in its claims upon foreign and trans-state commerce.

Mr. Chairman, one other consideration is worthy of mention. This postponement of the tax upon whisky bears the appearance of a loan; but as I have said, it is not a loan. It is unfortunate that it has the appearance of a loan; yet I do not know of any better way of accomplishing the object really sought. The charge of interest is simply a delusive though effectual method of covering any undue expenses that may be incurred by the Government in connection with caring for the whisky which may remain in bond for an unusual length of time. For instance, a man is allowed to keep his imports in the custom-house for twelve months; but if he keeps them there for three years he is compelled to reimburse the Government for the extra care, the extra watching, &c.; and he is charged 10 per cent. upon the taxes, the storage, and other expenses that have accrued for the whole three years. This is the method by which the Government reimburses itself for charges which are difficult to compute and which are made up of different items. It amounts to say something more than 3 per cent. per annum for the whole three years, for some of the goods are taken out at a shorter time and pay the whole 10 per cent. Of course the amount of money that has to bear this interest is less than the principal invested in the commodity, say about three-fourths of the principal. If interest at this low rate on a part of the principal be sufficient for imports, then surely interest at a higher rate, 4½, as proposed in this bill, on all of the principal and on four times as much again, is sufficient for domestic whisky. It amounts to over 20 per cent. a year on the principal.

Now, if under the law you keep this whisky a given length of time free of charge, what additional expense accrues to the Government if that time be extended to an unusual length? What additional expense would there be? Certainly nothing for renting warehouses. The distiller has to furnish the warehouse. And nothing for enlarging warehouses, for if an increase of goods takes place the distiller himself has to enlarge the warehouse. If he blocks up the warehouse with a given amount of goods, and keeps them on hand for three, six, ten, or fifteen years, he knows in the ordinary course of trade that so long as he keeps it it improves with age and he gets back his money with interest. He could keep a Government warehouse-keeper there during all that period watching that stock of whisky. The Government would be at the constant expense of the salary of the keeper. Therefore, in the application of the just principle of collecting the tax when the commodity goes into consumption, and of protecting itself against any expense which accrues to the Government because of the commodity being for a long period withheld from consumption, it adopts the usual form of charging interest in a safe way on something to cover that unusual expense. It is then simply not to lend the man money, but to protect the Government against the accumulation of warehouseman's charges.

That is the correct view to take of it, and when so viewed it is not offensive, but the form we have to put it in of interest is at first glance delusive and deceptive. But the custom is our universal practice, and it should not militate against one commodity more than it does against another. If it is a "loan" to one it is a "loan" to all. Every article that enters our custom-houses is treated that way. The truth is it is a loan to nobody, and the proposition here is to stop the Government from raising enormous forced loans from one class of her citizens, and a loan, too, for which she pays no interest. Certainly justice would require either that we should not collect taxes prematurely or that we should pay interest upon the drawback of which we have had the use. The simpler way is not to collect prematurely. I need not enter upon the proposition of protection from having to watch small stocks, which is easily remedied, if not already provided for.

Therefore, what is the demand of this industry? It is not protection; it is not relief from any natural infirmity; it is not relief from any custom or regulation that applies to any other commodity that the law has put upon it; it is not to free it from tax, but it is simply that it be placed upon the just and customary principle of taxation; that the collecting of the tax be so modified as not to violate the acknowledged laws and practices for deriving revenue by internal taxation, and thus not only give this class of our people their just dues, but also the Government a better system, and the business machinery of the country, especially the monetary system, less friction.

Now, sir, there is some embarrassment to those who would advocate this matter that may arise from misconceptions on the part of people throughout the country. They would like to know why, if this claim is so just as to induce these people to come here and demand extension for a given number of years, it does not require extension for an unlimited number of years. One of the embarrassments of this bill is that it does not demand enough in the way of extension. We know in the last Congress with only twenty-nine dissenting voices in the House of Representatives the bill for unlimited extension was passed. That would be a logical bill going to the logical end of this matter, and the people could readily understand it. I would be much better satisfied if, while it protected the Government by some interest or other clause which accomplished the same end from undue expense in the way of warehouse-keepers's salaries, it would give an unlimited period of extension. This would not only be more readily understood by the people, but it would be the end of this matter and in every way better for the Government and the whole country.

Gentlemen may say this claim has come here before, but if it be a just claim, why ought it not to have come here before? They may say it will come here again. If it is a just claim why should it not come here again?

I say, for my part, it ought to have come, and it ought still to come until it gets from Congress a recognition of the proper method of laying and collecting the tax. But to prevent these people from coming here for what would be class legislation, namely, a repeal of the interest charged under this bill, I would have the interest paid quarterly in advance. But that will come up when amendments are in order, and I am informed that the friends of the bill are willing to accept that amendment.

We know there is good sense and right spirit in the frequency of just appeals. We know the widow who was disregarded by the unjust judge by solicitation achieved her rightful demand, and although these people have none of the generous sympathies of the country that does not deprive them of the prerogative of asking for what is justly their due.

We have heard a good deal also about this being a ring. Perhaps the greater part of the legislation of this country and of most countries is born of prejudice. Many of those who are most able in directing public sentiment never fail to play upon those magic chords. Sensible men always attempt to achieve a common right by association and organization. A ring! What kind of a ring? Are they coming here seeking to avoid taxation? No, sir. Are they coming here seeking anything that was not unanimously recommended by the Ways and Means Committee of the last Congress? No, sir. Do they come here and ask for anything that was not indorsed by the last Congress with only twenty-nine dissenting votes in this House? No, sir. They must proceed in some organized way. We have heard much of lobbies around Congress for unjust causes. Would it be wrong for men to assemble here to urge what is right? I think not. Yet I am free to say that if there is a man in Washington lobbying for this cause I have never seen or heard of him. If these people have and are now exerting themselves systematically and constantly it would argue nothing against their cause or against this bill, but it would simply show that they are alive to the only known way of achieving results. I would commend them for it. Anything less would make them ridiculous to sensible men.

Mr. WHITE, of Kentucky. May I ask the gentleman a question?

Mr. BRECKINRIDGE. Certainly.

Mr. WHITE, of Kentucky. Will the gentleman explain why it is that these people raised $700,000 to be used in elections in the States to put their bill through Congress?

Mr. BRECKINRIDGE. That has nothing to do with the merits of this bill. I suppose they were endeavoring to get what they believed were their honest and just rights.

Mr. WHITE, of Kentucky. The testimony before the Windom committee of the Senate, in 1882, is the evidence on which that statement is made.

Mr. BRECKINRIDGE. That has no relevancy.

Mr. WILLIS. I have the report of the Windom committee in my hand, and I will say to the gentleman from Kentucky that the whole spirit of the report is directly to the contrary.

Mr. BRECKINRIDGE. What does that matter? Suppose it were true. Suppose they raised $1,400,000 in place of $700,000, as the gentleman says. Can he point to any improper use of money? I dare say they raised some money. How much or how little I neither know nor care. That is no business of mine. Suppose they had even bribed men. I would have contempt for them. That act would prejudice their case; but our duty still would be to consider this bill upon its merits. But bad men should not be permitted to withhold justice from good men. Even a criminal must have his dues. But no wrongdoing is attached to these men. The Republican party has often raised money, directly and indirectly, and properly and otherwise, to carry elections. The Democratic party has attempted to raise it at times. It takes money to organize and bring out a party's vote. It is only by elections that people can send men to Congress to contend for their rights. It may be a proper and legitimate question that they want to bring before Congress. Their rights and interests may be at stake.

This, then, is not a ring in its offensive sense. Contrast it with other organizations and efforts that we are familiar with. There has been a whisky ring, one that the gentleman will recall at Saint Louis and Chicago. That was a ring in its most offensive sense, organized for plunder, organized for the robbery of the Government.

Mr. WHITE, of Kentucky. Now, the gentleman alludes, if he will permit me again to interrupt him, to the whisky ring of Saint Louis and Chicago, which he admits was organized for purposes of plunder——

Mr. BRECKINRIDGE. Admit it! I charge it.

Mr. WHITE, of Kentucky. Now, I ask him whether under the operation of the present law, what is known as the Carlisle bill, it does not give to the distillers just as big a steal as they could have made themselves? And they do not have to steal it now.

Mr. BRECKINRIDGE. If it is a bill which within its provisions

gives these men the benefit which the gentleman from Kentucky refers to, they get it honestly; but if they obtained it, as in the instances to which I have referred, when it was withheld by the law, then it comes within the terms of what you may properly call a steal. That is all there is of the question.

Mr. WILLIS. Here is the report of the Windom committee on that point.

Mr. BRECKINRIDGE. I care nothing for that. It has no bearing upon the merits of this bill. There is nothing that attaches to this claim in the nature of a ring in an odious sense; and I drew that comparison not to make a partisan point but to protect this bill from prejudice by comparing these business men with what gentlemen regard as a ring in the sense that I assume those who refer to this as a ring desire us to understand by it. In that instance the motto should have been, "Let no guilty man escape." In this instance the most eminent bankers and business men in the Union are urging the passage of the bill. It is strange that some gentlemen can not distinguish between a ring of men to violate the law and steal from the Government and a body of people who openly and boldly come before Congress for a redress of grievances. Do you expect them to sit still under proscriptive legislation and be ruined? Is it wrong to urge and petition Congress for redress? Our fathers did not think so, for they sacredly established this high right in the Constitution, which says: "Congress shall make no law * * * abridging * * * the right of the people * * * to petition the Government for a redress of grievances." Are the open petitions upon our desks a wrong? The cry of a ring is misplaced here.

I have given what I consider the first blush appearance of this case, and I have tried to state the seeming appearance in its worst and strongest light; then I have tried to state the true status of the question. In going over this ground I have treated of some collateral points, and have indicated the practice as well as to some extent the principle of taxation that ought to obtain. I will, however, ask the attention of the House a little more particularly to what I consider the determinating principle that should guide us in this legislation. It should be treated, Mr. Chairman, simply and solely as a question of taxation and revenue. It should not be argued here upon the line of the humanities. The business receives no gratitude for the taxes it has paid. Gentlemen can not invoke our support upon that ground. While we can not and ought not to foster this business, yet it is equally unconstitutional and mischievous for us to seek by national legislation either to extinguish or to persecute it. The national function is revenue. The people do not want us to exceed our functions or powers. The States reserve to themselves the social question. They can legislate upon the social and humane features of the question; but we should confine ourselves to the jurisdiction they have given us to tax for revenue, leaving to them what it is our duty not to encroach upon—what in their superior wisdom they have reserved for their own management.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. As the gentleman was kind enough to permit interruption I hope his time will be extended.

Mr. BRECKINRIDGE. I would like to have fifteen minutes longer.

Mr. WHITE, of Kentucky. I ask unanimous consent that the gentleman's time be extended for fifteen minutes.

There was no objection.

Mr. BRECKINRIDGE. I thank the House and the gentleman for this courtesy. As I was saying, that is the function of the National Government, revenue. For the lack of some better expression I will lay this down as an axiom, in the light of the Constitution and of common sense, that national taxes should be laid solely with reference to revenue, and they should be so laid and collected as to yield the required revenue at the minimum cost of collection and at the minimum degree of interference with the social and industrial well-being of the people.

Some may think that we fail to interfere with the well-being of society if we refuse to pass this bill. They should remember that the result of that course is to force down the price of whisky by retaining a persecuting clause in the law, which defeats their own ends. As soon as the cheapened whisky has killed all the men and ruined all the happy homes it can and the excessive supply has been exhausted, then the price advances. Then they begin to hope for some cessation of their saturnalia of drunkenness and crime. Why? Because whisky has advanced. If high whisky stops it, why will not high whisky prevent it from starting? If cheap whisky increases drunkenness, why defeat this bill and make whisky cheap? But you think the whisky makers will be bankrupt and no more will be made. The distilleries will not be burnt down. Creditors will have bought them up at a sacrifice and they will not keep them as idle property. As soon as the market advances so as to guarantee the prices that will prevail if this bill passes, then they will start to making whisky again. You will only then have recovered your lost ground; but you will not have repaired the ruin to society that you will have wrought. If you continue such a law as we now have and these new distillers in the course of years should forget the old lesson and you refuse to pass some such bill as this, then you simply do the same injury to society over again. As long as people want whisky and are able to pay for it and a State permits it to be made and sold, just that long will men be found ready and able and willing to make it.

I only make this argument for those who need it. Most of the temperance men know that society and temperance do best when left at home. They know that Congress never touches those things but to blight them. They know that the Constitution forbids our touching them. They know that if we had the power to regulate whisky drinking we could allow it as well as prohibit it. Every community that is now secure in temperance would run the risk of losing it. They would be very apt to lose it. If the Constitution forbade the making of whisky we would have to leave it to the States to enforce the provision. They would do then as they do now, which is just as they like. If the Government attempted to enforce it it would take a police force of half a million of men. They would be subject to no local influences or authority. They could force open and search every home in the nation. If honest, the policing of Russia would not be equal to the tyranny. If dishonest, as nine-tenths of them would be, then the day of whisky rings would just have begun. The whole thing is impossible, and any action by us upon this line is different in mischief only in degree, and the further we go the worse it is.

Now, upon the other hand, some gentlemen may agree with me in my premises as to the determinating principles in laying this tax and yet hold that the least disturbance to our monetary and general business matters will be realized by defeating this bill. In my statement of the true and exceptional status of the relations in which this business stands to Congress I revealed that we have restricted their equal right and chances to export, which is unconstitutional, and that ought to condemn the law as it now stands. I revealed that to hold, say, $20,000,000 of this commodity for either the domestic or the foreign market it takes in all an outlay of, say, $120,000,000. The interest on all of this amount must be lost by the producer for three years before he can afford to market the higher grades of goods. It is no advantage to any merchant who wants money, or to any farmer who wants credit of the merchant, to find that the banks have got so much money locked up in whisky, advanced before market day to the Government, and the banks must either stand out of that money for years, waiting for the time that the Government ought to wait for, or else see good customers go to the wall. The more they have to advance prematurely to the Government for these customers the less they can do for other customers. Thus times are made hard all around. Clearly the Government by its rapacity in forcing taxes before the article is sold to the jobber or shipped abroad is not only acting in violation of the Constitution but also is deranging the whole order of business.

We are to consider the facts as they exist and treat them dispassionately; and because there happens to be a coincidence of interest between us as a nation and between them as individuals and a class, we should not swerve away from a sensible and proper line of legislation. I never had any admiration for the spirit of the dog in the manger, and still less for the man who cuts off his nose to spite his face.

What is the attitude of the House now upon this question? It divides up into some singular and strange elements. When this question came up on its merits in the last Congress it received an almost unanimous support for an unlimited instead of a partial extension of time as is now asked. But, sir, we find now that there are powerful political forces moving beneath the surface of affairs. We find gentlemen here who maintain that this industry is subjected to such an iniquitous and unconstitutional burden in the matter of the tax, that the tax upon whisky is so wrong, that it ought to be abolished altogether. And yet, sir, they are not willing to come here and adjust that tax in a consistent and customary manner. They are willing to give it complete relief, but they are not willing to give it partial relief. They argue that because the tax is unconstitutional therefore it must also be made unbearable. That is a strange condition of mind for gentlemen to be in. The country will not understand or approve of this.

And it is not only most of our friends upon the other side of the House who occupy that position, but there are also some of our brethren upon this side of the House who occupy it. And there are some gentlemen on this side who talk of this being class legislation, when it is the reverse of class legislation. It is to relieve a class of a piece of class legislation. It is in full and entire accord with revenue reform.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. BRECKINRIDGE. Excuse me. I have not time. Some upon our side denounce this tax as a wrong and yet refuse to mitigate what they call a wrong. If they can not get complete relief for their friends, ought they not to try and get partial relief? They ask for no more. What is it that can so warp gentlemen's minds? They are honorable men. I have not a syllable to say against their integrity. But I consider their position strangely mixed and inconsistent. They know perfectly well that the representatives of this bill upon the floor are in accord with the claimants. They know the repeal of the tax is not asked for by them. Why exceed a man's wishes or else try to starve him? You want them to ask for repeal of the tax. But they can stand the tax; it is upon a luxury; they are willing to stand it. They know that to repeal this tax is to keep up high prices by means of a high tariff upon the necessaries of life. Their convictions are opposed to this. Do you wish to enslave their opinions as a condition of giving them only a part of what you say they ought to have? My distin-

guished friend from Pennsylvania [Mr. RANDALL] I believe is willing to kill this tax all at once, as he expressed himself the other day. He looks upon it as a wrong upon this country and perhaps upon the people engaged in it as victims.

Mr. RANDALL. If I understand the gentleman, I never said that.

Mr. BRECKINRIDGE. Did not the gentleman say it is wrong? I heard him say it is unconstitutional, which I would call wrong.

Mr. RANDALL. I said all internal-revenue tax should be wiped out; but I never said the people engaged in the manufacture of whisky were engaged in a business derogatory to their character.

Mr. BRECKINRIDGE. I did not dream or intimate that you had said that. The gentleman does not allude to my point.

Mr. RANDALL. I said, and I repeat, and I hope to have a chance of saying it over and over again, that I will struggle to wipe out the internal-revenue system altogether.

Mr. BRECKINRIDGE. Now, Mr. Chairman, that is exactly the point, and the gentleman opposes this bill. What is the logical effect of that striking down of the internal-revenue system? These men do not ask you to strike down the internal-revenue tax. They simply ask you to modify one of the improper features in the collecting of the internal-revenue tax. It will not yield a nickel less of revenue. It will not cost us a cent on earth. It simply makes the day of payment come when it ought to come. These people believe there should be high whisky as long as there are high-priced coats and high-priced boots and shoes. They know if the internal-revenue tax were repealed to-morrow the advance on whisky would be very great in this country and they would make millions of dollars on the stocks they have on hand now. The consumption that would be stimulated by this overflow of whisky through the country would entirely exceed the present supply, and the 90 cents a gallon would now and for a long time to come be about equally divided between the consumer and the producer. This would be the end of their appeals here. They could afford to retire. There are 80,000,000 of gallons of alcohol and of whiskies in bond now. Upon this these men would get an extra profit of not less than $40,000,000; more than half of this would go to these immediate petitioners. All that they could produce for a long time to come would yield them fabulous profits. A regular sluice-way would be opened from the Treasury to refund the tax upon unbroken packages, as we have just passed a law to refund upon tobacco. Under a graduated system of ultimate repeal these profits and rebates would not be voted to these men.

But these men have their convictions; they refuse to accept the condition. What temptation on earth can be laid before men to exceed this? It is as if they were taken up into a high mountain and all the riches of the world exposed to them and offered to them if they would only bow down and worship this idol of protection. What is their reply to my distinguished friend when he offers them this vast gift? Their reply is: "Get thee behind me, for it is written thou shalt worship only justice, and the people and not corporations shalt thou serve." That is the reply, with all honor to them who make it. They do not ask for a repeal of the tax, only for a change in its manner of collection; but they will stand all before they will surrender their convictions.

As the country contemplates the burdens which rest upon the people it will be deeply moved at this offer and plan of adjustment. It will not indorse such methods in public business. While gentlemen do not and can not so intend it, yet in morals and in truth it is a bribe. In politics it is an immense inducement for these people to change their political convictions. It stands colossal in its awful baldness, unequaled by anything known in the history of the world.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a question?

Mr. BRECKINRIDGE. For a question, yes.

Mr. WHITE, of Kentucky. I would like to ask the gentleman whether it is not the fact that in 1880 there were only 2,800,000 gallons rye and bourbon whiskies in bond, and now there are 64,000,000 gallons in bond?

Mr. BRECKINRIDGE. I do not know anything about that.

Mr. WHITE, of Kentucky. And the tariff duties were then higher than now, for they were reduced at the last session.

Mr. BRECKINRIDGE. I do not want to know or consider anything about that now. I am not arguing for a change in the amount of the tax. I do not know what you mean. It may be a digression. I have chosen my line of argument and can not answer the question, and I must beg the gentleman not to interrupt me.

Mr. WHITE, of Kentucky. With all respect to the gentleman, it bears directly on this question.

Mr. BRECKINRIDGE. Pardon me; I want you to believe that I do not know anything about it. I shall vote for this bill because it is just, because it is in the line of revenue reform, because it tends to raise the maximum of revenue at the minimum of cost to the Government and at the minimum of disturbance of the social and industrial well-being of our people, remembering that this is not a whisky bill but it is a revenue bill, and that what might be eminently proper and wise in a State Legislature is mischievous and unauthorized in the Federal Congress.

Mr. HISCOCK. I will yield five minutes of my time to the gentleman from North Carolina [Mr. YORK].

Mr. YORK. I desire to say in the outset to the friends of this bill that I voted to take it up for consideration. I believe that every measure presented here should be considered. I believe these men should be heard, and therefore I have cheerfully voted to consider this bill.

But I say that if my people do not obtain some relief in the end I shall be compelled to vote against this bill. I shall watch the interests of my people with a jealous eye. While I am willing to vote to grant relief to the large distillers in the West, I propose that the poor men who operate distilleries in North Carolina shall also have some measure of relief.

In my part of the State, in Western North Carolina, there are thousands of poor men, farmers who own little orchards, and they have been crying for twenty years for relief, have been appealing to the American Congress for relief, but none has been extended to them. Now I say to gentlemen on the other side of the House, why should we not join hands in this matter? If the distillers of the West are crying for relief, why shall we not grant relief to every man on the American continent from the odious exactions of the internal-revenue law? I want to see that whole law wiped out. I want to see the people free from all the war taxes. I would be glad to vote to wipe out every one of those taxes, and relieve the people from the burdens which are now imposed upon them.

I propose in my vote upon this bill to act in accordance with the vote that shall be given upon the amendment which I propose to offer to relieve the producers of fruit brandy in my part of the country. If that amendment shall be adopted, then I shall work cheerfully for the passage of this bill. But if it is voted down, my duty to my people will compel me to vote against this bill, and I must do so. I want it understood here that the people of North Carolina are as anxious for and worthy of relief as are the people of Kentucky or of any other section of this Union. I want to see relief granted to them. My heart goes out to the people of the country who are suffering under the burdens of this law. I feel for them and desire to vote for this measure. But I repeat that unless my people shall have the relief which they desire I shall be compelled to vote against this bill.

As I have remarked, we have in North Carolina thousands of little orchards, the owners of which are not able to pay the tax levied upon the brandy distilled from their fruit. They have appealed over and over again to Congress to grant them relief. Our Legislature has time and again petitioned Congress for relief, but none has been given. I say here that if these poor people in my district and in my State are to be crushed down by this law and to have no relief granted them, I can not consistently vote to relieve the people of other States.

[Here the hammer fell.]

I thank the gentleman from New York [Mr. HISCOCK] for the time he has given me. I desire to give notice to the House that at the proper time I shall offer an amendment to this bill of the character I have indicated.

Mr. HISCOCK. Mr. Chairman, I desire to call the attention of the committee to the law of March 28, 1878:

> The tax on distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within three years from the date of the entry of the deposit therein.

This movement for the extension of the whisky tax commenced with the passage of the law I have read, and the legislation which is now asked is the proper supplement to it. I desire to call attention briefly to the manner in which the enactment of that law affected the production of the peculiar class of whisky for which relief is now asked.

Mark you, in 1878 that law was passed. In the fiscal year commencing January 1, 1879, the production of the peculiar whisky, bourbon and rye, which is benefited with aging increased 7,000,000 gallons. In the fiscal year commencing January 1, 1880, there was an increase on the preceding year of 24,000,000 gallons. The next year there was a still further increase, the production being 5,000,000 gallons more than in the preceding year. Will the advocates of the pending bill tell us that the manufacturers of this article during those years did not understand fully that they were more than answering the demand for the consumption of their product?

Let us look a moment at the character of the whisky now in bond. Of the 80,000,000 gallons in round numbers which remained in bond on the 30th of June, 1883, 55,841,741 gallons were bourbon whiskies and 17,894,219 gallons were rye whiskies. So that of the whiskies now in bond over 70,000,000 gallons are the surplus of production for the fiscal years 1880, 1881, and 1882, placed in bond under the three years' extension act solely for the purpose of being held to improve by age; and this was the object in passing the law of March, 1878.

You will find, Mr. Chairman, that other classes of distilled spirits do not to any considerable amount remain in bond. They are produced as they are required for consumption. But the act to which I have referred was a part of a scheme, a part of a plan, acted upon by the distillers of bourbon and rye whisky to place in charge of the Government without the payment of tax that product which would improve by age. It is a well-known fact that these whiskies will further advance in value

by aging largely in excess of the interest on the cost of production and wastage.

And we are asked now to enter into partnership with the producers, and in practical effect to loan them the money with which to carry the whiskies for two years longer. If the great distilling interest of the country were about to be struck down, perhaps it might come here with some show of reason and ask that clemency be extended to it by Congress. But, sir, it is this peculiar whisky which is consumed as a beverage, and that alone, that makes the appeal. The producers of distilled spirits which enter into use in other manufacturing industries or the arts are not here; but the manufacturers engaged in distilling whisky to be used as a beverage solely, they, and they alone, are here.

Mr. WILLIS. If the gentleman will allow me, I will state that he is mistaken. The Western Export Association, whose average daily capacity is 200,000 bushels of wheat, is to-day a petitioner at the bar of this House for the passage of this bill, and every high-wine establishment in the country joins in the appeal.

Mr. HISCOCK. Mr. Chairman, this bill involves the loan by the Government of $60,000,000; and I do not wonder that the parties who are to receive this loan have induced the branch of industry mentioned by the gentleman to unite in their petition. It is not surprising if that branch of industry sympathizes enough with those engaged in the production of the bourbon and rye whiskies to stand as their friends to aid them in the passage of the bill. But will the gentleman from Kentucky tell me that any interest except the bourbon and rye whisky interest will be benefited by the passage of this bill or requires this legislation for protection and to save it from ruin?

Mr. WILLIS. I do say so, emphatically.

Mr. HISCOCK. Then, I say to the gentleman, if he is correct the reports on our tables from the Commissioner of Internal Revenue are certainly false. They do not warrant any such deduction as that; for it is an obvious fact that, apart from these two peculiar whiskies, distilled spirits are removed from bond in quantities equaling their manufacture; the consumption is as large as the production from year to year.

I suppose, Mr. Chairman, that in the normal condition of things there would be a profit of 25 per cent. at least above the interest on the cost of production in holding the whisky for aging alone; and Congress is invited by these people to engage in that particular business, holding whisky for improvement in value.

We have been told that banks and bankers, business men everywhere, are petitioning for this bill. Considering the loan of sixty-five or sixty-six millions of dollars is involved at 4½ per cent. interest per annum, I am not surprised; I am only surprised that the petitions are not more numerous.

I repeat, Mr. Chairman, that it is not a measure of relief which is being sought. We are asked to engage in a speculation. We were asked to engage in this speculation when the act of 1878 was passed. These gentlemen engaged in the manufacture of whisky knew at that time that they were manufacturing far beyond the annual demands of the market, far beyond what was required for consumption. Take the production in the State of Kentucky. In 1879 it was 8,000,000 of gallons. In 1880 it jumped up to 15,000,000 gallons. In 1881 to 32,000,000 gallons. In 1882 it was 25,000,000 gallons. Does the gentleman from Kentucky tell me that the people there did not understand that they were then manufacturing annually far beyond the use by consumption; nearly double the consumption?

Mr. WILLIS. Eighteen millions is the annual consumption.

Mr. HISCOCK. The production of Kentucky?

Mr. WILLIS. Eight millions.

Mr. HISCOCK. Eight million gallons was the highest production for years in that State; but in 1880 it jumped up, as I have already said, to 15,000,000; in 1881 it advanced to 32,000,000 of gallons, and in 1882 it was 25,000,000 of gallons. I supposed the normal demand for this whisky was some fifteen or sixteen millions of gallons at the outside. The gentleman says 18,000,000 gallons.

I will accept his figures that 18,000,000 gallons is the demand for it in a normal condition of things. Yet it is conceded Kentucky was producing it far in advance of that figure. And there was not a single one of these manufacturers but was advised monthly of the product of the distilleries of the country and of the amount going into bond. Each one of them appreciated the fact of the increasing production. Operating under this law of March, 1878, they expected to induce the Government to enter into business with them, and to hold their whisky for aging purposes, holding it for appreciation in value, and they trusted to be successful in the effort they are making here to-day, that they would be able to procure the Government again to extend the bonded period, fully appreciating, as I have said, the increased value which would come to this product by the lapse of time.

Now, sir, it is not a question of crushing out an industry, confronting the fact as we do that this year these same distillers have produced about 14,000,000 gallons. Having produced that large amount, nearly up to the annual consumption, I do not believe the ruin which has been threatened here for two years is so near to them as is claimed by the gentleman from Kentucky. I do not believe it is so impending. They doubtless believed they would have force enough in this House, force enough in Congress, to extend the time in which whisky could be held in bond from three to five years. They have doubtless expected when the five years came round they would have strength enough to repeal the limits entirely, if necessary, in order that they might hold this whisky on speculation, but their industry is not more oppressed than others in the country.

Mr. Chairman, it is not my intention to discuss this question, as it seems to have been feared on the other side it would be, as a moral question. But the chairman of the Committee on Ways and Means when he brought in this bill told us that whisky was different from anything else. I have scarcely heard a gentleman on the other side announce himself as in favor of striking off from it the internal-revenue tax. The fact that they are unwilling to assume that position demonstrates that whisky manufactured for use as a beverage is different from our other products. There is no other internal-revenue tax which I am unwilling to vote to repeal, but I would not vote for a repeal of the tax on whisky. There is no sentiment on the other side of the House in that direction.

Sir, it is the fact that it is a different commodity from anything else. Yet in this commodity, as a matter of profit to the owners of it, you ask the Government to become his partner and receive for its share of the profits 4½ per cent. per annum.

Mr. KELLEY. Will the gentleman permit me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. KELLEY. Do you know of a single party petitioning relief from this tax who favors the repeal of the tax?

Mr. HISCOCK. I do not.

Mr. KELLEY. No, sir, because it is a source of profit to them.

Mr. WILLIS. I know hundreds of them, thousands of them.

Mr. HISCOCK. At least in the hearing before the Committee on Ways and Means I was not aware any gentleman took the position that he was in favor of striking off this tax. I believe the gentleman from Kentucky announced that he was not.

Mr. MORRISON. Those who were before the committee owned no whisky and paid no tax except on the whisky they drank. [Laughter.]

Mr. HISCOCK. There were a number of gentlemen before that committee who pretended to represent, and I believe did represent, the whisky interest of the United States. I think the gentleman will bear me out in saying that at least the gentleman from Pennsylvania attempted to discover whether they were in favor of the repeal of this tax or not.

And I believe, as the gentleman from Pennsylvania [Mr. KELLEY] has intimated that he does, that they are not in favor of the repeal of the tax. They are in favor of its being laid—these producers of bourbon and rye whisky—as a matter of speculation, being willing to pay the Government 4½ per cent. per annum for its share of the profits.

It has been said by one gentleman upon the floor that he was in favor of this bill because it would be in the interest of protection. I refer to the gentleman from Colorado [Mr. BELFORD]. Perhaps that statement deserves a passing remark.

Well, Mr. Chairman, I am something of a protectionist, and I have yet to discover any other manufacturing industry of the United States that favors the striking off of this tax or the postponing of the collection of the tax in the interest of protection. But they are opposed and I am opposed to this peculiar industry being singled out from all the other industries of the country, from the iron industry, from the cotton industry, to receive this peculiar protection.

Suppose, Mr. Chairman, the great iron-workers should come here and ask of this Government a loan of money to them at 4½ per cent. per annum, asking the Government to become partners with them in their enterprise. Would it receive any countenance from any member of this House?

Mr. TUCKER. Let me ask my friend from New York if he does not see a marked distinction or difference between the attitude which this whisky interest occupies and that which the iron interest occupies. The iron interest comes here and asks the Government to lay a duty upon iron for their benefit. The whisky interest only asks that the Government will not press them by a tax upon it, which can be collected as well hereafter as now, and for which the Government has no immediate need.

Mr. HISCOCK. The gentleman from Virginia misunderstands the position of the iron industry. A year ago we passed a law under which the iron industries of the country entered upon their business for the present year. They have not come here and asked anything at the hands of this Congress except to be let alone. They have simply asked to be allowed to act under the law that in March last we passed—a little more than a year ago. But the proposition of the gentleman from Virginia is to refuse them protection, not even to allow them to retain what they already have, but to strike it down, and then to enter into a partnership with the distillers of bourbon and rye whisky, by which the Government should receive 4½ per cent. per annum for its share of the profits.

Now I yield ten minutes to my colleague from New York [Mr. RAY].

The CHAIRMAN. The gentleman from New York has thirty-two minutes remaining.

Mr. RAY, of New York. Mr. Chairman, a distinguished lawyer, in

giving advice to his son, whowas just to enter the profession of the law, once said: "When the facts are against you, argue the law; when the law is against you, talk about the facts; but when both the law and the facts are against you, talk around."

The advocates of this bill are proceeding in accordance with this advice. Finding the law, the facts, the justice, and the morals of the case all against them, they have very innocently and in a manner at once childlike and bland commenced to descant upon the imaginary beauties of free trade, the alleged enormities of protection, and the assumed evils of the internal-revenue system. We are blandly informed that the taxation of whisky and tobacco are relics of the war, and in childish innocence they tell us that if we would have an era of happiness, prosperity, peace, and plenty, we must blot out every law that savors of the "late unpleasantness," and smoke the pipe of peace and drink each other's health with untaxed tobacco and whisky.

When gentlemen who pretend to oppose this bill, yet who are in fact laboring for its passage, improve their opportunity to denounce our internal-revenue system and advocate the abrogation of the tax on distilled spirits, I think I discern that beneath the sophistry of this bill there is hidden a deep design to ultimately remit this tax altogether. Therefore it is that I find a new reason for opposing this measure.

We can attach no blame to those men who as interested parties are seeking an extension of credit from this Goverement and urging the passage of this bill. They have the right to come here and urge their claims. We are bound to give them a fair hearing and to duly consider and pass upon the merits of their case, if there be any merit in it. I have diligently sought for merits in this case, but have sought in vain. I fail to find a single reason for the passage of this bill. On the other hand, I find many reasons that impel me to oppose it.

Mr. Chairman, if I correctly understand the position of the gentlemen who so earnestly advocate the passage of this bill, they desire to enable those persons having distilled spirits entered for deposit in distillery warehouses or special bonded warehouses, and upon which the tax has or shall become due after December 1, 1883, to retain the same in such warehouses for a period not exceeding two years longer than is now allowed by law without payment of the tax.

The reasons urged for the passage of this act are that there has been a large overproduction of distilled spirits, whisky principally, and that it would ruin or at least seriously embarrass distillers to pay the taxes in advance of consumption or in advance of a demand in the market at present prices.

In an address presented to the Committee of Ways and Means the distillers interested in this question say:

> It is well known to your honorable committee that there are now in distillery warehouses many millions of gallons of distilled spirits in excess of the immediate wants of trade, upon which the taxes are falling due from month to month. It needs no argument on our part to convince your minds that this state of affairs must, in accordance with the fixed laws of supply and demand, result in a great depreciation of values, and heavy losses to the owners of those spirits, if their withdrawal from bond is still made compulsory; and that the decline in prices will be accelerated from month to month in just such ratio as the market is more heavily overloaded.

These same interested gentlemen present figures which show that 73,847,103 gallons have been overproduced and now remain in bond. It is claimed that it is our duty to allow these millions of gallons of spirits now in bond there to remain without payment of the taxes due, or that soon will become due, on their paying 4½ per cent. interest thereon. In other words, they seek to make this Government a great national whisky storehouse, and ask the Government at the same time to loan them hundreds of thousands of dollars at 4½ per cent. interest.

They, in substance, say that having largely overproduced, having overstocked the market by their own want of foresight, the Government should now step in and relieve them from the consequences of their own indiscretion, loan them the money that is its due, and aid them in their struggle to keep up the price of distilled spirits. They seek to make us at once a bank, a storehouse, and the protector of the whisky ring.

To excite our sympathy they urge that since the establishment of the present internal-revenue system in 1862 the Government has collected in taxes upon distilled spirits the enormous sum of $1,017,754,129; and one gentleman in his love and adoration for the whisky of this nation held it up as the national preserver.

Sir, I will only pause to say to him that as against armed rebellion we can protect ourselves, but that as against the slow, insidious approach of the whisky destroyer that is debauching this people we have little protection if we single out the whisky producers as the loved and cherished sons of the Republic.

It will never do for this people to cement and solidify and arm and equip this great and grasping liquor monopoly that is sapping the life of the people in one direction while it feeds the Government in another.

Sir, I am willing to admit that this Government has derived an immense revenue from the tax on distilled spirits, but I deny that we owe any debt of gratitude to distillers. I deny that we are under any obligations to take them under the protection of this Government and enable them to prosper and profit and enrich themselves while we leave every other industry upon its own merits and to regulate its own values by production in accordance with the laws of supply and demand. I do not believe it just or proper or moral for this Congress to so legislate as to encourage the production of distilled spirits. The laws as they now stand have been upon the statute-books for years, and the producers of distilled spirits have manufactured and placed in bond with full knowledge of the law, with full knowledge of the consumption of the country, and with full knowledge of the burdens they were imposing upon themselves if they overproduced. They well knew that the price of any commodity is regulated by the supply and demand, and they well knew that the tax was fixed by law at a certain sum on each gallon manufactured, and that the tax was to become due and payable at a day certain. They also well knew that any overproduction was at their own risk unless Congress should relieve them.

When they manufactured this whisky, they of course estimated the cost. Labor, material, and the Government tax all entered into consideration, and into their estimate of the cost of their product. It was for them to watch the market; it was for them to regulate and run their business. The Government has but one duty, and that is to enforce the law and collect the tax.

In my judgment there is no more reason for our extending the time for the payment of this tax than for extending the time for the payment of other debts and obligations due the Government. If we enter upon the policy demanded by this bill, that of extending the time of the payment of taxes and dues owing to the Government, I can not see where nor when we are to stop. The importer, the dealers in tobacco, and all who pay internal taxes are expected to pay the duties and taxes promptly when due, and whether they are bankrupt or rich, in debt or independent, are questions the Government can not stop to inquire into. Upon no other system can we safely and prosperously conduct the affairs of this country.

From the reports of the Commissioner of Internal Revenue these distillers knew that there was a large overproduction from year to year, and yet they went on overproducing. In 1878 the overproduction was 14,088,773 gallons; in 1879, 19,212,470 gallons; in 1880, 31,363,864 gallons; in 1881, 64,648,111 gallons; in 1882, 80,963,645 gallons; in 1883, 80,000,000—resulting in the enormous aggregate overproduction of 290,276,068 gallons; and the figures show that this annual overproduction has been steadily increasing. Yet these men went on overproducing and now come to the Government for relief. No fault can be attributed to this Government. The responsibility rests with the producers.

The figures show that in the last six years there have been produced in the United States of distilled spirits 515,969,400 gallons. Used here, 377,469,928; exported, 67,188,601; leaving in bond, 73,847,103. There are in the hands of wholesale dealers 13,921,482 gallons; in the hands of retail dealers, 28,180,650 gallons; showing to-day a surplus of 115,949,235 gallons of distilled spirits manufactured in our country, now in our midst, to carry woe, misery, want, degradation, crime, destruction, and death to the homes and firesides of our fifty millions of people.

This is more than two gallons for every man, woman, and child in the country, saying nothing of the thousands of gallons of imported distilled spirits or of the millions of gallons of fermented liquors manufactured in our country and imported from abroad, and which would swell the aggregate of intoxicating liquors in our country to an amount sufficient to float the Navy of the United States. And yet this liquor interest, representing hundreds of millions of dollars capital, comes here pleading poverty; this big, fat, sleek, trouncing, overgrown, strong, aggressive whisky baby comes crying at the doors of this Congress asking us to make this Government its wet-nurse. [Laughter and applause.] Sir, the child that begs to-day for succor will soon be larger and stronger than the father, mother, nurse, and all.

Now, sir, I have looked a little into the questions of the annual consumption of food-producing material in the manufacture of this immense amount of distilled spirits, and I find that during the fiscal year ending June 30, 1883, there had been used in this business as follows: Of wheat, 291,368 bushels; of barley, 73,380 bushels; of rye, 2,987,473 bushels; of corn, 13,428,469 bushels; of oats, 122,583 bushels; mill-feed, 240,340 bushels; other materials, 22,203 bushels; making a grand total of 18,644,787 bushels of food annually manufactured into distilled spirits in the United States alone. There was also used in the same business 2,373,106 gallons of molasses.

When we think of the thousands of poor and starving people this would have saved from suffering we find the figures appalling. True we can not perhaps enact and enforce sumptuary laws, but while we can not prescribe what people shall or shall not eat and drink, we can refuse to foster and encourage this liquor traffic by refusing to lend to it the credit of the Government. Upon the men and upon the political party that assist to make this bill a law will justly rest the condemnation of the people of this country.

Sir, I have no desire at this time to read this House a lecture on temperance. I have no desire to speak a harsh word of any person engaged in the manufacture or sale of distilled or fermented liquors. But I do desire to say that if the traffic could be wholly destroyed it would be the greatest blessing that could come to this people. It would add to our material, intellectual, and religious wealth, and add immensely to our self-respect and national strength. The people of this country could well afford to buy the grain that is manufactured into spirits and give

it to the poor and hungry if we could wipe out this widespread and devastating curse of intemperance. For these reasons I urge that we can not afford to specially protect and foster the manufacture and sale of liquors, the indirect effect of which is to curse and degrade and impoverish our people.

If the iron and lumber industries overproduce we do not legislate to protect them and keep up prices; if the stockman overproduces we pass no law for his relief; if the importer brings in too many goods from foreign ports we enact no measures to exonerate him from the payment of import duties that he may keep up prices and sell at a profit. Then why do gentlemen expect us to single out this one industry, the whisky traffic, of all others, and protect it from the natural and inexorable laws of supply and demand?

Sir, the request is presumptuous and ought not to command the attention of this House for a single hour. But they tell us that a large quantity of these distilled spirits have been pledged as a security for loans. In other words, bankers are loaning money upon the security of whisky in bond, using it as a basis for a large banking business. Are we to encourage this at the expense of our national pride and dignity and morals and honor? Is whisky to be the real basis of a large national-bank circulation? This proposition is a long step in that direction.

Sir, if our bankers have loaned large sums of money upon the security of bonded spirits, if manufacturers have overproduced and borrowed money to carry on the business or to pay the tax on the spirits already in the market, upon themselves must rest the burden, if burden it be, and also the responsibility. It is not the fault of this Government, and if we are to protect the zeal and indiscretion of bankers and distillers, then should we open wide the door to protect the zealous and improvident importer, merchant, and farmer. Sir, when I commence this kind of legislation it will be with the farmers, merchants, and mechanics.

The owners of these spirits say that so long as the spirits are in bond the United States has a lien thereon for the tax. True, in addition thereto they propose to give a bond. Thus as security for this debt which they owe the Government (about $65,000,000, now or soon to become due), they pledge us the whisky and their bond. I do not doubt the security, but I denounce the principle. As substantially stated by my able colleague [Mr. HISCOCK] who has just taken his seat, it amounts to nothing more nor less than for this great Government of high ideas and morals to enter into a copartnership with the whisky combination, putting in $65,000,000 in cash and receiving 4½ per cent. as its share of the profits—profits that are to be wrung from the consumer at the expense of the dignity of this Government, and amid the cries of the besotted and the wail of suffering humanity. Sir, before we do this let us collect in the money, and, if we are to become money-lenders, let us loan to the farmers at 4½, or any less per cent., taking their bond secured by a mortgage pledge of their real estate. This, at least, would be honorable, clean-handed business, if not wise and judicious.

But we are told that if we force the present payment of these taxes we shall injure the revenue of the Government; that we shall ruin the distillers and destroy the business; that we shall force this immense amount of spirits into the market and largely reduce prices; that the owners will be compelled to sell at ruinous rates. The argument is specious, but not forcible; attractive, but not convincing.

The demand will be in accordance with the wants of the consumers, and men will always be ready to manufacture what the people demand. We shall at all times receive the legitimate tax on this product that the laws of supply and demand render necessary. Upon the other branches of the argument I have already spoken. Having produced the spirits, let the distillers pay the tax and take charge of their own property, selling or holding as the supply and demand warrant. This is the rule we apply to all other kinds of business, and to vary it for the benefit of these men would be not only immoral but criminal. Sir, I am prepared to believe that behind this proposed legislation lies an immense job, and that it is expected, even at this session, to reduce the tax on distilled spirits to at least 50 cents per gallon. If this proposed and expected reduction should take place and should be applied to the whisky now in bond—and it is expected that it will—these distillers, or the owners of the spirits, will be the richer by $29,538,841, and the Government will be that much the poorer.

Strength is given to this argument when we find the advocates of this measure not only attacking the internal-revenue system, but at the same time asserting with great heat and vehemence that the Government does not require the money, that there is no purpose to which it can be applied, and that if paid it will only keep $70,000,000 out of the hands of the laboring classes and locked in the Treasury vaults. This is the doctrine of the gentleman from Colorado [Mr. BELFORD], who I take to be the exponent of the "true inwardness" of this bill. He announces, first, that he is a "high-tariff protectionist," and second, that the true temperance law is "to provide that any man who sells you adulterated liquor or adulterated wine should be sent to the penitentiary for life."

Sir, I suppose that he advocates this doctrine as "a self-protection" measure, and in that I quite agree with him. But when it is asserted that we have no use for the millions of dollars, our due from the tax on these spirits, I take issue at once. For the alleged protection of the Treasury our Democratic friends have cut down the naval appropriation recommended about $8,000,000, and they have refused to appropriate anything to add to our small and insignificant Navy. At the same time they concede that we are at the mercy of any maritime nation that sees fit to attack us. There is not a great city at any port on our thousands of miles of seacoast but can be laid under contribution or burned to ashes. The postal appropriations have been cut down $4,000,000 under the plea of economy, and this service must languish and our people be delayed in the receipt of the mails.

The next blow is to be aimed at the Department of Agriculture and the Bureau of Education; and I am informed that there is not an appropriation for the maintenance of this great and wealthy Government but is to feel the stingy grip of this penny-wise, pound-foolish policy. In this very Capitol thousands of useful and instructive books are packed away or scattered about by the cord, of no use to any one, for the want of a library building in which to place them. Yet, on the plea of poverty, to the shame and disgrace of Congress, even that is denied us. Thousands of men, who fought for four long years in sun and rain and blood and tears to preserve this nation and who are now in absolute want, plead in vain for help from this Government because it is said that to pension them would bankrupt the Treasury. Appropriations for the general education of the illiterate are denied on the same ground. Still, with all these fields wherein surplus money can usefully be applied, we hear gentlemen asserting that the whisky interest should be relieved from its obligations because the Treasury is replete with money.

Sir, let us increase the post-office and mail-service appropriations to a figure that the actual wants of the people demand; let us build and arm a respectable navy, that shall enable us to enforce as well as declaim the Monroe doctrine and resent the insults of European despots; let us enlarge and strengthen our coast defenses, build up navy-yards, improve our rivers and harbors, encourage American shipping, lend a helping hand to every agricultural and educational enterprise, establish the postal telegraph, thereby the more firmly uniting ourselves as a people and aiding in the rapid diffusion of intelligence and the interchange of thought at small expense, pension the needy and deserving soldier, his widow and orphans; let us do all this even if it does draw upon the public Treasury; ay, let us erect in this capital city of the best and freest country of the world a magnificent national library building, for the use not only of Congress but of the whole people. And when this is done, and the national debt is provided for, and ample provision made for the support of the Government, and when all other internal taxes are removed from the necessaries of life, and when import duties are reduced to a purely protective and revenue-only basis, then we will reduce the tax on whisky and tobacco—on tobacco first, on whisky last.

But gentlemen tell us that it would be better for this country to take off all internal-revenue tax; that the people would be more prosperous and more happy. We are told that we have high internal taxes, high import duties, and a large surplus revenue. The gentlemen who advocate this doctrine seem to forget that under the present system this people have prospered as they never before prospered and as no other people have ever prospered. They seem to forget that the wise and the provident lay up a surplus for the rainy day.

Some of the advocates of this measure favor the entire abolition of the tax on whisky and tobacco, and some would go so far as to strike off all import and export duties. They would have absolute free trade.

When we strike off or even largely reduce the tax on distilled spirits we must increase the import duties or else resort to a direct tax upon the people for the support of the Government. Certain gentlemen seem to entertain the idea that when whisky is free and the tax-gatherer is abroad among the people gathering in a direct money tax that the millennium will have indeed come. This may be good doctrine for the distillers, for the liquor dealers, but it is very poor and very destructive doctrine for the people and for the moral and educational interests of the country. It would aid that class of men who purchase with the price of a day's labor 90 cents' worth of whisky and 10 cents' worth of bread for family use, and then wonder what they are to do with so much bread; but to the great mass of laboring, sober, industrious people it would work great harm and prove burdensome. If the tax on whisky and tobacco is required for no other purpose, let us apply it to the support of education, the relief of want and misery, to the purchase of clothing for the naked and of food for the starving.

If the continuation of this tax shall result in the destruction of the rum traffic, so much the better for the people, for civilization, for education, for religion, for progress among the nations. The men engaged in its manufacture will seek and find other fields of labor; the capital invested in the manufacture of distilled spirits will find other paying business, and the corn and grain of all kinds used in the business will be perhaps cheapened for the laboring people. The farming interests would not suffer, for the grain would go to the increase of animal production, and the decrease in price if any would be more than made up in the saving of taxes now paid for the support of the almshouse, the lunatic asylum, the jails, and State prisons. Remove the curse of intemperance, and the court expenses of this country would be reduced one-half, and peace, plenty, happiness, and contentment would reign supreme in the homes now made desolate by this great evil.

But we shall be told that this is idle, sentimental talk; that it is not

practicable, and that we are to deal with the question of distilled spirits as a purely business question. That we must look at it in the light of profit and loss, and ignore the moral aspects of the case.

With the sober-minded, thinking people of this country the question of temperance has already become a practical question, and to some extent a political one. It reaches to their homes and firesides, to their pockets, to the peace of communities, and to the stability of the Government itself.

I am looking at the question in the light of profit and loss to the whole people, and not to a single State or community, nor the manufacturers and dealers in alcoholic spirits.

I shall never give my vote to aid or encourage the manufacture or sale of distilled spirits or alcoholic liquors of any kind for other than medicinal or mechanical purposes. With my last breath will I protest against any action by this Congress that shall lend the aid of this Government to the protection of the liquor trade.

There is no business in this country so rich and powerful, so grasping and aggressive, as the liquor interest. Its combinations are alarming and its influence beyond comprehension. What we gain in taxes for the support of the General Government we lose in the wealth of individuals, in the moral degradation of the people, in the increase of pauperism and crime, and in the direct tax upon the people in the several States for the support of the almshouses, inebriate and lunatic asylums, jails, and State prisons. Gentlemen may figure out the profit and loss at their leisure, but they will find that the simple rules of arithmetic substantiate every statement that I have made.

When we enter upon the discussion of the question of high or low tariff, or of no tariff at all, we take up a subject not now before the House. At a proper time I may desire to be heard on that question. Under high protection this people are prospering and growing rich and intelligent. In every free-trade country capital owns labor; here labor owns capital. In every free-trade country labor is starving, kept in ignorance, and degraded; here labor is well fed, educated at the public expense, and ennobled. We have no aristocracy of money or of blood, but an aristocracy of brains, of intelligence, of labor, of mechanical genius. Every section that has availed itself of protection has grown strong and rich and intelligent. High tariffs do not depreciate wages; wages are not cut down by tariff laws; high tariffs do not foster monopolies; they are not inimical to enterprise and labor.

We have a high tariff and wages are high. Labor is better paid, more highly educated, better fed and clothed, and more contented and happy in this country than in any other place on the face of the earth. We have less monopolies than any country of like wealth and position on the face of the globe. Our people are more enterprising than those of any other country. Facts assert it, figures prove it, and history has written it.

At first blush our farmers may think that protection to men who manufacture iron and steel and cotton and woolen commodities is not protection to them and their interests. They are liable to say, "If by a high tariff you keep up the price of these things and other merchandise which we purchase, you do us and our industry positive harm." If a home market for the products of agriculture was not desirable and absolutely necessary for the prosperity of the farmer there would be some reason in the proposition.

To create a home market there must be consumers, and these consumers must be able to pay good prices, and that they may do this they must have employment at good wages. This employment must not be tilling the soil, for that would simply add to the supply of farm products and make them cheaper. Therefore there must be manufacturers and factories and employés, who, receiving good wages, are able to purchase at good prices the corn and wheat and other articles of farm production.

This is what a high tariff does for the farmers. It more than doubles the value of what he produces and sells, while it adds but little to the cost of the useful and necessary things he buys, so that the balance is on the side of the farmer every time.

We are thus able in and of ourselves to employ and feed all our people and keep running every kind of business, and to keep at home the money, the wealth we should otherwise pay out abroad for the very things we now manufacture at home. As we keep the money at home and it is paid to our laborers and merchants and mechanics, it adds daily to the wealth of the country and is evidenced by the white, vine-clad cottages on the hillsides, by the school-houses at the cross-roads, by the churches at every town, and by the bank accounts of laboring men. It shows itself in the rosy-cheeked children, the happy housewives, the well-filled larders, and the neat wardrobes of our laboring classes, as contrasted with the pale, puny, ever-hungry children, the careworn mothers, the empty cupboards, and the ragged clothing that are the companions of the half-paid and half-starved laborers of free-trade Europe.

The people know and appreciate these things, and when in November next the great political parties of this country go before the country on this issue they will write their verdict by no eight-to-seven vote, but by a majority that shall be as eighty to seven in favor of protection to home industry and American labor. [Applause.] When westward the star of empire no longer takes her way; when the pauper labor of free-trade Europe no longer seeks the shores of protective America for homes and food and an equal chance in the battle of life; when the labor of America seeks the free-trade fields of Europe; then and not till then will we adopt the free-trade doctrine of Democracy.

I am glad that the distinguished gentleman from New York [Mr. COX] has rung up the curtain in the drama of Free Trade *vs.* Home Industry and American Labor. Let the play, in which he trots to the front the American hog as a living evidence that our home productions require no protection, go on. When the curtain is rung down in November next it will be to Republican music, and the Republican party and a fresh Republican administration will be called to the front of the great American stage to receive the plaudits of the people. [Applause.]

Mr. HISCOCK. I yield ten minutes to the gentleman from Michigan [Mr. CUTCHEON.]

Mr. CUTCHEON. Mr. Chairman, I shall ask the attention of the committee for a few moments only, while I present such views as I have upon this question and my reasons for opposing the bill. It is manifest to us that the question is not only a complex one, but it is also a complicated one. It is a triangular question, a question with three aspects.

In the first place we have the business aspect of the case. In the second place we have its revenue aspect. And in the third place, to a great many of us, it has a moral aspect.

First, in regard to the business aspect of the case, there are four classes that are very greatly concerned in the result of the action of this body in regard to this bill. First are the producers—the distillers; secondly, the middlemen—the holders and bankers who have loaned upon this security; in the third place there are the retail dealers and consumers; and in the fourth place the general public.

Now, first, as to the distillers—the producers. When they went into this business to produce this overstock of whisky which it is now asked that the Government shall assist them in carrying, they did so with their eyes wide open, with a full and complete understanding of all the risks they were assuming, of the danger of overproduction, and with a full understanding of the tax which the Government had against it, and the probabilities of the extension or non-extension of the bonded period. Now having gone, as a speculation, into this business, into the manufacture of this product which they well knew, and we all well know, requires time for its aging and perfection, and where the holding of it would be for their pecuniary advantage, they come to us now with a very poor grace to ask us to help them out of the embarrassments of their business speculation.

For my part I do not believe to the full extent in this cry of distress. They have overproduced. There is no doubt about that. They knew they were overproducing when they did it. There is no doubt about that either. They knew all the risks they were taking in their overproduction, and it comes, as I before said, with poor grace from the producers now to come to this Congress and ask that we shall become partners with them in their speculation, help them out of their difficulty, and take 4½ per cent. interest on our money as our share of the profit. So much for the producers.

In the second place, we have the holders, the middlemen, and the bankers. Those who hold this product have taken it, I assume, in the main, and almost entirely, since the passage of the internal-revenue tax law and the previous bonded extension laws.

The bankers who have loaned money upon this stock of whisky also did it with their eyes wide open, knowing fully all the circumstances, knowing the fact of overproduction, knowing the period of extension, and knowing the measure of tax and every other element that entered into the question of the financial speculation which they undertook when they either purchased this whisky or took it as security for loans. They discounted all this when they invested. I say, therefore, that these middlemen and bankers come here with an exceptionally poor plea when they ask us to step in and take a share of the speculation, to assume a part of the risk, and to take 4½ per cent. of the amount of the tax as our share of the profits.

I come next to the third class interested in this matter, the consumers and the retail dealers. I undertake to say that the consumers and retail dealers have no interest at all in favor of the passage of this bill, but are interested rather in the retention of the present tax and the present bonded period. Their interest certainly is to have cheap whisky, and they are therefore not interested in the passage of this bill. It may not make whisky more scarce or more dear, but I trust that it may break the compact power of that dangerous ring which more than once has corrupted the administration of the Government, at times too near to the center of power and influence.

Before coming to the next and last class, the general public, I wish just at this point to say that the fact of this great overproduction and accumulation of stock in the whisky trade has been brought about designedly for the purpose of controlling the market. In other words, it is used for the purpose of establishing a monopoly, in order that this great reserve of whisky may be held in hand to be thrown upon the market when needed to control it, or to be withheld from the market when that is necessary to keep up the price. In other words, it is a monopoly as complete and much less reputable than the great Western Union Telegraph Company in its line or the Standard Oil Company in

its line. If these men are exposed to risks and losses, they have exposed themselves to those risks and losses by their own act.

I come now to speak for a moment of the general public. It is said that the failure to pass this bill will affect business generally, that there will be a falling off, as was said by the gentleman from Kentucky [Mr. WILLIS] the other day, in the consumption of corn for instance. And he warned my brethren from Kansas and Iowa that they would be burning their corn for fuel again before long because the consumption of corn for this purpose would be so greatly reduced. He named 10,000,000 bushels per year as the amount of this falling off.

Now the gentleman from Kentucky knows that that is a phantom without body, a shadow without any substance. In 1880 the production of corn in the United States was over 1,754,000,000 bushels. The gentleman tells us that last year the consumption of corn in the manufacture of whisky was reduced by 10,000,000 bushels, about one-eighth of 1 per cent. of the entire production of corn in the country and less than 3 per cent. of the production of Illinois alone. And the reduction in the consumption of corn for the manufacture of whisky to the amount of one-eighth of 1 per cent. is to bring a business panic upon the country, if we may believe the gentleman from Kentucky.

To state the proposition is all that is needed to answer it.

As to the banks, when we compare the small amount invested in this bonded whisky, as compared with the vast volume of our banking capital, the prospect of a business panic from this source is equally absurd.

There is no demand from the general public for the extension of this bonded period.

In my boyhood days I was accustomed to see what we called scarecrows set up in the corn-fields. But the gentleman from Kentucky [Mr. WILLIS] has set up an exceedingly shabby and very thin scarecrow in the corn-fields of the gentlemen from the great Northwest, but it will not scare them to any serious extent. For if this corn is not used for making whisky, it will be used for bread. But it would seem that the gentlemen think it a pity to waste so much corn on bread when it could be made into good old bourbon whisky, especially if the Government will only hold it while it gets its age!

What is the proposition now before us—this business proposition, as it is called? It is that the tax now overdue and about to become due, in other words, a part of the revenue of the Government, shall be reloaned by the Government to the whisky ring in order to assist them in their speculations and in their attempt to control the market.

I had expected when this proposition was considered that some gentleman would rise in his place upon this floor and denounce it as unconstitutional; would denounce as unconstitutional the proposition that the Government should engage in a speculation in whisky. When we proposed to improve the Mississippi River, to so control and curb the great "Father of Waters" that from its fountains to the sea it should roll peacefully, beneficently, and not as a terror to those who dwell upon its banks, we were told that there was no warrant in the Constitution for that.

And a little later, when it was proposed to pass a law to stay the ravages of pleuro-pneumonia among the herds of our agriculturists in the East and in the West, we were again told that such a measure was unconstitutional. And when we proposed, a short time later, to make an appropriation to save the sufferers from the overflow in the Ohio Valley, we were gravely informed that there were serious doubts about the constitutionality of such a measure of relief.

But when it is proposed to loan anywhere from forty-five to seventy million of dollars for two years, at 4½ per cent. interest, to the whisky ring, I have heard no one raise a voice here to say that it was unconstitutional. It is unconstitutional to try to save men from being drowned with water, but it is strictly constitutional to save them from being drowned in whisky!

For my own part I am not anxious about the Constitution. As Macaulay once said about the English constitution, "it has been ruined so many times that it has become used to it; it thrives upon it." With the great American eagle above it and the Supreme Court standing behind it to support it, and with 54,000,000 of loyal hearts ready to fight for it, I am not anxious about the Constitution. Adapting itself to our growing power, our increasing wants, and our advancing civilization, it is destined to survive in transcendent vigor our fears and anxieties, and to exceed our most sanguine hopes.

[Here the hammer fell.]

Mr. CUTCHEON. I hope I may be allowed three or four minutes more.

Mr. THOMPSON. I ask unanimous consent that the gentleman's time be extended.

There was no objection.

Mr. CUTCHEON. I thank the gentleman and the committee for the courtesy.

Again, I am one of those who believe that the whisky trade is not one to be fostered or favored by our legislation. It is the great national waste and the origin of our greatest national want. This traffic and its resultant evils constitute the great poisonous cesspool of American civilization.

The eminent gentleman from Illinois [Mr. MORRISON] who sits before me in advocating this bill described this business as "a great industry," "a valuable industry." Mr. Chairman, it is a great industry; but it is the devil's own industry! The men who grow the corn, the men who distill the grain, the men who handle and carry it, as well as the men who vend and consume the product, are all simply contributing to this great national cesspool. It is "an industry" worse than wasted. Into this cesspool are cast the life, health, fortune, reputation, and homes of hundreds of thousands of our people. There are mingled murder, debauchery, drunkenness, beastliness, and every crime. And the whisky ring fosters and preserves this cesspool for the sake of a market.

But we are told that it brings us revenue. That is true, and this revenue belongs to this Government now. If it is collected now, it is secured for the benefit of the whole people. If it is not collected now, it will never reach your Treasury; it will never clink in your coffers.

Mr. WILLIS. Why does my friend want to take revenue from such a disreputable source?

Mr. CUTCHEON. I have not time to answer that question. Hire a hall and give me half a day and I will tell you. [Laughter.]

There are "millions in it." There is too much involved to make it safe to delay or tamper with it. A corruption fund of $50,000,000 is something that no honest government can afford to have lying around loose. "Repeal" is already the cry coming up from different directions—first, from those who want cheap whisky; and second, from those who want reduced internal revenue. This cry will increase until the corruption fund will triumph and whisky is free. But we are told our Treasury is already overflowing. It is true, and we need it to be full. If this Congress has the courage and manliness to do it, we will soon put this revenue in circulation to good purpose.

1. Let us attack the vast amount of illiteracy and ignorance and consequent vice in the land by the encouragement of national education.

2. Commence an American navy worthy of this Republic.

3. Improve, restrain, and control the Mississippi River until it shall cease to be a terror to those who dwell along its banks, and until it shall become by art, as it is by nature, the great vital artery of the Republic and the great curb on overgrown monopolies.

4. As this nation is, we hope, to be perpetual, let us begin now a system of adequate public buildings, until this Government can conduct its own business under its own roof in every town of 10,000 population in the land.

5. If there be still a surplus, then the coast defense and some fostering care of our merchant marine may claim a share.

And last, but not least, provide more liberal pensions for the widows of those who fell in defending the nation's life, and the maimed and crippled heroes who still linger, incapable of competing in the strenuous race of life.

In the language of the gentleman from Colorado, "unlock the Treasury," put its surplus wealth in circulation, to bless our country, through needed and legitimate expenditures, and fill the channels of business.

Mr. DUNN. Would it not be better to reduce taxation?

Mr. CUTCHEON. But no man and no party can gain either honor or success on the cry of "free whisky." Let us have the courage which belongs to this hour and place, and stand up against this gigantic monopoly, this monstrous temptation to corruption. In the language of the distinguished Senator-elect from Kentucky [Mr. BLACKBURN], "He who dallies is a dastard, and he who doubts" (or dodges) "is damned." [Laughter and aplause.]

Mr. HISCOCK. I now yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, it appears to me that gentlemen who have in this discussion favored the passage of this bill have from the very first indulged in a series of remarkable exaggerations. In describing the interest involved they give it an attitude that it is not entitled to. They tell us that it has paid more than a billion of dollars into the Treasury of the United States, a radical mistake of nearly $200,000,000, the exact receipts in the Treasury from the tax on spirits from 1863 to the end of the last fiscal year being $841,073,975. They speak of it as one of the most extensive of the "industries."

Mr. Chairman, there are only a little more than 6,000 people in the United States engaged in this "industry." The wages paid are $2,663,967 a year, and the capital employed is but $24,247,595. At the ordinary Iowa price for the 18,000,000 bushels of corn last year consumed, the whole sum expended for corn would be but slightly in excess of four and a half millions of dollars.

Gentlemen have told us that this great "industry" controlled the markets for corn and fixed the price of that staple. This sounds very strange to my ears. They tell us, too, that unless this bill passes there will be a falling off in the consumption of corn next year of ten millions of bushels, and the consequence will be ruin to the agricultural interests. Why, Mr. Chairman, did you ever recall the utter insignificance of the relation this industry bears to the corn production of the country? The corn crop of 1879 was an unusually light one. But in that year there were produced, as is shown by the census report of 1880, no less than 1,754,591,676 bushels. The state of Iowa alone has produced in one year more than 300,000,000, and two counties in the district I have the honor to represent have in a given year produced more than 18,000,000, the equivalent of the whole quantity consumed by all of the distilleries in the United States in the manufacture of spirits in the year 1883. The

stoppage of every one of the 844 distilleries would have no more effect upon the price of corn than the passing summer shower would have on the back of a duck.

There are almost as many laborers engaged in the two "industries" of making pickles and preparing patent medicines as are employed in the great "industry" of making distilled spirits, and the sum paid them as wages is very nearly the same. Surely, in the labor aspect of the case, no one would contend that irretrievable ruin would come upon us if the compounding of patent medicines and the preparation of pickles should be numbered speedily among the lost arts.

We have been told, Mr. Chairman, that the entire country is clamoring for the passage of this bill. One enthusiastic gentleman informed the committee that "every member of the House had received hundreds of telegrams urging the passage of the bill." Hundreds of telegrams! That seemed startling to me, and I made inquiry of the twenty gentlemen who sat nearest to me and found that seven only had been received. A pamphlet has been laid upon our desks in which are printed those sent the chairman of the committee, and I find that through them but eight cities are represented. This, perhaps, is a trivial matter, but it serves to show the spirit of bluster and exaggeration with which the passage of this measure has been urged, and the measure of false pretense there is in the constant insisting that there is a great and spontaneous demand for it coming up to us from all parts of the country.

Again, Mr. Chairman, we are told that unless we pass this bill and give the holders of whisky now in bond and on which they have been granted a period of three years in which to pay the tax of 90 cents a gallon two additional years, the entire "industry" will be ruined; that the distillers will be bankrupted, and that in their fall they will pull down banks, capitalists, and all manufacturers, involving the country in a period of panic and financial chaos such as we have seldom, if ever, witnessed. Most dolorous songs have been sung and most gloomy pictures have been painted of the wreck and ruin to be wrought upon all of our business interests in case we obdurately refuse to give these gentlemen who are engaged in whisky-making two years' longer time on their rapidly maturing indebtedness to the Treasury. We have already given them three years. That stands for naught. Hitherto they have had all granted that they have demanded. Past leniency does not placate them; they must have two years of extension, or financial hell is to be painted on the skies of the future by them.

Well, Mr. Chairman, that is what they told us two years ago. Their prophecies and threats were then as terrifying in their character. All were to be involved in ruin if they did not secure the passage of a bill quite similar to the one under consideration. Yet the bill was not passed, and the panic did not come. Even they went quietly about their business, manufacturing largely in excess of the possible consumption and piling up the vast quantities of spirits that are in the bonded warehouses. They had the remedy in their own hands, had they seen fit to use it. If, two years ago, when they began to raise their clamor for this additional two years of extension, they had checked or stopped the production there would not have been in the hands of the Government 80,000,000 gallons for which there is no satisfactory market.

But the truth is, Mr. Chairman, they did not want to cease production. Their great want is to postpone the payment of the tax. The product of the still is unlike the most of manufactures. Its market value is largely enhanced year by year, until it becomes "ripe" at the end of six years. Malt liquors and tobacco of all forms deteriorate in value. Whisky increases in value. If the manufacturer can avoid the payment of his tax for five years his relative gains are wonderfully increased. Nearly four gallons of spirits are produced from a bushel of corn. The "slops" fed to cattle and hogs pay for the cost of manufacture. So that the Western distiller produces his spirits at a cost of from 10 to 15 cents per gallon. There is a very great difference between the value of the ripe whisky and its cost. This difference pays a most desirable interest on the 10 cents or 15 cents of cost, but of course will not pay such desired interest if to the 10 or 15 cents of cost there is, at the date of manufacture, added the 90 cents of tax. Hence his anxiety to secure the extension provided for by this bill.

But there is still another possible advantage to the distiller from the three years of postponement that he is now allowed. Under the regulations as they exist there may be allowed for shrinkage in each barrel seven and a half gallons, on which he is not required to pay any tax. Experience has shown that the actual shrinkage is three and one-half gallons. If he secures the larger amount of seven and a half, he makes a clear profit of the tax of 90 cents on each of four gallons, a sum sufficient to pay the difference between the interest proposed by the bill under consideration and the bank rate which he may have to pay in case the bill does not become law.

It is claimed that there are 45,000,000 gallons of spirits that may be affected by this bill in excess of the probable demand for consumption on which the tax must be paid within the next two years. Let us assume that an equal amount must be paid in each of the years, or a little more than $20,000,000 each year. Under the terms of this bill he will have to pay as interest to the Treasury $900,000, at the rate of 4½ per cent. But suppose he is not permitted to borrow this money from the Government, and is compelled to go to the banks, as other business men are, and is compelled to pay a bank rate of 6 per cent. He then would have to pay for his accommodation but $300,000 more. It is claimed, however, that there is a difficulty in procuring extensions from the banks—the sum is so large. It is admitted that the bankers are now carrying the distillers for the sums to-day invested in the bonded spirits, but it is said that they can not or will not carry them for the cost and the tax. The statement that they can not is simply ridiculous.

The 5,140 private banks of the United States have a capital of $232,435,330; the 2,501 national banks have a capital of $509,699,787, giving us a total banking capital of $742,135,117. What a mere bagatelle this $20,000,000 is in comparison with the capital of the banks, that at this time is so earnestly seeking investment. The banks will be glad to make the loans if the security is good. It is admitted to be good security now. Will it not continue to be after 90 cents of actual cash value is added to each gallon of spirits by the payment of the tax? The friends of the bill say that it will be abundant security in the hands of the Government, in case it becomes the creditor. Will it not be in case the banks are the creditor? If not, then that is an additional reason why the Government should not go into the business of discounting in this irregular manner. There never has been a time in our history when there was such plethora of money in the banks nor a time when they were more anxious to loan it at fair rates on sufficient security. If they decline to allow the distillers to continue to be their customers, this fact should stimulate the caution of those whose duty it is to guard the public Treasury and induce them to look with ever-increasing distrust upon the specious propositions of this bill.

Mr. Chairman, the distillers have now the remedy for the evils they foresee in their own hands as they had two years ago. Let them stop the production of spirits, and long before the two years have expired there will be a demand and a market for every one of the 80,000,000 gallons now in bond and on hand. If there is to be distress and bankruptcy, they will produce it by their own recklessness in tying up their capital in a production largely in excess of a demand.

Mr. Chairman, ever since this debate began, and by every speaker supporting this bill, we have heard over and over and again repeated that the manufacture of whisky was a "legitimate industry," a "legitimate business." No one has attacked its legitimacy up to this time. No one has arraigned it. Gentlemen have seemed to fear that such attack might be made, and have hastened to parry before a blow was aimed. The honorable chairman of the committee in presenting the bill referred to the "legitimate" character of the great industry, as though anticipating dissent. In the sense that by the Federal law it is not proscribed I am willing to concede its legitimacy, and to the extent of the 18,000,000 gallons of alcohol and spirits that are used in the arts and medicines I am willing to concede legitimacy; but, sir, I am not willing to go further.

Legitimate industries are those that bring blessing to mankind; that lift the burdens from toiling men and women; that bring comforts; that feed, clothe, warm, and enlighten them; that brighten their lives and remove the shadows of care. They clear the forests and subdue the prairies; they build our cities; they bridge our rivers, carry railways across continents, work our mines, fill the air with the hum of spindles and the music of anvils; they mark out paths for commerce across oceans, and light the skies with the eager fire of countless forges. They make man better, happier, and give him gradual approach to the perfect standard of his Maker. I have yet to learn, Mr. Chairman, that measured by these standards the manufacture of whisky could be classed with "legitimate industries."

It has been said that this class of manufactures during the days of the war kept our armies in the field, preserved the national credit, and enabled the Government to put down rebellion. Another has said that they erected the splendid public buildings that adorn this city, and have kept the business of the country from stagnation by giving to our farmers a market for their corn.

Mr. Chairman, I am not willing that such vaporings should go unchallenged. No distiller nor any other man pays any portion of the tax on spirits except on that quantity he consumes. It is the consumer who ultimately pays the tax. The distiller but advances it. Up to the close of the war the total revenue raised from distilled spirits was but little in excess of $46,000,000; not enough to meet the expenses of the Government for fifteen days of war. This "industry kept our armies in the field!" Oh! no, sir; not the armies of patriotism. It was powerless to do that. But it did recruit some of our armies. It has ever been most efficient in recruiting the armies of crime, the armies of pauperism, the army of drunkards, unfortunate children of its thrift, that every year, many thousands strong, fall into dishonored graves.

"This industry erected our splendid public edifices!" Yes, Mr. Chairman, unfortunately it has. But not our capitols, not our seminaries of learning, nor yet our schools of art. It has erected our jails and poorhouses, our insane hospitals, and our penitentiaries; and here and there a gibbet is seen in the land that it too has erected. Whatever there are of the sad sights that may be seen in this otherwise bright land of ours, these are the fruits of this "industry." Is it a broken and dismantled home; a wicked life of wife or husband; a group of hungry-eyed, ragged children; a crowd of youths, neglected, drifting in idleness and ignorance crimeward; the ignorant criminal classes, withholding

their quota of labor from the aggregate that produces the wealth of the State, who increase the expenses of him who bears his full share of the burdens of government; the classes who retard progress and make doubtful our civilization—if these sights are seen, or any of them, we may point with almost unerring certainty to this "legitimate industry" as the agency that has made possible scenes like these in every hamlet and town and city of this otherwise blessed country of ours. Except for the 18,000,000 of gallons used in the arts the "industry" might cease to be and no man would be the worse for its disappearance. But all men in every strata of society would have added prosperity, added blessing, additional hope. We are so knit together that every man is made to feel the woe it is laden with. In some way or other it comes home to each of us, and always with a curse. No day ever dawned upon nation or people brighter or more fraught with blessing than that good day coming when the evil flowing from this "industry" shall by wise prohibitory laws, backed by a more perfect civilization, be driven from the land.

Mr. HISCOCK. I now yield to the gentleman from Maryland [Mr. FINDLAY.]

Mr. FINDLAY. Mr. Chairman, the subject of this bill has furnished the motive power of so many speeches, maiden and otherwise, that I feel like beginning mine with a protest that whisky is not its inspiration, but only its theme. As Burns says:

> Inspiring bold John Barleycorn,
> What dangers thou canst make us scorn!
> Wi' tippeny we fear nae evil;
> Wi' usquabae we'll face the devil!

[Laughter.]

It so happens I have been brought into frequent official and professional contact with this much proscribed commodity, and in that way have learned a good deal of its economic as well as of its legal bearings.

The first tax imposed was 20 cents on the gallon, and took effect on the 1st day of August, 1862, under the provisions of the act of July 1, 1862. Under the provisions of that act, however, all distilled spirits were allowed to be deposited in bonded warehouses, and only paid the tax when they were withdrawn for consumption or for sale. This tax of 20 cents a gallon by successive acts was increased to the enormous rate of $2 a gallon, just ten times more than the original rate and about ten times the cost of the production. But in each of these successive acts the right was still preserved to put a tax on what has been properly called the consumptive demand.

This unnatural ratio, Mr. Chairman, between the rate of the thing taxed and the cost of production produced this unnatural result; a result which had been produced in every other country in the world, and that was an attempt to evade the tax on this production, which in turn induced a corresponding effort on the part of Congress of a stringent kind to enforce the collection of the tax.

Now the general result of this conflict of force was the act of July 20, 1868, and the distinguishing feature of that act is that it attempted to tax a thing, as it were, before it was born. Because it levied a tax upon at least 80 per cent. of the producing capacity of the distillery as estimated by the survey, and then it levied a tax upon the thing itself the very moment it was born. Now, sir, in the second section of that act this unborn subject of taxation was christened and it was not christened whisky there. By no means. It had a much more euphemistic designation. It was christened somewhat after the fashion of the love writer of the Chicago Tribune. They called it ethyl-alcohol or hydrated oxide of ethyl, or spirits of wine, and then it was provided that the tax, the very moment this thing came into existence, whether it existed in a pure or a simple state, as a separate, detached substance, or whether it had passed over into or was commingled with some other and foreign substance, the very moment of its existence the tax became a part of it, and followed it in every subsequent change and transformation until it was finally discharged by payment. I affirm without fear of contradiction that of all the articles that have been scheduled as taxable under our internal-revenue system, from the time it took effect on the 1st of July, 1862, to the present time, whisky is the only one of them all that was compelled to pay a duty the very moment it had a statutory existence.

Stringent, however, as this act of July 20, 1868, was, desperate as it was in its efforts to put down the conspirators who then threatened the integrity of the Government, it still recognized the true principle in respect to taxation; because it did not attempt to collect the tax the very moment it trickled from the worm, but it gave the producer and manufacturers of this article a year within which to pay the tax. Why? Why was a year necessary? In order to find a market; in order to obtain a customer; in order that the article might adjust itself to the law of supply and demand. So that while this very act of July 20, 1868, made a wide departure from previous legislation upon the subject, and did it in the effort to make a desperate lunge at the men who were then defrauding the Government, yet still, although it got off its center of gravity and lost its balance a little, it righted itself finally, turned up like a sober man, and planted itself upon the true and sound principles of taxation, providing that a year at least should be given within which to withdraw the spirits from bond for use and consumption. Now, succeeding Congresses have extended that period, and the simple object of this present bill is to grant a further extension for another period. Before we denounce this as class legislation, by which a particular class is exempted, before we determine upon the nature and character of the exemption, we must clearly understand the nature and character of the restriction. First, let it be remembered that it is the law which imposes the restriction; that the burden is an artificial one, not a natural one; and that it is one which is clearly and entirely subject to our modification and control.

I hear it said that other manufacturers are suffering the ills of overproduction, and that it would not be fair to extend the relief proposed by this bill because they are compelled to bear what fortune sends them without assistance from any quarter.

But they are not taxed. There was a time when iron, cotton, woolens, lumber, everything that was made, was taxed. Suppose that period and that condition of things was upon us again. Suppose your bonded warehouses were crammed with cotton and woolen goods and these were required to be brought out on an overstocked market under a law with this one-year clause. Suppose the banks united with these petitioners and asked you for relief. Suppose they said that a payment of the tax would not only bring ruin upon them, but by the panic caused every associated interest would feel its effects. Suppose they could point you to the fact that there was no occasion for the demand; that the Treasury was full to overflowing; that one of the problems of existing statesmanship was not how to increase the revenues, but how to reduce them. Is there any man here who will say that he would deny relief to the manufacturers of these commodities under such circumstances?

These manufacturers are suffering not from a law of Congress, but from the law of supply and demand, as the distillers and dealers of the country are suffering from both. We can not change the law of supply and demand, but we can the law of Congress; and just there is the difference between the two cases. Take off the tax or postpone its collection and then you will have these classes on the same level. The exemption, you see, then, is to be measured by the restriction. The restriction had its origin in penal and not in economic considerations; the exemption is only a temporary restoration of the *statu quo* which existed for long series of years before the restriction was imposed. The exemption is not of a class from any burdens which any other class has to bear in common with it, but from that burden which is peculiar to itself, and which belongs to no other class.

Class legislation involves discrimination in favor of one class as against another; but will any man point out how any other class of our citizens will be prejudiced, or in what way the petitioners for this relief will be benefited, by a comparison of burdens left on the one and removed from the other?

If this exemption is allowed, the brewers of distilled spirits are for a fixed period only allowed the same privileges accorded to others, with this difference, that they pay a bonus of 4½ per cent. interest for the enjoyment of the privilege for which the others pay nothing. There is no discrimination in their favor. There is only a partial destruction of existing discrimination against them.

I have listened in vain for an argument against this bill. It is surely no argument, conceding the fact, which is denied, that Kentucky is to be largely the beneficiary? Why should not relief be extended to Kentucky if she needs it and the measure is a proper one, as well as any other State, and if she were the only State in the Union that was interested in it? Why, sir, I can remember the time when, just about reaching my manhood, I first stood upon the soil of Kentucky, when every fiber of my being thrilled with the thought that this was the home of him whose name I had learned to lisp in my infancy, the one household word on every Whig hearthstone in this broad land.

If I had no other feeling for Kentucky the name of Henry Clay would always inspire me with the most generous emotions for that heroic old Commonwealth. No, sir; it is not because Kentucky asks it that it is to be denied. It is because whisky asks it; that is the reason. Every age has its scapegoat, and whisky is ours. I admit that it has done much harm. I admit that it has brutalized men, broken up families, swelled the numbers in our jails, penitentiaries, hospitals, and lunatic asylums. I admit that if I had been making a world filled with men and women with passions such as we have I would have kept whisky out of it. So I would have removed a great many other temptations which are quite as fruitful of disease, unhappiness, and domestic misery as whisky. I would not have let evil into my world at all. No devil should have set foot in paradise of mine. But I have to take the world as I find it. Man has been fond of some stimulant or other in all ages, and I believe will continue so until the end of time, and if he can not get it in a glass, he has been known at times to take it in a tea-cup. [Laughter.] He will have it. Every nation obtains a principal sum of its revenue from taxing this article. Great Britain has been making it pay ten shillings or $2.50 a gallon ever since 1860. It has paid since it was levied here by the act of July 1, 1862, over a thousand millions of dollars into the public Treasury. It is a mistake, I think, to suppose that the consumer under existing conditions pays this tax. Take the case of the owner of one hundred barrels in bond; say 5,000 proof gallons are bearing a tax at 90 cents to the gallon, say $4,500. There is no market for this whisky, but it must come out of bond; the time is

up and the tax must be paid. The owner must raise the money if he can not find a buyer for the whisky. As long as he holds it he certainly is out of pocket the amount of the tax, and not the consumer; then at length he sells on a falling market at a loss; the dealer sells to a retailer, and then the retailer to the consumer. How does the consumer pay the tax? Under ordinary conditions he may, but under the extraordinary requirements of existing law regulating the bonded period, if they are vigorously carried out, it will not be the consumer but the distiller who will be forced to pay the taxes.

Now, what is the consequence of this? I say to the lovers of temperance that if they force this whisky out of bond onto an unwilling market the inevitable result will be to cheapen the article and increase its consumption. Why, the crusaders were wiser in their day and generation. They went round and knocked in the heads of the barrels. But our Congressional crusaders propose to set them up. Here are 70,000,000 gallons of concentrated damnation and misery, double extract of woe and perdition, a hell-broth such as witches never brewed, all safely guarded in its reservoir behind walls of impenetrable masonry, and if there are chinks here and there the leakage is comparatively slight, and can only work ordinary and, you may say, normal injury. And you propose to break these walls down and let out this whole fiery, seething mass of corruption and poison in one fell, disastrous overflow! And all in the name and for the sake of temperance!

Why, if the dog is bad, why not chain him up and keep him chained? If you have your pestilence quarantined, why let it loose? Oh, it is whisky! We want to punish the dealers in the nefarious article? The dealers will get it cheaper than they ever had it before.

Mr. MILLIKEN. Will the gentleman yield to me for a moment?

Mr. FINDLAY. Yes, sir.

Mr. MILLIKEN. I have understood from the friends of this bill that if this tax is exacted the whisky is to be shipped abroad and the tax thus evaded. That does not seem to agree with what the gentleman from Maryland is now arguing. For my part I am willing it should go abroad and do not care if it never comes back.

Mr. FINDLAY. Why is it you do not care? Suppose it was lumber, would you care?

Mr. MILLIKEN. I would not care because we do not want it here.

Mr. FINDLAY. You would care if it was lumber or any other article of commerce.

Mr. MILLIKEN. We make a distinction between lumber and whisky.

Mr. FINDLAY. I suppose, upon the principle of retalliation, you would like to poison the Frenchmen and the Dutchmen because they will not take our American pork.

Mr. MILLIKEN. I would rather poison them with the whisky than our own people. But I should prefer to have it shipped to some lone island where there was nobody to use it and let it stay there.

Mr. FINDLAY. Why not adopt the brilliant figure of a former Commissioner of Internal Revenue, then a Representative in Congress, who made his speech at the impeachment trial, and say you would get rid of it by pitching it into a vast hole in the sky? [Laughter.]

Mr. MILLIKEN. If the gentleman will find such a hole, and we are strong enough to do it, we will throw it there. [Laughter.]

Mr. FINDLAY. And then sing with Evarts, *Sic itur ad astra.* [Laughter.]

Mr. MILLIKEN. I might be satisfied with that, only I think it would be apt to go the other way.

Mr. FINDLAY. It is said when a man takes too much of it he sees stars. [Laughter.] There might, therefore, be some poetic propriety in giving it that course.

But to return from this disgression. It is said, "Well, then, we will punish the distillers, the men who make the whisky;" but how? By breaking them up. But consider that for every distillery you will ruin financially you will bankrupt a thousand souls. You do not want to make whisky cheap; you want to make it dear.

Why, Mr. Chairman, we have it on the best authority—one of the most learned and philosophic writers on this subject, Leone Levi—the time was about the middle of the seventeenth century in England, when gin was so cheap during the high carnival of the dissolute Charles II that the whole population of London seemed given up to the most brutal and besotting debauchery. And then he says it was no infrequent sight to see in the streets of London on the front of some gin shops this advertisement, "A man can get drunk here for a penny; dead drunk for twopence; and his straw thrown into the bargain." [Laughter.] Is that the idea? To make whisky as cheap as gin was made cheap at that time?

I say in all seriousness, regarding the subject from the standpoint of sentiment, and I fear, indeed I know it is viewed from that standpoint by a large portion of the opposition to this bill, the promoters of the temperance cause will do it infinitely more harm by voting against than voting for this bill. They will vote to flood the market with cheap whisky; we desire to regulate the flood with some regard to the law of supply and demand.

Mr. WHITE, of Kentucky. May I interrupt the gentleman?

Mr. FINDLAY. You have now an opportunity of withholding from the market a large quantity of this pernicious stuff, and a refusal on your part to avail yourselves of that opportunity can not be justified from any sentimental standpoint.

I make no appeal for sympathy. If any poor fellow has made a mistake, even if we could help him, still let him go to the dogs. That is the natural course of things. I do not pity him and will not help him. Thousands of others have made similar mistakes and it is all right.

Mr. WHITE, of Kentucky. Now will the gentleman yield for a question?

Mr. FINDLAY. But I do have some sympathy with the gentlemen who take theirs in a tea-cup, and who are ever listening for the roll of applause or the thunder of indignation from the dear people, because there is an awful reckoning in store for them when the Salvation Army catches them on their way home and inquires about their lost opportunities. Unfortunately the mode of helping a man along in this world is too often helping him down hill instead of helping him up, and when the inquiry about lost opportunities is made I am afraid that one of those of whom that inquiry will be made will be my honorable friend from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. Now will the gentleman allow me——

Mr. FINDLAY. So that I can not help him if I would.

Mr. WHITE, of Kentucky. Let me ask a question that bears on the bill. So far as my habits are concerned they will take care of themselves.

Mr. FINDLAY. I was not referring to your habits.

Mr. WHITE, of Kentucky. I understood the gentleman to refer to them.

Mr. FINDLAY. Not at all.

Mr. WHITE, of Kentucky. I am glad of that. Does the gentleman mean to say that in his opinion the extension of the bonded period now would lessen the consumption of whisky?

Mr. FINDLAY. Yes.

Mr. WHITE, of Kentucky. Is it not the fact that when the bonded period was extended in 1880 there were only 2,800,000 gallons of whisky in bond?

Mr. FINDLAY. I thought the gentleman was going to ask a question.

Mr. WHITE, of Kentucky. How will the gentleman account for the fact that under the Carlisle bill there are now 80,000,000 of gallons in bond?

Mr. FINDLAY. There is a very simple and a very direct answer to that question.

M. WHITE, of Kentucky. I would like to have it.

Mr. FINDLAY. I will give it, not in figures, but in another way. Everybody who knows anything about business, any man who is familiar with sales, knows that the inevitable, resistless effect of a forced sale of any article is to cheapen its price.

Mr. WHITE, of Kentucky. That was precisely the argument that was used in 1879-'80.

Mr. FINDLAY. And it was as good then as now.

Mr. WHITE, of Kentucky. If no better, then we should defeat this bill.

Mr. FINDLAY. It is a perfectly legitimate argument. You have an article that nobody wants; nobody wishes to buy it. You force that article on the market and make the people take it against their will, and they will take it for just what they choose to give and not for what you ask, and the inevitable effect of such a forced sale is to cheapen the article. I say the inevitable effect of agitation on the subject at the present time, which has given rise to the impression in a great many quarters that after all this bill will be defeated, has been to cheapen whisky. And I say you can go into the bonded warehouses in Baltimore to-day and buy whisky in bond, of course the amount of tax taken off, at a less price than it cost to make it three years ago.

Mr. WHITE, of Kentucky. I have looked at the papers, and I find that whisky in Baltimore is now selling for $1.19 per gallon; while two years ago, when they told us that the country would be bankrupt and ruined if the bonded period was not extended, the price of whisky was only $1.17.

Mr. FINDLAY. I do not know what papers the gentleman has consulted.

Mr. WHITE, of Kentucky. I got it from the Post of this morning.

Mr. FINDLAY. I get my information directly from reliable persons in Baltimore, and I believe them, and I do not care what the newspapers say.

Mr. WHITE, of Kentucky. The Post is good Democratic authority.

Mr. FINDLAY. I must confess that this cry of the people stimulates in me philosophic reflection, but makes no appeal whatever to my fears. Who are the people? Who is this unknown god whose terrific judgments are denounced here against us with equal glibness and fervor? I believe that the sensible people of this country, looking at this as a pure business proposition, will approve of this House if it passes this bill. I believe that if there are men here who take their fears into consideration, who are all the time summoning up some ghost or phantom which they call the people, they will find that the good sense and the good judgment of the American people will always approve what is right.

As for myself, in a matter of this kind I know of no other divinity than my own conscience. Whatever others may do, I shall consult this

divinity, and consulting it I have come to the conclusion to vote for this bill, because I see nothing in law, in morals, or in sound statesmanship which would induce me to do otherwise.

Mr. BLACKBURN. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse, and had come to no resolution thereon.

PENSION APPROPRIATION BILL.

Mr. HANCOCK, from the Committee on Appropriations, reported a bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CORRECTION OF A BILL.

Mr. STEVENS. By direction of the Committee on Indian Affairs, and in order to correct a bill which has been erroneously printed, I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That House bill 842, with the report accompanying the same, be recommitted to the Committee on Indian Affairs for correction of the bill in conformity with the report of said committee amending the same.

There being no objection, the resolution was considered and adopted.

YELLOWSTONE NATIONAL PARK.

Mr. BEACH. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Secretary of the Interior be, and he hereby is, requested to furnish for the information of the House a copy of all leases made by him for the use or occupation of any ground in the Yellowstone National Park, together with all rules or regulations prescribed for the guidance of the lessees; also, the names of the superintendent and assistant superintendents of the said park, the date of their appointment and their place of residence when appointed, the time when they entered upon the performance of their duties, and their compensation, and when and how paid, and whether they have resided continuously within the said park from the time of their appointment down to the present time.

*Resolved further*, That the said Secretary inform this House what buildings, if any, have been erected by such lessees, their location and condition as respects completion, and their estimated value; and in general whether the lessees have complied with the terms and conditions upon which the premises were leased. And also furnish the House with a copy of all rules and regulations made and published for the care and management of the park, and inform the House what provision, if any, has been made to prevent the wanton destruction of fish and game therein, and to what extent such provision has been effective.

There being no objection, the resolutions were considered, and adopted.

EXPENSES OF DEPARTMENT OF JUSTICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, asking an appropriation of $10,000 for the expense of defending the United States in the Court of Claims for the ensuing fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUCHANAN, for one week, on account of important business.

To Mr. PARKER, for two days.

To Mr. HUNT, an extension of his leave of absence until Monday next.

And then, on motion of Mr. BLAND (at 5 o'clock and 15 minutes p. m.), the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Petition of the Philadelphia Board of Trade, asking for the passage of H. R. 4483—to the Committee on Commerce.

Also, petition, of similar import, of the Philadelphia Maritime Exchange—to the same committee.

By Mr. CLAY: Petition of L. W. Schimmel and others, citizens of Hopkins County, Kentucky, for protection to inventors—to the Committee on Patents.

By Mr. CONVERSE: Petition of James M. Thorington and 59 others, citizens and wool-growers of Michigan, praying for the restoration of the wool tariff of 1867 and remonstrating against the passage of the Morrison tariff bill—to the Committee on Ways and Means.

Also, petition, of similar import, of Robert Bolton and 14 others, citizens of Michigan.

Also, petition, of similar import, of A. J. Leonardson and 40 others, citizens and wool-growers of Michigan—to the same committee.

Also, petition, of similar import, of W. C. Comstock and 55 others, citizens of Michigan—to the same committee.

Also, petition, of similar import, of Henry F. Maltby and 21 others, citizens of Michigan—to the same committee.

Also, petition, of similar import, of E. Brackett, jr., and 41 others, citizens of Michigan—to the same committee.

By Mr. COOK: Petition of Andrew Engle and others, against passage of H. R. 3617, in relation to limitations of patents—to the Committee on Patents.

Also, resolution of Yarnell Post, No. 127, Grand Army of the Republic, of Monteguma, Iowa, relative to equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. W. W. CULBERTSON: Petition of John R. Akers and others, praying that arrears of pension be granted him—to the same committee.

By Mr. G. R. DAVIS: Papers relating to the claim of Daniel M. Appell—to the Committee on Indian Affairs.

By Mr. DEUSTER: Petition of Leopold Ries and others, citizens of Milwaukee, Wis., asking the passage of amendments to the Chinese restriction act—to the Committee on Foreign Affairs.

By ERMENTROUT: Memorial of the Board of Trade of Philadelphia, for passage of H. R. 4483—to the Committee on Commerce.

Also, petition, of similar import, of the Philadelphia Maritime Exchange—to the same committee.

By Mr. FINDLAY: Papers relating to the claim of Sarah R. Darley, widow of Thomas A. Darley, late private Company K, Second United States Dragoons—to the Committee on Pensions.

By Mr. HALSELL: Petition of John M. Elder and others, citizens of the State of Kentucky, praying the passage of an act for the benefit of said Elder—to the Committee on War Claims.

By Mr. H. H. HATCH: Petition of citizens of Mackinac, Mich., asking for an appropriation for the construction of a breakwater at Mackinac, Mich.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Vassar, for the establishment of a Michigan branch of the National Home for Disabled Soldiers—to the Committee on Military Affairs.

Also, petition of similar import from citizens of Caro, Tuscola County, Michigan—to the same committee.

By Mr. HOLMES: Resolutions of J. G. Miller Post, No. 67, Grand Army of the Republic, Department of Iowa, asking Congress to pass an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the United States—to the Committee on the Public Lands.

Also, petition for employment of additional assistance for the Government in order to settle claims growing out of rebate on the tax on tobacco—to the Committee on Appropriations.

Also, joint resolution of the Legislature of Iowa, in relation to the liens of judgments in Federal courts—to the Committee on the Judiciary.

By Mr. McKINLEY: Petition of the wage-workers of Columbiana County, Ohio, against the further importation of Chinese labor into the United States—to the Committee on Foreign Affairs.

By Mr. MORGAN: Memorial of Curtis Post, No. 84, Grand Army of the Republic, Sarcoxie, Mo., in relation to pensions, bounty, and back pay—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORRILL: Petition of George Graham Post, Grand Army of the Republic, asking that a pension be granted every soldier of the war of the rebellion, and that a law be passed that no evidence of prior soundness be required when the Government has accepted the services of a soldier—to the Committee on Invalid Pensions.

Also, memorial of the wool-growers of Colorado, Nebraska, Minnesota, Kansas, Wyoming, Utah, Idaho, and New Mexico, asking for the restoration of the tariff of 1867 and protesting against the reduction of 20 per cent. proposed by the Morrison bill—to the Committee on Ways and Means.

By Mr. S. J. PEELLE: The petition of Joseph Moore, late lieutenant-colonel Fifty-eighth Regiment Indiana Volunteer Infantry, asking an increase of pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Papers relating to the claim for relief of William H. Turley—to the Committee on War Claims.

By Mr. RANDALL: Resolutions of the Philadelphia Maritime Exchange, relative to a bill to promote the efficiency of the revenue-marine service—to the Committee on Commerce.

By Mr. REAGAN: Memorial of the Cotton Exchange of Galveston, Tex., against the further coinage of silver dollars upon the basis of the present valuation—to the Committee on Coinage, Weights, and Measures.

By Mr. J. H. ROGERS: Petition of citizens of Fort Smith, Ark., asking Congress to approve of the charter granted by Choctaw council to improve the Poteau River—to the Committee on Rivers and Harbors.

Also, the memorial of certain citizens of the Choctaw Nation, concerning the Poteau River, in the Indian country—to the same committee.

By Mr. ROSECRANS: Petition of the Veteran Home Association of California, for clothing for persons admitted to said home—to the Committee on Military Affairs.

Also, petition of the Manufacturers' Association of California, praying for the increase of our naval armament, &c.—to the Committee on Naval Affairs.

By Mr. SHELLEY: Petition of Association of Master Plumbers of

the District of Columbia, for legislative relief—to the Committee on the District of Columbia.

By Mr. CHARLES STEWART: Memorial and resolutions passed at a public meeting of the citizens of Beaumont, Tex., asking for an appropriation for continuing the work of harbor improvements at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Petition of A. G. Myers and 20 others, of Post No. 28, Grand Army of the Republic, Department of Minnesota, praying Congress to remove the restrictions and grant arrears and back pensions from date of discharge to all who were discharged from the United States service by reason of disability in the line of duty—to the Committee on Invalid Pensions.

Also, petition of similar import, of E. Houck and 15 others, of Post No. 59, Grand Army of the Republic, Department of Minnesota—to the same committee.

Also, petition of similar import, of John Kohr and 31 others, of Post No. 9, Grand Army of the Republic, Department of Minnesota—to the same committee.

Also, petition of similar import, of E. A. Hearn and 17 others, of Post No. 63, Grand Army of the Republic, Department of Minnesota—to the same committee.

By Mr. J. D. TAYLOR: Petitions of Hon. G. B. Loring, Commissioner of Agriculture, and 162 others; of Hon. N. C. McFarland, Commissioner of the General Land Office, and 146 others; of Hon. B. K. Bruce, Register of the Treasury, and 100 others; of Hon. Benjamin Butterworth, Commissioner of Patents, and 80 others; of Hon. Hiram Price, Commissioner of Indian Affairs, and 54 others; of Hon. J. H. Ela, Sixth Auditor of the Treasury, and 59 others; of Hon. A. D. Hazen, Third Assistant Postmaster-General, and 54 others; and of Rev. G. B. Patch, pastor of Unity Presbyterian church, and 57 others, asking for reform schools for boys and girls, a national home for children, asylums for the blind and inebriates, and reform in the law imprisoning boys and girls under 14—to the Committee on the District of Columbia.

By Mr. A. J. WARNER: Petition of T. J. Allison and 47 others, citizens of Eastern Ohio, asking for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. WASHBURN: Resolutions of Board of Trade of Minneapolis, Minn., requesting Senators and Representatives from Minnesota to favor the amending of the silver-coinage law, to prohibit issuing of silver certificates, and also for redemption of those in circulation, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. WOOD: Resolutions of Goodland Post, No. 57, and Rensselaer Post, No. 84, Grand Army of the Republic, of Indiana, demanding the equalization of bounties, and that every soldier and sailor who served three months or more in the late war shall promptly and without delay be granted a land-warrant for a full one-quarter section of land, and be granted a full pension, whether disabled or not—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. YAPLE: Petition of A. D. Van Buren, J. L. Schram, and others, citizens of Galesburg, Mich., for the passage of an act to amend chapter 3 of title 59 of the Revised Statutes of the United States, entitled "National Home for Disabled Volunteer Soldiers," by adding thereto section 4838—to the Committee on Military Affairs.

Also, petition, of similar import, of Frank Muhlenberg, Bert Warren, and others, citizens of Galesburg, Mich.—to the same committee.

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## SENATE.

### MONDAY, *March* 24, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. SHERMAN took the chair as presiding officer, under the designation made by the President *pro tempore* on Friday last, with the unanimous consent of the Senate.

The Journal of the proceedings of Friday was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. SHERMAN in the chair) laid before the Senate a communication from the Attorney-General of the United States, inviting the attention of the Senate to the great increase of labor and expense imposed on that Department by the act of March 3, 1883, to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the United States; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th ultimo, a supplemental report of the Commissioner of the General Land Office relative to the unlawful fencing of public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented the petition of J. C. Chambers, of Dallas, Tex., praying for an adherence by Congress to the principles of the present patent laws; which was referred to the Committee on Patents.

He also presented a memorial of citizens of the Kanawha Valley, West Virginia, remonstrating against the passage of the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha River, and to prescribe the dimensions of the same; which was referred to the Committee on Commerce.

Mr. DAWES. I present the petition of W. B. Washburn, late a Senator in this body, and a large number of other citizens of Greenfield, Mass., praying for appropriations for the education of the tribes of Indians called Apaches, Kiowas, and Comanches, in the Indian Territory, and the Bannocks, Cheyennes, Arapahoes, Shoshones, Sioux, and Utes, otherwise situated. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MILLER, of California, presented a memorial of the Manufacturers' Association of California, urging the importance of the building of new ships of war for the Navy and the construction of fortifications for the protection of our seacoast; which was referred to the Committee on Appropriations.

He also presented a petition from the board of directors of the Veterans' Home of California, praying that Congress authorize the War Department to issue clothing to the inmates of that institution; which was referred to the Committee on Military Affairs.

Mr. INGALLS presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for certain legislation upon the subject of the restriction of the sale of alcoholic liquors in the District; which was referred to the Committee on the District of Columbia.

Mr. LAPHAM presented a paper signed by certain New York Indians, addressed to the Senate Committee on Indian Affairs, remonstrating against the passage of the bill introduced by Senator VOORHEES to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, New York, in 1838; which was referred to the Committee on Indian Affairs.

Mr. HARRISON presented a petition of Henry McBee and 64 other ex-soldiers of Wayne Township, Marion County, Indiana, and resolutions of De Long Post, No. 67, Grand Army of the Republic, Department of Indiana, praying for the passage of various relief measures for Union soldiers pending before Congress; which were referred to the Committee on Pensions.

Mr. DOLPH. I have received an official communication from the governor of Oregon, accompanied by a letter of Hon. John Minto, of Salem, Oreg., relating to certain appropriations which have been made by Congress for the purpose of sinking artesian wells in some of the Western States, and asking that similar experiments be made in Eastern Oregon. As it appears that an appropriation has been made for that purpose heretofore in the agricultural appropriation bill, I ask unanimous consent that the papers be received and referred to the Committee on Public Lands.

The PRESIDING OFFICER. If there be no objection, the papers will be received and so referred.

Mr. PENDLETON. I present the memorial of Frank M. Bookwalter and James Laffel & Co., of Springfield, Ohio, remonstrating against legislation materially changing the present patent laws to the injury of inventors; also the memorial of H. M. Keller, of Newark, Licking County, Ohio, to the same general effect; also the memorial of Bucher, Gibbs & Co., of Canton, Ohio, remonstrating against the passage of House bill No. 3925 and Senate bill No. 1115, in relation to patents, now pending before the Senate; and the memorial of Leonard Moore, of Dayton, Ohio, to the same effect, protesting against the passage of bills changing the present patent laws. One or two of these memorials are in the nature of letters to myself, but are evidently intended for the public use I make of them. I ask that they be received and referred to the Committee on Patents.

The PRESIDING OFFICER. If there be no objection, the memorials will be received and so referred.

Mr. PENDLETON presented a petition of George Geddes and other citizens of Eastern Ohio, praying for the restoration of the tariff act of 1867 so far as it applies to wool and woolen goods; which was referred to the Committee on Finance.

Mr. MITCHELL presented a memorial of the Philadelphia Maritime Exchange, in favor of Congress taking immediate steps for the continuance of the work done by the United States Hydrographic Office; which was referred to the Committee on Commerce.

He also presented a memorial of the Philadelphia Maritime Exchange, in favor of the passage by Congress of the bill (H. R. 4483) for increasing the efficiency of the revenue-marine service; which was referred to the Committee on Commerce.

He also presented a petition of John Gehr and 23 other citizens of Franklin County, Pennsylvania, praying that a ship-canal be constructed from Chesapeake Bay to Delaware Bay; which was referred to the Committee on Commerce.

He also presented a memorial of the Philadelphia Produce Exchange, in favor of the passage of a national bankrupt law; which was ordered to lie on the table.

Mr. CULLOM presented a petition of citizens of Illinois, praying for the passage of the bill (S. 855) to repeal "an act relating to vinegar factories established and operated prior to March 1, 1879," approved June 14, 1879; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (S. 337) granting pensions to Wilson W. Brown and others, known as the Mitchell raiders' bill, to report it back without amendment, and ask that it be placed upon the Calendar.

Mr. JACKSON. On behalf of the minority of the committee I present their views in opposition to the passage of the bill.

The PRESIDING OFFICER. The Senator from Tennessee presents the views of the minority; which, with the report of the committee, will be printed, to accompany the bill, which will be placed upon the Calendar.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 772) granting a pension to Erastus W. Babson, reported it without amendment, and submitted a report thereon.

Mr. BLAIR. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 1433) granting a pension to Mary E. Murray, to report it without amendment. There is also a minority report in this case.

Mr. JACKSON. I ask leave to present the views of the minority in that case.

The PRESIDING OFFICER. The report and the views of the minority will be printed, and the bill placed on the Calendar.

Mr. BLAIR. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 1080) granting a pension to Mary E. Murray, to report it back; and recommend its indefinite postponement the House bill covering the same case.

The bill was postponed indefinitely.

Mr. VANCE submitted the views of the minority of the Committee on Foreign Relations on the bill (S. 1876) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes; which were ordered to be printed.

Mr. DAWES. The Committee on Indian Affairs, to which was referred the bill (S. 1004) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation, in Dakota, have instructed me to report it back with an amendment. I wish to say in reference to that bill and another which I have in my hand of a similar character that I am instructed by the committee to ask the Senate to pass them at this time. I think there will be no objection. If there be any debate, I shall withdraw the request.

Mr. HARRIS. I suggest to the Senator from Massachusetts that he allow the regular morning business at least to be disposed of before asking the Senate to consider or to pass any bill.

Mr. DAWES. I thought this measure might go through without objection. I have another just like it which I should like to have passed at this time.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to consider the bill reported by him at this time.

Mr. COCKRELL. I object now.

Mr. DAWES. I of course must yield to the suggestion of the Senator from Tennessee, if he insists upon it.

Mr. HARRIS. I think it is better we should get through with the regular morning business before any request of that kind is entertained.

The PRESIDING OFFICER. The bill will be placed on the Calendar subject to call.

Mr. DAWES. I am also instructed by the Committee on Indian Affairs, to which was referred the bill (S. 1496) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company throughout the Sioux reservation, in Dakota, to report it with amendments. I should like to have this bill passed at the same time with the one first reported.

Mr. HAWLEY. The Joint Committee on Public Printing opened the proposals for annual contracts for paper for the Printing Office on the 31st of January. Parsons & Co., of New York, a reputable firm of paper dealers, sent a proposal which arrived an hour or two afterward, an hour or two too late. They addressed a communication to the President *pro tempore* of the Senate, which was referred to the Committee on Public Printing, and I am instructed by the committee to submit a report, which I ask may be printed and laid upon the table.

The PRESIDING OFFICER. The report will be printed and laid on the table.

Mr. SLATER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 996) granting a pension to David C. Canfield, late a private in Company D, Fifth Pennsylvania Reserves; and

A bill (S. 976) to increase the pension of Peter Lennon.

Mr. SLATER presented a report from the Committee on Public Lands to accompany the bill (S. 428) to forfeit certain public lands granted to the Oregon Central Railroad Company, in the State of Oregon and the Territory of Washington, reported from the Committee on Public Lands March 14, 1884.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. 1011) granting the right of way over the public lands in Alabama and Florida to the Alabama Diagonal Railroad Company and to grant to said company the right to purchase public lands in said States, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1012) granting the right of way over the public lands in Alabama to the Gulf and Chicago Air-Line Railway Company, and for other purposes, reported a bill (S. 1909) granting the right of way over the public lands in Alabama and to grant lands to said State in aid of the Gulf and Chicago Air-Line Railway Company, and for other purposes, which was read twice by its title; and Senate bill 1012 was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported them adversely; and they were indefinitely postponed:

A bill (S. 442) to restore to market and sale certain lands of the United States in the States of Minnesota and Wisconsin and to authorize their sale subject to the right of flowage;

A bill (S. 515) to establish the price of lands in the Bitter Root Valley, Mont.; and

A bill (S. 263) to pay for the survey of certain public lands in Washington Territory.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1273) for the relief of the State University of California, reported it adversely.

Mr. MILLER, of California. I ask that the bill be placed upon the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1057) for the relief of the Soldiers' Nebraska Colony Town-Site Association, reported it adversely, and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 628) to repeal an act entitled "An act to amend an act entitled 'An act for the removal of causes in certain cases from State courts,' approved July 27, 1866," approved March 2, 1867, and also to repeal the third paragraph of section 639 of the Revised Statutes; and

A bill (S. 451) to define the jurisdiction of the circuit and district courts of the United States.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 17) proposing an amendment to the Constitution of the United States, reported adversely thereon.

Mr. LAPHAM. What proposed amendment is that?

Mr. HOAR. It is a proposition to insert the word "nativity" before "race, color, or previous condition of servitude," in article 15, section 1, of the amendments. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 651) to authorize the President to restore Charles Brewster to his former rank in the Army, submitted an adverse report thereon.

Mr. COCKRELL. I ask that the bill be placed upon the Calendar until I can examine the report.

The PRESIDING OFFICER. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. LAPHAM. The bill (S. 155) for the protection of fisheries on the Atlantic coast was referred to the Committee on Foreign Relations, with a view of looking into the question whether the proposed legislation is an interference with our treaty obligations with Great Britain. The committee have examined that question, and I am instructed by them to report the bill back with the expression of the opinion they entertain that there is no interference with our treaty obligations in the legislation proposed. We ask, therefore, that the Committee on Foreign Relations be discharged from the further consideration of the question, and that the bill and all papers connected with it be referred to the Committee on Fish and Fisheries, lately appointed, including the testimony which was taken by the subcommittee of the Committee on Foreign Relations.

The PRESIDING OFFICER. That order will be made, if there be no objection, and the report will be printed.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 394) restoring to the pension-roll the name of Major D. Williams, reported it with an amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 998) granting a pension to Hermann Reifenrath, sub-

mitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Matilda Henderson, praying for an act of Congress for her relief, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 1299) to increase the pension of Alonzo B. Chatfield, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 783) to increase the pension of John Algoe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of William McClure, praying to be placed on the pension-roll, submitted a report thereon, accompanied by a bill (S. 1910) granting a pension to William McClure; which was read twice by its title.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1668) for the relief of George T. Dudley, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 682) to rerate the pension of Zelora Crumpacker; and

A bill (S. 281) granting a pension to James S. Wright.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the petition of J. M. Dalzell, of Caldwell, Ohio, praying for arrears of pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the Committee on Patents, to whom was referred the bill (S. 1399) for the relief of William C. Dodge, reported it with amendments, and submitted a report thereon.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1578) to amend the charter of the National Soldiers and Sailors' Orphans' Home, and in relation to the assets thereof, reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 173) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss., reported it without amendment.

### BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia; which was read twice by its title.

Mr. BROWN. I desire also to present with the bill the petition of Mr. Duncan L. Clinch, admitting that he labors under disabilities under the fourteenth constitutional amendment and asking that they be relieved. The bill relates to disabilities. I move that the bill be referred, with the accompanying petition, to the Committee on the Judiciary.

The motion was agreed to.

Mr. INGALLS introduced a bill (S. 1912) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS. I hold in my hand the petition of the Board of Trade, and the Iron, Coal, and Manufacturers' Association of the city of Chattanooga, State of Tennessee, asking that the efficiency of the Signal Service be increased in respect to flood observations upon the Tennessee and other rivers of the United States. Accompanying the petition is a bill prepared by the board-of trade. I ask leave to introduce the bill and to accompany it with the petition.

The bill (S. 1913) to increase the efficiency of the river observation of the Signal Service was read twice by its title, and, with the accompanying petition, referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 1914) confirming titles to certain lands in the State of Florida; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COLQUITT introduced a bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MILLER, of California, introduced a bill (S. 1916) to authorize the Secretary of War to issue clothing to the inmates of the Veterans' Home of California; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1917) to authorize and require the payment to the State of California of the sum of $241,625.82 for moneys expended and liabilities assumed by said State for the common defense prior to September 1, 1856; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 1918) to extend the jurisdiction of the circuit courts of the fifth and eighth circuits of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. GARLAND introduced a bill (S. 1919) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MITCHELL introduced a bill (S. 1920) to authorize the President, by and with the advice and consent of the Senate, to appoint Dr. A. P. Frick an assistant surgeon in the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 1921) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. RANSOM introduced a bill (S. 1922) to authorize an exchange of North Carolina bonds now held by the United States Government; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 1923) granting a pension to Clarissa T. Maies; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 1924) providing for the organization of the Patent Office into an independent department, and for giving it the exclusive control of the building known as the Patent Office and of the fund pertaining to that office; which was read twice by its title.

Mr. PLATT. I ask that the bill lie on the table, and I shall ask the indulgence of the Senate at some convenient time during the week, in the morning hour, to give some reasons why I think that a bill like this bill should be passed. I do not regard this as a perfect bill, but I think that it contains the germ, the principle of legislation which has become necessary and can not be delayed.

The PRESIDING OFFICER. The bill will lie on the table, subject to the call of the Senator from Connecticut.

Mr. DAWES introduced a bill (S. 1925) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" which was referred to the Committee on Finance.

Mr. RANSOM introduced a joint resolution (S. R. 76) authorizing the Secretary of War to loan the State of North Carolina certain tents and camp equipage for the use of the militia of the State; which was read twice by its title, and referred to the Committee on Military Affairs.

### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

*Ordered*, That the papers in the claim of Susan A. Shelby be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. ALDRICH, it was

*Ordered*, That the papers relating to the pension claim of Kady Brownell be taken from the files of the Senate and referred to the Committee on Pensions.

### REPRINTING OF A BILL.

On motion of Mr. FRYE, it was

*Ordered*, That Senate bill No. 247, "A bill to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes," be reprinted for the use of the Senate.

### GAS FOR COAST LIGHTS.

Mr. RIDDLEBERGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas recent discoveries in the use of gas as an illuminant for beacons and buoys are claimed greatly to improve coast navigation and at a largely reduced cost from that of methods now in general use:

*Resolved*, That the Committee on Commerce be instructed to inquire into and report to the Senate the merits of all systems of coast lights, beacons, and buoys using gas as an illuminant, and to this end said committee is hereby authorized to make such tests and examinations as may be deemed necessary, inviting the owners of such inventions or discoveries to appear and exhibit the same; and for the purpose of ascertaining the necessity for such improved aids to navigation the committee is empowered to send for persons and papers and to take the testimony of such vessel-owners, merchants, and others as may appear or be summoned before them.

### SPECIAL ATTORNEYS OF DEPARTMENT OF JUSTICE.

Mr. VAN WYCK. I ask for the immediate consideration of the following resolution:

Whereas on the 23d day of January, 1884, the Senate adopted the following:

"*Resolved*, That the Attorney-General be directed to inform the Senate when and by whom the compensation for special attorneys in the star-route cases in the District of Columbia was fixed, and to furnish copies of any agreements or memoranda relating thereto; and if, in his judgment, the compensation is unreasonable, why he ratified and continued the same. Also whether said attorneys, or any of them, are now in the employ of the Department of Justice, and at what compensation."

Whereas no reply has been made thereto: Therefore,

*Resolved*, That the Attorney-General be directed to furnish the information demanded or to give his reasons for neglecting or refusing so to do.

Mr. INGALLS. Let that lie over until to-morrow.

The PRESIDING OFFICER. The resolution will go over under the rule and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn;

A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;

A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley;

A bill (H. R. 1965) granting a pension to John A. Crozier;

A bill (H. R. 6090) for the relief of Sidney Henderson, executrix of John Henderson, deceased;

A bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army; and

A bill (H. R. 3932) directing the Adjutant-General of the United States Army to place the name of James M. Thomas on the muster-rolls of Company C, Second Regiment Tennessee Mounted Infantry, and for other purposes.

ADMISSION OF DAKOTA.

Mr. HARRISON. I ask that the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes, be made a special order for Thursday next, at 2 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

Mr. COCKRELL. I object.

The PRESIDING OFFICER. It is objected to, and the motion may have to lie over one day under the new rules.

Mr. HARRISON. I suppose the motion may be made at once. I do not know of any rule to the contrary.

The PRESIDING OFFICER. It requires a vote of two-thirds to make a bill a special order.

Mr. HARRISON. I will state to the Senate that I make this motion by direction of the Committee on Territories, not with the expectation that the bill will probably be reached for consideration on that day; but as it is the request of the committee, and a reasonable one I think, I was in hopes that the Senate would at least give us an early opportunity for the consideration of the bill. If the motion is in order, if I can not persuade my friend to withdraw his objection, as I hope he will, there is nothing for me but to submit the motion to the Senate.

The PRESIDING OFFICER. The motion is now in order. There is nothing else before the Senate.

Mr. HARRISON. I do not think the bill will occupy much time. It was not our intention to spend much time with it; I do not think we need to do so; but it was our desire to bring it to an early vote in the Senate.

Mr. COCKRELL. I hope my distinguished friend from Indiana will not insist on the bill being made a special order. We have already consumed the last two weeks——

Mr. HOAR. Is the motion debatable under the new rules?

The PRESIDING OFFICER. Under the new rules it is not debatable.

Mr. HARRISON. I hope the Senator from Missouri will be allowed to respond to what I said.

Mr. HOAR. Certainly; I will waive my objection. I beg the Senator's pardon. I ought not to have objected after the Senator from Indiana had spoken. I merely wanted to save time. I withdraw the objection.

Mr. COCKRELL. I have nothing further to say. I am against the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to make the bill a special order for Thursday next.

Mr. VEST. I understand that that motion is not debatable.

The PRESIDING OFFICER. It is not debatable under the new rules, the Chair thinks.

Mr. VEST. I should like to make a statement as coming from the minority of the committee.

The PRESIDING OFFICER. The Senator from Missouri aks unanimous consent of the Senate to make a statement in regard to the bill. Is there objection? The Chair hears none.

Mr. VEST. I was not in the Senate at the time that the chairman of the Committee on Territories made the report, or else I should have stated, as I propose to state now, that the minority of the committee, of which I am one, is opposed to the passage of the bill, and opposed to making it any special order; at least in that regard I speak for myself. As to the time it will take to dispose of the bill, I can not agree with the Senator from Indiana. It is a measure that will give rise to considerable debate, and the Senate may prepare itself for a discussion on the merits of the bill if it is made a special order.

The PRESIDING OFFICER. It is the duty of the Chair to inform the Senator from Missouri [Mr. COCKRELL] that the Chair was in error in supposing that this motion is not debatable. It is debatable. A motion to proceed to the consideration of a bill would not be debatable, but a motion to make a bill a special order is debatable.

Mr. HARRISON. I do not desire to spend time now with any debate on the motion. It is, I think, a question of very high privilege. I believe we shall be able to show that we have in that part of the Territory which is by the bill to be constituted into a State every element of a great and prosperous American State. I believe we shall be able to show that all of those conditions exist which have in any case been applied to any of the Territories when they came to seek admission into the Union. I do not want, however, to anticipate the debate; but I ask the Senate to give us an early opportunity to discuss this question and bring it to an issue here, in order that it may go to the House in time for some action there.

Mr. JONES, of Florida. I desire to say, as a member of the Committee on Territories, that I concur fully with what has been said by the Senator from Missouri [Mr. VEST]. For one, I dissent from this measure, and I should like to have a full opportunity to debate it. I do not object to its coming up at an early day or anything of that kind, however.

Mr. HARRISON. I am much obliged to the Senator.

Mr. GARLAND. As one of the committee, I did not agree with the report which was made by the Senator from Indiana, but still I have never been averse to considering any subject that any Senator thought it was worth while to have considered and asked to have considered. I do not think, however, that Thursday is a proper time to fix for the consideration of the bill. We have now already ahead of it the educational bill, the pleuro-pneumonia bill, and probably some other bills, that Senators are asking to be advanced. I think if the Senator would say a week or ten days or say two weeks, rather——

Mr. HARRISON. I am entirely willing to yield to the suggestion of the Senator from Arkansas, and to make it Wednesday of next week.

Mr. GARLAND. I should not object to that for one, or rather Thursday of next week, although I am not in favor of the bill.

Mr. HARRISON. I will accept that suggestion, and say Thursday of next week.

Mr. COCKRELL. I think the Senator from Indiana ought to realize the fact that the bill will not pass readily or become a law at this session of Congress, and it is an absolute waste of time, a useless consumption of the time of the Senate, to be making it a special order and discussing it for a week or ten days.

Mr. HARRISON. I have not believed that we should divide upon this bill for the admission of Dakota upon any party line. I do believe that when we come to discuss the question I shall be able to show that no man can take a reasonable standing in opposition to the bill, either upon the question of population or upon the size or character of the proposed State as compared with any of the States that we represent here. I deem it my duty, as the chairman of the committee at least, to bring the attention of the Senate and its consideration to this bill at an early day. When the time comes for debate I hope we shall be able to show to every one who believes that reasonably and where the conditions exist out of which an American State should be constituted the Territories ought to be organized into States; that there are here a stronger argument and better reasons and safer conditions for the erection of an American State than have often existed in the case of States that have been admitted to the Union.

Mr. VEST. If the Senator from Indiana does not propose, as he says, to debate the question at this time, he ought not to make the statement that no one can make a reasonable opposition to the measure which he seeks now to make a special order in the Senate. I undertake to say with just as much confidence that there is no earthly reason for pressing the measure upon the American Congress at this time. Measures of the greatest national importance are now lagging behind and claiming the consideration of the Senate. It is well known that Congress is far behind in its work at this session, until there is a clamor through the country now for us to proceed to matters of urgent legislation. If one-tenth of what the people who apply for this new State now say and swore to before the committee is true it is a perfect Elysium, it is the happiest land, next to that of Canaan, which has existed since the creation of the world; and yet according to the Senator there is urgent and absolute and imperative necessity that all other measures should be put aside and that we should go into a lengthy debate in regard to this bill. I say they have not the population, and I can prove it, unless you go into the realms of imagination outside of figures, to entitle them to a Representative in the other branch of Congress. If the Senator proposes to debate it, I am ready at any time to take up that issue with him.

Mr. CONGER. It is the object of asking an early day for the consideration of the bill that the friends of the bill, or its opponents, if there are any, may present to the Senate their reasons for and against the adoption of the measure. My friend from Missouri says that all the statements show that the people of that Territory are in the most delightful condition in the world. Still my friend from Missouri is not happy.

Mr. VEST. I am not unhappy. It is your side that is unhappy. I am willing to let it stay as it is.

Mr. CONGER. It is the opinion of a majority of the committee, and, as I understood, of all, that the bill should be presented for consideration at an early day and its merits discussed. I have no doubt of the result whenever the subject can be brought before the Senate and the facts in the case presented.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana. [Having put the question.] The ayes appear to have it.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. What is the exact proposition?

The PRESIDING OFFICER. The motion of the Senator from Indiana as modified is that this bill, the Dakota bill, be made a special order for Thursday, the 3d day of April next.

Mr. HARRISON. Thursday week.

Mr. BUTLER. Perhaps I ought to state, as a member of the Committee on Territories, that I happened to be absent at the time the report was made, and, with the Senators from Missouri, Arkansas, and Florida, I dissent from the provisions of the bill reported.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HILL (when his name was called). I am paired on this question with the Senator from Arkansas [Mr. WALKER].

Mr. SAWYER (when his name was called). On this question I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea."

Mr. SEWELL (when his name was called). On this question I am paired with my colleague [Mr. MCPHERSON]. If he were present, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. HILL. I announced a pair, but I am authorized to vote. I vote "yea."

Mr. ALLISON (after having voted in the affirmative). I withdraw my vote. I am paired on this question with the Senator from Louisiana [Mr. JONAS].

Mr. GROOME (after having voted in the negative). I desire also to withdraw my vote. I am paired with the Senator from Minnesota [Mr. MCMILLAN].

Mr. JONES, of Florida. I did not know this was a political question, making a bill a special order. If it is I should like to know.

Mr. BUTLER (after having voted in the negative). As this seems to be a party question I feel constrained to withdraw my vote. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. HAMPTON (after having voted in the negative). I was requested the other day to pair with the senior Senator from Rhode Island [Mr. ANTHONY]. I do not know whether the pair continues, but I do not see him in his seat, and I therefore withdraw my vote.

Mr. ALLISON. I have transferred my pair to the Senator from Minnesota [Mr. MCMILLAN], and I vote "yea." The Senator from Minnesota [Mr. MCMILLAN] is paired with the Senator from Louisiana [Mr. JONAS].

Mr. GROOME. Under the statement just made by the Senator from Iowa, I vote "nay."

The result was announced—yeas 33, nays 23; as follows:

YEAS—33.

| | | | |
|---|---|---|---|
| Allison, | Garland, | Logan, | Platt, |
| Blair, | Hale, | Mahone, | Plumb, |
| Bowen, | Harrison, | Manderson, | Riddleberger, |
| Cameron of Wis., | Hawley, | Miller of Cal., | Sherman, |
| Conger, | Hill, | Miller of N. Y., | Van Wyck, |
| Cullom, | Hoar, | Mitchell, | Wilson. |
| Dawes, | Ingalls, | Morrill, | |
| Dolph, | Jones of Florida, | Palmer, | |
| Frye, | Lapham, | Pike, | |

NAYS—23.

| | | | |
|---|---|---|---|
| Bayard, | Colquitt, | Harris, | Pendleton, |
| Beck, | Farley, | Jackson, | Pugh, |
| Brown, | George, | Kenna, | Ransom, |
| Call, | Gibson, | Lamar, | Vance, |
| Cockrell, | Gorman, | Maxey, | Vest. |
| Coke, | Groome, | Morgan, | |

ABSENT—20.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | McMillan, | Sewell, |
| Anthony, | Fair, | McPherson, | Slater, |
| Butler, | Hampton, | Sabin, | Voorhees, |
| Camden, | Jonas, | Saulsbury, | Walker, |
| Cameron of Pa., | Jones of Nevada, | Sawyer, | Williams. |

The PRESIDING OFFICER. Two-thirds of the Senate not having voted for the motion, it fails.

## SALARIES OF DISTRICT JUDGES.

Mr. HOAR. I move to proceed to the consideration of Order of Business 373, being the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum.

Mr. DAWES. I wish my colleague would consent to permit me to call up the bills which I reported this morning. If they cause any debate I shall not urge them now.

Mr. HOAR. This matter has been discussed for several days and there has been a test vote, on which the Senate was about four or five to one in favor of this bill. I hope we shall be able to dispose of it. I should like to oblige my colleague in any possible way, but I think this bill ought to be disposed of.

Mr. MORGAN. I do not think the vote taken on my amendment the other day is a test of the opinion of the Senate in regard to increasing the salaries of the judges from $3,500 to $5,000.

Mr. HOAR. It is so far as I am informed by such inquiry as I have been able to make.

Mr. DAWES. I am afraid my colleague is too sanguine about the time it will take to consider this bill.

Mr. MORGAN. It will necessarily lead to further discussion. I do not know that I shall participate in it, but other gentlemen desire to do so. It is a question of very great gravity, because when we get this statute on the statute-book we can not afterward repeal it, and we are jumping $1,500 at a single bound on these salaries, when we had better not go more than $500 at a session, to say the least.

The PRESIDING OFFICER. It is the duty of the Chair to remind the Senator——

Mr. MORGAN. I am not discussing the merits of the bill. I am discussing the reason why it ought not to be gone into now, and why it will take a good deal of time to dispose of it. The questions involved are important and the bill is not by any means satisfactory to the Senate, I think, and it certainly is not to the committee; at least to some members of it.

The PRESIDING OFFICER. The Chair must remind the Senator that under the new rule adopted a motion to proceed to the consideration of a bill is not debatable.

Mr. MORGAN. I beg pardon of the Senate for having violated the rule, but the Senator from Massachusetts had set me the example.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts [Mr. HOAR] to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, the pending question being on the amendment proposed by Mr. VAN WYCK, in line 4, after the word "of," to strike out "five" and insert "four;" so as to make the bill read:

*Be it enacted, &c.*, That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $4,000 per annum.

The amendment was rejected.

Mr. COKE. I propose to amend the bill by adding the following as a new section:

SEC. 2. It shall be unlawful for any person related by consanguinity or affinity to any circuit or district judge of the United States to hold any office or employment in or pertaining to any court presided over by such judge; and any judge who shall knowingly cause or permit a violation of this section shall be deemed guilty of a misdemeanor.

Mr. President, this is an amendment suggested by a very great abuse which has existed in the State that I have the honor in part to represent on this floor. I have known all the Federal judges ever appointed for Texas, and with the single exception of Judge McCormick, the present judge of the northern judicial district of Texas, every one of them has followed the practice of filling the offices of his court with his own or his wife's relatives. The practice of nepotism has been gross, flagrant, and with the exception named has been uniform with them.

The consequence has been, as will always be the case where this is done, that parties litigant in the courts have enormous cost-bills taxed against them, and are placed at the disadvantage if they would right themselves of having to make an appeal to the judge of the court against the action of one of his near relatives. This is not right, just, or fair. The people are entitled to impartial judges, unbiased by relationship or any other consideration in all their judicial business.

Mr. HARRIS. If the Senator from Texas will allow me, I would suggest to him a modification of his amendment. As the amendment reads, it provides that no person related as described shall hold any office, &c., which would apply to a marshal. If he would narrow his amendment to the statement that no judge shall appoint any relative to an office of which he had the appointment, I think that would be proper.

Mr. COKE. Then there would be this trouble: The judge appoints the clerks; the clerks appoint their deputies. The clerk appointed might be a figure-head, and he would appoint the judge's son or son-in-law or other relative as a deputy. The office of the marshal is not an office pertaining to the court. It is a district office, filled by appointment of the President. Let the amendment be reported.

The CHIEF CLERK. It is proposed to insert as a new section the following:

It shall be unlawful for any person related by consanguinity or affinity to any circuit or district judge of the United States to hold any office or employment in or pertaining to any court presided over by such judge; and any judge who shall knowingly cause or permit a violation of this section shall be deemed guilty of a misdemeanor.

Mr. HOAR. May I ask the honorable Senator from Texas, without disrespect, if he accepts the scriptural doctrine of the origin of the human race through Adam?

Mr. COKE. I will discuss that question on some other occasion. At this time I am giving attention to the pending bill.

Mr. HOAR. If he does, I ask whether every human being is not related by consanguinity or affinity to every other? There is no limit of degree in the amendment; it does not limit it to the tenth cousins or one-hundredth cousins.

Mr. COKE. The terms consanguinity and affinity are very well understood by everybody except the Senator from Massachusetts. They are terms the signification of which is defined in all the law-books. They are used in the statute laws, and everybody understands them.

Mr. HOAR. But this does not state the degree, if the Senator will pardon me, because this is a serious point.

Mr. COKE. I do not yield, thinking there is nothing in the Senator's objection.

The PRESIDING OFFICER. The Senator from Texas declines to yield and has the floor.

Mr. COKE. I have introduced the amendment not through any hostile intent to this bill, because I intend to vote for it, but I desire to correct an abuse which is known in the State where I live to be a very great one, so great that on the second day of the meeting of this Congress I presented a memorial, which I have before me now, printed in the RECORD, signed by the United States district attorney for the western district of Texas, asking Congressional action on this very subject.

We have three districts in Texas, the northern, the eastern, and the western districts. In the northern district, presided over by Judge McCormick, there is no complaint. In every other judicial district and under every other judge who ever sat on the Federal bench in Texas there has been great and loud complaint, and with justice.

Why, Mr. President, what chance has a suitor in the courts when his cost-bill is taxed by the clerk who is the son-in-law of the judge or the son or the nephew of the judge on the bench—what chance has that litigant to appeal successfully against wrong to the judge? What prospect of success to appeal to the head of the family for relief against a wrong being done by one of the minor members? There is none. People should not be placed in that predicament; and in my State I assert it to be a fact that ever since the annexation of Texas in every court except Judge McCormick's, in the northern district of Texas, the people have with good cause complained loudly of this great wrong. I say it is not just. Good officers can be obtained outside of the judge's family. We are making now an addition to the judge's salary; we are making an additional provision for him. He ought to be able to get along with this additional provision, without filling the offices of the court with his family and relatives.

Mr. President, I have had this matter before the Judiciary Committee. On the second day of the meeting of this Congress when I presented the memorial of the attorney of the western district of Texas I called the attention of the committee to it in some remarks I submitted at the time and had the memorial referred to that committee where it now sleeps. Nothing has been done with it. I find an opportunity here in the way of amendment to this bill to do what I think ought to be done, and therefore I present the amendment and believe that it ought to be adopted.

Mr. HOAR. Mr. President, I desire to offer an amendment to the amendment of the Senator from Texas, which I am sure he will accept, which will cover his point. The criticism which I endeavored to call to the attention of my friend from Texas was that he has not limited the degree of consanguinity or affinity. It is true that the words "related by consanguinity or affinity" have a well-known legal meaning, but those relationships are within different degrees, and the difference varies in the common law, the civil law, and the canon law. As everybody knows in regard to the matter of marriages, by some laws you can not marry your first cousin. I propose this as a substitute for the Senator's amendment:

No judge or officer by him appointed shall appoint to any office or employment in or pertaining to any court presided over by such judge any person related to him by affinity or consanguinity within the degree of first cousin.

Mr. COKE. That does not go far enough.

Mr. MAXEY. How about brothers-in-law?

Mr. HOAR. Consanguinity and affinity include the relatives of the wife in the same degree. I trust my friend from Texas will accept the amendment.

Mr. COKE. I doubt very much if that will accomplish the object I have in view.

The PRESIDING OFFICER. The Senator from Massachusetts offers an amendment to the amendment, which will be read.

The Chief Clerk read the proposed amendment to the amendment, as follows:

No judge or officer by him appointed shall appoint to any office or employment in or pertaining to any court presided over by such judge any person related to him by affinity or consanguinity within the degree of first cousin.

Mr. HOAR. I move that as a substitute for the amendment of the Senator from Texas.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. BUTLER. I should be obliged to the Chair if both the original amendment and the amendment as amended should be read.

The PRESIDING OFFICER. They will be read.

The Chief Clerk read the amendment originally proposed by Mr. COKE and the amendment to it moved by Mr. HOAR and adopted.

Mr. MAXEY. I have knowledge of the complaint made throughout the State of Texas, alluded to by my colleague, for a great many years. I think it is true almost without exception that appointments have been made to these positions of persons related to the presiding judge, the effect of which has been that suitors have an idea that where a bill of costs amounts to a great deal they can not appeal from the taxation of the bill without going into the trial of it with the feeling that the judge is on the side of the clerk who makes out that bill of costs. This is the way in which justice has been administered in the Federal courts. But it is not the case in the district in which I live, the northern district. There never has been the slightest complaint of partiality; there has never been the slightest complaint that the judge appointed his kith or kin to any position whatever, and there is a better feeling on the part of the people of the northern district toward the administration of justice in the Federal courts in that district, I venture to say, than in any other district in the entire Southern States, because the people have entire confidence in the ability and impartiality of the judge, and feel sure that justice is legally administered in accordance with the forms of law.

The amendment speaks of the affinity or consanguinity being within the degree of first cousin. I do not know whether that would reach the object. The great trouble with us is the appointment of sons-in-law and brothers-in-law.

That the principle of the amendment of my colleague is right, I have no doubt. I believe the judge on the bench should be not only free from all evil influence, but should be free from the appearance of all evil influence.

Mr. MORGAN. Mr. President, the arguments in favor of rewarding the judges of the United States district courts commence to come in in great force. The two Senators from Texas have now discovered that the judges in their State and elsewhere in the Southern States have been guilty of the most outrageous nepotism in the appointment of their relatives to all the offices, clerkships, and deputy clerkships and receiverships, and the various very important and very lucrative offices connected with the courts; and yet these Senators are assisting the balance of the Senate in the very profound desire to reward them for such services as these to their families.

I think, sir, if this debate goes on a little while longer we shall get probably to the bottom of this subject, and not only what I have been compelled reluctantly to state on this floor in opposition to the increase of these salaries in favor of the judges who now hold the office, calling up as I have done the reports of the officers of the Department of Justice, but we shall have re-enforcements from every quarter to show that the Senate of the United States is now engaged in rewarding by an increase of salary a set of men who have done very little else than abuse the powers of their offices for the perversion of right and public justice.

On the chancery side of a district or circuit court of the United States, where the district judges may preside in the circuit courts, the occasion is often, very much too often, presented for the appointment of receivers for the administration of very large estates, particularly of enormous railway corporations. I myself have seen a district judge of the United States as anxious for the opportunity to wreck a railroad and appoint a receiver as ever a Comanche Indian was for a buffalo, with his war paint on and his bow and arrow or gun or whatever else of weapons of destruction he had. I recall one instance of such a flagrant character as that I was compelled, as counsel for some of the bondholders of a railroad company, while being a private citizen of the United States and entirely unknown in Washington, to come here and present before a committee of this body the effort that was then being made, and this body and the other House immediately acting upon the representations which were made snatched the circuit-court powers away from that judge and required that he should no longer be able to exercise them in his district court. That was one of the first instances in my experience as a lawyer which led me to the conclusion that the powers of the United States circuit and district courts, particularly in chancery causes, were capable of being abused to a degree that scarcely ever was permitted to the exercise of power in the world.

Now I appeal to the Senator from Texas who sits nearest me [Mr. COKE] to answer me if he does not believe that there are kin people of judges in his own State who have made $100,000 fee-money out of offices like these.

Mr. COKE. I can not say how much they have made, but I know they have made a great deal.

Mr. MORGAN. Very good. Does that Senator want to reward that judge for holding his place? I do not know who the judge is. I dare say, however, that he is a man who is upward of seventy years of age and entitled to retire upon his full pay, and yet he holds the office.

Mr. COKE. Will the Senator permit me a word?

Mr. MORGAN. Yes.

Mr. COKE. I have to say to the Senator from Alabama that I am actuated by something higher than the view of rewarding anybody in the vote I give on this bill.

Mr. MORGAN. I know.

Mr. COKE. Permit me to go on a little further. I do not propose to reward anybody. I introduced a memorial here a few days ago, signed by a large number of members of the bar of my State, asking for this increase of compensation for judges. I know the fact to be that the judge of the northern judicial district of Texas has had to move away from the city of Dallas, the principal point in his district, and off the railroad, to where with his large family he can live on his salary. I know these facts. I have no desire to reward anybody, but I do desire to pay the judges a competent salary. At the same time I desire to purify the judicial service by the passage of this amendment forbidding nepotism.

Mr. MORGAN. The way to forbid nepotism is to forbid the men who are guilty of it. The way to forbid the oppression of the people in the taxing costs and fees and charges against men and hauling them from one place to another for trial, is to forbid the men who are guilty of the toleration of it upon the bench. These things would not occur if the judicial departments of the United States to-day were occupied by men who were deserving of them.

The Senator from Texas says he has a higher standard than the mere question of personal reward to any man for his service or the withholding of personal reward because of his lack of service. It makes no difference to me what the standard of the Senator from Texas may be. My standard is not to reward out of the Treasury of the United States a set of men who are incompetent or unjust; and if these judges in Texas have been doing these things which the Senator from Texas informs us, if they have abused the powers of their offices, they are not entitled to this reward.

It is not agreeable to me to have these things to say; but when I present to the Senate of the United States through authentic reports of the Department of Justice matters which relate to the administration of that Department in my own State, and I show from these reports that the judges there have not only abused their powers but have tolerated the abuse of the powers of all their subordinates, and that these have resulted in outrages upon the people of my State, I think that I have a right rather to the sympathy of my brother Senators, and especially from the South, than to have them vote a reward to a man who has done these things which have been thus published to the Senate and to the world by an addition of $1,500 to his salary.

Sir, if a Senator on this floor were to tell me that the effect of this law would be to keep in office a man whom the Government officers themselves have been compelled to denounce as having abused the powers of the great trust confided to him, I would stay here during the rest of my life before I would vote to reward the judge over their protest. They can have their own way and put their standard as high as they please. I shall be content when I have advertised to the world that I am trying to protect the honesty and fidelity of the judges. Then Senators can take to themselves such credit as they may find in the fact that they are willing to reward them notwithstanding the reports laid before the country and before the Senate to-day showing that they are unworthy of those offices.

Now, sir, there is a judge in the State of Texas, I am informed, who is over 70 years of age. He has been holding on to his office for some years if I am correctly informed. I may be mistaken as to his age——

Mr. COKE. The Senator is mistaken.

Mr. MAXEY. Oh, yes.

Mr. MORGAN. There are judges, I am informed, in the United States who are over age but who still hold on to their offices and exercise their powers when by resigning they might draw the salaries during the balance of their lives, and there are many who are approaching 70 years of age.

Mr. COKE. I will say to the Senator, if he will permit me, that there was a judge of whom that thing was said, that he could have been retired and yet he held on to the office.

Mr. MORGAN. Now the Senator from Texas has gone further than I expected I should be able to go in this case. There was a judge in Texas who could have retired under the law——

Mr. COKE. Yes.

Mr. MORGAN. Who was over 70 years of age, and of whom it was said, I suppose by the bar, that he held on to the office and did not resign because his relatives were in office under his appointment, and if he had resigned it would have put the power of appointment in the hand of somebody else and his relatives would have gone without their reward. If that thing ever occurs or if ever there is a possibility of its occurring, then there is an evil in the case that needs the remedy of law before we undertake to increase the salaries of these judges.

This honorable Committee on the Judiciary, a very able and distinguished committee, have informed us through their chief spokesman here, the Senator from Arkansas [Mr. GARLAND], that they had great difficulty in coming to a conclusion about this bill, that they at first had agreed to report quite a number of the district judges of the United States for an advance of salary. I believe they did make the report, but when they came with it into the Senate the Senator from Arkansas informs us that there was some discontent on the part of certain Senators that their judges had not been relieved by an increase of salary, and thereupon the Committee on the Judiciary thought it was better to go back and to make a law which should include all, so that every judge, good and bad, it made no difference what his record might have been, should stand upon a parity and that they should all receive $5,000 a year for their services.

Mr. President, I submit to the Senate whether the other course would not have been the proper one. That committee came to its own just conclusion that there were certain judges who ought to be rewarded in the United States because the salaries of their offices were too small for the amount of labor they were compelled to perform and the amount of expense they were compelled to undergo. Why was it that this brave and bold committee of the greatest jurists in this body, and therefore among the greatest in the United States if not in the world found it necessary to abandon their first conclusion to reward those men who really needed the reward, and to take in all the balance, whether they needed it or deserved it or not? There was an abandonment of principle in that, there was a concession to a mere rumor of opposition in the Senate without the committee ever having taken the pains to bring this measure before the Senate to test its real sense on this proposition.

Now, without asserting that this last measure is not satisfactory at least to some Senators, if they meant to poll the Senate and to find out what the vote of the Senate was before they introduced it, why did they not come to me as well as to other Senators and ask if I had reasons to suggest against their second proposition? It never occurred to me that the Senate of the United States would place upon the statute-book an amendment that can not be gotten rid of hereafter or reduced at all, leaping up from $3,500 to $5,000 a year in consideration of these services. We find that this committee is not a unit in favor of this bill; at least one of the gentlemen upon the committee has declared his opposition to it, and has voted against the increase of the salary in favor of all judges who are now upon the bench.

Now, sir, if I was contending for anything else than right and justice and duty upon this occasion I would long since have abandoned any opposition to this measure; but I will stand here and I will prevent it in every legal way I can, and I do hope that I may be able to put upon the records of the Senate enough of facts to cause the committee of the House to inquire more profoundly into the effects of this measure than the Senate Judiciary Committee seem to have done. We have a lot of judges on the district bench who are approaching 70 years of age, perhaps many, certainly half a dozen or more. What do we do? We immediately raise their salaries $1,500 a year in order to enable them to retire when they get to be 70 years of age on $5,000, instead of $3,500.

Is that a fair way to deal with the money of the people of the United States? No, sir; neither is it just in itself, because while this bill professes to reward men more in accordance with their merits and deserts in consequence of the higher labors that are imposed upon them than used to be, we put in no qualification as to what the salary shall be after the man declares himself to be incompetent to sit as a judge by tendering his resignation and putting himself upon the retired-list. Here we are giving to men now approaching 70 years of age $5,000 a year upon the pretext that the labors men perform require that they should have a larger compensation, when we know they have nothing to do but to resign their offices and continue to draw the $5,000 a year as long as they may live.

It is my opinion that honorable Senators on this floor will hear from this after a while; and this gross unnecessary extravagance on the part of this body can not be polished off or glossed off by the mere fact that we want to have a high standard of judicial compensation when we see that it is rewarding incompetency in some cases, nepotism in others, and providing large pensions for officers who may retire and will retire very soon at 70 years of age. When the time shall come I will offer another amendment to try to graduate this pay $100 a year during the time the officer may be in the service, so that when a judge reaches the age of 70 years he will retire not with $5,000 annual salary, but he will retire on a smaller sum.

Senators need not flatter themselves that the people of the United States are not noticing what they are doing with the Treasury. The increase of salary proposed by this bill is worthy of the denunciation which I give to it upon this floor, that it is for the mere glory of the legal profession and not for the good of the country. I regret very much that I am brought into antagonism with the committee on this question, but the committee do not stand on firm ground. They come up here and apologize for their bill, rather than defend it. They must know, must feel after a full survey of the facts that the first ground that they said they intended to take of increasing the salary of those judges who needed it and who had won it and earned it, was the true ground, rather than to increase the salaries of all in order that we might quiet perhaps opposition to the increase of the salaries of some that needed it. That is not the way to legislate in this country. Legislate upon the merits of your bill, and not try to silence opposition by including in your bill those men who might perchance be disposed to mouth against your bill or to make complaint of it. There is too much of that

in this country. Here are legitimate works of internal improvement that need the assistance of this Government; and yet we find committees reporting bills and Senators sustaining them which contain appropriations which we all know are not for the public service, but merely for private advantage, merely to assist somebody in getting an office from the people; and we are expected and we are required too to support bills containing bad measures because they contain some good measures. It is expected of me here to-day and of every Senator on this floor that we shall give to every judge in the United States on the district court bench, fifty of them, $5,000 a year, whether they deserve it or not, because there are some of the judges in the country who according to the opinion of the Judiciary Committee deserve as much as $5,000 a year. I believe there are some who do deserve it. There are some districts in which this would be a meritorious reward; but because I believe that, it is no reason why I should be compelled to vote for a measure which contains a reward to men who have not earned it and who do not deserve it, and who deserve a fate very different from that of the complimentary action of this body.

Mr. HOAR. I hope we shall have a vote. The bill has been debated four or five mornings.

Mr. COKE. I offer an amendment to the substitute of the Senator from Massachusetts which I ask may be read.

The SECRETARY. In the first line of the amendment, after the word "judge," it is proposed to insert "of any district or circuit court of the United States," and at the end of the amendment to add "and any person guilty of a violation of this section shall be deemed guilty of a misdemeanor."

Mr. HOAR. I accept that. I hope it will be accepted by unanimous consent.

Mr. VAN WYCK. Let the amendment be reported as it will stand if amended.

The SECRETARY. The amendment, if amended as proposed, will read:

No judge of any district or circuit court of the United States or officer by him appointed shall appoint to any office or employment in or pertaining to any court presided over by such judge any person related to him by affinity or consanguinity within the degree of first cousin; and any person guilty of a violation of this section shall be deemed guilty of a misdemeanor.

Mr. MILLER, of California. I should be glad to have the interpretation of the Senator from Massachusetts of one point in the amendment, and that is whether it applies to future appointments solely or whether it includes those heretofore made.

Mr. HOAR. I suppose it applies to the future; but the evil which this amendment is aimed at is masterships in chancery, auditorships, and things of that kind, where there is a new appointment for every case. Of course you would not interpose in the middle of a case with such officers or with any of those officers with the single exception of assistant clerks. The clerks have to be reappointed every three years, so that all the assistant clerks who are in office now in violation of this provision would come up for reappointment. It is not worth while, therefore, to go into the past, because it would make great mischief.

Mr. MILLER, of California. My objection is that it ought not to be applied to the clerks at all.

Mr. HOAR. That has been adopted by the Senate. This is to make it a misdemeanor to violate the act.

Mr. MILLER, of California. Then I shall vote against the bill if the amendment has been adopted and is retained.

Mr. VAN WYCK. I did not hear the colloquy between the two Senators. The Senator from California propounded an inquiry which I desired to know the answer to, as to what was the effect of this amendment. Now, as it appears from the public discussion, and from conversation between Senators who have taken interest in this matter, the appointment of the officers referred to has been deemed a perquisite of the judge, which probably eked out his salary of $3,500 a year. If the salary is to be raised to $5,000, is there any reason why the family of the judge, after he is paid $5,000 a year, shall still continue in office under him? I presume that was the point of the inquiry of the Senator from California, but I did not understand the criticism of the Senator from Massachusetts upon that proposition. My notion is to have this amendment reach where it should, and directly strike at the appointments previously made.

Mr. HOAR. Will the Senator allow me?

Mr. VAN WYCK. Certainly.

Mr. HOAR. If a man has been appointed a master in chancery and has half got through the trial of a case, you do not want to turn him out and make the parties pay another man?

Mr. VAN WYCK. No.

Mr. HOAR. So of an auditor. That is the class. Those are appointments for each case. Nine hundred and ninety-nine out of every thousand instances of the evil you want to reach are instances where the appointment is made in each case. You do not want to strike at cases already begun.

Mr. VAN WYCK. How about the clerks and deputy clerks?

Mr. HOAR. The deputy clerks are appointed every three years.

Mr. VAN WYCK. The clerks are the most important in my judgment. I understand the Senator's proposition as to masters and auditors for each case; but here, for instance, the judge has his son——

Mr. HOAR. There are not five such cases in the United States.

Mr. VAN WYCK. Then strike the five cases out.

Mr. HOAR. They will go out in time.

Mr. VAN WYCK. Suppose there are only five judges who have sons fastened in these offices on the Treasury of the nation; strike them out. There is no difficulty about this matter. Make it plain, so that there shall be no chance to quibble hereafter. Strike down that perquisite of the judge when you are raising his salary to $5,000 a year. Now, if he ekes it out by appointing his son or stepson his clerk, fix it so that there shall be no question about the matter. Let the amendment mean something after it is adopted. Surely a judge ought to be satisfied after he gets $5,000 to keep his family out of office; but let it be made so plain not only that he shall not appoint them in the future but shall drop them now. Why should there be any objection to that? Frame the amendment so that it shall meet the case it is aimed at——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill known as the school bill.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

The message also announced that the House had agreed to the amendments of the Senate numbered 2, 3, 9, 10, and 11 to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, and had disagreed to the amendments of the Senate to the said bill numbered 1, 4, 5, 6, 7, 8, 12, and 13.

## AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON], on which the Senator from Arkansas [Mr. GARLAND] is entitled to the floor.

Mr. GARLAND. Mr. President, the amendment offered by the Senator from Indiana involves to a considerable extent the merits of the bill which is now before the Senate, and in speaking upon that amendment I shall speak upon the bill in its different aspects and bearings, so that in the remarks I now make I may say all that I desire to say on the subject.

The bill might very aptly be styled a bill to extirpate illiteracy in the United States, and briefly and substantially it proposes to appropriate $15,000,000 at once for this purpose, and to diminish the appropriation by $1,000,000 every year for ten years, when it shall cease. The money is to be distributed among the States in proportion to the number of persons within the school age in each who are unable to read and write. It requires that each State shall expend of its own revenue one-third as much as it receives from the United States, and then limits the money to be expended for the support of normal schools to one-tenth part of the amount received. It leaves the States free under these restrictions to expend the money according to their own judgment. It does not attempt to create a new class of teachers and superintendents who shall be in exclusive relations with the National Government.

That is, I believe, a fair analysis of the substance of the bill; and in the discussion of it two questions naturally arise—first, the power to pass such a bill as this; and second, the policy of it. In other words, can Congress enact such a measure as this; and if it can, is it politic and proper that it should be done?

The Senator from Florida [Mr. JONES] the other day, in the few and forcible remarks which he submitted to the Senate on this question, went back to the early history of this country in reference to the subject of education and showed to some extent the policy of the Government in regard to it. In finding his warrant for sustaining the bill he produced the decision of what are known as the Slaughter-house cases, in 16 Wallace's Reports, that decision being based upon the recent amendments to the Constitution. For one I did not require any amendment to the old Constitution; I did not require the thirteenth, the fourteenth, or the fifteenth amendment, or all of them together, to enable me to find the power of Congress to do this.

That decision of the Supreme Court comes in very well to show an additional reason why Congress should do this thing; that on account of this very large citizenship being added to the country it is compelled in justice and in good conscience to help mitigate the evils imposed by that sudden addition to the mass of citizenship. To that extent it is a very strong and very powerful argument. But that we had the power before the recent amendments I am perfectly satisfied. Indeed, the Senator from Florida himself in the citation of precedents from the ordi-

nances of 1785 and 1787 showed that we had the power and that it had been carefully and tenderly guarded by the Government at all times. Probably in the nature of things no more would be needed than the citations that he made of the practice of the Government under those ordinances. But this matter came once so clearly before the Supreme Court long before the recent amendments were ever adopted or before they were ever dreamed of, when the complexion of the court was essentially different from what it is now and from what it has been for the past twenty years, that I deem it not inappropriate to cite the language of the unanimous court, speaking through Judge Campbell, in 18 Howard's Reports, the case of Cooper *vs.* Roberts, page 177. This case came from Michigan:

The appropriation of public lands for that object became a fundamental principle by the ordinance of 1787, which settled terms of compact between the people and States of the Northwestern territory and the original States, unalterable except by consent. One of the articles affirmed that "religion, morality, and knowledge, being necessary for good government and the happiness of mankind," and ordained that "schools and the means of education should be forever encouraged." This principle was extended first by Congressional enactment (1 Statutes at Large, 550, section 6), and afterward, in 1802, by compact between the United States and Georgia to the Southwestern territory.

After citing the history of that, he proceeds:

But the constancy with which the United States have adhered to the policy in the various compacts with the people of the newly found States and the care which Congress has manifested to prevent the accumulation of prior obligations which might interrupt it fully display their estimate of its value and importance. There is obviously a definite purpose declared to consecrate the same central section of every township of every State which might be added to the Federal system to the promotion "of good government and the happiness of mankind" by the spread of "religion, morality, and knowledge," and thus, by a uniformity of local association, to plant in the heart of every community the same sentiments of grateful reverence for the wisdom, forecast, and magnanimous statesmanship of those who framed the institutions for these new States before the Constitution for the old had yet been modeled.

That is the preface of Judge Campbell, speaking for a unanimous court, to the law in the case which he afterward announces. In this same volume a very important case came up from Saint Louis in reference to schools, the somewhat noted case of Kissell *vs.* Saint Louis Public Schools Board, decided by the same court unanimously; and in passing I will say that that Saint Louis grant made in 1812 came three times before the Supreme Court for construction, for interpretation, and a defining of the extent of that grant as interfering possibly with other grants; and yet with all this litigation, and with a case from Michigan before it and a case from Wisconsin in ninety-fifth United States Reports, the point never occurred of bringing in doubt or in dispute the power of Congress to make these grants in any case it saw proper; and as the Senator from Florida well said, if you could grant lands you could of course grant the money; if you could grant land worth a dollar and a quarter an acre you could grant the dollar and a quarter in money.

The purpose of such a grant of lands has always been to make a permanent fund to increase in value as the necessities of the schools should increase. So that no fine-spun theory can bring an argument to show a distinction in the power to make the grant as between money and land. Then, taking these cases as a sample and taking the custom of the Government to exempt, as it has frequently done, school property or property devoted to school purposes from taxation, there can not be any dispute as to the power of Congress to do this under the Constitution as it was before the recent amendments were ever dreamed of.

In a tolerably recent case in the ninety-ninth volume of United States Reports which came from Illinois in reference to the exemption of property there, the Supreme Court held that when that exemption was passed and when it was accepted it became in the nature of a contract, and could not be impaired and could not be repealed by a subsequent act of the Legislature. That was an exemption under the statute of Illinois for school purposes. So then we see, outside now of the modern phase presented by the recent amendments or any construction of them, there can be no doubt as to the power.

Now, what has been the custom of the Government? I hold in my hand a report from the General Land Office made in 1880. It is a very instructive document on this point, showing the different grants made from time to time for school purposes and how sacredly they have been guarded by legislation, how sacredly they have been guarded by the courts whenever they came to be enforced and construed. I will not detain the Senate by reading the report, but running from page 221 to 230 of this volume there is a full list of all these donations, from which some of the best schools in the country have sprung and out of which have grown some of the finest institutions in the country.

I have alluded to an act of 1812 in reference to a grant for school purposes at Saint Louis. By the act of 5th of April, 1826 (6 Statutes at Large, page 339), there was granted for the education of the deaf and dumb and for the erection of an asylum in Kentucky one township of land, excepting the sixteenth section, to be located in one of the Territories on lands to which the Indian title had been extinguished. By the act of March 3, 1843, the trustees of the Centre College of Kentucky were invested with all the rights of the deaf and dumb asylum of Kentucky in the grant, provided that the proceeds of the sale of the lands were not diverted from the purposes and intention of the original grant. So this was combined with the capital of the Centre College of Kentucky, from whose academic shades have come some of the best scholars in the country. Now, going back to 1812—

The grant to Jefferson College, Mississippi, is concisely stated in the order of the Secretary of the Treasury dated October 5, 1812.

That was an important grant, and one that was specially guarded and taken care of. So we go on—it would take too long to cite these different grants—until we come to the latter-day grants, one of which I wish to allude to more particularly:

July 2, 1862, Congress enlarged the national educational endowment system by the donation to each State of 30,000 acres of public land not otherwise reserved (no mineral lands could be selected and selections must be of quarter-sections) for each Senator and Representative (to which such State was entitled under the apportionment of 1860), for the support of colleges for the cultivation of agricultural and mechanical science and art. It was championed in the Senate by Hon. JUSTIN S. MORRILL, of Vermont.

Subsequent to that, within the past two or three years, we passed a bill under the management and direction of the same eminent Senator not going as far as this bill, but a bill going in the same direction, by a vote that amounted to two-thirds of the Senate, I believe. I cheerfully advocated and voted for that bill, as I do for this.

Then look, Mr. President, not to detain the Senate by reading, at the 2 per cent. funds, the 5 per cent. funds of the net proceeds of sales of public lands for school purposes, heretofore so freely and bountifully given to certain States.

In view of these precedents we need not spend any more time on the point that the power always existed and was never questioned, as is said in the address of three eminent gentlemen that I hold in my hand. I ask attention of the Senate for a while to this memorial. We have gone through the era when the control of the Government in all its branches was in the hands of an entirely different complexion, politically speaking, from those in which it is now. This memorial considers that period and considers the period subsequent to that. It is from the trustees of the Peabody fund.

The trustees of the Peabody fund at their meeting in 1880 designated a committee to address Congress on the very subject we now have in hand. That committee consisted of the present Chief-Justice of the United States, who presides over the first court that sits in the civilized world; of an ex-Attorney-General and an ex-Secretary of State, Mr. Evarts, and of the accomplished Secretary of the Interior under Mr. Fillmore, Mr. Alexander H. H. Stuart, of Virginia. That was the committee appointed by these trustees to draft a memorial to Congress. They drafted this memorial, and I wish now to read some parts of it. After showing the necessity of Congressional aid, they say, on page 11:

The next point which your committee have felt it to be their duty to consider is, does Congress possess the constitutional power, not to control, but to contribute to, the education of citizens of the States?

This bill does not control, for, as I stated in the analysis I have made of it, it does not attempt to interfere with the management at all except in section 5, where it speaks of a certain limited course to be pursued.

Does Congress possess the constitutional power, not to control, but to contribute to the education of citizens of the States?

If doubts were entertained as to the existence of such a power in an unqualified form, it might well be contended that the case of the colored population is surrounded by such peculiar circumstances as to take it out of the influence of any general rule. But fortunately this question, even in its general aspect, is not a new one, presented now for the first time to be decided. It may be regarded as *res adjudicata*. The laws of the United States present innumerable precedents in which Congress has exercised the power to contribute toward the general education of citizens of the new States, and in no instance has its constitutional right to do so been questioned.

They proceed; they go over the same precedents the Senator from Florida alluded to the other day and some of which I have alluded to. Then there is a discussion which I will not detain the Senate with upon the new feature of the large class of population enfranchised to which the Senator from Florida called our attention on Friday. Then they say:

The experience of this board has demonstrated the propriety of using the officers connected with the school systems of the respective States as agents in the application of the funds of the Peabody board to the purposes of the trust.

That is what this bill proposes to do.

All the Southern States seem now to have awakened to a sense of the importance of a general system of free schools. Most of them have organized efficient systems of instruction so far as their limited means will allow them to go.

I desire the Senator from Kansas who sits nearest the door [Mr. PLUMB] to hear this part of this memorial, because it answers some of the propositions that he stated the other day to the Senate.

Most of them have organized efficient systems of instruction so far as their limited means will allow them to go. Faithful and competent officers have in most instances been put in charge of them. These agencies are too important to be overlooked.

Then proceeding with the position that, in the somewhat dismantled condition of those States, if education is left to the States it will never be carried on fully, or at least not for years to come, an actual and a positive demonstration is made in the memorial that there is no means adequate, except the national means, to the performance of this great task. They review in this memorial the condition of the Southern States; and I want Senators to bear in mind that I believe every Southern State has come with proper guards both in its constitution and in its statutory laws on this subject; but on account of the misfortunes to which

they have been subjected, and on account of the troubles and difficulties that they have encountered, because of their poverty and the great debts most of them bear, they can not meet the exigency of the case; but that they have shown a willingness to do so as far as they can in most cases there can not be any doubt.

What is the problem presented to us? Illiteracy is the disease to be cured; this is the poison to be extracted; and it is right and proper to base the contribution upon that. You can fix no other standard so reasonable and fair.

I feel assured in saying that without some safeguard on this subject not one of the Southern States would have been received back, as Mr. Lincoln termed it, into practical relations with the other States of this Union. The necessities of the public were so great, the sensibility was so acute on this subject, that if one of these States had lingered or hesitated in the matter of education it would not have been received back into the community of States. When the battle for the political life of the State of Arkansas was being fought, when the balance stood wavering here, persons unable to decide what should be its fate, gentlemen in the highest position as officers of this land wrote to me and telegraphed to me to let them see our school law, and when I transmitted that school law there was no longer any doubt as to the fate of that struggle which was then going on for the political entity of the State of Arkansas. I wish to call the attention of the Senate to that, and from that, connected with the statistics furnished by the Senator from New Hampshire who has charge of this bill, I will make the remarks that I desire to submit.

Article 14 of the constitution framed in 1874 by the State of Arkansas, under the title of "Education," is:

SECTION 1. Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools, whereby all persons in the State between the ages of 6 and 21 years may receive gratuitous instruction.

SEC. 2. No money or property belonging to the public school fund or to this State for the benefit of schools or universities shall ever be used for any other than for the respective purposes to which it belongs.

SEC. 3. The General Assembly shall provide by general laws for the support of common schools by taxes, which shall never exceed in any one year 2 mills on the dollar on the taxable property of the State; and by an annual per capita tax of $1, to be assessed on every male inhabitant of this State over the age of 21 years: *Provided*, The General Assembly may by general law authorize school districts to levy, by a vote of the qualified electors of such district, a tax, not to exceed 5 mills on the dollar in any one year, for school purposes.

Such a law has been passed in pursuance of that provision, and now it stands as a statute of the State of Arkansas:

*Provided further*, That no such tax shall be appropriated to any other purpose, nor to any other district than that for which it was levied.

SEC. 4. The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to such officers as may be provided for by the General Assembly.

That is the organic law of the State of Arkansas on the subject of free schools. Under the statistics furnished by the Senator from New Hampshire, gathered from the reports of the superintendents of common schools in that State, we find that she has assessed and paid out, in round numbers, at the rate of about $400,000 a year for the common-school system. And I will state now in reference to those statistics that they are incomplete. On account of the overflow at the time the first of those reports was made and the destruction of property there and the lateness of the crops there were no collections in some of the best counties or in comparatively few, but we have an expenditure for two years of $800,000 for about, in round numbers, 150,000 children, ranging between 6 and 21 years of age. When you look at the complexion of the population of that State you will find that in eight or ten or a dozen counties possibly it would stand in the ratio of a thousand blacks to about two hundred whites. When you go then to other portions of the State the exact reverse of the picture is presented, so far as the complexion of the people is concerned.

It was intimated the other day by the Senator from Illinois [Mr. LOGAN] that this appeared to him to be a contribution really in the name of the colored persons when, in point of fact, the whites would get the benefit of it. That is a mistake, I think, and the recitation of the facts in connection with my own State sufficiently refutes that. There is no distinction in that State; the colored and the white children share the contribution alike. They go into separate schools as a matter of course, which the courts in the different States have decided to be constitutional, because that is not a distinction based either upon race or upon color.

Now, I find in the State of Kentucky, for example, they had a law that levied contributions from the whites to educate the white children, and from blacks to educate the black children. I am not sure, but I am of the impression that law has been repealed.

Mr. BUTLER. I should like to ask the Senator what proportion of the taxes of the State of Arkansas are paid by the white people?

Mr. GARLAND. That was a point I had in my mind, but probably I was not explicit on it. I said in reference to as many as probably ten or a dozen counties the population would stand in about the ratio of a thousand blacks to two hundred whites, and in the rest of the State the complexion of the population was just the reverse. The ratio of the payment of taxes is much greater than the white population to the colored. I am not able to give the figures now, but I can safely make that statement.

Mr. FRYE. I should like right there, if it will not disturb the Senator, to ask him a question.

Mr. GARLAND. No disturbance at all.

Mr. FRYE. The Senator states that under the laws distinct and separate schools are had for colored and white. Does that extend all over the State?

Mr. GARLAND. It does in my State. I am not prepared to say as to all States.

Mr. FRYE. I am speaking of the Senator's State.

Mr. GARLAND. Yes.

Mr. FRYE. How, then, do you manage there in sparsely settled districts, where the division must make the schools exceedingly small?

Mr. GARLAND. In some of them they are exceedingly small; not exceeding ten, or probably sometimes fifteen; but we have a law under which we can transfer from one district to another if the school is too small, and a number of transfers have been made.

Mr. FRYE. So that under the law no one is excluded.

Mr. GARLAND. No person is excluded at all.

Mr. FRYE. Now, I should like to ask the Senator another question, for I have the profoundest confidence in his judgment and his humanity both and his entire fairness of statement. I wish to know from the Senator whether or not in Arkansas, on the part of educators, there is any prejudice against the education of the colored children at all?

Mr. GARLAND. If I was now about to utter the last words I ever expected to say on this earth I would say frankly that there is not, so far as I know; and a little further on I will attempt to show that we want to educate the colored people, and that it is very important to us that they should be educated.

I was referring to what I believe to be the only matter that I could ascertain after examination which looked to a distinction, and that was a law adopted in Kentucky. I believe, though I am not sure, that that has been repealed; but whether it has or not, the courts have held that it was unconstitutional in the case of Claybrook and others *vs.* City of Owensborough, in 16 Federal Reporter. It was held that that distinction could not be made; that all must be taxed alike, and all pay alike, and they must all share the benefits alike.

I can not find any distinction anywhere, answering more explicitly now the question propounded by the Senator from Maine. We have in Arkansas the law in reference to transfers, not only to suit colored people if they are not properly situated in some cases, but to suit the white people likewise. When I was governor of the State of Arkansas there was established a normal school at the town of Pine Bluff. I appointed a colored man the superintendent and the professor and president of that school, and I am happy to say I receive from him now regular reports that his school is prospering, and those reports that he makes are corroborated by citizens around and about it.

We may debate as much as we please about the theoretical question, that oft-repeated one, whether the colored man can be educated; but in my judgment it is something that never will be settled. I know in many instances colored people have been educated, and I do know that as citizens they have the franchise in their hands and have a right to the honors of this Government, which has been accorded to them now by all the States; and this being so, an effort should be made in the direction of improving and elevating them. If they are to be citizens, they should be made the very best of citizens. They should be made, if possible, the most accomplished of citizens. They should know the value of the ballot that is put in their hands; they should know the value of civil rights; and for one, as I took the stump in favor of the present constitution of Arkansas and was the first governor under it, I did not mean to humbug anybody then, nor do I mean to humbug any one now. I want all races in this country to be brought up to the very highest phase of education, brought to the very front rank of knowledge and information. It is as important to the people with whom they are thrown daily that they be educated as it is to themselves.

I do not believe, so help me Heaven, that there is any prejudice on the part of the educated classes in the State of Arkansas, to which my knowledge is confined principally, to the education of the colored people as far as and as much as the means given to them will enable them to do so. If we have done our best and are continuing to do our best, as this precedent has been established all along the line from the earliest history of the Government, with this accumulated mass of population upon us, it seems to me there is but one duty, and that is to vote this aid. If not in the particular shape in which the Senator from New Hampshire has proposed it, let us in good faith address ourselves to putting it in proper shape and rendering this aid. The able gentlemen who present the memorial to which I have referred say on this point:

By the operation of causes which have already been adverted to, it so happens that this class of our population, which at the date of our independence and for some years afterward was diffused over all the colonies, is now confined mainly to the Southern States. These States have not been insensible of the mischief to be apprehended from the presence of so large a class of ignorant voters, and they have manifested the most praiseworthy disposition to aid, as far as their means would allow, in their education.

That is the language of these gentlemen, spoken in truth and fairness to the Southern States.

Mr. President, looking at this subject for myself with all the lights that surround me and surround this country, and it is one that I have

given some considerable attention to, I do not know how my friends on the other side can say sincerely to the colored man, "We want to educate you, and yet will not vote for this bill or something similar to it." I do not understand how they can make it clear to him that they are sincere when they withhold this effort to help him for ten years until these States get upon a sound footing and wipe away the rubbish and *débris* now resting on them, and become self-sustaining. On the other hand, I do not see how our friends on this side, if they be in earnest in their constitutions and statutory laws in reference to common schools in this new era (not doubting, of course, the power of Congress to do it), can withhold their support from a measure of this kind.

I look upon this measure as being the most important one that has been before Congress for many, many days; and for my State I look upon it as the most important bill to us that has been proposed here. We are struggling there with conscientious energy and with a high purpose to accomplish these ends, but by reason of circumstances not within our control we are not able to meet the requirements of the time. Many of our schools hold sessions only two and some three months in the year. If this aid is given to us—an aid, if you please, equal to what we contribute ourselves, though that would not be in a generous spirit; it would be to a certain extent taking out the life and spirit of this bill—much good will be accomplished.

I say with that aid we can meet in a reasonable, an honorable, and a competent way this great exigency, and I for one look upon this as the presentation now of the question, Are we together upon the great question of the day? Certainly, in the name of Heaven, after twenty years nearly of peace, we ought to be a unit upon some one question, and not be standing in the shadows of the past and fighting our battles over again, but doing something for the advancing and fast approaching future. Already by reason of circumstances—the blame of which I lay at no man's door—many parts of the country have been utterly destitute of the facilities of education, and in the region from which I come we have not been able to educate our children to grow up as they ought to do. It is time we were meeting together on some proposition, because now when June and July come on and the different schools hold their commencements the country will be flooded with essays praising an laduding education; it will be in the mouth of every schoolboy in the country who comes out from the academic halls of the schools of this country. That high-sounding sentiment is well responded to in the provision I read from the constitution of Arkansas. Now, if we are really sincere, let us manifest our sincerity; and of all things to me it would be the best and proudest day since I have been here to see this measure, substantially as it is, meet with the entire approval of the Senate.

In conclusion, I implore both sides and all sides to come together and vote for this bill and be a unit upon it, as we have been talking about it and promising it for years and years past.

### SENATE CONTINGENT FUND.

Mr. COKE. Mr. President——

Mr. SHERMAN. Will the Senator from Texas allow me to present a conference report? It will take but a moment. Under the rules it is privileged, I believe.

The PRESIDING OFFICER (Mr. MILLER, of California, in the chair). The report will be received.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on Senate resolution No. 64, providing for the addition of $10,000 to the contingent fund of the Senate, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment, and agree to an amendment as follows: In line 4, after the word "for," insert the words "the payment of the current;" and the Senate agree to the same.

JOHN SHERMAN,
JAMES S. WILSON,
M. C. BUTLER,
*Managers on the part of the Senate.*

SAM'L J. RANDALL,
WM. S. HOLMAN,
THOS. RYAN,
*Managers on the part of the House.*

Mr. SHERMAN. I move that the report of the conference committee be concurred in. It is a mere formal matter.

The report was concurred in.

### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn;

A bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army;

A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley; and

A bill (H. R. 3932) directing the Adjutant-General of the United States Army to place the name of James M. Thomas on the muster-rolls of Company C, Second Regiment Tennessee Mounted Infantry, and for other purposes.

The bill (H. R. 1965) granting a pension to John A. Crozier was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 6090) for the relief of Sidney Henderson, executrix of John Henderson, deceased, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy, was read twice by its title, and referred to the Committee on Naval Affairs.

### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1926) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 1927) granting a pension to O. F. Miller; which was read twice by its title, and referred to the Committee on Pensions.

### URGENT DEFICIENCY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. ALLISON, it was

*Resolved*, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the presiding officer.

The PRESIDING OFFICER (Mr. SHERMAN) appointed Mr. ALLISON, Mr. HALE, and Mr. BECK the conferees on the part of the Senate.

### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. HARRISON to the amendment offered by Mr. PLUMB.

Mr. COKE. Mr. President, I propose to state briefly the reasons for the vote I shall cast against this bill. I am opposed to it both on principle and as a measure of policy. If it can be justified at all, it can only be under the "general-welfare" clause of the Constitution, and such a construction of that instrument as would justify any measure not embraced within its inhibitions. I can not yield my assent to a construction which would, in my judgment, overthrow the plain meaning and intent of the Constitution, and substitute the discretion of Congress as the sole limitation upon Congressional power, as this would. This would be centralization in its most matured, enlarged, and perfected form.

The admission that Congress has the power to do all things not prohibited by the Constitution which in the judgment of Congress the "general welfare" requires, which must be made by all who support this bill, is one I can not make, however much I might desire for my State the benefits of the bill. The grants of land by Congress to the several States for educational purposes have been adverted to in this debate as precedents sustaining the proposed exercise of power in this bill. The two cases are utterly unlike in every respect. Congress possesses plenary power under article 4, section 3, of the Constitution, over the public lands, and may make any disposition whatever of them. The public lands are the property of the Government, which the Constitution expressly authorizes Congress to dispose of as Congress may see fit. The grants to the States of portions of these lands were a legitimate exercise of constitutional power.

The $105,000,000 sought to be appropriated by this bill will be taken by taxation from the pockets of the people, which Congress has not the power at will and pleasure to dispose of as it has of the public lands. Congress has been granted the power to levy and collect taxes for certain defined and specific purposes, and I find nowhere in the Constitution that this power may be exercised for the purposes expressed in this bill. I agree fully with Senators who hold that universal suffrage and universal education should go together, but it must be remembered that the exclusive right to regulate suffrage exists in the States. The States are left by the Constitution to regulate and control both suffrage and education. I am opposed to Congressional interference with these prerogatives of the States.

If the constitutional power exists in Congress to levy and collect taxes from the people for the purpose of partially defraying the expense of public schools in the States, it exists for the purpose of paying the entire cost of the public schools of all the States whenever Congress shall choose to exercise it. I hold it to be an undeniable proposition that if Congress has the constitutional power to appropriate money for the public schools it also has the power to regulate its disbursement, to say who shall receive its benefits, and to appoint its own agents to distribute and administer it, and to prescribe in general and in detail how and where, and when, and to whom, and through whom, and upon what requirements and conditions it shall go. In other words, if it be admitted that

Congress has the power to levy and collect taxes in order to raise revenue to be expended in the several States in maintaining public schools, I hold that the power of Congress to take charge of the subject of education in the States and control the children and the schools through Federal agencies and instrumentalities can not be controverted, because the powers of Congress are supreme wherever its jurisdiction extends. The passage of this bill will be a complete surrender of the whole question; not that the bill goes the length I have indicated, for it does not, but it does to the fullest extent admit the power of Congress over the subject. This bill would be only a commencement; the balance would follow as surely as the ear of corn follows the planting of the seed. It is the history of every tribunal, of every department, of every government in the world, a history which tells of no exception, that jurisdiction once exercised is never relinquished, is never restrained to the point of commencement, but that it always grows, is always expanded, and forever reaches out for more. No government in the world has ever exemplified this principle more fully or perfectly than our own National Government.

If Congress under the "general-welfare" clause may take charge of the school system of the States, what part of the domestic affairs of the States will be beyond the reach of Congress? What will have become of our boasted right of local self-government? It will be held, what is left of it, at the will of Congress. The States can manage their school system better, more economically, and satisfactorily than it can possibly be done by the National Government. The Senator from Delaware [Mr. BAYARD] said the other day, and most truly, that the States managed with greatly more economy than the General Government, and individuals more economically than the States. The money sought to be used by this bill is to be drawn from the people by taxation; it is not a gift. Let the people tax themselves at home, and then oversee its disbursement, as they will do, instead of having the remote, far-off, and to them almost irresponsible agencies of the National Government to do it, with its attendant extravagance.

A strong appeal is made in behalf of this bill based on the poverty and consequent alleged incapacity of some of the States of the South to deal with the mass of illiteracy precipitated into their citizenship by the results of the war. No Senator can feel the force of this appeal more keenly than I do; not on account of my own State, which is amply able to take care of her own educational interests, but on account of other States in the South. I can not, however, indorse the opinion that any State in the South is financially incapable of doing justice to this subject. It is harder on some to do this than on others, but not one of them is so poor as to be unable to establish and maintain a reasonably efficient system of public free schools, and that they will do their best in that direction I have no doubt.

There is a vast improvement in all the States of the South in the matter of public schools, and this improvement is growing and increasing annually, and will, if let alone, if abandoned to the efforts and self-reliance of the States, eventually come fully up to the requirements of the times. In my judgment no greater mistake can be made than for any of the States to avail themselves of the so-called bounty of the General Government in behalf of the public schools. In proportion to the efforts of the General Government in this behalf a corresponding relaxation of State effort will surely follow, resulting inevitably in the future in a total abandonment of duty in this regard by the States and assumption by the General Government of entire control over the subject.

Believing this bill unconstitutional in principle and vicious as a measure of policy, I shall vote against it. I would willingly vote for a bill granting public lands in aid of education in the States, and believe it would be both wise and just for the General Government to give this aid. Congress can give away the lands. There is no limitation on the power of Congress over the public lands as there is upon the taxing power. No implication of power and jurisdiction over the school systems of the States could arise from the gift to the States of lands such as would inevitably follow the exercise of the taxing power for the same purpose, for I hold it to be unquestionable that the taxing power can only be exercised in behalf of subjects over which Congress has constitutional jurisdiction, and I deny that such jurisdiction exists in Congress over the educational systems of the States.

Senators on this side of the Chamber who favor this bill would be horrified at a proposition that the National Government should take charge of the public schools in all the States, and that the scholastic population, white and black, should be promiscuously mixed and taught together. The power to do this I have not the least doubt would be a perfectly legitimate and logical sequence of the passage of this bill, and while I believe that the enlightenment of this country has reached that point, and the passions and prejudices of the past have subsided to that level, when it is generally considered and appreciated that such a course would be ruinous to the interests of both races in the South, I can not forget that many strange and unlooked-for events have transpired in the last twenty years, and for one I prefer to take no risk.

So far as we can now see, for a long time in the future the negro question will be an active and potent factor in the politics of this country. The colored vote will be sought and the prejudices of the colored man pandered to in the future as in the past and at present. If it be conceded that the power over this subject resides in the National Government, I regard it certain that this would add another element to the various others growing out of the race question to be agitated in the political arena and foment discord and trouble.

The presentation of this bill is one of the many evils growing out of a large surplus revenue. It would never have been thought of, nor would many other extravagant measures now being urged ever have been seriously considered, had our revenues been simply sufficient for the economical support of the Government. A strong admonition is given us in this as in various other measures pending in the two Houses of Congress that the wisest and safest course to pursue is to proceed at once to a reduction of our revenues down to the actual requirements of the Government. I have great respect for the philanthropic motives as well as admiration for the ability and zeal and energy of the Senator in charge of this bill [Mr. BLAIR], but am compelled by convictions of duty to oppose it.

Mr. VANCE. Mr. President, it was my intention originally to have said not a word on this bill. There was no particular call for it from the State which I represent, and it was looked upon as a voluntary offering upon the part of the people of the North to do something toward the education of those people upon whom they had conferred suddenly the rights of citizenship. But the strange course of the debate has induced me, having made up my mind to support the bill, to say a few words by way of giving my reasons for that action.

There are some things that can not be denied in connection with this matter. It is true that the people of the North set free the colored people in the South. It is true that they not only freed them without any preparation for their new state, but that they conferred upon them the highest rights of an American citizen. It is true that they enforced those rights by constitutional amendments, by various penal acts passed, as was supposed, in pursuance thereof, and even when constitutional amendments and penal acts were not of sufficient avail they forced the colored people into positions of equality if not superiority with the white people of the South by the use of the bayonet.

When those rights were conferred upon the colored people in the South our friends who did it knew very well what it meant. They knew that it meant a dilution of or an infusion into the right of suffrage of a vast element of ignorance and vice, of a vast community of people of a different race from those among whom they lived, utterly and absolutely unfitted for the duties which were imposed upon them; they knew that that meant also a surrender of several of the States of the South to the absolute control of this colored majority, and they knew that it meant also not only that surrender but it meant the actual endangering of all the institutions which the white people of the South had built up, and even, in their opinion, of their civilization itself.

Suffering thus for twenty years, or nearly so, all the inconveniences that have attended this state of things in the South, we were told to be patient, that the great panacea for all the evils of misgovernment in a free country was education, that upon the virtue and intelligence of the people depended the preservation and the perpetuity of our free institutions. But when we were told that, and exhorted to patience, it was known to our friends on the other side likewise that we were unable to impart that education to those people; that in the struggle which set them free and in the subsequent eras of carpet-bagism and rapine we were so impoverished and so destroyed financially that we were absolutely unable to so tax ourselves as to impart the blessings of education to those people. That was also well known.

Now, what were we to do? We did the best that we could under the circumstances. I speak particularly for North Carolina, and I believe that her case is a fair representation of all the Southern States. We reorganized our systems of public schools and we replaced as far as we could the invested funds upon which they had been supported, and we levied as much taxation as we could possibly bear for the purpose of affording the means of education; but they were, and are still, lamentably insufficient.

It may redound somewhat to the credit of my State, as little as we have done in the way of education, to say that the annual taxation there for the support of public schools, in which the colored people equally participate, is $25,000 per annum more than the whole taxation levied for the support of the State government. If any other States exceed that, they are doing better than we are. In fact, as I am told, some States in the South are doing more, and are levying double the amount of taxation for school purposes that is levied for the general expenses of the State governments.

At the same time that we were thus suffering under the evils of poverty and this infliction of the infusion of ignorance and vice into the suffrage and into the management of our affairs, we were held by the people of the North to the same rigid accountability for our public conduct as was exacted from the most highly educated communities of the American continent; from the best established communities, and whose institutions for a hundred years had not been disturbed, much less overthrown, by any social or political revolution; and upon the slightest pretense you investigated us, and continue to investigate us, notwithstanding you say that the evils under which we suffered and all evils in government originate from the want of sufficient education of the masses.

After this state of things has endured for nearly twenty years, at last a portion of the people of the North through their representatives in Congress awoke to their duty. One honorable Senator in this body at least bethought him of the panacea, and he brings in this bill to distribute $15,000,000 the first year, $14,000,000 the second year, and so on decreasing $1,000,000 annually for ten years, among the States of the Union in proportion to illiteracy for the purpose of removing the great evil under which the people of the South have suffered.

What does that bill propose to do? It proposes, so far as I have been able to examine, nothing in the world conflicting with the rights and sovereignties of the States, as I understand it. It gives aid to their schools for ten years. The fund is to be expended altogether under State control, in aid of systems of education already established by the States; and, so far as I have been able to investigate the taxation systems of the several Southern States, it will not cause one dollar's increase in taxation in order to bring those States within the reach of the benefits of this act. I know that it will not in my State cause a dollar of increase.

What are the objections to the bill and where do they come from? It was natural to suppose that from the strict construction side of the Chamber there would be some objection to the bill in regard to its constitutionality, but I was not prepared to see that question raised by gentlemen from the other side of the Chamber; and I especially was not prepared to see it raised by those who ask for money for every conceivable subject on this floor. I was not prepared to see it raised by those who ask for money to enable the Government of the United States to go into a Territory and doctor a sick cow. I did not expect that. I have as much sympathy for the suffering cattle of Kansas as any man on this floor. I have heard of the disease that infects that indispensable animal so necessary to our rotundity and our strength. I had heard of the agonies they suffer, from the tender fledgeling of a calf to the great bovine mammoth that bellows upon the grassy plains, until I had wished to exclaim, Oh, that my head were as waters, and mine eyes were a fountain of tears, that I might weep for the afflictions of a Kansas calf. [Laughter.]

It may be owing to my imperfect legal education or to the obtuseness of my faculties, but I can not see the difference between educating a child and doctoring a steer. It seems that while the proper solution of the problem of the relation of virtue and intelligence to the maintenance and perpetuity of free institutions is a simple one and may be safely and properly left to the States, yet that the diagnosis of an ailing calf rises at once into national dignity and towers over the educational question like Jumbo over a narrow-gauge mule, or a cedar of Lebanon over a chincapin bush. [Laughter.] I confess to my inability to see this want of distinction.

Our friends in the valley of the Mississippi object to it, many of them. It is lawful, they say, to give money to the Mississippi Valley on any and every occasion and pretext. The Mississippi must have money when its waters are too low; it must have money when its waters are too high. They must have money not only to scour out the channel, but to build levees along the banks to keep the plantations from overflow. It is a lawful stream; it must always have money. But while you must protect the farmer's cotton plantation along the bank of the Mississippi, it would make the bones of Thomas Jefferson and Chief-Justice Marshall turn over in their graves if there is any proposition to educate the child who lives in the swamp that is to be reclaimed, in order to fit him for citizenship. It is lawful, some say, to build a railroad across the Isthmus of Panama, in a foreign country, but it is not lawful, it is absolutely and utterly unconstitutional, to appropriate money to fit men for citizenship.

I admit that the present circumstances are abnormal and exceptional. I admit that there is no special provision in the Constitution or one perhaps looking directly toward it for public education; but the men who framed that Constitution had no idea that there would be the great civil war that occurred. They had no idea that 5,000,000 slaves would be liberated by that war, and still less had they any idea that the 5,000,000 slaves would be forced by penal laws, constitutional amendments, or by armies and navies or what not, into an absolute equality of citizenship with the white race who discovered this country, cut down its forests, drove back its aboriginal inhabitants, and made the wilderness to blossom like the rose. They had no idea that their institutions and the work of their hands would ever be committed to ignorant and unlettered Africans for protection and preservation. If they had, I can not doubt from the wisdom which they exhibited in all they did they would have inserted extra provisions in the Constitution providing against such a calamity. I can not doubt it.

Others say that this money ought to be divided according to population and not according to illiteracy. That would be one way of dividing it. If you call it a gift, a charity, certainly it should be bestowed upon those who most need it. If you call it an educational fund, it should certainly be distributed in proportion to the number of those to be educated. It is not the literate but the illiterate who are to be educated, so it seems to me there is no other just way to divide it. Would you have it distributed to the professors of the colleges of the country? Would you have it distributed to members of Congress? Surely you would distribute it if it is for the purposes of education to those who most need it and who are to be educated. It seems to me that is the proper way of dividing it, and no other. You can not divide it according to taxation, and if you distribute according to population you defeat the whole object of the bill.

Others say again that the bill gives too much money. Several Senators have said that. It comes with a bad grace, it seems to me, when those who have already received largely of the benefits of public education or of education paid for by the Government of the United States, come in and make the objection that it gives too much money. By looking at the reports of the gifts of public lands to the various States for purposes of education, as collated in the American Almanac of Mr. Spofford for 1879, I find that the States of the Northwest have received 70,213,534 acres, which at a dollar and a quarter an acre, the Government price, makes $87,765,667, while the States of the South have only received for similar purposes 6,434,446 acres, worth $8,043,000. So the people of the North have received $80,000,000 in property, which is the same as money, for the purpose of educating their children more than the people of the South.

I am informed by those who have made the calculation that the share which will go to the Southern States under the bill in the ten years to come will be about $55,000,000, and that will still fall short $27,000,000 of bringing those Southern States up to an equality with the Northwestern States in the matter of education at public expense. Yet we are told that the bill gives too much money; and the Senator from Ohio [Mr. SHERMAN] says the South can not be trusted with it. You might as well refuse to pay a man what you owe him because you could not trust him with the money.

Mr. VAN WYCK. Will the Senator allow me one question? While the Senator is speaking of the bounty of the General Government in the bestowment of public lands for the support of common schools, would it not be well for him in the same category to estimate and draw a balance as to the millions of acres given to the Southern States known as swamp lands, which were probably more valuable than the lands given for common-school purposes? Will he take the seventy-odd million of acres given as swamp lands, and state how many acres of those swamp lands were given to the Southern States?

Mr. VANCE. I went through that whole subject once, but I am not prepared with the statistics now; I will say, however, that the same proportion of inequality which exists in the giving of lands for school purposes between the North and South exists in the giving of it for all other purposes.

Mr. VAN WYCK. If the Senator will allow me, there is the same inequality, only upon the other side. The same inequality in regard to swamp lands which existed in favor of the South has probably existed in the gift of land for public schools in favor of the North. That is the reason why I desire my friend to simply balance up the two gifts.

Mr. VANCE. I do not exactly understand the Senator, I believe, but I mean to make this assertion, which will be borne out by the statistics, that at least five acres for all purposes, railroads, schools, education, and what not, have been given to the Northern States where one has been given to the South.

Another Senator objects because he says the people ought to learn to depend upon themselves. That is a doctrine I like to hear advanced, but I do not think it ought to come from that side of the Chamber. Having received all the public lands that were sufficient to enable them to lay the basis of their school system and make a fund for perpetual education in their States, they then state to the rest of us that we should learn to help ourselves, that it will not do to depend on the Government.

Mr. President, we will help ourselves if you will take your hands off of us. If you will let us alone we will agree to help ourselves. If you will quit taxing us to support your factories in the North we will agree to help ourselves. If you will quit taking public lands to build railroads in the country we will help ourselves. If you will doctor your own sick cows and calves we will help ourselves. It comes with a very bad grace indeed from a portion of the country, where all the fortunes that have been accumulated have been accumulated by making everybody help them by universal taxation for private benefit, to come here when there is a proposition to help the colored people that they themselves thrust into this position, far above their capacity to occupy, and say to us, "Well, you must help yourselves." If that is to be the doctrine all along the line I am perfectly willing; I am more than willing to it. God knows, all that I ask for the people of my section, and all that I ever expect to ask for the people of my section in this respect, is to be let alone. Do not tax us to build up your shoe factories; do not tax us to build up your woolen factories; do not tax us to build up your iron founderies; do not tax us to build up every industry almost that you have got in the North by which you have been enabled to accumulate your wealth, and then turn around and say to us, when we ask for a little help—not for ourselves so much as for those whom you thrust upon us with the right of suffrage—"We will not give it to you; you must learn to depend upon yourselves."

Mr. President, I do not expect this bill to pass; I have no idea that it will pass. I have always doubted, and I say it with proper Senatorial courtesy, the professions of many gentlemen on the other side when

they were so interested about the improvement, moral and intellectual, of the colored race in the South. While they would send emissaries among them and band them together for political partisan purposes, and pat them on the back and urge them forward in the name of freedom and advancement, &c., to the polls, I have always believed that when it came to doing something really for the benefit of that people there would be flinching, and I am not disappointed at finding it. When the Senator from Ohio got up and put his refusal to vote for the bill on the ground that he could not trust the people of the South to administer this money, I was prepared for his opposition to be put upon some ground; because I have no doubt that he prefers the ignorant negro as a producer of bloody-shirt and a fruitful source of investigation to the intelligent negro as an intelligent voter at the ballot-box. He answers his purpose, no doubt, better now then he would then.

In reply to the charge—to the assumption rather, for it scarcely amounts to a charge—that the people of the South can not be intrusted to dispose of the money properly, I appeal to the laws of all the Southern States in relation to education in common schools. In the State of North Carolina, as I have explained, there are more than half a million dollars raised annually by taxation, to which is added other funds amounting annually to about $700,000 for distribution, and 95 per cent. of that taxation comes from the pockets of the white people and the men who vote in the party opposed to the party in which the black people are. The report of the superintendent of public schools which I hold in my hand shows that in full proportion to numbers the blacks have reaped the benefits of that taxation of their political opponents; and as our laws, in conformity with the Constitution of the United States, forbid any discrimination, there is no more likelihood that any of this money will be improperly appropriated and that the whites will get the benefit of it instead of the blacks than there is that any such political dishonesty will be committed in any other State or community in the Union.

So far from there being a prejudice in North Carolina against the education of the black people, as the Senator from Arkansas [Mr. GARLAND] disclaimed as to his State, there is a positive desire for it. The intelligent tax-payers of North Carolina desire that if these men are to have the rights of suffrage and of citizenship they shall be sufficiently intelligent to exercise those rights properly and safely to the community. They desire that their workmen shall have sufficient tools. There is a prejudice there, I confess, against the education of the two races together in the same school-houses and upon the same benches. The law provides that that shall not be done. There is not a prejudice but a dislike there to being taxed so heavily in the midst of their poverty, when scarcely able to educate their own children, for the education of the children of those who have been thrust in among them in the manner which I have described. It is grievous to the people of North Carolina to pay so heavy a tax for that purpose; but still they do it, and they impose it upon themselves. It is not the machinery of party that forces it upon them. The Legislature of that State has been Democratic and under the control of white men for years and years, and every year the taxes imposed for public education have become higher and higher.

So, as the bill violates none of the laws of North Carolina, as it proposes to interfere with no part of the system of education of North Carolina, but simply to aid it, and as it is to endure for an experimental time and not for all time, I feel that it is my duty to vote for the bill; and I shall do so.

Mr. INGALLS. Mr. President, I congratulate the Senator from North Carolina [Mr. VANCE] upon the very politic and sagacious speech that he has made, upon the very adroit and dexterous appeal that he has addressed to Northern sentiment in behalf of this measure. He assures us at the outset that North Carolina is not in the attitude of a suppliant; that North Carolina does not desire the benefactions of the National Government; that she is competent to administer her own affairs, and that she takes care of the interests of education within her own domains; but he advises us that as a gratuity, as a benefaction from the North in reparation of the wrongs that were done by the North in suppressing the rebellion, in freeing the slaves, and enforcing the rights of the slaves after they were freed upon the people of North Carolina who were in rebellion, he is willing to accept for that State the amount to which it would be entitled under the bill, and that therefore he acquiesces in the measure that is now before the Senate.

It is a gratifying commentary upon the Senator's speech that it is shown by the census tables that the percentage of illiteracy, not among the blacks of North Carolina but among the whites of North Carolina, reaches the aggregate of nearly 32 per cent. of the entire white population. Nearly one in three of the white people of that State, that is willing to accept from an aggressive and tyrannical North its proportion of $105,000,000 for purposes of education in the eleven States of the South where the rebellion occurred, can neither read nor write the ballot that is deposited in the ballot-box on election day. The whites of North Carolina need this money more than the blacks do. I can say to that Senator that the enfranchised slaves of North Carolina make a much more commendable showing, so far as education is concerned, than do the whites of that one of the old thirteen original colonies.

When the Senator draws attention to the fact that in the discussion of this bill some objection was made from some quarter, from those who had supported an appropriation as he so gracefully says for the sick calves on the plains of the West, he is unable to perceive that there is no similarity whatever between that measure and the one that is now proposed before the Senate. In the bill that proposed an appropriation in regard to the diseases of cattle there was not a proposition to turn over a cent to the treasuries of the States where the money was to be expended. On the contrary, it was provided that the entire amount was to be used by the Commissioner of Agriculture, an officer of the National Government, to be distributed in the different States wherever the disease might exist; and because any Senator who supported that bill thinks there are some objections to supporting a measure like this which provides simply for the turning over of this money to the hands of the authorities of the States that for twenty years have made so few appropriations, have cared so little about the education, not alone of the blacks who were enfranchised and who have been released into the great body of citizenship as he tells us, but also of the whites, so that twenty years after the close of the war one in three of the white people is not able to read and write, he deems that there is inconsistency which deserves attention!

The people of North Carolina are not ignorant because they are poor; they are poor because they are ignorant. Two centuries ago, the founders of that alleged civilization saw fit to adopt as the basis of their social and political structure a system of ignorant and servile labor, and to the success of that experiment they devoted a great area of territory that had a soil of great fertility, that possessed a salubrious climate, that had seacoasts and harbors that invited commerce, navigable rivers and water-powers and forests which suggested manufacture, great possibilities of wealth in agriculture, all the elements of prosperity and power. They belonged politically to that organization which for generations controlled the resources and directed the policy of the General Government, and after nearly a century of national life that Commonwealth finds itself with its industries prostrate, with its resources undeveloped, with its slaves free, with 32 per cent. of its white population unable to read and write, and is not, as he says, extending its hands for alms, but is willing to accept as a gratuity, a benefaction or bounty from the Treasury of that Government which with its associates it endeavored to destroy; and we who favor a system that shall be just, that shall be generous, that shall deal with this question upon broad national grounds, are taunted here and told that the people of North Carolina are capable of attending to their own affairs, and that if the people of the North will take their hands off from that prostrate Commonwealth they will be amply able to take care of themselves. The people of the North have long since taken their hands and their feet from that prostrate Commonwealth, and when the Senator from North Carolina endeavors to convey the impression that the North, or any portion of the North, or any State of the North, is interfering with the affairs of North Carolina, tyrannizing over North Carolina, has its foot or its hand upon the neck of North Carolina, he makes a statement that the facts do not warrant and that history will not justify.

It has been too often said in this Chamber that this is a kind of reparation that the North is called upon to make for the great sin of enfranchising the slaves; that because the blacks were made citizens, therefore we of the North are bound to educate them and fit them for citizenship. There are some interesting statistics in connection with this business to which I propose for a few moments to call the attention of the Senate.

Mr. VANCE. Will the Senator allow me just a moment?

Mr. INGALLS. With the greatest pleasure.

Mr. VANCE. I will ask him as a candid man if the circumstances under which the slaves were liberated in the South, and under which citizenship was conferred upon them, do not make it his duty to do something to educate them and fit them for that citizenship.

Mr. INGALLS. I do; but no more than it does the people of the States where they exist, who have had their services for two centuries, who made them ignorant, who made it a crime to teach them to read the Bible. I think that there are some obligations resting on the communities where those slaves existed, where they were held in violation of every instinct of humanity.

Mr. VANCE. Will the Senator allow me to say to him that if he would go a little further back there might be some obligation resting upon those who brought them to this country and introduced them as slaves?

Mr. INGALLS. Yes, sir.

Mr. VANCE. And sold them to us and guaranteed the title and then set them free, and thanked God that they were not as other men.

Mr. INGALLS. We have heard all this before. I believe history records that the earliest importation of Africans was in 1607, upon the peninsula of Virginia; and while it may be true that centuries ago those who lived in the North were to a certain extent responsible for this evil, yet to bring that in at this age of the world's history, to declare after the great revolution that has occurred that because those people, 4,000,000 of them, who were held in the States of the South and who were enfranchised as the result of the war, in which the people of the South declared that they acquiesced—that in consequence of that the whole burden of removing the great evil of illiteracy rests upon the North is an absurdity which I did not suppose even the Senator from North Carolina would advocate.

In regard to this question of poverty, I should like to inquire whether a black man is not worth as much to a community when he is free as when he is a slave? What is all this profusion of protestation about the great wrong done to the South by the freeing of the slaves and the destruction of slave property? Were the slaves deported? Is a man worth any less when he is free than when he is owned by somebody else? Because the ownership of a man is transferred from another human being to himself, is the community robbed by the amount of his value in the market as a chattel? I say all this talk about the losses of the South, about the great poverty inflicted upon the South by the enfranchisement of the slave, is without foundation. The South is better off with the slaves free than she was when they were enchained. Her productions are greater; her possibilities of future development are infinitely greater; and there is not an intelligent and thoughtful and candid man upon that side of the Chamber who will not admit, when he is privately interrogated, that slavery was a great burden economically upon the people; and I have never heard one man say he desired that the institution of slavery should be restored.

What, then, is the meaning of the assertion that because the slaves were enfranchised the South was impoverished? The South was enriched by the enfranchisement of the slaves. The slaves were a great burden upon the resources of the South. Yet whenever this question comes up the argument by which we are assailed is that in consequence of this act of national beneficence, an act of kindness and of advantage to the South, we are to be called upon to educate the men who were kept for centuries in ignorance and at last made free as the result of the punishment of a great national crime.

I said when the Senator from North Carolina rose to interrupt me that there are some interesting statistics bearing upon this subject to which I would ask the attention of the Senate for a moment. I will premise my observations by saying that in my judgment the necessity for this bill rests in the illiteracy of the whites of the South. I do not support this measure or any kindred measure upon the assertion that we are under obligation to educate the blacks of the South, for they are getting along very well. They have had but about twenty years in which to try this experiment, and for that lapse of time the percentage of illiteracy among the blacks is a great deal less, compared with the time they have had to become intelligent than that which exists among the whites.

Let us look at Alabama, for instance, which comes first on the list. There is a population in Alabama of 851,780 ten years of age and over. The number of white illiterates ten years of age and over, not belonging to this despised and degraded class of enfranchised slaves but belonging to the ruling class, to the predominant race, is 111,767, or 24.7 per cent., as contrasted with the general average of 2 and 3 among the communities of the North, black, white, and foreign together. Next comes Arkansas. The Senator from that State has assured us that they have also been subjected to great dangers, perils, and difficulties as one of the consequences of the war by the enfranchisement of the blacks.

Mr. GARLAND. I did not put it upon that ground solely; I put it upon various grounds.

Mr. INGALLS. I understood that.

Mr. GARLAND. The blame for which I said I laid at nobody's door.

Mr. INGALLS. So I understood the Senator; I did not misapprehend him; but he did make, as one of the grounds of his argument, if I understood him correctly, the presence of this illiterate black population. There were in the census period in 1880 in Arkansas 531,876 ten years of age and over. There were of white illiterates ten years of age and over 98,542, or exactly 25 per cent. of the white inhabitants of Arkansas who can neither read nor write; one out of every four. In Florida the percentage is 19.9, or nearly one-fifth of the entire white population. In Georgia, which is understood to be one of the most advanced and progressive of the Southern States, the percentage is within a fraction of 23. In Kentucky, which I believe was on both sides of the controversy, and therefore was not specially exposed to the evils which have been complained of, the percentage is 22; in Louisiana, 18.4; in Mississippi, 16.3; in North Carolina, 31.5; in South Carolina, 21.9; in Tennessee, 27.3; in Texas, 15.3; in Virginia, 18.2.

In the face of the repetition of these figures, in the face of the fact that on an average from one in three to one in five of the white people in the communities where this money is to be most largely expended, who do the voting and transact the business and assume to themselves the exercise of the entire political power, can neither read nor write, we are told that this is a question devolving duties upon the people of the North in consequence of the enfranchisement of the slaves, of the presence of the colored population, which should be instructed. The fact of it is, as I have before intimated, this is a radical difficulty existing from the foundation of Southern society. It arises from the facts of their original constitution, and we are called upon to address ourselves to the solution of this problem as one that exists among the Caucasians and not among the Ethiopians.

The pending question, I believe, is upon the amendment that is proposed by the Senator from Indiana [Mr. HARRISON].

The PRESIDING OFFICER (Mr. MILLER, of California, in the chair). The pending question is on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. INGALLS. As I believe there was an order to print the bill with the amendments as they were proposed, I will ask the Secretary to read the amendment that is now before the Senate for its action.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. In section 8, line 6, after the word "provided," it is proposed to strike out the remainder of the section and to insert:

That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Mr. INGALLS. Do I understand that the Senator from New Hampshire accepts that as the action of the committee upon the bill?

Mr. BLAIR. No. I can state the exact condition of the case. The Senator from Kansas [Mr. PLUMB] moved to amend the eighth section by striking out the words which compelled the raising of at least one-third as much by the State as it shall receive from the General Government during the first five years and substituting for those words the words "an amount equal to;" so that the State would be obliged to raise as much as she received under the apportionment of the $15,000,000 upon the basis of illiteracy throughout the country. To that amendment the Senator from Indiana moved another, striking out the words preceding those that I have mentioned, commencing at the word "provided," in line 6, striking out the rest of the section and substituting for all that is in the section in reference to what shall be paid, to wit, one-third the first five years and then an equal amount the second five years, a provision that the State shall receive from the General Government as much as it raises and expends for the running expenses of schools, not including what it pays out for school-houses; and this amendment of the Senator from Indiana to the amendment of the Senator from Kansas is the pending question.

Mr. INGALLS. That is designed, I suppose, by the mover to relieve the section from the obvious complications that were apparent, I believe, to the Senator from New Hampshire to a certain degree when the bill was last under consideration.

Mr. BLAIR. That is a matter that we have been over. The Senator from New Hampshire does not concede that there is any complexity or difficulty whatever about the grammatical phraseology or structure of the section. It was misunderstood by other Senators, and the section was supposed to relate to the payment from the General Government to the States, whereas it relates to the payment out by the States of the money after they have received the apportionment into their own treasuries. That, coming not from perhaps too great familiarity with the other sections of the bill, is the reason of the difficulty and misunderstanding. But this amendment of the Senator from Indiana is a radical amendment touching the distribution, and providing, irrespective of what is to be found in any other part of the bill, that the State shall pay out only so much money as she actually raises for the running expenses of the schools.

Mr. INGALLS. Then I understand the Senator from New Hampshire to adhere to the phraseology and language of the entire section as it came from the committee and that he is opposed to any amendment to the section.

Mr. BLAIR. The Senator from Massachusetts [Mr. HOAR] suggested a verbal amendment dividing a sentence, inserting a period and starting off with a new sentence, which relieved the section from any conceivable ambiguity, leaving the meaning as before.

Mr. INGALLS. What was that?

Mr. BLAIR. That I propose to accept so far as I can do so.

Mr. INGALLS. Will the Senator point out the amendment?

Mr. BLAIR. I will give the Senator the amendment itself.

Mr. INGALLS. I had hoped, Mr. President, that, in view of the difficulties which to my mind are involved in this section, the Senator from New Hampshire would be willing to adopt the modifications that have been suggested, because of course, unless that is done, many who believe that the section as it stands would be inoperative would be unable to give any support to the measure at all.

Mr. BLAIR. The amendments are all pending and when they come to be read I think there will be no difficulty in understanding the section, and it will become a decision of the Senate upon different ideas, and, of course, every Senator will vote as he thinks he ought to vote.

Mr. HARRISON. The Senator from Kansas will allow me. As I understand the Senator from New Hampshire, who is in charge of the bill, he proposes so to amend section 8 as to make it clear that the distribution of money referred to in this section is not a distribution by the General Government to the States, but the disbursement of the money by the States after it has gone into the State treasury.

Mr. INGALLS. That is, he intends to provide for that disbursement by State officers.

Mr. HARRISON. Exactly.

Mr. INGALLS. Under what power of the Government, unless State rights are entirely swept away, does he propose to exercise that authority?

Mr. HARRISON. I do not know; and that is exactly the trouble. If it is intended that certain action in the way of local taxation and the appropriation and expenditure of money for public schools by the

States shall be a condition of their enjoying this appropriation out of the national Treasury, then we ought to guarantee that by retaining the money in the national Treasury. I do not know what the effect of this bill will be if the money was once turned over to the States and went into the State treasuries; and therefore I suggest to the Senator from New Hampshire who has the bill in charge that he do not insist upon this provision, but allow the section to be so amended that if the States do not comply with these conditions which he endeavors to put upon them the money shall remain in the national Treasury, and not attempt to follow it after we have dispossessed ourselves of any control over it, and put limitations upon the use of it, because we go on putting into the State treasury, or it is there, and we have lost control of it. And if the State does not make its own appropriation for school purposes, what good does it do us that we keep the money in the State treasury and prevent its use for any purpose?

Mr. BLAIR. Mr. President, I will state the provisions of the bill again in this regard. In an earlier section we begin with the money in the national Treasury, $15,000,000, and with a law which requires its apportionment among the several States in proportion to the illiteracy existing in those States. That apportionment or allotment being made, the money being still in the national Treasury, it can never be used by the State until the money is in the possession of the State. Thereupon it is provided that on or before the 1st day of September the money for the first year shall be paid over to the State practically at the commencement of the school year. It is then provided that at the expiration of that year, on or before the last day of June, the close of our fiscal year following, the State shall render an account or a report of what she has done with this money, this first year's installment; and here is a condition imposed in this section, that during that year when she has spent this first installment she shall also expend of her own money one-third as much as she receives from the General Government. These two expenditures become one expenditure, a portion of that expenditure derived from the National Government and the remainder from the State government, all disbursed for one common purpose, the maintenance of the common schools of the State during that particular first year. A report to the National Government must be made, or there never will be any further allotment or payment to the State at all. Unless that report at the end of the first year shows that the State has paid one-third as much as she has received from the national fund during the first year, she gets no more. That is what this section provides, and that is all that it provides.

During the second five years the condition is that she must have paid as much as she has received during any one of the five years in order to get the apportionment paid to her for her own purposes for handling the next year. There is no other theory on which the bill can be worked at all so far as I can understand or judge. The honorable Senator from Massachusetts wants to amend this verbally in such a way as to provide that in any given year there shall be no more paid to the State unless she shows that in the year preceding she shall have paid out one-third as much as she has received from the General Government. That is what the bill already is. He thinks it will be clearer to split the sentence in two, put in a period, and insert some additional words. I am perfectly willing that shall be done if he sees it more clearly; but the committee went over the matter very carefully, and we thought it was as explicit as it need be as we reported it to the Senate. I care nothing about phraseology if I can get the substance, and as Senators seemed to be in a fog, I assented to the verbal amendment of the Senator from Massachusetts.

When we explained the matter the other day the Senator from Indiana said then he would modify his amendment, and he accordingly did so by substituting one or two other words, so that his amendment is one that provides, if it is adopted, that there shall be no payment in any case from the National Government to the State beyond the amount the State herself expends, and he compares the year preceding with the year existing, which will make it very difficult to start the first year.

Mr. VANCE. Mr. President, I desired to get the floor while the matter was warm in order to reply to a few remarks that fell from the Senator from Kansas, whom I do not now see in his seat. However, I will proceed anyhow. [Mr. INGALLS entered the Hall and took his seat.]

The Senator went back to argue the whole question of slavery and delivered a tirade upon the efforts of the Southern States to keep the black man in bondage, and so on and so on. That was familiar ground to him, and I have no doubt that it came to him with many associations and recollections that enabled him to bristle up and to speak with fluency and with zeal. I do not go into that. I had said nothing that could lead him to suppose that I was after repeating that matter. That was a matter of history, and it has gone by, and I have nothing to say about it. I argued simply that it was the duty of those who thrust the colored people into these positions of responsibility that they were unfitted for to do something out of the public Treasury by their votes to fit them for those duties. That was all I argued. His reply to that is that the white people of the South need it more than the colored.

I deny that, sir. As poor as the white people of the South are, if they were not burdened with the care and education of this vast number of men who are not only ignorant but without property to be taxed, the South could provide sufficiently for its own education, and I said that I did not ask this bill to be passed into a law for the benefit of those white people; I asked it for the benefit of the colored people whom the white tax-payers were not able to properly educate, and notwithstanding that the bill is irrespective of race, we all know that the colored man is the meritorious cause of action in this bill and that it is intended chiefly for his benefit.

Now, sir, the people of my country are twitted with gross ignorance and poverty, and the Senator was good enough to say that they were not ignorant because they were poor but they were poor because they were ignorant. I want to say to that Senator that this bill is not a bounty from him, that this bill is not a bounty and a gift on the part of the North; that, as I understand it, it is to come out of the revenues of the whole country, into which revenues the poor State of North Carolina pays twelve times as much money as the rich State of Kansas that has already been provided for in the way of education by a gift of public lands. I hold in my hand the report of the Commissioner of Internal Revenue, in which I find that the total amount of revenue paid to the Government under the internal-revenue laws by the State of Kansas is $239,762, while the total amount paid by the State of North Carolina into the fund of the Government is $2,372,226.

Mr. PLUMB. Will the Senator allow me to ask him how much of that is paid on distilled spirits?

Mr. VANCE. About one-half of it was paid on distilled spirits which I understand were drunk mostly in prohibition Kansas. [Laughter.]

Mr. PLUMB. I am pretty sure that the prohibition people of Kansas, then, are greatly obliged to the people of North Carolina for paying taxes on the distilled spirits they drink. [Laughter.]

Mr. VANCE. Certainly.

Mr. PLUMB. That I understand is the statement of the Senator?

Mr. VANCE. But now it is not possible, we have no statistics that would enable us to get at the amount of tariff taxation paid by each State, but as the population of North Carolina is greater than that of Kansas, I believe, somewhat, is it not?

Mr. PLUMB. Yes, greater.

Mr. VANCE. The presumption is that the amount of goods consumed in North Carolina is quite as great as it is in Kansas, and that, therefore, we pay quite as much tariff taxation into the Treasury of the United States as does the State of Kansas, and we pay twelve times as much internal revenue. I think that is a sufficient answer to the suggestion that this is a matter of charity to the poor white people of the South. We only ask you, Mr. President, of the North to pass a bill aiding us in taking care of that element in our midst which you placed there with the right of citizenship in its hands and which is not fit for it. That is all we ask. I would never think of coming here to ask for aid to the State of North Carolina if the condition of things there was what it used to be before the war, or if even now the black element in government was obliterated partially. We can easily educate our people ourselves or we can let them go without education. We are responsible for the education of the people if it is necessary to the preservation of our liberties and our free institutions. That is the position I take about this bill, sir.

I believe that is all I have to say.

Mr. INGALLS. Mr. President, the Senator from North Carolina states that if it were not for the negro population having been made free and thrust into their society as a disturbing and pauperizing element they could educate their own people in North Carolina or leave them without education as they preferred. I have only one observation to make, and that is this: I have before me the census tables of 1850. They are very inaccurate, and I am not able to ascertain fully the details of the civilization of North Carolina thirty years ago when there was no black citizenship, when the colored man was a slave, when those colored men who were there were owned by the whites, and when an average adult Ethiopian was worth at least a thousand dollars. It appears that at that time, in those halcyon days, before the North had imposed its aggressive policies upon the unfortunate South, there were a total of whites in North Carolina, male and female, of all ages, 553,028. The number of adults in that population is not given. This aggregate includes all those of school age, which I suppose would have been at least one-third of the entire population. It appears by table nine of this census that at that time there were of adults in the State beyond the school age who could neither read nor write 80,423 whites, which was a larger percentage of illiterate population among the whites in 1850 when the negroes were slaves than exists to-day when the negroes are free.

Mr. RIDDLEBERGER. Mr. President, I wish we could get back to the real purpose of this bill. I understood when it was introduced here that its object was to make an appropriation which should be apportioned among the States for the education of the children without respect to color. It is of very little consequence to those children what the illiteracy of the several States amounts to in percentage. It is of very little consequence whether North Carolina asks for this or whether Kansas asks for it. We have come here, I understand, to pass this bill, if at all, in order to appropriate money to educate the children of the States. I do not come as a beggar, as the Senator from North Carolina

says; neither do I come here to say that I am unwilling to receive it on any terms. I care not what terms you may impose; there can not be any dishonorable terms accompanying a proposition of this sort.

Why, sir, I have grown up in a community where the women meet together and quilt and knit and sew, and the children go around and beg garments (if you choose to call it begging, in the language of the Senator from North Carolina), gather together their pennies and half-dimes and dimes to send off for the purpose of educating the little negroes in Africa. That is not called begging, even though my child or yours may go around asking for contributions. That which the Senator from North Carolina calls begging for alms is deemed praiseworthy where the purpose of the collection is to educate the heathen so that they may understand the great doctrine of Christ's divinity and the salvation of souls. Everybody says that is all right. If it be all right to do these things, why should we stand here and discuss politics on an educational bill? Is it not time for us to vote? Do you ask the illiterate child that comes around for a half-dime for a missionary society whether the politics of its father are Democratic or Republican?

Sir, the question is, whether this Government is able to make this appropriation; whether it is constitutional to make it; and whether it is promotive of the general welfare to do it. Sir, if we had had no education we should have had no Constitution, we should have had no republic, and no republican institutions.

I say therefore (and it is the only speech I have to make), that we should eliminate politics from this matter and determine the question here and now whether this Government is able to assist in this matter of general education. If it is able, then say whether it has the constitutional power, and I believe that is generally conceded. Then I ask Senators to eliminate politics from this discussion, and to vote for or against this appropriation as according to their judgment is right and proper.

Mr. VEST. Mr. President, crimination and recrimination in regard to the institution of slavery can not settle satisfactorily the merits of the measure now before the Senate and ought not to determine its fate. I shall vote against this bill, but not for the reasons given by the Senator from Kansas.

One of the darkest pages—one to which I do not care to allude except when the duty is imposed upon me as a former slaveholder, unfortunately for myself—one of the darkest pages in the history of the American people is that upon which was written that infamous bargain between the people of New England and the people of North and South Carolina and Georgia by which the slave trade was continued until 1800 and up to 1808 in consideration of the navigation laws being continued to the New England States. Virginia—and it is the very irony of fate—Virginia protested, with tears and entreaties almost, against that infamous compromise, as it was termed at the time. Mr. Mason denounced slavery, and said that Virginia begged New England and the Southern States not to force it upon her. Mr. Madison used the same language, and denounced the slave trade as an infernal and infamous traffic; and yet through avarice and greed the people of New England determined to keep open the African slave trade in order to trade for molasses and rum and to carry on a traffic which produced the largest profit to them. It was the people of New England and of North and South Carolina and of Georgia who forced slavery upon Maryland and upon Virginia, and afterward the fields of Virginia were devastated and the best blood upon her soil was poured out in remonstrance against the outrage and injustice of having her people destroyed and their homes desolated for an institution against which she originally protested. Sir, this institution which has made ignorance among the whites, according to the Senator from Kansas, and has given the suffrage to the ignorant blacks, came from both sections, and if there is responsibility for it, it is upon both peoples alike. How does it profit us now to go back to the memories of an institution that has passed away, is gone forever?

But I rose simply to protest against that sort of political philosophy or that sort of declamation which holds either section in this country responsible for this institution that went out in the best blood of those who fought on the respective sides for or against it. While I deprecate this sort of discussion, that can possibly do no good, I must protest against the assertion here made, particularly by the Senator from Arkansas in defense of this bill, that he finds a parallel for this legislation in the grant of lands to the Western States, particularly in aid of education. I do not purpose, as I said the other day, to discuss the constitutional question as to where the constitutional power comes from to aid education in the States. If it comes from any clause in the Constitution, it comes from the clause in regard to the general welfare. It can never come, as the Senator from Florida on my right said, from the general justice of educating slaves because they were emancipated by the Federal Government. It must come, as I hold and the school of politics to which I belong, from some express grant in the Constitution or one necessarily to be implied from an express grant; and if it comes at all it comes from that clause in regard to the general welfare; but whether it comes from one clause or another I do not propose now to discuss.

But I do deny absolutely and I defy any Senator here to bring me a precedent for any action of the Federal Government similar to that contained in the bill now before the Senate. While the sixteenth section in each township was granted of the public lands to the different States of the West, including my own State, it was left absolutely, illimitably to the people of the State of Missouri and of the other States to determine what educational system should be adopted and how the grant or liberality of the General Government should be applied. Never before was any bill seriously attempted to be passed in the Congress of the United States in which the Federal Government undertook to prescribe what should be done in the different schools and made the States responsible to the General Government for the distribution of the fund.

Mr. PLUMB. Will the Senator allow me to interrupt him to call his attention to the fact that the acts of admission of the several States in which were contained grants of land for school purposes made those grants upon the distinct recognition of the right of the States to tax lands, and made an agreement with the States in consideration of the grant of land that they would not tax the remainder of the public domain?

Mr. VEST. Certainly. The Senator from Arkansas said that he would not notice the quibble that there was a difference between money and land when distributed and given by the General Government, and yet the Supreme Court of the United States has just delivered a decision in the 5 per cent. cases in which they hold that when the General Government sold the land for money the 5 per cent. was due the States, but when the General Government sold it for land-warrants then the 5 per cent. was not due the States.

Mr. RIDDLEBERGER. I should like to ask the Senator whether in the distribution of what was called the land-scrip fund a few years ago conditions were not annexed, and whether any State refused to receive that land-scrip fund because of the conditions annexed?

Mr. VEST. No conditions ever were annexed such as are found in this bill. No conditions (and I state it emphatically and distinctly) were ever annexed before to any grant by the General Government that certain branches of education should be taught in the schools of the State, that no school-houses should be built out of the money, that the General Government required an exact account every year or every five years of how the money was expended, and if it was not expended according to the will of the General Government then a forfeiture of the grant should be made as to the State in default. Will the Senator find it? It is not upon the statute-book of the United States, and there is no parallel for any such legislation.

Mr. President, the subject of education was given by the framers of the Constitution to the States. I take it that no Senator will rise on either side of the Chamber and state otherwise. It was given to the States and the question of what should be taught in the schools was given to the States.

In this debate we have heard over and over again, and it is the great argument of the advocates of the bill, that illiterate suffrage must be removed, because it endangers the Government. The Constitution of the United States in the very beginning prescribed that in voting for members of the House of Representatives in Congress the voters shall have the same qualifications as the voters for the most numerous branch of the State Legislature. Who, then, is to prescribe the qualifications of suffrage? Is it the General Government? It is the State, because the qualifications for voters for the most numerous branch of the State Legislature regulate the qualifications of voters for the Congress of the United States, showing absolutely and beyond question that this whole matter was remitted to the people of the States and to the people of the States alone.

I am not discussing, mark you, the question as to whether the General Government can not give to the States assistance, aid the States. Chief Justice Marshall decided in regard to the quarantine laws that the Federal officers might go and assist the officers of the State in carrying out the quarantine laws of the State. I am not saying that the General Government can not aid the people of the States in the matter of education; but I do say that the General Government has no right to go down and prescribe the details of the system of education in the State. While they may give to the respective States the means with which to educate their people, the mode of education, the instrumentalities of education, must be left under the Constitution to the States alone. That, as I understand it, is the doctrine of the Constitution and of the men who made it.

Now, let us look at this bill and see whether, as the Senator from Arkansas says, it allows the States to control their system of education according to their own pleasure and will. I assert here, and I defy the Senator who advocates this bill to answer the proposition on the face of it, I assert that from the fifth section, with the exception of the sixth and seventh sections, down to the close, the Federal Government alone controls the education in the respective States to whom this grant of money is made. Now, let us look at it without rhetoric and without declamation. Take the fifth section. The fifth section of this bill provides that—

> The instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws.

There the General Government prescribes what shall be taught. Suppose the State does not choose to teach one of these branches?

Mr. BLAIR. Will it trouble the Senator if I interrupt him?

Mr. VEST. Oh, no.

Mr. BLAIR. If the Senator would read with the same emphasis the last clause as he did the others, I think he would see that the whole matter is remitted to local law.

Mr. VEST. I will read it again.

Mr. BLAIR. I ask another question. If it may be made absolute can it not be made conditional and then accepted or rejected as the State sees fit? Is not this a gift annually, and if the State chooses not to take it the second year she is not obliged to take it.

Mr. VEST. Ah, that is begging the question. Here this money is to be distributed to the respective States and certain things are to be done with the money. What does this mean except that the schools in the respective States shall teach such and such branches:

That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States—

There are certain requisites which must be complied with—

and such other branches of useful knowledge as may be taught under local laws.

But these branches must be taught, and if the State sees proper to add anything else *ex gratia* the State can do so, but here is the prerequisite. In other words, the Federal Government says, "We take hold of the schools of the respective States; you shall teach these branches which we prescribe, if you take the money at all." If that is not the meaning of it, then I am absolutely at fault in regard to the construction of this sentence and the words themselves.

And shall include—

Not content with saying these branches shall be taught—

and shall include, whenever practicable, instruction in the arts of industry, and the instruction of females in such branches of technical or industrial education as are suited to their sex, which instruction shall be free to all, without distinction of race, color, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, &c.

Now suppose a State does not see proper to teach an industrial school, as a great many of the States do not see proper to do it; suppose a State does not see proper to educate women in these technical arts, as great many States do not see proper to do it; what right has the Federal Government to say by this bill, not one of the provisions of which would be under the control of the States, "You shall teach certain things, and if you do not, not one dollar of this national bounty shall go to your people?"

But again, the eighth section of the bill (I said the sixth and seventh were not amenable to this objection) declares:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out by any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools an amount equal to the sum which shall be allotted to it under the provisions hereof.

Mr. BLAIR. The words erased are in the bill, "at least one-third;" the words in italics, "an amount equal to," are not yet part of the bill. They are moved as an amendment; one-third instead of the whole amount.

Mr. VEST. Putting another condition on this grant, the ninth section provides—

That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools, or in extending opportunities for normal or other instruction to competent and suitable persons, of any color, who are without necessary means to qualify themselves for teaching, and who shall agree in writing to devote themselves exclusively, for at least one year after leaving such training schools, to teach in the common schools for such compensation as may be paid other teachers therein.

In other words, the system of normal-school education is forced upon the States, or at least the permission is given (which is equally objectionable) to the States to apply a part of this money to normal schools if they see proper. I say that the genius and spirit of our institutions is that the States shall control the *modus operandi* of education in order to give educated suffrage to the country under the provisions of the Constitution itself. Again:

SEC. 11. That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided, and new ones may be established, as may be deemed best in the several localities.

SEC. 12. That any State in which the number of persons 10 years of age and upward who can not read and write is not over 5 per cent. of the whole population thereof shall have the right to receive its allotment and to apply the same for the promotion of common-school and industrial education, or the education of teachers therein, in such way as the Legislature of such State shall provide.

There again is the assumption on the part of the General Government of the right to permit the States to do what they please with their educational fund; a manifest violation, as I conceive, of the spirit of the Constitution.

The Secretary of the Interior shall receive from the governor of each State and Territory a report, &c.

In other words, the General Government is the fountain of this bounty; it may receive an account from the States of this fund; it does not go into the control of the States absolutely as the Constitution in its original conception meant; but the States must make a report and account for this fund.

Go on now to the last clause, to which I call the attention of the Senate. Not satisfied with superintending and controlling and prescribing to the States how they shall educate their people, the last clause of the bill goes into the Territories. I think that local self-government under our form of government obtains in the Territories as well as in the States. The Territories of the United States have their common-school system, and under the bounty of the General Government apply the money in their possession, their taxes and the proceeds of public lands, to the education of their children, and under what sort of emergency is it that this bill, not satisfied with raiding the States on this question, then goes into the Territories and provides:

SEC. 15. That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories and the District of Columbia, through the Commissioner of Education, who shall report annually to Congress its practical operation.

In what Territory of the United States is there a negro population which demands this extraordinary remedy on the part of the Congress of the United States? Why is it that the people of a Territory are found all at once incompetent to manage this subject, and the Secretary of the Interior can go into the Territories, take the subject out of their hands, and practically, as the bill tells him, control the whole of it? I can not vote for any such measure unless I concede the proposition at once *in toto* that local self-government is to be, as was said by a Senator here in another debate, absolutely sponged out from the Constitution and the political practice of the people of the United States.

Mr. RIDDLEBERGER. Mr. President, very early in this session I was admonished by the Senator from Missouri that he did not want any counsel or advice from me, and I am not going to offer him any. That statesmanship by which you fix the price of a soldier's wages at $13 a month and legislate so as to put a barrel of flour at $30 by way of keeping up the currency will never be advised by me. Just as I feel about that I feel about this whole question of State rights as it is involved in this matter of public education. I can not fix the date, but if you will just eliminate what the Senator said he read from this bill I could call back occasions when we had just the same kind of speeches delivered in my State relating to almost the same question.

Virginia refused to accept her share of the proceeds of the sales of the public lands distributed to the States many years ago for educational purposes upon such mere abstractions of State rights as I have heard fall from the lips of that Senator to-day. She lived to go through a four-years' war, to come out of it and find that another State had been taken out of a portion of her territory, and the public buildings of the new State constructed out of the proceeds which her State-rights statesmen refused to accept for the education of her children. That is a historical fact.

Now, sir, it does seem to me that we have nothing to consider here except whether this Government has the constitutional right to make this appropriation. That is conceded by the Senator from Missouri; it is conceded by every Senator on this floor, and if I were within what might be called the decorum of this body in repeating what the Senator from New Hampshire said the other day, it does look to me as if some folks want to beat this bill by indirection. If it is constitutional, why not make the appropriation? If it is constitutional to make the appropriation, there can be no constitutional inhibition upon the conditions that shall attach to the appropriation.

What I want is this money to educate our people if this Government can constitutionally give it to us. We care not how it shall be disbursed, so that the children of Virginia shall be the beneficiaries thereof, white and black. If Senators are ready to meet that issue, then it seems to me we are ready to vote.

State rights! Do not impose some conditions, do not impose some books! Why, sir, books are imposed now. Books are imposed in the State of Virginia; books are included in the school curriculum in Missouri, I suppose. The book agent comes along and he gets what is called the educational board to adopt his books, and when they adopt it the town trustees or the township trustees must all accept those books. I have actually known in the county where I live, and where there are about 130 or 140 colored voters out of 3,500, that a school book was in use there that it was said advocated social equality, and yet I have not heard of it hurting anybody in that community especially. I have thought the children were better for the education they received, and the more education they would get the further they would be from that kind of notion.

I say, sir, that I want the gentlemen who represent what they call the South in this discussion to say whether they are for or against an appropriation by and from the Federal Government for the purposes of universal education. That is the only question. I want them to answer that question. The question of State rights does not enter into it. If we can get down to a vote on that proposition there would not be a dissentient anywhere on that side of the Chamber in my judgment, and if you can lug into it this question of State rights, this abstraction, this will-o'-the-wisp, this thing that is buried, and that when it existed was hardly within the scope of any man's vision—lug that

in here, and you then just simply make a political question of a great practical measure for universal education.

I ask the Senator from Missouri whether he is willing to accept this? If he is not willing to accept it for his State, I ask whether he is willing to allow me and my colleague to accept it for ours, and we will take the resulting consequences. We are not afraid that a school commissioner appointed by the Federal Government will tear away the social fabric there or destroy the law of contracts or anything of that sort. We want our people educated. We tax our people $1,400,000 a year for the purpose of education. We have promised the people to double the school-houses in that State in four years. Four hundred thousand slaves were turned loose there as free men and we are trying to educate them. We are laying the foundations there of normal schools in which to educate teachers who in turn may educate their own race. If the Federal Government will come to our support with any amount of money, no matter what conditions may be coupled with it, I am ready to accept it, because I know that they can not, and it is idle to argue that they can, couple with it any conditions that would compromise the honor of that State or its status in this Union.

My own purpose in speaking on this question at all is to eliminate from it all these little side-door arrangements. I do not suppose that I can change the convictions of any Senator on the main question, but I do want it to go forth and to be distinctly understood who are for and who are against this appropriation, and then let the reasons be given.

The Senator from Florida [Mr. JONES], who is scarcely second to any constitutional lawyer in this country, has said that this bill is constitutional—constitutional in this, that it makes the appropriation. That it is constitutional in that I invite challenge, knowing how thoroughly he is versed in all that appertains to the constitutional aspect of this case, whether there can possibly be anything unconstitutional in saying how the money shall be paid out. Then it comes down to this: that the Senator from Missouri does not want this money given for public education in his State unless it shall go through a certain channel. We want it, and we care not whom you may designate to give it to us. You may do like Peabody, for instance, that great benefactor of education, and designate a Massachusetts trustee to take charge of the graded schools of Virginia, and we will accept it. We will realize the benefit of it as we have realized the benefits of the Peabody fund through our graded schools of Virginia up to this time. It is for the benefit of education; and it is simply a question as to whether we want this money, and whether it is constitutional to have it, and whether the Senate is willing to give it to us. Let those who do not want it say so in terms; but do not try to belittle the subject; do not say that it is in violation of some abstract constitutional principle that was long ago played out, particularly in Virginia, that State which, I repeat, refused to accept her proportion of the proceeds of the public lands and left the children without the benefit of them, and they were subsequently utilized to build the public buildings of a State that was erected out of her territory to send State-rights Senators to this body!

I ask, sir, that we may have a vote on the direct proposition, and that every Senator will vote upon it whether he is for or against this proposition and whether he believes it is constitutional to make the appropriation, no matter through what medium it may come to us.

Mr. BUTLER. I suggest that it is rather late, and I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *March* 24, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

#### UNLAWFUL FENCING OF PUBLIC LANDS IN NEBRASKA, ETC.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of the General Land Office in relation to the unlawful fencing of public lands in the State of Nebraska and elsewhere; which was referred to the Committee on the Public Lands, and ordered to be printed.

#### LEAVE OF ABSENCE.

Mr. PETERS, by unanimous consent, obtained leave of absence for to-day on account of important business.

#### THREATENED OVERFLOW AT NEW ORLEANS.

Mr. ELLIS. I ask unanimous consent to present and have immediately considered a joint resolution.

The SPEAKER. Is it a report from the Committee on Appropriations?

Mr. ELLIS. It has the approval of the Committee on Appropriations and of the Secretary of War.

The SPEAKER. The resolution will be read, after which there will be opportunity to object.

The Clerk read as follows:

Joint resolution appropriating $300,000 to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto.

Whereas the waters of the Mississippi River have risen to the high-water mark of 1874 at New Orleans, which is the highest known in the flood annals of the great river, and are rising at all points between Saint Louis and New Orleans from two to three inches per day; and

Whereas the appalling calamity of the overflow of a city of 300,000 souls is imminent, entailing as it inevitably must immense suffering, great loss of life and of public and private property, and vast destruction and damage to the commerce of the United States: Now, therefore,

*Be it resolved by the Senate and House of Representatives, &c.*, That the sum of $300,000, or so much thereof as may be necessary, to be immediately available, be and is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and placed under the control of the Secretary of War, to be used in his discretion to prevent the overflow of the city of New Orleans and the country adjacent thereto.

The SPEAKER. Is there objection to its present consideration?

Mr. DUNN. I should like to have some explanation, reserving the right to object afterward. I want to know by what sort of legerdemain the Committee on Appropriations have leaped from the Ohio River to the city of New Orleans, leaving out and disregarding the appeals which have been made by 200,000 people in Arkansas and Mississippi?

The SPEAKER. The gentleman from Arkansas desires to reserve the right to object until explanation is made. Is there objection?

Mr. ELLIS. Excepting to the word "legerdemain," so glibly used by the gentleman from Arkansas, I say to him and to this House——

Mr. DUNN. I will substitute the word "athletic."

Mr. ELLIS. That is equally objectionable and exceptionable.

Now, Mr. Speaker, I have this to state: That relief of sufferers by these floods was especially committed to the discretion and direction of the Secretary of War. I conferred with the gentleman from Arkansas himself upon a resolution introduced for the relief of certain people, and he and I agreed, right where he is sitting now, to the scope and tenor of the resolution reported from the Committee on Appropriations, which became the law in this case.

Mr. DUNN. Let me correct the gentleman. I introduced a resolution which expressed my views. It was to go to the Secretary. I advised that when I talked with the gentleman—that is, to give the Secretary an appropriation in hand to be used in his discretion for the relief of the sufferers by the overflow of the Mississippi River and its tributaries. That was the advice I gave.

Mr. ELLIS. My impression remains the same, that the gentleman and I agreed to the scope and tenor of the resolution I presented and which became the law in this case. But I accept his correction.

Mr. Speaker, this is not for the relief of sufferers, but is to prevent what must be the appalling calamity of this age. The water of the river, by the reports to-day, is up to the top of the levees.

Mr. DUNN rose.

Mr. ELLIS. I beg the gentleman to sit down and listen to my statement, and then I will yield to him.

Mr. DUNN. I wish to make an explanation. I wish to say to the gentleman from Louisiana right here that he does not go before me in sympathy with, or in readiness to give relief to, this people.

Mr. ELLIS. I thank the gentleman. Nor does he go before me in sympathy with the people of his own State and district who are or may be sufferers. It is the history and it is the experience wherever the flood-waters go over a levee that levee is doomed and destroyed. As long as the waters remain at the top of the levee or on the river side of the levee there is no danger. As soon as it goes over it commences to wash a trench or channel in the river and away goes the levee.

To-day the city of New Orleans for a distance of eleven miles is living under a wall of water sixteen feet above the level of its streets; nothing in the world between them and that river sixteen feet above them but a dirt wall—nothing else; and this is the condition for eleven miles above the homes and business of 300,000 people.

Mr. Speaker, that city, as every one knows who is acquainted with its topography, is built on a dead level—as level as the area in front of your desk, sir. There is no back country to which the people can flee. North of them is Lake Pontchartrain and impenetrable swamp for more than thirty-five miles; south is an impenetrable sea marsh; east of them and west of them is the same condition; and there is no hill, no back country, no friendly hand which can assist them or to which they can flee in case those levees break. They are there face to face with their fate.

The calamity, sir, which may ensue can not be depicted by human tongue. It would be the calamity of this age if it should occur. Now, sir, the Legislature is not in session. The city is doing everything it possibly can, and yet fate seems to be upon them.

Therefore, upon the approval of the Secretary of War, upon the best information we have, I presented this matter to the Committee on Appropriations this morning, and they concluded it was wise this appro-

priation should be placed under the direction of the Secretary of War, or so much thereof as may be necessary to be used. It is to be entirely within his discretion and for the prevention of this calamity.

As I say, Mr. Speaker, human tongue can not depict what the condition would be if these levees should go under. Once the river washes over them they are gone and the river is precipitated upon them, and will be precipitated with an impetus which will overturn houses, wash out homes and streets, and involve the city in absolute ruin.

There is in that city public property of the United States as well as private property of citizens. There is the landing-place for all the great commerce of the West. This is in the nature of prevention, and if this calamity should occur there is no calculating the unutterable damage that must follow.

Mr. DUNN. Will the gentleman permit me to make a statement there?

Mr. ELLIS. With pleasure.

Mr. DUNN. All that the gentleman has so well stated with reference to the appalling magnitude of the inpending calamity I fully indorse. The danger that now threatens can be measured by no man upon this floor. But let me call the gentleman's attention and that of the House to the fact that the full extent of that impending calamity has not been stated. The Mississippi River to-day in my district is ninety miles wide and has been for more than thirty days. There is an unprecedentedly large rise coming down from the Missouri River, supplemented by another great rise out of the Ohio River, which will come down upon the top of the preceding overflow. Instead of continuing for thirty or forty days this flood will continue for seventy or ninety days. Seventy thousand people to-day in my district have their homes flooded and are driven out of them, and can only reach them by dug-outs, boats, or rafts. Two-thirds of that population are laboring negroes, who have no subsistence, no credit or hope of sustenance after their present supply is gone, except the prospect of making a crop, which will be swept away by the continuation of this great flood which is inevitable from the added rise now coming.

Mr. Speaker, I have lived for thirty years within the influence of those waters. I know what is their magnitude and what the duration of the floods will be when they reach the height which they have already attained, and what is to come, from the reports and dispatches of the last few days. Why, then, does not the Committee on Appropriations direct what I asked them two weeks ago to do, to give the Secretary of War means to be used, in his discretion, when the conditions found by his officers of inspection and examination make it a necessity? These people are not apt to come here and ask for help. They never did. I have lived in the thirty years of my acquaintance with them through twenty overflows of that great river, and in the history of all this great nation but one single time have they come to ask aid from Congress, and that was after the great drought of 1881, which placed them at the mercy of their more fortunate countrymen who could grant assistance; for their food supply was absolutely gone. The flood of 1882 found them without subsistence. That condition of things does not exist to-day. But if this superadded flood-water from the Ohio and Missouri Rivers precipitates the condition that I foresee, it will precipitate a condition of disaster and distress that has been absolutely unparalleled in the history of this country.

I am not objecting, and I am the last man on the floor of this House to stand in the way of putting every possible safeguard around the great city of New Orleans. The gentleman has not pictured the impending danger in too high colors. With all his eloquence he is unable to do that. No man can foresee the magnitude of the calamity which is impending in case the levees to which he has referred should break. Congress can not too soon hasten to the relief of that city. The emergency is pressing, the danger is threatening, the results will be appalling. But in your anxiety to relieve the impending danger there do not forget that there are 250,000 or 300,000 people who are in equal danger scattered throughout other sections of that part of the country—not in an aggregated mass, it is true, not in one city, but scattered in a most helpless, hopeless condition throughout the swamps and forests of that great valley. Arm the Secretary with the means for their relief, and leave to his discretion and sound judgment the manner of using it.

Mr. MONEY. I ask that the resolution may be again read.

The SPEAKER. The Chair will ask if the gentleman from Arkansas objects to its consideration.

Mr. DUNN. I do not.

Mr. RICE. I think this should come from the Committee on Appropriations. I object.

Mr. MONEY. Let the resolution be again reported.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. KEIFER. I hope the gentleman will not insist upon his objection.

The SPEAKER. The Chair understands the gentleman from Massachusetts to object to the consideration of the resolution.

Mr. KEIFER. I hope that will not be done. This has been recommended by the committee.

The SPEAKER. The Chair understands the gentleman from Massachusetts to base his objection to the present consideration of the resolution on the ground that it should go to the Committee on Appropriations.

Mr. KEIFER. I want to state to the gentleman that this matter has been already considered by the Committee on Appropriations this morning.

Mr. ELLIS. It has been already considered and recommended by the committee.

Mr. REED. How did it get there?

Mr. ELLIS. And I appeal to him to remember the magnanimity of Boston in 1868, when she gave $300,000 in a similar emergency. I appeal to his humanity, and also on the score of economy; because if there is delay in this matter the House will not be found considering the ounce of prevention but many pounds of cure.

Mr. SKINNER, of New York. Let the resolution be read.

The SPEAKER. The Chair will state that unless the objection is withdrawn this debate is out of order.

Mr. RICE. I see no reason why this matter should not go through the Committee on Appropriations. If the committee see that assistance is needed they can report a bill to the House under their privilege of reporting at any time; and I would be the last one to object to such a measure coming through the regular and legitimate channels. And unless I am assured by some member of the Committee on Appropriations that this resolution has been considered by that committee and a majority of them are in favor of its passage, I shall insist upon my objection.

Mr. RANDALL. In answer to the gentleman from Massachusetts, it is proper for me to say that the subject has been informally considered by the Committee on Appropriations; but they felt they had not the right under the rules to originate the matter in the House. They therefore suggested to the gentleman from Louisiana [Mr. ELLIS] that he should originate it. It can be safely said, however, there is no dissent in the committee as to the propriety of this action.

Mr. ELLIS. The committee were unanimous.

Mr. HUNT. I hope the gentleman from Massachusetts, in view of the statement of the gentleman from Pennsylvania will withdraw his objection.

Mr. RICE. I withdraw the objection.

There being no further objection, the joint resolution (H. Res. 212) was read a first and second time by its title.

Mr. MONEY. I ask that the resolution be again reported.

The joint resolution was again read.

The SPEAKER. The question is on ordering the joint resolution to be engrossed and read a third time.

Mr. WARNER, of Ohio. I understand the resolution limits the appropriation to New Orleans and to preventing the overflow of the river.

Mr. ELLIS. That is correct.

Mr. WARNER, of Ohio. It appears to me that that is narrowing it down more than it ought to be.

Mr. BEACH. I simply desire to say that I am opposed to the passage of this resolution. In view of the recent action of this House upon a similar resolution, I do not think it worth while to take up time in stating the reasons of my opposition. I wish to give notice that upon the passage of this resolution I shall call for the yeas and nays. I think it only proper that upon the passage of all bills and resolutions appropriating money out of the Treasury in so large an amount as this the yeas and nays should be taken.

Mr. YORK. I regret very much to oppose this resolution. But it seems to me if we follow on in this line of precedent that the end will be very disastrous to the tax-payers of the country. I do not see that we are here to grant relief to every man that is an unfortunate in the United States. It really seems to me that the people along the Mississippi River will require all the money the Government owns or possesses. Every day we are asked here for an appropriation, for appropriation after appropriation. I think the precedent is wrong. I think it wrong to take the people's money and appropriate it for certain parties in any section of the country. I must therefore oppose this resolution. I regret very much to see it introduced, and I shall ask for the yeas and nays on its passage.

Mr. ELLIS. I demand the previous question.

Mr. HUNT. I desire to make a brief statement.

Mr. PERKINS. I wish to ask the gentleman from Louisiana [Mr. ELLIS] a question.

Mr. ELLIS. I withdraw the demand for the previous question, and yield to my colleague [Mr. HUNT] two minutes.

Mr. REAGAN. It seems to me to be important that the evidence on which this action is asked should be stated to the House.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] is recognized for two minutes.

Mr. HUNT. Returning to this city after an enforced leave of absence, I found on my table awaiting me a letter from one of the engineers upon the Mississippi River Commission, predicting the greatest disaster that can be possibly conceived of. I regret very much that I did not put the letter in my pocket and bring it here so that I could read it to the House. He takes occasion in that letter to say that for promptness and wisdom in action the Secretary of War deserves every commendation, and he goes on to dwell upon the great danger to which the country is exposed through the interests involved.

I hope that nobody will object to this resolution, or insist upon its

going over until to-morrow morning, lest it cost the country many times over the paltry amount that is sought to be appropriated now.

Mr. ELLIS. I yield half a minute to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I do not desire to consume any of the time of the House in making a speech. I am opposed to this appropriation. I am opposed to appropriating money, the common property of the United States, out of the Treasury for the relief of people either from flood, fire, or storm. I do not think we have the constitutional power to do it; and I content myself by requesting permission to print remarks upon this subject.

The SPEAKER. The gentleman from Alabama asks leave to have printed in the RECORD some remarks on this subject. Is there objection? The Chair hears none.

Mr. ELLIS. I now demand the previous question.

Mr. MONEY. I ask the gentleman from Louisiana to permit me to offer an amendment, which I think will strengthen his proposition.

Mr. PERKINS. I would like to ask the gentleman from Louisiana a question. What is the reason the $1,000,000 appropriated as an emergency appropriation can not be used, or some part of it, for this purpose? I understand the Secretary of War stated to General King and others that could be done.

Mr. ELLIS. My impression is that very little of that appropriation remains.

Mr. PERKINS. I understood the Secretary of War to say it all remained, or nearly so. I mean the sum which we appropriated this session as an emergency appropriation.

Mr. ELLIS. My information is that that sum is expended. And the Secretary of War this morning told me, through the telephone, that he approved this action.

Mr. CHACE. Does the gentleman from Louisiana say the last appropriation of a million dollars is all expended?

Mr. ELLIS. That is my information.

Mr. MONEY. I would like to ask the gentleman from Louisiana one question.

The SPEAKER. The gentleman from Louisiana has demanded the previous question. Pending that no debate is in order. Does the gentleman withdraw the demand for the previous question?

Mr. ELLIS. I do not.

The SPEAKER. The question then is, Shall the previous question be ordered on the engrossment and third reading of the joint resolution?

The question was taken; and upon a division there were—ayes 64, noes 33.

Mr. YORK. No quorum has voted.

Mr. ELLIS. I hope the gentleman will withdraw that point of order, and let the test be made on the passage of the joint resolution.

Mr. YORK. Well, I withdraw it.

So (no further count being called for) the previous question was ordered.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. It is whether, after the previous question is ordered, we are not entitled under the rules to an hour's debate.

The SPEAKER. If there had been no debate previously, then under the rule there would be thirty minutes allowed for debate; but there was debate on this joint resolution before the previous question was ordered by the House.

Mr. MONEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONEY. Is it in order to move to commit this whole matter to the Committee on Appropriations with instructions?

The SPEAKER. Not now; that motion will be in order at the proper time.

Mr. MONEY. I desire to give notice that at the proper time I will submit that motion.

The SPEAKER. When the previous question has been ordered or called on the passage of the joint resolution a motion to commit will then be in order.

The joint resolution was then ordered to be engrossed for a third reading, and it was accordingly read the third time.

The question was upon the passage of the joint resolution.

Mr. YORK. And on that question I call for the yeas and nays.

Mr. JEFFORDS. Is an amendment now in order?

The SPEAKER. The joint resolution has passed the stage of amendment.

Mr. JEFFORDS. Then I move to recommit the joint resolution.

The SPEAKER. The joint resolution was not reported from a committee.

Mr. MONEY. I move to commit the joint resolution to the Committee on Appropriations, with instructions to report an appropriation of $500,000, to be expended at the discretion of the Secretary of War for the benefit of the whole river between Memphis and New Orleans.

The SPEAKER. The gentleman had better reduce his proposition to writing.

Mr. ELLIS. I demand the previous question on the passage of the joint resolution.

The SPEAKER. On the motion to commit with instructions and upon the passage?

Mr. ELLIS. Yes, sir; on the motion to commit and on the passage of the joint resolution.

The question was taken; and upon a division there were—ayes 52, noes 37.

So (no further count being called for) the previous question was ordered.

The SPEAKER. The Clerk will now report the motion submitted by the gentleman from Mississippi [Mr. MONEY].

The Clerk read as follows:

*Resolved*, That the Committee on Appropriations be instructed to report a joint resolution appropriating the sum of $500,000, to be expended by the Secretary of War, in his discretion, in preventing the overflow of the city of New Orleans, and for relieving persons rendered destitute by the overflow of the Mississippi River.

Mr. RICE. I object to the form of the resolution. It is not a motion to commit; it is simply instructions to the Committee on Appropriations.

Mr. MONEY. My motion was to commit with instructions, and what has been read is simply the form of the instructions.

Mr. BELFORD. Will this operate as a motion to commit?

The SPEAKER. The gentleman from Mississippi [Mr. MONEY] makes a motion to commit to the Committee on Appropriations with instructions, and has reduced his instructions to writing, which have been read.

Mr. YORK. I want to understand one thing before the question is taken on this motion.

The SPEAKER. It is not debatable; the House has ordered the previous question.

Mr. YORK. Then I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YORK. Do these instructions require the Committee on Appropriations to report an appropriation of $500,000?

The SPEAKER. That is not a parliamentary question; the instructions speak for themselves.

Mr. YORK. Is that the understanding?

Mr. MONEY. It is.

The question was taken on the motion to commit with instructions, and it was not agreed to.

The question recurred upon the passage of the joint resolution.

Mr. BEACH. And on that I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and there were 47 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken, and there were—yeas 98, nays 115, not voting 108; as follows:

YEAS—98.

| | | | |
|---|---|---|---|
| Alexander, | Follett, | King, | Spriggs, |
| Ballentine, | Foran, | Kleiner, | Springer, |
| Barbour, | Fyan, | McCoid, | Stephenson, |
| Belford, | Garrison, | Maybury, | Stone, |
| Blackburn, | Geddes, | Miller, J. F. | Strait, |
| Blanchard, | Glascock, | Morey, | Sumner, D. H. |
| Bland, | Graves, | Muller, | Talbott, |
| Breckinridge, | Green, | Neece, | Taylor, J. M. |
| Breitung, | Greenleaf, | Nelson, | Thompson, |
| Broadhead, | Hanback, | Nicholls, | Throckmorton, |
| Caldwell, | Hancock, | Payson, | Townshend, |
| Cannon, | Hatch, H. H. | Pierce, | Van Eaton, |
| Carleton, | Hatch, W. H. | Peters, | Wakefield, |
| Cosgrove, | Henderson, T. J. | Poland, | Ward, |
| Culberson, D. B. | Hill, | Pryor, | Washburn, |
| Culbertson, W. W. | Hoblitzell, | Randall, | White, Milo |
| Cutcheon, | Hopkins, | Reese, | Williams, |
| Davidson, | Horr, | Robinson, J. S. | Willis, |
| Dibble, | Hunt, | Rogers, J. H. | Wilson, James |
| Dibrell, | Jeffords, | Rogers, W. F. | Wilson, W. L. |
| Dockery, | Jones, J. H. | Rosecrans, | Wolford, |
| Dorsheimer, | Jordan, | Rowell, | Wood, |
| Ellis, | Keifer, | Shelley, | Yaple. |
| Ellwood, | Kellogg, | Slocum, | |
| Findlay, | Ketcham, | Snyder, | |

NAYS—115.

| | | | |
|---|---|---|---|
| Aiken, | Cox, S. S. | Herbert, | McMillin, |
| Arnot, | Cox, W. R. | Hiscock, | Millard, |
| Atkinson, | Crisp, | Hitt, | Milliken, |
| Bagley, | Dargan, | Holton, | Mitchell, |
| Barr, | Deuster, | Hutchins, | Money, |
| Beach, | Dowd, | James, | Morgan, |
| Bisbee, | Dunham, | Jones, B. W. | Morrill, |
| Bowen, | Dunn, | Jones, J. K. | Morse, |
| Brewer, F. B. | Eaton, | Jones, J. T. | Moulton, |
| Brewer, J. H. | Eldredge, | Kean, | Muldrow, |
| Browne, T. M. | Evans, I. N. | Kelley, | Murray, |
| Brown, W. W. | Everhart, | Lacey, | Mutchler, |
| Buckner, | Ferrell, | Lanham, | Nutting, |
| Burleigh, | Fiedler, | Lawrence, | Oates, |
| Campbell, Felix | Forney, | Long, | O'Hara, |
| Campbell, J. M. | Funston, | Lovering, | Patton, |
| Candler, | Guenther, | Lowry, | Peel, S. W. |
| Cassidy, | Hardy, | Lyman, | Perkins, |
| Chace, | Haynes, | McAdoo, | Phelps, |
| Clements, | Henley, | McCormick, | Post, |

| | | | |
|---|---|---|---|
| Potter, | Scales, | Taylor, E. B. | Weaver, |
| Price, | Seymour, | Taylor, J. D. | Weller, |
| Pusey, | Shaw, | Tillman, | Whiting, |
| Ray, G. W. | Skinner, C. R. | Tully, | Wilkins, |
| Reagan, | Smith, | Turner, Oscar | Winans, E. B. |
| Reed, | Spooner, | Van Alstyne, | Winans, John |
| Rice, | Steele, | Vance, | Worthington, |
| Riggs, | Stevens, | Wadsworth, | York. |
| Rockwell, | Stewart, J. W. | Wait, | |

NOT VOTING—108.

| | | | |
|---|---|---|---|
| Adams, G. E. | Curtin, | Houseman, | Ranney, |
| Adams, J. J. | Davis, G. R. | Howey, | Ray, Ossian |
| Anderson, | Davis, L. H. | Hurd, | Robertson, |
| Barksdale, | Davis, R. T. | Johnson, | Robinson, W. E. |
| Bayne, | Dingley, | Kasson, | Russell, |
| Belmont, | Duncan, | Laird, | Ryan, |
| Bennett, | Elliott, | Lamb, | Seney, |
| Bingham, | Ermentrout, | Le Fevre, | Singleton, |
| Blount, | Evins, J. H. | Lewis, | Skinner, T. G. |
| Boutelle, | Finerty, | Libbey, | Stewart, Charles |
| Boyle, | George, | Lore, | Stockslager, |
| Brainerd, | Gibson, | McComas, | Storm, |
| Brumm, | Goff, | McKinley, | Struble, |
| Buchanan, | Halsell, | Matson, | Sumner, C. A. |
| Budd, | Hammond, | Miller, S. H. | Thomas, |
| Burnes, | Hardeman, | Mills, | Tucker, |
| Cabell, | Harmer, | Morrison, | Turner, H. G. |
| Calkins, | Hart, | Murphy, | Valentine, |
| Clardy, | Hemphill, | Ochiltree, | Warner, A. J. |
| Clay, | Henderson, D. B. | O'Neill, Charles | Warner, Richard |
| Cobb, | Hepburn, | O'Neill, J. J. | Wellborn, |
| Collins, | Hewitt, A. S. | Paige, | Wemple, |
| Connolly, | Hewitt, G. W. | Parker, | White, J. D. |
| Converse, | Holman, | Payne, | Wise, G. D. |
| Cook, | Holmes, | Peelle, S. J. | Wise, J. S. |
| Covington, | Hooper, | Pettibone, | Woodward, |
| Cullen, | Houk, | Rankin, | Young. |

So the joint resolution was not passed.

During the roll-call,

Mr. KING said: Mr. Speaker, I rise to a question of privilege. I do not think the question as announced by the Speaker was understood by the House. Some members understand that this vote is on recommitting the bill. I have been so informed by a colleague of mine.

The SPEAKER. The Chair does not see any question of privilege in the gentleman's statement.

Mr. KING. My point is that many members of the House do not understand the question which is being voted upon.

The SPEAKER. The Chair can not control that matter. He has stated the question several times; but unfortunately there has been so much confusion on the floor this morning that it is almost impossible to transact business. This question is on the passage of the joint resolution.

The roll-call having been concluded,

Mr. CALKINS said: I desire to inquire whether my colleague [Mr. MATSON] has voted upon this question?

The SPEAKER. He has not.

Mr. CALKINS. I am paired with him. I desire to state that if I were not paired I would vote "ay."

The following pairs were announced from the Clerk's desk:

Mr. EATON with Mr. BARR, until the 25th inst.

Mr. SKINNER, of North Carolina, with Mr. SKINNER, of New York, until the 30th inst.

Mr. O'NEILL, of Pennsylvania, with Mr. DAVIDSON, until the 25th inst.

Mr. RAY, of New Hampshire, with Mr. BUCHANAN, until the 29th inst.

The following named members were announced as paired until further notice:

Mr. YOUNG with Mr. BAYNE.

Mr. SNYDER with Mr. GOFF.

Mr. MORGAN with Mr. MORRILL.

Mr. PEELLE, of Indiana, with Mr. STOCKSLAGER.

Mr. FINERTY with Mr. HARMER.

Mr. GIBSON with Mr. BINGHAM.

Mr. HATCH, of Michigan, with Mr. PAIGE.

Mr. HEWITT, of Alabama, with Mr. MCCOMAS.

Mr. GEORGE D. WISE with Mr. HOOPER.

Mr. COBB with Mr. PARKER.

Mr. LE FEVRE with Mr. DAVIS, of Illinois.

Mr. MCADOO with Mr. THOMAS.

Mr. STORM with Mr. CHACE.

Mr. HENDERSON, of Iowa, with Mr. EVINS, of South Carolina.

Mr. CONNOLLY with Mr. GEORGE, on all political questions.

The following were announced for this day:

Mr. MCKINLEY with Mr. HURD.

Mr. RYAN with Mr. CLARDY.

Mr. HAMMOND with Mr. LIBBEY, on all political questions.

Mr. BARKSDALE. Mr. Speaker, I ask to have my vote recorded in the affirmative.

The SPEAKER. Did the gentleman vote?

Mr. BARKSDALE. I was not in the Hall when the vote was taken.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

Mr. SINGLETON. I desire unanimous consent to record my vote. I was in the cloak-room when my name was called.

The SPEAKER. The rule does not permit the Chair to entertain the request.

Mr. SINGLETON. If permitted to vote, I would vote "ay."

Mr. PAYSON. Mr. Speaker, as I understood, I was paired with the gentleman from Georgia [Mr. HAMMOND]. I did not hear that pair announced; but I did hear read a pair between the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Virginia [Mr. LIBBEY]. Understanding that I was paired, I refrained from voting. Under these circumstances I think my vote ought to be recorded.

The SPEAKER. There are at the desk two pairs embracing the name of the gentleman from Georgia.

Mr. PAYSON. The pair of the gentleman from Georgia with myself was not announced. That pair having been arranged in good faith, I think I ought to be allowed to vote.

The SPEAKER. There are two pairs of the gentleman from Georgia on the Clerk's table—one with the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. It was not announced, however.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] states that he refrained from voting because he supposed he was paired with the gentleman from Georgia [Mr. HAMMOND]; but he discovers by the announcement of the pairs that the gentleman from Georgia is paired with another member. Under these circumstances the gentleman from Illinois asks leave to have his vote recorded. Is there objection?

There was no objection, and Mr. PAYSON voted in the affirmative.

Mr. CHACE. Mr. Speaker, I perceive I am announced as paired. I was not aware that I was paired. I had a pair with the gentleman from Kentucky [Mr. WILLIS], which expired on the last legislative day.

The SPEAKER. According to a statement in the hands of the Clerk, the gentleman from Rhode Island [Mr. CHACE] is paired with the gentleman from Pennsylvania [Mr. STORM]. The Chair of course has no other information on the subject.

The result of the vote was announced as above stated.

Mr. ELLIS. I ask that this joint resolution be referred to the Committee on Appropriations.

The SPEAKER. The resolution having been voted upon and rejected, it is now disposed of. But the gentleman can reintroduce it and have it referred.

Mr. CALKINS. By unanimous consent it may be referred.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] can introduce a joint resolution in the same form for reference.

Mr. ELLIS, by unanimous consent, introduced a joint resolution (H. Res. 212) appropriating $300,000 to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

### COLORADO SCHOOL LANDS.

Mr. BELFORD. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table Senate bill 74, to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and put it upon its passage at this time.

Mr. SHELLEY. I object.

### SENATE CONTINGENT FUND.

Mr. RANDALL. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on Senate resolution No. 64, providing for the addition of $10,000 to the contingent fund of the Senate, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to an amendment as follows: In line 4, after the word "for," insert the words "the payment of the current;" and the Senate agree to the same.

SAM. J. RANDALL,
WILLIAM S. HOLMAN,
THOS. RYAN,
*Managers on the part of the House.*

JOHN SHERMAN,
JAMES F. WILSON,
M. C. BUTLER,
*Managers on the part of the Senate.*

Mr. RANDALL. Let the statement required by the rules be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the Senate joint resolution No. 64, appropriating $10,000 to the contingent fund of the Senate, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

The effect of the action recommended will, if accepted by the two Houses, confine the expenditure of the money appropriated by the joint resolution to the payment of the current expenses of special and select committees of the Senate and to be used for no other purpose.

SAM. J. RANDALL,
WM. S. HOLMAN,
THOS. RYAN,
*Managers on the part of the House.*

Mr. RANDALL. I think the report explains the result, and in my judgment ought to be satisfactory to the House.

The report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

URGENT DEFICIENCY BILL.

Mr. RANDALL, from the Committee on Appropriations, reported back amendments of the Senate to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, recommending concurrence in some and non-concurrence in others.

First amendment: Strike out "five" and insert "twenty-eight;" so it will read as follows:

"For fuel, lights, and water, required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings under control of the Treasury Department, inclusive of new buildings, $128,000."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Second amendment: Strike out the following:

"For furniture and repairs of furniture and carpets for all public buildings under the control of the Treasury Department, $100,000."

Mr. RANDALL. The committee recommend concurrence.

The amendment was concurred in.

Third amendment: Insert the following:

"For furniture and repairs of furniture, and carpets, for the following public buildings, namely: For post-office and subtreasury at Boston, $30,000; for custom-house at Cleveland, Ohio, $5,000; for court-house and post-office at Montgomery, Ala., $10,000; for post-office and court-house at Philadelphia, $15,000, and for custom-house and post-office at Saint Louis, Mo., $10,000; in all, $70,000; and each of said amounts shall be so expended as to complete the furnishing of said buildings; and all furniture now owned by the United States in other buildings in said cities, respectively, shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not."

Mr. RANDALL. The committee recommend concurrence.

The amendment was concurred in.

Fourth amendment: Strike out the following:

"For heating, hoisting, and ventilating apparatus for public buildings, $16,000."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Fifth amendment: Insert the following:

"STATIONERY.

"For stationery for the use of the Department of the Interior in wrapping and mailing the reports of the tenth census ordered by Congress to be distributed by this Department by the act of August 7, 1882, $5,393.18."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Sixth amendment: Strike out "ten" and insert "twenty;" so it will read:

"EXPENSES OF LAND OFFICES.

"For incidental expenses of the several land offices, $20,000."

Mr. RANDALL. The committee recommend a non-concurrence.

The amendment was non-concurred in.

Seventh amendment: Strike out the following:

"That the Secretary of the Interior is authorized to transfer from appropriations for the Freedmen's Hospital and Asylum for the fiscal year 1884 any unexpended balances and apply the same to purposes for which the appropriations for said institution for the current fiscal year are exhausted; but the aggregate amount appropriated for the expenses of the Freedmen's Hospital and Asylum for the fiscal year 1884 shall not be exceeded because of the transfer herein authorized."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Eighth amendment: Insert the following:

"That the Secretary of the Interior is authorized to transfer the sum of $1,000 from the appropriation for clothing, bedding, forage, and transportation for the Freedmen's Hospital and Asylum for the fiscal year 1884, and apply said sum as follows: $600 to repairs and furniture, and $400 to fuel and lights for said hospital for said fiscal year; but the aggregate amount appropriated for the expenses of the Freedmen's Hospital and Asylum for the fiscal year 1884 shall not be exceeded because of the transfer herein authorized. And the accounting officers of the Treasury are hereby authorized to settle and allow, if found correct, the accounts of the disbursing officers of the Interior Department for payments to clerks, watchmen, laborers, and teamsters of said hospital for the fiscal years 1882, 1883, and 1884, out of the appropriations for clothing, bedding, forage, transportation, and miscellaneous expenses for said fiscal years, respectively."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Ninth and tenth amendments: Insert "from January 1" and "1884;" so it will read as follows:

"INDIAN OFFICE.

"To enable the Secretary of the Interior to pay the employés temporarily employed and rendering service in the Indian Office from January 1 up to and including July 1, 1884, $2,100."

Mr. RANDALL. The committee recommend concurrence.

The amendments were concurred in.

Eleventh amendment: Strike out the following:

"And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Twelfth amendment: Insert the following:

"For contingent expenses of the Bureau, $5,000."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Mr. RANDALL moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees.

Mr. SHELLEY. I ask unanimous consent to dispense with the call of States.

Mr. POST, of Pennsylvania, Mr. BELFORD, and others objected.

The SPEAKER. Under this call also joint resolutions and memorials of State and Territorial Legislatures are in order for reference.

GERVIN AND BIETRY.

Mr. SHELLEY introduced a bill (H. R. 6095) for the relief of Gervin and Bietry, of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEES OF REGISTERS.

Mr. HERBERT introduced a bill (H. R. 6096) providing that registers of land offices shall not be allowed fees for correcting their own errors; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RUSSELL HARVEY.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 6097) granting a pension to Russell Harvey, late a private of Battery B, First Kentucky Light Artillery, United States Volunteers, in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DOUGHERTY.

Mr. DUNN (by request) introduced a bill (H. R. 6098) to refer the claim of James Dougherty to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIM OF THE STATE OF CALIFORNIA.

Mr. HENLEY introduced a bill (H. R. 6099) to authorize payment by the United States to the State of California of $219,075, &c.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGES OVER NAVIGABLE RIVERS.

Mr. SEYMOUR introduced a bill (H. R. 6100) granting the consent of Congress to the erection of bridges over navigable rivers upon the conditions therein stated; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL G. WATKINS.

Mr. TOWNSHEND introduced a bill (H. R. 6101) granting a pension to Samuel G. Watkins, of Company D, First Regiment Missouri Engineers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMBROSE THERIAC.

Mr. SHAW introduced a bill (H. R. 6102) for the relief of Ambrose Theriac, Company B, One hundred and fifty-fifth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD B. KENEIPP.

Mr. SHAW also introduced a bill (H. R. 6103) granting a pension to Edward B. Keneipp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BROWN AND OTHERS.

Mr. RIGGS introduced a bill (H. R. 6104) for the relief of Mary Brown and others, heirs of John Brown, Company L, Tenth Illinois Cavalry Volunteers; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

SUSAN B. LA MONTE.

Mr. DUNHAM introduced a bill (H. R. 6105) to increase the pension of Mrs. Susan B. La Monte; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HEISTAND.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 6106) granting a pension to Henry Heistand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH MOORE.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 6107) granting increase of pension to Joseph Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. WELLER submitted a joint resolution of the Legislature of the State of Iowa, at its present session, requesting Congress to assume the power granted in the Federal Constitution of regulating commerce between the States and for the prompt enactment of laws for regulating and controlling transportation of freights and passengers on all lines of railroads within the United States engaged in interstate commerce, and for other purposes; which was referred to the Committee on Commerce.

LIENS OF JUDGMENTS, FEDERAL COURTS.

Mr. WELLER also submitted joint resolutions of the Legislature of the State of Iowa, requesting the Congress of the United States to pass a law relating to the liens of judgments obtained in the Federal courts, and for other purposes; also, a joint resolution requesting the Congress to pass a law by and under which judgments obtained in the Federal courts shall not be a lien upon property in any other county than the one in which obtained, except the transcript thereof be filed in the proper office in such county where the judgment is sought to be a lien; which were referred to the Committee on the Judiciary.

Mr. WELLER. I ask unanimous consent that these resolutions, which are short, be published in the RECORD.

The SPEAKER. It is not in order to submit that request on this call.

COLLEGE OF PHYSICIANS AND SURGEONS, KEOKUK, IOWA.

Mr. McCOID introduced a bill (H. R. 6108) for the relief of the College of Physicians and Surgeons at Keokuk, Iowa, and to compensate it for loss of college and hospital buildings by fire while used by the United States during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HALBERT.

Mr. McCOID also introduced a bill (H. R. 6109) for the relief of William Halbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOUTHERN KANSAS RAILWAY.

Mr. PERKINS introduced a bill (H. R. 6110) to grant a right of way through the Indian Territory to the Southern Kansas Railway, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INVALID PENSIONS.

Mr. MORRILL introduced a bill (H. R. 6111) to establish a uniform grade of rating for invalid pensions and to abolish all distinctions on account of rank in pensions hereafter granted; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPRESENTATIVES OF JOSEPH E. BRENNAN.

Mr. BLACKBURN introduced a bill (H. R. 6112) to empower the legal representatives of Joseph E. Brennan to bring suit in the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HERMAN D. STRATTAN.

Mr. BLACKBURN also introduced a bill (H. R. 6113) granting a pension to Herman D. Strattan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN M. ELDER.

Mr. HALSELL introduced a bill (H. R. 6114) for the relief of John M. Elder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS H. BRUCE.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 6115) for the relief of Thomas H. Bruce, of Lewis County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KENTUCKY SOLDIERS.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6116) for the relief of certain soldiers from the State of Kentucky; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WIDOW OF HARVEY PRICHARD.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6117) for the relief of Harvey Prichard's widow and minors, of Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH RUSSELL.

Mr. WOLFORD introduced a bill (H. R. 6118) to restore to the pension-roll the name of Joseph Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. RODNEY C. BARKER.

Mr. BOUTELLE (by Mr. DINGLEY) introduced a bill (H. R. 6119) for the relief of Capt. Rodney C. Barker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REVENUE-MARINE SERVICE.

Mr. HOBLITZELL introduced a bill (H. R. 6120) to promote the efficiency of the revenue-marine service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE JOHNSON.

Mr. HOBLITZELL also introduced a bill (H. R. 6121) granting a pension to George Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. HOBLITZELL also introduced a bill (H. R. 6122) to extend an act approved June 27, 1882, to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RETIRED NAVAL OFFICERS.

Mr. TALBOTT introduced a bill (H. R. 6123) explanatory of and reconciling sections 1588 and 1593 of the Revised Statutes of the United States, relating to the pay of retired officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

J. J. B. WALBACH.

Mr. FINDLAY (by request) introduced a bill (H. R. 6124) to remove the civil and political disabilities of J. J. B. Walbach, of the State of Maryland; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MOSES C. MORDECAI.

Mr. FINDLAY also submitted the following resolution; which was read, and referred to the Committee on Claims:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested, if not incompatible with the public service, to furnish for the information of the House what, if any, sums appear to be due on the books of the Sixth Auditor's Office up to January, 1861, to Moses C. Mordecai.

BRIDGE ACROSS EASTERN BRANCH.

Mr. HOLTON introduced a bill (H. R. 6125) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue, east; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REPRESENTATIVES OF LIEUT. FRANCIS WARE.

Mr. HOLTON also introduced a bill (H. R. 6126) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

REPRESENTATIVES OF JACOB MILLER.

Mr. HOLTON also introduced a bill (H. R. 6127) to authorize the Court of Claims of the United States to ascertain the amount of special damages sustained by the legal representatives of the late Jacob Miller by a change in grade on Maryland avenue and Twelfth street, northeast, in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NATHAN BURNHAM.

Mr. HOLTON also introduced a bill (H. R. 6128) to authorize the Court of Claims of the United States to ascertain the amount of the special damages sustained by Nathan Burnham by a change in grade on First and D streets, southeast, in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

VINEGAR FROM ALCOHOL.

Mr. RICE presented resolutions of the Legislature of Massachusetts relative to the repeal of so much of the internal-revenue law of the United States as authorizes the manufacture of vinegar from alcohol which has paid no revenue tax; which was referred to the Committee on Ways and Means.

ACCEPTANCE OF DECORATIONS.

Mr. MORSE introduced a bill (H. R. 6129) to authorize Henry Wilson, captain, United States Navy; Frederick Pierson, commander, United States Navy; Charles A. Foster and J. M. Roper, lieutenants, United States Navy, to accept a decoration from His Majesty the King of the Hawaiian Islands; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. MORSE also introduced a bill (H. R. 6130) to provide for the transmission of correspondence by telegraph; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMMERCE.

Mr. MAYBURY introduced a bill (H. R. 6131) to amend paragraphs 6 and 8 and to repeal paragraphs 7 and 9 of section 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels navigating the waters on the northern frontiers of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AURILLA A. BURNS.

Mr. MAYBURY also introduced a bill (H. R. 6132) for the relief of Aurilla A. Burns, widow and devisee of James Burns, late of Detroit; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM DURKIN.

Mr. MAYBURY also introduced a bill (H. R. 6133) granting a pension to William Durkin, late a private in Company K, Second Michigan Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. REYNOLDS.

Mr. MAYBURY also introduced a bill (H. R. 6134) granting a pension to Charles E. Reynolds, late a private of Company D, First Battalion Twelfth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WINCHELL.

Mr. HORR introduced a bill (H. R. 6135) to allow John Winchell arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW LAFFERTY.

Mr. CUTCHEON introduced a bill (H. R. 6136) for the relief of Andrew Lafferty, of Muskegon County, Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CURRENCY, ETC.

Mr. LACEY introduced a bill (H. R. 6137) to prohibit the issue of Treasury notes of less than $5, to provide for the issue of one and two dollar silver certificates, and for the suspension of the coinage of the standard silver dollar under certain circumstances; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CATHARINE CARPENTER.

Mr. LACEY also introduced a bill (H. R. 6138) granting a pension to Catharine Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE AT DULUTH, MINN.

Mr. NELSON introduced a bill (H. R. 6139) to authorize the corporate authorities of Duluth, Minn., to construct and maintain a railroad and common drawbridge across the canal leading to the harbor of Duluth, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WATER-POWER AT LITTLE FALLS, MINN.

Mr. NELSON also introduced a bill (H. R. 6140) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BENJAMIN FRANKLIN.

Mr. WAKEFIELD introduced a bill (H. R. 6141) for the relief of Benjamin Franklin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL COOK.

Mr. WAKEFIELD also introduced a bill (H. R. 6142) granting a pension to Samuel Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. MONEY introduced a bill (H. R. 6143) to secure cheaper correspondence by telegraph; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CAROLINE DAVISON.

Mr. SINGLETON (by request) introduced a bill (H. R. 6144) for the relief of Caroline Davison, widow of Chatham Davison, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISA THOMAS.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6145) for the relief of Louisa Thomas, widow and administratrix of John C. Thomas, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. L. WALLACE.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6146) for the relief of W. L. Wallace, administrator of the estate of John M. Gill, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. A. ANDERSON.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6147) for the relief of E. A. Anderson, administratrix of the estate of James Anderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RUTH SUMMERS.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6148) for the relief of Ruth Summers, administratrix of the estate of Jonathan Summers, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES SUMMERS.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6149) for the relief of James Summers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHATMAN DAVISON.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6150) for the relief of Chatman Davison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANKLIN SESSIONS.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6151) for the relief of Franklin Sessions; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. GIBSON.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6152) for the relief of Thomas J. Gibson; which was read a first and second time, referred to the Commitee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF FRANCES E. GIBSON.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6153) for the relief of the legal representatives of Frances E. Gibson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF RACHEL E. GIBSON.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6154) for the relief of the legal representatives of Rachel E. Gibson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. M. WARREN.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6155) for the relief of S. M. Warren, administrator of the estate of Jonathan Summers, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. OWEN.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6156) for the relief of James H. Owen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. J. DEUSON.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6157) for the relief of T. J. Deuson, administrator of the estate of George W. McCabe, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. P. BURNHAM.

Mr. SINGLETON (by request) also introduced a bill (H. R. 6158) for the relief of T. P. Burnham, administrator of the estate of Dr. J. Burnham, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT NATCHEZ, MISS.

Mr. VAN EATON introduced a bill (H. R. 6159) making an appropriation for the erection or purchase of a public building at Natchez, Miss.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES PRICE.

Mr. HATCH, of Missouri, introduced a bill (H. R. 6160) for the relief of James Price; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STREETS IN SAINT LOUIS, MO.

Mr. CLARDY introduced a bill (H. R. 6161) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAMUEL BARNARD.

Mr. WEAVER introduced a bill (H. R. 6162) granting a pension to Samuel Barnard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M'LENNAN.

Mr. WEAVER also introduced a bill (H. R. 6163) for the relief of Daniel McLennan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. TIBBITS.

Mr. LAIRD introduced a bill (H. R. 6164) for the relief of W. H. Tibbits; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PAY OF HOSPITAL STEWARDS.

Mr. LAIRD also introduced a bill (H. R. 6165) to equalize the pay of hospital stewards of the Army with that of other officers of like rank; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID STONECYPHER.

Mr. LAIRD also introduced a bill (H. R. 6166) for the relief of David Stonecypher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. HOLT.

Mr. LAIRD also introduced a bill (H. R. 6167) for the relief of Charles H. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. H. D. F. YOUNG.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 6168) granting a pension to Capt. H. D. F. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. GLIDDEN.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 6169) granting a pension to George H. Glidden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CARRIE G. ROSS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 6170) granting a pension to Mrs. Carrie G. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH E. SMITH.

Mr. HAYNES introduced a bill (H. R. 6171) granting a pension to Noah E. Smith; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM MUNION, JR.

Mr. FERRELL introduced a bill (H. R. 6172) for the relief of William Munion, jr.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BROOKLYN PUBLIC BUILDING.

Mr. ROBINSON, of New York, submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

*Resolved*, That the Secretary of the Treasury is hereby directed to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file in the Treasury Department relating to the purchase of the site for a public building in the city of Brooklyn, State of New York.

COLLISION BETWEEN STEAMERS POWHATAN AND DAVID.

Mr. COX, of New York, submitted the following resolution; which was referred to the Committee on Naval Affairs:

*Resolved*, That the Secretary of the Navy be directed to transmit to the House of Representatives a copy of the proceedings of the court-martial in the cases growing out of the collision between the United States steamer Powhatan and the merchant steamer David.

ROSE DOUGHERTY.

Mr. COX, of New York, also introduced a bill (H. R. 6173) for the relief of Rose Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHILD, PRATT & FOX.

Mr. DORSHEIMER (by request) introduced a bill (H. R. 6174) for the relief of the legal representatives and survivors of the late firm of Child, Pratt & Fox; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JACOB NEWBERGER.

Mr. ROGERS, of New York (by request), introduced a bill (H. R. 6175) for the relief of Jacob Newberger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTINA GAVIN.

Mr. ROGERS, of New York (by request), also introduced a bill (H. R. 6176) for the relief of Christina Gavin, widow of Dominick Gavin, Company H, Twenty-seventh Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. GREEN.

Mr. ROGERS, of New York (by request), also introduced a bill (H. R. 6177) for the relief of Charles W. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDENSED STATEMENT, TENTH CENSUS.

Mr. BAGLEY introduced a bill (H. R. 6178) authorizing the purchase of condensed statements of the Compendium of the Tenth Census; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CARRIAGE OF PASSENGERS BY SEA.

Mr. SLOCUM introduced a bill (H. R. 6179) to regulate the carriage of passengers by sea; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. MARY M. ORD.

Mr. SLOCUM also introduced a bill (H. R. 6180) granting a pension to Mrs. Mary M. Ord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHAEL ANN JOHNSON.

Mr. SLOCUM also introduced a bill (H. R. 6181) granting a pension to Rachael Ann Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN THOMAS.

Mr. SPRIGGS introduced a bill (H. R. 6182) granting a pension to Edwin Thomas, sergeant Company I, One hundred and forty-sixth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVISION OF PATENT LAWS.

Mr. GREENLEAF introduced a bill (H. R. 6183) to provide for the revision, improvement, and amendment of the laws relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JULIA M. REYNOLDS.

Mr. STEVENS introduced a bill (H. R. 6184) granting a pension to Julia M. Reynolds, widow of James S. Reynolds, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDULENT USE OF CIGAR STAMPS, BOXES, ETC.

Mr. HARDY introduced a bill (H. R. 6185) to prevent the fraudulent reuse of empty cigar-boxes and the stamps and labels thereon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CIVIL-SERVICE EXAMINATIONS.

Mr. HARDY also introduced a bill (H. R. 6186) making persons honorably discharged after service in the Army or Navy of the United States during the late war eligible to certain appointments in the civil service without the examination now required by law; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

ELISHA M. WELBORN.

Mr. YORK introduced a bill (H. R. 6187) for the relief of Elisha M. Welborn, of Wilkes County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES MINT PROPERTY, CHARLOTTE, N. C.

Mr. DOWD (by his colleague, Mr. SCALES) introduced a bill (H. R. 6188) to grant the right of way over mint lots in the city of Charlotte, N. C., to widen a street; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUILDING, FORT JOHNSTON, NORTH CAROLINA.

Mr. DOWD (by his colleague, Mr. SCALES) also introduced a bill (H. R. 6189) granting the use of the unoccupied building at Fort Johnston, North Carolina, for school-house and drill-room; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT LOT, ROBESON COUNTY, NORTH CAROLINA.

Mr. DOWD (by his colleague, Mr. SCALES) also introduced a bill (H. R. 6190) to cede a Government lot in Robeson County, North Carolina, to be used as a public school-house; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIFURS ROBERSON.

Mr. VANCE introduced a bill (H. R. 6191) to restore Lifurs Roberson to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OBSTRUCTION OF PATENT LAWS.

Mr. VANCE also submitted the following resolution of inquiry; which was read, and referred to the Committee on Patents:

Whereas information has been obtained, from sources entirely trustworthy, which indicates that the full, thorough, expeditious, and accurate administration of the laws and regulations which pertain to our great American patent system

is being obstructed and impeded on account of a deficiency in the room and an insufficiency of force at the disposal of the Department of the Interior: Therefore,

*Resolved, &c.*, That the Secretary of the Interior be, and he is hereby, requested to report to this House such information as he may have touching the deficiency of room and the insufficiency of force in the Patent Office, and to what extent, in his opinion, the rights of inventors and the public interests are affected by the present want of room and additional force in that Department; and that he be requested to make such suggestions as he may deem proper as to what legislation is necessary to remedy the grievances indicated.

J. G. BOSTATER.

Mr. HILL introduced a bill (H. R. 6192) granting a pension to J. G. Bostater; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT C. KIRK.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. 6193) for the relief of Robert C. Kirk; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APPOINTMENT AND RETIREMENT OF CERTAIN DISABLED OFFICERS.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 6194) authorizing the appointment and retirement of maimed and disabled officers of the Army who were honorably discharged under the act of July 15, 1870; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SERAPHIM SCHUCHTER.

Mr. MURRAY introduced a bill (H. R. 6195) granting a pension to Seraphim Schuchter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. D. LAWRENCE.

Mr. MURRAY also introduced a bill (H. R. 6196) granting a pension to R. D. Lawrence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER FALKNER.

Mr. MURRAY also introduced a bill (H. R. 6197) granting a pension to Peter Falkner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS LAWRENCE.

Mr. MURRAY also introduced a bill (H. R. 6198) granting a pension to Thomas Lawrence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAWRENCE CLIFFORD.

Mr. FORAN introduced a bill (H. R. 6199) granting a pension to Lawrence Clifford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SIMMS.

Mr. WARNER, of Ohio, introduced a bill (H. R. 6200) for the relief of John Simms; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN MASSACRE IN OREGON.

Mr. GEORGE submitted the following resolution of inquiry; which was read, and referred to the Committee on Indian Affairs:

*Resolved*, That the Secretary of the Interior be, and he is hereby, authorized and requested to make an examination and investigation into the massacre by Indians of Dr. Marcus Whitman and others, in the Columbia River Valley, Oregon, in 1847, and to report to this House the names and ages and sexes of those massacred, and also of all those who survived or escaped said massacre (at said times and places), and now living, with their present places of abode; and what property, kind and value, was destroyed, and to report any and all facts referring to said massacre, and to make such recommendations in the premises as the facts ascertained by him seem to justify.

ELIZA J. RAY.

Mr. MILLER, of Pennsylvania, introduced a bill (H. R. 6201) for the relief of Eliza J. Ray, widow of John T. Ray, deceased; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES A. MORRISON.

Mr. MILLER, of Pennsylvania, also introduced a bill (H. R. 6202) rerating the pension of James A. Morrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND-OFFICE MAP OF THE UNITED STATES.

Mr. BRAINERD introduced a joint resolution (H. Res. 213) authorizing the printing of 25,000 copies of the map of the United States prepared in the General Land Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM S. MITCHELL.

Mr. BARR (by Mr. BINGHAM) introduced a bill (H. R. 6203) for the relief of William S. Mitchell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES H. CAMPBELL.

Mr. BINGHAM introduced a bill (H. R. 6204) to restore Charles H. Campbell to the rank of captain in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE S. EDMONDSON.

Mr. BINGHAM also introduced a bill (H. R. 6205) granting a pension to Catharine S. Edmondson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK WARDECKER.

Mr. ATKINSON introduced a bill (H. R. 6206) granting a pension to Frederick Wardecker, private, First Regiment Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVIDENCE IN PENSION CASES.

Mr. HOUK introduced a bill (H. R. 6207) to amend the pension laws, and to prescribe certain rules of evidence in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. B. PHILLIPS.

Mr. HOUK also introduced a bill (H. R. 6208) granting a pension to C. B. Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELISABETH FRENCH.

Mr. HOUK also introduced a bill (H. R. 6209) restoring Elisabeth French to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICAJAH JOINER.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 6210) to pay the legal representatives of Micajah Joiner, a pensioner, for services in the war of 1812, due him at the time of his death; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHILDREN OF HERBERT H. DODD.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 6211) to pay the surviving children of Herbert H. Dodd, late a private in Company D, Seventh Regiment Tennessee Cavalry, the amount due their mother, the widow, at the time of her death; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLIE JARRATT.

Mr. PIERCE (by Mr. ELDREDGE) introduced a bill (H. R. 6212) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased, late of Hardeman County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF ESTHER M'MULLEN, ETC.

Mr. MILLER, of Texas, introduced a bill (H. R. 6213) for the relief of the heirs of Esther McMullen and James McGloin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COINAGE OF SILVER DOLLAR.

Mr. CULBERSON, of Texas, introduced a bill (H. R. 6214) to repeal the restriction upon the coinage of the silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. HANCOCK introduced a bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

G. W. SAMPSON AND BENJAMIN HENRICKS.

Mr. HANCOCK also introduced a bill (H. R. 6216) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Tex.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PORT OF SAN ANTONIO, TEX.

Mr. HANCOCK also introduced a bill (H. R. 6217) to extend to the port of San Antonio, Tex., the privileges of the act of June 10, 1880, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

L. M. KELLEY.

Mr. HANCOCK also introduced a bill (H. R. 6218) for the relief of L. M. Kelley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL BANK OF BARRE, VT.

Mr. POLAND introduced a bill (H. R. 6219) to authorize the Comptroller of the Currency to issue to the National Bank of Barre, Vt., $1,300 of circulating notes, to replace the same amount of unsigned notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

APPEALS FROM TERRITORIAL SUPREME COURTS, ETC.

Mr. POLAND also introduced a bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT SUPERIOR, WIS.

Mr. PRICE introduced a bill (H. R. 6221) to provide for the erection of a public building at Superior, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY S. DOUGLAS.

Mr. PRICE also introduced a bill (H. R. 6222) granting a pension to Mary S. Douglas, mother of Thomas Douglas, late of Company C, Second Regiment Maine Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. HUNTER.

Mr. PRICE also introduced a bill (H. R. 6223) granting a pension to John L. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

JACOB B. WOOD.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 6224) for the relief of Jacob B. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. BENNETT.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 6225) for the relief of W. H. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE E. FERNALD.

Mr. STEPHENSON introduced a bill (H. R. 6226) granting a pension to George E. Fernald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVENUE-MARINE SERVICE.

Mr. OURY (by request) introduced a bill (H. R. 6227) to promote the efficiency of the revenue-marine service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD B. HUBBARD.

Mr. MANZANARES (by request) introduced a bill (H. R. 6228) for the relief of Edward B. Hubbard; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNIVERSITY IN NEW MEXICO.

Mr. MANZANARES also introduced a bill (H. R. 6229) to reserve lands in the Territory of New Mexico for the benefit of a university in said Territory and providing for the selection and withdrawal of the same from sale or other disposal; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ASSAY OFFICE AT SOCORRO, N. MEX.

Mr. MANZANARES also introduced a bill (H. R. 6230) to establish an assay office at Socorro, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

STATE OF TACOMA.

Mr. BRENTS introduced a bill (H. R. 6231) to provide for the formation and admission into the Union of the State of Tacoma, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

J. C. & C. T. HULETT.

Mr. POST, of Wyoming, introduced a bill (H. R. 6232) for the relief of J. C. & C. T. Hulett; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This concludes the call of States and Territories. If there be no objection, the Chair will now recognize gentlemen for the introduction of bills, &c., who were not in their seats when their States were called.

There was no objection.

MRS. JULIA H. TOTTEN.

Mr. ROSECRANS (by Mr. SPRINGER) introduced a bill (H. R. 6233) granting a pension to Mrs. Julia H. Totten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT DEER.

Mr. MORGAN introduced a bill (H. R. 6234) for the relief of Robert Deer, late sergeant Fourteenth Kansas Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA J. NORRIS.

Mr. CONNOLLY introduced a bill (H. R. 6235) granting a pension to Eliza J. Norris, widow of Dudley F. Norris, late private in Company I, Twelfth Regiment New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. ELLIS introduced a bill (H. R. 6236) to appropriate money for the survey of private land claims in the State of Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

A. J. HERRON AND J. T. UPDEGRAFF.

Mr. BLANCHARD introduced a bill (H. R. 6237) appropriating $10,000 to be paid to the heirs of the late Andrew J. Herron, deceased, late Representative-elect to the Forty-eighth Congress from the State of Louisiana, and the same sum to the widow and heirs of the late J. T. Updegraff, deceased, late Representative-elect to the Forty-eighth Congress from the State of Ohio; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WALTER WADSWORTH.

Mr. CLEMENTS (by request) introduced a bill (H. R. 6238) for the relief of the estate of Walter Wadsworth; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOAN OF TENTS, ETC.

Mr. CLEMENTS also introduced a joint resolution (H. Res. 214) authorizing the Secretary of War to loan tents to the Rome Military Company, of Rome, Ga., for the use of the military encampment at Rome, Ga.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN J. HART.

Mr. HAMMOND introduced a bill (H. R. 6239) for the relief of John J. Hart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH A. CHEATHAM.

Mr. BUCKNER introduced a bill (H. R. 6240) for the relief of Sarah A. Cheatham, widow of James Stacks, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALASKA.

Mr. VAN EATON submitted the following resolution; which was referred to the Committee on Ways and Means:

*Resolved*, That the Secretary of the Treasury be requested to furnish the House all the information in his possession with regard to any contract entered into by the Government, in which the Territory of Alaska or the lands situate therein or the waters adjacent thereto, or the industries connected therewith are concerned, with any report in reference thereto, accompanied with any suggestions he may see fit to make, and that he furnish the House with exact copies of all papers having reference to the subject-matter, whether said papers are original contracts or reports of customs officers or special agents connected with the Treasury or with any other Department of the Government, which have been transmitted to or are in the possession of the Secretary of the Treasury.

ROBERT LYON.

Mr. CASSIDY introduced a bill (H. R. 6241) for the relief of Robert Lyon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. H. ALDERSON.

Mr. CASSIDY also introduced a bill (H. R. 6242) for the relief of J. H. Alderson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN T. LITTLE AND OTHERS.

Mr. CASSIDY also introduced a bill (H. R. 6243) for the relief of John T. Little, John Q. A. Moore, Isaac P. Lebo, H. P. Phillips, and J. H. Cole; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRAIRIE COUNTY, ARKANSAS.

Mr. DUNN introduced a bill (H. R. 6244) for the relief of Prairie County, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. W. I. PUGH.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 6245) for the relief of C. W. I. Pugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS C. DILS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 6246) for the relief of Lewis C. Dils; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. STEELE introduced a bill (H. R. 6247) to amend section 2 of "an act making appropriations for the payment of arrears of pensions granted by act of Congress approved January 25, 1879, and for other pur-

poses," approved March 3, 1879; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM LAIRD.

Mr. McKINLEY introduced a bill (H. R. 6248) for the relief of William Laird, of Canton, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL P. WHITING.

Mr. STRAIT introduced a bill (H. R. 6249) granting a pension to Daniel P. Whiting; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE A. IAEGER.

Mr. STRAIT also introduced a bill (H. R. 6250) for the relief of George A. Iaeger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES COURTS IN NEBRASKA.

Mr. LAIRD introduced a bill (H. R. 6251) to provide for the holding of a term of the district and circuit courts of the United States at Hastings, Nebr.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT HASTINGS, NEBR.

Mr. LAIRD also introduced a bill (H. R. 6252) for the erection of a public building at Hastings, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. DOWD, by unanimous consent, obtained leave of absence for to-day, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. CALKINS, by unanimous consent, obtained leave to withdraw from the files of the House papers in relation to the pension case of John W. Cummins.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. BARBOUR. I call for the regular order.

The SPEAKER. This being the fourth Monday in the month, the regular order is the consideration of business reported by the Committee on the District of Columbia. The Chair is advised that there is no business from that committee on the House Calendar.

Mr. BARBOUR. I move that the House resolve itself into Committee of the Whole House to consider District of Columbia business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the Private Calendar for the purpose of considering bills relating to the District of Columbia.

Mr. BARBOUR. I ask that the House first proceed to the consideration of the bill (H. R. 4689) for the relief of Eliza W. Patterson.

The bill is as follows:

*Be it enacted, &c.*, That all national, municipal, and county taxes, general and special, and all interests, costs, and penalties thereon, levied or assessed to and including June 30, 1883, upon the property (in the District of Columbia) now held (or claimed) by Walter S. Cox and others, in trust for Eliza W. Patterson, widow of Carlile P. Patterson, late Superintendent of the United States Coast and Geodetic Survey, be, and the same are hereby, remitted and canceled: *Provided*, That any outstanding certificates of sale for taxes in the name of Carlile P. Patterson, late one of the trustees of said Eliza W. Patterson, shall be surrendered and canceled: *And provided further*, That nothing herein contained shall be construed to require the District of Columbia or the United States to repay any sums heretofore paid for the purchase of said property at tax sale: *And provided further*, That the acceptance of the provisions of this act by said trustee and beneficiaries shall be a full release and satisfaction of all claims of every kind on their part for damages of any kind against the United States, the District of Columbia, or the city of Washington claimed to have been done to said property.

The CHAIRMAN. The bill is reported back from the Committee on the District of Columbia with an amendment, which the Clerk will read.

The Clerk read as follows:

In line 6, after the word "eighty," insert the word "three;" so that it will read "1883."

Mr. WARNER, of Ohio. I ask either that the report be read or that we may have some explanation of this matter before we are called upon to give our votes upon it.

The report was read, as follows:

That they have considered said petition, and from the evidence submitted find that the petitioner and her children are the owners of a considerable tract of land lying in the northeastern section of the city, the major portion being situated north of M street and east of North Capitol street, and that prior to 1872 this land was used for agricultural or grazing purposes. In 1871 Congress authorized the formation of what was known as the board of public works, and in 1872 and 1873 that board, in the prosecution of its scheme for the improvement of the city and its suburbs, opened several of the streets and avenues running by or through the property in question, and at about the same time constructed a number of extensive sewers and paved the footways and gutters along the opened streets. In order to avoid heavy grades the streets and avenues, so far as the property in question is concerned, were not run over the natural surface of the ground, but on grades very much above or below that surface, and consequently upon completion of the work nearly the whole of the property of the petitioner was left either ten or twenty feet above or below the grades of the several streets on which it fronted.

Upon inspection of the property your committee find that a large brick sewer has been built above the ground and diagonally across several of the largest and most valuable squares; and that the branch of the Baltimore and Ohio Railroad, which occupies First street east, and which is constructed on an embankment about fifteen feet high, runs between those squares, separating them into two portions. Each portion is occupied to a considerable extent by pools of stagnant water, which, owing to the construction of the streets on abnormal grades, have a deficient outlet. The remainder of the property has been cut up by the streets into small parcels of land ten to twenty feet above grade. No houses, buildings, or improvements of any kind exist anywhere on any part of this property, and with the exception of a dilapidated house built early in the century, and a few frame dwellings of little value, none exist anywhere in the neighborhood, and testimony has been submitted proving that this was the case in the past as well as in the present.

Considering that this property was either arable land, common, or meadow, and not only uninhabited, but remote from the settled portions of the city, your committee is of the opinion that the opening of streets, construction of sewers, and paving of footways and gutters was unnecessary in its vicinity. Inspection proves conclusively that any benefit derived from the execution of such works has resulted to the United States and general public in obtaining a more easy access to the Institution for the Deaf and Dumb, located at the eastern end of M street, and not at all to the petitioner; on the contrary, she has clearly experienced great injury, her land being rendered useless for agricultural purposes and unsalable for building sites, even had any demand existed, prior to the completion of the so-called improvements, for its appropriation to the latter service; and your committee is therefore of the opinion that the petitioner is, and has been for many years, justly entitled to compensation for the injury done her property.

In fixing the amount of this compensation your committee has considered:

First. The probable cost of bringing the squares and lots to the established grades. The total area of the property that will require treatment some time is 1,069,276 square feet. Of this about 300,000 square feet are from 6 to 20 feet above, and about 750,000 square feet from 6 to 20 feet below grade; or 1,050,000 square feet will require grading. Taking the minimum figures, 6 feet, for the amount of the cutting and filling, the grading necessary reaches 6,300,000 cubic feet and 230,000 cubic yards.

The price of grading in this vicinity is 22 cents per cubic yard, with all hauling beyond 200 feet at half a cent per cubic yard for every 100 feet. To grade the property in question will cost, therefore, $50,600 plus $1,150 for every 100 feet of hauling over the 200 feet allowed. As there is no available material nearer than 1,000 feet, the cost of grading the property would probably exceed $60,000.

Second. The testimony of several real-estate dealers, persons of experience, who have inspected the property and have assessed the damages done it by the so-called improvements. This testimony, which is under oath, places the amount at about $47,000.

Third. The evident depreciation of the property since the date of the improvements, which, as shown by the official assessments, certainly equals $60,000. The claim of the petitioner that the difference between the assessments of 1873 and 1883, amounting to $121,544, represents this depreciation, your committee do not consider to have been substantiated. In their opinion the property never approximated in value to the assessment of 1873, and accordingly, in deciding upon the amount of depreciation, that assessment has been ignored. Considering the foregoing, and after personal examination of the land, your committee feel justified in assigning —— as damages.

Furthermore, your committee find that in 1872, and thenceforward, the property of the petitioner was assessed at an extraordinarily high rate and much in excess of the real value of the land. The evidence produced shows that that particular section of the city is, and always has been, practically, uninhabited; that little or no improvement has taken place since the original cession of the land to the United States, and that it never had any value except for farming or gardening purposes; yet the property of the petitioner, after having been rendered useless for such purposes, has been assessed at from $160,000 to $223,000. For so excessive an assessment your committee can find no justification, and believe that the petitioner is rightly entitled to a revision of the assessments of 1873, 1875, 1876, and 1879. In accordance with that belief they have made such a revision, and are of the opinion that a mean between the present assessment and that immediately prior to the assessment of 1872 is as near an approximation to a just valuation as can be obtained.

The assessment immediately prior to that of 1872 was the one made in 1869; and a mean between that and the present assessment would give $132,389 as the value for the last ten years of the property of the petitioner. The annual taxes on such an assessment would have been $1,635 per annum, and, in the opinion of your committee, that amount is all that should be charged against the petitioner as general taxes from 1873 to 1883. Owing to the falling off of the revenue from the land, due to the destruction of its agricultural character, and to the absorption of the husband of the petitioner in public duties and scientific pursuits, the taxes on the property have for eight years been unpaid. The petitioner was entirely ignorant of this fact until after the death of her husband, and since his death has, with the assistance of friends, paid the current taxes. Interest, therefore, should only be charged for the eight years from 1874 to 1882, when the tax was in arrears. This charge amounts, at 10 per cent., to $4,564, and, added to the $16,350, and making in all $20,914, represents the total just indebtedness of the petitioner. Your committee find, however, that between 1872 and 1882 there has been paid by or is charged against the petitioner $27,423 of general taxes, and $17,459 of interest and penalties thereon, making an aggregate charge of $44,882. These taxes, and necessarily the interest thereon, are excessive, and the petitioner is justly entitled to relief to the amount they exceed what should have been charged, or to the difference, equaling $23,968, between her proper indebtedness of $20,914 and the $44,882 for which her estate is liable.

The petitioner is also charged with "special taxes" and interest thereon, amounting in all to $13,038. As these special taxes are a special charge for the purpose of defraying the cost of the very operations that destroyed the value of her property, it is manifestly unjust to call upon the petitioner to pay them, and there is no doubt that she is also properly entitled to relief to that extent.

Reviewing the foregoing, your committee considers the following as a correct estimate of the amount of indemnity which should be afforded:

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|---|---|
| Special taxes, and interest and penalties thereon | $13,038 |
| Excess of general taxes, interest, and penalties over and above a just charge | 23,968 |
| Damages to the property by the operations of the board of public works. | |

Your committee find that the estate of the petitioner is now liable for taxes in arrears amounting to $52,873, of which $22,496 is for general taxes, $7,417 for special taxes, and $22,960 is interest and penalties, and that this interest is increasing at the rate of $3,350 per annum. Satisfactory evidence has been submitted proving

that the property has been in the market for fully two years, has been offered for sale, both publicly and privately, and that an attempt was made in April, 1883, to dispose of a large quantity of ground at public auction, but that no success has attended any of the foregoing efforts, and in the opinion of competent experts the property is not salable, and this principally on account of the condition in which it has been left by the operations of the board of public works.

A comparison of the value of the lots as assessed for taxes, and the accumulation of taxes, penalties, and interest shows that the latter very closely approximates to the former and in many cases exceed it, and in several instances this excess of the taxes over the value of the lot equals several hundred dollars. Evidently the accumulation of interest on the tax in arrears will soon absorb whatever small balance may now exist in favor of the owner.

The petitioner, Mrs. Patterson, is the widow of the late Superintendent of the Coast Survey, whose services to science and the public were of so eminent a nature. The debt which has accumulated against her estate was incurred entirely without her knowledge and through no fault of her own, and as she is now in embarrassed circumstances and without means of support, your committee, believing that she is justly entitled to damages far exceeding any indebtedness to the United States or to the District, have drawn up the accompanying bill and recommend its passage.

Your committee, at the same time, request to be discharged from the claim for $4,112.27, for destruction of barns, agricultural implements, and produce, contained in the petition, and suggest their reference to the Committee on War Claims.

Your committee ask that the report of the select committee of the Forty-seventh Congress upon this subject be published, and adopted as a part of this report.

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[House Report No. 1432, Forty-seventh Congress, first session.]

Mr. KASSON, from the Select Committee in relation to the late Carlile P. Patterson, submitted the following report, to accompany bill H. R. 6428:

The Select Committee in relation to the late Carlile P. Patterson, to whom was referred the bill (H. R. 6428) for the relief of Eliza W. Patterson, submitted the following report thereon:

The beneficiary, Eliza W. Patterson, is the widow of the late Carlile P. Patterson, Superintendent of the Coast and Geodetic Survey of the United States, who died suddenly, in August last, while in the performance of his duties as such officer. Captain Patterson had been connected with this branch of the public service for more than twenty years, during which period his service was distinguished by its great usefulness and the absolute fidelity with which he discharged all his functions.

The character of the service rendered by him deserves more than a passing mention. During and since the civil war he rendered important extraofficial services to the Government for which no compensation was provided by law. During his connection with the Coast Survey, in addition to his constant labors in that department, he was made chairman of the commission to reorganize the revenue-marine service; a member of the commission to examine and test life-saving apparatus and appliances; of the board to prepare a plan for the improvement of the harbor of Washington; of the Interoceanic Canal Commission; and of the Light-House Board; and was called upon for various minor services too numerous to recite. Captain Patterson, equally with Professor Henry, is entitled to recognition for the great improvement in the public service above referred to, and for the very great economy in public expenditure which resulted from his long attention and great labor bestowed upon the question, not only increasing the efficiency of the service, but resulting in a reduction of expenses exceeding a million and a half dollars. For all extraofficial services above referred to no compensation was ever made to him by the Government. The pressure of all these duties and the constancy of his labor led to the absolute neglect of all private interests.

During this period the then government of this District embarked upon that great scheme for the improvement of the city of Washington which was extended beyond the wants of the city, and reached the farm land occupied by the family of Captain Patterson and belonging to his widow. Enormous injury was done to the property, for which, instead of being compensated, heavy taxes were assessed. Disputing their validity, and without means to pay the charges, interest and penalties were added thereto, and the taxes, interest, and penalties remain unpaid to this day. A bill was prepared on behalf of Captain Patterson for relief in chancery for the wrongs done and assessments made.

At the request of the District commissioners the proceeding was stopped, on their assurance that justice should be done. No action, however, was taken, and the condition remained unchanged at the time of the death of Captain Patterson. If these charges are legal, they would nearly absorb the value of the estate.

Captain Patterson left his family almost totally unprovided for and in great distress for the means of support, leaving also debts for even the necessaries of life. His death disclosed the fact that his entire assets left for the benefit of his family amounted to about $500, while the debts last above referred to far exceed that sum.

Under these circumstances your committee deem it their unquestioned duty to recommend the recognition to which the uncompensated services of the deceased are entitled in the form proposed by this bill, which will furnish some means of support to his family, and without which they will be reduced to poverty. They therefore recommend the passage of the accompanying bill as the most fitting method of doing that justice which the Government owes to a deceased officer unsurpassed in his fidelity and distinguished by the extraordinary and unpaid services which, during twenty years, he has rendered to his country.

Reporting back the memorial referred to them and making it a part of their report, the committee unanimously recommend the passage of the accompanying bill.

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Memorial asking suitable recognition by Congress of the special services rendered the Government by the late Carlile P. Patterson.

*To the honorable Senate and*
*House of Representatives of the United States of America:*

The undersigned, recalling the great attainments, high character, and exceptional devotion to duty of the late C. P. Patterson, and believing that the services he rendered to the country demand something more than their mere silent acceptance by the Government, have deemed it just and proper to call the attention of Congress to the case, with a view to such action in the premises as may be deemed advisable.

Mr. Patterson served for twenty years in the survey of the coast, first as hydrographic inspector, from May 4, 1861, to February 17, 1874, and from the latter date to the day of his death, August 15, 1881, as its superintendent.

How well and with what success he performed the duties pertaining to each position is known to and appreciated by Congress and the Government. His services during the eventful period from 1861 to 1865 call forth an emphatic acknowledgment from Professor A. D. Bache, Superintendent, who, in 1862, reports: "At certain junctures during the year the requisites for service in connection with the blockading squadrons have called for more than usual address and promptitude in action. As the instances occurred the difficulties have been met and overcome with the sound judgment that has always directed the ordinary details of the hydrographic division."

And again, in 1865: "The peculiar difficulties which were to be expected during the war were fortunately met by the abilities of Mr. Patterson. His acquaintance with naval routine and intimate knowledge of the local peculiarities of the Atlantic, Gulf, and Pacific coasts of the United States have been specially advantageous to the work. To his readiness of mind in consultation and sound judgment of details the office is indebted for much of the success which has attended its labors for the last few years."

The Secretary of the Treasury, Hon. William Windom, refers to the late superintendent as follows:

"Combining wide experience with great judgment, he was eminently successful in the conduct of the great national work under his charge; and in his hands its scope was greatly enlarged and its character as a general geodetic survey became fully recognized.

"His efforts have been so earnest in the performance of the various duties which have devolved upon him that to his untiring prosecution of them the immediate loss of his life is to be attributed. With unbounded zeal and ceaseless energy he pressed on without taking the relaxation which nature demanded."

We do not take this occasion for eulogizing the character, the professional ability, or the services of C. P. Patterson. It is due to him, however, to add here that since 1874, when he became superintendent, his private affairs, as well as his health, were utterly neglected, as being hardly worthy of consideration in comparison with the importance of his public duties.

For his eminent services above referred to no special claim for consideration is made, but to those of an extraofficial and unpaid character we beg leave to call attention.

REVENUE-MARINE SERVICE.

In 1869, December 16, the Secretary of the Treasury appointed a special commission to consider and report upon the character of vessels best adapted for the revenue-marine service, together with such views and conclusions upon other matters as might appear to them calculated to advance the interests of the service.

The commission consisted of two officers of the revenue marine and of C. P. Patterson, selected as its president. The report of the commission was made May 1, 1870, and its recommendations were in the main approved by the Secretary and ordered to be carried into effect. The condition of the service and of its *personnel* at the above date may be inferred from the radical changes made and their prompt acceptance, and from the great reduction of expenses and the increased efficiency which followed.

The long experience of Mr. Patterson in the construction of vessels specially fitted for particular purposes and localities, his knowledge of all the coasts of the United States, and of the cruising grounds adjacent to the principal ports, as well as of the duties and qualifications required of the officers of the service, especially entitled him to take a leading part in this important reform, and experience has proved that it was thorough and successful.

The vessels were divided into first, second, and third class steamers and sailing vessels, varying in size from seventy-five to three hundred and fifty tons, to be built for and assigned to the different localities in view of the requirements in each case; the number of vessels was reduced from thirty-five to thirty-two, and of officers and men from 1,266 to 1,061, making an annual saving in the latter case alone of over $203,000.

The following comparison was made between the amounts needed by the old system and the one recommended:

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|---|---|
| Old system for the fiscal year ending June 30, 1872 | $1,446,490 |
| New system for the fiscal year ending June 30, 1872 | 943,638 |
| Leaving a balance in favor of reform of | 502,851 |

The actual expenditures for the year ending June 30, 1872, amounted to $930,249.81.

In the annual report of S. I. Kimball, chief of the bureau for the above year, he states "that the increased efficiency and decreased cost above shown are principally due to carrying into effect, as far as practicable, the recommendations of the special commission above referred to, and to the strict enforcement of the revised regulations promulgated August 1, 1871."

And now, in 1881, as the result of the experience, science, and labor brought to bear by Mr. Patterson on this much-needed reform of the revenue-marine service, Mr. Kimball states that while the expenditures still fall within the original estimate of the commission, the efficiency of the service has been increased fivefold.

It would be safe to estimate from the official published reports in connection with this subject, from 1870 to 1880, that a total saving has been effected of more than a million and a half of dollars. (Senate Ex. Doc., No. 93, Forty-first Congress, second session. Also letter, dated December 28, 1881, from E. W. Clark, esq., chief of division.)

UNITED STATES LIFE-SAVING SERVICE.

In 1871 the Secretary of the Treasury appointed a commission to determine the nature of the life-saving appliances to be furnished to the stations. Mr. Patterson was selected as one of its members. The commission met at Seabright, coast of New Jersey, and there examined and practically tested the various devices then known, among which were many of a novel character, for bringing ashore persons from stranded vessels.

S. I. Kimball, esq., General Superintendent of the Life-Saving Service, in a letter addressed to the committee, December 28, 1881, refers as follows to the services of Mr. C. P. Patterson:

"There was no member of the commission to whose opinions greater deference was accorded or whose voice was more potential in determining the selections than Mr. Patterson's, and his services on this occasion were of signal value. This was the only connection he ever had with the Life-Saving Service in an official capacity, but his interest in the operations of the service was active and unceasing. His counsel was frequently and freely sought by the officers of the service up to the time of his death, and there was no person upon whose friendship and wisdom they more absolutely relied."

IMPROVEMENT OF THE HARBOR OF WASHINGTON.

The act of Congress approved by the President March 5, 1872, "to provide for the survey of the harbor and river at Washington, and to report to Congress a full and comprehensive plan for opening, improving, and developing the water channel, and also the feasibility of reclaiming, in any improvement suggested, the swamp and marsh lands along said water front," appointed by name Carlile P. Patterson as a member of the board. The board, of which the Chief of Engineers, Brig. Gen. A. A. Humphreys, was president, consisted of five members.

There were four meetings of the board, at the last of which, December 12, 1872, the minutes of the proceedings state that "Captain Patterson presented an elaborate report and plan for the improvement of the river and harbor, which was considered at length, and, on motion, the report and plans were approved."

The study of the subject was thorough and exhaustive. It included every detail affecting the commerce of the District, the reclamation of the marsh lands, the bridges, wharves, sewerage, &c., and entailed upon its author unusual labor and discrimination both in the field and office. The examination of the report can alone show the extent and value of the services performed by Mr. Patterson in connection with this important subject. (Senate Mis. Doc. No. 15, Forty-second Congress, third session.)

INTEROCEANIC CANAL.

On the 15th of March, 1872, the President appointed a commission to report in regard to the different interoceanic canal surveys and the practicability of the construction of a ship-canal across this continent.

The commission consisted of Brig. Gen. A. A. Humphreys, Chief of Engineers, Mr. Carlile P. Patterson, and Commodore Daniel Ammen, United States Navy.

At the above date some of the surveys were still in progress, and from this cause it was not until about two years afterward that a formal meeting of the commission was held. A careful study of the ten different routes proposed for the canal was indispensable before any conclusion could be reached, and the final report was not made until February, 1876. The labor of examining into the reliability of the different surveys, into the accuracy of the estimates and of the cost and relative practicability of each route, a due portion of which was performed by Mr. Patterson, can only be fully understood and appreciated by the engineer and hydrographer. In reference to the unanimous conclusion of the commission, Rear-Admiral D. Ammen remarks in a letter dated December 24, 1881: "Its importance will not lessen until the recommendations of the commission are carried out."

LIGHT-HOUSE BOARD.

Mr. Patterson was a member of the Light-House Board for nearly seven years, from February, 1874, to August, 1881.

Commander George Dewey, United States Navy, naval secretary to the board, states in regard to the services of Mr. Patterson, "That during the whole of the above period he was chairman of the committee on lighting, and in that capacity he made seventy-one reports, containing an aggregate of six hundred and sixty-five folios, on important matters, which required grave consideration. He was also, from time to time, chairman of a special committee, as business made it necessary, and was for several years a member of the committee on floating aids." During the seven years there were one hundred and ninety-thee meetings, most of which Mr. Patterson attended; and he was always ready to give the board advice on any required subject in the intervals between formal meetings.

Mr. Patterson was a member of the board, selected and appointed by the Secretary of the Navy, in 1865, to ascertain and report upon the best locality for laying up the ironclads and iron vessels of the Navy.

He was also a member of other boards at different periods, to which he was called either as an expert in hydrographic science, or from his high personal character, or from the known enthusiasm with which he would perform any service tending to the advancement of the interests or credit of the country.

The family of Mr. Patterson is left without provision and greatly embarrassed.

The undersigned, therefore, respectfully pray Congress to take into consideration the facts above stated, and to grant such relief as justice and the circumstances appear to require.

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| WM. T. SHERMAN. | GEO. H. PENDLETON. |
| RICH'D D. CUTTS. | EUGENE HALE. |
| G. V. FOX. | JOHN A. WATSON. |
| S. G. KIMBALL. | EDWARD P. LULL. |
| JOHN RODGERS. | JOHN SHERMAN. |
| WM. D. KELLEY. | FRANCIS M. COCKRELL. |
| WM. G. TEMPLE. | JNO. D. C. ATKINS. |
| SAM. J. RANDALL. | GEO. M. ROBESON. |
| DAVID D. PORTER. | ROB'T M. McLANE. |
| A. A. HUMPHREYS. | |

Mr. WARNER, of Ohio. I do not ask for the reading of the other papers in the report.

Mr. BROWNE, of Indiana. Let us have a vote.

Mr. BARBOUR. Mr. Chairman, as the House expects some explanation of this matter, I will yield so much of my time as may be necessary to the gentleman from Michigan [Mr. ELDREDGE] who submitted the report in this case, in order that he may answer any questions which gentlemen may have to propound and also to make what further explanation he may deem proper.

Mr. ELDREDGE. As soon as this matter is presented to the House, Mr. Chairman, instinctively the members on both sides put themselves upon the defensive, and for myself I acknowledge that when the petition was referred to the subcommittee on claims of the District of Columbia, in common with my associates, in beginning the examination into the merits of the claim, I entertained about the same feelings as are entertained by gentlemen on this floor.

The bill now pending is predicated upon the petition filed by the claimant in this case, Mrs. Patterson. From the high social standing of that lady, and from the honorable and meritorious services rendered to the country by her husband, as well as a disposition to do exact justice, the subcommittee on the District of Columbia took extraordinary pains to make a full and complete investigation of all the matters belonging to it. And the more they have investigated the subject the more fully they have become satisfied, Mr. Chairman, that the claim is an entirely meritorious and just one, and that it is the duty of this House to pass the pending bill with the amendment reported by the committee.

Mr. WAIT. The position of the gentleman from Michigan in the Hall is such that we can not hear his remarks, and I hope he will come more into the center of the Hall.

Mr. ELDREDGE. I am only going to detain the committee for a short while in a brief explanation of the matter. I was about to remark, Mr. Chairman, that this bill is based upon the petition presented to the Committee on the District of Columbia, which was referred to the subcommittee of which I was a member. We took extraordinary pains, I will repeat, in the examination of this claim. It is composed of three claims, in fact. The first one set up in the petition is for the destruction of water-rights of the owner of this property, who is the father of the present claimant.

Many years ago Mr. Pierson was the owner of the property in reference to which this lady claims she has suffered great damage in consequence of the cutting through of certain streets. Mr. Pierson owned a grist-mill on a little stream near here called Tiber Creek.

Many years ago Congress passed an act appropriating about $40,000 for the purpose of ascertaining where they could obtain pure water for the use of the public buildings. In pursuance of that act a search was instituted, and a spring was found near the head of this Tiber Creek, which the Government appropriated for the use of these buildings. That water is now being used here. The other claimants who were affected by the destruction of that little stream which passed through their homes were settled with by the Government but the owner of this particular property never was settled with. Some arrangement was entered into between him and the Government by which his damages were to be left to arbitration, but they were never settled or audited. Neither he nor his heirs have received a farthing of damage for taking the water of Tiber Creek to be used for the purposes of the Government in its public buildings in this city. As I have said, he had on this little stream a grist-mill which was a source of a great deal of revenue to him. Of course its usefulness was destroyed when the water was taken away.

Mr. DUNHAM. I rise to a point of order. It is utterly impossible to hear anything the gentleman will say, and we will be compelled after a while to cast our votes on this bill without knowing anything about it. I will ask the gentleman from Michigan to take a position in the rear of the Hall in order that we may hear him.

Mr. ELDREDGE. My voice is rather bad this morning, as I was sick nearly all night, but as the bill is now before the committee I must do the best I can.

This individual suffered much damage in consequence of the destruction of the value of his property by the destruction of his water rights.

There was another claim presented in this petition, and it is of this character. In the year 1861 a regiment of raw and undisciplined troops was encamped upon the property of this lady, Mrs. Patterson. They burned her barns and various out-buildings, destroyed agricultural implements, and were guilty of other damages. A commission appointed by the commander of a brigade then in town and who had charge of the matter examined into the destruction of the property, reported it was the result of the acts of this undisciplined regiment, and the damages were assessed at $4,112.27. Of that amount she has never received a single farthing.

But the main question of damages arises out of the destruction of property in consequence of the running of streets by the board of public works through this property.

Many years ago, when the board of public works were improving this city, they found it necessary to run three streets through her property. In the grade which they fixed for those streets they left her property piled up ten to twenty feet high on each side of the streets, or else depressed from ten to twenty feet below the level of the grade which they had adopted. The result is, as shown by the evidence taken by the committee, that it will cost the owner of this property at least $60,000 to put it in such condition that anybody on earth would be willing to buy it.

The taxes on this property accumulated for eight years afterward, the lady having no idea but that they were being regularly paid. It was only after the death of her husband that she ascertained the fact of their non-payment. Since that period she has herself paid the taxes. Now the taxes that are unpaid and the fines and the interest upon the taxes unpaid amount to about $50,000; but the real tax, without interest or fines, amounts to between $21,000 and $22,000. She claims that she ought to be relieved from this tax, and the committee believe, with one single exception, they being, with that exception, unanimous in their opinion, that the lady ought to be relieved of the tax upon the property. Entertaining that belief the committee brought in this bill relieving her from the tax, with the understanding that she is to release all other claims that she may have against the Government, that is to say, all of the other claims that are embodied in this petition.

Mr. TUCKER. That appears on the face of the bill.

Mr. ELDREDGE. Yes, sir.

Mr. CANNON. Let me ask how much of the taxes do you recommend in the report to be released?

Mr. ELDREDGE. The tax, as I have said, with interest and penalties, amounts in all to about $50,000. The tax proper amounts to about $21,000 or $22,000. The remainder is made up of interest, penalties, &c.

Mr. Chairman, if there ever was a bill of a private character introduced into this House for the relief of any person that should commend itself to the consideration of this House I believe this bill to come within that rule, and to come within it upon its unquestionable merits. It is a bill that ought to be passed, and I hope will pass. It is right that it should pass. I have examined this property and the subcommittee have examined it with me. We have given it careful and thorough examination; and I say here solemnly that, for myself, if this property was given to me as a present—that is, all of the lots which border upon the streets running through the property—on condition that I should pay the taxes, I would not accept the gift, for I do not believe the property at this moment can be sold, or, if sold at all, for enough to pay the tax.

Mr. DUNN. Will the gentleman permit me to ask him a question?

Mr. ELDREDGE. Yes, sir.

Mr. DUNN. I see from the latter part of this bill that you require the claimant here to surrender and cancel and waive certain claims against the District in consideration of the relief granted here.

Mr. ELDREDGE. Yes, sir.

Mr. DUNN. I understand you to state distinctly that one of the items of damages and one of the claims surrendered by this release is the $4,000 for the destruction of certain property, which claim has been already assessed and ascertained by the commission appointed to examine it.

Mr. ELDREDGE. Yes, sir.

Mr. DUNN. Now, I ask the gentleman why she should be required to surrender that?

Mr. ELDREDGE. The proposition came from the claimant herself. I do not know of any other reason.

Mr. DUNN. I understand the question of the relinquishment of the tax by the Government stands upon its own merits, resulting from the wrongful if not the criminal exercise of the power of certain officials at the time these improvements were being made.

Mr. ELDREDGE. Well, I can not say criminal exercise of power. The property was certainly injured by them, but not criminally.

Mr. DUNN. Very well, then; we will call it the wrongful exercise of power. But the property was injured in the process of carrying out certain improvements in this District. Why, then, should she surrender this property and her other claims against the Government in consideration of receiving what she is entitled to receive under this bill?

Mr. ELDREDGE. She is perfectly willing to waive them all in consideration of the passage of this bill, the release of the tax.

Mr. DUNN. That may be all very true, because sometimes a person who is condemned to be hanged is willing to enter upon a lease of life for only one hour when he may be rightfully entitled to his full share of it according to the course of nature.

Mr. TUCKER. Let me interrupt the gentleman to say that is just about the condition of this lady. She has been compelled to waive her rights in order to get a part of what she is entitled to.

Mr. DUNN. And the question that I desire to ask in this connection is whether it is right or not to place her in that position and require this relinquishment?

Mr. ELDREDGE. Perhaps not. I do not pretend to say that it is; but the committee, as the gentleman will see, would hardly be justifiable in giving the claimant more than she asks.

Mr. DUNN. She ought to have what she is entitled to.

Mr. WARNER, of Ohio. Of course. But this is her own proposition, as I understand it.

Mr. ELDREDGE. Yes, sir.

Mr. MULDROW. I rise to a question of order. It is utterly impossible to hear what is going on. We can not hear the gentleman in charge of this bill.

The CHAIRMAN. The Chair is endeavoring to preserve order.

Mr. CANNON. Before the gentleman yields the floor I want to ask for a copy of the report in this case. It seems impossible to get it. I have sent to the document-room without success.

Mr. ELDREDGE. They can not be obtained. I yield now five minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Chairman, this is not the first time that this bill has been before the American Congress. It was before the Forty-seventh Congress, and came, as I now remember, within three or four votes of being passed by a two-thirds majority.

I agree with the report of this committee, and I do so after having examined, with considerable care, all the facts connected with the case. I wish to say here that as a rule I should oppose all bills of this kind.

When this city was improved under the administration of Mr. Shepherd there were some hardships which transpired that nothing but an act of Congress can remedy. In saying this I must also say that I consider that his improvements and plans did more for the city of Washington than perhaps anything that ever happened to it since its organization as a city.

But in this case here was a property valued at over $200,000 at that time. They cut sewers through it, cut streets through it, and finally assessed a tax against it of over $21,000. The fact is that instead of the last assessment upon that property showing that it has increased in value by these improvements, they have cut down the assessment to less than one-half of what it was at that time, showing that instead of increasing its value they actually injured the value of the property to a very large extent. Something like $53,000 of taxes have accumulated upon it, due previous to the two years past. This lady has struggled and paid the tax for the past two years. And what she asks of Congress is to relieve her of those previous taxes which were in effect nothing less than a confiscation of her estate. It has been utterly impossible for years for her to have sold the entire property so as to have paid what they claim the improvement has added to its value. This is a matter of fact. There is no doubt about it. And to-day it is doubtful whether if she should sell the entire property under the hammer it would bring enough to pay the taxes that have been levied against it as taxes for improvements which were supposed to benefit the property, and were levied upon the ground that they had benefited it that much. Now, that is all there is of this case.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. HORR. Certainly. I will not agree to answer it, but I will if I know how.

Mr. CANNON. Was there any machinery by which damages could be assessed when these improvements were made?

Mr. HORR. I am not familiar with the manner in which the city authorities arranged the assessment of these taxes. I do know if you will go over the property the very sight of it will show you those streets damaged it immensely instead of benefiting it.

Mr. CANNON. I ask the gentleman further whether the owner of the property has had a day in court; whether she has had a chance to be heard touching the question of damages?

Mr. HORR. I do not know that anybody here had that opportunity. I think not.

Mr. CANNON. Why, certainly. I think there can be no doubt of the proposition that when these improvements were made there was an assessment both of the benefits derived by private property and the damages sustained by it through those improvements.

Mr. HORR. I presume that took place. But my reply to the gentleman is that when that was done they found this property should pay for the benefits to this large amount. Now, suppose, as was the case, the improvements did actually damage the property instead of benefiting it, why, then, does not the gentleman see that it ruins the property to make it pay these taxes?

Mr. CANNON. Can the gentleman answer me another question?

Mr. HORR. I do not know.

Mr. CANNON. Can the gentleman tell me whether after these improvements were made the property was less valuable in the market than before they were made?

Mr. HORR. Yes, sir; there is no doubt about it.

Mr DUNHAM. I will ask the gentleman to state further whether it is not a fact that this lady advertised the property a year ago and could not get a bid for it?

Mr. HORR. She has several times tried to sell it, but could get no bidders to an amount that would leave her with anything. She could not sell it for enough to pay the taxes.

Mr. CANNON. Did the committee make the necessary investigation to ascertain if this was the only case, or are there tens and hundreds of other similar cases?

Mr. HORR. I asked that question of members of the committee and they told me that with the exception of the Carroll property, to which we gave this relief a week or two ago, this is the only remaining case.

Mr. CANNON. Let me ask one further question. Is it not true that every dollar of these delinquent taxes as well as all other delinquent taxes is pledged to the redemption of what are called the improvement bonds, and if you vote this $50,000, in other words relinquish this tax, does it not mean that we pledge ourselves to appropriate from the Treasury $50,000 to replace it?

Mr. HORR. As I understand it that is precisely the fact. If we release this tax of $52,000, one-half of that amount will have to come out of the whole property of the city, and the other half of it will have to come out of the pockets of the people of this nation to make those bonds good. I have no doubt about that.

Mr. CANNON. I ask the gentleman further whether his committee considered——

Mr. HORR. It is not my committee. I am not a member of it.

Mr. CANNON. I ask him whether he is aware that the committee considered the propriety of allowing the owners of these properties to go to the Court of Claims and have the question of benefit or damage adjudicated.

Mr. HORR. I do not know whether the committee have considered that or not.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The gentleman from Virginia [Mr. BARBOUR] is entitled to the floor.

Mr. HORR. I am informed by the members of the committee that the proof before the committee is clear that it would sacrifice this entire property to require it to pay these taxes. Now, I say that species of confiscation ought not to be permitted by the American Congress against any widow in the United States, however it might be in the case of a full-grown man.

Mr. CANNON. I did not hear the gentleman's remarks. Will he be kind enough to repeat it?

Mr. HORR. I say it is a kind of confiscation that in my judgment this Government ought not to allow toward any widow woman in the land, even if it would do it toward a full-grown man.

The CHAIRMAN here rapped to order.

Mr. CANNON. Will the gentleman from Michigan allow me to make one further suggestion there?

Mr. HORR. Certainly.

Mr. CANNON. Is it not true these taxes were levied ten to twelve years ago?

The CHAIRMAN (rapping). The gentleman from Illinois is out of order. The Chair has requested gentlemen to be in order.

Mr. HORR. I am holding the floor by the courtesy of my colleague from Michigan [Mr. ELDREDGE], whom I do not now see.

The CHAIRMAN. The Chair has informed the gentleman from Michigan that the five minutes yielded to him has expired.

Mr. BARBOUR. Does the gentleman from Michigan [Mr. HORR] want more time?

Mr. HORR. Just a few moments.

Mr. BARBOUR. I will yield to the gentleman.

Mr. HORR (to Mr. CANNON). Now, then, what is your question?

Mr. CANNON. Partly in the form of a question, partly by way of reply to the last remark which the gentleman made. If he will allow me a half a minute, possibly two minutes, I will be obliged to him.

Mr. HORR. Go ahead.

Mr. CANNON. I understand the facts in this case to be these: Some ten or twelve years ago, when these improvements were made, taxes were levied on this property in common with all the property of the District. The owner of this property had, so to speak, his day in court. Mr. Carlile Patterson, a man eminent in the scientific world, in the employ of the Government (and be it said to the credit of his memory that he did good service for the Government, receiving not an inadequate salary but a liberal one), lived for years after these taxes were levied, lived until after they were pledged to the payment of the so-called improvement bonds of the District, and subsequently died. Those taxes never have been paid, and there is now due on that property as taxes the sum of $50,000 and upward.

As to the exact hardship that may be involved in this matter I can not say; as to what the exact equities may be I can not say; as to what the circumstances of the widow of Carlile Patterson or of his heirs may be I can not say, for I do not know. All I want is for the House to understand, first, that these taxes were levied from ten to twelve years ago, were levied during the lifetime of Mr. Patterson, that years have elapsed and they are still unpaid; that they have been pledged with other taxes to the payment of these improvement bonds of the District, and now the widow or the heirs of Carlile Patterson ask relief.

It may be that there is an equity under which this relief should be granted. If that be true, then we ought to grant the relief by a direct appropriation; or rather we should understand when we grant this relief that we pledge the Government of the United States and the property of the District to the payment of this $50,000. If it be done at all, it ought to be put on the platform of exact equity and right.

I will say that from what little investigation I have been able to give to the subject I do not believe there is any greater equity for relief in this case than in many hundreds of other cases where the parties are more obscure and probably less able to pay. I did not rise to ask the gentleman about this matter for the purpose of injuring the bill, but in order, if I could by my questions, to enable the House to understand what the exact facts are.

Mr. HORR. Now just one moment in reply to my friend from Illinois [Mr. CANNON], for he is naturally a fair man. Is it not possible that an assessment can be erroneously made upon property which will amount to actual confiscation? Such a thing is possible. I say that in this case the proof that it was done is beyond all question, from the fact that to-day this property if sold under the hammer would not bring enought to pay these old taxes. The benefit which it was claimed these improvements would make on this property did not occur, because if they had occurred the property would to-day feel it; it would be worth more, would it not?

Mr. CANNON. Will the gentleman allow me another question?

Mr. HORR. Not now; your questions are so long. [Laughter.]

Mr. CANNON. Only a short question.

Mr. HORR. Very well; a short one.

Mr. CANNON. I do not know how short I can make it; possibly a minute.

Mr. HORR. Well, try your best. [Renewed laughter.]

Mr. CANNON. I will not try to compete with the gentleman when it comes to measuring arms in his peculiar arena. My only object in asking him about this matter is to get at the facts.

As a foundation for my question I want to say that if this bill passes, as I understand, the relief should be for the widow of Carlile Patterson. The suggestion has been made to me and I want to ask the gentleman whether or not it is true that this property is heavily mortgaged to third parties; if this appropriation is made the property will still be swept away from Mrs. Patterson, and this will practically be an appropriation for the benefit of the mortgagee? If that be so, while we are generous would it not make our generosity more effective by a direct appropriation to Mrs. Patterson?

Mr. HORR. I can not answer that question, for this is the first intimation I have had of anything of the kind in connection with this case. It does not seem to me that in investigating this matter we need to bother our heads about that.

If these taxes were levied through mistake, by inadvertence, or through misjudgment, contrary to good business principles, in such a manner as to act like a confiscation of the property of this widow woman, then I say we ought to give her this relief.

Mr. WHITE, of Kentucky. Is it not a fact that the property is valued to-day at $100,000 less than it was when these improvements were made by the District authorities?

Mr. HORR. It is appraised to-day at more than $100,000 less than it was when the work was done.

Mr. GUENTHER. I would like to ask the gentleman a question.

Mr. HORR. I do not care how long this colloquy may go on provided the gentleman from Virginia [Mr. BARBOUR], by whose consent I occupy the floor, will yield me the time.

Mr. BARBOUR. It seems to me desirable for a proper understanding of the merits of this case that the explanation of the facts should be presented regularly by a member of the committee who has made them a special study and knows all about the case. I propose to yield a part of my time to my colleague on the committee, the gentleman from New York [Mr. SPRIGGS].

Mr. SPRIGGS. Mr. Chairman, in the few minutes which I shall give to the discussion of the question before us I shall endeavor to explain to the committee the equities of this case as they have struck me and the committee by whom the claim has been examined.

In 1873 the property in question, belonging to Mrs. Patterson, was assessed at $223,605. Now, it may be said by gentlemen who oppose the passage of this bill that this assessment included other property than that to which it is claimed damages accrued by reason of these improvements; and that is true to the extent which I will state before I get through. This same property of Mrs. Patterson was in 1883 assessed by the assessors of the District of Columbia at $102,061, showing a depreciation of the property in ten years of $121,544. Now, I ask gentlemen of this committee whether they require any more evidence of the equity of the present claim than has been given? The property which the authorities of the District of Columbia attempted to improve, the property which they claimed to have benefited, assessing a heavy tax upon it on account of the supposed benefits, has in ten years decreased in value $121,544.

This bill proposes to refund to Mrs. Patterson the $53,000 which has been assessed—I should not say "refund;" but it is proposed to release this assessment which has not been paid for the best reason which anybody in the world can give—because the owner of the property has not been able to pay it. For the last two years, since the death of her husband, she has paid her assessment. The new valuation, as I have stated, is $102,061, and it was assessed the year before at $160,454. Upon this and upon the new assessment she has paid the taxes.

Mrs. Patterson comes here not asking a gift but asking simple justice—nothing more. The improvements which the District authorities undertook to make upon this property were just such improvements as amounted in fact to a confiscation of the property. I believe my friend who will perhaps follow me on this question will state that these lands to which this damage is claimed to have been done were farming lands; and it is claimed that for farming purposes they have been ruined. My friend said a few moments ago facetiously that he saw a cow grazing there. If so, she came there at the risk of her neck, for otherwise, according to my examination, she could not have got upon the property.

What is the simple question here? Have we the power, have we the right, to do what we propose to do by this bill? And is it justice to do it? Does Mrs. Patterson claim anything more than equity demands? If she does not, and if we have the power to grant this relief, is there a man in this House who has not the courage to do what is right?

Mr. WASHBURN. Will the gentleman tell us about the mortgage which is stated to be on the property?

Mr. SPRIGGS. There is a mortgage, I understand——

A MEMBER. How much?

Mr. SPRIGGS. Something like $20,000 upon the whole property—a mortgage which has been upon the property for a considerable length of time.

Mr. WASHBURN. Was not the property mortgaged in order to pay the taxes?

Mr. SPRIGGS. Possibly that may have been the fact; but I do not know it, and I will not state it. But the fact that there is a mortgage of $20,000 or $30,000 upon the property should not prevent us from doing justice.

Mr. GUENTHER. I see it is stated in the petition that in 1874 the most valuable portion of this property was heavily mortgaged in order to obtain funds for the payment of taxes.

Mr. SPRIGGS. If that is so, I am sure the gentleman who asked me the question will not vote to refuse this relief because of that mortgage.

Mr. WASHBURN. I only referred to that as indicating possibly the necessitous circumstances of this lady.

Mr. SPRIGGS. That being so, it is an additional reason why the bill should pass.

Mr. BUCKNER. Can the gentleman inform us whether Mrs. Patterson or anybody on her behalf ever presented her claim for damages before the board of audit?

Mr. SPRIGGS. It was never so presented. There was a board of audit, before which this claim might have been made. The excuse for not presenting it to the board is given in the report previously made in this case. This excuse will be best appreciated by gentlemen who knew Mr. Patterson. He neglected to present this claim before the board of audit, though claims to the number of several thousand were presented before that board, and over $800,000 was allowed by the board upon claims of this kind.

But though the party interested in this claim failed to push it before the board of audit, does that detract from its equity? If it would have

been right for the board of audit at that time to allow the claim, is it not right for us to do so now?

Mr. Chairman, I never believe in talking for the sake of talk, and I do not know that I could say any more in favor of this claim if I should talk an hour.

I have given you salient points. I have shown you that in 1873 this property was assessed at $223,000 and in 1883 it was assessed at $102,000. I do not care if this occurred whether the damage was caused by these improvements. It has not been done because the property has depreciated in the last ten years to that extent. If you were sitting as a jury and the question was as to the lady's right to claim damages, in order to fix and show what the damages were I would put the assessors upon the stand to prove what the assessment was in 1873 and what it was in 1883, and then ask you as fair men to strike a balance between the two, and for compensation for the loss she has sustained by reason of these damages I would not ask you to remit to her $53,000, but I would ask you to give her the difference between $102,000 and $223,000; I would ask you to give her that difference of $121,544, and I do not believe there is a fair-minded man, a man who has the courage of his conviction, if that question were before him, who would hesitate a single moment to give her that amount. I trust there is no gentleman in this House who will hesitate to give her the relief we ask by the passage of this bill.

Mr. STRUBLE. Let me ask the gentleman a question.

Mr. SPRIGGS. Certainly.

Mr. STRUBLE. If I remember the statement the gentleman made a moment ago, it was to the effect that there was a board of audit before which this class of claims could be taken for adjustment, and that a large amount of money was awarded by this board of audit to others who had similarly suffered, but that this claim was neglected. Now I should like to know the reason why?

Mr. SPRIGGS. I will tell you why.

Mr. STRUBLE. Why was this not adjusted like all the others?

Mr. SPRIGGS. It was because the husband of this lady thought so much more of his country than of his private business that out of devotion to his country's service he neglected to present his wife's claim for damages. Those who knew Carlile Patterson will say more on that subject than I have done. The only reason why the claim was not presented was because he was so much absorbed in the discharge of his public duties that he altogether neglected his private affairs.

Mr. GUENTHER. Let me interrupt the gentleman for a moment.

Mr. SPRIGGS. Certainly.

Mr. GUENTHER. At the time these injuries were inflicted Carlile Patterson, I understand, notified the commissioners he would institute legal proceedings. He did sue out an injunction, and thereupon the commissioners assured him compensation would be made if he would withdraw that suit.

Mr. SPRIGGS. So I understand. The gentleman from Michigan said in opening the debate that the board of audit were willing to agree the matter should be submitted to arbitration.

Mr. GUENTHER. But that never was done.

Mr. SPRIGGS. It was agreed between Carlile Patterson and the commissioners that they would arbitrate the question of damages. It was never done in his lifetime. When he died his family was left with this incumbrance.

Mr. STRUBLE. Do I understand there was an agreement upon the part of this lady or those interested for her in the property that there was to be no prejudice by reason of her claim not being prosecuted before this board of audit?

Mr. SPRIGGS. I will not say anything I do not know, and that is further than I am prepared to go.

Mr. STRUBLE. I ask for information. I desire to support this bill if I can do so intelligently and properly on the facts presented.

Mr. SPRIGGS. It was agreed and understood between the commissioners and Mr. Patterson that the matter should be arbitrated and settled. It never was done.

Mr. HOLMES. I understand this property has been assessed about $100,000 less in 1883 than it was in 1873.

Mr. SPRIGGS. One hundred and twenty-one thousand dollars.

Mr. HOLMES. What I wish to ask is whether other property in the vicinity depreciated in the same proportion.

Mr. SPRIGGS. I do not understand there is any other property in the vicinity, except it may be in small patches.

Mr. HORR. Property at the present time is about the same price it was in 1873. Thus the pendulum has swung back from 1873 to 1883 so that now the assessment rolls are a fair statement of the value of that property as compared with the value of property in 1883, and so shows the effect of these improvements upon it.

Mr. SPRIGGS. I desire to state for the benefit of the committee what is the fact. A mortgage was contracted to pay the taxes prior to 1874. It was contracted for the payment of those taxes, and the party interested in it will be released if this bill passes; that is, it is held for the payment of this money.

Mr. MILLIKEN. Now I would like to ask the gentleman a question. Is it not true that at the time these improvements were made this lady had a very valuable and very fine estate?

Mr. SPRIGGS. Yes, sir.

Mr. MILLIKEN. Is it not true also that, by the damages done to this property by these improvements, to-day if this tax is exacted the estate will be entirely confiscated and no property left?

Mr. SPRIGGS. That is true. From an examination which I have made myself, I am entirely satisfied that there is no gentleman on this floor who would go and look at that property and agree to give the amount of the tax that is now due upon it.

Mr. MILLIKEN. Is it not then a question whether or not we shall confiscate the estate?

Mr. SPRIGGS. That is practically the question.

Mr. MILLIKEN. That is the result of the question that is before the House?

Mr. SPRIGGS. Yes, sir.

Mr. MILLIKEN. That is all I wanted to bring out.

Mr. CANNON. Let me ask the gentleman a question.

Mr. SPRIGGS. Yes, sir.

Mr. CANNON. I find in the petition of Mrs. Patterson the following statement:

> In 1874 the most valuable portion of the property was heavily mortgaged in order to obtain funds for the payment of taxes. All the resources of the owner were then exhausted. Consequently the taxes have accumulated to an extent far exceeding any present or prospective power of your petitioner to pay.

And further on the same page, 5, of the petition I find this language:

> In addition to the tax, the estate is encumbered with mortgages amounting to $35,000, $22,000 of which was paid as tax prior to 1874.

Now, what I wish to ascertain is whether that is the principal of the mortgage or the principal and interest.

Mr. SPRIGGS. That is the whole amount of the mortgage, as I understand it, although I am not able to answer the question fully. Twenty-two thousand dollars was paid as taxes prior to 1874.

Mr. CANNON. Was that the original amount of the mortgage?

Mr. SPRIGGS. I do not know.

Mr. CANNON. You have no means of answering the question as to whether this is the principal or the principal and accrued interest?

Mr. SPRIGGS. No. But I will say to the gentleman that it can not be important.

Mr. CANNON. But it is important.

Mr. SPRIGGS. The only fact with which we have to deal is as to the amount of this indebtedness, and not whether the lady is in debt aside from the debt she is laboring under by reason of the tax. Now, if she is relieved from this $53,000, no matter whether she owes other debts or not, she is relieved to the extent that she asks us to relieve her under the equities of the present case.

Mr. CANNON. I wish to state to the gentleman that if I vote at all for the bill it will be as a matter of relief for the widow of a man who did eminent service to his country and was eminent in the scientific world. The gentleman has just stated that in his opinion no member of this committee would be willing to give for this property the amount of the tax, namely, $50,000. Now, in this statement the petitioner sets forth that the mortgages on the property amount to $35,000. Whether this is the principal of the mortgage or the principal and interest combined I do not know, and the gentleman does not have the information at hand to answer the inquiry. But the query that is presented to us is, would not this lady be better served if the Government should grant her an annual pension of $2,000, which is 4 per cent. interest on $50,000, rather than by passing this bill? Is it not probably true that in the attempt to grant relief to this widow of an eminent man you are really passing a bill which would relieve the holders of this mortgage? We ought, therefore, to have that information in order to enable us to vote intelligently upon this bill.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. CANNON. Yes, sir; with the permission of the gentleman who holds the floor.

Mr. BARBOUR. I desire to take the floor for a moment to reply to the question of the gentleman from Illinois with reference to this mortgage. I think I can answer him satisfactorily and with some authority, too. I understand that this lady, the widow of Mr. Carlile Patterson, desires this bill to be passed exactly in the shape in which it is presented here. This will not militate against her interest. These mortgages upon the property are in friendly hands and will not be used to her disadvantage. So that if there is any gentleman who wants to promote the interest of this lady let him vote for this bill.

Mr. CANNON. How much does this mortgage amount to?

Mr. BARBOUR. I do not know the exact amount, nor is it important.

Mr. CANNON. I think it is very important. [Cries of "Vote!" "Vote!"]

Mr. MULDROW. Mr. Chairman, I dislike to run counter to what seems to be a prevalent idea. I dislike to oppose a measure which the House seems inclined to favor; but I do not think, if all of the facts are properly considered and understood by this committee, that they would give their assent to this bill, nor do I believe that they are prepared to intelligently pass upon the case from what has occurred up to this time. In the last Congress this bill, or a similar one, was before this

House. At that time the bill was predicated upon the idea that this widow ought to be relieved from this tax which had accrued upon her property by reason and for the reason that her husband had rendered distinguished service to his country.

They at that time proposed to take from the District treasury a sum of money equaling nearly $50,000 to bestow upon the family of Mr. Carlile Patterson for services which he had rendered to the Government of the United States. That proposition was so unreasonable that the committee in this Congress places the claim upon a different idea, and that is, that while it may be true that you ought not to take this sum of money from the District treasury and bestow it upon the family of Carlile Patterson for services which he rendered the United States Government, yet his widow ought to be allowed the claim for damages which have accrued to her and her property by reason of certain city improvements.

I understand, Mr. Chairman, that in the history of this city, from its inception to the present, there was but a short period of time when any sort of damages were allowed to anybody in this city in consequence of improvements in the streets of the city. Up to 1874 no such claim was ever recognized by the courts of this District. Under the law of 1874 a board of audit was established, and under the provisions of the law establishing that board of audit they did consider certain claims for damages to property by reason of city improvements, and I believe that perhaps over 2,000 of those claims were presented and perhaps nearly as many persons obtained damages by reason of city improvements before that board. But the country was so impressed with the reckless manner in which that board of audit was receiving and acting favorably upon claims against the District that in 1876 Congress abolished it and destroyed that power to recognize or pass upon any such claims.

Now, sir, what are the merits of this very case? Here we find property that has reaped all the benefits of all the improvements of this city for the past ten or twelve years and yet has not paid one single farthing in the way of taxes for the support of the city government. The impression would prevail here, I presume, if the statements which were made were uncontradicted, that the whole of the property of this widow in this city and this District has been injured. Why, Mr. Chairman, there are only about twenty acres out of two hundred and twenty owned by this widow and her family in this District—only about twenty acres out of the two hundred and twenty that are intersected by streets of this city.

Mr. SPRIGGS. Will the gentleman allow me to interrupt him?

Mr. MULDROW. Certainly.

Mr. SPRIGGS. The property the gentleman is now speaking of was assessed in 1873 at $94,000; in 1883, at $33,000; a difference between the assessments of the property of which the gentleman is now talking of $61,000; $9,000 more than the amount of taxes of which we propose to relieve this lady.

Mr. MULDROW. I hold in my hand a statement of the assessment upon the entire property, relief from the assessment upon which is now sought to be had. The statement extends from 1872 to 1884. In 1872 the value of the whole property was estimated at $216,146; in 1876, at $193,747; in 1879, at $158,510; and in 1884, at $100,947. And I am satisfied that there has never been a time when this particular property which they say has been damaged by reason of these city improvements has been much more than one-fourth of the value of the entire property owned by Mrs. Carlile Patterson.

Mr. SPRIGGS. If that be so, why did they assess that property at $94,000 in 1873? If it was only one-fourth the value of the whole, that would make the value of the whole property amount to $376,000.

Mr. MULDROW. I have here a map showing precisely the property in this case which has been penetrated by these street improvements, and it is shown that the whole property that is now claimed to have been damaged $60,000 never was worth $60,000 in its whole history. From 1879 to 1883 the entire valuation of that property within the city limits claimed to have been damaged was $53,832. The present valuation of that property is $29,036. And yet the extraordinary claim is here presented to this House that it had been damaged $60,000, when to-day it is only worth $29,000, and it never was assessed, so far as my information goes, at more than $53,000.

Mr. AIKEN. I desire to know from the gentleman from Mississippi what has reduced the monetary value of that property?

Mr. MULDROW. The reason is that of late years the house of the British minister has been erected in the western part of this city. The wealthy men who have come from a distance and located in Washington have built their mansions there. The tide has been from the east to the west. And the result is that at the end of ten years property is much less valuable in this and much more valuable in the western part of the city.

Mr. AIKEN. Has the value of the contiguous property decreased in the same proportion?

Mr. MULDROW. That is my understanding. I have here a statement from the commissioners of the District, in which they assert that if this case be acted upon favorably by this Congress it simply opens the door to hundreds who ought to be reimbursed upon a similar principle. There are thousands who have already paid their taxes and who have been damaged by reason of street and other city improvements. There are others, perhaps, who have not paid their taxes and who would come forward and demand the same relief. And you simply open the door to the presentation of claims aggregating, perhaps, millions against this city by the passage of a bill like this.

Mr. HUNT. Can we refuse such claims if they are just?

Mr. MULDROW. In reply to the gentleman from Louisiana, I will say the Supreme Court of the United States says that in nearly all of the States of this Union the right is exercised upon the part of a city government to make these street improvements, and no damage can be claimed by an owner who alleges he is injured. It is one of those cases, says the Supreme Court, where the principle of *damnum absque injuria* applies, where no private right has been invaded, but the city is exercising its right under its public functions to improve the property for the benefit of the people of the city.

Mr. SPRIGGS. This case is taken out of that rule by the appropriation of the property for the completing of that sewer.

Mr. MULDROW. Only one or two small squares are penetrated by the sewer. The great bulk of it is not touched by the sewer at all.

Now a word in regard to what is claimed to be the justice and equity of this case. Some years ago the stream that then ran at the foot of Capitol Hill, called Tiber Creek, ran through this precise and particular property. The city authorities diverted the Tiber Creek from that property and virtually reclaimed it. Yet the parties have paid the city nothing for that reclamation by the diversion of that stream. In these very grounds where they say ponds have been created by reason of the elevation of the streets constructed around the squares, right in some of these squares, the Tiber Creek once ran.

I am utterly unable to understand how we can recognize this claim without also recognizing the claims of hundreds and thousands of others, and thereby incurring an enormous debt upon the people of this District. The gentleman from Louisiana [Mr. HUNT] says, "Well, if these claims are just, and this debt should be incurred, then it is right for Congress to incur it." Where is the man among us who does not live in a community where at times perhaps extortionate taxation has been imposed upon some property, at least in the judgment of the owner of that property and in the judgment of others generally? Yet are we to go back a series of years and ascertain where property has been overassessed all over this land and compensate injured persons?

I remember a time when in my own State territory equalling whole counties was forfeited for non-payment of taxes that had been assessed and the property became the property of the State. Yet no citizen now proposes to go back and hold the State responsible by reason of this overassessment of property in times past and gone.

Mr. SPRIGGS. Was there no relief in those cases?

Mr. MULDROW. There never has been any relief in those cases. I have detained the committee somewhat longer than I expected. I have some letters here from the District commissioners which I will publish with my remarks. The purport of those letters is that the commissioners are opposed to the passage of this bill; they say that in justice to the people of this District a principle like this should not be established to vote money out of the District treasury in consequence of certain improvements made in the city in cases where property has been to some extent damaged.

In no event ought this bill to pass, because this Congress does not know, neither do the members of the Committee on the District of Columbia understand, the precise extent of the damage to this property. There is a plantation just beyond this which has not been damaged at all. There is property on the Brightwood road; there is also property in Georgetown, and lots in other parts of the city, which have not been damaged, all of which is owned by Mrs. Patterson. Yet you propose to release the whole property from taxation because some parts of it have been damaged by these improvements.

Mr. MCADOO. Will the gentleman permit me to ask him a question?

Mr. MULDROW. Certainly.

Mr. MCADOO. If this case is a just one, and there are hundreds of cases in this District like it, why not introduce a general bill to meet all the cases?

Mr. MULDROW. That is precisely what ought to be done. If anybody is relieved it should be under a general law. I will reserve the remainder of my time.

Mr. WILSON, of West Virginia. I propose to make such a statement of the facts in this case and of the law of the case as was presented to the committee charged with its investigation and as will put the Committee of the Whole fully in possession of the merits of the bill on which they are now expected to vote. In doing that I will endeavor to answer fully the successive points made by the gentleman from Mississippi [Mr. MULDROW], my colleague on the Committee on the District of Columbia.

In the beginning of his remarks he alluded to the fact that this bill now comes before the House in a different shape from the proposed legislation in the Forty-seventh Congress. I call the attention of the Committee of the Whole to the fact that the legislation proposed in the Forty-seventh Congress was a voluntary tribute of some of the most distinguished men in this country to the memory and services of Capt. Carlile P. Patterson. They filed their memorial in Congress asking that there should be some public recognition of the value of his immense

services to the country; just as a few months previous thereto, or perhaps about the same time, there had been a public memorial and public recognition of the services of that distinguished man Professor Henry, of the Smithsonian Institution.

The special committee to whom that memorial was referred, after considering all the circumstances of the case, and finding that great burdens were resting upon the estate of the widow of Carlile Patterson, burdens which practically destroyed the value of that estate and left her in poverty, presented a report, which was accompanied by a bill substantially of the same character as that now proposed by the Committee on the District of Columbia. That bill passed the Senate with scarcely an objection and without a dissenting vote. It failed of passage in this House because it was impossible to get within three or four votes the number necessary to suspend the rules by a two-third vote and take up the bill. That was the action of the last Congress upon the very bill which the Committee on the District of Columbia has now formally presented. In their report they have given the grounds upon which they ask the House for its favorable consideration.

Just here I desire to answer some questions which from time to time have been propounded to the gentleman from Mississippi [Mr. MULDROW] and to other gentlemen who have spoken in the course of this discussion. One is as to the character of other claims, and why this claim should be made a special one for the favorable consideration of the House.

And first I recall the fact that in 1871 Congress passed an act reorganizing the government of the District of Columbia, and establishing a board of public works, to be appointed by the President and confirmed by the Senate. That board of public works, consisting ostensibly of five members, but in fact, I believe, consisting of a single one, Mr. Shepherd, undertook this comprehensive scheme of public improvement here, and although originally bound down to the expenditure of no more than four or six million dollars, actually incurred a debt which, when it came to be audited, was found to be $20,000,000, or perhaps more than $20,000,000. In carrying out this extensive scheme of public improvements that board inflicted serious and in some cases almost irreparable damage upon a great deal of private property in the District of Columbia.

Now, I admit that the rule at common law is as the gentleman from New York [Mr. HISCOCK] stated it two weeks ago in the discussion of the Carroll claim—that damages are not generally given for the act of a municipality in changing, altering, or improving the grades of streets. But that rule of the common law has been changed by statute in many of the States of this Union, because it is not coextensive with the demands of justice and equity; and it has been changed by many of the State constitutions, which have in terms declared that "private property shall not be taken or damaged for public use without just compensation." In all of the States where such a provision exists, either in the statute or in the organic law, the courts have held that whenever damage is inflicted upon private property in the progress of just such improvements as were made here in the city of Washington, the public, who receive the benefit, must pay for those damages, and the burden can not be made to fall upon the individual whose property suffers.

In accordance with that principle of justice and equity the Legislature of the District of Columbia, on the 20th of June, 1872, passed an act entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs." This act provided that—

> On the application in writing of the owner or owners of any real estate in the District of Columbia, or any person having other than a rental interest therein, to the board of public works, setting forth that special damages have been sustained by him or them in consequence of any improvements or repairs made by the said board, and particularly describing the nature of said damages, said board shall consider the statement of said application, and if deemed by them sufficient for that purpose, the said board or a majority thereof shall personally inspect the property alleged to be specially damaged, and make or cause to be made any examination connected with said improvements or repairs which they may deem necessary or proper.

This act of the Territorial Legislature of the District of Columbia was, as I have said, passed on the 20th of June, 1872. On the 20th of June, 1874, Congress abolished the then existing form of government in the District of Columbia, and in doing so provided a board of audit, consisting of the First and Second Comptrollers of the Treasury, who were directed to audit the debts of the former government. Among the claims which that act authorized to be presented to the board of audit were:

> Seventh. All unadjusted claims for damages that may have been presented to the board of public works pursuant to an act of the Legislative Assembly of the District of Columbia entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made.

The seventh section of this act provided for an issue of fifty-year 3.65 per cent. bonds, which were to be exchanged for the certificates allowed by the board of audit on this examination.

Now, the gentleman from Mississippi [Mr. MULDROW] says that this board of audit proceeded in such a way as to provoke the indignation of the country at large, and that it was cut short in its work by the action of Congress abolishing the board. Sir, the record is exactly contrary to what the gentleman has stated. The act of June, 1874, to which I have just alluded, limited the time within which these claims might be presented to ninety days from the date of notification given to parties to present the claims. On the 21st of December, in the same year, Congress, instead of abolishing this board of audit, as the gentleman has said, because of dissatisfaction with its proceedings, passed a joint resolution extending for thirty days the time for the action of the board of audit.

Mr. MULDROW. Will the gentleman permit me a moment?

Mr. WILSON, of West Virginia. Certainly.

Mr. MULDROW. If the gentleman will examine volume 19 of United States Statutes at Large for 1875–'77, page 211, he will find that this board was abolished by the action of Congress.

Mr. WILSON, of West Virginia. Of course it was abolished by the action of Congress after it was supposed it had performed its functions. But subsequently to the original act creating the board the time within which it could audit these claims was extended for thirty days; and it was moreover provided in the joint resolution that parties who had not presented their claims to the board of public works might present them to the board of audit. The language was that persons who had "sustained damages to real estate, but failed to present the same to the board of public works, may present the same for audit and allowance within the time above limited."

Thus not only was the board continued in existence for thirty days beyond the time originally fixed, but opportunity was given for the presentation of other claims than those which had been presented to the board of public works.

Here is the report of the board of audit made at the first session of the Forty-fourth Congress, showing that there were 2,208 cases presented to the board and examined by them, which claims, after charging the property-owners with the benefits derived from these improvements and assessing upon them the special-improvement taxes, were actually allowed to the amount of $827,625.68. This was over and above the assessment of special benefits and the assessment of special-improvement taxes upon the property. And upon examination of this list of 2,208 claims gentlemen will find that some of the property contiguous to this of Mrs. Patterson, property on the same square, was allowed special damages for the injury inflicted by these improvements, the damages, too, being large, as my friend from Virginia [Mr. BARBOUR] suggests.

Now, sir, it has been said, and it is said by the commissioners in their letter to Colonel MULDROW, that if we relieve this case others will come. There is the proof that other cases have had their opportunity to be presented. They have had the ninety days before the board of audit and an extension of thirty days after that ninety had expired. There is proof in the report of the board of audit that 2,208 were examined. There may be some individual cases like that of Mrs. Patterson and like the Carroll case considered two weeks ago, which have some equities entitling them to the consideration of Congress and to be relieved from the statute of limitations imposed upon the board of audit in auditing these claims.

This is not simply a suit for damages, as suggested by my colleague, but largely for the correction of an erroneous and excessive assessment. Why was not this case considered before the board of audit? That is the question. This was her maiden property, which she inherited from her father. It was held for this lady by her husband as trustee She was under disability of coverture. She could not go before this board of audit and present her claim as other property-holders. The proof is before the committee her husband was so absorbed in pressing public duties that he neglected to attend to his private business and allowed the accumulation of these taxes against the estate of his wife.

I think I have stated everything necessary to be stated in reply to my colleague on the committee from Mississippi [Mr. MULDROW]. I want to add so far as the commissioners of the District of Columbia are concerned they represent the defendant in this case. The committee attempted to have a judicial investigation of the merits of this case. They did not deem it necessary to consult the wishes of the defendant in rendering their judgment on the facts of the controversy. I am free to express my confidence in the commissioners of the District of Columbia and my personal respect for them from the official intercourse as a member of the committee I have had with them. It is but natural they should object as far as possible to the demands of past schemes, in order that they may carry out their own plans for the improvement and betterment of the city of Washington. It is perfectly natural they should desire to have as much of the funds of the city in order that they may show to those who come after themselves, in order that they may point out to the people as great results as possible from their administration. But I believe this case is one covered by justice and covered by equity, that it is a case entirely within the language of the act of the Territorial Legislature, and entirely within the language of the two successive acts of Congress which approved and confirmed that act of the Territorial Legislature. It was just such a claim as the board of audit would have acted on had it been presented to them when 2,208 of them were presented. I think I have explained to the committee the reason or excuse given by this lady, why she, helpless to act for herself, a *feme covert*, under this disability, was not able to present her own claims and have them acted on. [Cries of "Vote!" "Vote!"] I wish to yield five minutes to my friend from Pennsylvania.

Mr. RANDALL. I will detain the committee but a few moments. I was here during all the period to which the gentleman from West Virginia has referred—at the time of the organization of the board of public works and the board of audit and when these organizations were abolished. The latter had jurisdiction of claims like the one now under consideration. As I remember, that board audited more than a million of dollars of such claims. The Committee on the District of Columbia, after a careful examination, have reported to this House this case as founded in equity and justice. I believe that not only was there great damage done in this case by the cutting of streets, but that the owners suffered because of excessive assessments.

The manner as to how these excessive assessments were brought about by the act of 1878 can be thus illustrated. In this District the private property assessments were, say, $60,000,000, and they were added to by an increased assessment of 50 per cent., making $30,000,000 more, or $90,000,000 in all. Then the United States was rated $30,000,000 for public buildings, and $30,000,000 more for reservations, and $30,000,000 more for streets; the latter are vested in the United States; making in all $90,000,000; thus 50 per cent. to be paid by Government was fixed in law as being an equitable adjustment between the District and United States Government.

In this way this property was subjected to largely increased assessments in addition to damage done.

If there ever was a case showing damage and excessive assessment this is one of them. I have been on the ground and looked at the injury done, and therefore know of my own knowledge of the damage. This property, so far as the value of ownership is concerned, has become an injury to own, and can not with the incumbrances be sold at any price; and great trouble and expense would have been saved if the owners had parted with it long ago at mere nominal price.

A year ago a similar bill was introduced for the benefit of this lady. I supported it previously, giving it a careful and thorough investigation. I have not examined it since further than to carefully read the report and the provisions of this bill, and I have seen no reason which caused me to change the opinion I then formed that the claimant should be relieved, as was done by the Government during the existence of the board of audit in the 2,280 cases which came before that board. And here let me say that the Congress of the United States, when it abolished the board of audit, never thought to debar itself of the right at any time to investigate just such cases as this; and in more than one instance they have allowed sums of money under similar circumstances. I think from my own knowledge of this case that it is one possessing a high degree of merit; otherwise I would not support it.

This bill only relieves, as I understand, taxes levied by reason of excessive assessments, and grants nothing for damages in consequence of cutting of streets, and has the merit of securing to the Government an absolute release by claimant of all other claims heretofore in controversy between the Government of the United States and the early owner and the heirs, aggregating a sum much greater than the amount involved in this appropriation.

Mr. MULDROW. I desire to have a letter read from the District commissioners, which is very short, in reference to this point.

Mr. SPRIGGS. I rise to a point of order. I do not think the commissioners have any right to be heard here.

Mr. MULDROW. I ask that it be read as a part of my remarks.

The CHAIRMAN. As a part of the remarks of the gentleman from Mississippi the letter will be read.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
*Washington, March* 10, 1884.

SIR: As requested, the commissioners have carefully considered House bill No. 4689, for relief of Eliza W. Patterson, and recommend that it do not pass.

This is simply a case where the owner of a large amount of property has neglected to pay taxes until, with interest and penalties, they amount to a large sum. There are many similar cases. Justice and equity require all, having much or little property, to be treated alike, and many a poor man and woman have been compelled to pay the same rate of tax, with interest and penalty, or lose their property.

The petitioner in this case owns by inheritance from her father two farms in different parts of the county (aggregating two hundred and twenty acres), and many lots in different parts of Washington and Georgetown, all of which were, as the commissioners are informed, assessed according to their value the same as adjoining and other property, and not at all beyond their fair assessable value. The rate of taxation in Washington and Georgetown for 1874 was 2 per cent., in the county 1.58, while for 1875 it was 3, 2½, and 2 per cent., respectively; and for 1876 and 1877 it was all 1½ per cent. Now it is 1½ in the city and 1 per cent. in the county. Those were the rates for all people alike, and upon similar valuations. If, therefore, the taxes in question or any portion are released, equity requires that the same thing be done for all others, and those who have paid are entitled to a refund.

Second. The commissioners are informed that the petitioner urges claims for damage to the property caused by making street improvements. It is true that in grading the streets some of the lots were left below grade and possibly some above, but the courts have so often decided in similar cases that damages are not recoverable upon that ground that the commissioners assume they need not discuss the point. If a new rule is applied in this case why should it not be extended to all? To do that would require millions of money. The sewer that was constructed through a portion of the property is a circular one, six feet in diameter, laid in the bed of a small stream, and doing no damage to the property nor to the stream. It simply confines the stream to the sewer. As to the supposed injury to a spring, the commissioners think it rather imaginary than real. At least they are not aware of any injury of the kind having been caused by a District improvement. In any event, there was from June, 1874, to March, 1876, in session a board of audit to hear and adjust all claims for damages caused by reason of District improvements. If the supposed injury had been of an important character a claim therefor would doubtless have been presented. If it was presented and allowed or rejected, that should end the case. If not presented it was because it was not deemed of sufficient importance.

Third. The commissioners learn that it is urged that the late husband of petitioner was an eminent public officer, who performed most excellent service for the United States. All this is true, and it is quite possible that he was not paid in proportion to the good service he rendered. This, for the honor of the public service, may be said of many men who have won high distinction from the days of Washington to the present; but the commissioners fail to see what bearing that has upon this case. The service was rendered to the *United States*, and not to the *District*. If Congress deems it proper to make further recognition of those services at this time (concerning which the commissioners express no opinion), it is submitted that it should be by direct appropriation from the United States, and not taken out of the revenue of the District. To abate the taxes as proposed in this bill would be like canceling a mortgage on the property in payment for services rendered to the United States.

The commissioners submit herewith plats of the several parcels of property showing what improvements have been made; also a list of taxes, of which the following is a summary:

| | | |
|---|---|---|
| General tax | $23,412 49 | |
| Interest and penalties | 17,936 67 | |
| | | $41,349 16 |
| Special assessments | 6,280 14 | |
| Interest, approximate | 4,000 00 | |
| | | 10,280 14 |
| Water-main tax | 797 73 | |
| Interest and penalties | 750 89 | |
| | | 1,548 62 |
| Total | | 53,177 92 |

No copies of the accompanying plats having been kept at this office, the commissioners would like them preserved and returned when no longer required by the committee.

Very respectfully,

J. B. EDMONDS, *President.*

Hon. HENRY L. MULDROW,
*Of Committee for District of Columbia,*
*House of Representatives United States.*

The CHAIRMAN. If there be no further general debate the bill will now be open for debate and amendment under the five-minute rule.

Mr. BARBOUR. In order to perfect the text of the bill I move the adoption of the amendment reported by the committee.

The CHAIRMAN. The Clerk will report the amendment proposed by the committee.

The Clerk read as follows:

Insert in line 6, after the word "eighty," the word "three;" so that it will read: "That all national, municipal, and county taxes, general and special, and all interests, costs, and penalties thereon, levied or assessed to and including June 30, 1883, upon the property," &c.

The amendment was agreed to.

Mr. CANNON. I move to strike out the last word, and for the purpose of saying a word in reference to the letter which has just been read from the commissioners. I regret, Mr. Chairman, that during the reading of that letter from the District commissioners, which contains the only positive statement of facts that we have been able to receive on this subject during this debate or from the committee, the attention of the committee was not more carefully directed to it.

As to the merits of Carlile Patterson I will not speak. There is no man here who has a greater appreciation of his merits or his services than I have, and if this was a proposition, pure and simple, to pay to his widow, on the ground of those distinguished services, an adequate sum, it would receive less objection at my hands than does the pending bill.

It is proposed here, in fact, on account of his distinguished service, but under the pretense of inequitable assessment, to release taxes upon property to the amount of $50,000, and establish a precedent that morally and equitably binds the Government to refund to people who have paid similar taxes the amount of same and release other taxes that may be unpaid.

Mr. DUNHAM. No; not that.

Mr. CANNON. Why not? The property of hundreds of others, in the aggregate amounting to over $1,000,000, has been as inequitably taxed, and I will say to my friend if this $50,000 is released it must be made up by taxing the property of the District to that amount, or rather half that amount, and appropriating the balance from the Treasury. A refusal to grant similar relief to others would be unfair, and would be outrageous when in addition you turn about and tax others, many of whom are compelled to labor from day to day to live, to give this gratuity to the representatives of Mr. Patterson. I feel compelled to vote against the bill.

Mr. BARBOUR. I move that the committee now rise and report the bill to the House with favorable recommendation.

Mr. WHITE, of Kentucky. I hope the gentleman will yield to me for a few moments.

Mr. BARBOUR. I withdraw the motion temporarily, and yield to the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I desire to say a word only on this bill in reply to what has been said by the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. There is nothing pending.

Mr. WHITE, of Kentucky. I am opposing the amendment of the gentleman to strike out the last word.

The CHAIRMAN. There is no pending amendment, as the Chair understands it.

Mr. WHITE, of Kentucky. Then I move to add a word to the last word.

The CHAIRMAN. The gentleman will be heard upon his amendment.

Mr. WHITE, of Kentucky. I understand this is a proposition to relieve the widow of one of the most distinguished scientists that has ever lived in this country. She has before Congress claims amounting to about $200,000 on account of her father's estate. The water that we drink here at the Capitol, as I am informed, comes from a stream on which her father owned a mill-site, which has been destroyed. She proposes to relinquish all claim to this $200,000, which claim is now before the several committees of Congress.

Mr. MULDROW. Will you permit me a word just there? I think the gentleman is laboring under a misapprehension.

Mr. WHITE, of Kentucky. Wait until I complete the sentence. She proposes to relinquish all right to the $200,000 claimed, and now pending before various committees, on account of her father's estate, if this Congress will relieve her from the payment of about $50,000 tax now resting upon the property in this city, which has been rendered almost valueless by the city improvements described by the gentleman from Michigan and others.

Now that property, which ten years ago was valued at over $200,000, has decreased in value until to-day it is valued at only $100,000; and a gentleman who has visited the spot testifies that if a cow were to attempt to go on the land she would go at the risk of breaking her neck.

It does seem to me that when a man was so devoted to public duty as the deceased husband of this lady was confessedly on all sides, neglecting his own private estate and his own family for the sake of science and his public duties, we ought to relieve the distresses of the widow and the orphans in a case like this.

I have thought it my duty to say this much, because last session I was not convinced under the half-hour's debate we then had that it was a meritorious case, and under a misapprehension I voted against it. But I think it my duty now to vote for it.

I now yield to the gentleman from Mississippi [Mr. MULDROW].

Mr. MULDROW. I wish to say that no such claim was presented to Congress as the gentleman from Kentucky has indicated. There was some claim of that character, but not for the amount.

Mr. BARBOUR. I move that the committee rise and report the bill as amended with a favorable recommendation to the House.

Mr. MULDROW. I call for a division.

The committee divided; and there were—ayes 142, noes 28.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calendar had had under consideration the bill (H. R. 4689) for the relief of Eliza W. Patterson, and had instructed him to report the same back to the House with an amendment.

Mr. BARBOUR. I demand the previous question on the amendment and the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER. The question is first on the amendment as reported by the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question being taken, the Speaker stated that the ayes seemed to have it.

Mr. CANNON. I call for a division. But we may as well have the yeas and nays.

On the question of ordering the yeas and nays there were ayes 26—not one-fifth of the last vote.

Mr. CANNON. Count the other side.

The negative vote was counted, and there were—noes 129.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

The SPEAKER. The question recurs on the passage of the bill.

A division was called for.

The House divided; and there were ayes 118, noes 35.

So (further count not being called for) the bill was passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ENROLLED JOINT RESOLUTION.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of citizens of Pennsylvania, praying for the construction of the Chesapeake and Delaware Ship-Canal—to the Committee on Railroads and Canals.

By Mr. BINGHAM: Petition of the Philadelphia Produce Exchange, in favor of the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BRENTS: Proceedings of the mass meeting of residents of Snake River, Washington Territory, relative to the Northern Pacific land grant—to the Committee on the Public Lands.

Also, preamble and resolutions of citizens' meeting at Dayton, Wash., on the same subject—to the same committee.

By Mr. CAINE: Petition from the convention of the wool-growers of Colorado, Nebraska, Minnesota, Kansas, Wyoming, Utah, Idaho, and New Mexico, asking for the restoration of the tariff of 1867 on wools and woolens—to the Committee on Ways and Means.

By Mr. CALKINS: Petition of Loudon Post, No. 290, Grand Army of the Republic, Department of Indiana, for equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of citizens of Warsaw, Ind., for donation of condemned cannon—to the Committee on Military Affairs.

By Mr. CONNOLLY: Petition of Hon. Charles E. Rice and 637 others, citizens of the city of Wilkes Barre, Pa., praying for the purchase of a site and the erection of a public building in said city—to the Committee on Public Buildings and Grounds.

By Mr. CUTCHEON: Bill for the better protection of life and property on Lake Michigan—to the Committee on Rivers and Harbors.

Also, petition of O. P. Morton Post, No. 54, Department of Michigan, asking for the establishment of a home for disabled soldiers in Michigan—to the Committee on Military Affairs.

By Mr. DIBRELL: Petition of the Board of Trade and Iron and Steel Association of Chattanooga, Tenn., for an appropriation for flood signals—to the Committee on Appropriations.

By Mr. ERMENTROUT: Memorial of the Philadelphia Produce Exchange, for the passage of a national bankrupt law—to the Committee on the Judiciary.

Also, memorial of citizens of Virginia, to erect a substantial breakwater at Cockpit Point—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Petition and protest of the Eddystone Manufacturing Company, limited, and of Samuel Riddle & Sons, against the reduction of customs duties upon imports, or any discussion or agitation of any change of existing tariff rates—severally to the Committee on Ways and Means.

By Mr. FORNEY: Petition of Robert F. Geer and the Knights of Labor of Gadsden, Ala., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HALSELL: Papers relating to the bill for the relief of John M. Elder—to the Committee on War Claims.

Also, papers relating to the claim of Hector W. Summers and of James Rather—severally to the Committee on Invalid Pensions.

Also, petition of the Board of Trade of Cincinnati, Ohio; of J. W. C. Sandidge and others, citizens of Cumberland County, Kentucky; of A. C. Wells and others, citizens of Russell County, Kentucky, and of J. S. McFarlin and others, citizens of Clinton County, Kentucky, asking for the improvement of the Cumberland River—severally to the Committee on Rivers and Harbors.

By Mr. HEPBURN: Petition of R. W. Martin and 40 others, members of John H. Rodgers Post, Grand Army of the Republic, asking for pensions for all soldiers of the rebellion—to the Committee on Invalid Pensions.

By Mr. HOLTON: Petition of citizens of Washington, D. C., and Maryland, for a bridge across the Potomac River connecting Pennsylvania avenue and Upper Marlborough road—to the Committee on the District of Columbia.

By Mr. HUNT: Memorial of the members of the bar of Monroe, La., relative to the salary of Federal judges—to the Committee on the Judiciary.

By Mr. KLEINER: Petition of 75 soldiers of the late war, residents of Johnson County, Indiana, asking for bounty, equalization of pay, &c., so as to share in the benefits of money equal to the bondholder—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LACEY: Protest of William H. Brown and 18 others, members of the bar of Calhoun County, Michigan, against the counties of Calhoun and Branch being transferred to the western judicial district of Michigan—to the Committee on the Judiciary.

By Mr. LOVERING: Petition of P. F. McTague, Thomas Hewett, John Bateman, and Timothy Sidley, naval police at the navy-yard, Boston, to be placed on the retired-list of the Navy—to the Committee on Naval Affairs.

By Mr. LOWRY: Resolutions of De Long Post, No. 67, Grand Army of the Republic, of Auburn, Ind.; of Nelson Post, No. 69, Grand Army

of the Republic, of Kendallville, Ind.; of J. P. Porter Post, No. 83, Grand Army of the Republic, of Geneva, Ind.; and of Lookout Post, No. 184, Grand Army of the Republic, of Thorntown, Ind., demanding the equalization of bounties, and that every soldier and sailor who served three months or more in the late war shall be granted a land-warrant for a full one-quarter section of land and be granted a full pension, whether disabled or not—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. McCOID: Papers, &c., relating to the bill for the relief of the College of Physicians and Surgeons at Keokuk, Iowa—to the Committee on War Claims.

By Mr. MAGINNIS: Papers relating to the bill for the relief of Maj. Theodore J. Eckerson—to the Committee on Military Affairs.

Also, petition of General Reynolds and others, relating to retirements in the Army—to the same committee.

Also, petition of officers of the Army, asking for a reorganization of the infantry arm of the service—to the same committee.

By Mr. MAYBURY: Petition of Daniel D. Tompkins, John T. Gibson, and many others, residents of Dearborn, Wayne County, Michigan, asking for the location of the Michigan Soldiers' Home for disabled Union soldiers on the Dearborn arsenal grounds—to the same committee.

Also, petition of Mrs. A. C. Amon and 15 others, residents of Michigan, praying for the passage of a law granting equal rights to women—to the Committee on the Judiciary.

By Mr. S. H. MILLER: Petition for the relief of Eliza J. Ray—to the Committee on Ways and Means.

By Mr. MITCHELL: Resolution of the Legislature of Connecticut, relative to pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of merchants of Boston, Mass., and of grocers and merchants of Boston, Mass., protesting against the passage of the bill (H. R. 3317) relative to the vaporizing process of making vinegar—to the Committee on Ways and Means.

Also, petition of the Associated Charities of Boston, Mass., in favor of a postal-savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. MORRISON: Memorial of citizens of Madison and Saint Clair Counties, Illinois, and of Saint Louis, Mo., for the improvement of the Mississippi River between Saint Louis, Mo., and Alton, Ill.—to the Committee on Rivers and Harbors.

By Mr. MURRAY: Petition for pension of Seraphim Schuchter—to the Committee on Invalid Pensions.

By Mr. PETERS: Papers relating to the pension claim of John R. Gillam (H. R. 5316), and of William H. Simmons (H. R. 4453)—severally to the same committee.

By Mr. PRICE: Memorial of the Chamber of Commerce of Superior, Wis., in relation to the harbor of Superior—to the Committee on Rivers and Harbors.

By Mr. RIGGS: Papers relating to the claim of Elizabeth Leebrick—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Petition of residents of the District of Columbia that the National Museum be opened on Sundays the same hours as on week days—to the Committee on the District of Columbia.

By Mr. J. S. ROBINSON: Papers relating to the claim of Robert C. Kirk—to the Committee on Claims.

By Mr. SHAW: Petition of Edward B. Keneipp for a pension—to the Committee on Invalid Pensions.

By Mr. STEELE: Papers relating to the claim of Capt. Alexander McCreary—to the Committee on Military Affairs.

By Mr. STRAIT: Resolutions of the Board of Trade of Minneapolis, Minn., favoring the repeal of the act requiring the coinage of 2,000,000 of silver dollars each month, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. E. B. TAYLOR: Petition of 223 citizens of Lake County, Ohio, praying for equal rights for women—to the Committee on the Judiciary.

By Mr. VAN EATON: Papers relating to the preservation of the Natchez Harbor and the town of Vidalia—to the Committee on Rivers and Harbors.

Also, petition and papers for the erection of a public building at Natchez, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. WELLER: Petition of J. R. Jarrett and others, of McGregor, Iowa, asking for an appropriation to aid in the speedy payment of the tobacco rebates—to the Committee on Appropriations.

By Mr. J. D. WHITE: Petition for the relief of R. B. F. Taylor—to the Committee on War Claims.

Also, petition for the relief of Elihu Robinson—to the Committee on Invalid Pensions.

By Mr. WILKINS: Petition of E. Tressel, John C. McFarland, and 100 others, citizens of Muskingum County, Ohio, relating to the restoration of the duty on wool—to the Committee on Ways and Means.

By Mr. WOOD: Resolutions of Rose Lawn Post, No. 253, Grand Army of the Republic, Department of Indiana, relative to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. YAPLE: Petitions of F. W. Curtemius Post, No. 193, Grand Army of the Republic, Department of Michigan, and of Samuel Wells, O. F. Richmond, and others, asking for the establishment of a branch of the National Soldiers' Home in Michigan—severally to the Committee on Military Affairs.

By Mr. YORK: Petition of citizens of Mooresville, N. C., asking aid for public schools—to the Committee on Education.

## SENATE.

### TUESDAY, *March* 25, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. SHERMAN took the chair as presiding officer, under the designation made by the President *pro tempore* on Friday last, with the unanimous consent of the Senate.

The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. SHERMAN in the chair) laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 13th instant, a report of the Commissioner of the General Land Office regarding the application of the Union Pacific Railroad Company for a portion of the Fort Wallace reservation, in the State of Kansas; which, on motion of Mr. VAN WYCK, was, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Agriculture, transmitting, in response to a resolution of the 26th ultimo, a statement showing the amount of wheat, rye, corn, and cotton produced in the United States during certain periods, its disposition, &c.; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented the memorial of St. Farnoski, of Chicago, Ill., protesting against the passage of certain bills relating to patents; which was referred to the Committee on Patents.

He also presented a memorial of C. R. Offield, C. R. Vandercook, H. Harrison, as representatives of inventors and manufacturers in Chicago, Ill., protesting against the passage of House bill 3925, to regulate practice in patent suits; which was referred to the Committee on Patents.

Mr. CULLOM presented a petition of citizens of the States of Illinois and Misouri, praying Congress to make an appropriation for the improvement of the navigation of the Mississippi River, and especially for making the banks of the river permanent from the mouth of Wood River to the foot of Chouteau Island; which was referred to the Committee on the Improvement of the Mississippi River.

Mr. PALMER presented the petition of the president and professors of Michigan University, praying for the establishment of a national observatory; which was referred to the Committee on Commerce.

Mr. BOWEN presented a memorial of the Denver (Colo.) Chamber of Commerce, in favor of an appropriation for the improvement of the harbor at Galveston, Tex.; which was referred to the Committee on Commerce.

Mr. JACKSON. I present the petition of Martha Turner, of Union County, Tennessee, in connection with Senate bill No. 1825, previously introduced for her relief. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. CALL. I present resolutions of the Jacksonville (Fla.) Board of Trade, favoring the continuance of the fast-mail system to the South Atlantic States. The resolutions state that the discontinuance of the fast service will involve the loss of a business day to that whole section, which is visited annually by thousands of visitors from all sections of the country; that it will deprive them of postal facilities which have been enjoyed for nearly three years and to which their business has become adjusted; and that it will retard the development of a section of country which is paying rapidly increasing revenues to the Post-Office Department of the General Government. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. KENNA. I present a memorial of citizens of Baltimore, Md., remonstrating against the passage of the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha River and to prescribe the dimensions of the same. I desire to state that the remarks I made on presenting a previous memorial remonstrating against the same bill apply equally to this one. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PENDLETON presented the memorial of Evans & Foos Manufacturing Company, of Springfield, Ohio, remonstrating against the passage of the pending bills in relation to patents and any other bill which may interfere with rights now secured by law to patents; which was referred to the Committee on Patents.

Mr. DAWES presented a petition of the mayor and 1,651 other citizens of Lynn, Mass., manufacturers and others, praying for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1449) to provide for the sale of the military reservation on the island of Bois Blanc, in the Straits of Mackinaw, in the State of Michigan, and for other purposes, to submit an adverse report thereon. This report goes upon the idea that a general bill in relation to the disposition of military reservations has already been reported and is on the Calendar. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1123) to restore Louis J. Sacriste to the rank of second lieutenant in the Army and place him on the retired-list, reported it adversely; and the bill was postponed indefinitely.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1629) giving a military record to John C. Bullock, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1488) authorizing the Secretary of War to supply the South Carolina Military Academy with camp equipage, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FRYE. By an order of the Senate the Committee on Rules was directed to construe clause 3, Rule XXXIII, which provides for the admission of heads of Departments to the floor of the Senate. The committee have unanimously instructed me to report that their construction of the rule limits the admission to members of the Cabinet.

The PRESIDING OFFICER. The report will be printed and laid on the table.

Mr. FRYE. A resolution submitted by the Senator from Florida [Mr. CALL] on the 12th of February, conferring upon the President of the Senate authority to admit to the floor of the Senate on the request of Senators eminent citizens from the several States and Territories was referred to the Committee on Rules. I am instructed by the committee to report adversely on the resolution.

The PRESIDING OFFICER. Does the Senator make any motion in reference to it?

Mr. FRYE. I move that the resolution be indefinitely postponed.

The motion was agreed to.

Mr. FRYE. A communication from S. A. Groff in the nature of a petition was referred to the Committee on Rules asking the adoption by the Senate of his invention known as "the Groff voting-indicator and page or messenger call." The committee have made no examination whatever of the merits of this invention, but have unanimously concluded that no such indicator is necessary for the use of the Senate, and therefore report adversely to the prayer of the petitioner.

The PRESIDING OFFICER. The committee will be discharged from the further consideration of the petition, and it will lie on the table.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 1108) to provide for the sale of the Iowa Indian reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1720) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes, reported it without amendment.

Mr. PALMER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1450) for the readjustment of compensation for the transportation of the mails on railroad routes, reported it with amendments, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was recommitted the bill (S. 1564) providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior residing in the State of Wisconsin and granting patents therefor, reported it without amendment, and submitted a report thereon.

Mr. JACKSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1787) for the relief of John Smith, to ask to be discharged from its further consideration, as it relates to matters of bounty. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1694) granting a pension to Charles Caddy, to report it adversely and recommend its indefinite postponement. The case is still pending in the Pension Office.

The bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1680) granting a pension to George Prince, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 1928) making an appropriation for the completion of the sewerage system of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SAWYER introduced a bill (S. 1929) to amend an act to authorize the issue of a patent of certain lands in the Brothertown reservation, in the State of Wisconsin, to the persons selected by the Brothertown Indians, approved April 20, 1878; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORMAN introduced a bill (S. 1930) to extend an act approved June 27, 1882, "to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1931) to amend chapter 18 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLAIR introduced a bill (S. 1932) providing for the increase of facilities for the just adjudication of pension claims; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM introduced a bill (S. 1933) to amend section 2139 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

*Ordered*, That the papers relating to the claim of William Tabb be withdrawn from the files of the Senate and referred to the Committee on Claims.

SPECIAL ATTORNEYS OF DEPARTMENT OF JUSTICE.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The Chief Clerk read the resolution, as follows:

Whereas on the 23d of January, 1884, the Senate adopted the following:

"*Resolved*, That the Attorney-General be directed to inform the Senate when and by whom the compensation for special attorneys in the star-route cases in the District of Columbia was fixed, and to furnish copies of any agreements or memoranda relating thereto, and if in his judgment the compensation is unreasonable, why he ratified and continued the same. Also, whether said attorneys, or any of them, are now in the employ of the Department of Justice, and at what compensation;"

Whereas no reply has been made thereto: Therefore,

*Resolved*, That the Attorney-General be directed to furnish the information demanded or give his reasons for neglecting or refusing so to do.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

NEZ PERCÉ INDIAN WAR.

Mr. SLATER. On the 8th day of March the Senator from West Virginia [Mr. CAMDEN] reported adversely the bill (S. 512) for the relief of citizens of Oregon, Washington, Idaho, and Montana who served in connection with the United States troops in the war with the Nez Percé Indians and for the relief of the heirs of such as were killed in such service, and for other purposes, and on his motion it was indefinitely postponed. I ask unanimous consent that the vote be reconsidered and that the bill be placed on the Calendar.

The PRESIDING OFFICER. That will be considered as the order of the Senate if no objection is made. It is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4689) for the relief of Eliza W. Patterson; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

SALARIES OF DISTRICT JUDGES.

Mr. HOAR. I move to take up the bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The Chief Clerk will report the pending question on the bill.

The CHIEF CLERK. It is proposed to add to the bill a new section:

SEC. 2. No judge of any district or circuit court of the United States or officer by him appointed shall appoint to any office or employment in or pertaining to any

court presided over by such judge any person related to him by affinity or consanguinity within the degree of first cousin; and any person guilty of a violation of this section shall be deemed guilty of a misdemeanor.

Mr. INGALLS. It is not clear from the language what the intention of the Senator from Massachusetts [Mr. HOAR] is with regard to the penalty that is affixed to a violation of this provision requiring judges not to appoint as officers of their court or to places of trust or emolument persons who are related to them.

Mr. HOAR. I accepted the language of the Senator from Texas [Mr COKE].

Mr. INGALLS. The Senator from Massachusetts says the language is that of the Senator from Texas, and it is obscure.

Mr. COKE. I wish the Senator would speak louder. I am not able to hear him.

Mr. INGALLS. I was calling attention to the fact that the penalty for the violation of this provision with regard to the appointment by judges of persons related to them to positions of profit and trust is not clearly defined. Is it the design that this shall be an impeachable offense or that if a judge does this he shall be arrested and fined before a justice of the peace?

Mr. COKE. It is the design to make it an impeachable offense.

Mr. INGALLS. Then I submit that the language of the Constitution ought to be used. Section 4 of article 2 prescribes that—

The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

In the latter part of the clause "high crimes and misdemeanors" of course must be taken together, and I assume that a judge of a United States court would not be removable by impeachment unless it was expressly so declared for committing what is commonly known in law as a misdemeanor.

Mr. HOAR. If I may be permitted by the Senator I will state that I accepted that, hoping that it would facilitate the passage of the bill and seeing no objection to it. I think it would be better left out, but I think that the deliberate and willful violation of a statute of the United States in the use of his official power of appointment would be, even if it were not so expressed in the statute, such a misdemeanor as would make it clearly an impeachable offense. I think it would be a high misdemeanor.

Mr. INGALLS. I think it would if it were not otherwise declared in the statute. It appears to me that the statute simply declares it shall be a misdemeanor, not a high crime and misdemeanor that would justify removal by impeachment.

Mr. HOAR. I think the Senator's point is a good one.

Mr. INGALLS. Of course the word "misdemeanor" has a well defined and ascertained significance in law, and I should say that if this amendment were adopted in its terms a judge violating the provisions of the amendment would not be removable by impeachment; he would be merely punishable by either fine, or imprisonment in the county jail, or something of that kind, as might be provided elsewhere by law.

Mr. HOAR. I think myself that the language making it a misdemeanor weakens and not strengthens the penalty; but I took the will of the Senator from Texas, who is the author of the amendment.

Mr. COKE. If the Senator will permit me, I will say that I simply desire to make that section effective; and if either the Senator from Kansas or the Senator from Massachusetts will suggest an amendment that will probably improve it I shall be very glad.

Mr HOAR. I would leave out that part of the sentence and make the prohibition. It seems to me very clear that if a judge is prohibited from appointing a relative to office and nothing more, the willful disobedience to that statute would be a matter of impeachment as clear as anything could be.

Mr. INGALLS. I agree fully with the Senator from Massachusetts that that would be the case if the latter clause were omitted, which reads as follows:

And any person guilty of a violation of this section shall be deemed guilty of a misdemeanor.

The effect of that to my mind will be that he will not be impeachable for a violation of the provisions of the section, but will simply be punishable for the commission of misdemeanor, unless you use the language employed in the Constitution "guilty of a high crime and misdemeanor." In that event it would be an impeachable offense.

Mr. COKE. If the Senator from Kansas moves to strike off the latter clause so far as I am authorized to do so I accept it.

Mr. INGALLS. I think that had better be omitted.

The PRESIDING OFFICER. The Chair understands the proposition to be to leave off the last clause, "and any person guilty of a violation of this section shall be deemed guilty of a misdemeanor."

Mr. INGALLS. Yes, sir.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PLATT. I should like to hear the amendment as it has been modified.

The PRESIDING OFFICER. The amendment as modified will be reported.

The Secretary read as follows:

SEC. 2. No judge of any district or circuit court of the United States or officer by him appointed shall appoint to any office or employment in or pertaining to any court presided over by such judge any person related to him by affinity or consanguinity within the degree of first cousin.

Mr. MILLER, of California. I suggest to the Senator from Massachusetts whether it would not be well to except out of the operation of this amendment the office of clerk of the court. While there may be a manifest propriety in providing against the appointment of relatives of the judge to offices like that of receiver, commissioner, master in chancery, and so on, I can not see any reason why a judge may not appoint a relative to the office of clerk. I do not see any reason why there should be an exception made against judicial officers in this particular, when it is not made in regard to ministerial officers, such as heads of Departments.

Mr. HOAR. I was very sorry that the Senator from Texas desired to add this clause to the bill. I thought it did not belong here, and would belong better on a bill which will come in undoubtedly within a few days. But the Senator thought otherwise. While I was sorry that it came onto this bill, because it delayed its passage, as it has been seen, I still think the amendment is right in principle, and therefore it being offered, and especially having been modified by the Senate, the necessary time having been given to it, I shall vote for it.

There are certain cases where I think it is very proper for public officers to appoint their near relatives to offices within their gift. Take the case of clerk to a Senator under the recent resolution. Though I should be very sorry to have a near relative of mine come to Washington on any such errand, yet it is a confidential relation, where the main duty of the officer is to do something which requires the entire confidence, the knowledge of the correspondence, the knowledge of the relations to other men, social, personal, and private, as well as public, as the private secretary of the President of the United States.

Mr. MILLER, of California. Or of a Cabinet officer.

Mr. HOAR. John Adams appointed his son his private secretary. It was a very proper thing to do. I believe it has been done in more recent times by both the two last Presidents, certainly one of them. That is very proper; but when you come to the clerk of a court, it seems to me, in the first place, that the whole bar ought to have a right to a fair and impartial consideration by the judge as to who is the best man. The office of clerk is a very important office, requiring very important and rare gifts. Lord Bacon says that "the clerk is the finger of the court, and on his quality dependeth the dispatch of business therein;" and it is true. The judge has to deal with the clerk's accounts. Ordinarily, in most cases, the judge taxes bills of costs and fees in which the clerk has an interest.

Mr. COKE. If the Senator will permit me, the judge frequently must grant allowances for the clerk's services.

Mr. HOAR. Certainly.

Mr. COKE. The judge must frequently decide on motions to retax costs and judgments.

Mr. HOAR. That is exactly what I was saying. The Senator says it in better language, but that is the precise idea I was this moment offering: that the judge has to tax bills of costs and impose burdens upon the parties in which the clerk has an interest. I think, therefore, there is a great reason for putting a stop to the practice, although it might bear hardly in one or two individual cases. I do not know of any individual case where it operates.

Mr. MILLER, of California. If the Senator will allow me to interrupt him, let me inquire, has there been within the knowledge of the Senator any abuse of this power of appointment?

Mr. HOAR. Never in the slightest degree; on the contrary, one of the best and most venerable judges we ever had in Massachusetts had as the clerk of his court his son, who was one of the best clerks we ever had in the United States court; I speak of Judge Sprague. I never in my own experience have had any knowledge of any complaint; but the Senator was not here, probably, during the debate yesterday, when Senators got up and stated one after another their knowledge of complaint.

Mr. MILLER, of California. Yes, I was here; that was in relation to commissioners and receivers and so on. My attention is called to this matter by the fact that the district judge at San Francisco appointed his brother (who had been a gallant officer in the Union Army and served with great distinction) clerk of his court. We have not found that there has been any abuse of his privileges or his rights as a clerk, but in fact he has been the best clerk in that court we have ever had. So unless there is some reason for general legislation upon this subject I should be against it. I can not see that the relation of the judge to the clerk is of any more intimate character than that of private secretary to the Secretary of the Treasury, or private secretary to the President of the United States, or the chief deputy or private secretary of a collector of customs; but if we are going to start out upon the theory that neither judicial nor ministerial officers shall appoint any relatives to office, let us make a general law on the subject and apply it to all, and not make a distinction as against the judiciary.

Mr. INGALLS. Mr. President, it appears to me that this amendment is straining at a gnat and swallowing a camel. I agree with the Senator from California that we ought to deal with this matter by a general law. It has been said that he who does not take care of his own household is worse than an infidel; but it is my opinion that men who use public

position for the purpose of placing their relatives in places connected with the public Treasury which they would not receive except for the fact that they are so in position is, to say the least, indelicate and improper.

So far as the clerk of the court is concerned the argument that the Senator from Massachusetts makes does not apply. The relation is not of a confidential character with the judge. It should be an adversary position.

Mr. HOAR. The Senator will pardon me; I do not wish to take up his time. What I said was that there were certain clerkships, like the private secretary of a Senator, where it would be very proper to appoint a relative, because the clerk must necessarily have intimate dealing and be in a confidential relation with the officer appointing him in a very large degree; but that did not exist in the case of clerks of courts, where the relation was wholly public.

Mr. INGALLS. I did not hear the Senator say that, and I fully agree with the expression he has just made that there is no reason why the clerk of a district or circuit court should be in confidential relations with the judge; on the contrary, the relations should not be confidential. The judge should occupy an adversary position, he should be a restraining power upon the clerk, because there are many cases arising in which the relations of the clerk are opposed to those of litigants, and it appears to me obvious that this amendment ought not to except clerks; it should be a sweeping condemnation of the whole practice. Therefore, although I believe that the amendment proposed would be better if left from this bill and offered upon some general bill that should deal with the whole subject, I can still see reasons why it ought to be adopted, because there have been within my own observation cases occurring where serious difficulties and embarrassments have resulted to the administration of justice by the appointment of near relatives of judges to the positions of clerks, masters in chancery, and auditing and accounting officers; a practice that ought to be abolished.

Mr. COKE. I presume that there is no lawyer who has ever practiced before a Federal court whose experience does not agree with that of the Senator from Kansas. I have known myself personally, and I know from information from others, of a great many instances of abuse arising solely out of the fact that an officer of the court was a near relative of the judge. It is a well-known fact that the Federal judges, holding their offices for life, irresponsible to the people, who can not be removed, make a practice—there are exceptions, of course, but in my State the exceptions have been extremely rare—of appointing their near relatives, who get rich in these offices given them by their judicial relative, and they grow rich at the expense of the people. They grow rich frequently because men will submit to wrongful bills of costs before they will take issue and possibly endanger their causes before the judge by taking issue with his relative who is the clerk.

I have seen much of that, Mr. President. The people of my State have suffered from it, as I remarked yesterday. Of all the Federal judges who have sat upon the bench since 1845, when Texas was annexed, but a single one has been free from this charge of nepotism, and that honorable exception is Judge A. P. McCormick, the present judge of the northern district of Texas. I have never heard of his appointing a relative to any office. I do not know any other who has sat upon the Federal bench whose relatives have not been enriched by official appointments from the judges. It has been a ground of loud and deep and continuous complaint. That complaint was voiced in a memorial which I presented on the second day of the meeting of this Congress, sent here by the United States attorney for the western district of Texas, in which he asked for legislation prohibiting this condition of affairs.

Now, Mr. President, I should have been perfectly willing for this matter to have been embraced in a separate bill, and I referred it to the Judiciary Committee and asked that this be done. It is there, and nothing has been done with it. It seemed to me that this bill presented an opportunity for remedying this abuse. It is now before the Senate. The amendment has been modified until it meets general acceptance. I see no reason why it should be laid aside now to be rediscussed and redebated hereafter when we can pass on it now.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Texas as modified.

Mr. HOAR. I hope we may have a vote now.

The amendment as modified was agreed to.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The PRESIDING OFFICER. Shall the bill be engrossed for a third reading?

Mr. GEORGE. Mr. President, this bill raises very greatly the salaries of the judicial officers mentioned in it. On a former occasion I pointed out some objections to this increase of salaries. I called the attention of the Senate and of the country to the salaries paid to these officers during the earlier and I fear the better days of this Republic. I stated that this bill in some instances made the salaries six or seven times larger than they were at that time, in other instances double, and in others a very large increase. I was answered by two Senators on that subject by this statement, that the cost of living in the latter part of the last century and in the early part of this was very much lower than it is now. The statement was made that it cost three times as much to live now as it did then. I asked the Senator from Arkansas [Mr. GARLAND], who was one of those who made this statement, upon what authority he made it. The answer he gave had reference alone to his personal experience. The answer was contrary to what my convictions were as to the truth of the matter.

Since that time I have taken occasion as far as the resources of the statistics in the Congressional Library offered facilities to look into this charge of low prices for the necessaries of life in the latter part of the last century and in the early part of this, as compared with the present prices; and the result is, as I will show briefly to the Senate, that in all the substantials of life, all the necessaries and comforts of life, the prices were higher during Washington's and the elder Adams's administration than they are now. I allude especially to provisions, things consumed by men. Of course we all know as to clothing that the improvements in labor-saving machinery, the invention of the sewing-machine, have greatly reduced the prices of those necessary articles. As to fuel, I have looked into that, and the price of coal is now less than it was during the administration of Washington. As to rents, I admit that in the large cities like Boston and New York and Philadelphia, and the like, rents have gone up very enormously; but I have not objected to the increase of the salaries of the judges who resided in these large cities and were compelled to pay these rents. The rents in the rural districts, in the non-manufacturing and non-commercial States, are as low now as they ever were, and are lower than ever before in the South.

Now, sir, I propose to show to the Senate some statistics on this subject. Beef per barrel was worth in 1795 $13; in 1796 it was worth $14; in 1834 it was worth $8.50; and the average price of beef for the forty years commencing in 1795 and ending in 1834 was $10.25 per barrel. In the last ten years the price of beef has been less than $10.25 per barrel.

Take the article of corn, a very necessary article. In 1795, 1796, and 1797 it was worth $1 per bushel and over. That was the lowest price. The average price for the forty years from 1795 to 1834 was 86½ cents per bushel. In the last ten years it has never been as high as this average, except in 1882, when there was a drought and corn was exceptionally high.

Take the article of coffee. In 1795, 1796, and 1797 it was worth respectively 21, 25, and 26 cents per pound, and the average price for the forty years up to 1834 was 22 cents. For the last ten years it has not been up to that average.

Take the article of sugar. In 1795 it was worth 14 cents per pound. It went as high as 17 cents in 1816 and never got as low as 10 cents till 1820. Now the price is from 6 to 8 cents. So there has been a fall in the price of sugar; and so important is this article in domestic economy that I have but to call the attention of the Senate to a speech made by the Senator from Maine [Mr. FRYE] during the last winter, in which he showed that the expense in a boarding-house for factory operatives for sugar was the principal item of expense.

Take pork——

Mr. GIBSON. If the Senator will permit I should like to interrupt him for a moment on the subject of sugar.

Mr. GEORGE. Certainly.

Mr. GIBSON. I wish to say in relation to sugar that the sugar tax to the people of the United States is 88½ cents per capita per year, and no more.

Mr. GEORGE. I want the Senator from Louisiana to understand that I am merely comparing the price of sugar now and in the latter part of the last century and the first part of this.

Take pork, sir. In 1795 it was $18 per barrel; in 1801 it was $26; in 1808 it fell to $15, and was never as low as $15 again until 1820, and then it was $14.50. The average price for the forty years from 1795 to 1834 was $16.99 per barrel. It is less than that now.

Take flour, a very essential article of support. The average price of a barrel of flour from 1795 to 1834 was $8.51. In 1795 it was $12; in 1796 it was $16; in 1801 it was $13; in 1817 it was $14.75, the average being, as I have stated, $8.51. It is now and has been for a long time much lower than that.

Take wheat. My statistics of wheat do not go beyond the year 1806; I can not find them beyond that time. In that year the average price of wheat was $1.35; in 1807, 1808, and 1809 it was $1.25 per bushel; in 1810 it was $1.50 per bushel; in 1811 it was $1.75 per bushel; whereas the price to-day in Chicago is about 98 cents.

Take rice, another article of consumption. In 1795 it was worth 7 cents per pound; in 1796 it was worth 8 cents per pound, and the average for the forty years from 1795 to 1834 was $4.61 per hundred or 4.61 cents per pound, and this average was caused by the low price from 1820 down. Before that time it was higher. The average for the last ten years would be but very little more.

Take the article of fuel. In 1825 anthracite coal was from $8 to $11 per ton. It never got lower than $6 until 1833. Then it rose again, and it is now regularly under $5 per ton.

So it will be seen that the excuse that it costs more to live now than it did formerly is no valid reason for the passage of this bill. On the contrary, Mr. President, the statistics show that the prime articles of

necessity are lower now than they were the latter part of the last century and the early part of this.

So, Mr. President, I insist that this bill shall not be passed upon that ground. If we are to pass it upon any other ground, let that ground be stated. It must not go through upon the false pretense that it costs more to live now than it did formerly; it costs less. I merely desired to present these facts to the Senate in answer to the position taken by the Senator from Arkansas and the Senator from Oregon. Having stated that, I have done all I intended to do.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MORGAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FARLEY (when Mr. CAMDEN's name was called). The Senator from West Virginia [Mr. CAMDEN] is absent, and I am paired with that Senator on this question. If he were present, I understand that he would vote for the bill and I should vote against it.

Mr. COCKRELL (when his name was called). The Senator from Wisconsin [Mr. CAMERON] spoke to me in regard to a pair with the Senator from Minnesota [Mr. MCMILLAN].

Mr. CAMERON, of Wisconsin. If the Senator from Minnesota [Mr. MCMILLAN] were present he would vote in favor of this bill.

Mr. COCKRELL. And he wants to pair with me?

Mr. CAMERON, of Wisconsin. He does.

Mr. COCKRELL. The Senator from Minnesota is necessarily absent, not able to get here, and desires to pair with me. If he were present, he would vote "yea," as I am informed, and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. ANTHONY]. Were he present, I should vote "nay."

Mr. HARRIS (when his name was called). As to this bill I am paired with the Senator from Arkansas [Mr. WALKER], who I understand would vote for the bill. I should vote against it.

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON], who is for the bill.

The roll-call having been concluded, the result was announced—yeas 42, nays 13; as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Jonas, | Palmer, |
| Allison, | Frye, | Jones of Nevada, | Pike, |
| Bayard, | Garland, | Kenna, | Platt, |
| Blair, | Gibson, | Lapham, | Plumb, |
| Bowen, | Gorman, | Logan, | Riddleberger, |
| Butler, | Harrison, | Mahone, | Sawyer, |
| Cameron of Wis., | Hawley, | Manderson, | Sewell, |
| Coke, | Hill, | Maxey, | Sherman, |
| Conger, | Hoar, | Miller of N. Y., | Wilson. |
| Cullom, | Ingalls, | Mitchell, | |
| Dawes, | Jackson, | Morrill, | |

NAYS—13.

| | | | |
|---|---|---|---|
| Beck, | Morgan, | Saulsbury, | Vest. |
| Brown, | Pendleton, | Slater, | |
| Colquitt, | Pugh, | Vance, | |
| George, | Ransom, | Van Wyck, | |

ABSENT—21.

| | | | |
|---|---|---|---|
| Anthony, | Fair, | Jones of Florida, | Voorhees, |
| Call, | Farley, | Lamar, | Walker, |
| Camden, | Groome, | McMillan, | Williams. |
| Cameron of Pa., | Hale, | Miller of Cal., | |
| Cockrell, | Hampton, | McPherson, | |
| Edmunds, | Harris, | Sabin, | |

So the bill was passed.

Mr. HOAR. As there has been an addition to the bill, it would be well to add to the title "and for other purposes."

The PRESIDING OFFICER. If there be no objection the bill will be amended so as to read: "A bill fixing salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes."

## ORDER OF BUSINESS.

Mr. COKE. I gave notice that when this bill just disposed of was taken up I should ask the Senate to return to the Calendar and proceed with Order of Business 158. I believe it is about the first case that was reached on the Calendar. It is a bill of some importance, and I ask unanimous consent to have it considered now.

Mr. CAMERON, of Wisconsin. The bill to which the Senator from Texas refers will, I think, be reached within a few minutes in the regular call of the Calendar. I hope hereafter during the morning hour that no Senator will feel called upon to move to take up a bill out of its order. I hope the Senator will not make the motion, but will allow the Senate to proceed with the Calendar under Rule VIII.

Mr. COKE. I am entirely willing to proceed with the Calendar if no other bill is taken up out of its order.

Mr. CAMERON, of Wisconsin. Very well; no other Senator has moved to take up one.

Mr. COKE. I withdraw the motion.

## BUREAU OF LABOR STATISTICS.

The PRESIDING OFFICER. Under the eighth rule the first bill in order is Order of Business No. 142, being Senate bill 140.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 140) to establish a bureau of statistics of labor, the pending question being on the amendment proposed by Mr. GARLAND to substitute for the bill the following section, to be added after section 342 of the Revised Statutes:

SEC. 343. The chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500.

Mr. BAYARD. We are under the five-minute rule?

The PRESIDING OFFICER. We are.

Mr. BAYARD. This bill, it is evident, can not be discussed in that time. I therefore suggest that it go over.

The PRESIDING OFFICER. The Senator objects. Under the rule the bill will go over.

Mr. CALL. Does the bill retain its place on the Calendar? I desire that it shall not be displaced on the Calendar.

The PRESIDING OFFICER. It will take its place under Rule IX. The next bill will be reported.

## CREDENTIALS OF SENATORS.

The next bill on the Calendar was the bill (S. 2) to amend chapter 1 of the Revised Statutes in reference to the election of Senators in Congress.

Mr. HARRIS. That seems to be an adverse report. Let it go over.

Mr. GARLAND. Let me make a statement.

Mr. HARRIS. Certainly; I withdraw the objection.

Mr. GARLAND. This bill was reached once before, and I did not insist on its being acted upon then on account of the absence of the Senator from Massachusetts [Mr. HOAR], who was away from the Senate on duty at that time. I think it possibly a matter that we can dispose of now in a very short time. It is a very important matter to the Senate. It is a question of regulating the certificates of the election of Senators. If it suits the convenience of any Senator to have it passed over now I shall not object, but I should like to have it retain its place on the Calendar, so that at some time we may have a vote on the bill. This is the third time I have drawn the attention of the Senate to it. If the Senator who reported the bill thinks we can not get through with it this morning, let it go over.

Mr. HARRIS. I interpose no objection.

Mr. PUGH. I am satisfied from the character of the questions that will arise upon this report that it can not be disposed of under the five-minute rule. It is a very important measure, and if action on it is desired by the Senator from Arkansas I have no doubt there will be some debate on it, and it had better pass over to some other day.

The PRESIDING OFFICER. The Senator from Alabama objects. The next bill on the Calendar will be reported.

## INTERSTATE COMMERCE.

The next bill on the Calendar was the bill (S. 176) to protect employés and servants engaged in foreign and interstate commerce and employés and servants in the District of Columbia and the Territories of the United States.

Mr. DOLPH. That bill is a bill which can not be properly discussed under the five-minute rule, and I object to its consideration.

The PRESIDING OFFICER. The Senator from Oregon objects to the consideration of the bill, and it goes over. The next in order will be stated.

Mr. GEORGE. In reference to the bill just passed over on the objection of the Senator from Oregon, I think he said it could not be considered under the five-minute rule. It is a very important measure and very much desired by the people of this country. I should like to have it made the special order for some early day, not to conflict, however, with any special orders already made; and I would ask that it be made a special order for two weeks from next Monday. That will give time for all the others to be disposed of.

The PRESIDING OFFICER. The Senator from Mississippi moves to make Senate bill 176 the special order for Monday, April 14.

Mr. ALLISON. I should like to hear what the bill is.

The PRESIDING OFFICER. The bill will be again read by the title.

The CHIEF CLERK. A bill (S. 176) to protect employés and servants engaged in foreign and interstate commerce and employés and servants in the District of Columbia and the Territories of the United States.

The PRESIDING OFFICER. The Senator from Mississippi moves to make this bill a special order for the time named by him.

Mr. CAMERON, of Wisconsin. I hope that we shall not make any more special orders. This bill I suppose is an important bill.

The PRESIDING OFFICER. It is the duty of the Chair to inform Senators that the present occupant of the Chair thinks that under the new rules it is not in order to debate a motion of this kind, although upon that question there is some doubt, and the Chair would prefer to submit it to the Senate. He will take the opportunity of calling the attention of Senators to it.

Mr. CAMERON, of Wisconsin. Rather than spend time in submitting it to the Senate, I will not claim the right to debate it at this time.

The PRESIDING OFFICER. The Chair thinks it a question of doubt, and therefore he hopes his view will not be considered as a precedent until the matter is settled by the Senate. The Chair thinks it is a somewhat doubtful question.

Mr. CAMERON, of Wisconsin. On the question of making the bill a special order I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 35; as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Blair, | Hill, | Palmer, | Van Wyck, |
| Call, | Jackson, | Pendleton, | Vest. |
| Garland, | Kenna, | Pike, | |
| George, | Lamar, | Pugh, | |
| Harrison, | Morgan, | Riddleberger, | |

NAYS—35.

| | | | |
|---|---|---|---|
| Allison, | Dawes, | Hoar, | Ransom, |
| Bayard, | Dolph, | Ingalls, | Saulsbury, |
| Beck, | Farley, | Jonas, | Sawyer, |
| Brown, | Frye, | Lapham, | Sewell, |
| Butler, | Gorman, | McPherson, | Sherman, |
| Cameron of Wis., | Hale, | Manderson, | Slater, |
| Cockrell, | Hampton, | Maxey, | Vance, |
| Coke, | Harris, | Morrill, | Wilson. |
| Conger, | Hawley, | Plumb, | |

ABSENT—24.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Jones of Nev., | Mitchell, |
| Anthony, | Edmunds, | Logan, | Platt, |
| Bowen, | Fair, | McMillan, | Sabin, |
| Camden, | Gibson, | Mahone, | Voorhees, |
| Cameron of Pa., | Groome, | Miller of Cal., | Walker, |
| Colquitt, | Jones of Fla., | Miller of N. Y., | Williams. |

So the motion was not agreed to.

HOLIDAYS FOR GOVERNMENT LABORERS.

The joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Education and Labor with an amendment, which was, after the word "thanksgiving," in line 10, to strike out the following proviso:

*Provided*, That said employés shall be paid for these holidays only when clerks and other salaried employés of the Government Departments shall be so paid: *And provided further*, That nothing herein contained shall authorize any additional payment to such employés as receive annual salaries.

And to insert:

And shall receive the same pay as on other days.

So as to make the resolution read:

That the employés of the navy-yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employés of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days.

Mr. BAYARD. Is there a report accompanying the resolution?

The PRESIDING OFFICER. There is no written report. The question is on the amendment reported by the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 385) for the relief of D. C. Allen was announced as next in order.

Mr. COCKRELL. I object to that and the next bill being considered, the reports being adverse.

Mr. FRYE. Is there any reason why they can not be disposed of and got off the Calendar?

Mr. COCKRELL. The parties are waiting to present additional facts to the Senate.

The PRESIDING OFFICER. Senate bill 385 and the bill (S. 352) for the relief of Thomas H. Reeves will go over on the objection of the Senator from Missouri.

LANDS IN SEVERALTY TO INDIANS.

The bill (S. 48) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes, was announced as next in order.

Mr. DOLPH. That is a bill of great importance, and various amendments are reported by the committee. I do not think it can be satisfactorily discussed under the five-minute rule, and I object to its consideration at present.

The PRESIDING OFFICER. The bill, being objected to, goes over under the rule.

Mr. DAWES. Will the Senator from Oregon allow me to state to him that this bill has been considered at two successive sessions of the Senate, and passed the Senate during the last Congress without debate after having been changed as it is now proposed to be changed? It is of very great importance to the Indians. It has received the unanimous report of the committee and also the support of the Indian Bureau and the Interior Department.

Mr. DOLPH. If the Senator asks me to do so I withdraw my objection.

Mr. DAWES. The Senator from Texas [Mr. COKE] has had charge of this bill for three consecutive sessions of the Senate.

Mr. COKE. I will say to the Senator from Oregon that this bill was discussed some fifteen or twenty days in the Forty-sixth Congress. In the light of that discussion, in the Forty-seventh Congress it was amended in the Committee on Indian Affairs, reported back to the Senate favorably, and passed the Senate without debate. It went to the House of Representatives and lay on the House Calendar without ever being reached. It was introduced into the Senate as soon as this Congress met, went to the Committee on Indian Affairs, and has had added to it two or three amendments that do vary the original bill, but very little. It meets the unanimous concurrence of the Committee on Indian Affairs.

As I understand, its passage is very much desired by the Secretary of the Interior. It will supersede the necessity of a great many special bills applicable to different tribes before the committees of the two Houses if it can be passed at once.

I do not believe that the bill will give rise to any discussion. If it does, there must be somebody here who will take a different view of it from that which was unanimously taken in the Forty-seventh Congress, when it passed without debate.

Mr. DOLPH. Mr. President, if I may be permitted to state my reasons for objecting to the bill, I will state that I had intended to propose some amendments to the bill, but I have been so much occupied that I have been unable to prepare them. In the main I agree with the provisions of the bill; but I do not think the amendments reported by the committee add anything to the efficiency of the bill.

I am not in favor of the General Government issuing a patent to the tribes as such for all the lands in these reservations. I am in favor of a distribution of the lands and patenting the lands in limited quantities to the Indians in severalty. Not being prepared to-day to either present my amendment or to give my views upon the bill, I took that course of throwing the bill over until we could have time to examine it; but I will withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn, and the bill will be read.

The bill was read, and considered as in Committee of the Whole.

The bill was reported by the Committee on Indian Affairs with amendments.

Mr. DAWES. I have an amendment which I should like to offer. Perhaps I had better offer it now.

The PRESIDING OFFICER. The amendments reported by the committee are first in order under the rule. They will be read in their order.

The first amendment was to insert, after the enacting clause and before the first section, the following section:

That in all cases where any tribes or bands of Indians have been or shall hereafter be located upon any reservation created for their use either by virtue of treaty stipulations or an act of Congress, the President of the United States be, and he is hereby, authorized to cause a patent to issue for each of such reservations in favor of the tribe or tribes, band or bands of Indians, occupying the same under treaty stipulations or act of Congress, which patents shall be of the legal effect and declare that the United States does and will hold the land thus patented, for the period of twenty-five years, in trust for the sole use and benefit of the tribes or bands to which it is issued, and that at the expiration of said period the United States will convey the same, by patent, in fee, discharged of said trust, and free of all charge or incumbrance whatsoever: *Provided*, That the President may withhold the issuance of the patent in fee in any case for such further time as he may deem to be for the interests of the Indians. And the trust created in the original patent shall be and remain in full force until the patent in fee be issued. Each of said patents shall be recorded in the General Land Office and the Indian Bureau, and shall be then placed in charge of some person designated therefor on the reservation affected thereby, for the inspection and use at all times of any one interested therein.

The amendment was agreed to.

Mr. DAWES. I suppose the numbering of the sections will be arranged.

The PRESIDING OFFICER. That is a clerical matter which the enrolling clerk will attend to.

The next amendment of the Committee on Indian Affairs was, in section [1] 2, line 18, after the word "of," to insert "a;" so as to make the clause read:

To each single person over 18 years of age, one-eighth of a section.

The amendment was agreed to.

The next amendment was, in section [1] 2, line 20, after the word "of," to insert "a;" so as to make the clause read:

To each orphan child under 18 years of age, one-eighth of a section.

The amendment was agreed to.

The next amendment was, in section [5] 6, line 17, after the word "void," to insert:

*Provided*, That these patents, when issued, shall override the patent authorized to be issued to the tribes or bands occupying reservations created by virtue of treaty stipulations or acts of Congress, and shall separate the individual

allotment from the lands held in common, which proviso shall be incorporated in each of the tribal patents.

The amendment was agreed to.

The next amendment was, in section [5] 6, after line 42, to insert:

Each of the patents aforesaid shall be recorded in the General Land Office, and afterwards delivered, free of charge, to the allottee entitled thereto.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 8. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

The amendment was agreed to.

The next amendment was, in section [8] 10, line 2, after the word "section," to strike out "one" and insert "two;" so as to read:

That for the purpose of making the surveys and resurveys mentioned in section 2 of this act there be, and hereby is, appropriated, &c.

The amendment was agreed to.

The next amendment was, in section [9] 11, line 1, after the word "act," to insert "except those relating to the issue of tribal patents;" so as to read:

That the provisions of this act, except those relating to the issue of tribal patents, shall not extend to any tribe of Indians as such until the consent of two-thirds of the male members 21 years of age shall be first had and obtained, &c.

The amendment was agreed to.

Mr. DAWES. I have an amendment which I think is agreed to by every one, to be added on after the forty-fourth line of section 6 as the bill now is:

And if any religious society or other organization is now occupying any of the public lands to which this act is applicable for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization by patent in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms not exceeding $1.25 each acre as he shall deem just.

Mr. GORMAN. I wish the chairman of the committee would explain that.

Mr. DAWES. There are quite a number of these societies that are doing missionary work and have schools on these reservations upon lands that they have been permitted by the Interior Department to occupy. They want the privilege of buying them of the United States at a dollar and a quarter an acre, or if there are circumstances connected with the case that would lead the Secretary of the Interior to let them have them cheaper than a dollar and a quarter an acre, he may be authorized to do it so long as they occupy it for that purpose. When they cease to occupy it for missionary or educational purposes, then it goes back to the United States. That is all there is to it. The quantity can not exceed one hundred and sixty acres in any one tract, and it must be that which is now occupied for religious or educational purposes, and must be with the approval of the Secretary of the Interior, and at such price not exceeding a dollar and a quarter an acre as he shall think just.

Mr. PLUMB. I ask that the amendment be reported again.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment.

Mr. PLUMB. It seems to me that if we are to recognize the rightfulness of the occupancy and the necessity of these religious organizations remaining where they are, we ought not to charge them anything, and if we issue them a patent after having received their money, we should never recover the title to that land. It seems to me it would be much better to simply permit by act of Congress persons already there to remain so long as their remaining will not in the judgment of the Secretary of the Interior be inimical to the interests of the Indians, and let the question of the disposition of the title to the land they occupy come up when we dispose of the other titles. Now we are providing for titles to no one except for the land occupied by religious societies. The Indians themselves do not get titles by this bill.

Mr. DAWES. Certainly they do.

Mr. PLUMB. Not individual patents.

Mr. DAWES. Certainly they do.

Mr. PLUMB. Not by this act. They are to get them by some act to come hereafter.

Mr. DAWES. The Senator is mistaken about the scope of the bill.

Mr. PLUMB. Then I have misread it entirely. I do not understand that there is title in anybody by this bill.

Mr. DAWES. This permission or patent will be simply a lease during the time that these societies occupy the land for this purpose. It did not seem to anybody proper that they should take this land and then abandon it or sell it, convert it into money, and go somewhere else; but if they want to use this land for educational or religious purposes, the land they now occupy with the approval of the Secretary of the Interior, it did not seem to be a very long stride to say by the act of Congress that the Secretary of the Interior should be authorized to give them a lease confirming them in that occupancy so long as they use it for that purpose.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. DAWES. I am so anxious to have this bill go through that I shall withdraw my amendment if it is objected to or leads to debate.

Mr. PLUMB. I think the amendment is mischievous. I think it would lead to trouble. It is providing for a class of cases for which there is no necessity to provide.

Mr. DAWES. I withdraw the amendment, for the bill is of more consequence than the amendment, but I regret exceedingly——

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent to proceed with the bill? It is the duty of the Chair to lay before the Senate the unfinished business at this hour.

Mr. DAWES. I presume the Senate will not object to finishing this bill. It is all through now.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to continue the consideration of this bill. That will be considered as agreed to unless objection be made.

Mr. BLAIR. I must object unless I know precisely how much time it is likely to occupy.

Mr. DAWES. Nobody objects to anything in the bill now.

Mr. BLAIR. I have no objection, losing no rights for the educational bill, that the question shall be taken.

The PRESIDING OFFICER. If there be no further amendments, the bill will be reported to the Senate.

Mr. DOLPH. I hastily prepared an amendment while the bill was being read, which I will read.

Mr. BLAIR. Before the Senator proceeds, I suppose this in no way displaces or injures the position of the unfinished business.

The PRESIDING OFFICER. It is subject to call. A single objection to the pending bill will bring up the unfinished business.

Mr. DOLPH. I shall not consume more than two minutes in stating my object in offering the amendment. I move to amend by striking out, in section 6, after the word "Congress," in line 40, the words "and the moneys agreed to be paid shall be appropriated and paid to said tribe or invested for its benefit, as the case may be." This language refers to the money to be paid to the Indian tribes for such portions of their reservations as may be purchased by the General Government. And in lieu of those words I propose to insert:

*Provided*, That the compensation to be paid by the United States for any portion of any such reservation shall be paid in the bonds of the United States, payable at the pleasure of the United States after twenty-five years from the date thereof, the interest payable annually to the Secretary of the Interior for the use of the Indian tribe from which the lands were purchased, to be used for the education and support of the Indian tribes and individual Indians entitled thereto.

If I may be permitted, I wish to state my reasons in a few words for offering the amendment. We are now by this bill providing for the allotment of lands in severalty to the Indians of various tribes upon their reservations, and authorizing the purchase of the lands not used for that purpose from the Indians by the Secretary of the Interior for a money consideration. What I fear is that if the bill becomes a law, and the residue of the reservations after making the allotments to individual Indians is paid for in money, that the money will be used, and that the lands allotted to the Indians, being alienable after twenty-five years, will be sold, and eventually we will find that we shall have all the Indians of the country upon our hands, and we will be compelled to support them by annual appropriations from the Treasury of the United States.

I should like to provide that in the purchase of the residue of the reservations we shall not pay over the money; that we shall pay the Indians a fair consideration for their right to the occupancy of the lands, and place that in bonds of the United States payable to the Secretary of the Treasury for the time being for the benefit of the Indians, and thus provide a continuing fund to be derived from the interest of the bonds for the support and education of those people, and leave it optional with the United States when the principal of the bonds shall be paid. Then the Government can put the lands purchased from the Indians upon sale and may derive a profit from the lands, and at the same time, as I say, provide a continuing fund for the suport of the Indians. Otherwise, if that is not done, if some security is not taken for the preservation of the fund which is to be derived from the sale of the residue of the reservations, I think the time may come when the Indians will become paupers on our hands, to be supported by annual appropriations from the Treasury of money derived from taxation.

I think there can be no objection to the amendment.

Mr. DAWES. Will the Senator be kind enough to state where the amendment comes in?

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be reported.

The Chief Clerk read the amendment.

Mr. DAWES. The purpose for which the Senator proposes his amendment is a commendable one. I will state the objection, if any, that lies to it, abating the form. If it is to be placed in the Treasury as a fund, the ordinary form of such funds is somewhat different from that which the Senator suggests; but that is mere form.

The Senator will observe that the language of the bill leaves it at the discretion of the Department when the occasion arises either to invest

the money, as the Senator suggests, or to pay in part the principal for any such then existing exigency in reference to any particular tribe as will be upon him then. It seems to me that the provision of the Senator's amendment to bind the Secretary at the end of twenty-five years from to-day to that particular course which seems to us to-day to be wise is to ignore all the vicissitudes and changes and relations of the Government to the Indian, the Indian to the Government, and the condition of the Indian then, and is putting it beyond the discretion of the Secretary of the Interior. I see no other objection to it. As at present advised, in the present state of the country and of the Indian, I am heartily with the Senator's amendment.

I am not one of those who believe that it is of any mortal use to an Indian to pay over to him per capita money. It is worse than throwing it into the sea. It not only is throwing away the money, but is debauching and ruining the Indian. But what may be the condition of the Indian twenty-five years from now, whether a portion of the principal may not be more wisely between now and then expended in agricultural implements, in teaching him agriculture or in teaching him any of the self-sustaining modes of life, is a question which I do not think we ought to so tie up this money that we can not ourselves consider. That is all the objection I see to the Senator's amendment.

It was thought by the committee that if we left in the words proposed to be stricken out there would be the power on the part of the Department to invest the money, and also, if in any particular case a part of the principal should be disposed of for the immediate benefit of the Indians, he would still have that power.

Mr. DOLPH. I ask unanimous consent to reply.

The PRESIDING OFFICER. The Senator from Oregon asks the consent of the Senate to reply. Under the rule it is the duty of the Chair to confine him to one speech, but with the unanimous consent of the Senate the Senator will proceed.

Mr. DOLPH. I asked unanimous consent. I know I am not entitled to the floor under the rule.

I am not willing to leave it to the Secretary of the Interior to say whether twenty-five years from now we shall have 250,000 paupers in this nation to be fed, clothed, and educated out of the public Treasury, when there is now an ample fund which by a little foresight can be placed in such a situation that the Government can have that fund for all time on hand for that purpose. I think it would be far better for Congress to retain the right to say whether the principal of this money should be paid over, and thus preserve this fund for the support and education of the Indians, than it would be to leave it to the Secretary of the Interior to determine whether or not an investment should be made for the benefit of the Indian sor the money paid over to them.

That is the reason why I have offered the amendment. The bill can go over until to-morrow morning if Senators prefer.

Mr. DAWES. If the bill would occupy the same place to-morrow morning that it does now I think it would be better for the Senator to mature his amendment and let it go over.

Mr. CAMERON, of Wisconsin. It will occupy the same place.

The PRESIDING OFFICER. The bill will stand at the head of the Calendar to-morrow.

Mr. CONGER. Before the bill goes over I wish to call the attention of the committee to one point to be considered before to-morrow morning. There is nothing said in the bill in regard to the taxation of this property. This alienable property of the Indians is distributed in all States and Territories where the lands lie, and there is an uncertainty in regard to the right of the State or Territory to tax the property. I think some provision of that kind is worthy of the consideration of the committee.

Mr. DAWES. The bill protects the property of the Indians for twenty-five years. That is the limit. That is the intent of the bill.

Mr. CONGER. It does not say so in terms.

Mr. DAWES. It says so in absolute legal effect, because the United States is to hold the title. The title in fee remains in the United States for twenty-five years.

Mr. CONGER. But it is not to be inalienable for twenty-five years. I merely call attention to it. It seems to me there should be some provision by which this property could all be saved to the Indians and saved to them from any attempt at taxation.

Mr. COKE. Let the bill go over until to-morrow.

The PRESIDING OFFICER. The bill goes over until to-morrow. It will stand at the head of the Calendar to-morrow morning.

### HOUSE BILL REFERRED.

The bill (H. R. 4689) for the relief of Eliza W. Patterson was read twice by its title, and referred to the Committee on the District of Columbia.

### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 22d instant approved and signed the following acts:

An act (S. 196) for the relief of the devisees of the late Daniel Carroll; and

An act (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebr.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 12, and 13 to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and has appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. J. N. BURNES of Missouri, and Mr. WILLIAM H. CALKINS of Indiana, managers at the conference on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor; and

A bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location and name.

### AID TO COMMON SCHOOLS.

The PRESIDING OFFICER. The unfinished business will now be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. HARRISON to the amendment offered by Mr. PLUMB.

The PRESIDING OFFICER. Is the Senate ready for the question on the pending amendment?

Mr. BLAIR. Before the question is put I wish to make a few statements showing the effect of the amendment upon the bill. I suppose perhaps the Senator from Indiana [Mr. HARRISON] may have something to say upon his amendment, and if no other Senator cares to speak at this time I will make a few statements. The effect of the amendment will be to diminish the amount of money which otherwise would be distributed in the Southern States alone for the first year in the sum of $3,654,848.

Mr. HARRISON. Will the Senator repeat that statement?

Mr. BLAIR. The effect will be to diminish the amount distributed in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia in the aggregate of $3,654,848, unless in a hasty addition I have made a miscalculation.

I will state to the Senate the effect of this amendment upon the several States enumerated *seriatim*. Alabama, as the bill now stands, would receive $1,044,607. In the year 1881, the last year for which we have authentic and tabulated returns of an official character, to wit, the returns of the Bureau of Education, in that State there was expended the sum of $410,690. The State of Alabama, then, would lose by the adoption of this amendment $633,917 the first year. The State of Arkansas under the provisions of the bill would receive $486,856. In the year 1881 she expended $388,412, and by this amendment she would lose $98,444. Florida by the bill would receive $193,241. In 1881 she expended $114,895, and she would lose by the amendment of the Senator from Indiana $83,046. The State of Georgia would receive under the provisions of the bill $1,254,202. She raised in the year 1881 $498,533, practically $500,000, and she would lose by the adoption of this amendment $755,669. The State of Kentucky under the operation of the bill would receive $839,624. In that State the expenditure is already larger than the apportionment, and therefore the State would not be affected by the adoption of the amendment. The State of Louisiana would receive by the bill $767,295. In 1881 she raised $441,484. She would therefore lose $325,811. Maryland would receive under the bill $324,116. She has already raised a larger amount, and would not be affected by the adoption of the amendment. Mississippi would receive $899,414 by the bill. She expended in 1881 $757,758, and she would lose by the operation of this amendment $141,656. Missouri would receive under the bill $503,097. She already expends over $3,000,000, and therefore would lose nothing by the adoption of the amendment. North Carolina would receive under the bill $1,118,179. In 1881 she raised $409,659. She would lose by the amendment $708,520. South Carolina under the bill would receive $892,333. She raised $345,634, and she would lose $546,699. Tennessee would receive under the bill $989,840. She expended in 1881 $638,009, and she would lose by the amendment $351,831. Texas, with 2,000,000 inhabitants, a population just about the same as Indiana (Indiana spending some four or five million dollars annually), would receive under the bill $762,601. She expended in 1881 $753,346, and would consequently lose by the amendment $9,255. Virginia would receive under the bill $1,037,148. As she now expends that amount she would not be affected by the adoption of the amendment; neither would West Virginia be affected by the adoption of the amendment. West Virginia would receive under the bill $205,756, and she already expends $761,250. It will be observed that the bill affects ten of the Southern States, nearly all of them, very seriously. If there is reason for passing the bill at all, there is reason in these States where there is most illiteracy and least money already expended that we should give most largely.

Mr. MILLER, of California. Will the Senator allow me to interrupt him?

Mr. BLAIR. Certainly.

Mr. MILLER, of California. The Senator has stated what certain States would "lose" by the amendment. I suppose he means that there would be that much less money appropriated from the Treasury, does he not?

Mr. BLAIR. I mean that under the apportionment provided in the bill the States would receive a certain amount. The Senator from Indiana proposes that they shall receive from the Treasury the amount which they themselves expend. Taking, then, the amount that they expended at the time when we had the last authentic returns, the difference between what would be given to those States under the amendment and the amount that they take under the bill is what I state as the amount that they would lose by the adoption of the amendment.

Mr. MILLER, of California. The amounts stated as losses do not go to other States?

Mr. BLAIR. No; they do not go to other States.

Mr. MILLER, of California. Then instead of appropriating $15,000,000, the amendment proposes to appropriate several million dollars less?

Mr. BLAIR. That would be a matter to be adjusted in some way.

Mr. MILLER, of California. That would be the effect of the adoption of the amendment.

Mr. BLAIR. If that was to be done, it would seem to me it would be only just to those States that provision should be made by which, if at any time during the operation of the act they should by additional expenditure make up for the deficiencies of the earlier years, they should be allowed to draw from the Treasury the amount to which they would be entitled, so as to be placed in the end upon the same ground as other States. If the amendment should be adopted I hope that something of that kind may yet be done; but it seems to me that it is better to do nothing of the sort, as regards the adoption of the amendment itself.

As I was about to say, there is not one of those States where there is not a public-school system in operation, and, like a mill, it runs as long as there is motive power, which is the money to pay the teachers and the ordinary school-district expenses. The difficulty now is that there is only money enough to keep the schools in operation about three months, some of them shorter and some of them longer, but in all the Southern States in fact there is only an average of three months per annum. If we simply provide for additional pay for the teachers and the ordinary running expenses of the schools we shall easily use up, without any chance for irrelevant or unprofitable expenditure, more than the entire amount which we undertake to give by the bill in its broadest, largest terms.

It should be considered further with reference to the amount that actually would be taken from the States, that the amount which is given here as that expended in the several States includes the expenditure for school-houses also, and the expenditure for school-houses in the Southern States is very large, and must necessarily continue so in the future. The amendment only gives them whatever they may expend upon running expenses, not including that for school-houses. If the school system is to increase, if there is to be provision or accommodation for something like three million unenrolled and therefore entirely unaccommodated scholars in the South, there must be a great many more school-houses constructed, and that is a burden which, by the provisions of the bill, devolves entirely upon the States themselves. Therefore, the data which I give, the only reliable data that I know of coming down to the present time or anywhere near it, are by no means a strong but rather a weak, statement of the injurious effect of the adoption of the amendment upon the measure itself and upon the cause which we are undertaking to assist by this sort of legislation if we should adopt it. Of course, I have not any means of showing how much of this expenditure in the year 1881 was for school-houses, but it is a pretty large proportion in many of the States.

I trust that the amendment will not be adopted.

Mr. HARRISON. Mr. President, I did not intend to be led into any discussion of the general features of this bill, but it is proper that I should evince my own sincerity in proposing this amendment by some brief defense of it.

The Senator from New Hampshire who has the bill in charge seems to be very jealous of any attempt to modify any of its features as reported by the committee of which he is chairman. He regards the amendment which I have proposed as injurious, and he has been at pains to show the representatives of the Southern States just how much each one of their States will lose if the amendment is adopted. His appeal is to the self-interest of the representatives of those States.

It is an open question whether we shall do an injury to this scheme of education by curtailing its proportions. In my judgment we shall be doing a real benefit. I very well understood when I proposed the amendment that it would curtail the amounts to be given to the several States. And my intention is, if the amendment shall be adopted, to propose an amendment to the first section of the bill, which fixes the amounts to be paid out each year for ten years. The Senator from New Hampshire has shown us that nearly $4,000,000 less would be necessary the first year if my amendment is adopted.

Mr. President, there is a giving that pauperizes; there is a giving that enfeebles. It is against that sort of giving that I protest. The wisest managers of benevolence in these latter years have come to the conclusion that giving should always be so regulated as to save self-respect and awaken in the mind of the recipient a lost faith in his ability to take care of himself. We should carefully avoid that giving which creates a disposition to lean and to expect; which takes the stamina and strength and self-dependence and industry out of men.

That principle will, I think, apply to the giving which is proposed by this bill. Is it not sufficiently liberal to say to those States where education has been lagging, where illiteracy is prevalent, "We will give one dollar from the national Treasury for every dollar that you raise by State taxation to be expended in the maintenance of your schools?" Must we give two for one? Is the giving of two for one, as this bill proposes, as well calculated to stimulate the energies of those States as the proposition I make? I insist that it is not.

The only permanent reliance for the education of the masses must be upon local taxation in the States; every one concedes that. The distinguished Senator who has charge of this bill has found it necessary to write in one of his sections a disclaimer of any different intention. If it be true, then, that we are not to maintain education in the States; if it be true that we are to discharge our obligations toward the freedmen of the South in this indirect way, which does not reach them as a separate class, but includes them with the general citizenship of the country; and if we are to do this through the agencies of the States, and must depend upon the State interest in the common schools for any permanent success, I submit that we ought to make these appropriations so that they will stimulate, energize, and encourage—not pauperize—the efforts of those States in the direction of a thorough popular education.

One dollar voted by the people of any school district for the support of common schools is worth $10 given out of the Treasury of the United States. It evinces an interest in education, and guarantees a careful and intelligent supervision. Only a local supervision and interest will bring these constituencies that are now so backward in the race of education abreast with the other States. In my judgment there could be no worse policy than to throw in a single year into those States $15,000,000 out of the national Treasury. In many of the Southern States there is no suitable provision for the use of it.

Mr. BLAIR. Only $10,000,000 are given to the Southern States.

Mr. HARRISON. I know, but I am speaking of the whole appropriation. As was stated the other day by the Senator from Iowa [Mr. ALLISON], three-quarters of a million or more would be thrown the first year into the State of Louisiana, when the total collection for school purposes in that State is only some $400,000. What is to be done with this money? It is like taking a manufacturing enterprise that has had $5,000 invested in its plant and suddenly increasing its capital to $100,000.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. HARRISON. Certainly.

Mr. JONES, of Florida. Is he aware that the facilities for education are not all they might be in that region of the country, and that according to a very well-authenticated report there are 2,000,000 children without opportunities for educational advantages there who might be supplied possibly by this aid?

Mr. HARRISON. I do not know to what section of the country the Senator refers.

Mr. JONES, of Florida. You are speaking of the South.

Mr. HARRISON. I am, but there must first be school-houses either temporary or permanent. In the next place there must be competent teachers secured, and back of all that there must be some system of law for these schools. Much of this is still lacking, or sadly deficient, in many of the States.

Mr. BLAIR. If the Senator will excuse me——

Mr. HARRISON. Certainly.

Mr. BLAIR. I do not understand that he is correct in saying that there is a deficiency in the system of laws. Every one of those States has a good common-school system organized and applied, geographically applied, so far as the means enable them to do it; but as the Senator from Florida says, there are not only 2,000,000 but 3,000,000 children in the Southern States as yet without any school accommodations whatever.

Mr. HARRISON. I have not examined the school laws of all the States of the South, but if the machinery is perfect, as the Senator from New Hampshire seems to think—though I do not coincide—it is but one element of those I suggested as essential to the proper use of this money. There are others yet to be supplied; so that the Senator from Iowa was clearly right when he said that the logical method was to increase the appropriation from year to year rather than to begin with the largest appropriation.

I am thoroughly in sympathy with the proposition that the General Government shall, out of the general revenue, extend its hand to aid the States that are not able to inaugurate and perfect a school system that will give an opportunity to all the children, black and white, to acquire the elements of education. But I believe that we are entering here

upon an experiment, and that our legislation should be tentative; framed as for an experiment. I am in favor of saying to the States, "We will measure the help we give you by what you do for yourselves; we will increase the help as you increasingly help yourselves." These schools must rest, as I have said, if they are to have permanent success, upon the interest, the self-sacrificing interest, of the local communities.

Mr. BUTLER. May I ask the Senator from Indiana a question?

Mr. HARRISON. Certainly.

Mr. BUTLER. If his amendment prevails will it not be necessary to reduce the amount of $15,000,000 provided for in the bill?

Mr. HARRISON. I had already indicated in the beginning of my remarks a purpose to move an amendment reducing the amount; and I may say that I would reduce the number of years through which the appropriation is to run. It is an experiment, and I should continue it or abandon it as I found that its effect in the States for which it is specially intended was to stimulate them to increase their own local school taxes or the reverse. And I should abandon the experiment at once and forever if I found that there was not an equal free-handed distribution of the State and national revenues, without distinction of race or color, among all its illiterate population.

I believe the success of the bill in the Senate will be imperiled and is imperiled to-day by the fact that the framers of the bill have enlarged its proportions too much. Instead of dealing with this subject experimentally they have undertaken to deal with it permanently, to exhaust the whole subject. Therefore I think that my amendment is calculated to save the bill.

Mr. GEORGE. I desire to interrupt the Senator for a minute.

Mr. HARRISON. Certainly.

Mr. GEORGE. I wish to state to the Senator from Indiana that the rule he insists on as just and proper—that the States should raise as much money as is donated by the Federal Government—can not be complied with in some of the States. I want to call his attention to the fact that in Mississippi there are about 175,000 more colored people than there are white people. I want to state to him also the fact that those colored people, not by any fault of their own, but from their condition and the tax laws of Mississippi, pay very little of this tax. They own but little property, and by the laws of Mississippi nearly all they do own is exempt from taxation. I made out a list this morning, and I wish to read it to the Senate. It is very short. Will the Senator allow me to do so?

Mr. HARRISON. Would not the Senator just as soon wait until I get through and then make his speech and have this table embodied in his remarks instead of mine?

Mr. GEORGE. I do not want to trespass upon the good nature of the Senator, but I wanted to get this statement in the RECORD.

Mr. HARRISON. I am scarcely willing, I will say to the Senator, to have his speech made while I have the floor, but I shall be through in a few moments and he will then have an opportunity to make his statement.

Mr. GEORGE. I do not want to abuse the courtesy of the Senator.

Mr. HARRISON. The point the Senator makes I can readily respond to without his giving any further details.

Mr. GEORGE. Then let me make the statement emphatically that there is a burden thrown upon the white people of Mississippi, who are not rich, not only of educating their own children but all the children of the colored people, who number 175,000 more than the whites, and that owing to the condition of the blacks and owing to the liberal tax laws of Mississippi exempting their property from taxation they pay very little of this burden, and therefore it would be impossible for the State to raise as much money as would be necessary efficiently to educate all those people.

Mr. HARRISON. I have no doubt that the general statement which the Senator from Mississippi has made, namely, that the colored population of his State exceeds the white population by about 175,000, is true, though the election returns would seem to throw some doubt upon the statement. No doubt the census returns are more accurate than the election returns. But, Mr. President, the ultimate obligation of educating those black people as well as the illiterate whites is upon the State of Mississippi. While her black people may not have accumulated in the few years that have intervened since they were manumitted any great amount of property upon which the tax-gatherer can place his hands, yet they are to-day by their labor contributing to the wealth and prosperity of Mississippi I suppose fully in the proportion that their numbers bear to the white population. The exemption from taxation to which the Senator has referred I suppose is not a legislative discrimination in favor of the black man, but that the same exemption applies to the poor white people of his State.

Mr. GEORGE. That is true.

Mr. HARRISON. Then we have nothing in the statistics furnished by the Senator from Mississippi that should change the basis of this appropriation. If that State is weak and incapable now to deal with this question of education, we shall only make it more incapable, permanently incapable, if we take from its shoulders the burden and obligation to educate its own people. We can help them; I would help them, and just as this help stimulates the people whom the Senator represents here to increase their own burdens in the eager, earnest desire that illiteracy and ignorance may be put away from the State and that virtue and intelligence may come in in their places, just in proportion as the State feels an interest in these things and girds itself to the work, the Government should come in with its helping hand. Nothing worse could happen to the Senator's State than that we should now pass a bill that would put upon the General Government the entire burden of educating the people of his State.

Mr. GEORGE. We do not ask it.

Mr. HARRISON. I know the Senator does not ask it. I say nothing worse could happen. It would make it absolutely certain that the time when his people would take upon their own shoulders the taxes necessary to maintain an efficient and thorough system of education would be indefinitely postponed. The result of our giving two dollars for every one the State gives would be less disastrous, but the tendency is the same.

Mr. President, when we give an amount equal to that collected by the State we are dealing very liberally, and we are so administering the beneficence of the General Government that we shall have a benefit altogether above that direct benefit which will come in the instruction of a few more children in these years while this appropriation is being used, for we shall stimulate an interest in education which shall continue when our benefactions cease, and which shall go on until there shall not be found an American child willing to receive an education who has not the opportunity of acquiring it.

The Senator from Missouri [Mr. VEST] remarked the other day that those educators who had been interested in the framing of this bill were not aware of the needs of the South on the subject of education. He intimated that the negro race had to be differently dealt with; that some different kind of education or some different appliances and methods of education were required in the case of the negro race. I am not familiar with the present condition of the colored people in any of the States except my own, but I have more than once in the course of my life had opportunity to notice the hunger of the black man for education. Some of the most pathetic sights I have ever witnessed in my life I saw when the advancing armies of the Union were brought in contact with the slave population of the South. Aged colored men, slaves from their mother's womb, came into our camps as into cities of refuge. I have seen old men past the meridian of life, yes, well on toward its end, after a hard day's work in the company's kitchen, lying prone upon the ground before the camp fire with spelling-books in their hands painfully trying to fasten in their memories the names and outlines of the letters of the alphabet. Every philanthropist must sympathize with the blind thus groping toward the light.

My only concern is that we shall give here wisely, give by wise methods, give upon a basis that instead of enervating and pauperizing will stimulate the efforts of the Southern States. We may then enter, North and South, upon a generous rivalry as to which State shall show the smallest percentage of illiteracy, as to which State shall have a citizenship best instructed in those things that constitute the only safe basis of republican government.

I would help; I would encourage. I have not a single word of bitterness to speak to-day toward any Southern State; but I do believe that we shall best help, as a Senator from one of those States remarked to me privately the other day, if instead of stepping in with such large benefactions as to repress the efforts of the States themselves we so give as that we shall encourage the noble impulse which has manifested itself in some of those States to wipe out this reproach under which they have lived so long.

Mr. GEORGE. Mr. President, I have no reply to make to the allusions of the Senator from Indiana to what he was pleased to call the difference between the election statistics and the census statistics of Mississippi. What I have to say upon this subject I shall endeavor to say in a non-sectional spirit. I had thought that the education of the colored people of the South was too high, too noble, too pressing to be made the subject-matter of party or sectional dispute.

I want to say a word or two only in support of the bill, and I want the gentlemen on both sides of this Chamber to understand that I do not come here on behalf of the people of Mississippi as a beggar or supplicant for favors from the national Treasury.

I know the colored people of Mississippi, who are anxious, as the Senator from Indiana says, to be educated, desire to have the means of advancing themselves in life, desire to elevate themselves and their children. I know they do feel a deep interest in this measure. I feel it my duty to present their case to the Senate of the United States, and I desire to do it without hurting anybody's feelings, without exciting any sectional passion or bitter animosity or any unpleasant recollections.

The colored people are there in Mississippi; they are there ignorant; they are there without the means on the part of the people of Mississippi to educate them as they ought to be educated. We are doing everything in our power to educate them; we are paying the most onerous taxes; and yet, as I said to the Senator from Indiana a few moments ago, owing to the fact that these people were poor without their fault, and owing to the liberality of our Legislature in exempting property of poor people, white and black, from taxation, that the necessary taxation for State government, for county and municipal govern-

ment, and for educational purposes had reached a figure in Mississippi that made the tax-payer look with horror to the day when the tax-collector came around.

Mr. President, the question is not how much we ought to do. We are doing all we can. If we raise the taxes in Mississippi much higher than they are now it means confiscation.

Mr. HARRISON. Will the Senator allow me to ask him what the average percentage of tax is upon the hundred dollars in Mississippi?

Mr. GEORGE. From $1.50 to $2.50 on the hundred.

Mr. HARRISON. I speak of the average through the State.

Mr. GEORGE. It is from a dollar and a half to two dollars and a half.

Mr. HARRISON. Does the Senator think the average is as much as $1.50 on the hundred dollars throughout the State?

Mr. GEORGE. I think that is the lowest.

Mr. HARRISON. Then the Senator can not state what the average is?

Mr. GEORGE. There is on the statute-book of Mississippi——

Mr. BLAIR. I can state it from table 18. The average in Mississippi is 2.15 cents on the dollar, or $2.15 on every hundred dollars in the State of Mississippi now for all purposes, and it is the highest of any Southern State save Louisiana, in which it is $2.74. In the entire South the average is $1.58. In New England it is $1.58; in the Middle States, $1.82; in the Western States, $2.08. So that Mississippi is higher than the average of the Western States, because Mississippi is $2.15, and the Western States are $2.08. In the Territories the average is $2.06. The average throughout the United States is $1.85 on the hundred dollars.

Mr. FRYE. But what information does that convey unless the valuation is given? You will find that the valuation of real estate in Mississippi and those Southern States is not anywhere near the valuation in the Northern States.

Mr. BLAIR. You will find, alluding to the State of Kansas, which was spoken of here the other day, that the State of Kansas is a much poorer State per capita than Nebraska. It is one of the very poorest States in the whole country per capita except the Southern States, which average $155, while Kansas is about $160. I inquired of an ex-Senator from Kansas how he could account for this, and he informed me that the valuation of real estate was greatly underestimated; that there could be no other way of accounting for it, for Kansas is really, as we all know, and as her Senators have explained to us, one of the wealthiest and most progressive and most rapidly producing States of the Union.

The trouble with the Southern States in this matter of taxation is that they have just barely enough to live upon at the best, and taxation must come from the surplus beyond the necessities of life and from the activity of the producing forces. In the South, setting aside three States, Texas, North Carolina, and Georgia, between 1870 and 1880—and the abolition of slavery does not touch that valuation—they lost by the valuation of the census $411,000,000. The average per capita throughout the United States is over $350, if I recollect. That of the Southern States, including the negroes and all, is only $155. The producing activity or force of the section is very small indeed compared with the Western States, where money is made faster than anywhere else, and there is more of a surplus, something to pay taxes out of; and then the colored population, as has been stated before, does not average over $5 per capita of taxable property in value.

Mr. PLUMB. Will the Senator state to the Senate what his judgment is as to the reason of that condition of things in favor of the Western States?

Mr. BLAIR. I can state those reasons if I am not trespassing on the time of the Senator from Mississippi. I have gone throughout upon the theory that it is of vastly less consequence what reasons led to the existing condition of things than it is to ascertain what that condition is and to remedy it.

The PRESIDING OFFICER. The Senator from Mississippi will resume the floor.

Mr. GEORGE. Mr. President, the question asked by the Senator from Maine——

Mr. BLAIR. I do not want to interrupt the Senator again; but I wish him to be in possession of this fact, that after this distribution on the basis of $15,000,000 is made his State will have only about $4 to educate each child of school age of its school population, but Massachusetts will have almost $20. So the Southern child, as compared with the Massachusetts child, gets only one-fifth of the help to education which the Northern child has.

Mr. GEORGE. In reply to the question asked by the Senator from Maine of the Senator from New Hampshire about the valuation, I desire to say that I do not believe the assessed valuation of the lands in Mississippi could be procured for them if they were offered for cash in the market. I am very sure, so far as my knowledge goes of assessments of real estate in Mississippi, that the lands could not be sold for cash for the amount of the assessment. I desire also to state that in Mississippi taxation is universal: it applies to all kinds of property. It applies to choses in action, to credits, to money, everything, in fact, that can be made an article of property, with the exception to which I shall call the attention of the Senate now.

Mr. HOAR. May I inquire of the Senator for information what is the poll-tax in Mississippi, if there is one?

Mr. GEORGE. The constitution of Mississippi authorized the levy of a poll-tax not exceeding $2, to be applied to common schools. It was levied at that sum for several years; but it was rarely ever paid, or at least very little of it was paid. I think now it is about a dollar; all of it, by the constitution, going to school purposes. It can not be applied to anything else.

Now I want to show the exceptions in Mississippi to taxation, exceptions based mainly upon the idea of relieving the colored people and white people with little property from the burdens of taxation. The wearing apparel of every person is exempt from taxation; the provisions on hand necessary for the family; all farming products while in the hands of the producer; one gun for private use; all poultry; household furniture not exceeding $250, which covers all the household furniture that is owned by the freedmen or very nearly every one; two cows and calves; ten head of sheep; farming utensils for agricultural purposes; and the tools of a mechanic necessary for his trade.

I want to say, Mr. President, that I should like to have the colored people of Mississippi educated far beyond what they are likely to be, even if this bill passes. They desire to be educated. I want the white people of Mississippi educated. I believe that sentiment pervades the bosoms of nine-tenths of the white people of Mississippi. We have made great efforts in that direction; we have done all that was in our power.

I desire now to say that while I shall be disappointed if this bill fails to pass, yet I can blame no one, and will blame no one. The North controls the Government; it controls the Treasury; it is rich and it is powerful. If it does not desire to give this aid to the Southern people to help them educate a class who can do but little toward helping to educate themselves, if it is unwilling to do this, I submit and make no complaint. But, Mr. President, I would say this one word more, that the condition of the colored people of the South with respect to education ought to appeal with some force to Senators on both sides of this Chamber. It is a very serious question what is to be the future relation between those people and the whites. We can not foresee what it is going to be entirely. I hope that much good in that respect will come from educating both, and it is therefore that I shall vote for the bill.

Mr. MAXEY. Mr. President, I wish in a few words to give the reasons why I can not concur with a number of my friends from the South in supporting this bill.

The theory of appropriating a certain portion of the public domain for common-school purposes was at a very early period in the history of our Government adopted. The ordinance for the government of the Northwest Territory was adopted on the 13th of July, 1787, by the Congress of the Confederation. At that time the convention which framed the Constitution was in session. During the first session, I believe, of Congress after the Constitution went into operation provision was made for assigning the sixteenth section in every township for school purposes. That same policy was kept up when the Territory of Orleans was acquired by the treaty between Mr. Jefferson and Napoleon Bonaparte in 1803, not only for common-school purposes, but provision was made there also for the establishment of universities. The same policy was applied, I believe, when Florida was acquired, and certainly after the great Mexican acquisition under the treaty of 1848 came in. Subsequently two sections were assigned for school purposes, the sixteenth and thirty-sixth.

Up to that point the theory of appropriating public domain for school purposes was controlled by the clause of the Constitution that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." After that a certain percentage out of the sales of public lands lying within the jurisdiction of several of the States was donated to the States, respectively, within which such lands were situate. That was a departure from the original theory, which was the appropriation of the land itself.

I believe that the object which the United States had in view in appropriating land for school purposes was, first, to aid the schools, and second, that the donation of this land for school purposes would appreciate in value all the lands belonging to the United States within the neighborhood of the schools thus established, and that practically the United States Government would get back in the appreciation of its lands whatever might be the value of the land assigned to school purposes. I suppose that was the theory. There was, however, a departure when a part of the money itself was given to the State of Illinois, to the State of Missouri, and various other States, ranging from 2 to 5 per cent. of the net proceeds of the lands lying in the States respectively.

It would be difficult to draw a distinction, at all events it is with me, between the appropriation of money arising from the proceeds of the sales of public lands and any other money that goes into the Treasury; but all this has been settled for so many years, about ninety years, and has been passed upon by the Supreme Court of the United States over and over again. The land which was donated for school purposes has long ago passed into private hands and has become private property, and the law has become a rule of property, and it is too late now in my judgment to be raising any question on that ground.

It is therefore simply a question of expediency with me so far as the passage of this bill is concerned, and I have various reasons why I think it would be inexpedient.

First, I believe that the schools, as well as all other local and domestic institutions within the boundaries of a State, are better managed, conducted, and controlled by the State governments than they can be by the United States Government. That is my judgment, and every State adapts itself, in so far as the taxation for school purposes is concerned, to the ability of the State to sustain the school system.

Now, if you make this very large appropriation, amounting in the aggregate to $105,000,000 in ten years, beginning with $15,000,000 the first year, then $14,000,000 the second year, and so on going down, you give to the State a certain artificial stimulus by this appropriation made by the United States, and on that stimulus of this amount of money added to the money which is raised by the State you cause the State to adopt a system more extensive, requiring more money than the ability of the State without such aid is able to keep up, and when this money thus raised by this bill ceases to flow into the school fund of the State, you have an expensive system, requiring a large amount of money, without means to uphold that system. It is the figure of De Solme, the ship helpless because the supply of water, the floating power, has receded. It is a school system of great proportions helpless because the supply has been withdrawn.

Mr. ALLISON. Will the Senator allow me to interrupt him a moment there?

Mr. MAXEY. Certainly.

Mr. ALLISON. The Senator from Mississippi [Mr. GEORGE] a few moments ago endeavored to illustrate to the Senate that it was absolutely out of the taxing power of the State of Mississippi to furnish schools to its people. Now I ask the Senator from Texas, if in such a case it is not proper for the United States Government, rich and strong, to help them, what must be the result? Only the ignorance of that population. What remedy does the Senator from Texas propose in such a case.

Mr. MAXEY. If the Senator from Iowa will wait a moment I think I can tell him. I think we occupy here two relations. The Constitution of the United States evidently contemplates that each State shall be represented by its own Senators from the fact that it apportions to each of the States two Senators. We then specially represent our States. As a Senate, as a body, we legislate, so far as our action goes in legislation, for the whole United States. Now, I do not propose to go inside the State of Mississippi and any other State to tell what they can or can not do there. I can only tell what we can do in the State which I have the honor in part to represent; and in casting my vote on this proposition, I beg to say that I vote what I believe to be for the best interest of the State of Texas.

Undoubtedly the Senator from Mississippi believes his State can not maintain as efficient schools as he would like. But in the end I believe that that Senator will find that he has underrated the ability of his State in this respect, and I think in time he will conclude that Mississippi had better rely on her own resources.

Now I will take up the line of argument I was on when the question was asked.

As I have said, if you inflate the school system in a State by this artificial aid which lasts but a short time—for ten years is but a short time in the life of a State—you establish in that State an expensive system beyond the means of the State, and when the artificial stimulant is drawn away, your State capacity is not sufficient to keep up the system. That is one objection I have to the bill, and a serious one as I think.

Again, as I stated before, I believe that all local and domestic institutions should be under the control and direction of the State. Whenever the States come to the conclusion that they must not depend on themselves, but that they must go to the Federal Government as a great parent and rely upon that and lean upon that, it takes from the State that independence, that manhood, that self-reliance which ought to enable the State to uphold and maintain its own institutions. That is another ground which I have, and a very important one in my judgment.

Now, let me speak of what we are doing in Texas. Much has been said in respect to the education of the colored people of the South. We have a great many in Texas, and yet the constitution under which we live commands that the school fund of that State shall be ratably distributed share and share alike to the colored and the white. We have three normal schools in the State. One of those normal schools—and they are all supported by the State—is for the education of colored teachers. We have an agricultural and mechanical college, and a branch of that is devoted exclusively to the education of colored people. We have a common-school system extending throughout the whole State of Texas, and the colored people have their share of school-money for the education of their people the same as we have. The schools are separate, and they ought to be separate, but as to the amount which they receive, it is their share according to their number within the scholastic age, the same as for the white children.

Now, as to the ability of Texas to support a school system. We have about 30,000,000 acres of land belonging to the common-school fund. We have about three and a half million dollars in the permanent school fund already, and it is every year increasing. We expended last year about $1,100,000 for school purposes without expending a dollar of the permanent fund. Next year we shall expend much more than that, and why? Because we have recently most wisely adopted an amendment to our constitution which enables us to do it. And what was that? Under the constitution of 1875 not exceeding one-fourth of the general revenues must be expended for school purposes. The effect of that was that in order to reach as high up in the way of taxation for school purposes as we thought necessary we had for the other three-fourths of revenue devoted to general purposes raised too much, and the result was that we had about $3,000,000 in the treasury over and above what was needed for the general expenditures of the State. I say that resulted from the fact that we could not go beyond one-fourth for common schools; and 50 cents on the $100 being the limit of our State taxation, in order to get 12½ cents on the $100 for school purposes we had to levy 50 cents for general revenues, and that left 37½ cents on every $100 taxed for general purposes, which was more than we needed.

Now, by the amendment to the constitution the Legislature assesses what may be considered right for school purposes and then what may be considered right for general purposes, and in this way the school tax is not limited to one-fourth the general revenues. The two taxes are thus dissociated, each laid for its own object, without reference to the other.

Mr. JONES, of Florida. Permit me to ask a question.

Mr. MAXEY. I should like to finish this point and then I will yield.

So now, by the constitution as it now is, the people by their Legislature can levy just as much as they please for school purposes, and the first thing the Legislature did was to increase the school tax to 15 cents on the $100—two and a half cents beyond what we had the power to lay under the constitution as it was. In addition to that great source we have recently adopted the policy of leasing our school grass lands at so much per acre. I believe the land board fixed it at not less than 8 cents per acre. From that will result a large amount of revenue from the leases for grazing purposes of these grass lands. All that goes into the school fund; and with these various resources I could not with justice and sincerity say to the Senate that Texas is not able to educate her own children, white and black. I will now be glad to hear the Senator's question.

Mr. JONES, of Florida. What I desired to ask the Senator is this: If his State was not in some sort of an exceptional condition from that of other Southern States inasmuch as on her admission to the Union she had entire control and entire property rights over the public domain of that State which no other State of the Union enjoyed?

Mr. MAXEY. Undoubtedly. I am dealing with the State of Texas, and one of the wisest and most judicious things the State of Texas ever did was to retain that which she had won by her own strong arm. That was statesmanship, sagacity. Not one acre of land in the State of Texas was ever acquired by the blood and treasure of the United States; it was won by the strong arm of Texas herself; and when she came into this Union she retained that which she of right had acquired, owned, and possessed in her own right. It was a wise thing; and out of that we have built up this splendid common-school system; and let me say more, not only have we built up this common-school system, but over and above that we have laid the foundation of the grandest university within the limits of the American Union.

We appropriated in the old congress of the republic 217,000 acres of land, which is now in the very center and heart of the best part of Texas, worth from $5 to $15 an acre; in addition to that the Legislature not long since appropriated 1,000,000 more acres of land for the university. We have established that university with a corps of professors which will compare favorably with those of any university in this Union, and it is going onward and upward, and the end will be that we shall have the most munificent endowment of any university, and a university equal in all regards to Oxford or Cambridge or to any university on this continent or Europe. And let me further say that the annual expenses are drawn from the net annual gains of the permanent fund, without at all drawing on the principal of the permanent fund, and that tuition is free as God's free air to rich and poor alike.

Mr. JONES, of Florida. I want the Senator to understand that I do not complain of the fortunate position of Texas. I rejoice that she has been able to accomplish all this. I only wanted to know if it was not the fact that she was in a more favorable position to build up her school system than the rest of her Southern sisters.

Mr. MAXEY. In reply to that I do not pretend to say that all the States of the South are so well off as Texas; but I said to the Senator from Iowa, and I repeat to the Senator from Florida, that in this particular regard I spoke only for my own people.

Mr. President, I have stated something of the resources of the State of Texas. I have other reasons which influence me outside of the ability of Texas. They may not be very good. They have controlled me all my life in my own private affairs; they do as a public man. I heard the Senator from Connecticut sitting in front of me [Mr. PLATT] say the other day during this discussion that the State of Connecticut was abundantly able to educate her own children, and he spoke it proudly, and he had a right to be proud of it. I say that the State of Texas is

able to educate her own children, white and black; and if that be true, how could I with any degree of propriety come in and ask this Government to help us when we are perfectly able to help ourselves? I can not do it.

The tendency of the times, and to my mind it is alarming, is that upon every occasion when there is trouble in one of the States, instead of relying upon themselves, upon their own individuality, upon their own independence, upon their own resources, and upon the strength of their own laws, they apply at once to Washington and ask help here. The tendency is to convert this into a parental government, a centralized power, and to strengthen this Government by weakening the States, to strengthen this Government by lessening in the people that independence which is the very bulwark and vital force of every State, the manhood and individuality of its people. That to my mind is a strong point.

Then, again, I have always felt that I would rather eat the crust of independence than the dainties of charity. I mean so as a man; I mean so as a representative. I heard the Senator from Ohio, whose State has received such manifest aid in land donations from this Government in the development of her school system, in this discussion say that he was not willing to trust the South. Well, Mr. President, there might be some mutuality about that. I say to that Senator that whenever I ask him to trust me or my people with this money it will be time to throw that up to us. I do not ask the help of this Government to the support and education of our people in this matter.

Six years ago when there was a bill pending for the distribution of the net proceeds of the sales of the public lands among the several States we were then poor, impoverished, not able to help ourselves as now. That was in, I believe, 1876, when the dark pall of financial distress covered the entire South, when land was not salable, when money was hard to get, and when we were struggling to educate the blacks as well as the whites in our country, and a bill was introduced by my distinguished friend from Vermont [Mr. MORRILL] to distribute the net proceeds of the sales of public lands for schools. I voted for it, and thought it was right to vote for a proposition of that kind.

I would do it now, because it would be simply partially placing the States on the same footing which some States already occupy by munificent land donations. But when it comes to this bill, as to the people of Texas, I say we can get along without it; we do not need it. As to Mississippi, I can not tell; I do not know. I do not know about any of the States of the South except the one in which I live, so far as their internal condition is concerned. They speak for themselves, and their votes will indicate their views in regard to this. I only speak for myself, for the State which I in part represent. Doubtless there are some people in Texas who would act differently on this bill; but I know that I am striving to represent the best interests of the State. I know that it is the wisest policy for Texas to control absolutely her school system. I know that it is her policy to educate her children to the very utmost of her ability, and I know that she is willing to do it. From the day we won our independence to this good hour we have had exclusive control of our school affairs, and there is not one State in this Union more deeply impressed with the importance of education; and for myself I say that no man in Texas is a stronger friend than I to common schools, and no man pays his school-tax more cheerfully.

In regard to the education of the colored people, about which a good deal has been said, I beg to say that I do not put it on the ground of sentimentality, and I do not go back into that compromise which was made in the Constitution between certain Northern and Middle States and certain Southern States in respect to the time when the importation of or the admission of such persons as any of the States saw proper to admit should not be prohibited prior to 1808. I do not put it on that ground. Indeed, if you will examine history right closely, it will be difficult to tell what were the various conflicting and important elements that were reconciled in order to secure a Union, and you will find that that great State of Virginia, represented in the convention by Mason, by Madison, and by Randolph, was in favor of stopping absolutely the importation of slaves. Their motives were impugned. It was said that they opposed it not because they opposed servitude, but because they made money in Virginia in that character of traffic. So it is to-day. Whatever opinions a man entertains some people will find fault with him. Those illustrious men of Virginia were honest, sagacious, broad-minded, and expressed their sincere views, and were to my mind clearly right. I do not put it upon that ground. I do not put it upon the ground of constitutionality. I put it upon the ground that the people of Texas, and I believe of every Southern State and of every State in the Union, will act wisely and do better to take care of their own schools and depend upon their own resources.

In regard to the colored people and their education, as I stated, I do not put that on sentimentality, but upon practical common sense. They are made citizens, and live among us. Both races are there to stay whether we would or no; they are entitled to vote, entitled to hold office, to sit upon juries, to be administrators, and so on, and it is a practical common-sense question that as they have these rights it is the interest of the States that these men shall be educated as far as their capacity will admit; and outside of all sentimentality on the subject, as a broad question of the best interests of the country, I say that our interest requires us to educate those people. We so regard it in Texas, and hence we have done what I have stated. We divide our money squarely and fairly, share and share alike, between the white children and the colored children for their education as well as ours, claiming only that the great division line which God Almighty has drawn shall be kept up. They educate their children on one side, and we ours on the other.

Mr. JONES, of Florida. Permit me to ask whether there was any portion of the Peabody fund expended in Texas?

Mr. MAXEY. I think so. I think that Dr. Sears, and after him Dr. Curry, distributed some of it.

Mr. JONES, of Florida. They accepted a portion of that fund.

Mr. MAXEY. Dr. Sears, the first manager of the Peabody fund, came down and distributed a portion of it, and they accepted it, and since then Dr. Curry has distributed some. I do not know that any portion of that Peabody fund came out of the pockets of the people of Florida or of any other State of this Union by taxation. Mr. Peabody made the greater portion of his fortune in England in honorable commerce, and Mr. Peabody had a right to do with his money as he pleased, without asking Congress or anybody else that I know of anything about it. When that wise-minded philanthropist made his will giving to the Southern States a certain portion of his estate for school purposes, and the distributers of that fund came to Texas, there are several places there that received their due share, and I only regret that there was not more of it; and if any other great philanthropist were to come along and be willing to endow the University of Texas or to appropriate money of his own making, without taxation of the people, to the common-school system of the State of Texas, I would say to the people, accept it, as no doubt they would, and I say that they would be right in doing so, because a man has a right to do with his own as he pleases, so he does not injure anybody; and when Mr. Peabody saw proper to dispose of his money as he pleased it is not for me or the Senator from Florida to say whether he was right or wrong or the people right or wrong in accepting it. So much for that.

I have said, Mr. President, about all that I desired to say, and only add in conclusion that I perfectly appreciate the views of gentlemen who differ with me. It is a question of expediency. I put it on that ground. I do not regard it as expedient myself; other gentlemen do, and every man should be controlled by what he regards to be his highest duty to the people he represents. I yield to no man in earnest desire for the spread of intelligence. I believe that the State is the true trustee of her own school fund, and that the people of each State are magnanimous enough and have the ability to raise the money for this great purpose.

Mr. BROWN. Mr. President——

Mr. BLAIR. Will the Senator permit me to put in two or three facts from the census that are pertinent to the remarks of the Senator from Texas before he goes on?

Mr. BROWN. I yield for that argument.

Mr. BLAIR. I would say, then, that Texas has by the census a total population of 1,591,749. Missouri has a population of 2,168,380. Indiana has a population of 1,978,301. Texas, it is claimed, has increased more rapidly than any other State, and has now substantially 2,000,000 or more, and doubtless as large a school population as Indiana or Missouri. I, however, give the figures of the census. The State of Texas expends for school purposes $753,346, or did in the year 1881.

Mr. MAXEY. In the year 1883, as I stated, our expenditure in Texas was over $1,100,000.

Mr. BLAIR. It has been largely increased, then. I take the latest general return, which gives a sum of $3.26 to each child of the school population; and after the $15,000,000 is distributed, if it should be so, Texas would have $6.66 for each one of her school population, which is only between 8 and 14 as I recollect, while in other States the ages are in some 4 to 21. That is the appropriation of Texas for her common schools, $753,346. The State of Missouri, which has no larger population probably to-day, expends $3,152,000 for the same purpose, or four times as much as the State of Texas per capita of actual school population based on the census.

Mr. MAXEY rose.

Mr. BLAIR. Permit me to get my figures in.

Mr. MAXEY. The Senator will bear in mind that the population of Texas is made up of an incoming immigration of not less than from one hundred and fifty to two hundred thousand people every year.

Mr. BLAIR. I know Texas is booming and the population very rapidly increasing. Probably it is already larger than that of the State of Missouri; but I am giving cold-iron figures here, which I commend to Senators as the basis of deduction. I was saying that the State of Missouri expended $3,152,178 the same year, while the State of Indiana expended $4,528,754, or more than six times the amount expended by the State of Texas per capita of school population.

Mr. MAXEY. The Senator had better turn now to the relative wealth of Indiana and Texas.

Mr. BLAIR. I beg the Senator's pardon. I do not understand him.

Mr. MAXEY. The amount of school tax is based on the wealth.

Mr. BLAIR. The Senator touches on a vital point of this whole debate. Texas is poor, and undoubtedly she taxes herself as largely as she is able to pay; but nevertheless the necessity of education to a Texas

child is as great as it is to a New Hampshire or a Massachusetts child. The Massachusetts child has the benefit of almost $20 per capita annually, and the Texas child only a little over $3 at the present time; and yet it can not be claimed that it is not as expensive, even more expensive, to educate a Texas child because of the lack of the plant, the facilities, the machinery to do it, all of which have to be supplied; and I do not think that the Senator quite considers all aspects of this problem in the view which he takes.

A SENATOR. They are rich in Texas.

Mr. BLAIR. I do not know. They seem to feel rich and increase in goods, but do not seem to know that they are poor and blind and naked and have need of all this, if we can be guided in these things by the figures of the census.

The necessities are greater in the Southern States, as I said before, and the capacity to pay is very much less. There is no question whatever that the masses of the people in Texas, whether the Senator perceives it or not, white and colored, want this appropriation, and I assure the Senator that he may well reconsider his position if he thinks in what he has said here to-day that he represents the people of Texas so far as this demand is concerned. In assure him that there are sources of information given to all members of the Senate, and we are not left necessarily to admit that the most authentic are those which we hear in the way of statements on this floor.

Mr. FRYE. What is the illiteracy of Texas?

Mr. BLAIR. I am talking in the time of the Senator from Georgia. I have not those figures. Look in the RECORD of the 19th and you will find it all. One thing more I wish to say.

Mr. COKE. Will the Senator permit me to say a word?

Mr. BLAIR. Certainly.

Mr. COKE. I desire to say that the State of Texas has provided a school fund of thirty-odd million acres of land in addition to three and one-half million of stocks bearing interest, beside the proportion of the ad valorem annual tax levied and collected for school purposes. The available school fund for the last year was a little under $1,200,000; it was $1,100,000 and something which was expended. This fund is growing constantly; the lands are being converted into notes bearing interest, running a long time, and each succeeding year finds the school fund greatly increased. Those lands that are not being sold are being leased for grazing purposes at from 8 to 20 cents per acre per annum. The people of the State have heretofore been rich in unavailable property in land. They have been taxed heavily, considering their available assets, for school purposes.

Mr. BROWN. I yielded to the Senator from New Hampshire. I was willing to give him time to put in his figures.

Mr. COKE. I shall be through in a moment.

Mr. BROWN. I would rather not yield longer than a minute more.

Mr. COKE. I only wanted to state what the school fund of Texas is and what it is rapidly growing to be and will be in a very short time under the enhancement of values that is going on there. The taxable values of the last year in Texas increased $113,000,000, or 25 per cent. I mention these facts to show what in a few years will be the capacity of the State for educating her children. As the Senator from Georgia will yield no longer I can not go further, as I would like to do in stating facts bearing on this subject.

Mr. BLAIR. The Senator will then permit me to simply say this: that the population and necessities of Texas are growing much more rapidly than the school fund. The school fund is now in land very largely. She has made magnificent provision for the future, but her immediate necessities are not inferior to those of almost any other Southern State; and the Senator will find that to be so if he examines the returns.

Mr. COKE. I think I know all about it.

Mr. BLAIR. One other point I wish to state, and that is in regard to the constitutional question that comes up continually. Here is the Burnside bill, the Morrill bill, the Hoar bill, including the public lands and the public money as well——

Mr. BROWN. I did not yield for a speech.

The PRESIDING OFFICER. The Senator from Georgia resumes the floor, as is his right.

Mr. BROWN. Mr. President, probably at no time has there been a more important question before the Senate of the United States than the one now under consideration. It rises above all political parties; and in what I have to say on the subject I shall certainly not intend to make any allusion to party politics which can be distasteful to any one, because I think it entirely inappropriate.

Mr. President, the ways of Providence are beyond our comprehension. When the late unfortunate civil war was commenced neither side contemplated the abolition of slavery; and certainly nobody thought that the slaves would be set free and made citizens, with all the rights of citizens. I know we did not expect it in the South, and I may say I know it was not the expectation of the Union side, because only the day after the first battle of Bull Run, or Manassas as we called it South, the Congress of the United States passed a resolution solemnly declaring in substance that it was no part of the purpose of the United States to abolish slavery in the States, but only to preserve the Union and enforce subjection to the laws.

But Providence had a deeper design, and as the war progressed it began to be developed that the abolition of slavery was a necessity to the Union. We finally reached a point where the President of the United States felt it his duty to issue his proclamation proclaiming the freedom of the slaves. He contemplated no such thing at the commencement of the struggle. At the end of it we of the South were not only required to abandon our claim to our slaves and to adopt a constitutional amendment declaring their freedom forever, but we were also required before our status in the Union could again be adjusted to vote to incorporate two other provisions into the Constitution, and clothe the emancipated slaves with all the rights of full-fledged citizens.

I say then, Mr. President, slavery was abolished and the slaves were made freemen and citizens with all the rights of citizens as a necessity of the Union. What then was the duty of the Union? If the Union took a slave from his master as a matter of necessity, and made a freeman and a citizen of him and imposed on him the obligations and duties of citzenship, I hold that it was the duty of the Union to aid in his qualification for the discharge of those duties. If that is true, then it was the duty of all the States of the Union, or in other words of the Federal Government, to take such action as is necessary to qualify these new-made citizens to exercise the functions and duties of citizens. They were ignorant; no matter whether our policy as slave-owners was right or wrong, they were grossly ignorant. When it became necessary for the purposes of the Union and the Government to make citizens of them it was a fearful experiment in their then condition of ignorance. How natural was it, then, that the representatives of all the States when they came to contemplate this danger should desire to avert it.

The danger is to the whole Union from the exercise of the ballot in the hands of those new-made citizens, who were utterly unqualified on account of their ignorance. Was it the duty in this case of the whole Union or of the States of their residence to educate the former slaves, now citizens and their children, so as to qualify them for the exercise of the rights of citizenship? Clearly it was the duty of all the States combined or of the Union, and not the duty of the States where they resided and where they had formerly been slaves. Nor was it the duty of their late owners, who by emancipation had lost their value, amounting to about $2,000,000,000. Then, if it is the duty of the whole Union to educate them up to the point of average citizens, it is right to pass this bill or some bill like this whereby the whole Union out of its own Treasury will aid in this work, and not put it upon the shoulders of the people of any one State or any dozen States where the great bulk of them may be located as residents of the different States.

There is another strong reason why this course should be taken by the Union, and it is found in the fact that the Southern States were so impoverished by the war that however willing they may be to aid this great work, they are not able to do it alone. It is not their duty unaided to do it, and if it were they are not able.

I do not care to make any issue at present with the honorable Senator from Kansas [Mr. INGALLS] on his position yesterday, that when the slave was set free and became a citizen the State lost nothing, as he was still a member of the community, whose labor went to support the State and to enhance values in the community. But there is this distinction that I presume will not be questioned: If the State did not lose its population the owners lost their property in the slaves, and when it became necessary to impose a tax for the education of their own children and the children of their former slaves, those who were then the only tax-payers and are now to a great extent *the* tax-payers, are not able, as they then were, to respond to the necessary tax. During the slavery period, when the owners of the slaves controlled their labor and made it more efficient than it can now be made, they had the means, if it had been necessary, or if the line of policy had then been adopted that we are now seeking to adopt, to have borne the tax and educated the mass; but when the negroes were set free and they no longer owned them they lost that property they had in them, and they were no longer able to pay the taxes that they could have paid before the slaves were set free; and the slaves who were set free in their poverty have not yet been able to accumulate a sufficient amount of property to enable them to pay the taxes which the owners would then have been able to pay.

Take my own State as an illustration. The year before the war the citizens of the State of Georgia gave in and paid tax on about $680,000,000 worth of property; I do not remember the exact amount. The year after the war, slavery being abolished, and all the other losses that they had sustained by the destruction of property by the armies and by other causes having been realized, their sworn returns only aggregated one hundred and eighty-odd millions, showing an actual loss on the taxable values of the property of Georgia the year after the war as compared with the year before the war in round numbers of $500,000,000.

There is this additional consideration to be taken into the account in discussing the question of our financial ability.

We in the South maintained out of our property the armies of the confederacy for the whole period of the war. We on our side, as you on your side, issued bonds and treasury notes to meet the current expenses. Ours depreciated much more than yours, because our credit was not so good. At the end of the war all the bonds and notes and obligations of every character which we had taken from the confederate

government for our property that was used during the war were ashes in our hands—they were all repudiated.

On your side it was not so. Outside of the great misfortune of the loss of life, you had sustained but little other real injury. The armies of the confederacy had not invaded to any considerable extent the territory then occupied by the Union forces. They had only on one or two occasions ventured across what we then termed the line. They had committed depredations of course, but very small in comparison with those that had been committed by the armies of the Union on what was then termed our side of the line. What was the result? You put your produce or anything that the Army needed into the notes and bonds and obligations of the Government of the United States. At the end of the war your citizens who had taken those obligations from what was then your Government had a perfectly solvent security for every dollar, and your people lost nothing of all the investments that they made at high prices for their property for the support of the armies. Our people lost all theirs by the repudiation of all their notes and bonds. Therefore our property was destroyed to the full extent of all that was necessary to support our armies for the four years of the war, and to the extent of all that was taken by the Union armies on what we then termed our territory and all that was destroyed by both armies by fire and otherwise. There again we were greatly impoverished while you were not; you have very little of that sort of loss.

Then, in addition to that, when we returned to the Union and resumed our status as States in the Union with representation we had to assume our proportion of your war debt. Of course a citizen of Georgia is just as liable to pay his part of the taxes necessary to support the Federal Government and pay the war debt as a citizen of New York is. There was, therefore, that additional burden upon us, and that even was not all.

Just before the end of the war and at the end of the war, and even after the cessation of hostilities, though before the President proclaimed the termination of the struggle, large quantities of our property, under the captured-and-abandoned-property act, as it was termed, were captured or seized by the authorities of the United States and sent North, sold in New York and other markets, and the money paid into the Treasury of the United States. That impoverished us to that extent again. And even to-day there are over $10,000,000 of the proceeds of the sale of the property, much of which, especially cotton, was seized after the termination of hostilities and after the surrender of Lee and Johnston. It was taken and sold and the money paid into the Treasury, and it now lies in the Treasury of the United States.

The Supreme Court of the United States has solemnly adjudicated the question, and determined that the Government of the United States has no title whatever to that money and holds it as a trustee. But we can not get it out of the Treasury, because there is a bar of the statute of limitations, which only ran for two years, and very few of the people of the South knew it was running till the bar was fixed. The bar of the statute of limitations prevents the owners of this money from suing in the Court of Claims to recover that which the Supreme Court admits belongs to them.

At this session, doubtless from the purest motives—I question nobody's motives, nor was there any politics in it—the Judiciary Committee of the Senate has reported back adversely a bill introduced by me the object of which was to remove the bar of the statute and permit suits to be brought for that money, with no minority report in favor of the bill.

Again, at the end of the war Congress imposed upon us what is known as the cotton tax, by which about $60,000,000 was collected from the Southern planters by a tax law since declared unconstitutional and void by the Supreme Court of the United States. That sixty millions of our money still lies in the Treasury, and the Government refuses to pay it back.

I simply recite these things to show that we were greatly impoverished. We not only lost our property in all the slaves, but we lost the property that it took to support our armies for four years, and the amount of property that was taken by your armies on what was then termed our soil for that length of time. We lost the whole of that and the other large sums I have mentioned. And we were left in a very impoverished condition.

In addition to that, the slaves were set free in our midst; they became citizens of our States; we were willing to educate them; we realized the situation. The popular sentiment at once was that, being citizens, we ought to make of them the best citizens in our power; that they could never be good citizens unless they were educated; and we went to work doing all in our power to educate them. But what could Georgia do in her impoverished condition for the education of a large mass of her own poor class of white people and the entire mass of colored people when she paid taxes on one hundred and eighty-odd millions of dollars only? It was simply an impossibility. We could not do it. At this time it is not a great deal better.

So far as the wealth the States had in the slaves, as they formerly were, now citizens, is concerned, it has not been eminently productive thus far. The figures have been quoted here again and again. There is no question about the truth of them, I suppose, and they show that from 1870 to 1880 there was a loss in the bulk of the property of the Southern States except in three. I believe Georgia, Texas, and North Carolina increased the taxable value of their property of 1870 in the return of 1880. All the other Southern States had fallen below the return of 1870. They are doing better since 1880. But except Texas there are none of the Southern States to-day that are in anything like a reasonably good condition to meet this vast responsibility.

I do not consider that we are asking charity, as some of the Senators on my side of the Chamber have said rather tauntingly of this bill, when we appeal to the Union and say the slaves were emancipated and made citizens for the benefit of the Union and as a necessity to the Union and we ask the Union now to come forward and help to qualify them for the discharge of their duties as citizens. It is not a charity, no more a charity taken from Massachusetts than from Georgia. It is the duty of each of the States to contribute her part through the Treasury of the Union to the education and enlightenment of this population.

Then I do not feel, as some of the Senators on my side of the Chamber seem to feel from the remarks they have made, that we are accepting a charity from the Northern section of the Union when the purse of the Union is opened and out of her Treasury money is paid to aid education. We ask no charity. We demand it as a right. I do not believe that you feel you are dispensing charity, nor that you expect us to feel that we are receiving charity; but we are all mutually discharging an obligation of a very high and sacred character that rests upon us. If it was right to make these people citizens—and I do not question it now—then it is right to qualify them as citizens, and to do that you have to educate them, and I say the people of the whole Union are alike interested in this question. The people of New England, or of the great West, can no more afford to have an immense mass of ignorant voters in another section than you could in your own, and you can not afford it at all.

The perpetuity of the Union and the stability of the Government depend on the virtue and intelligence of the people. The people of every section of the Union are interested in the virtue and intelligence of the whole. There is a mutual interest and a common danger.

Whenever you incorporate States and people into the Union you should do all you can to prepare them as citizens of the Union; and if they are too poor to educate themselves, and the States where they are are impoverished so that they are not able to educate them, then the preservation of the Union and its perpetuity depend upon the Federal Government making the appropriation necessary to aid in their education until they can educate themselves.

I do not say this ought to be permanent. I do not think so. Here is now a great emergency. We are in the midst of it, and we only ask for help until the emergency is past. Make the appropriation until we have reached the point where by loading ourselves with taxation as heavily as other States of the Union to educate the mass we may be able to do it. Then we will take the burden, and take it very cheerfully; but you must bear in mind, Senators, as has been stated to you over and over again by the statistics presented by the chairman of the committee [Mr. BLAIR], whose course in this whole struggle has been able, liberal, and just, that the Southern States to-day upon the taxable property owned by them are taxing themselves as heavily for the education of their whole population as any of the Northern or Western States are. The Senator from New Hampshire has read to us from statistics over and again the statements that verify what I have just said.

And let me tell you, furthermore, that the popular sentiment in the Southern States requires the education of the children of both races. There are some exceptions to the rule, but I speak of the mass of the people when I say that they are for general education and enlightenment. As the colored people are now citizens, having equal legal rights with us, let us give them, say our people, all the advantages of citizenship and prepare them to make the best citizens possible. That, in my judgment, is the proper view. That is the view, I believe, of a large majority of the white people of every State in the South.

Then we only appeal to you to take upon your own shoulders your just part of the burden during this emergency. Is it unreasonable? I think not. I have said that we are willing to do all we can for their education.

Now, I want to refer to a fact that I think ought to be sufficient evidence of the truth of this statement. During the last scholastic year there were raised in the Southern States, in round numbers, $13,000,000 for educational purposes. Of that $13,000,000 the white people paid a little over $11,000,000 and the colored people not quite $2,000,000. In the expenditure of it there were a little over $5,000,000 paid by the white people which went to the education of the colored children, and not quite $6,000,000 to the white children. Therefore nearly half of the tax paid by the whites, over a third of it considerably, went to the education of the colored children; and for every dollar that the colored population paid in taxes they got back nearly $3 in school fund or tuition. I think this is evidence that we are doing the best we can for their education, that we are not trying to oppress them, that we are not trying to trample them down.

I know there has been an agitation in some of the States, and probably the law has been in force in one or two of the States, that the

colored people should be required to educate themselves; in other words, that their children should be educated only out of the taxes paid by them. That would be, on the part of the States there, the same repudiation of the obligations of the State to aid in their education that it seems to me it would be on the part of the Union to refuse aid to the extent I have already mentioned. But we have not done so.

Mr. HARRISON. Will the Senator from Georgia allow me to ask him to name those Southern States where the law is as he has just stated?

Mr. BROWN. I say I have been informed—I am not sure that I am right—I have understood that the State of Kentucky formerly had that rule and has repealed it, and that now——

Mr. HARRISON. I understand it has not been repealed; though the Supreme Court has decided it to be unconstitutional it still stands on the statute-book of Kentucky.

Mr. BLAIR. It is in process of repeal by the Legislature, so I have been informed.

Mr. BROWN. That was my information. I thought the bill had been passed.

Mr. BLAIR. I can not state the exact status of it. I think one house has voted to repeal it. My informant is an intelligent gentleman. The fact may be that they keep an unconstitutional law on their statute-book.

Mr. HARRISON. Until they adopt some other basis it still stands as representative of the sentiment and opinion of their Legislature.

Mr. BLAIR. There is only Delaware besides Kentucky where the distribution is not equal.

Mr. BROWN. I was just going to state that I understood there was only Delaware——

Mr. WILLIAMS. Will the Senator from Georgia allow me?

Mr. BROWN. Certainly.

Mr. WILLIAMS. The law of Kentucky devoted the whole of the taxation of the colored people to the education of their children. There then go to that fund certain fines and penalties. After the court decided the law unconstitutional the commissioner of education distributed the fund to the colored schools as well as to the white, and there is a bill now pending in the Kentucky Legislature to repeal the law. That is the condition of it.

Mr. BROWN. I was simply going to make this remark: Admitting that the State of Kentucky and the State of Delaware have both had that law, I do not believe Delaware was on our side in the great contest. I have no recollection of the Delaware regiments in the Southern armies. And if my memory serves me right Kentucky had a very divided jurisdiction at that time.

Mr. SAULSBURY. The Senator will allow me a moment. I believe the law of my State does appropriate every dollar raised from the taxation of colored people to the education of colored children. In addition to that, the very last Legislature appropriated out of the State treasury an additional sum of $5,000 to the colored schools of the State, and besides the taxes raised there are certain receipts from licenses and things of that kind that go into the fund.

Mr. HARRISON. The Senator is sure that all the tax collected from the colored people of Delaware is applied to the education of colored children?

Mr. SAULSBURY. That is the law.

Mr. BROWN. With the permission of the Senators I will now proceed.

I believe I may justly say, then, as the result of the explanations, that no one of the Southern States that was recognized by the Government to be in rebellion during the war has passed any law discriminating against the colored children. They have put all upon an equality, colored and white. They have not put them in the same school-houses, nor do we think it will ever be their interest to do that. The colored race themselves did not ask it in Georgia. But a colored member of the Legislature of Georgia introduced an amendment to the educational bill that the schools should be forever kept separate, and it was adopted. And at the same time a white member followed with another amendment that the colored race should always have their fair and just proportion of the common fund raised for that purpose, and we have never had any difficulty on this question in my State. We have none to-day; there is no misunderstanding on the school question between the two races in Georgia. In my own city of Atlanta, where we tax the people of Atlanta to support the public schools and the teachers are paid out of the treasury of the city, we have very handsome buildings for the colored children as we have for the white, and we pay the teachers of all of them out of the treasury, and open the door to every child, white and colored. That is the feeling in my State; I believe that is the feeling generally in the Southern States. But when we have done all that we can do in that line, we are not able to educate the children as they ought to be educated. We are not able to do for them what is necessary to be done to make them such citizens of the United States as they ought to be when they grow up. Now, I think I may justly appeal to Senators who were on the other side of the line when we were at war with each other and say, "Come and help us until we have passed this emergency and until we have enlightened these people, and then they can help us by taking their own place as part of the intelligent population, and we shall then have no trouble about taking care of ourselves in the future." We are interested in this great result. You are equally interested.

Now a few remarks on the constitutional question in this case, and I shall close my argument. It has been gravely questioned on this floor whether the Congress of the United States has the power under the Constitution to make an appropriation of this character. If we have not that power, however oppressive it may be on the Southern States to make provision for the education of the colored children as well as their own children and however great the misfortune to the Union may be if we should fail to make it, still we have no right to do it unless we can find the grant in the Constitution.

I know that those of us who are strict constructionists have seldom been willing to admit that we find the authority for anything under the general clause for the promotion of the general welfare. I believe I never heard any one who belongs to my school of politics admit that a particular power fell under the general-welfare clause. If no other power falls there, then as there is nothing that I am aware of which can do so much to promote the general welfare as the general diffusion of knowledge I am willing to put this under the general-welfare clause, and say that if the framers of the Constitution meant nothing else by that clause, they did mean that Congress might make appropriations for the education of the people to prepare them for the exercise of the rights of citizenship. Under that clause I think I am justified in this statement by the action of the fathers of the Republic who framed the Constitution. They surely knew what they meant, and they were men of that character for integrity and honesty of purpose that they would in no case have willfully violated that instrument.

In his first annual address, as it was then called, President Washington said:

> Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burdens proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy but temperate vig lance against encroachments with an inviolable respect to the laws.
>
> Whether this desirable object will be best promoted by affording aid to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

Again, he says in his eighth annual message:

> I have therefore proposed to the consideration of Congress the expediency of establishing a national university and also a military academy. The desirableness of both these institutions has so constantly increased with every new view I have taken on the subject, that I cannot omit the opportunity of once for all recalling your attention to it.
>
> The assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and education.
>
> True it is that our country, much to its honor, contains many seminaries of learning highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge for the institution contemplated, though they would be excellent auxiliaries.
>
> Among the motives to such an institution, the assimilation of the principles, opinions, and manners of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of government. In a republic, what species of knowledge can be equally important, and what duty more pressing on its Legislature than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country?

Mr. Jefferson also has something to say upon this question. In his sixth annual message he says:

> The present consideration of a national establishment for education particularly is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a *donation of lands*, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent of war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

Mr. Madison, in his eighth annual message, says:

> The importance which I have attached to the establishment of a university within this District, on a scale and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress.

President John Quincy Adams, speaking on the same subject, says:

> Among the first, perhaps the very first, instrument for the improvement of the condition of men is knowledge; and to the acquisition of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory as living he was first in the hearts of our countrymen, that once and again in his addresses to the Congress with whom he co-operated in the public service he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war—a national university and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point he would have enjoyed the gratification of his most earnest wishes. But in surveying the city which has been honored with his name he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for a university still bare and barren.

These high authorities had none of the scruples that we now entertain on the subject of State rights when they thought of the education and enlightenment of the people. They considered knowledge the most essential thing, and they seemed to consider it appropriate for Congress to interfere and found a great university for the whole country and other seminaries of learning. If they took that view of it at so early a day after the formation of the Constitution, why should we now scruple so much about it? It seems to me there is no room for constitutional trouble on this question.

Mr. MAXEY. Will the Senator from Georgia permit me to interrupt him there?

Mr. BROWN. Oh, yes.

Mr. MAXEY. The Senator from Georgia will find by referring to the debates on the Constitution that the subject of a university in this District was specially named, and it was passed over with the single remark I believe of Roger Sherman that the exclusive jurisdiction over the ten miles square carried with it the right to establish a university. That applied alone to the fact that Congress had the exclusive legislation and power here.

Mr. BROWN. Yes; but in establishing the university there was a little more than that necessary. It had to be supported; and Mr. Jefferson suggests that instead of doing it by money they do it by donations of the lands of the Union. It seems his scruples were not in the way when it came to appropriating lands for the endowment of the university; and I think there is no Senator here who can draw an intelligent distinction between the appropriation of the public domain which is the property of the Union and the appropriation of money which is the property of the Union for the endowment of a university or for the support of the cause of education.

Mr. MAXEY. If the Senator will permit me, the distinction which I think was drawn was that in all the States, as a matter of course, each Legislature legislated for the State; but in the District of Columbia (it is now called the District of Columbia, but was not then), in the ten miles square, Congress was the Legislature exclusively for that ten miles square, and within that it had a right to establish a university.

Mr. BROWN. The Senator from Texas is right as to the exclusive jurisdiction of Congress over the District of Columbia, where it was proposed to locate the university. But he seems to forget that it was to be supported out of the lands or the money of the United States. The only trouble about the position of the Senator from Texas is, that his is not the view presented by General Washington, Mr. Madison, Mr. Jefferson, and Mr. Adams. They took a broader view of it.

Mr. MAXEY. It was the view in the debates of the convention.

Mr. BROWN. If it was the view of the convention at the time they were making a constitution, it seems that they had carefully considered the instrument after it was adopted as a whole, and they were not afraid to make the appropriation lest they would violate the Constitution. They certainly believed Congress had the constitutional power to do what they recommended and urged it to do.

I do not care to go over any of the authorities read and so ably commented on by the honorable Senator from Arkansas [Mr. GARLAND] yesterday. I think he presented the case so conclusively that there will hardly be doubt about it. I only wanted to read in connection with what was so well said by him these utterances of the earliest Presidents of the United States, who had the highest confidence of our people, to show what their opinions were on this question.

There is one other single view, however, that I will refer to. Under the Constitution of the United States provision is made that "the House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." That is the original Constitution. Then the fourteenth amendment makes this additional provision:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Under those provisions of the Constitution the Congress of the United States has taken upon itself to enact laws to protect the voter in elections for members of the House of Representatives. They have assumed that they have the authority to protect these citizens of the United States in the right of voting and in the free exercise of that right according to their own will and wish. Those statutes passed by Congress have come before the Supreme Court, as in the late Kuklux cases from my own State, and the power has been fully sustained by the court of last resort. If, then, the Congress of the United States has the power to pass laws to protect the voter in his right to vote and even to send men to the penitentiary who punish the voter for his vote after the election is over, as the Supreme Court held when it decided that the law was constitutional, surely Congress has power to pass laws to aid in the education of the voter, so as to enable him to cast his vote intelligently.

If Congress has power to protect the voter in the free exercise of the use of the ballot, it must have power to aid in preparing him for its intelligent use. And without educating the voter, without giving him that knowledge which General Washington speaks of as indispensable, without preparing him to understand the use of the ballot which he is casting—without, in other words, preparing him for the duty of citizenship, he can not be a citizen, at least not a useful citizen. He can not be a voter—a safe, intelligent voter. If, then, his condition without education is not that of a safe, intelligent voter, and we protect him so amply in the exercise of his right to cast the ballot, have we not a right to prepare him to read and to write his ballot and to cast it intelligently? It seems to me there can be no doubt on the question. I am, therefore, very clearly of the opinion that there is no constitutional difficulty in the way of the passage of this bill.

Now a word in reference to Texas. My friend from Texas [Mr. MAXEY] has interrupted me a time or two, and I am always willing to hear him.

Mr. MAXEY. I beg the Senator's pardon.

Mr. BROWN. It is no interruption that I complain of. I envy his situation. All the Southern States may well envy the State of Texas, and the Southern Senators may well envy the Senators from Texas. You have a magnificent domain, larger than the Republic of France, larger than the Empire of Germany, one over which a man may travel nine hundred miles in a direct line and still be within the jurisdiction of the State of Texas. That magnificent territory is all your own, and you have had the wisdom to appropriate it to the purposes of a university and free schools and the education of your people. I admit you are independent. With from thirty to forty million acres of land to be applied to this great purpose of education in addition to what has already been done, I know of no power on earth so independent. I congratulate you, and I am only sorry that Georgia has not the same independence and the same important advantages. If you do not need this aid, you know your Southern sisters do need it. If you are enriched by this immense territory, we were impoverished by the causes that I have already mentioned, and while I know it is a matter of no concern to you in dollars and cents, yet as a State in the Union, and as I said in the outset the slaves having been set free as a necessity of the Union, you should, it seems to me, be willing to come up and do your part in meeting the obligation that rests upon the Union to prepare those people who were made citizens for the preservation of the Union for the exercise of intelligent citizenship in the Union.

Mr. SHERMAN. Mr. President, a remark made by me in the commencement of this discussion has excited some comment from Senators on the other side of the Chamber, and I think it proper for me now to answer them briefly and to state a little more explicitly my view in reference to this very important subject of the education of the illiterate children of the United States.

At the close of the war there was a universal feeling throughout the Northern States that it was the duty of the National Government to aid the Southern States in the education especially of the freedmen of the South. I believe that every man who participated in the policy of emancipation as declared in the thirteenth amendment felt that it carried with it the duty of fitting that population for the exercise of civil and political rights; and I believe (I say it as broadly as any Senator can express it) that it is the bounden duty of the United States to aid the Southern States in the education of this class of population. Whatever might have been said or could be said in regard to the origin of slavery and as to who was responsible for it, we all admitted that as the result of the war there was thrown upon the people of those States a burden which they could not fairly be called upon to bear alone, and that large population of four or five million people, ignorant, uneducated, from the nature of their condition after centuries of slavery totally unfit for self-government, in the outset, should be educated and should be placed in a position where they could exercise, with propriety and safety, civil and political rights.

That was the universal feeling throughout the Northern States. It was not the expectation or design at the close of the war to interfere in the slightest degree with the power of the Southern States over the question of suffrage within their borders. Nothing is clearer from the debates of Congress at that time than that the power of the States given by the Constitution of the United States to prescribe who should vote in each State was to be left to the States unimpaired. Therefore, in the fourteenth amendment, which was the landmark, the groundwork of reconstruction, which I believe was more wisely and carefully considered than any proposition in regard to reconstruction, the right of the Southern States and of all the States to prescribe who should be voters within their limits was plainly not granted because it existed, but recognized, and the power of those States to determine who among their people should vote was clearly acknowledged.

There were two or three things which occurred about that time which cast their shadow upon all our future history. The first and most important of all was the death of Abraham Lincoln by the hand of an assassin. Everybody is intelligent enough now to appreciate how grave a misfortune that was to the people both North and South, because if Mr. Lincoln had lived, with the strong affection that existed for him in the North and I believe with the kindly regard that had sprung up for this man of wonderful character in the South, there was a feeling that he would be a kind of arbiter or middle-man between the passions excited in the North and the South, and that he probably would point out the way and be the guardian and the guide of the two sections wasted by civil war, and bring about some good and wise measures of reconstruction. But he was carried off by the hand of an assassin.

Then I hope I am not trenching upon politics when I say that the unfortunate temper and quarrel of his successor, the sudden change made in the policy of Mr. Johnson from what he had said in speeches to what he did afterward, undoubtedly exercised a very bad influence both in the North and in the South. In the South it excited a hope that the reasonable safeguards demanded by the North could be safely rejected by that section. In the North it excited the feeling of strong resentment and antagonism.

I have no doubt that those two events added greatly to the difficulties that fell upon Congress after the close of the war.

Then I ought to add what was, I think, rather the consequence of the course pursued by President Johnson, the unfortunate laws, as they were called, passed in many of the Southern States, which practically reduced the colored race in the South to a condition of servitude. Many of the laws under which they had been accustomed in the South to deal with those people as slaves were perpetuated. While they recognized that slavery was abolished, yet many of the incidents of slavery were kept up and passed into law and were enforced in nearly all the Southern States, especially in the cotton States. This created in the North a feeling of bitter antagonism, for those laws were read in every part of the United States, and excited a strong feeling against the South, checking that kindly flow which followed the close of the civil war.

Those laws were regarded as an outrage on the part of the South, and therefore the Northern sentiment came gradually to the conclusion that there was no other safeguard to the freedman of the South except to arm him with the ballot. I know with what reluctance the Republicans of the Northern States came to the conclusion that there was no other way to deal with the question of the negroes in the South except to arm them with the suffrage. I know how I felt myself, and I know how the common expression here was that in consequence of those untoward events we felt that there was no half-way house, that there was no way short of conferring upon the colored man of the South the right to vote, believing, as we then thought, that that would be the great safeguard by which he could protect himself in the enjoyment of civil and political rights.

This was the controversy and these were the troubles that came upon us. Then came the adoption of the fifteenth amendment. Whether that was a wise measure or not time alone can tell. I shall not pass judgment upon it; the future must pass judgment upon it; but the immediate effect of the passage of the fifteenth amendment upon the Southern States was to excite a strong feeling of hostility against the vote by the negro and to create great excitement. That was manifest. They feared what they called in common parlance "nigger rule," and that the effect of that amendment would be to place over them the power of an uneducated class of people who had no opportunities of education, who were confessedly not able, from the want of education and intelligence, to rule or govern themselves, much less the people among whom they lived. And it was this excited feeling in the South that led them in the first place to organize to prevent the natural result of the fifteenth amendment. Although the constitutional provision was adopted giving to the negro the right to vote, yet they were determined by one means or another to prevent the negro from exercising this political power. Sir, it is the strong feeling in the Northern States that the South had so organized itself in the course of three or four or five years by such agencies as the Kuklux klan as to prevent the exercise of this right by the colored people that has kept up the excitement from that day to this.

I merely mention these as historical facts, without at all arraigning any section or any party of men.

Now, Mr. President, after this has passed over, we come still to the question as to what it is the duty of the National Government to do in respect to the education of these colored people. I said a moment ago—and I repeat it now with full reflection—that I do not think the United States when they come to deal with this matter ought to trust the settlement of the important questions that grow out of this new policy to the action of the people of the Southern States, because the force of prejudice, the force of education, is so strong and potent, even on the minds of the most intelligent men, that I do not think the United States would act wisely in conferring upon the Southern States absolute power over education and the expenditure of the money involved in it. I say this not in any feeling of unkindness to the people of the South, but from a deep conviction that owing to the prejudices of race, owing to the influences of slavery still darkening their minds, and which probably will darken their minds for two or three generations, they can not be left alone to decide how and in what manner the money to be appropriated by Congress for the education of the illiterate shall be applied.

It was in that view, and only in that view, that I said the South could not be trusted with the disposition of this question. I think so still. I think it is a question that we ought all to participate in. The policy and mode should be pointed out clearly by Congressional law, so that the object to be accomplished by the United States may be fixed, not by the law of any State, but by the judgment of the representatives of the people and of the States.

Now, Mr. President, let me go a little further and see what is necessary. This bill is reported to us, it seems to me, without sufficient information communicated to us. This bill turns over to the Southern States, where the illiteracy mainly prevails and for the relief of which this measure is mainly devoted, this whole subject to be dealt with by the laws of the States. What are the laws of those States? Take the first year's $15,000,000 appropriated as it is appropriated by this bill, giving, say, to Alabama $1,000,000, and so to the States in proportion to illiteracy. It is to be seen by the distribution that nearly all this goes to what are called the Southern States. Between eleven and twelve million dollars out of the $15,000,000 are given to those States. That is right. Why? Because the evil we are to deal with, which threatens the very safety and existence of the National Government, is the presence of an illiterate population prevailing largely in those Southern States. In the North no aid of the National Government is really needed anywhere. No bill would be introduced in Congress with the expectation of aiding the Northern States in educating their people, because it is not necessary. This is an immediate evil that affects not only the people of the South, but the people of the whole country—the evil of the remarkable illiteracy in all the Southern States.

Now, what is it that this bill seeks to aim at? It is to remove by gradual degrees the illiteracy of the people of the Southern States. As a matter of course the law must be made general in its terms; but the object aimed at is to enlighten this great mass of ignorance that is admitted to prevail in the Southern States. Ought not Congress when it votes this huge amount of money, amounting by this bill to one hundred and ten or one hundred and twenty million dollars——

Mr. BLAIR. One hundred and five million dollars in ten years.

Mr. SHERMAN. One hundred and five million dollars in ten years. Before it commences to appropriate this large sum of money Congress ought to see that the money is to be properly applied to remove the evil complained of; that is, illiteracy in the Southern States; but instead of that the bill proposes to turn over the money to the Southern States themselves. Well, sir, it is right that this money should be expended in the South. The General Government has no agency to carry on a school system in the Southern States.

Mr. BLAIR. Will it interrupt the Senator for me to state——

Mr. SHERMAN. I would rather that I should be allowed to go on. Look at the laws of the States, and see what would be the disposition of the money if the bill passes. I am told the laws of most of the Southern States are similar. I have here the general laws of South Carolina to show how they would distribute this money. I do not complain of the laws; I simply refer to this one that is now the existing law in the State of South Carolina. I believe similar laws are in many of the States in somewhat different language. In this law of 1882, the latest law, it is provided:

SEC. 1008. Each county board of examiners shall divide their county into convenient school districts for all purposes connected with the general interests of education, and redistrict the same whenever, in their judgment, the general good requires it. Every school district organized in pursuance of this chapter shall be a body-politic and corporate, &c.

I want to come to the provision in regard to the distribution. Section 1002 of the general statutes of South Carolina provides:

He shall—

Speaking of the county school commissioner—

annually, on the 1st day of February, or as soon as practicable thereafter, apportion the income of the county school fund among the several school districts of his county in proportion to the average number of pupils attending the free public schools in each district, and he shall certify such apportionment to the county treasurer.

Suppose $700,000 is apportioned to the State of South Carolina, will that be applied to educate the illiterate? Not at all. It will be apportioned according to the number of literates, if I may coin a word.

Mr. BLAIR. I think the Senator will allow me to interrupt him now?

Mr. SHERMAN. Yes.

Mr. BLAIR. The bill provides explicitly in its terms, as a condition to their receiving any money the second year or any subsequent year, that the money received from the General Government shall be distributed without reference to race or color and in such a way as to equalize the school privileges of all the children throughout the several States where the expenditure is made; and if, under the operation of local laws, there is any discrimination, a natural consequence of the actual result, this money must be used in such a way as to equalize the actual school privileges of all the children throughout the State.

Mr. SHERMAN. That does not answer the point. This law makes no discrimination on account of race, color, or condition. Therefore the State of South Carolina does not affect in the slightest degree the general principles of the bill that is proposed.

Mr. BLAIR. The Senator will permit me to say that if under the law he quotes there is no discrimination then there is no evil in the laws of South Carolina.

Mr. SHERMAN. That is not so either. There is no discrimination on account of race or color, but there is a discrimination which would give to those who are now being educated all the money.

Mr. BLAIR. Why, sir——

Mr. SHERMAN. Do not interrupt me.

Mr. BLAIR. I have no right to interrupt the Senator, of course, but we usually submit to interruption when we think there may be a misunderstanding.

Mr. SHERMAN. I will hear the Senator.

Mr. BLAIR. I will not decline the privilege of repeating what the Senator seems to have misunderstood the first time I made the explanation. He is making this point against this bill that the distribution to the several States will not be an equal distribution, and he is citing or purporting to cite from the laws of the State of South Carolina to show that there is discrimination or unfairness in the practical operation of those laws, and he goes on with the proposition that this bill adds to the evil, whereas the express terms of the bill provide that if there is an evil in the State of South Carolina or in any other State in the distribution of the school money, this money shall be so used as to equalize the privileges of all.

Mr. SHERMAN. Now, Mr. President, I will go on and say again that this law of South Carolina, although it may not be in harmony with the object we desire to have, to provide for the education of the illiterate, yet makes no discrimination on account of race or color. It does not violate the terms of your bill. I complain that this bill does not carry out the idea we all have in view. What we want is to educate the illiterate, not to add to the fund for the education of those who go to school now.

I am told another thing (and there if I am wrong I appeal to the Senator from South Carolina to correct me), that under their system of common schools they have been mainly established in towns where the population is larger.

Mr. BUTLER. The Senator is entirely mistaken.

Mr. SHERMAN. I take the correction; but I am told by those who are familiar with the matter that the fact is so; and I have the report of the superintendent of schools, in which he says expressly that on account of the deficiency of the fund the schools have been mainly established in the centers of population, and that they are gradually and rapidly extending them as much as they can to other parts. At present the only rule of apportionment of the money that is voted by the State of South Carolina is according to the number of children that go to school in the year preceding. That is the rule, and the apportionment, therefore, is made on that basis, and not on the basis of illiteracy. It seems to me that that is an unjust provision.

I might take up the laws of other States and show that if this bill passes the money will not under the terms of those laws reach the evil; it will not provide for the illiterate people of the South; it will only go to swell the fund now distributed and used for a different purpose.

Mr. President, I am in favor in the broadest terms of voting money from the national Treasury to educate the illiterate children of the South and of the North as well, because no discrimination should be made; but whenever that is done it ought to be upon certain principles, each of which, when I state it, I believe every Senator will concur in.

First, the United States should co-operate with the several States in educating the illiterate children of the United States. That is partially recognized in the bill pending in the House of Representatives and which has now been reported from a committee there, which contains the very amendment proposed by the Senator from Indiana almost in the same words. Let me look at that bill. The bill reported to us only requires one-third of the amount that is appropriated by the National Government in any State to be expended by the State. That is, if $750,000 is given to a State only $250,000 need be expended by the State for general school purposes. In other words, the State is only bound to apportion one-third of the fund we appropriate or one-fourth of the whole aggregate. The bill reported in the House of Representatives goes upon a different principle. It provides—

> But no State, after the first appropriation under this act, shall receive under its provisions a greater sum than such State shall have expended during the previous year for like purposes of public instruction from moneys raised or appropriated in said year by State and local authority—

So that the House bill reported from the committee of the House contains the very provision offered by the Senator from Indiana which is now pending here as an amendment to this bill. This bill contains no such provision. It only requires one-third of the amount to be appropriated without any control whatever over the appropriation.

But that is not all. When this measure is adopted it ought to be founded upon some fundamental principles, the first, as I said, being that the United States should co-operate with the several States in educating the illiterate in the several States. That is admitted. Then I say that the disbursement of this fund should be made by the State. I have no doubt of that. As I said a moment ago, the National Government has no machinery to carry on a system of schools in the Southern States. We must therefore depend upon the States themselves to disburse the money. But here I differ with the Senator from Missouri entirely. The United States when it appropriates money selects an agent to disburse this money of its and may make conditions. If the United States have the right to appropriate the money, they have the right to say upon what conditions the money shall be expended. If they say we will aid the South or the Southern States to educate their illiterate children, then the United States have the power and the right to set out the principles and conditions or limitations of that grant. The greater includes the less; and if the power is given to make these appropriations at all, the power is also given to say for whose benefit the money shall be expended, how it shall be expended, where and when and how apportioned, and for what purposes. That is as clear a proposition as can be shown in Euclid or any other mathematical work.

I say, therefore, that if any money is appropriated by the United States it should be upon conditions that will insure the application of that fund to the impartial education of all classes of illiterate children. In my judgment this bill does not do it. This bill does not set out the conditions upon which this money shall be received and paid to the States. I believe Senators will agree with me that among these conditions there should be a contribution by the several States of a certain proportion of money to be expended by each State for the same purpose. That is attempted in this bill, but it is not so well guarded as in the House bill.

Second, I say that the allotment by the State among the several geographical portions of the State shall be according to the number of illiterate children in such portions of the State. As a matter of course, to add to the general fund of the State without making provision for the people that we desire to educate would be a very unwise provision; and therefore this bill whenever it passes should provide for the allotment or distribution of this fund among the several geographical divisions of each State in proportion to the illiterate children in those geographical divisions. Take the State of Alabama, which would get the benefit of an appropriation of $1,000,000 the first year under this bill. That money should be divided among the counties and townships of that State, so far as the census takes notice of geographical divisions, according to the illiterate people in the several divisions. In the southern belt of that State where the great mass of the colored people live more should be granted out of this general fund, because there are more illiterate children in proportion to the number of people in those counties, while in the northern counties, especially the manufacturing counties where manufacturing is springing up rapidly, the allotment should be less, just as in Ohio where we have only about 2 or 3 per cent. of illiterate people we do not expect to get any of this fund, but wherever illiterate people live the money ought to go into that region for the purpose of educating them, and the State should be so far controlled in the dispensation of the money as to see that that distribution is fairly made.

Third. Such control over the appropriation by the United States should be secured as will insure the fair and just application of the money so appropriated. Sir, when you authorize any officer of your Government to disburse public money, you state for what purpose it shall be disbursed; you control his discretion; he is simply the executive of your will; and if money is appropriated to these States, the States are the simple agents of the National Government to distribute, not their money, but the money of the General Government; and so far as this appropriation is made that money should be controlled in the principles of distribution and in the purposes of its expenditure by the bill itself, by the action of the General Government, and not be left to the States.

Fourth. The appropriation should be annually made like other appropriations, but upon a general policy clearly defined in the bill. There is no object for, in a bill of this kind, making permanent appropriations, as they are classed. You can not appropriate for the Army for over two years; and here you appropriate for an object for ten years, without knowing what the ten years will bring forth. If there is any principle of our Government well established in practice and that has been adhered to with great tenacity by the old Democratic party in former times, it was that the only safety for the Government was to have annual appropriations, so that each year the disbursement of the money should be brought under the eye of the legislative authority.

Mr. FARLEY. Is not that sound doctrine?

Mr. SHERMAN. It is, and that is what I say now.

Mr. BLAIR. The bill is amended in just that particular. It provides by a section that it may be repealed at any time.

Mr. SHERMAN. In other words, it requires the President and the Senate and the House to agree on a change of the policy. Why should not this appropriation stand like the appropriation for the salary of the President or the judges of the courts? We will not appropriate for two years in advance the salaries of the judges.

Mr. BLAIR. The Senator will allow me to answer the question which he has put. The Senator must see and the country must understand that if this large appropriation for the immediate expansion and support of the common schools of a great section of the country is to be made at all, there must be a declaration of a permanent policy or a policy that is to be continued for some definite period of time. Otherwise what encouragement has a State to expend the first year's allotment in such a way as to lay the foundation of an establishment that may be starved to death by the failure of the appropriation the very next year? If the National Government is to pour into the Southern or any other States practically the same amount which they are now expending, or approaching the same proportion, to establish a system of schools, and there is no declaration of policy that it is likely to continue for any length of time, they may find that the second year there is a failure of that which they have relied upon, and the consequent prostration, demoralization, and destruction of the schools.

Mr. SHERMAN. On the same reasoning we should not refuse to make an appropriation for twenty years for the Supreme Court of the United States, because, forsooth, we may some year withhold appropriations to carry on that great department of the Government! Why is it that annual appropriations are provided for? Is it from a doubt that Congress will provide the necessary means to carry out an established policy? Not at all; but it is because each appropriation should be made annually, so that its expenditure may be constantly brought under the surveillance of the legislative power. Therefore we refuse to appropriate for any purpose for more than one year. It is easy to declare a policy. This bill may declare that it is the intention of the United States to aid and assist the several States in educating the illiterate people of the United States, and that is a sufficient declaration to justify a faith that it will be done; but the appropriation should not be made in advance for a series of years. We can not tell what may come this year or next year. We have no right to legislate for the future. We can only legislate for ourselves, and during the brief period for which we are selected as Senators and Representatives. Future legislation must depend on those who come after us. If a policy is declared in this bill to aid in the education of the children of the South, we must expect that those who follow us will be as patriotic and as wise as we are, and will, so far as the means of the Government will allow, make these annual appropriations from time to time.

This I do not regard as a fatal objection to the bill, but it is an objection that ought to make us pause, because it is in the face and in violation of established principles of the Government recognized by all political parties.

Now, Mr. President, I do not wish at all to comment upon this bill, but I will say that the House of Representatives have——

Mr. BLAIR. I must call the Senator to order. I myself have too often been reminded, and so have other Senators, I think, by the honorable Senator himself, that this sort of language is contrary to the rules of the Senate. He has already alluded to the contents of a bill pending before the House, and he escaped being called to order.

Mr. SHERMAN. Well, Mr. President, there is nothing to prevent me from reading from any document that I choose to present here.

Mr. BLAIR. That may be possible, but I doubt that even. Certainly the Senator has no right to designate what it is for the purpose of influencing legislation at this end of the Capitol.

Mr. SHERMAN. Mr. President, I find here in a paper before me some wise provisions to which I respectfully call the attention of my friend from New Hampshire, and he can find out where they come from.

Mr. BLAIR. I have read the instrument. The Senator does not need to read it for the information of his friend from New Hampshire.

Mr. SHERMAN. Then I will read it for the information of others.

Mr. BLAIR. That may be.

Mr. SHERMAN. I was not so happy as to know that this existed until recently.

SEC. 3. That before any State shall be entitled to receive its share of said fund it shall have complied with the following conditions:

Here are conditions imposed upon the grant. I call the attention of my friend from Missouri to these conditions:

First. That it shall have provided by law, either general or local, for the free common-school education of all its children of school age, without distinction of color, for at least three months in each year, from the funds provided for schools under the laws of said State.

That is, it requires before they shall use our money that they shall show what they have done with their own money. That is stretching the State-rights doctrine a good deal, that they shall have done so and so by the laws of their own State, and shall show how they have expended the money.

*Provided*, That separate schools for white and colored children shall not be considered a distinction of color.

Second. That no part of said fund shall be expended, directly or indirectly, under any pretense whatever, for the purchase, erection, preservation, repair, or rent of any building or buildings, or for sites or lots for the location thereof, or in paying the salary of any public officer or other person not engaged in teaching.

Third. That it shall have caused to be made such reports to the Commissioner of Education concerning the condition of its schools, on or before the 1st day of August in each year, as said Commissioner of Education, under the direction of the Secretary of the Interior, shall deem desirable; and shall especially report for each county as follows—

Here is the information given by geographical divisions—

The number of public schools of every grade; the whole number of days actually taught in each during the year preceding—

And so on; a bill of minute directions as to what information the State shall furnish and as to what conditions it has complied with.

Fourth. That it shall have applied all moneys by it previously received under the provisions of this act in accordance therewith.

That seems to me a wise thing. What I am willing to do is to vote this year a general declaration of policy, that it is the purpose of the United States to aid and assist to the extent of its ability from time to time in the education of the illiterate classes of the whole United States upon the basis of illiteracy, if you please, and to appropriate a sum of money upon certain conditions well defined, even more carefully defined than in the paper that I have read to you. If those conditions seem to be just and right, I am willing to go as far as the farthest to remove this blight of illiteracy from our country wherever it exists. I recognize broadly the duty of the National Government; I think the safety of the National Government demands that we should remove this dark cloud of ignorance that rests upon a portion of the people of the States. Without reproaches to any section, without going into the past, I am willing as one of the Senators from Ohio—and we do not need any aid in support of our common schools; we appropriate over $7,000,000 annually in aid of education, besides aiding in maintaining a number of colleges and higher institutions—I am willing to vote from the National Treasury a large sum of money this year, and from time to time as long as the necessity exists a liberal sum of money, to aid in the education of the illiterate children of the Southern and Northern States. That will apply the law universally; but before doing so I wish a measure brought before us that contains wise and well-guarded restrictions—restrictions, if you please, upon the prejudice of the people among whom this money is to be distributed; restrictions, if you please, that will break down all barriers between the education of the whites and blacks, except only that I believe the principle of establishing separate schools is a wise one. So far as I know the colored people themselves are in favor of that provision wherever there are enough people in the community or within the school district to make the basis of separate schools. That is a matter of detail properly to be determined by each State.

In Ohio it was supposed, when this policy was adopted of breaking down the barriers against the blacks in our State—for we had black laws as well as you—that there would be difficulty in seeing the few blacks mingled with the whites at the common schools, but all that difficulty has passed away. It is true we have but 80,000 black people in a population of over 3,000,000, and therefore the condition of affairs in Ohio is not to be compared with the condition of affairs in the Southern States. I have no objection to any wise regulations in regard to this that may be deemed consistent with the state of feeling, the prejudices, if you please, of the States where these schools are to be established; but I wish no discrimination made as to the amount of money that is appropriated for black and white. I wish only to see this money fairly applied to the education of the illiterate, and not to add to the education of those who are already partly learned and have the facilities of education. That is all I desire; and with such amendments ingrafted on this bill, or, as I think, better, with a wise and careful revision of this bill by the committee having it in charge, I shall vote for it with great pleasure. As it stands now I can not consistently, with my ideas of what is prudent and wise legislation, vote for it.

Mr. HOAR. Mr. President, I do not rise to make a speech on this bill at this hour in the evening; but I wish merely to point out what seems to me to be the error in two suggestions made by the Senator from Ohio while they are fresh in the mind of the Senate.

Mr. LAMAR. Will the Senator from Massachusetts give way for a motion to adjourn?

Mr. HOAR. I do not think I shall take three minutes, certainly not five; and I had a little rather say the particular thing I have to say now. The Senator from Ohio criticises this bill, approving, as I understand him, its general policy of apportioning this relief among the States in proportion to their illiteracy, because, he says, when the States get it they are not, by the bill, compelled to make the distribution in their counties or school districts or minor subdivisions upon the same theory; and he instances the law of the State of South Carolina, which distributes the expenditure from her school fund and her school-taxes among the different school districts in proportion to the children who attend school. So the honorable Senator from Ohio says that South Carolina distributes this money not in proportion to the illiteracy or the need of the particular school district, but rather in proportion to its education or want of such necessity. That is his criticism.

Well, now, Mr. President, the simple answer to that is that it would be utterly impossible for South Carolina or any other State to make a distribution upon any other principle than that of the number of children who are actually found attending the particular school.

Mr. SHERMAN. The number of children in the neighborhood.

Mr. HOAR. Why, Mr. President, suppose there are two school districts side by side, each containing a thousand children; the presumption is that all children who go to school are, to the extent to which they are instructed, illiterate when they begin. The child in the school district wherever the parent wants to send his child to school and the child in the school district where no parent wishes to send the child to school is at the beginning of his school age equally illiterate. There is no difference in the illiteracy of infancy or of early childhood; but the expense is to pay for educating those who go, and it can not be based on any other ground; and if you have got in one school district a thousand children, nine hundred of them going to school, and in the adjoining school district a thousand children, only one hundred of them going to school, you must, of course, expend nine times as much to teach the nine hundred as you do the one hundred, and there is no other possible or practical arrangement which could be made by South Carolina.

Now, this bill does provide, among the conditions of the contribution

by the National Government, that the States shall afford as far as is possible equal privileges from this fund and from the fund for its own expenditure to all its children alike, so that in the illiterate school district every child is to have the chance which the State gives to such child in the school district where there are illiterates. It may be that it would be well where there are separate schools in various States to have an express provision, and I, as at present advised, would vote for it, as I hope every Senator on both sides of the Chamber would, that where the children separated by reason of race, each race shall have in proportion to its numbers of children attending school an equal share of the fund; and if that is not found already in sections to which I have adverted, I hope it will be put there.

The other point to which I wish to reply, without making such general argument as I have to make on the bill at this late hour in the evening, is the honorable Senator's objection growing out of the fact that this is a permanent appropriation running through a series of years. I do not understand it so; I understand it is an appropriation made now, this year and at this moment, on certain conditions, of $105,000,000, repealable at the will of Congress before it gets out of the Treasury and at any time; but from the necessity of the case, as it is upon conditions to be performed year by year in future in the States, not to be paid out for ten years.

Whatever phraseology may be used, it is just what you did with the Union Pacific Railroad. You provided that as fast as the builders of that road built twenty-five miles, or whatever was the unit of their building, they should have Government bonds to a certain amount from the Treasury. Whether it took that road three years or ten years to be built, the payment came as soon as the condition was performed, that bill like this being subject to the repealing power which Congress held in its hand; and for that bill, though I have not looked, I am quite sure my honorable friend from Ohio must have voted.

Mr. SHERMAN. The Senator will allow me.

Mr. HOAR. Certainly.

Mr. SHERMAN. I will say that the difference is that that was a contract between a private corporation and the United States.

Mr. HOAR. Suppose it was; what is the difference in principle except a difference in favor of this bill? The Senator says that was a contract. Now, this is a contract to this extent, that it provides when the State has done something one year, the next year, that being in the past and secure, the State shall have a certain grant of money from the Treasury.

It has been said that it is not safe to trust these great Commonwealths who are to be the principal objects of this bounty; and if we were to take counsel from our resentments, from our recollections of past history, or of recent history, we might be a good deal impressed by that argument. But as I understand the scheme of this bill it does not trust anybody with anything, except possibly for the first year of its operation, if it does then. It simply declares as an encouragement to the State of South Carolina in the year 1885 to make an effort to improve her school system and increase her school grant that if she will make a grant of a certain amount, will satisfy the United States Government that she has made it and distributed it on certain principles, and will give us the statistical information which we want, which enables us to test the accuracy of her report, then she shall have a sum of money, just as we said to the Union Pacific Railroad Company, "build twenty-five miles of road and you shall have so much, and build twenty-five miles more and you shall have so much, and so on until you get to the Pacific coast."

These two conditions, the condition of the proper expenditure of the money last year and the condition of reporting the statistical tables, seem to be slight, but they, especially the last of them, are to my mind of the most important and grave character. It was that little thing by which Horace Mann revolutionized the educational system of New England, so that to-day the Commonwealth of Massachusetts, if I am not misled by my memory, spends more than fifteen times per capita what she spent fifty years ago for her school children, then as now leading the column of Commonwealths in the matter of school education. The towns of the State of Massachusetts were by law compelled to make returns showing the average school attendance and the condition of their schools, and there was not a town so sluggish or unambitious that when it appeared at or near the foot of the column there was not some citizen in that town public spirited enough to devote his life and his best energies to stirring up his neighbors. I do not think, with these statistics coming by State authority to the United States Government year by year, that there will be Senators from North Carolina making such speeches as we heard yesterday. That State will have something else to say, if she is the tail State among the thirty-eight of the American Commonwealths in the matter of her school children, than what her Senator told us on this floor yesterday.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were opened, and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *March* 25, 1884.

The House met at 12 o'clock m. Prayer by Rev. GEORGE Z. GRAY, D. D., dean of the seminary, Cambridge, Mass.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. TOWNSHEND. I ask unanimous consent that the reading of so much of the Journal as relates to the introduction of bills and joint resolutions be dispensed with.

There was no objection.

The remainder of the Journal was read and approved.

#### HISTORY OF STATE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, with accompanying papers, recommending the purchase by the Government of the "Chronological History of the Department of State and the Foreign Relations of the Government from 1774 down to the present time," by John H. Haswell, Chief of the Bureau of Indexes and Archives of the Department of State, for the use of the heads of Departments, officers in the foreign service, and committees of Congress; which was referred to the Committee on the Library.

#### PERSONAL EXPLANATIONS.

Mr. DAVIDSON. I rise to a question of privilege.

Mr. BELFORD. I demand the regular order.

The SPEAKER. The gentleman from Florida [Mr. DAVIDSON] states that he rises to a question of privilege.

Mr. DAVIDSON. Yesterday, on the joint resolution making an appropriation to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto, I voted inadvertently, as I was paired with Mr. O'NEILL, of Pennsylvania. I was necessarily called away immediately after voting and was not present when the pairs were announced, otherwise I would then have withdrawn my vote. I ask to have my vote withdrawn.

The SPEAKER. The gentleman from Florida asks unanimous consent to have his vote withdrawn. If there be no objection, his request will be granted, and the Journal will be corrected accordingly.

There was no objection.

Mr. BENNETT. I rise to a question of privilege. When the yeas and nays were called on yesterday on the resolution making an appropriation to prevent the overflow of the city of New Orleans I was not in the House. I was absent attending a session of the Committee on Elections by permission of the House.

#### ORDER OF BUSINESS.

Mr. RANDALL. I have a communication from the Postmaster-General, addressed to me as chairman of the Committee on Appropriations, which I think should be laid before the House through the regular channel and be printed by order of the House.

The SPEAKER. The Chair will cause the proper indorsement to be made on the communication and lay it before the House.

Mr. BELFORD. I withdraw the demand for the regular order.

#### NATIONAL BANK OF MIDDLETOWN, PA.

Mr. ERMENTROUT. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location.

The bill was read, as follows:

*Be it enacted, &c.*, That the National Bank of Middletown, now located in the borough of Middletown and State of Pennsylvania, is hereby authorized to change its location to the borough of Steelton, in said State. Whenever the stockholders representing two-thirds of the capital of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate, under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the borough of Steelton.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or affect any action or proceeding in law in which the said bank may be a party or interested; and when such change shall have been determined upon as aforesaid, notice thereof and of such change shall be published in two weekly papers in the county of Dauphin and said State, not less than four weeks.

SEC. 3. That whenever the location of said bank shall have been changed from the borough of Middletown to the borough of Steelton, in accordance with the first section of this act, its name shall be changed to the National Bank of Steelton, if the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

SEC. 4. That all debts, demands, liabilities, rights, privileges, and powers of the National Bank of Middletown shall devolve upon the National Bank of Steelton whenever such change of name is effected.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The following amendment reported by the Committee on Banking and Currency was read:

Amend the title so as to read: "A bill to authorize the National Bank of Middletown, Pa., to change its location and name."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. I am not disposed to object to the consideration of

this bill, but I would like to ask the gentleman from Pennsylvania whether this change can not be effected under a general law?

Mr. ERMENTROUT. There is no general law in existence authorizing such change.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended as recommended by the Committee on Banking and Currency.

Mr. ERMENTROUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLORADO SCHOOL LANDS.

Mr. BELFORD. I ask unanimous consent that Senate bill No. 74 be taken from the Speaker's table and considered at this time. It is a bill purely of local importance to my State, and immediate action upon it is desirable.

The SPEAKER. The bill will be read, after which the Chair will ask for objection to its present consideration.

The bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," was read as follows:

*Be it enacted, &c.*, That an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, shall be construed as giving to the State of Colorado the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth section as may have been or shall be found to be mineral lands: *Provided*, That such selections shall be made from lands returned as agricultural, and upon which at the date of selection no valuable mineral discoveries have been made; and all such selections shall be reported to the Secretary of the Interior, who shall, if he is satisfied such lands so selected are not mineral, so certify, and thereupon the right of said State to such selected lands shall finally attach; and the Secretary of the Interior shall also ascertain whether any of such sixteenth and thirty-sixth sections are mineral lands, and shall certify their character, which certificate shall determine the matter.

SEC. 2. That it shall be the duty of the deputy surveyor, at the time of executing the survey of any township, to make a critical examination of the character of sections 16 and 36, and to embrace in his field-notes a full report of any and all mineral discoveries found to the surveyor-general, who shall report to the Secretary of the Interior whether the whole or any part of either of said sections is mineral in character.

SEC. 3. That the State of Colorado, in selecting lands for agricultural-college purposes under the acts of July 2, 1864, and July 23, 1866, may select an amount of land equal to 30,000 acres for each Senator and Representative which said State is entitled to in Congress, from any public land in said State not double-minimum-priced land, or selections may be made from said double-minimum lands, but in the latter case the lands are to be computed at the maximum price and the number of acres proportionally diminished; but no mineral lands shall be selected.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read?

Mr. OATES. I would like to ask the gentleman from Colorado a question.

Mr. HOLMAN. I desire to reserve the right to object.

The SPEAKER. If there is no objection the gentleman from Colorado [Mr. BELFORD] will be permitted to make a statement, the right to object to the consideration of the bill being reserved.

Mr. BELFORD. I would like to make a statement in reference to this bill.

Mr. OATES. I would like to ask the gentleman from Colorado a question.

Mr. BELFORD. Very well.

Mr. OATES. I desire to inquire if this bill is the same as a bill of similar title which has been considered by the Committee on Public Lands of this House?

Mr. BELFORD. It is exactly the same bill, considered by the Committee on Public Lands, and unanimously recommended for passage. This Senate bill passed that body unanimously.

Mr. HOLMAN. I wish to say to the gentleman from Colorado [Mr. BELFORD], reserving the right to object to the bill at the proper time, that when this bill was called up once before it was objected to by the gentleman from California [Mr. BUDD], I think.

Mr. BELFORD. Yes.

Mr. HOLMAN. That gentleman is not now in his seat. I suppose the ground of his objection was the fact that a bill of a similar character for the benefit of California had been severely criticised by the papers of that State.

Mr. BELFORD. The gentleman from Indiana [Mr. HOLMAN] is mistaken.

Mr. HOLMAN. I trust the gentleman will not insist upon the consideration of this bill in the absence of the gentleman from California [Mr. BUDD], who objected to it before.

Mr. BELFORD. I want to say to the gentleman from Indiana [Mr. HOLMAN] that I understand the gentleman from California [Mr. BUDD] has withdrawn his objection to this bill. If the House will permit me I would like to make a statement. Under the act of Congress so many sections of land were granted to my State for school purposes.

Mr. DIBRELL. There is no objection to the bill; let it be passed without taking up time for discussion.

Mr. BELFORD. Very well; if there is no objection I will ask that the vote be taken on the bill.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. BROADHEAD. I object.

Mr. BELFORD. I hope the gentleman will not object.

Mr. BROADHEAD. I want to know the nature of the bill.

The SPEAKER. Objection is made, and the bill is not before the House.

Some time subsequently,

Mr. BROADHEAD said: I withdraw my objection to the present consideration of Senate bill No. 74.

The SPEAKER. Is there further objection to the bill?

Mr. HOLMAN. If I understand correctly this bill has informally been considered by the Committee on Public Lands of this House.

Mr. BELFORD. Yes, and unanimously recommended.

Mr. BRENTS. A House bill exactly like this, word for word, has been considered and reported by the Committee on Public Lands with a favorable recommendation.

There being no further objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRAUDULENTLY ASSUMING TO BE UNITED STATES OFFICERS.

Mr. BROWNE, of Indiana. I ask unanimous consent to report for consideration at this time from the Committee on the Judiciary the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor. The bill provides a penalty against certain banditti that are now prowling over the country and levying black-mail on pension claimants. It does not take a penny out of the Treasury, and there is an emergency for immediate action.

The SPEAKER. The bill will be read, after which the Chair will ask for objection to its present consideration.

The bill was read, as follows:

*Be it enacted, &c.*, That every person who, with intent to defraud either the United States or any person, falsely assumes or pretends to be an officer or employé acting under the authority of the United States, or any Department of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the United States, or any Department of the Government thereof, any money, paper, document, or other valuable thing, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or imprisonment not longer than three years, or both said punishments, in the discretion of the court.

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none.

The House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BROWNE, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PREVENTION OF COLLISIONS AT SEA.

Mr. DUNN. I ask unanimous consent to have taken from the House Calender and put upon its passage House bill 5692, to adopt the "Revised International Regulations for preventing Collisions at Sea."

The SPEAKER. The bill will be read, after which there will be opportunity to object.

Mr. DUNN. As the bill is somewhat lengthy, I desire to make a short statement before it is read.

The SPEAKER. If there be no objection the gentleman will proceed.

Mr. DUNN. Mr. Speaker, this bill contains nothing except the revised international regulations which have been accepted and agreed to by all the maritime nations of the world for the purpose of preventing collisions at sea. These regulations are now in fact the law of the sea. Our merchant marine and our Navy are both bound by them; and they have been made the statutory law of every maritime power on earth except the United States. So that we are in the attitude of having our entire merchant marine subject to that law without requiring them to know and understand it.

The bill contains nothing else than these revised regulations, which have been published by the English board of trade, and will go into effect on the 1st of next September. It is a matter of vital importance to our shipping interests that they should be made statutory in the United States for the protection of our merchant marine. They do not interfere with the regulations for preventing collisions on the inland waters of the United States. They are simply the result of diplomatic correspondence between our Government and other maritime powers of the world. Their details have all been settled, and are incorporated in this bill exactly as agreed upon by all the nations.

Mr. HEWITT, of New York. Does the bill come from a committee?

Mr. DUNN. It comes from the Committee on Commerce, and is a unanimous report from that committee. It is an exact copy of the regulations, as furnished by the British minister.

The Clerk proceeded to read the bill, but was interrupted by

Mr. BLACKBURN, who said: As this is a lengthy bill and contains nothing except a schedule of regulations, I ask that the further reading be dispensed with.

Mr. DUNN. Can that be done?

The SPEAKER. It can be done by unanimous consent.

Mr. DUNN. I am more than willing. The bill contains nothing except the international regulations. There is not another syllable of legislation in it.

Mr. REAGAN. It comes to us from the Department, and has the unanimous approval of the Committee on Commerce. I do not think there can be any mistake if the House should adopt the measure without further reading.

Mr. DUNN. There can be no mistake.

Mr. COX, of New York. It has, I understand, the approval of all the maritime nations.

Mr. DUNN. It is the result of an international agreement.

Mr. BLACKBURN. I ask unanimous consent that the further reading be dispensed with.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] asks unanimous consent to dispense with the further reading of the bill.

Mr. HOLMAN. I presume there is not much more of the bill; and it seems to me best that it should be read.

The Clerk resumed the reading of the bill, but before it was concluded

Mr. ELLIS said: I object to the further reading of this bill.

The SPEAKER. Does the gentleman object to the consideration of the bill?

Mr. ELLIS. I will object to the consideration. It is too long and too important a measure to be passed in this way. I have no objection to its being printed in the RECORD for information.

Mr. DUNN. I do not care to have it printed in the RECORD; but its passage is a matter of public interest, and the gentleman's own city is largely interested.

Mr. HOLMAN. I withdraw my request for the further reading of the bill. I understand it does not apply at all to the interior waters of the United States.

Mr. DUNN. It applies only to the high seas and the coasting trade. All the great commercial cities are concerned in it.

The SPEAKER. The bill is not before the House, unless the gentleman from Louisiana withdraws his objection.

Mr. ELLIS. I object, and demand the regular order.

Mr. DUNN. Of course the gentleman has a right to persist in his objection if he thinks that his city does not need this measure. But I want to assure him that his city is more interested in it than I am personally.

The SPEAKER. The gentleman from Louisiana objects to the present consideration of the bill, and demands the regular order. The bill is not before the House.

### MORNING HOUR DISPENSED WITH.

Mr. BLACKBURN. I move to dispense with the morning hour.

The SPEAKER. That will require a two-third vote.

Mr. DOWD. I demand a division.

The House divided; and there were—ayes 123, noes 21.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced it insisted on its amendments to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, disagreed to by the House, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BECK as conferees on its part.

### URGENCY DEFICIENCY BILL.

On motion of Mr. RANDALL, by unanimous consent, the message of the Senate was taken from the Speaker's table.

Mr. RANDALL. I move that the House insist upon its disagreements to the Senate amendments, and agree to the conference asked on the part of the Senate.

The motion was agreed to.

The SPEAKER appointed as managers of such conference on the part of the House Mr. RANDALL, Mr. BURNES, and Mr. CALKINS.

### POST-OFFICE DEFICIENCY BILL.

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General to the chairman of the Committee on Appropriations, asking for an appropriation to supply deficiency in the appropriation for the service of the office of the Postmaster-General for the current fiscal year; which was ordered to be printed, and referred to the Committee on Appropriations.

### PAYMENT OF TAX ON DISTILLED SPIRITS.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. DORSHEIMER in the chair), and resumed the consideration of the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

The CHAIRMAN. The gentleman from New York [Mr. POTTER] is entitled to the floor.

Mr. POTTER. Mr. Chairman, I desire briefly to state the reasons why I shall support this bill. My first impressions in regard to it were the same as those stated by the honorable gentleman from Arkansas [Mr. BRECKINRIDGE]; my first impressions were against the bill. It was a whisky bill, a whisky-extension bill, and my first impulse was, as I think it was with the majority of the House, that it was unwise to grant such an extension. But, sir, I have examined with all the care and wisdom of which I am able to examine any measure, and I have come to the conclusion that my duty on this floor requires me to vote for it.

Now, sir, what is the bill before the House? It is a bill to extend the time for paying the tax to this Government upon an American manufacture, a manufacture as legitimate and as authorized as any other in this country.

It is to extend the time for paying the tax, which in my judgment, after the best examination I have been able to bestow upon it, is now collected partially and not in a manner in which taxes upon American manufactures ought to be collected.

The power of taxation under our Government is coextensive with the subjects in reference to which we have a right to legislate To carry out the duties of this Government we were clothed with the most ample power to lay taxes. Beyond that we have no right to go under our General Government. A tax upon production, a tax laid on the manufacture and not upon consumption, is a local and partial tax. It is a tax discriminating against the article taxed, and in my judgment is not in accordance with the system of government under which we live. Our taxes should be equal; they should be impartial. Impartiality is an organic, an innate law of our national administration. This is a Governmentnot for one State, but for the people of all the States. Taxes should be laid equally, and they should be so laid and so collected that they will operate equally, or as near so as may be, upon all the population of the country.

Now, Mr. Chairman, a tax laid upon the consumption of this article is a tax which operates with substantial equality on the whole population, while a tax upon the production of the article is a tax laid upon a small portion of the people of the country and upon a small part of the States of this Union. I am constrained to the conviction this tax ought never to have been laid except in a great emergency otherwise than upon the consumption of the country.

If I am right in this, why should we deal with this article otherwise than we would deal with grain from which it is made? Why should we deal with this article otherwise than we would deal with coffee, if that were the subject of consideration? It seems to me, sir, it should be dealt with precisely as we would deal with the grain from which the article is made; that is, if it is to have a tax levied on it, and I believe it should have a tax as much as it will bear and as long as it will bear it and will yield the best results to the country. I would tax it so as to produce for the Government a continuous and certain income so long as it shall need such an income.

But, sir, I would levy that tax in a way so it should fall on the whole population of the country, and not on particular States or special sections of the country or upon particular individuals. I would levy it on the whole population of the country for the benefit of the whole.

As I understand the law which this proposes temporarily to modify, it is provided that after the term of three years this article is to pay the tax or excise. I believe that this term was selected for the reason that it was the substantial opinion of Congress that the tax should be exacted upon the consumption.

It seems to me that the term itself indicates clearly that it was and is the judgment of Congress that this tax should be so laid as to be a tax upon consumption solely. It has so happened that there has been an overproduction in this line of business. The production has grown in excess of the demands of the market; and in order to make this a tax upon consumption, in order to bring it within the principles of the Constitution, which I recognize as governing the whole system of taxation, the time needs to be so far extended that it shall become a tax upon consumption, and that, being such a tax, it shall be distributed equally and substantially in proportion to the population of the country.

In granting this extension it has been said by way of argument in opposition to this bill that it will be special legislation. If this tax as now provided be enforced otherwise than as a tax upon consumption, it does not need to be repeated in your hearing that it is so levied and so collected as a special discrimination, a special legislation against this single article of manufacture and against the capital engaged in this business. So far as this bill proposes to go it will restore the true principle of taxation, and it will do no more than to bring this

article within the rule which we have adopted for all of the other items which enter into our great American manufacturing business. It seems to me that from the facts already stated in this discussion it can not be denied that there exist the strongest reasons possible why the manufacturers of this particular article shall have the right to claim this extension at our hands.

I do not claim, Mr. Chairman, that these manufacturers have done more than their legitimate share. I do not claim that they are more worthy for having contributed to the support of the Government and the support of the country in its time of need than others; but, sir, they are entitled with all of the others to equal consideration, and I trust that we shall give it to them by this bill.

Now, sir, is there anything in the condition of the country which prevents our granting this extension? If there is anything so that we can not give the relief which is requested in this particular instance and give it in justice to the whole country, or if the giving of it will embarrass the country, if it will embarrass the Treasury, if it will embarrass or hamper any of the operations of the Government, then if those facts are ascertained or established there may be reason why we should hesitate. But, sir, the reasons are all the other way.

The condition of the Treasury is such that we are embarrassed absolutely with the amount of money now on our hands which is needed in the avocations, the activities, and the industries of life. We can grant this extension not only without inconvenience to the country, but to the greatest convenience and advantage of the country in a financial point of view. And here I wish to say, sir, a word in this connection. I want to call the attention of this committee to the fact that if this money is demanded from these people, if we insist upon the payment of this tax, and require that this money shall go into the Treasury at this time, we have no possible way left in which we can dispose of it except to apply it to the payment of the national debt and to that portion of it that is now due. We have no other use for it. The Treasury can do nothing else with it under the law except to apply it to the liquidation of that portion of the national debt which is now due and payable. And what is that debt and what is the condition of it?

On the 19th day of this month the amount of bonds of this Government now due and payable was $266,024,750. Of this amount of bonds, considerably more than two-thirds, to wit, $184,302,350, are the basis of the national banking system of the country and the security for their circulation. They represent the very foundation and the stability of the business of this country. If this money is received from the tax on distilled spirits it must inevitably be paid out and undermine and destroy to a certain extent the national banking system upon which rests, more than upon any other present instrumentality, the stability and prosperity of the business of the country. The insisting upon the payment of this tax will bring during the next year a very large amount of money into the National Treasury. Between this and August next $30,000,000 must be paid in. During the next year, that is to say from November until the succeeding December of 1885, seventy millions more must be paid. That money, sir, every dollar of it, must be used under the law to pay the 3 per cent. bonds of this country. It must, every dollar of it, be used to undermine and unsettle and destroy for the time being the basis upon which the banking system of the country rests. There is no other resource for these banks if this policy is pursued except to go into the market and pay the brokers' price and pay the demands of those who own the long-time bonds; and these run for the seven-year bonds now to 114, and those that run for twenty-three years to 125 and upwards.

Are we prepared, for the purpose of insisting upon the payment of this tax at this time when we do not want it, to undermine and destroy the banking system of the country to that extent and bring disturbance and disaster upon the country which will unavoidably ensue? Now, sir, I do not think the telegrams which have been laid before us from more than seventy of the national banks throughout the country are sent here without a broad understanding of this problem. They know, sir, that the exacting of this tax at this time means to that extent compulsion upon them to surrender their bonds and go into the market and buy at the enormous premium of $1.25 or upwards other bonds to take their place.

Why shall we do it, then? Why shall we thus inflict upon the country disturbance and disaster for the sake of insisting upon the very letter of this bond as to time when that time itself was granted for the purpose of making this tax operate equally, and it has been shown that to enforce it would defeat the very object of the term originally given to it?

But it has been said here that the extension of this tax will be an especial favor to these manufacturers. I have already said in my judgment the controlling advantages are overwhelmingly on the side of the Government and not of these manufacturers. It is not asked that this money shall remain in the Treasury idle. It is not asked that the Government shall make any loss or incur any possibility of a loss by this extension. This bill proposes that every dollar of the money involved shall pay into the Treasury of the United States not the pittance which we can make by disturbing and destroying the banking system of the country at present, but shall pay more than twice that interest. The bonds to which I have alluded bear but 3 per cent. interest. They return in taxation upon their circulation, more than two-thirds of them, nine-tenths of 1 per cent. interest upon all those held by the national banks, and deposit with the Government. The Government can realize but 2.10 per cent. interest by the payment of those bonds. Upon the balance they will realize 3 per cent. of stop interest at 3 per cent. The average interest they will stop is much less, is about 2.41; and that is all the Government can possibly realize by thus disturbing its currency and its business and breaking up these manufacturers and a large number of banks that are very likely to be broken up in consequence.

Shall we for the sake of realizing 2.10 per cent. interest refuse to accept the absolute security and certainty of 4½ per cent. interest upon the same amount? And have we not in that saving for the Government, have we not in that security to our continuous prosperity which this extension will grant, not only the most abundant justification, but are we not called upon as statesmen looking to the welfare of the country, to the stability of its business, to its future and immediate prosperity—are we not called upon to forbear to insist upon this breaking up the currency of the country for the sake of saving 2.10 per cent. interest when we can leave the same amount at interest at 4½ per cent.?

Mr. PUSEY. Will the gentleman from New York permit me to ask him a question?

Mr. POTTER. I would rather that the gentleman should wait till I get through. I will be through very soon, and the gentleman can then have all the time he wants.

After we have paid the $255,000,000 of 3 per cent. bonds which the Government now owes there is not another dollar of the public debt which can be reached for payment for seven and a half years. During that time the Government will be compelled to go into the market and among the brokers of the country and buy up, by taxation upon the people, the public debt of the country, at whatever price shall be demanded.

We can not retain the surplus in our Treasury. It must leave the Treasury and go out among the people. There is no possible way in which that can be done, if the legislation of the country remains as it is at present, except by going into the market for four or five years at least and buying up the debt of the country at whatever premium it shall demand.

Now, sir, if this money remains for two years where it is, paying 4½ per cent. to the Government, we shall be able to leave so much longer our 3 per cent. bonds, so that they will bridge over the time between that and the maturity of the 4½ per cent. bonds, seven and one-half years hence. If we get no other relief than that it will be considerable relief, and we shall owe it, sir, to this bill. And I care not whether it were whisky or coffee or anything else, if there is any interest in the country that can afford this relief and this security against danger during the next seven and one-half years and afford this great saving in the payment of our public debt, we ought to embrace it. In this view of it there is no whisky in this bill. It is a bill for the honest relief of a portion of the manufacturers of the country, and in granting this relief we shall benefit and secure every substantial interest of the country.

To my mind, sir, it is a question whether we will affirmatively by legislation here when there is a plain and open opportunity to do otherwise—whether we will precipitate this disturbance of our currency and of business upon the country.

Now, sir, there are other views that might be taken of this question that are conclusive to my mind. But this one is so controlling, so constrains my judgment, that I can not possibly refuse to vote for this bill.

I yield the remainder of my time to the gentleman from Connecticut [Mr. EATON].

Mr. BLACKBURN. How much of the hour is left?

The CHAIRMAN. Six minutes.

Mr. BLACKBURN. As the gentleman from New York has left only six minutes of the hour, it is scarcely sufficient for another speech on this side. I ask, therefore, that I may be permitted to reserve those six minutes, and let the gentleman who comes next on the other side take his hour now.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] is recognized.

Mr. KELLEY. Mr. Chairman, it seems to me a long time since I last addressed the House in current debate. How well I may, in my enfeebled condition, be able to sustain my train of thought and make myself heard I can not say. I have, however, a few deliberate and earnest convicions on the subject under consideration to which I hope to be able to give expression. Should my strength fail before I have said what I wish to say, I now ask for the privilege of filling up the reporter's skeleton at my leisure.

I think the demand of the table whisky syndicate for temporary relief from taxation, so that the public shall believe they are paying 90 cents a gallon tax to the Government, with interest, while they will be doing nothing else than paying 4½ per cent. interest on accruing taxes, is rather an impudent one.

The internal taxes on spirits, malt liquors, and tobacco in its several forms are maintained at great cost to the laboring people, the small farmers, the men of small capital, who working their own little farms

or their own smaller orchards or who with their skill as cigar-makers should receive, as they did before these taxes were imposed, the wages which are now divided between them and the privileged capitalists who are licensed to employ them. And, sir, I affirm that these oppressive taxes are maintained for the benefit alone of three small syndicates, who under the influence of the laws enacted to secure their collection have acquired the monopoly of the American market for their respective productions.

Of those three branches of industry the manufacture and maturing of table whiskies is the chief; and those engaged in this pursuit constitute the chief of the syndicates who find in these taxes a sure guarantee of their monopoly of our home markets. The large manufacturers of tobacco, comparatively few in number, but who have crowded out the cigar-makers to whom I alluded and other small manufacturers, appear as the second syndicate with a protected monopoly. During the last Congress it was my privilege to promote the passage of a bill which, though it did not overthrow this monopoly, reduced the syndicate's guaranteed perquisites by one-half. By the operation of that bill they were, after a twenty years' struggle, compelled to allow the American farmer who raises tobacco to sell one hundred pounds of the yield of his fields and his labor to a purchaser other than one licensed by the Government to deal in leaf-tobacco. The other of these privileged syndicates is that of the manufacturers of malt liquors. For the benefit of these three syndicates we maintain these taxes, and in defense of their privileges we harry wide sections of our country. The service requires an army of over 4,000 men, whose principal employment is, as I shall abundantly prove, the persecution of small farmers and fruit-growers of the South. The direct annual expenditure required to maintain this army is over $5,000,000, and the indirect expenditure is said, and I believe truly, to amount to largely more than two and a half millions in addition. These are but some items of the cost of maintaining a system of taxation in support of private monopolies which Thomas Jefferson denounced as an infernal system that should never have been admitted into the Constitution.

But, Mr. Chairman, it may be asserted that we maintain these taxes for the benefit of the Government. I deny the proposition against all comers. The Government does not need any of the money derived from these oppressive exactions. The eloquent gentleman from New York, who has just taken his seat [Mr. POTTER], has told us that if we do not arrest their collection they will derange our whole commercial system and overthrow the national banking system, which I pronounce to be the best system of corporate banking the world has ever seen.

I had intended to dwell at some length on this point, but the gentleman made it so clear that I prefer to quote his words, as follows:

> Now, sir, is there anything in the condition of the country which prevents our granting this extension? If there is anything so that we can not give the relief which is requested in this particular instance, and give it in justice to the whole country, or if the giving of it will embarrass the country, if it will embarrass the Treasury, if it will embarrass or hamper any of the operations of the Government, then if those facts are ascertained or established there may be reason why we should hesitate. But, sir, the reasons are all the other way.
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> The condition of the Treasury is such that we are embarrassed absolutely with the amount of money now on our hands, which is needed in the avocations, the activities, and the industries of life. We can grant this extension not only without inconvenience to the country, but to the greatest convenience and advantage of the country in a financial point of view. And here I wish to say, sir, a word in this connection. I want to call the attention of this committee to the fact that if this money is demanded from these people, if we insist upon the payment of this tax, and require that this money shall go into the Treasury at this time, we have no possible way left in which we can dispose of it except to apply it to the payment of the national debt and to that portion of it that is now due. We have no other use for it. The Treasury can do nothing else with it under the law except to apply it to the liquidation of that portion of the national debt which is now due and payable. And what is that debt and what is the condition of it?
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> On the 19th day of this month the amount of bonds of this Government now due and payable reached the sum of $266,024,750. Of this amount of bonds considerably more than two-thirds, to wit, $184,392,350, are the basis of the national banking system of the country and the security for their circulation. They represent the very foundation and the stability of the business of this country. If this money is received from the tax on distilled spirits it must inevitably be paid out and undermine and destroy to a certain extent the national banking system upon which rests, more than upon any other present instrumentality, the stability and prosperity of the business of the country. The insisting upon the payment of this tax will bring during the next year a very large amount of money into the national Treasury. Between this and August next $30,000,000 must be paid in. During the next year, that is to say, from November until the succeeding December of 1885, seventy millions more must be paid. That money, sir, every dollar of it, must be used under the law to pay the 3 per cent. bonds of this country. It must, every dollar of it, be used to undermine and unsettle and destroy for the time being the basis upon which the banking system of the country rests.

Every word here quoted is true as Holy Writ; yet the gentleman, with that severe logic and charming consistency which sometimes characterize the conclusions of those who properly appreciate the sacredness of party edicts, does not demand the repeal of these dangerous sources of revenue. No; he will be content with the postponement of the collection of the whisky tax for two years. I can not halt with so lame and impotent a conclusion. I oppose this bill, and demand the repeal of all internal taxes. Let us wipe them all from the statute-book and get rid of the infernal system.

I do not denounce the excise system as an infernal one on the authority of Mr. Jefferson alone. English history abounds in such denunciation, and here are statements made before the Committee on Ways and Means on the 28th of February by Messrs. DIBRELL, CALDWELL, and MCMILLIN, of Tennessee; BENNETT, SCALES, and COX, of North Carolina; Mr. CANDLER, of Georgia, and Mr. CABELL, of Virginia, together with those of Senators VANCE of North Carolina, and BROWN of Georgia, each one of which justifies the use of the harsh epithet. If these ten Members and Senators, all of whom speak from personal observation, have in their statements come within shooting distance of moderation, they have abundantly proven that our internal-tax system, as administered in their respective States, is in truth and in fact an infernal system, which, in its practical operations, is a disgrace to the age and the country. I shall recur to these statements and make extracts from each of them.

In November, 1881, I portrayed to a popular convention in New York, as well as my limited knowledge of the special facts would permit, the hardships with which these laws are administered and the depressing effect the taxes produce upon many branches of trade. It is not easy to make even intelligent men understand the effect on general industry of this spirit tax, which is at the rate, fixed by statute, of 90 cents a peck on corn and of $1.78 per gallon on alcohol. Think of it; a tax of 90 cents imposed on a peck of corn, when the farmer who raised it, his neighbor or his customer, attempts to advance it one degree in manufacture.

Let it be understood that I am not now speaking of table whisky, to which subject I shall come directly, but of alcohol, which is nature's solvent and therefore a vital agent in many of our productive industries, which enters largely into the arts; which makes the chief ingredient in bulk of the contents of nine out of every ten liquid compounds exposed for sale in the store of the druggist and pharmacopolist; which in fact enters into almost every branch of art and industry, and which by reason of this needless taxation adds largely to the cost of many articles that are of daily consumption by our laboring classes.

The gentleman from Kentucky [Mr. WILLIS] who presses this bill with so much earnestness told us the other day that the high-wine distillers had an equal interest in this bill with the distillers of table whiskies. I do not know that I was ever in a distillery, but I deny his proposition, and vouch all nature as my witness. High wines and alcohol do not improve with age; no man skilled in the business as distiller, rectifier, or dealer will aver that the lapse of time improves their quality. That their spirit is evanescent and freely evaporates is notorious; and every pint, quart, or gallon of evaporation that occurs is so much irretrievable loss to the owner, without the golden compensation given for evaporation to owners of table whiskies, to which age adds tenfold compensation for the loss in quantity by evaporation.

The gentleman from Kentucky also assured us that failure to relieve these table whiskies would shock the commerce and finances of the country by the depreciation in the price of corn that would inevitably ensue. Now, Mr. Chairman, you are not probably familiar with such things as bourbon and rye whiskies or other beverages that heat the blood and excite the brain. Therefore, let me tell you that there are two kinds of whisky; one of them is bourbon, which is distilled from corn. The other is a distillation from rye, and is consequently known as rye whisky. The gentleman's prediction of so dire a calamity challenges an appeal to statistics and arithmetic.

Rye is the prevalent table whisky. The quantity of corn, or bourbon, whisky distilled each year is relatively very small; and a tornado that should in September sweep a hundred-acre Bourbon County corn-field would have as great an effect on the price of corn as the entire suspension of the distillation of bourbon whisky for a year. The effect of neither would be perceptible on the market.

Mr. Chairman, there is an infant industry, the existence of which is scarcely known to the people of this country and which the champions of the internal-tax system have been very anxious to suppress, which will consume more corn this year than distillers of bourbon whisky ever consumed in a year. When I and others have said to these gentlemen, "We are collecting too much money," some of the most outspoken of them have replied, "Well, repeal the duties on sugar and molasses, and there will be a vacuum into which the proceeds of the internal taxes can flow." Now, let us, while under the influence of the grave prediction of the gentleman from Kentucky, consider how relatively terrible would be the effect on the corn market if we should abolish the duties on sugar and strangle in its infancy the most growing of our modern manufactures, that of corn sugar. Why, my friend from Kentucky will hardly believe that in 1882 twenty-one corn-sugar factories consumed nearly 20,000,000 bushels of corn, considerably more than bourbon whisky consumed in the same year. This product is said to have more than doubled since that year. The capital then invested in the twenty-one establishments was $6,500,000. The number of laborers employed was 3,000; the number of bushels of corn consumed that year was 19,500,000; the value of other material used, $1,000,000; total wages paid, $1,300,000; the total production of sugar, 67,200,000 pounds; the total production of molasses, 32,900,000 gallons. Now observe; these statistics of an infant industry refer to a period two years back.

Sir, as between the table-whisky syndicate, or any of the monopolies our internal taxes foster, and the corn, sorghum, or cane-growing farmer, I am for the farmer all the time; and I want to get rid of these internal taxes, that we may maintain existing duties on sugar, and thus stimu-

late the diversification of our agricultural products and supply our market with sugar from our own fields and mills.

But gentlemen inquire, would you make whisky free? No, sir. I would rigidly regulate the sale and use of all intoxicants. The United States Government can not do this; it can only tax, and tax blindly. States, on the other hand, can regulate, can supervise, can restrict, can prohibit. States, through municipal governments, can, as is done in the young State of Nebraska and elsewhere in the West, by their ordinary police regulations, supervise the traffic and check or punish the vices excessive use engenders. And if crime and poverty are, as I believe them to be, the consequences of intemperance, then in God's name give not to the syndicate of table-whisky distillers but to the municipalities who try and punish criminals, who shelter and care for inebriates in their age and decrepitude, or worse, in their poor infantile orphanage, the victims of inebriety in the persons of their parents. Let us put with the penalties we inflict by legalizing the use of intoxicating beverages the small measure of financial relief to overtaxed municipalities, that they may be able to draw from this source.

But for the able speech of the gentleman from New York, from which I have made a liberal quotation, I would have argued more fully the question whether the Government needs any of the proceeds of these taxes. I pause now simply to say that without one dollar derived from internal taxes this year it will have sufficient revenue to meet every legitimate demand. We can not, however, pledge Congress to appropriate $40,000,000 for the improvement of one stream and begin with five or seven millions for one canal and two or three millions for another; nor can we appropriate a sum of $15,000,000, to continue at the diminishing rate of $1,000,000 per year, to be expended some time, somewhere, by somebody, in mitigation of national illiteracy; we can not do all this; but, sir, it will be a healthy day for our country when the Representatives of the people shall determine that the time has come for reducing the expenditures within their just constitutional limits. Let us, therefore, determine to relieve and inspire with faith in the Government and hope for the future the small farmers of the South by repealing what never was a popular system of taxation in any country, what was resisted by rebellion and attempted revolution when first resorted to in this country, what was repealed at the end of four years when re-established as war taxes in 1813, and what has now outlived its usefulness, and through the harshness of its administration has, as I have already said, become a disgrace to our country and age.

Mr. WILLIS. Will the gentleman from Pennsylvania permit me to ask him a question?

Mr. KELLEY. Yes, sir.

Mr. WILLIS. Do I understand you to say you are ready to-day to abolish this system and give up this $50,000,000 of tax to the distillers who now owe it?

Mr. KELLEY. I say to the gentleman that if he has heard my language, as I know he did, any time in the last eighteen months on this subject, and understood it, as I believe he did, he must know that I am in favor of abolishing all these taxes and granting a rebate on unbroken packages. That is the point on which I stand and have stood for years. Get rid of the infernal system.

Sir, I said that I should appeal to the statements of the Members and Senators I named. I shall content myself with quoting enough from each of them to show that each of them has given me warrant for the harshest language I have applied to these laws and the manner of their administration in those portions of our country which these gentlemen represent.

The first of them who appeared before the committee was Mr. DIBRELL, of Tennessee. He said:

He had introduced a bill, which had been referred to the Committee on Ways and Means, in favor of abolishing the internal-revenue system. He had also introduced another bill to take off the tax from brandy manufactured from fruit. The removal of that tax would be a great advantage to farmers and fruit-growers. Those men who had small farms and orchards would then be able to get the benefit of their fruit products. If the whole internal-revenue taxation were removed then Congress and the people would know exactly what they were doing and how much the revenue would be reduced. Congress would then know how to deal with the bill introduced by the chairman of the Committee on Ways and Means taking 20 per cent. off the tariff duties. As it was, the question was left all in doubt. He was in favor of taking the taxes off tobacco and fruit brandy if the internal-revenue laws were not entirely repealed; and he thought that the removal of the taxation from tobacco and fruit brandy would reduce the revenue about $26,000,000 a year.

The report of the Commissioner of Internal Revenue for last year showed that the amount of revenue derived from tax on fruit brandy was $1,127,950. For the first seven months of the present fiscal year the revenue derived from that source was only $716,461, and that period embraced the months of July, August, and September, the best fruit-growing months in the year. At that rate the revenue from the taxation on fruit brandy would be less than three-fourths of what it had been in the previous fiscal year. It was a great burden to the farmers to be harassed and annoyed by revenue officers running through the country and watching every man who made a little brandy from his fruit. The trouble about the internal-revenue system was the manner of its collection. In that respect it was the most odious law that had ever been executed in his section of the country. The cost of collection was also very large. Last year the salaries paid to internal-revenue officers amounted to $5,113,000. The cost of miscellaneous expenses was $49,875, and the expense of revenue agents was $127,394. That made the expense of collecting the internal revenue amount to about $5,300,000. Besides that, there were the expenses of deputy marshals, United States commissioners, witnesses, spies, and district attorneys, all of which added together, he thought, would make the expenses of collecting the internal revenue at least $10,000,000.

The number of suits that were begun in the year 1883 for violation of internal-revenue laws was 4,558. He wanted the committee to think about the impolicy of having on the statute-book a law which harassed and annoyed citizens as this law did. The number of judgments wherein the costs were not paid by the United States was 2,137. The number of judgments against the United States was 655.

If these suits did not cost the Government large sums, they did cost individuals very heavily. Every one of them must have cost, on the average, $50; and the defendants in these cases were usually a very poor class of men. He thought it wrong that Congress would keep on the statute-book a law so harassing to poor citizens. It might be said that men ought not to violate the internal-revenue laws. That was true. He admitted it. But men did violate them.

On the second Monday in July last there were in attendance on the Federal court held in Knoxville three hundred and twenty-five witnesses on the part of the Government and one hundred and fifty defendants in internal-revenue suits. A large majority of the cases were against men for selling patent medicines, such as Jerome's Rye Tonic and Hostetter's Bitters, without having a license to sell liquor, but Judge Key directed the grand jury not to find indictments in those cases, and he dismissed them all.

He had received a letter from Judge Key asking that the law be repealed. In this letter the judge said:

"Is there any hope for the repeal of the internal-revenue law? In this State these laws have become the means by which a very large number of disreputable people live, by making themselves spies, witnesses, guards, &c., at the public expense. Men too lazy to work manage to live at the expense of the Government."

He had another letter from Judge Baxter on the same subject, favoring the repeal of the internal-revenue law. In that letter Judge Baxter said:

"The public service for the United States is, I regret to say, in very bad hands in a majority of cases in Tennessee, and it can never be corrected until it is actively disfavored by the authorities at Washington."

Gentlemen will observe that Mr. DIBRELL estimates the cost, direct and indirect, to the Government and people of collecting the taxes on spirits, malt liquors, and tobacco at $10,000,000 per annum. In view of the facts he presents I do not regard his estimate as exaggerated. And, Mr. Chairman, I respectfully submit that Congress has no right to insist upon the annual expenditure of so large a sum in support of those trade monopolies. It would be wiser and more patriotic to repeal the taxes and emancipate the working people by thus abolishing the monopolies that oppress and plunder them.

Let me, in passing, and while it occurs to me, say, in support of one of Mr. DIBRELL's propositions, that when you repeal internal taxes you can calculate exactly the effect of your action; you can say that the bill will reduce the excessive revenues so much in the year. But when you reduce the rate of custom duties no man can say whether you will increase the current revenues or reduce them. It is our experience that increase of revenue has always followed, as an immediate effect, a reduction of duties; but after the lapse of a few years, when our markets had been flooded with cheap and inferior foreign goods, and our working people have lost employment and wages, and consequently the power to consume, the revenues rapidly decrease. What we now want is to reduce our revenues on the instant if it were possible. To attain this desirable result there is but one certain method. It can not be done by tariff tinkering and horizontal or other fanciful but impracticable reduction of existing rates of custom duties; the only method by which the result can possibly be attained is by the repeal of internal taxes. But I hasten to lay before you the promised extracts from the statements of the Members and Senators who appeared before the Committee of Ways and Means.

Senator VANCE, of North Carolina, followed Mr. DIBRELL. Among other things the Senator said:

The people of my State are not unwilling to pay these taxes; but they do object most strenuously to the manner in which they are levied and collected. That is a burden which creates more dissatisfaction and discontent and more actual distress among the people of my State than any other tax whatever. Therefore I am prepared, if the opportunity be afforded me, to vote for an absolute repeal of the whole internal-revenue tax system as it now stands; and if some other and better and more convenient way can not be adopted for collecting it I am opposed to ever reinstituting that tax. But if a method less obnoxious can be adopted I for one am willing to see the tax on whisky and tobacco retained.

I know the difficulty of convincing members of the committee of the evils and aggravations under which we suffer in North Carolina, because in most of the States from which the gentlemen of this committee come the business of distillation is in the hands of large capitalists and is conducted in large establishments. There the tax is collected without any annoyance or trouble to the community at large. It is collected from men who live by that business, who make their money by it. There one officer (storekeeper or gauger, is competent to attend to a distillery that will produce 1,000 gallons a day, just as well as that same officer is required to attend to a small distillery in the mountains of North Carolina which would produce only 8 gallons a day. There are in the State of North Carolina 1,617 small distilleries, and of that number there are only 6 that can produce more than 20 gallons a day. Of the whole number there are between 400 and 500 grain distilleries and some 1,200 fruit distilleries of a very limited capacity, none of them, I suppose, over 10 gallons a day.

These distilleries are all owned and operated by small farmers. Their fruit is the product of their orchards, so there is no speculation whatever in the business, nor can there be, in the nature of things, because an orchard can not be planted one day and the apples gathered from it the next day. It is a matter of years to secure an orchard, and the profit is dependent upon the season. For two out of three years perhaps we have no peach crop at all, at least none sufficient for distillation purposes, and not more than every other year do we have an apple crop, so that it is a small matter and circumscribed, in the nature of things. If the tax on the distillation of brandy were repealed, that business could not interfere in any way with the distillation of grain by the great distilleries that supply the traffic in this country. The fruit distillation can not be made to compete with it.

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In addition to all this I beg leave to say (I do not know how it affects some members of this committee) that the presence of from 1,500 to 2,000 revenue officers, excisemen, going about through the country as spies upon every man who may be supposed to be a distiller, nosing into his private premises, and exam-

ining his domicile, is a nuisance and an annoyance to which a free people ought not to be subjected.

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These officers, Mr. Chairman and gentlemen, are privileged to go armed, and, like all men clothed with a little brief authority, their reign in my country and their conduct is turbulent, insolent, and overbearing. If a citizen is outraged by one of them beyond the point of endurance, and makes the least resistance, he is instantly shot down, and instead of his murderer being tried in the State courts for murder, as any other person would be tried, the case is transferred to the Federal court, and, as a general rule, the jury is packed and the officer is acquitted. We have had any number of instances of that kind. I could enumerate several horrible murders that have been committed in my State in this way, the perpetrators of which have not been tried in one of the State courts, and I can not enumerate a single case wherein the perpetrators have been punished—not one. I know one well-authenticated case in which a man was indicted in Ashe County, North Carolina, for an indecent assault and attempt to commit an outrage upon a young lady. He filed his affidavit with the clerk of the court, in which he swore that he was in the discharge of his official duty when the offense was committed. His case was, therefore, transferred *prima facie* to the Federal court; but the judge of the Federal court indignantly and immediately remanded it to the State court. I suppose he was not able to extract any construction from the statutes of the United States under which the officer would be authorized to attempt a crime of that kind.

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In every view of the case, looking at it as a simple matter of justice on the part of the Government toward its citizens, especially toward its poor citizens, its farmers; looking at it in the light of the duty of the Government to make its people contented in regard to their taxes; looking at it in the light of the duty of the Government to avoid violating what we consider the muniments of liberty (entering a man's house and subjecting him to indignities under the suspicion that he is violating the law)—all these things I think require a modification of the system, and I hope that this committee will take that view of the matter and do something for the relief of the people.

Senator VANCE was followed by Mr. BENNETT, of North Carolina, who opened his remarks with the following allusions to the excise or internal-tax system:

Before proceeding to discuss the existing state of the law for the collection of internal revenue I desire to give the system a kick. Dr. Johnson defines excise as a hateful tax levied on commodities, adjusted not by common justice but by wretches hired by those to whom excise is paid.

Excise laws when first introduced into England in 1733 were denounced in the strongest language by the friends of popular government. Pulteney spoke of excise as a monster, a plan of arbitrary government. Another authority declared it to be such a scheme as could not, even by malice itself, be represented to be worse than it really is. Blackstone, in the first volume of his valuable Commentaries, page 378, says that "it has some advantages; but at the same time the rigor and arbitrary proceeding of excise laws seem hardly compatible with the temper of a free people. It is necessary to give the officer power of entering and searching the houses of such as deal in excisable commodities at any hour of the day, and (in many cases) of the night also; and the proceedings are so summary and sudden, that a man may be convicted twenty times by a commissioner to the total exclusion of trial by jury and in disregard of the common law."

Mr. BENNETT proceeded to make an animated statement of facts, from which I present the following extracts:

The profits of farming are always a little less than the profits of any other industry. Tobacco is grown out of the soil, and is crystallized in the sweat of the labor of the country. Its cultivation, therefore, ought to be cherished and fostered by legislation, and the tax which is at present collected on it ought to be repealed.

When an internal-revenue officer in the State of North Carolina (my horizon is limited by a pent-up Utica) starts out to enforce the law which has been violated (as he alleges) his posse and its mission are denominated, respectively, raiders and raids. It is not an attempt, under the civil administration of justice, to enforce a law which has been broken, but it is an attempt made by an officer armed with the commission of the General Government, surrounded by a cordon of muskets. The shimmer of the bayonets in the sunlight sharply tells how "young oppression learns its arms to wield." It is such a cordon and such an outfit that starts out to make an invasion upon the crystallized rights of the citizen.

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The assessment for deficiencies is the source of more dissatisfaction than any other feature of the law, except "the midnight raid, the morning fight." Now lend me your ears, gentlemen, and let the breathing be still a moment, for I know what I am talking about. Take the case of a man who owns a distillery in the town of Washington, in the State of North Carolina. It is one hundred and twenty-five miles as the bee flies from the seat of government in North Carolina. It takes a longer time to get a ten-gallon keg of whisky out of a distillery warehouse in the town of Washington, N. C., to Raleigh, one hundred and twenty-five miles distant, even when the United States storekeeper is on the spot with the door open, than any ordinary business man would require to get a car-load of flour from New York city and have it delivered in Raleigh, N. C. If the distillery should be under temporary suspension with less than 2,000 gallons of spirits in the warehouse all the keys must be sent to the collector's office at Raleigh; and should the man at Washington desire to take out a package of ten or more gallons here is what he has to do. The man at Washington (little Washington), on Tar River, forwards his application to Raleigh for stamps through the mail at his own risk, or he pays for registering his letter, or he gets a money-order. All that takes money, and we are as poor there as church mice. We are standing up to our chins in the ashes of our ruins. Do you hear me? The distiller is actually paying the Government a premium for the privilege of handling its own money already covered into the Treasury through the post-office. That is not all. He is really paying the Government a premium for the privilege of handling its own money already covered into the Treasury by the so-called collector. When all this is done the collector at Raleigh gives a stamp and issues instructions to the general storekeeper to proceed to the distillery in little Washington, one hundred and twenty-five miles off, with the keys and stamp and release the ten-gallon keg.

Then there is another branch of the system. Here in North Carolina (and, indeed, it occurs practically everywhere, I suppose) the amount of loss by leakage has to be ascertained by regauging, and the tax must be remitted before the general storekeeper has started off with the keys. How they ascertain by regauging the amount of leakage from each package under these circumstances is a problem. The general storekeeper (taking him at Raleigh) has found his quickest way to Washington to be from Raleigh by way of Weldon and Norfolk, Va., by rail; thence to Edenton, N. C.; thence by steamer to Jamesville, and thence by the Jamesville Railroad to Washington; and this trip, owing to the failure of connections at certain points, occupies a space of five days going and five days returning. And all this expense of traveling and the officer's salary at $4 a day become necessary to release a ten-gallon keg of whisky, the tax on which amounts to $9.

Now, is not that making one's poverty completely splendid? The truth of the business is, that we are in such a hurry in this country that we never have time to stop to correct abuses unless they are of the most glaring character. The collector, besides, gets a percentage on the stamps sold. This computation of time is based upon the supposition that the general storekeeper travels on the lightning express, or what we call there the "cannon-ball train," between the two points. It often happens, however, as I am credibly informed, that the actual time consumed in the transmission of stamps between Washington and Raleigh is no less than two or three weeks. This engenders much profanity and disloyalty.

Mr. BENNETT was followed by Mr. CANDLER, of Georgia, from whose statement I submit the following extracts:

I desire to emphasize, as far as I am able, the statements made by my friend from Tennessee [Mr. DIBRELL] and by the two gentlemen from North Carolina [Messrs. VANCE and BENNETT]. The same state of things which they represent as existing in Tennessee and North Carolina I am prepared to say, from my personal observation, exists in Georgia. The twenty counties which I represent in the House of Representatives from that State have, perhaps, within their borders more distilleries than all the other counties in the State of Georgia. The evils attending the system of the collection of taxes on distilled spirits exist there as they exist in Tennessee and North Carolina, and everything that has been said by the gentlemen who have already spoken as applying to those States applies also to the State of Georgia.

In addition to the evils enumerated by the distinguished Senator from North Carolina has been the shooting down in my own State of innocent citizens—of citizens who have not violated the law; citizens who are found by those raiding parties at distilleries, who happen to be there by mere chance, are shot down by these raiders, and when grand juries of the counties in which the crimes are committed return true bills against them for murder, the cases are transferred to the Federal courts. Not only that, but after the cases are so transferred, the district attorneys, the very men whose duty it is to prosecute violaters of the law, are assigned to the defense of these murderers of our citizens; the Federal courts holding that in case of crime committed by a Federal officer, and claimed by him to be in the discharge of his duty as such, he is not amenable to State courts, and district attorneys are loud in their oratory in support of this position. I have known that of my own knowledge to occur in the northern district of Georgia. I have known in one of the counties which I have the honor to represent a case of this sort: Men intrusted with the collection of this tax went to the house of a poor farmer and ordered his wife to prepare breakfast for them, which she declined to do. They ordered her again to prepare breakfast, and she still declined to do it. Her husband came up and, as a matter of course, stood by his wife. He said to them, "Gentlemen, my wife is sick, and we are not prepared to get breakfast for you." Whereupon they assaulted him, and then went to Atlanta and swore out a warrant against him for obstructing an officer in the discharge of duty. He went before the grand jury of his county and procured indictments against them for assault with intent to murder, and the Federal court refused to deliver him, and the officer was defended by the district attorney.

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One other idea I would suggest: It may appear strange to gentlemen, and doubtless is strange, that those outrages of which we complain should exist in a community that claims to be civilized and enlightened. But they do exist, and the reason why they do exist is that the internal-revenue system is so odious that good men can not be found to take the positions and to discharge the duties of the offices. The result is that the gaugers and storekeepers and deputy marshals are generally bad and irresponsible men and political renegades. They are generally men who accept these positions for the money that is in them. They are men who have no very well-defined ideas of their official duties or of the rights of citizens.

Mr. CALDWELL, of Tennessee, followed Mr. CANDLER. The following statements of facts are impressive:

I feel it to be rather presumptuous in me to attempt to say anything in addition to what has been already so well said, but I will address my remarks in some measure to the inquiry put by the gentleman from Pennsylvania [Mr. KELLEY]. I do not think there is any disposition on the part of the people whom I represent to rebel against the collection of the tax upon distilled spirits.

Mr. KELLEY. I did not suggest that. Pardon me. I asked whether the repeal of the internal-revenue system was impracticable.

Mr. CALDWELL. I did not attribute that to you. I will get to the point directly. I think, as stated by my friend from Georgia, that the entire question is embraced in this statement: that we want to get rid of a system which is the most oppressive, the most annoying, and certainly the most undemocratic (not using the word in a party sense) that was ever put upon any people.

For instance, I will relate an incident in the current history of this business in the State of Tennessee. A man by the name of Davis, who stood higher in the estimate of the department authorities than any man who ever held a similar position under the internal-revenue system, committed murder after murder, and was knighted, so to speak, by all the Federal authorities having control of the internal-revenue system. He was promoted, his pay was increased, and he was given enlarged jurisdiction. Finally in the street of a town he shot a young man who was walking away from him in the back, and he was indicted in the State court. His case was transferred to the United States court, and the judges of the district and of the circuit court of the United States certified a difference of opinion in order to get the question before the supreme court as to the jurisdiction. The supreme court affirmed the jurisdiction of the circuit court of the United States. The case came back to the Federal court, and the prosecuting attorney of the United States was assigned to the defense of this man.

Mr. HISCOCK. Who prosecuted him?

Mr. CALDWELL. A private counsel.

Mr. HISCOCK. The Government did not prosecute him?

Mr. CALDWELL. No; the Government required District Attorney Warden to defend him. Now, how did this man get out? He got out under this state of facts: The hurrah which he had created all over the several counties running through Mr. MCMILLIN'S district, and my own, and Mr. DIBRELL'S, and all over the country, had raised such a state of affairs that the authorities finally declared an amnesty, and they had an absolute truce and treaty of peace between these tyrannous raiders and the men who were fighting against them. And there was an agreement that the case should be nolprossed in the Federal court, and a number of prosecutions dismissed.

If the committee desires light on the question, I can introduce a gentleman who is now in the employment of the Federal Government, Capt. Michael Keegan, who was before the war in the United States Army, and who was during the war in the United States Army, who bore the commission of the Government, who is a gallant man and gentleman, who went with this man Davis on his different raids, but who had the courage and the manhood to protest against his lawlessness. Instead of going to a man's distillery in broad daylight and treating him as an officer of the Government ought to treat a citizen, they would come around in the dark an hour before day, and would charge the distillery with a whoop and yell, and they would shout and rear around and scare everybody to death. If Davis found anything wrong, instead of transporting the property and carrying it away, as he could have done, he would deliberately and of malice prepense destroy it before the owner's eyes.

What was the result of this? Under our system of constitutional government no branch of the Government should be allowed to place that sort of power—

the power of judge, jury, and executioner—in the hands of any man, especially in the hands of such whiskified desperadoes as Davis and his cohorts. Human nature would not stand it. They had a regular battle. There were sieges, mines, and countermines. Davis was a desperate character; I understand that he was a rebel bushwhacker during the war, not a regular soldier in arms fighting against the Government. The result was that he was finally shot down in a county in Mr. DIBRELL's district by men who had come hundreds of miles, evidently, and had prepared an ambuscade along his path and shot him down. There never has been a prosecution of these men, because they absolutely disappeared into the earth. They were absolute strangers in that part of the country. Not a man, woman, or child within one hundred miles knew one of them. This man Davis had so concentrated the hate of everybody upon him through all that section of country that nobody would think of giving information against those who shot him down.

Next came Senator BROWN, of Georgia, from whose well-considered statement, corroborating those of the gentlemen who had preceded as to the cruel execution of the law, I submit but a single extract:

Mr. Chairman, I come here rather on the invitation of my friend Senator VANCE, who has been before you and who said that some of the Southern delegation were to appear before this committee with a view of submitting some considerations on the subject of internal-revenue taxation. My position is very well known to members of the Senate. I believe that we ought to repeal the entire internal-revenue system. I think it is not the proper basis of collecting the revenue. A short period after the termination of the war of 1812 our fathers were a unit on the mode of collecting the revenue. They all consented (Whigs and Democrats or whatever party names they had) that the revenue for the support of the Federal Government should be collected at the ports. I believe that to be the proper mode. In times of war and of great emergencies we have to resort to all means of collecting revenue, as in the case of the war of 1812 and in the case of the late unfortunate war, the Government was forced to resort to that means as well as to the collection of what it could collect at the ports.

But we have already continued the system much longer than we ought to continue it, I think, and to my mind there are very cogent reasons why it should not be continued. The two armies of collectors are very unnecessary, I think. We have at the ports all the officers necessary to collect the revenue of the Government. But we have also an army of internal-revenue collectors—a sort of political machinery, though I do not speak of it as being used for politics. It is a sort of political machinery in my State, and I presume it is in all the States. It is increased or diminished according to the will of the party in power. Excuses are found for employing many of these officers about election times. They are a very convenient sort of machines for getting up small criminal cases and getting costs into the pockets of attorneys, marshals, and other officers. The people of my State have been annoyed very much on this question. There is no end to the little petty oppressions growing out of the system. My people are as nearly a unit (especially in the upper portions of my State, where the revenue officers have been practicing) in the demand for the repeal of this system as they are upon any question.

It seems to me there is no use for this machinery. If you ask me whether a tax upon whisky and tobacco shall be collected, I say yes; but I would not have the Federal Government collect it. I would have the distiller give in a statement of his brandy or whisky, or whatever he may have made, to the tax receiver, and pay the tax upon it to the county or the State. Indeed, I should like to see whisky and tobacco pay a large proportion of the State taxes of my own State. If they were only taxed as they are now, and if the proceeds were given to the treasury of the State, they would pay all the expenses of the State of Georgia, as they would, I think, of every other State. I believe that the Government received some $140,000,000 last year from the taxes on whisky and tobacco. I have not made a calculation as to the aggregate amount of State taxes throughout the country, but I suppose that the taxes collected on whisky and tobacco last year amounted to as much as the State taxes of every State in the Union. If these taxes were left to the States themselves and if the revenues of the Government were collected as heretofore at the ports, there certainly would be no need for an army of collectors, and that would be a point gained.

From the remarks of Mr. SCALES, of North Carolina, I submit the following extract:

This is a subject on which I feel, and have felt, a very deep interest. It could not be otherwise if I represented properly the constituency which has sent me here. I believe with Governor BROWN that this whole internal-revenue taxation ought to be abolished at the very earliest practicable moment. The policy of this Government, established nearly one hundred years ago, was, as has been well said by Governor BROWN, that the expenses of the General Government ought to be defrayed out of the customs. The object of our fathers seemed to be that there should be no possible conflict between citizens and the General Government in the matter of taxation. The direct taxes were all turned over to the States. That has been the policy of the Government from that time to the present except in time of war; and when the war passed away, our people (looking still to that same policy and believing in it) have always insisted that the war taxes should be abolished.

Now, let me call the attention of the committee for a moment to the State of North Carolina. We raise in the State of North Carolina from all sources between $1,100,000 and $1,200,000 for the support of our local government—county and State. Of that sum about $500,000 is paid, at large, to the State. You have heard some of our friends speak of the poverty of the Southern people. We are just commencing to recover from the condition in which we were left by the war. Now, why, at a time like this, when the Government is rich, with a surplus of eighty or a hundred million dollars in the Treasury, keep up these taxes in the States? Why refuse to relieve our people at least to this extent? If the States want to raise more revenue than they now raise for education or other purposes, why not give them a chance to do it by leaving this taxation to them? We will take care of the moral question, and it can not be left in better hands than the people of North Carolina. We will take care of the mode of collection. If you will just do that, we will be able, if we choose, to add to the $1,100,000 of taxes which we now pay in North Carolina $2,500,000 more to be raised from internal revenue. We raise now about $150,000 for schools—the people of North Carolina are deeply interested in the question of education. If we can have this money from internal taxation (and I think the Government can spare it), not only can we increase our schools and improve them, but we can also increase the time during which they are kept open in the State.

This tax is an unequal tax. It rests upon the industries of the country. It rests upon the industry of tobacco, which is more profitable, and which adds more to the prosperity of the section which I represent than any other one industry that can be mentioned. Why strike this industry down? Gentlemen tell me that it is the consumers who pay the tax. We do not think that that is wherein the difficulty lies about the payment of the tax. We do not wish the tax to be retained, because it produces monopolies. It produces monopolists in the manufacture of tobacco and it produces monopolists in the manufacture of brandy. This committee reported a few days ago a bill to the House postponing the time for the collection of taxes on whisky in bond, the reason for it being, as I understand, that that interest was suffering. The bill was reported in order to relieve those men who were being crushed out. Now you heard the Senator from North Carolina tell you this morning that the whole fruit-brandy interest of North Carolina is crushed out. Mr. Chairman, there are sections of that State where a short time ago there were flourishing orchards, which were improved and kept up and which spoke for the prosperity of the country, that are now going down and abandoned because the people have no inducement to keep them up. I hope that it is not the policy of the chairman of this committee, and that it is not the policy of any member of the committee, to retain these taxes indefinitely. I hope that every gentleman looks forward to the time (and that very soon) when these taxes shall be abolished, when direct taxes shall be left to the States and left to the control of the States, and when the General Government will get its revenues entirely from the customs of the country. I believe that that time is near at hand.

The following paragraph is from the statement of Mr. COX, of North Carolina:

I am here to ask for relief of some kind. My people have been led to believe that they would get some relief at the hands of Congress, and they have gone on and submitted, up to this time, comparatively quietly. I speak of this in a political sense, not in a party sense, because we have no party in North Carolina on this question. Both parties ask a change in the system. They prefer a repeal of the internal-revenue law. I am not speaking, Mr. Chairman, of your State of Illinois, where I know that the laws are far less oppressive than they are in my State. The large manufacturers of whisky do not feel the oppression of the internal-revenue taxation. But our people have been looking for some relief; and if you give it to them they will go on and feel that Congress is doing something for them. There is getting to be a very bad sentiment in portions of North Carolina now. There is getting to be actually a state of warfare there between the officers of the Internal Revenue Bureau and the people, and the consequence is that you can not secure the service of any respectable class of men to act as revenue officers.

In my district the other day four armed men rushed into a man's house in the absence of its owner and gave as the reason for it to the owner's wife that they were searching for whisky. He had happened, about Christmas time, to go into a neighboring county and had got a small quantity of whisky, which he had consumed. These men lit a paper and threw it into the cellar and committed other outrages. The man had no redress in the courts. These revenue officers may outrage a man's family with impunity. There was a case in North Carolina where a man made an assault upon a woman; and when he came to be prosecuted for it he actually had the case removed into the Federal court. The people feel that they have no redress for these outrages upon them, and that raises a lion in their hearts. The consequence is that there is warfare going on there, and that matters are getting worse. Every lawyer knows that these revenue officers can not be tried in a State court for any offense that they may commit.

In the course of his remarks Mr. CABELL, of Virginia, said:

But, as this discussion is more particularly in reference to the internal revenue, I say frankly that I believe it ought to be abolished—ought to be cut up, root and branch. It is a system of taxation that is undemocratic, unrepublican. It is a system of taxation which our fathers deplored. It is only recognized in our laws and traditions as a system to be resorted to in time of war or great public peril; and it has been always repealed as soon as the emergency which brought it into existence was over.

This law was enacted more than twenty-two years ago. The emergency which called it into existence has long gone by. It was said in the discussions at and about the time when the law was passed that as soon as the emergency ceased the law would be repealed. But it has been continued from that day to this. It is true that the taxes upon a great many subjects of taxation have been repealed. The tax on incomes, the tax on business and occupations, and a variety of taxes of which you gentlemen know, have been all repealed; and the tax simply remains now upon two subjects, liquors and tobacco. There is a tax of 90 cents a gallon on spirits, including that distilled from fruit. However that internal-revenue system may have operated in the States in which you gentlemen reside, it has been executed in a spirit of oppression and outrage in my section of the country and in a great deal of the South. It has been executed in a manner which constituted it a disgrace to the Government and an outrage on the people.

You have no idea, gentlemen, how this system has been worked and operated in our country. No matter what you gentlemen may think of this system, you would not have tolerated it a week, or a day, or an hour in your own States. Much has been said about the moonshiners in the South. A great many people have not perhaps discharged their duty as good citizens ought to have done. There are bad men there, I admit, just as there are anywhere else, but no more in proportion than there are in other sections of this country. If this law had been carried out in your respective States in the oppressive way in which it has been carried out in my State and other States that I know of, you would not have tolerated it a week longer than you could have got to Congress and accomplished its repeal. I have seen drawn to one of the Federal courts between one hundred and fifty and two hundred poor men from the mountains of Virginia—men so poor that they would not have had the means to go there from their homes if they had to go there on their own account. I have seen men prosecuted on the most frivolous pretext. I have seen men convicted who had been procured to commit the very crimes (if you can call them crimes) for which they were convicted. It is true that the evil is less now than it was. Much of it has gone by. But still there are wrongs committed in the South through and by the operation of this internal-revenue system. You can not get the better classes of citizens (men who can be depended upon) to take the positions of deputy marshals, spies, informers, gaugers, and all those occupations that have been fastened on this system. How long do you suppose people in the Northern States would tolerate a system which started out by organizing an army company, or a squad, in a time of profound peace, running and ravaging the country with arms in their hands, seeking out the most trivial violations of the internal-revenue law?

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Mr. KELLEY. Your distillers are usually distillers of small quantities of fruits or grains grown by themselves?

Mr. CABELL. Yes. They are poor men in the mountains, who have orchards which were planted by their fathers. They are remote from market and have no means or mode of transporting their fruits to market. It is true that these people have been brought up with the idea that in regard to agricultural products they should be perfectly free to raise them and to make out of them whatever they can make; and they feel that it is a visitation upon them by the Government to have this crowd of fellows sent among them to undertake to prevent them doing it.

Mr. KELLEY. Do not the fruit and grain distillers of North Carolina, of the most of Virginia, of Georgia, and of South Carolina feel this tax on their small production (the conversion into brandy of their own fruit or grain) in their purse, their basket, and their store?

Mr. CABELL. They feel it every sort of a way.

Mr. KELLEY. Then they are not like the owners of enormous distilleries and bonded warehouses of the North, where the pay of storekeepers and gaugers is an inappreciable percentage of the owners' profits?

Mr. CABELL. They are not at all like that. These small fruit distillers are men of small means. They can raise but little in the mountains. The fruit is indigenous, as you may call it, to the mountains. They are remote from rail-

roads. The fruit will not bear transportation to market. They can not get it to market in any other way except in the shape of brandy. They can not raise much grain even in many sections of the country. They depend upon the sale of their fruit brandy, in a great measure, for their supplies of meat, bread, sugar, coffee, and other things. And when this tax has been levied, many of them are unable to comply with the law and pay it.

Mr. KELLEY. Is not the tax of 90 cents a gallon actually a tax of 90 cents upon the peck of corn or rye or upon the quantity of fruit from which it is distilled?

Mr. CABELL. Yes.

Mr. MCMILLIN, of Tennessee, who was the last gentleman to address the committee, indorsed the statements of the other gentlemen and made an earnest appeal for the repeal of the tobacco tax and the tax on fruit brandy.

Mr. Chairman, in conclusion I submit to the conscience and judgment of the country whether a system of taxation, the enforcement of which can possibly open the way for such outrages and oppression as are here disclosed, should be enforced upon a free people in a season of profound peace. It is a war measure. War has three times called it into force; the restoration of peace abolished it twice; and peace having been restored and maintained for twenty years, the Forty-eighth Congress will vindicate its wisdom, humanity, and patriotism by again removing it from our statute-book.

The CHAIRMAN. The gentleman has thirty minutes.

Mr. LONG. Mr. Chairman, as I may possibly take more time than thirty minutes, and as I am entitled under an arrangement already made to succeed the next speaker, I will ask permission if necessary to overrun that time a little and will give an equal amount to the gentleman who shall follow me.

I think, sir, that I am in similar case—if I knew more Latin I should probably say "*in consimili casu*"—with many members upon this floor who pretend to no such thorough and special knowledge of this subject as is possessed by the distinguished gentleman who has just taken his seat, but are called upon to determine their line of action upon general information and upon such facts and statements as have thus far been laid before them by those who have already spoken.

I am sure that there are many who, if they were to speak at all, would speak, as I do, more to obtain information than to convey it, and less to make impressions than to have their own confirmed or corrected. In other words, we are feeling our way. I think we may claim, however, that we approach the subject with no indirection, and that we resent a little the imputation, so far as it includes us, that we are governed in our judgment either by sentimental considerations on the one hand or a desire on the other to subordinate this present practical issue to the ulterior question of tariff reform or tariff protection. I think too that I caught in the remarks of one gentleman on the other side of the House who spoke on Saturday last, although I do not find them in the RECORD, the reproachful term "temperance crank." I know that I have read in the reports or have heard a reference to "the fanaticisms of prohibitionists." The eloquent gentleman from Maryland [Mr. FINDLAY] also took occasion to make a special reference to any who allow themselves in this matter of a tax to regard the question of its relation to the evil and the horror of intemperance. For one, Mr. Chairman, I do not care to be put in the category of those who can not consider a question upon its merits; and that I may say just that, is my apology for saying anything at all. And, sir, when I recall the course of this debate; when I remember that at the very outset it was intimated in the Commissioner's letter that if the commodity in question went under any other name than that of whisky there would be no issue; when I remember that it is the friends of this bill who first threw into the discussion the subject of temperance under the guise of averting that subject; and when I find from the beginning to the end an extreme sensitiveness on their part lest the moral aspect of the case shall affect its determination, I begin to suspect that the moral element is one that can not be left out of this case, as it ought not to be left out of any topic of legislation. But, sir, whatever my views upon this question of prohibition or of the tariff may be, of one thing I am sure, and that is that I can consider this question without prejudice derived from either source and in its light as a business and legislative matter.

Mr. Chairman, I confess that when I approached this subject I was inclined favorably to the bill. It seemed to me that its tendency was to correct a discrimination against whisky which did not exist against any other subject of taxation. I was struck with the earnest and incisive argument of the gentleman from Arkansas, and with the emphasis with which he insisted upon the special injustice done to this one item. It began to dawn upon me, however, that his argument was proving too much. The query arose, if there is such gross and special singling out of one commodity for excessive and unjust burden, why did such an enormity enter into the mind or secure the sanction of a former Legislature? Injustice is not often gratuitously done. When a law is made some good reason is at least supposed to underlie it. So I make a further inquiry, and I find the case has another side and is in harmony with our system of taxation and not in antagonism to it. I find that the effect of this proposed bill is not to remove a discrimination, but to make one by giving whisky for the payment of the tax on it a longer term from the date of its production than any other commodity has in fact and in practice. In looking, for instance, at the law concerning the importation of foreign merchandise, I find that the system is less favorable to imports than the system now so harshly criticised is to whisky. For with reference to whisky the law is, as I understand, that the tax may be paid at any time within three years from its warehousing, and paid not only without interest but with an allowance for leakage so generous and large that that is itself a source of profit. On the other hand, with reference to imported merchandise the law is that the tax must be paid within one year. It may be paid within two years more; but if it overrun the one year a single day there is an increase charged of 10 per cent., and if not paid within the full three years the merchandise is confiscated and sold.

But we are asked to consider other articles of domestic production as more germane to this issue. Well, here we find that the law with regard to fermented liquor and tobacco is that the tax is, I admit, payable only when the product is sold for consumption. That does seem at first to be a difference and a discrimination, as has been charged, from the case of whisky, on which the tax is payable within three years from its warehousing whether sold for consumption or not. But here again I find that the law can be vindicated, that the law is founded in practical common sense. I find again that this seeming difference or discrimination is not gratuitous, that it is not unreasonable, that it is not in fact substantial discrimination. What is the reason? Let us look into the *rationale*. Beer and tobacco deteriorate by age. The whole tendency of the natural law of self-interest—and as practical legislators we always reckon on natural laws—the whole tendency of the law of self-interest urges the owners of beer and tobacco to sell them for consumption as early as possible. Every day's delay diminishes their value; every day's delay adds to the burden of interest in carrying them in stock. Legislative wisdom therefore says that the public interest in the tax on beer and tobacco is fully protected by collecting it when they enter into consumption.

Mr. WILLIS. Suppose, governor, they find no consumer?

Mr. LONG. But they do. [Laughter.]

Mr. WILLIS. In this case they do not.

Mr. LONG. But take whisky—I mean, take it for the purpose of argument. [Laughter.] Unlike a member of Congress, the older it is the more valuable [laughter]; age is its necessity and its crown. The increase in the value of whisky by age neutralizes any loss of interest on the investment, and is really an element of profit. In the case of whisky, differing from the case of beer and tobacco, the whole tendency of this natural law of self-interest is to delay its sale for consumption.

There are, therefore, as you see, two reasons why the collection of the tax on whisky should not be left, as in the case of beer and tobacco, until the article goes into consumption. The first is, this tax is a tax on production. Tobacco and beer and intoxicating liquors are harmful and injurious we all agree. They are not the favorites of wise statesmanship. They are not conducive to the public welfare. A tax on their production is a tax on their accumulation, just as a bounty on their production would be a premium for it. The tax, therefore, should be collected at or reasonably near the time of production and as an incident to it. To effect that object no statute is necessary, as I have shown, in the case of beer and tobacco, because the natural law secures their early sale and therefore early taxation—taxation at the time and as an incident of production. But as to whisky the statute *is* necessary, and it is necessary not to enforce a discrimination, but to *prevent* discrimination by insuring this same result of early taxation. This whisky law, then, which has been assailed as being so unreasonable and discriminating, is shown to be founded entirely on reason and entirely in harmony with our system.

But the second reason is the main one, because it is the practical reason. It is practical experience which at once suggested and demonstrated the wisdom of the present law, or rather of what the present law intended. It is worth while to look into the history of this matter for a moment for our information. Formerly the tax on whisky, like that on beer and tobacco, was collected at the time of consumption. But under this same natural law of which I have spoken of, under the inducement to store whiskies in warehouses for a term of years in order to get the increased value of their aging, there accumulated not only whisky but there accumulated also the opportunities, temptations, and incidents of a system of fraud. It broke out, as you remember, in plague-spots that were a national disgrace and loss, and which we blush to remember. Great stores of this commodity liable to taxation yet reluctant to meet it, growing more valuable the longer they escaped it, gathering around them an army of spies and subordinates, and constituting an interest which could furnish vast sums for a corruption fund—all this necessitated, not as a piece of gratuitous injustice, not as a piece of special discrimination, but as a measure of wise legislation, the enactment of a law, the law which in 1868 required the tax to be paid substantially at the time of production; or in other words, in order to give reasonable time, within one year.

Therefore I say that the law is reasonable; and the only question I have as to its merit is that perhaps it did not go far enough and make the limit for the payment of the tax less than a year, and bring it, as I think one gentleman from Mississippi suggested, down to the immediate time of production. For what was the result even of the law of 1868? The accumulation of whisky still went on, and it went on to such an extent that in 1878 an earnest appeal was made to Congress to extend the limit. It was said then, as it is said now that relief must

be granted; that otherwise ruin, panic, and bankruptcy would follow; and that if relief were granted—remember this—the evil would not occur again; the burned child would dread the fire too much. And the extension was granted in 1878 for one year, in 1879 for three years; but even then not without protest. It was argued by Garfield, I think, and by others that relief would only stimulate production; that each year would see not a reduction but an increase of the product; and that at the end of three years a still greater outcry would be made for another extension and be backed by a still greater monopoly. Every prediction then made has proved true. Look at the figures.

The gentleman from Georgia [Mr. BLOUNT] in his admirable speech tells us that the production of whisky in 1879, the first year after the extension was granted, was 71,000,000 of gallons, in 1880 it was 90,000,000 of gallons, and in 1881 it was 117,000,000 of gallons. Could you have a more striking fulfillment of the prophecy of increase of production? And not only was that prophecy fulfilled, but there was also fulfilled the prophecy that an application would again be made for an extension when the three years then granted were up. In 1882 an appeal for another extension came, and it was refused. The result was good. No national calamity or panic or loss followed. The production fell off at once on that refusal. The production, which in 1881 had been 117,000,000 of gallons, in 1882 was only 105,000,000 of gallons, and in 1883 it came down to 74,000,000 of gallons.

Mr. Chairman, these figures conclude the whole case. In the light of them what are we, as sensible men, called upon to do? The case resolves itself almost into a mathematical demonstration. The three years' extension granted in 1878 increased the evil; the refusal to grant the extension in 1882 lessened it. Which example, which precedent are we going to follow? As the gentleman from Maine [Mr. REED] puts it, if the extension of 1878 and 1879 increased production from 71,000,000 of gallons to 117,000,000 of gallons, how much would the extension asked this year increase the production? And I add, if the refusal of 1882 brought down the production from 117,000,000 of gallons to 74,000,000 of gallons, how much will a refusal now reduce the production?

What is the use to talk in the view of this experience and these figures? I do not blame the parties in interest for urging this matter. The individual in present necessity always wants present relief. His personal interest blinds him, as it is liable to blind every man, to the public interest, and sometimes to his own. I believe the gentleman from Kentucky [Mr. WILLIS] is speaking here for his constituents with a most sincere good faith and the most thorough conviction. But pass this bill and extend this time, and when the limit is reached he will find that instead of 70,000,000 of gallons on hand in storehouses as now, and instead of $66,000,000 of taxes unpaid, the amount will be increased from 25 to 50 per cent. The gentleman admits this result when he suggests that if this bill is passed the relief given the farmers will increase the sale of corn for distillation. If it be true, therefore, that the passage of this bill will bring increased production and an increase of the evil, then when the extension of time we are now asked to give shall have passed there will again come with redoubled force the cry for relief. More than likely the 4½ per cent. interest guaranteed to the Government by this bill will in the mean time have been legislated off, and even that poor sop be denied. The monopoly will then have still greater interests in peril and a still greater fund assessed to back it. More banks will then be interested and more influences invoked upon this Chamber. Then indeed will there be so much at stake that possibly ruin and bankruptcy and loss may follow if relief be not granted. And let me tell gentlemen that then the question will be not when the tax shall be paid, but whether it shall be paid at all. This is not a question of good nature; it is not a question of personal relief. If it were it would be of less consequence. It is a question of grave public policy and of far-reaching effect on the public welfare.

The CHAIRMAN (Mr. MILLS). The time of the gentleman has expired.

Mr. WAIT. I trust the time of the gentleman will be extended.

Mr. LONG. I have time of my own at the expiration of the hour of the gentleman from Pennsylvania [Mr. KELLEY], and I ask permission to take that now.

The CHAIRMAN. Is there objection to the time of the gentleman from Massachusetts [Mr. LONG] being extended?

Mr. MILLER, of Pennsylvania. The gentleman from Massachusetts [Mr. LONG] has time of his own.

The CHAIRMAN. The time granted to him by the gentleman from Pennsylvania [Mr. KELLEY] has been exhausted.

Mr. MILLER, of Pennsylvania. He can go on in his own time.

The CHAIRMAN. Is there objection to the gentleman proceeding? [After a pause.] The Chair hears none.

Mr. LONG. I make two conditional admissions. If it were true that in case of the rejection of this bill there would be ruin and panic and bankruptcy, then, whoever is at fault, it would be a very strong argument. But let us look at that matter. First, make allowance for the extravagance of argument and the zeal of advocacy. Second, and it is conclusive, remember that no such results followed the refusal to grant relief in 1882. Third, if relief is necessary, why should not the parties themselves furnish it? The whole amount of the $66 000 000 of taxes which are unpaid is not due to-day. As I understand, it is distributed over the next three years. If that is so, then it amounts to some $22,000,000 a year, and that twenty-two millions distributing itself along over the whole year. Why do not these parties themselves take care of the amount? It is indeed urged that the Government does not need this tax; that its coffers are already running over. Ah! is it admitted, on the other hand, that if the Government did need it this request would not be made? If so, then it would still be true that the danger of panic and ruin would still be just as great then as now. The fact is, and we all know it, that this resort is made to the Government rather than to anybody else because it is thought to be the easiest way out of a difficulty.

Suppose the parties in interest could not look to the Government. What would they do? They would look elsewhere, just as they will now if we refuse to pass this bill. What will be the result of its rejection? The result will be wholesome. The production of whisky will be staid, just as the refusal to pass a similar measure in 1882 staid and reduced it. The present stock will go its normal way. If it go out of the country, escaping taxation by export, the country will bid it good riddance. If it remain, the Government will get its tax and go on paying its debts; and it needs every dollar it can get for that purpose.

But you ask, how will those engaged in this interest raise the money required? The amount at stake is, as the gentleman from Iowa [Mr. HEPBURN] said, a mere bagatelle ($22,000,000 a year distributed along the whole period). In comparison with the amount of capital in this country seeking investment, and constituting the resources of our banks and loaning institutions, it is a small sum. I submit that if the Government can afford to leave this money on interest at 4½ per cent. (which is not one of its functions, and those who have regard for the Constitution should remember this), then certainly other institutions whose function it is to loan money will be glad to secure so good a loan at so good a rate. They can have exactly the same security that the Government has. They can have the same whisky, three-fourths of the value of which is in the tax. They can demand the same bonds which the Government demands. Why, sir, the gentleman from Iowa [Mr. HEPBURN] tells me computation shows that the allowance by the Government for the one item of leakage is so generous and so profitable that it alone would secure and pay the interest on the loan.

Mr. WILLIS. That is not the fact.

Mr. LONG. Possibly not. I state it upon the authority of the gentleman from Iowa.

But certainly if the loan is good, other institutions will gladly take it. If it is not good, then the Government, charged with the trust of the people's money, would be criminal to leave $66,000,000 of it at longer risk. Here is a point which should not be overlooked. Let me put it in this way: To-day the Government has at risk in this whisky business, but not now payable, $66,000,000 of the people's money—theirs by law, theirs by the act of the whisky producers themselves, who manufactured this product, knowing the law and estopped to plead ignorance of it. And, I say, if the amount is secure to the Government it will be equally secure for any other who may lend it. If it is not secure, it should be collected just as soon as the law will permit. For if a crash is to come, if this whisky shall decline in price and not be sufficient to secure this debt or tax, I ask any practical man of what value will be the bonds? How many of the sureties will be responsible and good in case of such a crash, and what demand will Congress not be subjected to to favor and relieve even those who are responsible and good? For it will then be said, and said with a great show of justice, that Congress itself might have collected this tax, but by delay and extension encouraged the financial avalanche.

But perhaps you say that this loan can not practically be obtained from the capital of the country, because the creditor knows that, if he should demand its payment at any time, the price of whisky might be reduced to a song by its sacrifice, and so payment made impossible. But that depends—it depends entirely upon the purpose with which this bill is pressed and the probable action of the parties who are interested in it. If this bill is not sought with the sure and honest purpose of staying production—if this bill should, as I believe it will (and as was the case before) stimulate production, and thereby glut the market still more and reduce the price by its surplus—then to pass the bill would certainly be to promote the very evils from which relief is sought.

On the other hand, if there is an honest purpose to stay production till the present excessive supply is distributed and consumed in the ordinary channels, that result can be obtained by the voluntary act of the parties themselves and without any bill. The passage of this bill would not aid in that result. Any capitalist loaning the money and taking the amount off the hands of the Government would be secure with things just as they are. So that, taking either horn of the dilemma, there is no justification for the bill. If, however, you still say the danger is so great and the security so frail that no such risk ought to be put upon the capital of the country under any circumstances, then I answer—and the common sense of the House will sustain me in saying—that the time has come to face the question of the repeal of the tax itself and not leave the Government counting as an asset something which

has no value. Disguise it as you may, the real question before us is not a temporary question of extension, it is a question of repeal.

There is only one other ground on which, if it existed, I should be perfectly ready to grant this relief, and that is, if anybody in this country had been misled or wronged by the action of the Government. But, as has been so often and so conclusively shown, fair warning was given in 1878. Producers, distillers, bankers, speculators, all had their eyes wide open to the risk they ran. They have taken their chances as absolutely as the gambler who sits down at the card-table. There has been in this matter an element of risks in futures that is neither altogether deserving nor innocent. This has grown into a gigantic interest of speculation that comes with poor grace to ask Congress to help it out of its own folly. It is a monopoly, which it is said has swallowed up the smaller whisky interests; and while I should deplore the possibility, if it existed, of ruin or bankruptcy anywhere, I believe that sound, honest public policy requires the reduction and dissipation of this huge cancer into the ordinary tissues of wholesome business vitality.

I hear it said that this interest has paid a thousand millions into the public Treasury; that it has supported our armies; that it has paid our debts; that it has maintained our Government. But, sir, it has not paid one cent. Whisky has never paid a dollar. The people it is who out of the earnings of their toil have paid millions for it and its curses. If a thousand million dollars have gone into the public Treasury, whisky has been only the rotten bridge over which it has passed. Contributed to the public welfare! It is rather the dynamite of modern civilization; and when you reckon, as you do, the billions by which you measure its production and cost, you are reckoning not any addition to the public welfare, but you are reckoning the extent of the public and national ruin, waste, and poverty. There you may look for loss, and panic, and bankruptcy, and not to that bagatelle of a few million dollars that is about to be transferred from the books of the Government to the books of private lenders.

The gentleman from Maryland [Mr. FINDLAY] waxed eloquent, and no man can be more so, when he called this commodity a very "hell-broth" of woe, and asked if we were prepared to pour it broadcast over the land, instead of confining it in the receptacle of the warehouses of the nation. He knows better. He is not deluded with the notion that our warehouses are built and stored with whisky for the pleasure of its accumulation or with the benevolent big bandana handkerchief purpose of keeping it from public use and public consumption. He knows that to pass this bill will indeed pile it up in those warehouses, but will pile it up only to be poured out a few years later—and the longer delay the more abundantly—in a deluge of ruin and madness over the land.

I, too, like him, find my guide not in any noisy clamor, not in any false outcry of the popular voice, but in my own conscience and judgment. And these tell me, as a matter of sound public policy, of recent historical experience, of present justice, of the true interest even of the parties appellant, of honest fulfillment of obligation and law, of statesmanlike prevention of greater impending evils, and of arresting, even at some possible cost to a few, a disease which, by delay, will only grow worse in its general calamity—these unite and tell me that it is my duty, even aside from all questions of domestic good morals, to vote against this bill. [Great applause.]

Mr. HURD took the floor and said: I will yield for twenty minutes to my colleague [Mr. FOLLETT].

Mr. FOLLETT. Mr. Chairman, it is easy in the discussion of a question such as that we are now considering in this committee to take a few facts and separate them from other facts and draw a conclusion that is fallacious; but when we group the facts as a whole to ascertain the results of legislation and of prior laws the conclusion at which we arrive is necessarily a conclusion upon which we can rely.

I have been surprised at the results alleged to have been reached from the facts which the gentleman from Massachusetts [Mr. LONG] has presented, as such results could only have been obtained by a deceptive grouping of facts and by separating them from others, and I am more surprised at the conclusion he has reached by thus separating the facts disclosed from those withheld.

Mr. Chairman, in 1878, when the time for holding goods in bond was extended from one year to three, the same arguments were presented and the same objections were urged that are urged in this discussion. And what were the results which followed? We have no hesitation in saying that those arguments were shown to be without foundation and the results were also without foundation.

It was said then, Mr. Chairman, that the Treasury of the United States was in need of money, as it was, and that by the proposed legislation you would withdraw from the Treasury of the United States a large amount of money which otherwise would find its way there. But what was the result?

Now I want to read a few figures in view of the statements made by the gentleman from Massachusetts [Mr. LONG] and others in this discussion. The entire amount of revenue collected from spirits in 1877 was $52,000,000; in 1878, $45,000,000; in 1879, instead of decreasing, it was $47,000,000 and over; in 1880, $55,000,000, nearly $56,000,000; in 1881, $62,000,000; in 1882, $64,000,000, and in 1883, $66,000,000.

So instead of the result being what it was claimed it would be, that the amount received from this source would be diminished to the Treasury, it was steadily increased, and has been from that day to this.

Now, Mr. Chairman, it is claimed this is a loan of money by the Government to the distillers or to the owners of this whisky. A loan from what source derived? From what money does the Government part? Not a dollar. Not a dollar of interest has the Government in a single gallon of whisky that is in bond to-day except when it is taken out of bond and put upon the market it is entitled to the amount of tax which it collects on whisky.

The whisky has never belonged to the Government, and under existing law never can until the time comes when the owner of the goods desires to place them upon the market for consumption within the limited period.

It is also said that this is special legislation. Is there any other interest, Mr. Chairman, involved as this interest is? And can you reach it except by special legislation, if this be special legislation? You have taxed nothing else in the same way, and if you are to give relief you can give relief only by special legislation, because special legislation imposed the tax. I am surprised, therefore, that gentlemen upon this floor, representing the great interests of the people of the United States, should take the position they do take. I am surprised, when an interest such as this, contributing its millions year by year to the national Treasury, the moment those engaged in it come to Congress presenting a claim such as they present in this case, that they should be met by the argument that they are asking special legislation, when, as I have said, this is the only interest that has been selected and made the subject of special legislation. It is also claimed, Mr. Chairman, that, notwithstanding the fact that this is the only commodity upon which internal-revenue taxes are laid which you require to pay the tax until the owner deems it advisable to place it upon the market for consumption, yet that in the case of tobacco you do not keep it in bond exceeding a period of one year. Why, sir, if that were the case with respect to this interest it would never come here for relief. If they had a market for their goods, and were it to the interest of the man holding the goods to place them upon the market for consumption, he would not be knocking at the doors of Congress and asking for relief from an onerous tax. So also with reference to malt liquors. They are needed for consumption. The market admits them, and overproduction does not occur.

Mr. Chairman, the causes which led to this very overproduction are exactly the causes which have led to overproduction in every other line of industry. The difference is that in the one case the man that produced risked nothing but the cost of overproduction, while in this case the man who produces, if compelled to take these goods out of bond, takes them out of bond at a cost of from 400 to 600 per cent., and in advance of the cost of production.

In 1878 when the time was extended for holding these goods in bond we were just emerging from the depression of the panic of 1873. Every branch of industry in the United States was stimulated to overproduction; and that overproduction was no greater here in this article than it was in other branches of industry. Further than that, as the figures show, there was a large export demand, which the producers had the right to expect would continue. Had the demand continued as it existed in the years 1879, 1880, and 1881 this large surplus would have been reduced. We exported in 1879 nearly 15,000,000 gallons; in 1880, nearly 17,000,000 gallons; in 1881 nearly 16,000,000 gallons were exported; and in 1882 this went down to 8,000,000 gallons; and in 1883 to 5,000,000 gallons. These laws of trade are variable and not subject to the exact calculations which enable a man of business to know what is in the future; and the question now for this American Congress to determine when an industry such as this is, contributing as this has contributed to the revenues of the Government, comes here and asks us for relief is shall we grant it. They do not ask to have the tax upon them taken off; they do not ask to have it reduced; and because they have not asked that they have been met with opposition from one quarter. They have not asked to have the payment of this tax postponed except upon the identical conditions that the gentleman from Massachusetts has said applies in the case of imported goods. On the contrary, what they ask is simply to give them the privilege with reference to such goods as are on hand manufactured and in bonded warehouses on the first day of December, 1883, to allow them five years instead of three, as the law now requires, within which to take them out for consumption. The effect of that, Mr. Chairman, will be not to postpone the taking of the goods out of bond, but simply to give to the holders of these goods such leeway as will enable them to determine when they want to have them out instead of forcing them out from month to month under the provisions of the existing law, and compelling them to put them upon the market, which is already largely overstocked.

Now, to show the effect of withholding the relief asked for one year ago. Why, the gentleman from Massachusetts and other members who have spoken in opposition to this bill claim that the effect of refusing this relief one year ago was not to distress business generally, to increase bankruptcies in the country, and this interest has not been entirely bankrupted. What, however, has been the effect? I have in

my hand some extracts from the report of the superintendent of the Chamber of Commerce of Cincinnati, in which he says:

In bourbon and rye goods the business has been extremely unsatisfactory during the whole period, there having been no advance whatever in any of these goods, except in specially favored brands, although the expense of carrying and losses from shrinkage were adding constantly to their cost. In many cases goods which came out of bond in 1883 have been sold by parties unwilling to pay the tax at lower prices than had been paid for the goods three years before. In some cases three-year-old goods have been sold at 35 to 40 cents per gallon in bond. This, of course, is the legitimate fruit of undue production in other years; but the larger part of the immediate distress might have been prevented had there been a suitable disposition in the late Congress to have furnished a proper remedy. A tithe of the providential care due every department of business in the country would have saved the holders of these goods the necessity of selling their goods at ruinous prices or resorting to the extraordinary method of exporting them to foreign countries with a view to their return at a more auspicious period. Large quantities of bourbon goods, after the adjournment of Congress, were sent to Bermuda and Germany, a company having been formed in this city for the especial purpose of taking charge of such shipments.

I have here the prices for the year ending August 31, 1883, of the goods that are now in controversy. On the 1st of September, 1882, the price was $1.18. During the period that elapsed from the time the last Congress adjourned—and I know that up to the last day and the last hour of that Congress a measure of relief so just as this was seen to be by every business man in the city of Cincinnati it was supposed could not possibly be defeated in an American Congress—but from that time forward these goods have ranged from $1.10 to $1.13. In other words, the price went from $1.18 down to the prices that are carrying down from week to week and from day to day the men that have these goods. They have no market. They can not be sold. And these men ask simply to give them an opportunity to sell their goods as the market demands them, instead of the Government forcing them to put these goods on a market already overstocked.

Let me advert to another point. I have shown one great cause of the surplus to have been the fact that the export demand was not only diminished, but that it has almost entirely stopped. In consequence of that distillers reduced their capacity; the amount of production has been steadily diminishing; and I have the figures here to show what it has been from year to year from that time to this.

Mr. BLOUNT. Is that the Commissioner's report you have?

Mr. FOLLETT. Yes, sir; it is the Commissioner's report, and from it I take these figures.

The production in 1879 was 71,000,000 gallons. That, as I said before, was about the time the business interests of this country in all their departments had increased; everything was stimulating and every branch of business was necessarily boomed by this undue stimulation. In 1880 the stimulus was still greater, and we produced that year 99,000,000 gallons. In 1881 there was still more of a stimulus, a large export continuing up to that time; then it was 117,000,000 gallons. In 1882 there were 105,000,000. In 1883 there were 74,000,000. The reduction was nearly 25 per cent. by the closing of distilleries, many of which to-day are going to decay because of the fact that there is no demand for these goods.

Now, Mr. Chairman, the proposition that is submitted here is simply a business proposition. What matters it to us how these men became involved in their present trouble? There is a large industry in this country, an industry that is not confined to the State of Kentucky. On the contrary, the State of Illinois produces nearly twice as much as that State; the State of Ohio about twice as much. Kentucky produces spirits. All the Western and corn-growing States produce spirits. You collect a large revenue out of these spirits; and the simple question that presents itself now is, this industry being involved in the difficulty under which it is now placed, whether or not the Congress of the United States, when they ask for relief as a business matter, with no possible loss to the Government, with no diminution of its securities, with no giving up of any right which the Government has, whether or not we shall stand in the way and say to them, "You are engaged in an illegitimate traffic, and we therefore deny you the relief you ask for."

[Here the hammer fell.]

Mr. HURD. I yield ten minutes to the gentleman from Ohio [Mr. FORAN].

Mr. FORAN. Mr. Chairman, as explanatory of my vote upon this bill permit me to say that I am at a loss to understand the precise nature of the opposition to this measure. It is conceded by every member upon the floor that a great industry, an industry from which the Government has derived as high as $80,000,000 revenue a year, is seriously embarrassed and endangered, and that other interests directly and indirectly connected with that industry are also seriously threatened, if not jeopardized. That it is within the scope of the delegated powers of Congress to grant the relief asked, no one can deny. That the Government will be in any sense injured, or even in the slightest or minutest degree embarrassed, by affording this relief no member has had the hardihood to claim. The industry, interests, and business threatened are purely and wholly American. Our own people, our own citizens alone are asking for this remedial legislation.

If it is constitutional to accede to the demand; if the general public will be in no manner injured thereby, and if the proposed legislation entails no expenditure of public money, no loss or damage to the Government, no loss or damage to any private individual or to any private or vested right, and if it involves no great question of public morals, then why should the asked-for relief not be granted? I have carefully listened to all that has been said upon this question, and must say that under all the circumstances and in view of all the facts elicited it does seem to me that the opposition to this measure is purely fanciful, and I may even say blindly, fanatically sentimental and captious—I might say pure "moonshine," and is not based upon any proposition of law, any question of morals or ethics or any deductions from facts. To pass this bill can in no way injure the cause of temperance. In fact it is indirectly a temperance measure. If we fail to pass this bill there will be forced upon the market within the next eighteen months about 50,000,000 gallons of whisky in excess of the demand for that article. This will not only bankrupt and ruin large numbers of our citizens unnecessarily, but it will also greatly cheapen whisky and thus largely increase the consumption of the article. Viewing the question from this standpoint, I am sorry to see that our friends on the other side of this Chamber, who have always prided themselves upon an assumption of a greater degree of temperance, virtue, and holiness than their neighbors, should upon this occasion be the champions and advocates of free whisky.

I am also surprised that our Republican friends, who are endeavoring by every possible expedient to obtain a political patent upon the policy of protecting American industry, should except from the cherished industries around which they throw the great ægis of governmental aid and protection this particular traffic; and this observation applies with equal force and pertinency to the distinguished gentleman from Pennsylvania [Mr. RANDALL], who has enveloped himself in what he doubtless believes to be the impenetrable armor of "incidental protection." Now, gentlemen, why not be consistent? Does not the protective theory involve the right and the duty to guard, to cherish, to afford relief and aid to every established American industry? Then, why ignore this industry? It has done more in the way of furnishing revenue to the Government than any other established business. Besides, upon more than one occasion the Secretary of the Treasury extended relief to the brokers and bankers of Wall street and the business interests therewith connected, by anticipating the payment of interest and even the payment of bonds before maturity.

Here are precedents for our action and guidance. Why not follow them? Is it possible that the opposition to this bill is based upon a desire to conciliate the temperance element irrespective of the merits or the justice of the proposed legislation? Is it possible that you oppose this measure simply because the name of the article to be affected by your votes is whisky?

Why, gentlemen, such opposition is unworthy of the great statesmen and profound thinkers so many of whom are to be found on the other side. Great men do not usually waste their burning energies in a microscopic search for purely captious and sentimental objections to a measure which has for its object the relief of a number of good citizens from an impending calamity, especially when it is remembered that granting the relief in no way affects the public weal or the public Treasury. The country is just now suffering from a partial paralysis of trade, business, and commerce. Will you not increase the present industrial depression by withdrawing from the channels of trade and business $50,000,000 and locking it up in the vaults of the Treasury? Inasmuch as the Government does not need this money at this time, why is it, even as a measure of public policy, not wise and prudent to grant this extension and permit this vast amount of revenue to flow into the Treasury gradually and not disturb the business of the country by its sudden withdrawal from circulation?

This is purely a business question, and should be discussed only from a business standpoint. To pass this bill involves neither pecuniary or moral injury to the Government or people; to not pass it involves indirectly a loss of several million dollars to the Government. It being, then, simply a business measure, and involving only business considerations, the gentleman from New York [Mr. RAY] traveled far outside the record and the legitimate scope of the argument when he undertook to read the members of this House a temperance lecture. The gentleman [Mr. RAY] is much exercised concerning the vast quantity of grain that enters into the manufacture of distilled spirits, and he seems to think it would be wise policy to annihilate the whisky industry by national legislation, which would involve the purchasing of this grain, and with it feeding the poor and hungry.

The gentleman ought to know, if he does not, that distilled spirits will be manufactured just so long as there is a demand for them. When consumption ceases, production will end. The consumption of spirits may be a great evil, but it can not be remedied by the methods proposed by the gentleman from New York, for as long as the desire for stimulant exists the means to satisfy that desire will be found and employed; and I may say right here, that, as the desire for stimulant and its use has existed in all ages of the world, in every clime and among all races of men, it is fair to presume that the desire will continue to exist and stimulants will be used by man until time shall be no more.

The gentleman from New York [Mr. RAY] is also mistaken if he believes that the production of distilled spirits is productive of poverty. The proposition that poverty is caused by intemperance is only true in isolated instances. As a general rule intemperance is merely an inci-

dent to poverty, which is to a very large extent the result of an unequal an iniquitous distribution of wealth. If the gentleman can devise, and make operative by appropriate legislation, any plan by which the working classes can secure a just and equitable proportion of the wealth they produce, it will not be necessary for Government to buy grain to feed the poor and hungry.

But these considerations are not germane to the question and would not have been uttered had not other gentlemen gone out of their way to indulge in vituperative abuse of a legally established and lawful industry. It is the abuse and not the use of stimulants that is to be deprecated. Without stimulants the physician's skill would be seriously impaired. Alcohol has become essential to the progressive development of humanity, and it is questionable whether pain and sorrow would not increase rather than decrease if the policy of the extremists was to prevail in this particular. Intemperance of every kind is an evil. But restrictive measures will not cure it. Human perfection can only be attained through education and intelligence, and the only way to advance the cause of true temperance is to improve the material conditions—intellectual, moral, and religious status of humanity. If you are determined to refuse these men relief simply because they deal in whisky, do so; but I submit it is neither fair nor manly to abuse them for furnishing the public with an article which the public demands and insists upon having. If it is wrong to drink intoxicants as a beverage, convince the drinkers of that fact, and the production of the article for that purpose will quickly cease.

Mr. HURD. I now yield fifteen minutes to my colleague from Ohio [Mr. JORDAN].

Mr. LONG. Before the gentleman from Ohio [Mr. JORDAN] proceeds, I ask that the time now at the disposal of the gentleman from Ohio [Mr. HURD] be extended to the same amount as additional time was allowed to me.

Mr. JORDAN. Mr. Chairman, since I became a member of this body I have been a silent, though not an inattentive, observer of its proceedings. And I arise now to speak in support of this bill, because I would be derelict in the performance of my duty and unfaithful to the interests of my constituents if I did not do what I could to urge it upon your consideration. My colleague upon this floor [Mr. FOLLETT] and myself represent the people of Hamilton County, which includes the city of Cincinnati, and constitutes the first collection district in the State of Ohio. Embracing two Congressional districts, that collection district has paid to the Federal Government since 1862 in taxes on distilled spirits more than $100,000,000, and it now pays on this article alone a tax of $25,000 per day, $200,000 per week, $800,000 a month, or the large sum of about $10,000,000 annually. Our district stands second in the United States in the manufacture of distilled spirits, and in its holdings is perhaps equal to any other district. Sir, one-eighth of all the capital invested in the manufacturing industries of Cincinnati is invested in this business, and it yields to her citizens a gross product of $30,000,000 a year.

Our constituents, therefore, the distiller, the rectifier, the wholesale dealer, the banker, the merchant, the manufacturer, the mechanic, the laborer, all classes of our people are deeply and vitally interested in the bill now before this House. They would regard its defeat as a calamity, and would hail its passage with unfeigned delight. The Chamber of Commerce of our city have adopted resolutions upon this subject which I desire the Clerk to read and which I make part of my remarks. The Board of Transportation and all the great commercial bodies of the city have in some form or other taken similar action.

This being the case, I regard it not only as a duty, but as a high honor to give expression to their views upon this subject and to advocate their interests upon this floor.

And now, Mr. Chairman, in order that we may have an intelligent understanding of the bill now before the House, of the evils which it is intended to remedy, and the object which we seek to accomplish in its passage, let us consider the present state of the law, the hardship growing out of it, and the measure of relief extended by this bill.

Under the laws of the United States as they now stand the manufacturer of distilled spirits is required to place them as soon as made in a bonded or Government warehouse, and to pay a tax thereon of 90 cents per gallon. This tax under the law must be paid as fast as the spirits are removed from the warehouse; and, whether removed or not, the whole amount must be paid within three years from the time of its entry into the warehouse. It will thus be seen that the Government requires the manufacturer of spirits not only to pay an enormous tax—a tax of 400 per cent., a tax four times greater than the cost or intrinsic value of the article taxed—but also to pay it within three years, although he may not have sold or disposed of any of it or realized a dollar therefrom. This is a harsh law.

The object of the bill offered by Mr. WILLIS, which has been recommended by the Committee on Ways and Means, which has been approved by the Commissioner of Internal Revenue, and which is now under consideration, has for its sole and only object that of having the time for the payment of this tax extended two years longer.

Now, observe that by this bill it is not sought to release anybody from the payment of these taxes, nor to reduce the amount of the same, nor release the security held by the Government for its payment.

And now, Mr. Chairman, I claim that this law as it now stands is wrong in principle, unjust, unreasonable, and unfair.

This tax of 90 cents on the gallon, which is 400 per cent. in amount, and which is four times the actual or intrinsic value of the article produced, is not a tax upon property, nor upon production, but is in fact a tax upon consumption. This being so, it would seem that it would require no argument to show that the manufacturer or owner should not be required to pay the tax until the time of consumption. As it now is, he is required to advance the money and pay the tax without any reference to its consumption before it is consumed and although it may never be consumed. Under the practical operation of this law the manufacturer or owner is made to pay the tax and not the consumer. It thus requires the man who has invested a hundred thousand dollars in the manufacture of distilled spirits to invest $400,000 in order to hold them.

In 1868, when Congress was about to make the changes which were made in the internal-revenue law at that time, the Committee on Ways and Means, which had the subject under consideration, recognized the correctness of this position, and in their report to Congress said:

> The citizen ought not to be compelled to pay an excise tax upon an article which can neither be sold nor consumed. This is undoubtedly the true policy, and is in strict accordance with the principles which underlie every just system of taxation; for upon no other theory or plan can the public burdens be properly distributed among those who ought rightfully to bear them. To tax the citizen upon a particular manufactured article simply because he has manufactured it, when without fault or negligence of his he can neither sell nor consume it, is to compel him to contribute more than his just proportion toward the support of the Government. When, however, the tax is collected upon the article sold or consumed, every one who purchases or in any way uses it necessarily pays his share of the duty.

In a report made by Mr. KELLEY, in behalf of the Ways and Means Committee, in 1882, he declared that this was the true principle of all excise taxation, and "that while the Government was justifiable in exacting its revenue, it was not justifiable in attempting to control the trade in a legitimate article of commerce by forcing the owner to sell at a loss on the original cost of production or to permanently invest the amount of the tax in addition to that cost."

In the next place, this tax is unreasonable in amount. All taxes are regarded by the people as burdensome, and where taxes are levied at the usual rate of 1, 2, or 3 per cent. upon lands, property, or money, they are usually paid with difficulty; but where the tax is at the enormous rate of 400 per cent. and is required to be paid in an arbitrary period of time, so that the party paying the tax is compelled to mortgage or hypothecate his property or to sell it upon a broken market at ruinous sacrifices, then indeed it becomes a burden grievous to be borne and an exaction unworthy of a free government.

In the next place, let it be remembered, and never orgotten, that no such exaction or requirement is made by the General Government in regard to any other article of foreign importation or domestic manufacture. No such arbitrary rule exists in regard to the payment of taxes on tobacco or fermented liquor of any kind.

In the report made by Mr. KELLEY, from the Committee on Ways and Means, in 1882, on this subject, he says:

> Under the existing internal-revenue laws distilled spirits is the only article upon which the Government requires the tax to be paid before it is actually sold or removed for sale or consumption. In every other case the manufacturer keeps the article in his own possession and under his own exclusive control, without the payment of any tax, until he chooses to sell it or remove it for consumption or sale. The manufacturers of tobacco, snuff, cigars, beer, matches, perfumery, cosmetics, &c., are permitted to hold their goods until there is a consumptive demand for them, and pay the tax only when they sell.

Indeed, our own Government never required the tax to be paid within a fixed or arbitrary period of time until 1868. And the several extensions of time which have since been made show that that law was not conceived in wisdom and that it was ruinous in its operation. And when we go to foreign countries we find that no civilized Government has ever adopted any such limitation, and that England, whose excise system is the most perfect in Europe, has never required the payment of the tax upon spirits until the manufacturer saw fit to dispose of them and until they had entered into consumption, thus recognizing and carrying out the principle which I have stated, that such taxes were never intended to be paid by the manufacturer but by the consumer.

And, Mr. Chairman, what reason exists at the present time why the Government should desire to exact the payment of this money as it becomes due? Some attempt might be made to justify this course in time of war, or when the Government desired to pay its interest-bearing obligations, but none of these reasons now exist. We are not in a state of war, and there is no interest-bearing debt which it is desirable to pay. One hundred and fifty millions of money is lying idle in the Treasury. The Government derives no interest from it, and if the whole amount of tax upon this 80,000,000 gallons of spirits were to be paid to the Government to-day in advance of its maturity it would do the Government no good whatever. It would be well indeed for the Government and the people of this country if the $150,000,000 of surplus now in the Treasury could be paid into the hands of the people, so that it could enter into the business and industries of the country. These industries are to-day suffering and business is in a state of stagnation because so large an amount of money has been withdrawn from circulation. If this bill passes, this money will remain where it is for the

present, and it will draw interest until it is paid, and the people will have the use of it.

What is the condition of affairs which brings this bill before Congress and makes its passage at this time at once necessary and proper? After a long period of darkness and gloom the morning broke and specie payment was resumed in the United States in the year 1879. Our people were proud, exultant, and happy. They saw their country carried safely through political and financial revolution. They saw their paper money become par with gold and silver, and that, over all doubts, speculations, and theories, specie payment had become a fixed and absolute fact.

A new impetus was given to all kinds of business. Everything seemed possible to our people. New railroads were projected and built. Large manufacturing businesses were established in all parts of the country. Every branch of industry was stimulated, and none more so than the manufacture of distilled spirits. And we find that the amount manufactured increased from 71,892,621 gallons in 1879 to 90,355,271 gallons in 1880; to 117,728,150 in 1881, and to 105,853,161 in 1882. (Since which time it rapidly decreased.) This extraordinary increase of production was unnatural and unhealthy, in excess of the legitimate growth of business, and far beyond the demands of trade. If the prosperity which seemed to dawn in 1879 had continued, had business been prosperous in all other branches and the conditions of trade generally favorable and a fair foreign demand sprung up, it might have been possible that this production of distilled spirits would have produced no serious injury to the trade; but, as events have turned out, the results have been disastrous and ruinous.

An examination of the report of the Internal Revenue Commissioner for 1883, page 123, shows that while in 1879 there was but 19,212,470 gallons of spirits in the Government warehouses, there was at the close of the fiscal year 1883 the enormous quantity of 80,499,993 gallons. The amount of the tax on this at 98 cents a gallon amounts to $72,449,993.70.

From December 1, 1883, to November, 1885, the taxes on 70,000,000 gallons will fall due and will have to be paid, unless this bill is passed. This tax is payable in monthly payments averaging a little less than $3,000,000 a month. By the 6th of July, 1884, there will be payable to the Government in taxes $26,640,038.70. The amount of distilled spirits as above shown to be on hand, and likely to be thrown on the market, has, as everybody knows, broken the market, and made it impossible to obtain money upon these goods or to make sales except at the most ruinous prices. It is a well-known fact that many persons interested in this business have been compelled to sell their whiskies at far less than their value. Sidney M. Maxwell, the superintendent of the Cincinnati Chamber of Commerce, in his official report for the year 1883, says: "In many cases goods which came out of bond in 1883 have been sold by parties, unwilling to pay the tax, at lower prices than had been paid for the goods three years before. In some cases three-year-old goods have been sold at 35 to 40 cents per gallon in bond." The same thing has occurred in other cities and is now daily happening.

The holders of this 80,000,000 gallons of whisky can not pay this large amount of taxes. They have hypothecated their property; they have exhausted their credit; there is no market in which they can obtain money, and there is no purchaser for their spirits. The Government demands its tax; it asks that the bond shall be performed. The men who hold these spirits are threatened with bankruptcy; they are menaced with ruin; the accumulations of a lifetime are about to disappear; and they now ask, not that the Government shall release them of their liability, not that it shall remit or reduce any of its claims, not that it shall give up one dollar of its demands or its securities, but they ask simply for time—time to look around—time to find a market; and in order that they may get this time they offer, by this bill, to pay all that the most exacting creditor could demand—interest until the money is paid. Shylock himself could hardly have asked more.

And what is this industry which now makes this demand and urges the passage of this bill? It is a great industry, employing hundreds of millions of capital, hundreds of thousands of men; which is connected with almost every other business in the country; which in twenty years has paid to the Government $1,017,754,129, and which is now paying annually to the Goverement $75,000,000—a sum of money greater than the gross product of all the gold and silver mines of this country, a sum sufficient to pay the annual pensions of all the soldiers of all the wars in which this country has been engaged, a sum which by the year 1907 would pay off the whole interest-bearing debt of the United States, a sum which in fifteen years would amount to more than could be realized by a sale of all the lands of the United States at Government prices.

Such an industry and such a business is entitled at the hands of this Congress to fair and liberal treatment, and instead of being treated as an outlaw it should receive the fostering care and protection of the Government. And, sir, the men who are engaged in this business in this country—the manufacturer, the distiller, and the rectifier, the operator and dealer—are men as much interested in this Government, as worthy of its consideration, and as much entitled to its protection as are the men engaged in any other branch of industry in this country.

The Congress and Government of the United States have always recognized this industry as a legitimate one, and it has been made to pay more taxes than has been derived from any other business in which our people are engaged. Taxes are the price paid by the citizen to the Government for its protection, and so long as the United States continue to exact from this industry great and onerous taxes, they are bound to deal with it justly and fairly and give it as full and ample protection as is given to any other business or industry. In this matter taxation and protection should go together. This is the dictate of common sense and common honesty.

Mr. Chairman, some gentlemen who oppose this bill have suggested that if we thought this tax was oppressive why not have the law imposing the tax repealed. How many men on this floor are in favor of the repeal of the law?

Mr. STORM. I am in favor of it.

Mr. JORDAN. One single man says he is in favor of it. Very few members would be willing to vote for it now. The suggestion does not come from men who are favorable to the passage of the bill or friendly to it. It is a mere tub to the whale, a mere suggestion to lead us away from the consideration of this measure. How far has there been any attempt made in this House?

Mr. STORM. I offered a bill at the first day of the session for the repeal of the whole internal-revenue system, but it sleeps the sleep of death, which knows no waking.

Mr. JORDAN. Yes; as you might have expected. The time has not arrived for the repeal of the law. When we come to the consideration of that question many and grave questions will have to be considered. You will have to consider what is to be done with the $60,000,000 or $70,000,000 now owing to the Government for taxes on whisky in bond. What are we going to do in regard to the taxes already paid to the Government on spirits? Mr. KELLEY, who has this day talked in this House as if he favored the repeal of the internal-revenue system, has been here twenty years, and never offered a bill or made an effort looking to the repeal of that system. Mr. KELLEY uses this argument to defeat our bill, not to repeal the law.

If gentlemen mean what they say, then let them now propose to amend this bill so as to repeal the law. If they do so, they will find that there will not be twenty-five men on this floor who will vote at this time for the repeal of the internal-revenue law. Let any gentleman try it on who believes it.

Mr. YORK. Will the gentleman yield for a question?

Mr. JORDAN. Certainly.

Mr. YORK. If this tax is so high, why are you opposed to the repeal of the internal-revenue system?

Mr. JORDAN. I am not opposed to the repeal of the internal-revenue system, but I doubt if the time has yet arrived for it; but I say that the other side of the House is opposed to it. I dare you gentlemen to undertake now to amend this bill by proposing to repeal the internal-revenue system. There may be a man here and there may be a man there who would dare to vote for it; but there is not a single solitary Republican from Ohio who will vote for a repeal of the internal-revenue system. They will not dare to vote for a proposition that will take the tax off whisky and put it on the necessaries and the industries of life.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. JORDAN. With great pleasure.

Mr. DUNHAM. You say that this side of the House is not in favor of a repeal of the internal-revenue tax. How many on your side are in favor of it?

Mr. JORDAN. I do not think there are very many of them; I do not know how many. I will tell you who I think may be in favor of it. It is not those who say they believe the internal-revenue system is an infernal system, but those who believe that the tariff system is a celestial system of revenue. [Laughter and applause.]

Mr. DUNHAM. I would like to say to the gentleman that I think he is mistaken about the opinions of gentlemen on this side of the House.

Mr. JORDAN. Why, sir, if the opinion of gentlemen on the other side is just, let my good friend make a motion to amend this bill and let us vote upon it. Let us see how many are in favor of the repeal of the internal-revenue system.

Mr. DUNHAM. Let the gentleman make it.

Mr. JORDAN. No; you should make it. You say you are in favor of it now. I am not urging it; I do not believe the time has come.

Mr. REED. One corpse at a time.

Mr. JORDAN. Yes, sir; and if that corpse comes from the other side, all right.

And now, in conclusion, allow me to say, Mr. Chairman, that this bill is neither partisan nor sectional. It has many precedents to support it, and it violates no provision of our Federal Constitution. It in no way encourages intemperance or promotes immorality. No human being will be deprived of any right by its passage, nor will the Government lose one dollar of its enormous revenue derived from this industry. This bill is correct in principle and is just and fair in all of its provisions. Pass this bill and you will give relief to a great business and industry now in danger of destruction; you will prevent the bankruptcy of

thousands of our citizens, and you will have made the world understand that an American industry carried on by American citizens will always receive the fostering care and protection of an American Congress.

Mr. HURD. Mr. Chairman, in my judgment much of the opposition to this bill has arisen from a misapprehension of the nature of the law to which it relates. The discussion has been as though the extension of the bonded period was the principal feature of the bill, whereas it is only an incident. If all the relief to be afforded to the distillers under the provisions of this bill consisted merely of the extension of the bonded period they would be very much disappointed in the relief which they expect. This point will be made clear by a consideration of the history of legislation upon this subject.

In 1862 the law was first passed which provided for the imposition of taxes upon distilled spirits. The tax then was 20 cents a gallon. The spirits remained in bond until withdrawn for sale or consumption. The bonding period was indefinite. Afterward the rate of tax was increased to $2 a gallon. With the increase of taxation the temptation to fraud came; and in 1868 the great frauds upon the revenue in which were involved many distinguished people of the country attracted attention all over the United States. Then it was proposed to limit the bonded period. This was the first law proposed which took from the distiller the right to keep his whisky in bond until it was to be consumed. First the proposition was for nine months. At the expiration of nine months he was obliged to take the whisky out. Then the period was made one year, and subsequently three years, which has continued to be the period until the present day.

It was the object of those who proposed the law, as the debates in Congress indicate and clearly show, to prevent the perpetration of frauds upon the revenue. The limitation of the bonded period therefore came first, because frauds had been perpetrated upon the revenue, and with the object of preventing their recurrence. It was as though the Congress of the United States had said to the distiller, "Hitherto you have enjoyed the privilege of keeping your liquor in bond indefinitely, but because there have been frauds you shall withdraw this liquor from bond within nine months, or within one year, or within three years. You shall not have the privilege after three years to keep this liquor in bond any longer; and if you do not take it out of bond your liquor may be distrained; the condition of the bond which you have given shall be made absolute and other penalties to be found in the statutes shall be imposed upon you."

Mr. Chairman, it thus appears clearly that the limitation of the bonded period was a penalty upon the distiller, designed to prevent the commission of crime. In this view how idle it is to say that it is a question of loaning money or that the proposition of this bill is analogous to an extension of time by a creditor to his debtor. It is a question of the remission of a penalty. It is not a loan of money, nor like it, for the Government has never had this money to loan. It is not a question of the extension of time to a debtor by a creditor who suspends the operation of civil proceedings to collect his debt in order that there may be further time for its payment. But it is a question of remission and relaxation of a penalty which a criminal law imposed on distillers for the purpose of preventing fraud.

If, then, it be a question of remission of penalty, by what principles shall the action of this House be governed? Precisely the same principles which govern an executive in granting a pardon should govern a legislature in remitting or relaxing a penalty. Indeed it has been expressly decided that the legislature has the power of itself to grant a pardon unless there be an express limitation confining it exclusively to the executive department made by the fundamental law. The legislature can repeal the law which imposes the penalty, and then there is no possibility of prosecution for the offense. But as the greater includes the less, unless there be some limitation of the legislative authority the legislature can individually pardon a man who has committed a crime. How much the more, therefore, every legislature has the power to remit or relax the penalty which the law has imposed.

Mr. Chairman, it is well to remember the principles which govern legislatures in dealing with penal questions and penal laws; they are very different from those which govern in matters of private right under ordinary civil legislation. The questions when a civil law is to be enacted are: what are the pre-existing laws; have rights been established; have individuals acquired privileges and powers which the legislature has not the power to disturb? But it is not so with ordinary penal legislation. The legislature has absolute power over criminal penalties, except that it can not increase them. It can mitigate them. It can make them milder. It can repeal the law which imposed them. And the question here to-day that this House has to determine is whether this penalty which was imposed by the criminal law shall be mitigated or not.

What was the object of the penalty? It was to prevent frauds on the revenue. Have those gentlemen who are coming here for relief committed any fraud on the revenue? It is admitted, Mr. Chairman, that there has been no fraud committed, and that to-day this liquor is in the warehouses of the distillers under the control of the Government as honestly as though this law had never been passed at all. There has been no incurring of a penalty. The object for which the law was passed has been accomplished. When the object the law was intended to effectuate has been attained, shall we refuse to mitigate the penalty?

What are the principles by which this should be determined? as I inquired a moment ago. The same which govern an executive in granting pardons. There are three inquiries to be asked when an exercise of clemency is proposed: first, is it fair to the Government; second, is it just to the individual; and third, is it expedient for the community?

I say it is fair to the Government to remit this penalty, because the Government does not need this money, as the Treasury is overflowing. Not only that, it is unwise, Mr. Chairman, to increase the surplus which the Treasury contains.

It is just to these men who are engaged in this business. The proof before the Ways and Means Committee discloses and shows beyond a doubt, unless this relief be granted, that these men will be bankrupted. They can not pay this tax they are obliged to pay, as the whisky is taken out of bond under this three-years' limitation. It is just to them, because it saves them from bankruptcy.

It may be that they went into this business with their eyes open; that they knew of the three-years' limitation; but they knew it was a penalty, and they knew Congress did not love to punish, and would be just if an opportunity were afforded to it.

They are not asking to be relieved from overproduction. The same overproduction which demoralizes every other industry in the land characterizes that. The excessive supply, the diminution of price, the destruction of value, these they bear with other overproducing citizens of the United States.

What they ask is to be relieved from the penalty which the law of the United States has imposed on them, when the object which that penalty was designed to secure, the prevention of fraud on the revenue, has been accomplished. Is it expedient for the community that this should be done and that the penalty should be remitted? Mr. Chairman, this condition of the distillers is an anomalous one. Whatever is done in this case can be no precedent for another, for there is no other interest in the land so situated or so surrounded by circumstances as the distilling business is. It stands on its own bottom. It is a case entirely *sui generis*.

But even if it were that an example could be made and a precedent established for other cases by this legislation, I do not believe that the Government would lose anything by doing a gracious act to some of its unfortunate fellow-citizens when it does no injury to itself. Justice tempered with mercy as much becomes a government as it does an individual. No government is so strong as that which has its strength in the affections of its people. Refuse to pass this law; ruin hundreds of men; turn thousands of laborers out of employment; embarrass the business of four of the greatest cities in your land, and you need not complain, Mr. Chairman, if as a consequence you find in many sections of your country murmurings and complainings against the Government instead of loyalty and affectionate devotion to it. [Applause.]

Mr. BLACKBURN. Mr. Chairman, by the consent of the committee I reserved six minutes of unexpired time, at the conclusion of the remarks of the gentleman from New York, for the occupation of which I now desire to yield the floor to the gentleman from Arkansas [Mr. JONES].

Mr. JONES, of Arkansas. Mr. Chairman, when the discussion of this bill began, now almost a week ago, I supposed that it would be disposed of at least within a reasonable time; I had no idea at that time of asking to occupy the attention of this House for even a moment in the discussion of the subject. But this discussion has gone on for so long a time, so much of the valuable time of the House has been consumed in this debate, and the question has taken such a wide range, that I ask permission to trespass upon the patience of the House for a few moments while I state the reason why I can not support the bill and the reasons why I think it ought not to be passed.

There is, sir, important matter enough now on the Calendar of this House to occupy our full attention for a long time to come, and it seems to me that we have already given more time to the consideration of this bill than its importance justifies, and that at this date in the session we should be considering matters in which the entire nation is interested, instead of discussing day after day a question which, to my mind at least, relates to a class, and a very small class at that, and one, I may also be permitted to say, which does not appeal very strongly to my sense of sympathy.

It is well known, Mr. Chairman, that the law as it now stands imposes a tax on distilled spirits, and requires that the tax shall be paid to the Government at the expiration of three years from the time it is placed in the warehouse.

This law was well known to the distillers at the time this whisky was placed in bond. They had full knowledge of its existence and requirements. They can not plead ignorance; they understood its full force and effect. They made the whisky under the operations of that law, deliberately placed it in the bonded warehouses, knowing well the date at which the tax would accrue, and having done so, it seems to me they come now with very poor grace to this House asking an extension of the time to pay the debt that they deliberately contracted to the Government.

My distinguished friend from Ohio [Mr. HURD] who has just taken his seat, in his elaborate speech in this connection, insists that this tax is in the nature of a penalty upon these distillers; that Congress demands a greater penalty, or that the manufacturers of this article incur

a greater obligation to the Government, than is exacted in any other business. He seems to place it upon the ground that the distillation and bonding of whisky is in the nature of crime; that it is worse than any of the ordinary business avocations or transactions; that it is somewhat disreputable if not actually criminal, and concluded that Congress should suspend the collection of this tax for that reason.

I confess his argument seemed to me to be against the bill rather than an argument in favor of its passage. These gentlemen who own the 30,000,000 gallons of whisky now in hand, and upon which the tax will soon become due, and which it is proposed shall be excepted or relieved by the operation of this bill, deliberately incurred this obligation to the Government to pay $27,000,000 at or about this time when they placed it in bond or bought it. For them to come now and ask that they shall have two years further in which to pay this debt is neither more nor less than asking the Government of the United States to lend them $27,000,000 at 4½ per cent. interest. No sort of reasoning will avoid the force of this conclusion. The money is justly due to the Government. It was an obligation deliberately contracted at the time the whisky was made and put in bond; and they knew when they did that that the tax must be paid upon it at the time fixed by the law. I repeat, it was a deliberate contract on their part with the Government made at the time; and they have no right to ask an extension of that time unless they show good and sound reasons in their favor that do not apply to all other business transactions of the country in a similar condition.

I do not believe we have any power or right as a Congress to grant this loan. We have under the Constitution of the United States the right to borrow money; but I know of no constitutional right that we have to lend money; and I belong to that school in politics that believe there is no power intrusted in the Government that is not delegated to it by the Constitution, either directly or by necessary implication. We have no constitutional power to lend money, and no matter how our interests may be involved in it, no matter how much money we may have, we have no right to turn this Government into a great banking institution.

The argument has been used, and I think very justly, in opposition to this bill, and I think it is a sufficient reason why it should not pass that the distillers deliberately overproduced this whisky knowing the dates at which the tax would accrue, and that even two years ago, while in this House a very great demand was made that there should be an extension of the bonded period similar to this, the distillers deliberately produced nearly 50 per cent. more of this whisky in that year than could be consumed in the ordinary course of the American market. If they deliberately dug a ditch for themselves and then got into it, I do not think that should excite very much our sympathy or should be any reason why we should extricate them from the difficulties they deliberately and of their own free will brought on themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES, of Arkansas. I should like to have two or three minutes more.

Mr. RUSSELL. I yield the gentleman five minutes.

Mr. JONES, of Arkansas. I am much obliged to my friend from Massachusetts.

Another view that I take of this question, and which seems to be still stronger than the argument I have just spoken of, is this: As I understand, nine-tenths of this whisky is not held by the men who made it, is not held by the distillers, but is held by gentlemen who thought they saw from the condition of the market that this whisky would rise in price, and for the purpose of making money and as a simple speculation they bought it, calculating it would rise in price. Instead of doing so it has gone down; and they now propose to avoid the result of their own business miscalculations by asking the Government to relieve them of the consequences of their own acts. Now, if there is any reason why this large amount of money should be lent to this class of men, I ask you what class of men, having been unfortunate in any sort of speculation, should be turned away if they came to borrow money of the Government at 4½ per cent.? The men who have speculated in real estate, in railroad stocks, in cotton, or in any other merchantable article would be just as much entitled to this privilege at the hands of Congress as speculators in an article which one of the friends of this bill characterized as——

> Concentrated damnation and misery, double extract of woe and perdition, a hell-broth such as witches never brewed.

And when its friends come and tell us this manufacture must be in the nature of a crime, it does not appear to me to appeal very strongly to the sympathies of this House.

There is one other point I would like to mention if I had time. The arguments that are presented in this matter are strangely inconsistent. The distinguished chairman of the Committee on Ways and Means in opening this debate stated that the present law was right; that they did not complain of the law, but that they ought to be relieved from its operation. His goodness of heart and his generous nature had led him into the advocacy of what seems to me a measure which can not be defended on any sort of political principles. Other gentlemen put it on the ground that the law is all wrong; that this sort of tax should never be collected, or, if collected at all, only when the whisky goes into consumption. I have not time to undertake to follow those arguments out. One of the leading friends of the measure tells us that this is a matter between the Government and individuals; that it is like a matter between an ordinary debtor and creditor; that exactly the same sentiments of humanity should move us in this matter that a private creditor would feel to give an extension of time to his debtor. On the other hand, my distinguished friend from Ohio says there is no similarity between these cases. Yet all these gentlemen with all these diverging views arrive at the same point, and insist that we ought to extend this period.

The fact is that if this law is right it ought to be enforced. If wrong it ought to be repealed. Suspension is not a remedy in either case. If the law is as it ought to be it ought to be carried out. If it is not as it ought to be, suspension will not do any good. General Grant never said a wiser thing in his life than when he said the best way to repeal a bad law was to enforce it. In that view the proper course to take in this, as in all similar cases, is to let the law be enforced, and then such remedies as are natural and right will follow in their due order.

In conclusion, Mr. Chairman, let me say I regard this as an ultra effort at the exercise of something like paternal authority. It seems to me it can not be defended in any sort of view, looking at it from the political standpoint from which I have always been accustomed to look at such matters. For these and a number of other reasons which I have not time to present I am opposed to this bill.

Mr. RUSSELL. I now yield ten minutes to the gentleman from Maine [Mr. REED].

Mr. REED. After the very able and exhaustive argument and presentation of this case by the gentleman from Massachusetts [Mr. LONG] it hardly seems necessary for any one to say anything more. Yet, rather for my own satisfaction than for any better reason, I feel called upon to insist in a more specific and definite manner than I have been able to heretofore upon one aspect of this case.

The friends of this measure put their advocacy of it upon very singular and very divergent grounds. A gentleman from one part of Ohio [Mr. FORAN] claims that we should treat these distillers fairly because they are engaged in an honorable business. His colleague from the other end of the State of Ohio [Mr. HURD] tells us that we should treat these men fairly because they come before us attacked by criminal penalties, from which we ought to relieve them, upon the ground that upon the whole they have behaved pretty well. I leave it to those gentlemen, colleagues, to reconcile between themselves this divergence of argument.

For my part, I am willing to treat this question without reference to either ground. I am willing to treat it without any prejudice, and to look at it solely in view of its effects upon the business interests of the country. There has been one argument in favor of this bill which, if true and sound in all its parts, ought to induce the House to listen to its advocates. That is the declaration that if this tax of $70,000,000, or rather the tax on 70,000,000 gallons of whisky, is exacted during the next two years financial disaster will fall upon the country, and we will realize all the pictures of ruin with which gentlemen have adorned their speeches. If that be true, and there be nothing else true in modification of that, then there might be reason for the consideration of this question which is demanded.

But if gentlemen will look forward they can see as the result of this legislation a more enormous disaster than can possibly result from our refusal to pass this bill, even if their prognostications be true. Human nature during the next two years is going to be the same as human nature has been during the last three years. If you allow these distillers to store their whisky in Government warehouses for two years longer, without taking it out and putting it upon the market, the men who to-day have distilleries in their ownership and possession will be obliged by the laws of human nature to manufacture whisky in excess of the amount of consumption in the country.

And the result will be that at the end of the next two years, if this bill shall pass, those who are engaged in this business will be called upon not merely to raise enough to pay the tax on 70,000,000 gallons, but enough to pay the tax on 100,000,000 gallons. As I said the other day, if it be true that disaster will follow upon the payment of the tax on 70,000,000 gallons, what will be the result of paying the tax on 100,000,000 gallons? Is this a fancy picture, or is it justified by the facts? Is it *a priori* reasoning, or does history bear me out in what I say?

Mark these figures; they have been repeated a dozen times in this debate, but I do not think their full significance has been exhausted: In the year 1878, 56,000,000 gallons of whisky were manufactured. On the 1st day of March an extension of one year was given. What was the result? That very year the production leaped from 56,000,000 to 71,000,000 gallons.

Then, on the 28th day of May, 1880, a three years' extension was given, and the production leaped from 71,000,000 to 90,000,000, the next year to 100,000,000, and the year after to 117,000,000 gallons. These results are not and were not unknown to the distillers of the country. There is no other business where the statistics are so exact, where everybody for the mere looking can find out just what is the production of the article all over the country at any moment.

When 117,000,000 of gallons were produced in one year, the distillers began to see that the three years' extension was soon going to ex-

pire, and they would then be called upon to pay the tax. What was the result? The production was reduced in 1882 to 105,000,000 of gallons and in 1883 it was reduced to 74,000,000 of gallons. Now, if you will let this matter alone, the production will come down to 56,000,000, the normal consumption of the country. If you do not, but grant this extension of time, then instead of having to face the problem of the tax on 70,000,000 of gallons, you will have to face it on 100,000,000 of gallons. The result will be either a repeal of the tax or disaster will follow.

It seems to me that there is the whole business in a nutshell. If we go on with the law as it now is there will be no disaster. What are all these prognostications worth? Can not gentlemen recollect that one year ago the distillers were howling around Congress proclaiming that unless a bill for the extension of the bonded period was then passed the next year would see ruin overwhelm us all? Has it come? Their prophecies in every instance have proved to be erroneous.

We can see that there will be greater disaster if we follow their advice. We followed it in the one-year extension and in the three years' extension, and the result was very bad. Shall we continue to follow the advice of men whose predictions history has proved to be without foundation?

The committee rose informally; and Mr. ELLIS took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in a bill and joint resolution of the following titles:

A bill (S. 1852) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; and

Joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays.

BONDED-WHISKY BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Massachusetts [Mr. RUSSELL] is entitled to the floor.

Mr. RUSSELL. I yield to the gentleman from Michigan [Mr. HATCH] for five minutes.

Mr. HATCH, of Michigan. Mr. Chairman, after the very thorough discussion which this measure has received at the hands of the Committee of the Whole it would be unpardonable for one who had not made it a more careful study than I have to detain the committee for any great length of time.

This measure, if I understand it, is a proposition that the Government shall loan $66,000,000; that the Government shall loan these $66,000,000 at the rate of 4½ per cent. interest for a period of two years; that the Government shall not only loan this sum at this rate, but shall loan it to whisky dealers, to men engaged in the whisky traffic; that it shall loan this vast sum of money at this rate to this class of our business community, but shall loan it upon the security of a bond and the pledge of the whisky.

Now, for a moment consider each element of this proposition. First, that the Government shall loan money. Is that one of the functions of our Government? Does it belong to the policy or the purpose of its creation that it shall go into the business of lending money at any time to any class of people?

This view of the case, however, has been sufficiently commented upon. But a further proposition is that the Government shall loan this sum at 4½ per cent. interest. Can any other class of business men to-day, with your banks overrunning with money, go into the market and upon a bond or a pledge of personal property as security borrow money for two years at 4½ per cent. interest? Where money is loaned upon long time business men require real-estate security. They do not accept personal credit for a loan of money for two years. But that is this proposition.

Further than that, the proposition is that we shall loan this money to people engaged in the whisky traffic. The first gentleman, I think, or the second, perhaps, who advocated this bill before the Committee of the Whole said that this liquor is not now the property of the manufacturers but has passed into the hands of middle-men, is now the property of orphans and widows. I can appreciate the necessities of a manufacturer who finds his large plant perhaps standing idle, who will lose whether he continues his business or whether he suspends it, being pressed by the emergency to continue to manufacture even upon a falling market. But what possible excuse is there for one to lend his money under such circumstances? Here these people, it is said orphans, widows, and bankers, have loaned their money upon this property as a pledge. They did it under no pressure of circumstances; they did it voluntarily.

But what sort of a proposition is this? That the Government of the United States shall loan money to dealers in whisky to be carried across the Alleghany Mountains into the States of Ohio, Michigan, and Iowa. Is it not known to the members of this House that never in the history of the Northwest were the excitement and interest in regard to the temperance question so great as at this time? What has been the recent history of legislation in Ohio? What in Iowa? This very winter a prohibitory statute has been passed. So in Kansas and in my own State of Michigan. Never in the history of the State were temperance organizations so ardent, so well knit together, so determined as they are now.

[Here the hammer fell.]

Mr. RUSSELL. I yield ten minutes to the gentleman from Maine.

Mr. DINGLEY addressed the committee. [See Appendix.]

Mr. RUSSELL. I now yield for ten minutes to the gentleman from Iowa [Mr. PRICE].

Mr. PRICE. Mr. Chairman, this question has been so fully presented that to argue it further would be mere repetition; but I wish to submit a few thoughts only.

The distinguished gentleman from Pennsylvania [Mr. KELLEY] admits that whisky is the fruitful source of crime and distress, and he would "regulate" it, and he would leave the task of regulating it to the States. Could the States regulate it in the Territories or in the District of Columbia? Most certainly not. Therefore he would leave the citizens of the District of Columbia and the Territories unprotected by any regulation. He says the execution of the internal-revenue law costs the nation ten millions annually, and therefore should be repealed. He fails to tell us that the liquor traffic costs the nation annually $800,000,000.

"Repeal the law and then we will have money enough for all purposes," says the same gentleman. I confess that I have no sympathy with the Pennsylvania policy which would pare down our revenues so far that we would have no sum with which to reduce the national debt, no sum with which to care for the old and broken-down soldiers of the Republic and their widows and orphans; no sympathy with or admiration for a financial scheme that would "protect" the manufacturer and leave the workingman unprotected from every trade, profession, or occupation, the inevitable tendency of which is to make him less self-respecting as a man, less independent as a citizen, or less intelligent as a voter. Besides, the conviction has forced itself upon the minds of myself and many others of this House that procrastination means eventual avoidance of the whole tax. This has become evident from the utterances of most of the advocates of the bill and by the utterances of some gentlemen who are opposed to it.

This is not the only item of commerce which is more or less injured by overproduction. The lumber business has become seriously depressed from this cause. Yet it does not come here whining for relief by special legislation. But the cases are dissimilar in this: the lumber product reaches the consumer to bless, while this goes to the consumer to curse.

This petted, pampered pirate comes asking alms, when in all its nefarious history it was never known to confer a blessing on a man, a State, or a nation. It asks to be selected from the whole multitude of business enterprises and placed above and beyond all the others as a recipient of public favor, in the face of the fact that it has been the deadliest and direst foe that the public has ever had to deal with.

Its advocates claim this remarkable concession because it pays annually a tax of near $100,000,000, but they would have us forget that it destroys grain enough to feed all the starving sons of earth; that it lowers the standard of public virtue, debases the public conscience, lowers the standard of citizenship, slimes its wicked way up to the seat of political power, destroys the high standard of intelligence and the nice sense of virtue so essential among a people every one of whom is a voter and thereby a ruler. They would have us forget that wherever its sway is recognized it has desolated homes, beggared its votaries, and physically, mentally, and morally dragged down and degraded its victims. They would have us forget that to-day, while we talk, all over this fair land its victims are suffering, starving, dying. They would have us forget that for every dollar which it pays to support Government the legitimate industries and wealth of the country are taxed tenfold the sum thus realized to overcome or correct the costs of its destructive influences upon our people. They would have us forget that, financially considered, this branch of commerce has always been and must always and inevitably be a failure. They would have us forget that this business has always been a lawbreaker when it has been unable to buy such laws or lawmakers as suited its purposes.

The gentleman from Kentucky [Mr. CLAY] pleads for the passage of the bill because of $150,000,000 in the Treasury for which there is no use. If the gentleman wishes to put in circulation our surplus, I will cheerfully join him in that; but is it not more judicious, more patriotic, more sensible to apply that surplus to a reduction of the public debt? Or, better still, take that $150,000,000, add to it the sum now due and to become due from whisky of $70,000,000; put with these sums the $100,000,000 due from the Pacific railroads, and pension every Union soldier, without whose self-sacrificing devotion to the Union we to-day would have no surplus revenue or revenue at all—no Treasury, no Congress, no flag, no country!

But the opponents of this bill are charged with being "narrow-minded" and "cranky." If to legislate justly for the personal and political good of the American people is an evidence of crankism, then I glory in being a "crank." The men who make these charges would have pronounced General Washington and He who "went about doing good" both cranks.

I understood the gentleman from Kentucky [Mr. THOMPSON] to say he never knew one of these temperance cranks but would "go behind the

door and take a drink." I can not dispute him; I believe him; and my only regret is that it has been his misfortune to have only associated with or made the acquaintance of the insincere and the unworthy, and will do my unfortunate friend the kindness to inform him that there are heights he has not climbed, realms of moral excellence he has not explored, and that if he will abandon the attitude of standing as the apologist of a trade that degrades, debauches, demoralizes, and damns everything it touches, he may thereby lift himself to the right of association with men whose patriotism would lead them to legislate for the "greatest good to the greatest number," whose philanthropy would impel them to reach down to the gutter and lift their weaker brother from the degradation to which he has been brought by commerce in whisky, and place him on the broader, purer platform of an independent manhood; men the purity of whose lives and conduct and their life-long devotion to principle enable them to regard pityingly the men who charge them with insincerity.

This monster for which they plead was conceived in sin, born in corruption, and reared in iniquity. Its lullaby has been the sigh of the suffering, the yell of the maniac, the groan of the murdered; and its requiem shall be the clearly expressed and indignant protest of all respectable people against its longer existence.

Mr. RUSSELL. I now yield the remainder of the time to my colleague on the committee, the gentleman from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. I yield twenty minutes, or so much of the time as remains, to the gentleman from Connecticut [Mr. EATON].

The CHAIRMAN. Twenty minutes of the time of the gentleman from Massachusetts yet remains.

Mr. EATON. Mr. Chairman, I have listened with a great deal of interest to the discussion of this question, and I find myself measurably in the same position as the distinguished gentleman from Massachusetts [Mr. LONG]. The difference, as I understand, in the outset between the distinguished gentleman from Massachusetts and myself is this: that he came to the consideration of the question inclined to vote for this bill but now finds himself, either by the force of his own or somebody else's argument, opposed to it, while I was originally opposed to the bill. I thought perhaps it was not wise; I have not been convinced by the argument of my distinguished friend from Massachusetts to such an extent as to remain in that category. On the contrary, it strikes me that this is a wise measure, a proper measure, a business measure, and should command our support.

Right here, sir, I want to say a word. I shall not indulge here to-day in these twenty minutes in any facetious remarks about feeble or infant industries, nor will I venture to say anything about robbing the poor laboring man. I regret very much that my distinguished friend from New York [Mr. COX] should have seen fit to interject into this discussion a speech of two hours that in my judgment wise statesmanship would have avoided. This is not a discussion upon the tariff—it is a discussion upon an internal-revenue measure; and though the custom may be for men to go outside and lug into the debate here on the floor of the House what belongs to other questions, I beg to say, Mr. Chairman, that it is a custom more honored in the breach than in the observance. Therefore, I would have said to my distinguished friend, in whose grand speech I was very much interested—I would have said to him that he ought to have saved himself the expression that the friends of this bill would scorn to take it if it was to be given to them by those who are in favor of protection. The House is not discussing the question of protection yet nor the question of the tariff. When that comes before the House doubtless very many men will be heard. But the theory of my friend from Arkansas, like the bill of my distinguished friend the chairman of the Committee on Ways and Means, has not been quite sufficiently well considered, because that bill if it ever becomes a law will increase the surplus in the Treasury and not decrease it. However, I am not to be drawn into a discussion of that character [laughter], although it is pretty hard when a man is pushed that he will not retort.

Now, Mr. Chairman, to begin with my argument, I stated that I should vote for the passage of this bill. I shall vote for it with an amendment of this character, and I suppose such an amendment will be offered by my friend from New York [Mr. POTTER]. If such an amendment is adopted I will vote for the bill.

At the proper point then in the bill, if he fails to offer the amendment, I shall offer this:

And also interest on such tax at the rate of 4½ per cent. per annum, payable quarterly in advance, for the time of such extension.

I said, sir, that this was a business question, not a sentimental question. It is not a question to carry the groundlings, but a business question; and being a business question, I ask the House to impose upon gentlemen who come here begging this business favor a business proposition of 4½ per cent. per annum for the privilege. I mean business; and if they ask a stay of the proceedings at the hands of the Government of the United States, then I, as one of the Representatives on this floor, ask that they pay 4½ per cent. per annum quarterly in advance for that privilege. Therefore in whatever I may say theoretically of this bill, and I shall be very brief—whatever I may have to say in favor of the bill will be with the understanding that this amendment must be adopted or I shall not vote for it.

Now, Mr. Chairman, I want to say one word to my distinguished friend from Massachusetts [Mr. LONG], and I confess that I am surprised, absolutely surprised, at the position which he has assumed in a carefully studied and elaborate speech. If he had risen on this floor, as I have risen, and as other gentlemen have done, without any idea of delivering a carefully prepared address, and had suggested that this was a loan on the part of the Government, I would not be surprised. If he had said in a hasty speech on this question that it was unconstitutional, I would not have been surprised. Why, sir, what does he mean by loan? A loan of money that the Government has not and may never have? For to-morrow every dollar's worth of that whisky is subject to exportation. It is not a loan. In no sense of the word is it a loan.

I do not take precisely the view, either, that was taken by my friend from Ohio [Mr. HURD]. He called it a penalty to put this tax upon the whisky distiller or the corn-grower. But it is not a loan. The money is not in the hands of the Government. The money may never be in the hands of the Government. The article might all be exported. In no sense can any gentleman call it a loan. It is a stay of proceedings, and nothing else. And if these men will pay 4½ per cent. per annum for that stay of proceedings I propose for one to grant it.

Anti-constitutional, is it? I caught the eye of my friend from Massachusetts in a half smile when he suggested that the Constitution-lovers ought to be very careful before they voted for this bill opposed to the Constitution of the United States! When the same thing has been done for a hundred years and no wise man has stood up on the floor of this House or the other branch of the Federal Legislature and talked about the Constitution. Why import a million dollars' worth of goods to-morrow from Europe and put them in bond? I want an extension. I get my extension; only not two years—three years. And this is opposed to the Constitution! It may be opposed to the constitution of the gentleman from Massachusetts, but it is not opposed to the Constitution of the United States. There is nothing in it. I will give away part of my time if any man will undertake to show why this is unconstitutional. I would like to hear it.

Ever since there has been any commerce between this country and other countries, ever since the formation of the Federal Government, this same principle has been adopted, and there has been nobody so wise as to say it was in defiance of the Constitution.

A loan of what the Government does not possess and may never possess, and yet it is a loan! It is a business proposition that these gentlemen make to us. They say: "We have paid you within the last fifteen or twenty years a thousand million dollars and more." But, says my friend from Massachusetts, "They have not paid it. It was the people, the consumers, who paid it." That is true. That is true in all cases of this character. But at first these men pay it that take the article out of bond. They assume that it will be used; therefore they advance and pay the amount. And I say in the last fifteen years, or a little more, they have paid more than one thousand million dollars, two-thirds of the amount of the interest-bearing debt of the United States to-day. And they come here now and ask you to do what? To extend this time. That is all. They pay you for it. A million dollars in the shape of interest go into the Federal Treasury if this time is extended. If I vote for the bill it is upon that condition, and under no other circumstances will I vote for it. And this is a loan, is it? A mere stay of proceedings a loan!

Mr. COOK. A stay of execution.

Mr. LONG. What is the 4½ per cent. interest payable for?

Mr. EATON. Because I propose to make a good business transaction for the United States if I vote for this bill—that is what it is paying for. I suppose with a tolerable amount of mathematical knowledge it can be ascertained what that will amount to.

Mr. CUTCHEON. Did you ever hear of paying interest on a stay of proceedings?

Mr. EATON. You can call it a loan if you like, and then call it paying interest on a loan. I call it a stay of proceedings; and in order to stay proceedings they must pay interest upon the amount of money involved, not because the money has been taken.

Now, Mr. Chairman, another word. I think my friend from Pennsylvania called this an infernal tax—I allude to the Nestor of the House. If I heard him correctly he called this an infernal tax. What did he mean by that? He meant that it was a tax not opposed to the Constitution of the United States, if you please, but opposed to the custom and usage of the United States. Jefferson called all such taxes infernal taxes.

Now here are a set of people who have paid this vast amount of money into the Treasury upon an unwarrantable tax, to say the least—a harsh tax, to say the least—a tax four times larger than the value of the article taxed. And they ask you now to save them from ruin by permitting this tax to remain. They ask a stay of proceedings for a short term longer. Why, where is the gentleman in his private business that would not do it? Let me ask my distinguished friend from Massachusetts [Mr. LONG], who I know has a human heart in his bosom, supposing any man had been in business and had purchased of

him as a merchant in the last fifteen years $100,000 worth of goods and he bought a little paltry bill of $500 and his necessities prevented his paying that bill, but he said to my friend from Massachusetts, "You have made more than $20,000 out of me as your customer; won't you give me time on this little paltry $500?" Would not my friend from Massachusetts say, "Time! yes, take all you want; take all you desire. You have been my good customer; I will be your good friend." And there is just that difference between $100,000 and $500 in this very bill. And yet what you would do individually you refuse to do here for this great interest, this legitimate interest of a large portion of the people of the United States.

Why, Mr. Chairman, there ought not to be one moment's hesitation. Our rule should be in a case of this matter, "Do as we would be done by." Is there anything in the laws, in the Government, and in the Constitution of the United States that prevents such action as this upon our part? If there be, what is it, where is it, and how is it?

Sir, I am opposed to this whole revenue tax and always have been. I will vote with my friend from Pennsylvania to-morrow to strike it from the list. I do not believe in this mode of carrying on the Government of the United States. But if there be a sentiment—and I do not use the word offensively—if there be a sentiment abroad that this can afford and ought to pay a large tax, then let us strike down the tax on tobacco and on spirits distilled from fruits, and thus save to the Government and to the people nearly $40,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EATON. I would like a minute or two more.

Mr. BLACKBURN. How much time does the gentleman want?

Mr. EATON. Only a few moments.

Mr. BLACKBURN. Will five minutes more do?

Mr. EATON. Yes.

Mr. BLACKBURN. I move that the time of the gentleman be extended for five minutes.

There was no objection.

Mr. EATON. The fact that I am opposed to the internal-revenue system of taxation, the fact that to-morrow I would vote to throw off the tax on whisky and the tax on tobacco both, has nothing to do with this bill. I find this bill here before us; the other proposition is not here. Therefore, so far as I may, as a representative of the people, I will grant what these gentlemen request. No harm can come of it; none at all.

On the contrary, let me say to the prophets who have spoken on the other side of this House, that when you put on this 4½ per cent. tax, payable quarterly in advance, it will tend to prevent the distillation of this article, for they will have to pay this additional tax if they distill and put in bond. I think they will not do it; I hope it will have that effect, and I believe it will. It will tend to prevent in a certain degree, not to any very great degree perhaps, but in a certain degree, the accumulation of this article in Government warehouses. That is one of the reasons why I shall offer such an amendment and hope it may be unanimously adopted.

I hope every gentleman will look at this proposition deliberately and quietly as a matter of business. As I have already said, when I first took up this bill I was indisposed to support it under any circumstances. But the more I examined it, the more I heard in regard to the condition of these people, the more ready I became to adopt the course which I have concluded to take.

Mr. DUNN. Will the gentleman permit me to ask him a question on his amendment?

Mr. EATON. With great pleasure.

Mr. DUNN. You propose to collect this interest quarterly in advance?

Mr. EATON. Yes.

Mr. DUNN. I understand you to take the ground that no sum of money is loaned to anybody.

Mr. EATON. I do.

Mr. DUNN. Nothing is due or owing to the Government?

Mr. EATON. No.

Mr. DUNN. Then what will you take interest upon?

Mr. EATON. When they put it in the warehouse you will get interest on it. Do you not know what it is?

Mr. DUNN. I think I do; but I want to reconcile your amendment with your theory of the bill.

Mr. EATON. I want to answer the gentleman. When you bring 1,000,000 gallons of whisky upon which there is a certain tax, that is a matter of figures.

Mr. DUNN. Tax due or to become due?

Mr. EATON. It does not matter what. When you bring that million of gallons of whisky there you will pay quarterly in advance 4½ per cent. on the amount of the tax.

Mr. DUNN. On what these parties owe the Government?

Mr. EATON. You may call it what they owe the Government, if you like.

Mr. DUNN. And therefore it is on what the Government loans to them for a length of time.

Mr. EATON. If you choose to stick there in the bark, I can not help it. [Laughter]. You know what I mean, and I know what you mean exactly. You mean that money which is not advanced is a loan, and I say it can not be. It is not in the nature of the case that it can be a loan. In one sense we agree. We agree that there is $50,000,000 upon which it is proposed that there shall be a stay of proceedings. We agree that if the United States demands the payment of that amount it will then be $50,000,000 richer, or it will have to take the whisky and confiscate it. I agree to all that. There is no doubt about it. But when you talk about a loan, to me that is an absurdity; it can not be a loan.

Mr. DUNN. Can this whisky be withdrawn and exported after this extension bond is given?

Mr. EATON. Why not?

Mr. DUNN. Can it be?

Mr. EATON. Why not?

Mr. DUNN. I ask you, can it?

Mr. EATON. I answer the gentleman very frankly that I have not examined with reference to that question. But I beg to say to him that if it is withdrawn I will take the 4½ per cent. interest and you do not get it back. [Laughter.] That is a pretty good specimen of a Yankee's mode of doing business. [Renewed laughter.] If I get the 4½ per cent. into my hands and then these distillers choose to withdraw the whisky and export it, very well; the Government is just so much the bette roff by the operation. Is my friend satisfied with the answer I have given him?

Mr. DUNN. I have no doubt the gentleman is perfectly satisfied with his own answer.

Mr. EATON. Of course I am perfectly satisfied with my own answer, because in my judgment no sensible man could give any other answer. [Great laughter.]

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. EATON] has expired.

Mr. EATON. I thank the gentlemen of the Committee of the Whole for their courtesy in extending my time.

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House now adjourn.

Mr. ELLIS. I ask the gentleman to withdraw that motion for a few moments.

Mr. BLACKBURN. I will withdraw the motion.

RELIEF OF SUFFERERS BY FLOOD.

Mr. ELLIS. I ask consent to report from the Committee on Appropriations a joint resolution for consideration at this time. I will state, with the permission of the House, that this resolution has been prepared and sent here by the Secretary of War, and does not involve a dollar of additional expense. It simply reappropriates money already appropriated, but not expended, for the relief of certain sufferers.

The SPEAKER. The Clerk will read the resolution, after which there will be opportunity for objection.

The Clerk read as follows:

Joint resolution reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

*Resolved by the Senate and House of Representatives, &c.*, That so much of the appropriation for the relief of sufferers by the overflow of the Ohio River and its tributaries as remains unexpended, not exceeding the sum of $125,000, may be used by the Secretary of War in the purchase and distribution of subsistence stores and payment for necessary transportation to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; and he is authorized to co-operate with the authorities of the several States of which such district is a part in making distribution of supplies.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. ELLIS. Unless there is objection I will move the previous question.

Mr. DUNN. Before I consent to the introduction of this resolution I want to know——

Mr. DUNHAM. I object.

Mr. ELLIS. I will state to the gentleman from Illinois [Mr. DUNHAM] that this money has already been appropriated for the relief of sufferers by the flood on the Ohio; that the Secretary of War found it unnecessary to expend the whole sum appropriated; that there is a balance of $125,000, and the Secretary of War has transmitted to the House this resolution providing that this balance shall go to the relief of starving people on the Mississippi River. That is the whole effect of the resolution.

Mr. DUNHAM. As I understand, it is proposed to use for this purpose money previously appropriated for sufferers by overflow.

Mr. ELLIS. Yes, sir.

Mr. DUNHAM. Now, what certainty is there, if this money be taken, that these parties may not come back here within a week for another appropriation? That is the only objection I have. If I were satisfied on that question I would withdraw my objection.

The SPEAKER. If there be no objection the Chair will lay before the House a communication from the Secretary of War on this subject.

There being no objection, the Clerk read as follows:

WAR DEPARTMENT, *Washington City, March 25, 1884.*

In further response to the resolution of the House of Representatives adopted March 5, 1884, in which the Secretary of War was requested to furnish the House from time to time with information of the progress of the floods in the valley of the Mississippi, and report if at any time in his judgment there exists such suffering in consequence of said floods as to justify measures of relief on the part of Congress, and if so, the measure of such relief, the Secretary of War has the honor to inform the House of Representatives that from official reports received by him it appears that the floods in the Mississippi Valley from the neighborhood of Vicksburg down to New Orleans are now higher than the highest point reached in the year 1882, and that large numbers of people have by the overflowing of agricultural districts been made unable to help themselves.

In accordance with the request contained in the resolution he has the honor to suggest that if it be the pleasure of Congress to authorize the distribution of subsistence supplies to those rendered destitute by the floods, he in the first instance be authorized to expend for the purpose an amount not exceeding $125,000 out of the unexpended balance of the sums appropriated for the relief of those rendered destitute by the floods of the Ohio River and its tributaries.

ROBERT T. LINCOLN, *Secretary of War.*

The SPEAKER *of the House of Representatives.*

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. DUNN. I desire some more information before I yield my consent. I infer from the reading of that letter and from the phraseology of the resolution that this expenditure is to apply only to the country from Vicksburg down.

Mr. KEIFER and others. Oh, no.

Mr. DUNN. That is certainly the purport of the communication from the Secretary of War; and the language of the resolution is ambiguous. I desire that it be read again.

The SPEAKER. The resolution will be again read.

The Clerk again read the resolution.

Mr. ELLIS. There is nothing ambiguous in the resolution. It applies to all sufferers alike.

Mr. LAIRD. Is the gentleman sufficiently advised now to say that this sum will be adequate for the relief of these people?

Mr. ELLIS. No, sir; I can not tell that. I do not know. This whole matter was committed by resolution of the House to the discretion of the Secretary of War, and this is his first report.

Mr. RICE. This whole matter was committed yesterday to the Committee on Appropriations. I object.

Mr. TOWNSHEND. This comes from the Committee on Appropriations.

Mr. ELLIS. If my friend from Massachusetts [Mr. RICE] will give me his attention, I will state that this is an entirely different resolution from that presented by me yesterday. This is a resolution prepared by the Secretary of War and transmitted to the Committee on Appropriations this morning, and by the committee unanimously reported to the House.

Mr. RICE. Who reports the resolution?

Mr. ELLIS. I report the resolution under instructions from the Committee on Appropriations.

Mr. TOWNSHEND. Unanimously.

Mr. DUNN. I want it understood that I yield my assent to this measure with the distinct understanding that it is for the relief of all persons rendered destitute by the floods of that river from one end to the other.

Mr. ELLIS. Who has proposed to curtail or limit it? Who in the committee or on the floor of the House has proposed to make it partial? It is universal. The gentleman from Arkansas [Mr. DUNN], if he understands the English language, must see that the resolution makes the expenditure universal in its application.

Mr. DUNN. I understand the English language and I understand actions also. When I sent communications to the Secretary of War and to the Committee on Appropriations, representing the river was above the highest water mark in Arkansas, the appeal was rejected.

Mr. ELLIS. Not at all.

Mr. DUNN. The monkeys never squealed until this flood hit Louisiana.

Mr. ELLIS. The monkey has been squealing before there was any demand for relief.

The SPEAKER. Is there objection?

Mr. WELLER. I object. There is too much confusion here. I would suggest that no harm will be done if this be allowed to go over until to-morrow or next day.

Mr. ELLIS. I send to the Clerk's desk to have read——

The SPEAKER. The resolution is not before the House.

Mr. WELLER. I withdraw my objection.

Mr. YORK. I renew it.

Mr. BLACKBURN. I move that the House do now adjourn.

Mr. KEIFER. Let me introduce a bill for reference.

Mr. BLACKBURN. If I yield at all I must yield to others around me who have prior requests.

Mr. BLACKBURN's motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.,) the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petition of Edgar Mills and 130 others, citizens of Sag Harbor, N. Y., asking that certain useless Government property at that place be transferred to Edwin Rose Post, No. 274, Grand Army of the Republic, for the use and benefit of said post—to the Committee on Public Buildings and Grounds.

Also, petition of H. A. Reeves and 10 others, residents of the town of Southold, N. Y., asking an appropriation for the improvement of Southold Harbor—to the Committee on Rivers and Harbors.

Also, petition of John A. Stewart, president United States Trust Company, and 440 others, bankers, merchants, and business men of New York city, asking the passage of a bill authorizing the construction of railway and passenger bridges over Staten Island Sound, between Staten Island, Richmond County, New York, and New Jersey—to the Committee on Commerce.

By Mr. BOYLE: Petition of artisans of Scottdale, Westmoreland County, Pennsylvania, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. CARLETON: Petition of E. H. Buddington, John C. Hickey, A. M. Smith, W. H. Mott, George D. Dana, and 1,000 vessel-owners, &c., interested in the commerce of the great lakes, for the completion of the improvement at the mouth of Belle River, Michigan—to the Committee on Rivers and Harbors.

Also, petition of J. S. Farrar, Minard Barr, Jacob Roepel, Martin Crocker, F. H. Bently, J. E. Brehler, August Dahm, Theodore W. Newton, and about 300 others, citizens of Mount Clemens, Mich., for an appropriation for the completion of the improvement of the Clinton River—to the same committee.

By Mr. CLEMENTS: Memorial of the city council and citizens of Rome, Ga., asking for the removal of obstructions to the navigation of Coosa and Oostenaula Rivers—to the same committee.

Also, memorial of the city council of Rome, Ga., asking for an appropriation for the construction of a public building at said city—to the Committee on Public Buildings and Grounds.

By Mr. FINERTY: Petition of officers of the United States Army stationed at Fort Missoula, Mont., and officers of the United States Army stationed at Fort Ellis, Mont., relative to the reorganization of the infantry regiments of the United States Army and regulating promotions therein—severally to the Committee on Military Affairs.

By Mr. FORAN: Petition of Local Assembly, Knights of Labor, No. 2995, of Cleveland, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of several thousand citizens of different States of the Union, praying for the passage of the bill to prohibit the importation of aliens under contract—to the Committee on Labor.

By Mr. GARRISON: Papers relating to the claim of Raymond Somers and John P. Hurst—to the Committee on War Claims.

By Mr. HENLEY: Petition of citizens of California, for increase of duty on raisins, &c.—to the Committee on Ways and Means.

By Mr. HOBLITZELL: Petition of the Corn and Flour Exchange of Baltimore, Md., advocating the passage of H. R. 4483—to the Committee on Commerce.

By Mr. HOLTON: Petition of Ellen Miller, for arrears of pensions—to the Committee on Pensions.

By Mr. LONG: Memorial of revenue-marine officers, urging favorable consideration of H. R. 4483, now before the Committee on Commerce—to the Committee on Commerce.

By Mr. LORE: Petition of John T. Long and 27 others, citizens of Sussex County, Delaware, for an appropriation to complete the improvement of the navigation of Indian River, in said county—to the Committee on Rivers and Harbors.

By Mr. LOVERING: Petition of John A. Andrew Post, No. 15, and 73 other posts of the Grand Army of the Republic of the Department of Massachusetts, for the enacting of a law granting a pension of $8 per month to all soldiers and sailors who served sixty days or more in the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MORGAN: Memorial of Miles Carroll Post, No. 111, Grand Army of the Republic, Iberia, Mo., relative to bounties, pensions, and back pay—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PAIGE: Petition of workingmen of Akron, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. WARD: Papers relating to the claim of Thomas Brick—to the Committee on War Claims.

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## SENATE.

### WEDNESDAY, *March* 26, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. SHERMAN took the chair as presiding officer, under the designation made by the President *pro tempore* on Friday last, with the unanimous consent of the Senate.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER (Mr. SHERMAN in the chair) laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 27th ultimo, information

in regard to leases of any part of the Crow Indian reservation, in Montana, for grazing purposes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LAPHAM. I present a memorial of citizens of New York, remonstrating against the passage of the bill to regulate actions against purchasers of patented articles. The bill having been reported from the Committee on Patents, I move that the memorial lie on the table.

The motion was agreed to.

Mr. HARRISON presented a preamble and resolutions adopted by the Thomas Bunch Post, No. 259, Grand Army of the Republic, Department of Indiana, in favor of certain measures pending in Congress for the relief of soldiers; which were referred to the Committee on Pensions.

Mr. DAWES. I present the petition of the mayor of the city of Holyoke, in Massachusetts, pastors of churches in that city, and other leading people residing there, praying for legislation in the interest of Indian education. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAWES. I present a petition of the Independent Reformed Episcopal Church of the United States, signed by the presiding bishop of that Church and the leading members of it throughout the United States to the number, I am informed, of 15,000. It is in behalf of a new policy for the Indians, and they pray—first, that there may be secured to them lands in severalty with fee-simple titles, inalienable for thirty years; that they shall have the same law protection, legal personalty, and citizenship that white men and black men enjoy, with adequate common-school and industrial education upon their present reservations, and full religious liberty.

I desire to say that the bill now before the Senate in the morning hour embraces almost everything asked for in this petition, and I may be permitted, I think, by the Senate to assure these petitioners that there is every evidence that the Senate is responsive to their prayer; that the bill securing substantially these rights to the Indians passed this body at its last session unanimously, and that it is now before the Senate with such evidence of support as may lead these petitioners to believe that so far as this body is concerned it will substantially carry out their views.

I felt at liberty to say so much, as the bill before the Senate is a matter framed very much in the spirit of this petition. I thought perhaps it was due as well to the character of these petitioners as to the prevailing sentiment of the Senate that they might be assured that the Senate itself was not indifferent to the subject-matter of the prayer of the petition.

As the bill is before the Senate, I do not think it necessary that the petition should be referred to any committee, but it should be laid on the table.

The PRESIDING OFFICER. The petition will lie on the table.

Mr. BUTLER. I present the petition of the Rev. Lionel C. Joell, E. D. Spearman, and 60 other citizens of Greenwood, county of Abbeville, South Carolina, praying that an appropriation be made for the removal of illiteracy in the South. Inasmuch as the bill in relation to that subject is now before the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. LOGAN presented a petition of citizens of Missouri, praying for such an amendment of the Revised Statutes of the United States relative to pensions as that the same shall include and extend to the officers and privates of the enrolled Missouri militia when in active service under orders from either the authorities of the State of Missouri or of the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of officers of the United States Army, praying for the passage of Senate bill No. 825, increasing the pay of non-commissioned officers, musicians, and privates in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of officers of the United States Army, praying that Bvt. Maj. Gen. Henry J. Hunt, colonel, United States Army, retired, be placed on the retired-list as major-general; which was referred to the Committee on Military Affairs.

He also presented a memorial of officers of the United States Army stationed at Fort Snelling, Minn., favoring the passage of the bill (H. R. 2613) to promote the efficiency of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of ex-Union soldiers, citizens of Illinois, praying for the passage of laws favorable to soldiers; which was referred to the Committee on Pensions.

He also presented a petition of J. H. Jenkins Post, No. 242, Grand Army of the Republic, Department of Ohio, praying for a uniform rate of pension for soldiers; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Missouri, praying that they be placed on the pension-rolls in recognition of services rendered in the enrolled militia of Missouri; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers of New York city, praying for an increase of pensions; which was referred to the Committee on Pensions.

He also presented a communication from General M. C. Meigs, of Washington, D. C., remonstrating against the third section of the naval appropriation bill, which forbids an officer on the retired-list of the Army, Navy, or Marine Corps to hold position in the civil service or other employ of the Government and draw the compensation or salary thereof together with his pay as such retired officer; which was referred to the Committee on Appropriations.

He also presented a petition of Marion Post, No. 119, Grand Army of the Republic, Department of Missouri, at Stanberry, Mo.; a petition of A. N. Goldwood Post, No. 104, Grand Army of the Republic, Department of Ohio, of Richfield, Ohio; and a petition of Monroe Post, No. 357, Grand Army of the Republic, Department of Ohio, of Sedan, Ohio, praying for the granting of one hundred and sixty acres of land to each honorably discharged soldier; which were referred to the Committee on Public Lands.

He also presented resolutions adopted by the county board of Madison County, Illinois, in favor of including an appropriation for the American Bottom levee in the appropriation for the improvement of the Mississippi River; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Racine, Wis., and a petition of citizens of Portland, Oreg., praying that schools may be established in Alaska; which were referred to the Committee on Appropriations.

He also presented a petition of citizens of Manito, Mason County, Illinois, praying for the enactment of laws to equalize soldiers' bounties; which was referred to the Committee on Military Affairs.

Mr. GORMAN. I present a memorial of the Society of Friends in Baltimore. It relates to Senate bill No. 398, now pending before the Senate, known as the educational bill. I desire to state that the Society of Friends in Baltimore have by private subscription raised in the past few years over $200,000 to aid in the education of the illiterates of the South. It is a very important body, and I desire that the memorial may be read.

The memorial was read, and ordered to lie on the table, as follows:

*To the Senate of the United States:*

The representatives of the "Society of Friends" residing in the States of Maryland and Virginia respectfully state that they have for the past fifteen years been engaged in promoting the education of and establishing schools among the children of all classes in several of the Southern States. They have therefore taken the deepest interest in the Senate bill No. 398, now pending before Congress, entitled "A bill to aid in the establishment of temporary support of common schools," as amended January 31, 1884, and would respectfully urge the importance of the proposed legislation.

On behalf of Baltimore Yearly Meeting of Friends.

FRANCIS T. KING,
JAMES CAREY,
JAMES CAREY THOMAS,
FRANCIS WHITE,
JAMES CAREY, JR.

BALTIMORE, Third month, 25th, 1884.

Mr. WILLIAMS presented a memorial of citizens of Madisonville, Hopkins County, Kentucky, protesting against the passage of any law detrimental to inventors; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1419) for the relief of Rupert G. Hill, reported it with an amendment, and submitted a report thereon.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations, to whom were referred the joint resolution (S. R. 68) declaring the lawfulness of the occupation of the country drained by the Congo River and its tributaries, by the African International Association, to the extent of its actual occupation and for the purposes avowed by said association, and to recognize its flag, and to appropriate money to carry this resolution into effect, and Senate Miscellaneous Document No. 59, being a resolution submitted by me on the 26th of February on the same subject, to report them back with a recommendation that they be indefinitely postponed.

I also submit a report in writing expressing the views of the committee in reference to that country and its political situation, and a recommendation to the Committee on Appropriations to be referred to the Committee on Appropriations for an amendment of the bill relating to the consular and diplomatic service so as to provide the sum of $50,000 to enable the President to send diplomatic or commercial agents into that country.

I move that the resolutions be indefinitely postponed.

The motion was agreed to.

The PRESIDING OFFICER. Does the Senator ask action on the report?

Mr. MORGAN. I ask that the recommendation of the Committee on Foreign Relations be referred to the Committee on Appropriations; and I desire to say in this connection that at some future day by instruction of the Committee on Foreign Relations I shall bring to the attention of the Senate a resolution still further relating to this question.

The PRESIDING OFFICER. The report will be referred to the Committee on Appropriations.

Mr. HOAR, from the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the petition of Samuel M. Blair, having considered the same, report, in accordance with the resolution of the Senate of February 7, that they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. HOAR, from the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the bill (S. 1167) for the relief of the estate of Marcus Walker, deceased, have considered the same, and report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. HOAR, from the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the bill (S. 736) for the relief of Rosa Vertner Jeffrey, have considered the same, and report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. GEORGE, from the Committee on Claims, to whom was referred the bill (S. 1034) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and James Waters, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 71) for the relief of the creditors and assigns of Norman Wiard, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GEORGE. I am instructed by the Committee on Claims, to whom was referred the bill (S. 748) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims, to report it favorably with an amendment referring the claim to the district court of the United States for the eastern district of Pennsylvania.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. KENNA, from the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the bill (S. 604) for the relief of George MacDougal, have considered the same, and, in accordance with the provisions of the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. DOLPH. I am directed by the Committee on Claims, to whom was referred the petition of Charles and Jacob Schneider, praying compensation for wood cut from their land in Knox County, Tennessee, to report adversely thereon.

The PRESIDING OFFICER. The proper direction, the Chair supposes, is that the committee be discharged from the further consideration of the petition. That order will be entered, if there be no objection.

Mr. CAMERON, of Wisconsin. I think the proper action to take upon it would be that the Senate agree to the report of the committee.

The PRESIDING OFFICER. Does the Senator make that motion?

Mr. CAMERON, of Wisconsin. I will make that motion.

The PRESIDING OFFICER. It is moved that the report be agreed to.

The motion was agreed to.

Mr. LAPHAM. The Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 43) for the erection of a bronze equestrian statue to Simon Bolivar in the city of Washington, have instructed me to report the same back with certain amendments, and to ask that the committee be discharged from its further consideration and that the subject be referred to the Committee on the Library. I also submit a written report, which I ask to have printed.

The PRESIDING OFFICER. The report will be agreed to, if there be no objection.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom was recommitted the bill (S. 1158) to provide for the execution of the provisions of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China, for the repression of the opium traffic, reported it with an amendment.

Mr. SAWYER, from the Committee on Railroads, to whom was referred the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company, reported it with amendments, and submitted a report thereon.

## BILLS INTRODUCED.

Mr. VANCE introduced a bill (S. 1934) authorizing the Court of Claims to grant a rehearing in the case of Sophia B. Moore *vs.* The United States; which was read twice by its title.

Mr. VANCE. I ask the reference of the bill to the Committee on Claims.

Mr. LOGAN. Ought not the bill to be referred to the Judiciary Committee?

The PRESIDING OFFICER. Does the Senator from Illinois make a motion?

Mr. LOGAN. I do not make any motion; I merely ask if it ought not to be referred to the Committee on the Judiciary.

Mr. VANCE. I do not know that I have any objection to its going to the Committee on the Judiciary.

Mr. LOGAN. I think that is the appropriate committee to consider the bill. I have no particular desire about it, however.

The PRESIDING OFFICER. Does the Senator from North Carolina accept the suggestion of the Senator from Illinois?

Mr. VANCE. I do.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary.

Mr. CALL introduced a bill (S. 1935) to establish a bureau of the fine arts; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MILLER, of New York, introduced a bill (S. 1936) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER, of New York, introduced a bill (S. 1937) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild, & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1938) to provide for the inspection of rags in Egypt; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MAXEY introduced a bill (S. 1939) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 1940) granting a pension to Thomas Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 1941) declaratory of the meaning of section 3 of the act of June 16, 1882, for the relief of Howard University; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 1942) for the relief of Harvey Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 1943) to amend chapter 212 of the Statutes of the United States, approved June 15, 1878; which was read twice by its title, and referred to the Committee on Commerce.

## AMENDMENTS TO A BILL.

Mr. SHERMAN submitted amendments intended to be proposed by him to the bill (S. 1876) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes; which were referred to the Committee on Foreign Relations, and ordered to be printed.

## PAPERS WITHDRAWN.

Mr. HARRISON. I ask to have the following order made:

*Ordered*, That the papers in the case of Charles Caddy be withdrawn from the files of the Senate for the purpose of being transmitted to the Pension Office.

I should say, perhaps, in explanation that in this case there has been an adverse report from the Committee on Pensions, but the report was made at my request upon the ground (and it was so stated in the report) that the case was one that could be heard by the Commissioner of Pensions.

The order was agreed to.

## PORTLAND HEAD LIGHT.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and is hereby, directed to communicate to the Senate the reasons for the reduction and lowering of the light on Portland Head, in the State of Maine, and in view of the increased dangers to navigation and of the late loss of property by reason of change in such light, to inform the Senate if there is any good reason why the same should not be restored in accordance with the general desire of persons engaged in navigating the waters in the region of said light.

## HOUSE BILL REFERRED.

The bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location and name was read twice by its title, and referred to the Committee on Finance.

## ENROLLED BILLS SIGNED.

The PRESIDING OFFICER (Mr. SHERMAN) announced the signing by the President *pro tempore* of the following enrolled bills and joint

resolution, which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes;

A bill (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD; and

Joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

## LANDS IN SEVERALTY TO INDIANS.

The PRESIDING OFFICER. The morning business being closed, the next business is the Calendar of cases not objected to, under Rule VIII. The first in order is the bill to provide for the allotment of lands in severalty to Indians, which was under consideration yesterday morning.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 48) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes, the pending question being on the amendment proposed by Mr. DOLPH.

Mr. DOLPH. It was suggested yesterday by the chairman of the Committee on Indian Affairs [Mr. DAWES] that the purpose of the amendment proposed by me was not objectionable, but the form was not in accordance with the present practice of the Government; and, acting upon his suggestion that as the bill would go over until this morning I should revise my amendment, I have drawn what I suppose to be in accordance with the views of the committee, which I submit as a substitute for the amendment offered by me yesterday.

The PRESIDING OFFICER. The Senator from Oregon modifies his amendment. The modification will be reported.

The CHIEF CLERK. It is proposed to strike out, in section 6, after the word "Congress," in line 40, the words "and the moneys agreed to be paid shall be appropriated and paid to said tribe or invested for its benefit, as the case may be" and insert:

> And the principal of all sums agreed to be paid by the United States as the purchase price of any portion of any such reservation shall be payable only to the Indians or Indian tribe from whom such purchase was made by express authority of Congress after the expiration of twenty-five years from the purchase of said lands; but the same shall in the mean time be placed in the Treasury of the United States to the credit of the tribe or tribes of Indians entitled thereto, and in the mean time, and until such principal sum shall be paid over to or expended for the benefit of said Indians, the United States shall pay interest annually upon said principal sum at the rate of 5 per cent. per annum, which interest shall be paid to the Secretary of the Interior for the use and benefit of such Indian tribes, and shall be used for the purpose of educating and preparing them for self-support and applied to their support and maintenance as may be necessary.

The PRESIDING OFFICER. The question is upon the adoption of the amendment as modified.

Mr. COKE. Mr. President, the proposed amendment is to take the place of the following language in the bill as reported:

> And the moneys agreed to be paid shall be appropriated and paid to said tribe or invested for its benefit, as the case may be.

I prefer the language of the bill. The amendment proposed by the Senator from Oregon will tie up the fund so that it can not be reached by Congress. The bill as reported leaves the fund to be dealt with absolutely in the discretion of Congress after the lapse of twenty-five years, to be either paid to the Indians or to be invested for their benefit.

The simple question is whether it is better to have the law about to be passed in a flexible shape so that the discretion of Congress can at any time give direction to the fund, or to have it in the shape proposed by the Senator from Oregon, which places it beyond the power of Congress to deal with it except in a particular mode.

I prefer the language of the bill, although the amendment of the Senator from Oregon makes no very great change in it.

Mr. DAWES. The amendment involves considerable change in the present practical operation of the bill, and I wish that the Senate would direct its attention to the precise difference between it and the bill. I agree with the Senator from Texas that the language of the bill is preferable.

The purpose for which the Senator from Oregon is striving is one which I would put everything in the bill practicable to reach, just as he would; but as I stated yesterday, the bill in its present phraseology is more flexible, can adapt itself under a wise administration of the Interior Department to the real exigencies of the Indians better than the amendment. Therefore, if I can have it my own way, having the confidence I have in the Interior Department in this regard, I would prefer the language of the bill.

I hope the Senate understands the importance of this bill. It is, as was said very properly by a distinguished Senator on the other side to me last night, the beginning of the end of the Indian as an Indian. From this time forth under this bill he is to be treated as an individual; each individual Indian is to stand upon his own feet. As he steps down from his tribe under this bill he becomes amenable to the laws of the United States, and can, like every other citizen of the United States, appeal to them for protection. He will largely have to hew his own way; but it is the purpose of the bill to make available his assets for the purpose of strengthening him in this effort. As an Indian tribe set apart upon a reservation solitary and separated from the rest of the people of the United States, a quasi-independent people in the midst of the United States, if the bill becomes a law he passes out of sight. During his passage through this pupilage into the position of a full citizen of the United States I can see occasions where a wise administration of the Indian Department and of his funds and assets may require a reasonable appropriation of some of them to his support in this effort.

I know what the Senator from Oregon looks to—the danger of the Indians frittering away their assets upon unnecessary expenditures and the availing themselves of the fund for present support, when they should rely upon personal effort for it; and all that I would protest against in legislation so far as it can be done consistent with carrying on the main object of the bill. But it will be true that unless the Secretary of the Interior finds the bill flexible in that particular, and can bend it to exigencies which arise, the Indian will be appealing to Congress for appropriations to supply him with agricultural implements, with agricultural training, with farmers as teachers and as curators, and with a variety of necessities, for which this large family of 200,000 children, led out into the world by the hand as children, will and must appeal to the Treasury of the United States.

The PRESIDING OFFICER. The Chair will remind the Senator that his time is up.

Mr. DAWES. If I may be indulged to finish the sentence this is the difference between the Senator's amendment and the text of the bill. It will not disturb the committee very much whether the Senate takes the one or the other, but it should take it understanding the full question.

Mr. DOLPH. I ask permission to occupy a few moments, as this is an important measure. I desire only that it may be fully understood by the Senate.

The PRESIDING OFFICER. The Senator is entitled to five minutes under the rule.

Mr. DOLPH. The policy of the Government for a long time past has been to put the Indians upon reservations and to purchase the title to the lands formerly held by them; until now they are confined to reservations mainly in the Western States and the Territories. The bill proposes a radical change in the Indian policy. It proposes to authorize the President in his discretion at any time to allot the lands in these reservations in severalty to the Indians located thereon in certain quantities, and authorizes the purchase of the balance of the reservations by the General Government through the Secretary of the Interior.

At the present time, or at least in 1880, which is the date of the last statistics I happen to have, the total number of Indian reservations in the United States was 147. Those reservations contained 154,436,362 acres. The estimated Indian population at that date was 255,998, which gave about 603.40 acres of land to each Indian. After purchase of the right of occupancy from the Indians and setting aside portions of the reservations to be held by them in severalty under the operation of this bill, I suppose that something over two-thirds of the area of the present Indian reservations will be restored to the public domain, amounting to over 100,000,000 acres. This amount of land, if purchased of the Indians at a reasonable price, at the present value of the land to the Indians, say 10 cents an acre, will furnish a fund which, properly husbanded, will be sufficient to provide for their support and education so long as they will require assistance from the Government.

The difference between my amendment and the present bill is this: The bill provides substantially that the purchase price may be paid over in money or invested by the Secretary of the Interior for the benefit of the Indians, as may be agreed upon. I am not in favor of giving any Department of this Government the right to make investments of that kind of funds. I am not in favor of permitting the Government to approach the Indians for the purchase of these lands with the idea that it will pay cash for them. I want to preserve that fund by providing now that we will defer the payments, that we will give the Indians upon such a purchase the promise of the Government to pay the principal sums at the option of the Government after twenty-five years, and in the mean time will pay interest upon the purchase price.

By the amendment proposed by me yesterday I suggested that such purchase price should be paid in bonds. I do not care how the money shall be invested, but I want the interest only to go to the Indian tribes for the present, and the principal of the fund to be paid whenever Congress in its wisdom may direct, twenty-five years from this time, or before, for I do not suppose that we can impose any limit upon the power of Congress to pay over the fund at any time. I do not want the Secretary of the Interior to have the power to pay or to propose to pay the Indians for their lands in cash. I want it understood that the payment shall be deferred. Why? Because we propose to adopt this bill as the last measure for acquiring the lands of the Indians or the lands to which they have the right of occupancy. We have paid from time to time large sums to extinguish the Indian title and the money has been expended with little benefit to the Indians. We propose now to allot lands to them in severalty, and to make such lands inalienable for twenty-five years, and it is supposed that at the end of twenty-five years they will become capable of taking care of themselves.

With our experience with the colored race in the South before me I

fear that when the lands allotted under this bill become alienable and the Indians sell them, as they undoubtedly will, we will find them upon our hands without land and without anything out of which they can be supported, and will be compelled to support them out of the Treasury of the General Government. While we have this ample fund let us provide that it shall be an irreducible fund so long as in the judgment of Congress it is necessary, and when we find that the Indians are capable of self-support we will pay the principal, and in the mean time if it shall be necessary to supplement the interest derived from the fund with additional appropriations, let us do it.

This is an important amendment. It is an amendment that ought to be thoroughly considered. It is the last provision which we can make out of the public lands to which the Indian title has not been extinguished to prevent those people from becoming paupers on our hands twenty-five years hence, without any lands or other means of support except appropriations from the Treasury of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. MORGAN. I think it probable that the committee have overlooked one feature of this case, which can be very easily remedied, and I wish to offer an amendment that I think will have the proper effect.

The first section of the bill as reported by the committee provides that lands may be set apart to tribes or portions of tribes and held by the United States Government in trust for the sole use and benefit of those persons who are the patentees for a certain length of time. There is no reservation made in the bill of the right of Congress to grant rights of way to railroad companies, telegraph companies, &c.; and remembering the difficulty we have had in regard to the territory of the five civilized tribes who hold their lands under patents, I propose to add the following section to the bill to remove that difficulty:

SEC. 12. Nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian or a tribe of Indians for railroad or other highway or telegraph lines for the public use or to condemn such lands to public uses.

Mr. COKE. I do not believe that amendment a necessary one, for the simple reason that I do not believe the Government can divest itself of the right of eminent domain, the power to grant the right of way through any lands under the jurisdiction of the Government; but as the Senator from Alabama says we have had some trouble in getting the right of way through the Indian Territory because no reservation was made, I see no objection to the adoption of the amendment.

Mr. DAWES. I should like to hear the amendment read again.

The Chief Clerk read the amendment.

Mr. HARRISON. May I ask the Senator from Alabama who proposes this amendment whether he intends that there shall be reserved to Congress the right to grant these rights of way to these quasi-public corporations without any compensation to the holders of the lands?

Mr. MORGAN. By no means.

Mr. HARRISON. Then I suggest that should be guarded in the amendment, because I have heard it argued here that the reservation in the treaty of 1866 with the civilized tribes of the Indian Territory of the right to pass one railroad east and west and one north and south through that Territory meant that it might be done without any compensation.

Mr. COKE. I understand this amendment to use the word "condemnation," which implies ascertaining the value and granting compensation.

Mr. HARRISON. I have no objection to the amendment if the point I have suggested be guarded against, but we have had just the argument I suggested, that this reservation gave to the Government a right to grant the right of way without compensation. I think that is inconsistent with the title we propose to give to these Indians.

Mr. MORGAN. My purpose, whether I expressed it clearly enough or not, is simply to assert the right of eminent domain in this land in the Government of the United States if we grant patents, and then in the practical application of the right of eminent domain under the restrictions of the Constitution to provide compensation to the Indian I think we may take the lands. That is my purpose, and I think I have expressed it.

Mr. HARRISON. It is difficult for one to judge of the effect of language simply by the hearing of the ear, but it did not seem to me that it was expressed so as to avoid the very argument to which I have referred and which was made under a similar reservation in the treaty of 1866.

Mr. MAXEY. I think if the Senator from Alabama will add the words "upon just compensation" at the close of his amendment he will cover the entire ground.

Mr. MORGAN. I think adding the words "upon making just compensation" will cover the whole subject.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MCMILLAN. Let the amendment be read again.

The PRESIDING OFFICER. The amendment as modified will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 12. Nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian or a tribe of Indians for railroad or other highway or telegraph lines for the public use, or to condemn such lands to public use, upon making just compensation.

The amendment was agreed to.

Mr. DAWES. I offer again the amendment I offered yesterday somewhat modified, so as to meet the objection which was made to it yesterday. After the forty-fourth line of section 6 I move to insert:

And if any religious society or other organization is now occupying any of the public lands to which this act is applicable for religious and educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to said society or organization in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just.

Mr. CONGER. I should like to inquire of the Senator from Massachusetts whether there is not a provision of law now granting a section of land or some particular quantity of land to missionary establishments and school establishments.

Mr. DAWES. I believe there is, but a subsequent act like this disposing of the land would supersede any such provision as that, and this is offered in order to save the right of occupation, with the approval of the Secretary of the Interior.

Mr. CONGER. There are several of those cases that I have had my attention called to. I should like the Senator to put a clause in his amendment that nothing in this amendment shall affect any right which has heretofore accrued to any society under any other law.

Mr. DAWES. I have no objection to that if the Senator thinks it necessary.

The PRESIDING OFFICER. The Senator will please furnish the Secretary the modification he proposes.

Mr. DAWES. I do not see how it can be necessary; but if it is deemed necessary I will accept any words the Senator may suggest.

Mr. CONGER. This might be construed as cutting down privileges heretofore granted, and there should be an amendment providing that nothing herein contained shall restrict or limit any grant heretofore given.

Mr. DAWES. I suggest these words:

But this authority shall in no way impair any vested right or any right of occupancy for such purposes now existing.

Mr. CONGER. I do not exactly see how that will do, because these rights are not vested exactly. They are held in trust. Say "right conferred by existing laws."

The PRESIDING OFFICER. The Senator will give the precise words to the Secretary, so that he may write them down and have the amendment understood.

Mr. CONGER reduced his amendment to writing; and it was read, as follows:

Add to the amendment of Mr. DAWES:

"But nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law."

Mr. DAWES. I modify my amendment to that effect.

The PRESIDING OFFICER. The amendment to the amendment is accepted. The question is on the amendment of the Senator from Massachusetts as modified.

The amendment as modified was agreed to.

Mr. MILLER, of California. There is one matter to which I wish to call the attention of the Senator from Massachusetts. In the sixth section the term of the trust is fixed at twenty-five years, the time during which the United States shall hold these lands in trust for the Indians to whom they are to be allotted in severalty. At the expiration of twenty-five years each Indian or family to whom the allotment has been made will receive a title in fee-simple to the lands, with power of disposition and alienation unrestricted. It seems to me that this term is entirely too short. It is not the life of one generation in which there is an impediment placed upon the disposal of these lands. At the end of this generation these Indians will be supposed to be, according to the scheme of this bill, perfectly competent to take care of themselves, to dispose of their property by sale or otherwise, the same as white people. I hardly think that Indians will have arrived at that stage of intelligence and knowledge of the management of their affairs which will render them able to dispose of their property accordiag to their interest.

I believe that the term of this trust should be at least two generations, not less than forty-five or fifty years, because when they come into possession of this property in fee-simple speculators and all sorts of sharpers will attempt to get their lands away from them. They are an improvident people, not knowing the value of money. They will use up and spend the money they get, and soon be left without homes and without anything.

I believe the Government of the United States ought to keep the title to this property in itself for at least two generations, and I doubt even then whether the Indians will have arrived at that state of civilization which will enable them to take care of themselves. They will need then the fostering care of the Government of the United States.

That is the objection which I have to this bill, and I should like to hear from the chairman of the committee on the subject.

Mr. COKE. Mr. President, in reply to the objection of the Senator from California, I refer him to the proviso on page 2, section 1, of this bill. After providing that the patent shall be issued and shall convey the land in fee discharged of trusts at the end of twenty-five years, it reads:

*Provided*, That the President may withhold the issuance of the patent in fee

in any case for such further time as he may deem to be for the interests of the Indians. And the trust created in the original patent shall be and remain in full force until the patent in fee be issued.

If the condition of affairs exists at the expiration of twenty-five years feared by the Senator from California, here is ample discretion reserved to the President of the United States to apply the proper remedy, and that is to withhold the patents. I think that is an abundant answer to the objection the Senator has made.

Mr. MILLER, of California. That reservation had not escaped me.

The PRESIDING OFFICER. The Senator from California is not strictly entitled to the floor under the rules, having spoken once, but the Chair will recognize him until five minutes expire since he first rose.

Mr. MILLER, of California. I only wish to say a word. I should prefer to leave it within the power of Congress rather than to leave it with the President of the United States, because influences may be brought to bear, as they often are in such cases through the Interior Department and the Indian Bureau, to bring about the very state of affairs which those people who want the possession of the lands and to acquire them desire to have brought about. I would rather keep it in the power of Congress. Congress can at any time act upon the question and release the tract in such instances as may be deemed expedient. Sometimes it might be proper to exercise control over their property and at other times it might not. Congress could act in each case according as might be best for the Government.

Mr. DAWES. The proviso to which the Senator from Texas calls attention, the Senate will observe, applies only to the tribal patent, and it is after twenty-five years discretionary with the President whether to terminate the trust or not. But as to the individual allotments the term is fixed at twenty-five years. It is fixed for several reasons. One is that the holding of land by the United States so that it can not be taxed in any community, for any unnecessary period of time, is irksome and unwise, unless there be some good reason for it. The allotment patent which is to issue after twenty-five years is only to issue to such Indians as in the opinion of the Interior Department are so far advanced in the outset as to give hope and encouragement that by this process they will be self-supporting at the end of twenty-five years from that time and be able to stand upon their own feet. I know the Senator would desire that the moment an Indian, like any white man, is able to take care of himself he should be free to dispose of his property like any white man.

While it may be true that there will be Indians who would not under such a pupilage at the end of twenty-five years or fifty years be capable of taking care of themselves and protecting themselves against the whites, there are other Indians and a large body of Indians of whom there is good ground to believe there is more hope, much more. Such Indians as the Senator alludes to would not under this bill get patents at all under any wise and proper administration of the Indian Department, because they would not, in the language of this bill, be so far advanced as to give encouragement for any such trial. There are Indians of the five civilized tribes who have not been under this pupilage for fifty years that have become wealthy—not only self-supporting but wealthy. Take the Santee Indians, who were engaged in that cruel war in Minnesota twenty years ago, and were taken and gathered into the Sioux tribe and could not be kept there and went away down into Nebraska and have had a reservation down there set apart for them, the wildest of all those Sioux Indians are now so far advanced that they are farmers capable to-day of taking care of themselves. There are Indians of whom what the Senator from California says is true, but this bill provides for such under proper administration. As to this body of the Indians, it seems to the committee and to those who have taken large interest in this matter that either thirty or twenty-five years would be a proper limit. There are many treaties with Indians in which it is stipulated that the lands shall be inalienable for twenty years. Those treaties we are bound by; but where we are not so bound it was thought on the whole that twenty-five years would be a proper limit. The Senator will observe that speculators will be embarrassed by the fact that the term of twenty-five years does not expire all at once to all the Indian tribes, but only from time to time as the patents issue. So I think if you are ever to expect that the Indian will take his place as a self-supporting man, we must presume that will be done in twenty-five years.

Mr. CALL. Mr. President, I suppose this bill will pass the Senate at this session, as it has heretofore; but I wish to place upon record before it passes my own objection to the action of the Senate at this time in this way. The bill proposes to establish the status of a large number of Indians to whom the faith of this Government is pledged for proper legislation in the protection of whatever rights they may have or may be capable of having. If it were not so in the treaties that have been made with these Indian tribes, the proper sentiments of philanthropy and the exercise of power beneficially in the interest and for the benefit of those who are to be affected by it would demand of us great care and consideration in the passage of a law which is to deprive them of a status heretofore had by them and of a character of government to which they have been subjected in all past time. I find in this bill the following provision:

SEC. 7. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside.

We are proposing, then, to subject these people to a character of legislation which has not been made for them nor with reference to their unfitness to assume the responsibilities of citizens. They have heretofore been subject to a tribal relation and to a tribal government. We have placed them upon a reservation and have pledged the faith of the Government to them that they shall be governed upon that reservation, not by the laws of the State or Territory in which they live, but by laws of their own making; but that if they go beyond the limits of that jurisdiction they are subject to the full power and jurisdiction of whatever State or Territory they may be in for criminal offenses committed. We now propose to invade the reservation and to establish over them a civil and a criminal responsibility for which they are entirely unfit and of which they are entirely ignorant.

Mr. President, it strikes me that with the great care which this committee have for the Indians and for their interests, with the tenderness which the chairman of the committee is well known to possess for them and their rights and their future, it would have been possible to have provided some tangible provision as the law of the reservation to which the Indian might have been held responsible, and adapted to his peculiar condition. We who have lived in frontier States where the Indians are know that there does grow up a sentiment of extreme hostility, justified often by the barbarous acts of the Indians, on the part of the resident population, and that the character of the legislation in the States or Territories is not impregnated with any tenderness for the Indians' rights. While the people are as considerate in such States and Territories as elsewhere of rights and general benevolence, there are peculiar reasons why the laws of the State or Territory may bear with great hardship on the Indian.

Mr. President, I object to the hasty and inconsiderate passage of this bill on so important a subject. It may be that the provisions of this bill, unguarded as they are, may serve to deprive these Indians both of property and rights. Imagine the trial of an ignorant Indian, who can not speak the language, for violation of a law of which he has never heard, and before a jury of necessity hostile to him from perhaps just prejudice and a not unreasonable animosity.

Without intending to more than express my own dissent from this legislation, I find that this act provides that upon the "consent of two-thirds of the male members twenty-one years of age" the provisions in regard to the allotment in severalty of the land shall take effect.

The PRESIDING OFFICER. It is the duty of the Chair to inform the Senator that his five minutes are up.

Mr. COKE. Section 2 of this bill lays the basis for any action to be taken under the bill in this way: That—

The President be, and he hereby is, authorized, whenever in his opinion any reservation of such Indians is advantageous for agricultural or grazing purposes, and the progress in civilization of the tribe located thereon, or any of the members thereof, shall be such as to encourage the belief that an allotment of lands in severalty to the members of said tribe, or any of them, would be for the best interests of said Indians, to cause said reservation to be surveyed, or resurveyed if necessary.

The President must find these facts recited in this section of the bill to be true before he can put the machinery of this bill in motion. Then he must get the consent of two-thirds of each tribe before it operates upon that tribe. Then when the lands are surveyed patents are issued promising a fee-simple title to the Indians at the end of twenty-five years. At the expiration of that time, if there are any conditions surrounding the Indians which make it in the judgment of the President improper that they should have the fee-simple title to the land, the President is authorized to withhold patents for an indefinite time.

The bill has been guarded in every possible way. The time has arrived, Mr. President, when something must be done with the Indians. The wild game of the plains has disappeared; the settlements of the whites are pressing upon the Indian reservations on all sides. The time has come when the Government must either make the Indian a self-supporting individual or must make appropriations every year to support him, to feed him, to clothe him, to maintain him in idleness.

The object of this bill is in a slow and gradual way to bring the Indian out from the tribal condition and relation which surrounds him and individualize him, make him a member of society, and throw him upon himself for his support, instead of allowing him to rely as he does now upon the Government to feed and clothe him.

The bill is necessarily *sui generis*. There is a great deal of discretion reposed in the Interior Department and in the President. No man who has not grappled with this Indian question can tell how much trouble there is in framing any sort of general bill to meet the emergencies which are upon us touching the Indian tribes of this country.

This bill has been for five years before the Senate, and a large part of that time before the House. It has been brought to its present condition of perfection or imperfection, as the case may be, after the very best labors of the Commitete on Indian Affairs of the Senate for five years. It embodies the very best thought that we have been able to give it. It surmounts a great many of the difficulties that have surrounded the question, and is what has seemed to the committee to be the only practical, feasible, and possible way of dealing with the question how to

emancipate the Indian from his present bondage to pauperism and tribal relationship, and make a self-supporting citizen of him.

The PRESIDING OFFICER. The Senator has spoken five minutes.

Mr. CALL. I move to strike out the seventh section of the bill.

The PRESIDING OFFICER. The Senator from Florida moves to amend by striking out the seventh section.

Mr. CALL. I desire to say, sir, that in the eleventh section of the bill it is provided that the consent of two-thirds of the male members of 21 years of age shall be first had and obtained before the provisions of the bill take effect alloting the land in severalty. It seems to me that there ought to be some greater precaution taken and some special mode defined as to the manner in which that consent of two-thirds of the male members shall be obtained. It ought to be guarded with very great care. All persons who have any acquiantance with the Indians know how easy it is to impose upon them when you get their confidence and employ the proper agencies for it, and how that consent may be unduly obtained, obtained before it is advisable that it should be given, obtained by unfair and improper means. This consent, however obtained, is the sole condition of this radical change of condition. We know that these Indians are ignorant and governed by their chiefs, and it is mere mockery to make this change of condition and government depend on a consent thus obtained and influenced.

Now, sir, I think this suggestion that I have made deserves consideration. I have no doubt of the ability of the committee. I have no doubt they have given to it the care and attention that it deserves. The purpose they have in view, the policy they propose to establish, meets with general commendation; but I think that the Senate ought to give longer time and more serious consideration in open Senate to perfecting the provisions of the bill, and to making the policy which they seek to establish one worthy of the country and adequate to accomplish its purposes. I shall therefore object to the consideration of this measure until we can have it considered, and I hope it will be allowed to come under Rule IX on the Calendar.

Mr. COKE. I move to proceed to the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Florida objects to the consideration of the bill under Rule VIII. The Senator from Texas moves that the Senate proceed with the consideration of the bill notwithstanding the objection. The question is on that motion.

The motion was agreed to.

Mr. DAWES. One single word in reply to the Senator from Florida. There are two processes of allotment provided in this bill. One is applicable to the entire tribe. When in the opinion of the President of the United States the land of an Indian tribe is of such a quality as would make it wise and the Indians are in such a condition as to break up the entire tribe, to make an entire allotment, then it is supposed that if two-thirds of that tribe consent to it it will be wise to go through with it. The other process is to take every individual Indian who shall appear to be in that condition and put him upon land. It does not seem very unwise when you break up an entire tribe to take the consent of two-thirds of the Indians. That is all there is to that.

Mr. CALL. I think the bill is now open to discussion without reference to the five-minute rule.

The PRESIDING OFFICER. The bill is under consideration without regard to that rule, having been proceeded with on motion.

Mr. CALL. The Senator from Massachusetts does not meet the objection which is made. The allotment to individuals when they apply for land is, of course, one thing and it is very proper, and no one would object when an Indian applies for a separate allotment that he should have it. It will be, perhaps, somewhat singular that he alone of all his tribe should be made subject to the jurisdiction of the civil and penal laws of the State and Territory and the others remain exempt.

But pass that by. The great question which has been suggested is as to the manner in which that consent shall be obtained, whether it shall be obtained by getting the Indians drunk, by obtaining from them undue advantages, or whether it shall be done under the careful inspection of some designated person; whether in open council, whether by individual signature; how shall that consent of two-thirds be obtained, and is not the Government under some obligation so to legislate that it shall be fairly done and to guard the provisions of this bill which is going to make an entire change in the status of these people so that there may be no imposition practiced upon them. We know too much of the history of this Government——

Mr. COKE. Allow me to suggest to the Senator that the bill provides:

> That the provisions of this act, except those relating to the issue of tribal patents, shall not extend to any tribe of Indians as such until the consent of two-thirds of the male members 21 years of age shall be first had and obtained.

I suggest to the Senator from Florida when he goes outside of the language of the bill and presumes that their consent will not be had when the bill provides that it shall be had, it is not arguing the question legitimately. If he presumes that the Indians are to be gotten drunk or otherwise defrauded, he means in effect that they do not consent when the bill requires that they shall consent before the bill shall go into effect upon them. Does the honorable Senator presume that the Secretary of the Interior or the President or any other official required to procure this consent will wink at any proceeding which will defraud the Indians of the very thing that the bill requires they shall have, to wit, the right to object freely or to consent freely? Does he presume that this will be done? How can we make a bill plainer than that, requiring, as this bill does, the consent of two-thirds? What does consent mean? It means an honest, frank, intelligent expression of assent. Now, the honorable Senator chooses to make it mean that it shall be the consent of drunken and irresponsible Indians or that it shall mean that they are to be defrauded. The Senator is simply placing a meaning upon the language of the bill that it is not susceptible of. He should give the language of the bill its legitimate scope and meaning when criticising it.

Mr. CALL. Mr. President, the Senator from Florida does not presume anything. He does suppose, however, so far as the suggestion of the Senator from Texas has been made, that neither the President nor the Secretary of the Interior will personally supervise this consent, that they will have their agencies, and his objection assumes that the law may not be adequate to carry out the object and protect the Indians against imposition, that it may be improved, that there may be greater particularity in that respect, and the proposition does not assert nor presume that the Indians will be made drunk, but it assumes the possibility that some influence may be used to obtain unfairly their consent, and that in making a law for a character of people who are dependent and not able to take care of themselves, it is but prudence that that provision by which their consent is to be obtained shall be carefully guarded. When the result is dependent upon their consent, we should provide the manner in which that consent is to be obtained, so as to give some guarantee other than the fidelity of the agent that may be selected that it shall be fairly done.

That is all, sir. I have some little knowledge of the Indians myself. I know that the legislation of the country has in many respects been an act of bad faith toward them. I know that the Indians in my own country have been deprived of their entire possessions and left wanderers upon the face of the earth by imperfect legislation, when the purposes of the people and of the Government were correct toward them.

The PRESIDING OFFICER. The Senator from Florida moves to strike out the seventh section of the bill. The question is on that amendment.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### HARRY I. TODD.

The bill (S. 10) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, was considered as in Committee of the Whole. It proposes to empower Harry I. Todd, late keeper of the Kentucky penitentiary, to institute and prosecute an action, within six months, in the Court of Claims, against the United States, for the recovery of the amount of internal-revenue taxes alleged to have been improperly collected from him between the years 1863 and 1868, as the duly elected and qualified keeper of the penitentiary, on manufactured articles produced at the institution by convict labor alone, and on account of other operations of that institution by him under the laws of the State of Kentucky. The Court of Claims is authorized to hear and determine the cause and render judgment therein according to the legal rights of the parties. Either party is to have the right to prosecute an appeal or writ of error, according to the nature of the cause, from the judgment of the court to the Supreme Court of the United States, at any time within sixty days after the rendition thereof; and in case the judgment shall be in favor of Todd and no appeal or writ of error shall be prosecuted therefrom by the United States, or in case there shall be such appeal or writ of error and the judgment of the Court of Claims in favor of Todd shall be affirmed, the Secretary of the Treasury is to pay to Todd the full amount of such judgment.

Mr. BECK. There is a short printed report. The bill passed the Senate before without a dissenting voice, and it has been twice reported with the same report. The report can be read, but I suppose there will be no objection to the bill.

The PRESIDING OFFICER. Does the Senator ask for the reading of the report?

Mr. BECK. No, sir, I do not care for it; but it can be read if any one desires it. It states the facts.

The bill was reported to the Senate without amendment.

Mr. CONGER. I read this report. I should like the Senator from Kentucky [Mr. BECK] to make some statement that is within his knowledge in regard to the persons who received the manufactures that were made. I understand this is to relieve from tax the goods manufactured at this penitentiary because it was a State institution. The report is not entirely clear as to whether the keeper of this penitentiary, being required to have certain labor done by convicts, performed that himself or contracted it to other contractors.

Mr. BECK. It was all done in the penitentiary, and the papers show that he was obliged to buy materials to manufacture on one occasion

when he lost $50,000, because the law required him to do it whether it was at a loss or a profit.

Mr. CONGER. Was he under the law the agent of the State not only to employ the convicts but to purchase materials and to sell the products of their labor?

Mr. BECK. He was compelled to work them, and compelled to work them at certain classes of work, whether it paid or not. He had no right to change the work, and he had no right to do anything but work them as required by law. I think the Senator will find if he will look at the papers that the keeper was a State officer beyond all doubt.

Mr. CONGER. One other question. Why does this bill provide that the money which was paid apparently by the State on its manufactures as a tax should go to this person by name and designation? Does it not belong to the State authorities?

Mr. BECK. No. The State had had great trouble with the keepers of its penitentiary in settling accounts before and many suits involving great trouble had been had, and it adopted this means of paying its penitentiary keeper. He was an officer of the State, responsible to the State, bonded by the State, and had to do that work in that way. Now we leave it to the court to decide the question; that is all. If the court does not think he was an officer of the State and that this was a mere form of paying him his salary, he can get nothing.

Mr. CONGER. That was a point I could not quite understand from the report. If he paid over as taxes the money of the State as their agent, the indebtedness would be due to the State and not to him as an individual; but the bill makes the payment to him as an individual.

Mr. BECK. The bill leaves it to the court to settle whether he as an officer of the State received that labor as a means of paying his salary.

Mr. CONGER. I have no objection to the bill if this was such a State institution that the work was done by and for the State. Then of course under the revenue laws the tax on manufactures by the State should be refunded.

Mr. BECK. That is all.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BECK. I ask that the short report in this case be printed in the RECORD. It is a copy of one originally made by the Senator from Delaware [Mr. BAYARD], then chairman of the committee, and again by Mr. Kernan, of New York. If there is no objection I should like to have it inserted in the RECORD.

The PRESIDING OFFICER. The Senator from Kentucky asks that the report be printed in the RECORD. If there is no objection it will be done.

The report was submitted by Mr. BECK February 5, 1884, and is as follows:

The Committee on Finance, to whom was referred the bill (S. 10) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, have had the same under consideration, and submit the following report:

This case was reported favorably from the Finance Committee June 1, 1880; and as embodying the present views of the committee, we beg leave to refer to and make part of this report Senate Report No. 683, Forty-sixth Congress, second session, and recommend the passage of the bill:

The Committee on Finance, to whom was referred the bill (S. 1628) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, have had the same under consideration, and submit the following report:

Harry I. Todd was duly elected by the General Assembly of Kentucky keeper of the State penitentiary, and held that position from March 9, 1863, until March 1, 1871.

He was elected under, and his duties, liabilities, and rights were prescribed by, chapter 922, enacted in 1862, and chapter 2045, enacted in 1867, of the laws of that State.

He received no compensation except such profits as he might make in selling the articles manufactured by the labor of the convicts, over and above their support, the cost of materials, &c., and certain sums which he was required to pay into the treasury of the State by the laws under which he was elected.

Chapter 922 of the laws of Kentucky declares:

"The keeper of the penitentiary shall hold his office for four years.

* * * * * * *

"If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the governor shall have full power, and it shall be his duty, to remove him forthwith.

* * * * * * *

"In the event of the death or removal from office of the keeper of the penitentiary, the governor, secretary of state, and auditor shall make a contract with a suitable person to take charge of the penitentiary according to the provisions of this act until the next ensuing meeting of the General Assembly and until a new keeper be elected and qualified."

These sections and various sections of chapter 2045, Laws of Kentucky, 1867, described the keeper as an officer subject to the control of the State. He was required to and gave a bond as an officer to perform the duties of his office as required by law.

As keeper of the penitentiary he was required by the statute to keep the convicts at labor, and for this purpose the State furnished buildings, machinery, &c., for the manufacture of certain articles, among them bagging, wagons, chairs, &c.

While in the performance of his duties as keeper from 1863 to 1869 he was called upon by the United States internal-revenue officials to pay taxes on articles manufactured by the convicts and sold by him. The taxes were paid under protest, and a claim for refunding the amount paid was duly made to the Internal Revenue Bureau. The papers submitted showed beyond a doubt that the articles were made exclusively by convict labor, and on being presented to the law officer of the Treasury, Hon. W. H. Smith, Solicitor, the claim was allowed, July 27, 1879; but the Commissioner thereupon submitted the case to C. P. James, and on his opinion the claim was rejected.

The present Commissioner of Internal Revenue declines to reopen the case, under the rules of the department that a case once decided by a former Commissioner can not be reopened by a succeeding Commissioner unless in certain contingencies, which the Commissioner thinks does not exist in the present case.

The amount of the taxes exacted by the United States officials and paid into the United States Treasury are as follows:

*Statement of taxes assessed and paid.*

| | |
|---|---|
| For 1863-'64. For manufacturing and sales of bagging and chairs and tax for slaughtering animals to feed convicts | $2,320 25 |
| 1865. Same and manufacturer's license for each employment | 6,691 64 |
| 1866. Same | 17,751 99 |
| 1867. Same | 4,481 00 |
| 1868. Same | 3,761 69 |
| | 35,006 57 |

Your committee are of the opinion that whether Mr. Todd was liable to pay any part or all of the sums exacted is a question which should be decided by the courts. The committee therefore report back the accompanying bill with an amendment authorizing Mr. Todd to institute an action against the United States in the Court of Claims to recover the amount of said internal-revenue taxes alleged to have been improperly collected from him, and recommend its passage.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River; in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

## SUFFERERS BY MISSISSIPPI FLOODS.

Mr. GIBSON. I ask unanimous consent of the Senate to take up the joint resolution just received from the House of Representatives appropriating $125,000 for the relief of the sufferers in the lower valley of the Mississippi River.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to proceed to the consideration of the joint resolution just received from the House of Representatives. It will be read by title.

Mr. INGALLS. I ask that it be read in full for information.

The PRESIDING OFFICER. It will be read in full for information.

The Secretary read the joint resolution, as follows:

A joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

*Resolved by the Senate and House of Representatives, &c.*, That so much of the appropriation for the relief of sufferers by the overflow of the Ohio River and its tributaries as remains unexpended, not exceeding the sum of $125,000, may be used by the Secretary of War in the purchase and distribution of subsistence stores and payment for necessary transportation to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; and he is authorized to co-operate with the authorities of the several States of which such district is a part in making distribution of supplies.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The joint resolution was read the second time by its title.

Mr. INGALLS. As the chairman of the Committee on Appropriations [Mr. ALLISON] is not present, I would suggest that it might be as well for him to be sent for, or let the joint resolution lie on the table for a few moments.

The PRESIDING OFFICER. The Senator from Kansas objects to the present consideration of the resolution.

Mr. INGALLS. Just for a few moments, until the Senator from Iowa can be sent for.

The PRESIDING OFFICER. Does the Senator from Louisiana waive the motion for the present?

Mr. GIBSON. Yes, sir.

## HELEN M. FIEDLER.

The PRESIDING OFFICER. The consideration of the Calendar under Rule VIII will be resumed, beginning with Order of Business 160, being a resolution reported from the Committee on Foreign Relations on the 5th of February, relative to the claim of Helen M. Fiedler, widow and executrix of Ernest Fiedler, deceased. The resolution will be read.

The Chief Clerk read as follows:

*Resolved by the Senate*, That the President of the United States be requested to bring to the attention of the Emperor of Brazil the claim of Helen M. Fiedler, executrix of Ernest Fiedler, deceased, against the Government of Brazil, growing out of a contract alleged by said claimant to be obligatory on that government, for the hire of the ship Circassian to transport emigrants from the United States to Brazil in the year 1867, with a view to ask said government to consider the said claim, and to provide for the allowance and payment of such sum as shall be found just to such claimant.

Mr. MORGAN. A joint resolution on the same subject passed the Senate at the last session and went to the House. This is simply a Senate resolution. The Committee on Foreign Relations have modified the proposition to a mere Senate resolution. The written report sets forth the whole merits of the claim. It is a very meritorious claim, and I trust that the assistance of the Senate will result in bringing the attention of the Government of Brazil to it in such a way that this old lady

can get just compensation for about twenty or twenty-five thousand dollars' worth of property.

Mr. HOAR. I should like to inquire under what principle of constitutional policy the legislative branch of the Government, or one part of it, undertakes to deal with questions of this character. It is the duty of the executive having charge of the foreign relations of the country to look out for the interests of American citizens abroad in proper cases. As I am aware and every Senator is aware, it is frequently done. If the State Department has refused on investigation to deal with a claim of an American citizen abroad in the mode suggested by this resolution, it has undoubtedly a good reason for that refusal. Unless there were good reasons to the contrary, it would act on the direct application of the individual concerned to the President or the Secretary of State. Now, why should the Senate, unless there is some matter which would involve the use of the public force of the country in war, undertake to consider the merits of a particular claim against Brazil and to give its advice to the executive department as to an executive act?

Mr. MORGAN. The old rules of this body provided for the appearance of the President in the midst of the body for the purpose of consulting with the Senate on any question that we saw proper to bring to his attention or that he chose to bring to our notice. There is, therefore, no constitutional or legal bar between the President of the United States and the Senate in respect of our mutual conferences with each other or the advice we may see proper to give to each other.

This case has never been presented to the State Department, so far as I know, with a view to ask the good offices of that Department with the Government of Brazil. This old lady, who has suffered a very great loss in consequence of the non-compliance of the Brazilian Government with a contract made with her husband, came here with solicitations that the Congress of the United States would intervene, I suppose in a more stringent manner than we desired to recommend, and the matter went to the Committee on Foreign Relations and was there considered. They reported back a joint resolution, as I remarked a while ago, which passed this body, asking the good offices of the President in that direction. The present committee have seen proper to modify the resolution so as to make it a Senate resolution, as it is a mere matter of request or advice to the President.

The committee thought, and I concur in that opinion, that the Government of Brazil itself, the government proper, had really not acted upon this matter so as to entirely reject the claim, but left the subject open to further consideration. We have laws which prohibit our citizens from holding anything like diplomatic relations with foreign governments, and yet we have none preventing them from making contracts with those governments; and still we hold toward our citizens a sort of representative capacity, and we are the medium through which perhaps they can properly make known their requests on foreign governments and the merits of their claims.

Mr. HOAR. Does the Senator say this matter has never been called to the attention of the State Department or the President?

Mr. MORGAN. I am not aware that this matter has been called to the attention of the State Department since it was acted upon by a section of the Brazilian Government.

Mr. HOAR. Is there a written report?

Mr. MORGAN. There is a written report, which goes very fully into the whole merits of the case.

Mr. HOAR. Then I will object, in order that I may examine the report. There is no time to examine it now before 2 o'clock, it wanting but five minutes of that hour. Let the resolution go over until to-morrow.

Mr. MORGAN. I hope in the mean time the Senator from Massachusetts will inform himself. It is a case of very great merit.

Mr. HOAR. It is a very extraordinary precedent.

Mr. MORGAN. The Senator is mistaken about that.

The PRESIDING OFFICER. Does the objection of the Senator from Massachusetts extend to the consideration of the resolution or does he simply ask that it be passed over?

Mr. HOAR. I object to the present consideration.

Mr. MORGAN. Let it go over, to remain on the Calendar.

Mr. HOAR. I have no objection to that.

The PRESIDING OFFICER. It will be left on the Calendar, then, without displacement.

Mr. HARRIS. To be at the head of the Calendar to-morrow morning.

The PRESIDING OFFICER. The next bill will be reported.

Mr. CONGER. What was done with this resolution?

The PRESIDING OFFICER. The resolution has been objected to, and goes over to stand at the head of the Calendar of unobjected cases for to-morrow.

### MISSOURI MILITIA FORCES.

The bill (S. 940) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, which were, in line 12, before the word "names," to strike out "of," and in the same line, after the word "pay-rolls," to insert "of."

The amendments were agreed to.

Mr. CONGER. Let me ask the Senator in charge of the bill whether it covers anything more than an examination and a report to Congress?

Mr. COCKRELL. That is all. There was one act passed reimbursing Missouri for her expenditures, and those rolls that were filed showed a certain sum to be still due from the State but not paid. The State paid that, and another bill was then passed requiring the Secretary of the Treasury to investigate and report to Congress. He reported, and two hundred and odd thousand dollars were paid, but the roll showed still sums due from the State. The State then went to work and passed a bill requiring all the claims that had not been paid to be presented, and if not presented by a certain date to be forever barred. That day was in January. Under that bill about a thousand dollars has been paid by the State. Now, this is simply to have that payment investigated and reported to Congress.

Mr. CONGER. This may possibly wind up the affair.

Mr. COCKRELL. This will wind up the affair.

Mr. CONGER. Are there additions that the State of Missouri desires to make to the roll?

Mr. COCKRELL. No. The State required all these claims to be presented, and those not presented within the specified time are barred. They are now barred. There was a test case in the Supreme Court against the adjutant-general to test the validity of the bar, and the Supreme Court held that it was a good bar.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. There is a preamble to the bill. It will be regarded as agreed to unless there be objection after being read.

The preamble was read.

The preamble was agreed to.

### AID TO COMMON SCHOOLS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. HARRISON to the amendment offered by Mr. PLUMB.

Mr. BLAIR. I know there are Senators who design to speak, but I suppose they are not at this moment in the Chamber, and I will consume two or three minutes in stating a matter that I desire to lay before the Senate at some time. That is with reference to the constitutional question that is supposed to be involved in this bill as illustrated by the previous action of the Senate in the passage of bills at former Congresses. I allude especially to the bill for the establishment of a permanent educational fund, which has been familiar to the country for many years, and in support of which the leading men of the Senate (if there are leading men in the Senate) upon both sides of the Chamber have concurred, known as the Burnside bill when last before the Senate, and which is now known as the Morrill bill, and is pending before the Senate later on the Calendar, and which was early supported, if not initiated, by the honorable Senator from Massachusetts [Mr. HOAR]. That bill contains every principle of a constitutional character or an unconstitutional character which is offensive to those who complain of the lack of constitutionality in the bill before the Senate; and yet most of those who oppose this bill have sanctioned that by their previous action, speeches, and votes in the Senate. While containing the offensive principles, that measure contains nothing whatever of a substantial character to redeem that offensiveness and make the bill acceptable and important for the time being to the country. With reference to the future I may say that the purpose of that bill is sublime, and it meets my most hearty approbation; but its immediate effect upon the condition of the country, as its friends concede, is unimportant. It proposes to set apart as a permanent fund the avails of the public lands from year to year. But that is not all. The bill takes directly from the cash in the Treasury, from the revenues of the Government, and particular revenues derived from the Patent Office, and appropriates that actual money as well as the proceeds of land for the purpose indicated.

So the Senators who justify their course in maintaining and voting for that bill are not relieved of the indorsement of the constitutional principle involved in the measure pending before the Senate in an actual appropriation of money from the Treasury, because the former bill appropriated the money just as this does, differing only in amount. At the time that bill was last passed by the Senate, by a vote of 18 Democrats concurring with 23 Republicans, the amount of the patent

fund in the Treasury, which was appropriated with the proceeds of public lands, as I remember, was over a million and a half of dollars; it was accruing at the rate of several hundred thousand dollars year after year, and the whole was set apart forever to constitute a permanent fund for the benefit of common-school education and agricultural-school education forever.

I hold in my hand Senate bill 133 of the Forty-sixth Congress, entitled "A bill to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education." I will send to the Secretary and ask him to read the first and second sections of that bill.

The Chief Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the net proceeds of sales of public lands and the net proceeds of patents are hereby forever consecrated and set apart for the education of the people: *Provided*, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: *And provided further*, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain or interfere with granting bounty lands.

SEC. 2. At the close of each fiscal year the Secretary of the Interior shall cause an account to be taken, and shall ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the general and district land offices during said year, and the amount of expenditures occasioned by the survey, sale, or entry, or other disposition of such lands, including appropriations for the expenses of the said offices for said year. He shall also ascertain in like manner the net proceeds of all receipts for patents after deducting the expenses of the Patent Office. He shall thereupon certify to the Secretary of the Treasury the amount of said receipts for public lands and patents after deducting such expenditures.

Mr. BLAIR The bill then proceeds to make many other provisions substantially the same as are made in the bill pending before the Senate for the application of the moneys derived from the interest of the permanent fund thus constituted. By the bill the fund was to be a permanent fund. The tendency of course of the establishment of a permanent fund is to lead to the ultimate and complete dependence of the schools of the States upon funds derived from the General Government. The existing bill is not subject to that objection. It is very true that it is not probable that the amount to be derived from the interest on this permanent fund will ever be so large as to constitute a serious objection to the bill on that account; and yet in principle it is not at all more objectionable than the one now before the Senate. Yet Senators found no difficulty in indorsing that bill. Its constitutionality was defended by the distinguished Senator from Tennessee, not now a member of this body, Mr. Bailey, chairman of the Committee on Education and Labor which reported it. The propriety, completeness, efficiency, and constitutionality of its various conditions and provisions were sustained by eloquent, logical, able addresses before the Senate by many prominent Senators, Republicans and Democrats alike. I will not take this occasion, I will not embrace any occasion to read the speeches that Senators made on that bill. I have said perhaps sufficient to indicate that it was as strongly supported from the Democratic side of the Chamber as from the Republican side of the Chamber, and when the final vote was reached on the bill the yeas were 41 and the nays were but 6, and of those voting in the affirmative 18 were Democrats and 23 Republicans, if I have made my count correctly. The entire proceedings will be found in volume 11, part 1, of the RECORD, Forty-sixth Congress.

Mr. VEST. Will the Senator read the negative vote?

Mr. BLAIR. I will read both the affirmative and negative:

Yeas—Messrs. Allison, Anthony, Bailey, Baldwin, Beck, Blaine, Blair, Brown, Bruce, Burnside, Call, Cameron of Pa., Cameron of Wis., Coke, Davis of Illinois, Davis of W. Va., Dawes, Edmunds, Ferry, Garland, Hereford, Hill of Colorado, Hill of Georgia, Hoar, Johnston, Jones of Florida, Kellogg, Logan, McMillan, McPherson, Maxey, Morgan, Morrill, Platt, Pugh, Ransom, Rollins, Teller, Vance, Walker, Windom—41.

Nays—Messrs. Jonas, McDonald, Saulsbury, Vest, Voorhees, Williams—6.

Absent—Messrs. Bayard, Booth, Butler, Carpenter, Cockrell, Conkling, Eaton, Farley, Groome, Grover, Hamlin, Hampton, Harris, Ingalls, Jones of Nevada, Kernan, Kirkwood, Lamar, Paddock, Pendleton, Plumb, Randolph, Saunders, Sharon, Slater, Thurman, Wallace, Whyte, Withers—29.

I do not note that any pairs were announced. At this time I designed only to make a statement of these historical facts and to refer to the RECORD so far as the previous action of the Senate was concerned touching the question of the constitutionality of this bill.

Mr. PLUMB. Mr. President, I move to recommit the bill to the Committee on Education and Labor.

Mr. VANCE. Mr. President, that motion is debatable, I suppose?

The PRESIDING OFFICER (Mr. PENDLETON in the chair). It is.

Mr. VANCE. I desire to remark upon the fact that the debate on this bill has resulted in an amount of vainglorious boasting on the one hand and on the other of taunting of the more unfortunate States in the matter of education that deserves to have the ground on which it is done thoroughly examined. We are constantly told in this debate of the superiority of certain States in the matter of education over all those in the South.

Now, sir, there are some things in connection with the education of the Northern States, especially those of the Northwest, that ought to be taken into consideration. In the first place they received, as has been stated here again and again, large donations of public land to aid them, while the States of the South, who are constantly twitted in the course of this debate with their illiteracy, have received none or next to none. The State of Kansas, for instance, I find, notwithstanding that one of its Senators [Mr. INGALLS] asserted the other day that it had received not an acre—Kansas has received for educational purposes 3,439,345 acres, which at the Government price were worth $4,299,178; and I find by a reference to the messages of the Governor of Kansas and the reports of the State officers that those lands given to that school-fund are now selling for something over $6 per acre. There is eighteen or twenty million dollars given for education at one swoop. Kansas is not exceptional in this respect. Other Northwestern States received donations of the same kind.

I want another fact to be taken into consideration, that in consequence of those Northwestern States having within their borders the finest lands on this American continent, there was a wondrous rush of immigration there, and nearly all the present population of those States came to them already educated. They were educated in the older States, and therefore the new States in whose borders they now reside are not entitled to the credit of their literacy.

I find that notwithstanding all that the States of the South have gone through; notwithstanding the universal destruction of their property and the overthrow of their governments and the desolation of their homes and their fields by war, and the destruction of their securities, trust funds, and what not, the State of North Corolina has more public schools than the State of Kansas. She has not more in proportion to her population, I admit, but she has more; by the census of 1880 she had 6,161 public schools, while Kansas had 6,148. North Carolina educated 256,422 pupils in 1880, while Kansas educated 246,120. I find that North Carolina had 6,226 teachers in 1880, 1,975 of whom were for the benefit of the colored people. I find that Kansas had 6,619 teachers. I find that this poor State of North Carolina educated in the year 1880, 95,160 colored children, while the State of Kansas educated 6,890—nearly 90,000 less. I find that North Carolina provides 2,146 separate schools for the negroes and that Kansas provides 45.

Mr. PLUMB. Is that because the people of North Carolina are unwilling to have the children educated together?

Mr. VANCE. Yes, sir.

Mr. PLUMB. That is to say, the people of North Carolina do not desire to have the white and black children educated in the same school?

Mr. VANCE. We do not desire any kind of social equality. Does the Senator from Kansas desire that?

Mr. PLUMB. Well, Mr. President, the people of Kansas have provided, with very minor exceptions, for the education of children, white and black, in the same school.

Mr. VANCE. That is the first step toward social equality, which I suppose the Senator approves.

Mr. PLUMB. Well, Mr. President, the old cry of being afraid that your daughter might marry a "nigger" never did obtain much west of the Mississippi River.

Mr. VANCE. Still, Mr. President, I call the attention of the Senate to the fact that the Senator does not categorically answer the question, and my opinion is that he is not likely so to do.

The necessity of keeping up separate schools, as any one may be aware, necessarily increases the cost to a very great extent. I find that the white population of North Carolina, by the census of 1880, is 867,000 in round numbers, and the black population is 531,000 in round numbers. Of that number of 531,000 blacks I believe there is an estimate that their individual property is worth $5 per capita, and for all practical purposes you may say that they are utterly without property and therefore without the means of paying taxation, and the education that is given to them is bound to come from the taxable whites. So that 867,000 whites in the State of North Carolina have to support in the matter of education 531,000 propertyless persons without the means to pay taxes. That imposes, therefore, a greater burden per capita on the citizens of North Carolina than is upon the citizens of Kansas.

Now, in the matter of the comparative wealth of the two States, it will be remembered that the Senator from Kansas [Mr. INGALLS] asserted on the floor the other day that North Carolina was poor because her people were ignorant. I have some statistics that go very far toward showing that North Carolina is not any poorer than Kansas, although she has these great burdens to bear. The wealth in real estate of the State of North Carolina in 1880 was $101,709,000. The personalty in that year was $54,390,000, making in round numbers $156,000,000. One hundred and fifty-six millions was the total taxable property in North Carolina in 1880. The wealth of Kansas in real estate was $108,432,000; personalty $52,459,000; total $160,891,000, only about $4,000,000 difference, and the per capita of wealth in the State of Kansas was $161, while in North Carolina, including the negroes who paid no tax and owned no property, it was $111 per head, and, exclusive of the negroes, the white population of North Carolina who owned the property was $174 per head. Now, sir, there is nearly an equality between the States in wealth, and one has to bear the burden of two-fifths of its population utterly without property. What is the cause of the poverty of Kansas?

Mr. President, the Senator from Massachusetts [Mr. HOAR] the other day read us a lecture, in which he said that the old Commonwealth of Massachusetts still led the column in the matter of education. Now let us see how she leads the column, how far she actually leads it, how far she ought to lead it. The valuation of property in Massachusetts in 1880 was $1,584,000,000, and her total taxes were $24,323,000, 20 per cent. of which is devoted to school purposes, and the rate of taxation on the $100 is $1.53. The total valuation of property in North Carolina for the same year was $156,100,000, and the total taxation very nearly $2,000,000 ($1,916,000), 18 per cent. of which is for schools, and the rate of taxation in that State is $1.22. So we see that while the wealth of Massachusetts is ten times greater than that of North Carolina, the amount of her taxation devoted to school purposes is only nine times greater than North Carolina, and the percentage of her taxation which is devoted to education is only 2 per cent. greater than North Carolina.

Sir, I think that is doing pretty well for North Carolina; and when we come to consider the way in which that old Commonwealth got her wealth, I think that her Senators are as little entitled to taunt the South on their poverty and their illiteracy as those who have received direct land grants in aid of education. For it is known to everybody acquainted with the financial history of this country that the whole continent has been taxed to support Massachusetts ever since the Government was formed. North Carolina considers her one of her chief paupers, and the appropriations annually made in the consumption of manufactured articles in North Carolina for the support of Massachusetts would render her taxation far ahead of the taxation of Massachusetts.

In the conclusion of his speech the Senator from Massachusetts used an epithet toward the State of North Carolina; he shot it back at her as he took his seat, and he rolled it under his tongue evidently as though he had been studying it up for a long while; he spoke of North Carolina as the "tail State." Now, Mr. President, I wish to say——

Mr. HOAR. The Senator misunderstood me. If he will look at the report of what I said he will see that he does not quote me correctly.

Mr. VANCE. I have it before me, and I do not think I can be mistaken in it.

I do not think—

Said the Senator from Massachusetts—

I do not think, with these statistics coming by State authority to the United States Government year by year, that there will be Senators from North Carolina making such speeches as we heard yesterday. That State will have something else to say, if she is the tail State among the thirty-eight of the American Commonwealths in the matter of her school children, than what her Senator told us on this floor yesterday.

I presume the Senator will stand by the record, will he not? I was going to say that as a matter of course it was a subject of mortification to me as well as to other Southern Senators to be constantly made aware of the fact that our States are at the tail end of literacy. But, sir, there is a deeper depth of mortification; and I am much in the condition of a young man of whom I once heard who had the misfortune of being knocked down in a fight with a circus company. Though not much injured, he took to his bed as though he would break his heart, and in reply to those who endeavored to console him by telling him that any man was liable to be knocked down, that there was nothing in that, "Oh, yes," said he, "I know that; but, Lord! Lord! they knocked me down with the same stick they stirred the monkeys with." [Laughter.]

It is a source of mortification to me for any Senator to get up and appeal to the figures and say that my State is at the bottom in regard to illiteracy, but it adds a pang to the sharpness of that mortification, it adds another understory to the depth of that humiliation, to be told so by the Senator from the Tewksbury State; a Senator from a State that has fattened on the public taxation of this country; a State that from the very beginning of the foundation of our Government, rather of our struggle for independence, has sacrificed every principle and every profession that was inconvenient for the purpose of gain, to taunt those with poverty who have been kept poor by the process of plunder! A State that is more responsible under heaven than any other community in this land for the introduction of slavery into this continent, with all the curses that have followed it; that is the nursing mother of the horrors of the middle passage, and that after slavery in Massachusetts was found not to pay sold those slaves down South for a consideration, and then thanked God, and sang the long-meter doxology through their noses, that they were not responsible any longer for the sin of human slavery, should at least be modest in applying epithets to her neighbors.

If I may be permitted to disturb the dignified solemnities of this body for one moment I will state what it reminds me of. I heard once of an old maid who got religion at a camp-meeting. Immediately after she experienced the change she commenced exhorting the younger and prettier women in regard to wearing jewelry and gew-gaws, and warned them against the pernicious consequence to piety of such vanities. "Oh! girls," she said, "I tell you, I used to wear earrings and finger-rings and laces and furbelows like you do, but I found they were dragging my immortal soul down to hell, and I stripped them every one off and sold them to my younger sister Sally." [Laughter.] That is the way Massachusetts relieved herself from slavery. That is the way she preserved her whiteness of soul.

Now, there was no necessity for the remark of the Senator from Massachusetts. I had made no assault upon him. He was supporting the bill, as I supposed I was. He was supporting it in his peculiar way and I was supporting it in mine; and the remark, as you will see, is entirely illogical, inconsequential, and disconnected. It was a pure emanation of venom toward the Southern people and toward my State. There was no necessity for it; and I have felt it my duty to allude to it as I have done.

I wish to repeat, as I close, the remarks which I made when this discussion was opened. I do not stand here to ask for this bill for the benefit of the white people of North Carolina. They do need aid of course, but they would not need it if all their ability to pay taxes and to educate their own people could be concentrated upon their own color. But the colored people in their midst are citizens of North Carolina. They are entitled to the same treatment precisely that any other citizens of North Carolina are entitled to at the hands of the lawmakers of that State. There is now, and there has been, no disposition whatever to treat them in any other way. Poor as we are, our taxes are levied indiscriminately without regard to race or color, and expended for the benefit of all the illiterate children in North Carolina. In consequence of that burden, in consequence of the condition that every man knows that the State of North Carolina and the South was placed in by the results of the war, I have felt it my duty to support this bill in order to get what relief I could against the dangers and the evils of illiteracy that the State is not competent to oppose.

I wish to say that these constant taunts and twittings of the States of the South with their poverty and their inability to give their people proper education have long ago ceased to be merely a want of magnanimity and have passed into the boundaries of positive and absolute meanness. It threatens to convert the insolent pride of Tom Bounderby of Coketown into pious humility and to elevate by contrast the character of Pecksniff into that of a most respectable Christian gentleman. Magnanimous Senators would not do it, sir.

Mr. President, this is twice that I have spoken upon this bill. I trust that there will not be any occasion for me to speak upon it any more.

Mr. DOLPH. I submitted a proposed amendment to the pending bill for the purpose of having it printed. It has been printed and laid on the desks of Senators, and as I desire at this time to make some remarks on the bill which will be applicable to the amendment, or which may be properly considered if the bill should be recommitted, I ask to have the amendment read by the Secretary of the Senate.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Oregon asks unanimous consent to offer, now out of order, the amendment heretofore proposed by him. Is there objection? The Chair hears none.

Mr. DOLPH. I ask that it be read in connection with my remarks.

The PRESIDING OFFICER. It will be read.

Mr. BLAIR. I do not understand that the Senator asks to offer it, except informally, in order to make a speech at this time.

The PRESIDING OFFICER. He offers it to have it printed.

Mr. BLAIR. It is already printed, but he offers it to be read preceding his remarks.

Mr. HARRIS. He wishes to have it read for information.

The PRESIDING OFFICER. Will the Senator from Oregon state again what he desires?

Mr. DOLPH. The amendment was proposed for the purpose of being printed, and was printed under the order of the Senate, and has been laid on the desks of Senators. As I now desire to make some remarks in regard to the bill which may apply to that amendment, and as it may be thought proper to be considered by the committee if the bill should be recommitted, I ask that the amendment proposed by me may be read now, preceding the remarks which I propose to make.

The PRESIDING OFFICER. The amendment will be read by the Secretary.

The SECRETARY. It is proposed to add as a new section:

SEC. 16. That there shall be appointed by the President, by and with the advice and consent of the Senate, a commissioner of common schools in each State and Territory, who shall be a citizen thereof, and who shall reside therein and be especially charged with all the details of the execution of this act within his jurisdiction and in co-operation with the State authorities, and who shall perform such other duties as may be assigned to him by the Secretary of the Interior. In the Territories such commissioners shall also be charged with the general supervision of public education within their respective Territories, and shall possess all the powers now vested in Territorial superintendents of public instruction, or by Territorial boards of education, or other Territorial officers performing the usual functions of such superintendents and boards. Such commissioners shall devote themselves to the promotion of the general interest of public education in the respective States and Territories for which they have been appointed. They shall annually make full reports of all matters connected with schools within their respective States and Territories, and of all details in the administration of this act, to the Secretary of the Interior, and special reports when requested by the Secretary to do so. Each commissioner shall receive a salary of $3,000 a year.

Mr. DOLPH. When on Friday last I proposed the amendment which has just been read I intended to let it be submitted to a vote of the Senate without provoking discussion by any extended explanation of its provisions. I thought the object of the amendment was sufficiently apparent, and that that object would commend itself to all Senators who thought as I did, and I was perfectly well aware that to undertake to convince any one who did not believe the amendment necessary would be to enter upon an unprofitable field of discussion.

Since then the character of the discussion upon this question has very materially changed. We have had charges and counter-charges, crimination and recrimination. Senators on this side of the Chamber who do not approve of all the provisions of the bill have been charged by our brethren upon the other side of the Chamber with insincerity in professing to desire the education of the colored people in the South. So much has been laid at the door of the General Government and of the Republican party by Senators on the other side of the Chamber by direct charge and by insinuation on account of past transactions affecting the civil and political status of the colored people in the South, and this measure is of so much importance and has excited such general interest, that I think I am justified in giving some reasons why I have offered the amendment just read and in making some general observations in regard to the bill.

I freely admit that great deference ought to be shown to the opinions and recommendations of the committee who have prepared and reported the bill. I admire the ability and research of the chairman of the committee, and commend the earnestness with which he has pressed the bill upon the attention of the Senate. But nevertheless, in my action upon the bill, I must be governed by my own judgment as to its merits, and I am not willing that my position upon the question of general education, and the power and duty of the General Government to aid in the cause of popular education in any portion of this Union, should be determined here or elsewhere by my approval or disapproval of the bill.

With all due deference to the authors and friends of the bill, it appears to me there is too much of a disposition to look upon the disapproval of any of the provisions of the bill as hostility to the measure itself. We are asked to accept the bill as an oracle or a revelation, or at least as coming from some infallible source.

I concur in the main with the Senator from New Hampshire in the proposition which he laid down in his speech in opening the debate upon this measure as to the duty of the General Government to aid in the education of the masses and in promoting the intelligence and virtue of the people. It is the duty of the nation to educate itself; and I believe that it is the duty of the Federal Government, in so far as the power to do so has been conferred upon it, to aid by appropriations out of the Federal Treasury in providing the means for the instruction of the children who are to become the voters and lawmakers of the nation, in any portion of this Union, when a necessity therefor arises by reason of the failure of the State governments to educate the children of school age within their borders. This duty of educating the rising generation exists because the perpetuity of our national existence, the preservation of our free institutions, and the prosperity and consequent happiness and general welfare of the people demand it.

Conceding, therefore, that the constitutional power exists in the General Government to aid general education when the circumstances demand it, and conceding also that illiteracy prevails in some portions of this country to such an extent as to justify the General Government in interfering and making appropriations for that purpose, nevertheless I do not entirely approve of this bill. One objection to the bill is that it is proposed by it to grant aid to all the States and Territories of the Union for educational purposes, without reference to the question as to whether a necessity for such aid exists. It is assumed that in every State and Territory of this Union illiteracy prevails to such an extent, and there exists such inability or indisposition upon the part of the State and Territorial governments to educate the masses, that there is a necessity for the General Government to interfere and make appropriations out of the Treasury for the purpose of doing that which the State governments and Territorial governments can not or will not do.

I think the assumption is not justified by the facts. We have already heard it asserted during this debate by Senators from two of the Southern States that those States have sufficient ability to educate their own children. I do not think there is a State among the New England States, the Northern States, the Middle States, the States and Territories of the great West, nor of the Pacific coast that has not sufficient ability to educate all the children of school age within its borders. I apprehend that the illiteracy which is shown to exist in those States is not the result of the want of ability and disposition on the part of the States to provide the means of education, but is caused by the failure of the parents of the children to require their attendance upon the schools provided, and probably in part by the arrival in those States of illiterate foreigners after they have passed the school age, and for whose illiteracy those communities are not responsible.

It has been admitted during the debate on this bill and it is generally understood that the aid for educational purposes to be given by the General Government under the provisions of this bill is intended for the education of the colored children of the South. If that is the case, why not go directly at the matter? Why not provide for the object intended without all this circumlocution? I can see no objection to a bill by which an appropriation shall be made to aid in providing the means for education where such aid is required without appropriating money to aid the States and Territories where such aid is not required. I can not see that any constitutional objection is avoided by making the provisions of the bill applicable to all the States and Territories of the Union. On the contrary, I think the fact that this bill undertakes to make appropriations for school purposes in States where such aid is not needed is an objection to the bill.

While I am willing in view of the illiteracy which is alleged to exist in certain portions of the Union, and in view of the fact that there is not the ability or the disposition in those portions of the Union to educate the masses, to support any practical measure by which the necessary aid shall be afforded to the States where aid is needed, I am not willing under the pressure of the plea of the great importance of immediate action to shut my eyes and swallow blindly any measure which may be offered.

Neither am I willing to admit that any measure of relief which shall be granted by the General Government with my concurrence is made as the payment of an obligation which the Government owes to any section of this country on account of any past transactions affecting the civil or political status of the colored race. I am not willing to admit as between any portion of this Union and the General Government that the latter is to blame for the ignorance of the colored people in the South or for their alleged unfitness to exercise the elective franchise. I am not willing to admit that the General Government in striking the shackles from 4,000,000 slaves in the South committed a wrong against the people of the South or against the people of any section of this Union. I am not willing to admit that the Congress of the United States in passing laws and the Federal courts and the executive officers in undertaking to enforce laws for the protection of the citizens of the United States in those rights which by the Declaration of Independence were asserted to be the inalienable rights of man have wronged the South or wronged any portion of this Union. Lastly, I am not willing to admit that the General Government in declaring that all the citizens of the United States shall be entitled to the elective franchise violated the rights of the South or did anything for which reparation must now be made.

I wish it understood, so far as I am concerned, that the duty of the Federal Government to aid in the education of citizens of any part of the Union rests, if that obligation exists at all, upon the fact that illiteracy exists there, that the presence of illiterate masses in a free government is dangerous, and that there is a want of ability or a want of disposition in the States upon whom the primary obligation of educating the citizens of the States is devolved to educate the masses, and therefore the General Government, as a matter of self-protection, undertakes to do that which the States are unable or unwilling to do.

I am not willing either to concede, at least I am not convinced, that there is a State in this Union which could not, if it was thoroughly in earnest in the matter of education, provide the means for obtaining a common-school education to every child within the State. The Senator from Massachusetts [Mr. HOAR] yesterday referred to the condition of the school system of his State fifty years ago. I do not believe there is a State in this Union but which to-day has as much ability to educate every child of school age within its borders as the State of Massachusetts and the other New England States had fifty years ago.

I hold in my hand a copy of the report of the clerk of school district No. 1, of Multnomah County, Oregon, for the year 1883. As we have had so many statistics on this question I will ask the Secretary to read it, that it may be incorporated in my remarks.

The Secretary read as follows:

*Clerk's report for the year ending February 29.*

RECEIPTS.

| | |
|---|---|
| From tax-roll, 1883 | $65,547 11 |
| From delinquent, previous year | 411 23 |
| From bills payable | 45,000 00 |
| From county and State funds | 36,126 69 |
| From tuition | 1,061 00 |
| From sundry receipts | 275 65 |
| Total | 158,420 39 |
| Overdrawn on Ladd & Tilton | 7,201 63 |
| Total | 155,622 04 |

EXPENDITURES.

| | |
|---|---|
| Balance overdrawn, as per last report | 14,657 90 |
| Bills payable (note to Bank of British Columbia) | 20,000 00 |
| Taxes refunded | 248 85 |
| Library | 19 30 |
| School furniture | 2,703 01 |
| Maps, globes, &c | 106 24 |
| Advertising, drayage, and diplomas | 224 24 |
| Interest | 1,084 68 |
| Insurance | 1,248 92 |
| Teachers' salaries | 52,672 15 |
| Janitors | 4,740 00 |
| Janitors' supplies | 215 82 |
| Printing and binding | 869 00 |
| Stationery | 835 70 |
| Repairs and furniture | 113 40 |
| Street and sidewalk improvements | 289 14 |
| Wood | 1,770 60 |
| Tuition refunded | 50 00 |
| General expense account | 3,801 31 |
| Failing school improvement | 6,718 50 |
| Couch school improvement | 3,909 29 |
| Rent of building | 1,200 00 |
| Repair | 1,525 02 |
| High-school building | 36,926 37 |
| Water | 100 00 |
| Supplies for night-school | 84 10 |
| Total | 155,622 04 |

Mr. DOLPH. To be read in connection with that report I have compiled from the tables recorded in the speech of the chairman of the committee having this bill in charge a statement showing the amount which would be available for school purposes in the Southern States during the first year under the operation of this bill, provided the rate of taxation for school purposes were the same as in the year 1880:

| | |
|---|---|
| Virginia | $2,198,306 77 |
| West Virginia | 919,766 89 |
| North Carolina | 1,530,351 94 |
| South Carolinia | 1,325,775 88 |
| Georgia | 1,859,129 42 |
| Florida | 328,782 07 |
| Alabama | 1,538,559 83 |
| Mississippi | 1,719,112 15 |
| Louisiana | 1,347,096 35 |
| Texas | 1,538,801 26 |
| Arkansas | 855,147 53 |
| Kentucky | 2,034,958 56 |
| Tennessee | 1,839,305 71 |
| Total | 19,135,094 36 |

Mr. BLAIR. Will the Senator be kind enough to repeat his statement?

Mr. DOLPH. I refer to a table which I have compiled from one of the tables incorporated in the Senator's speech upon this bill, which shows the amount which would be available for school purposes in the several Southern States during the first year under the operation of this bill, derived from the funds proposed to be appropriated and from taxation at the same rate as in 1880. The total amount is $19,135,094.36.

Mr. BLAIR. I do not quite understand the Senator. Does he say that that would be the amount they would receive for the first year?

Mr. DOLPH. That would be the amount they would receive under this bill and the amount which would be derived from taxation at the same rate as in 1880 and upon the same valuation of property, as shown by the census returns for 1880. It is taken from the Senator's own table.

Mr. BLAIR. There is some misunderstanding, because the entire appropriation from the General Government under the bill would be but $15,000,000 the first year.

Mr. DOLPH. In the Senator's speech delivered in opening this debate he presented a table showing what would be provided for school purposes in the several States under the provisions of the bill—that is, the appropriation for the first year added to the amount which would be raised by taxation at the same rate as in 1880. I have simply compiled a table from the Senator's statistics showing what amount would be received by the Southern States.

Mr. BLAIR. Do I understand that the Senator's table shows that the Southern States, taxing themselves for school purposes at the same rate they did in 1880, would now receive $19,000,000?

Mr. DOLPH. No, sir; but it shows the amount which would be raised by taxation added to their share of the appropriation proposed by the bill.

Mr. BLAIR. Put together?

Mr. DOLPH. The amount available for school purposes in all the Southern States would be $19,000,000 and over.

Mr. BLAIR. I understand the Senator. That is not a very strange statement considering that they are now paying about $14,000,000 in those same States, and would receive under the provision of the bill $10,000,000 or $11,000,000; so that really with their present taxation largely increased over that of 1880 they would be giving $24,000,000 or $25,000,000, making a good showing.

Mr. DOLPH. The Senator is certainly mistaken in regard to that. I have taken the figures from the table he presented in his speech, and I undertake to say that it is a correct statement, and they could not in 1880, the year to which the table refers, have expended the amount now stated by him.

Mr. BLAIR. I do not wish to be understood as saying that they spent that in 1880. They have spent by the latest returns that I have seen $13,303,000, and it has been thought that the present year the aggregate of expenditure will be about $14,000,000 in the Southern States.

Mr. DOLPH. So much the better for my purpose in the illustration which I desire to make. Not having the figures at hand showing the amount which was expended during the last year, I took the figures presented by the Senator from New Hampshire, showing the amount which was expended in 1880 as the basis of the statement which I proposed to make. According to the table presented by the Senator from New Hampshire the total assessed value of the taxable property of the Southern States for the year 1880, according to the census returns shown by the table presented by him on page 2203 of the RECORD, was $2,370,923,269.

The several county courts of Oregon are required by law to levy an annual tax for school purposes of 3 mills on the dollar, and for the year 1883, the year for which the report which has been read was made, said school district No. 1 levied a district tax of 5 mills on the dollar for school purposes. That made a total tax of 8 mills on the dollar. Eight mills on the dollar upon the assessed value of the taxable property in the Southern States according to the census of 1880 would provide a school fund of $18,967,386.08, which lacks $167,708.36 of being equal to the amount which would be provided for school purposes under the operations of this bill during the first year by taxation in the Southern States at the same rate that they were taxed in 1880 for school purposes added to their proportionate share of the appropriation under this bill.

It is but fair to state that the district to which I have referred includes a large portion of the city of Portland, but I still insist that if the people of the Southern States would tax themselves to the same extent that the people of the city of Portland voluntarily tax themselves for the support of schools a fund would be provided sufficient to furnish facilities for the education of all the children of school age in those States equal to those enjoyed by one-half of the members of this body during their childhood and equal to the educational facilities provided by any States in this Union fifty years ago.

While this is true, I fear that there is not that enthusiasm in some of the States for general education and that sense of the obligation of the people of the States to provide for the education of the children of the State that ought to exist. There are men in every community, men of intelligence and men of ability, who affect to believe that education for the masses is not necessary. There are men who affect to believe that the States have no right to tax the property of its citizens for general education. Sir, I would not vote to place any such man at the head of any of the educational institutions of this country. While, in view of the fact that illiteracy exists to an alarming extent in some portions of the Union, and of the further fact that there is an inability or an indisposition to provide for the education of the masses, I am willing to vote for appropriations out of the Federal Treasury for the purpose of aiding in education, I want to know before I vote to place the distribution of such appropriation under the control of the States and Territories that the people of such States and Territories believe as I do in regard to the importance of general education.

Before I am called upon to vote for such a supervision of this fund I think I am entitled to know that the States and Territories which are authorized to control its distribution are in favor of general education without distinction of race or color. And because I am not satisfied upon that point I have proposed the amendment which has been read, an amendment which affects alike all the States and Territories of the Union, and to which there should be no objection; an amendment which is intended to reserve to the General Government some sort of supervision in conjunction with the State authorities over the final distribution of this fund to the school districts and other local organizations entitled to it under the provisions of the bill.

I have been told in talking about this Southern question by representative men from the South, "You can not put yourself in our position and look upon this question as we do." I say, "You can not put yourselves in my position and look upon this question as I do." It has been said by the advocates of this bill, "We are willing to trust the South with the distribution of this fund." I disclaim any disposition to distrust or question the good faith of any of the friends of this bill, or the good intentions of any officer of a State government; and I would not unnecessarily or unjustly make any reflections against any State government, but I can not close my eyes to the history of the past. I can not be deaf to the complaints which are made against the General Government in regard to the transactions of the past and in regard to the conduct of public affairs at the present by Senators on the other side of this Chamber day after day. It is because the standpoint from which the dominant party in the South looks upon this question of the civil and political status of the colored race and upon the obligation of the States to concede to the colored man his rights guaranteed to him by the Constitution and laws of the United States and to protect him in the enjoyment of the same is so different from my own that I fear there will not be found within some of the States that enthusiasm for the education of the colored race that is necessary to insure an impartial distribution of this fund.

I was greatly pleased with what I heard from the Senator from Arkansas [Mr. GARLAND] and the Senator from Texas [Mr. MAXEY] in regard to the disposition of the white people of those States toward the colored race and in regard to the efforts which are being made for the education of all the illiterate classes in those States. If I could be convinced that such was the case in every portion of the Union I would be willing to vote not only $105,000,000 in ten years, but $500,000,000 in ten years. I would be willing to vote to apply a remedy equal to the evil and to the danger that is to be feared from the evil. But my present information is—I would be glad to know that I am mistaken, I would be glad to know that I have entirely misconceived the condition of the colored population in the South—my present information is that in some of the former slaveholding States, or at least in some localities in them, the colored man is practically now deprived of certain civil and political rights which have been guaranteed to him by the Constitution and laws of the Union. I will not undertake to say who has done this, I will not undertake to say who is responsible for it, but I do say that the States where those things have occurred ought to be held responsible for it, whether the State governments have been the instruments by which it has been done, whether it has been done by the connivance of the State authorities, or whether it has resulted alone from the failure on the part of the State governments to protect the colored man in his civil and political rights. I do not propose to go into a history of the condition of the colored race in the Southern States since slavery was

abolished. I do not even propose to state with any degree of particularity what I understand to be the present political condition of the colored man in the South. I merely state what I understand to be the fact, that the colored man in some portions of the South is practically denied the rights already conferred upon him by law.

As I have already said, without questioning the good faith of the friends of this bill or of any members of this body, before I am called upon to vote to place the fund proposed to be appropriated by the bill under the control of a State or Territory north or south I think I am entitled to have some evidence that that State or Territory is in sympathy with the objects of the bill and will faithfully carry it into effect.

I disclaim any hostility to the South. I am glad that time is softening the animosities engendered by the war of the rebellion. I can overlook the great mistake of the South, which in the light of subsequent history proved to be a great crime against this Government; I can even admire to a certain degree the zeal and fortitude with which the people of the South contended for a bad cause; I excuse the South to some extent for not accepting at once with a good grace the results of the war; but I can not approve of a systematic attempt to nullify the laws of the United States enacted for the protection of its citizens, or of the public sentiment which justifies it. I know that I have entered upon an unpopular subject, a subject which excites but little interest in any part of the Union; but it is a subject which appears to be pertinent to the question before the Senate, and I have touched it as mildly as I could. The question, however, is not unimportant.

The relation between the colored race and the white race in the South in my view of the case is a question in which the South has a paramount interest, and is one which I believe they must themselves dispose of. If the people of this country will not listen to the discussion of it to-day, I fear the time will come when they will be compelled to listen. There is no idea so dangerous as the idea that the laws of a country may be persistently and systematically violated. Law is the bond of society; organized society is civil government, and the enforcement of law is the only safeguard which the citizen has for the protection of his rights. I am firmly convinced that there is no people which can afford to permit any class of its citizens to be deprived of their rights under the law. The oppressed of to-day may become the oppressors of to-morrow, and liberty and the future peace and prosperity of this country demand that every citizen and every class shall be protected in their rights under the law.

Mr. HOAR. Mr. President, in detaining the Senate for a few moments I do not wish to follow the Senator from North Carolina [Mr. VANCE] into that province of which he seems to have among all the Senators upon this floor a monopoly, the raking up of the faile l and forgotten comic almanac, weak old jokes which could not even get a sale at a penny apiece to those productions when they were fresh, for the sake of composing speeches for the Senate of the United States. The Senator will enjoy that method of debating by himself, so far as I am concerned. But I think after his speech it is proper that I should call the attention of the Senate, and of any other person to whom this great and grave public question may have an interest, to precisely what has happened and the attitude in which, so far as he has been able to do it, he has put the community which he represents upon this floor.

Since I have been in public life there has been no public question in which I have taken so deep an interest, nothing to which I have devoted so much of study or of effort, as the question of aiding, so far as could be done within the proper limits of national authority, the elevation of the States of the South in that education which as I believe is not only the measure of the title of any community to rank among civilized States but is the sure product and cause of wealth, dignity, happiness, manhood, to the individual citizens of whom those States are composed.

In the other House, as is known to some gentlemen within the sound of my voice, I had the honor of introducing a measure which I submitted to the Republican leaders in that day and was informed by nearly every one of them that it was totally impracticable, but which fuller discussion and effort carried through by a decided majority, giving to the States of the South the entire proceeds of the public lands of this country forever; that is, giving those proceeds to the States according to the proportion of their illiteracy, so that nine-tenths of the benefaction would go there, a fund which in some years had yielded from five to ten million dollars. A similar bill drawn by me and every line of it mine, though reported from another committee, passed the Senate the Congress before the last, adding to the fund derived from the public lands the proceeds of the patent laws, almost wholly the contribution of the portion of the Union to which I belong. Although I had taken no active part either in the preparation or in the support of this measure, it was because I preferred that newer and stronger and better soldiers should succeed to the contest in which my interest was not in the least diminished.

I do not speak of this by way of boast either for myself or the Commonwealth which I represent. Two hundred thousand dollars only of this money will go Massachusetts; and that is to go to remove an illiteracy which is wholly with persons who come from other communities within her borders. With I suppose a little more than half our population, $1,100,000 is to go to the State of North Carolina. As I stated before, I do not say this by way of boast. I would not have the bad taste to accompany an act of generosity for myself or the community which I represent with a boast; but I think under those circumstances, when we come with this proposition in our hands asking but the simple condition from the State governments to whom it is to be given that they shall apply it for the purpose and shall tell us how they have applied it year by year, we are entitled to be met in some other way than by the method which the Senator from North Carolina adopted, and which he adopted before I had addressed the Senate at all upon this question.

Let me read what the Senator from North Carolina said to this proposition. It was not his answer to any man's speech. The Senator from Kansas had said nothing except in criticism of some detail found in a section of the pending measure. It was not his answer to Massachusetts. It was his answer to this bill, which gives $11,000,000 or thereabouts to the States for which he especially spoke, and $2,000,000 only or thereabouts to the other twenty-seven States of the Union.

Here is what the Senator from North Carolina said:

> Mr. President, it was my intention originally to have said not a word on this bill. There was no particular call for it from the State which I represent; and it was looked upon as a voluntary offering upon the part of the people of the North.
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> There are some things that can not be denied in connection with this matter.

He proceeded:

> It is true that the people of the North set free the colored people in the South. It is true that they not only freed them without any preparation for their new state, but that they conferred upon them the highest rights of an American citizen. * * * When constitutional amendments and penal acts were not of sufficient avail they forced the colored people into positions of equality if not superiority with the white people of the South by the use of the bayonet. * * * They knew that it meant a dilution of or an infusion into the right of suffrage of a vast element of ignorance and vice. * * * They knew that it meant a surrender of several of the States of the South to the absolute control of this colored majority, and they knew that it meant * * * the actual endangering of all the institutions which the white people of the South had built up, and even, in their opinion, of their civilization itself.

He is not stating his opinion, but that is his answer to our proposition, that we did this thing with the knowledge, with the infamous and guilty knowledge, of these terrible results which he said were to follow from our policy:

> When we were told that, and exhorted to patience, it was known to our friends on the other side likewise that we were unable to impart that education to those people; that in the struggle which set them free and in the subsequent eras of carpet-bagism and rapine we were so impoverished and so destroyed financially that we were absolutely unable to so tax ourselves as to impart the blessings of education to those people. That was also well known.
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> At the same time that we were thus suffering under the evils of poverty and this infliction of the infusion of ignorance and vice into the suffrage and into the management of our affairs, we were held by the people of the North to the same rigid accountability for our public conduct as was exacted from the most highly educated communities; * * * and upon the slightest pretense you investigated us, and continue to investigate us, notwithstanding you say that the evils under which we suffered and all evils in government originate from the want of sufficient education of the masses.

Then he says:

> After this state of things has endured nearly twenty years, at last a portion of the people of the North through their representatives in Congress awoke to their duty. One honorable Senator in this body at least bethought him of the panacea, and he brings in the bill * * * for the purpose of removing the great evil under which the people of the South have suffered.

Then he goes on to taunt the other States with having received a large share of the public lands and states to the rest of us that we must learn to help ourselves:

> We will help ourselves if you will take your hands off of us. If you will let us alone we will agree to help ourselves. If you will quit taxing us to support your factories in the North—

North Carolina with its vast and magnificent water-power—

> we will agree to help ourselves. * * * If you will doctor your own sick cows and calves we will help ourselves. It comes with a very bad grace indeed from a portion of the country where all the fortunes that have been accumulated have been accumulated by making everybody help them by universal taxation for private benefit, to come here when there is a proposition to help the colored people * * * and say to us, "Well, you must help yourselves."
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> Mr. President, I do not expect this bill to pass; I have no idea that it will pass. I have always doubted, and I say it with proper Senatorial courtesy, the professions of many gentlemen on the other side when they were so interested about the improvement, moral and intellectual, of the colored race in the South. While they would send emissaries among them and band them together for political partisan purposes, and pat them on the back and urge them forward in the name of freedom and advancement, &c., to the polls, I have always believed that when it came to doing something really for the benefit of that people there would be flinching, and I am not disappointed at finding it.

And so on.

I should like to know if there is any Senator on this floor, from the South or the North, the East or the West, who, whatever he might think of the principle of this bill or however earnest might be his convictions of the misconduct of his political associates, is capable of meeting a measure of generosity, of liberality, of large expenditure, by such a slap in the face and such an insult as was contained in the original speech of the Senator from North Carolina. I do not believe that the Senator can find among his political associates a Senator who will rise in his place and say that under the circumstances he considers that speech a decent and a fitting thing to have said, whatever may be the intensity of political feeling.

Now, Mr. President, let us come to what I said. Senators upon my side of the Chamber thought that this bill was not sufficiently guarded in two respects: that it did not secure the application of the money to the purpose for which it was designed, and that it did not leave the United States Government that annual control over appropriations from the public Treasury which our theory of frequent elections of their representatives by the people implies. I rose to answer that proposition, and I answered it as well as I knew how. I said that this little safeguard of requiring an annual report of the number of children attending public schools was the magician's wand by which Horace Mann had revolutionized the public-school system of Massachusetts, and that when any town found itself lowest in the scale, somebody in that town went to work to remove that disgrace from the town of which he was a citizen. I said that the effect had been that it had multiplied by fifteen, I think, the appropriation per capita for the public-school system of Massachusetts, and I added, with no intention of boasting, that the State then as now headed the column of Commonwealths in this country. It was proper to say, in speaking of the success of this apparently feeble and simple provision, that it had caused the success of that community which was most successful. I do not believe any person who heard the sound of my voice except the Senator from North Carolina construed that as a boast. Then I added, at which he seems to have taken offense, in speaking of the present condition of North Carolina or of any other State, that if in the future North Carolina should at any time find herself the tail State in this matter (perhaps not a very tasteful phrase, but it was the one which came into my head at the moment), I thought she would set to work to get out of that position, and we should not hear such speeches as we had heard from her Senator the other day.

That is the whole of this story. It is all that had happened until the Senator from North Carolina rose to make the speech that we have heard.

Mr. JONAS. Mr. President——

Mr. VANCE. I hope the Senator from Louisiana, before he proceeds, will just allow me to say that I concur in the greater part of everything that the Senator from Massachusetts has said; that is to say, in all that part of his speech which consisted in reading from mine I am heartily with him.

Mr. JONAS. Mr. President, I had intended to content myself with casting a silent vote in favor of this measure. It is one which my people approve and favor, one which I favor, and have from its inception. I think great credit is due to the very able chairman of the committee which has presented this measure, and to the Senators associated with him or their efforts in bringing it before the Senate and the country, for the diligence which they have displayed in collecting facts and statistics to present to the Senate and the country, and for their single-minded efforts in behalf of a cause which is not only dear to the people of my State, but which has become a measure of necessity to the people of one-half of the States of this Union, if not in some manner to them all.

I accept this bill in behalf of the people whom I in part represent as a great benefaction, as a great assistance to a people overburdened by a charge laid upon them which they are unable to meet, but which they have every disposition to carry out to the very best of their ability. The State of Louisiana figures far down in the roll of States charged with having a large illiterate population. I do not intend to go into details that have been discussed over and over again to show why this great illiteracy exists, certainly not by our fault, and certainly any one who has studied the history of the Southern States since the war, who is familiar with the struggle which those people have made to regain their former prosperity, who considers the burden of debt and taxation under which they have been staggering, who considers the immense amount of property which was swept away and destroyed in the civil revolution in which they were engaged, must recognize the inability of that people to fulfill the duty which they owe, and I admit it, to give the children living within their States the benefit of education and to qualify them for the enjoyment of the privileges and the performance of the duties of citizens.

Therefore I intended to vote for the bill without saying a word in its favor, believing that its manifold merits had been fully set forth by the Senator who had it in charge. But I can not remain in my seat and be silent as to charges which have been made against the people of my State as well as the other States of the South by Senators who have spoken in opposition to the bill, on the other side of the Chamber, yesterday and to-day.

The distinguished Senator from Ohio [Mr. SHERMAN] last evening approached the consideration of the bill with that cool deliberation which always characterizes him. He expressed the most generous sentiments towards the people of the South; he had nothing but pity and sympathy for them in their misfortunes; he advocated the general object and character of the bill, vindicated its constitutionality, assumed the duty which he said rested upon the people of the country to educate those ignorant people, the emancipated slaves and their children, and then proceeded to give reasons why he could not vote for the bill, reasons in search of which he went back into the days immediately after the war, and raked up the history of the period of reconstruction, the killing of Abraham Lincoln, the turpitudes and tergiversations of Andrew Johnson, the passage of the constitutional amendments, the necessity which rested upon the political party then in power to give the ballot to the emancipated slaves, winding up by the intimation that it was unsafe at the present time to put the control of the expenditure of this money in the hands of the people of the South, intimating that at this day, nearly twenty years after the events of which he was speaking, after the results of the war had been fully accepted, after the constitutional amendments had been recognized and accepted as fully at the South as at the North, giving as his reasons for opposing the bill that the South could not be trusted to administer this fund unless some amendments are made to the bill by which Federal machinery can be carried into the States to control its administration and its distribution.

To-day the Senator from the far-off State of Oregon [Mr. DOLPH] also in a mild and brotherly manner has expressed his sympathy with the South, his friendship for the South, his affection for its people, his admiration for the stand which they took and maintained for nearly four years in a mistaken cause, his admiration for the manner in which they accepted the results of the ruin and downfall of that cause, his admiration for the manner in which they accepted the measures of reconstruction, and yet, with all this, he has taken upon himself to make insinuations and charges against those States and their people of the most injurious and calumnious character. Without specifying one single charge or giving one single source of information, he has assumed to say that we set aside and tread upon the constitutional amendments; he has assumed to say that we deprive one class of the people of their constitutional and civil rights; he has assumed to express his belief that we will not faithfully administer this fund if confided to us for the purpose of educating the colored people. He has said, with all his *generous* sympathy for us, that he has manifold reasons for believing and knowing all these things, and yet he has not made one specific charge nor given one single and solitary fact. His speech couched in honeyed words was full of gall and bitterness. He professes that his feelings are those of beneficence toward the people of the South, and yet he stabs them in their tenderest sensibilities without giving any reasons or any facts, but intimating that he has some secret source of information which convinces him that those people who have borne so much, submitted to so much, and vindicated their claim to patience and to manhood through so many years, can not be trusted with the administration of this benefaction which this bill proposes to give to them, not for themselves but for the purpose of educating the ignorant, the uncultivated wards of the nation, whom you have made their citizens and suffragans.

Mr. President, I deny these charges, baseless as they are, as calumnies, as slanderous imputations upon the people whom I in part represent. I say that to the best of our ability in the State of Louisiana, and I believe throughout the South, we have striven to do equal justice to the colored man with the white; that in the matter of education we have opened our schools to both classes alike. Small as our means have been, humble as our efforts have been from want of means to make them greater, we have divided equally with the colored race. We have given them equal school-houses, teachers of equal capacity, and an equal distribution of the school fund in proportion to their population, and have striven to the best of our poor ability to give them the benefits of education.

Whose interest is it that those people should be educated? From the North comes for them a profound sympathy. You sympathize with them for their former condition of slavery, you sympathize with them for their ignorance, you sympathize with them for their poverty; but they are our fellow-citizens and are living among us. We meet them in the walks of every-day life. They are our neighbors, they pervade the streets of our cities, they live in our villages, and they cultivate our farms and fields; they mix with our families, they mix with our children, they vote at the polls, and to a large extent control our elections. The presiding officer [Mr. FRYE in the chair] shakes his head. I think if he couches that shake of the head in the same language as the Senator from Oregon I can disprove it so far as the State which I represent is concerned. It is to the interest of our people that we should educate that population. Ignorant and uneducated, they are dangerous to our civilization, dangerous to our safety, dangerous to our peace, dangerous to our prosperity. It is to our interest to educate them, to qualify them for those duties of citizenship which you have bestowed upon them, and for which, as certainly you will admit yourselves, they are incapacitated.

Mr. HARRISON. Will the Senator allow me to interrupt him a moment for a question?

Mr. JONAS. Certainly.

Mr. HARRISON. Did I understand the Senator to express the opinion that the colored people of the South controlled the elections of that section?

Mr. JONAS. They do in some sections where they have the numerical right to control, and they control them in some instances in the interest of the Democratic party; but they vote freely; they vote as they please. I am aware that if they vote for the Democratic party the Senator does not consider, and will not believe, that they exercise their civil rights, but they vote as they please.

Mr. HARRISON. The Senator greatly misrepresents me.

Mr. JONAS. If I do I take it all back. I have no desire to misrepresent the Senator.

Mr. HARRISON. I have but one desire, and that is that everybody in the South as well as in the North, every black man as well as white man, shall express his own convictions by a free and untrammeled ballot, which shall be fairly counted.

Mr. JONAS. I shake hands with the Senator; and that his ballot may be free and untrammeled and may be intelligent, I want to give the blessings of education to him and his children. I want to qualify all for the exercise of that right intelligently; and therefore I accept the benefaction which you bring us. We are unable to give them education, and I welcome this aid.

Mr President, it is a necessity, I repeat again, to us that these people should be educated. Therefore I repel the insinuation which has been made that the people of the South, or at least that part of the people of the South that I represent, will be faithless to this trust if confided to them.

Why, my friend who is in the chair [Mr. FRYE] knows that the evidence taken by the committee that examined into the affairs of the far-famed county of Copiah proved, if it proved nothing else, that the benefits of education, to the utmost limit of the capacity of that people, were extended to both races alike. It was proven before that committee that they had an equal number of school-houses, an equal number of teachers, an equal distribution of the school fund in proportion to their numbers, and every facility was accorded to them for education that was accorded to the white people. I believe this is the case all over the South. I know it is the case in my State.

I shall welcome the day when the assistance of the National Government, which you give by this bill, will enable us to afford universal education; but without this bill I hope and believe the time will come when we shall have greater prosperity, and will be able to raise ourselves the necessary funds with which to give the blessings of education to every man, woman, and child in our State, no matter what his or her race, color, or previous condition, and in this hope I am expressing the unanimous feeling of the people whom I in part represent.

Mr. BUTLER. Mr. President, I have no desire to enter into any crimination or recrimination with reference to this bill. I have no fault to find with anybody; I have no apologies to make to anybody; but I shall, with the indulgence of the Senate, in my plain way, state my reasons for voting against this bill.

A good deal has been said in this debate as to what the Southern people have done in the way of educating the colored race and the white race. I think some injustice has been done to that section; I hope not intentionally, I hope not from any improper spirit or a spirit of bitterness or partisanship. And I think that some injustice has been done that section by our friends on this side of the Chamber.

In my own State I propose, with the indulgence of the Senate, to show what that State has done in aid of education in the last six or eight years. There are in round numbers about 280,000 children of school age within the limits of the State. Of that number there is an annual attendance of about 173,000 upon the common schools, leaving about 108,000 who do not appear to attend the common schools; but it must not be forgotten that, in addition to the common schools, there are a number of private schools which absorb a good many of the children of school age, and, as my friend from Alabama [Mr. MORGAN] suggests, that is so throughout the South. I have no doubt that is true all over the South.

Mr. BLAIR. Will the Senator allow me to interrupt him just one moment?

Mr. BUTLER. Certainly.

Mr. BLAIR. In the whole country there are only 500,000 attending private schools of every description, and the larger proportion of them are in the Northern States.

Mr. BUTLER. I do not know how many are attending private schools in the Northern States. In fact, I have no specific knowledge upon the subject in any of the States; but I submit it is a fair inference.

Mr. BLAIR. There are eighteen if not twenty million children a year to be educated. About one child in twenty goes to private schools.

Mr. BUTLER. But to return to my proposition. I say that out of 280,000 children of school age, black and white, in South Carolina, 173,000 annually attend the common schools, and, of course, the private schools must absorb quite a number of children of that age. This common-school system is, I believe, as good as is to be found in any State in the United States. The common-school system of my State, I repeat, is in my judgment as good a system as there is on the American continent. The people of that State tax themselves by a constitutional provision, not relying upon the annual appropriation by the Legislature more or less each year. They tax themselves by a constitutional provision 2 mills, which is devoted exclusively to educational purposes. In addition to that is the money resulting from the poll-tax, making in the aggregate about $500,000. The assessed valuation of property is, I believe, about $133,000,000.

In addition to that the State appropriates—perhaps my colleague will remind me, I forget how much—to the university of the State, $20,000?

Mr. HAMPTON. Twenty-four thousand dollars.

Mr. BUTLER. Twenty-four thousand dollars to the State university in Columbia. It appropriates about $15,000 or $20,000 to the Citadel Academy in Charleston. In addition to that, in different localities of the State there are what are called graded schools, that is to say, schools that are kept up in a large measure by local taxation, and those schools are increasing in number as the years roll on, and I venture to say that there are some that will compare favorably with any schools of that class in the United States.

Besides, there is an annual meeting of what is known as the teachers' normal school, which was inaugurated about three years ago under the admirable administration of our present governor. It met first in Greenville, subsequently at Spartanburg, and last year in Columbia. The school is made up of teachers, there being a white normal school and a colored normal school for teachers. They meet and remain in session from four to six weeks. They are attended by the most advanced, progressive teachers to be found in the land. I want to read now in this connection the report of a colored man, the report of Professor H. P. Montgomery, principal of the Normal Institute for Colored Teachers:

WASHINGTON, D. C., *October* 10, 1883.

Hon. A. COWARD,
*State Superintendent of Education:*

DEAR SIR: I herewith forward my report of the Normal Institute held at Columbia during the month of July.

The institute was opened on Thursday, July 5, with prayer by Rev. E. M. Pinckney. In the absence of his excellency Governor Thompson, who was to make the opening address, the secretary, Mr. Thomas J. Gregory, introduced the superintendent, who stated that the governor was unavoidably detained by official business, but would address the teachers on the following morning.

He then goes on to give a report of the proceedings of that school and closes with this statement:

Among those who visited the institute were his excellency Governor Thompson, Mayor Rhett, Colonel McMaster, Postmaster Wilder—

A colored man—

Rev. E. Pinckney, Rev. E. M. Brawley, Rev. M. G. Johnson, and Professor D. A. Straker.

His honor Mayor Rhett welcomed the teachers to Columbia, and expressed great sympathy for the work.

Professor Joynes, of the University of South Carolina, kindly consented to give one of his excellent lectures on language.

To the press and citizens of Columbia we feel deeply indebted for the hospitality and kind treatment enjoyed while among them.

On behalf of the teachers, myself, and faculty, I tender to you thanks for your co-operation and sympathy as shown by your almost daily attendance and stirring addresses.

Very respectfully,

H. P. MONTGOMERY,
*Principal.*

Mr. President, what an overwhelming and conclusive reply that is, coming from a colored man, a teacher in the city of Washington, to the intimation which has been made on this floor that the Southern States have not contributed properly to the education of the colored people. The spirit of the white people, as shown by this report, is the prevailing sentiment throughout the State. Why, sir, we have taxed ourselves and do tax ourselves and pay the taxes annually and faithfully, and 95 per cent. of the money raised for school purposes is paid by the white people, the property-owners, and the colored people get their full share of it, not only of the 95 per cent., but these very gentlemen, Colonel Coward (our accomplished and zealous State superintendent of education), Governor Thompson, Professor Joynes, and all thinking, progressive, humane men in that State, contribute their advice, their encouragement, their countenance to the colored children in the colored schools wherever they are found and wherever they have an opportunity.

I say, therefore, Mr. President, that the charge is unfair, it is wrong, it is cruel, it is untrue and unjust when it is stated that the Southern people have not done their utmost to educate not only the negroes but the white children. Education is a good thing; and I was struck with the statement of the Senator from Indiana [Mr. HARRISON] about that old colored man who came into the Federal camp and, after doing a hard day's work, would read by the light of a pine-knot from a spelling-book, hungering and thirsting after knowledge. It was a touching incident, and illustrative of that old man's ardent desire for knowledge; but that Senator does not know perhaps that many, many of both races since that tragic period have hungered for meat and bread; many, white and black, have had to drive the wolf of starvation from their doors, and yet they have made no complaint; I make none now. Our struggle has been a terrific one in solving a problem that in its difficulties and in its perils is without a parallel in the history of the Caucasian race since the foundation of civilized society. We have made mistakes, no doubt, and may make mistakes in the future; it is human to err; and summoning to our aid all the philosophy and all the sagacity and all the patriotism, all the humanity and wisdom which we may, as long as human nature is as weak as it is we are liable to make mistakes in the future in dealing with this race question and in solving it. But, sir, we want to solve it upon principles enduring and humane and honest if we can. If I know my own heart and the hearts of those for whom I may venture to speak, there is not a throb that does not wish to deal faithfully and humanely and kindly with this difficult question.

And now, sir, the showing made of illiteracy against the South I

think has not been fairly stated. That illiteracy is based, as the Senator from Illinois [Mr. LOGAN] indicated the other day, upon all the people, old and young. Of course the slaves were illiterate from the very nature of the institution, and that illiteracy can never be removed from them. Yet they are counted among the illiterates of the South. Of course they were illiterate and are illiterate, but I believe going on as we now are in the South, the next census will show a very largely reduced illiteracy in that section, because the older colored men are passing away, and as they pass away of course the illiteracy is reduced.

Mr. LOGAN. Will the Senator allow me a word right there?

Mr. BUTLER. Certainly.

Mr. LOGAN. I desire to say that in discussing one aspect of this bill on a former occasion I called attention to that particular point, stating the fact that in my judgment this bill did not meet it fairly, for the reason that the appropriation was based on the illiteracy of the whole people and not the illiteracy of those of school age, which ought to be, in my judgment, the basis of the enumeration for the estimate to be made for the distribution of the money.

Mr. BUTLER. I agree with the Senator entirely, because the older men who were slaves, as I stated a while ago, of course are illiterate and will continue to their graves to be so, but I believe that if a fair enumeration could be taken now of the illiterate children or of those who have grown up since emancipation, that enumeration would show a very different state of things; for as the Senator from Kansas [Mr. INGALLS] said the other day, the colored people seem to be getting along very well, and he did not know, perhaps he did not appreciate, what a compliment he was paying by that statement to the white people of the South. This statement of that Senator discloses the fact that they are neglecting to educate their own children, and are contributing their money to educate the colored children. They are getting on very well, he says, but the trouble is with the white people, and I believe he stated that in my State there was an illiteracy to the extent of 22 per cent. The illiteracy among the colored people is 78 per cent. in South Carolina, but a large majority of that illiteracy, as I stated, can be charged to the grown-up men who were slaves.

But, Mr. President, what is education? What is illiteracy? Every illiterate man is not necessarily an ignorant man. One of the wisest men within my acquaintance in my county, one of the most progressive, one of the most practical, one of the most public-spirited and patriotic citizens in that county can not read or sign his name. No, sir, literacy—if I may use the word—is not wisdom. It is not invariably accompanied by honor and truth and courage. A man may be illiterate in the ordinary acceptation of that term and yet highly educated in all those qualities that go to make up true manhood. I have in my mind now a half-dozen men of that character, worthy associates of the most pretentious of the literati, the superiors of many of them. Therefore, when you talk about illiteracy you ought to discriminate between an illiterate and an ignorant man, for an illiterate man is not necessarily ignorant. He may be a very wise one, and a literate man may be a great fool. As my friend from Kansas [Mr. PLUMB] suggests, we should distinguish between intelligence, mental power, and mere book learning. Education is defined:

> The act of developing and cultivating the various physical, intellectual, and moral faculties; formation of the manners and improvement of the mind; instruction, tuition, nurture, breeding.

Education does not consist in simply cramming letters into the mind of a child; and I want to say right here that we had better pause, we had better hesitate and not run away with ourselves in this desire to remove the illiteracy of this country, for fear that you may strike at the very foundation-stone of our institutions by destroying the education which grows out of the family relation. I do not say this to excuse or justify or encourage the want of learning and knowledge. I would encourage it, I would send the light of knowledge and learning and illuminate the mind of every child in this country if I could; but there is a training more important than the training of the school-house, and that is the training of the family, where the character and honor and integrity and honesty of a man are instilled into him. Therefore, in going forward with this (I say it without disrespect) undue haste and zeal, taking the enormous sum of $15,000,000 out of the Treasury of the United States to aid the States, I say that we ought to pause and reflect, for fear we do what I have just indicated and for fear that we do what was intimated by the Senator from Indiana, that in throwing this large amount of money into the States you do not check the effort in those States to develop their own common-school system in their own way.

Why, Mr. President, there is no success in life comparable to the success which results from individual effort, none so enduring, none so satisfactory. I would therefore be very cautious before I would appropriate $15,000,000 and put it with the States, the effect of which I am afraid would be, among others, to induce every man—not every man; perhaps that is extravagant—but a very great many men who are now earnestly struggling to build up their own local institutions to put their hands in their pockets and say, "The General Government is going to educate everybody. What is the use of paying any more taxes for education?" That, I say, is my impression. I may be wrong; I hope I am; but it is worth considering.

Now, sir, there is an institution in my State known as the Claflin University, endowed by a philanthropic gentleman, I believe, of the State of Massachusetts, or perhaps of New York—I forget which—dedicated entirely to colored people, and I observe in the report of the superintendent of education upon that college, which I hold in my hand, he says that a number of the students are sustaining themselves in college by day labor.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. BLAIR. The Senator seems to be apprehensive of the injurious effect upon local ambition and self-stimulus of the communities that receive this money. If the distribution of the $15,000,000 should be made, then each school-child in South Carolina would have $5, while the child has $20 in Massachusetts. But the point which I wish to call the Senator's attention to particularly is this, which he now seems approaching: The expenditures of which he is now speaking are in the purest sense, of course, charities; religious charities. I was going to ask him if he thinks that the experience of the last fifteen years in the distribution of the Peabody fund, which is one charity, the proposed distribution of the Slater fund and other charities, amounting in all, as I have heard it stated by the representatives of the religious denominations of the country, to probably at least $50,000,000 put into the South since the close of the war as a result of private or denominational religious charity, has been, on the whole, injurious to that local effort of which he speaks?

Mr. BUTLER. I do not think that answers the point I was making, because that was a private charity and of course limited and fixed.

Mr. BLAIR. Does the Senator think that there is any real distinction between a dollar coming from the national Treasury and applied to the purpose of education, and one coming from individuals residing in the country?

Mr. BUTLER. Of course I do. I think there is a very great difference. As I said a while ago, these charities are limited, the amounts are stated, and all institutions accepting them accept them with a distinct understanding that they are not to be increased. But suppose we take this $15,000,000 and put $1,000,000 of it in South Carolina, and this very institution that I refer to should get $150,000—I do not know whether the scheme of his bill provides for that, but suppose, for the purpose of illustration, it should receive $150,000—does not the Senator know perfectly well that it would paralyze very largely and check the efforts of individuals to keep it up? I want now to read what I think is very commendable:

> Claflin college of agriculture was established in 1872 as a co-ordinate department of the university. A farm of one hundred and fifty acres is cultivated mostly by student labor, under a superintendent. Many students support themselves largely by labor, for which they are paid in cash. This department is supported principally by the income arising from the sale of lands granted by act of Congress for the encouragement of industrial education. The normal school went into operation in 1877.

I beg to say that if you would put at the disposal of that institution $100,000 annually for ten years all the individual effort of that kind which I think so commendable would cease in a large measure. I mention that simply by way of illustration.

Mr. BLAIR. This is confined to the common schools; that is not included.

Mr. BUTLER. I understand that, but the same principle in my judgment would obtain as to the common schools. But we are not so far behind in education in South Carolina. One would suppose from the debate that we were benighted, in the depths of a hopeless despair, on the verge of a savage state, incurably illiterate and ignorant, and beset by a very demon of darkness. Why, Mr. President, I feel rather inclined to boast of the educational institutions of my State. As I said a while ago, we contribute as much as we can contribute in the 2-mill tax upon the assessed value of the property, and I will show after a while that that is increasing and has increased. But there are in my State, in addition, some other institutions of education.

Mr. HOAR. I want at some time in the Senator's remarks to call his attention to the statistics of South Carolina in regard to one subject he has touched upon; that is, the fact that they are doing their full share and more for the colored people. I wish to ask him whether the statistics do not show the necessity of aid? It may be convenient for me to do it now.

Mr. BUTLER. Very well.

Mr. HOAR. I understand the Senator now to say that they are doing in his State (and I have no doubt he is thoroughly informed and correct on that subject) all they can, and that although the white people pay a large portion, 95 per cent. I think he said, of the whole tax, the colored people get their full share. I want to point out to the Senator how that is working.

The whole percentage of the white persons 10 years of age and upward in South Carolina who are illiterate, unable to read, is 21.9 per cent.

Mr. BUTLER. Twenty-two per cent., in round numbers.

Mr. HOAR. While the percentage of the persons between 10 and 14 years of age in South Carolina who are unable to write is 33.9. So the illiteracy is increasing among the whites of that State. In most other States it is very different. For instance, in Pennsylvania the illiteracy over 10 years of age is 6.7 per cent., while of those between 10 and 14

it is only 4.1 per cent. In Massachusetts the illiteracy of all over 10, including foreigners, is 6.4, while the illiteracy of those between 10 and 14 is only 1.2 per cent., about one-sixth as large.

When you get to the colored people in South Carolina the illiteracy of all the colored people of 10 years of age and upward is 78.5 per cent., while the illiteracy of the colored people between 10 and 14 is only 74.1, or about 4½ per cent. less.

Now, the point is that South Carolina, doing all she can, doing her full share for the colored people, still the limit of her ability at present is such that the actual illiteracy of the white people is increasing, if the census be correct, while in the Northern States, where they have had old common-school systems, their illiteracy is very much less in the children between 10 and 14 than in persons over 10. If South Carolina can not accept this benefaction from the country to enable her to relieve somewhat this burden under which she is staggering, what is her prospect as to her white people? I beg the Senator to be assured that I put this question as a fair argument simply, not to call attention to the facts.

Mr. BUTLER. I accept it as such. I admit, Mr. President, that the prospect is not very bright. I admit that; but I am inclined to hope that when I have furnished some other information which I propose to give the Senator he will concur with me that the prospect of the future is not so bad as at first appears on the face of the figures. I had not gone into the details of the figures as closely as he appears to have done, but I was in hopes that the illiteracy was diminishing with children of the school age, and I am inclined to think it is.

Mr. HOAR. According to the census it is not far changed; but the illiteracy of the colored people is diminishing, perhaps on account of the fact that the old slaves the Senator spoke of are disappearing.

Mr. BUTLER. This much must be said—and I desire the Senator to understand that I am not making this statement in any partisan sense—that the improvements in the common schools, the improvement in all the educational institutions in my State have gotten, if I may use the expression, a fresh start within the last three or four years. When my colleague [Mr. HAMPTON] was elected governor of the State in 1876 we inherited an enormous debt from his predecessor. I will not undertake to say now how much my own county owed on account of the money that had been stolen from the school fund, for I do not now remember, but it was quite a large sum. We not only had to make up the necessary funds for carrying on the common schools, but we had also to pay a county tax of so much every year to pay the past indebtedness which we inherited from the predecessor of my colleague.

Mr. HAMPTON. My colleague will allow me to interrupt him for a moment.

Mr. BUTLER. Certainly.

Mr. HAMPTON. There was a debt of over $400,000 due to the school fund at the time Superintendent Thompson took charge of it.

Mr. BUTLER. I knew it was some large amount. I am much obliged to my colleague for the information. I knew that we were heavily handicapped by this indebtedness inherited from our Republican predecessors; so that we had to raise by taxation the sum necessary to retire that past indebtedness, and at the same time provide for carrying on the common-school system from year to year.

I find in the report of the superintendent of education that the common schools last year were open four months in the year, and I believe that is about as long as the average session in most of the States, except perhaps New York, Massachusetts, and some of the New England States. What is the session in Iowa?

Mr. ALLISON. About five months.

Mr. BUTLER. About five months in Iowa. My friend says that in Iowa the school session is five months, where, as I understood him to say the other day, they spend $5,000,000 for educational purposes. We spend half a million dollars, and we keep the schools open for four months in the year, with an average annual attendance of 173,095 children. I call the attention of the Senator from Massachusetts to that fact of this past indebtedness in view of the difficulties under which we labor. That indebtedness is, I believe, about paid off, and I think and hope that we are going to get out of those difficulties, not only in reference to the common-school system, but to all the other educational institutions. There is in the University of South Carolina, supported by the State, that was opened within the last few years, without a student from 1876 to 1880, an annual attendance of one hundred and eighty-five. There is the Claflin University, with an annual attendance of two hundred and seventy-four. There is the Citadel Academy, with an annual attendance of one hundred and eighty-nine, sixty-eight of those being beneficiaries sent from the various counties. In addition to that we have the Charleston College, an old, venerable institution of the city of Charleston. We have the Furman University at Greenville, Wofford College at Spartanburg, Erskine College at Due West. We have the King's Mountain Military School in York County, the Newberry College at Newberry, the Adger College at Walhalla, besides others of a smaller character, with a number of very prosperous female institutions.

So our educational facilities and advantages are not confined to the common schools, and my apprehension is that if we take our share of this $15,000,000 and put it into that State, while I admit it might be of great service, it might be of great disadvantage to us. That is my apprehension; and I believe I prefer that we should go on with the difficulties that at present surround us and see if we can not overcome them by our own efforts, at least for a while longer.

And, Mr. President, the South is not so desperately poor, is not in such a bad condition. Let me give some facts and figures, compiled with great care at much expense and trouble and with most commendable public spirit by the Charleston News and Courier, and I believe are as correct as such a compilation can be. I cite these figures and facts to show that the property assessed for taxation is gradually increasing in value every year. Look at the matter of cotton manufactures, which, by the way, are exempted by the State from taxation for ten years from their establishment:

The increase in product in three years is 170 per cent., and the increase in actual capacity is considerably more. This is astonishing, but it is the fact There is no reason why the product of the South Carolina mills in 1890 should not be $27,000,000 to $30,000,000.

The number of spindles and looms in 1880 and 1884 is given below:

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Again, in the matter of lumber and naval stores there has been an increase in the value of the product of those two industries of 100 per cent., the products amounting in 1884 to $4,394,692, being in less than four years an increase of 100 per cent. What has been the increase in manufactured products?

The figures for previous periods indicate a growth which is as astonishing as it is gratifying. The whole value of manufactured products in South Carolina at the periods named was as follows:

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| 1860 | $8,615,195 |
| 1870 | 9,858,981 |
| 1880 | 16,738,008 |
| 1884 | 32,324,404 |

Showing an increase of $16,000,000 in three years. A great increase has gone on in agriculture. The estimate of this year's crop has been—and I will state that by way of comparison between 1860 and 1884—

| | |
|---|---|
| Cotton bales in 1860, before the emancipation of slaves | 353,412 |
| In 1884 it is estimated at | 700,000 |
| Corn, in bushels, 1860 | 15,635,606 |
| In 1884 | 19,210,000 |

and so on with other cereals and crops. The phosphate interests, land and marine, have advanced from 20,000 tons in 1868-'70 to 355,000 tons in 1883; valued for the last-named year at $2,100,000.

And there is a reviving interest and activity in gold-mining, in the great improvement in farm and domestic animals, labor-saving machinery, diversified and intensified agriculture, as the following recapitulation will show:

RECAPITULATION.

To exhibit fully the value of agricultural, manufacturing, and mining products the following tables have been prepared, the values for 1870 having been reduced to the gold standard, at the rate of 120:

| | |
|---|---|
| 1860: | |
| Agriculture | $45,823,512 |
| Manufactures | 8,615,195 |
| Mines and quarries | 17,000 |
| | 54,455,707 |
| 1870: | |
| Agriculture | 34,924,585 |
| Manufactures | 8,215,918 |
| Mines and quarries | 16,573 |
| | 43,157,076 |
| 1880: | |
| Agriculture | 41,969,749 |
| Manufactures | 16,738,008 |
| Mines and quarries | 1,180,805 |
| | 59,888,562 |
| 1883: | |
| Agriculture | 41,790,321 |
| Manufactures | 32,324,404 |
| Mines and quarries | 2,440,000 |
| | 76,554,725 |

FINAL RECAPITULATION.

The whole value of agricultural, manufacturing, and mining products for the last twenty-three years is as follows:

| | |
|---|---|
| 1860 | $54,455,707 |
| 1870 | 43,157,076 |
| 1880 | 59,888,562 |
| 1883 | 76,554,725 |

In other words, after all the losses of the war and with free labor, the gross income of South Carolina from the sources named was 50 per cent. greater than it was in 1860.

So, Mr. President, I am not prepared to admit, because I do not believe it is true, that we are in such desperate straits in the South that we can not provide schools with proper effort on our own part (which

think has not been fairly stated. That illiteracy is based, as the Senator from Illinois [Mr. LOGAN] indicated the other day, upon all the people, old and young. Of course the slaves were illiterate from the very nature of the institution, and that illiteracy can never be removed from them. Yet they are counted among the illiterates of the South. Of course they were illiterate and are illiterate, but I believe going on as we now are in the South, the next census will show a very largely reduced illiteracy in that section, because the older colored men are passing away, and as they pass away of course the illiteracy is reduced.

Mr. LOGAN. Will the Senator allow me a word right there?

Mr. BUTLER. Certainly.

Mr. LOGAN. I desire to say that in discussing one aspect of this bill on a former occasion I called attention to that particular point, stating the fact that in my judgment this bill did not meet it fairly, for the reason that the appropriation was based on the illiteracy of the whole people and not the illiteracy of those of school age, which ought to be, in my judgment, the basis of the enumeration for the estimate to be made for the distribution of the money.

Mr. BUTLER. I agree with the Senator entirely, because the older men who were slaves, as I stated a while ago, of course are illiterate and will continue to their graves to be so, but I believe that if a fair enumeration could be taken now of the illiterate children or of those who have grown up since emancipation, that enumeration would show a very different state of things; for as the Senator from Kansas [Mr. INGALLS] said the other day, the colored people seem to be getting along very well, and he did not know, perhaps he did not appreciate, what a compliment he was paying by that statement to the white people of the South. This statement of that Senator discloses the fact that they are neglecting to educate their own children, and are contributing their money to educate the colored children. They are getting on very well, he says, but the trouble is with the white people, and I believe he stated that in my State there was an illiteracy to the extent of 22 per cent. The illiteracy among the colored people is 78 per cent. in South Carolina, but a large majority of that illiteracy, as I stated, can be charged to the grown-up men who were slaves.

But, Mr. President, what is education? What is illiteracy? Every illiterate man is not necessarily an ignorant man. One of the wisest men within my acquaintance in my county, one of the most progressive, one of the most practical, one of the most public-spirited and patriotic citizens in that county can not read or sign his name. No, sir, literacy—if I may use the word—is not wisdom. It is not invariably accompanied by honor and truth and courage. A man may be illiterate in the ordinary acceptation of that term and yet highly educated in all those qualities that go to make up true manhood. I have in my mind now a half-dozen men of that character, worthy associates of the most pretentiousof the literati, the superiors of many of them. Therefore, when you talk about illiteracy you ought to discriminate between an illiterate and an ignorant man, for an illiterate man is not necessarily ignorant. He may be a very wise one, and a literate man may be a great fool. As my friend from Kansas [Mr. PLUMB] suggests, we should distinguish between intelligence, mental power, and mere book learning. Education is defined:

> The act of developing and cultivating the various physical, intellectual, and moral faculties; formation of the manners and improvement of the mind; instruction, tuition, nurture, breeding.

Education does not consist in simply cramming letters into the mind of a child; and I want to say right here that we had better pause, we had better hesitate and not run away with ourselves in this desire to remove the illiteracy of this country, for fear that you may strike at the very foundation-stone of our institutions by destroying the education which grows out of the family relation. I do not say this to excuse or justify or encourage the want of learning and knowledge. I would encourage it, I would send the light of knowledge and learning and illuminate the mind of every child in this country if I could; but there is a training more important than the training of the school-house, and that is the training of the family, where the character and honor and integrity and honesty of a man are instilled into him. Therefore, in going forward with this (I say it without disrespect) undue haste and zeal, taking the enormous sum of $15,000,000 out of the Treasury of the United States to aid the States, I say that we ought to pause and reflect, for fear we do what I have just indicated and for fear that we do what was intimated by the Senator from Indiana, that in throwing this large amount of money into the States you do not check the effort in those States to develop their own common-school system in their own way.

Why, Mr. President, there is no success in life comparable to the success which results from individual effort, none so enduring, none so satisfactory. I would therefore be very cautious before I would appropriate $15,000,000 and put it with the States, the effect of which I am afraid would be, among others, to induce every man—not every man; perhaps that is extravagant—but a very great many men who are now earnestly struggling to build up their own local institutions to put their hands in their pockets and say, "The General Government is going to educate everybody. What is the use of paying any more taxes for education?" That, I say, is my impression. I may be wrong; I hope I am; but it is worth considering.

Now, sir, there is an institution in my State known as the Claflin University, endowed by a philanthropic gentleman, I believe, of the State of Massachusetts, or perhaps of New York—I forget which—dedicated entirely to colored people, and I observe in the report of the superintendent of education upon that college, which I hold in my hand, he says that a number of the students are sustaining themselves in college by day labor.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. BLAIR. The Senator seems to be apprehensive of the injurious effect upon local ambition and self-stimulus of the communities that receive this money. If the distribution of the $15,000,000 should be made, then each school-child in South Carolina would have $5, while the child has $20 in Massachusetts. But the point which I wish to call the Senator's attention to particularly is this, which he now seems approaching: The expenditures of which he is now speaking are in the purest sense, of course, charities; religious charities. I was going to ask him if he thinks that the experience of the last fifteen years in the distribution of the Peabody fund, which is one charity, the proposed distribution of the Slater fund and other charities, amounting in all, as I have heard it stated by the representatives of the religious denominations of the country, to probably at least $50,000,000 put into the South since the close of the war as a result of private or denominational religious charity, has been, on the whole, injurious to that local effort of which he speaks?

Mr. BUTLER. I do not think that answers the point I was making, because that was a private charity and of course limited and fixed.

Mr. BLAIR. Does the Senator think that there is any real distinction between a dollar coming from the national Treasury and applied to the purpose of education, and one coming from individuals residing in the country?

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Mr. HOAR. I want at some time in the Senator's remarks to call his attention to the statistics of South Carolina in regard to one subject he has touched upon; that is, the fact that they are doing their full share and more for the colored people. I wish to ask him whether the statistics do not show the necessity of aid? It may be convenient for me to do it now.

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| Cotton bales in 1860, before the emancipation of slaves | 353,412 |
| In 1884 it is estimated at | 700,000 |
| Corn, in bushels, 1860 | 15,635,606 |
| In 1884 | 19,210,000 |

and so on with other cereals and crops. The phosphate interests, land and marine, have advanced from 20,000 tons in 1868-'70 to 355,000 tons in 1883; valued for the last-named year at $2,100,000.

And there is a reviving interest and activity in gold-mining, in the great improvement in farm and domestic animals, labor-saving machinery, diversified and intensified agriculture, as the following recapitulation will show:

RECAPITULATION.

To exhibit fully the value of agricultural, manufacturing, and mining products the following tables have been prepared, the values for 1870 having been reduced to the gold standard, at the rate of 120:

| | |
|---|---|
| 1860: | |
| Agriculture | $45,823,512 |
| Manufactures | 8,615,195 |
| Mines and quarries | 17,000 |
| | 54,455,707 |
| 1870: | |
| Agriculture | 34,924,585 |
| Manufactures | 8,215,918 |
| Mines and quarries | 16,573 |
| | 43,157,076 |
| 1880: | |
| Agriculture | 41,969,749 |
| Manufactures | 16,738,008 |
| Mines and quarries | 1,180,805 |
| | 59,888,562 |
| 1883: | |
| Agriculture | 41,790,321 |
| Manufactures | 32,324,404 |
| Mines and quarries | 2,440,000 |
| | 76,554,725 |

FINAL RECAPITULATION.

The whole value of agricultural, manufacturing, and mining products for the last twenty-three years is as follows:

| | |
|---|---|
| 1860 | $54,455,707 |
| 1870 | 43,157,076 |
| 1880 | 59,888,562 |
| 1883 | 76,554,725 |

In other words, after all the losses of the war and with free labor, the gross income of South Carolina from the sources named was 50 per cent. greater than it was in 1860.

So, Mr. President, I am not prepared to admit, because I do not believe it is true, that we are in such desperate straits in the South that we can not provide schools with proper effort on our own part (which

is being put forth now, I can assure the Senator from New Hampshire, with all the energy and all the zeal possible). I can not believe with that showing, and it is reliable, with the increase of prosperity and wealth of the people in that State and the disposition to remove that illiteracy, but that it will be done in the course of time. It may take five years; it may take ten; but when once removed by our own exertions the benefit is of a far more enduring character than if the result is attained by the benefactions of the Government of the United States. I regret to say in that connection that for one, devoted as I am to the institutions of this country, I can never consent to encourage a disposition all over this land of rushing to the national Treasury to remove every difficulty of a local character. I am unalterably opposed, and in every fair, honorable, and proper way I shall continue to oppose what I believe to be a certain subversion of this Government; this tendency toward converting it into a paternal government instead of preserving it as a government of limited constitutional powers acting in its own sphere within the limits of that Constitution, and leaving the States to regulate their domestic affairs, their own family matters, in their own way, subject to the paramount authority of the Federal Government.

For this particular measure I confess that I can find no authority in the Constitution of the United States. Custom sometimes makes law. A few years ago I introduced a bill upon this floor of a character similar to the one known as the Burnside bill referred to by the Senator from New Hampshire. I had some misgivings at that time as to the constitutional power of Congress to make such appropriations, and I consulted that instrument with an anxious desire to find some express grant of power, and I failed to find it. I searched that instrument with the same anxiety to find some implied power necessary and proper to carry out some express grant on which the measure could rest, and I failed to find it. I fail to find it now. But, as I said, we have fallen into the custom of appropriating money to establish a seed-house and various other institutions of very questionable constitutional authority, and I might have suspended or abated any constitutional scruples I might have had in obedience to that custom which has almost, I am sorry to say, grown into a law of appropriating money for all conceivable and imaginable purposes for which I think we have no constitutional grant; but the policy to be established by this bill is I fear a vicious and dangerous policy, one to which I shall withhold my assent, at least for the present. So, being in doubt as the constitutionality of this measure, I shall solve that doubt in favor of the national Treasury; and as anxious as I am, as sincerely anxious as I am to relieve illiteracy, the consequences of which I think have been exaggerated, I can not give my consent to remove that illiteracy in this form.

My State is in need of money for educational purposes to supplement her own school revenues; no doubt about that. We have had a desperate struggle to confer even the advantages that have been conferred upon the children of that State; but I think the future is brighter for us. I hope so; and for one I desire to put the past, with all its sorrowful memories, behind me. I have no desire in this body or in any other to charge wrong and error and mistake upon my political opponents, although I believe they committed very grave ones and perhaps I am as responsible for that condition of things as the most extreme of them; but for one I would only recur to the past in order to guard against similar mistakes in the future. I therefore with all the lights before me, with my view of the constitutional power of this Government, with my view of the needs and necessities of the South, prefer to—

* * * Bear those ills we have
Than fly to others that we know not of.

My prediction is that if this money is appropriated under this bill—and I beg Senators to mark that prediction—ten years will not roll around before the National Government will have control of every common school in the United States. Perhaps some Senators may think it is better that it should be so. I do not. And as the Senator from Ohio said—not offensively to me, because I do not think he intended it to be offensive—that he could not trust the South to disburse this money owing to our prejudices against the colored people, he will pardon me for saying in the same spirit that I would not trust him to control it.

I will not discuss with that Senator or any other as to whether the prejudice is stronger in the South against the colored people than it is in the North. I do not believe it is. That, however, has nothing to do with this question. But inasmuch as the Senator, I believe, and many of those who are advocating this measure, says he will not trust me to do justice to the negro race with my prejudice, I say to that Senator that I will not trust him to contribute the money for the children in my State. *Timeo Danaos et dona ferentes.*

I do not say this in any offensive sense. I have no idea that the Senator meant to be offensive. He was, doubtless, perfectly sincere and conscientious about it; but on the whole, as we are getting along pretty well, I believe, as I said, I will solve my constitutional doubt in favor of the Treasury, and I will trust to the pluck, to the endurance, to the manhood, to the courage, to the fortitude, to the humanity of the people of my State to do justice to all her people, white and black, without this aid on the part of the Federal Government.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. JONAS. Will the Senator from California give me one minute before the Senate goes into executive session to call up a resolution received from the House of Representatives to-day which is of imminent importance?

Mr. MILLER, of California. I withdraw the motion.

SUFFERERS FROM MISSISSIPPI OVERFLOW.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from Louisiana [Mr. JONAS] asks for the present consideration of a House joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River

Mr. JONAS. I ask the Secretary to read a letter from the Secretary of War communicated to the House of Representatives in regard to this matter.

Several SENATORS. We have read it.

Mr. MORRILL. Let it be printed.

Mr. JONAS. Very well; there seems to be no opposition to the passage of the resolution, and I shall not ask that the letter be read.

The PRESIDING OFFICER. The Senator from Louisiana withdraws his request.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER announced that the President *pro tempore* had signed the enrolled bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," which had previously received the signature of the Speaker of the House of Representatives.

EXECUTIVE SESSION.

Mr. MILLER, of California. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 14 minutes p. m.) the Senate adjourned.

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## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *March* 26, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. BRAINERD, for one week, on account of important business.

To Mr. LORE, for four days, on account of important business.

JOHN B. STOCKER.

On motion of Mr. HAMMOND, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of John B. Stocker without leaving copies, there having been no adverse report.

RELIEF OF SUFFERERS BY FLOOD.

Mr. ELLIS. I ask consent to report from the Committee on Appropriations a joint resolution for consideration at this time. I will state, with the permission of the House, that this resolution has been prepared and sent here by the Secretary of War, and does not involve a dollar of additional expense. It simply reappropriates money already appropriated, but not expended, for the relief of certain sufferers.

The SPEAKER. The Clerk will read the resolution, after which there will be opportunity for objection.

The Clerk read as follows:

Joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

*Resolved by the Senate and House of Representatives, &c.*, That so much of the appropriation for the relief of sufferers by the overflow of the Ohio River and its tributaries as remains unexpended, not exceeding the sum of $125,000, may be used by the Secretary of War in the purchase and distribution of subsistence stores and payment for necessary transportation to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; and he is authorized to co-operate with the authorities of the several States of which such district is a part in making distribution of supplies.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RICE. What opportunity will be allowed for discussion?

Mr. KEIFER. I would allow discussion.

Mr. ELLIS. I only wish to know whether any one objects.

The SPEAKER. The gentleman reserves the right to object until he ascertains what opportunity will be allowed for discussion.

Mr. ELLIS. Does my friend desire to discuss it?

Mr. RICE. I desire opportunity for discussion.

Mr. KING. Let him have it.

Mr. ELLIS. If it will suit the gentleman I propose it be discussed for half an hour.

Mr. DUNN. I hope it will include the privilege of offering amendments?

Mr. ELLIS. I will give fifteen minutes to the other side, reserving fifteen minutes to this side.

Mr. DUNN. I desire to know whether opportunity for amendment will be allowed?

Mr. ELLIS. Does the gentleman from Massachusetts accept?

Mr. RICE. I think there should be some time for some members beside myself. I think there should be an hour.

Mr. KEIFER. Make it an hour on each side.

Mr. ELLIS. I will make it an hour to be equally divided. The gentleman from Massachusetts can take half an hour.

Mr. DUNN. If the gentleman from Louisiana will answer a question—I desire to ask him if he will yield for that purpose. Will the Speaker inform me if the gentleman from Louisiana will yield to allow a question?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Arkansas for a question?

Mr. ELLIS. I do, sir.

Mr. DUNN. I desire to know if an opportunity will be given to offer an amendment?

Mr. ELLIS. I am acting as the organ of the committee. This resolution was formulated by the Appropriations Committee; I have no right to make any concessions, to accept any amendments, or do otherwise in reference to the matter than to press the passage of the resolution in its present form.

Mr. DUNN. I do not understand whether the debate agreed to upon this resolution is general debate, or whether it is to be confined to one hour, at the expiration of which time the gentleman from Louisiana will be permitted to take the floor and call the previous question upon it, thereby cutting off all opportunity for amendment.

I will state to the House that I do not think the amount covered by the resolution is large enough, and I want to move to increase it to $300,000.

The SPEAKER. Will the gentleman from Louisiana consent to the introduction of an amendment such as that suggested by the gentleman from Arkansas?

Mr. ELLIS. I am not authorized to accept any amendment, or to agree to anything other than what I have suggested.

Mr. DUNN. I do not ask the gentleman to accept the amendment, but to permit the House to vote upon it; that is all.

Mr. ELLIS. I am not authorized to make any concession on the part of the committee. I am simply obeying instructions.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICE. I will not object to the report of the Committee on Appropriations being considered at this time, provided an hour be allowed for the discussion.

Mr. ELLIS. That is conceded.

The SPEAKER. The Chair understands that to be granted on the part of the committee.

Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears no objection.

The question is on ordering the resolution to be engrossed and read the third time. The gentleman from Massachusetts is recognized.

Mr. RICE. Mr. Speaker, I do not desire to occupy very many minutes myself upon this question. I feel, however, that this resolution presents again a question which ought to be discussed. I feel that it is the duty of this House to consider calmly and dispassionately for a few moments a question so important as that involved in the resolution now before us.

I know, sir, that it is a most ungracious task to interpose any objection to legislation of this character when it is proposed and claimed on the score of aiding suffering humanity. But, sir, it seems to me that just now is the opportunity for meeting and considering this question of affording local relief to every local calamity and the sufferers thereby. These calls are becoming so frequent, so loud, and so importunate that we ought to stop and consider upon the threshold whether each one deserves the relief it claims, or whether that relief should be extended to any of them at all. Now, what is it that is contemplated by this resolution? It contemplates the distribution of supplies by the National Government to sufferers by a local calamity. What is this calamity? It is a calamity somewhat extensive, it is true, though it is one that has been expected for weeks, or might have been. It is not in its general details and in its magnitude very much in excess of calamities which have preceded it from the same cause, and which may be expected to follow.

Mr. KING. My friend is very much mistaken.

Mr. RICE. It is not a calamity beyond the capacity of the local authorities, as it seems to me, to deal with; and it is not a calamity which, according to my idea, comes within the sphere of our power under a just construction of the rights granted to or the duties imposed upon the Federal Government. The distribution of supplies. That is what it is. Now, this is not an inclement season of the year. There is no scarcity of provisions in the country; and in my opinion if the mere distribution of supplies, the providing of shelter and food be what is required, the municipal authorities where the sufferers reside are sufficiently able to perform all that is demanded, and are the ones upon whom the duty devolves.

Mr. Speaker, these calls are becoming too frequent. Let a disease break out among the cattle of Kansas, and the representatives of that State call upon the National Government for an immediate appropriation to protect their stock and defend the rest of the State from the spread of the disease. Very soon if there be a fire devastating any one of our cities, or any considerable section of one of our States, what is there to prevent the sufferers from that calamity from coming to this body and asking for relief? Does this Government act as an insurer against fire? Has it any right to pay for the house or the block of buildings of citizens of Chicago when it is consumed by that element, or of the citizen of Boston when his property falls a prey to that destroyer?

If not of fire, how then of water? Has this Government any right, has even the State government any right, to insure the man who dwells under the shadow of the levees along the banks of the great river against the destruction of his property by the flood that is liable to sweep over it? I deny it. Not even the State or municipal governments have that right, much less the national.

This, then, is simply a question of supplies, of food and shelter to those who have been anticipating this calamity for weeks and upon whom it is about to fall. Food and shelter. And is it for the National Government to furnish these? Is it not for the local and municipal authorities? I was never prouder of the city of Boston, of which I have had occasion to say hard things sometimes, than when she, with a great proportion of her wealth in ashes, refused to accept State aid or even the aid of private charity, but said, "We will rebuild ourselves what has been destroyed within our municipal limits."

It is by self-reliance that strength comes, and it is by this continual coddling and nursing that weakness and degeneracy are created. Let the great States along the bank of the river provide shelter and food in this pleasant season of the year for those who need it. Let private charity replace the crumbled buildings, restore the farms, provide seed for the crops. That only can do it. But let this great National Government remember that which is best for the localities of this great nation, that they shall protect and rely upon themselves, and here put down its foot upon these importunate clamors ever rising higher and louder for aid against local calamities.

I yield to the gentleman from Arkansas [Mr. DUNN] five minutes.

Mr. DUNN. I will offer the amendment which I send to the Clerk's desk for information and shall ask the adoption of it if it shall be in order.

The Clerk read as follows:

Amend by striking out "$125,000" and inserting "$300,000."

The SPEAKER. The amendment proposed by the gentleman from Arkansas is read simply for information as part of his remarks.

Mr. DUNN. I desire to state to the House that I am convinced now, as I was more than two weeks ago, that such an appropriation as this ought to be made. The Secretary of War ought to have been supplied with additional and ample means to follow that great flood from the Ohio River to the sea. It swept over a region of 25,000,000 acres of land in its course to the sea and has driven or will drive more than 300,000, probably 400,000, people from their homes. That flood is not yet ended. Had there been no flood but that which passed at that time from the Ohio River, which was phenomenal in its character, those people might have lived through it and have been able to reorganize and make a crop. But that great flood has been re-enforced and is being re-enforced by additional floods now coming down the Ohio River and its tributaries and the upper Mississippi and the Missouri.

As I said before in this House, I know that that water will continue sixty days longer. It will sweep away the last chance that those people, the laboring people there, have for procuring supplies and provisions. These are plantation laborers, colored people, who are dependent upon their employers and upon the country merchants to advance supplies to them on the faith and prospect of being able to make a crop for the ensuing year. This addition to the waters makes that so doubtful that neither merchants nor employers will advance provisions to them, but will say to them, "Now that these waters are re-enforced and will continue yet for sixty days, making it uncertain whether you can produce a crop or not, we can not feed you longer." They have fed them the last thirty days.

There has been suffering and there has been destitution. That has been brought to the attention of the War Department. It has been brought to the attention of the Committee on Appropriations. But what I have complained of heretofore is that the committee has overlooked that condition of things. The people of Arkansas and Missis-

sippi, more than a hundred thousand of them, have been driven from their homes; hundreds of them have been rendered destitute and have found themselves helpless. They have appealed to the governor of my State, who has found himself without an appropriation to relieve them, and there is no Legislature in session, and he has referred their complaints here. They have not, it is true, been in great numbers, but that was because of the appearance that the waters would subside early. When I brought the matter to the attention of the Secretary of War he stated that the waters appeared to be subsiding and he thought that the interposition of the Government would not be necessary. All that appearance has been swept away. What I have excepted to here was the tenor of his letter. He says that the water below Vicksburg is within a few inches of high-water mark. But, sir, for thirty days past it has been up to the high-water mark, the highest water mark in both Arkansas and Mississippi. The same conditions have existed there that are now reported in Louisiana. There is no difference; and this aid ought to be extended in amount sufficient to relieve all.

[Here the hammer fell.]

The SPEAKER. To whom does the gentleman from Massachusetts [Mr. RICE] yield?

Mr. RICE. If any gentleman desires to speak in opposition I will yield to him. If not, I reserve the remainder of my time.

The SPEAKER. The gentleman has ten minutes of his time remaining.

Mr. RICE. Then I reserve that time for the present.

Mr. ELLIS. I yield to the gentleman from Mississippi [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, the present flood in the Mississippi River is one that is most unusual in its character. Never in the history of the floods of that river has it been known that the water has risen to such a height from the mere local rains. The great flood which swept the Ohio Valley so recently has not caused the flood now in the lower Mississippi River, but it is entirely from the local rains; and from Vicksburg down the flood is higher by several inches than it was in 1882.

The prospect is that the ice in the upper Mississippi and in the Missouri River when it breaks up will free the floods of water, which will then come down from those streams, and the consequence will be that the extent of the calamity which will be visited upon this locality has not yet been reached. In my opinion the amount named in the amendment offered by the gentleman from Arkansas [Mr. DUNN] ought to be increased. It may be that when the time shall come the House will be equal to the emergency; but I am satisfied that even $300,000, the amount named in that amendment, will not be sufficient to relieve the suffering caused by these floods.

The sufferers to be relieved are the poor people, the laboring people, who have no provisions, and according to information are to-day in an absolutely starving and suffering condition. The gentleman from Massachusetts [Mr. RICE] has said that the local authorities should take care of the needy among their own people. Sir, the local authorities are not now in a condition to act with sufficient promptness. Present, immediate help is needed. The people of this vast region of country, of whole parishes in Louisiana and whole counties in Mississippi, are suffering from the entire submergence of their lands, and no local authority can reach their cases.

The gentleman from Massachusetts [Mr. RICE] says that the season is not an inclement one. If that gentleman had to live in the loft of a gin-house, or to seek the levees and live in the open air with the rains dashing upon him during the cold nights, he would think the season was rather inclement. Two years ago I knew one spot, a little mound not larger than the area of this hall, where one hundred and fifty people camped for sixty days; they were not within thirty miles of dry land anywhere. Yet they had to subsist in the open air, to live in boats, and on that little mound exposed to the inclemency of the weather. That is the condition to-day in these parishes and counties of Louisiana and Mississippi that are submerged.

Shall this great nation, which has always been so liberal and generous, not only toward its own people but toward the people of other countries—shall this Congress of the United States hesitate to grant relief in the presence of such a calamity as this? I trust that without any hesitation, with promptness, this joint resolution will be immediately passed, and, if amendable, that it will be amended so that it will appropriate at least $300,000.

Let me say to the House that in my opinion when the floods now on their way from the upper Mississippi and the Missouri shall reach the lower Mississippi the height of the flood of 1882 will be far exceeded, and there will be such suffering and such calamity as never before have visited any people or any nation. These people now want instant relief. Information comes from every quarter in the submerged region that the people are starving and suffering from cold and the inclemency of the weather.

It does not follow that because that is a warmer climate than this the weather there can not be inclement. We have there inhospitable days and nights. Every resident in that section of the country knows that there is nothing in the South so pinching as a cold, damp night, when there is a chilliness in the atmosphere which almost pierces the very marrow in their bones.

[Here the hammer fell.]

Mr. ELLIS. I yield five minutes of my time to the gentleman from Ohio [Mr. KEIFER], my colleague on the Committee on Appropriations.

Mr. KEIFER. I am in favor of the passage of this joint resolution, but not of the amendment which has been indicated by the gentleman from Arkansas [Mr. DUNN], because it does not yet sufficiently appear by anything which has been brought to my attention that such an amendment is necessary. I will state to the gentleman that if the time shall come when it shall seem to be necessary to make a further appropriation to these people, I shall be found voting in favor of it.

It is well enough to understand the scope of the joint resolution now reported from the Committee on Appropriations. It does not provide for any additional appropriation of money; it simply extends the benefit of a prior appropriation to a class of people who are circumstanced as were the people along the Ohio River and its tributaries for whom the original appropriation was made.

The Secretary of War reports to us that over $125,000 remains unexpended of the $500,000 appropriated by this Congress for the purpose of granting relief to the sufferers from the floods of the Ohio River and its tributaries. And if such an amount is still unexpended, I can see no reason why we may not extend the scope of that bounty to people similarly situated to those along the Ohio River and its tributaries.

Mr. ADAMS, of Illinois. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. ADAMS, of Illinois. If the money already appropriated is not applied to the sufferers by the flood on the Ohio River and its tributaries, will it not be returned to the national Treasury, unless otherwise directed by Congress? And is there in fact any difference between the reappropriation of that money and an original appropriation of money?

Mr. KEIFER. I am obliged to the gentleman for asking the question. I can say with knowledge that this money, if not otherwise disposed of, may be appropriated for the relief of people who are sufferers by the flood of the Ohio River and its tributaries. There are a great many people who have suffered by that flood; it is simply a question of degree of suffering. The Secretary of War has the power to apply the money already appropriated for the relief of the sufferers along the Ohio River and its tributaries, and whether he shall extend it further than he has already done is a matter in his discretion, for there are very many thousands there who are sufferers to a certain degree.

In order to answer the question of the gentleman directly, I may say that by the terms of the appropriation already made the Secretary of War is required to expend this money, and if he executes that joint resolution for the alleviation of the sufferers along the Ohio River and its tributaries he may expend the whole amount of the original appropriation for that purpose.

Mr. HISCOCK. Does the gentleman claim that the Secretary of War will expend the money, if it be unnecessary, under the terms of the appropriation?

Mr. KEIFER. Certainly not, and if the gentleman had listened he would have understood that the information in the possession of the Secretary of War, the Committee on Appropriations, and others is that a large number of the people for whom that appropriation was made are still in a great degree destitute; but it is a question whether we shall go to the utmost and relieve all these people, or whether we shall take $125,000 of this money and use it for the relief of people who are suffering still more, who are in such distress that unless relief be extended they must soon starve. As I said in the beginning this is a question of degree.

It is now too late to undertake to raise a question as to the constitutionality of the appropriation which we have already made. It is a little late, too, in the history of this country to undertake to raise that question.

Mr. ADAMS, of Illinois. I did not raise it.

Mr. KEIFER. The gentleman from Illinois did not raise it; but the gentleman from Massachusetts [Mr. RICE] spoke of it. The General Government has throughout its history selected extraordinary cases for granting relief. Where we shall stop, where the boundary line is, must always rest within the discretion of Congress. The Constitution of the United States in its preamble recites that the instrument is ordained for the purpose, among other objects, of "promoting the general welfare" of the people of this country. It is a part of our duty to extend relief in this way in extraordinary cases, whether the distress comes from flood or fire or other calamity.

[Here the hammer fell.]

Mr. KEIFER. I would like two or three minutes more, if the gentleman from Louisiana [Mr. ELLIS] has the time to spare.

Mr. ELLIS. I yield to the gentleman one minute more.

Mr. KEIFER. I simply wish to say, by way of re-enforcing my last remark, that there is nothing we can do that will tend more to "promote the general welfare" than to meet just such emergencies as these when they arise—whether they come from fires in Boston or Chicago or from extraordinary floods along the great rivers of the country. To afford relief in cases of this kind is one of the highest duties of the Congress of the United States, the exercise of which should commend it to a liberal and charitable people.

I am in favor of making this reappropriation, or rather of extending

the powers of the Secretary of War under the appropriation already made, so that he may, as the resolution states, in his discretion relieve people along the Mississippi River and its tributaries, who are suffering more than those along the Ohio River and its tributaries.

[Here the hammer fell.]

Mr. ELLIS. I yield five minutes to my colleague [Mr. LEWIS].

Mr. LEWIS. I yield three minutes to my colleague [Mr. HUNT].

Mr. HUNT. Mr. Speaker, if I could have the attention of the gentleman from Massachusetts [Mr. RICE] for one moment I would ask him to consider that this appropriation is plainly warranted by the terms of the Constitution. That instrument provides that—

> Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The constitutional power thus lodged in Congress was necessarily adequate and complete, else the feeble and decaying Confederation would never have been supplanted, and the succeeding Government of the United States with proper powers erected in its stead. Commenting upon the provision of the Constitution which I have just read, another citizen of Massachusetts, Justice Story, takes a different view from that of the gentleman. Referring to the provision in question Judge Story says (and as I understand) by way of sustaining what he considered the power of the Government and the true doctrine:

> In the history of mankind it has ordinarily been found that in the usual progress of things the necessities of a nation in every stage of its existence are at least equal to its resources. * * * It is impossible to foresee all the various changes in the posture, relations, and power of different nations which might affect the prosperity and safety of our own. We may have formidable foreign enemies; we may have internal commotions; we may suffer from physical as well as moral calamities, from plagues, famine, and earthquakes; from political convulsions and rivalries; from the gradual decline of particular sources of industry; and from the necessity of changing our own habits and pursuits in consequence of foreign improvements and competition and the variable nature of human wants and desires.

Now, then, if the power to lay and collect taxes, &c., be unlimited except as laid down in the Constitution, the terms of the instrument immediately following, and providing that the taxes referred to are "to pay the debts and provide for the common defense and general welfare," are a qualification or restraint upon the taxing power itself. That is to say, the power to provide for the common defense and general welfare of the United States is not in the common sense a general, distinct, or substantial power. In other words, the power to lay and collect taxes, duties, imposts, and excises is given in order to pay the debts and provide for the common defense and general welfare.

Justice Story proceeds in the just and free spirit in which he has commented on other portions of the Constitution to observe:

> It is said if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes it would be strange if when raised the money could not be applied to them. That would be to give a power to a certain end and then deny the end intended by the power.

[Here the hammer fell.]

Mr. LEWIS. Mr. Speaker, I have no disposition whatever to discuss the constitutional phases of this question. It is sufficient to state in this connection that in the history of this Government a great many precedents have been established whereby such an appropriation as is now asked from this body can be and in my judgment ought to be justified in the mind of every member of this House. I rose merely to say a single word in answer to some remarks which fell from the gentleman from Massachusetts [Mr. RICE], in which he seemed to cast reproach upon our demand for aid in this matter because the sufferers by the conflagrations in the city of Chicago and the city of Boston were not relieved by appropriations from Congress.

I wish to call to his attention the fact that the conflagration in Chicago took place on the 9th of October, 1871, at a time when Congress was not in session, and no relief could be given; and that the conflagration in the city of Boston took place on the 9th of November, the following year, a time also when no relief could be given by this body. It was, moreover, publicly announced at the time that the citizens of Boston did not desire aid. I only care to say in addition that if I had been in this body at that time and any demand had come to me as a member thereof for my action in their behalf I would, as was on a somewhat similar occasion said by Mr. Crittenden, cheerfully have laid down the Constitution at the feet of mercy, and voted to make any appropriation necessity called for in these conflagrations.

The SPEAKER. The gentleman's time has expired.

Mr. LEWIS. I desire to have read a dispatch from Governor McEnery showing the necessity for this appropriation.

The Clerk read as follows:

> BATON ROUGE, LA., *March* 24, 1884.
>
> General E. T. LEWIS:
>
> Morganza, Scott, Waterloo levees gone; ten parishes, most of your district, under water. The laboring population will suffer considerably. The State is in no condition to minister to their wants. Urge upon Secretary of War for rations for the laboring people, who are surrounded by water and in a few days will be starving. Have rations in same quantities as in 1882. Let there be no delay.
>
> S. D. MCENERY, *Governor*.

Mr. ELLIS. I yield for two minutes to the gentleman from Mississippi [Mr. BARKSDALE].

Mr. BARKSDALE. Mr. Speaker, a few weeks ago intelligence was received here that the dwellers along the banks of the Ohio River were suffering greatly from the overflow of that stream. They were houseless and homeless, and appeal was made to this body to furnish assistance to the sufferers. Without dissent, by a vote approximating unanimity, an appropriation of $500,000 was made for their relief.

Now, sir, the people who dwell along the banks of the Mississippi River are suffering in the same way; no more I will say, but certainly no less. There is $125,000 left of the money which was appropriated for the relief of the Ohio Valley sufferers. Appeal is now made to the House upon the recommendation of the Secretary of War to appropriate the unexpended balance of the $500,000, namely, $125,000, for the relief of the sufferers along the banks of the Lower Mississippi. I ask gentlemen on both sides of the House whether they are not willing to grant by their votes this poor pittance? Are they not willing to do this act of justice? I am sure the appeal is not in vain.

The SPEAKER. The gentleman's time has expired.

Mr. BROWNE, of Indiana. I ask the gentleman from Louisiana to yield to me for half a minute.

Mr. ELLIS. I shall reserve the balance of my time.

Mr. BROWNE, of Indiana. Will not the gentleman from Louisiana yield to me for thirty seconds?

Mr. ELLIS. With pleasure.

Mr. BROWNE, of Indiana. A few days ago, Mr. Speaker, the House, with a unanimity of which I was proud, appropriated half a million dollars for the sufferers along the valley of the Ohio River, affecting my constituents as well as those of other gentlemen. That was unchallenged almost by gentlemen on both sides of the House. I think it would be ungrateful on our part if we refuse to vote this relief. I hope it will pass at once.

Mr. ELLIS. I reserve the remainder of my time.

The SPEAKER. The gentleman has ten minutes remaining, and the gentleman from Massachusetts [Mr. RICE] has ten minutes.

Mr. RICE. I yield two minutes to the gentleman from New York [Mr. BEACH].

Mr. BEACH. Mr. Speaker, Congress, in my judgment, misappropriated the public funds when it gave $500,000 for the relief of the Ohio flood sufferers, and yet, under that previous action on the part of the House, it might very properly be maintained that the Ohio sufferers acquired vested rights in that money; that they were the beneficiaries of the fund. The gentleman from Louisiana [Mr. ELLIS] now asks that the fund be further diverted and devoted to the benefit of the sufferers of the Mississippi Valley. The gentleman from Arkansas [Mr. DUNN] then comes in and asks that the appropriation be increased so as to provide relief for the people of his State.

I am opposed, Mr. Speaker, to all of these appropriations. It is unfair—I will not say it is unconstitutional, because there is so little respect for the Constitution on this floor that the argument would be of no avail—but it is unfair and unjust.

Mr. DUNN. The gentleman will allow me to correct him. Under the provisions of this resolution the Secretary of War will be empowered to give relief to all sufferers by overflow of the Mississippi River in Arkansas and elsewhere. My apprehension was, from the insufficiency of the appropriation and because the Secretary of War in his letter indicated he thought the only suffering was below Vicksburg, it did not include all persons rendered destitute by this overflow.

The SPEAKER. The gentleman's time has expired.

Mr. BEACH. I hope I will have a minute longer, as the gentleman from Arkansas has taken up all my time.

Mr. RICE. Certainly.

Mr. BEACH. I will not stop to answer the question of the gentleman from Arkansas, as it will deprive me of the opportunity of saying the few words I desire to say.

Mr. Speaker, when I was interrupted I was saying that it is unfair and unjust. There is a law that is higher than the Constitution. It is a law that is founded in the old maxim that where there is equality of burden there should be equality of benefit. And judged by this maxim, it is unfair and unjust to take the money that is contributed by public burdens and apply it to the benefit of people of any particular section of country. I am opposed to this resolution and to all resolutions of a similar character, and now I give notice that when this resolution is on its passage I shall demand the yeas and nays upon it.

Mr. BUDD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUDD. I wish to ask whether an amendment to the pending resolution is now in order.

The SPEAKER. It is not. The House is engaged in general debate on the proposition under an arrangement made by unanimous consent that there should be debate for one hour; one-half accorded to those who are opposed to the resolution and one-half to those who are in favor of it.

Mr. BUDD. Will it be in order at the expiration of the hour to offer an amendment?

The SPEAKER. It will be, unless the previous question shall be ordered.

Mr. BUDD. Then I give notice at this time that I desire to offer an amendment to this resolution.

Mr. RICE. I now yield three minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. Mr. Speaker, I do not choose to raise the constitutional question. The only question that should interest us is the question of public policy; and I desire to say that no appropriation should be made out of the national Treasury except to relieve distress occasioned by an unforeseen catastrophe, and then only so far as it is absolutely necessary to go for that purpose. Therefore we ought to consider, first, whether the inhabitants of those States that are now threatened with disaster can not provide by special session of their Legislatures for the larger part of the relief which they ask from us; and secondly, that we ought not to provide for the injuries that are likely to accrue from the annual floods of the upper Missouri and upper Mississippi Rivers, since that is a catastrophe which can not be called unforeseen. All that we ought to do is to prevent the starvation which will follow if we do not interpose governmental aid.

Mr. RICE. I now yield two minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, I shall vote for this appropriation with the information that I have at present, but I should like, inasmuch as gentlemen on the other side of the House have constantly contended that the national Congress has no right to make any law or to do anything unless it is specially granted to it by the Constitution, to ask them to answer me a question bearing upon that subject. Now then, more as a matter of information than of opposition to this measure, I would like my friend from Texas, Judge REAGAN, who seems to be so well posted, to point out to me under what particular clause of the Constitution they contend that we have the right to grant this appropriation? Or I ask any other gentleman on that side to give me the information.

Mr. BARKSDALE. Will the gentleman from Pennsylvania yield to me to answer the question?

Mr. BRUMM. Yes, sir.

Mr. BARKSDALE. I will say to the gentleman that the members of this side of the House gave an explanation of their opinion on that question by voting almost unanimously in favor of appropriating $500,000 for the relief of the sufferers from the overflow in the Ohio River.

Mr. BRUMM. The gentleman misapprehends my question. I do not ask him to point out a specific case where this relief has been granted, but to point me to the clause, the specific clause, of the Constitution which warrants it in the opinion of gentlemen on that side of the House.

The SPEAKER. The time allowed to the gentleman from Pennsylvania has expired.

The gentleman from Massachusetts has three minutes remaining.

Mr. RICE. Mr. Speaker, I have never desired unnecessarily to occupy a moment of the time of this House. I made my point in opposition to this resolution in the few moments during which I occupied the floor at the commencement of this discussion.

I wish now, in the few moments remaining, to say only this in reply to the gentleman from Ohio [Mr. KEIFER]: that I am too old a member of this House ever to seek to make a constitutional argument against any measure which any member may desire to carry through the House. I know from my experience here that I might just as well seek to dam up this flood in the Mississippi with a paper dam as to keep members out of an overflowing Treasury when they want to get there by any constitutional scruples or by any constitutional arguments, or to keep the men upon whose lips constantly dwell the doctrines of State rights from that Federal Treasury whenever they want to feed out of its surplus themselves or their constituents.

I have made, as I have said, my point; and I desire to take no further time. The gentleman from Arkansas [Mr. DUNN] asked me to allow him a few moments of the time remaining, which I will give him, although he is not in opposition to the resolution.

The SPEAKER. The gentleman from Arkansas has one minute remaining.

Mr. DUNN. Mr. Speaker, I asked this remaining time of one minute in order to offer an amendment framed in language that in my judgment will be more apt to accomplish the results desired to be accomplished than the resolution of the Committee on Appropriations which is now pending. But the Chair has just ruled that at this stage of the proceedings an amendment would be out of order, and the gentleman from Louisiana has indicated that at the end of the hour he will feel it to be his duty under the orders of his committee to move the previous question.

Now, unless he should find himself justified in receding from that position, I will avail of this one moment to say that I hope the House will vote down the previous question, in order that I may offer this amendment. Add to the resolution the following words:

And also that the further sum of $175,000 be appropriated, out of any money in the Treasury not otherwise appropriated, for the same purpose.

I hope the House will vote down the previous question, in order that I may offer that amendment, and when it is adopted that we shall appropriate the entire sum of $300,000. I know that amount will be needed.

[Here the hammer fell.]

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] has ten minutes of his time remaining.

Mr. ELLIS. In answer to the gentleman from Arkansas [Mr. DUNN], I will say it is for the House to determine as to ordering the previous question or not. As the organ of the Committee on Appropriations it is my duty to move the previous question. If the House chooses to vote down the previous question and open the door for amendments, that is the business of the House.

Mr. DUNN. Will the gentleman allow me to ask him one question?

Mr. ELLIS. Certainly.

Mr. DUNN. Does the gentleman not think $300,000 will be needed?

Mr. ELLIS. I think so, and probably double that sum.

Mr. HORR. And I will ask the gentleman from Louisiana further, is there any disposition on the part of the committee, when there is evidence it is needed, to withhold it?

Mr. ELLIS. None in the world, I think.

Mr. Speaker, in making these appropriations, extraconstitutional as they may be, which I doubt, Congress ought to be guided simply by this rule: Wherever the calamity is so widespread, so far-reaching in its effect as to baffle the aid of the local authorities, then the Federal Government should step in and assist.

Now, sir, what is the condition in the overflowed district? There is a region of country to-day overflowed by the Mississippi River and its tributaries larger than all of New England. And it is not a desert, sir; not a depopulated region, but one that is thickly settled. It is almost a dead level. This overflow does not come like the overflow of the Ohio River, where from precipitous hills the waters rush down and fill up the river and make the overflow. The river rises gradually, overflowing its banks, seeking first the bayous and lagoons and low places that lie out and about the homes of these people, until before they know it the insidious waters have crept up about them, and it is water in front and water in rear and water encroaching upon them everywhere. And to-day there are points on the Mississippi River where it is eighty-five miles wide. To-day, by the breaking of one levee, ten parishes as large as the State of Rhode Island are overflowed, populated for the most part by a people the most helpless, the most improvident, and the poorest that claim the citizenship of the Republic. I mean the colored people.

The Legislatures are not in session. This calamity is so widespread, affecting the entire region along the banks of the Mississippi River and its tributaries, that the local authorities are taxed to the utmost in preserving themselves and their own homes, and there is no relief but in the strong, organized relief tendered by the Federal Government.

But, sir, some gentlemen have found constitutional scruples. All agree to it upon the score of mercy; but there are constitutional objections. I can not stop, Mr. Speaker, to answer these now, but I will recur to the history of this country in the time of our forefathers and will show these gentlemen precedents for this action on the part of the House.

In 1812, while we were involved in a great contest, in a war with Great Britain on land and sea which was calling for the exertion of all our vigor and resources, intelligence reached this country of a great calamity in South America. There occurred in Venezuela an earthquake which had toppled over the houses and opened great chasms in the streets of Caracas, destroying that city and plunging its population into mourning and want. Although we were involved in war, Nathaniel Macon, then chairman of the Committee on Commerce and Manufactures—Nathaniel Macon, of North Carolina, called in his biography "the stringent and severe Democrat, the strict constructionist"—moved the following resolution. I may state at the same time intelligence had reached the United States that the Island of Teneriffe, one of the Canaries, had been visited by swarms of locusts that had eaten up the crops and substance of the people and left them in a state of destitution. Mr. Nathaniel Macon moved the following resolution:

*Be it resolved*, That the Committee on Commerce and Manufactures be instructed to report a bill authorizing the President of the United States to cause to be purchased —— barrels of flour, and to have the same exported to such port in Caracas for the use of the inhabitants who have suffered by the earthquake; and also authorizing him to purchase —— barrels of flour, and to have the same exported to some port in Teneriffe for the use of the inhabitants who are likely to starve by the ravages of locusts.

The amount originally contemplated was $30,000. Who moved the amendment to increase the amount to $50,000? John C. Calhoun, of South Carolina, moved that the amount be increased to $50,000; and the resolution passed, passed unanimously, passed *nem. con.* Of the honored roll of statesmen who have illustrated the glorious annals of this country the names of the following are found as voting for it in the affirmative: James Breckinridge, of Virginia; John C. Calhoun, of South Carolina; Langdon Cheves, of the same State; Felix Grundy, of Tennessee; Richard M. Johnson, of Kentucky; William R. King, of Alabama; Nathaniel Macon, of North Carolina; Israel Pickens, of North Carolina; John Randolph, of Virginia; and George M. Troup, of Georgia.

But again, sir, in 1847 intelligence of a great calamity reached the United States from Ireland. Again we were at war. Mr. Speaker, it would seem that to emphasize these splendid exhibitions of mercy they came at a time when the nation was engaged in war. These magnificent sunbursts of mercy breaking through the rift of the war-cloud and shining upon the rain of blood and tears, painted upon the cloud of war the bow of hope and promise that a nation was born among the nations of the earth in whose great heart beat the love and affection and

universal brotherhood of man. We were at war. Mr. Crittenden, of Kentucky introduced the following bill:

A bill to provide some relief for the suffering people of Ireland and Scotland.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and is hereby, authorized to cause to be purchased such provisions as he may deem suitable and proper, and to cause the same to be transported and tendered in the name of the Government of the United States to that of Great Britain for the relief of the people of Ireland and Scotland suffering from the great calamity of scarcity and famine.

SEC. 2. *Be it further enacted*, That the sum of $500,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect this act.

SEC. 3. *Be it further enacted*, That the President of the United States be, and is hereby, authorized, at his discretion, to use the public ships of the United States for the transportation of the provisions to be purchased as aforesaid.

On the passage of that bill, and it passed the Senate by a vote of 27 to 13, I find the following among those voting in the affirmative: Berrien, Calhoun, Cameron, Cass, Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Houston, Reverdy Johnson, Mangum, Moorehead, Soulé, and Webster.

Talk about constitutional doubts! Why, sir, who approved the joint resolution passed in 1812 for the relief of the people of Caracas? There is one man in our history called the "Father of the Constitution." No doubt can arise upon the Constitution which is not settled if James Madison has spoken upon it. Yet this father of the Constitution, James Madison, wielding the sword of the Constitution and the executive power of the country, immediately signed that relief resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. ELLIS. I demand the previous question on the engrossment and third reading of the joint resolution.

Mr. DUNN. I hope that will be voted down so that I may move the amendment I have indicated.

The question was taken; and upon a division there were—ayes 118, noes 26.

So (no further count being called for) the previous question was ordered.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was on the passage of the joint resolution.

Mr. ELLIS. And on that I demand the previous question.

The previous question was ordered.

Mr. BEACH. I call for the yeas and nays on the passage of the joint resolution.

The question was taken, and there were 15 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The joint resolution was then passed.

Mr. ELLIS moved to reconsider the vote by which the joint resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KING. I ask unanimous consent to print in the RECORD some remarks, together with some telegrams, upon the subject of the joint resolution just passed.

There was no objection, and leave was granted accordingly. [See Appendix.]

### STATUE OF JAMES A. GARFIELD.

Mr. KEIFER, by unanimous consent, introduced a bill (H. R. 6253) to provide for the preparation of a site and the erection of a pedestal for a statue of the late President James A. Garfield; which was read a first and second time.

The question was upon the reference of the bill.

Mr. KEIFER moved that the bill be referred to the Committee on Appropriations.

Mr. MCMILLIN. Is that a proper reference of the bill?

The SPEAKER. The Chair thinks that under the rule it should go to the Committee on the Library.

Mr. MCMILLIN. Then let it go there.

Mr. KEIFER. It is purely a matter of appropriation.

The SPEAKER. Is there a law providing for the erection of this statue?

Mr. KEIFER. There is no law providing for the statue, but the bill is in accordance with the custom which has prevailed in the erection of all the statues in the city of Washington.

Mr. MCMILLIN. The bill should go to the Committee on the Library.

The SPEAKER. The Chair will submit the question to the House. The gentleman from Ohio [Mr. KEIFER] moves that the bill introduced by him be referred to the Committee on Appropriations.

The question was taken; and upon a division there were—ayes 58, noes 51.

So (no further count being called for) the bill was referred to the Committee on Appropriations, and ordered to be printed.

### ORDER OF BUSINESS.

Mr. HATCH, of Missouri. I ask unanimous consent to make a report from the Committee on Agriculture for reference to the Committee on Appropriations.

Mr. BREWER, of New Jersey. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BLACKBURN. I move to dispense with the morning hour for the call of committees for reports.

The SPEAKER. That requires a two-third vote.

The question was taken; and upon a division there were—ayes 108, noes 13.

So (no further count being called for) the morning hour was dispensed with (two-thirds voting therefor).

### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

### DR. B. J. D. IRWIN.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting the petition of Surg. B. J. D. Irwin, United States Army, for compensation for personal property destroyed by fire during the late war; which was referred to the Committee on War Claims.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MANZANARES, for eighteen days, on account of sickness in his family.

### ORDER OF BUSINESS.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole House on the state of the Union to proceed with the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DORSHEIMER in the chair.

### BONDED-WHISKY BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse. The gentleman from Ohio [Mr. MCKINLEY] is entitled to the floor.

Mr. MCKINLEY. I yield to the gentleman from Iowa [Mr. PUSEY] five minutes of my time.

Mr. PUSEY. I have sat here for three days without any intention whatever to participate in this debate. My people are not particularly interested in this question. We have in Iowa prohibition pure and simple; we do not do anything bad out there.

It is true that we have the biggest distillery in the world within the shadow of the dome of our capitol, but it is simply an arm of our missionary society. We send the product of that distillery as "leaves for the healing of the nations;" we send it to our sister States and Territories. And I have sometimes thought when I saw a gentleman rise on this floor that he had the true spirit of Iowa in him. [Laughter.]

Mr. Chairman, I had not intended to say anything on this question. I have listened to the silvery-tongued orator of Kentucky, the young and impetuous gentleman who argued so passionately for his constituency, and I girded up the loins of my compassion and said, "No." I listened to that other gentleman from Kentucky, the gentleman with the historic name, who presented his claim so fairly——

A MEMBER. You mean Mr. BRECKINRIDGE, of Arkansas.

Mr. PUSEY. I refer to Mr. CLAY, of Kentucky. That name is historic enough for me. I heard him present his claim so fairly, conceding every argument almost that had been presented by the opposition, yet made out so strong a case for his constituency, that when he was through I said, "No." I listened to my learned friend from Connecticut [Mr. EATON], who held up a little paper here and said: "If you will just let me put this proviso on this bill I will vote for it, for then I can say to my constituency in Connecticut that I have driven a hard bargain with these whisky men." "I would make them pay this interest quarterly in advance," says the Senator, which I believe under the laws of Connecticut, Mr. Chairman, is usury. I listened to that argument, and I said, "No." But when I heard my distinguished friend from New York [Mr. POTTER], a gentleman who stands upon this floor accredited with great ability in finance, when I heard him utter yesterday the sentiment which I will ask the Clerk to read, I ran down the aisle and asked to interrupt him, which he refused to permit. I ask the Clerk to read the sentence which I have marked.

The Clerk read as follows:

If this money is received from the tax on distilled spirits it must inevitably be paid out and undermine and destroy to a certain extent the national banking system upon which rests, more than upon any other present instrumentality, the stability and prosperity of the business of the country.

Mr. PUSEY. Mr. Chairman, I think that sentiment ought not to go abroad to the country unanswered. If it be true, I think this whisky bonded bill will have more friends on this floor than it ever had before. Is it possible, Mr. Chairman, that the permanent prosperity of this nation depends upon the prosperity of any one industry in this country? What are the facts? If this money is paid into the Treasury is it going to stimulate the redemption of Government bonds to such an extent as to produce a panic in this country? What are the facts? Why, sir, I went to the office of the Treasurer of the United States this morning, and I will read to this House the absolute facts of this case as I there learned them.

[Here the hammer fell.]

Mr. MCKINLEY. I now propose to yield five minutes to my colleague [Mr. MCCORMICK].

Mr. WILSON, of Iowa. I ask that my colleague [Mr. PUSEY] be allowed a few minutes more.

The CHAIRMAN. The gentleman from Ohio [Mr. MCKINLEY] has the time in his control.

Mr. WILSON, of Iowa. I ask that my colleague be allowed ten minutes, not to be deducted from the time of the gentleman from Ohio [Mr. MCKINLEY].

The CHAIRMAN. That arrangement can be made by unanimous consent. The Chair hears no objection.

Mr. PUSEY. Mr. Chairman, the facts are that $40,000,000 of the circulation of the national banks of this country has within the last eighteen months been surrendered voluntarily by these institutions by deposit of legal-tender currency and taking up their hypothecated bonds. Why? Because their circulation did not pay. In our Western States, where money is worth 10 and 15 per cent. per annum, they can not afford to have their money in 3 per cent. bonds and pay a tax on their circulation. They have lifted their bonds to this extent, $44,000,000, voluntarily.

Now, what is the state of the facts? We have $340,000,000 of paper circulation which is founded on the hypothecated debt of the nation. What are these securities thus hypothecated?

*United States bonds held by the Treasurer of the United States in trust for national banks March 26, 1884.*

| | |
|---|---|
| To secure circulation: | |
| Currency sixes | $3,488,000 |
| Four and one-half percents | 42,375,500 |
| Four percents | 109,144,600 |
| Three percents | 184,192,550 |
| Total | 339,200,650 |
| To secure bank circulation | 343,384,676 |
| Less legal-tenders deposited with Treasurer | 40,000,000 |
| | 303,384,676 |

I want to say in this connection, gentlemen of the committee, that I consider we have arrived at the true autonomy of national control over the currency question in this country. We are issuing $28,600,000 yearly of silver certificates. We are issuing $28,371,810 in gold certificates, or we can do so if there is a demand for them, for we have the gold coming in yearly from the coinage mints to do it with. We are coining gold at the rate of $2,500,000 monthly, and have nearly $600,000,000 of gold in the country. We are coining silver at the rate of $28,300,000 per annum. I have no fear of any vacuum in our currency circulation by reason of the retirement of the national-bank currency. Here is a matter that is self-adjusting. There is no vacuum, and there can be no vacuum. The retirement of the national-bank currency does not exceed $2,500,000 per month, and we are issuing at the rate of nearly $5,000,000 a month of gold and silver certificates. I say, therefore, that the gentleman from New York has done himself and the country great injustice when on this floor yesterday he gave utterance to that sentiment which has been read from the desk. I did not rise, Mr. Chairman, to discuss the "whisky bonded bill," but simply to correct an error, a fatal error, in which my distinguished friend from New York had fallen. I thank the committee for their courtesy in extending my time.

Mr. Chairman, I do not wish to detain the committee. I do not want to argue this bonded whisky question; but I do think that such utterances from such distinguished men from the great money centers of this country should not go unanswered.

Mr. MCKINLEY. I will now yield fifteen minutes to my colleague [Mr. MCCORMICK].

Mr. MCCORMICK. Mr. Chairman, I am aware that the measure now before the House has been pretty fully discussed pro and con, and my remarks shall be brief. Fair and honorable debate concedes to every man the right to his convictions as also the right to advocate them, and, free from acrimony and bitterness, leads to safest results in the discussion of any measure. I shall content myself with the expression of some convictions of my own, more or less, directly or indirectly, growing out of the matter now before us for our consideration.

The question involved in this discussion on the proposition now before the House in the provisions of this bill seems to me to be one of policy against principle, of expediency against right. Policy asks what is easiest, what will pay best? while principle asks the question, What is right? and knowing the right, performs it.

When it comes to a matter of principle, whether you apply the rule to the nation or the individual citizen, its force is the same, and honor and integrity make it binding upon us to observe it.

What ought to be done in regard to the liquor traffic is to members of this House in their official capacity a question of momentous importance. It is a question not to be dealt with rashly, or decided hastily, or without regard for the rights of the citizen; and by the citizen we mean the great body of our people of all classes and conditions in life. Statistics give the whole cost of liquors in the year 1873 at $700,000,000. A recent statement in an editorial of the New York Tribune gives the amount of $800,000,000 spent in this country yearly for drink; an amount exceeding by $100,000,000 the entire sum raised by taxes of all kinds, national, State, county, city, town, and school district, as stated upon the authority of the Census Bureau. America pays whisky dealers more than she pays the laboring classes. Drink costs more than three times as much as we pay for clothes, fourteen times as much as we pay for public schools, and eighteen times as much as we give to the poor.

A traffic that costs in actual payment and in loss of productive labor more than half the national debt every year is not an insignificant matter to the true political economist, leaving out of the question the class who oppose the traffic from moral convictions. The cost of pauperism, of crime from intemperance, the waste of grain, and loss of productive industry in their effects upon the country can not be evaded by the loyal statesman who has his country's good in view and seeks the perpetuity of our free institutions. Such a drain as these make on a nation's resources affords grounds for alarm that can not fail to claim his thoughtful consideration, and against which he fails in duty if he does not lift a warning voice. But there is another phase of this question that necessarily presents itself for our contemplation; other things besides the pecuniary affairs of the nation affect its welfare.

Secretary Seward in his lifetime said:

> No republican government can stand that has not for its support the morality and virtue of the people.

In the same connection he goes on to say:

> But what a fearful decay of public virtue attends the liquor traffic, degrading and destroying to those who should become the pillars and strength of our Government.

It has been well said that "government emanates from the moral attributes of mankind. It is a thing of moral necessity, and its power and obligation are of a moral kind." It is the duty of the Government to make it difficult to do wrong and easy to do right, to throw around the citizen such safeguards and such wholesome protection as will secure him against the impure and vicious and stimulate within him the desire for the pure and the good. But the effect of the liquor traffic, direct and indirect, view it as he may, upon the individual and upon society, is paralyzing to the physical, intellectual, social, moral, and political well-being of the community and State.

Burke has defined law as beneficence acting by rule; but who, in looking at the immeasurable evils, can plead in behalf of the beneficence of the liquor traffic? The thousand of millions of revenue to the Government would soon fly upward in the balance as weighed against the burdens and griefs and anguish and death it entails upon society.

In its hold upon the country this traffic is aggressive in its character and is becoming more and more exorbitant in its demands. In illustration of the truth that

> He that hath a thousand friends hath not a friend to spare,
> But he that hath one enemy shall meet him everywhere,

this traffic comes crowding in upon us here. What other business or traffic comes into the council chambers of this nation seeking such help and such special privileges as are demanded by this bill? By what right or precedent does it come here seeking to be freed from its obligations, when no other business would for a moment indulge the thought even that it had any right to make such a claim? But this traffic, in all its boldness and effrontery, according to its accustomed habit of seeking to dictate and control the policy of States, does so assert itself and presents its claims for recognition here. The question that confronts us, then, is this: Is it right that this bill pass? Looking at that question in the length and breadth and full scope of its pecuniary significance, is it for the welfare of our citizens, the comfort of our free homes, and the prosperity of our country? Can we honestly, sincerely, and conscientiously answer that question in the affirmative by our votes in favor of this bill? Are we to give this commerce of death a stronger hold upon us, or is it not a wiser, safer, truer, nobler policy to seek rather to loosen its hold on the vitals of this nation than to suffer it to bind us more strongly in its fatal coils?

Mr. MCKINLEY. I will yield for ten minutes to my colleague, Mr. JOSEPH D. TAYLOR.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, the bill now under consideration is certainly a very peculiar one. It professes to be a revenue bill. That is the title of it, and when the gentlemen in charge of the bill move to go into the Committee of the Whole for the consideration of this bill, they always add "for the purpose of considering rev-

enue bills." And this bill does not increase or decrease in any wise the United States revenue. The present rate of taxation on distilled spirits is 90 cents per gallon, and this bill does not propose to change it. It proposes to give an extension of time to the tax-payers, for which they in turn are supposed to pay an adequate compensation. Hence the Government is not to be benefited on the one hand or injured on the other. Then why this legislation? Why is the time of this Congress consumed from day to day in the consideration of a bill in which the Government has no interest whatever?

There is but one answer, and that is, that this legislation is for the benefit of the manufacturers of distilled spirits. They and they alone are to be benefited. The time of the American Congress is being wasted and the money of the American people is being squandered in this remarkable effort to legislate in the interest of a special class. There are on every hand important measures demanding the time and attention of this Congress. There are a thousand bills before this House demanding immediate consideration. Hence for one I shall be glad to have this discussion come to a close and to have the vote taken.

The distinguished gentleman from Connecticut [Mr. EATON] made on yesterday a very elaborate argument to convince the House that this bill does not propose to make "a loan" to the distillers of whisky. I was amused at the ingenuity of his argument, but I could not see on the whole that it makes much difference whether it be a loan or an extension of the time in which the parties interested are to pay a debt. True, it has the appearance of a loan; the bill relates to money, and to money due the Government at a fixed time, to a sum certain in each case, and extends the same for a given period on certain specific conditions for a certain rate of interest. This, as I remember the text-books, comes very near the description of a loan. It is a loan to all appearances, and yet it is not a loan. I agree with the gentleman from Connecticut that it is not a loan. It is not intended to be a loan. It is a gift, and is intended to be a gift, a donation, a surrender on the part of the Government of more than $50,000,000.

The gentleman says that this can not be, as the tax is payable at all events, and that the payment is secured by bond. Admit it, and the fact remains the same. Grant this extension, and at the expiration of two years, if the internal-revenue laws are not sooner repealed, you will be asked and expected to grant another extension. It is confidently expected, and this bill means nothing more nor nothing less, that this or the next extension, as the case may be, shall reach beyond the repeal of the internal-revenue tax on whisky. If it were not for this expectation this bill would not be before this House. And when the internal-revenue tax is once removed this debt of fifty and more millions of dollars is canceled. You say, Oh, no; that the Government will have its bonds with security for every dollar of this money. What are bonds worth in a case like this? Gather together all the bonds in the country, trustee bonds, executors' bonds, administrators' bonds, official bonds, and attempt to make forced collections upon them, and what are they worth? Not 50 cents on the dollar on an average.

When the Government is forced to collect its money by litigation it rarely succeeds. It sometimes gets something by compromise, but more frequently fails altogether. In this case it would be driven to litigation, and we all know the result of the recent attempts on the part of the Government to make good the defalcations of its trusted officers. The gentlemen on the other side are not agreed among themselves as to whether the Government under this bill will retain a lien on the whisky in bond. One says it will and another says it will not. But admit that it will. Who will take the whisky out of bond and pay 90 cents a gallon tax on it when he can make it and put it on the market when the internal-revenue laws are repealed for 30 cents a gallon? Suppose some distiller has 10,000,000 gallons of whisky in bond when the tax is removed; will he pay $9,000,000 tax on it to get it out of bond when he can make the whisky and put it on the market for three or four million dollars? Certainly not. Could he not in two years put his property out of his hands if he so desires? Are we sure that in all cases the collector would get good bonds in the first instance? If they were good when taken, what assurance have we that they will be good in two years thereafter?

Look at the monstrous temptation the Government proposes to place before this people. When the scheme is fully ripe, when the internal tax is removed, when the money is due, which then becomes or seems to be a total loss, you will find when it is too late that this unwise legislation has resulted in an enormous loss to the Government. And this is the very thing that this kind of legislation will invite, and the unwisdom of this legislation will then come up as an argument in favor of the remission of these claims *in toto*. Mark my words, Mr. Chairman, if this bill becomes a law this money will never be paid. The Government may get some of it. Some men may voluntarily pay. The Government by compromise or by expensive litigation may succeed in collecting part of it, but the great bulk of it will never see the inside of the Treasury.

Some one asks if I have no faith in official bonds. Yes, I have some faith in them, but not much. I have a thousand times more faith in the integrity of the debtor, in the integrity of the custodian of money, than I have in their bonds. I trust the man more than I do his bond, and when he becomes recreant to his word and to his trust I turn to his bond faithless and unbelieving. The money will soon be due, and it belongs to the Government, to the people, and I prefer to trust the United States Treasury with this great sum in preference to the manufacturers of whisky or their bondsmen, and shall record my vote accordingly.

Let us look for a moment at the whisky legislation of this country. In the first place, the law permitted the tax on whisky to be paid, as on tobacco and on certain other articles, when it entered into consumption, or, in other words, when it was taken out of bond and placed on the market. This law was found to afford great opportunities, so far as whisky was concerned, for fraud and corruption. We all remember the startling era of the whisky frauds, which seemed to shake the Government to its center and to threaten the overthrow of our institutions. The whisky ring for a time seemed stronger than the Government, and while some of its leaders were acquitted, it is thought that very many escaped justice. This startling experience resulted in a careful revision and change of the internal-revenue laws so far as whisky was concerned, and in 1868 the law provided, among other things, that distilled spirits should be taken possession of by the Government when distilled, placed in a warehouse provided by the owner but under the care of a United States officer, who should carry the key, and that within one year from the time of its manufacture the owner should pay the Government tax and take possession of it, or, in other words, take it out of bond.

This law was found to work well, and under it there were very few complaints of fraud; but in 1878, at the instance and request of the whisky producers, this bonded period was extended from one to three years. This extension was asked and granted on the ground that there was an overproduction in the country, and that the consumption was not equal to the production. The distillers of whisky asked time to reduce their surplus by the reduction of the manufacture of distilled spirits until the production and the consumption should become equal. Otherwise they claimed that bankruptcy and financial ruin were inevitable. Their agents and attorneys presented this question to Congress, and the period was extended from one to three years, and has never since been reduced.

At the time of the passage of this law, making the bonded period three years instead of one, as it had been before, the product was less than 60,000,000 gallons. Instead of the reduction which was promised, the product the next year, 1879, reached 71,000,000 gallons, and during the next year, 1880, the product reached 90,000,000 gallons; and during the next year, 1881, it reached 117,000,000 gallons; in 1882, 105,000,000 gallons, and in 1883, 74,000,000 gallons. There remained in the warehouses, after all sales and exportations had been made, at the end of the fiscal year 1879, 19,000,000 gallons; at the end of the fiscal year 1880, 31,000,000 gallons; at the end of the fiscal year 1881, 64,000,000 gallons; at the end of the fiscal years 1882 and 1883, 80,000,000 gallons; the same amount in round numbers each year. This is the extent of the overproduction of distilled spirits of which the owners now complain and for which and on account of which they ask relief.

On the 1st day of January last the amount of the overproduction or amount on hand in bond in the various warehouses of the country was 64,000,000 gallons, a marked reduction over the amount on hand the previous year; and which, in view of the history of the years preceding, can only be attributed to the refusal of the Forty-seventh Congress to grant the extension then asked, and it is fair to infer that a refusal by the Forty-eighth Congress to grant the extension now asked will result in a corresponding reduction of the stock on hand. This, in my judgment, is the remedy and the only remedy. As long as Congress gave the manufacturers of this product the legislation they sought they constantly increased their production and magnified the evil of which they complain. But when this aid was refused, they at once began to correct the evil and reduce the amount on hand. Whenever the owners of distilled spirits make up their minds that this tax is to be paid, not extended indefinitely, but paid, then and not till then will this clamor for more legislation in the interest of this traffic cease.

This special legislation is denied to other classes; why should it be granted to this? The farmer pays his taxes on his farm and home, on his cattle and on his crops, within a year, and in case he fails to do so a heavy penalty is first added, and this is soon followed by the sale of the property. The owner of the lowly cottage and scanty home fares no better, and has no relief from the inevitable tax-gatherer, whose coming is as certain as death itself. The manufacturer, who furnishes food and raiment to thousands of operatives and workmen, to men, women, and children who depend on their daily labor for their daily bread, often finds the market overstocked and his branch of industry overdone, and yet he must pay his taxes all the same. So it is with all classes, in all trades and in every condition of life, and we cannot see why the maker or dealer in whisky should receive relief. There is many a home sold for taxes; others are sold under a mortgage; the poor are made homeless and houseless, and yet the Government is not asked to aid them in their destitution. Why should it aid this class?

It is said that the dealers and manufacturers of distilled spirits should be granted this relief because of the excessive tax imposed by the internal-revenue law on their peculiar product. In my judgment this tax of 90 cents a gallon has been and still is a source of great wealth to this class of men. It has enabled them to crush out the small distilleries and to drive out of the trade the small dealers who are not able to ad-

vance the tax, and it has in this way brought the manufacture and sale of distilled spirits into fewer hands, and in this way it has enabled them to combine into one of the most powerful monopolies on this continent. No organization in this country is so complete or so thorough. They have their constitutions and by-laws, their officers and agents, their attorneys and newspapers. No such arrogance is elsewhere to be found. They seek to dominate State and national legislation and to control State and national politics. Their agents and attorneys are in the office of every hotel in Washington and in the galleries and corridors of this national Capitol. No business carried on in this country anywhere between the two oceans yields such a profit or has in hand for purposes of corruption such a fund. Such an organization is greatly to be feared and its influences greatly to be deplored. To say the least, such a combination is not entitled to special favors or special privileges.

They claim that we discriminate against whisky, that they are only asking to have the same privileges which are granted to others, and to have the same rule applied to their goods that is applied to other wares. It is true, that in the case of beer and tobacco, the only other articles now paying an internal-revenue tax, the tax is only collected when the article is placed on the market or entered for consumption. In these instances the owner is compelled to pay the tax on them and place them on the market within a very short time to avoid loss, as the value deteriorates rapidly with age. These articles must necessarily be put on the market very soon for this reason, and in addition to this the owner loses the interest on the investment, and hence there can be no inducement for him to hold back from the Government the tax.

The only other instance cited by the friends of this measure, in which they claim there is a discrimination against the whisky traffic, is in relation to the importation of foreign goods.

The importer of foreign goods can unload his vessel, place his goods in bond, and pay the duty within one year. If he fails to pay the tax within this time he is required to pay the Government 10 per cent. on their value, which entitles him to an extension of two years. This gives the importer, in all, three years in which to pay his duties or taxes by his paying 10 per cent. of the value of the goods in addition to his taxes. This is done for commercial reasons which do not apply to the manufacturers of whisky. If they did, the argument amounts to nothing in this case, for the distillers of whisky already have three years without paying a cent. The importers are not asking for any extension, and why should any further extension be granted to the distillers?

In addition to this, allow me to add that the importer does not often take advantage of the extension granted him, for the reason that he is the loser by such extension. If he leaves his goods in bond for one year only they deteriorate in value; he loses the interest on the investment and has to pay the cost of storage; while the distiller always claims the last day of the time allotted him in which to pay his taxes, as his property greatly increases in value, and in this respect yields him an annual profit of 10 or 15 per cent. at least.

If the present tax on whisky is excessive, it is not our fault. This Congress did not pass this law, nor has this Congress been asked by anybody to reduce the tax. The tax on whisky is made 90 cents a gallon, 300 to 400 per cent. the cost of production, for a reason. By common consent it is admitted that whisky shall pay a small part of the taxes that it imposes on this country. The manufacturer of iron and brass and steel and copper, the manufacturer of cloth and leather and carpets and stoves, the manufacturer of boots and shoes and hats and bonnets, the manufacturer of furniture and dishes, of plows and spades bless mankind and make the world better and happier, while the use of intoxicating liquors as a beverage, the only purpose for which this bourbon or rye whisky, which becomes valuable by age, is used, is a curse to the world, and leaves in its track poverty and want, misery and death, debt and taxation.

This bill is in the interest of but one kind of distilled spirits, as is shown by the recent letter of the Commissioner of Internal Revenue, what is known as bourbon or rye whisky, of which there is now on hand about 45,000,000 gallons. This is utterly useless when it is first made, and only becomes ripe, as they call it, and fit for use by age. It is said to require at least three years for it to go through the process of aging, so as to be ready for the market, and it increases in value from year to year thereafter. This is another explanation of the desire to have the Government extend the period in which these taxes are to be paid, as during this time the whisky is greatly increased in value. It becomes a speculation to the owner, while none of the profits can reach the Government.

The high wines and cheap whiskies used in part for mechanical and medicinal purposes do not require age, and hence this law is not specially in the interest of those engaged in their manufacture. Hence we are called upon to legislate especially in the interest of a class of liquors used exclusively for drinking purposes. This makes the bill more repugnant if possible, and I am for this reason less willing to vote for it. I object to this Government going into partnership with men who are engaged in the manufacture of intoxicating liquors. And if there were no objection to this, the terms of copartnership are unfair. The Government is to have 4½ per cent. interest on the taxes, while the owner gets all the increase which comes from aging the whisky, which is at least three or four times as much as the interest.

It is said by some of the advocates of this bill that the Treasury is now overflowing and that we do not need the money, and that for this reason we should grant the extension proposed in this bill. To this I want to protest. We need every dollar of the money now in the Treasury and every dollar that will become due on the fifty or sixty million gallons of whisky which will be required to pay its tax within the next two years. We need it to educate the army of illiterates that now threaten to control the elections in this country and bring upon us the curse of communism and anarchy and ruin. We need it to increase the pensions of soldiers already pensioned and to pension those who have up to this time been shamefully neglected. We need it to educate the tribes of roaming Indians that now cover the plains and mountains of the far-off West. We need it to educate and take care of the neglected and forsaken inhabitants of Alaska. We need it to complete the unfinished war vessels that now lie at the dock without machinery or armament or guns. We need it to build up a commerce that shall bear the American flag in every port and sweep the waves of every sea.

It is said that if we refuse to pass this bill the country will be thrown into a fearful panic and a large part of the business men of the country will be ruined financially. This I do not believe. Financial disaster would more likely follow the passage of this bill. It certainly would in case the internal-revenue taxes should not be repealed. If this bill should become a law a new impetus would be given to the manufacture of whisky and the product would again be greatly increased, depending on another extension of time, which, if refused, would certainly entail disaster and ruin on the men who seem to have an overweening confidence in their ability to control legislation.

To show by still further proof that this threat of financial ruin is not well founded I will call attention to the threats of the same character which were made during the Forty-seventh Congress. During the last hours of that Congress we were assured that we were on the verge of an impending crisis which would hurl upon us bankruptcy and ruin. The tones of eloquence that sounded the touching alarm on that occasion and the earnest appeals on the same subject that preceded it for weeks before seem still ringing in these halls. We saw the dark clouds, the fearful forked lightning, and heard the muttering thunder. The bill did not pass, but the storm did, for the panic never came. And so it will be again, for the evil forebodings to which we have listened this session will as certainly pass by as they did before. The panic did not come then and will not come now.

There is one other thing which strikes me as being very novel. The advocates of this measure at times denounce every attempt to bring into this discussion any moral considerations whatever. Temperance cranks and temperance fanatics were assailed in the opening of the discussion, without even stopping to inquire whether there was any such thing as a whisky crank or whisky fanatic. At another time these champions of the whisky traffic assume the rôle of temperance reformers, and deprecate with holy horror the thought of throwing upon the market cheap whisky, which they insist will be the result of a refusal to pass this bill. For once they seem willing to join hands with the friends of temperance in saving from ruin and inebriation the fair sons of Columbia's soil. And yet they do not want any of this precious stuff wasted; they want it all drunk, they want it all consumed, and consumed in this country, for they have a fearful dread of its being exported. That does not trouble me in the least. I shall give them my written consent to carry it to the ends of the earth and drop it in the sea, only I shall pity the fish.

The charge has more than once been made that this bill is being opposed by those who do so for the reason that they want in this way to facilitate the early repeal of the internal-revenue taxes. To this I want to enter for myself a disclaimer. I am not in favor of repealing or reducing the tax on whisky. As long as whisky is drunk and as long as we owe a national debt I want this revenue to continue. I think, however, that we should abolish as far as posssble our revenue system and revenue officers, and in this way save in each year many millions of dollars. The Government can doubtless collect this tax without the aid of collectors as at present appointed and located.

Whisky will cost the poor man who is so unfortunate as to be its victim just as much when the tax is removed as it does now. There never was, as is the case with other products, any relation between the cost of producing whisky and the cost at retail. The one has nothing to do with the other. The only question is, how much will the man who drinks it pay for it rather than do without it? This is the question.

Most articles of merchandise are sold at a profit on the cost of production of 25 to 50 per cent. at the highest. Whisky is sold at retail at several hundred per cent. profit. The wholesale and retail dealers combine and dictate their own conditions, and the poor drinker tamely submits. And then they boast that since 1862 they paid a thousand million dollars to the expenses of the Government. They did not pay a dollar of it. The hungry child that went to bed supperless, the heart-broken wife who went half clad in the winter storm to earn bread for her babes, the poor laboring man who spends his week's wages for drink instead of carrying it to his family, have paid their full share. The men who buy it at retail for drink, for medicine, and for the arts pay the whole of it.

Gentlemen need not tell me that whisky helped put down the rebellion. The brave boys to whom we owe promises never redeemed

and pensions never paid did this, and I would rejoice at the thought of turning over to the suffering soldiers, to the trembling widow who remains unpensioned, and to the helpless and fatherless children of the brave men who dared to stand by the old flag this large sum which we are asked in this bill to remit for the time being to the distillers and owners of whisky.

We have been asked to ignore the moral aspect of this question. When we are asked to grant a special favor to a particular article, can we not inquire to what uses this article is to be applied? When we are asked to pass over all the great realm of productions and select one as the object of special legislation, can not we inquire as to the effect of the only use to which this commodity is applied? It is impossible to avoid doing this, as is evidenced by the fact that the friends of this bill were the first to discuss the moral phase of the question and have kept it up all the way through this discussion. They felt the necessity of this and began to defend before they were attacked, and from the first speech to the last thus far they have felt the necessity of meeting this phase. They have steadily sought to divert attention from the moral phase of the question by the statement that it is a purely business measure, connected with a branch of industry that is adding constantly to the national resources.

It has been said, and truly, that this is a great business, involving millions of dollars, but I deny that it is any source of wealth to this country. You can not separate a business from its legitimate results, and the legitimate results of the whisky business, trace it where you will, are poverty, suffering, degradation, disease, and death. Every dollar it brings into the coffers of its venders is reeking with blood and tears. The modicum of value it may have as a mechanical and medicinal agency is overborne and buried out of sight under the untold burdens it binds upon humanity. Beneath its touch the strongest arm falls paralyzed and the clearest eye grows dim. Youth, strong, ambitious, glorious youth, becomes feeble and palsied as with age at the blighting touch of this monster; keen intellects lose their godlike powers and grovel in the dust. Kind hearts are turned into demons, and blight and blast, without a throb of remorse, their own most cherished ones. Home and friends and peace and honor all go down in one surging sea of horror, and the starless night of a drunkard's eternity closes over more than 60,000 souls in our own country every year. And yet gentlemen can stand here and make a jest of intemperance, and wreathe their lips with sarcastic smiles at the idea of there being any question of temperance in a whisky-extension bill. The financial ruin so touchingly depicted here as consequent upon the failure of this bill will, if it should follow, not be the first financial ruin that has dated back to whisky. The country is full of the scarred and blackened ruins of homes and fortunes and the darker ruins of noble lives, the wrecks of manhood and womanhood, the foul and festering things cast up from the mire and filth of intemperance, which but for this "legitimate business" might have been radiant with the attributes of Heaven.

There is no turning away or ignoring these considerations or casting them aside with a flippant jest. They confront us on the floor of this House hidden in the provisions of this bill; and disguise it as you may, it is the increasing and awakening conscience of this nation that is making it more and more difficult for the whisky power to succeed in its arrogant demands. It is the gleam of light on the horizon of the future, the one bow of promise against the dark background of the present, that men are coming to understand more fully and appreciate more correctly the animus of this business. And the time is coming when our children will blush for us that we should ever have temperized with this deadliest foe to human progress and human happiness.

Mr. McKINLEY. I now yield five minutes to the gentleman from Pennsylvania [Mr. BROWN], and at the conclusion of his remarks I yield the remainder of the time to my colleague on the committee [Mr. BLACKBURN].

Mr. BROWN, of Pennsylvania. Mr. Chairman, it is evident that the friends of this measure are anxious to *be* taxed, and it is also evident that they are loath to *pay* their taxes. Although it has not been demonstrated that they are in favor of having this tax remain upon their commodity, I think my honorable colleague from Pennsylvania [Mr. KELLEY] came very near so demonstrating, and I have not a single doubt but that it is a fact.

We all know, sir, that these taxes have been imposed, that their imposition has created a monoply, that the impurities and poisons that have made the modern product doubly dangerous have increased as the monopoly has grown in power and wealth. It is apparent, also, that if this tax can be continued and the payment postponed for a while longer and finally indefinitely postponed, it will be a very good thing for the whisky manufacturers. I do not see how anything could be clearer than that proposition. That this is the motive prompting the beneficiaries of this bill I have no question or doubt. It is apparent on every hand. It is more and more manifest every hour as the discussion proceeds. It is not only being demonstrated here to-day, but it has been established heretofore. These men came here before and got an extension under the plea of poverty. They are asking for an extension to-day; and who shall say when this extension expires that they will not be here on the floor of Congress demanding with all the vigor that they can control that there shall be a further extension?

The gentleman from Connecticut [Mr. EATON] calls it an "extension," and because it is an extension from his point of view there is nothing in the Constitution to prevent the granting of it. He also calls it a "stay of proceedings!" By that name it has not so rank a smell. By that name the strict constructionist will not be frightened away from its support. If, as the gentleman from Massachusetts [Mr. LONG] suggests, it is a "loan," then I suppose the gentleman from Connecticut would concede it to be unconstitutional. He would hold, I presume, that it is not the province of this Government to go in the loaning business to the whisky men, at 4½ per cent. or any other per cent. I suppose he would concede that. But since he can call it by some other name, that is to say, an "extension" or "stay of proceedings," the whole phase of the question is changed and it is no longer unconstitutional So, Mr. Chairman, it depends altogether upon what you call the trick whether it is constitutional or unconstitutional!

Now, I call it a loan. I do not see how it can be denominated otherwise than a loan when there is to be an interest paid upon it by the terms of the bill itself. But I do not care whether it is constitutional or otherwise; whether you term it a loan or a stay of proceedings, it is wrong, and that fact should drive every man in this House from its support. It has no element of equity in it. It was a grievous fault to extend it before. It would be a crime to extend the payment of this tax now. Gentlemen on the other side say that this particular interest is being persecuted on account of the alleged immorality of the business. I say in reply to that there is no evidence whatever of that. They do not admit themselves that there is immorality in the business, but they indulge in a good deal of talk about the morality of it, as if that quality were lacking. They commenced the discussion themselves and admit that they do so because they find that the moral sentiment of the country is against it. If the moral sentiment of the country is against their business it is because they have invited that judgment by their own imprudence and avarice by giving poison in the place of the best and purest commodity possible.

The public sentiment about which the gentleman from Maryland [Mr. FINDLAY] complains is not unnatural. He waxes warm and at times eloquent on account of the persecutions about to befall this traffic because its taxes must be paid. He charges the unparalleled cruelty he pictures all upon the temperance cranks. He would seem to include all who oppose this extension in that category. If so, he will find their name is legion, and I shall be much surprised if they are not increased when the exact demands of the whisky ring are fully understood by the country. Was more offensive proposition ever introduced into this Chamber? I do not believe it. It is a proposition to single out the most odious business known to our people and extend to it special privileges. All the sophistry its friends may bring to its defense never can divest it of this plain and unmistakable truth.

Nothing can be more certain than that the manufacture of this commodity will increase with every extension granted by the Government. It is not only logical that it should be so, but it has been demonstrated that it is so. The irresistible conclusion is that this is but the beginning—no, not the beginning, for there has been a previous extension—it is the continuing of a series of extensions, which mean that the tax will never be paid. Is this, sir, the reform to which gentlemen on the other side have invited the country? Is this Government to embark, under the guidance of reformers, into the insurance business, and as a beginning assume the hazard of "futures" on whisky? If it were a pure speculation on the part of the Government, some might justify the proceeding; but it is not even that. She takes all the risk and shares none of the profits.

When and where will this legislation end? If Congress is to come to the rescue of this traffic because there is an overproduction, will it turn a deaf ear whenever there is an overproduction of iron, calico, or potatoes? My constituents produce 40,000 barrels of petroleum each day. There is now a surplus of over 30,000,000 barrels. Why not lend them sufficient money to carry their oil until they can bull the market? Are the producers of petroleum less deserving than the producers of rum?

[Here the hammer fell.]

Mr. BLACKBURN. My colleague on the committee [Mr. MCKINLEY] having yielded to me the remainder of his time, I now yield ten minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Chairman, Congress is asked by this bill to stay the collection of taxes on whisky due and falling due for a period of two years. I do not think we gain anything by setting up the fiction that this is a release from a penalty or that it is a loan, for in plain terms it is a proposition to stay the collection of certain taxes for a certain consideration, that is to say, 4½ per cent. per annum on the amount. That is just what it is, and all it is.

This demand is made upon three grounds: First, that taxes ought not to be collected on commodities upon which they are levied until such commodities go into consumption. Now, Mr. Chairman, is that the correct theory of taxation? Are taxes for the support of governments levied and collected upon that theory? Do governments wait on consumption for taxes? Why, sir, government rests for its support upon the property of all the people. The taxes collected in all our States are collected upon quite a different theory, and although

public policy or commercial policy may dictate certain regulations, as in the case of whisky or of imported goods, allowing a certain time in which they may remain in bond before taxes are demanded, the theory is not, however, that the taxes are not, or ought not to be, collectible or payable until the duties go into actual or final consumption, as is claimed in this bill or in the arguments in its support upon this floor. Rather, if any such theory has support at all, it is that the taxes are payable when the commodities upon which they are levied go into commerce, not into final consumption. When goods are imported into the United States and are removed from the custom-house they do not go at once into consumption in the sense in which it is argued that whisky must go into consumption before the taxes on it are collected. They go into trade; so whisky, though in bond, enters into commerce. More or less of it is changing hands every day by the transfer of certificates, the same as warehouse receipts for grain or anything else, and always with the knowledge that taxes must be paid on it.

The second ground upon which the stay is asked is that there is a surplus of this commodity, with a bad market. Now, Mr. Chairman, there is an old law of trade which was laid down more than a hundred years ago by Lord Lauderdale, who first announced the true doctrine of supply and demand, or, more strictly, the conditions which affect the value of commodities. This law is now recognized throughout the commercial world as a fundamental law in the science of exchanges. There are four ways, he says, in which values are affected: First, they are affected by a diminution of quantity; second, by an increase of demand; third, by an increase in the quantity; and fourth, by a diminution of demand.

Now we have here an oversupply of whisky relatively to other things. But the markets of the world are open to it, and if left to regulate itself the supply will adjust itself to demand. The whole matter may be stated in a nutshell. The real truth of the case is this: Meat is high; whisky is low; too much corn has been put into whisky relatively and too little into meat. Now, the natural remedy is to put more corn into meat and less into whisky, the effect of which will be to lower the price of meat and raise the price of whisky. Instead of that, we are asked to interfere by legislation and prevent the natural course of things under the laws of trade; in my opinion an unwise thing to do. While overproduction in the aggregate is impossible, disproportionate production is taking place all the time, and markets are all the time changing under these conditions and under this law of the relation of supply to demand; and if things are left to correct themselves under the pressure of low prices or high prices they are always sure in the end to do that, although losses may be inflicted and are inflicted by the ups and downs of markets.

Why, Mr. Chairman, in the last two years there has been a shrinkage in railway securities of more than $500,000,000 from excessive railroad construction and overissue of securities, all the result of the violation of this great economic law governing values. There has been a shrinkage of millions in the value of iron products and in the value of the products of many other industries. Relatively, these things have been produced in excess of other things; but all this must be left to work its own cure under the law of supply and demand, and any attempt to interpose legislation can only make things worse. The case before us is not an exception.

If we pass this bill what would be the result? Exactly what has been stated by the gentleman from Maine [Mr. REED] and others on this floor. The quantity of whisky will certainly be increased, because under the operation of the laws of trade these holders, instead of selling, as is said they must in order to pay the tax, will withhold the article from sale, not being compelled to pay the tax; and the withdrawal of it from market, except at better prices, will change the relation of the quantities on the market to the demand, and the result will be a rise in price. Yes, under this bill the price of whisky will as certainly rise as the bill passes; and with a rise in price the production will be increased. And the only effect this bill, if it passes, could have would be to put off the evil day; but the consequences would be the worse when they come.

We have been cautioned many times against introducing the moral question into this debate, and I have considered only the economic aspect of the question. But while it is true that the States alone can regulate the liquor traffic within the States, am I bound in levying taxes for revenue to shut my eyes to the consequences of such taxes or to any indirect good to result therefrom? Am I bound to ignore the fact that while whisky pays seventy-five millions of taxes it necessitates or is the cause of a hundred and fifty millions of other taxes? Am I not rather in good conscience and in the interest of wise public policy bound to consider these very things? In levying duties on imports I hold that we ought in the public interest to consider the consequences to production, commerce, and trade of all the duties levied. I apply the same principle here.

The third reason offered for the passage of this bill is that the Government does not need this money. Perhaps not. But I am not among those who are frightened at a large revenue in the presence of an interest-bearing debt of thirteen hundred millions of dollars, more than three hundred millions of which is payable at the option of the Government. Why are we alarmed at the surplus in the Treasury or a large revenue when we have large pension claims to pay and a large indebtedness to extinguish? What would we think of a man who owed $10,000, payable at his option, expressing an uneasiness at having in his possession $1,000? We would naturally say, "Pay your debt." Now, until we have paid our debt I do not think there is any occasion for so much alarm at even the amount of revenue we are now collecting; although I am quite prepared to vote for the reduction of taxes in a proper way, I am prepared, Mr. Chairman, to reduce the internal revenues in part, and to consolidate and modify our present system, but not to abolish it entirely, especially the tax upon whisky.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WARNER] has expired.

Mr. BLACKBURN. I yield to the gentleman from North Carolina [Mr. COX].

Mr. BELFORD. I would like to ask the gentleman from Ohio a question.

Mr. WARNER, of Ohio. I would yield to the gentleman from Colorado for a question if I had the time.

Mr. BELFORD. The gentleman used to be my schoolmaster when I was a boy. [Laughter.]

Mr. WARNER, of Ohio. But I hope I am not responsible for the present errors of my former pupil. [Renewed laughter.] I will say, however, that he was a very bright and intelligent pupil.

Mr. BELFORD. I would like to ask the gentleman a question, if he had the time necessary to answer it.

The CHAIRMAN. The gentleman from North Carolina [Mr. COX] is entitled to the floor for five minutes.

### MESSAGE FROM THE PRESIDENT.

The committee informally rose, and Mr. BLACKBURN took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed a bill of the following title:

An act (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of Messalonskee.

### PAYMENT OF TAX ON DISTILLED SPIRITS.

The Committee of the Whole resumed its session.

Mr. COX, of North Carolina. Mr. Chairman, I thank my friend from Kentucky [Mr. BLACKBURN] for his courtesy, which enables me to present briefly my views on the bill now before the committee. While it would give me much pleasure to support the measure which has been so ably and zealously presented by its distinguished advocates, yet a sense of duty to my constituents constrains me to vote against it. The measure presented for the approval of this House by the friends of the bonded-whisky extension proposition is, that on all distilled spirits now remaining in distilleries or bonded warehouses upon which the tax has or shall become due after the 1st day of December, 1883, upon the request of the distiller or owner thereof, the period for the collecting of such tax shall be extended not more than two years, and for the indulgence thus granted by the Government the owners shall pay interest at the rate of 4½ per cent. per annum.

During the investigation of this subject we discover that the taxes due to the Government amount in the aggregate to about $66,000,000, or about one dollar and a quarter per capita for every man, woman, and child in the United States. Disrobed of all disguises, the naked proposition is that the people of the United States of all occupations and professions, who can be legitimately taxed only to pay the expenses of the Government, shall loan to this manufacturing industry this large sum of money at 4½ per cent. to carry on the business of manufacturing whisky, and to that extent become a copartner in the business. Such a proposition should have strong and overwhelming reasons to give it even the semblance of plausibility. The mere interest that it is proposed to pay is but a bagatelle when it is remembered that neither the Government with all its wealth nor individuals with gilt-edged paper could secure a loan of this magnitude at these rates for so short a time. Indeed the banks in many parts of the country are loaning money to the producing classes at the rate of 1 per cent. a month, while farmers are paying as high as 25 per cent. for advances and supplies with which to make their crops. In addition to this, while a vast surplus is gathered into the Treasury, with which the eyes of legislators are too often dazzled, and questionable appropriations made for which we can find no constitutional warrant, yet we should not ignore the fact that want and even destitution prevail in many parts of our country, and the husbandman is not requited for the toil he undergoes as he plods his weary way from early morn to dewy eve in his efforts to make both ends meet. What right have we then as the agents of those by whose permission we are here, to thus favor one industry at the expense of many others which are unquestionably equally meritorious?

It is true, as is said, that the Treasury is overflowing, and that the Government does not need this money, and that it would produce great hardships to collect it at this time. In a great country like ours, with such varied industries, I grant that if we can benefit one section or interest without doing manifest injustice to others, there is reason why we should do so; but, on the contrary, we should remember that paying taxes is no luxury, and that the best way to distribute our surplus is

by lowering taxes and leaving the money in the hands of those who produce them.

It is not my purpose to treat either of the moral or ethical character of this question. That belongs to another forum; but I will deal with it as I would with any other legitimate business. Viewed in that light, let us see whether it is entitled to such indulgence at the hands of the Government.

This is the second time the whisky interest has made such an application. Prior to 1878 the bonded period was only one year, and it was to meet an overproduction that the law was changed to three years. Under this extension overproduction has taken place, and once more Congress has been invoked to stay the hand of the tax-gatherer, and it requires no foresight to anticipate, should we yield to this second demand, that Antæus-like, growing stronger by each touch of his mother earth, at the end of this two years it may again appear before Congress with stronger appeals for favors. On business principles, is the present request defensible? When the last forbearance was granted, these producers were notified they must be prepared for the worst; but, heedless, their productions have been stimulated instead of diminished, and when one runs in debt with a full knowledge of his inability to meet his indebtedness he is not deserving of sympathy.

Looking at this matter in another light, we see that the parties most involved are not those who are entitled to the greatest favor at the hands of the Government. They are not the poor and ignorant, whom it is our duty to aid in their distress, but, rather, intelligent and adroit speculators, who in their efforts to increase their store have overtraded; in the same way that a merchant who carries an overstock of goods, or the grain dealer and pork buyer, who, in endeavoring to corner the market, sometimes get cornered themselves. A man might import too large an amount of goods, and will it be insisted that the Government should wait until he had sold before collecting duties? And so in all enterprises. Men who engage in them must suffer the hardships which their own imprudence causes. I know it is insisted that if this tax is collected others will suffer besides the owners of these spirits; that a panic may be produced.

Such may be true, but I do not believe it. The same arguments might be introduced and the same results follow whenever these taxes are required to be paid. We should not run a paternal government; it is not in keeping with our institutions. But it is not my purpose to linger upon this branch of the subject. To me there is another and much stronger reason why I should antagonize this bill, and that is, the bonded-whisky interest is opposed to the abolition of the internal revenue, in which my people are vitally interested.

If the bonded period is extended for two years, there are sixty-six millions of reasons against the repeal of the internal-revenue law, for should this law be repealed during that extension, the tax due the Government on this whisky would be lost, and it is a most significant fact, that those who are suffering so many wrongs and outrages at the hands of the stipendiaries of the Government, as to keep up a continued warfare between the outraged citizen and revenue officers, find but few sympathizers among these bonded-spirits men. Even the small farmer who desires to distill the little fruits grown upon his premises, which otherwise must rot and perish upon his hands, receives no sympathy, but on the contrary, when his cause is advocated, fears are expressed lest he, through dishonest practices, may lessen the demand for their products. It is not the little distillers in the country who are to be benefited by this proposed indulgence, but whisky syndicates, who have had bourbon and the finer grades of rye whisky manufactured for speculative purposes.

The people of my State are quiet, law-abiding, and liberty-loving. Having no large cities in their midst, they do not move in masses; they are not man-worshipers, and are not led astray by mere sentiment. Isms take no root among them, but they think for themselves, and with them political principles are convictions. To them an excise law is peculiarly odious, and the system of espionage and outrage which it entails is almost unbearable. In this respect there has been no change for nearly one hundred years, for her Legislature in 1790 adopted the following resolution:

> That they strenuously oppose every excise and direct-taxation law, should any be attempted in Congress.

Thus it will be seen that her opposition to such taxation is as old as the Government itself. The first tax of this character was an act to aid in extinguishing a debt of the Revolution, and led to open resistance in Pennsylvania, and brought matters to the verge of a civil war. The second act existed from 1814 to 1818, and the last act went into effect in 1862. So that we see it has never been resorted to except as a war measure; and now twenty years have elapsed since the war has closed, and when the Treasury is overflowing it does really appear that this odious and iniquitous tax should be blotted out. Certainly in a country admired of all the world for its freedom and justice such taxes should cease when the necessity for them ceases.

But it may be asked, would I remove this excise tax, and leave the tax on the poor man's wool hat and blanket? To which I answer that the liberty of the citizen, his freedom from arrest, and the sanctity of his household is a more precious boon to a freeman than the small additional tax he may be compelled to pay by reason of the abolition of this tax, which now leads to corruption, oppression, and demoralization. On the ground of sound political morals I advocate it. You may goad a people on by injustice and oppression until they lose respect for the law, and bad men may secure the sympathy of good citizens in their resistance to those officers who prostitute their offices to serve political masters and feather their own nests. Four thousand partisans drilled in all the evolutions of machine politics are now employed at a cost of $6,000,000 to execute this law and serve the Republican party. I am fully aware it is not for the interest of this Government that party lines should be drawn on sectional divisions and geographical lines. Washington warned us against it and our civil war resulted from it. But so long as this law exists and is enforced as at present, there can be no Republican party at the South which will command or is entitled to the respect of either section. To show that I do not misrepresent the sentiment of my people in regard to this tax, I quote the following resolutions which were passed by our last General Assembly, which met in 1883:

> Whereas the present system of internal-revenue laws is oppressive and inquisitorial, centralizing in its tendencies, and inconsistent with the genius of a free people, legalizing unequal, expensive, and iniquitous taxation, and, as enforced in this State, is a fraud upon the sacred rights of our people and subversive of honest government, prostituted in many instances to a system of political patronage which is odious and outrageous, corrupting public virtue and jeopardizing public liberty, and sustained by intimidation and bribery on the part of revenue officials to debauch the elective franchise:
>
> *Be it resolved by the General Assembly of North Carolina—*
>
> 1. That the internal-revenue taxes of the United States ought to be repealed at once, with such provisions, by rebate of taxes or otherwise, as will be just to those who hold for sale articles for which taxes have been paid.

While I know the foregoing voices the popular sentiment of the people of the State, it is due to candor to say that there is an intelligent and very respectable portion of the people who prefer a reform of the tariff, to a repeal of the internal-revenue system. There is but one voice, however, as to the absolute necessity of a change in the method by which this tax should be collected. Hence it was that early in this session I introduced a bill which I believe meets this demand. It simplifies the machinery, dispenses with needless officers, and is far less expensive. So far as the spirits distilled from fruit is concerned, there is a universal demand for its repeal. The revenue derived from it is but little more than the cost of collection. And here the espionage and oppression as at present practiced in its collection is so odious, that honorable men often decline to distill their fruits, as they fear they may be compelled to surrender some of that manhood which enables one to walk with form erect the green heritage which God has given to man; for the laws are so complex, the political element is so intermingled with its administration that the manufacturer knows not the moment he may be arrested for violating a law he is endeavoring to obey, and torn from his family and compelled to attend a political trial at great inconvenience and expense. While, therefore, the same Legislature declared that the present tariff is unjust, unfair, and burdensome, it recognized that Congress had power to lay and collect duties, but it said that this discretion ought to be exercised to raise a revenue not greater than is sufficient for the strictly economical administration of the Federal Government and the gradual reduction of the Federal debt, but the Government ought so to distribute the burdens of the tariff and the incidental protection given as justly and equally as possible to every part of the country and to all classes of the people, and it recognized the further principle that articles intended to be consumed as luxuries should be taxed higher than the necessaries of life, and distinctly declared that—

> If Congress should deem it impracticable to modify the present tariff, and at the same time abolish the internal-revenue taxes, as the lesser of the two evils we prefer the retention of the former and the abolition of the latter.

From these expressions of opinion it may be seen how universally the people of the State oppose internal revenue, and as a choice between the evils they prefer an abolition of this law to a reform of the tariff. Yet, while they desire to see a reform in the tariff, they are not free-traders, but on the contrary recognize that incidental protection accompanies every tariff that may be imposed. They recognize further that in a country of such vast magnitude, varied productions, and separate interests all should be so harmonized as to produce the least friction. The Constitution itself is a series of compromises, and most of the laws we enact are so framed as to conform themselves as far as possible to the conflicting views that may be entertained. In the same spirit I am ready to say to those who control the bonded-spirit interest that so long as it clings, as the "Old Man of the Sea," around the neck of the reforms which my people have a right to expect, it will meet with nothing but opposition at our hands. But, on the contrary, if met in a spirit of compromise and concession, they will not find us unreasonable. I know that the tobacco interest has from time to time received relief at the hands of the Government. Starting at 40 cents, the tax has been cut down to 8, and the producer is allowed to sell in the leaf one hundred pounds. With us the tobacco interest is now prosperous, and nothing affects it more disastrously than agitating for the removal of the tax. Therefore, if I am not mistaken, this interest, if the tariff reform demanded it, would be content to wait until the Government can repeal the whole remaining tax instead of removing it by degrees. But as to the distilled spirits, we insist that we have a right to demand of this Congress an entire repeal of the whole tax on spirits made from fruit,

and such a modification of the method of collecting the tax from whisky as will bring relief to those who have so long suffered from the invasions of their homes, political prosecutions in court, sacrifices of their liberties, and the perpetuation of an Asiatic despotism upon this free American continent. Many I know will be content with nothing less than an entire abolition of the whole system, and while I agree with them, yet, in a spirit of compromise and concession, I do not desire to demand more than can be reasonably granted at this time, for I am confident that this Congress will do all that it can for the protection of the people in their rights and property.

This much, Mr. Chairman, I felt it my duty to say. While confident I am right, I can but recognize the fact there are three hundred and twenty-five members of this House who are equally entitled to their opinions on these economic questions as myself, and no one should insist that he alone is infallible.

Mr. WORTHINGTON. This question has been so ably and fully discussed on both sides that I should not presume to occupy for a moment the attention of this Committee of the Whole except for the purpose of correcting a statement made by the distinguished gentleman from New York [Mr. POTTER], no doubt because of misinformation. That statement was to the effect that only those interested in the manufacture of rye and bourbon whiskies were pressing for the passage of this bill.

I represent a district that pays annually into the Treasury of the United States, mainly from the tax on distilled spirits, $14,000,000; more than is paid by any other district in the United States; more than is paid by all of the States west of the Mississippi River with the exception of Missouri; more than is paid by all of the New England States with Pennsylvania added; nearly as much as is paid by all of the State of Kentucky, or by all of Ohio, and within about three millions of as much as is paid by the Empire State, which the gentleman so ably represents. Yet of the immense amount of spirits from which this revenue is derived at least four-fifths is alcohol and what is known in the trade as high wines. Of that immense amount not over one-fourth at the outside is used for the purpose of making whisky, while three-fourths is used solely for purposes connected with the arts and manufactures. Yet every distiller in that district is urging the passage of this bill. Not only that, but every banker in the city of Peoria, where these distilleries are located, joins in urging the passage of this bill in the following language:

> We strongly urge the passage of the bonded-extension bill now before your committee for purely financial and commercial reasons.

It is not true that those interested in the manufacture of rye and bourbon whiskies are the only ones who favor the passage of this bill. It is urged by every distiller in every section of the country, and by hundreds of bankers and business men who are interested in business which will be affected by any disturbance or destruction of the distilling business.

The right of Congress to grant this relief is unquestioned. If Congress had the right in the first place to impose a tax on distilled spirits and to fix the time for the payment of that tax, it now has the right to abolish it entirely, to materially reduce it, or to change the time for its payment.

If this were a question coming to us for the first time, and we were now considering the feasibility of taxing distilled spirits, if we had agreed upon the amount of that tax and were discussing the limit of time in which it should be paid, and it was made to appear to us that it did not make a penny's worth of difference to the Government whether the period was fixed at one or three or five years, but it was shown that the failure to extend the limit of time to five years would be destructive and oppressive to the interest of distilling, then I apprehend gentlemen would not long hesitate how to vote on this bill.

It is a maxim of taxation, admitted everywhere and practiced without exception by every enlightened government of the world, that, taking into consideration the necessities of the government, every tax should be so assessed and collected as to bear in the least oppressive and burdensome manner upon the people. Whenever any tax is levied in violation of this principle, it is a cruel, wanton, tyrannical exercise of the power of government just in proportion to the extent that the principle is violated.

Now, stripping this question of all embarassments which have been thrown about it—taking away all the prejudices and all the brushwood—it is simply a question whether this Congress shall now change the time for the payment of taxes on spirits which were in bond on the 1st of December, 1883. Gentlemen know that the proposed change of the law will bring temporary relief to these distillers. The very circumstances of the case convince them of that. They know that an overproduction can not be forced upon an unwilling market without great loss to the producers of the article so sold. They have the evidence of distillers in every section of the country. From each of the four great cities, Chicago, Saint Louis, Louisville, and Cincinnati, the commercial centers of four great States of the West, come up appeals not only from distillers, but from every leading banker and almost every leading business man, praying for this extension. The advocates of this bill stand on very solid ground; and the reasons which would justify any member in refusing to vote for the passage of this bill should be of the most weighty character. What are these reasons?

It is claimed that this extension is a loan from the Government to the distillers; that it is a partnership between them. Why, sir, the Government has not a dollar of its taxes in possession; it can not collect a dollar until these taxes are due. The law makes no contract between the distiller and the Government. These taxes mature at different times within the next three years. At their maturity the distiller may or may not decide to rebond the spirits for two years. When the spirits were first distilled he might have paid the tax at that time instead of bonding them for three years; but because he saw fit to bond them for three years, did the Government thereby make a loan to him of the amount of the tax for the period of three years without interest? If he sees fit at the expiration of the three years to rebond his spirits, is that any more a loan for the coming two years than it was for the preceding three years?

But gentlemen say that the Government by doing this goes into partnership with the distillers. In what way does it go into partnership? Does the extension of the time create a partnership? If that is true, the Government has twice already extended the time, as gentlemen tell us, and according to their argument the Government has already twice gone into partnership with the distillers and is now in partnership with them. If the extension of the time is not what constitutes the partnership, is it the taking of 4½ per cent. interest that makes the partnership? If that is true, every borrower is in partnership with his lender, and the Government is in partnership with every one of its bondholders. This is not true, gentlemen. The Government is neither loaning this amount to the distillers nor is it in partnership with them. The declaration proceeds from a confusion of thought, and is simply an abuse of terms.

But gentlemen tell us further (and that appears to be the argument upon which they mainly rely) that inasmuch as there was an overproduction during the years of 1880 and 1881, following the former extension of the bonded period, the same causes will produce similar results, and we shall have similar overproduction if this bill be passed. Now, I do not know what right gentlemen have to assume this as a matter of fact. We know it is often said that "Experience is a dear school, but fools learn in no other." Certainly these gentlemen engaged in this business have seen the result of overproduction. Are we to assume that because they have been once brought to the brink of financial ruin and then relieved they will immediately rush to the edge of the precipice again? Gentlemen give us the figures by which they show the extent of this overproduction; but they tell us at the same time that it reached its maximum in 1881, when the production was 117,000,000 gallons; that it fell to 105,000,000 gallons in 1882, and 74,000,000 gallons in 1883. I submit that the evils of overproduction are already curing themselves.

But have gentlemen observed that this bill does not apply to spirits to be manufactured in the future? It applies only to spirits in bond on the 1st of December, 1883. Now, every gallon of spirits which was in bond at that time and for which the period would be extended by the passage of this bill must come directly in competition with all the spirits yet to be manufactured. Take the 1st day of April as an illustration. All spirits which may go into bond on the 1st day of next April can, if this bill should become a law, remain in bond only three years; the time would expire on the 1st day of April, 1887. Spirits which may have been in bond on the 1st day of April, 1883, will not, under the terms of the law, mature so as to authorize the collection of the taxes until the 1st day of April, 1888. Spirits which were in bond on the 1st day of April, 1882, will not have to be taken out of bond, if this bill should become a law, until the 1st day of April, 1887. Thus it will be seen that the overproduction which gentlemen claim was caused by the passage of the bill of 1880 will directly tend to prevent overproduction during the next three years, because the production can not for any great length of time materially exceed the consumption; and the spirits which may be manufactured during the next two years must come directly into competition with the surplus which has been manufactured within the last two years and as to which the bonded period will be extended.

But gentlemen say that these distillers ought to have known better, that it was their own fault, that they overstocked the market, that if they had exercised ordinary business oversight they would have confined production to the amount of consumption, and they would not be in their present financial dilemma.

Well, gentlemen, suppose this is true, have we any right as unprejudiced legislators to refuse them relief simply because they have made a mistake? Are we to fold our arms and assume a superiority and say because you could not foresee the dilemma in which you are now placed, therefore we will not give you any relief? Are we legislative schoolmasters to mark and punish business blunders of our constituents? Is it right for us if we are in a stanch boat alongside of a vessel which has sprung a leak when the crew of the sinking vessel reach out their hands and ask succor to fold our arms and say, "Oh, no, we will give you no succor; if you had only exercised business foresight you would have stopped the leak; because you did not do it we will let you sink?"

A MEMBER rose.

Mr. WORTHINGTON. I can not yield, as I have barely time sufficient allowed me to say what I desire.

Yet, Mr. Chairman, that is precisely the principle the gentlemen now seek to apply in this case when we are asked to relieve these distillers.

Congress is all the time passing bills for the relief of men who have committed business blunders. What are your bankruptcy laws but wholesale bills passed for this purpose in behalf of those all over the country who have blundered or been unfortunate? Congress says because you have been so we will annul the force of your legal contracts, we will wipe out indebtedness between private individuals. But when these distillers come here they do not ask you to wipe out a dollar of their debt, but offer to pay it all in four years; and you say, "No, you committed a business blunder, and therefore we can not relieve you."

Now, gentlemen, if the Government needed this money a different view of the case would be presented. But we know and the people know we do not need this money. We know its coffers are overflowing. We know the Secretary of the Treasury two years ago in his annual message notified Congress that the annual surplus was so great he could not dispose of it economically, and advised there should be a reduction of taxation. We know and the people know Congress has not reduced taxation, and with the well-known difference of opinion which exists between the two classes of gentlemen composing this Congress—the one class advocating the taking of tax off woolen goods and boots and shoes and glassware and other articles of necessity on the part of the people, and the other class which insists on making whisky free, beer free, and tobacco free, no man can tell when taxation will be reduced nor how long the people will continue with their necks bowed down under the weight of this $100,000,000 of surplus taxation.

What will be done with this money? I have here a citation from the report of the Secretary of the Treasury, which is as follows:

The only United States bonds which are now payable at the pleasure of the Government are the 3 percents, being $305,529,000; those which next become redeemable are the $250,000,000 of 4½ percents, on September 1, 1891. The $737,620,700 of 4 percents and the $325,850 of refunding certificates are redeemable July 1, 1907.

The estimates for the fiscal year ending June 30, 1884, show a surplus revenue of $85,000,000 per annum. This is enough to pay all the 3 percents in about three and one-half years, and before the close of the fiscal year ending June 30, 1887. This surplus kept up for the four succeeding years, to September 1, 1891, would be more than $350,000,000, or $100,000,000 more than enough to pay all the bonds then falling due. The same annual surplus until July 1, 1907, would amount, with the $100,000,000 left after paying the 4½ percents, to about $1,460,000,000, while the whole amount of the debt then redeemable is less than $740,000,000. The estimated surplus of $85,000,000 a year would pay the whole amount of the interest-bearing debt in about fifteen years. The only authority possessed by the Treasury whereby it can restore to business the surplus moneys thus accumulated is that given to the Secretary by the act of March 3, 1881, by which he may at any time apply the surplus money in the Treasury not otherwise appropriated to the purchase or redemption of United States bonds. This can now be done to other than the 3 percents only by the payment of a large and increasing premium thereupon. And when it is considered that nearly one-half of the interest-bearing debt of the United States is held by national banks, State banks, savings-banks, and trust companies, and much other of it by private trustees and other persons acting in fiduciary capacity, who have no wish to surrender these securities, the difficulty of acting under the provision cited is manifest. Moreover, it can not be assumed that the estimated surplus for the current and next years under existing laws will remain at the same rate in succeeding years. The increasing population and swelling business of the country will add to, rather than take from, the amount of the surplus as now estimated, while the decrease of interest on the public debt, and probably of the amount disbursed by the pension bureau, as arrears of pensions are paid off, should diminish expenditures.

It gives us the financial condition of the country. We are told in effect there are only about $300,000,000 now which can be paid at the option of the Government, and that after the $300,000,000 are paid there can be no more paid except by going into the market and paying a high premium to the brokers until 1891, and then only $250,000,000; that the balance of the debt runs up to 1907. What shall be done with this money? We see the currency being contracted; we see the financial condition of the country disturbed; we see paralysis of all sorts of business. It is in a juncture like this when the Secretary of the Treasury is embarrassed to know how economically to dispose of this surplus that a great interest comes to Congress, an industry that has paid over ten hundred million of dollars into the Treasury; an industry without which to-day this Government could not maintain its present financial condition; an industry tendering ample security in one hand with fair interest in the other, and asks simply time in order that it may be relieved from its temporary distress. Within the next two or three years' length of time or more, if this bill should pass, then Congress may possibly have nerve to reduce taxation, and if it does not within that time, the people will have an opportunity to elect another Congress that will reduce taxation.

My friends and gentlemen of the temperance element here oppose this bill on moral grounds they say. Now, I yield to no gentleman in my temperance principles. I agree with them in the darkest picture they have painted of the destruction and suffering and ruin caused by intemperance. But I can not for the life of me understand how they propose to arrest this evil by making whisky cheap. I can not for the life of me understand how they propose to promote temperance by such legislation as will enable a man to get drunk for 10 cents when it now costs him 50 cents or a dollar.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I ask, Mr. Chairman, by unanimous consent that my colleague's time be extended five minutes longer.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. WORTHINGTON. Mr. Chairman, I want to know how it becomes possible that temperance can be promoted by these gentlemen joining hands with the high-tariff advocates on one side and those gentlemen from the South who propose to make whisky free on the other. For my own part I like to see a monopoly in the whisky business. I should like to see all the distilleries in the United States concentrated in one county or one township or one town. They could be more readily controlled, and their contaminating influence could not be so readily spread abroad among the people. Do these gentlemen expect by uniting themselves with such allies to succeed in abolishing the tax on whisky altogether? Do they expect to be able to so change the law as to permit these little distilleries to be scattered all over the country in every direction, distilling brandy from fruits, or whisky from grain, and promoting and increasing this nefarious business in every township and county throughout the country? This may be practical temperance as they see it; but I confess that I can see no aid to the temperance question and no adjunct to the temperance reform movement by such legislation as that.

But, sir, we are told that if this bill passes, that if this tax limit is extended, within that time probably the tax upon whisky will be abolished altogether, and therefore the Government will lose this revenue. Now I have only this to say in that connection: These gentlemen must admit that if this bill does not pass the holders of whisky must advance the tax whether they can sell the article or not. I want to know of these gentlemen who are urging that objection whether it is right and proper on the part of a great government to compel men to pay 90 cents a gallon tax on their whisky and afterward, with this liquor upon their hands, to abolish the tax altogether and cause them to suffer the loss that would necessarily follow. But I do not believe that the tax upon whisky will be abolished. It never will be, except by a combination of such elements as we have seen here; that is, unless our high temperance friends unite with the high-tariff men and join themselves together with the gentlemen from the South who complain of the exactions and oppressions of the Federal officials throughout the South. It can not be unless these shall combine to abolish it. For my part I am in favor of maintaining the tax; and I say to all of these gentlemen that it will be a bad day for any men, for any set of men, or for any political party in this country that takes the tax off whisky. It is a tax that is more lightly paid and less oppressive than the tax upon any other business. It is a tax levied upon luxuries which are pernicious and mischievous, and so long as a single manufactured article continues to pay duties to support the Government of this country people will never consent that whisky, the agent of so much evil, shall be made free.

And now, Mr. Chairman, in conclusion, allow me to say that the passage of this bill will bring relief to all persons engaged in the distilling business. It will bring relief to every surety on every distiller's bond who is liable to be compelled to advance this enormous tax to save the principal. It will bring relief to every bank that has advanced money on warehouse certificates or is in any way connected with the business. It will bring relief to the great business centers, and to the business interests in the four great States of Illinois, of Missouri, Ohio, and Kentucky. It will hurt nobody. It will violate no law; it will weaken no security; it releases no claim; it contravenes no sound principle of legislation; it can do no possible harm. I have seen, Mr. Chairman, before now the red flag of the constable floating over the goods of a debtor which were about to be sold, but I never yet knew of a case where that debtor came to his creditor with ample security and a fair interest when the creditor did not need the money and asked him to grant an extension which was refused. And I tell you, gentlemen, that I can see no difference between an inexorable Government creditor and a private individual creditor. [Applause.]

Mr. DUNN. Mr. Chairman, I have watched the course of this debate with a great deal of interest and care, and have observed in it some anomalous features. When this bill came into the House with a report from the Committee on Ways and Means I naturally supposed that it came with the sanction and recommendation of that committee and would secure the support of its members on the floor. But I observe every member of the minority—the Republican minority of that committee—speaking against the bill and giving emphatic expression to their sentiments in opposition to it. I have seen the gentleman from Georgia [Mr. BLOUNT] of that committee, the gentleman from Alabama [Mr. HERBERT], and my colleague from Arkansas [Mr. JONES] of the Democratic side of that committee, on the floor speaking against the bill. We all know that the distinguished gentleman from Texas [Mr. MILLS], who is always frank and outspoken in his opinion, is opposed to the bill. That leaves the distinguished chairman of the committee [Mr. MORRISON] from Illinois, the gentleman from Ohio [Mr. HURD], and the gentleman from Kentucky [Mr. BLACKBURN] as the sole supporters of the bill upon this floor from that committee, with one member of it unheard from. I refer to the distinguished gentleman from New York [Mr. HEWITT].

Now, I naturally inquire, knowing the methods of committee investigation and procedure in reporting bills, as I do, by what Cæsarian

operation was this thing taken untimely from that committee and brought into the House? How came it here? Who authorized it to come here? Bills ought to come with the sanction of the majority, with the approval of the majority, with the recommendation of the majority of the committee, and without such sanction they have no business here. We have more well-considered and well-matured legislation on the Calendars backed by the unanimous recommendation of committees than we can dispose of.

But the gentleman from Kentucky [Mr. WILLIS] tells us that it had a report and a committee at its back and a sire two years ago; that it had a right noble sire—the distinguished Speaker of the House. Indeed, sir, it had; a splendid gentleman, who to-day, perhaps, occupies a higher position than any other statesman in this country in the confidence and affections of his countrymen. He stood sponsor for it then, but to his credit be it said his name has never from that day to this been linked with that bill on this floor or upon the records of this House. It went through this House with the wave of his hand and an almost whispered assurance, so high was the confidence of the House in him and so pure did we know his integrity to be, as we know it yet; and if he erred in that, it was an error to which he was moved by overurgent and pressing friends, and because he himself had not then come to understand the real character of the bill. And, furthermore, he had that other all-powerful incentive, a constituency deeply interested.

That bill went to the Senate, and that greatest of journals in the world the New York Herald tore the veil from about it and opened the eyes of the Senate, opened the eyes of the country upon it, and exposed it to view in its true light. The thing was worked and kneaded over, patched up, and done all new in the Senate, and sent back here after long months of labor and travail there. And when it came back its own father did not know it and would not own it. The House refused to own it and would not recognize it. Why, sir, did not the gentleman from Kentucky tell us that repeated, persistent, and constant efforts were made to get it up for further consideration in this House, all of which ignominiously failed, and they never got sixty votes for it from that day to this.

Why, sir, the veil has been torn from it, its deformity has been exposed, its true character has been made known. The same old pirate crew have been uncovered from behind the hulks and found to be there, all dressed anew, with a new-rigged ship, fresh sails, a new banner, a new watchword, new officers striding the quarter-deck; but the same old crew is behind the hulks that were there in 1866, 1867, and 1868.

Now, what is this bill? It stands without a legitimate parent upon this floor. It has been brought by personal importunity here and pressed upon our consideration. What is it? And ought we to give it consideration and passage? It certainly needs consideration.

Mr. Chairman, this measure comes too late to begin with. It is at the wrong end of the road. If it had been proposed at the beginning of this legislation on whisky taxation there might have been a reason for it. It was tried then and proved a failure. And now what does it propose to do? If there is one demand made by the people of this country more emphatically urged than another, if there is one purpose they have in view more conspicuously than another, it is the firm resolve that taxation shall be reduced in this country. If there is one institution or one agency of the Government more odious and offensive to the people than another it is the machinery of the internal-revenue system. That system has necessitated a swarm of office-holders, who hold the country like an army of occupation, 4,000 in number, having been clothed with powers of visitation, espionage, search, and seizure; and they have made this Government in that respect a terror to the people. A government founded in the affections of the governed should never be made a terror and a menace to its subjects. Nothing tends more than this to weaken the sentiments of patriotism and loyalty.

The public demand is for a reduction of taxation and the abolition of that offensive agency of the Government. What does this bill do? It surrenders the revenue of the Government, and retains the army of occupation with all its odious features, with all its powers of visitation and search, seizure and espionage, and does not reduce taxation to the consumer—the real tax-payer in this case.

Mr. JORDAN. Will the gentleman allow me to ask him a question?

Mr. DUNN. I have not time to yield.

Mr. JORDAN. I merely wish to ask the gentleman in what way this bill surrenders any revenue of the Government?

Mr. DUNN. I will show that further on. Or I will do that right here. This bill provides for the extension of the bonded period of all whisky now in bond for two years longer than the law under which it went into bond. That slides all from the 1st of December last forward two years and makes a clean-cut chasm in the revenue of the Government, diminishing the receipts from that source $74,000,000 each year for two years, unless the holders voluntarily withdraw it and pay the tax, which we may be sure they will not do.

Mr. JORDAN rose.

Mr. DUNN. I can not yield further. The gentleman himself who reported the bill [Mr. MORRISON] admitted in his argument that it would lessen the receipts of the Government by $50,000,000; that is, that sum might be involved. I have here before me his speech in which he makes that admission.

Now what are the possibilities under that operation of the bill? What can be done? They say it is not class legislation. Whom does it benefit? The speculators in whisky alone. It is not for the benefit of the retail dealer. It is not for the benefit of the consumer. The man who drinks the whisky will pay the same old price that he did before or a higher price. It can easily be made to cover a great "corner," to be engineered by Congress and "carried" by the Government and fixed and made safe by law. The manipulators of this scheme will have it in their power to stop absolutely the sale of every gallon of whisky covered by its operation for two years. It we enact this law, the whole quantity that is bonded can be held as in the grip of a giant and not one gallon of that whisky put into the market; and they can dictate just such a price as they please for it to the retail dealers and consumers. The Government carries the margin and covers the job and the speculation, and all at the expense of the toiling tax-payers of the country.

Under the provisions of this bill a great conspiracy can be made against the retail dealer and against the consumers who buy whisky. It is worse than that. It is protection in its most odious and offensive form. And, Mr. Chairman, my heart saddened when I saw that noble trigemini of free trade and reform, Messrs. MORRISON, HURD, and BLACKBURN, bearing this thing in their arms into this House. In the midst of the great battle with the common enemy, in the midst of the great battle with the bad wing, as they term it, of their own party (the protectionist wing), with the very banner of revenue reform fluttering over their heads and the slogan of free trade upon their lips, the distinguished chairman of the Committee on Ways and Means, the distinguished free-trader from Ohio, the distinguished champion of the rights of the people from Kentucky, came into this House bearing this last bastard offspring of protection in their arms. "How are the mighty fallen!"

I say, when I see the great leader of the other wing of our party standing out for "protective tariff," when I see these great champions leave the heads of the columns of the people that are moving for reform and become the advocates and champions of this other new-light class of protectionists and bring in a new invention of protection, my heart sinks within me, and I groan to relieve my burdened spirits and for the miseries that are in store for the people, who no longer seem to have a leader who will cut straight, who will "hew to the line and let the chips fall where they may."

"Cæsar had a party and Pompey had a party, but Rome had none." Alas, alas! shall this sad ejaculation be so soon uttered in this young and now happy and vigorous Republic?

What proof do I need to show that this is a measure of protection? Every gentleman who has argued the question has said, if you fail to pass this bill what will happen? The market will be glutted and the price of whisky will go down. How much will the retailer complain of that? How much will the consumer of whisky complain of that? How much will the scientist who uses alcohol complain of that? How much will the manufacturer who uses alcohol complain of that? Are we legislating here to keep up the price of commodities that the people consume? Are we as a "tariff-for-revenue" party to legislate to keep up the price of this article of such extensive consumption? It can hardly be classed as an "infant," for we read of it in all ages of the world, and while it may not be very steady, it is certainly "well upon its legs." This process of protection, it may be remarked, is a totally new discovery, and the whisky speculators can, and no doubt have, raised their flag over it. And they have, as we have seen, deceived the very elect and led them astray.

The people will groan in their hearts when they see all these things, and will ask one another, Can such things be? Is there nobody in favor of reducing taxation in all its forms? The distinguished gentleman from Michigan [Mr. CUTCHEON] read us a long catalogue of places to which we could send this surplus money. Certainly we can find plenty of places to send it to. But the gentleman never suggested any reduction of taxation. That never seems to occur to any Republican. That is strictly against their main articles of faith.

My brethren of the Democratic party, we need not steal out this $75,000,000 and try to hide it behind us, and then go home and tell the people that we have reduced the revenues. Sir, they will find it out; they will see the crumbs on our fingers; they will detect the clumsy deception, and will condemn the men who are engaged in it, as they have already condemned all of you over on the other side there for not reducing taxation heretofore; and they will send men here who will find out how to reduce the revenues by reducing taxation. That is what they will do.

What will be the effect on the revenue supposing we carry out, as I think we ought to carry out, the programme of our own party, largely in the majority here? What is it? I may take somebody by surprise, but there is something in this you had better attend to. What do we propose? We propose by pending legislation, by a solemn compact entered into last night—and it has been published in the papers, so that I am not telling any secrets—we propose to reduce the revenues by the pending tariff bill $31,000,000; we propose to sweep away the tobacco tax, which will reduce the revenues $23,000,000 more; and we propose in this bill to give away, to loan out, to take out of the revenues, $75,000,000.

That is just what it amounts to. If you slide this tax along for two years as you propose by this bill, then you will make a chasm in the revenues of $75,000,000 for each of those two years. That will be the resulting effect of this bill. Then the general average decline from all other sources of revenue will be, say, $5,000,000. That will make in all $134,000,000. We then propose to pension the soldiers of the Mexican war, which will take $3,000,000 per annum more than has been estimated for as the expenditures of the next fiscal year, making in all $137,000,000 reduction.

What does the Secretary of the Treasury say we will have? He says that for the next fiscal year the estimated revenues from all sources will be $343,000,000; that the estimated expenditures, including the sinking fund, will be $283,000,000, leaving an estimated surplus of about $59,000,000. Now, if we go on and make these other reductions (and I want to call the attention of my brethren to this particularly)—if we make these reductions to the amount of $137,000,000, we will create an absolute deficiency of $78,000,000 by our programme.

My distinguished friend from Connecticut [Mr. EATON] said that this was not a loan. I did not say it was, but I was trying to fix up a little matter of book-keeping so that we could keep the Treasurer straight. When the Treasurer comes to credit the Government with interest received, I wanted to know on what account it would be entered on the books. The gentleman from Connecticut said that these parties did not owe the Government anything; that the Government did not lend them anything; that nothing was due the Government; but he was going to collect interest in advance on something.

Now, I accept his solution of it; but I would advise the Secretary of the Treasury just to give the Government credit for interest on money which it never loaned. How will that explain it? It will be about as intelligible as was Bill Arp's account against the man whom he had paid in advance for digging a well and who failed to dig it. He had to sue the well-digger to recover the money back. He stated the account in this way: "John Jones, Dr. to Bill Arp. To one well you never dug, $50." [Laughter.]

Such will be the effect on our revenues if our programme should be carried out, and we ought to do so; for it is a wise one and a wholesome one, and one which the country demands. If this Congress does not respond to it the people will send one here that will.

I want to call attention further to the reduction of the revenues proposed under this programme in connection with what has been done heretofore. The tariff bill of last year reduced the revenues about $12,500,000. The reduction in the internal-revenue and tobacco tax last year, it is estimated by the Internal Revenue Bureau, will reduce the revenue about $43,000,000. Now add the amount of reduction proposed by our programme, and we may lump it at $189,000,000 of reduction, in the face of an estimated surplus of only $59,000,000. And this wonderful result will be accomplished with but slight reduction of taxation.

But gentlemen say, "If you do not give this indulgence to these people what are you going to do with this money?" Let the Secretary of the Treasury answer that as he has done already. I will read his very satisfactory answer for the benefit of those who are so troubled about, not indeed taxation, but the surplus in the Treasury:

> It is perhaps enough to present that the payable debt of the Union can take up all surplus now existing or likely to arise for four years to come.

I hope gentlemen will accept that as an answer, showing how this money can be disposed of in a manner to suit the people a little better than some of the methods proposed here.

Mr. Chairman, it bodes no good to the States when we see a surplus of revenue in the Treasury setting in motion all these multifarious schemes from all corners of the country mining for this surplus revenue. They come from the east and the west. They tunnel from away out on the frontiers. All are running shafts for the surplus in the Treasury. It is a rich mine, that all want to work. It is a mine of corruption. It sets in motion every evil influence; and it bodes no good to the States when we set all these mischievous elements to work and tempt their proclivity to crime. It operates upon public servants as a temptation to extravagance; it is an incitement of bad men everywhere to corruption and wickedness. They come here with all sorts of "private enterprises for the public good," and they deceive whom they can not corrupt. The cry is, "There's millions in it!"

What has been the effect of the law heretofore passed granting an indulgence of this kind? Why, sir, in the volume which I have here—I have not time to read it now—I read the other day in the debates of the Senate when they were discussing the bill of 1882 a jeremiad delivered then by the distinguished Senator from Ohio, who was (strange as you may think it) pleading most piteously for relief for these suffering ones—a jeremiad which would have put old Jeremiah himself to the blush. They said—the bad newspaper-men said—that when the Senator delivered it a tear ran down his nose and congealed before it got to the end of it. [Laughter.] I do not say that; it was some bad newspaper-man who said it. He told over, in eloquence more touching, more pathetic, more melting than any we have heard here, that same old story of sorrow, distress, and oppression. The story we now hear is the same story revamped. It ought not to avail any more. It has been told too often—"it is the same old sixpence."

Why, sir, what has been the effect of this kind of legislation? The distinguished gentleman from Georgia [Mr. BLOUNT], like the able and ever-faithful pioneer that he is, blazed the way for members here to follow who intend to serve the people. He showed the effect of previous legislation of this kind, so that those who run may read. He marked out the pathway. He stated the whole case. He showed first that the disease was feigned and the medicine a deadly poison; and secondly, that the original law levying a tax upon whisky required that tax to be paid when it was put upon the market for consumption. This law offered great inducements to store whiskies in warehouses for a term of years in order to get the advantage of the increased value resulting from age, and, as was well said by the gentleman from Massachusetts [Governor LONG], "there accumulated also the opportunities, temptations, and incidents of a system of fraud" which the country remembers with humiliation and shame. This necessitated the legislation of 1868 by which the bonded period was limited to one year. Under that law the accumulation of whisky went on to such an extent that in 1878 earnest and piteous appeals were made to Congress to extend the limit.

It was said then, as it is now, that relief must be granted, and if not granted promptly panic, bankruptcy, and ruin would inevitably occur. It was then said, as now, that the desired extension of the limit to three years would give a breathing spell, as it were, that would enable them to work off the excess at remunerative prices and adjust and limit production to the demand. The arguments of to-day are but a reissue of the old arguments of that time. The result of that legislation was predicted by those who wisely opposed it and again shortly afterward by the Commissioner of Internal Revenue. There had been an increase of 5,000,000 gallons in 1879 over that of 1878, and it appeared that there would probably be an increase of 13,000,000 gallons in 1880 over 1879, as stated by Mr. BLOUNT. Even so early as that the Commissioner of Internal Revenue said:

> The steady increase in the number and capacity of distilleries in operation suggests the probability of the continued enlargement of the stock on hand. It has occurred to me that this business was on the eve of being overdone, and that in the event of a recurrence of the agitation for a reduction of the tax the holders of these spirits will be in danger of loss.

Such was the warning of the Commissioner of Internal Revenue at that period.

And just in this connection the distinguished gentleman from Georgia [Mr. BLOUNT] asks the pertinent question and furnishes the following significant and instructive answer:

> What was the condition of the whisky in the country at that time? Let me read a statement of the quantity of spirits in warehouses at the beginning of the fiscal year 1879, with the quantity produced, &c.

| | Gallons. | Gallons. |
|---|---|---|
| Quantity of spirits actually in warehouses beginning of fiscal year | | 14,088,773 |
| Quantity of spirits produced during fiscal year | | 71,892,621 |
| Total | | 85,981,394 |
| Quantity of spirits withdrawn, tax-paid, during fiscal year | 51,885,939 | |
| Quantity of spirits withdrawn for exportation during fiscal year | 14,837,581 | |
| Quantity of spirits withdrawn for scientific purposes, for use of the United States, for transfer to manufacturing warehouse, destroyed by fire, allowed for loss by leakage in warehouse, &c. | 45,404 | |
| Total | | 66,768,924 |
| Quantity of spirits remaining in warehouses at end of fiscal year | | 19,212,470 |

> It thus appears that at the end of that fiscal year there remained in the bonded warehouses, in round numbers, only 19,000,000 gallons. Under the operation of the three years' extension there remained in the bonded warehouses at the end of the next year 31,000,000 gallons. In 1881 the quantity remaining in bond had increased to 64,000,000 gallons; in 1882, 87,000,000 gallons; and in 1883 there remained in bonded warehouses 80,000,000 gallons.

It was also foreseen and foretold that applications would be made for further extensions. In 1882 it came, and was refused after a long and desperate struggle. The result was beneficial to the whisky manufacturing interest itself. It marked the commencement of a healthy reaction in the business. In 1879 they made 71,000,000 gallons; in 1880, 90,000,000 gallons; in 1881, 117,000,000 gallons; in 1882, 105,000,000; and in 1883, 74,000,000—more than the demands of consumption required. Production increased under the stimulus of further extensions of the bonded period, and promptly declined after the refusal to further extend it in 1882. It has been well remarked that these figures conclude the whole business aspect of the case.

If, as the gentleman from Illinois says, we have reduced the production to the real measure of the demand for consumption, should we disturb this adjustment?

Now, Mr. Chairman, who are these people who are asking this measure? I take their own showing. Here are dispatches sent here which I have gone through and tabulated. The petitioners for this measure embrace one governor, seventy-five bankers, seven grain-dealers, two commission merchants, three distillers, one chandler (I do not know

what the candle-man has to do with this), one tanner (if he will stick to whisky it will tan his hide), one lumber-dealer, one glass manufacturer, and one melting company. Now, I am not going to say that the bankers are suspicious characters; but they are very speculating characters. They are wonderfully given to "corners" and "futures" and speculations and jobs. Ordinarily they have to carry their corners and their futures at their own expense. But if they can only get the Government to shoulder this for them they would have luscious times undoubtedly. It would be "richness" indeed. The stake is a splended one—indeed it is a "right royal" one—$150,000,000. Extension long enough to sell what is not covered by the bill at double price, and then would come the last grand act of the drama—the repeal of the internal-revenue laws and the release of all this vast unpaid sum.

Surely we could not have the heart to enforce collection after abolishing the tax.

Did these seventy-five bankers authorize the gentleman from Kentucky [Mr. WILLIS] to deplore their condition before the House, and say that they are going to break if this bill does not pass? If they are in that condition the country ought to know it and Mr. Comptroller Knox ought to know it. But so far as I have been able to gather from their advertisements as to the state of their settlements when Comptroller Knox made his last inspection they were in a wonderfully wholesome and prosperous condition. They invite a continuation of deposits and business and say that they are able to carry it. The report of Comptroller Knox shows that the banking system of the country is in a wholesome condition; under no strain at all. The reserves have increased and the surplus has increased, and assets largely exceed liabilities. The predicted crash that was to have occurred last summer was not on time, and has not been heard of anywhere yet. Failures are actually diminishing in Illinois, Ohio, and Kentucky according to Bradstreet. It may be unthoughted, but it is true.

Now one point more. Gentlemen have elaborated the argument here that these innocent people have been wofully discriminated against. I need recur to that, after the able exposition of it by the gentleman from Georgia [Mr. BLOUNT], only to refresh the memory of the House. The law originally was that these distillers should have what the tobacco manufacturers and the malt-liquor manufacturers had, the privilege of paying when they sold the article. It has been shown under that indulgence the whole system became a nursery of corruption and a cesspool of fraud, into which whoever thrusts his arm will withdraw it leprous with crime and putrid with corruption.

The gentleman from Ohio [Mr. HUBD] made the wonderful argument that Congress then put a penalty upon them for these crimes. This whole country believes those people escaped punishment. They are not on trial now. The Government, finding that policy failed, changed it, and required them to pay in one year. Then they came and asked another indulgence, and got the three-years period which is now the law.

No other interest in this country actually enjoys such privilege except that. The gentleman from Georgia [Mr. BLOUNT] has shown that under the law the importer of foreign goods pays at the end of one year, and if he takes two years longer, which the law allows him, for storage, he pays 10 per cent. additional for its remaining in store. But he pays the tax at the end of one year. The tobacco tax is paid within one year. The tax on malt liquor is all paid in one year.

The report of the committee itself shows this trade has suffered distress in common with the other trades and business interests of the country. We see that it is not the operation of the law at all. It is because of abuses, of mistakes, errors of judgment resulting from bad calculation, if not mischievous purpose, under the law. This House, this Congress has been steadily besieged by that element for indulgence from the beginning of the time when Congress put a tax upon them. They have always been here, and every scheme they ever produced yet when it was uncovered had at least a bad smell about it. [Laughter.] They are not an oppressed people.

I will read from the instructive remarks of the gentleman from Georgia [Mr. BLOUNT], from which it clearly appears that the allegation that the legislation of this country has been hostile towards this people is utterly unfounded. He says:

I desire to call attention to the following statement of the laws in relation to customs:

"Act August 30, 1842, section 12 (5 Statutes, 561): Duties to be paid in cash. On failure to pay goods to be placed in public stores and sold after sixty days by Government.

"Act August 6, 1846, section 1 (9 Statutes, 53), amends former act of 1842 by allowing goods to be entered and placed in bonded warehouses. If remaining beyond one year in warehouse without payment of duties to be sold by Government.

"Act March 3, 1849, section 5 (9 Statutes, 399), modifies former law by allowing goods to remain in warehouse an additional year for withdrawal for exportation (*i. e.*, two years from date of importation).

"Act March 28, 1854, section 4 (10 Statutes, 270), allows goods to remain in warehouse three years either for consumption or exportation.

"Act March 14, 1866, sections 1 and 2 (14 Statutes, 8), allows goods in bond to remain in warehouse three years for consumption or exportation, but if withdrawn for consumption after one year from date of importation they shall pay an additional duty of 10 per cent. on the duties originally assessed.

"This law is reproduced in sections 2970 and 2971 Revised Statutes, and is the present law.

"Act August 5, 1861, section 5 (12 Statutes, 293), provides that goods must be withdrawn from warehouse within three months for consumption and within three years for exportation, with proviso that they may be withdrawn for consumption after three months and before expiration of two years on payment of duties and 25 per cent. thereof additional.

"Act July 14, 1862, section 21 (12 Statutes, that 559), provides goods must be withdrawn for consumption within one year, and within three years for exportation."

When the provision in reference to exportation was inserted in that legislation for what purpose was it done? In 1846, when there was the beginning of a liberal policy towards the importers, it was urged upon Congress that American merchants should have the privilege of bringing in foreign goods, not for sale in American markets, but with the view of making up mixed cargoes for exportation. It was alleged as a reason for and as an illustration of that policy that at that very time there was at Liverpool over two hundred millions in value of foreign goods brought in not for consumption but for re-exportation, brought in with a view to making up cargoes for re-exportation. It was not in the interest of any one in distress, but in the interest of a great public policy. As I understand it, the gentleman's proposition is not in the interest of any public policy except that general one, that general welfare which covers everything and which will relieve them from present distress. The gentleman, therefore, on the matter of exportation can furnish no reason to this House.

I have stated the principle upon which it was done as to foreign goods. Now, it is not the purpose of these gentlemen to export this whisky; they declare that they ask this relief because it is a case of pecuniary distress to themselves in the present emergency.

But let us look further. Goods imported may remain in the bonded warehouse without paying any charge for one year. Then they may remain two years more by the payment of 10 per cent. on the value of the goods. If the goods remain there twenty-four hours over the twelve months, this 10 per cent. must be paid. But in this case those interested in this legislation have already had or will have their liquors in bonded warehouses for three years without the payment of a nickel in the way of interest. Does the importer have any advantage in that respect? Let me read from the report of the Commissioner of Internal Revenue, who seems to think that these gentlemen have had a very especial advantage:

"The causes which in addition to the improvement of the time have led to this great increase in the production of distilled spirits are the amendments of the internal-revenue laws, which have secured"—

Have secured what?

"First, the increase in the bonded period from one year to three years."

That is identical with the privilege accorded to the importer in bringing in foreign goods.

"Second, the allowance for loss by leakage while in the warehouse."

This is an advantage which the distiller has over the importer.

"Third, the relief from the payment of interest on tax while in bonded warehouse."

For two years out of the three which the importer can leave his goods in the bonded warehouse he must pay 10 per cent. of the value of the duty on the goods. The distiller of whisky is not required under the present law to pay one nickel of interest, as I have said, while his goods remain in the bonded warehouse.

"Fourth. The allowance of leakage of spirits while in transportation for export or to manufacturer's warehouse."

I say that these are peculiar advantages to the distiller, when compared with the privileges allowed to the importer of foreign goods. Then as a matter of fact where is the peculiar hardship on the distiller? If at the end of three years the importer shall not pay his tax his goods are confiscated by the Government and sold.

It is said that the importer has the privilege of exportation. What does that amount to? For the fiscal year ending June 30, 1882, the value of imported goods amounted to $716,000,000, and the amount re-exported was only $17,000,000, and that proportion is pretty generally preserved.

The one thing remaining for Congress to do is to go to work like men and reduce taxation. That is what the people demand, reduction of the burdens of taxation. Lighten the burdens of taxation and in that way sweep away this excess of revenue. So long as we have it we will have a place to put it.

Mr. CALKINS. How would you reduce taxation?

Mr. DUNN. On the necessaries of life. I would not reduce it on whisky.

Mr. CALKINS. On sugar?

Mr. DUNN. Yes; I would reduce it on sugar. I would reduce it on wool and woolen goods. I would give the laboring classes cheaper clothing to wear, cheaper food to eat, cheaper implements of industry to work with and to toil with in the fields. I would abolish the laws which load the laboring classes up with burdens, and I would put those burdens on the luxuries of the wealthy, such as whisky and things of that sort. I would very largely increase the free-list.

Mr. CALKINS. How about tobacco?

Mr. DUNN. I am indifferent about that, but I am going to stand by the programme of my party. I will vote to repeal the tobacco tax. I would give the laboring people a cheaper chew of tobacco. I will do that. I would reduce the burdens of taxation all along the line. That is the demand, and if my voice could reach the great men, the leaders who mold and shape the policy of the nation, I would tell them to cease their wrangling with one another. I would tell them to lay down their arms, to put up their fratricidal swords, and bring the columns they are leading against the breastworks and fortifications of taxation, oppression, corruption, extravagance, profligacy, and open and audacious robbery of the Government. I would tell them to seize the battle-flags of their party and march on to the people's victory. I would tell them to listen to the command given last November, which rang out from the granite mountains of the East to the rocky-ribbed mountains of the far-distant West, that command for reform, for reduction of expenses, reduction of burdens of taxation, that command which still rings and reverberates across the continent.

That command was given by the people, and they intend that it shall be obeyed. Political parties may wrangle with each other; men may turn from the path of duty and rend and tear each other; but the people will march on, keeping in view steadily the great question of reform in this Government. They intend to have it in all things. They intend to have an expulsion of all bad men from high places. They intend to have the simple, honest, primitive Government which our

fathers gave to us. They intend to preserve the vitality and the health of that tree of liberty which our fathers planted here for us, which they fertilized with their blood and watered with the sweat of patriots; and the man or the party who turns aside from that march or from that work of reform will be trampled under foot in the grand procession of the American people. They are in deadly earnest, and they intend to have this reform in our Government. If we do not give it to them they will send men here to take our places who will give it to them.

But, sir, I want to read in this connection what I had almost forgotten. I referred once before to that great journal the New York Herald, which did a really valuable service in exposing this measure. I will read this article upon the subject. It is wise and wholesome advice, and I commend it to gentlemen:

The bill—

That is the bonded-extension bill—

is unadvisable in every respect. It is contrary to the wishes of the people; there never was a measure before Congress that was so generally disapproved by the great mass of voters and tax-payers. It withholds taxes that already have been deferred so long as to give the whisky trade favors such as never were enjoyed by any other business in the United States, and it inspires the dealers with a fond hope that they may never have to pay the tax at all. It attaches suspicion to almost every legislator who has anything to do with it, for some men in the whisky business have talked plainly of what they have done for politics and what they still may do or refuse to do. It encourages overproduction; new distilleries are now being planned and built in anticipation of the passage of the bill.

Worst of all, it places the Government in the position of a partner in the whisky business; all the terms used and arguments offered start from the basis that the Government practically has a lot of money invested in whisky and ought to grant an extension, just as merchants sometimes do to unfortunate customers. So insolent a suggestion would never have been made by any other trade; but the whisky men have been so persistently coddled ever since their goods were first taxed that they seem to regard the Government as a sort of junior partner on sufferance. * * * The Government of the United States is not a whisky dealer, much less is it a whisky speculator.

Now here is something else in another newspaper. I read from the Cincinnati News-Journal of March 17, the eve of this discussion, sent here doubtless as a timely caution and a stern admonition to members of Congress, so that, being "forewarned they would be forearmed," and have their "calling and election sure:"

It is a curious fact that the friends of the whisky bill have found the greatest difficulty in getting votes from the members of States where they expected the strongest support, while from the States where prohibition is a strong element they are promised a larger number of votes than they had anticipated.

"In the Southwest," said General Megibben, of Kentucky, to-day, "we got a stronger support than we had anticipated. Take Ohio, Illinois, Michigan, Wisconsin, and even prohibition Iowa, and the Democrats from these States are ready to vote solidly in support of our bill. It is in the South and Southwest that we are disappointed. We believed that we should have the strength of that section without asking. We find, however, that we were very much mistaken. Take Texas and Arkansas and Georgia, for instance; the members from those sections seem to be afraid to help us. They think that their support of the bill would endanger their standing at home in some local-option precinct, or something of that sort."

The general was speaking particularly in the present, and he was, therefore, asked if he still thought the bill would pass, to which he replied: "I think its chances are fair; if we can bring those people who ought to vote with us and those upon whom we have relied we ought to pass it, and if not we probably will not. If they fail us, however," he said, as a light gleamed in his eye, "if they fail us, however, a great many of them will sit at home when the next Congress convenes."

Warning significant to those who oppose the measure. That is the great terror to the member of Congress! Tell him that here is a great power applying for this great stake of $75,000,000; that its whole power shall be concentrated against any member who dares to vote against the measure! I trust, Mr. Chairman, and I believe that no member of this House so disregards the position that he occupies before the American people as to be induced by any such threats to cast a vote for this measure. I trust that the result of the vote on this question will show that nothing of the kind exists. I trust and I believe that when we shall have disposed of this measure the records will show that no member's position or vote on the measure will have been changed by such insolent threats. I sincerely trust the bill will be defeated, otherwise,

'Twill be recorded for a precedent;
And many an error, by the same example,
Will rush into the state.

Mr. HARDEMAN. Mr. Chairman, I rise to a parliamentary inquiry. I wish to ask if there is no way under the rules of this House by which we can get this bill to a vote, so that we can go on with the other regular business of the session? This bill has been fully discussed, and we ought to go to something else. I would like to know, therefore, if there is any power under the rules of this committee to justify us in stopping this debate.

The CHAIRMAN. The Chair thinks that is hardly a parliamentary inquiry.

Mr. HARDEMAN. If I am in order, I move that the committee rise and report the bill back to the House, with the recommendation that it do not pass. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky has the floor.

Mr. BLACKBURN. I move that the committee do now rise.

Mr. HARDEMAN. I move that we limit debate on this thing if we can not get a vote on it now.

Mr. BLACKBURN. I do not yield the floor for the gentleman's motion.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse, had come to no resolution thereon.

Mr. BLACKBURN. Mr. Speaker, I move that when this House next resolves itself into Committee of the Whole House on the state of the Union for the purpose of considering this revenue bill to-morrow morning that general debate shall close at 3 o'clock.

I will state, sir, that according to the tally-list kept at the Speaker's desk the debate has not been fairly divided as to time, there having been five hours and forty-nine minutes in advocacy of the bill and seven hours and eleven minutes occupied by its opponents. I am willing, if it be the wish of the House, that the debate shall go on for an hour longer this afternoon. If so I will move, with the belief that the House desires to proceed this evening, I will move that the committee resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, and pending that I move that on to-morrow there shall not be more than one hour on each side allowed before the general debate shall close.

Mr. MILLER, of Pennsylvania. Finish the debate now.

Mr. HARDEMAN. If in order I move an amendment to that proposition.

The SPEAKER. The Chair will first state the proposition of the gentleman from Kentucky, which is that the House do now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the unfinished revenue bill, and pending that motion that on to-morrow when the House shall again go into committee on this bill all general debate on the bill shall be limited to two hours; one hour on each side.

Mr. BLACKBURN. In order that the House may see that I am endeavoring to be fair I will say that three members of the Committee on Ways and Means who have not yet been heard upon this bill are asking to be heard. It is very unusual, I believe, for the House to refuse to members of the committee the opportunity to be heard on an important measure after that opportunity has been so generously given to gentlemen on both sides who are not members of the committee.

Mr. HARDEMAN. I move to amend by striking out of the motion all that relates to the debate to-morrow and to provide that when the committee resumes its session to-day the general debate shall close in half an hour. The members of the committee have had their chance and have farmed out to a considerable extent their time; and I think the interest of the country demands that some other bills beside the whisky bill shall have discussion.

Mr. BLACKBURN. I am moving that the House return into committee this afternoon for the purpose of affording a member of the Committee on Ways and Means, Mr. HEWITT, of New York, an opportunity to be heard to-day.

The SPEAKER. The gentleman from Georgia moves to amend so as to limit general debate when the House next goes into Committee of the Whole House on the state of the Union to one half-hour.

Mr. WELLER. I move as an amendment to the amendment that gentlemen who have their names on the list, and who will be debarred from speaking if this motion carries, have permission to print their remarks.

The SPEAKER. That as an amendment is not in order. It is something which can be done only by unanimous consent.

Mr. REED. I would like to ask the gentleman from Kentucky if two hours more of debate would not be sufficient, so that we may take the vote to-night?

Mr. BLACKBURN. I think two hours more of debate would answer the purpose of the advocates of the measure, but I think it will not meet the demands of its opponents as shown by the list at the chairman's desk. My proposition is that there shall be two hours allowed for debate to-morrow exclusive of the time to be occupied by the gentleman from New York [Mr. HEWITT], who I propose shall be heard this afternoon.

Mr. RANDALL. If I understand the proposition of the gentleman from Kentucky, it is that the House shall come to an understanding that we will vote on this bill to-morrow at 2 o'clock.

The SPEAKER. After two hours' debate to-morrow is what is proposed by the motion.

Mr. KEIFER. But after that the bill will have to be considered by paragraphs.

The SPEAKER. The motion is that general debate shall close two hours after it shall have been resumed to-morrow.

Mr. RANDALL. One hour of that time I believe the gentleman from Kentucky is to place under my control.

Mr. BLACKBURN. Yes, sir.

Mr. RANDALL. I think I can get along with half an hour, and in that way we may abridge the time for debate to-morrow so as to make it an hour and a half. Of the time proposed to be given me by the courtesy of the gentleman from Kentucky I will take but half an hour, so as to accommodate the House. For myself I would be ready to vote now, but of course I see there are several gentlemen who must yet be heard.

Mr. BLACKBURN. I accept the modification of my motion suggested by the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Kentucky modifies his motion, so that it now is that general debate shall be closed after an hour and a half to morrow; and to that motion the gentleman from Georgia [Mr. HARDEMAN] moves an amendment that general debate——

Mr. HARDEMAN. That general debate close at 5 o'clock this afternoon, it being now 35 minutes past 3 o'clock.

The SPEAKER. The question is on the amendment.

The House divided; and there were—ayes 74, noes 79.

Mr. HARDEMAN. I ask for tellers.

Tellers were ordered; and Mr. HARDEMAN and Mr. BLACKBURN were appointed.

Before the tellers made a report,

Mr. HARDEMAN withdrew the demand for further count.

So the amendment was not agreed to.

The motion that general debate shall close after one hour and a half of debate in the Committee of the Whole to-morrow was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DORSHEIMER in the chair.

The CHAIRMAN. By order of the House all general debate on the pending bill shall close after one hour and a half of debate in Committee of the Whole to-morrow.

Mr. BELFORD. How is that time to be divided?

The CHAIRMAN. That order takes effect to-morrow morning. The gentleman from New York [Mr. HEWITT] is recognized.

Mr. HEWITT, of New York. Mr. Chairman, the bill under discussion is a revenue measure. Any mode of discussing a revenue measure which does not refer itself to economic principles is out of place. All appeals to sentiment, to passion, to emotion, are a mistake. In the discussion of this bill thus far, with a few exceptions, it has been advocated on the ground of charity on the one side and opposed on the ground of morality on the other side. But taxation looks not to charity or morality. It looks to certain economic principles which have been settled by the experience of mankind and are written on the pages of the history of the human race. Cold and calculating are the principles which the painful experience of humanity has thus evolved. Taxation can only fall upon accumulated capital, either that which is invested or that which is active in business, upon production, or upon consumption. There is no other point upon which the strong arm of the law may impose the burdens of taxation. And this principle has divided itself among mankind on a broad highway.

PRINCIPLES OF TAXATION.

First, all nations are agreed that so far as practicable taxation shall be made to fall upon accumulated capital and not upon active capital; not upon capital which is devoted to the conduct of business. Hence in the most enlightened nation on the subject of taxation that the world has ever seen the tax is made to fall upon the fruits, the income of accumulated property as far as possible. Beyond that the line of division of taxation between production and consumption is marked.

In the original history of government taxation fell generally upon production, because it was the easiest thing to reach, and hence arose that remarkable civilization of the Middle Ages in which the guilds tried to protect themselves from the exactions of arbitrary government levying its contribution upon their products. At the present day not a single enlightened nation, not a single commercial nation, proposes or imposes taxation upon the work of production except the United States.

Taxation upon production, however, still survives. It is the characteristic of the Oriental system of government. I have recently passed over that broad field and seen the blighting effects of taxation imposed upon production. Industrial death, moral stupor, decay, hopeless energies buried in the common grave created by a false system of taxation! The whole of the western shores of Asia and of the southern shores of Europe, now dominated by the Turkish Empire, is a monument to the folly of attempting to impose taxation upon production.

In this country, strange to say, enlightened by common schools, by colleges in every State and high schools in every county, with schools of political science and political economy flourishing everywhere, the cardinal principle of taxation which survives to-day is taxation upon production. When taxation is imposed upon the materials upon which human labor exerts itself, then it is a direct tax and imposition upon the work of production. Hence, in England, in France, in Germany, in Italy, in every country that holds a conspicuous place in the progress of modern civilization, raw materials are admitted as free as the air which the people breathe. But here they are met by obstructions the moment they come within the marine league—within the sight of this land of free thought and free government.

Until the system of taxation of this Government shall conform itself to the fundamental principle that taxation shall not impinge upon production, you will have what is now going on—stagnation, depression, suffering, want, lack of employment, disorders, riots, destruction of property, and, I am sorry to say, a shattering of the political organization which heretofore has been the pride of those who love freedom and the home of those who flee from oppression.

This bill is a step in the right direction, but it is not the right thing; it does not go far enough, it does not touch the heart of the question. It is the entering wedge which is going to bring us face to face with the question whether we shall continue to tax raw material or whether we shall allow any taxes to continue which restrict and interfere with the work of production in this country. It is for that reason I shall vote for this bill.

TAXATION FOR MORALITY.

It has been advocated here on the ground that the producers of whisky are great tax-payers, that they are now in distress and ought to have relief. To me that argument amounts to nothing. I go with the gentleman from Massachusetts [Mr. LONG] in all that he said so eloquently yesterday as to the impropriety of this Government stepping in to the relief of any business, wherever carried on or in whatever direction. But on the other hand I do not go with that gentleman when he tells you that the granting of this relief will let loose upon this country a flood of whisky which will demoralize the population and be followed by wreck and ruin. Revenue taxation has nothing to do with morality or charity. The Constitution under which I have been brought up and have sworn to obey declares that taxation is for revenue and for revenue only. [Applause on the Democratic side.]

But we have had a school in this country which has been dominant, the members of which believe in taxation for protection; and we have had taxation for protection until the people of this country have been differentiated into two classes, the very rich and the very poor. Now that this system is breaking down, aye, when the light is penetrating into the State of Massachusetts, which has been the home of protection, but from which we now get the strongest advocacy of the doctrine of free raw material, it is necessary that the members of that school who have exhausted all the possibilities of taxation for protection shall invent a new gospel. And it was announced here yesterday—taxation for morality. I suppose the gentleman would prefer me to say taxation for revenue with incidental morality. [Laughter.]

That idea is worthy of the party of great moral ideas. If you can support this Government or any government upon the vices of its people, if you can devise a revenue system which will compel those who depart from the ways of virtue to pay the expenses of the Government, then you will produce a new development truly admirable and worthy to be welcomed as the beginning of the millennium. Instead of dividing this country into the very rich and the very poor, you will divide it into the very good and the very bad, and the bad men will be made to pay all the expenses of the good men. Then, having founded your Government on the great basis of human depravity, you may economize to your heart's content, for you will want no more churches and no more colleges, but taxation for morality will be the panacea for all our woes. [Laughter.]

I have said that taxation has nothing to do with moral questions. It is just as legitimate to produce whisky, so far as taxation is concerned, as it is to produce pig-iron. In the eye of the law both industries are equally reputable and equally valuable to the community. As a pig-iron maker, knowing its vast uses, I am at a loss to-day to say whether the production of iron, or the production of alcohol, is more useful to the human race. Yet if any man to-day were to propose to impose a tax upon the manufacture of pig-iron he would be hooted out of this House, as he ought to be.

This is either a legitimate industry or it is not. If it is not a legitimate business, then it ought to be stopped; there can be no compromise. But if it ought to be stopped on moral grounds, it does not belong to the National Federal Government to prohibit it. That is a matter of police regulation which is reserved to the States. Let them deal with moral questions; we here have nothing to do with them. Having nothing to do with the moral question, and having, as I believe, satisfied you, or at least satisfied myself, that no tax ought to be imposed upon production in any lawful industry, then there is but one logical conclusion; that is, that this tax ought to be abolished altogether, because such a tax violates a fundamental economic principle.

ALCOHOL A RAW MATERIAL.

The first step, as the gentleman from Massachusetts properly said yesterday, toward its abolition is the passage of this bill; and I shall vote for it, not only because it is legitimate to grant an extension of credit, but because I think it will bring about the abolition of this tax altogether. I do not know or care whether these taxes, if extended under this bill, will ever be paid. I vote for this bill on the broad proposition that it will be the first honest step toward the doctrine of free raw material, which in my judgment is the vital question of this age and this generation in the industrial development of this country.

Now gentlemen may be under some misapprehension as to the nature of the production of alcohol and its uses. I observe that alcohol has been dealt with here mostly on the ground of being a beverage, and a bad beverage at that. No gentleman here has brought to the attention of the House and the country the vast uses of this commodity in the arts. I myself have been profoundly astonished at the investigations I have had to make; and you will be, Mr. Chairman, when I tell you

that I am satisfied that one-half of the entire alcohol which is produced in this country is to-day, notwithstanding the drawback of an enormous excise duty, used in the arts, and not more than half is consumed as a beverage.

I find that the Secretary of the Treasury is in error in this particular, and I have only been able to get at the facts in regard to it from a most careful and elaborate investigation which has been made by Dr. E. R. Squibb, of Brooklyn, the best known manufacturing chemist in this country and the most eminent authority in his line in the world. Dr. Squibb has sent me a communication in which he makes the following statement:

If the finances of the nation will admit it, the tax—

Meaning the tax on distilled spirits—

should be abolished; for it never did the least good for the morals or the ebriety of the nation. It was simply a war measure to raise revenue from an artificial substance, of which probably two-thirds of the total production was then used as a luxury, which could easily be dispensed with if the consumer desired to avoid the tax. Now, with twenty years' progress of the arts and industries of the nation, the production has been very largely increased; and the proportion used in the arts and industries has also increased so largely, even despite the enormous tax, that in all probability it has reached *one-half the total production*. Hence the present situation seems to be that in order to reach and tax one-half the production of an enormous industry the other half is taxed to the enormous extent of nearly six times its original value; and this enormous tax not only embarrasses and retards the progress of thousands of industries, but renders hundreds of other industries which might be started impossible.

As an example of how the alcohol tax bears upon one large class of industries, take the instance of ether. It can be made only from alcohol. It is almost as important a solvent in the arts and manufactures as alcohol is, but for a different set of substances and a different set of uses—as different from alcohol in its uses as alcohol is from water, and with as many and as important advantages over alcohol. With the present tax on alcohol it costs here now, say, about 60 cents a pound when of a quality adapted to the arts and manufactures. This cost is prohibitory to all but a few finer uses, and so enhanced the cost of these few products that in turn their uses are hindered and restricted.

Contrast this with the condition of this same interest in countries where manufacturing alcohol is free from tax. Instead of $2.20 per gallon, alcohol costs, as it did here before the tax, 36 to 40 cents per gallon; and ether, as one of its products, instead of 60 cents per pound, costs 12 to 15 cents. Under these circumstances it is not difficult to understand the multitude of new uses in the industrial arts that are annually developed under the stimulus of cheap solvents which would otherwise remain undeveloped, or be developed at such higher and obstructive cost as would limit the use. In this country, with its greater inventive genius and its constant greater strain for progress in the arts and manufactures, the greater advantages of having free alcohol can easily be seen.

Instead of the combinations of alcohol-makers to restrict the production to a fraction of their capacity in order to maintain prices, and instead of the bonded warehouses crowded with spirits and the clamor for lengthened time, and instead of the limited and restricted uses, there would, in a year or two, be again the former activity in this interest with all the advantages and improvements of the past twenty years to stimulate it, with the result of still cheaper and better alcohol than before the tax. With the vast expanse of land for the cheap production of corn, and the enormous distilleries for its conversion into spirits and cattle food, this country could, and probably would, make alcohol and its products and educts so well and so cheaply as to supply a large part of the world, as it does with the parallel industry of grain and flour.

The larger the scale upon which corn is grown the more economical and more profitable the cultivation, and thus the benefit of free alcohol would reach the farmer. The larger the scale upon which alcohol is made the more economical and the more profitable that industry becomes, and thus that industry is benefited and cheaper and better alcohol supplied. Then the more alcohol made the more cattle food produced and the more cattle fed upon the residue, and the more meat and leather economically supplied, so that it is very easily seen how very far-reaching this alcohol tax is upon the economies of the nation, and at what expense the revenue from it is raised. If the revenue costs more than it is worth, it is not a political economy, and will doubtless be abandoned or be substituted from other sources.

The varied uses of alcohol are beyond any estimate. I find it in the household, in the surgery; I find it in the photographer's shop and among the artists; I find it in every kind of manufacture with which I have anything to do or of which I have any knowledge. I find it to be the universal solvent by which all substances are transferred from one form to another; and I find this vehicle taxed as if it were on a turnpike road with a toll-gate every half-mile. Yet we are expected to make progress in the innumerable arts dependent upon the use of alcohol as a vehicle.

Mr. Chairman, alcohol being, as I believe it to be to-day, a primary if not the leading raw material on which modern chemical industry rests, should be the first to be made free; and I announce now that from this time out, with my voice and my vote, I shall support every bill that proposes to free alcohol; and I shall not cease to work in that direction until the total abolition of this tax is accomplished.

Mr. HISCOCK rose.

Mr. HEWITT, of New York. My colleague will excuse me just now; I will yield to him in a few moments.

METHYLATION OF ALCOHOL.

But, Mr. Chairman, I shall be told that this end can be reached by the methylation of alcohol—that after the addition of methyl to the alcohol it can be made free for use in the arts. I was of that opinion myself. I introduced a bill based upon that idea, as did also my friend from Kentucky [Mr. WILLIS], which is under consideration by a subcommittee of the Committee on Ways and Means, on which I am serving with my colleague [Mr. HISCOCK] who I suppose was about to interrupt me on this point. We have been engaged in the preparation of a bill for the methylation of spirits in order that they might be got free of duty for use in the arts. But, to my surprise and regret, I find that methylation of spirits is a total failure; and as my authority for this I quote again Dr. Squibb, whose statement, with the permission of the House, I will incorporate in my remarks:

The only form of relieving the arts and manufactures from this spirit tax, which has thus far reached the form of a proposed law, is a bill introduced into the House of Representatives and referred, which proposes to exempt from duty any spirit to which a definite percentage of methyl alcohol has been added, leaving the present law and all its appliances still in force for all clean spirit. The theory upon which this proposed law is based is simply that by adding a certain amount of methyl alcohol or wood spirit to ordinary spirit or alcohol it is rendered so disagreeable to the taste that it can not be drunk or be used in beverages, but that such addition does not prevent its being used for manufacturing and industrial purposes. Hence that alcohol or spirit for industrial purposes will be freed from tax, while that which alone can be used for drinking will still pay the tax.

Supposing this plan to be entirely effective, as designed, and supposing the proportion of alcohol drunk be one-half or even two-thirds of the total production, the whole machinery and expense of the present law would be required to yield one-half or two-thirds the revenue it now does; for the same or even larger and more expensive appliances would be required to prevent evasion and revenue fraud.

But there are other and more serious objections. The proposed law proceeds on the theory that this methyl alcohol once added to the clean spirit permanently and irrecoverably spoils it for drinking purposes. This is a great fallacy that should be clearly recognized at the start, for the methyl alcohol can be taken out with comparative ease, and the proposed law acknowledges this by forbidding its being taken out, and providing a penalty against taking it out. To free this methylated spirit from the methyl and clean it so as to be used as a drink is neither a difficult nor an expensive process, and this cleaning would be very sure to be done in more ways than one and in ways that would render detection almost impossible.

If the methyl alcohol itself be pure and clean its taste and odor in the spirit would not be objectionable to a large class of spirit drinkers, and in some grades of spirit it would not always be easy to tell whether it was present in the required proportion or not, and very simple processes—short of the more complete one of distillation—would be applied that would so far clean the spirit as to render it acceptable to a large majority of spirit drinkers. Thus with the utmost vigilance and the most perfect detective system the law would, beyond doubt, be seriously evaded and the revenue defrauded.

And next as to the relief afforded to the arts and manufactures. There is probably not a single use to which alcohol is put that would not be more or less obstructed and hurt by the presence of the methyl—just as every adulterated substance is injured by the adulteration—while in a very large number it would be more objectionable than in drink; and for a still larger number of the better and more important uses methylated spirit could not be used at all. In all such its use would be prohibited quite as surely as for drinking purposes, and hence this larger and better class of uses would not be relieved by the plan, but would have to use taxed spirits, or else, in common with the drinking interest, unlawfully take the methyl out.

Doubtless many manufacturers would buy the methylated spirit, and at an expense not exceeding 2 or 3 cents a gallon would clean it for their own purposes, taking the risk of detection and the penalty, and thus be relieved of the tax, and yet get clean, good alcohol cheaply. With a not uncommon disregard for law and indifference to crime, and with sufficient cunning and care, such practices could be easily carried on to any extent, and so long as the cleaned spirit was used strictly for arts and manufactures it would be argued that the intent of the law would be fulfilled and no harm done. But as it would be quite impossible to confine such clean spirit to lawful uses, such practices could not be permitted if discovery of them was possible.

In short, the general effect would be that the honest manufacturer, who respected and obeyed the law, would not be relieved from the tax, because he could not properly use methylated spirit, while the unscrupulous one, and all the rogues uncaught, would be relieved. The business of the honest man would suffer, and his profits be small, because obliged to compete with the dishonest one, whose profits would be very large, thus offering a direct premium for crime.

Thus the law would, in practice, not relieve those whom it was intended to relieve, but would benefit only the dishonest of the class which is now so seriously embarrassed by the tax.

Again, it is not conducive of true economy and fair dealing to attempt by law to damage the purity of or to spoil or defile any substance for any purpose, and all such attempts must lead to loose principles of action and to various forms of fraud.

Methylated spirit would be used instead of clean spirit wherever its use could be concealed, even though quite unfit for such uses, as, for example, in medicines. Alcohol, as a solvent and vehicle, is of extreme importance in making medicinal preparations, and many thousands of gallons are annually used for such purposes. As methylated spirit would be quite unfit for such uses this industry would not be relieved at all, but would be much damaged by the clandestine use of the adulterated instead of clean spirit.

Good ether could not be made from methylated spirit unless the law be first broken by cleaning the spirit, neither could good chloroform be made from it, and therefore these industries would not be relieved, but would be damaged by offering temptation to the unscrupulous either to break the law by cleaning their spirit or to make impure and debased products.

This statement is absolutely conclusive to the effect that no methylation of spirits can begin to reach the difficulties of the situation. I am therefore compelled reluctantly to abandon any idea that this great result for which I aim can be accomplished by that process. The withdrawal of pure spirits in bond for use in the arts is also impracticable, because it will lead to endless frauds on the revenue unless a detective should follow each barrel. And then *quis custodiet ipsos custodes?*

TOBACCO TAXES.

Just here let me make another remark. In debate here to-day reference has been made to a resolution which proposes to abolish the taxes upon tobacco and also certain taxes upon spirits distilled from fruits. I am sorry that this action has been taken. I regret it. It is a step in the wrong direction. Tobacco is not one of the raw materials of industry; it is a luxury pure and simple, and when it is proposed to embarrass the progress of true revenue reform, which is the freeing of raw materials from duty, by the introduction of a provision which will make it impossible to remove the tax from alcohol, I regret it, although I may be compelled to vote for it in order to bring about the reduction of revenue, for I hold it to be the duty of this Congress to bring down revenue in every practicable mode. But I prefer to bring it down in a method which is in the line of revenue reform, which

is in the line of removing obstacles from the growth and progress of industry; but if I can not accomplish the reduction of the revenue in the best way, I will take it in any other way which is open for me. But I say the action which has been referred to is in my judgment in the wrong direction, and that what we should do is to keep in force the duty upon tobacco and repeal the taxes upon alcohol until we thus compel a revision of the tariff upon the fundamental basis of free raw materials.

Mr. BELFORD. Will the gentleman yield for a question?

Mr. HEWITT, of New York. Yes, sir.

WHAT THE FARMERS WANT.

Mr. BELFORD. What is the difference, so far as it affects raw materials, between corn and tobacco? They are both products of the soil. Will my distinguished friend point out for the edification of the House the distinction which separates one from the other?

Mr. HEWITT, of New York. I will with pleasure, but briefly. Distilled spirits is one of the primary elements of manufacture; tobacco is not. I want to have manufactures grow. They cannot grow if impeded by obstructions as they are now. They have reached their limits. In the hearings before the Ways and Means Committee every great manufacturing interest came and told us they were capable of supplying more goods than they could sell; that the market was overstocked; that the capacity for production had outrun consumption.

There is but one mode by which manufactures can be extended. And here comes in the interest of the farmer. No legislation of this House should be thought of for a moment that can not be proved to be for the benefit of the farmer, for the farmers constitute 50 per cent. of the population of this country. Whatever propositions you make must be for the benefit of the farmers; and they will not go through unless the farmer can see they are for his benefit.

Now, how can the farmer be benefited? What does he want? He wants to sell his products at a higher price. How is he going to sell his products at a higher price as the grain trade stands to-day? The markets of Europe are overcrowded with food products; and more than that, the governments of Europe are averse to allowing our food products to come in. To-day the farmer is met at Liverpool and London by the food products of India. And that competition, so far from being less, is going to increase. Therefore, the farmer has reached the limit of the demand for his products in foreign lands.

Where, then, is he to find his market for them? He must find his market at home. And how is he going to get it at home? Why, only by one method: manufactures must be fostered and grow and not be diminished.

Now comes the question, how can you make manufactures grow? How can you enlarge their area? You have walled them in by the tariff so that there is no outlet for them in other lands.

In order to widen the market you must cheapen cost. How can you cheapen the cost of manufactures? In only one of three ways. The cost of manufactures consists in capital, labor, and materials.

Can you cheapen capital? To-day capital is cheaper in the United States than in any other country in the world.

Can you cheapen labor? Where is the man who is going to run next fall for Congress who will get up here and say he will advocate any policy which will reduce the wages of labor?

Then you are brought down by the very necessities of the case to cheapen raw materials. Now, how can you cheapen raw materials? Only by removing the duties which press upon them. And when you have taken the duties off raw materials you have protected the manufacturer, because he can produce his wares cheaper; you have protected the laborer, because the necessity for reducing his wages, which otherwise would exist, is avoided; and you have protected the farmer, who is the great consumer, by reduction in the cost of his supplies. That is the reason why you are driven to the policy of free raw materials upon which all other enlightened nations have long since planted their industries.

Another reason why I want to see the whisky tax abolished, in addition to the general principle I have laid down that no tax should be allowed to impinge any production whatever, is that it will so reduce the revenue as to compel a revision of the tariff upon the fundamental basis of free raw material.

FREE RAW MATERIALS.

Mr. DINGLEY. Let me ask the gentleman one question.

Mr. HEWITT, of New York. In one moment. The question will be asked whether it is possible to so frame a tariff, with the whisky tax abolished, as to give this country adequate revenue to meet current expenses, pay the interest on the public debt, and keep up the sinking fund, which I wish to preserve inviolable. I say, yes. It is far easier, Mr. Chairman, to increase revenue from customs than it is to reduce it, and the embarrassment we have had in the Committee on Ways and Means has been to find methods of reduction and not methods of increase.

But what I fear, in regard to the bill reported from the Committee on Ways and Means, is it may be delusive in that particular, and so far from being a measure of reduction of revenue it may turn out to be a measure for increase of revenue. I do not say that it will be so. I hope that it will not; but if the free-list is made larger, if it is extended, then it is certain that the revenue will be reduced; but it is only by enlarging the free-list that we can be sure of any such result.

Therefore, Mr. Chairman, what I want, and I am frank to say it, is a larger free-list. You ask me what I would have upon that list. Coal, salt, and lumber we have already reported. Well, what else; will you go further than that? Yes, sir, I answer. Every ore of metal, including the iron ores which I mine myself and do not buy; and the ores of copper, iron, lead, and zinc. Well, would you go further? Yes; take the duties off of jute, sisal grass, manila, and other articles that enter into the manufacture of cordage, in order that we may do some thing for the revival of our depressed mercantile marine. Take the duties off of all of them.

What will I do with wool? I have no doubt myself that the removal of the duty on wool of all kinds and grades would be the wisest measure we could adopt for the general prosperity of the country. But I am met by gentlemen on my own side as well as on the other who do not agree with me, and all measures brought here must be so brought in as to get a majority, or else they can not pass. [Derisive laughter on the Republican side.] I do not know what you mean by jeers; but let me say to you, gentlemen, as I am in the habit of talking frankly, that I am in favor of the abolition of the duty on wool (if we have votes enough to do it), but if we have not votes enough to pass a bill for the repeal or modification of that duty we will give it up; we will yield the point, but only in order to abolish the duty on other articles where it should be abolished. And I will go still further. I will go back, if necessary, and put wool where it was before you touched it, in order to force you to vote upon a bill which puts other things upon the free-list that ought to be there. [Applause on the Democratic side.]

Mr. REED. Let me ask a question now.

NECESSITY FOR HARMONIOUS ACTION.

Mr. HEWITT, of New York. No; I must decline to yield for any question.

In other words, all politics and all legislation is the result of the concurrence or compromise of opinion. I can not expect to have gentlemen follow me where I want to go. I must go far enough in their direction to get them to go with me to produce further and practical results. It is for this reason that parties exist and that we stand divided—you upon one side and we upon the other. But you vote every time solidly together, while we do not. [Derisive laughter on the Republican side.]

I say to my fellow-Democrats, now and here, that in order to secure a measure of revenue reform that begins right, takes the first step toward real reform, I will swallow any quantity of disagreeable medicine; and I say to this Democratic party here to-day that unless they are prepared to go together as a party they had better disband.

Mr. REED. This is not a caucus.

Mr. HEWITT, of New York. I say in the mean time it is our duty to try to come together on a common ground, and for my part I will sacrifice as much as any other man will sacrifice to get there. But that common ground, Mr. Chairman, ought to be a common ground of free raw materials. Upon that common ground we can all stand. We can unite the industries of the people in our favor. On that ground we shall have the farmer, the manufacturer, and the laborer, because we have produced harmony between the three great branches of American industry.

Mr. Chairman, gentlemen on the other side doubtless are disposed, and will be disposed, to criticise what I have said to-day as a departure in some respects from principle for the sake of policy. Let them not deceive themselves. I know of only one possible policy for this country in order to get out of its present difficulties, and that is the removal of the restrictions upon its manufactures. I know I can not achieve that result all at once; I know that I ought not to try to get it all at once; but I want to begin at the bottom; I want to begin at the beginning; and as I have said in the committee, and as I have said at other times, I do not believe this horizontal cut is the best method of arriving at what we want or of reaching that end. [Applause.]

I would be false to my convictions, I would be false to my experience in business, and I would be false to my own training if I took any such view of the question. But I do say that I would rather do that and vote for that bill, rather than fail to give proof to the people of this country that this Democratic party is in dead earnest when it says it will reduce taxation. [Loud and prolonged applause.]

Mr. BRUMM. It is, in earnest, dead! [Laughter.]

Mr. HEWITT, of New York. It may be dead but I do not see any evidence of death. It has been said a good many times that it was dead; but if it is dead, I can only say that it is one of the liveliest corpses that the world has ever seen, and it is a corpse that will still go to the Republican funeral. [Laughter and applause.] Now my friend from Maine, who is a good friend of mine, may be the driver of that hearse. If so, I shall go with a great deal more satisfaction in his company. [Laughter.]

Mr. REED. I am afraid you won't be there. You won't be able to keep up with the procession any more than you do to-day. [Laughter.]

Mr. HEWITT, of New York. No; I do not believe that we will be able to keep up with the procession. I think it will travel at a 2.40 rate to the tomb; too fast for the Democratic crowd to follow it. [Laughter.]

Mr. COX, of New York. It would be dead raw material.

Mr. REED. Dead material out of which we will manufacture another Republican victory. [Laughter.]

Mr. HEWITT, of New York. I should be sorry to be the raw material for the gentleman from Maine, but he must have devoured a great many innocent Democrats before he thought of devouring me. [Laughter and applause.]

Mr. REED. I have; not very innocent, though.

Mr. TALBOTT. The Republican party always did manufacture their victories. [Laughter.]

Mr. HEWITT, of New York. I have occupied the time of the committee at much greater length than I intended. And I will acknowledge to my friends on the other side who seem to be interested that I have traveled over some ground that I had not intended to occupy. Nevertheless I have tried to get before this committee and before the country one fundamental principle—the absolute necessity of starting in the race of manufactures fairly with other nations. They start with free materials and we start with taxed materials. There is no chance for us. We are dead-weighted at the outset. We are beaten before we begin to make the race. And yet there is all the world waiting for us—markets everywhere.

PROPOSED TARIFF LEGISLATION.

Mr. MORRISON. May I ask my colleague on the committee if our chief competitor starts with free alcohol?

Mr. HEWITT, of New York. For the arts it does. And I believe if we had free alcohol for the arts, free from methylation, we would drive our chief competitor out of every market in the world in the production of every article into which alcohol enters. I believe that the profits of the business we shall achieve from free alcohol will far exceed any amount of revenue that has ever been collected from it. Gentlemen, I am not speaking wildly. I will append this communication of Dr. Squibb to my remarks. I invite you all to read it with great care. The area is absolutely unlimited. And it is that consideration which has brought me against my own wishes to the conclusion that distilled spirits should be made absolutely free.

Therefore, if I had the making of a tariff in my own hands to-day I have no hesitation in saying what I would do. I would abolish the whisky tax, but preserve the tobacco tax temporarily. I would take the duty off all these raw materials, and while the good effects of that relief were going into operation I would not touch another duty upon the tariff act, except to correct manifest blunders.

That is what I would do. But gentlemen must not misunderstand me. These duties are too high; they must come down. They ought to be brought down before the next revival of business occurs, because if they are not, then these enormous duties will be put into the profits, and the consumers of this country will be robbed for the benefit of a few overgrown manufacturers, as they were in the case of Bessemer steel rails and as they have been in the case of other branches of business of which I am personally cognizant. Therefore, these duties ought to be got out of the way. But I would not take them out of the way at present. I would leave them there to get the beneficial effect of the removal of these duties on raw materials and trust to the inevitable law of competition to bring down the price of manufactures to the lowest limits of cost, which is certain to be the case when the capacity for production exceeds the consumption. This is our present condition, and is likely to be our condition for a long time to come.

One of these duties, one of the most important, has not been referred to; it does not appear in the tariff bill. I refer to the duty on tin plates, not a pound of which is made in the United States; and there is not a person to be affected by the repeal of that duty. Five millions of dollars or nearly so are now collected on tin plates. They are used in the kitchen; they are used for canning, for export, for roofs, and in every branch of business. Everybody everywhere is a consumer of tin plate. To repeal this duty would be a great and direct relief to the farmers. I would put tin plates on the free-list. And I would transfer to the free-list, as rapidly as possible, everything I could discover that I could put there without destroying some existing branch of business. I would go slowly, and let the people of the country, who are not educated up to the doctrine I believe in and advocate, see the good effects of it. I would follow the people with legislation and not attempt to go in advance of their judgment and their views. [Applause.]

I yield the remainder of my time to the gentleman from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. How much time has the gentleman from New York left?

The CHAIRMAN. Twelve minutes.

Mr. BLACKBURN. I yield to the gentleman from Tennessee [Mr. CALDWELL] five minutes.

Mr. BELFORD. I hope the gentleman will give us a show on this side of the House.

Mr. BLACKBURN. According to the list kept at the Chairman's desk there have been occupied on the other side of the House one hour and fifty minutes more than on this side. The twelve minutes which remain of the time of the gentleman from New York I propose to divide between the gentleman from Tennessee [Mr. CALDWELL] and the gentleman from Maine [Mr. MILLIKEN].

The CHAIRMAN. The gentleman from Maine [Mr. MILLIKEN] is recognized.

Mr. MILLIKEN. Mr. Chairman, I have been much gratified in listening to the remarks of the distinguished gentleman from New York [Mr. HEWITT]. He says he does not desire to have a tax imposed upon immorality. I do; for I am sure that the Democratic party will then bear at least its full share of the burdens of taxation.

But what has particularly pleased me in the gentleman's remarks has been their frankness. Unlike others who have advocated this bill and who claim that its opponents favor the repeal of the whisky tax, he states that he supports the bill as a preliminary step to repeal. He desires that the whisky tax shall be abolished, and with that end in view as his ultimate object he urges the passage of this bill. This is a logical position to occupy. I believe that if this bill becomes a law it will be found to have been but the entering-wedge to the repeal of all law imposing taxes upon whisky. It extends the time of the payment of about $70,000,000 due from the distillers and whisky owners to the Government two years. If this is done the whisky interest, relieved of its present embarrassment and reassured by the action of Congress, will continue to increase its surplus. The seventy millions will become one hundred millions. Thus re-enforced, and with so much more at stake, it will come to Congress demanding repeal where it now asks only extension of time, and perhaps require a remission of taxes already due. The gentleman from New York says he does not care if these taxes are never paid. He more than intimates that he does not think they will be. I incline to believe that his intimation will become a correct prediction if this bill shall become a law.

I desire to say to the gentleman from Kentucky, who declared that the opponents of this bill were friends to the repeal of the whisky tax and that perhaps I was one of them, that I will never vote for the repeal of that tax so long as the Government has to raise a revenue to pay its debts and meet its expenditures. I say this not as a temperance man. It is not necessary to say it as such. I would continue this tax as a wise and patriotic method of raising revenue, for if any method of raising a revenue is better than all others it is that which makes the burden of taxation bear most lightly upon the people. Such certainly is the whisky tax. It is levied upon a harmful luxury. It is voluntarily paid. No man need bear its burden. It touches not any necessity of life that goes in over the threshold of the poor or enters by the portals of the rich. He alone pays it who chooses to do so, and it is levied upon that which is the producer of harm.

I believe that to repeal this tax would be worse than throwing the money it produces into the sea, for I am satisfied that its restrictive power upon the sale of intoxicants saves directly and indirectly more to the people than the whole value of the tax. The gentleman from Pennsylvania would abolish the entire internal-revenue tax. He calls it infernal revenue. Why infernal? Is it because it produces a great income to the Government without increasing the price of any necessity of life? He tells us that it cost $10,000,000 annually to collect it; but it puts more than a hundred millions annually in the national Treasury. He further says that the enforcement of this law is resisted, and that it is necessary to make raids upon its violators to collect the revenue. This is true only in certain sections of the country where lawless communities diregard all Federal laws that are displeasing to them. In these same communities the election laws are resisted with more force and determination and with greater success than the revenue laws. Would the gentleman for that reason have the election laws repealed; and does he now recommend the repeal of a law which puts into the Treasury more than a hundred millions of revenue simply because a few moonshiners, who have some small distilleries hidden away among the mountains in some parts of the South, resist its enforcement?

This would sweep away all law, for there is none whose enforcement is not somewhere or at some time resisted. It would certainly lead to the repeal of all duties upon imports, because the Government has to keep a detective force to watch and occasionally make raids upon law-defying smugglers. Just imagine the venerable gentleman from Pennsylvania following the logic of his position and favoring this proposition. It would involve a conversion on his part unequaled by even that of Saint Paul. He further objects to this law because, he says, it creates a system of espionage to which the people should not be subjected. Is this not true of all laws for the collection of taxes?

The assessors of your towns and cities search the records to discover your real estate; they inquire into the affairs of your household to learn of your taxable furniture; they look over your goods, wares, and merchandise, and even put you under oath and force you to swear to the sum of your possessions, or doom you, in default thereof, to suffer such assessments as they shall chose to make. And the customs officials search your vessel, overhaul your cargo, knock open your boxes, pry into your trunks, break your packages, open the folds of your garments, reach into your pockets, and sometimes go even further than this, into your private affairs to insure an honest collection of the duties due the Government. The gentleman does not complain of this scrutiny, yet it is much closer than any which is exercised in the collection of the internal revenue. Indeed I think that from the honest tax-payer, who seeks not to escape from bearing his share of the public burdens, little complaint is heard against either of these methods of taxation.

But to return to a more direct discussion of the bill before the House, I desire to say that I have observed with no little admiration the various directions from which the friends of this bill come to its support.

Their different positions appear to be quite as inconsistent with each other as they are ingenious.

The first proposition to which we are treated is that it is entirely a business question and should be decided upon business considerations; and yet the gentleman who lays down this proposition proceeds, in the course of his remarks, to urge the passage of the bill upon temperance grounds, picturing to us in frighful colors the drunkenness that will follow the taking of this whisky out of bond and throwing it upon the market. And yet, in almost the same breath in which he urges this as a temperance measure, we are told that if this bill does not become a law this bonded whisky is not to be thrown upon the market at all to create the havoc of dissipation just now so vividly described, but on the other hand we are threatened that before the taxes upon it become due it will be shipped away, that great shrinkage will take place during its absence, whereby the Government will lose a large amount of revenue. Well, perhaps if it should never return the people would not therefore be greatly the losers.

The second gentleman who advocates the passage of this bill reiterates the proposition of the first, affirming with great emphasis that it is simply a business question, but proceeds at once to appeal to the House for its passage on the ground that whisky has great and peculiar claims upon the generous and charitable consideration of the country because of its high character as a tax-payer. He says it has paid into the national Treasury during the last ten years a thousand million of dollars.

But when I ask him, inasmuch as he has stated to us the amount of taxes whisky has paid, to be kind enough to inform the House what sum of taxes whisky has made during the same period in which it has been paying taxes, he declines to answer the question. Indeed, he resents it as inadmissible and impertinent, says it has nothing to do with the subject, and shields himself under the shadow of his first proposition, that it is only a business question.

And, again, the next gentleman proceeds to argue that this bill should be discussed and decided as a cold business proposition, regardless of its moral bearings, and without the indulgence of any sentiment upon the subject; but how soon does he jump that narrow track, run off into a graphic description of the bankruptcy and ruin, the poverty and sorrow, which he says are sure to fall upon the poor whisky producer and whisky owner should this bill not become a law.

The picture which he draws of the tears of the woe-stricken wives and impoverished children of these unfortunate and hardly-used whisky dealers in its pathetic coloring is very striking and impressive, and my heart was keenly touched by his statement of the warm sympathy which, to his surprise, he received from some members who come from the cold climes of the North, whose people he had supposed were a calculating lot of trafficers in whom the milk of human kindness was frozen.

I am glad the gentleman has come to the truth in this respect. He will find in the future as in the past, when the people of the South have been visited by floods and pestilence, that up under the icebergs of the North are warm hearts that respond readily and generously to every proper object of human sympathy.

But let us see what this bill means as a business proposition. It amounts simply to this: It proposes that the Government shall loan to the owners of whisky in bond $70,000,000 on two years' time at 4½ per cent. interest. That the Government is the creditor of the whisky owner; that this seventy millions will soon become due to the Government; that he asks only an extension of the time of payment changes not the nature of the proposition. If I owe my neighbor $1,000, due at any future specified time, the day when the debt matures the thousand dollars is his. If I consent to extend the time of payment that constitutes a new loan, which he is under no more legal or moral obligation to make than if no previous transaction had existed between us.

The day when this whisky tax becomes due it will belong to the Government. It should then be in its Treasury. To extend the time of payment two years would be as complete a loan to the whisky owners as if the money were taken out of the Treasury and loaned to them directly to enable them to carry their stock, as this extension of the time of payment is proposed to do. Now, what are the reasons urged why the Government should make this great loan to the whisky owners? We are told that the situation is this: that the whisky men have produced their commodity in large excess of the demands of consumption; that to force it upon the market will involve them in great loss and some of them in bankruptcy; they therefore petition the Government to come to their rescue and save them from the legitimate consequences of their own improvidence. To say nothing of the good or harm of the whisky business, how do these parties differ from others whose misfortunes, or want of foresight, or overreaching avarice have led them into distress? If this bill is to become a law, why should not the shipbuilding interest, so often depressed, come to Congress in the day of its disaster for help? Why should not the farmer when his crops are short and bring him insufficient returns, the merchant when he is forced to sell upon a declining market and can not meet his paper of maturity, the manufacturer when low prices and dull demand stop his spindles and put out the fires in his furnaces, seek relief from the Government Treasury? But it is said that the banks hold a large amount of this whisky as collateral security, and that if the tax is demanded when due they will be sufferers. Is whisky the only security which banks have held by which they have suffered or are likely to suffer? I think not. A bank in my own town will be glad to have the Government make good quite a large investment in railroad bonds; and I think that in all sections of the country national banks, savings institutions, individual investors, and speculators of every class may be found who would like to have the Government come to their rescue and save them from the consequences of their improvident ventures. Why not they as well as the whisky dealers? Indeed this bill as a precedent is full of mischief. It sets an example which, if followed, would make the Government patriarchal instead of democratic, and reverse entirely the theory upon which it was established. A government should not attempt to exercise a parental or guardian care over the private business of the people. Its laws should seek to give a free and equally open and unobstructed course to every one and leave each to be responsible for his own undertakings, to reap their fruits whether of success or failure.

As a temperance movement I do not believe this bill will receive many proselytes. It does not provide against taking this 70,000,000 gallons of whisky out of bond. It only defers the time of taking it out and placing it upon the market. It is to strengthen the whisky interests by a loan of the enormous sum of $70,000,000 for two years. In the mean time the whisky men, relieved of their present embarrassment, reassured and restrengthened, will continue to produce their commodity.

One of the advocates of this bill says that the future product will be reduced if the whisky distillers control themselves; but what right have we to expect that they will do in future what they have not done in the past? Though they knew there was a large surplus, they continued to produce and increase it. They complain also that the law is rigorous and the tax upon whisky exceptionally high. I will not now discuss the reasons for laying this large tax upon whisky. They are patent, I think, to every intelligent person and need no explanation. It is sufficient to say that the producers when they distilled and the owners when they purchased knew what the tax was and acted with their eyes open. They have been put to no disadvantage by laws enacted subsequent to their production and purchase. Why should not they, like those engaged in every other industry in the country, while they are glad to receive the enormous profits be willing to suffer the losses of their business? Is there anything in the character of this business which peculiarly recommends it to the fostering care of the Government—anything which indeed should make it in that respect exceptional and a favorite?

I know the friends of the bill complain at the discussion upon our side of this phase of the question, but they have themselves put the character of their client into the case. They have claimed for whisky that it should receive especial consideration because of its great productiveness of revenue. Having done this, they can not justly complain of us for discussing its character as a tax-maker. I do not wonder that they desire to have that subject let alone or very tenderly handled. Indeed I was not surprised that the gentleman from Kentucky when I asked him how many taxes whisky had made failed to give to this House the requested information. Indeed if it were within the limits of possibility to obtain the statistics, and the gentleman had them in his possession, I doubt that his powers of computation would enable him to cast up the sum. It needs not that a man should be what gentlemen are pleased to style a temperance crank, it needs not that he should be a teetotaler or a prohibitionist, it needs only that he should be an intelligent man, observant of what is transacting in every community, to know that the whisky traffic inflicts upon our people one of the greatest of all their misfortunes, and it needs only that one should be a patriotic man and a lover of his race that he should most deeply deplore it. And when the gentleman from Kentucky was depicting in colors so vivid the tears and sorrows of the wives and children of the whisky dealers to be made bankrupt by payment of their taxes, I could not but think how much broader field he might have had for his eloquent description had he attempted a recital of but a small fraction of the pains and sorrows, misery, degradation, and crime of which whisky has been the prolific parent.

Whisky pleading for sympathy is like the boy who having murdered his father and mother, when convicted of the crime and asked why sentence of death should not be pronounced upon him, appealed with tearful eyes to the court to have mercy upon a poor orphan!

The gentleman from New York [Mr. HEWITT] says he desires the repeal of the whisky tax because he wants free raw material, and following the example of his colleague [Mr. COX] in discussing this bill treats us to a speech upon the tariff. What does he mean by "raw material?" Will he please define the term as he understands it? If whisky is not a manufactured article will he be so kind as to inform us what is? The whisky may be raw enough, to be sure, but every item of its cost from the sowing of the grain to its production in the market for sale, except the interest upon the value of the ground in which the grain grows and the machinery by which it is made, is for labor. Raw ma-

terial indeed! You may as well call cotton or woolen cloth, boots and shoes, silk dresses, and suits of satin raw material as whisky. More than 90 per cent. of its value is the result of labor. Herein lies the error of the gentleman and those of his school. They call wool raw material, yet who does not know how largely labor enters into the product of wool? Those of that school who are builders speak of bricks and lumber as raw material, yet there is nothing of raw material in the one except the clay of which they are made and the wood with which they are burned, nor of the other except the trees standing in the forest. All else of their value has been contributed by labor. Indeed, there is no tax or duty levied upon any raw material in this country by the Federal Government. There is no raw material except the earth and what is within and grows upon it, the waters and what they contain, the air and its forces, and upon these the Government lays no duties.

A protective tariff should be equal at least to the difference between the price of labor in this country and abroad. Will the gentleman who talks so learnedly of free raw material tell me why the farmer who produces wool should not be protected in his payment of that difference to his employés as well as the manufacturer who makes it into cloth, or why he who converts growing trees into manufactured lumber or ore into pig-iron should not be protected by sufficient duties in paying American wages to American workmen as well as he who purchases their product and employs labor upon it for its further manufacture?

The fact is that they who so glibly advocate free raw material are believers in free trade in all manufactured articles until they come into their own possession for further manufacture, at which boundary they commence to be protectionists and so continue up to the point where they dispose of their goods.

But I will not follow what I regard as a vicious practice of this House and make a tariff speech upon a bill to extend the time of payment of taxes due upon bonded whisky. I have done this only so far as to answer the gentleman's assumption that whisky is raw material. The tariff I prefer to discuss upon another and more appropriate occasion, if I shall do so at all. I desire to call the attention of the House to one other point in connection with this subject, and then I will not further occupy its attention. Gentlemen declare that we must repeal the whisky tax to prevent the continued accumulation of a surplus of revenue in the national Treasury. They profess to be greatly alarmed by this surplus. I must confess that it does not frighten me at all. I think that a government which owes nearly $1,500,000,000 need not be obliged to search far to discover a place for the proper and judicious investment of its surplus income. If that investment can not be favorably made to-day it may be so placed as to be ready to meet the liabilities of the Government at their maturity. The surplus revenue may be in part wisely used to educate the illiterate we may now have among us and those who are continually flocking to our shores to become citizens and law-makers. Indeed, I would prefer rather that every soldier whose brave deeds and generous sacrifices have contributed to save the nation's life and secure to us this magnificent reunited country, proud, powerful, and grand as it is, should receive a generous pension from the surplus revenues of the Government than that they should be given to an industry which has wrought among the people so much sorrow, degradation, and ruin as the manufacture and sale of whisky.

Mr. BLACKBURN. I now yield to the gentleman from Tennessee [Mr. CALDWELL].

Mr. CALDWELL. The whisky-men have been treated in this debate as if they were outside not only of sympathy but of any rule of equity. They have been denounced as the manufacturers of the dynamite of civilization.

Now, I beg leave to remind gentlemen that if this class of citizens is thus to be proscribed and vituperated, the Government is in partnership with them. If the Government has made a covenant with iniquity and issued a license to sin and taken a bond of hell, its representatives stand here with a poor grace when they urge this House to turn a deaf ear to the cry for relief of the very people who are their copartners.

I can understand very well how a gentleman might act who thought that the whisky traffic and the whisky manufacture ought to be abolished entirely. But I can not understand how gentlemen can take the money derived from a participation in the alcoholic traffic and manufacture and put it into the public Treasury, and then turn upon the men who have furnished that money and cover them with abuse and deny them relief.

The advantages of that partnership were all on one side. The risk, the investment of capital and labor, are required at the hands of the weaker partners, the whisky men. The Government has taken no risk, but has filled its Treasury to repletion and overflowing with this ill-gotten gain. The Government has profited by this trade, and now, when its money-bags are astrut almost to bursting, it is trying to drive these men into bankruptcy and into ruin. That is not only inequitable, but it is absolutely disgraceful.

If these men are in a calling *contra bonos mores*, so is the Government. You are dealing here with your weaker partners. They have an equitable right to demand at your hands that you shall not insist, like Shylock, on the nomination of the bond. There is not a court of equity in the world that would not read either in or outside of the lines and interpret in the spirit if not in the letter of the bond that the weaker partners are entitled to some measure of relief when they are suffering from the tyrannical and oppressive acts of their too-powerful superior.

The taunt has been thrown at these men that they are monopolists. If so, then it is the result of the vicious system which has been in vogue in this country for many years, a system which has fostered monopolies. You made the monopoly possible, and you tempted these men to create it. One who was without sin himself prayed that he might not be tempted. If these men under your system have overproduced and formed a monopoly, the Government is to blame for it.

The gentleman from Arkansas [Mr. DUNN] saw proper to tabulate some telegrams. I will print in my remarks for the consideration of the House statements from bankers, business men, distillers, and prominent citizens in the city of Nashville who affirm the fact that this extension of the bonded period will not injure any living man, but will be for the general common weal of the country.

The Government is now about to take a spasm of righteousness, I presume, to drive out their wicked partners, who come here simply to ask not a loan, as was conclusively shown by the gentleman from Connecticut [Mr. EATON], but to ask a stay of execution. One gentleman [Mr. CUTCHEON] asked the question if anybody ever heard of interest being paid upon a stay of execution. I would ask if anybody ever heard of any State where interest under stay law was not required? The practice is of universal prevalence. But I have not time to speak further on that.

The gentleman from Massachusetts [Mr. LONG] said that if these men were driven to export this whisky which is now in bond, it would be a happy riddance. I presume that is characteristic of the philanthropy of New England. You are willing to go into partnership and manufacture this poison, and then as a part of human philanthropy to send it out to poison your neighbors.

Here is a proposition which the Government can not well fail to entertain, which will injure no man, and which ultimately will redound to the absolute revenue of the Government. But if you drive these men to the wall, self-preservation being the first law of commerce as well as of nature, they will be driven to any expedient by which they can escape bankruptcy and the forfeiture of their property. Hence they will export this material, and the Government will be deprived of all revenue from it.

Men who favor sumptuary legislation and interference with individual liberty may not be induced to consider that the Government is a copartner in a great undertaking like the whisky business, and hence seek to deal oppressively in this matter. But no man, not dominated by fanatical ideas and seeking to make the General Government invade the domain of morals and local police legislation, can fail to admit the fact of the responsibility of the internal-revenue system for the monopolies and overproduction of whisky, and hence the utter injustice in refusing this demand.

Gentlemen talk glibly of jobs and undue advantages sought by this extension of the bonded period. No proof has been offered. It is a cheap sort of argument that convinces itself by the assertion of fraud. It convinces no man, not even he who makes it. Against this I put the statements telegraphed to me by honorable men in all walks of business life, who would scorn to countenance a ring, fraud, or raid upon the Government.

NASHVILLE, TENN., *March* 21, 1884.

*Tennessee Delegation House of Representatives,*
(Care Hon. A. J. CALDWELL):

The passage of the bonded-extension bill will benefit many of our citizens and will injure none. We respectfully request you to support the bill.

KINNEY, McLAUGHLIN & CO.
SPERRY, WADE & CO.
PHILIPS, JACKSON & CO.
CHARLES NELSON.
TYLER, STRATTON & CO.
SPURLOCK, PAGE & CO.
S. B. SPURLOCK & CO.
THOMAS RYAN & CO.
HAUDLY, WHITE & CO.
JOHN J. VERTREES.
GEORGE W. DARDEN.
HENRY HENSLEY,
*President Merchants' Exchange.*

NASHVILLE, TENN., *March* 24, 1884.

*Tennesse Delegation*
(Care Hon. A. J. CALDWELL):

The passage of the bonded-extension bill will be a great benefit to Tennessee. We hope you will support the bill.

SAMUEL J. KEITH,
*President Fourth National Bank.*
THOMAS PLATER,
*Vice-President First National Bank.*
JOHN KIRKMAN,
*President American National Bank.*
J. C. WARNER,
M. BURNS,
DUNCAN & GAINES,
*Bankers.*

These men are identified with the material interests of Tennessee and the Union. They command the respect and confidence of our people. They are capable judges and honest men. Are not speculators nor monopolists, and I put their names and fame against insinuations without probability and assertions without proof.

Mr. REED. Mr. Chairman, I would be reluctant to undertake in this impromptu fashion to make reply to the elaborate speech of the

gentleman from New York [Mr. HEWITT]; and I am very much relieved from any necessity for doing so by noticing that some parts of the speech very carefully answer the rest of it; and the main object I have in taking the floor is not to make elaborate reply, but only to emphasize some of his own replies.

The gentleman seems to be in a great state of mind upon the subject of raw materials. Nothing on earth will satisfy him except "free raw materials;" and no price on earth, in his judgment, is too great to pay for them. He has announced that for the sake of "free raw materials" he will vote to take all the taxes off wool, and for "free raw materials" he will agree to put on wool all the taxes that can be imposed upon it.

He has been conspicuous for the last three or four years in declaiming against the inequalities of our tariff laws; yet nevertheless he purposes, if his declarations are to be carried out, to vote for a bill which contains every irregularity of which he ever complained, with this sole modification—that it is 20 per cent. lower! He has proclaimed his disbelief in the bill for which he announces his intention to vote. What fairer commentary can there be upon Democratic policy than such a declaration from one of the foremost business men that are still left in the ranks of that party? What a strange commentary it is upon their situation that a man declares himself ready to vote three different ways, in every one of which he disbelieves; and he has the applause of the Democratic side! I suppose he took one-third of them on one bad proposition, another third on another bad proposition, another on the rest; and all of them upon the general wrongfulness of his situation. [Laughter.]

"Free raw materials!" And all this on a question of taxing table whisky! What does the gentleman mean by "raw materials?" I tell you that unconsciously to himself (for I like him thoroughly) he is juggling with words. When you come to figure it down to just what he means, you will find that "raw material" is something out of which you can make bar-iron—nothing else. [Applause.] Why, sir, in the letter which he wrote in his haste to get in advance of the funeral procession of which he has spoken so kindly, he proclaimed to the people of New York that he was in favor of repealing all tax upon raw materials and (mark the addition) upon food products. What does he mean by raw materials? He intended you to understand by that term materials upon which no labor has been expended. Where is the raw material which will come under such a definition in his own iron business? Why, sir, it is the round earth without so much as a hole in the ground. I tell you there is no such thing as value without human labor; and if the gentleman purposes to allow for the difference of labor in this country upon one class of materials why should he refuse to do it upon another? Where is the logical consistency of stopping protection at the mouth of the mine and protecting at the door of the mill? The gentleman's personal situation has led him to magnify his microcosm into a macrocosm, if the gentleman from Colorado [Mr. BELFORD] will allow me to intrude upon his favorite domain of philosophical language. [Laughter.] He is making out of his little world everybody's big world.

Why, sir, I figured out the gentleman's letter as it would affect us up in the State of Maine—I have not the figures with me, because until he made his speech this afternoon the whole subject had entered in my mind as it had in everybody else's, into the limbo of the buried past. But I recall the effect of his doctrine as to "food products." Why, sir, it would cut off 25 per cent. of every dollar of the production of the farmers of Maine. It would cut off every dollar of their profit; and the result would be one of the most picturesque ruins that even the Democratic party ever caused upon the face of the earth.

Food products and raw materials! All the men who labor before things get to his mill are not to be protected; all men are to be protected afterward. It looks to me as if the Democratic party was undertaking to patronize the rich and forget the basis of society, the agriculturists. When they come to examine the figures showing the result that is to follow their wholesale attempt they will shrink from it as badly as some of them did last night at the caucus.

But I know one of the purposes of the speech of my friend. It was to show that he could accommodate himself to all the factions of the Democratic party, from my protectionist friend from Ohio [Mr. CONVERSE], who wants a big tariff on wool, down to my free-trade friend from Illinois [Mr. MORRISON], who would be glad to cut the whole thing entirely up by the roots. I am rejoiced to have the gentleman from New York proclaim not only the present aspect of this free-trade movement which every one could see, but the future, which all these free-trade leaders have been for days and weeks denying. He says that even the proposed enormity is only a step in the right direction. Even this does not suit his wide views or the broad grasp of his educated mind. It was intended simply for Democrats who have not advanced far enough; but when he can lead them to the Pisgah heights of the "Morrison bill" there in front of them will lie the promised land of agriculture devoid of all manufactures, free from anything to trouble or molest or make the Democrat afraid. [Laughter and applause.]

But the use of a prophet in this world is to forewarn people, and although my friend has not yet become a practical statesman, because none of his projects have yet taken life, he has succeeded in becoming a practical prophet and showing the people of this country what we are to expect from those who train with him. [Laughter.]

Need I say more after what he has said? Is not this an addition to what he was kind enough to say sufficient to cover all the ground?

Why he says the Democratic party at some time are to be at the Republican funeral. I tell you, gentlemen, that you will never be at any such scene until you get to believe in something, to stand by something, to be a united people capable of producing something that does not disturb the business interests of the country. But as long as you go on as you always have, staggeringly and putteringly trying to destroy the business prosperity of this country you will never attend any Republican funeral, but you will be at your own every time. [Laughter and applause.]

Mr. BELFORD. Mr. Chairman, I think after the Democratic caucus which occurred last night that a distinguished Democrat should pronounce a eulogy on cocktails this morning. [Laughter and applause.] I am absolutely gratified that that sweet, saintly-faced leader of the Democratic party who led a Democratic House into the passage of the electoral commission by which Tilden was defeated for the Presidency should read the Republican party a lesson this morning. He is the proper gentleman to assume that position, and as he led you wrong then, he may lead you wrong now. I say this in profound respect and abundant reverence. [Laughter and applause.]

I am, further, glad of the fact that the gentleman will vote for this bill. I intend to vote for it, and I do not propose to be perturbed or disturbed by public clamor with reference to it. I am going to vote for it to keep $70,000,000 out of the Treasury. [Laughter.] Will he vote for it on that ground?

I desired to-day, when the resolution was pending before this House to appropriate $125,000 to relieve the sufferers of the Mississippi Valley, a river that traverses thirteen States and two Territories in connection with the Missouri—when I desired to offer an amendment to make it a million, one of my Democratic friends said, "I am going to demand the previous question, and I will cut off your amendment."

I want this country to know that your whole course is a sham and a fraud. Why do you not pass a bill requiring the Treasury of the United States, which is held in the custody of a gentleman from New York, to put your surplus money into circulation. You have a majority here, you are capable of doing it, and yet last night at your caucus you could not tell whether you were going to repeal the internal-revenue taxes or the tariff. Now, is not that the honest truth?

I am for a tariff—a high protective tariff. I was born and educated in the State of Pennsylvania, and I will stand by her interests. If it be necessary to protect them, I will vote to take the tax off of whisky and tobacco, and will not apologize to the people for so doing.

What will you do? You have the absolute control of this House, and yet I declare here now that you have not got the courage to vote for this bill extending the bonded period. We will find it out to-night or to-morrow; but I want the country to know that with a majority of seventy in this House you have not got the courage to do a courageous act.

I appeal to you, my friends from the South, I appeal to you earnestly and energetically, that, with the courageous and enterprising people of the West, we will take into our own hands the control of this Government, and run it for the benefit of 30,000,000 people who live along the valley of the Mississippi and beyond it. Why should you and I allow two States and little New England to run this vast and magnificent empire? Let us stand up like men. [Laughter.] Oh, yes; you laugh; but you have not the courage I have or you ought to have.

I say that, after we have appropriated from the beginning of this Government down to this hour 90 per cent. of our revenue for the benefit of Pennsylvania and New York, you men of the South have not the courage, although you have the control of this House, to stand together and demand that you shall have a fair proportion of the money that is in the Treasury of this Government. [Laughter and applause.]

The day is gone by when I have any prejudices against the South. We had a great disagreement; we had an unpleasant quarrel; but this is our country, the whole of it, from the lakes in the north to the Gulf in the south. You have got control of this body, and I propose as one member to stand solidly and stanchly by the South until we see her impoverished people as grand in their capacity, in the measures of usefulness, as the people of the North, and I demand and desire that you co-operate with me in this result. I am a Republican and you are Democrats, yet our interests are indissolubly connected. We can not separate them if we would. The empire is there to-day and not here, and I hope the Democratic party will have the courage, because you have the majority, to see to it that the interests of that section along the Mississippi River and the West shall be thoroughly advanced. Be heroes and not cowards is my advice to your caucus. [Applause.]

Mr. BLACKBURN. I move that the committee do now rise.

Mr. WHITE, of Kentucky. I ask the attention of my colleague for a moment. I desire to say that under the impression that I was entitled to the floor for an hour in my own right I have promised to yield to a number of gentlemen who desire to be heard on this bill. And I did that, as I have said, under the impression that I would be entitled to the floor. The Chairman on yesterday led me to believe that I would hardly get that hour until late to-day. I hope the gentleman, therefore, will not cut off debate now, but will allow me to take the

floor, if the Chair will recognize me, so that I may have the opportunity of yielding to the gentlemen to whom I have promised portions of my time. I do not care for more than ten or fifteen minutes myself; but I hope my colleague will allow me, under the circumstances, to yield to other gentlemen who desire to occupy the floor in my time.

Mr. BLACKBURN. It is useless for me to deny what goes without saying, and what the gentleman from Kentucky, my colleague, knows, that I have no desire or wish to cut him off from all possible opportunities of debate on this question. But I united my own efforts with those of the chairman more than once to-day to find my colleague from Kentucky, and did find him at last, in order to get him to claim the hour which he had asked. Now the debate up to this time shows that there have been nearly two hours of time consumed by the opponents of this measure in excess of the time occupied by its friends. My colleague is opposed to the bill; and I presume his time would be parceled out to gentlemen who entertain the same opinions.

But I have no choice about the matter. I am not making a point as to the length of time which has been consumed against the bill. I am willing, if it is the wish of the committee, to stay here for another hour or such length of time as it pleases and listen to the discussion of this measure. I can give the assurance that no gentleman will occupy one minute this evening in favor of the bill. I am willing, therefore, to yield entirely to the wishes of the committee. I only made the motion because the time at which the committee usually rises has already been reached and passed, and I thought I would test the sense of the committee as to whether it desired to continue the debate this evening or not.

Mr. WHITE, of Kentucky. I hope the committee will not rise, but will continue in session for the purpose of allowing me to fulfill my promises to those gentlemen around me.

Mr. BLACKBURN. I am perfectly willing to withdraw the motion, but I am satisfied that other gentlemen around me will renew it. I should be glad if the committee would allow my colleague to take the time that he wants to use himself and then rise; but if we sit here an hour longer it will be considerably after 6 o'clock before adjournment.

Mr. WHITE, of Kentucky. I do not like to occupy the time myself after having given the promises that I have given to yield it to others.

Mr. BLACKBURN. It is only a question with me whether if I withdraw the motion some other gentleman will not renew it. I am notified by gentlemen all around me that it will be renewed if I withdraw it.

Mr. WHITE, of Kentucky. Then I hope that I may be permitted to take the floor now and have my time to yield to these gentlemen to-morrow.

Mr. BLACKBURN. By an order of the House it has been determined that there shall be but an hour-and-a-half debate to-morrow. The gentleman from Pennsylvania will first occupy the floor, and the members of the Committee on Ways and Means are entitled to the last hour.

Mr. WHITE, of Kentucky. For myself I do not care to hear the question further debated. I am ready to vote now. My sentiments were exhibited on this bill two years ago. But I have made these promises and I do not like to disappoint other gentlemen.

Mr. THOMPSON. I hope the committee will allow my colleague to proceed for fifteen minutes.

The CHAIRMAN. The only question before the committee is on the motion of the gentleman from Kentucky that the committe do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union having had under consideration the bonded-extension bill, had come to no conclusion thereon.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

### BENJAMIN WILKES.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. 6254) providing for the adjudication of the claim of Benjamin Wilkes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### RECONSTRUCTION OF THE NAVY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

*To the Senate and House of Representatives:*

In my annual message I impressed upon Congress the necessity of continued progress in the reconstruction of the Navy. The recommendations in this direction of the Secretary of the Navy and of the naval advisory board were submitted by me, unaccompanied by specific expressions of approval. I now deem it my duty to advise that appropriations be made at the present session toward designing and commencing the construction of at least the three additional steel cruisers and the four gunboats thus recommended; the cost of which, including their armament, will not exceed $4,283,000, of which sum one-half should be appropriated for the next fiscal year.

The Chicago, Boston, Atlanta, and Dolphin have been designed and are being built with care and skill, and there is every reason to believe that they will prove creditable and serviceable modern cruisers. Technical questions concerning the details of these or of additional vessels can not wisely be settled except by experts; and the naval advisory board organized by direction of Congress, under the act of August 5, 1882, and consisting of three line officers, a naval constructor, and a naval engineer, selected "with reference only to character, experience, knowledge, and skill," and a naval architect and a marine engineer from civil life "of established reputation and standing as experts in naval or marine construction," is an appropriate authority to decide finally all such questions. I am unwilling to see the gradual reconstruction of our naval cruisers, now happily begun in conformity with modern requirements, delayed one full year for any unsubstantial reason.

Whatever conditions Congress may see fit to impose in order to secure judicious designs and honest and economical construction will be acceptable to me; but to relinquish or postpone the policy already deliberately declared will be in my judgment an act of national imprudence.

Appropriations should also be made without delay for finishing the four double-turreted monitors, the Puritan, Amphitrite, Terror, and Monadnock, and for procuring their armament and that of the Miantonomoh. Their hulls are built and their machinery is under contract and approaching completion, except that of the Monadnock on the Pacific coast. This should also be built, and the armor and heavy guns of all should be procured at the earliest practicable moment.

The total amount appropriated up to this time for the four vessels is $3,546,941.41. A sum not exceeding $3,838,769.62, including $866,725 for four powerful rifled cannon and for the remainder of the ordnance outfit, will complete and equip them for service. Of the sum required only two millions need be appropriated for the next fiscal year. It is not expected that one of the monitors will be a match for the heaviest broadside ironclads which certain other governments have constructed at a cost of four or five millions each. But they will be armored vessels of an approved and useful type, presenting limited surfaces for the shot of an enemy, and possessed of such sea-going capacity and offensive power as fully to answer our immediate necessities. Their completion having been determined upon in the recent legislation of Congress, no time should be lost in accomplishing the necessary object.

The gun foundery board, appointed by direction of Congress, consisting of three Army and three Navy officers, has submitted its report, duly transmitted on the 20th day of February, 1884, recommending that the Government should promote the production at private steel works of the required material for heavy cannon, and that two Government factories, one for the Army and one for the Navy, should be established for the fabrication of guns from such material. An early consideration of the report is recommended, together with such action as will enable the Government to construct its ordnance upon its own territory and so to provide the armaments demanded by considerations which concern the national safety and honor.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 26, 1884.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARNER, of Ohio, for five days, on account of important business.

To Mr. COOK, indefinitely, on account of important business.

To Mr. LACEY, indefinitely, on account of sickness.

### EXPLORATIONS IN ALASKA.

Mr. COX, of New York, by unanimous consent submitted the following resolution; which was read, and referred to the Committee on Printing:

*Resolved*, That there be printed —— thousand copies of the report upon explorations in Alaska by E. W. Nelson, the report to form one quarto volume, with the necessary illustrations.

Mr. BLACKBURN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

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### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Papers relating to claim of James F. Shattuck—to the Committee on War Claims.

By Mr. BARBOUR: Papers relating to the claim of Susannah C. Cocke—to the same committee.

By Mr. BUDD: Memorial of the Citizens' Association of Sacramento, Cal., urging that the unexpended appropriation for the Sacramento and other rivers be expended—to the Committee on Rivers and Harbors.

Also, memorial and resolutions of the Board of Trade of Sacramento, Cal.; memorial of Citizens' Association of Sacramento, Cal., and memorial and resolutions of the board of supervisors of Yolo County, California, urging the passage of the Budd Sacramento River bill—severally to the same committee.

By Mr. J. M. CAMPBELL: Petition of comrades of Harrison Post, No. 231, Grand Army of the Republic, Department of Pennsylvania, for the equalization of bounties, pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CONNOLLY: Petition of C. S. Briggs and 102 others, members of George Fell Post, No. 307, Grand Army of the Republic, of Waverly, Lackawanna County, Pennsylvania, praying for the passage of S. 46, to equalize bounties—to the same committee.

By Mr. CONVERSE: Petitions of Samuel Carpenter and 113 others; of A. D. McKillop and 117 others, wool-growers of Michigan; of John Clark and 96 others, and of S. D. Newcomb and 26 others, citizens and wool-growers of Michigan, asking for the restoration of the tariff of 1867 on wool, and remonstrating against the passage of the Morrison tariff bill—severally to the Committee on Ways and Means.

By Mr. DEUSTER: Petition of John V. Tuttle, C. E. Kirkland, H. F. Starke, and 34 vessel owners and masters, citizens of Milwaukee, Wis., praying for the construction of a breakwater and harbor of refuge at Cross Village, in Emmet County, Michigan—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of the city of Milwaukee, in favor of the passage of a bill to promote the revenue-marine service—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of H. S. Huidekoper, for support of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, the memorial of the Capitol police, for increase of pay—to the Committee on Accounts.

Also, memorial of W. S. Hart, for redemption of trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. FORAN: Petition of vessel-owners, representing 46 vessels in Ohio and Michigan, protesting against the passage of H. R. 5128—to the Committee on Commerce.

By Mr. HARMER: Resolution of the Board of Trade of the city of Philadelphia, and preamble and resolution of the Maritime Exchange of Philadelphia, in favor of the passage of H. R. 4483—severally to the same committee.

By Mr. JEFFORDS: Papers relating to the claim of Ann Dunn Halsey—to the Committee on War Claims.

By Mr. JORDAN: Petition and remonstrances of S. F. Covington, John Kyle, and many others, against the construction of bridges across the Great Kanawha in the manner contemplated by H. R. 1441—to the Committee on Commerce.

By Mr. NELSON: Petition of James Billings, relative to the improvement of Shell and Crow Wing Rivers, Minnesota—to the Committee on Rivers and Harbors.

By Mr. TOWNSHEND: Petition for an appropriation to improve the harbor and complete the levee, &c., at Shawneetown, Ill., on the Ohio River—to the same committee.

## SENATE.

### THURSDAY, *March* 27, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### RECONSTRUCTION OF THE NAVY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. LOGAN, referred to the Committee on Appropriations, and ordered to be printed:

*To the Senate and House of Representatives:*

In my annual message I impressed upon Congress the necessity of continued progress in the reconstruction of the Navy. The recommendations in this direction of the Secretary of the Navy and of the naval advisory board were submitted by me, unaccompanied by specific expressions of approval. I now deem it my duty to advise that appropriations be made at the present session toward designing and commencing the construction of at least the three additional steel cruisers and the four gunboats thus recommended; the cost of which, including their armament, will not exceed $4,283,000, of which sum one-half should be appropriated for the next fiscal year.

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Whatever conditions Congress may see fit to impose in order to secure judicious designs and honest and economical construction will be acceptable to me; but to relinquish or postpone the policy already deliberately declared will be in my judgment an act of national imprudence.

Appropriations should also be made without delay for finishing the four double-turreted monitors, the Puritan, Amphitrite, Terror, and Monadnock, and for procuring their armament and that of the Miantonomoh. Their hulls are built and their machinery is under contract and approaching completion, except that of the Monadnock, on the Pacific coast. This should also be built, and the armor and heavy guns of all should be procured at the earliest practicable moment.

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CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 26, 1884.

#### HOUSE BILL REFERRED.

The bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor, was read twice by its title, and referred to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Lewis C. McLaughlin, commander, and Alexis W. Penson, adjutant, Brooklyn, N. Y., for Devin Post, No. 148, Grand Army of the Republic, Department of New York, praying for the passage of Senate bill No. 1, repealing the limitation to the arrearage-of-pensions act of 1879; which was referred to the Committee on Pensions.

He also presented the telegraphic memorial of J. S. Ferho, president, and Charles M. Travis, secretary, on behalf of the American inventors' convention now in session at Cincinnati, Ohio, protesting against the passage of any measure impairing the rights of inventors or depriving them of the legitimate fruits of their labor; which was referred to the Committee on Patents.

Mr. CAMERON, of Wisconsin. I present a memorial very numerously signed by residents of Milwaukee, Wis., protesting against the repeal of an act passed March 1, 1879, permitting vinegar-makers by a vaporizing process to separate the alcoholic properties of the mash produced by them and to inject the same into water for the purpose of making vinegar.

These memorialists represent that the act has now been in practical operation for four years and has proved itself beneficial both from a commercial and sanitary standpoint; that it has afforded the people of the United States the best, purest, and most healthful vinegar at the lowest possible price; that it has driven from the market all impure and adulterated vinegars; that it has created a new branch of consumption for grain, and enabled American vinegar-makers to compete with foreign manufacturers, thereby opening a new channel of export for vinegar and meats and vegetables put up in the same, and that it has prevented the great loss formerly occasioned by decay of much of all classes of pickled goods put up in impure vinegar. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented a memorial of inventors and manufacturers of Chicago, Ill., remonstrating against certain legislation now pending in regard to patents and patentees; which was referred to the Committee on Patents.

He also presented a petition of citizens of Brighton, Ill., praying for the repeal of certain laws permitting the use of vapors of alcoholic spirits in the manufacture of vinegar; which was referred to the Committee on Finance.

Mr. HOAR. I present the petition of the owners of the late merchant bark Forest Belle, in reference to the proposed return of the residue of the Chinese indemnity fund, and praying, if such return be made, compensation from that fund for their bark which was destroyed by Chinese in Chinese waters. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CULLOM presented a petition of the Chicago Trade and Labor Assembly, praying for the passage of certain measures in behalf of labor; which was referred to the Committee on Education and Labor.

Mr. VEST. I have been requested by the Delegate from the Territory of Utah to present a memorial of the Legislative Assembly of that Territory, protesting against the passage of the bills now pending in Congress or any other measures inimical to the people of Utah Territory until after full investigation by a Congressional committee. I have not read the memorial, but it seems to be couched in respectful language, and whatever may be thought about the merits of these bills, these people are citizens of the United States, and certainly have the right of petition. I will ask, unless there be objection, not that the memorial be read but that it be spread upon the RECORD, and referred to the Committee on Territories.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that the memorial be printed in the RECORD and referred to the Committee on Territories. If there be no objection that order will be entered.

The memorial is as follows:

Memorial of the Legislative Assembly of the Territory of Utah.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

GENTLEMEN: We, your memorialists, the Legislative Assembly of the Territory of Utah, respectfully represent, that we have been elected by the people of this Territory, under the provisions of the act of Congress known as the Edmunds law, to represent them in the local Legislature; that we have among other enactments made provisions for the filling of the registration and election offices as authorized by section 9 of that law, but our action has been rendered void by the refusal of the governor to sign the bill; that in consequence of that refusal one object of the Edmunds law has been frustrated, and the interests of our constituents have been jeopardized; that other bills needful to the progress of this Territory have been nullified by the governor; that measures have been introduced in your honorable body looking to extreme, and as we consider harsh and unjust, action toward the people of this Territory; that the measures have been prompted by untruthful statements made to your honorable body, and by misunderstanding of the facts and of the political situation in this Ter-

ritory. We therefore consider it a duty we owe to our constituents to memorialize your honorable body, and plainly, if briefly, explain to you the truth, and appeal to you for a full investigation before any further steps are taken toward the curtailment of the liberties of a people who are famed throughout the world for many qualities that mark them as good citizens.

The pioneer settlers of the Territory of Utah, after traversing a wilderness of more than a thousand miles in extent, making the roads, building the bridges, and establishing ferries as necessity required, and having at the inception of their arduous journey given to the service of the Government five hundred of their most active and able-bodied men, who were called out to assist in fighting the battles of the country with Mexico, arrived in these valleys during the summer and fall of 1847.

They at once unfurled the flag of our country to the breeze and took possession of the land, which was then a part of Mexico, in the name of the United States, and, declaring their allegiance to this Government, made immediate preparations to assume the responsibilities and acquire the privileges of statehood under the auspices of the Federal Union.

This region was then considered by those who had the best opportunities of judging unfit for the habitation of any but savages of the most degraded type, and in its settlement the people had to contend with the destruction of their crops by frosts, by insects, by drought, and by the natural sterility of the soil, and to eke out a scanty subsistence upon thistle-tops and wild roots. But by their persistent industry they redeemed the land from barrenness, introduced a system of irrigation which has been imitated with profit in surrounding places, and made possible the settlement of localities adjacent which were then considered worthless, but are now flourishing States and Territories of the United States. They were the first to call the attention of Congress to the feasibility of constructing a transcontinental railroad, the line for which they trailed as they crossed the plains; they established the first printing-press west of the Missouri River, organized the first express company and mail line connecting the wild West with the borders of civilization, stretched hundreds of miles of the first telegraph line, and afterward aided in the building of the Pacific Railway that first bound the eastern to the western extremity of our common country. Although applying for admission into the Union as a State at the same time as California, a Territorial government was given to Utah, while California, with no greater claims, was granted the privileges and rights of statehood. But Utah did not murmur. The wise and republican policy was adopted of selecting from her resident citizens many of the officers appointed by the President and Senate, and under them, with the officers elected by the people, the Territory prospered and grew so rapidly in numbers, wealth, and importance as to attract the admiring attention of the world. Then the policy of the administration was changed, and strangers who had no interest in common with the people of Utah were sent to occupy the prominent appointive offices. Among the evils entailed upon the Territory by imported officers were these: One Federal official absconded with the funds appropriated by Congress to pay the Territorial Legislature. A Federal judge of notoriously immoral character and acts, finding Utah an uncongenial clime, deserted his post and returned to Washington with the false report that the Territory was in a state of rebellion, and that the records of his court, the Territorial library, and other public property had been destroyed. Without waiting to investigate these and other vile charges, the Government fitted out and dispatched troops to quell the supposed rebellion. Many millions of public money were wasted in this needless expedition, and after the rash step was taken beyond recall a commission was sent to investigate, who discovered that the whole movement was founded on falsehood, and subsequently the troops were withdrawn. The cost to the country and the proofs of its folly may be learned from the public records; but the cost to the people of Utah, and the trouble, vexation, loss of property, and difficulties entailed upon them by this vexatious escapade are known only to those who endured them. An official investigation before instead of after the expedition would have saved them much unjust suffering and the country an immense amount of money, which was all needed in the civil war that followed.

During that struggle for the supremacy of the glorious Union to which the people of Utah have ever been attached, although no draft was made upon her sons for regular military service, because she was but a Territorial dependency, yet when called upon by the parent Government for important aid they responded in such a manner as to elicit the thanks of the President. Within twenty-four hours after a dispatch from President Lincoln was received calling for men to protect the mail and Government trains from the attacks of the wild tribes of the plains a body of Utah militia were on the saddle, armed and equipped for the fray and moving *en route* for the scene of strife, where they performed signal service against the Indians and protected many helpless traveling citizens who were on their way to the Pacific coast. Yet this very militia were forbidden in 1870, by a proclamation of a Federal governor, to drill, muster, or assemble for any purpose. In consequence of this arbitrary order, one that was in direct violation of a constitutional provision, the citizens in the outlying settlements were exposed to the incursions of savage tribes, who were thus encouraged to make raids upon them because any organized assistance from the militia would be in violation of the governor's proclamation. So far was this order carried into effect that the aid of Federal soldiers was invoked to prevent the marching of a company of militia in Salt Lake City in a public celebration of the anniversary of American Independence. During the period of this invasion of the constitutional rights of citizens a chief-justice, newly appointed, joined with other officials in an attack upon the people to deprive them, under color of law, of rights vested in them by the organic act. In Washington city he proclaimed: "The mission which God has called upon me to perform in Utah is as much above the duties of other courts and judges as the heavens are above the earth, and whenever or wherever I may find the local or Federal laws obstructing or interfering therewith, by God's blessings I shall trample them under my feet."

The results of his remarkable maladministration of justice was that attorneys refused to trust the cases of their clients for adjudication, the business routines of the various courts were entirely blocked, and respectable American citizens languished in prison unable to secure trial, while criminals of the most notorious character were permitted to run at large.

In many instances well-known and worthy citizens were incarcerated merely on suspicion, and in others placed in durance vile on the testimony of men whose oath would not be taken in the most trivial civil case. Judicial chaos reigned supreme in a hitherto peaceful, quiet, and well-ordered community.

The Supreme Court of the United States, after a full and complete investigation, reversed nearly all the decisions of the Federal courts in this Territory then rendered, the chief-justice was removed, and order was again restored.

We refrain from enumerating many of the annoyances to which the people of Utah have been exposed through the overbearing and oppressive acts of imported officials, but must draw the attention of your honorable body to the course presented by the present executive. From the first he has allied himself with a clique of adventurers, busy in stirring up michief and circulating false rumors for the purpose of provoking ulterior measures that may result in their possible advantage. With nothing to lose and everything to gain, any turn of the wheel so long as it be in the direction of a revolution may bring up something to their pecuniary advantage. He has taken the stump in their interest, publicly insulted peaceable and respected citizens by untruthful allegations, and arrogated to himself extraordinary prerogatives. At the canvass for the election of 1880 he issued a certificate of election to his friend, the minority candidate, who received but 1,357 votes, while the candidate of the people received 18,568 votes. And the only excuse he could offer for this flagrant violation of his oath to uphold the laws of Congress, requiring the governor to "declare elected the person having the greatest number of votes and to issue a certificate accordingly," was that the minority candidate was "the person who, being a citizen, had the greatest number of votes." He thus assumed both judicial and legislative powers; judicial in passing upon the citizenship of a candidate who had served in Congress for several terms and whose citizenship had been acknowledged by that body which alone held the right to judge of the qualifications of its members; and legislative, in adding in the certificate to the law of Congress governing his duty the words "being a citizen." By this assumption and unlawful exercise of power he rendered void the franchises of more than 18,000 citizens, representing the overwhelming majority of the population. We are here reminded of the striking words of the lamented Garfield: "If in other lands it be high treason to compass the death of the king, it should be counted no less a crime here to strangle the sovereign power and stifle its voice."

He has on several occasions attempted to place in the local offices, for the purpose of controlling and disbursing the Territorial finances, irresponsible individuals who are the open enemies of the people. This he has done under a pretended construction of the organic act, but contrary to positive enactments of the Legislative Assembly, signed by his predecessors, virtually sanctioned by Congress, and deemed valid because of rulings rendered by the Supreme Court of the United States. He has, by an arbitrary exercise of the veto power, refused to sign bills enacted by the Legislature unless provisions were incorporated therein in harmony with his personal designs and in extension of his executive powers. Even the educational interests of the Territory have been hampered and obstructed by his tyranny, and the Legislature have been prevented from appropriating the money of the people whom they represented for university purposes, according to the public desire. He has endeavored to injure the people whose interests he should labor to subserve, by attempting to inflame the public mind in his official utterances and documents, and to influence your honorable body to take extreme measures toward this Territory, by which the extraordinary powers vested in the executive shall be enlarged to the extent of complete despotism. To further this object his report to the Secretary of the Interior and his message to your memorialists were drawn up, containing many absolute falsehoods and misrepresentations and distortions of facts and conditions, against which we earnestly protest and concerning which we desire and ask for impartial investigation.

It was in consequence of some of these inaccurate and specious statements that the act of Congress known as the Edmunds law was hurriedly passed, without full debate, to satisfy the clamor of the multitude raised without reason and provoked by calumny. Under the provisions of that law many constitutional guarantees have been ignored and thousands of citizens have been deprived of vested rights, of that valuable property the elective franchise, which they had exercised for many years, without any process of law. This summary punishment was inflicted upon them without indictment and without trial by operation of a test-oath which virtually made them witnesses against themselves, and which was *ex post facto* in its effects. This oath has been imposed upon the whole body of citizens without authority of law, being formulated by the Utah Commission, on whom no legislative powers were conferred by the Edmunds law, from which their authority is solely derived. It is as follows:

TERRITORY OF UTAH,
*County of* ——:

I, —— ——, being first duly sworn (or affirmed), depose and say, that I am over 21 years of age, and have resided in the Territory of Utah for six months, and in the precinct of —— one month immediately preceding the date hereof, and (if a male) am a native-born or naturalized (as the case may be) citizen of the United States, and a tax-payer in this Territory; (or if a female) I am a native-born, or naturalized, or the wife, widow, or daughter (as the case may be) of a native-born or naturalized citizen of the United States; and I do further solemnly swear (or affirm) that I am not a bigamist nor a polygamist; that I have not violated the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into or continued in violation of the said laws of the United States prohibiting bigamy or polygamy; (and if a woman) that I am not the wife of a polygamist, nor have I entered into any relation with any man in violation of the laws of the United States concerning polygamy and bigamy.

Subscribed and sworn to before me this —— day of ——, A. D. 188–.

—— ——,
*Registration Officer —— Precinct.*

Your honorable body will perceive that under this oath, while men who cohabit with more than one woman "*in the marriage relation*" are excluded from voting and holding office, persons who commit the most flagrant sexual crimes are permitted to exercise the elective franchise and are eligible for any official position so long as their filthy acts are outside of the marriage relation. These words, we submit, are an interpolation, and are contrary to the language and intent of the Edmunds law. And they were first used by the present executive of this Territory, who compelled every applicant for the office of notary public to take an oath containing that phrase for the purpose of excluding polygamists and admitting libertines and notorious debauchees.

The commission who, usurping legislative functions, enacted this test-oath, were by the provisions of the Edmunds law authorized to remain in office until the Legislative Assembly should provide for the filling of the registration and election offices made vacant by the law and subject to the appointing power of the commission. Your memorialists respectfully represent that they have provided for the filling of those offices, and have passed an election law as they believed in full conformity to the Edmunds law and other acts of Congress, and incorporating the oath here annexed, to be taken by all applicants for registration, in order to exercise the elective franchise.

TERRITORY OF UTAH,
*County of* ——, *ss:*

I, —— ——, being first duly sworn, depose and say that I am a citizen of the United States; (or) I have declared on oath, before a competent court of record, my intention to become a citizen of the United States, and have taken an oath to support the Constitution and Government of the United States (as the case may be); I am over twenty-one years of age; I have resided in the Territory of Utah six months, and in the precinct of —— thirty days next preceding the date hereof, and I am not disqualified as a voter by any law of the United States or of the Territory of Utah.

—— ——.

Subscribed and sworn to before me this —— day of ——, 18–.

—— ——,
*Assessor,*

By —— ——,
*Deputy Assessor.*

This bill, a copy of which is herewith presented, was vetoed by Governor Murray. Your memorialists claim that it is strictly conformable to the laws of the United States and a measure needful to the present interests of the Territory, and that if the provision extending the elective franchise to persons not fully clothed with the habiliments of citizenship was objectionable, it might have been expunged without impairing the remainder of the bill. And yet it is in accord with section 1860 of the Revised Statutes of the United States, which confers power upon the Territories thus to extend the franchise. The oath presented in the bill is free from the immoral and unlawful features of the test-oath enacted

by the commissioners, but was too comprehensive for the Governor, as it would exclude from the privilege of voting, and consequently of local office-holding, all persons who are disqualified by any law of Congress or of the Territory. By vetoing this bill the Governor has defeated the intention of your honorable body to dispense with the services of the Utah Commission so soon as the conduct of elections was placed in the hands of non-polygamous officers appointed under the local laws. The evident object of this veto is to continue the commissioners in office and to provoke additional Congressional legislation, by which the small political liberty yet left to the citizens of this Territory may be yet further diminished and his gubernatorial domination may be extended.

Another instance of his arbitrary exercise of the veto power is the contemptuous manner in which he treated the bill passed by your memorialists apportioning the representation of the Territory. In the governor's message to the Legislature he recommended a new apportionment, "giving to each locality having the necessary population the right to choose its own members." Your memorialists promptly passed a bill apportioning the representation according to the population of the various districts. This was returned to the Legislature unapproved, with the statement by the governor that "the census of 1880 entitles every 12,000 of population to one representative in the council, and every 6,000 of population to one representative in the house of representatives." The message closed with the following paragraph:

"If the Legislature will pass an act apportioning the Territory into twelve council districts and twenty-four representative districts, as near as may be upon the foregoing basis, where each councilor and representative is to be voted for separately, I will be pleased to approve the same."

Another bill was drawn up in exact conformity to the governor's suggestion and promise, a copy of which is presented herewith. It passed both houses of the Assembly and was duly forwarded to him for signature. But he forfeited his pledged agreement and treated the bill with the contempt of utter silence, neither approving nor rejecting it; and such is the dependent condition of the Territory of Utah that it does not need even the absolute veto of the governor to render void an act passed by the people's elected representatives, but his neglect to sign it is more mighty than the combined labors of thirty-six legislators chosen by ballot to express the popular will. The object of this insulting treatment of the Legislature was, without doubt, to leave the way open for the passage of a measure, now before your honorable body, giving the governor alone the right to make the apportionment of the representation; although a very good law for this purpose, passed in 1880 and signed by his immediate predecessor, is now upon the Territorial statute-book, and there is no real necessity for any radical change.

Your memorialists submit that the political situation in Utah is this:

Four-fifths of the voting population, after excluding all who have been disqualified by the rulings of the Utah Commission and their extreme construction of the Edmunds law, belong to what is called the People's party and represent at least 80 per cent. of the entire population of this Territory. The other portion chiefly belong to what is called the Liberal party. The great fault of the majority seems to be that they select persons from among themselves to represent them and manage their local affairs. No person who has ever lived in the practice of polygamy is now permitted to vote or hold any office; therefore there can be no legal reason offered why the great majority of the voting citizens should not choose their local officers from among their own number. The only portion of the Territorial government under the control of the people is the Legislature, with the addition of a few ministerial officers to handle the funds raised by local taxation under the Territorial laws. The judicial and executive departments are in the entire control of the National Government, and all such offices are filled by national appointment. These, with other officials under Federal authority, including nearly all the postmasters, are numbered with the Liberal party, which, though in so small a minority, aims at the control of the only portion of the local government left to the people. And because the great body of the citizens refuse to accept the nominees of the minority, the proposition is made to abolish the Legislature, whose members are elected by the people, and establish in its stead a commission appointed by the President and Senate of the United States, and thus sweep away from the Territory the last vestige of republican government. It should be remembered that to-day the lawmaking department, elected by the people, is at the mercy of the appointed executive in the enactment of any law. The governor holds the power of absolute veto, and no two-thirds or even unanimous vote of the Legislature avails against his individual ditcum or simple indisposition to append to a bill his signature; at the same time your honorable body exercises the power not only to disapprove of any local enactment which the governor may feel inclined to sign, but also to legislate directly for the Territory. So while the local Legislature can not enact any law without the consent of the governor and the approval of Congress, laws can be and are enacted by Congress without any voice or consent of the people who are to be governed by them.

We respectfully ask if this is not sufficient national control and supervision over the only shred of political power left to the large body of American citizens who compose the voting population of this Territory?

We respectfully submit that the bills now pending in Congress in reference to Utah are manifestly unjust and altogether unnecessary, to say nothing of their utter incompatibility with the spirit and letter of the Constitution of the United States. Not only is no good and sufficient reason advanced for the substitution of a legislative commission for the Legislative Assembly of Utah, but the measure would be without precedent in the history of our country. The territory northwest of the Ohio was not governed in any such arbitrary manner as is proposed in these bills, but guarantees for local self-government were given to take effect when the then sparsely settled districts should contain inhabitants numbering but a small proportion of the present population of the Territory of Utah. There is no parallel between the case of any other section of the country which has been temporarily governed by persons appointed by the President and Senate of the United States and that of Utah, an organized Territory, which has held and exercised the right to enact its own laws for the last thirty-four years. The District of Columbia is not to be compared with a Territory organized for the very purpose of preparing it for the dignity and responsibilities of statehood, to which the District, wherein is the seat of National Government and over which Congress has "exclusive jurisdiction," can never attain. And we respectfully submit that, as it cannot now be alleged that polygamists make the laws or vote into office the members of the Legislature of Utah, the only pretext upon which such measures as the appointment of a legislative commission is founded is that the overwhelming majority of the voting citizens will not select men to represent them from the small minority which now monopolizes the offices in the gift of the National Government; in other words, that because the majority will not vote as desired by the minority, they should not be allowed to vote at all. This is a true statement of the fact, stripped of the specious sophistries which are so generally thrown around it.

That this extraordinary measure would be considered abroad as well as at home to be despotic and subversive of the rights of citizens, your memorialists cite to your honorable body the cases of Jamaica and Canada when similar propositions were made in relation to those colonies before the British Parliament. In 1839 Jamaica resisted certain direct legislation by the home government, and, considering that their legislative rights had been trampled upon by this interference of the British Parliament, the colonial assembly passed a resolution that it would abstain from the exercise of its legislative functions, except for the purpose of maintaining the public credit, until the obnoxious acts should be repealed and the members of the assembly be left "to the free exercise of their inherent rights as British subjects." A protest was forwarded to Great Britain which was considered insulting to the crown and Parliament. A bill was introduced "to suspend the existing constitution of the island for a limited number of years, and to provide during that interval its legislative functions should not be exercised except by the governor and council alone;" but this, although moderate and merciful in comparison with the measures in reference to Utah now before your honorable body, was considered even in monarchical England a grave stretch of governmental authority. The colonists were permitted to be heard by counsel when the bill was discussed, and Sir Robert Peel, who was a very radical supporter of the doctrine of the power of Parliament, and who denounced the course of the colonists as "foolish and unjustifiable," declared that the bill was "neither more nor less than one for the establishment of a complete despotism—one that would establish the most unqualified, unchecked, unmitigated power that was ever yet applied to the government of any community in place of that liberal system which had prevailed for upward of one hundred and fifty years," and he asked whether Parliament had "ever treated with so much severity a conquered colony amid the first heat of animosity after the contest." The measure failed, and the attempt to pass it cost the ministry, under Lord Melbourne, their official positions, for through its failure they were compelled to resign.

Canada not only protested against the interference of the home government, but made demands which Peel declared would, if conceded, establish in the colony "a French republic." These demands not being granted, the lower province proceeded to armed insurrection, and went so far as to measure arms with the regular British troops. The upper province joined in the rebellion, but both were defeated. Lord John Russell introduced a bill in Parliament to suspend the constitution of the colony. But this was deemed too severe and subversive of the rights of British subjects; so a new governor was sent out, the grievances of the people were inquired into, and subsequently Lord John Russell, who had proposed the obnoxious and oppressive measure, seeing and acknowledging his error, like a true statesman introduced a bill establishing home rule by a legislative union of the two provinces on the principles of free representative government, and on the wise policy advocated by the celebrated Fox that "the only method of retaining distant colonies with advantage is to enable them to govern themselves." Your memorialists respectfully ask whether it is too much to suggest that the example of Great Britain in examining into the alleged wrongs complained of by its colonies and refusing to violate the rights of its subjects and the principles of liberty that enter into every constitutional government might be profitably imitated by this great Republic in its policy toward Utah, which has never swerved from loyalty to the National Government nor rebelled against its laws, however severe?

There are other measures before your honorable body, which, if not so sweeping as the bills for governing Utah by legislative commission, are none the less hostile to the rights and privileges of citizens. The proposition to compel a wife to testify against her husband, we submit, would do violence to the rules of jurisprudence that have become reverable with age and sacred by usage for centuries. The highest judicial tribunal in the land has declared that the rule that neither the husband nor the wife shall be compelled to testify against each other is founded upon principles that "constitute the basis of civil society, to impair the sanctities of which would be to destroy the best solace of human existence," while to break it down would be "to shake the very foundations of society." To attach witnesses as is proposed, without previous service of subpœna and a disobedience of the mandate of a court, would be unprecedented and subversive of the rights of citizens; no person, however innocent, would be safe from seizure under such a law, while the individual accused of crime could give bail and be at liberty pending his trial; the alleged witness, not charged with any offense, could be captured and incarcerated for an indefinite period.

The elective franchise, now held by women voters, against whom no accusation is made and who can not be charged with polygamy or any other offense known to the law, is sought to be wrested from them, by which they would be summarily deprived of a right which they have exercised for twelve years or more.

The attempt in another bill to make non-membership in a certain religious organization a qualification for voting and holding office appears to your memorialists so utterly subversive of the plain limitations of the powers of Congress as defined in the Constitution and of the genius of our Government, that no remonstrance on our part will be necessary. The time has surely not arrived when a religious test shall be imposed as a qualification for any position of trust or as a disqualification for exercising the elective franchise.

Your memorialists have to complain of gross misrepresentations, by which your honorable body has been deceived in reference to the true sentiments of the people of Utah and their political and social status. The public mind has been inflamed in consequence of untruthful rumors, facts distorted, and tales invented, until it has become almost impossible to correct the false impressions that have been made, not only upon the country but also upon Congress. For added to the exaggerations of the pulpit and the press are official statements which naturally have great weight, but which in many respects are as incorrect as the common base fabrications designed to mislead and prejudice the public.

We earnestly protest against the passage of any measures that have been prompted by this popular agitation, caused by misconception of the facts, and urge that it can not be right, but it is manifestly unjust, to punish a whole community for the alleged offenses of a portion of its people, and to deprive a large body of citizens, against whom no crime can truthfully be charged, of the commonest political rights and privileges because they do not think as other people desire nor vote themselves under the control of those who persistently malign them.

Many of the people of Utah have descended from those noble patriots who struggled and bled for the liberties now enjoyed in the States of our glorious Union. They venerate the principles for which their ancestors lived and labored, fought and died. Shall they be deprived of the precious heritage bequeathed to them because they, like their forefathers, entertain religious views that are considered heterodox? Are they to be condemned and punished unheard? Shall popular clamor and sectarian animosities overawe the statesmen of the nineteenth century and prevail upon them to wrest from citizens against whom no offense against the law can be charged the commonest and yet most valued political rights and privileges? Because a few are accused of a practice that modern civilization condemns without understanding are their fellow-citizens who have committed no overt acts against the popular sentiment or the laws to be punished and relegated to serfdom? Are the services of the people who have opened up this vast region to civilized habitation and progress to be counted for nothing? Shall the many virtues of a sober, thrifty, industrious, and peaceable community be lost sight of because of one feature of their faith which modern society does not tolerate? Must the libels of official and other persons interested in the subjugation of Utah and its exclusion from statehood be always received as truth, and the denials and appeals for fair investigation by the accused people be ever rejected?

By the blood poured out in defense of the liberties we are prevented from enjoying; by the struggles of the early colonists against measures similar in essence to those against which we now protest; by the principles enunciated in the Declaration of Independence; by the guarantees of the national Constitution; by the right of local self-government, which is vital to American liberty; by the franchise which has become our valued property; by the toils and privations of the brave pioneers who led the way to these mountain fastnesses; by the just ambitions of our budding youth; by the bright hopes and lofty aspirations of a hundred and seventy thousand people who protest against oppression; by the vested rights of our sister Territories, whose freedom is menaced by the prece-

dent afforded by our threatened political destruction; by that justice and equity which should be meted out to all the citizens of this great nation, irrespective of creed or party, we appeal to you not to condemn us unheard; not to take from us the few political privileges that distinguish us from conquered slaves; not to deliver our fair and flourishing Territory into the hands of men irresponsible to the people; not to reverse for us the established rules of civilized jurisprudence; not to disfranchise the innocent for the alleged offenses of the presumably guilty; not to encroach upon our rights of property; not to apply to us a religious test for political purposes, nor to pass any such rash and revolutionary measures as have been proposed, but to postpone any further action toward Utah until a committee of your own number or other disinterested persons appointed specially for the purpose shall have impartially investigated the whole subject of the situation in Utah and have reported to your honorable body, so that you may act with a fair understanding of all sides of these important questions. And your memoralists will ever pray.

Adopted by i oth houses of the Legislative Assembly of the Territory of Utah this 13th day of March, in the year of our Lord 1884.

JAMES SHARP,
*Speaker of the House of Representatives.*
W. W. CLUFF,
*President of the Council.*

Attest:
JUNIUS F. WELLS,
*Chief Clerk of the House of Representatives.*
CHAS. W. STAYNER,
*Chief Clerk of the Council.*

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*Copy of the second apportionment bill, the plan for which was suggested by Governor Murray, who promised to approve such a measure when passed by the Legislative Assembly, but after its passage the governor failed to either sign or veto the bill, and it thereby became worthless.*

H. R. 89.—A bill apportioning the legislative representation of the Territory of Utah.

SECTION 1. *Be it enacted by the governor and Legislative Assembly of the Territory of Utah*, That until otherwise provided by law representative and council districts shall be, and the same are hereby, formed and representatives and councilors apportioned as follows:

REPRESENTATIVE DISTRICTS.

District No. 1 shall consist of Rich and Morgan Counties, and the precincts of Echo, Henneferville, Coalville, Upton, Hoytsville, Wanship, Parley's Park, Peoa, and Rockport, in Summit County, and be entitled to one representative.

District No. 2 shall consist of Park City and Kamas precincts, in Summit County, and all of Wasatch and Uintah Counties, and be entitled to one representative.

District No. 3 shall consist of the precincts of Hyde Park, Logan, Richmond, and Smithfield, in Cache County, and be entitled to one representative.

District No. 4 shall consist of the precincts of Benson, Clarkston, Hyrum, Lewiston, Mendon, Millville, Newton, Petersboro, Paradise, Providence, Trenton, and Wellsville, in Cache County, and be entitled to one representative.

District No. 5 shall consist of the precincts of Bear River City, Box Elder, Brigham City, Call's Fort, Deweyville, Malad, Mantua, Plymouth, Portage, Promontory, and Willard, in Box Elder County, and be entitled to one representative.

District No. 6 shall consist of the precincts of Curlew, Grouse Creek, Kelton, Park Valley, and Terrace, in Box Elder County, and all of Tooele County, and be entitled to one representative.

District No. 7 shall consist of the precincts of Ogden City, Lynne, and Riverdale, in Weber County, and be entitled to one representative.

District No. 8 shall consist of the precincts of Eden, Harrisville, Hooper, Huntsville, Marriott, North Ogden, Pleasant View, Plain City, Slatersville, Uintah, West Weber, and Wilson, in Weber County, and be entitled to one representative.

District No. 9 shall consist of Davis County, and be entitled to one representative.

District No. 10 shall consist of precincts No. 3 and No. 4, in Salt Lake County, and be entitled to one representative.

District No. 11 shall consist of the precinct No. 2, in Salt Lake County, and be entitled to one representative.

District No. 12 shall consist of precincts No. 1 and No. 5, in Salt Lake County, and be entitled to one representative.

District No. 13 shall consist of the precincts of Bingham, Brighton, Draper, Fort Harriman, Granger, North Jordan, Pleasant Green, Sandy, South Jordan, Union, and South Cottonwood, and all other precincts on the west side of Jordan River, in Salt Lake County, and be entitled to one representative.

District No. 14 shall consist of the precincts of Big Cottonwood, Butler, East Mill Creek, Farmers', Fort Douglas, Granite, Little Cottonwood, Mountain Dell, Mill Creek, Silver, Sugar House, and West Jordan, in Salt Lake County, and be entitled to one representative.

District No. 15 shall consist of the precincts of Lehi, American Fork, Alpine, Pleasant Grove, Cedar Fort, and Fairfield, in Utah County, and be entitled to one representative.

District No. 16 shall consist of the precincts of Provo, Springville, and Salem, in Utah County, and be entitled to one representative.

District No. 17 shall consist of the precincts of Spanish Fork, Payson, Spring Lake, Santaquin, Goshen, Benjamin, and Thistle Valley, in Utah County, and be entitled to one representative.

District No. 18 shall consist of the counties of Juab and Millard, and be entitled to one representative.

District No. 19 shall consist of the precincts of Thistle, Fairview, Mount Pleasant, Spring City, Moroni, and Fountain Green, in San Pete County, and be entitled to one representative.

District No. 20 shall consist of the precincts of Chester, Wales, Ephraim, Manti, Petty, Mayfield, Gunnison, Fayette, and Freedom, in San Pete County, and be entitled to one representative.

District No. 21 shall consist of the counties of Sevier and Piute, and be entitled to one representative.

District No. 22 shall consist of the counties of Emory, Garfield, San Juan, and Kane, and be entitled to one representative.

District No. 23 shall consist of the counties of Beaver and Iron, and be entitled to one representative.

District No. 24 shall consist of the county of Washington, and be entitled to one representative.

COUNCIL DISTRICTS.

SEC. 2. District No. 1 shall consist of representative districts Nos. 1 and 2, and be entitled to one councilor.

District No. 2 shall consist of representative districts Nos. 3 and 4, and be entitled to one councilor.

District No. 3 shall consist of representative districts Nos. 5 and 6, and be entitled to one councilor.

District No. 4 shall consist of representative districts Nos. 7 and 8, and be entitled to one councilor.

District No. 5 shall consist of representative districts Nos. 9 and 10, and be entitled to one councilor.

District No. 6 shall consist of representative districts Nos. 11 and 12, and be entitled to one councilor.

District No. 7 shall consist of representative districts Nos. 13 and 14, and be entitled to one councilor.

District No. 8 shall consist of representative districts Nos. 15 and 16, and be entitled to one councilor.

District No. 9 shall consist of representative districts Nos. 17 and 18, and be entitled to one councilor.

District No. 10 shall consist of representative districts Nos. 19 and 20, and be entitled to one councilor.

District No. 11 shall consist of representative districts Nos. 21 and 22, and be entitled to one councilor.

District No. 12 shall consist of representative districts Nos. 23 and 24, and be entitled to one councilor.

SEC. 3. The judges of election in their respective precincts shall immediately after the completion of the canvass, as provided in section 17 of chapter 12, laws of Utah, 1878, make out a list in triplicate of the names of the persons voted for and the number of votes each has received for councilor or representative, as the case may be, and certify to the same, one of which shall be filed with the presiding judge, one shall be forwarded to the county clerk of the county in which such precinct is situated, and one to the secretary of the Territory, in an envelope securely sealed and plainly marked "Election returns from ——— precinct, ——— County" (filed in the name of the precinct and county).

SEC. 4. The secretary of the Territory and the respective county clerks of the counties of Weber, Davis, Salt Lake, and Utah are hereby appointed a canvassing board, which board, or majority of them, shall between the thirteenth and sixteenth day after the election unseal the envelopes, canvass the election returns contained therein, and within ten days thereafter make out and transmit a certificate signed by each of the members of said board to each councilor and representative elected.

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An act apportioning the legislative representation of the Territory of Utah.

SECTION 1. *Be it enacted by the governor and Legislative Assembly of the Territory of Utah*, That at the general election in the year 1885, and biennially thereafter, Cache and Rich Counties shall elect one councilor to the Legislative Assembly; Box Elder and Tooele Counties, one; Weber County, one; Davis, Morgan, and Summit Counties, one; Salt Lake County, two; Utah, Wasatch, and Uintah Counties, two; San Pete and Emory Counties, one; Juab, Millard, and Sevier Counties, one; Beaver, Piute, Iron, and Garfield Counties, one; Washington, Kane, and San Juan Counties, one.

SEC. 2. At the general election in the year 1885, and biennially thereafter, Cache and Rich Counties shall elect two representatives to the Legislative Assembly; Box Elder County, one; Weber County, two; Davis and Morgan Counties, one; Summit County, one; Salt Lake County, five; Tooele County, one; Utah County, three; Juab and Millard Counties, one; Wasatch and Uintah Counties, one; San Pete and Emory Counties, two; Sevier County, one; Beaver and Piute Counties, one; Iron and Washington Counties, one; Garfield, Kane, and San Juan Counties, one.

SEC. 3. This act is designed and is hereby made to supersede an act entitled "An act apportioning the legislative representation of the Territory of Utah," approved February 20, 1880.

JAMES SHARP,
*Speaker of the House of Representatives.*
W. W. CLUFF,
*President of the Council.*

———,
*Governor of the Territory of Utah.*

REPORTS OF COMMITTEES.

Mr. LAPHAM. The Committee on Patents have had a rehearing on the bill (S. 638) for the relief of George Milsom, Henry Spendelow, and George V. Watson, which they reported favorably on the 25th of January last with an amendment, and which is now upon the Calendar. I desire now by direction of the committee to submit a supplementary report, with a further amendment to the bill, to accompany the former report.

Mr. MITCHELL. In that case I desire to have leave to present a minority report. It is not now prepared, but I ask consent to present it when prepared.

The PRESIDENT *pro tempore*. If there be no objection, the views of the minority will be received when ready.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition, reported it with an amendment.

He also, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 61) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. RANSOM subsequently said: While my attention was withdrawn a few minutes ago the joint resolution (S. R. 61) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia, was reported adversely and indefinitely postponed. I would like to have the joint resolution placed upon the Calendar until I can have an opportunity of looking into the matter further.

The PRESIDENT *pro tempore*. The order of the Senate indefinitely postponing the joint resolution will be reconsidered if there be no objection. The Chair hears none; and the joint resolution will be placed upon the Calendar with the adverse report of the committee.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 1530) for the relief of the estate of John Cook, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 1344) authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges, wharves, and docks in the Territory of Washington, reported it with amendments.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 1944) for the special and uniform instruction of State militia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1945) for the relief of Lieut. John C. Geyer; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1946) for the relief of Richard C. Ridgway and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River; and it was thereupon signed by the President *pro tempore*.

THE MONROE PAPERS.

Mr. MITCHELL submitted the following resolution; which was read:

*Resolved*, That the Committee on the Library be instructed to inquire into the expediency of printing the official letters and papers of the late President James Monroe, with power to report by bill or otherwise.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. MITCHELL. I desire to make a single remark in relation to the matter. I have a memorandum from Professor McMaster, who is professor of American history in the University of Pennsylvania, in relation to this subject. I found it interesting myself, and I think the committee will. I believe it important that provision should be made for the publication of these works of the late President Monroe. I think that nothing of a political character has ever been printed with regard to his official life except what is presented by himself in his views of his executive conduct. As is very well known, he was minister at the court of France at a very important time, when the Louisiana purchase was made, and also at a later time he was President when Florida was purchased and when the "Monroe doctrine" was announced. It is stated by Professor McMaster that the people generally have never had access to these important papers.

I desire to call the special attention of the Committee on the Library to the subject. I ask the reference of this memorandum to that committee, and that the resolution be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The paper referred to by the Senator from Pennsylvania will be referred to the Committee on the Library.

Mr. MITCHELL. To accompany the resolution.

HELEN M. FIEDLER.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order is closed. The Chair lays before the Senate the Calendar under the eighth rule, commencing at Order of Business 160, being a resolution reported by the Senator from Alabama [Mr. MORGAN] from the Committee on Foreign Relations on the 5th of February, relative to the claim of Helen M. Fiedler, widow and executrix of Ernest Fiedler, deceased. The question is on agreeing to the resolution, which was read yesterday.

Mr. HOAR. I think the resolution was passed over yesterday at my request, so that the report might be found. I should like to have the report read.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Chief Clerk read the following report, submitted by Mr. MORGAN February 5, 1884:

The Committee on Foreign Relations, to whom was referred Senate bill 223 and Senate joint resolution No. 2, relating to the claim of Helen M. Fiedler, widow and executrix of Ernest Fiedler, deceased, praying on behalf of herself and children that Congress will intervene so as to aid her in collecting a claim alleged to be due to her late husband from the Government of Brazil, have carefully examined the evidence submitted to them touching the validity and justice of said claim, and respectfully report as follows:

In the year 1873 this claim was brought to the attention of the Government of Brazil through our minister resident, and it was considered by a department of that Government. The section of home affairs of the council of state made a report, a copy of which is annexed to this report, upon the validity of the claim. Whether that report was followed by an imperial order or decree disallowing the claim does not appear in the papers submitted to this committee.

The report of the section of home affairs of the council of state does not exclude the idea that something is due the memorialist, but concludes with an argument that the amount claimed is in excess of the loss and injury which Fiedler had sustained by the breach of the agreement entered into between him and a person who acted as the agent of Brazil in making the contract.

Comment is made in that report upon admissions which it alleges were made by our minister, Mr. Blow, in presenting Fiedler's case to the Government of Brazil, to the disadvantage of his claim. These comments are not accepted as being just to Mr. Blow, but the Government of Brazil could not justly deny the rights of Fiedler upon the facts presented, even if Mr. Blow had made admissions that tended to weaken or destroy their proper effect.

The evidence before the committee seems clearly to establish the following facts, and to show that Fiedler's claim is good *in foro conscientiæ*, and would receive the sanction of a court of justice in a controversy between private litigants.

On the 21st day of August, 1867, at the city of New York, Ernest Fiedler (now deceased), the owner of the steamship Circassian, of New York, then on her way to Bremen, of the first part, and D. de Goicouria, esq., who claimed to act as agent for immigration for the Brazilian Government, of the second part, made a contract in writing for the charter of the steamship Circassian for a voyage from the port of New Orleans, La., to Rio de Janeiro, Brazil. The vessel was engaged to carry passengers to be furnished by the second party from New Orleans to Rio de Janeiro. At the time the contract was made it was supposed that many citizens of the United States desired, in consequence of the condition of affairs here, resulting from our civil war, to emigrate to Brazil, and the Brazilian Government desired their presence there.

The parts of the contract material in this connection are that the vessel, which was then *en voyage* to Bremen, was to sail from New Orleans on the 15th day of November, 1867, weather permitting, unless detained at Bremen or elsewhere by causes beyond the control of the first party, in which case she should sail within ten days after her arrival at New Orleans, and that the second party (Brazil) should pay for the voyage the sum of $42,000 in American gold or its equivalent in *milreis* ten days after the completion of the voyage. The Circassian did not reach New York on her return voyage from Bremen until about the 1st of November, 1867. Certain alterations and repairs of the vessel were required to accommodate her to the transportation of the large number of passengers she was intended to carry, so that she did not leave New York until the 23d of November, 1867, and did not reach New Orleans until the 6th day of December of that year. Before her arrival at New Orleans it was ascertained that no passengers were there for embarkation.

On the 17th of December, 1867, Mr. Fiedler addressed a letter to Chevalier Fleury, chargé d'affaires of Brazil to the United States, setting forth the condition of affairs and asking his advice, whether he (Fiedler) should send the vessel to Rio de Janeiro without passengers and subject the Brazilian Government to the payment of the $42,000 agreed on as the price of the voyage, or whether the chargé would release him from his obligations. In this letter Mr. Fiedler stated that his expenses in preparing for the voyage amounted to about $20,000, and suggested that "remuneration of this sum would perhaps be preferable than in default forfeit $42,000 gold, equal to $55,000 currency." On the 18th of December the Brazilian chargé, in reply to Mr. Fiedler's letter of the 17th, advises Mr. Fiedler "not to allow the steamer to sail, but to consider the charter-party completely null and void," and further writes: "I shall immediately call the attention of my government to the subject, and ask it to take into consideration the sum represented by you, and to indemnify you for the losses sustained." On the next day (December 19) Mr. Fiedler acknowledged the receipt of the letter of the Brazilian chargé of the 18th, and added: "Relying upon your assurance and in full confidence of the just acts of your government, I have immediately telegraphed to New Orleans to withdraw the Circassian from her voyage, and ordered her return. As the preparations for this voyage have cost me an outlay of over $20,000, an early and prompt remittance is respectfully requested, and taking into consideration that I acted throughout in the interest of the Brazil Government, and would have gladly avoided the voyage had I not been forced by their agent to proceed, I hope my request will be granted."

The Emperor of Brazil has been advised by the section of home affairs of his council of state that the contract entered into between Mr. Fiedler and Mr. Goicouria, who claimed to be the agent of the Brazilian Government, was not valid, for the alleged reason that Mr. Goicouria was not, in fact or in law, such agent. It is evident that this advice was not well considered by the council of state for these reasons: Mr. Fiedler, before entering into the contract with Mr. Goicouria, very prudently sought to know the extent of Mr. Goicouria's authority, and upon inquiry found that Mr. Russell Sturgis, of New York, acting for the owners of the steamship Marmion, had in March, 1867, addressed a letter to the Brazilian legation to the United States, inquiring as to the authority of Mr. Goicouria to charter vessels for the Brazilian Government to carry emigrants from the United States to Brazil, and had received from the Brazilian legation the following reply:

BRAZILIAN LEGATION, *New York, March* 15, 1867.

SIR: In answer to your letter of yesterday's date, I have the honor to inform you the name of the agent of the Brazilian emigration, Mr. Guintino de Sonza Bocayura.

This gentleman has power to charter steamers or sailing vessels to take emigrants from the south ports of the United States to Brazil.

According to the contract made between the imperial government and the United States and Brazil Mail Steamship Company, he can have a delegate, and Mr. D. de Goicouria is the delegate appointed by him. I believe the government will approve what is done by the said agent.

I have the honor to be, your obedient servant,

H. CAVALCANTI ALBUQUERQUE.

RUSSELL STURGIS, Esq.

Mr. Fiedler's inquiries developed the further facts that the owners of the steamship Marmion, acting upon the letter of the Brazilian delegation, had contracted with Mr. Goicouria, as agent of the Brazilian Government, for a voyage of the Marmion to Brazil; that such voyage had been made and concluded before the date of Mr. Fiedler's contract with Mr. Goicouria, and that the Brazilian Government had recognized Mr. Goicouria's authority to charter the Marmion by paying the money provided by the charter-party to be paid for the voyage.

Mr. Fiedler, who knew, as the world knows, the many proofs the Emperor of Brazil has given of his wisdom and justice, and the mutual friendship and goodwill that have always prevailed between the United States and Brazil, was fully justified in accepting as conclusive the foregoing evidence of Mr. Goicouria's authority to act for the Brazilian Government.

But there is further evidence of Mr. Goicouria's authority. The Brazilian Government in 1866 sent to the United States the citizen Guintino de Sonza Bocayura to encourage the expected emigration from the United States to go to Brazil. In February, 1867, the agent Bocayura advised his government, among other things, of his intention to return to Brazil, and that he had left as his representative in the United States Mr. Goicouria (the agent with whom Mr. Fiedler and the owners of the Marmion subsequently contracted). In May, 1867, the Brazilian Government acknowledged the receipt of the communication of Agent Bocayura of February, 1867, and on the 24th day of August, 1867 (three days after the date of the contract made with Mr. Fiedler), advice is sent from Rio Janeiro to Mr. Goicouria, at New York, withdrawing his authority under Bocayura's appointment. In this "*aviso*" is the following language: "The Imperial Government having taken sundry measures for the purpose of attracting to this country the emigration from the Southern States of the American Union and the necessity ceasing of continuing there Domingo de Goicouria to freight steamers for the transportation of such emigrants," &c., which can only be fairly construed as recognizing Mr. Goicouria as the agent of the Brazilian Government, and as including within the scope of his agency the freighting of steamers for the transportation of emigrants.

Enough appears in the evidence submitted to the committee to justify the belief that the Brazilian Government will review its decision in this matter, if this Government will bring the subject again to its attention, and will present the

evidence now before the committee for its consideration. On this evidence the claim appears to be just, and your committee do not consider that the Government of Brazil has reached the conclusion that it is not just or that it can not be allowed. But Congress can not now properly legislate on this subject. At most it can only recommend that the President will again call the attention of the Brazilian Government to the justice of the claim in favor of a citizen of the United States.

In this view your committee report adversely Senate bill 741, and report the following resolution, and recommend its passage:

"*Resolved by the Senate (the House of Representatives concurring)*, That the President of the United States be requested to bring to the attention of the Emperor of Brazil the claim of Helen M. Fiedler, executrix of Ernest Fiedler, deceased, against the Government of Brazil, growing out of a contract alleged by said claimant to be obligatory on that government for the hire of the ship Circassian to transport emigrants from the United States to Brazil in the year 1867, with a view to ask said government to consider the said claim, and to provide for the allowance and payment of such sum as shall be found just to such claimant."

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*Translation of the copy of the report of the council of state in relation to the claim of Fiedler's executrix.*

SIRE: The section of home affairs of the council of state received order from Y. I. Majesty to consult and give opinion on the following matter: "*Aviso* 5th, section No. 5, Rio de Janeiro, ministry of agriculture and public works, 29th August, 1873. Excellent Sir: H. M. the Emperor has been pleased to order that the section of home affairs of the council of state should consult and give opinion, Y. exc'y being reporter, on the annexed papers, relating to the reclamation presented by the legation of the United States at this court, of the representation of Ernest Fiedler, who he thinks has a right to indemnity for the contract of affreightment unfulfilled of the steamer Circassian. God guard Y. exc'y. José Fernandes da Costa Pereira, jr. To his exc'y counsellor of state Viscount de Longa Frasco."

This claim arose from the fact of the imperial government's undertaking, with the intention of causing the persons who emigrated from the United States to come to Brazil, to facilitate their means of reaching here. To that end it sent to those States the Brazilian citizen Quintino de Sonza Bocayura, for whose voyage were given the orders of the 23d and 24th July, 1866, of which minute and account is given in these papers. No written instructions, however, are found addressed to him.

Of the communications (official) between the ministry of agriculture, commerce, and public works and its agent, Bocayura, the section had before it the following papers:

First. The order (*aviso*) of November 25, 1866, in which, after acknowledging receipt of the *officios* of the 22d and 30th September and of the 19th and 22d October of that year, it is answered, as to the difficulties which he says he met with for transporting emigrants desirous of coming to this empire, and as to the doubts entertained by the president of the steamship line (receiving a subsidy from both Brazil and the United States as to the execution of the contract for transporting such emigrants), that he may authorize the transportation of such as can comply with the conditions already sent for his instruction, the imperial government defraying the amount of their necessary expense on their arrival in our country to such as can not at once pay therefor, such being held to reimburse the same in the manner required (by law).

Second. The order of the 25th January, 1867, in which, after acknowledging the receipt of the *officio* of 22d December, 1866 (the ministry), answers as to the instructions, for which he asks to govern him in the forwarding of emigrants, declaring "that, already by the *aviso* of the 25th November preceding, directed to the imperial legation in Washington (of which copy had been sent him), this ministry had taken measures by which it had authorized the embarkation of all such inhabitants of the South, who, complying with the requirements announced in the *avisos* of said ministry sent to said legation and of which you are advised), shall come to remain in this country, * * * and that there will be paid by the government, upon their arrival, the amount of expenses for such voyage to those emigrants who can not pay that expense immediately, on condition, however, of subsequent reimbursement.

Third. The *officio* of the agent Bocayura, dated Febraary 20, 1867, acknowledging receipt of the (copy) circular addressed to the presidents of provinces asking information as to the settlement and employment of emigrants, and making known that since he intended to return to this *corte* he had left in the United States as his representative (*delegado*) the American citizen Domingo de Goicouria, a respectable merchant of that city (New York), and that he had substituted him (Goicouria), during such absence, in the form of the seventh article of the contract with the United States and Brazil Mail Steamship Company.

Fourth. The *aviso* of the 14th of May, 1867, in answer to the foregoing *officio* as follows: "Superintendency of public lands and colonization, Rio de Janeiro, ministry of agriculture, &c., 14 May, 1867. I am informed of the contents of your *officio* of 20th of February last, reporting that you had left as your substitute in New York the merchant Domingo de Goicouria, and inclosing (copy) of the circular which you directed to the presidents of provinces, with the intention of rendering easier the directing of the American emigration thitherward. God guard you. Man'l Pento de Souza Dantas to Mr. Quintino de Sonza Bocayura."

Fifth. The *aviso* of the 24th of August, 1867, in which Domingo de Goicouria is discharged (*dispensado*) from the employment of freighting steamers, third superintendency of public lands and colonization, Rio de Janeiro, ministry of agriculture, &c., 24th of August, 1867. "The Imperial Government having taken sundry measures for the purpose of attracting to this country the emigration from the Southern States of the American Union, and the necessity ceasing of continuing there Domingo de Goicouria to freight steamers for the transportation of such emigrants, I make known to you this determination for your guidance, and in order that you may advise at once the said Goicouria that he is (released) discharged (*dispensado*) from said employment. God guard you. Manuel Pento de Souza Dantas. F. W. Quintino Bocayura."

From this written communication it does not appear that the authority to take up steamers was conferred, not even on the imperial legation at Washington. The power to authorize passages to emigrants is what the Imperial Government granted, and this only to the imperial legation, as appears from the *aviso* of the 25th January, 1867, which explains the *aviso* of the 25th November, 1866.

And all doubt ceases on view of the following declarations of the *aviso* of the 25th January, 1867: "Having thus provided for this object, and having thus facilitated the coming hither of Southern emigrants, it is proper that you, in order to make the movement more active, in the most convenient and efficacious manner should transfer as soon as possible your residence to New Orleans or to some other Southern or Western city, as may appear most advantageous to your commission, where, according to your instructions, you should give the necessary information as well to the directors (*emprezarios*) (or persons in charge of emigrating companies) as to the emigrants themselves who shall personally ask therefor, and also deliver passports to those who resolve to come to Brazil, should be ready to make the voyage, plainly making known to such the condition of reimbursing the advance (made for payment of passage) which has been granted in order to prevent any difficulties and reclamations like those which are now being presented by certain persons who came here in the two expeditions sent from New York."

The substitute, even if he had been named under authority from the government, or had been approved as such (which can only be claimed as a deduction from the *aviso* of 14th May, 1867), had no power to sign any charter-party of affreightment whether for sailing vessels or steamers. The charter-party of the steamer Circassian, signed on the 21st of August, 1867, by the substitute, Domingo de Goicouria, after the *avisos* of 25th November, 1866, and 25th January, 1867, was therefore unauthorized, and exceeded the authority and instructions of that substitute.

On the 21st August, 1867, the substitute, Domingo de Goicouria, signed the contract of affreightment of the steamer Circassian; on the following day he left the United States for Brazil, and the contract did not fix a term within which the steamer, which had first to make a voyage to Bremen, and then could make others that might suit, had to present herself in New Orleans; so that leaving New York on the 23d November she only arrived in New Orleans on the 6th December, having still on board freight from another port of the Union.

No passengers having offered for the voyage to Brazil, the owner of the steamer sent her elsewhere, after protesting on the 16th December against whom it concerns, and from the papers it appears that having asked advice from the chargé d'affaires *ad interim* (of Brazil) in Washington as to sending his steamer without passengers to Rio de Janeiro, as he stated that Cestro, the substitute appointed by Goicouria, had advised him to do, or as to considering his charter-party at an end, he chose the latter alternative.

The advice given not to dispatch his steamer without passengers, and that this fact should be made known to the government, created no obligation on any one, either on him who should thus do what he ought (*uem ao que deue*), nor on the imperial government.

Ernest Fiedler, owner of the Circassian, who had sent his vessel elsewhere, and whose contract of affreightment he had declared vacated (*roto*) in the hope of receiving $20,000 as indemnity, presented, later, his reclamation to the imperial government, the result of which appears from the letter of Mr. F. Blow (*sic*), copy of which is annexed to the papers presented in support of the claim.

In this letter, dated at Lisbon, November 23, 1870, the ex-minister of the United States in Brazil informs the claimant, E. Fiedler, that having examined, with the minister of foreign affairs of the empire, his claim, he was sorry to have to inform him that the answer was not favorable, because that (the answer) of the Brazilian minister was that neither Goicouria nor the party who had appointed him had authority to proceed in the manner in which they acted in the matter of the charter-party, and Mr. Blow added that it appeared "from his own convictions that under such circumstances no claim could be founded on what had been done by either." From this answer it will be seen that Mr. Blow, having examined the contract of affreightment and other papers, was convinced that no right of claim could be founded on them, or, what is the same thing, that the claim had no legal right to support it, but still might be maintained in equity, as in other cases, and for this reason he closes his letter, saying: "Now, my dear sir, if you are able to prove that contracts made by either were ever allowed, and the money paid by the Brazilian Government for same, or on account for same, I am convinced I can obtain from the imperial government the sum you desire to receive; nevertheless I am not certain that you could obtain these proofs from ship-owners in New York through the person who acted as consul of the Brazilian Government at the time of Goicouria' contract.

This abandonment of the charter-party as a decisive document, which it would be if the contractor, Goicouria, had authority to make the contract; this reference to contracts in general without distinguishing between those authorized and those made without authority; this guarded or strict mode of expression whenever he states a proposition in which he has entire confidence; and, finally, his recourse to analogy, which is not required to prove strict right, as well as the lessened sum demanded, all go to show that the enlightened judgment of Mr. Blow made him recognize at once that this claim had no foundation in right.

This high judgment also shows itself in the memorandum of the present minister of the United States, when, having mentioned that the representative of Fiedler claims now the sum of $42,000 as indemnity for breaking the contract, besides the expenses, closed his demand thus: "This last (the representative) has certainly right to a reasonable compensation for the disappointment and final failure of the voyage, through no fault of his, but at the request of the Brazilian representative, and the claimant is also entitled to reimbursement for all moneys expended for outfit, &c.

Thus, as Mr. Blow had thought that the sum which Ernest Fiedler claimed of $20,000 was as much as could be had, the present minister of the United States does not support, in the conclusion of his memorandum, more than what may be a reasonable compensation.

The charter-party, if it is valid and obligatory upon the imperial government, calls for a fixed sum in conformity with law. The demand sustained in the memorandum looks to recourse to the sense of equity of the Brazilian Government; that it shall do in this case as it has done in others. The reasons which the memorandum presents as supporting the claim are:

First. That the steamer Circassian was taken up on freight by Domingo de Goicouria, emigrant agent of the Brazilian Government, whose authority so to take up steamers is deduced from the letter of Mr. Cavalcanti de Albuquerque, in which he states that the emigration agent was Mr. Quintino de Sonza Bocayura, who was authorized to appoint a substitute, and that Mr. Domingo de Goicouria was the substitute named by him.

Second. That the Circassian thus chartered was placed at the orders of the emigration agent from the 6th day of December, 1867, when she arrived at New Orleans, until the 16th.

Third. That, no passengers being forthcoming, the owner, Ernest Fiedler, addressed himself to the chargé d'affaires of Brazil in Washington, Mr. Padua Fleury, who when informed warned (*preveniû*) him (Fiedler) that the ship ought not to undertake to go to Rio de Janeiro, and that he (Fleury) would make the representations to the imperial government proper to be made in order to come to an agreement.

Fourth. That with this assurance the owner, Ernest Fiedler, gave up the voyage, and withdrew therefrom ("withdrew the vessel from the projected voyage," says the statement of Messrs. Jordan and Whitney), after having spent more than $20,000 in her fitting out.

The section will observe that the first reason admits that the charter-party was insufficient as an obligatory instrument, seeing that further proofs are wanting of the competency of the party signing in the name of the Brazilian Government. Mr. Blow also admitted the insufficiency of this authorization, since he advised the collection of proofs of the acceptance of the contract and its approval afterward.

These difficulties would have been prevented if the owner had exacted the power of attorney or other regular document showing the extent of the agent's authority, as is done by every merchant who treats with an agent professing to act for a third party.

The letter of Mr. Cavalcanti de Albuquerque affirms it is true that Mr. Bocayura was the Brazilian emigration agent, with powers to take up steamers, but it does not affirm that Domingo de Goicouria held the same authority.

In the declaration of the validity of powers Mr. Cavalcanti was inexact; the *avisos* of the 25th November, 1866, and of 25th January, 1867, would have given him a different opinion if he had consulted them. In any event the chargé d'affaires of the empire was not the proper person to appear as the informant in this matter, nor does the information which he gave suffice to supply the powers always demanded in the course of commercial undertakings for contracts of affreightment made in behalf of a third party.

The second reason does not supply the requirement of law violated in the contract, and in order that it may avail as a reason for equity, it would be still necessary that there should not exist in this contract the extraordinary circum-

stance of not naming a time within which the steamer should arrive in New Orleans, in order to afford the opportunity for the execution of the intentions which the new policy of the Federal Government caused rapidly to diminish.

The steamer being chartered on the 21st of August with liberty first to make a long voyage to Bremen, and after that again to carry a cargo from New York to an intermediate port, and thence again to New Orleans, where she arrived in fifteen days after leaving New York, none of the charges for damages caused in voyages made for account of Mr. E. Fiedler, none of the outfit for any time previous to her arrival in New Orleans to receive passengers there, can be brought into the account for a voyage to Rio de Janeiro, and not even if the obligation of affreightment were in due form and legal.

Third. It is true that the steamer did not obtain, in the port of New Orleans, the passengers on which she had reckoned, and in case of a lawful charter-party she would have a right to consider the charter-party concluded or to make the voyage without passengers at the expense of the hirer.

This right, however, can not be sustained by the owner-claimant in this case, resting on a private letter not at all obligatory (*i. e.*, creating no obligations) on the nominal hirer, as has been shown. It was because he was convinced of the untenability of this unsustainable position that the owner, Fiedler, addressed himself to the Brazilian chargé d'affaires, hoping to find in his answer a reason for involving the Brazilian legation in the contract, and which up to that time had not been heard of in the contract, or from, in respect to it.

That answer, however, conferred no new rights upon him, and the Brazilian chargé, in advising the owner not to make the voyage to Rio without passengers, only gave his own opinion, not at all obligatory on the owner, and of which he availed himself and with reason, for he well understood that the voyage to Rio de Janeiro would only cause him loss.

He had already gained by freighting his vessel, up to that time employed on his account, with the exception only of a few days, during which he had been waiting in New Orleans ready to receive passengers for Brazil. The suggestion attributed to Cestro, that he would lose nothing, and he might hope to gain, by the voyage to Rio, the sum agreed on, he ought to have disregarded, as he did in his own interest, what right could accrue to him by that? None at all.

There is the promise of Brazilian chargé to make representations to the imperial government, on which it is said the owner relied. From the answer it will be seen that the advice was that the owner should consider as completely vacated the charter party, and should not dispatch his vessel to Rio de Janeiro without passengers, adding the following words: "Of all that has taken place I will immediately make report to my government, calling its attention to this matter, and asking that it take into consideration the account presented by you as an indemnity for the injury and damages occasioned." This answer is not at all obligatory for the imperial government, and Mr. E. Fiedler had therein only one reason more for counting on the justice and right due to him.

In what, however, did the owner expend the $20,000, and what is the outfit for which he claims? The expense for the voyage to Bremen, and the repairs for damage suffered in that voyage, which he declares was stormy, can be in no way, and by no one, charged or imputed to the hirer for a voyage to Rio de Janeiro, and the expenses also for or at the intermediate port for which the Circassian took cargo for New York, and thence to New Orleans, for which port, it is said, she also carried cargo.

The gains or the losses of those voyages are entirely for account of the owner of the vessel. The memorandum supports this opinion when it states that the Circassian was at the orders of the hirer from the 6th day of December.

Again, as a last resource, the freighting of the steamer Catherine Whiting is brought up as an example, which was taken up in New York on 28th May, 1867, the owner letting her being N. B. Starbuck, and the hirer on the part of Brazil the same Domingo de Goicouria, and the fact that the imperial government having paid the price agreed on in the contract. It is required, however, to observe that steamer taken up on the 28th May obliged herself to proceed immediately on the 1st June to New Orleans, and on the 19th of said month left for Rio de Janeiro, where she arrived on the 6th of August, having disembarked in Pará the emigrants she brought for that province, and having touched in Bahia for provisions and coal.

The payment of the freight in that case was in consequence, not of the recognition of the validity of the charter-party, but of a service actually performed, which the imperial government never omits to pay.

The government had authorized the forwarding of emigrants, obliging itself to pay or advance for the payment of the passage-money on their arrival in this empire, and it fulfilled that obligation; this contract of affreightment, not authorized and not performed as that was in all its parts, has no analogy thereto or parity therewith to justify this reclamation. In fine, the section is of opinion—

First. That the charter-party of the Circassian is not valid, and in no way obligatory on the imperial government.

Second. That in consequence, by strict right, the national treasury is not bound for the payment of any sum whatever.

Third. That as to the damage occasioned to the owner, the claimant here, it must be of small amount, limited, as has been shown, to the delay of some few days, during which she was ready to take on board passengers in the port of New Orleans to carry them to Brazil.

Fourth. That any indemnity due the claimant should demand of the party who without due authority signed the contract, and of the party who being substituted in New York (Cestro) attempted to put life into a void contract.

Let them discuss among themselves the honesty and good faith in which they engaged themselves to the observance of this undertaking.

Fifth. That if the imperial government shall decide in its own judgment (*ensa-sabidoria*) that the letter of the 5th March, 1867 (original 1857), written by the chargé d'affaires *ad interim*, W. A. Cavalcanti de Albuquerque, can have led in error the owner of the Circassian to make his contract in good faith and to incur those expenses which by mere equity may be properly reimbursed, the compensation in that case should not exceed some hundreds of dollars, because the expenses referred to were occasioned by the voyage to Bremen, or were caused thereby, and the owner was thus reduced to offer an insufficient vessel, charged with all the expenses for repairs in a previous voyage made for his benefit and for his advantage, as was that to Bremen, and in like manner with those incurred during the voyage to an intermediate port, taking fifteen days to reach New Orleans (from New York), where only as late as the 6th December he alleges that he placed his vessel at the orders of the supposed hirer.

The expenses of those days of the ten elapsed between his arrival at New Orleans and the day when, having completed his discharge, he was in a condition to receive passengers for Rio de Janerio, ought to be reckoned to account of the owner.

The expected profits of the voyage, besides being properly lost to the owner from his act of withdrawal of his vessel from said voyage, can not in any way be computed at more than a reasonable percentage upon the $42,000 named in the contract; all these items together would be far below the $20,000 claimed.

Your imperial majesty will decide with your accustomed enlightenment (*sabedoria*).

Hall of the conferences of the committee (section) of home affairs of the council of state, 26th November, 1873.

VOZCONDE DE SOUZ OR FRANCOS.
MARQUIS DE SAPUCAHY.
VISCONDE DO BOM RETIRO.
BARON DO CABO FRIO.

True copy.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. It seems to me that this is not a very good practice. This seems to be an ordinary case of a claim upon a contract made by the Brazilian Government, or claimed to have been made, which the emperor has referred to a commission or other tribunal appointed by him, who have reported that there is no liability of that government to this claimant. That happened eleven years ago. The claim originated some seventeen or eighteen years ago.

It is the practice of the executive department, of its own accord, without any such action from the Senate or House of Representatives, to call the attention of foreign governments to such claims of American citizens as seem to it to be valid and to require such interposition. It seems to me that for the Senate to undertake in the very vast number of such matters to make these investigations and then pass a resolution, which amounts to a judgment of condemnation on the Department of State, is very bad practice. But as the rejection of the resolution now, it having been reported by the committee and being before the Senate, might perhaps operate adversely to the claimant and might be construed into an expression of opinion by the Senate that the claim is not valid and that the Department ought not to interfere, I will withdraw my objection. However, I trust the Committee on Foreign Relations will see that, whatever precedents there may be, of which I suspect there are very few, this may not be an example for further measures of this kind.

Mr. CONGER. I think the report by the officials of the Brazilian Government who examined this claim is conclusive and satisfactory to the mind of any one that the claim should not be further pressed by the Government of the United States on the consideration of that nation. I have read very carefully the translation of the report of the council of state in relation to the claim of the executrix, and I must say that it does not present to my mind even an equitable claim to be presented by this resolution to the Brazilian Government for a rehearing. It has been carefully considered by the authorities of the United States in presenting it from time to time, and I can not see by what right or by what authority the Government should undertake to make this a national question, and present through the President of the United States this matter again to the consideration of the Brazilian Government.

The report itself fails almost entirely to make out a case which the government should settle. There is nothing even to show that Mr. Fiedler was a citizen of the United States or had any claim upon this Government as a citizen in presenting a claim against another government. There is an inference that he was a citizen or an allusion which might make that seem apparent, but there is nothing asserted and nothing to show that the Government has any such relation to Mr. Fiedler, and therefore to the executrix, as would warrant us in acting upon a claim of this kind. It seems to me it is a very loose claim, and it is hardly worthy of the dignity of the United States to make it a national question.

Mr. MILLER, of California. This resolution was reported by the Senator from Alabama [Mr. MORGAN] who is not in the Senate this morning, and I have been unable to find him. He is perfectly familiar with the whole subject and has gone through the case with great care. I think it is a courtesy due the Senator from Alabama to lay the resolution over. The committee were of opinion that there was foundation for the claim.

Mr. COCKRELL. I see no necessity for delaying action upon the resolution. I think the Senate is ready to act upon it. The report has been read.

Mr. MILLER, of California. Very well.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. VEST. I introduced the original bill, and it will be noticed that in the report of the committee they recommend to the Senate the rejection of the bill which I introduced and the adoption of this resolution instead of it. A joint resolution passed the Senate at the last session and went to the House, but was not acted upon, and this is simply a Senate resolution.

The whole of the resolution from beginning to end (which is not at all satisfactory to me) simply amounts to this: that the Government of Brazil is asked for a new hearing upon this case. It does not commit this Government to anything in regard to the matter. It simply asks that a citizen of the United States shall be heard again upon evidence which the committee say in their report was not sufficiently considered, in their judgment, by the Brazilian Government at the time of the rejection of the claim. No injustice can be done to anybody; no foreign complication can arise in regard to it. It does not go as far as I should like to go, but I am very willing to accept the action of the committee in order to dispose of the matter, and I hope the Senate will adopt the resolution.

Mr. MILLER, of California. That is all there is of it, as the Senator from Missouri has stated.

The PRESIDENT *pro tempore* put the question on agreeing to the resolution, and declared that the ayes appeared to prevail.

Mr. CONGER. I ask for a division.

The ayes were 30.

Mr. CONGER. I do not insist on a further count.

The PRESIDENT *pro tempore*. It is "given up," and the resolution is agreed to.

Mr. CONGER. I do not "give up," but I withdraw the call.

The PRESIDENT *pro tempore*. The Chair does not understand the Senator.

Mr. CONGER. I say I do not give up the point, but I withdraw the call.

The PRESIDENT *pro tempore*. The Chair will again put the question.

Mr. CONGER. I say I withdraw the call for a division, but I have my own private opinion still.

The PRESIDENT *pro tempore*. The Chair used the common parlance of the Senate. The division was "given up," in the phrase of the Senate.

Mr. CONGER. All right.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

DEPREDATIONS OF UTE INDIANS.

The bill (S. 851) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River agency in 1879 was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD IN INDIAN TERRITORY.

The bill (S. 908) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, was announced as next in order.

Mr. VEST. That bill can not be considered under the five-minute rule. It involves the very same principle and brings up the same question with other bills on the Calendar.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

FLORIDA INDIAN HOSTILITIES.

The bill (S. 230) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities was announced as next in order.

Mr. HAMPTON. I beg to ask that that bill be passed over without prejudice, as the Senator from Florida [Mr. JONES] who introduced it is not present.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks that this bill be passed over, retaining its place at the head of the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

WILLIAM M. MAYNADIER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 300) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army. It provides for the payment to William M. Maynadier of $3,726.50, the amount paid by him into the Treasury in liquidation of a deficiency in his accounts as paymaster at Prescott, Ariz., caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by Maynadier for the arrest of Chandler, the restoration of both sums having been recommended by the board of inquiry.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. HAMPTON February 5, 1884:

The Committee on Military Affairs, to whom was referred the bill (S. 300) for the relief of Maj. William M. Maynadier, paymaster in the United States Army, having considered the same, make the following report:

The committee find the facts to be as stated in Senate Report No. 78, Forty-seventh Congress, first session, which said report is hereto annexed and made part of this report, and is as follows:

[Senate Report No. 78, Forty-seventh Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 254) for the relief of Maj. William M. Maynadier, paymaster, United States Army, having considered the same and accompanying papers, submit the following report:

That under date of January 17, 1882, your committee called on the Secretary of War for a copy of the proceedings of a board of officers convened at headquarters Department of Arizona, November 17, 1876, pursuant to Special Order No. 138, dated headquarters department of Arizona, November 6, 1876, to examine and report upon the loss of public funds, for which Maj. William M. Maynadier, paymaster, United States Army, is responsible, reported to have been stolen from his office safe by an absconding clerk; which record is now on file in the committee-room of the Committee on Military Affairs of the United States Senate. Your committee find the facts to be as stated in the finding of the board, which said finding is hereto annexed and made part of this report, and is as follows:

"In conclusion the board find that Major Maynadier was on duty by proper authority as paymaster at Prescott, Ariz.; that he was duly authorized and required to keep public money in a safe provided for the purpose, there being no depository available; that he did so keep public money, though not in excess of what the service at his station required; that the safe provided for him was a large fire and burglar proof one, manufactured by Jonathan Kitridge, of San Francisco, having two combination locks, the outer one being T. E. Burwell's and the inner one 'Young's rotary combination;' that Major Maynadier never made known these combinations; that said safe appears to be a good and secure one; that the clerk, D. D. Chandler, was well recommended and apparently capable and trustworthy; that on March 31, 1876, Major Maynadier had in his safe what under a customarily careful count appeared to be $4,081.11; but there should have been $4,228.46; that on Monday, April 3, 1876, he found in his safe only $211.46, the balance, $4,017, having been stolen by Chandler, who afterwards returned $290.50; leaving the amount actually lost by Major Maynadier $3,726.50.

"The following tabular statement will show more briefly the exact state of the case:

| | |
|---|---|
| Amount shown as on hand by statement of April 1, 1876 | $4,081 11 |
| Amount received in March, 1876, but not reported until May (effects of deceased soldier) | 147 35 |
| True amount for which Major Maynadier was responsible | 4,228 46 |
| Amount found in safe after burglary | 211 46 |
| Total amount stolen | 4,017 00 |
| Amount returned by Chandler upon his arrest | 290 50 |
| Amount actually lost | 3,726 50 |

"Under instructions of the Paymaster-General, Major Maynadier has refunded the amount lost, but so far as the board can ascertain it believes Major Maynadier exercised due care in the keeping of the public money intrusted to him, and therefore recommends that he be relieved from responsibility for the loss of the $3,726.50, and that this amount, increased by the $100 paid by Major Maynadier for the arrest of Chandler, making a total of $3,826.50, be restored to Maj. W. M. Maynadier, paymaster, United States Army.

"There being no further business before it, the board adjourned *sine die*.

"RODNEY SMITH,
"*Major and Paymaster, U. S. A., President.*
"C. A. REYNOLDS,
"*Major and Quartermaster, U. S. A., Member.*
"JOHN SIMPSON,
*Captain and Assistant Quartermaster, U. S. A., Recorder.*"

The finding of the court of inquiry is approved by the commanding general Department of Arizona and the Paymaster-General of the Army.

Upon these facts your committee believe that Maynadier is entitled to relief. Therefore Senate bill No. 254 is reported back with recommendation that it pass.

The committee, therefore, adopt said Senate report as the report of this committee, and report the accompanying bill for his relief, with recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. MILLER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 421) for the relief of Thomas J. Miller, of Washington Territory. It proposes to direct the Secretary of War to examine into and ascertain the loss and damage sustained by Thomas J. Miller, a citizen of Washington Territory, by the seizure and sinking of his ferry-boat on the Columbia River by the armed forces of the United States, for the purpose of preventing the same being used by the hostile Indians during the late Bannock war in that Territory, in or about the month of July, 1878. The sum of $500 is appropriated to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the amount of the loss and damage so allowed.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER (Mr. HARRIS in the chair). There is no report accompanying the bill, the Chair is informed by the Secretary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA VAUGHN AND LOUISA JACKMAN.

The bill (S. 36) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman was considered as in Committee of the Whole. It provides for the payment to Mrs. Martha Vaughn of $2,500, and to the legal representatives of Mrs. Louisa Jackman of $2,500, for patriotic services, hazards, and losses incurred by Martha Vaughn and Louisa Jackman in conveying information of great value to the Union officers in the State of Kentucky in March, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER. The title should be amended to correspond with the bill by inserting "the legal representatives of" before "Mrs. Louisa Jackman."

The PRESIDING OFFICER. If there be no objection, the title will be so amended.

CHARLES P. CHOUTEAU.

The bill (S. 371) for the relief of Charles P. Chouteau was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Court of Claims be authorized to grant a rehearing in the case of Charles P. Chouteau, surviving partner of Chouteau, Harrison & Valle, and William A. Steele, against the United States, with jurisdiction to hear and determine the amount, if any, due under the contract for the construction of the iron-clad vessel Etlah, by reason of the delays occasioned in such construction by the acts of the Government beyond the period specified in the contract or for extras beyond what was provided therein. If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due notwithstanding such receipt.

Mr. GARLAND. What is the cause for the rehearing?

Mr. HOAR. Perhaps it will be more convenient to the Senate, instead of having the report read at length, to have me answer the Senator's question in the first place.

This is one of a pretty large number of contracts which were made by the United States early in the war for building iron-clad vessels. The style of vessels was almost wholly unknown in the experience of mankind, and entirely unknown in the experience of the United States until that time; and the process of construction was itself a constant process of invention, constant changes and improvements being made by the United States and the builders as the building went along. The United States reserved in the contract a right to order any changes whatever in the size, shape, or construction of the vessel or its engines or motive power, and further reserved the right, if the contractor did not carry out his contract, to take possession of his manufacturing establishment under the military power and complete the work itself.

In the course of the execution of this contract by the contractors the United States made several very large changes. It was as if a man who had contracted originally to build a one-story cottage for the habitation of a man and his wife without children had had the contract changed as it went along into a New York city hotel, almost. That is a little exaggerated illustration, but not much.

These contractors were compelled not only to perform all this extra work occasioned by the new inventions and ideas that came into the heads of the engineers and draughtsmen in the Navy Department, but they were compelled to delay very largely for a long time the completion of the work by reason of these acts of the United States solely, and that was at a time when labor and material were fluctuating in price and increasing in price with the rapid fluctuations of the value of currency in its proportion to gold at that period of the war.

The contractors had a right, which they exercised, to go into the Court of Claims to get two things: First, the price of the extra work the new work, which the United States was of course bound to pay, the changes and additions to the work; second, for the loss or injury which was caused them in the execution of so much of the work as was embraced and included in the original contract by reason of the enforced delay, without their fault but in pursuance of the exertion of its right by the United States, in the time of completing the contract. These parties went into the Court of Claims, and just at the close of the trial they were met by a receipt acknowledging payment for their contract price and their extra work. They had given authority to a New York banker to receive the payment of the money as it fell due; and when the final payment fell due they gave the receipt which was brought forward in the Court of Claims, and which was held by that court to cut off this particular claim for the increase of material and labor in the original work.

It appeared that the authority given to the New York banker had been merely an authority to receive the money as it was paid, without any thought on the part of the contractors that they were authorizing an agent to cut off the rest of their claim; and it was accepted by the agent of the United States without any expectation on his part that he was cutting off these contractors from an opportunity to have in some proper place this claim which I mention enforced. This bill authorizes these contractors to go into the Court of Claims and to have the case considered notwithstanding that receipt. When the receipt was produced, which was at the close of the trial, the counsel for the contractors was so confident that it did not cut off this portion of the claim that he went on with his case. Instead of asking time either to come to Congress for relief before a decree, or to show that the New York person was not duly authorized to give a receipt in that form, or to have some equitable process for revising it or whatever he might be advised to do, he went on with his case, and the court held, as I said, that the receipt cut off this claim.

There have been a considerable number of like cases in which Congress has granted the relief which these parties ask in this case; that is, that the Court of Claims may rehear it and determine it on its substantial justice notwithstanding this receipt.

Mr. COCKRELL. This claim passed at the last session of Congress.

Mr. HOAR. This claim passed the Senate, I think unanimously, but at any rate after a statement like the one I am making now.

Without questioning the policy of strictly holding parties to the limitation provided by law and of strictly holding parties to abide on their part the judgment of this court which we have provided against them, it seemed to the committee that this was a peculiar class of case where those principles should not be rigidly enforced. It was in substance a contract by these contractors with the United States to do in the business which they were engaged in just what the Government should order, and they were exposing themselves to this risk of the constant change of plan and great delay in the execution of the work. As I said, in all the cases which are of that kind that have been before the Senate for its action the Senate has done what is here proposed. There were four of these vessels—the Senator from Missouri perhaps can correct me if I state the facts wrong—and the constructors of the others have had a similar relief to this which is asked. This is the last of that class.

There is another case which is a good deal like this in some of its essential characteristics, where the committee at the present session have denied the party relief like this. It seemed to be distinguishable—it is not necessary to go into that—but the committee were very doubtful about that, and after one adverse report they gave special direction to have a hearing of the counsel of the contracting party before they should finally report on the case; but with that exception I believe this is the last of that class of cases.

There is a case in England, to which my attention was called, where the English Government made a similar contract and where the party came in and simply said he had lost £40,000 by the contract for one of their government vessels, and the board of admiralty ordered to be paid the actual sum, of their own motion, notwithstanding the contract.

Mr. GARLAND. I would ask the Senator before he takes his seat if the facts show that the claimants made a motion for a new trial? It seems that this receipt they encountered on the trial was a matter of surprise.

Mr. HOAR. They did not; and whether they could upon a new trial have satisfied the court that the New York agent had not authority as between them and the United States to receive the money and sign this receipt, I am not sure.

Mr. GARLAND. I would ask another question. What is the showing of facts here that they can possibly overcome or avoid that receipt in any way on another trial?

Mr. HOAR. This statute leaves to the Court of Claims the power to deal with the question on its merits according to substantial justice.

Mr. GARLAND. I am not opposing the theory of the bill, for I have generally liberal views on such subjects.

Mr. HOAR. I suppose the Court of Claims would say on the facts which were before the committee that here was a receipt on a written contract entered into by both parties to it, given unadvisedly, and it would be the exercise of what in ordinary courts of equity would be the power to reform a written contract which does not express the true intent of the parties.

Mr. GARLAND. Was an appeal taken by the claimants to the Supreme Court?

Mr. HOAR. I think an appeal was taken in this case to the Supreme Court. It was in one of the cases, and I think in this, and the decision of the Court of Claims affirmed.

Mr. GARLAND. I have no particular objection to the bill; but I would suggest, as the general act organizing the Court of Claims does not give the right of appeal in all cases, that a provision should be here inserted that there shall be a right of appeal to both parties as in other cases.

Mr. HOAR. Very well; I have no objection to that.

The PRESIDING OFFICER. Will the Senator from Arkansas suggest where that amendment shall come in?

Mr. GARLAND. At the end of the bill.

Mr. HOAR. I am quite sure, with my knowledge of the opinions of the authorities now representing the United States Government, there would be no appeal against the claimant, so that the insertion of the clause would be in favor of the claimant. Still there is no harm in reserving the power.

Mr. GARLAND. At the end of the bill I move to insert "with the right of appeal as in other cases to the Supreme Court of the United States."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MONEY ADVANCED BY GEORGIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 595) to repay the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians from 1795 to 1818, and not heretofore repaid.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to audit the claims of the State of Georgia for moneys advanced by said State to pay troops ordered into service for the defense of her frontiers against the Indians from 1795 to 1818, inclusive, and not heretofore repaid to said State; and to pay to said State such sum, not exceeding $22,567.42, as he shall find due and unpaid, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That if there be any sums of money due or owing to the United States by the State of Georgia, whatever amount, if any, may be found due under the provisions of this act to the State of Georgia shall be credited to that State, and the balance only shall be paid by the State of Georgia or the United States, as shall appear by the striking of a balance to be due from the one party or the other.

Mr. BROWN. Mr. President, I move to strike out the proviso reported by the committee.

This is the case really: A former comptroller of the Treasury, in making up the accounts between the Government of the United States and the different States, charged each Southern State with what is known as the war tax. The State of Georgia never has assumed that war tax as a debt of the State. I do not think the people of the United States intend that it shall be so; but if they determine to collect it, then let Congress pass a bill ordering that it shall be collected, and there is no doubt that the State of Georgia will assume, for her citizens, the debt and pay it; but we do not think it ought to be disposed of in this way. Here are amounts of money that the committee admit are due to the State of Georgia, and the proposition is to pay it back. Now,

we protest that the war tax ought not to be charged against the State of Georgia until the like treatment is in store for all the Southern States. We ought to be treated alike on the question, and it seems to me that in this case, as in cases heretofore, the amount due the State should be paid out of the Treasury. When the Government of the United States desires the war tax paid by all the Southern States, then let it say so, and Georgia will assume it and pay it, and not have it collected by a tax on the lands of her citizens. Our Legislature in 1866, if I recollect correctly, passed a resolution, supposing it would have to be paid, proposing to the United States Government to assume it as a debt and pay it; but the proposition was never agreed to by Congress or any one having authority as an officer of the United States and it was not assumed as a debt of the State, and it certainly is not now a debt of the State. We are ready to assume it if it has to be paid, but we do not want the charge to be made in this way, as all the States should be treated alike.

I believe there are two or three cases where there have been amounts awarded to the State of Georgia since the war on previous claims, one in reference to the Western and Atlantic Railroad that occurred after the war. These have not been credited, nor was this question raised until it was raised on a small appropriation made at the last session to pay a debt due the State of Georgia. I trust there will be no objection to striking out this proviso and permitting the claim to be paid as others have been, and let the question as to the war tax be settled hereafter.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. BROWN] to the amendment of the Committee on Claims. The amendment proposed by the Senator from Georgia will be read.

The CHIEF CLERK. It is proposed to strike out, beginning in line 12, the following proviso:

*Provided*, That if there be any sums of money due or owing to the United States by the State of Georgia, whatever amount, if any, may be found due under the provisions of this act to the State of Georgia shall be credited to that State, and the balance only shall be paid by the State of Georgia or the United States, as shall appear by the striking of a balance to be due from the one party or the other.

Mr. CAMERON, of Wisconsin. I do not know and the committee did not know whether there is any war debt due from the State of Georgia to the United States or not. I do not think that the war tax, as it is called, unless it has been assumed by the State of Georgia, is a debt due from the State to the United States. It is true that a certain amount of war tax was assigned to the State of Georgia by the General Government, but that did not make it a debt due from the State. It was a tax which might have been levied upon and collected from the citizens or the property of the citizens of the State, but was not a debt due from the State, so that if the State of Georgia has not assumed the war tax, so called, I take it that this amount can not be offset as against that tax or any portion of that tax. But if there be a debt now due by the State of Georgia to the United States, I think the Senator from Georgia will agree that this amount ought to be offset against that debt.

Mr. BROWN. The Senator will permit me a moment. I will state that I do agree with him fully on that, if there is any such debt. If instead of striking out the proviso we should make this amendment in line 14, after the word "Georgia," to add "other than the war tax;" so as to read, "provided that if there be any sums of money due or owing to the United States by the State of Georgia other than the war tax, whatever amount, if any," &c., it would be satisfactory.

Mr. CAMERON, of Wisconsin. If the Senator from Georgia thinks that is necessary I shall not object to it.

Mr. BROWN. I do, for this reason: you admit that the war tax is not a debt against the State of Georgia, but there was a small amount appropriated at the last session of Congress in payment for a claim of the State of Georgia; but the Comptroller of the Treasury has refused to pay it, because he finds that the war tax by a predecessor of his is charged on the books against Georgia, and the amount is now withheld on that very question. That is the reason I suggest the amendment, which will stand as the sense of the Senate. I wish the Comptroller of the Treasury to know that the Senate decides that the direct tax, known as the war tax, is not a debt of any State which has not assumed it. I am sure the Senator is right that there is no debt due by the State of Georgia, as a corporate body or a State, to the United States. I admit the United States does have the right to go into Georgia and levy and collect a direct tax; and whenever it is the policy of the United States to do so, the State of Georgia will assume it for her citizens and pay it.

Probably the last amendment would better suit the views of the Senator. If there is anything other than the war tax due by the State let it be included in the settlement.

Mr. MORGAN. The Senator from Wisconsin is clearly right that there is no debt against any Southern State in consequence of the direct tax assessed on the people of the State during the war; but the Treasury Department has not so construed the law. There is a fund, I know, coming to the State of Alabama on two accounts, one on account of arms and munitions of war under the militia act, another on account of proceeds of the sales of public lands, 5 per cent. of the proceeds of sales of public lands, which we thought we were entitled to receive from the Government, but on application made the Comptroller of the Treasury, taking the ground suggested by the Senator from Georgia, insists that the State of Alabama is indebted to the Government upon the war tax, and placed this fund as it accumulates in the Treasury from sales of the public lands to the credit of the war debt.

I should be very glad, indeed, to have some declaration by Congress which would reverse the decision of the Treasury Department. The Comptroller of the Treasury feels himself, I believe, obligated to follow out the decision made by his predecessor upon this question. There seems to be no rule there but *stare decisis*—if you make a wrong decision it is better to stick to it; that is the rule in the Treasury Department.

I should be very glad indeed if we could get some general expression from Senators here in regard to this very plain and palpable proposition that there is no debt against these States until they have assumed it, and I take it for granted that the Government of the United States will not undertake to compel the States of the South to assume that debt. I do not care to go into the argument of it now by any means, but I hope that the amendment that the Senator from Georgia wishes to put in the proviso will prevail.

The PRESIDING OFFICER. Does the Chair understand the Senator from Georgia as modifying his first amendment?

Mr. BROWN. At the suggestion of the Senator from Wisconsin I will propose my amendment after the word "any," at the end of line 14, instead of after "Georgia," in line 14.

The PRESIDING OFFICER. The amendment as modified by the Senator from Georgia will be read.

The CHIEF CLERK. At the end of line 14, after the word "any," it is proposed to insert "other than the war tax;" so as to read:

*Provided*, That if there be any sums of money due or owing to the United States by the State of Georgia, whatever amount, if any, other than the war tax, may be found due under the provisions of this act to the State of Georgia shall be credited to that State, and the balance only shall be paid by the State of Georgia or the United States as shall appear by the striking of a balance to be due from the one party or the other.

Mr. COCKRELL. I suggest to the Senator from Georgia, would it not be better to say "the direct tax?" That is the way it is known in legislation.

Mr. BROWN. That would be better probably.

Mr. HOAR. I think I would put it in a different way, if the Senator pleases—at the end of the proviso the words "that not being herein intended to include any tax assessed against said State not assumed by the State;" because if you speak of a debt other than war tax it is an implication that you consider the war tax a debt.

Mr. BROWN. The Senator is right. I accept the amendment proposed by the Senator from Massachusetts as better than that I proposed, and I prefer his language.

Mr. CAMERON, of Wisconsin. The Senator from Massachusetts will state his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts will please submit to the Secretary the exact phraseology of his amendment.

Mr. HOAR. I propose to add to the amendment:

The above provision not being intended to include any direct tax which has not been assumed by said State.

Mr. BROWN. That is correct; I accept that.

The PRESIDING OFFICER. The question is on this amendment to the amendment reported by the Committee on Claims.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BROWN. The title ought to be amended. We did not make good the whole claim. We only make good $22,567.42.

The PRESIDING OFFICER. If there be no objection, the title will be modified to conform to the provisions of the bill as to the amount, and as so modified the title will stand.

### THOMAS JONES.

The bill (S. 273) for the relief of the estate of Thomas Jones, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments: In line 7, after the words "sum of," to strike out "$18,007.79" and insert "$9,000;" and in line 9, after the word "for," to strike out "1,800,779" and insert "a quantity of;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to W. W. McDowell, as administrator of the estate of Thomas Jones, deceased, late of Memphis, Tenn., the sum of $9,000, the same being in full for a quantity of brick taken from said Thomas Jones, at or near the city of Memphis, in the year 1862, by order of Maj. Gen. W. T. Sherman, and used in the construction of magazines, quarters, and for general camp purposes.

The amendments were agreed to.

Mr. CULLOM. Is there any written report in this case?

The PRESIDING OFFICER. There is.

Mr. CULLOM. Let it be read. This involves a large sum of money.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. GEORGE February 6, 1884:

The Committee on Claims, to whom was referred the claim of the administrator of Thomas Jones, deceased, beg leave to submit the following report:

The claim was fully considered by the committee at the last Congress, and a report made recommending that the sum of $9,000 be allowed the claimant. This report we now adopt.

"[Report to accompany bill S. 1448.]

"The Committee on Claims, to whom was referred the bill (S. 1448) for the relief of the estate of Thomas Jones, deceased, have considered the same, and respectfully report:

"Thomas Jones, the intestate of the claimant, was a citizen of Memphis, Tenn., in 1862, when the Federal forces took possession of that city. The proof is conclusive that he was throughout the war loyal to the United States.

"He was the owner of a large number of brick, then in kiln. These brick were needed by the United States for building magazines, cisterns, fortifications, and chimneys of the barracks and hospitals. A large number were taken for this purpose and so used. What the exact number was it is impossible now to ascertain. This claim is for 1,800,779, and there is the proof of three or four witnesses, certified to be reputable, to the amount.

"J. C. Dougherty, special agent of the Quartermaster's Department, was sent to Memphis in 1873 to examine the claim. After a thorough examination, he reported that the number taken was equal to the number claimed. He reported, however, that it was impossible to estimate how many of those bricks were taken by the Quartermaster's Department and how many by the engineers. On this ground the Quartermaster's Department refused to allow any part of the claim, recommending application to Congress.

"The mistake of Jones, in his lifetime, was always to apply to the Quartermaster's Department and not to the engineers. He applied to General Sherman at the time, who it appears indorsed on his application that the claim could not be paid till the end of the war, like all other claims, according to the circumstances of each case.

"There is proof of the sale of these brick by the Quartermaster's Department after the war, and there is also proof tending to show that they were less in number than the amount claimed and reported to be correct by Dougherty. It is impossible now to fix the exact number. It appears, on the whole, that 1,500,000 would not be far from right, and is most probably the nearest approximation that can now be made to justice. This claim is for $10 per thousand. We think this charge too high. It appears that Jones gave $6 per thousand for them. We therefore recommend that he be paid that price for 1,500,000—say $9,000, and we recommend the passage of the bill amended so as to allow that much."

The bill claims $18,007.79.

We recommend that the bill pass, after being amended as follows:

Strike out in lines 7 and 8 the words "eighteen thousand and seven dollars and seventy-nine cents," and insert in lieu thereof "nine thousand dollars," strike out in lines 8, 9, and 10 "one million eight hundred thousand seven hundred and seventy-nine," and insert a "quantity of."

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SALARIES OF ARMY CHAPLAINS.

The bill (S. 469) to increase the salaries and pay of the chaplains in the Army was announced as next in order.

Mr. COCKRELL. There is an adverse report in that case.

Mr. HARRISON. I suggest to the Senator from Missouri whether it would not be just as well to move to indefinitely postpone the bill and get it off the Calendar.

Mr. ALLISON. I hope that will be done. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to object to the present consideration of the bill?

Mr. COCKRELL. No; I do not object.

The PRESIDING OFFICER. The Senator from Iowa moves that the bill be indefinitely postponed.

The motion was agreed to.

## JOHN M. ROBESON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 372) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson.

The bill was reported from the Committee on Claims with amendments, in line 6 before the word "thousand" to strike out "three" and insert "one," and at the end of the bill to add the following proviso:

*Provided*, That the said sum be paid to the legal representatives of said John M. Robinson.

So as to make the bill read:

That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frances A. Robinson, administratrix of John M. Robinson, deceased, the sum of $1,000, which will be in full satisfaction of all claims of said administratrix and of said estate against the United States: *Provided*, That the said sum be paid to the legal representative of the said John M. Robinson.

The amendment was agreed to.

Mr. ALLISON. I should like to hear the report read.

The Secretary read the following report, submitted by Mr. PIKE February 6, 1884:

The Committee on Claims, to whom was referred the petition of Frances A. Robinson, administratrix of John M. Robinson, late of Independence, State of Missouri, deceased, together with Senate bill No. 372, having had the same under consideration, ask to submit the following report:

The petitioner avers in her petition that she is the widow and administratrix of John M. Robinson, deceased; that, for some time previous to the war of the rebellion, and at the commencement thereof, said John M. Robinson resided in the city of Independence, in the State of Missouri; that he was the owner of a foundery situated in that city; that such foundery was at the beginning of the late war completely furnished with all the machinery, fixtures, and appurtenances necessary for its operation, and was operated by said Robinson until he was compelled to close it or cast cannon-shot for the rebels; that he refused to submit to this latter alternative, and being loyal to the Government of the United States, he closed his foundery, and became a soldier in the Fifth Regiment of Missouri State Militia, commanded by Col. William R. Pennick, which regiment was mustered into the service of the United States; that while he was serving as a soldier in this regiment said Col. William R. Pennick took possession of his said foundery, and used it as a cavalry-yard for the horses of his regiment, and used the tools and iron for shoeing the said horses; that all the machinery, fixtures, patterns, &c., in said foundery were removed or destroyed by the soldiers under command of said officer, and were wholly lost to their owner; that he, John M. Robinson, used every possible effort to prevent this destruction of his property, but without avail; and that the property thus destroyed or carried away was worth from $17,000 to $20,000.

These are substantially the statements contained in the petition. Numerous affidavits are on file. It appears from them that the said John M. Robinson was the owner of a foundery located in Independence, in the State of Missouri; that he was operating the same at the commencement of the war; that he and his widow, the petitioner and his administratrix, were loyal to the Government of the United States; that he refused when requested to aid the rebellion, became a soldier, enlisted in the Fifth Regiment of the Missouri State Militia, commanded by Col. William R. Pennick; that the said Colonel Pennick, as commander of said regiment, and serving under the United States Government, late in the fall of 1862, or the first of the winter of 1862-'63, took possession of said foundery, and used it as a cavalry-yard for the horses of his regiment from that time until 1863; that the blacksmith tools found therein and some wrought-iron, belonging to the said Robinson, were used for shoeing the horses of said command; and that a lot of seasoned lumber in said foundery, the property of the said Robinson, was also used by the said regiment in making bunks for the soldiers and in repairing wagons for the command.

It appears from several affidavits in the case that there were in the building at the time it was seized by Colonel Pennick the following items of personal property, with the following estimates of value of each article:

| | |
|---|---|
| 1 engine and boiler | $2,500 |
| 1 large iron lathe | 1,200 |
| 1 medium iron lathe | 920 |
| 2 small iron lathes, $500 and $350 | 850 |
| 1 iron planer | 700 |
| 1 screw-cutter | 150 |
| 1 power-drill | 175 |
| 1 full set machinist's tools | 350 |
| 1 full set foundery patterns | 4,250 |
| 1 lot foundery flasks | 950 |
| 3 new engines | 3,050 |
| 5 tons wrought iron, new | 500 |
| 1 lot machinery belts | 350 |
| Machinery for wood shop | 750 |
| Lot of unfinished work | 650 |
| Lot of seasoned lumber | 450 |
| 3 full sets smith's tools | 425 |
| Making a total of | 18,220 |

Of the articles enumerated in the above list, alleged to have been used or destroyed by Colonel Pennick's military command, there are but a few which could have been legitimately and properly used for the benefit of the soldiers or to supply the necessary wants of the regiment. The five tons of wrought-iron were used in shoeing the horses of the command. The item "sets of smith's tools" were used for the same purpose. The lot of seasoned lumber was used for making bunks for the soldiers and in repairing the wagons of the regiment. The other articles mentioned in the above bill were not in any sense necessary to nor could they have been used by the regiment, and if destroyed by the troops, the destruction must have been wanton; and it is well settled by numerous precedents that the Government is not liable to pay for property wantonly destroyed.

Except as to the wrought-iron, the proof is indefinite and unsatisfactory. The testimony is silent as to the quantity, kind, or quality of the "lot of seasoned lumber."

The committee recommend the allowance of the following sums:

| | |
|---|---|
| For 5 tons of wrought iron | $500 00 |
| For lot seasoned lumber | 200 00 |
| For 3 sets smith's tools | 300 00 |
| Making | 1,000 00 |

By the law of the United States, and the construction put upon it by the court, the committee understand that they can not allow anything for the rent of real estate in the absence of a contract therefor; there was no contract in this case. (Act of July 4, 1864, 13 Stats. at Large, 581; Filor *vs.* United States, 9 Wallace, 45.)

The committee recommend that the bill be amended so as to provide for the payment of $1,000 in full satisfaction of all claims, and when so amended that it pass.

No evidence has been furnished the committee that the claimant is administratrix, and the payment of the claim be made to the legal representatives of the said John M. Robinson, as provided by amendment.

Mr. COCKRELL. I desire to amend the name wherever it appears by striking out "in" in "Robinson" and inserting "e," making it "Robeson" instead of "Robinson."

The PRESIDING OFFICER. If there be no objection that amendment will be made wherever the name appears.

Mr. COCKRELL. Both in the title and in the body of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. PIKE, the title was amended so as to read: "A bill for the relief of the legal representative of Francis A. Robeson."

## CHINESE IMMIGRATION.

The bill (S. 791) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, was announced as next in order on the Calendar.

Mr. WILSON. That bill is too important, in my judgment, to be considered under this rule and with five minutes' debate. I therefore object to its consideration.

The PRESIDING OFFICER. Being objected to, the bill goes over.

## JOHN HATFIELD.

The bill (S. 295) for the relief of Alfred G. Hatfield, was considered as in Committee of the Whole. It proposes to pay to Alfred G. Hatfield,

the legal representative of John Hatfield, deceased, late veterinary surgeon of the Thirteenth Pennsylvania Cavalry, $675, in full for services, as veterinary surgeon for that regiment for nine months, at $75 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS GUILBEAU.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 520) for the relief of Francis Guilbeau.

The bill was reported from the Committee on Claims with amendments.

The PRESIDING OFFICER. The first amendment reported by the Committee on Claims will be stated.

Mr. CULLOM. I think we ought to have the report read.

Mr. MAXEY. Let us get through with the amendments first.

Mr. SHERMAN. I think the report had better be read before the amendments are acted upon.

Mr. MAXEY. Very well.

The PRESIDING OFFICER. The Secretary will read the report of the committee.

The CHIEF CLERK read the following report, submitted by Mr. CAMERON, of Wisconsin, February 6, 1884:

The Committee on Claims, to whom was referred the bill (S. 520) for the relief of Francis Guilbeau, report thereon as follows:

This claim is for the rent of certain buildings in San Antonio and Galveston, Tex., in the years 1865 and 1866, amounting to $3,701.67.

The loyalty of the claimant is proven conclusively.

The occupation of the buildings by officers of the United States Government for legitimate and necessary Army purposes is clearly proven, and contracts were entered into by which the claimant was to receive a reasonable rental.

The demand for rent for the buildings in San Antonio was declared reasonable by a board of survey, consisting of officers of the Army. The claim was presented to the proper officers of the Treasury, but was rejected on the ground that the location of the buildings was in a State lately in rebellion, and they were prohibited by law from paying it. It was also presented to the Southern Claims Commission, and was rejected for want of jurisdiction.

It appears from the certificate of Capt. Henry S. Clubb, assistant quartermaster and district quartermaster, that the United States Government rented a ten-room building in San Antonio of Mr. Guilbeau, on the 24th day of August, 1865, and returned possession of it to him on the 10th of December, 1865. It also appears that a board of survey, convened June 6, 1866, recommended that a rent be paid for the use of the same by the United States Government.

It appears from the proceedings of a board of survey, composed of Army officers, convened on the 28th of August, 1866, that a rent of $400 per month was not "too much" for the use of the storehouse then rented by Guilbeau to the Government.

An affidavit of A. Fretelliere shows that he, as agent of Guilbeau, agreed with Capt. Henry S. Clubb, assistant quartermaster, that he (Fretelliere) was to receive $400 per month, or $4,000 per annum, for the rent of the above-mentioned store building.

A letter from General S. K. Mizner shows that a dwelling-house of Guilbeau was occupied for military purposes by officers of the United States Army on the 12th of October, 1865, "with a perfect understanding that a proper rent should be paid" by the United States Government.

A certificate from General S. P. Heintzelman shows that the dwelling of Guilbeau was used as headquarters by General Shaw, and afterward by himself in like manner, and that Guilbeau was to receive $150 per month rent for the same; and that the building was thus occupied from the 9th day of May, 1866, to the 31st day of August of the same year.

An affidavit of A. Fretelliere, agent of Guilbeau, shows that the dwelling was occupied on the 12th day of October, 1865, and from that time until the 1st day of September, 1866; that $100 per month was the rent agreed upon from October 12, 1865, to January 1, 1866, and from that day he was to receive $150 per month.

An affidavit of James P. Nash, agent for Guilbeau, shows that the building known as Guilbeau's building, situated on lot No. 10, block No. 680, in Galveston, was occupied for Army purposes by Captain Atwood, assistant quartermaster, on the 19th day of June, 1865, and continued to be occupied until the 28th day of August, 1865, and it was agreed that he was to be paid punctually by the Government. He states further that he never received any rent from the Government for the use of the building, and that the rent charged the Government was but little more than half the sum he received for it immediately after the vacation of the same by the Government.

The affidavits of Messrs. William M. Varmell and James A. McKee show that Guilbeau was loyal to the United States Government during the war, and that he was compelled to leave his home in San Antonio because of his loyalty.

Your committee are of opinion that $2,600 would be a fair compensation to make to claimant.

Claimant died since the former reports were made on the claim, and we recommend that the bill be amended so as to make the amount payable to the legal representatives of Francis Guilbeau, deceased, and when so amended that the bill do pass.

The bill was reported from the Committee on Claims with amendments, in line 5, after the words "paid to," to insert "the legal representatives of;" in line 6, after the word "Gilbeau," to insert "deceased," and to strike out the words "upon his lodging with the proper officer of the Quartermaster's Department his receipt;" in line 7, after the words "in full of," to strike out "his;" and in line 8, after the word "houses," to insert "belonging to the said Gilbeau;" so as to make the bill read:

*Be it enacted, &c.*, That the sum of $2,600 is appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the legal representatives of Francis Gilbeau, deceased, in full of claims against the United States for the rent of houses belonging to said Gilbeau, and all damages to the same, in Galveston and San Antonio, Tex., during the years 1865 and 1866.

The amendments were agreed to.

Mr. MAXEY. There is a clerical error in the spelling of the name "Gilbeau." It should be "Guilbeau." I ask that the letter "u" be put in.

The PRESIDING OFFICER. If there be no objection, the bill will be so amended wherever the name occurs.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MAXEY, the title was amended so as to read: "A bill for the relief of the legal representatives of Francis Guilbeau."

WAR TAX OF 1861.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the educational bill.

Mr. PLUMB. I desire unanimous consent to offer a resolution, and ask for its immediate consideration.

Mr. BLAIR. What is the resolution?

The PRESIDING OFFICER. The Secretary will report the resolution, if the Senator from New Hampshire will permit.

Mr. BLAIR. Certainly; for information.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Treasury be directed to advise the Senate what amount of the war tax of 1861 is due and unpaid, from what States or from the citizens of what States due, whether any portion of said tax, and, if so, what portion, has been paid by withholding money due to any State or States from the General Government, and whether the rule adopted in withholding such money has been applied alike to all the States.

The PRESIDING OFFICER. The Senator from Kansas asks the unanimous consent of the Senate to consider at this time the resolution just read. Is there objection?

Mr. BLAIR. I object.

The PRESIDING OFFICER. There is objection, and the resolution goes over.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

Mr. HAMPTON, Mr. President, it has been a source of peculiar gratification to me and doubtless to our constituents that my colleague [Mr. BUTLER] and myself have with singular uniformity acted in perfect accord on all the grave questions which have come before this body. It is therefore with sincere regret that I find myself in opposition to him on a measure which I regard as of vital consequence to the best interests of our common State. In all that he has said of the pluck, the energy, the manhood of that State, of her wonderful recuperative powers, of her earnest efforts in the cause of education, and of the extraordinary results she has achieved under the most disheartening conditions, I agree most fully. He could use no expressions in reference to our State too laudatory to find a responsive echo in my heart, for that, like his, clings to the land of our nativity with a loyalty and a devotion that have not known and never can know change. I know as well as any one what my State has accomplished under the most adverse circumstances, and no one can feel a higher pride than myself in the heroic courage, the sublime fortitude, the silent patience, and the unshaken faith she has manifested under trials such as few States have been subjected to. I know, too, the great recuperative energies of my fellow-citizens, and I look back with unalloyed pride to that time when they rallied to the call of their prostrate State, and, rescuing her from the ruthless hands that were throttling her to death, placed her once again where she of right belongs, amid the great sisterhood of free and sovereign States. Knowing all this, I sympathize fully with the ringing words of my colleague as he recited the marvelous story of her redemption, of her great resources, of her wonderful development, of the bright future in store for her, and of her praiseworthy efforts in the cause of public education. Strongly as he dwelt on this latter theme, he omitted some points of great consequence, and I wish to supplement his argument by calling the attention of the Senate to them.

When the government of the State passed in 1877 into Democratic hands there was found to be a debt, known as the school indebtedness, of about $400,000. This was a heavy burden upon the State, but under the wise administration of the superintendent of public education, the present distinguished chief magistrate of the State, the debt was liquidated, though in paying it this large amount has been diverted from its legitimate purpose—that of promoting public education. The assessed value of property in South Carolina is about one hundred and thirty-eight millions at the present time. Prior to the war it was four hundred and ninety millions. The taxation on this latter valuation was about $400,000. The gross amount of the taxes levied in the State from 1851 to 1855 inclusive was $2,057,101. This levy was upon a basis of four hundred and ninety millions of property. In 1870 there was levied the enormous sum of $2,265,047, or $107,945 more than the aggregate taxation of the five years mentioned on double the amount of property assessed during that period. In 1872, if my memory serves me right, the tax assessed upon the people for State purposes exceeded $4,000,000. It is scarcely necessary for me to say that this taxation occurred during the carpet-bag régime in the State, when fraud, corruption, vice, and crime ran riot in the State, and these figures I have cited explain how South Carolina was brought to the verge of bank-

ruptcy before the State was rescued from the robber-band that had for so long a time despoiled her.

When the government changed hands in 1876 the finances and the credit and the resources of the State were in a lamentable condition, but, poor as were our people, they voted then for an amendment of the constitution levying a tax of 2 mills on the dollar for educational purposes, and this amendment was ratified in January, 1877. The poll-tax, which should amount, with our present population of a million, to nearly $200,000, is also set apart strictly for the same object. To these two sources of revenue for public schools must be added that of local taxation.

I have shown how desperate was the condition of the State in 1877, and I wish now to show how earnest have been her efforts for the promotion of education. The whole of the State tax is about $630,000, while the county taxes amount to about $800,000, in all not quite a million and a half. The taxes in aid of the public schools amount to rather more than $500,000, so that the school-tax amounts to more than one-third of all the taxes collected in the State.

Now it seems to me that my State has not been remiss in making provision for public education when she appropriates half a million of dollars for this purpose on property assessed at one hundred and thirty-eight millions. Let me call the attention of the Senate to another significant and striking fact. The expense of the State government, including interest on the public debt, is about $240,000; the expense of keeping up the public schools and charitable institutions amounts to nearly $600,000. In other words, our State appropriates largely more than twice as much for these purposes as she does for the whole expenses of her State government. These public schools, maintained at so heavy a cost, are open to all, and no distinction is made on account of race or color. May we not ask, then, if any State can show a better record on this question than South Carolina has made for herself under difficulties which might well have appalled the most sanguine and courageous heart?

The figures I have given prove what the State has done in the cause of education, and I desire to cite now an example of magnificent municipal aid in the same direction. The city of Charleston has a population of about 50,000; 23,000 white and 27,000 black. She appropriated $72,000 in addition to the funds raised by the State tax, and of this sum the blacks pay 3 per cent., though their children attend the schools in numbers equal to those of the whites. This city, devastated by fire and by the sword, robbed by unscrupulous plunderers in the recent past, pays for public education on a ratio one-third more than does the prosperous and classic city of Boston for its whole system of education, and it does this while pressed down by a debt of $5,000,000.

These facts are in the line of the able argument made by my colleague to prove that in the great race of educational progress our State has not been a laggard, and I cite them with just and honest pride. But these facts, so ably and eloquently presented by my colleague, have brought me to a conclusion directly opposite to that taken by himself. I doubt not that there are 250,000 children between the ages of 10 and 16 in our State requiring education, and this can not be given to them properly at a less cost annually than $5 per capita. This would involve an outlay of $1,250,000, and how is it possible for our State to raise this sum in her present exhausted condition? If the whites were to apply the 95 per cent. of the taxes paid by them to the education of their own race they might soon reduce the ratio of illiteracy, but the whole fund collected is applied to public education without discrimination as to race or color, and I would not have it otherwise. But surely in the face of these facts we are authorized to ask aid of the General Government in behalf of these people who were made citizens and adopted as wards by it.

Important as I deem this aid to be for the preservation of good government in the whole country I would not advocate this or any kindred measure that violated in my opinion the Constitution of the United States. Like my colleague, I have been trained in that school which teaches a strict construction of that instrument, and I have not yet learned to "camp outside of the Constitution" to subserve party ends or for the sake of expediency. I can not see that the bill under consideration is at all more open to objections on constitutional grounds than was the one introduced at a previous session by my distinguished friend and colleague, and a constitutional lawyer so able as himself, so jealous of any infractions of our great charter of liberty, would surely not present to this august body a measure violative of the provisions of the Constitution. I felt myself on safe ground, therefore, in following his lead when he, impelled by the pressing need of educating our people, invoked the aid of the General Government for this purpose. I occupy the same ground now, for the most careful and anxious reflection has brought me to the conclusion that the greatest danger threatening the permanency of our institutions comes from the frightful prevalence of illiteracy in our midst. The hands of those to whom the blessings of education have unfortunately been denied are potent for evil, and in my opinion no government has discharged its highest duty to its citizens that does not open the fountains of knowledge freely to all. There is more truth than poetry in the oft-quoted lines which declare that—

'Tis education forms the common mind;
Just as the twig is bent the tree's inclined.

And if we desire to form the minds of that generation which is so soon to take our places and to direct the destiny of this grand Republic, we must see to it that they are fitted to assume the high duties and the grave responsibilities that will fall upon them. We must legislate for our children if we do not wish to prove recreant to the noble trust committed to our keeping.

Actuated by these motives, I feel bound, as a citizen, as a Senator, as a patriot, to support the bill under consideration. It does not meet my approval in every detail, but I appreciate the difficulties that the committee who presented it had to meet, and I regard it as a step in the right direction. I shall not attempt to discuss its merits, for these have already been urged by abler tongues than my own, and they speak for themselves; but I wish to touch very briefly one or two points which have been brought out in this debate. Several Senators have twitted us of the South with not having put our own shoulders to the wheel while we call on the Federal Government for help, and others have expressed the fear that our State authorities would not apply the funds appropriated honestly. In refutation of the first charge I have given the figures to prove that it is unfounded so far as my own State is concerned, and I am sure that it is equally unfounded in reference to the whole South. The other and graver charge is too unworthy to be noticed, and I shall simply quote some testimony upon both of these points which should have weight before this body. Hon. J. H. Smart, superintendent of public instruction in Indiana, used the following language in an address delivered some time ago:

Now, I want to express the opinion that the Southern people are willing to do all they can to cure this great evil and remove this great wrong, and, so far as I have observed, the work that has been done, under existing circumstances, has been a marvelous work. The Southern people have made a heroic effort, certainly in three or four States that I have visited, to do the best that could be done for these colored people. I want to say that throughout the length and breadth of the Southern States, without one exception, the colored people are given the same advantages that the white people are given. No distinction whatever is made; and, so far as I was able to find out, there is an almost unanimous, certainly an overwhelming, sentiment in favor of educating the colored children equally with the white children. And I believe from what I saw that we are able to trust the existing State organizations represented by these gentlemen; we are able to trust them with whatever means we can appropriate, and I speak after some investigation and after deliberation.

Let me quote a few words from Rev. Dr. Mayo in reference to the same subject, than whom there is no higher authority on this continent. Said he:

Another matter has forced itself very constantly on my attention, which has been alluded to before, which is this: I am pretty well acquainted with the condition of education in our country and in other countries, and I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has an effort so great, so persistent, and so absolutely heroic been made by any people for the education of the children as by the leading class of the people in our Southern States.

Practically, within ten years every one of these Southern States has put on its statute book a system of public schools; practically, within this time every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

* * * * * * *

We may say ideally and abstractly that the Southern people can give more than they do for education; but practically, looking at them as we look at every people in the world, I believe that the limit is reached.

Again he says:

One thing more, gentlemen. I am acquainted with the State superintendent of instruction, I believe, in every Southern State. I am acquainted with the State school board, I think, of every Southern State but two or three. I have studied with great care in the records of all those offices their methods of distribution of money. I believe there is no set of men in this country who are handling a moderate amount of money with greater economy, with greater fidelity than these gentlemen. It seems to me it would be a great mistake in distributing such funds as you give to put into each of these States a dual administration. If that should be done, I believe that at once $100,000 or $200,000 of money would be thrown away, virtually, for supervision. I believe if there is any set of men in his country that can be trusted to administer a fund of $10,000,000 or $15,000,000 in thirteen or fourteen States with fidelity it is the school authorities of those States, and therefore it seems to me that this money should go directly to the children through the accustomed channels, of course being guarded by all proper safeguards in the central power.

Mr. FRYE. Is that Dr. Mayo?

Mr. HAMPTON. It is Dr. Mayo.

Mr. BLAIR. The testimony is all that way from those who are acquainted with the situation.

Mr. HAMPTON. This is the evidence borne by able, devoted, impartial witnesses, who testify to the noble work already done by the South, and whose knowledge of our people, gained by close contact, impels them to express the utmost confidence not only in our sincerity but in our integrity. With such testimony in our favor, coming from such sources, we need repel no charges made here reflecting on the character of our people.

One word more, Mr. President, and I shall close. The Senator from Oregon in his remarks used this expression:

I merely state what I understand to be the fact, that the colored man in some portions of the South is practically denied the rights already conferred upon him by law.

I shall not be drawn into any controversy upon this vexed and irritating subject, and my only purpose in quoting his words is to call the attention of the Senate to the laws in South Carolina in reference to the civil rights of the colored people. These laws, it must be borne in mind, have been kept on the statute-books by a Legislature overwhelmingly Democratic, and I doubt if any State has more stringent provisions for the protection of its citizens.

In the General Statutes of South Carolina, at page 167, section 514, these words occur:

The several solicitors of this State are hereby specially charged with the prompt and rigorous prosecution of offenses against the civil rights of citizens; and every solicitor who shall fail in this respect in the performance of his duty shall be deemed to have committed a misfeasance in office, and, on conviction, shall forfeit his office, and be incapable of holding office for five years, and shall also pay a fine of $500; and in every case in which any solicitor shall fail in his duty the attorney-general shall make the most effective prosecution possible against him on behalf of the State; and neither any solicitor nor the attorney-general shall settle or enter a nol. pros. in any such case except by the consent of the court.

The law to which that section refers is found on page 730, chapter 109, headed "Offenses against civil rights," and is as follows:

SEC. 2601. It shall not be lawful for any common carriers, or any party or parties engaged in any business, calling, or pursuit, for the carrying on of which a license or charter is required by any law, municipal, State, or Federal, or by any public rule or regulations, whether such party or parties have obtained such license or charter, or failed or neglected to obtain the same, or for any party or parties keeping an inn, restaurant, or other place of accommodation or refreshment, whether a license or charter is required for the keeping of the same or otherwise, to discriminate between persons on account of race, color, or previous condition, who shall make lawful application for the benefit of such business, calling, or pursuit.

SEC. 2602. Any party so discriminating shall be considered as having violated this chapter, and, upon conviction, shall be punished by a fine of not more than $200, or imprisonment for not more than six months.

SEC. 2603. Every case arising under section 2601, and not provided for specifically in some succeeding section, shall be prosecuted and decided in accordance with the general provisions of this chapter.

SEC. 2604. Whoever, being a common carrier under any public license, charter, rule, or regulation, shall, by himself or another, willfully assign any special quarters or accommodations whatever to any passenger or person whom such common carrier may have undertaken to carry or who shall under any pretense deny or refuse to any person lawfully applying for the same accommodation equal in every respect to that furnished by him to any other person for like compensation or reward in a like case, having no regard to the person *per se* who may be applicants therefor, shall, on conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months.

SEC. 2605. Whoever conducting or managing any theater or other place of amusement or recreation, by whatever name the same may be recognized, or however called or known, if such theater or place be licensed or chartered, or be under any public rule or regulation whatever, shall willfully make any discrimination against any person lawfully applying for accommodation in, or admission to, any such theater or place, on account of the race, color, or previous condition of the applicant, or shall refuse or deny to any person lawfully applying therefor accommodation equal in every respect to that furnished at such place for a like reward to any other person, on account of race, color, or previous condition of the applicant therefor, shall, on conviction, be punished by a fine of not more than $1,000, or imprisonment for not more than six months.

SEC. 2606. Whoever, not being the principal offender under sections 2603 and 2604 of this chapter, shall aid or abet in or about the commission of any of the offenses therein mentioned, shall, on conviction, be punished at the discretion of the court.

SEC. 2607. Every commander, conductor, manager, or other person superintending or having charge of any vessel or vehicle, or any theater or other place mentioned in this chapter, and, as such, having authority and power to order and manage affairs in or about the same, who shall suffer or permit to occur any violation of this chapter which such commander, conductor or manager, or person so superintending and having such charge as aforesaid can possibly prevent shall be considered an aider and abettor in the commission of any such offense, and, on conviction, shall be subject to the penalties provided in section 2605 of this chapter.

SEC. 2608. Every corporation or party whatever, holding any charter or license under the authority of this State, who shall violate any of the provisions of this chapter, shall thereupon be deemed and held to have committed an abuse of the franchises conferred by or under every such charter or license, and, on conviction, shall forfeit every such charter or license; and any party or parties who, having so forfeited any such charter or license as aforesaid, shall, nevertheless, presume to use or operate under or by virtue of the same, as well as every person who shall be found aiding any such party or parties thereabout, shall, on conviction, be punished by a fine of not more than $500, or imprisonment for not more than six months.

SEC. 2609. In every trial for violating any provisions of this chapter, when it shall be charged that any person has been refused or denied admission to, or due accommodation in, any of the places in this chapter mentioned, on account of the race, color, or previous condition of the applicant, and such applicant is a colored or black person, the burden shall be on the defendant party or parties so having refused or denied such admission or accommodation to show that the same was not done in violation of this chapter.

I place this act on record in order to show that in my State the rights conferred by law on the colored man are not denied to him. I regret, sir, that I have had neither time nor data to enable me to present my views to the Senate in a connected and condensed manner. Nor should I have trespassed upon its patience but for my desire to place upon record my hearty support of the measure under consideration.

Mr. PUGH. Mr. President, my disposition was to take no part in the debate upon the bill before the Senate, but the discussion of it has become so general, and being a member of the committee that reported it, I feel that I ought to say something in support of its passage. I do not believe that any measure approaching this in importance has been before the Senate or is likely to be before the Senate this session, with as much popular approval of its passage. My service on the Committee on Education and Labor for five months during the last summer and fall enabled me to learn something of the public necessity for the aid proposed by the bill and the public demand for such an appropriation. Every witness examined by the committee upon the condition and needs of the public schools in the Southern States urged Federal aid to these States to enable them to extend the benefits of a common-school education to their illiterate children.

The Southern States, as has been shown and often repeated in this debate, have gone to the extent of their ability in providing for the support of public schools. Every State has a well-organized and efficient system, under the management of able and highly qualified superintendents; but it is an undeniable fact that the average time the schools are open will not exceed seventy-five days in the year, and the consequence is that the little learned in the short time the children are in school is mostly forgotten while the schools are closed, and thereby the benefits of the system are lost to the children, and the whole trouble is chargeable to the want of money. But some Senators representing Southern States which would get a large share of the appropriation say their people can get along without this aid, and that while their burdens are great, the evils of illiteracy appalling, yet it is wiser and better in the long run that the people be left alone to carry their own burdens, and that the virtues to be cultivated and developed by self-reliance and self-support and long-suffering and patience in their trials are priceless to them and their children, while the distribution of about twelve millions the first year and an average of over seven and a half millions for ten years will be dangerous in its effects upon these high virtues of self-reliance and self-support in making them indolent and indifferent in the important work of improving and making their public schools, supported alone by themselves, a great public success and benefit.

The people of the South have listened a long time to such teachings and heeded the cry that it was wrong and dangerous for them to accept Federal aid from a common Treasury to which they have contributed more than their just and equal share, and that self-support and self-reliance were invaluable habits that would develop great qualities in the long run. They are waking up and realizing the fact that they have had the long run, but the habits of self-support and self-reliance are not bettering their condition. They see their associates in a common Government accepting and appropriating all the aid they can get from constitutional and unconstitutional legislation and exacting tribute by law from every other industry except their own, and while they laugh at the self-denial of the people of the South they are growing richer and more powerful.

The Southern States do not ask this appropriation as a bounty. They have contributed more than their share of the revenue out of which this money is appropriated. The use to which the money is to be applied will inure largely to the common national benefit in eradicating an alarming public evil. It can not be denied that the dangerous effects of illiteracy are far reaching We all know that the difficulties in the way of home rule by local governments in the South and the disturbance of the friendly and harmonious and confiding relations of our people, so indispensable in our experiment of self-government and so necessary in securing the benefits and blessings of our union of States, is chargeable more largely to the existence of negro illiteracy in our citizenship and suffrage than to any other and all other causes combined. Why are we unable to unite in a common effort—call it experiment if you please—of lending a helping hand to the States engaged in the struggle with this public calamity?

Some Senators representing Southern States, for whose judgment and convictions I have the greatest respect, are unable to support the bill on constitutional grounds. This objection of course is conclusive. But I am surprised at their opposition on grounds of expediency. They question the policy of affording this aid because it will beget a disposition to look alone to the Federal Treasury for the means of keeping up their common schools, when the bill itself provides that each State shall raise by its own taxation or otherwise an amount equal to one-third for five years, and thereafter shall raise each year an amount equal to what they receive of this appropriation. And let me remind my brother Senators of the South that while they justly condemn the offensive distrust of the Senator from Ohio [Mr. SHERMAN] of the capacity and willingness of the Southern States to make a fair and equal distribution of this money to carry out the objects of the appropriation, these Southern Senators themselves have expressed their distrust of the ability of the people of the Southern States to withstand the temptations and dangers of accepting this money from the Federal Treasury. They express the fear that this Federal money will be a dangerous temptation, likely to destroy the self-reliance of the people and make them so indifferent and careless of their duties to contribute out of their own means to the support of their common schools that before long the whole business of educating the children will have to be given up to the Federal Government.

Mr. President, I have no such fears of the effects of the aid afforded by this bill. This is a Government of the people, by the people, and for the people. Our great experiment of self-government by the people is an established success. The people are abundantly able to take care of their own rights and liberties. The band of usurpation may show itself in the measures and policies of political parties, but whenever it is seen by the people it will be paralyzed by the first blow at the ballot-box.

I have no idea that the people of a single State in our Union would seriously consider the proposition of surrendering to the Federal Government their exclusive jurisdiction and control of the education of their own people. The bill before the Senate expressly excludes any possibility of such construction, by declaring that the bill does nothing more than furnish aid to the States in exercising their exclusive jurisdiction over their common schools. There is no pretense of claim of power in the Federal Government of any jurisdiction in the establishment and control of public schools in the States. There is not a single provision in the bill before the Senate requiring reports from State officials of the use that has been made of the appropriation that is not contained in the Morrill bill that passed the Senate in the Forty-sixth Congress by a vote of 41 to 6. It must be admitted that the Federal revenue derived from taxation is as much the property of the United States as the public lands, and that when the public lands are donated or the public revenue appropriated it is the right and the duty of Congress as the trustee and custodian of the public lands and the public revenue to require of the States a report to Congress, so that the people of the United States may be informed that their money has been honestly applied to the objects of the appropriation.

No, Mr. President; there is no usurpation in this bill. There is no danger in it as a precedent. If any justification could ever be claimed by any adventurer in the work of usurpation of Federal jurisdiction and control of common schools in the States it is mostly to be found in the failure of the bill before the Senate. Defeat this bill and leave the Southern States to grapple with the evils of negro illiteracy in their citizenship and suffrage and carry their other burdens, and there may be so much delay and complaint as to attract public attention to the demand for relief of this class of illiterates. The offer made in this bill is to give temporary aid without attempting interference with the exclusive jurisdiction of the States. There is a wide difference between aid and jurisdiction. If the aid is rejected in doing the work of the States jurisdiction may be demanded on the ground of national necessity to eradicate a national evil and discharge a national obligation.

A few words on the constitutional power of Congress to make this appropriation. The exercise of the war power produced results and conditions that invoked the power of amending the Constitution. As conditions of reconstruction and the restoration of the Union of the States these results and conditions were incorporated in the Constitution. As an inseparable and necessary result of these organic changes the evils and dangers of negro illiteracy were incorporated in the citizenship of the States and of the United States and in the voting population of the States. To tell me that the United States can impose these evils and dangers upon the States by the exercise of undoubted powers, and that there is no authority to aid the States in relieving themselves and the Union of the standing menace to both of negro illiteracy, is to go a little deeper into strict construction than I am willing to follow.

What effect education of the negro will have upon his qualifications for the duties and responsibilities of citizenship and suffrage is a question time alone can solve. I have my speculations, which it would be profitless to discuss. I know that there is an overwhelming public demand that the negro shall have and enjoy the opportunities and advantages of a common-school education. As a Senator representing Alabama and the other United States, I feel constrained to give the bill before the Senate my hearty support.

Mr. VEST. Mr. President, so far as this debate has proceeded it has been based on the statistics presented by the Senator from New Hampshire [Mr. BLAIR], who has exhibited very commendable zeal and industry in advocating this bill. When the Morrill bill was before the Senate, to which the Senator from Alabama [Mr. PUGH] has just alluded, the Senator from New Hampshire made an exhibit of illiteracy in the respective cities of the Union, and that exhibit was perfectly appalling to me, as I suppose it was to other gentlemen whose attention was called to it at that time or subsequently. I have had occasion lately to review that statement, and also to examine a review and analysis of the grounds on which it was based by the superintendent of education for the State of New Jersey. My surprise could not possibly be exceeded by any statement when I saw in the speech of the Senator from New Hampshire, in regard to the statistics of Saint Louis:

> Saint Louis has a school population of 106,000; 55,000 are enrolled; 36,000 is the average attendance; 50,000 are growing up in the savage state, aggravated by those capacities for proficiency in evil which come from the contact with civilized depravity.

If there are 50,000 children in a state of utter barbarism, aggravated by contact with civilized depravity, in the principal city of Missouri, in the interest of human life and human progress I want to know it. If that be the case, there ought to be safeguards and sign-boards put up warning the innocent stranger from venturing within the walls of that most abandoned of American cities, that great modern Gomorrah. If there could be any amelioration of the horrible picture it might perhaps be found in the frightful position of the city of Chicago, and I call the attention of the recent governor and the present Senator from Illinois [Mr. CULLOM] to the fact that the principal city in Illinois is represented to be even worse than that, to be actually worse than the ancient cities where corruption reigned supreme; and therefore a statement which I have recently seen of one of the commissioners of the District of Columbia must be eminently true, that he moved away from that city to the city of Washington because he could not venture into a depot in Chicago after 9 o'clock at night without a pistol in his pocket. I do not say this is true, but if the statistics of the Senator from New Hampshire are correct, then I am prepared to believe anything of that kind:

> Chicago enrolls less than half—43 per cent.—of her children in the public schools; less than one-third are habitually in school; 77,473, or 57 per cent., never attend at all. Very few of these receive instruction in private schools.

But when we come to Cincinnati, then, sir, the darkness, the appalling darkness that overwhelm Chicago and Saint Louis becomes even as light as the noonday sun. I call the attention of the Senator from Ohio to the fact that he represents a city in which human life and human property, according to these statistics, are not worth even the taxation that is paid on the property or worth the paper on which the laws are written or printed that purport to give protection to personal security and life:

> The average attendance in Cincinnati is 27,000, less than one-third of the whole number, while 51,000 are not enrolled at all. It does not relieve this dark picture to say that these must be in private schools, for out of the school population of the entire State, numbering 1,043,320, only 28,650 are in private schools. Of these, probably not more than 10,000 can be found in Cincinnati. There are more than 40,000 children, then, in that great city to-day who are growing up in ignorance as dense as that of the jungles of Africa, while they are subjected to the influence of the sharpened culture of civilized vice. Yet Cincinnati is one of the best of our great cities and Ohio is a model State.

Mr. President, this condition of affairs is appalling if it exists. As the superintendent of education of the State of New Jersey says, it demonstrates the appalling fact that with our enormous expenditure and with all the agencies we have for the education of children in these United States this state of things exists in thirty-four of the principal cities of the United States.

Sir, in the State of Missouri if there is one thing of which we are proud, and justly proud, it is our common-school system, and I undertake to say to-day that not in the city of Boston, the boasted city of literary culture and advanced civilization, is there a common-school system superior—I was about to say equal to that in the city of Saint Louis, at this very hour. Hundreds of citizens come there from other portions of the Union in order to enjoy the advantages of that splendid system of common-school education; and from the very basis of education, from learning the letters up to the classics and German and French and painting and all the accomplishments of education, the high schools in Saint Louis are equal to such schools in any portion of the whole United States. And yet, with these magnificent advantages, according to the Senator from New Hampshire there are 50,000 howling dervishes, worse than the Cheyennes and Arapahoes with their scalping-knives and tomahawks, loose in Saint Louis.

Now let us see the basis of these statistics. I trust to the State superintendent of New Jersey for an analysis of these figures. This gentleman, after alluding to the statistics for the State of New Jersey presented by the Senator from New Hampshire, which show that there are 90,074 children not attending school in the State of New Jersey, makes the following criticism, which I shall detain the Senate by reading in a spirit of the utmost kindness, because these facts ought to be known to the country. If the statistics are true they are reliable, and if not we certainly ought to know it, because great injustice has been done.

> Let us examine how these figures, showing such a lamentable state of illiteracy, are secured by these gentlemen. The process is exceeding simple. They, in every case, deduct the school enrollment from the school census, and the difference is taken by them as expressing the number of children who are growing up without a knowledge of reading and writing. The 7,500,000 children in the United States of school age who are growing up, as Mr. Cook asserts, in absolute ignorance of the English alphabet, is the difference, as will be observed, between 10,500,000, the aggregate enrollment of school children in the United States, and the 18,000,000, the aggregate school census. In ascertaining the number of growing illiterates in the cities, Senator BLAIR, in each case, subtracts the number of children enrolled in the public schools from the school census. As, for instance, in the case of Chicago, the census is 137,035, and the number enrolled in the public schools is 59,562; subtracting the latter from the former, we have 77,473 children between the ages of 6 and 21 whose names were not upon the school enrollment during the year for which this report was made, and 'his is the number of children in Chicago who, according to Senator BLAIR's figures, will never know how to read or write. The absurdity of this statement must be apparent to every one without argument.
>
> Let us now see where New Jersey stands in this dark catalogue. Her non-enrollment list amounts to 90,074. This is the fearful number of growing illiterates that must be placed to our discredit. This number includes children, as we all know, with varying ages ranging from 5 to 18. Let us imagine that we have this vast array of heathen before us, and let us endeavor to ascertain why their names are not included in the school-enrollment list.
>
> From the reports made by the county and city superintendents we are able to ascertain the percentage of children of each age not attending school. And having the entire number for each age, we are able to determine about how many children there are of each age that go to make up this aggregate of 90,074 so-called illiterates in New Jersey.
>
> The figures approximately are as follows:
>
> Number 5 years of age out of school ..... 8,764

These are infants under 5—

> Mewling and puking in the nurse's arms.

They are illiterates "who will never know how to read or write!" They are shut out from this temple of education which the Senator from

New Hampshire seeks to erect in every State of the Union. Then this superintendent goes on:

| | |
|---|---|
| Number 5 years of age out of school | 8,764 |
| Number 6 years of age out of school | 568 |
| Number 7 years of age out of school | 268 |
| Number 8 years of age out of school | 268 |
| Number 9 years of age out of school | 268 |
| Number 10 years of age out of school | 536 |
| Number 11 years of age out of school | 1,569 |
| Number 12 years of age out of school | 2,975 |
| Number 13 years of age out of school | 5,641 |
| Number 14 years of age out of school | 11,132 |
| Number 15 years of age out of school | 15,423 |
| Number 16 years of age out of school | 20,109 |
| Number 17 years of age out of school | 22,553 |
| Total | 90,074 |

Now, excluding the infants—for we should not surely be cruel enough to say that because they have not learned to read and write before 5 years of age they will never learn—when we come to those who are 14, 15, 16, or 17 years old, in this age of ours and with the American people constituted as they are, with this progressive blood which leaps like torrents in the face of every one of these children, we know that they are fitted for the duties of manhood and we know that there are hundreds and thousands of boys who at 14 and 15 become self-supporting, who go into the world with an education not perfect in the classics, not full of accomplishments, but with enough learning in regard to reading and writing to enable them to take part in the battle of life. And yet according to the Senator, if I am correct and if the superintendent of New Jersey is correct, he presents in his exhibit 11,132 who are out of school at 14 years of age, 15,423 at 15 years of age, 20,109 at 16 years of age, and 22,553 at 17 years in his aggregate of the illiterates of New Jersey.

I call attention to the fact that as you increase the school age you increase the number of children who are non-attendants. The children of the poor, who are only able to attend when they can not work, up to 11, 12, 13, 14, 15, and 17, are then called to assist the family in supporting the younger children and a dependent mother or father perhaps. Is it fair, is it right to put them in this table as illiterates with those who can not read and write, who are shut out from education entirely? Is it fair to stamp illiteracy upon such a vast proportion of the citizens of the United States in the face of an exhibit like this?

Of this vast army of 90,074 poor unfortunates who Senator BLAIR, in his tender compassion, says "might as well have been born in a heathen country," 8,764 are 5 years of age. Many of them are well dressed; some, indeed, are even handsomely attired, and show evidence of coming from homes where they are surrounded not only with the comforts of life but with its luxuries. They appear bright and intelligent, and it would seem quite within the range of possibilities, during the thirteen school-going years that are still before them, for some of them at least to acquire the ability to call by name the letters of the English alphabet. We are assured, however, that such can never be the case.

Behold, therefore, the awful spectacle! Eight thousand seven hundred and sixty-four children in this State 5 years of age and out of school, who are "growing up," as Rev. Joseph Cook asserts, "without a knowledge of the English alphabet!" A great army of little boys and girls just out of babyhood, "and not one of them," says Senator BLAIR, "will ever know how to read or write!"

Let us next consider the condition of those 6 years of age. We have 568 of those that are out of school. Many of them also appear well dressed and even intelligent. In ascertaining why they are not attending school we find that many of them are being taught at home by their mothers, and are already able to read fluently in the readers of the lower grades; but their names are not in the school registers, and hence they, too, are classed with this vast army of unfortunate illiterates.

I call the attention of the Senate to this, because it comes from a man whose life is devoted to education; it comes from an expert; it comes from the superintendent of education of one of the States of this Union.

Of those 7, 8, and 9 years of age but few in this State are found out of school, only 268, or 1 per cent. of each age. Their absence may be temporary, for which various reasons may be assigned. Many of them were in school last year and will be again next year, but this year they are included in that fearful list represented by the difference between the enrolled attendance and the total census, and hence are growing up in "ignorance as dense as that in the jungles of Africa."

Of those 10 years of age we have 536; of those 11, 1,569; of those 12, 2,975. The reasons for these being out of school are various. Many of them belong to wealthy families, and are receiving a superior education under special instructors at their own homes. They too, Senator BLAIR thinks, "might as well have been born in a heathen country."

Of those 13 years of age we have 5,641; of those 14, 11,132; of those 15, 15,423. We observe how rapidly the number of those out of school is increasing, and any one having had charge of a school knows how large a proportion of our children leave at these ages. The great bulk of them have finished their educational course. They not only have learned to read and write, but have acquired a good knowledge of geography, grammar, and arithmetic, and some of them have even pursued branches still more advanced, as history and kindred studies. They belong to that large but respectable class of children who at these ages, ranging from 13 to 15, must begin to earn something for their own support. They are in our factories, our shops, and our stores and offices. They have secured their positions because of the educational training they have already received in our schools. They also, however, are classed, without question, as among those who "will never know how to read or write."

We have remaining those 16 and 17 years of age. Ninety-eight per cent. of all the children in the schools of the cities complete their school course by the time they reach the age of 16. Between 40,000 and 50,000 of this aggregate of 90,074 illiterates have reached these ages, 16 and 17. Their education closed with the grammar-school course. These are classed as young men and young women. The majority of the former are in business, while the latter are engaged in home duties. Some of the young men at this age are pursuing their studies under private tutors preparatory to entering college; and some of the young ladies 17 years of age, we venture to believe, have already changed their names and are established in homes of their own. Still we are called upon to "behold the awful record!" These, too, are "growing up in ignorance as dense as that in the jungles of Africa."

I am obliged to Mr. Apgar for this statement. I do not conceive how it is possible for the Senator from New Hampshire to arrive at the statistics which he has given here except from the basis which Mr. Apgar puts down in the pamphlet from which I have read. The Senator from New Hampshire must have taken the enrollment under the census and then the school enrollment, and subtracting one from the other he arrived at the terrible and appalling conclusion that there were all these children not enrolled upon the school books, and that the difference between that and the census enrollment consists of those who are perpetually and forever involved in a hopeless and remediless situation or condition of illiteracy and darkness.

Suppose the Senator from New Hampshire is correct; suppose it is true that there are fifty thousand howling savages to-day in the city of Saint Louis, with our educational system as good as can be invented by mortal man, I undertake to say, with the present lights before us in regard to educating children, then the conclusion is irresistible that no matter how much the National Government may give, there is a radical defect in the system of voluntary education, and money even can not remedy it. You are then compelled to come to that other proposition which involves the very existence of free government in my opinion, which is the greatest problem to be determined yet upon this continent, the right of the State to resort to compulsory education. My own mind upon that subject is thoroughly and emphatically made up. It is not necessary now to discuss it; but if the statistics of the Senator from New Hampshire are correct, then the only resort that can be had in this Government to prevent illiteracy and its effect upon the suffrage in making it vicious is to compulsory education.

One word more, for I do not propose to say anything further on this bill except to record my vote against it. The Senator from Ohio [Mr. SHERMAN] said in his speech to the Senate day before yesterday that it was as clear as a proposition from Euclid that if you concede the power of the National Government to make a donation to the States for the purpose of removing illiteracy, the larger power embraced the smaller, and the National Government could put such conditions upon that grant as it pleased. The Senator from Ohio made a mistake that never would have been made by a lawyer who had trained himself to analysis as to a proposition of this kind. The Senator from Ohio treats this subject as if it were a matter of compact between man and man or between one corporation and another. I grant you that the larger power embraces the smaller in a personal contract between two individuals, but that rule does not hold where there is a written constitution and where the National Government is limited in its functions to the written powers that are delegated to it by the States in that Constitution. The General Government might have the power to give to the States, and yet would not have the power to impose conditions which would absolutely amount to the National Government going into the States for the purpose of choosing and marking out the educational system of the State to which it made the donation.

The Senator from Alabama [Mr. PUGH], who takes a very different view of this question from myself, admits the proposition. He says there is a very great difference between jurisdiction and the mere power of donation. The Supreme Court recognized that in the greatest decision ever delivered upon this question by any tribunal upon this continent. The Senator from Arkansas [Mr. GARLAND], who has discussed most ably and learnedly this question in opposition to my views, said when we had the Morrill bill before us in 1879, that as all religions went back to the Bible, so all constitutional questions in regard to education went back to the great case of Gibbons *vs.* Ogden, in 9 Wheaton. I undertake to say that the Supreme Court of the United States decided in that case that while the National Government could aid the States in carrying out the jurisdictional powers reserved by the States in the formation of the Federal compact, it could not go into the States and interfere with the machinery by which those powers were carried out. That decision was made in regard to statutes found in 1 Statutes at Large, pages 474 and 619, and in regard to the State power of quarantine. In the first place, let us look—and I will not weary the Senate—at the general proposition laid down by the court in regard to such powers as are claimed to-day to exist in the National Government. Says the court:

The object of inspection laws is to improve the quality of articles produced by the labor of a country, to fit them for exportation; or, it may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce or of commerce among the States, and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to a general government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass.

Here the court declares emphatically and distinctly that the General Government has no control over inspection or quarantine laws, but those are reserved to the States respectively. Now says the court:

The acts of Congress passed in 1796 and 1799, empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon

that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States; for they do not imply that such laws are an exercise of that power or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. (Gibbons *vs.* Ogden, 9 Wheaton, 203, 205.)

In the former portion of this decision the court had already laid down most emphatically that the health laws of a State could not be interfered with by the National Government; that that was a portion of the great mass of reserved powers remaining in the States after they had delegated others to the General Government. But the court says further in regard to these statutes, in which the United States Government directed its officers to assist a State in the execution of its health and quarantine regulations, that the General Government could assist a State in carrying out its own laws, but could not possibly bring laws of its own to enforce them upon the States in regard to that subject. But, says the Senator from Ohio, the State need not take the money; the State can refuse it. If the General Government has no right to impose its will upon the State in regard to the system of education or in regard to the system of health laws or quarantine laws, no matter what the State agrees to, the power does not exist and can not exist in the General Government.

Sir, it is not fair to state that the power to make regulations is not an absolute control of this whole subject by the General Government. Look at it in absolute practice. Suppose that the General Government should say to a State, "Here are $5,000,000 for the education of your children; but you must appoint a superintendent 30 years old, who has resided in the State for five years, who shall inspect personally every school district, who shall have reports made to him every six months; you shall expend so much money; you shall have teachers who are of a certain age, who have such qualifications, who shall teach school for eight months in the year." Is not that absolute control? If you grant for an instant that the National Government has the right to make one single condition you grant the power in the National Government to control the school system absolutely in all the States.

It is a mere quibble—I say it respectfully—to tell me that the States can take this donation or not at their own will. I say the General Government has no right to put conditions upon its grant. It can assist the States, as it may in regard to quarantine laws under the decision in Gibbons *vs.* Ogden. It can say to the State, "Here is so much money or so much land; take it;" but when it comes to say upon what condition you shall take it, that you must apply it so and so, in such a fashion, at such a time, under such limitations, then I say the Constitution of the United States is violated, which in its whole spirit, scope, intent, and meaning says that the States shall control the system of education in their own way and according to their own pleasure.

We have heard frequently here that this is a temporary system; that this is to last but for a time; that this is only for a few short years, in order to relieve this enormous burden of ignorance pressing upon the people of the United States. When was it ever known that $105,000,000 was given to any system and then let stop? You might as well tell me that the man whose system has become inured and accustomed to a terrible stimulant, who is poisoned with alcohol, who is drenched with chloral, whose brain and nerve and heart and blood are all subjected to the demon, will step up voluntarily and say, "Give me no more; give me water, but no more of the agency that is sapping my life and destroying all my hopes here and hereafter."

I tell you that this system, if it is established, is here forever. It never was known that a system like this terminated after it was once begun. How often have we seen it around this Capitol, when these advances were made, these steps honored through a breach in the Constitution, almost imperceptible at first. We started here a little agricultural department. Look to what enormous proportions it has grown. Year after year it has demanded more (I say nothing about the policy; I speak of the fact), until to-day from one end of the Union to the other almost the clamor comes up, "Make this a department of the Government, and the head of it a Cabinet officer." Will you pour $105,000,000 of artificial stimulus into the educational system of the respective States and then tell me that it will stop? It will never stop until this Government ceases to exist. At the end of the time these same States will be found here without self-dependence, looking to the National Government, looking away from their own energies and their own self-respect, and will cry out like the daughters of the horse-leech, "More, more, more!"

Sir, I can not say more emphatically than I do now with my whole heart and soul that when the time comes that the people of the respective States shall look away from themselves to the great National Government for assistance under a clause of the Constitution which our fathers made so plain that the wayfaring man, though a fool, need not err in regard to it—when that time comes there will be nothing left to quarrel over in regard to this Government.

Mr. BLAIR. Mr. President, I do not rise to reply to the argument or the oration of the Senator from Missouri at this time. I suggest to him that there is something of a false analogy in that which he has just stated to the Senate. The difficulty is that those sections of our country where illiteracy now so largely abounds are already accustomed to the deadly habit of partaking of the poisonous decoction of ignorance to too great an extent. They do have the fatal habit to which he alludes, and the proposition of the bill is to substitute a more healthful form of drink. We propose to give cold water, and to substitute it immediately according to the necessity, and gradually we suppose that as the patient is cured the patient will himself, accumulating as is the inevitable result of temperance and sobriety and industrious habits, gain the means wherewith he will supply his own necessities of intellectual food and drink. The analogy is a false one.

So far as the Senator's concluding remarks are concerned, he is entirely at fault in regard to the question of the constitutionality of this bill. That appears to be conceded almost universally upon both sides of the Chamber, and it seems to me to be a waste of time to argue on that subject more. No one has yet been able to show that the premises laid down in the opening of this debate and repeated by almost every Senator who has spoken upon the constitutional aspect of this question were wrong, that intelligence is an indispensable condition to the existence of a republican government, whether it be the National Government or the State governments; and that being an indispensable, primary, fundamental condition, upon which the structure of the State governments and the National Government alike must rest if either exists republican in form, that assumption being correct, it is constitutional to do that without which the Constitution itself can not exist. The right of self-defense seems to be inherent, and if intelligence is indispensable to the existence of National and State Government alike, it is an absurdity to reason that it is unconstitutional to do that which is indispensable to the existence of the nation or the State.

Now, coming to a speech which I made on a former occasion when the returns of the census were fresh, when I had collated them as the result of my own personal effort and had been alarmed and shocked like the Senator, like everybody who had examined them at all, and when I made a mistake in some of my deductions and incorporated that mistake in my speech, I am willing to admit all the Senator says. It was a mistake, and by some lurid rhetoric involved an incorrect deduction in the matter of degree. Truthful it was so far as the evil itself is concerned, but untruthful as a statement of the degree to which it existed. I do not suppose that the Senator would think of holding either himself or any one else quite to the standard of mathematical strictness in the use of the English language if his feelings were somewhat excited. I think the Senator may find perhaps in his own experience as a speaker and orator, on reviewing what he may have said, that occasionally he has somewhat overstated, from the impulses of an active imagination overexcited at the time, the absolute, strict, and impartial proportions of the subject with which he was dealing. I am free to say that I have no doubt I did so; but I did not err to the extent to which the Senator seems to think; at least I believe not; and if I erred I gave the figures, I gave the census, I gave the same data to the public that I had acted upon myself; and if there is only one man in the United States, the superintendent of public instruction in the State of New Jersey, who has discovered my error, it is not I think fair to reason that I was to a very great extent at that time negligent in my examination, for the public have had those figures from then until now.

The figures which the census contains, and which I used on that occasion, are the sworn returns of the census itself. Those returns give the actual school population. They do not include the infants of 5 years of age and less, but the school population, those included within the ages in the several States who are expected to attend school, whose attendance upon school is contemplated by virtue of the legislation of the States themselves. The school population of course varies in different States, and the extremes are greatest between 5 and 21 years of age. I think there is one State where they are between 4 and 21. They vary from that, which is the largest extent of lifetime included in the school age, down to 6 and 14, I believe, or 8 and 16, or 8 and 15. The entire number enrolled, as the returns show, that is, the entire school population included in those ages, is, by the census, 15,803,535. That is the entire number that in contemplation of law should be attending the schools of the various States. The actually enrolled in the year 1880 (that is to say, those who actually attended the schools that year) numbered 9,780,773. As the Senator will perceive, less than two-thirds actually attended of those who were within the school ages of the States. The average daily attendance for the year was only 5,804,993; that is to say, of the pupils included within the school age throughout the United States there was an average attendance of less than one-third. If there is reason in the laws of the various States which contemplate a common-school education as being obtained during the period covered by their laws, it is certainly a most unfortunate and startling commentary to say that the children of the United States, judged by their actual daily attendance, are deriving only one-third in mass of that degree of education which in contemplation of law it is supposed they should acquire.

It is very true that when you come to examine the distribution of such education as is considered by the laws of the various States as a necessity, in order to fit the children of the country for a suitable discharge of the duties of life, the education acquired is in the aggregate about one-third of that which should be acquired, and it is so distributed that there are not probably in the city of Saint Louis 50,000 children growing up in absolute ignorance, and of course I was wrong in re-

gard to that, but the evil is disseminated throughout the entire mass; and to the nation, to the mass at large, the evil is as startling as I stated it to be. I say that the children of the American people to-day are receiving just about one-third of the education which in the contemplation of the laws of the several States they should receive to qualify them for the duties of life. I am sorry that I drew an erroneous deduction, but I did do so, and I take the first opportunity during the debate to call attention to it and to correct it.

Mr. VEST. Will the Senator permit me to call his attention to another statement? I did not refer to those statistics in order to make any personal attack on the Senator.

Mr. BLAIR. I did not understand that to be the case. The criticism was very just.

Mr. VEST. For I knew the Senator would do what he has done; that if he had made any mistake he would rectify it. I am glad to state that.

I understood the Senator to say yesterday (I neglected to mention it in the remarks I made), when the Senator from South Carolina [Mr. BUTLER] was on the floor, that there were only 500,000 children in the United States in private schools. Is that the Senator's statement?

Mr. BLAIR. The census returns show the number of pupils in private schools to be 567,160. The table from which I made my former statement was one that was prepared and furnished to me before the final footing-up of the returns, and was understood to be substantially correct, and, if I remember, that table stated the number at a very little over 500,000; but the figure I now give is the final footing-up. It is less than 600,000 according to the census.

Mr. VEST. I wish to call the attention of the Senator, irrespective of the census, to a simple fact which is known, I presume, to every Senator present, that the Roman Catholics in the United States do not send their children to the public schools; that as a matter of religious duty at least they think they should not attend those schools; and I am utterly amazed to hear the statement even from the census or anywhere else that there are only 500,000 children in the United States in private schools. I undertake to say that if the fact is ascertained it will be found that there are that many children of Roman Catholic parents who on a question of religion do not attend the public schools.

Mr. BLAIR. It is not worth while, and I will not quarrel with the Senator over a million or two. There are 20,000,000 children in the United States of school age, I think, at the present time. If you could get at the exact number, I believe there are over that at the present time. We must have an aggregate population of at least 56,000,000 to-day, and making all allowance for any mistake or omission of that kind on account of the Catholic children being instructed in Catholic schools (the more of them the better), it would be utterly impossible from these mathematical statements for us to form anything like a really adequate conception of the evil of illiteracy as it exists in this country.

In regard to the matter of Catholic schools I wish to state that I had a conversation during the last summer with a Catholic priest, a very intelligent gentleman, on the sidewalk of I think Mulberry street, in New York, or one of the streets in the lower part of New York. He was much interested in schools, and he told me that there were in that very assembly district over 2,500 children who so far as he knew had no opportunity of attending school anywhere, either in the schools furnished by the Catholic Church or the common schools of the city or anywhere, who so far as he knew were growing up in this absolute ignorance that would be discreditable in the jungles of Africa, certainly so in the city of New York.

The table to which the Senator has alluded and the statement which I then made in reference to the condition of things in our large cities was I think in substance just. I to-day believe that there is as much danger to the institutions of this country growing out of the illiterate condition of the great cities in the North as there is from the illiteracy of the Southern States; and what I then said was in illustration and enforcement of that fact, if it be a fact. There is no great city in the North that does not control practically the State in which it is situated and perhaps some of the adjoining States. Take the great city of New York, with Connecticut and New Jersey lying close, and in the influence of that city practically, and in the political influence of that city, it is almost a controlling power, as the center of the population surrounding it. Suppose the other States are left entirely out of the calculation, there is no question that the illiteracy of the city of New York will control the State of New York to-day, and the result in the State of New York in any national election is understood to be decisive. What is true of the State of New York would be equally true of the State of Ohio, or of the State of Missouri, or of Illinois as to the influence of Cincinnati, Saint Louis, and Chicago. There is no one of the national elections, so closely contested as they are, which is not at the disposal of the ignorant vote in any one of the great cities of the North. I venture to make that assertion, and if it shall turn out in the end that I am mistaken in regard to it I shall be exceedingly glad; but I think there is some history that illustrates and enforces that proposition outside of the figures of the census.

I have here a communication from Johns Hopkins University, which I received this morning, and have kept my eye out for a Senator from Maryland to present it. I will present it with the leave of the Senators from Maryland and have it incorporated as a part of my remarks and read to the Senate. It is signed by the president and every officer, I think, of the institution. It was forwarded to me by the superintendent of education, Hon. Mr. Newell, of the State of Maryland. I ask the Secretary to read it.

The PRESIDING OFFICER (Mr. FRYE). The paper will be read.

The Chief Clerk read as follows:

*To the honorable the Senate and*
*House of Representatives in Congress assembled:*

The undersigned respectfully pray for the passage of Senate bill No. 398 to aid in the establishment and temporary support of common schools as amended by the Committee on Education and Labor; and they beg to submit the following reasons:

First. Because the right of the National Legislature to aid and encourage education has been established by a long series of precedents, beginning almost with the foundation of the Government.

Second. Because many States are in sore need of such aid, and that through no fault of their own.

Third. Because Congress is able to give the needed aid without imposing additional burdens on the people.

Fourth. Because the provisions of the bill under consideration will insure the greatest help where it is most needed.

Fifth. Because the bill does not propose to establish national schools under the supervision of the National Government, but simply to aid the several States in supporting their State school systems under State officers.

Sixth. Because the aid thus extended is to be temporary and will cease at a time when it may be presumed that it will be no longer needed.

Seventh. Because the bill provides a reasonable and sufficient guarantee that the money distributed under it will be expended in good faith for the purpose intended.

For these reasons, and because the various details in the amended bill now before the Senate have been long and carefully considered, your memorialists respectfully ask that the bill be passed substantially as reported from the Committee on Education and Labor.

GEO. W. DOBBIN,
*President of the Johns Hopkins University Trustees.*
DANIEL C. GILMAN,
*President Johns Hopkins University.*
IRA REMSEN,
*Professor of Chemistry, Johns Hopkins University.*
B. L. GILDERSLEEVE,
*Professor of Greek, Johns Hopkins University.*
EDWARD M. HARTWELL.
HERBERT B. ADAMS,
*Assoc. Prof. History, J. H. U.*
RICHARD T. ELY.
HENRY WOOD,
*Assoc. in English, J. H. U.*
E. STANLEY HALL,
*Lecturer.*
EDW. INGLE.
L. W. WILHELM.
B. JAMES RAMAGE.
N. MURRAY.
T. R. BALL.
A. H. TOLMAN.
G. THEO. DIPPOLD.
W. H. WILLIAMS.
GEO. DOBBIN PENNIMAN.
C. L. WOODWORTH, JR.,
*Instructor of Elocution, J. H. U.*

The PRESIDING OFFICER. The Senator from New Hampshire desired to have the paper read only as a part of his speech, the Chair understood.

Mr. BLAIR. Only as part of my remarks. It is signed by the entire faculty, as I understand, of one of the leading institutions of the country, and is the result of action taken since this debate commenced.

Mr. CALL. Mr. President, the measure is far above all ideas having their origin in partisan bitterness or sectional prejudice.

I have no argument to make with those whose conceptions of right in great questions of public policy or of proposed beneficent results measure new policies by vindictive reference to the past or to the origin and history of African slavery, nor with those who believe that the white people of the Southern States, whether poor or rich, are degraded and ignorant.

To those who see in themselves and their own surroundings nothing but excellence, and perceive nothing of glory, honor, high character, and devoted patriotism in the political, social, and religious history of the people of the Southern States, it is useless to address either argument or remonstrance.

But their judgment is not the judgment of the intelligent and thoughtful people of this country, North or South. They love both South and North, and find nothing ignorant, repulsive, or degraded in the men and women either of the South or North.

What matters it to us here and now what was the cause of slavery or who was to blame? It does not concern the consideration of this measure what was the relative proportion of white persons in the Southern and Northern States who could not read or write in 1850, or what was the cause of such proportion.

It matters not whether it was slavery or the peculiar features and pursuits of the country which led to its sparse settlement and prevented public schools. I shall not enter into the subject. Let those who have a fancy for it indulge in this declamation. I am content with the knowledge that a brave, virtuous, and religious people, with less of crime and more of generous virtues than communities who could show a larger proportion of those who could read and write, have lived in these Southern States from the beginning of their settlement until the present time, and that there are but few who have been connected with

them or have known them who do not cherish with pride and pleasure the memory of this connection. I pass from this subject without further remarks to answer the objections to this bill.

It proposes an appropriation for ten years from the national Treasury in aid of education to the several States. Beyond this Congress this act must rely on the exercise of the legislative power of succeeding Congresses to give it effect, and we can in no way bind any succeeding Congress in the exercise of their power of appropriation. It is, except as it now appropriates money, nothing more than a legislative declaration of the opinion of this Congress as to an important object of public policy which must rely on public opinion and future Congresses for its continuance. As such I accept it.

I shall therefore consider it as a bill making an appropriation of $15,000,000 to the States in aid of education.

OBJECTIONS TO THE BILL.

It is objected that there is no power in the General Government to make such an appropriation; that the policy is a vicious one in that it will make the States dependent on the National Government; that it will make the people of the States indifferent in their exertions to raise money by State taxation for purposes of education; that the conditions of the gift are an invasion of the power of States in that they prescribe what books shall be used and what branches of learning shall be taught.

These are the important objections. The proportions of aid which different Senators favor are not so important, as they admit and support the principle of the bill.

NO PLACE FOR RESENTMENTS.

Mr. President, I heard with a great deal of pleasure the defense of the bill made by the Senator from Massachusetts [Mr. HOAR], who spoke day before yesterday. In his speech he said that if we were to take counsel of our resentments we might perhaps draw some conclusions which were distrustful of the efficacy of the bill. It might be said with a great deal of truth that upon both sides this sentiment should have force with respect to all our acts of legislation I concur with him that it is not a subject upon which we should allow our remembrances of the past or any resentful feelings which may originate out of them to have any place here, it has been with great gratification that I have observed that upon the other side of the Chamber there has been in many instances an entire forgetfulness that there was anything in the past history of this country which had created a feeling of prejudice or distrust in the consideration of the questions pertinent to this measure, which proposes the appropriation of $15,000,000, and annually thereafter of a diminishing sum for ten years, to be given to the States in proportion to their illiterate people over ten years of age, for their education in the elementary branches of learning.

This subject is far above and beyond the reach of resentments or of prejudices. It is entirely removed from the region of party feeling or sectional prejudice. The time has passed when with the people of this country either North or South there can be a feeling of distrust or prejudice created because of their sectional residence or because of the war or the facts which grew out of it. They marry and intermarry, and form business and social and political relations, and are the same in all respects as if they were the people of the same section or State, and it is not within the power of any man or party to create distrust in the people of one section of those of the other.

DISTRUST OF STATES IS DISLOYALTY.

Mr. President, we are dealing with a great public question, a question on which we can not impeach the character of the people of any State. If it be true that any State within this Union can not be trusted to perform the constitutional duties and functions which are imposed upon it under our form of government, then the impeachment is not of the people of that State but of the Government of the United States, of the Constitution and form of government under which we live, and it is quite as much an act of secession fatal to the Union and disloyal to the Constitution for us to impeach and by legislative action to control and direct the exercise of its powers by a State within the scope and limit of its constitutional functions as was the armed secession of the Southern States.

We are bound by our fealty to the Government to accept and act on the entire capacity and good faith of that organism of States upon which our fabric of government rests for the continuance of this Union of indestructible States, and therefore although we may constitutionally exercise the power of appropriation in aid of this or other subjects of legislation, which are within the powers not granted to the United States and not prohibited to the States but reserved to them, we can only do it by aiding the State with its consent, leaving it free in the performance of its constitutional functions, and trusting to the honor and good faith of its people for the proper application and use of the means given to her. This is the sole and all-sufficient guarantee which our form of government has provided for the exercise by the States of all the great powers and trusts which are left to them, and upon which both personal rights and property depend.

CONGRESS DECLARES THE OBJECT OF APPROPRIATIONS.

In the course of the discussion on the constitutionality of the bill I have been surprised at my distinguished friend from Missouri, whose mind is so acute and whose expression of his ideas is so admirable, that he should express the opinion that there is any reason why the Government of the United States, when making a donation of money or of any other property under its power of appropriation, may not declare the object to which that donation shall be applied. Why, sir, there is not a land-grant that has ever been made to a State to aid the construction of a railroad which has not affirmed that it was for the specific purpose of building that road, and failing in that, that it should return to the Government. There can be no act of giving without designating the purpose, unless it be a general gift without any special purpose, and it is no surrender of the independence of the donee in accepting that gift to agree to use it for its declared purpose. Why? Because the act of donation is not an exercise of power, but is an acknowledgment of the right of the acceptor to refuse or reject. It is an acknowledgment, a recognition, that it is not within the scope of power exercised as power, but that it is a free gift, requiring the assent of the party accepting. Even Mr. Calhoun, the great advocate of State rights and the most limited construction of the powers of the National Government, made a report in favor of the passage of a bill for dividing all the public lands between the States—with several conditions imposed by Congress on the States—and providing for the *assent* of the States to these conditions.

It is therefore true that in the history of this country, as was stated the other day in relation to the appropriation in aid of the interstate commerce of the country upon the resolution of the Senator from Kansas [Mr. PLUMB], that Mr. Monroe, in his construction of the Constitution, expressly affirmed that the power of appropriation was not restricted or limited to the specific grants of the Constitution. And I heard with surprise the distinguished Senator from Texas affirm as an undeniable proposition that there could be no power in the Government to make this donation, this gift to the States, in aid of education or any other purpose, without assuming to themselves the authority and power of carrying it into effect, of invading the territorial jurisdiction and sovereignty of the States in enforcing that power.

How will assent to a condition attached to a gift that it shall be used by the donee in his discretion for a certain lawful object, which is in the interest both of the giver and the accepter, destroy or affect the independence of the latter? I fail entirely to perceive it or to understand the processes of argument which reach such a conclusion. The Senator from Texas [Mr. COKE] finds power in the Constitution to give the public lands to the States for education or otherwise in the clause which authorizes Congress to *dispose* of the public lands. But, unfortunately for the argument, the power to dispose of the "other property" of the United States is given by the same clause, and the money of the United States is certainly *property* of the United States; and by his own argument the Senator finds an express warrant to dispose of or give this money property to the States. The Senator from Missouri finds a violation of the reserved rights and powers of the States in the condition imposed on the gift—that the States shall agree to use it for the teaching of certain branches of learning.

This would certainly be true if the act was an exercise of power to this end, and the State would have no power to consent to such an exercise of power within her territory. It would be quite as much in principle a surrender of her essential power, quite as much a withdrawal from the Union of "indestructible States," as was the act of secession. But the exercise of the power to teach reading and writing in a State, and the recognition of the right of a State to agree to teach them or not teach them, is as different as anything in reason or nature, and this is all that will be done under this bill if it becomes a law.

NO POWER IN THE GENERAL GOVERNMENT.

The Senator from Texas finds it an undeniable proposition that if Congress has power to give money to the States in aid of education, therefore it would have power to impose and prescribe the conditions of education and establish or prohibit it without the consent of the States; that is, the power to give carries with it the power to force—consent carries with it the consequence of surrendering the right of consent and the obligation of submission to force. If it has power to give money to the States for education, they have the power to force the States to use the money as they may prescribe, and by law to command that children of all ages, sexes, and conditions shall sit together, associate together, and be taught together.

Therefore as the power to do these things interferes with the reserved power of the States, and not being granted to the United States nor prohibited to the States nor implied, it can not exist.

This conclusion is certainly undeniable if the premises are true; but they are not true. The power to give does not carry with it the power to force; on the contrary, it concedes the right to accept or to refuse to accept. It acknowledges the complete independence and the reserved right of the States to be in this respect exempt from the power of the Government. The undeniable proposition of the Senator from Texas, if true, assumes and demands that every power vested in the National Government shall be absolute, and without qualification or limitation. But this is not true either in reason or fact. Why may not any power of Government, whether in the States or the United States, be limited or qualified?

What ground is there for such a conclusion? Where in reason does

it find its lodgment or resting-place? Power is not only in its nature susceptible of limitation, but in all parts of the Constitution power is limited. Congress has power to pass laws for the punishment of persons accused of crimes, but its power is limited by the inhibitions of the Constitution, and everywhere it is qualified by one great standing provision; and Senators who refer to the authority of Gibbons *vs.* Ogden will find that the principle of protection of the right of the States and of limitation of the power and authority of the General Government will have but little protection if it rests alone upon a denial of the power of appropriation outside of the express and implied grants of the Constitution. The Constitution contains as the great safeguard and principle of the separate power of the States and the General Government the declaration that all powers not granted to the United States and not prohibited to the States are reserved to the States, and therefore in the express and positive grants of the Constitution, and those which are implied properly, and in the power of appropriation, there is ground broad and large enough to confer every power necessary to provide for the general welfare and the common defense, saving only that none of them can ever be exercised in interference with but must always stop at the threshold of the reserved powers of the States.

No power of the United States can, then, be so exercised as to interfere with this reservation of powers not granted to the States.

TAXES AND APPROPRIATIONS.

Congress shall have power to lay and collect duties, imposts, and excises to pay the debts and provide for the common defense and general welfare.

It has been said that this language has no meaning except to declare that this power and right of appropriation is limited and restrained to the specific grants of power. The application of this idea to the text will demonstrate its truth or error. The reading which this idea makes is the following:

Congress shall have power to lay and collect taxes, &c., to pay the debts and provide for the common defense and general welfare by borrowing money; by regulating commerce with foreign nations and among the States; by establishing a uniform rule of naturalization; by bankruptcy laws; by coining money and regulating its value; to provide for punishment of counterfeiting; to establish post-offices, &c.

But it will be observed that the act of levying taxes and collecting money to pay the debts and provide for the common defense and general welfare is not in any way necessary to the act of regulating commerce, or establishing a rule of naturalization, or of coining money or regulating its value, or punishing counterfeiters, or defining and punishing piracies, or declaring war, or making rules for the government of forces, or organizing the militia. Any one of these acts of power may be performed without an exercise of the act or power of laying and collecting taxes. The payment of the debts, providing for the common defense and general welfare of the United States, although permitted by and dependent on the exercise of these enumerated powers in the performance of these several acts, is not limited to them, for it is expressly declared—

Congress shall have power to make all laws which shall be necessary and proper to carry into execution these and all other powers vested by this Constitution in the Government of the United States, &c.

TWO GREAT PRINCIPLES OF GOVERNMENT.

The argument is that there is no power vested by the Constitution in the United States except that given by these foregoing powers, but the Constitution says, "all other powers" vested by the Constitution in the United States. Neither in reason nor by the text of the Constitution can this construction be sustained. This great instrument of government can not be interpreted and never has been interpreted on so narrow a basis. The Constitution contains two great ideas—certainly the wisest in themselves that human wisdom has ever devised. They were the outgrowth of time and circumstance, as well as the wisdom of man. Observing these, all persons who believe in our form of government, whether of the strictest or of a broad school of construction, will arrive at the same results; and while no rule of beneficent legislation or beneficial execution of power by either will be limited or interfered with, there can never be an intrusion of either on the sovereign powers of the other. These are the ideas of States and of united States in a national government, which is guarded by the provision that the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved respectively to the States or to the people. That is, all powers express or implied in the United States, or any department or officer thereof, are limited and restrained so as not to impair or affect the vital autonomy and rights and powers of the several States. The central idea of national power for national objects, and State power for State objects, which concern the internal polity of the States, demands that all powers and all execution of powers shall stop on this threshold.

Whatever, then, can be done in levying and collecting taxes to pay the debts and providing for the common defense and general welfare without controlling or interfering with the absolute right and power of the State to regulate and control her own internal polity and relations may lawfully and wisely be done. For what object would the limitation which the Senator from Texas insists on be made but for the protection of the rights of the States? It remains to inquire what part of the authority of the States, what right or reserved power, is violated or interfered with by a donation of money to aid in any work of improvement and by her acceptance or rejection of it. Why will she not, after such acceptance or rejection, have the same powers, and all the powers, and reserved rights she had before?

The rights of the States can never be affected by a consent or agreement on their part to exercise their sovereign power over education within their limits in establishing institutions of learning, or teaching their children to read and write, or agreeing to use money given to them for the industrial education of their people.

BENEFICENT USE OF POWER.

If this were true, then the acceptance of the conditions of the gift of the swamp-lands to the States, of drainage, &c., was a surrender of the territorial sovereignty of the State over these lands by the State to the National Government, for all of them stated this to be the object of the grant, and its acceptance and use was an implied acceptance of the agreement to the condition of the grant. If this be true, the acceptance of any land grant for education was a surrender of the power over education. If the powers of the United States are confined to making war, if the common defense and the general welfare can be provided for only by defense against violence, if no power of beneficence exists, they will prove inadequate to the needs of that incoming age whose great success is already heralded in the preservation of human life, and not in its destruction; in the increase of the sum of human happiness and comfort, and not in its diminution; in the institution of the beneficent causes which banish extreme poverty and want, which prevent and relieve pestilence and disease and famine.

In the development through applied science of all the economies on which abundant production and just exchange and distribution depend the higher and wiser civilization of the present and the coming age demands that all public powers shall be subordinated to and promote the great law, "Thou shalt love thy neighbor as thyself." The end and object shall be to cure, and not to destroy; to bring comfort, ease, and abundance to all. To this end applied science unfolds the hidden powers of force in the elements and applies them to the needs of man; discerns the hidden causes of disease, pestilence, and want, and points with almost unerring certainty to the means and economies by which they may be prevented or staid in their advance. To accomplish these great ends wisely and well demands all the energies of the human race in that direction in which alone a divine economy has decreed they may be successfully exerted.

RIGHT TO GIVE AND ACCEPT.

But the right of appropriation, the right of giving, the right of accepting, the right of the State and the General Government to make a grant of property where there is no concession of power of one to the other subject to the condition of the performance of a particular act within the function and power of the State, I affirm has never been in practice denied. Such a consent on the part of the State to exercise her powers of legislation on a particular subject within her own limits and in her own internal affairs by applying money in aid of a special purpose is one of her reserved powers. Every grant to a State for a railroad, every grant in aid of education of this long column of 67,983,000 acres of the public lands of the United States, every one of them, has been accompanied with a designation of the purpose for which it was granted and with an either express or implied acceptance of that purpose and the obligation to carry it into effect.

Now, Mr. President, I dismiss without further consideration the idea that there is any support either in reason or in the history of this country in the proposition that there is no constitutional power for the exercise of this act of appropriation and of its acceptance and use by the States. We have been constantly met, as has been stated by the Senator from Arkansas, with objections on the subject of an interference with the rights of the States. Well, sir, if the rights of these States were imperiled by this or any other action, humanity might well stand aghast at the prospect of returning barbarism and war. The States are the foundation upon which the powers of the General Government rest, and I should be the last one to interfere with them. But there can be no reading of the Constitution made in which its express grants of power limit and confine its appropriation of money for any object within the range of the common defense and general welfare which does not invade the sovereignty and the reserved powers of the States.

The power to lay and collect taxes to pay the debts and provide for the common defense and general welfare of the United States is one power and will not read in connection with the other powers; as for instance "to define piracies and punish them" has nothing to do with laying and collecting taxes to pay the debts and provide for the common defense and general welfare. The evident intention of these specific grants of power and those implied was not to restrict the power of laying and collecting taxes to pay the debts and provide for the common defense and general welfare, but to limit and restrain Congress from exercising power within the limits of the reserved rights of the States. The limitation on the power of appropriations was the common defense and the general welfare. The limitation of the other powers is the express grant of them and their confinement to the expressed subjects of the grant, which are all so defined that they can not be extended to embrace subjects relating to the internal polity

and the domestic affairs of the States. The distinction is broad and palpable, and behind it is the safeguard of the express reservation of all powers not granted and not prohibited to the States and the people thereof. What need was there in the interest of the protection of the States for restraining the discretion of Congress as to what is necessary for the common defense or the general welfare in the appropriation of the public money or in laying and collecting taxes?

I think it has been abundantly shown that this has been the construction placed upon this clause of the Constitution by all schools of construction in all the history of the country.

ILLITERACY IN THE STATES.

The Senator from Missouri has contended that this evil of illiteracy is greatly exaggerated. I have no doubt that is so. I have no doubt that the statistical information to be gathered through a bureau of statistics such as has been suggested by the great labor interest of this country would furnish the only reliable statistics. It needs no argument to discover to us that obtaining reliable statistics is a science, and requires elaborate, permanent, patient, continuous trained effort to gather the facts that will accurately exhibit the condition of a people. But so far as we have information on that subject the best and most reliable we have are the tables of the census, which in their enumeration expressly specify that a certain number of people over 10 years of age can not read or write; and those tables are approximately true at least.

I read from a paper prepared with admirable clearness and ability by a gentleman in the public service (Hon. Mr. WILLIS, of Kentucky, of the House of Representatives):

Of the 50,155,783 people of the United States there are 6,239,958 over 10 years of age, 12.44 per cent., or nearly one-eighth of our entire population, who can not write. These illiterates are thus distributed:

| | |
|---|---|
| Illiterate whites in twenty-two Northern States | 1,272,208 |
| Illiterate whites in the eight Territories | 69,933 |
| Illiterate blacks in the twenty-two Northern States and eight Territories | 156,644 |
| Illiterate whites in the sixteen Southern States and District of Columbia | 1,676,939 |
| Illiterate blacks in the sixteen Southern States and District of Columbia | 3,064,234 |
| Total | 6,239,958 |

An analysis of these statistics shows that in eighteen States, including two Territories, more than 13 per cent. and in eleven more than 25 per cent. can not write. In fifteen States and Territories more than 11 per cent. of the white population over ten years of age can not write, varying in these from 11 to 45 per cent.

While no portion of the country is free from this scourge of ignorance, the condition of the Southern or former slaveholding States is especially lamentable and full of danger. More than one-fourth of the entire population of these States is illiterate.

Eight of these States—Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia—have over 40 per cent. of illiterates of all classes, white and black. The whole number of persons, white and colored, in the sixteen Southern States was 18,508,000. Of these the number of illiterates was 4,715,395, or 27.1 per cent. This illiteracy is largely confined to the colored people, 47.7 per cent. of whom (3,220,878) can not write, while only 6.96 per cent. of the whites (3,019,080) are in that condition.

The total school population of the South was 5,659,660, of whom the number enrolled was only 2,973,944. In other words, there were 2,685,716 children who received no schooling whatever, or who attended only half the school period. It is safe to say that not more than one-half the school population in the South received an education covering the school age. But, in addition to the children, there are 1,354,974 males 21 years of age and upward who are illiterate.

Adding these to the children who attended no school, we have a grand total of 4,040,690 in the South who at present have no adequate educational advantages.

To lift this mass of ignorance to the plane of intelligence and usefulness is the problem which your committee has most faithfully, if not successfully, sought to solve.

In considering this question there are several propositions, some of which are self-evident, and all of which, it is believed, can be sustained by statistics and historic facts.

Thus it appears that Illinois expended per capita five times as much as Alabama; New York six times as much as Georgia; Massachusetts seven times as much as Mississippi, and California twelve times as much as North Carolina; or, if we compare the States as nearly alike in population, it appears that Alabama, with a population of 1,262,505, expended in 1880 for school purposes $375,465, while New Jersey, with 130,000 less population, expended $1,928,370, or five times as much; but the property of New Jersey was assessed at $606,415,561, while that of Alabama was only $120,000,000, or one-fifth as much. Thus, relatively, the two States were upon an equality, and Alabama taxed herself for education as heavily as New Jersey. So, also, Wisconsin, with about the same population as North Carolina, expends five times as much, but the property of Wisconsin was five times greater. A comparison of the other States discloses the same result. These statistics, while showing how great the educational needs of the Southern States are, also show that in proportion to their ability they have not been far behind other States of the Union.

Without external aid, therefore, the South, even with the utmost self-denial, can not educate her illiterates; nor will this excite surprise if the tremendous losses incurred there during the last two decades are taken into consideration. As the result of the war the South lost over $4,000,000,000. The enormous shrinkage of values in the individual States of the South is well known.

Since 1860 the population of Alabama has increased 31 per cent., while her assessed valuation has diminished 72 per cent. In Arkansas the population during the same period nearly doubled, while the sources of taxation have fallen more than one-half—twice the number to educate and only half the means for the purpose.

In seven of the Southern States—Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, and South Carolina—the shrinkage of values has been over one-half, and in several of them nearly three-fourths. As further emphasizing this loss of values in those States, their condition may be contrasted with other portions of the country. The census shows that Indiana gained 77 per cent. in wealth, New York 91 per cent., New Jersey 93 per cent., Rhode Island and Illinois 102, Massachusetts 104, Pennsylvania 134, while some of the newer States gained from 217, as in Michigan, to 406 in Minnesota, and 1,120 per cent. in Nebraska. The examination of such statistics must substantiate the fact that no one State of the South, nor all of them combined, can satisfactorily solve the educational problem and save themselves and the country from the impending peril.

We have, then, these figures. The illiterate whites in the sixteen Northern States 1,272,208; the illiterate whites in the sixteen Southern States and the District of Columbia 1,676,939; illiterate blacks in the Southern States and the District of Columbia and Northern States about 3,220,000 over 10 years of age.

ILLITERACY, CRIME, AND PAUPERISM.

Mr. President, I have here a history of the progress of the world by Mulhall, which exhibits the connection of crime and pauperism with illiteracy with the absence of education, whether bad or good education, whether it is perfect or imperfect. This valuable book contains carefully tabulated statements of the statistics of different countries. I read from page 105 as follows, under the head of crime:

That public morality has risen in every country in the same degree as instruction is fully proved by the statistics of crime.

In Great Britain, for example, the annual convictions compared to population have fallen 60 per cent. in the last forty years. Similar results are true in a greater or less degree of other countries—

There is, moreover, a difference in the nature of offenses in various countries. In the North fraud, theft, and in infanticide; in the South, stabbing and highway robbery are most frequent. Mr Black gives the following comparative table of murder and stabbing in the various countries:

| | |
|---|---|
| United Kingdom, per million of inhabitants | 7.5 |
| Sweden and Norway, per million of inhabitants | 8 |
| France, per million of inhabitants | 8.5 |
| Germany, per million of inhabitants | 8 |
| Belgium, per million of inhabitants | 11 |
| Austria, per million of inhabitants | 16 |
| Russia, per million of inhabitants | 32 |
| Italy, per million of inhabitants | 57 |
| Spain, per million of inhabitants | 88 |

There is professedly a close relationship between poverty and crime, as shown by inspectors of prisons in Great Britain in their report:

Crime and pauperism fell from 1851 to 1853; rose from 1854 to 1857; fell from 1858 to 1860; rose from 1861 to 1863; fell from 1864 to 1866; rose from 1867 to 1870; fell from 1870 to 1872.

Doctor Meyr shows that in Germany, when the price of flour rises, there is an increase of emigration and robberies, but no connection with the rates of murders and assaults.

The administration of justice compared with population is twice as costly in some countries as in others. For example, in Italy 20 pence, and in France only 9 pence per inhabitant. The total expenditure for law courts and prisons in the United Kingdom is 40 pence per inhabitant, or a little more than we spend on schools.

On page 309, relating to Belgium, the thickest populated country in the world and one of the most prosperous, it is stated, the decrease of crime would seem to be the result of education. * * * How closely ignorance and crime are related is shown by the fact that 64 per cent. of the criminals could not read.

On page 121 I read the following instructive statements:

Local taxation has * * * increased remarkably in the last ten years, the expenditure growing in England as follows:

| | 1867-'68. | 1874-'76. |
|---|---|---|
| Public works | £6,218,000 | £9,595,000 |
| Poor relief | 7,419,000 | 7,681,000 |
| Interest on debt | 4,575,000 | 8,539,000 |
| Roads, markets, docks | 5,934,000 | 6,672,000 |
| Police | 3,219,000 | 3,749,000 |
| Schools | 42,000 | 2,200,000 |
| Charities, asylums | 2,830,000 | 441,000 |
| Total | 30,237,000 | 42,877,000 |

The local taxation has risen 133 per cent. since 1860, when it was £17,000,000, and seems destined to rise to a level with the imperial budget. The principal cities are more heavily taxed for local than for national purposes, and this is chiefly owing to the cost of these sanitary improvements and schools that have so notably "reduced mortality and crime."

We have the fact exhibited that in England and throughout Germany the decrease of crime has been nearly 50 per cent. since the establishment of a system of general instruction. We have the statistical evidence, approximately true, that in the United States there has been a large decrease of crime in proportion to the increase of general education in the States where it prevails most largely; so much so, that in the last twenty years the increase of education in this country has given to the United States the front rank; 19 per cent. being the number of the highest ratio in Europe, which I think is in Prussia, and the United States standing at the same figure.

EMPLOYMENT FOR LABOR DIMINISHES.

I shall not consider the advantages of education at length, but I will go a little further. We are confronted with a very remarkable fact, when we come to consider it, brought largely to the notice of the Committee on Education and Labor during the past summer. It is the effect upon the population of the country, upon its industrial classes, of the wonderful advance in labor-saving machinery that has been made in the past few years. I find that the total power now in use in the

nations of France and Germany, the Low Countries, Austria, the United Kingdom, the United States, and other countries is equivalent to 13,071,000 horses; that the labor saved by the simple invention of the sewing-machine equals the work of 12,000,000 women working by hand. In the work from which I read, Mulhall's Progress of the World, it is stated:

In effect, the adoption of machinery and steam has given mankind an accession of power beyond calculation. The United States, for example, make a million sewing-machines yearly, which can do as much work as formerly required 12,000,000 women working by hand. A single shoe factory in Massachusetts turns out as many pairs of boots as 30,000 boot-makers in Paris.

That wonderful progress is everywhere throwing out of employment hundreds and thousands of people, and the remarkable fact is exhibited behind these great aggregate results that the statistics of other countries exhibit increasing pauperism and want of employment of the industrial classes, and they show a necessity for some means by which that great evil can be remedied, so as to make this saving of labor a beneficent blessing to mankind and productive of beneficent results alone, instead of evils corresponding in magnitude to its power for good.

INDUSTRIAL EDUCATION THE REMEDY.

It has been urged upon the Committee of Education and Labor by intelligent laboring people, by federations of labor, by representative men, that there has been found but one means by which this may be done, and that is by education; not only common-school education but industrial education; that education which turns the child from the school equipped and prepared to earn a living, to engage in diversified employments, not in some particular trade or part of a trade, not having learned merely to make the sole of a shoe or some part of a garment, some particular classification of a trade or some particular employment in a factory, but trained for industrial employment generally, educated for that. That is the only means we can discover by which there can be a just distribution of labor, upon which in a dense community the entire subsistence of the laboring people must depend, upon which a just remuneration of labor can be assured, and upon which the independence of the laborer can be safely predicated.

Education, I venture to say, is the only protection, not only in a political but in an economic sense of government. It is upon it that government must depend for its perpetuation, and I venture the assertion, which may be defended by the most logical and severe argument, that no government within the coming age can exist except upon the basis not only of a common-school education, but of an industrial education of its people.

We have now about 56,000,000 people. We may contemplate near at hand the time when 100,000,000 people will exist in this country, when the soil will be fully occupied, and we can not too soon prepare such an economic condition of things based upon intelligence and industrial education as will furnish comfortable subsistence adequate to the remuneration and the needs and comforts of our civilization to 100,000,000 people. You can not find it in your tariff nor in your system of exchanges. You must find it, important as these great subjects are, in other measures which will mold them and mold the face of the earth and control all economic forces with the same ease with which the gigantic machines the invention of the present age perform their appointed work. You must find the remedy for this difficulty in a proper distribution of labor, in the just remuneration of labor; you must find it in making the laborer independent by an adequate industrial education. We are far behind the most advanced nations of Europe, behind some portions of Germany, behind France, behind England, in that one essential thing of an industrial education for the millions of laboring people who by these new economies in this new industrial world are being driven from the occupation of the soil into the towns.

It has become a demonstrated fact that with the invention of labor-saving machinery there has commenced to be a concentration and accumulation into fewer hands of the territory, the soil of the country; that the economies of production under the system of labor-saving invention tend to give the advantage in production to the large farmer who employs his labor-saving machinery, and that now the tide of population, the tide of employment, is being driven from the country to the town by these economic causes

THE MERITS OF THE BILL.

Mr. President, in the light of these propositions, which are supported by statistics, which are well founded in the opinions and judgment of many calm and learned men, which the labor representatives themselves perceive, how important is it, not alone in a political sense but in an economic point of view, that this great lever of education beginning with the common school and continuing through the industrial school shall be aided and sustained in the only way in which it may be done, namely, in conformity with the principles of our government of States and of a national government, as this bill most effectually does. Upon it all men can unite, those who believe the Government has power as a consolidated and centralized power to reach out its hand upon any subject on which it may act into the reserved domain of State power, and those who believe, as the great majority do, in the rights and reserved powers of the States as a limitation in all its powers.

The bill is carefully prepared for the purpose of enabling men of different opinions as to the powers of the Government to stand upon it. It is prepared upon the theory that if you restored the Southern States to the Union under your reconstruction and gave them power to participate in your legislation on the great political and industrial interests of your Northern States, if you made them an integral part of the Union and with sovereign and equal powers like the other States, it would be a strange contradiction now to impeach your own action, and to deny the efficacy of your own institutions and the sufficiency of your own National Government under the Constitution.

In the interest of the laboring people and of the people who employ labor, for there is and ought to be no distinction of interest between them, I support this bill; but I had rather we had no means of educating them, that we were all left to struggle on by feeble efforts, than to have this Government marred or impaired. It is founded on principles, and its institutions are the outgrowth of time and circumstance, and you can not substitute for this Union of States a centralized, an absolute power, because that would be to destroy the power of the people.

Therefore I think this is a bill, whether we agree in the proportions upon which the aid shall be given or not, which can not be improved in these essential points. When that is said, it is no particular credit to the committee. The chairman has bestowed great care and labor upon it; but it has come from the careful consideration of a large number of intelligent persons who have voluntarily given without compensation their efforts and their time to the consideration of the question.

For one I believe that no more important act of legislation has ever been considered. I believe that if it becomes a law its beneficent results will be greater and extend further than any and all other measures in promoting the welfare of the people.

The people ought not and will not suffer, starve, and die—neither they nor their children. They will not and ought not willingly to be the victims of disease and pestilence, when enlightened policies of state and the discoveries of applied science will prevent it. The tenure by which wealth and property and power will exist must be its beneficent use for the advantage of mankind.

ECONOMIES OF A NEW WORLD.

These are the lessons which we are now learning from the rapidly unfolding economies of a new world. So far is our form of government and our distribution of powers between the States and the Federal Government from being unfriendly to them, that it is under our shelter and protection that they will find their highest development, avoiding carefully the exercise of *power* within the domain each of the other. Its powers of aid and encouragement are capable of indefinite application with entire safety to both, and to its most important factor, the States and their separate and reserved powers. Were these imperiled, humanity and science might well pause in their divinely ordained and splendid progress toward the relief of mankind from the direst calamities of the race—from want and pestilence and crime at the prospect of returning barbarism, and war and suffering under the despotism of consolidated and concentrated power.

I have not spoken of this measure in its special relation to the people of the African race in the Southern States. They have and will always have my earnest sympathies and efforts in behalf of every measure which has in view their real benefit and which does not look to making them the victims of partisan policies. They are an integral part of the body-politic, and must be cared for as others are; but this question is higher and deeper and broader than any question of race or color—it embraces humanity. It demands new industrial economies and requires an exercise of political power in conformity with these new interests.

Already invention has substituted in place of human employment machinery equal to the force of 13,000,000 horses. The sewing-machine does the work of 12,000,000 women, and every day new inventions dispense with human labor. Where are these to find employment and how obtain subsistence? We perceive how beneficent these great agencies are under wise public policies, but we also must observe that their power is equally great in increasing the sum of human misery without such policies.

No longer does a vast expanse of unoccupied land present itself to the citizen to attract him with a home and ease and abundance for himself and wife and children to turn his back on the town and the old settlements and the life of penury and hardship and want, even with the advantages of the school-house and the church, and flee into the wilderness. This has been the easy solution of many families' hardships and troubles, and, with European immigration and the advent of the railroads, has been the efficient cause of the rapid growth of the great States of the West and Northwest.

We have now a population of about 56,000,000 of people and must soon have 100,000,000; our soil will be occupied, and we are confronted with the problem of its occupation and use under economies which dispense with labor to a great extent, accumulate properties in the hands of a few, and drive the people with their families into the towns.

How will you meet these economic conditions of a beneficent and splendid progress, capable of conferring unlimited blessings if properly used, but unrelenting in its destructive power if not properly directed? Manifestly the child must be trained and educated for diversified labor. Education of the head and the hand must go together, so that both boys and girls, men and women, shall leave the school mentally and industrially equipped to take part in the new economies, and share

in the abundance and ease and comfort which a Divine Providence has ordained to be their beneficent result. Tariffs and exchanges and equal and just taxation must ever be an important factor in these economies and deserve the attention of wise and thoughtful men, but compared with the importance of these questions they sink into an inferior place.

Invention, the applications of power, labor-saving machinery, applied science, and the distribution of labor are the new-born giants which will create demand and supply and mold and adjust all other forces with the ease and unobstructed progress with which one of their great engines performs its appointed labor. To be ready for this great problem no time is to be lost; before we are ready for them 100,000,000 people will require to be fed and clothed and comfortably housed, and the wants and the imperative needs and comforts of a new life supplied. The statistics show how, alongside of the wonderful progress and advance of the working people of England and other industrial countries in comfort, the ratio of pauperism grows.

Carefully prepared statistics will show everywhere beneath grand aggregate results the same consequences from the same causes. The energies of both the General Government and the States, each in its place, will find ample employment in the adjustment of these economies.

This great question can not be considered on the basis of party distinctions or resentments. It will not be confined to the colored race, nor to the white race, nor to teaching the people how to read or write, nor to the trammels of a political economy based on a condition of labor before electricity and the powers of the elements were made the servitors of man.

Six hundred thousand persons in the United States alone are now organized in labor associations for the purpose of mutual protection, and for the intelligent consideration of the causes, economic, industrial, and political, which concern the subsistence, comfort, and well-being of themselves and their families. These are associated with others in different countries, constituting a federation of labor throughout the world. They are giving intelligent thought to the consideration of all the great questions which concern labor, production, distribution, and exchange. They are subject to the imperfections, errors, prejudices, and extreme opinions which belong to men as individuals and in associations. They contain among their number many men who have accomplished a large success in the trades and in manufacture. They earnestly desire such a solution of these great economic questions as will benefit mankind.

Much of good result may be hoped for from these efforts if properly met by prudent and well-considered legislation on the part of the States and the General Government, each within the limits of its own powers, and much of evil from an attempt to force impracticable theories into the forms of law, and from the discontents which arise from conditions of discomfort and want and poverty unless these shall be remedied by wise legislation.

NECESSITY AND SUCCESS OF INDUSTRIAL EDUCATION.

The following statements of eminent men in regard to the necessity for industrial education are of great importance and deserve careful consideration.

Dr. Lyon Playfair, of England, in 1863, says:

I find some of our chief mechanical and civil engineers lamenting the want of progress in their industries and pointing to the wonderful advance which other nations are making. I found our chemical and even textile manufacturers uttering similar complaints.

The one cause on which there was most unanimity of conviction is that France, Prussia, Austria, Belgium, and Switzerland possess good systems of industrial education for the masters and managers of factories and workshops, and that England possesses none.

Dumas, a savant and senator of France and president of municipal council, assured me that technical education had given a great impulse to the industries of France.

In going through the exhibitions whenever anything excellent in French manufacture strikes the eye, his invariable question is, "Was the manager of this establishment a pupil of the Ecole Centrale des Arts et Manufactureurs?" and in the great majority of cases the reply is that he was. The best system of technical education of workmen is to be found in Austria, though the higher instruction of masters and managers is better illustrated in France, Prussia, and Switzerland.

Mr. J. P. Worth, June 3, 1867, says:

In the matter of primary education, England is well abreast of Austria, France, and Prussia. In the matter of all that tends to connect the workman with the artisan, Austria, France, and Prussia were clearly passing us.

In 1867 Edward Hatch says:

The want of industrial education in this country prevents our manufactures from making that progress which other nations are making. I found both masters and foremen of other countries more scientifically educated than our own.

Edmund Franklin, F. R. S., in 1867, says:

In the polytechnic schools of Germany and Switzerland the future manufacturer or manager is made familiar with those laws and applications of the great natural forces which must always form the basis of every intelligent and progressive industry. It seems that this superiority more than counterbalances the undoubted advantage which this country has in raw material.

James E. McConnell says in 1867:

It requires no skill to predict that unless we adopt a system of technical education for our workmen, we shall not even hold our own cheapness of cost as well as in excellence of quality of our mechanical productions. It appears to me government should take the matter in hand; the public funds should be forthcoming to establish these technical schools.

Capt. Frederick Beaumont, of the royal engineers, says:

There can be no doubt as to the immense strides foreign mechanical engineering has lately made, notably in France and Belgium, and by which they are rapidly overtaking Great Britain's industrial power. It is only when taken up by government that such an institution would assume proportions sufficient to be effective as a means of national education.

Mr. Scott Russell, of England, says:

Dissatisfied with our national progress, we have turned our minds to search for the cause of our deficiency. We find that during these years some nations have been occupied in diligently promoting the national education of various classes of skilled mechanical workmen for the purpose of giving skill to the unskilled and rendering the skilled more skillful. We find that some nations have gone so far as to have established in every considerable town technical schools for the purpose of teaching all the youths intended to be craftsmen those branches of science which relate most nearly to the principles of their future craft.

Workers in metal are taught the nature of the mechanical powers with which they will have to work and the chemical properties of the materials they will have to operate upon. Engine-builders are taught the principles of heat and steam and the nature of the engines they have to make and work; ship-builders are taught the laws of construction, hydraulics, and hydrostatics; and dyers and painters are taught the laws of chemistry and color.

All skilled youth are taught geometry, drawing, and calculation; and in many countries every youth who shows great talent in any department is promoted to a higher training school and there educated at the public cost. Besides these local schools other countries have technical colleges of a very high class for the education of masters and foremen in engineering, mechanics, merchandise, and other practical and technical professions.

In 1867 A. J. Mundella says:

I am of opinion that art and industrial education, without a thoroughly organized system of primary instruction, will not remove the danger which threatens our manufacturing and commercial supremacy. I trust it will not be deemed presumptuous if I lay briefly before you the result of my observation on a subject in which I have long been deeply interested.

The branch of industry with which I have been connected for thirty years past is the manufacture of hosiery. I am the managing partner of a firm employing 5,000 work-people, with establishments in Nottingham, Derby, and Loughborough, employing more than four-fifths of the number, and with branches at Chemnitz and Pausa, in Saxony, employing about seven hundred persons. In addition to the opportunities and experience which the superintendence of these establishments has afforded me, I have for many years past formed friendships with manufacturers in France and Germany. I have had free access to their warehouses and workshops, and I am as well acquainted with the progress of my own branch of industry in those countries as in England.

As the result of my observation I have for four or five years past been increasingly alarmed for our industrial supremacy, and my experience of the Paris exhibition has only confirmed and strengthened my fears. In my own branch we still maintain the lead in the majority of articles, but the progress made by France and Germany since 1862 is truly astonishing, and it has been much greater than our own.

I am of opinion that Englishmen possess more energy, enterprise, and inventiveness than any other European nation. The best machines in my trade now at work in France and Germany are the inventions of Englishmen, and in most cases of uneducated workmen; but these machines of English invention are constructed and improved by men who have had the advantage of a superior industrial education. The largest hosiery machine-shop in France is that of Monsieur Tailbours, at St. Just; models of all the best English machines have been purchased and imported, and they are there improved and constructed on thoroughly scientific principles under the superintendence of a young man who, I was informed, took high honors at the school of the government in Paris.

Precisely the same thing is taking place in Saxony, but the Saxons are, in respect of education, both primary and industrial, much in advance of the French, and in my branch they are our most formidable rivals.

In Nottingham, where the best machinery in the world is required and used in the production of hosiery and lace, there is no such thing as industrial education, and, greatly as it is to be desired, I am acquainted with many good mechanics and superior workmen to whom it would be of no service, inasmuch as they can neither read nor write.

The contrast between the work-people of England and Saxony, engaged in the same industry, is most humiliating. I have had statistics taken of various workshops and rooms in factories in this district, and the frightful ignorance they reveal is disheartening and appalling. I was born and educated among the working classes, and all my life have been in close association with them, but I never realized the condition of the lower masses of our work-people till I took the pains to examine them personally in the manner I have indicated.

In Saxony our manager, an Englishman of superior intelligence and greatly interested in education, during a residence of seven years has never yet met with a workman who can not read or write. And not in the limited and imperfect manner in which the majority of English artisans are said to read and write, but with a freedom and familiarity that enables them to enjoy reading and to conduct their correspondence in a creditable and often superior style. Some of the sons of our poorest workmen in Saxony are receiving a technical education at the polytechnic schools, such as the sons of our manufacturers can not hope to obtain.

While, therefore, I believe that the English workman is possessed of greater natural capacity than any of his foreign competitors, I am of opinion that he is gradually losing the race through the superior intelligence which foreign governments are carefully developing in their artisans.

The influence of strikes and lock-outs has been undoubtedly against industrial progress. But the worst practices of trades-unions are the result of the gross ignorance of the majority of workmen who are connected with them. I succeeded nearly seven years ago in forming a board of arbitration and conciliation for the hosiery trade of this district, and no strike has taken place since its formation.

Leicester has recently followed our example, and during the past week the lace trade has done the same. This is the only solution in my opinion of that difficulty.

The education of Germany is the result of an organization which compels every parent to send his children to school, and, after having laid the foundation of a sound education, affords to all those who have the capacity and inclination the opportunity of acquiring such technical knowledge as may be useful in the department of industry for which they are destined.

If we are to maintain our position in the industrial competition, we must oppose to this organization one equally effective and complete. If we continue the fight with our present voluntary system, we shall be defeated. Generations hence we shall be struggling with ignorance, squalor, pauperism, and crime; but with a system of education made compulsory, and supplemented with art and industrial education, I believe within twenty years England would possess the most intelligent and inventive artisans in the world.

James Young, in 1867, says:

I was a juror in the English exhibition of 1862, but in the French exhibition I am only an exhibitor; as such I have spent about a month in Paris studying the

exhibition, and there had the opportunity of meeting many jurors of different nations. I am bound to say that my experience accords with that of Dr. Lyon Playfair. So formidable did the rate of progress of other nations appear to many of us, that several meetings of jurors, exhibitors, and others took place at the Louvre Hotel on the subject. The universal impression at these meetings was that the rate of progress of foreign nations in the larger number of our staple industries was much greater than our own.

But it must be stated that a large number of our first-class machine and other manufacturers are not exhibitors in Paris, whereas other nations, I believe, have taken care to bring forward their very best; still the great progress of other countries is evident. The reason for this increased rate of progress is the excellent system of technical education given to the masters of workshops, submanagers, foremen, and even workmen. England for a long time excelled all other countries in the finish of her machines; but now we find that foreign machine-makers are rapidly approaching us in finish, and having skilled and intelligent labor cheaper than ourselves, are progressing in all the elements of manufacturing.

Permit me to use my own case as an illustration. Originally I was a workingman, but have succeeded in increasing the range of manufacturing industry. The foundation of my success consisted in my having been fortunately attached to the laboratory of the Andersonian University in Glasgow, where I learned chemistry under Graham, and natural philosophy and other subjects under the respective professors. This knowledge gave me the power of improving the chemical manufactures into which I afterward passed as a servant, and ultimately led to my being the founder of a new branch of industry and owner of the largest chemical manufacturing works of the kingdom.

It would be most ungrateful of me if I did not recognize the importance of scientific and technical education in improving and advancing manufactures. Many men without such education have made inventions and improvements, but they have struggled against enormous difficulties which only a powerful genius could overcome, and they have been sensible of the obstacles to their progress.

Stephenson, who so greatly improved locomotives, had to be his own instructor, but he sent his son Robert to Edinburgh University, and the son did works at least as great as the father and with far less difficulty to himself. The improvement in locomotion has necessarily created great competition in the industries of the world, and unless we add skilled instruction to manual labor England can not expect to maintain her position in the industrial race.

I have made these extracts from a series of letters written by the managers and employers of labor in the great establishments in England, some of them men who have risen to positions of great prominence in the vast manufacturing interests of that kingdom. These letters were written in answer to inquiries addressed to them by authority of the Government of Great Britain.

They exhibit the fact that the progress of nations and the comfort of the laboring people, the just remuneration and the proper distribution of labor, depend on the best primary and technical education and its establishment as a system and its general use. I shall not pursue the subject further. If all our efforts were given to the great work what grand results might we not hope to see in a short time in all the States, and in the Southern States especially.

How many children, both boys and girls, furnished with the means of earning a comfortable livelihood; how the arts would flourish; how factories and industrial employments would increase and flourish; how agriculture and horticulture would assume lovelier and more productive forms; how happy, cultivated, contented, prosperous, and virtuous would be our people. These are the fruits, Mr. President, which we may reasonably hope for from the commencement and continuance of the policies which this bill proposes to inaugurate and aid.

Mr. LAMAR. Mr. President ——

Mr. GARLAND. Would the Senator from Mississippi prefer to go on this evening or to-morrow? If he will give way I will move an executive session.

Mr. LAMAR. I propose only to submit a few remarks; but I am willing to give way if such is the desire of the Senator.

Mr. HARRISON. I wish the Senator from Arkansas would withhold his motion for a few moments.

Mr. GARLAND. Very well.

Mr. HARRISON. I do not desire to discuss this bill, but I propose to offer an amendment to it in the nature of a substitute, which I ask may be printed; and for the purpose of calling the attention of Senators to the amendment I desire to say just a word or two. It seems to be conceded upon both sides of this Chamber that the obligation, if there is an obligation, for an appropriation out of the national Treasury for purposes of education grows out of matters connected with the emancipation of the black race in the South. I say that seems to be conceded on both sides of the Chamber. I do not suppose there is a Senator here who would propose this bill or advocate it but for facts connected with the condition of the black race in the South.

Mr. President, by the bill which is under discussion we are proposing therefore to treat the evil of illiteracy as connected with the emancipated slaves, and in order to get at the particular difficulty which incites this legislation, which justifies it, we are proposing a system which distributes public money all over the United States without reference to the fact whether there are any emancipated slaves, and without reference to the fact whether the State in which it is to be distributed is in any way incapable of dealing itself with the question of education. In other words, we propose to give Massachusetts her share of this fund, though her Senators tell us that Massachusetts is amply able to deal with the question of illiteracy within her own borders, and that she has now a school system which sets before every boy and girl in that Commonwealth an open door to the acquisition of the elements of an education. That same thing is true in the State of the Senator who manages this bill upon the floor. It is true in the State I represent. There is not a boy or girl of school age in the State of Indiana that has not to-day an opportunity to acquire the elements of a common-school education. Why, then, shall we be under this bill distributing $5,000,000 to the States which are able to deal with this question of illiteracy, to the States which claim that they have already dealt with it and have now an ample school fund and plenty of schools and teachers to take care of their own children?

It seems to me that we should apply the plaster to the wound, and instead of wrapping the whole body in bandages we should bandage the diseased part alone. I shall therefore propose by this amendment that the appropriation made shall go to those States only which have at least 10 per cent. of illiteracy. I do not believe that it will be a benefit to the States of the North—take the State of the Senator who sits next to me, Ohio—to throw into that State for current use a part of this appropriation. If it could be added to the permanent educational fund in Ohio I agree that it might be valuable, because then it might go on; but if it is to be added only for a few years to a State where educational interest is already well-developed and where appropriations for education are already ample, it can not have the effect to stimulate, and is likely to have the effect rather to enervate.

Then, Mr. President, this amendment proposes that the amount to go to any State, as in the amendment to the bill which I proposed the other day, shall not be more than the State itself has expended in the preceding year for the purposes of education. I propose that the sum appropriated shall be less, that it shall begin with $5,000,000 annually, and that it shall not run more than five years. I do this because I believe the project is an experiment. The amendment I propose does not assume to make the appropriation, but simply provides that these appropriations shall be made from year to year.

Mr. BLAIR. That is the bill, the Senator will understand, now. It appropriates annually.

Mr. HARRISON. Very good; then in that respect it does not differ from the bill which the committee have reported. Certain conditions are prescribed on the part of the States in order to entitle them to the use of this fund. One is that the State shall not, after the payment of the first installment under this act, reduce the State assessment for common schools. Another is that it shall be distributed to the school districts or other territorial subdivisions, not according to the number of children attending school therein, but according to the number of children of school age within the district.

These are the general outlines of the amendment which I propose. I propose it as in the line of the remarks I made the other day, as being a sufficient provision for the experiment which we are about to try, and as bringing the money which is to be appropriated directly in contact with the evil which is to be remedied.

I do not know that the amendment is in the best shape. I shall not be tenacious, when the Senate considers it, if any changes in it may improve it. I have hastily prepared it, and I submit it to the consideration of the Senate.

The PRESIDING OFFICER. The amendment will be received and printed, and lie on the table until it is in order to present it.

Mr. PLUMB. I wish to withdraw the amendment which I moved, if I can do so, in order that the amendment of the Senator from Indiana may take the place of it. I do not mean this amendment, but the one offered a day or two since. The amendment of the Senator from Indiana accomplishes the purpose which I had in view besides accomplishing other purposes.

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas and the Senator from Indiana that the question now is on the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill.

Mr. PLUMB. Then I should not be entitled now to accept the amendment of the Senator from Indiana?

The PRESIDING OFFICER. No amendment is now in order in the opinion of the Chair.

Mr. HOAR. I suppose that the motion to commit takes precedence; but if that is voted down, I asked the Senator from Kansas the other day to allow me to make an amendment which the Senator from New Hampshire was willing to accept, making the text of his bill more clear, but the Senator declined. I found afterward, on examining the rules, that my amendment took precedence of his by right, because his is to strike out the very words of the text which I propose to amend and insert something else. So I suppose whenever the motion to recommit is voted down my amendment will come first.

The PRESIDING OFFICER. The Chair only holds that at this time no amendment is in order, the question pending being on the motion to recommit.

Mr. GARLAND. With the understanding that the Senator from Mississippi [Mr. LAMAR] has the floor on the bill, I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Before the question is taken I wish to say that it will be necessary for the——

The PRESIDING OFFICER. Does the Senator from Arkansas withdraw the motion?

Mr. GARLAND. Yes, sir.

Mr. BLAIR. I wish merely to say—and it is an important thing to be understood—that it will be necessary for the friends of this measure

to ask of the Senate somewhat longer sessions than we have been accustomed to during the week, to-day perhaps, certainly to-morrow, and I think it would be well that we should ask the Senate to complete action upon this bill during the day to-morrow; otherwise we may be obliged to have a session on Saturday, for early next week, perhaps on Monday, I am notified by the chairman of the Committee on Appropriations that he will report a bill from his committee which will occupy the attention of the Senate. This bill has been under discussion now nearly two weeks, and I judge from the amendments offered that we go constantly further and further from an agreement on its provisions. I think that before long it would be well to take votes and see where we are. While I do not want to urge that proceedings be prolonged to-night, still I think we shall have to ask the Senate to sit to a later hour than usual to-morrow evening at all events.

Mr. GARLAND. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *March* 27, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### SCHOONER DRUID.

Mr. STONE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

*Be it enacted, &c.*, That there be issued, under the direction of the Secretary of the Treasury, a register for the schooner Druid, built in Lunenburg, Nova Scotia, but now owned by John S. McQuin and J. Warren Wonson, citizens of the United States, and lying in the port of Gloucester, Mass., whenever the said McQuin and Wonson shall furnish the Secretary of the Treasury with satisfactory proof that the said schooner has been repaired in the United States, and that the cost of repairing her by her present owners is equal to double the cost of the said vessel to them when purchased.

Mr. HOLMAN. The reading of the bill was not heard distinctly on account of the confusion in the Hall.

The SPEAKER. The Clerk will again report the bill.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. STONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ENSIGN L. K. REYNOLDS.

Mr. COX, of New York. By direction of the Committee on Naval Affairs I ask unanimous consent to report from that committee for present consideration the joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria. The joint resolution is for the purpose of permitting a gentleman who is going off on the Greely expedition to accept a decoration from the Austrian Government in recognition of his heroic conduct in saving several lives.

The joint resolution was read.

Mr. HOLMAN. Has the resolution been considered by a committee of this House?

Mr. TALBOTT. It has been considered favorably by the Committee on Naval Affairs.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. COX, of North Carolina. I object.

Mr. TALBOTT. I think the gentleman will not object to the gentleman from New York [Mr. COX] being permitted to give an explanation.

The SPEAKER. Does the gentleman from North Carolina withdraw his objection?

Mr. BRUMM. I object.

#### ORDER OF BUSINESS.

Several members called for the regular order.

Mr. BLACKBURN. I move to dispense with the morning hour for the call of committees.

The question being taken, there were—ayes 76, noes 6.

So (further count not being called for, and more than two-thirds having voted in the affirmative) the morning hour was dispensed with.

#### SWINE PRODUCTS OF THE UNITED STATES.

Mr. HATCH, of Missouri, by unanimous consent, presented a report from the Committee on Agriculture, to whom was referred the message from the President of the United States, transmitting a report from the Secretary of State relative to the traffic in the swine products of the United States, with a resolution recommending an appropriation to remunerate the commissioners; which was referred to the Committee on Appropriations.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 10) for the relief of Henry I. Todd, late keeper of the Kentucky penitentiary;

A bill (S. 48) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; and

A bill (S. 940) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined and accepted by, the Government of the United States, and to report to Congress.

#### ENROLLED JOINT RESOLUTION SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

#### ORDER OF BUSINESS.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DORSHEIMER in the chair.

#### WHISKY EXTENSION BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse. By order of the House all general debate upon the bill has been limited to one hour and a half. The gentleman from Pennsylvania [Mr. RANDALL] is recognized to control one-half of that time.

Mr. RANDALL. Mr. Chairman, this is a bill of graver consequence than any that has been considered by the House at this session, and if any gentlemen suppose that only the parties directly interested in the measure are watching its progress they will discover, when perhaps too late, their ignorance of the sentiments and wishes of the people.

I shall discuss this matter briefly, because it is well understood and has been thoroughly canvassed, in its phases and consequences, by each member. What I have to say will be on a higher level, I think, than any arising from a prejudiced view of the matter.

The legislation in reference to whisky, from its inception and throughout its existence, has been steadily in one direction, and that has been to make the manufacture of whisky in this country a monopoly. I say this with no disrespect to the gentlemen engaged in its production, many of whom I know and entertain a high respect for. But we must recognize as true the fact that the legislation of this country has established a monopoly, and has driven from this field of profit almost all the minor producers and business men of limited capital. This monopoly I consider a dangerous factor in our public affairs. As business men those engaged in the manufacture of whisky have my fullest consideration, and I am prompted by no unkind feeling toward them in my opposition to this bill, for if I could to-day relieve them by a repeal of the tax *in toto*, or by a partial repeal, they would have my warm advocacy and I would rejoice. What I fear from this measure is that it tends to make permanent the internal-revenue system that brings into our Treasury so large a proportion of our annual revenue. I abhor the system, and I stand against its continuance for a day longer than we can help; and therefore any act of legislation likely to perpetuate it I feel a solemn duty requires me to resist.

The excise law—

Said Thomas Jefferson—

is an infernal one. The first error was to admit it by the Constitution; the second, to act on that admission.

In corroboration of my view as to the danger of a continuation of the

system as a permenent mode of raising revenue I can cite the extraordinary spectacle or anomaly which is presented in this matter of the parties in interest actually wishing to continue the tax. Some unusual and special advantage must be derived therefrom at the sacrifice, as I think, of the general public.

We are told this measure is made necessary by overproduction. Admit the fact. Have we not twice extended the period for the same reasons? Did the overproduction cease? I think not; on the contrary, after one of those extensions the evil was aggravated. Should the pending bill become a law, who knows that Congress would not be called on to again extend the time beyond the period it prescribes?

But the bill and the arguments by which it is supported open for thoughtful consideration the far graver question whether it is the right, and if it be the right whether it is the duty, of the Government to step in on any occasion, under any pretext, to relieve by special or class legislation manufacturers temporarily embarrassed. The same conditions might arise and the same or similar reasons be urged as to any other business, and if relief is right and is granted in one case, why not in all cases? And so our Government would become a paternal one, more injurious to all our people than can be conceived or has yet been dreamed of by the wildest constitutional latitudinarian. I can not think the passage of this bill possible, yet its defeat should be caused by a higher thought and purpose than any prejudice should arouse. Believing the measure as proposed wrong in principle, vicious in practice, most unwise in every respect, and especially so now, even in its consideration I have steadily resisted even its discussion, for the reasons I have given and many others I might give if I was not more anxious to reach a vote than I am to discuss the subject.

Mr. McADOO. In my opposition to this bill I am not actuated by any fanatical idea of temperance, as I am opposed to all sumptuary laws. It seems to me that the arguments which have been adduced on this floor against the passage of the bill from a purely temperance point of view ought not to have any weight. This is not a question of morals or police regulation of the liquor traffic. I think that so far as the temperance question is concerned Federal legislation should be directed more to securing for the use of the people a pure stimulant than in taxing production. In the hurry and the press, in the wear and tear of modern civilization, disguise it as we may, wisely or unwisely, the majority of mankind will resort to stimulants and narcotics.

I am opposed to this bill on the general principles of sound legislation. There have been but three classes of arguments in its favor presented on this floor. The first is that the men who are to be benefited by the passage of this bill are a good lot of fellows and need our sympathy. That argument merits no consideration. It may do credit to the hearts of those who offer it, but it is certainly a severe commentary on their heads.

The second argument is this: that the general law which oppresses these men is a bad one, and that we should, therefore, give them this special relief from its universal application. I think that is the strongest argument why this bill should not pass. For myself I am in favor of wiping out the whole internal-revenue system. It is not a question of experimental politics in my State. The Democratic party of my State put the question to the people of New Jersey, and the people declared by nearly 7,000 majority in the gubernatorial election against the entire system of internal-revenue taxes and internal-revenue collectors. The gentleman who has just sat down [Mr. RANDALL] argued against it from one end of New Jersey to the other.

I do not believe in voting for this bill, because if we grant relief to those who suffer under the internal-revenue system, and yet want to uphold it, we will never be able to wipe it out. I am glad we are discussing in this respect a question of taxation where, justly or unjustly, we can not be accused of acting in the interest of New York silk-ribbon jobbers or the English manufacturers of cheap razors and Soho-square pickles.

In abolishing the internal revenue we are carrying out the spirit of our free Constitution, making no experiment as to the result of indirect taxation, and freeing great sections of our common country from an excise regulation that fosters monopoly and is better fitted to the genius of a monarchy than a republic.

The bill being unsound on general principles, I do not think we are called upon to discuss its merits or the effect which a failure to pass it may have or not have on business interests. As a matter of fact these manufacturers, either through bad judgment or cupidity, overstocked the whisky market. They got caught as many other men have under similar circumstances, but, unlike any other business, they now ask Government to loan them a vast sum of money to help them out, and from past successes in Congress appear to have some hope that beyond the interest on such principal they may never have to pay anything in return.

This is a question which affects our own people solely. I do not want the incubus of this tax to remain upon the grain-fields of the Northwest or to continue its blight and shadow on the tobacco-planters of Virginia. The gentleman from Maryland [Mr. FINDLAY] stated as an argument in favor of this bill that his sympathies were enlisted in its behalf because it is a Kentucky measure, and in that connection he spoke of the glorious history of that Commonwealth.

Sir, I do not yield to the gentleman from Maryland in my respect for the memory of Henry Clay or my admiration of the ennobling history of the Commonwealth of Kentucky. But I ask that gentleman to look across the historic river that flows beneath the shadow of this Capitol, and to remember that the great agricultural interest of the ancient, honorable, and glorious State of Virginia is tobacco, and to my mind certainly as legitimate a crop as is wheat. And I want him to help me to defeat this bill because of its defects and demerits, and to insure the abolition of a system which is not only blighting the commercial and material prospects of that great Commonwealth, but is seeking to run its politics and to ruin its people and is bringing disgrace and dishonor upon her honored name. I hope that this bill will not pass in the interest of good legislation. We ask that legislation shall be general, not special or class.

There has been another argument offered in support of this bill; that is, that in some mysterious way it is connected with the tariff. And the illustrious gentleman from New York who spoke yesterday afternoon [Mr. HEWITT] said he was in favor of making alcohol free because it was used in the arts and came under his catalogue of raw materials. Well, I am not opposed, as I have said, to the legitimate use of alcohol; but the principal art I know of in which whisky is said to be frequently used is the art of giving an aurora-borealis tint to the nose. [Laughter.] I do not know whether the gentleman from New York referred to that particular art in his remarks or not. But the gentleman is inconsistent. He would free alcohol and bond tobacco; take away from the poor man his pipe and leave him the cup.

I do not see that it is connected with the tariff. The newspapers, it is true, inform us that the tobacco men of Virginia and North Carolina have been offered a bait in the shape of a modicum of relief if they will accept a certain tariff bill now before the House. Now I ask gentlemen if that is not like inviting a man to a banquet and telling him that he shall have quail on toast, and then saying to him that before he can have any quail on toast to gratify his own palate he must eat a little crow to please you; that is, no crow no quail, no quail no crow? [Laughter.]

I do not propose to make any conditions. I think it is unmanly to hedge around a proposition with a condition of that kind. I am in favor of offering the tobacco men relief regardless of tariff legislation. I want in connection with this tariff suggestion to say to the leader on the Republican side, who spoke last evening and who threatened to dissolve his burly form in oleaginous laughter at the expense of the Democracy of the House—I want to tell the gentleman from Maine [Mr. REED] that the good old ship of the Democratic party, containing the church militant of the true political faith, notwithstanding these March gales, will yet come into harbor with the doves of sweet peace singing harmony on its yard-arms, and the old flag of the Constitution floating gallantly from its peak.

I want to tell the gentleman from Maine that the good sense of this great Democratic party will, in its own proper time, solve the tariff problem in the interest of the producing and laboring people of this land. I want to tell him that in the solution of it we shall be guided by the "greatest good to the greatest number;" and while we may not please a certain class of absolute free-trade theorists who think they have a first mortgage upon public opinion and that the great universe is sitting up in its night-clothes to hear them speak [laughter], nor on the other hand a class of advocates of overprotected capital and unprotected labor who are insisting because they themselves are amassing wealth that the American workingman is driving silver nails with a gold hammer and walking on luxurious carpets while his daughters are playing on thousand-dollar pianos, we will settle it to the interest and satisfaction of the people.

I want to tell him that there is a proper solution of the tariff question, and a proper time and place to discreetly and honestly examine the system in the interest of honest toil and economic government.

I know, sir, that some people affect to believe the tariff question can only be settled in heaven, where they have no "local issues," and no great editors to blow cyclonic blasts upon their bugle-horns, making window-panes rattle and the babies cry from the sylvan shades of the "blue-grass" region of Kentucky to the pebbly shores of my own delightful Jersey.

It may be the gentleman from Maine thinks it can be settled in the other place, where they have a prohibitory tariff not alone on cold water but upon the Democratic party, individually and collectively. [Laughter.] But we will settle it in our own time. In the mean while I want this Democratic House to pass a measure that shall abolish a system against which every father of the party from Thomas Jefferson down has inveighed. I want that we shall rid the wheat fields of Iowa, rid the orchards and vineyards of my own State, rid the tobacco fields of Virginia and North Carolina, rid the manufacturing people who are engaged in the tobacco industry, rid our free people everywhere of a system that creates spies and informers and loads down honest trade and toil. I want that we shall pass a true Democratic measure by ceasing to deal with the unclean thing in piecemeal, a species of legislative quackery that addresses itself to alleviating a local affection instead of boldly eradicating the disease that produced it.

From the standpoint of sound policy this bill is a bad one; from a

business point of view these men are the victims of their own folly or cupidity; from a legislative view it is forgiving a debt honestly and legally due the Government and voting away about $60,000,000 of the people's money or at least imperiling its collection. Sound statesmanship and the good sense and honesty of the American people declare against this bill.

Mr. STORM. Mr. Chairman, I stand pledged to the repeal of the whole internal-revenue system.

This system had its origin in the dire necessities of a great civil war, in which the nation was struggling for its very life and existence. When the measure was introduced into this House it was denounced by Democrats as undemocratic, anti-republican, inquisitorial, oppressive, and unjust; on the other side of this Chamber its defense was based solely upon the ground of a necessity created by the exigencies of war; and now, Mr. Chairman, after a lapse of more than twenty years, and more than eighteen years since the close of the war, this system stands a disgrace to our age, and a large number of gentlemen, who twenty years ago were as vehement in their denunciation of internal taxation as I am now, have for some reason become satisfied with it, and are now opposed to its repeal.

This system has been regarded with disfavor by every Democratic administration from the beginning of the century. The first law on the subject was enacted during the administration of Washington. It was so detested by the people that the "whisky rebellion" was the result of the popular indignation against it. This law remained in force till 1801. Mr. Jefferson, in his first message to Congress, advocated its repeal, and Congress promptly repealed the obnoxious law. During the second war with England the nation a second time was obliged to resort to this extraordinary method of taxation. It lasted but four years. The first act of Mr. Monroe on coming into power was to recommend its repeal. Mr. Jefferson regretted that the Constitution ever admitted this species of taxation. In his letter to Mr. Monroe he says:

> The excise system is an infernal one. The first error was to admit it by the Constitution; the second, to act on that admission. The information of our militia returned from the westward is uniform that, though the people there let them pass quietly, they were the objects of laughter, not of fear; that their detestation of the excise law is universal, and is now associated with a detestation of the Government.—*Jefferson's Letter to Monroe.*

It appears from this that my colleague from Pennsylvania [Mr. KELLEY] was not the first to denounce the system as an infernal one.

In his message recommending the repeal of the excise duties imposed under Mr. Madison's administration Mr. Monroe said:

> To impose taxes upon the people when the public exigencies require them is an obligation of the most sacred character, especially with a free people. * * * To dispense with taxes, when it may be done with perfect safety, is equally the duty of their representatives.—*Monroe's Message.*

Blackstone in his Commentaries takes occasion to speak in this wise concerning excise:

> The rigor and arbitrary proceedings of the excise seem hardly compatible with the spirit of a free nation. * * * Such was the opinion of their general unpopularity, that when, in 1642, aspersions were cast by malignant persons upon the house of commons that they intended to introduce excises, the house for its vindication therein did declare that these rumors were false and scandalous, and that their authors should be apprehended and brought to condign punishment.

Mr. BUCKNER. If the gentleman will allow me to interrupt him as to historic fact, I will say that the act of 1812, as he will find, was nothing but an act of licenses—special taxes. The law of 1792 was never enforced except under provisions similar to the present internal-revenue system.

Mr. STORM. I so understand. I contend that the system was the same. I am opposing not any particular method, but the whole system of taxation by excises, whether imposed upon the manufactured article or by a system of licenses.

From Madison's last administration down till after the breaking out of the late civil war we hear no more of internal taxes. While the act has been changed and many portions repealed, yet its worst features remain, and must remain, until it is totally expunged from the statute-book.

It is literally and truly a statute of pains and penalties. Nearly every clause creates a crime, and nearly every paragraph contains a penalty, and every section is made horrid by the distrust it throws upon human nature. Every humane presumption or maxim with which our common and statute law invest a human being is by this infernal system reversed or annulled. It starts out on the theory that man is naturally a thief and a robber, who needs to be watched by spies and kept from stealing by gauges, meters, locks, and other contrivances. It interferes with the use and disposition he might desire to make of the kindly fruits of the earth.

The law bristles all over with monstrosities and hideous deformities, and ought to be instantly repealed. There is no excuse for its retention a single day longer so far as this House is concerned. The income of the national Treasury is so largely in excess of the demands upon it that we are puzzled with the question, What shall we do with the surplus? The tariff bill reported to this House by the Committee on Ways and Means proposes to reduce taxation. Yet one of the ablest of that committee, a gentleman who ranks high in this country as a political economist [Mr. HEWITT], very frankly expressed his fears yesterday that the proposed measure would not reduce revenue—would not have the effect its authors intended.

It was estimated that the reductions recommended by the Tariff Commission would amount to 20 or 25 per cent., yet in fact it did not amount to 10 per cent. And, Mr. Chairman, I here affirm that the bill, being framed on the theory of a tariff for revenue, will not decrease the customs receipts, but will increase them.

Here, then, we should all make our stand in favor of reducing revenues, for in repealing internal taxes we know just what amount we are letting go.

Mr. MORRISON. The gentleman from New York said it might not have the effect of reducing revenue; I did not understand him to say that it would not reduce taxation.

Mr. STORM. If it does not reduce revenue it does not remove the difficulty I am arguing against. I am contending that you do not touch the surplus in the Treasury; and I am satisfied that the present committee has made the same mistake that the Tariff Commission made when they declared that by their proposed legislation they would make a reduction of from 20 to 25 per cent., while, as the Committee on Ways and Means, of which my friend [Mr. MORRISON] is the illustrious chairman, have shown in their report, the reduction would not reach 2 per cent. on the value of the importation.

What a spectacle do we behold here to-day! The whisky distillers and speculators clamoring to have the time in which they are required by existing law to pay the tax on the distilled products now in the bonded warehouses extended for two years more, making five in all. Yet these distillers and speculators in whisky and their friends on this floor have not made a single effort to secure the repeal of this law. Is this whisky power so weak that it can not be heard? It is powerful enough to send a man to the United States Senate in the place of one who had the temerity to dispute its arrogance and audacity and to inquire into its methods. It makes no secret of its power to send men into this Hall such as it likes and to defeat those who have displeased it. Why has not this more than autocratic power and influence been exerted in behalf of the repeal of this law? The answer is on the surface; it requires no great mental effort to discover it; it is this: The present law, odious as it is, is agreeable to the distiller and whisky speculator because it makes the distillation of spirits a monopoly. It shuts out the small distiller. The farmer who before the war could convert his grain and corn into whisky and his fruits into brandy and wine can not do so now. He can not afford to pay for the machinery and espionage required under the existing law to run a small distillery.

Few honest and prudent men acquainted with the stringent provisions of the present law and the risk they must take arising from mistakes or the carelessness of clerks and employés, will embark in the business.

The bill before us, Mr. Chairman, will not afford the relief supposed. It is but a contrivance, a clumsy shift, by which the evil is postponed, not removed.

What was the effect of the act of 1878, by which the bonded period was made three years? In 1878, on the 30th day of June, the quantity of spirits remaining in the distillery warehouses was 14,088,773 gallons; but in 1879, under the stimulus of the act of 1878, the production was increased to 19,212,470 gallons, or more than 5,000,000 gallons in one year. In the year 1880, however, the increase was still more remarkable, reaching 31,363,869 gallons.

A similar result was produced by the act of 1880, known as the Carlisle bill. It repealed the interest clause of 5 per cent. and reduced the penalty in the bond one-half, making the penalty equal to the amount of the tax, instead of double, as had been the case before. The next fiscal year shows an astounding result. The production leaped instantly from 31,363,869 gallons in 1880 to 64,648,111 gallons in 1881, or more than 33,000,000 of gallons in one year. In 1882 it reached 89,962,645 gallons, and in 1883 80,499,993 gallons.

I append the following table, taken from the last annual report of the Secretary of the Treasury:

> The following table shows the quantity remaining in distillery warehouses at the close of each of the fifteen fiscal years during which spirits have been stored in such warehouses:

| | *Gallons.* |
|---|---|
| Quantity remaining June 30, 1869 | 16,685,166 |
| Quantity remaining June 30, 1870 | 11,671,886 |
| Quantity remaining June 30, 1871 | 6,744,360 |
| Quantity remaining June 30, 1872 | 10,103,392 |
| Quantity remaining June 30, 1873 | 14,650,148 |
| Quantity remaining June 30, 1874 | 15,575,224 |
| Quantity remaining June 30, 1875 | 13,179,596 |
| Quantity remaining June 30, 1876 | 12,595,850 |
| Quantity remaining June 30, 1877 | 13,091,773 |
| Quantity remaining June 30, 1878 | 14,088,773 |
| Quantity remaining June 30, 1879 | 19,212,470 |
| Quantity remaining June 30, 1880 | 31,363,869 |
| Quantity remaining June 30, 1881 | 64,648,111 |
| Quantity remaining June 30, 1882 | 89,962,645 |
| Quantity remaining June 30, 1883 | 80,499,993 |

What folly to talk about giving relief to this branch of business by postponing the time of payment of these taxes! We might as well talk about pouring oil on the flame to extinguish the fire as to talk about relief from overproduction by stimulating it.

The bill of 1880 was framed by the distillers themselves, as one of

their managers swore before a committee which investigated the charge that money had been corruptly used to secure its passage. He swore the bill was passed by Congress just as it was drawn, without the crossing of a "t" or the dotting of an "i."

It is not strange that the distillers and speculators in bonded whisky want the present law continued and the time for the payment of taxes extended. Uncle Sam makes a very desirable partner for these gentlemen. They have invested in the enterprise about 30 cents to Uncle Sam's 90 cents. They say to him, "Give us two years' time in which to pay up our share of the capital stock, and we will pay you 8 cents and 1 mill for the favor." In the mean time Uncle Sam must be at the expense of watching his partners in order they may not steal the partnership effects, must submit to the entire loss of leakage, which the law makes equal to about 16 per cent.—a sum larger than the whole interest paid to him—and must also take the risk of loss by fire or from any other cause.

But here the partnership ends. At the end of the five years the partnership assets, by aging, have advanced to $2.50 per gallon, but Uncle Sam finds that he was not a *partner*, but only a *lender;* he gets back his 90 cents plus his 8 cents and 1 mill interest, less the deductions and risks mentioned, and the distiller pockets the $1.20 on each gallon. From such a partnership the Government ought to retire at the very earliest day possible.

The gentleman from New York [Mr. HEWITT] votes for this bill because he thinks it will lead to its repeal. How such a result will follow he did not inform us. I can imagine only one reason why it should have such an effect, and that is the passage of this bill would be such a glaring outrage that the people would rise in rebellion against it and demand its repeal.

Mr. Chairman, I shall vote against the bill for the very opposite reason given by the gentleman from New York. I believe the extension of the period for paying the taxes on whisky is an extension of the time of repeal, and only postpones that much-desired day. Let us refuse this extension, and compel this powerful monopoly to come in and join us in an effort to get the law repealed.

I have not attempted to argue this question from a moral standpoint. I do not think the temperance question is in any way involved in the bill. I think the temperance people would regard the passage of the bill as a concession and a favor to a class of people not entitled to them; in which opinion many others will concur. I do not share the moral indifference of the gentleman from New York. It would make with me a great deal of difference whether the subject-matter to be taxed was a ton of pig-iron or a ton of whisky. All writers on political economy make the distinction by dividing articles of consumption into two classes, profitable and unprofitable; and in the latter class they all include spirituous liquors and tobacco. They all claim that in the imposition of taxes the latter class should bear the burden, to the end that their use might be discouraged.

The uniform tendency of all legislation in this country is in that direction. It regards the traffic in alcoholic beverages as a dangerous one. Its unlimited sale is allowed in no State of the Union that I have information concerning. Some prohibit entirely; others place its sale under strict regulations. It is taxed more heavily than any other class of products manufactured for consumption, not on the ground that it is a luxury, but because its influence on the morals of the community is baleful and its pernicious effects should be confined to the smallest possible limits.

Therefore in freeing spirits from the tax imposed by the Federal Government I do not advocate exempting them from the heaviest burden the States may see proper to impose. The General Government under its limited powers can not touch the moral aspects of the question. The States have full and ample power to deal with the question in all its economical and moral aspects.

Instead of continuing the collection of this tax and redistributing it again among the States, as advocated by some crack-brained statesmen, I am in favor of repealing the tax, and handing the subject of taxing whisky over to the States to deal with as they may deem best.

Mr. Chairman, I say extirpate the system at once. Do away with an army of 4,000 collectors, agents, spies, &c. Save the $5,000,000 which it now costs to collect internal taxes. Let us collect all our revenues from customs duties in the old-fashioned Democratic way. The two systems are not needed. One is sufficient for the needs of the Government. No one asks to discontinue the customs system, and we are all agreed on the other, that it ought to be wiped out.

On the first call of States for bills at the present session, Mr. Chairman, I offered a bill providing for the repeal of all internal taxes. The Committee of Ways and Means, so far as we are informed, have not acted on it. That bill I shall offer as an amendment to the bill now pending, if an opportunity for amendment is afforded me.

Mr. BLACKBURN. I trust, Mr. Chairman, that in what I have to say upon the pending measure I shall not make myself amenable to criticism in speaking from the standpoint of a constituency that holds any personal concern or special interest in the fate of the measure. I promise in advance that I will not copy questionable examples which have been set me by indulging in any appeal either to prejudice or to sympathy. I am not master of rhetoric; but if I were, I would discard it here and ask this committee to consider this bill simply from the standpoint of lawmakers grappling with a business question affecting seriously the revenues of this country.

To those who know me, Mr. Chairman, by long service in this House I hope that it is not necessary for me to disclaim any wish or purpose to ever fail in my desire to extend every civil courtesy and polite recognition to my fellow-members in debate; but as this question has been discussed so elaborately, as every opportunity for interruption and question has been given for weeks during the discussion of this question, I ask as a measure of friendly courtesy upon the part of the committee that I may be allowed to finish what I have to say without request for interruption or question. And I will promise, in consideration of the extension of that courtesy, to exert myself to the utmost to make the fairest statement of facts and the most candid presentation of the case of which I am capable. I will distort no figures, I will not strain any data, but from the standpoint of a man who is possessed of decided convictions upon the subject I will make the presentation of my views as fair as possible.

This, Mr. Chairman, is a business proposition. It admits of no sentiment of sympathy. It is not fair to invoke prejudice against it and it is not manly to invoke sympathy in its behalf. If, however, when viewed from the fairest standpoint to which it may be subjected, it does not commend itself to the best judgment of this House, it should not pass and would not receive my support. But, Mr. Chairman, I can not candidly confess that it has been altogether fairly dealt with by those who have seen proper to oppose it. More than one gentleman who has been heard in opposition has taken occasion in violation not only of the rules of parliamentary discussion, but in open and flagrant violation of the rules adopted by this House for its government, to seek to invade the sacred precincts of the committee-room and give to this committee their own crude ideas, couched in suspicious terms, as to how this bill ever came before the House. Pictures have been drawn of minorities of that committee packing it in here in their arms in the face of the protests of majorities. If the gentleman from Arkansas was as familiar as his service here for years ought to have made him both with regard to the rules of parliamentary bodies generally and the rules of this House, he would not need to have been reminded, and there appear to be others in the same situation, that it is not competent for a member of this House, not even a member of the committee, to go into the transactions of that committee-room or discuss in the House the action taken by any of its membership.

Mr. DUNN. I will give the gentleman an explanation that will be satisfactory to himself, if he will permit me.

Mr. BLACKBURN. I beg the gentleman's pardon; I must follow his example of yesterday, and adhere to my request and declination to be interrupted.

Mr. DUNN. Certainly. But the gentleman ought not to assign false meanings to members and then raise the shield of the rules of this House for his own protection. He ought not to shoot from behind that fortification at others.

Mr. BLACKBURN. But I must go on. That is not all I have a right to say. I have a right to say that the record shows, both of that committee and this House, that this bill came here and came fairly. The chairman of the Committee on Ways and Means, if anybody, is the one upon whom criticism would fall. He reported this bill to the House and said that the Committee on Ways and Means had instructed him to do so. He said that there would be no minority report filed, but said at the same time that it was not the unanimous report of the committee. When he made that report to this House he obeyed to the letter the instructions that his committee had given him. He did nothing more. He did nothing else than voice the sentiment of that committee, as couched in that order with which he stood charged; and if this be not a correct and an absolutely correct statement of the facts, then I appeal to any and every Republican member of the Committee on Ways and Means whether he can bear me out or not.

Mr. MCKINLEY. I desire to say that the gentleman from Kentucky states exactly the facts as they occurred. The chairman of the Committee on Ways and Means was authorized to report the bill and to state, as he did, that it was not a unanimous report. It is due to him, to the gentleman from Kentucky, and to the committee to make this statement.

Mr. BLACKBURN. I thank my colleague on the committee for his statement.

Mr. BRUMM. May I ask a question in this connection?

Mr. BLACKBURN. I must decline to be interrupted. I have said enough to show how this bill came before the House and that it is properly before it. The record has been given; the facts have been stated, and I trust that no member upon this floor will allow his mind to be poisoned or prejudiced by reason of these unwarranted flings that an unwarranted suspicion has prompted.

But, sir, I wish to go to the discussion of this measure. The question submitted to us is whether the Government ought in common fairness and justice to pass the bill, to grant this relief. If the Government was to be injured in its resources by reason of its passage, I would not ask it. If it was to release or relinquish a single hold which the Government has to-day to secure the payment of this revenue, then I would not ask

the passage of the measure. But if the Government is not to be and can not be the loser to the extent of a single penny, if the Government does not release a single hold that it has to-day to enforce the collection of the tax, if the financial condition of the Government is such that it does not need the money, then I submit to business men, to practical lawmakers, what objection can reasonably be urged against granting the appeal of these people?

We are met on the one hand by gentlemen opposing this bill who tell us if it is passed it fastens permanently on this country an internal-revenue system of taxation which they are anxious to destroy and obliterate. The gentleman from New York [Mr. HEWITT], my colleague on the committee, made that assertion here upon yesterday. I doubt not, in fact I am assured, that he was giving utterance to his most honest convictions. I am equally sure that he spoke for himself alone, and that no other man that stands here to-day in support of this measure holds views similar to that. The gentleman from Alabama [Mr. HERBERT] and the gentleman from Georgia [Mr. BLOUNT], who sit here before me, and others too have declared to you that they are opposed to this bill, and yet they are admitted, avowed, and open advocates for the maintenance of the internal-revenue system of taxation. But then comes the gentleman from the State of Pennsylvania [Mr. RANDALL], and the one from New Jersey [Mr. MCADOO], and the gentleman from Pennsylvania who sits immediately before me when in his seat [Mr. STORM], and they tell you that they oppose this bill because they are in favor of abolishing internal-revenue taxation, and that if you do not kill this bill you will never abolish that system of taxation.

How are these gentlemen to reconcile their differences? They seem to be trying to reach a common goal; they seem to be working for a common purpose; which is the murder of this measure. But they do not agree as to the reasons that impel them, but on the contrary are bumping their heads together with irreconcilable logic, if logic at all it be.

Why, Mr. Chairman, I have been amazed to listen to declarations such as came the other day from the gentleman from Massachusetts [Mr. LONG], whom I see before me. He tells this Congress and the country that the object and the purpose of these people is to get relief from the payment of this tax altogether. And that has been the burden of the song of the opposition from the beginning until now—that this is only an entering-wedge toward the relief from taxation altogether upon bonded spirits. The gentleman says that if you grant this request, the opposition generally say that if you grant this request, the next demand made upon you will be to repeal the whisky tax, and having extended the period of sale for two years they will within that period secure the repeal of the internal-revenue system and go scot-free, and there will be no taxes paid at all. Is there logic or reason or sense or fairness in such specious appeals as that? How can it happen? Is there not a surplus of manufactured goods in this country to-day? Is there a man of the opposition who dares to deny that the ground of his opposition rests upon the charge that there has been overproduction and that to-day there is a surplus here sufficient to meet the wants of two or it may be three years to come? Taking that as a postulate, let us see how easy it is and how short a road demonstrates the balderdash with which those gentlemen would feed this House.

Overproduction, a glut in the market, surplus goods which consumption can not take up for two or three years, and yet a repeal of the whisky tax within two years, they say, would cheat and rob the Government of all this tax. How so? Suppose you enforce the collection of this tax to-day, each day as it falls due. Suppose you kill this bill and demand the tax and get it; what happens? One of two things must occur. Either this whisky must be shipped abroad, exported, in which case under the law as it stands the Government gets no tax, or the man who at present holds it must pay the tax and continue to hold it, or the purchaser at these confiscation sales, buying it even at sacrificial prices, will continue to hold it until this surplus is demanded by consumption, which you tell us can not be within two years. Then, if the tax be repealed, the holder of the unbroken packages under the law comes back to your Federal Treasury and demands and gets his rebate to the last penny that he has ever paid in the nature of a tax. It is preposterous. Under no state of case can a repeal of the internal-revenue system of taxation rob the Treasury of this tax in the event of passing the bill any more than it would be deprived of it if the bill were defeated and the tax was paid. If these goods go abroad they pay no tax. If they pay tax in advance and are subsequently shipped abroad the Government must refund every dollar. If the present holder pays the tax and continues to hold the goods, he goes to your Treasury and gets back every dollar of the money that you have extorted in the nature of tax. If they are sold for 50 cents a gallon, the man who buys and holds in unbroken packages will come to your Treasury Department and claim and receive every dollar of the tax.

But, again, I ask you to tell me who is it that is going to repeal this tax? You say you are afraid to pass this bill lest the tax on whisky may be repealed. The whisky-holder can not repeal it. The man who has money in it has no power to make or repeal a statute. Who has that power that you are afraid of? The Government of the United States—yourselves. That tax will never be remitted to these people; the Government will never fail to receive it. It will never be repealed, except that you yourselves, the men who sit here to frame laws for the Government of this people, shall so decree it. And if you do within the next two years, these people will get their money back whether you pass this bill or not. There is no foundation for such a flimsy appeal to rest upon and claim the dignity of an argument.

But this has been said to be a peculiar tax. So it is. This article, it is charged, stands isolated and alone as the victim of harsh and rigorous legislation. That is true; the record shows it. You know full well, for it has been often repeated here upon this floor, and stands at this moment without any one reckless enough to contradict or impeach it, that this bonded period was never fixed on this industry until the unblushing frauds perpetrated upon the Federal Treasury made it necessary to adopt legislation in the nature of penal statutes in order to secure their suppression. From that day until now the policy of Congress has been liberalizing in its tendency. From that day till now Congress has been busily engaged in striking down these rigorous exactions.

At that time, when the one-year bonded period was established, the distiller was required to give a bond, and to renew it every ten days, conditioned in double the amount of the value of the tax on the whisky in the warehouse. That law was modified, that bond was extended to thirty days instead of ten, and the amount of the penal sum of the bond was divided in half, and the rigor of the law was abated.

The severe exactions to which this branch of industry has been forced to submit have been ameliorated time and time again. When the purpose of that penal statute had been accomplished, when the frauds had been suppressed, in 1878 Congress without serious opposition passed a joint resolution extending the bonded period from one year to three years. It has gone on that plane from then till now.

For nearly fourteen years, and I speak in the light of the report of the Commissioner of Internal Revenue, there has never been a fraud perpetrated upon your revenues in this quarter, nor even one attempted. In all that long period there has not been a suit instituted upon these bonds nor a demand made of payment upon one of their sureties.

If it be admitted, and it has never been denied by any gentleman, that these severe and rigorous provisions of the law were imposed simply and solely for the purpose of suppressing fraud and protecting the Treasury, then in the light of fourteen years' experience, during which you cannot cite me to a single instance of a violation of the law nor the institution of a single suit upon the penal bond, I ask you, gentlemen, as men of common sense and common fairness, what need is there to continue any longer any portion of your penal provisions?

The Commissioner of Internal Revenue is satisfied; his letter is here before you, and it is your fault if you have not acquainted yourselves with it. He tells you that this bill is an honest one; he tells you that it is a fair one; he tells you that the Government will lose nothing by reason of its passage. He recommends its consideration to you, and he guarantees that the hold which the Government has for its tax will not be impeached or weakened by the passage of this bill. I can not for the life of me see how, except at the dictate of prejudice or fanaticism, this proposition can be rejected by national minds.

I do not think it is altogether clear that Congress has the power, or ever had the power, to levy this tax after the fashion that it was imposed. When you come to consider three provisions of the Federal Constitution, the one declaring the powers that are vested in the Federal Congress, "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;" and when you come to consider another clause of that instrument, which declares that "no capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken;" and when you crown those two with the third, which provides that "no tax or duty shall be laid on articles exported from any State," I submit the question to any lawyer as to whether the power of Congress is established and its road is a clear one for the levying and the laying of a tax like this.

The law of Congress under which you levy this tax to-day shows clearly that it was intended by its framers to be founded upon the assumption of constitutional power to tax upon the measure of consumption, not of production. It is not clear that Congress has power to tax any commodity in this country except upon the measure of consumption. Else why was your law drawn as it is? Why demand of the whisky-holders tax upon what is consumed here, while you dare not require him to pay tax upon what he sends abroad? It is consumption and not production that may be fairly taxed by Congressional power, unless you mean to give a doubtful construction to the provisions of the organic law to which I have called your attention.

They tell us that this is a loan; that the Government is asked to become a partner with the whisky dealer or the whisky holder. That is not true. My friend from Connecticut [Mr. EATON] met that proposition with an answer so plain that it seems to me that it will scarce bear repetition.

But they say if this is not a loan, then why require the whisky holder to pay 4½ per cent. interest per annum to the Federal Govern-

ment? I will answer and tell you why. The whisky holder has the power and the right to-day, under existing law, to export every gallon of his goods and send it for storage in foreign ports. Mathematical calculation of the cost of export will show you that it ranges from six to ten dollars per barrel, owing to the distance from the seaboard over which it must pay expense of transportation by rail. And a mathematical calculation will show you that 4½ per cent. interest running for a period of two years will amount to within an infinitesimal fraction of the same sum that it would cost the holder to transport his goods abroad.

Then coming down to it as a naked business proposition, the question is simply this: Will this Government force the holder of whisky to export his goods, or will it agree to let him hold them two years longer and pay into the coffers of the Treasury, instead of to foreign warehousemen and the skippers upon the high seas for transportation, an equal amount in order to secure the same protection?

But gentlemen say that the goods will not be exported; and the next individual who opposes the passage of the bill assures us that they will all be exported, and some gentlemen are anxious to have this done. Suppose you force exportation upon these people; let me ask these self-constituted guardians of the weak and the poor, who will become the beneficiary of that process of export? Will it not be the holder, who is a capitalist, provided with sufficient means to meet the expenses of this exportation? Will it be the little man who scarce has capital enough to operate his distillery or credit enough in bank to carry on his legitimate vocation? You know that the holder of whisky who is backed by banking capital and limitless credit will send his whiskies abroad, while the poorer and smaller holder will become the victim of an enforced sale or extorted taxation. Is there fairness or logic in that proposition?

But let me ask you further, why do you want to send this whisky abroad? What good comes to the Federal Government? What advantage has the Federal Treasury? No tax will be paid unless it be reimported. If it is exported, it will never be brought back until the period of extension has expired or that threatened calamity to which we are doomed, as some tell us—the repeal of the whisky tax—shall come. For one, Mr. Chairman, I am no advocate of the abolition of the internal-revenue system. I was not one of the original advocates of its adoption. There never was an anathema or a curse pronounced upon it too deep or bitter for me to repeat. But it is here, and it is with me a choice between evils as to whether I would repeal that system or vote to correct and revise that which is worse—an unjust and burdensome tariff.

I am not an advocate of free whisky. I am not an advocate of that policy which would defeat this measure and glut the American market with cheapened goods purchased at confiscation sales, flooding every hamlet and village of the land, in order that the country may be treated to whisky at 5 cents a drink and salt and sugar at half a dollar a pound. I do not believe in a theory like that. I do not intend to become a party to such a practice.

But my friend from Pennsylvania [Mr. RANDALL] who preceded me tells us that the course of whisky legislation from the inception of this industry till now has been in the direction of monopoly. He opposes it because it is a monopoly. I do humbly and sincerely thank God that with the aid of a search-warrant we have at last been allowed to discover one monopoly upon this continent of which he is not the champion. I am delighted to find that there is such a thing as securing his opposition to monopoly domination in this land. But probably it is to be explained upon the ground that the monopoly to which he now objects is not located in his section, and he wants a monopoly of monopoly.

Monopoly, indeed! If you reject this bill you leave to the capitalists engaged in this trade the only measure of protection that any may have, which is to be found in seeking under foreign governments that friendly aid which the home Government denies to one of its legitimate and legalized industries.

What objection is there to the business in which these men are employed? Are we to treat this question as we would a code of ethics or a system of morals submitted to a church meeting of elders? We are not here as school-teachers nor as conductors of young men's Christian associations; nor do we constitute an army of salvation. We are here, or presumed to be here, to deal as practical men should deal with business questions. Your Government is the party involved.

But my friend from Massachusetts [Mr. LONG] asks, "If the security that you offer to the Government is as good as the Commissioner of Internal Revenue says, if the rate of interest you offer to pay is as high as that which the Government pays upon any of its outstanding indebtedness, why do you not go to the banks that are plethoric with money and get your relief from them?" Now, Mr. Chairman, is it fair to ask any gentleman to pause or waste time in responding to a question like that? Is it not answered the moment it is submitted? Do you expect a banker—a national banker or a private banker—to write himself down such an ineffable ass as to advance 90 cents per gallon on this whisky, to say nothing of its original cost as a product, when here stand these gentlemen on both sides of this Chamber, Republicans and Democrats, with locked shields, swearing and vowing that they never mean to stop or rest until they repeal this tax altogether?

Mr. LONG. And pay back a rebate.

Mr. BLACKBURN. Provided the bank will guarantee that the man will hold it in unbroken package. Is the banker expected to become an insurer not only as to the amount of money that he counts out over his counter, but upon the integrity, the honesty, and the fair dealing of each and every one of his customers? Is it right for them to remit him to the bankers, when at the very same time, in the very same breath, they serve notice upon the bankers that "if you do this, you do it at your peril; if you do it, you do it with the knowledge and the understanding that we mean to repeal the tax and leave you without your security?" Mr. Chairman, it is preposterous; and yet it is all of a piece with every argument offered in opposition to this bill. I see no ground upon which they may stand in their opposition. But 4½ interest is offered. That amounts when you come to figure it out in plain terms to an increase of the tax of 3¾ cents upon each gallon of whisky. Instead of decreasing, therefore, it is a positive increase of the tax.

Again, sir, this money is not in the coffers of the Treasury. You can not put it there except you do it with the consent of the holders or else by an absolute method of confiscation. The gentleman from Arkansas declared on yesterday that if this bill should pass there would be a gap of two years' revenue from this source of taxation——

Mr. DUNN. On all covered by this bill.

Mr. BLACKBURN. I say that that is not a fair statement of the case; it is not a true statement of the case. Experience refutes it. The record of the country and its history deny it. It does not matter to you one whit whether of these 80,000,000 gallons a year used in this country 65,000,000 gallons of it be high wines and rectified and blended goods and 15,000,000 gallons be of the higher grade or straight whiskies, or whether the whole 80,000,000 gallons shall be of the one or other grade. The tax is the same on all. The high-grade whiskies are the only ones that are affected by this bill. The high wines, the rectified and blended goods never seek that advantage, for they do not improve or increase in value with age.

If you pass this bill the effect is to withhold or to withdraw from immediate market the 15,000,000 gallons, and their place is then to be filled by an equal amount of the high-wines added to the former consumption; and the record of the Treasury Department demonstrates that to be true. This will show that the result will be an increase of the revenues of the Government. The Government will receive year by year in round numbers what it received before and what it will receive to-day by the enforcement of this tax if you insist upon it. It will be doing this and nothing more. It will be giving to an industry which is now taxed to the utmost tension, and which is the recipient from the Government of vexation, trial, and trouble, an opportunity to conform to that universal and inexorable law that rules and dominates over all of the people, the law of supply and demand regulating each other. That is all.

But we are told, Mr. Chairman, that these gentlemen are guilty, because, forsooth, with their eyes wide open they went forward in this maelstrom of overproduction. Granted. Is that a sin? Is it a crime that they should have done so? Does it convert them into criminals? Does it bring them to the bar of justice, to the bar of the court, and require the persons who did it to answer the specifications and counts of a criminal indictment? Are they the only ones that overproduced? It is not that, Mr. Chairman. It is because these gentlemen in their position can not be fair. Why did they tell the House what was not true when they said that overproduction followed immediately upon the extension of the bonded period from one to three years in 1878, and that it was attributable to that, and that alone? I claim, sir, that the record of the country shows this to be false. Overproduction never began for two and a half years after the extension of the bonded period. That bonded period was based upon a joint resolution introduced by myself in 1878—the 27th day of March, in the early part—and this day is the anniversary of it. I wish to state further that the overproduction never began, as shown by this report of the Commissioner of Internal Revenue, until the fall of 1880.

Mr. HERBERT. Will the gentleman permit me——

Mr. BLACKBURN. I am speaking now by the record. I hold the report of the Commissioner in my hand.

Mr. HERBERT. The increase began before that.

Mr. BLACKBURN. I am speaking now of overproduction. I say that did not begin until the fall of 1880. I did not say that the increase did not begin. It is a different question, and I repeat that I hold the statement in my hand, the tabulated statement from the Treasury Department in support of the assertion. No man can deny it, for if he does he contents himself with a reckless assault upon the official figures of the Treasury Department of this Government.

But more, sir. They tell us with that candid fairness for which the other side of this debate has been made phenomenal that the extension was the only thing that stimulated and promoted this overproduction. Was there an industry of this whole broad country that was not abnormally stimulated by reason of the prosperity that began to return in 1879? Take the manufactures of iron, the production of iron, of

woolen goods, cotton textiles, and every industry, and the records will show that each was stimulated to an unnatural and an abnormal degree by the prosperous times that dawned in 1879. Did not the prophets have their prophecies fulfilled and more than fulfilled by the most prosperous era that had dawned upon the country for twenty years?

Admit that these men did overproduce, as everybody else overproduces; what then? Why, they answer and say the iron-man and the woolen-man and the cotton-man did not come to Congress and ask for a stay-law. Is there an answer needed to so specious a plea as that? Neither the iron nor the woolen nor the cotton nor any other industry or occupation in this country was the victim of taxation. There was and there is no tax upon any of these industries. This is the only one. They all are the beneficiaries of taxes imposed upon everybody else for their especial benefit.

A MEMBER. And tobacco?

Mr. BLACKBURN. And tobacco. This is the only one, and it does not come to ask to be relieved from any of the legitimate consequences of its own overproduction. It does not even ask you to abate one jot or tittle of your tax exactions, it does not ask you to weaken the grasp by which you hold them to its payment; it simply asks you to give time upon business principles of fair remuneration to the Federal Government, with bonds and sureties exacted to its satisfaction, to enable them to put themselves upon terms of equality with these other industries.

Mr. WHITE, of Kentucky, rose.

Mr. BLACKBURN. I beg my colleague to excuse me. I have refused too often. I am sure he has had his full share in the way of interruptions during this debate.

The gentleman from Massachusetts [Mr. LONG] in the exercise of a liberality for which the tobacco and the beer men will doubtless forever be profoundly grateful, told us the other day in that excellent and admirable and plausible but still specious speech of his that he was perfectly willing to give an unlimited bonded period to tobacco and to beer; but at the same time he told you his reason for that generosity, that it was because they did not want it, did not need it, and could not use it. But to this the only product of American industry that did want it, that did need it, one that could use it, he would not give one minute's time. The prodigal generosity of that gentleman is equal to that of the famous individual who was perfectly willing to immolate upon the altar of his patriotism the last one of his wife's relations. [Laughter.]

The gentleman from Massachusetts tells you that tobacco and beer can not stand aging; that age deteriorates instead of improving them. This is the only commodity that needs it or demands it. And they come here to ask of the Federal Government no mercy. They come to plead for no sympathy. They come to make no demands, to exact no remedies. They come to submit fairly their case, to state their necessities, to offer their proposition to the satisfaction of this Government's officials, to ask for terms of equity in which they may be dealt with.

But, Mr. Chairman, what is still more, we are told that if this bill be granted demands will come to Congress again for further relief or similar extensions. For one, sir, I am perfectly willing to admit that this bill does not meet my views as to what is the correct principle of the levying and laying of taxes. I do not believe that there should be any period of limitation fixed at all. I believe that the law should stand as it originally stood, as it would have stood to this day and this hour had it not been for the frauds that were perpetrated upon the revenues of the country demanding, as I have said, the enactment of penal statutes. I do not believe in the constitutional power of this Congress to tax any commodity except upon the measure of consumption. I do not believe that you have the right to lay an excise tax or a direct tax, except as the Constitution provides. The courts have held that there was no such thing as a direct tax unless it be laid on real estate according to its ascertained value or what is known as a capitation tax. I do not believe in that policy as a sound one which would result in enforced sales and the Government standing by as the claimant of confiscated property, and that before an opportunity for a market had ever been offered or afforded to an honest manufacturer.

But, Mr. Chairman, if this even shall be true, I ask members of this committee not to answer and tell me, but to answer in the chambers of their own consciences and say whether there is a single square inch of defensible ground, of sound argument, of honest logic upon which they may pitch an opposing vote to the passage of this measure?

I want in this connection to say it has been intimated that there would be an amendment offered probably by the gentleman from New York [Mr. POTTER] or by the gentleman from Connecticut [Mr. EATON] looking still further in the direction of securing the interest upon this tax to the Government beyond all peradventure. That amendment will doubtless be to require the payment of this 4½ per cent. tax either semi-annually or quarterly in advance. I say here, sir, that for myself I shall promptly accept and cordially support either the one or the other. I do not want this Government to lose a penny. Here in the presence of this Congress and in the presence of the country I do declare that it is not my purpose by direction or indirection, by vote or by voice, to secure or aid in the securement of the passage of any bill that shall repeal an atom of this tax or strip the Treasury of a single penny that is to become due to it under existing law. I want it retained. I want it kept there as long as the necessities of the Government require revenue to be raised to pension its soldiers, to pay its debts, and maintain its existence.

I do not know, Mr. Chairman, that it has been within the compass of my poor power to utter a word that is calculated to sway the judgment or influence the vote of a single member here. I have spoken probably with earnestness, for I feel the interests that hang upon the passage of this bill. I do know this: You may forget if you choose the history of this great industry. Its representatives have come to this Congress stating an honest case, asking upon fair and liberal and honest business principles to get relief.

You may drive them from your doors empty-handed, if you choose; but, I thank God, they will go as they came, clean-handed, the sneering suspicions of gentlemen of the opposition to the contrary notwithstanding. No man has dared to stand upon this floor and charge that corrupt means have been resorted to or questionable methods been employed in the aid or the advocacy of this measure. Those for whose benefit it is asked are trembling to-day upon the verge of bankruptcy; they have no money for corrupt purposes. Trusting in the justice of their cause and in the equity of the claim they submit, trusting still further to the integrity and honesty and devotion of their friends who are entitled to be heard for them, they have submitted their case with confidence to your decision.

You may forget, if you please, that in the dark hour of your country's trial, in the day of its calamity, when this great Government in its structure was shaken to its foundation-stone amid the throes of revolution, you brought this industry into existence as a taxable quantity and harnessed it for your own service. You may prove oblivious to the aid it has given and the service it has rendered, to the debts it has paid and the contribution which it is still to-day paying. All this may pass from your memory; but still you are confronted by the obligation you have assumed to deal with this question beyond the realm of prejudice or maudlin sentimentality, to deal with it as a business proposition, and to deal with it as honestly and fairly as it deserves.

I know that a change has come over the spirit of the dreams of many gentlemen here. I know that the gentleman from Pennsylvania on the other side [Mr. KELLEY], and his equally distinguished colleague [Mr. RANDALL], and the gentleman from Alabama [Mr. HERBERT], and the gentleman from Georgia [Mr. BLOUNT], aye, and the gentleman from Arkansas [Mr. DUNN], in the last Congress were not the opponents of a bill like this.

Mr. BLOUNT. The gentleman misstates the matter as to myself, of course unintentionally.

Mr. BLACKBURN. Did the gentleman from Georgia vote against this bill in the last Congress?

Mr. BLOUNT. The "gentleman from Georgia" time and time again voted against considering the bill.

Mr. BLACKBURN. Did the gentleman vote against the unlimited extension bill in the last Congress?

Mr. DUNN. I did. I have always steadily voted against any and all legislation to extend the bonded period.

Mr. BLOUNT. I have not examined the record.

Mr. BLACKBURN. I have, and that is the difference. I repeat, the gentleman from Arkansas [Mr. DUNN] was not opposed to this bill in the last Congress.

Mr. BLOUNT. I have no objection to the embarrassment the gentleman proposes to myself.

Mr. BLACKBURN. And I have no objection to these gentlemen and others changing their views upon questions of great public policy. I do protest, however——

Mr. HERBERT. I wish to say that I have not changed my views. I have simply voted for this often enough; I have got tired of it, and think it is time to stop.

Mr. BLACKBURN. I do not object to gentlemen changing their views and opinions on questions of great national policy. I take it they have done so from the best motives and on the soundest convictions. But I do submit that the line should be drawn somewhere, and gentlemen should not set themselves up to shape and fashion the law and sentiments of Congress, and shift their convictions upon national policy with apparently the same facility if not the same frequency that they are supposed to change their linen. [Laughter.] They are not fairly leaders of this House and of public sentiment upon any question upon which they can not hold to their own convictions from the adjournment of one Congress to the convening of another.

All I want to say further is this: Let this bill take its course and meet its fate. My duty has been done, however poorly. I sincerely trust that when the consideration of this bill shall be reached, when the decision upon it shall be promulgated and its fate shall be determined, probably within the hour, I do sincerely trust and earnestly hope that it shall be shown conclusively and to the satisfaction of the people of this country that prejudice has not usurped the place of reason, that sentiment has not taken the throne where logic should sit, and that the members of this House, putting behind them all save the obligation that they owe to oath and to conscience, forgetting the results that may

come, whether favorable or unfavorable to their peculiar views upon another subject, employing nothing but the calcium light of their own best and clearest intelligence and fairest judgment, will discharge their duties faithfully; and that in the record made by this the popular branch of the American Congress, in which the people's will is thought to find its best expression, here in this popular branch of the law-making power of this Government, our decision upon this matter, aye, sir, upon all matters, shall be such as to vindicate the claim that each and every member here holds to the confidence and faith and the respect of the constituents who sent him. I have done. [Applause.]

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. BLOUNT. I move to strike out the enacting clause of the bill.

Mr. BLACKBURN. How much time have I left?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. BRUMM. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. If I have time I will.

Mr. BRUMM. The gentleman asserts or assumes, as I understand, that by the time when these two years have expired the whisky now in bond and to be covered by this bill will have been taken out. Now, if the gentleman is earnest or honest in that assumption, as I presume, of course, he is, why should he not put in this bill a provision that at least one-eighth of this whisky shall be taken out of bond at the end of the first quarter, one-eighth at the end of the second quarter, and so on until the expiration of the two years, and not, as it were, fill the tub so full that at the end of two years, when you undertake to lift it, the bottom will fall out?

Mr. BLACKBURN. The gentleman will allow me to answer him by putting a question. Will he vote for this bill if it be so amended?

Mr. BRUMM. I do not think I shall.

Mr. BLACKBURN. Then that is the reason I will not favor such an amendment.

Mr. BRUMM. I put the question to test the honesty of the gentleman's intentions.

Mr. BLACKBURN. And I make the answer to expose the lack of honesty in the suggestion.

Mr. BLOUNT. I move to strike out the enacting clause of the bill.

Mr. WHITE, of Kentucky. I desire to offer an amendment. I hope the gentleman from Georgia will give way for a moment.

Mr. SPRINGER. The motion to strike out the enacting clause is not amendable.

The CHAIRMAN. No amendment is in order.

Mr. BLACKBURN. I make the point of order that the motion to strike out the enacting clause is not in order until general debate has been closed and the bill taken up for consideration by sections.

Mr. KEIFER. Is not general debate closed?

Mr. BLACKBURN. The general debate has closed; but the bill has not yet been taken up for consideration by sections. Let us observe the rules.

The CHAIRMAN. The Chair is of the opinion that the point of order made by the gentleman from Kentucky [Mr. BLACKBURN] is well taken. The bill will now be read for consideration under the five-minute rule.

Mr. HOPKINS. I desire to offer an amendment at the proper time.

The Clerk read the bill, as follows:

*Be it enacted*, &c., That the time within which distilled spirits heretofore entered for deposit and now remaining in distillery warehouses, or special bonded warehouses, upon which the tax has or shall become due after December 1, 1883, are required to be withdrawn therefrom, pursuant to the conditions of any warehousing bond taken upon the entry of such spirits into any such warehouse under the provisions of existing laws of the United States, shall, on written request of the distiller or owner thereof, be extended for a period not exceeding two years from the date the tax has or would have fallen due upon any such distilled spirits under existing laws; but such extension shall not be made in any case unless a new warehousing bond, in a penal sum not less than the amount of the tax, in a form to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, and with sureties satisfactory to the collector of the district in which the warehouse is located, shall be given, conditioned that the principal named in said bond shall pay the tax on the spirits specified therein, and also interest on such tax at the rate of 4½ per cent. per annum for the time of the extension, and within five years from the date of the original entry of such spirits for deposit in warehouse. When any distilled spirits upon which the time for payment of the tax shall become extended under the provisions of this act are regauged for withdrawal from warehouse, the allowance for loss shall be no more than is now authorized for a warehousing period of three years; and the tax, and interest on the tax at the rate above named, shall be collected also upon any excess of loss found upon such regauge at the time of the withdrawal of such spirits.

Mr. BLOUNT. I move to strike out the enacting clause of the bill.

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The motion of the gentleman from Georgia to strike out the enacting clause is not debatable.

Mr. WHITE, of Kentucky. I beg pardon of the Chair——

The CHAIRMAN. The ruling of the Chair is that this question is not debatable.

The CHAIRMAN proceeded to put the question, but before the result was announced,

Mr. RANDALL said: I call for tellers.

Mr. WHITE, of Kentucky. Before this question is finally determined I ask unanimous consent——

The CHAIRMAN. The Chair is now engaged in putting the question.

Tellers were ordered; and Mr. BLOUNT and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 131, noes 87.

So the motion to strike out the enacting clause of the bill was agreed to.

Mr. BLOUNT. I move that the committee rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse, had directed him to report the same back with a recommendation that the enacting clause be struck out.

The SPEAKER. The question is upon concurring in the report of the Committee of the Whole House on the state of the Union recommending that the enacting clause of the bill be struck out.

Mr. BLOUNT. I call for the yeas and nays.

Mr. WHITE, of Kentucky. I rise to a point of order. I wish to know whether it is not in order now to debate this proposition.

Mr. RANDALL. Oh! I beg the gentleman to let us vote.

Mr. WHITE, of Kentucky. I ask unanimous consent—— [Cries of "Objection!"]

Mr. BLOUNT. I am willing to withdraw the demand for the yeas and nays.

Mr. MILLER and Mr. EZRA B. TAYLOR renewed the call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 83, not voting 52; as follows:

YEAS—186.

| | | | |
|---|---|---|---|
| Alexander, | Evans, I. N. | McComas, | Ryan, |
| Anderson, | Everhart, | McCormick, | Scales, |
| Atkinson, | Fiedler, | McKinley, | Seymour, |
| Bagley, | Forney, | McMillin, | Shaw, |
| Ballentine, | Funston, | Millard, | Singleton, |
| Barbour, | Fyan, | Miller, J. F. | Smith, |
| Beach, | Garrison, | Miller, S. H. | Snyder, |
| Bennett, | Geddes, | Milliken, | Spooner, |
| Bland, | Goff, | Mills, | Steele, |
| Blount, | Green, | Mitchell, | Stevens, |
| Boyle, | Guenther, | Money, | Stewart, Charles, |
| Brewer, F. B. | Hammond, | Morgan, | Stewart, J. W. |
| Brewer, J. H. | Hanback, | Morrill, | Storm, |
| Browne, T. M. | Hardeman, | Muldrow, | Strait, |
| Brown, W. W. | Hardy, | Muller, | Struble, |
| Brumm, | Harmer, | Mutchler, | Talbott, |
| Buckner, | Hart, | Nelson, | Taylor, E. B. |
| Burleigh, | Hatch, H. H. | Nicholls, | Taylor, J. D. |
| Cabell, | Hatch, W. H. | Nutting, | Taylor, J. M. |
| Campbell, J. M. | Haynes, | Oates, | Throckmorton, |
| Candler, | Hemphill, | O'Hara, | Tillman, |
| Cannon, | Henderson, D. B. | O'Neill, Charles | Turner, H. G. |
| Cassidy, | Henderson, T. J. | Parker, | Valentine, |
| Chace, | Henley, | Payson, | Van Alstyne, |
| Clements, | Hepburn, | Pierce, | Vance, |
| Connolly, | Herbert, | Peel, S. W. | Wadsworth, |
| Converse, | Hiscock, | Perkins, | Wait, |
| Covington, | Hitt, | Peters, | Wakefield, |
| Cox, S. S. | Hoblitzell, | Pettibone, | Washburn, |
| Cox, W. R. | Holmes, | Phelps, | Weaver, |
| Crisp, | Holton, | Poland, | Wellborn, |
| Culberson, D. B. | Howey, | Post, | Weller, |
| Cullen, | Hutchins, | Price, | White, J. D. |
| Cutcheon, | James, | Pryor, | White, Milo |
| Davis, L. H. | Johnson, | Pusey, | Whiting, |
| Davis, R. T. | Jones, B. W. | Randall, | Wilkins, |
| Dibble, | Jones, J. H. | Ranney, | Williams, |
| Dibrell, | Jones, J. K. | Ray, G. W. | Wilson, James |
| Dingley, | Kean, | Ray, Ossian | Wilson, W. L. |
| Dockery, | Ketcham, | Reagan, | Winans, E. B. |
| Dowd, | Laird, | Reed, | Winans, John |
| Duncan, | Lanham, | Reese, | Wise, G. D. |
| Dunn, | Lawrence, | Rice, | Woodward, |
| Eldredge, | Long, | Rockwell, | Yaple, |
| Elliott, | Lyman, | Rogers, J. H. | York. |
| Ellwood, | McAdoo, | Rowell, | |
| Ermentrout, | McCoid, | Russell, | |

NAYS—83.

| | | | |
|---|---|---|---|
| Adams, G. E. | Dorsheimer, | Jones, J. T. | Rankin, |
| Adams, J. J. | Dunham, | Jordan, | Riggs, |
| Aiken, | Eaton, | King, | Robertson, |
| Barksdale, | Ellis, | Kleiner, | Robinson, J. S. |
| Barr, | Findlay, | Lamb, | Robinson, W. E. |
| Belford, | Finerty, | Lewis, | Rogers, W. F. |
| Blackburn, | Follett, | Lovering, | Rosecrans, |
| Breckinridge, | Foran, | Lowry, | Seney, |
| Breitung, | Glascock, | Matson, | Slocum, |
| Budd, | Graves, | Maybury, | Sumner, C. A. |
| Caldwell, | Greenleaf, | Morey, | Sumner, D. H. |
| Campbell, Felix | Halsell, | Morrison, | Thompson, |
| Carleton, | Hancock, | Moulton, | Tucker, |
| Clardy, | Hewitt, A. S. | Murphy, | Tully, |
| Clay, | Hill, | Murray, | Turner, Oscar |
| Collins, | Holman, | Neece, | Van Eaton, |
| Cosgrove, | Hooper, | Ochiltree, | Ward, |
| Culbertson, W. W. | Houk, | O'Neill, J. J. | Willis, |
| Dargan, | Houseman, | Paige, | Wood, |
| Davidson, | Hurd, | Patton, | Worthington. |
| Deuster, | Jeffords, | Potter, | |

NOT VOTING—52.

| | | | |
|---|---|---|---|
| Arnot, | Cobb, | Keifer, | Spriggs, |
| Bayne, | Cook, | Kelley, | Springer, |
| Belmont, | Curtin, | Kellogg, | Stephenson, |
| Bingham, | Davis, G. R. | Lacy, | Stockslager, |
| Bisbee, | Evins, J. H. | Le Fevre, | Stone, |
| Blanchard, | Ferrell, | Libbey, | Thomas, |
| Boutelle, | George, | Lore, | Townshend, |
| Bowen, | Gibson, | Morse, | Warner, A. J. |
| Brainerd, | Hewitt, G. W. | Payne, | Warner, Richard |
| Broadhead, | Hopkins, | Peelle, S. J. | Wemple, |
| Buchanan, | Horr, | Shelley, | Wise, J. S. |
| Burnes, | Hunt, | Skinner, C. R. | Wolford, |
| Calkins, | Kasson, | Skinner, T. G. | Young. |

So the recommendation of the Committee of the Whole House on the state of the Union that the enacting clause of the bill be stricken out was agreed to.

On motion of Mr. SPRINGER, by unanimous consent, the reading of the names was dispensed with.

Mr. SKINNER, of New York. I am paired with the gentleman from North Carolina [Mr. SKINNER]. If he were present, he would vote "no" and I would vote "ay" on this proposition to strike out the enacting clause of the bill.

Mr. ROBINSON, of Ohio. I wish to state that my colleague, Mr. LE FEVRE, is paired with General WARNER, of Ohio. My colleague, if he were present, would vote "no."

The SPEAKER. The rules of the House require that the pairs shall be reduced to writing and announced from the Clerk's desk. That was done, the Chair will state, for the purpose of saving confusion.

Mr. POST, of Pennsylvania. Mr. FERRELL, of New Jersey, was called away to be present at a funeral. He would have voted "ay," if present, on this proposition.

Mr. HOOPER. I wish to state, Mr. Speaker, that I did not vote, believing that I was paired with my colleague, Mr. GEORGE D. WISE. I therefore ask consent to record my vote.

Mr. GEORGE D. WISE. It is true, as is stated, that I was paired with Mr. HOOPER until yesterday. I saw him in his seat yesterday and he is here to-day, and so I voted, believing that the pair had expired.

The SPEAKER. It is evidently a mistake, and if there be no objection the gentleman from Virginia [Mr. HOOPER] will be allowed to cast his vote.

There was no objection.

Mr. ROBINSON, of Ohio. With reference to this pair between my colleague and General WARNER——

The SPEAKER. The Chair has already announced that pairs must be reduced to writing and sent to the Clerk's desk.

Mr. RANDALL. There is a controversy about this pair.

The SPEAKER. Under the circumstances of course the Chair will hear the statement.

Mr. ROBINSON, of Ohio. General LE FEVRE left for Philadelphia last night and authorized me to pair him on this vote. I paired him with General WARNER, of Ohio. If Mr. WARNER were present, he would vote "ay," Mr. LE FEVRE "no," on this proposition.

Mr. RANDALL. I desire to corroborate that statement. Mr. WARNER called on me last night at 8 o'clock and stated substantially that authority was given to make the arrangement referred to by the gentleman from Ohio. Mr. WARNER, having spoken on the bill, is of course on record with reference to it. The other gentleman may not be. Mr. WARNER is in favor of striking out the enacting clause.

Mr. WILSON, of Iowa. In connection with this pair I wish also to state that Mr. LE FEVRE, of Ohio, came to me and very urgently asked me to get him a pair last night. I did so. It appears that subsequently he went to his colleague and got him to pair him with another gentleman. I had him paired with Mr. THOMAS, of Illinois, who was on the other side of the bill. I did this at his request. Of course I did not know of any other arrangement.

Mr. SPRINGER. In order that there may be no confusion about the matter, I will withdraw my vote and consent to a pair with my colleague, Mr. THOMAS. I would vote "no" on this proposition; Mr. THOMAS would vote "ay."

The following pairs were announced from the desk:

Mr. HUNT with Mr. KELLOGG, until further notice.

Mr. YOUNG with Mr. BAYNE, until further notice.

Mr. PEELLE, of Indiana, with Mr. STOCKSLAGER, until further notice.

Mr. GIBSON with Mr. BINGHAM, until further notice.

Mr. HEWITT, of Alabama, with Mr. DAVIS, of Illinois, until further notice.

Mr. COBB with Mr. GEORGE, until further notice.

Mr. MCADOO with Mr. THOMAS, of Illinois, on all questions except the bonded-whisky bill, until further notice.

Mr. KASSON with Mr. EVINS, of South Carolina, until further notice, on the bonded extension bill. Mr. KASSON would vote "ay" on this question.

Mr. SKINNER, of North Carolina, with Mr. SKINNER, of New York, until March 30.

Mr. BUCHANAN with Mr. RAY, of New Hampshire, until the 29th of March, inclusive, except upon the bonded extension bill.

Mr. BRAINERD with Mr. HOPKINS, from March 25 until April 2, on the bonded-whisky bill. Mr. HOPKINS would vote "ay" on the pending proposition; Mr. BRAINERD "no."

Mr. YOUNG with Mr. PAYNE, on the bonded extension bill and on tariff bills.

Mr. WARNER, of Tennessee, with Mr. WASHBURN, on the bonded bill.

Mr. BURNES with Mr. CALKINS, on the whisky bill.

Mr. BUCHANAN with Mr. MORSE, on the bonded extension bill. Mr. MORSE would vote "ay," Mr. BUCHANAN "no" on the bill.

Mr. LE FEVRE with Mr. THOMAS, of Illinois, on the bonded bill. Mr. LE FEVRE would vote "ay," Mr. THOMAS would vote "no" on the bill.

Mr. BAYNE with Mr. BOUTELLE, on the bonded bill.

Mr. BROADHEAD with Mr. BISBEE. Mr. BROADHEAD would vote "ay," Mr. BISBEE "no" on the bill.

Mr. LORE with Mr. KEIFER, on the bonded extension bill.

Mr. LIBBEY with Mr. BOWEN, on the bonded extension bill.

Mr. CURTIN with Mr. COOK, on this bill.

Mr. LACEY with Mr. STONE, on this bill. Mr. LACEY would vote "ay" on the pending proposition; Mr. STONE "no."

Mr. JOHN S. WISE with Mr. TOWNSHEND, on all questions, for this day.

Mr. MCCOID. I understood that I was paired with the gentleman from Georgia, Mr. BUCHANAN, who, as I now find, is paired with somebody else. I ask to record my vote on this proposition.

There was no objection.

Mr. BUCHANAN. I am not paired with Mr. RAY on this question. I was paired with the gentleman from Massachusetts, Mr. MORSE, on this bill. It has been announced that Mr. MORSE would vote "ay" and that I would vote "no" on this bill. I want to state that on this question as it stands I would vote "ay;" that is, to strike out the enacting clause.

Mr. WASHBURN. I have been paired with the gentleman from Tennessee, Mr. WARNER, on this question, but the gentleman from Kentucky, Mr. WILLIS, released me from the pair before the voting commenced.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry: Whether it is in order at this time to move that this bill be referred to the Speaker and to the Committee on Ways and Means of the last Congress, which reported a worse bill than this?

The SPEAKER. The Chair declines to answer that question.

The result of the vote was then announced as above recorded.

Mr. BLOUNT moved to reconsider the vote by which the recommendation of the Committee of the Whole was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. WILLIS. Mr. Speaker, at the request of a number of gentlemen I ask permission for them to print their remarks on this bill. I do not ask that privilege for myself.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. PAYSON. I desire, Mr. Speaker, to make a privileged motion. I move to take up now for immediate consideration the bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings, and proceed to its consideration.

Mr. REAGAN. I desire to antagonize that motion with a motion to proceed to the consideration of House bill 5461, to establish a board of commissioners of interstate commerce, and to regulate said commerce. I presume that question is not debatable.

The SPEAKER. The order of business is not debatable.

Mr. DOWD. I rise to a question of order. I claim that the first business in order is the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar, which was made a special order on the 18th of February.

The SPEAKER. The Chair will state that the bill which the gentleman from Illinois [Mr. PAYSON] proposes to consider is not a special order, but is a matter of privilege under a resolution passed by the House some time ago on the motion of the gentleman from Indiana [Mr. HOLMAN]. Of course, as in the case of all other matters of legislation, the question of consideration can be raised against it; and that question is raised by the gentleman from Texas [Mr. REAGAN]. If the House votes not to proceed at this time with the consideration of the bill called up by the gentleman from Illinois [Mr. PAYSON], then the Chair would be called upon to decide as to the preference among the other special orders.

Mr. COX, of New York. Would it be in order to move that the House do now proceed to the consideration of business on the Speaker's table.

The SPEAKER. If the House declines to consider these special orders that motion will be in order.

Mr. COX, of New York. Which comes first.

The SPEAKER. The first is the matter of privilege called up by the gentleman from Illinois.

Mr. HOLMAN. I ask that the title of the bill called up by the gentleman from Illinois may be read.

The Clerk read as follows:

A bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings.

Mr. REAGAN. Let the title of the bill which I ask the House to take up be also read.

The SPEAKER. That is not properly before the House at this time, but the Chair will direct the title to be read if the gentleman will send it up.

The Clerk read as follows:

A bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

Mr. DOWD. I ask that the title of the bill which I desire to call up, and which is the first special order, be read.

The SPEAKER. That may be done also by unanimous consent.

The title of the bill was read, as follows:

A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The SPEAKER. The question is, Will the House now consider the bill indicated by the gentleman from Illinois [Mr. PAYSON]?

Mr. GEORGE. It will not require over half an hour to consider that bill.

The SPEAKER. The question of the order of business is not debatable.

The question being taken, there were—ayes 70, noes 71.

Mr. HOLMAN. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Illinois [Mr. PAYSON] and the gentleman from Texas [Mr. REAGAN].

The House again divided; and the tellers reported—ayes 75, noes 87.

The SPEAKER. The "noes" have it. The House decides not to proceed with the consideration of the bill indicated by the gentleman from Illinois.

Mr. REAGAN. I now call up the special order which I have already indicated.

The SPEAKER. The gentleman from Texas moves to proceed with the consideration of the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce, and the gentleman from North Carolina [Mr. DOWD] moves that the House proceed with the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. DINGLEY. I desire to made a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. If the motion which has been made to proceed to the consideration of the bill indicated by the gentleman from Texas should fail, would then the motion be in order that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill to relieve American shipping?

The SPEAKER. The Chair will state the situation as it exists. There are on the Calendars various special orders made for different dates. The first assignment of a bill as a special order in the House is the bill called up by the gentleman from North Carolina [Mr. DOWD]. Of course it is always in the power of the House and not at all in the power of the Chair to decide which one of these orders the House shall consider. When a gentleman calls up a bill which has been assigned as a special order, if the question of consideration is raised against it that is a question for the House to decide.

Mr. COX, of New York. I ask that the Chair cause the list of special orders to be read.

Mr. CHACE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CHACE. It is that the bill for the retirement and recoinage of the trade-dollar is a special assignment, and should come up first unless the question of consideration is raised against it.

The SPEAKER. The Chair has so stated. When the gentleman rom Texas moves to take up his bill and the gentleman from North Carolina moves to take up his, the question must first be taken on the consideration of the bill indicated by the gentleman from North Carolina, because that was assigned by the House as a special order for the earlier day.

Mr. COX, of New York. Would it not be fair to have the list of special orders read to the House?

Mr. REAGAN. I wish to inquire of the Chair whether it is the rule that the first assignment has the first vote?

The SPEAKER. Undoubtedly.

Mr. REAGAN. I would like to have the rule read.

The SPEAKER. That, at least, has always been the practice.

Mr. REAGAN. They all stand as special orders.

Mr. BLAND. Is it not specified in the order of the gentleman from Texas [Mr. REAGAN] that it shall not interfere with prior orders?

Mr. REAGAN. Is there any rule on the subject?

The SPEAKER. There is no written or printed rule on the subject; but it has always been the practice of the House to take the vote first on the order which was for consideration first by the House.

Mr. BLAND. I desire to submit to the Chair the question of order that these special orders are always made on the condition that they do not conflict with prior orders.

The SPEAKER. The Chair, if there be no objection, will, in accordance with the request which has been made, have the list of special orders read for the purpose of showing to the House the exact situation.

Mr. STEELE and other members called for the regular order.

The SPEAKER. The regular order being called for, that can not be done. The first question is, Will the House proceed to the consideration of the bill called up by the gentleman from North Carolina [Mr. DOWD], against which the question of consideration is raised by the gentleman from Texas?

Mr. CHACE. I ask that the title of the bill called up by the gentleman from North Carolina be read.

The Clerk read as follows:

A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The SPEAKER. The question is upon proceeding with the consideration of the bill the title of which has been read.

The question was taken, and upon a division there were—ayes 79, noes 43.

Mr. CASSIDY. No quorum has voted.

Mr. REAGAN. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 38 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. AIKEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will please state it.

Mr. AIKEN. I find by reference to the Calendar that, under date of February 18, a special order was made assigning a day, the 12th of March, for the consideration of a bill, prior to the day fixed for the one now called up. I wish to know if there is any rule of this House stating in what order these questions are to be considered?

The SPEAKER. If the gentleman who had the order made for the 12th of March had chosen to call it up at this time the question would be first taken on the consideration of that order.

Mr. CALKINS. I understand that the question now is upon proceeding to the consideration of the bill for the retirement and recoinage of the silver dollar.

The SPEAKER. That is the question.

Mr. REAGAN. Would it be in order to have read for the information of the House the title of the bill which I desire to call up, and for which purpose I have antagonized this bill?

The SPEAKER. That would be in order if there is no objection.

Mr. CHACE. I object.

The SPEAKER. The Chair will state that he understands it is the bill for the regulation of interstate commerce. The question now is upon proceeding to consider the special order, being the bill for the retirement and recoinage of the trade-dollar. Upon that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 165, nays 85, not voting 71; as follows:

YEAS—165.

| | | | |
|---|---|---|---|
| Adams, G. E. | Eldredge, | Kleiner, | Reed, |
| Aiken, | Ellis, | Lawrence, | Reese, |
| Alexander, | Ermentrout, | Lovering, | Rice, |
| Arnot, | Evans, I. N. | Lowry, | Robinson, J. S. |
| Atkinson, | Everhart, | Lyman, | Robinson, W. E. |
| Bagley, | Fiedler, | McCoid, | Rockwell, |
| Barbour, | Findlay, | McComas, | Rogers, W. F. |
| Barr, | Follett, | McCormick, | Russell, |
| Beach, | Foran, | McKinley, | Scales, |
| Belford, | Forney, | Matson, | Seney, |
| Belmont, | Funston, | Maybury, | Shelley, |
| Bennett, | Fyan, | Millard, | Skinner, C. R. |
| Bingham, | Garrison, | Miller, J. F. | Slocum, |
| Bisbee, | Geddes, | Miller, S. H. | Smith, |
| Bland, | Graves, | Mitchell, | Snyder, |
| Boutelle, | Green, | Money, | Spooner, |
| Bowen, | Guenther, | Morey, | Springer, |
| Breitung, | Halsell, | Morgan, | Steele, |
| Brewer, J. H. | Hardeman, | Moulton, | Stephenson, |
| Browne, T. M. | Harmer, | Murray, | Stevens, |
| Brown, W. W. | Henderson, D. B. | Mutchler, | Storm, |
| Brumm, | Henderson, T. J. | Nelson, | Talbott, |
| Calkins, | Hill, | Nicholls, | Taylor, J. D. |
| Campbell, J. M. | Hiscock, | Nutting, | Tillman, |
| Cannon, | Hitt, | O'Hara, | Tucker, |
| Carleton, | Hoblitzell, | O'Neill, Charles | Valentine, |
| Chace, | Holmes, | O'Neill, J. J. | Van Alstyne, |
| Clay, | Hooper, | Paige, | Wait, |
| Collins, | Hopkins, | Payne, | Ward, |
| Connolly, | Horr, | Payson, | Washburn, |
| Converse, | Houk, | Peel, S. W. | White, J. D. |
| Cox, W. R. | Houseman, | Pettibone, | White, Milo |
| Culbertson, W. W. | Howey, | Phelps, | Wilkins, |
| Cullen, | Hurd, | Poland, | Williams, |
| Davidson, | James, | Post, | Wilson, James. |
| Dibble, | Jeffords, | Potter, | Winans, E. B. |
| Dibrell, | Jones, B. W. | Price, | Wolford, |
| Dockery, | Jones, J. T. | Pusey, | Yaple, |
| Dorsheimer, | Kean, | Rankin, | York. |
| Dowd, | Keifer, | Ranney, | |
| Duncan, | Kelley, | Ray, G. W. | |
| Dunham, | Ketcham, | Ray, Ossian | |

NAYS—85.

| | | | |
|---|---|---|---|
| Anderson, | Dunn, | McMillin, | Sumner, C. A. |
| Barksdale, | Eaton, | Mills, | Sumner, D. H. |
| Blount, | Elliott, | Morrison, | Taylor, E. B. |
| Boyle, | Glascock, | Neece, | Taylor, J. M. |
| Buchanan, | Greenleaf, | Oates, | Thompson, |
| Buckner, | Hammond, | Parker, | Throckmorton, |
| Budd, | Hanback, | Patton, | Tully, |
| Burleigh, | Hancock, | Pierce, | Turner, H. G. |
| Burnes, | Hatch, W. H. | Perkins, | Turner, Oscar |
| Campbell, Felix | Haynes, | Peters, | Van Eaton, |
| Candler, | Henley, | Pryor, | Wakefield, |
| Cassidy, | Hepburn, | Randall, | Wellborn, |
| Clardy, | Herbert, | Reagan, | Weller, |
| Clements, | Hewitt, A. S. | Riggs, | Wilson, W. L. |
| Cosgrove, | Holman, | Rogers, J. H. | Winans, John |
| Cox, S. S. | Johnson, | Rowell, | Wise, G. D. |
| Crisp, | Jones, J. H. | Ryan, | Wood, |
| Culberson, D. B. | Laird, | Seymour, | Woodward, |
| Cutcheon, | Lamb, | Shaw, | Worthington. |
| Davis, L. H. | Lanham, | Stewart, Charles | |
| Deuster, | Lewis, | Strait, | |
| Dingley, | McAdoo, | Struble, | |

NOT VOTING—71.

| | | | |
|---|---|---|---|
| Adams, J. J. | Ellwood, | Kellogg, | Skinner, T. G. |
| Ballentine, | Evins, J. H. | King. | Spriggs, |
| Bayne, | Ferrell, | Lacey, | Stewart, J. W. |
| Blackburn, | Finerty, | Le Fevre, | Stockslager, |
| Blanchard, | George, | Libbey, | Stone, |
| Brainerd, | Gibson, | Long, | Thomas, |
| Breckinridge, | Goff, | Lore, | Townshend, |
| Brewer, F. B. | Hardy, | Milliken, | Vance, |
| Broadhead, | Hart, | Morrill, | Wadsworth, |
| Cabell, | Hatch, H. H. | Morse, | Warner, A. J. |
| Caldwell, | Hemphill, | Muldrow, | Warner, Richard |
| Cobb, | Hewitt, G. W. | Muller, | Weaver, |
| Cook, | Holton, | Murphy, | Wemple, |
| Covington, | Hunt, | Ochiltree, | Whiting, |
| Curtin, | Hutchins, | Peelle, S. J. | Willis, |
| Dargan, | Jones, J. K. | Robertson, | Wise, J. S. |
| Davis, G. R. | Jordan, | Roseerans, | Young. |
| Davis, R. T. | Kasson, | Singleton, | |

So the House resolved to proceed with the consideration of the special order.

The following additional pairs were announced:

Mr. FERRELL with Mr. RUSSELL, on all political questions, for this day.

Mr. MULLER with Mr. WADSWORTH, until further notice.

TRADE-DOLLAR.

The SPEAKER. The House having resolved to proceed with the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar, the bill will now be read.

The Clerk read as follows:

*Be it enacted, &c.*, That until January 1, 1886, United States trade-dollars shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

SEC. 2. That the holder of any United States trade-dollars, on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars of the United States.

SEC. 3. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depositary of the United States shall not be paid out or in any other manner issued, but, at the expense of the United State, shall be transmitted to the coinage mints and recoined into standard silver dollars.

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

SEC. 5. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

The SPEAKER. Does the gentleman from North Carolina [Mr. DOWD] desire to have the report read?

Mr. DOWD. I do not.

Mr. REAGAN. I desire to ask the gentleman what time he proposes to allow for general debate on this bill?

Mr. CASSIDY. That is the question I was about to ask.

Mr. DOWD. So far as I am concerned I am willing to limit it to two hours.

Mr. CHACE. I think it is hardly worth while to undertake to fix any limit for debate just yet.

The SPEAKER. This bill being up for consideration in the House, the only way to stop debate upon it is by ordering the previous question.

Mr. CHACE. I do not think the House is ready to limit debate just now.

Mr. REAGAN. The House is ready to pass the bill, and that is all you want.

Mr. DOWD. Mr. Speaker, the single purpose of this bill is to rid the country of what is known as the trade-dollar; it was framed solely with reference to that object. Whatever may be the individual opinions of the members of the committee upon the subject, it is not intended by this bill either to increase or diminish the coinage of silver nor in any way to interfere with or modify the currency laws or the coinage laws, but, leaving them as they are, to provide for converting trade-dollars into standard dollars as a business proposition.

This coin, Mr. Speaker, which a little while ago under the authority of the Government circulated as money, has become an article of merchandise and of traffic. Although it has the stamp of the Government, with the devices and inscriptions of Government coin, declaring that it is worth a hundred cents on the dollar, yet it is a well-known fact that for some time past it has been selling in the market at a discount of from 5 to 15 per cent. There would seem, therefore, to be a necessity for some such legislation as that proposed in this bill. Public convenience would seem to demand it. Whether the bill is so framed as to accomplish the object in view precisely in the way that will be best for the Government and at the same time do exact justice to the holders of this coin is the question for the House now to consider.

There will of course, Mr. Speaker, be some difference of opinion upon the different features of the bill and upon the details; as, for instance, whether it would not be just as well to declare this coin to be a legal tender, as it originally was, and thus restore it to circulation in its present form; also as to whether, if redeemed, it should be at its face value, inasmuch as it has become depreciated and has been bought up to some extent by speculators; and also as to whether, if redeemed for recoinage, it shall constitute a part of the monthly purchase of bullion now required by law.

The proposition to restore it to circulation by declaring it again to be a legal tender presents to my mind a single objectionable feature. It is of the highest importance that all the coins of any given variety should be uniform. Public convenience would seem to require that every coin of a particular denomination shall not only be of uniform weight and value, but also of one type and style and general appearance. As an indication of public sentiment on this subject I may state that of the nine bills referred to our committee only a single one provided for restoring the legal-tender quality; the others were for recoinage.

I may also state in this connection that it will in fact cost the Government nothing to convert the trade-dollar into the standard dollar, the extra quantity of silver which it contains being more than sufficient, as the Director of the Mint informs us, to pay the expense of recoinage, as a trade-dollar, as is well known, contains 7½ grains more of silver than a standard dollar.

It will be contended no doubt that as the Government did not originally issue this coin upon its own account, but only acted as agent of the owners of the bullion, it did not incur any legal obligation and is not bound now to redeem it, especially in the hands of speculators, at a price greater than they paid for it or greater than the market price. Although this proposition would at first view seem plausible, a little reflection, I am sure, will be sufficient to show that such action on the part of the Government now would be not only immoral but impracticable. It is true the Government did not purchase the bullion and manufacture and issue this coin as it now issues the standard dollar and fractional silver, but it did place upon it its great seal and stamp, with the legends, devices, and emblems of national honor and good faith, declaring not only that it was worth a hundred cents in the dollar, but also that it should be a legal tender within a certain limit; and then afterward by its own act—first by a joint resolution of the two Houses and then by a law duly enacted—it stripped this coin of the legal-tender quality and degraded it to the condition of bullion while it was in the hands and pockets of the people, and that too without any sort of notice. So, whatever may have been the obligation of the Government originally, the fact can not be disputed that the Government is alone responsible for the degradation of this coin, and it can not now with honor, in my judgment, refuse to redeem it at its face value, whether it be in the hands of speculators or of innocent and injured owners. It is not the fault of the holder of this coin, whether he be farmer or merchant, mechanic or banker, that it has lost its value as money. The Government itself is to blame; and whatever wrong it has done it is bound by the plainest dictates of common justice to cause speedily to be repaired.

By an act passed February 12, 1873, amending the laws relating to mints, assay offices, and coinage, it was provided (see section 3513, United States Statutes) that—

The silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece. The weight of the trade-dollar shall be 420 grains troy; the weight of the half-dollar shall be twelve grams and a half gram; the quarter-dollar and dime shall be, respectively, one-half and one-fifth of the weight of the said half-dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

By section 18 of the same act (see United States Statutes, section 3517) it is provided that—

Upon the coins of the United States there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with the inscription of the word "liberty" and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscription, "United States of America" and "E pluribus unum;" but on the gold dollar and three-dollar piece, the dime, 5, 3, and 1 cent pieces the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar the weight and fineness of the coin shall be inscribed.

Under the foregoing provisions of law trade-dollars were coined and issued as follows:

*Table showing coinage of trade-dollars.*

| Year. | At Philadelphia. | At San Francisco and Carson City. | Total. |
|---|---|---|---|
| 1874 | $1,058,200 | $2,530,700 | 3,588,900 |
| 1875 | 476,800 | 5,220,700 | 5,697,500 |
| 1876 | 280,050 | 5,852,000 | 6,132,050 |
| 1877 | 899,900 | 8,263,000 | 9,162,900 |
| 1878 | 2,386,010 | 8,992,000 | 11,378,010 |
| Grand total | | | $35,959,360 |

On February 28, 1878, was passed over the veto of President Hayes "An act to authorize the coinage of the standard silver dollar and restore its legal-tender character," which provides that—

There shall be coined at the several mints of the United States silver dollars of the weight of 412½ grains troy, of standard silver, * * * which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

This is what is familiarly known as the Bland silver bill, and the members of the House and Senate seem to have been so attracted by its excellent features and so exercised as to the President's veto that they entirely overlooked what seems to me to be a most extraordinary feature in the bill. It provides for the coinage of a silver dollar containing 7½ grains less of silver than the trade-dollar, and consequently of less value intrinsically, and makes it a legal tender, and at the same time takes away the legal-tender quality of the trade-dollar, with its 7½ grains more of silver. It is true that a joint resolution of the Senate and House adopted shortly theretofore had contained a provision "that the trade-dollar shall not hereafter be a legal tender;" but the sense of that resolution was distinctly recognized and reaffirmed in the act above referred to by the words "all silver dollars heretofore coined by the United States of like weight and fineness shall be a legal tender."

Why the trade-dollar, with all the insignia, devices, mottoes, and inscriptions of the standard dollar, and one added showing to the world that it contained seven and a half grains more of silver than the standard dollar, should be stripped of its monetary functions and relegated to the condition of merchandise and bullion, while the standard dollar with seven and one-half grains less of silver is made a legal tender for all debts and dues, public and private, is a legislative conumdrum which, so far as I know, no one has yet attempted to explain.

But aside from considerations of public morality and good faith, it would be impracticable to redeem this coin at what it cost its present owners. Some have paid one price and some another. Some have held it longer than others. The rate of interest being different in different localities, that would enter into the calculation as a part of the cost. Some merchants and trades-people have taken it in exchange for merchandise at prices a little in advance of the regular rates. How would you ascertain the cost in all these cases? You would have to establish a sort of bureau, with judges and experts and accountants, to fix the rate of redemption for each separate case.

Upon the fourth section of the bill, Mr. Speaker, there is a minority report, and upon that, of course, there will be some discussion and some difference of opinion. That section provides that when these trade-dollars are redeemed they shall constitute a part of the bullion purchase now required by law of $2,000,000 per month. Here I beg to again call the attention of the House to the fact that it is not intended by this bill that there shall be any restriction upon the coinage of silver. Under this bill precisely the same number of standard dollars are to be issued annually, monthly, daily, and hourly, if you please, as is now required by law. The only difference is that the purchase of bullion by the Government may possibly be suspended for two or three months, the estimate being that there are about $6,000,000 of this coin now in existence.

If the objection is that we are going to depreciate the bullion market, the only answer I have to make is that I do not understand how we can legislate specially in the interest of those who have bullion to sell any more than we can legislate specially in favor of those who have corn to sell, or cotton or whisky to sell; and inasmuch as the first section of the bill provides that until the 1st of January, 1886, trade-dollars shall be received for all public dues, the effect of the bill will be not to diminish, but in fact to increase the circulation of silver temporarily.

For my own part I do not regard the fourth section of the bill as of very great importance one way or the other, but as an indication of public sentiment I may state that of the nine bills relating to the subject under consideration by our committee but a single one provided that the redeemed trade-dollars should not be a part of the regular bullion purchase.

The number of trade-dollars that will likely find their way to the mints for recoinage is so small in comparison with the great volume of coin now on hand, that I do not believe the effect will be perceptible, whether the recoinage is a part of or in addition to the regular bullion supply. The Director of the Mint estimates that there are not exceeding $7,000,000 trade-dollars now in this country. I submitted above some statistics furnished me by that courteous and efficient officer showing the annual and total coinage of trade-dollars. It was thought that this coin, by reason of its added weight, would be specially attracted to Eastern countries between which and the United States there is extensive intertraffic, and thus an outlet would be provided for the productions of our silver mines.

The following statistics, also furnished me by the Director of the Mint, shows the annual exportation of trade-dollars from the ports of New York and San Francisco up to the year 1878, when their coinage ceased:

*Table showing exportation of trade-dollars.*

| Year. | From New York. | From San Francisco. | Total. |
|---|---|---|---|
| 1874 | $900,000 | $2,100,000 | $3,000,000 |
| 1875 | 400,000 | 4,400,000 | 4,800,000 |
| 1876 | 280,000 | 4,500,000 | 4,780,000 |
| 1877 | 417,938 | 8,254,658 | 8,672,596 |
| 1878 | 937,015 | 4,778,991 | 5,166,006 |
| Total | | | 26,418,602 |

Since 1878 other exportations have been made, and also some importations. Some of these coins have doubtless gone abroad in the pockets of individuals, while others have been brought back by immigrants and travelers; some have been lost by shipwreck, fires, &c., and some have been melted up by artisans, jewelers, and others.

In this connection I submit the following extract from the last report of the Director of the Mint:

Probably from five to seven millions of these coins are now held in the country, mostly in the mining and manufacturing regions of Pennsylvania and contiguous States and in the vicinity of New York, where they have been paid to workmen and laborers, and by them paid to and received from tradesmen in those localities.

While the United States has incurred no legal liability, yet by the act of the Government the coins were at first put into circulation and given compulsory currency, and have fallen into the hands of those who can ill afford to suffer from the depreciation, and it would seem but an act of justice that the United States should permit these coins to be sent to the mints and exchanged for other silver coins, into which they could be profitably recoined.

I doubt not that action of this kind would long since have been taken but for the apprehension that a large number of exported trade-dollars would be returned to this country. My own investigations and inquiries have satisfied me that the trade-dollars sent to China have gone to the melting-pots and become sycee-silver or disappeared in the interior of that country; for, although their value as silver bullion would be only about 87 cents, yet their commercial market value in New York city has, prior to the late movement to depress their price, fallen below 98 cents but once, and that for a short period, and has usually ranged for several years above 99 cents, and had it been possible to secure trade-dollars for import from China to this country the profits on the operation would have brought them here long since.

Mr. Speaker, if this bill becomes a law we shall have disposed of the trade-dollar by converting it into an inferior coin, the standard dollar. To produce uniformity we are leveling downward. What will we do with the standard dollar after a while? It is 17 cents below par now intrinsically and in the markets of the world, and is relatively depreciating every day, owing to the increased production of silver as compared with gold. I have said it is inferior by 7½ grains to the trade-dollar that we are now preposing to fling into the crucible. Still we continue to strike them from our mints at the minimum rate of twenty-four millions a year, to go into heaps and piles in the vaults of the Treasury rather than into circulation. There was on March 1 in the Treasury about one hundred and twenty-seven millions of silver coin, and the quantity is being daily increased. Of the twenty-eight millions coined the last fiscal year only some three millions have left the Government vaults. Why does not more of it go out into circulation?

Some say the officers of the Government are opposed to it; others say the banks are making war upon it. My opinion is that the greatest obstacle in the way of the circulation of the silver dollar is the silver dollar itself. It is the most inconvenient and undesirable of all kinds of money. If the Government would coin more fractional silver of a little better quality and fewer standard dollars there would in my opinion be a great deal more of silver in circulation. Silver halves, quarters, and dimes are an attractive and convenient currency, very popular among the people everywhere, and an unlimited quantity of them might be absorbed and used in business. But you may as well suppose that lead will not sink when thrown into a mill-pond as that the heavy and bulky, unwieldy and weighty dollar coins will not be shoveled into heaps and piles in safes and vaults whenever forced into circulation beyond a very limited extent. No one can carry them upon his person in any considerable quantity, and you might almost as well make money out of iron—better make it out of rags, according to a late decision of the Supreme Court.

No one will accept silver dollars while there is any other kind of money to be had. They are always the refuse, the very last resort; at home because of their inconvenient size and weight, and abroad be-

cause of their deficiency in quality or fineness of material. Though we are casting them from the molds at the rate of more than 70,000 per day, yet before a great while they may all have to be again thrown into the melting-pot.

When the balance of trade shall be against us, when the number of standard dollars in the Treasury is so large and the amount of gold relatively so small, and our foreign balances are obliged to be paid in gold, then our troubles may begin in earnest.

Depositors who have put gold dollars in bank will hardly be willing to receive a coin worth but 83 cents in the dollar, and a bank, on the other hand, which has received on deposit a coin worth 83 per cent. of its face value will not likely be willing to pay out gold dollars worth 100 cents in any part of the civilized world. It is an economic fact known as far back as the time of Aristophanes that when good money and bad money are thrown in circulation together the bad money drives out the good money. Hence gold will cease to circulate as money and again be at a premium; there will be no fixed standard of value, and financial disorder and ruin will be the inevitable consequence. We have had our own sad experience with depreciated paper money. England many years ago had a memorable crisis with clipped and mutilated metallic money. One of her brightest historians, speaking of the depreciated coin in the days of the clippers, uses this language:

> It may well be doubted whether all the misery which has been inflicted on the English nation in a quarter of a century by bad kings, bad ministers, bad parliaments, and bad judges was equal to the misery caused in a single year by bad crowns and bad shillings. * * * When the great instrument of exchange became thoroughly deranged, all trade, all industries were smitten as with a palsy. The evil was felt daily and hourly in almost every place and by almost every class, in the dairy and on the threshing-floor, by the anvil and by the loom, on the billows of the ocean and in the depth of the mine. Nothing could be purchased without a dispute.
>
> Over every counter there was wrangling from morning till night. The workman and his employer had a quarrel as regularly as Saturday came round. On a fair-day or market-day the clamors, the reproaches, the taunts, the curses, were incessant, and it was well if no booth was overturned and no head broken. The simple and the careless were pillaged without mercy by extortioners, whose demands grew even more rapidly than the money shrank. Men of business were often bewildered by the confusion into which all pecuniary transactions were thrown, while the ignorant and helpless peasant was cruelly ground between one class which would give money only by tale and another which would take it only by weight.

So we have experience in our own and other countries as well as the plainest dictates of justice and public policy to admonish us to look well to the purity and stability of our circulating medium. It is of the very highest importance that the great instrument for effecting exchanges shall be fixed and permanent. It is the standard of value as the yardstick and steelyard-pea are the standard of quantity and weight. Every interest, every department of business, every class of our people, the behests of the public welfare, imperatively demand that the currency, especially the coined money, shall be stable and of fixed value. Therefore the highest object and aim of the legislator should be to enhance the permanency, uniformity, and value of the coin circulation. Whoever would tamper with it or experiment with it whereby to depreciate or degrade it or to render it fluctuating, whatever may be his motive, is worse than an enemy to the public good.

One single act of Congress at any time injuriously affecting the currency, metallic or paper, by undue contraction or expansion, might be infinitely worse than a foreign war. It is certainly not the purpose of this bill at all to contract nor to materially increase the coinage and circulation of silver, but, as I stated in the outset, to redeem a degraded currency by converting trade-dollars into standard dollars, without disturbing values or the existing volume of circulation, simply as a business transaction.

Mr. PUSEY. Mr. Speaker, as a member of the Committee on Coinage, Weights, and Measures, I desire briefly to submit some arguments in advocacy of the provisions of this bill.

The trade-dollar in no sense constitutes any part of the circulating medium of this country to-day. The public policy and national good faith require its speedy retirement. Under the provisions of this short bill this can be accomplished without loss to the country or without loss to the present holders of this anomalous coin.

The provisions of this bill are simple, direct, equitable, and comprehensive. Section 1 reaches that class of holders who are remote from our subtreasuries. My people have not a subtreasury within five hundred miles of them. Other gentlemen on this floor represent constituencies who have not a subtreasury within one thousand miles of them.

Section 1 provides for those holders by making this coin receivable for public dues. They can walk across the street to the deputy collectors of internal revenue and buy their revenue stamps or they can go to the post-office and buy their post-office stamps and use the coin at par. Section 2 provides for the large holders in those great money centers, where they can use it by going immediately to the subtreasury and getting the standard silver dollars in exchange. Section 3 provides that these trade-dollars shall be sent by these treasurers and subtreasurers to the coinage mints of the country to be recoined into standard dollars, thereby giving to the country a uniform silver circulation.

Now, I will say, Mr. Speaker, within parliamentary usage, I hope, that up to section 4 of this bill the committee were practically unanimous, but when we reached section 4 there was a division, and there is a minority report of this committee on the provisions of that section. That provides that when this coin is sent to the coinage mints it shall be treated as silver bullion and deducted from the monthly purchases of silver bullion by the Treasury. Our chairman, who is the author of the minority report, says: "I do not want the law of February 28, 1878, interfered with." I say in reply that practically we do not interfere with it. There is one provision of that law that requires the Treasury of the United States to purchase monthly not less than $2,000,000 of silver bullion.

Now, Mr. Speaker and gentlemen of the committee, why is it that that provision was put in there? Was it not to enable the Treasury of the United States or the mints of the United States to coin not less than 2,000,000 per month of standard dollars? It was not put in there for any such purpose as to make a steady market of $2,000,000 a month to silver-bullion dealers. We do not legislate in that direction. You practically do not affect the monthly coinage of standard dollars. The clink and music of the Bland dollar will be heard just as it is now. The Government of this country will still take $7,200,000 per annum as seigniorage on this money of the people. Now, is this a strike at the silver-bullion dealer? By no means. We are under no obligation to furnish a market for him. You ask, what will he do? He will do precisely as my farmers do, store the product until there is a market for it, with the certain assurance that the Government is a purchaser within a very few months.

In round numbers, there have been thirty-five millions of this anomalous money coined. It is estimated by the statistics of our custom-houses, the manifests of our vessels, as to the approximate amounts brought by immigrants to this country, that all of this $35,000,000, with the exception of possibly $7,000,000, have in those dusky nations of the East gone into the coinage of the sycee-silver, into subsidiary coin, into ornaments, and into the arts, so that there is left practically, at the maximum calculation, in all not to exceed $8,000,000.

I think, Mr. Speaker, the argument on this whole bill should rest here. We have suffered ourselves to issue a coin, the trade-dollar, for foreign circulation. The Constitution gives us control over the coinage of silver and gold, the regulation of its value, and the regulation of foreign coins within the United States. But here is a native coin for foreign circulation. I will admit, Mr. Speaker, that it is the child of an impure alliance. Yet the Government finds itself in the position that it has to assume the guardianship of this prodigal. It has on it the devices and insignia of this Government, and the honor and good faith of this nation demand that it shall be redeemed.

It may be said that speculators of this country have this coin. That may be true to some extent. But is not that true of every commodity? But the fact is that outside of the great moneyed centers this coin is scattered among the laborers of this country. I will say as a practical business man that I know of thousands of dollars of this anomalous coin that are deposited in the banks of the country as a special deposit. Under the provisions of this law the man who has $10, $20, or $50 can walk right across the street and get dollar for dollar in revenue-stamps and postage-stamps.

I do not know, Mr. Speaker, what latitude this debate may take. I have very strong convictions on this silver question. But I doubt, unless it is dragged into this debate, whether it is in good taste to express those views now, and I shall not do so unless the further discussion of this bill may render it necessary.

Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore* (Mr. BUCKNER). The gentleman has fifty minutes of his time remaining.

Mr. PUSEY. I yield to the gentleman from Pennsylvania [Mr. EVANS].

Mr. EVANS, of Pennsylvania. Mr. Speaker, it seems to me to be somewhat unfortunate that we should have a currency the component parts of which are of such unequal values. Assuming the gold dollar to be the standard by which the remainder of the currency is measured, a brief statement will demonstrate this inequality.

The standard silver dollar contains 412.5 grains of standard silver, and is made the equivalent of the gold dollar in the payment of debts both public and private, being made by legislation a legal-tender, and is worth in the markets of the world at the present price of silver about 86 cents. The trade-dollar weighs 420 grains, and, not being a legal tender, is worth only its value as bullion, which at present rates ranges from 86 to 90 cents. The half-dollar weighs only 192.9 grains. Two of them, making a dollar, weigh 395.8 grains, equivalent to about 82 or 83 cents. The quarters and dimes weigh proportionately.

The halves and quarters are legal tenders to the amount of $5, and the dimes and half dimes to 25 cents. In paper, we have the United States notes made a legal tender and redeemable in gold and silver at the pleasure of the Government, and the national-bank currency a legal tender in settlements between the banks, but not a legal tender in discharge of bank obligations between man and man.

It will thus be seen that we have a heterogeneous currency of various values; and although the disadvantage of such a currency is not strongly felt in our internal commerce, it manifests itself whenever our silver currency comes into contact with the commerce of the external world, where it can only pass at its marketable value.

The principal complaint at present concerning our currency as used in our own domestic commerce arises from the anomalous condition of the trade-dollar, which is heavier than our standard dollar, yet not a legal tender in payment of debts.

When the German Empire in 1871 discontinued the use of silver by changing its standard to gold it was estimated that there was in circulation in that country nearly $350,000,000 in silver coin.

The nations of the Latin Union by their restricted use of silver, almost demonetizing it, added largely to the bulk of the unused silver. This vast amount it was believed would thus be thrown on the markets of the world. Our own mines at that time were beginning to produce silver in much larger quantities than had ever been done before, and the prospect was that the great influx to the mining regions would produce a still greater supply, which anticipation has been realized. The price of silver in the markets of the world was evidently on the decline, and it became a problem as to what we should do with our rapidly increasing production.

As our commerce with China was mostly on a silver basis, it occurred to some of our statesmen that a market for part of our silver could be found there, and the result was the coinage of our so-called trade-dollar of 420 grains of silver. Being heavier than the Spanish or Mexican dollar, it soon became popular with the Chinese.

The whole amount coined, in round numbers, is about $36,000,000. Of this amount it is estimated from the best information obtainable that only seven or eight millions remain in this country, and that the remainder has been absorbed in the commerce of China or gone into Chinese melting-pots because of its weight being greater than that of the Spanish or Mexican dollar, silver money in China passing more by weight than by tale.

You are aware that authority to coin trade-dollars was given under the act of February 12, 1873, and in the following words: "The silver coins of the United States shall be a trade-dollar, a half dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece." The act defines the relative proportion of pure silver and alloy in the trade-dollar, and directs that the devices and legends upon it shall be the same as other coins of the United States. The same act made it a legal tender with other designated coins of said act to the extent of $5. It also bore on its face the certificate of the United States that it was of a certain weight and fineness. Relying on this certificate and pledge of the nation, it became a current coin at home as well as abroad, and debts to the amount of millions were paid by it. It has been asserted that it was never intended for home circulation, and that the legislative purpose of its creation was to promote trade with China and other Asiatic countries by making a coin that would be acceptable to these people. While this may be true, the specific object was not made known by the law; there was no prohibitory clause; on the other hand, it led the people to believe that it was just as much a coin of the United States as any of the other legalized issues; for the act expressly says the "silver coins of the United States shall be a trade-dollar, a half-dollar, quarter-dollar, and a dime." The same act further recognized it by declaring it to be a crime to counterfeit any of the coins of the United States; also the later act of 1877 made it a crime to counterfeit any of our coins, and as the trade-dollar had been declared one of our coins, it was a crime to counterfeit it.

As a reason for not redeeming them it has been claimed that they did not go into circulation until after the passage of the act of 1876, which took away their legal-tender quality. It has been shown by the statistics of coinage and exports that at that date two millions more had been coined than had been exported. To me, however, this is an argument to which I attach very little value or importance. After having made them a legal tender, I claim the Government had no right to take away that quality without first passing a law for their redemption.

The Government certainly has no just right to take away the legal-tender quality of its obligations at will. If so, it can take away with equal justice the legal-tender quality of the present standard dollar. The Government has no more right to break its contracts than a private individual or a corporation.

Suppose that in the capacity of a banker I should issue promissory notes, say for $100 each, payable in a given time or on demand, how would I be regarded or thought of by all honest business people if I were to say that notwithstanding these notes bear on their face the promise to pay in full, they were not worth more than $85 each, and that I would not pay more than that amount for them? On my refusal to pay their full face value the law would be appealed to, and would say: "This is a dishonest transaction; you have made an obligation, it is your duty to fulfill it; it is a contract, and the law of contracts is a just law, and can not be broken without incurring its penalty." But I claim that some, at least, of my paper has fallen into the hands of speculators, who have purchased it at a discount; therefore I ought not to be compelled to pay in full. How weak and flimsy the argument, the law would very justly say; no matter what your paper brought in the market, you are bound for its face value. The United States Government might have said with equal justice when her bonds were below par that she would not pay them in full. This would be nothing more nor less than repudiation. After a struggle of more than four years to preserve the Union, at a cost of nearly $7,000,000,000, and after having paid all this indebtedness but $1,800,000,000, shall we now repudiate our own coin, some of which has been used to pay a part of that indebtedness?

The cry that the trade-dollars are in the hands of speculators, and therefore ought not to be redeemed at their face value, I am led to believe must have had its influence with the President, for in his first message to this Congress he recommends that "provision be made for their reception by the Treasury and the mints as bullion at a small percentage above the current market price of silver of like fineness."

For the fluctuating value of the trade-dollar speculators have been blamed, but the real fault lay in the action of Congress that made speculation possible. Had it permitted its legal-tender power to remain, speculation would have been impossible, for the amount in circulation was so restricted that it would not accumulate to such an extent in any one hand as to render its use at its full value impracticable. Even if it were true that they are mostly in the hands of speculators, it would be no good and sufficient reason why they should not be redeemed at their face value. I propose to show, however, that they are not, as is generally supposed, in the hands of speculators, but are held by banks, bankers, trades-people, and private individuals.

On the 15th of January last I sent a circular letter to the banks, bankers, and trust companies of my State (Pennsylvania) requesting them to give me an account of their own holdings and the amount held by them for private parties; also to state what number were held at face value and what number at a discount? In addition thereto the newspapers very generally throughout the State notified the people that I was making such an investigation, and requested them, if the holders of any of the depreciated coin, to communicate with me. The result was I received nearly three hundred letters to my inquiries.

I will now send to the Clerk's desk an inventory made from the different amounts reported and the manner in which they are held. I will not ask that the names be read, only the heading and footings of the list.

The Clerk read as follows:

An inventory of the number of trade-dollars taken and now held by banks, bankers, trust companies, and private individuals at their face value and at a discount in the State of Pennsylvania:

| | |
|---|---|
| Banks, bankers, and trust companies at par | 796,749 |
| Private individuals and societies | 1,641,134 |
| At a discount from 10 to 15 per cent | 123,044 |
| Total | 2,560,927 |

Mr. EVANS, of Pennsylvania. Mr. Chairman, I have made this inventory with a great deal of care, believing it to be the only correct way of arriving at the amount of trade-dollars in the country and the manner in which they were held. If a member from each State had instituted the same inquiry we would have been able to-day to give a very correct estimate of the number to be redeemed. I believe the people of my State hold nearly one-third of the whole amount. They had confidence, and still have the same confidence, that a great Government like ours will not repudiate a coin of its own issue, but will either redeem it at par or exchange it for some other coin which will possess the same legal-tender quality the trade-dollar once had.

You will notice that less than 5 per cent. of the whole amount held in Pennsylvania are at a discount; the remainder, 2,437,883, are held and were taken at par; out of this number 1,641,134 are held at par by private individuals, benevolent, beneficiary, and religious societies. If it had not been for the banks many thousands more would have been in the hands of the people, for they took them at par to relieve the people in the payment of notes and on deposit for a considerable time after they were discredited. As an evidence of the spirit which prompted the trades-people of my State to take trade-dollars at their face value, I desire to read the following letter from one of my constituents, who is widely known as one of the largest merchants of Philadelphia:

DEAR SIR: In answer to your inquiry, we have perhaps a little over $125,000 in trade-dollars on hand. We did not advertise to take them, but felt it was a measure of relief to poor people who had them on hand at the time the scare began, who, if compelled to sell them to the brokers, would have suffered a serious loss, which would have entailed in some cases positive suffering. We felt that it was important to set an example to other trades-people, to lead them to take them, and we did it in confidence that the Government would not let the people suffer, and that proper legislation would be had when Congress met.

So far as my personal knowledge goes, there has not been large speculation by capitalists in trade-dollars, and business people who sold their goods at gold prices are the holders of the trade-dollars.

I would be very glad to give you any information on the subject that I can, and trust you will use your able influence to relieve those who have expressed their confidence in the stamp of the United States on its coin.

Yours, with great respect,

JOHN WANAMAKER.

I will also take the liberty to read a portion of a letter from a retired merchant of my district:

DEAR FRIEND: I am not now in the mercantile business; nevertheless am interested in its success, and will endeavor to give you some information as to what classes of people in this section are the holders of trade-dollars. My successor in business holds four hundred of them, taken at par, principally from the laboring classes; all the storekeepers, millers, and other business men of this portion of Bucks County hold individually all the way from fifty to five hundred of them at par, taken principally from the poor and laboring classes of people, who could not afford to lose. There is another class who hold a large amount, and who are living in the hope that Congress will soon come to the rescue; it is the farmers. I know from my own knowledge that nearly every farmer in this section holds from one to fifty dollars that they had on hand

when the panic started, some of them in the hands of renters who had laid them away to pay rent.

You and I know very well that the farmers as a class can not afford to sacrifice their hard-earned money at a discount of 15 per cent. Shame on any government that would refuse or even hesitate to redeem its coin at par.

Wishing you success in your efforts, I am, yours truly,

W. F. P.

In many instances they are held by women who have their own living to make. I have one instance reported of a poor widow who follows day-labor who is the holder of thirty trade-dollars.

Three little boys have written me; one writes:

I have two trade-dollars and my brother, aged 6, has one; we took them for a dollar. I was 10 years old last May.

Another writes:

I have five trade-dollars. I am 12 years old. I traded five Bland dollars for five trade-dollars. I made a bad trade, unless the Government helps me out. I heard you were going to attend to this. Some more boys here are in the same fix. I will lose nearly $1 if the Government don't help me out. I thought the trade-dollar was the best.

Yours, WILLIE HILL.

It may be said by some that these boys are but trifling holders and therefore scarcely worthy of notice. Not so; I regard them as among the most important, for the perpetuity of this Government will rest upon these boys when we shall have long since passed from our labors. Shall we, then, destroy the confidence of the youth of the country who are growing up to manhood by telling them that we do not regard our obligations? I hope, Mr. Chairman, that this Congress will not be guilty of setting such an example.

And shall we say to poor hard-working men and women that notwithstanding the Government made this dollar, then said it was a legal tender, and in order that nobody might be misled or deceived put its own stamp upon it, and also put upon it "In God we trust," as if to impress the innocent and unwary holder with the idea that this great Government, founded on justice and equal rights, would not say a false thing or do an unjust act, but nevertheless it only contains 86 cents' worth of silver, therefore we can not afford to pay you more than that amount for it? In 1876 Congress took away its legal-tender quality and said, "We will no longer recognize the trade-dollar as one of our coins." This action on the part of Congress was a great injustice to the people, for it left upon their hands a mere disk of silver bullion of no more value as an instrument for the payment of debts than a silver bar.

The principal opposition to this bill comes from those who are interested in the bullion market. They tell us that if counted as a part of the monthly purchase of bullion it will depreciate the market value of silver. It is hardly possible that the amount offered for redemption can exceed $10,000,000. This could only arrest Government purchase for a very short period.

We should not lose sight of the fact that the trade-dollar was once a legal tender. Its demonetization by Congress has been regarded as an injustice to the people and a breach of faith on the part of the Government. That being the case, why not use it to make a legal tender now? Not by proclaiming it in its present form a legal-tender dollar, for that would be to add at once and by a single act several millions to the silver currency of the nation, with which the channels of commerce are supersaturated already. We are coining silver into dollars faster than the wants of commerce demand, as is further evidenced by the overflow into the Treasury, and therefore need no additional stimulus in that direction.

The plan adopted by the committee seems to be in accordance with the recommendations of the Director of the Mint and the Secretary of the Treasury, and is in my judgment the best that could be presented to this House. It provides:

That until January 1, 1886, United States trade-dollars shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

SEC. 2. That the holder of any United States trade-dollars, on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars of the United States.

SEC. 3. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depositary of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars.

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

SEC. 5. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

As I am opposed to the further coinage of silver dollars under the act of 1878, it might appear inconsistent on my part to advocate the recoinage of the trade-dollars; but the people must be relieved of a demonetized coin and the credit of the Government must be maintained. After we have done this, I am free to say that I am in favor of the repeal or the suspension of the silver-coinage act of 1878.

If we pass this bill the amount of silver coinage will not be increased; we will get rid of the anomalous coin, and will not artificially inflate the silver currency, but will leave the amount to be coined as under the existing law.

I regard, then, this method of redemption preferable to the proposition to legalize them by restoring their legal-tender quality or by purchase and recoinage into standard dollars, in addition to our present monthly coinage, for the following reasons:

First. It will not increase the silver coinage over that already authorized.

Second. It will avoid two standards for the silver dollar. It would be unwise and inexpedient to have one dollar of more intrinsic value than the other by reason of its greater weight.

Third. It will be the means of taking them out of circulation. If we legalize them they would remain in circulation on account of their greater value, and thereby defeat the object we wish to accomplish, namely, "one standard silver dollar."

In view, then, of the fact that the trade-dollar was once made a legal tender by act of Congress, and subsequently demonetized by it; that several millions are yet in the hands of the people, who took them at their face value; that circumstances over which they had no control have depressed them to the mere value of bullion; that under the existing condition of things they can be made the sport of speculators and kept at ever-varying values; that business done by their aid is done at a sacrifice and great disadvantage, to the benefit of a few and the loss of many; that it is an anomalous, disturbing, and uncertain element of value in our monetary system, it seems to me it would be wisdom as well as an act of justice on the part of Congress to withdraw them from circulation, and that the easiest and best way to do it with the least loss to the people is by the plan suggested by the Secretary of the Treasury and embodied in this bill. In so doing the Government would be no loser, and the people who took them at their nominal value would not be compelled to lose from 12 to 15 per cent. of the wages of their labor or the price of their commodities in the payment of which they had been taken; and the metallic currency of our country would be purged of an anomalous disk, which has embarrassed and perplexed the people in their daily business transactions, oftentimes to their loss, and of late to their great annoyance.

Nearly a year has elapsed since these coins have gone out of circulation. They are, as has been clearly shown, in the hands of the people, who are patiently holding on to them, and losing the annual interest, or the use of the money they represent, in the hope that Congress will redeem them at their nominal value.

We have been tardy in our action to right a wrong, and have spent much valuable time over matters of very much less importance. Let us now, Mr. Speaker, pass this bill without one dissenting voice.

Mr. CALKINS. I ask the gentleman from Iowa [Mr. PUSEY] to yield me five minutes of his time.

Mr. PUSEY. I yield the gentleman from Indiana five minutes.

Mr. CALKINS. I desire to ask some questions of the committee that they may answer them in the course of the debate. I understand that there were originally coined about $36,000,000, in round numbers, of this species of coin.

Mr. CHACE. Thirty-five million nine hundred and fifty thousand dollars.

Mr. CALKINS. It is no matter about the exact amount. There were about twenty-seven millions of them exported and employed in the Eastern trade, which are now held principally in China. That leaves about nine millions in circulation, or something like that, in this country.

Mr. SMITH. The estimated amount is $7,200,000.

Mr. CALKINS. Now the question I want to propound to the committee and have explained to the House is this: What provision is there in this bill to prevent the amount that is now in the hands of the foreign holders from being shipped back in payment of customs dues and piled up in the Treasury? Secondly, what will be gained by having these dollars that are in the hands of the people of this country recoined? If it be a fact that they are in the hands of the merchants, then they are there by reason of their having been in circulation. If it be a fact they have been bought up by the brokers and are being held by them, then why not adopt some provision such as is contained in the bill introduced by the gentleman from Vermont [Mr. POLAND], making them a legal tender, putting them on the same basis as standard silver dollars, and letting the brokers put them out?

Mr. CHACE. If the gentleman will allow me——

Mr. CALKINS. In a moment. The next question I want to propound is, why is this section 4 in the bill? What is the purpose of that section? Is it to prevent the further coinage of the standard silver dollar?

Mr. REED. No such luck, I am afraid.

Mr. CALKINS. In the next place, Mr. Speaker, a question I should like to have the committee also explain to the House is this: Why is there not a provision in the bill—but before I propound the question I may as well state a fact. It is generally understood that these dollars that are in the hands of foreigners have been "chopped," as it is called, marked, altered. Why is there not a provision in this bill discriminating against those chopped dollars?

Mr. CHACE. I suppose the gentleman does not want that question answered now either?

Mr. CALKINS. The gentleman can answer it in his own time.

These are dollars which have been chopped by the Chinese Government and bear the stamp of that government.

These, Mr. Speaker, are some of the objections against this bill that are apparent to me at first blush; and when gentlemen come to discuss it I hope they will inform the House fully upon those points as well as the many other manifest errors there are in the bill. That is all that I desire to say at present.

Mr. CHACE. I will give the gentleman from Indiana one minute more to point out the other manifest errors he has referred to.

Mr. SMITH rose.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] of the committee is entitled to the floor.

Mr. BLAND. I understood two gentlemen from Pennsylvania desire to occupy some time, and that they will come in place of the gentleman from New York [Mr. HARDY] a member of the committee, who is absent.

The SPEAKER. Is it understood the gentleman fron New York [Mr. HARDY] has yielded his time to other gentlemen?

Mr. BLAND. That I do not know.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. SMITH] state that the gentleman from New York [Mr. HARDY] has yielded him a part of his time?

Mr. SMITH. No, sir.

The SPEAKER. If no one else rises to take the floor, the Chair will recognize the gentleman from Pennsylvania [Mr. SMITH]. And if he obtains the floor, he is entitled to it for one hour by the rules of the House.

Mr. DOWD. I will take the floor.

The SPEAKER. The gentleman from North Carolina [Mr. DOWD] is entitled to the floor and has forty-five minutes of his time remaining.

Mr. DOWD. I yield fifteen minutes to the gentleman from New York [Mr. NUTTING].

Mr. SMITH. I understood the gentleman from New York [Mr. HARDY] was entitled to one hour.

The SPEAKER. And the Chair expressly inquired of the gentleman from Pennsylvania whether the gentleman from New York had allotted time to him, and the gentleman from Pennsylvania said he had not.

Mr. SMITH. I was informed by the gentleman from Missouri [Mr. BLAND] that the gentleman from New York would not occupy his time, and at his suggestion my colleague [Mr. EVANS] and myself went to your desk, when the chair was occupied by another than yourself, and made arrangements to occupy that time.

Mr. BLAND. The gentlemen from Pennsylvania came to me for the purpose of obtaining time, and I mentioned the fact that the gentleman from New York [Mr. HARDY] would probably be absent and they might occupy his time.

The SPEAKER. The Chair simply follows the usual custom of first recognizing those members of the committee reporting the measure who may desire to speak.

Mr. SMITH. I do not desire to interfere with that custom.

The SPEAKER. The Chair will endeavor to secure to the gentleman an opportunity to be heard. The gentleman from New York [Mr. NUTTING] is entitled to the floor in the time of the gentleman from North Carolina [Mr. DOWD].

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. JOHNSON, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 36) for the relief of Mrs. Martha Vaughn and the legal representatives of Mrs. Louisa Jackman;

A bill (S. 273) for the relief of the estate of Thomas Jones, deceased;

A bill (S. 295) for the relief of Alfred G. Hatfield;

A bill (S. 300) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army;

A bill (S. 373) for the relief of the legal representatives of John M. Robeson;

A bill (S. 371) for the relief of Charles P. Chouteau;

A bill (S. 421) for the relief of Thomas J. Miller, of Washington Territory;

A bill (S. 520) for the relief of the legal representatives of Francis Guilbeau, deceased;

A bill (S. 595) to repay the State of Georgia $22,567.52, money advanced by the said State for the defense of her frontiers against the Indians from 1795 to 1818 and not heretofore repaid; and

A bill (S. 581) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre of the White River agency in 1879.

## TRADE-DOLLAR.

The House resumed the consideration of the bill for the retirement and recoinage of the trade-dollar.

Mr. NUTTING. I think it fair to say that the degree of the superiority of a nation and of its prosperity may always be known by the condition in which we find its currency. Every nation assumes the right to manufacture and put forth a unit of exchange; that is a matter of necessity. They have the right to do this in order to have some medium by which they may balance accounts between themselves and the people who constitute the nation.

If that be true, then it becomes of importance that nations shall take care to act wisely and honestly in dealing with their own currency. Where a nation assumes the right and the sole right to manufacture a currency, it should be held to a strict account as to how it deals with it, how it acts with it. It should be held to a strict account as to what it does, and to the same degree of strictness as individuals are held in their dealings with one another. A nation has no right to put forth to its own people or to the world a currency, and then by any act of its own depreciate the value of that currency. It becomes a matter of honesty and integrity and fair dealing on the part of the nation, just as it would become a matter of honesty and integrity on the part of an individual, for a nation is made up of an aggregation of individuals and the same rule of dealing prevails.

What did Congress do in this matter? In 1873 it passed an act authorizing the coinage of this trade-dollar. It put upon the statute-book a law which authorized the United States Treasury, through its mint, to coin these trade-dollars, and to give them out to be used in the lines of commerce and trade, not only by this nation but by the world at large. That law upon the statute-book was a contract on the part of this Government that when this currency was made and issued to the people it would be recognized and honored by the Government that created it, and when the people received this currency they received it under that contract, and it is obligatory on the part of the United States to carry out that contract in good faith.

I have heard it said, not in argument upon this floor but in private argument against this bill, and perhaps it may be also stated hereafter in argument in this discussion, that this particular coin was issued for the purposes of trade in a foreign country—China, I believe. I would like to ask what there is in the act itself authorizing the coinage of the trade-dollar that says that this coin was issued for trade with any other people than our own.

We must assume, and we can do so with perfect safety, that when a nation issues coin or currency of any kind it does so for purposes of trade and commerce with its own people and with no other, for its own people are obliged by law to take it. The people of other nations are not obliged to take it. It is said that in the discussion of the bill at the time it was before Congress for consideration and passage it was stated that this currency was for trade with China. I would ask, Mr. Speaker, in all fairness what the talk about a bill upon this floor before its passage has to do with it? Nothing whatever. What did the people know of the discussion that took place on the passage of this bill? Simply nothing.

The people who received this money look to the act itself upon the statute-book, and they have the right to look at that alone. That statute provided that this dollar should be coined with certain legends, marks, and words, and that then it should be a dollar; that it should pass into trade as a unit of exchange in carrying on the commercial transactions of our great nation and other peoples who saw fit to take it, and the contract on the part of the Government was that this dollar would be received back by the Government in payment of dues to it.

Now, why do I make this statement? Because under that act the Government compelled the people to receive this money, compelled them to take this dollar as a dollar, by saying in the act itself that it should be a legal tender for a certain amount. That was a guarantee on the part of the Government that this dollar was made in good faith; that it was the *bona fide* act of a responsible nation and an express guarantee in words that the Government, when the time came, would receive it as a dollar, as it ought to do. What rule is there in law or what principle is there in the great moral code that will allow a nation to make a solemn contract, a solemn pledge, and then break it? The United States received value for each of these dollars it allowed to go from its vaults. It received the value of a dollar for each one.

Now, under this contract (because it was a contract) the Government coined $16,000,000 of this money before any other legislative action was had in regard to it. But in 1876 a change came over the opinion of Congress—why, I am unable to say—but a change came over its opinion in regard to its policy concerning this dollar. After $16,000,000 of this coinage had been paid out, as we must assume, to our own people, Congress, in 1876, passed an act taking from this trade-dollar the legal-tender quality which belonged to it by the act authorizing its creation. I say that the Congress of the United States in passing this law of 1876, taking from this dollar its legal-tender function, committed a fraud upon all the people at least who had received this money.

This is strong language, but it is true. Why? Because at once upon the passage of that act of 1876 this coinage became merely bullion in the hands of the people; it would not pass from man to man in ordinary business. More than that; the Government did something which I am almost ashamed to state; the Government itself refused to accept this money. Congress, in the first place, passes an act making this dollar a legal tender, sending it out with all the insignia of the power and responsibility of the Government, and afterward coolly and advisedly says that this money should be worthless, so far as exchange among the people was concerned. I feel justified, therefore, in saying that Congress in the passage of the law of 1876 committed an act which was

disgraceful to it and a fraud upon the people who had received this money. The Government of the United States made this dollar, and asserted it was a full dollar, and a unit of exchange, until it had passed from its hands to the hands of the people. The people had received it and paid for it its full face value, and then by this disgraceful act of 1876 it asserted by the power of might, and not by the power of right, that it was no longer a dollar, no longer a unit of exchange, no longer worthy of notice or consideration.

But some one will say, perhaps, in the course of this discussion that our own people did not receive this money; that it went abroad to China. Suppose it did; was it not a coin of the realm? Was it not a coin issued by the United States, and was it not entitled to be honored by redemption? This question can only be answered in the affirmative.

But it may be said—indeed my friend from Indiana [Mr. CALKINS] has already substantially said by his question, "How do we know that all this coin which has gone to China and other nations will not come back, so that we shall be obliged to redeem it?" I say, let it come back. This is a coin of the realm, issued under the authority of the United States, and when it is presented at any of the counters of the United States Treasury the Government is, or ought to be, bound in honor and by the law of nations and the law of right to redeem it. I do not care if every dollar of this thirty-six millions comes back to the Government for redemption. It must redeem this money, or in the eyes of honest men of our own nation and of the world at large be forever disgraced.

Mr. CALKINS. Is the gentleman in favor of having this money recoined and put out again?

Mr. NUTTING. I will answer my friend from Indiana that I am in favor of the Government honoring this money. I am in favor of the United States being compelled to take back this dollar that it has made and passed to the people. I am in favor of the Government taking back the coin which it made and said was good, and which it afterward depreciated itself and then refused to take back. If we are to coin silver hereafter, then use this money when redeemed as bullion. If we are not to coin silver hereafter, then redeem it and sell it at its bullion value. The Government, by the act of 1876, made it mere bullion, and should not take advantage of its own wrong by refusing to receive it.

Now, Mr. Speaker, it is true that after the passage of the act of 1876 some $20,000,000 more of this coin was issued. But suppose we examine this question in the light of reason, in the light, if you please, of the principle of estoppel as recognized in law or in equity. Sixteen million dollars of this money had gone out to the people with the promise on the part of the Government by the act of 1873 that it would be treated as a coin of the realm and would be redeemed. The people had received this money in good faith; it had gone into all the avenues of trade in this and other lands. The people, having thus received it, had a right to believe that the portion of the coinage which came later was like that which preceded it, and would be honored by the Government as sacredly as that which had previously been coined. The $20,000,000 which was coined after the act of 1876, which took from this coin its legal-tender rights, was precisely in form, weight, material, and in appearance like that which had been issued while the law of 1873 was in force. It must follow that the people, having become used to this coin in the use of sixteen millions, had a right to believe that the twenty millions which was afterward coined and given to the people was of the same value.

Mr. CALKINS. If it does not interfere with my friend's argument I would like to ask him in what he would redeem this coin?

Mr. NUTTING. It should be redeemed for taxes. I assume the gentleman has too much of the sense of honor in him to say the Government may issue a dollar and say upon its face that it is a dollar, and refer not only to the authority of the Government but to an authority that is higher than that, and then refuse to redeem it.

Mr. CALKINS. But let me interrupt the gentleman. Let us not play upon words. Now, redeem it in what way? There is, I take it, but one way to redeem it, to wit, to recoin it; to redeem it in customs dues.

Mr. NUTTING. Take it back and recoin it. But I will answer that question of the gentleman as I proceed.

Mr. CHACE. If the gentleman will permit me I will say that the bill itself provides for that.

Mr. NUTTING. I will speak, since he calls attention to the recoining of this money, for a moment on that point. I find upon an examination of the authority that not only $36,000,000 were coined and placed in the markets of the world, but by the act of 1878 I find further that another fraud was committed upon this dollar and upon the people into whose hands it had gone. Why do I make that assertion? Because in the act of 1878 (and the gentleman [Mr. BLAND] who is the father of the bill may answer this)—by the act of 1878 the wording is so fixed that this dollar itself is still made disreputable and made no money at all. Why do I say that? Because the act says this dollar then coined and all other dollars of like fineness and weight shall be used by the people as a legal tender.

Why should Congress in the act of 1878 authorizing the coinage of the standard dollar, by saying that all dollars of like weight and fineness should be legal tender, discriminate against a dollar already coined and issued? This wording was intended to have the effect, and did have the effect, to disgrace the trade-dollar by reiterating the enactment of 1876 that the trade-dollar should no longer be a legal tender. See how fair, see how honest it was by the act of 1878 to authorize the coinage of the standard dollar with 412½ grains of silver and make it a legal tender, and in the same act still say that the trade-dollar, which has 420 grains of silver, should still continue mere bullion or inert silver in the hands of the people. This is honesty and fairness with a vengeance. It was substantially saying to those who had or might have the trade-dollar: "Congress understands that the trade-dollar is worth more in fact than the standard dollar, but we will make a law that the standard dollar shall be a legal tender, and you will be obliged to take it, though it has 7½ grains less silver in it than the trade-dollar, and will so fix the law that the trade-dollar shall still be disgraced, still be merely bullion, and at a discount. The people have the trade-dollar, and they may keep it."

I had always supposed, Mr. Speaker, that governments were to protect the people and the rights of the people. In fact the permanence of nationality depends upon the good faith and uprightness with which a nation deals with its subjects. Nations in the past have by dishonesty, unfairness, and the violation of the rules of good faith, time and time again, become shattered, broken, and ceased to exist.

A people who support and honor a government have a right to support and honor from it. There is no statute law which can compel a great nation like this to redeem its money pledges. But there is a law of immutable and unchanging justice that will surely punish a nation for the wrong it does. The principles of right and wrong obtain with nations precisely as with individuals. I say the people of a nation have a right to expect that the contracts of it will be kept as sacredly and performed as surely as the contracts of persons.

When Congress passes a law and it is found constitutional the people of these United States bow in submission. They without murmurings carry out in good faith the provisions of the law. In doing this the people rely on the Government to carry out honorably and fairly its promises to them.

The people have a right to expect, and do expect, that when the Government makes a law or commits an act it will hold itself ever ready to carry out its part of the transaction, not only in the letter but in the spirit of the transaction.

The right of coinage being exclusively in the Government, it must, under all the rules of human and divine law, be held to a strict and undeviating adherence to the performance of its obligations. If the rule here be elastic, then indeed are the people in danger. The trade-dollar was given the birthright of legal-tendership. It was given the form, features, and legends of the authority of these United States. It bears too on its body plain reference to our form of government. Not only does it have all these marks pointing to the power of this Government, but this money bears with it the words "In God we trust," thereby recognizing the highest and next to the highest power known to or recognized by an American.

The only thing that can be said against this coin is that it says too much. Perhaps, however, it was lucky that it gives notice that in God it trusts, for it seems those who have it must trust in God for its redemption unless this bill becomes a law.

The act of 1876 eliminating the legal-tender clause from this coinage act ought not, and in fact did not, debase this coin. What it did do, however, was to bring the coin under suspicion and disrepute. It was a vicious legislation, that had the effect of making its own token of trade, its own solemn act, disreputable. This act of 1876 had a tendency to, and did in fact, depreciate the market value of this coin.

The legislation of a government is not wise that brings into disrepute its own medium of commercial exchange.

We are, however, met with the argument that this coin has been absorbed by speculators. Is it true that a silver coin of the United States, issued within ten years, has by our own acts become so debased that it is possible for speculators to handle it as a foot-ball? If so, it is time for us to call a halt and inquire for the cause. Who is at fault for it? Why, Congress is at fault and no one else.

The act of 1876 eliminating the legal-tender clause cast suspicion on this coin and made it possible for speculators to cry it down and buy and cry it up and sell. Had it not been for this act of 1876 the trade-dollar would have been all through and even to-day a perfectly acceptable coin and in fact a popular coin.

It is not true that speculators have absorbed all this coin. Much of the 10,000,000 which is estimated to be in this country is held by the "hewers of wood and the drawers of water," together with the producers.

I, however, stand upon the broad principle, which I contend can not be shaken, that we must redeem this money in whosesoever hands we find it.

No matter how the holder has become possessed of it, as between the Government and the holder the Government must honor it. This is a money that passes by delivery, and the legal holder at least must be protected.

If a nation wishes to sink itself into the slums and wallows of contempt and dishonor with its own people and the people of civilized nations, it can do so no easier and quicker than by refusing to take and redeem its own coin issued under its own laws and customs.

It has been said that the Government of the United States would lose

a large sum by redeeming and recoining these dollars into standard dollars as the bill provides. I deny that this is true. If the United States continues to coin the standard dollar it must purchase bullion for the purpose.

The trade-dollar is mere bullion now, and contains 7½ grains more bullion than the standard dollar. This excess of silver will pay the expense of recoinage and leave a profit of three-fourths of 1 per cent. on each dollar coined.

In proof of this assertion I will here read the letter of the Director of the Mint:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
*Washington, D. C., February 21, 1884.*

SIR: Your letter of the 20th instant, asking what it would cost the Government to coin silver standard dollars outside of the cost of the metal used in the coinage, has been received; and in reply I have to inform you that the cost to coin silver dollars and subsidiary coin varies at the different mints. It is estimated in round numbers that the cost to coin standard dollars at the Philadelphia mint is $10 for a thousand pieces, at which rate the excess of bullion in the trade-dollar above the amount in the silver dollar would result in a net gain to the Government by the recoinage of the former into the latter of about three-quarters of 1 per cent. on the number of standard dollars thus coined.

Very respectfully,

HORATIO C. BURCHARD, *Director.*

Hon. N. W. NUTTING,
*House of Representatives.*

The Government ought not to ask to make a profit in order to induce Congress to pass a law to redeem this trade-dollar, but you can see that if it does redeem 10,000,000 of these dollars (and 10,000,000 is the highest amount said by Government officials to be likely to come in on the passage of this law), these 10,000,000 can be coined into 10,000,000 Bland standard dollars, and the Government will make a net profit of $75,000 by the operation.

The fourth section of this act I hear excites the antagonism of the friends of the Bland standard dollar. This section provides—

That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

There ought to be no trouble about this section whatever. The law of 1878 provides as follows:

* * * And the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof, not less than two million dollars' worth per month, * * * and cause the same to be coined monthly, as fast as so purchased, into such dollars (standard dollars).

Now, why should the friends of silver currency, and especially the friends of the standard dollar, find fault with this section? The trade-dollar is bullion and nothing else. It has ceased to be currency. Why should not the trade-dollar bullion be purchased as well as any other silver bullion? I can see no reason why it should not be purchased as bullion and used to satisfy the act of 1878 in regard to the purchases of silver for coinage. The trade-dollar, even though it is mere bullion, has some claims on the United States, for the United States made it and then debased it by its own act, and now ought to take care of it.

I think it would be well when the trade-dollar is redeemed and coined into standard dollars that the coinage of silver dollars cease, at least until there is a call for these dollars which will use up what is on hand now. Let us look at this for a few moments and see on what I base my judgment in this regard.

Standard dollars were coined after the act of February 28, 1878, up to November 1, 1879, to the number of 45,206,200; and on November 1, 1879, there was in circulation of these dollars 13,002,842, leaving in the Treasury vaults November 1, 1879, 32,203,358. Here was a purchase of silver and coinage of 32,203,358 more dollars than the country wanted.

There were coined of these standard dollars to November 1, 1880, 72,847,750, and on November 1, 1880, there were in the Treasury vaults 47,084,450. At this date there was an overcoinage of 47,084,450.

To November 1, 1883, there had been coined of these standard dollars 156,720,949; of this sum there was in the Treasury vaults on the last-named date $116,386,017 of this money. It is true that of this $116,386,017 in the Treasury there were silver certificates out representing about 90,000,000 of these dollars, but these silver certificates are only redeemable in the silver dollars and are not in any sense the money of the merchant, but can only be used within our own country.

Why this purchase of 5,240 tons of silver to coin the standard dollar when the most of it stays in the vaults of the Treasury? Is it to make a market for silver for the benefit of the silver kings and silver monopolists? This seems to be the case at least to the extent of the silver dollars which stay in the Treasury.

The present system of the production of silver by mining is only within the ability of great wealth. Mines can only be worked and carried on by rich men. It is a grand industry, but it is not situated now in its workings so that Congress is authorized to continue the coinage of standard dollars, when more have been coined already than the commerce and trade of our country demand. The law of 1878 compelling the Government to purchase two millions' worth of silver monthly and to coin that monthly into silver has become a law in the interest of silver bullionists. If you are to make a law compelling Congress to purchase silver in order to make a market for the profit of silver kings then do that boldly, and not put it under the guise of coinage necessity, for that has ceased.

America is not the only country that is a market for silver. It has a market in all or most of the countries of the world; so that Congress has no more right to create by law a market for silver than it has for any other product of this country. It is really legislation toward centralization of riches and the money power. It is really legislating in favor of monopoly. But let me say, if we are to be obliged to continue the purchase of silver, in the name of common sense let it remain bars as it comes from the mines and put it in the Treasury in that form, and not be to the expense of coining it into dollars when the dollars are not needed.

I am glad to see money in the Treasury in large sums, and I am not one that desires because we have large sums in the Treasury to be extravagant in appropriations. What are we talking about when we say the Treasury is full and overflowing? Is it not true that the United States has a debt of more than $1,500,000,000? The surplus in the Treasury is a mere item in comparison with what we owe. Let us be careful how we appropriate money; let us reserve our monetary ability until our debt is discharged. I am one that believes in paying the national debt, and that, too, as soon as we can. I do not believe that a man who owes $1,000 in honest debts, even though he has $200 in his pocket, has a right to say he is rich and can spend money extravagantly. The money he has in his pocket is not his; it is his creditor's; and the same principle prevails with this Government in regard to its so-called full Treasury and its immense debt.

Is the policy of the United States in regard to its debt to be what it is said the policy of England is—the debt to stand forever and pay the interest on it? I have heard this kind of talk in Congress, but I say it is a kind of repudiation. It is a way of saying we will never pay the principal, but we will go on perpetually taxing this and coming generations to pay the interest. This is not honest nor is it safe. Legislate away from centralization. Legislate above monopoly. Legislate for all the people, and not a few.

I do not wish this country to follow the example set by England as to its national debt, which has grown from £664,236 in the time of the great revolution in 1689, to £824,607,459 in 1861, or about $4,000,000,000.

A great national debt is a great curse and a great burden for the people, and the burden should be made to grow small as the years go on, and not greater.

The landed question in England is also like that in regard to her national debt. The great English debt is owing and must be paid if at all by the money of the people. But the debt is held by the few—by the rich. It is so with the lands also; a few own the lands, and while the many, the people, want them, they are not obtainable.

In this, too, the American people are gradually coming to the English idea. Great landed estates are fast growing in number, and it is an alarming thing to see. It is all the more alarming because these great land purchases have been made possible by the negligence of Congress if not by its crime. And it is all the more alarming that these great landed estates are being created because many of them are owned by the citizens of England. It would not be alarming that foreigners buy and own our lands in small tracts, but when large territories are purchased it is time to think and stop if we can. For instance, the following purchases of lands in this country have been made by foreigners not citizens within a little time:

| | *Acres.* |
|---|---|
| English syndicate No. 1 (in Texas) | 4,500,000 |
| English syndicate No. 3 (in Texas) | 3,000,000 |
| Sir Edward Reid, K. C. B. (in Florida) | 2,000,000 |
| English syndicate, headed by S. Philpotts | 1,800,000 |
| C. R. and Land Company, of London, Marquis of Tweedale | 1,750,000 |
| Phillips, Marshall & Co., of London | 1,300,000 |
| German syndicate | 1,100,000 |
| Anglo-American syndicate, headed by Mr. Rodgers, London | 750,000 |
| An English company (in Mississippi) | 700,000 |
| Duke of Sutherland | 425,000 |
| British Land and Mortgage Company | 326,000 |
| Captain Whalley, M. P., for Peterboro, England | 310,000 |
| Missouri Land Company, Edinburgh, Scotland | 300,000 |
| Hon. Robert Tennant, of London | 230,000 |
| Scotch Land Company, Dundee, Scotland | 247,666 |
| Lord Dunmore | 100,000 |
| Benjamin Newgas, Liverpool, England | 100,000 |
| Lord Houghton | 60,000 |
| Lord Dunraven | 60,000 |
| English Land Company (in Florida) | 50,000 |
| English Land Company, represented by B. Newgas | 50,000 |
| An English capitalist (in Arkansas) | 50,000 |
| Albert Peel, M. P., Leicestershire, England | 10,000 |
| Sir John Lester Kaye, Yorkshire, England | 5,000 |
| George Grant, of London (in Kansas) | 100,000 |
| An English syndicate (represented by Close Bros.), in Wisconsin | 110,000 |
| A Scotch company (in California) | 140,000 |
| M. Ellerhauser (of Nova Scotia), in West Virginia | 600,000 |
| A Scotch syndicate (in Florida) | 500,000 |
| A. Boysen, Danish consul at Milwaukee | 50,000 |
| Missouri Land and L. S. Company, of Edinburgh, Scotland | 165,000 |
| English syndicate (in Florida) | 59,000 |
| Total acres | 20,941,666 |

Who does not look at this list and tremble for the future? By this it will be seen that subjects of the British Empire in only thirty-two different tracts own 20,000,000 acres of our land, a tract almost two-thirds as large as the island of England, which contains about 32,500,000 acres. It is a tract as large almost as the State of New York, which has about 23,000,000 acres. It is a tract as large as the States of Connecticut, Delaware, Maryland, Massachusetts, and New Hampshire. It is equal to a strip ten miles wide from the Atlantic to the Pacific coast. This kind of thing tends to centralization. It tends toward the condition of Ireland.

Then, in conclusion, Mr. Speaker, let me say that we should stop legislating in favor of silver monopoly. We should carefully manage the affairs of the nation so our national debt will be paid and not be handed down to future generations as a burden. We should, so far as we can, stop and cause to be stopped the absorption of our lands by foreigners, and we should guard and protect our honor by passing this bill now, and thereby redeem the nation's pledge to its people that its currency was to be cared for and protected at all times.

Mr. DOWD. Mr. Speaker, four speeches have been made in favor of this bill, and there seems to be nobody in opposition to it.

Mr. BRUMM. I beg the gentleman's pardon.

Mr. DOWD. No member of the committee. And I give notice now that at the end of five minutes, unless some member of the committee takes the floor against the bill, I shall move the previous question. I now yield five minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. I wish to offer an amendment to the bill.

The SPEAKER. Does the gentleman from North Carolina yield for an amendment?

Mr. DOWD. I have no authority to do that.

The SPEAKER. The amendment can be read for information, and unless the previous question is sustained of course it may be offered hereafter.

Mr. MILLS. Then I ask that the amendment be read.

The Clerk read as follows:

Strike out all after the word "but," in the fourth line of the third section, and insert:

"Together with all other silver hereafter purchased by the Secretary of the Treasury for coinage, shall be coined into half-dollars, each of which shall contain 206¼ grains of standard silver; and all of said coins shall be a legal tender to any amount for all debts, public and private: *Provided*, That the Secretary may, whenever he thinks proper, continue under existing law the coinage of quarters and dimes, but they shall contain one-fourth and one-tenth of the standard silver now contained in the standard silver dollar, and be a full legal tender in payment of all debts, public and private."

Mr. MILLS. Mr. Speaker, it is proper that the Government should control all money that circulates among its people, and all moneys that circulate among a people to effect exchanges ought to be of the same value. The dollar, whether it be gold or silver or a paper dollar, ought to be of identically the same value. But in addition to that the smaller coins of lesser denomination than a dollar which circulate among the people ought to be so ordered by the Government as to serve the purposes of convenience and at the same time retain a proportionate value.

Now, the amendment I have offered looks to that end. Instead of coining the denomination of dollars as provided by the act of 1878, I provide by this amendment that these standard dollars which are provided by this bill to be taken up and coined into standard silver dollars, as well as all other silver money hereafter to be coined by the mints, shall be in half-dollars, quarters, and dimes. I provide that they, like the standard silver dollar, shall be of full standard value, which they are not now, and be made a full legal-tender. The only question is this: Will you continue to coin the standard dollar or will you at once begin to coin the standard half-dollars and smaller coins? And that is all there is of it. It amounts precisely to the coinage of the same value of silver, but it makes the more convenient divisions and denominations of halves, quarters, and dimes, instead of dollars.

Now, the dollar was never coined to any considerable extent by our Government until we commenced to recoin the silver in 1878, and this Government has begun to take a proper consideration of that question.

From the foundation of the Government till 1878, if I am not greatly mistaken—I have not looked at the figures recently—over one hundred millions of silver were coined and kept in circulation, while only eight millions of silver dollars had been coined. Why was that so? Because the silver dollar was not a convenient coin and the two halves were more convenient than the one dollar. Until 1853 it was found that our coin was going out of the country, or it was believed that it was leaving us. In 1852 or 1853 the coin was debased, and then the legal-tender quality was taken from it. But there is no reason why that state of things should exist now. There is no reason why the half-dollars and quarters and dimes should have any less amount of standard silver in them than the dollar itself has. This was only done in 1853 to prevent the exportation of our silver, which was then at a premium.

The half-dollars up to that time were of full standard and legal-tender, and they were debased to keep them at home, because we had no other money and could not afford to let them go abroad.

Silver was more valuable relatively than gold in 1853. But there is no reason now why we should not give the people of the United States a more convenient circulation than the standard dollar gives them. The two halves are more convenient than one dollar, and the only objection to coining two halves instead of one dollar is that the halves are not full standard, and the dollar is. The answer to that is, make the halves full standard and then coin the same number of halves that you do dollars—two halves for every one dollar of your coinage. But this does not prevent the coinage by the Secretary of the Treasury for minor circulation of quarters and dimes, but provides also the quarter shall be full standard and have one-fourth of the standard silver that is in the standard dollar, and the dime shall be full standard and have one-tenth of the standard silver that is in the standard dollar, and that all shall be full legal-tender for all purposes. There will be only a limited amount of these fractional coins coined under the superintendence of the Secretary of the Treasury for purposes of change.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. DOWD. How much time have I remaining?

The SPEAKER. The gentleman has twenty-five minutes of his time remaining.

Mr. DOWD. I reserve the remainder of my time.

Mr. BLAND was recognized.

Mr. BLOUNT. I ask the gentleman from Missouri [Mr. BLAND] to yield to me, that I may make a motion to adjourn. It is near our usual time for adjournment.

Mr. BLAND. I am not feeling very well and will yield for that motion.

Mr. SMITH. Will the gentleman from Missouri [Mr. BLAND] in the first place yield to me to offer a substitute, that it may be read for the information of the House?

Mr. BLAND. I yield for that purpose.

The SPEAKER. If there be no objection, the proposed substitute will be read for information.

The Clerk read as follows:

An act to redeem the trade-dollar and to suspend the coinage of trade and standard silver dollars.

*Be it enacted, &c.*, That until January 1, 1886, United States trade-dollars shall be received at their face value in payment of all Government dues and shall not be again paid out or in any other manner issued; and the holder of trade-dollars, on presentation of the same at the office of the Treasurer or assistant treasurer, or any mint of the United States, shall receive in exchange for the same, dollar for dollar, at his or her option, either standard silver dollars or United States fractional silver coin; and the trade-dollar so received shall, under the direction of the Secretary of the Treasury, when necessary, be coined into fractional silver coin.

SEC. 2. That all laws authorizing the coinage of trade-dollars or the purchase of silver and its coinage in silver standard dollars be, and the same are hereby, repealed.

Mr. BLAND. Several gentlemen desire to have amendments read for information, to be printed in the RECORD.

Mr. CASSIDY. I desire to give notice that at the proper time I will move to strike out the fourth section of the bill.

The SPEAKER. If there be no objection the Chair suggests that gentlemen who desire to offer amendments may send them up and they will be printed in the RECORD.

There was no objection.

Under the leave granted by the House the following proposed amendments were handed in.

Substitute to be proposed by Mr. POLAND:

That all silver dollars heretofore coined at the mints of the United States under and according to the provisions of an act of Congress passed February 12, 1873, and known and called trade-dollars, not chopped, defaced, or otherwise mutilated, shall hereafter be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

SEC. 2. That there shall be no further coinage of silver dollars at the mints of the United States under the provisions of said act of February 12, 1873.

Amendment to be proposed by Mr. WEILER:

Amend section 4, as follows:

"*Provided, however*, That the Secretary of the Treasury and all officials of the Government shall in all cases receive other silver bullion suitable for coinage purposes in the stead of trade-dollars to the extent of all requirements under existing law when offered at less price than said trade-dollars are."

Amendment to be proposed by Mr. ADAMS, of Illinois:

In section 1, line 4, after the words "trade-dollars," insert the words "not chopped, defaced, or otherwise mutilated."

Amendment to be proposed by Mr. ADAMS, of Illinois:

Section 4, line 3, after the words "bullion value," insert the words "at the date of their receipt at the coinage mints."

## ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WADSWORTH, for ten days from to-day, on account of important business.

To Mr. DORSHEIMER, until Tuesday next, on account of important business.

To Mr. FERRELL, for two days.

To Mr. TOWNSHEND, for two weeks, from this date.

To Mr. MORSE, for ten days from to-day, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIDSON, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Capt. William Chandler without leaving a certified copy, there being no adverse report thereon.

ARREARS OF PENSION.

Mr. STEELE, by unanimous consent, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 6247) to amend section 2 of an act making appropriations for the payment of the arrears of pension granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879.

The SPEAKER. Does the bill require an appropriation?

Mr. STEELE. It does.

The SPEAKER. The bill will be printed, and will be referred to the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. BLOUNT] that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. W. W. BROWN: Memorial of the Produce Exchange of Philadelphia, asking for the passage of a national bankrupt law—to the Committee on the Judiciary.

Also, memorial of H. S. Huidekoper, postmaster at Philadelphia, Pa., relative to the free-delivery service—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of the Pennsylvania State Temperance Union, against the passage of the bonded-whisky bill—to the Committee on Ways and Means.

By Mr. COLLINS: Papers relating to the claim of Captain Arnim—to the Committee on Claims.

By Mr. FINERTY: Petition of the officers of the United States Army stationed at Fort Sidney, Nebr., and of officers at Fort Keogh and at Fort Maginnis, Mont., asking for the passage of House bills 3117 and 3118, providing, respectively, for the reorganization of the infantry regiments of the United States Army, and to regulate promotions in and promote the efficiency of said Army—to the Committee on Military Affairs.

By Mr. GARRISON: Petition of citizens of Northampton County, Virginia, for an appropriation for dredging Nassawaddock River, in said county—to the Committee on Rivers and Harbors.

By Mr. HOUSEMAN: Petition of George Blickley, Hiram Luter, and about 300 others, citizens of Grand Rapids, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of George Cook, T. C. Putnam, and about 200 others, citizens of Grand Rapids, Mich., and of H. F. Woods, R. B. McCullock, and 90 others, citizens of the township of Wright, Ottawa County, Michigan, asking for the passage of the bill to establish a Michigan branch of the National Home for Disabled Soldiers—severally to the Committee on Military Affairs.

By Mr. JAMES: Papers relating to the pension claim of John C. Denham—to the Committee on Pensions.

By Mr. J. F. MILLER: Petition of citizens of Victoria County, Texas, asking for an appropriation for the improvement of the bar at Pass Cavallo, Texas—to the Committee on Rivers and Harbors.

By Mr. LAIRD: Memorial of W. F. Kenfield, objecting to the repeal of the timber-culture act—to the Committee on the Public Lands.

By Mr. MORGAN: Papers relating to the pension claim of John A. Steddum—to the Committee on Invalid Pensions.

Also, memorial of Copeland Post, No. 28, Grand Army of the Republic, Raymore, Mo., relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. S. J. PEELLE: Petition of James E. McGuire, of Indianapolis, Ind., asking allowance for services in the late war—to the Committee on Military Affairs.

By Mr. C. A. SUMNER: Petition of N. A. Stiffler and others, of Riverside, Cal., praying for an increase of duty on imported raisins—to the Committee on Ways and Means.

By Mr. D. H. SUMNER: Papers relating to the pension claim of J. H. Merrill—to the Committee on Claims.

By Mr. WILLIS: Papers relating to the claim of L. M. Flournoy and W. F. Norton—to the Committee on War Claims.

By Mr. E. B. WINANS: Petition of John S. Decker and 28 others, citizens of Forrest, Genesee County, Michigan, asking for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

## SENATE.

### FRIDAY, *March* 28, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

On motion of Mr. HALE, it was

*Ordered*, That when the Senate adjourn to-day it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. HALE. I present resolutions in the nature of a petition of the Meade Post of the Grand Army of the Republic of the Department of Maine, praying Congress for further legislation in the interests of the Union soldiers of the late war, in furtherance of just and equitable claims for pensions, which I move be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HARRISON. I present a similar petition from Bennett Post, No. 183, Grand Army of the Republic, Department of Indiana, and move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. GROOME presented the memorial of Francese L. Turnbull, an owner of certain lands in the State of Iowa, remonstrating against the passage of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HARRIS. The Senator from Kansas [Mr. INGALLS] who is now absent was directed by the Committee on the District of Columbia to report the bill (S. 880) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, with amendments. I make the report in behalf of that Senator.

Mr. PALMER. I am directed by the Select Committee on Woman Suffrage, to whom was referred the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States, to report it favorably, and to submit a report thereon.

Mr. COCKRELL. That is a report of the majority of the committee. The minority of the committee desire to submit an adverse report, and ask leave to submit it hereafter, as it is not yet ready for submission.

The PRESIDENT *pro tempore*. The Senator from Missouri, from the minority of the Select Committee on Woman Suffrage, asks leave to submit the views of the minority at a later day. If there be no objection leave will be granted.

Mr. PALMER, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1417) to enable Martrom D. Lewis, public administrator, of the city of Saint Louis, in the county of Saint Louis, and State of Missouri, having charge of the estate of Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent numbered 70012, for a process of preparing tobacco, granted October 22, 1867, to said Gabriel Neudecker, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1359) to enable Mrs. Louisa Holterman, formerly Mrs. Louisa Neudecker, of the city of Saint Louis, in the State of Missouri, widow of Gabriel Neudecker, deceased, and Martrom D. Lewis, public administrator of said city, having charge of the estate of said Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent No. 70012, for a process of preparing tobacco, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLATT. The Committee on Territories instruct me to report favorably with amendments the bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts, and as I submit no written report on the same I desire to have printed a communication addressed to the committee by the Delegate from that Territory, which is in the nature of a report, although not a formal report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the accompanying paper referred to by the Senator from Connecticut will be printed if there be no objection.

Mr. HARRISON, from the Committee on Territories, to whom was referred the bill (S. 1679) to facilitate the settlement and to develop the resources of the Territory of Alaska, and to open an overland communication therewith, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1288) for the relief of Nathaniel C. Bateman, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. MAXEY introduced a bill (S. 1947) to authorize the appoint-

ment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

Mr. BROWN introduced a bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by "an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777," approved March 3, 1883; which was read twice by its title.

Mr. BROWN. This was an appropriation that was made at the last session of Congress to refund this amount to the State of Georgia; and the Comptroller of the Treasury decided that it could not be paid, on account of the condition of the books, the direct tax or war tax standing charged to the State. The object of this bill is to direct that the will of Congress be carried out, notwithstanding the decision of the Comptroller. I ask that the bill be referred to the Committee on the Judiciary.

Mr. MORGAN. Before the bill is referred I beg to say——

Mr. HOAR. The original bill came from the Committee on Claims, did it not?

Mr. MORGAN. Several States in the South are concerned in this proposed measure; and I hope the Judiciary Committee or whatever committee takes charge of this bill will report as a substitute for it a general bill on the subject to get rid of the unwise and unnecessary decision of the Department which obstructs the accounts of States with the Federal Government.

Mr. HOAR. Of course every bill of this kind which does not belong to it blocks the docket of the Judiciary Committee, which is usually supplied with plenty of work on matters involving law questions and constitutional questions proper. As the measure that this bill amends came from the Committee on Claims, it seems to me this bill should go there.

Mr. BROWN. It came originally from the Committee on Claims, but was acted upon by and met the approval of Congress, and the bill was enacted into a law. Now the question comes up whether the money shall be paid or whether the decision of the Comptroller shall stand. It seems to me that is more appropriately a question for the Judiciary Committee.

Mr. HOAR. The Committee on Claims reported a bill, and I believe put on it the same conditions which the Senate had on the bill which passed yesterday, that any debt which should be due from the State of Georgia should be credited, did it not?

Mr. BROWN. It is a question whether the direct tax known as the war tax is properly charged against the State of Georgia and is a subject of set-off against a claim of this kind.

Mr. HOAR. We had that up yesterday.

Mr. BROWN. The Senate had the same question up yesterday. This was an appropriation made at the last session of Congress by both Houses and signed by the President, and the bill is simply carrying out the decision of yesterday and asking Congress to instruct—for that is the effect of the bill—the Secretary of the Treasury to pay over the money as directed by the law.

Mr. HOAR. Why should a matter the policy of which has been submitted to the Committee on Claims in two bills be now taken from that committee and sent to another committee?

Mr. BROWN. The bill of yesterday was passed and has gone to the House. A similar bill passed both Houses at the last session, but the money is withheld, and the object of the present bill is to instruct the Secretary of the Treasury to pay over the money that was appropriated by the act of last year.

Mr. HOAR. But does not this bill go a little further? Does it not intend to instruct the Treasury to pay over the money whether there is any debt due by the State of Georgia, war tax or no war tax?

Mr. BROWN. I am perfectly willing that it shall be amended so as to say that any other debt shall go as a set-off, but in fact there is none.

Mr. HOAR. But my point is why the Committee on Claims, having considered this subject twice and having made a report favorable to the Senator and favorable to the view which the Senate unanimously adopted yesterday, should not consider this bill which is to correct what is called a mistake of the accounting officers in carrying out the policy enacted by a bill reported by that committee. Why should it be sent to another committee?

Mr. BROWN. I asked that it should be referred to the Judiciary Committee because it was a legal question, and I thought more properly went before that committee; but I have no objection to the other reference.

Mr. HOAR. The bill of last year excepted all debts, as I understand. Now the Senator proposes, I understand, to pass the bill in a shape which relieves it not merely from any erroneous construction of the Treasury Department calling the war tax a debt, but from all debts. The Senator does not propose to apply it to all the Southern States, but he proposes to go further than that and relieve it from any other debt, if other debt there be.

Mr. BROWN. The fact is there is none other charged on the books of the Treasury; but I have no objection out of abundant caution to having such an amendment to this bill by the committee or the Senate.

Mr. HOAR. I move to amend the reference by sending it to the Committee on Claims.

Mr. BROWN. I have no objection to its going to the Committee on Claims.

Mr. MORGAN. If it takes that reference I hope the Committee on Claims will consider the general subject and not confine this merely to the claim of Georgia. I have as much confidence in that committee and its ability as any committee of this Senate, and they are quite as able to handle this question as any committee. I should like very much if the committee when they bring back the bill would make it applicable to the entire subject and settle the question.

Mr. HOAR. What is the general subject?

Mr. MORGAN. Whether the war tax of the Southern States shall be a set-off against the demands which may inure to the respective States by the Government of the United States. It was discussed yesterday whether the law imposing the direct tax is obligatory upon those States that have not accepted it and provided for its collection from the people of the respective States.

Mr. HOAR. It does not seem to me that that subject ought to be dealt with by any committee in reference to this bill. The policy which the Senate established yesterday was that they would not compel the State of Georgia to pay her war tax by setting it off against a claim otherwise equitable due to her from the Treasury, while they were not enforcing by any method that war tax against the other States. That was as far as the Senate went. That question properly arose in considering the particular claim of Georgia. But the question whether the war tax amount should be kept as it is on the books subject to the future discretion of Congress, or whether it should be remitted or wiped out, is a question which would seem to me to come up entirely by itself and without reference at all to what we do with this debt of the State of Georgia; and it does not seem to me that that is a question which belongs either to the Committee on Claims that deals with claims against the Government, or to the Committee on the Judiciary that deals with the mechanism for administering and enforcing general laws, and that the true way for the Senator is to introduce a bill and send it to the Committee on Finance. There is where that matter belongs.

Mr. MORGAN. I was indicating in a very general way my views about the duty of the committee to which this bill might be referred. What I desire to reach is this: that the amounts of money that may be coming to the States, for instance from the sale of the public lands, for the purchase of arms, munitions, &c., that under the existing laws are to be accounted for to the States and to be distributed among the States, shall not be set off on the books of the Treasury against the war tax chargeable against the Southern States. Georgia asks that in the bill which is now presented, and I merely desire that if action of that kind should be taken in reference to the case of Georgia it should apply equally to all the other Southern States.

I do not care to have Congress declare that that debt was unjust or unconstitutional or void, or that the law should be repealed; but whatever action is taken in reference to one of the Southern States Congress would of course be disposed to take in reference to all of them. It should make no discrimination between them. There is no ground for any discrimination. I merely desired that the committee should take into consideration the whole subject, and should prepare a bill under which the decision of the First Comptroller of the Treasury should be reversed. It is not founded in law, as was remarked yesterday by the Senator from Wisconsin [Mr. CAMERON] who now occupies the chair.

The PRESIDING OFFICER. The bill is referred to the Committee on Claims.

Mr. BROWN. I will make this additional remark. If my friend from Alabama desires that question brought up I prefer that he should introduce an original resolution on the subject, and not connect it with this bill, as the appropriation has already been made.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The bill is referred to the Committee on Claims.

### WITHDRAWAL OF PAPERS.

On motion of Mr. GROOME, it was

*Ordered*, That C. D Hill have leave, subject to the rules, to withdraw his papers from the files of the Senate.

### PROTECTION OF THE PUBLIC DOMAIN.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of the Interior be directed to furnish the Senate copies of correspondence between the Departments of Justice and Interior as to the present efficacy of the statute of March 3, 1807, empowering the President to direct marshals and employ such military force as may be necessary to remove certain persons and obstructions from the public domain.

### WAR TAX OF 1861.

The PRESIDENT *pro tempore*. The Chair, pursuant to the rule, lays before the Senate a resolution submitted yesterday by the Senator from Kansas [Mr. PLUMB].

The resolution was read and agreed to, as follows:

*Resolved*, That the Secretary of the Treasury be directed to advise the Senate what amount of the war tax of 1861 is due and unpaid, from what States, or from the

citizens of what States due; whether any portion of said tax, and, if so, what portion, has been paid by withholding money due to any State or States from the General Government, and whether the rule adopted in withholding such money has been applied alike to all the States.

JOHN FLETCHER.

Mr. HARRISON. The bill (S. 542) for the relief of John Fletcher was reported adversely on the 17th of March by the Senator from Wisconsin [Mr. CAMERON], from the Committee on Claims. There are some papers connected with the case that were mislaid and did not get to the committee, I think, in time for consideration before the report was made. I ask that the order indefinitely postponing the bill may be set aside by consent, and the bill recommitted, with the papers, to the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the vote of the Senate heretofore had indefinitely postponing the bill named by him be reconsidered and that the bill be recommitted to the Committee on Claims. Is there objection? The Chair hears none, and it is so ordered.

PATENT-OFFICE DEPARTMENT.

Mr. PLATT. I introduced on Monday last, the 24th instant, a bill (S. 1924) providing for the organization of the Patent Office into an independent Department, and for giving it the exclusive control of the building known as the Patent Office and of the fund pertaining to that office, and the bill was laid upon the table to enable me to make some remarks upon it before it should be referred to the appropriate committee. I wish to say that I shall ask the indulgence of the Senate at the conclusion of the morning business on Monday next to listen to some remarks that I shall make upon that bill.

LADY FRANKLIN BAY EXPEDITION.

Mr. MILLER, of California. I move to take up the bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition, which was reported yesterday from the Committee on Naval Affairs. If we are going to do anything in relation to this matter it ought to be done at once. I hope the Senate will take up the bill now.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from California to proceed to the consideration of the bill.

Mr. COCKRELL. What is the bill?

Mr. HOAR. Let the bill be read for information. That will answer for the reading when it is taken up.

The Chief Clerk read the bill as follows:

*Be it enacted*, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed to make proclamation immediately, and cause said proclamation to be published and distributed as thoroughly as may be in such foreign ports as are interested in navigation and traffic in the Arctic seas, that the Government of the United States will pay a reward of $25,000, to be equitably paid or distributed, to such ship or ships, person or persons, not in the military or naval service of the United States, as shall discover and rescue or satisfactorily ascertain the fate of the Greely expedition.

The PRESIDENT *pro tempore*. The Committee on Naval Affairs report an amendment, which will be read for information.

The CHIEF CLERK. It is proposed to add to the bill:

But such proclamation shall not be made in terms that will involve the United States in any future liability or responsibility beyond said reward, or will induce unprepared vessels to incur extraordinary peril or risk.

The PRESIDENT *pro tempore*. The question is, Will the Senate now consider the bill?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. As the bill has just been read at length, if there be no objection the Chair will regard that as a reading as in Committee of the Whole. The question is on agreeing to the amendment of the Committee on Naval Affairs.

The amendment was agreed to.

Mr. HOAR. It seems to me there ought to be some provision in the bill either that the Secretary of the Navy shall have the final determination as an arbitrator or referee to determine whether any person is entitled to this reward, or if more than one person to distribute it among them, or else that there should be provision for a judicial proceeding in the Court of Claims. The bill, if I understood it correctly when it was read, provides not merely that the persons who shall rescue the expedition but persons who shall ascertain their fate shall be entitled to this reward. It is quite probable, therefore, especially under the latter clause, that there will be a good many claimants, which would give rise to dispute.

Mr. MILLER, of California. The Senator will notice that by the language of the bill it is to be equitably distributed.

Mr. HOAR. Who is to do it?

Mr. MILLER, of California. The Secretary of the Navy. That is the intention of the bill. I think the language means that, or if it does not, if the Senator will suggest an amendment we shall be glad to accept it.

Mr. HALE. I suggest to put in the words "under the direction of the Secretary of the Navy."

Mr. HOAR. It ought to be a little more emphatic.

Mr. MILLER, of California. Will the Senator suggest an amendment?

Mr. HOAR. I move to add to the bill:

And the determination of the Secretary of the Navy as to the right of any person to said reward, or a share thereof, shall be conclusive upon all persons.

Mr. MILLER, of California. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CONGER. Let the bill be read as amended.

The Chief Clerk read the bill as amended.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid; and it was thereupon signed by the President *pro tempore*.

FLORIDA INDIAN HOSTILITIES.

The PRESIDENT *pro tempore*. The Calendar under the eighth rule is now in order, and will be proceeded with.

The bill (S. 230) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities was announced as first in order on the Calendar.

Mr. PLATT. I should like to hear the report read.

The Chief Clerk proceeded to read the report submitted by Mr. HAMPTON February 5, 1884.

Mr. HAMPTON. I asked yesterday that the bill might be postponed until the return of the Senator from Florida [Mr. JONES], and it was passed over without prejudice, retaining its place on the Calendar. I understood that to be agreed to yesterday.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the bill be passed over to retain its place at the head of the Calendar under Rule VIII on account of the absence of one of the Senators from Florida. Is there objection? The Chair hears no objection, and it is so ordered.

UNLADING OF BULKY MERCHANDISE.

The bill (S. 848) to amend section 2776 of the Revised Statutes of the United States so as to authorize the unlading of coal, salt, railroad iron, and other like articles in bulk, under the superintendence of customs officers, at the expense of parties interested, at places to be designated by the Secretary of the Treasury within the collection district, was considered as in Committee of the Whole.

Mr. GARLAND. Does no report or statement accompany the bill?

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). There is no report.

Mr. COCKRELL. The Senator from Oregon [Mr. DOLPH] will probably explain the meaning of the bill. There is no printed report.

Mr. DOLPH. I shall be glad to do so. Before doing so, however, I ask to have a letter from the honorable Secretary of the Treasury read, in regard to the bill.

The PRESIDING OFFICER. The letter from the Secretary of the Treasury will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *February* 5, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th ultimo, inclosing Senate bills 700, 815, and 848 (herewith returned), and requesting my views as to whether the relief sought to be obtained by bills 700 and 815 (to extend the limits of the ports of Portland, Oreg., and New Orleans, La., respectively) would not be secured by the passage of bill No. 848, which provides for the unlading of vessels at places to be designated by the Secretary of the Treasury within a customs collection district.

In reply I have to say that in my opinion the passage of the bill would not only accomplish the object desired as to the particular districts mentioned in the two bills first named, but would prove a convenience generally. I therefore recommend its passage.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

HON. JOHN P. JONES,
*United States Senate*.

Mr. DOLPH. I also ask the Secretary to read the section of the Revised Statutes referred to, although it is not necessary to an explanation of the bill.

The Chief Clerk read as follows:

SEC. 2776. Any vessel may proceed with any merchandise brought in her, and, in the manifest delivered to the collector of the customs, reported as destined for any foreign port, from the district within which such vessel shall first arrive to such foreign port without paying or securing the payment of any duties upon such merchandise as shall be actually re-exported in the vessel. But the manifest so declaring to re-export such merchandise shall be delivered to such collector within forty-eight hours after the arrival of the vessel. And the master of such vessel shall give bond as required by the next section.

Mr. DOLPH. The growth of various cities which have been heretofore made ports of entry in the United States has been such since

those cities were made ports of entry as to require some relief, either by an extension of the boundaries of the ports of entry or by some such provision as is contained in the bill. Early in the session I introduced a bill to enlarge the limits of the port of Portland as a port of entry. A similar bill was introduced to enlarge the limits of the port of entry at the port of New Orleans. This bill is intended to take the place of those bills and meet the difficulty everywhere by allowing certain articles only to be discharged in the immediate neighborhood of ports of entry under the supervision of the Secretary of the Treasury and at the cost of the parties interested.

It is intended to place beyond question the power of the Secretary of the Treasury to permit vessels arriving at a port of entry in the United States laden with coal, salt, railroad iron, and other like articles in bulk to proceed to and be discharged at other places within the collection district when the circumstances are such as in his judgment warrant it. The necessity of the proposed amendment arises out of the doubts which are entertained by the Department as to whether under a strict construction of the present law such permits are authorized.

As a matter of fact the necessities of commerce have in many instances been recognized by the custom-house officials with the acquiescence of the Department, and the unlading of articles of the character mentioned in the bill at places without the limits of the port of entry, but within the collector's district, in cases where the United States would not be put to additional expense or trouble, has been permitted.

The bill is approved by the Treasury Department. Its propriety, it appears to me, can not be questioned. The additional expense of superintending the unlading of vessels under such permits is by the terms of the bill to be borne by the parties interested. It ought not to be the policy of the Government in the collection of the duties laid by law upon imported merchandise to use the machinery provided for its collection for the purpose of imposing additional burdens upon the importer.

Many sections are interested in this bill. To illustrate: I was told when I applied at the Treasury Department for a permit of the character mentioned that in the State of Florida a case had arisen where a permit had been granted to unload cocoa-nut seeds without the port of entry for certain reasons which made it impracticable to have them reshipped. In the district of California it has become a necessity of commerce to allow bulky articles, such as railroad iron, salt, and coal, to be unladen across the bay at the city of Oakland under the supervision of the collector of the port of San Francisco, and at the expense of the parties interested. At the city of Portland the port of entry is at Portland, upon the west side of the river, but railroads have recently been built whose present termini were on the eastern side of the river. Consequently it is a great convenience to have railroad iron, for instance, discharged on the opposite side of the river rather than require it to be discharged at the port of entry on the west side of the river and then transshipped. So in the State of Minnesota, as I understand from the chairman of the Committee on Commerce [Mr. MCMILLAN], there is a similar case, and I presume there are cases of the kind in every collection district.

I believe there is no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### PETER K. DEDERICK.

The bill (S. 1019) for the relief of Peter K. Dederick was announced as next in order.

Mr. PLUMB. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill, being objected to, will take its place under Rule IX.

### METROPOLITAN POLICE FORCE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia.

It provides for the payment to each of such persons, or their legal representatives, who were officers, clerks, and employés of the Metropolitan police force of the District of Columbia on the 28th of February, 1867, a sum equal to 20 per cent. on the salary of such persons as fixed by law for the time stated in the resolution of the 28th of February, 1867.

Mr. COCKRELL. Let the report in that case be read, if there is one.

The PRESIDING OFFICER. There is a report; it will be read.

The Chief Clerk read the following report, submitted by Mr. VANCE February 7, 1884:

The Committee on the District of Columbia, to whom was referred the petition of the members of the police force of the District of Columbia who were in office during the year 1867, claiming the amounts due them under the joint resolution of Congress approved February 28, 1867, have duly considered the same, and make the following report:

The claim of the Metropolitan police force to the benefits of the joint resolution of February 28, 1867, were favorably reported by the Committee on the District of Columbia during the first session of the Forty-third Congress, and again during the first session of the Forty-seventh Congress. The Senate Committee on Claims also reported a bill for the relief of these claimants (S. 319) during the second session of the Forty-fifth Congress, which passed the Senate April 25, 1878.

The facts in the case are so fully set forth in the report of the Committee on Claims that the committee adopt it and make it part of this report, namely:

"[Senate Report No. 234, Forty-fifth Congress, second session.]

"Mr. MORGAN, from the Committee on Claims, submitted the following report (to accompany bill S. 319):

"The Committee on Claims, to whom was referred a bill (S. 319) for the relief of the Metropolitan police force, have had the same under consideration, and submit the following report:

"The bill was before the Senate in the first session of the Forty-third Congress, on the favorable report of the Committee on the District of Columbia. Referring to the joint resolution approved February 28, 1867, granting an increase of the salaries of certain employés of the Government, the committee in their report say:

"'They find by the terms of said resolution that the sum of 20 per cent. additional compensation on their respective salaries as fixed by law, or where no salary is fixed by law on their pay respectively, was to be allowed and paid to the following-described persons, now employed in the civil service of the United States at Washington, as follows: To civil officers, temporary and all other clerks, messengers, and watchmen, including enlisted men detailed as such; employés, male and female, of the Executive Mansion; and in any of the following-named Departments or any bureau or division thereof, to wit: State, Treasury, War, Navy, Interior, Post-Office, Attorney-General, Agricultural, &c.

"'Many persons embraced in the above resolution, and among the number the Metropolitan police force of the city of Washington, made application for their additional compensation and were refused, under the ruling of the First Comptroller, upon the ground that they were not among the persons described in the resolution entitled to the additional 20 per cent.

"'The parties interested, with the exception of the Metropolitan police force, brought suit for their respective claims before the Court of Claims, and obtained judgments against the United States. The counsel for the Government appealed to the Supreme Court of the United States, which tribunal has confirmed the decision of the Court of Claims.

"'The counsel for the Metropolitan police force advised them not to bring suit, but to await the decision in the cases already taken up, as they were test cases and would decide the case of the force. When the cases referred to had been decided it was too late for them to sue in the Court of Claims, and the Comptroller refused to entertain their claim again on the ground that the resolution of February 28, 1867, had been repealed by the act of July 12, 1870.

"'The case of Charles N. Manning, guard or watchman of the jail, was decided in his favor by the Court of Claims, and that decision was confirmed by the Supreme Court of the United States. The Supreme Court decided that as the guards and watchmen of the jail are appointed by the warden, who is required to report to the Secretary of the Interior, and as the Secretary of the Interior fixes the salaries of the guards and watchmen, they belong to a bureau or division of the Interior Department.

"'By the act of August 6, 1861, a board of police commissioners are appointed in the same manner that the warden of the jail is, and this board appoint the police force precisely as the warden appointed the guards and watchmen of the jail.

"'The board of commissioners are by the same act required to report to the Secretary of the Interior annually the condition of the police force.

"'Annual estimates of appropriations are required by the Secretary of the Interior for the force, and returns are made to him. All requisitions for money for printing and supervising legal opinions are made through him. Charges made against members of the board of police are investigated by him; applications for the appointment to the office are filed with him, and the nominations are made by him, and all communications to Congress and the Executive are made through him, and payment to the board and force of salaries is made through him.

"'Attorney-General Bates, in an opinion addressed to Hon. Caleb B. Smith, Secretary of the Interior, decided that it was the duty of the Secretary of the Interior to cause the oath of allegiance to be administered to the board of police and that they are connected with the Department of the Interior.

"'All the decisions of the Attorney-General relative to the board of commissioners have been addressed to the Secretary of the Interior.

"'The Metropolitan force has been published in the Blue-Book as connected with the Department of the Interior until it was transferred to the Department of Justice.

"'It is evident that the Metropolitan police force of Washington was a bureau or division of the Department of the Interior at the time that the Comptroller refused them the additional compensation allowed by the joint resolution of February 28, 1867. In view of that fact, the committee recommend that said force be allowed to sue the United States in the Court of Claims for the 20 per cent. claimed by them under the resolution aforesaid, and recommend the passage of the bill (S. 304) already reported.'

"The 20 per cent. cases, 13 Wallace, 568, are the authorities referred to in support of the foregoing report, and they seem to sustain the claim fully.

"Your committee report back the bill, and recommend its passage."

The committee find, in addition to the facts stated in the report of the Committee on Claims, that in the annual report of the Secretary of the Interior for the year 1868 he includes the police force as a bureau or division of his Department. The force is also included in his salary estimate to Congress for that year for the Interior Department, and Congress appropriated the funds to pay the force on that estimate.

There is no doubt in the minds of the committee as to the force being entitled to the benefit of the joint resolution. By law and by usage they were a part of the Interior Department at that time.

The police force filed their claims in the Treasury shortly after the law was passed, but the settlement was postponed from time to time on account of several points of law raised against them in parallel cases, which points went to the Supreme Court in test cases as each was raised, and each case was decided in favor of the claimants. These points were raised consecutively, thus causing the long delay; the claims of the force continued pending in the Department in the mean while. The last of these 20 per cent. cases are reported in 20 Wallace, S. C. Reports. When these decisions were announced the claimants again applied to the Treasury for payment, but were again denied, on the ground then that the appropriation had been covered into the Treasury and was not available.

Your committee report a similar bill to the one that passed the Senate on report of the Committee on Claims, and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### NEWPORT NEWS.

The bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was considered as in Committee of the Whole.

Mr. CONGER. The object of this bill is to amend the statutes in relation to the immediate transportation of dutiable goods, chapter 190

of the Revised Code, by inserting "Newport News" in the first section and in the seventh section among the names of ports of entry from which goods may be transported in bond, "immediate transportation," as it is called, and to which they may be transported. The port of Newport News has been made a port of entry since the law of 1880 was passed, and this is to give that port of entry the same privileges with other ports of the United States. It is recommended by the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. ROSE.

The bill (S. 717) for the relief of John G. Rose was announced as next in order.

Mr. COCKRELL. The last clause of that bill seems to be very remarkable. It reads:

And that the Secretary of the Navy be authorized and directed to restore the said John G. Rose to the place in the list of lieutenant-commanders of the Navy to which he would be entitled by regular course of promotion.

I object to the consideration of the bill.

The PRESIDING OFFICER. The bill is adversely reported.

Mr. HOAR. Why may it not be disposed of?

Mr. HALE. The report is adverse.

Mr. COCKRELL. Then let it be postponed indefinitely.

Mr. HALE. That should be done.

Mr. COCKRELL. I move that the bill be indefinitely postponed.

The motion was agreed to.

TAX ON ROPE AND BAGGING.

The bill (S. 453) for the relief of Coronna, Taussig & Co. and others was considered as in Committee of the Whole. It provides for the examination and settlement of a number of specified claims for tax on rope and bagging alleged to have been illegally assessed and collected upon the separate application of the parties named.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. MANDERSON February 7, 1884:

The Committee on Claims, to whom was referred the bill (S. 453) for the relief of Coronna, Taussig & Co. and others, having had the same under consideration, respectfully report:

The claim of these applicants for relief came before the Committee on Ways and Means of the House of Representatives at the third session of the Forty-sixth Congress and the first session of the Forty-seventh Congress. Upon both occasions the said committees reported favorably in about the following language:

"The Committee on Ways and Means, to whom was referred the bill (H. R. 3874) for the relief of Coronna, Taussig & Co. and others, having had the same under consideration, respectfully report:

"That all said cases present the same questions for consideration and pray for the same relief. It appears that under the internal-revenue laws, prior to the act of July 13, 1866, no special provision was made for ascertaining the weight of cotton, and in many collection districts the tax was collected on the gross weight, including the bagging and rope, while in New Orleans and many other places an allowance of twenty pounds per bale was made. That whenever the attention of the Commissioner was called to the custom of collecting the tax on the bagging and rope as cotton the assessor was ordered to make a suitable allowance for the tare in assessing cotton. It further appears that this order was issued to some assessors in Georgia on November 11, 1865, while in Memphis, Tenn., it went into effect December 21, 1865, and in the first and second districts of Alabama at a still later period.

"Subsequently these claimants filed their claims with the Commissioner of Internal Revenue for the refunding of the money claimed to have been illegally collected. Commissioner Rollins decided to refund all that accrued after November 11, 1865, and withheld that which accrued prior to that date, although collected under the same law. By the act of July 13, 1866, it was provided that the weight of the cotton should be ascertained by deducting 4 per cent. from the gross weight of each bale or package for the tare. Commissioner Pleasanton decided to refund the tax collected on the tare prior to November 11, 1865, and large sums of money were refunded by him and his successor, Commissioner Douglass; but on his attention being called to the fact that the claims of the petitioners had been considered by a former Commissioner, Commissioner Douglass decided that he could not pay them without the authority of Congress.

"From information derived from Commissioner Raum, it appears that these are the last of this class of claims on file in the Department. The claimants now ask that the Commissioner of Internal Revenue be authorized to re-examine and settle their claims. Your committee are of opinion that they should be granted the relief prayed for."

Your committee adopt the foregoing report as stating concisely the nature of these claims. The following communication from the Commissioner of Internal Revenue shows that the claims of James H. Franklin & Co., Sarah F. Prestridge, and S. P. Steele have been allowed and paid, and that instead of James H. Franklin & Co. the name should be James H. Franklin. He also suggests other amendments, and in conformity therewith your committee report herewith a substitute for the bill (S. 453) and recommend its passage.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
*Washington, February 1, 1884.*

SIR: The inclosed bill (S. 453) for the relief Coronna, Taussig & Co. and others, left by you at this office with the request that I would inform you whether all the parties named therein have claims on file in this Department for the amounts stated, is returned with the information that all the parties named have presented claims for the refunding of the amounts stated, or in which those amounts were included, and those claims are now on file either in this office or the office of the Register of the Treasury.

The claims of James H. Franklin & Co., Sarah F. Prestridge, and S. P. Steele were allowed for the full amount claimed, and should not therefore be included in the bill; but a claim of James H. Franklin was presented upon which $203.99 was disallowed, and this claim should be included in the bill.

I would respectfully suggest the following amendments to the bill:

On page 3, line 66, the name Gallreoth & Stewart should read Galbreath & Stewart.

On page 4, line 67, the name James H. Franklin & Co. should read James H. Franklin.

On page 4, lines 88 and 89 should be stricken out, and on page 5, lines 90 and 91 should be stricken out.

Very respectfully,

WALTER EVANS, *Commissioner.*

Hon. CHARLES F. MANDERSON,
*United States Senator, Washington, D. C.*

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 63, to strike out "Gallreoth" and insert "Galbreath;" so as to read:

Galbreath and Stewart, $339.50.

The amendment was agreed to.

The next amendment was, in line 67, after the word "Franklin," to strike out "and Company;" so as to read:

James H. Franklin, $203.99.

The amendment was agreed to.

The next amendment was to strike out from line 88 to line 91, inclusive, as follows:

Sarah F. Prestridge, $263.35.
S. P. Steele, $153.32.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. MOSES.

The bill (S. 1148) for the relief of William B. Moses was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. PIKE February 7:

The Committee on the District of Columbia, to whom was referred the bill (S. 1148) for the relief of William B. Moses, having considered the same, beg leave to make the following report:

That the act of Congress approved July 28, 1866, entitled "An act making appropriations for sundry civil expenses for the year ending June 30, 1867, and for other purposes," referred to in the bill before the committee, under authority of which, as is urged, this claim is made (14 U. S. Stat. at Large, ch. 296 (1866), p. 317), provides that—

"And the legal representatives of the corporations of Washington and Georgetown, and the portion of the county of Washington, in the District of Columbia, not included in said corporations, be, and they are hereby, directed to provide and suitably furnish, without delay, a suitable room for the use of the orphans' court, and two contiguous rooms and a fire-proof vault for the use of the register of wills in and for said county; and for the repayment of the expense to be incurred in executing this order the said corporations of Washington and Georgetown, and the levy court of the county of Washington, in the District of Columbia, are hereby authorized and directed to levy and collect a suitable tax upon the property embraced within their respective jurisdictions."

That the claim of the said William B. Moses is for a bill of goods furnished by him to furnish the orphans' court of said District, named in the act above quoted. That the said bill, by the terms of said act, was to be paid by the corporations of Washington and Georgetown, and the levy court of the county of Washington, from a tax assessed on the property embraced in their respective jurisdictions.

The committee therefore recommend that the bill be amended by striking out all the bill after the word "claim," in the twelfth line, in said bill, and inserting in the place thereof the words following:

"And if any amount is found to be justly due the said Moses, such amount, not exceeding the sum of $313, shall be included in the estimates to be submitted to Congress for the expenditures of the District of Columbia for the next fiscal year, and paid out of such moneys as may be appropriated therefor."

The amendment of the Committee on the District of Columbia was, after the word "and," in line 12, to strike out—

Such amount, with legal interest thereon, not exceeding in full the sum of $518, as the said commissioners may find to be justly due the said Moses, shall be paid to him out of any money in the Treasury not otherwise appropriated.

And insert:

If any amount is found to be justly due the said Moses, such amount, not exceeding the sum of $313, shall be included in the estimates to be submitted to Congress for the expenditures of the District of Columbia for the next fiscal year, and paid out of such moneys as may be appropriated therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF LANDS IN DISTRICT OF COLUMBIA.

The bill (S. 1104) relating to acknowledgments of conveyances of land in the District of Columbia was announced as next in order.

Mr. CONGER. That bill has some very important provisions in it, and I do not think it can be disposed of within the time limited by the rule. I hope it will go over, to take its place under Rule IX.

The PRESIDING OFFICER. The Senator from Michigan objects to the consideration of this bill. It will take its place on the Calendar under Rule IX.

SETTLERS ON SAINT JOSEPH AND DENVER RAILROAD LANDS.

The bill (S. 57) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas was considered as in Committee of the Whole.

For the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands of the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been, or may hereafter be, rendered by the United States circuit court on account of the priority of the grant made in that act, the sum of $250,000, or so much thereof as shall be required for the purpose, is appropriated by the bill. No part of this sum shall be paid to any one until he shall have filed with the Secretary of the Interior a copy of the decree, duly certified, and also a certificate of the judge of the court rendering the same to the effect that such decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in the act of 1866 and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by the act to the filing, settlement, or purchase by the defendant or his grantor; and the claimant shall also file with the decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of the court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of $3.50 per acre for the tract, his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid.

The bill was reported from the Committee on Public Lands with an amendment, in line 12, to strike out the words "or may hereafter be;" so as to read:

But against which persons, or their grantees, heirs, or devisees decrees have been rendered by the United States circuit, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CONGER. I should like to have some person in charge of this bill state why the Government should pay a big sum for lands and the costs of judicial proceedings.

Mr. VAN WYCK. The easiest way will be to read the report.

Mr. CONGER. Time need not be taken in reading the report; the reason for the bill can be stated. This seems to be a general provision that all lands patented by the United States to settlers and afterward held to belong to a certain railroad company shall be paid for at $3.50 per acre, and that the costs to which the settlers have been subjected in the courts in suits where they failed shall be reimbursed.

If this were a general law making provision for all classes of cases in the United States where patents have issued to lands where a prior grant had carried the title with the grant, I should have no objection to it. I know cases where lands were sold by the United States after the passage of what is called the swamp-land act, and patents issued by the United States where by virtue of the grant in the swamp-land act the courts decided that the title vested in the State from and after the passage of the act, although a list was to be made out from descriptions in the Surveyor-General's Office and listed by the States afterward. I know of a case in my own county where a man had bought his land of the United States, paid his money, received his patent, and for over twenty years had improved the land and made it a home, spending the labor of himself and his family upon it for years. Some one found out afterward that it came within the descriptive list of swamp lands granted to the State of Michigan, and some person went and bought it of the State, brought suit, and of course under the law the title was in the last purchaser.

I have tried for years in both Houses of Congress to have some remuneration made to that man whose land was taken away from him after twenty years of hard labor upon it, and who had converted the wilderness into a beautiful farm, and in his old age was driven from it without any compensation; and the committees to whom such a case was referred decided that they had no power except by creating a dangerous precedent to pay anything to the person thus holding the United States patent for land and occupying it for twenty years and over and making it a home.

Here is a proposition to pay to those who may have entered contrary to law upon a reserved grant of land, well known and well understood, three and a half dollars an acre for all land upon which they had squatted or for which they had obtained patents by some kind of mistake. I do not know but that it is just that this bill should be passed. I think perhaps it is. I think if the United States has permitted its officers to convey by the highest title known in this country, by the seal and patent of the United States, lands to a settler by some inadvertence, when it had granted them to anybody else, railroad companies or others, this Government should pay for them. But it is not done in other cases; the United States does not pay for improvements, or value, or anything.

I do not object to the passage of this bill. I only say that it is possible that you are paying more to the settlers upon these railroad lands by fixing a price, when they may have only located and made no improvements upon them, than is justly due. When I introduce a bill to go to the same committee to pay to a man in his old age something for the value of the land which he had occupied under the laws of the United States, with its patent taken and recorded, I want it to receive some attention. The land was found to have been conveyed in 1852 or 1854 by virtue of a grant to the State of swamp lands. His tract appeared to have in it more than half of swamp lands, and therefore by that description went to the State. Congress, on two or three occasions when I have endeavored to have such a bill as that considered, has declared that it would be a dangerous precedent to require the United States to make good any losses to the purchasers of its lands.

I shall be glad to have this bill pass and shall vote for it, because at any rate it will be a precedent to which I may refer hereafter.

Mr. GARLAND. Mr. President, the difficulties that occur to me are a little broader than the Senator from Michigan seems to consider. The swamp-land grant was a grant *in præsenti*, as the law terms it, and the courts have so held in a number of instances, but there was no description in that grant by way of identifying the particular lands granted, as there was in the act mentioned here. Section 4 of the act is as follows:

That as soon as the said company shall file with the Secretary of the Interior maps of its line designating the route thereof, it shall be the duty of said Secretary to withdraw from the market the lands granted by this act in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

That would seem to be very clear on the reading of it that the lands were in market when this particular thing was done and brought to the attention of the Secretary of the Interior; and before that, as I understand from this report, these settlers went on and paid for the land, and settled on it, and improved it, supposing they would have until the map was filed and this identification or this segregation from the public domain was made by the filing of the map.

Such would seem to be the reasoning of the committee; but when the case came to the district court and from there to the Supreme Court, it seems a wholly different construction was placed on it and these settlers failed to get what they considered they would be entitled to under a fair interpretation of this section 4.

Besides the case referred to in this report of the Senator from Nebraska there is a case still more recent in the one hundred and sixth or one hundred and seventh volume of United States Reports carrying out the very construction adopted in this case of Kneavels vs. Hyde. I think it is a hard case and that these settlers are reasonably entitled to be relieved; and this very bill passed before; it has already passed the Senate; it has already received the sanction of this body.

I call the attention of the Senate to the fact that the description in the act of 1866 which operated to mislead these settlers was not in the swamp-land grant or in any other grant but the more recent railroad grants.

There is one matter of explanation that I think it would be well for the Senator from Nebraska to make a little more definitely than his report does. The statement in the report that the settlement shall be at three and a half dollars an acre does not seem to reveal precisely the reason for that rate. It says:

By this decision and the delay on the part of the House some of those holding patents for these lands were discouraged, and fearful they might not only lose their lands but not receive any relief from Congress made a settlement with Mr. Kneavals at $3.50 an acre.

That might be a reason for their settling at that rate; but that would not probably run through all the cases, and I should like the Senator from Nebraska to make an explanation a little more fully; and if that explanation can be made, I think the bill is perfectly satisfactory and meets the hardship these settlers have undergone in this matter.

Mr. VAN WYCK. Mr. President, I should have inserted in the committee's report a letter from the Secretary of the Interior and the Commissioner of the General Land Office in which the facts in this matter are succinctly stated; and in order that they may be published in the RECORD I will take the liberty now of reading. They will in a measure explain the point suggested by the Senator from Arkansas:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., January 24, 1884.*

SIR: I have the honor to acknowledge the receipt by your reference, for report, of a communication from Hon. P. B. PLUMB, chairman of the Senate Committee on Public Lands, dated the 7th instant, transmitting Senate bill No. 57, entitled "A bill for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas."

In reply I have to state the bill pertains to certain lands within the limits of the grant to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph, now known as the Saint Joseph and Denver City Railroad Company (14 Stats., page 210).

The records of this office show that a map of the definite location of the Saint Joseph and Denver City Railroad as adopted by the board of directors of the company, March 21, 1870, was received in this office with a letter from the then Secretary of the Interior, dated the 28th of the same month.

By letter from this office, dated the 8th of April, 1870, the local officers of the several land districts in which the grant was located were directed to withdraw from sale or entry all the odd-numbered sections within the limits of the grant. This order was received at the local offices April 13 and 15, 1870, which dates were formerly held as the times when the right of the company vested to the lands granted.

Under that construction of the granting act entries were allowed to be made for lands within the limits of the grant until said dates, April 13 and 15, 1870.

This appears to have been the established rule of the office in compliance with the provisions of the act approved March 27, 1854 (Revised Statutes, 2281). (See circular of February 10, 1870, Copp's Land Laws, page 403).

That rule was subsequently change by the opinion of Assistant Attorney-General Smith, concurred in by the then Secretary of the Interior, dated April 28, 1871, in the case of S. M. Boyd *vs.* The Burlington and Missouri Railroad Company (Copp's Land Laws, page 392), and afterward it was held by the Department that the right of the company attached on the day of the adoption of the line by the company, March 21, 1870.

March 25 and April 1, 1872, a number of entries which had been initiated between March 21 and April 15, 1870, were held for cancellation so far as they included odd-numbered sections within the limits of the grant to said company.

Appeals were taken by parties in interest, and two cases, that of A. W. Nickell, cash entry No. 3097, and W. L. Cutler, homestead entry No. 4039, were submitted to the Department as test cases August 6, 1872.

September 3, 1872, the acting Secretary, W. H. Smith, held as follows:

"These entries and the others of like character were allowed under a ruling of your office then in force, to the effect that the railroad acquired no right to lands until the notice of withdrawal was received at the local office. You directed them to be canceled, pursuant to a later ruling of the Department on the subject.

"This ruling is intended to be prospective in its operation, and not to disturb past transactions. Your decision is therefore reversed." * * *

In compliance therewith this office released that class of entries from suspension.

The Supreme Court of the United States, in the case of VanWyck *vs.* Kneavals, held that the right of the company attached on the day of the acceptance by the Secretary of the Interior of the map of the definite location of the road, which was March 28, 1870 (16 Otto, 360).

Under this decision, if the land was clear of adverse claims at that date, and was entered or purchased from the Government prior to April 15, 1870, the patents issued thereon are invalid.

The pending bill proposes relief for that class of settlers or purchasers whose claims had their inception subsequent to March 28, 1870, in cases where the lands were not excepted from the operation of the grant by prior valid adverse claims.

It is apparent from the foregoing that settlers who, under the rulings of the Department, were permitted to initiate claims upon lands within this grant after said date, and subsequently received patents for the same from the Government, which the courts have declared invalid, have strong equities, and I think the proposition for their relief embraced in the bill as good as any that occurs to me and which would be practicable.

I think the bill should pass.

The bill referred by you is herewith returned.

I am, very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. H. M. TELLER,
*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR, *Washington, January*, 29, 1884.

SIR: Senate bill 57, "for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas," was received by your reference of the 7th instant, and referred to the Commissioner of the General Land Office. I have the honor to inclose herewith copy of his report on the subject under date of the 24th instant.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. P. B. PLUMB,
*Chairman Committee on Public Lands, United States Senate.*

In further explanation of the suggestion of the Senator from Arkansas, I will say that from this statement of facts there is no question as to the right of the persons settling, purchasing, and holding patents from the Government and the duty of the Government toward them. There is no dispute anywhere in this body or in the Department that this relief should be had. This certainly is a remarkable case, where the statute was supposed to be so plain that the Commissioner of the General Land Office and the Secretary of the Interior, and even the common man who was seeking a home on the prairies, could read and understand it fully. Then, after ten years had elapsed from the entry the settlers were in danger of eviction by the grantee of a railroad company; the Supreme Court disturbed the patents which were given by this Government by a most remarkably strange decision; and the question arises now as to what mode of relief should be extended to these parties. It was at first supposed at a previous Congress that two dollars and a half per acre would probably satisfy this claim. Since that time Congress has failed to enact a law. True, a bill was passed in the Forty-seventh Congress by this body, but too late to be acted upon by the House, so that it went over without final action. Naturally the settlers became discouraged. They wanted to save their homes; they were pressed by a Supreme Court decision from which there was no appeal; nothing stood between their homes and the process of law to dispossess them, after ten years of labor upon these lands, where children had been born and buried. When the marshal of the district about to execute the process was on the way to dispossess them, then it was that it became necessary in order to save their possessions that some further compromise should be made. Certainly it was liberal on the part of the party having the decree of the Supreme Court in his favor—a settlement was agreed on at three dollars and a half per acre; a generous settlement, because, although the decision of the Supreme Court was unjust toward the settlers and toward the Government, and was a judicial repeal of a solemn act of Congress, still the claimant had this decision in his favor, and I refer to it now as a tribute to the generosity and humanity of Mr. Kneavals that he was willing to concede land worth $20 or $25 an acre to the settlers at three dollars and a half per acre.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CALL. I would ask the Senator from Nebraska if he would have any objection to accepting an amendment making this bill general in its provisions? I see no reason why a man who has bought lands from the United States and whose title has failed should not in all cases receive an adequate compensation. Ever since I have been in the Senate I have had an application pending before the Committee on Claims and on file in the Department for the return of money paid for lands more than forty years ago—for the simple return of the money where the title failed. It does not matter from what cause the United States has sold a piece of land to one of its citizens and the title has failed, there should be compensation made; the money should be returned and some interest upon it. I can see nothing to except this particular case from the general equity which relates to every one of such cases; and if there was no objection I would ask that the bill be amended so as to apply to every one that has bought lands of the United States the title to which has failed.

Mr. VAN WYCK. I agree with the Senator that we should have some law on that subject, and the want of it is the great difficulty in all these cases; but I prefer he should not ask it as an amendment to this bill. There has been an effort made in the Public Lands Committee, and I think in other committees, to frame a bill which will reach all these cases. And now I say to my friend, this would be a most excellent time, when we have an overflowing Treasury, when we are ready to expend our millions on the Navy, when we are ready to spend millions for a building for a library at the capital, when we are willing to spend millions for educational purposes—now would be a most excellent time for this Government to do justice, stern justice, to a class of its citizens upon whom it has always turned its back. I agree with my friend that now is the time that honest claimants scattered through the States and Territories of the West should be paid from the Treasury, and a general bill passed. The world may admire our generosity: it would still more admire justice.

Mr. McMILLAN. Will the Senator from Nebraska allow me to ask a question? Does not the Government of the United States now in all cases where a patent is canceled return to the patentee all the money he paid into the Treasury for the land embraced in the patent?

Mr. VAN WYCK. No, sir; it does not.

Mr. McMILLAN. I have never known a case where it did not do it.

Mr. VAN WYCK. That is not the practice.

Mr. CALL. I will state to the Senator from Minnesota that I do not know whether there is any act of Congress requiring such a return of the money or not. I do know, however, that where there has been simply a certificate of entry made there are cases now pending both before the Committee on Claims here and before the Department in which money has been paid for land the title to which could not be made by the Government, and which the Land Office declined to make for some good reason, because they had previously granted it, or did not have it, and that money has not been and can not now be obtained from the Department.

Mr. McMILLAN. I have understood that the Government always returned the purchase-money to the purchaser where the title was defeated after the patent had been issued by the Government.

Mr. CONGER. I desire to say that the explanation of the Senator from Nebraska of the basis on which the $3.50 is to be paid, the statement that that was a general arrangement in behalf of these settlers with the other parties claiming the land, is satisfactory to me, and I shall vote for the bill with pleasure.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BOSTON STATE NATIONAL BANK.

The bill (S. 29) for the relief of the State National Bank of Boston, Mass., was announced as next in order on the Calendar.

Mr. GARLAND. Let that go over.

Mr. JACKSON. I ask the Senator from Arkansas if he will consent to let it retain its place on the Calendar and be taken up on Monday?

Mr. GARLAND. Not under the five-minute rule. I should not like to have it taken up under the five-minute rule.

The PRESIDING OFFICER. The consideration of the bill being objected to, it will take its place on the Calendar under Rule IX.

## AMERICAN SHIPPING.

The bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, was announced as next in order on the Calendar.

Mr. FRYE. This is a bill which it will be impossible to consider under this rule. It is a bill of very great importance. I have consulted with several Senators who will take part for and against the bill in discussion, and I will move that it be made a special order for May 1, at 2 o'clock p. m.

Mr. BECK. I hope that motion will not be carried. This is a bill which, if anything is to be done with it, has to be acted upon very promptly. While I am not one of the gentlemen the Senator has seen fit to consult (and, perhaps, he was right, although I urged the bill before his committee and have done so several times), I shall endeavor to have as early action upon the bill as possible.

May 1 means nothing in my opinion. I do not wish to be arbitrary about it, but I know of no reason why the bill should be postponed to that time. Such is the urgency to have some definite action in regard to our merchant marine that I believe a majority of the Sen-

ate now, upon a motion made to take up the bill, notwithstanding an objection, would take it up and proceed with it.

I see no reason why a month and more than a month shall be allowed to elapse, when we expect to get away perhaps by the close of May, at which time the tariff bill and the appropriation bills, not one of which has yet been acted upon, will be so obviously in the way that this bill will never even be looked at. Thirteen important appropriation bills, on which there are serious differences of opinion between the House and the Senate, as there always will be when the two bodies are of different political complexion, especially just preceding a Presidential election, will occupy very much of the time, much more than usual, and I regret to say they are held back much longer than usual, as the Senator from Maine knows; so that his bill, if put off till the 1st of May, will never be heard from. It can be heard now. There is nothing in the way.

That is one reason why I, perhaps without having a right to say anything, object. I am prepared to argue one side of the bill now or at any time, and so are others; and the delay of over a month is equivalent to not discussing it, in view of the appropriation bills we have to pass and the possibility of some tariff legislation.

Mr. HARRIS. If the Senator from Kentucky will allow me, I suggest that if an objection is now made and the Senator from Kentucky shall move to proceed, notwithstanding the objection, that will relieve the bill from the operation of the five-minute rule, and that perhaps would meet the views both of the Senator from Maine and the Senator from Kentucky.

Mr. BECK. It meets mine. I shall object if the motion be made to postpone the bill until May.

Mr. FRYE. I should like to inquire of the Senator from Kentucky whether there is any earthly use in sending from the United States Senate to-day a bill to the House of Representatives on the table of which there are now 320 Senate bills, and to which table the House has not yet proceeded?

Mr. BECK. I will answer that by saying that if there is no use in sending the bill there to-day there will be no use in sending it after the first Monday in May, when there will be 600 bills on the Speaker's table instead of 300, in all probability.

Mr. FRYE. There has been a time assigned in another House for the consideration of a bill similar to this. I call the Senator's attention to that. Suppose the House should consider that bill similar to this within a week and should send it to the Senate, and that then that bill should be taken by the Senate and amended according to the opinions of the Senate and sent back to the House, I ask whether it would not be in a much better condition for action by both branches than for the Senate to-day, for instance, to send this bill to the House?

Mr. BECK. I will answer that supposition by saying that I do not regard it as either probable or possible that any such thing will occur. I know that the agricultural appropriation bill, the Army appropriation bill, and other bills are pressing there for a hearing from the Appropriations Committee. I have taken pains to inquire with regard to those bills. Many of them will involve long discussion. It is known that the Morrison tariff bill will be pressed at a very early day, which will involve a good deal of discussion, and that there is no chance in the world to have anything done in regard to the merchant-marine unless the Senate takes it up at the very earliest possible day and presses it with all the power of the Senate.

I expect to be able to show, and I think the Senator from Maine will show (for I agree with him in many things he desires to do, and I expect to vote for this bill in many of its provisions if I can not go further), that there is an urgent necessity for the passage of this bill; and we have now to consider it, and to press it, and urge it from this moment on, or it will receive no consideration at this session of Congress. The hour of 2 o'clock has arrived, I see by the gavel; let the bill go over and we can speak of it on Monday morning.

Mr. VEST rose.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. FRYE. If the Presiding Officer will pardon me, I should like to hear what the Senator from Missouri, who has risen in his seat, wishes to say about this, as he has, I believe, to go away.

Mr. VEST. I rose simply for the purpose of asking the Senator from Maine a question. My information in regard to the matter, coming from the House, is very different from what he seems to state. From the RECORD, if I may be permitted to refer to the proceedings of the House on this subject, it seems that yesterday the shipping bill was postponed in favor of another measure, and I am not aware of any bill that involves the principle or contains the provisions in the bill that we have reported from the Committee on Commerce here which is likely to come up soon in the House. The Senator may have that information, but certainly not from the RECORD. My information is that the earliest day at which the Commerce Committee of the House expect to bring this matter before that body is the third Monday in April.

Mr. FRYE. I have not received any information within the last two days.

Mr. VEST. If the Senator will look at the proceedings in the House yesterday he will see that the Commerce Committee undertook to bring up the shipping bill; that several measures were proposed, and another measure was taken up instead of the shipping bill, and it is now indefinitely postponed in the House. I mean to say there is no particular time in which it can come up. I was informed by the chairman of the Commerce Committee of the House that it is not possible to reach it there before the third Monday in April or the first Monday in May.

Mr. FRYE. Mr. President——

Mr. HOAR. We seem to be violating three rules of the Senate at once. I do not know whether it is right to violate any more or not.

Mr. FRYE. I ask leave to do it by unanimous consent. I was consulting the convenience of the Senator from Missouri somewhat in this matter, who informed me that at a certain time he would be obliged to leave the city. If the Senator from Missouri is entirely willing to go on with the shipping bill, I will make the motion at the next call of the Calendar.

Mr. VEST. I prefer to go on with it now rather than to have the matter go over, because I shall be obliged to leave here by the 15th of April. I would rather take up the shipping bill now, as far as I am personally concerned.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to print 3,000 copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, for the year ending June 30, 1883.

The message also announced that the House of Representatives had passed a joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress; in which it requested the concurrence of the Senate.

## AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

Mr. LAMAR. Mr. President, I shall detain the Senate only a few moments, not with the expectation of adding anything new to the arguments that have been advanced on this subject, but simply to state my own reasons for the vote which I shall give. I have bestowed upon the constitutional question involved in this measure the study which its importance deserves. I shall not go over the ground already occupied by the Senator from Florida [Mr. JONES], the Senator from Arkansas [Mr. GARLAND], and the Senator from Alabama [Mr. PUGH], nor will I recite the imposing authorities arrayed by the Senator from Georgia [Mr. BROWN]. I have no doubt about the constitutional authority of Congress to pass this measure. Indeed, if we should reject it on the ground that it is unconstitutional for Congress to give aid to the States in the exercise of their exclusive jurisdiction over the education of their people, we would be reversing the settled policy of this Government.

The refinements and subtleties about the distinction between the granting of land and an appropriation of money for educational purposes do not satisfy my mind. Even if such a distinction would hold, it does not apply to the constitutional question that is made. It is not the kind of aid granted, whether it be in land or in money, but the purpose for which it is granted, that is to be considered. It is the threatened intervention of the Federal Government into the educational affairs of a State to which the constitutional objection applies, and intervention is as menacing when it comes in the form of a land grant as when it comes in the shape of an appropriation. I do not regard it as a menace in either case.

Nor do the objections so forcibly presented by the Senator from Missouri [Mr. VEST] strike my mind as sufficiently strong to justify a vote against this measure. The specification of the studies, the mere prescription that geography, reading, writing, and arithmetic shall be taught in those schools, I do not think can be called a condition or dictation; they are words of description. It is simply saying that common-school education shall be taught, and it is another mode of expressing the very object of the bill as it has been reported. If instead of the words "reading, writing, arithmetic, and geography" the words "the usual common-school education" had been substituted, it seems to me the same object would have been accomplished.

I, however, do not intend, I say, to repeat the argument which has been forcibly presented in support of the constitutionality of this measure. I do not see any entering-wedge, as it is called, in this bill toward Federal intervention in the jurisdiction of the State over the education of its children, and if there exists any such tendency in the public mind, in my opinion the passage of this bill will arrest it.

Nor do I see any dangerous precedent in it. I do not think it is wise or just reasoning to say that a thing that is right in itself, beneficent in its objects, may be in the future perverted into a wrong, nor do I anticipate it. I have watched the progress of this scheme from the time it was first introduced into the other House, many years ago, down to the present time, when it has taken its present shape as presented by the Senator from New Hampshire. I have watched it with deep interest and intense solicitude. In my opinion it is the first step and the

most important step that this Government has ever taken in the direction of the solution of what is called the race problem, and I believe it will tell more powerfully and decisively upon the future destinies of the colored race in America than any measure or ordinance that has yet been adopted in reference to it—more decisively than either the thirteenth, fourteenth, or fifteenth amendments, unless it is to be considered, as I do consider it, the logical sequence and the practical continuance of those amendments.

I think that this measure is fraught with almost unspeakable benefits to the entire population of the South, white and black. Apart altogether from the material aid—and that cannot be overvalued—apart from the contribution of this bounteous donation of money, it will give an impulse to the cause of common-school education in that section which will tell on the interests of the people through the long coming future. It will excite a new interest among our people; it will stimulate both State and local communities to more energetic exertions and to greater sacrifices, because it will encourage them in their hopes in grappling and struggling with a task before whose vast proportions they have stood appalled in the consciousness of the inadequacy of their own resources to meet it.

It is true, as some gentlemen have stated, that before the war the common-school system did not flourish in the South. We had an education there, and an educated people whose culture was as high as that of any people on earth. They were a people, one-fourth of them at least, perhaps, who had all the function and discipline and intellectual development that the finest education could give, not only from their own colleges at home, but from the best universities in America and Europe. It is true that owing to the sparseness of our population and to other causes the common school did not thrive, and there were prejudices against the common school as an efficient means of diffusing education—prejudices they may be called, but such as are now entertained and expressed by some of the ablest writers in the North. Be that as it may, though the common-school education did not prevail in that section to as great an extent as in other parts of the country, they were a better educated people than one would imagine from the statistics of illiteracy. They were educated in the school of American citizenship, and they reached a discipline and a maturity of thought and an acquaintance with public and social duties that showed itself in a war in which grand armies stretching nearly across the continent found themselves baffled with alternate victory and defeat, and the fate of this Union held in the balance for four years. No ignorant and debased population could have stood before such a power with such heroic resistance for such a time.

But the result of the war overthrew the conditions of society, and colleges, schools, and academies shared in the general crash and desolation. In that section the educated classes suffered more than all others. They were more impoverished than any other class, and their children more imperiled by falling back into ignorance than any other class; and now the common-school system has become the indispensable factor in diffusing education generally throughout the South.

The people of the South have attempted to meet the emergency. They have rebuilt in a large degree their colleges, academies, and schools in the towns, villages, and cities, and they have made great sacrifices. Although the remark has been made more than once that it is impossible for any except one who lives in their midst to know the extent of the efforts and sacrifices they have made, I must yet call attention to it here.

Guizot in one of his great speeches once said that the overthrow, prostration, and demolition of the political institutions of a country was equal in the political world to the swallowing up of a city by an earthquake, and that it would be as difficult to reconstruct the one as it would be to resurrect and rebuild the other. Extravagant as the illustration is, we have learned by a costly experience that there is much truth in it. Yet we have made the effort, and our people have taxed themselves and are still taxing themselves at a rate that is equal in some of our States to that of any other section of the Union.

But the progress has been slow, the difficulties have been great, the burden has been grievous, and we stand, I say, almost appalled by the immense obstacles in the way. The generous, wise, and beneficent action of the Government proposed by this measure, as I said before, would reanimate and infuse new hopes in our people; it will be a manifestation of respect and confidence and affection which will draw them into closer relations, if possible, to the Government, and dispel whatever impressions past events have produced that it stands in an attitude of sternness and hostility toward them.

The objection which has been made in the course of the debate that this donation is too large, that the fund is too big and comes too abruptly to be availed of in that section, is based upon a misapprehension of facts, and the conclusion is erroneous. There is machinery there fully adequate to the disbursement and application of this fund to the wisest purposes for which it is intended. We have school-house accommodations for far more scholars than have attended or will attend. I speak from positive knowledge when I state to the Senate that there is in the shape of teachers—competent, well educated, full of aspiration for honorable usefulness and distinction in that field—material I believe superior to that in any other section of the Union, for we have not the diversified avenues to careers which you have in other sections.

I have some tables here which I shall not trespass upon the time of the Senate in reading, but I will ask the privilege of incorporating them in my remarks, to show the extent to which we have laid the foundation upon which any superstructure, no matter how large, might be raised for common-school education.

We have, as I said before, school-houses, we have teachers and the material for making teachers. All we need is the money to apply to these ends. We can carry on in the rural districts this instruction for four months in some of the States, as in my own, and in the cities and towns for eight months, but we have not the means for prolonging the tuition. If we had, the blessings of education would be multiplied beyond the mere proportion of the extension of the time, for such is the character of the occupations of our people that they are not able to send their children to school in large numbers at any one time and for any very protracted period. The culture of the cotton crop, especially in the lower portions of the Gulf States, requires nearly all the months in the year. They begin in the early part of the year, sometimes in December of the preceding year, to bed up the land; the field work goes on until in July, when we have a short vacation through August into September, and then the children go in larger numbers to the schools; until about the middle of September, when cotton-picking commences, and continues until Christmas and often later; but if our terms were prolonged, as they would be if we had the means of employing the teachers, there would be all through the year children sent to those schools for short periods, where they are now excluded by the shortness of our present period.

The Senator from Indiana [Mr. HARRISON], in the remarks which he submitted to the Senate yesterday, stated that there was not a child within the limits of that State within the ages prescribed for education who did not have the means to acquire, or at least who could not acquire, the elements of a common-school education. Sir, that remark is as applicable in its fullest, most literal meaning to Mississippi as it is to Indiana. There is not a child in that State from 5 years old to 21, and if he chooses to go after he is 21, who would not be admitted into school should he apply. No matter what his color, he can then find the means of education.

I would regret very much if the amendment offered by one Senator should by its adoption here mar and impair the effect of this bill. I mean the amendment which proposes that the fund shall go into the hands of Federal agencies, and be distributed by them to the exclusion of the State officers. The effect of such an amendment would be a discrimination. It would give to the measure instead of its present generous and beneficent aspect a harsh and ungracious look and effect.

Senators have expressed the opinion that this fund will not be fairly administered, that such is the prejudice of race, that such is the darkening influence of slavery, that with the best intention our people and officials are incapable of administering this fund equally and equitably to all.

I say that I should regret the adoption of such an amendment for the reason that it would change the entire aspect and character of this bill and show that this Government intended to keep up discriminations; that while it is animated with a desire to benefit and improve and elevate and edify one race, it looks upon the other as an object of distrust and suspicion. It would be the enactment of the color line.

Mr. HARRISON. Is the Senator from Mississippi speaking of my amendment?

Mr. LAMAR. No, sir; I have looked over the Senator's amendment, and while it will not receive my support I will state with perfect frankness that I do not think it is amenable to that criticism.

Mr. President, the surest way to make a people worthy of trust is to trust them; and the surest mode of producing alienation and making them stand aloof in sullen opposition or perhaps active obstruction and antagonism upon such a subject as this is to treat them as objects of distrust and disapprobation and to manifest toward them a want of confidence which they feel they do not deserve. I say with entire confidence that this distrust is not deserved; that Senators are mistaken as to the state of feeling in the South with reference to the education of the negro. The people of the South find that the most precious interests of their society and civilization are bound up in the question of his education, of his elevation out of his present state of barbarism. I shall enter into no argument upon that subject. I intended to read some authorities upon it, but my friend from South Carolina [Mr. HAMPTON] has anticipated me. I will call attention, however, to the fact that distinguished educators, who are supposed to be familiar by observation with the temper and character of our people and the history of their course upon this subject, entertain quite an opposite view.

A Northern man, the Hon. J. H. Smart, for many years superintendent of public instruction in the State of Indiana, speaks upon this question after an extended observation through the Southern States. I invoke attention to the testimony of this distinguished educator. He says:

> I want to say that throughout the length and breadth of the Southern States, without one exception—

Mark it, sir. His language is exhaustive, "without one exception"—

> the colored people are given the same advantages that the white people are given.

This is with the taxes imposed upon the white people themselves by themselves.

And I believe from what I saw that we are able to trust the existing State organizations represented by these gentlemen; we are able to trust them with whatever means we can appropriate, and I speak after some investigation and after deliberation.

Dr. Mayo, of Massachusetts, uses the following language. I shall not read it all to the Senate, but simply wish to concentrate his testimony upon this point:

I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has an effort so great, so persistent, and so absolutely heroic been made by any people for the education of the children as by the leading class of the people in our Southern States.

Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South.

Sir, should such a people be smitten in the face? Let me read you some other remarks of this gentleman in a more elaborate address upon this subject. After giving the difficulties under which the South labored after the war and speaking of the imperiled condition of the educational interests of those States and the necessity for going to work at once to re-establish their colleges, academies, and schools, he uses the following language:

To this work they bent themselves with a singleness of purpose and a pertinacity thoroughly American and deserving of all praise.

* * * * * * *

So, for the past fifteen years these people have toiled as nobody can know but themselves, through sacrifices almost incomprehensible to our wealthy Northern communities, to rehabilitate their little colleges and academies, and to furnish the small amount necessary to give their children such education as they might in these schools. I undertake to say that this effort alone entitles the South to the profound interest, even admiration, of all thoughtful schoolmen everywhere.

I am sure that if honorable Senators had known these facts they would not have uttered upon this floor the language of depreciation, distrust, and suspicion.

But to do this—

He says—

it has been necessary that the most eminent teachers should be overwhelmed with work and live on starvation wages; that great numbers of women of the highest social position, and the daughters of the leading families, should give their lives to the work of instruction; that families strangely impoverished should contrive to pinch themselves for the schooling of their young people; and that great numbers should still be dependent on the benevolence of neighbors and school corporations for what they obtained.

It is impossible, of course, to say how much this great rehabilitation has cost the Southern people. He goes on to say:

But the Southern people have not paused with this attempt at the reconstruction of the secondary and higher education for the white race. Beyond this, of their own notion—

Mark it, sir, "of their own notion"—

in every State, within the past ten years, the people's elementary common school for white and colored children has been placed on the ground, defended through the dangers of its infancy, made better every year, until it has become a vital institution of Southern civilization.

Black and white. Here is the language in which he speaks of the teachers engaged in this work:

A better class of people, more earnest, more determined to improve, more self-denying, working on wages painfully and sometimes pitifully inadequate, can not be found in any Christian land than the majority of the public-school teachers of the South. The State superintendents of education and many of the city and county supervisors are the same sort of people as our leading educators of the North.

* * * * * * *

And now the traveler through the Southland finds himself everywhere in the presence of an educational revival as marked as in New England in the days of Horace Mann.

The Senator from Massachusetts [Mr. HOAR] spoke of that great movement of education as characteristic of that State which, he said, leads the column of educated States.

Mr. HOAR. If the Senator will pardon me, I should like very much to say that the name of Mr. Mayo, whose testimony he has just read, deserves to be ranked with that of Mr. Mann as an authority, and that he is entitled to the gratitude of the American people for his work in this cause.

Mr. LAMAR. I am very much obliged to the Senator from Massachusetts for this tribute to the character of Dr. Mayo, and upon this indorsement by the Senator from Massachusetts I reiterate his assertion here in the presence of the Senate:

And now the traveler through the Southland finds himself everywhere in the presence of an educational revival as marked as in New England in the days of Horace Mann. And the blessedness of this revival is that it is bringing together the children and youth, their teachers, the younger parents, and the more thoughtful people of North and South, as no movement in the political, the ecclesiastical, or even the industrial sphere of national life can possibly succeed in doing.

I have no further extracts to read upon this subject. My object has been not to recriminate nor even to repel, but simply to adduce testimony of an incontrovertible character to convince honorable Senators upon this floor that their apprehensions upon this subject are needless and that the precautions which they would take are useless.

I would regret the proposed amendment for more reasons than those I have given. It would impair the working of the common-school system of the South, or of any other section of the country, to introduce two sets of agencies in its administration. Instead of being a harmonious co-operation of State organization and national aid there would be perhaps an antagonism, certainly disconnected effort and discordant forces. There would be both time and money spent, which if you used a single agency under the present system already occupying the ground would be concentrated in one harmonious effort. Besides, as it is now, the agencies which this bill selects are the agencies which are amenable to the public opinion and the restraining moral sentiment of the people among whom they will operate, whereas the other would be in the hands of comparative strangers who would have no relation to the constituency in which they were working and would be uninfluenced by the supervision of the people at home. They would be responsible to no one there, to no restraining public sentiment, but simply to the appointing power at a great distance, too often governed by political considerations instead of the interests intrusted to them.

I said at the beginning of these remarks (and I have protracted them much further than I intended) that in my opinion this bill is a decided step toward the solution of the problem of race. The problem of race in a large part is the problem of illiteracy. Most of the evils, most of the difficulties which have grown up out of that problem have arisen from a condition of ignorance, prejudice, and superstition. Remove these, and the simpler elements of the question will come into play with a more enlightened understanding and a more tolerant disposition. I will go with those who will go farthest in this matter.

Liberty can not be manufactured by statutes or constitutions or laws. It is a moral and intellectual growth. It is the outgrowth of men's natures, and feelings, and passions, and instincts, and habits of thought. A people who remain ignorant and superstitious and debased can not be made free by all the constitutional guarantees and statutes that you surround them with. You may force power upon them and subject others to their rule, but the great attribute of self-government and that real liberty which comes from it you can not confer on them while they remain ignorant and in bondage to their own passions and to their own prejudices and superstitions.

Sir, in my opinion institutions and laws and governments and all the fixed facts of society are but the material embodiment of the thought of a people and the substantial expression of their inner life; and liberty, which is the culmination of them all, is a boon that can not be conferred upon men, but to be permanently possessed and enjoyed must be earned, as the reward of the development of our moral and intellectual faculties.

> No State stands sure but on the ground of right,
> Of virtue, knowledge, judgment to preserve,
> And all the powers of learning requisite.

Mr. President, no one has the right to predict that this or any class of people will not rise to that plane of intelligence and moral elevation necessary to the enjoyment of this great blessing and therefore refuse to vote for a measure like this which proposes to aid them in their effort to emerge from that condition which centuries of barbarism have entailed upon them. For my part, I say that I would leave no legitimate effort unused and no constitutional means unemployed which would give to every human being in this country that highest title to American citizenship—virtue, knowledge, and judgment.

I am not an optimist as to the rapid progress of the black people in education. However earnest they may be, there will be great difficulty even with the aid of the Federal Government in establishing effective schools for all. We are yet but in the incipience of this great work; hardly gone further than establishing the educational machinery on the ground. A task of colossal magnitude is before us, and a dense mass of ignorance has to be penetrated. But, sir, whatever of disappointment may attend it, whatever of failure, whatever of error and mistake and even abuses of trust may cripple and embarrass this movement, the great idea of popular education which has animated the North, and is animating the South, and in which this bill has originated, will inspire both to guard and guide the vast host in its slow, hesitating, but onward advance to knowledge and true freedom.

Mr. HARRISON. Mr. President, I understood the Senator from Mississippi who has just concluded his remarks to say that the criticism on the objection which had been made by some of us to what we thought to be the too liberal appropriation in this bill, namely, that there was not in the South the adequate preparation to receive and use wisely this money, was not well taken in his opinion; and I understood the Senator to say that his own State was as well supplied with competent, well-equipped teachers to take charge of the common schools as any State in the Union, perhaps better supplied by reason of the fact that there were not there so many avenues into which the enterprising and talented and educated could go.

Now, Mr. President, I desire simply, in response, to read from the report of the superintendent of schools for the State of Mississippi for the

year 1880–'81 his statement as to the condition of the supply of teachers in that State. He says:

> The State is sadly in demand of educated and trained teachers in her public schools. How this demand is to be supplied is a question of great importance. That we have some as good teachers as are to be found elsewhere is true no doubt, but they are, comparatively speaking, few.

So that the superintendent of education for that State, speaking with reference to the limited revenues which he was superintending, declares that there is an inadequate supply for the schools now established, and he discusses the question as to how suitable teachers are to be secured, urging the establishment of a normal school for white teachers in order that this want may be met.

So, then, it seems, upon the testimony of that officer of Mississippi who is charged with the duty of superintending the schools, that there is now an inadequate supply of competent teachers to teach the schools that are at present established in that State. That is all I desire to say.

Mr. LAMAR. Just one word in reply to the Senator from Indiana. I admit that the quotation is perfectly appropriate to my remarks, but I speak from a knowledge equal to that of the superintendent of public education in Mississippi in reiterating my statement; and it is not inconsistent with the one which has just been read. There is an inadequate supply of competent teachers in view of the limited revenues for the purpose of employing them in that State. You can not command such teachers with the small salary that we are compelled to give to them, for the short period of time we employ them, from the State revenue that we raise by our taxation; and it is true of other States. I know something about this difficulty, for I have been connected with the education of the youth of the South, and I say that there is no State and no society composed of more cultivated, upright, and ambitious young men, with trained faculties and with ambition to excel in this department of teaching, than the State of Mississippi; but at the very inadequate remuneration which is given to teachers on account of the limited resources of the State and local communities they are forced to seek other vocations as a livelihood.

Mr. CULLOM. Mr. President, I have not taken part in the discussion of the bill before the Senate, for the reason that I am profoundly impressed with the sense of personal responsibility for my vote upon a measure so far-reaching in its consequences, and I have desired to learn wisdom from the speeches of the Senators who have preceded me. I have listened to the debate with the greatest interest and profit. I am in sympathy with the end sought to be attained by this measure, and I will not say that I will not vote for the bill in its present shape, but I feel, as other gentlemen who have spoken also feel, that it ought to be amended in some particular, in order to make it satisfactory to its friends and consistent with the principles which, in my judgment, should govern our action upon the question of appropriating moneys from the national Treasury in aid of popular education.

Under our system of government the duty of providing for the education of the children of the people of the United States has always been regarded, and I think that it has been properly regarded, as the duty, not of the Federal Government, but of the several States, each acting for itself as an individual political community. There is but one ground on which the interference of the Federal Government or Federal aid in behalf of the public-school system of any State in the Union can be defended or excused, namely, that the State to which such aid is granted is not in a condition to educate its own citizens without such aid, and that in consequence of its inability or indisposition to do its duty in this regard the security and well-being of the other States or of the nation as a whole is threatened. So far as the State of Illinois, which I have the honor in part to represent, is in question, no such inability or indisposition can be charged against her citizens. Her wealth, her resources, her freedom from debt, and the intelligence, energy, and liberality of her people command the admiration of all who know her history and her condition.

I am sure that I represent her truly when I say that she neither asks nor desires to receive one dollar from the Congress of the United States as an educational grant. Her educational interests would be injured, rather than advanced, were she to accept it; because, being abundantly able, and as willing as she is able to take care of herself in this respect, it would be a calamity were she to be encouraged to rely to any extent upon any but her own resources for moneys which her citizens already gladly contribute. I therefore desire to see striken from this bill every line and every word which contains a suggestion of the propriety of making any appropriation to be expended within the bounds of any State in the same financial condition of solvency and ability.

The interest which the State of Illinois has, in common with the entire country, in the passage of a matured and perfected national education bill is indirect and impersonal. It arises from the peculiar situation in which certain States of the Union found themselves at the close of the late war. I speak not as a partisan, and not with any disposition to allude in any offensive or unpleasant sense to the events which are long past. I am a Republican, but in my capacity as a Republican I am of necessity a friend to the South, because the South is an integral part of the American people. In every word which I may utter and in every vote which I am called to cast upon the floor of this Senate, I trust that I may never forget the obligation which rests upon every Senator to have a just regard to the interest of the entire nation without reference to State or party lines. The question before us for consideration is in no sense sectional or political in its nature, and to discuss it as if it were so would be to degrade it and to dishonor ourselves.

The States to which I refer were before the war slaveholding States. As such they contained and they still contain a disproportionately large negro population. Under the system of slavery this negro population was not to any considerable extent afforded the opportunity of obtaining an education in letters; it was taught to labor, but not to read. Accordingly, it was and is an illiterate population. Since the emancipation of the slaves many negro children and some adult negroes have acquired the rudiments of an English education; but the figures which the Senator from New Hampshire quoted from the census of 1880 show that at that date, fifteen years after the close of the war, a trifle over 50 per cent. of the negro population of the South, or more than half, were unable to write their own names. No similar condition of illiteracy exists in any Northern State, and no equal condition of illiteracy exists among the white population in any Southern State, though I believe that the presence of so dense a mass of illiterate negroes in any community has a natural and inevitable tendency to reduce the proportion of educated whites, and that the white population of the Southern States will never be educated as it might and ought to be until provision is made for the education of the negro also.

Here, then, we have the peril to the Republic which, as I have intimated, justifies the Republic in taking measures for its own safety. That popular education is an indispensable condition of national progress, inasmuch as it promotes the acquisition of wealth and is a barrier to immorality, is an axiomatic truth, which is equally applicable to all communities, whatever may be their form of political organization and of government. But a republic which depends for its existence upon the right of suffrage, and whose policy on all national questions is shaped by the ballot, requires more than any other government that intelligence shall be the universal heritage of its citizens. There is no enemy of the Republic who does not make the public-school system of this country the point of his attack, either open or insidious, as the case may be; and there is no friend of the Republic who should not do all that may be in his power to defend and strengthen it. The negro is now a citizen. He has a vote. It is of the utmost importance that he should be qualified to vote intelligently. Therefore he should receive whatever education he may be capable of receiving, and all the education which we are able to give him.

I am glad to have the opportunity of listening to the Senator from Mississippi who has just closed his speech, showing so far as I can see that there is in that State a strong determination to do whatever may be in the power of that people to educate the colored people of Mississippi. It is my understanding that the views to which I have given expression are shared by all intelligent and liberal-minded men in the South; and that the obstacle to their realization lies not in the reluctance of the Southern people to inaugurate a broad and thorough system of popular instruction, in which the colored race shall have an equal share, but in their real or supposed inability to meet the expense involved in its establishment and maintenance. The war left them in an impoverished condition from which they have not wholly recovered. They are not accustomed to expend as large sums of money for public purposes as the Northern States do. What is now proposed to be done is for them somewhat of a novelty and an experiment. Undoubtedly there is an element in the South, which must be taken into account, which is prejudiced against it and hostile to it. I think it a reasonable request, which the South prefers, for national assistance, and that it should meet with a prompt and generous response, uninfluenced by sympathy or sentiment, and based wholly upon our conviction that what is for their interest is for ours also, and calculated to give stability and permanence to our form of government, as well as to add to the wealth and happiness of the people of the entire Union.

But I must add, Mr. President, that unless we can be assured that the distribution of the moneys appropriated will be fairly made, and that the negro children of the South will receive their proportional part of the fund thus created, I can not, in justice to my constituents, or to my own convictions of what is right, give this bill my vote. If the bill passes, I take it for granted that it will be with this understanding on the part of every Senator from States which have no direct interest in its passage, and who vote for it on the grounds which I have hinted. The appropriation, if made at all, must be intrusted to the officers of the States which receive the grant. The constitutionality of any other mode of procedure in its disbursement would at least be a question for argument. But I think it advisable to limit the operation of the act to five years, instead of ten years as proposed in the first section. Then if the object for which the appropriation is made is not accomplished, or if it appears that the fund is misapplied or misappropriated, or if the occasion for it ceases, no renewal of the grant need be made.

The purpose of this legislation, whatever we may say about it, is or ought to be to reach that class of people in the South who are not being educated to-day as they should be, and who, according to the reports from the Southern States, the States themselves are not able to educate as they should be.

I believe that by passing a proper and reasonable bill of this general

tenure the Southern States will be enabled to institute a common-school system which will meet with our approval, and that once established they will maintain it without permanent assistance from the General Government.

It has been said that there was danger in instituting this policy and giving it over to any of the States of this Union, and I have felt myself that it might be possible that we were inaugurating a basis of education by the National Government that it might in the future be difficult to get rid of, even after the people of the Southern States, where the most of this illiteracy exists, should have come out of that condition of illiteracy in which they are found to-day. I believe that there is some risk in the inauguration of this system, because we all know that it is sometimes difficult to get rid of things after the purpose for which the law or whatever it may have been was passed has accomplished the end that was sought.

But here is a condition of affairs that has been shown over and over again by Senators on this floor, and it is our duty to meet it and we must face it; and my judgment is, my conviction is that we should go straight to the point, to the difficulty, and do whatever may be necessary on our part to remove that and then stop and leave out of view all the States of the North where there is no such difficulty existing.

I would define the States to which this appropriation is made by characterizing them as States in which the ratio of negro to white population is not less than one to twenty-five persons.

Here let me say, Mr. President, that if you will amend this bill so as to do that you will fitly take in the Southern States heretofore having slavery within their borders, and none of the other States except I believe the State of Kansas, which has a little more than that ratio of colored people within its borders. My opinion is, however, that the State of Kansas would not desire to be included in the measure.

I find that the proportion of persons who, being of the age of 10 years and over, can not write, in those States, is 75 per cent. of the whole number of such persons in the United States. The bill, as drawn, proposes an appropriation of $105,000,000. I propose that we appropriate three-quarters of one-half of this amount, or $40,000,000, which will be sufficient, if the appropriation is made for five years only and to apply only to the States which have this large negro population, too large for them to handle without help.

I have another suggestion to make, which appears to be worthy of consideration. Different views have been expressed by Senators who have spoken, on the question whether it would be better to make an increasing appropriation (the smallest amount the first year), or a decreasing appropriation (the largest amount the first year) as proposed in the bill before us. A decreasing appropriation, it is thought, would prepare a State receiving the benefit of Federal aid to dispense with it gradually. But it is doubtful whether a State without previous preparation would be in position to avail itself at once of the larger sum.

The Senator from Mississippi says that they are prepared to-day to receive the whole sum they would get if the bill should pass as it has been reported from the committee. The Senator from Indiana by some reference to tables that he makes shows that they are not in condition, and I have had the pleasure of talking with other Senators representing Southern States, and some of them have told me unqualifiedly that they were not prepared to receive the large sum of money that would come to them if this bill should pass as it is reported by the committee. Take for instance the State of South Carolina. I think it is true that that State pays about a half-million dollars of school-tax every year. She will get under the bill, as I understand, nearly a million dollars. I understand further that the State would not be in a condition to use the first year the large sum that would be coming to her under this appropriation if the bill should be passed as it is reported by the committee.

Then, in my judgment, if we drop out of view all the Northern States and the Territories, and reduce the operation of the bill to five years, and begin with a smaller sum and run up and then down again, it would be more in harmony with the proper expenditure of the money than it would be if the bill should pass as it is reported. Why not make an appropriation which shall be first increased annually and afterward diminished? Time will be required for the erection of additional schoolhouses and for the employment of competent teachers and to gather the children into schools. The largest sum will not be needed the first year, and the existing school machinery in some of these States is not properly constituted and organized to make the best possible use of the money. I would very much prefer to make an appropriation, say of $6,000,000 the first year, $8,000,000 the second, $10,000,000 the third, $9,000,000 the fourth, and $7,000,000 the fifth, or at least on this principle, whatever the amount.

Finally, the distribution of this money among the States should, I think, be made not on the basis of the number of illiterate persons of all ages in each, but on that of some agreed standard of school age, and it should be on the basis of school age rather than of school attendance.

If the views which I have submitted to the Senate meet with favor, I propose to submit, at the proper time, after an opportunity for the expression of opinion has been given, the following amendments, which, if I do not mistake the feeling of Senators on this side of the Chamber, will facilitate its passage by removing the ground of some of the objections which have been urged against it.

1. Amend the first section by striking out, in line 3, the word "ten" and inserting the word "five."

2. Amend the first section by striking out, in line 5, the word "fifteen" and inserting "six;" strike out, in line 6, the word "fourteen" and insert "eight;" strike out, in line 7, the word "thirteen" and insert "ten;" strike out, in line 8, all after the word "dollars," also all of line 9 and line 10, and line 11 as far as to the semicolon, and insert as follows: "The fourth year the sum of $9,000,000, and the fifth year the sum of $7,000,000."

3. At the close of the first section, strike out the words "the United States" and insert "such of the United States as contain a negro population in proportion to the white population of the said States, severally, of not less than one negro to twenty-five whites."

4. Amend the second section as follows: Strike out in line 2 the word 'Territories;" strike out in the same line the words "the several" and insert the words "each of the aforesaid;" in lines 5 and 6 strike out the words "United States" and insert the words "said States collectively;" also strike out in line 4 the words "of the age of ten years and over" and insert "between the ages of ten and —— years."

5. In the third, fourth, eighth, tenth, eleventh, thirteenth, fourteenth, and fifteenth sections strike out the words "and Territories and the District of Columbia" wherever the said words occur, and all similar equivalent expressions.

We have the District of Columbia included in this bill. I see no necessity for it. Congress has entire control over the District of Columbia. We can make appropriations here for school purposes whenever we see proper, and my object is, as I said before, to try to eliminate from this bill all this outside legislation and reach the evil which all of us now are desirous to reach by giving relief to those States or the people of the Southern States where this mass of ignorance exists, resulting from the negro population.

6. Strike out the sixth and seventh sections, also the twelfth section, and change the numbers of the remaining sections accordingly.

If I have succeeded in making my meaning clear, Mr. President, the Senate will understand that my aim in suggesting these amendments is to give to this measure greater precision of purpose, to remove from it all appearance of a combination to extract money from the National Treasury for the use of the States, and to make the education of the freedmen and their offspring avowedly a charge upon the resources of all the States, instead of imposing this burden on a minority of the people of the United States, least able and possibly least willing to assume it. We all know that the cost of educating the negro race must be met by the white citizens either of the South unaided or of the entire country irrespective of locality.

It appears to me to be just that the Northern States should contribute their share of this expense, since they will share the benefits of the work accomplished; and if the negro race is left in ignorance, they must suffer in common with the South the evil results of such neglect. I think that I am justified in characterizing such neglect as criminal; it is certainly most short-sighted and unwise. If this bill can be so amended as to render it reasonably sure that the end which we all have in view in its passage will be attained, the people of my State, irrespective of party, will sustain my action in voting for it. But the bill would be stronger before the people if, instead of offering a bonus to States which have no considerable number of freedmen within their borders as an inducement to support the measure, the scope of the bill were strictly limited to the accomplishment of the one great purpose which alone affords or constitutes its reason and its justification.

Mr. GEORGE. Mr. President, the constitutionality of this bill has been assailed with great earnestness and ability by some with whom I am generally in accord on political questions. It has also been defended with equal zeal and ability. I might rest on the defense made by its friends, but being a member of the committee which reported the bill, and having taken great care in the committee to divest the measure of all constitutional objections, I prefer to state the grounds of my faith in its constitutionality, and especially so since those who deny it deduce ulterior consequences to its passage to which I am by no means committed.

In the eighth section of the first article of the Constitution it is provided that "the Congress shall have power to levy and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," &c.

In the second clause of section 3, article 4 of that instrument, it is also provided that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," &c.

Upon one or both of these clauses all donations and grants in aid of education in the States must rest.

That the phrase "to provide for the general welfare of the United States" used in the taxing clause which I have read is not a substantive, distinct, and independent power under which Congress may do anything deemed by it to be conducive to the general welfare is, I think, now well settled in the practice of the legislative and executive departments, as well as by the decisions of the courts. That the Federal Government is one of delegated, limited, and enumerated power is not now, I believe, denied.

It seems to be conceded that whenever we exercise a power we are bound to look to the Constitution for it; and that any exercise of a power not granted by the Constitution is on our part a pure usurpation. These are my views, at least, and I shall adhere to them. The Constitution, like all other instruments, must be construed, must be interpreted, in order to ascertain its meaning. This construction and this interpretation should be according to the plain meaning of the words employed; and where words or phrases are of doubtful import, they should receive that construction which will carry out the obvious purpose and intent of the instrument as a whole, if the words used will admit of it. It should also, like all other laws, be so construed as to give every word and phrase in it some meaning and effect; for it is not to be supposed that in so solemn an instrument, drawn with so much care, any word or provision is superfluous.

The phrase "to provide for the general welfare of the United States" gave rise to controversy from the very beginning. Under it power was claimed which, if conceded, would have made the Federal Government unlimited. On the other hand it was contended that it had no force or effect whatever. A third ground was that it was a limitation upon the otherwise unlimited power of taxation, granted in the former part of that clause.

It is wholly unnecessary at this day to examine the arguments on which these several constructions were based. It is sufficient for the present to note that there were controversy and dispute, and to ascertain whether in the subsequent practice of the Government the true meaning has been established. For I do not doubt that if a particular construction has for a long period, commencing at the birth of the Constitution and continuing to the present day, been adopted, such construction is binding on us. Though each of us must judge for himself of the meaning of the Constitution, which he has sworn to support, he can not follow blindly his own private views and opinions without reference to the construction put on it by those who have administered the Government before us and by the courts empowered by the Constitution to explain and construe it, and by the acquiescence and consent of the people.

If we do this, sir, the meaning of the Constitution can never be settled, which is the same thing as saying it can never be known what the Constitution is. At every change in the *personnel* of the executive, legislative, or judicial departments we shall have a new, that is a different, constitution. For the Constitution is not the mere parchment and the ink on it formed into words, but it is what the people, whose instrument it is, whose government it creates, do habitually and suffer to be done in the normal and regular action of their government. It has a life, a living soul derived from the life and action of the people under it. A construction put upon it by this life and action can not be rejected because it may not accord with our private views. It must not be forgotten that we can not arrogate to ourselves a power of constitutional construction which by discarding a construction settled in practice we deny to those who have gone before us.

If we can disregard a construction settled by our predecessors we can not claim that we have a right to make a construction which will bind our successors. Under this view the Constitution would be a chameleon, changing with the times, one thing this year and quite another thing the next. There would be nothing stable, nothing certain. No man could know his rights, duties, or obligations under the Constitution until those in power at the time shall have decided what they are; nor would the trouble end with such decision, for, if precedents are of no value, the same men might change their minds, as several Senators seem to have done on this very question, and afterward reach a different conclusion. As to questions pertaining to private rights and cognizable by the courts, such uncertainty would be intolerable. In such cases the uncertainty would amount to creating a government of men, not a government of the laws. To prevent this and to give peace and safety to the people and security to private rights, it is essential to adhere to the maxim *stare decisis*.

The necessity for a stable and certain construction of the political powers granted by the Constitution is almost as great. I do not mean to say that whenever Congress shall, by assuming a power, decide that it is warranted by the Constitution, such decision shall be final if it be wrong. That would give to faction, passion, and ignorance a dangerous power to overthrow the Constitution. In such a case it would be the duty of the people to arrest the usurpation by sending here Representatives and Senators who would reverse the improper action. This was done in relation to the alien and sedition laws in the first year of this century. But where a particular construction of the Constitution has prevailed in practice for a long period, and in successive Congresses, it may be assumed that the people not only acquiesce in but adopt it. What they adopt in the way of construction can not be denied by their representatives and servants. I insist, therefore, that any construction of the Constitution which has prevailed in actual practice for a long number of years, and is thus acquiesced in and adopted by the people, becomes the act of the people and can not be set aside by us, their mere servants, at our will and pleasure. No greater or more dangerous power can be assumed by us; and for one I decline to assume it.

Mr. President, if it were a new question, if I were at liberty to put for the first time a construction on the words in the taxing clause of the Constitution, "to provide for the general welfare," I would say that the provision for this welfare must be by an appropriation of money to carry out some one or more of the grants specially enumerated in subsequent clauses of the Constitution. I believe Mr. Madison's view on that subject was the correct one as an original question. But, sir, that construction is no longer possible. Congress has exercised, with the consent and approbation of the people from the very beginning of the Constitution to the present time, the power to appropriate money for purposes which they judged were for the general welfare and outside of the scope of the other powers specifically enumerated in the Constitution. It is now settled that Congress may appropriate money not intended to carry out any specific grant of power, but solely to provide for the general welfare of the United States.

Many of these objects for which appropriations have been made were enumerated by the Senator from Arkansas [Mr. GARLAND] and among them are the establishment of the Military and Naval Academies, erecting statues to heroes and statesmen, the celebration of the Centennial, the celebration at Yorktown, relief to communities suffering from overflows and great conflagrations, from a failure of crops, carrying breadstuffs to Europe, furnishing provisions for the people of Venezuela, relief from an earthquake at New Madrid, and others of a similar character. Certainly none of these were necessary means to carry out the other powers specifically enumerated in the Constitution. Mr. Monroe's view on this subject has been generally acquiesced in, and acted on in practice, that Congress may appropriate money to provide for the general welfare, to objects of a general, not merely a local nature, although such objects may not be within the other enumerated powers. But it must be remembered that this power is merely a power of appropriation of money. It does not draw with it the right to usurp a power reserved to the States or to the people. It does not in the least enlarge the powers specifically granted, nor diminish a power reserved to the States or to the people.

Congress may appropriate money to erect a statue to General Washington or any other great man, but it has no power to erect such statue as a national work in a State contrary to its will. It may give money to aid sufferers from an overflow or great conflagration, but it has no power to interfere with or control the poor laws of a State. Congress may give, but under the cover of a gift it can not invade or impair any right or authority or privilege belonging to a State or justly claimed under its laws. The Constitution grants Congress the power to collect taxes and expend the money raised in order to provide for the general welfare of the United States, but it confers under this grant no substantive and independent power to do anything else.

So I hold, sir, that this Congress may pass this bill giving to the States the aid of money from the national Treasury for the purpose of education; but as the education of her people is one of the reserved rights of each State, and as no power over this subject is granted by the Constitution to Congress, the right and authority of Congress end with making the appropriation. If this were not so, if Congress by making any appropriation it may deem proper under the general-welfare clause could acquire a jurisdiction and power not granted by the Constitution over the subject to which this appropriation is made, then it would result that this power and jurisdiction of Congress could by its own action and at its own will be extended to every subject to which an appropriation of money could be made. This would in effect make the Federal Government one of unlimited powers.

A gift implies a donor and a donee, and an object to be given—the one to grant something and the other to receive or accept it. It implies nothing more. It certainly does not imply the power to rob. It does not imply any inferiority or subjection in the donee to the donor. A gift may be and is often made between persons in exactly equal conditions, and evenly by an inferior to a superior. The donor can not even compel the acceptance of the gift. The donor may impose conditions on the gift or make it a trust; but neither the conditions nor the trust can effectually exist without acceptance of the gift by the donee. Till then it is a mere proposal or offer, and of no force or effect whatever.

That Congress may make gifts to the States in aid of common-school and also of university education is too well settled to admit of controversy. This has been the practice from the earliest period of our history. This practice also settles that education of the people is in the category of the general welfare of the United States. As clear as this is, yet, sir, it is contended by the Senator from Texas [Mr. COKE] that the power to appropriate, the power to give, includes within it the power to control, to manage, and to govern the donee, to go into the States and take charge of its schools, if the gift be for schools. He says this power results as a logical necessity from the power to appropriate, the power to give.

Mr. COKE. Will the Senator allow me to state my position?

Mr. GEORGE. Yes, sir.

Mr. COKE. It is this, that the Government of the United States has no power under the Constitution to tax the people of the United States in order to raise revenue to be expended on a subject, unless the Government of the United States has jurisdiction over that subject.

Mr. GEORGE. You say that if the Government gives this money Congress can go in and take control of education in the States.

Mr. COKE. I say that the taxing power of the United States can

only be exercised in behalf of a subject over which the United States have jurisdiction, and that if the taxing power of the United States is invoked in behalf of the maintenance of a common-school system in the States, it must be because Congress has the jurisdiction over that subject in the States; and because I deny that jurisdiction, I therefore deny that this bill ought to pass.

Mr. GEORGE. The Senator from Texas denies the right to give money, as I understand. Yet, sir, he denied with singular inconsistency, as I think, that the power to give land embraced this power of interference and control. The position of the Senator from Texas was, in short, this: The United States may give to the States land for education to be sold by the States for money, and the power to make this gift is perfectly harmless, because it does not include the power to do anything more. It did not embrace the power to interfere with or manage in any way education in the State to which the gift was made. On the other hand he denied the power of the United States to give for education money, because he said that this power necessarily involved the power to control education in the donee State, and even to supersede and destroy all State authority over the subject. What magic there is in "money," which causes this extraordinary effect, is to me utterly inconceivable, and that Senator did not see proper to explain—deeming it I suppose a self-evident truth, as it was, as he stated, a logical necessity. This reasoning, I must admit, is utterly incomprehensible to me, and I believe it will be found equally incomprehensible by the American people.

Mr. COKE. Will the Senator allow me a moment?

Mr. GEORGE. Yes, sir.

Mr. COKE. I stated that Congress had the power to make donations of land in aid of education in the States, and I stated it upon the authority of section 3, article 4 of the Constitution, which reads:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Now there is no limitation upon the power of Congress in dealing with public land. The power of Congress over that subject is absolute. Congress can do what Congress pleases with the public lands. Congress can give them away. It gives them to railroads; it gives them to individuals for homesteads; it gives them to soldiers and sailors for bounties; it gives them to States for educational purposes. Congress can make any disposition in the world it pleases of the public lands. Therefore, I say now, and I did say before, that I would vote for a bill granting public lands in aid of education in the States, but that Congress has not the unlimited power under the Constitution to tax the people of the United States and give the money away to anybody. I say that the taxing power can not be exercised except in furtherance of a subject over which Congress has the constitutional jurisdiction; and when the money is raised, if Congress can apply it to a subject, it has a right to follow it and administer the subject.

Mr. GEORGE. I disagree with the Senator all the way through. I do not believe that the clause of the Constitution which he read respecting the territory or other property belonging to the United States confines the power there granted to lands, for the clause gives the same power over "other property" of the United States as it does over land, and yet the Senator in construing that clause confines it wholly to land; and then, sir, I deny that Congress has absolute power over land, as I shall show before I take my seat.

The Senator, however, seems to place this peculiar property of money to work out these remarkable results of centralization and usurpation upon the ground that it is raised by taxation. If the Senator had waited, he would have found that I finally got at his idea. That is, that the danger is not in money *per se*, but in money only as it is affected by the mode in which it is acquired. This must be his position, since the very clause of the Constitution upon which he bases the power of Congress to donate land also equally confers the power to donate money; for the language is, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory"—that word stands for "land"—"or other property belonging to the United States." Money, sir, is property, undeniably; and money belonging to the United States is the property of the United States, however it may be acquired.

Mr. SAULSBURY. Will the Senator allow me a moment there?

Mr. GEORGE. No, sir; I do not want to be further interrupted.

The Senator from Texas would hardly contend that money granted under this clause—if it be money raised by fines, penalties, forfeitures, donation, prize of war—would have any other effect than land or any other property to destroy the equilibrium of the Constitution.

But, sir, where do we find any authority in the Constitution for a difference between money belonging to the United States, whether acquired in one way or the other? It is but money, property, the right of the United States, however it may be acquired. If the Senator means that Congress has no power to raise money by taxation for the purpose of aiding in education in the States, then, if I concede this, it does not help his argument; for an unconstitutional appropriation of money, a void and illegal appropriation of it, can have no other effect than to leave in the United States the right to recover it; it can not have the effect to include in it necessarily another power not claimed or involved in the grant, but denied by it, as is done in this bill. But if the argument be that if we concede the power of raising and appropriating or giving money for education, then we must admit also the power of taking charge of and controlling education, I have a right to ask the Senator to prove this proposition. It can not be proven. The power to appropriate has all along in our history been exercised without a claim even of a power to gain or acquire a new power thereby. I have already shown that the one power does not follow from the other, and it is unnecessary now to repeat the argument.

But, sir, if the United States have no power to give money raised by taxation for education in the States, where does it get the power to exchange that same money for land or "other property," and then give this land or other property for education, as the Senator from Texas concedes they may do. Every acre of land which ever belonged to the United States in Florida, in Alabama, Mississippi, and Louisiana, and all west of the Mississippi River, was bought by the United States with money raised by taxation. The argument is that the United States may not give the money thus paid for the land; that would be unconstitutional, a gross usurpation, but as soon as the land has been thus acquired it may be donated at once for education. Not only this, but as ships, navy-yards, post-office buildings, custom-houses, court-houses, cannon, rifles, muskets, cavalry horses, transportation wagons are undeniably property included in "other property" mentioned in the clause of the Constitution relied on by the Senator from Texas, and all these belong to the United States, they may, according to his argument, all be given *in specie* to the States for education, to be sold by them for money; but neither the money paid by the United States for them nor the money for which they might be sold can be given. There is nothing unconstitutional or dangerous in the gift of these, but it is consolidation, centralization, gross usurpation to grant the money which bought them. So remarkable a result, I respectfully submit, needs more argument to sustain it than the mere assertion by any Senator, however learned or however distinguished, that it is a logical necessity.

And, sir, of what value is the constitutional construction contended for by that Senator to prevent centralization, usurpation, by denying the power to give money, when it may be so easily evaded by converting the money into land "or other property" and then giving that? We are bound, even in this day of progress and enlightenment, to presume that the framers of the Constitution possessed at least common sense; that they possessed some idea of the adaptation of means to the end sought. We deny this presumption when we attribute to them a purpose to prevent centralization in the Federal Government by a denial by them of the power to appropriate money in a particular way, and at the same time assume that they gave unrestricted power to appropriate all other kinds of property, purchased by money, in the same way.

Mr. MAXEY. Will the Senator allow me to ask a question?

Mr. GEORGE. Yes, sir.

Mr. MAXEY. I understood the Senator from Mississippi to construe this clause of the Constitution, the second clause of section 3 of article 4, "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," as covering money because money is "property." If that be true, he will see that that clause of the Constitution which gives Congress power to make all needful rules and regulations for the disposal of the territory in the United States must also give to Congress absolute and unrestricted power over the entire subject of taxation, which can not be true.

Mr. GEORGE. The Senator will find that the position taken by his colleague before me [Mr. COKE] that Congress has the autocratic power over the land has no foundation in the Constitution.

But, sir, I may well ask Senators who admit the power of Congress to donate lands and "other property" to aid the States in education, and deny the same power when money is the subject of the gift, on what theory of constitutional construction they reach this conclusion. It is true that the second clause of section 3, article 4, of the Constitution, gives Congress the "power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." So far as the present controversy is concerned we may discard all in this clause except the power "to dispose of" land and other property. Do Senators mean that under this clause Congress has an unrestricted and absolute power of disposition to any purpose whatever? If such be their meaning, then Congress is, as to all property belonging to the United States, except, as they say, money arising from taxation, an absolute autocrat. Land, ships, guns, forts and fortifications, public buildings—even the Capitol itself—and all other property may be divided among the favorites and henchmen of members of Congress or given even to foreigners. The gift also may be for any purpose, however immoral or however injurious to the people.

Senators will not, I take it, contend for such an absolute and unrestricted power. Then there must be some limitation on it. Where do we find the limitation? I find it only in the general objects and purposes of the Constitution as expressed in the clause limiting the power of Congress in reference to taxation; that the appropriation must be for the common defense or the general welfare of the United States. If this is not the limitation, there is none. Senators can not find a limitation in the Constitution either broader or narrower than this. Then, sir, if

the power of disposing of land and "other property" for the general welfare authorizes a grant to aid the States in education, what prevents the same identical power expressly given by the Constitution over money raised by taxation from authorizing the same grant for education? There is and can be no negative answer to this question.

But, sir, as money is property, and the clause relied on by the Senator from Texas gives the same power over "other property belonging to the United States" as over territory or land, what authority is there for saying that the power given in this clause does not extend to money as well as to land, or for saying that all money is included within the power except money raised by taxation? There is none that I can perceive, and none has been suggested by that distinguished Senator, and none can be pointed out. So, sir, I insist that whoever, like the Senator from Texas, holds that Congress may, under the third section of article 4 of the Constitution, give land to aid in education, must, as a grammatical as well as a logical necessity, concede that Congress may give any "other property belonging to the United States," including money. Sir, the title of the United States to all property which they may own is exactly the same in all respects. There is not a particle of difference recognized in the Constitution. Their title to all and every part is that of a trustee, to be disposed of in accordance with the Constitution.

But it is said, sir, that the bill invades the domain of State sovereignty. In that it undertakes to prescribe the methods of education in the States. I understand that to be the purport of the objection to it urged by the Senator from Missouri [Mr. VEST]. I deny that the bill assumes to exercise any such power. The bill, sir, is carefully guarded against any and all invasions of this conceded exclusive power of the States over education within their respective limits. It directs simply as a condition of the grant (and a condition subsequent, too, which is very important in this connection) that the money shall be applied to primary as contradistinguished from collegiate education, the purpose being to remove illiteracy in those wholly or but imperfectly educated. The grants of the sixteenth and thirty-sixth sections, which have been made from the earliest period of our history, were undeniably for common schools and not for high seminaries of learning. This bill differs in no respect from these on this point, unless we regard an enumeration of the studies taught in common schools as having more effect than a general description of them.

Certainly, sir, the enumeration can not be objected to as unwise or unjust in any respect. Reading, writing, and arithmetic are prescribed. Certainly, sir, if we propose to remove illiteracy it can not be done without teaching these essential studies, the gateways through which alone all entrance into a higher education can be made. These are the elements and bases of all education. The bill, therefore, as to these only prescribes that the pyramid shall stand on its base and not on its apex. Certainly, sir, it will not be insisted that education in the common schools shall commence with lectures on astronomy, the differential and integral calculus, with disquisitions on transcendental metaphysics and the like, leaving the poor attendants to look out for themselves to get a knowledge of the alphabet. But it is also complained that the history of the United States is to be taught also. I see no treason to the Constitution nor invasion of the rights of the people in that. If there be any one thing after the mere rudiments of knowledge, the groundwork of all education, more essential to the youth of these States, it is a knowledge of the history of the country in which they live.

But it is further objected that industrial education of girls, whenever practicable, shall also be taught. Whoever shall consider the condition of women in this country with respect to both the necessity of self-support and the want of adequate means in their hands to attain it will rejoice at any step that may be taken which shall tend to ameliorate their condition. I know of no measure which more commends itself to the judgment of the patriot and philanthropist. I shall not enlarge on this subject, for it was far better done than I can do it by the Senator from Florida [Mr. CALL] in his able and instructive speech on yesterday.

Mr. President, I turn now to consider some further objections to this bill made by the Senator from Missouri [Mr. VEST] who is also a member of the party to which I belong. And here it must be noted that the enemies or opponents of this measure widely differ from each other as to the principles on which they condemn it. The Senator from Texas [Mr. COKE] denies the power in Congress to make the gift at all, and deduces from the gift pure and simple all the direful consequences to which I have alluded. The Senator from Missouri, as I understand his argument, admits the power to make the gift, sees nothing wrong or revolutionary in that, no centralization, no consolidation, no invasion of the reserved rights of the States, if only the gift be absolute and unconditional. In his view the Federal Government might respond freely, to use his own expression, to the cry of the States, "Give, give, give!" and whatever else of evil might result, still the Constitution would be safe if no conditions were annexed to the grant. He also stated that the bill was wholly unprecedented in annexing conditions as to the studies to be encouraged and fostered by the grant.

In that the Senator was in error. The act of July 2, 1862 (12 United States Statutes, 503), granting lands to the States for agricultural and mechanical colleges did, without objection to this day, so far as I know, prescribe what should be taught in them. The fourth section of that act went further in that way than does the present bill. That section required the endowment of a college in each State, "where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts."

Lands have also been granted to all the new States to aid in the erection of colleges and universities wherein the necessary implication was that these institutions should teach the higher branches of human knowledge. So, sir, we have good and valid and unquestioned precedents for so much of this bill as came under the censure of the Senator from Missouri. The agricultural college land act went further than this bill. That arranged for schools for all time to come. This a temporary measure, lasting at furthest only ten years. A precedent will also be found in that act for the provisions in this bill requiring reports from the State authorities.

But, Mr. President, in the things complained of by the Senator from Missouri, this bill undertakes to give no commands, no directions even, to the States. It does not assume or even claim a power or jurisdiction to interfere with education in the States. The bill merely proposes to make a gift to the States out of the common Treasury. It compels no State to accept the gift, and if there be any States, like Texas, and I suppose I may add South Carolina, which have no use for the gift, which are amply able to educate their children, they need not accept it. So if any State, like I suppose Missouri to be, which does not like the conditions on which the gift is made, that State may also reject the gift. The bill, even in the shape of a generous benefactor, proposes to enter no State without its free consent.

The bill merely offers a gift on conditions subsequent to be performed by the State. Every grant of land heretofore made for education has been on a condition that it should be applied to the purposes named in the act of Congress. Land given for common schools and universities can be applied to no other purposes. It is true there was no provision for a forfeiture in these grants, but the grants demanded and secured a higher and better guaranty of faithful application of the land—the plighted honor and faith of the States. What a State can not do without dishonor, without a breach of faith, it can not do at all.

The power to make a gift includes within it the power to prescribe conditions and trusts on which it is made. This is a universal principle so far as there is absolute ownership in the donor of the thing given. If the owner holds the thing clothed with a trust, he may and is in fact bound to prescribe such condition for the grant as are necessary to secure the application of the gift to the objects and purposes of the trust. This bill is in strict subordination to this principle. Congress holds the money for the purpose of and in trust for the general welfare of the United States. It holds lands and other property for the same purpose. It is settled that education is within this trust; hence it is clear that Congress, in making the appropriation, should take care that it should be applied to the proper objects of the grant.

I do not mean to say that Congress in making a grant of money to a State, when it is even for a proper and constitutional purpose, can annex conditions to it inappropriate to attain the proper end or destructive to the constitutional powers and rights of the States. Congress can not grant money or any other thing to a State on condition that it will surrender or impair any of its just powers. The power to appropriate money for the general welfare does not include a power to grant on a condition subversive of the Constitution. Congress can not grant to a State on condition that it will surrender its equal suffrage in the Senate or its power to elect Representatives in Congress or its power to choose its own officers, or its power to regulate its own internal and domestic affairs, or on condition that it will ratify a proposed amendment to the Constitution. In such cases the grant would be void if the condition were precedent, and the condition would be void if it were a condition subsequent. There is no objection of this kind to the conditions in this bill. The conditions relate solely to the expenditure of the money and securing its application to the constitutional purposes for which it was granted, securing this too solely by State agency and under State accountability. It is no answer to this to say, that if we concede the power to prescribe any condition whatever, we concede also the power to prescribe any condition that Congress may see fit to impose. I have shown the line which limits the power of Congress in imposing conditions. It is not to be presumed that Congress will cross it and assume an unconstitutional jurisdiction. A majority in Congress may have the physical power of mere numbers to pass an act in violation of the Constitution, but it possesses this power in relation to every subject on which it may act. And if it be a just argument to deny the just power of Congress in this case, that it may be abused, the argument is equally potent to refuse all power whatever to Congress, for there is none which may not be abused. Paper constitutions impose of themselves no physical restraint. Our sole dependence for an observance of the Constitution is in the honor, intelligence, and virtue of those intrusted with power, and in their accountability to the people.

Mr. President, it was said by the Senator from Indiana [Mr. HARRISON] that it seemed to be conceded on both sides of the Chamber that the power to pass the bill came in some way from the adoption of the three last amendments to the Constitution. What force others may give to these amendments on this subject I know not. I have shown the power exists without reference to these amendments, and that it was exercised even before they were adopted. In my judgment

they have nothing to do with this power. They neither add to nor detract from the power of Congress over this subject as it existed when they were adopted. I think, however, that these amendments and the conditions in some of the States produced by them constitute the occasion and necessity for the exercise of the power, but they do not confer it. A construction which would derive the power from them, as being a necessary power to improve a condition of affairs resulting from their adoption, would give unlimited power to Congress as to all matters pertaining in any way to their subject-matter; and this view has been expressly denied by the Supreme Court.

Mr. President, I have always been in favor of a strict construction of the grants of power made in the Constitution. I have always dreaded centralization—the having a splendid national government with impotent and emasculated States. I have resisted and shall continue to resist all measures which tend in that direction. But I can not shut my eyes to the history of the past. Whether I like it or not I must submit to irreversible accomplished facts. True statesmanship has to do with facts, practical and sometimes hard and unpleasant facts; it is not to be absorbed in vain speculations or abstractions, or even vain regrets for what has been accomplished. As the Senator from Arkansas [Mr. GARLAND] well said, governments grow. This growth is a necessity of human nature. In the growth of this Government, theories I held dear have been overturned forever. I once believed that a State had a right to secede from the Union. I believe now the right then existed, but it has been lost—irrevocably lost—amid the clang of arms and the horrors of war.

I once denied that the Federal Government is the final judge of its own powers, yet that has been so firmly established that no one, not even my friend from Texas [Mr. COKE], will deny it. These opinions I must surrender, however unwillingly. I will not feed on the dry husks and emasculated remains of constitutional theories which, however respectable in their origin, however once potent, now no longer control or influence the Government. We live in the present, we are actors in the present and for the present, we must meet the demands of the present.

The world moves, and we must move with it, keeping abreast with all the practical questions which may arise and seeking their solution for the interest and welfare of the people. I will not pass my life in a dreamy contemplation of the beauties and excellencies of obsolete theories, now mere abstractions, and in picturing the benefits or glories which would have come from their observance. It is enough to know that they are no longer potent for the good or evil of the Union. They are gone, gone forever, and while I may indulge a tear over the tomb in which they lie buried, I will not pass my life in erecting altars to them or in ministering at altars erected by others.

I sincerely regret the present tendency to centralization. I have resisted it, and will continue to do so. I shall continue to urge economy in expenditures, a decrease in the number and in the emoluments of offices. I shall resist all class legislation, all grants of subsidies and benefits to a few at the expense of the many. I shall continue to resist the tendency to a paternal government, and shall strive to preserve as far as possible what remains of local self-government.

I do not depart from these principles when I support this bill, the effects of which will be to elevate and advance the State governments by advancing and elevating the great mass of the people of the States. I do not war against local self-government when I sustain a measure which tends to make that self-government safe and respectable, and even possible, in some of the States.

I do not add unduly to the powers of the Federal Government when I vote for a bill which has the sanction of precedents from the earliest days to the present time, and which, unlike most of the legislation of Congress of late years, gives no exclusive privileges to any, but confers a great boon on those who most need it, the great mass of our people, the workers and toilers, by whose muscle, intelligence, and energy we have achieved the grand material results of our present civilization.

Mr. COKE. Mr. President——

Mr. PLUMB. Will the Senator from Texas give way to a motion to adjourn? It is now half-past 4.

Mr. COKE. I only desire to speak a few minutes. I will yield the floor, if it is desired.

Mr. PLUMB. I move that the Senate adjourn.

Mr. BLAIR. I hope the Senator will withdraw the motion. It is quite early, and there has not been much said on the question as yet.

Mr. PLUMB. I am sorry for that.

The PRESIDING OFFICER (Mr. VAN WYCK in the chair). Does the Senator from Kansas insist on his motion?

Mr. PLUMB. I will withdraw the motion if the Senator from Texas desires to speak now.

Mr. COKE. I am entirely willing to yield if the Senate wishes to adjourn.

Mr. PLUMB. I move that the Senate do now adjourn.

Mr. BLAIR. I hope the Senate will not adjourn now. There must be others who would like to speak on this matter, and we must close it at some time.

The PRESIDING OFFICER. It is moved that the Senate do now adjourn.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 27; as follows:

YEAS—20.

| | | | |
|---|---|---|---|
| Bayard, | Dolph, | Hawley, | Morgan, |
| Beck, | Farley, | Kenna, | Pendleton, |
| Camden, | Gibson, | Lapham, | Plumb, |
| Cockrell, | Harris, | Maxey, | Saulsbury, |
| Coke, | Harrison, | Miller of Cal., | Vest. |

NAYS—27.

| | | | |
|---|---|---|---|
| Allison, | Dawes, | Logan, | Platt, |
| Blair, | Frye, | McMillan, | Pugh, |
| Brown, | Garland, | Mahone, | Ransom, |
| Call, | George, | Mitchell, | Vance, |
| Cameron of Wis., | Hampton, | Morrill, | Van Wyck, |
| Colquitt, | Hoar, | Palmer, | Williams. |
| Conger, | Lamar, | Pike, | |

ABSENT—29.

| | | | |
|---|---|---|---|
| Aldrich, | Gorman, | Jones of Nevada, | Sherman, |
| Anthony, | Groome, | McPherson, | Slater, |
| Bowen, | Hale, | Manderson, | Voorhees, |
| Butler, | Hill, | Miller of N. Y., | Walker, |
| Cameron of Pa., | Ingalls, | Riddleberger, | Wilson. |
| Cullom, | Jackson, | Sabin, | |
| Edmunds, | Jonas, | Sawyer, | |
| Fair, | Jones of Florida, | Sewell, | |

So the Senate refused to adjourn.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"] And on that motion I call for the yeas and nays.

Mr. BLAIR. If the Senator from Missouri will just permit me, I wish to say that I opposed the motion to adjourn because I understood the Senator from Texas desired to speak, and I do not want the friends of this measure put in a position a little later on where it can be said that they have wasted the time and therefore are not entitled to have this great question considered any longer. If the enemies of this measure think, or if for any reason anybody thinks, that on the whole we ought to adjourn, I shall not oppose it, but I do not like to have the friends of the measure put in the position of having agreed to adjourn at half-past 4 when there remains an hour certainly, or an hour and a half of time which can be given to the bill. We do nothing to-morrow, and the public business is pressing in every direction.

Mr. COCKRELL. I understood precisely the reverse of what the Senator from New Hampshire says. I understand that the Senator from Texas does not desire to proceed this evening, and if he does not desire to speak this evening the Senate will certainly not force him to do it. Therefore I have moved that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded.

Mr. ALLISON. It is not necessary at this moment to have the yeas and nays.

Mr. COCKRELL. Very well. I withdraw the call.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress was read twice by its title, and referred to the Committee on Printing.

Mr. CONGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *March* 28, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

FRENCH SPOLIATION CLAIMS.

Mr. SCALES. I desire to submit a privileged report from the Committee on Printing.

The SPEAKER. The gentleman will submit it.

Mr. SCALES. The Committee on Printing report back with an amendment the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

*Resolved*, That the Committee on Foreign Affairs be authorized to cause 4,000 copies of House Report No. 109, relative to French spoliation claims, together with the exhibits, to be printed; exhibit A, message of President Polk; exhibit B, message of President Pierce; exhibit C, report of Charles Sumner; exhibit D, a number of committee reports.

The amendment was to add to the resolution the following:

And the letter of the Secretary of State addressed February 11, 1884, to General W. R. Cox, a member of the Committee on Foreign Affairs, marked as exhibit E.

Mr. COX, of New York. Where does this resolution come from?

The SPEAKER. It is a privileged report from the Committee on Printing. The question is upon agreeing to the amendment reported from the Committee on Printing.

The amendment was agreed to.

The question was upon adopting the resolution as amended.

Mr. COX, of New York. Is debate in order?

The SPEAKER. It is.

Mr. COX, of New York. One word. Nearly all the documents referred to in this resolution are very easily obtainable, either from the hall library of the House or the library upstairs, especially the messages of the Presidents on the subject of French spoliations. I suppose this publication is intended merely as a preparation to passing that old stale bill for the payment of French spoliation claims which has been hanging around the Capitol here for fifty or sixty years. I am opposed to printing these various documents, because with very little research they can be found among documents already published.

Mr. SCALES. This resolution was reported to the House by the Committee on Foreign Affairs, recommending the printing of these various documents for the use of members of the House. The resolution was referred to the Committee on Printing, and upon examination we deemed these documents of sufficient importance to be printed in order that the members of the House might be able fully to understand the bill now pending before the House. I hope the resolution will be adopted. It provides for printing the report of the Committee on Foreign Affairs, nothing else, except two or three messages of Presidents and a letter from the Secretary of State in regard to this important matter pending before Congress for many years, and the whole cost of the publication will be about $180; no more.

Mr. HOLMAN. Will the gentleman allow a question?

Mr. SCALES. Certainly.

Mr. HOLMAN. Will the gentleman state whether or not these documents have not all been long since printed?

Mr. SCALES. Some have been, and some have not.

Mr. HOLMAN. And it is proposed to print them again?

Mr. SCALES. Those that have not been printed will add very little to the cost of printing. These several documents have been put together in convenient form for reference, and it is proposed to print them in that form as it is difficult to obtain them anywhere else.

Mr. JONES, of Wisconsin. I would inquire of the gentleman what is the necessity of printing 4,000 copies of these documents?

Mr. SCALES. For the information of members and to enable them to distribute to their constituents who are claimants. If it is thought that the number is too high, the House can cut it down.

Mr. JONES, of Wisconsin. For examination by claimants?

Mr. SCALES. Yes.

Mr. COX, of New York. The bill will never be reached at this session of Congress.

Mr. JONES, of Wisconsin. Why should Congress print documents for the benefit of claimants?

Mr. SCALES. This printing, as I have stated, is a matter of great importance, not only for the information of members themselves, but that members may have the documents for distribution. Nearly all members have some of these claimants among their constituents, and they desire to distribute these documents among them. Four thousand copies is a very small number for that purpose.

Mr. HOLMAN. All the documents, with the exception of the one mentioned in the amendment, have been printed before.

Mr. SCALES. Certainly.

Mr. CHACE. There is the report of the Committee on Foreign Affairs of this session.

Mr. HOLMAN. It occurs to me that it is not necessary to reprint the documents which have already been printed long since. All of these have been printed except the letter of the Secretary of State to General COX, of this House. Of course no proper objection can be made to the publication of that letter, for it is new matter and we do not know what it is.

I will ask my friend from North Carolina [Mr. SCALES] to consent to the publication of that letter simply. The other documents have been printed and before Congress for forty or fifty years—some of them more than that length of time. I hope my friend will consent to print the document mentioned in the amendment and nothing else.

Mr. SCALES. I am not authorized to accept any amendment, for this is the action of the committee. I desire simply to state the reasons influencing the Committee on Printing in making this recommendation.

The great trouble in coming to a proper conclusion in the Committee on Foreign Affairs and in the House upon this important matter of the French spoliation claims is the difficulty of getting proper information in convenient form. This is a matter in which a great many are interested. It is important that the House should be thoroughly informed in regard to it. The Committee on Printing came to the conclusion that in the case of a bill involving so large an amount, in which so many persons are interested, all the information possible in regard to it should be made accessible to every member. I think the information should be printed for the use of the House.

Mr. HOLMAN. I will ask whether the documents embraced in this proposition include veto messages upon bills providing for payment of these claims?

Mr. SCALES. I will say to my friend that it will cost very little more to print all these documents than to print one-half or two-thirds of them.

Mr. HOLMAN. In order to bring this whole subject before the House, if it is thought proper to provide for getting all these documents together, I move to amend the resolution by adding, "and veto messages which have been communicated to Congress upon bills passed by the two Houses." I believe there are two such messages.

Mr. SCALES. I have no objection to that amendment, as one at least, if not two of them, have been provided for.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] moves to amend the resolution so as to include all veto messages sent to either House of Congress upon French spoliation bills.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### DOCUMENTS RELATING TO CUSTOMS REVENUES, ETC.

Mr. SCALES. I am also directed by the Committee on Printing to report back with amendments the joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, &c.*, That the Public Printer be, and he is hereby, authorized and directed to print for the use of Congress —— copies of Senate Miscellaneous Document No. 46, first session Forty-sixth Congress, with additional data, to be furnished by the compiler of said Senate document, showing the imports for the fiscal years ended June 30, 1879, 1880, 1881, 1882, and 1883, and a compilation of exports the growth, produce, and manufacture of the United States from 1789 to 1883, inclusive (ninety-four years), in which the quantity, value, and value per unit of quantity of each article are given by fiscal years and decades, also the value exported to each country and value from each State, with other additional data, prepared by Charles H. Evans, of the Treasury Department.

SEC. 2. That the documents described in the foregoing section be stitched and bound as one volume; that —— copies of the same be for the use of the House of Representatives, and —— copies for the use of the Senate.

The amendments reported by the Committee on Printing were read, as follows:

Amend the first section by inserting in the blank "4,200."

Amend the second section by filling the first blank with "3,000," and the second blank with "1,000."

Add to the second section the following:

Fifty for the House Library; fifty for the Senate Library; fifty for the Congressional Library; fifty for Ways and Means Committee.

The amendments reported by the committee were agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### COAST AND GEODETIC SURVEY.

Mr. SCALES. I am also instructed by the Committee on Printing to report back with a favorable recommendation a concurrent resolution of the Senate for printing extra copies of Hilgard's Coast and Geodetic Survey.

The resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1883, for distribution by said Superintendent.

The resolution was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### BUREAU OF ETHNOLOGY—GEOLOGICAL SURVEY.

Mr. SCALES. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology, and joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey, and that these joint resolutions be recommitted to the Committee on Printing.

There being no objection, it was ordered accordingly.

### SALARY OF HOUSE TELEGRAPH OPERATOR.

Mr. ERMENTROUT. I desire to present a privileged report from the Committee on Accounts upon the joint resolution (H. Res. 48) regarding the salary of the telegraph operator of the House of Representatives.

The Clerk read the report, as follows:

The Committee on Accounts, to whom was referred the joint resolution of Mr. MUTCHLER—

"That from the 4th day of March, 1883, the salary of the telegraph operator of

the House of Representatives shall be $1,200 per annum; and a sufficient sum is hereby appropriated out of the contingent fund of the House to pay the difference between $720 and $1,200, said amount to be immediately available"—

respectfully report the following substitute and ask its passage:

"*Resolved, &c.*, That the salary of the telegraph operator shall be $1,200 per annum from the beginning of the present session of Congress; and the amount necessary to pay the difference between $720 and $1,200 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said amount to be immediately available."

Mr. HOLMAN. I raise a question of order on this proposition. I am not at all aware whether this salary ought to be increased or not. I presume, however, it ought not.

Mr. ERMENTROUT. If the gentleman will give me the opportunity I think I may be able to satisfy him that this proposition ought to be adopted.

Mr. HOLMAN. I believe that none of these official salaries ought to be increased. I am very confident of that. But, Mr. Speaker, I rose to submit a point of order. The Committee on Accounts is entitled to report at any time, just as the Committee on Ways and Means and the Committee on Appropriations in their respective jurisdictions have the same privilege. But still the fact a committee is entitled to report at any time does not exempt the report of the committee from the requirement of the rule that in making an appropriation the subject shall be considered in the Committee of the Whole House. I desire to make that point of order.

Mr. ERMENTROUT rose.

The SPEAKER. The gentleman from Indiana makes the point of order that this resolution, or rather the substitute, proposes to make an appropriation out of the Treasury, and therefore must, under the rule, be considered first in the Committee of the Whole House on the state of the Union.

Mr. MUTCHLER. If my colleague will yield to me, I will say that I do not regard this as a resolution of that character. It simply is a resolution increasing the pay of one of the employés of this House.

The SPEAKER. If the gentleman will permit the Chair, he will state that the original resolution proposes not to make any additional appropriation, but simply to apply money already appropriated out of the contingent fund of the House to the payment of this officer. The substitute, however, proposes to make a new appropriation out of the Treasury, and that brings the resolution within the purview of the rule of the House that bills and joint resolutions making appropriations of money out of the Treasury shall have their first consideration in the Committee of the Whole House.

Mr. MUTCHLER. With the permission of the Chair I desire to make a brief statement in regard to this matter, and then I shall ask the gentleman from Indiana to withdraw his point of order.

I introduced this resolution as an act of justice to a faithful officer of this House. The office of telegraph operator was created by act of Congress, I think during the Forty-third Congress, and fixed the pay at $100 a month for each operator of the Senate and of the House.

The SPEAKER. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I will reserve it until I hear from the gentleman from Pennsylvania.

Mr. MUTCHLER. I think it was the Forty-third Congress that passed the law creating the office of telegraph operator for the Senate and the House. That act limited the compensation to be paid to $100 each a month. The Senate has paid their officer and still continue to pay him that amount of compensation. The duties performed by the telegraph operators are in their character the same, but the telegraph operator of the House performs three times the amount of duties performed by the telegraph operator of the Senate, and yet does not receive the pay equal to that paid to the telegraph operator of the Senate. I am reliably informed the telegraph operator of the House sends three times the number of messages sent by the telegraph operator of the Senate. For some reason, which I can not explain, the Committee on Appropriations places the telegraph operator of the House upon the roll of common laborers. He is an officer who performs skilled labor, and there is no reason why he should be put down as a common laborer. The Western Union pay their employés from $90 to $120 per month, and it seems to me it is a simple act of justice on the part of this House to withdraw this officer from the roll of common laborers and to place him upon an equality with the telegraph operator of the Senate by paying him the same compensation of $100 per month. I therefore ask the gentleman from Indiana to withdraw his point of order and let the House act upon the matter now pending.

Mr. HOLMAN. Not being willing to discuss the question at this time as to the relative pay of officers of the House and Senate, hoping before this session closes the present Congress will apply some remedy in that regard—without discussing that question at all at the present time, I wish to state to the gentleman from Pennsylvania that I think $100 a month during the session of Congress is a reasonable compensation; but we are paying beyond that, for we pay not only during the session of Congress, but during the vacation, when these officers have nothing to do comparatively. I am willing if the resolution goes through to pay this man at the rate of $100 per month during the session of Congress. If my friend will accept that I will withdraw the point of order.

I hope the fact that most of our employés are employed during the session of Congress only will be taken into consideration in our legislation on these matters. I think this gentleman should be satisfied with $100 a month during the time Congress is in session. I will say to my friend from Pennsylvania I am willing to fix the salary of both these telegraph operators at $900 per annum each, and I think that will be a very high salary. If my friend does not think $900 a year enough, I must insist on my point of order.

The SPEAKER. The point of order being insisted on——

Mr. MCMILLIN. I demand the regular order of business.

The SPEAKER. The original resolution, as the Chair has already stated, proposed simply to apply so much money out of the contingent fund as might be necessary, that money having already been appropriated, but the substitute proposes to make a new appropriation, and therefore the Chair thinks the point of order is well taken, and the matter should have its first consideration under the rule in the Committee of the Whole House on the state of the Union.

Mr. MUTCHLER. If the resolution is open to amendment, I will move to strike out that portion proposing to make an appropriation of money.

Mr. HOLMAN. I demand the regular order of business. The gentleman's amendment will not change the effect of the rule.

The SPEAKER. The Chair sustains the point of order, and the joint resolution is referred to the Committee of the Whole House on the state of the Union.

### OBSTRUCTION OF PATENT LAWS.

Mr. VANCE, from the Committee on Patents, reported back the following resolution with the recommendation that it be adopted:

Whereas information has been obtained, from sources entirely trustworthy, which indicates that the full, thorough, expeditious, and accurate administration of the laws and regulations which pertain to our great American patent system is being obstructed and impeded on account of a deficiency in the room and an insufficiency of force at the disposal of the Department of the Interior: Therefore,

*Resolved, &c.*, That the Secretary of the Interior be, and he is hereby, requested to report to this House such information as he may have touching the deficiency of room and the insufficiency of force in the Patent Office, and to what extent, in his opinion, the rights of inventors and the public interests are affected by the present want of room and additional force in that department; and that he be requested to make such suggestions as he may deem proper as to what legislation is necessary to remedy the grievances indicated.

The resolution was adopted.

Mr. VANCE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ADJOURNMENT OF THE SESSION.

Mr. ANDERSON submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

*Resolved by the House of Representatives (the Senate concurring)*, That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 12 o'clock meridian on the 2d day of June, 1884.

### JOHN H. GREEN.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a supplementary report from the Commissioner of Indian Affairs in relation to the claim of John H. Green for losses sustained by depredation of the Bannock Indians in 1878; which was referred to the Committee on Indian Affairs.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIDSON, for two days.

To Mr. WILSON, of West Virginia, for two days, on account of important business.

To Mr. ELLIS, until Monday, on account of committee business.

### PRINTING FOR JUDICIARY COMMITTEE.

By unanimous consent, leave was granted to the Committee on the Judiciary to have printed for its use the report of a subcommittee on the bill for the relief of the Gartrell heirs.

### ORDER OF BUSINESS.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

### WILLIAM M'GARRAHAN.

Mr. TUCKER, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 1980) for the relief of William McGarrahan; which was ordered to be laid on the table, and the accompanying report printed.

Mr. BROADHEAD. I desire, Mr. Speaker, to submit the views of the minority upon that bill.

The SPEAKER. The minority views will be printed with the report of the committee, if there be no objection.

There was no objection.

### ADVERSE REPORT.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with an adverse recommendation the bill (H. R. 2617) for the relief of Michael J. Dunn, late first lieutenant in the One hundred and

fifteenth Pennsylvania Volunteers; which was ordered to be laid on the table, and the accompanying report printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. ROSECRANS, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 5646) for the relief of Frank E. Murphy, and the same was referred to the Committee on Claims.

ADVERSE REPORTS.

Mr. ROSECRANS. I am instructed by the Committee on Military Affairs to report back the following bills adversely but without prejudice. I will state to the gentlemen who have introduced these several bills that they are reported adversely with the intention on the part of the committee to report a general bill covering this class of cases.

The SPEAKER. The titles of the several bills will be read, and if there be no objection they will be ordered to lie on the table and the adverse report printed.

The bills are as follows:

A bill (H. R. 4535) for the relief of Col. Guy V. Henry;

A bill (H. R. 3805) for the relief of Lieut. Geo. W. Kingsbury;

A bill (H. R. 1349) for the relief of George A. Jaegar;

A bill (H. R. 2937) for the relief of Capt. A. C. Girard, an assistant surgeon in the United States Army;

A bill (H. R. 2973) for the relief of Evan Miles;

A bill (H. R. 2974) for the relief of Eliza A. Ingram;

A bill (H. R. 3513) for the relief of William Pfaender; and

A bill (H. R. 4531) for the relief of Edward P. Vollum.

EUGENE WELLS.

Mr. MORGAN, from the Committee on Military Affairs, reported back the bill (H. R. 2374) for the relief of Eugene Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMANUEL KLAUSER.

Mr. MORGAN, from the Committee on Military Affairs, also reported back the bill (H. R. 258) for the relief of Emanuel Klauser; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORGAN, from the Committee on Military Affairs, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 4558) for the relief of W. W. Hogsed's company of North Carolina Home Guards; and

A bill (H. R. 5372) for the relief of T. J. Payne.

ETHAN A. SAWYER.

On motion of Mr. WOLFORD, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 3797) for the relief of Ethan A. Sawyer, and the same was referred to the Committee on War Claims.

COMMODORE L. C. SARTORI.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 5389) to promote Commodore Louis C. Sartori, now on the retired-list of the Navy, to be rear-admiral on said list, in accordance with his original position on the Navy Register; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS G. CORBIN.

Mr. TALBOTT, from the Committee on Naval Affairs, also reported back with a favorable recommendation the bill (H. R. 5592) for the relief of Thomas G. Corbin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMMANDER HENRY GLASS.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 1787) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMMANDER JAMES H. SANDS.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, also reported back with a favorable recommendation the bill (H. R. 1788) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander James H. Sands, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMMANDER C. D. SIGSBEE.

Mr. GEORGE D. WISE, from the Committee of Naval Affairs, also reported back with a favorable recommendation the bill (H. R. 1789) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Charles D. Sigsbee, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. GEORGE D. WISE. I ask that leave be granted to any members of the committee to present views of the minority on each of the three bills I have just reported.

The SPEAKER. If there be no objection, the minority will have leave to present their views on these bills, and they will be printed with the majority reports.

There was no objection.

HEIRS OF WILLIAM B. MUSE.

Mr. HARMER, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 713) for the relief of the heirs of William B. Muse; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAM T. SHERTZER.

Mr. HARMER, from the Committee on Naval Affairs, also reported back with a favorable recommendation the bill (H. R. 714) for the relief of Abram T. Shertzer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PEORIA, ETC., INDIANS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 3436) to provide for a revision of a distribution of the invested and other common property of the confederated Peoria, Kaskaskia, Wea, and Piankeshaw Indians, made under the treaty of 1867 with the United States, and for the payment to those of said Indians who became citizens of the United States under said treaty, the survivors of them, their heirs and legal representatives of their proportionate share of the "invested or other common property" of the tribe still held in trust for them by the United States.

The SPEAKER. From the title it appears doubtful whether this is not a public bill.

Mr. PERKINS. The bill confers on the Secretary of the Interior the right to investigate and determine the rights of these individuals.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DONATION OF LAND TO SAINT LOUIS, MO.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 6161) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN W. WOOD.

Mr. VANCE, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 5793) for the relief of Stephen W. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. B. FLETCHER.

Mr. VANCE, from the Committee on Patents, also reported back with an adverse recommendation the bill (H. R. 5408) for the relief of J. B. Fletcher; which was laid on the table, and the accompanying report ordered to be printed.

JOHN H. COOK.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 2635) granting a pension to John H. Cook.

Mr. CONNOLLY. I ask that that bill may go to the Private Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NANCY MILLER.

Mr. HOUK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 494) for the relief of Nancy Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK A. LEONING.

Mr. MORRILL, from the Committee on Invalid Pensions, reported adversely the bill (H. R. 4695) granting a pension to Frederick A. Leoning; which was laid on the table, and the accompanying report ordered to be printed.

CAROLINE ALDRICH.

Mr. LOVERING, from the Committee on Invalid Pensions, reported

adversely the bill (H. R. 2257) for the relief of Caroline Aldrich; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE BALL.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 1818) for the relief of George Ball; which was laid on the table, and the accompanying report ordered to be printed.

MARGARET E. WARREN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2256) for the relief of Margaret E. Warren; which was laid on the table, and the accompanying report ordered to be printed.

ADELINE A. TURNER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported adversely the petition of Adeline A. Turner, dependent mother, for arrears of pensions; which was laid on the table, and the accompanying report ordered to be printed.

FRANCIS A. ROBISON.

Mr. McMILLIN, from the Committee on Claims, reported back the bill (H. R. 913) for the relief of Francis A. Robison; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

WILLIAM A. AND ADELICIA CHEATHAM.

Mr. McMILLIN, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 4924) for the relief of William A. and Adelicia Cheatham for money illegally assessed and paid the Government under protest; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

W. W. WELSH.

Mr. RAY, of New York, from the Committee on Claims, reported adversely the bill (H. R. 2981) for the relief of W. W. Welsh; which was laid on the table, and the accompanying report ordered to be printed.

C. H. HALE.

Mr. RAY, of New York, from the Committee on Claims, also reported adversely the bill (H. R. 2965) for the relief of C. H. Hale; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE W. SOULE.

Mr. RAY, of New York, from the Committee on Claims, also reported adversely the bill (H. R. 1033) for the relief of George W. Soule; which was laid on the table, and the accompanying report ordered to be printed.

C. H. IRELAND.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported adversely the bill (H. R. 37) for the relief of the estate of C. H. Ireland, deceased; which was laid on the table, and the accompanying report ordered to be printed.

CLAIMS REFERRED TO COURT OF CLAIMS.

Mr. WOOD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3257) to authorize the Court of Claims to hear and determine the claims of certain persons named therein; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALMON B. COLBY.

Mr. GEDDES, from the Committee on War Claims, reported adversely the bill (H. R. 4194) for the relief of the heirs of Salmon B. Colby, deceased; which was laid on the table, and the accompanying report ordered to be printed.

INTEREST ON WAR LOANS BY STATES.

Mr. ROWELL. I am directed by the Committee on War Claims to report back with a favorable recommendation the bill (H. R. 2463) to reimburse the several States for interest paid on war loans, and for other purposes.

The SPEAKER. The Chair thinks that is a public bill; none but private bills are in order at this time.

Mr. ROWELL. Then I will withdraw it.

The SPEAKER. The gentleman can withdraw it and report it at some other time.

JOHN W. FRANKLIN.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1473) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

W. W. M'DOWELL.

Mr. TULLY, from the Committee on War Claims, reported adversely the bill (H. R. 1538) for the relief of W. W. McDowell, administrator of the estate of Thomas Jones, deceased; which was laid on the table, and the accompanying report ordered to be printed.

MICHAEL KREIS.

Mr. TULLY, from the Committee on War Claims, also reported adversely the bill (H. R. 1839) for the relief of Michael Kreis; which was laid on the table, and the accompanying report ordered to be printed.

FRANK H. NICHOLS.

Mr. TULLY, from the Committee on War Claims, also reported adversely the bill (H. R. 3573) for the relief of Frank H. Nichols; which was laid on the table, and the accompanying report ordered to be printed.

HENRY MARTIN.

Mr. WEAVER, from the Committee on Private Land Claims, reported back with amendments the bill (H. R. 4966) for the relief of Henry Martin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DISTRICT OF COLUMBIA REVISED STATUTES.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 3813) to amend the Revised Statutes of the United States relating to the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The call of committees was continued and concluded, no further reports being presented.

RELIEF OF VOLUNTEER OFFICERS.

Mr. LAIRD, from the Committee on Military Affairs, reported, as a substitute for H. R. 1251, a bill (H. R. 6255) for the relief of certain officers of the volunteer army, and for other purposes; which was read a first and second time, and committed to the Committee of the Whole House, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House now resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. COX, of New York, in the chair), and proceeded to the consideration of the Private Calendar.

JOHN P. GREGSON.

The first business on the Private Calendar was the bill (H. R. 257) for the relief of John P. Gregson.

Mr. TALBOTT. The gentleman from Illinois [Mr. THOMAS], who reported this bill from the Committee on Naval Affairs, is now absent. I therefore ask unanimous consent that the bill be passed over informally, retaining its place on the Calendar.

Mr. ROBINSON, of New York. If this bill is now to be considered I desire to say a word upon it.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be passed over informally. Is there objection? The Chair hears none, and it is so ordered.

ASSISTANT ENGINEER JOHN W. SAVILLE.

The next business on the Private Calendar was the bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy.

The bill was read, as follows:

*Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Assistant Engineer John W. Saville, of the United States Navy, a passed assistant engineer in the Navy, to date with his class on the active-list, and that he be placed on the retired-list of the Navy with the highest rate of retired-pay of that grade from the date he was retired as an assistant engineer.

Mr. BALLENTINE. Mr. Chairman, the gentleman asking the act of justice proposed to be done him by this bill entered the service October 28, 1862, as third assistant engineer. He was wounded at Fort Fisher, on board the United States steamer Canonicus, and was again wounded in the first engagement with the Albemarle, on the Roanoke, near Plymouth, N. C. He superintended the construction of the machinery of the United States steamer Monocacy at Baltimore, and proceeded to China on duty on that vessel. Having served three years at sea, he was, on the 15th of March, 1867, entitled to promotion to the grade of passed assistant engineer. His class was promoted on the 1st of January, 1868, at which time he was still attached to the steamer Monocacy in the East Indies.

At that time he made application to the admiral commanding the squadron to be ordered home for examination for promotion, and the application was denied on the sole ground that his services could not be dispensed with. At that time, as all the testimony shows, he was fitted physically to pass the required examination.

Mr. STEELE. I would like to ask the gentleman a question. Is this officer now on the retired-list?

Mr. BALLENTINE. Yes, sir, he was retired in 1871 as a second assistant engineer.

Mr. STEELE. Then this bill is merely to give him promotion?

Mr. BALLENTINE. Yes, sir; he asks now to be retired upon the same grade that his class took in 1868.

Mr. STEELE. You want to make the bill retroactive—to go back to the time he was retired?

Mr. BALLENTINE. Yes, sir.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. I think the report should be read.

The report was read, as follows:

We find the facts in the case to be as follows:

Mr. Saville entered the service October 28, 1862, as third assistant engineer. He was wounded at Fort Fisher, on board the United States steamer Canonicus, and was again wounded in the first engagement with the Albemarle, on the Roanoke, near Plymouth, N. C. He superintended the construction of the machinery of the United States steamer Monocacy at Baltimore, and proceeded to China on duty on that vessel. Having served out the three years of sea-service March 15, 1867, he was entitled to promotion to passed assistant engineer. His class was not promoted until January 1, 1868, at which time he was still attached to the United States steamer Monocacy in the East Indies.

He made application to Admiral Rowan, commanding the squadron, to be ordered home for examination for promotion, but his application was denied on the ground that his services could not be dispensed with. The testimony shows that at the time of the application and for some time subsequent he was physically fitted to pass the required examination.

He was continued on duty in the East Indies twenty-eight months and nine days after he was entitled to the promotion asked for, during the latter portion of which time his health became impaired while in the line of duty, and he was finally ordered home sick, and placed on the retired-list February 1, 1871, as second assistant engineer, with the highest rate of pay of that grade, as physically disqualified for duty on the active-list, on the ground that his disability arose from sickness contracted in the line of duty.

The surgeon of the Monocacy states that Mr. Saville's health was good during the cruise on that vessel from 1866 until a few months before his return to the United States, and that he could have passed his physical examination had it been ordered.

This testimony is corroborated by the acting assistant engineer, who was at that time attached to the Monocacy, and also by Philip Miller, late second assistant engineer on the same vessel.

The testimony of Ezra J. Whittaker, chief engineer, United States Navy, shows that he was ordered to the Monocacy on the 4th of September, 1867, as engineer in charge, and that Mr. Saville was on board and on duty at that time; that he remained on duty until June, 1869, when he was taken sick and detached by medical survey and ordered home; that his health was good from 1867 to 1869, and he knows no reason why he could not have passed a medical examination for promotion. The naval retiring board, before which he appeared, reported that in its judgment he was incapacitated for active duty, and that his disability arose from exposure, and consequent illness, in the line of his duty.

As before stated, his application to be detached was refused by Rear-Admiral Rowan on the sole ground that his services could not be dispensed with. On the 21st of January, 1871, by direction of the Secretary of the Navy, he was ordered to proceed to Washington and report to the president of the retiring board, and was by action of that board discharged.

On full and careful consideration of all the facts, as developed by the evidence in this case, your committee are of the opinion that John W. Saville should be appointed a passed assistant engineer in the Navy, to date with his class on the active-list, and that he be placed on the retired-list of the Navy with the highest rate of retired pay of that grade from the date he was retired as assistant engineer, and therefore recommend the passage of House bill 2240 accompanying this report.

Mr. HOLMAN. I wish to ask the gentleman from Tennessee [Mr. BALLENTINE] a question or two touching the facts in this case, inasmuch as the report does not seem to be very full. As I understand, this officer was retired in 1871 and is now on the retired-list?

Mr. BALLENTINE. Yes, sir.

Mr. HOLMAN. Then I do not understand the meaning of the statement in the report that in 1871 he was ordered to this city for examination and was by action of the retiring board discharged. I hope the Clerk will again read that part of the report.

The Clerk (by the direction of the chairman) again read a portion of the report.

Mr. TALBOTT. Mr. Chairman, the circumstances of the present case are these: This officer served at sea for the period he was required to serve under the law—three years and more. During the time he was absent at sea he was entitled to be examined for promotion, and promotion would have made him a passed assistant engineer.

But he was kept on the station and was not allowed to come home until after the time had expired when he was entitled to be retired as a passed assistant engineer. When he did come home at last he was put upon the retired-list because he was physically unable to stand the examination. All this does is to promote this officer from an assistant to be a passed assistant engineer upon the retired-list, and to give him pay on the retired-list as passed assistant engineer, at which he would have been retired had he not been kept on duty at the time he was entitled to be examined for promotion.

Mr. STEELE. The report says that on the 21st of January, 1871, by direction of the Secretary of the Navy, he was ordered to proceed to Washington and report to the president of the retiring board, and was by action of that board discharged. Now, what is the meaning of that term "discharged?"

Mr. BALLENTINE. He was retired.

Mr. HOLMAN. The question I wish to ask is this: The object of this bill is to increase the compensation of this officer. Now, what is his present salary and income from the Government, and if this bill passes what will be the effect, how much will it increase his salary?

Mr. BALLENTINE. He is receiving now, as I understand, three-fourths of $1,900 a year, the highest pay of an assistant engineer. He asks you shall give him what the committee find he is justly entitled to, three-fourths of the highest pay of a passed assistant engineer, or three-fourths of $2,000. It is an act of pure and simple justice.

Mr. STEELE. I move the following amendment: To strike out the words "from the date he was retired as an assistant engineer" and to insert in lieu thereof the words "to date from and after the passage of this act."

The bill proposes to place this man upon the retired-list, or rather to promote a man on the retired-list, and, furthermore, that he shall receive the difference between the pay of his present rank and the rank to which he is to be promoted for ten years. If it be the fact that under the law this officer really was entitled to this promotion he would undoubtedly have received it under the regulations of the Navy Department. However, if the House in its wisdom should choose to pass this bill, I think we ought to strike off that portion which makes it retroactive for ten years. I hope my amendment will be adopted by the friends of the bill.

Mr. HOBLITZELL. The complete answer to the gentleman from Indiana is contained in the report made by the honorable gentleman from Tennessee [Mr. BALLENTINE]. That report informs the House that at the time his class was promoted and when he was entitled to be examined for promotion he made application to Admiral Rowan, who commanded the United States squadron in the East Indies. That request was denied for the reason that his services could not be dispensed with. He was therefore continued on duty in the East Indies for twenty-eight months and nine days after he was entitled to the promotion asked for. He was kept there at the instance of the commander of the squadron because his services could not be dispensed with.

Mr. BROWNE, of Indiana. Why was he not promoted when he returned?

Mr. HOBLITZELL. The report stated that during the latter portion of his time—that is, the twenty-eight months and nine days he was detained in the East Indies after he was entitled to the promotion asked for—his health became impaired while in the line of duty, and he was finally ordered home sick, and placed on the retired-list February 1, 1871, as second assistant engineer, with the highest rate of pay of that grade, as physically disqualified for duty on the active-list, on the ground that his disability arose from sickness contracted in the line of duty.

Mr. BROWNE, of Indiana. How much does this officer now receive?

Mr. HOBLITZELL. Fourteen hundred and twenty-five dollars.

Mr. BROWNE, of Indiana. How much will he receive if he receives this promotion?

Mr. HOBLITZELL. I am advised he will receive $1,480——

Mr. BALLENTINE. If the bill is passed he will receive in the aggregate $880——

Mr. BROWNE, of Indiana. The difference, then, is about $50——

Mr. HOBLITZELL. About $55——

Mr. BALLENTINE. He is now receiving $1,425, three-fourths of the highest sea-pay of an assistant engineer, which is $1,900. He asks you shall give him three-fourths of the highest sea-pay of passed assistant engineer, which he was entitled to if he had received his promotion.

Mr. BROWNE, of Indiana. Somewhere about $1,500——

Mr. BALLENTINE. Yes, sir.

Mr. BROWNE, of Indiana. You allow him this pay for how many years back?

Mr. TALBOTT. About thirteen.

Mr. BALLENTINE. Say thirteen years.

Mr. BROWNE, of Indiana. There is but very little in it.

Mr. BALLENTINE. There is but very little in it, but it is an act of pure, simple justice to this officer.

Mr. BROWNE, of Indiana. There is hardly enough in it to pay for establishing such a bad precedent.

The CHAIRMAN. The first question is on the amendment of the gentleman from Indiana [Mr. STEELE].

The committee divided; and there were—ayes 56, noes 45.

So the amendment was agreed to.

The question recurred on reporting the bill to the House with the recommendation that it do pass as amended.

The committee divided; and there were—ayes 82, noes 9.

Mr. BROWNE, of Indiana. I am opposed to passing questions of this character with only a fraction of a quorum, but I do not make the point if it is the understanding that we shall have a vote on this matter in the House.

The CHAIRMAN. The Chair can not decide that question. The rules fix it.

So (no further count being demanded) the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. AYERS.

The next business on the Private Calendar was the bill (H. R. 723) for the relief of James H. Ayers.

The bill is as follows:

*Be it enacted, &c.*, That the claim of James H. Ayers, of Maryland, for services and expenses incurred in rendering aid to the Light-House Board in the month of April, 1862, is hereby referred to the Court of Claims, with power to adjudicate the same on its merits, without regard to any technical defense, and to allow such interest as to the said court shall appear equitable and proper.

The committee recommend the following amendment:

Strike out the words "without regard to any technical defense and to allow such interest as to the said court shall appear equitable and proper" and insert: "*Provided*, That such claim shall be filed within twelve months after the passage of this act, and not otherwise."

Mr. HOLMAN. Let the report be read.

The report was read, as follows:

Your committee, having considered said bill, would respectfully report the same back with amendments, and recommend its passage when so amended.

Mr. STEELE. If there is no further explanation of this bill I move to strike out the enacting clause.

Mr. HOBLITZELL. The circumstances under which this bill is recommended favorably are these——

The CHAIRMAN. The Chair will state that the motion to strike out the enacting clause is not debatable.

Mr. HOBLITZELL. I did not understand that motion to be made.

The CHAIRMAN. The Chair has decided again and again that it is not debatable.

Mr. McMILLIN. My understanding of the motion of the gentleman from Indiana is that it was conditional; that unless there was further explanation he would make the motion.

The CHAIRMAN. The Chair must recognize the motion of the gentleman to strike out the enacting clause without any condition.

Mr. HOBLITZELL. That motion was made subject to a condition. Now, I am about to explain to the gentleman the reason why the bill should pass.

The CHAIRMAN. The gentleman can not make the motion subject to any qualification.

Mr. STEELE. I simply ask an explanation of the report. If there is no further report or explanation, then I shall make the motion.

Mr. HOBLITZELL. If you will withdraw the motion I will explain what it is.

Mr. McMILLIN. I make the point of order that if the motion is made with a condition it is not a motion.

The CHAIRMAN. The Chair must recognize the motion unless it is withdrawn.

Mr. STEELE. I will withdraw the motion to hear an explanation of the bill.

Mr. PRICE. This report, Mr. Chairman, I will state, was among the early reports made by the Committee on Claims, and at that time it was not understood that the reasons which prompted the committee in its action on the bills should be set forth fully in the reports.

The facts of this case are simply these: The beneficiary of this bill claims to have done some valuable service to the Government for which he has not been paid, and the claim is in such a condition as to time that he could not get it into the Court of Claims for adjudication. This bill simply asks that he may have the right to go into the Court of Claims and have his claim adjudicated on its merits. He asks that this may be done and the court consider his claim without regard to any technical defense that may exist by reason of the delay, and also that such rate of interest be allowed on the claim as the court may determine to be just and proper.

The committee recommended the striking out of that provision of the bill in reference to technical defense and with reference to interest, and subject the claim to the condition that it shall be filed within twelve months after the passage of the act.

Mr. BROWNE, of Indiana. I wish to find out, if the gentleman can inform me, if this party has a claim against the Government.

Mr. PRICE. We think he has a claim against the Government, but want it inquired into judicially by the Court of Claims.

Mr. BROWNE, of Indiana. I would like to know what the claim is.

Mr. PRICE. It is for services rendered in taking care of a lighthouse in Maryland in 1862. I will state to the gentleman that the proof was very plain to the committee that the services had been rendered.

Mr. HOBLITZELL. The claim of James H. Ayers was offered in the Forty-sixth Congress, and was favorably reported by the committee having charge of it. It was not presented to the Forty-seventh Congress, and when the general law was passed allowing all of these claims to be submitted to the Court of Claims this was not among the claims which were included under the provisions of that act. It could not receive the benefits of the general law for the reason that it had not been pending in the Forty-seventh Congress.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. There is no report accompanying this case——

Mr. HOBLITZELL. There is a report.

Mr. HOLMAN. The point of order I make is that there is no report in the proper sense of the term, and there being no report, that we ought to have an opportunity of hearing at least an explanation of it from some gentleman on the floor. I ask, therefore, that there be order upon the floor while the gentleman from Maryland is explaining the provisions of the bill.

The CHAIRMAN. The Chair has been endeavoring to preserve order upon the floor and will insist that gentlemen must take their seats, and public business will be suspended until they do so.

Mr. HOBLITZELL. I was endeavoring to explain to the committee that this claim of James H. Ayers had been considered before a committee of the Forty-sixth Congress. It presents a claim for valuable services rendered during the war to the Government. That claim did not pass that Congress, although favorably reported, and was not presented to the Forty-seventh Congress when the general law was passed referring all private claims of that character to the Court of Claims. This bill was offered in the terms in which it originally went to the committee to give him the same privileges accorded to claims pending in the Forty-seventh Congress under the general law. That is all there is of it.

Mr. STORM. Let me ask the gentleman whether under the Bowman bill he regards it as the duty of the committee to investigate these claims to the extent of determining that the party has a valid claim against the Government, or is it the intention to relieve the committee of that duty and refer the claims to the Court of Claims for investigation?

Mr. HOBLITZELL. In the present instance the committee examined this case thoroughly and was satisfied as to its merit.

Mr. STORM. The object of my question was to ascertain whether it is to be determined by the committee that there is a valid claim in law before the reference to the Court of Claims.

Mr. HOLMAN. Mr. Chairman, with all due deference to the gentlemen who make this report, the point of order should have been made in the first instance that it is not a report within the meaning of the term. The report accompanying the bill is a document of public interest presenting the facts upon which members are to vote. This report is in the following language:

Your committee, having considered said bill, would respectfully report the same back with amendments, and recommend its passage when so amended.

Is that a report within the spirit of the rule of this House? Does that furnish us any information whatever? Can a member of the House be called upon or ought he to be called upon to vote blindly without any knowledge of the public matters which are to be affected by his vote? I, for one, protest against this practice. The committee in its action here is without a guide. If no other information is furnished to the House touching a matter of public concern, then I think the motion made by my colleague was an eminently proper motion in view of the fact that the House has no information in any degree of the nature or merits of this claim. Now, my friend from Maryland does not explain what the claim is.

Why was not the claim filed in the regular course of the administration of the proper department to which the subject belonged? If it is a valid claim against the Government and does not require some equitable interposition, why does it not come in under the Bowman act passed in the Forty-seventh Congress? Why not let it go to the Court of Claims by simple resolution of the committee of which the gentleman from Tennessee [Mr. McMILLIN] is chairman? It was hoped that bill would furnish Congress some relief from the consideration of claims of this kind.

Mr. McMILLIN. I would state to my friend from Indiana [Mr. HOLMAN] that it is within the power of the House now to do that which he suggests; and if the House prefers that the claim shall take that course, the Committee on Claims has no objection. I would state also that that would in all probability be the best course for the claimant, because if the claim is referred to the Court of Claims under the Bowman act he does not have to give any security for costs. This report is in the nature of additional security to the Government, because while the bill was introduced authorizing him to go to the Court of Claims without bond for costs, the committee saw fit to require him to give bonds for costs. A stringency is placed on this claimant that is not placed by the general law upon those having similar claims.

I know of no reason, if it is the will of the House, why the House may not send the case to the Court of Claims under the Bowman act. The gentleman who introduced the bill has no objection to that; the committee has none. The committee took the action it did simply by way of giving additional security to the Government in the matter. If the gentleman from Indiana wants to refer the case to the Court of Claims under the Bowman act, I have no objection. I suppose that would be an equitable way to dispose of it.

Mr. PRICE rose.

Mr. HOLMAN. Before the gentleman from Wisconsin [Mr. PRICE] proceeds, I wish to make a suggestion.

Mr. PRICE. The gentleman can make it after I get through.

I understand the question before the Committee of the Whole is, shall this bill be sent back to the House with the recommendation that it pass? To this proposition the gentleman from Indiana [Mr. HOLMAN] interposes what seems to be the insuperable objection in his mind that this ought not to be done, for the reason that the report is not in proper form. Now I understand it to be duty of any committee to report their conclusion upon any measure that has been referred to them; and they may or may not add the reasons that have led them to that conclusion. But the gentleman says this is not a report under the rule. I demand of the gentleman from Indiana that he shall point out the rule that requires not only the conclusion of the committee to be stated, but also the facts upon which that conclusion is reached, or else I demand that he abandon the proposition that this is not a report at all.

Mr. HOLMAN. I said nothing about the paper. My friend misapprehends——

Mr. PRICE. The gentleman distinctly stated the report was not in form, and therefore was no report at all. Gentlemen all around me heard him say so.

Mr. HOLMAN. The gentleman misapprehends.

Mr. PRICE. I do not misapprehend.

Mr. HOLMAN. I had no occasion to discuss the question of the form of the paper. It was the substance of it I alluded to. It is the absence of substance I complain of.

What information is furnished to this House? Up to this moment not a member of the Committee on Claims has informed the Committee of the Whole even as to the nature of the claim. The gentleman from Wisconsin himself has not thought proper to enlighten us as to the nature of this claim. What is the claim about? The object of a report is to furnish some information, not to give merely the conclusion of the committee. And I think my friend from Wisconsin will find there has been more than once a ruling on just such reports that they are not reports within the ruling of the House.

Mr. PRICE. Will the gentleman show me the rule to which he refers?

Mr. HOLMAN. The report should at least contain some statement of the facts. If my colleague from Indiana [Mr. STEELE] should not renew his motion to strike out the enacting clause, I propose to offer a resolution to refer this case to the Court of Claims. And I wish to explain, as my friend from Wisconsin became a little excited——

Mr. PRICE. Not in the least.

Mr. HOLMAN. I wish to explain that I can readily understand that my friend may have made such a report in consequence of the great hurry of business. I know how that committee is oppressed with its business.

Mr. BROWN, of Pennsylvania. The gentleman from Indiana is mistaken as to anything being done by that committee in a hurry.

Mr. HOLMAN. I wish only further to state that the difference between the passage of the bill and the adoption of the resolution is that the one gives jurisdiction beyond the Bowman act and the other does not. I offer this resolution:

*Resolved*, That the pending bill be referred to the Court of Claims.

Mr. McMILLIN. We have no objection to the bill taking that course. In fact I am inclined to think that is the best course.

The CHAIRMAN. The gentleman from Indiana moves that the bill be reported to the House with the recommendation that it be referred to the Court of Claims.

The motion was agreed to.

SURETIES OF THE LATE J. O. RAWLINS.

The next business on the Private Calendar was the bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins.

The bill was read, as follows:

*Be it enacted, &c.*, That Henry Fairfax Williams, Moses Rosenbaum, Henry Voorman, George Schultz, Roswell Percival Clement, Andrew Anderson Londerback, Alonzo Hayward, Anson Parsons Hotaling, Loed Livingston, and John Nelson Risdon, sureties of J. O. Rawlins, late collector of internal revenue for the first district of California, by bond to the United States dated May 6, in the year of our Lord 1869, be, and they are hereby, released from their liability arising from any deficiency that may have occurred in the accounts of said collector during the term covered by the transcripts of accounts from the Treasury Department, and from any judgment which may have been obtained thereon in favor of the United States; and the proper officer of the Treasury be, and he is hereby, authorized and empowered to direct the dismissal of any and all suits that may have been instituted and are now pending against the sureties aforesaid upon said bond.

Mr. VAN ALSTYNE. The report of the Committee on Claims in this case occupies about three pages of pretty closely printed matter; and I beg to say that the merits of the bill commended themselves to the committee to such an extent that it received a unanimous report in favor of recommending its passage. This same claim was before the last Congress and was referred to the Committee on the Judiciary.

Mr. BROWNE, of Indiana. I will not call for the reading of the report if the gentleman will speak so that members can hear what he says in explanation of the bill.

Mr. VAN ALSTYNE. I will endeavor to do so.

The CHAIRMAN. Members of the Committee will maintain order, so that the gentleman from New York [Mr. VAN ALSTYNE] can be heard.

Mr. VAN ALSTYNE. I was remarking that the merits of this bill commended themselves to the Committee on Claims to such an extent that it received the unanimous expression of the full committee in its favor, and they recommend its passage by the House. The same matter was before the last Congress, and was referred to the Committee on the Judiciary, and received the favorable action of that committee. The Committee on Claims of this House have adopted the report of the Committee on the Judiciary of the last House, both as to the statement of facts and the conclusions arrived at.

The facts upon which this claim is based are simply these: In 1869 John O. Rawlins, of the city of San Francisco, was appointed by the Treasury Department collector of internal revenue for the first district of that State. He entered upon the duties of his office in May of that year. He gave the gentlemen, who are the beneficiaries of this bill, as his sureties upon his official bond. Mr. Rawlins was in every sense a proper man for the place to which he was appointed. His character was unexceptionable, his business qualifications were superior, and he was attentive and faithful in the performance of his duties.

In October of that year, while inspecting a unique piece of machinery, he received a serious injury, which confined him to his bed. He never recovered from it to the extent of being able to leave his house, and he died on the 8th of the following month. He had several clerks in his office, and at the time he was injured he placed one of those clerks in charge to superintend the duties of the office.

Upon his death the Treasury Department did not fill the vacancy, but did take upon itself to supersede the clerk who had been placed in charge of the office by Mr. Rawlins and to designate another, without the knowledge or assent in any sense of these sureties, to conduct the business, and he was permitted to conduct the affairs of the office from that time until the last of April of the following year, when the office was filled by another appointment.

Mr. BROWNE, of Indiana. How long after the death of Mr. Rawlins was that appointment made?

Mr. VAN ALSTYNE. The change in the clerk to superintend the office was made a little over a month after the death of Mr. Rawlins; and the duties of the office were discharged by the person put in charge by the Treasury Department for something over three months.

By reason of the death of Mr. Rawlins, his official accounts were not settled for about a period of three years. When that settlement was finally made there was found to be an apparent deficiency of about $30,000. The Government took no action in regard to the matter for some seven years thereafter. About ten years after the death of Mr. Rawlins the Government brought suit on the official bond against the beneficiaries of this bill as sureties of Mr. Rawlins, and the matter was tried in the court.

All the defenses were set up which were maintainable under the law. It was shown on the trial that a part of the apparent deficiency consisted in the supposed payment of a tax by C. Jost & Co., in the sum of $8,764.

The testimony offered showed that this receipt, which was in the handwriting of the person designated by the Treasury Department, young Witbeck, deputy collector in the office, who was comparatively a mere youth, inexperienced and subject to the malign influences of a great town, was given after he, Witbeck, had passed from the charge of the office, and without any payment having been made. The court did not hesitate to instruct the jury that so far as that item of the apparent deficiency was concerned it should be allowed and deducted from the amount of the claim. A recovery was had against the bondsmen in the sum of $22,117 18, with interest.

No action has been taken on the part of the officers of the Government to enforce this judgment. The reason for that is that they do not believe they could do so in justice to these defendants; that Rawlins himself was not in any respect responsible for the deficiency; that these defendants were free from any fault or blame, and that whatever accident did occur, whatever misappropriation was made, whatever improper act was done in the giving of receipts without the actual payment of money, was through this man Witbeck, who was designated by the Treasury Department. Therefore the officers of the Government have withheld any action to endeavor to enforce the judgment.

The judge who tried this case speaks upon the subject of it and says:

The transcript of accounts covers a period of eleven months, and shows collections amounting to $3,122,135.60. For half of the time, or five and a half months, Rawlins was able to give his personal attention to the duties of his office.

He was then so badly injured that he could not attend to any business, and the office was managed by one of the deputy collectors for a period of about two months.

Rawlins having then died, the Secretary of the Treasury designated and directed another deputy collector to act as collector until the appointment of a collector by the President of the United States.

The interim covered a period of three and a half months, and it is claimed, not without reasonable grounds, that during this time, or later, the mischief occurred that resulted in the deficiency.

Without reading in detail the statements of the judge I will give his conclusion:

I therefore believe it to be just and proper for Congress to relieve the defendants from all liability on account of the judgment rendered against them in this case.

That recommendation on the part of the judge is concurred in by the United States prosecuting attorney, Philip Teare. The judge who presided at the trial was Lorenzo Sawyer. The recommendation of the judge is also concurred in by eleven of the jurors who tried the case. Why the twelfth juror did not concur in it I do not know, unless it was owing to his absence or his death.

I believe, Mr. Chairman, that this is one of those cases of liability which are liable to occur in the discharge of official duty without any fault on the part of the principal; and where, as is unfortunately the fact in this case, the liability attaches to gentlemen who are not in any just sense responsible and affects them most seriously, a measure of relief such as is presented in this case ought to receive not only the favorable but the prompt action of Congress.

Mr. BROWNE, of Indiana. Do I understand that the evidence discloses the probability that this deficiency all occurred subsequently to the death of Rawlins?

Mr. VAN ALSTYNE. Subsequently to the death of Rawlins and during the time the office was in charge of a clerk designated by the Treasury Department.

Mr. BROWNE, of Indiana. How is it possible that the sureties could be held responsible for a defalcation which occurred after the death of their principal?

Mr. VAN ALSTYNE. For the reason that the business of the office was continued under the appointment of Mr. Rawlins himself; and the suit upon the bond covered the entire period from the original appointment of Mr. Rawlins until that appointment was superseded by a new appointment on the part of the Government.

Mr. BROWNE, of Indiana. Then it was held that the death of the principal did not abolish the agency?

Mr. VAN ALSTYNE. It was so held by the court which tried the case.

Mr. BROWNE, of Indiana. That was a rather strange conclusion.

Mr. MCMILLIN. With the permission of my friend from New York [Mr. VAN ALSTYNE]——

Mr. VAN ALSTYNE. Certainly.

Mr. MCMILLIN. I will state for the information of my friend from Indiana [Mr. BROWNE] that there was no evidence showing with absolute certainty at what time exactly the defalcation did occur. But though that is true, yet from the upright conduct of the deceased officer, and the fact that the employé who was put in charge of the office did after his discharge forge receipts to the amount of eight or nine thousand dollars, which were sought to be made a charge upon this bond, it is at least presumable that the defalcation occurred during the time that employé was in charge of the office.

Mr. BROWNE, of Indiana. I should think the death of the principal revoked the agency.

Mr. HOLMAN. My colleague [Mr. BROWNE, of Indiana] will notice that he puts the case too broadly. It is not claimed that the whole defalcation occurred after the death of the principal; but rather, as stated by the gentleman from Tennessee [Mr. MCMILLIN], it is presumed to have occurred then.

Mr. MCMILLIN. And that presumption is founded on the fact that a forgery by this man who was in charge was detected.

Mr. VAN ALSTYNE. There was actually detected a forgery to the amount of $8,764.

Mr. MCMILLIN. And the balance could not be traced with certainty.

Mr. HOLMAN. I think the strong recommendation of the judge who tried the case ought to be quite potential in a matter of this kind.

Mr. MCMILLIN. The recommendation comes not only from the judge but also from eleven jurors.

Mr. VAN ALSTYNE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

### RELIEF FROM CHARGE OF DESERTION.

The next business on the Private Calendar was the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

The bill was read, as follows:

*Be it enacted, &c.*, That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 22d day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave, after such charge of desertion or absence without leave, voluntarily returned to his command, or who subsequently enlisted in another regiment or company and served in the line of his duty until he was mustered out of the service, and received a certificate of honorable discharge.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or in case of his death to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or in case of his death the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or in case of his death to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. GEDDES. Mr. Chairman, I think it due for me to say that this bill to relieve soldiers from the charge of desertion is of the same general nature as a bill that passed the Committee of the Whole on a former occasion. But as a preliminary to putting the parliamentary inquiry to the Chair whether I may not press the consideration of this bill, I wish to state that it differs very materially and substantially from the former bill. This measure enlarges the rights of the soldiers, and it relieves a class which the other bill does not relieve, and a class I think quite as meritorious as any embraced and provided for in the bill which has already passed the House.

The bill already passed by us is still pending in the Senate. Objections are made to the terms and provisions of that bill; and it is my hope that if this bill should be passed and sent to the Senate, that body will be able to formulate from the two measures a bill which will do justice to all these men.

Let me state one particular in which this bill is broader and is, I think, substantially more meritorious and equitable than the bill which we passed the other day. We are aware that in many cases where a soldier left his command and was marked absent without leave the charge of desertion thus placed on the records is purely technical. Every man on this floor will recall the fact that hundreds and thousands of young men of immature age, young men in their minority, with imperfect judgments—youths of 16, 17, and 18 years, and all the way to 21 years of age—volunteered; and hundreds and thousands of these are found upon the rolls with the stigma of desertion upon their good names, upon their military history, upon their patriotic and manly conduct.

This bill provides for and meets the case of a boy 17 years of age who, with imperfect judgment, sick, prompted by impulse, or acting under the advice of his comrades, as hundreds did, returned to his home, and subsequently enlisted in another command and served bravely and gallantly and nobly to the close of the war. Not only so, but hundreds of them came back who for one reason or another had left one command, and afterward returned to their homes at the close of the war after an honorable discharge, often with one arm; and hundreds came back with but one leg; hundreds with neither eye or but one eye; thousands came back with broken constitutions, which they have carried ever since through life.

I appeal to gentlemen whether reasons do not at once occur why these might have their offenses condoned. I recollect and recall my own experience and observation. I know personally many of these boys. Some of them conceived a prejudice against the officer of their command, some of them felt they had been unkindly and severely treated by the officer of that command; yet they would not desert their country, they would not desert the flag of their country, but voluntarily sought re-entrance into the Army in other commands, and did fight faithfully and gallantly to the end of the war.

Many reasons will occur to gentlemen which prompted soldiers to leave their commands and return again to the Army by joining other commands. But, sir, I confess in all my talks with citizens and soldiers on the floor of this House I have heard but one solitary objection which in my judgment ought to be considered for a single moment against this bill, and that is, if it should pass it is claimed that this bill will embrace within its terms and provisions some men who with immature judgment, having no experience, sought it may be additional compensation to the little pittance the Government doled out to them, and some of them may have received additional bounty. I appreciate the force of that argument, and while giving it its full force and effect let us remember, let it be borne in mind, that if they committed this fault suggested, and fault it was, if they were never absent from their command for any of the other causes which I have mentioned, if they were really never substantially absent from the Army with a criminal intent to desert, but re-entered the service and served faithfully and gallantly, I submit to the members of this House whether that faithful and gallant service does not condone the previous offense.

If a boy served one year under a captain or other officer who did him injustice, and absented himself from that command and afterward entered another command, even though he got another bounty, and thereupon bravely persisted in the service of his country to the close of the war, showing firm and unwavering patriotism, showing that he did not leave the service with any intention to desert the flag, does not that action on his part condone and forever wipe out whatever previous offense he may have committed? He may have left the Army to see his old mother after three long years of sacrifice and suffering. It may be the soldier may have returned for one hour's talk with the wife of his bosom whom he had left at home when he entered the military service of his country. If he again left the endearments of family fireside and returned to the service, and faithfully discharged his duty to the country, I feel his offense should be considered condoned.

I ask for the reading of the letter of the Secretary of War favoring this enlargement of the bill.

The Clerk read as follows:

WAR DEPARTMENT, *Washington City, January* 14, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, inclosing a copy of a bill (H. R. 319) to more effectually accomplish the object of an act entitled "An act to relieve certain soldiers of the late war from the charge of desertion," approved August 7, 1882, and asking that I should give my views.

In reply I have the honor to state that the proposed bill would, in my opinion, take away the obstacles to carrying out the provisions of sections 1 and 2 of the act to which it is an amendment, my views on this subject being quite fully expressed in a communication addressed by me to the House of Representatives on the 15th of December, 1882, a copy of which is herewith inclosed.

I take the liberty of suggesting to you that there is another class of desertion cases which seems to me to be equally meritorious with those mentioned in the bill, but for which no provision is made by the bill. There have been presented

to me many applications for removal of the charge of desertion standing against the record of soldiers who left the regiment in which they had enlisted without the intention of returning thereto, and subsequently enlisted in some other regiment, their record of service in the latter regiment being without fault. Under laws then and now existing they are held as deserters from their first enlistment, and the fact of subsequent good service in another regiment does not authorize the removal of the charge of desertion from the regiment in which they had first enlisted. Many such cases have been presented to me in which, if the removal of the charges of desertion was legal as an act of clemency, any original fault having been atoned for by subsequent good service, or if the charge could be removed for the reason that the subsequent history of the soldier showed that his action was not caused by desire to avoid military service in general, or an abandonment of the service of the United States, I would have removed the charge.

I would therefore suggest for the consideration of the committee, while considering the proposed amendments, the propriety of a further amendment giving to the Secretary of War, under such restrictions as may seem proper, the discretionary power to remove the charge of desertion raised against soldiers who subsequently enlisted and received an honorable discharge after faithful service in another regiment.

I am, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
*Secretary of War.*

Hon. GEORGE W. GEDDES,
*Chairman Committee on War Claims, House of Representatives.*

Mr. GEDDES. I wish to reserve the balance of my time.

Mr. STEELE. Mr. Chairman, this bill H. R. 3935 is substantially the same as H. R. 4383, which has already passed the House. I wish to say to the committee why I think a bill which has already passed and been in the Senate for four or five weeks is infinitely better than the one we now have before us.

The bill which passed the House only required service up to the 1st day of May, 1865, whereas this bill requires service to the 22d day of May, 1865. The former bill, which has passed the House and is now in the Senate, and has been for some days, ought to have preference over this in that it relieves soldiers of the Army of the Potomac who served until after they had fought and routed their enemy and received their surrender. I think for that reason the other bill is infinitely better than the one pending before this committee.

The next objection is to be found in lines 10 and 11 of this bill. The bill now under consideration provides as follows: That where a man left one regiment and enlisted in another, that fact shall wipe out the offense of desertion. If a soldier in the presence of the enemy deserted his comrades who were then battling for the country, all he has to do in order to relieve himself from that crime of desertion and to be brought under the provisions of this bill is to show that although he deserted his command in the presence of the enemy he afterward re-entered the Army and joined some other command.

The gentleman from Ohio talks about this relieving immature men! It relieves the most mature deserters from their commands during the war. It relieves any man who enlisted in one regiment and staid three days, then went off into another regiment, deserted that and enlisted in another, receiving each time from $500 to $1,000 for each enlistment. I saw a man myself who had made so much money in this way, by "jumping" the bounty, that he lighted his cigars with ten-dollar notes and tied his shoes with ten-dollar bills as shoe-strings. [Laughter.]

This bill lets in men of that kind. It will let in every coward and every bounty-jumper that the country furnished during the war, every scoundrel who made it his business to jump the bounty. Talk about "immature" and "tender young men!" Mr. Chairman, this is the first eulogy I ever heard delivered on this floor or elsewhere on bounty-jumpers, and it comes from my friend from Ohio who was not with us and can not appreciate the hardships of the soldiers or the ill-feelings that existed among them with reference to a man who left them, a man who deserted them in the face of the enemy perhaps, or when there was danger threatening.

Mr. GEDDES. Let me interrupt the gentleman just there. When you say that I was not with you I suppose you mean that I was not in the Army as a soldier. You do not mean to say that I was not with you in heart, in soul, in mind, in sympathy, and with all the strength of my feelings?

Mr. STEELE. No; I mean as a soldier.

Mr. HENDERSON, of Illinois. Let me interrupt the gentleman for a question.

Mr. STEELE. Certainly.

Mr. HENDERSON, of Illinois. I wish to ask if you would object to the relief proposed to be given to that class of cases embraced in the letter of the Secretary of War?

Mr. STEELE. I am opposed to the relief of men of that class who are embraced in the term "bounty-jumpers." I am opposed to that class of persons who deserted from one regiment and enlisted in another merely to receive the bounty, or who again deserted. I am opposed to wiping out the charge of desertion against any man who left his command under such circumstances. He might have enlisted twenty times, and under the operations of this bill he would be relieved from that charge.

Mr. HENDERSON, of Illinois. But, if my friend will excuse me, I want to call his attention to a particular case. There is at this time within the Treasury Department a soldier who left an Ohio battery in the State of Kentucky and enlisted in my own regiment, and served in it as a faithful and a gallant soldier, and was disabled in battle, his arm having been shattered by a shot.

Mr. STEELE. I did not yield to the gentleman to make a speech, but to ask a question.

Mr. HENDERSON, of Illinois. I do not intend to make a speech; but I ask my friend if in a case like that he would be willing to continue the charge of desertion against the man?

Mr. STEELE. If you take an interest in the man it is your business to go at the commencement of the session and introduce a bill for his relief, and not undertake to come in with a general law to relieve him which at the same time will relieve every bounty-jumper and coward in the country. I am not opposed to relieving men who are deserving of it. I am in favor of granting relief to such a man as you indicate. I favor granting relief in the cases of those men who did not desert under aggravating circumstances, and who were not bounty-jumpers who left their comrades and the Army in its time of need.

Mr. STRUBLE. Will the gentleman permit me to ask him a question?

Mr. STEELE. Certainly.

Mr. STRUBLE. I wish to ask whether my friend from Indiana has any serious objection to relieving men who merely deserted once, and who re-enlisted and performed services under the re-enlistment and without repeating the offense?

Mr. STEELE. The man who enlisted once under the circumstances you speak of who deserted and re-enlisted might be the biggest coward in the company and deserted at the very time that he should have been shot for it if he had not run so fast to get away that they could not catch him. I should like to know under what circumstances a man deserted before I would be willing to give my assent to such a proposition.

Mr. STRUBLE. But my understanding of your objection is that it will allow bounty-jumpers to come in.

Mr. STEELE. Bounty-jumpers and cowards all to come in.

Mr. STRUBLE. The bounty-jumpers who have performed the marvelous feats to which the gentleman refers to come in and to be relieved?

Mr. STEELE. Yes, sir.

Mr. STRUBLE. Now, the gentleman will recognize the justice of the proposition that there were many men who did desert once and re-enlisted soon after——

Mr. STEELE. They were never justified in it, and Congress should not give its approval to such an act.

Mr. STRUBLE. I do not ask the gentleman to justify it, but I ask whether we could not under the circumstances, when these men subsequently served faithfully, extend relief without injustice to anybody, and in fact extend it to the manifest good of the service?

Mr. STEELE. If a man deserted once and received a bounty for re-enlisting, he should not be relieved. If there is special merit in his case let him have his interest looked after by his member here who can introduce a bill for his relief and set forth the facts in his case and the injustice, if any, that has been done him. But do not undertake to assemble the good with the bad together in one bill.

Mr. STRUBLE. Another question: Has the gentleman any objection to relieving that class of men who never received bounties on re-enlistment?

Mr. STEELE. I have objections to relieving them by a general bill; because if a man in the presence of the enemy, in danger, when the ring of battle was in his ears, wanted to get away and did not have the courage to stand up in the line with his comrades but said to himself, "There is danger here, I am going away; I will go to Canada or somewhere else;" I say such a man should not be relieved. And yet this general bill would relieve him as well as the cases to which the gentleman refers.

Mr. ROWELL. Does not the bill which the gentleman from Indiana had passed do the same thing?

Mr. STEELE. It does not.

Mr. STRUBLE. I appreciate the point the gentleman from Indiana has made. I was there as he was during the war, and I have no excuse for that class of men. But does not the gentleman know——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. STRUBLE. I desire to ask just one more question.

Mr. STEELE. I yield simply for a question.

Mr. STRUBLE. Does not the gentleman know it is a fact that many of these men who deserted their commands did not desert in battle or in the face of the enemy, but that they deserted from the camp when no danger was threatening?

Mr. STEELE. If they then voluntarily marched to their commands and were shot, their record is to be amended by the bill that has already passed the House.

Mr. RAY, of New York. How do you propose to grant relief to those who were shot?

Mr. STEELE. Their record would be amended so that their children or their children's children might look upon their record with pride.

Mr. HISCOCK. Will the gentleman from Indiana inform the committee the amount of pensions that would probably be covered by this bill?

Mr. STEELE. I do not think it is in the power of the human understanding to calculate that.

Mr. HISCOCK. I would like to ask the gentleman if this bill covered those cases that occurred during the last few months of the war when it was understood the bounty-jumping was most prevalent, and all soldiers were discharged very soon after they entered the service?

Mr. STEELE. In the bill which passed the House there is the following proviso:

*And provided further*, That no soldier or the heirs or legal representatives of any soldier who served in the Army a period of less than six months shall be entitled to the benefits of the provisions of this act.

By the bill now under consideration, if a man enlisted on the 25th of April and received his $1,000 bounty, and concluded he wanted to go home, and enlisted again, he is relieved from the charge of desertion. If he has enlisted a dozen times in the six months prior to the close of the war and received bounty every time, this bill relieves him from the charge of desertion. A man who enlisted on the 20th of April and went away on the 1st of May ought not to be relieved. He ought to have had some service. The bill which has passed the House only proposes to give relief to soldiers who had served through the war and then after the war was over and we had got the victory rushed to the arms of their mothers or their families to enjoy the happy fruits of that victory. The bill which has passed relieves those men. This bill relieves men who staid with their mothers or their families till they got a big bounty, enlisted, and deserted again.

I hope the bill will be voted down.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a moment?

Mr. STEELE, Yes, sir.

Mr. WHITE, of Kentucky. Does the bill which passed the House some time ago relieve this class of cases; where a soldier or a nominal soldier was permitted by the officer commanding to go home and was marked as a deserter on account of absence from his command when the command might have been ordered to move, but who subsequently joined the command and remained until the close of the war?

Mr. STEELE. The bill which passed this House and is now before the Senate relieves that class of men.

Mr. LAIRD rose.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. LAIRD. I thought the gentleman from Indiana had concluded his remarks.

Mr. STEELE. How much time have I remaining?

The CHAIRMAN. The gentleman has forty-five minutes of his time remaining.

Mr. STEELE. I desire to reserve the remainder of my time.

Mr. GEDDES. I yield five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Is it now in order to propose an amendment? I desire to offer some amendments to the bill.

The CHAIRMAN. General debate is still proceeding and amendments are not in order until that is closed.

Mr. LAIRD. Then I desire to state these amendments with which I think the bill will be properly guarded, and which will bring it into conformity with the Steele bill, that is already a law so far as the action of the House is concerned. I propose to strike out the words "twenty-second," in line 10 of the first section, and insert in lieu thereof the word "first;" so that it will read:

That no such soldier who served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, &c.

This amendment will remove any conflict between this bill and that which has already passed the House. To guard against the abuses anticipated by the gentleman from Indiana in his remarks, I propose to add a proviso to the second section of the bill in words to this effect:

*Provided*, That no soldier shall be entitled to the benefit of this act against whom more than one charge of desertion shall be found to exist.

Mr. BROWN, of Pennsylvania. Or who has received additional bounty.

Mr. LAIRD. I have thought about that, and the Military Committee discussed that question with the gentleman from Indiana [Mr. STEELE] at the time his bill was before that committee; and it was found that if we attempted to restrict the operation of the act by a limitation of that kind looking to the number or character of the bounties received by a soldier who sought relief from this disability, we would involve ourselves to that extent that it would be difficult to make an intelligent act out of it. I think, therefore, this goes far enough; and I desire to call the attention of the committee to the reason why I think that with this proviso the bill is sufficiently guarded.

Mr. STEELE. Does the gentleman think that Congress should relieve the man who deserted his comrades in the face of the enemy?

Mr. LAIRD. No, sir.

Mr. STEELE. Then I ask the gentleman if his amendment will not do that?

Mr. LAIRD. I will explain why I think it will not do that. I am bound to say with the gentleman from Indiana [Mr. STEELE], while my experience has not been so unfortunate with bounty-jumpers as his, yet I am disposed to think that any man who turned his back upon the enemy deserves at the hand of his country only one thing, and that is not reward, except death shall be considered a reward, for that is the only reward to which he is entitled.

But the gentleman omits to note the limitation upon the evils which he apprehends from this bill; omits to note that they are provided against in the very section which he has discussed and in the sections which follow. In order that they shall be entitled to receive this benefit, they shall have served in some other regiment, into which they shall have enlisted, and shall have been honorably discharged therefrom.

I submit that my experience in the Army, which was reasonably arduous for four years, never brought me face to face with a solitary example of a man who deserted from my command, or from any command within my knowledge, and who thereafter demonstrated his cowardice or the viciousness of his act of desertion by enlisting in any other regiment and deserting therefrom. On the contrary, I have known several instances of men who I believe will be embraced in the second section of this bill who will be entitled to the relief it will give them. I am as anxious as the gentleman from Indiana can be to protect the records of the men who did gallant service from contamination by contact with men who did not perform such service. But I believe the Secretary of War has wisely called the attention of Congress to an omission in the bill of the gentleman from Indiana [Mr. STEELE], as he remembers that point was discussed in the Committee on Military Affairs.

Mr. BRUMM. Will the gentleman from Nebraska yield to me for a question?

Mr. LAIRD. Certainly.

Mr. BRUMM. Rather for a suggestion. Why not in your amendment provide also that a man to receive the benefits of this bill shall not have received more than one bounty, so as to cover the question of bounties? And I will also make another suggestion to include service in the Navy. A man may have enlisted in the Army and deserted therefrom, and afterward have enlisted in the Navy and performed service.

Mr. LAIRD. That is a good suggestion.

Mr. LONG. Why not also provide that said desertion or leave shall not have occurred in the face of the enemy?

Mr. LAIRD. I am inclined to think that is a good suggestion and to accept it.

Mr. LYMAN. You can not accept that.

Mr. LONG. Why not?

Mr. LYMAN. You can not tell what "the face of the enemy" means; there is no definition of that.

Mr. LAIRD. I think upon reflection that we may get into difficulty if we adopt that suggestion. We were always in the face of the enemy; the enemy's face was tolerably long; it was four years long. [Laughter.] I think adopting that suggestion might get us into trouble. I think the suggestion of the gentleman from Pennsylvania [Mr. BRUMM] covers all the difficulties, and I am inclined to accept that.

Mr. PERKINS. With the amendment suggested by the gentleman from Nebraska [Mr. LAIRD], I think this bill should pass. In my judgment it aims to relieve a very meritorious class, and it also aims to relieve this body from much labor. There are perhaps hundreds of private bills pending here to-day to relieve the class of persons provided for by the second section of this bill. I have bills of that character, and so have most of the members here, to relieve by special act meritorious claimants who would be provided for by the general provisions of this bill.

Mr. CUTCHEON. And who will not be reached during this Congress.

Mr. PERKINS. And, as suggested by the gentleman from Michigan [Mr. CUTCHEON], whose cases can not be reached this session. We should in some way provide by general bill for such cases. As was suggested, the Secretary of War recognizes the merits of the petitions which are filed with him or which come to this body in the form of special bills asking for relief; but under the law as it is to-day, or as it is construed by the Secretary of War, he can not relieve them.

I have a bill pending for the benefit of a young man who enlisted when he was but 18 years of age. He served for nine months under his first enlistment. Another regiment was organized at his home, and his more immediate friends and relatives went into that second organization. They prevailed upon him to join that organization, and he joined it and served for three years and twelve days in that second regiment. He was an honorable and meritorious soldier, and no charge of desertion or wrong-doing was ever made against him while serving in that second regiment.

Mr. STEELE. The Secretary of War no doubt gets appeals which are very meritorious; but he does not get applications from men who deserted in the presence of the enemy. Those men have hardly cheek enough to ask him for relief, but Congress is asked to relieve them.

Mr. PERKINS. Were those men honorably discharged?

Mr. STEELE. They were not.

Mr. PERKINS. This bill provides relief for men who were honorably discharged.

Mr. STEELE. It does not.

Mr. PERKINS. This is the language of the bill:

Such soldier charged with desertion or with absence without leave, after such charge of desertion or absence without leave, voluntarily returned to his com-

mand, or who subsequently enlisted in another regiment or company and served in the line of his duty until he was mustered out of the service, and received a certificate of honorable discharge.

I think that with the restriction suggested by the gentleman from Pennsylvania [Mr. BRUMM], and which was accepted by the gentleman from Nebraska [Mr. LAIRD], the bill will be a good one. It will provide that if more than one charge of desertion is found to have been made against a soldier he can not then claim the benefits of this act. They must come here and ask relief by special bill.

But this bill, if the amendment suggested should be adopted, will relieve this House of much labor—will relieve us from the importunities of individual claimants who have meritorious cases. The Secretary of War will by general law be authorized in such cases to correct this adverse record, and to grant to soldiers of this class what they earned by honorable service.

It seems to me there should be no objection to such a measure. As the gentleman from Ohio [Mr. GEDDES], the chairman of the Committee on War Claims, has eloquently and fairly stated, these cases are in many instances just as meritorious as any that come to Congress for relief; but the relief should be granted by general law, because time does not allow us by special legislation to do justice in each particular case.

At the same time this bill should be, of course, carefully guarded against fraudulent claims by "bounty-jumpers," who enlisted only for the purpose of gain, to secure the gratuities offered by various communities. Fraudulent claims of this description will be guarded against by the amendment of the gentleman from Nebraska. With that amendment I support this bill, and hope it will pass.

Mr. GEDDES. I will now yield five minutes to the gentleman from Michigan [Mr. HORR].

Mr. STEELE. I would like to resume the floor, and yield to some gentleman who is to speak in opposition to the bill. I desire to yield to the gentleman from Ohio [Mr. J. D. TAYLOR].

Mr. HORR. I will wait till the gentleman from Ohio has spoken.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, it is very important that this bill, or any bill which may be passed on this subject, should be carefully guarded so as to exclude men who were well known during the war as "bounty-jumpers." I had occasion at one time to investigate the process that was going on in a certain camp. I learned in this way that there were large numbers of men whose sole business was to enlist as soldiers, receive the large bounties which were then being paid, go into camp, put on the United States uniform, deposit with their officers a part of the bounty, obtain leave of absence on the pretense of going home to see their friends prior to entering upon military service; and then they would never return to do duty under their enlistment. They would immediately re-enlist, receive another bounty, go into camp again—sometimes even into the same camp—again deposit a part of their bounty and leave, never to fulfill the terms of their enlistment. This was a regular business with these professional "bounty-jumpers."

An officer who was connected with the particular camp where I made my investigation had at one time deposited with a single party $40,000, which had been left in his hands by these professional "bounty-jumpers."

Thus I had occasion to learn that there were hundreds and hundreds of these men who after enlisting never went into the Army, never heard the firing of a gun, never were in the presence of the enemy, and never intended to fight, who only wore the country's uniform as a means of deception and fraud. Thousands of such men during the war received large sums of money without rendering any military service. They went from one camp to another, from one city to another; they enlisted in one regiment after another. I do hope, Mr. Chairman, that we shall not open the vaults of the Treasury to this large horde of men whose only business during the war was to "jump the bounty" and to obtain money for which they never rendered service.

Mr. GEDDES. I now yield five minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Chairman, it is with a great deal of diffidence that I undertake to give an opinion in this case after the intimation of my friend from Indiana [Mr. STEELE] that it is not exactly modest for us men who were not at the front during the war to have an opinion on a question of this kind.

Mr. STEELE. The gentleman will permit me to ask, in what way did I intimate that?

Mr. HORR. If I remember the gentleman's speech aright, he called the gentleman from Ohio to account for having an opinion on this subject when he was not at the front, and did not know how to sympathize with men who were there. Am I mistaken in that?

Mr. STEELE. I suggested that the gentleman from Ohio could not appreciate how we who were at the front felt when men deserted while we were fighting our battles.

Mr. HORR. I presume, Mr. Chairman, that is true. Since I have been a member of this House, I have listened a good many times to very humiliating remarks made in that way by men who were in the military service—throwing up to me the fact that I was not. Now, I feel badly enough about it without being twitted with it all the time. [Laughter.] And I have a sort of suspicion that it is not a real badge of gallantry for any soldier to be always "blowing" about having been "at the front." I am willing to admit that my friend from Indiana carries half a ton of lead, if you please, in his body. I am not particular about a few pounds. [Laughter.] But I do insist that we men who were at home may have upon a matter of this kind a sort of judgment which we are a little tender about, and which we feel we have a right to express in this House.

Now, I have in my mind a soldier who would be covered by this very bill. I have made repeated attempts at the War Department to get him relieved from the charge of desertion under which he unjustly rests. He is carrying to-day perhaps not so many bullets in him as my friend from Indiana, but he has two large rebel bullets in his body. Though I have done all I possibly could, I have been unable to get that man relieved from this unjust charge. This bill will do it.

Mr. STEELE. I should like the gentleman from Michigan to state whether he was shot in the front or back of his body.

Mr. HORR. Mr. Chairman, I have more sympathy for a soldier who was shot in the back than for one who was not hit at all. [Laughter and applause.] You can not always tell about these matters. I have been told by men who were shot in the back that it was done while they were in the discharge of their duties. I understand that an officer who is leading his men is more liable to be hit in the rear than in front.

Mr. STEELE. I wish to see the record.

Mr. HORR. He was marked as a deserter when he went home, but finally enlisted in another branch of the service and fought two years and a half afterward. Why, the War Department, every time I go to them, tell me there is no power to reach this man's case.

I do not believe there is much more danger than there ought to be in relieving this man. We are living to-day in a sort of atmosphere of forgiveness. [Laughter and applause.] Why certainly there are very many men in the United States who did not desert but who did shoot at us fellows. [Laughter.] Not at us, but let me say to the gentleman from Indiana [Mr. STEELE] at you fellows. [Laughter and applause.] Well, we have forgiven them. We have taken them into our embraces. They have taken us, my friend says, into their embraces. [Renewed laughter.]

Now, I say here that a man, although he may have left the ranks, who afterward went back and did his duty as a soldier, is entitled to fair treatment and consideration, such as he can not get here by a private bill.

I have had some experience in private bills in this House. You can not get one through. My friend tells me he has passed five or six of them this session. There is something about a man who is on a committee in reference to these things that gives him a big advantage. [Laughter and applause.] Of course I do not complain of it. Well, my bill goes to that committee. I am busy. I finally work down and present it, and the man who has it in charge reports it, possibly, and after a while I get it on the Calendar. But there, Mr. Chairman, it sleeps the sleep of death. [Laughter.] You can no more resurrect it. It is beyond resurrection from that hour. Now, this bill gives you your resurrection in advance.

I ask my friend, as a soldier, as a man who did his duty, as we all admit he did, because you happen to have been fortunate and staid with your command [laughter], is it not possible there may be cases where men left their commands for a little while, but finally plucked up courage, went into the Army, and did their duty afterward?

They did then even more than I ever did, and am glad myself for their having been so valiant. I mean, I feel grateful to them, not for deserting, but for what they did after they deserted, when they went back. I am, Mr. Chairman, in favor of this bill and hope it will pass.

Mr. STEELE. Before yielding the floor, Mr. Chairman, I wish to say that in reference to the statement made by the gentleman from Michigan, I refer in no way to any bills I myself had introduced. The chairman of the Committee on Military Affairs will say I have not asked to have any bill referred to me. They were not, therefore, bills personal to myself, not one.

The only objection I have to this bill is the one I have already stated, and it is vital to its passage. The only objection I have to what the gentleman from Michigan has said is he ought to have eulogized or commended the soldiers who died on the field of battle instead of eulogizing bounty-jumpers.

I yield now for twenty minutes to my colleague [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Chairman, there is no question but that there are those who are entitled to the relief given by this bill. There are those who after having served in one command deserted in a technical sense and joined another, and who performed faithful service until the end of the war and then received an honorable discharge. My colleague [Mr. STEELE] does not object to giving relief to men of that class; no gentleman here objects to it; no soldier objects to it. But this bill, without any kind of qualification, gives an honorable discharge to every one who having deserted subsequently joined another command and from that second service received an honorable discharge.

I do not know whether I will be subject to censure from the gentleman from Michigan [Mr. HORR] if I should intimate that I happened to be in the service for a short time, but if there is anybody in the world for whom I have sympathy it is a coward; not the one who staid

out of the service, but the one who staid in it. I think I know how a coward feels under fire [laughter], and I was never so happy in my life as I was not long since in reading some discussion on physiology, where it is claimed that courage is only a little more or a little less of arterial circulation, and a fellow who has lots of blood in his arteries is brave and the man who has it imperfectly is a coward. I can not see why it is that the gentleman from Michigan should be blamed for having a little less blood in his arteries than others. Courage and cowardice are merely questions of arterial circulation.

Now, coming back to the question, a very large majority of those who deserted under the circumstances stated and who rejoined some other commands, did it for one of two reasons: either to secure the increased bounty that was offered by the later acts of Congress, or to enable them to accept employment as a substitute and get a large sum for entering the Army in that capacity. It will be remembered, of course, that the earlier troops in the war received no bounty whatever, and I believe the first three years' troops only received a bounty of $100. After a while the Government gave bounties as large as $300.

In addition to this Government bounty, counties, cities, and even townships were offering local bounties, that their quota of troops might be made up and their respective communities relieved from the operation of the draft; and I assert here that a large proportion of those who deserted and subsequently went into the service the second time deserted in order that they might receive this increased bounty. I know that from what I know of desertions from my own command and from others in the service, and I state what I believe to be a fact, a fact which will be fully demonstrated if the War Department is ever called upon to make an investigation into the circumstances under which those persons who are to be relieved by this bill deserted the first time.

I am in favor of the bill if you can make it apply in its terms to those simply who had become offended with their superior officers or believed that they had been badly treated, those who conceived some offense of that character but still intended to continue in the fight, those who had no purpose of jumping the bounty or deserting to receive increased bounty, and where the purpose to desert was not conceived in order to go as a substitute for some other persons able and willing to pay a large sum. If you include these only I will cheerfully vote for the relief proposed to be given here. But I say to you now that I shall never vote for this bill in its present shape. I shall not vote for it until I am ready to put the man upon the pension-roll "who broke his leg attempting to jump a bounty."

Mr. HOBLITZELL. Will the gentleman permit me to ask him a question?

Mr. BROWNE, of Indiana. Certainly.

Mr. HOBLITZELL. Do you not think that the discretion vested in the Secretary of War under the provisions of the second section of the bill is sufficient to exclude the class of cases you mention?

Mr. BROWNE, of Indiana. I do not know. That depends very much upon the manner in which that discretion is exercised; but I believe it to be vicious in legislation to give any officer the discretion to do a wrong thing. I do not believe in leaving the doing of an improper thing in the discretion of any person. But my friend from Massachusetts sitting near me [Mr. LYMAN] has had his attention called to the section in question, and says that there is not much room for discretion in the section to which my friend referred.

Now, with all due deference to my friend who urges the passage of this bill, I suggest that it would be better if it should be withdrawn for the present and so framed as that its benefits shall go to such persons as are entitled to it. I have attempted to give some reasons why I think the bill ought not to pass. I have no doubt that the gentleman from Ohio expected its provisions to operate solely on those who ought to have the relief that the bill contemplates. But I think after the statements that have been made he will see that this relief may go to some who least of all others deserve it—that is, those who deserted for the purpose of making money by it.

I have, Mr. Chairman, some kind of respect, or at least I have some sympathy, for the man who deserted in the face of the enemy because he had not nerve or the courage to stand up to be shot at. I can have some kind of respect for him; but for the mercenary soldier who deserts his command simply to procure more money as a bounty or by going into the service for some one as a substitute I have no respect, and I am not willing to vote him any relief.

Mr. GEDDES. Mr. Chairman, I have consented to yield much of my time to other members of the committee, but I would be glad to move now that the committee rise and report the bill favorably to the House, unless I see manifested a disposition to further discuss it. It has been stated to me by members that they would like to discuss it briefly. If so, I will not make the motion.

Mr. ROWELL. I would like to be recognized for a short time on this question.

Mr. McMILLIN. I would suggest to the gentleman from Ohio, the gentleman from Illinois, and the gentleman from Indiana that the bill be laid aside until our next meeting, as there is a measure here that will produce no discussion, and it is important that it shall be acted upon, in order that the Senate may have jurisdiction of the question, which they are bound to act upon some time during the session. If the gentleman will yield I will make a motion to that effect.

Mr ROWELL. If I can be recognized now I shall not have any objection.

Mr. WELLER. I desire to be recognized to speak on this bill.

The CHAIRMAN. The Chair recognizes the gentleman in charge of the bill, the gentleman from Ohio [Mr. GEDDES].

Mr. GEDDES. I have said to the gentleman from Tennessee [Mr. McMILLIN] that I will not antagonize the object he has in view.

Mr. McMILLIN. I do not think the measure I speak of will produce any discussion. It is on this Calendar, and is for the relief of private individuals. If it does not, then we shall have time probably to dispose of this and other measures too. I refer to the bill embracing what are known as the 4th-of-July claims, claims that have been reported favorably by the accounting officers and are *pro forma* referred to Congress for appropriations to meet them. There is no controversy over a single claim in the bill. It was reported from the Committee on War Claims by the chairman of that committee, the gentleman from Ohio [Mr. GEDDES]. I think there will be no difficulty in passing it, and then we will probably have time to dispose of this one also.

Mr. ERMENTROUT. I must object to that. That bill must be proceeded with in its regular order.

Mr. McMILLIN. If the gentleman from Pennsylvania desires to do so, he can probably defeat its consideration.

Mr. ERMENTROUT. I have been waiting here the whole day to have a bill considered which stands next on the Calendar, and I do not see why I should yield to anybody else. I believe I have rights here as well as other gentlemen.

Mr. McMILLIN. And I would be the last to attempt to infringe the rights of the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Tennessee asks that the pending bill be passed over for one week. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. ROWELL. I now call up the bill (H. R. 5377) on page 33 of the Calendar, a bill for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. ERMENTROUT. I insist on the consideration of the next bill on the Calendar being proceeded with.

The CHAIRMAN. The Chair recognized the gentleman from Illinois to state his proposition.

Mr. ROWELL. My proposition is to take up the bill (H. R. 5377) referred to by the gentleman from Tennessee [Mr. McMILLIN] covering the 4th-of-July claims.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to take up out of its order the bill (H. R. 5377) for present consideration. Is there objection?

Mr. ERMENTROUT. I object to anything being considered out of the regular order.

Mr. ROWELL. I think the gentleman would not insist on his objection if he would hear me for a moment. There are several hundreds of parties interested in this bill. It is the customary bill passed every session. There are some amendments to it for the correction of mere clerical errors.

Mr. ERMENTROUT. The time the gentleman consumes in his explanation would pass the next bill on the Calendar.

The CHAIRMAN. The gentleman from Pennsylvania objects. The Clerk will report the next bill on the Calendar.

BENJAMIN F. MILLARD.

The next business on the Private Calendar was the bill (H. R. 3936) for the relief of Benjamin F. Millard.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Millard, late a first lieutenant in the Second Regiment Louisiana Cavalry, United States Volunteers, the pay and allowances of a second lieutenant of cavalry from the 1st day of January, 1864, to the 17th day of March, 1864.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2604) for the relief of Benjamin F. Millard, submit the following report:

That the claimant asks compensation for services alleged to have been rendered as second lieutenant of the Second Regiment Louisiana Cavalry, from January 1, 1864, to March 17, 1864.

The commission of Benjamin F. Millard, filed as evidence before the committee, bears date December 31, 1863. The certificate of the mustering officer shows that claimant was not mustered as second lieutenant until March 17, 1864. It appears from the sworn statements of the officers of the company and regiment of which Millard was a second lieutenant, and other reliable witnesses, that claimant did actually serve in the capacity and discharged the duties of second lieutenant of Company E, Second Regiment Louisiana Cavalry, from January 1, 1864, to March 17, 1864.

It appears from proof obtained from the War Department that claimant was paid from the date of muster, and not from the date of his commission.

Your committee, in view of the foregoing facts, report back to the House a substitute for the bill, and recommend its passage.

Mr. ERMENTROUT. The facts of the case are all embraced in the report which has been read. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. ROWELL. I now renew my request. The next bill on the Calendar is one which will excite a good deal of discussion. I think it

can not be disposed of in less than one or two hours. I ask that the Committee proceed to consider the bill (H. R. 5377) covering the 4th-of-July claims.

Mr. COSGROVE. I object.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The next business on the Private Calendar was the bill (H. R. 3937) for the relief of Willis N. Arnold.

The bill was read.

The Clerk commenced to read the report.

Mr. TAYLOR, of Tennessee. I ask that this bill be passed over informally for the present, not to lose its place on the Calendar.

Mr. GEDDES. Having consented to pass over the bill in the consideration of which the committee was engaged a short time ago, I could not consistently now insist that we should proceed with the consideration of this bill. I know that it will elicit earnest discussion and occupy considerable time; therefore I yield very cheerfully to the desire of the gentleman from Tennessee that it may be informally passed over with the other bill that we have been considering.

The CHAIRMAN. If there be no objection the bill will be passed over informally.

There was no objection.

The next business on the Private Calendar was an adverse report on the bill (H. R. 1477) to pay Hiram Johnson and other persons therein named the several sums of money therein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. GEDDES. This is an adverse report, which should properly be considered in connection with the preceding bill on the Calendar. I ask that it also be passed over informally.

There was no objection.

J. H. HAMMOND.

The next business on the Private Calendar was the bill (H. R. 1327) for the relief of J. H. Hammond.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. H. Hammond, of Philadelphia, Pa., out of any money in the Treasury not otherwise appropriated, the sum of $2,000, in full for the loss of the barge William T. Anderson while in the military service of the United States by charter, as fully appears by papers now on file in the office of the Third Auditor of the Treasury.

The report was read, as follows:

Mr. JONES, of Wisconsin, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 1327:

The Committee on War Claims, to whom was referred the bill (H. R. 1327) for the relief of J. H. Hammond, submit the following report, as one made in the Forty-seventh Congress, which report they adopt:

[House Report No. 2029, Forty-seventh Congress, second session.]

That this claim is for the value of the barge William T. Anderson, alleged to have been lost while in the service of the United States during the late war. Claim stated at $2,000.

It appears from the proof submitted that the barge when lost was in the military service of the United States, under a charter-party which contained a stipulation as follows:

"The war risk will be borne by the United States; the marine risk by the owners until under orders south of Cape Henry (the southern cape of Chesapeake Bay), after which the marine risk will be borne by the United States until they reach that latitude on their return."

The evidence shows that the loss of the barge was near the mouth of the Potomac River, in the Chesapeake Bay, north of Cape Henry, and was occasioned by a marine risk.

The claimant submits statements of Hon. John Tucker and Capt. H. C. Hodges, the former at one time Assistant Secretary of War, and the latter the officer who executed the charter under which the barge entered the military service, to the effect that the understanding was that the Government would assume both the war and marine risks upon vessels which should be chartered for the McClellan expedition; and that Captain Hodges, while intending so to stipulate on behalf of the Government, neglected to erase from the form of charter used the words which bound the owners to assume the marine risk until under orders south of Cape Henry; and that consequently the charter does not express the true intent of the contracting parties.

This claim was filed in the Treasury Department on the 3d day of April, 1864, and on the 16th day of September, 1864, disallowed, for the following reasons, given by the Third Auditor, to wit:

"The accounting officers have no equity jurisdiction, and consequently no power to correct mistakes in or alter the terms of charters, and none to receive evidence which contradicts the provisions thereof."

It clearly appears by the evidence of the Government's own officers how it happened that the printed words in the blank charter were not struck out, as the Government assumed both the war and marine risks in all cases of vessels chartered for the McClellan expedition.

The rejection of this claim by the Third Auditor is based upon a mere technicality, unworthy of a great Government in its dealings with its loyal citizens.

The evidence filed in this case (all original) from the files of the Department shows the value of the barge at the sum claimed, namely, $2,000, and was given at the time when the matter was fresh in the minds of all the parties.

Your committee therefore reports back the bill, and recommends that it do pass.

Mr. JONES, of Wisconsin. I think the report sufficiently explains the facts, and unless some one has some questions to ask or suggestions to make, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. This bill has been before the House on former occasions, and I wish to call the attention of my friend from Wisconsin to my understanding of the case. The Government in some other cases in connection with the same expedition assumed as well the marine as the war risks, but in the contract touching this vessel did not assume the marine risks covering the point where the vessel was lost. Now, this case has been considered in former Congresses long prior to the Forty-seventh, and it then appeared in the form in which I now present it; that is to say, that the Government did make certain contracts with other vessels different from the contract in this case; but because the Government made contracts which covered marine as well as war risks in other instances, that is no reason why the contract with these parties should be modified to conform to the others.

Mr. JONES, of Wisconsin. That is very true. But the evidence of the Assistant Secretary of War and of another officer of the Government shows very clearly that this was a mistake; that it was the intention of those officers in making this contract that these words should be stricken out, but by pure inadvertence they were not stricken out. The Government used blank forms of contract similar to those used in other cases, and inadvertently the officers omitted to make the erasure in the contract.

It raises precisely this question: If in the case of any two private individuals there was a mistake in the language of a contract; in other words, if the written or printed form of contract did not conform to the actual fact, if it did not set forth the real contract between the parties, any court of equity would correct the contract. It is a matter of every-day occurrence in courts of justice. In this case the party can not sue the Government. The Department before which his claim was long ago presented decided that it had no equity jurisdiction, and that it must reject the claim simply on the ground that whatever may have been the actual contract, the written contract between this party and the Government did not justify its allowance.

There is no dispute in regard to the facts; on the contrary, it is clearly proven that it was the intention between this man and the Government that the Government should assume this risk. By reason of a mistake the contract failed to state that the Government assumed this risk. The question is, will Congress correct that mistake?

Mr. HOLMAN. I shall ask my friend to have read the two statements referred to by him. I wish to inquire, however, whether the statement of those two officers were official statements, or were they affidavits made by them after they had gone out of office? How is that?

Mr. JONES, of Wisconsin. As I understand, they were made after they went out of office.

Mr. HOLMAN. My friend will bear in mind that if this bill had been sent to the Quartermaster's Department, where this claim originated, and had gone from there to the Third Auditor's Office, the whole facts could have been ascertained. You could have ascertained whether these officers were authorized to enter into contracts broader than the printed blanks, which indicated the risks the Government was to assume, both the war risks and the marine risks. The Quartermaster-General could have informed the committee without any trouble to what extent the subordinate officers of the Government were authorized to vary the printed forms of contract.

Those printed forms contained the provisions in the behalf of the Government. The question is whether this particular provision should have been stricken out or not. The Quartermaster's Department without any difficulty could have furnished information as to whether there was any authority on the part of these subordinate officers to strike out that provision.

If the Quartermaster's Department will certify that it was intended to make this contract with that provision modified in conformity with the terms of this report, then the case would be a very clear one. Had such been the case this bill would have passed long ago.

Mr. JONES, of Wisconsin. I assume that we know just as well as does the Quartermaster-General what was the authority of the Assistant Secretary of War. The Assistant Secretary of War undoubtedly had, in time of great emergency, when it was necessary to suddenly send vessels to the South, authority to charter such vessels. And beyond all question, if it was necessary that the Government should assume greater risks than it had been in the habit of assuming, he had the right to make such a contract as was necessary to supply vessels for the emergency. That was all that occurred in this instance.

Prior to this time the contracts had all been of one character. They were printed contracts, and by them the Government assumed only a portion of the risk. But for the McClellan expedition, one which it was necessary to send off suddenly, it was found that vessels could not be obtained without making a special agreement. Those special agreements were made, and there can be no possible doubt but that the Secretary of War, or the Assistant Secretary of War acting in his behalf, had power to make such special agreements. Otherwise the military service would have been sadly crippled, and the Government with all its property would have been at the mercy of the enemy.

It must be borne in mind that there is no controversy whatever but that in this case there was a mistake pure and simple; there is no testimony controverting that statement. It resolves itself, therefore, into this question, whether this Congress will exercise the powers of a court of equity and allow this contract to be corrected so that it will conform to the real facts. If a private individual should refuse to correct a contract in which there was a clerical mistake proved beyond all

question, he would properly be called a dishonest man. It would be an act of dishonesty which the courts would take the first opportunity to correct. This great Government can scarcely afford to be less honest in its dealings than any private citizen would be compelled to be. If this claimant could have sued the Government he would have had relief years ago——

Mr. HOLMAN. If, as a legal proposition, it is clear that it was intended that this contract should be different from what it really was, then I would go very cheerfully with my friend from Wisconsin [Mr. JONES] to have the correction made.

Mr. JONES, of Wisconsin. Has the gentleman read the statement of the Assistant Secretary of War?

Mr. HOLMAN. No; I have not read it of late years; this was an early claim. I will ask my friend to have that paper read.

Mr. JONES, of Wisconsin. If it is here I shall very glad to have it read.

Mr. HOLMAN. I presume it is among the papers filed in support of the claim.

The CHAIRMAN. If the gentleman from Wisconsin will send the paper to the desk it will be read.

Mr. JONES, of Wisconsin. I suppose it is in the file-room; I will send for it.

Mr. HOLMAN. That is the important paper in the claim, and it seems to me it ought to have been set forth in the report. This whole case turns upon the authority which the Secretary of War may have given to modify the terms of the contract or to modify the printed form used in the chartering of vessels. The reason the Government did not assume the marine risk to the same extent as the war risk was that the owner of the vessel could insure against the marine risk. I do not remember—does my friend from Wisconsin remember?—whether there was an insurance of this vessel.

Mr. JONES, of Wisconsin. I do not think that appears in the papers. Allow me to correct the gentleman by saying that in this case the Secretary of War never changed or modified any contract. Those printed blanks were not contracts until they were signed by the parties. In this case the contract, when signed by the parties, did not, owing to the mistake which has been explained, express the real agreement between them; a circumstance which very often happens in the dealings of one man with another.

Mr. STORM. There is no question, Mr. Chairman, that if this case were before a court of equity the contract would be reformed in such a way as to do equity between the parties. The Government, having occasion to employ a number of vessels in an extrahazardous business, was obliged in order to obtain them to take all risks—war risks as well as marine risks.

In this particular case, by accident, as is admitted on both sides, the agreement as signed by the parties was different from those under which all the other vessels were employed. Now, if this case were in a court of equity, the court, upon such a state of facts, would beyond all question order the contract to be reformed, so that neither party should get the benefit of words which were through mistake made a part of the contract.

Mr. HOLMAN. Does not my friend think it a little hazardous in a matter like this and where the facts occurred so long ago to act upon *ex parte* affidavits? I admit that where the correction could be made officially and in the entire absence of any motive to misrepresent the facts, it might be safe enough to proceed in this way. But after the loss has occurred, to allow an officer of the Government to say that he was authorized to modify the printed form, but by mistake did not do so, is rather perilous. I should prefer to see a case like this go to the Court of Claims.

Mr. STORM. If I knew how the Quartermaster's Department or a committee of Congress could get testimony in a case of this kind otherwise than by *ex parte* affidavits I would agree with the gentleman.

Mr. HOLMAN. The Court of Claims could do so easily.

Mr. ROWELL. This affidavit is dated in 1865. The question is simply whether the United States Government, because it has the power, will refuse to do what a court of equity in a case coming before it would compel anybody to do. To refuse the payment of this claim is not economy, it is simply repudiation.

Mr. JONES, of Wisconsin. I now have the affidavit, and I ask that it be read.

The Clerk read as follows:

John Tucker, being duly sworn, according to law, doth depose and say, that he was Assistant Secretary of War under the Government of the United States in March, 1862; that when the transports for the McClellan expedition were chartered at that time, the owners of canal-boats had refused to take the marine risk, especially as the Secretary of War had advertised that the War Department would take the marine risk as well as the war risk, and that their bids were made on that condition. A very large number were immediately required. Deponent directed Captain H. C. Hodges, assistant quartermaster, to fill up the charter-parties with that condition. About January, 1863, deponent learned that in some of them he (Hodges) had omitted to make the requisite alterations on the printed blanks. Deponent knew of no exception to the general rule he had established. Deponent addressed said Hodges on the subject, and a reply was received to the effect that the Government assumed the marine risk, notwithstanding the words in the charter-party to the contrary.

JOHN TUCKER.

Sworn and subscribed before me this 14th day of December, A. D., 1865.

E. H. BAILEY,
*Notary Public.*

Mr. JONES, of Wisconsin. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

SANTIAGO DE LEON.

The next business on the Private Calendar was the bill (H. R. 1724) for the relief of Santiago de Leon.

The bill was read, as follows:

*Be it enacted, &c.*, That the sum of $2,988 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Santiago de Leon, of Victoria, Tex., in full compensation for certain mules, horses, and wagon-harness belonging to and taken from him, for the use of the Government, at Brownsville, Tex., on or about the 31st day of May, 1865.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1724) for the relief of Santiago de Leon, submit the following report:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims No. 1387, second session Forty-sixth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 1387, Forty-sixth Congress, second session.]

The Committee on War Claims, to whom the bill (H. R. 2307) for the relief of Santiago de Leon, of Victoria County, Texas, was referred, submit the following report:

The facts in this case, as established by the evidence, are substantially as follows:

Santiago de Leon was a citizen of Victoria County, in the State of Texas. On May 31, 1865, he owned and had in his possession at Brownsville, Cameron County, Texas, three wagons, twenty-eight mules, two horses, and twenty-eight sets of wagon-harness, used by him in his business of teaming, by which he supported himself and family, and on that day said property was seized and taken from him by Capt. F. E. Lombar, as acting United States quartermaster, for the use of the Federal Army. June 9, 1865, De Leon addressed a letter to Brig. Gen. E. B. Brown, then commanding at Brownsville, relative to the seizure of his property, which letter was by General Brown referred to Major Hudson for an investigation of the claim. Major Hudson, after an investigation, reported to General Brown, and recommended payment by the Quartermaster's Department. Very soon thereafter the quartermaster returned to De Leon three wagons and twelve sets of harness.

October 9, 1865, De Leon's brother and agent addressed another letter to Maj. Gen. F. Steele, then commanding at Brownsville, who referred the matter to Maj. O. O. Potter, chief quartermaster western district of Texas, who recommended the payment of the claim, and directed the quartermaster to give vouchers therefor.

December 14, 1865, General Weitzel, having succeeded General Sickles, indorsed the claim, and directed General Wright, at Galveston, to have the same paid in full.

Copies of the correspondence, indorsements, and orders relative to the claim are made a part of this report as an appendix thereto.

The claim is for—

| | |
|---|---|
| 28 work-mules, at $90 | $2,520 00 |
| 2 large work-horses | 180 00 |
| 16 sets wagon-harness | 288 00 |
| Total | 2,988 00 |

The fact that the property was appropriated to the use of the Federal Army is fully established, as is also the value thereof, as claimed. Generals Browne, Steele, and Weitzel seem to have been convinced of De Leon's loyalty, or they would not severally have recommended and urged the payment of this claim. Besides this, there is other and ample proof of the fact of loyalty.

It seems to have been the intention of the Government, as expressed by the officers above mentioned, to pay De Leon for this property taken, but in consequence of the change of officers, or some negligence or inadvertence on the part of the quartermaster, or other reason not fully explained, payment was not secured.

De Leon seems to have been guilty of no neglect in presenting and prosecuting his claim. After the act of July 4, 1864, the Quartermaster's Department had not jurisdiction of it, and until the creation of the Commissioners of Claims by the act of March 3, 1871, the claimant could only resort to Congress.

A bill was introduced for his relief in May, 1870, and referred to the Committee on Claims, who never reported thereon. In each subsequent Congress a bill was introduced and referred, but seems never to have been reached and reported, until in the Forty-fifth Congress the Committee on War Claims reported in favor of the allowance of the claim. The bill reported by them was placed upon the Calendar, but never reached. The report of that committee is referred to.

It seems to the committee that upon the facts stated this claim should be allowed, and they recommend the passage of the accompanying bill.

APPENDIX.

[Letter of June 9, 1865, from De Leon to General Brown.]

* * * I therefore beg of you to have my property returned, or, if the Government should need the aforesaid property, to order payment of the same, as this is all I possess to make an honest living for my family.

Thereon are the following indorsements:

HEADQUARTERS UNITED STATES FORCES,
*Brownsville, Tex., June 10, 1865.*

Respectfully referred to Major Hudson for investigation and report.
By order of E. B. Brown, brigadier-general commanding.

J. B. RUST,
*Acting Assistant Adjutant-General.*

OFFICE ABANDONED PROPERTY, *Brownsville, Tex., June 17, 1865.*

Respectfully returned. The evidence produced by Mr. De Leon proves the within property (28 mules and 2 horses) to have been his property as claimed, and that it passed into the possession of the Quartermaster's Department.

The claimant has been engaged in hauling cotton; a portion of the time he states he was compelled to work in confederate government employ. He is a citizen of the United States.

I recommend that Quartermaster's Department be directed to pay for the within property.

J. K. HUDSON,
*Major, Sixty-second United States Colored Troops,*
*In charge abandoned property.*

Whereupon on same day, viz, June 17, 1865, General Brown instructed Captain Lombar to give claimant vouchers for his property or return it; neither of which was done.

On December 14, 1865, Maj. Gen. G. Weitzel, having succeeded General Steele in the command of the District of the Rio Grande, in referring to the papers in the case, certified as follows:

"These papers were turned over to me by Maj. Gen. F. Steele, on the day of his departure. General Steele and myself were both fully of the opinion that these animals should be paid for in full, and I would again recommend that it be done."

And on same day he inclosed to General Wright, at Galveston, said certificate in an official communication, of which the following is a copy:

BROWNSVILLE, TEX., *December* 14, 1865.

GENERAL: The bearer is Patricio de Leon, brother of Santiago de Leon, the claimant for twenty-eight mules and two horses unjustly and illegally taken from him by General Brown's troops. He ought to be paid in full. Mr. Patricio de Leon is acting with full power of attorney for his brother. I wish you would designate some way in which the matter can be settled.

Very respectfully, your obedient servant,

G. WEITZEL,
*Major-General, Commanding.*

Maj. Gen. H. G. WRIGHT,
*Commanding Department of Texas, Galveston, Tex.*

Mr. HOLMAN. I ask the Clerk to read the latter communication again, and I ask the attention of the House to it.

The Clerk read as follows:

BROWNSVILLE, TEX., *December* 14, 1865.

GENERAL: The bearer is Patricio de Leon, brother of Santiago de Leon, the claimant for twenty-eight mules and two horses unjustly and illegally taken from him by General Brown's troops. He ought to be paid in full. Mr. Patricio de Leon is acting with full power of attorney for his brother. I wish you would designate some way in which the matter can be settled.

Very respectfully, your obedient servant,

G. WEITZEL,
*Major-General, Commanding.*

Maj. Gen. H. G. WRIGHT,
*Commanding Department of Texas, Galveston, Tex.*

Mr. HOLMAN. Of course there was no jurisdiction by the Quartermaster's Department under the act of 1864 to adjust this claim, but the Southern Claims Commission, which was authorized in 1871 and which expired in 1881, had jurisdiction over it. And there seems to be no explanation whatever why this claim did not go before this commission instead of coming to Congress, where the case had to be heard on *ex parte* testimony. Had this party gone before the Southern Claims Commission ample opportunity would have been afforded for fair investigation and the hearing of testimony on both sides. For the purpose of facilitating the examination of these claims the Government authorized the Southern Claims Commission to send out commissioners where worthy claims existed, with full power to take testimony, so as to make the cost of the proceedings as light as possible. I think my friend from Wisconsin will regard it as a point against this claim that it was not submitted to that tribunal, which had complete jurisdiction of it, with ample power to do full justice to the claimant.

Mr. JONES, of Wisconsin. The gentleman from Indiana is mistaken in his statement of fact. This claimant presented his claim to Congress before the organization of the Southern Claims Commission.

Mr. HOLMAN. The report does not speak of that. The Southern Claims Commission was in existence from 1871 to 1881, and I would like to know why this claim was never presented to that tribunal which was amply competent to furnish relief.

Mr. JONES, of Wisconsin. It does appear in the report that before the organization of the Southern Claims Commission, to which the gentleman from Indiana has referred, this claimant had duly and seasonably filed his claim before the Congress of the United States. He had submitted it to the only court which at that time had jurisdiction of it. If he had chosen, it is true he might possibly have withdrawn his claim from Congress and presented it to the Southern Claims Commission.

Mr. HOLMAN. That was what was generally done.

Mr. JONES, of Wisconsin. I do not know about that. It appears from the report of the committee in this case that this man, about whose loyalty there is no sort of doubt or question, presented his claim at the first opportunity to Congress, and from that day to this has been vainly asking for its payment. The generals in command regarded it as a just claim. Every general in command alleged it to be a just claim. There were several changes in commanding officers, one following another in quick succession, and every one recommended the claim and certified to the loyalty of the claimant.

Mr. HOLMAN. But no vouchers were given.

Mr. JONES, of Wisconsin. No vouchers were given.

Mr. HOLMAN. Of course if vouchers had been given it would have been paid.

Mr. JONES, of Wisconsin. On account of that bare technicality I do not think Congress should be estopped from considering this honest claim.

It is not a claim which arose out of the taking of supplies on the ground of military necessity. It was incurred in the summer of 1865, when the war practically had ceased. The claimant at once presented his claim to the commanding officers. As I have stated, there were several changes in the command, and this may account in part for the fact that he failed to obtain payment of those in command of the Army. A change was made soon after this property was taken, and those succeeding to the command may not have had the same sense of responsibility that they would if personally cognizant of the facts. Yet each one recommended its payment.

If he had withdrawn his claim after Congress had gained jurisdiction and filed it before the Southern Claims Commission it would perhaps have been met there with the objection he ought to have prosecuted his claim in the forum he had first selected. He presented it to Congress, and ever since has been urging Congress to pass on it. It seems to us only fair that the bill should after these long delays receive favorable action.

Mr. HOLMAN. My friend will remember that a tribunal was organized for the express purpose of relieving Congress in the examination of these claims. These claims, of course, came in vast numbers between 1865 and 1870, and this tribunal, consisting of three judges, was organized, with ample power to take testimony for the purpose of relieving Congress, and also to give to the loyal people in the States to which its operations were confined a court of ample and complete jurisdiction for the presentation of their claims. It examined claims running up in the aggregate to over $60,000,000.

Now, my friend speaks of the giving of a voucher as a mere technicality. It may be technical, as a matter of course, but if there had been a voucher given, as it would have been given if this matter had been proper upon its face, that would have been a sufficient and satisfactory evidence to warrant its payment. The committee would not have found it a technical evidence in support of it, but a means of compelling payment, and of course the voucher would have been given had there been no ground for objection. I am a little apprehensive that the statement read there may have had something to do with the matter.

It has been said by some person, by the claimant himself, that he was forced into the service of the confederate government. I have heard no explanation of that at all. I do not myself accept it as expressing the sentiment of the law, but I apprehend that that is the real point of difficulty and the reason the voucher was not issued. I must take it as at least probable that the fact mentioned by my friend from Wisconsin did not appear as clearly as he thinks it did, that is to say, that the loyalty of the claimant was established beyond a doubt. A statement from the Quartermaster's Department showing the reason the claim was not adjusted and an explanation on the other hand why it was not presented to the Court of Claims would make it much more satisfactory.

And I may be permitted to say that it is walking on dangerous ground indeed, though it be in a small way; it is like treading on a mass of burning plowshares for Congress to undertake the examination of these claims and the opening of this question. We can never know when we undertake to go into that question where we will land again. All of the testimony in these cases comes before you in a one-sided condition; all of it is *ex parte* necessarily. You are never certain whether you are doing justice to the claimant or injustice to the Government. Therefore I myself insist where a claim has been cognizable by a tribunal competent to act upon it and the claim has not been presented that it should be taken as an argument against the claim. I should prefer for my own part the reference of the claim to the Court of Claims. The only reason why it can not go would be, if it exists, the bar of the statute of limitations, and I do not recall at this moment any such bar. If there is no bar of limitation, he is entitled to go there with this claim and I should prefer that course.

Mr. STORM. If there is we can remove it.

Mr. HOLMAN. I should not like to remove it in a single case if it exists. But by special enactment certain claims may be committed to it.

Mr. JONES, of Wisconsin. Mr. Chairman, perhaps I should not have admitted that there were no vouchers in this case. There are, perhaps, as good vouchers as can be asked in any case. It is true that they may not be in exact form or in the form that is ordinarily used, but at the time that these goods were taken the general directed that they should be paid for, and on December 14, 1865, General Weitzel indorsed the claim and directed General Wright, at Galveston, to have it paid in full.

Mr. HOLMAN. Let me ask the gentleman what excuse is given for the non-payment of the claim under the circumstances?

Mr. JONES, of Wisconsin. Simply that they did not have the money; the same reason that is given for the non-payment of hundreds and thousands of claims.

Mr. HOLMAN. Has my friend an official statement of that fact?

Mr. HISCOCK. Let me ask the gentleman from Wisconsin a question. I see in the report that on July 4, 1864, the Quartermaster's Department had not jurisdiction. Will the gentleman say why?

Mr. JONES, of Wisconsin. Because this was in Texas, one of the States in which, as I understand it, that act did not give jurisdiction. It only related, as I now remember, to certain States—to Tennessee and portions of Virginia and the loyal States.

Mr. HOLMAN. It applied to all of the loyal States, including Tennessee and West Virginia.

Mr. JONES, of Wisconsin. It did not apply, however, to the Gulf States. There was no tribunal or court before which he could have presented his claim until the Commissioners of Claims were authorized to consider them, and when that was organized it had been already presented to Congress. That court lasted, as I remember, only about two years. Ever since it has been vigorously prosecuted before Congress,

and so far unsuccessfully. It has been unsuccessful because it has again and again failed to be reached on the Calendar. It has never been rejected or unfavorably reported.

Mr. HOLMAN. I should be glad to have the gentleman answer the question that I propounded.

Mr. JONES, of Wisconsin. What is it?

Mr. HOLMAN. I put the question to you how it happened that this claim was not paid? My friend's answer was that there were no funds out of which to pay it. Now I ask the question, is there an official statement to that effect?

Mr. HISCOCK. I would like to ask this question, wherein this claim differs from all the cases in which property was taken in States in insurrection by the Federal Army?

Mr. JONES, of Wisconsin. In this respect, this claimant is proved to be a loyal man——

Mr. HISCOCK. That does not appear.

Mr. JONES, of Wisconsin. He was a person of Spanish descent——

Mr. HISCOCK. There is not a suggestion of any proof of loyalty in the report.

Mr. JONES, of Wisconsin. The report does not cite all of the facts in the case, but I refer the gentleman to the testimony of the three commanding officers contained in that report. There are a large number of affidavits proving the loyalty of the claimant. As I have said, he was of Spanish descent, and had not by family connection or otherwise any interest in the rebellion. On the contrary, the proof shows beyond all doubt that his sympathies were with the Union cause.

Mr. HOLMAN. It seems that he was in the Southern service in some way. In what way?

Mr. JONES, of Wisconsin. Simply as the driver of a wagon, when he was compelled to be by the presence and command of rebel troops. It would not have been conducive to his health or safety to refuse.

Mr. HOLMAN. And he makes affidavit to that effect?

Mr. JONES, of Wisconsin. Yes, sir.

Mr. HOLMAN. And other parties make similar affidavits?

Mr. JONES, of Wisconsin. Yes; his statement is corroborated by the statements of others, his neighbors, and officers of the Union Army.

Mr. COSGROVE. And they got his property?

Mr. JONES, of Wisconsin. Certainly.

Mr. COSGROVE. And he has never been paid for it?

Mr. JONES, of Wisconsin. He never has been paid for it. I will say to the gentleman from Indiana [Mr. HOLMAN] that the question of loyalty is the first question which we consider in these cases. And I will also say for the satisfaction of that gentleman that if a man is found by our committee to be loyal, you may be pretty certain that he was loyal. The committee is not so organized that the claims of men who were disloyal find any encouragement.

Mr. HOLMAN. Now as to the matter of payment.

Mr. JONES, of Wisconsin. As to the matter of payment I will be perfectly frank and say that I do not now remember the precise reason why he was not paid. It is very clear, however, that that fact ought not to weigh in the consideration of this case. The officers in direct command of those forces never had any very large quantities of money at their disposal. We had the statements of those officers, as explicit as statements could be made, that this claimant ought to have been paid.

Mr. HOLMAN. The gentleman says that there was an order of General Weitzel for the payment of the money.

Mr. JONES, of Wisconsin. Yes, sir.

Mr. HOLMAN. I believe my friend thought in the first place that the reason the money was not paid was because there was no fund from which to pay it.

Mr. JONES, of Wisconsin. I said that I supposed that was the reason, and I suppose so yet.

Mr. HOLMAN. There ought to be some evidence on that point. That is the trouble with the examination of all these claims before Congress. We never know anything about them; it is mere guesswork at the very best.

Mr. JONES, of Wisconsin. That objection does not lie alone against this claim.

Mr. HOLMAN. It lies against all of them.

Mr. JONES, of Wisconsin. To the whole system of appropriating money for the payment of private claims?

Mr. HOLMAN. Certainly.

Mr. JONES, of Wisconsin. It applies to all the claims presented before Congress with equal force.

Mr. HOLMAN. We supposed we had got rid of these claims when we passed the law referring all claims against the Government, which were cognizable at all, to the Court of Claims; but the fact is that we have more claims here now than ever before. Instead of gaining anything by the passage of that act to refer all these matters to the Court of Claims the fact is that the number of claims before Congress is increasing, and the number reported from committees is now beyond all precedent.

Mr. JONES, of Wisconsin. I will leave it to the statesmanship of the gentleman to frame a bill which will relieve us of the trouble which he suggests. Suffice it to say that the laws of the land are such that there is no court of justice in which this claim can be prosecuted. The Court of Claims would have no jurisdiction of this case without a special act of Congress. The gentleman from Indiana complains of the present system; but he would be the last man to send these claimants to the Court of Claims. That is precisely the remedy which thousands of them are asking. Give to claimants from States which were disloyal that right, and within a year suits would be brought involving $20,000,000. And under the decisions of the Supreme Court no man can say how many millions the Government would be compelled to pay.

Under the present system Congress can exercise its discretion, paying those who were loyal and refusing payment to the disloyal. I will heartily second any plan which will improve the present system, but we of the Committee on War Claims have seen enough to warn us that it is a question which must be handled with care.

The delays of Congress are not favorable to unjust claims or indeed to just ones. We should take more than one thought before we open the courts to the indiscriminate consideration of Southern claims.

Until the gentleman from Indiana or some one else can suggest some remedy Congress must listen to claims of this character. To refuse would be repudiation of the worst character. No claims can be more meritorious than those of the men who were loyal to the Union in those districts where disloyalty was the rule and where loyalty meant the facing of every danger.

Mr. HOLMAN. I helped to frame the bill which I have referred to, but still these claims continue to come here. We did the best we could to frame a proper bill in the last Congress.

Mr. JONES, of Wisconsin. I now move that the bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. I must ask for a vote on that motion.

The question was taken; and upon a division there were—ayes 101, noes 7.

Mr. HOLMAN. There is no quorum voting.

The CHAIRMAN. The point of order is made that no quorum has voted.

Mr. HOLMAN. I wish to say that for the purpose of having a test vote on the question of paying this class of claims, I will be very glad to withdraw the point of order of no quorum, with the understanding that there shall be a yea-and-nay vote on this bill when it shall be reached in the House.

The CHAIRMAN. Is there objection to the proposition that a yea-and-nay vote be taken in the House on this bill?

Mr. HISCOCK. How is it possible for the Committee of the Whole to bind the House in that matter?

Mr. HOLMAN. I take it for granted that an agreement made here would bind the members present.

The CHAIRMAN. The members of the committee can bind themselves. If there is no objection, that will be considered as the understanding.

There was no objection; and the bill was ordered to be laid aside to be reported favorably to the House.

### MYRA CLARK GAINES.

The next business on the Private Calender was the bill (H. R. 1000) for the relief of Myra Clark Gaines.

The bill was read, as follows:

Whereas it appears that Myra Clark Gaines, as the legal representative of Daniel Clark, deceased, of Louisiana, is entitled to 39,737 arpens of land, being a portion of a grant made by Spain to Thomas Urquhart, and 5,470 arpens, being a portion of a grant made by Spain to John Lynd, amounting altogether to 45,207 arpens, equal to 38,457 acres of land: Therefore,

*Be it enacted*, &c., That patents shall issue in the usual manner to Myra Clark Gaines, her heirs and assigns, for all of the aforesaid lands which the Commissioner of the General Land Office shall find to be vacant, unappropriated, and undisposed of by the United States, which patents shall operate only as a relinquishment of title on the part of the United States, and shall not in any wise impair or preclude any adverse claimant or claimants from the right to assert the validity of their claim or claims in a court or courts of justice: *Provided*, That no mineral lands shall be granted by this act or located by the scrip to be issued pursuant to this act.

SEC. 2. That for all of said lands which have been disposed of by the United States, or otherwise lawfully appropriated, the Commissioner of the General Land Office shall issue in lieu thereof certificates of location of the character prescribed by the sixth section of the act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes."

SEC. 3. That the provisions of the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land-scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives," shall apply to all the certificates of location which are issued under this act as aforesaid.

Mr. HOLMAN. I believe this bill is reported by the gentleman from New York [Mr. ROBINSON]. It will undoubtedly give rise to a very prolonged debate, and I suggest to that gentleman that it be passed over informally.

Mr. COSGROVE. The bill was not reported by the gentleman from New York.

Mr. ROBINSON, of New York. I introduced the bill originally, but the gentleman from Missouri [Mr. COSGROVE] reported it from the Committee on Private Land Claims and has charge of it. I have no objection to any arrangement which the Committee of the Whole may make.

Mr. COSGROVE. I certainly do not want to consent, and will not

consent, that this bill should be passed over; it should be disposed of in its order. This question has been before Congress for years, and there have been three or four reports of committees favorable to this claim. Here is another report in favor of the claim, and I think the Committee of the Whole should now proceed to act upon it.

Mr. HOLMAN. I trust my friend from Missouri will not insist on the committee proceeding with this bill to-day. I am not only opposed to the bill in its main features but I am opposed especially to the issue of land-scrip. I would rather see the Government do anything else than that. I think no policy would be more fatal.

There are several bills which have been laid aside to be reported favorably which should be acted upon by the House, and it has been agreed that the yeas and nays shall be taken on one of them, which will occupy some time. I therefore move that the committee rise.

Mr. MCMILLIN. I would suggest to the gentleman from Indiana that before that is done he should allow the report accompanying the bill to be read, in order that it may be printed in the RECORD and examined by those who are to act upon it hereafter.

Mr. HOLMAN. Very well; I withdraw the motion until the report is read.

Mr. COSGROVE. Mr. Chairman, I have not yielded the floor; and I do not understand how gentlemen can take me off the floor by the motion that the committee rise.

Mr. MCMILLIN. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. COSGROVE] has the floor.

Mr. COSGROVE. I have no objection to the report being read, neither have I any objection to the committee now rising, but I do not want this bill to be displaced. I want it to be considered in its order on the Calendar. If gentlemen want the report to be read I have no objection to that.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that if the committee should now rise the pending bill will not be passed over, but will retain its place on the Calendar to be considered when the House shall again go into Committee of the Whole.

Mr. MCMILLIN. I am willing that instead of the report being now read it shall be printed in the RECORD.

Mr. HOLMAN. The report is quite a long one, and there is scarcely time enough for its reading now.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent that the report be printed in the RECORD without being read. Is there objection?

Mr. HOLMAN. I think it is entirely too long a report to be printed in the RECORD, and we all have it in our rooms.

Mr. MCMILLIN. I withdraw the request as to the printing of the report, and move that the committee rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House had had under consideration the Private Calendar, and had directed him to report back sundry bills with various recommendations.

### ASSISTANT ENGINEER JOHN W. SAVILLE.

The first bill reported from the Committee of the Whole House was the bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy, reported with an amendment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

### JAMES H. AYERS.

The next bill reported from the Committee of the Whole was the bill (H. R. 723) for the relief of James H. Ayers.

The bill was reported back with the recommendation that a resolution be adopted referring the bill to the Court of Claims.

Mr. HOLMAN. I move to add what I send to the desk to the resolution reported by the committee.

The Clerk read the resolution as proposed to be amended, as follows:

*Resolved*, That the pending bill be referred to the Court of Claims under an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims against the Government," approved March 3, 1883.

Mr. MCMILLIN. That is right.

The amendment was agreed to; and the resolution as amended was agreed to.

### BILLS PASSED.

Bills of the following titles, reported without amendment from the Committee of the Whole, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins;

A bill (H. R. 3936) for the relief of Benjamin F. Millard; and

A bill (H. R. 1327) for the relief of J. H. Hammond.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. JOHNSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 57) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas;

A bill (S. 453) for the relief of Coronna, Taussig & Co. and others;

A bill (S. 848) to amend section 2776 of the Revised Statutes, so as to authorize the unlading of coal, salt, railroad iron, and other like articles in bulk under the superintendence of customs officers, at the expense of parties interested, at places to be designated by the Secretary of the Treasury within the collection district;

A bill (S. 1148) for the relief of William B. Moses;

A bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia; and

A bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely relief expedition.

### SANTIAGO DE LEON.

The next bill reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 1724) for the relief of Santiago de Leon; which was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. HOLMAN. On the passage of this bill I call for the yeas and nays.

### ADJOURNMENT UNTIL MONDAY.

Mr. RANDALL. Prior to the taking of the yeas and nays upon the pending bill I desire to make a privileged motion—that when the House adjourns to-day it adjourn to meet on Monday next. I think I make this motion in obedience to a general wish on both sides of the House.

The question was taken; but before the result was announced,

Mr. RANDALL said: Mr. Speaker, I made this motion as much at the instance of members on the other side as on this side; but as gentlemen on the other side seem to vote against it, I withdraw the motion.

[Cries of "Oh, no!"]

Mr. CHACE. I renew the motion.

Mr. HOBLITZELL. I call for the yeas and nays.

The question having being taken,

The SPEAKER said: On ordering the yeas and nays the ayes are 16, the noes 95.

Mr. BLAND. Is it in order to call for tellers?

The SPEAKER. It is.

Mr. BLAND. I call for tellers on ordering the yeas and nays.

The question being taken on ordering tellers, there were 13 voting in the affirmative—not one-fifth of a quorum.

Mr. BLAND. I make the point that no quorum voted on ordering the yeas and nays.

The SPEAKER. The point is made that no quorum has voted upon the demand for the yeas and nays.

Several MEMBERS. Too late!

The SPEAKER. The Chair had not announced the result. No quorum having voted, the Chair will appoint tellers.

Mr. STEELE. Had not the Chair announced the result?

The SPEAKER. The Chair had announced the vote, but had not announced the result of the vote. The point being made that no quorum voted, the Chair will appoint as tellers the gentleman from Rhode Island, Mr. CHACE, and the gentleman from Missouri, Mr. BLAND.

The House again divided; and the tellers reported—ayes 23, noes 136.

The SPEAKER. Is the point of no quorum still insisted upon?

Several MEMBERS. It is.

Mr. HOBLITZELL. Is not a motion to adjourn in order?

The SPEAKER. It is. A motion to adjourn is always in order.

Mr. HOBLITZELL. I make that motion.

The SPEAKER. The point that no quorum has voted is still insisted upon, and the gentleman from Maryland moves that the House adjourn.

Mr. MATSON. If the House should adjourn it would dispense with the session of this evening for pension bills.

Mr. CHACE. I hope that will not be done.

Mr. DUNN. I rise to a point of order. Before the question is put on the motion to adjourn is it in order to insist that the tellers retain their places?

The SPEAKER. The motion to adjourn is in order at any time.

Mr. DUNN. Pending a division?

The SPEAKER. It is when there is no quorum. The tellers had announced the vote.

Mr. DUNN. I did not know they had made the announcement.

Mr. TALBOTT. I rise to a parliamentary inquiry. Does not the motion to adjourn over take precedence of the motion to adjourn?

The SPEAKER. It does; but the motion to adjourn over requires a quorum for its decision, and the motion merely to adjourn does not.

The gentleman from Maryland [Mr. HOBLITZELL] moves that the House now adjourn.

Mr. MATSON. I move that the House now take a recess until half-past 7 o'clock, to meet under the order for Friday-night sessions.

The SPEAKER. That motion would require a quorum.

The question being taken on the motion of Mr. HOBLITZELL that the House adjourn, it was not agreed to, there being—ayes 32, noes 83.

Mr. GEORGE D. WISE. I move a call of the House.

Mr. MATSON. I rise to a parliamentary inquiry. Can not the count by tellers be now resumed? I think a quorum is now present.

Mr. HISCOCK. Is not the House now dividing on the motion to adjourn until Monday? The motion to adjourn only took precedence of that.

The SPEAKER. But pending the motion that when the House adjourns it be to meet on Monday next, the fact was disclosed that there was no quorum. Thereupon, under the rules of the House, a motion was made to adjourn. The rule is that when it appears there is no quorum present, but two motions are in order—a motion to adjourn and a motion for a call of the House.

Mr. TALBOTT. I renew the motion that when the House adjourns it adjourn to meet on Monday next.

Mr. HISCOCK. I understand that the point of no quorum was not withdrawn.

The SPEAKER. It was not.

Mr. HISCOCK. Then, the motion to adjourn having been defeated, is not the next business in order the continuation of the vote upon which there was no quorum?

The SPEAKER. It is, unless some motion be made which takes precedence——

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The gentleman from Virginia [Mr. GEORGE D. WISE] moved a call of the House.

Mr. CHACE. I understand the gentleman from Virginia does not insist on that motion.

Mr. GEORGE D. WISE. I withdraw it.

Mr. CHACE. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The question is on ordering the yeas and nays upon that motion, which is still pending. If there be no objection the tellers will resume their places.

Mr. COX, of New York. I desire to ask whether this motion cuts out the session for pension bills this evening.

The SPEAKER. It does not. The motion is that when the House adjourns the adjournment shall be till Monday next; but the question immediately pending is on the demand for the yeas and nays. The tellers will resume their places.

Mr. McMILLIN. I desire to make a parliamentary inquiry. If members are now present who did not vote can they now pass through the tellers?

The SPEAKER. The vote has been announced.

Mr. WAIT. If members who did not vote wish to vote to make a quorum, can they not, by unanimous consent, pass between the tellers and be counted?

The SPEAKER. By unanimous consent it can be done. The vote was complete, and it appeared there was no quorum.

Mr. WAIT. I ask, by unanimous consent, that the gentlemen who did not vote before be permitted to pass through the tellers and vote.

Mr. PAYSON. I object.

The SPEAKER. The Chair will request the tellers again to take their places, as no quorum appeared on the last vote.

Mr. CHACE. Is this a new vote?

The SPEAKER. It is; and the question is on ordering the yeas and nays on the motion to adjourn until Monday next.

The House divided; and the tellers reported ayes 17, noes 146.

So (one-fifth not having voted in the affirmative) the yeas and nays were not ordered.

The SPEAKER. The question recurs on the motion of the gentleman from Rhode Island [Mr. CHACE] that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. BLAND. I demand a division.

The House divided; and there were—ayes 101, noes 35.

Mr. BLAND. No quorum has voted.

The SPEAKER appointed as tellers Mr. BLAND and Mr. CHACE.

The House again divided; and the tellers reported ayes 130, noes 31.

The SPEAKER. The Chair votes in the affirmative, and the ayes have it. [Applause.]

So the motion was agreed to.

Mr. McMILLIN moved to reconsider the several votes which had been taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I now move that the House take a recess until 7.30 this evening.

The motion was agreed to.

The SPEAKER. Before announcing the result of the vote, the Chair desires to state that the gentleman from Tennessee [Mr. McMILLIN] will occupy the chair during the evening session.

The result of the vote was then announced; and accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock and 30 minutes p. m., Mr. McMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order of the House under which the session of this evening is held.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WEMPLE, for four days, on account of important business.

To Mr. FOLLETT, until Monday next, by reason of absence on Appropriation Committee.

To Mr. DUNCAN, for one week from this day.

To Mr. POTTER, until Tuesday next.

ORDER OF BUSINESS.

Mr. MATSON moved that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House, on the Private Calendar Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. Under the order of the House the committee resumes the consideration of pension cases on the Private Calendar.

LEVI ANDERSON.

The first business on the Private Calendar was the bill (H. R. 3625) granting an increase of pension to Levi Anderson.

The bill was read, as follows:

*Be it enacted, &c.*, That in lieu of the pension of $30 per month which Levi Anderson is now receiving under act of Congress approved March 3, 1883, for a gunshot wound in the left hip-joint, there is hereby granted to said Anderson the sum of $50 per month, commencing from March 1, 1884, on account of said gunshot wound in the left hip-joint, and also on account of a gunshot wound in the right shoulder, both of said wounds having been received by him in an engagement with rebel troops at White Oak, Jackson County, Missouri, and both of said injuries resulting now in total disability of said Anderson.

The report was read, as follows:

The Committee on Invalid Pensions, having considered the petition (and papers accompanying) of Levi Anderson, late private in Company A, Seventh Kansas Cavalry, asking an increase of pension, find that said soldier was wounded on the 11th day of November, 1861, receiving a bad fracture of the thigh bone, the result of a gunshot wound received in the battle at White Oak, Jackson County, Missouri. He was treated for two years in the United States hospital, and then discharged. The leg is seven inches shorter than the other, and is useless. He also received a gunshot wound in his shoulder. He was pensioned from the date of his discharge at the rate of $8 per month, which was increased in 1871 to $15, and in August, 1872, to $18. In 1882, by special act, it was increased to $30. He now asks that he be allowed $50 per month. From the excessive disability existing, entirely incapacitating him from all labor, we recommend that the bill be amended so as to give him a pension of $40 per month, commencing from and after the passage of this act.

The amendments of the committee were read, as follows:

Strike out "fifty," and insert "forty," so it will read, "$40 a month;" strike out "March, 1884," and insert, "the passage of this act."

Mr. MORRILL. This bill under consideration provides that the pension now granted to Levi Anderson, late a private of Company A, Seventh Kansas Cavalry, be increased from $30 per month to $50. I propose to state briefly the reasons why this increase should be made; and it is with a feeling of intense satisfaction that I stand here to-day pleading that justice may be done my old comrade, for we went forth from the same county in that young and devoted State that had the honor of leading all others in the relative number sent into the service as well as in the sacrifices made, for the list of her dead and wounded shows a larger percentage than that of any other State.

In September, 1861, Levi Anderson, then a young, healthy, vigorous man, with all the promise of a long and useful life before him, enlisted in the United States volunteer service, and leaving home and friends, all that was near and dear to him, offered his services to his country. It was an hour of terrible peril. The wisest and the bravest looked with gloomy fears upon the contest then just commencing. This young man with hundreds of thousands of others, the bone and sinew of the country, rushed to the defense of the old flag. Two short months quickly passed amid the exciting scenes of war and all this man's prospects of life were blasted. It was a bright, beautiful, Indian-summer morning in November when we were ordered to March from Kansas City. I shall never forget that day. Our horses fresh with the weeks of comparative rest that had been devoted to the drill, the gaudy trimmings glittering in the sun, the martial music filling the air, no party of young people ever went more merrily to a dance. We had marched but a few miles when our advance guard, companies A and B of Sev-

enth Kansas Cavalry, found a detachment of rebels securely posted behind the rocks and trees on the banks of the Little Blue at White-Oaks. Notwithstanding the disadvantages of position the attack was at once made.

The fight was a short one. Our brave boys were obliged to fall back, but they brought their wounded with them, and of those who that day suffered the terrible effects of war was Levi Anderson. He received a gunshot wound in his thigh, fracturing the bone badly, and another in his shoulder. We took him back to Kansas City and placed him in the hospital, where he had the attention and care that it was possible to bestow under the circumstances. For weeks he waged a hand-to-hand fight with the grim monster, Death. It seemed impossible that he could survive the fearful injuries he had received.

In the morning the attendants said to each other, "He will be beyond our care before another sunset." And when the evening shades again gathered they said, "How tenaciously he clings to life." But youth and a strong, vigorous constitution conquered, and slowly day by day he grew stronger. Weeks and months passed by, and still he was confined to that cot. It was two long years of suffering and pain, two years of hell on earth, before he was able to leave that hospital, crushed and broken down, all life's bright prospects blighted. He was then discharged; like an old, worn-out horse, of no further use to his master, he was turned out to pasture, to linger and to die.

He returned to his farm a physical wreck, unable to work it and too poor to employ any one else; unfitted by education to engage in the lighter duties of a clerk or book-keeper, he has struggled along enduring all the privations of poverty. For seven years our glorious Government, in her grateful remembrance of his devotion and loyalty and to compensate him for his terrible suffering, magnanimously gave him $8 per month. This was increased in 1871 to $15, and in 1872 to $18, and for ten more years he received this sum—less than the inexperienced boy who worked on his neighbor's farm was receiving. These sums he received from the Pension Office under the general laws.

In 1882, by special act of Congress, it was increased to $30 per month. The act of June 18, 1874, provides that in the case of "the loss of both hands or both feet, or by any other injury resulting in total and permanent helplessness," the pensioner shall receive $50 per month, this to be granted only where injuries result in permanent total helplessness, requiring the regular personal aid and attendance of another person. In the case of the loss of both hands or both feet or both eyes by the subsequent act of 1878 a pension of $72 per month is allowed.

It is utterly impossible in any general law to fix a rating that equitably meets every case. The law as it now stands provides what the pension shall be when the regular personal aid and attendance of another person is required, but it does not in any way provide for those cases where the partial attendance of another person is required. The poor cripple who requires the assistance of another for three months or six months or even nine months in the year gets no more than he who does not require the assistance of another for a single day, while the pensioner who requires the constant attendance, no matter how light the duties, of another gets more than double the amount.

While I plead that justice may be done my old comrade, who I know has suffered as but few of his fellow-soldiers ever suffered, and who I know to be worthy and deserving, I do not ask for him, and he would not ask for himself, that he be treated any differently from what his brave associates are. He only asks that he receive the same as those who suffered like disability; that while he drags around the useless limb, which is seven inches shorter than the other, he should be allowed the same as though the limb had been amputated, for he would certainly be no worse off with an artificial limb. For weeks past he has been helpless and has required the constant assistance of others; but he hopes and believes that it will not be necessary at all times to have an attendant; that as the spring returns with its milder air he will be able to care for himself.

But the stubborn, unyielding fact remains. All these years he has been a physical wreck. All his prospects in life have been blasted. He has not been able to accumulate property and provide for old age as others have done. His only thought has been to be able to provide for the wants of each returning day. And now he asks you to place him on the same footing with others equally disabled.

The committee, in considering his case, decided that, inasmuch as he does not require the "regular personal aid and attendance of another person," he ought not to have the full pension of $50. As a matter of fact he requires the services of others more hours in the year than the strong healthy person who has lost both hands or both feet. The committee were unanimously of the opinion that he was justly entitled to a higher pension than could be granted under the general law, and therefore fixed the amount at $40.

I ask the passage of the bill because it is a simple act of justice to a brave soldier who freely offered his life for his country, and who has suffered as is required of but few to suffer. I ask it because others who are less disabled and who suffer less under the inequalities of the general law receive it. I ask it in behalf of the gallant soldiers of the fighting Seventh Kansas, who will all rejoice to have their unfortunate comrade so justly remembered.

The amendments were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. LEE.

Mr. MATSON. Mr. Chairman, I ask unanimous consent that the next bill, No. 1073, for the relief of William J. Lee, be passed over informally without action, for the reason that there was some dispute about this bill when it was last before the committee. This is one of the bills that proposes to grant a pension to a scout, and there is some controversy about it. I ask, therefore, that it be informally passed over.

There was no objection, and it was ordered accordingly.

HELEN M. HARRISON.

The next business on the Private Calendar was the bill (H. R. 2325) granting a pension to Helen M. Harrison.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Harrison, widow of Alexander R. Harrison, late a private in Company F, Tenth Regiment Minnesota Volunteers.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2325) granting a pension to Helen M. Harrison, having had said bill under consideration, hereby report in favor of the same, recommend its passage, and ask that said committee be discharged from the further consideration thereof.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

LAURA C. P. HASKINS

The next business on the Private Calendar was the bill (H. R. 2319) granting a pension to Laura C. P. Haskins.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Laura C. P. Haskins, widow of H. D. Haskins, as a lieutenant in the One hundred and tenth Regiment New York Volunteers.

The committee recommend the addition of the following amendment:

Add at the end of the bill the following words:

"From and after the passage of this act, in lieu of the pension now granted to her."

The report was read, as follows:

The Committee on Invalid Pensions, to whom the bill (H. R. 2319) granting a pension to Laura C. P. Haskins was referred, having had the same under consideration, hereby report favorably thereon, recommend its passage, and ask that said committee be discharged from the further consideration thereof; provided, however, that said bill be amended by adding at the end thereof the words, "from and after the passage of this act, in lieu of the pension now granted to her."

The amendment recommended by the committee was agreed to.

Mr. SUMNER, of Wisconsin. Mr. Chairman, I move that the title of the bill be amended by striking out the word "Laura" and inserting the word "Laurena;" also, in line 6 of the bill, strike out the word "Laura" and insert the word "Laurena," and in line 8, after the word "volunteers," insert the words "and to pay her the pension of a lieutenant's widow."

The amendments were agreed to.

The CHAIRMAN. The title of the bill can be amended after the passage of the bill.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ALBERT O. LAUFMAN.

The next business on the Private Calendar was the bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant of Company A, Sixty-third Regiment Pennsylvania Volunteers.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert O. Laufman, late a second lieutenant of Company A, Sixty-third Regiment of Pennsylvania Volunteers.

The report is as follows:

That Albert O. Laufman was second lieutenant of Company A, Sixty-third Regiment of Pennsylvania Volunteers. He served from August 31, 1861, to July 26, 1862, having been mustered in as second lieutenant March 5, 1862. While in front of Richmond, in June, 1862, he contracted rheumatism in his back from exposure in the swamps of the Peninsula and was poisoned by poisonous vines. It is made evident by numerous affidavits that when Lieutenant Laufman entered the service he was sound and healthy. It is stated by Capt. W. P. Hunker, who commanded the company in which Lieutenant Laufman was second lieutenant, that he "saw Lieutenant Laufman in an ambulance at Harrison's Landing, unable to walk, face badly swollen, and appeared to be suffering considerable pain."

It appears from the affidavit of W. H. Morrow that Lieutenant Laufman, while in the line of duty, about the 1st of June, 1862, became disabled from poison, which affected him like erysipelas, and causing rheumatism. Lieut. W. A. Haymaker, and Private J. L. Paul, and other comrades of the same company testify to the same effect. It is satisfactorily shown that the petitioner became afflicted while in the line of duty, and by reason thereof had to leave the service. On his return home he was treated by Drs. King and Wilson, and subsequently by Dr. Radinsky. Dr. King died before the petitioner made application for a pension, and Dr. Wilson could not be found. Dr. Radinsky says that he has known the petitioner since 1878, and at different times since he has attended him for rheumatism and idiopathic neuralgia.

"He suffered acutely at times, so much so that his eyes were affected by the light—photophobia—and he has been obliged to wear glasses since I knew him. I have no doubt but that the trouble has a malarial origin, contracted while in the Army."

The claim was rejected by the Commissioner of Pensions on the certificate of the examining board, which accounted the disability of Lieutenant Laufman nothing. Dr. Radinsky and Dr. Perchmentaver that there is a pronounced disability, and in this conclusion they are corroborated by a large number of affidavits from near neighbors of the petitioner.

Under all the evidence, your committee believes that the bill should pass, and it therefore reports the bill with that recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS E. WILSON.

The next business on the Private Calendar was the bill (H. R. 2714) to increase the pension of Thomas E. Wilson.

The bill is as follows:

*Be it enacted*, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of Thomas E. Wilson, late of Company H, Sixty-second Pennsylvania Volunteers, from $24 per month to $30 per month, the said Wilson having had his eyesight so much impaired by a gunshot wound in the left eye as to make the loss of eyesight practically, although not absolutely, total; to take effect from and after the passage of this act.

The committee recommend an amendment by striking out the word "thirty," in line 6 of the bill, and inserting the word "forty."

The report is as follows:

That Private Thomas E. Wilson enlisted in the Sixty-second Pennsylvania Regiment July 4, 1861, to serve three years; that he was then 23 years of age; that he was discharged from service February 23, 1863, for disability occasioned from gunshot wound in the left eye, causing total blindness of said eye and very much weakening the right eye, and was pensioned March 8, 1863, at $8 per month; increased June 6, 1866, to $15 per month; increased February 7, 1872, to $20 per month; increased June 4, 1872, to $24 per month; and since the last date of increase it has been growing until he is now almost entirely blind. He therefore asks that he may have his pension increased.

He has furnished the sworn statement of two oculists and three physicians, based upon recent examinations, and all concur in the fact that he is practically, although not totally, blind. He is now receiving the highest rate of pension allowed for those whose sight has been injured but not totally destroyed. His only relief is by the enactment of a private law. He asks for $40 per month.

The committee are of the opinion he should have $40 per month, and they recommend that the bill be so amended, and then ask that the bill do pass.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA J. PIERCE.

The next business on the Private Calendar was the bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce.

The bill is as follows:

*Be it enacted*, &c., That Mrs. Rebecca J. Pierce, widow of David A. Pierce, late of Company I, Twenty-fourth Missouri Volunteer Infantry, be placed on the pension-roll; and the Secretary of the Interior be, and he is hereby, authorized and directed to pay her at the rate of $8 per month.

The committee recommend the striking out of all after the word "pension-roll," in line 5, and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

Mr. HEPBURN. I ask unanimous consent that the reading of the reports be dispensed with except in instances where gentlemen desire them to be read for information.

Mr. CRISP. The only objection is that a member will not know from the reading of the bill when it is desirable or necessary to have the report read. I think it is better that they should be read in each case.

The CHAIRMAN. The report will be read.

The report was read. It is as follows:

That David A. Pierce enlisted August 19, 1861, at Rollo, Mo., and was a sound, able-bodied man.

That on the 9th day of April, 1864, at the battle of Pleasant Hill, La., he was wounded in right side of body above hip, was left on battlefield, taken prisoner, and carried to Camp Tyler, Texas, and there remained a prisoner until shortly before discharge.

The evidence discloses said Pierce was treated in field hospital at Pleasant Hill about two months, and was held a prisoner about eight months; that he was attacked by a sharp pain in region of right lung, attended with cough.

That said Pierce received pension on application, and died on or about last of September, 1878.

On March 29, 1879, Rebecca J. Pierce, widow of said David Pierce, made application for pension.

There is no question of her marriage nor of the birth of her four children by said David A. Pierce, namely, Nancy A. Pierce, born November 14, 1866; Thomas W. Pierce, born August 29, 1869; Kelly J. Pierce, born January 18, 1873; Mary A. Pierce, born May 24, 1875.

On the 6th day of October, 1883, application was rejected, because, as stated by Commissioner, "She is unable to show and connect death cause, 'consumption,' with soldier's service and line of duty."

The assistant surgeon who was left with wounded on battlefield says so long a time has intervened he can not remember the case.

But there is no question under the evidence he (Pierce) was wounded at the time mentioned, left on the battlefield, taken prisoner, and held as such for months.

In 1877, a short period before the death of Pierce, he was carefully examined by three reputable and credible physicians, who certify, and verify their certificate by affidavit, as follows, among other things: That he had tuberculous condition of the lungs; that he had always complained of pain in lungs from the time he returned home, and that he had a cough which was sometimes relieved by treatment, but never cured.

And said physicians further state their belief that the disability is a consequence of the exposure and wounds received in the service of the United States, which has gradually undermined the constitution and made his disability total.

One of the above physicians, Dr. White, who was his family physician, and who treated him continuously from 1865 to date of his death, swears—

"That he (Pierce) had received a gunshot wound which brought about consumption; that the wound debilitated his whole system, and was so near the lung that the pus was carried into the lung by absorption, causing tubercles, and also poisoning the blood by circulation."

This widow and the orphan children are being supported by their neighbors.

Your committee therefore recommend that said widow, Rebecca J. Pierce, be placed on the pension-roll and receive such pension as the law gives her, and that the bill be amended by striking out all after the words "pension-roll," in fifth line, and inserting the words "subject to provisions and limitations of the pension laws."

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIUS FITZGERALD.

The next business on the Private Calendar was the bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll.

The bill is as follows:

*Be it enacted*, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to reinstate the name of Cornelius Fitzgerald, late a private in Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and holding certificate numbered 127269, on the pension-roll, and that he be paid his pension as provided by law from the date of the suspension of the same.

The report is as follows:

Your committee have examined the papers in this case with care, and are of the opinion that injustice was inadvertently done the petitioner when his name was stricken from the pension-roll on *ex parte* testimony taken by a special examiner, most of said testimony being based on rumor in camp at the time the disability was incurred. The committee adopt the report of the Committee on Invalid Pensions of the Forty-seventh Congress and make it their own, which is as follows:

"[House Report No. 1250, Forty-seventh Congress, first session.]

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3582) to reinstate Cornelius Fitzgerald on the pension-roll, having had the same under consideration, beg leave to make the following report:

"Cornelius Fitzgerald enlisted on the 5th day of August, 1862, and was mustered into Company G, One hundred and sixth Illinois Volunteers, at Lincoln, Ill., on the 17th day of September, 1862, for three years or during the war. He served with his company and regiment until January 7, 1865, when he received a gunshot wound in the left leg, fired by the provost guard in the town of Pine Bluff, Ark., which resulted in the amputation of the leg above the knee. The Adjutant-General's report to the Commissioner of Pensions, dated June 8, 1866, says:

"'Records on file report him discharged at Pine Bluff, Ark., July 17, 1865, of gunshot wound received January 7, 1865, said to have been received while resisting the provost guard at Pine Bluff.'

"Pending the application for pension proof was furnished which satisfied the Adjutant-General that the record in his office was erroneous, and it was amended. Under date of February 14, 1874, he reported to the Commissioner of Pensions that—

"'Certificate of disability reports him discharged at Pine Bluff, Ark., July 17, 1865, because of amputation of left thigh from gunshot wound received January 7, 1865, while in the line of duty.'

"After a protracted examination of the case and correction of the record in the Adjutant-General's office, as above, a pension was granted to Fitzgerald March 17, 1874, at the rate of $8 per month, commencing July 18, 1865; $15 a month from June 6, 1866; and $18 a month from June 4, 1872. This amount was increased to $24 a month from June 4, 1874.

"Payment of pension was suspended by order of the Commissioner of Pensions May 23, 1878, on the report of a special agent, on the ground that the injury was not received by the soldier while in the line of duty, and his name was finally stricken from the pension-roll.

"The question in this case is one of fact. The testimony taken by the special agent is quite voluminous, all of which we have carefully examined. It is mostly by soldiers of the regiment in which Fitzgerald served. It consists largely of what was rumored in camp at the time of the shooting. But few of the witnesses had personal knowledge of the facts, and nearly all of them subsequently made affidavits, which are on file, stating that their former testimony was based wholly on camp rumor.

"Fitzgerald's own statement under oath is substantially that while in camp in the outskirts of the village of Pine Bluff, Ark., having stood guard during the night on the 7th of January, 1865, he got a verbal permit from Lieut. Henry Roach, commanding the company, to go into the village and purchase of the sutler some tobacco for said Lieutenant Roach. He left the camp at about 9 o'clock a. m., and made the purchase without loss of time. At about 10 o'clock, while walking up the street toward the camp, he heard a noise in his rear, there being some soldiers on the street, who were somewhat disorderly, and heard the command 'Halt!' On turning round he was struck by a gunshot in the left leg above the knee. The shot was fired by the provost guard, who was patroling the town. He says he was sober, having taken but one drink with Thomas Hardin but a few minutes before, the said Hardin being with or near him at the time of the shooting. There is positive testimony that the guard said he did not shoot at Fitzgerald, but at Thomas Hardin, who it is shown by other testimony was intoxicated and disorderly.

"The witnesses testifying before the special agent, as before stated, gave the camp rumor at the time, which was that Fitzgerald and Hardin while in the village had been drinking, and when halted by the provost guard started to run away, when the guard immediately fired. There seems to be no question but that Fitzgerald had the permission of his commanding officer to go into the village, nor is there any proof, save rumor, that he had at any time been acting in a disorderly manner. On the contrary, it is stated that he was a good soldier, sober, and well behaved.

"As before stated, the witnesses who testified before the special agent, in their counter affidavits, say their statements were made on rumor in camp, and that they believed Fitzgerald was in line of duty when shot.

"Thomas Hardin, who was with Fitzgerald when shot, says that he (Hardin) 'was the man halted and shot at, and that the shooting of Fitzgerald was accidental.' He states further:

"'The provost guard was trying to arrest this deponent, and not the said Fitzgerald, and that the said provost guard shot the said Fitzgerald by mistake; that the said Fitzgerald at the time he was shot was not resisting the provost guard or any one else, but peaceably walking along the street; that at the time the said Fitzgerald was shot he was in the line of duty, and was not nor had

not been resisting the provost guard, or committing a breach of the peace, or was not infringing any rule of military discipline. Affiant further says that said Fitzgerald was a sober, obedient, faithful, and good soldier, and was punctual in the discharge of his duty.'

"William J. Pettit, late sergeant of Company G, One hundred and sixth Regiment Illinois Volunteers, testifies that he was not present when Fitzgerald was shot, but was told by several soldiers, who saw the whole affair, that Fitzgerald 'did not disobey the guard who shot him, but was orderly and in the line of duty;' and that Fitzgerald was a 'number one soldier, true and faithful at all times, and that he never knew or heard of his being arrested, prior to the time above stated, for disobedience of orders or any other misdemeanor whatever.'

"George W. Thomas, a comrade, testifies that he was within 'fifteen or twenty feet' of Fitzgerald when he was shot, and 'and knows, of his own personal knowledge, that he was orderly and did not disobey the orders of the guard who shot him;' that one Thomas Hardin, in said Fitzgerald's company, was present at the time, and was boisterous and drunk; that said Thomas Hardin was arrested by the said provost guard, and, while trying to escape from them, the said Fitzgerald was shot, not from any disobedience of orders or from any provocation; that the shooting of said Fitzgerald was wholly due to the disorderly conduct and drunkenness of said Thomas Hardin.

"In view of the fact that Fitzgerald was a good soldier, who always performed his duties and was obedient to orders, it is not at all probable he would resist the orders of the provost guard. It appears conclusively proven that he was on his way to camp, and that his being shot was the result of a misdirected shot, aimed, if aimed at all, at Thomas Hardin.

"Your committee are of the opinion that injustice was inadvertently done this soldier. The witnesses upon whose testimony his name was stricken from the pension-roll have modified their statements, showing they were made on mere rumor, and testify strongly in his favor. We therefore recommend the passage of the bill (H. R. 3582) to restore the name of Cornelius Fitzgerald to the pension-roll."

Your committee therefore recommend the passage of the bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES KING.

The next business on the Private Calendar was the bill (H. R. 267) granting a pension to James King.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of James King, late a private in Company F, First Regiment United States Infantry.

The report is as follows:

This case was presented to the Forty-sixth Congress, and the Committee on Pensions of the Senate made a favorable report, as follows:

"The Committee on Pensions, to whom was referred the petition of James King, private Company F, First Regiment United States Infantry, having examined the same, with the accompanying papers, find that the soldier was continuously in service from his first enlistment as a volunteer, in 1861, to the date of his discharge for disability, in 1870, from partial paralysis.

"His paralysis came on in 1869. His application for pension was rejected because, in the opinion of a board of examining surgeons, the disability was not incurred in the service and in the line of duty.

"The medical evidence in the case is conflicting to some extent. The existence of partial paralysis is fully established, and a degree of mental alienation coexists. Some of the surgeons attribute his present condition to a virulent attack of syphilis, while others declare that it had no such origin. The existence of the last-named disease prior to the occurrence of paralysis is, in the opinion of the committee, established, but whether the paralysis thus originated is very questionable. In consideration of this doubt, and of the additional fact that the petitioner served throughout the war with credit and fidelity, having participated in the battles of Winchester, Cedar Mountain, and Antietam, in 1862, Chancellorsville and Gettysburg, in 1863, and in Sherman's march, in 1864, the committee recommend the passage of the accompanying bill."

This report was adopted by the Committee on Invalid Pensions of the House, but the case was not reached during the Forty-sixth Congress.

The case was again presented to the Forty-seventh Congress, and the Committee on Invalid Pensions readopted the Senate report above, and also the following:

"Your committee has carefully examined all the evidence upon which the above-quoted report was based, and is of opinion that the conclusions reached by the two committees were well founded, in view of the strong medical certificate of Surgeon Abadie, medical director, Department of the Lakes, under date of January 20, 1871, which is as follows:

"'Partial paralysis of the right side; the right upper extremity is completely paralyzed and the right lower extremity partially. This soldier is able to walk, though with considerable difficulty. At times he shows unmistakable signs of mental aberration. These consist principally in the manifestations of ungovernable rage, arising from comparatively trivial causes. The organs of speech are much impaired, it being almost impossible to understand what he says; one remarkable fact has been observed from the beginning, the inclination to say "no" when "yes" was intended. The patient often seems conscious of the absurdity of the mistake, and immediately corrects himself. This soldier was wounded during the war, a musket-ball striking his breast one inch above and one inch to the left of the extremity of the xiphoid appendix. There is no scar showing the point of exit; probably the ball was extracted immediately. The patient's accounts of the matter are conflicting. In my opinion the disability is the result of hardships and exposure incident to the service. Amount of disability, total.'

"The medical record of the soldier during his last term of service shows treatment at various times for colic, intermittent fever (tert. and quot.), and neuralgia. The paralysis did not appear until subsequent to the last treatment shown for neuralgia, in October, 1868.

"The committee is clearly of opinion that the attack of syphilis immediately after discharge from first service, in May, 1864, resulted in no serious consequences, or else the rigid medical examinations to which recruits into the regular Army are subjected would have rejected him. Again, the absence of any reference to syphilis or its results in the hospital record, or the certificate of disability above quoted, should go far to remove doubts as to the real cause of the claimant's pitiful condition. The opinion expressed by the medical officer, 'that the disability is the result of hardships and exposure incident to the service,' is also the opinion of this committee, and the same therefore recommends that favorable action may be taken on the bill."

After a careful consideration of all the foregoing statements, your committee would report favorably, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET STEEDMAN.

The next business on the Private Calendar was the bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James P. Steedman.

The bill is as follows:

*Be it enacted, &c.*, That the name of Mrs. Margaret Steedman, widow of the late Maj. Gen. James B. Steedman, be placed upon the pension-list, and that she be allowed $50 per month from the date of the death of the said General Steedman.

The report is as follows:

That Maj. Gen. James B. Steedman was an officer of singular ability and valor in the late war. As a reward for his efficiency as a soldier, his skill as a commander, and his personal gallantry on the field of battle, he passed through all the grades of the military service, from a captaincy to the position of major-general. His dauntless courage, heroic enthusiasm, and magnetic leadership are known to all familiar with the history of the Army of the Cumberland. He died October 14, 1883. During the last years of his life he drew a pension for disability occasioned by chronic rheumatism. His death resulted from pneumonia, aggravated by his army disease.

He was twice married. By his first wife he had one son, who was a private soldier, who died, leaving two children and a widow surviving. She afterward died; the orphans fell to the care of General Steedman. By his second wife he had three children, who survive him. His widow is left with the five children in her care, the oldest not yet 12 years of age, the youngest about 2. With the exception of a few hundred dollars unexpended from his pension-money (now exhausted) the widow was penniless at the time of his death. She lives in a rented one-story frame house, with the plainest furniture, and without even the ordinary conveniences of domestic life. Your committee believe that a grateful and generous country owes a decent bringing up to the children of this gallant soldier and a comfortable living to his poverty-stricken widow, and therefore recommend the passage of this bill.

Mr. MATSON. Mr. Chairman, I think this bill has been reported by some inadvertence so as to make it draw a little arrears. General Steedman died recently. I am quite sure it was not the intention to have reported the bill in that shape. The universal practice of the committee is not to grant arrears. I therefore move to amend by striking out in line 6 the words "the date of the death of General Steedman," and insert instead "the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES MUNROE.

The next business on the Private Calendar was the bill (H. R. 2551) granting a pension to Charles Munroe.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Munroe, late a private in Company G, Second Regiment United States Artillery.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2551) granting a pension to Charles Munroe, late a corporal in Company G, Second Regiment United States Artillery, have considered the same, and beg leave to submit the following report:

It appears that Charles Munroe, late corporal in Company G, Second Regiment United States Artillery, enlisted early in the late war of the rebellion. At the expiration of his first term of enlistment he re-enlisted, February 22, 1864, to serve three years. He participated in the first battle of Bull Run, July 21, 1861, and in twenty-one other general battles, campaigns, and sieges until the close of the war, including the Peninsular campaign, under McClellan, the Fredricksburg, Gettysburg, and Wilderness campaigns. H. C. Dodge, first lieutenant Second United States Artillery, indorses upon his second discharge the following:

"Charles Munroe served with me during the last two years of the war, and, in my opinion, is a most excellent soldier. He held the position of corporal.

"H. C. DODGE,
"*First Lieutenant, Second Artillery.*"

At the close of his second term of service he again enlisted, March 8, 1867, in the same battery, to serve three years, which he did, and was honorably discharged March 8, 1870.

Early in 1872 he enlisted in the marine service of the United States, at San Francisco, and was assigned to duty on board the United States revenue-cutter Reliance. While serving on board this cutter he lost his right arm, as the following affidavits show:

UNITED STATES REVENUE STEAMER PERRY,
*Erie, Pa., July 28, 1882.*

I hereby certify that Charles Munroe served as quartermaster on board the United States revenue-cutter Reliance during the year 1872. While the crew were engaged firing a national salute, July 4, 1872, the said Charles Munroe had his arm blown off below the elbow by a premature discharge of the gun which he was serving at the time.

W. H. HAND,
*Second Lieutenant, United States Revenue Marine.*

Sworn and subscribed before me this 28th day of July, 1882.

S. V. HALLIVAY,
*Prothonotary of the Court of Common Pleas of Erie County, Pennsylvania.*

Also the affidavit of Robert M. Clark, first lieutenant, who served on the Reliance at the time, who testifies that he saw the accident, mentioning that it was his right arm that was blown off. This man gave nine years of his life to the service of his country. He was honorably discharged three times. He was a faithful, devoted, brave soldier, and participated in all the hard-fought battles of the late war. He is now unable to perform labor of any kind, is broken in health, and is absolutely in needy and indigent circumstances, without means, health, or friends. In February, 1882, he applied for admission to the National Home for Disabled Volunteer Soldiers, located near Dayton, Ohio, but was denied admission thereto upon the grounds that under existing laws he was not eligible to the benefits of the Home.

Under all the circumstances your committee feel that while the claimant may not have a legal right to a pension it is a meritorious case, and they therefore report in favor of the bill, and recommend that it do pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

SARAH L. HARVEY.

The next business on the Private Calendar was the bill (H. R. 1491) granting a pension to Sarah L. Harvey, mother of G. B. Harvey.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, directed to cause the name of Sarah L. Harvey, mother of G. B. Harvey, deceased, late first lieutenant of Company E, Tenth Tennessee Cavalry, to be placed on the pension-roll of the United States, according to the rules and law governing such claims.

The report was read, as follows:

Mr. HOUK, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 1491):

Sarah L. Harvey made application to the Commissioner of Pensions, seeking to be pensioned as the dependent mother of Gilbert B. Harvey, first lieutenant Company E, Tenth Tennessee Cavalry. The proof clearly shows her dependence on her said son for support. It appears from the evidence that her husband deserted her in 1851, and that her son, Gilbert B. Harvey, continued from that date up to the time of his death to contribute to, or, to state it fully, to actually support her, sending her money and providing for her while he was in the Army. She was then old, and is now very old, perhaps 80 years of age, and in absolute need.

The Commissioner of Pensions rejected her claim on the ground that her son was not in the military service at the time he received the wound which resulted in his death. This ruling was perhaps right under the facts and law as interpreted by the Pension Bureau, and therefore relief is sought through a special act of Congress.

But, however this may be, the proof is clear that he was on duty and acting in obedience to the immediate orders of General Rousseau in an engagement with the enemy near Nashville when he was shot; that the military authorities recognized his character as a soldier and an officer by taking him to the officers' hospital, having him treated and cared for until he died, in about one month afterward; and the United States authorities emphasized this recognition when they buried him as a soldier, and afterward reinterred him in the national cemetery at Chattanooga, Tenn. He had served well and faithfully previous to the battle in which he lost his life. He was strictly in the line of duty when wounded.

Your committee therefore report back bill H. R. 1491, and recommend that the same do pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

MILLIA STAPLES.

The next business on the Private Calendar was the bill (H. R. 1504) for the relief of Millia Staples.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the rolls of the Pension Office the name of Millia Staples, of Morgan County, Tennessee, for and on account of services rendered the United States by Benjamin T. Staples, who was killed while in line of duty as first lieutenant and adjutant of the Eleventh Regiment Tennessee Cavalry Volunteers, on March 22, 1863.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1504 for the relief of Millia Staples, have had the same under consideration, and report it back with the recommendation that it do pass.

Benjamin T. Staples was appointed adjutant of the First Tennessee Cavalry in March, 1863, at the commencement of recruiting and organizing said regiment. Andrew Johnson, then military governor of Tennessee, authorized R. A. Davis to recruit and raise said regiment and commissioned him as lieutenant-colonel, and Lieut. Col. R. A. Davis, after personal consultation with Governor Johnson, appointed said Staples adjutant, as aforesaid, with the rank of first lieutenant. Lieut. Col. R. A. Davis, and Lieutenant and Adjutant Benjamin T. Staples and other members of said regiment left Somerset, Ky., previous to the 18th day of March, 1863, for the purpose of proceeding to the border counties of Tennessee in order to meet refugees coming out of the confederate into the Union lines and enlisting them in the military service, and thus completing the maximum of said regiment.

On or about the 18th day of March, 1863, when said recruiting squad was halted at a place called Pine Knob, near the Tennessee line, they were attacked by a portion of Pegram's forces, and said Staples was wounded and taken prisoner. Others were killed, including the major of said regiment.

The testimony, which is thoroughly reliable, shows that—

"After his capture said Staples was conveyed to Monticello, Ky., and was started from there under charge of a portion of the notorious Champe Ferguson's guerrilla command, ostensibly for Knoxville, Tenn., a prisoner; but when a few miles from Monticello, and on or about the 22d day of March, 1863, said Staples was shot and killed by said command. Affiant further states that at the time said Staples was wounded and captured he was discharging his duty under the appointment of adjutant that he had received."

This is from the affidavit of Lieut. Col. R. A. Davis, who had given said Staples the appointment of adjutant by the advice and approval of the military governor, Andrew Johnson.

The proof shows Lieutenant-Colonel Davis to have been present and wounded, but escaped, and afterward completed the organization of his regimant and served with distinction. Although appointed as aforesaid, the said Benjamin T. Staples had not been mustered and thus enrolled as adjutant. And it seems that on the final completion and organization of said Eleventh Tennessee Cavalry no notice was taken of the previous appointment of said Staples to the adjutancy of said regiment, and there is no record of his appointment and service. Therefore his widow has never applied to the Commissioner of Pensions, but now asks Congress to recognize the services and death of her husband by placing her on the pension-roll as the widow of a first lieutenant of cavalry volunteers. Said Staples was a prominent Union leader in East Tennessee, and rendered much valuable service to the Union cause and to the Union Army before he entered the military service of the Government. His widow is now old and needs pecuniary assistance, which your committee are of opinion should be granted by the passage of the bill herein recommended.

The bill was laid aside to be reported to the House with a favorable recommendation.

VIOLET CALLOWAY.

The next business on the Private Calendar was the bill (H. R. 297) granting a pension to Violet Calloway.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Violet Calloway, widow of James Calloway, who served under General William Henry Harrison in the war of 1811 and 1812, on the pension-roll, subject to the limitations and restrictions of the pension laws.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 297) granting a pension to Violet Calloway, having had the same under consideration, beg leave to report:

That the evidence on file shows that James Calloway, the husband of claimant, served in Capt. Andrew Wilkins's company of Indiana militia from September 18, 1811, to November 18, 1811; that he took part in the bloody battle of Tippecanoe. These facts appear from the official report of the Adjutant-General of the Army.

Claimant's husband made application for pension under act of 1871, granting pensions to the soldiers and sailors of the war of 1812, but the claim was rejected because not covered by that law, the services having been rendered prior to the declaration of war.

There is no proof of the death of James Calloway, and of identification of claimant as his widow, but your committee have ascertained from Hon. THOMAS R. COBB, who introduced the bill for the relief of claimant, that he knows of his own personal knowledge that such are the facts.

Your committee are of opinion that the relief asked should be granted, and they therefore report the bill back with the recommendation that it pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

JULIA A. ROSS.

The next business on the Private Calendar was the bill (H. R. 5259) granting a pension to Julia A. Ross.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Ross, widow of Michael M. Ross, late a private in Company I, First United States Artillery, and who died in said service August 10, 1852.

The report was read, as follows:

The Committee on Pensions, to whom was referred the petition for the pensioning of Julia A. Ross, submit the following report:

Your committee, having considered said petition, would respectfully recommend that the accompanying bill do pass.

Mr. CRISP. As no information about the facts in this case are given in the report, I should like to hear some explanation.

Mr. MATSON. This report comes from the Committee on Pensions, not the Committee on Invalid Pensions. The gentleman who made the report, the gentleman from North Carolina [Mr. YORK], is in his seat. I may say, however, that I reported this bill in the last Congress, and am in a position to state some of the facts, but perhaps the gentleman who has reported it this session can state them better than I can. I remember the case very well.

Mr. YORK. I reported this bill at the request of the Committee on Pensions. The claim was thoroughly examined and we found it to be worthy. I have all the proofs among the papers in my desk, but not thinking the bill was to come up just now I do not have them at my hand. I will say, however, the claim was thoroughly examined by the Committee on Pensions and acted upon favorably. We think it a just claim, and I cheerfully indorse the passage of the bill.

Mr. CRISP. I wish to inquire why under the general law this pension can not be allowed? What are the special facts in the case?

Mr. MATSON. As I have said, I remember the case very well and I remember the claimant. Her husband was for a long time, during almost his whole life, a soldier in the regular Army, and he died a soldier in the regular Army just before the war broke out. At that time no pension was given to soldiers who died in the service; and that is the reason the claimant comes to Congress. She had been the wife of this soldier during the greater portion of his service. He had served on the frontier and elsewhere.

Mr. STEELE. He served in the war with Mexico, and the claimant was there with him and served as a nurse.

Mr. MATSON. Yes; I had forgotten that circumstance. From the examination I gave it I was satisfied it was a very meritorious case. But because the claim did not arise out of the last war, it could not be granted in the regular course. The bill was referred to our committee in this Congress, but we brought it back and had it referred to the Committee on Pensions.

Mr. YORK. I think every member of the Committee on Pensions thoroughly indorsed this claim. Owing to the rush of business I had not an opportunity of making out a full report as I had intended. But I will state that I have the fullest confidence in the claim as a worthy one.

Mr. COX, of North Carolina. I see no law or authority in virtue of which this claim can be sustained. As I understand it, the husband of this good woman was in the regular service. That was his occupation and his calling, and I should like to know by what law or under what authority his widow is entitled to a pension?

Mr. RAY, of New York. I will state to the gentleman that the committee want to make a law giving this woman a pension because there is not one. If there was a law giving a pension in such a case it would not be necessary to make an application to Congress.

Mr. COX, of North Carolina. Then they should show a meritorious case.

Mr. RAY, of New York. They do so.

Mr. COX, of North Carolina. What is it? So far as I know it has not been stated. Has the gentleman from New York heard it? What

he tells me I knew before he rose. No information has been given to justify this claim.

Mr. YORK. I will say to my colleague from North Carolina that the case was thoroughly examined by the Committee on Pensions.

Mr. COX, of North Carolina. But I wish to know upon what ground the pension is recommended? Is it simply because she is the widow of a soldier who died before the war?

Mr. YORK. The pension is recommended because of the gallant acts of her husband in the Army.

Mr. COX, of North Carolina. What were those acts?

Mr. STEELE. He died in the service from the result of diseases contracted in the service.

Mr. COX, of North Carolina. And there is no law to pension his widow?

Mr. STEELE. No, sir. There is no law to pension her.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN ROBBINS.

The next business on the Private Calendar was the bill (H. R. 254) granting a pension to John Robbins, reported with an amendment from the Committee on Pensions.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Robbins, late a private in Company A, Second Illinois Volunteers (Mexican war) at the rate of $24 per month.

The amendment was to add to the bill the following:

The same to be in lieu of any pension now received.

The report (by Mr. LAIRD) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 254) granting a pension to John Robbins, having had the same under consideration, respectfully submit the following:

The committee find from the evidence submitted that John Robbins was a private soldier in Company A, Second Regiment of Illinois Volunteers, in the war with Mexico, and that while in the line of his duty at the battle of Buena Vista received a gunshot wound in his left hip, where the ball now remains imbedded; that for this injury Robbins has received a pension at the rate of from four to eight dollars per month from the 7th day of November, 1853, to the present date, the rate of allowance now being $4 per month. It further appears by the affidavit of Robbins and two of his comrades that at Marcelena, Mexico, claimant had a severe attack of mumps, from the effects of which he has never recovered. The proof shows that from wounds and other injuries Robbins is now totally disabled and without means of support. The committee therefore report in favor of the passage of the bill herewith returned.

The amendment was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

MRS. M. C. JONES.

The next business on the Private Calendar was the bill (H. R. 394) granting a pension to Mrs. M. C. Jones, reported with amendments from the Committee on Invalid Pensions.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. M. C. Jones, widow of Dr. T. M. Jones, late surgeon of the One hundred and thirtieth Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws. This act to take effect from and after its passage.

The amendments were to make the bill read, "to place on the pension-roll the name of Mrs. Mary C. Jones, widow of Dr. Thomas M. Jones," &c.; also, to amend the title so as to read, "A bill granting a pension to Mrs. Mary C. Jones."

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 394) granting a pension to Mrs. M. C. Jones, have had the same under consideration, and beg leave to report as follows:

Thomas N. Jones was a physician, and practiced as such for many years prior to the last war. In 1861 he entered the service as assistant surgeon of the Second Indiana Cavalry, and served as such for about one year. He re-entered the service as surgeon of the One hundred and thirtieth Indiana Volunteers, and served in that capacity from March, 1864, to July 19 of the same year. During this service his regiment was actively engaged in the Atlanta campaign. He died October 21, 1875. His widow, Mary C. Jones, filed an application for a pension on account of his death August 4, 1879. This was rejected upon the ground that there was a record in the War Department showing that the disease of which he died existed prior to his service in either of the above regiments.

The adverse record consists of a certificate of a board of officers before whom he was examined at the time he resigned his last service, and this certificate states that he was subject "to asthma from childhood, and to rheumatism for fifteen or twenty years, for last few years only in chronic form, and is never free from it." He died of these two diseases, and the question for this committee to decide upon the evidence before it is whether these existed prior to his last service in the Army. The decision of the Pension Office was made upon the record alone. Although a special examination was had at the home of the claimant, and at the place where the soldier had lived for many years prior to the war, the officer who conducted said examination was obliged to report to the office that he could not find any one who had any knowledge of the existence of these diseases prior to his entering the last service he performed for the Government, and in his report recommended the allowance of the widow's claim.

More than twenty reputable witnesses, six of them physicians who knew him intimately for a long time prior to the war, testify positively to his robust health up to the time he entered the service, in the year 1864. All of these witnesses speak of him from a long and intimate acquaintance, and concur in the fact that he was a remarkably strong man and in excellent health until he entered the service as surgeon aforesaid. The testimony is all that way, and, in a word, is as strong as it could be made. No one speaks to the contrary. The fact that such a record was made at the time he left the service is, at least to some extent, explained by the fact that he was then in very poor health and had been for two months, and was determined to get out of the Army, as he believed it was necessary to save his life. And it is further explained by conversation which he had with an old acquaintance, Hon. Milton S. Robinson, a member of the Forty-fifth and Forty-sixth Congresses, and who was then lieutenant-colonel of the Forty-seventh Indiana Volunteers, a day or two previous to his resignation from his first service, in which he stated that to get out of the service he would make any statement that was necessary. This was doubtless the case when the adverse record was made against him. Having been sick for some time, and being anxious to get out of the service, he stated to the board of officers who examined him, and who were evidently strangers to him, such things as he thought would make it certain that his resignation would be accepted.

The case is overwhelmingly proven, and but for the unyielding rule of the Pension Office, prescribed by a decision of the Secretary of the Interior in 1880, that parol testimony can not be admitted to contradict an adverse record, after a lapse of years this case would have been admitted, and the widow would have been pensioned from the death of her husband. This committee is of the opinion that the action of the office in this case should have been favorable, and would have been but for the iron rule of the Department, which controls the Commissioner of Pensions.

We therefore recommend the passage of the bill with the following amendments: Insert the word "Mary" instead of the letter "M." and the words "Thomas N." instead of "T. M.," in line 5 of said bill, and that the title be amended by inserting the word "Mary" instead of the initial "M."

The question was upon agreeing to the amendments reported from the Committee on Invalid Pensions.

Mr. CRISP. I do not know that anything I can say will affect members of this Committee of the Whole in their action on this bill. I desire, however, to put on record my objection to the granting of pensions in such cases as this.

I understand the Committee on Invalid Pensions in their report to say that they presume this gentleman would have made any statement whatever in order to get out of the Army. I will not do his memory, dead as he is, the injustice to say any such thing, and I do not think the committee ought to have said it. Yet it seems from this report that this gentleman at the time he sought to get out of the Army stated that he suffered with rheumatism and with asthma, and he was discharged.

He lived perhaps ten years after his discharge, and his widow applied through the regular channel for a pension. She was met in the Department with the record that her husband had made. It is conceded that he died with asthma and rheumatism; that is admitted. When his widow applied for a pension she was met with the record in the Department of the statement made by her husband himself, as I understand the report, that he had been subject to asthma from childhood and to rheumatism for fifteen or twenty years. That statement was made by him at the time he sought his discharge.

The Committee on Invalid Pensions report that it is probable that he would have made any statement in his great anxiety to get out of the Army, whether such statement was consistent with the truth or not. These are plain words, but that is exactly what it amounts to. The testimony of his neighbors, of people who know him, is produced to show that he did not suffer from rheumatism and asthma. I ask you, Mr. Chairman, and I ask the gentlemen of this committee, who would have more knowledge on the question of what a man suffers than the man himself? How many men are there of your acquaintance who suffer perhaps almost every day from some disease, affliction, or pain, and never give utterance to it? There may be many such cases.

I take it that when this gentleman made the statement he did he told the truth. And I object, for one, to a committee of this House or to any one, on the statement of other people, after a man has been buried and his mouth is closed forever, coming in here and saying that the probability is he would have made any statement to accomplish his purpose, to wit, to get out of the Army. That is a reflection on his memory, and this good lady, his widow, ought not, in my humble judgment, to seek a pension when to secure it it is necessary to make such a statement as that.

Mr. BROWN, of Pennsylvania. I would ask the gentleman how it becomes necessary that she should contradict the record which her husband has made in order to get a pension?

Mr. CRISP. As I understand the case from the reading of the report, when the widow applied through the regular channel for a pension she was met with a record in the Department of the statement made by her husband at the time he was discharged—the statement on his part that he had long been suffering from rheumatism and asthma.

Mr. BROWN, of Pennsylvania. Before he went into the service?

Mr. CRISP. Yes, long before he went into the service; for fifteen years.

Mr. BROWN, of Pennsylvania. I did not so understand it.

Mr. CRISP. The record shows that the man did die of asthma and rheumatism. As I understand it, it is essential under the rules established by the committee, and I have no doubt they investigate all cases fairly, that a reasonable probability shall be shown that the person incurred in the service the disease from which he died. Now, in order to bring this case within that rule it is necessary to show that the statement he made at the time he was discharged was not true; that is the way I understand the case.

That being so, I merely want to enter my protest against any such finding as that, and to say for myself, feeling as I believe I can say with frankness and candor I do feel an interest in those who have offered their lives in the service and defense of their country, notwithstanding I was on the other side; and feeling an interest in the honor of the

country, I protest for one against any such finding as that being put on record here in order to justify the granting of a pension in this case.

I will say for myself that in every case where a person has been discharged from the Army on his own statement that the disease from which he was suffering, and of which he finally died, existed prior to his enlistment, I will not vote to grant a pension to him. I will not vote to grant a pension in any case where the death resulted from a disease which the person had contracted before he went into the Army.

Mr. MATSON. In order to relieve the Committee on Invalid Pensions, and particularly myself, from the imputation which the gentleman from Georgia [Mr. CRISP] has cast upon this report, I will say the committee has not stated that this officer at the time he was discharged said what was not true. But we do say that he did state to Hon. Milton S. Robinson, who was at that time lieutenant-colonel of the Forty-seventh Indiana Volunteers and subsequently a member of the Forty-fifth and Forty-sixth Congresses, that he (Jones) would make any statement which was necessary in order to secure his discharge from the service. We simply say that he had so stated to Mr. Robinson.

Mr. CRISP. Of course I do not wish to do injustice to any one; but I think the gentleman, if he will look again at the report, will find the committee say that in their judgment this man would have stated anything to obtain his discharge.

Mr. MATSON. I think not. What the committee say is that this man had so stated to Mr. Robinson. The report then proceeds:

> Having been sick for some time, and being anxious to get out of the service, he stated to the board of officers who examined him, and who were evidently strangers to him, such things as he thought would make it certain that his resignation would be accepted.

We do not pretend to say whether these things were true or untrue.

Now, Mr. Chairman, there are two sides to this question. When the Government accepts a man into its service it thereby declares him to be sound and free from disabilities; and I have always believed that the Government, after receiving a man into its service, is estopped from setting up a prior unsoundness. I can not see any other equitable rule.

But this case does not stop there. This report states the fact that a special examiner who was sent by the Pension Office to two different places where the man had lived investigated the question of his health during his whole life, and was not able to find a single man who would say that Jones had had any disability at all; but, on the contrary, among more than twenty witnesses, six of them physicians who had known him intimately (I remember I counted the number of witnesses examined by this special examiner until I was tired), no single one pretended to say anything else than that this man was a man of excellent health and particularly robust before entering the service.

Now, I am glad my friend from Georgia has suggested that the Committee on Invalid Pensions ought to act upon probabilities. What are the probabilities in this case? Is it more probable that twenty very reputable men would come before an officer authorized to administer oaths and commit perjury upon the question of this man's physical condition before entering the service, upon the question of his being free from these particular diseases—because the inquiries were directed especially to them—is it more probable that more than twenty men who swear positively upon this proposition give false testimony than that this poor man, sick as he was and had been prior to going before this board, anxious as he was to get home where he might have the care of his family, should make a statement that was perhaps too strong in order to get out of the service?

Where are the probabilities? My friend from Georgia if he had been called upon to decide this case would have decided it as the Committee on Invalid Pensions decided it—upon the probabilities. We can not ascertain perhaps with absolute certainty the real facts in any case; and, as my friend says, we ought to be governed by probabilities in determining these cases. I think it must be apparent to this House that our conclusion in this case was made more than probable by the direct testimony of more than twenty good men and good women, six of these witnesses being physicians who had been intimately connected with this man, and who swore distinctly and emphatically to the fact that he was free from these particular diseases before he enlisted.

Mr. CRISP. Mr. Chairman, I wish only to place myself right upon this matter. I want the Committee of the Whole to see that I was correct in the statement I made as to the report of the committee in this case.

At the time of the discharge of this gentleman from the Army, the certificate states that he had been "subject from childhood to asthma, and to rheumatism for fifteen or twenty years, for the last few years only in chronic form, and is never free from it." That is the record made up at the time this gentleman obtained his discharge—"asthma from childhood and rheumatism for fifteen or twenty years." He was on this ground discharged, and he died of asthma and rheumatism.

Now, what explanation does the committee attempt to give of that part of this gentleman's record? The committee says:

> The fact that such a record was made at the time he left the service is, at least to some extent, explained by the fact that he was then in very poor health, and had been for two months, and was determined to get out of the Army, as he believed it was necessary to save his life.

What does the committee mean by this, if it does not mean to affirm that this gentleman when making this statement said probably what was not true?

Mr. MATSON. I said, and still insist, we have not said that this gentleman stated these things; but we think it likely he did. We do not say that he did; that was the point I was attempting to make. We do not say he made that statement; but I think it likely he did. I will say that to the gentleman.

Mr. CRISP. Well, Mr. Chairman, that brings me to the proposition which, I submit, ought to be an insuperable barrier to the obtaining of a pension by this man during his life or by his widow after his death.

Mr. RAY, of New York. Will the gentleman yield for a question?

Mr. CRISP. With pleasure.

Mr. RAY, of New York. If the committee believe, from the evidence, that if this man did make this statement it was untrue; if they believe that he never had had asthma or rheumatism up to the time he entered the service; if they believe he did contract these diseases in the service and in the line of his duty, then would the gentleman say that his widow and his orphan children, if any, should be deprived of a pension because the man, in his anxiety to get out of the service, had made a misstatement?

Mr. CRISP. Careful as we should be of the honor of a man who is dead, I should say that if this man lived for ten years after his discharge and never applied to a generous government for a pension, and if he made a statement when he was discharged that he had suffered from these diseases from childhood, I should say that the widow is estopped, and that this House ought to be estopped, from saying on the testimony of others that his statements at that time were untrue.

Why, Mr. Chairman, there is no such thing as the matter of perjury that my friend from Indiana talks about.

Mr. MATSON. I wish to ask the gentleman from Georgia, as to the question of estoppel, whether he does not think it ought to go back to the time of his enlistment and prevent the Government that accepted his services from setting up the plea that he was disabled at the time his services were accepted.

Mr. CRISP. I am not familiar with the rules that existed in operation here at that time, but if I know anything from the history of the past it is that at the time this gentleman enlisted no very special physical examination was made of men who offered themselves in defense of their country. They might be maimed and halt, but if they came up to offer their services to their country they were accepted. But by acceptance there was no admission like there is to-day in time of peace that a man is physically perfect.

Now, as to the question of perjury, Mr. Chairman, it is unnecessary to impute perjury to any one. How are these friends and neighbors to know that this gentleman's statement is true? Does the gentleman from Indiana know now whether I suffer from asthma? Are there not gentlemen living in the town where he resides who may apparently be in as good health as I am, and yet he does not know what they suffer? That is a matter peculiarly within the knowledge of the sufferer?

I enter my protest against finding against that fact when stated by him after his mouth is closed in death, after he lived ten years and never appealed to this generous country, which was granting pensions to all its defenders who had suffered from disease in the service. Is not that fact to be considered that he did not apply, and that after his death this record is assailed; and the only way it can be assailed, in my humble judgment, is at least by charging that the probabilities are this dead man had made a false statement; that is all. [Cries of "Vote!"]

Mr. HENDERSON, of Iowa. Mr. Chairman, I wish to say a word or two before this goes to a vote. If this man's lips are sealed in death and his widow and children are appealing to a generous country, I think it ill becomes a patriotic Congress to call upon the technical rule of estoppel to close their mouths from their just rights.

My friend from Georgia [Mr. CRISP], I see from his record, is a distinguished lawyer in his State, having represented the Commonwealth, I believe, as public prosecutor or judge.

Mr. CRISP. Both.

Mr. HENDERSON, of Iowa. Then he knows well that the law does not favor the application of estoppel as a rule. It is one of the technical rules like the statute of limitations, and if it is to be invoked in this case, I submit to my generous friend, who I see fought gallantly in the confederate service against this gentleman who he says has had his lips sealed in death—I appeal to him that the law of estoppel, in the language of my gallant friend the chairman of the committee, should apply to the Government, who said he was sound enough to draw his sword and defend that Government. That is more in consonance with my feelings.

I will not impute any other motive than the loftiest to my friend, although I confess in a former session of this House it pained me when the chairman of the committee asked what objections he had to a bill when he called a quorum in this House, and he turned around and pointed to the clock, which was half past 9, and said that was his objection. Are his objections to this bill loftier than those which made him point to the clock at half past 9, when he would not let us go ahead with these pension bills for these poor fellows? I have never seen or heard of anything which struck me with so much astonishment as that

act, and I was glad to see that my associates on this floor on both sides of the House were equally struck with astonishment. I believe here and now there will be no distinction in recognizing what is just and due this poor woman and her children.

The law of estoppel is invoked in this case because for a number of years no appeal was made to a generous government. Why, I can say to my good friend from Georgia (and let him not interpret anything I may say other than with the kindliest feelings) that there is many a noble and generous man who has gone down to the grave from causes arising in the time of war when he did not know in the first instance the cause lay back there, or, in the second instance, was too modest to assert his claim. If he did not, should not the widow and child do it?

I have discussed this question, Mr. Chairman, more at length than I like or intended to do, but it involves a principle, and that principle is this law of estoppel. I believe the gentleman from Indiana, the chairman of the committee, has stated a proposition that should call upon every member of the American Congress to cast his vote in favor of this bill. He has stated a principle that should govern in dealing with such cases; and I say that when this Republic examined the man, as we were examined by the ablest surgeons, from head to foot, and declared sound enough to carry a musket, it does not lie in the mouth of a great government like this when the widow and children come in and ask for what is due to them for the death of that man, to say, "Ah, you are estopped from making that request because he was unsound at the time of his enlistment, at the time he entered the service." I say, sir, that the Government should be estopped from setting up such a plea.

Mr. BLANCHARD. May I ask the gentleman a question?

Mr. HENDERSON, of Iowa. Yes; with great pleasure.

Mr. BLANCHARD. Was this examination to which the gentleman has just alluded as having been made of all soldiers prior to their enlistment applicable also to surgeons as well as to the soldiers who are to serve regularly as such in the ranks?

Mr. HENDERSON, of Iowa. Applicable to surgeons, you ask?

Mr. BLANCHARD. Yes, sir.

Mr. HENDERSON, of Iowa. I can not say that it does. But that is not pertinent to this question, because the same rule applies to every man that the Government accepts as being able to perform and qualified to discharge the duties that are assigned to him, whether he be examined or not.

Mr. BLANCHARD. But you said, as I understood you, a few moments ago, that when an application was made for enlistment there was an examination of the applicant from head to foot. Now, I desire to know whether that examination applied also to those who sought to perform service in the Army as surgeons?

Mr. HENDERSON, of Iowa. The question of the gentleman has no possible application to the pending question. But my statement was that when a man applied for enlistment he was examined from head to foot. The Government sought to determine whether or not he was able to fight, to carry a musket, and to perform the duties of a soldier. Now surgeons, as I understand it, are commissioned officers, and were not, perhaps, subjected to a personal physical examination. But if the Government accepted their services I claim that the same rule would apply as should apply in the case of private soldiers who were examined before their acceptance. They were subjected to a strict examination. But furthermore to my friend from Louisiana let me say that in my judgment that man who knew himself to have some disease, but was willing to lay that fact aside and still go into his country's service, deserves even greater credit, and the application of his wife and child for a pension should be rewarded and considered accordingly.

Mr. BLANCHARD. Mr. Chairman, I think that every question of this or any other kind should be decided, not upon the sentiment which is attempted to be invoked by my friend from Iowa, but by the facts and the equities which are presented in each case. I agree with the criticisms which have been made upon this report by my friend from Georgia [Mr. CRISP].

It appears from this report that this gentleman in 1861 entered the service of the United States as an assistant surgeon of an Indiana regiment of cavalry. He served in that capacity for about one year, and at the end of that time he seems to have retired from the service for a period. Later on he appears to have re-entered the service as surgeon of the One hundred and thirtieth Indiana Volunteers, and he served there from March, 1864, until July 19 of that year, or less than five months. Now, at the end of that second period of service, or after five months, he appears to have been exceedingly anxious to retire from the Army a second time, and in order that he might retire from the Army the second time he applied for his discharge upon the ground of physical disability.

To test the truth of this allegation as to his condition of physical disability what was done? He is not merely discharged upon his own personal allegation of his physical condition—by no means. On the contrary, it appears that a board of officers was called together to test the truth of his allegation. That board of officers met and considered his case, and it is safe to affirm that they not only had his own statement of his physical inability to serve further, but that they had further and additional evidence as to the physical condition of this man. The evidence taken by that board of officers seems to have satisfied them that he was not only physically disabled to perform service, but that that physical disability resulted not from service in the Army, but dated back to a time long anterior to his entrance into the service the first time.

Mr. MATSON. Let me interrupt the gentleman there?

Mr. BLANCHARD. Certainly.

Mr. MATSON. Where do you get the evidence that this board had any other evidence than the statement of the applicant?

Mr. BLANCHARD. The gentleman mistakes me; I did not so allege. But I say it is reasonable to presume that they did not merely take the word of this man himself, who was seeking to obtain a discharge from the Army. He was an interested party; and I repeat it is safe to affirm that they did not merely take his word as to his physical condition and his inability to remain longer in the service. It is only a fair presumption that they went further and tested the truth of that allegation. And I find from this very report, which I desire to say is as favorable as circumstances would permit to this party, that this board of officers sat upon this case, and they recommended his discharge from the Army on account of this physical disability; but they further found, sir, that that disability existed prior to his entrance into the Army.

Mr. MATSON. I desire to say for the information of the gentleman from Louisiana, if he will permit me——

Mr. BLANCHARD. Certainly.

Mr. MATSON. That in cases of this kind, as all those who were in the Army will remember, there was no such thing as a judicial investigation; it was a mere physical examination. This board was composed of one surgeon and two other officers. They were not all surgeons. It was a mere physical survey of the man, and in such cases no testimony was taken.

Mr. BLANCHARD. I am not familiar, Mr. Chairman, never having been in any army, with the mode of procedure in the case of the application of the soldier in the Army for his discharge. But I take the facts as I find them in this report. I find that this board of officers recommended the discharge of Dr. Jones because he had asthma and rheumatism, and they said in their award that he had had these diseases for fifteen or twenty years, and for the last few years in a chronic form.

Now, sir, the side of the opposition in a case of this kind, I am aware, is the unpopular side. Gentlemen get up as my friend from Iowa [Mr. HENDERSON] did and appeal to us to vote this pension in the interests of a widow and children. That, sir, is a strong appeal to the sentiment of a man; every one of us has in his heart that sentiment. But I say we are sitting here legislating in the interest of the people of this country. I say the money which is to be applied to the payment of this pension, if it be allowed, belongs to the people of the United States, and we as their representatives have no right upon the ground of mere sentiment to vote one single cent of that money away. We must view every question of this kind when it is brought before us upon the basis of the facts and the equities of the case. If those facts and those equities as they exist entitle this woman to this pension, then I say she ought to have it; but I say if there be a reasonable doubt that the facts and the equities of the case warrant this pension, then, sir, that doubt should be resolved in favor of keeping this money in the Treasury where it belongs, and from which we have no right to draw it except in a case where the facts are so plain and the equities so strong that it is irresistible.

Mr. HENDERSON, of Iowa. Will the gentleman yield to me?

Mr. BLANCHARD. I will.

Mr. HENDERSON, of Iowa. I want to ask my friend from Louisiana if he does not feel that the equities applying to the widows and children of the men who not altogether sound went into the service should not be considered with as much at least of that broad generosity and kind philanthropy that appealed to all our hearts and to mine when we voted so cordially for aid to those who were suffering along the banks of the great Mississippi River? I am in favor of sentiment, I want to say to my friend from Louisiana, and that sentiment will extend to his district in Louisiana as well as to the widows and children of my fellow-soldiers.

Mr. BLANCHARD. I did not yield to the gentleman for an argument. And I say if this pension is asked for on the ground of charity, as the $500,000 was asked for which this House appropriated for the relief of the sufferers along the Ohio River, then I for one might be willing to vote for it. But I do not understand that this case is presented in the aspect of a charitable one.

Mr. MATSON. If the gentleman from Louisiana wishes to know the fact, I can state to him the widow now is in absolute need.

Mr. BLANCHARD. That may be, Mr. Chairman, but nowhere in this report is it affirmed that this is a case in which charity ought to be exercised. On the contrary, sir, this report sets forth certain facts as established by the evidence submitted to the committee, and from those facts they deduce the conclusion that this is a just case, in which the Congress of the United States ought to grant a pension.

It appears further from this report that this gentleman lived for eleven years after his discharge from the Army, and in all that time, notwithstanding the fact that thousands upon thousands of soldiers were applying for pensions, he did not see fit to enter his application at the

Pension Office. And it is reserved until he dies for this application to be made for the first time. Now, sir, if this gentleman had contracted this rheumatism and this asthma in the service, as it is alleged in this report that he did, why is it that he did not, eleven years before his death and after the war closed, apply in person for a pension? These facts in my mind make out a case in which I believe the relief asked for should not be granted.

The CHAIRMAN. The question is on the amendment submitted by the committee.

Mr. CRISP. I want to say a word or two. The gentleman from Iowa [Mr. HENDERSON], while stating that he did not propose to question my motives in making the point the other night that no quorum had voted, went on to use language that is inconsistent with any other idea than that he does arrogate to himself the right to question my motives. It is one thing, Mr. Chairman, to say that you will not do a thing and it is another to act in accordance with that statement. I say to the gentleman from Iowa, if he can derive any consolation from that, that so long as I have the honor to occupy a seat upon this floor I shall be governed by my own convictions of what is right, and I shall not advise with him before I act.

Mr. HENDERSON, of Iowa. That advice will never be tendered, you may depend upon it.

Mr. CRISP. It shall not be sought, and if it is tendered it will be gratuitous; it is not wanted. One word further, I have been here at every night session we have had. You see who are here.

The Constitution of the country, which we have sworn to support, provides that a majority of the members composing this House shall constitute a quorum for purposes of legislation. We are here every Friday night, voting hundreds and thousands of dollars from the Treasury, for meritorious purposes it may be; but the Constitution does not say that less than a quorum can vote money from the Treasury for any purpose.

After spending two hours here in that way, am I to be criticised because at one of these night sessions I asked that such legislation should cease? That was all I did. I moved that the committee rise in order that the House should adjourn. I believed that by 10 o'clock the House would have acted upon all the bills which the Committee of the Whole had considered, and I moved that the committee rise. The motion was not carried. When the next case came up I made the point that no quorum voted upon it, and when my friend from Indiana [Mr. MATSON] asked me to allow that bill to be laid aside to be reported to the House, I said that was not my object; the object that I had in view was to have the House adjourn. The committee did rise then, and the House adjourned by 10 o'clock. Am I to be censured for that?

Where are the members of this House now? Are there seventy-five members here to night? Every Friday night some of us come here and attempt to do our duty by legislating in the interests of the soldiers of the country. When we see proper in the exercise of our own sense of duty to take steps looking to an adjournment the gentleman from Iowa [Mr. HENDERSON] criticises the motives which actuate us. I say that it is ungraceful in him to do so. I say that it does not become him to do so. Night after night, whenever a night session is held here, I have come here to attend to the business of the country. That is all I care to say now.

The amendments reported from the Committee on Invalid Pensions were then agreed to.

The bill as amended was laid aside to be reported favorably to the House.

DR. SAMUEL DAVIS.

The next business on the Private Calendar was the bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis, reported with an amendment from the Committee on Invalid Pensions.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Dr. Samuel Davis, late surgeon of the Eighty-third Regiment Indiana Volunteer Infantry, to $50.25 per month.

The amendment was, to strike out "$50.25" and to insert in lieu thereof "$40," as the rate of pension per month.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis, have had the same under consideration, and beg leave to report as follows:

This pensioner was first granted a pension in 1864 on account of injuries to his spine, resulting from the upsetting of an ambulance loaded with sick soldiers and under the charge of the pensioner, who was then the surgeon of the Eighty-third Indiana Volunteers. He is now over 70 years of age, and has been pensioned according to the disability found to exist since the date of his resignation; until recently he has shown that he is growing worse rapidly and has for some time been in a helpless condition from his injuries received as aforesaid, but not so helpless as to require the regular or constant aid and attendance of another person all the time. This, however, is his condition a greater part of the time.

He is now drawing $31.25 per month, and there is no rate fixed by law between that sum and the sum of $50 per month allowed to those who require the regular aid and attendance of another person. The examining surgeon of the Pension Bureau, who last examined him, recommends that he be rated at $40 per month, and the committee concur therein, and therefore ask that said bill be passed with the following amendment: Strike out the words "fifty dollars and twenty-five cents," and insert the words "forty dollars" instead thereof.

The question was upon agreeing to the amendment reported from the Committee on Invalid Pensions.

Mr. MATSON. This bill is like one which was discussed two weeks ago to-night, when a controversy arose between the gentleman from Illinois [Mr. DAVIS] and myself. That gentleman is not here to-night, but as this is the first opportunity I have had to say so, I desire to say that upon one branch of the proposition which he and I had an amicable dispute about he was right and I was wrong. The law fixes a specific rate of pension for those who have lost both arms, both feet, or both eyes, a pension of $72 per month. All other persons, no matter how helpless they may be from other causes, can receive no higher pension than $50 per month. He was therefore right in one aspect of the case and I was wrong, and I was right in another.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

AMANDA E. HOYT.

The next business on the Private Calendar was the bill (H. R. 3603) granting a pension to Amanda E. Hoyt, reported adversely from the Committee on Invalid Pensions.

The bill was read, as follows.

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Amanda E. Hoyt, widow of William M. Hoyt, deceased, late a private in Company I, One hundred and first Regiment Ohio Volunteer Infantry, who was receiving a pension at the rate of $8 per month until the 27th day of August, 1883, at which time, while in the employ of the United States as a postal clerk in the railway mail service, on the Pittsburgh, Cincinnati and Saint Louis Railroad, he was killed in a wreck at Mingo Junction, in the State of Ohio; and that the said Amanda E. Hoyt be paid at the rate of $8 per month from and after the said 27th day of August, 1883.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3603) granting a pension to Amanda E. Hoyt, have had the same under consideration, and beg leave to report as follows:

William M. Hoyt, late of Company I, One hundred and first Ohio Volunteers, was pensioned on account of a disease of his throat and lungs, and at the time of his death was drawing a pension of $8 per month on account thereof.

On the 27th day of August, 1883, while in the employ of the United States as a postal clerk in the railway mail service on the Pittsburgh, Cincinnati and Saint Louis Railroad, he was killed in a wreck at Mingo Junction, in the State of Ohio.

It is not claimed that the death cause was in the remotest degree connected with the disease for which he was pensioned, but it is urged that because he was killed while in the civil employment of the United States his widow should be pensioned, he having been a pensioner on account of military services. This committee is unable to give its assent to that proposition, believing as we do that it would furnish a precedent for the granting of pensions on account of civil services to the Government. This committee has been very liberal in the matter of settling questions of the death cause in favor of widows and dependent parents when it could be shown to relate in a slight degree to the disability incurred in the military service. But in this case there is no pretense of that, and we therefore feel compelled to report back said bill with an adverse recommendation; and upon the request of the author of the bill we ask that it be placed upon the Private Calendar for the action of the House.

Mr. PEELLE, of Indiana. From the reading of the report the Committee of the Whole might infer that this pension was asked to be continued to the widow because her husband was killed while in the civil employment of the Government. That is not the case. That is a mere accident, because if he had been a mere passenger at the time the railroad accident occurred the same application would have been made.

This man was a soldier in the late war, and while in the service contracted lung disease, for which the Pension Office allowed him a pension of $8 per month. He was drawing that pension up to the 27th day of August, 1883, when this accident occurred. It is true that he was in the civil employment of the Government at the time of the accident that caused his death. While the train from Pittsburgh to Indianapolis, which was his route, was at Mingo Junction, in Ohio, it collided with another train, and he was so bruised and mangled that he died within a very few hours.

If he had died from the disease for which he was drawing a pension, the Pension Office would have continued it to the widow. But he died in consequence of this wreck of the train, and therefore could not have died from the disease for which he was drawing a pension. I introduced the bill for the relief of his widow, believing at the time, as I believe now, that his pension ought to be continued to her.

I have not observed any general rule by which the Committee on Invalid Pensions or this House has been governed in the allowance of pension claims, unless it be the one rule that no arrears of pension should be allowed. I believe that every case appeals to the sound judgment and discretion of the House. It is because of no general law covering the case that we come here and ask a special law to grant this pension.

I believe that this Committee of the Whole will agree with me that inasmuch as this man died under the circumstances stated in the report his pension of $8 a month should be continued to his widow. I had a slight acquaintance with this man and I have a slight acquaintance with his widow. I know the circumstances in which she was left by the death of her husband, but that is perhaps not material to this case.

I believe the granting of this pension to be an act of justice, and, having stated the facts, I submit the case to the Committee of the Whole, and ask that it will reverse the action of the Committee on Invalid Pensions and allow this bill to pass, with an amendment which I shall offer. The bill as drawn provides for the payment of the pension from and after the 27th day of August, 1883. I move, inasmuch as such has been the custom of the House for years past, and I think

a wise one, to strike out the words "the said 27th day of August, 1883," and to insert in lieu thereof the words "the passage of this act." I hope the Committee of the Whole will pass the bill with that amendment.

Mr. MATSON. It is perhaps true, as stated by my colleague [Mr. PEELLE], that the Committee on Invalid Pensions has no general rule applicable without exception to every case; yet we have general rules by which we are governed. The question in this case is whether we should grant a pension to the widow of a soldier whose death can in no way be attributed to the service that he rendered the Government as a soldier.

Mr. PEELLE, of Indiana. If this soldier had not been drawing a pension up to the time of his death I should quite agree with my colleague; but inasmuch as he was drawing a pension up to that time, I think there is a distinction in favor of this case.

Mr. MATSON. Still the naked fact remains that the cause of this man's death had no sort of connection with his military service. If he had been as strong as Samson he would have been killed in that railroad accident. His widow perhaps has a right of action against the railroad company, and it is likely will recover damages.

But, Mr. Chairman, I repeat that the question here is a very simple one: Shall a widow be pensioned in a case where her husband's death can in no way be attributed to his military service?

Mr. STEELE. If this man had made his run on the railroad successfully and had died that night from the disease for which he was drawing a pension, his widow would have drawn a pension under the general rule, because she was deprived of the assistance of her husband toward her support. Now, is she not just as much entitled to a pension when deprived of his assistance under the circumstances of the present case as she would have been if he had died of disease contracted in the service?

Mr. MATSON. By no means; for he might have recovered from the disability incurred in the service. It is impossible to say whether he would have died from that disability or would have recovered from it, and died perhaps from some other railroad accident.

Mr. STEELE. But if he had died from disease or disability incurred in the service she would have drawn a pension.

Mr. MATSON. Of course that proposition can not be controverted.

I know there is a growing sentiment in this country that the widows of all pensioners should continue to draw the pensions that their husbands drew. I do not concur in that proposition. I think there must be some end to this thing. We must draw the line somewhere. I know, too, that this proposition is strengthened a good deal by the consideration that in such cases the husband, by reason of the disease or disability incurred in the service, is less able to provide for the future support of his family. That is true. But whenever Congress agrees to a bill like this continuing the pension to the widow in a case where nobody pretends the cause of the death of the husband had any connection with his military service it takes a step in the direction of the general proposition I have suggested. If this widow is entitled to receive a pension, then widows of all pensioners are entitled to receive pensions, without reference to the cause of the death of the husband.

Mr. PEELLE, of Indiana. Where the husband has been killed as this man was I should say that the widow would be entitled to receive the pension.

Mr. MATSON. I apprehend, so far as that is concerned, the manner of death could not make any difference—whether it be by disease or by accident. The woman is no more deprived of her husband's support by reason of the fact that he died in a railroad accident than if he had died on a languishing bed of disease.

Mr. VANCE. Why should not the widow have the benefit of the pension when the husband has been killed by accident? If he had lived the pension would have been drawn by him. He is dead; why should not the widow have the benefit of the pension?

Mr. MATSON. For the very reason that the husband, if he had not been killed by accident, might have recovered from the disease or disability on account of which he drew a pension. You can not tell whether he would have died from disease contracted in the Army or not; you do not know anything about it.

If you extend the pension in these cases to the widow, the next question will be, Why not to the children when the widow is gone? And if to the children, why not to the grandchildren? Where is this thing to stop? There is a great deal involved in this little bill as I look at it; for I repeat, if this widow is entitled to be pensioned upon this state of facts, then the widows of all pensioners are entitled to receive a pension without reference to the cause of the death of the husband.

Mr. MCMILLIN. Mr. Chairman, as I had the honor during the last Congress to serve with the gentleman from Indiana and others upon the Committee on Invalid Pensions, I wish to state as to the precedents in cases of this kind that while in the committee the question was frequently raised of granting pensions in cases somewhat similar to this, I undertake to say there can not be found a single report from any committee of any Congress that goes to the extent that the gentleman from Indiana [Mr. PEELLE] would have us go in this case.

Mr. PEELLE, of Indiana. The gentleman refers to the granting of pensions to those on the civil list; and as to such cases I agree with him. But this is not such a case. This pension is asked on a different ground.

Mr. MCMILLIN. I do not care on what ground you place this case. The fact being that this man was killed in a railroad accident, that the cause of his death was not an injury received in the military service, I repeat my assertion that there is no precedent for a pension in a case of this kind, either in any act of Congress or even in the report of a committee. I defy the gentleman to find one. It can not be found, and the committee have reported properly here.

Now, the furthest any report has ever gone, as far as I have been able to learn, and I have examined the question with some care in other cases, is this: Where a man has been disabled in the military service and was afterward killed by accident, and that accident was brought about by his disability caused by his service, by his being crippled in the Army, then in one instance Congress has passed a bill to pension the party, and it was recommended by the committee, but at what rate of compensation I do not now remember. But in no instance has Congress granted a pension to a man who lost his life by a pure accident, and it will be a dark day when Congress does it.

I hope, Mr. Chairman, that the action of the Committee on Invalid Pensions will be sustained by this House. There is not a man who will look to the reports which have been made to the House by that committee who can truly say in one jot or tittle they have swerved from granting pensions. There has been no rigor applied, but on the contrary all doubts have been resolved in favor of the claimant.

But here is a case, Mr. Chairman, where Congress is asked to grant a pension—for what? For military service? No; but to grant a pension to a man who was killed in a railroad accident. Can Congress afford to do it?

Mr. STEELE. On what ground do you grant pensions to widows?

Mr. MCMILLIN. We grant pensions to widows on the ground of military service, for injury or disease contracted therein, and where the life of the party has been lost thereby. But in this case the life of the party has been lost by a railroad accident, and not from anything incurred in the military service.

Mr. STEELE. This man was in the military service and lost his life, and we propose to grant this pension because this widow is deprived of his support, upon which she was dependent, whether that life was lost by disease or accident.

Mr. MCMILLIN. The object of granting a pension is to give relief to those who have been injured in the military service, or after their death to those who have been dependent on them and have been deprived of their support. The gentleman fails to discriminate in this instance that there has been no deprivation resulting from military service. And that is the distinction which is to be drawn.

As stated by the gentleman from Indiana [Mr. MATSON], this is an important question, and once you get beyond it you will have no power to stop. For when you say you will grant a pension simply because the husband of a widow was engaged in the military service and is now dead, you depart from the precedents established by the Committee on Invalid Pensions.

Mr. STEELE. But take a case of this character, where a man is rendered helpless by wounds or disease in the military service, requiring the assistance of his wife, and gets $70 while he lives. If he dies, then she is deprived of that $70 a month, although his death may have been caused by disease or wounds in the service.

Mr. MCMILLIN. Where his death has been caused by his military service and his life has been sacrificed to his country it is an entirely different case. This man lost his life in a railroad accident.

Mr. STEELE. But his widow is deprived after that of his support, and of course of whatever pension he may have received during his lifetime.

Mr. MCMILLIN. You give your pension not simply upon the ground of wealth, because you would give to a pensioner who was worth a million of dollars a pension solely upon the ground that he deserved it because of his military services and by reason of his health having been lost, either directly or remotely, in serving his country. But that vital element in granting a pension is absolutely wanting in this case.

Mr. STEELE. But take the case of an officer in the Army, who during his lifetime gets anywhere from $100 to $200 a month; his widow as soon as he dies receives nothing. Now, does the gentleman from Tennessee think that is just, right, or equitable?

Mr. MCMILLIN. If the gentleman from Indiana wishes to switch me off and seeks an opinion from me, I will repeat what I have said over and over again upon the floor of this House, that the retired-list of the Army has been carried to a degree never warranted by any public exigency.

Mr. BAGLEY. I wish to say, Mr. Chairman, a word in behalf of the Committee on Invalid Pensions and for its protection. It is, as you well know, a hard-worked committee, and I am a hard-worked member of it. I have a half-dozen instances at least of cases which have been referred to me for examination involving practically the same question that is involved in the bill now before this committee, cases where the man lost his life in the civil service, but who formerly

served in the military service of the country and had been entitled to receive a pension. I wish to say that, in my judgment, if we open the doors to this class of cases we will be absolutely overwhelmed with them. There will be no protection to the committee, no protection to this House or to the Treasury of the Government from the vast avalanche of cases that will be brought before us. That is about all I wanted to say, and I say that simply for the protection of the committee. This class of cases ought not to be favorably recommended. It is enough for the committee to work upon cases of disability received in the military service of the United States until some general law is passed giving the widows of ex-soldiers who died in the civil service a pension. I believe it is improper to pass bills of this kind. I will say in this connection, while on the floor, that I understand there is before one of the committees of this House a bill involving this question of granting the widows of soldiers who died subsequently in the civil service of the Government or those who died from any cause a pension, where the party had, before his death, been entitled to receive it.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana [Mr. PEELLE].

The question was taken; the committee divided, and there were—ayes 50, noes 0.

So the amendment was agreed to.

Mr. MORRILL. Mr. Chairman, I move that the further consideration of the bill be indefinitely postponed.

The CHAIRMAN. That motion is not in order.

Mr. COSGROVE. I move to strike out the enacting clause of the bill.

The CHAIRMAN. The effect of the recommendation of the committee is to kill the bill. If that recommendation be adopted by the House, being an adverse recommendation, the effect that the gentleman proposes by his motion will be accomplished.

Mr. PEELLE, of Indiana. I hope the bill will be acted upon in the regular way.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation of the committee that it do lie upon the table?

The question was taken; the committee divided, and there were—ayes 41, noes 12.

Mr. PEELLE, of Indiana. Mr. Chairman, I ask my colleague if he will allow a vote in the House on this bill?

Mr. MATSON. I can not see any purpose that will be served by that. In the first place, I do not see how we can get it out of committee. I have no control of it. It is now under the control of this committee.

The CHAIRMAN. The committee, by the vote just taken, reports the bill to the House with the recommendation that it be laid upon the table.

Mr. PEELLE, of Indiana. And I ask, before that vote is announced, if my colleague will consent to a vote in the House.

Mr. MATSON. I have not the power to consent.

The CHAIRMAN. The Chair will state that it is not in the province of the gentleman's colleague, the chairman of the Committee on Invalid Pensions, to say "yes" or "no" to the proposition. The vote must be taken in the House when the bill is reported back by the committee.

Mr. PEELLE, of Indiana. Will the vote be taken when it is recommended that the bill be laid upon the table?

The CHAIRMAN. Unquestionably.

So (no further count being demanded) the bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

### MARY ULLERY.

The next business on the Private Calendar was the bill (H. R. 4234) granting a pension to Mary Ullery.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ullery, mother of Daniel Ullery, who was drowned while in the United States service as a member of Company D, Twelfth Ohio Volunteer Infantry.

The report is as follows:

An examination of the papers on file in the Pension Office shows that the claimant is the mother of Daniel A. Ullery, who enlisted in Company D, Twelfth Ohio Volunteers, June 20, 1861, and was drowned in the Ohio River, near Portsmouth, Ohio, May 9, 1863, while returning from leave of absence.

The claim was rejected by the Pension Office because the soldier, at the time of his death, was not in line of duty, having been on furlough, which was not sick or veteran furlough—the only furlough recognized by the pension laws.

It appears from the evidence that Daniel A. Ullery procured leave of absence for fifteen days to return home to the death-bed of a sister, to whom he was much attached. She died, and, after her funeral, he took passage on his return to his command, and was accidently drowned as aforesaid.

The circumstances under which he was drowned are not shown, and probably nothing further on that point can be ascertained. The news of his death was communicated to the family of the deceased and the officers of his company by a member of Company H of the same regiment, who was on the boat at the time, who then learned that Ullery fell overboard and was drowned.

That Ullery was a good soldier and a man of steady habits, and that as an affectionate son and brother contributed to the wants of his widowed mother and sister, who were dependent upon him for support, is clearly shown.

This committee are clearly of opinion that the case under consideration is meritorious, and that the relief asked for should be granted, and therefore recommend the passage of the accompanying bill.

Mr. MOREY. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. COX, of North Carolina. Mr. Chairman, I am unable to see how this bill comes within the application of the rule that the death of the party is at all connected with his duty in the Army. Here is the case of a man who is simply out of the service of the United States for the time being; a man who goes to his home not on leave of absence occasioned by sickness or disability and loses his life during his absence, and yet the committee recommend the granting of this pension. He lost his life not by reason of disability or anything that had occurred in connection with the Army, but simply because he fell overboard from the boat on which he took passage or was drowned in some other way. This may have been occasioned by his own negligence or carelessness. He may have slipped off; there might have been an accident; but I do not care whether it was an accident or otherwise, it does not affect the facts of the case as set forth by the report. But because the man is drowned in a manner totally disconnected with any service in the Army you propose to grant the pension. Now, I regard that as a departure from the rule which has been steadily followed and which the committee themselves have formulated.

Mr. MATSON. He was in the service.

Mr. COX, of North Carolina. He was in the service; I am aware of that; but he was not on any service connected with the Army at the time of his death, and had he remained with his company he might have been uninjured and probably would have been from any such cause as that which produced his death. He might be living to-day.

What are the facts? He is not at his post of duty, but returning to his home or from his home, and during that time he falls overboard or by some such accident loses his life. To all intents and purposes, therefore, he was not in the service. He was away from his command on leave of absence when the accident occurred. I object, therefore, to the passage of such a bill.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Ohio, that the bill be laid aside to be reported favorably to the House.

The committee divided; and there were—ayes 51, noes 8.

So (no further count being demanded) the bill was laid aside to be reported to the House with the recommendation that it do pass.

### ORDER OF BUSINESS.

Mr. ELDREDGE (at 9.45 p. m.). I move that the committee rise.

Mr. MATSON. I desire to say to the gentleman from Michigan that on last Friday we dispensed with the evening session on the understanding among a number of us that the evening session to-night might be prolonged in order to make up for that loss of time.

Mr. ELDREDGE. I withdraw the motion.

### ELENOR STOUGH.

The next business on the Private Calendar was the bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough, reported with an amendment.

The bill and amendment were read.

Mr. STEELE. I ask that this bill be passed over informally, and wait until the gentleman who reported it, the gentleman from Ohio [Mr. LE FEVRE], is present.

There was no objection, and it was so ordered.

### ELIZABETH FOWLER.

The next business on the Private Calendar was the bill (H. R. 2284) granting a pension to Elizabeth Fowler.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Fowler, the widow of Philo Fowler, late of Company A, Second Battalion, Seventeenth United States Infantry Volunteers of the State of Maine.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2284) granting a pension to Elizabeth Fowler, have had the same under consideration, and report as follows:

Elizabeth Fowler is the widow of Philo Fowler, late of Company A, Second Battalion, Seventeenth United States Infantry Volunteers of Maine, who was pensioned for wounds received at Gettysburg, and who died May 27, 1878. On the 29th of November following his death his widow filed her application for a pension in her own right, which was denied on the ground that the immediate cause of her husband's death, to wit, "hemorrhage of the stomach," was not the result of injuries for which he was pensioned nor due in any way to the same. On examination of the declaration and the papers submitted therewith your committee are unable to agree with the medical expert who rejected the case, and the reasons are briefly as follows:

Philo Fowler at the time of his enlistment, May 25, 1862, was in the very prime of life, healthy, strong, and full of vital force and energy; in three years he returned crippled for life and a confirmed invalid, and the cause was his Army experiences. He has no hospital record up to July, 1863, but at Gettysburg, while in line of duty and in action with the enemy, he was severely wounded in both knees, and lay on the field of battle five days uncared-for, through drenching rains and scorching suns, before he was removed to hospital at Harrisburg. There he remained several months, suffering more than the pains of death, unable to be moved, lying, as he says, in one position till his clothes rotted under him.

He was several times placed on the table to have his limbs amputated; was once carried to the dead-house supposed to be dying, and was for several weeks

too low to speak; and yet, against all expectations, he recovered sufficiently to be sent to Portland, Me., where, on May 26, 1865, after three years of service and suffering, he was discharged, and returned to his home crippled, broken in health, with vital energies impaired, the wreck of his former self, and there, after lingering in pain and suffering thirteen years, he died; and yet this medical expert says "his death was not the result of his injuries nor due in any way to the same."

Dr. Hall, a physician of sixteen years' practice, testifies that he became acquainted with Philo Fowler soon after his discharge in 1865, learned his history, and became interested in the case, though he soon became satisfied medical treatment could not restore him. It was obvious that beyond the local injuries the soldier's vital energies were much reduced, his constitution broken, and his health permanently impaired. Deponent knew and observed said Fowler from his return home in June, 1865, to his death in 1878, and knows that he did not recover his health and tone, owing to the severe ordeal through which he passed while in the Army, and states professionally that the result of the hardships endured in service and hospital followed said soldier to his grave, and, if not the sole and immediate cause of his death, naturally hastened his end. Again, Dr. Hall says:

"The condition and appearance of said soldier, as I knew and observed him from the time he came home from the Army, and the developments of the post-mortem examination, clearly indicate former acute disease of the lungs. His wounds, injuries, and exposures not only tend, but were almost sure to produce such lung disease; that he has seldom seen a case in which cause and effect could be more clearly traced or in which the several steps were more obvious and consecutive."

To the lay mind there is no doubt that the injuries and sufferings of this soldier, consequent upon his military service, brought him to a premature grave, and under a fair construction of the law his widow is entitled to a pension. But in the examination of the papers it further appears that the life of the husband was not the only one sacrificed by this widow on the altar of patriotism. At the time of the enlistment of the father, Chauncy Fowler, an only son and child of Philo and Elizabeth Fowler, a boy 15 years of age, also enlisted in the same company, and served together till the vicissitudes of war separated them at the memorable battle of Gettysburg.

This son, after participating in seventeen actions, was made prisoner of war, confined at Belle Isle, and afterwards at Salisbury, N. C.; finally exchanged, furloughed, and sent North to his mother, a mere skeleton of the brave boy who left home three years before. By careful nursing he so far recovered as to return to Annapolis, and was honorably discharged June 13, 1865, but he never recovered his health. Exposure and starvation brought on curvature of spine and other consequent diseases, making him a confirmed invalid, requiring constant nursing till he died, May 26, 1874, at the early age of 26 years.

Elizabeth Fowler is now childless and a widow, with no means of support except her daily labor. The house in which she lives and from which she has buried both son and father is mortgaged to nearly its full value. The pension of her husband ceased at his death, and her application in her own right has been denied on the technicality "that his death was not the result of injuries for which her husband received a pension, nor due in any way to the same."

Believing that injustice has been done in denying her application and in refusing to reopen the case, your committee are of the opinion that the bill should pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES D. DUNCAN.

The next business on the Private Calendar was the bill (H. R. 1024) granting a pension to Charles D. Duncan.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Duncan, late of Company B, Fourth Regiment New York Heavy Artillery Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1024) granting a pension to Charles D. Duncan, having considered the same, beg leave to submit the following report:

The petitioner, on his own showing and that of one comrade, was wounded at the battle of Ream's Station, Va., on or about the 25th day of August, 1864, by the bursting of a shell, which broke two ribs in his left side. To this the claimant swears, and the affidavit of the comrade, William Schermerhorn, avers that at the time before stated, while in battle at Ream's Station, Duncan received a severe wound in the left side, caused by the fragment of a shell. Affiant states that he was present participating in said action with his comrade. His claim was rejected by the Pension Office on the ground of "no record of alleged wound, and inability to furnish evidence to show that it was received in the service and line of duty, and that he cannot furnish testimony of company officers or two privates." Duncan swears that the commissioned officer who was in command was killed during the battle—Second Lieut. J. P. Flanagan. The captain was not present. The patient was treated at field hospitals and several other hospitals, but the record seems to show that it was for diarrhea and debility from miasmatic diseases.

The testimony of his physician shows that there was an injury to the side, for he says that he had known him for many years, and with the exception of an attack of rheumatism, never knew him to be sick before enlistment. Dr. W. S. Layman, the physician who makes this affidavit, further says that he treated the soldier while on a furlough for an injury to the left side and a fracture of the ribs on or about the 8th of November, 1864. He treated the soldier again after discharge for a functional derangement of the liver, and that he was partially disabled from the injury to the left side.

The soldier enlisted December 16, 1861, as a private in Company B, Fourth Regiment New York Heavy Artillery, and was honorably discharged at Fairfax Seminary, Virginia, on the 27th December, 1864. As the soldier served faithfully, and received serious wounds which disable him, it seems that he should not be deprived of his pension because he can not furnish the full line of evidence required by the law. The committee think him entitled to a pension, and therefore recommend the passage of bill H. R. 1024, which simply places him upon the pension-roll subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with a favorable recommendation.

CAROLINE LAUFFER.

The next business on the Private Calendar was the bill (H. R. 1057) granting a pension to Caroline Lauffer.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline Lauffer, widow of Jacob Lauffer, late of Company C, Sixth Connecticut Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1075) granting a pension to Caroline Lauffer, having had the same under consideration, beg leave to make the following report:

The petitioner is the widow of Jacob Lauffer, late private in Company C, Sixth Connecticut Volunteers, who received a gunshot wound at Bermuda Hundred, Va., June 17, 1864, and was pensioned "for resection of the head of left humerus," receiving $5.33½ per month from January 12, 1865; increased to $6 per month September 4, 1865, and again increased to $18 per month from November 1, 1872, and was last paid June 3, 1877, the soldier dying June 11, 1877. The increase of pension indicates that the disability was progressive. He left surviving four children, all of whom are under 16 years of age.

The widow's application for pension was filed December 31, 1877. The Pension Office rejected the claim on the ground that the fatal disease, "disease of kidneys and anasarca, was not the result of the resection of the wounded shoulder, and that the evidence does not show that said disease originated in the service."

In refutation of this conclusion we have the testimony of Dr. P. W. Mull, the physician who attended the soldier in his last illness. After giving a lengthy diagnosis of the case, showing when the soldier died, he concludes as follows:

"That his death was plainly due to waxy degeneration of the kidneys, and there is no reason to doubt that the disease was brought on by the prolonged suppuration from his wound. The gunshot wound in the shoulder, with its slow recovery, and the prolonged debility that attended it, stands in a true causation relative to the kidney disease, its complications with pneumonia and pleurisy, and death, finally, from general anasarca."

Dr. W. W. Ellsworth, in examining the soldier for an increase of pension, September 5, 1865, states that "the removal of three and a half inches of the upper end of the humerus, with a space now of two inches between the shaft and the glenoid cavity, leaves his upper arm no better than a rope."

Dr. A. P. Cook, examining surgeon, made also diagnosis of the soldier's disability in substance as above, and adds:

"He claims weakness and great tenderness, also inability to rest on his shoulder and arm. Has kidney and dropsical trouble; prognosis unfavorable."

The evidence of these surgeons indicates that the disease was continuous and progressive, and that it is not at all improbable that the death of the soldier was caused from the wound received at Bermuda Hundred.

The widow swears that she is very poor; and the fact that she has four children to support, and that her husband served faithfully and received severe wounds in the service, combined with the belief that his death was traceable to said wounds, impels your committee to say that she should have the relief asked, and therefore recommend the passage of bill H. R. 1075.

The bill was laid aside to be reported to the House with a favorable recommendation.

MRS. SEELYE, ALIAS FRANKLIN THOMPSON.

Mr. MATSON. In order that we may adjourn in good humor, I propose that the House shall hear a little romance. I ask that the bill (H. R. 5335), on page 36 of the Calendar, be taken up out of its order, and after that is disposed of I shall move that the committee rise.

The CHAIRMAN. Is there objection to the bill indicated by the gentleman from Indiana being taken up out of its order? The Chair hears none.

The bill was read, as follows:

A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson.

*Be it enacted, &c.*, That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Sarah E. E. Seelye, alias Franklin Thompson, who was late a private in Company F, Second Regiment of Michigan Infantry Volunteers, at the rate of $12 per month.

The report was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson, submit the following report:

It appears from the certificate of the adjutant-general of the State of Michigan that Franklin Thompson enlisted in Company F, Second Regiment Michigan Infantry, May 25, A. D. 1861, at Detroit, Mich., and was duly mustered into the service of the United States for the term of three years, and, further, that he deserted at Lebanon, Ky., April 22, 1863.

From the time of enlistment up to that date the concurrent testimony of both comrades and officers is unanimous and highly eulogistic of the character, conduct, and meritorious services of said soldier. For nearly two years he remained with his regiment, sharing in all its toils and privations, marching and fighting in the various engagements in which it participated from the first disastrous battle at Bull Run and McClellan's peninsula campaign, and all through his memorable seven-days' fight across the peninsula to the James River. Through that ordeal, which taxed the endurance and courage of the strongest and bravest, he passed without a murmur, never absent from duty, obeying all orders with intelligence and alacrity, his whole aim and desire to render zealous and efficient aid to the Union cause. With his regiment he returned from the peninsula, and through subsequent movements of the Army, in the spring of 1863, the Second Michigan Infantry was at Lebanon, Ky., and then, as appears from the testimony, for the first time, Frank Thompson, suffering from malarial chills, applied for a furlough. William Shakspear, now quartermaster-general of Michigan, testifies as follows:

"I was a member of Company K, Second Michigan Infantry, from its organization until June, 1864; was well acquainted with Frank Thompson, of Company F, of the same regiment; knew he was a strong, healthy, and robust soldier, ever willing and ready for duty; [and further says:] I never knew of said Frank Thompson being sick, except in the spring of 1863, when he had chills. The exposure during the peninsula campaign, it is alleged, brought on malarial chills, and his application for furlough having been denied, the alternative was the hospital or absence without leave. He chose the latter, and the heretofore willing, cheerful soldier, who up to this time had always responded at roll-call and reveille, henceforth was marked a deserter."

Truth is ofttimes stranger than fiction, and now comes the sequel. Sarah Emma Edmons, now Sarah E. Seelye, alias Franklin Thompson, is now asking this Congress to grant her relief by way of a pension on account of failing health, which she avers had its incurrence and is the sequence of the days and nights she spent in the swamps of the Chickahominy in the days she went soldiering.

That Franklin Thompson and Mrs. Sarah E. E. Seelye are one and the same person is established by abundance of proof and beyond a doubt. She submits a statement, under oath, setting forth her history from the time of her enlistment at Detroit to the present time, and also the testimony of ten credible witnesses, men of intelligence, holding places of high honor and trust, who positively swear she is the identical Frank Thompson who enlisted in Company F, Second Michigan Infantry, May 25, 1861. Her history from the time she left the

camp at Lebanon to the close of the war is mainly interesting and pertinent to this report as showing that though by the rules of war a deserter, yet her course and conduct after shows the same zeal in the service of her country in her proper character as actuated her when she first dedicated herself to the cause which she felt to be the highest and noblest that can actuate man or woman.

On leaving the regiment at Lebanon she went to Oberlin, Ohio, and for about a month retained her assumed character as a Union soldier; but the disease which she had contracted not readily yielding, she abandoned the idea of again joining her regiment and assumed her proper dress, and while recovering her health wrote a book, called The Nurse and Spy, and arranged with Hurlbut & Co., of Connecticut, to publish it, who testify to that fact, and that it had a circulation of about 175,000 copies; also that the author's share of profits was given to the Christian Sanitary Commission by the author, who herself joined the commission, and served as nurse in hospitals along the lines till the close of the war, dispensing her charities, which Hurlbut says was many hundred dollars, to the sick and wounded soldiers, relieving their necessities and aiding to restore them to health and the service of their country, and in this way rendered much more valuable aid to the cause nearest her heart than she could possibly have done as a soldier in the ranks. The several affidavits of General William Shakespear, Col. William B. McCreary, Lieutenant-Colonel Schneider, Col. Sylvester Larned, Capt. Damon Stewart, Capt. William R. Morse, and Comrade Milton S. Benjamin all testify positively as to her identity with Frank Thompson, and also to her Christian character and good services while in the Army.

Tho. Barrett, M. D., of Fort Scott, Kans., testifies that he has examined Mrs. Emma E. Seelye, and finds her suffering from symptoms of disease of the heart, which may be the sequel of inflammatory rheumatism; also has disease of liver. The viscus is enlarged; the skin and cornea have a yellow tinge. There is enlargement of spleen and symptoms of disease of kidney.

In view of her failing health, and the fact that her husband has no income except from his daily labor, and that she and her family are in indigent circumstances, your committee recommend the passage of the bill.

Mr. COX, of North Carolina. Of course I am too gallant a man to oppose the passage of this bill; but I would like to inquire of the gentleman from Iowa [Mr. HENDERSON] why, if the examination of the surgeons was so thorough as he has stated, the surgeons in this case did not discover the facts? [Laughter.]

Mr. HENDERSON, of Iowa. I have not heard the gentleman's question.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had, according to the special order of the House, had under consideration the pension bills on the Private Calendar, and had directed him to report back sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2325) granting a pension to Helen M. Harrison;

A bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant of Company A, Sixty-third Regiment Pennsylvania Volunteers;

A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;

A bill (H. R. 267) granting a pension to James King;

A bill (H. R. 2551) granting a pension to Charles Munroe;

A bill (H. R. 1491) granting a pension to Sarah L. Harvey, mother of G. B. Harvey;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 297) granting a pension to Violet Calloway;

A bill (H. R. 5259) granting a pension to Julia A. Ross;

A bill (H. R. 4234) granting a pension to Mary Ullery;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler;

A bill (H. R. 1024) granting a pension to Charles B. Duncan;

A bill (H. R. 1075) granting a pension to Caroline Lauffer; and

A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson.

Amendments reported to the following bills were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3625) granting an increase of pension to Levi Anderson;

A bill (H. R. 2714) to increase the pension of Thomas E. Wilson;

A bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman;

A bill (H. R. 254) granting a pension to John Robbins;

A bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis;

A bill (H. R. 394) granting a pension to Mrs. M. C. Jones;

On motion of Mr. MATSON, the title was amended so as to read: "A bill granting a pension to Mrs. Mary C. Jones."

A bill (H. R. 2319) granting a pension to Laura C. P. Haskins.

On motion of Mr. SUMNER, of Wisconsin, the title was amended so as to read "A bill granting a pension to Laurena C. P. Haskins."

AMANDA E. HOYT.

The bill (H. R. 3603) granting a pension to Amanda E. Hoyt was reported from the Committee of the Whole House with an adverse recommendation.

The SPEAKER *pro tempore*. If there be no objection, the bill will be laid upon the table.

Mr. PEELLE, of Indiana. There is an amendment which I ask may be voted upon.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "from and after the 27th day of August, 1883," and insert "from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid on the table.

Mr. MATSON moved to reconsider the votes by which the several pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 25 minutes p. m.), the House adjourned until Monday next.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: Petition of the Chamber of Commerce of Charleston, S. C., asking the passage of H. R. 4483, to promote the efficiency of the revenue-marine service, and to have a light-ship located at Smith's Island, Cape Charles shoals, Maryland—severally to the Committee on Commerce.

Also, petition of the Chamber of Commerce of Charleston, S. C., asking a suspension of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BLAND: Petition by citizens of Rolla, Mo., for the extension of the Signal Service—to the Committee on Military Affairs.

By Mr. BRENTS: Resolutions of mass meeting held at Yakima City, Wash., relative to the land grant of the Northern Pacific Railroad—to the Committee on the Public Lands.

By Mr. T. M. BROWNE: Remonstrance of 603 citizens of Wayne County, Indiana, against the legislation proposed by House bills 3617, 3925, and 3934, and S. 1558—to the Committee on Patents.

Also, resolutions of similar import of a meeting of manufacturers and inventors of the city of Richmond, Ind.—to the same committee.

By Mr. W. W. BROWN: Petition for increase of widows' pension—to the Committee on Invalid Pensions.

Also, memorial of Government employés, asking for the enforcement of the eight-hour law and for pay for extra services—to the Committee on Labor.

By Mr. CLAY: Petition of L. Stevens, relating to his claim for property taken during the war—to the Committee on War Claims.

By Mr. COVINGTON: Petition of citizens of Kent and Queen Anne Counties, Maryland, and members of the Corn and Flour Exchange of Baltimore, for an appropriation for the improvement of Chester River, Maryland—to the Committee on Rivers and Harbors.

By Mr. CULLEN: Petition of G. R. Aitken, George Spencer, and 100 others, citizens of Ottawa, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. CUTCHEON: Petition of E. H. Green and others, citizens of Charlevoix, Mich., favoring the establishment of a soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. DIBBLE: Memorial and resolutions of the Chamber of Commerce of Charleston, S. C., in favor of H. R. 4483, to promote efficiency of revenue-marine service—to the Committee on Commerce.

Also, memorial of the Chamber of Commerce of Charleston, S. C., asking for the location of a light-ship at Smith's Island, Cape Charles shoals, Maryland—to the same committee.

Also, memorial of the Chamber of Commerce of Charleston, S. C., concurring in the action of the Chamber of Commerce of New York in favor of suspending compulsory coinage of silver and discontinuing further issue of one and two dollar bills—to the Committee on Coinage, Weights, and Measures.

By Mr. DUNHAM: Petition of citizens of Colehour, Cook County, Illinois, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. J. H. EVINS: Memorial of the Chamber of Commerce of Charleston, S. C., in favor of H. R. 4483, to promote the efficiency of the revenue-marine service—to the Committee on Commerce.

Also, memorial of the Chamber of Commerce of Charleston, S. C., asking for the location of a light-ship, with fog signal, at Smith's Island, Cape Charles shoals, Maryland—to the same committee.

Also, memorial of the Chamber of Commerce of Charleston, S. C., in favor of the suspension of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. ERMENTROUT: Memorial of the Union League Club, for repeal of duties on works of art—to the Committee on Ways and Means.

By Mr. A. S. HEWITT: Petition of Dr. J. M. Hunter, of New York, relative to a new motive power especially adapted for ocean service—to the Committee on Naval Affairs.

By Mr. HOUK: Petition of Jennette McLelland, for a pension—to the Committee on Invalid Pensions.

By Mr. KASSON: Petition of citizens of Des Moines, Iowa, for additional clerks in Internal-Revenue Department to settle tobacco-rebate claims—to the Committee on Appropriations.

By Mr. LIBBEY: Resolutions adopted by the common council and concurred in by the select council of Norfolk, Va.; of the merchants and manufacturers of Norfolk, Va., and of the Norfolk and Portsmouth Cotton Exchange, recommending the establishment of a national quarantine at Fisherman's Inlet, Cape Charles—severally to the Select Committee on the Public Health.

By Mr. MORRISON: Memorial of W. S. Bookins and others, citizens of Downer's Grove, Ill., to reduce duties on imports and war-tariff taxes—to the Committee on Ways and Means.

Also, memorial of A. H. Brown and others, citizens of Ashley, Ill., for passage of the law prayed for by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MULDROW: Papers relating to the claim of Theodore C. Lyon—to the Committee on Claims.

By Mr. NELSON: Resolution of Saint Paul Chamber of Commerce, relative to head of navigation on the Minnesota River—to the Committee on Commerce.

By Mr. CHARLES O'NEILL: Preamble and resolutions of woolgrowers and business men of many States and Territories, protesting against the enactment of the Morrison tariff bill and favoring the restoration of the duty on wool and woolens to the rate in the tariff act of 1867—to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Little Sisters of the Poor, for an appropriation by Congress to aid them in making an addition to the present home—to the Committee on Appropriations.

By Mr. REED: Petition of James McGowan, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of James H. McMullin and others, in favor of pensioning Mrs. Mary Hickey—to the same committee.

By Mr. SCALES: Memorial of Joseph Bradfield and others, from Stokes County, North Carolina, in relation to education—to the Committee on Education.

By Mr. TILLMAN: Petition of citizens of Spartanburg, York, Lancaster, Fairfield, Edgefield, and Union Counties, South Carolina, protesting against the passage of Senate bill for the erection of United States court-house at Greenville, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. J. S. WISE: Petition of members of the bar of Richmond, Va., and of Norfolk, Va., asking for the increase of United States judges' salary—severally to the Committee on the Judiciary.

By Mr. WOODWARD: Petition of S. W. Clark and 83 others, citizens of Viroqua, Wis., against discontinuing the coinage of silver dollars until after the expiration of two years—to the Committee on Coinage, Weights, and Measures.

## SENATE.

### MONDAY, *March* 31, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in answer in part to a resolution of the 20th ultimo, copies of communications from the United States attorney for Northern Florida, under date of May 15, 1882, and March 25, 1884, relating to the Arredondo grant, in Columbia County, Florida, and suits brought against the United States thereunder; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a letter from the Attorney-General, communicating, in answer to a resolution of the 25th instant, his reasons for omitting to furnish certain information requested in the resolution of the 23d of January relative to the compensation of special attorneys in the star-route cases.

The PRESIDENT *pro tempore*. The Chair will state that the Chair received the communication of the 28th of February, here referred to, and understood it, as it expressed itself, to be an inquiry whether a previous letter had been received. The Chair replied that it had been received and had been referred to the Committee on Appropriations; that it was not the custom of the President of the Senate to acknowledge the receipt of official communications, and that the second communication of the Attorney-General, which inclosed a copy of the first, would be laid before the Senate if desired. No answer was received, and as it was merely a repetition, the Chair did not lay it before the Senate.

The letter will be printed and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of Kansas; which was read, and referred to the Committee on Indian Affairs, as follows:

House concurrent resolution No. 4, relating to the payment of sufferers from the raid of Cheyenne Indians across the western part of Kansas in 1878.

Whereas during the year 1878 the Cheyenne Indians made a raid across the western part of Kansas; and

Whereas many persons were killed and a large amount of property was destroyed; and

Whereas a few of the claims have been paid; and

Whereas many of said claims for damages now remain unpaid and unadjusted; and

Whereas some of the sufferers lost everything they possessed and have never been able to recover any part of said property, and are now getting old and are in needy circumstances: Therefore,

*Be it resolved by the House of Representatives (the Senate concurring)*, That our Senators be instructed and our Representatives requested to use all proper measures to secure a speedy settlement of these claims now remaining unpaid.

*Resolved*, That the secretary of state be instructed to forward a copy of these preambles and resolutions to the President of the Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Mr. ALDRICH. I present a memorial of the city council of Providence, R. I. As it is short, I ask that it may be read.

The memorial was read, and referred to the Committee on Commerce, as follows:

*The City of Providence to the honorable Senate and House of Representatives of the United States:*

The city council of the city of Providence respectfully represent that the business interest of the city, and of all that part of the New England States which centers here and makes Providence its market and port of shipment, requires a continued improvement of Narraganset Bay and Providence River and Harbor in removing the obstructions existing therein to the passage of vessels. The contemplated changes and improvement in railroad facilities in the city and the further improvement of our harbor and bay will be of great advantage in facilitating general business, and can not be overestimated for the future growth and prosperity of this section of New England.

The increase of importations, both foreign and domestic, into this port brought by vessels of greater tonnage is an important matter, and is one that would lead the city council to ask the honorable Senate and House of Representatives to continue the work of improvement, which, so far as has been done, has been of great benefit. The increased depth of channel dredged by the General Government has been of great advantage to this city and vicinity. The main channel should be widened and in many places straightened, and obstructions to its safe navigation now existing should be removed. The city council therefore respectfully ask the honorable Senate and House of Representatives to make such additional appropriations as are necessary for improving the harbor of Providence and Narraganset Bay that the location and natural advantages entitle them to.

Read; whereupon it is ordered that the same be received.

Passed: In common council March 3, 1884; in board of aldermen, March 6, 1884.

A true copy.

Witness:

HENRY V. A. JOSLINE, *City Clerk.*

Mr. DAWES presented the petition of Clayton Lippincott and others, citizens of Moorestown, Burlington County, New Jersey, praying for an increase of appropriations for Indian education; which was referred to the Committee on Appropriations.

Mr. CAMERON, of Wisconsin. I present a memorial signed by various persons and firms engaged in the manufacturing business at Racine, Wis., remonstrating against the passage of the following bills relating to patents for inventions, namely: House bill No. 3925, relating to recoveries, &c., in infringement cases; House bill No. 3934, relating to users of patented articles, &c.; House bill No. 3617, reducing the duration of letters patent to five years; and Senate bill No. 1558, relating to defenses in suits for infringement, &c. I move that the memorial be referred to the Committee on Patents.

The motion was agreed to.

Mr. COKE presented the petition of Juan S. Hart, administrator of the estate of Simeon Hart, deceased, praying that Congress will authorize the payment of certain lost checks, drawn by disbursing officers of the United States, upon the execution by the petitioner of a sufficient indemnifying bond against their repayment by the United States; which was referred to the Committee on Claims.

Mr. CONGER presented a petition of A. C. Dubois and 21 others, citizens of Michigan, praying for the passage of the bill (S. 855) to repeal an act relating to vinegar factories established and operated prior to March 1, 1879, approved June 14, 1879; which was referred to the Committee on Finance.

Mr. BUTLER presented resolutions of the Charleston (S. C.) Chamber of Commerce, in favor of the suspension of the coinage of the silver dollar; which were referred to the Committee on Finance.

He also presented a memorial of the Charleston (S. C.) Chamber of Commerce, favoring the establishment of a light-ship on Smith's Island, Cape Charles's shoals, Maryland; which was referred to the Committee on Commerce.

He also presented a preamble and resolution of the Charleston (S. C.) Chamber of Commerce, in favor of the passage of the bill (H. R. 4483) to promote the efficiency of the revenue-marine service; which was referred to the Committee on Commerce.

He also presented the petition of J. E. Nelson, of Grahamville, S. C., praying for the passage of legislation to facilitate the execution of the pension laws; which was referred to the Committee on Pensions.

Mr. VOORHEES presented a petition of 483 citizens of Yakima County, Washington Territory, praying that the lands which lie along the Cascade branch of the Northern Pacific Railroad be forfeited and

opened for settlement; which was referred to the Committee on Public Lands.

He also presented a letter from the Secretary of War, addressed to himself, inclosing a report from Col. W. E. Merrill, Corps of Engineers, in relation to the improvement of the Ohio River at and near the city of Lawrenceburg, Ind.; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1455) for the relief of D. O. Adkinson, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 85) for the relief of the Citizens' Bank of Louisiana, reported it with amendments, and submitted a report thereon.

Mr. CAMERON, of Wisconsin. I desire simply to state that the report made by the Senator from Tennessee [Mr. JACKSON] is not unanimous; that the Senator from Oregon [Mr. DOLPH] and I dissent from it; and we ask to be permitted at some future time to submit our views dissenting from the report.

The PRESIDENT *pro tempore*. The views of the minority will be received hereafter, if there be no objection.

Mr. SLATER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 929) granting a pension to Caroline Treckell, to report it adversely. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 1824) to establish a forest reservation on the headwaters of the Missouri River and the headwaters and Clark's Fork of the Columbia River, reported it without amendment.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1839) for the erection of a public building at Chattanooga, Tenn., reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 634) for a public building at Opelousas, La.;

A bill (S. 1740) for the erection of a public building at Troy, N. Y.; and

A bill (S. 877) to provide for the construction of a public building at Portland, Oreg.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 1949) granting a pension to Elise Burke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORRILL introduced a bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRISON introduced a bill (S. 1951) granting a pension to Martin Bever; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 1952) for the relief of the legal representatives of John Geisel, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1953) for the relief of Michael Riley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1954) making an appropriation to pay the expenses of a military expedition for the exploration of the Territory of Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 1955) authorizing the Secretary of War to loan to the Richland Volunteer Rifle Company, of Columbia, S. C., fifty breech-loading Springfield rifles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 1956) for the relief of Mrs. E. G. C. Abbott; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 1957) granting a pension to Henry W. Edens; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JACKSON introduced a bill (S. 1958) to authorize the increase of the capital stock of the First National Bank of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 1959) to amend an act entitled "An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes," &c.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 1960) for the relief of Mary Howard Farquhar; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1961) supplementary to an act approved June 19, 1878, giving to the Court of Claims jurisdiction of the Caldera claims upon the Chinese indemnity fund; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MAHONE introduced a bill (S. 1962) to allow drawback on imported materials used in the manufacture of tobacco, snuff, and cigars exported from the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. VAN WYCK (by request) introduced a bill (S. 1963) for the relief of J. G. Fill, Edward Harper, and George Burnham; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HAWLEY introduced a bill (S. 1964) granting an increase of pension to Mrs. Kate M. Rodgers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 1965) to extend the letters patent granted to Charles H. Field; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 1966) granting the right of way to the Saint Louis and Baxter Springs and Mexican Railroad Company through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins;

A bill (H. R. 254) granting a pension to John Robbins;

A bill (H. R. 267) granting a pension to James King;

A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;

A bill (H. R. 297) granting a pension to Violet Calloway;

A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;

A bill (H. R. 1024) granting a pension to Charles B. Duncan;

A bill (H. R. 1075) granting a pension to Caroline Lauffer;

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman;

A bill (H. R. 1327) for the relief of J. H. Hammond;

A bill H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant of Company A, Sixty-third Regiment Pennsylvania Volunteers;

A bill (H. R. 1491) granting a pension to Sarah L. Harvey, mother of G. B. Harvey;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler;

A bill (H. R. 2319) granting a pension to Laurena C. P. Haskins;

A bill (H. R. 2325) granting a pension to Helen M. Harrison;

A bill (H. R. 2551) granting a pension to Charles Munroe;

A bill (H. R. 2714) to increase the pension of Thomas E. Wilson;

A bill (H. R. 3625) granting an increase of pension to Levi Anderson;

A bill (H. R. 3936) for the relief of Benjamin F. Millard;

A bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;

A bill (H. R. 4234) granting a pension to Mary Ullery;

A bill (H. R. 4268) granting an increase of pension to Dr. Samuel Davis;

A bill (H. R. 5259) granting a pension to Julia A. Ross; and

A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson.

PATENT OFFICE DEPARTMENT.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. PLATT. I ask that the Senate will consider the bill which I introduced on the 24th instant, being the bill (S. 1924) providing for the organization of the Patent Office into an independent department, and for giving it the exclusive control of the building known as the Patent Office and of the fund pertaining to that office. I gave notice that I would at this time ask to submit some remarks upon the bill. The bill lies upon the table.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to take from the table for consideration, with a view to his submitting some remarks upon it, the bill indicated by him. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate. Does the Senator from Connecticut desire to have the bill read at length?

Mr. PLATT. I do not care to have it read.

Mr. FRYE. Will the Senator yield to me for a moment to call up a matter which will not cause any discussion?

Mr. PLATT. If it will cause no discussion I shall be glad to yield to the Senator, but if it is going to give rise to discussion I should be very glad to conclude my remarks before 2 o'clock to-day if I can.

Mr. FRYE. I will not disturb the Senator.

Mr. PLATT addressed the Senate. Having spoken till 2 o'clock,

The PRESIDENT *pro tempore*. The Senator from Connecticut will please suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. HARRIS. I ask unanimous consent that the unfinished business may be informally laid aside in order that the Senator from Connecticut may conclude his remarks.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the unfinished business be informally laid aside in order that the Senator from Connecticut may continue his remarks. Is there objection?

Mr. BLAIR. I would like to ask the Senator if he can give some intimation as to the length of time he will probably occupy. I do not rise for the purpose of objecting, but I would like to know how long he will speak. If it embarrasses the Senator, I do not ask him to answer; but I supposed he might give some idea.

Mr. PLATT. It occurs to me that if I tell how long it will take me to finish, very likely the Senator will run away. [Laughter.] I would rather not make any definite statement on that subject.

Mr. BLAIR. If the Senator means to take up the whole afternoon, I should like to know it.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Tennessee? The Chair hears none. The Senator from Connecticut will proceed.

Mr. PLATT. Mr. President, I do not think that the bill which I have introduced is by any means a perfect bill. It is not original with me. It is a bill which was introduced, I think, in the Forty-fifth Congress by Mr. Phelps, a member of the House of Representatives from Connecticut. I am not aware that any action was taken upon it in the House, but it will serve to bring before the committee and before Congress a matter which I think is important, and the favorable consideration of which I think is essential to the best interests and welfare of this country.

The growth of our patent system, its vast importance, its intimate connection with and direct influence upon the property of the country demand that it shall receive a degree of attention which it can not and will not receive while it remains a merely subordinate bureau of the Interior Department.

The patent system has its foundation in the Constitution of the United States. In the grant of enumerated powers, article 1, section 8, and paragraph 8, we find this power granted to Congress:

> To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

When the fathers wrote that clause into the Constitution of the United States they builded better than they knew. They knew indeed that the prosperity of every nation must depend largely upon the progress of the useful arts. They knew that if this country was to attain the glory and the power which they hoped for it, it must be along the road of invention; but they could not, the wildest dreamer, the statesman with the most vivid imagination could never have dreamed, could never have imagined the blessings, the beneficial results which should flow and have flowed from the exercise of the power thus granted to Congress. The foundations which they then laid of our progress, our welfare, our strength, and our glory were granite, and we have builded wisely upon them; but I think that we may do much to improve the temple which has been reared.

I wish I knew the author of that clause in the Constitution. I have sought diligently in the records of those days that I might discover who he was. It was not in the original draft of the Constitution presented by Mr. Pinckney to the convention on May 29, 1787. In that draft, immediately after the power given to Congress to establish post-roads, was the power to establish a national university at Washington; but when the Constitution came finally to be adopted the power to establish a national university at Washington had disappeared from the original draft or plan presented by Mr. Pinckney, and the present clause granting Congress the power to promote the progress of the useful arts seems to have taken its place.

The first reference that I find to it is in the debates of the convention. In Elliot's Debates, volume 5, page 439, I find that on the 18th of August:

> *In Convention*—Mr. Madison submitted, in order to be referred to the committee of detail, certain powers, as proper to be added to those of the general legislature.
>
> Among these proposed powers are enumerated the following:
>
> To secure to literary authors their copyrights for a limited time. * * * To encourage, by premiums and provisions, the advancement of useful knowledge and discoveries.

On the same day Mr. Pinckney submitted certain propositions as to the powers proper to be granted to Congress, among which was the power "to grant patents for useful inventions," also "to secure to authors exclusive rights for a certain time." The committee of eleven, through Mr. Brearly, reported on the 5th of September five clauses which it was proposed to incorporate in the Constitution. The fifth clause was the one relating to the progress of science and the useful arts:

> To promote the progress of science and the useful arts by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

It is *verbatim* the clause which is at present in the Constitution. It appears that this clause was agreed to without contradiction. It seems to have excited but comparatively little interest at that time. Very slight reference is made to it in the Federalist. The only reference that I find is in No. 43 of the Federalist, on page 338, a paper by Mr. Madison, in which he says:

> The fourth class comprises the following miscellaneous powers:
>
> 1. A power to "promote the progress of science and useful arts by securing for a limited time to authors and inventors the exclusive right to their respective writings and discoveries."
>
> The utility of this power will scarcely be questioned. The copyright of authors has been solemnly adjudged in Great Britain to be a right at common law. The right to useful inventions seems with equal reason to belong to the inventors. The public good fully coincides in both cases with the claims of individuals.
>
> The States can not separately make effectual provision for either of the cases, and most of them have anticipated the decision of this point by laws passed at the instance of Congress.

It had been the practice of the State Legislatures in some of the States, and especially in the State of Connecticut, upon petition to grant patents to inventors. I am not aware that any public act providing for the granting of patents was ever adopted in any State prior to the adoption of our Federal Constitution; but I find that in Connecticut quite a large number of patents were granted upon petition. I have here a list of some of them furnished me by the kindness of the State librarian, Mr. Hoadly:

> Volume VI, page 25. To Edward Hinman, for making molasses from corn-stalks; ten years. October, 1717.
>
> Volume VI, page 79. To John Prout, &c., for making linseed-oil; twenty years. October, 17, 1718. A new grant to the same (page 143) for making linseed and rape oil. October, 1719; twenty years.
>
> Volume VI, page 312. Ebenezer Fitch, slitting mill; fifteen years. May, 1722.
>
> Volume VI, 572. Richard Rogers, making duck; seven years. October, 1725.
>
> Volume VII, 174. Samuel Higley, &c., making steel; ten years. May, 1728.
>
> Volume VIII, 395. Samuel Willard, &c., making potash; ten years. May, 1741.
>
> Volume VIII, 338. Thomas Fitch, &c., making steel; fifteen years. October, 1740.
>
> Volume IX, 281. Thomas Darling, making glass; twenty years. May, 1747.
>
> Volume X, 231. Jabez Hamlin, &c., flax dressing; fifteen years. October, 1753.
>
> October, 1783. Benjamin Hanks. A clock which will wind itself up; fourteen years.
>
> 1780. Mosely & Little. Exclusive privilege of making glass; fifteen years (probably they did not set up works). For January, 1783, exclusive privilege of making glass for twenty years was granted to William and Elisha Pitkin.
>
> June, 1784. William Pitkin. Exclusive privilege of making snuff; fourteen years.

The references are to the published colonial records of Connecticut. One very curious thing appears by this list, curious in view of the fact that it is now asserted by men who have made diligent experiments that sugar can be profitably manufactured from corn-stalks as well as sorghum, that the first patent ever granted by the Legislature of Connecticut should have related to this same system. It was to Edward Hinman, for making molasses from corn-stalks, ten years; the date, October, 1717.

A very full reference to the patents granted in Connecticut is to be found in the Patent Office Report of 1851, covering nearly fifty pages, and showing that a public act for the encouragement of the raising of silk in the colony of Connecticut was passed in 1732, from which I think it is fair to say the silk industry of Connecticut has grown.

It would be interesting to inspect one of the letters patent thus granted by State Legislatures prior to the national Constitution. I have never seen one, but I find in a speech of ex-Senator Wadleigh, of New Hampshire, in the Forty-fifth Congress, that he said:

> An intelligent gentleman of my own State has referred me to an act of the general court of the colony of Massachusetts Bay, passed in 1646, granting to one of his ancestors, Joseph Jenks, the exclusive right of making and selling his improved scythe for the term of fourteen years. That, I think, was the first patent granted to an inventor in America. The improvement referred to changed the short, thick, straight English scythe into the longer, thinner, curved implement, with stiffened back, now in use.

But the framers of the Constitution saw that the power, to be effective, must be a national power, must be exercised by the National Government rather than by the States. Congress soon passed a law. The first patent act was passed April 10, 1790. It was reported by a Representative from South Carolina, who was chairman of a committee of the House of Representatives appointed during the first session of Congress (several petitions having been presented praying Congress to grant patents for specified inventions) "to consider measures to promote the progress of the useful arts." That committee consisted of Mr. Burke, of South Carolina, Benjamin Huntington, of Norwich, Conn., and Mr. Cadwalader, of New Jersey; and I hope that the time is in the near future when Senators and Representatives from South Carolina will again join with Senators and Representatives from Connecticut and New Jersey in the passage of laws which shall have a tendency further to promote the progress of the useful arts and sciences by the perfection of the patent system and the emancipation of the Patent-Office from the servitude to which it has been too long subjected. The traditionary history of this act is interesting, and I will ask the Secretary to read from the copy of the Official Gazette, published on the 24th of September, 1877, the passage which I have marked in reference to the history of this act.

The Chief Clerk read as follows:

> By act of April 10, 1790, the first American patent system was founded. Thomas Jefferson inspired it, and may be said to have been the father of the American Patent Office. He took great pride in it, it is said, and gave personal

consideration to every application that was made for a patent during the years between 1790 and 1793, while the power of revision and rejection granted by that act remained in force. It is related that the granting of a patent was held to be in these early times quite an event in the history of the State Department, where the clerical part of the work was then performed.

It is a matter of tradition, handed down to us from generation to generation by those who love to speak of Mr. Jefferson and his virtues and eccentricities, that when an application for a patent was made under the first act he would summon Mr. Henry Knox, of Massachusetts, who was Secretary of War, and Mr. Edmund Randolph, of Virginia, who was Attorney-General, these officials being designated by the act, with the Secretary of State, a tribunal to examine and grant patents, and that these three distinguished officials would examine the application critically, scrutinizing each point of the specification and claims carefully and rigorously. The result of this examination was that during the first year a majority of the applications failed to pass the ordeal, and only three patents were granted. In those days every step in the issuing of a patent was taken with great care and caution, Mr. Jefferson seeking always to impress upon the minds of his officers and the public that the granting of a patent was a matter of no ordinary importance.

Mr. PLATT. The first patent act provided that the petitions for a patent should be addressed to the Secretary of State, the Secretary for the Department of War, and the Attorney-General, setting forth the invention or discovery, &c., and that the letters patent, if the same should be granted, should be made out in the name of the United States and bear teste by the President of the United States. They should be delivered to the Attorney-General of the United States to be examined, who should within fifteen days next after the delivery to him, if he should find the same conformable to the act, certify the same at the foot thereof, and present letters patent so certified to the President, who should cause the seal of the United States to be thereto affixed.

Under this act the fees to be paid by the applicant were as follows:

For receiving and filing the petition, 50 cents; for filing specifications, per copy-sheet containing one hundred words, 10 cents; for making out patent, $2; for affixing great seal, $1; for indorsing the day of delivering the same to the patentee, including all intermediate services, 20 cents.

This act remained in force until the 21st of February, 1793, when a new act was passed and the old one repealed. Under the act of 1793 the petition was made to the Secretary of State alone. If the Secretary of State believed that a patent should be granted he then referred the papers to the Attorney-General to be examined, who within fifteen days was required to certify the same as before.

In this act was included the right to assign the patent, and the fee was raised to $30. The practice under the act of 1793 continued without substantial change until July 4, 1836, when the act which is really the foundation of our present patent system was passed. Prior to 1836 there was no critical examination made of the application or of the state of the art to determine whether the alleged invention was really new or useful, or whether it had been anticipated by other inventions which had been patented.

I have here a report of all the patents which were granted by the United States prior to 1836, and a most interesting volume it is. The first was granted July 31, 1790, to Samuel Hopkins, for making pot and pearl ashes. An examination of the patents granted between 1790 and 1810 shows most surprisingly the germ of the ideas which by subsequent improvements have been incorporated into our inventive system.

Among the patents granted during the first ten years after the passage of the original patent law of 1790 was one for a "machine for thrashing wheat, &c.," to William Thompson; one for "propelling boats by steam, &c.," to John Fitch; one for a "machine for ginning cotton," to Eli Whitney; one for a "mode of preventing the progress of fire," to Benjamin Taylor; one for a "conjurer for cooking and boiling," to Thomas Passmore; one for an "improvement in stoves," to James McCallmont; one for "improvement in clocks, watches, and time-keepers," to Eli Terry; for a "telegraph (description filed)," to Jonathan Grant, jr.; for a "machine for raising water (a perpetual motion)," to John Baptiste Aveilhé; for an "improvement in the plow," to John Deaver.

By the act of 1836 a board of examiners was created. The official system was not a very large one at that time. The Patent Office was created, but it was attached to the Department of State. It was provided—

That there shall be established and attached to the Department of State an office to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the advice and consent of the Senate.

There were provided for said office, to be appointed by the Commissioner of Patents, with the approval of the Secretary of State, a chief clerk, an examining clerk, three other clerks, a machinist, and a messenger. That constituted in 1836 the entire force of the Patent Office. In 1849 the office was disconnected from the Department of State and attached to the Department of the Interior, which was then created. Section 2 of the act to establish the Home Department and provide for the Treasury Department an assistant Secretary of the Treasury and a commissioner of customs provided—

That the Secretary of the Interior shall exercise and perform all the acts of supervision and appeal in regard to the office of Commissioner of Patents, now exercised by the Secretary of State; and the said Secretary of the Interior shall sign all requisitions for the advance or payment of money, &c.

About 10,000 patents had been issued prior to 1836. In the copy of the Official Gazette, to which I have heretofore referred, published on the 24th of September, 1877, I have the number of patents granted year to year from 1790 to 1836, which I will not stop to read, but will ask to have incorporated in my remarks. It shows that 3 were granted in 1790, 33 in 1791; the list gradually increased each year until in 1836 the number was 723.

The following is the statement referred to:

The number of patents granted each year from 1790 to July 4, 1836, is as follows: In 1790, 3; in 1791, 33; in 1792, 11; in 1793, 20; in 1794, 22; in 1795, 12; in 1796, 44; in 1797, 51; in 1798, 28; in 1799, 44; in 1800, 41; in 1801, 44; in 1802, 65; in 1803, 97; in 1804, 84; in 1805, 57; in 1806, 63; in 1807, 99; in 1808, 158; in 1809, 203; in 1810, 223; in 1811, 215; in 1812, 238; in 1813, 181; in 1814, 210; in 1815, 173; in 1816, 206; in 1817, 174; in 1818, 222; in 1819, 156; in 1820, 155; in 1821, 168; in 1822, 200; in 1823, 173; in 1824, 228; in 1825, 204; in 1826, 323; in 1827, 331; in 1828, 368; in 1829, 447; in 1830, 544; in 1831, 573; in 1832, 474; in 1833, 586; in 1834, 630; in 1835, 757; in 1836, 723.

To show the appreciation of the patent system at this time, I read a single sentence from the report of the first Patent Commissioner, Henry L. Ellsworth, made to Congress for the years 1837 and 1838. He says:

The Patent Office has been greatly subservient to the promotion of the arts and sciences, and its late reorganization will extend in a much higher degree its usefulness. Without the encouragement of the patent laws few inventions would become practically useful. By this encouragement a stimulus is given to talent and ingenuity, and the result of human effort seems almost incredible. The inventions of the day have proverbially overcome time and space. The numerous manufactories spread over all the country attest the patronage they have received from Government.

Remember that this was in 1838.

Of late, however, inventors have directed their attention with peculiar interest to the improvement of the implements of agriculture, and many labor-saving machines have been patented, which are of the highest utility to the husbandman. These are rapidly increasing, and it is scarcely possible to conjecture to what extent the labor of the agriculturist may be diminished and the products of the country increased by these improvements. Already the process of sowing, of mowing, and of reaping is successfully performed by horse-power, and inventors are sanguine in the belief (and probably not without reason) that the time is not far distant when plowing-machines will be driven by steam and steam-power applied to many other operations of the husbandman.

Mr. President, to my mind the passage of the act of 1836 creating the Patent Office marks the most important epoch in the history of our development—I think the most important event in the history of our Government from the Constitution until the war of the rebellion. The establishment of the Patent Office marked the commencement of the marvelous development of the resources of the country which is the admiration and wonder of the world, a development which challenges all history for a parallel; and it is not too much to say that this unexampled progress has been not only dependent upon but has been coincident with the growth and development of the patent system of this country. Words fail in attempting to portray the advancement of this country for the last fifty years. We have had fifty years of progress, fifty years of inventions applied to the every-day wants of life, fifty years of patent encouragement, and fifty years of a development in wealth, resources, grandeur, culture, power, which is little short of miraculous. Population, production, business, wealth, comfort, culture, power, grandeur, these have all kept step with the expansion of the inventive genius of this country; and this progress has been made possible only by the inventions of its citizens. All history confirms us in the conclusion that it is the development by the mechanic arts of the industries of a country which brings to it greatness and power and glory. No purely agricultural, pastoral people ever achieved any high standing among the nations of the earth. It is only when the brain evolves and the cunning hand fashions labor-saving machines that a nation begins to throb with new energy and life and expands with a new growth. It is only when thought wrings from nature her untold secret treasures that solid wealth and strength are accumulated by a people. Especially is this true in a republic. Under arbitrary forms of government kings may oppress the laborer, kings may conquer other nations, may oppress, and degrade the men who till the soil, and they may thus acquire wealth; but in a republic it is only when the citizen conquers nature, appropriates her resources, and extorts her riches that you find real wealth and power.

We witness our development; we are proud of our success; we congratulate ourselves, we felicitate ourselves on all that we enjoy; but we scarcely ever stop to think of the cause of all this prosperity and enjoyment. Indeed, this prosperity has become so common that we expect it. Many men forget to what they owe it; many men, I am sorry to say, in these recent years deny the cause of it all. The truth is, we live in this atmosphere of invention; it surrounds us as does the light and the air; like light and air it is one of our greatest blessings; and yet we pass it by without thought. Some say that the cause of all this wealth, of all this influence in the world, springs from other sources; some say it is the result of our free institutions, of our Christian civilization, of our habits of industry, of our respect for law, of the vastness of our natural resources, but I say inventive skill is the primal cause of all this progress and growth. I say the policy which found expression in the Constitution of the United States when this clause was enacted giving Congress power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries" has been the policy that has built up this fair fabric.

Concede all you claim: free institutions, Christian civilization, industrious habits; grant respect for law; acknowledge all our vast natural resources; and then deduct patents and patented inventions from the causes which have led to this development, and you have subtracted from material, yes, from moral, prosperity nearly all that is worth enjoying. Subtract invention from the causes which have led to our growth and our grandeur and you remit us, you remit our people, to

the condition of the people of Italy, of Switzerland, of Russia. If "knowledge is power," invention is prosperity.

Let us turn a moment from the present and take one rapid glance at the past. Consider the country as it was fifty years ago. The cotton-gin, the steamboat, the railroad, the power-loom, the printing-press, were indeed in embryo, but their development was partial and their use was extremely limited. It was still the age of homespun; it was still the age of hand labor. Brain had not, so far as production was concerned, superseded muscle. We had then twenty-six States. When the commencement of our present patent system really began there were twenty-six States in the Union. Twelve new ones and eight Territories added since are in my judgment a tribute to the inventive genius of this country and to the perfection of its patent system. There are at least ten Senators occupying seats on the floor of the Senate to-day who would not be here but for the patent system of the United States.

Our conception of history in those days was only that of war and diplomacy. Industrial development formed no part of the history of a country in the estimation of statesmen and publicists.

Let me allude to my own State. I am not a very old man, but recollection carries me back fifty years, when there was no railroad, no coal used, no steam power used; no woolen factories except of the rudest sort; no telegraph in Connecticut. Possibly there were one hundred tons of coal consumed in the State annually. It is possible that there was the rude beginning of manufacturing establishments in which steam was the motive power; but practically there were none of these improvements in Connecticut. The people were rural and agricultural; a few shops, water furnishing the motive power, were scattered up and down the streams of the State, but almost the entire population were engaged in agriculture. It was a time when the handbrake and the hetchel prepared the flax which was raised within her borders, when hand spinning and the hand-loom prepared it for use. My mind goes back and takes in the days of my early boyhood, when wool was carded by hand, when it was spun and woven by the mothers and the daughters, when it was then taken to the fulling-mill, and when the tailoress came and in the household cut and made the cloth into garments for the use of the family. It was the day of the village shoemaker, the day of the grist-mill, the day of the stage-coach, the day of the pillion. There was no carpet; no piano; few books; hand sewing only; hand knitting; the tallow candle; the unwarmed, unlighted church; the school-house with its hard, rough benches; and the slow post-route, the mail once a week; a weekly paper only. It was a week's journey from Connecticut to Washington; six weeks' journey from Connecticut to Ohio. Five thousand dollars in those days was a competence and $10,000 was a fortune. What has accomplished all the transformation which we witness as we compare the condition of the country fifty years ago with its condition at the present day?

I insist, Mr. President, that it is traceable directly to invention. The railroad is the child of patented inventions, the production of cotton, silk, broadcloth, and linen is due absolutely and entirely to the perfection of machinery for their manufacture. The daily press, the teeming books, are part of our civilization. They are all dependent upon patented inventions. The carpet, the piano, and the carriage conduce to our comfort and our convenience, and they also are children of patents. Every comfort which we have, every convenience which we enjoy, every element of wealth which we acquire, has its root and development in the patent system of this country. They are born of patents, and they live only by permission of patents.

To illustrate this proposition I ask the Senate to bear with a few statistics.

I have said that the number of patents granted from 1790 to 1837 was about 10,000. The number granted from 1837 to 1884 is over 300,000. I present a statement, prepared at the Patent Office, showing the number granted year by year from 1836 until the present time, and it will appear by reference to it that in 1840 458 were granted, that in 1850 884 were granted, that in 1860 4,363 were granted, that in 1870 12,157 were granted, that in 1880, there not appearing to have been any great increase during that decade, 12,926 were granted, that in 1883 21,196 were granted. These are original mechanical patents, not including patents for designs and reissues.

*Statement showing the number of the first patent, design patent, and reissued patent, and the number of the first certificate of registration of a trade-mark and a label issued in each calendar year since July 28, 1836, when the present series of numbers for letters patent commenced, together with the total number of each issued during the year.*

| Year. | Number of first patent and certificate issued in each calendar year. | | | | | Number of patents and certificates of registration issued during each calendar year. | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Patents. | Designs. | Reissues. | Trade-marks. | Labels. | Patents. | Designs. | Reissues. | Total patents. | Trade-marks. | Labels. | Total certificates. |
| 1836, July 28 | 1 | | | | | 109 | | | | | | |
| 1837 | 110 | | | | | 436 | | | | | | |
| 1838 | 546 | | 1 | | | 515 | | 6 | | | | |
| 1839 | 1,061 | | 7 | | | 404 | | 13 | | | | |
| 1840 | 1,465 | | 20 | | | 458 | | 10 | | | | |
| 1841 | 1,923 | | 30 | | | 490 | | 6 | | | | |
| 1842 | 2,413 | | 36 | | | 488 | | 13 | | | | |
| 1843 | 2,901 | 1 | 49 | | | 494 | 14 | 11 | 510 | | | |
| 1844 | 3,395 | 15 | 60 | | | 477 | 12 | 7 | 495 | | | |
| 1845 | 3,872 | 27 | 67 | | | 476 | 17 | 11 | 504 | | | |
| 1846 | 4,348 | 44 | 78 | | | 566 | 59 | 13 | 638 | | | |
| 1847 | 4,914 | 103 | 91 | | | 495 | 60 | 14 | 569 | | | |
| 1848 | 5,409 | 163 | 105 | | | 583 | 46 | 23 | 652 | | | |
| 1849 | 5,992 | 209 | 128 | | | 989 | 49 | 30 | 1,068 | | | |
| 1850 | 6,981 | 258 | 158 | | | 884 | 83 | 26 | 993 | | | |
| 1851 | 7,865 | 341 | 184 | | | 757 | 90 | 25 | 872 | | | |
| 1852 | 8,622 | 431 | 209 | | | 890 | 109 | 20 | 1,019 | | | |
| 1853 | 9,512 | 540 | 229 | | | 846 | 86 | 29 | 961 | | | |
| 1854 | 10,358 | 626 | 258 | | | 1,759 | 57 | 28 | 1,844 | | | |
| 1855 | 12,117 | 683 | 286 | | | 1,894 | 70 | 51 | 2,012 | | | |
| 1856 | 14,008 | 753 | 337 | | | 2,316 | 107 | 83 | 2,506 | | | |
| 1857 | 16,324 | 860 | 420 | | | 2,686 | 113 | 97 | 2,896 | | | |
| 1858 | 19,010 | 973 | 517 | | | 3,467 | 102 | 126 | 3,695 | | | |
| 1859 | 22,477 | 1,075 | 643 | | | 4,165 | 108 | 231 | 4,504 | | | |
| 1860 | 26,642 | 1,183 | 874 | | | 4,363 | 183 | 232 | 4,778 | | | |
| 1861 | 31,005 | 1,366 | 1,106 | | | 3,040 | 142 | 147 | 3,329 | | | |
| 1862 | 34,045 | 1,508 | 1,253 | | | 3,221 | 195 | 116 | 3,532 | | | |
| 1863 | 37,266 | 1,703 | 1,369 | | | 3,781 | 176 | 227 | 4,184 | | | |
| 1864 | 41,047 | 1,879 | 1,596 | | | 4,698 | 139 | 248 | 5,025 | | | |
| 1865 | 45,685 | 2,018 | 1,844 | | | 6,099 | 221 | 296 | 6,616 | | | |
| 1866 | 51,784 | 2,239 | 2,140 | | | 8,874 | 294 | 290 | 9,458 | | | |
| 1867 | 60,658 | 2,533 | 2,430 | | | 12,301 | 325 | 400 | 13,026 | | | |
| 1868 | 72,959 | 2,858 | 2,830 | | | 12,544 | 446 | 420 | 13,410 | | | |
| 1869 | 85,503 | 3,304 | 3,250 | | | 12,957 | 506 | 534 | 13,997 | | | |
| 1870 | 98,460 | 3,810 | 3,784 | 1 | | 12,157 | 737 | 439 | 13,333 | 121 | | 121 |
| 1871 | 110,617 | 4,547 | 4,223 | 122 | | 11,687 | 905 | 464 | 13,056 | 486 | | 486 |
| 1872 | 122,304 | 5,442 | 4,687 | 608 | | 12,200 | 884 | 529 | 13,613 | 491 | | 491 |
| 1873 | 134,504 | 6,336 | 5,216 | 1,099 | | 11,616 | 747 | 501 | 12,864 | 492 | | 492 |
| 1874 | 146,130 | 7,083 | 5,717 | 1,591 | 1 | 12,230 | 886 | 483 | 13,599 | 557 | 232 | 791 |
| 1875 | 158,350 | 7,969 | 6,200 | 2,150 | 233 | 13,291 | 915 | 631 | 14,837 | 1,138 | 232 | 1,370 |
| 1876 | 171,641 | 8,884 | 6,831 | 3,288 | 465 | 14,172 | 802 | 621 | 15,595 | 959 | 472 | 1,431 |
| 1877 | 185,813 | 9,686 | 7,452 | 4,247 | 937 | 12,920 | 699 | 568 | 14,187 | 1,216 | 392 | 1,608 |
| 1878 | 198,733 | 10,385 | 8,020 | 5,463 | 1,329 | 12,345 | 560 | 509 | 13,444 | 1,455 | 492 | 1,947 |
| 1879 | 211,078 | 10,975 | 8,529 | 6,918 | 1,821 | 12,133 | 592 | 488 | 13,213 | 872 | 355 | 1,227 |
| 1880 | 223,211 | 11,567 | 9,017 | 7,790 | 2,176 | 12,926 | 515 | 506 | 13,947 | 349 | 203 | 552 |
| 1881 | 236,137 | 12,082 | 9,523 | 8,139 | 2,379 | 15,548 | 565 | 471 | 16,584 | 836 | 202 | 1,038 |
| 1882 | 251,685 | 12,647 | 9,994 | 8,973 | 2,581 | 18,135 | 861 | 271 | 19,267 | 947 | 304 | 1,251 |
| 1883 | 269,820 | 13,508 | 10,265 | 9,920 | 2,885 | 24,196 | 1,020 | 167 | 22,383 | 902 | 906 | 1,808 |
| 1884 | 291,016 | 14,528 | 10,432 | 10,822 | 3,791 | | | | | | | |

I will ask to have incorporated as part of my remarks a table showing the issue of patents year by year from 1837, with the cash received and cash expended, and the surplus each year, which has been paid into the Treasury of the United States, up to and inclusive of the year 1883.

*Table showing the issue of patents year by year from* 1837 *to* 1883.

| Year. | Applications. | Caveats filed. | Patents and reissues. | Cash received. | Cash expended. | Surplus. |
|---|---|---|---|---|---|---|
| 1837 | ..... | ..... | 435 | $29,289 08 | $33,506 98 | ..... |
| 1838 | ..... | ..... | 520 | 42,123 54 | 37,402 10 | $4,721 44 |
| 1839 | ..... | ..... | 425 | 37,260 00 | 34,543 51 | 2,716 49 |
| 1840 | 735 | 228 | 473 | 38,056 51 | 39,020 67 | ..... |
| 1841 | 847 | 312 | 495 | 40,413 01 | 52,666 87 | ..... |
| 1842 | 761 | 391 | 517 | 36,505 68 | 31,241 48 | 5,264 20 |
| 1843 | 819 | 315 | 510 | 35,315 81 | 30,776 96 | 4,538 85 |
| 1844 | 1,045 | 380 | 495 | 42,509 26 | 36,244 73 | 6,264 53 |
| 1845 | 1,246 | 452 | 504 | 51,076 14 | 39,395 65 | 11,680 49 |
| 1846 | 1,272 | 448 | 638 | 50,264 16 | 46,158 71 | 4,105 45 |
| 1847 | 1,531 | 553 | 569 | 63,111 19 | 41,878 35 | 21,232 84 |
| 1848 | 1,628 | 607 | 652 | 67,576 69 | 58,905 84 | 8,670 85 |
| 1849 | 1,955 | 595 | 1,068 | 80,752 98 | 77,716 44 | 3,036 54 |
| 1850 | 2,193 | 602 | 993 | 86,927 05 | 80,100 95 | 6,816 10 |
| 1851 | 2,258 | 760 | 872 | 95,738 61 | 86,916 93 | 8,821 68 |
| 1852 | 2,639 | 996 | 1,019 | 112,656 34 | 95,916 91 | 16,739 43 |
| 1853 | 2,673 | 901 | 961 | 121,527 45 | 132,869 83 | ..... |
| 1854 | 3,328 | 868 | 1,844 | 163,789 84 | 167,146 32 | ..... |
| 1855 | 4,435 | 906 | 2,012 | 216,459 35 | 179,540 33 | 36,919 02 |
| 1856 | 4,960 | 1,024 | 2,506 | 192,588 02 | 199,931 02 | ..... |
| 1857 | 4,771 | 1,010 | 2,896 | 196,132 01 | 211,582 09 | ..... |
| 1858 | 5,364 | 934 | 3,695 | 203,716 16 | 193,193 74 | 10,522 42 |
| 1859 | 6,225 | 1,097 | 4,504 | 245,942 15 | 210,278 41 | 35,663 74 |
| 1860 | 7,653 | 1,084 | 4,778 | 256,352 59 | 252,820 80 | 3,531 79 |
| 1861 | 4,643 | 700 | 3,329 | 137,354 44 | 221,491 91 | ..... |
| 1862 | 5,038 | 824 | 3,532 | 215,754 99 | 182,810 39 | 32,944 60 |
| 1863 | 6,014 | 787 | 4,184 | 195,593 29 | 189,414 14 | 6,179 15 |
| 1864 | 6,932 | 1,063 | 5,025 | 240,919 98 | 229,868 00 | 11,051 98 |
| 1865 | 10,664 | 1,937 | 6,616 | 348,791 84 | 274,199 34 | 74,592 50 |
| 1866 | 15,269 | 2,723 | 9,458 | 495,665 38 | 361,724 28 | 133,941 10 |
| 1867 | 21,276 | 3,597 | 13,026 | 646,581 92 | 639,263 32 | 7,318 60 |
| 1868 | 20,420 | 3,705 | 13,410 | 681,565 86 | 628,679 77 | 52,886 09 |
| 1869 | 19,271 | 3,624 | 13,997 | 693,145 81 | 486,430 78 | 206,715 03 |
| 1870 | 19,171 | 3,273 | 13,333 | 669,456 76 | 557,149 19 | 112,307 57 |
| 1871 | 19,472 | 3,366 | 13,056 | 678,716 46 | 560,595 08 | 118,121 38 |
| 1872 | 18,246 | 3,090 | 13,613 | 699,726 39 | 665,591 36 | 34,135 03 |
| 1873 | 20,414 | 3,248 | 12,864 | 703,191 77 | 691,178 98 | 12,012 79 |
| 1874 | 21,602 | 3,181 | 13,599 | 738,278 17 | 679,288 41 | 58,989 76 |
| 1875 | 21,638 | 3,094 | 14,837 | 743,453 36 | 721,657 71 | 21,795 65 |
| 1876 | 21,425 | 2,697 | 15,595 | 757,987 65 | 652,542 60 | 105,445 05 |
| 1877 | 20,308 | 2,809 | 14,187 | 732,342 85 | 613,152 62 | 119,190 23 |
| 1878 | 20,260 | 2,755 | 13,444 | 725,375 55 | 593,082 89 | 132,292 66 |
| 1879 | 20,059 | 2,620 | 13,213 | 703,931 47 | 529,638 97 | 174,292 50 |
| 1880 | 23,012 | 2,490 | 13,947 | 749,685 32 | 538,865 17 | 210,820 15 |
| 1881 | 26,059 | 2,406 | 16,584 | 853,665 89 | 605,173 28 | 248,492 61 |
| 1882 | 31,522 | 2,553 | 19,267 | 1,009,219 45 | 683,867 67 | 325,351 78 |
| 1883 | 34,576 | 2,741 | 22,383 | 1,146,240 00 | 675,234 86 | 471,005 14 |

I also present a table showing the number of applications filed month by month, commencing in 1880 to the end of February, 1884, showing the regular growth of the business of the Patent Office for that time:

| Month. | 1880. | 1881. | 1882. | 1883. | 1884. |
|---|---|---|---|---|---|
| January | 1,859 | 1,847 | 2,324 | 3,003 | 2,961 |
| February | 1,898 | 2,011 | 2,327 | 2,856 | 3,130 |
| March | 2,336 | 2,422 | 2,954 | 3,502 | ..... |
| April | 2,201 | 2,391 | 2,874 | 3,167 | ..... |
| May | 2,031 | 2,385 | 2,883 | 3,089 | ..... |
| June | 1,686 | 2,126 | 2,564 | 2,883 | ..... |
| July | 1,681 | 1,977 | 2,417 | 2,529 | ..... |
| August | 1,611 | 2,029 | 2,473 | 2,631 | ..... |
| September | 1,632 | 1,772 | 2,301 | 2,468 | ..... |
| October | 1,607 | 1,851 | 2,441 | 2,617 | ..... |
| November | 1,477 | 1,888 | 2,325 | 2,602 | ..... |
| December | 1,742 | 2,179 | 2,386 | 2,724 | ..... |

Now, bearing in mind this wonderful development of patented inventions in the United States, this wonderful growth of the patent system, I ask the Senate to look at the corresponding growth and development of business, property, and wealth in this country. Patented inventions and material prosperity have locked arms and joined each other in this march of progress and greatness.

The population of the United States has increased from 1840—and I take that decade because it is really the commencement of the expansion of the patent system of the country—from a trifle over 17,000,000 in 1840 to over 50,000,000 in 1880. I have the figures for each decade from 1840 to 1880:

| | *Population.* |
|---|---|
| 1840 | 17,069,453 |
| 1850 | 23,191,876 |
| 1860 | 31,443,321 |
| 1870 | 38,558,371 |
| 1880 | 50,155,743 |

The aggregate wealth of the United States has increased from about $7,000,000,000 in 1850, there being no statistics earlier than that, to over $43,000,000,000 in 1880.

The complete figures are given in the following table furnished me by Mr. Nimmo, Chief of the Bureau of Statistics, but prepared, I think, by Mr. Dodge, statistician of the Agricultural Department:

*Statement showing the true value of real estate and personal property in the United States for* 1850, 1860, 1870, *and* 1880.

[From the United States Census Reports, 1870 and 1880.]

| Years. | Total value of property. | Estimated value of slaves. | Total, less value of slaves. |
|---|---|---|---|
| 1850 | $7,135,780,228 | *a* $640,862,600 | $6,494,917,628 |
| 1860 | 16,159,616,068 | *b* 988,440,000 | 17,171,176,068 |
| 1870 | 30,068,518,507 | ..... | 30,068,518,507 |
| 1880 | 43,642,000,000 | ..... | 43,642,000,000 |

*a* Estimated at $200 each. *b* Estimated at $250 each.

Now look at the increase of the value of manufactured products in the United States. I have no statistics for 1840, but in 1850 the value of manufactured products as given by the census was a trifle over $1,000,000,000; in 1880 it was $5,369,579,191.

I ask permission to insert the figures without stopping to read those of the intervening decades.

Value of manufactured products: 1840, not given; 1850, $1,019,106,616; 1860, $1,885,861,676; 1870, $4,231,325,442; 1880, $5,369,579,191.

Now look at the increase in the value of farms, for I shall have something to say before I conclude my remarks on the relation of patented inventions to the agricultural pursuits of the country.

The value of improved farms in the United States for 1840 is not given in the census statistics. In 1850 it was $3,271,575,426—a little over three billions. In 1880 it was over ten billion dollars—$10,197,096,776.

The complete statement is as follows: Value of improved farms in the United States: 1840, not given in census returns; 1850, $3,271,575,426; 1860, $6,645,045,007; 1870, $9,262,803,861 (currency basis), $7,500,000,000 (gold basis); 1880, $10,197,096,776.

As to the value of farm products, there are no statistics of any value prior to 1880, because they were not taken separately. The census gives the value in 1880 as $2,213,402,564. The statistics of Mr. Dodge, of the Agricultural Department, and Mr. Nimmo, of the Bureau of Statistics, agree that the amount is not large enough and fix the amount at $3,600,000,000 as the value of farm products in 1880.

Now look at the increase of cereal products. In 1840 the bushels of corn produced were 377,531,875; in 1880, 1,754,591,676 bushels. I have the totals from 1840 to 1880 of corn, oats, wheat, rye, barley, and buckwheat, which I will insert without reading:

| Products. | 1840. | 1880. |
|---|---|---|
| | *Bushels.* | *Bushels.* |
| Corn | 377,531,875 | 1,754,591,676 |
| Oats | 123,071,341 | 407,859,999 |
| Wheat | 84,823,272 | 459,483,137 |
| Rye | 18,645,567 | 19,841,595 |
| Barley | 4,161,504 | 43,977,495 |
| Buckwheat | 7,291,743 | 11,817,227 |
| Total | 615,525,302 | 2,697,581,229 |

The increase from 1840 to 1880, taking all cereals, has been 400 per cent. and more. We raised in 1880 of cereal products about fifty-four bushels to every inhabitant of the United States.

Look at the production of coal. I find no statistics back of 1870. In 1870, 32,000,000 tons in round numbers were produced; in 1880, 87,000,000 tons in round numbers.

Take the cotton and tobacco crops of the country. In the year 1850 the number of cotton bales was 2,469,093; in 1880, 5,755,359. The number of pounds of tobacco raised in 1850 was 199,752,655 pounds; in 1880, 472,661,157.

Take the statistics of the exports and imports. The imports of merchandise in 1840—I will not stop to read all the figures, but will insert them without reading fully—were $98,000,000, in ro nd numbers; in 1883 it was $723,000,000. The exports of domestic merchandise in 1840 were $111,000,000; in 1883, $804,000,000. The exports of domestic manufactured products in 1840 were $12,000,000; in 1883, $111,000,000. The exports of products of domestic agriculture, exclusive of raw cotton, in 1840 were $28,000,000; in 1883, $474,000,000. The export of raw cotton in 1840 was $63,000,000; in 1883, $247,000,000. The exports of domestic provisions in 1840 were three and a half million dollars, in round numbers; in 1883, $107,000,000.

In 1840 we had 2,818 miles of railroad; in 1883 we had 119,739 miles of railroad—railroads enough to go five times around the globe.

The following are the values of the imports and exports of the United

States during the fiscal years 1840, 1880, and 1883 (the fiscal year 1840 ended with September 30, the years 1880 and 1083 with June 30):

| | |
|---|---|
| **Imports of merchandise:** | |
| 1840 | $98,258,706 |
| 1880 | 667,954,746 |
| 1883 | 723,180,914 |
| **Exports of domestic merchandise:** | |
| 1840 | 111,660,561 |
| 1880 | 823,946,353 |
| 1883 | 804,223,632 |
| **Exports of manufactured domestic products:** | |
| 1840 | 12,772,171 |
| 1880 | 79,0.0,447 |
| 1883 | 111,890,001 |
| **Exports of products of domestic agriculture, exclusive of raw cotton:** | |
| 1840 | 26,677,760 |
| 1880 | 474,425,186 |
| 1883 | 371,940,728 |
| **Exports of domestic raw cotton:** | |
| 1840 | 63,870,307 |
| 1880 | 211,535,905 |
| 1883 | 247,328,721 |
| **Exports of domestic provisions:** | |
| 1840 | 3,503,704 |
| 1880 | 127,043,242 |
| 1883 | 107,388,287 |
| **Miles of railroad in operation in the United States:** | |
| 1840 | 2,818 |
| 1880 | 93,543 |
| 1883 | 119,739 |

But the increase in the production of wool is perhaps as significant as that in any other line of production. I submit a table showing the production and consumption of wool in the country for the years 1840, 1850, 1860, and year by year from 1862 to 1882. The production in 1840 was about 36,000,000 pounds, increasing until 1882, when the production was 290,000,000 pounds.

*Quantities of wool produced, imported, exported, and retained for consumption in the United States by decades from* 1840 *to* 1860, *inclusive, and annually from* 1863 *to* 1883, *inclusive.*

[The data, as to production, furnished by Mr. J. R. Dodge, statistician of the Department of Agriculture.]

| Calendar year. | Production. | Year ended June 30— | Imports. | Total production and imports. | Exports. | | | Retained for home consumption. |
|---|---|---|---|---|---|---|---|---|
| | | | | | Domestic. | Foreign. | Total. | |
| | *Pounds.* | | *Pounds.* | *Pounds.* | *Pounds.* | *Pounds.* | *Pounds.* | *Pounds.* |
| 1840 | 35,802,114 | ..... | 9,303,992 | 45,106,106 | ..... | 85,528 | 85,528 | 45,020,578 |
| 1850 | 52,516,959 | ..... | 18,669,794 | 71,186,753 | 35,898 | ..... | 35,898 | 71,150,855 |
| 1860 | 60,264,913 | ..... | 6,007,727 | 66,272,640 | 389,512 | 133,493 | 523,005 | 65,749,635 |
| 1862 | 106,000,000 | 1863 | 73,931,944 | 179,931,944 | 355,722 | 708,850 | 1,064,572 | 178,867,372 |
| 1863 | 123,000,000 | 1864 | 90,464,002 | 213,464,002 | 155,482 | 223,475 | 378,957 | 213,085,045 |
| 1864 | 142,000,000 | 1865 | 43,840,154 | 185,840,154 | 466,182 | 679,281 | 1,145,463 | 184,694,691 |
| 1865 | 155,000,000 | 1866 | 76,532,274 | 231,532,274 | 973,075 | 851,645 | 1,824,720 | 229,707,554 |
| 1866 | 160,000,000 | 1867 | 16,558,046 | 176,558,046 | 307,418 | 618,587 | 926,005 | 175,632,041 |
| 1867 | 168,000,000 | 1868 | 24,124,803 | 192,124,803 | 558,435 | 2,801,852 | 3,360,287 | 188,764,516 |
| 1868 | 180,000,000 | 1869 | 39,275,926 | 219,275,926 | 444,387 | 342,417 | 786,804 | 218,489,122 |
| 1869 | 162,000,000 | 1870 | 49,230,199 | 211,230,199 | 152,892 | 1,710,053 | 1,862,945 | 209,367,254 |
| 1870 | 160,000,000 | 1871 | 68,058,028 | 228,058,028 | 25,195 | 1,305,311 | 1,330,506 | 226,727,522 |
| 1871 | 150,000,000 | 1872 | 122,256,499 | 272,256,499 | 140,515 | 2,266,393 | 2,406,908 | 269,849,591 |
| 1872 | 158,000,000 | 1873 | 85,496,049 | 243,496,049 | 75,129 | 7,040,386 | 7,115,515 | 236,380,534 |
| 1873 | 170,000,000 | 1874 | 42,939,541 | 212,939,541 | 319,600 | 6,816,157 | 7,135,757 | 205,803,784 |
| 1874 | 181,000,000 | 1875 | 54,901,760 | 235,901,760 | 178,034 | 3,567,627 | 3,745,661 | 232,156,099 |
| 1875 | 192,000,000 | 1876 | 44,642,836 | 236,642,836 | 104,768 | 1,518,426 | 1,623,194 | 235,019,642 |
| 1876 | 200,000,000 | 1877 | 42,171,192 | 242,171,192 | 79,599 | 3,088,957 | 3,168,556 | 239,002,636 |
| 1877 | 208,250,000 | 1878 | 48,449,079 | 256,699,079 | 347,854 | 5,952,221 | 6,300,075 | 250,399,004 |
| 1878 | 211,000,000 | 1879 | 39,005,155 | 250,005,155 | 60,784 | 4,104,616 | 4,165,400 | 245,829,755 |
| 1879 | 232,500,000 | 1880 | 128,131,747 | 360,631,747 | 191,551 | 3,648,520 | 3,840,071 | 356,791,676 |
| 1880 | 240,000,000 | 1881 | 55,964,236 | 295,964,236 | 71,455 | 5,507,534 | 5,578,989 | 290,385,247 |
| 1881 | 272,000,000 | 1882 | 67,861,744 | 339,861,744 | 116,179 | 3,831,836 | 3,948,015 | 335,913,729 |
| 1882 | 290,000,000 | 1883 | 70,575,478 | 360,575,478 | 64,474 | 4,010,043 | 4,074,517 | 356,500,961 |

Here I desire to call attention to the report of Mr. Dodge, statistician of the Department of Agriculture, relating to the wages of farm laborers, which is Report No. 4 of the new series, an extremely interesting and suggestive report. He says:

> Miners, mechanics, and especially artisans and operatives engaged in productive occupations, are vastly more beneficial to agriculture, for two reasons: first, they augment the numbers to be fed and increase agricultural values; second, they make something themselves which farmers need, and reduce the prices of commodities hitherto brought from a distance at unnecessary cost.

Then he goes on to compare the amount of manufacturing in each State with the value of the lands in each State, and he says:

> The result of this comparison shows in every State, without exception, a higher average value of farm land in that portion of each State which makes the largest value of the products of manufacturing industry.

He contrasts two sections of each State, showing the value of farm lands in the counties having a certain amount of manufacturing carried on therein, which he classes as manufacturing counties, and the other counties, which he classes as non-manufacturing counties. For instance, there are in Alabama two manufacturing counties that produce annually more than $2,000,000. The value of land per acre in those counties is $6.55. The other sixty-four counties of the State are classed as non-manufacturing counties, and the value of the land per acre in those counties is $4.13. In Arkansas, in the manufacturing counties, the value of land per acre is $11.87; in the other counties, $6.07. In Connecticut, where we have large manufacturing industries, in the manufacturing counties—that is, in the three counties where the manufacturing interest is large compared with the remaining counties—the value of the farm lands is $71.84 per acre; in the other counties it is $34.60 per acre. I think the more fertile lands are to be found in the counties which manufacture least, showing that the increased value in the manufacturing counties is due directly to the influence of the manufactories. In Georgia, in the manufacturing counties, land is worth $9.72 per acre; in the non-manufacturing counties, $4.10 per acre. In Kentucky, in the manufacturing counties, $36.48 per acre; in the non-manufacturing counties, $12.21 per acre. In Massachusetts, in the counties where most manufacturing is carried on, $57.87 per acre; and in the other counties, where less manufacturing is carried on, $34.55 per acre. In New Jersey, which heads the list, in her manufacturing counties, $96.46 per acre; in her non-manufacturing counties, $60.55 per acre. In all the other States the contrast is equally striking. The fact that such difference exists in every State shows that the higher value of farm lands in the manufacturing districts can only be accounted for by the direct influence which manufactories have upon the price.

I ask to have inserted in my remarks the table prepared by Mr. Dodge showing the higher land values in manufacturing counties, having grouped the same by States, to be found on page 27 of his report.

*Statement showing higher land values in manufacturing counties.*

| States. | Manufacturing counties. | | Other counties. | |
|---|---|---|---|---|
| | Acres. | Value per acre. | Acres. | Value per acre. |
| **FIRST GROUP.** | | | | |
| Massachusetts | 1,292,876 | $57 87 | 2,066,203 | $34 55 |
| Rhode Island | 193,544 | 57 77 | 321,269 | 45 76 |
| Connecticut | 967,946 | 71 84 | 1,485,595 | 34 68 |
| New York | 4,981,545 | 62 37 | 18,799,209 | 39 65 |
| New Jersey | 368,675 | 96 46 | 2,561,098 | 60 65 |
| Pennsylvania | 3,930,549 | 86 73 | 15,860,792 | 40 02 |
| Delaware | 253,939 | 73 87 | 836,306 | 21 56 |
| Total and average | 11,989,074 | 71 85 | 41,930,472 | 40 33 |
| **SECOND GROUP.** | | | | |
| Maine | 2,288,037 | 22 12 | 4,264,541 | 12 14 |
| New Hampshire | 1,880,602 | 25 38 | 1,840,571 | 15 27 |
| Vermont | 344,860 | 30 07 | 4,537,728 | 21 81 |
| Ohio | 3,388,305 | 67 85 | 21,140,921 | 42 46 |
| Michigan | 1,560,690 | 40 23 | 12,306,550 | 35 65 |
| Indiana | 1,508,599 | 49 21 | 18,912,384 | 29 66 |
| Illinois | 4,470,503 | 43 96 | 27,203,142 | 29 89 |
| Total and average | 15,381,956 | 43 54 | 90,205,837 | 32 03 |
| **THIRD GROUP.** | | | | |
| Wisconsin | 4,720,777 | 33 88 | 10,632,341 | 18 60 |
| Minnesota | 1,508,251 | 26 24 | 11,894,768 | 12 96 |
| Iowa | 3,018,517 | 32 28 | 21,734,183 | 21 62 |
| California | 2,116,416 | 36 37 | 14,477,326 | 12 78 |
| Total and average | 11,363,961 | 32 90 | 58,738,618 | 17 14 |

*Statement showing higher land values, &c.*—Continued.

FOURTH GROUP.

| States. | Manufacturing counties. | | Other counties. | |
|---|---|---|---|---|
| | Acres. | Value per acre. | Acres. | Value per acre. |
| Maryland | 1,904,199 | $48 94 | 3,215,632 | $22 49 |
| Virginia | 1,624,304 | 11 96 | 18,211,481 | 10 80 |
| North Carolina | 542,488 | 6 55 | 21,821,070 | 6 06 |
| South Carolina | 1,471,846 | 5 70 | 11,985,767 | 5 03 |
| Georgia | 995,971 | 9 22 | 25,047,311 | 4 10 |
| Florida | 5,759 | 14 45 | 3,291,565 | 6 14 |
| Alabama | 481,484 | 6 55 | 18,373,850 | 4 13 |
| Louisiana | 49,975 | 20 59 | 8,224,431 | 7 05 |
| Texas | 554,512 | 10 23 | 35,737,707 | 4 61 |
| Arkansas | 173,395 | 11 87 | 11,888,152 | 6 07 |
| Tennessee | 1,119,004 | 17 83 | 19,547,911 | 9 56 |
| West Virginia | 244,624 | 48 87 | 9,949,155 | 12 18 |
| Kentucky | 1,571,585 | 36 48 | 19,923,655 | 12 14 |
| Missouri | 2,309,339 | 21 41 | 25,569,937 | 12 76 |
| Kansas | 1,006,965 | 24 53 | 20,410,503 | 10 31 |
| Nebraska | 495,434 | 19 09 | 9,449,392 | 10 21 |
| Colorado | 78,317 | 44 19 | 1,087,056 | 19 91 |
| Oregon | 678,769 | 19 33 | 3,535,943 | 12 38 |
| Utah | 51,320 | 37 66 | 604,204 | 20 00 |
| Total and average | 15,358,390 | 21 95 | 267,874,722 | 8 27 |

Mr. Dodge also presents a convincing array of statistics showing that the price paid for farm labor is greater in the manufacturing States and districts, and increases in the country as the business of manufacturing increases. From his very able and instructive statement upon this question I extract the following:

The State of Ohio, with only 40 per cent. in agriculture, pays comparatively high wages for farm labor because of its relative scarcity. Thus the northern part of the State, with Cleveland, Toledo, and other manufacturing cities, averaged, in 1882, $25.96 per month. The western district, which is agricultural, with Cincinnati, Dayton, Springfield, and other manufacturing towns, averages $24.75. The eastern district has a larger agricultural element, and therefore a lower average, which is $22.65.

Kentucky furnishes a fine contrast with Ohio. A river dividing, one State with four-tenths in agriculture, the other with five-eighths, and most of the remainder commercial and professional rather than industrial, the average has been as follows:

| States. | 1879. | 1882. |
|---|---|---|
| Ohio | $20 72 | $24 55 |
| Kentucky | 15 17 | 18 20 |

A part of this difference, a small part it may be conceded, comes from a larger proportion of negro labor.

Illinois has a large proportion of its non-agricultural population in the northern counties. Dividing the State by east and west lines into three belts, the same result is seen, with quite as much contrast as between Ohio and Kentucky:

| | |
|---|---|
| Northern district | $27 52 |
| Central district | 24 05 |
| Southern district | 19 87 |

Comparing Illinois, as a whole, with Missouri separated only by the Mississippi, with somewhat less diversification in industry and smaller interests in manufactures, yet with vastly more than Kentucky, the rates are as follows:

| States. | 1879. | 1882. |
|---|---|---|
| Illinois | $20 61 | $23 91 |
| Missouri | 17 59 | 22 39 |
| Kentucky | 15 17 | 18 20 |

In every State the rate of wages is affected favorably by the presence of manufactures, whatever other causes of difference may prevail.

He concludes as follows:

Assertions have been plenty that labor on the farms is not affected unfavorably by manufacturing depression, but here are facts, in perfect accord with all similar records from time immemorial, which disprove that fallacy and show that the farm laborer is indissolubly bound up with the general prosperity of all the industries, and must share the good or ill fortune of workers in every legitimate line of human effort.

I was very much interested in a speech made recently by the Senator from South Carolina [Mr. BUTLER] on the educational bill, and I wish to refer to it for a moment. It rejoices me to know that manufacturing dependent on patented inventions is no longer to be confined to any one section of the country, but that it is extending to every State and every Territory. There is no jealousy on this subject in the State of Connecticut. We plume ourselves upon the fact that we take out more patents in proportion to our population than any other State, showing a pre-eminence in inventive skill which has been maintained continuously since the passage of the act of 1790. But we know that a patent taken out in Oregon, in Texas, or in South Carolina adds to the productive capacity of the whole country and to its aggregate wealth, and so we have no jealousy. We know that our prosperity is to be coincident with the general prosperity. If we can not hold our own in the manufacturing which we have heretofore carried on in the State of Connecticut we will invent new articles which will be wanted by the people of the United States; we will anticipate their wants; we will by our inventions create a demand for the articles which we can manufacture with profit; and so I rejoice when South Carolina appears to be flourishing in the matter of manufactures dependent upon invention. The Senator said:

Look at the matter of cotton manufactures, which, by the way, are exempted by the State from taxation for ten years from their establishment.

I am glad to see that the same liberal policy which has prevailed from the foundation of the Government to the present time in our national capacity is beginning to find its place in the State of South Carolina.

The increase in product in the three years is 170 per cent., and the increase in actual capacity is considerably more. This is astonishing, but it is the fact. There is no reason why the product of the South Carolina mills in 1890 should not be $27,000,000 to $30,000,000.

The number of spindles and looms in 1880 and 1884 is given below:

| | *Spindles.* | *Looms.* |
|---|---|---|
| 1880 | 82,334 | 1,676 |
| 1884 | 195,112 | 3,652 |

And so the Senator goes on to give the increase in manufactures in the State of South Carolina—the manufactured products being as follows:

| | |
|---|---|
| 1860 | $8,615,105 |
| 1870 | 9,858,981 |
| 1880 | 16,738,008 |
| 1884 | 32,324,404 |

I am glad to know that this increase in manufacturing, which means increase in the applications of the patented inventions of the country, is not confined to South Carolina, but is extending through all the other Southern and Western States, as I might abundantly show if I had time.

Need I say more? Are not the figures which I have given conclusive? There are other statistics which I have showing the related value of patents to manufactures, which I will ask the liberty to have incorporated as part of my speech.

Since 1840 nearly 300,000 patents have been granted, and to illustrate the progress of invention in different portions of the country attention is invited to the following table, which shows the relation between the patents granted and the population during the years 1840, 1860, and 1880:

| States. | 1840, one to every— | 1860, one to every— | 1880, one to every— |
|---|---|---|---|
| Eastern | 15,133 | 3,269 | 1,642 |
| Middle | 20,834 | 4,049 | 2,066 |
| Southern | 149,349 | 18,363 | 16,491 |
| Western | 98,821 | 12,357 | 5,002 |

A close examination of this table will disclose that the percentage of increase in 1880 over 1840 in the Western States is more than double that of any other section.

In connection with the last table the following is introduced, showing the manufacturing statistics of the States by groups:

*Table showing the manufacturing statistics of the States by groups* (1880).

| States (Territories not included). | Number of establishments. | Capital invested. | Average number of hands employed. | Total amount of wages paid during the year. | Value of materials. | Value of products. |
|---|---|---|---|---|---|---|
| Eastern | 25,265 | $499,382,449 | 517,898 | $181,420,071 | $528,210,629 | $884,926,642 |
| Middle | 65,476 | 888,511,986 | 845,825 | 306,432,261 | 1,058,197,879 | 1,680,327,772 |
| Southern | 26,295 | 146,266,419 | 187,143 | 43,323,908 | 163,696,942 | 261,006,431 |
| Western | 83,847 | 686,169,022 | 480,978 | 221,884,500 | 955,255,572 | 1,447,210,267 |
| | 200,883 | 2,220,329,876 | 2,031,844 | 753,060,740 | 2,705,361,022 | 4,273,471,112 |
| Ratio of above to each section is as follows: | *Per cent.* | *Per cent.* | *Per cent.* | *Per cent.* | *Per cent.* | *Per cent.* |
| Eastern | 12½ | 22½ | 25½ | 24 | 19½ | 20¾ |
| Middle | 32½ | 40 | 41½ | 40⅔ | 39 | 39⅔ |
| Southern | 13½ | 6½ | 9⅔ | 5¾ | 6 | 6 |
| Western | 41¾ | 31 | 23⅔ | 29⅔ | 35¼ | 33½ |

I have also a table, prepared by the Patent Office, showing the number of patents issued in the years 1840, 1850, 1860, 1870, 1880, and 1883 in each State, and showing the number so issued in proportion to the population in each State, showing the growth of the patent system along the lines where the manufacturing growth of the country has taken place, and some other tables further illustrating the close relation of inventive skill to manufacturing, which I submit to the Senate.

*Table showing the number of patents issued in each decade from 1840 to 1880, inclusive, and in the year 1883 in each State, and showing the relation between the number of patents granted and population.*

| | 1840. | | 1850. | | 1860. | | 1870. | | 1880. | | 1883. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Patents issued. | One to every— | Patents issued. | One to every— | Patents issued. | One to every— | Patents issued. | One to every— | Patents issued. | One to every— | Patents issued. | One to every— |
| Alabama | 3 | 190,252 | 2 | 385,811 | 23 | 41,922 | 29 | 34,400 | 62 | 20,366 | 77 | 16,396 |
| Arkansas | | | 1 | 209,897 | 5 | 87,090 | 13 | 37,500 | 44 | 18,240 | 59 | 13,602 |
| California | | | | | 49 | 7,755 | 243 | 2,300 | 349 | 2,491 | 596 | 1,450 |
| Colorado | | | | | | | | | 24 | 8,110 | 119 | 1,633 |
| Connecticut | 23 | 12,477 | 48 | 7,724 | 235 | 1,958 | 667 | 806 | 610 | 1,020 | 883 | 705 |
| Delaware | 2 | 39,085 | 4 | 22,883 | 4 | 28,054 | 46 | 2,717 | 23 | 7,376 | 36 | 4,070 |
| Florida | | | | | 10 | 14,042 | 10 | 18,775 | 15 | 17,823 | 24 | 11,228 |
| Georgia | 2 | 345,096 | 6 | 151,030 | 71 | 14,891 | 73 | 16,220 | 77 | 19,987 | 115 | 13,410 |
| Illinois | 1 | 476,183 | 14 | 60,819 | 241 | 7,103 | 871 | 2,916 | 943 | 2,263 | 1,792 | 1,717 |
| Indiana | 3 | 228,622 | 21 | 47,067 | 98 | 13,780 | 393 | 4,277 | 359 | 5,510 | 712 | 2,777 |
| Iowa | | | 1 | 192,214 | 50 | 13,498 | 225 | 5,387 | 285 | 5,700 | 445 | 3,650 |
| Kansas | | | | | 3 | 35,735 | 40 | 9,110 | 96 | 10,374 | 189 | 5,270 |
| Kentucky | 6 | 129,971 | 8 | 122,800 | 42 | 27,516 | 125 | 8,755 | 170 | 9,639 | 228 | 7,231 |
| Louisiana | | | 6 | 86,293 | 63 | 11,238 | 95 | 7,655 | 66 | 14,243 | 80 | 11,749 |
| Maine | 10 | 50,179 | 10 | 58,316 | 73 | 8,606 | 197 | 3,183 | 101 | 6,425 | 183 | 3,546 |
| Maryland | 26 | 18,077 | 18 | 32,390 | 63 | 10,913 | 240 | 3,254 | 229 | 4,081 | 260 | 3,595 |
| Massachusetts | 78 | 9,457 | 120 | 8,287 | 456 | 2,700 | 1,386 | 1,651 | 1,339 | 1,333 | 2,173 | 820 |
| Michigan | 3 | 70,755 | 3 | 132,551 | 74 | 10,122 | 383 | 3,691 | 450 | 3,636 | 727 | 2,251 |
| Minnesota | | | | | 7 | 24,575 | 53 | 8,302 | 114 | 6,849 | 310 | 3,717 |
| Mississippi | | | 2 | 303,263 | 45 | 17,585 | 48 | 17,333 | 39 | 29,015 | 51 | 22,188 |
| Missouri | 3 | 127,900 | 4 | 170,511 | 75 | 15,760 | 248 | 6,940 | 337 | 6,435 | 625 | 3,469 |
| Nebraska | | | | | | | 12 | 10,250 | 31 | 14,594 | 37 | 5,200 |
| Nevada | | | | | | | 21 | 2,125 | 24 | 2,500 | 23 | 2,707 |
| New Hampshire | 10 | 28,457 | 15 | 21,198 | 62 | 5,246 | 102 | 3,121 | 111 | 3,125 | 139 | 2,496 |
| New Jersey | 6 | 62,217 | 21 | 23,312 | 133 | 5,053 | 496 | 1,827 | 518 | 2,183 | 1,066 | 1,061 |
| New York | 131 | 18,533 | 209 | 14,820 | 1,239 | 3,132 | 2,954 | 1,450 | 2,802 | 1,814 | 4,359 | 1,166 |
| North Carolina | 2 | 376,709 | 3 | 289,679 | 26 | 38,179 | 51 | 21,000 | 36 | 38,888 | 87 | 16,088 |
| Ohio | 32 | 47,545 | 71 | 27,891 | 241 | 9,708 | 905 | 2,945 | 917 | 3,486 | 1,604 | 1,993 |
| Oregon | | | | | 1 | 52,465 | 23 | 4,000 | 22 | 7,943 | 76 | 2,299 |
| Pennsylvania | 82 | 21,024 | 209 | 11,061 | 494 | 5,883 | 1,543 | 2,284 | 1,324 | 3,234 | 2,168 | 1,975 |
| Rhode Island | 9 | 12,092 | 9 | 16,393 | 71 | 2,459 | 184 | 1,181 | 205 | 1,348 | 327 | 845 |
| South Carolina | 2 | 297,199 | 4 | 167,126 | 25 | 28,148 | 26 | 27,139 | 39 | 25,528 | 47 | 21,182 |
| Tennessee | 4 | 207,302 | 7 | 143,245 | 40 | 27,745 | 104 | 12,100 | 82 | 18,810 | 124 | 12,438 |
| Texas | | | 2 | 106,296 | 23 | 26,270 | 52 | 15,742 | 147 | 10,833 | 208 | 7,652 |
| Vermont | 11 | 26,540 | 11 | 28,556 | 62 | 5,082 | 111 | 3,000 | 76 | 4,372 | 109 | 3,048 |
| Virginia | 6 | 206,632 | 18 | 78,981 | 100 | 15,963 | 108 | 11,342 | 99 | 15,280 | 122 | 12,398 |
| West Virginia | | | | | | | 42 | 10,524 | 52 | 11,893 | 82 | 7,542 |
| Wisconsin | | | 3 | 101,797 | 61 | 12,555 | 227 | 4,646 | 276 | 4,766 | 394 | 3,378 |
| Territories, United States Army, United States Navy, and foreign countries | 3 | | 34 | | 98 | | 688 | | 948 | | 1,610 | |

I have the number of patents issued during the last fourteen years for each State in the Union, the number of manufacturing establishments in each State, the capital invested, and the value of manufactured products in each State. It will be seen that the capital invested and the manufactured products bear a close relation and proportion to the number of patents issued in those States.

*Table showing number of patents issued, manufacturing establishments, capital invested, and value of products in each State during the last fourteen years.*

| States. | Patents issued last fourteen years. | Number of manufacturing establishments. | Capital invested. | Value of products. |
|---|---|---|---|---|
| Alabama | 644 | 2,070 | $9,668,008 | $13,565,504 |
| Arkansas | 409 | 1,202 | 2,953,130 | 6,756,159 |
| California | 4,983 | 5,885 | 61,243,784 | 116,218,973 |
| Colorado | 530 | 599 | 4,311,714 | 14,260,159 |
| Connecticut | 9,471 | 4,488 | 120,480,275 | 185,697,211 |
| Delaware | 520 | 746 | 15,655,822 | 20,514,438 |
| Florida | 177 | 426 | 3,210,680 | 5,546,448 |
| Georgia | 1,112 | 3,953 | 20,672,410 | 36,440,948 |
| Illinois | 15,125 | 14,549 | 140,652,066 | 414,864,673 |
| Indiana | 5,885 | 11,198 | 65,742,962 | 148,006,413 |
| Iowa | 4,666 | 6,921 | 33,987,886 | 71,045,929 |
| Kansas | 1,271 | 2,803 | 11,192,315 | 30,843,777 |
| Kentucky | 2,163 | 5,328 | 45,813,039 | 75,483,377 |
| Louisiana | 1,184 | 1,553 | 11,462,468 | 24,205,183 |
| Maine | 2,090 | 4,481 | 49,988,171 | 79,829,793 |
| Maryland | 3,250 | 6,787 | 58,742,384 | 106,780,563 |
| Massachusetts | 21,347 | 14,352 | 303,806,185 | 631,135,284 |
| Michigan | 6,203 | 8,873 | 92,930,459 | 150,715,025 |
| Minnesota | 1,864 | 3,433 | 31,004,811 | 76,065,198 |
| Mississippi | 673 | 1,479 | 4,727,600 | 7,518,302 |
| Missouri | 4,908 | 8,592 | 72,507,844 | 165,386,205 |
| Nebraska | 505 | 1,403 | 4,881,150 | 12,627,336 |
| Nevada | 288 | 184 | 1,323,300 | 2,179,626 |
| New Hampshire | 1,541 | 3,181 | 51,112,263 | 73,978,028 |
| New Jersey | 9,046 | 7,128 | 106,226,583 | 254,380,236 |
| New York | 44,089 | 42,739 | 514,246,575 | 1,080,696,596 |
| North Carolina | 752 | 3,862 | 13,045,639 | 20,095,037 |
| Ohio | 15,065 | 20,699 | 188,939,614 | 348,298,390 |
| Oregon | 435 | 1,080 | 86,312,056 | $10,931,232 |
| Pennsylvania | 22,828 | 31,232 | 474,510,993 | 744,818,445 |
| Rhode Island | 2,056 | 2,205 | 75,575,943 | 104,163,621 |
| South Carolina | 508 | 2,078 | 11,205,894 | 16,738,008 |
| Tennessee | 1,442 | 4,326 | 20,092,845 | 37,074,886 |
| Texas | 1,720 | 2,996 | 9,245,561 | 20,719,928 |
| Vermont | 1,342 | 2,874 | 23,265,224 | 31,354,366 |
| Virginia | 1,483 | 5,710 | 26,968,996 | 51,780,792 |
| West Virginia | 703 | 2,375 | 13,883,390 | 22,867,126 |
| Wisconsin | 3,490 | 7,674 | 73,821,802 | 128,255,480 |
| Grand total | 195,788 | | | |

The business of the Post-Office Department furnishes perhaps as reliable an index of the growth and prosperity of the country as can be gathered from any source, and some statistics are given showing the increase of the postal-service revenues and expenditures from 1840 by decades to 1880 and for the year 1882.

*Post-office statistics.*

| Year. | Number of offices. | Miles of routes. | Revenue. | Expenditure. |
|---|---|---|---|---|
| 1840 | 13,468 | 155,739 | $4,543,522 | $4,718,326 |
| 1850 | 18,417 | 178,672 | 5,552,974 | 5,212,553 |
| 1860 | 28,498 | 240,594 | 8,518,608 | 19,170,610 |
| 1870 | 28,492 | 231,232 | 19,772,221 | 23,998,837 |
| 1880 | 42,989 | 343,888 | 33,315,479 | 36,542,804 |
| 1882 | 46,231 | 343,618 | 41,883,005 | 40,482,021 |

It will be remembered that the reduction of postage from its highest figure has taken place during this period. It should be noted, too, that the mailable matter of to-day is almost entirely the result of the use of patents, and that it is transmitted by methods substantially unknown in 1836.

Is it not apparent that every department of business, every pursuit of organized life, has been fed, nourished, and enabled to keep step in this wonderful march of progress by the patented inventions of the age?

Now, I want to say that three classes of men have made this possible—first, the inventors; second, the manufacturers; third, the skilled laborers; and by skilled laborers I mean not only the operatives, the mechanics who make the labor-saving machines, but the men who are educated to comprehend the operation of machines and processes.

I know that it is often acknowledged that the wonderful growth of the country to which I have adverted is the result of invention. I give inventors all the credit that belongs to them, but I want to say that the manufacturers of the country, that the artisans of the country have taken part in this wonderful development of its resources, its industries, its wealth, and its population equally with the inventors. It is the manufacturer who has furnished the capital, the enterprise to reduce these inventions to practical application; it is the cunning workmen in the factories that have applied these inventions. The invention of the telegraph was a vast conception, but it has required the manufacturer and the artisan to make that profitable to the country. If it were not for the shop hands and shops of this country there are Senators on this floor who could not go home at the close of this session and return here at the commencement of the next session. Senators who have no very great love for this patent system are here only as the result of it.

I may be told perhaps that in my classification I have omitted the agriculturists as one of the classes of men who have contributed largely to this progress. By no means. The agriculturist has become a skilled laborer in this country. He purchases a machine. He no longer toils with the rude implements of the past. I assert, without fear of contradiction, that without patents the agriculture of the present day would be impossible and that a large proportion of the agricultural lands of the country would be inaccessible. In 1878 we were fighting Indians and hunting buffalo in Dakota; to-day Dakota stands knocking at our doors for admission as one of the States of the Union with an alleged population of 300,000, and in the bill for its admission which is reported it is provided that the lands reserved now for school purposes, which six years ago were waste hunting-grounds, shall not be sold at less than seven dollars and a half per acre.

I do not believe the entire population capable of labor in this country could raise the cereal productions and get the surplus to a market without the use of the patents issued to our inventors. And right here, with reference to the relation of patents to agriculture, I desire to have read a very interesting statement in an article originally printed in the Princeton Review by Professor F. A. Walker, late Superintendent of the Census. It is published in the Statistics of Agriculture, volume 3 of the Census Report, commencing on the bottom of page 29. Let the Secretary read what I have marked.

The Chief Clerk read as follows:

Fifth. To ask what has been done mechanically to promote our agriculture is to challenge a recital of the better half of the history of American invention. Remarkable as have been the mechanical achievements of our people in the department of manufacturing industry, they have been exceeded in the production of agricultural implements and machinery, inasmuch as in this branch of invention a problem has been solved that does not present itself for solution, or only in a much easier shape, in those branches which relate to manufactures; the problem, namely, of combining strength and capability of endurance with great lightness of parts.

In no other important class of commercial products, except the American street carriage or field wagon, are these desired qualities so wonderfully joined as in the American agricultural machines, while the special difficulty arising from the necessity of repairs on the farm, far from shops where the services of skilled mechanics could be obtained, has been met by the extension to this branch of manufacture of the principle of interchangeable parts, a principle purely American in its origin. Through the adoption of this principle by the makers of agricultural machines, a farmer in the Willamette Valley of Oregon is enabled to write to the manufacturer of his mower or reaper or thrasher, naming the part that has been lost or become broken or otherwise useless, and to receive by return mail, third class, for which the Government rate will be only two or three shillings, the lacking part, which, with a wrench and a screw-driver, he can fit into its proper place in fifteen minutes.

All the agricultural machines of to-day are not originally of American invention, although most of them are, in every patentable feature; but I am not aware that there is at present in extensive use one which does not owe it to American ingenuity that it can be popularly used. Without the improvements it has received here, the best of foreign inventions in this department of machinery would have remained toys for exhibition at agricultural fairs or machines only to be employed on large estates under favorable conditions.

But more even than the ingenuity of inventors and manufacturers has been required to give to agricultural machinery the wide introduction and the marvelously successful applications it has had in the cultivation of our staple crops East and West. "Experienced mechanicians," says Professor Hearn, "assert that, notwithstanding the progress of machinery in agriculture, there is probably as much sound practical, labor-saving invention and machinery unused as there is used, and that it is unused solely in consequence of the ignorance and incompetency of the work people." This remark, which is perfectly true of England, and the force of which would have to be multiplied fourfold in application to the peasantry of France or Austria, utterly fails of significance if applied to the United States. It is because mechanical insight and aptitude, in the degree respecting which the term "mechanical genius" may properly be used, are found throughout the mass of the American people that these products of invention and skill have been made of service on petty farms all over our land, and in the most remote districts. Lack of mechanical insight and aptitude, in the full degree requisite for the economical use and care of delicate and complicated machinery, is almost unknown among our native northern people. Not one in ten but has the mechanical sense and skill necessary for the purpose.

But it has not been through the invention and wide application of agricultural machinery alone that the peculiar and extraordinary mechanical genius of our people has increased our national capacity for agricultural production. In what we may call the daily commonplace use of this faculty, throughout what may be termed the pioneer period, and in a diminishing degree through each successive stage of settlement and industrial development, the American farmer has derived from this source an advantage beyond estimation in dealing with the perpetually varying exigencies of the occupation and cultivation of the soil.

Mr. PLATT. Imagine, if you can, how we should reach our agricultural regions, the great wheat-fields of the West, without railroads; and I may say here that a railroad, from the steel rail to the top of the smoke-stack, from its locomotive head-light to the signal-lantern on the platform of the last car, is but one aggregation of patents. Think of the crops raised without improved plows, without seeders, without cultivators, without mowers, without harvesters, without threshing-machines! Think of the crops hauled to market by horses! Think, if it be possible, of the wheat converted into flour without patented milling processes! And say what proportion of profitable agriculture in this country is not due directly to patents and to the patent system of the country. The truth is, and there is no avoiding it, that you can not disconnect in this country invention, manufactures, and agriculture. The triumph and the success of the one is the triumph and the success of all. They are interdependent coequal factors as it were in producing our prosperity and our happiness; and so with regard to the other industries of the country patents are directly connected with them all and absolutely necessary to their successful pursuit. I will not stop to enlarge. I take coal mining, and ask you to imagine and tell me whether it can be carried on except by the use of patented inventions. Then gold and silver mining, furnishing one-half of the precious metals produced in the whole world, iron-producing, and if there be any other productive enterprise or occupation take away from it the factor of invention and tell me how much the diminished production will be.

Here I want to say one word with relation to the effect of patents and patented inventions upon the exporting capacity of the country. In the present state of the world's trade you must land your wheat, your corn, your cotton, and your other agricultural productions in Liverpool for as little money as the wheat and corn and cotton of any other part of the world can be landed there; you must compete with all systems of labor and production; and how is it that you are enabled to lay down your corn, your wheat, your flour, your provisions, in Liverpool as cheap as the wheat, the corn, the flour, the provisions of other countries can be sold there? It is simply because by the use of patented inventions you are able to produce them at a cost far less than they would have been produced under the old system, and that, too, while paying the laborer engaged in producing them much higher wages than are paid in any other land. That nation which gets most of the world's trade is to be the first power of the globe. Both patriotism and the interests of humanity impel us to say that the United States must have it. How is it to obtain it? It is to be obtained only by encouraging the inventive genius of our citizens by protecting the patent system of the country and all that is involved and comprehended in that system; and as we stimulate the inventive faculty and protect the patent system, we shall steadily reduce the cost of production in this country until we are able to compete with the world, no matter what may be its system of labor.

One striking fact can not be gainsaid or overlooked—each ten years of our last half-century has shown a marked reduction in the cost of all products and a marked increase in the compensation of labor, and such diminished cost of production and increased compensation of labor has been greater in the United States than in any other country.

The day when we shall have more of the world's trade than any other country is not so far distant as some may imagine. I want to read an extract from Mr. Gladstone's Gleanings of Past Years, in chapter 8, "Kin beyond sea:"

I do not speak of political controversies between them and us, which are happily, as I trust, at an end. I do not speak of the vast contribution, which, from year to year, through the operations of a colossal trade, each makes to the wealth and comfort of the other—

Speaking of England and of the United States—

nor of the friendly controversy, which in its own place it might be well to raise, between the leanings of America to protectionism, and the more daring reliance of the old country upon free and unrestricted intercourse with all the world; nor of the menace which, in the prospective development of her resources, America offers to the commercial pre-eminence of England. On this subject I will only say that it is she alone who, at the coming time, can, and probably will, wrest from us that commercial primacy. We have no title: I have no inclination to murmur at the prospect. If she acquires it she will make the acquisition by the right of the strongest; but in this instance the strongest means the best. She will probably become what we are now, the head servant in the great household of the world, the employer of all employed, because her service will be the most and ablest; we have no more title against her than Venice, or Genoa, or Holland has had against us. One great duty is entailed upon us, which we unfortunately neglect, the duty of preparing by a resolute and sturdy effort to reduce our public burdens in preparation for a day when we shall probably have less capacity than we have now to bear them.

Again in the same article:

The development which the Republic has effected has been unexampled in its rapidity and force. While other countries have doubled, or at most trebled, their population, she has risen during one single century of freedom, in round numbers, from two millions to forty-five. As to riches, it is reasonable to establish from the decennial stages of the progress thus far achieved a series for the future; and, reckoning upon this basis, I suppose that the very next census, in the year 1880, will exhibit her to the world as certainly the wealthiest of all the nations. The huge figure of a thousand millions sterling, which may be taken roundly as the annual income of the United Kingdom, has been reached at a surprising rate; a rate which may perhaps be best expressed by saying that if we could have started forty or fifty years ago from zero, at the rate of our recent annual increment we should now have reached our present position. But while we have been advancing with this portentous rapidity America is passing us by as if in a canter. * * * There can hardly be a doubt as between the America and the England of the future that the daughter at some no very distant time will, whether fairer or less fair, be unquestionably stronger than the mother.

And in this connection I wish to read a single sentence from Mulhall's Progress of the World:

The increase of wealth—

Speaking of the United States—

since 1850 would suffice to buy up the whole German Empire, with its farms, cities, banks, shipping, manufactures, &c. The annual accumulation has been £165,000,000, and therefore each decade adds more to the wealth of the United States than the capital value of Italy or Spain. Riches are more evenly divided than in Europe; few are very rich, fewer still indigent.

But this supremacy, this primacy of the world, is only to be reached through the field of invention. To those who believe that the center of the world's trade is to be moved from England to America in the near future, that its exchanges are to be moved from Threadneedle street to Wall street, I commend the careful, watchful guardianship of the patent system of the United States.

Now, I desire to speak a little about our productive capacity as enhanced by patents. We are a nation of 50,000,000 people, but we have the productive capacity of many more millions, how many more no man

can estimate. Coal and water are now performing the work of human hands. What agents will perform them in the near future it is impossible to tell. The steam-power used in the manufactories of the United States, by the census of 1880, was equal to 2,183,488 horse-power; the water-power was equal to 1,225,379 horse-power; making in all the horse-power of the United States 3,408,867. Counting one horse-power to be equal to that of six men, we have the power used in the driving of our factories alone in this country the equivalent of the power of 20,453,202 men. The steam-power used in driving our factories, not including the water-power, is equivalent to the labor of 13,100,928 men; and of our 50,000,000 people only 35 per cent. are supposed to be capable of labor; in round numbers 17,500,000 laborers, persons capable of pursuing gainful avocations, in the country; and yet it would nearly take these 17,500,000 men to furnish the force that is exercised by steam in driving the engines of our factories, the wheels, the spindles, and the machinery of this country; and we do not begin to touch even then upon the saving of power by the use of the machines which are manufactured in these factories.

Take the capacity of locomotive engines as compared with the capacity of horses. I will read a single sentence from the argument of Mr. Coffin, a distinguished journalist of Boston, before a select committee of the House of Representatives in the Forty-fifth Congress, third session, relative to the causes of the general depression of labor and business in the United States. He says:

I come now to railway transportation. The Massachusetts railway reports for 1876 show 1,030 locomotives at work. One of our ablest engineers, Mr. Edward Appleton, has set himself to see what those locomotives would do when compared with the use of horses on common roads, and he estimates (after throwing out the locomotives that are used on tracks that are being repaired and in machine-shops) 682 locomotives in use, and that the work performed by them would be equal to 1,519,496 horses on common roads. Taking his formula and applying it to the locomotives of the United States, as given in Poor's Manual, we find that the locomotives in the entire country are doing the work of 29,676,960 horses on common roads.

But you only enter the vestibule of increased capacity by these figures. Remember that eight-tenths of the manufacturing of the country is dependant on patented processes. Take the statement cited the other day by the Senator from Florida [Mr. CALL], in which he quotes from Mulhall's Progress of the World, a book from which I have already quoted, as to the capacity of the sewing-machine:

In effect, the adoption of machinery and steam has given mankind an accession of power beyond calculation. The United States, for example, make a million sewing-machines yearly, which can do as much work as formerly required 12,000,000 women working by hand. A single shoe factory in Massachusetts turns out as many pairs of boots as 30,000 boot-makers in Paris.

Mulhall here gives the total horse-power in comparison with steam as 13,071,000, the horse-power of the world dependent upon the use of steam, equivalent to about 78,000,000 men.

Take the loom and see what it has done in adding to the productive capacity of the country. I read again from Coffin's testimony before the Congressional committee. He says:

In those days the industries were carried on in the household. There was no industry for females except that of the spinning-wheel and the loom. I had the curiosity to ascertain just what a spinner could do in a day, and I sent up to New Hampshire to a sister of mine who used to be an expert spinner, knowing that she had a spinning-wheel and some rolls, and I had the exact measurement of the distance which she walked in spinning with a large wheel. A day's work of ten hours would enable her to spin 3.8 miles of thread, and she would walk nearly five miles in doing it. Now, in one of our manufactories you will see a girl of 15 minding a machine that spins 2,100 miles of thread in a day—a thread that would reach from Washington to California. In those days the woman who commenced with the spinning-wheel and loom to get her fitting-out when about to get married would have to spend many weary days in making her sheets. To-day she obtains them at 75 cents apiece. In those days there was no industry that females could turn their hands to except the spinning-wheel and the loom. They were utterly cut off from doing anything else except working in the field with the men.

Take the figures which I have given of the wool production and consumption of this country. In 1880 the wool grown was 290,000,000 pounds; that imported was 70,575,478 pounds. We exported 4,074,517 pounds, which left for home consumption in the United States 356,500,961 pounds of wool. Now, imagine for a moment what kind of a figure the mothers and daughters of the land would make in carding it with the old hand-cards, or spinning it with the old spinning-wheel, or weaving it with the old hand-loom. Take the single matter of cleaning cotton. I read again from Coffin's testimony:

Take another illustration. Under the old process of cleaning cotton, before the invention of the Whitney gin, a man could clean four pounds a day. The gins now in use clean 4,000 pounds a day. The cotton crop of this country last year—

This was in 1879; it is much larger now—

was estimated at 4,700,000 bales. It probably exceeded that. That would be 2,021,000,000 pounds. Under the old way it would have required 505,000,000 days' work at $1 per day (that is, $505,000,000) to clean cotton, a work which is done at present by 1,614 men working 313 days in the year, and costing not over $500,000.

Take the matter of manufacturing cotton, all of which is dependent upon patented inventions. The cotton-mills of the world make six million miles of cotton cloth every year, which would furnish a band to the moon seventy-five feet wide.

We need not go further with figures to show how inventions increase the productive capacity of the country. The whole laboring population of the country could not care for its cotton and its wool. I quote again from Mr. Coffin:

If you visit Garsed's manufactory in Philadelphia, you will find his engine doing with seven tons of coal the work of seventy thousand men. If we reckon seven tons of coal as costing $21, and the labor of seventy thousand men at $1 a day, then it is $21 as against $70,000 of expenditure saved in muscular effort. Does it throw men out of employment? Does it not liberate them from muscular toil? Does it not leave them to do something better and higher? Instead of employing their muscles they employ their brains.

Whenever a machine is invented which does the work of ten men with one attendant, nine men are released from that occupation in which they have theretofore engaged to engage in other productive operation. The men so released do not remain idle nor do they descend in the grade of labor.

I know the argument is often used that inventions are opposed to the labor interests of the country. It is not true. There is a redistribution of labor whenever a new labor-saving machine is invented, but there is no destruction of labor. There is no degradation of labor in invention. The man released from a particular kind of labor by the introduction of a labor-saving machine does not go down in the grade and scale of labor, but he ascends. He engages in some higher employment, in some more productive avocation, for patents elevate the laborer. New inventions open new fields of labor. Take printing, take photography, take telegraphy, take gas-making, take steam transportation—take all these fields of labor which have been positively created out of nothing by invention, and you will find that the man released from labor in some old occupation by the introduction of machinery which performs his work enters some of these or other new avocations, with increased compensation for his labor.

Again, the laborer who lives and breathes the air of invention produces more, man for man, than he who does not live in such an atmosphere, for patents are educators. Education, as was well remarked by the Senator from South Carolina [Mr. BUTLER] in a recent speech, is something more than book-learning. It is knowledge in its widest sense. It is information; and for one I believe that the man who learns to operate a complicated machine acquires education of as much real value to himself and the race as the man who learns to conjugate Greek verbs. The man is a wiser man, a nobler man, who can make or operate a complicated machine than the man who can not. There is an education of the college. There is also an education of the factory and the field. We may not despise or neglect either. The man who is learned in the classics may not call him ignorant who without knowledge of the languages yet understands the practical application of mechanical principles or the improved processes of agricultural production.

What I have said is as true of the agricultural as of the mechanical. The farm hand who has become familiar with all the patented inventions relating to agriculture, with the machines which are to-day used in agricultural pursuits, can produce more, man for man, than the man living in Canada who has no conception of such a machine or the power to comprehend it or the ability to use it. We may go further. Compare the intelligent farm hand of the Western prairies with the peon of Mexico or the serf of Russia, and tell me which has the most productive capacity.

I desire once more to cite from Mr. Mulhall on this point some very interesting statistics, and I read from him rather than from American authors, because I desire to take the word of an Englishman upon these subjects. He has on page 55 a table showing the number of operatives in factories, together with the product of those factories and the product per operative in the United Kingdom, France, Germany, Russia, Austria, the Low Countries, Spain and Portugal, Italy, Scandinavia, the United States, and the British colonies. From this it appears that the factory operative in the United States produces, according to these statistics, £312 value per annum, which is about $1,560 per annum. The operative in Great Britain produces £224 value per annum, showing that the operatives in the manufactories of the United States produce about 40 per cent. more in value than the operatives in the manufactories of Great Britain. In France the excess of production in favor of the American operative is still larger. In Germany the value produced per operative is only £103 per annum, as against £312 for the operative in the United States; and, averaging all Europe, the operative in the United States produces just double in value to the operative in Europe. The full figures are:

| | |
|---|---|
| United Kingdom | £224 |
| France | 220 |
| Germany | 103 |
| Russia | 106 |
| Austria | 120 |
| Low Countries | 100 |
| Spain and Portugal | 119 |
| Italy | 108 |
| Scandinavia | 90 |
| All Europe | 156 |
| United States | 312 |

Why this difference, except because the operative of the United States has been educated by the patent system and by a knowledge of the patented inventions of the country?

I have already given the statistics of our patents since 1836. The total number to the issue which will be made on the 8th of April is 296,715.

I desire to put in here a table showing the patents issued in foreign countries:

| | |
|---|---|
| English patents, total to December 31, 1883 | 140,047 |
| English patents for year 1883 | 6,000 |
| German patents, total to December 31, 1883 | 26,084 |
| German patents for year 1883 | 4,848 |
| French patents, total to April 30, 1883 | 172,451 |
| French patents for year 1882 (1883 not received) | 6,269 |
| Italian patents, total to December 31, 1882, about | 13,560 |
| Italian patents, yearly | 1,250 |
| Belgian patents, total to December 31, 1882 | 60,043 |
| Belgian patents for year 1882 | 3,400 |
| Hungarian patents, total to December 31, 1882 | 20,434 |
| Hungarian patents for year 1882 | 2,377 |
| Austrian patents, total from 1853 to December 31, 1882, inclusive | 29,310 |
| Austrian patents for year 1882 | 2,377 |

Thus it will be seen that under the English patent system, which commenced in 1624, the total number of patents issued up to December 31, 1883, was only 140,047. France, whose patent system commenced in 1791, issued up to April 30, 1883, 172,451 patents. In the other countries given the number of patents issued is very much less than those I have referred to.

The factory in this country has become the school of the useful arts. Every valuable patent builds a factory, and every factory produces scores of patents; and so the invention and the practical education of our people goes on.

I desire for a few moments to consider the question of property in patents. There are some people, I am sorry to say, who have very little regard for this property—for the property right of the inventor and patentee. I think I will show that it is as sacred a property and as much entitled to the protection of the Government as any other species of property. Nay, more; I think I will show that it is a property which stands on a higher plane, and which, if there is any distinction between property, is of a higher character and order than any other property in this land. I wish here to quote, from the most recent and I think the best treatise on patents, published by a citizen of my own State, Mr. Albert H. Walker, of Hartford, Conn., what he says as to the right of property in patents. I will ask the Secretary to read it.

The Chief Clerk read as follows:

SEC. 152. The right of property which an inventor has in his invention is excelled in point of dignity by no other property right whatever. It is equaled in point of dignity only by the rights which authors have in their copyrighted books. The inventor is not the pampered favorite or beneficiary of the Government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power nor secure from authority an unbought privilege. He walks everywhere erect and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil or of increasing comfort, and what he gives can not be destroyed by use nor lost by misfortune. It is henceforth an indestructible heritage of posterity. On the other hand, he receives from the Government nothing which costs the Government or the people a dollar or a sacrifice. He receives nothing but a contract which provides that for a limited time he may exclusively enjoy his own. Compared with those who acquire property by devise or inheritance, compared with those who acquire property by gift or marriage, compared with those who acquire property by profits on sales or by interest on money, the man who acquires property in inventions by creating things unknown before occupies a position of superior dignity. Even the man who creates value by manual labor, though he rises in dignity above the heir, the donee, the merchant, and the money-lender, falls in dignity below the author and the inventor. The inventor of the reaper is entitled to greater honor than his father who used the grain-cradle, and the inventor of the grain-cradle is entitled to greater honor than his ancestor who for a hundred generations had used the sickle. Side by side stand the inventor and the author. Their labor is the most dignified and the most honorable of all labor, and the resulting property is most perfectly theirs.

Lord Bacon gave the weight of his opinion to views somewhat similar to the foregoing. The following is a translation of one of his Latin paragraphs.

"The introduction of great inventions appears one of the most distinguished of human actions, and the ancients so considered it; for they assigned divine honors to the authors of inventions, but only heroic honors to those who displayed civil merit (such as the founders of cities and empires, legislators, the deliverers of their country from lasting misfortune, the quellers of tyrants and the like). And if any one rightly compare them he will find the judgment of antiquity to be correct; for the benefits derived from inventions may extend to mankind in general, but civil benefits to particular lands alone; the latter, moreover, last but for a time, the former forever."—*Walker on Patents*, 102, 103.

I know the author will excuse me if I endeavor to supplement his very terse and undeniable statement of the character and of the dignity of this property right with some ideas of my own. This property in patents is a property which contains within itself the principle of the reproduction of property, and that is a characteristic which attaches to no other species of property. Every patent has in it the germ of a new patent, which in turn is property. Like that marvelous creation of God, "the tree, in the which is the fruit of a tree yielding seed," every patented invention contains the fruit of an invention yielding seed. For instance, the telegraph generated the telephone, and other motors are to be the progeny of the steam-engine. The children of the steam-engine are already born that shall grow up to perform their work more easily, more expeditiously, more cheaply than the parent invention.

The most significant word in the grant of a patent is that one word "improvement." Letters patent state that, "Whereas A B has presented a petition praying for a grant of letters patent for an alleged new and useful improvement," &c. Every patent is an improvement in more senses than one. It is an improvement on the particular machine or process to which it has reference, but it is an improvement in a broader and more far-reaching sense. It is an improvement of every man who uses it, in knowledge, in comfort, in strength, in power, in beneficence. It is, in a word, an improvement of humanity itself. It is well that that technical word is used in every grant of letters patent. It is property of a high character in that it is a property which springs from the human brain. Processes of the brain are at once the basis and measure of all values. I hear it said that value is created and is measured by labor, by muscular toil; that the intrinsic value of the gold dollar is what it costs the average man to dig it out of the earth. But value has a higher author than muscular labor. Man in savagery produces no wealth; he neither creates nor acquires property. The higher the citizen ascends in the subtle processes of thought the more wealth will be found in the country. The higher a race ascends in intellectual capacity, in the faculty of contrivance, in inventive skill and genius, the richer will the race be. Nature is one vast storehouse of wealth, but it is a locked storehouse, and the human brain alone can unlock it. Invention is the magic key. Men seek gold in the bowels of the earth, but it lies in the air, in light, in the gases, in electricity. It needs no enchanter's wand, no talismanic words to set it free—only the processes of thought.

Men in the olden time sought some substance which should turn all the baser metals to gold, so they imagined, and they spent weary lives in searching for the philosopher's stone. They narrowly missed what they sought. There was a substance which turns all things to wealth, but it lay within their own brain. That gray matter of the brain is mightier than the fabled philosopher's stone. The processes of thought which are going on within the cells of that matter alone produce wealth, and power, and greatness. Men sailed to the westward to find an El Dorado. They found it. The land was full of wealth; but they lacked the eyes to see the riches and the power to conquer and appropriate it. They sought an outward kingdom, but the kingdom of wealth and power lay all undeveloped within them.

Banish wealth, if you please, from this country, transfer all the available wealth of the land to Russia, make every man bankrupt, and leave the means of but six months' subsistence, and in a single generation we will reproduce this wealth of which we are so proud to-day. It would be simply the outcome of the human brain—simply wringing from nature her secrets by the inventive faculty of man.

Few men, I believe, have thought of the actual money-value of patents. The mind can not measure it. There are few data from which it can be estimated. We may perhaps gather some idea of the money value of patents by seeing what they have cost inventors. The unexpired patents to-day are 235,400, a somewhat larger number than I had supposed when I made the calculation which I am about to submit. I had taken 230,000 as the number of outstanding patents, and they have cost in Government fees $8,000,000; that is to say, the inventors have paid into the Treasury of the United States to obtain those patents $8,000,000. If you allow attorneys' fees at $50 each, there is $11,500,000 more. If you put the time in experimenting and the expense making models at $100 more, and that is vastly too small, it will be $23,000,000 more. So that you will have $42,000,000 as the cost of the title deeds which have been given to the inventors of this country that are now in force. But that is no measure of value. That is the first cost; that is the cost of obtaining. I know that it is difficult to put any average value upon patents; I know that some of them are worth millions, and some of them are worth nothing, but I think it would be safe to say that they are worth $500 on an average; and, if so, we have as the value of the patented inventions upon that basis, not reckoning cost, $115,000,000, the actual salable value. Others would put the average value of patents very much higher.

But this, after all, is no way to measure the value of patents. If we measure them by what they create, by what they save in cost, by what they add to production, by their multiplication of values, then the sum total is simply incalculable.

Let me give you an illustration or two of the saving of patents. I take perhaps as the most marked instance of the saving made by the use of patented inventions the Bessemer steel patent, and I want to say right here that I do not like to have it said that this is the invention of a foreigner alone. I want Americans and American inventors to have their rightful share of credit for this invention. The article known as Bessemer steel was an American invention. It was made by William Kelly, an iron-master of Eddyville, Ky., and in 1856 and 1857 the Patent Office, in an interference between him and Bessemer, decided that Kelly was the prior inventor. B. F. Mushet, of England, finally added a further improvement, which rendered it practicable. The first rail of it was laid on the Midland Railroad, in England, in 1857, merely as an experiment. The first works were established here in 1864–'65 at Wyandotte, under the Kelly patent, and in 1865 by Winslow, Griswold & Holley, at Troy. The Kelly, Bessemer, and Mushet patents were consolidated in 1866, and work began in 1868. Good quality was not produced until 1870, when the company producing it failed.

So much for the history of the Bessemer invention. In 1868 the average price of steel rails was $165 per ton. The price since the commencement of 1884 is $34 per ton. The production of steel rails in 1883 was 1,295,740 tons. The same quantity made in 1868 would have cost more than they cost in 1884 by $168,446,200. That is the saving of a single year as the result of this invention.

But when we have thus considered the saving in the cost of production we have just begun to consider the saving which is effected by this patent. The entire transportation question of the country has been

affected by it. The life of a Bessemer steel rail is double the life of an iron rail; it is more than double, and it is capable of very much harder usage. Now take a single fact as suggesting the saving, aside from that of cost of the production of the steel rail, which has been effected by this patent. In 1868 the freight charge per bushel from Chicago to New York was by lake and canal 25.3 cents, by all rail 42.6 cents. In 1884 by lake and canal it is 9 cents only, and by all rail 17 cents only. Now take the 119,000 miles of railroads in the United States which are used in the transportation of merchandise. Apply that fact to the reduction of the cost of transportation, a large portion of which has resulted directly from the use of the Bessemer steel rail, and tell me if you can estimate, see if you can find the figures which will represent the saving to this nation by reason of the use of this one patented invention.

Let me take another illustration; and I do this because I hear that the barbed-wire patent has oppressed people; I hear that people who use it are unwilling to pay any royalty for the use of it, and so I cite this illustration to show the saving effected by patents. There have been made and sold from 1874 to 1882, inclusive, of barbed wire for fencing 459,805,000 pounds, which make equal to 1,379,806 miles of post-and-rail fence, or 110,384,480 rods. An old board-and-post fence costs $1 per rod, and the barbed-wire fence costs 50 cents per rod. Hence the actual saving to farmers already by this one invention is $55,192,240.

The total amount of fencing in the United States is estimated at 1,619,195,428 rods. At $1 per rod this would amount to as many dollars; whereas if we had had this invention and could have built all these fences of barbed wire at 50 cents a rod it would have saved the farmers of this country the enormous value of $809,597,714. I take as my authority for the cost of fencing an agricultural paper published in Iowa, the Iowa Homestead, and in this estimate nothing is included of the saving in the repairs of fences.

Take an illustration which has reference to the Patent Office, representing a smaller saving but no less forcible. Before the establishment of photolithography was applied to the production of copies of drawings in the Patent Office they were produced by tracing, costing from one to ten dollars each, and the party ordering them from three to twenty-five dollars each. By this process they now cost the Government about 1 cent each, and are sold to litigants and inventors for 10 cents, copies of which are constantly demanded by the courts in infringement and other patent cases. I merely speak of that as illustrative of the saving resulting from the use of patented machines.

This leads me to speak of the value of patents as measured by their effect in enhancing the value of their products. Here we have no data and every one must judge from his own standpoint and from his own opinion as to how much has been added to the wealth of this country which would not have been added to it except for our inventions and our patent system. How much has been added to the value of land which otherwise would not have been fenced, how much to the value of urban property consequent upon the improvement and development of farms; how many cities owe their existence to the production of the Bessemer steel rail; how much, to come home to our own city, of the $5 per square foot of land near the outskirts of Washington is due to patented inventions? These are suggestive inquiries. For my part, I believe that two-thirds of the aggregate wealth of the United States is due to patented inventions. Two-thirds of the $43,000,000,000 which represents the aggregate wealth of the United States, in my judgment, rests solely upon the inventions, past and present, of this country. The only way to test the opinion is by imagining the effect upon values which would follow a prohibition of the use of patented inventions.

Take the expired and unexpired patents; prohibit the application of steam to the creation of power; prohibit the use of patents relating to agriculture and the production of the cereals and of cotton; prohibit the use of the inventions relating to electricity; prohibit the use of inventions relating to printing, and tell me how much you have subtracted from the value of the property of this country? Tell me what the property of the country would be worth with such a prohibition? Then banish the knowledge of them, and tell me how this wealth is to be reproduced.

I would gladly speak here of the addition to our comforts and our enjoyments by the use of patented inventions, but I forbear. If we can conceive a situation in which we should live in a home in the building or fitting up of which no patent was employed; eat our family meal in the provision or preparation of which there was no invention; be clothed in apparel into the making of which no patent entered; ride to our business in a conveyance in the construction of which all patents were prohibited; read only such books and papers as were produced without the intervention of patented machinery, we may realize partially how much of our social and domestic happiness is derived from patents.

I wish in this connection to submit, without reading, the number of patents granted, classified as relating to different arts, occupations, and branches of industry:

APPAREL.

| | Patents. |
|---|---|
| Apparel | 2,417 |
| Crinoline and corsets | 969 |
| Jewelry | 653 |
| Toilet | 362 |
| Umbrellas and fans | 833 |
| Boots and shoes | 5,060 |

| | Patents. |
|---|---|
| ELECTRICAL. | |
| Electricity | 5,872 |

In the various branches of electrical research the applications for patents now average about 250 a month.

| | |
|---|---|
| FARM, AGRICULTURE, AND TILLING. | |
| Harrows and diggers | 2,421 |
| Plows | 6,686 |
| Seeding and planting—seeders and planters | 3,568 |
| Gathering—harvesters | 6,606 |
| Products, field and farm—dairy appliances | 2,429 |
| Fences | 2,888 |
| Mills and thrashing | 6,740 |
| Presses | 2,708 |
| Culture—garden and orchard | 682 |
| Care of live-stock | 1,232 |
| TEXTILE MANUFACTURES. | |
| Carding | 647 |
| Cloth finishing | 268 |
| Cordage | 589 |
| Knitting and netting | 753 |
| Silk | 350 |
| Spinning | 1,023 |
| Weaving | 2,372 |
| METAL-WORKING MACHINES. | |
| Examiner Jayne's entire class | 10,204 |
| Farriery | 746 |
| Grinding and polishing | 1,425 |
| Founding | 1,131 |
| Tempering, &c | 263 |
| Tools | 1,662 |
| Nut and bolt locks | 734 |
| Sheet-metal ware making | 365 |
| STEAM-ENGINEERING. | |
| Air and gas engines | 356 |
| Fluid-pressure regulators | 398 |
| Injectors and ejectors | 240 |
| Steam-pumps | 174 |
| Steam-boilers | 2,407 |
| Steam-engines | 5,111 |
| Steam-boiler furnaces | 2,333 |
| Steam-valves | 1,533 |
| Steam-water elevators | 46 |
| METALLURGY. | |
| Coating with metal | 244 |
| Metallurgy | 2,418 |
| RAILWAYS. | |
| Railways | 3,504 |
| Railway-cars | 6,505 |
| LEATHER. | |
| Chemical and mechanical treatment of hides, skins, and leather | 1,219 |
| ENGINEERING. | |
| Bridges | 694 |
| Excavating | 1,143 |
| Hydraulic engineering | 622 |
| Masonry | 544 |
| Roofing | 508 |
| Fire-escapes | 884 |
| Artesian and oil wells | 500 |
| HOUSEHOLD—THE HOUSE. | |
| Bread and cracker machines | 446 |
| Chairs | 1,585 |
| Furniture | 1,943 |
| Laundry | 4,993 |
| Beds | 2,153 |
| Household articles | 1,589 |
| Curtain fixtures | 913 |
| Vegetable cutters and crushers | 405 |
| HYDRAULICS AND PNEUMATICS. | |
| Baths and closets | 1,207 |
| Fire-engines | 567 |
| Hydraulic motors | 1,456 |
| Pneumatics | 2,742 |
| Pumps | 3,156 |
| Water distribution | 3,769 |
| CALORIFICS. | |
| Driers | 1,342 |
| Lamps and gas fitting | 5,254 |
| Stoves and furnaces | 8,238 |

We protect all our personal property by patents, we lock it up with patented locks, and if anybody breaks through and steals our treasures we overtake the thief by a patented telegraph. We defend our national honor by patents. We heard only yesterday that an unfortunate riot occurred in one of our principal cities. It was the telegraph which summoned the troops of the State to Cincinnati; it was that subtle force, so intangible, impalpable, invisible that we scarcely know whether it is material or spiritual, which the inventive genius of man has reduced to servitude, which in an instant's time summoned soldiers from all sections of Ohio to the defense of Cincinnati.

Take another instance: Many believe, I fully believe, that Ericsson, a foreigner, but I think an American citizen, by a single invention changed the whole theory of naval architecture, the naval warfare of the world, and prevented this country from dismemberment and disunion. That single invention, originating in the brain of an humble individual, whose invention was not favored by the Government, and who was never to my knowledge compensated by the Government, changed the history of the whole world. Consider this one instance of the effect of patents and tell me what is the value of patented inventions, and what they have added to the value of property in this country?

A distinguished member of the Army told me within a short time that the only reliance of this country in case of war was upon the in-

ventive genius of its people, that it had no navy, that it had no sufficient army, that it could only defend itself by a special exercise of the inventive faculty of its citizens in calling into immediate use and power new implements of warfare.

Is not this vast system of property worth protecting? Does not the patent system attain a dignity which entitles it to fair and generous treatment? Is it not large enough to be independent?

I have heard it said that we should have all these inventions anyway; that men would have invented without regard to the encouragement which was given to them by our patent laws; that if this exclusive use of their inventions had not been secured to them for a term of years, that if their property in patents were not protected, yet they would have gone on and will go on inventing all the same; that there has been in some way a marvelous birth in this country of inventive capacity, and that it must grow whether it is protected or not.

Mr. President, it is not true. The inventor is no more a philanthropist than is the agriculturist. He works for his support. He works to achieve a competency. He invents, if you please, to become rich; but he is no more a philanthropist than any other man in any other walk or avocation of life, and you have no right to demand of him that he shall be a mere philanthropist. He is entitled to his reward. He is a laborer entitled to his hire, entitled to it more if possible than any other laborer, as his labor is higher in dignity and grandeur than that of any other laborer. I wish on this point to call attention to the testimony of Sir Henry Bessemer as I find it on page 103 of a work called Creators of the Age of Steel. I ask the Secretary to read it.

The Chief Clerk read as follows:

Sir Henry Bessemer is a believer in patents; but to his varied experience in the introduction of new inventions, another single fact has to be added. "I do not know," he says, "a single instance of an invention having been published and given freely to the world, and being taken up by any manufacturer at all. I have myself proposed to manufacturers many things which I was convinced was of use, but did not feel disposed to manufacture or even to patent. I do not know of one instance in which my suggestions have been tried; but had I patented and spent a sum over a certain invention, and saw no means of recouping myself except by forcing, as it were, some manufacturer to take it up, I should have gone from one to the other and represented its advantages, and I should have found some one who would have taken it up on the offer of some advantage from me, and who would have seen his capital recouped, by the fact that no other manufacturer could have it quite on the same terms for the next year or two. Then the invention becomes at once introduced, and the public admits its value; and other manufacturers, like a flock of sheep, come in. But the difficulty is to get the first man to move. The first man might say: 'Oh, my machinery cost me a great deal of money; I have my regular trade, and this new scheme is sure to be more trouble to me in the first instance; and when everybody asks for it, every other manufacturer will be in a condition to supply it; so it is not worth my while.' I believe inventions which are at first free gifts are apt to come to nothing."

Mr. PLATT. The universal testimony of all inventors is that it is the reward which they hope to secure which stimulates their efforts. Is it so that an inventor of all the men in the world has no right to his reward? Is it so that he has no right to be protected in his property? It is the security to an inventor of his invention which makes it valuable and which stimulates him in his effort to make new inventions.

I have heard it argued that we had approached the perfection of the patent system, that there were no new worlds to conquer, that nature had no more secrets to bestow upon mankind for their benefit. So far from this being the case, we stand but in the very vestibule of the great storehouse of nature's secrets. We have but gathered a few pebbles along the shore on which beats a limitless sea. There is no limit to the evolution of human invention until it reaches the realm of the infinite. It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man.

Take but an instance or two of what is outlined on the horizon of the near future—the transmission and adaptation of electrical force, the combustion of water or its constituent elements, the application of compressed air. The whole inventive world is stirred to-day, stimulated, to find some new motive power. I saw in this city within a day or two a six-horse-power engine which had been running for months ten hours a day, driving the machinery in a machine-shop, the only agent for the driving of which was a little jet of illuminating gas scarcely larger than that which we burn in a single burner, introduced into a cylinder in connection with common air. It has been run here in the city of Washington, where gas is $1.75 a thousand feet, at a very much less cost than the cost of a steam-engine of equal power; and I am told that in one of the cities of Massachusetts more than five hundred of these gas-engines are in operation, where the gas is supplied at about 50 cents per thousand feet. I am not certain about the fact, but I am so informed. Certain it is that cheaper motors are to be discovered; certain it is that we have not begun to discover the secrets of electrical force. We live in a wonder-land. The miracle of yesterday is the commonplace of to-day. The dream of the present is to be the fact of the immediate future.

No, Mr. President, every round of the ladder on which we have climbed to national pre-eminence is a patented invention, and every sign-board which points to a greater future of achievement and progress shows that the path continues to lead through the field of invention. We are nearing the end of the contest to which our fathers invited us when they gave to our Government the power to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries. That contest was for the supremacy of the world, and the prize is now in full view. Shall we forget, shall we neglect the system which has enabled us to outstrip our competitors in the race, or shall we the rather perfect and develop it, that through its perfection and development we may attain still grander results? We stand to-day in the gateway of a most marvelous future. Let us hope that eyes may be given us to see that the inscription over the gate reads, "Protection to the American patent system and all that it comprehends and involves."

Mr. President, I leave this branch of my subject. I have but suggested where I desired to elaborate. It is as fascinating as an oriental romance, a fairy tale, and the temptation to enlarge is very great, but there are some more practical considerations which I must present in support of this bill.

I say that the Patent Office should be made an independent Department, not only because of the vast importance of the interests which it must care for, but because of the treatment which it has received and must continue to receive so long as it remains a subordinate branch of the Interior Department.

In the first place, the Interior Department is overburdened; it is overloaded. No one man can discharge its duties properly. Let us see what the Secretary of the Interior has to do. He is charged with the supervision of the public business relating to patents for inventions; pension and bounty lands; public lands, including mines; the Indians; education; railroads; the public surveys; the census when directed by law; the custody and distribution of public documents; supervision of elecmosynary and literary institutions in the District of Columbia. He also exercises certain powers and duties in relation to the Territories.

Now take just three branches of the Interior Department—take the public lands, the railroads and their relations to the public lands; take the Indian Department—and tell me whether any one man can fairly discharge the duties which pertain to those three branches of his Department. Think of the multiplicity of important cases which must come to him for his personal decision. Think of the vast property interests which are to be decided in the mineral cases, the land cases, the railroad cases, which should receive his personal attention. In addition to all other duties he has the appointment and supervision of over 3,300 persons, and the executive administration of a Department which employs more than 3,300 agents.

If the Secretary of the Interior had as many heads as the Hindoo divinity Siva, and as many arms as Briareus, he could not personally perform all the duties pertaining to his office that would be most acceptably performed if he could give them personal attention.

Second, the duties which must be performed by the Secretary of the Interior in other branches of the Department always have led, and probably always will lead, to the selection for its head of a man who has no special adaptation for the important work of the Patent Office. Public opinion demands that the Secretary of the Interior must have defined ideas relating to the Indian policy; that he must have a knowledge of the laws relating to public lands; that he must understand the operation of the railroads in their relation to the Government; that he must have a Territorial knowledge which will enable him to administer so far as his duty requires the affairs of the Territories. He must have been trained in a different school from the man who should be selected for Commissioner of Patents or for the head of the Patent Department. Let me illustrate.

If the Secretary of the Interior is to be the superior officer, he must pass on questions of administration which he can not so well understand as the Commissioner. Under the practice of the office he passes on most complicated questions affecting the right to inventions. There has been no Secretary of the Interior within my knowledge who has had any special adaptation to that office, who has been selected at all with reference to his mechanical judgment or mechanical skill, or because of his superior understanding of the complicated questions of patent law.

Now, what is the practice of the office? Here is the Commissioner. Under him is a board of examiners-in-chief, with twenty-four principal examiners and four assistants to each principal. Now there comes an application for a patent involving some question of mechanical principle, involving nice questions of priority of invention, of utility, of practice under the patent law. The application goes first to the principal examiner. He is supposed to be a man skilled in the arts, who has a thorough knowledge, special knowledge, technical knowledge of the division of the Patent Office which he oversees. He passes upon it. If rejected, an appeal is taken to the examiners-in-chief, three men who are selected, or ought to be, for their extensive knowledge and experience in patent matters, who have a universal knowledge, so to speak, of inventions and of mechanical principles. If rejected there an appeal may be taken to the Commissioner, and by the practice of the office an appeal may be taken from the Commissioner to the Secretary of the Interior.

Tell me if a Secretary of the Interior, selected because he has some idea of the political administration of the Government, because he has knowledge relating to the Indian tribes, because he has knowledge of the land laws of the United States, is the person to pass upon that patent question and to reverse the action of the Commissioner, based upon

the action of the chief examiners and the principal examiner; and yet it is done in practice frequently.

I say, without any disrespect to any Secretary of the Interior, past or present, that he can not be so well qualified to decide important questions involving mechanical principles and patent law as the subordinates whose decisions he must review. If it were so that the Secretary could personally decide all appeals from the decision of the Commissioner there would be less inconsistency in the situation, but I think it will be found that many appeals from the well-considered action of the Commissioner are reviewed and practically decided by a clerk in the office of the Secretary of the Interior, who is known as the "patent and miscellaneous clerk."

There should be but one head. The office is double-headed now. I wish I had time to refer fully to the law to show to what extent there is a double administration of the Patent Office. One or two references must suffice. Under the law the principal examiners, assistant examiners, heads of divisions, clerks, and all employés are appointed by the Secretary of the Interior upon the nomination of the Commissioner. The power of appointment, except as controlled by civil-service rules, should be in the head of the Patent Office alone. He now may nominate. He is the best judge of the special qualifications required in the appointee, but he can only nominate. How little this power of nomination may influence appointments can be easily imagined. I once heard a Commissioner of Patents say that during his whole term, and it was not a very short one, not a single appointment was made in the Patent Office that he desired. He nominated men whom he thought best to fill the position with, but was in every instance given to understand that the nomination of some one of whom he knew nothing about would be agreeable to the Secretary. I ought in justice to say that this statement has no reference to the present Secretary.

The rules and regulations for the conduct of proceedings in the Patent Office are to be approved by the Secretary, and the Secretary is not unfrequently asked to overrule the action of the Commissioner in respect both to the making and application of rules. The Secretary of the Interior may overrule the Commissioner if he refuses for any cause to recognize an attorney or solicitor. Notwithstanding the office is self-supporting, all disbursements must be made by the disbursing clerk of the Secretary. The Commissioner can not order the purchase of a board to be used in reproducing a model called for in the trial of a cause without the approbation of this clerk. It needs no argument to prove that both the efficiency and independence of the Commissioner must be impaired by this complexity of administration.

What should be the qualification of the head of the Patent Office? He should combine an accurate and almost universal knowledge of mechanical principles with a thorough knowledge of patent law and with rare executive and administrative ability. He should be pre-eminently distinguished for these qualities. His position should be one of entire independence. It is more judicial than executive. His duties are more like those of a judge of a court than an executive officer; they are purely judicial and ministerial. The office should be permanent and it should be non-political, by which I mean it should have no political significance.

One of the great defects of the Patent Office has been that the Commissioner of Patents has felt, if not that he was in a position of degradation, he was not in a position of independence. He has felt that he has been overruled—to use perhaps not a very elegant phrase, snubbed—in the administration of his office. I do not speak of the present Commissioner or of the present Secretary of the Interior. I speak of my knowledge of the administration of the office in past years.

So we have had Commissioners who have only been there for two or three years. The moment that they became adapted to discharge well the duties of their office they left and went into more lucrative occupation, and used the knowledge which they had acquired to obtain practice as patent attorneys or solicitors. It has been understood throughout the country that the office of Commissioner of Patents was accepted with its present salary and with the limitations upon it simply as offering a stepping-stone to lucrative practice outside of the office after the Commissioner should resign.

The Commissioner should have salary enough to make him feel that he was occupying an office both of dignity and profit, and the salary and dignity should be at least equal to that of a circuit judge.

Every year's experience adds greatly to the capacity and ability of the Commissioner of Patents. In a word, the Patent Office needs and demands better administration, and it never will have it as a rule until it shall be made a separate Department. It must be held in entirely different estimation by Congress and by public sentiment before it will be what it ought to be. The way to secure this estimation by Congress, the way to secure for it what it wants and what it needs and what it must have if it is properly to discharge the high functions which devolve upon it, is to separate it entirely from any supervision by the Secretary of the Interior, to make it independent and dignified.

Third. It has been sadly neglected in the past. It must be enlarged and made more efficient, and this never will be as long as it remains simply a fifth-wheel of the Interior Department coach.

Now, I wish to say a few words as to the ways in which its efficiency can be promoted. And I urge with emphasis that it must have more force and more room. I quote now from Mr. Burke's report as far back as 1848:

Thus have I, in five separate communications to Congress and its appropriate committees within the last two years, made full expositions of the embarrassed condition of this office growing out of its greatly increased and increasing business, and the inadequacy of its force to perform its duties.

In view of these facts, I am confident that the Patent Office can not be held responsible for the embarrassments and delays which exist in one of the branches of its service. I am conscious that the inventors by whose contributions this important institution is sustained have grievous cause of complaint on account of the disappointments and injuries which they suffer from the delays which their business is compelled to encounter in the Patent Office, but I am confident their enlightened liberality will appreciate the earnest and persevering efforts which have been made by the undersigned to remove the just causes of their complaints, and that they will patiently wait the action of Congress for their relief, which, it is gratifying to know, may be confidently anticipated before the close of the present session.

Here is a quotation from the report of the Commissioner of Patents in 1872:

The question of room for the Patent Office is becoming more and more serious every day. At the present time the working force is greatly crowded, and we are compelled to occupy rooms under ground, and with necessarily very imperfect ventilation. The health of many employés has been very seriously impaired and the work of the office greatly impeded. Since I have been in the office, now less than two years, eight persons have died, whose deaths were attributable, probably, to the occupancy of rooms unfit for such purposes. The files and the documents of the office are crowded into such small and inconvenient spaces as to be very difficult of access and very damaging to the files themselves. When additional rooms can be furnished for the working force of the office, those now unsuitable for occupancy by employés can be fitted for receiving the office files. I earnestly hope that some provision may be made whereby the work of the bureau may have sufficient room to be promptly and properly executed.

Let me call attention to what the present Commissioner said in his report last January:

I can not refrain from repeating what Mr. Commissioner Marble said in regard to the rooms occupied by the bureau. They are inadequate. I am compelled to keep valuable documents and records piled on the floor; some are in rooms so damp that the papers are moldy.

Many of the employés occupy small, dark, and damp rooms, and in numerous cases their health has been seriously impaired. Within a few years the entire building now occupied by the Department of the Interior will be required by this office for the proper accommodation of its force and the safe-keeping of its records and files.

I have a statement made this year by the Commissioner of Patents to the Committee on Appropriations, which I ask the Chief Clerk to read.

The Chief Clerk read as follows:

Pending consideration of the legislative, executive, and judicial appropriation bill by Congress the urgent needs of the Patent Office are herewith respectfully presented to the Committee on Appropriations.

There has been a remarkable increase of inventive activity during the last few years, which brings a corresponding increase of work to the Patent Office, and makes the labor more arduous.

Owing to the progress of the country, the great increase in population and wealth, the widespread rise and growth of new industries, more weighty interests, both of inventor and of manufacturer, are now at stake, and these are in a great measure dependent upon the thoroughness and accuracy of the work of the Patent Office.

In pursuing their labors the examining corps of the Patent Office must not only compare pending applications with each other, adjudicating between them where they conflict, but they must compare each application for a patent, for a design patent, or for the registration of a trade-mark or label, with patents and publications that have gone before, and apply all the tests of patentability established by law and by decisions founded in a long course of experience, the doctrines of combination, of aggregation, of mechanical skill, double use, new application, &c., as to the relations which these bear individually or in the aggregate upon the application or case under consideration.

Knowledge, judgment, skill, experience, and industry are indispensable requisites.

But with all human knowledge, with all human judgment, skill, and experience, with all human industry and perseverance, human capacity is limited.

The increase in the field to be explored causes more than a direct ratio of increase in the labor to be performed. The increase rather resembles the rule of geometrical progression.

The yearly number of applications now to be examined, including caveats, trade-marks, and labels is more than 39,000, nearly 40,000; and with amendments, arguments, appeals, interferences, and the various interlocutory questions raised by the able lawyers who have engaged in patent practice as a specialty, the labor and correspondence in the course of the examination of applications for patents, &c., is immense.

In 1848, when the grade of examiner was established, the total number of American patents was not over 6,000, and of English patents only about 12,000. These with such publications as were accessible at that time, there being only one alcove of books, about 1,000 volumes in the scientific library, constituted substantially the whole field over which search had to be made for anticipation of any alleged new device.

At the present day the number of American patents is nearly 300,000, and that of the English patents over 140,000.

As late as 1879 the number of English patents was only about 110,000.

The number of French patents published was only about 100,000.

The number of German patents was only 4,390.

The number of Belgian patents was about 47,000.

The number of books in the scientific library for consultation, including periodicals, &c., was not more than 29,000.

Now let this be compared with the present field:

As already said, the number of American patents alone is now nearly 300,000, and the increase per year is at the rate of about 21,000.

The number of English patents at the end of 1883 was 140,047, and the increase is about 6,000 a year.

The number of French patents published up to December 31, 1883, was about 172,000. The increase is about 6,000 a year.

The number of German patents at the end of 1883 was 26,084. The increase is about 5,000 a year.

The number of Belgian patents up to the end of 1883 was 60,043. The increase is about 3,500 a year.

The number of Italian patents up to April 30, 1882, was about 13,500. The increase is about 1,250 a year.

In addition there are thousands of Canadian, Austrian, New Zealand, Norwegian, and Spanish patents, together with patents of some other countries in

be consulted. While the total number of volumes in the library up to December 31, 1883, was 41,322.

A moment's consideration of these figures, and of the nature of a thorough examination into the legal and patentable novelty, will suffice to show the enormous growth in the labor of examination within the past few years and its constant increase, and would of itself indicate the absolute necessity for an increase in the force of the Patent Office.

But to make this perhaps the more apparent the following tables are presented to serve as a graphic illustration.

These tables will give some idea of the work to be done, but they do not show the same fully, for they do not give the thousands of caveats (2,741 in 1883), the thousands of trade-marks and labels (1,849 in 1883) to be examined, nor the appeals, the various motions, and the interferences which have to be considered and decided; nor can they indicate the immensely increased field of labor. The field of the past compared with that of the present is like a mere garden plat compared with the vast wheatfields of Dakota.

A.—*Table showing the average number of applications filed with each principal examiner.*

| Year. | Principal examiners. a | Applications. | Average. |
|---|---|---|---|
| 1848 | 4 | 1,628 | 407 |
| 1859 | 12 | 6,225 | 518+ |
| 1877 | 22 | 20,308 | 923+ |
| 1883 | 25 | 34,576 | 1,383+ |

a Exclusive of examiner of interferences.

B.—*Table showing the average number of applications filed to each individual of the examining force.*

| Year. | Individuals. a | Applications. | Average. |
|---|---|---|---|
| 1848 | 8 | 1,628 | 203+ |
| 1859 | 31 | 6,225 | 200+ |
| 1877 | 88 | 20,308 | 231+ |
| 1883 | 127 | 34,576 | 272+ |

a Exclusive of assistant to examiner of interferences.

Reports from the examiners show the work of the examing corps in the various divisions to be from two to eight months behind (that is, in some divisions of invention an application for a patent can not be taken up for consideration in less than eight months from the time it is received in the division), and this notwithstanding the fact that the examining corps as a rule is composed of capable, energetic, and industrious men, who work many hours beyond the time prescribed.

To assist the examining corps large drafts have had to be made upon other divisions of the office, and the consequence is that these divisions are likewise behind in their work.

To bring the work of the Patent Office up and keep it so for the present there should be added to the present force four principal examiners, six first assistants, ten second assistants, fifteen third assistants, twenty-five fourth assistants, all males; in all, sixty individuals.

Mr. PLATT. The quotations which I have made from former Commissioners and the letter of the present Commissioner are but the echo of the plea of every Commissioner of Patents from the commencement of the office down to the present time. The universal cry has been for more room, for more force, for room and force to enable the office to keep up with its constantly increasing business. It has been more than a cry, it has been a wail. The office is shamefully and almost criminally limited and cramped for room. There are 1,000 employés in the Patent Office building, 471 of whom only belong to the Patent Office. The area occupied by the Patent Office for clerical purposes aggregates 22,113 square feet, or 53 square feet to each employé, excluding messengers, laborers, &c. No allowance has been made for passageways and space required for going from one part of the room to another part of the same room. That is a little more than 7 feet square; it is 6 by 9. I have here a diagram of some of the rooms of the Patent Office, and by no means the worst-crowded rooms, showing how they are occupied. I hope that the process of photolithography will enable it to be produced in time to go into my speech to-morrow. Senators can examine it at their leisure. [For diagrams see opposite page.]

I undertake to say that if there were tenement-houses in the city of Washington crowded as the rooms in the Patent Office are crowded there would be one universal cry of indignation going up not only from the press of this city but the press of the whole country. Yet in the Patent Office it goes on and nobody objects. The space which is allotted to the clerical employés of the Patent Office may be large enough for a dungeon, it may be large enough for a tomb, and it may be a little too large for a grave, but it is not a fit amount of room for a human being to live and do the work of this Government in.

I wish to read a few words from the report of the Senator from Alabama [Mr. MORGAN] from the Committee on Public Lands, of April 3, 1882, to the Senate. The committee was called upon to investigate the Land Office and see whether the clerks there had room enough. The Land Office is in the same building. The report says:

From these statements a full understanding of the actual condition of the General Land Office and of the Interior Department building can be obtained. The committee agree that the Interior Department edifice is incapable of properly accommodating the Patent Office, the Bureau of Indian Affairs, and the General Land Office, and that these difficulties and embarrassments are increasing rapidly.

The want of sufficient room, light, and ventilation is very damaging to the health of the employés, and greatly delays them in their work, causing a serious loss of time and efficiency in their service. It also exposes the most valuable papers and records to theft and to great danger from fire, and has already caused the destruction of many of them by mold and decay and by the ravages of insects and vermin.

Mr. Lockwood, the chief clerk, says:

Aside from the question of injury to the service by a separation of the force and records is the question of the health of the employés, who are so close together that it is frequently impossible to work to advantage. In the accounting division of the Indian Bureau, for instance, there are eight or ten people all crowded together in one room, and there is necessarily so much going on in the nature of conversations and passing to and fro that the public business is seriously interfered with. Some of the employés of the Land Office are occupying part of the model-halls of the Patent Office, a place never intended to be used for such purposes. The necessity, however, of the accommodation of this force was upon us, and we had to do it. I consider it bad policy to have the records of any office located in the hallways for various reasons. In the first place, they are damaged to a great extent by rats and other vermin. In many cases the original records and files of the Patent Office have been almost wholly destroyed, and can not be replaced. There are numerous other reasons which will occur to the committee why there should be room for people to perform their duties and for the proper care of the records. I have made a computation of the number of square feet occupied by each employé of the Department in the Land, Patent, and Indian Offices, and the highest number, I think, was about 8, and the lowest about 5, square feet.

I suppose it is a misprint for 5 feet square.

I have visited the Patent Office, and I undertake to say that if any Senator will go there and see where the clerks are performing their duties, will see where the most skilled experts of this country, with the best scientific attainments, are performing their duties, down in the rooms which until it became absolutely necessary to have more space were used only for coal-cellars, huddled together where the sunlight rarely or never shines in the room, where there is little or no ventilation, and where the air is so foul that I venture to say no Senator can stay an hour without becoming nauseated and sick, I think he would have little doubt that something should be done not only to increase the efficiency of the office, but to prevent the almost barbarous treatment of its employés. I speak strongly, but I think no more so than the occasion demands. Yet notwithstanding all this cry for more room and more force, since this report was made in 1882 showing that there could be no more persons crowded into that building, the force of the Land Office has been increased thirty, the force in the Indian Office three, and to make room for them the force in the Patent Office has been decreased twenty-one.

As a matter of course the Patent Office is sadly behind in its work. In the division of chemistry they are eleven weeks behind; in textiles, seven months; in dairy, fences, tobacco, &c., five months. In hydraulics and pneumatics, four and a half months; in harvesters, eight and a half months. If a man produces an invention which will save one-tenth, one-quarter, or one-half the cost of harvesting the entire crop of the West, he can not get his application considered under eight months in the Patent Office by reason of the want of force. In fine arts, apparel, &c., the office is four months behind; in printing, binding, and paper manufacture, seven and a half months; in civil engineering, three and a half months; in household furniture, five months; in heating, illuminating, and drying, four and a half months; in electricity three months; in metal work, three and a half months. These are a few of the divisions of the office. Others are not so far behind, but scarcely any of them are able to keep up with current applications.

Whenever more clerical force has been applied for, the answer which I have heard has been, first, want of room, and second, economy. There never will be room enough until it is made a separate Department. These other branches and divisions of the Interior Department will crowd upon it and crowd it down, as they have done in the past. As for economy, I have shown that the Patent Office has been and is still a supplicant. It begs for what it should have as a right, and then it seldom gets what it begs for. I have shown that it has been crowded into the coal-holes and the basement, where foul gases and impure odors destroy health, and where work must be inadequately performed.

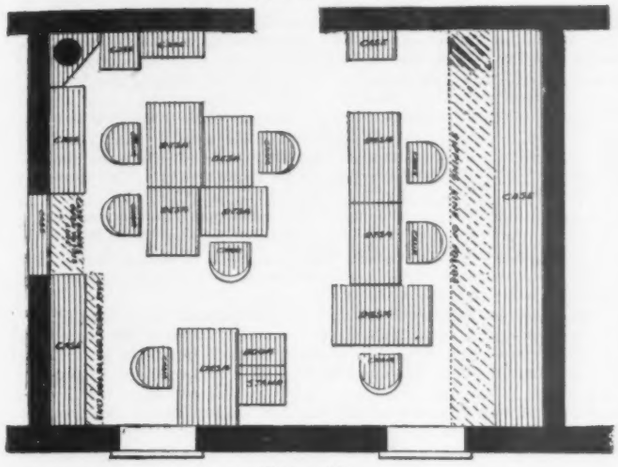
Would you think that this "pauper whom nobody owns" is the only self-sustaining branch of this Government, the only branch or bureau of the Government that pays its way? It has paid all its expenses and has a fund to its credit to-day of $2,727,107, not including, as I believe, the amount that Congress took from its fund to help pay for the building into the basement and coal-cellars of which it has been largely crowded. That would swell its surplus to over $3,000,000.

I said it had a surplus fund. I should have said it did have a surplus fund once; it controlled the surplus fund once; but in such poor estimation was it held that its fund was taken away from it by public law, and to-day and for years past it has had to pay day by day its earnings into the Treasury of the United States, the surplus to be used for the benefit of the other departments of the Government. Surplus no longer exists in practice; and nevertheless let me say the inventors of this country feel as if that Patent Office building belonged to them. They built it. It was built for them. They have more than paid for it. They can pay for it to-day out of the surplus fund of the Patent Office and still have a surplus. More than $1,500,000 has been paid into the Treasury by inventors on rejected applications alone.

I undertake to say that visitors who come here from foreign lands and from distant parts of our own country have no idea but what that building is exclusively used, or nearly so, by the Patent Office. They have no idea that there are over five hundred other clerks within the building, and that its poorest part is assigned to the Patent Office.

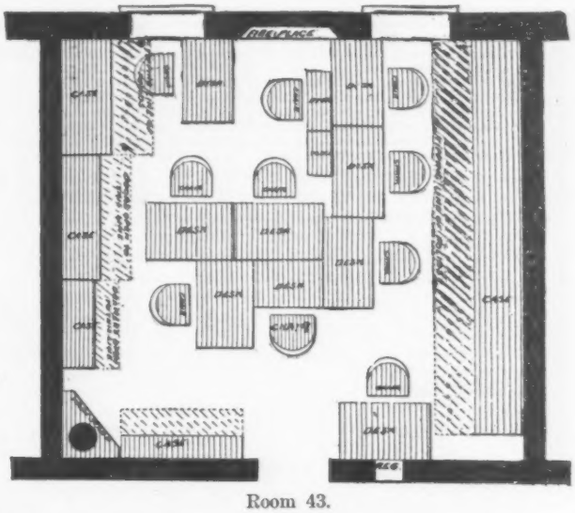
PLASTICS, OILS, FATS, AND GLUE, SUGAR AND SALT, REFRIGERATION, GAMES, AND TOYS.

*Scale one-fourth inch per 1 foot.*



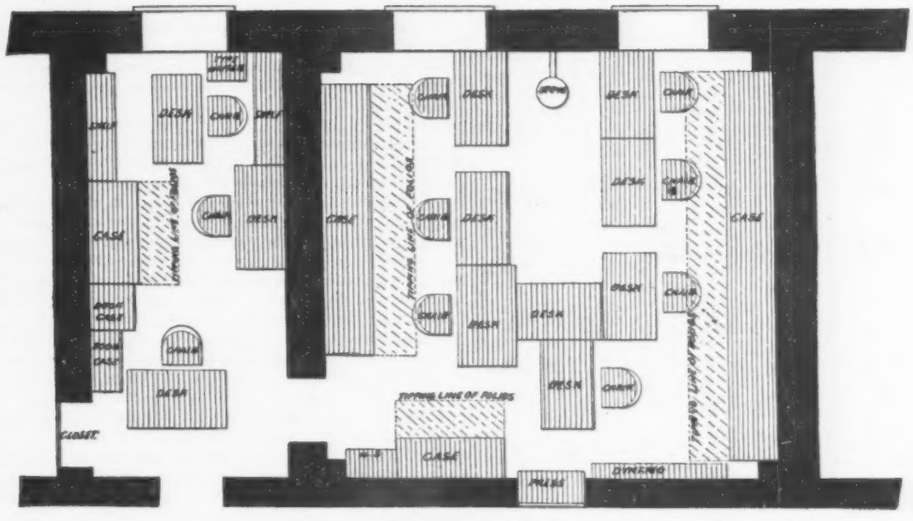
Room 42.

CIVIL ENGINEERING.



Room 43.

ELECTRICITY.



Rooms 91 and 89.

*Scale one-fourth inch per 1 foot.*

The truth is, the Patent Office has been crowded into the kitchen of the house it built, it has been made to eat with the servants, and the other bureaus of the Department sit in the parlors and regale themselves with the delicacies of the family table.

The system of examination should be greatly improved. The value of the patent system depends largely upon a more thorough examination of the applications. The statement of the Commissioner read by the Chief Clerk shows how impossible it is to make any careful examination of the applications which are made. I have heard within the last week of the case of an application for a patent involving a new process, if it be patentable, a process which will largely revolutionize certain branches of business in the country, a process about the patentability of which the inventor had serious doubt, his attorney had serious doubt. All the examination that that application received was such as was given to it when it was referred by the principal examiner in the morning to one of the assistant examiners, and before noon was passed upon affirmatively, and the order to issue a patent made. Such hurried, incomplete examinations are simply unavoidable. The examiners can not give the time to the examination of applications which care requires.

As I said, the future utility and benefit of the patent system depends largely upon a more rigid examination of applications. It is the duty of the Patent Office to see that patents are not improperly issued as well as to see that patents are properly issued. It is the duty of the Patent Office to so examine the applications as that no title-deed to an invention will be given to an applicant if he is not actually and truly the first and original inventor of a useful improvement; and I venture to say this never will be done until the Patent Office is made an independent Department. I venture to say that so long as it obtains its supplies, its moneys, through the grace of the Secretary of the Interior it never will have sufficient force to examine patents properly or have sufficient room for the examiners to work in.

What is the result of a want of careful examination? The result is, first, that the public is imposed upon. In the second place, that patentees have to become litigants to determine their rights. This is a matter which has been frequently urged by Commissioners, and I ask especially to refer to the report of Commissioner Leggett in 1873 at page 9:

> It is well known that complaints from many sections of the country against our whole patent system arise almost exclusively from patents that are improperly granted, because of the want of proper supervision in their examination; and with so many persons examining and passing applications for issue, it is an impossibility to establish anything like a uniformity of practice in the office or to get any such supervision as will attain what the law is intended to secure—that is, the rights of the inventor without infringing upon the rights of the public.

I also call attention to the present Commissioner's report with reference to the increase of the salaries of the examining force, an absolute necessity if the services of men having the knowledge capacity required to discriminate in the granting of patents are to be retained:

> I concur in what my predecessor said in his report, dated September 14, 1883, to the honorable the Secretary of the Interior in regard to salaries. The examining corps in this bureau should be composed of men of first-class ability and undoubted integrity. It is of consequence to inventors and to the people at large

that patents should not be improvidently issued. The examining corps must, in the main, be relied upon to prevent this. Not one patent in fifty comes under the personal supervision of the Commissioner or his assistant. The examiners determine these important questions in the first instance, and in a great majority of cases first and finally. The Government, I submit, can afford (especially when inventors provide the funds) to pay as full compensation for first-class ability and strict integrity as a private individual or corporation. The experience of the office is that it is next to impossible to secure, with the hope of retaining for more than a short period, assistant examiners whose thorough fitness renders them especially valuable to the service. They are constantly leaving to accept more lucrative employment outside. Since every conceivable advantage is on the side of just, not to say liberal, compensation, I trust it may please Congress to adopt the suggestions of my predecessor and provide the increase of salaries indicated in the estimates submitted, as well as for the increase of the force employed.

Under the present system of inadequate salaries the examiners, finding that they can earn much more outside of the office than in it, that they can at least earn as much where their lives and health will be less endangered, frequently, I may say usually, resign just when the knowledge acquired in the office makes their retention especially desirable. A fair increase in the salary of examiners, with proper rooms in which to discharge their duties, would, I believe, result in giving the office the benefit of the life services of a body of the most skilled and scientific experts in the world, and vastly enhance the value of our patent system.

If the creation of an independent department for the Patent Office has only the effect to discriminate in the granting of patents and the adequate compensation of the examining corps the benefit conferred upon the country will be immense.

I wish to say that there should be a classification and abridgment of patents. This was proposed in 1873, and from 1873 to 1880 the Commissioners called repeatedly attention to it. In 1880 at last an appropriation of $10,000 was grudgingly given—no, let me say was wrung from Congress—for the classification and abridgment of patents. What do we want this classification and abridgment of patents for? Simply that all the patents may be brought together and arranged under their respective heads, as, for instance, the patents relating to agriculture, and that they may be abridged so that not only the inventors but the person who is to buy or use a patented invention can have the volume before him and see whether he is about to trespass upon or infringe the rights of some other inventor. In short, the inventor wants such an abridgment that he may see whether the contrivance he is thinking about has already been patented. The public wants it to secure itself against imposition. I am quite convinced that such an abridgment, accessible to all, would greatly reduce the number of applications for unpatentable devices and largely prevent the sale of worthless or anticipated patents.

Now, is not that a good work? Is it not a work that needs to be done? Yet when $10,000 had been wrung from a reluctant—I will not say hostile—Congress in 1880 to pursue this work, and when they got the classification and abridgments nearly done as to agricultural patents, the work was stopped because the appropriation was stopped. The Patent Office was paying $300,000 a year over its expenses into the United States Treasury, but they could not have $10,000 a year to continue this necessary and beneficial work that would undoubtedly pay its own expenses, and the first volume, though nearly completed, has never been issued, and is so much dead and useless material in the Patent Office storage-rooms.

So, too, the printing of specifications of old patents should be continued. By that I mean this: The specifications of patents have all been printed back to about No. 47000. The work should be completed back to the first patent. There ought to be a complete printed record of all the patents of the United States from the first granted down to the present time. Such reproduction would be useful not only to inventors but to every citizen. It is a part of the history of our progress. So the index of patentees should be completed. Let me read, at the risk of wearying the Senate, that has been so indulgent to me, a few words from the report to the Commissioner of Patents by the chief of the issue and Gazette division, January 18, 1884:

Some twelve years ago an attempt was made to complete a general index which should not only cover these patents but all patents down to the date of compilation (1873). The subject-matter portion was completed, published, and bound in three volumes, and has since been on sale at $10 per set. The companion volume, Index to Patentees, covering the same period of time, was not finished, and came into my hands when I assumed charge of the division in an incomplete state, awaiting an appropriation. As opportunity offered, with only the regular force of the division, the preparation of the work for the printer was completed, but as no appropriation could be obtained for its publication the matter has lain in manuscript packages in the storage-rooms of the basement until dust, dampness, handling, and the rats have seriously damaged it.

That is a fine showing for an office in this Government which is not only paying its way but paying at the rate of from $200,000 to $500,000 a year into the national Treasury.

While I have been speaking I have received from a prominent manufacturing firm in my own State a dispatch asking me if I can not say something in favor of reducing patent fees. Mr. President, the patent fees ought to be reduced. A tax upon inventors which produces more than enough to pay the current expenses of the office is simply shameful. It is a tax upon knowledge, a tax on invention, a tax which in itself is as iniquitous and abominable as a tax upon authors or scientists would be. Still I am compelled to say that I do not want the fees paid by inventors reduced until the Patent Office becomes a separate Department. I want this glaring inconsistency of the inventors of the country paying the expenses of that branch of the Government and furnishing the Government from $300,000 to $500,000 annually in addition to continue until its voice shall be heard through the land in favor of the establishment of the Patent Office as an independent Department.

Agriculturists have been slow to acknowledge their dependence on patents, but they have been loud in their demands for the enlargement of the Agricultural Department. What was the origin of the Agricultural Department? It is the child of the Patent Office. The Patent Commissioner had charge of the agricultural work from 1836 to 1862, and if I am not mistaken the inventors of the country paid the entire expense of that service in connection with the Patent Office for twenty-five years. Until 1849 there was no separate report. The Commissioner of Patents reported his work in the agricultural line, and from 1849 up to 1862, when there was a separate report, it was called the Patent Office Report, and to-day men write me for the Agricultural Report and call it the Patent Office Report. Many of the farmers in this country still believe that the Agricultural Department is in some way connected with the Patent Office.

The Agricultural Department is the daughter of the Patent Office, but we have taken the daughter away from her mother; we have built her a fine house and furnished elegant surroundings; we have given her costly and fashionable clothing; we pet, I will not say pamper her; we pay her every possible attention, while the old lady, her foster-mother, still scrubs along in the kitchen of the Interior Department and is never noticed except when she deposits the surplus of her daily earnings in the Treasury for the benefit of the rest of the family. It is a shame, and the inventors are beginning to regard it as a shame, and they are going to be heard in their demand that the Patent Office shall receive better treatment than it has received. I make no complaint that the Agricultural Department has been made independent; I only protest against the studied neglect of its parent.

Let me close by noticing an argument that I have heard urged against this bill. I have heard it stated that the moment we get the Patent Office created an independent department we shall be wanting to have its head a Cabinet officer. That demand will never come from me, Mr. President; and if I am here in my place in the Senate and it is ever made I will oppose it. There is no reason why the head of the Patent Office department should be a member of the Cabinet. The Cabinet is large enough already. It requires neither the Commissioner of Agriculture nor the Commissioner of Patents within it. They can not add to its value; they can not add to its strength. The Patent department is not of a character which requires representation in the executive council; it exercises little influence on the administrative policy of the Government, very little more influence than do the courts. There is neither need nor propriety that the head of the department should be one of the President's constitutional advisers, and I venture to say that in the last twenty years no question has ever arisen in Cabinet council regarding the administration of the business of the Patent Office. I venture to say the Secretary of the Interior has not been called upon in Cabinet sessions in twenty years to express any opinion as to the management of that portion of his Department. With the other branches it is different; the railroads, the Indians, and the lands have much to do with the political management of our Government. The administration must have a policy with regard to the Indians, with regard to land grants and land-grant railroads, but as to patents it needs and should have no other policy than that so plainly expressed in the Constitution.

Mr. President, I think I have given sound reasons why the patent system should be permitted to stand alone. If time would have permitted I might have urged many other weighty considerations. I am sure that in what I have said I voice the sentiment of a great multitude of our people who have a right to be heard and who will be heard in favor of this proposition. It is a voice that comes from men who have contributed most to our national prosperity, to our power, to our influence, to our advancing civilization. It is rather a demand than a voice, and we shall do well to heed it.

The bill was referred to the Committee on Patents.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss.; and

A bill (H. R. 5255) for the relief of the heirs of John S. Fillmore, deceased.

## EXECUTIVE SESSION.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at 3 o'clock and 58 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *March* 31, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Friday last was read and approved.

CONSULAR BUILDINGS AT SHANGHAI, CHINA.

Mr. HARDEMAN, from the Committee on Expenditures in the State Department, reported back the following resolution; which was read, considered, and adopted:

*Resolved*, That the Secretary of State be instructed to furnish the House of Representatives with copies of all papers and correspondence on file in the Department of State between the said Department of State and Mr. Young, United States minister at Pekin, O. N. Denny, esq., late United States consul-general at Shanghai, and George F. Seward, esq., while consul-general of the United States to China, having reference to the present premises owned or leased by him, together with all circular notices and instructions issued by the said State Department within the last eighteen months regarding the use and occupation of consular premises, including the dwellings of consular officers in China, and the responses thereto by the consular officers in China; also a copy of the letter of resignation of said O. N. Denny, late United States consul-general, resigning his said office, and letter accompanying the same, and of the answer of the Department accepting such resignation, as well as with a detailed statement of all moneys paid by the said Department of State for the rent of the present consular premises at Shanghai, China, for the past nine years.

Mr. HARDEMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPARTMENT OF AGRICULTURE.

Mr. HARDEMAN. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture some resolutions adopted by the Georgia State agricultural society.

There was no objection, and it was ordered accordingly.

The resolutions are as follows:

Georgia State Agricultural Society, session at Savannah, February 12, 1884.

The following resolutions were introduced by Hon. Morgan Rawls, and unanimously adopted:

*Resolved*, That this convention of delegates, representing the agricultural associations of the State of Georgia, with an earnest desire to elevate the pursuit of agriculture on a full and recognized equality, in civil and political character, with any and all honorable callings and professions of high order, do hereby most respectfully and earnestly petition Congress, now in session, to take such action as may be necessary to place the Department of Agriculture on an equal footing with each and all of the Executive Departments of the Government.

*Resolved*, That the members of Congress from this State be requested to present the foregoing resolution to Congress and use their efforts to accomplish its purpose.

*Resolved*, That the secretary of this convention forward a copy of these resolutions to each member of Congress from this State.

A true copy.

E. C. GRIER, *Secretary*.

WILLIAM M'GARRAHAN.

Mr. POLAND. A majority of the Committee on the Judiciary on Friday last made an adverse report upon the bill (H. R. 1980) for the relief of William McGarrahan; there is also a minority report upon that bill. It was understood that the bill would be placed upon the Private Calendar, but it was laid upon the table. I ask unanimous consent that the bill be placed upon the Calendar.

There was no objection, and it was ordered accordingly.

PIEDMONT RAILROAD COMPANY.

Mr. CABELL, by unanimous consent, introduced a bill (H. R. 6256) to authorize the Court of Claims to take jurisdiction of and adjudge the claim of the Piedmont Railroad Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABBIE SHARPE.

Mr. BROWN, of Pennsylvania. Some time ago the bill (H. R. 2018) for the relief of Abbie Sharpe was reported adversely. I am directed by the Committee on Claims to ask that the bill, with the adverse report, be recommitted to that committee for review.

There was no objection, and it was ordered accordingly.

MARINE HOSPITAL, NATCHEZ, MISS.

Mr. MOULTON. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss. It was reported unanimously from the Committee on the Judiciary, and relates simply to a local matter. It is for the purpose of sanctioning the sale of property owned by a colored Baptist society in the city of Natchez. It will take but a moment to consider it.

There being no objection, the bill was taken from the Private Calendar and considered in the House.

The bill was read, as follows:

Whereas the marine-hospital building and grounds at Natchez, Miss., were sold, under and in pursuance of law, at public auction, on the 15th of February, 1876, to the American Baptist Home Mission Society, for the sum of $5,000, it being the highest bidder at said sale; and

Whereas, pursuant to act of Congress approved August 15, 1876, said sale was authorized and confirmed, and by deed dated January 4, 1877, said building and grounds were conveyed by the Secretary of the Treasury to said society, for and in consideration of the sum of $5,000, upon the express condition and covenant nevertheless in said deed contained that the building on said grounds should be reconstructed and devoted, under responsible auspices, to purposes of instruction for the benefit of the colored people of the United States, in accordance with the said act authorizing and confirming said conveyance; and

Whereas the said society has faithfully fulfilled the conditions and covenants in said deed contained, and now desires to sell said building and grounds to the city of Natchez for the purposes of a city hospital, and to devote the proceeds of such sale to the construction of a school building at Jackson, Miss., to be used for the purposes of education for the benefit of the colored people: Therefore,

*Be it enacted*, &c., That the Secretary of the Treasury is hereby authorized and directed to quitclaim and release the said marine-hospital building and grounds to the said American Baptist Home Mission Society, free and clear of the aforesaid conditions and covenants in said deed contained.

Mr. RANDALL. That bill is all right.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOULTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ELLIS. I call for the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Before the call is proceeded with the Chair will lay before the House sundry personal requests of members, if there is no objection.

There was no objection.

ORDER OF BUSINESS.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHN S. WISE, for two days.

To Mr. ATKINSON, for four days, on account of important business.

To Mr. SENEY, until April 8, on account of important business.

To Mr. COX, of North Carolina, for three days.

PENSIONS, BOUNTY, AND BACK PAY.

Mr. BREWER, of New York, by instructions of the Select Committee on Payment of Pensions, Bounty, and Back Pay, asked and obtained unanimous consent for the reprinting of Miscellaneous Document No. 43, with additions and corrections made by the committee.

PACIFIC NATIONAL BANK, BOSTON.

Mr. BUCKNER, by instructions of the Committee on Banking and Currency, asked and obtained unanimous consent to have printed for the use of the House the statements, records, and evidence in the investigation of the Pacific National Bank of Boston, Mass.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. CASSIDY, by instructions of the Committee on Pacific Railroads, asked and obtained unanimous consent that the communication of the Commissioner of Railroads relative to the indebtedness to the Government of the Union and Central Pacific Railroads be printed for the use of the House and of the Committee on Pacific Railroads.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been called for.

Mr. CURTIN. I ask the gentleman from Louisiana [Mr. ELLIS] to withdraw the call for the regular order for the moment.

Mr. ELLIS. I will do so.

The SPEAKER. The call for the regular order is withdrawn.

JOHN S. FILLMORE.

Mr. CURTIN. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill (H. R. 5255) for the relief of the heirs of John S. Fillmore, deceased.

The bill was read, as follows:

Whereas on the 14th day of December, A. D., 1864, John S. Fillmore, then of Denver, Colo., since deceased, conveyed to the United States of America lots numbered 28 and 29, in block numbered 46, in Denver City (east division), per survey of E. D. Boyd, in the then Territory of Colorado, for the purpose and upon the condition that the same should be occupied as a post-office site, which condition has never been in any part performed: Therefore,

*Be it enacted*, &c., That all the interest which the United States of America acquired by, through, or under the said deed to the said lots as above described be, and the same is hereby, relinquished to and vested in the persons who by the laws of Colorado would have been entitled thereto, at the date of the death of said Fillmore, had the said deed never been made, and to their heirs and assigns forever.

Mr. HOLMAN. I believe the only consideration for that claim is that the post-office was not located on the site designated for the purpose.

Mr. CURTIN. Yes; it was located on another site. The bill is all right.

There being no objection, the bill was taken from the Private Calendar and ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. CURTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY A. LEWIS.

Mr. BROADHEAD. I ask unanimous consent that the bill (S. 690) for the relief of Mary A. Lewis, widow of Joseph N. Lewis, be taken from the Speaker's table for reference to the Committee on Claims.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on Claims.

ADULTERATED FOOD AND DRUGS.

Mr. BEACH. I am directed by the Committee on Public Health to report back with an amendment the resolution which I send to the desk and to ask its immediate consideration.

The SPEAKER. The resolution will be read, after which there will be opportunity for objection.

The Clerk read as follows:

Whereas it is popularly charged and generally believed that divers and various articles of food, drink, and medicine are adulterated by admixture with baser and usually deleterious substances; and

Whereas such adulterated compounds are injurious to public health and calculated to shorten human life: Therefore,

*Be it resolved*, That the Committee on Public Health be authorized and directed to inquire into the truth of said alleged abuse, and to report to this House the result of their investigation at as early a day as practicable; and if it shall be shown that such practices exist, then to suggest or recommend in their report what further legislation, if any, is necessary to correct the wrong. And that they may the more effectively do their work,

*Be it further resolved*, That said committee be, and they are hereby, empowered to send for persons and papers and to employ such chemical and medical experts as they may deem necessary to carry out the end, aim, and object in view.

The amendment reported by the committee was read, as follows:

Strike out the words "and to employ such chemical and medical experts."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. DUNHAM. I object.

Mr. BEACH. I will state for the information of the gentleman from Illinois [Mr. DUNHAM] that this resolution simply authorizes the Committee on Public Health to make investigation in regard to adulterated food and drugs.

Mr. BROWNE, of Indiana. Is there a report accompanying the resolution?

The SPEAKER. There is.

Mr. BROWNE, of Indiana. I would like to hear the report read.

The SPEAKER. Objection is made to the consideration of the resolution, and it is not before the House.

Mr. DUNHAM. I withdraw the objection, reserving the right to renew it after the reading of the report.

The report was read, as follows:

The Committee on Public Health, to which the annexed resolution was referred, has had the same under consideration, and directed that it be amended by striking out the words "and employ such chemical and medical experts," and as thus amended recommend its passage.

The SPEAKER. Is there objection to the present consideration of this report?

Mr. BROWNE, of Indiana. I object to the resolution, but not to its consideration.

The SPEAKER. Is there objection to the consideration of the resolution? The Chair hears none.

Mr. BROWNE, of Indiana. I would like to hear some reason for this investigation. I suppose the resolution contemplates sending for persons and papers, and probably the committee will become migratory before they get through. If this expenditure is to be made I would like to know why. That is all.

Mr. BEACH. I will state for the information of the gentleman from Indiana that this resolution does not contemplate the expenditure of any money whatever. For the purpose of avoiding such expenditure, the Committee on Public Health, to which the resolution was referred, has struck out those words which proposed to authorize the employment of chemical and medical experts. From the language of the resolution it appears, as the gentleman from Indiana would have observed if he had listened to the reading, that there is being palmed off on the market a large amount of adulterated food and drugs, and this inquiry is proposed for the purpose of ascertaining to what extent these adulterations prevail, and whether any legislation is necessary to prevent them in the future. That is the simple object of the resolution.

Mr. BROWNE, of Indiana. But the resolution does contemplate sending for persons and papers, and this must involve the expenditure of money. Now, we have always had adulterated drinks, foods, and everything of that kind in this country. Unless there is something peculiar in the present situation there is no occasion whatever for making this matter the subject of Congressional investigation. While I am not very much of a "State-rights" man, I think this is a subject to which the States may properly give attention and as to which local legislation may afford every necessary relief. Therefore, unless there is some peculiar reason, unless there is now existing something out of the ordinary course, I can not see why this investigation should be had.

The truth is, there is a tendency, I fear, on the part of Congress to raise these investigations. I think the rule has been established—at least gentlemen have intimated the rule should be—that no investigation involving persons or commodities should be had unless some specific charge is made. If this investigation is directed toward the oleomargarine question, let it be so stated. I hope at least that the gentleman from New York [Mr. BEACH] will indicate what kinds of food or drugs the committee proposes to investigate. Unless there is some particular object to be attained by the investigation, it ought not to be had.

Mr. PARKER. Mr. Speaker, we have been trying for some time to get before the House the question of the investigation of oleomargarine and adulterated dairy products, but from one accident and another have failed to do so. As I understand the scope of this resolution it permits that investigation.

It was provided by a clause in the agricultural appropriation act passed at the first session of the Forty-seventy Congress that the Agricultural Department should make inquiry into the amount and other statistics of these adulterated dairy products. Inquiries were sent out from the Agricultural Department to different parts of the country wherever the officials could hear of these manufactures, but they utterly failed to elicit any information giving the quantity of these products or the markets where they are used or disposed of. An attempt was made to obtain this information through the Produce Exchange of New York; but the secretary of that association answered, as others have done, that, the manufacture and sale of these products being carried on clandestinely, the association was unable to trace or track them, and therefore could give no statistics, although they knew that immense quantities were scattered through the country, and were consumed by persons who did not know what they were using, because of the secrecy and fraud of this trade.

It has been shown within a few days, Mr. Speaker, by examinations in the State of New York, that the workmen who were engaged in the manufacture of these substances were so affected by the acids used for the purpose of deoderizing the filthy materials which were manufactured into dairy products, as they call them, that their nails fell from their hands and their teeth dropped from their mouths. In that State they have made as fair and full an investigation as can be made in any one State.

Besides that, we see in the West that the State of Missouri has seen fit to protect itself by laws of absolute prohibition of this commodity. And yet here in Washington, and all over the country, we are subject to have these products forced upon us by the cupidity of dishonest men, while we are left without power to protect ourselves in any manner whatsoever.

I do not understand this resolution intended particularly this item, but I believe if it is passed it will give this House an opportunity, give the Medical Committee a chance for investigation, which will have the effect to expose and uncover beyond all doubt the evils which, as I think, actually exist in reference to this particular matter, and will be the means of giving us the power to remedy the evil effects of this abominable traffic which has been forced upon us to the injury of great agricultural interests and the poisoning of whole communities.

Mr. WAIT. Mr. Speaker, I trust this investigation will be under the authority of Congress. It can be made more thorough and effectual than by single States not acting in concert.

I fully indorse all that has fallen from the lips of the gentleman from New York. The imitations of genuine butter which are spread broadcast over the land, made undoubtedly from materials used for the purpose by deodorizing them or otherwise fitting them for sale in the market, are undermining the health of the people who are subject to their use.

But this resolution goes much further. We know we are all the time receiving circulars or being informed through the columns of the public press that the various articles which enter into our daily food are being corrupted and poisoned by adulterations for the purpose of cheapening them, and thereby injuring the public health. And it does seem to me that any resolution ought to receive the sanction of this Congress which looks to an investigation calculated to protect the health of the people of the country.

Mr. BROWNE, of Indiana. Mr. Speaker, if it be true as has been asserted, why may not the committee formulate a bill so far as Congress may have jurisdiction to legislate to prevent these evils? It is assumed they exist. If Congress has power to legislate under the assumption they do exist, I can not see what good can come out of an investigation of the facts. If the committee are merely sent out to ascertain whether these adulterations are made, why may they not assume they are made, and in that view why may they not bring legislation into the House to prevent them? At the end of this investigation it may be ascertained, and I presume it will be, that butter and other commodities are adulterated, and that is all there is of it.

Mr. BEACH. I have to inform the gentleman from Indiana, Mr. Speaker, that I am not responsible for the introduction of this resolution, nor is the committee of which I happen to be chairman. It was introduced here by the gentleman from North Carolina [Mr. GREEN] and sent to our committee, and we reported it back favorably with an amendment so the committee might not have the power to employ medical experts, but otherwise should enter upon this investigation. We thought, however, that the powers of the committee would be seriously crippled if they did not have the power to send for persons and papers.

Mr. BROWN, of Pennsylvania. What can be gained by the investigation unless you have experts?

Mr. BEACH. We will be enabled to obtain information, upon which information we can predicate a bill, and in that way bring the whole matter before the House for action.

Mr. BROWN, of Pennsylvania. But I do not see how you can get your facts unless you have these experts.

Mr. KASSON. I desire to ask the gentleman a question, if he will permit me.

Mr. BEACH. Certainly.

Mr. KASSON. I desire to ask the gentleman in charge of the resolution whether this object can be accomplished with a limitation of expenditure, say to $1,000? In that connection, Mr. Speaker, I desire to say that this subject has been before a committee of which I am a member from time to time. I can say further, we are not in possession of undisputed facts at this time sufficiently to give direction to proper legislation. I had some doubt about the propriety of this resolution at first until I further considered its scope. I regard it as a part of the information necessary for our future action in reference to the verified exports of the country. Those products are now increasing, and there is great interest in this question. There is great interest in my own State, which is rapidly becoming a State for the production of food from the dairy. This touches a question in reference to which we have been getting petitions for two or three years.

If this committee can within a reasonable time and at a reasonable expenditure of money ascertain the real facts with reference to this adulteration, I believe it will be beneficial not only to the country but also to Congress in formulating any legislation that may be necessary upon the subject. But what seems to be an objection in the minds of some gentlemen will be removed if the committee charged with the investigation of this matter, provided it shall be ordered, are willing to accept an amendment fixing the amount of the expenditure at not to exceed $1,000. I would like to hear the opinion of the gentleman from New York upon that point.

Mr. BEACH. In answer to the proposition of the gentleman from Iowa, I desire to say that it was not in the contemplation of the committeee to expend any money whatever to send for persons and papers.

Mr. KASSON. It would be no objection to me if the investigation did involve some expenditure, as it usually does when committees are authorized to send for persons. They should certainly pay the expenses of witnesses who appear before the committee.

Mr. BEACH. There is such widespread feeling throughout the country with reference to this matter, that we have had already voluntary offers of testimony from nearly every section where this manufacture is carried on.

Mr. REAGAN. Mr. Speaker, I desire simply to express my concurrence with the views expressed by the gentleman from Indiana [Mr. BROWNE]. If it is deemed necessary that any action whatever shall be taken upon this subject, undoubtedly we are already in possession of the facts. We all have information now as to the adulteration of butter, and with reference to the manufacture of imitation butter, oleomargarine, &c., by the ton, as referred to by the gentleman from New York. It is a manufacture that is already in existence; and while I do not speak of it now as a thing to be absolutely condemned, but only of the fact that it exists, and that the adulteration of butter in many forms and with many substances, whether deleterious or otherwise I do not pretend to say, is as notorious as any other fact connected with our commerce, still there is nothing in the manufacture itself that can give us jurisdiction over a question that does not belong to us. But if this information, which we all possess, is not sufficient for the introduction of a bill, provided Congress has the power to impose legislative restrictions upon the manufacture, let me ask what would be the effect of ascertaining more about the subject by an investigation as proposed here? But, sir, I am not sure that any necessity exists for Congressional action at all upon the subject. Each State within itself, under the power that it possesses to establish police regulations, has the unquestioned right to pass laws of inspection and to regulate the manufacture and sale of adulterated or unwholesome food products.

Mr. KASSON Let me interrupt the gentleman to say that that would not protect us here in the District of Columbia.

Mr. BEACH. Nor in the Territories.

Mr. KASSON. Nor would it afford a proper guarantee for our exports.

Mr. REAGAN. It is true that it would not apply to the District of Columbia or to the Territories; but the States have power within themselves to regulate the business, and if it be deemed necessary we can adopt such measures as will restrict the manufacture and sale within the Territories. But my point is—and I do not care to go into the question now of the constitutional power of Congress to enter upon this question of legislation in the States—my point is that if it be necessary to adopt some measure to meet the evil, what is the need for an investigation for the purpose of devising legislation, at the end of which investigation we would know exactly what we know now?

Mr. COX, of New York. Mr. Speaker, I think we have now already presented before the committees of this House some six or seven thousand bills for our action. Before the war we used to have about five hundred bills during the session. Now we have somewhere about 8,000. We are omnivorous. We are taking in everything. We are now discussing a matter of health—a local matter—and after a while we will have a committee sent out to investigate how much sand the grocer puts into his sugar or how much water is put into the milk.

Mr. ADAMS, of Illinois. This resolution covers that now.

Mr. COX, of New York. Of course it covers it, State rights and all. Why can not we keep within the purview of our Federal power? Why this investigation? Is it to investigate oleomargarine? What is it? Is it to help the farmer? If it is, let the States do it. That is within their ordinary functions. It is a local matter belonging to the States. Let us keep our hands out of it. I see my colleague has risen for some purpose.

Mr. BEACH. I want to ask a question.

Mr. COX, of New York. Very well.

Mr. BEACH. Will my friend tell me whether during the last Congress he did not vote in favor of a bill to prohibit the importation of adulterated tea?

Mr. COX, of New York. That was a matter of commerce from abroad.

Mr. BEACH. That is what this is or what it contemplates—it affects our export trade.

But during the consideration of that proposition to stop the importation of adulterated teas I objected because it did not go far enough. We have adulterated coffee and adulterated spices and all other matters of adulterated commodities coming in from abroad, and the object of this is to see if we can not formulate a general law upon the subject that will stop it.

Mr. COX, of New York. The Committee on Commerce has already reported or is to report upon this and kindred subjects in a general inspection bill covering exports and imports. That would be wise. But the idea of putting these little microscopic bills in every Monday morning for the purpose of giving work for investigating committees and going for the "surplus" is what the great body of this Congress and of this country should object to. I therefore move to lay this proposition on the table.

Mr. PARKER. I ask the gentleman to withhold that motion until I can have a moment on this question. I know he is very courteous, and I appeal to him to do so.

Mr. COX, of New York. I yield to my friend from the Saint Lawrence, and will withdraw the motion for the present.

Mr. PARKER. In a very few words it is my wish to call the attention of the gentleman from Texas [Mr. REAGAN] to the fact that there is now being established (of course he does not know it) at San Antonio, Tex., a great manufactory for the manufacture of this kind of butter. One hundred thousand cattle are now being gathered together there to make the first organization of this establishment, which is to send its beef-butter to the North.

I wish to say further, we are familiar with the fact that the city of New York, so well represented and so long by the gentleman from Ohio, or from New York by the way of Ohio, has an immense shipping interest in this commodity. We are well aware that the oil made in the city of New York from tallow shipped from Chicago is sent to Holland and Belgium by the ship-load, and there, 50 per cent. perhaps of fresh butter having been mixed with 50 per cent. of this ingredient, the mixture is shipped to England and other markets and there meets our products on those shores.

To show the necessity of further investigation I desire to quote a few sentences of a letter from John H. Hodgson, secretary of the committee on information and statistics of the New York Produce Exchange. He says:

> The manufacture, transportation, and, to a large extent, the handling of it by dealers and retailers are so secret and misleading that the dairy section throughout the United States, with traders in this and other cities in pure butters, are suffering severely.
>
> In fact, the decreased export trade in butter may be largely laid at the door of imitation butters.
>
> It would seem that nothing short of national legislation thereon, with severe penalties for the unlawful and fraudulent issuance and representations, intended or otherwise, of those manufactured imitation butters, would suffice for the protection of producers and dealers in pure butters.

I have also a communication, dated February 20, from a manufacturer in the city of New York, in which he says:

> As we are interested in these articles, we should like to know when and where your committee receives testimony or information. Being manufacturers of the article, we are able to give you some very important information, and one of our firm will be willing to appear when called upon to do so.

As a matter of later information I may state I have been shown within a few days a new commodity that the manufacturer calls creamerine. He does not tell how it is made, but he says it can be made for 14 cents a pound; and they will put one-half or two-thirds of this creamerine in what they will call butter when the article is completed. Thus a new commodity, now threatening the dairy products of the country, can be made for 14 cents per pound, and will be sold for 30 or 40. I ask that this committee, in addition to its other duties, shall be allowed to investigate this matter, not in the interest of a locality, but in the interest of the dairymen, farmers, and consumers of the country.

Mr. COX, of New York. My friend from New York, my colleague

[Mr. PARKER], seems to locate me in Ohio. I have lived for eighteen years in New York and have represented the agricultural, commercial, and other interests of that State. This proposed action is supposed to be based on the general-welfare clause of the Constitution. Mr. Speaker, the general-welfare clause of the Constitution does not recognize this everlasting Federal intermeddling in matters connected with local affairs. Already Illinois, Missouri, New York, and other States have passed laws to give the remedy for the mischief so well pointed out by my friend. It is there the remedy is to be found. I therefore renew my motion to lay this resolution on the table.

Mr. DINGLEY. I ask the gentleman from New York [Mr. COX] if the laws of Missouri will protect us in the District of Columbia?

Mr. COX, of New York. Gentlemen from Missouri tell me their laws will protect them in Missouri; but as to the District of Columbia——

Mr. ELLIS. I submit that the motion to lay on the table is not debatable.

The SPEAKER. The motion is not debatable.

Mr. BEACH. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. Does the motion of the gentleman from New York cut off debate?

The SPEAKER. It does.

Mr. BEACH. I trust it will be voted down.

The question being taken on the motion to lay the resolution on the table, there were—ayes 69, noes 66.

Mr. BEACH. I call for the yeas and nays.

The yeas and nays were ordered—forty-three members voting therefor.

Mr. HOLMAN. I ask that the resolution be again read.

The resolution was again read, together with the amendment proposed by Mr. KASSON, providing that the expenditure shall not exceed $1,000.

Mr. BEACH. I desire to say I am willing to accept an amendment striking out entirely the power to send for persons and papers.

Mr. COX, of New York. I object to debate.

The question was taken; and there were—yeas 114, nays 124, not voting 83; as follows:

YEAS—114.

| | | | |
|---|---|---|---|
| Adams, G. E. | Dockery, | James, | Reese, |
| Aiken, | Dowd, | Jones, J. H. | Robertson, |
| Bagley, | Dunham, | Jones, J. K. | Robinson, W. E. |
| Ballentine, | Dunn, | Jones, J. T. | Rogers, J. H. |
| Barbour, | Eaton, | Jordan, | Rosecrans, |
| Barr, | Elliott, | Kleiner, | Scales, |
| Bennett, | Ellis, | Lewis, | Shaw, |
| Blackburn, | Evins, J. H. | Lore, | Shelley, |
| Blanchard, | Findlay, | Lowry, | Slocum, |
| Bland, | Finerty, | McAdoo, | Stewart, Charles |
| Blount, | Follett, | Matson, | Storm, |
| Boyle, | Forney, | Miller, J. F. | Sumner, C. A. |
| Breckinridge, | Garrison, | Mills, | Throckmorton, |
| Browne, T. M. | Gibson, | Money, | Tillman, |
| Buckner, | Glascock, | Morrison, | Tucker, |
| Budd, | Greenleaf, | Murray, | Tully, |
| Caldwell, | Halsell, | Neece, | Turner, H. G. |
| Candler, | Hammond, | Nicholls, | Turner, Oscar |
| Cannon, | Hancock, | Oates, | Vance, |
| Clardy, | Hardeman, | Paige, | Van Eaton, |
| Clay, | Hardy, | Pierce, | Ward, |
| Clements, | Hemphill, | Peel, S. W. | Wellborn, |
| Collins, | Herbert, | Post, | Williams, |
| Connolly, | Hewitt, A. S. | Pryor, | Wilson, W. L. |
| Cox, S. S. | Hill, | Pusey, | Winans, John |
| Crisp, | Hoblitzell, | Randall, | Wise, G. D. |
| Culberson, D. B. | Holman, | Rankin, | Wolford. |
| Dargan, | Hopkins, | Ranney, | |
| Deuster, | Hunt, | Reagan, | |

NAYS—124.

| | | | |
|---|---|---|---|
| Alexander, | Goff, | Lyman, | Rowell, |
| Anderson, | Graves, | McCoid, | Seymour, |
| Arnot, | Guenther, | McComas, | Skinner, C. R. |
| Barksdale, | Hanback, | McCormick, | Spooner, |
| Beach, | Hatch, H. H. | McMillin, | Springer, |
| Bingham, | Hatch, W. H. | Maybury, | Steele, |
| Boutelle, | Haynes, | Millard, | Stephenson, |
| Bowen, | Henderson, D. B. | Milliken, | Stevens, |
| Breitung, | Hepburn, | Mitchell, | Stewart, J. W. |
| Broadhead, | Hiscock, | Morgan, | Stone, |
| Brown, W. W. | Hitt, | Morrill, | Strait, |
| Brumm, | Holmes, | Moulton, | Struble, |
| Campbell, J. M. | Holton, | Muldrow, | Sumner, D. H. |
| Carleton, | Hooper, | Nutting, | Taylor, E. B. |
| Cassidy, | Horr, | Ochiltree, | Taylor, J. D. |
| Chace, | Houk, | O'Hara, | Taylor, J. M. |
| Cosgrove, | Howey, | O'Neill, Charles | Van Alstyne, |
| Cullen, | Jeffords, | Parker, | Wait, |
| Cutcheon, | Jones, B. W. | Patton, | Wakefield, |
| Davis, R. T. | Kasson, | Payne, | Weaver, |
| Dibrell, | Kean, | Perkins, | Weller, |
| Dingley, | Keifer, | Peters, | White, Milo |
| Eldredge, | Kellogg, | Poland, | Whiting, |
| Ellwood, | King, | Price, | Wilkins, |
| Ermentrout, | Lacey, | Ray, G. W. | Willis, |
| Evans, I. N. | Laird, | Ray, Ossian | Wilson, James |
| Everhart, | Lanham, | Rice, | Winans, E. B. |
| Ferrell, | Lawrence, | Riggs, | Wood, |
| Foran, | Le Fevre, | Robinson, J. S. | Worthington, |
| Funston, | Long, | Rockwell, | Yaple, |
| Fyan, | Lovering, | Rogers, W. F. | York. |

NOT VOTING—83.

| | | | |
|---|---|---|---|
| Adams, J. J. | Curtin, | Ketcham, | Singleton, |
| Atkinson, | Davidson, | Lamb, | Skinner, T. G. |
| Bayne, | Davis, G. R. | Libbey, | Smith, |
| Belford, | Davis, L. H. | McKinley, | Snyder, |
| Belmont, | Dibble, | Miller, S. H. | Spriggs, |
| Bisbee, | Dorsheimer, | Morey, | Stockslager, |
| Brainerd, | Duncan, | Morse, | Talbott, |
| Brewer, F. B. | Fiedler, | Muller, | Thomas, |
| Brewer, J. H. | Geddes, | Murphy, | Thompson, |
| Buchanan, | George, | Mutchler, | Townshend, |
| Burleigh, | Green, | Nelson, | Valentine, |
| Burnes, | Harmer, | O'Neill, J. J. | Wadsworth, |
| Cabell, | Hart, | Payson, | Warner, A. J. |
| Calkins, | Henderson, T. J. | Peelle, S. J. | Warner, Richard |
| Campbell, Felix | Henley, | Pettibone, | Washburn, |
| Cobb, | Hewitt, G. W. | Phelps, | Wemple, |
| Converse, | Houseman, | Potter, | White, J. D. |
| Cook, | Hurd, | Reed, | Wise, J. S. |
| Covington, | Hutchins, | Russell, | Woodward, |
| Cox, W. R. | Johnson, | Ryan, | Young. |
| Culbertson, W. W. | Kelley, | Seney, | |

So the motion to lay on the table was not agreed to.

The following members were announced as paired on all political questions until further notice:

Mr. PEELLE, of Indiana, with Mr. STOCKSLAGER.
Mr. MORGAN with Mr. MORRILL.
Mr. YOUNG with Mr. BAYNE.
Mr. HEWITT, of Alabama, with Mr. DAVIS, of Illinois.
Mr. COBB with Mr. GEORGE.
Mr. MCADOO with Mr. THOMAS.
Mr. MULLER with Mr. WADSWORTH.
Mr. JONES, of Arkansas, with Mr. HOLTON.
Mr. DUNCAN with Mr. SMITH.

The following were announced as paired for this day:

Mr. THOMPSON with Mr. LIBBEY.
Mr. BURNES with Mr. CALKINS.
Mr. COX, of North Carolina, with Mr. RYAN.
Mr. GEDDES with Mr. BREWER, of New Jersey.
Mr. DAVIDSON with Mr. MOREY.

The following members were also announced as paired:

Mr. TOWNSHEND with Mr. WASHBURN, until April 7.
Mr. CAMPBELL, of New York, with Mr. RUSSELL, until April 1.
Mr. DORSHEIMER with Mr. POLAND, until April 1.
Mr. MORSE with Mr. MILLER, of Pennsylvania, until April 7.
Mr. CONVERSE with Mr. KASSON, until Tuesday next.
Mr. WEMPLE with Mr. JOHNSON, until April 3.
Mr. SENEY with Mr. BISBEE, until April 8.
Mr. TALBOTT with Mr. HARMER, until April 1.
Mr. MUTCHLER with Mr. ATKINSON, until April 3.
Mr. KEIFER with Mr. REED, on the trade-dollar bill.

Mr. WARNER, of Ohio. I had supposed that my pair with my colleague, Mr. ROBINSON, extended until to-morrow, and therefore I did not vote.

Mr. REESE. I desire to state that my colleague, Mr. CANDLER, is detained at his room by sickness.

The result of the vote was then announced as above stated.

The question recurred upon the adoption of the resolution reported from the Select Committee on the Public Health.

Mr. BEACH. I desire to say that I am willing to accept the amendment offered by the gentleman from Iowa [Mr. KASSON], and I now move the previous question on the resolution and pending amendments.

The previous question was ordered.

The amendment offered by Mr. KASSON was then agreed to.

The SPEAKER. There is an amendment pending, reported from the committee, to strike out the words "and to employ such chemical and medical experts."

The question was taken upon agreeing to the amendment; and upon a division there were—ayes 93, noes 12.

So (no further vote being called for) the amendment was agreed to.

The question was then taken upon adopting the resolution as amended; and upon a division there were—ayes 89, noes 70.

Mr. BAGLEY. No quorum has voted.

Tellers were ordered; and Mr. BEACH and Mr. COX, of New York, were appointed.

Mr. KASSON. We had better have the yeas and nays.

Mr. PARKER. I call for the yeas and nays.

Mr. COX, of New York. Would it be in order to move to recommit this bill with instructions?

Mr. BEACH. It is not a bill; it is a resolution.

Mr. COX, of New York. I am making an inquiry of the Speaker.

The SPEAKER. A motion to recommit would be in order.

Mr. COX, of New York. Then I move to recommit, with instructions to strike out the appropriation.

Mr. KASSON. There is no appropriation.

Mr. COX, of New York. Does it not say "not less than $1,000?"

Mr. KASSON. "Not more than $1,000."

Mr. COX, of New York. I move to strike out that clause.

Mr. KASSON. That has just been put in; it is not in order to strike it out now.

Mr. COX, of New York. I move to recommit the resolution to the Committee on Public Health with instructions to strike out that clause. The gentleman from Iowa [Mr. KASSON] is not so obtuse as he seems to be.

The SPEAKER. The gentleman from New York [Mr. COX] had better reduce his motion to writing.

Mr. KASSON. I make the point of order that the motion to recommit is not in order pending the division of the House upon the adoption of the resolution.

The SPEAKER. There was an attempt to take the vote, but no quorum voted, and therefore it amounted to nothing.

Mr. COX, of New York. I will move to recommit this resolution irrespective of instructions; the committee know enough now without instructions.

Mr. BEACH. I move to lay the motion to recommit on the table.

The question was taken upon the motion to lay on the table; and upon a division there were—ayes 66, noes 83.

So (no further count being called for) the motion to lay on the table was not agreed to.

The question recurred upon the motion to recommit the resolution to the Committee on Public Health.

Mr. KASSON. I ask the gentleman from New York [Mr. COX] whether he will not allow the vote to be taken directly on the passage of the resolution?

Mr. COX, of New York. The motion is not debatable; I can not say a word. [Laughter.]

Mr. KASSON. The gentleman has said too many words already.

Mr. WELLER. I call for the yeas and nays on the motion to recommit.

The yeas and nays were ordered, there being 52 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 117, nays 116, not voting 88; as follows:

YEAS—117.

| | | | |
|---|---|---|---|
| Adams, G. E. | Dunham, | Lamb, | Rosecrans, |
| Aiken, | Dunn, | Lanham, | Scales, |
| Bagley, | Eaton, | Le Fevre, | Shaw, |
| Ballentine, | Elliott, | Lewis, | Shelley, |
| Barbour, | Ellis, | Lore, | Skinner, T. G. |
| Barksdale, | Evins, J. H. | Lowry, | Slocum, |
| Bennett, | Ferrell, | Matson, | Springer, |
| Blackburn, | Findlay, | Miller, J. F. | Stewart, Charles |
| Blanchard, | Follett, | Mills, | Storm, |
| Bland, | Forney, | Money, | Taylor, J. M. |
| Blount, | Garrison, | Morrison, | Throckmorton, |
| Breckinridge, | Gibson, | Murphy, | Tillman, |
| Broadhead, | Glascock, | Murray, | Tucker, |
| Browne, T. M. | Greenleaf, | Neece, | Tully, |
| Buckner, | Halsell, | Nicholls, | Turner, H. G. |
| Cabell, | Hammond, | Oates, | Turner, Oscar |
| Caldwell, | Hancock, | Paige, | Vance, |
| Clardy, | Hardeman, | Patton, | Van Eaton, |
| Clay, | Hardy, | Pierce, | Ward, |
| Clements, | Hemphill, | Peel, S. W. | Warner, A. J. |
| Collins, | Herbert, | Post, | Welborn, |
| Connolly, | Hewitt, A. S. | Pryor, | Williams, |
| Cox, S. S. | Hill, | Randall, | Willis, |
| Crisp, | Hoblitzell, | Ranney, | Wilson, W. L. |
| Culberson, D. B. | Holman, | Reagan, | Winans, John |
| Curtin, | Hopkins, | Reese, | Wise, G. D. |
| Dargan, | Hunt, | Riggs, | Wolford. |
| Dibble, | Jones, J. H. | Robertson, | |
| Dockery, | Jones, J. T. | Robinson, W. E. | |
| Dowd, | Jordan, | Rogers, J. H. | |

NAYS—116.

| | | | |
|---|---|---|---|
| Alexander, | Funston, | Lovering, | Rice, |
| Anderson, | Fyan, | Lyman, | Robinson, J. S. |
| Barr, | Goff, | McCoid, | Rogers, W. F. |
| Beach, | Graves, | McComas, | Rowell, |
| Belford, | Hatch, H. H. | McCormick, | Seymour, |
| Bingham, | Hatch, W. H. | McKinley, | Skinner, C. R. |
| Boutelle, | Haynes, | McMillin, | Spooner, |
| Bowen, | Henderson, D. B. | Maybury, | Spriggs, |
| Brainerd, | Henderson, T. J. | Millard, | Steele, |
| Breitung, | Hiscock, | Milliken, | Stephenson, |
| Brown, W. W. | Hitt, | Mitchell, | Stevens, |
| Brumm, | Holton, | Morrill, | Stewart, J. W. |
| Campbell, J. M. | Horr, | Moulton, | Stone, |
| Cannon, | Houk, | Muldrow, | Struble, |
| Carleton, | Houseman, | Nutting, | Taylor, E. B. |
| Cassidy, | Howey, | Ochiltree, | Taylor, J. D. |
| Chace, | James, | O'Hara, | Wait, |
| Cosgrove, | Jeffords, | O'Neill, Charles | Wakefield, |
| Culbertson, W. W. | Jones, B. W. | Parker, | Weaver, |
| Cullen, | Kasson, | Payne, | Weller, |
| Cutcheon, | Kean, | Payson, | White, Milo |
| Dibrell, | Keifer, | Perkins, | Whiting, |
| Dingley, | Kellogg, | Peters, | Wilkins, |
| Eldredge, | King, | Pettibone, | Wilson, James |
| Ellwood, | Kleiner, | Poland, | Winans, E. B. |
| Ermentrout, | Lacey, | Price, | Wood, |
| Evans, I. N. | Laird, | Pusey, | Worthington. |
| Everhart, | Lawrence, | Ray, G. W. | Yapie, |
| Foran, | Long, | Ray, Ossian | York. |

NOT VOTING—88.

| | | | |
|---|---|---|---|
| Adams, J. J. | Boyle, | Burnes, | Cook, |
| Arnot, | Brewer, F. B. | Calkins, | Covington, |
| Atkinson, | Brewer, J. H. | Campbell, F. | Cox, W. R. |
| Bayne, | Buchanan, | Candler, | Davidson, |
| Belmont, | Budd, | Cobb, | Davis, G. R. |
| Bisbee, | Burleigh, | Converse, | Davis, L. H. |
| Davis, R. T. | Holmes, | Nelson, | Sumner, C. A. |
| Deuster, | Hooper, | O'Neill, J. J. | Sumner, D. H. |
| Dorsheimer, | Hurd, | Peelle, S. J. | Talbott, |
| Duncan, | Hutchins, | Phelps, | Thomas, |
| Fiedler, | Johnson, | Potter, | Thompson, |
| Finerty, | Jones, J. K. | Rankin, | Townshend, |
| Geddes, | Kelley, | Reed, | Valentine, |
| George, | Ketcham, | Rockwell, | Van Alstyne, |
| Green, | Libbey, | Russell, | Wadsworth, |
| Guenther, | McAdoo, | Ryan, | Warner, Richard |
| Hanback, | Miller, S. H. | Seney, | Washburn, |
| Harmer, | Morey, | Singleton, | Wemple, |
| Hart, | Morgan, | Smith, | White, J. D. |
| Henley, | Morse, | Snyder, | Wise, J. S. |
| Hepburn, | Muller, | Stockslager, | Woodward, |
| Hewitt, G. W. | Mutchler, | Strait, | Young. |

So the motion to recommit was agreed to.

Mr. COX, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ELLIS. I call for the regular order.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

WILLIAM C. EDMONSTON.

Mr. JONES, of Alabama, introduced a bill (H. R. 6257) for the relief of William C. Edmonston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. OATES introduced a bill (H. R. 6258) to repeal section 714 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF JOHN ERMIN.

Mr. SHELLEY introduced a bill (H. R. 6259) for the relief of the heirs of John Ermin, deceased, of the State of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILITARY RESERVATION AT POINT SAN JOSÉ.

Mr. SHELLEY (by request) also introduced a bill (H. R. 6260) for the relief of the former occupants of the present military reservation at Point San José, in the city and county of San Francisco, in the State of California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PACIFIC AND GREAT EASTERN RAILWAY COMPANY.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 6261) to grant to the Pacific and Great Eastern Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HOMESTEAD ENTRIES.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 6262) to equalize and allow additional homestead entries of the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRICE OF PUBLIC LANDS IN ARKANSAS.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 6263) to graduate the price of the public lands in the State of Arkansas, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARKANSAS MIDLAND RAILROAD COMPANY.

Mr. DUNN introduced a bill (H. R. 6264) to authorize the Arkansas Midland Railroad Company to build a bridge over White River, in the State of Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ACTING ASSISTANT SURGEONS.

Mr. ROSECRANS introduced a bill (H. R. 6265) to provide for the appointment of acting assistant surgeons to the rank of assistant surgeons of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STREET-CAR WAGES AND FARES, ETC.

Mr. ROSECRANS also introduced a bill (H. R. 6266) concerning the wages and fares on street-car and Herdic companies in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ELISE BURKI.

Mr. ROSECRANS also introduced a bill (H. R. 6267) granting a pension to Elise Burki; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINOR HEIRS OF GEORGE W. ORME.

Mr. ROSECRANS also introduced a joint resolution (H. Res. 216) for the relief of the minor heirs of George W. Orme, deceased; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SAMUEL H. WATSON.

Mr. GLASCOCK introduced a bill (H. R. 6268) to relieve Samuel H. Watson from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PORT OF DELIVERY, OAKLAND, CAL.

Mr. GLASCOCK also introduced a bill (H. R. 6269) to constitute Oakland, in the State of California, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CINCINNATI RIOT.

Mr. NICHOLLS introduced a joint resolution (H. Res. 217) to investigate the Cincinnati riot; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The joint resolution was read, as follows:

Whereas among the expressed objects for which the Constitution of the United States was established was to insure domestic tranquillity;

Whereas the Constitution provides that every citizen charged with a crime shall have a fair trial by a jury of his peers;

Whereas it is alleged and currently reported in the public press that for several days the city of Cincinnati, in the State of Ohio, has been terrorized by a mob, composed of vigilant committees and kuklux organizations, which has subverted the law of the land and destroyed the public tranquillity in repeated efforts to lynch certain persons confined in the jail at Cincinnati charged with crime, resulting in the loss of many lives and the destruction of much property: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the committee raised under the resolution of Hon. JOHN SHERMAN, of Ohio, and over which he presides, be authorized and required to inquire into the circumstances connected with said outrages, and into the condition of the constitutional rights and securities aforesaid of the people of Ohio, and that it report by bill or otherwise as soon as said matter can be properly investigated.

JOHN P. PETERSON.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 6270) for the relief of John P. Peterson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VENEZUELAN CLAIMS.

Mr. SPRINGER submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

*Resolved*, That the Secretary of State be requested to furnish this House with a copy of the list of certificates issued by the late Venezuelan Mixed Commission, together with copies of all assignments or transfers of such certificates, notified to the Department of State, and a statement showing to whom the several payments by the Department upon such certificates have been made, and also copies of all correspondence relating to requests for payments thereupon, or in respect to the hearing of all claimants before a new commission; and as by the joint resolution approved by the President on the 3d day of March, 1883, the moneys paid by the Venezuelan Government and remaining in the hands of the Secretary of State and to be applied on such awards as may be made by the new commission, provided for by said joint resolution, the Secretary of State is requested to furnish this House with a statement of the amount now on hand applicable to the payment of such new awards.

HOME FOR DISABLED SAILORS, CHICAGO, ILL.

Mr. FINERTY introduced a bill (H. R. 6271) for the purchase of grounds and the erection of a home for disabled and indigent sailors of the United States merchant marine at Chicago, Ill.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

THANKS TO MINISTER SARGENT.

Mr. FINERTY also introduced a joint resolution (H. Res. 218) thanking United States Minister Sargent for his services at the court of the German Empire; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

The resolution is as follows:

Joint resolution thanking United States Minister Sargent for his services at the court of the German Empire.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress are due and are hereby accorded to United States Minister Sargent for the able, faithful, and dignified manner in which he has discharged the duties of his office while representing the interests of this Republic at the court of the German Empire.

JOHN M'DONALD.

Mr. FINERTY also introduced a bill (H. R. 6272) granting a pension to John McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID A. RANGER.

Mr. LAMB introduced a bill (H. R. 6273) increasing the pension of David A. Ranger, late first lieutenant, Forty-third Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LINDSEY.

Mr. LAMB also introduced a bill (H. R. 6274) increasing the pension of John Lindsey, late first lieutenant Company I, Fourteenth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN J. TUPPER.

Mr. CALKINS introduced a bill (H. R. 6275) granting a pension to Jonathan J. Tupper, late of Company D, Sixth Kentucky Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA HOLLIKOH.

Mr. WARD introduced a bill (H. R. 6276) for the relief of Anna Hollikoh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDICAL OFFICERS.

Mr. STEELE introduced a bill (H. R. 6277) to extend the benefits of section 1219 of the Revised Statutes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATHANIEL BELL.

Mr. HOLMAN introduced a bill (H. R. 6278) granting a pension to Nathaniel Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TAXES ON TOBACCO, ETC.

Mr. KASSON introduced a bill (H. R. 6279) to repeal the law imposing internal-revenue taxes upon tobacco and upon distillations from apples and peaches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE H. PRETTYMAN.

Mr. McCOID (by request) introduced a bill (H. R. 6280) for the relief of George H. Prettyman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL LANE.

Mr. FUNSTON introduced a bill (H. R. 6281) granting a pension to Michael Lane; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

R. W. DUNCAN.

Mr. FUNSTON also introduced a bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'DONALD.

Mr. ANDERSON introduced a bill (H. R. 6283) for the relief of James McDonald, of Leavenworth, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHEYENNE INDIAN RAID.

Mr. ANDERSON also submitted the following concurrent resolution of the Legislature of Kansas; which was ordered to be printed in the RECORD, and referred to the Committee on Indian Affairs.

The resolution is as follows:

STATE OF KANSAS, OFFICE OF SECRETARY OF STATE.

I, James Smith, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original instrument of writing filed in my office March 24, 1884.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 25th day of March, 1884.

[SEAL.]

JAMES SMITH, *Secretary of State.*

House concurrent resolution No. 4, relating to the payment of sufferers from the raid of Cheyenne Indians across the western part of Kansas in 1878.

Whereas during the year 1878 the Cheyenne Indians made a raid across the western part of Kansas; and

Whereas many persons were killed and a large amount of property was destroyed; and

Whereas a few of the claims have been paid; and

Whereas many of said claims for damages now remain unpaid and unadjusted; and

Whereas some of the sufferers lost everything they possessed and have never been able to recover any part of said property, and are now getting old and are in needy circumstances: Therefore,

*Be it resolved by the house of representatives (the senate concurring)*, That our Senators be instructed and our Representatives requested to use all proper measures to secure a speedy settlement of these claims now remaining unpaid.

*Resolved*, That the secretary of state be instructed to forward a copy of these preambles and resolutions to the President of the Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

JOHN H. MARSHALL AND OTHERS.

Mr. CLAY introduced a bill (H. R. 6284) for the relief of certain drafted men of Pendleton County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE V. MORRIS.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 6285) for the relief of George V. Morris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL M'ELDOWNEY.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6286) for the relief Samuel McEldowney, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. JOHNSON.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6287) for the relief of John H. Johnson, Company E, Fourteenth Kentucky Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. THOMAS M'KINSTER.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6288) for the relief of the widow and heirs of the late Capt. Thomas McKinster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. NICKELL.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6289) for the relief of the widow and heirs of Joseph H. Nickell, Company G, Fourteenth Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY K. PUSEY.

Mr. WILLIS introduced a bill (H. R. 6290) for the relief of Henry K. Pusey, of Meade County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. R. MIDDLETON.

Mr. WILLIS also introduced a bill (H. R. 6291) for the relief of J. R. Middleton, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOORE & SERB.

Mr. WILLIS also introduced a bill (H. R. 6294) for the relief of Moore & Serb, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARTHA NEWMAN.

Mr. WILLIS also introduced a bill (H. R. 6293) for the relief of Mrs. Martha Newman, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY A. WEATHERBY.

Mr. WILLIS also introduced a bill (H. R. 6294) for the relief of Mary A. Weatherby, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

L. C. TORREY.

Mr. WILLIS also introduced a bill (H. R. 6295) for the relief of L. C. Torrey, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES GUTHRIE, DECEASED.

Mr. WILLIS also introduced a bill (H. R. 6296) for the relief of James Guthrie, deceased, by his administrator, B. F. Guthrie, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS FOR CAPTURED AND ABANDONED PROPERTY.

Mr. ELLIS introduced a bill (H. R. 6297) authorizing the Secretary of the Treasury to audit and refund certain moneys collected on property purporting to be captured and abandoned; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DESIGN OF NEW MERCHANT SHIP.

Mr. ELLIS also introduced a bill (H. R. 6298) to authorize the construction of a merchant ship upon new designs; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

COMMISSION ON STEAMSHIP ARCHITECTURE.

Mr. ELLIS also introduced a bill (H. R. 6299) authorizing the appointment of a commission of naval architects and marine engineers to examine and report upon new designs for steamships; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

TAXATION ON INSURANCE COMPANIES.

Mr. ELLIS also introduced a bill (H. R. 6300) to equalize the taxation on domestic and foreign insurance companies; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. LEWIS introduced a bill (H. R. 6301) to authorize the examination and approval of certain unconfirmed private land claims in the States of Arkansas, Florida, Louisiana, and Missouri, and the States of Alabama and Mississippi south of the thirty-first degree of north latitude.

The SPEAKER. Under the rule this bill should go to the Committee on Private Land Claims.

Mr. LEWIS. I move its reference to the Committee on the Public Lands.

The motion was agreed to.

The bill was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OVERFLOW OF THE MISSISSIPPI.

Mr. LEWIS also introduced a joint resolution (H. Res. 219) authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries, and making appropriation to relieve the sufferers by said overflow; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CHARLES M. FLOWER AND OTHERS.

Mr. BLANCHARD introduced a bill (H. R. 6302) for the relief of Charles M. Flower, Frank S. Flower, William Flower, D. Sprigg Flower, and Clara H. Flower; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GAS-LIGHTED BUOYS AND BEACONS.

Mr. KING introduced a bill (H. R. 6303) for the establishment and maintenance of gas-lighted buoys and beacons; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUFFERERS FROM MISSISSIPPI OVERFLOW.

Mr. KING also introduced a joint resolution (H. Res. 220) making an appropriation of $400,000 for the relief of the sufferers from the present overflow in the lower Mississippi Valley; which was read a first and second time by its title.

Mr. KING. I ask that the joint resolution be read at length.

The joint resolution was read, as follows:

Whereas the floods now prevailing in the lower Mississippi Valley are carrying desolation to the homes of hundreds of thousands of citizens of a section of our country almost as large as the whole of New England; and

Whereas appeals have come up from these suffering people to their Representatives in Congress for aid; and

Whereas the governor and other officials of the State of Louisiana have applied to the Secretary of War and to their Senators and Representatives in Congress for relief for the sufferers from the flood in that State, setting forth that the distress is as great as it was in the unprecedented flood of 1882, which continued over the country for a period of several months: Therefore,

*Be it resolved by the Senate and House of Representatives, &c.*, That the sum of $400,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War for the immediate relief of these sufferers from the flood of the Mississippi River and its tributaries.

The joint resolution was referred to the Committee on Appropriations, and ordered to be printed.

POST-OFFICE INSPECTORS, ETC.

Mr. KELLOGG introduced a bill (H. R. 6304) to fix the salaries and contingent expenses of post-office inspectors and division superintendents of railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SALARIES OF POSTMASTERS.

Mr. KELLOGG also introduced a bill (H. R. 6305) to amend and reenact section 4 of an act to adjust the salaries of postmasters, approved March 3, 1883; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOSEPH O. WILSON.

Mr. KELLOGG also introduced a bill (H. R. 6306) for the relief of Joseph O. Wilson; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GEORGE BALDY.

Mr. KELLOGG also introduced a bill (H. R. 6307) for the relief of George Baldy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRESENTATIVES OF O. L. BLANCHARD.

Mr. KELLOGG also introduced a bill (H. R. 6308) for the relief of the legal representatives of O. L. Blanchard, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. NANNIE CUSHMAN.

Mr. BOUTELLE introduced a bill (H. R. 6309) to increase the pension of Mrs. Nannie Cushman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN P. LOWELL.

Mr. DINGLEY introduced a bill (H. R. 6310) granting a pension to Benjamin P. Lowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH S. SAMPSON.

Mr. DINGLEY also introduced a bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSURANCE IN THE DISTRICT.

Mr. McCOMAS introduced a bill (H. R. 6312) to provide for regulating the business of insurance in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FRANCES M. LAMBERT.

Mr. McCOMAS also introduced a bill (H. R. 6313) for the relief of Frances M. Lambert, widow of Henry M. Lambert, Company D, Twelfth Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM TALBERT.

Mr. McCOMAS also introduced a bill (H. R. 6314) for the relief of William Talbert, of Montgomery County, Maryland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMERICAN SHIP-BUILDING.

Mr. LONG (by request) introduced a bill (H. R. 6315) to promote the building of vessels in this country and to encourage the ownership and employment thereof by American citizens; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SHIP-BUILDING MATERIALS.

Mr. LONG (by request) also introduced a bill (H. R. 6316) relieving the unwrought materials from duty in certain cases of American vessels; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. LONG (by request) also introduced a bill (H. R. 6317) making foreign materials to be manufactured into articles for American vessels free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. PAMELIA HOLMES.

Mr. LONG also introduced a bill (H. R. 6318) for the relief of Mrs. Pamelia Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLD YELLOW METAL.

Mr. LONG also introduced a bill (H. R. 6319) relieving old yellow metal from duty in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPE COD SHIP-CANAL.

Mr. DAVIS, of Massachusetts (by request), introduced a bill (H. R. 6320) making an appropriation for the construction of a breakwater, entrances, and approaches from the Cape Cod Ship-canal; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONDEMNED CANNON.

Mr. STONE introduced a bill (H. R. 6321) granting four condemned cannon to Post No. 47, Grand Army of the Republic, at Haverhill, Mass.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DRAW-BRIDGE AT DULUTH, MINN.

Mr. NELSON introduced a bill (H. R. 6322) to authorize the construction and maintenance of a railroad and common-road draw-bridge across the canal connecting Lake Superior with Duluth Harbor, Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PROCEEDS OF COTTON SEIZED AND SOLD.

Mr. MONEY introduced a bill (H. R. 6323) to amend the fifth section of the act of May 18, 1872, relating to the return of the net proceeds of cotton seized after 30th June, 1865; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

R. S. STANLEY.

Mr. MULDROW introdued a bill (H. R. 6324) for the relief of R. S. Stanley, postmaster at Booneville, Miss.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN SMITH.

Mr. COSGROVE introduced a bill (H. R. 6325) for the relief of John Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT SEDALIA, MO.

Mr. COSGROVE also introduced a bill (H. R. 6326) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CONDEMNED CANNON.

Mr. ALEXANDER introduced a bill (H. R. 6327) to grant Tindall Post, No. 29, Grand Army of the Republic, Chillicothe, Mo., condemned cannon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL W. BOWLING.

Mr. MORGAN introduced a bill (H. R. 6328) granting a pension to Samuel W. Bowling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BRICE.

Mr. GRAVES introduced a bill (H. R. 6329) for the relief of James Brice; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MISSOURI RIVER COMMISSION.

Mr. GRAVES also introduced a bill (H. R. 6330) authorizing the appointment of a Missouri River commission to superintend and carry into execution the plans for the improvement of the navigation of said river from its mouth to its headwaters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES BRIDGER.

Mr. GRAVES also introduced a bill (H. R. 6331) for the relief of James Bridger; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OTOE RESERVATION.

Mr. WEAVER introduced a bill (H. R. 6332) to extend the time for payment for lands sold from the Otoe reservation in Kansas and Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

UTAH AND NORTHERN RAILWAY.

Mr. VALENTINE (by Mr. WEAVER) introduced a bill (H. R. 6333) granting a right of way to the Utah and Northern Railway Company; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JANE M. M'CRABB.

Mr. ROBINSON, of New York, introduced a bill (H. R. 6334) for the relief of Jane M. McCrabb, widow of Capt. J. W. McCrabb, United States Army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN P. GREGSON AND FRANCIS H. ELLISON.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 6335) for the relief of John P. Gregson and Francis H. Ellison; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DELAWARE INDIAN LANDS.

Mr. STEVENS introduced a bill (H. R. 6336) to pay the Delaware Indians the amount ascertained to be due them for the value of their lands taken for the right of way from their allotted lands by the Leavenworth, Pawnee and Western Railroad Company, or their successors, in the State of Kansas, under the provisions of the treaty of May 30, 1860; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS C. BATES.

Mr. GREENLEAF introduced a bill (H. R. 6337) for the relief of Thomas C. Bates, of Rochester, N. Y.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RECORD OF TROOPS.

Mr. SLOCUM (by request) introduced a bill (H. R. 6338) directing the Secretary of War to furnish the States with copies of the record of troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORBES'S HISTORICAL ART COLLECTION.

Mr. SLOCUM (by request) also introduced a bill (H. R. 6339) providing for the purchase of Forbes's historical art collection; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

MAGDALENA MILLER.

Mr. ROGERS, of New York, introduced a bill (H. R. 6340) for the relief of Magdalena Miller, widow of Christian Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MANZ.

Mr. ROGERS, of New York, also introduced a bill (H. R. 6341) for the relief Sarah Manz, dependent mother of Christian G. Manz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS AXMAKER.

Mr. ROGERS, of New York, also introduced a bill (H. R. 6342) for

the relief of Augustus Axmaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PASSENGERS ON VESSELS, ETC.

Mr. COX, of New York, introduced a bill (H. R. 6343) to provide for the landing of passengers from ships arriving from foreign ports, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. COX, of New York, also introduced a bill (H. R. 6344) to amend section 4480 of the Revised Statutes for the better equipment of steamers carrying passengers and freight; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL A. RUSSELL.

Mr. COX, of New York, also introduced a bill (H. R. 6345) for the relief of Samuel A. Russell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ACCOUNTS OF JOHN V. B. BLEEKER.

Mr. COX, of New York, also introduced a bill (H. R. 6346) to authorize the settlement of the accounts of the late John V. B. Bleeker, a paymaster in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. COX, of New York, also submitted the following resolution; which was referred to the Committee on Rules:

*Resolved*, That the rules be so amended that the members of the press who hold tickets of admission to the press gallery be admitted to the floor immediately after the adjournment of the House, on the presentation of said tickets at some door to be designated by the Speaker.

JOICY RICHWINE.

Mr. BENNETT introduced a bill (H. R. 6347) granting a pension to Joicy Richwine, widow of John Richwine, late a private soldier in Company I, Seventeenth Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF GEORGE W. NORWOOD.

Mr. YORK (by request) introduced a bill (H. R. 6348) for the relief of the representatives of George W. Norwood; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF J. W. BROWER.

Mr. YORK also introduced a bill (H. R. 6349) for the relief of the heirs of J. W. Brower, deceased, of Surry County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW J. SANDERS.

Mr. VANCE introduced a bill (H. R. 6350) granting a pension to Andrew J. Sanders; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALEXANDER PIERSON.

Mr. HILL introduced a bill (H. R. 6351) to rerate the pension of Alexander Pierson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M'GARRY.

Mr. FORAN introduced a bill (H. R. 6352) for the extension of letters patent to Thomas McGarry; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. FORAN also introduced a bill (H. R. 6353) to amend section 566 of the Revised Statutes of the United States of America; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CATHARINE J. ALLEMAN.

Mr. FORAN also introduced a bill (H. R. 6354) granting a pension to Catharine J. Alleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD HERBERT.

Mr. FORAN also introduced a bill (H. R. 6355) granting a pension to Edward Herbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. JONES.

Mr. FORAN also introduced a bill (H. R. 6356) to remove the charge of desertion from the military record of William C. Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHRISTIAN BAUMAN.

Mr. MURRAY introduced a bill (H. R. 6357) granting a pension to Christian Bauman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. GERSTUNG.

Mr. MURRAY also introduced a bill (H. R. 6358) granting a pension to John S. Gerstung; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. LUBY.

Mr. MURRAY also introduced a bill (H. R. 6359) granting a pension to James B. Luby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOEL B. MARTIN.

Mr. MURRAY also introduced a bill (H. R. 6360) granting a pension to Joel B. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SHANGHAI STEAM NAVIGATION COMPANY.

Mr. GEORGE introduced a bill (H. R. 6361) to refund to the Shanghai Steam Navigation Company of Shanghai, China (Russell & Co., agents), certain moneys collected from said company as tonnage tax in excess of that authorized by law and covered into the Treasury of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELAM R. YAUGOR.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. 6362) granting a pension to Elam R. Yaugor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRAWBACK TO VINEGAR MANUFACTURERS.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 6363) to amend section 3282 of the Revised Statutes and to grant a drawback to vinegar manufacturers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY LICHTY.

Mr. ERMENTROUT introduced a bill (H. R. 6364) granting a pension to Henry Lichty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS BRECHBILL, DECEASED.

Mr. CURTIN introduced a bill (H. R. 6365) for the relief of the heirs and legal representatives of Elias Brechbill, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE H. WILLIAMS.

Mr. CONNOLLY introduced a bill (H. R. 6366) to remove the charge of desertion from the military record of George H. Williams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FEES IN PENSION CASES.

Mr. CONNOLLY also introduced a bill (H. R. 6367) to regulate the fees of attorneys in pension cases; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WILLIAM H. SHOURDS.

Mr. RANDALL introduced a bill (H. R. 6368) granting a pension to William H. Shourds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHEW M'VEY.

Mr. RANDALL also introduced a bill (H. R. 6369) granting an honorable discharge to Matthew McVey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

VIOLATION OF INTERNAL-REVENUE LAWS.

Mr. McMILLIN introduced a bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

RICHARDSON K. BAIRD.

Mr. HOUK introduced a bill (H. R. 6371) granting a pension to Richardson K. Baird; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID LEDGERWOOD.

Mr. HOUK also introduced a bill (H. R. 6372) granting a pension to David Ledgerwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DORITY.

Mr. HOUK also introduced a bill (H. R. 6373) granting a pension to James Dority; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. DRAPER.

Mr. HOUK also introduced a bill (H. R. 6374) granting a pension to John R. Draper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. REED.

Mr. HOUK also introduced a bill (H. R. 6375) granting a pension to William M. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE SIZEMORE.

Mr. HOUK also introduced a bill (H. R. 6376) granting a pension to Catherine Sizemore, widow of Henry Sizemore, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MELISSIA BURTON.

Mr. HOUK also introduced a bill (H. R. 6377) granting a pension to Melissia Burton, widow of William Burton, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS ALDRIDGE.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 6378) granting a pension to Thomas Aldridge, late private Company M, Seventh Regiment Tennessee Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. HENRY.

Mr. PIERCE introduced a bill (H. R. 6379) for the relief of William M. Henry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. WEST.

Mr. THROCKMORTON introduced a bill (H. R. 6380) for the relief of the heirs of John W. West; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE ACROSS THE POTOMAC RIVER.

Mr. BARBOUR introduced a bill (H. R. 6381) to amend an act entitled an "An act to authorize the construction of a bridge across the Potomac River near Georgetown, in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DAVID BOYD.

Mr. LIBBEY introduced a bill (H. R. 6382) granting an increase of pension to David Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUKE F. JOHNSON.

Mr. LIBBEY also introduced a bill (H. R. 6383) for the relief of Luke F. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM TABB.

Mr. GARRISON introduced a bill (H. R. 6384) for the relief of William Tabb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REUBEN RAGLAND AND OTHERS.

Mr. HOOPER introduced a bill (H. R. 6385) referring the claim of Reuben Ragland and Chives & Osborn to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. BUCKEY.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 6386) for the relief of Mary E. Buckey, of Randolph County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRIETTA M. WAUGH.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 6387) for the relief of Henrietta M. Waugh, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. A. REEDER.

Mr. GOFF introduced a bill (H. R. 6388) granting a pension to C. A. Reeder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CROUSE.

Mr. GOFF also introduced a bill (H. R. 6389) for the relief of Elizabeth Crouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF CERTAIN CITIZENS OF WEST VIRGINIA.

Mr. GOFF also introduced a bill (H. R. 6390) to recognize and pay certain claims due by the State of West Virginia to the citizens thereof for services rendered the United States in the late war, and which are properly chargeable to the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISA A. A. HAYES.

Mr. GOFF also introduced a bill (H. R. 6391) for the relief of Louisa A. A. Hayes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COAST-LINE WATER WAY, ATLANTIC AND GULF SEABOARD.

Mr. GOFF also submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

*Resolved*, That the Secretary of the Navy and the Secretary of War be, and they are hereby, requested to report to this House, at the earliest day practicable, upon the feasibility and expediency of constructing an interior coast-line of water ways for the defense of the Atlantic and Gulf seaboard, together with an outline of the plan of the same and a general estimate of the cost thereof.

MARY KEIFER.

Mr. WOODWARD introduced a bill (H. R. 6392) granting a pension to Mary Keifer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL LANDS, ARIZONA.

Mr. OURY introduced a bill (H. R. 6393) to grant school lands in the Territory of Arizona in lieu of the sixteenth and thirty-sixth sections covered by Mexican grants, swamp, and mineral lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM S. HEMINGWAY.

Mr. SINGISER introduced a bill (H. R. 6394) for the relief of the three orphan children of William S. Hemingway; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OATH OF ENTRY, PUBLIC LANDS.

Mr. SINGISER also introduced a bill (H. R. 6395) prescribing a certain oath to be taken by persons offering to file upon or enter any public lands of the United States situated in the Territories of Idaho and Utah; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LEGISLATION FOR UTAH TERRITORY.

Mr. CAIN submitted a memorial of the Legislative Assembly of the Territory of Utah, protesting against the passage of bills now pending in Congress or any other measures inimical to the people of said Territory until after a full investigation by a Congressional committee; which was referred to the Committee on the Territories.

A. S. STREAM.

Mr. BRENTS introduced a joint resolution (H. Res. 221) granting permission to A. S. Stream to accept a medal from the British Government; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection, the Chair will recognize some gentlemen who were not in their seats when their States were called.

There was no objection.

MARTHA J. A. RUMBAUGH.

Mr. HEPBURN introduced a bill (H. R. 6396) to reimburse Martha J. A. Rumbaugh, widow of Dr. George H. Rumbaugh, late captain Company K, Twenty-fifth Missouri Infantry, for losses incurred in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 4488 REVISED STATUTES.

Mr. HEPBURN (by request) also introduced a bill (H. R. 6397) to amend section 4488 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. MORHISER.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 6398) for the relief of William H. Morhiser; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. IVERS.

Mr. CARLETON introduced a bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEMUEL GADDIS.

Mr. TUCKER (by request) introduced a bill (H. R. 6400) for the relief of Lemuel Gaddis, of Washington, D. C., for damage to his property by reason of public improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

M. G. EMERY.

Mr. TUCKER (by request) also introduced a bill (H. R. 6401) for the relief of M. G. Emery, of Washington, D. C., for damages to his property by reason of public improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DOWD and Mr. ELLIS called for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BLAND. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

The SPEAKER. The morning hour having been dispensed with, the regular order is the unfinished business coming over from last Thursday.

Mr. ELLIS. It was my intention to have called up the Indian appropriation bill at this time, and I shall still insist upon doing so unless I can understand from the gentleman in control of the trade-dollar bill that the discussion of it will be finished this evening. I am willing to yield the floor for the remainder of this day, but unless there is an understanding that that bill shall be finished this evening I must insist upon going on with the appropriation bill.

Mr. ANDERSON. That is right.

Mr. BLAND. I have not the charge of the pending bill; but I will state that I was very anxious to have a session here on Saturday last to consider that bill; and the gentleman from Louisiana (Mr. ELLIS) an hour ago told me himself he expected to give way for it.

Mr. ELLIS. Provided it was finished this evening.

Mr. BLAND. So far as I am concerned it may be finished this evening, at least so that we may vote on it in the morning. I am not at liberty, however, to speak for the gentleman from North Carolina [Mr. DOWD], who has charge of the bill.

Mr. DOWD. I do not understand that I control this matter. I think it is a matter entirely for the House. If I can move the previous question, so far as I am concerned I am ready to do that now. But I do not like to have it said that I am seeking to cut off debate in half an hour, or an hour, or two hours by a motion of that kind.

Mr. CANNON. Is the bill pending in the Committee of the Whole?

Mr. DOWD. No, sir; it is now in the House.

Mr. ELLIS. When will the gentleman from North Carolina agree to call the previous question?

Mr. DOWD. I am willing to move it now if that meets the approbation of the House.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] has the floor for debate, having obtained it on Thursday.

Mr. DOWD. Then I will move the previous question at 5 o'clock, if that will be satisfactory.

Mr. ELLIS. Upon that understanding I will not press the consideration of the Indian appropriation bill.

Mr. LACEY. I object to any understanding of that sort which will give us only an hour and three-quarters for debate. We were promised at least two hours.

Mr. ELLIS. I make this proposition: That all debate on this bill shall be concluded this evening, and that the gentleman from North Carolina [Mr. DOWD] shall move the previous question, after which he shall give way for a motion to adjourn, and the House can vote on the bill to-morrow.

Mr. BLAND. So far as I am concerned, if the Committee on Appropriations propose to take charge of this bill to limit debate upon it, I would say they had better go on at once with their appropriation bill. I have myself no interest in debating this question except to present my own views, but I know there are other gentlemen who desire to have the same opportunity of presenting their views.

Mr. CASSIDY. The discussion has been all on one side so far.

Mr. ELLIS. I ask unanimous consent that it may be the general understanding that debate on the bill shall be concluded this evening and that the gentleman from North Carolina shall move the previous question, after which the House shall adjourn, and the vote be taken to-morrow after the morning hour.

Mr. CASSIDY and others objected.

Mr. ELLIS. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, my object being to call up the bill making appropriations for the Indian service.

Mr. BLAND. I think the gentleman had better let us go on with this bill now, for we can get through with it almost in the time it would take to call the yeas and nays on his motion.

Mr. HAMMOND. I would suggest that debate had better go on until 5 o'clock, and then the sense of the House can be tested on ordering the previous question.

Mr. BELFORD. Is it proposed to call the previous question on the trade-dollar bill?

Mr. CASSIDY. That is just what is proposed.

Mr. BELFORD. I hope that will not be done.

The SPEAKER. The question is on the motion of the gentleman from Louisiana [Mr. ELLIS] that the House now resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

Mr. BLAND. I hope the gentleman will not insist upon that.

Mr. ELLIS. I made what I considered a fair proposition with regard to the trade-dollar bill; it was objected to by gentlemen on the other side. I am informed by the Department of the Interior that the supplies for which the Indian appropriation bill is to provide money ought to be purchased and on their way to the far Northwest by the 15th of April.

Mr. EZRA B. TAYLOR. I call for the regular order.

The SPEAKER. The regular order is called for, which is the motion to go into Committee of the Whole on the general appropriation bill.

Mr. STEELE. I understood the gentleman from Missouri [Mr. BLAND] had the floor. If so, how can he be taken from it by the gentleman from Louisiana [Mr. ELLIS] to make that motion?

The SPEAKER. The gentleman from Missouri [Mr. BLAND] would be entitled to the floor as soon as the bill in question came up for consideration. The title of the bill has not yet been read, and the Chair understood that an effort was being made to come to some understanding in regard to the time for debate on that bill.

Mr. BLAND. If the gentleman from Louisiana [Mr. ELLIS] chooses to raise the question of consideration against the trade-dollar bill and proposes to take up all the evening in determining it, then so far as I am concerned I am willing to proceed at once to the consideration of the Indian appropriation bill.

The question was taken on the motion of Mr. ELLIS; and upon a division there were—ayes 53, noes 62.

Mr. ELLIS. I call for tellers.

Tellers were ordered; and Mr. ELLIS and Mr. CASSIDY were appointed.

The House again divided; and the tellers reported that there were—ayes 73, noes 93.

So the House refused to go into Committee of the Whole for the consideration of general appropriation bills.

TRADE-DOLLAR.

The SPEAKER. The House will now resume the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar. Upon that bill the gentleman from Missouri [Mr. BLAND] is entitled to the floor.

Mr. BLAND. Mr. Speaker, I regret that the Committee on Coinage, Weights, and Measures failed to present to the House a bill having the unanimous support of that committee, and that I felt it to be my duty, as one of a bare minority of that committee, to make a minority report upon this bill.

The bill now under consideration provides in substance that trade-dollars shall be exchanged at the various subtreasuries and mints of the United States for standard dollars, and that trade-dollars shall be a legal tender for Government dues, and that when so exchanged or redeemed or received in payment of dues they shall not again be issued, but shall be recoined into standard dollars and accounted a part of the monthly purchase of bullion. I object to the fourth section of the bill, which provides that the retirement of the trade-dollars shall be at the expense of the monthly purchase of bullion and the coinage of standard silver dollars as now provided by law.

The Director of the Mint, in his estimate as to the number of trade-dollars now in the country, places it at about 8,000,000. Other financial persons, in New York and financial journals, claim that there is as much as 10,000,000 of trade-dollars that may come in under this bill. If there be 10,000,000 of trade-dollars to come in under this bill, the practical effect of it, if the fourth section is retained as it now stands, will be to suspend the monthly purchase of bullion and the coinage of standard dollars as now provided by existing law for about the period of four or five months.

We are now coining silver bullion at the rate of two million dollars' worth per month. I desire gentlemen to mark the distinction between the number of standard dollars coined and the value of the bullion coined. The law now provides that the Secretary of the Treasury shall purchase monthly two million dollars' worth of silver bullion, not exceeding four millions, and coin it into standard dollars. It is not that he shall coin 2,000,000 standard silver dollars per month, but that he shall purchase two million dollars' worth of silver bullion per month and coin it into standard silver dollars. Two million dollars' worth of silver bullion at its present price amounts to about 2,300,000 standard silver dollars.

Gentlemen claim that this trade-dollar was issued by the Government, stamped by the Government as a dollar, that it was made a legal tender by the Government for a certain amount, and that it was bad faith on the part of the Government when it repealed that legal-tender quality of the trade-dollar, as Congress did in 1876, and thus depreciated a coin of the Government which at one time was a legal tender the same as subsidiary silver coin. They therefore claim that it is the duty of Congress to again restore the legal-tender quality to the trade-dollar, the same as when it was first issued.

Now, if that argument be true, it simply goes to the point that what we ought to do now is simply to declare the trade-dollar a legal tender the same as the standard silver dollar, and permit it again to go into circulation as it did under the law authorizing its coinage. In doing that we will not interfere with the monthly purchase of silver bullion and the coinage of standard silver dollars under existing law.

If there is an argument at all in favor of the restoring of the trade-

dollar to circulation, that argument is simply that the trade-dollar should be placed where it was before the law was repealed which gave it currency as money. Hence it is that the eight or ten millions of trade-dollars which were out in circulation a few months ago, and constituted a portion of the currency of the country, and were taken at par everywhere until the banks saw proper to refuse to receive them, and by that decision practically put them out of circulation, all that we ought to do now is by our act to place the trade-dollar in circulation again as when it was first issued, but not at the expense of the present coinage of silver bullion into standard silver dollars at the rate of two millions of dollars' worth of bullion per month.

What is the practical effect of this bill? It is to restore immediately eight millions of trade-dollars, or ten millions, if there is that quantity outstanding, to the circulation of the country. These trade-dollars, under this bill, will be exchangeable into standard dollars, and the time within which the trade-dollars may be redeemed is proposed to be extended for two years; so that the immediate effect of the bill will be at once to revive the circulation of these trade-dollars. There in my opinion we ought to stop; but the difficulty with the present bill is that we do not stop there, but these trade-dollars are to be recoined, and when presented for recoining are to be counted as part of the monthly purchase of bullion. In this way the bill will in effect suspend the coinage of standard silver dollars now going on for five or six months, as compared with coining the trade-dollar in circulation as heretofore. Now, is it proper to go on with the coinage of the standard silver dollar under existing law? If it be, then it is not right to interfere with that coinage by this bill.

Let me state another objection to the bill. We all know, as a matter of fact, that since the coinage of the silver dollar began Mr. Sherman, the Secretary of the Treasury under the administration of President Hayes, and also the present Secretary of the Treasury have at every annual meeting of Congress asked in their reports that Congress discontinue the coinage of the standard silver dollar. They have, in executing the law upon this subject, coined the minimum amount of silver bullion—$2,000,000 per month—when they might under the law have gone to the extent of $4,000,000 a month. In other words, the administration of this law has been in unfriendly hands. And certainly, if the Treasury Department favors suspending the coinage of silver dollars altogether, the trade-dollar will come in as a part of the monthly purchases, will be treated as a portion of this minimum amount. In other words, if we pass this bill in its present form we simply indorse indirectly the recommendation of the Secretary of the Treasury that we suspend the coinage of the silver dollar; or we express our opinion that the coinage ought to be limited to the very lowest amount required by law, because we know this will be the action of the Treasury Department under this bill. Does this House desire to do that? Is it a fact that the members of this House wish to indorse the recommendation of the Secretary of the Treasury that the coinage of silver be stopped? Or do we wish to say that no more than $2,000,000 worth of bullion should be coined monthly? The practical effect of the bill will be in the direction of the recommendation of the Secretary of the Treasury, as it will suspend the monthly purchase of bullion and the coinage of the standard silver dollars under the present law for six or eight months.

Mr. DOWD. Does the gentleman mean to say that under this bill the coinage of the silver dollar will be diminished or restricted?

Mr. BLAND. I say that it will be, considering the present law and the mode in which these trade-dollars have heretofore been circulated.

Mr. DOWD. I am inquiring whether the number of silver dollars actually coined monthly will be affected by this bill?

Mr. BLAND. It will be, if the fourth section of the bill is not stricken out.

Mr. CASSIDY. The gentleman means to say that the volume of the currency will be contracted to that extent.

Mr. BLAND. I mean to say that the difference between the bill as I desire to have it and the bill in its present form is that if the fourth section be stricken out we shall four months from now have $8,000,000 more in circulation than if the fourth section be retained.

Mr. DOWD. Suppose the bill be passed just as it is, shall we not have precisely the same number of standard dollars at the end of three or four or six months that we would have independently of the bill?

Mr. BLAND. Well, Mr. Speaker, if trade-dollars are to come in simply as bullion, then put them at their bullion value; let them occupy the same position before the country as other bullion. But, sir, if you are going to redeem these trade-dollars at par and charge them against this bullion account, then let the fourth section of the bill go out, because it is not presenting the question in a fair manner to say that these trade-dollars shall go in at par and then be counted as bullion. If they are bullion to-day, let them remain so; if they are to be recoined into standard silver dollars, let them be counted separately from the present monthly purchase of bullion.

There is another phase of this question to which I desire to allude. It is argued every day that silver is depreciating and is continuing to depreciate. If there are 10,000,000 of trade-dollars now out, and there may happen to be 12,000,000 or 15,000,000, for the quantity outstanding is merely a matter of speculation, considering that about 36,000,000 have been coined, 10,000,000 would suspend the purchase of bullion for five months, 12,000,000 for six months, and the moment you suspend the purchase of bullion the value of bullion will as a matter of course begin to decrease. Hence, when we meet here next winter the argument will be made that silver has still further depreciated, and those opposed to the coinage of the silver dollar will ask for its suspension on this account.

Mr. STORM. Has the gentleman any objection to making bullion cheaper?

Mr. BLAND. Mr. Speaker, I propose to address myself to that question before concluding my remarks. I am opposed to making bullion cheaper. On the contrary, I am in favor of opening the mints of this country to the unlimited coinage of silver the same as gold.

But what is the theory of metallic money? On what is that theory based? It is that the Legislature shall declare at what gold and silver shall be coined; what shall constitute a dollar of silver and a dollar of gold, and then making them a legal tender. And there you stop. And there the authority of legislation over that question ought to cease and the mints and nature supply the volume and the demand. If the coinage of silver was unlimited the same as gold—that is to say, if the mints of the United States were open to the unlimited coinage of silver like gold—then the silver mines and the gold mines would furnish the volume of money, and nature would supply the demand and not the mere whim and caprice of Congress.

But, sir, if you say you will coin only two millions per month, if you limit it to four millions, or if you say you will cease to coin silver altogether, or limit the amount of gold or silver, you assume to dictate what the volume of money shall be, and every argument in favor of bimetallic or monometallic money is gone. There is nothing left of it. What is it? Shall Congress determine the amount of paper money to be used? Do you desire that? Why not? If you open the mints to the unlimited coinage of both metals, if to-day you say you shall have unlimited coinage of both silver and gold, and to-morrow you say you shall only coin two or three millions of silver or gold per month, and thereby regulate the volume of metallic money, your argument in favor of metallic money is gone and the theory of the Greenbacker is established when he says Congress should issue money in such volume or amount as may be demanded.

Now, Mr. Speaker, what are the coinage regulations in reference to gold coin?

Mr. BRUMM. I think the gentleman made a mistake. He said that nature would supply the demand. Does he not mean would furnish the supply?

Mr. BLAND. I say when you give unlimited coinage of both gold and silver as money, that the volume is supplied by nature—that is, automatically—unless you undertake to limit it by restricting the coinage.

Mr. BRUMM. You said demand; and I thought you did not mean that, but that you meant supply.

Mr. BLAND. Of course. I was reading from the speech of my friend from Pennsylvania [Mr. SMITH], and I am sorry he is not present. He said in his remarks, and I have not time to read them at length, that silver had the preference of gold or copper or any other metal in the mints; that we compelled the Secretary of the Treasury to purchase silver and did not compel him to purchase gold or copper. What are the regulations in reference to the coinage of gold? The law requires the Secretary of the Treasury to keep a fund at the mints for that express purpose. The moment a gold miner presents his bullion there he can receive money for it, and he need not wait until it is coined. But if he waits until the mints can coin it he has the right to say that it shall be coined into double-eagles, eagles, or half-eagles, or any other denomination of coin. He can thus dictate the coinage of gold. Generally he prefers to take money and not wait for the coinage. The gold miner extracts dollars, not merchandise. The silver miner can not go to the mint with his bullion at all. His product is put upon the market and the bullion which is offered at lowest rates by the bullion-holder is purchased. Instead of the Government making the bullion value of silver equal to the coinage value, the law compels the Government to go into the market and bear silver bullion and to purchase it at the cheapest rates. This law of the Government depreciates the silver, and the act of the Government furnishes the argument of the gold monometallists against silver. The power of the Government ought to favor silver value, and not depreciate it.

Mr. DINGLEY. Will the gentleman permit me to interrupt him?

Mr. BLAND. Not now. How is it possible that silver bullion can reach par with gold bullion unless it has the same privileges at the mints and the same uses as money?

I have heard it said, and it is stated in the public press and on this floor, that the moment you open your mints to the unlimited use of silver, you pay a premium of 15 per cent. to the silver-bullion holders. What are you paying to the holder of gold bullion who has a monopoly of money metal? Even him by law you are paying 15 per cent. premium on his gold at the expense of the holder of silver bullion.

Will any one pretend to say that where you give unlimited use to gold, unlimited access to the mints, so the gold miner can go and deposit his bullion and any moment have dollars and cents for it, and the silver miner has not the same privilege, that silver bullion can stand at par with gold?

I may liken it to a county warrant. The county is perfectly good, perfectly solvent, responsible in every respect, and the warrant will be

paid in six months or a year at the furthest. But it is discounted for the very reason that you can not at once redeem it in money.

Now, the silver and the gold miner ought to be placed exactly equal in this regard, not for the purpose of accommodating the miner himself, but to furnish the people of this country a circulating medium that has been considered, at least for the last four or five thousand years, as the best monetary metal in the world—and that is silver. I do not own, Mr. Speaker, a single dollar's worth of stock in any mine in this country or elsewhere; I am not the owner of any stock in any national bank, nor do I own any Government bonds, but so far as any individual or personal interest in this matter is concerned I stand free, and am not interested in the question of the coinage of silver or the issuing of bank notes, and I view these matters only in the light of public welfare.

Mr. MORSE. If you are not interested in it, then let me ask why do you insist upon the coining of silver when nobody wants it?

Mr. BLAND. Nobody wants it?

Mr. BELFORD. Everybody wants it in the West.

Mr. BLAND. I would simply tell the gentleman from Massachusetts that he may test that matter very accurately and instantly as to whether anybody wants the silver or not if he will go, or any other gentleman, to the office of the Sergeant-at-Arms and draw his check for the $400 due him for this month, get it in silver, and put it on my desk; he will see how complacently I take it. [Laughter.]

Mr. WELLER. Here, too. [Renewed laughter.]

Mr. BLAND. Now, we are told, Mr. Speaker, that silver will not circulate among the people, and that you are coining this metal and simply piling it up in the Treasury vaults, and that it is not being utilized and will not be utilized as money.

I hold in my hand a statement from the Treasury Department showing that up to March 14, 1884, there have been issued in silver certificates $155,430,000, and up to the 1st of March the coinage has been $166,000,000. So that the silver certificates which have gone out and the silver dollars together are at to-day within about twelve millions of the amount coined.

Mr. PUSEY. Now, right there, does not the gentleman know that there are from sixteen to twenty millions of dollars of certificates lying in the Treasury to-day which have never been put in circulation?

Mr. BLAND. I will come to that in the course of my argument.

It is claimed also that the coinage of silver is driving the gold out of this country. Here is the statement of Treasurer Wyman, showing that there has been deposited $79,000,000 of gold in exchange for silver dollars and silver certificates.

The following is the statement I have obtained from Mr. Wyman, the Treasurer, dated 14th March:

*Statement of silver certificates issued, redeemed, outstanding, and in the Treasury March* 14, 1884.

| Denominations. | Issued. | Redeemed. | Outstanding. |
|---|---|---|---|
| Tens | $59,034,000 | $13,489,718 | $45,546,282 |
| Twenties | 55,666,000 | 10,395,416 | 45,270,584 |
| Fifties | 7,650,000 | 2,270,065 | 5,379,935 |
| One hundreds | 9,940,000 | 3,042,487 | 6,897,520 |
| Five hundreds | 6,650,000 | 4,166,500 | 2,483,500 |
| One thousands | 16,490,000 | 12,360,000 | 4,130,000 |
| Totals | 155,430,000 | 45,722,179 | 109,707,821 |
| The amount held in the Treasury was | | | 13,849,650 |
| Leaving actually outstanding | | | 95,858,171 |

| | |
|---|---|
| Silver certificates issued on deposit of gold coin: | |
| Issued at the New York office | $18,810,000 |
| Issued at other offices for deposit at the New York office | 60,739,000 |
| Total | 79,549,000 |
| Standard silver dollars in the Treasury offices and mints March 14, 1884 | 128,045,028 |

You have to-day in the Treasury $140,000,000 in gold bullion and gold coin. That is there as surplus revenue or revenue for resumption purposes and the daily demand. Now, more than one-half of that has gone into the Treasury in exchange for this hated and maligned silver; and yet it is claimed that nobody wants it. That claim is set up in face of the fact that more than half of the gold in the Treasury to-day not represented by gold certificates is there in exchange for silver certificates. When the Secretary of the Treasury issued his circular permitting this to be done the silver coin ran so low by the demand occasioned by these deposits of gold for silver certificates that the operation had to be suspended for the reason that there was no more silver coin on which to base the certificates.

Now, the gentleman says that there are about twenty millions of these silver certificates in the Treasury to-day.

I read from this statement, made on the 26th March last, as follows:

| | | |
|---|---|---|
| Silver dollars in the Treasury | | $128,696,472 |
| Certificates in circulation | $95,715,381 | |
| Certificates in the Treasury | 20,701,440 | |
| | | 116,416,821 |
| Leaving silver dollars in Treasury | | 12,279,651 |

Well, now, these twenty million of silver certificates are in the Treasury precisely like greenbacks are in the Treasury. They are in the Treasury precisely like gold is in the Treasury, or like national-bank notes. There were twenty millions in the Treasury last Wednesday, but I dare say that there is not so much to-day, and if any gentleman has drawn a portion of his salary to-day I have no doubt that he has been paid some portion of that twenty millions which the gentleman says are in the Treasury. They are in there as the circulating revenue of the Treasury, to be paid out like greenbacks or national-bank notes, and if they are not paid out it is because the Secretary of the Treasury, in order to contract the volume of the currency or make an argument against silver coinage, refuses to pay it out. How does this silver get into circulation? The man who has gold bullion can have it coined at the mints of the country, and the money is returned to him and he pays it out in the various avenues of trade. But the Government will not permit silver to go out in that way into circulation. The law prohibits it. The Government goes into the market and buys up the bullion and coins it into money and then refuses to pay it out, and silver is blamed by its opponents because it does not get out. How can it get out unless the Government chooses to issue it? Are there any expenditures of this Government to which it can be applied? Are there not expenditures to which it can be at all times applied? How will you make provision for the sums to be appropriated under your legislative, executive, and judicial appropriation bills? Are there not expenditures under your fortification bills, your Army bill, your Navy bill, your pensions, the four hundred millions that you must provide for the payment of pensions, the public debt, and other expenditures.

And if silver is in the Treasury, why is it not paid out on these appropriations and on the millions of your public debt that is due? It is there, if there at all, in excess simply because the Secretary of the Treasury is hostile to this money; and in obedience to Wall street and the speculators there he hoards it for this purpose, or for the sake of the argument that silver will not circulate.

Mr. DINGLEY. I would like to ask the gentleman from Missouri if he is in favor of the free coinage of the present silver dollar of 412½ grains, 900 fine, and in favor of the Government buying all the silver bullion that may be brought to the Mint, and giving for it dollar for dollar?

Mr. BLAND. Mr. Speaker, I want to know why it is that the mints of the country can be opened to the unlimited coinage of gold and not of silver. Will any gentleman answer me that question?

Mr. DINGLEY. But gold is coined at its bullion value, and silver at 17 per cent. above its value.

Mr. BLAND. The very fact that you give it the same use restores it to the value of gold. Now what is the condition to-day? The gentleman says that there is a difference of 17 cents between the gold dollar and the silver dollar; 13 cents is the difference in bullion value. But the purchasing value is the same because the purchasing value is derived from the stamp of the Government upon the coin that it is a dollar. And when the guarantee of the Government is written upon the silver dollar it restores it to equal value with the gold dollar. But you will not permit silver to come in in unlimited quantity and have this guarantee of the Government.

The question is not as to how it shall affect the gold miner or the silver miner, because you have about three billions of silver money in the world—and the question is how it affects that vast stock of money metal on hand. When you say that vast stock that belongs to the debtor class shall be limited in its use by not giving it unlimited coinage you to that extent rob the debtor in favor of the creditor. Therefore the question as to the quantity of silver is not a question between the miners of gold and the miners of silver, but it is a question as to what you propose to do with the vast stock of monetary metals on which debts were contracted, both public and private, in this country and all other countries; because your public debt and your private debt in this Government, and I might say all governments, have been contracted upon the basis of the unlimited use of both gold and silver, or at least upon the metals gold and silver, consisting of three billions of gold and about three billions of silver.

Now, if you are to strike down one-half of the monetary metals by refusing it admission at the Mint, as a matter of course you see the advantage given the creditor class over the debtor class.

Mr. DINGLEY. Will the gentleman yield to me for another question?

Mr. BLAND. Yes, sir.

Mr. DINGLEY. Does the gentleman from Missouri say that the mere stamp of the Government upon a piece of silver, 412½ grains, 900 fine, will immediately bridge over the 17 per cent. difference between the bullion value and the nominal value? If so, why not as well make the silver dollar 200 grains as 412½ grains? Or why not use iron and stamp that?

A MEMBER. Or paper?

Mr. BLAND. You will come to paper soon enough probably. We have heard that argument before.

Mr. WARNER, of Ohio. Will the gentleman from Missouri allow me?

Mr. BLAND. In a moment.

Mr. Speaker, I impale that argument upon the law of the contract. I say there is not a bond of this Government in existence to-day under

the law of its issue that is not payable in a dollar of 412½ grains of standard silver; not in iron, not in copper, not in gold alone, but in a dollar of 25.8 grains of gold or 412½ grains of standard silver. Every contract of this Government is based upon that. As regards every bond that is issued except the currencies, your 4 and 4½ and 5 per cent. and 3 per cent. bonds, the tax-payer has the right to pay in a dollar of 412½ grains of standard silver, and it is robbing him not to permit him to do it. The world uses silver as money and guarantees its value; not so with iron or copper.

Mr. BELFORD. Will the gentleman yield to me for a question?

Mr. BLAND. I can not yield now, as my time is limited.

We were told if silver was restored to its monetary value the public faith would be violated and that it would be impossible to issue bonds at 5 per cent. interest; and that is the class of securities that were being issued at that time. But instead of that, sir, we find that we negotiated bonds at 4½ per cent. and then at 4 per cent., and as we continued coining in silver we have issued them at 3 per cent., and those 3 per cent. bonds are above par; and I believe our friends who desire the continuance of the national banks are willing to-day they should take a 2½ per cent. bond, notwithstanding those bonds are payable, every dollar of them, in this silver dollar.

What has been the effect, sir, of the coinage of this silver? We remember when the mints began to coin silver under the law of 1878 that this country was in poverty and distress; but from the time that we began the coinage of silver confidence took the place of distrust, prosperity that of adversity, and since that time we have, probably since the beginning of our Government, never been more prosperous. We have coined only 166,000,000 of the standard silver dollars; and yet we are asked to suspend the coinage of silver because it is claimed that to continue it will drive gold out of the country. France, with a population of only about 37,000,000, and with a territory not so large as the State of Texas, has to-day in full legal-tender circulation about $550,000,000 of silver, and alongside of that she has in circulation over $800,000,000 in gold.

Mr. HEWITT, of New York. Is France coining any silver at present?

Mr. BLAND. She is not. But we are asked to stop the coinage of silver at the limit of $160,000,000, when France has about $550,000,000 in circulation of silver; and instead of driving out her gold she has nearly as much gold in circulation as both Great Britain and Germany, gold-standard countries. We have a country with probably 55,000,000 of population at this time, with over 3,000,000 of square miles of territory. We are a nation of people whose industrial genius is hardly equaled, certainly not surpassed, by any other nation of the civilized world. Yet we are asked to act the part of cowards and stop the coinage of silver at the pitiful limit of $160,000,000. It will take nearly fifteen years longer, at the present rate of coinage of the silver dollar, to have the same amount of silver coined and in circulation that France has to-day among her 37,000,000 of people.

Where will this country be at the end of fifteen years from this time? We will have seventy, probably seventy-five, millions of people, with the present increase of population by immigration and natural increase. We have a territory—I need not compare it with the territory of any other country. I say that when you reach the amount of coinage of silver which is now in circulation in France, about fifteen years will have elapsed at the present rate of coinage, and by that time we will have almost if not quite doubled the population of France at this time; and as to material wealth and territory there is no comparison between this country and that of France.

Mr. LACEY. May I ask the gentleman a question?

Mr. BLAND. Certainly.

Mr. LACEY. The question I desire to ask is this: In comparing the amount of our silver coinage with that of France, should not the gentleman take into consideration the subsidiary coinage in this country? The gentleman has included the subsidiary coinage in France, as I understand.

Mr. BLAND. I have not included it in the amount I have given for the silver coinage of France. The unlimited legal-tender silver money, not the subsidiary, in France amounts to about $550,000,000.

Mr. LACEY. But you have not included in your estimate the amount in this country of the subsidiary coinage here.

Mr. BLAND. I did not include the subsidiary coinage in France, either. But, even if I were to put both in, the disparity would be about the same.

Mr. HEWITT, of New York. Permit me to ask the gentleman a question?

Mr. BLAND. Certainly.

Mr. HEWITT, of New York. If we open our mints, as the gentleman from Missouri [Mr. BLAND] proposes, to the free coinage of silver at the rate of 412 grains of silver for one dollar of gold, would not the whole $600,000,000 of silver coinage in France at once come to this country as quick as steamships could bring it, and take away at least 50 per cent. of our gold and transfer it to France?

Mr. BLAND. I say no, and I will give a reason for it. In the first place, we are not fools enough to exchange products or anything else without value, or at a loss, if that is the suggestion; and in the second place, the standard of their coinage is below ours, and the gentleman knows it very well.

Mr. HEWITT, of New York. Not below.

Mr. BLAND. Yes. We coin silver and gold at the ratio of 16 to 1—that is to say, we require 16 ounces of silver to be worth 1 ounce of gold, while in France 15½ ounces of silver is worth as much as 1 ounce of gold. Neither France nor Germany nor any other country will be willing to lose a half an ounce of silver for every ounce of gold in order to dump their silver down in this country. There is no danger of that. All the silver of Europe circulates at par with gold at 15½ to 1. But there is this danger, that France and the nations of the Latin Union may in the future cease to coin silver altogether if we suspend the coinage of silver.

Mr. DINGLEY. Has not the Latin Union already ceased to coin silver?

Mr. BLAND. Yes; but do not interrupt me just now. After the decision of the Supreme Court on the legal-tender question, the gentleman from New York [Mr. HEWITT] and others, apprehending some difficulty to result from that, because the Supreme Court had decided that Congress had absolute power to issue paper money and make it a legal tender—the gentleman from New York and other gentlemen in this House, as well as gentlemen at the other end of the Capitol, in order to meet that question introduced constitutional amendments providing that Congress shall have no power to make anything but gold and silver a legal tender. Now I want to know if that is intended to be a deception upon the people of the States? I want to know if you intend to hold out to them the promise of a silver and gold currency, and then the moment you get the power to drop the silver currency entirely? Is it intended the moment that the Legislatures of the several States shall adopt the amendments proposing to make silver and gold the only legal tender, Congress will go to work and demonetize silver or gold? Is that what we are to hold out to the American people? If so, it will be a long time before your constitutional amendment will be adopted. It is necessary to the preservation of this Government and to the maintenance of good faith between debtors and creditors that the unlimited use of both gold and silver as money should be maintained.

Now, Mr. Speaker, what is the extent of the Government guarantee in the case of the coinage of silver? Suppose we have coined and in circulation to-day $1,000,000,000 of silver, and suppose that the value of the bullion in this coinage is 15 per cent. less than the gold—it is 13 only now, which would be contained in the same amount of coinage—how much gold would it take to supply the deficiency? Gentlemen can make their own conclusion. I believe it would be $150,000,000. If you should undertake to redeem in gold bullion the silver coinage it would cost you only $150,000,000, because the silver bullion in the coinage is worth the rest. This $150,000,000 would be hardly a mill per cent. upon the taxable property of this nation. The world guarantees 85 per cent. of this silver coinage; and the Government is asked to guarantee only 15 per cent. How is it with the legal-tender and the national-bank notes, upon which the Government guarantee is 100 per cent.? How must you redeem your legal-tender note? According to your theory, it must be redeemed in gold, every cent of it. The world supports none of it. How as to your national-bank note? In what is that to be redeemed? It is based upon a debt, and is redeemable in a debt—a debt behind it and a debt before it! It is based neither upon gold nor upon silver. That is to say, there is not a gold dollar nor silver dollar on which it is specially issued; it is credit-money, no more. The opponents of silver, who claim that the vacuum caused by demonetizing silver can be supplied by national-bank notes, must ask for that purpose the continuation of the public debt of this country, not less than six hundred or seven hundred millions of dollars, probably a billion of dollars. The debt must be a little larger than the amount of circulation, in order to give room for contraction and expansion of that circulation. What, then, would be the interest of this national debt? Place the amount at $500,000,000 and with the rate of interest at 3 per cent. the Government must pay $15,000,000 annually in interest. So that your bank paper, if you have bonds to the amount of five hundred million on which to base it, will cost you in interest not less than fifteen million annually. Even the interest which you would pay for the purpose of keeping the bank paper in circulation would in a few short years constitute the difference between gold and silver.

For instance, suppose we have one billion of silver dollars, on which amount we issue one billion of silver certificates; the difference between silver and gold is 13 cents on the dollar, and all the Government has to guarantee is this 13 cents. The world guarantees the other 87 cents in the use of money. Thirteen per cent. of this supposed issue of one billion of silver certificates is one hundred and thirty million, so that one hundred and thirty millions of gold added would bring the silver or silver certificates to par with gold. Compare this with the national-bank system in furnishing our circulating medium. In the instance of silver we have a billion silver certificates. For the national-bank circulation it would require at least six hundred millions of bonds for a circulation of bank notes to the amount of five hundred million; these bonds at 3 per cent. interest would make an annual charge against the Government for interest of $18,000,000 in order to float this five hundred million of bank notes; this charge in ten years will have amounted to $180,000,000, which is fifty million in excess of the gold that would be necessary to keep the one billion silver certificates at par. If we redeem the bonds in twenty years the bonds and interest would nearly

equal the one billion silver certificates. Inasmuch as the world guarantees silver up to 87 cents, paper issued on it, dollar for dollar, could never depreciate below the 87 cents so long as the metal is held for its redemption. But bank paper or Treasury notes, being wholly credit-money, must stand or fall with the credit of the nation issuing it. In case of civil commotion or foreign war or disturbances our credit might be greatly impaired and bank notes or Treasury notes go down to 30 or 40 cents on the dollar, as in our last war, but the silver certificate could not be carried lower than the 87 cents on the dollar.

Mr. Speaker, what is the danger of a national debt? I send to the desk to be read two extracts from London journals on this subject.

The Clerk read as follows:

The London Economist of March 10, 1883, said:

"The grandeur of the American Republic, considered in its external policy, has moreover been greatly increased by its debt-paying policy, for it has been felt that a people which could now raise four or five hundred millions sterling at 3 per cent. was on that account alone a great people; one which, on cause shown, could create fleets and armies almost out of the ground."

The London Spectator of April 14, 1883, said:

"The grand reason for paying debt is that we want to strengthen the credit of the state, as the cheapest and best of all insurances. If any one doubts that, let him look at the position of the United States. That grand Republic has no fleet, and on the water could hardly fight Spain. But she has reduced her debt by strenuous paying, and every one knows that if she wanted a fleet to blow Spain out of the water or to contest the seas with us she could buy and build one in twelve months. Her payment of her debt is an insurance not only against defeat but against attack."

Mr. BLAND. Thus, Mr. Speaker, we see how important in the estimation of foreign governments is the payment of our national debt. The London Economist and the London Spectator both say that with a nation which can so rapidly pay off its debt the very fact of being out of debt is a sufficient protection without fleets and standing armies. Let us, then, devote our attention to the payment of the debt and the wiping out of the national banks, which must go with the extinction of the debt, because the national-bank system is based upon debt, an interest-bearing debt.

Mr. Speaker, this question of the public debt is a great question which we must meet in the discussion of all monetary affairs. We remember very well that the idea on which the National Greenback party was based and grew up was that we had an immense public debt, bearing interest, and that Congress under the Constitution had the power to issue paper money and to substitute a non-interest-bearing debt for one bearing interest. Under the decision of the Supreme Court of the United States this Government would have the power to issue legal-tender paper money and to wipe out your national debt. This national debt has been the objective point with all the labor organizations and greenback parties. They have felt that a national debt of $2,000,000,000 or a billion and a half of dollars was an oppression; and whenever distress and poverty come again upon the country, if you then have a vast national debt, the rallying-cry will be to pay it with paper legal tenders. So long as that debt exists it will furnish a foundation for your labor parties and your greenback parties. But the very moment you take away the national debt you remove all excuse for an overissue of paper money. There is then no further danger in that direction.

The question of debtor and creditor will then relate solely to private debts and thus localize and minimize that influence. One citizen debtor and another creditor, all neighbors, will not consider their interest as divergent, but may all antagonize the public debt. Our national debt is held and concentrated in moneyed centers by a few individuals; hence it is not difficult to excite popular prejudice against it. For this reason, and particularly in view of the recent decision of the Supreme Court on the legal-tender question, the national-bank system, based on the public debt, is an unsafe monetary system.

I quote from the Report of the Silver Commission made in 1877, showing the different nations, with their estimated populations, classified according to their metallic standards, with the United States added to the list:

| SILVER-STANDARD COUNTRIES. | *Population.* |
|---|---|
| Russia | 76,000,000 |
| Austria | 36,000,000 |
| Egypt | 4,500,000 |
| Mexico | 8,000,000 |
| Central America | 2,600,000 |
| Ecuador | 1,300,000 |
| Peru | 3,400,000 |
| China | 400,000,000 |
| British India | 237,144,456 |
| Total | 768,944,456 |
| **DOUBLE-STANDARD COUNTRIES.** | |
| Greece | 1,400,000 |
| Roumania | 4,000,000 |
| Colombia | 2,900,000 |
| Venezuela | 1,600,000 |
| Chili | 1,900,000 |
| Uruguay | 400,000 |
| Paraguay | 1,200,000 |
| Japan | 33,000,000 |
| Holland | 3,700,000 |
| France | 36,200,000 |
| Belgium | 5,100,000 |
| Switzerland | 2,700,000 |
| Italy | 26,800,000 |
| Spain | 16,400,000 |
| United States | 50,000,000 |
| Total | 187,300,000 |

| GOLD-STANDARD COUNTRIES. | *Population.* |
|---|---|
| Great Britain | 32,000,000 |
| Canada, Cape of Good Hope, and Australian Colonies | 7,000,000 |
| Germany | 42,000,000 |
| Norway | 1,700,000 |
| Sweden | 4,300,000 |
| Denmark | 1,800,000 |
| Portugal | 4,000,000 |
| Total | 92,800,000 |

We have, then, 768,944,456 of population using silver as their standard, 187,300,000 using the double standard, or 956,244,456 who use silver as a standard of money. And now I give you the following extract taken from the report of the Director of the Mint for 1883, namely:

PAPER AND SPECIE CIRCULATION OF THE PRINCIPAL COUNTRIES OF THE WORLD.

The tables which have heretofore been published in my reports giving the paper and metallic circulation of the principal countries of the world, compiled as far as possible from official dispatches and reliable data, have been corrected and enlarged to as late a date as possible, and the number of countries embraced has been increased to thirty-eight.

The total paper circulation of these countries, embracing the issue of both government and bank notes, amounts to $3,832,920,903, and the gold and silver circulation, the latter divided as far as possible into full legal tender and limited tender, amount to $3,333,433,000 gold coin, $2,712,226,000 silver coin—a total, including the coin in banks and treasuries, of $6,045,659,000.

I append to my remarks a table compiled from the report of the Director of the Mint for the year 1883, showing the monetary circulation of the principal countries of the world.

The Director of the Mint estimates the amount of silver used in the circulation of the principal countries of the world, both full legal and limited tender, $2,712,226,000; but let us say it is more and place it at three billion, which would be only $3.15 per capita for the population using silver or silver and gold standard. We must, however, deduct from this $100,000,000 silver used in Great Britain, $213,000,000 in Germany, $5,405,000 in Norway and Sweden, $10,000,000 in Portugal, and in the Danish Kingdom $750,400, making $329,155,400 of this now in use and required in gold-standard countries. The population of these countries, according to the report of the Silver Commission of 1877, is 92,800,000, which would make the silver used and required in these gold-standard countries $3.55 per capita of the population, while in the silver and double standard countries it is only about $2.80.

We have about seven hundred millions of paper money in Treasury notes and national-bank notes. To substitute silver for this on which to issue certificates would require a drain from these other countries of $700,000,000 of silver. This would leave them about two billion to be distributed among their population of about one billion, or $2 per capita of their population. This would so reduce prices or increase the value of silver there as to raise it above par with gold at 16 to 1. The extract from the report of the Director of the Mint above quoted shows about four billions of paper money in circulation in the principal countries of the world, or nearly two-thirds of all the money in use. This fact of itself is proof beyond controversy that the metals, both gold and silver, fail to supply the monetary demands, and shows the reckless spirit that would demonetize silver, constituting as it does nearly one-half of the metallic-money supply of the world.

If silver were thus demonetized prices could not be maintained at their present standard without issuing credit-money to such an extent as to cause financial distrust, bankruptcy, and ruin, and practically ending in the demonetization of both metals. Silver and gold for generations past have been linked together as precious metals and performing the functions of money with all civilized peoples. These two metals must stand or fall together.

Mr. Speaker, many who favor the bimetallic standard claim that we should change the ratio so as to coin silver at its bullion value. This ignores the fact that silver is depreciated by the Government. Silver was demonetized. That act depreciated silver. It is not coined now except on Government account and in limited amounts. This coinage is utterly impotent to restore silver. What is demanded is that the Government, instead of depreciating silver by its laws, shall throw the weight of its wealth and power in the scale in favor of silver by giving it unlimited use as money. In doing this the Government will simply have righted a wrong. After this has been done, if silver is still below gold to such a degree as to disturb the equity of contracts, there might be a reason for changing the ratio. But it is not justice to the creditor class that his Government should by its laws first depreciate silver and then take advantage of its own wrong by coining it at the ratio of this depreciation. Since 1878 we have been coining full legal-tender silver at the ratio of 16 to 1. All existing debts and contracts are based upon that relation, and especially those incurred since we commenced coining silver.

The states of the Latin Union will meet again in a short time to determine whether they will open their mints to the further coinage of silver; hence we ought not either to stop its coinage or change the ratio. In either case we might discourage its friends in the states of this monetary union.

But, Mr. Speaker, as my time is limited, I come back now to the question of the trade-dollar. I say there can be no danger in making these trade-dollars a legal tender and declaring that they shall not interfere with the monthly coinage of silver. The trade-dollars will simply

take the place of your contracting national-bank currency. The national-bank currency must continue to contract, and the trade-dollar ought to be put in circulation to meet the deficiency caused by that contraction.

If I have any time remaining I will yield it to the gentleman from Texas [Mr. MILLER].

The SPEAKER. The gentleman has seven minutes remaining.

*Monetary circulation of the principal countries of the world.*

| Countries. | Population. Year. | Population. Last census or estimate. | Date for which circulation is stated. | Paper. | Specie. Gold. | Specie. Silver, full legal-tender. | Specie. Silver, limited tender. | Specie. Total. | Total paper currency and specie. | Per capita. Paper. | Per capita. Specie. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| United States | 1880 | 50,155,783 | Oct. 1, 1883 | $884,002,074 | $606,197,000 | $159,479,000 | $80,920,000 | $846,596,000 | $1,730,598,074 | $17 63 | $16 88 |
| Great Britain and Ireland | 1881 | 35,246,562 | July 28, 1883 | 293,534,617 | 587,683,000 | ..... | 93,164,000 | 680,847,000 | 884,381,617 | 5 77 | 19 31 |
| Dominion of Canada, including Manitoba and Newfoundland | 1881 | 4,506,563 | July 1, 1881 / June 30, 1883 | a51,081,469 | b9,326,000 | ..... | c4,500,000 | 13,826,000 | 64,907,469 | 11 33 | 3 07 |
| British India | 1881 | 252,541,210 | Dec. 31, 1882 | 62,383,126 | ..... | d1,027,000,000 | ..... | 1,027,000,000 | 1,089,383,126 | 24 | 4 07 |
| Ceylon | 1881 | 2,758,166 | Dec. 31, 1882 | 1,563,300 | ..... | 772,000 | ..... | 772,000 | 2,335,300 | 57 | 28 |
| Australia, Tasmania and New Zealand | 1881 | 2,798,898 | Dec. 31, 1882 | 26,010,722 | e65,000,000 | ..... | 5,000,000 | 70,000,000 | 96,010,722 | 9 03 | 25 01 |
| Cape of Good Hope | 1880 | 780,757 | June 30, 1882 | f5,637,000 | g30,000,000 | ..... | g2,441,000 | 32,441,000 | 38,078,000 | 7 22 | 41 54 |
| France | 1881 | 37,321,186 | Sept. 20, 1883 | h566,594,466 | g873,000,000 | j540,000,000 | 57,900,000 | 1,470,900,000 | 2,037,494,466 | 15 16 | 39 41 |
| Algiers | 1877 | 2,867,626 | Dec. 31, 1882 | 12,352,000 | 9,300,000 | 5,915,000 | ..... | 15,215,000 | 27,567,000 | 4 30 | 5 30 |
| Guadeloupe | 1878 | 185,460 | Dec. 31, 1882 | 965,750 | 381,000 | 281,000 | ..... | 662,000 | 1,627,750 | 5 21 | 52 |
| Belgium | 1879 | 5,536,654 | Sept. 6, 1883 | k62,841,115 | e68,000,000 | e58,000,000 | e6,500,000 | 132,500,000 | 195,341,115 | 11 38 | 23 93 |
| Switzerland | 1880 | 2,846,102 | Sept. 8, 1883 | c18,283,440 | l17,000,000 | 10,000,000 | 4,700,000 | 31,700,000 | 49,983,440 | 6 42 | 11 14 |
| Italy | 1881 | 28,452,639 | Jan. 1, 1883 | c294,793,100 | e160,000,000 | e40,000,000 | e20,000,000 | 220,000,000 | 514,793,100 | 10 36 | 7 73 |
| Greece | 1882 | 1,979,423 | Jan. 1, 1883 | c23,739,000 | c2,702,000 | c2,702,000 | ..... | 5,404,000 | 29,143,000 | 12 00 | 2 73 |
| Spain | 1877 | 16,625,860 | May 31, 1883 | m68,875,574 | n130,000,000 | n40,000,000 | n30,000,000 | 200,000,000 | 268,875,574 | 4 14 | 12 03 |
| Cuba | 1877 | 1,394,516 | Dec. 31, 1882 | 44,862,543 | 28,181,000 | ..... | ..... | 28,181,000 | 73,043,543 | 32 17 | 22 07 |
| Luzon | 1880 | 4,450,191 | Dec. 31, 1882 | 1,200,000 | 762,000 | 2,236,000 | ..... | 2,998,000 | 4,198,000 | 27 | 67 |
| Portugal, including Azores and Madeira | 1878 | 4,550,699 | Jan. 1, 1879 | 5,023,360 | o30,000,000 | ..... | e10,000,000 | 40,000,000 | 45,023,360 | 1 10 | 8 79 |
| Germany | 1880 | 45,234,061 | Sept. 15, 1883 | h207,564,732 | p342,720,000 | p109,480,000 | p104,720,000 | 556,920,000 | 764,484,732 | 4 59 | 12 31 |
| Austria-Hungary | 1880 | 35,839,428 | Aug. 31, 1883 | h299,412,324 | q44,500,000 | q74,000,000 | ..... | 118,500,000 | 417,912,324 | 8 34 | 3 31 |
| Sweden and Norway | 1880 | 6,479,168 | Dec. 31, 1881 | 33,602,936 | 12,534,000 | ..... | 5,405,000 | 17,939,000 | 51,541,936 | 5 19 | 2 77 |
| Danish Kingdom | 1880 | 2,096,400 | Dec. 31, 1881 | 20,158,767 | 14,000,000 | ..... | 4,327,000 | 18,327,000 | 38,485,767 | 9 62 | 8 74 |
| Netherlands | 1880 | 4,061,580 | Sept. 15, 1883 | r76,871,505 | s18,000,000 | 56,489,000 | ..... | 74,489,000 | 151,360,505 | 18 92 | 18 34 |
| Russia | 1880 | 98,323,000 | Sept. 10, 1883 | r509,945,935 | t119,769,000 | ..... | ..... | 119,769,000 | 629,714,935 | 5 18 | 1 21 |
| Turkey | 1880 | 24,987,000 | Dec. 31, 1882 | 5,280,000 | 39,600,000 | 35,200,000 | ..... | 74,800,000 | 80,080,000 | 21 | 3 00 |
| Roumania | 1881 | 5,376,000 | Dec. 31, 1881 | 15,822,383 | 163,000 | 11,387,000 | ..... | 11,550,000 | 27,372,383 | 2 94 | 2 15 |
| Mexico | 1880 | 9,557,279 | June 30, 1883 | u2,058,529 | f10,000,000 | p40,000,000 | ..... | 50,000,000 | 52,058,529 | 21 | 5 23 |
| Central America | 1881 | 2,891,600 | June 30, 1880 | 163,347 | 2,318,000 | 374,000 | ..... | 2,692,000 | 2,855,347 | 6 | 93 |
| Argentine Republic | 1880 | 2,540,000 | Dec. 31, 1882 | 37,101,756 | e6,000,000 | r3,000,000 | ..... | 9,000,000 | 46,101,756 | 14 60 | 3 54 |
| Colombia | 1881 | 3,000,000 | Aug. 18, 1879 | 1,895,343 | 500,000 | ..... | 4,000,000 | 4,500,000 | 6,395,343 | 63 | 1 50 |
| Brazil | 1880 | 11,108,291 | Aug. 18, 1883 | w102,000,000 | ..... | ..... | ..... | ..... | 102,000,000 | 9 18 | ..... |
| Peru | 1876 | 3,050,000 | Mar. 1, 1879 | 13,098,820 | 62,000 | 1,820,000 | ..... | 1,882,000 | 14,980,820 | 4 29 | 62 |
| Venezuela | 1881 | 2,675,245 | Sept. 1, 1881 | 250,900 | e4,000,000 | ..... | e1,000,000 | 5,000,000 | 5,250,900 | 9 | 1 86 |
| Chili | 1876 | 2,420,500 | Dec. 31, 1881 | 26,555,341 | ..... | e6,000,000 | ..... | 6,000,000 | 32,555,341 | 10 97 | 2 47 |
| Bolivia | 1876 | 2,325,000 | Dec. 31, 1881 | 1,131,517 | ..... | 5,400,000 | ..... | 5,400,000 | 6,531,517 | 49 | 2 32 |
| Uruguay | 1880 | 438,245 | Dec. 31, 1882 | 5,986,000 | t4,601,000 | e1,000,000 | ..... | 5,601,000 | 11,587,000 | 13 66 | 2 28 |
| Hayti | 1877 | 572,000 | Dec. 31, 1881 | ..... | 4,000,000 | 780,000 | ..... | 4,780,000 | 4,780,000 | ..... | 8 36 |
| Japan | 1883 | 36,700,110 | Dec. 31, 1881 | 140,278,112 | 93,134,000 | 46,334,000 | ..... | 139,468,000 | 279,746,112 | 3 82 | 3 80 |
| Total | ..... | ..... | ..... | 3,832,920,903 | 3,333,433,000 | 2,277,649,000 | 434,577,000 | 6,045,659,000 | 9,878,579,903 | ..... | ..... |

*a* New York Bankers' Magazine, February, 1883. *b* Adding to estimate of last year amount exported from England in 1881 and 1882. *c* Silver coinage for last 12 years. *d* Estimate of former report adding coinage less recoinage, and estimated consumption in ornamentation. *e* Arbitrages et Parites, 1883, by Ottomar Haupt. *f* London Economist, August 26, 1882. *g* Estimated. *h* London Economist, September 22, 1883. *i* Estimate of last year, adding gain from imports and deducting consumption in arts. *j* Estimate of last year, less excess of exports in 1881 and 1882. *k* London Economist, September 15, 1883. *l* Adding to estimate of last year gained by import and deducting consumption. *m* London Economist, June 16, 1883. *n* Estimate of the Silver Commission, p. 510, which agrees with that of Ottomar Haupt, deducting probable consumption in arts and manufactures. *o* Estimate of Ottomar Haupt with excess of imports for two years, deducting the amount used in the arts and manufactures. *p* Estimate of Dr. A. Soetbeer. *q* Bank reserve, with $8,000,000 gold and $14,000,000 silver added as active circulation. *r* London Economist, September 22, 1883. *s* Estimate in report of last year, deducting loss by export for 1881 and 1882, and the consumption in arts and manufactures. *t* Bank reserve only. *u* London Economist, September 15, 1883. *v* Estimate of last year with $2,000,000 gold and $1,500,000 silver added for new coinage. *w* London Economist, August 18, 1883.

Mr. MILLER, of Texas. Mr. Speaker, the first question presented by the bill under discussion is, should the Government recall and recoin the trade-dollar. That this ought to be done seems almost too plain for argument. The act of February 12, 1873 (Revised Statutes, section 3513), provides that the silver coins of the United States shall be a trade-dollar, half-dollar, &c. The same act fixes the weight and standard alloy of the trade-dollar and makes it of the same fineness of the other silver coins, so that as to its standard of purity it is in no sense a debased coin. The same act (Revised Statutes, section 3586) makes the silver coins of the United States (of which this trade-dollar was one) a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

Thus the trade-dollar was put forth upon the country by force of law as one of the standard coins of the Government, a legal tender in payment of debts, and having all the attributes that legislation gave to any silver coin.

There was nothing in the act of February 12, 1873, to show that this coin was not intended to be one of the coins provided by the Government for general circulation among the people. The fact that it may have been intended for export does not appear in the law of its creation nor elsewhere in the statutes. There was nothing to put the people upon notice that it was not to be received and paid out in business as any other coin until 1876, when its legal-tender quality was taken away by an act of Congress. It then became a disowned bantling bearing the shield and device of the coins of the United States, yet not receivable at its Treasury nor by any of its officers in payment of dues to the Government, not being permitted to have even the poor privilege of being taken in at the Mint and recoined into its more popular successor the Bland dollar. It thus became a burden and a source of loss to citizens who held it and a prolific source of cheating in a small way by being passed upon the unwary or illiterate as a veritable dollar in fact and legal effect of the Government, whose impress it bore and whose dollar-mark was stamped upon its face.

It would seem, therefore, to be the plain duty of the Government to recall and recoin this mischievous production of its mints, and this seems to be generally conceded. But the debatable questions seem to arise out of the manner in which this is to be done. Shall it be bought back by the Government at its face value or at its bullion value, or shall it again be made a legal tender? It is argued by gentlemen who favor a repurchase at its bullion value that the Government would sustain a loss by redeeming it in standard silver dollars.

In answer to this I have to say that the trade-dollar contains 7½ grains more silver than the standard dollar, and this, as stated by the Director of the Mint, will pay all the expenses of its recoinage and still leave a profit to the Government.

The anticipated loss, therefore, is only the probable profits which the Government might make by purchasing silver bullion in the markets and coining it into standard dollars instead of taking the trade-dollar at its nominal value. I for one am not willing for this Government to go into this kind of speculation in its own coins. I believe it ought to be governed by the same moral and legal code that would in like circumstances govern individuals. If an individual makes a negotiable note, puts it upon the market, and it goes into the hands of an innocent holder, he can not plead a failure of consideration to relieve himself from its payment. If the Government issues a paper dollar or a coin dollar and sends it out into circulation, gives it a current value as a dollar, it ought not to refuse to receive it back at such value, even although it might be able to make a profit by doing otherwise.

It is proposed by an amendment to the bill to make the recoinage of the trade-dollar an addition to the coinage of silver authorized by the act of February 28, 1878. The effect of this would be to increase our annual coinage of silver from five to eight millions of dollars during the present year, if all these trade-dollars should be reached this year, and to put that much more silver in circulation.

I think this is desirable as a remedy for the probable contraction of our currency circulation. During the last fiscal year our surplus revenues were $132,879,444.41, of which sum $105,322,450 were used in paying off our interest-bearing debt; yet with this large retirement of bonds our circulation of currency was only diminished $10,713,960; during the same time there was an increase in gold circulation of $34,613,992 and of silver circulation $33,957,508, showing a net yearly gain in circulation of $57,857,540.

The SPEAKER. The gentleman's time has expired.

Mr. LACEY. Mr. Speaker——

The SPEAKER. The gentleman from Michigan.

Mr. LACEY. I yield ten minutes of my time to the gentleman from Texas [Mr. MILLER].

Mr. MILLER, of Texas, continuing, said: The Secretary of the Treasury estimates the surplus revenue at eighty-five millions of dollars for the current fiscal year, of which it will be necessary to apply forty-five millions to the sinking fund. This estimate is probably too low, but if we put the surplus revenue at one hundred millions we will have fifty-five millions left for the payment of the 3 per cent. bonds, about two-thirds of which are held by the national banks as a basis of circulation, upon which there is probably $90 of circulation for each $100 of bonds. Now, if the whole surplus revenue were invested in these 3 percents (except the sinking fund), it would cause a contraction of circulation in currency of about thirty-six millions of dollars. Under the act of 28th February, 1878, our silver coinage can not be less than twenty-seven millions of dollars per year; add to this, say, eight million trade-dollars, and the deficiency in circulation will be met so nearly as to not cause any disturbance in values.

There is also the further proposition by the gentleman from Missouri [Mr. BLAND] to make the coinage of silver free as gold now is, or, in other words, to permit the owners of silver to have it coined at the mints at their pleasure, they paying the expense of coinage.

I believe this would afford a remedy for any threatened contraction of currency circulation, and that it would be a remedy for the accumulation of silver in the vaults of our Treasury. Now the Government goes upon the market, purchases silver bullion, and coins it into money. It is the property of the Government, and will stay there until the Government chooses to pay it out. If it belonged to individuals they would not pay the expense of coining it until they desired to use it, so that upon being coined it would go out into circulation in some shape. On November 1, 1883, the national-bank notes outstanding amounted to $352,013,787. Because of the increase of premium on United States bonds, the basis of this circulation, it has ceased to be profitable to the banks, and they threaten to surrender their circulation, and thus create a very severe contraction of the currency, unless some relief be afforded them.

There can be no permanent relief to these banks except by an extension of the time of payment of the bonds of the Government for a long period, and this I regard as not for a moment to be considered. In my judgment the people of the United States desire the payment of their interest-bearing debt as rapidly as the surplus revenues will permit, and it is for the best interests of the people that this should be done. It will be wise, therefore, for us to begin to prepare for some other circulation than national-bank notes. To what better source can we look than to a currency based upon gold and silver in circulation or in our Treasury vaults?

On June 30, 1882, our coin and bullion were estimated at $700,455,545; on June 30, 1883, $765,470,993. Our coinage from June to October, 1883, was $14,333,029; and on November 1, 1883, the Secretary of the Treasury states our coin and bullion as follows: United States gold coin, $544,512,699; gold bullion, $61,683,816; United States silver coin, $235,291,323; silver bullion, $5,107,911; total, $846,595,749; showing a net gain in coin and bullion from June 30, 1882, to November 1, 1883, of $146,140,204.

The production of our mines is about thirty-two millions in gold and thirty-five millions in silver—one of the greatest industries of our country to be fostered. In addition to these resources we have exportable and surplus products of immense yearly value, which if the state of trade and our Treasury demanded it would be exported and returns of balances made in gold, thus giving us in a very short time a sure and solid circulation or basis for it. During and since the war we have become so accustomed to the use of paper money that we regard anything else as unhandy and cumbersome. If it be necessary to have a paper circulation, let us have it based upon gold and silver of equal value deposited in the Treasury and subject to the call of the holder of the certificate of deposit. This in my opinion would be the cheapest and best circulation possible to the people of the United States. It would be the cheapest, because the loss of certificates by accident, by fire, and by flood would more than compensate the Government for the issuance of the certificates and taking care of the coin; cheapest, because it would not rely for its security upon a bond of the Government, upon which the people would have to pay interest at 3, 4, or 4½ per cent. It would be the safest system of finance, because the certificate would represent a number of dollars equal to its amount, ready at all times for its redemption. It would not be subject to the fluctuations in value or quantity to which any currency based upon credit is subjected. It would not be subject to be diminished or increased at the pleasure of individuals or corporations to suit their schemes of speculation.

Any system of circulation based upon credit, as our circulation now is, must of necessity be a burden upon the great body of the people (the tax-payers). The use of credit must always be paid for. Our present national-bank notes rest for security upon a credit, a Government bond, upon which the people must pay interest. If we use a Treasury note, it represents a debt of the Government due to the people; it represents the labor or property of the citizen taken by the Government for its use. Bearing no interest and being a legal tender, it partakes of the nature of a forced loan by the Government from the people.

All Government circulation must represent a debt or a deposit. Government is not a bank to loan out its assets or credit, nor is it a charitable institution to give away the property or credit of the people. Its circulation must of necessity, then, go out in payment of its debts or as a certificate of a deposit of which it is the trustee. Now we have the system of debt, but that debt is being rapidly paid. Let us, then, hasten to get to the deposit system, and then utilize for circulation our great wealth of metals.

The accumulation of very large amounts of coin in our Treasury will in times of peace and prosperity be no disadvantage to commerce, to business, or to individual industry and enterprise, and in time of war, in time of panic and financial difficulty, it will be a very great element of strength to the credit of the Government, and will greatly assist in maintaining business enterprises and financial prosperity and the public credit.

The SPEAKER. The gentleman's time has expired.

During the foregoing remarks, after the expiration of seven minutes, the hammer fell.

Mr. LACEY. Mr. Speaker, I desire to take the floor in my own right, and will yield a few moments to the gentleman from Texas to complete his remarks. How much time does the gentleman desire?

Mr. MILLER, of Texas. I would like to have some ten or fifteen minutes.

Mr. BRUMM. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. I wish to state, Mr. Speaker, that so far in the discussion of this subject the only gentleman who has been recognized by the Chair in opposition to this bill is the gentleman from Missouri [Mr. BLAND]. I understand that the gentleman who now claims recognition [Mr. LACEY] is also in favor of it.

Now, the inquiry that I desire to make is whether it is not usual, or at least if it is not according to the established rule of practice that prevails in legislative bodies ordinarily and also in this House, to recognize those persons who are in favor of and opposed to a measure alternatively, that is to say, first one in favor of and then one who is opposed to the bill? There are those who are opposed to this bill and who wish to be heard upon it. I myself am opposed to the bill and wish to ask the recognition of the Chair to be heard in opposition.

The SPEAKER. The Chair will state in response to the gentleman from Pennsylvania that the practice of the House has been to recognize, whenever they requested recognition, first the members of the committee from which the measure under debate came and recognize them alternately, that is, first one in favor of and then one against the measure. The Chair has recognized only so far members of the committee.

The Chair will state to the gentleman from Pennsylvania that the Chair can not know in advance what position gentlemen will take. But when it can be done the Chair as far as possible alternates among the members in favor of and those opposed to the proposition.

Mr. BRUMM. I understand the Chair then to hold that gentlemen will not be recognized at present except members of the committee until they have all been heard.

The SPEAKER. The Chair has not so stated. In this instance the Chair does not know what position the gentleman from Michigan who now claims the floor will take.

Mr. BRUMM. I wish to state here and now that it is my intention to speak against the bill, and upon the ruling of the Chair claim recognition as one of those who are opposed to the bill when it comes to our side to be heard.

The SPEAKER. The gentleman from Michigan has already been recognized by the Chair. The Chair will of course endeavor to secure recognition for the gentleman from Pennsylvania in opposition to the bill.

SWEARING IN OF A MEMBER.

Mr. O'HARA. Mr. Speaker, I rise to a question of the highest privilege. I move that Mr. SMALLS, a member-elect from the seventh Congressional district of the State of South Carolina, be now invited to the desk and sworn in.

The SPEAKER. The Chair will cause the certificate of the secretary of state of South Carolina to be read.

The Clerk read as follows:

*To the honorable the House of Representatives of the United States of America in the Forty-eighth Congress:*

Whereas, in pursuance of the constitution and laws of the State of South Carolina and the Constitution and laws of the United States of America, an election was duly holden on the 18th day of March, in the year of our Lord 1884, in the said State of South Carolina, in the seventh Congressional district thereof, for a Representative of the said State of South Carolina, from the said seventh Congressional district thereof, in the House of Representatives of the United States of America in the Forty-eighth Congress; and

Whereas, upon the examination of the returns of the said election, and by the determination and declaration of the board of State canvassers of the said State, filed and of record in my office, it appears that Robert Smalls was duly elected at the said election, by the highest number of votes, Representative of the State of South Carolina, from the said seventh Congressional district thereof, in the House of Representatives of the United States of America, in the Forty-eighth Congress:

Now, therefore, I, the secretary of state of the said State of South Carolina, by virtue of the power in me vested by the acts of the General Assembly of the said State in such case made and provided, do hereby certify that the said Robert Smalls, at the election aforesaid, was duly elected Representative of the State of South Carolina, from the seventh Congressional district thereof, in the House of Representatives of the United States of America in the Forty-eighth Congress.

Given under my hand and the great seal of the State of South Carolina, in Columbia, this twenty-ninth day of March, in the year of our Lord one thousand eight hundred and eighty-four, and in the one hundred and eighth year of the Independence of the United States of America.

[SEAL.] JAS. S. LIPSCOMB,
*Secretary of the State of South Carolina.*

Mr. SMALLS then appeared at the bar and took the oath prescribed by section 1756 of the Revised Statutes.

## THE TRADE-DOLLAR.

The House resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. ERMENTROUT. I ask unanimous consent to print in the RECORD some remarks upon the pending bill.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. LACEY. Mr. Speaker, severe illness has prevented me from attending the sessions of this House during the past week, so that I had not the pleasure of hearing the discussion which took place last Thursday on this bill. I shall not detain the House very long, for I am still somewhat indisposed.

The gentleman from Missouri [Mr. BLAND] who has just addressed us did not confine himself to the discussion of the provisions of the bill before the House, but rather went into a consideration of the general question of the coinage of the Bland dollar, so called. I would first like to call the attention of the House to the bill under discussion and afterward reply to the gentleman from Missouri [Mr. BLAND]. It is a bill for the purpose of retiring and redeeming and recoining the trade-dollar.

### THE TRADE-DOLLAR.

The trade-dollar was authorized to be coined by the act of February 12, 1873. Section 15 of that act reads as follows:

SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams (grammes) and one-half of a gram (gramme); the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

These are all the silver coins which the laws of the United States then authorized. They were all made alike legal-tender, and nothing appears in the act which distinguishes in that respect the trade-dollar from any other silver coin of the United States. Something may have cropped out in the discussion at the time of its enactment which may have indicated that the trade-dollar was calculated and designed for circulation abroad, but certainly the law discovers nothing of the kind.

Under this act, during the years 1874, 1875, and 1876, 15,418,450 of the trade-dollars were coined. It is estimated that of that number two or three millions remained in this country and circulated among the people of the United States. At the time the coinage of the trade-dollar was authorized that coin was worth more than its nominal value in the money of account. In 1876 silver bullion had so depreciated that the trade-dollar was much below par, and then the Congress passed an act taking away from this coin its legal-tender quality, but not disturbing the legal-tender faculty of the other silver coins of the United States. After its legal-tender power had been removed $20,540,910 more were coined, and in 1878 its coinage was entirely done away with by law.

It is now proposed that this silver coin of the United States, which was authorized by an act of Congress and was made a legal tender as all other silver coins were, shall be redeemed; that it shall not be permitted to circulate among the people and be a means of deceiving the ignorant and the unwary. This bill provides that this trade-dollar shall be received for all Government dues, that it shall be redeemed by the Treasurer and all the assistant treasurers of the United States, and that when so received for dues, or so redeemed, it shall be recoined into the standard silver dollar, and that the trade-dollars shall, when received at the coinage mints, be applied upon and counted as part of the monthly purchase of silver bullion.

### WHAT WILL PREVENT LARGE IMPORTATIONS.

The gentleman from Indiana [Mr. CALKINS] asks what will prevent the trade-dollars now held abroad from being reshipped to the United States, and why are not chopped or defaced coin excluded? I would say that of the 35,959,360 trade-dollars originally coined there were exported up to the 1st day of November, 1878, $25,703,950, and there were taken abroad by individuals, and not passed through the custom-house, an estimated amount of $5,000,000, leaving in the United States on the 1st day of November, 1878, 5,255,410 of these trade-dollars. For the years 1878 and 1879 the importation of this coin is estimated by the best authorities at $2,000,000. The net imports, according to official figures, during the year 1879-'80 were 739,679; and during the year 1880-'81, 92,377. There were exported in 1881-'82 3,600 of these dollars, and in 1882-'83 1,000 of them; leaving now in the United States, according to these figures, 8,082,866 trade-dollars.

You will notice that in this computation nothing is deducted for those which may have been melted down, or which may have been used in the arts and manufactures; so that these figures can not be exceeded, while the amount actually in the country may prove to be considerably less. We therefore say that we are within bounds when we claim that the number of these trade-dollars to be retired can not now exceed $8,000,000.

The figures which I have given with regard to the exportation and importation of trade-dollars indicate that we have not imported any since 1881. For three years none have been imported, notwithstanding the fact that from July, 1879, to July, 1883, they were at all times worth in New York 99 cents, the price paid there by the bullion brokers. Let me repeat, that from July, 1879, soon after the legal-tender quality of this coin was taken away, down to July 1, 1883, there was never a time when these trade-dollars would not command in New York 99 cents on the dollar. Now, if there were any abroad which were not defaced and mutilated——

Mr. HERBERT. Does the gentleman mean to say that the market price of the trade-dollars was 99 cents?

Mr. LACEY. It was up to July 1, 1883; since that time there has been a fluctuation. I was about to say that 99 cents having been the price paid for these trade-dollars in New York city from July, 1879, to July 1, 1883, if there had been any of these dollars abroad which could have been shipped to this country and sold they would have come here prior to that time. What are the facts? Instead of these coins coming to this country, where they could have been sold for 99 cents, we find that during the last two years, 1881-'82 and 1882-'83, there was an actual exportation instead of an importation. The flow of these dollars from the east to America stopped two or three years ago, and we are now shipping them abroad. This the committee take as a demonstration that the recoinage of these dollars into standard dollars will not bring in any from abroad.

### DEFACED COIN EXCLUDED.

It is reported that of those which went abroad to India and China over twenty millions went into the melting-pot, having been used as bullion at the mint in Calcutta. Those which have not already been melted down in those countries are undoubtedly chopped, marked, or otherwise defaced, and those so defaced we claim are excluded from the operations of this bill by the provisions of existing laws.

### WHY NOT CONFER THE LEGAL-TENDER QUALITY?

The gentleman from Indiana [Mr. CALKINS] further asks, "What would be gained by having these trade-dollars recoined? And why not simply make them a legal tender?" There are two objections to that course. In the first place, it would be unwise in the present condition of the monetary affairs of this country and of the whole world to confer the full legal-tender faculty upon the trade-dollars now in the United States, and thus add instantaneously, by a stroke of the pen, as it were, $8,000,000 to the already dangerously large volume of full legal-tender silver, thereby precipitating the calamity which we believe to be impending and which wise statesmanship should strive to avert.

The second objection is that we would then have two legal-tender silver dollars in circulation of different sizes, of different weight, and bearing different devices, the one worth perhaps 87 cents in money of account and the other 89 cents as silver is quoted to-day. We can not believe that this House is prepared to introduce into our coinage system such an anomaly, and one so confusing and unintelligible to the class of people who will chiefly use this class of coin, especially when uniformity can be secured without loss.

### THE TRADE-DOLLAR DISCREDITED.

I have stated that up to the 1st of July, 1883, the trade-dollar was worth 99 cents in the city of New York. At that time a concerted movement was made against this dollar; an agreement seems to have been made on all hands to discredit it. Hence it dropped to its bullion value substantially. During July, 1883, its value in New York was 86 to 87 cents; in August, 87 to 88 cents; in September, 88 to 89 cents.

Mr. BRUMM. Will the gentleman be kind enough to tell us by whom this "agreement" was made? Who agreed to discredit this dollar?

Mr. LACEY. I am not able to do that.

Mr. BRUMM. Was it not the money-changers and brokers and bankers who did it?

Mr. LACEY. My understanding of that matter is precisely this: that it had been the custom of certain manufacturers to go to New York and elsewhere and buy these trade-dollars at a discount, take them out to the manufacturing and mining towns, especially in Pennsylvania, and pay them out at par to the miners and laborers and artisans; that at the date I have named, the 1st of July, 1883, somebody had come to the conclusion that this thing had gone on long enough, that these people were not to be cheated and defrauded in that way any longer.

Mr. BRUMM. Who were those who came to that conclusion?

Mr. LACEY. I can not say. I have not the information. I presume it was the miners and artisans and laborers who agreed to take this stand, because they were the persons who had been systematically swindled by these operations, and who will continue to be swindled in the same way just so long as this coin, the mintage of the United States with the size and appearance of a dollar, bearing the statement that it is a dollar, is allowed to float about the country.

But thus this dollar has passed into the hands of laborers, miners, and other classes of employés. In some places these men have been able to use these dollars for purposes of trade; in others not. In my own portion of the country a large quantity of this coinage is floating about in the hands of farmers, laborers, and others, who can not pay it out at par, and who therefore must take it to the broker. The broker can not pay out these dollars, and consequently buys them at such a discount as will permit, without loss, his keeping them on hand for a few days or weeks or months, until he has a sufficient quantity to be profitably shipped to New York to be sold. The price paid in different parts of the country at the period I speak of ranged all the way from 85 to 95 cents on the dollar.

Mr. MILLS. Will the gentleman from Michigan [Mr. LACEY] yield for a motion to adjourn? He will have the floor when the House takes up this subject again.

Mr. LACEY. I prefer to finish my remarks to-night; I do not care to occupy much more time. But, Mr. Speaker, I will inquire whether if I yield for a motion to adjourn this bill will come up after the morning hour to-morrow or will it be subject to the question of consideration?

The SPEAKER. This bill will be the unfinished business after the morning hour to-morrow; but it will be in order then, as it was to-day, to make a motion to go into Committee of the Whole for the purpose of considering appropriation bills.

Mr. LACEY. I prefer, then, to go on to-night.

IT SHOULD BE RETIRED.

Mr. Speaker, I think upon all accounts it is the duty of this House to pass this bill providing for the retiring and recoining of this trade-dollar. As a question of honesty this House can not afford to defeat this bill. So long as this discredited coin floats about the country, so long will it be used as a means of cheating and defrauding the ignorant and unwary, who can be so easily deceived by what appears to be and what once was a genuine legal-tender dollar of the United States.

I will not attempt to go on further with those provisions contained in the first three sections of the bill, but will notice the third question which the gentleman from Indiana [Mr. CALKINS] propounded.

IS IT PROPOSED TO STOP COINING THE BLAND DOLLAR?

"What is the purpose of the fourth section? Is it to stop the coinage of the standard dollar?" Mr. Speaker, that brings me to the discussion of the question which was so thoroughly traversed by the gentleman from Missouri [Mr. BLAND]. That gentleman objects to the fourth section of this bill and proposes to strike it out, because he says it will delay the coinage of the standard dollar. He says it will prevent the purchase of bullion by the Government for four, five, or six months. I am willing to concede that the effect of the fourth section will be to, in a greater or less degree and for a short time, interfere with the monthly purchase of bullion. That brings us to the direct question whether we prefer that those who own silver bullion should wait two, three, four, or five months for a market, or whether it shall be those who hold these trade-dollars, the tradesman, the artisan, the laborer, the miner, and the mechanic. The latter have held these trade-dollars for eight years, while these bullion men have had the benefit of a market created and sustained by the enforced monthly purchases by the Treasurer of the United States by virtue of the Bland law, and at the expense of other producers equally worthy of Government aid.

Mr. BLAND. Will the gentleman allow me?

Mr. LACEY. Certainly.

Mr. BLAND. Would you vote to make the trade-dollar a legal tender and let it go right on?

Mr. LACEY. I would not.

Mr. BLAND. That is the difference between you and me.

Mr. LACEY. Yes, that is the difference. You are in favor of inflation.

Mr. BLAND. The gentleman stated that it was a question whether the holders of trade-dollars should succeed and others should wait.

Mr. LACEY. The holders of trade-dollars will not wait under the fourth section. I will reply to your question. The gentleman says that by making them a legal tender the holder of the trade-dollar will not have to wait. While I am in favor of protecting the holder of the trade-dollar, while I am in favor of doing everything proper to make a market for the producer of silver bullion, I can not afford to do it at too great a cost. The question as to whether silver shall continue indefinitely to be coined as a full legal tender in this country, whether there shall be free coinage of silver in this country, is one we should meet now. It is upon us; it is of great importance, and we ought to be willing to give some little time to hearing it discussed in this House.

The gentleman from Missouri says that he is willing to make these dollars a legal tender. That would add to our present enforced yearly coinage of 28,000,000 an additional eight or ten millions more of Bland dollars. I am not willing to vote for that.

If this fourth section should be stricken out and if these trade-dollars which are retired should not be applied on the monthly purchase of bullion I should be obliged to vote against the bill, because I think the duty I owe to the great interests thus placed in jeopardy would be paramount, and I should better serve the poor man and laborer by voting against a measure which is destined to lead us by accelerating speed to a debased and depreciated currency, which always falls with direst force upon the wage classes.

THE PRESENT CONDITION OF THE SILVER QUESTION.

What is the condition of the silver question in the world to-day? The gentleman from Missouri demands free coinage of the Bland dollars of 412½ grains, worth 87 cents in the market. I ask that gentleman if there is a civilized nation on the face of the earth to-day that is coining silver except for subsidiary purposes? There are only two places in the world, to wit, Mexico and India, where there is free coinage of silver to-day. The great powers of Europe are limiting their coinage of silver to the amounts necessary for subsidiary purposes. And the great tendency among European nations is toward monometallism or a single gold standard, with silver as a temporary or subsidiary accompaniment.

AN INTERNATIONAL RATIO AND FREE COINAGE.

Now I say to the gentleman from Missouri if an arrangement can be brought about between the great powers of Europe and the United States whereby a common ratio can be established between gold and silver with free coinage of both metals, I am for it with all my heart. But I ask whether there is any probability that such an agreement can at present be secured? I point the gentleman to the three conferences which have been held upon the subject within the last few years, beginning with the conference of 1867. What were the results of these conferences?

Mr. BLAND. Let me interrupt the gentleman to state that the difference between us is simply this: that I am satisfied our country can take care of her own coinage, and by restoring silver to its proper position will bridge over the difference now existing in the value of silver and gold bullion.

CAN THE UNITED STATES ALONE SAFELY ADOPT FREE COINAGE?

Mr. LACEY. The gentleman says the difference between us is that he affirms and I deny the proposition that this nation can take care of itself. I was just about to point him to certain facts in connection with that very matter. I say that there have been three international conferences upon this subject, and I wish to say that they were called by those who were in favor of bimetallism, in favor of the free coinage of gold and silver upon some agreed ratio; and yet, among the whole number of those participating from the beginning to the end, no man was found who dared to proclaim such views as those which have been just expressed by my friend from Missouri, that is to say, that this nation, or even this nation and France combined, could safely take that position. In point of fact many of the persons who attended these conferences doubted whether this nation and the Latin Union with England and Germany added could safely adopt such an agreement and enter upon the free coinage of silver——

Mr. BLAND. Let me interrupt the gentleman——

Mr. LACEY. And the delegates from the United States in the last conference, and they were able men, too—Mr. Evarts, Mr. Thurman, Mr. Howe, and Mr. Horton—all men of world-wide fame, who desired bimetallism, who were asking for an international ratio and the free coinage of silver, each and all are on record as plain as words can speak to the effect that it would be senseless, nay, worse than senseless, for this nation alone, or for this nation and France combined, to undertake to make an agreement as to an international ratio and the free coinage of silver under any circumstances.

Mr. BLAND. Does not the gentleman know that France kept them at par as long as her mints were open?

Mr. LACEY. What was the gentleman saying?

Mr. BLAND. I say that France kept the two metals at par for seventy-five years—silver and gold—and could have done it up to this day but for her desire to spite Germany in changing her monetary regulations.

Mr. LACEY. If the gentleman would simply ask a question I would gladly yield, but he must remember that my time is fast expiring. The gentleman is correct in saying that the French ratio was maintained

for many years, but it miserably fell just as soon as the other great powers stopped the free coinage of silver.

CONFERENCE OF 1867.

Now, to resume: In 1867, at the time of the Paris exposition, twenty nations were represented in a monetary conference held in Paris, the United States being one, and this was the unanimous decision of that body:

Arrived at the conclusion that a basis for the monetary unit of the future should be sought in the gold standard, with silver, if need be, as a temporary companion.

That memorandum was adopted by twenty nations in 1867 without a dissenting voice. Then began the series of movements which led to the great depreciation of silver. This conference of 1867 was the outgrowth of the opinion which had long been taking hold of European financiers, that wise statesmanship required a suspension of the free coinage of silver; it had become too bulky. It had become obnoxious to the people. This was soon after the great Australian and California mines had begun to deluge the world with gold, and they were under the impression that there would be gold sufficient for the monetary purposes of the whole civilized world. There was a corresponding indisposition on the part of the people to use silver, which was so much more bulky, and they desired a gold standard. This gave form to public opinion upon the subject to a very great extent, and led everybody to look toward the single gold standard as the true solution of a problem which the world had never solved.

GERMAN DEMONETIZATION.

In 1870 and 1871, as it will be remembered, Germany took the initiative and wholly demonetized silver. The Scandinavian nations—Denmark, and Sweden, and Norway—soon followed, and after these the states of the Latin Union took up the subject and limited the coinage of silver, and thus completed its utter discomfiture by striking it down in the house of its friends. All the states of the Latin Union—France, Belgium, Italy, Greece—all of them, restricted the coinage of silver, and for the first time in history. So that the tendency among the nations of Europe from 1867 to the present time has been uniformly and steadily in the direction of restricting the coinage of silver and toward the adoption of gold monometallism.

CONFERENCE OF 1878.

Eleven years had passed under this new order of things, when in 1878 a new conference was called at Paris by the United States. Sixteen nations were represented. A full discussion was had, and this was their conclusion:

That it is necessary to maintain in the world the monetary functions of silver as well as those of gold, * * * but that the differences of opinion which have appeared, and the fact that even some of the states which have the double standard find it impossible to enter into a mutual engagement with regard to the free coinage of silver, exclude the discussion of the adoption of a common ratio between the two metals.

Consequently everything fell to the ground. Without the adoption of a ratio agreed upon between these high contracting parties all was lost. It was said the coinage of silver must be limited or stopped entirely.

CONFERENCE OF 1881.

This conference of 1878 was followed by that of 1881, to which I have alluded, when the United States and France combined for the purpose of calling an international conference which should establish an international ratio between the two metals. In calling the conference to order, M. Magnin, of France, the minister of finance and the president of the conference, said:

In order that the metal silver may recover its former value it is indispensable that it should be, as in the past, freely coined side by side with gold, and as no state either wishes to stand or could stand alone in resuming such coinage, it is absolutely certain that we shall not find our way out of the present difficulties until an international bimetallic treaty shall have been concluded.

The gentleman who said this was the president of that conference, he was the friend of bimetallism, one of those at whose suggestion this conference had been called, and yet he says:

No state either wishes to stand or could stand alone.

M. Pirmez, of Belgium, a delegate from that country, said:

To resume the free mintage of silver without the co-operation of states now having the gold standard would be risking a disaster. Nobody therefore ventures to propose such an experiment.

This was the language of the delegate from Belgium. Now here is the language of the delegate from France, M. Cernuschi, who is the friend of bimetallism and its most prominent champion all the world over. What does he say?

The success of the conference and the fate of bimetallism then only depended upon Germany and England. If these two join France and the United States, bimetallism becomes the monetary law of the world. If one of them should join, it would still be possible; if both should refuse their co-operation, it would be condemned to remain impracticable.

That is the language of one of the most earnest and most able of all the advocates of bimetallism.

Now what did Mr. Evarts, who went there to secure bimetallism, say? He says this:

The problem that was too much for any one nation—the problem of a fixity of ratio between silver and gold, which should make one money out of the two metals for all the world, was to be made the subject of joint consideration by the nations most interested in that problem.

The most important expression in this statement is this:

The problem that was too much for any one nation.

Mr. Evarts distinctly recognized that. And yet the gentleman from Missouri claims we should adopt our own policy, that this Government alone and single-handed should solve this great problem for the whole world.

What did Mr. Thurman say at the same conference? He said this:

Were a great group of the states of Europe and America to form and maintain a bimetallic union, such as that supposed in the question, would the result be a great stability in the relative value of coined gold and silver?

In my humble judgment that would certainly be the result of such union, provided Great Britain and Germany were parties to it.

Now, Mr. Thurman was as earnestly for bimetallism as the gentleman from Missouri can be or as any man in this House, and he went there with the earnest purpose of bringing about a common ratio between the two metals and the free coinage of silver; and yet he announces that without the co-operation of Great Britain, Germany, France, and the United States this must be a failure.

Then what says M. Dumas, another delegate, from France, who earnestly advocated bimetallism and free coinage? Upon this question, as to whether this nation or France or both combined or united could handle this problem, he says:

If one should say to-day "there is a nation which has the pretension, in the present state of the civilization of Europe and of the rest of the world, with the facilities of communication existing between all countries and with the enormous extent of commercial relations between one nation and another, there is, I say, a nation which has the pretension of fixing this ratio," it would be senseless.

That is the opinion of M. Dumas. And he was one of the delegates from France, a country loaded up with silver, struggling and pleading for the free coinage of the two metals on a common ratio. And yet he says it would be senseless for any one nation to attempt it. And does M. Dumas know anything about the question? He says further:

Whatever nation should undertake it would be punished for its presumption. A ratio of this kind can only be effectually adopted and permanently established when great nations, representing numerous populations, submit themselves to such a rule.

These, then, are the opinions of the men who represented the United States and other nations in this conference of 1881, the last one which has been held, and which assembled under the bill introduced by my friend from Missouri himself and which passed by his vote and that of others who share his views. These men, representing his opinions and representing the opinions of all who desire bimetallism and free coinage of silver, are on record unanimously against the proposition of the gentleman from Missouri.

Now, it seems to me perfectly clear that any one who has investigated this matter will agree with me when I say that it is futile, it is dangerous, it is an act of desperation to continue on and adopt free coinage of silver in this country unless we can be joined by at least France and England and Germany?

FREE COINAGE IN INDIA AND MEXICO ALONE.

What is the fact to-day? As I asserted a few moments ago, there is not a civilized nation, at least in Europe, coining silver to-day, except in very limited quantities and for subsidiary purposes.

Mr. WARNER, of Ohio. Is not India coining more silver than the United States?

Mr. LACEY. I said "European nations." There is free coinage of silver in India, as there is also in Mexico, but nowhere else. Are we to put ourselves in that category of nations? Let me call your attention to the states which are to-day using silver.

NATIONS USING GOLD STANDARD.

The States which are under the gold standard to-day are Great Britain, Germany, Norway, Sweden, Denmark, Portugal, Turkey, Egypt, Canada, Brazil, Liberia, and Australia. Those States are using silver, but only in a subsidiary capacity. That is to say, they have a gold standard, the silver coin being in fact redeemable in gold, so far as exchanges are concerned. The nations of the Latin Union are put down as bimetallic, yet we know that gold is practically the standard in those countries.

NATIONS USING A DOUBLE STANDARD.

Gold and silver are the standard in France, Italy, Spain, Belgium, Netherlands, Switzerland, Greece, Argentine Republic, Chili, Venezuela, Cuba, Hayti, and the United States.

NATIONS USING THE SILVER STANDARD.

Silver alone is the standard in Austria and Russia, in Europe; of Tripoli, Mexico, Bolivia, Ecuador, Peru, the United States of Colombia, India, and Japan.

Mr. BLAND. I think the gentleman fails to mention India, which has over a billion of dollars of silver currency and 700,000,000 of population.

Mr. LACEY. I beg the gentleman's pardon; I put in India with $1,200,000,000 of silver currency.

Mr. CHACE. Will not the gentleman from Missouri [Mr. BLAND] take off two or three hundred millions from the population of India?

Mr. BLAND. No, sir; I include all the Asiatic nations.

Mr. LACEY. Of all these nations which I have enumerated only four coined any silver whatever last year. Spain coined a small amount

of subsidiary silver; India coined silver as usual, and so did Mexico. Spain and the United States were the only nations, outside of those two, which coined any silver last year. Of all the remaining thirty-five states which I have enumerated, but two are coining any silver outside of India and Mexico.

Yet the gentleman from Missouri [Mr. BLAND] wishes us to enter into this fight single-handed, and to provide for free coinage of silver in the United States.

RESULT OF FREE COINAGE IN THE UNITED STATES.

What would be the result of that course? All the states of Europe are desiring to exchange their silver for gold. Of the $2,700,000,000 of silver coinage in the world to-day, $1,200,000,000 are held in India, and fifteen hundred millions are held in Europe, the United States, and the various American states. Of that $1,500,000,000 a certain amount is necessary for subsidiary coinage. They would use in that way perhaps $500,000,000, and that would leave $1,000,000,000 to be emptied into our laps and to draw off our gold in exchange therefor. We would export $600,000,000 of gold and import a like amount of silver.

Now, what is going on to-day? We are exporting $10,000,000 of gold a month, and we are buying each month $2,000,000 worth of silver bullion of the bonanza-mine owners, and in that way we keep the silver bullion from being exported. If we were not providing a fictitious market for silver bullion in this country it would go abroad and pay our debts, and the gold would remain here at home. But the monthly purchases for the mintage of an obnoxious coin make a forced market for silver bullion in this country, and our gold, which all desire, is sent abroad to pay our debts.

Mr. WARNER, of Ohio. Does the gentleman hold that unlimited coinage of silver in this country would induce France to send her silver here?

Mr. LACEY. Most assuredly it would.

Mr. WARNER, of Ohio. I think not.

Mr. LACEY. France would retain only enough for her subsidiary coinage.

Mr. WARNER, of Ohio. And would the surplus come here?

Mr. LACEY. Certainly it would.

Mr. WARNER, of Ohio. Would it be to the interest of any Frenchman to withdraw silver coin from the currency of France and send it here if we had free coinage in this country?

Mr. LACEY. Most assuredly.

Mr. WARNER, of Ohio. Not at all. It would not be to the interest of any Frenchman to withdraw from that country the silver coinage.

Mr. LACEY. The balance of trade must be settled either by gold or by silver. The gentleman from Ohio [Mr. WARNER] must understand that France has shipped to us within the past five years many millions of dollars of gold coin to settle for her breadstuffs. I pretend to say that with free coinage of silver in this country the coin sent to settle accounts with this country would be of silver, instead of gold, as heretofore, and the tendency and final result would be for the United States to receive all the surplus silver of the world and other nations would take all our gold.

GREAT CHANGE IN DEMAND AND SUPPLY.

What is the fact in relation to this silver question? Are there any great changes going on in the world to bring about these dangers with which we are surrounded?

I find that in the semi-decade from 1852 to 1856 there was annually produced in the world $145,000,000 worth of gold and $40,500,000 of silver, or the proportion of $100 of gold to $28 of silver. In the next semi-decade, 1857–'61, the production was $127,184,000 of gold and $41,220,000 of silver, or the proportion of $100 of gold to $32 in silver. In the next semi-decade the proportion of production was $100 of gold to $39 of silver; from 1867–'71 it was $100 to $43, in 1872–'76 it was $100 to $62, in 1877–'78 it was $100 to $69, in 1879 it was $100 to $77, in 1880 it was $100 to $90, in 1881 it was $100 to $95, and in 1882 the production was in the proportion of $100 of gold to $106 of silver, as will be seen by referring to the table published with my remarks. This statement shows that from 28 per cent. in 1852 and 1856 the product has increased to 106 per cent. in 1882, and at the same time an indisposition to use this metal for coinage has appeared all over the world.

Mr. WARNER, of Ohio. Will the gentleman state the proportion of silver to gold in the production during the first half of the century?

Mr. LACEY. It is not included in these figures; I have not the data at hand.

Mr. CASSIDY. The gentleman will allow me to say that his statement is misleading, because this change in the relation of the two metals comes from the falling off in the production of gold.

Mr. LACEY. And from the increase in the production of silver.

Mr. CASSIDY. The production of silver has passed the maximum.

Mr. LACEY. No; I beg the gentleman's pardon. The production of silver in 1882 was $109,000,000, the largest amount the world has ever produced in a single year. The production has risen from forty millions in 1852 to one hundred and nine millions in 1882.

Mr. WARNER, of Ohio. Does the gentleman mean to say that the present relative value of gold and silver depends upon the relative production of the two metals?

Mr. LACEY. I say that it depends upon demand and supply.

Mr. WARNER, of Ohio. That is correct.

Mr. LACEY. And while the production of silver has increased the demand has decreased.

Mr. WARNER, of Ohio. Mainly as the result of legislation.

Mr. LACEY. Certainly. If the gentleman can get an international agreement established by diplomacy and legislation, so as to provide for the free coinage of silver and gold upon a fixed common ratio, I am for that and with him. I think that would solve the whole difficulty. But to attempt to continue the coinage of silver without such international concurrence is simply madness.

Not only has this great disparity appeared in the production of these metals, but there is a greater disparity in the consumption in the arts and manufactures. Of the $103,000,000 of gold produced last year $75,000,000 were used in the arts and manufactures, as estimated by the Director of the Mint, leaving us only about $30,000,000 to be used by the whole world for coinage; whereas of silver only $35,000,000 were used in the arts and manufactures, leaving over $60,000,000 to be used in the world for coinage. Yet, with this deluge of silver impending, the gentleman from Missouri [Mr. BLAND] is in favor of the United States stepping forward, single handed, and taking up the free coinage of silver. I say this is worse than idle—it is suicidal.

WHO WOULD BE BENEFITED?

What are the interests to be benefited by such a course? The mining of silver has necessarily fallen into the hands of large corporations, possessing vast wealth, and the demand is that the bonanza princes who are producing this silver shall be specially favored and protected; that we shall make a market for their product at the risk of depreciating the whole volume of the currency of the United States 15 per cent.

Now, suppose by allowing the trade-dollars presented for redemption to count as a part of the monthly purchase of bullion a depreciation of 1 or 2 cents an ounce in the value of silver bullion would result, how much will that amount to upon the whole annual product of $46,000,000? The effect would be relatively infinitesimal.

WHO WOULD BE INJURED?

But suppose we go on and add at one stroke $10,000,000 to the present volume of silver coinage, and by this suicidal course precipitate a depreciation of 15 per cent. in the whole currency of the country, what would be the result?

We find that the first to suffer and the last to receive help when inflation or debasement of coin has brought about depreciation of the currency are the laborers and the wage classes. According to the official figures we find that in the United States during the census year, 1879, 2,738,930 laborers were employed in manufacturing operations, receiving $947,919,674 in wages. Now, I have gone on and taken the figures as to agricultural laborers, domestic servants, and laborers not specified, as well as one-half of those employed in trade and transportation; and adopting substantially the same basis of wages as is shown to have been received by manufacturing operatives, I find the wages of all these would amount to more than $3,000,000,000. This vast sum is no doubt much less than the sum actually paid as wages in the United States during a single year. Now, if we should cut down the purchasing power of our currency 12½ cents on the dollar, the reduction upon this amount of wages would be $387,000,000—a total loss to the wage classes in one year of an amount equal to eight years' output of all the silver mines in the United States. Now, in order to make a market for $46,000,000 of silver bullion—that is, to increase its price by 1, 2, or 3 cents an ounce—are you willing to risk precipitating a loss of $387,000,000 annually upon the laborers, the wage-receivers of the country?

Everybody knows that if the currency of our country were based on silver—if a dollar of 87½ cents were substituted for a dollar of 100 cents—the rate of wages now paid would not for years advance to such an extent as to counterbalance this reduction. It is equally well known that all property of a commercial character would instantly advance to fully meet the depreciation. Every article the laborer and his family consumes would go up at a single bound, but his wages would advance if at all at the end of a long and painful struggle. It would be a fight of individuals against corporations, of large numbers without organization against firms and corporations whose managers think quickly and act promptly. This, it seems to me, would make the proposition of the gentleman from Missouri appear ridiculous if we are able (as I think we are) to demonstrate that the continued and increased coinage of the Bland dollar would precipitate a fall to the silver standard and bring about the depreciation resulting therefrom.

But that is only one of the effects it would cause. That applies not only to wages, but to fixed values and to fixed incomes and to the great mass of the commercial transactions of the country, which are beyond all computation.

WHAT MAY BE SAFELY DONE.

There are only two ways in which silver coin can now be safely used as money. One is by an international ratio between gold and silver fixed by the leading nations of the world and that followed by free coinage as a full legal tender; and the other is, failing an international

agreement, to use it as subsidiary coin or for local purposes, or, as you may say, for domestic and internal purposes. In my judgment we have already coined in this country all that is necessary for use under the second proposition, and without an international agreement it is the only way we can now legitimately and safely use it. We have to-day about $255,000,000 of silver of all coins in this country. That is more than sufficient for all subsidiary purposes; it is more than sufficient for all circulation below $5.

NEW MEASURE PROPOSED.

I had the honor of introducing a bill on Monday last which it seems to me would prevent any danger from using the present stock of silver dollars. It reads as follows:

*Be it enacted, &c.*, That on and after the passage of this act it shall be unlawful for the Secretary of the Treasury to print and issue Treasury notes of a smaller denomination than $5.

SEC. 2. That any holder of standard silver dollars or silver certificates may deposit the same with the Treasurer or any assistant treasurer of the United States in sums of not less than $10, and receive therefor silver certificates of the denomination, at his option, of $1 or $2.

SEC. 3. That whenever the standard silver dollars in the Treasury not held for the redemption of silver certificates of the denominations of one and two dollars shall exceed the sum of $20,000,000, the Secretary of the Treasury may suspend the coinage of standard silver dollars provided for in the act of February 28, 1878, during the period such excess continues to exist.

SEC. 4. That all acts and parts of acts inconsistent with this act are hereby repealed.

It provides, as you see, for retiring all Treasury notes below $5; for issuing one-dollar and two-dollar silver certificates, and for suspending the coinage of the Bland dollar whenever the silver in the United States Treasury not necessary to protect the one-dollar and two-dollar certificates shall exceed the sum of $20,000,000. That would make silver perform all the purposes necessary for money below the denomination of $5, and relieve us from any danger of being precipitated to a silver standard.

On the 1st day of November last there was in circulation in the United States—

| | |
|---|---|
| One-dollar notes | $30,785,265 |
| Two-dollar notes | 27,510,196 |
| Standard silver dollars | 40,334,932 |
| Total | 98,630,393 |

Under the provisions of the bill introduced by me, as will be seen, the silver dollar, or its representative certificates in denominations of one and two dollars, could be utilized to the extent of $98,630,393, or in round numbers say $100,000,000. These dollars or small certificates would go into the pockets of every person between the two oceans for every-day use in the current daily small transactions. Nobody deposits in banks these small notes, and no banker ever transports them to his correspondents in the commercial cities. Therefore $100,000,000 of silver dollars and silver certificates would be diverted permanently from the great channels of trade, and would cease to imperil the medium by which the banks in the redemption cities settle their clearing-house balances or with which the Government is to pay the interest on or the principal of its bonded debt. In this manner the present volume of silver might be safely utilized, provided its further coinage should be suspended until there was further demand for these certificates of small denominations.

IN CONCLUSION.

But, Mr. Speaker, to return to the proposition under discussion. What good reason can be given for striking out the fourth section of the bill now before the House, as is proposed by the amendment offered by the gentleman from Missouri [Mr. BLAND]? I think it is sufficiently established that, according to all recognized authorities, even among the most sanguine adherents of bimetallism, free coinage of silver in the United States under existing circumstances is monetary suicide, and not to be thought of for a moment. It seems to me equally true that continued coinage under the Bland bill of 1878 will in due time, at a slow pace to be sure, but just as certainly in the end, bring this nation to the same disastrous condition. Are we then to look with any degree of favor upon this amendment, which will double the number of Bland dollars during four or five months to come, which are now required to be coined, and thus double the pace by which we are now approaching monetary disaster? Are we to stand out alone in this fatal attempt to stem the tide of destiny? Are we to continue to listen to these false prophets of the silver god? Have they not deceived us in the past? Did they not tell us in 1878 that the passage of the Bland bill would bring back silver to its old-time parity with gold? Has this proved true?

Why, sir, on the day the Bland bill became a law silver bullion 1000 fine was worth $1.208 per ounce in the city of New York, and the 412½ grains of standard silver contained in the Bland dollar was worth 93.46 cents. On the 12th day of the present month the same silver had declined in the same market to $1.12 per ounce, and the bullion value of the same dollar was but 87½ cents. In the mean time the world's product of silver has increased, as compared with gold, from 69 per cent. in 1878 to 106 per cent. in 1882. The relative proportion of silver to the entire stock of coin held in the Treasury of the United States has increased from 17 per cent. in 1878 until it is now 41½ per cent., and the consumption of India, the only considerable market in the world left open for the surplus product of the silver mines, has fallen off from $73,331,675 in the year 1877–'78, to $19,462,870 for the year 1880–'81. These facts speak more forcibly and eloquently than can any words of mine. And I assure you, Mr. Speaker, that no one regrets that they do so speak more keenly than I do.

I am anxious to utilize every ounce of silver that we can and avoid disaster. I believe that bimetallism and free coinage of both the yellow and white metal is greatly to be desired, provided the great powers of the earth will join in the adoption of that policy and agree upon a common ratio. But, sir, all our attempts in that direction have so far proved futile, and such being the case, only one road leads to safety, and that is not to be found by adopting the legislation proposed by the gentleman from Missouri [Mr. BLAND], which will increase instead of diminish the coinage of the standard silver dollar.

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APPENDIX.

WORLD'S MONEY.

| | |
|---|---|
| Paper | $3,832,930,903 |
| Gold | 3,333,433,000 |
| Silver (of which $2,277,649,000 is full legal-tender) | 2,712,226,000 |
| Total | 9,878,579,903 |

INDIA—FALLING OFF IN THE DEMAND FOR SILVER.

The India department of finance and commerce states the silver imports and exports of India, taking its trade with all countries for the last four years (the Indian fiscal year, like the British, ending March 31), as follows:

| Fiscal year. | Imports. | Exports. | Net imports. |
|---|---|---|---|
| 1877–'78 | $78,832,660 | $5,500,985 | $73,331,675 |
| 1878–'79 | 27,968,495 | 8,115,025 | 19,853,475 |
| 1879–'80 | 48,025,010 | 8,676,295 | 39,348,715 |
| 1880–'81 | 26,580,780 | 7,117,910 | 19,462,870 |

*Table showing increase of circulation in the United States.*

| Date. | Total circulation. | Per capita. | | |
|---|---|---|---|---|
| | | Paper. | Coin. | Total. |
| October 1, 1880 | $1,225,359,234 | $14 10 | $10 66 | $24 76 |
| October 1, 1881 | 1,529,548,612 | 15 56 | 14 93 | 30 49 |
| October 1, 1882 | 1,566,659,668 | 15 81 | 15 42 | 31 23 |
| October 1, 1883 | 1,730,598,074 | 17 63 | 16 88 | 34 51 |

*Total circulation in United States October 1, 1883.*

| | |
|---|---|
| Gold | $606,197,000 |
| Silver | 240,399,000 |
| Paper | 884,002,074 |
| Total | 1,730,598,074 |

*Table showing increase of silver in the United States Treasury.*

| Date. | Gold. | Silver. |
|---|---|---|
| | *Per cent.* | *Per cent.* |
| September 30, 1876 | 90.2 | 9.8 |
| September 30, 1877 | 93.5 | 6.5 |
| September 30, 1878 | 83.0 | 17.0 |
| September 30, 1879 | 76.2 | 23.8 |
| September 30, 1880 | 63.3 | 36.7 |
| September 30, 1881 | 64.7 | 35.3 |
| September 30, 1882 | 55.4 | 44.6 |
| September 30, 1883 | 58.5 | 41.5 |

*Table showing proportions of world's production of gold and silver.*

| Semi-decades. | Average yearly production. | | Proportion. | Average price of silver.* |
|---|---|---|---|---|
| | Gold. | Silver. | | |
| 1852–'56 | $145,000,000 | $40,500,000 | 100 to 28 | 61 4/16 |
| 1857–'61 | 127,184,000 | 41,220,000 | 100 to 32 | 61½ |
| 1862–'66 | 123,843,000 | 49,755,000 | 100 to 39 | 61½ |
| 1867–'71 | 123,251,000 | 53,115,000 | 100 to 43 | 60½ |
| 1872–'76 | 111,383,750 | 69,490,682 | 100 to 62 | 57½ |
| 1877–'78 | 113,892,085 | 78,338,158 | 100 to 69 | 53 13/16 |
| 1879 | 105,365,697 | 81,037,220 | 100 to 77 | 51½ |
| 1880 | 106,346,786 | 96,704,978 | 100 to 90 | 52 2/16 |
| 1881 | 107,202,733 | 102,309,675 | 100 to 95 | 51 7/16 |
| 1882 | 103,161,532 | 109,446,505 | 100 to 106 | 51¼ |

*Pence per ounce in London.

*Table showing average London price for silver bullion of British standard fineness and the equivalent price in United States money for fine silver.*

| Calendar year. | Price in pence per ounce, .925 fine. | Price per ounce, fine. |
|---|---|---|
| 1876 | 52¼ | $1 15.63 |
| 1877 | 54⅛ | 1 20.15 |
| 1878 | 52⅜ | 1 15.22 |
| 1879 | 51½ | 1 12.34 |
| 1880 | 52⅜ | 1 14.67 |
| 1881 | 51⅞ | 1 12.75 |
| 1882 | 51¼ | 1 12.89 |
| 1883 | 50⅞ | 1 10.83 |

GOLD VALUE OF STANDARD SILVER DOLLAR.

| | Cents. |
|---|---|
| February 28, 1878 (date of passage of Bland bill) | 93.46 |
| March 12, 1884 | 87.5 |

*Table showing approximate estimate of wages paid annually in the United States, excluding those who receive over $1 per day.**

| How employed. | Number. | Amount paid. |
|---|---|---|
| Operatives in manufacturing establishments | 2,738,930 | $947,919,674 |
| Agricultural laborers | 3,323,876 | |
| Domestic servants | 1,075,653 | |
| Laborers (employment not specified) | 1,859,223 | |
| One-half of those employed in trade and transportation | 905,128 | |
| Total (average yearly wages estimated at $313) | 7,163,880 | 2,242,294,440 |
| Grand totals | 9,902,810 | 3,190,214,114 |

*This is a partial statement, and does not purport to include all laborers. It simply includes a few of the principal groups.

Mr. BROWN, of Pennsylvania, and Mr. COX, of New York, moved that the House adjourn.

Mr. DOWD. At the request of several gentlemen I now give notice that at the expiration of one hour and a half of further general debate, to be equally divided, I shall move the previous question.

Mr. BRUMM. We have had but one hour on our side and you have consumed all the other time.

Mr. CASSIDY. I ask the gentlemen to withdraw the motion to adjourn, as I wish to claim the floor.

Mr. COX, of New York, and Mr. BROWN, of Pennsylvania, withdrew the motion to adjourn.

Mr. VAN ALSTYNE. Mr. Speaker, I regard the bill under consideration of considerable importance—important in that it seems to embody the integrity and fair-dealing of the Government with the citizen. It is not, sir, in my mind, a measure that addresses itself to the craft of the statesman nor the philosophy of the lawmaker; it seems shorn of these features of high distinction and levels down to a plain question of common honesty. The trade-dollar, to which it relates, has been the occasion of much annoyance to our people, and of pecuniary loss to very many of them who could illy afford to sustain a loss. For both this annoyance and loss the Government is at fault and responsible.

In what I shall say in the remarks I am about to make I may depart from the higher line of debate which usually characterizes discussion here. If I shall be unfortunate in this respect I invoke the indulgence of the House.

At any rate, sir, I shall not presume in the least to deal with the collateral questions which deeper thinkers might choose to bring in review with this bill—the effect of tariff duties on commerce, the monetary standards of nations, the policy of bimetallism or of monometallism, nor the ratio of value between them; nor the history of the currency of other nations, nor the conventions between nations on the subject of currency.

I will not attempt to illustrate any of the relations of domestic or foreign trade—how to regulate it to restore and control balances. All these questions have had their day in court, and have been discussed upon this floor to exhaustive completeness. It will be my purpose simply and solely to recall the relations and responsibility of the Government to and with the trade-dollar and the duty now resting upon the Government to its citizens in regard to it.

This coin which the bill proposes to redeem and retire was made under and pursuant to a law enacted by Congress. It was worked at the mints of the Government. It was stamped with the die-imprint of its press. It carries the devices put upon it by our direction, and down to the time it was by a second act of Congress demonetized and bastardized it was part of our legal silver currency. It is confessed that as a coin of the Government it was an anomaly from its creation. The standard of the silver dollar had been established, as to the metals composing it, its fineness, and its weight for years before the trade-dollar was authorized to be coined.

When the necessity or desirableness of an additional coin of like exchangeable value of the silver dollar impressed itself upon the judgment of Congress, it was deemed proper, perhaps important, for some reason to depart from the usual, if not the uniform, practice of nations having metal money, in only making pieces of like value in the markets and exchanges of commerce to be of like fineness and same weight; and there was accordingly put in and added to the new coin 7½ grains more of silver above what had been the standard of the silver dollar of the country, the value of which as money it was not in any sense to exceed.

In attempting to discover the reason which induced the Forty-third Congress to pass the act authorizing this item of currency which the honorable Secretary of the Treasury in his annual report submitted to the present Congress, says "is to be blindly sought for in tradition or in the record of congressional discussion and is indicated in the joint resolution of 1876, which took away from this coin the legal tender quality of it and held down the coinage of it to the call for it for exportation," I beg to occupy the attention of the House for a moment while I recall, in part, the history of the silver-money coinage of the country.

The question of currency and what shall constitute it has at all periods of time, in connection with the affairs of nations, been the subject of earnest and learned discussion. It was impinged by necessity upon the deliberations and consideration of the eminently wise gentlemen who framed our Constitution. They knew well that a government without a money medium and currency of its own could not claim the dignity and recognition of a power among nations, and therefore provided, "Congress shall have authority to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

Congress did accordingly in 1792 declare of what the currency should consist, namely, of gold and silver, and defined the denominations of the coins of each precious metal, and established the fineness, the weight, the form, and the device of each.

The character and quality of the coin having been regulated by enactment of law, we may presume that the issue of the coin will be regulated by two more especially controlling circumstances—the demand for a circulating medium to effect and facilitate commercial exchanges between the people at home and between them and the people of foreign countries; and, secondly, by the supply of the metal that composes the coin.

The intrinsic value of the coin will necessarily be affected by a full or deficient supply of the metal out of which the coin is made, especially if the metal is an article of art commerce.

At the time of the passage of the act establishing a mint and defining the metal currency, it will be remembered that Mexico was the chief silver-producing region on our continent. Her mines were vigorously and successfully worked. Their yield was molded into the Spanish milled dollar, which coin, with its pillared subsidiaries, was the principal silver coin circulating in the thirteen United States.

It was important, therefore, that the silver ingredients of our dollar should be made to approximate, as near as it might, to the silver in the fresh-coined Spanish milled dollar.

And it will be seen by reference to the act of April 2, 1792, it was ordained "that the dollar or unit shall each be of the value of the Spanish milled dollar, as the same is now current, and to contain four hundred and sixteen grains of standard silver."

The necessity of this equalization of intrinsic value is patent. Exchanges between the people of the same as well as with those of foreign countries of their respective commodities is not only desirable as a means of mutual benefit, but is often demanded to contribute to the comfort or to minister to the wants and necessities of mankind.

These exchanges can not at all times be effected by barter—by trading one commodity for another. Often the thing sought can only be obtained for a money consideration. This fact existing, and the payment being made in silver units equal in face value to a similar unit of the foreign country, the necessity of equal intrinsic value of the respective units is imperative.

Fiat can not create value. It will not increase nor can it secure circulation of currency created by it, at least not outside the country issuing it, and only within the limits of its boundary by reason of a supervening necessity. The coin must possess the intrinsic commercial value of its corresponding and correlative coin of foreign creation.

Wide inequality could not long exist in this respect if the coin were by consent interchangeably received. It would be but little space of time before the coin of largest intrinsic value would find its way to the melting-pots of the small-value coin, and the currency of the one country would dwindle and disappear with rapid celerity, while the other

would increase with even greater rapidity, and without new supply from the mines.

It was for reasons like these that the character of the coin was established as in the act recited.

Much of what I have said may, Mr. Speaker, be entirely elementary in political economy and therefore axiomatic; but it is both experience and the truth nevertheless.

I believe an examination of the statistics at large will show that the original definition of the silver dollar continued unchanged until 1837. In that year, presumably from the fact that silver bullion existed only in a limited amount, and that the native silver dollar had ceased to circulate or had been recoined into more convenient shape, the weight of the dollar was reduced from 416 to 412½ grains troy of standard silver.

It will be discovered by referring to the records of the mints that during this period of forty-odd years there were but $1,440,517 silver dollars coined. Of this amount $1,439,517 had been coined as early as 1806, and the remaining $1,000 were coined in 1837.

The first coinage under the new-weight act was (unless the $1,000 in 1837 was under the act) in 1839, when $300 were minted, and from thence continued each year, except 1858, until 1873 inclusive, during which period the coinage, together with that under the first act, amounted to the sum of $8,045,838—the entire coinage of the silver dollar of the country down to eleven years ago. At this point the issue of the trade-dollar began, and from 1873 to 1878, the last inclusive, the whole sum of the trade-dollar issue was struck, amounting to $35,846,838, as appears from the following table:

*Table showing the coinage of silver at the mints from their establishment down to* 1883.

SILVER COINAGE.

| Period. | Trade-dollars. | Dollars. | Half-dollars. | Quarter-dollars. | Twenty cents. | Dimes. | Half-dimes. | Three cents. | Total. |
|---|---|---|---|---|---|---|---|---|---|
| 1793 to 1852 | ..... | $2,506,890 | $66,249,153 00 | $37,999,040 50 | ..... | $3,890,062 50 | $1,823,298 90 | $744,927 00 | $79,213,371 90 |
| 1853 to 1873 | ..... | 5,538,948 | 33,596,082 50 | 18,002,178 00 | ..... | 5,170,733 00 | 3,083,648 00 | 536,923 20 | 65,928,512 70 |
| 1874 | $3,588,900 | ..... | 1,438,930 00 | 458,515 50 | ..... | 497,255 80 | ..... | ..... | 5,983,601 30 |
| 1875 | 5,697,500 | ..... | 2,853,500 00 | 623,950 00 | $5,858 00 | 889,560 00 | ..... | ..... | 10,070,368 00 |
| 1876 | 6,132,050 | ..... | 4,985,525 00 | 4,106,262 50 | 263,560 00 | 3,639,105 00 | ..... | ..... | 19,126,502 50 |
| 1877 | 9,162,900 | ..... | 9,746,350 00 | 7,534,175 00 | 1,440 00 | 2,055,070 00 | ..... | ..... | 28,549,935 00 |
| 1878 | 11,378,010 | 8,573,500 | 3,875,255 00 | 3,703,027 50 | 142 00 | 760,891 00 | ..... | ..... | 28,290,825 50 |
| 1879 | ..... | 27,227,500 | 225 00 | 112 50 | ..... | 45 00 | ..... | ..... | 27,227,882 50 |
| 1880 | ..... | 27,933,750 | 3,275 00 | 3,837 50 | ..... | 1,575 00 | ..... | ..... | 27,942,437 50 |
| 1881 | ..... | 27,637,955 | 4,677 50 | 3,638 75 | ..... | 3,695 50 | ..... | ..... | 27,649,966 75 |
| 1882 | ..... | 27,772,075 | 5,537 50 | 3,268 75 | ..... | 2,507 50 | ..... | ..... | 27,783,388 75 |
| 1883 | ..... | 28,111,119 | 2,759 50 | 4,079 75 | ..... | 717,511 90 | ..... | ..... | 28,835,470 15 |
| Total | 35,959,360 | 155,301,737 | 122,761,270 00 | 38,492,086 25 | 271,000 00 | 17,628,012 20 | 4,906,946 90 | 1,281,850 20 | 376,602,262 55 |

MINOR COIN.

| Period. | Five cents. | Three cents. | Two cents. | Cents. | Half-cents. | Total. |
|---|---|---|---|---|---|---|
| 1793 to 1873 | $5,276,140 00 | $805,350 00 | $912,020 00 | $4,886,452 44 | $39,926 11 | $11,919,888 55 |
| 1874 | 244,350 00 | 29,640 00 | ..... | 137,935 00 | ..... | 411,925 00 |
| 1875 | 94,650 00 | 12,540 00 | ..... | 123,185 00 | ..... | 230,375 00 |
| 1876 | 132,700 00 | 7,560 00 | ..... | 120,090 00 | ..... | 260,350 00 |
| 1877 | 25,250 00 | ..... | ..... | 36,915 00 | ..... | 62,165 00 |
| 1878 | 80 00 | 48 00 | ..... | 30,566 00 | ..... | 30,694 00 |
| 1879 | 1,175 00 | 984 00 | ..... | 95,639 00 | ..... | 97,798 00 |
| 1880 | 1,247 50 | 982 50 | ..... | 267,741 50 | ..... | 269,971 50 |
| 1881 | 177 75 | 32,416 65 | ..... | 372,515 55 | ..... | 405,109 95 |
| 1882 | 220,038 75 | 104 25 | ..... | 424,614 75 | ..... | 644,757 75 |
| 1883 | 1,022,774 40 | 858 57 | ..... | 404,674 19 | ..... | 1,428,307 16 |
| Total | 7,018,583 40 | 890,483 97 | 912,020 00 | 6,900,328 43 | 39,926 11 | 15,761,341 91 |

The act of February 12, 1873, under which the trade-dollar was struck and put upon the market, was in substance: The silver coin of the United States shall be a trade-dollar, a half-dollar or 50-cent piece, a quarter-dollar or 25-cent piece, and a dime or 10-cent piece; and the weight of the trade-dollar shall be 420 grains troy; the weight of the half-dollar shall be twelve grams and one-half gram; the quarter-dollar and the dime shall be respectively one-half and one-fifth of the half-dollar.

This, I believe, is the first departure from the English nomenclature of weight-measure in connection with our silver coin.

The average American scholar knows quite well what the weight-measure of 420 grains troy is. He does not know quite so well what 12½ grams are. This is too much French for him. He may find after protracted search that a "gram" equals 15.432 grains troy. He naturally supposes and expects to find that 12½ grams will equal 210 grains troy, one-half the silver in the trade-dollar. Such, however, does not prove to be the fact, and this strategy in the use of borrowed means of expression indicates strongly a purpose to conceal a supposed disturbing truth.

The act of 1873 provides:

> The silver coin of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

The legal-tender feature of the trade-dollar was continued until 1876, when Congress by its joint resolution enacted—

> That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand of the same.

This coin was evidently, as this resolution indicates, intended and made expressly for foreign market and circulation. The legal-tender quality gave it motive power. It was accepted by foreign countries as money of the United States. Unfortunately, it permitted and secured current circulation at home. Its emasculation by withdrawing from it its legal-tender quality demonetized it, as had the act creating it demonetized the standard dollar of 1837, the latter being resurrected by the coinage act of 1878.

Nevertheless both continued to circulate together in the interim, and also after that act under which the immense issue was put out, which now is the occasion of great alarm to the trading and banking classes. This was perfectly natural and to be expected, and would continue to be the fact at this time were it not for the glut of the 412-grain dollar. When this came the time had arrived for the actual demonetization, and this coin quickly became the rejected of all, and was refused as a circulating medium at rates below its bullion value for recoining into small coin.

It is very proper, Mr. Speaker, in view of the provisions of this bill, to inquire what has become of this coinage. Where are those trade-dollars now?

I find from the report of the Director of the Mint submitted to Congress in 1879, at page 192, that the exportation of the trade-dollar to the far east of Asia from 1874 to October, 1879, was $27,089,817. Certainly a fair measure of success had been attained in the original purpose of exportation. It would ordinarily be expected that the main purpose of coinage would be to obtain a fitting medium, and that successful business pursuits and a healthy condition of finance would be illustrated by the fact that the precious-metal money was retained at home.

Business did not depreciate in 1879; but after the act of 1878 creating the new dollar the demand for circulation of the trade-dollar ceased. The purpose of the act of 1873 was to get rid, in a specious manner, of surplus silver bullion.

I avail myself of a table prepared by the compiler of the American Almanac, from official reports, and therefore semi-official and entirely correct and reliable, showing the production of the precious metals at home as bearing upon and tending to show the influence and motive that led to the making of this meddlesome dollar.

It will be observed from the statement contained in the table that the production of silver from 1849 to 1858 was, by estimate, about the sum of $50,000 per annum, or half a million all told; before that period it had been very much less.

*Estimate of gold and silver produced in the United States from 1845 to 1882, inclusive.*

[From official reports by the Director of the Mint of the United States.]

| Year. | Gold. | Silver. | Total. |
|---|---|---|---|
| 1845 | $1,008,327 | ..... | $1,008,327 |
| 1846 | 1,239,357 | ..... | 1,139,357 |
| 1847 | 889,085 | ..... | 889,085 |
| 1848 | 10,000,000 | ..... | 10,000,000 |
| 1849 | 40,000,000 | ..... | 40,000,000 |
| 1850 | 50,000,000 | ..... | 50,000,000 |
| 1851 | 55,000,000 | ..... | 55,000,000 |
| 1852 | 60,000,000 | ..... | 60,000,000 |
| 1853 | 65,000,000 | ..... | 65,000,000 |
| 1854 | 60,000,000 | ..... | 60,000,000 |
| 1855 | 55,000,000 | ..... | 55,000,000 |
| 1856 | 55,000,000 | ..... | 55,000,000 |
| 1857 | 55,000,000 | ..... | 55,000,000 |
| 1858 | 50,000,000 | *$500,000 | 50,500,000 |
| 1859 | 50,000,000 | 100,000 | 50,100,000 |
| 1860 | 46,000,000 | 150,000 | 46,150,000 |
| 1861 | 43,000,000 | 2,000,000 | 45,000,000 |
| 1862 | 39,200,000 | 4,500,000 | 43,700,000 |
| 1863 | 40,000,000 | 8,500,000 | 48,500,000 |
| 1864 | 46,100,000 | 11,000,000 | 57,100,000 |
| 1865 | 53,225,000 | 11,250,000 | 64,475,000 |
| 1866 | 53,500,000 | 10,000,000 | 63,500,000 |
| 1867 | 51,725,000 | 13,500,000 | 65,225,000 |
| 1868 | 48,000,000 | 12,000,000 | 60,000,000 |
| 1869 | 49,500,000 | 12,000,000 | 61,500,000 |
| 1870 | 50,000,000 | 16,000,000 | 66,000,000 |
| 1871 | 43,500,000 | 23,000,000 | 66,500,000 |
| 1872 | 36,000,000 | 28,750,000 | 64,750,000 |
| 1873 | 36,000,000 | 35,750,000 | 71,750,000 |
| 1874 | 33,490,902 | 37,324,594 | 70,815,496 |
| 1875 | 33,467,856 | 31,727,560 | 65,195,416 |
| 1876 | 39,929,166 | 38,783,016 | 78,712,182 |
| 1877 | 46,897,390 | 39,793,573 | 86,690,963 |
| 1878 | 51,206,360 | 45,281,385 | 96,487,745 |
| 1879 | 38,899,858 | 40,812,132 | 79,711,990 |
| 1880 | 36,000,000 | 38,450,000 | 74,450,000 |
| 1881 | 34,700,000 | 43,000,000 | 77,700,000 |
| 1882 | 32,500,000 | 46,800,000 | 79,300,000 |
| Total, thirty-eight years | 1,590,878,301 | 550,972,260 | 2,153,845,471 |

*From 1849 to 1858 the estimated product of silver was $50,000 per annum. The silver mines of the United States were discovered in 1859.

In the following year the rich fields of silver deposit began to be discovered and developed, increasing tenfold the first year, and from the third year thereafter increasing regularly in volume until 1882, when it had reached the sum of $46,800,000.

The yield in 1868 was $12,000,000, or two hundred and forty times that of 1847. The yield of 1873 (the birth of the trade-dollar) was seven hundred and twenty times the amount of 1847. The entire yield down to 1882 is $550,972,260; while the total coinage of silver of all denominations from the establishment of the Mint till 1882 has been $376,612,662.55. More or less of this amount was, without doubt, recoinage of depreciated coin, and perhaps more or less of foreign coin and bullion.

It is not open to doubt that this rapid increase in the production of silver bullion, going so far beyond the demand for consumption in manufacture, and the arts, was the chief occasion of the authorization of the trade-dollar.

The probable continuance of the yield determined by estimates carefully made on explorations and data established by the output of worked mines disclose not alone the motive that led to the issue, but also what induced the measures adopted to persuade the trade into the channels of foreign commerce. It was to be rid of the certain surplus and to shed it in such way that it would not return. This end was adroitly consummated, first by increasing the silver ingredient seven and one-half grains beyond that of the theretofore standard dollar.

The far East was to be the field of operation. The demand for silver dollars there was known to exist. Merchandise was waiting to be exchanged for our money. Our choice was optional as to kind, whether payment should be made in gold or silver, of home or foreign mintage. Our selection was of course determined by the production of our silver mines, deluging the markets with their yield. This was the determination of the citizen silver miner and importing merchant combined. The trade-dollar was contrived and adopted as the medium, the Government being the willing abettor to the transaction.

The increase in weight of component silver was rightly conceived and correctly estimated as the proper method by which to reach and capture the cupidity of our proposed customers. It proved a tempting bait. But one other element was needed to be added to give it character and conceal the purpose of its issue. It must have a currency quality, a current value, and be placed on the same footing as that of its less plethoric predecessor, the standard dollar. It must be a legal tender for like purposes and for like amount. This quality was unhesitatingly added and gave it life and power.

I read from the table prepared by Mr. Burchard, Director of the Mint, which shows the result of this well-planned device and the successful consummation of the purpose conceived.

*Table showing the bullion, currency, and commercial value, the coinage and export, of the trade-dollar, and the gold value of a dollar legal-tender note, from July, 1873, to April, 1879.*

| Date. | Bullion value of trade-dollar. | Currency value of trade-dollar. | Commercial value of trade-dollar. | Gold value of dollar note. | Coinage of trade-dollars. | Export of trade-dollars. |
|---|---|---|---|---|---|---|
| 1873. | | | | | | |
| July | 102.5 | 118.6 | 119.9 | 86.4 | [a] $157,700 | ..... |
| August | 101.8 | 117.5 | 118.7 | 86.6 | 211,100 | ..... |
| September | 101.8 | 114.9 | 116.1 | 88.6 | 248,600 | ..... |
| October | 101.4 | 110.5 | 111.7 | 91.7 | 135,100 | ..... |
| November | 100.1 | 108.6 | 109.9 | 92.2 | 144,900 | ..... |
| December | 100.1 | 110.1 | 111.5 | 90.9 | 327,600 | ..... |
| 1874. | | | | | | |
| January | 100.4 | 112.9 | 112.7 | 89.7 | 100,400 | ..... |
| February | 100.3 | 112.7 | 114.2 | 89 | 443,100 | ..... |
| March | 100.2 | 112.5 | 113.6 | 89.2 | 502,500 | ..... |
| April | 100.6 | 114 | 114.5 | 88.2 | 426,600 | ..... |
| May | 101.5 | 114.1 | 114.6 | 89 | 529,300 | ..... |
| June | 101.4 | 112.9 | 113 | 89.9 | 330,000 | [b] $3,000,000 |
| July | 100.6 | 110.5 | 109.9 | 91 | 334,500 | ..... |
| August | 99.6 | 109.3 | 109.7 | 91.1 | 432,500 | ..... |
| September | 99.1 | 108.8 | 108.6 | 91.1 | 611,050 | ..... |
| October | 99.1 | 109.1 | 109 | 90.8 | 430,000 | ..... |
| November | 99.8 | 110.8 | 110.4 | 90.1 | 311,000 | ..... |
| December | 99.4 | 111.1 | 111.2 | 89.5 | 427,050 | ..... |
| Average | 100.1 | 111.5 | 111.8 | 89.9 | [c] 6,103,000 | ..... |
| 1875. | | | | | | |
| January | 98.7 | 111.1 | 111.6 | 88.9 | [d] 920,300 | ..... |
| February | 99.1 | 113.5 | 114.4 | 87.3 | 196,000 | ..... |
| March | 98.8 | 114.1 | 114.9 | 86.6 | 62,200 | ..... |
| April | 98.8 | 113.4 | 114.2 | 87.1 | 727,200 | ..... |
| May | 98.4 | 113.9 | 114.3 | 86.3 | 962,000 | ..... |
| June | 96.6 | 113 | 113.5 | 85.4 | 315,700 | [b] 4,500,000 |
| July | 95.7 | 109.8 | 109.5 | 87.2 | 111,250 | ..... |
| August | 96.9 | 110 | 109.2 | 88.1 | 104,050 | ..... |
| September | 96.7 | 112 | 112.6 | 86.4 | 515,100 | ..... |
| October | 96.3 | 112 | 111.8 | 85.9 | 870,000 | ..... |
| November | 96.9 | 111.1 | 111.5 | 87.2 | 751,000 | ..... |
| December | 96.3 | 109.7 | 111 | 87.8 | 577,000 | ..... |
| 1876. | | | | | | |
| January | 95.8 | 108 | 108.6 | 88.6 | 639,200 | ..... |
| February | 93 | 105.4 | 105.4 | 88.2 | 534,050 | ..... |
| March | 92.1 | 105.3 | 105 | 87.5 | 791,200 | ..... |
| April | 92.7 | 104.7 | 104.6 | 88.5 | 613,000 | ..... |
| May | 91.5 | 103 | 103.6 | 88.8 | 438,000 | ..... |
| June | 88 | 99 | 100.7 | 88.9 | 188,200 | [b] 4,500,000 |
| July | 84.8 | 94.9 | 97.5 | 89.4 | 213,000 | 269,108 |
| Average | 95.1 | 108.6 | 109.1 | 87.5 | 15,631,000 | (e) |
| August | 89.7 | 99.7 | 99.1 | 89.9 | 557,200 | 311,731 |
| September | 89.6 | 98.5 | 100.3 | 90.9 | 450,000 | 726,623 |
| October | 91.2 | 100 | 100.4 | 91.2 | 540,000 | 477,875 |
| November | 93.2 | 101.6 | 100.7 | 91.7 | 545,100 | 682,852 |
| December | 98.2 | 105.9 | 105.1 | 92.6 | 883,000 | 447,761 |
| 1877. | | | | | | |
| January | 99.2 | 105.4 | 105.3 | 94 | 1,082,000 | 1,280,140 |
| February | 98.2 | 103.5 | 104.1 | 94.8 | 863,600 | 758,744 |
| March | 94.3 | 98.8 | 99.9 | 95.4 | 896,000 | 404,684 |
| April | 93.7 | 99.5 | 101 | 94.2 | 1,057,000 | 900,954 |
| May | 93.4 | 99.8 | 101.3 | 93.5 | 1,420,000 | 1,417,456 |
| June | 92.9 | 97.9 | 99.8 | 94.9 | 656,000 | 894,668 |
| Average | 93.9 | 100.9 | 101.5 | 93 | 24,581,350 | (f) |
| July | 93.4 | 97.4 | 99.8 | 94.8 | 1,486,000 | 1,330,192 |
| August | 93.4 | 98 | 99.9 | 95.2 | 1,891,000 | 538,176 |
| September | 94.5 | 97.6 | 99.3 | 96.8 | 1,677,000 | 629,768 |
| October | 95.2 | 97.8 | 99.6 | 97.3 | 1,075,050 | 381,658 |
| November | 94.1 | 96.7 | 99.5 | 97.3 | [g] 400,000 | 487,177 |
| December | 93.2 | 95.8 | 99.1 | 97.3 | 589,060 | 531,301 |
| 1878. | | | | | | |
| January | 92.8 | 94.7 | 101.5 | 97.9 | 1,891,300 | 381,237 |
| February | 93.8 | 95.6 | 101.1 | 98 | 1,525,200 | 101,761 |
| Average | 93.9 | 96.7 | 99.9 | 96.8 | ..... | (h) |
| March | 93.8 | 94.9 | 100.4 | 98.8 | 1,308,200 | 131,250 |
| April | 93.2 | 93.7 | 99.8 | 99.4 | 35,000 | 290,835 |
| May | 92.3 | 92.9 | 99.7 | 99.3 | 200 | 85,306 |
| June | 91.7 | 92.4 | 99 | 99.2 | [i] 35,959,360 | 277,345 |
| July | 90.8 | 91.2 | 99 | 99.5 | ..... | 121,840 |
| August | 90.8 | 91.3 | 98.9 | 99.5 | ..... | 172,179 |
| September | 89.2 | 89.5 | 98.7 | 99.6 | ..... | 71,329 |
| October | 87.1 | 87.6 | 98.4 | 99.5 | ..... | [j] 170,450 |
| November | 87.1 | 87.3 | 98.5 | 99.8 | ..... | [j] 89,625 |
| December | 86.3 | 86.4 | 98.5 | 99.9 | ..... | [j] 93,122 |
| 1879. | | | | | | |
| January | 86.3 | 86.3 | 98 | par. | ..... | [j] 11,505 |
| February | 86.1 | 86.1 | 98.2 | par. | ..... | [j] 29,420 |
| March | 85.4 | 85.4 | 98.7 | par. | ..... | [j] 392,079 |
| April | 85.6 | 85.6 | 98.7 | par. | ..... | [j] 18,611 |
| Average | 88.9 | 89.3 | 98.9 | 99.4 | ..... | ..... |
| May | 86.9 | 86.9 | 98.75 | par. | ..... | 31,201 |
| June | 89 | 89 | 98.6 | par. | ..... | [j] 27,888 |
| July | 89 | 89 | 99 | par. | ..... | [j] 7,390 |

*Table showing the bullion, currency, commercial value, &c.*—Continued.

| Date. | Bullion value of trade-dollar. | Currency value of trade-dollar. | Commercial value of trade-dollar. | Gold value of dollar note. | Coinage of trade-dollars. | Export of trade-dollars. |
|---|---|---|---|---|---|---|
| August | 88.9 | 88.9 | 99 | par. | | $7,962 |
| September | 89 | 89 | 99.5 | par. | | [j] 13,325 |
| October | 90.3 | 90.3 | 99.4 | par. | | [j] 11,900 |
| Average | 88.8 | 88.8 | 99 | par. | | [k] 27,089,817 |

[a] Commencement of coinage. [b] Partly estimated. [c] Coined to date. [d] Passage of resumption act. [e] Trade-dollar demonetized. [f] Purchase of gold for resumption purposes commenced. [g] Coinage suspended. [h] Passage of act for standard silver dollar. [i] Total coinage. [j] San Francisco. [k] Total export October 31, 1879.

To repeat, from 1874 to and including the month of October, 1879, $27,089,817 of these trade-dollars had found a market in foreign countries, principally Japan, China, and India. At that date there was left at home the balance of the coinage, about $7,869,543. It appears from the last annual report of this officer, who certainly is entitled to great credit for his evident diligence in a wide scope of inquiry, the details of his compilation, and the correctness of his conclusions, that the balance at home has since been reduced to $7,000,000, a statement which seems to be in harmony with the views of the Secretary of the Treasury.

Where, Mr. Speaker, is this home balance? In whose keeping are these $7,000,000? There can be but one response as to the great mass of them. They are in the pockets of the laborer, the till of the small trader, or the stocking of the thrifty housewife, waiting the day of their redemption. There are many reasons why this conclusion should be reached. There is a natural avidity in the masses, generated by curiosity, patriotism, or whatever it may be called, to become possessed of any new coin or coin of new device issued by the Government. It is very well known that it is not unusual for new coin to sell at a premium, and when the trade-dollar was issued it is reported as having been worth in fact $1.04 paper currency.

A further fact consisted in the untiring effort and persistent energy on the part of the first holder to divest himself of his needless ware. This first holder was the ore-producer or the bullion-broker. They had the bullion coined in order to enable them to get rid of it, and to them it mattered little in what manner it was effected so long as it brought return, nor in emergency would they hesitate for reason of the possible effect upon the remaining unmined metal or the money interest of the country.

Up to July, 1876, $15,631,000 of these dollars had been coined. Only $12,269,108 had been exported, leaving $3,361,892 in home circulation; more than one-half the amount in hand to-day.

To put out this money all avenues were availed of, though perhaps not all equally acceptable. On the one hand foreign purchase and exportation in payment; on the other the paths of industry at home. The employer in his relation to the employed, the coal fields, the large manufacturing and money corporations, were the ready abettors in the scheme. Even banks became disbursing agents. These dollars were freely used to pay workingmen and as a substitute for small-bill currency. The employed had no great reason to complain, no valid legal ground to refuse to accept it. It was legal-tender down to that time, lawful pay for more than his day's earning and perhaps his whole week's wages. They passed current at the grocery, the market, and the store for the gross sum of all his purchases. His employment may have depended upon acceptance, hence circulation was easily effected. Being established, it continued and grew upon itself. The first three and a half million were capable of enforced circulation; the remaining three and a half million were put in circulation clandestinely, under cover, and by reason of absence of any conceivable ability to detect them from the former. They were not counterfeit; they were the lawful work of the mints of the Government. There was no crime committed, no offense against law perpetrated, in putting them into circulation.

For this and its accompanying possibility and the evils attending it the Government is primarily responsible. It vitalized the dollar as a medium. It put upon it all the badges of legitimacy and honest paternity. Why, sir, read this statute:

> Upon the coins there shall be the following devices and legends: Upon the one side there shall be an impression of Liberty, with an inscription of the word "Liberty" and the year of the coinage; and on the reverse shall be the figure or representation of an eagle, with the inscription "United States of America" and "E pluribus unum" and a designation of the value of the coin; but on the gold dollar and three-dollar piece, the dime, five and three cent piece, the figure of the eagle shall be omitted, and on the reverse of the silver trade-dollar the weight and fineness of the coin shall be inscribed.

And more: with an insidious suggestion of high purpose in the Government the obverse bears the inscribed motto, "In God we trust," arched with the emblematic stars of the original thirteen States of the Union. "In God we trust"—for what? In this connection seemingly that the trade-dollar may avail itself of liberty, vouchsafed by fraudulent device, at least to wing its flight upon the back and by means of the strong pinions of America's ægis bird from out the ark of the American mint, but, obstructed by more than forty days' deluge of crude silver ore, not to return to a home haven of rest forever more. To this end there was not a sign omitted, not an act left undone, so far as the Government could impress or perform, to give the coin credit or currency. It was accepted by the laboring classes and the masses of the people generally and freely; if not freely, by compulsion.

The law provided:

> Any owner of silver bullion may deposit the same at any mint to be formed into bars or into dollars of the weight of 420 grains troy, designated in the title as trade-dollar, and no deposit of silver for other coinage shall be received.

The kings of the silver mines were certainly in favor, but not sufficiently so to satisfy their convenience and greed. The next seemingly unjustifiable action taken by Congress in connection with this coin was the passage of the joint resolution of July 22, 1876:

> The trade-dollar shall not be hereafter a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet export demand for the same.

It has been claimed that this resolution was a notification to the world that this coin had ceased to be money of the Government, and whoever received it thereafter took it at bullion value and not face value. Concede it; what then? So far as foreign countries were concerned it was public notice by which they were bound.

But not so in regard to citizens at home. I know it has been asserted upon this floor in a past Congress that "all these coins held at home were put in circulation months after they had by this resolution ceased to be a legal tender." I do not know by what authority of fact that declaration was made.

But on the theory of home circulation to which I have alluded it is a moral certainty that the pieces then circulating would continue to do so, and the whole balance of the $7,000,000 now in the hands of the people could be placed there without possible knowledge in them that it was the issue subsequent to July, 1876. They then are the innocent and unestopped victims of this wrong made possible and permissible by Congressional legislation.

This resolution, Mr. Speaker, seems to the superficial observer at least to be another step in the interest of the bullion producers alone and to the exclusion of all others, except perhaps the speculators in the demonetized coin. By that resolution the trade-dollar ceased to be honest money. To be sure, its coinage might be continued. To counterfeit is a crime; but it was not money. Why did the people accept it and continue to use it? It must be borne in mind that the time was not in the long past when the sight of a silver dollar was a luxurious feast for the eye to behold, when brass tokens stood in place of gold and silver, and pasteboard shinplasters had held the credit and confidence of the people in petty business exchanges, no matter by whom put out.

It is not, sir, a surprising fact, nor a justification for inaction now, that the trade-dollar continued to circulate after its demonetization. To most, I doubt not, the passage of the resolution was unknown, or, if known, forgotten. It did continue to circulate, and so long as it passed for money at its nominal face value the fact of its debasement made no practical difference to the impecunious holder; its use was not immoral; to them it was the bird of passage, in hand to-day and out by necessity on the morrow. It came to them as a dollar; it went from them as a dollar. It would be doing the same errand to-day had it not been necessary to extend further and additional favors and privileges to the bullion-holding millionaires.

In ante-bellum times the clipped sixpence and shilling of Mexican stamp, the punched quarter-dollar and fifty-cent piece were seldom refused at face value in trade. So this, of more intrinsic value than the new legal-tender standard dollar, would have gone its round as money.

Was it not in the interest and for the benefit of those same mining companies and by their appliances that the act of February 28, 1878, became a law? Did they not procure the—

> *Be it enacted, &c.*, That there shall be coined at the several mints of the United States silver dollars of the weight of four hundred and twelve and one-half grains troy, of standard silver, as provided in the act of January 18, 1837, on which shall be the device and superscription provided by said act; which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value, &c.?

Here was in one respect an act of justice performed. The dollars demonetized by the act of 1873 were rehabilitated and re-established as legal money, necessitating their acceptance as money by the Government.

But the end is not yet reached. This act of 1878 further provides:

> And the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof, not less than two million dollars' worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars.

Is it necessary to ask or answer the question, in whose interest was this legislation? The trade-dollar act coined for the bullion-owner, to export to foreign markets, to get rid of as best he might. Did not the Government need silver-dollar money then as much as in 1878? A foreign market was found for part of the hoard. The coin was demonetized to prevent its return. The foreign demand was supplied and the coin rejected.

But, sir, the mountains continued to give forth sounds of busy workmen and truck-loads of silver ore. The glittering nuggets without a market brought no benefit and proved of little worth. A market is sought; a customer is found. The Government itself ceased to be a minting agent and became a minting owner of immense blocks of silver, and from that day to this the crucibles have sweat and the dies have creaked without intermission, and the bins of the Treasury vaults are strained to bursting from the pressure of 130,000,000 of these dollars, without any demand for them.

With this glut, this deluge of $2,000,000 every thirty days, money owned and sought to be forced out by the Government, is it to be wondered that the banks refused to receive as long as they could not be compelled to take the trade-dollar in payment or otherwise? The stores in self-preservation were compelled to follow the example of the banks, and soon the infamous trade-dollar was "respected by none, rejected by all," and would not sell at the assay office for even its bullion value.

I say the victims of this wrongdoing are the toiling, honest poor of our population. To them are to be added the outcoming immigrant to our shores. He is being plied by speculators in this base coin, to exchange before taking, or while on, ship his coin of fatherland, which he is told will be useless or inconvenient to use here, for these tokens of "In God we trust." That organized bands of these fratricidal speculators do exist has been heralded daily through the press. They have become so flagrantly vicious in their purpose and methods as to necessitate action by the State Department, which I am informed hast sent instructions to consuls and consular agents at the German ports to omit no effort to suppress it. I do not care to discuss this moral crime against the ignorant and unsuspecting in his property nor the manifold greater crime against the law-abiding and law-confiding citizenship of these States.

Can the Government afford, in view of its future well-being, to permit these practices to continue at the expense of its honor, its fair repute for honest dealing? Will it tolerate this conspiracy and traffic, even in the spurious money of its own coining, to defraud honest labor at home or to beguile and betray the immigrant seeking a home as a citizen among us?

Has not enough been done by Congress for the few recipients of immeasurable favor to permit, to demand it to do one little duty-imposed act for and in the interest of the people? The Treasury vaults inlock 130,000,000 silver dollars coined from material bought from these few with interest-paying bonds and higher-grade currency of the country and for which no demand exists. Is it too much to ask that there be taken from this useless mass 7,000,000 pieces and with them redeem these trade-dollars honestly earned by the sweat and aches of the toiling drudge, but nevertheless a man for all that and the peer of any of the silver kings, and when this exchange may be effected and an imperative duty performed with so little cost to the Government? I think computation shows that each fifty-five trade-dollars will make fifty-six standard dollars.

But the friends of the bullion aristocrats and seemingly autocrats say this will interfere with the coinage of $2,000,000 monthly of the bullion of their friends. They do not forget that the Government is directed to purchase that amount of bullion and melt it into dollars; for this payment is to be made at market rates and in fact in high grade currency, which will soon be transferred into interest-paying bonds. Why do they not add, what they know is truth, that this monthly increase is to be drayed to the Treasury and dumped into the vaults necessarily enlarged to receive, and there to rest indefinitely without opportunity of being used or made useful? If it be true that it will interfere one hundred days, what of it? Did it stop that purchase and coinage for all time I should not object, if its stoppage was necessary to the doing of this act of justice.

It seems to me, sir, that there is no ground for apology, no conceivable excuse to relieve the Government from this pressing duty to redeem this coin promptly and at its face value and with the least possible inconvenience to the holder.

A refusal to do this act of justice smells like repudiation, a repudiation that would be as pitiable as it would be parsimonious. It matters not what may have been the motives, the moving forces (and I do not hint at vicious appliances or unlawful practices), that brought about the enactment of these laws. In that of 1873 the faith of the Government was plighted, and its pledge must, in honor, be redeemed. Were it oppressed by poverty, an exhausted Treasury, and a clamoring debt it would not be justified for dishonorable neglect. But, sir, its coffers are full to repletion. It seeks relief from the load of surplus on accumulated revenue in extravagant largesses under the guise of charity. Let justice be first done, then if we choose we may be generous.

The measure is pressed from all sections of the country and all classes of people. The President deemed it worthy of mention in his message and recommended the withdrawal. He says:

> The trade-dollar was coined for the purpose of traffic in countries where silver passed at its value as ascertained by its weight and fineness. It never had a legal-tender quality. Large numbers of these coins entered, however, into the volume of our currency. By common consent their circulation in domestic trade has now ceased, and they have thus become a disturbing element. They should not be longer permitted to embarrass our currency system. I recommend that provision be made for their reception by the Treasury and the mints, as bullion, at a small percentage above the current market price of silver of like fineness.

The Secretary of the Treasury in more elaborate phrase reports and urges. I read from his report:

> As it is a coin of the United States, having the image and superscription thereof, sanctioned as such by penalties upon the counterfeiting of it, and once dignified as a legal tender in payment of debts and dues, it should be restored to its first state or called in at its nominal value and melted. In the judgment of this Department it should be thus called in and melted.
>
> It is possible to make an estimate of the amount that would come to the Treasury for redemption if authority were given therefor. The whole issue of the coin has been $35,960,446. Some of that has disappeared in manufactured articles; it is estimated from one to two millions. It is calculated that five-sixths thereof went abroad in the beginning, and it is believed that but a small part of that has come back, and that there is now held by our people but from five to eight millions. Of that which remained abroad, there is good authority for saying that much of it found its way from China to India and into the melting-pot at the mint in Calcutta, and has been there cast into the coin of that country. The overweight and value of the trade-dollar by the side of the Mexican and Spanish dollar, with which it was cocurrent in China, brought much of it to the crucible there. It is understood in business circles that in China silver coin is used by weight and not by count, save in a few ports, where Mexican dollars and a few other coins are taken by tale. It is the practice of Chinese bankers, so it is reported, to stamp with their own mark the coin which they take and pay out. The coin thus defaced soon comes to the state and repute of bullion, and the presumption is that our trade-dollars have, many of them, been so treated and so suffered.
>
> Bear in mind, too, that from time to time for some years past, until of a comparatively late date, there has been inducement to reship this coin from China hither, because it has been free in circulation in most parts of the land and for most of the time at par with gold and silver money. There is reason to believe, then, that besides the sum of it in the hands of our own people an embarrassing amount will not come to us from abroad.
>
> A thorough and effective redemption of it can be brought about in this way: Let authority be given by Congress to the Treasury Department to barter for trade-dollars at their nominal value standard dollars at their nominal value, and melting the trade-dollars to recoin them into standard silver dollars, counting the trade-dollars got in this way as a part of the silver bullion which the act of 1878 empowers and directs to be bought and coined monthly. Should the trade-dollars have been so abraded in use as to have lost a material part of their original weight, which is not much to be apprehended, a deduction might be made from the price, and fractional payments made in subsidiary and minor silver coins.
>
> * * * * * * * *
>
> It has been stated above that there is cause for belief that much which has gone abroad has put off its character of a coin of the United States, and so is not able in that guise to come back for exchange. If, however, a serious apprehension is felt that it will return in embarrassing volume, the time for the exchange might have a narrower limit, and instead of a twelvemonth, a quarter of a year be the period fixed. This Department would rather see all the trade-dollars that are afloat anywhere brought in and made bullion of, even at a cost to the Government, if thus we may be rid of a discredited and debased coin; but if this may not be, it still will wish that those in the hands of our people be redeemed in the mode recommended, with safeguards against foreign holders. If it be urged that, whatever be the sum redeemed, there will be a loss to the Treasury in recoining the trade-dollars as bullion into standard dollars rather than in purchasing bullion in the market at ruling rates and coining it under existing law, it may be answered that the excess of silver in the one over that in the other will be nearly if not fully enough to pay the cost of the manipulation; and, again, that the seigniorage or profit now got from buying bullion at, for example, 99.8 per standard ounce, and issuing the same in nominal dollars at the rate of, say, 116$\frac{1}{16}$ per standard ounce, is only a seeming total profit of the difference; for in the redemption of the coin, which must be looked for and provided for as to sooner or later come, the Government must, as a rule, take it back at the same nominal value at which it was put forth.

The Director of the Mint says in his official report:

> I would respectfully recommend—
>
> Third. The repeal of the act authorizing the coinage of the trade-dollar.
>
> Although its coinage is now discretionary with the Secretary of the Treasury and has been suspended by him, the issue of this coin in any contingency should no longer be authorized or permitted at any of the United States mints. Originally made in the coinage act of 1873 a legal tender to the same extent as the other designated silver coins, a considerable number had probably, before its demonetization in 1876, gone into circulation in this country. The statistics of coinage and exports show that at the latter date the number of pieces coined exceeded the exportations by over $2,000,000. Probably from five to seven millions of these coins are now held in the country mostly in the mining and manufacturing regions of Pennsylvania and contiguous States and in the vicinity of New York, where they have been paid to workmen and laborers, and by them paid to and received from tradesmen in those localities.
>
> While the United States has incurred no legal liability, yet by the act of the Government the coins were at first put into circulation and given compulsory currency, and have fallen into the hands of those who can ill afford to suffer from the depreciation, and it would seem but an act of justice that the United States should permit these coins to be sent to the mints and exchanged for other silver coins, into which they could be profitably recoined.
>
> I doubt not that action of this kind would have long since been taken but for the apprehension that a large number of exported trade-dollars would be returned to this country. My own investigations and inquiries have satisfied me that the trade-dollars sent to China have gone to the melting-pots and become sycee-silver or disappeared in the interior of that country; for, although their value as silver bullion would be only about 87 cents, yet their commercial market value in New York city has, prior to the late movement to depress their price, fallen below 98 cents but once, and that for a short period, and has usually ranged for several years above 99 cents, and had it been possible to secure trade-dollars for import from China to this country, the profits on the operation would have brought them here long since.

I had hoped, Mr. Speaker, that the Committee on Coinage would find it practicable to propose to receive this coin at its face value in payment of all dues to the United States in the same manner and to the same extent as any other silver coin of the United States, and when received to retire and recoin the same into any authorized coins of the country. I availed myself of the privilege on the first call for bills and introduced a bill for that purpose. I was aware of the fact, as the statement already made shows the fact to be, that this dollar can be converted into subsidiary coins at a profit beyond the expense attending the transformation. Assistant Treasurer Acton, if correctly reported, asserts this as a fact and explains—

> A trade-dollar contains 420 grains of pure silver. Now, suppose we chose to recoin into regular legal half-dollars. The weight of two half-dollars would be 385.8 grains. Therefore the trade-dollar would weigh 34.2 grains the most. This

would give a profit of about 8 cents in the coinage of the trade-dollar into fifty-cent pieces.

And yet, sir, notwithstanding the profit in the recoinage, when this amount of precious metal, emblazoned with "In God we trust," is offered at the assayer's office 86.63 cents is the sum total the owner can obtain therefor.

But, sir, I am entirely willing to waive any choice of preference as to the manner of redeeming and withdrawing or recoining. I care nothing for the detail in this respect. To accomplish the act of redemption is with me the desire paramount.

Since the pendency of this bill before the House for its consideration this slip comes through the post:

NEW YORK, *March* 14, 1884.

*Editor American Grocer and Dry Goods Chronicle:*

I hold about fifty trade-dollars, taken in payment of goods sold upon the basis of one hundred cents to the dollar. I now find myself holding a money that my Government pledged itself to pay by permitting it to be coined and circulated as legitimate value. I feel our Representatives in Congress should rescue the faith of the Government by providing for its liquidation.

W. S. HARTT.

There are a great many traders similarly situated. It is a shame that the Government should hesitate to retire the $8,000,000 or thereabouts of trade-dollars now held by the people. They were once a legal coin, so recognized and accepted by the Government. Its action gave the people faith in the coin. They can be retired with but little loss, and the recommendations of the Secretary of the Treasury to that effect should be adopted.

Yes; let the coin be redeemed. Let our faith be rescued. Let the country be rid of this demoralizing quantity in finance. If it will be attended with a loss, the country can well afford to and can easily bear it. The much-talked-about and seemingly deplored surplus in the Treasury may properly and constitutionally be applied to this purpose.

We gave a few days since a half million dollars for the relief of citizens of States well able to take care of their own poor and unfortunate. The suffering occasioned by the devastating overflow of the Ohio River did not permit a pause or inquiry for warrant.

A little before we gave the half of that sum, to be augmented a hundred times in amount, to experiment in endeavoring to exterminate a disease common to cattle the world over—a disease known to have existed for more than 2,000 years.

Our charity and philanthropy will be as mockery and hypocrisy if we refuse to supplement them by this act of simple justice, the prompt redemption of this our coin.

Mr. CASSIDY. I claim the floor, and will yield to the motion to adjourn.

On motion of Mr. COX, of New York (at 5 o'clock and 35 minutes p. m.), the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Petition of 100 citizens of Ellis County, Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of 150 citizens of Kansas, asking for increase of pensions to soldiers—to the Committee on Invalid Pensions.

By Mr. BOYLE: Petition of citizens and soldiers of Delaware, and Bradenville, Westmoreland County, Pennsylvania, relative to pensions, bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. BRENTS: Petition of certain citizens of Washington Territory, for Congressional aid in the construction of a wagon-road over the Snoqualmie Pass of the Cascade Mountains—to the Committee on Appropriations.

By Mr. T. M. BROWNE: Resolutions of Cambridge City Post, Grand Army of the Republic, of Indiana, relative to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CALDWELL: Memorial and petition of the Merchants' Exchange of the city of Nashville, Tenn., of the mayor and city council of Nashville, of the Nashville and Burnside Packet Company, and of the Nashville and Cairo and Nashville and Evansville Packet Companies, for the improvement of the Cumberland River by building locks and dams and removing bar at its mouth—severally to the Committee on Rivers and Harbors.

By Mr. CRISP: Memorial of John F. Lewis, J. W. McKenzie, and others, citizens of Montezuma, Ga., in regard to the improvement of Flint River, in Georgia—to the same committee.

By Mr. CUTCHEON: Petition of citizens of Grand Haven, Mich., asking for the establishment of a soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. G. R. DAVIS: Petition of J. R. Williamson and 35 others, inventors, for reduction of Patent Office fees—to the Committee on Patents.

Also, memorial of the Chicago Trade and Labor Assembly, protesting against the passage of the bill granting copyrights to foreigners and against any contraction of the currency—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Petition of Henry Lichty, for a pension—to the Committee on Invalid Pensions.

By Mr. FINERTY: Petition of officers of the United States Army stationed at Fort Buford, Dak., and of the officers of the United States Army stationed at Fort Abraham Lincoln, Dak., relative to the reorganization of the infantry regiments of the United States Army and to regulate promotion and increase the efficiency of said Army—severally to the Committee on Military Affairs.

Also, petition from the Chicago Trade and Labor Assembly, asking for the passage of bills and joint resolutions dealing with labor interests in the United States—to the Committee on Labor.

By Mr. FORAN: Bill providing for opening and improving the old river-bed channel at Cleveland, Ohio—to the Committee on Rivers and Harbors.

By Mr. FUNSTON: Petition of William J. Keyser and 114 others, of Fort Scott, Kans., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GARRISON: Petition for an appropriation to build a breakwater in the Potomac River at or near Cockpit Point—to the Committee on Rivers and Harbors.

By Mr. GREENLEAF: Memorial of the Workingmen's Assembly of the State of New York—to the Committee on Labor.

By Mr. D. B. HENDERSON: Papers relating to the claim of W. H. Morhiser—to the Committee on War Claims.

By Mr. HEPBURN: Petition relating to the claim of Martha J. A. Rumbaugh—to the Committee on Military Affairs.

By Mr. HOUK: Petition of James W. Bowman, for a pension—to the Committee on Invalid Pensions.

By Mr. HURD: Remonstrance of the Toledo (Ohio) Produce Exchange, against the passage of H. R. 5128 to regulate lake and marine shipping—to the Committee on Commerce.

Also, petition of M. D. Carrington and others, citizens of Toledo, Ohio, on the same subject—to the same committee.

Also, petition of Frank McAleer and others, citizens of Sandusky, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HUTCHINS: Petition relating to education in Alaska—to the Committee on Education.

By Mr. JOHNSON: Papers relating to the claim of the heirs of William Bailey and H. De Lord—to the Committee on War Claims.

Also, petition for the improvement of the harbor at Plattsburg, Clinton County, New York—to the Committee on Rivers and Harbors.

By Mr. KASSON: Petition of citizens of Iowa, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. KEAN: Remonstrance by property-owners, representing a capital of over $2,000,000, against the bill to bridge Staten Island Sound—to the Committee on Commerce.

By Mr. KELLOGG: Memorial and resolutions of colored men of Louisiana, regarding the tariff on sugar—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of G. Paulding and 105 others, citizens of Putnam County, New York, asking for the erection of a monument at Cold Spring, N. Y., to the memory of the late General Warren—to the Committee on Military Affairs.

By Mr. KING: Bill making an appropriation of $5,000 for the protection and preservation of the harbors of Vidalia, La., and Natchez, Miss.—to the Committee on Rivers and Harbors.

Also, bill making an appropriation of $5,000 for the improvement of the harbor of Monroe and West Monroe, La.—to the same committee.

Also, bill making an appropriation of $15,000 for the improvement of the Bayou d'Arbonne, Louisiana—to the same committee.

Also, bill making an appropriation of $2,000 for a survey of the La Fourche crevasse, in Bœuff River, Louisiana, with the view of closing said crevasse—to the same committee.

Also, bill making an appropriation of $6,000 for the improvement of the Black River, in the State of Louisiana—to the same committee.

Also, bill making an appropriation of $10,000 for the improvement of the Bayou Macon, in the State of Louisiana—to the same committee.

By Mr. LAIRD: Petition for the re-establishment of the infantry arm of the military service—to the Committee on Military Affairs.

Also, memorial of F. A. Smith, of Fairbury, for legislation against the adulteration of food—to the Select Committee on the Public Health.

By Mr. MAYBURY: Petition of E. B. Cottrell, P. B. Fox, and others, asking for legislation on subject of black-rot in grapes—to the Committee on Agriculture.

By Mr. MILLARD: Petition of the Women's National Indian Association, relative to the education of the Indians—to the Committee on Education.

By Mr. J. F. MILLER: Petition of citizens of Guadalupe County, Texas, for the improvement of Pass Cavallo, Texas—to the Committee on Rivers and Harbors.

By Mr. MURPHY: Petition of citizens of Clinton County, Iowa, relative to a soldier's home in Iowa—to the Committee on Military Affairs.

By Mr. MURRAY: Petition of James B. Luby, for a pension—to the Committee on Invalid Pensions.

By Mr. NEECE: Petitions of citizens of Rock Island, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. NELSON: Petition of citizens of Duluth, Minn., relative to the Chinese restriction act—to the same committee.

By Mr. NICHOLLS: Memorial of the Western Railroad Association, protesting against the extension of the patent for car-axle-box covers—to the Committee on Patents.

By Mr. S. J. PEELLE: Papers relating to the pension claim of Col. Joseph Moore—to the Committee on Invalid Pensions.

By Mr. PERKINS: Concurrent resolutions of the Kansas Legislature, asking Congress to make provision for the speedy settlement of the claims of the sufferers from the raid of the Cheyenne Indians in Kansas in 1878—to the Committee on Indian Affairs.

By Mr. PRYOR: Papers relating to the claim of Elmira C. Swoope—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of T. S. Gardner and others, citizens of Grayson County, Kentucky, praying the granting of a pension to Moses Stone, of said county—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: Papers relating to the claim of Honora McCarthy—to the same committee.

By Mr. T. G. SKINNER: Petition of George I. Watson and others, for the improvement of Wysocking Bay and Pamlico Sound, North Carolina—to the Committee on Rivers and Harbors.

Also, petition of J. F. Norman and others, and also of Luther Eboon and others, for educational aid—to the Committee on Education.

By Mr. SINGISER: Memorial of the wool-growers of Colorado, Kansas, Nebraska, Minnesota, Wyoming, Utah, Idaho, and New Mexico, protesting against a further reduction of the tariff on wool, and asking the restoration of the tariff of 1867 on wool and woolens—to the Committee on Ways and Means.

By Mr. C. A. SUMNER: Petition of citizens of California, asking for an increase of the duty on raisins—to the same committee.

By Mr. J. D. TAYLOR: Petition of 25 officers of the regular Army, asking for the passage of H. R. 3117—to the Committee on Military Affairs.

By Mr. J. M. TAYLOR: Petition of Thomas Aldridge, for a pension—to the Committee on Invalid Pensions.

By Mr. TULLY: Petition from Riverside, Cal., indorsing the growing of raisins—to the Committee on Ways and Means.

Also, petition of the Los Angeles (Cal.) Board of Trade, for an appropriation to complete the improvement of Wilmington Harbor, California—to the Committee on Rivers and Harbors.

Also, petition of wool producers of California, asking for the restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

Also, a petition of interested raisin producers of California—to the same committee.

By Mr. WILKINS: Petition of Solomon Dozer and 50 others, citizens of Muskingum, Ohio, relative to the restoration of duty on wool—to the Committee on Ways and Means.

By Mr. WILLIS: Papers relating to the claim of Henry S. Cohn and of Montgomery Howard—severally to the Committee on War Claims.

Also, papers relating to the claim of General S. W. Price—to the Committee on Claims.

Also, petition of John W. Dickens, for arrears of pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Henry Thierman and White Frost—to the Committee on Claims.

By Mr. W. L. WILSON: Papers relating to the claim of Henrietta M. Waugh—to the Committee on War Claims.

By Mr. YAPLE: Petition of Henry Chamberlain, Samuel Hess, and others, citizens of Three Oaks, Mich., and of F. T. Wolfe, A. H. Williams, and others, citizens of Wakelee, Cass County, Michigan, asking for the establishment of a Michigan branch of the National Home for Disabled Volunteer Soldiers in the State of Michigan—severally to the Committee on Military Affairs.

## SENATE.

### TUESDAY, *April* 1, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 28th ultimo, a statement showing what amount of the war tax of 1861 is due and unpaid, from what States due, and the portion thereof which has been paid by withholding moneys due to the States from the General Government; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 28th ultimo, copies of correspondence between the Departments of Justice and the Interior as to the present efficacy of the act of March 3, 1807, for the removal of persons and obstructions from the public domain; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss., was read twice by its title.

Mr. GARLAND. I ask that the bill may lie upon the table, and after the morning call of business I shall ask the Senate to take it up for consideration. It will take only a moment or two, but I will not ask it now.

The PRESIDENT *pro tempore*. If there be no objection the bill will be laid on the table for the present.

The bill (H. R. 5255) for the relief of the heirs of John S. Fillmore, deceased, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 1327) for the relief of J. H. Hammond was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims, if there be no objection.

Mr. MITCHELL. I should be glad to have the bill referred to the Committee on Military Affairs. That committee has charge of the subject. There is such a bill now pending before it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

The bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 3936) for the relief of Benjamin F. Millard was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 254) granting a pension to John Robbins;

A bill (H. R. 267) granting a pension to James King;

A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;

A bill (H. R. 297) granting a pension to Violet Calloway;

A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;

A bill (H. R. 1024) granting a pension to Charles B. Duncan;

A bill (H. R. 1075) granting a pension to Caroline Lauffer;

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman;

A bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant of Company A, Sixty-third Regiment Pennsylvania Volunteers;

A bill (H. R. 1491) granting a pension to Sarah L. Harvey, mother of G. B. Harvey;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler;

A bill (H. R. 2319) granting a pension to Laurena C. P. Haskins.

A bill (H. R. 2325) granting a pension to Helen M. Harrison;

A bill (H. R. 2551) granting a pension to Charles Munroe;

A bill (H. R. 2714) to increase the pension of Thomas E. Wilson;

A bill (H. R. 3625) granting an increase of pension to Levi Anderson;

A bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;

A bill (H. R. 4234) granting a pension to Mary Ullery;

A bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis;

A bill (H. R. 5259) granting a pension to Julia A. Ross; and

A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the senate of the State of Kansas urging the passage of Senate bill 1587, authorizing the settlement of the claims of certain citizens of Kansas named therein; which were referred to the Committee on Indian Affairs.

Mr. GORMAN presented the petition of W. H. Norris, cashier of the Western National Bank of Baltimore, and others, citizens of Baltimore, Md., praying for the refunding of certain taxes alleged to have been unlawfully collected; which was referred to the Committee on Claims.

Mr. PLUMB presented a resolution of the Legislature of Kansas urging an appropriation for the payment of sufferers from the raid of Cheyenne Indians across the western part of Kansas in 1878; which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the senate of the Legislature of Kansas in favor of the passage of the bill providing for the payment of losses sustained by citizens of Kansas as found by a commission appointed in 1859; which was referred to the Committee on Claims.

Mr. FRYE. I present a memorial of the mail-carriers of the city of Lewiston, Me., remonstrating against the reduced appropriation for that service. It is addressed to me, but evidently intended for Congress. I ask that it may be received and move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. FRYE. I present the petition of the New York committee for the prevention of State regulation of vice, officially signed, praying that the jurisdiction and powers of the National Board of Health be specifically defined and limited. I do not know what committee would have jurisdiction of the subject. I ask that it be referred to the Committee on the Judiciary, as it involves a change of law.

Mr. GARLAND. The petition should, I think, go to the Committee on Epidemic Diseases instead of the Committee on the Judiciary.

Mr. FRYE. I have no objection to that reference.

The PRESIDENT *pro tempore*. If there be no objection the petition will be referred to the Committee on Epidemic Diseases.

Mr. MORGAN. I present the petition of William Webster, a citizen of the United States, born in Maine, praying the assistance of Congress in the recovery of what he claims to be his just rights in a body of land comprising 500,000 acres, in New Zealand, which he claims that he bought from the native chiefs before the British Government acquired any possession or right of possession in that country; that his rights have not been respected by the British Government either in reference to the land or the timber upon it or in respect to compensation for the damages that he has sustained. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. VOORHEES presented resolutions adopted by Tippecanoe Post, No. 51, Grand Army of the Republic, of Monticello, Ind., urging legislation in regard to pensions and bounties to ex-Union soldiers; which were referred to the Committee on Pensions.

Mr. MITCHELL presented resolutions of Harrison Post, Grand Army of the Republic, of Pennsylvania, in favor of the passage of a bill for the equalization of bounties and certain pension bills; which were referred to the Committee on Pensions.

He also presented a petition of Ingham Post, Grand Army of the Republic, of Canton, Pa., praying for the passage of certain pension bills; which was referred to the Committee on Pensions.

He also presented a memorial of inventors, manufacturers, and others, of Erie, Pa., remonstrating against the passage of House bills 3925, 3934, and 3617, and Senate bill 1558, in relation to patents on inventions; which was referred to the Committee on Patents.

Mr. SHERMAN presented a petition of wool-growers, farmers, and other citizens of eastern Ohio, praying for the passage of an act restoring the tariff on wool, fixed by the act of March 2, 1867; which was referred to the Committee on Finance.

He also presented the petition of Mrs. M. H. Dunn, widow of the late Col. E. W. Dunn, fleet-paymaster of the Mississippi squadron, United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. HOAR. I present the petition of Charles Watson, of Lowell, Mass., praying for compensation for his services to sick and wounded Union officers and soldiers in Libby prison hospital during the year 1864. This petition is in aid of a bill which has been already introduced. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONGER presented the memorial of David Ward, of Detroit, Mich., remonstrating against the passage of Senate bill 1441, authorizing the construction of bridges across the Great Kanawha River; which was referred to the Committee on Commerce.

Mr. LAPHAM presented the memorial of Edwin C. Litchfield, of New York city, remonstrating against the passage of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was ordered to lie on the table.

He also presented a petition of 158 citizens of Union, Oreg., praying that women be granted the right of suffrage; which was ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. HALE. By direction of the Committee on Appropriations I report the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, with sundry amendments. I ask that the bill and report be printed, and give notice that I will call it up, with the leave of the Senate, to-morrow, or next day at the farthest.

Mr. BECK. What was the notice the Senator gave? I did not hear it.

Mr. HALE. That I will, with the leave of the Senate, call the bill up to-morrow, or next day at the farthest; probably on the next day.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 657) to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada, to report it back with a recommendation that the bill be indefinitely postponed, and with the statement that the report is not upon the merits but because it is believed that the act approved June 27, 1882, making provision for the State of Nevada and other States and Territories, is sufficiently broad to cover the purposes of this bill. We know of no other construction placed upon it by the War Department and the proper accounting officers of the Treasury.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be postponed indefinitely.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1304) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreaks, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 779) for a survey and estimates for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes, to report it adversely. I move its indefinite postponement.

Mr. MORGAN. Let the bill go on the Calendar.

Mr. CALL. I desire to have it placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (S. 535) for the relief of the sureties of George F. Elliott, reported it without amendment, and submitted a report thereon.

Mr. SEWELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1614) vacating the Fort Hartsuff and Fort McPherson military reservations, in the State of Nebraska, and restoring the same to entry, to report it adversely. A general bill having been reported to the Senate which takes in all the abandoned military posts, I move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 14) for the relief of Mrs. Jane Venable, reported it with an amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo., submitted an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1144) granting a pension to John W. Wright, submitted an adverse report thereon.

Mr. PLUMB. I ask that that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the petition of Capt. Anson Northrup, of Minnesota, praying compensation for expenses incurred and services performed during the rebellion and in the Indian war in Minnesota in 1862, have instructed me to report the same back to the Senate adversely and to recommend that the prayer of the petitioner be not granted. There is no bill with it.

Mr. McMILLIN. I ask that that case be placed on the Calendar, if there be no objection.

Mr. COCKRELL. There is no bill, and consequently the case can not be placed on the Calendar. The adverse report has all the facts in it. It is a long report.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the adverse report of the committee be agreed to.

Mr. McMILLIN. Let that motion lie over for the present, if the Senator from Missouri will consent.

The PRESIDENT *pro tempore*. The report will be placed on file.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1744) for the relief of Mrs. Martha L. Burch, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1724) to authorize the Secretary of War to deliver certain cannon to the Saratoga Monument Association, reported it adversely; and the bill was postponed indefinitely.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred a petition for the establishment of a soldiers' home west of the Mississippi River, have instructed me to report the same back to the Senate and to ask that it be laid upon the table, as the Committee on Military Affairs have already reported a bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, the committee will be discharged from the further consideration of the petition and it will be placed upon file.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the petition of Jefferson Fields, praying to be allowed a pension, to report the same back with a statement that the case is now under consideration before the Commissioner of Pensions. I ask that the committee be discharged from its further consideration.

The report was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1114) granting an increase of pension to William Shannon, submitted an adverse report thereon.

Mr. PLUMB. I ask that the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

OHIO MUSTER-ROLLS.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio, reported it without amendment.

Mr. SHERMAN. I will venture to ask the Senate to pass the joint resolution reported by the Senator from Illinois. I will simply say that the Legislature of Ohio have ordered the publication of the muster-rolls of the regiments in the late war from Ohio, and it is necessary to have the copies of certain rolls that are on file here to supply a defect in the rolls at Columbus, Ohio. The passage of this resolution will enable the publication of the document to proceed. It is a matter of local interest and yet at the same time delay might be inconvenient. I trust the Senate will pass it now. The reading of the joint resolution will show its nature and I have said all that need be said in explanation of it.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the Senate now consider the joint resolution. Is there objection?

Mr. ALLISON. Let it be read in full.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the joint resolution, as follows:

*Resolved, &c.*, That the Secretary of War be, and is hereby, required to furnish to governor of Ohio, upon his request, copies of such muster-rolls as are filed in his Department, and other information from the records of his office as may be necessary to complete the military history of the troops that entered the service of the United States from the State of Ohio during the Mexican war and war of 1861.

Mr. MORGAN. I hope the Senator from Ohio will consent to call that up after we pass through the morning call. I object to its consideration now.

Mr. SHERMAN. I have no objection to postponing its consideration for a few minutes. It is a mere matter of convenience to the State.

The PRESIDENT *pro tempore*. Objection being made, the bill will go over for the present.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 1967) regulating the letting of mail contracts in Alaska; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 1968) to make the certificates of gold and silver deposited in the Treasury of the United States a legal tender for public and private debts; which was read twice by its title, and ordered to lie on the table.

Mr. GROOME introduced a bill (S. 1969) granting a pension to William T. West; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GROOME. A citizen of my State thinks that she has a valid claim against the Government of the United States, and in order that it may be inquired into by the appropriate committee of the Senate I ask leave to introduce a bill, that it may go to the Committee on Indian Affairs.

The bill (S. 1970) for the payment of certain coupons of certain Indian war bonds of the State of California was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VOORHEES introduced a bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, late surgeon of the Fortieth Regiment of Indiana Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 1972) for the relief of Edway A. Grant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KENNA (by request) introduced a bill (S. 1973) to remove the disabilities of Robert D. Thorburn; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLISON introduced a bill (S. 1974) to amend section 4488 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RIDDLEBERGER introduced a bill (S. 1975) authorizing the Court of Claims to take jurisdiction of and adjudicate the claim of the Piedmont Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 1976) for the relief of Young Brothers, of Newport, R. I.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. HARRIS introduced a bill (S. 1977) for the relief of Emerson P. Randle, of Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 1978) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GORMAN introduced a joint resolution (S. R. 77) granting one month's extra pay to certain officers and employés of the Senate; which was read twice by its title, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RIDDLEBERGER, it was

*Ordered*, That the petitions and papers of the Methodist Episcopal churches of Arlington, Falls Church, Fairfax Court-House, Dumfries, and Mount Crawford, in Virginia, be withdrawn from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. VOORHEES, it was

*Ordered*, That Mrs. Jessie Benton Fremont have leave to withdraw her petition and papers from the files of the Senate, under the rules.

*Ordered*, That Mrs. Mary L. Hawthorn have leave to withdraw her petition and papers from the files of the Senate.

MARSHALS IN ALABAMA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, 1. That the Attorney-General of the United States is directed to inform the Senate whether a vacancy exists in the office of marshal of the middle and southern districts of Alabama; and, if so, how such vacancy occurred, and how long that office has been vacant.

2. Whether the duties of that office are now being performed, and by what person, and under what authority he is acting, and from what date he has been so acting.

3. And that the Attorney-General will further inform the Senate whether the person who is exercising the duties of said office was at the time of his appointment thereto, or at any subsequent time has been, indicted for any, and what, crimes in the courts for which he has been acting as marshal; and whether such indictments have been disposed of, and when, and in what way, and by whose direction they have been disposed of.

MRS. FASSETT'S ELECTORAL COMMISSION PAINTING.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on the Library be, and is hereby, instructed to inquire into the expediency and propriety of purchasing from Mrs. Fassett her painting of the Electoral Commission of 1877.

OHIO MUSTER-ROLLS.

Mr. SHERMAN. If the order of "concurrent and other resolutions" is closed, I ask the Senate to proceed to the consideration of the joint resolution that was read awhile ago and which is at the desk. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Ohio that there is a clerical omission of the word "the" before the word "governor" in the text of the joint resolution. It now reads "to governor of Ohio." If there be no objection the joint resolution will be amended so as to read: "to the governor of Ohio."

Mr. SHERMAN. I have no objection to the amendment except the delay that will result in sending it back to the House.

The PRESIDENT *pro tempore*. The Chair will not put the question on the amendment without the consent of the Senator from Ohio.

Mr. SHERMAN. I think the phrase "to governor of Ohio" would operate just as well.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATCHEZ MARINE-HOSPITAL BUILDING.

Mr. GARLAND. In pursuance of the notice I gave a few moments ago, I should like to have the Senate proceed to the consideration of the bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss. I think it will take but a very few moments.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GARLAND. The Committee on the Judiciary reported a bill exactly like this with the exception of a proviso. I will offer that proviso, which the Secretary holds in his hand, as an amendment to this bill to come in at the end of it, after the word "contained."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Arkansas will be reported.

The CHIEF CLERK. It is proposed to add to the bill the following proviso:

*Provided*, That by proper covenant, to be approved by the Secretary of the Treasury, such society secures the appropriation of the proceeds of such sale to the construction of a school building at Jackson, Miss., to be used for the purpose of education for the benefit of the colored people.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. GARLAND. I now move the indefinite postponement of Senate bill No. 833.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves

that the Senate proceed to the consideration of the bill (S. 833) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss., with a view to its indefinite postponement. Is there objection to the present consideration of the bill for that purpose? The Chair hears none. The Senator from Arkansas moves that the bill be indefinitely postponed. That order will be entered, if there be no objection.

FLORIDA INDIAN HOSTILITIES.

The PRESIDENT *pro tempore*. The Chair now lays before the Senate the Calendar under the eighth rule, commencing at Order of Business 165, being the bill (S. 230) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities. This is the bill reported by the Senator from South Carolina [Mr. HAMPTON] which has been passed over by unanimous consent to await the return of the Senator from Florida [Mr. JONES]. If there be no objection, it will be again passed over, retaining its place.

AMERICAN SHIPPING.

The PRESIDENT *pro tempore*. Order of Business 190 is next in order, being the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes.

Mr. FRYE. If objection should be made to this bill and on motion it should be determined to consider it notwithstanding the objection, it would displace this Calendar for probably four or five mornings. I am very anxious to have this bill considered. It is of very great importance and it ought to be considered before a great while, and if passed by the Senate sent to the House of Representatives. I can not see any objection to making it a special order. There are now three special orders outside of the unfinished business. The Senator from Missouri [Mr. VEST] desires to speak to this bill, and I understand the Senator from Kentucky [Mr. BECK] also. My judgment is that the bill can be passed or rejected in one day, that it will not create a great deal of discussion, and I ask that it be made a special order for Friday next at 2 o'clock. I do this notwithstanding that there are already three special orders and with notice too from the Appropriations Committee that they propose to call up their naval bill. But it is very desirable that this bill shall be acted upon within the next ten days, and if it is made a special order for the time I have named, I think it can be. I ask that it be made a special order for Friday at 2 o'clock.

The PRESIDNET *pro tempore*. The Senator from Maine moves that the further consideration of this bill be postponed until Friday next, April 4, at 2 o'clock in the afternoon, and that it be made the special order for that time. The question is on agreeing to the motion of the Senator from Maine, which requires a two-third vote.

Mr. BAYARD. Will not next Friday be Good Friday? Because if it is I trust the Senate will not be in session on that day.

Mr. GARLAND. Friday week will be Good Friday.

Mr. FRYE. I simply desire to have the special order made. It is very doubtful about its coming up on Friday because there are two other special orders ahead of it.

Mr. BAYARD. I suggest that it be made for some other day when the Senate will certainly be in session.

Mr. HOAR. I desire to inquire of the Chair what is the parliamentary difference between the postponement of a matter which is before the Senate to a fixed hour and the making of it a special order at that hour? The reason of my inquiry is that the motion put by the Chair would require a two-third vote, whereas the postponement alone could be effected by a majority.

The PRESIDENT *pro tempore*. The rule provides that special orders shall be made only on the vote of two-thirds of the Senate. The Chair thinks that, under the practice of the Senate and the previous interpretation of the rules, a motion to postpone to a particular day or a particular hour of a day can be carried by a majority.

Mr. HOAR. That I understand. When a measure is reached it has this advantage of its being within the power of the Senate to postpone it to any particular time by a bare majority, and that when it is postponed to that time it stands like any special order for that time. Of course it may lose its place by other special orders.

The PRESIDENT *pro tempore*. The Chair does not so understand the rule. The Chair thinks that the postponement of a bill to a special hour or a special day without its being made a special order leaves it a general order for that time, and if there are any other general orders for that time preceding it undisposed of, they are entitled to be first considered. The question is on agreeing to the motion of the Senator from Maine.

Mr. BECK. If this motion carries does the bill lose its place on the Calendar under Rule VIII, where it now stands?

The PRESIDENT *pro tempore*. The Chair thinks that if it be made a special order for any future time it will be taken out from the operation of Rule VIII and stand on the Calendar of Special Orders to be taken up under the rule applicable to special orders.

Mr. BECK. I submit that if it be made a special order with two special orders pending ahead of it, that means that it will be a good while in all probability before it will be reached as a special order. The naval appropriation bill comes up to-morrow or next day. That has been added to by $6,000,000; seven new steamships are to be built, and a great many other things will occupy the attention of the Senate a good while if the recommendations of the Senate Committee on Appropriations are considered. I think the Senator from Maine perhaps would do as well to move notwithstanding the objection to proceeding under the five-minute rule which I agree can not be done, to proceed now, and perhaps in a couple of mornings this bill can be disposed of. I agree that I want to be heard on it. I favor the report of the minority of the Committee on Commerce; and I expect to occupy about thirty minutes in presenting my views favoring the minority report. I do not know how many others desire to speak; but of course the members of the committee will speak. I believe the only way to get a hearing for this bill within a reasonable time is to move its consideration now notwithstanding the objection. It will not be reached for a very long time as a special order with so many bills ahead of it and with a naval appropriation bill which beyond all question is going to be a very long one and involve a great many debatable questions.

Mr. CAMERON, of Wisconsin. Mr. President, I hope the Senator from Maine will not move to proceed with the consideration of this bill at this time or during the morning hour. The morning hour was not intended for the consideration of bills of this character, but was intended for the consideration of bills to which there is really but little, if any, objection. There are a great many bills of that character on the Calendar, many of which have been reported from the committee of which I have the honor to be chairman, and the only chance there is for the consideration of those bills is to devote the morning hour to them as it was intended to be devoted to their consideration when the present rules were adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine.

Mr. MCPHERSON. I should like to submit to the Senator from Maine a proposition. It will be difficult to discuss so important a bill as the one he desires to take up in the morning hour. As I understand the motion of the Senator from Maine, it is to take up the bill in the morning hour.

Mr. CAMERON, of Wisconsin. No, to make it the special order for next Friday.

Mr. MCPHERSON. The proposition of the Senator from Kentucky [Mr. BECK] then is to take it up in the morning hour and discuss it under the five-minute rule.

Mr. BECK. No, to take it out of the five-minute rule.

Mr. MCPHERSON. That will have to be done by unanimous consent.

Mr. BECK. No, Rule VIII provides that when objection is made, then a motion can be made to proceed notwithstanding the objection, and if a majority agree to that the bill goes on with unlimited debate.

Mr. MCPHERSON. The only objection I had was the difficulty of discussing a bill of so much importance under the five-minute rule. If there is no limit to debate I have no objection.

Mr. FRYE. My anxiety is for the bill, and at the same time to accommodate Senators. This bill certainly, if taken up in the morning hour, will displace everything else on this Calendar for three or four days and perhaps for a week. I do not like to do that. I would rather take my chance to get it as a special order on Friday or Saturday, hoping that the bankruptcy bill, or the naval bill, or the bill to regulate practice in patent suits will be out of the way by that time. If they are not, if the majority of the Senate after this is made a special order determine on motion that they will proceed to consider this bill, they can do it. It is in the control of a majority of the Senate after it is made a special order, and can be taken up on Friday if the Senate says so if an appropriation bill is not in the way. I hope it will be made a special order for Friday and take its chance.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine that the further consideration of this bill be postponed until Friday next at 2 o'clock and that it be made the special order for that time.

The question being put, there were on a division—ayes 32, noes 3, no quorum voting.

Several SENATORS. Take the vote again.

The PRESIDENT *pro tempore*. The Chair will put the question again and Senators will please vote on one side or the other.

The question being again put, the motion was agreed to; there being on a division—ayes 38, noes 6.

REMOVAL OF CONGRESSIONAL EMPLOYÉS.

The PRESIDING OFFICER (Mr. FRYE in the chair). The next order of business on the Calendar is No. 192, being the concurrent resolution of the Senator from Virginia [Mr. RIDDLEBERGER] providing for the appointment of a joint committee to inquire into and report the cause of all removals of subordinate officers of the Senate and House of Representatives, &c.

Mr. CAMERON, of Wisconsin. I suggest that that go over without prejudice.

The PRESIDING OFFICER. It will be so ordered if there be no objection.

BILLS OBJECTED TO.

The bill (S. 660) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander James H. Sands, United States Navy, was announced as next in order.

Mr. MILLER, of New York. I object to the consideration of that bill under this rule.

The PRESIDING OFFICER. The bill goes over.

Mr. McPHERSON. I should like to have the bill go over without any prejudice.

Mr. MILLER, of New York. I can not consent to that. I have objections to this bill, and it can not be considered under this rule even if the Senator from Florida [Mr. JONES] who reported it were present.

Mr. McPHERSON. The Senator from Florida has all the papers in the case; he has submitted the report; and he will be here probably to-morrow. An objection would place the bill, I suppose, at the foot of the Calendar.

Mr. COCKRELL. No; on the other Calendar.

Mr. MILLER, of New York. It must necessarily go to that Calendar, for I shall object to its being considered under the five-minute rule. It is an important bill, and has been before Congress for years.

Mr. McPHERSON. I suppose the Senator will be ready to consider it when the Senator from Florida is here.

Mr. MILLER, of New York. I shall not be ready to consider it under Rule VIII. It must go on the other Calendar.

The PRESIDING OFFICER. The bill is objected to, and goes over.

Mr. MILLER, of New York. The next two bills on the Calendar being the bill (S. 601) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Lieut. Commander Charles D. Sigsbee, United States Navy, and the bill (S. 662) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy, are of a similar character, and I make the same objection.

The PRESIDING OFFICER. The bills will be passed over.

DISTRICT CHARITABLE CORPORATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert—

That the following sections of the Revised Statutes of the United States of America relating to the District of Columbia be, and they are hereby, amended in the following manner, that is to say:

Section 545, by striking out the words "not exceeding twenty years;" so that the same shall read:

"SEC. 545. Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the promotion of the arts, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing in which shall be stated—

"First. The name or title by which such society shall be known in law.

"Second. The term for which it is organized.

"Third. The particular business and objects of the society.

"Fourth. The number of its trustees, directors, or managers for the first year of its existence."

Section 546, by adding at the end thereof the words "and other real and personal property the clear annual income from which shall not exceed in value $25,000;" so that the same shall read:

"SEC. 546. Upon filing their certificates the persons who shall have signed and acknowledged the same, and their associates and successors, shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate, and other real and personal property the clear annual income from which shall not exceed in value $25,000: *Provided, however*, That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law."

Section 547, by striking out the words "annually, or oftener, elect from its members," and inserting the word "elect" after the word "may," in the first line; so that the same shall read:

"SEC. 547. Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen in such board of trustees, directors, or managers, the vacancy shall be filled in such manner as shall be provided by the by-laws of the society."

That section 549 of the Revised Statutes relating to the District of Columbia be, and the same hereby is, repealed; and in lieu of said section the following is enacted:

"SEC. 459. Any property of the corporation may be leased, encumbered by mortgage or deed of trust in the nature of a mortgage, or sold and conveyed absolutely, when authorized by a vote of a majority of the shares of stock of the corporation, or by a vote of a majority of the directors, managers, or trustees of the corporation, at a meeting called for the purpose, and the proceedings of which meeting shall be duly entered in the records of the corporation; and the proceeds arising therefrom shall be applied or invested for the use and benefit of such corporation."

SEC. 2. That section 551 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, repealed.

SEC. 3. That any corporation heretofore formed under sections 545 to 552, inclusive, of the Revised Statutes of the United States relating to the District of Columbia may avail itself of the provisions of this act by complying with its requirements, and those that this act is intended to amend; but the right to repeal this act, and to alter, amend, or abolish any charter of incorporation granted under it, is expressly reserved to Congress.

Mr. McMILLAN. I should like to hear from the Senator from Tennessee, who reported this bill, an explanation of it.

Mr. HARRIS. There is a printed report, which is very brief, and quite as brief as any explanation I can make. I simply ask that the Secretary will read the report.

Mr. McMILLAN. I hope that it will be read.

The Secretary read the following report, submitted by Mr. HARRIS, from the Committee on the District of Columbia, February 11, 1884:

The sections of the Revised Statutes proposed to be amended by this bill provide the method by which societies for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies for mutual improvement or the promotion of the arts, may be incorporated without special acts of incorporation.

The only change sought to be made in section 545 is to strike out the limitation of "twenty years" as the life of such corporations, leaving them to fix the term for themselves, subject only to the reserved right of Congress to alter, amend, or abolish such charters of incorporation.

Section 546 limits the right of such corporations to take, receive, hold, and convey real and personal property to such as may be necessary to the purposes of such society, as stated in their certificate of incorporation.

As this limitation may be construed to limit the right to hold property other than such as may be necessary for the offices of such society, property as a source of income, to be used for the purposes of such corporations, the committee recommend that it be so modified as to authorize such corporations to hold property the annual profits or income from which shall not exceed $25,000, which shall be devoted to the certified purposes of such corporation; but this act not to be construed as exempting any property from taxation not already exempted by the laws now in force.

Section 547 provides that such corporations "may annually, or oftener, elect from its members its trustees, directors, or managers." The bill proposes to leave such corporations free to regulate by their by-laws the time and manner of effecting their trustees, directors, or managers, and does not restrict them to their members only.

Section 549 provides that such corporations may, by a vote of two-thirds of the shares of stock in such corporation, sell and dispose of any real estate acquired by it when such lot or building shall become ineligible for the uses for which they were intended.

The committee recommends the repeal of this section, and in lieu of it a provision authorizing such corporation, upon a vote of a majority of the shares of stock, or a majority of the trustees, directors, or managers, to lease, mortgage, or sell and convey any property of such corporation, the proceeds to be applied or invested to the use and benefit of such corporation.

Section 551 requires that no corporation acting under sections 545 to 550, inclusive, "shall hold real estate more than five years, except so much as shall be necessary for the purposes named in its certificate."

The committee recommends the repeal of this section, believing that such corporations should not be compelled to dispose of property at a sacrifice which may be or may have been devised or given for charities such as these.

The committee submits with this report a letter from Mr. Justice Miller, of the Supreme Court of the United States, and one from Samuel V. Niles, esq., president of the Children's Hospital, with the suggestions of which the committee fully concurs, and therefore report the bill back with amendments, and recommend that it pass.

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[Re Senate Bill 1063.]

SUPREME COURT OF THE UNITED STATES,
*Washington, February 5, 1884.*

DEAR SIR: As president of the Garfield Memorial Hospital, organized under the general law of the District of Columbia, my attention has been called to serious defects in that law.

These were perhaps of no great consequence when special charters could easily have been obtained from Congress, and when occasions for such charters were few, but with the growth of the District in wealth, in culture, and in population, much of which needs charitable and benevolent organizations, the restricted and limited character of the powers conferred by the general law needs reconsideration.

A very well considered bill, introduced by yourself January 14, is before your committee, and I hope it will be pressed to a speedy passage.

No such corporation, for instance, can expect to become permanently useful whose existence is limited to twenty years.

And the limitation as to the amount of property, real or personal, to be held by such an institution is an effectual barrier to the establishment of any great hospital or library, or other useful public corporation.

We have nearly completed a hospital with seven acres of ground. We have another lot in the city covered with buildings which, by the present law, we must sell within three years from this time, whether we get a good price or not, thus placing us at the mercy of any one desiring to purchase.

However these restrictions may have been appropriate at the time of their enactment, the times and the city of Washington have outgrown them, and I beg leave to solicit your earnest attention and that of your committee to the necessity of the amendments embodied in the bill.

I have the honor to be, your obedient servant,

SAM. F. MILLER.

Hon. J. J. INGALLS,
*Chairman Senate Committee on District of Columbia.*

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CHILDREN'S HOSPITAL, *Washington, January 11, 1884.*

DEAR SIR: I am instructed by the board of directors of the Children's Hospital to request you to introduce the inclosed bill in the Senate.

This hospital was organized in 1870 under the act of Congress of May, 1870 (United States Revised Statutes relating to the District of Columbia, sections 545 to 552).

This act limits the existence of corporations created under it to twenty years; does not authorize such a corporation to mortgage any of its property, even though it be necessary for the advancement of the object for which it was organized; does not authorize it to hold real estate more than five years, except such as is in actual use of the corporation; does not authorize it to sell its real estate unless it surrenders its charter, except the lot in actual use, in which case the proceeds must be invested in the purchase of another lot to be used for the same purpose; and requires the election of trustees to be held every year, instead of in classes of one, two, and three or more years. The object of this bill is to remove these obstacles.

The Children's Hospital is particularly anxious to have the amendment passed, because several years ago Dr. J. C. Hall left it several pieces of unimproved real

estate, which yield no income, but are a burden to the hospital by the annual payment of taxes.

Hoping that you will comply with the request of the directors, and will also give the matter your favorable attention when it comes before your committee (District of Columbia), and before the Senate, I have the honor to be, very respectfully, your obedient servant,

SAMUEL V. NILES,
*President Children's Hospital*

Hon. JOHN J. INGALLS,
*United States Senate.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

## THE JEANNETTE EXPEDITION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas.

The preamble recites that the steamer Jeannette, while engaged in an exploring expedition by authority of Congress and under the direction of the Secretary of the Navy, was wrecked in the Arctic seas, on the 13th of June, 1881, and in consequence thereof the lives of many of her officers and crew were lost; and that a court of inquiry, appointed in pursuance of a joint resolution of Congress to investigate the circumstances attending the loss of the Jeannette and the general conduct and merits of all the officers and enlisted men of the expedition, reported, after a thorough investigation, that while every officer and man so conducted himself that there was no occasion to impute censure to any member of the expedition, the constancy and endurance with which they met the hardships and dangers that beset them entitle them to great praise.

Therefore the bill to reimburse the survivors of the officers and crew of the Jeannette for losses incurred by them, respectively, in consequence of the wreck of that vessel, proposes to pay to George W. Melville, chief engineer, one thousand dollars; to John W. Danenhower, lieutenant, one thousand dollars; to Raymond L. Newcomb, naturalist and taxidermist, six hundred dollars; to John Cole, acting boatswain, six hundred dollars; to W. F. C. Nindemann, seaman, six hundred dollars; to James H. Bartlett, fireman, six hundred dollars; and to the remaining survivors of the crew, namely, Louis P. Noros, Herbert W. Leach, Henry Wilson, Frank E. Manson, Charles Tong Sing, seamen, and John Lauterbach, coal-heaver, three hundred dollars each.

The second section declares that the 23d of March, 1882, being the date of finding the remains of the commanding officer and others of the expedition, shall be deemed and taken to be the date of the decease of the following-named officers and enlisted men of the expedition who lost their lives in the retreat from the wreck of the Jeannette: Lieut. Commander George W. De Long; Lieut. Charles W. Chipp; Passed Asst. Surg. James M. Ambler; Jerome J. Collins, meteorologist; William Dunbar, ice-pilot; Walter Lee, machinist; Henrich H. Kaack, Carl A. Gortz, Adolph Dressler, Hans H. Erichsen, Ah Sam, Alfred Sweetman, Henry D. Warren, Peter E. Johnson, Edward Star, and Albert G. Kuehne, seamen; Nelse Iverson, George W. Boyd, and Walter Sharvell, coal-heavers, and Seaman Alexy.

The third section directs the accounting officers of the Treasury to allow to the widow of any deceased officer or enlisted man named in the second section, or if there be no widow living, to the lawful child or children of such deceased, or if there be no widow or child living, to the surviving parent or parents of such deceased, or if there be no widow, child, or parent living, to the brothers and sisters of the deceased, if any, a sum equal to twelve months' pay, according to the rate of pay at which the name of such deceased was borne upon the pay-rolls of the steamer Jeannette. The legal representatives of the deceased officers and enlisted men named in the second section are also to be paid from the Treasury any arrears of pay due such deceased, the same to be computed up to and including the 23d of March, 1882. The relatives, in the order herein named, of Seaman Aniguin, one of the crew of the steamer Jeannette, and who, while connected with the expedition, died at Irkutsk, Siberia, January 5, 1883, are in like manner to be entitled to receive twelve months' pay in addition to the amount due the deceased at the time of his death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. There is a preamble. The question is on agreeing to the preamble.

The preamble was agreed to.

## WILLIAM H. CROOK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 458) for the relief of William H. Crook.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the word "thousand," to strike out "six" and insert "four;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

Mr. PLUMB. Is there a report in that case?

The PRESIDING OFFICER. There is a report.

Mr. PLUMB. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, February 11, 1884:

The Committee on Claims, to whom was referred the bill (S. 458) for the relief of William H. Crook, report as follows:

By the act of July 4, 1836 (R. S., sec. 450), Congress authorized the President to appoint a secretary with the title of "Secretary to the President to sign land patents," at a salary of $1,500 per annum. This officer was continued down to 1878, having no other duty imposed upon him except to sign, in the President's name, the patents issued by the Government on the sales and grants of public lands. Under the act above cited this officer, although in name a secretary to the President, was, in fact, and was recognized by the law, as an officer of the Land Department, and during the greater part at least of the period above stated he occupied a room and desk in the General Land Office, having no duties to perform and no place at the Executive Mansion.

By act of June 20, 1878 (20 Stat., p. 183), the appropriation for payment of the salary of this officer was omitted, and the President was directed to designate one of his executive clerks to perform the duty of signing land patents.

Mr. William H. Crook was then, and had been since 1871, an executive clerk, acting as disbursing officer of the Executive Mansion, and also in charge of the reception-room. All of these duties he has continued to perform down to the present time. In addition to them, he was designated by the President, July 1, 1878, as secretary to sign land patents, and since that time all the patents issued on sales and grants of public lands have passed under his hand.

The number of patents issued since July 1, 1878, has averaged about 40,000 each year, and has steadily increased. The labor of the secretary in executing same has been very onerous, each patent having two signatures attached, and all having to be checked off and accounted for. On account of his regular duties at the Executive Mansion Mr. Crook has been compelled to perform most of this extra work of signing patents out of office hours; but, notwithstanding this fact, we are assured that the work has been done more promptly and efficiently than when an officer was charged with the performance of this duty alone. In fact Mr. Crook has, in addition to the other duties of his position, since July 1, 1878, performed, without compensation in any form, labor for which from 1836 to 1878 the Government paid $1,500 per annum.

We attach hereto, as exhibits, letters from Hon. J. A. Williamson, late Commissioner of the General Land Office, and Hon. W. K. Rogers, private secretary to President Hayes, both of whom, from their official positions, were familiar with the labor performed by Mr. Crook and the time and manner of its execution.

It seems to your committee that he is in justice and equity entitled to a fair compensation.

Your committee therefore recommend that the bill be passed with the following amendment, namely: In line 6 strike out the word "six" and insert in lieu thereof the word "four."

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WASHINGTON, D. C., *September* 30, 1881.

SIR: Your note of this date is at hand. I fully agree with you that you should have extra compensation for signing land patents. Before this additional duty was assigned to you the President's secretary to sign land patents was allowed $1,500 a year for that service, and I think the service was worth the amount. The responsibility of the position, in addition to the clerical labor, is very considerable, and should be paid for. I think you are fully entitled to extra compensation, and sincerely hope that it may be given you.

Very sincerely, yours,

J. A. WILLIAMSON.

Col. W. H. CROOK,
*Executive Mansion, City.*

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WASHINGTON, D. C., *November* 18, 1881.

DEAR SIR: I entirely agree with you that you should receive extra compensation for signing land patents. During the four years while I was private secretary to the President your regular duties as executive clerk and disbursing officer were sufficient to keep you employed all the time during office hours. The additional service you rendered in signing land patents was necessarily performed out of office hours, the greater part of it night-work. Upon the omission by Congress (the act of June 30, 1878) of the usual provision for the salary of the secretary of the President to sign land patents, and the requirement that the President should designate one of the executive clerks to discharge the duties of the office, you were selected by President Hayes because of your familiarity with the work, having temporarily filled the position during the illness of the secretary appointed for the purpose by President Grant. It is a laborious and responsible position, and the work was carefully, diligently, and faithfully performed. I earnestly trust Congress will allow you full compensation for the service rendered.

Very truly, yours,

W. K. ROGERS.

W. H. CROOK,
*Executive Clerk to the President.*

Mr. HARRISON. I should like to ask the chairman of the committee who reported this bill what salary this clerk was receiving? This bill seems to go on the idea that when an additional function or duty is devolved upon a public officer he is to have extra pay for it, and the report does not inform us what pay he was receiving for the work he was already doing.

Mr. CAMERON, of Wisconsin. My impression is—but I am not exactly certain about it—that he was a sixteen-hundred-dollar clerk.

Mr. HARRISON. And this bill proposes to make his salary about how much annually?

Mr. CAMERON, of Wisconsin. Twenty-six hundred dollars—to add $1,000 a year to it.

Mr. HARRISON. I do not believe the bill is right; I do not think it ought to be done. Whatever may be done prospectively with reference to the salary of an officer, I do not think it right to make it retroactive, and where simply an additional function has been devolved upon him to pay him back pay. If this rule is established we may carry it through all the Departments and heads of Departments.

Mr. CAMERON, of Wisconsin. The Committee on Claims has had a great many bills referred to it proposing an increase of salary to officers and clerks for preceding years. All those bills that have been reported from the committee have been reported adversely except this bill. The committee thought this case clearly an exceptional case.

If the Senator from Indiana had observed the reading of the report he would have noticed that from 1836 until 1878 there was a secretary to the President for signing land patents. This secretary received a salary of $1,500 a year. He had no duties to perform except the duties in connection with the signing of land patents. In 1878 the appropriation that had been made for more than thirty years annually prior to that time for the payment of this secretary was omitted, and the President was directed to designate one of the executive clerks for the purpose of performing that duty. He designated Mr. Crook. Mr. Crook at that time had charge of the reception-room at the Executive Mansion and had charge of the expenditures at the Executive Mansion. Those duties required his attention during the day. During the evening and night he devoted his time to the signing of land patents. He took the patents home with him, and frequently, as we are informed, worked late at night in signing those patents and making the necessary entries on the books. He performed this duty for four years. Last year a provision was inserted in one of the appropriation bills giving the Executive Mansion an additional clerk. Since that time Mr. Crook has continued to perform the duties connected with the signing of land patents, but some of the other duties that prior to that time had been imposed upon him have been taken off his shoulders; so that this bill does not provide that any compensation shall be made to Mr. Crook for signing patents during the last year, but for the four years prior to that time.

The Committee on Claims fully recognize the fact that when the compensation of an officer has been fixed and his duties prescribed by law or by custom he has no right to come to Congress and ask for additional compensation; and as I have already stated, that committee have never reported in favor of a bill of this character except this one bill; and it was in the opinion of the committee so clearly outside of the ordinary run of claims of that kind, that they felt constrained, notwithstanding the rule they had adopted, to report in favor of it.

Mr. GARLAND. I should like to ask the Senator from Wisconsin—I did not catch the reading of the report very clearly—if this is an appropriation for this particular case as an exception to section 1764 of the Revised Statutes.

Mr. CAMERON, of Wisconsin. It is.

Mr. GARLAND. Did the committee find that the $1,500 he was allowed for his regular pay was not sufficient to meet this new labor imposed on him?

Mr. CAMERON, of Wisconsin. That was the opinion of the committee, because the duties that were imposed upon him as executive clerk at the Executive Mansion were sufficient to occupy his entire time during the day, and he performed the duties connected with the signing of land patents outside of office hours. There is no doubt about the fact.

Mr. GEORGE. Mr. President, I do not desire to argue the bill, but merely to place on record the fact that I dissented from the majority of the committee in the reporting of the bill.

Mr. COCKRELL. I rise to correct some little inaccuracies in the statement of my good friend from Wisconsin, who is generally so accurate in his statement of these matters. As stated in this report, under the act of 1836, which I will now read and which is section 450 of the Revised Statutes, it is provided that—

> The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, a secretary, at a salary of $1,500 a year, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for land sold or granted under the authority of the United States.

In 1878 Congress passed this law (volume 20 of the Statutes, page 183):

> For compensation to the following in the office of the President of the United States: Private secretary, $3,250; assistant secretary, $2,250; two executive clerks, at $2,000 each; stenographer, $1,800; steward, at $1,800; and messenger and usher, at $1,200; in all, $14,300. And the duties prescribed by section of the Revised Statutes numbered 450—

Being the one I have just read—

> shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that purpose.

And who received, instead of $1,000, $2,000 a year, and this statute expressly devolved upon one of those clerks the performance of this special duty, and practically abolished the other secretary and gave this clerk $2,000 for the performance of the duty; so that this is a gratuity pure and simple of $1,000 a year extra, running his salary up to $3,000 and within $250 of the salary of the private secretary.

Mr. CONGER. That does not quite express the situation here. The officer who had signed the patents before had been detailed from the Land Office, performed for years and years this duty, and was paid for it at the rate of $1,500 a year I think, or $1,600.

Mr. CAMERON, of Wisconsin. Fifteen hundred dollars.

Mr. CONGER. Fifteen hundred dollars. Under this provision there was no allowance for an additional officer at the Executive Mansion to perform this duty. The Government had paid $1,500 a year continually for the performance of the duty ever since it had been performed by a special clerk. Now, if it had made another office and paid another officer at the Executive Mansion to perform the duties there, the argumennt would be correct that there should be no more paid. But it made no new officer, it provided no extra pay for the performance of a duty for which a clerk had been detailed from the Land Office for years before; it simply threw upon some one there, somebody in whom the President had confidence in his judgment and accuracy, the authority to sign the President's name to all that great mass of patents which the President was required to sign. The President selected among those persons in his office Colonel Crook to perform this duty, and he the officer in charge of the Executive Mansion, with all the duties pertaining to it, which had always before required the entire time and attention of an officer. Colonel Crook assumed the duty with the full knowledge that it was to be performed in addition to the full duties which he had been performing before and would perform thereafter, and as he has informed me, and as the proof shows, the entire performance of this duty was after the business hours for the performance of his regular duties at the Executive Mansion, and occupied, as I am informed, in the press of business his time till 1, 2, and 3 o'clock at night before it was finished.

It was the understanding both of the President and of the officer who rendered this service that Congress, as soon as it was understood, would make an appropriation to meet the additional labor and additional expense. The service has been performed for the years mentioned here continuously out of office hours, and I agree with the chairman of the committee—for I was a member of the committee at the last session when this case was examined—that the service was rendered, requiring in good faith an additional payment, and I think the amount fixed here for that payment is reasonable. Congress itself afterward provided an additional clerk to perform these duties with an additional salary, and that is being done now. It always had been done before up to the time when this account is charged for; it has been done by an additional officer since. Senators must be aware of the responsibility of a man who is to perform that delicate duty of signing the President's name to the evidences of title to our lands. It should be in the hands of some one that the President has confidence in; and it has been done in that way.

I have examined the subject very fully, and while I am as unwilling as any Senator here to vote additional payment to an officer on almost any pretense who had accepted his place and had performed its duties on a given salary, yet when, as in this case, an additional amount of labor, as I am positive from the inquiries I made when a member of this committee of officers of the Land Office and of the officers in charge of the Executive Mansion, was imposed involving almost full night labor upon this officer and it was faithfully and well performed, I am willing to make an equitable allowance for that service.

Mr. ALLISON. I should like to ask the Senator from Michigan if he knows the compensation received by this clerk outside of the extra compensation now proposed?

Mr. CONGER. I think it was $1,600 a year. I think that was the compensation he received.

Mr. ALLISON. The law says $2,000.

Mr. CONGER. That is at present, but at the time this duty was performed—I will not be positive, but I think the salary was $1,600.

Mr. ALLISON. He received $2,000 per annum for all this period.

Mr. CONGER. I may be mistaken about it.

Mr. COCKRELL. There is no question about that. There is the statute that put the duty on him, and that put his salary at $2,000.

Mr. CAMERON, of Wisconsin. I supposed it was $1,600, but it appears to have been $2,000.

Mr. COCKRELL. There is no doubt about it.

Mr. CONGER. Of course I am not certain about the amount; but up to the time when Mr. Crook assumed the performance of these duties a clerk was paid to perform them, as I understand detailed from the Land Office, and he had been paid for attending to them for thirty years. By throwing them on Mr. Crook additional duties to a large amount, employing night labor continuously, were imposed upon this officer. The service was undoubtedly rendered extra from any other service which he could have been called upon to perform, and he did it because the President desired him to perform it and he desired to comply with the wishes of the President. There was a sort of confidential relation in it.

There is no question but what if this officer had allowed himself to perform these duties during the ordinary business hours of the day it would have involved a running behind all the way, and those who were anxious for their patents must have felt the inconvenience of it. The public good was subserved by the extra performance of this duty, and I see no reason why there should be any delicacy in making an appropriation for it that is certainly limited compared with what has been paid before and limited compared with what is being paid now for the same service that Colonel Crook performed with a fidelity and business energy which commanded my admiration when I found out what had been done. There is no reason why he should not receive a compensation which he has justly earned.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Claims.

Mr. COCKRELL. In view of the fact that this recommendation of $4,000 was based upon the idea that he was receiving $1,600 a year and it was the intention to make his whole pay $2,600, I move to strike out $4,000 and insert $2,400. That will give $600 extra and make his pay $2,600 a year, the amount the committee determined he should be entitled to.

Mr. CONGER. That motion is based upon the uncertain recollection, the uncertain memory, which I had in making my statement. If the Senator from Missouri desires to have his private thrust at me, some time when we can carry it out in our own way I shall accept the proposition with a kind of subdued pleasure; but that he should make the occasion of even a misstatement of mine the opportunity of doing wrong to another is not in accordance with his usually generous, manly nature. I know he would not do wrong to a citizen because he wanted to make a thrust at me. I think the chairman of the committee made the same mistake that I did. The point of what has been received was not the material point. The point was whether in addition to the duties for which he was receiving a given salary he had devoted himself with untiring energy for the interest of those who were anxious to have their patents and to have this work kept up to this extra work. Senators all, without any particular reference to it, know that under the homestead law and the vast increase of settlements in the West, the number of land patents issued has been increasing continually year by year, and was especially large during this period. But I presume my friend from Missouri now having made the proposition will withdraw it.

Mr. COCKRELL. Why, Mr. President, there is no Senator in the world that I would take more pleasure in accommodating than the distinguished Senator from Michigan; but the whole committee was acting on this, and I am simply bringing this bill down to the understanding of the committee.

Mr. HOAR. Mr. President, the committee meant to pay this man for his night-work. He had a duty imposed upon him, and if at the end of the fair, decent, honest business hours he had stopped and said, "I shall not work any more to-day," he would have drawn his salary, and nobody could have found fault with him, and if the patents had been delayed and piled up and accumulated in the office the investigation would have disclosed simply that Congress had pinched a little too closely. The committee found that this man, instead of going home, as he had a right to do, at sundown, sat there to accommodate these patentees who were entitled to their lands into the night until 1, 2, and 3 o'clock in the morning, and did this mass of work. Of course $1,000 is a round number; if the Senate thinks $2,500, instead of $4,000, would be a reasonable and proper sum, that is another thing, but the mere fact that the chairman stated——

Mr. ALLISON. Do I understand the Senator from Massachusetts to say that the committee had evidence before it that this gentleman worked every night during these three years to 1 or 2 o'clock in the morning signing patents?

Mr. HOAR. I did not say so.

Mr. ALLISON. That is the basis of this claim.

Mr. HOAR. They had evidence of the extent of his night-work which was understood and reported by the chairman or whoever investigated the case. I do not undertake to affirm that every night he was up till 3 o'clock.

Mr. HARRISON. Can the Senator tell about what the average number of patents signed per day was?

The PRESIDING OFFICER. The hour of 2 o'clock has arrived, and the Chair lays before the Senate the unfinished business, being the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. CAMERON, of Wisconsin. If that bill can be temporarily laid aside informally until action can be had on the Crook bill I shall be much obliged.

Mr. ALLISON. Will not this bill come up to-morrow morning?

Mr. CAMERON, of Wisconsin. Yes.

Mr. BLAIR. How much time does the Senator think it will take?

Mr. CAMERON, of Wisconsin. Five minutes, I think, will do.

Mr. BLAIR. I will consent for five minutes.

Mr. CAMERON, of Wisconsin. Say ten.

Mr. BLAIR. Very well, ten.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the Crook bill be further considered.

Mr. BLAIR. Not exceeding ten minutes.

Mr. COCKRELL. Let it stand over until to-morrow.

The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. I object. I can not give unanimous consent.

The PRESIDING OFFICER. There is objection.

Mr. CAMERON, of Wisconsin. Allow me to state that it appeared from the evidence before the committee that the number of patents signed by this clerk during each year exceeded 40,000, and he is required to sign each patent twice. He was required to receipt for all the patents received by him and to take a receipt for all patents delivered by him. He was required to keep a regular book in which the number of the patent was entered, and on which it appeared that that patent had been delivered to the person authorized to receive it from him; so that his duties were really very onerous.

Mr. CONGER. Will this bill come up under the same rule to-morrow morning?

The PRESIDING OFFICER. It will come up at first under Rule VIII.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 28th ultimo, approved and signed the act (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid.

The message also announced that the President had, on the 31st ultimo, approved and signed the following act and joint resolution:

An act (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD; and

Joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

## AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

Mr. COKE. Mr. President, I said all that I cared to say on this bill early in the debate and shall be as brief as I can now in fortifying arguments then made. I would not have said anything further had not the debate taken a wide range and the position assumed by me in the argument heretofore made been assailed with a good deal of vigor and plausibility.

I am opposed to this bill. I am opposed to it on constitutional grounds and I am opposed to it on grounds of policy and expediency. I do not believe that Congress has the constitutional power to pass the bill, and if Congress does possess the power I believe it would be unwise and inexpedient to exercise it.

This bill appropriates $105,000,000, to be expended over a period of ten years in the partial support of common schools in the several States of the Union. The money to be expended is to be raised by taxation upon the people of the United States. I do not believe that the common schools of the several States and their partial or their total maintenance is a subject within the jurisdiction or power of the Congress of the United States, and I do not believe that the Congress of the United States has the power to tax the people of the United States in order to raise revenue to expend upon a subject not within the jurisdiction of Congress. I believe, Mr. President, that the great power of taxation can be invoked only for the purpose of raising revenue to carry out and execute the powers of Congress. I do not believe that that great power can be invoked for the purpose of raising money to be expended on an object outside of the jurisdiction of Congress.

Therefore, Mr. President, I do say that when gentlemen establish the power of Congress to pass this bill, to tax the people and appropriate this money, with the establishment of that power they establish the jurisdiction and the power of Congress over the common schools of the States. If Congress has jurisdiction over the common-school systems of the States, then Congress can tax the people and raise the money and expend it in the maintenance of those schools; but if the illiterates of this country are subject only to State control, if the common schools of this country pertain only to the jurisdiction of the States, if Congress has no power to control and manage them, then I think as a logical consequence that Congress has no power to make appropriations for their support and to tax the people for that purpose.

Gentlemen who desire this appropriation for the support of common schools in the States must take it *cum onere*. They can not claim it as a gift; they can not say that Congress has the power to tax the people to give money to the States for the school system and has no power to follow it and see to its administration and its disbursement. They can not say that, because Congress has not the power to call on the people of this country to contribute of their means for any other purpose than for revenue. Revenue for what? Revenue to be expended within the constitutional jurisdiction of Congress.

My friend from Mississippi who spoke last and sits nearest to me [Mr. GEORGE] says I must prove that proposition. I can prove it. I will prove it to the satisfaction of any impartial gentleman whose judgment is not obscured by an inordinate desire for a big appropriation.

Now I invite the Senate to the consideration of some authorities I will read upon this subject. They are brief; they will take but little time. I do not intend to detain the Senate long, and I ask the attention of the Senators while I am on the floor.

I hold in my hand Cooley on Taxation. Its author, Judge Cooley, is a constitutional lawyer of national reputation, and his law works are books of standard authority in our courts. Judge Cooley defines taxes:

Taxes are defined—

Says this author—

as being the enforced proportional contribution of persons and property levied by the authority of the state for the support of the government and for all public needs.

Not to enable the Government to make gifts, as the Senator from Mississippi claims.

That is Judge Cooley's definition of taxation. Again he says:

They are the property of the citizen, demanded and received by the government to be disposed of to enable it to carry into effect its mandates and to discharge its manifold functions.

Not to distribute as gifts on subjects outside of its jurisdiction. Again says the author:

The power of taxation is an incident of sovereignty, and is coextensive with that of which it is an incident. All subjects, therefore, over which the sovereign power of the state extends are, in its discretion, legitimate subjects of taxation; and this may be carried to any extent to which the government may choose to carry it.

Again, after enumerating a number of maxims on this subject, the author says:

All these maxims assume that taxation is laid for the purpose of obtaining a revenue. Within the definitions given, the burden would not be taxation if revenue were not the purpose.

Yet my friend from Mississippi says that the people can be indefinitely taxed, not for the revenue, but to make gifts and presents to others beyond the jurisdiction of the Government.

But again says the author:

All definitions of taxation imply that it is to be imposed only for public purposes, and whatever difference of opinion may exist regarding the admissibility of taxation in particular cases, the fundamental requirement that the purpose shall be public will be conceded on all sides.

What is a public purpose but a purpose of the Government which lays the tax to do a thing within its jurisdictional power?

But again, and here I ask the special attention of the Senate, because what I now read covers the whole question—

In considering—

Says the author—

the legality of the purpose of any particular tax, a question of first importance must always concern the grade of the government which assumes to levy it. The "public" that is concerned in a legal sense in any matter of government is the public the particular government has been provided for; and the "public purpose" for which that government may tax is one which concerns its own people, and not some other people having a government of its own, for whose wants taxes are laid. There may, therefore, be a public purpose as regards the Federal Union which would not be such as a basis for State taxation, and there may be a public purpose which would uphold State taxation but not the taxation which its municipalities would be at liberty to vote and collect. The purpose must in every instance pertain to the sovereignty with which the tax originates; it must be something within its jurisdiction so as to justify its making provision for it. The rule is applicable to all the subordinate municipalities; they are clothed with powers to accomplish certain objects, and for those objects they may tax, but not for others, however interesting or important, which are the proper concern of any other government or jurisdiction. State expenses are not to be provided for by Federal taxation, nor Federal expenses by State taxation, because in neither case would the taxation be levied by the government upon whose public the burden of the expenses properly rests. To provide for such expenses would consequently not be a purpose in which the people taxed would in a legal sense be concerned.

Here is an authority which establishes in all its length and breadth the very proposition which I announced in the first speech I made on this bill and which my friend from Mississippi so vigorously controverted. He says that the Government of the United States may tax the people for a public purpose not of the United States but of the several States. Judge Cooley says that the public purpose for which a tax may be levied must be a purpose of the government levying the tax and within its jurisdiction to provide for.

I deny that the common schools of these United States are within the jurisdiction of the Congress or the Government of the United States. I deny that proposition. I say that they are within the jurisdiction of the governments of the States, that they are hedged about and encircled by the reserved rights of the States. I deny that the Government of the United States can enter that circle and take charge of those things embraced in it, or that the Government of the United States has the power to impose taxes upon the people for the purpose of going outside of its own jurisdiction into the jurisdiction of the States and expending the money so raised.

The Senator from Mississippi says the Government of the United States has no jurisdiction over the schools in the States, yet he advocates this bill, which appropriates $105,000,000 to be drawn by taxation from the people, to be expended on schools in the States, when Congress, by all the authorities, has no power to tax the people except for a public purpose within its own jurisdiction. The Senator's position is inconsistent and illogical.

The Senator from Mississippi demanded of me to establish the position that the Government of the United States have no right to tax the people of the United States in order to raise money to make gifts to the States. I think I have done this, but will go further. The honorable Senator from Mississippi plants himself upon the doctrine of Mr. Monroe. Mr. Monroe announced the doctrine that is now set up as the true doctrine, while the Senator believes that the Madison doctrine originally was right. What does Mr. Monroe say on this subject? I have here an extract from Mr. Monroe's writings read in a former but recent debate by the Senator from Florida [Mr. CALL] from which I will read.

Mr. Monroe says:

Have Congress a right to raise and appropr te the public money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited government, instituted for great national purposes, and for those only.

"For great national," not State, "purposes." Again:

It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority.

Now mark you. Mr. Monroe says:

The evil to be particularly avoided is the violation of State rights; shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within—

Mark you, "lying within"—

the fair scope and intended to facilitate the direct objects of its powers—

"Of its powers." Are the common schools of the States within the powers of the Government of the United States? If they are, this bill is constitutional. If they are not, this bill is wrong and unconstitutional. According to Mr. Monroe, who announced the federal doctrine, the doctrine upon which my friend from Mississippi has chosen to rest his argument, it was intended that the Government of the United States—

should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

Does that look as if Mr. Monroe intended to go into a State and to assert power over a State institution? That is the authority upon which the Senator from Mississippi planted himself. Mr. Monroe has announced a doctrine which concurs precisely with what I have just read from Judge Cooley. Taxation and appropriation must be intended to operate within the powers of the Government which levies the tax and makes the appropriation, and must be for a national purpose as contradistinguished from a purpose within a State. There is no question of it. The proposition that one government may levy a tax to be expended in another government is preposterous. It is at war with every idea upon which any system of taxation in any representative or civilized government is founded. The taxation that under our Government is legitimate is taxation only for revenue, to enable the Government to exercise its powers and supply its needs.

We have theories of taxation. A tariff for revenue only is one; a tariff for revenue with incidental protection is another; but if the theory of the Senator from Mississippi prevails we must have a third, and it must be a tariff in order to raise revenue to give away.

The whole theory of taxation is that the Government needs it, and I plant myself upon the proposition that not one dollar, as Judge Cooley says, can be taken as taxes not needed to carry out the administration of the Government in the execution of its governmental functions. He says that any taxation not intended for that purpose is not taxation; it is simply taking it by superior force.

Here is a bill before the Senate appropriating $105,000,000 to be expended, not for a national purpose, says my friend from Mississippi, but for a purpose pertaining to the government of the States; this money raised by taxation not to be used as revenue, but to be delivered as a gift to States for a purpose over which he claims that the States have exclusive jurisdiction. I say that whenever he claims that the States have exclusive jurisdiction over public schools he will stultify himself to vote for this bill, and if he votes for the bill and the Federal Government chooses to take charge of the schools of this country he is estopped to deny their power or their right to do so. There is no mode of getting away from that proposition. It can not be evaded; it can not be dodged; it is as inexorable as fate itself.

If the Government of the United States has a right to draw money from the people by taxation to support the common schools of the States, it is because the common schools of the States are a public purpose within the powers of the Government of the United States for which those powers may be put into exercise, and the schools may be partially supported, as this bill proposes, because the Government does not choose to do more; but whenever the Government chooses to do more and to take entire possession of them, the fact that they have the power to make the appropriation is conclusive upon their right to take them and to administer them, because the laws of Congress are supreme within the jurisdiction of Congress.

In order to escape the force of that argument it has been said here that the Government grants public land, and that they have as much right and power to grant money as they have to grant land. The Senator from Arkansas [Mr. GARLAND], who was kind enough to give me a copy of his very able speech printed in pamphlet, devoted the great bulk of his speech to the proof of the fact that from the beginning of the Government to the present time Congress has been granting public lands in aid of education. Nobody has ever denied this; I have never denied it. I have stated that I will vote to-morrow for a bill granting public lands to the States in aid of education, because we have a right to grant them; but we have not the right to grant the people's money taken from them by taxation. The Senator from Arkansas devotes the bulk of his speech to showing instances in which the Government exercised the power to make donations of land in aid of education in the

States. Here is where he makes the only argument that I find in the speech in favor of giving money as well as land:

> And as the Senator from Florida well said, if you could grant lands you could of course grant the money; if you could grant land worth a dollar and a quarter an acre you could grant the dollar and a quarter in money.

That is the Senator's argument. The senior Senator from Mississippi [Mr. LAMAR] stated in his speech that the refinement which would make a distinction between granting land and money was too great for his comprehension, and that if one could be granted so could the other. That is the way I understood him.

Mr. GARLAND. I hardly ever interrupt a Senator, but I should like to ask the Senator from Texas a question.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. COKE. Certainly.

Mr. GARLAND. How did the United States get the lands that were given away by the Government in the instances that I mentioned?

Mr. COKE. They acquired some of them by war and conquest and some by purchase. They got the Louisiana country by purchase.

Mr. GARLAND. That is what I want to get at.

Mr. COKE. They got the Western Pacific slope by conquest.

Mr. GARLAND. Taking those that we got by purchase and for which we had to pay money, if we could pay the money for those lands and grant the lands after we bought them, could we not just as well have given the money as to have given the land?

Mr. COKE. That is the argument that was made by the Senator from Mississippi [Mr. GEORGE], which I would have come to presently. I was simply going to say with reference to that that Congress acquires land like that including the mouth of the Mississippi River, the Louisiana purchase, moved by great principles of public policy, and they get it under the treaty-making power, not under the general-welfare clause. Congress gets that land moved by a sagacity which looks far ahead and sees the time when this country will need all the acquired territory, and especially the mouth of a great inland sea like the Mississippi River.

Mr. HARRIS. And especially to acquire the jurisdiction over it.

Mr. COKE. And especially to acquire the jurisdiction over it, as the Senator from Tennessee suggests.

Mr. GIBSON. Will the Senator from Texas permit me to interrupt him?

Mr. COKE. Allow me to answer one at a time and then I will give way. The Senator from Arkansas asks me, if Congress can pay for land money that is drawn from the people by taxation and can give the land away, why can they not give away the money? If we could imagine an American Congress corrupt enough to go to work to trade for land for the purpose of giving it away the Senator's question would be pertinent; but when all the land we have ever acquired is acquired solely with reference to great national exigencies and purposes, the ownership of the public land is the smallest incident connected with it, and the right to acquire it includes the right to dispose of it. The right to acquire includes the *jus disponendi*.

Mr. GARLAND. Does not that apply to money as well as to land?

Mr. COKE. Whenever you go to war with Mexico, or Spain, or England, or any other nation, and by conquest get hold of money, as a matter of course you have a right to dispose of it; but I say when you make provision in advance for taxing the people for ten years you can not by the Constitution tax the people in order to give that money away. I will read something that Chancellor Kent says on this subject. I stated in my argument the other day a proposition which was controverted by the Senator from Mississippi, that the power of Congress over the public land was absolute. He denied it.

The PRESIDENT *pro tempore*. Will the Senator from Texas suspend for a moment? The Chair understands that President Grant is at this end of the Capitol with a personal friend, a gentleman who is attending him. General Grant of course is entitled to admission on the floor. The Chair asks unanimous consent that General Grant's friend may come with him on the floor. Is there objection? ["None!"] The Chair hears none; and it is so ordered.

Mr. COKE. Here is what Chancellor Kent, a high authority, a commentator upon our Constitution, one of the greatest lawyers and chancellors who ever lived in this country, says:

> Congress have the exclusive right of pre-emption to all Indian lands lying within the territories of the United States. This was so decided in the case of Johnson *vs.* McIntosh. Upon the doctrine of the court in that case, and in that of Fletcher *vs.* Peck, the United States own the soil as well as the jurisdiction of the immense tracts of unpatented lands included within their territories and of all the productive funds which those lands may hereafter create. The title is in the United States by the treaty of peace with Great Britain, and by subsequent cessions from France and Spain, and by cessions from the individual States, and the Indians have only a right of occupancy, and the United States possess the legal title subject to that occupancy, and with an absolute and exclusive right to extinguish the Indian title of occupancy either by conquest or purchase.

Again, says the author:

> The Constitution gave to Congress the power to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States and to admit new States into the Union. Since the Constitution was formed, the value and efficacy of this power have been magnified to an incalculable extent by the purchase of Louisiana and Florida; and, under the doctrine contained in the cases I have referred to, Congress have a large and magnificent portion of territory under their absolute control and disposal.

That is what Chancellor Kent says. I will now refer to what Judge Story says on this subject, and Judge Story is authority anywhere and everywhere. In his Commentaries on the Constitution he says:

> The power of Congress over the public territory is clearly exclusive and universal; and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions or by the ordinance of 1787, under which any part of it has been settled.

There are two great authors, accepted authorities on the Constitution of the United States, who say that the power of Congress is absolute and unlimited. Here is what Judge Story says again:

> In the view of this doctrine, what is to be thought of the recent purchases of Louisiana and Florida? If there was danger before, how mightily must it be increased by the accession of such a vast extent of territory and such a vast increase of resources? Hitherto the experience of the country has justified no alarms on this subject from such a source. On the other hand, the public lands hold out, after the discharge of the national debt, ample revenues to be devoted to the cause of education and sound learning and to internal improvements without trenching upon the property or embarrassing the pursuits of the people by burdensome taxation. The constitutional objection to the appropriation of the other revenues of the Government to such objects has not been supposed to apply to an appropriation of the proceeds of the public lands.

Is not that a great authority? Yet the honorable Senator from Arkansas dismisses this entire question in three lines by saying, "If you can appropriate land you can appropriate money raised by taxation."

I hold in my hand the act approved June 23, 1836, providing for the distribution of the surplus in the Treasury among the several States. At that time there was a surplus of some $28,000,000 found in the Treasury, and a bill was introduced into Congress providing for the distribution of it among the several States. That bill provided for the deposit with the several States of this money in proportion to their representation in the two Houses of Congress subject to the call of the Government of the United States, to be paid back whenever it should be called for. That bill produced a great debate in the two Houses of Congress. Mr. Benton, of Missouri, led the opposition to it. He said then what has proved true since, that the deposit was provided for only as an evasion of the constitutional objection to giving it to the States. He denounced it as a fraudulent evasion of the constitutional objection to giving it to the States. It was money too that came into the Treasury, for the most part, almost exclusively from the sale of the public lands. Mr. Benton contended that it would be unconstitutional to give that money to the States, and he said that the bill was framed in that shape, knowing well that the Government would never call for it, in order to evade this constitutional objection. The Government has never yet called for a dollar of it, and Mr. Benton's prophecy has been literally fulfilled.

I challenge gentlemen who have not examined that debate to examine it. They will find that the friends of that bill—the men who voted for the distribution—placed their votes upon the ground that there was a casual, unexpected, unusual, unlooked-for amount in the Treasury and they would vote for its distribution, but each one of them declared that he would never vote for and Congress could not constitutionally legislate a surplus into the Treasury in order to give it to the States, as the pending bill proposes to do. That was declared by the friends of the bill—by the gentlemen who voted for it. They said they voted for it because the money was unexpectedly in the Treasury, and the General Government had no use for it, and therefore they would vote to deposit it with the States; but they deemed it necessary to say that they would never legislate to collect a surplus in order to distribute it, because they believed it would be unconstitutional to do it. The history of those times show these facts.

Mr. President, here are gentlemen claiming it to be in the power of the Government to tax the people, to send the tax-gatherer among them and take of their substance and give it away outside of the jurisdiction of the Government, who claim that that power exists because the United States Government has habitually been giving lands to the cause of public education. That is their great argument in support of this bill. In the one case the very definition of the term "taxation" forbids any such disposition of it, while the other stands confessedly within the unlimited and absolute power of Congress, without any restraint whatever upon Congressional discretion. That is the difference between them.

The Senator from Mississippi [Mr. GEORGE] hinged his argument very largely on the clause of the Constitution governing public land as including money under the term "or other property." Section 3, article 4, of the Constitution reads thus:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The Senator from Mississippi says that the words "or other property" include money raised under the general-welfare clause by taxation. I will read to the Senate from Paschal's Annotated Constitution. I have the report here on my desk to which he refers. Says the author:

> And the same power of making needful rules respecting the territory is in precisely the same language applied to the other property belonging to the United States, associating the power over the territory in this respect with the power over movable or personal property—that is, the ships, arms, and muni-

tions of war which then belonged in common to the State sovereignties. And it will hardly be said that this power in relation to the last-mentioned objects was deemed necessary to be thus especially given to the new government in order to authorize it to make needful rules and regulations respecting the ships it might itself build or arms and munitions of war it might itself manufacture or provide for the public service. (Scott vs. Sanford, 19 Howard, 436.)

The court held in that case that this clause of the Constitution referred only to the public lands and territory, and to the personal property in possession of the Government at the time of the formation of the Constitution. One of their arguments in support of that position was that it would not be deemed necessary to give special power to Congress to dispose of its ships and movable property that it should acquire afterward because the power to acquire would include the power to dispose of this property. But I find that this clause is still referred to and regarded by the different commentators on the Constitution as governing later acquisitions of territory. But the argument of the court in the Dred Scott case shows that it was not necessary with reference to the newly acquired territory to have this clause, because if Congress had the power to acquire the territory, it had full power over it and to dispose of it; so it all amounts to the same thing anyhow. The honorable Senator from Mississippi hinges his entire argument upon a construction of this clause which makes the words "or property" mean money in the Treasury and placed there by taxation, which he says Congress may give away at pleasure, just as Congress may give away the public lands.

I will refer in this connection to something that was said by the Senator from Mississippi. In the beginning of his speech he said:

That the phrase "to provide for the general welfare of the United States" used in the taxing clause which I have read is not a substantive, distinct, and independent power, under which Congress may do anything deemed by it to be conducive to the general welfare, is, I think, now well settled in the practice of the legislative and executive departments, as well as by the decisions of the courts. That the Federal Government is one of delegated, limited, and enumerated powers is not now, I believe, denied.

It seems to be conceded that whenever we exercise a power we are bound to look to the Constitution for it; and that any exercise of a power not granted by the Constitution is on our part a pure usurpation. These are my views, at least, and I shall adhere to them.

Here is a declaration of State rights upon which Mr. Jefferson would have been content to have rested himself. He would have been willing to go to the world on it, for Mr. Jefferson never made a clearer or stronger statement of State-rights doctrine than the honorable Senator from Mississippi did in making this statement of the views which he says are his and which he says he intends to adhere to. In the very next column the Senator from Mississippi says:

Mr. President, if it were a new question, if I were at liberty to put for the first time a construction on the words in the taxing clause of the Constitution "to provide for the general welfare," I would say that the provision for this welfare must be by an appropriation of money to carry out some one or more of the grants specially enumerated in subsequent clauses of the Constitution. I believe Mr. Madison's view on that subject was the correct one as an original question. But, sir, that construction is no longer possible. Congress has exercised, with the consent and approbation of the people from the very beginning of the Constitution to the present time, the power to appropriate money for purposes which they judged were for the general welfare and outside of the scope of the other powers specially enumerated in the Constitution. It is now settled that Congres may appropriate money not intended to carry out any specific grant of power, but solely to provide for the general welfare of the United States.

His first would have made Thomas Jefferson happy; Alexander Hamilton would have gone into ecstacies over the last. He says the clause of the Constitution that I read just now converts property into money. He says that under the general-welfare clause Congress may tax indefinitely, and that under this other clause Congress may give away indefinitely.

Mr. GEORGE. That is your view of my position; that is all.

Mr. COKE. I have your language here; let the country judge it. I would not misrepresent the Senator, but I do say that the honorable Senator has taken the ground here, and his speech is printed, that Congress may tax under the general-welfare clause, may appropriate under the general-welfare clause, outside of any specific grant in the Constitution, and he steps down to this other section and by a violent transformation, negatived by every judge and everybody else who has ever construed it, and changes the word "property" into "money," and with the two clauses together gives Congress the power over the people of this country and their property and their revenues that the Czar of Russia in his wildest dreams never imagined himself possessed of over his subjects.

The Supreme Court of the United States in Loan Association vs. Topeka, reported in 20 Wallace, through its organ Justice Miller, discussing and denying the unlimited power of taxation and appropriation, said:

It must be conceded that there are such rights in every free government beyond the control of the state. A government which recognized no such rights, which held the lives, the liberty, and property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power is after all but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is none the less a despotism. It may well be doubted if a man is to hold all he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to that happiness, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many. The theory of our Governments, State and national, is opposed to the deposit of unlimited power anywhere. The legislative, the executive, and the judicial branches of these Governments are all of limited and defined powers.

Where, I ask, is the limit to the taxing power of this Government if we may go outside of the objects embraced in the grants and purposes of the Constitution and appropriate the people's money at will, give it away, as Senators say we can, on objects outside of the jurisdiction and powers of Congress? The power of taxation, which we all admit to be necessarily unlimited as to amount, when coupled with the unlimited power of appropriation, without reference to the ends and aims and purposes prescribed in the Constitution, claimed by the supporters of this bill, creates exactly the despotism so graphically portrayed by Justice Miller.

The honorable Senator started out apparently to perform the impossible feat of riding two horses at the same time going in different directions. He advanced State-rights doctrine in the commencement of his speech that would satisfy the mind of the strictest of State-rights people, and when we get through with his argument we find him asserting powers for Congress which in my judgment have never before been claimed by any public man of high position in the United States.

The Senator is seeking to get a share in this bill without taking it with the conditions that attach to it. He says distinctly that the Government of the United States have no power over the subject of education in the States. He says the Government of the United States can make a gift of this money, but that they have no power and no authority to say that a State shall take it. There is where I take issue with him. The Government of the United States have no power to make this appropriation unless the purpose is one within its constitutional jurisdiction, and if it is within its constitutional jurisdiction it has the power to enforce it in the States. There can be no middle ground. You can not take this money and say the Government have no right to follow the money and prescribe the conditions under which it shall be expended and how it shall be expended. You are seeking to establish the power of this Government to make this appropriation, and when you establish that power you establish the jurisdiction of the Government over the public schools of the States, because unless it has that jurisdiction it has not the power to make the appropriation.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. COKE. Certainly.

Mr. GEORGE. If it be true that the power to control the education of the States necessarily results from the power of Congress to make a donation or appropriation in aid of it, why does not that same result follow from an appropriation of land?

Mr. COKE. It is not an appropriation but a donation of land.

Mr. GEORGE. A donation, then. Call it a donation. I shall not have a quibble about words. If Congress possesses the power to give, to appropriate, to donate, or to use money in the aid of education, and that power necessarily involves the power to direct and control education in the States, then I ask the Senator to answer the question why does not the same result follow from the same power with reference to lands?

Mr. COKE. For this reason, I will say to the Senator——

Mr. GEORGE. Now let us have it.

Mr. COKE. I think the Senator has not been paying much attention to my remarks.

Mr. GEORGE. I have been paying a great deal of attention to them.

Mr. COKE. I flattered myself that I had already explained that subject to the satisfaction of those who listened to me. It is for this reason: Congress, as Judge Story says, as Chancellor Kent says, as the Supreme Court have said in numbers of instances, possesses absolute, unlimited power over the public lands.

Mr. GEORGE. That does not answer the question. The question is whether, conceding Congress to have a certain power, another power necessarily results from that. I do not deny the power of Congress to make the appropriation of land. I do deny that when Congress makes the appropriation it can control the educational system of the States. The Senator's argument is as to money raised by taxation, that if you grant the power to give, to appropriate, to donate, you concede the power to manage and control. Why does not the same result follow when you concede the power to grant land? Is there anything in the nature of land as compared with money which would make the distinction?

Mr. COKE. The distinction is here: that Congress has no power to levy taxes and to collect money except for purposes within its constitutional jurisdiction, except to advance purposes over which it has constitutional power and where the duty rests upon Congress to give it. That is the theory of Mr. Cooley; that is the theory of Mr. Monroe; that is the theory of taxation itself. You can not lay taxes except for revenue, and revenue means money needed to execute the powers of the Government. I ask you what powers of the Government, under your construction, are being executed by the revenues paid into the States for the common-school system? In reference to land, the land is under the absolute and unlimited power of Congress. The principles applicable to taxation do not apply with reference to lands. All of our authorities, our commentators, our statesmen, our judges, admit that the Government is the proprietor, the owner of the lands, and may do with them as the Government pleases —give them away, sell them, or do anything it pleases with them.

Mr. GEORGE. Will you allow me to interrupt you again?

Mr. COKE. Certainly.

Mr. GEORGE. I wish to call the attention of the Senate and of the

Senator himself to the fact that he evades the question which I put to him. The question is not as to the power of Congress to give this money or the power of Congress to donate land, but conceding them both for the purposes of the argument, the question I put to the Senator is, why is it that the constitutional power, if it exists, given to Congress to appropriate money involves the power to invade the States and to destroy their institutions when the same constitutional power to grant lands, unlimited as the Senator says, does not involve the same consequence?

Mr. COKE. It is in consequence of the difference between the public land and money raised by taxation. The Government has no right to raise money except when it needs revenue in order to enforce the powers of the Government, and land comes to the Government and is held by the Government as a proprietor, without limit, absolutely.

Mr. BECK. Will the Senator from Texas allow me to make a suggestion?

Mr. COKE. Certainly.

Mr. BECK. The Government of the United States can give homesteads to men from all over the world as soon as they declare their intention to become citizens of the United States, and they do it. Can the Government of the United States tax the people to give those foreigners money to buy the land with?

Mr. GEORGE. And, let me ask, can it tax the people to buy the land out of which it will give the homestead?

Mr. BECK. It never did, and never thought of it; but if it acquires the land legitimately, the right to dispose of it comes with the possession. The Government does give homesteads to foreigners, but it can not tax the people to give those foreigners money to buy land with.

Mr. GEORGE. Every single acre of land that we own west of the Mississippi River——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair wishes to ascertain whether the Senator from Texas, who is entitled to the floor, yields to the Senator from Mississippi.

Mr. BECK. I beg pardon.

Mr. COKE. I will yield for a moment longer.

Mr. GEORGE. Every single acre of land that the United States ever owned west of the Mississippi River, every acre that it ever owned in Florida, Alabama, or Georgia, was bought by money raised by taxation.

Mr. BECK. Allow me just to add to that——

Mr. GEORGE. In a moment.

Mr. BECK. I will sit down, then. I asked the question.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Mississippi or to the Senator from Kentucky?

Mr. COKE. I will yield for a moment.

Mr. GEORGE. I would be glad to say a word.

Mr. BECK. Just this moment and I am done.

The PRESIDING OFFICER. The Chair intends to understand who has the floor.

Mr. GEORGE. I am entitled to the floor, the Senator from Texas having yielded to me.

Mr. COKE. I am willing to yield for a moment to either Senator.

Mr. BECK. I did not expect to interfere in the matter, but I will now ask the Senator from Mississippi whether or not this Government has the right to give homesteads of its lands to anybody, and if it has not done it? Has it not?

Mr. GEORGE. Are you through with your question?

Mr. BECK. No; that is the first one. I assume that you will answer, "Yes; it has." Now, having done that, having done it rightfully, has the Government the right to tax this people to raise money to give to those men to buy land with?

Mr. GEORGE. I will take the Yankee way of answering the Senator, by propounding to him another question. If the Government has a right to give land for purposes of homesteads, has it a right to tax the people of this country to raise the money to buy the land to make the gift? I mean to say right here, that not one single homestead has ever been granted out of any land belonging to the United States except land purchased by the taxes of the United States. Then let me answer the Senator's question further. I deny the right of the Government, as a donation to a private individual, to grant homesteads. I deny that the Government can select out A, B, or C, or the citizens of this locality or that locality, and donate to them land. The homestead law is an offer to every man in the United States of land upon condition of settlement.

Mr. COKE. Now, I think I have been very courteous in yielding to Senators; and I wish to resume the floor.

Mr. GEORGE. Very well.

Mr. COKE. With reference to land, when the Government goes to war and makes a conquest of the land, and when great commercial considerations, great considerations of State and national policy, make it proper that Congress should purchase land, as it did the mouth of the Mississippi and Louisiana and other territory, the ownership by the Government of the land is a mere incident to the performance of a great act of public policy. I grant the Senator that if he could find a Congress corrupt enough to go to work deliberately to make an appropriation for the purchase of lands in order to get an opportunity to give them away it would be evidence that the American Government was about on its last legs anyway, and therefore I do not think that his argument upon that point rises to the dignity of respectable sophistry.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. COKE. Certainly.

Mr. GEORGE. The Senator's argument is that the validity of a disposition of lands made by an act of Congress does not depend upon the purpose and the end to which the land is donated or disposed of, but on the secret intent which the members of Congress may have had in reference to it.

Mr. COKE. Oh, no; you can not put that construction upon it when you understand my argument, and as I think the country, so far as it gives any attention to the subject, will understand it. I mean to say that the great taxing power of this Government, granted to enable Congress to discharge its functions and carry on the Government—that power which Chief-Justice Marshall described truly when he said "the power to tax is the power to destroy"—can not be used because of limitations in the Constitution, and others not written in the Constitution but inherent in every free government, to raise money to be dealt with and used at the will of Congress, as the public lands can be, which Congress confessedly have absolute, unlimited, and unquestioned power and control over.

Mr. BUTLER. And land is acquired in a very different way from money.

Mr. COKE. Of course. They have been acquired by war, by diplomacy, by treaty, and by purchase, not for the purpose of giving to Congress a chance to give them away, but in pursuance of a grand national policy looking to the future of a great people. Money raised by taxation was expended in their acquisition, it is true, but when acquired and brought into possession the Government became the proprietor of them, and the absolute power of Congress attached to them. To hold that because Congress in exercise of the unlimited power the Constitution has given it over these lands has given them to the States for various purposes as donations, therefore Congress can use the great and destructive power of taxation, limited and guarded as it is, confined and jealously restricted as it is in the Constitution, to raise money to give away, seems to me utterly devoid of reason or logic.

The Senator from Mississippi is the only Senator who has essayed an argument upon this point. The argument of the Senator from Arkansas [Mr. GARLAND] is contained in four lines. The Senator from Georgia [Mr. BROWN] says the argument of the Senator from Arkansas is conclusive. The senior Senator from Mississippi [Mr. LAMAR] says that the arguments which distinguish between the right to give land and money are too refined for his comprehension.

Mr. LAMAR. The distinguished Senator from Texas has not done me the honor to give the attention to my argument which I always accord to his.

Mr. COKE. I will say to the Senator, if he will permit me, that I read it very carefully, all of it.

Mr. LAMAR. I will repeat what I said. My remark was that the subtleties about the distinction between the grant of lands and the appropriation of money were not beyond my comprehension, as the Senator states it, but that they did not satisfy my mind.

Mr. COKE. I will stand corrected. I did not intend to misrepresent you.

Mr. LAMAR. The application, however, will also follow different from the Senator's application of it. The distinction is as old as the hills between the relation which the Government stands to its land as a proprietor and its relation to its revenue, to which it stands simply as a fiscal agent for collection and disbursement. I understand that distinction; but my point was, and I will ask the Senator's attention to it, conceding the distinction, supposing that you could drive a coach and four between the two classes of powers in the relation of the two, the intervention by Congress in the educational affairs of the State is the same; in other words, that the appropriation of money to educational purposes carries the Federal Government no further into a State than the donation of land carries the Federal Government into a State. The constitutional objection, the danger apprehended, is not the thing granted, but the purpose for which it is granted; and it makes no difference whether it be land or money, either carries the Government as far into the State as the other and no further.

Mr. COKE. Mr. President, the difference between the Senator and myself is simply this, that I say the Government has not the power to collect money from the people for the purpose of paying for education in the States, because it is not in pursuance of one of the powers of the Government, whereas having acquired land over which it has unlimited power, it may give it to the States for education if it pleases. The difference is in the mode of acquiring the two things and in the powers given by the Constitution over them respectively.

Mr. LAMAR. The Senator will permit me to state my point. If I understand the Senator, his point is that the appropriation of money for educational purposes being attached to a limited power carried the Government further into a State than the donation of land, which is the result of an unlimited power.

Mr. COKE. The Senator does not understand me or I do not understand him, and I suppose we shall have to remit the matter to others to judge between us.

Mr. LAMAR. Owing to my obtuseness altogether.

Mr. COKE. I do not say that at all. I only state the fact and I will let everybody determine where the trouble is. I do not understand the Senator or he does not understand me. I say that you are providing in this bill for an appropriation of $105,000,000 to be collected by taxation from the people, which you say shall be applied not in execution of any of the powers of this Government, but to sustain public schools in the States, a purely State institution. I say the very definition of the word "taxation," the very definition of the term "revenue," shows that you have no right to collect this money from the people except in pursuance of a constitutional power to expend it upon some object within the jurisdiction of Congress. That is my position. It was not acquired for the same purpose as land. We find land in the possession of the Government and the Government gives it away to anybody and everybody, gives it to soldiers and sailors as bounties, gives it to homesteaders, gives it to railroad companies, gives it to agricultural colleges, gives it for anything and everything just because Congress has an unlimited and unstinted and absolute power over it, in the language of Judge Story, and can give it just as it pleases.

Any one who asserts that Congress has the same power by taxation under the general-welfare clause to fill the Treasury with money and then under the same clause give it away just as it would give away land asserts a construction which makes a government as absolute in the hands of Congress as ever existed on earth, without limitation and without obstruction in the exercise of its will. Gentlemen can not get away from it. No, Mr. President, the proposition is a plain one. Gentlemen can not escape it. He who votes for this bill estops himself to deny the jurisdiction of Congress over the subject of common schools in the States, because unless Congress has the jurisdiction over that subject no power rests in Congress to tax the people to raise the revenue to apply to that purpose.

Mr. GEORGE. May I interrupt the Senator?

Mr. COKE. Yes, sir.

Mr. GEORGE. Very well; I deny the unlimited power of Congress to donate public lands. I said this:

> Senators will not, I take it, contend for such an absolute and unrestricted power. Then there must be some limitation on it. Where do we find the limitation? I find it only in the general objects and purposes of the Constitution as expressed in the clause limiting the power of Congress in reference to taxation; that the appropriation must be for the common defense or the general welfare of the United States. If this is not the limitation, there is none.

Then again I said:

> But, sir, as money is property, and the clause relied on by the Senator from Texas gives the same power over "other property belonging to the United States" as over territory or land, what authority is there for saying that the power given in this clause does not extend to money as well as to land, or for saying that all money is included within the power except money raised by taxation? There is none that I can perceive, and none has been suggested by that distinguished Senator, and none can be pointed out. So, sir, I insist that whoever, like the Senator from Texas, holds that Congress may, under the third section of article 4 of the Constitution, give land to aid in education, must, as a grammatical as well as logical necessity, concede that Congress may give any "other property belonging to the United States," including money.

It was but the *reductio ad absurdum* of the Senator's argument, and if the Senator is incapable of understanding my position he is incapable of understanding his own.

Mr. COKE. Everybody can judge for himself on this subject. I use my own judgment, the Senator may use his, and everybody else may use his. Here is the language of the Senator from Mississippi:

> The limitation upon the power of Congress over the land is that the land shall be disposed of for the general welfare.

Now, I take issue with him upon that, and say there is no limitation at all. Mr. Story says there is none, the Supreme Court of the United States says there is none, and Congress itself in hundreds of instances has said there is none by making grants of lands to particular States and particular charities and for purposes not affecting the general welfare. Congress can dispose of the lands as it sees proper, and the fact that it gives lands for agricultural colleges in all the States has never been held to be anything else than a grant to a particular interest in the particular States that received them. So with the individual who gets a homestead; so with the individual who gets bounty lands for military or naval services; so with those who get lands as a gift for building railroads. These do not come within the purview of the general welfare as maintained by the Senator from Mississippi. Nobody ever contended that they did. Nor has anybody but the Senator from Mississippi that I ever heard of ever yet denied the absolute, unqualified power of Congress to deal with the public lands just as it suits the will and pleasure of Congress to deal with them. Congress has granted repeatedly lands to individuals, to States, to corporations without reference to the general welfare, and a grant has rarely if ever been made by Congress of lands under such circumstances as to affect the general welfare.

Mr. President, universally on the other side of the Chamber Senators say it is the duty of the National Government to take hold of the subject of education in the States. With the exception of the Senator from Mississippi and the Senator from Arkansas everybody who has spoken in behalf of this bill on this side of the Chamber has declared it to be a duty of the General Government to take hold of this question of education in the States. If it is a duty, whence comes the duty? Can a duty be devolved upon the Government of the United States except through its great organic law, the Constitution? If the Constitution, either the original or the original with its amendments, as the Senator from Georgia [Mr. BROWN] said, as my friend from Alabama [Mr. PUGH] said, as all the gentlemen on the other side say, if the Constitution and the results of the war devolves the duty on Congress of taking hold of this question and making this appropriation, the Constitution never devolves a duty without conferring a corresponding power. If, then, there is a duty of this character resting upon Congress, there must be a corresponding power to take hold of the subject; and if the power to take hold of the subject exists, the power of Congress wherever it goes is paramount and superior to that of a State. When Congress takes hold of it, its jurisdiction over that subject is absolute and supreme. This is unquestionably true. I deny that any such duty exists. Gentlemen who demand this appropriation and assert the duty of Congress to make it estop themselves from denying the power of Congress to take hold of the subject of common schools and administering it in all the States. You can not get around that proposition. If it is a duty resting on Congress, there is no duty resting on Congress without the power goes with it to execute it.

My friend the Senator from South Carolina [Mr. BUTLER] suggests to me that the bill requires, as I had forgotten to state, the consent of the States to its execution in their limits. Then it is conclusive upon the face of the bill that Congress has no right to make the appropriation, because if it had the right and the power to make it and it was its duty to make it, it would have the power without the consent of the States. There is no question about that.

The honorable Senator from Mississippi says Texas need not take any of it unless she wants it. Unfortunately if the power exists with reference to one State it exists with reference to all. Texas can not exempt herself from the conditions attached to all the other States. If Congress has the power to make this appropriation, if it is the duty of Congress to make it, Congress must necessarily have the power to make it, and if Congress has the power to make it Congress can enforce it upon Texas and upon all the other States whether they desire it or not.

I believe there is no constitutional warrant for this bill. I am opposed to it also as a matter of expediency and policy. I believe that this bill is but the beginning. I believe that it is a Pandora's box from which only evil will come to the country. I believe that the Senator who votes for it if he lives five years will see that he has committed the mistake of his life in supporting it.

Mr. President, as soon as this bill passes the confession is made that the National Government can take charge of the common schools of the States. The question becomes a national one at once; it goes into party politics at once. Do you not know what that means down South? Our brethren of the North have, comparatively speaking, no negro population among them; it will not affect them, but it will affect vitally the States of the South.

Look at our postmasters in the South; look at our other Federal officers and at those who gather about them. My colleague and myself receive appeal after appeal daily from people in my State, signed by hundreds, saying, "For God's sake try to keep the Postmaster-General or the President from removing A B; he is a Republican, but he is an honest, good man, and acceptable to us, and if he is removed a stranger that we know nothing about will be put in," and when we go to the Postmaster-General or President what does it amount to? We can do nothing. Let your public schools be taken charge of by the Federal Government and your children placed under the charge of its instrumentalities while the present party remains in power, and you can imagine in every neighborhood, in every school-house, what the consequences will be; you can imagine how trouble will be fomented, how demagogues will stir up passion and strife, how the authorities of the Government remote from the scene will be made to believe things that do not exist in order that other things may be done more distasteful to you. Do you not know how things will go? The honorable Senator from Ohio [Mr. SHERMAN] the other day in his remarks said, "We have mixed schools North; our people do not object to them." How long would it take to raise the question of mixed schools? How long will it take to impress Northern sentiment, where they have mixed schools universally, that as the General Government pays all expense, the white and colored should go to the same schools in the South as in the North? How long will it be? It will not be two years. The negroes will be put up by bad men to demanding equality, mixture of schools, and it will not be two years before party platforms will be formed with planks in them on this subject.

These results I see as plainly as I ever saw anything in the future. And why shall we do this thing? Why shall we walk into what, whether so intended or not, will prove a pitfall and a snare? Why shall we walk into it and surrender the powers of our home governments? Has it never occurred to any gentleman that if under the general-welfare clause Congress may make appropriations for the common schools of this country, that if under the general-welfare clause Congress can take charge of a subject like that confessedly within State jurisdiction, it can take hold of anything else among the domestic concerns of a State, and there is nothing that Congress can not do, because Congress legislates for the general welfare, and is itself the judge of

what the general welfare requires; there is no limitation. Congressional discretion is the sole limitation upon Congressional power. A majority of Congress, if you admit their power over the common schools of the South, can take any other attribute of State rights and deal with it at will. Congress can regulate marriage and divorce, the descent and distribution of property, the laying out and making of roads—anything that Congress may determine is for the common defense and general welfare if this construction of the Constitution is to obtain and this bill is to pass Congress.

Mr. President, it requires no spirit of prophecy to predict what will occur if this bill passes. I refer gentlemen who are skeptical to the utterances of the Senator from Ohio on the other side of the Chamber. Who voices the public sentiment of his party or of the North more thoroughly and with greater fidelity than the distinguished Senator from Ohio on the other side? He is one of the great men of the Republican party, and in truth is one of the great men of the country. He says that he wishes, for instance, not to give Alabama a million dollars to be distributed as she pleases, but he desires Federal agencies to see to it that that million dollars is expended the greater portion of it in the black belt, because the mass of ignorance is there. Do you not see? He asserts here:

> If the United States have the right to appropriate the money, they have the right to say upon what conditions the money shall be expended. If they say we will aid the South or the Southern States to educate their illiterate children, then the United States have the power and the right to set out the principles and conditions or limitations of that grant. The greater includes the less; and if the power is given to make these appropriations at all, the power is also given to say for whose benefit the money shall be expended, how it shall be expended, where and when and how apportioned, and for what purposes. That is as clear a proposition as can be shown in Euclid or any other mathematical work.

This is but the beginning; and when you read what the honorable Senator from Ohio says now you see that he claims full power over the entire subject. I deny it. You gentlemen who support this bill concede it of necessity. The whole power is not sought to be exercised now, but as surely as the sun sets in the evening and rises in the morning it will grow and grow as party politics roll the question over, until the National Government will claim the right to take charge of the public schools and to administer them through its own instrumentalities; and if you admit the power of the Government to make this appropriation you inexorably estop yourselves from denying the power of the Government to take full control whenever the Government chooses to do so.

It takes no prophet to tell what will occur. Those who are familiar with the course of events for the last twenty years will remember many things that seemed extremely improbable which are accomplished facts now. The most pitiless, the most relentless, the most cruel and remorseless tyranny that ever moves men to action is partisan heat and partisan spirit; and once let that question get into politics, and all the negroes and their allies be warmed up on it, and they will claim the last particle of power for the Federal Government and the Republican party will concede it to them. The money being expended by the National Government, they will say we have a right to control these schools. They will control them, and the worst and most odious phase of the race trouble will be upon you and be there to remain.

That is my honest and candid opinion. Gentlemen who advocate the bill on this side, all except the Senator from Mississippi and the Senator from Alabama, who deny the power of control, all put it on the ground of duty under the amendments to the Constitution, and that duty carries with it necessarily the power to execute and discharge the duty.

Mr. GARLAND. Does the Senator except the Senator from Alabama or the Senator from Arkansas?

Mr. COKE. I stated to-day that the Senator from Mississippi and the Senator from Arkansas were the only gentlemen who have spoken on this bill who do not claim it to be the duty of the Government, on account of the recent amendments and the results of the war, to take hold of this matter of education.

Mr. President, we have an overwhelming amount of testimony from all quarters, and especially from Dr. Mayo, the great educator and philanthropist, of Massachusetts, and Professor Smart, superintendent of schools in Indiana, both of whom have been all over the South and spent a great deal of time there, that the people of the South are doing their whole duty heroically in the cause of general education, and that they have accomplished wonderful results in the last fifteen years, and that great improvement is being made annually; indeed, that the improvement is greater now than at any other time heretofore.

This testimony presented by both the Senators from South Carolina and by the senior Senator from Mississippi shows that difficulties which seemed insurmountable have been overcome, and that the good work still goes on with ever-increasing vigor and earnestness.

Why, when we are doing so well, shall we abandon the good work that our people are engaged in so successfully and so heroically, a work which when it is accomplished will make them feel like men who have achieved a great end? Why, I say, shall we throw difficulties in the way of the great work by lending means which will cause them to relax their own efforts and look alone to the National Government?

Why not keep on with our own work? As an American citizen, as a patriot who desires to see men and women in this country, stalwart men and women, capable of grand and heroic deeds, men and women who can maintain local government at home and when necessary the integrity of the Union against foes from abroad, I want to see that sort of population raised; they are the mainstay of the autonomy of the States and of the integrity of the Union.

I say let this bill alone; let the people alone; let them go on in their own way, for they are doing well now. The time is not far off when you will find all the illiterates of the South brought under educational influences, and influences that are deeply rooted, because cultivated at home, influences that will last, and you will find prosperity all over that land.

Now, Mr. President, I have said about all I desire to say in reference to this bill and a great deal more than I intended to say when I got up. I feel strongly, I feel earnestly and deeply, the unwisdom of the bill as well as its gross unconstitutionality.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. PLUMB] that the bill be recommitted to the Committee on Education and Labor.

Mr. SAULSBURY. Mr. President, it is with considerable embarrassment that I rise to address the Senate after so able, exhaustive, and conclusive an argument as that to which the Senate has just listened. I think the opponents of the bill might well rest their opposition on the argument which has just been submitted by the Senator from Texas [Mr. COKE], an argument that I think is unanswerable and conclusive of the whole question. But as I shall have to vote on the bill, I desire to make some remarks in justification of the vote which I shall give.

At the commencement of this debate, or very early in the debate, I expressed my opposition to the bill and assigned some of the reasons on which that opposition is based. I then said that I did not believe there was any constitutional warrant or authority for Congress to pass the bill, and that if such authority existed I believed the passage of the bill would be injudicious and unwise. Subsequent reflection as well as everything that I have heard in the debate has but confirmed the opinion which I then expressed. All that I have heard satisfies me that there is no justification for the collection of revenue from the people of this country and its application to the subject of education in the States; and all that I have heard in debate in reference to the impolicy of the matter has strengthened my conviction on that subject. If the power existed, if Congress had ample authority to make the appropriation of money, it would be the most unwise measure that has passed the Senate for years.

I ask the friends of this measure to point out the power upon which they predicate the right of Congress to pass the bill, for I confess that after listening to all the arguments that have been presented there has been no substantial reason deduced from the Constitution to justify the opinion that Congress has authority to pass it.

The Senator from Arkansas [Mr. GARLAND] on another question, I believe upon the resolution of the Senator from Kansas [Mr. PLUMB] in reference to diseases among cattle, found authority in what is generally known as "the general-welfare" clause of the Constitution to make that appropriation and to make all similar appropriations, and I think he referred to that provision as sustaining this bill. That Senator gave a construction to that clause of the Constitution which he thought warranted the expenditure of money for the purposes mentioned in the resolution of the Senator from Kansas, and if I understood him, also for this educational scheme, and he cited various appropriations that had been made by Congress as justifying that construction. The only limitation the Senator from Arkansas placed on the power to appropriate money by Congress was that it must be a matter of a public, general nature, and if I understood his argument aright he contended that Congress had clear and indisputable authority to make appropriations from the public Treasury for any and every purpose that it might think promoted the general welfare. The views of the Senator from Arkansas have been adopted by all the friends of this bill to whom I have listened in this debate. They have all placed the authority for the passage of the bill on the clause of the Constitution relating to the general welfare.

I can not concur in the construction placed upon that provision of the Constitution by these Senators. If their construction is correct, there was no need for any of the specific grants of power given to Congress in the Constitution. Under that clause, if their construction is correct, there is no limitation upon the power of Congress in the appropriation of public money or the objects to which such appropriation could be applied. Congress could have raised and equipped armies and built navies at pleasure without specific grants of power for that purpose. In fact, if under the general-welfare clause it could raise and appropriate money at pleasure and apply it according to its own will and discretion, many of the specific grants of power were not only unnecessary but superfluous and unwise.

I am aware, Mr. President, that the construction put upon that clause of the Constitution by the friends of this bill has been insisted upon before. The advocates of every scheme to take money out of the public Treasury for any and every purpose frequently intrench themselves behind this construction of that provision of the Constitution; whenever no other authority can be invoked they fall back on the general-welfare clause and find authority in that for every purpose which they desire.

The words "general welfare" occurred in the Articles of Confedera-

tion, and their import as there used was plain and obvious. Under the Articles of Confederation no authority was given to Congress to raise revenue by taxation of any kind; but Congress called upon the States for contributions, which were voluntarily made by the States, and formed a common fund for the maintenance of the Confederation. The eighth article of confederation provided:

> All charges of war and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The meaning of the words general welfare as used in that article simply import that the common fund supplied by all the States should be applied to purposes in which all had a common interest in contradistinction to local objects in which only some of the States were interested.

The same words incorporated in the eighth section of article 1 of the Constitution have the same meaning that they had in the Articles of Confederation, namely, that the money raised by taxation must be applied to purposes in which the people of all the States are alike interested in contradistinction to purposes in which only a part are interested. Congress is to provide for the common defense and general welfare of the United States by the application of the money which is collected in carrying out some one or more of the powers mentioned and granted in the Constitution. This was the construction contended for by Mr. Madison and others who made the Constitution, the construction acted upon by the men who formerly sat in this Chamber, who knew what was intended by the fathers of the Government, and felt compelled to respect and obey that intention. Any other construction of that provision of the Constitution places the taxing power in Congress, to be used for any purpose which the whim or caprice of a majority of its members may declare to be for the general welfare of the country.

Can any one believe that the members of the convention which made the Constitution or the States they represented intended to grant to Congress an unlimited power of taxation, unlimited as to the amount which might be extorted through this power from the people of this country and unlimited as to the objects to which it might be appropriated? We all know from the debates in the convention and from the history of that period with what reluctance the taxing power to any extent was conferred upon the Federal Government. The people of this country had felt the oppression of the taxing power claimed by the British Parliament, and had been driven by such oppressions into revolution to relieve themselves from it. They were therefore naturally reluctant to grant to the Federal Government, formed by the Constitution, any measure of the taxing power which had oppressed them while under British rule. Nothing but the failure of the States to respond to the calls made upon them for contribution under the Articles of Confederation would have induced them to grant any power of taxation whatever to Congress.

Can it be supposed that with this distrust and apprehension of Federal power they intended to confer by anything in the Constitution an absolute power in Congress to lay and collect duties, imposts, and other taxes for any and every purpose and to any extent which the caprice and whim of a majority of Congress might suggest? Such a conclusion is not only unreasonable, but preposterous and absurd; yet such an unlimited power of taxation is claimed by the friends of this bill in the construction which they place upon that clause of the Constitution relating to the general welfare. Again, I repeat, if the construction contended for by the friends of this bill is correct, then many of the grants of power enumerated in the subsequent clauses of the eighth section of article 1 of the Constitution are useless, conferring no authority but what could have been exercised under the general-welfare clause.

I ask, Mr. President, if this construction of that clause is correct, could not Congress, without any specific grant of power in that direction, have raised armies for the defense of the country; could they not have raised and maintained navies for the defense of the country, and, in a word, could they not have done anything which in their judgment tended to promote the general welfare of the country?

There have always been in this country, as there are to-day, persons in private and official positions who favor a loose and latitudinarian construction of the powers of the Federal Government. Such men were in the convention that formed the Constitution and endeavored to embody in that instrument provisions which would give to the Federal Government the most ample powers and which would have deprived the States of rights essential to the welfare of the people. Failing to secure these extended powers in the Constitution, those who favored these views on Federal power have sought to obtain by construction of the Constitution the powers for the Federal Government which were denied by the convention.

The struggle between the advocates of Federal power and those who insisted upon a strict construction of the Constitution had well-nigh subsided prior to the late war. The exigencies of that period furnished the excuse if not the necessity for the liberal construction of the powers of the Government, which was carried in some instances to the extent of palpable usurpation of authority. Whether we shall ever return to a just conception of the powers of the General Government and the rights of the States and the people under the Constitution is a problem which the future alone can solve. From what I have heard in this debate I fear the day is distant when the limitation intended to be placed upon Congress over the subject of taxation will command that respect in this Chamber which formerly obtained not only here but by thoughtful men throughout the country.

Mr. President, if the construction now claimed by the friends of this bill is correct, where is the limitation of the power of taxation by Congress? The purpose of this bill is to exercise the taxing power to promote common-school education. That is its avowed object. But I say if they can exercise the taxing power for the purpose of sustaining or establishing common schools for the education of the people, may they not under the same power establish schools of other grades? May they not establish colleges and universities, schools of the fine arts, or any other description of schools whatever? Where is the limitation? If the construction put upon the Constitution by the friends of this bill is correct, that Congress has the power to appropriate money for common-school purposes in the States of this Union, I ask may they not exercise the same power for the purpose of establishing every other class and grade of schools whatever?

I am aware that the argument has been in this case that the education of the masses has become necessary to the right discharge of the duties of citizenship; but the education to qualify men to read their ballots before they deposit them is not all that may hereafter be deemed necessary as proper qualifications for citizenship. Other qualifications may be considered equally necessary, such as moral and perhaps religious training, to elevate them higher still in the qualifications of citizenship. If you can educate for the purpose of qualification for citizenship at all, where is the limit? May you not educate to the highest point in morality as well as in mere scholastic education? If this power exists for educational purposes in the States, I see no limit whatever to that authority, either in reference to the purpose for which the tax shall be raised or the character of education to which it may be applied.

It will be noticed that this bill does not propose to appropriate merely the money now in the Treasury to educational purposes, but to raise the money by future taxation. In the remarks I made at the commencement of this debate I referred to the distinction between the distribution of the surplus in the Treasury in 1836 and the provisions of this bill, and the Senator from New Hampshire who has charge of the bill in some remarks which he made pointed out that I attempted to raise a distinction between the appropriation of money already in the Treasury and the exercise of the taxing power for the purpose of placing money in the Treasury to be distributed hereafter. Well, sir, that is not a new question. That question has been here before. That was one of the questions that were before Congress in 1836. I desire to call attention to the discussion at that period on that bill as illustrating, as I think conclusively, that there is no authority in Congress to raise revenue for the purpose of distribution or appropriation to educational purposes in the State or any other purposes of that character.

The history of that bill for the distribution of the surplus in the Treasury in 1836 is familiar to every one. Under the operations of the tariff of 1824 and the tariff of 1828 and the strict economy that was practiced in the administration of the Government there was likely to be a surplus in the Treasury for which the Government had no need, and General Jackson, President of the United States at that time, in his message to Congress in 1829, called the attention of Congress to the fact that soon the public debt occasioned by the war of 1812 would be discharged, and that there would be in the Treasury a considerable surplus to be dealt with, and as it was apprehended that if it remained in the Treasury it would lead to extravagant legislation on works of internal improvement and for other purposes, he called the attention of Congress to the necessity of making some provision for getting clear of that surplus. I have his message here. He was exceedingly anxious that some disposition should be made in order that extravagant appropriations of money by Congress might not be attempted. General Jackson doubted, however, whether that surplus could be distributed among the States, which he thought was the very best thing that could be done with it provided there was constitutional authority for it. He doubted whether the Constitution allowed a distribution of the surplus then in the Treasury among the States and suggested an amendment to the Constitution. In his message of 1829, from which I will read, he said:

> After the extinction of the public debt it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens,

been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

Thus it will be seen that General Jackson at that time, while he favored an equitable scheme of distribution of the money among the several States of this Union as the best remedy for the relief of the Treasury to avoid unwise legislation, which he feared would obtain unless some use was made of it, suggested the doubt of the constitutionality and actually suggested the necessity of an amendment to the Constitution in order that such a distribution might be made among the States. That, it will be remembered, was a distribution of the surplus then in the Treasury. It was not money to be acquired thereafter by taxation of the people, but it was money that was in the Treasury at the time and for which the Government had no necessity. He repeated the recommendation in his message of 1830, and so impressed was he that if the surplus remained where it was then, in the vaults of the deposit banks and subject to appropriation by Congress, it would lead to unwise and extravagant appropriations, that in 1830 he renews his recommendation for some disposition to be made of that surplus which would avoid that danger that he saw in the future.

Subsequently Mr. Calhoun introduced a bill in Congress for the distribution of the surplus revenue then in the Treasury, amounting to over $30,000,000, and a distribution annually of any surplus at the end of each year up to 1842. But Mr. Calhoun thought that such a distribution of the money would require an amendment to the Constitution. I have his speech here upon that bill. This is what he said:

I have now stated the leading objections to the several modes of disposing of the surplus revenue which I propose to consider, and the question again recurs, what shall be done with the surplus? The Senate is not uninformed of my opinion on this important subject. Foreseeing that there would be a large surplus and the mischievous consequences that must follow, I moved during the last session for a select committee, which among other measures reported a resolution so to amend the Constitution as to authorize a temporary distribution of the surplus among the States; but so many doubted whether there would be a surplus at the time that it rendered all prospect of carrying the resolution hopeless. My opinion still remains unchanged that the measure then proposed was the best, but so rapid has been the accumulation of the surplus, even beyond my calculation, and so pressing the danger, that what would have been then an efficient remedy would now be too tardy to meet the danger, and of course another remedy must be devised more speedy in its action.

So that Mr. Calhoun when he introduced his bill for the distribution conceded that an amendment of the Constitution was necessary even to distribute among the States the money then in the Treasury. Mr. Calhoun's bill was for the distribution of surplus then in the Treasury and an annual distribution of any surplus that should remain at the end of every year until 1842. Mr. Webster, not believing that there was power to distribute a fund yet to arise, amended the bill of Mr. Calhoun so as to limit the distribution to the money then in the Treasury, and with that amendment it was referred to a select committee. That committee reported back the bill, rejecting that part of Mr. Calhoun's bill which proposed to extend the distribution to 1842 and confining it to a distribution of the surplus then in the Treasury, but also providing that instead of being an actual distribution of the money it should be a deposit with the States, and that certificates should be issued by the States and delivered to the Secretary of the Treasury as security for that deposit. Still an act of Congress was deemed necessary before that money could be rendered available, and hence Mr. Tallmadge moved an amendment that the certificates proposed by the committee should be made assignable by the Secretary of the Treasury without the intervention of Congress, that he might realize therefrom the money whenever the necessities of the Government should require it. It was in that shape that the bill passed. In the discussions upon that bill this question as to the power of Congress to raise money for the purpose of distribution among the States was considered. Mr. Tallmadge in the debate said:

I have feared that it might create a too great dependence of the States on the General Government. I will not now say anything of the constitutional question further than to express my opinion that Congress has no power to raise revenue for the purpose of distribution. But when we find a surplus on our hands, without any design from our legislation to produce it, it presents a different question. The time has now arrived, the contingencies have now happened, when the President anticipated such a surplus; the surplus is on hand and it will continue to increase far beyond our appropriations. It is in vain to shut our eyes to the fact; we may deceive ourselves, but we can not deceive others. This surplus can not be disposed of by appropriations, unless of the most extravagant character. Will the people tolerate appropriations for the mere purpose of getting rid of a surplus? No, sir; I apprehend not. They will justify their representatives in making liberal appropriations for all objects of national defense. Extravagant expenditures for the sole object of disposing of the surplus revenue are, in my judgment, far more dangerous than any objections which I have heard urged against a distribution among the States.

But that was a distribution of a surplus already in the Treasury, and Mr. Tallmadge says he does not admit that there is any right in Congress to raise revenue for the purpose of appropriation. That is exactly what this bill proposes. The bill proposes to levy taxes and to raise for the next ten years money to be distributed among the States. That doctrine did not find a single advocate in 1836. It was repudiated by every gentleman who expressed himself upon it; Mr. Calhoun expressing a doubt of the power of Congress to distribute the surplus in the Treasury without an amendment of the Constitution. The constitutional objection, however, was obviated by making it a deposit with the States for which the States should give certificates to be assignable to the Secretary of the Treasury without any intervention of Congress whatever.

I do not propose to detain the Senate very long; but the idea expressed by Mr. Tallmadge was emphatically expressed by General Jackson in 1832 in his veto message of the land bill. I will read an extract from that message:

It has been supposed that with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country there might be for some years to come a surplus of moneys in the Treasury, and that there was in principle no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object were to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned; but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted, but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments.

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However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I can not assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as, in effect, assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States, without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution as well as for making every local improvement, however trivial, I can not give it my assent.

Those were the views of General Jackson upon the question of raising revenue for the purpose of distribution. While he conceded that under exceptional cases it might become necessary to distribute among the States, if the constitutional power existed, any surplus in the revenue, he emphatically declares that he can not give his assent to any proposition to *raise money* from any source for the purpose of distribution.

This bill is not a bill like that of 1836. There is no surplus in the Treasury to-day which it is proposed to distribute or to appropriate to educational purposes. We have a public debt amounting to a billion and a half of dollars, and there is a portion of that public debt which to-day can be reached by the application of the money in the Treasury. There is not a single dollar of surplus to-day in the Treasury but what may be used in the extinguishment of a portion of the public debt.

The bill now under consideration has no reference whatever to any surplus that is in the Treasury, but its whole intendment and purpose is to exercise the taxing power conferred upon Congress for the purpose of raising money for distribution or appropriation to educational purposes in the State—a very different and distinct question from that which was before Congress in 1836. I repeat, that even that question, when the surplus was on hand and when it threatened to lead to extravagant legislation and by some was thought not to be in very safe custody, as it was distributed among the banks of deposit—some thirty-odd, I believe, in number—while Congress was exceedingly anxious to make some distribution of that surplus, there were even then doubts existing as to the power of Congress without a constitutional amendment to distribute it among the States; but with reference to raising revenue to be thereafter distributed there was not a single voice in Congress in favor of any such proposition. Those who referred to that question spoke in the most emphatic terms in opposition to any such measure. Mr. Tallmadge expressed himself decidedly upon that question, as well as General Jackson in his veto message of the land bill of 1832. They did not admit that Congress could exercise its taxing power for the purpose of raising revenue for distribution among the several States in any shape whatever.

I can find no warrant in the Constitution for the passage of this bill. On the contrary, I think it is violative of the spirit and intendment of the Constitution. I do not believe that it was ever the intention of the people of this country, of the convention which framed the Constitution or of the States which adopted it, to confer the taxing power upon Congress to be used for any such purpose; and with that conviction resting upon my mind I certainly can not vote for this bill, however much benefit the State which I represent might derive from it.

But I am opposed to this measure because I think it is impolitic and unwise. I think instead of proving a blessing to the States of this Union it will prove a curse. As was well said by the Senator from Texas [Mr. COKE] this morning, if you once induce the States of this Union to look to the Federal Government for appropriations for com-

mon schools you at once introduce into the States of the Union a bone of contention. What he said upon that subject meets with my hearty approval and concurrence. Once let it be understood that Congress proposes to raise money for distribution among the States, and what would be the consequence? Your Representatives in the other House would be elected on the question whether they would vote for large taxes and large expenditures for that purpose. Even Senators in this body would be selected in certain States in the Union with reference to the votes they would cast upon that question. It would become a leading political topic; the question of qualifications and fitness of men would not be the criterion by which they would be selected as representatives in either branch of Congress; but the only question asked would be whether they would conform their votes to the wishes of their constituents to levy taxation upon the people for the purpose of distribution among them.

Mr. President, if there were no other objections than the one I have just named I believe that that is a sufficient objection to justify the rejection of this bill. But I hold that that is not the only objection. If Congress possesses the constitutional power to appropriate money for educational purposes, it follows, as I believe logically and conclusively, that Congress may follow that money and direct its application. I firmly believe that if Congress can constitutionally appropriate money for the purpose of aiding the schools in the States of this Union, it may appropriate money for the purpose of establishing a Federal system of education in the States independent of the States themselves.

Does not Congress now follow the money which it appropriates to various objects? When a public building is erected in any of the States of the Union does not the Federal Government expend the money? When Congress appropriates money to rivers and harbors, who is it that superintends the expenditure of that money? The Federal authority. If Congress can appropriate constitutionally money for educational purposes, Congress will have the power, as I believe, to follow that money and direct its application either to the common schools already existing in the States or to the establishment of an independent Federal system of education in all the States of this Union.

I do not believe that any such power resides in Congress over the subject of education, and therefore I do not believe that any such power exists in Congress to make this appropriation. If the one can be constitutionally done, I hold that the other can be. I do not say that it would be wise or proper in the Federal Government to attempt to follow the money if we make the appropriation. I am not speaking upon the question of the propriety of doing it; I am only speaking of the right of Congress to follow the money which it appropriates, if it can appropriate it constitutionally.

I say to my Southern friends on this side of the Chamber, who seem so anxious for this money, if they are prepared to surrender State control over their educational interests they perhaps will be justified in voting for this bill, but if they are not prepared to surrender the State control of their educational interests to the General Government I can not see with what consistency they can vote for a measure which may lead, and probably will lead, in the future to the control of their school systems.

Mr. President, I believe that this bill is fraught with evil and only evil. Whatever amount of money we may give to any State, that State will be ultimately the sufferer and loser by the appropriation. I know that a great many people desire to have appropriations from the Federal Government. I know that we are educating the people of this country to look to Congress for relief in many things. As soon as a flood occurs in any section of the country forthwith an application comes up to Congress for relief; if a fire occurs it is the same; and the Senator from Arkansas [Mr. GARLAND] the other day went so far as to say that appropriations for the relief of persons injured by a cyclone would be within the constitutional power of Congress. We are educating the people of this country not to depend upon themselves but to look to the General Government, and I think that it is an evil which we ought to correct by refusing appropriations for any such illegitimate purposes.

In justification of this measure a great many instances of appropriations have been cited. Some of them were instances where appropriations could properly be made; for instance, the establishment of a naval school or of a military school falls legitimately within the express grant of power to Congress. Congress is authorized to raise and support armies, and as an incident to that to qualify men to take command of their armies and to establish a military school for that purpose. Congress is authorized to provide for the Navy, and as an incident to that has the right to establish a naval school for the training of men for that service. So that there is nothing that I can see in appropriations of that kind which are unauthorized by express grant of power. I believe the appropriation for the purpose of the centennial, which has been referred to in this debate as furnishing an illustration of the power to pass this bill, was a loan, to a certain extent, and I am not sure but that a part of the money then advanced has been returned to the Government. But there have been many appropriations made, I confess, for which I believe there was no warrant in the Constitution. It, however, can not alter the Constitution because such appropriations have been made, nor can unauthorized and improper appropriations heretofore made justify similar appropriations now or hereafter.

I understood the Senator from Mississippi [Mr. GEORGE] to say that if this was an original question then he would not insist that the appropriation should be made, but relying upon the precedents which had been cited as a construction of the power of Congress, he was now prepared to acquiesce in it. Sir, precedents of the exercise of illegitimate power by Congress can never change the meaning of the Constitution. You can as well say that acts of injustice or acts of inhumanity would justify further violation of the eternal laws of justice and of humanity as that an appropriation made by Congress for which there was no authority can justify other appropriations hereafter to be made of the same character.

Mr. President, I hope the bill will not pass. I have expressed my opposition to it thus briefly as a justification for the vote which I shall give upon it. I shall detain the Senate no further.

Mr. GEORGE. I suppose it is expected that I should make some reply to the argument made by the Senator from Texas [Mr. COKE], but I do not desire to make it this evening.

Mr. CALL. I ask the Senator from Mississippi if he would object to a motion to go into executive session or to adjourn?

Mr. GEORGE. I prefer it, because I do not want to go on now.

Mr. BLAIR. It is difficult to hear what is being said.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. GEORGE. Yes, sir. I make the statement that I do not desire to go on this evening; it is too late; but I should like to have the floor at 2 o'clock to-morrow.

Mr. CALL. I move that the Senate adjourn.

Mr. BLAIR. I do not hear the Senator.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate do now adjourn.

Mr. BLAIR. I ask the Senator to withhold his motion for one moment.

The PRESIDENT *pro tempore*. Does the Senator from Florida withdraw his motion?

Mr. CALL. I withdraw it for a moment, sir.

Mr. BLAIR. I yield to the Senator from Illinois.

Mr. LOGAN. I should like to have an opportunity of offering, so that they may be before the Senate for consideration, three propositions that I wish to offer as amendments to the bill when it is again before the Senate and open to amendment. I propose to amend section 1 by substituting what I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Illinois gives notice that at the proper time he will move an amendment, which will be read for information.

The CHIEF CLERK. It is proposed to amend the first section of the bill by substituting for that section the following:

That for ten years next after the passage of this act there shall be annually appropriated from the money in the Treasury not otherwise appropriated the following sums, to wit: The first year, the sum of $15,000,000; the second year, the sum of $17,500,000; the third year, the sum of $20,000,000; the fourth year, the sum of $18,000,000; the fifth year, the sum of $16,000,000; the sixth year, the sum of $14,000,000; the seventh year, the sum of $12,000,000; the eighth year, the sum of $10,000,000; the ninth year, the sum of $8,000,000; the tenth year, the sum of $6,000,000; ten annual appropriations in all, when appropriations under this act shall cease; which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

Mr. LOGAN. I ask that the amendment be printed.

The PRESIDENT *pro tempore*. It will be printed.

Mr. LOGAN. I also wish to offer an amendment as an additional section, to come in after the last section now in the bill.

The PRESIDENT *pro tempore*. The Senator from Illinois gives notice that at the proper time he will move an amendment, which will be read for information.

The CHIEF CLERK. It is proposed to add to the bill the following additional section:

SEC. —. There shall also be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school-house fund, to be paid out annually to each State and Territory at the end of the year on proof of the expenditure made during such year, which shall be expended for the erection and construction of school-houses, for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof, where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education in Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house nor more than one-half of the cost thereof in any case; and the State or Territory shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

Mr. LOGAN. Following that I shall propose at the proper time this amendment to be added to the bill as an additional section:

SEC. —. No State or Territory that does not distribute the moneys received for common-school purposes equally for the education of all the children, without distinction of race or color, shall be entitled to any of the benefits of this act.

The PRESIDENT *pro tempore*. These proposed amendments will be printed, if there be no objection.

Mr. BECK. Mr. President——

Mr. BLAIR. I have the floor.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Kentucky?

Mr. BLAIR. For a moment.

Mr. BECK. I was endeavoring to see if I could not perfect an amendment to the bill laying a tax not exceeding 2 per cent. upon all incomes exceeding $5,000 as a special fund to meet the expenses created by the bill.

Mr. BLAIR. I am informed that several Senators desire to speak. The Senator who has the floor for that purpose, the Senator from Mississippi [Mr. GEORGE], I understand would prefer not to go on to-night. If there is any other Senator who would speak to-night I hope there will be no adjournment, but that he will take this opportunity to be heard now.

Mr. GEORGE. If the Senate does not desire to adjourn now I will surrender my right to the floor and let anybody take it.

Mr. ALLISON. I should like to ask the Senator from New Hampshire, in view of the fact that the naval appropriation bill is now ready for consideration by the Senate, when it is his purpose to bring this bill to a vote in some form or if he has any purpose on the subject?

Mr. BLAIR. It is my desire to bring the bill to a vote immediately, but it is utterly impossible to do it. Senators have a right to be heard and desire to be heard, and I have no power to shut off freedom of speech in the Senate. I know of no power on earth that can do it or that desires to do it. The Senate never has exhibited any inclination to do it, certainly. I would much prefer personally that the debate proceed to-night, as there is much to be said yet. If no Senator desires to take the floor I shall not oppose an adjournment or an executive session at this time. I wish, however, to say that I shall ask the Senate to-morrow morning to take up the bill immediately after the conclusion of the morning business, instead of proceeding to the Calendar.

Mr. CAMERON, of Wisconsin. I shall object to that.

Mr. BLAIR. I shall ask it unless some Senator seriously objects.

Mr. CAMERON, of Wisconsin. I will seriously object.

Mr. BLAIR. Possibly I shall ask it even against the serious objection of my friend, for he may change his mind by the morning.

Mr. CAMERON, of Wisconsin. There is not the least probability of that.

Mr. LAMAR. Mr. President——

Mr. BLAIR. I desire to add further, and then I will yield to the Senator from Mississippi, that I shall ask the Senate to dispose of the bill to-morrow, no matter how protracted may be the session. I think we ought to get through with the bill to-morrow. If we can not do it, it will be for the Senate to take such action as it may see fit, but I shall hope for a conclusion to-morrow night some time.

Mr. ALLISON. I hope so. I hope the Senator will press the bill to a vote to-morrow.

Mr. BLAIR. I am very anxious indeed to do so. I yield to the Senator from Mississippi.

Mr. LAMAR. I desire to make a few remarks. I shall not consume the time of the Senate for more than four or five minutes, and as a part of my remarks I send to the Secretary's desk a portion of a lecture delivered by Dr. Mayo, at Vicksburg, on the 26th of last month.

Mr. BLAIR. Then I will conclude what I was saying before that is read, if the Senator pleases. I give notice at this time that to-morrow I shall ask the Senate to dispose of the bill.

The PRESIDENT *pro tempore*. The Senator from Mississippi having the floor asks to have read a certain paper which he has sent to the desk. It will be read if there be no objection.

The Chief Clerk read as follows:

I have been for four years among the people of the South and, without vanity, I think I may say I know the situation and can speak in plain English a word to Senators from the North who do not realize the true state of the case, and to Senators from the South who are troubled with constitutional scruples in the premises. To Northern Senators I say, without fear of contradiction, that the Southern people can not, from their own resources, supply the means to educate their children in any such way as the necessities of American citizenship demand. To-day the sixteen Southern States have on the ground a system of free schools, for both races, for which they are paying $15,000,000 annually. They have built up this system within fifteen years, a little better each year; and no people under similar circumstances ever did such a work for popular education, in so short a time, since the world began. The desire to educate the children is every day increasing. The danger of the present state of affairs is appalling. I have looked through and through the whole shadow side of Southern life, and I see no evil therein that can not be gradually overcome by the education of the children in a good common school; for wherever that American institution exists all good things come to the front and perilous things retire and the American idea prevails.

But it is idle for Northern Senators to suppose that this work can be done without the help of the whole people. To postpone it is to invite perils yet unknown and expose one-half our country to calamities that will make our past troubles appear light and endurable. I believe that money given to these States will be honestly and practically applied, and the result of such giving will do more to bind our people together than all other means within the national power. To Senators from the South I would say your people need and ask for that education for their children which will help them to become good citizens of the Republic. An intelligent people can be trusted to take care of the Constitution, but no body of statesmen is wise enough to do it if the people are ignorant. I can not speak to-night what I feel concerning this matter as I go up and down this Southern land. I come from a State that is renowned for its schools, and from the city of Boston, that perhaps on the whole does more for its children than any city on the earth. I am glad I come from that city and have my own honest pride in her great renown. But last Monday I came to your little city of Vicksburg. In the States tributary to your town a larger territory is under water than the whole State of Massachusetts, and more property will be disturbed in a month than New England pays for education in five years. Our boat was loaded to the water's edge with the poor people rescued from the flood. Yet I was met by a deputation of your foremost citizens, and now for two nights this house has been crowded to hear me talk about the children. Your colored people send me an address of welcome and ask me to tell them what I know of education.

I remember that little more than twenty years ago Vicksburg was a battlefield, and around me are the scars of war, and twice as many dead soldiers sleep on your hills than living people walk your streets. I remember that again and again since that day you have faced the pestilence, that even your river has turned the cold shoulder, that the open country for hundreds of miles about you is not yet on its feet from the overwhelming destruction of war. Yet I find your people taxing themselves almost twice the percentage of Boston for public schools, still compelled to teach the children in unsuitable buildings, and even your open country imposing almost as heavy a tax on its valuation as our proud Athens of the Bay State. When I see such things—and I see them in every one of your twelve States through which I have traveled in the past four years—I thank God that I live in the same country with the people of the South, who out of their poverty and amid all their difficulties are doing such things for the children. It seems to me that a Congress that would turn its back on the cry of these millions of children and youths for the bread of knowledge and give them the stones of constitutional theory and sectional distrust and partisan policy instead, would be a Congress itself sorely in need of education, of patriotism, and of that statesmanship whose highest achievement is in helping the people to help themselves and giving to the Republic a new generation fit to deal with the mighty era that is already upon us. Let our honored Senators and Representatives at Washington give one week to the children who will inherit the Republic and will write the history of what they are doing to-day.

Mr. BLAIR. Does the Senator from Mississippi design to speak?

Mr. LAMAR. I do not; my object is accomplished.

Mr. BLAIR. There are a few things that I want to put in the possession of the Senate, and I will do it now. They are in the nature of facts.

As bearing upon the question whether in the Southern States there is generally among the intelligent and educated and influential people a desire for this appropriation based upon the necessity that exists for it, I desire to read from a private letter to Dr. Curry, of the Peabody fund. It is from a distinguished professor in the State of South Carolina. I should betray no confidence in giving his name, because since this debate has been in progress he has personally written to me avowing the authorship of this extract which Dr. Curry sent me without giving me his authority. This is a communication of Dr. Curry to me. He says:

A letter before me—

Which is from this distinguished South Carolina professor—

A letter before me from one of the best scholars and most active school men in the South says: "The argument is unanswerable. Here we stand face to face with the necessity. All over this State the taxes of the white people can not be made to suffice for the education of both white and colored; with the utmost good-will, the resources are deficient. Nothing but national aid can solve the problem, and without it there is great danger that the effort may be abandoned in despair."

That last sentence—

Dr. Curry goes on to say—

is unspeakably important. If this Congress adjourns without the aid, I shall almost surrender hope in reference to the future of our country. May God save our land.

I have received also——

Mr. BECK. Will the Senator from New Hampshire allow me?

Mr. BLAIR. I yield for a question.

Mr. BECK. How far does the Senator think intelligent suffrage will be likely to be promoted by the passage of the sixteenth amendment reported upon favorably the other day, I believe, from his committee?

Mr. BLAIR. In reference to female suffrage?

Mr. BECK. Yes.

Mr. BLAIR. I should like to make a speech on that.

Mr. BECK. I should like to hear it.

Mr. BLAIR. Perhaps it had better not be made now.

Mr. BECK. How far would it aid the people if we were to throw in all the negro women as voters?

Mr. BLAIR. The negro women are superior to the negro men. There is no question about that, and I do not know that there is any question about the same fact in reference to women of any other race or of races generally; but I shall not at this moment, I think, be diverted from the purpose for which I rose.

I now read a communication received yesterday from the corresponding secretary of the National Education Society, of which I gave the Senate some account in my opening address on this bill.

Bishop M. Simpson, of Pa., *President*. Hon. J. O. Wilson, of D. C., *Treasurer*.
Professor C. C. Painter, of Tenn., *Corresponding Secretary*.

*Executive Committee*: Rev. M. E. Strieby, D. D., of New York, *Chairman*; Rev. J. C. Hartzell, D. D., of Louisiana; Rev. J. M. Gregory, D. D., of Illinois; Hon. J. L. M. Curry, of Virginia; General S. C. Armstrong, of Virginia; Rev. R. H. Allen, D. D., of Tennessee; Rev. Dr. Twing, of New York; President A. S. Haygood, of Georgia; Mr. Benjamin Tatum, of New York; Rev. C. R. Bliss, of Illinois; Rev. Robert Colyer, D. D., of New York.

NATIONAL EDUCATION COMMITTEE.
(OBJECT—NATIONAL AID TO COMMON SCHOOLS.)
INDIAN RIGHTS ASSOCIATION, 27 GRANT PLACE.
*Washington, D. C., March* 31, 1884.

DEAR SIR: As corresponding secretary of the National Education Committee I hand you a copy, for presentation to Congress, of a resolution passed by the vast assembly gathered at Ocean Grove last August to consider the dangers which threaten our Republic because of the appalling and growing illiteracy of the country. This was the second annual meeting of this organization. The assembly out of which it was created was so large in numbers and so widely representative that it possessed a truly national character. Allow me to inclose a state-

ment of its first annual meeting, that you may have some idea of the truth of this statement.

The constituency whom this committee represents have contributed since the war for education in the South a sum of money aggregating, it is estimated, nearly one-half as large as that proposed in your bill. This was given freely by our most enlightened and best citizens, and every dollar of it expresses their earnest conviction that the appropriation asked for is needed and must be granted if this work is to be done; for it is great beyond the possibilities of private charity and local self-help. I assure you their interest in the work is not simply that of Christian philanthropists, but of enlightened citizens, and they ask with almost absolute unanimity that as citizens, through national legislation, they may be allowed to help in this work by such an appropriation from the national Treasury.

The teachers sent out by the educational societies represented on this committee went South when to do so as teachers was to risk life; they prosecuted their work in spite of abuse, contempt, and social ostracism until they have conquered prejudices, disarmed hostility, and compelled respect. They have demonstrated to all doubters that the negro can be educated and convinced all opposers that he ought to be educated, and now they have the most earnest co-operation and support of those who once bitterly opposed their work.

I fully believe that not one can be found among these heroes and heroines in this great fight, whose opinions, it is respectfully submitted, are entitled to some consideration, who does not earnestly support the chief propositions of your bill. That aid ought and must be given if this work is to be done, and that the South may be fully trusted to discharge the trust with which this bill would charge them.

The resolution which I am commissioned to present through you from this association is as follows:

"*Resolved*, That the constitutional duty to provide for the safety of the Republic is in full force at all times and in face of all dangers; and that in urging Congress to deal immediately and adequately with the problem of illiteracy, which has assumed appalling proportions, we are only asking it to meet this obligation, the discharge of which can not be called an exercise of charity, the neglect of which must prove a fatal crime."

Yours, very truly,

C. C. PAINTER,
*Corresponding Secretary Nebraska Educational Commission.*

Hon. H. W. BLAIR,
*United States Senate.*

As bearing upon the question whether the amount which it is proposed to distribute here is excessive I will send an article to the Secretary and ask him to read it, prefacing the reading by the remark that it is a condensation made by the Boston Journal in an editorial of a very extensive collection of statistics published in the Christian Union, and which have been collected with great effort and accuracy, and which I think to be as reliable as anything that is available.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will read the paper.

The Chief Clerk read as follows:

THE NATIONAL DRINK BILL.

The Christian Union publishes a graphic chart, exhibiting the direct annual cost to the consumers in this country of alcoholic liquors as compared with expenditures for other purposes. The chart exhibits the relative outgo for eleven different purposes by means of heavy black columns of varying height—three-quarters of an inch representing an expenditure of $100,000,000. At one side, extending over half the page, towers the column representing the national-drink bill; at the other extreme, and showing by contrast hardly more than a line, is the block which stands for the total annual expenditures for Christian missions, home and foreign. The bill for drink is $900,000,000; the bill for missions is $5,500,000. Between these come the expenditures for bread, $505,000,000; for meat, $303,000,000; for iron and steel, $290,000,000; for woolen goods, $237,000,000; for sawed lumber, $233,000,000; for cotton goods, $210,000,000; for boots and shoes, $196,000,000; for sugar and molasses, $155,000,000; and for public education, $85,000,000.

The statistics on which this chart is based are drawn from the last census and from other reliable authorities. Lest the figures of the drink bill be thought to be a wild and careless estimate, the manner in which they have been obtained should be indicated. The internal revenue on distilled spirits in 1883 was $74,308,775; the rate is 90 cents a gallon; and the quantity of liquor taxed is therefore 82,631,972 gallons. A certain part of this was used for mechanical and scientific purposes, but most of it was drunk as a beverage. Sold by the glass, it would cost the consumer about $6 a gallon. The whole amount at this rate would aggregate $495,791,832. The tax on fermented liquors in the same year amounted to $16,900,615, which, at $1 per barrel, represents an equal number of barrels, containing, at 31 gallons to the barrel, 523,919,065 gallons. At 5 cents a glass, and twelve glasses to the gallon, this costs the consumer $314,351,439. The imported liquors estimated on a similar basis cost the consumer at least $100,000,000, which brings the total cost up to more than $900,000,000.

No account is taken of native wines, nor of liquor, "crooked whisky," and other which escapes taxation; and the cost of these may be taken as a fair offset to the distilled liquor employed for mechanical and scientific purposes. The estimate of $900,000,000 is therefore by no means a high estimate. It is midway between the estimates of the New York Tribune and the National Temperance Almanac. Fourteen years ago, when the Government revenue from distilled liquor was about $20,000,000 less than now, and the national income from fermented liquor was one-third what it now is, Dr. Young, the Government statistician, estimated the nation's drink bill at $600,000,000. On this basis, the estimate of the Christian Union article can not be excessive. This is only the direct cost, and takes no account of the burdens of pauperism, idiocy, insanity, and crime which are directly traceable to drink. These are facts and figures which should arrest the attention of the most careless, and should strengthen every reasonable effort which is made to restrain and diminish the almost immeasurable evils which flow from the drink habit.

Mr. BLAIR. Here are some figures. I put these facts in now because Senators are entitled to know of their existence as early as possible as bearing upon the condition of the Southern white population before the war and the bearing of the war upon their existing condition. I read from a statement compiled from the census by Dr. Curry, of the Peabody fund. He says:

By the census of 1860 the white population of the North was about 19,000,000, and of the South about 8,000,000. The North at that time had 205 colleges, 1,407 professors, and 29,044 students, while the South had 262 colleges, 1488 professors, and 27,055 students. For these institutions the North expended $1,514,688 and on academic institutions $4,663,749. For similar institutions the South expended, respectively, $1,662,419 and $4,328,127.

That is to say, with a white population a little less than one-third of the white population of the North there were fifty-seven more colleges in the South than in the North; there were eighty-one more professors of colleges in the South than in the North, and in the North an excess of students of only 1,989. And upon the matter of expenditure the account stood thus: For collegiate education within their own borders the South expended $147,731 more than was expended by the North, and in academic education the North expended $335,622 more than the South.

I have here a compilation of the school laws of three of the Southern States. There has been some inquiry in reference to the existing status of school laws throughout the southern portion of our country, and the Commissioner of Education at my request has prepared this brief abstract of the laws of three States, North Carolina, Mississippi, and Louisiana, and I understand him to say that the features which are to be found in the laws of those three States comprise all the features or substantially all the features to be found in the laws of any of the Southern States relating to their school system. This is the compilation:

*North Carolina.*—In North Carolina the State treasurer receives the school funds and holds them as a special deposit. They are paid out only on the warrant of the State auditor, issued on the order of the State board of education in favor of county treasurers for moneys apportioned to the counties according to their school population by the State board, the order to be duly indorsed by the county treasurer in whose favor it is drawn. The funds are reapportioned by the county boards to the several white and colored school districts according to the number of children in each between 6 and 21 years of age. The county treasurer pays from the funds of the respective districts orders drawn by the district-school committee, and in case they are for the payment of teachers' salaries they are to be indorsed by the teacher and countersigned by the county superintendent, who is to do this only after the teacher in whose favor it is drawn shall have made to him all required reports, and each teacher must be duly certificated by a county examiner. All officers handling the money are required to give bonds with ample securities.

*Mississippi*, 1880.—The auditor of public accounts distributes the common-school fund among the counties according to the number of children in each. The distribution is made by the issuance of auditor's warrants on the State treasury, payable to the county treasurer. They pay money out upon the order of the county superintendent of education, approved by the board of supervisors, except in case of teachers' warrants, which shall be paid upon approval of the superintendent alone.

Separate schools are maintained for the different races, but no preferences are shown to either by the law.

Each treasurer is duly bonded, and each teacher must be licensed by the county superintendent.

*Louisiana.*—In Louisiana the State superintendent quarterly apportions the State school fund, which is in the hands of the State treasurer, to the parishes according to the number of persons in them between the ages of 6 and 18. The amounts apportioned are paid by the State treasurer to parish treasurers. They are then consolidated with local funds and reapportioned by the parish boards of school directors among the several ward or school districts of the parish according to the number of persons of school age in each. The parish treasurer pays out the money to the credit of each district on warrants drawn by the president and countersigned by the secretary of the parish school board for purposes specified by the board. The warrants are kept on file, and, with the account books of the treasurer, are always open to the inspection of all persons. The persons through whose hands the moneys pass are required to give sufficient bonds. Several provisions of the school also relate to the care of these funds, and tend to protect their expenditure and use from neglect or dishonesty. Parish boards are "to exercise proper vigilance in securing for the schools of the parish all funds destined for the support thereof." The State board of education may restrain the parish officers from paying salaries to teachers and officers who have not performed their duties. Parish boards and treasurers are required "to examine and scrutinize personally or by experts the accounts of their predecessors in office in order to find out if their administration of the school funds has been in accordance with law, and to report all delinquencies discovered to the district attorney of the district and to the State board of education."

Teachers are required to be duly certificated.

With reference to the school laws in Kentucky, I learn on further inquiry that the repeal of the obnoxious law—that is obnoxious to some—which threw the education of the colored people practically upon themselves, instead of being now pending in the Legislature of that State, was consummated by the last Legislature, the Legislature of 1881, and there is now no feature of equality in reference to the education of the school children of any State that is not to be found in the school system of Kentucky. The distribution is upon the basis of school population, without any reference to race, color, or previous condition.

Mr. VEST. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *April* 1, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. WOOD. I move that the Clerk omit reading the mere formal part of introducing bills and joint resolutions.

There was no objection, and it was so ordered.

The Journal was then read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. SNYDER, for five days, on account of important business.

To Mr. GARRISON, for one week from to-day, on account of important business.

To Mr. FORAN, for three days, on account of important business.

To Mr. GREEN, for one week, on account of sickness in his family.

GENERAL GEORGE BALDY.

On motion of Mr. KELLOGG, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of General George Baldy; and the same were referred to the Committee on Military Affairs.

MISS HARRIETT HEMPKEN.

On motion of Mr. KELLOGG, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Miss Harriett Hempken, and the same were referred to the Committee on Claims.

LEGISLATION FOR UTAH TERRITORY.

On motion of Mr. CAINE, by unanimous consent, the House ordered to be printed as a document the memorial of the Legislative Assembly of the Territory of Utah, protesting against the passage of bills now pending in Congress or any other measures inimical to the people of said Territory until after a full investigation by a Congressional committee; which was read yesterday, and referred to the Committee on the Territories.

TESTING-MACHINE, WATERTOWN ARSENAL.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Ordnance submitting a letter from the American Society of Civil Engineers with reference to the United States testing-machine at the Watertown arsenal and the appropriations to be made therefor; which was referred to the Committee on Appropriations.

FINANCIAL DEPARTMENT, DISTRICT OF COLUMBIA GOVERNMENT.

Mr. FIEDLER. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Whereas it is alleged that the financial departments of the District of Columbia have not been conducted in a proper and business-like manner, and grave doubts exist as to the correctness of the accounts rendered, owing to the loose manner in which the books have been kept; and

Whereas it is charged that the taxes have not been collected in strict conformity of law: Therefore,

*Be it resolved*, That the Committee on the District of Columbia be, and they are hereby, authorized to have a thorough examination made of all accounts, &c., appertaining to the finances of the District of Columbia, and they are empowered to send for books and persons, and to employ such expert accountants as they may deem necessary; all expense arising from said investigation to be defrayed out of the contingent fund of the House of Representatives.

Mr. CALKINS. That had better be referred.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. REED. I have no objection to its going to a committee, but I object to any action upon it at present.

Mr. FIEDLER. Then I ask its reference to the Committee on the District of Columbia.

There being no objection, the resolution was referred to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. ADAMS, of Illinois. I ask unanimous consent to take from the House Calendar the bill (H. R. 4738) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

Mr. WELLER. I object.

Mr. VANCE. I am directed by the Committee on Patents to ask unanimous consent to take from the Speaker's table the bill (S. 672) to amend section 4887 of the Revised Statutes, with reference to the patent laws.

Mr. WASHBURN. I object.

Mr. REAGAN. Let us have the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees.

CLERK COMMITTEE ON EXPENDITURES IN TREASURY DEPARTMENT.

Mr. ERMENTROUT. I rise, Mr. Speaker, for the purpose of submitting a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. HEWITT that a clerk be allowed the Committee on Expenditures in the Treasury Department during the sessions of this Congress, with a compensation at the rate of $6 per day, respectfully report that the amount and importance of the business assigned to the consideration of the Committee on Expenditures in the Treasury Department under the rules of the House seem to justify the allowance of a clerk to said Committee during the sessions of the present Congress. They therefore recommend the passage of the following substitute, namely:

"*Resolved*, That the Committee on Expenditures in the Treasury Department be allowed a clerk during the sessions of the Forty-eighth Congress, who shall be paid out of the contingent fund of the House at the same rate now paid House committee clerks who are employed during the sessions only."

The SPEAKER. The question is on the adoption of the substitute reported by the committee.

Mr. HOLMAN. I suggest that the employment of this clerk be limited to the present session. I suppose there would be no objection to that. I move to amend, therefore, by limiting it to this session.

Mr. ERMENTROUT. Mr. Speaker, I am not authorized to accept any such amendment as that, and I hope it will not be adopted.

Mr. HOLMAN. The expense is to be paid out of the contingent fund, and if so, it ought to be confined to the present session.

Mr. ERMENTROUT. I understand that has not been the rule with respect to the others. They have not been confined to the session only, but have been employed during the Congress.

Mr. HOLMAN. If the gentleman charged with the investigations to be made by that committee will state that this work is to extend beyond this session, I will withdraw the objection. But if the investigation is to be confined to the session only, I do not see the necessity of having a clerk whose term of office will extend beyond the session.

Mr. ERMENTROUT. I have no knowledge as to whether the investigations or the work of the committee will extend beyond the session or not.

Mr. REED. The chairman of the committee will extend beyond this session.

Mr. ERMENTROUT. It is impossible to foretell what are to be the duties of the committee in that regard. I presume that when they are done with the clerk they will let us know.

Mr. HOLMAN. Very likely. [Laughter.]

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Indiana to limit the employment of the clerk to the present session of Congress.

The House divided; and there were—ayes 44, noes 22.

So the amendment was agreed to.

The SPEAKER. The question now recurs upon the adoption of the amendment reported by the committee as amended.

The House divided; and there were—ayes 34, noes 11.

Mr. WELLER. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. ELLIS and Mr. ERMENTROUT were appointed tellers.

The House again divided; and the tellers reported—ayes 101, noes 8.

Mr. WELLER. There being such a decided vote in the affirmative, I will withdraw the point that no quorum has voted.

So (no further count being demanded) the amendment as amended was agreed to.

The SPEAKER. The question now recurs on the resolution as amended.

Mr. DUNN. I rise to a question of order. I think the last vote was on the adoption of the resolution.

The SPEAKER. The last vote was on the adoption of the substitute reported by the committee for the original resolution. The House referred to the committee a resolution, for which the committee reported a substitute. The House has just agreed to the substitute. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been called for. The regular order is the call of committees for reports. The Committee on Elections.

Mr. ELLIS. I move to dispense with the morning hour.

Mr. REAGAN. I hope we will have a call of committees this morning.

Mr. DAVIS, of Illinois. I make the point of order that it is not in order to move to dispense with the morning hour after the call of committees has commenced.

The SPEAKER. No committee had reported, and the gentleman from Louisiana was on the floor at the time the Chair announced the first committee. A vote of two-thirds is required.

The question being taken, the morning hour was not dispensed with (two-thirds not voting in favor thereof).

NATURALIZATION LAWS.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 1629, a bill (H. R. 6402) to amend the naturalization laws; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. TUCKER, from the Committee on the Judiciary, also reported back with amendments the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ALABAMA CLAIMS COMMISSION.

Mr. TUCKER. I am also instructed by the Committee on the Judiciary to report a bill in lieu of a number of bills referred to the committee relating to the Court of Commissioners of Alabama Claims.

Bills of the following titles, reported back from the Committee on the Judiciary, were severally laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. 683) amendatory of and supplementary to an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882;

A bill (H. R. 4933) to define and supplement an "act establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882;

A bill (H. R. 2336) providing for the payment of judgments when rendered in the Court of Commissioners of Alabama Claims;

A bill (H. R. 3422) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes;

A bill (H. R. 4400) to define and supplement an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; and

A bill (H. R. 1811) re-establishing the Court of Commissioners of Alabama Claims, and for other purposes.

Mr. TUCKER, from the Committee on the Judiciary, in lieu of the above bills, reported a bill (H. R. 6403) to define and supplement an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. TUCKER. I request also that the views of the minority of the committee may be printed with the report of the majority.

There was no objection, and it was so ordered.

SECTION 840, REVISED STATUTES.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 2576) to repeal section 840 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

SERVICE OF PROCESS OF TERRITORIAL COURTS.

Mr. BROADHEAD, from the Committee on the Judiciary, reported, as a substitute for H. R. 1713, a bill (H. R. 6404) to authorize the service of civil and criminal processes issued by Territorial courts within military and Indian reservations and the Yellowstone Park; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL BANK OF LARNED, KANS.

Mr. HENDERSON, of Iowa, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INSPECTION OF LIVE-STOCK, ETC.

Mr. REAGAN, from the Committee on Commerce, reported, in lieu of sundry bills and a joint resolution referred to that committee, a bill (H. R. 6405) to provide for the inspection of live-stock, hog products, and dressed meats, and for other purposes; which was read a first and second time.

The SPEAKER. Does the bill make an appropriation?

Mr. REAGAN. It does not. It contemplates the appointment of officers by the Treasury, but they are officers to be paid by fees and not out of the Treasury.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. CLARDY. I desire leave to submit the views of the minority, and ask that they be printed with the report of the majority.

There was no objection, and it was so ordered.

The following bills and joint resolution, reported back from the Committee on Commerce, were laid on the table:

A bill (H. R. 1899) to prohibit imports from foreign governments who unjustly discriminate against the products of the United States;

A bill (H. R. 1905) authorizing the President to prohibit by proclamation the importation of goods in certain cases;

A bill (H. R. 4056) providing for the inspection and certification of the quality of meat products for exportation; and

Joint resolution (H. Res. 111) authorizing the President, during the recess of Congress, to prohibit the importation of any imports injurious to public health from those countries which on the same grounds prohibit the importation of any American goods or products.

LIGHT-HOUSE AT PORT SANILAC.

Mr. REAGAN, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 5337) for the construction of a lake coast light-house at or near Port Sanilac, Lake Huron, Michigan; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

INTERNATIONAL COMMERCE.

Mr. REAGAN, from the Committee on Commerce, also reported adversely the bill (H. R. 3595) to authorize the governor of each State of the United States to appoint commissioners to establish a system of international commerce and to decide the practicability of establishing a bureau of international commerce.

The SPEAKER. If there be no objection, the bill will be laid upon the table and the accompanying report ordered to be printed.

Mr. WOOD. I ask that it be placed on the House Calendar.

The SPEAKER. That will be done.

The bill was accordingly placed on the House Calendar, and the accompanying adverse report ordered to be printed.

INSPECTION OF BOILER OF STEAMSHIP KENT.

Mr. DAVIS, of Illinois, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent; which was placed on the House Calendar, and the accompanying report ordered to be printed.

MARINE HOSPITAL ON STATEN ISLAND, NEW YORK.

Mr. BARKSDALE, from the Committee on Commerce, reported back with an amendment the bill (H. R. 4835) providing for the purchase of property on Staten Island for a marine hospital at the port of New York; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

PORT CHARGES OF THE WORLD.

Mr. CLARDY, from the Committee on Commerce, reported adversely the petition of the Maritime Association of New York, asking that the book entitled Port Charges and Requirements on Vessels in the Various Ports of the World be placed for reference in the seaport consulates of the United States; which was laid on the table, and the accompanying report ordered to be printed.

BRIDGES OVER NAVIGABLE RIVERS.

Mr. SEYMOUR, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 6100) granting the consent of Congress to the erection of bridges over navigable rivers upon conditions therein stated; which was placed on the House Calendar, and the accompanying report ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. SEYMOUR, from the Committee on Commerce, also reported, as a substitute for H. R. 2382, a bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point, within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. SEYMOUR, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 4695) to amend an "act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872; which was placed on the House Calendar, and the accompanying report ordered to be printed.

PRIVATE PROPERTY DESTROYED IN MILITARY SERVICE.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

A. P. FRICK.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported adversely the bill (H. R. 2678) to authorize the President, by and with the advice and consent of the Senate, to appoint A. P. Frick an assistant surgeon in the United States Army; which was laid on the table, and the accompanying report ordered to be printed.

FRANCIS M. KIRBY.

Mr. MURRAY, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3428) for the relief of Francis M. Kirby; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DONATION OF CONDEMNED ORDNANCE STORES.

Mr. MURRAY, from the Committee on Military Affairs, also reported adversely the joint resolution (H. Res. 75) authorizing the Secretaries of

War and Navy to donate condemned ordnance stores to the Grand Army of the Republic of the Department of the Potomac; which was laid on the table, and the accompanying report ordered to be printed.

ROAD TO NATCHEZ NATIONAL CEMETERY.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 3268) to construct a road to the national cemetery at Natchez, Miss.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ALFRED HEDBERG.

Mr. MAGINNIS, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3062) for the relief of Alfred Hedberg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOUTHERN MAIL CONTRACTORS.

Mr. ROGERS, of Arkansas, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for joint resolution No. 194, joint resolution (H. Res. 222) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read a first and second time, referred to the Committee of the Whole House on the state of Union, and, with the accompanying report, ordered to be printed.

LETTING OF MAIL CONTRACTS.

Mr. JONES, of Texas, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 4494, a bill (H. R. 6407) to regulate the letting of mail contracts; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

MARQUETTE AND ONTONAGON RAILROAD LAND GRANT.

Mr. SCALES, from the Committee on the Public Lands, reported, as a substitute for so much of House bill 292 as relates to the same subject, a bill (H. R. 6408) to forfeit land granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State; which was read a first and second time, placed on the House Calendar, and the accompanying report ordered to be printed.

Mr. BELFORD. I ask consent to present the views of the minority of the committee on the bill just reported, to be printed with the report of the majority.

There was no objection, and leave was granted accordingly.

STOCKBRIDGE AND MUNSEE INDIANS, WISCONSIN.

Mr. NELSON, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 2889) for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. H. BURCHARD.

Mr. PIERCE, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 1800) for the relief of J. H. Burchard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RELINQUISHMENT OF INDIAN LANDS IN WASHINGTON TERRITORY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with a favorable recommendation Executive Document No. 16, being a message from the President of the United States, transmitting a communication from the Secretary of the Interior of December 4, 1883, with draught of a bill to accept and ratify an agreement with Chief Moses and other Indians for the relinquishment of certain lands in Washington Territory; which was referred to the Committee on Appropriations.

JUSTICES OF PEACE IN WYOMING TERRITORY.

Mr. POST, of Wyoming, from the Committee on the Territories, reported back with a favorable recommendation the bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory; which was referred to the House Calendar, and the accompanying report ordered to be printed.

TERRITORIAL ACTS, WASHINGTON TERRITORY.

Mr. STRUBLE, from the Committee on the Territories, reported, as a substitute for H. R. 2949, a bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT KEY WEST, FLA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT HOULTON, ME.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 707) to provide for the erection of a public building at the town of Houlton, Me.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. BREITUNG, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1139, a bill (H. R. 6410) for the erection of a public building at Charlotte, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 4789, a bill (H. R. 6411) to provide for the selection of a site and erection of a new public building at Detroit, Mich.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT FORT WAYNE, IND.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 368, a bill (H. R. 6412) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;" which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT CLARKSBURG, W. VA.

Mr. HOLTON, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CONVICT LABOR.

Mr. JAMES, from the Committee on Labor, reported back with amendments the bill (H. R. 995) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America; which was referred to the House Calendar, and the accompanying report ordered to be printed.

WAGES DUE UNDER EIGHT-HOUR LAW.

Mr. LOVERING, from the Committee on Labor, reported back with amendments the bill (H. R. 4592) to pay to the employés of the Government wages hitherto withheld in violation of the eight-hour law; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

GEORGE H. FLUKE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5999) granting an additional pension to George H. Fluke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDISON M. COPEN.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4973) for the relief of Addison M. Copen; and the same was referred to the Committee on Pensions.

JOHN E. DENHAM.

On motion of Mr. BAGLEY, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5798) granting a pension to John E. Denham; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back the following cases adversely; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 989) granting a pension to Anna M. Thomas;
A bill (H. R. 1074) granting a pension to W. H. Gifford;
A bill (H. R. 1094) granting a pension to Jacob Hull;
A bill (H. R. 2412) for the relief of Mary A. Reynolds;
A bill (H. R. 2428) granting a pension to Philemon B. Purvis;
A bill (H. R. 2468) granting a pension to John Stevens;
A bill (H. R. 2420) granting a pension to Jacob Mayer;
A bill (H. R. 2479) granting a pension to Ann Jane Mackey;
A bill (H. R. 3706) for the relief of William Munion;

A bill (H. R. 4182) granting a pension to Ann Smart;
A bill (H. R. 4829) for the relief of Elizabeth Brain;
A bill (H. R. 4852) granting a pension to Walter H. Wood;
A bill (H. R. 5087) for the relief of William Munion;
A bill (H. R. 5355) for the relief of Alvin Walker;
A bill (H. R. 5661) granting a pension to Patrick Coffield;
A bill (H. R. 5662) for the relief of Joseph Schuler; and
A bill (H. R. 5790) for the relief of Sarah Gallagher.

JANE HILTON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5082) granting a pension to Jane Hilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM REINHARDT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5885) granting a pension to William Reinhardt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. H. BOWMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably a bill (H. R. 4061) for the relief of William C. H. Bowman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF WILLIAM HUGHES.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2077) for the relief of the heirs of William Hughes, deceased; and the same was referred to the Committee on War Claims.

HENRY J. GRAVES.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4149) for the relief of Henry J. Graves; and the same was referred to the Committee on Military Affairs.

MRS. ANN CORBIN.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4526) granting a pension to Mrs. Ann Corbin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRA M'NAIR.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3613) granting a pension to Ira McNair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMANUEL SULSGROVE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3614) for the relief of Emanuel Sulsgrove; which was laid on the table, and the accompanying report ordered to be printed.

CALVIN KNICK.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1866) granting a pension to Calvin Knick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BUCHANAN.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 1862) for an increase of pension of James Buchanan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH J. COLBERT.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3160) granting a pension to Elizabeth J. Colbert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports to be printed, namely:

A bill (H. R. 6105) to increase the pension of Mrs. Susan B. La Monte;
A bill (H. R. 1844) to increase the pension of Nick S. McCown;
A bill (H. R. 1880) granting a pension to Matthew McDonnell; and
A bill (H. R. 1843) for the relief of Marquis D. Davis.

LOUIS D. PETTY.

Mr. FYAN, from the Committee on Invalid Pensions, reported with an amendment the bill (H. R. 5776) granting a pension to Louis D. Petty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES HAWKINS.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2358) granting a pension to James Hawkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE ZIEFLE.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5960) granting a pension to George Zieffe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. HOUK, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2746) for the relief of John Scudgington; and the same was referred to the Committee on Military Affairs.

On motion of Mr. HOUK, also, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5167) for the relief of Charlotte Morrow; and the same was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

On motion of Mr. WINANS, of Michigan, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2315) for the relief of Delia E. Grummond; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. STORM, from the Committee on War Claims, reported back with an adverse recommendation a petition of the following title; which was ordered to be laid on the table, and the accompanying report printed, namely:

Petition of Pearson C. Montgomery, asking compensation for the use of steamboat New Nation.

Mr. STORM, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 735) for the relief of Edmund Wolf.

Mr. STORM. At the request of my colleague on the committee [Mr. WELLER], I ask that that bill be referred to the Calendar.

The SPEAKER. The bill, with the adverse report, will be referred to the Committee of the Whole House on the Private Calendar and the adverse report printed.

INTEREST ON WAR LOANS.

Mr. ROWELL, from the Committee on War Claims, reported back the bill (H. R. 2463) to reimburse the several States for interest paid on war loans, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HEIRS OF BLACK BEAVER.

Mr. ROWELL, from the Committee on War Claims, also reported back the bill (H. R. 269) for the relief of the heirs of Black Beaver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ROWELL, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 5182) for the relief of Edward Stearns; which was ordered to be laid on the table, and, with the accompanying report, printed.

A. T. TERRILL.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back the bill (H. R. 6413) for the relief of A. T. Terrill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VACATION OF AN ALLEY, WASHINGTON, D. C.

Mr. FIEDLER, from the Committee on the District of Columbia, reported back the bill (H. R. 4994) to vacate an alley in square 234 in the city of Washington; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COMMISSION ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. HILL, from the Committee on the Alcoholic Liquor Traffic, reported back with an adverse recommendation the bill (H. R. 2929) to provide for a commission on the subject of alcoholic liquor traffic.

The SPEAKER. Without objection, the bill will be laid upon the table.

Mr. DINGLEY. I object.

Mr. PRICE. The minority desire to submit their views on this question, to be printed with the report of the committee; and I ask that this bill be put upon the Calendar.

The SPEAKER. It will be placed upon the Calendar of the Committee of the Whole House on the state of the Union and the accompanying report ordered to be printed. The minority of the committee will also, without objection, have the right to submit their views.

There was no objection.

REDEMPTION FUND OF NATIONAL BANKS.

Mr. DINGLEY, from the Committee on Banking and Currency, reported back with amendments the bill (H. R. 5043) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national banking associations for the redemption of their circulating notes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This concludes the call of the standing and select committees. If there be no objection, the Chair will recognize gentlemen to make reports who were not in their seats when their committees were called.

There was no objection.

SECTION 3829 REVISED STATUTES.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported back with an amendment the bill (H. R. 811) to amend section 3829 of the Revised Statutes; which was referred to the House Calendar, and, with the amendment and accompanying report, ordered to be printed.

RELIEF OF SAILORS AND MARINES.

Mr. GOFF, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 5204) for the relief of certain sailors and marines of the late war; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN ALLEE.

Mr. FYAN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2378) restoring to the pension-roll the name of John Allee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRADE-DOLLAR.

Mr. DOWD. I call for the regular order.

The SPEAKER. The regular order is the unfinished business under consideration at the adjournment yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar. The gentleman from Iowa [Mr. PUSEY] is entitled to the floor, having thirty-five minutes of his time remaining.

Mr. PUSEY. Mr. Speaker, as a member of the Committee on Coinage, Weights, and Measures, I desire briefly to submit some arguments in advocacy of the provisions of this bill.

The trade-dollar in no sense constitutes any part of the circulating medium of this country to-day. Public policy and national good faith require its speedy retirement. Under the provisions of this short bill this can be accomplished without loss to the country or without loss to the present holders of this anomalous coin.

The provisions of this bill are simple, direct, equitable, and comprehensive. Section 1 reaches that class of holders who are remote from our subtreasuries. My people have not a subtreasury within five hundred miles of them. Other gentlemen on this floor represent constituencies who have not a subtreasury within one thousand miles of them.

Section 1 provides for those holders by making this coin receivable for public dues. They can walk across the street to the deputy collectors of internal revenue and buy their revenue-stamps, or they can go to the post-office and buy their post-office stamps and use the coin at par. Section 2 provides for the large holders in those great money centers, where they can use it by going immediately to the subtreasury and getting the standard silver dollars in exchange. Section 3 provides that these trade-dollars shall be sent by these treasurers and subtreasurers to the coinage mints of the country to be recoined into standard dollars, thereby giving to the country a uniform silver circulation.

Now, I will say, Mr. Speaker, within parliamentary usage, I hope, that up to section 4 of this bill the committee were practically unanimous, but when we reached section 4 there was a division, and there is a minority report of this committee on the provisions of that section. That provides that when this coin is sent to the coinage mints it shall be treated as silver bullion and deducted from the monthly purchases of silver bullion by the Treasury. Our chairman, who is the author of the minority report, says: "I do not want the law of February 28, 1878, interfered with." I say in reply that practically we do not interfere with it. There is one provision of that law that requires the Treasury of the United States to purchase monthly not less than $2,000,000 of silver bullion.

Now, Mr. Speaker and gentlemen of the committee, why is it that that provision was put in there? Was it not to enable the Treasury of the United States or the mints of the United States to coin not less than 2,000,000 per month of standard dollars? It was not put in there for any such purpose as to make a steady market of $2,000,000 a month to silver-bullion dealers. We do not legislate in that direction. You practically do not affect the monthly coinage of standard dollars. The clink and music of the Bland dollar will be heard just as it is now. The Government of this country will still take $7,200,000 per annum as seigniorage on this money of the people. Now, is this a strike at the silver-bullion dealer? By no means. We are under no obligation to furnish a market for him. You ask, what will he do? He will do precisely as my farmers do, store the product until there is a market for it, with the certain assurance that the Government is a purchaser within a very few months.

In round numbers, there have been thirty-five millions of this anomalous money coined. It is estimated by the statistics of our custom-houses, the manifests of our vessels, and the approximate amounts brought by immigrants to this country, that all of this $35,000,000, with the exception of possibly $7,000,000, have, in those dusky nations of the East, gone into the coinage of the sycee-silver, into subsidiary coin, into ornaments, and into the arts, so that there is left practically, at the maximum calculation, in all not to exceed $8,000,000.

I think, Mr. Speaker, the argument on this whole bill should rest here. We have suffered ourselves to issue a coin, the trade-dollar, for foreign circulation. The Constitution gives us control over the coinage of silver and gold, the regulation of its value, and the regulation of foreign coins within the United States. But here is a native coin for foreign circulation. I will admit, Mr. Speaker, that it is the child of an impure alliance. Yet the Government finds itself in the position that it has to assume the guardianship of this prodigal. It has on it the devices and insignia of this Government, and the honor and good faith of this nation demand that it should be redeemed.

It may be said that speculators of this country have this coin. That may be true to some extent. But is not that true of every commodity? But the fact is that outside of the great moneyed centers this coin is scattered among the laborers of this country. I will say as a practical business man that I know of thousands of dollars of this anomalous coin that are deposited in the banks of the country as a special deposit. Under the provisions of this law the man who has $10, $20, or $50 can walk right across the street and get dollar for dollar in revenue-stamps and postage-stamps.

Mr. Speaker, I do not desire to pose as a *doctrinaire* upon any of the economic questions that may come before this House. I would rather be instrumental in crystallizing the intelligence and experience of this House in formulating some practical legislation before the country.

Mr. Speaker, when debate on this bill closed by reason of adjournment on the evening of the 28th, it had been circumscribed to reasons for and objections to the adoption of the four sections of this bill providing for the retirement of the trade-dollar. In the license and latitude given the discussion of all public measures before the House, this debate has not proven exceptional, but has encompassed the history of legislation since 1853 on the silver question. What may have been wise in 1853, with the changed statistics of our precious metals would be subject to just criticism in 1884. The results immediately preceding and leading to the enactment of the silver legislation of 1853 are unprecedented in the history of this or any other country.

In 1848 commenced what is known as the golden era, which in one decade flooded this country with over $550,000,000 in gold, and during which period the native product of silver scarcely reached $550,000. Add to this natural cause the fact that France had thrown her mints open to free coinage, and British India had adopted the silver standard, and you have the solution of the silver legislation of 1853, by which our subsidiary silver coins were debased nearly 8 per cent. and gold and silver were forced to part company. This plethora of gold stimulated every branch of industry, ran real estate up to fabulous prices, increased the price of living, and decreased the purchasing power of the gold dollar, followed by reaction, which led to partial suspension of specie payment, to be succeeded in turn by national suspension of specie payment in December, 1861.

In the mean time, however, what is known as the silver era in the United States had arisen. The product of gold had reached its maximum of $69,000,000 annual product when the silver mines of Nevada and the States and Territories west of the Missouri began to pour into the market their tribute of silver, as a further evidence of the inexhaustible resources of this favored country, augmenting in volume until the product of 1883 is in excess of that of gold by more than $20,000,000, thus restoring by natural causes, measurably, the normal ratio of our precious mentals, estranged by existing causes in 1853. What were the extraneous causes, aside from any absence of equilibrium in our precious metals, which led to our legislation of 1873, which gave to the world the trade-dollar, and that of February 28, 1878, known as the "silver flood," and which was but a legitimate sequence of the legislation of 1873.

Now, Mr. Speaker, I entertain very pronounced convictions on this question—convictions forced upon me in a lifetime spent in the busy marts of trade and as a silent but somewhat observant student of our financial policy since 1865. And yet, speaking in this presence and to

the country, I do not know of a sentiment which I could utter, I do not know of a principle which I might seek to ingraft upon the legislation of this country on the silver question which might not be subject to modification by the ceaseless and ever-changing tide of international commerce. When the war closed and a nation's life had been preserved by the heroic sacrifices of her people, a policy, a financial policy, was adopted by those in power which has done more, in my judgment, to concentrate the distributed wealth of this entire nation into the colossal fortunes of the few than has all our wasteful endowment of our public domain upon railroad corporations.

When the tragic history of our civil war has lost its glamour some Albert Gallatin may be found who will yet write the financial tragedy of this nation, commencing in 1865 and closing on that memorable 1st day of January, 1879, when the curtain dropped, bearing the inscription, "Forced resumption by means of contraction." I hope that history in all its significant details may be found in that book which will be so opportunely cast upon the market a few weeks preceding the Chicago convention, whose author was a prominent actor in that drama. If so, it will be found that the policy of McCulloch, Boutwell, Bristow, and Sherman overshadowed the nation with a financial cloud of more than Cimmerian darkness, which left in its wake prostrate industries, ruined fortunes, paralyzed energies, filling our land with mourning and our streets and byways with starving tramps—the fruitful mother of the riots of 1877, and the mournful episode to a nation's triumph in arms.

All honor, then, to the men who stood up in these Halls on the 28th of February, 1878, and passed the silver bill over the veto of President Hayes. In the full light of contemporaneous history, I believe it was the throes of a brave people striving to utilize to the utmost the resources of our country—not to avert, but "to temper the winds to the shorn lambs." With our policy on the silver question, superadded to the more important fact that in the ten years embraced between 1873 and 1883 the agricultural products of this country are estimated to have been twenty billions of dollars' worth, of which we exported over six thousand millions in value, while other exported articles were enormous, in all far exceeding in the aggregate that of the forty years previous, bringing us a balance of trade of over $110,000,000—in this you have the causes which made specie resumption possible.

But was specie resumption on the 1st day of January, 1879, a truthful annunciation of the nation's ability to pay its demand liabilities in gold? On that day there was outstanding, first, gold certificates, $21,580,700; second, matured United States bonds, $22,140,642; third, matured interest, $4,081,903; fourth, legal-tender notes, $346,681,016; aggregate demand liabilities being $394,484,261. Gold in the Treasury, $135,382,639 to accomplish this. This is the way the books stood on that day after Sherman had sold $100,000,000 of our 4½ per cent. bonds for gold to the New York and London syndicate, paying them ⅛ to ½ per cent. commission, and we have been paying and will have to pay interest on these bonds until maturity. What a climax to a prologue of consummate financial crime! Not one dollar of legal-tender notes was presented for redemption, and our silver certificates have so steadily grown in favor that more than $90,000,000 of gold coin has been sent to our Treasury in exchange for them. You gentlemen from New England and the great financial cities of this country, who in this debate are clamoring that we should stop the coinage of the silver dollar, should have more respect for silver as a potent agency, as in truth the factor solving the problem of national finance.

Now, how shall we treat this silver question so far as it may be involved in the requirements of section 4 of this bill. The United States unexpectedly finds itself heir to about $8,000,000 silver coin in the trade-dollars proposed to be recoined into standard dollars in order to afford a uniform silver circulation, which will supply our coinage mints about four months in coining. The United States Government is, under this provision, not in the market during these four months as a purchaser of silver bullion. It is in the condition of the miller whose bins are full of grain to overflowing, and he stops the purchase until he can grind his stock on hand, and if he buys it will be for speculative purposes. The Government has not only been unexpectedly supplied with silver bullion sufficient for coinage for four months to come, but has on hand, for which there is no present demand, 38,000,000 standard silver dollars over and above all demands upon it for redemption of silver certificates outstanding, as will be seen by the following statement which I have just received from the Treasurer.

*Condition of gold and silver in our Treasury March* 29, 1884.

| | | |
|---|---|---|
| Gold coin in Treasury and mints | | $150,249,735 24 |
| Gold bullion | | 60,624,333 10 |
| | | 210,974,068 34 |
| Gold certificates outstanding | | 69,854,820 00 |
| | | 141,919,248 34 |
| Silver bullion | | 5,043,824 61 |
| Standard silver dollars | | 129,002,117 00 |
| | | 134,045,941 61 |
| Silver certificates outstanding | | 96,985,821 00 |
| | | 38,060,120 61 |

Again, if this bill becomes a law, the trade-dollars will be practically retired within ninety days after its passage, which will be an expansion of silver-certificate circulation so far as that monthly redemption is in excess of the $2,000,000 silver bullion monthly purchase which the Treasurer is required to make under one of the provisions of the law of February 28, 1878. Our silver and gold, with their representatives, gold and silver certificates, together with the reserved authority of the Government over the volume of legal-tender notes to be issued, constitute the automatic power of the Government over its monetary affairs, which in time will be self-adjusting, placing us where our Treasury has not been since 1865, beyond the control of the moneyed syndicates of the world. As the three hundred and forty millions of national-bank circulation, founded on the debt of the nation, shall be gradually retired by the redemption of the hypothecated bonds, the monthly issue of our gold and silver certificates will supply the deficiency and fill the vacuum.

What then, Mr. Speaker, should be the policy of this Congress in reference to our silver coinage? Primarily, to reach a purer coinage. With our inexhaustible resources in mineral wealth, no country can afford a purer and better coinage than the United States. An axiomatic truth in trade is, "Manufacture the best article and your market is assured." Money derives its power from its quality of universal acceptability, and labor is the real measure of the exchangeable value of all commodities. Gold and silver is the money of the laborer; give it them, as God has given it to us, in the greatest purity. It is not the money of the great corporation, of commerce, and the bank. They deal in the "money of account."

But the toiling millions keep no bank accounts; their money should not only at all times have the greatest purchasing power, but as far as possible possess enduring and intrinsic uniformity in value. To preserve the natural ratio of these precious metals has been the problem of the ages. In the days of Christ it stood as 9 to 1. It has varied through all the centuries, and our present standard is 16 to 1. No country has any trouble with this silver question which exports more than it imports, or sells more than it buys. Legislation may do very much to sustain the equilibrium of these precious metals. Some go so far as to say it may practically control it, through the metric system of coinage, when the two metals are blended in their natural ratio.

In this age of quick transit and almost constant contact of the great commercial nations of the earth revulsions can be but temporary; the ebb of the receding tide eastward but augments the flow westward for investment in our products. If we can fully restore the confidence of the people in the precious metals, begetting thereby the habit of prizing our coin, it will lead to frugality and thrift, the surest foundation of a people's permanent prosperity, placing in power those who are in full sympathy with our people on this question, and not under the domination of corporate power. We can infuse into our diplomacy a vigor and earnestness on this question which will be more powerful than the Latin Union, and which will take our money where our flag goes, to be received and respected by all peoples.

Mr. Speaker, I ask leave to print some tabulated statements in reference to our product of the precious metals and the fluctuations in their value.

The SPEAKER. The Chair hears no objection.

*Native product of gold and silver from* 1859 *to* 1873.

| Year. | Gold. | Silver. |
|---|---|---|
| 1859 | $50,000,000 | $100,000 |
| 1860 | 46,000,000 | 150,000 |
| 1861 | 43,000,000 | 2,000,000 |
| 1862 | 39,200,000 | 4,500,000 |
| 1863 | 40,000,000 | 8,500,000 |
| 1864 | 46,000,000 | 11,000,000 |
| 1865 | 53,225,000 | 11,250,000 |
| 1866 | 53,500,000 | 10,000,000 |
| 1867 | 51,725,000 | 13,500,000 |
| 1868 | 48,000,000 | 12,000,000 |
| 1869 | 49,500,000 | 13,000,000 |
| 1870 | 50,000,000 | 16,000,000 |
| 1871 | 43,500,000 | 22,000,000 |
| 1872 | 36,000,000 | 25,750,000 |
| 1843 | 36,000,000 | 36,500,000 |

PRODUCT WEST OF THE MISSOURI RIVER.

WELLS, FARGO & CO. EXPRESS AND BANKING,
*San Francisco, January* 1, 1884.

DEAR SIR: The following is a copy of our annual statement of precious metals produced in the States and Territories west of the Missouri River (including British Columbia and receipts by express from the west coast of Mexico) during 1883, which shows aggregate products as follows: Gold, $29,236,492; silver, $47,229,649; copper, $5,683,921; lead, $8,163,550—total gross result, $90,313,612.

California shows a decrease in gold of $1,629,028, and an increase of silver of $969,844. Nevada shows a falling off of $1,591,755. The Comstock shows an increase of $392,468, but there is a decrease in the product of Eureka district of $1,519,124. With the exception of Montana and Idaho, there is a decrease in the product of the other States and Territories.

The facilities afforded for the transportation of bullion, ores, and base metals by the extension of railroads into the mining districts increase the difficulty of verifying the reports of the products from several important localities, and the general tendency is to exaggeration when the actual values are not obtainable from authentic sources; but the aggregate result, as shown herein, we think may be relied on with reasonable confidence as approximately correct.

*Annual products of precious metals in the States and Territories west of the Missouri River, 1873.*

| States and Territories. | Gold dust and bullion by express. | Gold dust and bullion by other conveyances. | Silver bullion by express. | Ores and base bullion by freight. | Total. |
|---|---|---|---|---|---|
| California | $13,182,188 | $659,109 | $1,171,748 | $660,269 | $15,673,314 |
| Nevada | 1,097,595 | ..... | 5,924,252 | 1,749,774 | 8,771,621 |
| Oregon | 387,927 | 193,963 | 11,090 | ..... | 592,980 |
| Washington | 42,117 | 21,058 | 351 | ..... | 63,526 |
| Alaska | 85,000 | 20,000 | ..... | ..... | 105,000 |
| Idaho | 1,077,985 | 215,597 | 692,545 | 1,819,700 | 3,805,827 |
| Montana | 2,380,000 | 119,000 | 4,900,000 | 2,480,000 | 9,879,000 |
| Utah | 27,036 | 4,134 | 2,398,627 | 4,587,885 | 7,017,682 |
| Colorado | 2,341,692 | ..... | 4,434,444 | 17,533,864 | 24,310,000 |
| New Mexico | 123,642 | 50,000 | 1,190,977 | 2,048,900 | 3,413,519 |
| Arizona | 340,686 | 150,000 | 4,147,427 | 3,545,630 | 8,183,743 |
| Dakota | 2,448,000 | 245,000 | 130,000 | ..... | 2,823,000 |
| Mexico (west coast) | 767,836 | ..... | 3,870,548 | 384,000 | 5,022,384 |
| British Columbia | 521,613 | 130,403 | ..... | ..... | 652,016 |
| | 24,823,317 | 1,808,264 | 28,872,009 | 34,810,022 | 90,313,612 |

The gross yield for 1883, shown above, segregated, is approximately as follows:

| | |
|---|---|
| Gold, 32.36 per cent | $29,236,492 |
| Silver, 52.30 per cent | 47,229,649 |
| Copper, 6.30 per cent | 5,683,921 |
| Lead, 9.04 per cent | 8,163,550 |
| | 90,313,612 |

*Annual products of lead, copper, silver, and gold in the States and Territories west of the Missouri River, 1870–1883.*

| Year. | Products as per W. P. & Co.'s statements, including amounts from British Columbia and west coast of Mexico. | Product, after deducting amounts from British Columbia and west coast of Mexico. | The net product of the States and Territories west of the Missouri River, exclusive of British Columbia and west coast of Mexico, divided, is as follows: | | | |
|---|---|---|---|---|---|---|
| | | | Lead. | Copper. | Silver. | Gold. |
| 1870 | $54,000,000 | $52,150,000 | $1,080,000 | ..... | $17,320,000 | $33,750,000 |
| 1871 | 58,284,000 | 55,784,000 | 2,100,000 | ..... | 19,286,000 | 34,398,000 |
| 1872 | 62,236,959 | 60,351,824 | 2,250,000 | ..... | 19,924,429 | 38,177,395 |
| 1873 | 72,258,693 | 70,139,860 | 3,450,000 | ..... | 27,483,302 | 39,206,558 |
| 1874 | 74,401,045 | 71,965,610 | 3,800,000 | ..... | 29,699,122 | 38,466,488 |
| 1875 | 80,889,057 | 76,703,433 | 5,100,000 | ..... | 31,635,239 | 39,968,194 |
| 1876 | 90,875,173 | 87,219,859 | 5,040,000 | ..... | 39,292,924 | 42,886,935 |
| 1877 | 98,421,754 | 95,811,582 | 5,085,250 | ..... | 45,846,109 | 44,880,223 |
| 1878 | 81,154,622 | 78,276,167 | 3,452,000 | ..... | 37,248,137 | 37,576,030 |
| 1879 | 75,349,501 | 72,688,888 | 4,185,769 | ..... | 37,032,857 | 31,470,262 |
| 1880 | 80,167,936 | 77,232,512 | 5,742,390 | $868,000 | 38,033,055 | 32,559,067 |
| 1881 | 84,504,417 | 81,198,474 | 6,361,902 | 1,195,000 | 42,987,613 | 30,653,959 |
| 1882 | 92,411,835 | 89,207,549 | 8,008,155 | 4,055,037 | 48,133,039 | 29,011,318 |
| 1883 | 90,313,612 | 84,639,212 | 8,163,550 | 5,683,921 | 42,975,101 | 27,816,640 |

The exports of silver during the present year to Japan, China, India, the Straits, &c., have been as follows: From Southampton, $33,260,237; from Marseilles, $851,840; from San Francisco, $4,498,546—total, $38,610,623, as against $43,266,000 in 1882.

JNO. J. VALENTINE,
*Vice-President and General Superintendent.*

Hon. W. H. M. PUSEY, *Washington, D. C.*

The following table of the relative value of silver at various times will be of interest here. We quote the price for 412½ grains troy, this being the weight of the standard dollars, and by adding to it the value of 7½ grains, about 1½ cents, the reader will have the relative value of the trade-dollar:

| | Value. | | Value. |
|---|---|---|---|
| 1848 | 100.88 | 1864 | 104.06 |
| 1849 | 101.30 | 1865 | 103.52 |
| 1850 | 101.83 | 1866 | 103.63 |
| 1851 | 103.42 | 1867 | 102.67 |
| 1852 | 102.57 | 1868 | 102.57 |
| 1853 | 104.26 | 1869 | 102.47 |
| 1854 | 104.26 | 1870 | 102.67 |
| 1855 | 103.95 | 1871 | 102.57 |
| 1856 | 103.95 | 1872 | 102.25 |
| 1857 | 104.69 | 1873 | 102.46 |
| 1858 | 103.95 | 1874 | 98.86 |
| 1859 | 105.22 | 1875 | 96.43 |
| 1860 | 104.58 | 1876 | 89.22 |
| 1861 | 103.10 | 1877 | 92.22 |
| 1862 | 104.16 | 1878 | 88.85 |
| 1863 | 104.06 | | |

Fluctuation in the price of silver like that since 1875 the world never witnessed before. In the month of July, 1876, it touched bottom, and the gold value of 412½ grains of silver declined below 80 cents, recovered, however, as rapidly, and the average market value of the metal contained in the standard dollar during 1883 has varied between 84½ and 86 cents.

Mr. CASSIDY. Mr. Speaker, it is not my purpose to antagonize that portion of the bill reported by the Committee on Coinage, Weights, and Measures which provides simply for the redemption and recoinage of the trade-dollar. I believe that we are all agreed that this should be done. We differ only as to the manner. Uniformity in the silver coinage is desirable, and it is quite as much desired by the friends of silver as by its enemies. Notwithstanding that the trade-dollar is a better dollar intrinsically than the standard dollar (it contains several grains more of bullion), the enemies of silver have unwarrantably worked up a feeling against it, until now no course seems open to us but to transform the trade-dollars into standard dollars. The trade-dollar was found by the enemies of silver to be the weak spot in the general subject where a successful assault could be made. It was lacking in the legal-tender element. With the aid of jobbers and speculators it was not a difficult task to bring this coin into discredit and disfavor among the people. It is only an evidence of what the allied forces of the oppositon would do with the standard dollar if they had the power.

But, Mr. Speaker, I am opposed to that feature of the bill which provides that there shall be a suspension of the purchase of silver bullion for coinage into standard dollars pending the redemption and recoinage of the trade-dollar. I oppose it on the broad ground that it is a practical and substantial contraction of the volume of silver currency in circulation among the people. This is the vital point put in issue. Let me read section 4 of this innocent little bill, which is as follows:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

There you have it. The trade-dollar when redeemed is to be treated as so much bullion. There can be no mistake about that. And under this section we are called upon to suspend the operation of the law of 1878 (a poor, half-way measure at the best) until all of the trade-dollars in circulation among the people shall have been reconverted into standard dollars.

Of course no man can tell how many of these trade-dollars are outstanding in this country. We can only estimate as to the number. The Director of the Mint, who may have better facilities than any one else, estimates that the amount will approximate $9,000,000. He may or may not be correct in his estimate. Other well-informed sources place the amount at $15,000,000. No one, I believe, goes above this latter sum. We all know that there were within a fraction of $36,000,000 coined originally. We all know further that these coins were designed in the beginning wholly for the export trade, and we are morally certain that a very large proportion of them were absorbed by China and other Asiatic countries. But what proportion thus found their way out of the country can only be conjectured. For the purposes of this argument let us take the estimate of the Director of the Mint as our guide and basis. His estimate is the lowest, and besides it seems to be semi-official. On this basis the monthly purchases of bullion of $2,000,000, as re-

quired by the act of 1878, would have to be suspended for four and one-half months. Is this desirable? Does any friend of the standard dollar want this? Is it not the entering-wedge to total demonetization in the near future if the enemies of silver can carry their purpose.

Let no man be deceived into voting for this bill with section 4 in it, simply because it is backed up by a favorable report of the committee. It is replete with hidden dangers. Every member on this floor who is opposed to silver, every member who is in favor of striking down the standard dollar and the closing of the doors of the mints against the further coinage of them, will be found voting to retain this obnoxious section. Watch the roll-call, and you will find every one of them recorded on that side. I especially warn Democrats, who are the friends of silver and of the people, to be careful of the vote they shall give on this important measure.

The other side of the House will be found almost to a man in favor of destroying silver. They never miss an opportunity to degrade it before the country. Section 4 is a direct infringement of the coinage law of 1878. It means that the volume of silver currency shall be decreased to the amount of the trade-dollars found to be outstanding, the lowest estimate of which has been placed at $9,000,000, and it may reach $15,000,000. Are you prepared for this? Is there a demand for it anywhere except that which comes up from the national banks and other monopolists in the East? No one can successfully deny that until within a brief period these trade-dollars have circulated currently among the people everywhere. They have occupied the place of an equal number of standard dollars.

No person having the slightest regard for truth and fair dealing between man and man will attempt to gainsay this proposition. It is a fact of manifest correctness on its face. Now, to treat these trade-dollars as bullion is simply to withdraw and contract the silver currency of the country in any sum ranging from $9,000,000 to $15,000,000. Nothing more, certainly nothing less, can be made out of it. It is equivalent to recalling and recoining from 9,000,000 to 15,000,000 of standard dollars. The trade-dollar is outstanding and has been in active service as a medium of exchange among the people. It is for these reasons, briefly and imperfectly stated, that I am opposed to section 4 of the bill.

This leads me to some further observations on the general question of silver and of silver legislation. I do not propose to treat it as a local question, for it is not. It is a great, broad, national subject, affecting, in my judgment, the best interests of all the people in every section of our common country. Stating it mildly, Mr. Speaker, the attitude of the Government on this subject is wrong. The men of the East who oppose silver as one of the money metals of the land are also radically wrong. To my mind, and I have learned something of the subject by contact and observation, there can be no question about this. The Government ought not to be required to purchase $2,000,000 of bullion or any other sum per month for coinage into standard dollars.

The law of 1878 requiring this is pernicious. The Government does not purchase and coin gold. It should have nothing to do with the ownership of either metal prior to coinage. Both metals should be placed on equal footing and the entire product of both should be minted. The proper function of the Government will have been discharged when it shall have established the ratio. Say, by law, how many grains of silver shall go into the dollar, and stop at that. Then throw your mints open to the free and unlimited coinage of silver and leave the producer to do the rest. It will be his business to get it into circulation after you shall have made it a legal tender for all debts public and private.

This is, I say, the true theory. But the Government is not conducted on correct principles or sound theories, and hence we find a limitation placed on the coinage of silver. The maximum is $4,000,000 and the minimum $2,000,000 per month. As showing the hostility of Republican administrations to silver, the minimum has never been exceeded in any single month since the passage of the law partially remonetizing silver in 1878. What we want is total restoration and full remonetization. We want the entire product of the mines of the West converted into money for the people. If the Government will but go back to the old, sound Democratic policy which was observed and maintained in this country from 1792 down to demonetization by a Republican Congress in 1873, it will have no difficulty and no embarrassments in dealing with this question. Certainly it will not be charged with the duty of hoarding the wealth of the people in its vaults, under the false pretense that silver is unpopular with the masses. You do not give it a chance. Your inventive genius is taxed to the utmost in discovering methods by which you can circumscribe the usefulness of this solid, indestructible money of the people. All of your aims are in that direction. You discredit and depreciate this great source of national wealth on all occasions. The Republican party stands as a menace to the silver currency of the country.

Your President says, in his annual message to Congress, strike it down. Your Secretary of the Treasury says the same thing; and bills without number, all emanating from the Republican side of this House, are pending here looking to the destruction of this metal as a measure of value. We were confronted with similar recommendations and similar attempts at adverse legislation two years ago in the Forty-seventh Congress. The leading newspapers of the East are likewise in chorus. Considering all of these things, and particularly the attitude of the Administration backed up by the dominant party and its press, is it any wonder that the dignity of silver as a money metal seems destined at times to succumb to the clamor? Nothing but the unconquerable will of the American people and their deep reverence for the hard, stable money of the past prevents it. You have swindled the people out of free, unlimited coinage. We shall insist now that you live up to the strict letter of the two-million-per-month-compromise law until you give us something better in its place. Its plain provisions must not be infringed or rendered nugatory in any particular, under any pretext whatever. It was a bad bargain for the people; but I am here to insist on its fulfillment to the letter until you give us something better. For the present, at least, full force and effect must be given to the act of 1878.

Mr. Speaker, from the very dawn of civilization silver has been the money of the people; it has a Biblical record; it goes back to the Abrahamic period: "Abraham was rich in silver and gold;" the high priests and patriarchs and chief scribes of the ancients used it, and to-day it is the money of three-quarters of the people on the globe. True, a few leading nations of the earth have demonetized it, but still, in point of numbers, the people who maintain it as a standard of value are vastly in the majority. When we consider that America is the greatest producer of this metal, can there be any question as to which side the moral support and influence of this Government should be thrown? In my judgment that is an amateur description of statesmanship that would discredit one of the chief products—a chief source of wealth—of our own country.

But let us look for a moment at the history of the silver legislation in this country. Silver was the money of the fathers of the Republic, standard dollars of 412½ grains, 900 fine; and it continued to be the money of the people until our bonded debt and the national banks came into existence. These are the influences that destroyed silver and that are still making war on it through the Republican party, between which there is a close affinity, an alliance offensive and defensive. Trace the legislation. It is intimately associated and blended all along the line. First the bonded debt of the Government was made payable in lawful money of the United States. That was the language of the law on which the bonds were originally issued. Greenbacks came within the category of lawful money. Greenbacks depreciated in the markets of the world. The bondholders and national banks became dissatisfied; they wanted more; they insisted on their pound of flesh from the Government and the people, these men and corporations whose appetites had been sharpened by greed, men given up to avarice, which has been eloquently described as "the most debasing passion in the heavens above, the earth below, or beneath the earth." Then it was that they again approached Congress, through the Republican party, and secured a modification of the original law, making the obligations of the Government payable in coin. Coin at that time meant silver as well as gold. This was a great and beneficent measure, we were told, designed solely to uphold and strengthen the credit of the nation.

Mr. LACEY. If it will not interrupt the gentleman, I would ask whether the act of 1862, which provided for the first issue of greenbacks, did not also provide that the customs dues of the United States should be payable in coin, and that this coin should be set apart as a fund secured for the payment of the public debt; and I would further ask whether the $1,000,000,000 which has been paid on the public debt has not always been paid in pursuance of that sinking-fund act?

Mr. CASSIDY. In reply to my friend from Michigan, I will say that these interrogations do not disturb me at all. I am glad to have them at any point in my remarks. I have no set speech. Regarding the specie fund to which he has alluded, I answer that that was provided to meet the accruing interest on the public debt.

Mr. LACEY. No; the interest and the principal.

Mr. CASSIDY. I beg the gentleman's pardon. None of the bonds matured for many years, and this specie reserve was provided exclusively to meet the interest. But the point is immaterial. Whatever may have been the early policy, we have long since abandoned it.

Mr. BRUMM. Subsequent legislation brought in the principal.

Mr. CASSIDY. I think the gentleman from Pennsylvania is right. But that is a matter of legislative history which is not material as affecting the general line of my argument.

But let us go back; let us not lose sight of the distinguished consideration with which the Government treated a certain class of its creditors. I had shown how the lawful greenback had been relegated to a back seat in the interest of and at the bidding of the bondholder. He had arranged to have his holdings liquidated in hard coin, and reasonably he should have been happy and content. But this blissful state was not destined to be of long duration. He thirsted for gold, and gold alone; silver would not satisfy his craving, nor would the two metals together suffice to drive him from the doors of this Hall. Then, at his instance, came the law of 1873, enacted by another Republican Congress, striking down at a single blow the silver of the country and driving it from the field in disgrace as one of the money metals of the land And what was the result? Mark well the effect. There was immediately preciptated such a panic, such widespread suffering and disaster, as had never been witnessed before in this country. Utter stagnation and financial ruin, universal and all-pervading, characterized every

section of the land. Values, confidence, credit, all were swept away in a day, and for the first time in our history, be it remembered, the "tramp" made his appearance among us. Gentlemen may not be able to trace the connection between demonetization and the inauguration of the "tramp" era, but I call attention to the fact that by a remarkable coincidence they are of even date. The depression which hung like a pall over the country and every material interest thereof from 1873 to 1878 is known of all men. Perhaps the demonetization of silver did not produce this unhappy state of affairs, but the circumstance is at least significant and supplies its lesson.

Mr. BELFORD. May I ask the gentleman from Nevada if it is not a fact that Germany, after the discovery of gold in California, absolutely demonetized gold in the interest of the Rothschilds?

Mr. CASSIDY. I believe the gentleman from Colorado is correct. I have seen it so stated, though I have nothing authentic on the subject. There can be no question that Germany at once proceeded to dishonor silver when she saw that we were producing it in large quantities.

But let me not be diverted from my purpose to draw another lesson from the more recent legislation on the subject of silver. It is patent to all that a Democratic Congress partially restored silver to its old place in 1878, an act which was immediately followed by a period of unparalleled and unexampled progress and prosperity throughout every portion of our common country. Nay, more, specie resumption, in my judgment and in the judgment of many able financiers, was alone rendered possible through remonetization and the restoration of silver. In the face of these indisputable facts of history, who can say that this money of the people is not entitled to the fullest and fairest consideration at the hands of all men who seek to advance the public weal. We know that demonetization in 1873 was succeeded by universal distress, while general prosperity followed remonetization in 1878. The statesman who is honestly striving to solve this question correctly can not and will not ignore the effect produced by these acts respectively.

I have said, Mr. Speaker, that three-quarters of the people of the world use silver exclusively. Less than 15 per cent. of the people of the habitable globe employ the single gold standard. The average relative value of the two metals for two hundred years prior to demonetization in the United States in 1873 was less than 3 per cent. It has sometimes reached 5 per cent. since 1873, all owing to the false attitude in which the United States had been placed on the subject. The countries which use gold only as a standard of value are Great Britain, Denmark, Sweden, Norway, Portugal, Turkey, Canada, Brazil, Argentine Republic, Persia, Cape of Good Hope, and the Australian colonies, with an aggregate population of 138,600,000. Those which use silver only as a standard of value are Russia, Austria, Mexico, Central America, Ecuador, Peru, China, British India, Siam, Burmah, Dutch colonies of Java, Madeira, Egypt, Tunis, and Tripoli, with an aggregate population of 772,000,000. Those using both gold and silver and having the double standard are France, Belgium, Switzerland, Italy, Greece, Roumania, Holland, Spain, United States, Colombia, Venezuela, Chili, Uruguay, Paraguay, Bolivia, Cuba, and Algiers, with an aggregate population of 181,100,000. The population who use gold alone as a standard and those who use silver alone as a standard and those who use both are divided as follows:

| Standards. | Population. | Per cent. |
|---|---|---|
| Gold | 138,600,000 | 13 |
| Silver | 772,000,000 | 71 |
| Gold and silver | 181,100,000 | 16 |
| Total | 1,091,700,000 | 100 |

This table embraces forty-five countries of the commercial world, and about all that are of any consequence in the consideration of this subject.

The Westminster Review and the Journal des Economistes, both eminent authorities, estimate that the annual product of gold and silver throughout the world is less than $200,000,000. Soetbeer and other distinguished economists and writers claim that $60,000,000 of gold and $28,000,000 of silver are annually consumed in the arts and manufactures. The accidents of life, abrasion of coin, waste, and burials it is estimated will consume $30,000,000 more, making a grand total of $118,000,000, and reducing the annual net increase in all the world to about $80,000,000, an insignificant sum compared with the demands of a rapidly expanding commerce and a growing population. In this country in particular the maximum of production of the precious metals has long since been reached and passed. The flush bonanza days have gone, never to return.

It is true that we will continue to produce for generations to come anywhere from $25,000,000 to $75,000,000 per annum, but there is no likelihood that we shall ever again reach the enormous figures of a few years ago. Hence it is to be said that not the slightest apprehension need be felt that there will ever again be an abnormal production of the precious metals in this country. It is a theme of serious regret, in my opinion, that this important product is slowly but surely tending in the other direction. And do gentlemen know that when they strike a blow at silver they also cripple the production of gold? We cannot mine for gold alone. In pretty much all of the ores of the West the two metals are held in combination in about equal parts. You cannot strike down one without injuring the other. Neither is silver an incident of gold mining. In all of the lower-grade mines (and the low grades are the rule and at the same time the more valuable and permanent) it takes both metals to yield a profit, and that too with silver in good demand and at a fair price. Whenever you do anything here which discredits and depreciates silver, bear in mind that by the same act you discourage the production of gold, a metal which you all assume to hold in the highest and holiest esteem.

I had not intended, Mr. Speaker, to discuss the general subject of silver, but I find so many bills and substitutes pending before the House that I can see no way open to me but to meet the whole question upon its merits.

Let us now turn for a moment to the operations of the Treasury since silver was restored in 1878. Let us see whether we have been benefited or injured by the law of that date.

The total volume of money in this country may be set down at (I deal in round figures) $700,000,000 in paper, $500,000,000 in gold, and $250,000,000 in silver. At the date of remonetization and specie resumption there was less than $300,000,000 of gold, and comparatively but a nominal sum in silver in this country. The Treasury was practically destitute of both metals. The Secretary was authorized to sell $100,000,000 of bonds for gold to make ready for and to maintain specie resumption. To-day he has more gold than he knows what to do with; the vaults are absolutely overflowing, and one of the serious problems confronting this Congress is what to do or how to dispose of the surplus. Was there ever anything like it known before in the history of governments? A surplus of gold of more than $100,000,000 for which the Government can find no immediate use. Think of it. And in the mean time we have coined and placed in the Treasury 166,125,119 standard dollars, on ninety-six million and odd of which silver certificates have been issued, thus placing in circulation among the people approximately $150,000,000 in coin and paper without in any manner disturbing the gold reserve. Could anything be more satisfactory or furnish a more complete refutation of the senseless gabble that the standard dollars would inevitably drive all of the gold out of the Treasury? More than this, Mr. Speaker, we have been told for years that silver would drive all of the gold not alone out of the Treasury but out of the country as well. Have any of these gloomy predictions and prophecies come true? Let us look into this matter briefly and see how it stands. I have here a little table, prepared with great care, which tells the whole story. It shows the movements of these metals from the first year after remonetization down to the present time. It is a most potent and eloquent argument in behalf of silver, and gentlemen will do me a great favor by giving special attention to the figures. The more I study this table the more I become convinced that the single-standard advocates are unsafe financial doctors and should never again be allowed to interfere with the patient.

*Value of gold and silver imported into and exported from the United States from* 1879 *to* 1883, *inclusive.*

| Year ended June 30— | Exports. | | Imports. | |
|---|---|---|---|---|
| | Gold. | Silver. | Gold. | Silver. |
| 1879 | $4,587,614 | $20,409,827 | $5,624,948 | $4,587,614 |
| 1880 | 3,639,025 | 13,503,894 | 80,758,396 | 12,275,914 |
| 1881 | 2,565,132 | 16,841,715 | 100,031,259 | 10,544,238 |
| 1882 | 32,587,880 | 16,829,599 | 34,377,054 | 8,095,336 |
| 1883 | 11,600,888 | 20,219,445 | 17,734,149 | 10,755,242 |
| Total for five years | 54,980,539 | 87,804,480 | 238,525,806 | 46,258,344 |

This covers the exports and imports for five years. The argument is absolutely unanswerable. I will not detain the House to analyze the table in detail or by years. It speaks for itself both in detail and as a whole. But let us contemplate the aggregates for the five years for a moment. Dropping the odd figures, we exported $54,000,000 of gold and $87,000,000 of silver, over $30,000,000 more of silver than of gold, which is not a bad showing when we consider that the silver was to chase all of the gold out of the country. But the figures for the other direction are even more significant; our imports can not fail to confound those who have predicted dire disaster from the rehabilitation of the standard dollar.

Ponder well the astounding facts and see what becomes of all of your adverse criticism. For the five years our imports of gold were $238,000,000, while we brought to this country from all sources and directions but $46,000,000 in silver, a clear excess of $192,000,000 in favor of the importation of gold. Is anything further wanted? Where are the prophets of evil and darkness and disaster? Who can repeat that through remonetization we are destined to attract the silver of the Old World and at the same time lose our gold? Where can there be found a single adverse circumstance on which to predicate a doubt? Point it out in all the length and breadth of this question if you can. It does not ex-

ist anywhere. Our position, backed up as it is by the demonstrated facts, is simply impregnable.

All the talk and bluster about European silver finding its way hither is the supremest nonsense. I am astonished that any man of ordinary intelligence—the most ordinary—should seriously put forth such an argument. All European coins are debased; they are not equal to ours either in weight or fineness. There is also a marked difference in the ratio. The ratio everywhere in the old country is as 15½ to 1, while ours is 16 to 1. At home they circulate at par with gold, while here they would rank below our standard silver. No foreign coin can come here and enter the field side by side with our silver without sustaining a loss of from 3 to 4 per cent. in depreciation, to say nothing of the cost of exchange and transportation. This is enough to keep them out for all time. A very moderate tariff would successfully exclude foreign silver bullion if there was any disposition for it to flow in this direction, which there is not. Less duty would protect us from any real or imaginary danger from this cause than is imposed for the benefit of pig-iron. But regarding silver bullion as a valuable asset and great source of wealth as I do, I would not place any restrictions whatever upon it. Having first shown that it was impossible for the foreign coins to enter this country, I merely suggest a way to control the influx of foreign bullion, should it be absurdly concluded that we were attracting too much of it. But enough on this point; the figures given and the deductions made are more than conclusive of this branch of the case.

And now, Mr. Speaker, I desire to direct the attention of the House to another distressing aspect of this subject. There are those who affect to be seized with great terror and alarm the moment the current of trade turns against us. All such persons have my profoundest sympathy. But what are we going to do about it? In what respect does silver affect the case? Oh, but gentlemen say yonder pile of silver in the Treasury is driving all of the gold out of the country. How?

When we say that the balance of trade is against us we mean that we have bought more from foreign countries than we have sold to them. Under existing rules the balances between nations are payable in gold coin. We have lately been called upon to export some $13,000,000 to make good our balances. Our high war tariff is operating to exclude the products of the leading nations from our markets, and by way of retaliation Germany and France discriminate against American pork, and England through her quarantine regulations is excluding our cattle. The latter, for another reason which I shall give in a moment, is also looking elsewhere for her breadstuffs.

For these, and perhaps other reasons, the balance of trade is temporarily against us, and the difference in accounts must be met and paid in gold. That is the status of the case as we find it to-day. Now, for the purposes of this argument, let us suppose that there is not a dollar of silver in the Treasury or among the people. Or dump, if you will, yonder bulk of standard dollars into the bottom of the Potomac. Would you be any better off? Could the situation be thus improved? Would you not have to send out your gold balance then as now? In what way, or sense, or degree, or direction, may I ask in all fairness, does silver affect the question? Blot it all out, if you please, and still you must pay your debt in gold. Can any man under the sun, in this House or out of it, give me a single logical reason why we should destroy our silver, simply because we are required to meet a gold obligation with gold? And yet this is precisely what we are asked to do. I have too much faith in the sound practical sense of the great mass of the American people to believe that they will ever permit it to be done.

Mr. BLAND. I would like to interrupt the gentleman just here, since he has alluded, during the course of his remarks, to a question that was asked on yesterday with reference to the coming to this country of European silver, and I wish, with his permission, to answer as I did then, that the circulation of silver in Europe is strictly on a par with gold. This is the case in Great Britain, in Germany, and in France, as well as in some of the other countries of Europe. Silver is on a par with gold; and so it is here, and it is at a par with gold there on a ratio of 15½; that is to say that one ounce of gold in Europe is worth 15½ ounces of silver, while here it is worth 1 to 16, and we lose consequently half an ounce in value on every 15½ ounces of silver.

Mr. CASSIDY. Precisely so. I have said that in substance. I thought I had made myself clear on that point.

Mr. BLAND. In other words, we pay 16 ounces of silver for 1 ounce of gold, when in Europe they pay only 15½ ounces of silver for 1 ounce of gold; consequently silver is worth more there than it is here.

Mr. CASSIDY. I thought I had argued out that whole proposition. I tried to demonstrate that it would be impossible for the Old World to unload its silver upon us for the same reason which the distinguished gentleman from Missouri has so clearly set forth. No man who understands the question will attempt to dispute the soundness of this position. I thank my friend for the interruption. The author of the standard dollar, he is always right on every phase of the silver question.

But, Mr. Speaker, there is abundant evidence to show that vast numbers of our own people place quite as high an estimate on silver as on gold. If the vaults of your Treasury are to-day overflowing with gold it is because it was brought there by exchanging silver for it. The Secretary of the Treasury tells us in his annual report that he purchased $96,000,000 of gold with $96,000,000 of silver certificates, the operation being confined to a single subtreasury. Do these operations indicate any want of confidence in silver on the part of the people? Do they not show that the people prefer silver to gold? Those who parted with their gold for silver certificates did so understandingly. They knew that the silver certificates, for which they paid gold, were redeemable alone in silver.

Who, then, has a right to assume that gold is held in higher esteem than standard silver or the paper based thereon? Where is the evidence of it? On the contrary, does not the transfer of $96,000,000 of gold for $96,000,000 of silver, dollar for dollar, even up, and no grumbling, stand out as an irrefutable answer to all of your clamor about the disfavor with which the people view the standard dollar? The truth is, and the whole truth, that you are constantly misleading the public with reference to the accumulation of silver in the coffers of the nation. Despite your assertions, the Government owns to-day less than $40,000,000 of all the standard dollars locked up in the Treasury. The people paid gold for them, or what is equivalent, for the silver certificates which they represent, and as a consequence the Government has parted with its ownership—the ownership thus vesting in the people. In every calculation, therefore, it is but simply fair to treat this $96 000,000. held for the redemption of an equal amount of silver certificates, as being in active circulation among the people. It is the same as though it were not in the Treasury at all, and should be estimated accordingly. I have here the official statement, which, however, I shall not take the time of the House to read, showing all of these transactions as I have represented them.

And now, sir, this brings me to a very brief consideration of the superiority of the silver certificate over any other form of paper money in use in this country save the gold certificate. It is vastly superior to any and every variety and description of paper money based on the mere ability of the Government to pay, based on your credit, or on your debts. I have no hesitancy in declaring that silver certificates are the best and safest form of paper money that this country ever knew. Every dollar of them has something tangible, something with intrinsic value behind it. All other forms are predicated on the faith and credit of the nation. The greenbacks are in that condition, and so are the notes of the national banks. And just here will some gentleman kindly tell me wherein a national-bank note is better than an ordinary greenback?

The bank note is based on the Government bond, and in turn the bond rests on the credit of the Government. So does the greenback. It is all credit; it is all debt. The system may work well enough in a time of profound peace when everything is running smoothly, but I warn gentlemen that it will not stand the strain of a panic caused by war or other national disaster. Turn with me, if you please, to the financial history of the Government during the late war. Go to the darker days of that mighty struggle and see the ruin produced by a depreciated currency—United States bonds, greenbacks, all rating below zero both at home and abroad.

Why, sir, at a certain period of the war it required two hundred and sixty-six paper dollars of the Government to buy one hundred of the standard dollars that we have just been talking about. For a whole year greenbacks were worth but 40 cents on the dollar as compared with silver, and it has not been seven years since silver bore a premium everywhere in this country. And, as I have just stated, there was a time when one hundred standard dollars possessed the purchasing power of two hundred and sixty-six of these Government promises to pay. Any considerable depreciation of paper based on a coin foundation is simply an impossibility.

Take, for example, our silver certificates, which I claim to be the best paper money the world has ever known. The bitterest enemy of silver will hardly deny that there is 88 cents of intrinsic value behind every dollar of them, measured by the London market for raw, uncoined bullion; and London fixes the bullion market of the world. The use to which the standard dollar is put, the legal-tender power with which it is clothed, and the devices and inscriptions stamped upon it should certainly impart to it something in addition and above its intrinsic bullion value, making it, as we claim, worth full 100 cents. But decry it and degrade it all you can, at the very worst it must always be worth intrinsically about 90 cents. With the Government in trouble the tendency would inevitably be toward appreciation. So it transpires that under the most inauspicious circumstances the silver certificate can never depreciate more than about 10 per cent., while we have all seen the promises of the Government, the greenback, go down 60 per cent. As a safe, stable medium of exchange can there be any comparison between the two systems or any doubt as to which is the better? Your credit system may be passably satisfactory in peace; it is utterly unsound and unreliable in war.

And in this connection let me remind gentlemen on this side of the House that the old Democratic doctrine used to be hard money for the people and opposition to national banks. There is to-day a scarcity of silver everywhere in this country, simply because your coinage laws are not properly and fairly administered. The shinplaster currency is another bar to the circulation of silver. I would instantly strike down every law providing for the issue of bank bills of a lower denomination

than $5. Repeal the laws authorizing the one and two dollar bills, and in one month there will not be a silver dollar left in the Treasury. In the very nature of things the last dollar would be required to make change among the people. On the Pacific coast we have always dealt exclusively in gold and silver; all of our transactions have been conducted on a hard-money basis, treating all paper money as a commodity; and I can assure gentlemen that nothing would induce us to abandon it for the system prevailing among our brethren of the East. I can well understand that custom, having the force of education, has much to do with popularizing a particular species of money with a people. The constant use of paper by the people of the East for twenty-odd years has engendered an ill-founded hostility to metallic money. Time alone, I fear, can bring you back to sound principles.

I will not be claiming too much, Mr. Speaker, when I assert that the product of the precious metals in this country is intimately associated and blended with the best interests of the whole people. Go back in imagination thirty-five years and see the condition of this country prior to the discovery of the precious metals on the Pacific coast. Then follow along down the years and see what gigantic strides have been made in advancing and developing every material interest of the people. Witness the resistless march and ever-onward tread of empire toward the setting sun. See the railway and the telegraph stretching from ocean to ocean, and behold the advance everywhere made in the arts, sciences, and manufactures, lifting up the whole plane of human comforts and human enjoyments many degrees in this country. Where one used to have the good things of this life thousands have them now. Why, sir, the last thirty-five years has seen the world moved ahead in Christian civilization further than in any five centuries before since the stars sang together, and all this since the outpouring of gold and silver in the West. We have created new impulses and enlarged demands for the products of all of your industries. Mining for the precious metals is a higher type of industry than any other followed by mortal man. Besides lying at the very foundation of all progress, all prosperity, it awakens hopes and aspirations that can never be realized in any other pursuit.

It has been said by some one that he who causes a blade of grass to grow where none grew before is a benefactor. So he is; and he who mines for the precious metals and adds thereby to the wealth of the world is also a public benefactor, because there can be no wealth without production. All else is mere barter and exchange and interchange. And here again the superiority of our product asserts itself. It represents stable, solid, indestructible wealth, while the products of all other industries are ephemeral and perishable. The wheat and corn and blades of grass of the agriculturist may decay, but the wealth produced by the miner is indestructible and imperishable. No matter if it costs $2 in mining to produce one, which it does not, mining with proper prudence being as safe and legitimate as any other pursuit, the $2, going out among the people, have not been lost, and another has been added to the general stock and wealth of the world.

So I might go on, Mr. Speaker, *ad infinitum*, demonstrating that the welfare and prosperity of the whole people in every part of this Union are directly promoted by the production of the precious metals on the Pacific coast. In this view the question becomes one of greater breadth and depth than gentlemen on this floor have seemed to realize. Although representing a State which has produced a greater amount of the precious metals than any other section of equal extent on the face of the earth, I make no appeal from a local point of view. As I said in the beginning, I regard this as a great broad national question, affecting directly and immeasurably the material advancement of all the people in every section. Why, Mr. Speaker, can it be doubted that the agriculturist, the farmer of the great Northwest, is as much interested in maintaining and upholding the dignity of silver as the miner himself who produces it?

Let me illustrate; let me show the House in what manner and to what extent he is interested. England is the chief market for our agricultural products, and England usually buys where she can buy cheapest. India is a silver-using country, and a silver dollar there will go as far in the purchase of wheat and corn as a gold dollar here. No one will dispute that. Does it not follow, then, as a natural sequence that the more we discredit and dishonor silver the greater the inducement we offer for the Englishman to purchase his food supply, his breadstuffs from India in exchange for a metal which we ourselves have aided him to degrade and depreciate? The 5 or 10 per cent. advantage in the transaction is not a thing to be ignored by the thrifty Briton, and I say to gentlemen here and now that this is an important factor in that condition of affairs which is to-day turning the balance of trade against us. By discrediting and discounting our silver we lose a market for our agricultural products amounting to hundreds of millions annually. Is this not a proposition too plain to need elucidation?

This, Mr. Speaker, is a great economic question, a live question of the hour, when wheat is a drug at 80 cents in Chicago and Milwaukee, and is everywhere in the Northwest rotting in the bins of the farmers, with no outlet and no market for it in any direction or at any price. Under this state of the case, where is the man on this floor who by his attitude on this question can stab his country's welfare and best interest in so vital a part and thereafter muster the temerity to look an honest, intelligent constituency squarely in the face. Not the Pacific coast States, not Iowa, Wisconsin, Minnesota, Illinois, or the other great grain-producing States of the Northwest are alone interested in this question, but all of your States, North and South, should be enthusiastic supporters of that policy which would insure a favorable market for our surplus agricultural and manufactured products, thereby attracting to our shores the gold of foreign countries in exchange for them, to enter into and quicken the pulse of all the channels of business and enterprise and shedding beneficence and prosperity throughout the length and breadth of our common country. And thus it is, Mr. Speaker, that I reach the conclusion that to strike at silver is to aim a blow at the prosperity of the whole people.

With the question fully and rightly understood, where should there be found anywhere in this country the man opposing silver to its overthrow and ultimate destruction as one of the money metals? We know that this solid money of the people is meeting with implacable and relentless hostility at every step. Where, then, does it come from? I answer most unhesitatingly, from the national banks, those soulless pets of the Government and the Republican party, which have grown great enough and certainly arrogant enough to dictate the financial policy of this country. Examine the legislative history, examine the votes and the roll-calls, and every unbiased mind must become convinced that the Republican party is in league with the national banks to destroy silver.

That grandest of heroes, President Jackson, becoming alarmed at the encroachments of one national bank, representing a capital of less than $35,000,000, struck it down, and the American people enthusiastically indorsed him for the act. In vetoing the national-bank bill President Jackson used this language, which should be treasured in the heart of every true patriot:

> It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges; to make the rich richer and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection and, as Heaven does its rains, shower its favor alike on the high and low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.
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> Nor is our Government to be maintained or our Union preserved by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong, we make it weak. It is true strength consists in leaving individuals and States as much as possible to themselves, in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit.
>
> Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of government by our National Legislature and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desire we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and if possible to revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and systems of political economy.

That is the doctrine, Mr. Speaker. Equal rights to all men; special privileges to none. But what would Jackson think of two thousand and odd of the institutions against which he inveighed, with an aggregate capital of more than $600,000,000, possessing the attribute of sovereignty to the extent of fixing and controlling the volume of the people's money, with the power to contract or expand it at will, which carries with it, necessarily, the further power to destroy or inflate all values with equal facility. Monstrous doctrine and tremendous power, one which should not be parted with by the Government, even though it were delegated to a saint from Heaven! The right to regulate a people's money is the special province of government, and this power should not be abdicated in favor of any mortal man or set of men, corporate or otherwise, under the sun. To say nothing of the dangerous power exercised by these banks, their franchise and special privileges in the past have constituted the most valuable grant on earth. Based on Government bonds, bearing interest in gold payable semi-annually, and free from taxation, their profits have been, and are still, enormous. But their profits are not so objectionable as their political power; the power to throttle the Government at will and compel it to do their bidding. On every important measure their influence is felt at both ends of this Capitol, and always on the side of monopoly and aggregated wealth. In the last Congress an iniquitous tariff law was enacted, simply because it carried a clause relieving the banks of $12,000,000 in income tax. And so it has been, and so it always will be

while we maintain this system, and greed and avarice find lodgment in the human heart.

It is not difficult, Mr. Speaker, to understand why the Republican party is for the national banks. It unquestionably proceeds from the fact that the national banks are for the Republican party. It is a close alliance, as I said a moment ago, offensive and defensive. The President is with them, as he has frankly told you in his annual message, and the Secretary of the Treasury is with them, as he has exhibited by indorsing his recommendation of two years ago. Give me your attention while I read what he says. Here it is:

There need be no apprehension of a too limited paper circulation. The national banks are ready to issue their notes in such quantity as the laws of trade demand, and as security therefor the Government will hold an equivalent in its own bonds.

The embarrassments which are certain to follow from the endeavor to maintain several standards of value, in the form of paper currency, are too obvious to need discussion.

It is recommended, therefore, that measures be taken for a repeal of the act requiring the issue of silver certificates, and the early retirement of them from circulation.

As is said elsewhere herein, the circulation of some sixty-six millions of silver certificates seems an inexpedient addition to the paper currency. They are made a legal tender for the purposes named, yet have for their basis about 88 per cent. only of their nominal value. There is no promise from the Government to make good the difference between their actual and nominal value.

There we have it, Mr. Speaker; the whole administration moving as one man in favor of the national banks and against silver, the dominant idea being to drive silver from the monetary field and leave the banks in undisputed possession to shape the currency of the people. I may not be exactly authentic in all I say, but I am terribly in earnest on the main proposition and for the rights of the people. In this connection I desire to send to the Clerk's desk to be read an article from my own paper, the Eureka Daily Sentinel, which states the case under consideration fully and succinctly, as follows:

Legislation respecting the Government bonds has been a series of enactments to increase the value of those bonds. Some of them were sold for a depreciated currency, and many of them were to be paid in lawful money. Silver was lawful money and the bonds were made payable in gold only to enhance their value. Then to make gold more valuable silver was demonetized. In almost every session of Congress since the war we have had some legislation to enhance the value of gold and bonds. Sometimes this legislation was had under one false pretense and sometimes under another. Under the pretense of paying our honest debts in honest money, the bonds that were sold for less than 50 cents on the dollar were made payable in gold. Silver was surreptitiously demonetized and resumption of specie payments was enforced on a gold basis. This legislation added fully 20 per cent. to the value of a large portion of the Government bonds and half as much to the value of gold. This whole series of legislation was simply a series of legalized stock-gambling and gold-board operations in gold and silver, the same speculators acting as bulls for one metal and bears for the other, always raising gold and depressing silver. And yet those of us who oppose this unjust legislation and object to having it continued, who object to being compelled to pay more than we contract to pay, and who object to having the profits of our mines destroyed by further unfriendly legislation, are, forsooth, "silver lunatics" and "swindlers."

And why should the national banks be against silver, as I claim they are, backed up, too, by all of the Republican administrations since the first term of Grant down to the present time? No one will deny that Hayes vetoed the 3½ per cent. funding act at the instance of the banks. But Hayes was a nobody, and his shortcomings need not be charged up against the Republican party. Two-thirds of them would spew him out to-day were the alternative presented to them, except on questions affecting the old Whig doctrine of national banks and opposition to silver. On these questions they are true to their antecedents and the banks.

And why, Mr. Speaker, as I inquired a moment ago, should the national banks be inimical to silver and the silver interest? That is a very simple proposition. The nearer they can have the field to themselves the better it is for them. An eminent political economist states the case forcibly and better than I can, in these words:

The more you reduce the volume of the money of the world, as by demonetizing silver and the paper based thereon, the more you increase the purchasing power of the remaining money, gold and the notes based thereon, and, other things being equal and unchanged, proportionately depress prices of industrial and commercial values and commodities, reduce rents, profits, and wages, thus impoverishing investors and bankrupting debtors.

Now, Mr. Speaker, everybody can understand the force of that paragraph, and I am about done with the whole question. I only regret that I had not made preparation to present the case more elaborately on its merits, for it is a just and an inspiring theme. The reason why the national banks are interested in discrediting and degrading the silver of the country is quite apparent; they want to control the entire monetary field.

But, Mr. Speaker, I am not unmindful that the public interest-bearing debt of the Government must be paid. There is no determination more fixed in the minds of the American people than that the last vestige of interest-bearing debt shall be wiped out of existence as fast as the revenues of the country and its resources will permit. Herein lies the chief hope of the American people. With the extinguishment of the public debt the banks must go and other forms of money come to the front. That will be a proud day for silver when the last national bank shall have surrendered its charter. With this accomplished, if it ever is, the money of the future will be gold and gold certificates, silver and silver certificates, and United States Treasury notes. At that period, yonder pile of silver in the Treasury will become an important factor in our national financial system. When that day shall have arrived, which must arrive within the next quarter of a century if we keep faith, our silver reserve will be found a great source of wealth and comfort and strength to the monetary system of the Republic.

And now, Mr. Speaker, in conclusion allow me to say that I am not a communist; that I do not oppose capital for the sake of opposition, but am willing to give it a fair and an even chance in every avenue of life; that I am not against the national banks because they contain so large a share of the aggregate wealth of the country, but because of the abuse of the extraordinary power conferred erroneously upon them; but I am opposed now and forever, irrevocably and eternally, to any system and all systems which are calculated to enrich the few at the expense of the many, and which, while under the specious pretext of affording protection to the capital of the country, would strike down our constitutional Union and usurp the liberties of the people. [Great applause.]

The SPEAKER. The gentleman from Nevada has twenty-two minutes of his time remaining.

Mr. CASSIDY. I yield ten minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I do not take any ten minutes. I am a member of the committee and am entitled to an hour in my own right. I will wait and take my own time.

Mr. CASSIDY. Very well. I tried to be as kind to my friend as I could. I reserve the remainder of my time.

The SPEAKER. The gentleman from Nevada, as the Chair understands, has been speaking in the time of the gentleman from California [Mr. TULLY].

Mr. CASSIDY. The gentleman from California yielded his whole time to me.

Mr. BELFORD. I appreciate the kindness of my friend from Nevada, but I desire to say that I represent the greatest silver-producing State of this nation; and when I contemplate this bill, with all its pregnant dangers, I do not propose to present the question to this House in ten minutes. Therefore, as a member of the committee, I desire to have an hour in my own right, although I do not expect to occupy over twenty-five minutes.

The SPEAKER. According to the list furnished to the Chair, the gentleman from Rhode Island [Mr. CHACE] would be next entitled to the floor. The Chair will recognize the gentleman from Rhode Island next after the gentleman from Colorado. The gentleman from Colorado will proceed.

Mr. BELFORD. One of the great and supereminent causes that led to the adoption of the Federal Constitution was to secure a uniformity of our coinage. Any man who has studied the history of his country will appreciate that fact. I am in favor of three sections of this bill upon that principle of procuring a uniformity of the coinage. I am opposed to the fourth section because it is a covered fraud upon the people of this nation.

You may say, because I represent a silver State, that this opposition on my part springs from personal interest. But it is not so, and I propose to demonstrate that fact to this House. In 1849 when gold was discovered in California the Rothschilds sent a commission to America, because they were afraid that bullion would become too cheap and they had invested their bonds. They went over to the German Parliament and required that Parliament to demonetize gold. That is a truth of history. Afterward, when silver got cheap, in order to advance the value of their bonds they went to that same Parliament and demanded that it should demonetize silver. In both instances they carried out their purpose. Their object was to make their bonds valuable when gold was cheap and to make their bonds valuable when silver was cheap. And I appeal to my Democratic friends on the other side of the House whether they are going to vote for a bill that in my judgment is in the interest of the Rothschilds, who control Germany on the question of gold demonetization and also on the question of silver demonetization. This is a question not appertaining to Colorado but appertaining to the entire nation, and I sincerely hope that the good sense and sound judgment of my Democratic friends will not allow this bill to pass unless they strike out the fourth section.

Let me request the attention of you Southern men. You are the men I want to talk to. Look at this Government up here. Of what material is it composed? We have west of the Alleghany Mountains 35,000,000 of people, three-fifths of the population of this nation. You have a President from New York, have you not? You have a Secretary from New York, have you not? You have that President sending to the Senate and to this House a message advocating the demonetization of silver, and I will come to the reason why he does that thing before I get through.

Mr. RANNEY. Did the President recommend demonetization of silver?

Mr. BELFORD. Yes, he recommended practically demonetization of silver, my dear friend from Massachusetts.

Mr. RANNEY. When?

Mr. BELFORD. Why, at the last Congress; and you read the message, if you were as diligent as you usually are.

Here we have a President from the State of New York recommending the demonetization of silver; and here we have a Secretary of the

Treasury from the State of New York making the same recommendation. We also have a Secretary of the Navy from the State of New Hampshire. Of the population of this country two-fifths only reside east of the Alleghany Mountains, and three-fifths reside on the other side of the Alleghanies. Yet not one of that three-fifths of the population of this country is intrusted with any duty in connection with the great financial interests of the country.

And here is my venerable friend from Pennsylvania [Mr. KELLEY], who for years I have revered and respected. After he had gone to Germany and consulted with that brutal tyrant, Bismarck, he comes back here and advocates practically the cessation of the coinage of silver.

Mr. KELLEY. I beg leave to say to the gentleman that I am not conscious of having been in Germany. I did in my weakness stretch my travels as far as Paris, where I spent three weeks, but had not the privilege of seeing many German statesmen there.

Mr. BELFORD. This House will recollect, because I read them with pleasure, a series of letters which that gentleman wrote after he had had a brilliant interview with Prince Bismarck.

Mr. KELLEY. When?

Mr. BELFORD. Two years ago, I think it was.

Mr. KELLEY. If I remember rightly it was five years ago.

Mr. BELFORD. Oh, no!

Mr. KELLEY. Yes; that is, if my arithmetic sustains me upon the basis of 1879 from 1884.

Mr. BELFORD. The gentleman's arithmetic might sustain him on the question of when he wrote the pamphlet, but when it was produced, in my judgment, was the last Congress.

Mr. KELLEY. I am talking about the alleged interview with Bismarck, which occurred five years ago.

Mr. BELFORD. Very well; let us get to another point. [Great laughter.] I say that when the gentleman came back from Europe this last fall, with his improved health, for which we should all be grateful, he introduced a bill into this House to stop the coinage of silver. He is willing to stand up here and advocate day after day the protection of pig-iron, is he not? Do not we all know that?

Mr. KELLEY. I do not want to interrupt the gentleman.

Mr. BELFORD. You can go right along, it will not disturb me at all.

Mr. KELLEY. I know the gentleman's candor would prevent him from misrepresenting a friend.

Mr. BELFORD. I would not do it for the world.

Mr. KELLEY. My desire is to promote the world-wide use of silver on its ancient basis; and my bill is one which I believe to be well calculated to force arrogant England, the persecutor of silver and silver-using nations, to sue for relief from her own arrogance by asking for the remonetization of silver on this ancient basis, and that is the object to which I aim.

Mr. BELFORD. Why did not the gentleman introduce a bill to protect arrogant England on the subject of pig-iron? [Great laughter.] The gentleman from Pensylvania stands here and asks us people from the West to protect pig-iron, and I have voted to do it. New Jersey stands here and asks me to protect her silk interests. Connecticut says to me, "I want you to vote to protect my cutlery interests;" and Louisiana says, "I want you to vote to protect my sugar interests;" and I have always voted in that direction. Yet there is a settled, studied policy on the part of the monopolists of the East to discredit and injure and ruin the great industry of my State.

Mr. KELLEY. I would like to ask the gentleman whether any of these monopolists failed to stand by him for the duties he demanded for the lead of Colorado—an industry scarcely second to her silver? And I want to know if they failed to protect her pig-iron, nail factories, and Bessemer rail mills?

Mr. BELFORD. I am glad the gentleman has asked me that question. I can tell him that Colorado needs no tariff on Bessemer steel. It costs $14 to ship a ton of Bessemer steel rails from the State of Pennsylvania to the State of Colorado. All the tariff that is there needed is the distance which the rails have to be conveyed. And yet, absolutely knowing and recognizing this fact, I have generously stood up to protect the men in your State who have not shown through you the generosity which should have been displayed. That is what I say upon that subject. What does Colorado need protection for?

Mr. KELLEY. For her lead.

Mr. BELFORD. It is 2,000 miles from here to there. The gentleman manufactures Bessemer steel in Pennsylvania. Here is the cost of transportation. Where are the railroads going to be built which will require these Bessemer steel rails? To the South and to the West, through old Mexico, across the Isthmus of Panama, down south to Central America, then to the Argentine Republic, and over to Brazil. We have in my State mountains, solid mountains of iron. We can run a railroad train from those mountains down grade without an engine. And when we come to compete with the iron interests of Pennsylvania I can give notice to my friend that we will not need to stand up here for a tariff on pig-iron.

Oh, yes; you protected lead, but you destroyed the tariff on wool. Favors are equal and mutual on that subject; and when the effort was made to bring that wool question before this House, and I tried to help it, my Democratic friends, with 60 majority, had not the courage even to consider it under the leadership of one of the most distinguished Democrats on that side of the House.

But, Mr. Speaker, I want to call the attention of the House to another question.

A MEMBER. Come to the trade-dollar!

Mr. BELFORD. I will come to the trade-dollar after awhile. I am "getting in" my hour now. This is the first time I have had an hour for eight years, and I am going to use it. [Laughter.] You recollect, Mr. Speaker (Mr. COX, of New York, in the chair), and I hope you will incorporate it in the memoirs you are going to write as a sequel to those of Mr. Blaine—I have tried my hand at some and possibly failed, but I am in the line of succession—you will remember what was the condition of our currency previous to 1869. What did Congress then do with reference to the coinage of the silver dollar? It passed an act declaring that the debts of this nation should be paid in coin. What was the coin of the Constitution? It was the silver dollar, which before we formed this Government was the unit of value; and the States only gave the right of coinage to the United States upon the express condition that the General Government should keep on with this coinage. That was the basis of the argument in the convention that formulated and brought forth that Constitution. The States never intended to give to the General Government the right to stop the coinage, but they said, "To allow you to make the coinage uniform, as we are to be a nation and a republic, we will give you the power of coinage." Any man who reads the history of that convention can reach no other conclusion.

But the great moneyed interests of this country are always wise, always cunning, and everlastingly diligent in making money dear and everything else cheap. What did they do in 1869? You may say that it was done by a Republican Senate. I care nothing about the name of Republican or the name of Democracy. I am, above all and everything else, for the people of this nation against either party that loans itself to monopoly of any sort. What did they do? As I said, they passed a bill providing that the national debt should be paid in coin. Silver had been the coin of this Republic until they demonetized it—it is alleged by a fraud. That word "coin" was put in the Constitution with an unquestionable meaning. The silver dollar had been the unit of value. It had been the currency of all the States. Our great gold-producing fields had not been discovered. And with that idea in the Constitution, this Congress in 1869 passed a bill providing that the debt of this nation should be payable, not in gold, but in coin—the coin of the Constitution, the coin of our fathers. And yet under the management that they have there in the Treasury Department, with $260,000,000 of debt that is open to redemption to-day, and with a surplus, as I have repeatedly declared, of $150,000,000, we are forced to pay interest to the bondholders and keep the money there in the interest of the bankers.

I say it is time that we members of this House make war upon the theory that dominates this Administration, I care not whether it is Republican or Democratic. I find that communism has absolutely commenced its devastating course in this country. Look at the riots in Cincinnati. You may say that they sprang out of the attempt to administer justice in an individual case. Oh, no; the mantle is too broad for that. You do not get an army that keeps a city in subjection for three or four days on that subject. It is because the people of this country are beginning to realize and feel that no man by honest and legitimate industry can earn twenty millions in one year and deprive the people of the currency that belongs to them in the legitimate exercise of their trade and business. That is what it means. And I advise you gentlemen who have control of this House to see to it that our currency is not diminished while our population is being increased; because with the increase of our population and the diminution of our currency you will see not a riot in Cincinnati only but a riot in every great city of this country, where millions of property will be destroyed, because men can not possess and enjoy by their honest labor a sufficient amount of currency to buy bread for their wives and children. This is a mighty and serious question, and before we act on this question we should ascertain for ourselves whether there is going to be a diminution of the volume of our currency in the interest of the bankers and bondholders of the East.

It is said that I advocate the adoption of this measure because I am a large owner in mines. I can truthfully say that my interest in mines has consisted in paying a large number of laboring men. I have worked many mines from which I never derived a dollar, though I have spent thousands upon them. I am looking at this as a broad national question. I commend it to the House, not on account of the trade-dollar, but on account of the volume of your currency. Let us not allow ourselves to have it diminished, to produce insurrection, to incite riots, to make men poorer on the one side and richer on the other.

What is the fourth section of this bill but a covert attempt to stop the coinage of silver in the face of the act of 1869 and in the face of the Constitution itself? Let us equalize the coinage. That was the object of the Constitution in a large degree.

Mr. Speaker, let us strike out the fourth section of this bill and inform these gentlemen that under no state of circumstances shall they

be allowed to diminish the volume of our currency. There, and there alone, is the path of safety for this nation in my judgment.

Now, I voted the other day to extend the bonded period on whisky because I knew it would keep $70,000,000 out of the Treasury and let that amount of money remain in circulation among the people. And yet this House, and I say it respectfully, voted it down by over 100 majority. That, sir, was the result of the performance here the other day. Are my Democratic friends going before the country first with the declaration that they are opposed to the bonded-whisky bill, and then are they going before the country with the still further declaration that they are in favor of abolishing the coinage of silver? Are they going, in the third place, before the country with the open declaration of a reduction of expenditures in reference to the Navy of $8,000,000 below the estimates sent in to Congress by the Navy Department? Are they going before the country with the declaration, in the fourth place, that they cut down the estimates of the Post-Office Department $4,000,000? Gentlemen of the Democratic party, are we forever and forever to hold the White House at the expense of your absolutely silly blunders? [Laughter and applause.] Yes, you may smile, but it is nevertheless all true. I think it was General Grant who declared the Republican party could always trust for success to the blunders of the Democracy. [Laughter and applause.] Why, in the name of Heaven, why do not you men get some sense on these political subjects? [Applause.]

I have promised to yield some of my time, and in the first instance I will yield to the gentleman from Pennsylvania [Mr. BRUMM] for fifteen minutes.

Mr. BRUMM. Mr. Speaker, I am sorry that in the introduction of this bill the committee saw fit to incorporate the entire silver question. I am so anxious to see this trade-dollar gotten rid of, and feel everybody on the floor of this House is in favor of disposing of that trade-dollar, that I am sorry you have put this rider on this bill, and in that way are absolutely coercing those of the House who want to get rid of this trade-dollar by adding this fourth section to it. Can it be possible that the Congress of the United States has got so much afraid of this financial question that it can not take the financial question pure and simple and bring in one bill at least upon which we may discuss the merits and demerits of that question, without lugging into it, or rather lugging it in, and getting so much of this silver or any other portion of the financial question disposed of, by bringing it in as a rider on a bill the subject of which the whole country is clamoring for and for which every man here is in favor? But I must vote for this bill whether you strike out the fourth section or not. I believe my friend from Nevada [Mr. CASSIDY] must vote for this bill whether you strike out that section or not. I have not heard from the first man on the floor of this House who will not be coerced into voting for this bill whether you strike out that section or not.

Mr. BLAND. I wish to correct the gentleman from Pennsylvania, and I can tell him that he will find that a majority of this House will vote against it unless that fourth section be stricken out of the bill. I am in favor of the bill myself, but I can not vote for it as long as that fourth section remains in it.

Mr. BRUMM. I am giving my opinion, and the gentleman from Missouri has given his, and we will see by the result which is correct. As I have said, I must vote for it under the circumstances. I wish to tell you why, and why this House is acting unfairly and, in my judgment, cowardly in introducing this rider upon this trade-dollar, when you should allow the trade-dollar question to stand on its own bottom.

The trade-dollar, Mr. Speaker, was coined as every other dollar that has ever been coined by the authority of the Government of the United States—that is, that it was made a legal tender for $5. A serpent or snake in the grass was allowed to crawl into this House by means of which the silver money was demonetized. With that the trade-dollar fell with the rest. At that time the trade-dollar was not in circulation—that is, in actual circulation out among the people. But when the time came the people demanded the remonetization of silver, and you left the trade-dollar out. The people then were forced—I mean the laboring people—to take these trade-dollars whether they would or not. I am arguing simply the justice of this question. I will read, in the first place, an extract from the Philadelphia Press, of February 14, 1884:

THE TRADE-DOLLAR QUESTION.

The proposed action of Congress in regard to the trade-dollar has caused some buying of them by speculators. The general impression among dealers in them is that some measure will be adopted by Congress which will increase their value to par. It is estimated by Messrs. Zimmerman & Forshay, of Wall street, who have for a long time dealt in trade-dollars, that the number in circulation in the United States is from six to eight millions. The total amount issued was more than 35,000,000, and nearly the whole issue has found its way to China, where it has been stamped by that government.

None of these dollars can be returned to the United States except as bullion. Some dollars have been exported for speculative purposes to Germany and other European countries, but since the price of silver advanced the profit has been small. The dollars now in Germany will be held until it is decided what Congress will do. The price on Wall street lately for large lots has been 90 cents, and some months ago a regular trade sprang up of buying and selling them. New York brokers have shipped a good many of them to Pennsylvania, where they have been used to pay off working people. For this trade individual brokers have shipped from $50,000 to $100,000 in this coin to Philadelphia weekly, for use as wages of operatives in that city and the mining regions. Ninety-one was bid for trade-dollars, and a large amount could not be had for less than 93 and 95.

Mark you, this is in Wall street that this trade springs up. These trade-dollars were used and bought up by brokers and speculators, and were imposed upon the laborers in payment of their wages, especially on laborers in my district of Pennsylvania.

Mr. BROWNE, of Indiana. Is not that a strong argument in favor of never issuing a dollar unless it is worth a dollar?

Mr. BRUMM. It is a strong argument in favor of never issuing a dollar unless you make it a legal tender, my friend.

Mr. WELLER. Good enough!

Mr. BRUMM. It is not a question of intrinsic value. Why, this very trade-dollar itself, containing more silver than the standard dollar, was at 15 per cent. discount when they were discredited. They were at this discount while the standard dollar went from all hands for 100 cents all over this land. Your fiat gave it the 15 per cent. premium over your trade-dollar, notwithstanding that it had 6½ per cent. less intrinsic value than the other, which had no fiat value attached to it. No argument could be stronger in favor of the proposition that I have made than this very fact of the depreciation of an intrinsically more valuable coin when the Government discredited it. It is a warning to Congress never again to issue money unless it makes it a legal tender; and since you have interrupted me on that question, I wish to deny the proposition of my friend from Nevada [Mr. CASSIDY] by stating that there was no paper dollar in circulation, no silver dollar, or no gold dollar that was at a premium over and above any other paper, silver, or gold dollar.

I deny the proposition that the greenback dollar, being at the rate of two hundred and sixty for one hundred of the standard dollars, ever was a dollar. It never was a legal tender, therefore it was not the depreciation of the greenback but the appreciation of the gold. Why, if you had made your duties payable in wildcats only, wildcats would have been at a premium. If you had made them payable in rattlesnakes or in copperheads, loathsome and repulsive as copperheads were during the war, rattlesnakes or copperheads would have been at a premium, and yet men tell us that is the criterion to go by in discussing a financial question! Mr. Speaker, it is a question of what the Government chooses to make money, and of what it shall use as a legal tender, and I care not, sir, as to how much intrinsic value is in the money, whether it be gold, silver, or paper, it must have the Government's fiat to make it a dollar.

Now, to carry out my thought, these trade-dollars were bought up by the brokers. They were sold to the corporations; and my county which comprises my district unfortunately is within the grasp of three or four corporations that control the entire anthracite coal business of the United States. These corporations bought this money at that time, paying 90 cents on the dollar for it, and being in absolute control over the laboring men in the anthracite region they made the workingmen take this coin at par, and then when the crash came they were no more accredited by the bankers, for let me add the bankers and brokers of the large cities were the first to speculate in them when they bought them up, and were the first to take advantage of the speculation when the crash came, and refused to take them over their counters. They got a ring in Wall street again, declaring that they would no more take them except at the bullion value. The workingmen at this time were being paid these dollars at par by the corporations.

Mr. LONG. Do the workingmen in your district hold them now?

Mr. BRUMM. Yes, sir, a great many of them, and when they wanted to pay their fare to get out of the country or travel on the railroad, the same corporations would not take the dollars when they were offered them. The workingmen still hold many of them. Those that they do not hold are now principally in the hands of the business men of that region, because they had to take them for debts, and the business men, let me say, had to take them generally at 100 cents on the dollar, and they hold them now principally as depositors of banks. That is a good argument for declaring them to be legal tender and leaving them where they are, and a good argument why this bill should pass by striking out this fourth section. If the trade-dollar was left on its merits alone, I can not for the life of me see how it can possibly affect even the question that has been generally proposed, *i. e.*, the question of absolute or unlimited coinage of silver.

How many of these dollars exist? You say some eight millions. Why, gentlemen, I believe that of these eight millions over one-half would be kept by individuals as mere relics of barbarism, if for no other reason. Most every one will want to keep one of these peculiar dollars, and they will be kept as relics to a large extent. But of those that do come in, I say in answer specially to the gentleman from New York, the burden of whose speech was that all the silver commissions that had been appointed by all nations had declared that unlimited coinage of silver would be a calamity to any country that undertook it——

The SPEAKER. The time of the gentleman has expired.

Mr. BRUMM. I should like to have a few moments more just to finish this thought.

Mr. CASSIDY. I yield to the gentleman five minutes longer.

Mr. BRUMM. Supposing that you pass this bill with the fourth section out, I ask of you, gentlemen, in all sincerity, do you believe that the few trade-dollars that are still in existence will in any way ma-

terially affect the question of the unlimited coinage of silver? You have branched out upon that question on both sides as though the very gist and marrow of this question depended upon the question of unlimited coinage or the question of the absolute stopping of coinage. This bill does not affect that question directly, nor at all in fact. The trade-dollars can only affect it to the extent of the number that are in existence, and to that extent you are practically curtailing the currency; you are practically making the volume of your currency short to that extent. It is true your trade-dollars are not floating from hand to hand; but they are being held by the business men, who have deposited them in banks; and there they are to the credit of these business men as deposits or as collaterals. And if these trade-dollars were not there, there would have to be some other kind of money there. Therefore they are practically in circulation or serving as substitutes for circulation; and if you adopt this fourth section you are practically contracting the currency to that extent. And while you are clamoring about contraction of the currency by the payment of the national debt compelling the retirement of the bank note, and assert that it will produce a panic, why do you aggravate the contraction by recoining the trade-dollar without supplying its place? I ask in all honesty and candor whether you are willing to do that simply because it may keep in circulation a few dollars more of silver, and thus make our basis a little broader and to that extent the more difficult to corner by the gold-bug?

### CHARGES AGAINST H. V. BOYNTON.

Mr. HOPKINS. I rise to make a privileged report. I am instructed by the select committee appointed to investigate charges against H. V. Boynton to present its report. The resolution which concludes the report is unanimously agreed to by the committee. There are some points of disagreement on which the minority wish to have their views printed. I ask to have the report printed and laid over, and I will call it up for adoption hereafter.

The SPEAKER. The report will be printed and laid over, and if there be no objection the minority will have leave to present its views to be printed with the report of the majority.

There was no objection.

Mr. SPRINGER. I call for the reading of the resolution.

The resolution was read, as follows:

*Resolved*, That the charges against H. V. Boynton are not sustained by the evidence, and that there is no ground for any action by the House.

### MESSAGE FROM THE PRESIDENT.

Several messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, his Secretary, who also informed the House that the President had approved and signed a bill and joint resolution of the House of the following titles:

An act (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes; and

Joint resolution (H. Res. 215) reappropriating the sum of $125,000 not expended for the relief of sufferers by the floods of the Mississippi River.

### TRADE-DOLLAR.

The House resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. BELFORD. I yield five minutes to the gentleman from Texas [Mr. MILLS], after which I will yield to the gentleman from Ohio [Mr. WARNER].

Mr. MILLS. I only take the floor to ask the House to vote down the previous question when it is moved on this bill. It is a very important measure and all the discussion which we have had and all that we are to have upon it is utterly worthless if we are not permitted to avail ourselves of the light we have been receiving by offering proper amendments to this measure.

It is a very difficult matter indeed for the numerous bills that are presented to this House and referred to the committees to get even a report, favorable or unfavorable, from a committee. But it is much more difficult to get a bill reported by a committee up for consideration in this House. This important measure has overcome all these intervening obstacles and is now before this House for consideration; and I hope the House will not permit its impatience to induce it to close down the opportunity for debate and amendment on the measure with a view of perfecting it. There are several amendments that have been proposed which ought to be considered. And I do not mean that we ought simply to speak on them with the door closed in our face, and then drive the bill to a vote in this House as it comes from the committee so that the House shall be compelled to vote for or against it without any modification.

As I said the other day, I have an amendment which I intend to offer if permitted to get to the point in the bill where it can be amended to provide we shall stop coining the denomination of dollar. That amendment meets the approbation of many gentlemen on both sides of this House. It is recognized as an inconvenient coin all over the country, and it is recognized by the representatives of the people here as an inconvenient coin. The people want money for convenience, and they will have it sooner or later. And now that we have this measure before us, we ought to avail ourselves of the opportunity, so very rare in this House, to change this obnoxious law.

I will not now, Mr. Speaker, enter upon the discussion of the different coins that we have had and that we have repealed. If we get so that we can offer amendments, I will do so within four or five minutes. But it is important we should now consider this question; and I rose simply to ask the House when we get a vote to vote down the previous question in order that we may consider these amendments.

Mr. Speaker, lest I may not have the happy fortune to get the floor again on this question, I desire to ask to have printed as a part of my remarks the decision of the Supreme Court of the United States on the legal-tender question, both the majority and minority opinions. I send them to the desk without asking to have them read, but ask that they may be printed in the RECORD. I do so because it is very rare copies of this decision can be procured. I got this one from the clerk of the Supreme Court, who had to hunt for some time before he could get one copy. I have not had time to read the opinions myself, but I desire to do so, and I ask to have them printed in the RECORD for the information of the House.

There was no objection.

The decision of the Supreme Court and the dissenting opinion are as follows:

SUPREME COURT OF THE UNITED STATES.

No. 9.—October term, 1883.

Augustus D. Juilliard, plaintiff in error, *vs.* Thomas S. Greenman. In error to the circuit court of the United States for the southern district of New York.

Congress has the constitutional power to make the Treasury notes of the United States a legal tender in payment of private debts in time of peace as well as in time of war.

Under the act of May 31, 1878, chapter 146, which enacts that notes of the United States issued during the war of the rebellion under acts of Congress declaring them to be a legal tender in payment of private debts, and since the close of that war redeemed and paid in gold coin at the Treasury, shall be reissued and kept in circulation, notes so reissued are a legal tender.

[March 3, 1884.]

Mr. Justice Gray delivered the opinion of the court.

Juilliard, a citizen of New York, brought an action against Greenman, a citizen of Connecticut, in the circuit court of the United States for the southern district of New York, alleging that the plaintiff sold and delivered to the defendant, at his special instance and request, one hundred bales of cotton, of the value and for the agreed price of $5,122.90, and that the defendant agreed to pay that sum in cash on the delivery of the cotton, and had not paid the same or any part thereof, except that he had paid the sum of $22.90 on account, and was now justly indebted to the plaintiff therefor in the sum of $5,100, and demanding judgment for this sum with interest and costs.

The defendant in his answer admitted the citizenship of the parties, the purchase and delivery of the cotton, and the agreement to pay therefor, as alleged; and averred that after the delivery of the cotton he offered and tendered to the plaintiff, in full payment, $22.50 in gold coin of the United States, forty cents in silver coin of the United States, and two United States notes, one of the denomination of $5,000 and the other of the denomination of $100, of the description known as United States legal-tender notes, purporting by recital thereon to be legal tender, at their respective face values, for all debts, public and private, except duties on imports and interest on the public debt, and which, after having been presented for payment, and redeemed and paid in gold coin, since January 1, 1879, at the United States subtreasury in New York, had been reissued and kept in circulation under and in pursuance of the act of Congress of May 31, 1878, chapter 146; that at the time of offering and tendering these notes and coin to the plaintiff the sum of $5,122.90 was the entire amount due and owing in payment for the cotton, but the plaintiff declined to receive the notes in payment of $5,100 thereof; and that the defendant had ever since remained, and still was, ready and willing to pay to the plaintiff the sum of $5,100 in these notes, and brought these notes into court, ready to be paid to the plaintiff if he would accept them.

The plaintiff demurred to the answer upon the grounds that the defense, consisting of new matter, was insufficient in law upon its face, and that the facts stated in the answer did not constitute any defense to the cause of action alleged.

The circuit court overruled the demurrer and gave judgment for the defendant, and the plaintiff sued out his writ of error.

The amount which the plaintiff seeks to recover, and which, if the tender pleaded is insufficient in law, he is entitled to recover, is $5,100. There can, therefore, be no doubt of the jurisdiction of this court to revise the judgment of the circuit court. (Act of February 16, 1875, ch. 77, sec. 3; 18 Stat., 315.)

The notes of the United States, tendered in payment of the defendant's debt to the plaintiff, were originally issued under the acts of Congress of February 25, 1862, ch. 33, July 11, 1862, ch. 142, and March 3, 1863, ch. 73, passed during the war of the rebellion, and enacting that these notes should "be lawful money and a legal tender in payment of all debts, public and private, within the United States," except for duties on imports and interest on the public debt. (12 Stat., 345, 532, 709.)

The provisions of the earlier acts of Congress, so far as it is necessary for the understanding of the recent statutes to quote them, are re-enacted in the following provisions of the Revised Statutes:

"SEC. 3579. When any United States notes are returned to the Treasury, they may be reissued, from time to time, as the exigencies of the public interest may require.

"SEC. 3580. When any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amounts.

"SEC. 3581. Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up and not reissued, when taken up shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe.

"SEC. 3582. The authority given to the Secretary of the Treasury to make any reduction of the currency, by retiring and canceling United States notes, is suspended."

"SEC. 3588. United States notes shall be lawful money and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt."

The act of January 14, 1875, chapter 15, "to provide for the resumption of specie payments," enacted that on and after January 1, 1879, "the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant

treasurer of the United States in the city of New York, in sums of not less than $50;" and authorized him to use for that purpose any surplus revenues in the Treasury and the proceeds of the sales of certain bonds of the United States. (18 Stat., 296.)

The act of May 31, 1878, chapter 146, under which the notes in question were reissued, is entitled "An act to forbid the further retirement of United States legal-tender notes," and enacts as follows:

"From and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law. All acts and parts of acts in conflict herewith are hereby repealed." (20 Stat., 87.)

The manifest intention of this act is that the notes which it directs, after having been redeemed, to be reissued and kept in circulation, shall retain their original quality of being a legal tender.

The single question, therefore, to be considered, and upon the answer to which the judgment to be rendered between these parties depends, is whether notes of the United States, issued in time of war, under acts of Congress declaring them to be a legal tender in payment of private debts, and afterward in time of peace redeemed and paid in gold coin at the Treasury, and then reissued under the act of 1878, can, under the Constitution of the United States, be a legal tender in payment of such debts.

Upon full consideration of the case, the court is unanimously of opinion that it can not be distinguished in principle from the cases heretofore determined, reported under the names of the Legal-tender Cases, 12 Wall., 457; Dooly *vs.* Smith, 13 Wall., 604; Railroad Company *vs.* Johnson, 15 Wall., 195; and Maryland *vs.* Railroad Company, 22 Wall., 105; and all the judges, except Mr. Justice Field, who adheres to the views expressed in his dissenting opinions in those cases, are of opinion that they were rightly decided.

The elaborate printed briefs submitted by counsel in this case, and the opinions delivered in the legal-tender cases, and in the earlier case of Hepburn *vs.* Griswold, 8 Wall., 603, which those cases overruled, forcibly present the arguments on either side of the question of the power of Congress to make the notes of the United States a legal tender in payment of private debts. Without undertaking to deal with all those arguments, the court has thought it fit that the grounds of its judgement in the case at bar should be fully stated.

No question of the scope and extent of the implied powers of Congress under the Constitution can be satisfactorily discussed without repeating much of the reasoning of Chief-Justice Marshall in the great judgment in McCulloch *vs.* Maryland, 4 Wheat., 316, by which the power of Congress to incorporate a bank was demonstrated and affirmed, notwithstanding the Constitution does not enumerate, among the powers granted, that of establishing a bank or creating a corporation.

The people of the United States by the Constitution established a National Government, with sovereign powers, legislative, executive, and judicial. "The Government of the Union," said Chief-Justice Marshall, "though limited in its powers, is supreme within its sphere of action;" "and its laws, when made in pursuance of the Constitution, form the supreme law of the land." "Among the enumerated powers of Government we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, are intrusted to its government." (4 Wheat., 405, 406, 407.)

A constitution establishing a frame of government, declaring fundamental principles, and creating a national sovereignty, and intended to endure for ages and to be adapted to the various crises of human affairs, is not to be interpreted with the strictness of a private contract. The Constitution of the United States, by apt words of designation or general description, marks the outlines of the powers granted to the National Legislature, but it does not undertake with the precision and detail of a code of laws to enumerate the subdivisions of those powers or to specify all the means by which they may be carried into execution. Chief-Justice Marshall, after dwelling upon this view, as required by the very nature of the Constitution, by the language in which it is framed, by the limitations upon the general powers of Congress introduced in the ninth section of the first article, and by the omission to use any restrictive term which might prevent its receiving a fair and just interpretation, added these emphatic words: "In considering this question, then, we must never forget that it is a constitution we are expounding." (4 Wheat., 407. See also page 415.)

The breadth and comprehensiveness of the words of the Constitution are nowhere more strikingly exhibited than in regard to the powers over the subjects of revenue, finance, and currency, of which there is no other express grant than may be found in these few brief clauses:

"The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

"To borrow money on the credit of the United States;

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

The section which contains the grant of these and other principal legislative powers concludes by declaring that the Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

By the settled construction and the only reasonable interpretation of this clause the words "necessary and proper" are not limited to such measures as are absolutely and indispensably necessary, without which the powers granted must fail of execution, but they include all appropriate means which are conducive or adapted to the end to be accomplished, and which in the judgment of Congress will most advantageously effect it.

That clause of the Constitution which declares that "the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States" either embodies a grant of power to pay the debts of the United States or presupposes and assumes that power as inherent in the United States as a sovereign government. But, in whichever aspect it be considered, neither this nor any other clause of the Constitution makes any mention of priority or preference of the United States as a creditor over other creditors of an individual debtor. Yet this court, in the early case of United States *vs.* Fisher, 2 Cranch, 358, held that under the power to pay the debts of the United States Congress had the power to enact that debts due to the United States should have that priority of payment out of the estate of an insolvent debtor which the law of England gave to debts due to the crown.

In delivering judgment in that case Chief-Justice Marshall expounded the clause giving Congress power to make all necessary and proper laws as follows: "In construing this clause it would be incorrect and would produce endless difficulties if the opinion should be maintained that no law was authorized which was not indispensably necessary to give effect to a specified power. Where various systems might be adopted for that purpose it might be said with respect to each that it was not necessary because the end might be obtained by other means. Congress must possess the choice of means and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. The Government is to pay the debt of the Union, and must be authorized to use the means which appear to itself the most eligible to effect that object." (2 Cranch, 396.)

In McCulloch *vs.* Maryland he more fully developed the same view, concluding thus: "We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (4 Wheat., 421.)

The rule of interpretation thus laid down has been constantly adhered to and acted on by this court, and was accepted as expressing the true test by all the judges who took part in the former discussions of the power of Congress to make the Treasury notes of the United States a legal tender in payment of private debts.

The other judgments delivered by Chief-Justice Marshall contain nothing adverse to the power of Congress to issue legal-tender notes.

By the Articles of Confederation of 1777, the United States in Congress assembled were authorized "to borrow money or emit bills on the credit of the United States;" but it was declared that "each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled." (Art. 2; art. 9, sec. 5; 1 Stat., 4, 7.) Yet, upon the question whether, under those articles, Congress, by virtue of the power to emit bills on the credit of the United States, had the power to make bills so emitted a legal tender, Chief-Justice Marshall spoke very guardedly, saying: "Congress emitted bills of credit to a large amount, and did not, perhaps could not, make them a legal tender. This power resided in the States." (Craig *vs.* Missouri, 4 Pet., 410, 435.) But in the Constitution, as he had before observed in McCulloch *vs.* Maryland, "there is no phrase which, like the Articles of Confederation, excludes incidental or implied powers, and which requires that everything granted shall be expressly and minutely described. Even the tenth amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word 'expressly,' and declares only that the powers 'not delegated to the United States, nor prohibited to the States, are reserved to the States or to the people;' thus leaving the question whether the particular power which may become the subject of contest has been delegated to the one government or prohibited to the other to depend on a fair construction of the whole instrument. The men who drew and adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the Articles of Confederation, and probably omitted it to avoid those embarrassments." (4 Wheat., 405, 406.)

The sentence sometimes quoted from his opinion in Sturges *vs.* Crowninshield had exclusive relation to the restrictions imposed by the Constitution on the powers of the States, and especial reference to the effect of the clause prohibiting the States from passing laws impairing the obligation of contracts, as will clearly appear by quoting the whole paragraph: "Was this general prohibition intended to prevent paper money? We are not allowed to say so, because it is expressly provided that no State shall 'emit bills of credit;' neither could these words be intended to restrain the States from enabling debtors to discharge their debts by the tender of property of no real value to the creditor, because for that subject also particular provision is made. Nothing but gold and silver coin can be made a tender in payment of debts." (4 Wheat., 122, 204.)

Such reports as have come down to us of the debates in the convention that framed the Constitution afford no proof of any general concurrence of opinion upon the subject before us. The adoption of the motion to strike out the words "and emit bills" from the clause "to borrow money and emit bills on the credit of the United States" is quite inconclusive. The philippic delivered before the Assembly of Maryland by Mr. Martin, one of the delegates from that State, who voted against the motion, and who declined to sign the Constitution, can hardly be accepted as satisfactory evidence of the reasons or the motives of the majority of the convention. (See 1 Elliot's Debates, 345, 370, 376.) Some of the members of the convention, indeed, as appears by Mr. Madison's minutes of the debates, expressed the strongest opposition to paper money. And Mr. Madison has disclosed the grounds of his own action by recording that "this vote in the affirmative by Virginia was occasioned by the acquiescence of Mr. Madison, who became satisfied that striking out the words would not disable the Government from the use of public notes, so far as they could be safe and proper; and would only cut off the pretext for a paper currency, and particularly for making the bills a tender, either for public or private debts."

But he has not explained why he thought that striking out the words "and emit bills" would leave the power to emit bills, and deny the power to make them a tender in payment of debts. And it can not be known how many of the other delegates, by whose vote the motion was adopted, intended neither to proclaim nor to deny the power to emit paper money, and were influenced by the argument of Mr. Gorham, who "was for striking out, without inserting any prohibition," and who said: "If the words stand, they may suggest and lead to the emission." "The power, so far as it will be necessary or safe, will be involved in that of borrowing." (5 Elliot's Debates, 434, 435, and note.) And after the first clause of the tenth section of the first article had been reported in the form in which it now stands, forbidding the States to make anything but gold or silver coin a tender in payment of debts, or to pass any law impairing the obligation of contracts, when Mr. Gerry, as reported by Mr. Madison, "entered into observations inculcating the importance of public faith, and the propriety of the restraint put on the States from impairing the obligation of contracts, alleging that Congress ought to be laid under the like prohibitions," and made a motion to that effect, he was not seconded. (Ib., 546.) As an illustration of the danger of giving too much weight upon such a question to the debates and the votes in the convention, it may also be observed that propositions to authorize Congress to grant charters of incorporation for national objects were strongly opposed, especially as regarded banks, and defeated. (Ib., 440, 543, 544.) The power of Congress to emit bills of credit, as well as to incorporate national banks, is now clearly established by decisions to which we shall presently refer.

The words "to borrow money," as used in the Constitution, to designate a power vested in the National Government, for the safety and welfare of the whole people, are not to receive that limited and restricted interpretation and meaning which they would have in a penal statute, or in an authority conferred, by law or by contract, upon trustees or agents for private purposes.

The power "to borrow money on the credit of the United States" is the power to raise money for the public use on a pledge of the public credit, and may be exercised to meet either present or anticipated expenses and liabilities of the Government. It includes the power to issue, in return for the money borrowed, the obligations of the United States in any appropriate form, of stock, bonds, bills, or notes; and in whatever form they are issued, being instruments of the National Government, they are exempt from taxation by the governments of the several States. (Weston *vs.* Charleston City Council, 2 Pet., 449; Banks *vs.* Mayor, 7 Wall., 16; Bank *vs.* Supervisors, 7 Wall., 26.) Congress has authority to issue these obligations in a form adapted to circulation from hand to hand in the

ordinary transactions of commerce and business. In order to promote and facilitate such circulation, to adapt them to use as currency, and to make them more current in the market, it may provide for their redemption in coin or bonds, and may make them receivable in payment of debts to the Government. So much is settled beyond doubt, and was asserted or distinctly admitted by the judges who dissented from the decision in the Legal-tender cases, as well as by those who concurred in that decision. (Veazie Bank *vs.* Fenno, 8 Wall., 533, 548; Hepburn *vs.* Griswold, 8 Wall., 616, 636; Legal-tender cases, 12 Wall., 543, 544, 560, 582, 610, 613, 637.)

It is equally well settled that Congress has the power to incorporate national banks, with the capacity, for their own profit as well as for the use of the Government in its money transactions, of issuing bills which under ordinary circumstances pass from hand to hand as money at their nominal value, and which, when so current, the law has always recognized as a good tender in payment of money debts, unless specifically objected to at the time of the tender. (United States Bank *vs.* Bank of Georgia, 10 Wheat., 333, 347; Ward *vs.* Smith, 7 Wall., 447, 451.) The power of Congress to charter a bank was maintained in McCulloch *vs.* Maryland, 4 Wheat., 316, and in Osborn *vs.* United States Bank, 9 Wheat., 738, chiefly upon the ground that it was an appropriate means for carrying on the money transactions of the Government. But Chief-Justice Marshall said: "The currency which it circulates, by means of its trade with individuals, is believed to make it a more fit instrument for the purposes of government than it could otherwise be; and, if this be true, the capacity to carry on this trade is a faculty indispensable to the character and objects of the institution." (9 Wheat., 864.) And Mr. Justice Johnson, who concurred with the rest of the court in upholding the power to incorporate a bank, gave the further reason that it tended to give effect to "that power over the currency of the country which the framers of the Constitution evidently intended to give to Congress alone." (Ib., 873.)

The constitutional authority of Congress to provide a currency for the whole country is now firmly established. In Veazie Bank *vs.* Fenno, 8 Wall., 533, 548, Chief-Justice Chase, in delivering the opinion of the court, said: "It can not be doubted that under the Constitution the power to provide a circulation of coin is given to Congress. And it is settled by the uniform practice of the Government, and by repeated decisions, that Congress may constitutionally authorize the emission of bills of credit." Congress, having undertaken to supply a national currency, consisting of coin, of Treasury-notes of the United States, and of the bills of national banks, is authorized to impose on all State banks, or national banks, or private bankers, paying out the notes of individuals or of State banks, a tax of 10 per cent. upon the amount of such notes so paid out. (Veazie Bank *vs.* Fenno, above cited; National Bank *vs.* United States, 101 U. S., 1.) The reason for this conclusion was stated by Chief-Justice Chase, and repeated by the present Chief-Justice, in these words: "Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end, Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit and base coin on the community. To the same end, Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile." (8 Wall., 549; 101 U. S., 6.)

By the Constitution of the United States the several States are prohibited from coining money, emitting bills of credit, or making anything but gold and silver coin a tender in payment of debts. But no intention can be inferred from this to deny to Congress either of these powers. Most of the powers granted to Congress are described in the eighth section of the first article; the limitations intended to be set to its powers, so as to exclude certain things which might otherwise be taken to be included in the general grant, are defined in the ninth section; the tenth section is addressed to the States only. This section prohibits the States from doing some things which the United States are expressly prohibited from doing, as well as from doing some things which the United States are expressly authorized to do, and from doing some things which are neither expressly granted nor expressly denied to the United States. Congress and the States equally are expressly prohibited from passing any bill of attainder or *ex post facto* law, or granting any title of nobility. The States are forbidden, while the President and Senate are expressly authorized, to make treaties. The States are forbidden, but Congress is expressly authorized, to coin money. The States are prohibited from emitting bills of credit; but Congress, which is neither expressly authorized nor expressly forbidden to do so, has, as we have already seen, been held to have the power of emitting bills of credit, and of making every provision for their circulation as currency, short of giving them the quality of legal tender for private debts—even by those who have denied its authority to give them this quality.

It appears to us to follow, as a logical and necessary consequence, that Congress has the power to issue the obligations of the United States in such form, and to impress upon them such qualities as currency for the purchase of merchandise and the payment of debts, as accord with the usage of sovereign governments. The power, as incident to the power of borrowing money and issuing bills or notes of the government for money borrowed, of impressing upon those bills or notes the quality of being a legal tender for the payment of private debts, was a power universally understood to belong to sovereignty, in Europe and America, at the time of the framing and adoption of the Constitution of the United States. The governments of Europe, acting through the monarch or the legislature, according to the distribution of powers under their respective constitutions, had and have as sovereign a power of issuing paper money as of stamping coin. This power has been distinctly recognized in an important modern case, ably argued and fully considered, in which the Emperor of Austria, as King of Hungary, obtained from the English court of chancery an injunction against the issue in England, without his license, of notes purporting to be public paper money of Hungary. (Austria *vs.* Day, 2 Giff., 628, and 3 D. F. & J., 217.) The power of issuing bills of credit, and making them, at the discretion of the Legislature, a tender in payment of private debts, had long been exercised in this country by the several Colonies and States; and during the Revolutionary war the States, upon the recommendation of the Congress of the Confederation, had made the bills issued by Congress a legal tender. (See Craig *vs.* Missouri, 4 Pet., 435, 453; Briscoe *vs.* Bank of Kentucky, 11 Pet., 257, 313, 334-336; Legal-tender cases, 12 Wall., 557, 558, 622; Phillips on American Paper Currency, *passim*.) The exercise of this power not being prohibited to Congress by the Constitution, it is included in the power expressly granted to borrow money on the credit of the United States.

This position is fortified by the fact that Congress is vested with the exclusive exercise of the analogous power of coining money and regulating the value of domestic and foreign coin, and also with the paramount power of regulating foreign and interstate commerce. Under the power to borrow money on the credit of the United States, and to issue circulating notes for the money borrowed, its power to define the quality and force of those notes as currency is as broad as the like power over a metallic currency under the power to coin money and to regulate the value thereof. Under the two powers, taken together, Congress is authorized to establish a national currency, either in coin or in paper, and to make that currency lawful money for all purposes as regards the National Government or private individuals.

The power of making the notes of the United States a legal tender in payment of private debts, being included in the power to borrow money and to provide a national currency, is not defeated or restricted by the fact that its exercise may affect the value of private contracts. If, upon a just and fair interpretation of the whole Constitution, a particular power or authority appears to be vested in Congress, it is no constitutional objection to its existence or to its exercise that the property or the contracts of individuals may be incidentally affected. The decisions of this court already cited afford several examples of this.

Upon the issue of stock, bonds, bills, or notes of the United States, the States are deprived of their power of taxation to the extent of the property invested by individuals in such obligations, and the burden of State taxation upon other private property is correspondingly increased. The 10 per cent. tax, imposed by Congress on notes of State banks and of private bankers, not only lessens the value of such notes, but tends to drive them, and all State banks of issue, out of existence. The priority given to debts due to the United States over the private debts of an insolvent debtor diminishes the value of these debts, and the amount which their holders may receive out of the debtor's estate.

So, under the power to coin money and to regulate its value, Congress may (as it did with regard to gold by the act of June 28, 1834, ch. 95, and with regard to silver by the act of February 28, 1878, ch. 20) issue coins of the same denomination as those already current by law, but of less intrinsic value than those by reason of containing a less weight of the precious metals and thereby enable debtors to discharge their debts by the payment of coins of the less real value. A contract to pay a certain sum in money without any stipulation as to the kind of money in which it shall be paid may always be satisfied by payment of that sum in any currency which is lawful money at the place and time at which payment is to be made. (1 Hale P. C., 192-194; Bac. Ab. Tender, B., 2; Pothier Contract of Sale, No. 416; Pardessus Droit Commercial, Nos. 204, 205; Searight *vs.* Calbraith, 4 Dall., 324.) As observed by Mr. Justice Strong in delivering the opinion of the court in the Legal-tender cases, "Every contract for the payment of money simply is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the party is therefore assumed with reference to that power." (12 Wall., 549.)

Congress, as the legislature of a sovereign nation, being expressly empowered by the Constitution "to lay and collect taxes, to pay the debts and provide for the common defense and general welfare of the United States," and "to borrow money on the credit of the United States," and "to coin money and regulate the value thereof, and of foreign coin;" and being clearly authorized, as incidental to the exercise of those great powers, to emit bills of credit, to charter national banks, and to provide a national currency for the whole people in the form of coin, Treasury notes, and national-bank bills, and the power to make the notes of the Government a legal tender in payment of private debts being one of the powers belonging to sovereignty in other civilized nations, and not expressly withheld from Congress by the Constitution, we are irresistibly impelled to the conclusion that the impressing upon the Treasury notes of the United States the quality of being a legal tender in payment of private debts is an appropriate means, conducive and plainly adapted to the execution of the undoubted powers of Congress, consistent with the letter and spirit of the Constitution, and therefore, within the meaning of that instrument, "necessary and proper for carrying into execution the powers vested by this Constitution in the Government of the United States."

Such being our conclusion in matter of law, the question whether at any particular time, in war or in peace, the exigency is such, by reason of unusual and pressing demands on the resources of the Government, or of the inadequacy of the supply of gold and silver coin to furnish the currency needed for the uses of the Government and of the people, that it is, as matter of fact, wise and expedient to resort to this means is a political question to be determined by Congress when the question of exigency arises, and not a judicial question to be afterward passed upon by the courts. To quote once more from the judgment in McCulloch *vs.* Maryland: "Where the law is not prohibited, and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department, and to tread on legislative ground." (4 Wheat., 423.)

It follows that the act of May 31, 1878, chapter 146, is constitutional and valid, and that the circuit court rightly held that the tender in Treasury notes reissued and kept in circulation under that act was a tender of lawful money in payment of the defendant's debt to plaintiff.

Judgment affirmed.

SUPREME COURT OF THE UNITED STATES.

No. 9.—October term, 1883.

Augustus D. Juilliard, plaintiff in error, *vs.* Thomas S. Greenman. In error to the circuit court of the United States for the southern district of New York.

Mr. Justice Field, dissenting.

From the judgment of the court in this case, and from all the positions advanced in its support, I dissent. The question of the power of Congress to impart the quality of legal tender to the notes of the United States, and thus make them money and a standard of value, is not new here. Unfortunately, it has been too frequently before the court, and its latest decision, previous to this one, has never been entirely accepted and approved by the country. Nor should this excite surprise, for whenever it is declared that this Government, ordained to establish justice, has the power to alter the condition of contracts between private parties, and authorize their payment or discharge in something different from that which the parties stipulated, thus disturbing the relations of commerce and the business of the community generally, the doctrine will not and ought not to be readily accepted. There will be many who will adhere to the teachings and abide by the faith of their fathers. So the question has come again, and will continue to come until it is settled so as to uphold and not impair the contracts of parties, to promote and not defeat justice.

If there be anything in the history of the Constitution which can be established with moral certainty, it is that the framers of that instrument intended to prohibit the issue of legal-tender notes both by the General Government and by the States, and thus prevent interference with the contracts of private parties. During the Revolution and the period of the old Confederation the Continental Congress issued bills of credit, and upon its recommendation the States made them a legal tender and the refusal to receive them an extinguishment of the debts for which they were offered. They also enacted severe penalties against those who refused to accept them at their nominal value, as equal to coin, in exchange for commodities. And previously, as early as January, 1776, Congress had declared that if any person should be "so lost to all virtue and regard for his country" as to refuse to receive in payment the bills then issued, he should, on conviction thereof, be "deemed, published, and treated as an enemy of his country, and precluded from all trade and intercourse with the inhabitants of the colonies."

Yet this legislation proved ineffectual; the universal law of currency prevailed which makes promises of money valuable only as they are convertible into coin. The notes depreciated until they became valueless in the hands of their possessors. So it always will be; legislative declaration can not make the promise of a thing the equivalent of the thing itself.

The legislation to which the States were thus induced to resort was not confined to the attempt to make paper money a legal tender for debts, but the principle that private contracts could be legally impaired and their obligation disregarded being once established, other measures equally dishonest and destructive of good faith between parties were adopted. What followed is thus stated by Mr. Justice Story in his Commentaries: "The history, indeed," he says, "of the various laws which were passed by the States in their colonial and independ-

ent character upon this subject is startling at once to our morals, to our patriotism, and to our sense of justice. Not only was paper money issued and declared to be a tender in payment of debts, but laws of another character, well known under the appellation of tender laws, appraisement laws, installment laws, and suspension laws, were from time to time enacted, which prostrated all private credit and all private morals. By some of these laws the due payment of debts was suspended; debts were, in violation of the very terms of the contract, authorized to be paid by installments at different periods; property of any sort, however worthless, either real or personal, might be tendered by the debtor in payment of his debts, and the creditor was compelled to take the property of the debtor which he might seize on execution at an appraisement wholly disproportionate to its known value. Such grievances and oppressions, and others of a like nature, were the ordinary results of legislation during the Revolutionary war and the intermediate period down to the formation of the Constitution. They entailed the most enormous evils on the country, and introduced a system of fraud, chicanery, and profligacy which destroyed all private confidence and all industry and enterprise" (2d vol., sec. 1371).

To put an end to this vicious system of legislation which only encouraged fraud, thus graphically described by Story, the clauses which forbid the States from emitting bills of credit or making anything but gold and silver a tender in payment of debts, or passing any law impairing the obligation of contracts, were inserted in the Constitution. "The attention of the convention, therefore," says Chief-Justice Marshall, "was particularly directed to paper money and to acts which enabled the debtor to discharge his debt otherwise than was stipulated in the contract. Had nothing more been intended, nothing more would have been expressed, but in the opinion of the convention much more remained to be done. The same mischief might be effected by other means. To restore public confidence completely it was necessary, not only to prohibit the use of particular means by which it might be effected, but to prohibit the use of any means by which the same mischief might be produced. The convention appears to have intended to establish a great principle, that contracts should be inviolable." (Sturgis *vs.* Crowninshield, 4 Wheat., 200.)

It would be difficult to believe, even in the absence of the historical evidence we have on the subject, that the framers of the Constitution, profoundly impressed by the evils resulting from this kind of legislation, ever intended that the new government, ordained to establish justice, should possess the power of making its bills a legal tender, which they were unwilling should remain with the States, and which in the past had proved so dangerous to the peace of the community, so disturbing to the business of the people, and so destructive of their morality.

The great historian of our country has recently given to the world a history of the convention, the result of years of labor in the examination of all public documents relating to its formation and of the recorded opinions of its framers; and thus he writes: "With the full recollection of the need or seeming need of paper money in the Revolution, with the menace of danger in future time of war from its prohibition, authority to issue bills of credit that should be legal tender was refused to the General Government by the vote of nine States against New Jersey and Maryland. It was Madison who decided the vote of Virginia, and he has left his testimony that 'the pretext for paper currency, and particularly for making the bills a tender, either for public or private debts, was cut off.' This is the interpretation of the clause made at the time of its adoption, alike by its authors and by its opponents, accepted by all the statesmen of that age, not open to dispute because too clear for argument, and never disputed so long as any one man who took part in framing the Constitution remained alive. History can not name a man who has gained enduring honor by causing the issue of paper money. Wherever such paper has been employed it has, in every case, thrown upon its authors the burden of exculpation under the plea of pressing necessity." (Bancroft's History of the formation of the Constitution of the United States, vol. 2, 134.)

And when the convention came to the prohibition upon the States, the historian says that the clause "no State shall make anything but gold and silver a tender in payment of debts" was accepted without a dissentient State. "So the adoption of the Constitution," he adds, "is to be the end forever of paper money, whether issued by the several States or by the United States, if the Constitution shall be rightly interpreted and honestly obeyed." (Vol. 2, 137.)

For nearly three-quarters of a century after the adoption of the Constitution, and until the legislation during the recent civil war, no jurist and no statesman of any position in the country ever pretended that a power to impart the quality of legal tender to its notes was vested in the General Government. There is no recorded word of even one in favor of its possessing the power. All conceded, as an axiom of constitutional law, that the power did not exist.

Mr. Webster, from his first entrance into public life in 1812, gave great consideration to the subject of the currency, and in an elaborate speech on that subject, made in the Senate in 1836, then sitting in this room, he said: "Currency, in a large and perhaps just sense, includes not only gold and silver and bank bills, but bills of exchange also. It may include all that adjusts exchanges and settles balances in the operations of trade and business; but if we understand by currency the legal money of the country, and that which constitutes a legal tender for debts, and is the standard measure of value, then undoubtedly nothing is included but gold and silver. Most unquestionably there is no legal tender, and there can be no legal tender in this country, under the authority of this Government or any other, but gold and silver, either the coinage of our own mints or foreign coins at rates regulated by Congress. This is a constitutional principle, perfectly plain and of the highest importance. The States are expressly prohibited from making anything but gold and silver a legal tender in payment of debts, and although no such express prohibition is applied to Congress, yet, as Congress has no power granted to it in this respect but to coin money and to regulate the value of foreign coins, it clearly has no power to substitute paper or anything else for coin as a tender in payment of debts and in discharge of contracts. Congress has exercised this power fully in both its branches; it has coined money, and still coins it; it has regulated the value of foreign coins, and still regulates their value. The legal tender, therefore, the constitutional standard of value, is established and can not be overthrown. To overthrow it would shake the whole system." (Webster's Works, vol. 4, 271.)

When the idea of imparting the legal-tender quality to the notes of the United States issued under the first act of 1862 was first broached, the advocates of the measure rested their support of it on the ground that it was a war measure, to which the country was compelled to resort by the exigencies of its condition, being then sorely pressed by the confederate forces, and requiring the daily expenditure of enormous sums to maintain its Army and Navy, and to carry on the Government. The Representative who introduced the bill in the House declared that it was a measure of that nature, "one of necessity and not of choice;" that the times were extraordinary, and that extraordinary measures must be resorted to in order to save our Government and preserve our nationality. (Speech of Spaulding, of New York; Cong. Globe, 1861-'62, Part 1, 523.) Other members of the House frankly confessed their doubt as to its constitutionality, but yielded their support of it under the pressure of this supposed necessity.

In the Senate also the measure was pressed for the same reasons. When the act was reported by the Committee on Finance, its chairman, whilst opposing the legal-tender provision, said: "It is put on the ground of absolute, overwhelming necessity; that the Government has now arrived at that point when it must have funds, and those funds are not to be obtained from ordinary sources, or from any of the expedients to which we have heretofore had recourse, and, therefore, this new, anomalous, and remarkable provision must be resorted to in order to enable the Government to pay off the debt that it now owes and afford circulation which will be available for other purposes." (Congressional Globe, 1861-'62, part 1, 764.) And upon that ground the provision was adopted, some of the Senators stating that in the exigency then existing money must be had, and they, therefore, sustained the measure, although they apprehended danger from the experiment. "The medicine of the Constitution," said Senator Sumner, "must not become its daily food." (Id., 800.) A similar necessity was urged upon the State tribunals and this court in justification of the measure, when its validity was questioned.

The dissenting opinion in Hepburn *vs.* Griswold, referred to the pressure that was upon the Government at the time to enable it to raise and support an army and to provide and maintain a navy. Chief-Justice Chase, who gave the prevailing opinion in that case, also spoke of the existence of the feeling when the bill was passed that the provision was necessary. He favored the provision on that ground when Secretary of the Treasury, although he had come to that conclusion with reluctance, and recommended its adoption by Congress. When the question as to its validity reached this court, this expression of favor was referred to, and by many it was supposed that it would control his judicial action. But after long pondering upon the subject, after listening to repeated arguments by able counsel, he decided against the constitutionality of the provision; and, holding in his hands the casting vote, he determined the judgment of the court. He thus preferred to preserve his integrity as a judicial officer rather than his consistency as a statesman. In his opinion he thus referred to his previous views:

"It is not surprising that amid the tumult of the late civil war, and under the influence of apprehensions for the safety of the Republic almost universal, different views, never before entertained by American statesmen or jurists, were adopted by many. The time was not favorable to considerate reflection upon the constitutional limits of legislative or executive authority. If power was assumed from patriotic motives, the assumption found ready justification in patriotic hearts. Many who doubted yielded their doubts, many who did not doubt were silent. Some who were strongly averse to making Government notes a legal tender felt themselves constrained to acquiesce in the views of the advocates of the measure. Not a few who then insisted upon its necessity, or acquiesced in that view, have since the return of peace and under the influence of the calmer time reconsidered their conclusions, and now concur in those which we have just announced. These conclusions seem to us to be fully sanctioned by the letter and spirit of the Constitution." (8 Wall, 625.)

It must be evident, however, upon reflection that if there were any power in the Government of the United States to impart the quality of legal tender to its promissory notes, it was for Congress to determine when the necessity for its exercise existed; that war merely increased the urgency for money; it did not add to the powers of the Government nor change their nature; that if the power existed it might be equally exercised when a loan was made to meet ordinary expenses in time of peace as when vast sums were needed to support an army or a navy in time of war. The wants of the Government could never be the measure of its powers. But in the excitement and apprehensions of the war these considerations were unheeded; the measure was passed as one of overruling necessity in a perilous crisis of the country. Now it is no longer advocated as one of necessity but as one that may be adopted at any time. Never before was it contended by any jurist or commentator on the Constitution that the Government, in full receipt of ample income, with a Treasury overflowing, with more money on hand than it knows what to do with, could issue paper money as a legal tender. What was in 1862 called the "medicine of the Constitution" has now become its daily bread. So it always happens that whenever a wrong principle of conduct, political or personal, is adopted on a plea of necessity, it will be afterward followed on a plea of convenience.

The advocates of the measure have not been consistent in the designation of the power upon which they have supported its validity, some placing it on the power to borrow money, some on the coining power, and some have claimed it as an incident to the general powers of the Government. In the present case it is placed by the court upon the power to borrow money, and the alleged sovereignty of the United States over the currency. It is assumed that this power, when exercised by the Government, is something different from what it is when exercised by corporations or individuals, and that the Government has, by the legal-tender provision, the power to enforce loans of money because the sovereign governments of European countries have claimed and exercised such power. "The words to borrow money," says the court, "are not to receive that limited and restricted interpretation and meaning which they would have in a penal statute or in an authority conferred by law or by contract upon trustees or agents for private purposes." And it adds that "the power, as incident to the power of borrowing money and issuing bills or notes of the Government for money borrowed, of impressing upon those bills or notes the quality of being a legal-tender for the payment of private debts, was a power universally understood to belong to sovereignty, in Europe and America, at the time of the framing and adoption of the Constitution of the United States. The governments of Europe, acting through the monarch or the legislature, according to the distribution of powers under their respective constitutions, had and have as sovereign a power of issuing paper money as of stamping coin," and that "the exercise of this power not being prohibited to Congress by the Constitution, it is included in the power expressly granted to borrow money on the credit of the United States."

As to the terms to borrow money, where, I would ask, does the court find any authority for giving to them a different interpretation in the Constitution from what they receive when used in other instruments, as in the charters of municipal bodies or of private corporations, or in the contracts of individuals? They are not ambiguous; they have a well-settled meaning in other instruments. If the court may change that in the Constitution, so it may the meaning of all other clauses; and the powers which the Government may exercise will be found declared, not by plain words in the organic law, but by words of a new significance resting in the minds of the judges. Until some authority beyond the alleged claim and practice of the sovereign governments of Europe be produced, I must believe that the terms have the same meaning in all instruments wherever they are used; that they mean a power only to contract for a loan of money upon considerations to be agreed between the parties. The conditions of the loan, or whether any particular security shall be given to the lender, are matters of arrangement between the parties; they do not concern any one else. They do not imply that the borrower can give to his promise to refund the money any security to the lender outside of property or rights which he possesses. The transaction is completed when the lender parts with his money and the borrower gives his promise to pay at the time and in the manner and with the securities agreed upon.

Whatever stipulations may be made, to add to the value of the promise or to secure its fulfillment, must necessarily be limited to the property, rights, and privileges which the borrower possesses. Whether he can add to his promises any element which will induce others to receive them beyond the security which he gives for their payment, depends upon his power to control such element. If he has a right to put a limitation upon the use of other persons' property, or to enforce an exaction of some benefit from them, he may give such privilege to the lender; but if he has no right thus to interfere with the property or possessions of others, of course he can give none. It will hardly be pretended that the Government of the United States has any power to enter into an engagement that, as security for its notes, the lender shall have special privileges with respect to the visible property of others, shall be able to occupy a portion of their lands or their houses, and thus interfere with the possession and use of their property. If the Government can not do that, how can it step in and say, as a condition of

loaning money, that the lender shall have a right to interfere with contracts between private parties?

A large proportion of the property of the world exists in contracts, and the Government has no more right to deprive one of their value by legislation operating directly upon them, than it has a right to deprive one of the value of any visible and tangible property. No one, I think, will pretend that individuals or corporations possess the power to impart to their evidences of indebtedness any quality by which the holder will be able to affect the contracts of other parties, strangers to the loan; nor would any one pretend that Congress possesses the power to impart any such quality to the notes of the United States, except from the clause authorizing it to make laws necessary and proper to the execution of its powers. That clause, however, does not enlarge the expressly designated powers; it merely states what Congress could have done without its insertion in the Constitution. Without it Congress could have adopted any appropriate means to borrow; but that can only be appropriate for that purpose which has some relation of fitness to the end, which has respect to the terms essential to the contract, or to the securities which the borrower may furnish for the repayment of the loan. The quality of legal tender does not touch the terms of the contract; that is complete without it; nor does it stand as a security for the loan, for a security is a thing pledged, over which the borrower has some control, or in which he holds some interest.

The argument presented by the advocates of legal tender is, in substance, this: The object of borrowing is to raise funds; the addition of the quality of legal tender to the notes of the Government will induce parties to take them, and funds will thereby be more readily loaned. But the same thing may be said of the addition of any other quality which would give to the holder of the notes some advantage over the property of others, as, for instance, that the notes should serve as a pass on the public conveyances of the country, or as a ticket to places of amusement, or should exempt his property from State and municipal taxation or entitle him to the free use of the telegraph lines, or to a percentage from the revenues of private corporations. The same consequence, a ready acceptance of the notes, would follow; and yet no one would pretend that the addition of privileges of this kind with respect to the property of others, over which the borrower has no control, would be in any sense an appropriate measure to the execution of the power to borrow.

Undoubtedly the power to borrow includes the power to give evidences of the loan in bonds, treasury notes, or in such other form as may be agreed between the parties. These may be issued in such amounts as will fit them for circulation, and for that purpose may be made payable to bearer, and transferable by delivery. Experience has shown that the form best fitted to secure their ready acceptance is that of notes payable to bearer, in such amounts as may suit the ability of the lender. The Government, in substance, says to parties with whom it deals: lend us your money, or furnish us with your products or your labor, and we will ultimately pay you, and as evidence of it we will give you our notes, in such form and amount as may suit your convenience, and enable you to transfer them; we will also receive them for certain demands due to us. In all this matter there is only a dealing between the Government and the individuals who trust it. The transaction concerns no others. The power which authorizes it is a very different one from a power to deal between parties to private contracts in which the Government is not interested, and to compel the receipt of these promises to pay in place of the money for which the contracts stipulated. This latter power is not an incident to the former; it is a distinct and far greater power. There is no legal connection between the two; between the power to borrow from those willing to lend and the power to interfere with the independent contracts of others. The possession of this latter power would justify the interference of the Government with any rights of property of other parties, under the pretense that its allowance to the holders of the notes would lead to their more ready acceptance, and thus furnish the needed means.

The power vested in Congress to coin money does not in my judgment fortify the position of the court as its opinion affirms. So far from deducting from that power any authority to impress the notes of the Government with the quality of legal tender, its existence seems to me inconsistent with a power to make anything but coin a legal tender. The meaning of the terms "to coin money" is not at all doubtful. It is to mould metallic substances into forms convenient for circulation and to stamp them with the impress of the Government authority indicating their value with reference to the unit of value established by law. Coins are pieces of metal of definite weight and value, stamped such by the authority of the Government. If any doubt could exist that the power has reference to metallic substances only it would be removed by the language which immediately follows, authorizing Congress to regulate the value of money thus coined and of foreign coin, and also by clauses making a distinction between coin and the obligations of the General Government and of the States. Thus, in the clause authorizing Congress "to provide for the punishment of counterfeiting the securities and current coin of the United States," a distinction is made between the obligations and the coin of the Government.

Money is not only a medium of exchange, but it is a standard of value. Nothing can be such standard which has not intrinsic value, or which is subject to frequent changes in value. From the earliest period in the history of civilized nations we find pieces of gold and silver used as money. These metals are scattered over the world in small quantities; they are susceptible of division, capable of easy impression, have more value in proportion to weight and size, and are less subject to loss by wear and abrasion than any other material possessing these qualities. It requires labor to obtain them; they are not dependent upon legislation or the caprices of the multitude; they can not be manufactured or decreed into existence, and they do not perish by lapse of time. They have, therefore, naturally, if not necessarily, become throughout the world a standard of value. In exchange for pieces of them products requiring an equal amount of labor are readily given. When the product and the piece of metal represent the same labor, or an approximation to it, they are freely exchanged. There can be no adequate substitute for these metals. Says Mr. Webster, in a speech made in the House of Representatives in 1815:

"The circulating medium of a commercial community must be that which is also the circulating medium of other commercial communities, or must be capable of being converted into that medium without loss. It must also be able not only to pass in payments and receipts among individuals of the same society and nation, but to adjust and discharge the balance of exchanges between different nations. It must be something which has a value abroad as well as at home, by which foreign as well as domestic debts can be satisfied. The precious metals alone answer these purposes. They alone, therefore, are money, and whatever else is to perform the functions of money must be their representative, and capable of being turned into them at will. So long as bank paper retains this quality it is a substitute for money; divested of this, nothing can give it that character." (Webster's Works, volume 3, 41.) The clause to coin money must be read in connection with the prohibition upon the States to make anything but gold and silver coin a tender in payment of debts. The two taken together clearly show that the coins to be fabricated under the authority of the General Government, and as such to be a legal tender for debts, are to be composed principally if not entirely of the metals of gold and silver. Coins of such metals are necessarily a legal tender to the amount of their respective values without any legislative enactment, and the statute of the United States providing that they shall be such tender is only declaratory of their effect when offered in payment.

When the Constitution says, therefore, that Congress shall have the power to coin money, interpreting that clause with the prohibition upon the States, it says it shall have the power to make coins of the precious metals a legal tender, for that alone which is money can be a legal tender. If this be the true import of the language, nothing else can be made a legal tender. We all know that the value of the notes of the Government, in the market and in the commercial world generally, depends upon their convertibility on demand into coin; and as confidence in such convertibility increases or diminishes, so does the exchangeable value of the notes vary. So far from becoming themselves standards of value by reason of the legislative declaration to that effect, their own value is measured by the facility with which they can be exchanged into that which alone is regarded as money by the commercial world. They are promises of money, but they are not money in the sense of the Constitution. The term money is used in that instrument in several clauses: in the one authorizing Congress to "borrow money;" in the one authorizing Congress to "coin money;" in the one declaring that "no money" shall be drawn from the Treasury but in consequence of appropriations made by law; and in the one declaring that no State shall "coin money." And it is a settled rule of interpretation that the same term occurring in different parts of the same instrument shall be taken in the same sense, unless there is something in the context indicating that a different meaning was intended. Now, to coin money is, as I have said, to make coins out of metallic substances, and the only money the value of which Congress can regulate is coined money, either of our mints or of foreign countries. It should seem, therefore, that to borrow money is to obtain a loan of coined money, that is, money composed of the precious metals, representing value in the purchase of property and payment of debts. Between the promises of the Government, designated as its securities, and this money the Constitution draws a distinction, which disappears in the opinion of the court.

The opinion not only declares that it is in the power of Congress to make the notes of the Government a legal tender and a standard of value, but that under the power to coin money and regulate the value thereof Congress may issue coins of the same denominations as those now already current, but of less intrinsic value, by reason of containing a less weight of the precious metals, and thereby enable debtors to discharge their debts by payment of coins of less real value. This doctrine is put forth as in some way a justification of the legislation authorizing the tender of nominal money in place of real money in payment of debts. Undoubtedly Congress has power to alter the value of coins issued, either by increasing or diminishing the alloy they contain; so it may alter at its pleasure their denominations; it may hereafter call a dollar an eagle, and it may call an eagle a dollar. But if it be intended to assert that Congress can make the coins changed the equivalent of those having a greater value in their previous condition, and compel parties contracting for the latter to receive coins with diminished value, I must be permitted to deny any such authority. Any such declaration on its part would be not only utterly inoperative in fact but a shameful disregard of its constitutional duty.

As I said on a former occasion: "The power to coin money, as declared by this court, is a great trust devolved upon Congress, carrying with it the duty of creating and maintaining a uniform standard of value throughout the Union, and it would be a manifest abuse of this trust to give to the coins issued by its authority any other than their real value. By debasing the coins, when once the standard is fixed, is meant giving to the coins, by their form and impress, a certificate of their having a relation to that standard different from that which, in truth, they possess; in other words, giving to the coins a false certificate of their value. Arbitrary and profligate governments have often resorted to this miserable scheme of robbery, which Mill designates as a shallow and impudent artifice, the 'least covert of all modes of knavery, which consists in calling a shilling a pound, that a debt of one hundred pounds may be canceled by the payment of one hundred shillings.'" No such debasement has ever been attempted in this country, and none ever will be so long as any sentiment of honor influences the governing power of the nation. The changes from time to time in the quantity of alloy in the different coins has been made to preserve the proper relative value between gold and silver, or to prevent exportation, and not with a view of debasing them. Whatever power may be vested in the Government of the United States, it has none to perpetrate such monstrous iniquity. One of the great purposes of its creation, as expressed in the preamble of the Constitution, was the establishment of justice, and not a line nor a word is found in that instrument which sanctions any intentional wrong to the citizen, either in war or in peace.

But beyond and above all the objections which I have stated to the decision recognizing a power in Congress to impart the legal-tender quality to the notes of the Government is my objection to the rule of construction adopted by the court to reach its conclusions, a rule which fully carried out would change the whole nature of our Constitution and break down the barriers which separate a government of limited from one of unlimited powers. When the Constitution came before the conventions of the several States for adoption apprehension existed that other powers than those designated might be claimed, and it led to the first ten amendments. When these were presented to the States they were preceded by a preamble stating that the conventions of a number of the States had at the time of adopting the Constitution expressed a desire, "in order to prevent misconception or abuse of its powers, that further declaratory and restrictive clauses should be added." One of them is found in the tenth amendment, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The framers of the Constitution, as I have said, were profoundly impressed with the evils which had resulted from the vicious legislation of the States making notes a legal tender, and they determined that such a power should not exist any longer. They therefore prohibited the States from exercising it, and they refused to grant it to the new government which they created. Of what purpose is it, then, to refer to the exercise of the power by the absolute or the limited governments of Europe, or by the States previous to our Constitution? Congress can exercise no power by virtue of any supposed inherent sovereignty in the General Government. Indeed, it may be doubted whether the power can be correctly said to appertain to sovereignty in any proper sense as an attribute of an independent political community. The power to commit violence, perpetrate injustice, take private property by force without compensation to the owner, and compel the receipt of promises to pay in place of money may be exercised, as it often has been, by irresponsible authority, but it can not be considered as belonging to a government founded upon law. But be that as it may, there is no such thing as a power of inherent sovereignty in the Government of the United States. It is a government of delegated powers, supreme within its prescribed sphere, but powerless outside of it.

In this country sovereignty resides in the people, and Congress can exercise no power which they have not by their Constitution intrusted to it; all else is withheld. It seems, however, to be supposed that as the power was taken from the States, it could not have been intended that it should disappear entirely, and therefore it must in some way adhere to the General Government, notwithstanding the tenth amendment and the nature of the Constitution. The doctrine that a power not expressly forbidden may be exercised would, as I have observed, change the character of our Government. If I have read the Constitution aright, if there is any weight to be given to the uniform teachings of our great jurists and of commentators previous to the late civil war, the true doctrine is the very opposite of this. If the power is not in terms granted, and is not necessary and proper for the exercise of a power which is thus granted, it does not exist. And in determining what measures may be adopted in executing the powers granted Chief-Justice Marshall declares that they must be appropriate, plainly adapted to the end, not prohibited, and consistent with the letter and spirit of the Constitution. Now, all through that instrument we find

limitations upon the power, both of the General Government and the State governments, so as to prevent oppression and injustice. No legislation, therefore, tending to promote either can consist with the letter and spirit of the Constitution. A law which interferes with the contracts of others, and compels one of the parties to receive in satisfaction something different from that stipulated, without reference to its actual value in the market, necessarily works such injustice and wrong.

There is, it is true, no provision in the Constitution of the United States forbidding in direct terms the passing of laws by Congress impairing the obligation of contracts, and there are many express powers conferred, such as the power to declare war, levy duties, and regulate commerce, the exercise of which affects more or less the value of contracts. Thus war necessarily suspends intercourse between the citizens or subjects of belligerent nations and the performance during its continuance of previous contracts. The imposition of duties upon goods may affect the prices of articles imported or manufactured so as to materially alter the value of previous contracts respecting them. But these incidental consequences arising from the exercise of such powers were contemplated in the grant of them. As there can be no solid objection to legislation under them, no just complaint can be made of such consequences. But far different is the case when the impairment of the contract does not follow incidentally, but is directly and in terms allowed and enacted. Legislation operating directly upon private contracts, changing their conditions, is forbidden to the States, and no power to alter the stipulations of such contracts by direct legislation is conferred upon Congress.

There are also many considerations, outside of the fact that there is no grant of the power, which show that the framers of the Constitution never intended that such power should be exercised. One of the great objects of the Constitution, as already observed, was to establish justice, and what was meant by that in its relations to contracts, as said by the late Chief-Justice in his opinion in Hepburn *vs.* Griswold, was not left to inference or conjecture. And in support of this statement he refers to the fact that when the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwest Territory, in which certain articles of compact were established between the people of the original States and the people of the territory "for the purposes," as expressed in the instrument, "of extending the fundamental principles of civil and religious liberty, whereon these republics [the States united under the Confederation], their laws, and constitutions are erected." That Congress was also alive to the evils which the loose legislation of the States had created by interfering with the obligation of private contracts and making notes a legal tender for debts; and the ordinance declared that in the just preservation of rights and property no law "ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with or affect private contracts, or engagements, *bona fide* and without fraud previously formed."

This principle, said the Chief-Justice, found more condensed expression in the prohibition upon the States against impairing the obligation of contracts, which has always been recognized "as an efficient safeguard against injustice;" and the court was then of opinion that "it is clear that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation of an opposite tendency." Soon after the Constitution was adopted the case of Calder *vs.* Bull came before this court, and it was there said that there were acts which the Federal and State Legislatures could not do without exceeding their authority; and among them was mentioned a law which punished a citizen for an innocent act, and a law which destroyed or impaired the lawful private contracts of citizens. "It is against all reason and justice," it was added, "for a people to intrust a Legislature with such powers, and, therefore, it can not be presumed that they have done it." (3 Dallas, 388.) And Mr. Madison, in one of the articles in the Federalist, declared that laws impairing the obligation of contracts were contrary to the first principles of the social compact and to every principle of sound legislation. Yet this court holds that a measure directly operating upon and necessarily impairing private contracts may be adopted in the execution of powers specifically granted for other purposes, because it is not in terms prohibited, and that it is consistent with the letter and spirit of the Constitution.

From the decision of the court I see only evil likely to follow. There have been times within the memory of all of us when the legal-tender notes of the United States were not exchangeable for more than one-half of their nominal value. The possibility of such depreciation will always attend paper money. This inborn infirmity no mere legislative declaration can cure. If Congress has the power to make the notes a legal tender and to pass as money or its equivalent, why should not a sufficient amount be issued to pay the bonds of the United States as they mature? Why pay interest on the millions of dollars of bonds now due, when Congress can in one day make the money to pay the principal? And why should there be any restraint upon unlimited appropriations by the Government for all imaginary schemes of public improvement, if the printing-press can furnish the money that is needed for them?

The SPEAKER. The gentleman from Colorado has fourteen minutes of his time remaining.

Mr. BELFORD. I yield that time to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio, addressed the House. [See Appendix.]

Mr. CHACE was recognized.

Mr. CASSIDY. I will yield if the gentleman from Ohio desires further time.

Mr. WARNER, of Ohio. I should be glad to answer one question.

The SPEAKER. The time of the gentleman has expired, and the gentleman from Rhode Island [Mr. CHACE] is recognized.

Mr. CASSIDY. I desire to yield some additional time to the gentleman from Ohio.

The SPEAKER. The gentleman is now speaking in the time of the gentleman from Rhode Island, who has the floor and the right to proceed if he desires.

Mr. CHACE. I yield ten minutes to the gentleman from Maine.

Mr. WARNER, of Ohio. Will the gentleman from Rhode Island yield so that the gentleman from Nevada can yield me five minutes of his time?

Mr. CHACE. I should be glad to do so——

Mr. CASSIDY. Not of the time of the gentleman from Rhode Island, but if he will yield the floor for five minutes I will yield the time.

The SPEAKER. The gentleman from Nevada, of course, can not take the gentleman from Rhode Island off the floor.

Mr. CASSIDY. Except by his consent.

The SPEAKER. Except by his consent.

Mr. CASSIDY. I was appealing to him to allow me to yield five minutes of my time to the gentleman from Ohio, after which he could resume the floor and proceed in his own time.

Mr. CHACE. I have no objection myself, but I perceive that the House is beginning to tire of this discussion. I yield ten minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I desire for a moment to call back the attention of the House to the bill which is before us. This is a proposition to authorize the retirement of the trade-dollars that may be in circulation in this country.

There seems to be no difference of opinion, Mr. Speaker, among the members of this House as to the propriety, under all the circumstances, of the Government's retiring the trade-dollars that may be in this country. The sole difference of opinion that has risen has been upon the fourth section of the bill, which provides:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

The gentleman from Missouri [Mr. BLAND] objects to that section because the trade-dollars which are so received are to be treated as silver bullion, and will, under this provision of the bill, be reckoned and counted as part of the monthly purchases of silver bullion to be coined under existing law. He desires to strike out that section, in order that the silver bullion which is purchased in the form of trade-dollars may be coined into additional standard silver dollars to those now required by law.

It seems to me, Mr. Speaker, that the gentleman from Missouri, upon a bill of this character, designed neither to diminish nor to enlarge the coinage of the standard silver dollars, but simply to retire the trade-dollars—retire them as bullion—I say it seems to me the gentleman asks that which is unreasonable. This House, I take it, is ready to retire the trade-dollars, provided it is to be a simple retirement, and treatment of these trade-dollars as silver bullion. But if there is to go into this bill, as suggested by the gentleman from Missouri, a proposition to increase the coinage of standard silver dollars to the extent of the silver bullion that may be purchased in the form of trade-dollars, then there is forced upon the House a new question, namely: Will this House consent to the enlargement of the coinage of the standard silver dollars?

The gentleman affects to consider this proposition as introduced by the committee as something remarkable. But I wish to call his attention to the fact that a bill precisely like the one which has been reported from the Committee on Coinage, Weights, and Measures was at the first session of the Forty-seventh Congress, by a unanimous report of the committee, brought into the House, and that that bill after explanation to the House was passed by a unanimous vote on the 19th of June, 1882. Not a single member of that House, not even the gentleman from Missouri, discovered at that time——

Mr. BLAND. Will the gentleman yield to me?

Mr. DINGLEY. For a correction, but not for a speech.

Mr. BLAND. The bill came from the Committee on Banking and Currency——

Mr. DINGLEY. Do you wish to correct my statement?

Mr. BLAND. I wish to say the bill was passed without consideration under a suspension of the rules.

Mr. DINGLEY. It was passed in this House after an explanation at length by several gentlemen, and not a single member of the House—all, as I take it for granted, thoroughly and intelligently understanding its provisions—objected to it.

Now, while I am ready to pass the bill as reported by the committee, a bill which neither enlarges nor diminishes the coinage of standard silver dollars, I can not consent, as much as I desire these bastard trade-dollars to be retired—I can not consent, if the bill shall be placed in such a condition as that, to indirectly vote for an increase of the coinage of standard silver dollars, and I do not think it is right upon a bill of this character to attempt to foist in an amendment the practical effect of which would be to increase the coinage of those dollars. I object, Mr. Speaker, to the coinage of those dollars.

Mr. BRUMM. Will the gentleman yield to me?

Mr. DINGLEY. I have but a few moments and have not time to yield.

I say I object to the coinage of those dollars, because the number already coined and to-day in the Treasury of the United States is larger than the people of this country desire to use. I am willing to coin as many of those dollars as the people of this country desire to use, but I do object to taking the money of this Government, to taking the gold that may be there from the Treasury of the nation, and using that to buy any product to be coined, even into standard silver dollars, to be piled up in the Treasury, when nobody wants them.

But, Mr. Speaker, I do not raise that question at this present time. I simply say to gentlemen I am willing, so far as this bill is concerned, to leave that matter as it stands now. But I am not willing to have an amendment foisted upon this bill that will increase the coinage of standard silver dollars.

Mr. BRUMM. Will the gentleman just permit a statement?

Mr. DINGLEY. I have but a moment.

Mr. BRUMM. It will only take a moment to correct the gentleman.

Mr. DINGLEY. Very well.

Mr. BRUMM. You say this bill will neither increase nor diminish the coinage. But will it not practically diminish the volume of currency?

Mr. DINGLEY. Not at all. The trade-dollars are not in circulation to-day and are not a part of the volume of the circulating medium. They have been retired from the circulating medium as such and are in the hands of private holders, whosoever they may be. Therefore I say the proposition to strike out the fourth section is practically a proposition to increase the coinage of standard silver dollars in this country.

Now, Mr. Chairman, I wish to say, addressing myself to the other question which has been discussed, that I for one believe in the use of both gold and silver in the full legal-tender coinage of this country. But I say to gentlemen you never can successfully use both metals unless they are coined at a bullion value which shall be equivalent, and then, and then only, can you secure the full circulation of silver.

Mr. CHACE. I yield ten minutes to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT, of New York. I agree with the gentleman from Maine [Mr. DINGLEY] in his proposition that this House shall not sanction by any act the increase of the coinage of the standard silver dollar. But I go further than the gentleman from Maine. I think the time has come when this House should put its seal of condemnation upon the coinage of one single additional standard dollar. My friend from Missouri [Mr. BLAND] has achieved, I was going to say immortality, but certainly great renown, by having identified himself with a measure which according to his view has made 85 cents' worth of silver equivalent in value to $1. He has done that by act of Congress, and he has done it on the principle of lifting ourselves by our shoulder-straps. Such experiments must always fail. If they could succeed, then my friend from Missouri has discovered the philosopher's stone, which would enable us hereafter to dispense with all human efforts and to provide ourselves with all the comforts and luxuries of life by a simple act of Congress.

The gentleman from Missouri now comes into the House with another proposition, which suggests the old nursery rhyme of Mother Goose:

There was a man in our town
And he was wondrous wise,
He jumped into a bramble bush
And scratched out both his eyes;

And when he found his eyes were out,
With all his might and main
He jumped into another bush,
And scratched them in again.

[Laughter.]

The proposition which the gentleman now makes to this House is the proposition of free coinage for silver. By the restricted coinage which goes on under his bill of $2,000,000 per month the Government is making on paper, as he said, $300,000 of profit per month. By opening the mints to unrestricted coinage he would give up the nominal profit to the Government of $300,000 per month and transfer a real profit of 15 per cent. into the pockets of those who shall be fortunate enough to get in first through the open doors of the Mint with their silver bullion. Now, Mr. Speaker, let us apply to this novel proposition the test of fact and of simple principle.

The unit of value by law in the United States is the gold dollar, weighing 25.8 grains.

Mr. WARNER, of Ohio. When was it made so?

Mr. HEWITT, of New York. I am merely stating a fact, and in the time I have I do not wish to be interrupted. It was in 1854 that that was done. Now at 25.8 grains to the dollar an ounce of gold is worth $18.60. By law the relative coinage value of gold and silver is as one to sixteen. Therefore the coinage value of the ounce of silver is $1.16½. We are able to go into the market to buy an ounce of silver at $1.01, and, taking the average of the last year, we are buying it at a little less now than $1.01 per ounce.

What is the proposition of the gentleman from Missouri? That for the silver which we can buy in unlimited quantities in this or any other market in the world for 101 cents per ounce he would pay out of the Treasury of this nation 116½ cents per ounce. In other words, he would give to every man who brings an ounce of silver to be coined 15 cents more in coin than the market value of that silver and 15 cents more per ounce than it is or can be bought for by the Government for coining purposes.

Mr. BLAND. Will the gentleman yield for a moment?

Mr. HEWITT, of New York. I can not, for I have but a limited time.

Mr. BLAND. I am glad that I was more polite to the gentleman than he is to me.

Mr. HEWITT, of New York. I will yield all my time to the gentleman.

Mr. BLAND. I do not want it.

Mr. HEWITT, of New York. I will yield all my time.

Mr. BLAND. I yielded to the gentleman.

Mr. HEWITT, of New York. Yes; but the gentleman had an hour, while I have but fifteen minutes.

Mr. BLAND. I will not interrupt the gentleman.

RESULT OF FREE COINAGE.

Mr. HEWITT, of New York. The controversy is one of fact. What would happen? Of course all the world who are now trying to sell silver for 101 cents per ounce will come to our mints, where they could sell it for 116½ cents per ounce. It will be "the devil take the hindmost" in the rush to sell silver for 15 cents per ounce more than its market value.

And under his proposition the Government must take the silver and pay that rate for it. I suppose the gentleman from Missouri would provide a bullion fund for this purpose. Has he ever considered the magnitude of the bullion fund which would have to be provided? There is supposed to be in existence in the world $6,000,000,000 of silver, and the holders of the whole of that $6,000,000,000 would rush to our mints under the gentleman's proposition. And if we were to buy it all and keep the mints open, the bullion fund which we would have to provide would have to be on the scale of magnificence proportioned to so vast an operation. It would certainly provide an outlet at once for the idle and useless fund of $126,000,000 of silver dollars now stored at great expense in the Treasury.

But no such thing would happen; the limitation would be the coinage capacity of our mints. To the extent of the coinage capacity of our mints, which would probably not much if any exceed the silver production of this country, which is about $40,000,000 worth per annum, the Government would be giving 15 per cent. more than the market value of silver bullion in this or any other market in the world.

What is the next step? Every man who had thus received 116 cents per ounce for that which is worth in the markets of the world only 101 cents per ounce would hasten to put it into some form of useful value. First of all he would prefer gold, for gold will buy everything else in every market in the world. The consequence would be that the rush for gold would immediately raise it to a premium, and the limit of that premium will be just the difference in the bullion value of silver and gold. In other words, the premium would be 15 per cent., because, as everybody knows, gold and silver are dealt in by the money-brokers all over the world on a margin of one-eighth of 1 per cent.

Then, when gold went up to a premium, the next rush would be to buy commodities with silver dollars on the old standard of values, and the price of commodities would all advance. They are bought and sold to-day at gold value, but the price would then advance with the premium on gold, and they would thereafter be sold at silver values. In other words, all the necessaries of life would be rapidly advanced until they would purchase as much gold as they did before the premium existed.

WAGES OF LABOR.

Then the workingman who receives his wage of one or two dollars per day, as the case may be, and to whom the rise always comes last and sometimes never comes, would be compelled to buy his supplies at 15 per cent. advance. This measure, therefore, would operate as a deduction from the wages of labor of just 15 per cent.

Then what next would happen? I shall be told that this proposition would enable the poor man to pay his debts at 15 per cent. deduction from what he had agreed to pay; that this is sound in principle and a most beneficent feature of the plan. In resisting it I shall be told that I represent the capitalistic class and am the organ of Wall street. Now, the rich man knows how to take care of himself. The poor man does not know and can not know how to take care of himself, and we are sent here as far as possible to take care of him, and it is for that reason I strive to-day to expose the fallacy of a proposition which can only have the effect of making the rich richer and the poor poorer.

I resist, then, this proposition of the gentleman from Missouri, because, in the first place, it would rob the poor man of 15 per cent. of his present wages, measured by its purchasing power; and in the next place it would rob him of 15 per cent. of the hard earnings which he has saved against a rainy day. The rich men hold property which would rise in value with the premium on gold. They hold bonds of railroad companies, which by the letter of the contract are made payable in gold.

SAVINGS OF THE PEOPLE.

But all debts not payable in gold would be solvable in silver. Where are those debts and to whom do they belong? The great lenders of this country are the savings-banks, the mutual insurance companies, and the incorporated companies which hold in trust the savings of the poor and the earnings of labor. Their loans are made payable in lawful money, and will be paid off in the depreciated silver which will follow its free and unlimited coinage, for in the end the silver coins can have no greater value than the market price of the bullion from which they are coined.

Therefore when this depreciation of 15 per cent. takes place all the loans made by savings-banks, trust companies, and mutual insurance

companies, amounting to more than $100,000,000, representing the earnings of professional men who live upon salaries, the savings of clerks, the sole provision for widows and orphans would be payable in silver, to the loss in my city and in my district of millions of dollars laboriously saved by the most deserving classes of the community, and who, since the recent decision of the Supreme Court of the Legal-tender case, have no other protection than in the wisdom of Congress.

I represent a district in which there are but few capitalists. I represent 150,000 people who earn their daily bread by their daily labor. They are an industrious and saving constituency. Their money is in the savings-banks of the city of New York. You will be astonished to know it, but in the State of New York over $500,000,000 of the savings of these people are to-day loaned out to be paid back in the money of the land. If that money be depreciated 15 per cent., then the people will lose 15 per cent. of all their accumulated earnings. And this depreciation is only the beginning of the downward course in the value of silver. The commercial world has outgrown the use of silver as a necessary tool of commerce. Gold and paper instruments of exchange have taken its place. They are better and cheaper tools of trade. Silver is relegated to its proper place as a convenient subsidiary money, of which the intrinsic value is of no consequence so long as there is local redemption for it within the area where it circulates.

But gold pays international balances, and is and will remain the sole standard of value in the great markets of the world. Hence, Mr. Speaker, I oppose the whole proposition of the gentleman to open our mints to the free coinage of silver, for the reason that thereby the nation would lose at once 15 per cent. on all the silver which would flow into this country from foreign countries now earnestly seeking an opportunity to get rid of the heavy load of silver which weighs them down and embarrasses their finances. In the Bank of France alone there are $200,000,000 seeking a market. The German Government stopped the sale of its silver when it went below 55 pence to the ounce, and is waiting a chance to unload another one hundred millions on anybody that will buy it.

But outside of these countries, whence I have heard it said on this floor silver could not come because "the people of this country were not such fools as to buy the worthless stuff"—outside of these countries are India and China, the sinks of silver for more than two thousand years. In these countries gold is already at a premium of 15 per cent. as compared with silver; and men who could bring silver from India to this country and convert it into gold, as the gentleman from Missouri would allow them to do by his proposition for free coinage, would of course make all speed to gather up from all quarters the vast fund of silver in those countries, and dump it down upon the people of this land, where the loss will fall upon the laboring classes, who, unless we interpose for their benefit, will be helpless to protect themselves.

Gentlemen who flatter themselves that the silver of the world will not seek the market where bullion fetches the highest price deliberately shut their eyes to the inexorable laws of trade. Silver circulates in France at the ratio of 15½ to 1 of gold only because there is no coinage of silver by the Latin Union. This coinage was suspended simply to avoid the depreciation of silver coins to the bullion value, which would otherwise have taken place. Give it a market at more than its bullion value, and it will be replaced with gold as surely as the air rushes into a vacuum.

The depreciation of our silver coins, Mr. Speaker, would occur at once if the mints were now opened to the free coinage of silver. What would occur at once in that event is just as sure to occur, if you allow time enough, under the limited coinage act of $2,000,000 a month. This depreciation will be the slow but sure work of the monster steadily digging away at the foundations of the wealth and prosperity of this country, so that in a little while we shall be brought to the silver basis; and then all the consequences I have predicted will occur just as certainly as if the gentleman were able to carry out his plan of free coinage at once. In that proposition he is perfectly logical. If we are to go on with the coinage of silver at all, the unlimited coinage which the gentleman proposes is the only defensible position and ought to be put into effect, if it were not for the disastrous consequences which would send a flood of ruin over this land.

But, as I have said, those consequences are unavoidable, whether we continue the limited coinage or institute the free coinage of silver. Twice in my life have I witnessed the transfer in this country of vast masses of wealth from the possession of those who have created it, to the ownership of those who were shrewd or fortunate enough to profit by the situation. Once was when the legal-tender act was passed and creditors were forced to take 40 cents in payment of 100 cents, which was their just due. Again, when the resumption of specie payment took place in 1879, persons who had borrowed 40 cents were forced to pay the debt with 100 cents. No tongue can describe the ruin and the misery caused by this wholesale transfer of property, the wrecks of which still survive in every State in this Union. It is because I hope to be spared the sad spectacle of another such unjust and uncalled-for reversal of the laws which ought to govern the acquisition and transfer of property, that I oppose, and shall oppose, the degradation of the standard of value, whereby one class of the community, and the most deserving as it is the most helpless class, is pillaged by law for the benefit of those who live by the sweat and toil of their less fortunate and more confiding fellowmen. [Applause.]

[Here the hammer fell.]

## APPENDIX.

### INDIA—FALLING OFF IN THE DEMAND FOR SILVER.

The India department of finance and commerce states the silver imports and exports of India, taking its trade with all countries for the last four years (the Indian fiscal year, like the British, ending March 31), as follows:

| Fiscal year. | Imports. | Exports. | Net imports. |
|---|---|---|---|
| 1877–'78 | $78,832,660 | $5,500,985 | $73,331,675 |
| 1878–'79 | 27,968,495 | 8,115,025 | 19,853,473 |
| 1879–'80 | 48,025,010 | 8,676,295 | 39,348,715 |
| 1880–'81 | 26,580,780 | 7,117,910 | 19,462,870 |

*Table showing increase of circulation in the United States.*

| Date. | Total circulation. | Per capita. | | |
|---|---|---|---|---|
| | | Paper. | Coin. | Total. |
| October 1, 1880 | $1,225,359,234 | $14 10 | $10 66 | $24 76 |
| October 1, 1881 | 1,529,548,612 | 15 56 | 14 93 | 30 49 |
| October 1, 1882 | 1,566,659,668 | 15 81 | 15 42 | 31 23 |
| October 1, 1883 | 1,730,598,074 | 17 63 | 16 88 | 34 51 |

*Total circulation in United States October 1, 1883.*

| | |
|---|---|
| Gold | $606,197,000 |
| Silver | 240,399,000 |
| Paper | 884,002,074 |
| Total | 1,730,598,074 |

*Table showing increase of silver in the United States Treasury.*

| Date. | Gold. | Silver. |
|---|---|---|
| | *Per cent.* | *Per cent.* |
| September 30, 1876 | 90.2 | 9.8 |
| September 30, 1877 | 93.5 | 6.5 |
| September 30, 1878 | 83.0 | 17.0 |
| September 30, 1879 | 76.2 | 23.8 |
| September 30, 1880 | 63.3 | 36.7 |
| September 30, 1881 | 64.7 | 35.3 |
| September 30, 1882 | 55.4 | 44.6 |
| September 30, 1883 | 58.5 | 41.5 |

*Table showing proportions of world's production of gold and silver.*

| Semi-decades. | Average yearly production. | | Proportion. | Average price of silver.* |
|---|---|---|---|---|
| | Gold. | Silver. | | |
| 1852–'56 | $145,000,000 | $40,500,000 | 100 to 28 | 61⅛ |
| 1857–'61 | 127,184,000 | 41,220,000 | 100 to 32 | 61½ |
| 1862–'66 | 123,843,000 | 49,755,000 | 100 to 39 | 61½ |
| 1867–'71 | 123,251,000 | 53,115,000 | 100 to 43 | 60¼ |
| 1872–'76 | 111,383,750 | 69,490,682 | 100 to 62 | 57⅛ |
| 1877–'78 | 113,892,085 | 78,338,158 | 100 to 69 | 53[illegible] |
| 1879 | 105,365,697 | 81,037,220 | 100 to 77 | 51¼ |
| 1880 | 106,346,786 | 96,704,978 | 100 to 90 | 52[illegible] |
| 1881 | 107,202,733 | 102,309,675 | 100 to 95 | 51[illegible] |
| 1882 | 103,161,532 | 109,446,595 | 100 to 106 | 51¼ |

*Pence per ounce in London.

Mr. CHACE. I yield five minutes to the gentleman from North Carolina [Mr. YORK].

Mr. YORK. Mr. Speaker, in the few minutes allowed me on this question I wish to say in the outset that I desire to add my mite to the passage of this bill, for the simple reason that I believe it will protect the poor and laboring people of this country. I wish to see the trade-dollar retired and the standard dollar in its place. The Government in the outset issued these trade-dollars to the people for 100 cents in the dollar; but the Government has not kept faith with the people. The speculator has stepped in between the Government and the people; and thus the value of the trade-dollar has been depreciated in the hands of the people to 85 cents. By this depreciation the laboring men, the poor people of the country, have been the sufferers. The Government should now step in for their relief; and hereafter, when the Government puts its stamp upon a dollar, whether of silver or gold or paper, I want it to be a dollar all over the land.

The rich man has his gold; he has his bonds; he has his paper money; but the money of the poor people of this country is the silver dollar. Hence the poorer classes of our people have suffered by the depreciation of the value of the trade-dollar.

We admit, Mr. Speaker, that the passage of this bill will give the speculator and the banker a large amount of ill-gotten gain that they ought not to have. They have bought up this money at 85 cents on the dollar, and the passage of this bill will make it worth 100 cents on the dollar. It is wrong that they should thus be benefited; but we see no way to avoid it if at the same time we do justice to the people of the country. If this bill should not pass, those same speculators and bankers would issue this currency again into the hands of the people; it would be again bought up; so that the laboring community are the sufferers all the way through.

Mr. Speaker, I do not know but that the bill would be improved by striking out the fourth section; but I shall feel it my duty to vote for the bill with the fourth section, because I believe this bill will give the relief the people of the country demand. I feel that the people of the country will be the sufferers so long as the trade-dollar is in existence, because there is no way in which we can prevent the bankers and speculators from imposing upon this class of people.

I believe that the paper circulation of the country is the best paper money the world has ever produced. I believe that the gold and silver of the country should circulate upon an equality. But we find that while the gold dollar circulates as worth 100 cents, the trade-dollar, one of the coins of the country, bearing the stamp of our Government, circulates among the people to-day for only 85 cents. I believe it to be the duty of the Government to call in this trade-dollar and to issue in its stead the standard silver dollar. I believe when this is done it will give stability to the currency all over the country, and the poor and the laboring people will be protected in their rights and interests, while the Government will simply do an act of justice.

In my section of the country, Mr. Speaker, many of the poor farmers have suffered by reason of the depreciation of this trade-dollar. Many who have taken it at 100 cents have been unable to spend it except at a discount, because the speculators and the bankers had circulated all over the land the statement that the trade-dollar was not a current coin, thus enabling themselves to buy it up at 85 cents on the dollar.

Mr. WELLER. Would you let them pay that back at 100 cents to the dollar?

Mr. YORK. That is the thing I wish to stop, and the passage of this bill is the only way it will be stopped.

The SPEAKER. The gentleman's time has expired.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. JOHNSON, its Chief Clerk, announcing the passage of the bill (H. R. 2334) to release the American Baptist Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss., with an amendment; in which concurrence was requested.

It further announced the passage of joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio.

It further announced the passage of the following bills; in which concurrence was requested:

A bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas; and

A bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

TRADE-DOLLAR.

The SPEAKER. The House resumes the consideration of the special order, and the Chair recognizes the gentleman from Rhode Island [Mr. CHACE].

Mr. CHACE. Mr. Speaker, I am satisfied that the House is anxious to come to a vote on this bill, and therefore I shall not consume the balance of my time. I will confine myself entirely to the provisions of the bill, although I should have been glad to answer some of the statements and endeavored to controvert some of the errors which the gentleman from Missouri [Mr. BLAND] brought to view yesterday. He has seen fit to import into this discussion the silver question in its broadest phase. I wish now to call the House back to the provision of the pending bill.

We have in this country a most anomalous monetary system. We have, besides the subsidiary coin, six kinds of legal money: gold coin, which is full legal-tender; silver coin, which is full legal-tender; legal-tender notes, which are receivable for all dues, public and private, except duties and interest; gold certificates, which bear interest and occupy the same position as gold coin; silver certificates, which are receivable for public dues, but which by a strange provision ingrafted on the new banking law last year were made receivable in the settlement of clearing-house balances in the city of New York, an attempt on the part of those who favor the expansion of silver currency to force the silver certificates into circulation; then we have the national-bank note, which has a quasi legal-tender quality—it is receivable for excise taxes, for payment for public lands, and for all other dues to the United States except duties, and it is payable from the United States for salaries of employés of the Government and for debts due to individuals and corporations. And there is, besides, in the hands of the people this trade-dollar, which was made, as has been stated, a legal tender to the amount of $5 by accident. However that may be, the Government is responsible for the condition in which that coin is to-day, and it is an act of simple justice to the holders of it that it should be redeemed.

Gentlemen have said, why not make it a legal tender? There is every reason why it should not be made a legal tender. The coin of the Government should be of such character that every man, every woman, and every child should be able to distinguish it by the touch. Where is the man who can test it? What becomes of your test-scale? All over the land brokers and bankers and dealers have test-scales, one end to weigh and the other end to size. If you have two sizes and weights of a dollar, how are you to distinguish which is the real dollar?

I might go on, but it seems to me it can not be possible gentlemen will really think of putting out two kinds of dollars both with a legal-tender quality, one of 412½ grains and the other of 420 grains. Therefore I shall pass from that subject.

The gentleman from North Carolina asked a question, which I think has been answered three times in this debate, as to why we were in any danger respecting a large influx of this coin from China and the East. And this coin, instead of being attracted in considerable amounts, has not been procured by the brokers and bullion dealers of New York to any considerable extent, although they have been offering during the last three years 99 cents for it. That is satisfactory evidence to the mind of the Director of the Mint and to coin dealers and other gentlemen that all but the 7,000,000 which can be traced to this country, or at least the greater bulk of it, has been used in the manufacture of sycee-silver coin in China, or recoined in India, or else melted up in the arts.

Mr. LACEY. Will the gentleman permit me to say that for the last three years these dollars have been exported instead of imported?

Mr. CHACE. But the movement has been inconsiderable. The only objection to this bill, Mr. Speaker, that has been urged so far is to this fourth section. Now let us examine that section for a moment. The present law provides that there shall be coined not less than two million dollars' worth of silver bullion each month into standard dollars and not more than $4,000,000 per month. This bill in no sense affects that provision of the law of 1878. It will not reduce the amount of coinage one dollar. It can not do it. The statement, therefore, of the gentleman from Missouri [Mr. BLAND] that that section would reduce the coinage of standard dollars is a mistake. It will not reduce the coinage.

Mr. BLAND. Let me say to the gentleman——

Mr. CHACE. I must decline to be interrupted.

Mr. BLAND. The gentleman would not misrepresent me, I am sure.

Mr. CHACE. I have no intention of doing so, but I must decline to yield to the gentleman. I heard him say it myself. If he wishes to retract it, I will yield for that purpose but not for a speech.

Mr. BLAND. I said this——

Mr. CHACE. I heard the gentleman's speech.

Mr. BLAND. And the gentleman is mistaken in his inference.

Mr. CHACE. I saw it also in print. I saw it in the Republican of this city.

Mr. BLAND. Oh, well; I do not belong to that side of the House. [Laughter.]

Mr. CHACE. That is very likely; but the reporters were listening, and I have no doubt that they made a correct report of what the gentleman said.

Mr. BLAND. What I said was this—but if you decline to yield to me, of course I can not correct the misapprehension.

Mr. CHACE. No, I can not yield now.

Mr. BLAND. I did not say what the gentleman says I did.

Mr. CHACE. Then the gentleman is not opposed to the fourth section?

Mr. BLAND. I am glad to say that I was more polite to that side of the House. There seems to be a disposition to put me down. What I said was, however, that the difference between striking out the fourth section and this bill as it is will be $10,000,000 more in circulation a year hence than to leave the section in; that is all.

Mr. CHACE. That is not what the gentleman said. That is something else that he said, and it is just as incorrect as the other. It will have no earthly effect one way or the other. It can not have any. The coinage will be just the same.

The law provides for the purchase of $2,000,000 a month of silver bullion for the coinage into the standard silver dollars, and this fourth section of this bill has no effect upon that law. The gentleman's statement, therefore, is contradictory and entirely erroneous. There is no such inference or effect to be drawn from this section. It is only an attempt on the part of the gentleman from Missouri to prejudice the minds of those who are in favor of bulling the silver market. That is all.

Mr. BLAND. Will the gentleman pretend to say——

Mr. CHACE. I can not yield.

Now, on the other hand, let us see the effect of the gentleman's proposed amendment. We have, as I have said, this provision for the coinage of two millions in value of silver bullion, which will make $2,300,000. If his amendment passes, it increases that by just the amount of trade-dollars which are put into the mint each month. In other words, not

satisfied with coining silver dollars here until you have piled up $166,000,000 in the Treasury, which the people refuse, which they spurn——

Mr. WELLER (from his seat). That is incorrect.

Mr. CHACE. And which they do not want, for you have been able to force upon the people only thirty-nine millions of the whole of it, yet you propose to go on and coin from seven to ten millions more in the same way.

Mr. BELFORD. Let me call attention to one fact which the gentleman seems to have overlooked. Is it not a fact that the men who hold gold in the city of New York within the last two months have come to this Treasury and demanded silver certificates, which the New York treasurer refused to give them?

Mr. CHACE. Oh, that is an absurd story.

Mr. BELFORD. Well, answer the question.

Mr. CHACE. It has been concocted for the purpose of influencing opinion. But I will answer the gentleman by saying that if the balance of trade continues adverse to us he will find, I apprehend, some difficulty in getting gold for his silver certificates.

Mr. Speaker, this bill is eminently conservative. Its provisions are of such a nature as to avoid any sudden change in the circulation. These dollars, being receivable for public dues, afford every holder an opportunity to redeem them without expense or loss. They go into the Treasury and into the bullion fund, making no disturbance and no appreciable effect upon the silver market. The two years' time obviates any hurry; and when the time arrives or the period is ended within which they are receivable, we shall have relieved the people of a coin foisted upon them without expense to the Government, without loss to any one, and will have done justice to all.

Mr. BRUMM. Will the gentleman permit me? Does the gentleman contend that this bill, with this section, the fourth section, in, will not contract the volume of money now existing?

Mr. CHACE. It will not contract it a dollar.

Mr. BRUMM. Now, let me ask you a question. If the First National Bank of Washington city has in its vaults one thousand trade-dollars placed there by its depositors, and your bill passes with the fourth section in, will not those trade-dollars be taken to the Treasury and melted without any increase of dollars to take their place?

Mr. CHACE. Why, certainly not. Standard dollars will be paid out for them.

Mr. BRUMM. But here are a thousand dollars deposited in the bank——

Mr. CHACE. But they are not in circulation.

Mr. BRUMM. Are they not in the volume?

Mr. CHACE. Not at all.

Mr. BRUMM. Unquestionably they are.

Mr. CHACE. I yield to the gentleman from Vermont [Mr. POLAND].

Mr. POLAND. I had a theory on this subject of trade-dollars which was embodied in a proposed amendment I offered here. My only anxiety was to have the Government keep faith with the people and redeem the money it had put out. This bill of the committee comes so near to and accomplishes so much of what I wanted to accomplish, that I desire to say I will not press that amendment, but will vote for the previous question when called, and vote for the bill as it is.

Mr. WELLER addressed the Chair.

Mr. DOWD. I take the floor for the purpose of moving the previous question.

The SPEAKER. The gentleman from North Carolina [Mr. DOWD] in charge of the bill moves the previous question.

Mr. BLAND. I understand if the previous question is ordered the amendment to strike out the fourth section will be pending.

Mr. DOWD. As to amendments, I have no power under the instruction of the committee to yield for any amendment except that of the gentleman from Missouri [Mr. BLAND], to strike out the fourth section. Before asking the Chair to put the question on ordering the previous question, as some gentlemen have been cut off from addressing the House, I hope unanimous consent will be given to all gentlemen who desire to do so to print remarks on this bill in the RECORD.

Mr. MILLS. I hope the demand for the previous question will be voted down.

Mr. KASSON. I wish to inquire of the gentleman from North Carolina whether it is understood that one amendment, and only one, will be entertained; and, if so, I inquire further by what authority that one is to be entertained and all others are to be excluded?

Mr. DOWD. By direction of the committee.

Mr. KASSON. I think I must object to that.

The SPEAKER. The gentleman from North Carolina [Mr. DOWD] ask unanimous consent that gentlemen who have not had an opportunity to address the House on this bill may have leave to print their remarks in the RECORD. Is there objection to that? The Chair hears none.

Mr. LACEY. I hope the gentleman from North Carolina will permit this amendment to be considered as pending, to be added to the second section. I will read it:

*Provided*, That no trade-dollar which is chopped, defaced, or mutilated shall be received, exchanged, or redeemed under the provisions of this act.

Mr. MILLS. I hope an opportunity will be given to vote on all amendments.

Mr. DOWD. I will say the understanding of the committee was, and such was the opinion of the Director of the Mint, that no amendment such as that suggested by the gentleman from Michigan [Mr. LACEY] was necessary. Still I will accept that amendment.

Mr. REAGAN. The gentleman from North Carolina [Mr. DOWD] has called the previous question; and, having done so, he is not in a position to accept amendments.

The SPEAKER. The gentleman from North Carolina demands the previous question on the amendment proposed by the gentleman from Missouri [Mr. BLAND] and on the engrossment and third reading of the bill.

Mr. LACEY. The gentleman from North Carolina accepts my amendment.

The SPEAKER. In order to do so he must withdraw the demand for the previous question.

Mr. KASSON. I wish to inquire when the amendment proposed by the gentleman from Missouri [Mr. BLAND] became pending in distinction from any others.

The SPEAKER. It was stated by the gentleman from North Carolina once or twice during the debate that the committee had instructed him to allow that amendment to be voted upon.

Mr. KASSON. But I submit to the Chair that that amendment is no more pending by the action of the House than any other amendment. I submit that that is not a matter within the option of one man.

The SPEAKER. The gentleman from Iowa is correct. Unless the gentleman from Missouri offered the amendment before the previous question was moved it is not covered by the previous question.

Mr. BLAND. When I proposed the amendment it was understood by the committee that I should offer it and I did.

The SPEAKER. The understanding in the committee can not control the proceedings of the House.

Mr. BLAND. I offered the amendment and the gentleman from North Carolina included it in his demand for the previous question.

The SPEAKER. The Chair understood the gentleman from North Carolina to demand the previous question and then to say that by instruction of the committee he would allow the amendment of the gentleman from Missouri to be offered. But the point is made that under the rules of the House an amendment can not be offered after the previous question is demanded. If the demand for the previous question is withdrawn it can then be offered.

Mr. LACEY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. This amendment which I have offered was offered before the previous question was demanded. It was before the House just as much as the amendment of the gentleman from Missouri.

The SPEAKER. It could not be offered, because the House had not reached that stage in the consideration of the bill when it could be offered according to the practice prevailing here.

Mr. DOWD. I desire to say that I supposed the amendment of the gentleman from Missouri was pending. I understood him to say he had offered it.

The SPEAKER. But the Chair will state again that the House had not reached that stage in the consideration of the bill when an amendment was in order.

Mr. CALKINS. I desire to submit a parliamentary question. This bill was being considered, not in Committee of the Whole, but in the House. And it was competent at any time during the discussion to offer an amendment.

The SPEAKER. The Chair thinks that according to the usual practice when gentlemen obtained the floor for the purpose of debate amendments were not in order.

Mr. CALKINS. But in the House an amendment is in order at any time during the consideration of the bill.

The SPEAKER. The Chair thinks not; because that would take the control of the bill entirely away from the gentleman reporting it from the committee.

Mr. BLAND. I rise to a parliamentary question.

Mr. CALKINS. The Chair will hear me.

Mr. BLAND. I want to ask a parliamentary question.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] has the floor on a point of order.

Mr. CALKINS. Will the Chair hear me for a moment on the point of order?

The SPEAKER. Certainly.

Mr. CALKINS. I think I am certainly right in regard to the practice of the House. When a bill is under consideration in Committee of the Whole no amendment is in order until the general debate has been closed and the consideration of the bill has been begun under the five-minute rule. But when a bill is being considered in the House an amendment is always in order whenever a member can obtain the floor and send his amendment up to the Clerk's desk and have it read. That has been the universal practice. An amendment is always in order in the House provided it is in the right degree; that is, unless there are

already pending an amendment and an amendment to the amendment, and a substitute and an amendment to the substitute. When a bill is being considered in the House any member who obtains the floor can offer an amendment, have it read from the Clerk's desk, and it is then considered an amendment pending to the bill

The SPEAKER. But in fact no amendment was so offered prior to the demand for the previous question. The Chair will cause the Journal to be read, if desired, and from it it will appear that no amendment has been offered. During the progress of the debate the gentleman from Missouri [Mr. BLAND], the gentleman from Texas [Mr. MILLS], and perhaps other gentlemen, stated that they would offer amendments to the bill at the proper time, but no amendment was actually offered in due form.

Mr. CALKINS. Then I am mistaken as to the fact.

Mr. REED. Is it not in the power of the gentleman from North Carolina [Mr. DOWD] to withdraw his demand for the previous question simply for the purpose of allowing an amendment to be offered and then renew the demand?

The SPEAKER. The Chair has so stated.

Mr. DOWD. If I have the right to withdraw the demand for the previous question I will do so and allow the gentleman from Missouri [Mr. BLAND] to offer his amendment.

The SPEAKER. The gentleman has that right.

Mr. DOWD. I withdraw the demand for the previous question for that purpose.

Mr. BLAND. I now move to strike out the fourth section of the bill.

Mr. DOWD. And I now renew the demand for the previous question.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moves to amend this bill by striking out the fourth section; and the gentleman from North Carolina [Mr. DOWD] demands the previous question on the bill and the amendment. The Clerk will read the fourth section of the bill.

The Clerk read as follows:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

Mr. MILLS. I offer the amendment which I send up to the Clerk's desk.

The SPEAKER. The demand for the previous question is pending.

Mr. MILLS. It was withdrawn, as I understood.

The SPEAKER. It was withdrawn to allow the gentleman from Missouri [Mr. BLAND] to offer an amendment, which he did, and then it was renewed.

Mr. MILLS. I hope the House will vote down the demand for the previous question, so that other amendments may be offered.

The SPEAKER. The question is upon ordering the previous question upon the pending amendment and the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER. The first question is upon the amendment of the gentleman from Missouri [Mr. BLAND] to strike out the fourth section of the bill, which has been read.

Mr. BLAND. We had better have the yeas and nays on that.

The question was taken upon ordering the yeas and nays, and there were 46 in the affirmative.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 119, not voting 72; as follows:

YEAS—131.

| | | | |
|---|---|---|---|
| Aiken, | Follett, | Lowry, | Skinner, T. G. |
| Alexander, | Forney, | McCold, | Springer, |
| Arnot, | Fyan, | McMillin, | Stewart, Charles |
| Ballentine, | George, | Matson, | Stockslager, |
| Barksdale, | Glascock, | Maybury, | Sumner, C. A. |
| Belford, | Graves, | Miller, J. F. | Sumner, D. H. |
| Blanchard, | Halsell, | Mills, | Taylor, J. M. |
| Bland, | Hammond, | Money, | Thompson, |
| Blount, | Hardeman, | Morgan, | Throckmorton, |
| Breckinridge, | Hatch, W. H. | Muldrow, | Tillman, |
| Breitung, | Henderson, D. B. | Murray, | Tully, |
| Broadhead, | Henley, | Neece, | Turner, H. G. |
| Brumm, | Hepburn, | Nicholls, | Turner, Oscar |
| Budd, | Herbert, | O'Neill, J. J. | Valentine, |
| Cabell, | Hill, | Paige, | Vance, |
| Caldwell, | Hoblitzell, | Patton, | Van Eaton, |
| Carleton, | Holman, | Payson, | Ward, |
| Cassidy, | Holmes, | Pierce, | Warner, A. J. |
| Clardy, | Hopkins, | Peel, S. W. | Weaver, |
| Clay, | Houseman, | Peters, | Wellborn, |
| Clements, | Jeffords, | Post, | Weller, |
| Cosgrove, | Jones, J. H. | Price, | Wilkins, |
| Cox, S. S. | Jones, J. K. | Pryor, | Williams, |
| Crisp, | Jones, J. T. | Reagan, | Willis, |
| Culberson, D. B. | Jordan, | Reese, | Wilson, W. L. |
| Curtin, | Keifer, | Riggs, | Winans, E. B. |
| Dibrell, | King, | Robertson, | Wise, G. D. |
| Dockery, | Kleiner, | Robinson, W. E. | Wolford, |
| Dunn, | Laird, | Rogers, J. H. | Wood, |
| Eldredge, | Lamb, | Rogers, W. F. | Worthington, |
| Ellwood, | Lanham, | Rosecrans, | Yaple, |
| Ferrell, | Le Fevre, | Shaw, | York. |
| Finerty, | Lovering, | Singleton, | |

NAYS—119.

| | | | |
|---|---|---|---|
| Adams, G. E. | Everhart, | Kelley, | Ray, Ossian |
| Bagley, | Evins, J. H. | Ketcham, | Reed, |
| Barr, | Fiedler, | Lacey, | Rice, |
| Beach, | Findlay, | Lawrence, | Robinson, J. S. |
| Belmont, | Funston, | Lewis, | Rockwell, |
| Bingham, | Goff, | Libbey, | Rowell, |
| Boutelle, | Greenleaf, | Long, | Russell, |
| Brewer, F. B. | Guenther, | Lyman, | Seymour, |
| Brewer, J. H. | Hanback, | McComas, | Shelley, |
| Browne, T. M. | Hancock, | McCormick, | Skinner, C. R. |
| Brown, W. W. | Hardy, | Milliken, | Slocum, |
| Buckner, | Harmer, | Mitchell, | Smalls, |
| Campbell, J. M. | Hart, | Morrill, | Spooner, |
| Cannon, | Hatch, H. H. | Morrison, | Spriggs, |
| Chase, | Haynes, | Morse, | Steele, |
| Collins, | Hemphill, | Moulton, | Stephenson, |
| Connolly, | Henderson, T. J. | Nelson, | Stewart, J. W. |
| Culbertson, W. W. | Hewitt, A. S. | Nutting, | Storm, |
| Cullen, | Hiscock, | O'Hara, | Strait, |
| Cutcheon, | Hitt, | O'Neill, Charles | Taylor, E. B. |
| Dargan, | Horr, | Parker, | Taylor, J. D. |
| Davis, G. R. | Houk, | Payne, | Tucker, |
| Davis, R. T. | Howey, | Peelle, S. J. | Van Alystne, |
| Deuster, | Hunt, | Perkins, | Wait, |
| Dibble, | Hurd, | Phelps, | Wakefield, |
| Dingley, | James, | Poland, | White, Milo |
| Dorsheimer, | Johnson, | Potter, | Whiting, |
| Dowd, | Jones, B. W. | Pusey, | Winans, John |
| Dunham, | Kasson, | Ranney, | Woodward. |
| Evans, I. N. | Kean, | Ray, G. W. | |

NOT VOTING—72.

| | | | |
|---|---|---|---|
| Adams, J. J. | Converse, | Hooper, | Scales, |
| Anderson, | Cook, | Hutchins, | Seney, |
| Atkinson, | Covington, | Kellogg, | Smith, |
| Barbour, | Cox, W. R. | Lore, | Snyder, |
| Bayne, | Davidson, | McAdoo, | Stevens, |
| Bennett, | Davis, L. H. | McKinley, | Stone, |
| Bisbee, | Duncan, | Millard, | Struble, |
| Blackburn, | Eaton, | Miller, S. H. | Talbott, |
| Bowen, | Ellis, | Morey, | Thomas, |
| Boyle, | Elliott, | Muller, | Townshend, |
| Brainerd, | Ermentrout, | Murphy, | Wadsworth, |
| Buchanan, | Foran, | Mutchler, | Warner, Richard |
| Burleigh, | Garrison, | Oates, | Washburn, |
| Burnes, | Geddes, | Ochiltree, | Wemple, |
| Calkins, | Gibson, | Pettibone, | Wise, J. S. |
| Campbell, Felix | Green, | Randall, | White, J. D. |
| Candler, | Hewitt, G. W. | Rankin, | Wilson, James |
| Cobb, | Holton, | Ryan, | Young. |

So the motion to strike out the fourth section was agreed to.

Before the result of the vote was announced,

Mr. FINDLAY said: My colleague, Mr. TALBOTT, has been suddenly called home, and could not obtain a pair. He desired me to say that if present he would vote against striking out the fourth section of this bill, and would vote for the bill with or without the fourth section.

Mr. BRUMM. Mr. Speaker, I have voted on this question, forgetting that I had agreed to pair with my colleague, Mr. ERMENTROUT, on striking out this fourth section. But I find that the gentleman from Georgia [Mr. CANDLER] is also paired with my colleague on this question, and therefore I leave my vote stand.

The written statement at the Clerk's desk says that I am paired with my colleague "until further notice," as though we were paired on all questions, which is not correct. My colleague and I are both in favor of the passage of this bill. I shall therefore vote also upon that question.

The following pairs were announced from the Clerk's desk:

Mr. TOWNSHEND with Mr. WASHBURN, until the 8th instant.

Mr. MORSE with Mr. MILLER, of Pennsylvania, until the 7th instant.

Mr. WEMPLE with Mr. JOHNSON, until the 3d instant.

Mr. SENEY with Mr. BISBEE, until the 8th instant.

Mr. MUTCHLER with Mr. ATKINSON, until the 3d instant.

Mr. WILSON, of Iowa, with Mr. BENNETT, until the 7th instant.

Mr. CANDLER with Mr. ERMENTROUT, on the silver bill, if the fourth section is retained.

Mr. BLACKBURN with Mr. MCKINLEY, on all political questions, for this day. Mr. MCKINLEY would vote "no" on the amendment of Mr. BLAND to the trade-dollar bill and "ay" upon the passage of the bill.

Mr. RAY, of New Hampshire, with Mr. COOK, on the Bland amendment to the trade-dollar bill.

The following-named members were announced as paired until further notice:

Mr. YOUNG with Mr. BAYNE.

Mr. MCADOO with Mr. THOMAS.

Mr. MULLER with Mr. WADSWORTH.

Mr. DUNCAN with Mr. SMITH.

Mr. COBB with Mr. HOLTON.

Mr. FORAN with Mr. PETTIBONE.

Mr. SCALES with Mr. BURLEIGH.

Mr. DAVIDSON with Mr. STRUBLE.

The following-named gentlemen were announced as paired for this day:

Mr. ELLIS with Mr. KELLOGG.

Mr. GEDDES with Mr. OCHILTREE.

Mr. CONVERSE with Mr. MOREY.

Mr. STEVENS with Mr. MILLARD.

Mr. BURNES with Mr. CALKINS.

The result of the vote was announced as above stated.

Mr. BLAND moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and was accordingly read the third time.

Mr. DOWD. I call the previous question on the passage of the bill.

The previous question was ordered.

Mr. KEIFER. I call for the yeas and nays on the passage of this bill.

The yeas and nays were ordered; there being—ayes 48, noes 126—more than one-fifth in the affirmative.

The question was taken; and there were—yeas 198, nays 45, not voting 79; as follows:

YEAS—198.

| | | | |
|---|---|---|---|
| Adams, G. E. | Everhart, | Lewis, | Skinner, C. R. |
| Aiken, | Evins, J. H. | Lovering, | Skinner, T. G. |
| Alexander, | Ferrell, | Lowry, | Smalls, |
| Arnot, | Fiedler, | McCoid, | Spooner, |
| Ballentine, | Findlay, | McComas, | Spriggs, |
| Barksdale, | Finerty, | McCormick, | Springer, |
| Barr, | Follett, | McMillin, | Steele, |
| Beach, | Forney, | Matson, | Stephenson, |
| Belmont, | Fyan, | Miller, J. F. | Stewart, Charles |
| Blanchard, | George, | Mitchell, | Stockslager, |
| Bland, | Glascock, | Morgan, | Stone, |
| Blount, | Goff, | Moulton, | Storm, |
| Boyle, | Graves, | Muldrow, | Strait, |
| Breckinridge, | Greenleaf, | Murphy, | Sumner, C. A. |
| Breitung, | Halsell, | Murray, | Sumner, D. H. |
| Brewer, F. B. | Hammond, | Neece, | Taylor, J. D. |
| Brewer, J. H. | Hardeman, | Nelson, | Taylor, J. M. |
| Broadhead, | Hardy, | Nicholls, | Thompson, |
| Browne, T. M. | Harmer, | Nutting, | Throckmorton, |
| Brown, W. W. | Hart, | O'Hara, | Tillman, |
| Brumm, | Hatch, H. H. | O'Neill, Charles | Tucker, |
| Buckner, | Hatch, W. H. | O'Neill, J. J. | Tully, |
| Budd, | Henderson, D. B. | Paige, | Turner, H. G. |
| Cabell, | Henley, | Payne, | Turner, Oscar |
| Caldwell, | Hepburn, | Payson, | Valentine, |
| Campbell, J. M. | Herbert, | Pierce, | Van Alstyne, |
| Cannon, | Hill, | Peel, S. W. | Vance, |
| Carleton, | Hitt, | Peelle, S. J. | Wakefield, |
| Cassidy, | Hoblitzell, | Poland, | Ward, |
| Clardy, | Holman, | Post, | Warner, A. J. |
| Clay, | Holmes, | Potter, | Weaver, |
| Clements, | Hopkins, | Price, | Wellborn, |
| Connolly, | Houk, | Pryor, | Weller, |
| Cosgrove, | Howey, | Pusey, | White, Milo |
| Cox, S. S. | Jeffords, | Rankin, | Whiting, |
| Crisp, | Johnson, | Ray, G. W. | Wilkins, |
| Culberson, D. B. | Jones, B. W. | Reagan, | Williams, |
| Culbertson, W. W. | Jones, J. H. | Reese, | Willis, |
| Cullen, | Jones, J. K. | Riggs, | Wilson, W. L. |
| Curtin, | Jones, J. T. | Robertson, | Winans, E. B. |
| Davis, R. T. | Jordan, | Robinson, J. S. | Winans, John |
| Dibble, | Kelley, | Robinson, W. E. | Wise, G. D. |
| Dibrell, | Ketcham, | Rogers, J. H. | Wolford, |
| Dockery, | King, | Rogers, W. F. | Wood, |
| Dowd, | Kleiner, | Rosecrans, | Woodward, |
| Dunham, | Laird, | Rowell, | Worthington, |
| Dunn, | Lamb, | Seymour, | Yaple, |
| Eldredge, | Lanham, | Shaw, | York. |
| Ellwood, | Lawrence, | Shelley, | |
| Evans, I. N. | Le Fevre, | Singleton, | |

NAYS—45.

| | | | |
|---|---|---|---|
| Bagley, | Haynes, | Lacey, | Peters, |
| Belford, | Hemphill, | Libbey, | Phelps, |
| Boutelle, | Henderson, T. J. | Long, | Ranney, |
| Chase, | Hewitt, A. S. | Lyman, | Reed, |
| Collins, | Hiscock, | Milliken, | Rice, |
| Cutcheon, | Horr, | Mills, | Rockwell, |
| Dargan, | Hunt, | Morrill, | Russell, |
| Davis, G. R. | Hurd, | Morrison, | Stewart, J. W. |
| Deuster, | James, | Morse, | Wait. |
| Dingley, | Kasson, | Parker, | |
| Guenther, | Kean, | Patton, | |
| Hanback, | Keifer, | Perkins, | |

NOT VOTING—79.

| | | | |
|---|---|---|---|
| Adams, J. J. | Covington, | Houseman, | Seney, |
| Anderson, | Cox, W. R. | Hutchins, | Slocum, |
| Atkinson, | Davidson, | Kellogg, | Smith, |
| Barbour, | Davis, L. H. | Lore, | Snyder, |
| Bayne, | Dorsheimer, | McAdoo, | Stevens, |
| Bennett, | Duncan, | McKinley, | Struble, |
| Bingham, | Eaton, | Maybury, | Talbott, |
| Bisbee, | Elliott, | Millard, | Taylor, E. B. |
| Blackburn, | Ellis, | Miller, S. H. | Thomas, |
| Bowen, | Ermentrout, | Money, | Townshend, |
| Brainerd, | Foran, | Morey, | Van Eaton, |
| Buchanan, | Funston, | Muller, | Wadsworth, |
| Burleigh, | Garrison, | Mutchler, | Warner, Richard |
| Burnes, | Geddes, | Oates, | Washburn, |
| Calkins, | Gibson, | Ochiltree, | Wemple, |
| Campbell, Felix | Green, | Pettibone, | White, J. D. |
| Candler, | Hancock, | Randall, | Wilson, James |
| Cobb, | Hewitt, G. W. | Ray, Ossian | Wise, J. S. |
| Converse, | Holton, | Ryan, | Young. |
| Cook, | Hooper, | Scales, | |

So the bill was passed.

Mr. COOK was announced as paired with Mr. RAY, of New Hampshire.

Mr. DOWD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.



UNDERVALUATION.

The SPEAKER, by unanimous consent, laid before the House the following message of the President; which was referred to the Committee on Ways and Means, and ordered to be printed:

*To the House of Representatives:*

In response to a resolution of the House of Representatives of January 15, 1884, requesting the President to forward to the House information, including reports from consuls and others, concerning the undervaluation, false classification, and other irregular practices in the importation of foreign merchandise, and to recommend what legislation, if any, is needed to prevent such frauds on the revenue, I have the honor to transmit herewith a letter of the Secretary of the Treasury of the 28th ultimo, inclosing a draught of a bill on the subject, together with copies of reports taken from the files of the Treasury Department concerning the information desired.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 1, 1884.

PAYMENTS MADE BY SPAIN.

The SPEAKER, by unanimous consent, also laid before the House the following message of the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

*To the House of Representatives of the United States:*

I transmit herewith a report of the Secretary of State and accompanying papers, furnished in response to a resolution of the House of Representatives of January 16, 1884, calling for information as to the payments made by Spain in accordance with the terms of its treaty with the United States concluded February 17, 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
*Washington, April* 1, 1884.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. BURLEIGH, until the 15th of April, on account of important business.

To Mr. MCKINLEY, for five days, from the 2d of April.

To Mr. MOREY, for five days, on account of important business.

To Mr. ERMENTROUT, for three days.

To Mr. JAMES, for four days.

To Mr. BENNETT, for five days, on account of important business.

COMMON-SCHOOL BILL.

Mr. WILLIS. I ask unanimous consent for the adoption of the following resolution.

The Clerk read as follows:

*Resolved*, That the bill (H. R. 4980) to aid temporarily in the support of common schools be fixed for consideration on Tuesday, the 15th of April, 1884, and the consideration thereof to be continued from day to day until finally disposed of, not to interfere with general appropriation or revenue bills or other prior orders.

Mr. TUCKER. I object.

And then, on motion of Mr. KING (at 5 o'clock and 25 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Mrs. Annette Conner, for relief—to the Committee on War Claims.

By Mr. BRENTS: Petition of Samuel Wilkison, jr., and 134 others, citizens and tax-payers, of H. C. Bostwick and 137 others, of J. W. Sprague and 137 others, of J. V. Meeker and others, of A. H. Minsch and 10 others, of John M. Bell and 12 others, of M. H. Eldon and others, of Silas Smith and 13 others, of P. J. Hunt and 16 others, of O. M. Amiss and 18 others, of C. C. Pagett and 19 others, of Robert Wilson and 29 others, of Isaac W. Anderson and 40 others, of J. R. Dickenson and 41 others, of D. A. Maulsberg and 84 others, of H. Koester and 115 others, of J. H. Wilt and 130 others, all of Pierce County; of William P. Winans and 27 others, of Walla Walla County; of the mayor and common council of Cheney and 64 others, of Spokane County; of Fred. S. Jones and 87 others, of George S. Brocke, mayor of Sprague, and 87 others, all of Lincoln County; of George F. Dueber and others, of G. M. Stevens and others, of William J. Calkins and 24 others, of John Tucker and 21 others, of J. F. Gales and 73 others, all of Lewis County; of Frank Longmire and 13 others, of Thomas M. Cavanaugh and 121 others, all of Thurston County; of A. M. Patterson and 14 others, citizens of Cowlitz County; of E. Grover and 187 others, of Yakima County, all in Washington Territory, praying that the Northern Pacific Railroad Company be allowed to retain its land grant, &c.—severally to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce of the city of Tacoma, Wash., against forfeiture of land grant for branch of Northern Pacific Railroad over the Cascade Mountains—to the same committee.

By Mr. CLEMENTS: Petition relating to the claim of John H. Thedford—to the Committee on War Claims.

By Mr. CULLEN: Petition of J. H. Hill, Isaac Kear, Ralph Plumb, and 103 others, ex-soldiers in the war of the rebellion, of Streaton, Ill., asking for the passage of certain bills therein named for the relief of Union soldiers—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of citizens of Lapeer, Mich., asking

for the establishment of a soldiers' home in the State of Michigan—to the Committee on Military Affairs.

Also, petition of Turrill Post, No. 144, Grand Army of the Republic, Department of Michigan, asking Congress to grant one hundred and sixty acres of land to each soldier, &c., of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. FUNSTON: Papers relating to the pension claim of R. W. Duncan—to the Committee on Invalid Pensions.

By Mr. HANBACK: Resolution of the Legislature of the State of Kansas, relative to Cheyenne raid and reimbursement therefor—to the Committee on Indian Affairs.

By Mr. HARDY: Memorial of Charles Bathgate and others, citizens of the twenty-third ward of the city of New York, requesting Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, &c.—to the Committee on Rivers and Harbors.

Also, petition of Max Boehm, Joseph H. Geis and 50 others, residents of the city of New York, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HARMER: Two petitions of officers of the United States Army in favor of the passage of H. R. 2613—severally to the Committee on Military Affairs.

Also, memorial of the Indian Rights' Association of Philadelphia, Pa., relative to the education of certain tribes of Indians—to the Committee on Appropriations.

By Mr. H. H. HATCH: Petition of Daniel E. Gurley and others, citizens of Tawas and East Tawas, Mich., in favor of the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

By Mr. A. S. HEWITT: Petition of William Dowd, president Bank of North America, and other capitalists of New York, requesting Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, &c.—to the Committee on Rivers and Harbors.

By Mr. J. T. JONES: Memorial of the National Cotton Exchange for appropriation to enlarge Signal Service Bureau—to the Committee on Appropriations.

By Mr. LACEY: Petition of J. W. Smith and 24 others, citizens of Vermontville, Mich., in favor of the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

By Mr. LANHAM: Memorial of Juan S. Hart, administrator of the estate of Simeon Hart, deceased, relative to the payment of certain lost checks—to the Committee on Claims.

By Mr. LEWIS: Papers relating to the claim of Mrs. Augustus King, widow of John E. King—to the Committee on Elections.

By Mr. McCOMAS: Petition of Gershon Anthony and 21 citizens of Frostburg, Md., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MORSE: Petition of Boston marine underwriters, of Boston, Mass., and others, praying for legislation regarding the improvement of the merchant service—to the Committee on Commerce.

By Mr. PETERS: Concurrent resolution of the Legislature of Kansas, relating to the payment of sufferers from Cheyenne Indian raid in Western Kansas in 1878—to the Committee on Indian Affairs.

By Mr. POTTER: Memorial of T. B. Wakeman and others, citizens of New York, asking Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, &c.—to the Committee on Rivers and Harbors.

By Mr. PRICE: Petition of Frank Sigerist, for a pension—to the Committee on Invalid Pensions.

By Mr. RAYMOND: Petition of Marietta M. Bones, that Dakota Territory shall not be admitted as a State—to the Committee on the Territories.

Also, memorial of Ralph Eley Post, Grand Army of the Republic, for equal justice to all soldiers and sailors of the Union Army—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. THOMPSON: Petition relating to the claim of the heirs of the late Elijah Hutchison—to the Committee on War Claims.

By Mr. WAKEFIELD: Petition of citizens of Faribault County, Minnesota, praying that no reduction of the present duty on flaxseed may be made by Congress—to the Committee on Ways and Means.

By Mr. A. J. WARNER: Petition of Alexander Wallace and others, of Vandivier Nott and others, of J. H. Rogers and others, of S. J. Allison, A. L. Griswold and 44 others, of Michael Ely and others, of R. S. Russell and others, of Isaac Green and others, of W. B. Patterson and others, and of S. G. Rogers and others, all citizens of Ohio, praying for the restoration of the tariff of 1867 on wool—severally to the same committee.

By Mr. WEAVER: Petition of Daniel McGuire and 116 others, of Wymore, Nebr., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. YORK: Petition of citizens of Iredell County, North Carolina, asking aid for educational purposes—to the Committee on Education.

## SENATE.

### WEDNESDAY, *April* 2, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### CREDENTIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the credentials of Henry B. Payne, of Ohio, a Senator-elect from that State. The Chair will state that the Chair understands that these credentials are sent to the Senate in order to correct some informality that existed in the previous credentials that have been filed. The credentials will be read.

The credentials were read, and ordered to be placed on file, as follows:

I, George Hoadly, governor of the State of Ohio, do hereby certify that on the 15th day of January, 1884, being the second Tuesday after the organization of the Legislature of the State of Ohio, chosen at the State election held on the 9th day of October, 1883, Henry B. Payne was duly chosen and elected to the office of Senator in the Congress of the United States from the State of Ohio, in the form and manner following, to wit:

A majority of all the members elected to each house of said Legislature being present, each house separately did openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from said State, and the name of the person, viz, the said Henry B. Payne, so voted for, who received a majority of the whole number of votes cast in each house, was entered on the journal of that house by the clerk thereof, and at 12 o'clock meridian of the following day, to wit, the 16th day of January, 1884, the members of the two houses, having convened in joint assembly, the journal of each house was duly read, and it appearing therefrom that the said Henry B. Payne had received a majority of all the votes cast in each house, he was then and there declared duly elected to the office of Senator to represent the State of Ohio in the Congress of the United States for the constitutional term of six years, beginning on the 4th day of March, A. D. 1885.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Ohio to be affixed, at the city of Columbus, this 17th day of March, 1884.

[SEAL.] GEO. HOADLY.

By the governor.

JAS. W. NEWMAN, *Secretary of State.*

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the 20th ultimo, copies of contracts with certain English manufacturers for and copies of requisitions authorizing the purchase from certain American manufacturers of armor-plates and other materials for the ironclad Miantonomoh; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. GARLAND. I present the petition of Mrs. M. D. Garrett, of Van Buren, Ark., praying for relief on account of money paid to the sureties of her late husband, W. H. Garrett, late agent of the Creek Indians. I believe that the general rule has been to refer petitions of this character to the Committee on Finance, and I move the reference of the petition to that committee.

The motion was agreed to.

Mr. PLATT. I have a memorial signed by citizens of Connecticut, addressed to the Senators from that State but manifestly intended for the Senate, in opposition to the bills relating to the practice in patent suits. I ask that it be received, and move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. HAWLEY. I present three letters, signed in each case by a number of junior officers of the Army, favoring the passage of Senate bill No. 1677, to increase the efficiency of the cavalry, artillery, and infantry. They are addressed to me personally but are substantially petitions intended for the Senate. I ask that they be received, and move their reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. HOAR presented the petition of Kate Garnett Wells, president, in behalf of the Moral Education Association of Massachusetts, asking for the insertion of certain limitations in any bill that may be passed by Congress to amend the act entitled "An act to prevent the introduction of infectious and contagious diseases into the United States and to establish a national board of health;" which was referred to the Committee on Epidemic Diseases.

Mr. SEWELL presented a petition of citizens of New Jersey, praying for such amendments to the Chinese restriction act as are satisfactory to the Pacific coast delegations in Congress; which was ordered to lie on the table.

He also presented a petition of citizens of New Jersey, praying that jetties be built at Corson's Inlet and Townsend's Inlet, on the coast of New Jersey, adjacent to Ludlam Island; which was referred to the Committee on Commerce.

He also presented a memorial of shore-owners, citizens of New Jersey, remonstrating against the passage of the bill to bridge Staten Island Sound; which was referred to the Committee on Commerce.

Mr. LAPHAM presented resolutions adopted by the Board of Trade of Albany, N. Y., urging the enactment of a general bankrupt law at the present session; which was ordered to lie on the table.

He also presented the memorial of William B. Welles, of New York

city, remonstrating against the passage of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was ordered to lie on the table.

He also presented a resolution adopted by Torbert Post, No. 218, Grand Army of the Republic, of Arcade, N. Y., urging the passage of certain pension and bounty measures; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of Arent B. Sorenson, praying compensation for his property taken for public use, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the Committee on Public Lands, reported an amendment intended to be proposed to the bill (H. R. 5261) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers, reported it with an amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the petition of Enoch Jacobs, praying compensation for services rendered the Department of State, reported a bill (S. 1983) to compensate Enoch Jacobs for services rendered to the Department of State; which was read twice by its title.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 76) authorizing the Secretary of War to loan the governor of North Carolina certain tents and camp equipage for the use of the militia of the State, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

Mr. PLUMB, from the Committee on Appropriations, to whom was referred an amendment submitted by Mr. HOAR to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

BILLS INTRODUCED.

Mr. GARLAND introduced a bill (S. 1979) for the relief of Gibson Morrison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1980) to provide for a supervisory jurisdiction of the powers of district courts and judges exercising circuit-court powers; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COKE introduced a bill (S. 1981) for the relief of D. W. Hatch; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. VOORHEES, introduced a bill (S. 1982) to refund to Dr. F. O. St. Clair $97.80, duties on a monument to the memory of Francis J. Townshend, late of the United States Navy; which was read twice by its title, and referred to the Committee on Finance.

Mr. HOAR introduced a bill (S. 1984) for the relief of Susan E. Alger; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. MAXEY submitted an amendment intended to be proposed by him to the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; which was referred to the Committee on Finance, and ordered to be printed.

KANAWHA RIVER BRIDGE.

On motion of Mr. MCMILLAN, it was

*Ordered*, That one hundred copies of the letter of Lieut. Col. William P. Craighill, of the Engineer Corps, United States Army, concerning the construction of bridges across the Great Kanawha River, be printed for the use of the Committee on Commerce.

AWARDS UNDER SPANISH TREATY.

Mr. CALL submitted the following resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed:

*Resolved*, That the President of the United States be, and he is hereby, requested to institute negotiations with the government of the King of Spain for a reference to an umpire for decision of the question whether the treaty of 1819 has been fully carried into effect by the United States, and whether the Government of the United States is bound in good faith to pay the full amounts awarded by the judicial tribunals, to whom the same was referred, for the payment of the losses sustained from the forces acting under the orders of the United States in 1818-'19, including interest and damages thereon; also, all other questions arising under said treaty in which it is claimed by the Government of Spain that the United States of America have failed to perform and carry out the same; and to settle and finally decide what amounts, if any, remain to be paid by the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio.

FLORIDA INDIAN HOSTILITIES.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under the eighth rule, commencing with Order of Business 165, being the bill (S. 230) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, which was laid over yesterday on account of the absence of the Senator from Florida [Mr. JONES]. If there be no objection it will be again passed over, retaining its place on the Calendar. The Chair hears no objection. The consideration of the next bill on the Calendar will be resumed.

WILLIAM H. CROOK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 458) for the relief of William H. Crook.

The PRESIDENT *pro tempore*. The bill has already been read as in Committee of the Whole, and the question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL] to the amendment reported by the Committee on Claims. The amendment to the amendment will be reported.

The CHIEF CLERK. In section 1, line 6, it is proposed to strike out the words "four thousand" and to insert "two thousand four hundred."

Mr. CAMERON, of Wisconsin. All the evidence in support of this claim was submitted to the Committee on Claims and carefully considered by that committee. After considering such evidence the committee was of the opinion that a thousand dollars a year was no more than a fair compensation to pay this claimant for the work that he performed in the matter of signing land patents. The judgment of the whole Senate, however, is probably better than the judgment of any nine members of the body, and if the Senate is of the opinion that $600 a year instead of $1,000 a year is a sufficient compensation, the Committee on Claims will not object to that amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the committee, which will be reported.

The CHIEF CLERK. In line 6, before the word "thousand," the committee propose to strike out "six" and insert "four;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WILLIAM TINDER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 953) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased. It proposes to refund and pay to H. B. Wilson, administrator of the estate of William Tinder, deceased, $5,000, in full satisfaction of the claim of the estate of Tinder for money paid by that estate upon a judgment of forfeiture upon a bond for the appearance of one Evans, who was charged with crime by indictment in the circuit court of the United States for the district of West Tennessee, and who was afterward captured by the administrator and returned to the custody of the court, and convicted and punished for the crime with which he was charged.

The bill was reported to the Senate without amendment.

Mr. CONGER. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is.

Mr. CONGER. Or will the chairman of the committee state the substance of it?

Mr. CAMERON, of Wisconsin. The report is very brief, and probably the facts will appear as succinctly from that as from any statement that I can make.

The PRESIDENT *pro tempore*. Does the Senator from Michigan ask for the reading of the report?

Mr. CONGER. Or a statement of the facts.

Mr. HARRIS. I think I can make a statement of the facts in the case in two minutes that will be satisfactory to the Senator.

Mr. CAMERON, of Wisconsin. It will not take two minutes to read the report.

Mr. HARRIS. Very well; let the report be read, then.

The Chief Clerk read the following report, submitted by Mr. CAMERON, of Wisconsin, February 11, 1884:

The Committee on Claims, to whom was referred the bill (S. 953) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased, have considered the same, and report thereon as follows:

That about the year 1878 one Evans was indicted in two cases for counterfeiting. The defendant was arrested, and Tinder, the intestate, stood bail for him in each case in the sum of $5,000. A trial was had in one case, and the jury disagreed. At the next term of the circuit court of the United States for the western district of Tennessee the accused, Evans, made default. Such proceedings were had in both cases that judgment final was rendered against Tinder for the amount of each bail bond. Tinder died, and his administrator, Wilson, paid all the costs in both cases and one of the judgments, the United States releasing the other. After this the administrator and some creditors of Tinder, whose estate was made insolvent by the payment above mentioned, instituted a search for Evans, and finally succeeded in procuring his arrest. Evans was convicted by his own plea on both indictments, and sentenced to the penitentiary on both, according to law, and is now serving out his sentence.

The administrator and creditors claim a return of the $5,000 paid as above. Judge Hammond, presiding in the court, recommends a return of the money. The committee believe that the money ought to be refunded. The object of the bail-bond was not to make money, but to secure the appearance of Evans and his punishment, if guilty. This has been accomplished by the efforts and the money of the bail, and all costs due the United States have been paid. We recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. FORD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 873) for the relief of William G. Ford, of Memphis, Tenn. It refers to the Court of Claims the claim of William G. Ford, of Memphis, Tenn., for the proceeds of fifty bales of cotton, containing 25,568 pounds, seized under the captured-and-abandoned-property act at Mobile, Ala., in May, 1865, by acting Quartermaster Samuel Lappin, and shipped by him on the bark Ada Carter to the chief quartermaster at New York, and which was sold, and the proceeds paid into the Treasury.

Mr. ALLISON. Let the report be read so as to show what the bill is.

The Chief Clerk read the following report, submitted by Mr. CAMERON, of Wisconsin, February 11, 1884:

The Committee on Claims, to whom was referred the bill (S. 873) for the relief of William G. Ford, of Memphis, Tenn., have considered the same, and submit the following report:

The petitioner is a citizen of the United States and a resident of Memphis, Tenn. In the month of May, 1865, S. S. Webb & Co., of Mobile, were the owners of fifty bales of cotton, stored in warehouses in Mobile, Ala., weighing altogether 25,568 pounds.

This cotton was seized by the authorities of the United States Government at the surrender of Mobile, April 12, 1865, and by Capt. Samuel Lappin, assistant quartermaster, United States Army, at Mobile, on the 19th day of May, 1865, delivered on board the bark Ada Carter, consigned to Brig. Gen. Stewart Van Vliet, chief quartermaster, United States Army, at New York, and by him turned over to Simeon Draper, United States cotton agent, Treasury Department, and sold, and the proceeds paid into the Treasury of the United States.

On the 7th of July, 1865, the said cotton, or the proceeds, were sold by Webb & Co. to the petitioner, who, in 1866, he alleges, filed his claim and proofs with the Secretary of the Treasury for settlement.

Here, it is alleged, the case was delayed and a hearing postponed from time to time, until the petitioner was notified by the Secretary of the Treasury that that Department had been entertaining jurisdiction of such claims under a mistake as to their authority, and that all such cases must be referred to the Court of Claims.

It does not appear when this notice was given to the petitioner, but he alleges that he at once took steps to have proceedings instituted in the Court of Claims, when he was informed that his papers, proofs, and exhibits had been mislaid in the Treasury Department, or lost, which occasioned delay until September, 1868, when they were found. He was then advised by his counsel that by the provisions of the statute of limitations in such cases, passed March 12, 1863, (volume 12, page 820), he was barred from that court; that the statute began to run in August, 1866, and expired in August, 1868, about one month before he procured his papers from the Treasury Department.

The statute referred to provides as follows:

"SEC. 3. * * * And any person claiming to have been the owner of any such abandoned or captured property may at any time within two years after the suppression of the rebellion prefer his claim to the proceeds thereof in the Court of Claims."

The act of May, 1872 (vol. 17, p. 134), authorizing the Secretary of the Treasury to settle for cotton seized, does not apply to this case, for the reason that it covers only cases of seizure which occurred after June 30, 1865. This cotton was shipped to New York in May, 1865, having been seized April 12, 1865.

The proceeds of this cotton was paid into the United States Treasury under the abandoned-and-captured-property act, and is there held in trust in that fund for whoever may in the Court of Claims establish their right to it according to law. (See reply of Secretary of the Treasury McCulloch to the Court of Claims, and printed evidence in Dominick O'Grady *vs.* The United States, 1870; also United States *vs.* Kline, 13 Wall., 128.)

But in response to an inquiry made of the Secretary of the Treasury in regard to this claim he says, under date of January 18, 1878: * * * "The records of this Department do not show the filing at any time of the claim of William G. Ford for fifty bales of cotton seized in May, 1865, at Mobile, Ala."

The original petition states that the "petition, with vouchers and papers in the Treasury Department, thereafter to be attached, referred to as exhibits, was accordingly drawn and forwarded from New York to Washington, and petitioner supposed timely proceedings had been instituted until some time afterward, to wit, in September, A. D. 1868, the papers were ascertained to have been mislaid in the Treasury Department, and the statute of limitations had interposed."

There is a supplemental or amended petition, which goes more into detail as to the losing of papers in the Treasury Department, which is sworn to by the petitioner.

The testimony herein alluded to is all that bears on the question of diligence on the part of the claimant or negligence on the part of the Treasury Department in mislaying papers.

The petitioner asks Congress to pass a bill authorizing him to prosecute his suit in the Court of Claims, notwithstanding the statute of limitations; and your committee, being satisfied that the petitioner ought to "have his day in court," report the accompanying bill, and recommend its passage.

Mr. CONGER. The report itself shows that this property was captured with the capture of Mobile; that it was properly taken in the conflict, in the capture and seizure of that city. I do not know by what rule of law or construction of evidence property taken in that way comes under the class for which settlement was to be made by the United States.

Mr. CAMERON, of Wisconsin. This property was captured after the capture of Mobile.

Mr. CONGER. Of course; the army could not take it until it got in there, I admit.

Mr. CAMERON, of Wisconsin. I understand that. This property was in Mobile at the time of the capture of Mobile, belonging to the individual named in the report, and after the capture of the city the cotton was seized.

Mr. CONGER. At the surrender.

Mr. CAMERON, of Wisconsin. After the surrender, of course.

Mr. CONGER. At the surrender, the report says.

Mr. CAMERON, of Wisconsin. It is not strictly accurate if it says that.

Mr. CONGER. And the person making this claim was not the owner, he does not claim to have been the owner of such abandoned or captured property. It seems to me that by the terms of the report this is as plain a case of property abandoned in the capture of the city at the surrender, as plain a case of property captured in the conflict or struggle as any case that could be stated. I have a great suspicion of these captured-and-abandoned cotton claims. I think there are lying around loose several million of dollars' worth of claims of that kind, and I think this one is lying around about as loose as any claim I ever saw reported upon.

Mr. CAMERON, of Wisconsin. I think not.

Mr. CONGER. I do not think the committee concentrated its energies on this case with any great effort. I submit if this had been an application for the payment of this money or a restoration of the property by act of Congress it never could have had this report, but throwing the responsibility on the Court of Claims it gets by the watchfulness and care of the committee; and you have a very nice precedent for any assignee, any of the lawyers who have bought up this great amount of claims and have filed them away in their pigeon-holes, to come in as assignees and go to the Court of Claims, removing the limitation. There was a propriety in the law which said that after a certain date they might claim, because that date was after the war had closed, after the proclamation of peace. Property taken then was not taken as the property of an enemy. There is not a word said about the owner of this property having been loyal or disloyal.

Mr. CAMERON, of Wisconsin. Under the law it does not make a particle of difference.

Mr. CONGER. Not if it was taken after the war closed; but this was taken in April, 1865. The property the benefits of which this bill remits the assignee of the property was taken in April, and by the report itself the statute did not begin to run until August, 1865, after the proclamation of peace. After that there was reason why property should not be taken. It was not being used by the enemy; the war was closed; peace was restored. The property that was wandering about could not then be used by the opponents of the Government. The property to which the act did not apply was to be captured as if it was the property of the Confederate States. That to which the act did apply therefore might be returned. But this property was taken while the war was going on. I think the committee need a little suggestion now and then about this class of cases. I do not think the chairman made this report.

Mr. CAMERON, of Wisconsin. Yes; the chairman made it.

Mr. CONGER. I think somebody else must have prepared it.

Mr. ALLISON. Suppose we pass the bill over for the present.

Mr. MILLER, of California. Let us hear what the chairman says.

Mr. CONGER. Yes; I was merely making these remarks to call out the views of the chairman.

Mr. CAMERON, of Wisconsin. The Senator from Michigan appears to be of opinion that the committee did not concentrate all its energies upon this claim before the report was made. This claim was considered by the Committee on Claims during the last Congress, when my friend from Michigan was a member of that committee. It was favorably reported from the Committee on Claims during the last Congress, and that report had the assent of the Senator from Michigan.

Mr. CONGER. I guess not.

Mr. CAMERON, of Wisconsin. There is no use guessing about it; the record will show that it did have. At that time all the members of the committee except the Senator from Michigan concentrated their energies upon the report, and they were aided by the Senator from Michigan.

This claim does not stand in a different position from any other of the cotton claims. After the capture of Mobile this cotton was seized under the captured-and-abandoned-property act. It was shipped by the Government to Simeon Draper, the cotton agent of the Government at the city of New York, and sold by him, and the proceeds were deposited in the Treasury, where they remain to this day, as a trust fund for the benefit of any person or persons who should be able to show in the Court of Claims that they were entitled to the fund. The Senator, if I understood him, appeared to be of the opinion that the captured-and-

abandoned-property act only applied to cotton captured after what he calls the proclamation of peace.

Mr. CONGER. After June 30, 1865.

Mr. CAMERON, of Wisconsin. The proclamation of peace was made and applied to all except Texas on the same day, in August, 1866, so that peace legally did not exist in Mobile until August, 1866. The captured-and-abandoned-property act was passed in 1863, and it provided by its terms that that statute would not commence to run until the close of the war, that is, until the legal termination of the war, and that it would continue in force for two years from that time. This claimant, like many other claimants, supposed that the Treasury Department had jurisdiction of this and similar claims. The Treasury Department was of the opinion at that time that it did have jurisdiction of these claims; it entertained and considered the claims. The claimant, in pursuance of that understanding, filed his claim in the Department, and his papers and proofs were lost while in the Treasury Department. After a while it was concluded that the Treasury Department did not have jurisdiction, and he was informed that he must prosecute his case in the Court of Claims. When that conclusion was reached the papers could not be found, and were not found until about a month after the period within which he might have instituted a suit in the Court of Claims had expired. Now, all that the bill does is to remove the bar of the statute of limitations.

Mr. ALLISON. What is the special ground, the loss of the papers?

Mr. CAMERON, of Wisconsin. The loss of the papers. The claimant was prevented from bringing the action within the two years in consequence of the loss of his proofs, and those proofs were lost by the carelessness and negligence of the Treasury Department.

The PRESIDENT *pro tempore*. The time of the Senator from Wisconsin has expired.

Mr. GARLAND. I believe that the showing for the removal of the bar of the statute is a good one in this case, but there is one thing to which I wish to call the attention of the Senate in the second section of this bill. It makes the testimony already taken by Ford competent in this case. I would suggest a qualification of that "so far as the testimony is now competent," and not to make it absolutely competent, as proposed by this section.

Mr. CAMERON, of Wisconsin. I have no objection to that amendment.

Mr. GARLAND. I think it would be better to strike out the second section entirely.

The Chief Clerk read the section proposed to be stricken out, as follows:

SEC. 2. That the evidence heretofore taken in the case and filed in the Treasury Department, and the evidence and papers on file before Congress, shall be admitted and heard by the court the same as if taken over again under the rules and orders of the court; and either party may take additional testimony, and shall have the right of appeal as in other cases.

Mr. CONGER. Let that clause be read again.

The PRESIDENT *pro tempore*. The motion is to strike out the section.

Mr. CONGER. But I want the whole clause read before the vote is taken.

The PRESIDENT *pro tempore*. The section will be read.

The Chief Clerk again read the second section.

Mr. CAMERON, of Wisconsin. I think the section may as well go out.

The PRESIDENT, *pro tempore*. The question is on the amendment of the Senator from Arkansas [Mr. GARLAND] to strike out the section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### JOHN P. WALWORTH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1037) for the relief of John P. Walworth. It directs the Secretary of the Treasury to pay to John P. Walworth $2,820, being the proceeds of the sale of certain funds, to wit, $4,700 in bank notes of the issue of the Louisiana Bank of New Orleans, and which were, in the month of August, 1863, on deposit in that bank to the credit of John P. Walworth, and received from the bank by Col. S. B. Holabird, chief quartermaster at the post of New Orleans, La., by order of Major-General Banks, and sold, and the proceeds thereof, to wit, $2,820, afterward covered into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### SECURITY ON APPEALS AND WRITS OF ERROR.

The bill (S. 835) to amend section 1000 of the Revised Statutes, in relation to giving security in cases on appeal or writ of error, was considered as in Committee of the Whole. It provides that the damages in section 1000 mentioned for which a bond shall be taken, when it is to operate as a supersedeas, shall be held to cover the value of the use, rents, and profits of any personal property or real estate the possession of which is continued in the plaintiff in error or appellant by such writ of error or appeal during the time that the supersedeas may be in operation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### THE GENERAL LAND OFFICE.

The bill (S. 554) to promote the efficiency of the General Land Office was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment, was in section 3, line 6, after the word "thousand," to strike out "two hundred and fifty;" so as to read:

The additional law clerk and examiners of office decisions shall receive a salary of $2,000 a year each.

Mr. HARRIS. I should like to ask the Senator in charge of this bill if this increase of force in the Land Office is recommended by the Secretary of the Interior as absolutely necessary to the efficiency of that office?

Mr. MORGAN. I am not in charge of the bill. I suppose the chairman of the committee is in charge of the bill properly.

Mr. DOLPH. I understand it is so recommended. There is a report accompanying the bill made by me.

Mr. PLUMB. It is proper that the report should be read.

The PRESIDENT *pro tempore*. The report of the committee will be read.

The Chief Clerk read the following report, submitted by Mr. DOLPH February 11, 1884:

The Committee on Public Lands, to which was referred the bill (S. 554) to promote the efficiency of the General Land Office, makes the following report:

Having duly considered the bill, the committee recommends that, for the reasons stated in the letter from the honorable Commissioner of the General Land Office to the honorable Secretary of the Interior, dated January 21, 1884, and the letter from the honorable Secretary of the Interior to the chairman of this committee of date January 28, 1884, which are hereto appended, marked A and B, the bill do pass as amended.

B.

DEPARTMENT OF THE INTERIOR, *Washington, January 28, 1884.*

SIR: In response to request of your committee, dated 7th instant, for an expression of the views of the Department on Senate bill No. 554, "to promote the efficiency of the General Land Office," I transmit herewith a copy of a letter on the subject addressed to me on the 21st instant by the Commissioner of the Land Office, with whom I fully concur that the bill should pass.

Very respectfully, &c.,

H. M. TELLER, *Secretary.*

Hon. P. B. PLUMB,
*Chairman Committee on Public Lands, United States Senate.*

A.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., January 21, 1884.*

SIR: I am in receipt, by your reference of the 15th instant, of a letter from Hon. P. B. PLUMB, chairman Senate Committee on Public Lands, transmitting, for an expression of your views thereon, a copy of Senate bill No. 554, "to promote the efficiency of the General Land Office."

I have the honor to report that said bill is in accordance with my views in respect to the present and pressing needs of this office.

The first section increases the salary of the Commissioner to $5,000 a year. I have recommended this increase as due to the office of Commissioner, irrespective of the person who may hold the position. I deem such increase due to the character, importance, labor, and responsibility of the office, which certainly should not be rated second in dignity to other bureaus of the Executive Departments not so closely connected with vast material interests of the people. Neither do I think it expedient as a matter of public policy that strikingly inadequate salaries should be paid to officers invested with such powers as are committed to this office. The latter remark is applicable to the several positions for which a moderate increase in compensation is provided by Senate bill No. 554.

The second section provides for the appointment of an assistant commissioner. There is great need of such office in this bureau. A similar provision is made for other bureaus not having more, if as much, necessity for it as the General Land Office.

The Patent Office has an assistant commissioner at $3,000. The Pension Office has two deputy commissioners, at a salary of $3,600 each. The Auditors of the Treasury, six in number, have each a deputy auditor; there is an assistant treasurer for the office of United States Treasurer; the First and Second Comptrollers of the Treasury and the Comptroller of the Currency have each a deputy; there is an assistant Register of the Treasury, and a deputy commissioner of internal revenue. Upon none of the heads of these bureaus are duties imposed more arduous, exacting, or comprehensive than those which pertain to this office.

The third section provides for an additional law clerk and two examiners of office decisions, at salaries of $2,250 each, and ten chiefs of divisions, at $2,000 a year each, and increases the salaries of the law clerk and chief clerk to $2,500 a year each.

The duties and responsibilities of the chief clerk of this office are greater than those usually devolving upon similar officers. He is not only required to exercise supervision over official details and discipline, but he shares the higher responsibilities of important adjudications, and in the absence of the Commissioner performs the duties of the head of the bureau.

The present salary of the law clerk is disproportionate to the position. The salary proposed by the Senate bill is the least the Government should fix for that office.

A clerk of the fourth class is now detailed as additional law clerk, with duties and responsibilities similar to those of the law clerk. The compensation of a fourth-class clerk is not adequate to such service. The increase proposed by the Senate bill for the law branch of this office is no less moderate than just and expedient.

Two clerks of the fourth class are now detailed as examiners of office decisions. Their duties are to read all letters and to examine decisions prepared in the several divisions of the office before the same are presented to the Commissioner for his signature. It being physically impossible for the Commissioner to read all the papers he signs, he is compelled to rely largely upon the judgment passed by the examiners in cases not specially submitted to him.

The responsibility and importance of the work performed by the examiners

and the experience, skill, and fidelity required in that service fully command the salary proposed by the Senate bill.

In all other bureaus of the Executive Departments chiefs of divisions are paid from $2,000 to $2,500 a year. In the Patent Office the salary is $2,000, exclusive of examiners, who receive from $2,400 to $3,000; in the Pension Office, $2,000; in the Indian Office, $2,000; in the Office of the First Auditor of the Treasury Department, $2,000; of the Second Auditor, $2,000; of the Third Auditor, $2,000; of the Fourth Auditor, $2,000; of the Fifth Auditor, $2,000; of the Sixth Auditor, $2,000; in the United States Treasurer's Office, $2,500; in the office of the First Comptroller, $2,100; of the Second Comptroller, $2,100; in the office of Comptroller of the Currency, $2,200; in the Register's Office, $2,000; in the Internal Revenue Bureau, $2,250; in the bureaus of the Post-Office Department, $2,000 and upwards. In no other office or Department are chiefs of divisions required to perform more important duties than in the General Land Office, but in this office the organization established at an early period still remains. Chiefs of divisions (except of public lands, private land claims, and surveys) are detailed from clerks of the fourth class, and none receive more pay than other fourth-class clerks, while in other offices chiefs of divisions are appointed as such and receive a higher rate of compensation than the classified clerks. I inclose herewith a partial list of officers provided for in several bureaus and Departments, showing the discrimination against this office, which appears to me unreasonable and unjust.

The proposition in the third section of the Senate bill to repeal the provision of law providing for the appointment of a principal clerk of public lands, a principal clerk of private land claims, and a principal clerk of surveys is designed to operate in connection with the proposition to authorize the appointment of ten chiefs of divisions, which would include the three principal clerks now specially provided for.

The last section of the bill (which should be numbered section 4 instead of section 5) appropriates moneys received for making copies of records to payment for doing the work. This provision would relieve the office of the necessity of taking clerks belonging to the general clerical force away from their proper duties to make out copies of papers for the use of private parties. The provision would be of convenience and an advantage in the administration of this office.

I respectfully recommend favorable action on Senate bill No. 554.

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. H. M. TELLER, *Secretary of the Interior.*

Mr. BECK. I have not quite comprehended the full scope of the bill; I did not hear it distinctly. The Land Office has certainly been very fairly provided for so far as the Committee on Appropriations has had authority to do so. Perhaps the laws for it were reported by the Committee on Public Lands.

Mr. MORGAN. The Senator from Kentucky will allow me to say that the Committee on Appropriations have been very kind to the Land Office, but the difficulty has been that for the want of legislation whenever questions were made of the character presented in this bill they were ruled out on points of order. I have been trying for four years to get proper compensation for the clerks in this bureau, and the Committee on Appropriations have been acting with me as far as they could, but we have always failed in consequence of points of order.

Mr. BECK. Is the bill an increase of force or an increase of pay?

Mr. MORGAN. An increase of pay and one additional man.

Mr. PLUMB. It is necessary to have an increase of force.

Mr. BECK. I stepped into the room of the Committee on Appropriations just now while this report was being read, knowing that we had authorized a very large increase in that bureau; and I find that in 1879 there were 169 persons employed there and that we have increased the force to 331 in 1883, being an increase of 162 in that single bureau in the last four years.

Mr. MORGAN. The Senator from Kentucky will allow me to say that while that is true, every man in that office is employed diligently at work not only during the regular office hours but during a large portion of the other time, for which he gets no compensation; and there are now not less than 150,000 undecided cases in the Land Office, and that office will remain behind and the people will be deprived of their land titles unless we come to their relief. This matter has been recommended for the last ten years by every Commissioner who has been in that office and every Secretary of the Interior, urgently demanding of Congress some increase in the force. This bill increases the force only by one assistant commissioner, but it gives some additional compensation.

Mr. ALLISON. A law clerk, I observed from the reading.

Mr. MORGAN. He is there now.

Mr. ALLISON. There is one law clerk now, but I understand the bill to provide for an additional law clerk.

Mr. MORGAN. No, that is only a change of name. There is but one increase of force in it, and that is the provision for an assistant commissioner. It is physically impossible for the Commissioner of the General Land Office to perform the labor that is devolved upon him in that office. He can not properly oversee the business of the office from the mere engagement he has in signing his name to papers other people have to prepare for him, which he has no leisure and no opportunity to read. There is not a Department of this Government that is so much neglected by Congress as the General Land Office, and there is none in which the people are so much interested to-day as they are in that Department.

The PRESIDENT *pro tempore.* The question is on agreeing to the first amendment of the Committee on Public Lands.

The amendment was agreed to.

The next amendment reported by the Committee on Public Lands was, in section 3, line 8, after the word "thousand," to insert "two hundred and fifty;" so as to read:

And chiefs of divisions shall receive a salary of $2,250 a year each.

The amendment was agreed to.

The next amendment was, in section 3, after the word "each," line 9, to strike out:

And all provisions of law for the appointment of principal clerks of public lands, private land claims, and surveys are hereby repealed.

And insert in lieu thereof:

And the ten chiefs of divisions shall hereafter be appointed by the President, by and with the consent of the Senate.

Mr. HAWLEY. Am I to understand that there are to be ten additional officers or only one?

Mr. PLUMB. The number is the same as now, only they are called now principal clerks, and they are called by this bill chiefs of division, which they are in fact, and have been ever since the department was established. It adds nothing to the number.

Mr. HAWLEY. My question about the amendment bears upon the appointment of these officers by the President. Why should not these chiefs be promoted from the very excellent clerks already there?

Mr. MORGAN If the Senator will allow me to explain it to him, as the law stands now, enacted a good many years ago, perhaps fifteen years ago, there are three principal clerks in the Land Office. They are the clerks of the public land division, of the private land claims division, and the clerk of surveys. Those were required by the statute to be appointed by the President and confirmed by the Senate before they could enter on their office. The bill as introduced permitted the Secretary of the Interior or the Commissioner to appoint all these ten clerks. The committee thought we could get a better class of material and dignify the office by requiring that all these chiefs of division should be appointed by the President and confirmed by the Senate, as the three were by the old law and as the three are now. Three of the twelve clerks are now appointed by the President and confirmed by the Senate, and the other nine are merely appointed under the regulations of the department.

Mr. HAWLEY. Am I to understand, then, that there are no new officers created, but the name is changed and the power of appointment changed from the Secretary of the Interior to the President?

Mr. MORGAN. That is all.

The PRESIDENT *pro tempore.* The question is on the amendment reported by the committee.

The amendment was agreed to.

Mr. DOLPH. I believe the amendments reported by the committee are now disposed of.

The PRESIDENT *pro tempore.* They are.

Mr. DOLPH. I am instructed by the committee to propose some further amendments recommended by the department. In line 3, section 3, after the word "division," I move to insert:

Public lands; private land claims; surveys; railroads; pre-emptions; swamp lands; accounts; minerals; special service; and drafting.

This amendment merely enumerates the divisions for which the ten chiefs are to be appointed. It is a mere clerical matter, but it is deemed necessary by the Department.

Mr. ALLISON. Let me ask the Senator from Oregon whether or not it is necessary to fix these chiefs by law? It seems to me that some time a Commissioner of the General Land Office will desire to make some modifications in the organization of his office, and he would find this law in his way. The Departments are organized usually by the head of the Department without signifying or designating in law the particular divisions.

Mr. DOLPH. I will state to the Senator from Iowa that the amendment was suggested by the Commissioner of the General Land Office himself and it was brought before the committee and the committee approved of it.

Mr. PLUMB. These divisions are inevitable and have been in actual existence for many years. They can not be dispensed with, and I think it is proper that the law should create them just as it has created divisions and bureaus in the other Departments of the Government.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. DOLPH. I offer also the following amendment: In line 7, section 3, after the word "division," insert "and the recorder."

In explanation of this amendment I will state that it was supposed by the committee that the recorder was included in the increase of salary to $2,000 per annum. That appears not to be the case, and it is now proposed to amend by inserting the recorder, so as to increase his salary to $2,000 a year. The committee were unanimously of the opinion that the increase ought to be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. DOLPH. I also offer the following amendment, to be added to section 3 as a proviso:

*Provided*, That whenever the office of recorder shall become vacant, or in case of the sickness or absence of the recorder, the duties of his office shall be performed *ad interim* by a chief of division to be designated by the Commissioner of the General Land Office.

The amendment was agreed to.

Mr. HAWLEY. Before the bill passes to the next stage I should like to ask some member of the committee whether this bill really will be of any material assistance to the Land Office in disposing of the vast mass of work that has accumulated there, beyond the fact that it attempts to secure some able chiefs of division? Is not more room needed? Has not the work been reported to be in most important cases left to the decision of men not qualified by age, skill, or learning? The bill is well enough as far as it goes, but it gives only one additional officer to the Land Office, elevates the rank of others, and increases their pay.

While I am not, from my location, interested as much in these matters as Western Senators, and am not so familiar with the business, yet I have known well some gentlemen in that office, and it has been a chronic complaint for years that it needed reorganization and enlargement, and that vast interests were neglected simply by the unwillingness or procrastination of Congress. Why not go more thoroughly into the business if we are going to reorganize at all?

Mr. DOLPH. Mr. President, I can not better answer the inquiry of the Senator from Connecticut than by asking to have a portion of the report of the Commissioner of the General Land Office relating to the increase of clerical force read. This bill as introduced did not cover that matter, and while it is undoubtedly a very important matter for legislation, the committee did not deem it advisable to attach it to this bill. I ask for the reading of the part of the report which I have marked in the document sent to the desk.

The PRESIDING OFFICER. The extract will be read.

The Chief Clerk read as follows:

The General Land Office has been deficient in clerical organization from the beginning. There has at no time been a sufficient number of employés to dispose of current work. The increase provided for from time to time has never been proportionate to the increase of business. The volume of work in arrears at the close of each fiscal year has steadily and rapidly grown larger. At the same time, the amount of work accomplished has been greater in proportion than the increase in clerical force. This has resulted from improved system and continued efforts to promote efficiency. But in late years the increase in the amount of work thrown upon the office has been almost overwhelming. The increase in working force and appropriations has been doled out in pittances, and seemingly more to accommodate the Department than to meet the demands of the service. It is no personal advantage to yourself or the Commissioner that work should be disposed of, but it is of public consequence that this official work should be performed.

It is a matter of deep complaint and is felt to be a public shame that men upon the frontier who are developing the country by their enterprise and labor should suffer delay and have their rights imperiled through a false or simulated economy in the necessary disbursements for the conduct of public business.

In 1876 the amount of land disposed of under the public land system was 6,000,000 acres. In 1883 the disposals were 19,000,000 acres, an increase of 200 per cent. The actual amount of new business brought into this office during the last year embraced 226,088 entries, covering 19,430,032.80 acres (exclusive of filings and of areas previously reported), with receipts exclusive of fees for certified copies amounting to $11,705,765.65, against 161,396 entries, 14,309,166.40 acres, and $8,387,927.29 the previous year, being an average increase over 1882 of 39 per cent. and an increase over the year 1881 of 82 per cent.

The increase in clerical force allowed by the last annual appropriation was only 10 per cent., one-half of which was absorbed in the entirely new work of protecting the public lands provided for by recent legislation.

A large volume of work is annually thrown upon the office for which no provision is made in the usual estimates for clerical force. This consists in the preparation of official reports and answers to Congressional and other inquiries. Much of the time of a large number of clerks is occupied during the sessions of Congress, and frequently at other periods, in this manner.

There are now pending before this office 600,000 claims of record in some stage of inception or progress under general laws, exclusive of railroad grants, swamp and mineral lands, and private land claims. The pending agricultural claims alone involve an adjudication of title to 90,000,000 acres. If but one-half of these claims should be perfected into title it would take the present force employed upon this work three years to complete the adjustments, leaving the whole volume of business that might come up within that period unprovided for.

I have asked for one hundred additional clerks for the service of the next fiscal year. This estimate was made before the completed returns and accounts had disclosed the extent of the increase in business during the year and without fully considering the inadequacy of such estimate. It is my most conservative opinion that two hundred additional clerks of the higher grades are immediately needed, and could be employed with economy to the Government for a number of years to come. Provision for a grade of examiners of land titles, corresponding to the grade of principal examiners in the Pension Office, would be extremely desirable.

The bill was reported to the Senate as amended.

Mr. ALLISON. I ask the Senator in charge of this bill to strike out the amendment in lines 11 and 12 of section 3, or rather that a separate vote be taken on that amendment. It provides for the appointment of these chiefs of divisions by the President of the United States with the consent of the Senate. I submit that that is a bad precedent. There are chiefs of divisions in every Department of the Government, and if we begin by appointing them in this manner all the other Departments of the Government will at once ask the same thing, and then there will be some other steps from time to time looking to advanced compensation and so on.

In addition to that, it is bad policy it seems to me. The Secretary of the Interior—the Commissioner of the General Land Office primarily, and the Secretary of the Interior in the second place—is responsible for the conduct of this office immediately, and should have the selection of these chiefs of divisions, it seems to me, without reference to a confirmation by the Senate, without reference to whatever usually follows an appointment by the President.

I submit that this is a very bad precedent to begin with here. I know the Senator from Alabama will say that three of these officers are already so appointed. That is true under the old organization, but they were not called chiefs of divisions; they had specific designations then. But even if these three officers were so appointed, it does not constitute a reason for the appointment of ten, and it was bad policy in the beginning to have the three so appointed.

Mr. MORGAN. I take issue with the Senator from Iowa in regard to the policy of this bill as proposed by the committee. All of these chiefs of divisions have to deal with the 500,000 cases that the Commissioner speaks of in his report that has just been read at the desk, a great number of them cases of interference of every kind, which contain judicial questions, many of them of a very difficult character. There are now principal clerks at the head of these different divisions before whom records come that involve millions of dollars; many of them involve more than a million dollars and more than a thousand pages of manuscript records for investigation. They are merely appointees or servants of the Commissioner of the General Land Office. They have no independent standing in the Government; they have no personal responsibility except to the one eye which appoints and oversees them. I would like to dignify these positions, and I would like the Senate to have a word to say in respect to who shall fill these judicial stations, for they are judicial stations of more consequence, taking them separately, than so many judges of the district court of the United States. They have great cases to try; they have cases of great importance to try; and not only should they be rewarded sufficiently to get a high range of ability, but the gentlemen who preside in these divisions ought to have the distinction of being appointed by the President and confirmed by the Senate. Of course they will be selected practically by the Commissioner of the General Land Office or by the Secretary of the Interior; his recommendation will be quite sufficient to justify the President in the selection of men for these places; and in that respect the Commissioner of the General Land Office and the Secretary of the Interior will have full control over them. They will be removed by the President if they are not efficient and are so reported by these officers or if they are guilty of dereliction of duty, and other men will be put in their places.

Allow me to say that while I have perfect confidence in the Commissioner of the General Land Office, and I can say that also in respect to those who have preceded him as far as I know, we are confiding to him a very enormous power, and it is a power which he does not necessarily exercise under his own personal supervision, but through a sort of confidence that springs up between an employer and an employé. One of these gentlemen at the head of one of these divisions takes a case and has it prepared for decision and makes his ruling upon it. The Commissioner of the General Land Office and the Secretary of the Interior have no opportunity, have not time to investigate the case, and they must rely on the judgment of these subordinate officers. Now, what is one of them really? Here is responsibility thrown upon the Commissioner, we will say, without his having really the power to control the subordinate officer, for he has not time to revise his decisions. The responsibility in the case ought to rest upon the subordinate who makes the decision. There is the place to get a valid judicial ascertainment of the rights of the parties. There is the place from which these decisions virtually come. They come in fact from the heads of the different divisions; and while the Secretary of the Interior or the Commissioner of the General Land Office may be held responsible in a certain sense for these decisions, the truth is that the responsibility rests upon the subordinates. I would dignify these subordinate officers; I would throw the responsibility upon them; I would let them feel that they are officers of higher rank than they are now, and we should then get a better character of public service, I think, from them.

Mr. ALLISON. I should like to ask the Senator from Alabama if these places are not all filled now by thoroughly competent and worthy gentlemen?

Mr. MORGAN. I have no doubt of that.

Mr. ALLISON. Is it proposed to substitute others for the gentlemen who fill these places?

Mr. MORGAN. Certainly not by me; for what influence have I over the appointing power in the United States Government? Not the slightest.

Mr. ALLISON. I trust a very great deal. I know that the Senator ought to have great influence over such matters. But it seems to me that if these officers who are now in position and have grown up there and have shown themselves competent for the discharge of these duties are not to be changed in this particular case, there is no necessity for substituting a new mode of appointment.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. MORGAN. I was called to my feet by a question.

The PRESIDING OFFICER. But the Senator from Iowa having spoken once can only occupy the floor in the time of the Senator from Alabama.

Mr. ALLISON. I do not desire to occupy the floor.

Mr. MORGAN. If he asks me a question my answer is in his time.

Mr. ALLISON. I only want a vote on the amendment.

The PRESIDING OFFICER. The question is on concurring in all the amendments made in Committee of the Whole except the one reserved by the Senator from Iowa.

The amendments were concurred in.

The PRESIDING OFFICER. The reserved amendment will be read.

The CHIEF CLERK. At the end of section 3 the Senate, as in Committee of the Whole, added the following:

And the ten chiefs of divisions shall hereafter be appointed by the President, by and with the consent of the Senate.

The PRESIDING OFFICER. The question is on concurring in this amendment.

The amendment was concurred in.

Mr. VOORHEES. I would inquire of those who have charge of the bill and have given it more attention than I have whether it would be in order to offer an amendment increasing the clerical force of the Land Office in accordance with the wishes of the Commissioner of the General Land Office?

Mr. MORGAN. Of course it would be in order to offer an amendment of that kind, but it would lead to a protracted discussion, I dare say, and the Committee on Appropriations having always considered questions of the increase of clerical force, it is not one of those cases in which we must have a statute providing for so many clerks. The Committee on Appropriations have jurisdiction of that, and we did not want to invade their province, but allowed them to dispose of that matter as they thought best, all things considered.

Mr. VOORHEES. I desire to say that whenever that is in order I shall vote for a liberal increase of the clerical force of the Land Office. In my intercourse with that office I have found it greatly crippled by the want of proper assistance, and I know of no bureau of this Government that is so useful to the people and so badly equipped to perform its proper duties.

I will not detain the Senate with remarks which I might indulge in if the matter was properly before the Senate; but I hope when the Committee on Appropriations have a proper bill in charge this matter will not be overlooked.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. MORRILL. I notice that Senators having in charge the next two bills [Mr. HALE and Mr. HARRISON] are absent. I presume that they both desire to be present when they are considered. I therefore ask that they be passed over without prejudice.

The PRESIDING OFFICER. Is there objection to passing over without prejudice the next two bills, being the bill (S. 867) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862, and the bill (S. 207) to amend section 1190 of the Revised Statutes of the United States, relating to paymasters' clerks of the United States Army?

Mr. COCKRELL. Those bills can not be disposed of under the five-minute rule.

Mr. MORRILL. I ask to have them passed over.

Mr. COCKRELL. I have no objection to their being passed over and going on the other Calendar, so as not to remain on the five-minute Calendar.

Mr. MORRILL. Let them remain where they are for the present.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the two bills referred to be passed over informally without prejudice. Is there objection?

Mr. PLUMB. Will the effect of that be other or different than the effect of an objection to them?

The PRESIDING OFFICER. Entirely so. If the request of the Senator from Vermont is agreed to by the Senate, these bills hold their place at the head of the Calendar under Rule VIII. If objected to, they pass to the Calendar under Rule IX.

Mr. PLUMB. I shall be obliged to object to their remaining on the present Calendar.

Mr. MORRILL. The Senator can make the same objection when the Senators having them in charge are present, and therefore it would be more courteous to wait until they are present.

Mr. PLUMB. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none; and the bills are passed over without prejudice.

Mr. MORRILL. The next three bills have been reported adversely. I ask that they be pased over for the purpose of taking up a bill that I think no one will object to.

The PRESIDING OFFICER. Does the Senator object to the three bills referred to?

Mr. MORRILL. I do.

The PRESIDING OFFICER. Being objected to, the three bills are passed over, being Senate bills 971, 972, and 809. The next bill is Order of Business 215, being Senate bill 1459.

IMPROVEMENT OF THE COINAGE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1459) relating to the improvement of the coinage.

Mr. MORRILL. I desire to say that this bill as amended has received the unanimous approval of every member of the Committee on Finance. I ask that it be read as amended, as a large part of the bill was stricken out by the committee, and it only relates to the improvement of the coinage and nothing else.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Vermont that there are various amendments scattered through the body of the bill, and therefore it is better to read the bill as it was introduced and then the amendments.

Mr. MORRILL. Very well.

The PRESIDING OFFICER. The bill will be read.

Mr. MORRILL. I supposed we could get along with less reading by taking the amendments as the text of the bill.

Mr. ALLISON. Why read from section 3 forward when all those sections are struck out?

Mr. MORRILL. I ask that the amendments be taken as the text of the bill.

The PRESIDING OFFICER. If there be no objection that course will be taken, and the Chief Clerk will report the bill as amended.

The Chief Clerk read the bill as proposed to be amended by the Committee on Finance.

The PRESIDING OFFICER. The first question is on agreeing to the amendments reported by the Committee on Finance.

Mr. CONGER. I wish to ask whether the bill gives any discretion about the kind of coinage and the title of coins or anything of that kind?

Mr. MORRILL. None whatever. It provides for nothing except as to the character of the designs and improvement of the designs.

Mr. MILLER, of California. It speaks of the relative value of the minor coins.

Mr. CONGER. I should like to hear that read.

Mr. MILLER, of California. This commission is to decide in respect to the relative value of the minor coins.

Mr. MORRILL. No; it does not decide on anything. It only makes report to Congress.

Mr. CONGER. Does it give any authority to give new names to coins or new values?

Mr. MORRILL. Nothing of that kind. It only provides for a report to Congress.

The PRESIDING OFFICER. The first amendment will be read.

The amendments of the committee were read, which were, in section 1, line 4, after the word "five," to strike out "artists or;" in line 9, after the word "value," to insert "of the minor coins;" in line 13, after the word "thousand," to strike out "five hundred;" in the same line, after the word "any," to strike out "artist or;" in line 15, after the word "paid," to strike out "the" and to insert "a;" in the same line, after the word "sum," to strike out the word "of" and to insert "not exceeding;" and in line 17, after the word "adopted," to insert "to be determined by the Director of the Mint;" so as to make the section read:

That the Director of the Mint is hereby authorized and directed to employ, temporarily, five persons distinguished in departments of art or in knowledge of coinage and medals, to be approved by the Secretary of the Treasury, who shall investigate and examine the whole subject of our existing system of coinage, with a view to its improvement and greater perfection of execution as to metals, relative value of the minor coins, and also as to devices, legends, and inscriptions; and the artists or persons so employed shall each be paid out of the contingent fund provided for the support of the Mint the sum of $2,000; and any person whose designs for any coin shall be accepted and adopted as hereinafter provided for shall be paid a sum not exceeding $750 for each design so accepted and adopted, to be determined by the Director of the Mint.

The amendments were agreed to.

The next amendment was, in section 2, line 5, after the word "submitted," to strike out the words "by the artists or other persons as;" so that the section will read:

SEC. 2. That on or before the 1st day of December, 1884, the Secretary of the Treasury, the Secretary of State, and the Director of the Mint shall examine the work and designs, together with any explanations submitted mentioned in the preceding section, and shall transmit the same, accompanied by a report, to Congress, with such recommendations as they shall judge most expedient.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be read.

Mr. MORRILL. All the rest of the bill is stricken out.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. BAYARD. There are other amendments of a more important character. Sections 3, 4, and 5 are stricken out entirely and should be mentioned separately.

The PRESIDING OFFICER. The question then will be put on agreeing to the amendment striking out those sections.

Mr. BAYARD. I was following the Clerk in his reading, and I was not aware that the Senate had agreed to the amendment striking out the third, fourth, and fifth sections.

The PRESIDING OFFICER. The sections which the committee propose to strike out will be read.

The Chief Clerk read the third, fourth, and fifth sections, as follows:

SEC. 3. That when the report provided for in this act shall have been adopted by Congress the following provisions and regulations shall be observed and carried into effect:

First. All new coins shall be based on the metric system.

Second. All new fractional silver coins shall contain an amount of silver equal, in proportion to the nominal values respectively represented, to the standard silver dollar.

Third. In lieu of the 5-cent and 3-cent nickel coins a new 6-cent silver coin shall be coined.

Fourth. In lieu of any coins made chiefly or in part of copper a new 1-cent coin of pure nickel shall be coined.

SEC. 4. That whenever the new coinage of silver shall be authorized under the provisions of this act the fractional silver in the Treasury shall be used for the new silver coinage, and the amount so used shall be in lieu of an equal amount of silver required to be purchased monthly under existing laws for the coinage of the standard silver dollar; and any new silver coins shall be exchangeable at par at the mints, at the discretion of the superintendent, for any other silver coins heretofore authorized by law.

SEC. 5. That at the expiration of each fiscal year the Director of the Mint shall cause an examination to be made of all the medals executed at the Mint in Philadelphia; and the sum of $1,000 shall be paid, out of the contingent fund for the support of the Mint, to the engraver whose workmanship shall appear to have distinguished merit.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Finance to strike out these sections.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CONGER. I want to be very positive that this does not leave in the bill any authority to change the character or value or mode of our coinage. I do not see any place where it can be, unless it is that clause which authorizes the Director of the Mint to do certain things.

Mr. MORRILL. This is only intended to give the opportunity to the department to make some improvement in the character of our coinage. It is at the present time almost, I might say, disgraceful. We have hardly paid any attention to the style or skill or scientific beauty of our coinage from the foundation of the Government. While other governments are at large expense and sending out commissions to travel over the whole world to examine the different mints and the processes and the designs, we have done nothing of that sort. I assure the Senator from Michigan that there is nothing more in the bill, and whatever the commission do is to be reported to Congress for its action after it has been done.

Mr. CONGER. I know; but this bill started with a proposition to take the French system, the metric system, and I was a little afraid there might be something left that would lean a little that way in the bill, and, if so, I wanted to have it go over for further examination.

Mr. MORRILL. That is all out.

Mr. CONGER. I take the statement of the Senator from Vermont on that subject.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. KINGSBURY.

The bill (S. 1140) for the relief of Lieut. George W. Kingsbury was announced as next in order on the Calendar.

Mr. ALLISON. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

CHARLES C. HILL.

The bill (S. 875) for the relief of Charles C. Hill, of Urbana, Ohio, was announced as next in order on the Calendar.

Mr. SEWELL. The bill was reported adversely, and placed on the Calendar at the request of the Senator from Ohio who is absent from the Chamber [Mr. SHERMAN]. I ask that it go over without prejudice.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent that this bill be passed over without prejudice. Is there objection? The Chair hears none.

CAMP DOUGLAS RESERVATION.

The bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah, was announced as next in order.

Mr. WILSON. I object to the consideration of that bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

O. L. COCHRAN.

The bill (S. 1481) for the relief of O. L. Cochran, late postmaster at Houston, Tex., was considered as in Committee of the Whole. It provides for the payment of $422.85, collected from him by the Post-Office Department on the 26th of November, 1867, and which amount is in excess of what he was indebted to the Department.

Mr. CONGER. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. MAXEY. Will the Senator from Michigan let the report, which is very short, be read, and I think he will find his objection answered by the report. If the report is read I think he will be perfectly satisfied.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw the objection?

Mr. CONGER. I am willing to let the bill go over without prejudice and hold its place.

Mr. MAXEY. Let the report be read; I think it will be conclusive.

Mr. CONGER. Very well; let it be read.

The PRESIDING OFFICER. The objection is withdrawn; the report will be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY February 13, 1884:

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 1481) for the relief of O. L. Cochran, late postmaster at Houston, Tex., respectfully submits the following report:

A bill identical with that before the Senate has been reported to the House, to wit, H. R. 1566. The report of the House embodies the report on the case of the Auditor for the Treasury Department, which is conclusive of the case. Said report of the House hereby adopted is as follows:

"This claim is based upon the following facts: O. L. Cochran was postmaster at Houston, Tex., in the year 1861. His account with the Government was settled in 1867, when he was found indebted to the United States in the sum of $568.71, which he paid under protest that he was not indebted.

"In this settlement he did not receive any compensation for his services as postmaster at Houston for the months of April and May, 1861, for the reason that if his returns had been rendered they were never received by the Auditor's Office or by the Post-Office Department for the months named.

"Subsequent to this payment, under protest, Cochran submitted a duplicate return as postmaster for the months of April and May, 1861, which would have reduced his indebtedness in the settlement made in 1867 from $568.71 to $145.86, showing an overpayment made by him of $422.85, which is now justly due him.

"All this is certified by the Auditor of the Treasury for the Post-Office Department.

"Your committee therefore recommend the passage of the bill."

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OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
*Washington, D. C., January 30, 1884.*

SIR: In answer to your inquiry for the facts in the case of Owen L. Cochran, who was a postmaster at Houston, Tex., I have the honor to submit the following statement:

A settlement was made in this office of Mr. Cochran's account in the year 1867, when he was found indebted to the United States in the sum of $568.71, which he paid under protest that he was not indebted.

In the above settlement Mr. Cochran did not receive any compensation for his services as postmaster at Houston for the months of April and May, 1861, for the reason that if the returns had been rendered they were never received by the Auditor's Office or by the Post-Office Department for the months named.

Subsequent to this payment under protest Mr. Cochran submitted a duplicate return as postmaster for the months of April and May, 1861, which would have reduced his indebtedness in the settlement made in 1867 from $568.71 to $145.86, showing an overpayment made by him of $422.85, and the sum of $422.85 is justly due to Mr. Cochran.

Respectfully,

J. H. ELA, *Auditor.*

Hon. CHARLES STEWART, *House of Representatives.*

Wherefore the committee reports S. 1481 without amendment, and recommends that the same do pass.

Mr. CONGER. This is one of those cases where the postmaster in the year 1861, being in a State which at that time became in rebellion, under the orders of the postmaster-general of the confederacy, retained all the property and money in his hands and did not make report thereof to (and that was the reason why the report was not received by) the Postmaster-General of the United States. I should want more proof that this postmaster settled with the Government, carried on the business of his office, and did not pay over to the postmaster-general of the Confederate States the money and stamps and property in his hands at that time. That is the reason I desire that the case shall go over until I can find when the order of the confederate postmaster-general was made to pay over this money and the time from which this officer must have made his reports to the postmaster-general of the Confederate States.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. MAXEY. I wish to make a single remark in reply to the Senator from Michigan.

The PRESIDING OFFICER. If there be no objection, the Senator from Texas will be indulged.

Mr. MAXEY. I wish to say that the Auditor for the Post-Office Department states, under date of January 30, 1884, that the sum of $422.85 is justly due to Mr. Cochran, and I presume he knew what he was saying.

The PRESIDING OFFICER. The Secretary will report the unfinished business by title.

OHIO MUSTER-ROLLS.

Mr. COCKRELL. I rise to a privileged question. Yesterday the Senate passed a joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio. I desire to enter a motion to reconsider, which is available under the rules, and I also accompany that with a motion for a request to the House of Representatives to return the joint resolution to the Senate.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. COCKRELL. The latter motion that I make, to request the return of the bill to the Senate, is to be disposed of immediately under the rule. I hope it will be agreed to.

The PRESIDING OFFICER. Will the Senate agree to the motion of the Senator from Missouri that the Senate request the House to return the bill referred to?

The motion was agreed to.

JOHN G. ROSE.

Mr. MCPHERSON. On Friday, the 28th of March, the bill (S. 717) for the relief of John G. Rose was postponed indefinitely in my absence from the Senate. It had been reported adversely, but at my request it was placed on the Calendar. I ask unanimous consent for a reconsideration of the bill, with a view to again placing it on the Calendar.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill will be again placed on the Calendar with the adverse report of the committee.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

Mr. GEORGE. Mr. President, I feel very deeply and very profoundly the gravity and importance of the measure now before the Senate. I know of no measure likely to engage the attention of this Congress which has so much in it of weal and of benefit to the people whom I represent in part upon this floor, and also to the people of the United States.

We are met, those of us who advocate the bill, by two very serious objections, one urged by the Senator from Texas who sits before me [Mr. COKE], who denies our power to pass the bill, and the other urged by his colleague [Mr. MAXEY] as well as by himself, that the passage of it, if constitutional, would be fraught with the greatest dangers, the greatest evil, to the people whom I represent.

I have gravely considered this question. I have looked at it with reference to the power of Congress to pass the measure, and also with reference to its effect upon the people, not only of Mississippi, but of the United States. I am satisfied that whatever might have been the original and proper interpretation of the Constitution of the United States upon this subject, now there can be no valid objection to the exercise of the power which we assume. I feel also satisfied that the injuries and the dangers predicted by the two Senators from Texas will not result from the passage of this measure, but, on the other hand, the greatest benefits in the elevation and advancement not only of the colored people of the South who so much need it, but also of the unlettered portion of the white population of that section and throughout the Union.

The Senator who sits before me [Mr. COKE] has assailed the position in my argument which I first delivered to the Senate upon this subject, and with so much of personal application to myself, that I feel I am bound to restate it, as he misunderstood it, and to re-enforce the position which I then assumed.

In that argument I admitted that as an original question I would be inclined to adopt the view of Mr. Madison, which would confine the appropriating power of Congress to the specific objects enumerated in other and subsequent clauses of the Constitution than the first, but I stated that the practice of this Government from its earliest day to the present time had been in opposition to that view, and I felt bound to acquiesce in that settlement of the question. I stated that distinctly as my position; yet the Senator does not assail my position by denying that acquiescence in an acknowledged power of the Government for a long period of time by the people and the exercise of that power for a long period of time by the Congress was a sufficient reason for adopting the constitutional construction thus settled. In all his argument he did not allude to that. He assumed that at a hundred years very nearly from the adoption of the Constitution it lies within the breast and conscience of each Senator to put what construction he pleases upon that instrument, regardless of the practice of those who have preceded us in the administration of the Government.

I also stated that I had adopted the views of President Monroe upon this subject. The Senator denies that I have adopted those views. He insists that Mr. Monroe took an entirely different view of this question from the one maintained by me.

Now, let me state the question before I read the authorities to show that I am right upon this subject. My position is that the words to "provide for the common defense and general welfare of the United States," in the first clause of the granted powers of the Constitution, do not confer an independent and substantive power, but that they do confer or recognize a power of appropriation beyond and outside of the limits of the subsequently enumerated powers. Remember that I do not say they confer or recognize a power of appropriation beyond the enumerated powers of the Constitution, but only beyond those powers which are subsequently enumerated, because the power to lay and collect taxes and to appropriate money for the common defense and general welfare of the United States is an enumerated power in the Constitution.

My position is, as Mr. Monroe's was and as has been the practice of the Government, namely, that while discarding the idea that "to provide for the common defense and general welfare of the United States" conferred a substantive and independent and distinct power, which if true would have made all the subsequent enumerations of power in the Constitution utterly useless, yet that the power to appropriate money might be applied to objects outside of the subsequently enumerated powers, provided only they were for the common defense and general welfare of the United States.

Let me state the position again, because I do not wish to be misunderstood. I deny that the words "to provide for the common defense and general welfare of the United States" give a substantive, distinct, and independent power to the Congress of the United States; but I do say that they are a qualification and limitation upon the otherwise unrestricted power of appropriation and taxation conferred by the taxing clause of the Constitution, so as to authorize the appropriation of money to any purpose of a national and general character, not merely local and private, which the Congress might deem essential to the general welfare and common defense of the people of the United States, and that it conferred or recognized no further power.

Let us see if I have misunderstood Mr. Monroe upon this subject. Let us see whether I have not other authorities as high if not higher than Mr. Monroe himself to sustain me. I quote first the language of him who is regarded as the father of State rights in American politics, no less a person than Mr. Jefferson himself. In an official opinion, when he was a member of General Washington's Cabinet, given to guide the President's official action, he used this language:

To lay taxes to provide for the general welfare of the United States is to lay taxes for the purpose of providing for the general welfare.

If taxes can be laid for the purpose of providing for the general welfare, why may they not be expended for that purpose? Does it help the general welfare to gather money into the Treasury to lock it up under a construction of the Constitution which makes Congress powerful enough to collect the money yet impotent to disburse it? I read further from Mr. Jefferson:

For the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare—

"In like manner"—I repeat the quotation—"they are not to do anything they please to provide for the general welfare," as contended by the Senator from Texas—

But only to lay taxes for that purpose.

The language which I have quoted from Mr. Jefferson shows that the distinction which Mr. Monroe took was correct, and that the one which I insisted upon in my first argument upon this subject is also correct, that there is a power granted in the Constitution to levy taxes and to appropriate money for the general welfare, without conceding as an inseparable incident to that power, as contended for by the Senator from Texas, another, a distinct, substantive, and independent power to control the object for which the appropriation is made.

I will read further from Mr. Jefferson. I have almost quoted his words in what I have just said. After saying that to provide for the general welfare does not authorize the Congress to do anything else but to lay taxes for that purpose and pay it out, he proceeds:

To consider the latter phrase—

That is, to provide for the general welfare—

not as describing the purpose of the first—

Which is to levy taxes—

but as giving a distinct and independent power to do any act they please which might be for the good of the Union would render all the preceding and subsequent enumerations of power completely useless.

That is the very position which I announced in my first speech upon this bill. I repudiated the idea that a substantive and independent power could be got from these words expressly upon the ground stated by Mr. Jefferson; that to concede that would be to wipe out all the balance of the Constitution and leave Congress an unlimited power, exactly the same power which the Senator who sits before me conceives that it has with reference to the land of the United States. These are Mr. Jefferson's views.

Now let us see what were in fact Mr. Monroe's views. I have not only Mr. Monroe's words here, about which there can be no mistake, but I have the construction put upon them by Judge Story, and a similar construction was put upon them by the great author of modern Democracy, Andrew Jackson himself.

Mr. Monroe says, referring to this same grant of power to lay taxes "to pay the debts and provide for the common defense and general welfare of the United States," and referring to the latter part of that grant—I quote from first Story on the Constitution, section 980:

SEC. 980. That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations.

Then he goes on to argue at length, and Judge Story, in a note to this same section, says:

There is no doubt that President Washington fully concurred in this opinion, as his repeated recommendations to Congress of objects of this sort, especially of the encouragement of manufactures, of learning—

It seems that General Washington recommended to the consideration of Congress the encouragement of learning under the taxing power of the Constitution or the appropriating power of the Constitution—

of a university, of new inventions, of agriculture, of commerce and navigation, of a military academy, abundantly prove.

I proceed further to read from Mr. Monroe. I admit that this is dreary reading; I admit that I am consuming to a very large extent the time of the Senate in reading at length this authority; but I read none of it in my first argument, and the Senator who replied to it has selected certain phrases disconnected from the context, and he claims for them that they have a meaning different from that which Mr. Monroe expressed fully and freely in this message.

In the next place, because, if the clause in question—

That is the taxing clause—

is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent—

Just as Mr. Jefferson said—

that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested.

That is the construction which I repudiate. That is the construction which the Senator from Texas says is the inevitable and logical necessity if we were to make the appropriation proposed in this bill.

A power to provide for the common defense would give to Congress the command of the whole force, &c.

Then, in section 981, in further argument of this question, he uses this language:

But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States.

The power to appropriate money can not act, says Mr. Monroe, upon the people of the States or upon the States themselves in the sense of taking power from them; yet the Senator from Texas [Mr. COKE] argued with great force that the two powers were inseparable; that they could not be divorced.

Again, turning to section 985 of Story on the Constitution, I find these words, being still the language of President Monroe:

SEC. 985. It is contended on the one side that, as the National Government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers—

Exactly the position which the Senator from Texas takes—

that this grant, in neither of its branches, gives to Congress a discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants.

That is the exact position taken by the Senator from Texas before me [Mr. COKE] and the Senator from Delaware [Mr. SAULSBURY] who addressed the Senate yesterday evening. But what does Mr. Monroe say:

To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

Sir, I took the exact position he did when I said that the inclination of my mind, if it was a new question, was to deny the power, but I was obliged to change because the practice of the Government had been to the contrary. But Mr. Monroe did not place his change alone upon the practice of the Government. He goes on to argue at great length and with great force to show that his first position was unsustainable. Let it be remembered here, and not be forgotten, that when this message was written Mr. Calhoun, the great author of Southern States' rights, was a member of Mr. Monroe's Cabinet, and it is to be presumed that he must have consented to so important a document as this.

In respect to the construction put upon this clause by the Senator from Texas says Mr. Monroe: "I was inclined to in the more early stages of our Government, but on further reflection and observation my mind has undergone a change for reasons which I will frankly unfold." I will read some of those reasons, though I am not bound from the position which I took in the first instance to defend that construction of the Constitution except upon the idea that it has been acquiesced in for so long a time that we are not at liberty to disregard it; but it is well to know that it is the construction assumed by Mr. Jefferson, General Washington, Mr. Monroe, and every other President to the time of General Jackson, including him, and that they had reasons, and good and plausible reasons, for the ground upon which they stood. Says Mr. Monroe, section 986 of Story on the Constitution:

SEC. 986. The grant consists, as heretofore observed, of a twofold power: the first to raise and the second to appropriate the public money; and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post-offices and post-roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents—

The very position which I announced in my speech.

If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it.

Again, he says, in the same section:

The power to raise money by taxes, duties, imposts, and excises is alike unqualified; nor do I see any check on the exercise of it other than that which applies to the other powers above recited, the responsibility of the representative to his constituents.

Again, in section 987, Mr. Monroe proceeds:

If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to "pay the debts and provide for the common defense and general welfare" could not have been used. So intimately connected with and dependent on each other are these two branches of power, that had either been limited the limitation would have had a like effect on the other. Had the power to raise money been conditional or restricted to special purposes—

As contended for by the Senator from Texas who sits before me [Mr. COKE]—

the appropriation must have corresponded with it; for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred—

Says Mr. Monroe—

that these restraints or checks—

Which the Senator from Texas says exist in the Constitution—

have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

In section 988, in speaking of these same two powers, the power to levy taxes and the power to appropriate money, Mr. Monroe says:

SEC. 988. It was evidently impossible to have subjected this grant in either branch—

Either as to the raising of the money or the appropriation of the money—

to such restriction—

The restriction contended for by the Senator from Texas—

without exposing the Government to very serious embarrassment. How carry it into effect?

Says he:

If the grant had been made in any degree dependent upon the States the Government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished.

* * * * * * * *

Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants—

The very position taken by the Senator from Texas—

such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government, and often on its most important measures.

So Mr. Monroe says that the construction contended for by my friend from Texas, if adopted, could but have the most injurious effect upon the vital principles of the Government, and often on its most important measures.

Mr. Monroe continues:

Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times, those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that, if the right of appropriation be confined to that limit—

That is the limit of the other specific grants of power in the Constitution—

measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made; and, from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

Mr. Monroe's position is that putting this construction—the one which I contend for and which is denied by the Senator from Texas—upon that clause in the Constitution has the effect not as insisted upon by the Senator from Texas to expand the powers of the Government, but quite a contrary effect, for if that construction, the construction contended for by the Senator from Texas, be adopted, argues Mr. Monroe, then it would result that when an appropriation is manifestly needed for some particular purpose, when the public necessity demands it, and the common defense and the general welfare impel every man to vote for it and can not look for a power under these terms to make the grant, Congress will resort to some other power, and in construing that power enlarge it unduly beyond the terms of the Constitution.

So the construction contended for by Mr. Monroe is not one of enlarging the powers of Congress, but quite the contrary. He proceeds further in section 989:

Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words "to provide for the common defense and general welfare" have a definite, safe, and useful meaning. The idea of their forming an original grant with unlimited power, superseding every other grant, is abandoned.

And that is exactly my position.

They will be considered simply as conveying a right of appropriation—

Not the right, as contended for by the Senator from Texas, of jurisdiction and control, but simply and solely the right of appropriation—

a right—

Says Mr. Monroe—

a right indispensable to that of raising a revenue and necessary to expendi-

tures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished, and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that, to whatever extent any specific power may be carried, the right of jurisdiction goes with it, pursuing it through all its incidents.

That is true, he says, with reference to the specific grants in the Constitution, but he denies it with reference to this:

The very important agency which this grant has in carrying into effect every other grant is a strong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only.

I am nearly through reading from Mr. Monroe, but it is important. As the Senator from Texas asserted that I had no just authority for stating Mr. Monroe was in favor of the view which I advocated, it seemed it was demanded of me to make this proof complete and irresistible.

If then—

Says he—

the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants, according to a strict construction of their powers respectively, is there no limitation to it?

The Senator from Texas says there is none; he says that unless the limitation is found in the other specific grants of the Constitution the right of appropriation of money out of the Treasury, like his new-fangled idea of the autocratic power of Congress over the public domain and other property belonging to the Union, is absolutely unrestrained and unlimited. Now, let us see what Mr. Monroe says on that subject:

Have Congress a right to raise and appropriate the public money to any and to every purpose, according to their will and pleasure? They certainly have not. The Government of the United States is a limited government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted, and confine itself to those purposes. A State government will rarely—

He does not say, like the Senator from Texas, it can not, but it will rarely exercise an admitted and conceded power of the State to apply money to national purposes—

if ever apply money to national purposes without making it a charge to the nation. The people of the State would not permit it.

He does not say a State can not do it, but that it will not do it from motives of self-interest. It will not tax its own people for national purposes, and so he says:

Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local—

Not that it has not the power to do it, as contended for by the Senator, but that having the power it will not be apt to exercise it for mere local purposes—

in which the nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt.

That is his limitation on that power, the responsibility of the representative to his constituents. Will the Senator say that this object of education, considering the condition of many of the States, especially in that section of the Union in which he and I reside, is a mere local measure, not connected with the general welfare of the whole Union, and of every man, woman, and child in it? I suppose he will not say that.

Now I come to the last quotation which I shall make from Mr. Monroe; and that is in regard to the practice of the Government, the ground on which I place my acquiescence in this construction of the power:

SEC. 991. In regard to the practice of the Government, it has been entirely in conformity to the principles here laid down. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution.

That was the fact from Washington down to the days of Monroe, asserted by him, and asserted with the acts named, and page and book referred to by the Senator from Arkansas [Mr. GARLAND], and which the Senator from Texas saw proper entirely to overlook in the speech which he made on this subject.

Appropriations—

Says Mr. Monroe—

have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in their broad or their narrow sense—

No latitude of construction, says Mr. Monroe, has been sufficient to cover the appropriations made by Congress—

and in an especial manner appropriations have been made to aid internal improvements of various sorts, in our roads, our navigation, our streams, and other objects of a national character and importance. In some cases, not silently but upon discussion, Congress have gone the length of making appropriations to aid destitute foreigners and cities laboring under severe calamities—

Will the Senator from Texas point out among the specific grants of the Constitution the one under which appropriations of that sort can be made?

as in the relief of the St. Domingo refugees in 1794—

I believe George Washington was President in 1794 and he signed the bill, and if I err I happen to be in the best company in the world, with George Washington and his Secretary of State, Jefferson, and with Mr. Monroe, and, as I will show, with that other great leader of the Democracy, Andrew Jackson. He gives instances as follows:

As in the relief of the St. Domingo refugees in 1794, and the citizens of Venezuela, who suffered from an earthquake in 1812. An illustration equally forcible of a domestic character is in the bounty given in the cod-fisheries, which was strenuously resisted on constitutional grounds in 1792—

I believe Washington was President then—

but which still maintains its place in the statute-book of the United States.

As Washington said by his approval of that bill, and as our predecessors and we ourselves, by allowing the act to remain on the statute-book, assert that we may pay bounties to cod-fisheries. Then can we not make an appropriation to aid the States in removing from their limits ignorance and its consequent vice? I will read now from a note by Judge Story to this last quotation; and I have a right to refer to it, because the Senator alluded to him in his speech as a great constitutional lawyer, and he was. He was appointed, I believe, on the bench by President Jefferson. Says Judge Story, in a note:

It would be impracticable to enumerate all these various objects of appropriation in detail. Many of them will be found enumerated in President Monroe's exposition of 4th of May, 1822, pages 41 to 45. The annual appropriation acts speak a very strong language on this subject. Every President of the United States except President Madison seems to have acted upon the same doctrine. President Jefferson can hardly be deemed an exception. In his early opinion, already quoted (4 Jefferson's Corresp., 524), he manifestly maintained it. In his message to Congress (2d December, 1806, Wait's State Papers, 457, 458), he seems to have denied it. In signing the bill for the Cumberland road, on the 29th March, 1806 (acts of 1806, chapter 19), he certainly gave it a partial sanction, as well as upon other occasions. See Mr. Monroe's exposition on 4th May, 1822, page 41. But see 4 Jefferson's Corresp., 457, where Mr. Jefferson adopts an opposite reasoning. President Jackson has adopted it with manifest reluctance; but he considers it as firmly established by the practice of the Government. See his veto message on the Maysville road bill (27th May, 1830, 4 Elliott's Deb., 333 to 335).

I adopt it with manifest reluctance; but the reluctance shows the power of the circumstances which force the construction upon the action and mind of the party. I have not Jackson's message here, as my friend from Georgia [Mr. BROWN] has, and I should be glad if he would here read to the Senate the expressions of Andrew Jackson upon this subject.

Mr. BROWN. Mr. President, I propose to read, as requested by the Senator from Mississippi, from the Maysville road bill veto of General Jackson, remarking that that veto was mainly on two grounds, one that the road was strictly local, starting from a point on the Ohio River and running forty or fifty miles in the interior in the same State; the other, that the condition of the Treasury did not justify the appropriation until the payment of the public debt. On the questions connected with the argument of the Senator from Mississippi I will read from General Jackson's veto message, as follows:

The ground taken at an early period of the Government was that whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made. The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse and for its conservative effect upon some of the most valuable principles of the Constitution. The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the general objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind may be better understood.

In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation which in the consideration that led to their adoption and in their effects upon the public mind, have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana and to the original appropriation for the construction of the Cumberland road, the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the confederacy, expressed through their respective Legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must, nevertheless, be admitted that so far as the mere appropriation of money is concerned they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the Constitution, appropriating upward of two millions and a half of dollars out of the national Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement.

The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money, except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them; but that on further reflection and observation his mind had undergone a change; that his opinion then was "that Congress have an unlimited power to raise

money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general not local, national, not State benefit;" and this was avowed to be the governing principle through the residue of his administration. The views of the last administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it in relation to internal improvements, was fully recognized and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1793, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication, and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers. For although it is the duty of all to look to that sacred instrument instead of the statute-book, to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

Mr. GEORGE. Mr. President, I am very much obliged to the Senator from Georgia for reading these extracts from the message of General Jackson. It will be seen that General Jackson adds to the force of the position upon which I rested my acquiescence in this construction the duty of Congress and the President to acquiesce in the settled construction of the Constitution. He says, different from my friend from Texas who sits before me and from the Senator from Delaware who spoke yesterday, that we can not set up our individual and private opinions against a settled construction of the Constitution placed on it by Congress after Congress and by every department of the Government. He also states the opinion of Mr. Monroe as developed in the document I have read and illustrated in actual practice by his administration.

Now, sir, I have made good my first position that there was power under the grants in the Federal Constitution to Congress to make the appropriation proposed in this bill. I have made it good by the opinion of Jefferson and of Monroe and of Washington and by the practice of every Congress from the beginning down to the present time, and I have shown, too, by the message of General Jackson that when such construction has been put upon the powers of Congress we are not at liberty to deny it. The Senator from Texas, notwithstanding that was the basis on which my first argument was made, never condescended to allude to that position. He did not think it worthy of his notice, notwithstanding it had the sanction of General Jackson, and very well he might think so, because the answer could not be found. Even his great abilities are unequal to the task.

I call his attention and I call the attention of the Senate and of the country to the other instances of the exercise of this power specified by the Senator from Arkansas. Here was a gift made since I have been in the Senate, passed unanimously, I suppose by the vote of the Senator who sits before me, giving $500,000 to the sufferers from the overflow of the Mississippi Valley in 1882. Where did the Senator get the power to do that unless he got it under the clause to which I have alluded? And during the present session of Congress we have passed a similar resolution giving $500,000 to the sufferers from the overflow in the Ohio River. That was passed unanimously, voted for of course by every Senator, including the Senator from Texas; and if that can be done, under what power can it be done except under the one to which I have alluded? There certainly is no authority for these appropriations in any other grant of power to Congress.

The Senator said—that was his position—that Congress could not appropriate money raised by taxation for the purposes of education. I challenged him to the proof of that position. He met the challenge, and this is the way he proved it: His first proof is a definition of taxes by Cooley, whom he describes as a great constitutional lawyer; and what is in that definition which excludes the power of Congress to make this appropriation? I read:

> Taxes are defined as being the enforced proportional contribution of persons and property, levied by the authority of the state for the support of the government—

That is not all—

> and for all public needs.

Who is to decide what is a "public need?" The courts can not decide it. Will the Senator say that the education of the people is not a public need? If so, he denies the power of every State in the Union to levy a tax for that purpose, because the very book from which he reads is not a disquisition upon the powers of Federal taxation, but upon the powers of taxation generally in the States as well as in the Federal Government; and if the "public need" does not include education, then there is no power in any State of the Union to levy a tax for educational purposes. And yet when the Senator read that he considered that he had made great progress in the way of proving the unconstitutionality of this bill.

The next proof which the Senator made is found on page 9 of Cooley on Taxation:

> All these maxims assume that taxation is laid for the purpose of obtaining a revenue. Within the definitions given the burden would not be taxation if revenue were not the purpose.

Is this bill a bill for the purpose of raising taxes? Does the Senator from Texas urge that there is any provision in this bill which affects taxation and which raises revenue? Or does he contend that revenue means only money which can be used by the Government for the purpose of carrying out its specific powers? If he insists upon the latter as being the true rule, then I ask him where is his authority for such a position? Revenue does not define any purpose for which it shall be applied. It means simply the money which has been gathered or may be gathered into the Federal Treasury not only by taxation but by any other means by which it may be in the power of the Government to raise money. It may be raised from tolls; it may be raised from royalties on the mines; it may be raised from the Post-Office Department; it may be raised from the sale of land; and yet the Senator read gravely to the Senate yesterday that taxation must be for revenue, as a proof that we have no power to pass this bill, which simply provides for an appropriation of revenue. He either made no progress with his argument or he meant that the term "revenue" could only be applied to such portion of the money that might be raised as might be, ought to be, applied, as he contended, to the legitimate purposes of the Government. But money raised and in the Treasury is revenue, whether it be appropriated to one purpose or another; it is revenue even if it be stolen.

Then we go a little further. Let us see what his next proposition is; and, by the way, his great constitutional lawyer on the very next page says that taxes may be laid for some other purpose besides revenue, for the purpose of protecting industry. Of course I do not agree with him on that subject, nor does the Senator; but I mention that simply to show that the great constitutional authority which he brings here is somewhat mistaken in judgment, at least when tested by the Senator's opinions and by mine. The next authority which he read was from the same author. He read a long extract which is copied in his speech this morning, but he stopped just before he got to a clause which qualified and took back all that the author had said when applied to Federal taxation. This is what the author says after the quotation read by the Senator from Texas:

> This is the general rule; some apparent exceptions there unquestionably are, where the nation and the State have common interests and a common duty, such as may require the action of both—

Has not the State and the nation a common interest in removing illiteracy from among the people?—

> and would justify the levy of a tax by either or both to accomplish the one object. An illustration would be the case of a tax for the common defense against the public enemies, which might be levied by each, because the purpose would in a strict sense be public as to both.

How does the clause of the Constitution under consideration read? It reads:

> To pay the debts and provide for the common defense and general welfare of the United States.

"Common defense" and "general welfare" being in the same clause, how can the Senator say that the Federal Government may aid the States in common defense and yet may not do so in the general welfare? They have been indissolubly joined together by the framers of the Constitution, and no man can divorce them. So, if the Federal Government may aid the States in their common defense, it may aid them in that which pertains to the general welfare.

Mr. COKE. If the Senator will allow me, because it is the duty of the General Government to defend the States against invasion. If an enemy should invade a State, does the Senator say that the General Government must wait until called upon before it could move against the invader? I do not understand it that way.

Mr. GEORGE. The gentleman says the difference arises in the difference in the duty. Would it not be the duty of the Federal Government just as well under this same clause of the Constitution, because no more power is conferred in reference to one than the other, to aid the State in reference to a measure for the general welfare of the people of the United States?

The words "common defense and general welfare" run all through the Constitution, and when they are not written they are implied. The very object of forming the Constitution, as recited in the preamble, was to provide for the common defense and promote the general welfare of the United States. Will the Senator say that where a specific power has been given under the Constitution to provide for the general welfare Congress may not exercise it, and yet it may exercise it when applied to the common defense? There is no authority for the distinction. I read the words "general welfare" as implied throughout the Constitution as a limitation upon all the powers granted by it. I say they are to be read everywhere in the Constitution as a limitation upon every power granted by the Constitution to Congress, just like they are inserted in reference to the first power, now more particularly in controversy—the power to collect taxes and appropriate them.

The Constitution gives Congress the power "to borrow money on the credit of the United States." Where is the limitation upon that power unless it be that the borrowing shall be "to pay the debts and provide for the common defense and general welfare of the United States?" Does the Senator from Texas insist that there is an unlimited power

to borrow money like there is an unlimited power, according to his views, to dispose of the land and other property of the United States?

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

How must that power be exercised? According to the caprice of Congress, according to the wish and interests of any particular man, or shall it be exercised strictly in accordance with the provision inserted in the first clause, with a view to "the common defense and general welfare of the United States?"

So with naturalization; that must be done in the same way. Congress can not pass any naturalization law properly to aid any political party or to put down any political party or for the private end of any person in the United States. The power must be exercised as all other powers are, including (as I shall show before I get through) the power to dispose of the public domain for "the common defense and general welfare of the United States."

So with the grants of power "to establish post-offices and post-roads," "to coin money," "to provide for the punishment of counterfeiting," and "to constitute tribunals inferior to the Supreme Court." Are not these limited by the provision or the understanding or the implication that what they authorize must be done in accordance with and in subservience to the general welfare of the people of the United States? If not, Congress may establish a Federal court in every county in the United States, and put a judge there on a salary of $5,000 a year, and a marshal and a clerk, all paid for by taxation out of the people of the United States. There is no other limit upon this power except the judgment and discretion of Congress to exercise it only for the general welfare of the people of the United States.

So with reference to the power "to provide and maintain a navy," "to declare war," and "to raise and support armies." Has Congress an unlimited power in these respects? May it cover every sea with ironclads at an expense of billions of dollars to the people of the United States at its will? May it raise an army of 100,000 or 200,000 men, as is raised in Europe in times of peace? May it do these things? No, sir; the same limitation is implied upon the power of Congress in these respects as is implied in the first clause. Congress must act alone for the general welfare.

Not only is every power of Congress restricted in that way, but every power of the Executive. It is true he has the unlimited, the unrestricted power, if you will, of nominating whom he pleases to office, but the Constitution implies that in making his selections he shall select men whose services will be for the general welfare of the people of the United States. He has no right to select an officer upon any other ground. He has no right to select an officer because he is his friend, because he likes him, because he belongs simply to his own political party. It is true there is nothing in the Constitution which gives us a remedy against such an unworthy exercise of power. It is like the power defined by Mr. Monroe. Its limit is in the responsibility of the Executive to the people of the United States. This runs all the way through the Constitution.

If the Senator has established the proposition that the public lands can not be disposed of (and I will come to that directly) without reference to the general welfare of the United States, he has succeeded in establishing with reference to that something which does not exist with reference to any other power which is granted.

Then the Senator read from another authority, from Cooley. Here is what Judge Cooley says:

It is the first requisite of lawful taxation that the purpose for which it is laid shall be a public purpose.

I admit that; nobody who votes for this bill denies that. Will the Senator say that it is not a public purpose to educate the illiterate people of the States? If he does, as I before remarked with reference to another position which he took, the States themselves can not levy the tax, because the necessity for a public purpose is just as great in State taxation as it is in Federal taxation. On page 72, the page from which the Senator read, there are some other considerations on that subject which the Senator has not read and which I desire to read. Judge Cooley says:

A municipal government is one of delegated and limited powers, whose authority is generally to receive a somewhat strict construction, and which must find the purposes for which it may tax clearly confided to its charge by the State. It is not sufficient that a purpose may seem to belong properly to its jurisdiction, or that the court may believe it ought to have had authority over it, but it must be seen that the authority has been conferred in fact. It is otherwise with the State, which has all the power of taxation not withheld from exercise in the making of the State and Federal Constitutions and in support of whose action consequently the most liberal intendments are to be made. It is otherwise with the Federal Union also, for though its powers are not general like those of the State, but are limited and defined by the Federal Constitution, yet as they concern the most important matters of government and relate to subjects not of domestic concern merely but of international intercourse and to other matters which sometimes call for broad and comprehensive views and make a policy of liberal expenditures wise and statesmanlike, it would be neither reasonable nor prudent to subject its action in the matter of taxation to critical rules. That which it decides to be an object of public expenditure must generally be so accepted, and error in its action must be corrected by discussion and through public opinion and the elections.

I believe I have noticed all the citations which the Senator made with a view of proving his proposition that Congress could not appropriate money out of the Treasury as proposed by this bill. If I have omitted any it is because I can not now call them to mind. I will state that I did not receive a copy of the RECORD in which his speech is printed until after my arrival at the Senate, when it was nearly 12 o'clock, and I have not had time to read the Senator's speech as printed.

What is the Senator's proof that Congress has no power to pass this bill? First, that taxation must be for the public needs, and this is not a public need. Second, taxation must be for revenue, that is, to put money in the Treasury. Third, that it must be for a public purpose. This is not a public purpose, and that is all. That is the proof the Senator brings in favor of this proposition. Can any impartial man say this is sufficient proof to establish his proposition?

I have done with that part of the Senator's argument, and I come to his other point. I may as well call the attention of the Senator, before I proceed to the other part of his argument, to the fact that in the respective positions which the Senator and I at one time in this debate occupied, it seems to me from his speech that we have changed places. In my first argument on this subject I placed the power to pass this bill exactly where I place it now. I assailed the position taken by the Senator that Congress has unlimited power of disposition of the public domain, to give it to any public or private purpose, and asked for his authority for that position. He read, interrupting me, as follows:

Mr. COKE—

Interrupting me—

I stated that Congress had the power to make donations of land in aid of education in the States, and I stated it upon the authority of section 3, article 4, of the Constitution, which reads:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

He said in his speech to which I replied that Congress had not the constitutional authority under the taxing clause. Now it appears, unless I have misunderstood his speech of yesterday, that my position is that the power comes from the clause just quoted as read by him, and that his position is a very different one from that. If I misunderstand the Senator he can correct me.

Mr. COKE. I will not interrupt the Senator to correct him now.

Mr. GEORGE. I say that it seems now in his last argument to be his position that this clause of the Constitution only referred to land and other property owned by the United States at the time of the adoption of the Constitution. Is that the Senator's view?

Mr. COKE. That is a part of it. The Supreme Court of the United States in the Dred Scott case determined that. I stated in my remarks yesterday that the commentators upon the Constitution still regard that clause as referring to public lands acquired since the formation of the Constitution, and that it made no difference whether they were right or wrong. Whether they were right and the Supreme Court were wrong, or the other way, the argument of the Supreme Court in the Dred Scott case sustained the right of Congress to dispose of land acquired since the Constitution was framed just as fully and plenarily as that Congress could have disposed of the land before acquired.

Mr. GEORGE. I understood the Senator to say that the power of the disposition of public property now rested as an incident to ownership, the *jus disponendi*, as I understood him to say.

Mr. COKE. Will the Senator permit me to interrupt him?

Mr. GEORGE. Of course.

Mr. COKE. The power to apply property acquired since the formation of the Constitution would carry with it the *jus disponendi*, whether the clause of the Constitution which the Senator has just read were there or not, and so whether it refers to lands acquired subsequent to the formation of the Constitution or not makes no difference. That is my position.

Mr. GEORGE. Your position then is, as I understand it, that Congress has the power under this clause to make any disposition that it may see proper with reference to subsequently acquired property, and that it has the same power as incident to its ownership. I understand that to be the Senator's position.

We will see what the Supreme Court has said in the celebrated case of Dred Scott. By the way, I was a little astonished at this late day, when I consider all that has occurred since the decision of the Dred Scott case, that that case should be cited as an authority for the powers of Congress in reference to the public domain. That case, as I understood, decided two things which belong now to the history of the past: first, that Congress had no power to exclude slavery from the Territories; second, that a man or woman of African descent was not and could not be a citizen of the United States. Both of those points have been overruled they have been expunged, one by constitutional amendment and the other by the adoption of a contrary construction of that instrument. But there is a very important statement made in the opinion which I desire to call to the attention of the Senate, especially in this case referred to by the Senator from Texas, to show that whatever else it may decide it decides this also. Says the court in its opinion:

A power, therefore, in the General Government to obtain and hold colonies and dependent territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several States who created it. It is their trustee, acting for them, and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.

So this decision overturns the favorite theory of my friend from Texas

that as to the public domain the Congress is without any restriction; that it may make any disposition of it that it sees proper.

Now, I propose to address myself to that subject to see how the law stands. The Senator says that under the authority of the *jus disponendi* as an incident to ownership and under the provision of the Constitution in relation to making rules and regulations concerning the public property and the power to dispose of the land and other property of the Union the power of Congress is absolute, unlimited, to make disposition to any purpose it may see proper; and it is upon that ground the Senator justifies the donation of land for the purpose of education in the States. I say that Congress, the Government of the United States, has no property, can have none, except in trust for the people of the United States. There is no such thing in this country as an autocratic and unlimited power in the Federal Government with reference to anything. Every power which Congress has, every power which any agency of the Federal Government has, even that Government itself, its own existence, depends upon the Constitution. It was created by the Constitution. Destroy the Constitution, and you have no Government of the United States. Every function, every power, every prerogative it possesses, every species of property which it can hold or acquire it possesses and holds and acquires under the Constitution and for the purposes mentioned in the Constitution, and for no other purpose whatever.

If that be true, what becomes of the doctrine of the Senator from Texas, that as to the public domain Congress has unlimited, absolute, autocratic power? Under his view, and I charged it on him in the argument which I first made, Congress might donate the public land to its own henchmen, to its own favorites; it might donate it for immoral purposes, it might donate it to a crowned head in Europe, and the Senator did not deny it, but claimed that the *jus disponendi*, existing in the United States as it existed in a private individual, authorized Congress to make any disposition of this property that it saw proper. That is a doctrine before unheard-of in this country, and it is without warrant in the Constitution. He read from Kent to prove that. Let us see what it proved.

Said the Senator, reading from Kent:

> Congress have the exclusive right of pre-emption to all Indian lands lying within the territories of the United States. This was so decided in the case of Johnson *vs.* McIntosh. Upon the doctrine of the court in that case, and in that of Fletcher *vs.* Peck, the United States own the soil as well as the jurisdiction of the immense tracts of unpatented lands included within their territories and of all the productive funds which those lands may hereafter create. The title is in the United States by the treaty of peace with Great Britain and by subsequent cessions from France and Spain, and by cessions from the individual States, and the Indians have only a right of occupancy, and the United States possess the legal title subject to that occupancy, and with an absolute and exclusive right—

Not to dispose of it as it might see proper, as was argued by the Senator from Texas, but—

> to extinguish the Indian title of occupancy either by conquest or purchase.

"The absolute and exclusive right"——

Mr. COKE. Read on.

Mr. GEORGE. I will. The Senator invites me to read on, and I will read on the next page and I will read beyond that, because I think it is fair to an author to read all he says upon a subject in order to ascertain what his meaning is. On the next page Chancellor Kent says:

> The Constitution gave to Congress the power to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States, and to admit new States into the Union. Since the Constitution was formed, the value and efficacy of this power have been magnified to an incalculable extent by the purchase of Louisiana and Florida; and, under the doctrine contained in the cases I have referred to, Congress have a large and magnificent portion of territory under their absolute control and disposal.

The Senator says from that absolute control and disposal they may make any disposition of it which they see proper. Now let us see what Chancellor Kent says on the next pageta fer this last. If the Senator had pursued his studies a little further he would have discovered that that great judge never gave the sanction of his name to such a heresy in constitutional law as that Congress had an absolute, unrestricted, and unlimited power over anything; that all Congress possesses is a grant by the Constitution for the purposes named in the Constitution, and that is for the common defense and general welfare of the people of the Union. Speaking of the lands now owned by the United States, Chancellor Kent said:

> The lands so ceded were intended to be, and were considered, as constituting a common fund, for the benefit of the Union.

Not, as the Senator from Texas says, considered and conceded to be a fund at the private disposal of the Congress of the United States and of the Government of the United States according to its will and pleasure. So that sustains the same doctrine that the Dred Scott case sustains. The Dred Scott case says that the United States is a trustee of this domain. Was it ever heard before that a trustee could dispose of the trust fund according to his private will and pleasure without reference to the interests of the *cestui que trust?* And who is the *cestui que trust* in this case? The people of the United States of America, the general welfare of the people, as suggested by my colleague [Mr. LAMAR]. I have said that that is the animating spirit of every clause and power in the Constitution; that it must be read, whether expressed or not, between the lines which record and grant any power given to the United States. The power to declare war is unlimited in one sense, because there are no circumstances mentioned in the Constitution under which it should be declared; but the power must be exercised, as I have before said, under the limitation that it shall only be declared for the common defense and general welfare of the United States. So with every other power, as I have shown in a previous part of my argument.

Oh, but the Senator says that his position is based on precedents. When I quoted precedent after precedent, when the Senator from Arkansas [Mr. GARLAND] brought up precedent after precedent and ransacked the whole statute law of this Government as authority for the exercise by Congress of the power claimed in this bill, the Senator did not even consider that those precedents were worth his notice; but when he launches upon this new-fangled idea of the unlimited autocratic power of Congress with reference to the public property he resorts to precedents. Let us see what his precedents amount to.

Gift of the land for homesteads is one. Does the Senator say that that includes the power, and is derived from its exercise by the General Government, to make a disposition of the public land for the private welfare of any individual? If so, he has found a power that nowhere else exists in the Constitution. It is true the recipient of the land is a private individual who has received a private benefit, just as the recipient of a pension receives a private benefit; but for what purpose can we grant a pension, for what purpose can we grant land to a private individual? It is only for this purpose, that we do before we make the grant decide that the particular grant will be for the general welfare of the United States, and of course that it happens to be also for the private welfare of the individual does not destroy its character as being for the general welfare. The only means by which we can reach the general welfare is to make the private welfare of everybody else consistent with it. There is no such thing as a visionary, floating, general welfare that does not touch the population of the United States. The general welfare is compounded and made up of the private welfare, not of single individuals here and there, but of the private welfare of the great mass of the American people.

The grant of a homestead to a man is made not because Congress wants to benefit that particular man, but because the Government desires to have the public land settled, improved, to bring the waste places of this country into civilization, and join them in the march of progress with the other portions of the country; and this grant is not made, as the Senator would assume, to any particular class of individuals, all others being excepted; it is not made to all the men who live in Massachusetts, excluding those who live in Texas; it is not made to men having a particular lineage, all other lineages being excluded; it is not made to men having a particular profession or calling, excluding other professions or callings; but it is an offer to every man in the United States who is 21 years of age to go upon the public land and settle on it and remain there for a certain length of time and then have it. That is what it is, and it is not private in any particular; it is general. The Senator can go, I can go, every citizen of the United States can go and perform for the Government—no, not for the Government, but perform for the people of the United States the great benefit and blessing of extending commerce and civilization and our free institutions in the waste places in our far West. Does that prove that, because this grant may be made in that way, land may be granted at the autocratic will and power of Congress to anybody? No, sir.

Bounty lands are given. They are given in the same way that pensions are given. Although a grant of bounty land operates as a private benefit to every individual who receives it, it is given upon the idea that the donation of these lands will operate to the general welfare by encouraging in time of war men to volunteer and defend their country.

Right here in the speech of the Senator from Texas on yesterday the Senator from Kentucky [Mr. BECK] interposed, whose attention, I have no doubt, was called to this debate by hearing the words "taxation for revenue," for it seems the Senator from Kentucky dreams of "revenue," "taxation for revenue," "tariff for revenue," "sees" it "in clouds," "hears" it "in the wind;" it is his morning lullaby, if I may so say, and his last requiem at night. When those portentous words had been pronounced by the Senator from Texas, "taxation for revenue," the Senator from Kentucky was no longer able to keep his silence, and so he put in an interrogatory which he thought, I suppose, settled the whole principle, and that was this: he asked me if I thought that Congress could donate money to a private individual. If I were to answer that it could not donate money to a private individual, he supposed that he had made out his case; that there was a distinction between land and money.

Well, now, Mr. President, Congress has donated money; it does donate money to private individuals. The other House of Congress, with a sturdy Democratic majority, has recently passed a bill donating to the Mexican veterans, each one of them, $96 a year. The Senator from Texas will vote for that bill when it comes up here and so will I. But then I might ask the Senator from Kentucky and the Senator from Texas who sits before me if Congress could give the money for which it sold a quarter-section of land to the same individuals and under the

same circumstances that it could give the land? The Senator from Texas argues, if I did not misunderstand him, that the power of Congress, either under the *jus disponendi* principle or under that clause of the Constitution to which he alluded, giving to Congress authority to dispose of land and other property, remains just the same as to the money for which the land may be sold as to the land itself. If I am wrong the Senator can correct me. I know I am right, because the Senator voted for a bill in 1880 which donated the proceeds of the sales of the public lands to education, absolutely to education.

Then I might ask him and ask the Senator from Kentucky, since the power of Congress is just as absolute and autocratic over the proceeds of land as it is over the land itself, what prevents Congress from giving to anybody it sees proper, to all our friends and relatives, to those we like, to those who voted for us and who fought political battles for us, $200 apiece out of the proceeds of the public lands, that being exactly the value of a quarter-section of public land at a dollar and a quarter an acre? How are you going to work that with your autocratic and unlimited power over the proceeds of the sales of the public lands and over the lands themselves?

But here I want to call the attention of the Senator from Texas and the attention of the Senate to the main point in controversy upon this subject. I do not care, it is not necessary for my argument, because I do not place the power to make this donation under the clause of the Constitution to which the Senator alludes—I do not care so far as my argument is concerned, though I should like very much if the Senator would answer whether Congress has autocratic power over the land or not. That is not the point in issue between the Senator and myself. He very ingeniously, I thought, evaded the real point in controversy. This is the hinging point of the controversy between the Senator and myself, and though I tried and the Senator from Arkansas tried to get the Senator from Texas to answer the question, yet if he did it escaped me, and if he desires to answer when I put it again he can do so. The point in controversy between us is this, and I will read his words lest I might misstate him. He says:

> If the constitutional power exists in Congress to levy and collect taxes from the people for the purpose of partially defraying the expense of public schools in the States, it exists for the purpose of paying the entire cost of the public schools of all the States whenever Congress shall choose to exercise it.

That is the point to which I direct the attention of the Senator and of the Senate. He proceeded:

> I hold it to be an undeniable proposition that if Congress has the constitutional power to appropriate money for the public schools it also has the power to regulate its disbursement, to say who shall receive its benefits, and to appoint its own agents to distribute and administer it, and to prescribe in general and in detail how and where, and when, and to whom, and through whom, and upon what requirements and conditions it shall go. In other words, if it be admitted that Congress has the power to levy and collect taxes in order to raise revenue to be expended in the several States in maintaining public schools, I hold that the power of Congress to take charge of the subject of education in the States and control the children and the schools through Federal agencies and instrumentalities can not be controverted, because the powers of Congress are supreme wherever its jurisdiction extends.

That is his doctrine in reference to this bill; that is his doctrine in reference to the unlimited power of Congress as claimed by him, the autocratic power of Congress over the public domain. Why, sir, Congress may give it away in unlimited quantities to the States for the purposes of education, and when it does that the power to go on further is not conceded, but denied. In other words, Mr. President, the Constitution makes two grants of power: one to grant money to public schools, the other to grant land to public schools. From the one, the grant of money, as a necessary consequence, as a logical necessity, results, in the opinion of the Senator from Texas, the power to control and manage them and from the other no such power exists! I must confess that I have not been able to see why a power acting on land or the proceeds of land—for the Senator will admit that the proceeds of land are the same as the land itself—shall have no effect to give power to interfere with education in the States when the same identical power operating upon money raised by taxation has the extraordinary and pernicious effect to which the Senator has alluded. That is a proposition which the Senator has not proved, and which I take it is beyond his power or that of any other human being to prove.

The power to give in one instance means the power to interfere and control; the power to give in the other instance, derived from the same instrument, gives unlimited jurisdiction over the subject to which the appropriation pertains! If the Senator thinks there is any additional weight to his argument on that point from his new discovery of the power of *jus disponendi* on account of the ownership of the property or of the money for which land is sold by the Government, I respectfully call his attention to the fact that the Government owns the money also that is in the Treasury, and the *jus disponendi* would be as safe and as good and as strong in the one instance as in the other.

But it is said by the Senator from Texas that the Government gave lands to railroads. That looks like a private purpose. Why, sir, in the first place, a grant to a railroad is not exclusively for a private purpose. All tax laws which have been passed and enforced giving aid to railroad companies are based upon the idea that they are public as well as private, that the public have an interest in them, and so all the decisions of the courts which concede to the States the power to regulate the traffic on these roads are based on the idea that they are public. But the Government never granted to railroad companies any land upon the idea that it was to benefit exclusively the railroad. Every grant, so far as I know, was a grant of an alternate section lying along either side of the road within specified limits, the other sections being reserved to the United States, the price of them being doubled, and the grant was justified upon the ground that the United States would be indemnified for the odd-numbered sections of land which it granted by the increased value of the even-numbered sections which it retained. So the Senator can not get from that this idea of autocratic, monarchical, and unlimited power in Congress over the public domain. It does not exist.

So the position of the Senator from Texas, if I understand it, fails. According to the Senator, the United States has two kinds of property. It has money in the Treasury derived from taxation, that is one kind, and it also has money in the Treasury derived from other sources; it has wild, unappropriated land in the States and Territories; it has public buildings in all the States; it has this Capitol and the numerous public buildings in this city.

Let us enumerate this property again. On the one side standing solitary and alone in the Treasury of the United States is the money raised by taxation. The Senator says if you touch that under the general-welfare clause, if you make any disposition of that for the general welfare of the people of the United States not in pursuance of the specified and enumerated grants you destroy the Constitution; that only has this fatal and deadly effect upon our institutions. But as to any money that happens to be in the Treasury which is derived by patent fees, by post-office receipts—supposing them not to be taxes—by sales of the public lands, by sales of the public property, by captures in war, by private donations—as to all that the Government of the United States is absolute owner, not trustee, the people of the United States, having no interest in this, can not complain as to what Congress may do; but touch but the hair of the head of a dollar or the figure of Liberty on a dollar if it happen to get into their control by the taxing power, then the country is ruined! That is the position, I understand, of the Senator from Texas—a most remarkable one. If that be true, if this autocratic, unlimited power exists over all this property, then what prevents the United States having in practice what the Senator says it has already in theory, a government of unlimited powers so far as this property is concerned?

Let us see now what it may do, according to the view of that Senator. There is no restriction upon the powers of Congress when it comes to money that is derived from any other source than taxation. Congress may sell all this property and get money and do what it pleases with it; it may go begging throughout the world, making promises to the crowned heads of Europe for subserviency to them and get donations from them; it may go to the money kings in the market and buy their money by promises of influence and of benefaction; it may declare war against our weaker neighbor, Mexico, and capture all that magnificent country, with its splendid mines; it may go further, it may go to the Straits of Magellan and capture all South America, make the land and the mines the property of the United States, sell them, put the money in the Treasury, and after that it has unlimited power, and it may do what it pleases with the money thus obtained!

Mr. President, that seems to be a singular result of constitutional law; but what is worse than that was suggested by the question asked by the Senator from Arkansas yesterday. Not only that may be done, but the money in the Treasury raised by taxation may be expended for the purpose of acquiring new property. You can not touch a dollar of that before it is expended except for the specific purposes mentioned by the Senator from Texas, but having expended it to acquire property and having acquired property with it, then suddenly the United States by some sort of political necromancy has been invested with autocratic power over it.

I understand the Senator's position to be that it is only money raised by taxation that must be disposed of under constitutional limitations. What are you going to do with money that is borrowed on the credit of the United States? Can we go into the markets and borrow all the money that anybody may see proper to lend us, and as that money does not get into the Treasury by taxation have we unlimited power over it? If we have an unlimited power of borrowing money, what prevents it, if this is so according to that Senator's view? Then we have a Post-Office by which we can make a good deal of money. We can (supposing the revenue from the Post-Office is not taxation) pay the expenses of the Post-Office under the views stated by the Senator from Texas out of money raised by the United States from taxation, and we may make profit out of it. As to this money so raised we are autocrats; there is no responsibity, no limit to our power. And then comes another means of having money so recently sanctioned by the Supreme Court of the United States. We have nothing to do in order to make everybody rich, to make all our friends rich by this absolute, unlimited, and autocratic power, but to set the printing-presses to work and print all the greenbacks we want and put them into the Treasury. They are not revenue raised by taxation; they are there, as I understand, simply to relieve the people of taxation. They are put there as a substitute for taxation. I suppose now according to the Senator's argument as to all that currency the unrestricted *jus disponendi* applies, it not being raised by taxation, and over it we have this unlimited and

autocratic power. As to the money raised by taxation the specific grants of the Constitution apply, but as to all the rest we are all of us, every one of us connected with the Federal Government, duplicates of the Czar of Russia. We may do what we please with it for our own present welfare and the welfare of our friends—the people and the general welfare having no claim on it whatever.

But the Senator from Texas was pressed by the Senator from Arkansas upon this proposition. The Senator from Arkansas said: You say you can not take the money raised by public taxation for public schools, but you can take it and buy land with it. So, according to that view, there being $105,000,000 involved in this bill, we can not give that to the States for the illiterate people of this country, but we can take it and buy Canada with it and the next day after we have made the purchase divide out the land for purpose of education. That is a very singular result of constitutional law, one that needs in order to support it more than the word or assertion of any Senator, however learned or however distinguished he may be.

But the Senator from Kentucky, having had his attention drawn to this question in the way which I have explained, volunteered an explanation on this subject, and it was about this: That while we can not take the money and buy property for the purpose of making the donation, yet having bought it for some other purpose and being the owner of it, then we can make the appropriation for education. That is pretty good logic; I do not object to that; but Mr. Monroe says that is exactly what we can do with money paid into the Treasury from taxation. He says there is no such thing as raising money confined to specific purposes; it is all raised for general purposes.

Now in section 981 of Story on the Constitution Mr. Monroe is quoted as saying this—and so the Senator from Kentucky has very good authority for the distinction which he took. Mr. Monroe says:

> But the use or application of the money after it is raised is a power altogether of a different character.

Meaning different from the power of taxation.

> It imposes no burden on the people, nor can it act on them in a sense to take power from the States, or in any sense in which power can be controverted or become a question between the two governments. The application of money raised under a lawful power is a right or grant which may be abused.

So, sir, to sustain Mr. Monroe, the distinguished Senator from Kentucky says that having acquired the land in a lawful way, though it can not be bought specifically for education, it may nevertheless be used in that way. I say his position is, the position of the Senator from Kentucky is, that having acquired the land in a lawful way we may use it for lawful purposes, though we could not use it specifically for those purposes. The same thing happens, according to Mr. Monroe, with reference to money raised by taxation. Having acquired it under an undisputed power of the Constitution to levy taxes, we may appropriate it to the lawful uses prescribed in the Constitution for the general welfare, among which I suppose now it will not be denied that the education of illiterates is included.

Mr. President, I have been speaking longer than I expected. There are so many serious errors, as it appears to me, on the other side of this question, that it would take some time to run them all down and to expose them. I am going to show now——

Mr. VOORHEES. Would it not suit the Senator before he leaves that point to allow me to ask him a question? This Government having paid seven millions of money for the purchase of Alaska, I ask whether the doctrine is tenable in his mind that, not being able under the Constitution to give $7,000,000 for school purposes, we might not now sell that territory and give the proceeds to a fund of this kind?

Mr. GEORGE. I suppose so, according to the argument made by the Senator from Texas and according to the views of the gentlemen who agree with him. We can do that all the time. You can not give the money, say they, but you can buy Alaska one day, sell it the next, take that money and divide it out among the people of the States for education, and then the next day go to the Treasury and take money out raised by taxation and buy Alaska back and on the next day sell it again, and in that way provide a fund for the education of the people of this country. An argument which leads to such an absurdity hardly merits answer. For it is an unquestioned truth that we can not do in this indirect and sinister way what we can not in a direct and honest way.

But, Mr. President, the Senator from Texas has given us the sanction of his great name and authority for voting money raised by taxation for the purposes of education. The Senator voted for the Burnside bill of 1880, and that contained a clause donating to education in the States the receipts in the Treasury from the Patent Office. Those receipts are taxes; they are called fees; but they were not fees limited and paid to the officers who rendered the service. They never got them at all. The officers were paid by the United States directly out of the Treasury, and those fees were paid directly into the Treasury by the persons upon whom they were imposed. Now let us see if money thus raised comes within the definition of taxation given by all the authorities. Judge Story, whom the Senator compliments for his great learning, and very justly, too, defines taxation to be this:

> In a general sense all contributions imposed by the Government upon individuals for the service of the State are called taxes, by whatever name they may be known, whether by the name of tribute, tithe, tallage, impost, duty, gabel, custom, subsidy, aid, supply, excise, or other name.

In order to be a tax it only has to be a contribution to the public Treasury imposed by public authority. The fees of the Patent Office were a contribution required and imposed by the law of the United States, and they were paid into the Treasury of the United States. Tucker in his Appendix to Blackstone's Commentaries gives the same definition as Judge Story. Mr. Cooley, in his work on Constitutional Limitations, gives substantially the same definition. Webster's Dictionary gives also substantially the same definition. So, sir, every dollar that goes into the Treasury that results from a contribution imposed by law upon the citizen comes from the power of taxation, and is money raised by taxation. I will read from more authorities on that subject, because I do not want to have that misunderstood. Tax is a general name, it is a *nomen generalissimum*. It includes all species of taxation, and the Supreme Court of the United States in 1796 said:

> The term duty—

Used in this taxing article—

> is the most comprehensive next to the generical term tax; and practically in Great Britain (whence we take our general ideas of taxes, duties, imposts, excises, customs, &c.) embraces taxes on stamps, tolls for passage, &c., and is not confined to taxes on importation only. (3 Dallas, 175.)

Blackstone, in his Commentaries, has also given us an instance of what duties are, which I will read. Speaking of the means of revenue that the kings of Great Britain have, Blackstone, on page 321 of his first book, says:

> Another very considerable branch of the revenue is levied with greater cheerfulness, as, instead of being a burden, it is a manifest advantage to the public. I mean the post-office, or duty for the carriage of letters.

A duty is a tax, and hence charges made by the Post-Office are taxes.

The Senator may say that it is not a tax, but a charge only for doing work. I would answer him in two ways. In the first place, according to Blackstone and all the commentators, it being a contribution for the public Treasury, imposed by public authority, he is wrong. Then I would answer him on the fact, it is not a charge as compensation for labor; it can not be. If that were so the charges upon carrying letters ought to be proportioned to the work done. There would be no propriety in making the same charge for carrying a letter from the northeast corner of Maine to the southwest corner of Texas or to Alaska that you make for carrying it ten miles. So, sir, when Texas needed this aid, when the Senator from Texas wanted this aid for common schools of his State, there was no objection found to having not only the proceeds of the public lands, but also the proceeds of taxes—money raised by taxation—applied to education. It was all right in 1880 to vote money raised by taxation to purposes of education, but is all wrong now, absolutely unconstitutional, destructive of the powers of the States.

Mr. President, I have a good deal more to say, but I will not detain the Senate much longer. I have already detained it too long; but it is a matter in which I feel a great interest. It is a matter in which my constituents feel a great interest. I have endeavored to follow the Senator from Texas and to show that he is in error and to maintain the constitutional power of Congress over the subject. There is only one other position of the Senator to which I will allude, and that is that Congress can not make a gift to a State.

Mr. President, Texas was admitted into the Union in 1845 under a resolution which exempted the United States from any responsibility for her debts. The original proposal made before that contained that as one of the specifications. After that time Congress paid Texas $10,000,000 for an adjustment of the line between Texas and New Mexico. Five million dollars of that was reserved in the Treasury for the creditors of Texas who had a pledge of the customs of that State before her annexation. That was all right. But in 1855 there was another act passed, not only paying the $5,000,000 which had then been reserved out of the purchase money for the line between Texas and New Mexico, but an additional sum of $2,750,000 was given for the purpose of paying the debts of Texas. There was no obligation to pay, and there being no obligation on the part of the Government, it was not the payment of a debt. Being not the payment of a debt or the discharge of an obligation, it was a pure voluntary gift.

But the Senator says that the fact that the State must accept the gift shows that Congress has no power to make it, and yet in that very act the consent of Texas was required; she gave it, and the gift was made. It seems to me sometimes that our forefathers, Washington and others, when they met in national convention to form a constitution for the thirteen States which they were supposed to represent, must have forgotten their duty and ignored the States of the American Union then existing; but reversing the action of the Senator from Texas, he living in the past and discarding the present, they, equally discarding the present but with prophetic ken looking alone to the future, discovered that in a province of Spain adjoining our borders was a magnificent territory then not inhabited but which in the future would become inhabited by a great and enterprising people, and that these people would in time be admitted into the Federal Union; and so dazzled were they by the prospects of this magnificent country being a part of the Union

and at the extension of our institutions over this great, imperial, and magnificent State, that they made no provision for the other States, but made a constitution for Texas, and for Texas alone.

So we see in 1880 and in 1876, when land and the proceeds of land, and when taxes the proceeds of patents, were to be given, Texas then through her Senators said "We need it." I wish I had time to read, for I have it here before me, the magnificent and splendid presentation then made of the wants and needs of the Southern people for aid in education, arising, as was said, in a large measure from the large infusion of Africans into their citizenship. Texas was included. Texas then wanted help. Texas did not pretend to be over and above or better off than the balance of her Southern sisters. I refer to the splendid speech of the Senator from Texas [Mr. MAXEY]. I wish I had time to read it; I had marked it to read, but I can not detain the Senate, though I call the attention of Senators to it. It was made in favor of the passage of both those bills—one in 1876 and another in 1880. Then the Constitution was big enough and broad enough to make this grant. Now Texas, we are informed by the same Senator, is able to take care of her own; and he informed us also that he is to act for Texas, that he can not know or consider the condition of Mississippi or any other Southern State; that he stands here as the representative of Texas, and as Texas does not need this he will not have it. And his colleague comes along and helps him in this by proving that we can not do it, by proving that what they did in 1880, when Texas needed the aid, was all constitutional and right, but to-day is all unconstitutional and wrong!

Sir, I am not justified in saying, in view of these historical facts, that the Constitution seems to have been made exclusively by our forefathers for the benefit of the State of Texas, a glorious State, a great State, a State that I will not say I voted to admit into the Union because I was not old enough then to vote, but I did all I could in that way. I am proud of her, and I think we are well justified in her admission. I admire the prescience of our forefathers. Instead of making a government for the old thirteen States they seem to have devoted themselves exclusively to the benefit of Texas, giving the Constitution automatic power of expansion and contraction. When Texas wants money, the proceeds of the public lands, the proceeds of taxes, as I have shown that the Patent Office fees are taxes, the Constitution then stretches itself out enough to give the power. When our friends, by a good fortune which I do not envy and do not grudge, have outstripped in their growth the other States, when thousands of immigrants from beyond the seas and also from the older States of the South are flocking into her borders, making her still richer and still greater, until she has got into a condition where she does not need the aid that this bill gives, then there is no power to act!

Mr. President, I apologize for having detained the Senate so long. I might say more, but I have already taken too much time. I shall only say in conclusion that the sad consequences which the Senator from Texas [Mr. COKE] predicted may follow from this bill in the way of Federal usurpation I can not admit. I have no right to anticipate such a result from the action of Senators on the other side; but I will say that if Southern Senators refuse so gracious an offering made by the North as is contained in this bill, giving them and their people the administration and government of this fund; if there is a belief, as the Senator from Texas seems to assume there is, that Congress may interpose directly in the education of the people of the South—I say if we refuse this, it will be but an invitation to those who entertain that opinion and who think we have failed in our duty to put in exercise the power which they believe to exist. There is where I believe the danger comes from. But however that may be, I see in the South millions of unlettered children; I see in the South, wasted and desolated by war, an inability to educate them; I see on the part of these illiterate children of both races and of their parents an anxiety that they be educated; I see on the part of the property classes of the South a willingness to help them; but with all this desire, with all this willingness there is in many of the States, my own among them, an inability to meet the demand, and I gladly, in behalf of the suffering population of the State of Mississippi and of the other Southern States, give my vote in support of this measure.

Mr. COKE. Mr. President, the Senator from Mississippi announced when he arose that it was only for the purpose of fortifying arguments made when he addressed the Senate before. The Senator has occupied now within eight minutes of three hours. I draw the conclusion that the Senator holds the opinion that his argument which he has been rebuilding had been very badly damaged, judging from the length of time he has taken in repairing it.

So far as the argument of the Senator is concerned in reply to that made by myself, my argument is printed in the CONGRESSIONAL RECORD; the Senator's will be printed to-morrow morning in the RECORD; and whoever feels curious to examine them can determine the merits of the pending bill so far as they are exhibited by the discussion.

I have this to say, however, that upon an examination of the Senator's argument it will be found that he has utterly failed to meet any substantial point that I made. I do not mean to say that he has evaded or that he has dodged the real points and issues presented in my remarks and arising out of the bill. I simply mean to say that he has not met them.

With one more remark, Mr. President, I shall have nothing further to say, being entirely content to leave the discussion where it now stands. The Senator has placed a construction on this bill peculiarly his own, one given to it, if I may judge by the expression in this debate, by very few on this side, and so far as I believe universally repudiated on the other side of this Chamber by those who support the bill, to wit, that the appropriation can be accepted by the States without implying a right on the part of the National Government to intervene in the management or administration of the schools. I simply desire to suggest to the Senator that however conscientious he may be, and I know is in his views and opinions, as to the action proposed by the bill, whatever may be the strength of his faith in their correctness, yet considering not only the probability but the certainty that a large majority of those who will vote with him for the bill hold opinions exactly the reverse of his on the vital point indicated, his support and advocacy of the measure under these circumstances, although he intends otherwise, in substance and effect aids and assists in bringing about the results he so much deprecates as fully as if he intended them. I have nothing further to say.

Mr. PENDLETON. Mr. President——

Mr. VAN WYCK. May I ask the Senator from Ohio to yield to me for a few moments?

Mr. PENDLETON. I will, retaining the floor.

Mr. VAN WYCK. Certainly.

The PRESIDENT *pro tempore*. The Senator from Ohio, being entitled to the floor, yields to the Senator from Nebraska.

Mr. VAN WYCK. Mr. President, I desire this opportunity only to make a few suggestions, not in the nature of a speech on this matter, but more particularly to obtain information as to some of the details of the bill. We have now had two solid weeks and more of speeches as to general principles and as to the Constitution, so that I think by this time we fully understand that instrument; but it would seem from the nature of the discussion thus far that one great feature of this bill, after all, is not to be attained, and that is the peace-offering character of it. It was supposed that this bill appropriating over $100,000,000 would be received as a peace offering from one side to the other, but evidently it is not received in that spirit. Therefore that feature of the bill, I take it, will have to be eliminated.

Then it comes down to the proposition that this money is to be appropriated purely for education, the education of the illiterate children in the South and not only in the South but in the North also; and here it would seem necessary that a little attention should be paid to details, because if we appropriate as we propose over $100,000,000 and spend week after week in discussing the great question of its constitutionality and leave the details of the measure without any sort of consideration, we shall be precisely in the situation that the Senator from Kansas a few days ago said we should be, that after a year or two had advanced dissatisfaction would grow up as to the expenditure of this money, complaints would be made to Congress, and resolutions for committees of investigation would necessarily have to be adopted so as to see whether this money was being spent as the originators of the measure intended.

I have been listening in order to ascertain the situation of affairs now in the States where it is claimed that the most illiteracy prevails and what guarantee there is as to the proper application of this fund. A long time ago I asked my friend from New Hampshire as to the guarantee in another matter. I asked him what guarantee had been given for the exercise of the elective franchise in certain States of this Union, when assurance on that point would strengthen the proposition. My friend very frankly said that there was no such guarantee, that the franchise was not exercised as was intended by the Congress and by the nation which made that gift. The Republic made that as a gift to the Southern States, because it presented them with a large number of additional Representatives on the floor of Congress, and therefore it was a gift of great value to them; and yet that gift of the elective franchise has not been bestowed and provided for as those who originated it intended.

Now this gift comes as I understand in the same way—$105,000,000 in money to be expended in ten years. Therefore it is that I have been listening to find out the status of the South; I have examined the statistics to learn just how many school-houses there were in the Southern States, because we must speak of the Southern States when we speak of the education of illiterate colored children. I have been striving for two weeks while this discussion has been going on to hear some suggestion as to whether, and to what extent, school buildings were provided in the States where illiterate colored children live, especially in those portions of the States that are sparsely settled, the agricultural, the working portions. I desired to know that, because I think the laws of those States provide that the colored children and the white children shall not be educated in the same school, in the same building. Now I would ask my friend from New Hampshire, who has given so much time and attention to this matter, if there are any statistics anywhere which show the number of schools in the Southern States for the education of colored children.

Mr. BLAIR. There is a table in the speech which I had the honor of making some time ago.

Mr. VAN WYCK. Does the table state that?

Mr. BLAIR. It does; it gives the statistics of the last five years.

Mr. VAN WYCK. I thought I had read all the Senator's speech and all the statistics on the subject.

Mr. BLAIR. If the Senator will proceed with his remarks, I will find the table for him.

Mr. VAN WYCK. I have been looking for it anxiously for the last two weeks, for this reason: The tenth section of this bill provides that none of this fund shall be used for constructing buildings. I offered two amendments some time ago, but no progress on the amendments will be reached during this session apparently, and therefore I desire to get the information now.

Mr. BLAIR. Table 8, on page 2198 of the RECORD of the 19th of March, "Colored schools and colored-school enrollment in the Southern States for five years, from 1877 to 1881, both dates inclusive [prepared by the United States Bureau of Education]," shows that the number of colored public schools in 1877 was 10,792; in 1878, 14,247; in 1879, 14,341; in 1880, 16,669; in 1881, 17,248; and the enrollment of colored children has increased gradually from 571,506 in 1877 to 802,372 in 1881. The normal schools for secondary instruction, universities, and colleges, schools of theology, schools of law, schools of medicine, schools for the blind and deaf mutes, are all contained in the same table relating wholly to colored students, and of course the Senator will hardly care to have me read the details.

Mr. VAN WYCK. No; that is not necessary.

Mr. BLAIR. In regard to the number of school-houses, there is always a school-house where there is a school. In other parts of the collection of statistics there are general data as to the number of school-houses. If that information is not in this table it is in a report which I had the honor to submit.

Mr. VAN WYCK. I should like to know as to the number of school-houses. What is the area covered by the table the Senator read?

Mr. BLAIR. The colored children in the Southern States.

Mr. VAN WYCK. Has the Senator any information as to the number of school-houses for colored children?

Mr. BLAIR. I say that it is fair to assume that there is a school-house where there is a school, and the number of these schools by the latest returns we have of an official character is 17,248.

Mr. VAN WYCK. I probably omitted to look at that table in reading the Senator's remarks. What is the comparison between the number of schools for colored children and for whites?

Mr. BLAIR. That aggregate will be found in the table.

Mr. VAN WYCK. Has the Senator any general idea as to the proportion?

Mr. BLAIR. I can not state the proportion now.

Mr. VAN WYCK. That was the fact I desired to know.

Mr. BLAIR. It is over a third, and very nearly one-half, I think.

Mr. VAN WYCK. A third in these States. There are one-third as many schools for the education of colored children as for the education of white children; and yet in these States or in some of them the illiterate colored children exceed the illiterate whites. Therefore you start with a majority of children needing education with a minority of the schools. That is the point I desired to get at.

This bill prevents the expenditure of any of this money for building school-houses, and why? You pass this bill, and in one year when complaint is made that this money is not equitably distributed so that the colored children may reap its benefits, you will be answered then by the fact that your very bill prevents it; your very bill prevents an equality of education among the illiterates in the South, because the bill itself says that none of this money shall be used for the construction of buildings.

Mr. BLAIR. It ought to be stated in that connection that the superintendents of education for the Southern States, quite a number of them and the best-informed educators having local knowledge, say they will find buildings, though they may not happen to be constructed as school-houses, specifically for that purpose, to hold their schools until they can construct them. If they can obtain money to pay teachers and can get books, they will establish schools and build houses of a permanent character hereafter. There are innumerable buildings of a public character, and many of the mansions of the South, the plantation houses all through the South that are unoccupied, and yet on the whole suitable buildings which may be occupied for schools.

Mr. CALL. Will the Senator permit me.

Mr. VAN WYCK. Certainly.

Mr. CALL. Do I understand the Senator from Nebraska to say that the statistics presented here exhibit the disproportion of one-third of the colored children to two-thirds of white children?

Mr. VAN WYCK. No; that was in regard to school-houses, buildings.

Mr. CALL. I desire to say that the school fund is equally distributed in my own State and everywhere else in the South as far as I know.

Mr. VAN WYCK. The proportion stated is the opinion of the Senator from New Hampshire.

Mr. BLAIR. I will say a word further to the Senator from Nebraska. His point is that there is no way to spend the first year's money because there is nowhere to hold the schools the first year. I have replied to that and in a way that is satisfactory to those who are interested in the education of the Southern children. But there is an amendment offered here to which I personally will give very hearty support, the amendment of the honorable Senator from Illinois [Mr. LOGAN] looking to the immediate stimulation at least of the construction of permanent and suitable school-houses. There is no doubt, I think, that that is a deficiency in the bill. I would have been very glad to have included originally a provision in it looking to the construction of school-houses, but it seemed to be thought by the Southern people that if they could only get money to pay teachers, in some way they would contrive to get on temporarily until school-houses could be built. It is for that among other reasons that I felt a very strong opposition to any amendment of the bill which looks to the fettering of the local power in the expenditure of the fund for the construction of school-houses.

Mr. VAN WYCK. Since the Senator is satisfied that the bill needs amendment in that respect, I need dwell no more on that point. He agrees with me that that section should be stricken out and that provision should be made for building school-houses. So he sees the force of the fact that if we do not so provide, in a year or so we shall be answered by the statement that the bill prevented it.

I desire, because we are on details now, to refer to the next section, which I should like to call the Senator's attention to, as it refers to the expenditures of this money, and of course that is the important thing. The section provides:

SEC. 11. That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided, and new ones may be established, as may be deemed best in the several localities.

I wish to know the intention of this language, "not sectarian in character." I have an amendment to strike that out, but that will evidently not be reached this session on account of the great constitutional question that is being discussed.

Mr. BLAIR. To relieve the Senator I suggest that he move to amend that section by striking out all after the semicolon at the end of the word "education," in the eighth line.

Mr. VAN WYCK. I was only anxious to know why this clause crept into the bill, the expression "public schools not sectarian in character."

Mr. BLAIR. I will then explain to the Senator, although saying that to save time I shall be perfectly willing that his amendment be adopted provided it takes out the entire section after the semicolon, in line 8. There are many public schools in this country which receive assistance from public funds which are sectarian in character. Many of the statesmen of this country have thought that in no event should public money derived by universal taxation be expended for the promotion, however indirectly, of the interests of any one denomination; and we have as the Republican party, I think, proposed at one time an amendment to the Constitution that none of the common-school money of the country should be expended for sectarian purposes.

It seemed to me in drafting the bill, and I still look at it in that light, that in perhaps New Orleans and other cities of the South, and in those cities of the North where there is assistance furnished to Catholic schools, and they are the only means of instruction of a large mass of the school population, there would be a very natural inclination to appropriate a part of this money to the support of those sectarian schools; and so as to schools of the Episcopalian and other denominations which maintain public schools, substantially public in their nature; and unless there was an inhibition in the bill they might come to be partially sustained by appropriations from the Treasury of the United States if this bill should become a law.

Therefore it was that this clause was added to the section; but it having been objected to by the Senator, and as I really think that other provisions in the bill provide explicitly in such a way that no money can go to the support of sectarian schools, I am perfectly willing that this clause shall be stricken out of section 11.

Mr. VAN WYCK. Do I understand the Senator to say that there are public schools, common schools—because I understand public schools to be common schools——

Mr. BLAIR. I do not, necessarily.

Mr. VAN WYCK. Are there any common schools in any State of this Union that are at all sectarian?

Mr. BLAIR. I do not know that I feel like occupying the session by taking time to answer that question, because the term "common schools" is not used in the particular section which is being now discussed; the term is "public schools," and I have given to the Senator my explanation.

Mr. VAN WYCK. Public schools are those that are sustained out of the public Treasury, I understand, by a tax upon the people or by the proceeds of public lands, or by whatever fund the public may supply. Can the Senator call our attention to any public schools in any State that are at all sectarian in character?

Mr. BLAIR. Is it of consequence to the Senator if he can have his amendment adopted without the consumption of further time? I have given my reasons, and if it was necessary to take the time I could sustain them.

Mr. VAN WYCK. Now we are getting on very well. We are getting the details of the bill in reasonable shape. The Senator desires, or evidently will consent, to my amendment; but I wondered how a provision like that as to "public schools not sectarian in character" could creep into this bill from this Committee on Education and Labor. Some days ago I proposed an amendment to strike out the words "not sectarian in character." At the present rate of progress the amendment will probably be not reached this session, and hence I desired the Senator in charge of this bill to explain just what was meant by the words I wish to have stricken out.

There are no public schools of a sectarian character. Then why these words as a gratuitous thrust against a sect which has done more for education than any other? The world is indebted to the Catholic Church from the time of the Dark Ages, when she preserved the literature of the centuries preceding, and in our earlier history, when she established missions and schools among the Indians, until now she is aiding to educate the colored man, and gathers her own children into parochial schools.

A religion whose creed we may not indorse and whose faith we may not believe is preferable to infidelity hid under the mask of "liberal Christianity." To-day nothing is so intolerant as this boasted liberalism, which, under the pretense of blotting out sects, has united with sectarianism in the attempt to drive the Bible from the common schools, and is ever trying to weaken that sentiment which steadies the progress of reform in the State, which sanctions the pure and good in society, tending to make liberty more enduring.

I have said this much in regard to these words which were thrust into this bill evidently without any purpose or any object. I could not believe, and did not, and do not now, that it was in deference to the system of infidelity which I have characterized in these few words, and I rejoice that gentlemen advocating this bill are willing that the clause should be stricken from it.

Mr. PENDLETON. Mr. President——

Mr. BLAIR. I do not object to the Senator's amendment. I understand the purpose of it.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield?

Mr. PENDLETON. I do.

Mr. BLAIR. Would it have suited him better to have omitted the clause and have provided that this aid should be given to public schools which are sectarian in character?

Mr. VAN WYCK. No, sir; there was no occasion that there should be anything in regard to "sectarian" in the bill; but the Senator has spoken of the Catholic Church, and if because Catholics choose to educate their own children in some belief rather than that they should be brought up and taught infidelity, this clause was meant as a thrust at them, then I desired to characterize it as I have.

Mr. BLAIR. There was no such purpose, and the Senator can not expect success in the use of any language that would have a tendency to impute to me the purpose of an insult to the Catholic Church. Eight millions of our fellow-citizens are within the pale of the Catholic Church to-day, and I respect her for what she has done for mankind. I never rejoice more than I do when she extends her borders, save when the Protestant forms of religion, in which I more especially believe, go forth to conquer the world and to give salvation to mankind. These words had no peculiar reference to the Catholic Church. All over the South are schools under the bounties of other denominations, and their schools are substantially public—public to the colored children in many instances; public to white children of the South who get education in no other way. But it did seem to me proper when we are taxing all denominations and people of no denomination for the money which is to be expended for the removal of the illiteracy of the United States at large, that we should make provision that if any of this money were appropriated to the maintenance of what are not properly common schools, but which are yet properly public schools—public substantially in their character—none of it should be appropriated for the maintenance of denominational or sectarian schools. So far as the Catholic Church is concerned, I respect it quite as much as I imagine does my friend from Nebraska.

Mr. VOORHEES rose.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. PENDLETON. I do.

Mr. VOORHEES. I move that the Senate adjourn.

Mr. BLAIR. I hope that the Senator will withhold that motion.

Mr. VOORHEES. I make it subject to the wish of the Senator from Ohio.

Mr. PENDLETON. What is the object of the Senator from New Hampshire?

Mr. BLAIR. As I gave notice last night, I desire to ask the Senate to remain in session in order to dispose of the bill, and under no circumstances to adjourn at this early hour.

Mr. VOORHEES. That is utterly impossible from my knowledge of what is to come. I insist upon my motion.

Mr. MILLER, of New York. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield to the Senator from New York?

Mr. VOORHEES. I do not, unless for formal business.

Mr. MILLER, of New York. I ask the Senator from Indiana to withdraw the motion to adjourn that I may submit a motion to proceed to the consideration of executive business and then adjourn.

Mr. BLAIR. I hope that neither motion will prevail. We may as well test the matter on a motion to adjourn.

Mr. VOORHEES. I insist on my motion to adjourn.

The PRESIDENT *pro tempore* put the question, and declared that the ayes appeared to prevail.

Mr. MILLER, of New York. I call for a division.

Mr. BLAIR. The yeas and nays may as well be taken. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. COCKRELL (after having voted in the affirmative). The Senator from Iowa [Mr. ALLISON] was compelled to be absent from the Chamber for a few minutes, and I paired with him. I presume that he would vote "nay" on this question.

Mr. BLAIR. I do not know; I presume so.

Mr. COCKRELL. I withdraw my vote in consequence of my pair

The PRESIDENT *pro tempore*. The vote is withdrawn.

The result was announced—yeas 18, nays 27; as follows:

YEAS—18.

| | | | |
|---|---|---|---|
| Bayard, | Farley, | Jackson, | Vest, |
| Beck, | Garland, | McPherson, | Voorhees, |
| Brown, | Gibson, | Maxey, | Williams. |
| Call, | Hampton, | Morgan, | |
| Coke, | Harris, | Pendleton, | |

NAYS—27.

| | | | |
|---|---|---|---|
| Blair, | George, | Lapham, | Platt, |
| Cameron of Wis., | Groome, | Logan, | Pugh, |
| Colquitt, | Harrison, | McMillan, | Ransom, |
| Conger, | Hawley, | Miller of Cal., | Riddleberger, |
| Dawes, | Hill, | Miller of N. Y., | Sewell, |
| Dolph, | Hoar, | Mitchell, | Wilson. |
| Edmunds, | Lamar, | Pike, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Jones of Nevada, | Saulsbury, |
| Allison, | Fair, | Kenna, | Sawyer, |
| Anthony, | Frye, | Mahone, | Sherman, |
| Bowen, | Gorman, | Manderson, | Slater, |
| Butler, | Hale, | Morrill, | Vance, |
| Camden, | Ingalls, | Palmer, | Van Wyck. |
| Cameron of Pa., | Jonas, | Plumb, | Walker. |
| Cockrell, | Jones of Florida, | Sabin, | |

So the Senate refused to adjourn.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. PENDLETON] is entitled to the floor.

Mr. HARRIS. Will the Senator from Ohio yield to me?

Mr. PENDLETON. I will.

Mr. HARRIS. I understand that the Senator from Ohio prefers to proceed with his remarks in the morning rather than proceed to-night. It is now half after 5 o'clock. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VAN WYCK (when Mr. MANDERSON's name was called). I desire to say that my colleague [Mr. MANDERSON] is paired on the educational bill with the Senator from Wisconsin [Mr. SAWYER].

The roll-call having been concluded, the result was announced—yeas 29, nays 15; as follows:

YEAS—29.

| | | | |
|---|---|---|---|
| Bayard, | Garland, | Lapham, | Ransom, |
| Beck, | Gibson, | Logan, | Sewell, |
| Call, | Groome, | McPherson, | Van Wyck, |
| Cameron of Wis., | Hampton, | Maxey, | Vest, |
| Coke, | Harris, | Miller of N. Y., | Voorhees. |
| Dolph, | Hawley, | Morgan, | |
| Farley, | Hill, | Pendleton, | |
| Frye, | Jackson, | Plumb, | |

NAYS—15.

| | | | |
|---|---|---|---|
| Blair, | Edmunds, | Lamar, | Platt, |
| Brown, | George, | Miller of Cal., | Pugh, |
| Colquitt, | Harrison, | Mitchell, | Wilson. |
| Conger, | Hoar, | Pike, | |

ABSENT—32.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Jones of Nevada, | Sabin, |
| Allison, | Dawes, | Kenna, | Saulsbury, |
| Anthony, | Fair, | McMillan, | Sawyer, |
| Bowen, | Gorman, | Mahone, | Sherman, |
| Butler, | Hale, | Manderson, | Slater, |
| Camden, | Ingalls, | Morrill, | Vance, |
| Cameron of Pa., | Jonas, | Palmer, | Walker, |
| Cockrell, | Jones of Florida, | Riddleberger, | Williams. |

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *April* 2, 1884.

The House met at 12 o'clock m. Prayer by Right Rev. W. S. PERRY, D.D., LL. D., bishop of Iowa.

The Journal of the proceedings of Tuesday was read and approved.

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio; when the Speaker signed the same.

LEAVE OF ABSENCE.

Mr. CLEMENTS, by unanimous consent, was granted leave of absence on account of sickness.

ADDITIONAL FOLDERS.

Mr. COX, of New York. I ask by unanimous consent to introduce for reference to the Committee on Accounts the following resolution:

The Clerk read as follows:

*Resolved*, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ twelve additional laborers in the House folding-room for the purpose of folding speeches, to be paid out of the contigent fund of the House, at the rate of $720 per annum while employed: *Provided*, That the said twelve additional employés shall be dropped from the roll of the Doorkeeper at a period not more than one month after the expiration of the present session.

Mr. COX, of New York. That is the usual resolution.

There was no objection, and the resolution was received and referred to the Committee on Accounts.

TESTIMONY BEFORE THE COMMITTEE ON WAYS AND MEANS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I now send to the desk. I am satisfied that there will be no objection made to it.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

*Resolved*, That there be printed for the use of each member of the House one copy of the hearings had before and testimony taken by the Committee on Ways and Means on what is known as the "Morrison tariff bill."

Mr. ANDERSON. This is already in print, I will say.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MILLS. Let it be referred.

Mr. ANDERSON. Then I ask its reference to the Committee on Ways and Means.

The SPEAKER. If there be no objection the resolution will be referred to the Committee on Ways and Means.

There was no objection, and it was ordered accordingly.

NORTHERN PACIFIC LAND GRANTS.

Mr. DORSHEIMER. Mr. Speaker, I ask unanimous consent to offer a memorial for reference.

The SPEAKER. The title of the memorial will be read.

The Clerk read as follows:

Memorial of the bondholders of the Northern Pacific Railroad praying to be heard before the Committee on the Public Lands on the bill declaring the forfeiture of the lands granted, and asking Congress to protect their interests.

The SPEAKER. Without objection the memorial will be referred to the Committee on the Public Lands.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. REED. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill which I send to the desk, and put the same upon its passage.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H. R. 1212) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

Mr. RANDALL, Mr. HOLMAN, and others demanded the regular order.

The SPEAKER. The regular order being demanded is equivalent to an objection.

The regular order is the morning hour for the call of committees for reports.

Mr. ELLIS. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-thirds vote.

The motion was agreed to.

Mr. ELLIS. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, my object being to call up for consideration the bill making appropriations for the Indian service for the next fiscal year.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1885, and for other purposes.

Mr. ELLIS. I ask unanimous consent that the first reading of the bill for information be dispensed with.

There was no objection.

Mr. ELLIS. Mr. Chairman, if the House will give me its attention for a few moments I will endeavor to give such an explanation of the bill as I hope will rob it of m[illegible] friction and prevent much useless debate.

The bill under consideration is divided into seven distinct heads. Under the first will be found the appropriations for the current and contingent expenses of the Indian service. The estimates under this first head for the next fiscal year, as submitted by the Department, amount to $313,300.

The bill recommends the appropriation of $198,900, or less than the estimates by $114,400, and $1,500 in excess of the appropriation for the current year. Under this head, sir, are made appropriations for the salaries of Indian agents, regular and special, of interpreters, inspectors, school superintendents, and their incidental and traveling expenses. The great difference between the estimates submitted by the Department and the amount recommended by the bill is accounted for principally in this way: In nearly every case the Department has estimated for an increase of the salaries of Indian agents. In my judgment, sir, careful attention should be paid to the question of the salaries of the Indian agents. We had not the time, nor had we the information, to enable us to determine how or in what manner the increase of salaries should be made. My judgment is that if the Department expects to command the services of Indian agents of character, of reputation, of undoubted honesty, the Government will ultimately be obliged to increase their salaries. In the main the salaries provided for by this bill are exactly those of the last year. In one or two instances there is a slight decrease. In the case of the Indian agent at the Navajo agency there has been an increase of $500, especially on the recommendation of the Department, and which seemed to be absolutely necessary to the committee. His being in charge of 17,000 Indians, scattered over a reservation one hundred miles square, encountering great difficulties in their management, requiring great judgment and an immense amount of industry and activity, we deemed it due to him that the salary should be restored to $2,000, which it originally was when he went there and took charge of the agency.

Under the second head will be found the appropriations for the fulfilling of treaties with Indian tribes. Some of the amounts fixed by treaty are absolute, and in such cases the full amount has been appropriated. In other treaties the stipulations in regard to the support are flexible, and the appropriations have been decreased.

I would call the attention of the House here to the policy, which in my judgment is a wise policy, which has been inaugurated by the Government in regard to the support of the Indians, the idea being to gradually withdraw their support so as to encourage them to industry, to make them feel that eventually this support must cease entirely, and then upon their own exertions will depend their existence and their progress.

The estimates under this head called for $3,681,826.31; while the amount appropriated for the current year was $2,671,085.91; and the amount recommended in the bill is $2,551,703.10, or less than the appropriations for the current year by $119,382.81, and less by $1,130,-123.21 than the estimates.

The decrease from the bill for last year is found in the declared policy of the Government to which I have just made reference. That is, gradually making the Indian tribes self-supporting. And in order to do this we must gradually withdraw their support, teaching them this support must decrease and thus stimulating them to habits of industry and labor, and making them independent. The vast difference of $1,130,-123.21 between the estimates and the amount recommended by the bill is accounted for by the fact that the estimates are drawn upon the basis of all that could possibly be due to the Indians under the treaties. For instance, the sixth article of our treaty with the Navajo tribe of date June 1, 1868, provides that the United States shall furnish a school-house and a teacher for every thirty Indian children who could be induced to attend school. The Department estimates for a school-house and teacher for every thirty of these children of that tribe and asks for the sum of $189,100; while the fact is that there are but two schools, with an attendance of less than one hundred pupils. The bill gives under that item $10,000. In allowing this sum we were guided by the fact that the process of education must be gradual. We believe that $10,000 would organize three new schools and support them, and that if the Indians showed a disposition to avail themselves of educational advantages the schools could be gradually increased in numbers year by year. I give

this single illustration as explanatory of the reasons which exist for the great difference between the estimates of the Department and the amount recommended by the bill.

There is one of these treaties which calls for special attention in our legislation. I refer now especially to the treaty with the Sioux tribe; and in this connection I might mention the treaty with the confederated bands of Utes. I regard both of these treaties as ill-advised, prejudicial to the interests of the Government, and also prejudicial to the interests of the Indian, because provision is made in them that is in fact eternal for the support of those Indians. We are obliged absolutely to support every man, woman, and child of those two tribes as long as time lasts.

In my judgment, sir, this is wrong. In my judgment, if we thus invite the Indian to idleness and vagrancy he will accept the invitation. I believe that this treaty should be modified so as to make the amount of their support gradually decrease from year to year, letting them know in the course of time it will cease, that they may be stimulated to habits of industry.

Under the head of "miscellaneous supports" are to be found appropriations for the support, care, education, and civilization of various Indians amounting to $1,117,000, which is $471,300 less than the estimate, and $64,000 less than the appropriation for the current year.

Nearly all the items under this head have been decreased under the policy to which I have had reference with the view of rendering these Indians self-sustaining. A few of the items have been increased because of insufficiency of appropriation for the current year. The bill for the current year was most carefully and ably drawn by my friend and colleague on the committee, the gentleman from Kansas [Mr. RYAN]; but estimating for certain Indian tribes of Montana and the Haulapais Indians, he did not take into consideration the fact that the game had entirely disappeared from those reservations, and he did not foresee that if drought and frost should occur it would ruin the crops. This could not be foreseen, and therefore no human foresight could have provided against this deficiency.

In regard to the items for these Indians, those facts have been taken into consideration and the amounts have been increased.

Under the fourth head will be found the appropriations for the support of the schools. Under this head provision is made for the support of established Indian schools. The estimate was $1,600,300. The bill recommends $785,000, which is $815,220 less than the estimates, but is in excess of the appropriations for the current year by $134,880.

The problem of Indian education, in my judgment, is solved in favor of the Indian. The reports from all the schools show the most commendable degree of progress on the part of Indian pupils both as to mental development and a disposition toward industry. Instances almost pathetic in their details are given of the eagerness of the Indian for instruction. The policy recently adopted of extending the benefits of education and industrial training to Indian girls as well as boys is attended with the most gratifying success. The bill under consideration aims to develop the head and the heart of the Indian and to train his hands to useful labor, and not to sustain him in idleness. I am profoundly convinced that this is the true policy.

Since I have been engaged in the preparation of this bill I have seen more than twenty men, the representatives of various tribes, who were educated, robed in the habiliments of civilization, well-mannered, and perfectly capable of taking care of themselves in the arena of life.

Fifth. Under the head of general, incidental, and miscellaneous expenses will be found provisions for the pay of Indian police, for expenses of telegraphing, for purchasing and transporting supplies for the support of Indian industrial schools, and for the establishment of other schools. The estimates for this purpose amount to $1,127,913, while the appropriations for the current year amount to $565,800. The amount for this purpose recommended in this bill is $599,800, or $528,113 below the estimates, and $34,000 below the amount appropriated for the current year. The increase over the appropriations for the current year is owing to augmented recommendations for educational purposes in the establishment of industrial schools.

That the amount recommended by the bill for this purpose is nearly $600,000 below the estimates is attributable to the fact that large estimates have been made for certain tribes that appear to be doing well enough now, and there are included also in the estimates certain agreements with certain tribes which are too vague and indefinite to form the basis of any considerable expenditure.

Sixth. Under the head of interest of trust funds and stocks, the recommendations of the bill are exactly in accordance with the estimates. They are fixed by law, and are precisely the same as the appropriations for the current fiscal year. The estimates for this purpose amount to $95,170, and the recommendation of the bill is for the same amount.

The total amount estimated by the Department for this service is $8,466,809.91. The appropriations for the current year were $5,360,655.91. The total amount recommended by this bill is $5,347,653.10, which is $3,119,156.81 less than the estimates, and $13,002.81 less than the appropriations for the current fiscal year. If we deduct from this bill the item of $20,000 for the starving Hualapais Indians, which is a deficiency, and urgent in its character, the appropriations contained in the bill are really $33,002.81 less than the appropriations for the current fiscal year.

I think it proper now to call the attention of the Committee of the Whole to some provisions of general legislation contained in this bill. I may say here that I am opposed in principle to general legislation on appropriation bills. But there were some items that seemed to me so apposite and so germane to this bill and so urgent in their character that I thought it proper to ask the Committee on Appropriations to place them on the bill. The committee unanimously agreed with me.

One of the provisions, based upon the most urgent recommendation of the Commissioner of Indian Affairs, aims at preventing and utterly breaking up the whisky traffic among the Indians. The great curse of the Indian tribes, the great difficulty in the way of the civilizing influences with which we seek to guide these people aright, is the whisky traffic as pointed out by report after report of the Indian agents. The Department asked for $5,000 for the purpose of detecting, prosecuting, and punishing men who surreptitiously sell liquor to the Indians. The committee have framed such a provision and have proposed an amendment to two of the sections of the Revised Statutes.

By sections 2139 and 2140 of the Revised Statutes, I think, it is made a sufficient defense to any prosecution of any person for selling liquor to the Indians that it was done by authority of the War Department. Those two sections have been amended so as to take away that defense.

An amendment which will probably be offered by my friend from Montana [Mr. MAGINNIS], and to which I have no objection, and which I think is right, perfectly guards officers and soldiers of the United States Army in regard to having and keeping liquors for their own use at forts and military posts within Indian reservations. I call upon the House to sustain the committee in this item of general legislation. If they will peruse the reports of the Indian agents they will find that liquor-selling to the Indians is the curse of the Indian. Naturally a savage, he is made more so when inflamed by liquor; and all the efforts made to educate him and civilize him, to bring him to the light in which we walk, are constantly thwarted, and he is driven back from the course in which we seek to lead him. It behooves us as intelligent, humane, and enlightened men, caring for these people, peculiarly and particularly the wards of the Government, to take away from them this temptation.

Another item of general legislation will be found in the last section of this bill. It requires all Indian agents every year to make a complete census of the Indians at their agencies, or upon the reservations under their charge; the number of males above 18 years of age; the number of females above 14 years of age; the number of school children between the ages of 6 and 16 years; the number of school-houses at each agency; the number of schools in operation, and the attendance at each, and the names of teachers employed, and the salaries paid such teachers.

This is absolutely necessary in order to give future committees on appropriations and future Congresses intelligent facts by which to guide their action. We have to make appropriations for the school children pro rata, and if we do not know the number of them we can not know what amount to appropriate.

Under certain stipulations in certain treaties we are obliged to give girls above the age of 14 years so much clothing and boys above the age of 18 so much clothing. And unless we know the number of Indians above those ages, or within those ages, it is impossible for us to legislate intelligently. We should therefore have this information.

In the preparation of this bill I have been struck with three facts. One is that the Indian is wholly without the courts. I believe that the benefits of the courts should be extended to him. I believe that he should have the means to coerce men to keep their contracts with him, men or corporations. I believe that the courts should be seized of jurisdiction of offenses committed by the white man against the Indian and also by an Indian against an Indian.

I believe if the paternal care of the Government was extended over him and he could be made to feel that he was protected by the laws of the United States it would develop in him a loyalty and a tendency toward civilization. I believe it would tend to make him feel that the United States did have care for him and that he was more and more a man. But the committee had not time to consider a question of such magnitude and which should employ the very best qualities of statesmanship in its consideration.

Another thing, Mr. Chairman; I believe that we should soon take steps toward making these people citizens. I believe the door of citizenship should be opened to them. I believe that if we could make them citizens, if we could interest them in the Government—of course this must be a gradual process, it can not be done all at once, but if, as they attain certain degrees of intelligence, certain degrees of education, a certain measure of independence and self-support, they should be invested with citizenship—if this can be done, attachment to the Government, attachment to the flag, attachment to the traditions of the country would come, and we would find it would make of them good citizens.

Mr. LONG. And the barbaric element would go?

Mr. ELLIS. Yes, sir; as the gentleman from Massachusetts remarks.

the barbaric element would go, and I believe we should take this step very soon. These people now feel that they are ostracized, that they are outside, that the Government has no care for them except to keep them from the warpath. They feel no interest in the Government whatever. And I do not wonder at it after the hundred years of dishonor which has characterized the actions of the Government toward them. Citizenship, the courts, and the schools—these are the agencies which are to solve the Indian problem, and solve it in the interest of humanity and of Christianity.

Mr. Chairman, in walking toward the Senate did you ever pause in that corridor beneath the great Dome where art has given to immortality some of the most striking scenes in American history and look at the figures which appear in bas-relief over the four doors which lead to the Rotunda? If you turn to the eastern door, there are figures representing the Indian meeting the Puritan Fathers, as their shallops scraped on the rocks of the New England shore, with ears of corn in his hand. If you turn to the northern door, another group illustrates the Indian striking hands with William Penn and entering into a treaty of amity and friendship. If you turn to the western door, another group illustrates the oft-told story of the Indian maiden shielding with her form and hands and supplications the white man from the uplifted blow of the war-club.

If you turn to the southern door, there is the reward of the Indian. The pioneer with one foot on the body of a slain Indian is in deadly conflict with another whose unguarded and exposed side is about to receive the deadly knife. I never pass there without thinking of the conduct of the Government toward the Indian. And I trust, sir, that you and I and all present may live long enough to see another group added. I trust that some genius will give there another group which will represent the atonement of the Government. I would have it the genius of Columbia raising from the dust and ashes of his supersition, of his idleness, of his savagery, this red man. I am no enthusiast. I do not believe in the ideal Indian. I believe in taking him up from all he now is, clothing him in the habiliments of civilization, developing his head, Christianizing his heart, and pointing him on the upward and onward path toward a continued and peaceful prosperity. [Applause.]

And now, Mr. Chairman, I would beg any gentleman who desires any further information about this bill to ask me any question, because probably in that way, this being a business bill, I hope it will be attended with as little debate as possible and put through as rapidly as possible. If any gentleman desires information I will be glad to give it to him.

Mr. KASSON. I should like to ask the gentleman from Louisiana a question touching the eighth section. I desire first, however, with great sincerity, to congratulate the gentleman from Louisiana not only on the clearness of his statement touching the contents of this bill, but more yet on that enlightened appreciation which he seems to me to have shown of the entire Indian problem. I always fear in these Indian appropriation bills that the boast of a member of the Appropriations Committee will be that he has cut down right and left in the mere matter of retaining money in the Treasury of the United States. I renew my congratulations to the gentleman, and the committee which has authorized him in this respect, that he has seemed in this bill to endeavor to provide for the growing demands of the policy which the entire country approves of advancing the civilization of the Indian.

With these remarks by way of expressing my appreciation of what he has said, I now call his attention to the eighth section of the bill, which provides for the case of fraudulent or erroneous accounts. It provides—

> That any disbursing or other officer of the United States or other person who shall knowingly present or cause to be presented, &c.

Referring to the presentation of fraudulent accounts.

Reading further in the same section, beginning with the twentieth line, I find it provided—

> That the officers and persons by and between whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim.

This clause seems to me to eliminate the usual feature of punitory laws, that an act to be punishable must be willful, must have been committed with a fraudulent or criminal intent. I simply speak of the matter now so that attention may be given to it when we reach that part of the bill.

Mr. ELLIS. This provision is precisely the same as that adopted last year. It seems to me to explain itself fully. But when we reach it in the consideration of the bill by paragraphs I shall be very glad indeed to hear and accept any suggestion from the gentleman; for I know that in statesmanship and wisdom he has hardly a peer in this House.

Mr. ADAMS, of Illinois. I desire to ask the gentleman from Louisiana [Mr. ELLIS] a question in regard to the provision beginning at line 993 of the bill, "for care, support, and education of Indian children at industrial, agricultural, mechanical, and other schools." I desire to know whether this appropriation is large enough to provide for the extension of that mode of caring for Indian children.

Mr. ELLIS. We have endeavored to make it so. It is a large increase over the appropriation of last year.

Mr. CHACE. How much was the appropriation last year?

Mr. ELLIS. The general appropriation for 1884 was $75,000, the same as this; but in this bill we have made separate provision for the Lincoln school at Philadelphia, the support of which for the current year is taken from the general appropriation. The appropriation in this bill for the Lincoln school is $33,400, which is substantially an addition of that amount to the appropriation made last year.

Mr. MAGINNIS. I could wish that every appropriation in this bill for day schools for Indians on reservations had been taken out and transferred to a separate item, because it is my deliberate judgment that none of the day schools on reservations are of any earthly use.

Mr. CHACE. Then I understand that the gross increase in the appropriation for the support to schools is about $33,000.

Mr. ELLIS. Yes, sir.

Mr. CHACE. What is the decrease of the appropriation for miscellaneous supports?

Mr. ELLIS. The appropriation for miscellaneous supports is $64,000 less in this bill than the appropriation for the same purposes last year.

Mr. CHACE. Is there any provision in this bill—I have not been able to find any—by which the Government will fulfill its agreement with the Dakota Indians under a treaty made with them? I refer to those Indians that were before the House in the emergency appropriation bill in the early part of this session. The gentleman will remember that by the terms of the treaty to which I refer these Indians were to relinquish their reservation to the Government in consideration of which they were to receive $50,000 per annum. I am informed, and I believe correctly informed, that the Government has never ratified that treaty, but has taken the land, has removed the Indians from it, and has only paid them $35,000 a year.

Mr. ELLIS. Does the gentleman refer to the Moses band?

Mr. CHACE. I do.

A MEMBER. And to the Blackfeets.

Mr. ELLIS. This matter was not brought to my attention until after the bill had been framed and passed through the committee.

Mr. MAGINNIS. The gentleman from Rhode Island [Mr. CHACE] refers to the Blackfeet tribe.

Mr. ELLIS. I thought the gentleman referred to the Moses band, with whom the treaty has not been ratified.

Mr. CHACE. Although the treaty has not been ratified, the Government has taken the land, has possessed itself of the property of the Indians, without fulfilling the conditions of the contract.

Mr. ELLIS. That is entirely characteristic of the policy of the Government toward the Indians, a policy which I hope is soon to cease.

Mr. CHACE. I wish to suggest right here that this would be a most excellent time for the committee to change that policy and introduce into this bill an appropriation to pay those Indians the money that is absolutely due them by contract.

Mr. MAGINNIS. The committee in this bill has raised the amount $25,000; the last Congress gave but $45,000.

Mr. CHACE. Why should not the appropriation be raised to the full amount?

Mr. ELLIS. The gentleman from Montana [Mr. MAGINNIS] is referring to the appropriation for the Montana Indians. The item of which the gentleman from Rhode Island [Mr. CHACE] speaks is to carry out the treaty which was made between the Secretary of the Interior and Chief Moses in regard to his band. That treaty has never been ratified by the Government of the United States. This matter was not brought to my attention until after this bill had been considered by the committee. It involves the whole question of the ratification of that treaty. My judgment is that the whole matter should be brought before the Senate committee for its action.

Mr. CHACE. I infer from what the gentleman from Louisiana says that if it can be considered in the Senate the Committee on Appropriations will not be indisposed to lend it its favorable action.

Mr. MCMILLIN. If it is to be done at all, Mr. Chairman, why should it not be done here and now. If it is proposed not to be included in this bill, if it is not to be included here at this time, expecting that it will be inserted in the Senate, it seems to me to be a very strange proceeding to omit it from the bill and at the same time give notice in advance to the Senate that if it be inserted by them we will indorse it as soon as it reaches the House again. If it is right and is to be done at all, it ought to be done now.

Mr. CHACE. I agree with the gentleman from Louisiana.

Mr. MAGINNIS. The gentleman from Louisiana is right that this appropriation involves the ratification of an agreement. The case referred to by the gentleman from Rhode Island is the case of the Blackfeet Indians. Some years ago the Government went on and made a treaty with these Indians by which they were to give them $50,000 a year. That treaty was never ratified, but the Government went on to sell the Indian lands just the same as if the treaty had been ratified. In the mean time Congress commenced to cut down the appropriation from $50,000 a year to $40,000, and then to $35,000 a year, until at last it was cut down as low as $25,000. That was one of the occasions of the deficiency supplied by the committee. I see by this bill the Committee on Appropriations has raised it to $45,000.

Mr. ELLIS. I will say wherever a treaty provided for a fixed sum to be paid the Indians that sum has been appropriated in this bill.

Mr. MAGINNIS. But there was no treaty to guide the committee in this case.

Mr. ELLIS. None.

Mr. MAGINNIS. But the facts are as I have stated them.

Mr. ELLIS. I have no doubt of that.

Mr. ADAMS, of Illinois. That part of the bill to which I wish to call the attention of the gentleman from Illinois provides that the rate shall not exceed $167 for each child. I have in my district an industrial training-school for boys, in which many of the children of the poorer classes in Chicago are trained in the industrial arts. They have some twenty or thirty from the wild Indian tribes. I remember when I visited that institution last autumn I was told that this rate of $167 was insufficient. Now, I desire simply to ask the gentleman in charge of the bill whether that amount has simply been taken from last year's figures, or whether the Committee on Appropriations have considered the question whether it can not be raised to the advantage of the Indians without substantial loss to the Government?

Mr. CHACE. Does the gentleman from Illinois refer to the Carlisle school?

Mr. ADAMS, of Illinois. No; but to the industrial training-school in Illinois. I believe the same is the case everywhere. Now, at that particular institution to which I refer in Illinois the rate last year was $167 for each child, and it was alleged that was not enough. I do not profess to be familiar with the subject, but I simply ask the gentleman from Louisiana in charge of this bill whether that question has been raised. I hope the rate will be increased beyond $167 for each child, and I believe it will be not only to the advantage of the Indians themselves, but will not result in any material loss to the Government.

Mr. MAGINNIS. I know that some of the best industrial schools in this country, on the Indian reservations, will take these children, if the Commissioner will send them there, for $100 apiece.

Mr. ELLIS. That question was considered by the Committee on Appropriations, I will say to the gentleman from Illinois. In some Indian schools, especially those further east, where the expenses of living are higher, it was considered that $200 was not an exorbitant rate. Out in the West, nearer the Indian reservations, we regarded $167 was enough.

Mr. STEELE. The colloquy going on between the gentleman in charge of the bill and other members of the House seems to be more in the nature of a private colloquy.

The CHAIRMAN. It has been objected to by quite a number of gentlemen upon the floor, and the attention of the Chair has been called to it. It is impossible for gentlemen in other portions of the Hall to hear what is going on, and the Chair therefore will request gentlemen taking the floor to address the House to comply with the rule which requires them to address the Speaker.

Mr. ELLIS. If no other gentleman desires to ask me a question I will yield the floor, as I understand the gentleman from Georgia [Mr. HARDEMAN] desires to say something on this bill.

Mr. HARDEMAN. Mr. Chairman, when St. John the Divine wrote his book of Revelations he wrote an injunction to the seven churches of Asia, saying to them: "He that hath an ear let him hear what the Spirit saith unto the churches." I would like, sir, to emphasize that injunction upon the ear of the members of this House to-day during the short time that I will occupy the floor in this discussion. Recognizing, as I do, in all of its fullness the obligations of the General Government to carry out its treaty stipulations with the Indians, and knowing as I do that the interests of this bill will be ably conducted by the gentleman [Mr. ELLIS] having it in charge, I shall say nothing upon it, but shall endeavor to bring to the consideration of the House the question of the propriety of taking from the Speaker's table a bill reported from the Committee on Agriculture by the gentleman from South Carolina [Mr. AIKEN] proposing to make the Agricultural Department one of the Cabinet bureaus of this Government, and ask its consideration and passage by this House.

Not belonging, sir, to any of the standing committees that gives an individual a right to the floor when he pleases and to speak when he chooses, I have to avail myself of the latitudinarian rule applicable to the Committee of the Whole in addressing the House on this question, and I merely ask a hearing for a short time while I shall endeavor to present the claims of that bill and the importance of the subject with which it deals. And for this privilege I am indebted to the distinguished chairman of the committee [Mr. RANDALL], the able member [Mr. ELLIS] who has the bill in charge, and to my young friend who stands as the right bower of our Speaker, and whom I have learned to regard as one of our most useful, important, and efficient public officials. I mean Mr. Crutchfield.

I am glad I can now consistently and cheerfully vote to sustain the report of the Committee on Agriculture in their recommendation to elevate the Bureau of Agriculture to a Cabinet position. As I said when the pleuro-pneumonia bill was under discussion, I had rather uphold than weaken the arm that would strike a blow on this floor to secure for agriculture a proper recognition from the law-makers of the country. For what does the committee ask? Simply to give to agriculture that position in the councils of your Government which her importance and vast capabilities and necessities demand. The interests to be subserved by such a course are many and all-controlling, for upon them rest the prosperity of this country and the general welfare of the people. No one will gainsay the fact that agriculture is the foundation upon which is built every other industry. It enlarges our income, furnishes our exports, builds up our commerce, supplies our factories; in fine, enters into every art, every calling, every trade, every industry in the land. No business is independent of its aid, and no government can afford to ignore its claims. As has been said by Dr. Johnson, "it not only gives riches to a nation, but the only riches she can call her own." It is the barometer that marks the rise and fall of nations.

Rome's decay dates from the decline of her agriculture, and every nation that does not foster and encourage it retards its own growth, if it does not court its own downfall. Its relations to our Government are too close and important to be ignored by our legislators. It is the very life and soul of the Republic. It stretches out its arm and lays hold of that country's business in all its channels and ramifications. Look at your trade relations and tell me, what would they be without its support and supply? Look at your export trade, amounting in the last fiscal year to $804,223,632; of this large amount agriculture furnished $619,269,449—77 per cent. of the total value. It may be a matter of interest, considering its bearing on this question, to mark its growth in the export trade of the country. In 1850 it furnished $108,605,713 worth of products; 1860, $256,560,972; 1870, $361,188,483; 1883, $619,269,449; nearly doubling every decade. Of this last amount for 1883, $247,328,721 came from the raw cotton of the cotton-growing States; $208,040,850 from the grain and cattle growing States. Now, sir, from what investments came these large exportations? There are in the farms in this country 536,081,835 acres farm land, valued at $10,197,096,776; farm implements, valued at $406,520,055; live-stock, valued at $2,467,868,524.

In addition to the capital invested, see the number of persons engaged in it. By your last census out of a population of 36,761,607 persons above the age of 10 years 17,390,990 were engaged in different occupations; of this number 7,670,493 persons were engaged in agriculture, 3,837,112 persons were engaged in manufacture, leaving 5,883,385 persons engaged in all other occuptions.

You see, sir, how many of your fellow-countrymen (nearly one-half of those having any calling) are engaged in the noble work of agriculture. How many are enlisted in your armies and how many are afloat upon your waters? A comparatively small number, and yet to look after these soldiers and sailors and the interests they are organized to protest you have two Departments of the Government and spend annually millions of dollars. While I make no war upon these Departments, I have thought both economy and efficiency demand they should be united under one head. But that is foreign to this discussion, and I only alluded to it to show, if it was important to have these two Departments, I assert, because of the great growth of agriculture in this country and of the magnitude of the interest connected with and dependent upon it, there is also an urgent necessity for this Department of Government, and the vital interest of the country demands that the labor of the country, comprising, as I have shown, about half of your population over 10 years of age, should have a voice in the councils of the Government. This is an age of progress and development in art, in science, in mechanics, and manufacture. These industries are mostly in our cities and towns and can avail themselves of all the appliances and essentials to growth and advancement.

Agriculturists, from the nature of their vocation, are scattered and segregated, and can not therefore be reached as readily with sources of information and supplied with means of improvement; hence the greater necessity for an organized head who can look after the agricultural interest of the country, its industrial policy, its far-reaching influences, who will successfully stimulate improvements in culture, in fertilization, in scientific methods and soil tests, and above all who can present her claims around the high council board of the country. Upon what subject for Cabinet discussion has she not some interest, direct or remote? Who more interested in domestic or foreign commerce, in the carrying trade of the country, in the financial policy of the Government, every change of which effects them as sensitively as the weather changes do the flowers; in its commercial relations, in its educational systems, in its social and political economy, in its laws of revenue and taxation, than the agriculturists of the country? And yet, sir, agriculture has no voice around your council-boards, while others less strong in numbers and certainly no more useful members of the body politic have there their heads of Departments to guard their interests and advance their cause.

"But," say you, "this can be done under the present organization of the Department." Sir, I deny it; as at present organized the very efficient head of that Department can do but little else than formulate tables and distribute seed. His hands are tied by his subordinate position and his efficiency is impaired because he has to speak through another (often not in full sympathy with him) of the wants of his Department, of the industrial necessities of the country and the policies most essen-

tial to the growth of our industries and the advancement of that profession which underlies our prosperity as a people and our greatness as a Government. How long, sir, will the labor of the country, which at last is the capital of the country, be denied its proper place in the councils of that country? Here is a spectacle at which you can look with ever-increasing wonder: that the great industries of the nation, those that make its commerce, run its factories, fire its forges, dig its mines, build its cities, populate its workshops, and feed and clothe its people, industries in which every man, woman, and child in this broad land are deeply interested, are voiceless in the councils of your Government. Are not those who make the wealth of the country entitled to some of the benefits and honors of the Government? Are not the arts of peace as essential to a nation's prosperity and growth as those of war? If so, let them stand upon an equal footing in the high courts of your Government. Let it not be longer said that agriculture (and I might add other industries) occupies a more subordinate place and has less done for it in the United States than in most of the civilized nations on earth. "In 1877," said the master of the last National Grange, in his excellent address, "France appropriated for agriculture and commerce over $20,000,000; Russia, for agriculture and public lands, nearly $15,000,000; Austria and Hungary, for agriculture alone, $5,500,000; Great Britain, $800,000; Sweden, $650,000; the United States for the same year, only $174,686.

I hold, Mr. Speaker, that it is to the interest of the Government that every member in that Government should feel his own personal relation to it, his dependence upon and connection with it. Such a feeling nerves his patriotic impulses and instills into his bosom a greater love for that Government; and the closer that relationship (if it be not a forced one) the stronger will be that attachment. Acting upon this principle, I would bring the farmer face to face with the powers that govern. I would have him feel that his great industry is receiving from the Government the consideration it deserves; not in the way of burdens, for we all know how much of the burdens of Government are borne by the agriculture of the country. Sir, she is willing to bear her proportional part; this she will do without complaint; and she is further willing, sir, if necessary, in your tax laws raising revenue for the general purposes of the Government, that you should give (as far as can be done justly) incidental protection to the struggling industries of the country, for labor sympathizes with labor the world over; but, sir, while assenting to all this, she demands, while you tax her products, while she contributes to your export trade more, largely more, than all other industries combined, while she has more persons engaged in her pursuits than in any other calling, who have so long and so patiently borne the inequalities of your tax laws, of your transportation systems, your trade laws, and your cold neglect—I say, in view of all these facts, she only demands a representation among those who shape the policy of Government and control its affairs.

I ask you, sir, in view of the great interest involved, the large number interested, the great benefits that will accrue from it, is this an unreasonable request of the farmers of the country? Sir, the policy of this Government toward agriculture has been instrumental in retarding the growth of the country. As the great and gifted Webster said, Agriculture, as far as the Government is concerned, is left to swim if it can, sink if it must. She has been isolated on account of governmental neglect, and has not realized in all its fullness the importance of manufacturing industries to her success. Sir, this policy should cease, and agriculture should be drawn from her isolated position and brought in contact, close and intimate, with the manufacturing and other industries of the country, for these are absolutely essential to her growth and prosperity. Let labor be brought in association with labor. Bring her out from the retirement into which your neglect has driven her and let her take that high position in matters of government that her importance and vast resources demand. Make for her, and other industries if you prefer, a department of state, known as the department of agriculture and industry, where they will have a voice in defending and advancing their interests. Let that department have every facility necessary to accomplish the great objects contemplated in its creation. Equip it for practical and scientific experiments. Make its botanical, entomological, statistical, chemical, and mechanical branches equal to the progressive spirit of the age. Enable it by analyses of soils, vegetable products, fertilizers, and other materials to satisfy the growing demand of the farmers of the country for this information, so important to successful culture and development.

Who, sir, can overestimate the value of the statistician, the entomologist, the botanist, the chemist to the agriculturist, ay, sir, to the country? The elevation of the bureau to a Cabinet position will enthuse new life into the Departments and new hopes and new courage into the hearts of the honest tillers of the soil, and these will redound to the best interests of the country. Make this department, then, one worthy of the Government and its greatest industry, not simply a bureau of seeds and Congressional canvass plants, and the agriculturists of the country will realize from your action that justice, though tardy, has at last been awarded them by a government so dependent upon them for material prosperity and financial independence. "But," says one, "it is creating an additional office and thereby increasing the expenses of the Government." Sir, it is not adding to the number of officers; it is only elevating the office and officer to the dignity of a Cabinet position. I grant you it will cost a few thousand dollars more. Suppose it does. Who bears the burdens of your Government? Who pays more into your Treasury, who brings you more prosperity than your agriculturists, and who, therefore, should be more entitled to a fair and equitable consideration from the Government? As you elevate and advance this industry you advance the growth and wealth of your Government.

No one can deny the assertion that agricultural organizations and bureaus have been instrumental agencies in elevating agriculture, increasing its production, and enlarging its power and usefulness. And, sir, as agriculture grows in position and independence she stretches out her arms after other industries, and in these diversified pursuits may be found the grand elements of a nation's wealth and a people's prosperity. The Government could adopt no wiser policy than to encourage and foster it. Aid it by all the means in your power, and as you develop its great resources, other industries, that necessarily go hand in hand with it, will spring up, manufactures will be established, cities will be built, and this country, already made rich from field and farm and dairy and workshop, will grow in greatness as she grows in years.

I am aware, sir, there is a disposition among some to ridicule every attempt to advance art, science, physics, and mechanics that is ahead of the intelligence of the age. This has been the history of progress for generations. Morse was ridiculed as a visionary and a wild enthusiast in the Halls of our Congress when asking for aid to his electric invention, yet his ridiculers are dead and forgotten, while Morse's name will be transmitted to posterity as long as his electric current encircles the civilized world. The astronomer, looking through his lenses and his simple telescope made of rude materials, was ridiculed as a star-gazing simpleton or a moon-stricken monomaniac, yet the starry spheres will hymn forever the praises of Kepler and Herschel, while Jupiter and Saturn will sound on and on down the ages the name of Gallileo.

The scientists were subjected to criticism and derision as they watched in thoughtful study the boiling water and the humble vessel that contained it, yet the world now bows in homage to their discoveries, while the mighty engine wheeling across continents the commerce of nations carries to the generations the fame of Watt, and the bursting billow ploughed by the ocean steamer dirges in eternal cadence a requiem to Fulton. As it was in the past so is it now. Sceptics doubt, while science progresses. The world is demanding a higher civilization. The earth is developing new mines of wealth, and improved science must secure her treasures. The heavens marching to the music of the spheres invite to other conquests in the far-off worlds in the infinity above. Old ocean, lashed by the fury of the storm or calm as the nature of "its own mysterious source," sings a ceaseless song of progress, while science levies tribute upon its waters, and commerce interlocks the hands of nations amid the surges of its billows. Nature in all her elements speaks of progress and development and we can not as a people stop to listen to the jeers of the sneerer or to place the fingers of the doubting Thomases of the age.

Labor, sir, asks for aid to keep pace with this progressive age, and, recognizing her just claims, I will do all in my power to elevate agricultural and mechanical industries and thereby enlist in their pursuits more of the young men of the country. I believe a proper recognition by the Government of these industries would dignify and encourage the labor of the country. It is for the tillers of the soil and for the sons of toil I speak to-day, and ask this humble recognition of their claims by the Congress of the United States. Your soldiers are represented by your War Department, your sailors have a mouthpiece in the Navy Department, your bankers and merchants and bondholders are heard through your Treasury Department, your judiciary has been supplied with a Department of Justice; why not provide a department of agriculture and labor for the toiling millions engaged in the industries of the country? My appeal is indorsed by a convention of nearly three hundred delegates of intelligent agriculturists of my own State, whose memorial I have laid upon your table. Its indorsement comes from every factory in the land, whose poorly paid operatives often strike for bread; it comes from your furnaces and forges, whose fires are too often extinguished because of an improper estimate by capitalists of the wages of the toilers therein; it comes from the fields of our agriculturists, where every upturned sod tells of mortgage-deeds and credit-liens. From every section of this land whose history is being written in the tears of toil "and the sweat of the poor" the appeal comes—*honor and dignify the labor of the country.* Heed that appeal, my countrymen, to-day, or that long-neglected labor may hold up the garments bleeding Cæsar wore and point to the rents and cuts made by Cassius, the envious Casca, and beloved Brutus, that they—

> May ruffle up your spirits, and put a tongue
> In every wound of (Toil) that shall move
> The stones themselves to rise and mutiny.

Protect your labor, and it will protect you; elevate it, and it will redound to the welfare of your country; advance and nourish it, and joy will brighten the face of toil with smiles, comfort will gladden every homestead, happiness crown every altar, while general prosperity will smile upon your country, already the idol of its people, the exemplar of nations, a model for the world. [Applause.]

Mr. ELLIS. Mr. Chairman, I now ask that the bill be read by paragraphs, for debate and amendment under the five-minute rule.

Mr. THROCKMORTON. I would like to be heard for a time upon this bill in the general debate.

Mr. ELLIS. Would the gentleman from Texas indicate the time that he wishes to occupy?

Mr. THROCKMORTON. I suppose not exceeding half an hour.

Mr. ELLIS. I ask the question because I would like to fix the time, if possible, in which the general debate will close.

Mr. THROCKMORTON. I shall be as brief as possible.

Mr. ELLIS. I withdraw the motion temporarily.

Mr. THROCKMORTON. Mr. Chairman, in arising to address the committee upon this bill I wish to say that I do not take the floor for the purpose of opposing the bill particularly, but with the view of calling the attention of the committee to some of its features and also to give expression briefly to my views upon our Indian policy. I believe, sir, the management of our Indian affairs is erroneous in almost every respect. I believe our Indian policy is detrimental to the Indians, and results in little good to the Government. I believe that the Indian affairs of the country, by adopting a different policy than the one heretofore pursued, can be carried out much more economically to the Government and with far greater benefits to the Indians themselves. But I do not propose to enter to any great extent upon the discussion of that subject at this time. I desire merely to call the attention of the committee to some of the features of this bill, more with a view to their correction in future legislation than to attempt to improve upon the pending measure.

We find upon examination of the bill that there is a provision made for the salaries of sixty Indian agents, and also for the salaries of four special agents. It is clear to my mind, and it has been the view of many members of Congress heretofore familiar with the subject, that this expenditure for the salaries of these sixty-four Indian agents could all be saved to the Government. The amount appropriated by this bill for sixty regular agents and for four special agents is $96,900.

Now, Mr. Chairman, we have an army and we have officers of that army who are far more familiar with the Indians, with their wants and needs and with their habits than any agents who can be selected from civil life and appointed to manage their affairs. We have an abundance of Army officers that can be spared from the regular line of duty and assigned to these agencies without detriment to the Army, and with great benefit to the Indian service. By selecting Army officers for this duty you secure men familiar with Indian character, and who from long habit, experience, and thorough training would understand the treaties and laws, the obligations of the Government and rights of the Indians, and who would, from interest and duty, take pride in seeing the laws faithfully executed and the Indians protected in their rights in fullest manner.

From my own experience, and long acquaintance with many Indian tribes, I can safely say that they prefer and have requested, time and again, that officers of the Army should act as their agents. They have more confidence in them. They are in familiar intercourse with them, and when in war they have been taught to dread and respect these officers. And, sir, by doing away with the appointment of these agents from civil life officers of experience could be selected from the retired-list of the Army who would rather be employed in that manner than remain in idleness.

As I have already said, the Indians have respect for the officers of the Army. They have not been unfairly treated by them. They have not been robbed, defrauded, or cheated when they have been in contact and dealing with them. Therefore, and to dismiss this part of the subject, I believe it would be a wise policy on the part of the Government to change its entire law so far as the appointment of these Indian agents is concerned. It would be a saving of from $80,000 to $100,000 annually.

There is another feature of this bill to which I wish to call attention, that provides for four Indian inspectors. What is the object of these inspectors? I suppose the object is to visit the different agencies and see that the agents fulfill their obligations to the Government and to the Indians. Why would it not be best, sir, for the Government to appoint five officers of the Army doing military service in the region of country where these Indians are located that they may make the inspections and report to the Government whether the obligations of the agents had been properly discharged and the supplies furnished the Indians such as the contracts required. If that was done it would save the salaries, $12,500, of these inspectors now appointed from civil life.

I desire to call the attention of my friend from Louisiana [Mr. ELLIS] who has charge of this bill, and also of the members of the Committee of the Whole, to some other features of the bill. On pages 6 and 7 of the printed bill I find an appropriation "for contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and traveling and incidental expenses of agents, and for pay of employés not otherwise provided for," &c., of $40,000. What does that paragraph mean? It must mean that for the traveling and incidental expenses of these agents, and employés of the whole Indian service generally, there is to be used the sum of $40,000. It strikes me that that is a large appropriation for the purpose; yet it may be necessary. I have just noticed the paragraph on pages 6 and 7 making this appropriation, which evidently alludes to the traveling and incidental expenses of all the Indian agents. On pages 42, 43, and 44 of the bill we find various appropriations for incidental expenses. The first one is "for general incidental expenses of the Indian service, including traveling expenses of agents in Arizona, support and civilization of Indians," &c., $25,000. Now, that is in part a reappropriation for the same purpose—contingencies, incidental and traveling expenses; that is appropriated for on pages 6 and 7 of the bill. What part of that is for traveling expenses? And so it goes on. In every paragraph on pages 42, 43, and 44 an appropriation is made "for general incidental expenses of the Indian service, including traveling expenses of agents," &c. Is that necessary? I respectfully ask why these various appropriations for the same service and for the same purpose are made?

Mr. EATON. Has the gentleman summed up the total amount of these appropriations?

Mr. THROCKMORTON. No, sir; I have not had the time, but it is a large sum.* I propose now briefly to notice that part of the bill relating to the Indian schools, and will call the attention of the members of the Committee of the Whole to those appropriations. On almost every page of this bill, down to about page 42 I believe, there is an appropriation for schools and for school-houses. Those appropriations in part are made in pursuance of treaty stipulations with the different tribes and bands of Indians. As a matter of course that is right. Where treaties have stipulated for these schools and school-teachers the Government should carry out the contract to the very letter, even beyond the letter of the treaty, so far as my judgment goes. But I desire to call the particular attention of the committee to page 7 of this printed bill, where will be found this item of appropriation:

For school buildings and teachers, as provided for by article 7, treaty of October 21, 1867, $5,000.

Then immediately following is this item:

For pay of physician and teachers, $2,500.

These two appropriations are for the same tribes of Indians and are made under the same treaty. You find in two contiguous paragraphs two appropriations for the same purpose, which I think is not warranted by the treaty. These appropriations are for the Apaches, Kiowas, and Comanches under the treaty of October 21, 1867. That treaty will be found in volume 15, Statutes at Large, commencing on page 581. Article 7 of that treaty provides:

In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservations; and they therefore pledge themselves to compel their children, male and female, between the ages of 6 and 16 years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less that twenty years.

This is the provision of the treaty whence comes the authority for making the appropriation for school buildings and teachers contained in the first paragraph which I have read from page 7 of the printed bill. In the same treaty, article 14, it is provided:

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

"As herein contemplated;" that is, contemplated in article 7 of this same treaty. Now, does article 14 of this treaty, which binds the Government to furnish teachers "as herein contemplated," justify or warrant this reappropriation for teachers? Provision for teachers must be made once under this treaty, but there is no warrant in it for a reappropriation, and I do not see how the Committee on Appropriations can justify the appropriation of $2,500 "for pay of physician and teachers" made in the second paragraph which I have referred to.

I do not know how often these reappropriations occur in this bill; I have not had the time to go through the bill to ascertain. On page 8 of the bill, line 169, I find this item:

For pay of physician and teachers, as per thirteenth article of treaty, $2,100.

That is the treaty with the Cheyennes and Arapahoes. In that treaty will be found precisely the same provision which I have read from the treaty with the Kiowas and Comanches. In article 13 of that treaty will be found the provision that a teacher shall be provided for, &c. Then immediately following the paragraph I have read is another making an appropriation of $5,000 "for school buildings and teachers." There is no warrant in the treaty for it, and there is no necessity for it.

Then, on page 28 of the printed bill, for the Shoshones and Bannocks will be found an appropriation for teachers in each of two different paragraphs. Yet the provision of the treaty with those Indians is the same as the provision I have read from the treaty with the Kiowas, Comanches,

*In response to Mr. EATON's inquiry, in addition to the general appropriation of $40,000 applicable to the Indian service, "including traveling and incidental expenses of Indian agents," on pages 42, 43, and 44 there are special appropriations for various agencies, "including traveling expenses of agents," the further sum of $104,000. How much of this sum is to be allowed for traveling and incidental expenses I can not determine, as the bill is silent on that subject.

and Cheyennes. I do not know whether there are other appropriations of the same character in reference to other tribes of Indians. But they do occur certainly in regard to the three tribes I have mentioned.

Now, sir, further in regard to these schools for Indians. I find by footing up the amounts that there is appropriated for schools under treaty stipulations, at the agencies or on the reservations where these Indians live, the sum of $279,744. Then, on pages 38 and 39 of the bill, there is a general sum of $400,000 appropriated, as follows:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, for construction and repair of school buildings, and for purchase of cattle and sheep for schools, $400,000; and no portion of this sum, nor of any other sum appropriated by this act for the support of Indian schools, shall be paid for service rendered by any scholar taught in said schools, &c.

I am not advised, nor do I know under authority of what treaty this appropriation has heretofore been made, or is now to be made by Congress. I do not oppose it. I am not disposed to oppose it. I am willing to extend every aid and encouragement to the Indians in the way of education that Congress can extend. But, sir, there are features in regard to these schools and the education of these Indians which, it strikes me, are entirely erroneous and ought not to be adopted or continued by Congress.

In addition to that, I find on page 39 an appropriation of $15,000 for education of Indians in Alaska. Is there a treaty or any other obligation upon which to base this appropriation? Has any stipulation been entered into by the Government of the United States with the Indians of Alaska? I find also an appropriation of $31,500 for a school at Arkansas City; an appropriation of $76,000 for a school at Carlisle, Pa.; an appropriation of $45,500 for a school at Forest Grove, Oreg.; an appropriation of $21,500 for a school at Genoa, Nebr.; an appropriation of $21,900 for a school at Hampton, Va.; an appropriation of $60,280 for a school at Lawrence, Kans.; an appropriation of $33,400 for the Lincoln school at Philadelphia, Pa.; an appropriation of $4,000 for the Eastern Cherokees, and $75,000 for all other schools in any State or Territory. So that we have appropriations under the various treaties for schools on the reservations and at the Indian agencies of something over $270,000; for Alaska, $15,000; for the Arkansas City school, for building for employés at said school and pay of superintendent, $31,500; for support of Indian industrial school at Carlisle, for transportation of children to and from said school, and an allowance to Capt. R. H. Pratt, in charge, the sum of $76,000; for support of Indian industrial school at Forest Grove, Oreg., pay of superintendent, purchase of land and erection of buildings, $46,500; for the school at Genoa and pay of superintendent, $21,500; for support and education of one hundred and twenty Indian children at Hampton, Va., and transportation to and from school, $21,900; for support and education of three hundred and forty children, pay of superintendent, teams, wagons, and farm implements, for manual-labor school, at Lawrence, Kans., $60,280; for care and support and education of two hundred Indian children at Lincoln school, Philadelphia, $30,400; and for other schools not herein provided, $75,000; thus, sir, making a total of more than $1,000,000 appropriated by this bill for schools, support of schools, buildings, &c.

Mr. Chairman, allow me to state the great objection to the appropriations for these schools. Take, for instance, the school at Hampton, Va., and the schools at Carlisle and Philadelphia, in the State of Pennsylvania. These are located thousands of miles away from where the Indians reside, and a part of these appropriations is for the expense of transporting Indian children to and from those several schools. If the Government is to do this work, why could not schools be established in some civilized portion of the western country contiguous to the Indians to be educated? Are not the people of Kansas, of Iowa, of Nebraska, of Oregon, of California possessed of sufficient enlightenment and scholarship to justify the Government in establishing schools there, instead of locating them in these States remote from where the Indians reside?

It strikes me it is time for Congress to halt in these wild and loose appropriations. You may examine this bill from beginning to end without being able to sift out and determine specifically the purposes for which the different appropriations are made. You find paragraph after paragraph providing appropriations for "support and subsistence and civilization" of these Indians. Now I would like the committee to inform us how much in these several cases is for "support" and how much for "civilization." Why not get down to the true rule and make the appropriations specific, naming in the bill the exact purpose for which each appropriation is made? No one can gainsay that such is the proper mode of making appropriations.

Taking up this question of civilization, I desire to call the attention of the Committee of the Whole to the different paragraphs in this bill appropriating enormous sums for the civilization of these Indians. Under what authority of treaty has the Government undertaken to do these things? Let me call attention to a paragraph in one of the treaties—and my criticism will apply equally to other cases—to ascertain whether these enormous appropriations for the civilization of Indians are justified by any treaty stipulation. I read from one of these treaties at random. On page 583 of volume 15 of the Statutes at Large I find the following:

In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservations; and they therefore pledge themselves to compel their children, male and female, between the ages of 6 and 16, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between the said ages who can be induced or compelled to attend school a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

This is the modest and seemingly wise provision of the treaty. It specifies how the civilization shall be brought about, what the Government shall do in order to secure the civilization of the Indians. It is provided that a school-house shall be built for this tribe; that a teacher shall be employed competent to teach the elementary branches of an English education. But when we look at the appropriations in this bill for the particular tribes of Indians with whom this treaty stipulation was made we find on page 34, at line 811, the following:

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, who have been collected upon the reservations set apart for their use and occupation, $390,000.

Now, I ask my friend from Louisiana [Mr. ELLIS], the chairman of the subcommittee, who has this bill in charge, how much of this appropriation of $390,000 is for subsistence and how much for civilization? Has not the committee made in a previous part of the bill, on the sixth page, all the appropriation that the treaty requires the Government to make for the civilization of these Indians?

Mr. ELLIS. No, sir.

Mr. THROCKMORTON. I think you have.

Mr. ELLIS. I disagree with the gentleman.

Mr. THROCKMORTON. Then the bill goes on, in the next paragraph:

For subsistence and civilization of Arickarees, Gros Ventres, and Mandans: For this amount, to be expended in such goods, provisions, and other articles as the President may, from time to time, determine, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, $40,000.

Now, there is provision in the treaty with these Indians for the building of school-houses and the employment of teachers, and that is provided for in another paragraph of this bill. Yet we have this additional appropriation for subsistence and civilization; and so the matter runs on through the bill, paragraph after paragraph. There are appropriations in the bill for "subsistence and civilization," and "support and civilization," and "education and civilization," &c., for "pay for employés," &c., under the head of miscellaneous supports, to the amount of $757,000. There is no means by which to determine how much is for support, or for civilization, or other purposes mentioned.

I have thought, Mr. Chairman, that it would not be inappropriate to call the attention of members of the Committee of the Whole to some of the provisions of this bill. I know that appropriations have been going on year after year, and sometimes there has been a gradual reduction; but it does appear to me that we should strike at the root of this entire policy which has been so long pursued by the Government in the management of Indian affairs.

There can be no justification for its continuance on the ground of humanity or religion—of benefits conferred upon the Indians or economy to the Government. Why, then, should not officers of the Army be assigned as agents and inspectors, instead of employing persons brought up in civil life far remote from the Indians, and who know but little of their character, habits, or needs? Such a change would work energy and efficiency in the service, and would bring about a system of accounts in the receipts and disbursements as accurate and systematic as that in the quartermaster and commissary departments of the Army. It would not only promote energy and efficiency, but it would secure to the Indians every cent of the appropriations made for their benefit, and at the same time secure a large saving annually to the Government.

Mr. Chairman, there is no one upon this floor or anywhere else who has more at heart the welfare and the advancement of the Indians of the country than I have. I believe that the Government should extend its protecting arms over them wherever it can; wherever there is an opportunity to do so it should secure their advancement and civilization. But, sir, we have in our statutes already enacted, in pursuance of treaties made with these Indian tribes and in appropriation laws enacted year after year, legislation that does not tend in my judgment always to the advancement and welfare of the Indians or to the economical administration of their affairs by the Government.

Mr. COX, of New York. Will it disturb my friend from Texas if I should ask him a question at this point?

Mr. THROCKMORTON. Not in the least.

Mr. COX, of New York. I should like a member so well accomplished in this matter as the gentleman from Texas to tell this committee why it is they get along with the Indians in the Dominion of Canada so much better than we do, while dealing with the Indians is so costly and expensive and troublesome in our own country.

Mr. HOLMAN. And fatal to the Indians as well.

Mr. THROCKMORTON. I will allow my friend from Montana to answer that question.

Mr. MAGINNIS. Mr. Chairman, there are one or two reasons for that. In the first place, with pretty much the same number or about the same number of Indians, this country since the Declaration of Independence has increased to over 50,000,000 of population, and consequently the Indians have been crowded back, causing more points of irritation between the Indians and the white men, while the Canadian people in the same time have only grown to a population of 4,000,000 of people. And that very fact of the greater increase of our people in population is the reason of greater difficulties between our people and the Indians.

Mr. CHACE. And let me suggest to the gentleman from Montana that we started with a great many more Indians than the Canadians.

Mr. MAGINNIS. In another sense we started with a wrong policy, that is, the policy of making treaties with these Indian tribes as if they were foreign nations. I have heard it charged that the Government of the United States had treated the Indians with great cruelty and hardship. I have read books about "a century of dishonor," and yet I have to say if you take the intention of the laws and treaties with the Indians of the Government of the United States from the foundation of this Government down it will be agreed that no nation on the face of the earth has been so kind, so charitable, so mindful of the interests of these people. Yet, sir, it seems sometimes as if the very looseness and cleverness with which we have treated these conquered and decaying people has been the very worst policy we could have adopted. We have seen in Mexico, under the iron rule of the Spaniard, under the merciless treatment beginning with Cortez and his Conquistadores, that notwithstanding that cruel treatment of the Indian tribes there they have not only survived to the present day but have become important factors in the communities where they live, so that some of them have become the rulers of the land and Juarez recently the President of the Mexican Republic; while in our country, under our alternating system, sometimes of fighting the Indians and sometimes treating them with the greatest kindness, to-day making war upon them and to-morrow supplying them with rations, arms, and clothing—I say under this alternate policy our administration of Indian affairs has been not only costly and troublesome but about the worst that could have been adopted. It is a remarkable fact that when Custer and his people were massacred on the Big Horn this country saw two armies, one its own legitimate, organized Army, uniformed and paid for by the Government, and the other the Indian army, both equipped, armed, furnished with powder, and each put into the field one against the other by the same Government.

Mr. COX, of New York. But that does not answer my question.

Mr. MAGINNIS. No, it does not; and yet it is an important matter to be considered in this connection.

Another reason, Mr. Chairman, why in the Dominion of Canada they have not had so much trouble is because they adopted the policy from the beginning that instead of allowing the Indians to govern themselves as if they were separate sovereignties, instead of having one law for the Indians and another law for the white people, both whites and Indians were placed under the same laws of Great Britain, and that policy was carried out to such an extent that if a white man killed or in any way injured an Indian he was tried and punished for it, and if an Indian killed or in any way injured a white man he was tried under the same laws, and if convicted was punished precisely as a white man would be under like circumstances. That is the policy of simple justice, and is best adapted to all conditions of men.

Mr. THROCKMORTON. Now, sir, in pursuance of the thought suggested by my friend from Montana, and recurring to the idea that these Indians should be under the control of the War Department, I desire to make this statement: that it is a matter of notoriety, and especially on the frontier, that these Indians have entered into treaties with the Government, that they have attended councils and received presents, that they have signed agreements and treaties that they would not depredate upon the property or lives of the citizens of the United States, and they have furthermore agreed that if any such depredation took place on the part of any members of their tribes they would give up the offender to be punished by our laws, and that if they did not give up the offender to be punished by our laws then they would make good out of the appropriation under the treaties to them in the shape of annuities whatever damage had been done to our citizens.

Now, what has been the result of these stipulations? We have seen, Mr. Chairman, the laws violated every day in the year, and year after year, until the blood of our citizens has dyed the frontiers from Oregon and California and Texas to Kansas. All their frontiers have been deluged with the blood of our citizens; the lives and property of the people of these States and Territories have been ruthlessly destroyed in violation of the treaties. I call upon this committee now to point out a single instance where any Indian has ever been punished for a violation of their treaty obligations.

There is but one case on record so far as my information extends, and that, sir, was in pursuance of the laws of my own State, when three of the chiefs and their followers attacked a Government train, murdered seven or eight of the men and wounded four others of the party, where they had tied one of the wounded men to a wagon-wheel and burned him to death, destroyed the Government supplies, burned the wagons and property they could not carry away, and then leisurely returned to their reservation with their plunder and boasted of their achievement. This happened almost under the eye of General Sherman. When he was in Texas inspecting the forts he narrowly escaped being massacred himself by the same band. The troops pursued the Indians to the reservation at Fort Sill. When General Sherman reached there these chiefs, the leaders of the massacre, and their braves, with their trophies, scalps, and the sixty mules taken from the wagon-train which was carrying provisions to the soldiers at Fort Griffin, were on the reservation parading about in defiance of the agent and his authority. General Sherman acted promptly, had the three chiefs arrested and sent them to the civil authorities of Texas, where two of them were tried and sentenced to the penitentiary. One of them died in the penitentiary and the other was released at the solicitation of the Indian Department, and for another disobedience I believe is now in a prison of some other part of the country.

This is the only instance, I believe, where these people have been punished under criminal law for a violation of their treaty obligations. So that this policy which we have pursued toward the Indians, this appointment of agents who have allowed or been powerless to prevent these depredations, cruelties, and outrages, has had as a natural consequence the result of inducing the Indians to believe that they could with impunity violate their treaties and set at defiance the Army of the country and the laws of the land.

Mothers and daughters have been captured, and in the presence of each other subjected to cruelties and atrocities too horrible and shocking to be recounted. Women have been carried to the reservations, where their friends and neighbors have followed and found them, and yet were not permitted to approach near enough to converse with them; and only after weeks and months of cruel torture and painful solicitations and negotiations for ransom were they released. And all this known to the agents and under the very eye of the military power of the Government, which was powerless though willing to redress the outrage, because not allowed or invoked under the miserable policy so long pursued by the Government. Would an officer of the Army, responsible to the War Department as an agent have permitted these things? No, sir. If officers had been agents, with the power of the Army to enforce obedience, these outrages would not have occurred.

Mr. ELLIS. Does not the gentleman from Texas know that in nineteen cases out of twenty the cause of the outrages has been the encroachments of the white man upon the Indians?

Mr. THROCKMORTON. I undertake to say that the gentleman from Louisiana knows nothing about it; nothing.

Mr. ELLIS. I undertake to say that I do.

Mr. MAGINNIS. Well, suppose that the gentleman from Louisiana is right, was not the Government at fault all the same for not punishing these white men and restraining the Indians? It is the business of all governments to prevent such outrages. That is the cause not only of the destruction of the whites but of the Indians.

But even if the gentleman's position be right, it was, I maintain, the place of the Government to step in and punish the white man and restrain the Indians from going to war.

Mr. THROCKMORTON. Mr. Chairman, the gentleman from Louisiana has spent a very useful life in one of the civilized and enlightened cities of our Republic. I have spent my life from early boyhood upon the borders of Texas, and I know whereof I speak. There have no doubt been a great many instances where the white people have been the aggressors and brought about Indian wars. I know that the cupidity of white men, the inhumanity, the treachery, it may be, which has often been exercised toward the Indians, and in a manner that can not be approved, has often led to outbreaks. But for forty years of my life have I known of Indian wars and depredations and there have been very rare cases in my State where the Indians have committed depredations incited by wrongful acts of white people.

It was our fortune in the days of the republic and afterward when we were a State to have one of the kindliest and most enlightened statesmen of this or any other country as president and governor; a man beloved and revered by the Indians everywhere throughout the South and West; a man that inaugurated in Texas in the days of its infancy an enlightened and humane Indian policy——

Mr. COX, of New York. Houston.

Mr. THROCKMORTON. Houston; and yet with all of his sagacity and love for the Indian people, with all of his humanity and determination to protect them, they violated over and over again the treaties made with them. They signed the treaties, and, after making them, committed depredations year after year. Always in Texas from the days of the republic until within the last few years, when civilization reached her with the arteries of commerce and girdled her with iron arms, there has been one continued scene of cruelty, murder, and rapine. It was not occasional, not only yearly, but even monthly and weekly, and only since the railroads have penetrated the interior of that region and crossed the length and breadth of the State has it been that peace has been restored.

Mr. Chairman, while I say these things with the view of calling attention of the committee to them, it is with no feeling of hostility to the Indians. I have mingled with them, made treaties with them, and have friends among them whom I esteem and whose interests I desire to

promote. I feel and know that I am esteemed by the Indians whose treaties I have been reading to-day.

It is for their benefit, it is for humanity's sake, it is for the economical administration of this Government, it is for the promotion of the civilization and advancement of these Indians, that I speak to-day. Take the five civilized tribes of Indians, the Cherokees, the Choctaws, the Chickasaws, the Creeks, and the Seminoles, erect them into a territorial government, give them a governor from among their own number—and they have among them men of talent, ability, and enlightenment—make them citizens, give them a Territorial government and give them a Delegate on this floor to represent their interests; abolish their agency and deal directly with their authorities, and you will do more for their advancement and for their good and for the good of the country than has been accomplished by all the legislation from the time the first treaty was made with these Cherokees and the other nations mentioned in the earlier history of our country.

Take the other Indians where they are settled on reservations, where they show a disposition to become herdsmen or to cultivate the soil; give them the right of citizenship, the right to appear before your courts and obtain redress for their wrongs and grievances; establish courts for them; break up these vast landed estates given them by the Government into severalties, so that every one shall have his quota of land, and whenever they have shown a disposition to remain on it for any length of time, to cultivate it, to graze it, and a willingness to send their children to school—when they advance this far, become attached to their homes, and many of them have already reached that point, give them a patent, give them the fee-simple to the land. When you do these things you will solve this great Indian problem in a way that will redound more to their benefit and the glory of our country than any other legislation that Congress can enact.

Mr. CUTCHEON. I would ask the gentleman from Louisiana in charge of this bill what provision is made in it for additional educational facilities among the tribes, for the establishment of new schools and the extension of the educational system?

Mr. ELLIS. One hundred and thirty-four thousand dollars in excess of the appropriations of last year. The gentleman from Michigan will find the items beginning at line 929.

Now I ask that the bill be read by paragraphs for amendment under the five-minute rule.

The CHAIRMAN. The gentleman from Louisiana asks that the bill be read by paragraphs for amendment. The Chair hears no objection.

The Clerk proceeded to read the bill by paragraphs, and read the following under the head "Pay of sixty agents of Indian affairs:"

At the New York agency, at $1,000.

Mr. BREWER, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$1,000" and insert "$1,500;" so that it will read: "At the New York agency, at $1,500."

Mr. BREWER, of New York. This New York agency includes the whole State of New York, and $1,000 for an agent located in one part of the State is not a sufficient compensation.

Mr. ELLIS. As to this item I will state that the amount hitherto has been $1,200. That was decreased by the committee $200. We thought these tribes were in a good condition and that very little duties accordingly devolved upon the agent, and that $1,000 was sufficient compensation.

Mr. BREWER, of New York. These tribes are scattered all over the State of New York, and as the agency is situated at one point I think $1,000 is not enough.

The question being taken on agreeing to the amendment, there were—ayes 37, noes 40.

Mr. BREWER, of New York. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will appoint as tellers the gentleman from Louisiana, Mr. ELLIS, and the gentleman from New York, Mr. BREWER.

Mr. HOLMAN. I submit to the Chair that the point of no quorum was not raised.

The CHAIRMAN. The Chair supposed the call for tellers was based on the ground that a quorum had not voted, and therefore ordered tellers without submitting the question to the committee.

The question was taken; and there were—ayes 57, noes 59.

So (further count not being called for) the amendment was not agreed to.

Mr. HORR. I desire to propose an amendment to both lines 108 and 109, which are as follows:

At the Mackinac agency, at $1,000.
At the New York agency, at $1,000.

I propose to strike out "$1,000" in each line and insert in lieu of that amount "$1,200."

I wish to say to the committee that these two agencies in New York and Michigan are the only two to my recollection that were stricken down in this entire bill, and the work of these two agencies has been in no sense diminished since last year. I can not speak so advisedly as to the New York agency as I can as to the Michigan agency, for I know the duties of the agent there. We have in that State about 8,000 Indians. They are scattered all over the State into five or six different divisions. Difficulties are constantly arising between the Indians and the settlers, who are attempting to wrong them in some way in reference to their lands. Other questions of supervision are constantly arising, so that we need an agent all the while to protect these tribes. The agent now only gets the paltry sum of $100 per month. I submit to this House that $1,200 per annum is in no way excessive. This bill, as I think without any reason, cuts down the compensation to $1,000.

While saying this I wish to say to the House that as a whole this bill in my judgment is made in a spirit of fairness. It is as a whole a just bill, and I am heartily in favor of it as it is now framed, and as it comes from the Committee on Appropriations. But I do think in these two little items it will be an improvement to put the pay of those agents back to what it has been for years, and which is not in any sense excessive. I do not believe that any one who is familiar with the dutes of these two offices will for a moment dispute that if those agents do their duty they earn $100 per month. I do hope the Committee of the Whole will amend the bill in these two little items.

Mr. SKINNER, of New York. I would like to ask the gentleman from Michigan a question.

Mr. HORR. Very well.

Mr. SKINNER, of New York. Do I understand the gentleman to say that the amount named in the bill of last year for this purpose was $1,200?

Mr. HORR. Yes; $1,200 a year for each of these agents. There is no dispute about that.

Mr. SKINNER, of New York. And do I understand the gentleman also to say that the Michigan and New York agencies are the only agencies where the compensation of the agent is cut down?

Mr. HORR. Yes; the only agencies that I now recollect. I have no recollection of any other reduction of this kind in regard to agents where they have precisely the same amount of work to do that they have had to do for years past. I do not think any one can possibly vote against the amendment I have offered.

Mr. HOLMAN. I believe the amendment of the gentleman from Michigan [Mr. HORR] applies to the New York agency.

The CHAIRMAN. And also to the Mackinac agency.

Mr. HOLMAN. The appropriation for the New York agency was voted on but a moment ago.

Mr. HORR. That was a proposition to raise the compensation to $1,500 a year. I now move to make it $1,200 a year.

Mr. HOLMAN. How does the gentleman get back to the paragraph relating to the Mackinac agency?

Mr. HORR. That was passed when I was called out by our clerk; while I was gone. I did not suppose that under the circumstances anybody would object to my moving an amendment to it.

The CHAIRMAN. No point of order was made on going back to the paragraph.

Mr. HOLMAN. I will not object to it. I only want to give my reason for not voting for the amendment.

The remarkable feature about the matter is that these agencies are kept up at all; that is the remarkable feature, that they are kept up at all. My friend from Michigan must bear in mind that the very Indians who are to be under the supervision of these agents are legal voters in the State of Michigan; are they not?

Mr. HORR. A great many of them are.

Mr. HOLMAN. Are they not as a body legal voters?

Mr. HORR. Certainly they are.

Mr. HOLMAN. And here is the remarkable fact, that we are paying for an agent to look after a part of the voters—a part of the sovereign people of the State of Michigan. That is the remarkable fact.

Mr. HORR. Is that all you have to say?

Mr. HOLMAN. Not absolutely all, but I think that ought to be enough. [Laughter.] Is there any other class of my friend's constituents that he wants to have an agent to look after? Is there any other portion of the voters of the State of Michigan which he wants to have under the control and care of an agent?

My friend speaks of the bagatelle that is paid these agents, of the miserly salary of $100 a month. There are many people of the State of Michigan who do not get $100 a month, a great many of them. I have no doubt that to the great body of the people of Michigan, as well as of my own State, a salary of $100 a month would be a very handsome provision. I have no doubt that there are many laboring men in my friend's own district—I should not be surprised if there were many in his own town—who would regard half that salary as something far better than beggarly.

I admit that when you come to compare that amount with the amount of salaries paid by this Government to its employés it seems quite small. But when you compare that amount with the compensation which is received by men in the various employments of the country it certainly is not to be characterized as an insignificant sum.

But my main point of objection to the increase proposed here, and to the increase of any salary at all, is the fact which I have mentioned, that these Indians are a portion of the sovereign people of the State of Michigan, are voters in that State under the laws of the State, and so

far as I am aware are quite intelligent men. I have no doubt my friend consults with them in regard to political affairs; I have no doubt of it. I have no doubt that he has gone into the region of country where they are to consult them about the public good. I should think that such persons would be able to look after themselves. If they are able to take part in the political affairs of the great mass of the people in the selection of those who are to control the affairs of a nation of 50,000,000 of people, and control and direct our legislation here, I think thay may be permitted to get along by themselves. I have not heard that they are asking for any agent there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. All that I have said about these Indians in Michigan is true, and more than true of the remnants of Indian tribes in New York.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. HORR. I move to strike out the last word, for the purpose of saying that I have been very much entertained by the remarks of my Indiana friend [Mr. HOLMAN] in reference to these Indians in my State.

The agent that has control of this matter lives in the district of my friend and colleague, Mr. ELDREDGE, who will say to you that although he differs from him in politics, the agent is an able lawyer, a man who is in every way calculated to look after the best interests of these Indians, and who devotes a large portion of his time to looking after their interests.

The fact that they are voters does not in any sense prevent their needing the care and attention of an agent. I want the House to understand distinctly that this amendment of mine is not an effort to raise the salary of these agents. This bill proposes to cut their compensation down from $100 a month, or $1,200 a year to $1,000 a year. My amendment simply proposes to place their compensation where it now is under the law.

I know that this conflicts with the Indiana idea of economy. I understand that. I recollect that during the last Presidential campaign, after Indiana had gone Republican, the New York World published a statement that one of Indiana's most distinguished Democrats, when he found how the election had gone, said he "felt awfully" about it—that actually he would not have had it happen for 25 cents. [Laughter.] Now, at that time I thought the New York World did injustice to the Indiana Democrat; but I had not then all the information I have to-day in regard to Indiana notions of economy.

This amendment of mine is simply in the interest of fair play toward these men who are doing this work. I believe members of this House will agree with me in this view. I hope my amendment will be adopted.

Mr. HOLMAN. Mr. Chairman, I am opposed to the amendment of my friend from Michigan. I had hardly thought it possible to drag in the general politics of this country upon this little item, and therefore I did not feel authorized to state what this agency is kept up for.

Mr. HORR. Go ahead; let us have it.

Mr. HOLMAN. I say that my friend from Michigan is more economical than the man in Indiana that he speaks about; for the Indiana man was willing to pay that quarter out of his own pocket, but my friend from Michigan, in order to keep up the political drifts to organize and arrange the political currents through this agency, is desirous to take this small sum of money from the public Treasury. That is the point of difference. [Laughter.] The Indiana man was willing to run political movements out of his own pocket; my friend wishes to do it out of the public purse. He stands right here in the presence of the representatives of 50,000,000 sovereign people and begs us for an additional $200 to give greater efficiency to his agent, that he may be the better able to move around through the southern portion of Michigan—through the pine woods and along the margin of that beautiful little island of Mackinac, quite famous in history—hunting up voters! [Laughter.]

Mr. BREWER, of New York. Mr. Chairman, the point that the gentleman from Indiana makes against the agency in Michigan will not hold good in reference to that in the State of New York. With us the Indians are not voters; they are the wards of the Government. They are scattered through the whole breadth of our State. The Indian agent has generally been located in Cattaraugus County, and he is obliged to go to Oneida, to Onondaga, to Saint Regis, and various other points remote from each other. He has to go to the tribes beyond Buffalo. His time is almost entirely occupied in the distribution of articles intended for the Indians and in protecting their interests. For a salary of $1,000 a suitable man to do this business can not be obtained. We have always had in this office either a professional lawyer or at any rate a man of good sound judgment who would be able to command in any business a salary of from $1,200 to $1,500. I thought that the good sense of this House would recognize the propriety of giving this agent at least the salary heretofore paid; it was my honest belief that he should have $1,500. But I acquiesce in the amendment of the gentleman from Michigan [Mr. HORR] fixing this salary at $1,200, which I think this Committee of the Whole ought to be willing to grant.

The question being taken on the amendment of Mr. HORR, it was not agreed to; there being—ayes 56, noes 62.

Mr. PARKER. Mr. Chairman, as there seems to be a distinction made by the gentleman from Indiana [Mr. HOLMAN] and some others between the agency in New York and that in Michigan, I move to amend so as to appropriate $1,200 for the salary of a New York agent.

In the State of New York the Indian tribes are scattered from Cattaraugus, on the Pennsylvania line, to Saint Regis, on the Canada line. In the intermediate region are the Tonawandas, the Senecas, the Cayugas, the Onondagas, and other tribes scattered at different points. For these various tribes a large amount of work is required to be done. Therefore a salary of $1,200, as proposed in my amendment, is none too much.

Mr. HOLMAN. I make the point of order that the proposition embraced in this amendment has already been voted upon.

The CHAIRMAN. The proposition originally voted upon was to insert $1,500. The present proposition is to insert $1,200——

Mr. HOLMAN. The motion of the gentleman from Michigan covered——

The CHAIRMAN. The Chair does not refer to the motion of the gentleman from Michigan, but to the original proposition of the gentleman from New York.

Mr. HOLMAN. But the gentleman from Michigan moved to increase both salaries to $1,200—that at the Mackinac agency and that at the New York agency. That proposition was voted down.

Mr. HORR. That was a joint proposition.

The CHAIRMAN. The motion submitted by the gentleman from Michigan was to amend line 108 and also line 109—the two agencies being joined in one amendment. The proposition now offered by the gentleman from New York [Mr. PARKER] is a distinct amendment to line 109. The Chair therefore overrules the point of order.

Mr. HOLMAN. Upon the merits of this question, I will only say that these two agencies stand on the same footing. There is no reason why either should be kept up.

The question recurred on Mr. PARKER'S amendment.

The committee divided; and there were—ayes 56, noes 68.

So the amendment was rejected.

The Clerk read as follows:

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

Mr. THROCKMORTON. I move to strike out the paragraph just read and in lieu thereof to insert the following, which I send to the Clerk's desk to be read.

The Clerk read as follows:

That the Secretary of War shall detail five officers not under the grade of captain of the Army who shall act as Indian inspectors. Said officers may be changed at any time the Secretary of War may deem proper.

Mr. CANNON. I reserve the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CANNON. My point of order is that it changes existing law and on its face does not appear to reduce expenses. It does not affect the amount of the bill. The whole question was up in the Forty-fourth Congress and fully considered when the proposition was made to transfer the Indian Bureau to the War Department.

Mr. EATON. I can not hear my friend from Illinois in the statement of his point of order.

The CHAIRMAN. The committee will come to order, as the pending question is an important one.

Mr. CANNON. I call the attention of the Chair that this is a proposition to detail Army officers to act as Indian inspectors under the direction of the Secretary of the Interior. When the proposition was made to transfer the Indian Bureau from the Interior Department to the War Department in the Forty-fourth Congress, when Rule XXI was not nearly as stringent as it is now, the whole matter was discussed on a point of order at length, and the then Speaker of the House, the bill by agreement being considered in the House as in Committee of the Whole, held at that time that the proposition was not in order, and for the reason that it was a change of existing law and did not on its face retrench expenditure. He held further that under Rule XXI, with which I have no doubt the Chair is familiar, the proposition must necessarily retrench expenditures where it changes existing law, and that it must appear on its face affirmatively that it does retrench expenditure. I will ask that the third clause of Rule XXI be read.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. REAGAN rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. CANNON. I have no desire to state anything further on the

point of order except to say that it will be admitted at once that it does change existing law and yet it does not retrench expenditure in either one of the three ways provided for by the third clause of the first rule, which has just been read by the Clerk.

Mr. HOLMAN. Let me ask the gentleman from Illinois a question. Does not the amendment reduce the number of officers, and does it not in that way retrench expenditure?

Mr. REAGAN. The amendment is clearly germane. It relates to the subject-matter of the bill, and does retrench expenditure.

Mr. CANNON. Allow me, before the gentleman proceeds, to finish my statement.

Mr. REAGAN. Certainly.

Mr. CANNON. I wish to make my point of order complete by making an additional remark, so the gentleman from Texas can have it before him when he comes to address the committee on the subject.

The point of order goes to the whole amendment and to each provision of the amendment. There are two provisions in the amendment: one is to dispense with these Indian inspectors, and the other is to substitute Army officers. Particularly to the second provision of the amendment I make my point of order.

Mr. REAGAN. I do not see how the gentleman can rely on a distinction of that kind. The amendment is a substitute for the clause which provides for the appointment of necessary Indian inspectors by the Secretary of the Interior and the payment to them of $12,500. The amendment strikes out that appropriation of $12,500 and provides for officers who are salaried officers now under the Government, and it does on its face to that extent substantially save the Treasury to the amount stricken out. Therefore the amendment is not only germane to the subject-matter proposed to be stricken out, but it does clearly on its face reduce expenditure.

Mr. MAGINNIS. The ruling cited by the gentleman from Illinois was a ruling between two different systems, where it could not be shown which ultimately would be the cheaper, and consequently the amendment was ruled out. But this is a proposition to dispense with five Indian inspectors and authorize the Secretary of War to put in their places officers of the Army whose pay is already provided for by the Government. I can not see, therefore, how the point of order can possibly be maintained against it. It is not only in consonance with the rule, but in my judgment it is one of the very cases which the rule was made to cover.

Mr. HOLMAN. A single word, Mr. Chairman, upon the latter part of this proposition. The point of order is made upon two distinct propositions, namely, to strike out and to insert. The motion to strike out is clearly not subject to the point of order. It has never been held, sir, where a proposition would not of itself be in order, or is necessarily dependent upon a proposition that is in order, and where the two taken together constitute one proposition and retrench expenditures, that the point of order will lie against it.

Now, here the striking out and substituting instead of five inspectors a corresponding number of Army officers are propositions dependent upon each other, and together they reduce expenditures. The one is necessarily the result of the other. I submit, therefore, that there is no possible ground for the proposition that under the third clause of the twenty-first rule the proposition is not in order.

Mr. CANNON. An additional word upon that point.

I admit, sir, that the proposition to strike out the paragraph is in order. But that is a proposition that will stand alone. It is a substantive proposition. The other substantive proposition is to throw upon Army officers the burden of performing the service which is now performed by these inspectors. It is therefore a change of the law. It puts upon the shoulders of the Army officers burdens they do not now have to bear, and for the life of me I can not see how it can retrench expenditures. Certainly it does not retrench expenditures in any one of the three ways mentioned in this rule.

Mr. HOLMAN. Let me make a suggestion to the gentleman.

Mr. CANNON. Very well.

Mr. HOLMAN. Suppose the proposition was to strike out these five inspectors and devolve the duties which now rest on them upon five other persons named in the bill. I ask, would not the two propositions taken together retrench expenditures? And would not the two taken together reduce the number of officers provided for by the bill?

Now, that is just what is proposed by this amendment. You strike out five persons whose salaries are covered by the bill and substitute five persons who are already employed by the Government. The Chair in ruling upon a point of order of this character must take official notice of the fact that the persons proposed to be employed on this service, in lieu of the five inspectors, are already in the employ and are paid by the Government.

Mr. CANNON. Mr. Chairman, the precedents are that the retrenchment of expenditures must appear affirmatively on the face of each proposition. Whenever you have to show retrenchment by argument or supposition that is a confession that the point of order is well taken.

Mr. REAGAN. Clause 7 of Rule XVI would seem to determine this proposition:

A motion to strike out and insert is indivisible.

It seems to me that that covers exactly this case. The two propositions can not be segregated; they must stand together; and hence the amendment is not subject to the point of order.

Mr. COX, of New York. Mr. Chairman, I remember very well the position taken by Mr. Speaker Kerr and his ruling upon that subject. I think I myself made the point of order. It was on the Army bill, with reference to the transfer of the Indian Bureau.

How can there be a doubt of the fact that this retrenches expenditures? Twelve thousand five hundred dollars are carried by this provision which it is proposed to strike out. It is therefore a saving of expenditure to that extent.

Mr. CANNON. Does it say so on its face?

Mr. COX, of New York. Here also the duty is devolved upon officers who are already salaried by the Government. The subject needs no argumentation to show the saving of expenditure. The object of that rule, the old Rule 120, was to meet just such a case.

This does not change the law. It only gives to other gentlemen or agencies the power to execute the same law. Therefore the point of order is not well taken. The Army officers are the other agents; the law remains the same; and we save $12,500 of expenditure on the part of the Government.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois [Mr. CANNON] that the proposed amendment must not only retrench expenditures, but that the retrenchment of expenditures must be apparent on its face.

Now, the proposition of the gentleman from Texas, if adopted, would obviously strike from the proposed bill the provision appropriating $12,500. The Chair cannot do otherwise than hold that it would, to that extent, fall within the third class, covered by the third clause of Rule XXI—that is, a reduction of the amount of money covered by the bill.

The Chair wishes to say, though, in this connection, that he is not familiar with the precedent to which the gentleman refers as having occurred some years ago, in which Mr. Speaker Kerr, it seems, ruled in conformity with the opinion of the gentleman from Illinois with reference to a proposition which was then pending. The Chair, however, is under the impression that that proposition involved a change or substitution of systems in reference to the Indian policy, and the Chair can understand how such a proposition would not fall within this rule.

This, however, is a different proposition, and the Chair overrules the point of order.

Mr. CANNON. Temporarily, if not permanently, I wish to appeal from the decision of the Chair, so as to get the opinion of the Chair upon another branch of the point of order that seems to have escaped the attention of the Chair.

The CHAIRMAN. The Chair will entertain the appeal.

Mr. CANNON. I desire to have the amendment read again.

The amendment was again read.

Mr. CANNON. Now, sir, there are two propositions in this amendment. The Chair has ruled upon the point that the first proposition, to strike out lines 122, 123, and 124, is in order. But I do not understand the Chair to have ruled upon the other proposition in the amendment. And I would be glad, if I am in order, to call the attention of the Chair to the precedents that make it competent in Committee of the Whole to make a point of order not only to an amendment, but to each provision in an amendment under this clause of the rule:

Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such, as being germane, &c.

Now, this second provision of the amendment, which throws on the Army officers a duty that they now do not perform by law, does change existing law, because it is a duty nowhere provided for in the statutes.

The CHAIRMAN. The point is conceded that it does change existing law. There is no controversy about that. Will the gentleman from Illinois permit the Chair to submit to him this question? Suppose the amendment of the gentleman from Texas were adopted; that would strike out lines 122, 123, and 124; would not the agreeing to that amendment reduce the appropriations of the bill to the extent of $12,500?

Mr. CANNON. Certainly. But, may it please the Chair, while there is no doubt that portion of the amendment is in order, the point of order runs to the other provision. There are two propositions in the amendment, and the point of order applies to the second provision, separating it from the first. That point of order, if I can get the favorable ruling of the Chair, will absolutely exclude that portion of the amendment which devolves this duty upon the Army officers.

This is not a new question. It is a question that has been determined time and again in Committee of the Whole. It has been determined, I say, that it is competent to make the point of order on each substantive provision of an amendment, and if that provision be subject to the point of order the Chair sustains it so far as that provision is concerned and the amendment stands as to the other provisions.

I had no notice that this amendment was to be offered; otherwise I should have been prepared with the precedents. I have however the original decision made by Mr. Speaker Kerr. I will send it up to the desk and ask the permission of the Chair that it may be read as marked.

The Clerk read as follows:

The SPEAKER. The Chair has heard with great pleasure the suggestions of the gentleman from Pennsylvania; he appreciates their force and is most willing to say that they contribute in great part to the embarrassment the Chair feels in reaching a conclusion on this subject. But the Chair must take official notice of the fact that in this bill no appropriation is made for the Army or for the performance of any of its duties in any of its several bureaus or departments; and the Chair must further officially know that in the ordinary course of legislative proceedings such an appropriation bill must be introduced and enacted before the session expires as of necessity will embrace the further and more complete regulation of this entire subject. Now the Chair can not look forward into that legislation and say upon anything that appears on the face of this section that such legislation will in all respects coincide with, sustain, or affirm the provisions of this section and carry out the proposed retrenchment indicated in it. In other words, the Chair desires to be distinctly understood that the point upon which his decision in this case turns is that from the face of the section it does not appear that the provision comes within the requirement of this rule, which is that it shall be germane to the subject-matter of the bill and "shall retrench expenditures." It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

In the judgment of the Chair this rule should have a liberal construction in the interests of retrenchment. The purpose of the rule is the most beneficent and proper, and the Chair under any circumstances not attended with extreme doubt would hold it to be his duty to enforce the rule.

The Chair would be further disposed, acting upon a principle of law, to assume *prima facie* that the judgment of the House in its construction of this rule should be adopted by the Chair where that judgment had been reached after discussion and consideration. But here there is such a novel presentation of the proposition to retrench, having relation to matters to be done in the future, being in itself essentially incomplete, that the Chair does not feel at liberty to decide that the section is in order; and he therefore sustains the point of order.

Mr. REAGAN. Will the gentleman from Illinois allow me to say that that decision was upon a proposition to transfer the Indian Bureau from the Department of the Interior to the control of the Secretary of War? It was a proposition involving the transfer of the whole bureau.

Mr. CANNON. Yes; but the greater includes the less. This is a proposition to devolve upon the Army certain duties touching the Indians which, under existing law, it does not have to perform, namely, the performance by five Army officers of the duties of Indian inspectors under the direction of the Secretary of the Interior.

I have asked the Journal Clerk to find the precedents made during the last Congress and the one before, but I have not yet received them, in which it was held that it was in order to make the point of order on each and every provision of an amendment. I would not have sought to contend with the Chair in reference to this matter if I had understood the Chair to rule upon the second provision of this amendment.

Mr. REAGAN. There is no doubt a point of order can be made to each separate provision of an amendment when there are separate provisions; but in this case there are two propositions, which, under the rule, can not be separated.

Mr. COX, of New York. I have listened to the reading of the decision of Mr. Speaker Kerr, and it all comes back to me plainly. The proposition on which that rule was made was to give the Army charge of Indian affairs and transfer the Indian Bureau from the Interior Department to the War Department. We had had that for a week under debate. It was a very complicated question. No one could unravel it so as to say whether or not there was economy in the proposition. For one I argued against it. I thought and believed then it was not economical to give the control of that bureau to the Army. The Speaker says in effect in his decision the matter is so incomplete, so nebulous, so indefinite, he can not say whether or not the proposition reduces expenditure. But who doubts as to this present motion? It appears on the face of it that it does cut down expenses. All it does is simply to say, "You, sir, of the Army, now drawing a salary payable by the Government, shall act in this particular capacity and not in another." The law remains the same; the mode of inspection remains the same; all is the same except that the Army officer does the work instead of the other man.

Mr. HOLMAN. I wish to suggest as to the point of order that a certain number of agents is provided for in this bill. Suppose the motion was to strike out five inspectors and substitute five of the agents provided for by this bill and devolve upon them the additional duty; will any one say that that does not reduce the number of officers?

Another point: The opinion which has been read expressly mentions the fact, and repeats it time and time again, although it is a short opinion, that certain facts shall be taken notice of officially. The Chair takes notice of the fact officially, as the presiding officer of this Committee of the Whole, that the Army officers designated here are officers of this Federal Government who perform certain duties; and this proposed amendment devolves additional duties upon them; that and nothing more.

### MESSAGE FROM THE PRESIDENT.

The committee rose informally, and the Speaker resumed the chair.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary.

### INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the Indian appropriation bill.

Mr. KEIFER. I do not desire to enter into a discussion of this question, but simply to make a suggestion with reference to the effect of the proposed amendment, which suggestion, as I understand, has not been made by the gentleman from Illinois [Mr. CANNON] or by any other gentleman.

It is assumed that so much of the proposed amendment as would strike out lines 122, 123, and 124 of the printed bill would of itself operate to reduce expenditures. That can not possibly be in the present condition of our legislation. These five inspectors are provided for by law, and they would continue to hold their offices and be entitled to draw their pay the same whether this clause is in or out of this bill. It is true that the bill might be passed without making any provision for the payment of the salaries of these five inspectors; but they would be entitled to those salaries, and by all rules and precedents we would be bound to make an appropriation to pay them in a deficiency bill.

Mr. EATON. The gentleman says that these officers are provided for by law. Is not that the very thing we are now proposing to do, to pass a law on the subject?

Mr. KEIFER. The gentleman from Connecticut [Mr. EATON] is quite intelligent enough to understand that where an office is created by law, and the salary of that office is fixed, and a man is put into the office, it becomes the duty of the Congress of the United States to provide the means for paying him his salary. These five inspectors are appointed by the President of the United States in pursuance of law; they are now holding their offices, and will continue to hold them, even though this clause should be stricken out of the bill, and they will continue to be entitled to draw their salaries the same as if this clause should be left in the bill. This is merely an appropriation clause in an Indian appropriation bill, and striking it out would not have any effect to reduce expenditures.

Mr. MAGINNIS. The gentleman from Texas [Mr. THROCKMORTON] and myself have perfected an amendment which I will ask the Clerk to read.

The CHAIRMAN. The Chair would inquire of the gentleman from Ohio [Mr. KEIFER] whether or not, taking his view of the case, this amendment would not still fall within the third of the methods by which expenditures may be retrenched?

Mr. KEIFER. I have not the rule before me.

The CHAIRMAN. The Chair will call the attention of the gentleman to the provisions of the rule. There are three ways by which expenditures may be retrenched: one, by a reduction of the number and salary of officers of the United States; the second method of reduction is by reducing the compensation to be paid to any person out of the Treasury; and the third means of retrenching expenditures is "by the reduction of the amounts of money covered by the bill." Does not this amendment unquestionably reduce the amount of money covered by this bill?

Mr. KEIFER. Undoubtedly it comes within that provision of the rule. But the amendment proposes to change existing law, notwithstanding that.

The CHAIRMAN. That is conceded.

Mr. KEIFER. It does not follow that there is anything in the mere proposition to change existing law which would bring the amendment within any one of these special provisions.

The CHAIRMAN. Is it not within the provision reducing the amount of money covered by the bill?

Mr. KEIFER. When I started to argue this question it was upon the theory advanced by the Chair, as I understood, that the proposed amendment would operate to reduce expenditures. It is now suggested that the amendment would still be in order because it proposes to reduce the amount covered by the bill; and if it stood entirely alone upon that ground the Chair would be right in holding the amendment in order.

But there is a proposition to change existing law, which proposed change in and of itself does not reduce expenditures and does not operate to affect the amount involved in the bill. It must be borne in mind that whenever there is anything objectionable in a proposed amendment the whole amendment falls. If the gentleman from Texas [Mr. REAGAN] is right that the proposition to strike out and insert is indivisible, and there is anything objectionable in what it is proposed to insert, then the point of order holds good against the entire proposition. We all agree to that.

But this discussion may be entirely unnecessary, as the gentleman from Montana [Mr. MAGINNIS] suggests that he has changed the amendment entirely, which he has a right to do.

The CHAIRMAN. This discussion has been going on on an appeal from a ruling of the Chair, and that appeal must be disposed of.

Mr. KEIFER. If the amendment is withdrawn I presume the appeal will be withdrawn also.

Mr. CANNON. If the gentleman from Montana [Mr. MAGINNIS] proposes to withdraw his amendment and substitute another, which he has a right to do, then I am willing to withdraw my appeal from the ruling of the Chair, because it would fall with the amendment to which it relates, and then let the question come up on the changed amendment.

Mr. MAGINNIS. I ask the Clerk to read the amendment which I now send up.

The Clerk read as follows:

Strike out lines 122, 123, and 124, and insert in lieu thereof the following:
"The office of Indian inspector is hereby abolished, and the Secretary of War shall detail five officers of the Army, not under the grade of captain, who shall act, under the direction of the Secretary of the Interior, as Indian inspectors; and the Secretary of War shall change such officers at any time the Secretary of the Interior shall request the same to be done."

Mr. CANNON. I make a point of order on that amendment. That part of it which provides that the office of Indian inspector shall hereby be abolished of course is not subject to a point of order. The remainder of the proposition, constituting a substantive proposition to detail five Army officers to perform certain duties, is a change of existing law and does not upon its face retrench expenditures. I again call the attention of the Chair to the language of the rule:

Nor shall any provision in such bill or amendment thereof changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

This proposition does not appear upon its face to retrench expenditures in any of the three ways indicated by the rule.

The CHAIRMAN. The Chair is ready to decide this question. With reference to the precedent which has been cited here—a ruling made by Mr. Kerr when Speaker of the House—the Chair, as already indicated, sees a very broad distinction between the case upon which that decision was made and the one now presented. Of course, if that decision were applicable to this case, the present occupant of the Chair would simply bow respectfully to its authority and follow it. But for the reasons which have been stated, it could not appear upon the face of that amendment, which proposed to transfer the whole machinery of the Indian service from the Interior to the War Department, that expenditures were retrenched in one of the three ways provided for in the rule. Hence the application of that decision to the present case the Chair is unable to see.

Now, recurring to the suggestion made by the gentleman from Ohio [Mr. KEIFER], the Chair desires to say it is clearly admitted that this amendment does change existing law. That being conceded, the next question to be determined is whether it retrenches expenditures. And the retrenchment must be in one of the three ways indicated in the rule. It must either reduce the number or salary of officers of the United States, or it must reduce the compensation of some person paid out of the Treasury, or it must reduce amounts of money covered by the bill. The Chair holds that this amendment does reduce the appropriations made in this particular bill.

With reference to the point last suggested by the gentleman from Illinois [Mr. CANNON], as to the divisibility of this motion to strike out and insert, the Chair will direct the Clerk to read from clause 7 of Rule XVI.

The Clerk read as follows:

A motion to strike out and insert is indivisible.

The CHAIRMAN. The Chair holds that this proposition of the gentleman from Texas must for the purposes of this point of order be considered as a whole; it is not divisible. The Chair, therefore, rules that the point made by the gentleman from Illinois is not well taken. The question is now on the appeal of the gentleman from Illinois.

Mr. CANNON. Upon that appeal I desire to be heard by the committee for a moment.

Mr. Chairman, the policy of the House of Representatives has been to discourage general legislation upon appropriation bills. Such legislation is not in order on bills of this character, except under certain conditions, specially provided for by the rule.

This policy is most wise. The appropriation bills must pass, and now if we legislate upon these bills to any great extent they will not only appropriate the money but also drag through much crude and unwise legislation.

Members of the House in the aggregate have always been jealous of the tendency on the part of the Committee on Appropriations to control not only the appropriations but largely the whole business of the House; yet individual members of the House are anxious to tack their pet schemes for legislation to these bills for the reason they know they must pass.

It is the duty of the Committee of the Whole and the House to see to it that no legislation is ingrafted upon these bills except such as comes strictly within the rule.

If the committee will bear with me for a moment, I will trace very briefly the history of the rule upon this subject. From 1838 to the close of the Forty-third Congress, in 1875, the rule was as follows—I read from Barclay's Digest, page 192:

120. No appropriation shall be reported in such general appropriation bills or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress and for the contingencies of carrying on the several Departments of the Government.

Under this rule it was held that an amendment was in order increasing the salaries of public officials, but was not in order decreasing such salaries.

In the Forty-fourth Congress, first session, January 17, 1876 (see Smith's Digest, page 130), Rule 120 was amended by striking out the words:

And for the contingencies for carrying on the several Departments of the Government.

And inserting in their place the following words:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Under the operation of this rule as amended the Committee on Appropriations absorbed almost the whole business of the House. The appropriation bills covered not only the money but nearly all the legislation; the other committees of the House became mere ornamental dress-parade organs of the House, and the members of the House not on the Appropriations Committee were of but little use except to vote. The attention of the country was attracted to the operation of this rule, and while much valuable legislation was had under it, the demand of almost all members of all parties was that it should be so modified as to further restrict the power of the Committee on Appropriations and of legislation on appropriation bills.

When the present rules were revised it was provided in the third clause of Rule XXI as follows:

Nor shall any provision in any such [appropriation] bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures [1] by the reduction of the number and salary of the officers of the United States, [2] by the reduction of the compensation of any person paid out of the Treasury of the United States, [3] or by the reduction of the amount of money covered by the bill.

Now, I submit that the committee should see to it that this rule as finally modified should not be frittered away by unwise or strained constructions. The object the House had in view by the final amendment to this rule was to cut up by the root all legislation upon appropriation bills except for the special objects and in the manner specified.

This matter was very fully argued in the last Congress, when Mr. Robinson, of Massachusetts, now governor of that State, presided as chairman of the Committee of the Whole. I regret that since this amendment was offered I have not had time to examine the arguments which were made at that time, and the ruling of the Chair upon the question. But I recollect them very well, especially for the reason that I then had charge of the legislative appropriation bill, and amendments raising this question came in all along the line. Time and again where the proposition was to strike out and insert, and the matter to be inserted involved two or more substantive propositions, points of order were made and sustained as to some propositions in amendments, and overruled as to others.

Now, let us see what would be the effect of the ruling of the Chair? It is proposed to repeal the law providing for five Indian inspectors. That is in order—why? Because it decreases expenditures by reducing the number of office-holders. But it goes a step further and provides—this is the second substantive proposition of the amendment—that five Army officers shall, under the direction of the Secretary of the Interior, do this work. Now if you can provide in this way upon a general appropriation bill for detailing five Army officers, you may detail five hundred Army officers. If you can change the law in this way to make a detail of five Army officers, you can by a different proposition authorize the use of the Army to run the whole Indian service, withdrawing these military officers to that extent from the duties now assigned them by law.

Well, sir, some one says has not Congress the right to do that? Certainly it has, provided the Senate and the House concur; but this House is proceeding under its rules. What are its rules? That appropriations shall be made under existing laws. I have stood here Congress after Congress and have heard maledictions rained down upon the Appropriations Committee from the very beginning because that committee had absorbed nearly all the business of Congress. How? By making appropriations and changing the laws. Therefore this rule was wisely made to circumscribe the power of that committee. How? By prohibiting them from legislating upon an appropriation bill except when it should retrench expenditure. And even further than that, except when it retrenched expenditure in one of three ways. What are they? It must be germane and it must retrench expenditure by reduction in the number and salary of officers of the United States. Does this amendment so retrench expenditure?

Mr. MAGINNIS. It does to the extent of these five Indian inspectors.

Mr. CANNON. I have talked in vain if I have failed to make my friend understand that my point of order runs to the second provision and not to the first. If the proposition stood alone providing for a repeal of the law authorizing these five Indian inspectors, I would have no objection to it so far as this point of order is concerned. But there is a second provision to which I have objection. And wherein does that second provision come within the rule? Does it reduce the number or salary of officers of the United States? No. Does it reduce the compensation of any person paid out of the Treasury? No. Does it reduce the amount covered by the bill? No; and that is admitted by the Chair in his decision.

But the Chair holds that a motion to strike out and insert is not divisible under another rule. I will not stop to discuss that question, because for the purpose of this discussion it may be admitted to be the rule generally. But what are you going to do with the provisions of Rule XXI, "Nor shall any provision in any such bill or amendment thereto changing existing law be in order," &c.?

Mr. EATON. Read the exceptions.

Mr. CANNON. I have already spoken of that. The ruling of the Chair nullifies this clause of Rule XXI, while the universal rule of construction is that where two rules conflict that construction should be given that will allow both to operate. If I stood alone, Mr. Chairman, if this were a new question, it might have a tendency to weaken my conviction about it. But it is not a new question; it has been decided again and again. Mr. Robinson, of Massachusetts, decided that Rule XXI changed the other rule referred to by the Chair in this one instance, namely, that where the question arises on an appropriation bill the point of order can be taken not only on the whole amendment but on each provision of it.

Some one may say that I place too much stress on this ruling. So far as this particular amendment is concerned, I should not have consumed the time of the committee beyond a moment. If it were not that this decision nullifies Rule XXI, setting aside previous decisions and precedents, and making in order the putting upon appropriation bills every species of legislation, provided only it shall by one provision be germane and retrench expenditures, while every other provision may have the effect to increase expenditures and not be germane. It is to prevent this absurdity, this sacrifice of the substance to the shadow, that I take an appeal from the ruling of the Chair.

I hope the committee will fully understand the importance of this point of order and see where we are drifting before we sustain the Chair in a ruling that I am satisfied he would not have made had there been time to furnish the precedents and call his attention to what the practice of the committee has been heretofore.

Mr. REED was recognized.

Mr. HAMMOND addressed the Chair.

Mr. REED. Does the gentleman from Georgia desire to be heard in opposition to the point of order? If so, I will yield to him.

Mr. HAMMOND. I rise for the purpose, as I believe the committee is in full possession of all the facts that it requires to come to a proper understanding of this subject—to make a motion, if it be admissible, to lay the appeal on the table.

The CHAIRMAN. The Chair will state that that would not be in order in Committee of the Whole.

Mr. REED. I would like to hear the views of the gentleman from Georgia, as this is an important matter.

Mr. HAMMOND. It is not my wish to add anything to what has been said upon the point of order. I only desire in some way to cut off this discussion and proceed with the consideration of the bill.

Mr. REED. Mr. Chairman, the very great importance of this matter is the only excuse I have for participating in or prolonging the debate upon it, and I desire to address what I have to say to the Chair mainly, for the Chair must recognize the great difficulty that the committee has, and the disadvantage at which it is placed in attempting to overrule a decision of the Chair. It is rather unusual for the committee to do so, and therefore a great many gentlemen would hesitate to vote for it. But the very great importance of this matter makes me desirous of urging upon the consideration of the Chair the propriety of giving the subject a special and further examination.

The decision which has already been urged applies to a rule which does not exist now. The rule which exists now was intended to confine the Committee of the Whole to propositions, and to propositions alone, which retrench expenditures in the ways that have been so repeatedly specified here to-day. It was not intended that a proposition which reduces expenditures should serve as a means for dragging along propositions totally disconnected from it, and which did not in themselves reduce expenditures. Otherwise the Chair will see that in order to change the whole existing law on any subject in an appropriation bill all that is necessary will be to have an introductory sentence which would reduce expenditures and append to it anything you choose.

Now, this rule was intended to cut off any such extravagant powers on the part of the Committee on Appropriations and of the Committee of the Whole when acting upon appropriation bills. Consequently, the rule hitherto has been interpreted in such way that if the proposition or if the proposed amendment in addition to a proposition which reduced expenditures contains other propositions which do not retrench expenditures, it vitiates the whole amendment, and it must be rejected or excluded from the bill. That is perfectly clear as the meaning of this rule.

Just consider for a moment the result of overturning the salutary decision of the gentleman from Massachusetts [Mr. Robinson] now the governor of that State. Its effect would be to allow every amendment to be made upon an appropriation bill which human imagination can conceive of, provided you prefix to it a sentence which, standing by itself, reduces expenditures or the amount of money covered by the bill, or in any one of the three ways specified in the rule.

I call the attention of the Chair to the language of this rule again:

Nor shall any provision in any such bill or amendment—

Now take out the unnecessary words—

Nor shall any provision in any * * * amendment thereto, changing existing law, be in order, &c.

That recognizes distinctly the fact that there may be an amendment, like that which is now presented, which is composed of different and distinct propositions. Now, the rule says "any provision in any amendment," and if the amendment consists of three provisions any one of which is open to the point of order, all of them are obnoxious to it, and must be ruled out. In other words, the bad provision vitiates the admissibility of the whole amendment under this rule. In that sense and in that construction it is plain that it is a wise and a sensible rule. But any exception to it, or any extension of the rule which enables one good proposition to carry with it two bad ones into the bill, is something which the House ought not to permit itself to concur in now or to establish as a precedent for the future.

I do not know, sir, that I can add to the force of what I have said, if I have been fortunate enough to make myself understood. I want to warn the House against the result of such decisions whereby you render nugatory and worthless all the salutary restrictions which our rules impose; and I sincerely hope that the Chair, in the light of this discussion, may see fit to reconsider and change his opinion upon the subject, and permit this rule as it has hitherto stood to prevail in this House.

## MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. SPRINGER took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

## INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HISCOCK. In discussing this point of order I desire to ask this question of the Chair and the committee: Suppose the amendment offered was merely the second proposition of it:

The Secretary of War shall detail five officers of the Army, not under the grade of captain, who shall act, under the direction of the Secretary of the Interior, as Indian inspectors, and the Secretary of War shall change said officers at any time the Secretary of the Interior shall request the same to be done.

Now, the question that I submit to you, Mr. Chairman and the committee, is this: Suppose that amendment was offered to this bill, would you hold it in order? You would promptly say, sir, it was not germane, and you would rule it out of order on that ground. You would say it was an attempt upon this Indian appropriation bill to change the law with reference to the Army, to impose new duties upon Army officers. You would say that under our rules a provision of that kind was not germane to this bill at all; and upon that single question of whether it was germane or not you would rule it out.

Supposing, Mr. Chairman, to illustrate the point further—suppose upon this bill was offered a provision to transfer the duties now devolving upon the Commissioner of Agriculture to some other officer, to take them away from the Commissioner of Agriculture and impose upon that other officer the discharge of those duties; you would promptly rule such a proposition out of order again, I say, upon the ground that it was not germane. Now, the proposition which I submit to you is this: whether by striking out of a bill an appropriation for an officer or for the payment of an agent you can attach to that a proposition to repeal any statute you please—that is what is here contended for—to legislate as you please and hold that to be in order simply because a motion to strike out and insert is indivisible. That is the proposition which I submit to you and which I submit to the committee. If you are right in your decision—and I desire to impress this view upon the committee—if you are right in the decision, then it would be competent at any time to move to strike from a bill an appropriation to pay a particular officer, and in connection with that to change the Revised Statutes as you choose.

If you can insert a provision of that kind in an appropriation bill you can transfer the whole Indian Bureau to the War Department by an amendment of this kind. A gentleman on the other side shakes his head. I think there can be no doubt about it. If this rule can be invoked that a proposition to strike out and insert is always indivisible, then I say if the motion to strike out is germane and proper, there is no limitation upon the affirmative legislation that you can incorporate in an appropriation bill. The point, therefore, that I make is that you must inquire whether the provision which is sought to be inserted is germane; whether that would be proper upon the bill standing by itself, standing alone. The rule which has been read here simply means that you may strike out and insert substance which is germane, which properly can go upon the bill. It means that, and means nothing else.

Mr. HOBLITZELL. May I ask the gentleman from New York a question?

Mr. HISCOCK. Certainly; I yield for a question, because I regard this as the most important point that has ever been submitted under these rules of the House.

Mr. HOBLITZELL. A motion to strike out and insert by way of an amendment the gentleman admits is indivisible?

Mr. HISCOCK. I certainly would admit such a motion is indivisible.

Mr. HOBLITZELL. Now, then, what is the amendment upon which the Chair determines whether it is germane or not? Is it not the whole proposition to strike out and insert?

Mr. HISCOCK. Oh, no, sir. The gentleman has failed to appreciate or understand my argument. It is this, that if an amendment so far as it strikes out is germane and proper, you can not by a motion to strike out and insert bring into the bill that which is improper and not germane. That is my proposition. And I shall ask the gentleman from Texas [Mr. REAGAN], who I observe is about to rise, and for whose judgment I have the greatest respect, and who I believe will try to discuss this question as a lawyer and from a non-partisan standpoint—I shall ask him when he comes to reply to me to tell me if under this decision it is not possible to repeal the Revised Statutes; if it is not possible to transfer the whole Indian Bureau over to the War Department; if there is no limitation upon the legislation which can be accomplished upon an appropriation bill under the decision made by the Chair. The point—and I desire to impress it upon the chairman and the committee—the point I make is that the substance which you would insert in the bill under the motion to strike out and insert must be germane to the bill, and must be germane to the pending provision of the bill, something which is pertinent, to do something which, if I may use the expression, properly betters the provision of the bill—new language which is more apt in its phraseology, which more clearly expresses and defines the purport, something which bears upon the same question. That is what is contemplated shall be offered and put in the place of that which is taken from the bill.

Mr. REAGAN. I am reluctant to detain the Committee of the Whole by any further discussion of the point of order, and would not do so but for the purpose of calling attention to what seems to me to be the error of the argument presented by the gentleman from New York [Mr. HISCOCK] and by some of the gentlemen who have preceded him. The substance of his argument is that if by striking out a clause of a bill, thereby reducing the number of officers provided for, something can be inserted in lieu of it not germane to the bill, then we might proceed on an appropriation bill to repeal the whole of the Revised Statutes. If you will allow the truth of his premises, then his conclusion is correct. But that is not what we are talking about.

The decision of the Chair is undoubtedly correct under the rules unless the gentleman can show that the pending proposition is divisible. To determine that question and to determine the one which the gentleman from New York has discussed, allow me to say that the pending motion is to strike out the provision of the bill which authorizes the employment of five persons from civil life to act as Indian inspectors, and to insert in lieu of it a provision that officers of the Army may be detailed to perform the service which the five Indian inspectors would perform should the original provision of the bill be allowed to stand. I submit that that statement shows that the proposition to strike out and insert is altogether germane to the object of the bill, and the second clause of the proposition is germane to the first.

Mr. HISCOCK. Now, right here, because, of course, we are trying to get at the truth of the matter, at what is just and right, I ask the gentleman from Texas if the proposition to insert which is involved in this amendment would be germane to the bill if offered alone?

Mr. REAGAN. I may admit, and I do admit, that it would not be.

Mr. HISCOCK. That is all that I ask.

Mr. REAGAN. But it is not alone, and, therefore, the premise of the gentleman does not meet the case. The proposition to insert must be taken in connection with the motion to strike out. The object of the bill is to make an appropriation in order to secure inspection of the Indians by means of five inspectors appointed from civil life. The amendment reduces expenditures proposed by the bill by the sum of $12,500, and secures the inspection contemplated by means of officers of the Army. The inspection of the Indians being the object to be attained by the law, the mode of securing that inspection is secured by the proposed amendment. That is all I think it is necessary to say on the subject.

Mr. HISCOCK. I desire to supplement the question which I asked the gentleman from Texas [Mr. REAGAN] by another. I would ask the gentleman if the test as to whether matter shall be introduced into the bill is not whether it is germane?

Mr. REAGAN. Certainly.

Mr. HISCOCK. That is the test.

Mr. REAGAN. Certainly; it must be germane.

Mr. HISCOCK. If you do not make that the test, then I ask if there is any limitation upon the substantive matter which can be placed in a bill in connection with a proposition to strike out?

Mr. REAGAN. I know the gentleman has already presented that view of the case.

Mr. HISCOCK. I want to follow it to its legitimate consequences. If you do not make the test whether it is germane or not as an independent proposition, then can you not put in an appropriation bill by that method a provision to repeal the Revised Statutes?

Mr. REAGAN. I repeat that that question is not before the committee. The committee has before it the amendment which has been proposed, and I do not propose to take up a case which is not before the committee and discuss it for the purpose of determining the question which is before the committee.

It is sufficient to say that the object of the clause which is now in the bill is to secure an inspection of Indians by officers appointed from civil life at an expense of $12,500. That inspection is secured by the proposed amendment, and the $12,500 is saved to the Treasury; the amount of money covered by the bill is reduced to that extent.

I do not deem it necessary to discuss the proposition that we can attach to the striking out of a provision in the bill the insertion of something that is not germane to the bill. I do not of course argue the question whether we can repeal the whole of the Revised Statutes—an illustration which has been made by the gentleman from New York [Mr. HISCOCK] two or three times—on the motion to strike out something that will reduce expenditures. That is not the question before the committee. All that I propose to insist upon is that by this amendment we will reduce expenditures, and at the same time secure the service sought; and the whole proposition is germane to the original paragraph of the bill.

Mr. CHACE. I would like to ask the gentleman from Texas one question.

The CHAIRMAN. The Chair has recognized the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I rise to make an inquiry of the Chair in order to understand fully the ruling which he has made. Do I understand the Chair to say that, admitting all that the gentleman from Maine [Mr. REED] has said, yet, in view of the fact that this is a motion to strike out and insert, which motion is indivisible, therefore the whole proposition is in order?

The CHAIRMAN. In response to the inquiry of the gentleman from Massachusetts [Mr. LONG], the Chair begs to state that his decision was made before the gentleman from Maine [Mr. REED] threw out his suggestion; but he has not discovered anything in that suggestion which leads him to change the ruling he had already made. The ruling of the Chair is simply that the amendment in question provides that five Army officers shall be detailed to perform certain duties, instead of five civilians, and that that amendment is an entirety and not obnoxious to the point of order urged against it.

Mr. LONG. I understand the motion is to strike out, which is one thing, and also to insert a provision, which consists of two substantive propositions.

The CHAIRMAN. That is not the amendment; that is, to insert two substantive propositions.

Mr. LONG. I ask that the amendment may be again read.

The CHAIRMAN. If there is no objection, the Clerk will again read the amendment.

The Clerk again read the amendment, as follows:

Strike out lines 122, 123 and 124, and insert in lieu thereof the following:

"The office of Indian inspector is hereby abolished, and the Secretary of War shall detail five officers of the Army, not under the grade of captain, who shall act, under the direction of the Secretary of the Interior, as Indian inspectors; and the Secretary of War shall change such officers at any time the Secretary of the Interior shall request the same to be done."

The CHAIRMAN. Now, if the gentleman from Massachusetts will hear one further suggestion, the divisibility of this pending amendment does not consist in the fact that the matter proposed to be substituted contains two different substantive propositions which ought to be divided, but lies in the fact that the proposition is to strike out and insert.

Mr. LONG. This is exactly what I wanted to ascertain. Now, if I understand this case, here is, first, a motion to strike out, then a motion to insert; and the motion to insert covers two distinctive propositions, the first of which is to abolish the Indian inspectors, and the second to confer certain powers upon the Secretary of War. Now, I understand the Chair to admit that while the first of these distinctive propositions does reduce expenditures, the second, if standing alone, would change existing law without reducing expenditures. Therefore this motion to insert, if it were not coupled with a motion to strike out, would contain a proposition changing existing law but not reducing expenses, and the result would be that the whole thing would be ruled out.

But the Chair says that this motion to insert is coupled with a motion to strike out, and he refers us to clause 7 of Rule XVI, which says that a motion to strike out and insert is indivisible. But what does the word "indivisible" mean as used in this rule? Not indivisible in every sense; not indivisible against the world. We all know that the word "indivisible" as used in this connection means simply indivisible so far as putting the motion is concerned; that is, as regards the mere parliamentary putting of the question you can not separate the motion to strike out from the motion to insert. That is the entire extent and scope of the word "indivisible" as there used.

But when, passing from this rule, which refers to "motions and their precedents," you come to the subject of the bills and amendments of bills changing existing law, then you approach an entirely new topic, and you come under a substantive rule which declares that if any provision in a bill or amendment is obnoxious to the rule the whole prop-

osition shall be excluded. It seems to me the Chair is carrying too far the force of the word "indivisible," which by all parliamentary precedents is limited to the mere question of putting the motion. But under Rule XXI, the construction of which, together with the reasons for its adoption and the precedents, has been stated by the gentleman from Maine [Mr. REED], if any provision in a proposed amendment changes existing law and does not reduce expenses the whole amendment is out of order.

The CHAIRMAN. The question before the Committee of the Whole is on the appeal of the gentleman from Illinois [Mr. CANNON] from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SPRINGER. May I be heard on that question?

The CHAIRMAN. Inasmuch as the Chair has permitted this debate to run along without any limitation whatever upon gentlemen who have desired to speak, the Chair will recognize the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Some reference has been made to the decision of Mr. Speaker Kerr in the Forty-fourth Congress upon a proposition somewhat similar to this. At that time, during the pendency of the bill making appropriations for the legislative, executive, and judicial expenses of the Government, a motion was made to add a section transferring the Indian Bureau from the Interior Department to the War Department. Mr. Speaker Kerr held the amendment not in order under the rule.

The present question is to be considered in connection with the provision now contained in our rule that an amendment coming from an individual and not from a committee must retrench expenditures in one of three designated methods, one of which is "by the reduction of the number and salary of officers of the United States."

The present amendment does propose to abolish certain offices. It contemplates the discontinuance of five Indian inspectors and the transfer of their duties to Army officers already receiving pay for their services under the appropriations for the Army.

Now, the question arises upon this amendment whether the proposition retrenches expenditures. It does retrench expenditures; it will stop the payment of five Indian inspectors and confer their duties upon Army officers now receiving pay as such, and who will not have additional pay on account of this additional duty.

Mr. VALENTINE. Under this rule, is not the first test whether any or all of the provisions in the amendment are germane? Is not that the first question rather than the question of retrenchment? "Being germane" is the language of the rule.

Mr. SPRINGER. I did not know that any question had been raised as to whether this amendment was germane or not.

Mr. VALENTINE. That is the only question—whether it is germane upon this bill.

Mr. RANDALL. If the gentleman from Illinois [Mr. SPRINGER] will give way, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

### RECEPTION OF GENERAL GRANT.

Mr. RANDALL. Mr. Speaker, we have the honor of having with us on the floor to-day General Grant. There are no words necessary to an American in so far as he is concerned; but we will do ourselves honor by taking a recess for fifteen minutes and give members an opportunity to shake him by the hand. [Applause.] I make that motion.

The SPEAKER. The gentleman from Pennsylvania moves to take a recess for fifteen minutes for the purpose of receiving our distinguished fellow-citizen, General Grant.

The motion was agreed to.

Mr. RANDALL. Unanimously.

The SPEAKER. Yes; unanimously.

The House (at 4 o'clock and 27 minutes p. m.) took a recess; and Mr. Speaker CARLISLE and Mr. RANDALL escorted General Grant to the area in front of the Official Reporter's desk, where he was presented to the several Members and Delegates. He was greeted with applause when he came down the main aisle, and also when he left the House.

At 4 o'clock and 42 minutes p. m. the recess expired, and the House resumed its session.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, requested the return of joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio, yesterday passed by the Senate without amendment.

It further announced the passage of the following bills; in which concurrence was requested, namely:

A bill (S. 1037) for the relief of John P. Walworth;

A bill (S. 953) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased;

A bill (S. 1459) relating to the improvement of coinage;

A bill (S. 873) for the relief of William G. Ford, of Memphis, Tenn.;

A bill (S. 835) to amend section 1000 of the Revised Statutes, in relation to giving security in cases on appeal or writ of error;

A bill (S. 554) to promote the efficiency of the General Land Office; and

A bill (S. 458) for the relief of William H. Crook.

### RETURN OF JOINT RESOLUTION.

The SPEAKER laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *April* 2, 1884.

*Ordered*, That the Secretary be directed to request the House of Representatives to return to the Senate the joint resolution of the House requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio, yesterday passed by the Senate without amendment.

There was no objection, and the request of the Senate was agreed to.

### IMPRISONMENT OF AMERICAN CITIZENS.

The SPEAKER, by unanimous consent, laid before the House the following message of the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

*To the House of Representatives:*

In response to the resolution of the House of Representatives, of 5th of February last, respecting the arrest and imprisonment of certain American citizens by the authorities of Colombia, at Aspinwall, I transmit a report of the Secretary of State.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 2, 1884.

### PROTECTION OF MISSISSIPPI RIVER LEVEES.

The SPEAKER, by unanimous consent, also laid before the House the following message of the President; which was referred to the Committee on Rivers and Harbors, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit to Congress a communication from the Secretary of War, embodying the views of the president of the Mississippi River Commission upon a report from Major Stickney, of the Engineer Corps, in relation to the protection of existing levees from destruction by the floods in the lower part of the Mississippi River. It appears that there is an urgent need of an appropriation of $100,000 to be used for this purpose, and that an enormous destruction of property may be thereby averted.

I recommend an immediate appropriation of the sum required for the purpose, to be expended under the direction of the Mississippi River Commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 2, 1884.

### LEAVE OF ABSENCE.

Mr. LAMB, by unanimous consent, was granted leave of absence for one week, on account of important business.

### LEAVE TO PRINT.

Mr. STOCKSLAGER, by unanimous consent, was granted leave to print remarks on the bill granting a pension to Septimia R. Meikleham, sole surviving grandchild of Thomas Jefferson.

And then, on motion of Mr. BUCKNER (at 4 o'clock and 45 minutes p. m.), the House adjourned.

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### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition for the relief of Emanuel E. Downham and Henry Strauss—to the Committee on Ways and Means.

Also, papers relating to the claim of John Dixon and William Conway—to the Committee on War Claims.

By Mr. J. H. BREWER: Petition of Henry T. Knox, of Burlington, N. J., for change of rating of pension—to the Committee on Invalid Pensions.

By Mr. CLAY: Petition of the city of Owensborough, asking for the erection of a breakwater in the Ohio River at that point—to the Committee on Rivers and Harbors.

Also, resolutions of Post No. 22, Grand Army of the Republic, Crofton, Ky.—to the Committee on War Claims.

By Mr. CUTCHEON: Petition of citizens of Chase, Mich., relative to postage on seeds, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. G. R. DAVIS: Papers relating to the claim of Cyrenus Beers and others—to the Committee on Indian Affairs.

By Mr. DORSHEIMER: Memorial of the bondholders of the Northern Pacific Railroad, praying to be heard before the Committee on the Public Lands on the bill declaring a forfeiture of the land granted, and asking Congress to protect their interests—to the Committee on the Public Lands.

By Mr. HOPKINS: Petition of citizens of Pittsburgh, Pa., favoring an appropriation for the education of the Indians—to the Committee on Education.

By Mr. B. W. JONES: Memorial as to pensions by members of Grand Army post of Monticello, Wis.—to the Committee on Invalid Pensions.

By Mr. KELLOGG: Papers relating to the bill for the relief of George Baldey—to the Committee on Military Affairs.

By Mr. KING: Papers relating to the claim of Mrs. Davidson, executrix of Edward C. Davidson, deceased—to the Committee on Elections.

By Mr. LE FEVRE: Petition of James Rather—to the Committee on Pensions.

By Mr. LONG: Petition of the Moral Education Society—to the Committee on Education.

By Mr. McCOMAS: Petition and papers relating to the claim of Joshua Newcomer—to the Committee on War Claims.

By Mr. MORGAN: Resolutions of the Merchants' Exchange, relating to the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. J. J. O'NEILL: Protests of druggists of the city of Saint Louis, against the bill to prepare and publish a pharmacopœia for the United States—to the Committee on Ways and Means.

By Mr. PERKINS: Resolutions of the senate of the State of Kansas, asking Congress to make provisions for the payment of certain losses sustained by citizens of Kansas as ascertained by the commission of 1859—to the Committee on Claims.

By Mr. PETERS: Resolutions of the senate of Kansas in relation to certain losses of citizens of the State—to the Committee on Indian Affairs.

By Mr. RANDALL: Petition of professors in and trustees of the University of Pennsylvania, praying for the appointment of a scientific commission to ascertain what plan of organization is best adapted to promote the usefulness of the National Observatory—to the Committee on Appropriations.

By Mr. ROBERTSON: Papers relating to the pension claim of Kitty A. Williams—to the Committee on Invalid Pensions.

Also, resolution of the General Assembly of Kentucky relative to the Life-Saving Service at Louisville—to the Committee on Commerce.

By Mr. T. G. SKINNER: Petition of Samuel Corson and others, for a port of entry at Wilmington, N. C.—to the same committee.

By Mr. SLOCUM: Memorial of Post No. 218, Grand Army of the Republic, Department of New York, in favor of pension and bounty law—to the Committee on Invalid Pensions.

By Mr. STOCKSLAGER: Petition of Union veterans of the late war, for pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, resolutions of Mooney Post, Mooney, Jackson County, Indiana, for legislation to secure to the Union soldiers of the late war what was promised them at enlistment—to the same committee.

By Mr. STRUBLE: Petition of B. F. Tabler and 88 others, soldiers and citizens of Osceola County, Iowa, asking for the appropriation of $260,000 to be expended in erecting a soldiers' home to be located in the West—to the Committee on Military Affairs.

By Mr. TUCKER: Petition of M. G. Emery, S. A. H. McKim, and Lemuel Gaddis, for relief—to the Committee on the District of Columbia.

By Mr. WAKEFIELD: Memorial of the Board of Trade of Mankato, Minn., protesting against the passage of an act fixing the head of navigation of the Minnesota River at New Ulm—to the Committee on Commerce.

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## SENATE.

### THURSDAY, *April* 3, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### MISSISSIPPI RIVER LEVEES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations:

*To the Senate and House of Representatives:*

I transmit to Congress a communication from the Secretary of War, embodying the views of the president of the Mississippi River Commission upon a report from Major Stickney, of the Engineer Corps, in relation to the protection of existing levees from destruction by the floods in the lower part of the Mississippi River. It appears that there is an urgent need of an appropriation of $100,000 to be used for this purpose, and that an enormous destruction of property may be thereby averted.

I recommend an immediate appropriation of the sum required for the purpose, to be expended under the direction of the Mississippi River Commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 2, 1884.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of survey of the unconfirmed private land claim, in the Territory of New Mexico, of the heirs of Francisco Garcia; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

#### HOUSE BILL REFERRED.

The bill (H. R. 4976) for the retirement and recoinage of the trade-dollar was read twice by its title, and referred to the Committee on Finance.

#### PETITIONS AND MEMORIALS.

Mr. BECK. I hold in my hand a joint resolution passed by the Legislature of Kentucky. It is very short, and I desire to have it referred appropriately, if it be proper for reference. It reads thus:

[Resolution No. 43.]

Resolution in relation to the life-saving service at Louisville.

Whereas the almost annual recurrence of disastrous floods in our rivers, attended by great destruction of human life and property, renders more and more apparent the imperative necessity of maintaining an efficient corps of life-savers at Louisville: Therefore,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That our Senators and Representatives in Congress be, and they are hereby, requested to use their best efforts to obtain an increased compensation for the gallant members of the life-saving crew now stationed at Louisville, whose heroic conduct and noble self-sacrifices in hours of peril so well merit deserved reward.

The governor is hereby requested to forward a copy of these resolutions to the Kentucky members of Congress.

CHAS. OFFUTT,
*Speaker of the House of Representatives.*
BEN. S. ROBBINS,
*Pro tempore Speaker of the Senate.*

Approved March 27, 1884.

J. PROCTOR KNOTT.

By the governor:

J. A. McKENZIE,
*Secretary of State.*

It being in the nature of a memorial, I ask that it be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The resolution will be read at the desk.

The Chief Clerk read the resolution.

Mr. BECK. I have read it first, perhaps improperly, because I was not sure, as it is addressed to the members of the Kentucky delegation, whether it was properly in the form of a memorial. I now ask that it be treated as such, and move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON presented a joint resolution of the General Assembly of Iowa; which was read, and referred to the Committee on Public Lands, as follows:

[Joint Resolution No. 9.]

Joint resolution in regard to grants of public land to railroads.

*Be it resolved by the General Assembly of the State of Iowa*—

First. That in view of the rapid absorption of the public lands of the United States fit for settlement, we do hereby earnestly request our Senators and Representatives in Congress to use their influence so that where grants of public land have been made directly to any corporation to aid in building railroads, and the terms of said grants have not been substantially complied with, steps may be immediately taken to have the unearned portion of such lands revert to the United States, that the same may be thrown open to settlement.

Second. That the secretary of state be, and he is hereby, instructed to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved March 27, 1884.

Mr. McPHERSON. I present a resolution of the Board of Trade of the city of Newark, N. J., which reads as follows:

*To the Senate of the United States:*

The Board of Trade of Newark, N. J., adopted the following petition:

"*Resolved*, That this board respectfully but earnestly petition your honorable body that the bankrupt bills now before you may not become a law. And your petitioners will ever pray."

Signed by the president and secretary of the Board of Trade.

As a bill on this subject has been reported, I move that the resolution lie on the table.

The motion was agreed to.

Mr. CALL. I present a resolution of the Board of Trade and Exchange of Pensacola, Fla., which reads as follows:

Whereas the withdrawal of this fast-mail service will be a great deprivation to the people of the Southeast and the business interests of this section:

*Resolved*, That we earnestly petition the Senate of the United States to replace said allowance for the fast-mail service of the Atlantic Coast Line, as the discontinuance of this service will involve the loss of an entire business day to this whole section, and that it will deprive us of postal facilities to which our business interests have become adjusted, and will retard the development of this whole section of country.

I ask that the resolution be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. This paper appearing to be in print can not be received under the strict head of petitions, but if there be no objection it will be received as a paper, and referred to the Committee on Appropriations.

Mr. GARLAND presented the petition of Samuel Ward, a citizen of the Cherokee Nation, Indian Territory, praying to be reimbursed for certain property taken from him during the late war; which was referred to the Committee on Claims.

Mr. SHERMAN. I present a paper directed to me by citizens of Mansfield, Ohio, but evidently intended for the Senate, remonstrating against the passage of the bill (S. 1558) to protect innocent purchasers of patented articles. I ask that the paper be received, and move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. HOAR. I present a petition of soldiers and citizens connected with the National League, and indorsed by the governors of the States of Wisconsin, Indiana, Kansas, Nebraska, Minnesota, Iowa, and Colo-

rado, and also indorsed by the high officers of state in those Commonwealths, the signers numbering about 8,000 citizens and soldiers in those States, praying that a pension of at least $8 a month may be granted to all honorably discharged soldiers of the Union Army and sailors of the Navy who served during the late war.

The petition is accompanied by a communication from Corydon Millard, late chaplain of the Fourth United States Heavy Artillery, now chaplain of the National Soldiers' Home at Milwaukee, urging upon Congress the granting of the prayer of the petition.

I desire to say, without intruding upon the province of the Committee on Pensions or anticipating the judgment of the Senate upon this important request, that it is true there is a very large number of soldiers and sailors who have been unable by the mere loss of evidence and other misfortunes to prove to the satisfaction of the Pension Office the facts which undoubtedly exist upon which a claim to the pension granted by the United States Government is properly based. The rules of the Pension Office place obstacles—I dare say necessary and wise rules in most instances—in the way of establishing the undoubted and unquestioned proof; and a great many persons, perhaps most persons who served during the entire war, were substantially impaired in health mentally or physically for the rest of their lives, although their disability is not one which comes within the existing rule.

Therefore, without entering upon the general question of the policy or propriety of granting this prayer, it seems to me that the Committee on Pensions may very well give their attention to the framing of some measure which shall relieve cases of undoubted suffering and merit which exist in all the States and which are within the experience of all the members of the Senate.

I move that the petition and accompanying letter be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MCMILLAN presented a memorial of the Mankato (Minn.) Board of Trade, remonstrating against the passage of any act that shall in its effect abridge, restrict, or limit the navigation of the Minnesota River; which was referred to the Committee on Commerce.

He also presented the petition of George Wallace Hall, late private of Company A, Ninth Regiment Minnesota Volunteers, praying for relief by the removal of the limitation of time prescribed by the act of July 1, 1880, in regard to applications for bounty; which was referred to the Committee on Military Affairs.

Mr. HALE presented a petition of citizens of Damariscotta, Me., praying that an appropriation be made for education in Alaska; which was referred to the Committee on Appropriations.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio.

### REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the following bills, reported them severally without amendment:

A bill (S. 1885) for the erection of a public building at Wilmington, Del.;

A bill (S. 1810) for the erection of a public building at Sacramento, Cal.; and

A bill (S. 1279) to provide for the erection of a public building at Asheville, N. C.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas, reported it with an amendment.

Mr. SLATER, from the Committee on Commerce, to whom was referred the bill (S. 1425) to grant the Astoria and Winnemucca Railroad Company the right of way through the public lands and the right to construct bridges over navigable water courses, reported it with amendments.

### BILLS INTRODUCED.

Mr. FRYE (by request) introduced a bill (S. 1985) to authorize the appointment of a commission of naval architects and marine engineers to examine and report upon new designs for steamships; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Naval Affairs, if there be no objection.

Mr. FRYE. To the Committee on Commerce, if the Chair pleases, as the matter is being heard before that committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. FRYE (by request) introduced a bill (S. 1986) to authorize the construction of a merchant ship upon new designs; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCPHERSON (by request) introduced a bill (S. 1987) to amend the patent laws; which was read twice by its title, and referred to the Committee on Patents.

Mr. CONGER introduced a bill (S. 1988) for the government and control of the Saint Mary's Falls Canal, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 1989) for the creation of a silk-culture bureau and the establishment of silk-culture stations; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

### AMENDMENT TO A BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee on Claims, and ordered to be printed.

### GENERAL WASHINGTON'S SWORD.

Mr. GROOME (by request) submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on the Library be directed to inquire into the expediency of purchasing from the Lewis family, for the United States, the sword worn by General George Washington upon the occasion of his resigning his commission to Congress at Annapolis, Md., on the 23d day of December, 1783.

### CONGO COUNTRY IN AFRICA.

Mr. GORMAN submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That 1,000 additional copies of Senate report No. 393 of the present session, together with document entitled "Africa No. 3," be printed for the use of the Senate.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 223) authorizing the Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 1027) for the relief of James H. Woodard; and

A bill (S. 1819) to print certain eulogies delivered in Congress upon the late Thomas Allen.

### AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. BLAIR. I move to take up the unfinished business at this time. It will be remembered that at the close of the session yesterday the honorable Senator from Ohio [Mr. PENDLETON] was about to address the Senate. It is convenient to him to go on at this time, and as the debate has been protracted and it is desirable to close it as soon as possible, I hope there will be no objection to the motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools. The question is on agreeing to the motion.

Mr. COCKRELL. I do not propose this morning to antagonize the motion of the Senator from New Hampshire, so far as I am concerned. There are a number of Senators who desire to speak on the educational bill, and I am willing to take it up now; but I give notice that hereafter I shall insist, so far as I am concerned (and I think a number of other Senators will do the same), upon giving the morning hour to the consideration of the regular Calendar. As a number of Senators desire to speak to-day upon the educational bill, I shall not interpose any objection to proceeding to its consideration at this time.

Mr. ALLISON. You mean after the educational bill is disposed of.

The PRESIDENT *pro tempore*. The Chair will state that all such motions under the present rules are not open to debate. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. PENDLETON] is entitled to the floor.

Mr. COKE. I ask the courtesy of the Senator from Ohio to yield to me for a few minutes.

Mr. PENDLETON. Certainly.

Mr. COKE. Mr. President, I listened to the remarks of the Senator from Mississippi [Mr. GEORGE] yesterday until I supposed his argument was about concluded and was absent for a few minutes from the Chamber before its conclusion. Near the conclusion of his speech I find this morning in the RECORD what I did not know yesterday evening had been stated by him. I read from the Senator's speech:

Mr. President, Texas was admitted into the Union in 1845 under a resolution which exempted the United States from any responsibility for her debts. The original proposal made before that contained that as one of the specifications.

After that time Congress paid Texas $10,000,000 for an adjustment of the line between Texas and New Mexico. Five million dollars of that was reserved in the Treasury for the creditors of Texas, who had a pledge of the customs of that State before her annexation. That was all right. But in 1855 there was another act passed, not only paying the $5,000,000 which had then been reserved out of the purchase-money for the line between Texas and New Mexico, but an additional sum of $2,750,000 was given for the purpose of paying the debts of Texas. There was no obligation to pay, and there being no obligation on the part of the Government, it was not the payment of a debt. Being not the payment of a debt or the discharge of an obligation, it was a pure voluntary gift.

But the Senator says that the fact that the State must accept the gift shows that Congress has no power to make it; and yet in that very act the consent of Texas was required; she gave it, and the gift was made.

I desire to say that in this statement, as in many others the Senator made yesterday, he has fallen into a most grievous error. He entirely misapprehends, and is utterly mistaken as to the great historical facts he assumes to narrate in this statement.

After the annexation of Texas there arose a controversy as to the boundary line between Texas and New Mexico. It involved what was then known as the Santa Fé territory. In order to adjust that controversy the United States agreed, if Texas would surrender her claim, to pay to Texas $10,000,000 in interest-bearing stocks. As the creditors of the republic of Texas held a lien upon the customs of Texas, which were transferred to the United States when Texas was annexed, and the creditors were insisting that the United States Government had assumed liability for their debts after they had received the right to collect the customs dues upon which they had the lien, the Government of the United States, in order to shield itself from the responsibility, reserved the right to hold $5,000,000 of the $10,000,000 interest-bearing stock for the payment of the creditors who claimed this lien. Texas assented to this.

It took some time to adjust and audit the debt of Texas. It was not done until 1855. In the mean time the interest was running on the reserved $5,000,000, and when in 1855 the United States Congress, after the Texas debt had been audited, came to make an appropriation of the money for its payment, it was found that $1,250,000 of interest had accrued. That was added to the principal, $5,000,000, making $6,250,000. In addition to that, there was pending a claim against the Government of the United States for the depredations by Indians belonging to and under the control of this Government upon the republic of Texas and afterward upon the State of Texas. This claim had been formally presented and was being urged. In the adjustment of this matter, as the debates show when the appropriation was made, an additional sum of $1,500,000 was added to the $6,250,000, making in all $7,750,000, which was appropriated, and as the concluding section of the act of appropriation of February, 1855, shows, upon the express condition that it should be assented to by the State of Texas, and that the State of Texas should withdraw and abandon her then pending claim against the Government for Indian depredations.

So the $2,750,000 which the Senator from Mississippi says was presented as a gift to Texas by the United States consisted of $1,250,000 of interest upon the stocks of Texas held in the Treasury of the United States and $1,500,000 which was paid to Texas in compromise of her claim against the Government for Indian depredations.

Mr. MAXEY. And those funds were interest-bearing bonds.

Mr. COKE. Of course. I said that it was interest-bearing stock.

Now, the Senator from Mississippi says that the $2,750,000 was a gift, and that Texas accepted the gift; and that is a point which he makes in his argument in favor of this bill. In making that point the Senator simply shows that he had not made an examination of this question, which if properly made (and which he should have made) would have led him to the true facts.

Mr. President, this is about all that I desire to say. I wished to make this explanation and to refute this statement because it affects my State and because it ignores great historical facts, shown by the legislation of Congress, by the debates of that period, by the compromise bill of 1850 under which the first arrangement for the sale of the Santa Fé territory was made. The Government of the United States has never given Texas one single cent, and there is in the Treasury now, uncalled for, $60,000 of the $7,750,000 appropriated for the creditors of Texas.

Any other misstatement or misapprehension of the Senator (and I will state that there are various of them in his speech) I shall not advert to, because I am satisfied that the record of the debate will take care of itself. What he has said is in print and what I have said is in print; but this matter had not been referred to before, and therefore I deemed it necessary and proper that I should make this explanation and vindicate the truth of history.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Ohio is entitled to the floor.

Mr. PENDLETON. I yield to the Senator from Mississippi.

Mr. GEORGE. If the Senator from Texas who has just addressed the Senate makes the same success in pointing out the many other errors which he says exist in my speech as he has done in the one to which he has called special attention and no more, he would be well excused from making any attempt on that subject.

I said that Texas had been made the recipient of a gift from the United States and she had accepted the gift. I was well aware that the act under which the gift was made contained a provision that she should withdraw an unfounded claim which she had set up against the Government of the United States. The United States undertakes and assumes no responsibility, recognizes none, to pay for Indian depredations either on the citizens of foreign countries or on our own citizens, and the fact that Texas assumed and presented a claim of that character against the Government only proves, what I said in my speech yesterday, that Texas seemed to have considered that the Constitution of the United States and the Government of the United States was made for her especial benefit, to give her rights and privileges not granted to the other States of the Union.

It is very evident, it is a proposition which I asserted in my speech yesterday, that if a payment be made out of the Treasury of the United States where there is no obligation to pay, where there is no debt, no duty to pay, the payment is a pure gift, and you can not make anything else out of it. And so, sir, with reference to some other provisions alluded to by the Senator in his remarks this morning, Texas seems to have assumed an exceptional right against the Government of the United States. Claims were presented against the United States to pay the debt of Texas because, forsooth, the customs, the revenues from importations by Texas had been surrendered by her annexation to the United States. The same thing happened when the Constitution was formed in 1789. Every State prior to the formation of the Constitution had the right to levy customs duties. They were theirs, and yet they were all surrendered by their incorporation into the American Union under the Constitution, and no State on that account was recognized by the United States as having a right to call on the United States to pay its debts.

This is a full answer to the position of the Senator from Texas.

Mr. COKE. Will the Senator from Ohio allow me a moment further?

Mr. PENDLETON. Yes, sir.

Mr. COKE. Mr. President, the Senator from Mississippi said:

> But in 1855 there was another act passed, not only paying the $5,000,000 which had then been reserved out of the purchase-money for the line between Texas and New Mexico, but an additional sum of $2,750,000 was given for the purpose of paying the debts of Texas. There was no obligation to pay, and there being no obligation on the part of the Government, it was not the payment of a debt.

I have shown that $1,250,000 of that $2,750,000 was for interest accrued on bonds belonging to Texas.

Mr. GEORGE. On that point I admit I was mistaken as to the amount of the gift; but the question between the Senator and myself was not so much as to the amount, as to the fact that a gift was made. One million two hundred and fifty thousand dollars was given.

Mr. COKE. Well, then, the Senator is forced to admit that he was wrong as to more than half of it. When the republic of Texas had a claim which her authorities were pressing at the time of annexation for Indian depredations, when that claim, after annexation, was taken up by the State authorities and was being urged, and when, as I can show in the debates on this subject, Mr. Clay said Texas was entitled to $3,000,000 on this score, the honorable Senator from Mississippi, for the purpose of making a point in his argument, undertakes to decide that the claim had no validity, that the United States had no right or power to negotiate with the authorities of Texas and compromise it, and that therefore it was a pure and simple gift. An argument based upon such a hypothesis can not certainly go very far nor have much influence in this country.

Mr. MAXEY. Allow me to say that the Senator from Mississippi not only undertakes to decide what my colleague says, but undertakes to decide that the Senate and House that passed that bill and the President who approved it did not know what they were doing.

Mr. COKE. Of course. The Senator from Mississippi sets himself up to review the past conduct of this Government about this matter, and for the purpose of making a point in his argument assumes that what this Government in all its branches thought was the right thing to do, to wit, to pay a million and a half of dollars in the settlement of this claim, was a perfectly void and invalid act, in order that he may construe it as a pure and simple gift. I am entirely willing that the Senator's statement may go for what it is worth. It is a fair sample of his reasoning on this bill.

Mr. GEORGE. I hope I may be indulged one remark.

The PRESIDING OFFICER (Mr. HOAR). The Senator from Ohio is entitled to the floor. Does he yield?

Mr. PENDLETON. I will yield for one remark.

Mr. GEORGE. I never asserted, as the Senator from Texas says, that this was a perfectly void act of the Congress of the United States. It was he who asserted that gifts made by the United States to the States were void. I insisted that the Government had a right to make a gift, and I cited it as an instance in which it had made a gift. That is the distinction. I made no such assertion. I criticised nobody. I did not criticise Texas even for accepting or the Government for giving it. I cited it to show that the power to give by the Government to a State had been exercised in that case by the consent of the United States and of the State of Texas. That is all there is in it.

Mr. PENDLETON. Mr. President, the length and scope of this debate make it very difficult to say anything which is either new in itself or new in its guise. I shall not endeavor to do either. Indeed, I would have been very content to follow my usual habit of giving my

vote in silence and not troubling the Senate with my reasons, if I were not in this case a little divided as betwixt two. My judgment is very clear as to what ought to be done. My sympathies and sensibilities to some extent impel me in a different direction, and therefore I have thought it right to explain very briefly to those who are interested the view on which I shall give my vote upon this bill.

We have had several definitions of this bill. The honorable Senator who introduced it and stands sponsor for it on the floor [Mr. BLAIR] said in the course of his remarks that it was a bill to fit the voters to exercise intelligently the franchise. The honorable Senator from Arkansas [Mr. GARLAND] defined it as a bill to extirpate illiteracy. Other Senators have spoken of it as a bill to relieve the States, to perpetuate the Union, to strengthen the Government, to perfect the scheme of emancipation, or perhaps to compensate some of its consequences, according as Senators have followed the dictates of their own fancy or the different appreciation they may have of the value of these respective results.

In plainer language, Mr. President, this is simply a bill to appropriate $105,000,000 to the purposes of education within the States. That amount is to be paid in ten unequal annual installments. It is to be paid in proportion to the ignorant people within the limits of the States. It is to be taken from the Federal Treasury, into which it is first to be gathered by a system of taxation which, if the Constitution be obeyed, shall be uniform throughout the United States. If taxation is to be limited to the ordinary expenses of the Government, then additional taxation shall be imposed to raise the amount. If $300,000,000 have sufficed for the expenses of the Government heretofore, then an additional $15,000,000 for the first year and something less afterward must be raised by increased taxation in order to meet the appropriation which this bill seeks to make.

The process is very simple. A new tax bill must be devised; a new tax must be levied upon tea or coffee, or an additional tax upon woolen manufactures or iron manufactures imported into the country, or upon tobacco and whisky produced within its limits. Fifteen million dollars are to be raised; all the people of all the country are to contribute, and these fifteen millions are to be expended not in the proportion in which all shall contribute, but in a different proportion; those as a rule receiving the most who have contributed the least.

It seems almost unnecessary to say, and yet it appears to me very useful to recall to ourselves and to each other that the Government has no independent fortune; that it has not one cent of money except that which is contributed to it by the people; that every dollar of appropriation means a dollar of taxation; and that if we were wise and logical we should in the first section of every bill impose a tax and provide the exact amount which in the second section of the bill we authorize to be expended. It would aid us, I think, to understand this particular bill if its draughtsman had provided in the first section thus: That in addition to all the taxes now levied by law there shall be levied and assessed and collected 3 cents a pound upon coffee imported into the United States, or 22 cents upon tea, or 31 per cent. ad valorem in addition to the 60 per cent. now levied upon all woolen goods and clothing and blankets imported into the United States, or 38 per cent. ad valorem in addition to the 40 per cent. duty (if I state correctly the figure) imposed upon all iron and steel manufactures, or 6 cents additional upon every pound of tobacco, or 22 cents in addition upon every gallon of whisky that is produced; and that the second section should provide that all the money collected from these additional taxes shall be distributed to aid in the education of citizens within the several States.

I have taken some pains to look into this matter, and I think I state fairly what would be the additional taxation upon any of these articles necessary to raise the $15,000,000 a year, at least for the first year, which as provided by this bill shall be expended. It ought to be a tax bill as well as an appropriation bill. There ought to be a levy of additional taxes in the early part of the bill, that we may understand what its scope and nature is when we come to examine the later portions.

Mr. President, I have listened to this debate with all the attention and interest which its importance demands. Sympathizing as I do with the desire that every child in the Republic throughout all its limits shall have the benefits of education, I have waited anxiously, listened patiently for a complete vindication of the constitutionality and expediency of this bill, if it can be made. Not one word has been said in favor of the advantages of education to which my judgment has not given its most hearty assent. Not an appeal has been made to elevate those who were property and not men, at least not citizens before their emancipation, which has not awakened every humane impulse of my heart. Not one word has been said so eloquently by the honorable Senator from Georgia who sits before me [Mr. BROWN] of the sufferings and losses of the Southern people during the war and as its consequence which did not evoke from me a feeling of sadness that men so worthy had met with such adverse fates. I heard with the greatest pleasure the statements that were read on this floor from gentlemen who have devoted themselves and their lives to education, not only as to the temper and spirit of the people of those States, but as to the heroic efforts they were now making to do the very thing for themselves that this bill provides they shall be aided in doing. When I heard the statements of Mr. Mayo and some of these gentlemen read here on the floor of the Senate I felt an honest pride that these men, showing such magnanimity, such self-reliance, such heroism in doing their duty, were our brethren according to the flesh, descendants of the same blood and race, coheirs of the same liberty, and worthy to be codefenders of the same free Government.

I have noticed—and who has not?—the courage, the fidelity, and persistency of the honorable Senator from New Hampshire in charge of this bill, who has defended it so ably. I am sure that I may say with the concurrence of all gentlemen on this floor, and without trenching at all upon the limits of propriety, that they have seen with admiration the facility with which he has been willing to amend his bill to make it conform to the views of all gentlemen who are in favor of the same general scheme, and the entire fairness with which he has treated the motives and the purposes of those who are directly opposed to the whole system which he seeks to introduce.

I yield to no man in my estimate of the value of educational training, not even to the honorable Senator from Mississippi, whom I do not see now in his place [Mr. LAMAR], who with more than his usual force and felicity spoke of the power of intellectual training in freeing men from the bondage of their passions and prejudices and superstitions. I think that training is of inestimable value to the man in isolation, to the man in society, to the man in government. It makes him a better man, a better neighbor, a more important and influential factor in the great problem of free government. I distinguish, as did the honorable Senator from South Carolina so eloquently the other day [Mr. BUTLER], between intelligence and intellectual vigor and mere book learning. I do not compare them; I do not contrast them. They are both important, they are both essential, and the one supplements that wherein the other fails.

Education mitigates the low and groveling condition in which our grosser passions and vices find a congenial and productive soil. As the moral and intellectual powers increase, the opportunity and the necessity for mere brute force in government diminish. The man governs himself, and in the practice of that high quality of character he learns and he practices that divine charity whose maxim is, "Bear ye one another's burdens," and of that still diviner justice which says, "Do unto others as you would that they should do unto you." As these are the essential elements of a high moral character, so they are the best constituents of a high civic character devoted to performing the duties of a citizen. Nature made an impassable gulf between man and the brute creation. There is an immeasurably greater distance, happily not impassable, between those whose faculties, dull and dimmed and imbruted, lie all dormant, and those whose faculties, awakened, vivified, energized, alert, appreciate and employ the opportunites of development which lie all around them. Intellectual training removes the man from close proximity to the beasts that perish, and, carrying him through all the gradations of beneficent development, places him finally where we are told that God and nature intended him to be, "a little lower than the angels, and crowned with glory and honor."

It was a noble son of New England, himself one of the best illustrations of the benefits and beauties of culture, who, in contrasting the character of the ignorant and the educated man, said that to the ignorant man the earth and air and sea and sky, the glorious pomp of day, the sparkling mysteries of night are but an outward pageant governed by ungoverned chance, valued only as they minister to the supply of sensual wants; that to him all nature was silent; but to the man whose mind is stored with knowledge the mystery is unfolded, the veil is uplifted as one by one he turns the leaves of the great volume of creation, mental, moral, and physical, whose every page is inscribed with characters of wisdom and power and love; that to him all nature is vocal, and he hears the echoes of that divine language in which "day unto day uttereth speech, and night unto night sheweth knowledge."

Mr. President, if the alternative were the passage of this bill advocated by the honorable Senator from New Hampshire and this illiteracy with all its weaknesses and all its vices and the loss of these incomparable benefactions, I should be sorely tempted to lay aside all constitutional objections, all the conservative wisdom which the honorable Senator from South Carolina [Mr. BUTLER] enforced so strongly the other day, and to stand side by side with those who are in favor of the passage of this measure. But that is not the alternative. There is another way, a better way, a wiser way, a more constitutional way of accomplishing the same purpose.

I have scrutinized very carefully the Constitution for the purpose of finding a power to pass this measure. I can find it in none of the express grants; I can find it in none of the inevitable implications. It may be there; I have not been able to find it. I have not been so instructed by this discussion that I could intelligently put my finger upon it. So far as I have been able to follow this discussion I have not seen that there was a standing-place for the friends of this bill except where the Senator from Arkansas stands and where he seeks to put the authority to pass this bill. He places it in that clause of the Constitution to provide for the general welfare, which he thinks is an independent, separate power. I can not yield my assent to his interpretation of this clause. I can not bring my judgment to the conclusion that in a written Constitution of defined and limited powers, made with extreme jealousy and caution by those States which came together to frame it, the

instrument wherein so many pages are expended in defining the powers of the Congress, its authors would sweep all limitations aside, and under a power to provide for the general welfare should leave it to the discretion and judgment and conscience of the legislator as to what he shall do and what he shall not do in the attainment of the purposes of the Government.

The honorable Senator from New Hampshire in the course of his very able remarks in the opening of this debate said that the Government of course had the power to perpetuate itself. Standing upon that postulate, his reasoning is very clear and obvious. Education, says he, is necessary to the intelligent exercise of the right of suffrage; the intelligent exercise of the suffrage is essential to the perpetuity of the Government; therefore, under the power to perpetuate itself the Government of the United States may enter within the limits of the States and educate the voters. I submit to the honorable Senator that he passes away beyond the provisions of the tenth amendment, which declares that all power not granted by the Constitution is reserved to the States and to the people respectively.

I deny the proposition that the Government has any such power to perpetuate itself. The power of this Government for its own perpetution stands on no such unsubstantial basis. The fathers when they organized the Constitution and Government knew that it would be assailed, and they provided in express terms and by direct language the powers it might exercise in order to its own perpetuation. I repeat, as I said before in the debate on a bill involving the powers of the Federal Government, that it is only within the limits of that book [holding up the Constitution] that you must find the powers of the Government, and if they are not to be found there the scheme must fail, even though the alternative be the life or death of the Government.

What says this Constitution as to the power of perpetuating the Government? "The Congress shall have power to lay and collect taxes;" but if the resources of taxation should fail at any time and it be necessary to have money to perpetuate the Government, the Congress may "borrow money on the credit of the United States;" and if its perpetuation depends upon any of its commercial relations, the many and the varied interests that grow up in the constant and ready intercourse which in these modern times exist between nations, "the Congress shall have power to regulate commerce with foreign nations, and among the several States." If danger threatens from abroad, "the Congress shall have power to declare war, grant letters of marque and reprisal," and in order to do this effectively "the Congress shall have power to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces;" and in case of domestic insurrection, in case of sudden invasion, in case of any of those emergencies which sometimes arise which are not war, but nevertheless require the intervention of force "the Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

Mr. BLAIR. Will the Senator permit me to ask him a question? I should like to do so at this point.

Mr. PENDLETON. Certainly.

Mr. BLAIR. I ask him if the Constitution was the same as it now is, providing for the establishment of a government in the legislative, executive, and judicial departments, and all the other powers which it now contains as expressly granted powers and powers granted by implication were therein, save only the express grant which it now contains of the power to levy and collect taxes, there being no such grant as that of the power to levy and collect taxes—I ask whether he thinks that the power to levy and collect taxes to carry out the other powers, to establish and continue the Government, would or would not exist?

Mr. PENDLETON. That would depend altogether upon the way in which the Constitution was framed and on the language in which the powers were given. In the absence of a direct power to levy taxes there might be an injunction upon the Government to do certain things which would require money, and then it might levy taxes.

Mr. BLAIR. My question supposed the Constitution to be just as it now is, its phraseology precisely what it now is, minus simply the express grant of power to levy and collect taxes; and was whether or not then he thinks we should have a Government of the United States?

Mr. PENDLETON. I think we should have a very poor Government of the United States unless it had some power to collect taxes.

Mr. BLAIR. That is not the question I desired to put. I asked if by the very fact that the Government is established, in express terms there is not carried along with it the power to levy and collect taxes in order that it may exist and carry out the powers which it unquestionably possesses and which it can not exercise without the power to levy and collect taxes?

While I am on the floor, having put that question, if the Senator will permit me to follow it with another I shall not trouble him again.

Mr. PENDLETON. Well, sir, I am happy to yield.

Mr. BLAIR. I feel as though I had no right to intrude in this debate so often, but since the Senator pointed his remarks to me somewhat, I think he will excuse me in asking this additional question. We all start with the concession that intelligence is necessary to the existence of governments republican in form. We claim that the National Government is a government republican in form, and we devolve upon it not only the duty to protect itself and to exercise its own powers as such government, but the additional duty of guaranteeing to the States governments republican in form.

Now I ask whether, when intelligence is indispensable to the existence of a national government republican in form, and the parent neglects to educate the child that is to be the citizen as well of the State as of the nation and as well of the nation as of the State, and the State included geographically within the territory of the nation fails to educate the child within its geographical borders, and thus illiteracy becomes a universal darkness throughout the entire extent of the national territory, that national government has not from necessity the right, if it has the right to live at all, to exercise this power which neither the parent nor the State has exercised, in order that it may create the American citizen?

I am aware that this ground is not a ground on which gentlemen on the other side of the Chamber have placed the debate; but it is a ground to which no Senator has addressed himself as yet on either side of the Chamber who objects to this bill, and I should be glad to hear some one of stronger powers who comprehends this matter clearly reply to that position.

Mr. PENDLETON. Mr. President, I have been endeavoring to say that I did not see anywhere in the Constitution a provision empowering the Federal Government to educate the children of the States. I do not find it here.

Mr. BLAIR. I would inquire of the Senator if he thinks that is essential to the education of the child that is to be the citizen of both nation and State?

Mr. PENDLETON. I think it is essential to the interference of the Government of the United States with the education of children within the States that the Government should have the constitutional power, and I do not find such a power here.

Mr. BLAIR. Very well; I think it is there; but it is a matter of opinion.

Mr. PENDLETON. Certainly it is a matter of opinion and argument. I do not find it here. I do not find it in the provisions which have been made by the Constitution for power in the Federal Government to perpetuate itself. While I find that it may use force, that it may levy taxes, that it may borrow money, that it may raise and support armies, I find the extraordinary omission, if it were not really intentional, of a power to go into the limits of the States to educate the children there.

Now, to answer the gentleman's question as clearly as I can, I can imagine a constitution so framed, a constitution of the United States, if you please, so framed as that a necessary implication would be that taxes should be levied and collected; and I can imagine, if a person may be allowed to imagine an act of idiocy on the part of those who framed the Constitution, that it might be so framed that without that express grant there would not be the power to levy a dollar of taxes, and that if the Government could not be supported without that dollar it would have to die.

I am one of those who believe in the strict construction of the Constitution. It is nothing to say to me that if the Government does not exercise certain powers the Government can not go on. Then it is because the Government has not the power to go on. I do not find in the Constitution any provision—I have not found it; I have sought for it diligently; I would like to find it—any power to provide for the education of the voters of the United States. I do not find it. I was answering the argument of the Senator from New Hampshire made some time ago that the Government has the right to perpetuate itself, and I think I have shown that the powers which the fathers thought necessary to its perpetuation are defined and granted. I do not find this grant which the gentleman invokes among them. The Senator from Connecticut [Mr. PLATT], seeming to adopt this idea of the Senator from New Hampshire that there is some power of self-perpetuation which did not need to be found in any of the express grants, limited the power to those cases in which there was inability on the part of the State to provide for the education of its citizens.

Mr. President, if there is anything in the argument of the Senator from New Hampshire that literacy is necessary on the part of the voters to the preservation of the Government, then the limitation of the Senator from Connecticut seems not to be well taken. Illiteracy is as injurious where the State is able and unwilling as where the State is unable to educate its children; and if it be that the Federal Government must educate the children of unwilling States as well as unable States, we come to the result that it has the power and should educate the children wherever illiteracy exists. The honorable Senator from Missouri who sits behind me [Mr. VEST] completely disposed of that suggestion when he turned to the clause of the Constitution and read that the qualifications of voters for Federal offices should be those prescribed by the State for electors of the most numerous branch of the State Legislature. That is utterly inconsistent with the idea that there is an obligation upon the Federal Government to go into the States and provide that all children shall be literates with a view of providing that illiteracy shall be a disqualification under the Constitution.

The result is, Mr. President, that the whole subject of education is

allowed to remain within the States as one of the essential attributes of self-government, of local government, without the power to control which there could be none of the autonomy of the State.

The honorable Senator from Florida who sits beside me [Mr. JONES], acute as he always is, unable to find a grant in the Constitution anywhere else, finally said that he thought we must look to the amendments to the Constitution providing for the emancipation of the slaves for this power of education. Sir, if the gentleman had contented himself by saying that he thought the necessity was great by reason of the emancipation of the slaves and the throwing of this large body of ignorant people within the States, I quite agree with him; but when from the exercise of a war power to emancipate he seems to deduce the peace power of educating those people, I must say that I can not follow him in his reasoning. Suppose, as might readily happen, that these men thus emancipated had turned out to be, as they have not, paupers and vagabonds in the States; would he claim that the power of the Federal Government goes to the extent, if it were necessary to exercise it, of establishing poor-houses, infirmaries, and jails there? Suppose they had been turbulent—I mean turbulent not in the sense of insurrection, but turbulent in the community—would it be the duty of the Government, because it had exercised this power of emancipation and thrown these ignorant people within the States, to go there and establish soup-houses for their physical comfort and jails for their imprisonment? I think not; and yet the argument is as perfect in the one case as in the other.

If the power of educating is to be deduced from the fact that the Federal Government has thrown into the States a great mass of ignorant men, does it not follow as an inevitable conclusion by the same method of reasoning that if by throwing these same people upon the States pauperism and crime have been increased, it is the duty of the Federal Government to relieve its act of these unhappy consequences and for their punishment or care or support?

The honorable Senator from Mississippi now in the Chamber [Mr. GEORGE] deduces this power of education from an unlimited power of taxation, as I understand him—I mean unlimited within certain ranges; I am not pressing that point too far—unlimited within the range of appropriation to subjects of a general and public interest. I submit to that gentleman, who is so forcible and so logical, that the argument goes too far; that if there be an unlimited power of appropriation in the Federal Government under the Constitution, then, as every act of the Government needs an appropriation, every subject is brought within the scope of its powers, and that it is only necessary to superadd very little of the doctrine announced yesterday that if Congress may appropriate money it must have the jurisdiction to define the methods of the expenditure of that money and power over the subject upon which it is expended to convert this into an unlimited Government, in which all grants and all limitations are alike unnecessary. If the right exist to appropriate money for all purposes whatever except those that are expressly prohibited, and there be a right also to follow that appropriation and to see to its proper expenditure, I want to know where is the limit upon the power of the Federal Government?

Mr. President, something has been said here as to the precedents which have been made, and I have noticed that gentlemen relied very greatly upon the fact that in the early history and even in the later history of the Government there have been large appropriations of land for the purposes of education. That is true, sir. But I call the attention of gentlemen who stand so much upon that suggestion to the fact that the original policy in regard to the appropriation of land, so far as it applied to all the donations of the original States, including that magnificent domain which the liberality of Virginia ceded to the Government of the United States, was adopted before the formation of the Constitution, during the period of the Confederation. The resolution of 1780, the ordinance of 1784, the ordinance of 1787 were all passed by the Congress of the Confederation, in which, having equal vote, the States that gave and the States that received appropriated certain proportions of the land for the purpose of education.

This Government came into operation finding that policy already inaugurated, that it had been carried out in all the surveys of the lands which had been made prior to the adoption of the Constitution; and although I have not been able to trace it up, I put to gentlemen whether in the fact that this policy had been inaugurated with the consent of all the confederated States they do not find the origin of that provision in the Constitution upon which the Senator from Texas placed so much stress, that Congress shall have power to make rules and regulations respecting the territory or other property belonging to the United States.

Mr. MAXEY. Will the Senator allow me to make a remark?

Mr. PENDLETON. I yield.

Mr. MAXEY. In addition to what the Senator has so well stated, the Congress of the Confederation was in session at the time the convention was in session.

Mr. PENDLETON. Yes, sir.

Mr. MAXEY. The ordinance of 1787 was adopted by Congress on the 13th of July, 1787, both bodies being then in session. The convention was in session and the Constitution was finally adopted in 1789, and the very outset of the Government was followed by the disposition of the Northwest Territory adopted by Congress under the Constitution as laid down in the ordinance of 1787.

Mr. PENDLETON. The suggestion of the Senator from Texas is very *apropos*, and I am very glad that he has made it. It adds force to the idea that I was endeavoring to enforce upon the Senate at that time.

But, Mr. President, not only was the policy adopted and in operation at the time of the formation of the Constitution and the inauguration of the Government, but in all the early history of this Government, and I am not prepared to say but that in all the later history, whenever a State was admitted into the Union there was an express exemption of the lands sold by the United States for five years after the sale from any taxation by State authority. That was made a consideration, inadequate it may have been, a sharp bargain it may not have been, but that was one of the considerations on which the grant for various purposes connected with education was made to the States.

Besides that, as has already been said here, the Government of the United States was a large owner of land, and under the provisions of the Constitution it felt itself authorized to give away some of those lands in order to improve the rest. It felt authorized to make donations for various advantages which would accrue to it in the sale of the residue of those lands. It was upon that idea that all the grants to railroads have been made; it was upon that idea that the grants to educational purposes were made. I find no similarity between a case of that kind and the case of levying taxes and giving money, notwithstanding the acuteness with which gentlemen have argued that if the Government can give lands it can give the money which would buy the land or the money for which the land would be sold. I find no authority in this precedent of giving land for the claim that is now made that the Government may enter upon a career of taxing the people in order to make appropriations for the benefit of education.

So, Mr. President, without spending more time upon this branch of the subject, I have not been able to bring my mind to the conclusion that there is constitutional authority to do the thing proposed by this bill, much as I would be glad, in one sense at least, to use that power if I could find it here.

We have been told that the figures offered by the Senator from New Hampshire show that this bill is intended mainly and chiefly for the benefit of the Southern States.

Mr. BLAIR. The Senator will permit me to say that it is not because they are Southern States.

Mr. PENDLETON. Not at all.

Mr. BLAIR. It is simply because the rivers and harbors of ignorance happen to be located there just now.

Mr. PENDLETON. I understood thoroughly the ground on which it is said that the benefits are to be derived by the Southern States, not because they happen to be located in that part of our country, but, as the gentleman has said, because the rivers and harbors of ignorance are there.

Mr. President, if that is the purpose of this bill, the bill would commend itself to me if that purpose were definitely and distinctly expressed. If there be constitutional power to pass this bill because of the existence of illiteracy in those States and the necessity of getting rid of illiteracy, then I desire to confine its operation to the States which have not the power to remove this curse, if it be a curse, which exists by reason of circumstances over which they had no control.

I have no disposition to tax Massachusetts or Iowa to provide for the illiterates of Ohio or any of the other States which are abundantly able to take care of their own illiterates; and if I must say it, I have no disposition to tax Ohio for the benefit of those States which are quite as able as Ohio and quite as willing to take care of the system of education within their limits.

But suppose, sir, it is true that the benefits of this bill are to accrue chiefly to the Southern States, what sort of a feast is it to which they are invited? The honorable Senator from Oregon [Mr. DOLPH] has introduced an amendment to this bill which provides that Federal officeholders shall be appointed and sent to the States to interfere with the administration of this fund and to appropriate it according to their discretion under the authority of this law, always taking care to consult the State authorities. The honorable Senator from Indiana [Mr. HARRISON] made a statement here the other day which may have a great deal of truth in it, that the experience of giving develops the fact that one dollar raised by self-sacrifice and self-denial is worth ten dollars given to any people to aid them in any work of this sort; and it seemed to me that the extent of the gentleman's charity is to stimulate the people of these Southern States to do for themselves rather than to help them do.

My honorable colleague [Mr. SHERMAN] has introduced an amendment to this bill, which provides that it shall be a condition precedent to any money going into any one of the States of the South that it shall pass an ordinance providing that this fund shall be distributed according to illiteracy down through the counties and cities and townships, even when practicable to the smallest possible school district.

These gentlemen, in varying terms and doubtless with most excellent intent, all of them say in effect to these people of the Southern States "You are needy; you are poor; the results of the war have left you in that condition; you can not educate the ignorant and the poor who by the circumstances of the war have been thrown upon you; we want from our abundance to aid you, but your habits, your education, your traditions, your ways of dealing with these colored people have been such as that

you can not be intrusted with the administration of this fund, and we will expend it either by our own officers, or we will prescribe that you shall by the solemn act and covenant of your State give guarantee for the fidelity with which you will exercise this high trust that we propose to repose in you." I do not know how gentlemen feel about it; but to me it seemed very much, when I heard one or two of the speeches in this debate, as if Senators were saying to these gentlemen of the South, "We will give you of our abundance, you shall be the recipients of our bounty, but in order to entitle you to it you must put your hands upon your mouths and your mouths in the dust before us."

Mr. President, is that an invitation which will be accepted? Is it an invitation that will be invited? What is it? "Give up your autonomy; confide to us the education of your children; abandon your home rule; give up this which is the very essential of your State organization"—and for what? Merely that these Southern States may receive out of the Treasury of the United States that which they themselves have put into it; merely that there shall be distributed to them again by Federal authority out of the Federal Treasury that which these same recipients have themselves contributed to it.

Where does this money come from? From taxation. Who pays all the taxes? The twelve or fourteen or sixteen million of our Southern brethren, as well as those at the North—I discard the words "North" and "South"—as well as those of the States which propose to give to the needier States this bounty. They are taxed upon all their clothing, they are taxed upon all their agricultural implements, they are taxed upon their shoes, they are taxed upon their hoes and their spades, they are taxed upon the growth of their lands, they are taxed in their full proportion of the amount that goes into the Treasury of the United States. Now they are asked to give up one of the dearest rights of statehood in order that they may hereafter go through the same process of paying into the Treasury that which is to be paid out to them again. The taxation upon these and the other States has given to the Treasury of the United States last year a surplus of $130,000,000 or thereabouts, this year $85,000,000, and for next year $106,000,000 I think are estimated as the probable surplus, an average of $100,000,000 a year.

Now, Mr. President, so adjust your system of taxation that instead of having a surplus of $100,000,000 a year you will have a surplus of $10,000,000, if you think so much is necessary, then enough money will remain in the hands of the citizens of these States to supply for themselves all the educational interests of the States. This is upon the basis of the enormous expenditures of the Federal Government. Go further. Reduce those expenditures to their proper limit, cut off the extravagance which has gotten to be one of the banes of our present system, let the Federal Government be reduced to the simple and narrow limits prescribed for it by the Constitution, let your revenues be small and your taxes low, and then these gentlemen who are to be benefited, as you say, by this bounty will themselves keep at home within their own limits a fund as large as this which you propose to give to them, and devote it according to their own good judgment in the education of their people. Reverse this whole system, economize your expenditures, break down the system by which bounties are paid to private interests at the expense of those people whom you propose now to benefit.

It has been said, I do not know with how much truth, that under our present system of taxation where one dollar goes into the Treasury five go the support of private interests; but in any event, whether the statement is exaggerated or not, we know that in its incipiency the system has this fundamental idea that there shall be bounty and there shall be protection. Cut it all up by the roots, reduce the expenditures, reduce the revenue, limit the taxation, lessen the burden, abandon this system of taking away from the people with one hand in order that you may give back to them with the other. Leave them their money, and above all leave to them the regulation of their own affairs, and especially their school system.

This, Mr. President, I think is the better way and the wiser way and the constitutional way of which I spoke. I invoke gentlemen upon the other side, I invoke gentlemen upon this side who stand in either supporting or opposing this bill, to lend their best efforts to remitting all the burdens that have been put upon these people, and allowing them to expend the amounts so remitted, rather than to first levy a tax upon them and then distribute the proceeds to them afterwards.

I believe that with a system of that kind, fairly inaugurated, doing detriment to no interest in this country, doing injury to no single interest in it that is avowedly in the care of the Government, the necessity of the passage of this bill can be obviated. I believe that you will have a better system of education, that you will have a better system of schools. I rejoice that a way is open to us to aid these heroic and magnanimous men who according to the testimony to which I have alluded have already done so much by their patient fortitude to rescue themselves and their fortunes from the losses which the war entailed and to do justice to that great body of people who challenge our compassion and who were thrown on them for support without their concurrence.

I rejoice that these Southern States are so able to perform this duty. They have suffered, God knows; misfortunes have attacked them on every side. The honorable gentleman from Georgia who sits before me, in a way that was as painful as it was graphic, told us how on every side they were beset by losses; but still they are magnificent Commonwealths in this confederation of States. They have a salubrious climate; they have a good soil; they have rivers and railroads and means of communication in all parts of their land; they are gathering strength; they are doing a noble and heroic duty; they are carrying forward education now to a better point perhaps than it will be carried if this Federal Government interferes with it, and they have increased in population 47 per cent. within the last ten years. Their social troubles are disappearing; their labor system is becoming settled; they are beginning to prosper; they are trying the experiment of manufacturing, with the raw material, the fuel, the breadstuffs, all close at hand, with transportation abundant and cheap. They are successful.

The Senator from Connecticut [Mr. HAWLEY] shakes his head. Four millions have been the increase of these States since 1870, if there is faith to be placed in the official records of the Census Department. They have increased in population. Their valuation of property does not show as it did before the war, because those who were counted as property then are counted as men now. I do not believe that their power to bear taxation is substantially diminished; but if it were and I were required to aid them, it would be done in the way that I have indicated, by remitting the burdens that are imposed upon them by the extravagance and wastefulness of the Federal Government and allowing them to help themselves out of those resources, instead of exhausting them for the benefit of private interests in the rest of the country.

Mr. President, the honorable Senator from Mississippi not now in his seat [Mr. LAMAR], with a felicity of diction which is peculiarly his own, said the other day that institutions and governments and laws and all the fixed facts of society are not instituted by statute, but they are the reflections of the hopes and aspirations and inner life of the people themselves; and he said that freedom which is the culmination of all these institutions which go to make up free government, was that great and final and consummate blessing vouchsafed to those who are brave and courageous and faithful and enduring, who think right and do right in all the exigencies of individual and national life.

He was right, and I would like to submit to him if he were here whether it is not a dangerous experiment upon which he proposes to enter when he seeks to lead men who have shown themselves according to that high test so worthy of freedom and to be supporters of a free government to look away from their own self-denial, their own self-reliance, their own willingness to labor and to wait, and turn their eyes to the beneficence of a paternal government.

If it be true that this consummate flower of all the beautiful and beneficent institutions with which Heaven has blessed man in his best estate depends upon himself, grows upon the sturdy and hardy and heroic virtues which consist in self-training, in self-abnegation, self-reliance, in industry, in fidelity to high purposes—if that be true, is it not a dangerous experiment to lead such a people, who have developed these qualities so magnificently, to turn away from their cultivation and to lean upon the paternal arm of the Government of the United States? For myself, Mr. President, I prefer the other way. Gentlemen must walk in the way they think best according to their conscience and their judgment.

Mr. BECK. Mr. President, for some time after this bill was reported I regarded it as a sort of sentimental proposition, which would hardly be seriously considered, and I have no idea now that it will be at the other end of the Capitol. It has, however, called forth learned and very divergent views on the constitutional powers and limitations of Congress.

I am content to stand on the position so well maintained by the Senator from Texas [Mr. COKE]. His able and exhaustive argument has not been and, in my opinion, can not be answered. I had assumed that we would earnestly address ourselves to the reduction of taxation and the removal of burdens from the people, and not to devising plausible schemes to maintain them by squandering the surplus revenue, which has in the last nine months reached $82,000,000. Independent of all questions of power, I am opposed to this and all kindred schemes, which I regard as so many devices to furnish additional excuses for maintaining high taxation. The surplus revenue now needlessly and wrongfully collected to the detriment of all business interests is by this scheme to be absorbed to the amount of $105,000,000, the faith of the Government being pledged for ten years to come to maintain taxation on an average of over $10,000,000 annually beyond the needs of the Government, even under its present extravagant management.

Other plausible schemes looking to the same end are before the Senate. One is to pay now all the interest on the outstanding bonds that are payable in 1891 and 1907 in excess of 2½ per cent. and issue in lieu of the bonds now outstanding others bearing 2½ per cent., thus getting rid of about $200,000,000, without reducing the principal of the debt, for the sake of paying less interest hereafter. A needless sinking fund of $50,000,000 a year is sought to be maintained; many millions are to be absorbed by pensions and all sorts of claims, by steel cruisers and big guns on patriotic pretenses; in short, every device is resorted to which will maintain the present high rate of taxation and enable the Republican party to enter the canvass denouncing all our efforts at reform or reduction of taxes with the cry that all we now collect is needed

for education, for sinking funds, for pensions and claims, for ships, for guns, for bonds, such as the banks want; in short, for anything that will keep the high protective tariff up to its present rate.

I regard this newly developed affection for the Southern people on the part of the most ultra Republicans as more dangerous than the violent assaults they made upon them, their institutions, and their property during all the years of reconstruction. Ten years of war failed to vanquish the Trojans, but Troy fell when her leaders accepted the fatal gift from the Greeks. Ten years of oppression, unparalleled in modern history, marked by every atrocity that human malignity could devise, stands as a monument of Radical tyranny in the South. I fear their proffered gifts more than I did all their persecution. The mailed hand is now concealed by the silken glove. Their hatred of all the white people of that region is as intense to-day as it was when they enfranchised their former slaves and disfranchised them; drove the negroes into the loyal leagues, under Freedmen's Bureau agents and carpet-bag emissaries, backed by Federal bayonets, in order to complete the degradation of the dominant white race. When I think of all these things, and hear the same men now prating about the necessity of intelligence controlling the ballot-box in these States, yet reporting constitutional amendments to invest all the intensely ignorant negro women of the South with the right to vote, while professing an anxious desire to promote intelligent suffrage among the Southern people, I do not believe in the sincerity of their professions.

I regard this measure as a Pandora's box, filled with nothing but evils. It is the entering-wedge to absolute Federal domination over education in the States. The present bill does not profess half that it means, but it paves the way for all. Mixed schools will be the first demand. That claim once asserted, there will be strife between the races, which will be carefully fostered and encouraged, so as to alienate the colored race from the white and give the Republican party another opportunity to consolidate their vote, which they have lost by failing to furnish the "forty acres of land and a mule" and other like promises or to make good the swindles of the Freedman's Bank. They feel that they have now lost their hold on the negro vote, which they claim as their exclusive property. None of the evils they predicted befell that race when the Democratic party resumed control of the Southern States. The force bill failed; the civil-rights bill has been declared unconstitutional; the Danville riot and the Copiah murders have failed, notwithstanding the flourish of trumpets with which Senatorial committees have paraded them, to give promise of a successful revival of the bloody shirt. They know that some pretense for the exercise of Federal authority over Southern internal affairs must be devised or the negro vote is gone. Education is the most plausible, and they will soon make it the most effectual, means of producing discord and furnishing excuses for the exercise of Federal authority, while it will enable them to get rid of an immense amount of surplus revenue and prevent a reduction of tariff taxation.

It amazes me to hear gentlemen express gratitude for the generosity exhibited in the offer to pass this bill. Generosity, indeed! This Government is a pauper. Every dollar it proposes to give by this bill was needlessly wrung by the most costly and cunning if not the most oppressive form of taxation out of the needs and wants of the laboring masses. Every dollar it is proposed to donate cost the labor of the country $5 before it reached the Treasury. Wealth and property as such are exempt from all burdens, and when a demand is rising from one end of the country to the other for relief and reduction of taxes until it can no longer be resisted, a flank movement is made under pretense of providing for education in the South so as to absorb one hundred and five millions and thus keep up taxation in the interest of the protected classes. The distribution is based upon illiteracy now. It may be on the color line next session. It may be confined to mixed schools in a year. If gentlemen who are so devoted to the South will allow them to import cotton and other machinery duty free, so that their infant industries may compete with those of New England, which have been protected for twenty-five years, and if they will return to those States, to be applied annually in payment of State taxes, the $64,000,000 which was wrongfully taken from them by an unconstitutional tax on the raw cotton exported, they will build up their own industries, establish and maintain schools for whites and blacks, and develop an intelligence, prosperity, and independence which the "soup-house" system proposed by this bill will never accomplish.

I propose now—it may possibly be the only chance afforded me—to lay before the Senate and the people the iniquities of the present tariff system of taxation, which it is the main object of the Republican advocates of this bill to maintain and perpetuate by squandering money on anything that is plausible. I shall make plain the unjust methods by which the so-called conference committee of the last Congress imposed it upon the country by the confession of the Republican leaders themselves, and I shall appeal to the country to reverse their action. In the mean time I shall insist in regard to this and all other schemes that the Democratic party owes it to itself and to the tax-payers of the country to resist all such temptations and to work with an eye single to the reduction of revenue to the point needed for public purposes only, leaving all other expenditures for education as well as for all else to be provided for by the States and people as they may think their interests and necessities require.

I am glad that the two great political organizations of the country will soon have to appeal to the people to decide what our future policy shall be in that regard. I hope that each will state its position so plainly that there can be no misunderstanding or charge of double dealing through misleading or obscure phrases.

Honesty is the best policy. I am one of those who believe that the danger ahead, in this Republic of equal States and citizens with their various and conflicting interests, lies in the overshadowing centralizing power and tendency of the Federal Government, operating especially through its taxing power, with an overflowing Treasury and constantly increasing patronage, used as it is to perpetuate the supremacy of the party in power. And one of the alarming signs of the times is the avidity with which representatives of States and localities seize upon any plausible pretext for conferring authority on the Federal Government when it proposes to expend money in the interest of their immediate constituents.

This is not a paternal government, where rulers are masters. Our temporary rulers have no hereditary or divine right. It is a government of and by the people, through paid representatives acting for them. An unlimited power of taxation means an unlimited power of demoralization and corruption. I believe that taxation in all its forms should be strictly limited to the wants of an economically administered federal government; and that whenever we impose taxes on the people to give special privileges or bounties to favored classes, or to distribute surplus revenue, unnecessarily collected, even for education in the States, which is the most plausible of all the suggestions presented, or for any other purpose, which States and individuals ought to and but for Federal interference would provide for, we are encouraging extravagance, fostering corruption, destroying individual and local self-reliance, impairing the manhood, virtue, and personal independence of the people, and usurping powers which form no part of the great purposes specified in our carefully guarded Federal Constitution, which limits the taxing power as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

That provision evidently means that the power to impose taxes was granted for broad but clearly defined purposes. It was given in order to pay the debts and provide for the common defense and general welfare of the United States. All other and more limited objects, however needful or meritorious, were left to be provided for and supported by the several States and the people, in whom and to whom all powers not granted to the Federal Government were expressly reserved.

I believe that the Democratic party stands upon and proposes to legislate on these principles, limiting the taxing power to the purposes set forth in the Constitution. These principles will sooner or later control the policy of the country. This people are proud of their Constitution and jealous of their individual rights of personal and political equality. They believe in local self-government; they know that they can manage their own affairs in their families, churches, school houses and districts, townships, counties, and States in all regards more efficiently and more economically than Congress can, and they want no interference from Washington with their matters. All they ask or desire Congress to do is to maintain the honor and dignity of the country at home and abroad; to regulate commerce with foreign nations and among the several States; to see to it that all our citizens shall have fair play and full protection in their commercial dealings and contests with foreigners and with the people of other States. They did not propose to trust even their own Congress with the power to impose burdens on their domestic relations or dealings on any pretext; therefore they established absolute free trade among all the States and all the people thereof, and they prohibited the imposition of taxes in any form on the goods they might see fit to export. They knew that the power to tax conferred the power to destroy; therefore they limited that power strictly to necessary public purposes, to taxes that should be uniform throughout the United States, which when collected should be applied for the prescribed purposes of paying the debts and providing for the common defense and general welfare of the whole country. Nine-tenths of our people would be shocked if they realized that their representatives had used the taxing power to enrich favored classes at their expense or had given to foreign nations a monopoly of the carrying trade of the ocean, so that we are now prostrate and at their mercy, with hardly a ship, a sailor, or a gun to do our work or defend ourselves against our enemies. They know that prohibition is protection run mad; is, in short, the most odious and oppressive form of taxation, especially when imposed to promote the interests of a favored few by imposing burdens on the wants and needs of the laboring poor. Nine-tenths of them would assert with most pronounced emphasis that the only legitimate exercise of the power of taxation by Congress is to raise the revenue needed to support the Federal Government. That amount they will cheerfully pay in any form their representatives may think best to impose it, provided always that they are satisfied it is honestly imposed in the public interest and applied for the promotion of the general welfare. They recognize the fact that taxes are burdens to be imposed only for public purposes and not as private

bounties. They know that all the judicial tribunals in the land, from the Supreme Court of the United States to the humblest court in every State, have invariably so held in language too pronounced to admit of doubt or uncertainty.

No decision of the Supreme Court is better understood or more cordially indorsed than that delivered by Justice Miller in the case of The Loan Association *vs.* Topeka (20 Wallace, 657), in which he clearly defines the limitations of the taxing power, saying, among other things:

> The power to tax is therefore the strongest, the most pervading of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
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> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
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> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."
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> Coulter, J., in Northern Liberties *vs.* St. John's Church, says, very forcibly, "I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose."

In that case he calls attention to a very large number of authorities. Judge Miller says further:

> If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the inn-keeper, the banker, the builder, the steamboat-owner, are equally promoters of the public good and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public treasury to the importunities of two-thirds of the business men of the city or town.

I understand these to be the principles of the Democratic party and the meaning of its platforms relative to taxation. We propose to maintain a revenue tariff. We are neither free-traders nor prohibitionists; both extremes are equally fatal to the raising of revenue.

Free trade under the provisions of the Constitution means direct taxation, to be apportioned among the States in proportion to population as ascertained by the last preceding census. That, as the census report shows, would require each man in Alabama to pay over $8 on the assessed value of the property in the State for every dollar paid by a citizen in Rhode Island on the assessed value of the property in that State, which would be more unequal and therefore more unjust than indirect taxation now is, even under our present oppressive tariff system.

We know that with all internal taxes abolished except upon distilled spirits, malt liquors, and tobacco, somewhere near $150,000,000 a year must be raised by tariff taxation for needed revenue. No one proposes to reimpose taxes on any article now free from tax or duty, no matter how fruitful a source of revenue it might be. All we expect or propose to do is to reform existing abuses and reduce the burdens now imposed by law, tariff duties being still maintained at war rates, while the burdens of internal taxation, to compensate for which they were avowedly increased temporarily while war was flagrant, have long since been removed.

Nine-tenths of the dutiable articles now imported, perhaps more than that in value, correspond with articles produced or manufactured in some portion of this vast country, so that the home producer can sell his product to the home consumer, if it is as good as the imported article, at the foreign price of the article imported with the tariff tax and freights added. He has no competition from foreign goods if he asks less for his than that. Combinations among home manufacturers maintain the prices they charge home consumers nearly up to that point. Therefore no revenue tariff can fail to afford incidental protection or advantages, call it what you will, to the home producer of articles similar and equal to those imported.

I have no doubt that some day the people of this country will demand that a part of the necessary revenues of the Government shall be raised by a tax on incomes. Wealth, as such, is now untaxed; labor is heavily burdened by taxation on all it needs. It is a disgrace to our legislation that the millionaires of this country should pay no more to support the Federal Government than the men who drive their coaches do.

If education must be adopted as part of the obligations of the Federal Government, let a tax on incomes in excess of $5,000 a year be imposed and set apart as a special fund for that purpose. Even the English aristocracy do not now dare to ask an exemption of their incomes from taxation and demand that the needs and wants of labor shall supply the revenue; yet it is boldly asserted in this Republic by the protectionists that all internal taxes on whisky and tobacco must be removed, and that the present protective-tariff system of taxation must be maintained and all needed revenue raised by it, as though taxation on the necessaries of life was a blessing and a boon maintained in the interest of the American laborer. While, in truth, by this system, everything he and his family must have is increased in price so that the purchasing power of his wages is reduced 40 per cent., yet this is claimed to be for his protection, and specific rates of duty are substituted for "ad valorem" rates, so that the cigar worth 1 cent pays the same duty as one worth 10. The wines of the Rhine, worth 30 cents a gallon, pay the same as the madeira, worth $5. The blanket worth $1 pays the same as that worth $5, and so on throughout the list, discriminating always against the poor in favor of the rich in the interest of American labor!

I am glad that the two great parties of the country have at last placed themselves in a position before the people which requires them to avow and defend their principles on the question of taxation, which overshadows all others—a tariff for protection, with all its consequences, being the battle-cry of the Republicans, and a tariff for revenue, limited to the wants of the Government, being inscribed on the Democratic banner. It may break up some old party associations; there may be a new alignment in some sections; be it so; the great body of each party will move on to victory or defeat on that issue.

The two propositions now pending before the Senate relative to our merchant marine, which is made a special order, open the battle fairly, one proposing protection and subsidy, the other free ships and the removal of restrictions to trade and commerce. We may be defeated here, but we will renew the contest next fall on a broader field.

I admit that we have not been able to present a very satisfactory bill for relief from tariff taxation in the House of Representatives, and the Constitution prohibits us from introducing an original tax bill in the Senate; yet the House bill has forced the Republican protectionists to avow that they oppose any and all reductions, that they maintain and propose to perpetuate the existing tariff; and while there is over $100,000,000 of surplus revenue beyond even the appropriations they dare venture to make, no relief will be permitted, no matter what interests may suffer by the excessive taxation, because protection up to the present point must be maintained and all sorts of wild schemes to squander the surplus must be devised. The "Morrison bill" has at least succeeded in developing the position of its enemies. The Republican party has advanced its lines up to the tariff-for-protection stronghold slowly and cautiously, keeping its line of retreat open for a long line, until it now thinks that it is securely intrenched and can defy all its enemies. Its course illustrates the truth of what the historian of the Middle Ages said after he had traced, step by step, the progress of centralization and paternal government in Europe over the ruins of popular liberty and right.

> We find in the history of all usurping governments time changes anomaly into system and injury into right. Examples beget custom, and custom ripens into law, and the doubtful precedents of one generation become the fundamental maxims of another.

The present position of the Republican party is not only absolutely subversive of the principles and policy of the founders of the Republic and of all the statesmen who have been regarded as the champions of American industries, but also of the pledges given and the doctrines announced in the Congress of the United States by the present Republican leaders time and again, as I will abundantly prove. To do so I must refer to the records of the country. The history of the American Colonies was, as is well known, one long-continued struggle against the high protective tariff, the restrictions on trade and commerce, and the prohibitions on their shipping interests which England imposed on them, and in favor of free trade, free ships, and sailors' rights. Taxation of a very mild type, as compared with ours, was the spark that exploded the magazine and resulted in converting the Colonies into free and independent States. Mr. Burke knew the character and temper of the American colonists, and he warned England in Parliament not to press them to the wall. He said:

> In other countries the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance and snuff the approach of tyranny in every tainted breeze.

Hon. David A. Wells speaks thus of the principal causes which led to the American Revolution and of the men who were leaders in it:

> By the statute of 1650 the export and import trade of the English colonies was restricted to English or colony built ships; but by the statute of 1663 nothing was allowed to be imported into a British plantation except in an English-built ship "whereof the master and three-fourths of the crew are English."
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> The enactment of arbitrary laws on the part of Great Britain to prevent her American colonists from freely participating in the carrying trade and commerce of the ocean was, however, a sore grievance, and ultimately, as is well known, constituted one of the prime causes of the American Revolution. They were, furthermore, from the very first either openly or secretly resisted and evaded, and under their influence the colonists became a nation of law-breakers. Nine-tenths of their merchants were smugglers. One-quarter of all the signers of the Declaration of Independence were bred to commerce, to the command of ships and to contraband trade. Hancock, Trumbull (Brother Jonathan), and Hamilton were all known to be cognizant of contraband transactions and approved of them. Hancock was the prince of contraband traders, and, with John Adams as his counsel, was appointed for trial before the admiralty court in Boston at the exact hour of the shedding of blood at Lexington in a suit for $500,000 penalties alleged to have been incurred by him as a smuggler.
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> Every evasion of such statutes was therefore, in their view, a blow in favor of liberty. Hence also the origin of that count in the indictment against the King of Great Britain embodied in the Declaration of Independence, "of cutting off our trade with all parts of the world."

Such were the views of the men who a hundred years ago were accounted the wisest of American patriots and statesmen. But nowadays to adopt the principles of Hancock, Trumbull, and Hamilton, to advocate the free ownership and employment of ships, and to oppose the enactment of statutes the avowed purpose of which is to restrict or prevent the freedom of international trade and commerce is to invite the accusation of being enemies to the industry of the country and in league with foreign nations to impoverish our own people.

Mr. Wells adds:

In the treaty of commerce entered into between France and the United States in 1778 the commissioners of the two nations, Franklin, Deane, Lee, and Gerard, evidently determined to attempt to inaugurate a more generous policy and establish a precedent for freer and better commercial relations between different countries than had hitherto prevailed. It was accordingly agreed in the treaty in question to avoid "all those burdensome prejudices which are usually sources of debate, embarrassment and discontent," and to take as the "basis of their agreement the most perfect equality and reciprocity." And they further stated the principle which they had adopted as a guide in their negotiations to be that of "founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse."

During the debate on the Tariff Commission in this body I had the honor to lay before the Senate a letter from Thomas Jefferson to Edmund Randolph, written from Annapolis, then the seat of government, December 16, 1783, which shows that the American commissioners proposed in the definitive treaty of peace with England absolute free trade and unrestricted intercourse between the high contracting parties, and that the proposition was rejected. This is his language:

The definitive treaty had been received by the President some time ago and a joint letter from our ministers. This gave us an account of the various propositions and steps taken on both sides in the negotiation which preceded the definitive treaty. Mr. Hartley was the British negotiator with America. He was well disposed, but his zeal for systems friendly to us constantly exceeded his powers to agree to them. Our ministers proposed a free intercourse between every part of the British dominions and the United States, having the rights of their chartered companies. Mr. H. approved of it, but his court declined assenting.

All the French spoliation claims before 1800, which have so often passed either the House or the Senate and both twice being vetoed by Presidents Polk and Pierce, grew out of attacks upon our commerce, which was then assuming sufficient importance to excite the jealousy and animosity of France, who depredated upon it in plain violation of her treaty obligations, while the war of 1812, caused by English retaliatory orders in council against Napoleon's Berlin decrees, was waged successfully for free seas, free trade, and sailors' rights. Up to that time the leading nations of the world were seeking to destroy each other; then protective tariffs, embargoes, restrictions, and prohibitions were the rule everywhere. The American colonies had not been allowed to develop their manufacturing industries; they came out of the war for their independence bankrupt and exhausted; England was mistress of the seas, and prohibited them from trading with her or her colonies except upon almost impossible terms. After they became United States their condition was one of constant peril. A prosperous republic was then regarded as a standing menace to the institutions of the Old World; they were liable to insult or attack from any quarter by land or sea; treaties with them were lightly regarded; they had to become self-sustaining and ready for war at any time. Of course they had to prepare for all emergencies in time of peace, and they were compelled, as best they could, to raise the necessary revenues for their support with very limited credit, while fostering and developing their then truly infant industries. They could not allow foreign nations, with capital and machinery, to crush out the efforts of their own people to manufacture needed goods, and then withdraw supplies whenever they could find a pretext for war, while the nations that proposed to furnish manufactures cheaper than they could then be produced here either closed their ports against American products or excluded them by onerous discriminatory duties. Self-preservation is the first law of nature. Supplies for war they knew must be provided in time of peace; yet under all these circumstances so careful were the men who framed the Constitution not to cripple trade and commerce beyond their absolute necessities, that the average of the first tariff tax was only about 8 per cent. ad valorem. All the powers of Europe combined would not now think of invading our soil. We need not prepare for war, yet we maintain a tariff tax of over 40 per cent.

The country and its resources had grown and developed immensely before the war of 1812, but that struggle by sea and land with the most formidable naval power in the world required taxation to be increased to the highest possible point, the net ordinary expenditures for the five years from 1812 to 1816, inclusive, being $126,366,500, while for the twenty-one years from 1791 to 1812 they had amounted to only $100,822,000.

Yet in 1815 Mr. Clay, who is constantly paraded before the country by the protectionists as their great champion, in the debate on the tariff then proposed to be increased in order to raise the money to pay off the war debt, only urged a tax on imports of 25 per cent. instead of 20 per cent.

"In three years," he said, "we could judge of the ability of our establishments to furnish these articles as cheaply as they were obtained from abroad, and could then legislate with the lights of experience." He believed that "three years would be sufficient to place our manufactures on this desirable footing."

Nearly seventy years have elapsed since then, yet 41 per cent. average tariff tax is maintained in time of profound peace, almost at the highest war rates, with over $100,000,000 of surplus annually flowing into the Treasury beyond even the present extravagant, not to say wasteful, expenditures, and all efforts to reduce these taxes to something like a revenue standard are denounced by protectionists as ruinous to American industries.

Mr. Clay had no such ideas as are now maintained by Senators on the other side of this Chamber. In the great debate in the Senate in 1842, while defending the compromise tariff of 1832, under which all duties were brought to a uniform rate of 20 per cent., Mr. Clay said:

If the compromise act had not been adopted the whole system of protection would have been swept by the board by the preponderating influence of the illustrious man then at the head of the Government (General Jackson) at the very next session after its enactment.

Yet General Jackson is sometimes quoted as a protectionist.

Again Mr. Clay said:

As to the compromise, he had already said that it was his purpose, as long as he should remain in the Senate, to maintain that the original principles of the act should be carried out faithfully and honestly; and if in providing for an adequate revenue for an economical administration of the Government they could at the same time afford incidental protection, he would be happy if both of these objects could be accomplished.

Again—

There was, he said, one common ground on which all parties could unite—that of providing an adequate revenue for the administration of the Government. If in doing this incidental protection can be afforded to home industry, he invoked every patriot to unite in effecting that object.

These views of Mr. Clay must sound very much like he would be a Democrat if he was here now to the admirers of and colaborers with the Senator from Maine [Mr. FRYE], who, in a carefully considered speech, delivered in the Senate February 10, 1882, after berating soundly the Democratic party for its opposition to the doctrine of protection, added:

And yet, sir, right in the teeth of these savage denunciations, fidelity to truth compels me to declare that I am a protectionist from principle. If there was no public debt, no interest to pay, no pension-list, no Army and no Navy to support, I still should oppose free trade and its twin sister, tariff for revenue only, and favor protective duties.

The leading protectionists had previously met in convention at Chicago and resolved unanimously—

That the American people intend hereafter to keep this market for themselves, that the tariff must be protective.

The Senator from Maine, while bolder and more outspoken than the older and more cunning leaders of his party, only voices the real sentiments and purposes of the organization of which he is a distinguished representative. They may not state it as frankly and as honestly in their platform when they meet at Chicago as he does—the farmers of the West might rebel—but they will carry out his programme no matter what they profess, as every combination of protected interests thoroughly understands. Of course these taxes are not avowedly imposed for their benefit, but in the interest of American labor, and to enable them to increase the wages of their workmen.

The Senator from Maine presented the issue on his side fairly in that speech. Speaking for myself, as I do not propose to control anybody, I hope the Democracy will meet the protectionists with equal frankness, and avow that they will stand or fall on the principles of a revenue tariff, limited to the wants of an economically administered government, and adjusted, as nearly as may be after this lapse of time, upon the principles of the tariff of 1846; reaching the rates of that day by slow reductions, so as not to destroy any interest or industry which has been even unnaturally or artificially stimulated by the extravagant bounties bestowed by the present oppressive war tariff. I propose to introduce Republican authority in support of my position, and show that a gradual return to the revenue tariff of 1846 would not be a revolutionary measure, and we can soon return to it if we do not squander our surplus revenue and create new and heretofore unknown sources of expenditure by educational and other schemes of at least doubtful constitutionality, as there can be no question that with the improved machinery and methods of to-day there is less than half the human labor employed to produce the same products now that was needed thirty years ago, and consequently there is that much less need for protection, as it will hardly be contended that machinery and patents need it.

The distinguished Senator from Iowa [Mr. ALLISON], now a leading member of the Finance Committee and chairman of the Committee of Appropriations of this body, made a very able speech in the House of Representatives on the 24th and 25th of March, 1870, he being then a prominent member of the Committee on Ways and Means, in which he spoke of the tariff of 1846 as follows:

The tariff of 1846, although confessedly and professedly a tariff for revenue, was, so far as regards all the great interests of the country, as perfect a tariff as any that we have ever had. If any interest was depressed under the tariff of 1846, it was the iron interest. I do not believe that this interest, as compared with other interests, had sufficient advantage under that tariff; yet when we compare the growth of the country from 1840 to 1850 with the growth of the country from 1850 to 1860—the latter decade being entirely under the tariff of 1846 or the amended and greatly reduced tariff of 1857—we find that the increase in our wealth between 1850 and 1860 was equivalent to 126 per cent., while it was only 64 per cent. between 1840 and 1850, four years of which decade were under the tariff of 1842, known as a high protective tariff, but the average rate of which was about 70 per cent. below the existing rate, or 27 per cent. under the tariff of 1842 as against 44 per cent. upon all importations under the present tariff. Our industries were generally prosperous in 1860, with the exception, possibly, of the iron interest. This was the statement of Mr. MORRILL, of Vermont, on this floor during the discussion of the tariff of 1864. With regard to the condition of the

steel industry in 1860, the steel manufacturers in 1866, memorializing Congress for increase of duties on steel, stated that—

"It was reserved for Pittsburgh to bring about the first substantial and enduring success in the year of 1860; and encouraged by our example numerous establishments have sprung into existence, as already indicated in this paper. This shows that under the revenue tariff of 1857, which imposed only an ad valorem duty of 12 per cent. on steel, a substantial success was achieved in the steel manufacture in 1860. I have read the language of the memorial."

I regard that indorsement of the act of 1846 and of the principles of a revenue tariff as entitled to greater consideration than anything I could say. Hon. Robert J. Walker, Mr. Polk's Secretary of the Treasury, who framed the tariff of 1846, addressed a letter to the people of the United States on the 30th of November, 1867, in which he took occasion to refer to the tariff of 1846, and contrast its principles and provisions with those of the present system. After showing what amount he thought would be sufficient for the wants of the Government economically administered, he said:

This revenue of $244,000,000 a year, as a maximum, I would derive from three sources alone:

1. By a tariff for revenue.
2. By an excise on wines, malt and spirituous liquors, and tobacco; abolishing all other internal taxation.
3. By a tax on our national banks, based upon just and fair equivalents.

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A tariff for revenue, as experience has shown, instead of depressing improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country. Under the tariff of 1846, as shown by the census, our wealth increased from 1850 to 1860 126.45 per cent.; whereas from 1840 to 1850 the increase was only 64 per cent.; from 1830 to 1840, 42 per cent., and from 1820 to 1830, 41 per cent. So, also, from 1850 to 1860 our agricultural products increased 95 per cent, and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase. So, also, our exports, imports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio. This augmented ratio is not the result of increase of population, which from 1850 to 1860 was less than 36 per cent. The Irish famine was supposed by my opponents to account for the increase the first year, although the decreased price paid abroad that year for our cotton nearly equaled the additional sum paid by England for our breadstuffs and provisions. But the next year and the next, before any gold had reached here from California, our exports and revenue went on augmenting in a corresponding ratio, rising in eight years from $22,000,000 under the tariff of 1842 to $64,000,000 under the tariff of 1846.

I think Mr. Walker answers fully the boast of the great feat accomplished by the Morrill tariff, by "transforming ad valorem duties into specific," in the following sentence:

There is another insuperable objection to the specific system, namely, that it unnecessarily and invariably taxes labor vastly more than capital, and the poor in a much greater proportion than the rich, upon the goods consumed. Under the system of specific duties of so much per pound, or yard, or gallon, &c., the specific duty is the same. The rich, who purchase the costly article bearing only the same specific duty, pay, in proportion to value, less than one-half what is paid by the poor, who purchase a cheaper and less costly article. If we take all the costly articles purchased by the rich bearing under the present tariff the same specific duty as the inferior article bought by the poor, we will find the difference against them exceeds $20,000,000 a year. Such is the immense additional tax exacted from labor under the system of specific duties.

Think of the injustice of a system under which the laboring man pays 90 per cent. tariff tax on the only kind of blankets he can afford to buy, while the Senator and his lordly friends pay less than 60 per cent. tax on such as they use and in like proportion for all else. How long would a law stand in the State of New York that taxes the residence of Mr. Vanderbilt or Mr. Stewart, worth $2,000,000, no more than the residence of their coachman, worth $2,000? That is specific taxation. Ad valorem, or a fair per cent. tax on each according to its value, is the system adopted by the American people in all their State governmental affairs, and is the only just system. Mr. Walker but expresses the views of all disinterested intelligent men when he says:

Our present system of taxation is the most onerous ever imposed upon any people, and is utterly destructive of the prosperity of our country.

Our present tariff is also most unequal, oppressive, and unjust. It is grievously onerous upon agriculture, commerce, navigation, ship-building, &c. * * * The present tariff, besides the tax of $150,000,000 a year upon imports, the duties on which are paid by the people into the Treasury in gold, exacts another tax of at least $350,000,000 a year in the enhanced prices of rival protected domestic articles. This can be readily proved by comparing the prices current in gold of such domestic articles with the prices of similar articles produced in other countries. Thus, the tariff taxes the people of the United States to the extent of $500,000,000 a year, of which only $150,000,000 goes into the Treasury, and the remaining $350,000,000 go into the pockets of the protected classes.

Mr. Walker understood too well the real purpose of the clamor about protection to American labor and the wages of operatives to be deceived by it. He knew that the $350,000,000 of taxes taken from the people which did not reach the Treasury went into the pockets of the protected classes and not into the pockets of their operatives. He made a great report to Congress on the 11th day of December, 1848, which I wish every laboring man in the United States could read, whether he works in a factory or on a farm. Even Senators would be benefited by its perusal.

On the subject of specific and ad valorem duties Mr. Walker says:

If the importation of protected articles would rapidly decrease when the foreign were high in price and specific duties operated as a protection, under the tariff of 1842 from 41 to 243 per cent. (per Table H, compiled from Treasury returns in 1844), what must not have been the decline of importation and revenue when the foreign article fell, as it has in many cases, 50 per cent., bringing up the specific duty from 41 to 82 and from 243 to 486 per cent.? This fact illustrates another objection to the specific duty, namely, that although it professes to be stationary, it is in fact constantly augmenting from reduced prices of foreign articles. Experience proves that from improved machinery, new inventions, and reduced cost of production the foreign articles are constantly diminishing in price, while, the specific duty remaining unchanged, it is continually increasing in ratio as an equivalent ad valorem, and the protection augmenting every year. Thus, if the price of sugar was 6 cents a pound and the duty 3 cents, it would be equal to 50 per cent. ad valorem; but if the price of sugar fell to 3 cents the duty would have risen to 100 per cent. ad valorem, thus doubling the protection and continually augmenting with decreasing foreign prices until the duty becomes prohibitory and the revenue on such articles disappears; whereas the ad valorem bears under all changes of price the same exact ratio to the cost of the foreign fabric, and therefore is the most just and equal, as also necessarily insuring a larger revenue.

In this aspect of the case, the objections to the specific duties as a permanent system, with a view to revenue, are insuperable, while their unjust operation upon labor, in imposing so much higher duties as an equivalent ad valorem on the cheaper than the more costly qualities of goods, can not be successfully defended.

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That which our manufacturers now desire is what they regard as moderate duties, made specific in certain cases. But these specific duties will, as has been shown, be found constantly augmenting in ratio under the operation of the general principle by which the foreign article is continually tending to a diminished price; whereas the ad valorem, always bearing the same proportion to the value of the import, is therefore always the most just and equal and yielding the largest revenue. The augmented revenue under the tariff of 1846 has proved that ad valorem duties can be fairly assessed and collected.

We know that the clamor now raised about frauds and undervaluations is simply a means of securing higher specific protective duties, as was well illustrated in the case of the now somewhat notorious Bessemer steel-rail specific duty of $28 a ton, which was equal to 45 per cent. when imposed, but by English and German inventions and processes then known here by the parties interested, who had secured the patents, but concealed from Congress and the public until the specific rate instead of the ad valorem was secured to the pets of Congress, the $28 per ton specific soon became 110 per cent. ad valorem, while home competition, so much talked about, had nothing to do with the reduction, as the home product continued to be sold at the foreign price, with the tariff tax added, to our people in Texas and elsewhere, or $28 a ton more than it was sold for across the bridge at Laredo, in Mexico, after being transported in bond through the United States. The truth is that with honest custom-house officials and commercial agents there can be no serious frauds by undervaluation. There were none under Mr. Walker's administration, and if the party now in power can not obtain them, they had better retire and let us try.

Returning to Mr. Walker's report: In speaking of the general principles of tariff taxation and its effect on the wages of labor, he says:

The adoption by each nation of high tariffs is a war upon the labor of the world. As labor is more productive, capital is more rapidly increased and wages augmented; yet the tariff, by compelling each nation to employ a portion of its industry in articles which can be produced more cheaply abroad and refusing the exchange, forces labor throughout the world into less profitable pursuits, and as a consequence diminishes the products of labor as well as its wages. Thus, if silks can be manufactured at a less cost in Europe, and breadstuffs more cheaply in this country, and by high tariffs we prevent the import of silks here, while by similar tariffs abroad or their inability to purchase from us because we will not take their fabrics in exchange our breadstuffs are excluded to a greater or less extent from their markets and their silks from our own, labor in both countries is forced into less productive pursuits and both parties have sustained a loss. International tariffs diminish the aggregate value of the profits of labor to the extent of hundreds of millions of dollars every year and reduce correspondingly the wages of labor. It would be most useful to examine the tariffs of all nations and ascertain how much labor in each is thereby diverted into less productive pursuits. These tables have never yet been collected; but if of the thousand million people of the earth the labor of 200,000,000 is thus rendered less profitable to the extent of 1 cent a day for each, the annual loss would be $600,000,000.

Man was commanded to labor; but he was permitted by his Maker to employ his industry in each country in those pursuits for which it was best suited, and where his labor would be less severe and better rewarded. But the laws of man, by high duties, diminish the products of his industry, thus augment his hours of toil, and deprive him of the time designed by his Creator for the acquisition of knowledge. These laws also, while diminishing the wealth of nations, produce discord between them, each by high tariffs proclaiming war upon the industry of all others. Under free trade each nation will profit by the labor of every other; each will employ its industry in those pursuits for which it is best adapted, and the surplus of each will be thus exchanged with the others by a reciprocal commerce beneficial to all parties. The true industrial interests of nations are identical, and in exchanging with each other the products most cheaply produced by each, labor everywhere benefits labor, man his brother man, and nations each other, and their only antagonism is introduced by human legislation. The doctrine of free trade is the petition of labor to employ itself everywhere in those pursuits best adapted by nature to every country and yielding therefor in each the largest products and highest wages. It looks upon our race everywhere as friends, as brethren, as equal in rights, and united in interest and destiny. Rightly understood, there is perfect unity of interest between man and man, and nation and nation, and between capital and labor.

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We see the benefits of reciprocal free trade among all the States of this Union; although their wages, products, and fabrics are as various as those of separate nations, yet all the States find it their true interest to admit freely the products of each other. The benefits of this unrestricted reciprocal commerce constitute the great bond of interest, constantly augmenting, which keeps together the various parts; but if the protective doctrine be true, it would be the real interest of each and all of these States to impose duties upon similar products in others for the protection of the people of each State. Yet, clear as is this proof of the benefits of reciprocal free trade between the States of this Union, the principle, as a question of political economy, is the same extended to other states not united with us under the same government. The difference in their political institutions can not affect the great principles of commerce. The local laws of Ohio and Louisiana, of Mississippi and Massachusetts, are more variant in some respects than those of many other states beyond the limits of the Union. Now, while we acknowledge the benefits of reciprocal free trade between these four States, thus differing in their local institutions, wages, and products, the protectionists deny that it would be beneficial to establish reciprocal unrestricted commerce with other states beyond our limits. Yet variant forms of government can make no difference as to the reciprocal benefits of commerce. If free trade be beneficial among all republican states it might at least be extended to them, although monarchies were excluded; but none will maintain that nations should restrict their commerce with each other because they differ in their form of government. Although governments may differ, we are of one race throughout the globe; the toiling millions who inhabit it have one interest; and as a

question of political economy the benefits of free trade must be the same, whether extended to states beyond or within the limits of the same government; and each State, though separated hereafter by some catastrophe from every other State, would be alike still benefited by reciprocal free trade among the whole, for their commercial interests would not change with the separation from the confederacy.

Whenever the laws of nature are beyond the reach of man there is perfect order—the direction of Almighty power; but whenever man can disturb these laws discord and injury are sure to ensue. The earth, the sun, and countless systems wheeling through universal space move onward in perfect order and beauty; but even the harmony of the spheres would be disturbed if the legislation of man could interfere and arrest the laws of nature. The natural laws which control trade between nations and regulate the relations between capital and profits on the one hand and wages and labor on the other are perfect and harmonious, and the laws of man which would effect a change are always injurious. The laws of political economy are fixed and certain. Let them alone is all that is required of man; let all international exchanges of products move as freely in their orbits as the heavenly bodies in their spheres, and their order and harmony will be as perfect and their results as beneficial as is every movement under the laws of nature when undisturbed by the errors and interference of man.

If labor is dear here and low abroad, in exchange of products we get more of theirs for a smaller amount of ours, and gain by the exchange. The cheapness of foreign labor is an argument in favor of exchange with them. Thus, if we concede as to linens that Europe, from cheap labor, could afford to sell two yards for what one would cost here, it would be to our interest to purchase from them at the reduced price. But according to the protective theory the cheaper the foreign labor and the lower the price of its products the more should we exclude them by higher rates of duty. In the absence of duties we will exchange our surplus products for their cheaper fabrics, and our labor being applied to the production of articles thus exchanged abroad, wages will be enhanced here by obtaining more extended markets for our products and getting for them a greater quantity of useful articles at lower prices. In the absence of tariffs the division of labor would be according to the laws of nature in each nation, and the surplus of each would thus be exchanged among the whole, each employing its labor only in the most productive pursuits, and therefore the aggregate profits would be largest. If labor were so low in any foreign country that they could furnish us goods at almost nominal prices, and these cheap articles were such as we wanted here, it would be our interest to purchase them in exchange for our products, and the cheaper the foreign articles the greater would be our gain in the exchange. It is a strange objection to the purchaser of foreign articles that the price is too low.

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The argument that we must encourage our infant industries was always fallacious, for they would encourage themselves as soon as the country was adapted to them. But are they now infant manufactures? We have called them so for sixty years, and will they ever cease to be infant manufactures until weaned from legislative protection?

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A vast majority of the labor of this country is employed in agriculture, commerce, navigation, and the non-protected pursuits, and if these are depressed their profits are reduced, the wages of those employed in such pursuits fall, many are thrown out of employment, and thus a general fall of wages ensues, and the protected manufacturer eventually obtains labor at a reduced rate. The effect of a protective tariff, in truth, is not to enhance wages, but to depress them, and render capital invested in manufactures more profitable by enhanced prices of the protected fabrics. Wages throughout the whole country become lower than they were before because the aggregate profits of the capital of the nation engaged in all its industry is diminished. Wages in one branch of industry can not be high when they are low in all others, for wages, like all other commodities, unfortunately will soon find the same level. The aggregate profits of all the labor of the country and not of any particular branch of industry constitute the fund out of which wages are paid, and if that general fund is reduced by diminished profits wages throughout the whole country must eventually fall. If, then, the great mass of labor in this country and of capital is invested in agriculture, commerce, navigation, and such branches of industry as require no protection, and these pursuits are injured by a protective tariff, either by diminishing the market for the surplus raised by those thus employed, reducing the price of what they sell, or compelling them to pay more for what they buy, there must be in time a general fall of wages throughout the country, even though a particular branch of industry may have been rendered more profitable by a protective tariff. This duty, then, instead of a protection is a tax upon the whole industry of the country invested in pursuits requiring no tariff.

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But if the system of reciprocal taxation is wrong, what argument can be offered in favor of high duties upon fabrics of foreign nations when they receive our exports at a nominal duty in exchange? Formerly protectionists admitted that if Great Britain would freely receive our breadstuffs we should take their fabrics at low duties or free of duty in exchange. Then the corn laws were in full force in Great Britain, and it was supposed would so forever remain. But the system was repealed, and our chief agricultural products are now invited free of duty, or at a nominal duty, on the 1st of February next, into all their ports. Our protectionists now abandon their former position and maintain that it injures our farmers to purchase British fabrics at low prices, even though England will take our breadstuffs at a nominal duty in exchange.

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Our arguments for low duties, as has heretofore been conceded by our most distinguished protectionists, insured the repeal of the British corn laws. Arguments here in favor of protection present to all nations the supposed benefits of restriction, and would therefore persuade them all to enact high tariffs.

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The protective system is agrarian and a war upon property. It attempts to organize labor and capital by law, adding to the profits of one pursuit by reducing that of another. It is incompatible with the security of capital or labor; for capital is but the accumulation of the gains of labor, and, therefore, whatever destroys the security or profits of capital results in an equal injury to labor. Besides its injurious effects upon industry, it is an arbitrary and despotic power; and if the people should become accustomed to its exercise, looking for legislative support and protection, it would terminate in a struggle for the division and distribution by Congress every year of property, profits, and capital among the favored classes.

I hope I have read enough to induce Senators to read the whole report; indeed, I think I would do the country a service by making it all part of the RECORD for the edification of the people.

I leave it to the protectionists to answer the arguments of Mr. Walker as best they can without further comment. I think they will find it difficult to persuade the intelligent unprotected, laboring, tax-paying men of this country that his presentation of the facts is not true.

When the Morrill protective tariff of March 3, 1861, was pushed through Congress in its closing hours, after Southern Senators had left, the protectionists obtained by it all the bounties any of them supposed Congress would ever venture to give, at least in time of peace; but a great civil war followed, and the energies and resources of the country were strained to the utmost. In addition to the legitimate sources of revenue on such products as whisky, beer, manufactured tobacco, &c., taxation of a character unknown before was resorted to and increased from time to time. Incomes, sales of manufacturers, railroads, hotels, lawyers, doctors, auctioneers, peddlers, insurance agents, deeds, legacies, successions, were all taxed; in short, every dollar that could be squeezed out of the people by hook or crook was taken by internal taxation for revenue purposes.

The total of this domestic tax—

Mr. ALLISON said in his speech referred to—

amounted in the fiscal year 1865-'66 to the enormous sum of $310,000,000, and upon manufactured goods alone to the sum of $128,226,784.

A tax of 2 cents, and afterwards of 3 cents, a pound was imposed on raw cotton, which in about two years and a half amounted to $64,000,000. Of course the cost of home production was vastly increased, and the ability of our manufacturers to compete with foreign producers, who were then at peace with the world, was further impaired by the withdrawal of our ships from the ocean, and the transfer of the operatives from the farms and workshops to the Army and Navy. Increased tariff taxation became necessary for the combined purposes of revenue and protection. The tariff was temporarily increased in 1862; 50 per cent. was temporarily added to all duties in the early part of 1864. The sweeping act of June 30, 1864, embraced all tariff and internal taxation; tariff duties were raised to the highest possible point; perhaps they were obliged to be, when everything in the country was taxed so oppressively. The onerous internal taxes then imposed have, however, all been removed, most of them fifteen years ago, except on liquors and tobacco; and the tax on distilled spirits has been reduced from $2 a gallon in 1864 to 90 cents now, and tobacco from 40 cents a pound to 8 cents. Yet the oppressive war-tariff duties of 1864, in spite of the repeal of the internal-revenue taxes to compensate for which they were avowedly increased above the protective rates imposed in 1861, in spite of the pledges and repeated assurances of its managers, made at the time in order to induce Representatives to support the bill, are still substantially maintained, in many instances they have been largely increased, for no other purpose than to enrich by law, at the expense of all the people, a few combinations of the protected pets of Congress.

The Senator from Vermont [Mr. MORRILL] had charge of the bill of 1864 in the House of Representatives. His speech made when he presented it will be found in the Globe of June 2, 1864. He said among many other things:

The Treasury requires a larger supply of means, and such sources of revenue as have not already yielded their maximum contributions must now be sought, so that we may fill the measure of our wants. This has made an increase of internal duties necessary, and that increase to a considerable extent imposes upon us the duty as well as affords us the power of obtaining an increased revenue from duties on imports from abroad. The withdrawal of the large number of men now in the field from industrial pursuits leaves a paucity of numbers at home, thereby advancing wages and the cost of living, so that a bushel of corn, a pound of wool, a yard of cloth, or a ton of iron can not now, even reducing the currency to a specie standard, be produced at the same cost that they were three years ago. With the tariff considerably increased, and even if we had no internal taxes to pay, our people will hardly find it less difficult to compete with foreign productions and manufactures than they did in times of peace without any increase of tariff. And when we impose a tax of 5 per cent. upon our manufactures and increase the tariff to the same extent upon foreign manufactures, we leave them upon the same relative footing they were at the start, and neither has cause of complaint. The rates proposed are high nominally and may be so regarded by foreign nations, but considering the weights carried by our own people, other nations will still be able to continue the race with us upon nearly the same terms as heretofore.

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In making an estimate of the effect of such a war tariff as is now proposed, it is important that we should bear in mind that as we increase the cost of any article we diminish the number of those who are able to consume it.

Again, he said:

Protection was never defended on any other ground than that in the end the consumer obtained his supplies more cheaply. I know sound policy dictates that for proper encouragement of manufacturers all raw materials should be free, and where nations manufacture for exportation no other policy can be maintained. This accounts for the course of France and England upon this subject. They export largely; we do not.

Who would suppose that the man who uttered these sentiments would impose such taxation upon the country as he did by the conference report of March 3, 1883? Again, he said:

The tariff of 1861 upon cotton goods was based upon the idea, then true, that fine, light goods cost more than coarse and heavy. But now the high price of cotton makes coarse and heavy goods often the dearest. Then a duty of 1 cent was placed upon ordinary cotton sheetings, though none could be imported, and they were worth from 8 to 10 cents per yard. Now they sell at 45 cents per yard, and we place a tax upon them of 5 per cent. ad valorem, or 2 cents and 2 mills per yard, and it must be noted the raw cotton is also taxed 2 cents per pound, which makes nearly 1 cent more per yard. Self-preservation, therefore, demands very much higher rates in the tariff on all cotton goods. Absolute protection would be better than a policy which continued a tariff upon foreign importation, but at so high a point as to relieve manufacturers from all check and all competition. When the profits of any business are suddenly increased, new and inexperienced men rush in, and in a short period create the severest competition which trade and manufactures ever have to encounter.

* * * * * * *

This is intended as a war measure, a temporary measure, and we must as such give it our support.

Again, on the 28th of June, 1866 (see Globe, page 3468), the Senator from Vermont apologized to Congress and the country for the imposition, even during the war, of the enormous duties he seeks now to maintain. He said:

The present bill is not likely to suit everybody, and I regard it as only a temporary measure, fit to be introduced because of the imperious necessities of our present condition.

Again, he says:

Although our present tariff, in ordinary times, would be likely to be denounced as prohibition, * * * the present bill is indispensable to preserve the aggregate of our internal revenue.

I attach great importance to these pledges and assurances given by the Senator from Vermont because they were the authorized utterances of the party in power, made and given in its name by the distinguished manager of these important measures. All of them have been ignored and disregarded, and the oppressive war taxes then imposed are now sought to be perpetuated by the united power of the Republican party. I do not believe that their conduct will be approved by the people at the polls.

As early as 1870 many distinguished Republicans, among them General Garfield, denounced the attempted continuance of the war tariff. None did so more earnestly or vigorously than the distinguished Senator from Iowa [Mr. ALLISON] in the speech to which I have already referred. He said:

I desire to call the attention of the committee to the growth of the present tariff. In 1861, at the close of the Thirty-sixth Congress, the policy of the Government was changed by the passage of what was called the "Morrill tariff;" a tariff prepared in the interest of protection, and distinguished from the tariff of 1846 and of 1857 by the imposition of heavy duties upon articles manufactured in this country and by admitting free of duty many raw materials used in such manufactures. This tariff was modified twice during the year 1861 for the purpose of increasing the revenue, but upon leading articles remained substantially the same until July 14, 1862, when a thorough revision of the tariff of 1861 was made. By this revision the tariff was increased generally to compensate for the internal-revenue tax, and upon a few articles for the purpose of increasing the revenue. Mr. Stevens, in debate, said that the principle adopted was the one that was mentioned when the tax bill was under consideration, namely, the additional duty was fixed, as nearly as possible, at the same rate as taxation, except in a few cases, where necessary to correct errors in the present tariff.

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Mr. Shellabarger, then a member from Ohio, rose in his seat, and asked Mr. MORRILL if there was any increase of duty over and above the tariff of 1861, save and except the compensating duty made necessary by internal-revenue taxes. Mr. MORRILL said in reply that there was no increase except for that purpose, or for the purpose of revenue upon articles not produced in this country.

Mr. ALLISON added:

At the close of his speech Mr. MORRILL made this pledge:

"This is intended as a war measure, a temporary measure, and we must give it our support as such."

Again, he speaks of it as "a war measure, imposed by the necessities of the Government, the scarcity of laborers, and the enormous direct taxation."

On the following day Mr. ALLISON, again resuming, said:

This large internal-revenue tax was made the excuse and the cause of the advance of the tariff of July 14, 1862, and June 30, 1864. I quoted the language yesterday of the then chairman of the Committee on Ways and Means in 1862, Mr. Thaddeus Stevens, himself a protectionist, and certainly in favor of the protection of the great interest of Pennsylvania, iron. He made a pledge upon this floor in 1862 that those additions of duties upon manufactured articles imported in this country were made necessary because of the internal-revenue taxes. Both he and Mr. MORRILL, subsequently chairman of the Ways and Means Committee, declared that the act of June 30, 1864, was a temporary measure, a war measure, and was not intended as a measure which should remain upon the statute-book as a protective tariff in the time of peace.

Mr. ALLISON yielding the floor for a moment to Mr. COX, that gentleman said:

I desire to say, in addition to what has been said by the gentleman from Iowa [Mr. ALLISON], that I was on the committee of conference upon the tariff of 1864. The reason why that conference report was made as it was made, the reason given by Mr. MORRILL and Mr. Fessenden, was that the internal tax had been raised, but that the moment that tax was reduced they would be in favor of reducing the custom duties. That was understood when the report was made upon the tariff of 1864; it was one of the conditions leading the conference committee to report that measure.

Mr. ALLISON said further:

It is admitted by all that the increase of the tariff was commenced and carried on upon the basis of the protective duties of the Morrill tariff of 1861; the increase of direct taxation, added to the pause of domestic manufactures, rendered an increased tariff necessary in order to prevent our country being flooded with cheaper foreign productions. Certainly, then, upon the decrease of internal taxation the tariff may be, and ought to be, decreased in proportion, the danger being no longer in existence which was sought to be averted by these increased duties.

But I may be asked how this reduction shall be made. I think it should be made upon all leading articles, or nearly all; and for that purpose, when I get the opportunity in the House, if no gentleman does it before me, I shall move that the pending bill be recommitted to the Ways and Means Committee with instructions to report a reduction upon existing rates of duty equivalent to 20 per cent. upon the existing rates, or one-fifth reduction. Even this will not be a full equivalent for the removal of all internal taxes upon manufactures. It will not be difficult to make a reduction upon this basis.

The Morrison bill is substantially the proposition made by the Senator from Iowa in 1870. I hope we may secure his aid in its passage; the speech he made then would secure it, and surely it would be far more applicable now than it was then. The surplus revenue is larger, the bonds payable before 1891 will not last three years at the present rate of taxation, the business of the country is seriously disturbed by their rapid payment; exports of many important manufactured products are cut off by the high tax on raw material; nearly 90 per cent. of all we can send abroad consists of heavily taxed and wholly unprotected agricultural products. The machinery of the protected industries is now as perfect as any in the world, and has since 1870 doubled its power to displace human labor in the production of manufactures.

The act of 1883 has proved to be a delusion, if not a fraud, in its pretenses of relief from tariff taxation; that is no longer doubtful. The Secretary of the Treasury, in his report to Congress and the official reports from the Bureau of Statistics, falsify all the predictions and assertions that $75,000,000 or anything like that amount has been taken from the burdens of the tax-payers. I shall be disappointed if the distinguished Senator from Iowa is found in the ranks of the ultra-protectionists now.

Perhaps I may just as well make a digression here and say to the Senator from Iowa that I am glad he had nothing to do with the miserable conference report, if it may be dignified with the name of a conference, which fastened the present law upon the country. He may or may not have seen interviews, to which I propose to allude more particularly before I close my remarks, which the Senators from Vermont and Ohio, Messrs. MORRILL and SHERMAN, saw fit to edify the country with after Congress adjourned last year; in which interviews both he and I were made to figure. Mr. SHERMAN, among other things, said in the Commercial-Gazette of Cincinnati, March 14, 1883:

The truth is, there was a grave fault in constituting the committee on the part of the Senate. The two members of the Finance Committee from New England were put on the conference committee when by custom and precedents Mr. JONES, of Nevada, should have been a member, or, if he declined, Mr. ALLISON. The result was that these two New England Senators controlled the conference, and they were known to be opposed to the duty on wool and in favor of an increase on woolen and cotton goods.

I do not propose to stop now to look into the truth of these very serious charges by one protectionist leader against another. Perhaps the protectionists who dictated the conferees, as they did the Tariff Commission, had too vivid a recollection of the attacks the Senator from Iowa had made on the protective tariff in the speech from which I have just read so freely to trust him on that conference committee. However that may be, I feel warranted in asserting that the bill as it passed the Senate would not have been abandoned as it was, and unjustifiable additional taxation would not have been heaped upon the people, if the Senator from Iowa had been a controlling member of it. I will speak of these interviews at the proper time.

I am now seeking to prove, as I said I would, that the present position of the Republican party in opposing all reduction of the war tariff of 1864, and their unqualified support of taxes for protection when revenue is not needed, is in violation of the principles of the Constitution, antagonistic to all the policy and traditions of the country, and in direct opposition to the solemn pledges of the men who now oppose even the moderate reduction proposed by the "Morrison bill."

Mr. MORRILL, in a speech made in the Senate May 9, 1870, while urging the maintenance of tariff duties, retained some faint recollection of the pledges he had given. He said:

At the same time it is a mistake of the friends of a sound tariff to insist upon the extreme rates imposed during the war if less will raise the necessary revenue.

I hope he will show, if he can, that the necessary revenue can not be raised after the 20 per cent. reduction proposed by the Morrison bill is made. If he can not, I trust he will redeem in part his oft-repeated pledges that war-tariff rates ought not to be exacted from the people in time of peace. He proceeded thus:

Whatever percentage of duties was imposed upon foreign goods to cover internal taxes upon home manufactures should not now be claimed as the lawful prize of protection when such taxes have been repealed. There is no longer an equivalent.

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Protection has here no legitimate claims, and it may be taken off whenever direct taxes are repealed and less revenue is desired.

The Senator's advice to his friends not to claim the war taxes imposed in 1864 any longer "as lawful prizes of protection" was good; he might have called it "booty" held under laws which were unjust after internal taxes had been established. He has managed to give them fourteen more years of plunder; and now, when we propose to take from them much less than he told his friends they ought in justice to surrender, he and all his allies denounce us as enemies of American labor, of which they claim to be the special champions. We admit that they are the champions of all the combinations of wealth that are enriched by taxation. If they succeed in making the people who pay the taxes which they have imposed to give to their friends believe that they are their special friends and advocates as well, they will prove that excessive war taxes, like a great national debt, are a national blessing, and ought to be maintained. What, I ask, would have become of the wages of the laborers in 1870 and since if the war taxes imposed in 1864 had been repealed then, as Senator MORRILL insisted they ought to be?

It can not be pretended that the protected interests become more helpless as they grow older and as their machinery becomes more and more a substitute for human hands and brains. Infancy has been their plea for many years. Is it dotage now?

Mr. President, the truth is, that protectionists at last believe that they can control the legislation of the Government, and not only hold on to the subsidies they now receive, but many of them clamor for more. Their organizations are perfect, and ramify every part of the country. They elect or defeat Senators and Representatives in many places, as they think best for their interest; they own a powerful and intelligent portion of the public press; they can afford to spend and squander hundreds of millions rather than have their privileges curtailed or their bounties diminished. They have their operatives, many of them very intelligent men, so dependent upon them for the support of their families that they can by threats of reducing their wages, if Congress dares to reduce their subsidies, make the workmen, against their interest and often against their will, protest vigorously by petition and otherwise against all reduction of taxation. Dismissal from position follows a refusal to vote and protest as they are expected and often ordered to do. They move like well-trained veterans in every contest, knowing that the tax-paying masses have no combinations, and can have none, no hired press, and no paid advocates. The protectionists are as trained regulars in a conflict with raw militia. Union is strength; wealth is power, and a common interest is a strong bond of union. The cohesive power of public plunder animates the consolidated bands in their raids upon the public Treasury. With all their pretended zeal for the welfare of their operatives, they look upon them as the feudal barons did upon their retainers; as bearers of burdens, to be cared for because they are useful as dray-horses, born saddled and bridled, while they were born booted and spurred ready to ride them by the grace of God.

I said that they approached their present position cautiously, with their line of retreat open. The speeches of Senators ALLISON and MORRILL prove that, and there are many more just like them on the records. I have selected what they said because they are now the chairmen of the Committees on Appropriations and Finance of this body, and therefore the official leaders of it in all matters relating to taxation and expenditures.

It would extend this speech to an unwarrantable length if I should refer to the debates which preceded the passage of the act of June 6, 1872. All agreed then that the war tariff should be reduced, and reference was made time and again by leading Republican Members and Senators to the solemn pledges that they would be, whenever the internal-war taxes were removed which bore specially on manufactures. In obedience to the general demand the then chairman of the Committee on Ways and Means, now Senator from Massachusetts [Mr. DAWES], on the 16th of April, 1872, laid before the House "a bill to reduce duties on imports," &c. (H. R. 2322). I was then a member of his committee, and feel warranted in saying that the bill then submitted by a Republican committee to a House largely Republican reduced the rate of tariff duties on the average, indeed on nearly all the leading articles of manufacture, lower than the Morrison bill now proposes to reduce them. For example, pig-iron was to be taxed $6 a ton; iron ores, 10 per cent. ad valorem; all manufactures of iron not otherwise provided for, 30 per cent. ad valorem. Now pig-iron is taxed $6.72 per ton, which is nearly double the ad valorem that $6 would have been in 1872; iron ore is 75 cents a ton, or from 35 to 40 per cent. ad valorem. Manufactures of iron, now 45 per cent., with the 20 per cent. or one-fifth proposed by the Morrison bill off, would still leave a tax of 34 per cent.

But I need not go into details. The Dawes bill of 1872 is printed. I hold it in my hand. It gives in parallel columns the rate of duties under the then existing laws, substantially the rates which were imposed during the war and existed March 3, 1883, the rates under the acts of March 3, 1857, July 30, 1846, and August 30, 1842, so that Senators can make the comparison for themselves. That act, as is well known, did not become a law, but a horizontal reduction was made of 10 per cent. on the same plan as now proposed by the Morrison bill by the act of June 6, 1872.

That act, so far as it reduced tariff duties 10 per cent., was repealed February 8, 1875, on the pretense that it was necessary to increase tariff taxation in order sacredly to provide for the (so called) sinking fund by paying some $40,000,000 every year, although we had then paid over $225,000,000 in the aggregate towards the reduction of the principal of the national debt; more than it was ever contended that the laws relative to the sinking fund required.

The restoration of the tariff by the act of 1875 to the highest point the protectionists had ever ventured to ask, even when war was flagrant and internal taxes enormous, was of course a great victory for them. It was won by false pretenses. The plighted faith of the nation, the honor of the country, the integrity of the sinking fund, were the rallying-cries. The Democratic party met the issue at once with most pronounced emphasis, against the protest of the same class of Democrats who now deprecate all efforts to reduce taxation. The most prominent and important plank in the platform at Saint Louis in 1876, upon which we elected Mr. Tilden, reads thus:

> We denounce the present tariff levied upon nearly four thousand articles as a master-piece of injustice, inequality, and false pretenses. It yields a dwindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

If Mr. Tilden had been allowed to take his seat the tariff would have been promptly reformed on a revenue basis. His failure to do so was not the fault of Democratic voters; that is all I care to say on that subject. The House of Representatives, however, was Democratic, and the country expected it to redeem the pledges the party had made. Subsequent events proved that its organization or something else was deficient. The Chief Magistrate, whose zeal and wisdom would have guided the counsels of the Representatives and strengthened their hands for the work of revenue reform, having been defrauded out of his position, his followers were without a leader, or at least without one leading in the direction he would have led them; therefore they stumbled, blundered, divided, and failed.

The protectionists then thought that the Democratic organization was stronger, wiser, and truer to its principles than it proved to be, and like prudent men they prepared to make the best terms they could when the tariff reform so urgently demanded and so solemnly promised was brought before Congress. These organizations met and consulted all over the country. They knew large reductions of their bounties ought to be made; they believed they would be. After agreeing among themselves, they selected one of the ablest Republicans in the House, its former Speaker, then a leading member of the Ways and Means Committee, Hon. N. P. Banks, of Massachusetts, to represent them. He did so faithfully on the 7th of May, 1868, saying among other things:

> These papers which I hold in my hand bear the official signatures of the authorized representatives of one hundred and twelve manufacturing corporations and firms of New England, in which they themselves suggest and consent to reduction of duties upon an extended and complete list of articles of foreign manufacture which come actively and directly in competition with the industries in which they are engaged, rising from 10 to 20, 30, 40, and 50 per cent. upon the present schedule of duties upon such importations. More than a hundred and twelve corporations and firms of cotton and woolen manufacturers alone, of their own choice and after repeated conferences, in which all the interests of the textile fabrics of this country were considered, high and low, made this proposition. * * * As it was with the cotton manufacturers, so it was with the woolen manufacturers. They consented to and in a certain sense recommended, as of their own accord, a reduction of duties of from 23 to 25 per cent.
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> Mr. HOOKER. Will the gentleman allow me to ask him why these interests asked a diminution of the tariff?
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> Mr. BANKS. Because their attention had been called to the subject. It was their duty to make known to the Government what they desired. They found when they brought their representative men together from all parts of the country that the duties could be reduced and they could still pursue their vocations with more or less success, and like honest and honorable citizens they made that declaration to the Government. And so did the wool-growers from California to New England. They assembled in the State of New York for the same purpose, and after long and anxious conference one with another and with the woolen manufacturers they agreed, as did the silk manufacturers, to what extent they would recommend a reduction of the duty.

He laid before Congress a liberal schedule of reductions, which, if it had been adopted, would have given great relief to the country. The failure of that Congress to reduce taxation consolidated all the protected interests and enabled them, with an army of well-paid officials, many of them afraid to turn over their books, by the aid of enforced political assessments, liberal contributions among themselves, and from those who sought high positions, to run the Dorsey-Brady campaign of 1880 successfully. Still they were not happy. The present Chief Magistrate, in his first message to Congress of December 6, 1881, said:

> In view, however, of the heavy load of taxation which our people have already borne we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me that the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may be readily afforded.

These suggestions evidently alarmed the leaders of the protectionists. They had succeeded in the former Congress in passing a bill for a tariff commission through the Senate, aided, I admit, by Democratic votes, placing the whole subject in the hands of the President, which I knew, and thought everybody ought to know, which the protected combinations and their advisers here thoroughly understood, that a Democratic House of Representatives would never agree to. Of course it did not, and they gained at least a year more of subsidy by preventing action during that Congress.

In December, 1881, both branches of Congress became Republican. The Senator from Vermont was ready to secure at least another year of bounty for the favored classes whose special champion he had become, notwithstanding his solemn and oft-repeated pledges that the people should have relief from their exactions. As soon as Congress met he reintroduced the Tariff-Commission bill, referred it to the Committee of Finance, of which he was chairman, supported it with a long, carefully prepared speech, and of course carried it. A Republican House of Representatives surrendered, as he knew it would, its constitutional prerogatives over tax or revenue bills to the commission, although it had both a long and a short session ahead of it, the chairman of the Ways and Means Committee of that body [Mr. KELLEY, of Pennsylvania] being in full accord with the Senator from Vermont. Another year of

good picking from the popular goose, who seemed to enjoy the process, was secured to their pets. The House, however, before the close of the long session sent to the Senate a bill reducing internal-revenue taxes, carefully excluding from it everything relating to the tariff, which, being a revenue measure, subject to amendment, enabled us to add modifications of tariff taxation to it. I do not care to say much about the Tariff Commission. I had occasion to express my opinion of it and its work pretty freely last year while considering the propositions it submitted for our consideration. The letter of Mr. Kenner to Mr. Ames and to his glucose friend, and the letter from Mr. Porter to Judge KELLEY, read on this floor, and other equally damaging facts shown as to the conduct of others, proved that the commission was utterly unworthy of public confidence. Indeed, the public interest was ignored by it. It paraded two vast volumes of so-called testimony, which it wholly disregarded. It turned over each of the schedules to the parties interested in maintaining the highest possible rates of duties, and allowed them, by cunning changes of classification and changes from ad valorem to specific rates and to specifics based upon ad valorems, to increase the burdens of taxation, while pretending to make reductions. In fact it either artfully concealed or was ignorant of the effect of its own work, as the very plausible report accompanying its bill showed. Its professions and its practices were so variant, that one of the leading merchants of Boston after a careful study of it concluded that the proper course for Congress to pursue was to adopt the report and defeat the bill. The most charitable construction to place on the repeated statements of the Senator from Vermont [Mr. MORRILL] is, that they even deceived him. He opened the debate on the bill January 10, 1883, by assuring Congress that the proposed tariff reduction would amount to $45,000,000. Again, on the 6th of February, he said:

> I desire to appeal to the Senate to know, even from those who may differ radically from me as to the theory of a tariff bill, whether the bill that is now under consideration does not propose as large and as radical a reduction of the rates of duties as would be proper under any circumstances to suddenly adopt, and as large as are likely to be obtained for some years to come?

Even after the bill had passed and Congress had adjourned, as late as April 28, in his carefully prepared interview in reply to that of Senator SHERMAN, the Senator from Vermont, still lauding his work of reduction, said:

> Too much money flowing into the Treasury was an evil scarcely less than would have been too little. It depleted every man's pocket, while at the same time it engendered a too lavish expenditure. The surrender of laws heretofore yielding seventy-five millions of revenue was beyond dispute a great measure, and of course excites astonishment abroad that it was attempted with so little official flourish. It was the work of Congress, and not "cut and dried" by a Cabinet premier.

Senator SHERMAN, in his interview from which I have already quoted, agrees with him in regard to the great reduction that had been made. He says:

> It is a rare thing in the history of any nation to be able to repeal taxes yielding $75,000,000 a year.

In the face of such assertions by both the leaders of the protectionists it will not only "excite astonishment abroad" but at home when it is made apparent that outside of the reductions made on sugar, raw wool, and silk goods there is no reduction, at least in the burden of tariff taxation, taking all the schedules together. On the contrary, there is a positive increase of taxation on many important classes of goods used by all the people, so that whatever of reduction of revenue may follow will come from prohibition of imports and consequent increase of price to consumers of the home product, and of course an abandonment of all efforts to build up an export trade. I propose to prove that by the official statements of the Secretary of the Treasury and of the Bureau of Statistics.

The Secretary of the Treasury, in his last report, speaking of the Tariff Commission, quotes the following from their report:

> Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by mere indiscriminate popular clamor but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards as not only a due recognition of public sentiment and a measure of justice to consumers but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

Again—

> Entertaining these views, the commission has sought to prevent a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

The Secretary, speaking from the official records, proceeds to say:

> The chairman of the Senate Committee on Finance, in explanation of the bill before the Senate last year, which after various amendments became a law, estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby. These intentions and calculations have not been verified.

The Secretary adds:

> There was general agreement that a substantial reduction of the tariff should be made. The estimates of the Tariff Commission and of the Senate committee show what was the contemplated reduction. The actual results so far obtained indicate that the reduction labored for has not been effected by the new tariff act. It is to be considered, too, that the failure is not to be charged to the increase of importations keeping up the amount of customs revenue. The statistics of our foreign commerce show that there has not been an increase chargeable thereto.
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> In the report of this Department last year the reduction as applied to the principal classes of dutiable articles was considered somewhat in detail, and, adhering to the views there expressed, a repetition of them is unnecessary.

In the former report to which the Secretary refers he says:

> In reading the testimony before the Tariff Commission it is to be observed that with scarcely an exception the representative of every industry, while conceding that a general reduction of the tariff is proper and necessary, has claimed that its peculiar product can submit to no reduction of the protection now afforded.
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> While the views of the manufacturers are to be weighed, it is manifest that they will never be able to agree upon a reduction of the tariff duties.

He was not aware that they had been allowed by the Tariff Commission to make up the respective schedules in their own interest and had done so in such a cunning way as to increase their own bounties while pretending to give relief. Again, he says:

> The classes of merchandise paying the largest amount of duties from customs are the following, in the order named: Sugar and molasses, wool and manufactures from it, iron and steel and the manufactures from them, manufactures of silk, manufactures of cotton, amounting to about one hundred and thirty-seven and a half millions. A substantial reduction upon each of the class of articles named is recommended. And it is believed that the time has arrived when a reduction of duties on nearly all the articles in our tariff is demanded and is feasible.
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> The cotton tariff is found complex and inconsistent, and it is no doubt true that in most of the coarser classes of cotton fabrics our manufacturers can compete with the world without protection.

The President, in his message in December, 1882, had been equally emphatic in his demands for the reduction of tariff taxation. He fully indorses the Secretary of the Treasury, saying:

> I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise of the country from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been among our people wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.
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> But I renew the expression of my conviction that such rapid extinguishment of the national indebtedness as is now taking place is by no means a cause for congratulation; it is a cause rather for serious apprehension. If it continues, it must be speedily followed by one of the evil results so clearly set forth in the report of the Secretary.
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> Either the surplus must lie idle in the Treasury or the Government will be forced to buy at market rates its bonds not then redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.
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> It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views, as to the best methods by which that policy should be made operative, none of its benefits have as yet been reaped.

No man can make a better Democratic speech to-day than the President then did. He asserts that all taxes are burdensome, however prudently imposed; that all taxation should be levied only for revenue sufficient to support a wise and economical administration of the Government; that the large surplus now produced was cause for serious apprehension, as it would be devoted to extravagant expenditure, which is ever the bane of an overflowing treasury. These are the issues we are now pressing; they are more urgent now than when the President presented them.

I thought it best to refer to the message of the President and the report of the Secretary, which were sent to the last Congress at the opening of its last session in order to emphasize the demand for a substantial *bona fide* reduction of tariff taxation and not of increased burdens by prohibitory legislation which should amount to at least 20 or 25 per cent., in order to make the failure to grant any substantial relief by the act of March 3, 1883, more prominent. The statement of the Secretary in his last report that the failure to give relief can not "be charged to the increase of importations keeping up the amount of the customs revenue, as the statistics show that there has not been an increase of imports," is the most damaging of all the facts shown, as the protectionists have always alarmed the country, and especially their workmen, with the cry that on a reduction of duties the products of foreign pauper labor would flood the country, force them to close their shops, and let their laborers starve, unless they worked at greatly reduced wages. Imports have diminished instead of increasing since the act of March 3, 1883, took effect; but wages have not increased, nor have the workmen been more constantly employed. Protectionists can not delude any man who has capacity to read or to think with that humbug or bugbear any longer.

Now, as to the proof of the truth of the statement of the Secretary

and of the false pretenses of the protectionist leaders, in and out of Congress, as furnished by the Bureau of Statistics of the Treasury Department, our highest official authority. The following official table shows it all:

*Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected during the following periods, during the six months ended December 31.*

| Articles. | Under the old law—1882. | | | Under the new law—1883. | | | + Increase. — Decrease. | |
|---|---|---|---|---|---|---|---|---|
| | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Ad valorem. |
| | | | *Per cent.* | | | *Per cent.* | | *Per cent.* |
| All dutiable merchandise | $260,856,237 | $111,266,507 | 42.65 | $235,898,109 | $96,514,136 | 40.91 | — $24,958,128 | — 1.74 |
| Sugar and melada | 44,432,311 | 23,180,590 | 52.17 | 46,800,671 | 23,121,601 | 49.40 | + 2,368,360 | — 2.77 |
| Iron and steel and manufactures thereof | 32,499,426 | 12,713,996 | 39.12 | 23,698,937 | 7,924,225 | 33.44 | — 8,800,489 | — 5.68 |
| Wool: | | | | | | | | |
| Clothing | 1,210,689 | 671,415 | 55.46 | 2,399,515 | 1,073,311 | 44.73 | + 1,188,826 | — 10.73 |
| Combing | 135,123 | 67,839 | 50.19 | 615,677 | 267,704 | 43.48 | + 480,554 | — 6.71 |
| Carpet | 3,505,980 | 974,202 | 27.79 | 4,345,385 | 1,087,094 | 25.02 | + 839,405 | — 2.77 |
| Manufactures of wool | 22,400,387 | 14,943,626 | 66.71 | 22,064,512 | 15,202,183 | 68.90 | — 335,875 | + 2.19 |
| Manufactures of cotton | 14,967,850 | 5,629,658 | 37.61 | 12,067,631 | 4,835,714 | 40.07 | — 2,900,219 | + 2.46 |
| Manufactures of silk | 19,999,119 | 11,738,469 | 58.69 | 21,286,252 | 10,617,057 | 49.83 | + 1,287,133 | — 8.86 |
| Earthen and china ware | 4,423,146 | 1,896,705 | 42.88 | 3,824,951 | 1,830,363 | 47.85 | — 598,195 | + 4.97 |
| Glass and glass ware | 4,271,305 | 2,327,660 | 54.49 | 3,943,197 | 2,187,362 | 55.47 | — 328,108 | + .98 |
| Spirits and wines | 5,003,625 | 3,706,142 | 71.22 | 2,945,001 | 2,659,312 | 90.30 | — 2,258,624 | + 19.08 |
| Malt liquors | 511,772 | 227,370 | 44.43 | 490,315 | 235,823 | 48.10 | — 21,457 | + 3.67 |

JOSEPH NIMMO, JR., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 10, 1884.

That table tells the whole story. Instead of a reduction of 30 per cent., or $3,681,000, as the Senator from Vermont [Mr. MORRILL] avowed was the reduction he proposed and thought the bill he advocated would give on cotton goods, the act of 1883 has increased the burdens of taxation on that class of goods on the average of imports from $37.61, on each one hundred dollars' worth imported, to $40.07, being an additional burden of $2.46 on each $100 on the value of the consumption of cotton goods imported last year, which amounted to $37,970,610, of over $825,000, leaving out the consequent corresponding increase of price on all cotton goods manufactured at home. That increase was so cunningly adjusted by the Eastern manufacturers, who fixed up the schedule, and by the so-called conference committee, that large reductions were made on all the coarser classes of cotton manufactures, which need no protection, and in the production of which the people of the South are rapidly surpassing their New England competitors notwithstanding their poverty, their disorganized and unskilled labor, their want of machinery and workshops, in fair competition under absolute free trade between them and New England, with her skilled, organized labor and wonderful machinery, obtained by a quarter of a century of high protection when she had no home competition. If infant industries ever needed protection against those that are well organized, and which had been built up by long-continued subsidies, paid by home consumers of their goods, the Southern cotton manufacturers needed it against New England. Yet they have won under free trade. New England makes pretense of liberality now by reducing tariff taxation on these goods which the South has taken from her; but she has added it, and more than all of it, by $2.46 on each one hundred dollars' worth (as the official table shows), to the goods she still retains control of.

If this Congress will give the South the right to buy her cotton machinery free from tariff taxation it will confer a blessing upon her which will enable her to educate her children, white and black, by the general prosperity it will bring, and this school fund will be permanent. That done, there would be substantial evidence of good-will. Instead of that, the increase of burdens was the work of the New England manufacturers. Neither Congress nor the Tariff Commission had anything to do with it. The cotton schedule was fixed up so cunningly that Mr. SHERMAN had to say:

The classification is so changed that none but an expert can understand it.

In regard to this matter Mr. ALLISON said in this Chamber, on the 3d day of February, 1883 (see RECORD of that date, page 2030):

Now I want to say one word with regard to the Tariff Commission report upon the cotton schedule. The truth is that the Tariff Commission did not examine this cotton matter at all, it may as well be said on the floor of the Senate; nor did they make this schedule that is called the Tariff Commission report schedule. It was made by a cotton manufacturer from Boston with an expert appraiser in New York, and the Tariff Commission accepted it. When the knowledge of that fact came to me I had no particular faith in the Tariff Commission report on this cotton schedule, and therefore I examined it as best I could for myself, hearing the witnesses, reading the testimony, and hearing people who I supposed knew something about it and in whom I had faith.

When the Senator from Texas [Mr. MAXEY] asked him what faith there was to be placed in their report on anything else after such conduct as that was developed, Mr. ALLISON answered:

I do not choose to express my opinion of their report on anything else.

Mr. BUTLER. With permission of the Senator from Kentucky, I will read the following extracts from the Charleston News and Courier of April 1, as bearing on the point he is now discussing:

COTTON AND THE TARIFF—REPRESENTATIVE COTTON MANUFACTURERS IN FAVOR OF ABOLISHING THE ENTIRE SYSTEM.

Mr. H. H. Hickman, president of the company owning the cotton-mills at Vaucluse and Graniteville, S. C., in reply to the question as to how much he would be injured by the modification of the tariff on cotton goods, said: "Not at all. On the contrary, we would be in favor of an absolute abolition of the entire tariff system, were that possible."

Mr. C. H. Phinizy, president of the Augusta Cotton Mills, the largest establishment of the kind in the South, says: "The cotton factories as well as the cotton producers of the South would be greatly benefited by the total abolition of all tariff duties."

Mr. Charles Estes, president of the John P. King Mill Company, says: "The abolition of all duties on cotton goods would not injure us at all. The tariff is a positive clog upon the development of our cotton-manufacturing industries."

Mr. George C. Richardson, the agent in Boston for Lowell, Lawrence, Lewiston, and other cotton-mills, admits that the profits of most of the mills are very large, and declares that "the cotton industry could now thrive under free trade." Mr. Richardson recommends that the duties be stricken from raw materials as a whole.

Mr. ALDRICH. Will the Senator allow me to interrupt him for a moment? If he prefers, I shall let him finish and then ask him a question.

Mr. BUTLER. Yes, sir. The article proceeds:

Mr. W. H. Young, president of the Eagle and Phœnix Manufacturing Company, at Columbus, Ga., declares that if the tariff were removed on all articles that enter into the manufacture of cotton goods this country could command the markets of the world, and the supremacy of England in this trade would be ended. He believes that if the tariff were entirely abolished this country would find in England a large market for manufactures of cotton and wool.

During the last four years the Canadians have congratulated themselves on the extension of their cotton manufactures under the stimulus of the protective tariff. Yet it has been shown by the New York Bulletin that while in 1879 under a revenue tariff 2,265 operatives earned an average of $250 a year each, in 1882, under a protective tariff, the 10,200 hands employed earned an average of $109 each.

Mr. W. F. Herring, a native of Georgia, who has all his life been identified with Southern cotton-manufacturing interests, and conducted an agency in New York for the sale of Southern cotton goods for many years, in a recent letter to a friend in Georgia who had written to him for advice in regard to the purchase of some property on the Oconee River, near Athens, Ga., said: "If I felt sure of free trade in this country within three years, I would not hesitate to buy the property referred to. With free trade, I think it would quickly quadruple in value, because there would be little risk in utilizing it for cotton-mills. But I would not invest in new cotton-mills or in shoals upon which to build them now, because the development in that line has nearly if not quite reached the limit to which it is restricted by our tariff. In other words, I think we are making as many goods as this country needs. Our protective system interposes so many obstacles and hinderances to our reaching foreign markets with our goods that our natural advantages over other countries are well-nigh nullified. * * * If we had free trade with the world I would rate the stock which I own in cotton-mills at least 50 per cent. higher than I rate it now."

Mr. BECK. Will the Senator cut that out and hand it to me so that I may make it a part of my remarks?

Mr. BUTLER. These are the opinions of gentlemen almost all of whom I know, and gentlemen of the highest intelligence and character in the South.

Mr. ALDRICH. I wanted——

Mr. BECK. Oh, Mr. President——

Mr. ALDRICH. I do not wish to interrupt the Senator.

Mr. BECK. The Senator will allow me to proceed.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Kentucky has the floor. Does he yield to the Senator from Rhode Island?

Mr. BECK. I wish to try to get my remarks into shape.

Mr. ALDRICH. I want to call attention to the fact that some of the opinions there quoted from some gentlemen of the North are not their opinions, but the statement of some newspaper gentlemen.

Mr. BUTLER. I am not prepared to vouch for anybody, except that I know the gentlemen from my immediate neighborhood, and I know it expresses their opinion.

Mr. ALDRICH. I do not doubt that.

Mr. BECK. I am glad that the Republican party make the justice

of that part of their tariff an issue before the people. Not content with that, in order to still further cripple Southern opposition to their monopoly they had so long enjoyed, they by the act of 1883 largely increased the tariff duties on cotton card clothing and other cotton machinery, New England being amply supplied and being largely engaged in its manufacture, while the Southern States need everything of that sort. I have exact information furnished by one of the largest builders and importers of cotton machinery in the East, who furnishes the Southern people with it, perhaps more extensively than any other establishment. I do not propose to give names; that seems to be seized upon by the other side at once as a convenient form of diverting attention from the main question, or of causing men to be persecuted at home for daring to tell anything against their interest. They have every protected organization at their backs, with every fact or assumption favorable to them put in the most plausible form. Yet the experience of last winter showed that every gentleman who dared to say anything against the subsidized classes was denounced and persecuted.

I will not hereafter expose gentlemen, who give me facts for public use, to such treatment. I mention this once for all. After stating fully the various prices of card clothing, my correspondent says:

You therefore see that the new tariff is an advance on all costing below 70 cents per foot in England and a reduction on all costing over 70 cents; but probably 95 per cent. of all card clothing imported costs less than 70 cents, there being little demand for dearer grades.

I have given you prices from 39 cents to 58 cents per square foot, which, as said before, covers nearly all of our importations:

| | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. |
|---|---|---|---|---|---|---|---|
| Cash price in England | 39.00 | 42.00 | 45.00 | 49.00 | 52.00 | 55.00 | 58.00 |
| Three per cent., packing and delivery free on board steamship | 1.17 | 1.26 | 1.35 | 1.47 | 1.56 | 1.65 | 1.74 |
| Total cost, free on board | 40.17 | 43.26 | 46.35 | 50.47 | 53.56 | 56.65 | 59.74 |
| Duty, 35 per cent. on free-on-board cost | 14.05 | 15.14 | 16.22 | 17.66 | 18.75 | 19.83 | 20.91 |
| Total cost, including packing and delivery, free on board, and duty, 35 per cent., added | 54.22 | 58.40 | 62.57 | 68.13 | 72.31 | 76.48 | 80.65 |
| Total cost, free on board, as before given | 40.17 | 43.26 | 46.35 | 50.47 | 53.56 | 56.65 | 59.74 |
| Present duty, 25 cents per square foot | 25.00 | 25.00 | 25.00 | 25.00 | 25.00 | 25.00 | 25.00 |
| | 65.17 | 68.26 | 71.35 | 75.47 | 78.56 | 81.65 | 84.74 |
| Twenty-five cents per square foot is equal to (per cent.) duty of | .64 | 59.5 | 55.5 | .51 | .48 | 45.4 | 43.00 |

The last figures indicate the present rate per cent. as compared with the 35 per cent. imposed prior to March, 1883, it being now 64 per cent. on goods costing 40 cents, and 43 per cent. on goods costing 60 cents, instead of 35 per cent. on all classes.

My correspondent takes up the present and former rates of taxation on cotton machinery, and after giving in detail all the costs, charges, and other expenses under the former rate of 35 per cent. ad valorem and the present rate of 45, making all proper allowances and additions for the parts composed of steel and iron, he adds:

Where we paid formerly $41.14 we pay now $45, or about 10 per cent. advance on the old duty.

These are some of the classes of goods which the protectionists insist shall not be interfered with, and denounce the Morrison bill and all its supporters as disturbers of the peace and prosperity of the country for daring to ask any modification of these extortions. For one I accept the issue and am willing to appeal to the people at the polls.

Returning to Mr. Nimmo's official table, in regard to wool and woolens, Senator MORRILL, when he laid his bill before the Senate, said that the proposed reduction on that class of goods would amount, in his opinion, to $4,845,000. The official tables show that while clothing-wool was reduced from 56.46 per cent. to 44.73, combing-wool from 50.19 to 43.48, and carpet-wool from 27.79 to 25.02, the taxes on manufactures of wool were increased from an average of 66.71 to 68.90, or taxed above what they were under the old law $2.19 on each one hundred dollars' worth. The imports of woolen goods last year amounted to $51,100,000, the increased tax on which, at $2.19 per $100, amounts to considerably over a million of dollars annually, and the increase is very much greater than that on the classes of goods in which the large manufacturers are specially interested. That is another of the benefits the protectionists have conferred upon the country, which the farmers and laboring classes are called upon to rise up and defend against the assaults of the Democratic party. It will be observed that duties were not increased on fabrics which the small woolen factories throughout the country could manufacture. They were reduced on many of them. They were raised only on the classes of goods for the making of which the largest and richest concerns in the East have the requisite machinery. Indeed, the plea for increased taxation was made on behalf of infant machinery, and not for human labor. They did not get quite all they wanted. Senators may recollect that for two or three days last winter we resisted, as best we could with the information attainable at the time, the proposed increase, and with the aid of the Senator from Ohio [Mr. SHERMAN] defeated it; but the committee obtained leave to reconsider it, and finally passed it, in a modified form. Senator SHERMAN said, during the debate:

That about one-half of the cost of these woolen goods is in the cost of the raw material, the wool, and the other half is the cost of manufacture. Take, therefore, a lot of these goods; suppose that the value of the goods imported is $1,000, and one-half of that is the cost of the wool, and the other half is the cost of manufacture. The duty on $500, the cost of the wool, has already been fully compensated for and more than compensated for by the specific duty. Then, as to the duty as levied, not as 40 per cent. of the $500 the cost of manufacture, which is all the manufacturer puts upon it, but the duty is levied at 40 per cent. on the thousand, thus giving him a protection of $400, or 80 per cent. on the cost of manufacture. It seems to me that is too large, that the relative duties upon wool and woolen goods are unequal and unfair. The duty ought to be in proportion to the manufactures.

The tax is a compound one, 9 cents a square yard and 40 per cent. ad valorem. I knew then that the consumers of these goods, and that means everybody, were being cheated, but did not know to what extent, as I was not an expert nor a dealer in goods. I therefore placed myself in communication last fall with the best informed men I could reach who were engaged in that business, and I now have information both accurate and reliable which will destroy all the false pretenses of the protectionists if the subject reaches the Senate. A few lines from a letter written by a leading merchant in New York explains the effect of the law which was imposed upon the country by such crooked methods. The writer says to me:

Last March we had our wool goods advanced from 20½ to 25 per cent. Manufacturers got their wool reduced, and chemicals and dye-stuffs were either put on the free-list or materially reduced. All low goods, as I have advised you, have been made prohibitory by the act of March 3, 1883.

I have been furnished with a number of valuable tables, several of them actual invoices, showing that on worsted dress goods of cheap grades the duty had been increased from 74 to 99 per cent., or 25 per cent. above the war-tariff rates; and on very large classes of French goods which the plainest people use the increase has been from 20 to 25 per cent., running them up to 80, 90, and 100 per cent. These tables are too voluminous to insert in the RECORD, but they are on my desk subject to the inspection of Senators. I have other valuable and instructive tables, showing that even the apparently large reductions in other classes of mixed woolen and cotton goods are false pretenses, since they give no real relief. I believe I will read one of the tables showing the so-called reductions made and the statement which accompanies it, so as to make this fact plain.

*Table showing the rate of duty on worsted and worsted and cotton dress goods weighing six ounces to the square yard, under the tariff in force prior to July 1, 1883, and the tariff of July 1, 1883.*

| Value per square yard. | Under tariff in force prior to July 1, 1883. | | Under tariff of July 1, 1883. | |
|---|---|---|---|---|
| | Rate of duty. | Equal to— | Rate of duty. | Equal to— |
| | | Per cent. | | Per cent. |
| 8½ cents | 50 cents per lb. and 35 per cent. ad valorem. | 262 | 35 cents per lb. and 40 per cent. ad valorem. | 199 |
| 10 cents | do | 223 | do | 171 |
| 13 cents | do | 179 | do | 140 |
| 15 cents | do | 160 | do | 128 |
| 18 cents | do | 139 | do | 113 |
| 20 cents | do | 129 | do | 106 |
| 23 cents | do | 117 | do | 97 |
| 25 cents | do | 110 | do | 93 |
| 30 cents | do | 98 | do | 84 |

The duty upon these goods previous to the war was simply 19 per cent. ad valorem.

My correspondent adds:

Since the late war the people have been robbed of many millions of dollars through the operations of the foregoing clause and those of a similar nature covering this class of goods. The rate of duty has been steadily and rapidly advanced until it is now absolutely prohibitory upon a great many goods that are made in Europe for the use of the poor people and that are now shut out by reason of excessive duty. Under the pretense of reducing taxation the manufacturers decrease the duty upon goods that are imported in small quantities or not at all, and shrewdly raise the rates upon goods that have taken the place of those which are reduced.

The above table is a proper illustration of this management. All importers who buy goods abroad are always very particular in making purchases to buy no low goods, at the prices noted on this table, that weigh over four ounces to the square yard. If by accident a case comes out occasionally that does weigh more, and the importer is fortunate enough to discover it before duty is paid, the case is shipped back or sold in bond to Canada. If duty has been paid, he can not rebond them, but is obliged to sell them for what he can get and the sale invariably results in a heavy loss. The reduction on July 1 last, from the previous tariff looks well on paper. Goods that cost 262 per cent. duty to land now only cost 199 per cent., but the reduction grows smaller as the goods advance in value; so, when we take those that cost 30 cents a square yard, the duty is now but 84 per cent. ad valorem, whereas it was 98 per cent. under the former tariff. All these rates, under the tariff of March 3, 1883, are absolutely prohibitory. When we take fine French goods of high cost, they are imported, but these low goods can not be. Thus the poor people and middle classes are entirely shut out from procuring any thick, warm, comfortable goods for winter wear of foreign make. The American manufacturers have all this business to themselves. They knew well, when they had this law made, that the present rate is equally prohibitory with the old rate, and that they could well afford to make the show of reduction which they do, as it in no way would interfere with them. As a just punishment to these manufacturers, the rates should be put back to where they were before the war, to 19 per cent. ad valorem, and so do away with these compound duties.

To test somewhat the accuracy of these tables and statements, I turned to the last official summary of exports and imports furnished by Mr. Nimmo, dated March 8, 1884, and find that the imports of wool for the

first seven months of the fiscal year 1883 was 42,471,779 pounds, and for the first seven months of 1884, 49,532,153, or an excess of imports of wool this year of 6,090,374. Turning to women and children's dress goods, the imports for the same time show that in 1883 45,826,786 square yards were imported, and in 1884 35,931,393 square yards, a falling off of 9,995,393 square yards in seven months of the current fiscal year. The official records therefore verify what my correspondents say, that the manufacturers have adjusted the tariff so as to cheapen the wool they use 10 per cent. and increase the cost of the goods they produce 25 per cent., making the lower or cheaper goods prohibitory, and thus give them a monopoly of the home market at their own prices; this, too, is done in the interest of the people—the laboring people.

Returning once more to the official tables, by the act of March 3, 1883, the cheapest earthen, stone, and crockery ware, which the very poorest of the laboring classes are compelled to buy, and of which more is destroyed than any other article of household goods, is now taxed 60 per cent., or $60 is added to the price of every one hundred dollars' worth. Under the war tariff, the temporary high protective system, which could only be justified because of the oppressive internal-revenue taxes, and the strain on all the resources of the country, and from the oppressions of which relief was so often promised, the tariff tax was 40 per cent. Fifty per cent. was added mainly by the conference committee, in the interest, I presume, of the laboring man, on this indispensable class of goods; and at the same time that taxes amounting to 80 and 100 per cent. (25 per cent. higher than the taxes of the war tariff) are now imposed upon the clothes that the family of the laborer must wear, and 60 per cent. upon his crockery, the patriotic protectionists strike down the taxes on the richest and most costly silks and satins from 60 to 50 per cent., in the interest, doubtless, of the much loved and highly favored American laborer. Such pretenses are the baldest hypocrisy.

As I said a while ago, the whole system of tariff taxation is so adjusted as to bear with crushing weight on the laboring poor; the purchasing power of their wages is diminished by it at least 40 per cent.; the coachman of the richest nabob in New York, if he has a family, pays more to support the Federal Government than the millionaire who hires him if his employer has no children to clothe. And more unjust than all, the cheap blankets, worsteds, cottons, crockery, and everything of low grade pays nearly double the tax that the same things do when they are costly. The English laborer may be a pauper; it would be unpatriotic, I presume, to say that he is not; but his government does not collect its revenues from his labor nor from the wants and necessities of his family. Excepting a low tax on tea and coffee, both of which are cheaper there than here, the English laboring man who does not drink spirits or use tobacco is not taxed one penny to support the Government of Great Britain. His wages have their full purchasing power for his own use and benefit. He can clothe himself, his wife, and family, furnish his house, and procure all he needs in the cheapest open markets of the world. He can buy everything except provisions for less than half of what the American laborer has to pay for like articles. He gets nine and a half pounds of sugar for the same money that the American gets six for. In short, the tax-laws of England require the wealth and property of the kingdom and the luxuries they demand to support the government. We exempt wealth and property from Federal taxation and require the wants and necessities of labor to support the Federal Government and to furnish subsidies far beyond all that the Government takes to enrich a favored class by law, who refuse to work unless they are subsidized from the wages of labor. The people are learning that these things are true. I repeat that the position now taken by the Republican leaders, namely, that no relief from the present system of taxation will be tolerated, ought to hurl them from place and power, and it will if the Democratic party is true to its principles, to itself, and to the interests of the unprotected masses of the people whose only protector it is against the avarice and rapacity of the combinations of subsidized corporations which have been built up by Congressional class legislation.

But, independent of its injustice and extortions, I insist that the act of March 3, 1883, ought to be and will be condemned and repudiated by the American people, because of the manner and the methods of its imposition upon the country. It is in no proper sense an act passed by the American Congress; it was never even allowed to be read in the presence of the Representatives of the people (who have the only constitutional power to originate bills imposing taxes upon the country), far less considered by them, as the records of the last Congress show conclusively. It was called up in the House and read by its title January 25, 1883 (RECORD, page 1585). No part of the body of the bill was read. It was proceeded with by schedules and paragraphs, and discussed till the 17th of February, the sugar schedule having been then reached; and none of the schedules relating to tobacco, provisions, liquors, cotton and cotton goods, hemp, jute, &c., wool and woolens, silk goods, sundries, or the free list, were read when the bill was abandoned; and on 19th of February Hon. W. D. KELLEY, of Pennsylvania, who had charge of it, announced that the Senate was maturing a bill, and that it was—

Yet possible that the two Houses may be brought to an agreement on a tariff bill.

He was looking, of course, to a committee of conference as the last and safest resort; therefore the protectionists determined to abandon the bill presented by them to the House. When the bill passed by the Senate was sent to the House the RECORD shows that it was not even then allowed to be read; members were denied the privilege of voting for it; the rules were changed—revolutionized is a better word—so that a majority could take it up and declare a disagreement with the Senate and ask for a committee of conference, and could do nothing else. Even a majority, however pronounced in favor of the Senate bill, were prohibited from voting for it. Mr. BLACKBURN, of Kentucky, a member of the Committee on Rules (see RECORD, page 3370), charged on the floor what the "Keifer-Boynton" investigation has since verified, if any proof was needed, when no man denied what he alleged.

Unwilling—

He said—

to trust to a count which, if common rumor is to be credited, has been carefully made; a count made upon a written agreement signed by members on the other side, binding and obligating themselves to stand for this report and to stand for the motion of non-concurrence; though with care and particularity, as rumor has it (and I doubt not correctly), you have taken time since the Kasson resolution was sent to the Committee on Rules, two weeks ago, to marshal your forces, to obligate them in every manner that is binding, unless it be in an open bond, with good and approved securities for the performance of the contract; in the face of all this, the majority side of the House dare not allow a motion, which is admitted under every parliamentary law, or parliamentary rule, or parliamentary practice ever known among civilized men. You dare not allow a vote to be taken to concur in the Senate amendments to the text of the bill.

Mr. COX, of New York, said:

It is a fraud upon parliamentary law; a fraud upon all that is just and fair in our politics; it is revolutionary.

Mr. House, of Tennessee, said:

It is an open, unblushing attempt to concoct in the secret chamber of a packed conference committee a tariff bill which the promoters of this movement know can not be passed upon the floor of this House under the rules which govern it. It is an attempt by an indefensible, arbitrary, revolutionary act to wrest from the representatives of the people the right of legislation; to tie their hands, and to deny them the poor privilege of lifting their voices against it.

Not content with procuring a committee of high protectionists to confer with the Senate about a bill that the House had never seen and, of course, never disagreed with the Senate about, the leaders of the combination, in order to make it impossible for any Senator to be a conferee on the part of the Senate who proposed in good faith to sustain its action and maintain the provisions of the bill it had passed, they ordered their conferees to tell the conferees on the part of the Senate that, in the opinion of the House, the action of the Senate in passing the tariff legislation it had was unconstitutional, and therefore null and void, and after they had done so, if necessary, which meant if the Senate had appointed conferees who proposed in good faith to do their duty and sustain the action of the Senate, they were to report to the House in regard to these constitutional objections. That action was kept separate from the resolution appointing conferees, so as not to drive off their allies, if such were appointed Senate conferees. In plain English, the protectionists in both Houses determined to defeat the Senate bill, but they were afraid of the people, and could not trust their Representatives in the lower House. The leading protectionists in the Senate were the secret enemies of the Senate bill, and they soon proved that they were only too glad to abandon the measure the Senate appointed them as its representatives to defend in the conference. Senator BAYARD and myself laid the facts before the Senate, and declined to be parties to such a transaction, and the Senate sustained us.

Of course no Democrat would serve. The bill of the Senate was at the mercy of its enemies, and in secret conclave they so far disregarded the known will of a majority of both Houses as to make a bill which would suit the most exacting of the high protectionists. That done, as a matter of course the constitutional objection was not raised by the House conferees; all parties had secured all they wanted. The conference report had to be voted on as a whole; the relief given by the repeal of internal-revenue taxation saved it, as they knew it would. It was the most shameless combination to override and disregard the rights and interests of the people that was ever successfully perpetrated. Yet the perpetrators of these wrongs have the audacity now to denounce all attempts to modify or repeal any of the burdens they, not Congress, imposed upon the country under such circumstances. I hope the Democratic party will accept the issue they tender, and lay bare their conduct in every nook and corner of the land. That done, there will be an end of such legislation, and new men will fill the places of the perpetrators of that great wrong in these halls. The methods adopted to get these (so-called) conferees appointed, coupled with the resolution denouncing the Senate's action, which they knew would drive from it any Senators who respected the rights of the Senate, were bolder usurpations of power and more reckless violations of the precedents which had always controlled legislation than even the substitution of Mr. Hayes for Mr. Tilden by the Electoral Commission.

These proceedings soon developed how little regard the great protected combinations of wealth and power, made rich and potent from the taxation they had secured for their private emolument, had for law, precedent, or justice. When they saw that Senators and Representatives were determined to curtail their subsidies they did not look to Congress or either branch of it for support. They defied both. The conference committee was their reliance. They knew that the men who

controlled that conference in both Houses were their friends. Whenever any bill got into their hands on any terms they knew that their conferees would set the action of either House or of both Houses at defiance. I say their conferees because the report they made was infinitely more oppressive on the people wherever they made changes than the Senate bill was, and in many important regards far more so than the partial action of the House warranted upon the schedules on which it had acted. It increased the burdens of taxation largely on important classes of goods when there were no disagreeing votes between the two Houses, indeed when both had agreed to lower rates. It added new paragraphs with increased rates of taxation to both the woolen and cotton schedules that neither House had ever seen or heard of; it increased taxation on many articles of prime necessity to the poorest of our people, even beyond the highest war rates.

In short, that conference committee violated every principle of law, justice, and precedent, and now they and their partisans make the issue before the country that all the outrages it was guilty of shall be sustained and approved. The Democratic party has accepted that issue. We denounced it in both Houses at the time. We are seeking now to modify if we can not undo the wrongs they committed. We will appeal to the people if we fail here. It is, I repeat, the great overshadowing issue of the opening campaign. It will not down at anybody's bidding. No flank movements on Danville riots, Copiah murders, Tewksbury horrors, or Cincinnati riots or "burkings" will divert the American people from passing upon the injustice and the wrong both of the matter and the manner of the legislation of March 3, 1883, which we will insist and prove was not imposed upon the country in any proper sense by Congress, or either branch of it, but against the known will of both branches by a conference committee acting in the interest of protected monopolists, and in utter disregard of the rights and interests of the people. I know that the protectionists derive great comfort from our apparent hesitation and division. Of course we will have some stragglers, but we will get ten recruits for each straggler, and they will enlist for the war. Does any one suppose that any Democratic constituency will indorse any man who supports, maintains, or defends the work of that conference committee and avows his determination to perpetuate the oppressive burdens it has imposed and seeks to fasten upon the country? Or that the Democratic national convention will fail to denounce the policy and practice of these oppressors? Or that we either can or ought to shrink from the responsibility of meeting that issue? Or that we can decently ask the people to turn the dominant party out of power if we propose to continue their policy, or if we dare not say we oppose it? The people despise hypocrisy, and they ought to.

If the protectionists are to be sustained in their subsidies, obtained and retained by false pretenses and revolutionary proceedings, let it be done after an open, honest, manly resistance. Sneaks and cowards never command respect. If there are Democrats who sustain that "conference bill" and its taxation, let them so vote and avow. We can stand defeat in a good cause, with justice and right on our side. Our principles may be crushed to earth; they will rise again, and rise with renewed strength. The young men of the country are all studying political economy; all the trash and clap-trap of sectionalism is now clearing away, and the two great parties stand arrayed against each other on the issue of a protective or a revenue tariff—one seeking to tax all to enrich favored classes under the pretense of protecting infant industries that were old and well-established before they were born; the other demanding equal and just laws, which impose only such taxation on capital and labor as will produce revenue sufficient to support an economical administration of the Federal Government. Young men will array themselves under the Democratic banner; they will repeal the barbarous navigation laws, utilize the ocean highway, and pull down the walls erected to protect the barons and their retainers. They are the men I am looking to to fill up the ranks of the Democracy and control the future policy of the country.

Returning to the action of the conference: I said the Senate conferees were opposed to the measure they were selected by the Senate as its representatives to defend and sustain. Mr. SHERMAN, in the interview from which I read, charged that his New England colleagues, Messrs. MORRILL and ALDRICH, controlled the conference in the interest of the cotton and woolen manufacturers, and increased the taxation on certain grades of these important classes of goods in that conference. He alleges that although the woolen manufacturers themselves had prepared the woolen schedule, the New England conferees in the conference committee increased the taxation on both woolen and cotton goods far in advance of the then existing law. I had better read what he said, as I regard the charges he made as very serious reflections on his colleagues; at least I would so regard them if made in relation to my action as a Senator, bound to disregard any personal opinions and wishes of my own, and compelled, from the nature of the obligation I had assumed, to sustain the action of the Senate, whether I liked it or not. Mr. SHERMAN said:

By the new tariff the whole reduction falls on the wool-grower. It is true there is a reduction of the specific duty on woolens equal to the reduction on wool, but that only leaves the manufacturer in *statu quo*, while the former loses one-fifth of his protection. The protective duty of 35 per cent. ad valorem in favor of the manufacturer remains unchanged, and in important branches is changed to 40 per cent.; and the classification is so changed that none but an expert can understand it. Even in the conference committee additional duties were put on both cotton and woolen goods of certain grades far in advance of existing law. The wool-growers, who did not understand in the beginning what was going on, felt, and still feel, no doubt, that their interests were sacrificed by a reduction of duties on wool without a corresponding reduction on woolens, and with an absolute increase on some grades.

It will be observed that there is no suggestion in these allegations of Mr. SHERMAN that the tax on woolen and cotton goods was increased on the demand or even by request of the House conferees. The intimation, if not the allegation, is that the New England Senate conferees had it done; indeed, the House conferees could not well make any suggestion as to either the cotton or woolen schedules, as they had not been reached or even read in the House when its bill was abandoned on the 17th of February, as I have already stated. Speaking of himself and his own relations to the measure passed by the Senate, and his feelings in regard to it, Mr. SHERMAN shows that he was only too glad to be placed in a position to undo what the Senate had done; only too happy to surrender all the reductions the Senate had made, his only regret being that he could not get his colleagues to be absolutely faithless to their trust. He said:

My hope had been that the bill would be greatly improved in conference. The House conferees were right on all these disputed points.

This occurred:

CORRESPONDENT. What effect upon the conference had the withdrawal of Senators BAYARD and BECK?

Senator SHERMAN. I can not say that it had any except to enable the conferees to patch up a little the iron schedule, as I have already stated. But their withdrawal gave the Republican conferees the opportunity of reporting and proposing a thoroughly protective tariff bill, just and harmonious in all its rates.

Again he said:

The conferees would not take this responsibility, and accordingly left the rates named and some others palpably unjust, and have opened the door to contests in the future. If these errors had been corrected the bill would have received every Republican vote in the Senate. The struggle over the bill proved that the Democratic party was hostile to the policy of protection, though occasionally a Democratic Senator voted with us to protect his local industry. The system must stand or fall with the Republican party. We might, in the way stated, have made a square political issue, which I always prefer to do rather than to lean on my political adversaries for occasional votes.

Mr. MORRILL answered Mr. SHERMAN, in a labored article, dated April 28, and published in the New York Tribune. He confesses and avoids the truth of the charges. His main defense is that Mr. SHERMAN was as deep in the mud as he was in the mire. I admit it. Both did their best to show their want of due respect for the expressed will of the Senate, although neither of them had any right to undertake the trust of sustaining the action of the body that appointed them, unless they were determined to maintain and unphold its action by every honorable means, whether they approved it or not. It is painfully apparent from their own statements that neither of them either did so or attempted to do so. Mr. MORRILL says:

The distinguished Senator is a remarkably cool and sagacious man, but he was evidently in a pet, and by this time he will regret some of his rather exaggerated and hasty statements. He criticises the fact that two members of the conference committee were from New England, and would seem to indicate that this brought to bear a malign sectional influence, forgetting that two of the members of the conference committee were from the State of Ohio alone, and perhaps, too, sensitively remembering that the large increase of duties on plain white crockery-ware had never been insisted upon in the Senate by New England.

Again, he says:

But the Senator complains that the duties on woolens were raised in the conference committee; so they were on pig and bar iron.

Again, he says:

Only a proviso was inserted in the conference committee by which a special class of cotton cloth should be subject to a duty of 40 per cent., which is the same or a little less than the existing law.

And adds:

This is not much above the rate fixed on pig-iron, and can hardly be called a local favor.

These interviews show that the conferees, so called, paid no sort of respect to the wishes of the two Houses. They made the tariff we are now cursed with to suit themselves. One accuses the other of increasing the burdens on cotton and woolen goods, and the other retaliates by charging his accuser with having increased the taxes on earthenware, pig and bar iron, and other things in the iron schedule which the Senate had over and over again defeated him in when he attempted to impose them upon the country on this floor.

Mr. MORRILL adds:

The Senator sought to raise in the Senate the rates fixed in committee on pig-iron; and, not succeeding, he joined Senator BROWN, of Georgia, in cutting down generally the rates upon bar-iron and upon steel railway bars; for as he correctly observes, "a single Republican Senator voting with the Democrats could reduce the duty." A restoration of these rates, even in a committee of conference, was an unpromising risk. If any one was more responsible than Senator SHERMAN for making the "harmony and symmetry of the plan" of the commission's iron schedule "as rough as a saw" I do not remember it.

He was right in saying that—

A restoration of these duties, even in such a conference committee, was an unpromising risk.

The Senate bill had passed on the 22d day of February by a vote of 42 to 19; yet the conference report was passed by a vote of only 32 to 31.

Again, he said:

Some of the defects, though few, and some of them temporary, excite my disgust and would have been remedied if there had been time and votes enough

in the Senate for proper correction, but we had neither, and may not have for some time to come.

Again, Mr. MORRILL says:

The bill has become the law of the land, and few will dispute that the shape which it assumed in the committee of conference was better than what was reported from the Senate Committee on Finance, or than what was sent by the Senate to the House.

He adds:

And twenty years may elapse before the country will have anything more satisfactory.

Fifty per cent. increase on common crockery, 50 per cent. on iron ore, nearly 30 per cent. on all the unenumerated manufactures of iron and steel, 25 per cent. on many classes of woolen goods, with an average increase of $2.46 per $100 on the manufactures of cotton over the high protective war-tariff taxes, which the Senator and his allies so often and so solemnly pledged the country should be reduced, is the grand result which we are assured is all we can hope for for twenty years.

I know that the details I have felt it necessary to lay before the Senate have been tedious, perhaps improperly so, but I desire the people outside of this Senate to understand the facts. I said repeatedly last winter that I knew that a bill worse for the tax-payers of this country than either the Senate or House desired would finally be imposed upon them by a conference committee in the interests of the protected classes. I knew from the beginning that all the professions of reduction of burdens would prove to be mere false pretenses, and therefore I insisted on discussing and exposing them day by day during all the last session of the last Congress. We made a record then which the country appreciated. I hope the discussion of the Morrison bill may take the widest possible range. The debate will educate the people. All they need is to know the truth. They will have to submit to the exactions and extortions of the conference committee's bill of March 3, 1883, as long as the Republican party remains in power; twenty years, says the leader of the protectionists, is the shortest time within which it can be disturbed.

Men who think they are Democrats and take the position that the Senators from Vermont and Ohio do will find but little comfort inside the Democratic camp after the national convention acts; and Republicans who desire a reduction of taxation may as well unite with us now, or bow their necks to the yoke for twenty years to come. Senators have only to look into the reports made the other day by the Committee on Foreign Relations to ascertain that the leading nations of continental Europe are doing all possible to exclude our hog, beef, and other exports from their markets on all sorts of pretexts; but the true reason is apparent, and it is very clearly set forth in the minority report submitted by the Senator from North Carolina [Mr. VANCE]:

If it be that fear of trichinosis is only a pretext, and that the real reason for excluding our hog products is the desire to protect their own producers, then we are the last people on earth who ought to complain. After surrounding ourselves for more than twenty years with a protective-tariff wall so high as to exclude virtually all the products of Germany which compete with ours, it is rather late for us to advocate retaliation against a government which merely follows our example. In fact, Germany's action is retaliation, and the cry of "Stop thief!" can not change the true condition of things. We have got to learn that we are not so great and independent as to enable us to defy the laws of political economy and the amenities of international trade with impunity.

We have been told again and again that our true policy was to shut up our manufactures from the competiton of the world, and that all the nations thus excluded would be compelled, nevertheless, to buy our breadstuffs and provisions—that they could not do without them. We are greatly surprised and indignant when one important customer says he can get along without our hog products, and forbids their coming in; and we propose to retaliate! For what? For simply and frankly forbidding them to be imported. Suppose, instead of doing this, Germany had imposed a duty of 100 per cent. on them, which as effectually prohibited their importation, what then? Where would be our so-called retaliation? The undersigned can see no difference whatever in the two methods of prohibition, so far as results are concerned, only that the one is manly and direct, while the other is indirect and based on false pretenses.

Our great meat industry must indeed be cared for. It, with kindred agricultural industries, furnishes nearly all of our foreign trade, and they deserve all that Congress can do for them. But this bill does not propose the true way to do it. This way is to remove as far as possible all restrictions upon trade, and to enlarge the markets for our farmers' products all over the world by liberal treaties and tariff laws.

That is the plain common-sense view of the situation.

Our hog exports have fallen off from over $104,000,000 in 1881 to $70,000,000 in 1883. England continues to be our best customer; she has not yet joined in the raid made on our commerce and our agricultural exports by the continental nations, and her demand for cheap food products is rapidly increasing. According to her official tables the value of the food imported into England in 1840 was £27,599,431, in 1880 £164,615,012, an increase of £137,015,581, or $685,000,000, being five times the whole amount imported in 1840. She took from us in 1880 goods, nearly all of them agricultural products, valued at £107,081,260, and we took from her only £37,954,192 worth of manufactures to pay for them. She is struggling to get a larger portion of her food supplies elsewhere, and I fear she will succeed. I have just read a very able article on wages and trade, by Mr. Schoenhof, of New York, in which, after a very exhaustive argument relative to wages and products, he sets forth the efforts of all countries to obtain the necessaries of life cheaply and to trade on fair terms. He says:

Every spot of the globe held by civilized government is now tributary, or likely to become tributary, to the food-wants of any country.

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To show the possibilities of the yield of the above-mentioned new sources of supply, I may state that the exports of cereals of Russia, Austria, India, Australia, and Canada, which were in 1870 $140,000,000, rose to $350,000,000 in 1880, and although India had not more than 9,875 miles of railroads in 1881, yet her exports of wheat rose from $5,500,000 in 1880 to $43,000,000 in 1882. Meantime our exports in breadstuffs, which were $285,000,000 in 1880, declined to $185,000,000 in 1882, and $207,000,000 in 1883.

I saw it stated somewhere that England got one-third of her breadstuffs from India last year.

These are facts worthy of serious consideration. We can not afford to isolate ourselves from the world's trade and commerce; we are no longer infants in anything; we have grown great rapidly in spite of unjust and unequal tax laws. We had empires in the West to give away and we have given them with a lavish hand to railroads, to settlers from the older States and from all parts of the world. About 600,000 people have for years past immigrated here annually from Europe, the main inducement being to take up the lands we had thrown open. Germany has furnished nearly half of them; at least 50,000 men fit for military duty, twice as many as compose the American Army, come here annually from that country. No wonder Prince Bismarck is discontented in view of the relations between Germany and France; no wonder the world is rushing to our shores. No amount of tariff taxation will keep people who are landless and hopeless of ever acquiring farms or freeholds in their own country from coming here and accepting such gifts as we have bestowed.

We are great, and in many regards prosperous, in spite of oppressive taxation, not because of it. Wages in all sorts of industries will, indeed must, always be higher here than elsewhere (no thanks to the manufacturers for it). With a continent open and free to all comers, with homesteads and pre-emptions on public lands held out as inducements to all who will accept them, almost without money and without price, how can it be otherwise? It requires high wages in other occupations to keep men from seeking homes on the free public lands. Our great railroad systems coupled with our land systems increase agricultural products far beyond the possibility of home consumption, and make us more and more dependent on the open markets of the world. Commerce, the handmaid of agriculture, as Mr. Jefferson expressed it, needs fostering care.

We are to-day prostrate at the feet of foreign nations in the markets of the world, almost without a ship or a sailor. Taxation and protection increase the cost of our manufactures so that they form an absolutely insignificant portion of our exports. Machinery now performs for our manufacturers more labor than all the human muscle of the combined world could perform. Far less than half of the number of operatives are now needed to furnish all the manufactures this country can consume than would have been required to produce the results now produced twenty years ago. The home capacity to consume agricultural products is relatively diminishing as machinery takes the place of human labor.

Obviously, we must open foreign markets for our manufactures. Mexico, Central and South America, China, Japan, and the less advanced nations of the world in manufactures are open to our trade, while European nations must take a large amount of our provisions, whether they like it or not; their self-interest regulates that. Reduce taxation, give our people cheap raw materials, liberalize commerce, stop the nonsense of retaliation and prohibition, give our people free ships on free seas, and they will regain a fair share of the world's trade. Then the operatives in our manufacturing establishments, instead of being deluded into the support of protection by temporary high wages for a few weeks or months of high prices at home, to be followed by starvation from closed factories while the glut of overproduction is being worked off, will have 1,500,000,000 consumers whom they can supply, instead of 55,000,000 as now. Then there will be steady work all the year round for twice as many as are now employed by fits and starts, and their wages will be increased in purchasing power at least 25 per cent. These are some of the results I hope to see produced by relief from the burdens of oppressive taxation. High wages and intelligent, well-fed operatives always produce better and cheaper products than ignorant, half-starved paupers can or will. England has doubled the wages of her operatives and the quality and quantity of their food in the last thirty years. She pays, on an average, 50 per cent. higher wages than the continental nations do, and undersells them all, till they are seeking refuge in protective tariffs for their paupers against her skilled workmen. We can pay 30 per cent. more than she does, and with cheap and abundant food and raw material, with the most energetic and intelligent people on earth to manage the machinery that produces the fabrics, we can, at least, secure a large share of the trade of Central and South America and Eastern Asia with its teeming millions.

Mr. President, I repeat, these are the objects I am struggling to reach, and I will not vote for any scheme on any pretext, however plausible, looking to the maintenance of the present system of taxation, which destroys all hope of their accomplishment by appropriating the surplus revenue either to educate negroes or whites; I will leave that to the States and the people. I seek to give both a chance to become prosperous and able to educate their own children by removing all the obstacles to their prosperity which Congress has piled mountain high by the taxation which the Republican leaders are determined to perpetuate. While I would deplore the consequences I foresee as inevitable from Federal interference with education in the States, if it is deter-

mined on, I now think that I will vote to provide a fund which shall be set apart to sustain it; which fund can readily be raised without oppressing any one by the imposition of a tax of 1 or 2 per cent. on all incomes exceeding $5,000 a year; that done, we might reduce taxation as I propose. I observe from an article in the New York Herald that Mr. Vanderbilt tells his confidential friends that his property is worth $200,000,000, and his income from it averages 6 per cent., or $12,000,000 a year; 2 per cent. on that is $240,000; and there are hundreds of others who can afford to contribute largely, as they pay no more to support the Federal Government than the men who drive their coaches do. I protest against squandering money wrung from the needs and wants of poverty and labor in order to indulge in pretended schemes of philanthropy and benevolence, when every dollar of the money so given costs the people $5 under our tariff system before it reaches the Treasury.

I will do nothing to furnish an excuse for the maintenance of such a system. I will try to give prompt relief from its oppression, and, if need be, tax the incomes of the rich, whose property and wealth we have to maintain armies and navies to protect against ignorance and vice. Let these men support and maintain the education and intelligence needed to defend their estates.

One word more, and I am done. Perhaps I have given my friend from Mississippi [Mr. GEORGE] an excuse for saying now what he said yesterday, whether for the purpose of expressing his contempt for my knowledge of these questions or not or for what other purpose I do not know. He then said:

> Right here in the speech of the Senator from Texas on yesterday, the Senator from Kentucky [Mr. BECK] interposed, whose attention, I have no doubt, was called to this debate by hearing the words "taxation for revenue," for it seems the Senator from Kentucky dreams of "revenue," "taxation for revenue," "tariff for revenue," "sees" it "in clouds," "hears" it "in the wind;" it is his morning lullaby, if I may so say, and his last requiem at night. When those portentous words had been pronounced by the Senator from Texas, "taxation for revenue," the Senator from Kentucky was no longer able to keep his silence, and so he put in an interrogatory which he thought, I suppose, settled the whole principle, and that was this: he asked me if I thought that Congress could donate money to a private individual. If I was to answer that it could not donate money to a private individual, he supposed that he had made out his case; that there was a distinction between land and money.

To begin with, the Senator from Mississippi was mistaken when he said that I interfered in order to ask him a question. I have the RECORD before me. The Senator from Texas [Mr. COKE] was on the floor, and I said to the Senator from Texas while he was speaking:

> Will the Senator from Texas allow me to make a suggestion?
> Mr. COKE. Certainly.
> Mr. BECK. The Government of the United States can give homesteads to men from all over the world as soon as they declare their intention to become citizens of the United States, and they do it. Can the Government of the United States tax the people to give those foreigners money to buy the land with?

That was the question I put, not to the Senator from Mississippi, but to the Senator from Texas. Then the Senator from Mississippi rose as though he was expected to answer the question, whether it was because it was his special prerogative to instruct everybody or for what other reason I do not know, and said:

> And let me ask, can it tax the people to buy the land out of which it will give the homestead?

He rose to ask that question. I had asked him nothing.

> Mr. BECK. It never did, and never thought of it; but if it acquires the land legitimately, the right to dispose of it comes with the possession. The Government does give homesteads to foreigners, but it can not tax the people to give those foreigners money to buy land with.

Then, after some more wrangling, I did say:

> I did not expect to interfere in the matter, but I will now ask the Senator from Mississippi whether or not this Government has the right to give homesteads of its lands to anybody, and if it has not done it? Has it not?
> Mr. GEORGE. Are you through with your question?
> Mr. BECK. No; that is the first one. I assume that you will answer, "Yes; it has." Now, having done that, having done it rightfully, has the Government the right to tax this people to raise money to give to those men to buy land with?
> Mr. GEORGE. I will take the Yankee way of answering the Senator, by propounding to him another question. If the Government has a right to give land for purposes of homesteads, has it a right to tax the people of this country to raise the money to buy the land to make the gift?

So that the Senator from Mississippi was mistaken in his premise in saying I had interfered to ask him a question.

I will say further that, however he may belittle my anxiety to reduce the revenues of the country down to a revenue standard, it is as respectable for me to devote my time to that and to seek to give relief to the people from one end of the country to the other as it is for him to be devoting his great power and energy to see how to squander the revenue after it is collected upon matters of very doubtful constitutionality.

I had occasion to spend some of the best years of my life in endeavoring to resist the oppressions of the people of the Southern country against the very system that I believe will be inaugurated now if this bill is carried. In the State of Mississippi, with all the pretenses the Republican party made that they were going to educate the negroes, when they had control of that State in 1869 and 1870 and 1871 and education was the cry then as it is now, a man by the name of Cornelius McBride was whipped in the county of Chickasaw. He was an intelligent man, from the State of Maine. He came before us and he showed the marks upon his back. We examined him, and he developed the state of facts that will be shown by his testimony, page 373 of the report of the minority of the so-called ku klux committee. He stated that they had some two hundred schools in the county of Chickasaw; that they paid their schoolmasters from $60 to $100 and $150 a month; that whenever twenty-five children of school age could be got together, white or black, they had a right to demand a school. They had built schoolhouses, had furnished them, and had paid the teachers, and they sold all the property of the people, white and black, to pay their expenses. Going on a little further Mr. Charles Baskerville, one of the most intelligent witnesses we had before us, told all about it. He showed that the whole tax upon his portion of the State was 4 per cent.; that his cotton crop would not pay his tax; and he was one of the most intelligent farmers in that State; that he was one of hundreds similarly situated in the State of Mississippi; and all this for the education of the negro. To make a long story short, the minority of the committee determined that Congress should know the facts, and stated them in the language I will now read. That minority was composed of the Senator from Delaware [Mr. BAYARD], the Senator from Indiana [Mr. VOORHEES], the then Senator from Missouri, General Blair, myself, Mr. COX of New York, Mr. Van Trump of Ohio, and one or two others. This is the language used in regard to these matters:

> Men will endure oppression when they have selected their rulers with much more equanimity than they will when strangers are imposed upon them against their will, especially when those who impose the burdens bear none of them and pocket all they can. The people of Mississippi form no exception to the rule. Take the school-house and school-teacher tax, as described by McBride, in Chickasaw County, as an illustration. There, he says, about two hundred schools were established, and of course two hundred schoolmasters appointed. The proof all shows that there were hardly enough white radicals in that county to fill county offices, a dozen or twenty at the outside. Of course several hundred radical schoolmasters had to be imported. Each one became a political emissary among the negroes who were hired by the whites, or living on rented patches of their plantations; the struggle of each was to get twenty-five little negroes together and obtain a petition from their fathers or mothers to the school board for the erection of a school-house, and his appointment as their preceptor; for it must be remembered from reading McBride's evidence that the law gave an absolute right to the parents of each twenty-five negro children, no matter whether they paid a dollar of tax or not, no matter though they might be living on another man's place and only there for a limited time, to have a school-house furnished and a schoolmaster appointed for their accommodation.
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> These learned gentlemen, when appointed, would not put up with ordinary buildings which could be erected at cheap rates, but required handsome edifices, bells, and walnut furniture brought from Cincinnati and elsewhere. These edifices, thus furnished, were being erected everywhere; they cost from $500 to $1,000 each, and the law authorized the employment of teachers for ten months in the year in Chickasaw County at an average of $60 a month; in other counties the average was $100 a month. If the scheme had been consummated in Chickasaw, which we give merely as a sample, furnished by an intelligent radical witness, the cost for the year 1871 would have been $100,000 for school-houses, at $500 each, or $200,000, at $1,000 average, which is nearer the truth, and at least $120,000 for schoolmasters, at an average of $60 a month, beside all the expenses of the county machinery necessary to put the system into operation.
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> Mr. Baskerville testified that it took all the cotton he made in 1870 to pay his taxes, and he was one of the largest and most energetic of the planters of Noxubee County. All others were in the same condition. The poorer classes suffered most; they were without money and their taxes had to be made by sale of their horses, corn, furniture, or whatever else could be found to sell. It requires no stretch of imagination to understand the feelings this state of the case would produce among a people who had been reduced to poverty by the war, whose crops for several years after peace was declared had proved failures or had been sold at such low rates as hardly to pay taxes.

When I recollect the condition of things that we found in South Carolina and elsewhere as well as in Mississippi, that those Republicans, in their zeal to get control of the negro vote, perpetrated such outrages in the State of Mississippi by means of education, and where they brought ruin upon them all and almost a war of the races, I am not prepared to support the pending measure. I know the Senators from the South are looking upon this matter from a different standpoint from what I look at it. I never trust men twice. The Republican party had control of the Southern States for a time, and ruin, desolation, and bankruptcy followed in the track of their rule. The Democratic party have had control of those States for the last six or eight years, and they have advanced in all the elements of greatness. I do not want the Republican party to get their hands on the throats of those people any more on any pretense whatever; and when the Senator from Mississippi refers to me as having tariff for revenue on the brain, and seeing it by night and by day, dreaming and thinking of nothing else, I beg to assure him that it is because I believe that the reduction of taxes, the opening up of trade and commerce, is the true way to bring prosperity to his people, instead of the means that he thinks are the best to adopt. I am as urgent as he is to have my views relative to taxation adopted, but not because of any dislike or ill-will either to the system of education or to the people of the South or any other part of the country, but because the intervention of the Federal Government in any form with local State affairs is vicious.

Mr. WILLIAMS obtained the floor.

Mr. GEORGE. I hope I may be allowed a word.

The PRESIDING OFFICER (Mr. WILSON in the chair). Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. WILLIAMS. Yes, sir; for a short time, for an explanation.

Mr. GEORGE. Mr. President, I am astonished at the Senator from Kentucky [Mr. BECK]. In the jocular allusion I made to him yesterday I did not mean in any way to belittle or depreciate his knowledge of the tariff. The Senator very well knows that I have the highest

admiration for his wonderful knowledge upon the various details of the tariff subject. But, sir, though I may say that the expression used by me yesterday everybody understood but the Senator to be purely jocular, it does seem to have some justification and verification from the fact that on the very next day after I made it the Senator from Kentucky has occupied not too long but several hours of the time of the Senate, which ought to be devoted to the consideration of this bill, in the discussion of the tariff, which has no more to do with this bill than it has to do with any other bill that might come up in this body.

Mr. WILLIAMS. I thought the Senator wished to make a personal explanation.

Mr. GEORGE. Am I not making it? [Laughter.]

Mr. WILLIAMS. The Senator is starting to make an elaborate speech, apparently.

The PRESIDING OFFICER. The Senator from Kentucky is entitled to the floor if he resumes it.

Mr. GEORGE. If the Senator from Kentucky, when his colleague spoke ten, fifteen, or twenty minutes about me, will not allow me time to reply, be it so; I shall seek another opportunity.

Mr. WILLIAMS. I have every disposition in the world to oblige the Senator, but I fear the Senate will soon be disposed to adjourn.

Mr. President, may I ask what is the pending question? [Laughter.]

Mr. HAWLEY. I think it is the bad behavior of both parties.

Mr. WILLIAMS. I am in earnest in asking the question.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill.

Mr. WILLIAMS. The educational bill? [Laughter.]

The PRESIDING OFFICER. The bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. WILLIAMS. Mr. President, may I ask what is the pending question?

The PRESIDING OFFICER. The pending question is the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill to aid in the establishment and temporary support of common schools.

Mr. WILLIAMS. I thank the Chair for the information.

I have listened so long and with so much pleasure to the very able tariff speech of my colleague, and by the irresistible force of his logic been carried so far out to sea, that I lost my reckoning and required some help to get back to port and to collect my thoughts and concentrate them on the question before the Senate. It is not my purpose to enter into anything like a lengthy discussion of the subject. It has been discussed already for three weeks, and certainly I can not hope to add anything to the discussion of the constitutional aspect of the question. We have had able and profound arguments from the ablest lawyers in this body, and I could add nothing, I am sure, to what has been said. But while we have been entertained to a treat of law and eloquence, I do not think we made much progress toward a settlement of what really is the law of the case.

I will not attempt to add anything to the argument upon the constitutionality of this measure, for I think that the arguments of the Senator from Arkansas [Mr. GARLAND] and the Senators from Mississippi have never been answered by any gentleman on the opposite side.

One word only as to this matter of the general welfare. I would ask, if nothing was to be done for the general welfare by the Congress of the United States in any contingency, why is it placed so prominently in the Constitution itself? You find it, sir, in the very forefront of the Constitution. You find in the preamble that the chief purpose for which this Constitution was made and for which a better Union was desired was to provide for the common defense and for the general welfare; and in that clause of the Constitution giving to Congress power over the subject of taxation, the very highest prerogative of sovereignty, the power to tax, was limited to three purposes, in these words:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

For what purpose?

to pay the debts and provide for the common defense and general welfare of the United States.

These words are words of limitation upon the power to tax, and but for them the taxing power would have been absolute. I take that to be clear. Congress has power to tax but for these three purposes, to pay the debts and provide for the common defense and the general welfare. Now, may I ask, if Congress has the power to impose taxes for the general welfare, has it not the power to apply them? Who shall say what are the objects to which the taxes thus collected shall be applied?

While it is true that the power to provide for the general welfare is not a distinct affirmative power enumerated among the granted powers in the Constitution, neither is the power to provide for the public defense. They are the two great purposes for which this Constitution was formed. They are generic, broad; they embrace every other power granted to Congress or to any Department or officer of the Government; they cover the whole. It is irresistible logic. I know that Southern statesmen always clung during the prevalence of slavery to the strictest construction of the Constitution. They did that to defend their slave property. They maintained that Congress had no power to do anything whatever under the general-welfare clause, and they maintained this through thirty-five years of angry and bitter discussion in the Halls of Congress. I think they persuaded themselves into the conviction, as men very often do, and maintained it until the conflict of opinion resulted in a disastrous war, in which they lost both slaves and their theory.

Mr. MORGAN. May I ask the Senator a question?

Mr. WILLIAMS. Of course I yield.

Mr. MORGAN. Were they not honest in their opinion?

Mr. WILLIAMS. I am satisfied they persuaded themselves—they absolutely believed in an erroneous view.

Mr. MORGAN. An honest view.

Mr. WILLIAMS. No doubt it was honest; I am satisfied about that; but there is no denying the fact that the general-welfare clause is in the Constitution, and it is there to stay, and the only way to get clear of it is to amend the Constitution and strike it out, as the confederate convention at Montgomery, Ala., did when they made their constitution.

Now, sir, I take it that all proper governmental powers are vested somewhere. Under our dual system, those of a local character and application by the Constitution were reserved to the States; those of a general character, that could not be attended to so well by the States in their several independent capacities, were granted to the common Government. Therefore the local welfare was left to the States, and the general welfare was intrusted to the National Government. These are my views.

Every government must possess some elasticity, some power of expansion to adapt itself to the growth of a nation. If it were not so, this Constitution of ours would not have stood through two generations of men. It would be as ridiculous to expect a fully grown man to wear the clothes of his boyhood as for a nation of 60,000,000 of active and restless people like our own, with their hundreds of cities, with all their varied industries and complicated commercial relations, moving forward with that accelerated speed which electricity and steam have imparted to modern progress, to be controlled and governed by the simple rules which were ample for two or three millions of peaceful farmers scattered over the thirteen original colonies that composed the Union at the time of the formation of the Government.

Sir, the enumerated powers granted to the General Government are very few in number in the Constitution. There is no attempt at an enumeration of the reserved powers. The lines between Federal and State jurisdiction are not always very clearly defined or strongly marked, and when a conflict comes the true interpretation is, if the question is too big to be handled by a State then it becomes a national one and comes under the jurisdiction of Congress.

I do not know how these views may strike the learned *doctrinaires* of the law, but they are the views of common sense, and sometimes common sense arrives as near at the proper conclusion of a law question as the ablest and most learned lawyer, sometimes even more so, as my able friend on my right [Mr. RANSOM] says.

But, Mr. President, I did not propose to discuss the constitutionality of this measure. We have been led away from it. This debate has taken a range as wide as the famous debate on the Foote resolutions. It has embraced not only the economic concerns of our own country, but has gone into our foreign relation and has hardly touched the question for the last week or ten days. The whole time of the Senate has been occupied in discussing the constitutionality, and not the merits of the bill.

A great many objections have been urged to it. I listened to my colleague's speech. There is nothing in it to which I am required to reply because he did not touch the pending bill at all except simply to say that it was a corrupting measure and when we got it through and got the money into the South they would want Republican carpet-baggers down there to take charge of our schools. Mr. President, this has been the cry for thirty years whenever there was a proposition for the Government to make any grant of land or money to the people; it has been said that it would be a bribe to the States, an entering-wedge for the Federal Government to control State institutions and State authority; but we all know how much we have got from the National Government. My State has two splendid colleges that owe their endowment entirely to it, and there has been no interference by the Federal Government. Not one of the friends of this measure on the other side has favored such interference; the very leader himself has declared against it. The bill does not propose that the National Government shall follow this money into the States and take control of the schools.

Mr. President, this is a proposition so manifestly humane and just that it is difficult for me to see how anybody can withhold his support from it. Whatever objections Senators may have to the details of this measure, not one of them can withhold his sympathy from the noble purpose of the bill, which is to enlighten the ignorant masses of our people by placing within the reach of every child, black and white, in this whole country the means of a common-school education. The bill proposes to distribute among the States upon the basis of illiteracy about $105,000,000, beginning with $15,000,000 the first year, $14,000,000 for the next, and reducing on down by the sum of $1,000,000 a year until the whole term is covered. This fund is to be turned over to the State authorities, to be by them applied through their own educational

machinery to the purpose of common-school education, and not, as the opponents of the bill on this side of the House declare, to be controlled by the Federal Government.

And yet, sir, a bill so philanthropic, so patriotic as this, meets with very determined and resolute opposition in the American Senate. Some of the gentlemen oppose it on the ground of constitutional objections, others upon grounds of policy and expediency, and others again upon the ground that they are not willing to trust the Southern people with the distribution among their children of their portion of the fund. My able friend the Senator from South Carolina [Mr. BUTLER] said that he had grave doubts as to the constitutionality as well as policy of the bill, and that he would give the benefit of his doubts to the Treasury of the United States.

I have no doubts in regard to this matter at all, either as to the constitutionality or as to the wisdom of the measure; and if I had, I should give the benefit of those doubts not to a plethoric treasury, but to the poor, ignorant human souls living and dying in ignorance and vice. I would try to throw some rays of light into the dark cells of their prison-house that might bring them up to a higher plane of manhood and freedom.

Ah, sir, our fathers who framed our system had no doubts or scruples on this subject. They founded a republic and based it upon the intelligence and virtue of the people, and hence we find it to have been the steady policy of every administration and the cherished purpose of all leading statesmen from Washington down to encourage by every means in their power the dissemination of useful knowledge among the people. They gave away vast portions of the public domain, that most magnificent inheritance with which God ever blessed a people. They gave it to endow universities, colleges, high schools, and even common schools, for I may say without exaggeration that the whole school system of this country is founded upon national endowment.

But it is said that there is a wide difference between land and money. I must confess that my perceptions are too dull to perceive the nice gossamer thread of that argument. The men who heretofore opposed the grants of land never saw any distinction, and if you will read the debate on the proposition to grant land for the agricultural colleges, if you will read the veto message of Mr. Pierce, vetoing the measure appropriating public lands for the erection of insane asylums in the different States, you will see that no distinction was then made. Yet Senators now say that there is a wide distinction. I will just read one short paragraph from the veto of Mr. Pierce, to be found in the Congressional Globe, part 1, second session Thirty-fifth Congress, pages 714 and 715. He says:

> I have been unable to discover any distinction, on constitutional grounds or grounds of expediency, between an appropriation of $10,000,000 directly from the money in the Treasury for the object contemplated and the appropriation of lands presented for my sanction; and yet I can not doubt that if the bill proposed $10,000,000 from the Treasury of the United States for the support of the indigent insane in the several States the constitutional question involved in the act would have attracted forcibly the attention of Congress.
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> I respectfully submit that in a constitutional point of view it is wholly immaterial whether the appropriation be in money or in land.

Then there was no difference. Now, if the precedent of seventy or eighty years has established that Congress may grant lands, how can these strict-construction lawyers find a wide distinction between land and money? There is no distinction. Whose land was it that they gave away? Whose money do we propose to give? The people's money. The public domain was achieved by the common blood and common treasure of all the people; and when the Government gives it back to them for purposes of education or any general public purpose, it returns to them that which was already their own; and when we distribute a surplus in the Treasury for the purpose of educating the illiterate people of the country, we but return to the people that which was theirs. To whom does the money belong? To whom does the land belong? The people, not the Government. The Government is a pauper. It holds everything in trust for the use and benefit of the people. There is no humiliation, there is no degradation, there is no corruption, there is no loss of manly independence by accepting from the Government that which is your own and which the Government holds only in trust for you.

Mr. President, the provision of this bill to distribute the fund upon the basis of illiteracy instead of Federal numbers is a proposition conceived in a spirit of the broadest statesmanship and philanthropy. It is a voluntary surrender by the richer and better-educated States to the poorer and more illiterate ones of immense advantages in the distribution; and it can not be denied, for it is obvious, that by this magnanimity of the North the people of the South will get the lion's share of this munificent endowment, and I can not see how it is possible for a Southern Senator to withhold from his ignorant people this magnificent benefaction.

This inequality of distribution is not only a magnanimous concession from the better-educated States to the more illiterate ones, but it is founded upon principles of justice because of the inequality of the burdens to be borne.

Now, what are the facts? That by the war between four and five millions of half-civilized slaves were manumitted, very few of whom could read or write. They were invested with freedom before they had intelligence enough to understand the value of that blessing. They were made citizens before they were instructed in the duties and responsibilities of American citizenship. They were armed with the ballot before they were taught the use of that formidable weapon for good or for evil, and the control and the teaching and the education of all this dense mass of ignorance fell upon seven or eight millions of Southern whites, impoverished and ruined by a desolating war, in which they lost all their property, in which half their young men perished by the sword, in which their cities and towns were consumed, their fair homes desolated, and even their brood-stock destroyed.

A principal actor in this terrible drama wrote to his commander-in-chief in regard to one of the fairest and most fertile portions of that stricken land in these graphic words: "Desolation reigns over the land; it is indeed a desert, over which a crow may not venture to fly without carrying his rations with him." All the institutions of the South, social, educational, economic, and industrial, were swept away in this universal cataclysm of ruin. After the war came reconstruction, with all its attendant horrors. Vice and ignorance came to the front and took control of the State governments, while virtue and intelligence were thrust into the background and disfranchised. Hordes of hungry, needy adventurers in the shape of carpet-baggers came down from the North upon these defenseless people, and the robber took what the sword had spared.

The overthrow of the labor system made the negroes idle, lazy, and vagrant in their habits. They did not feel that they could enjoy their freedom upon the old plantations, and they wandered off to the towns or roamed over the country, seeing the sights, attending political meetings, drinking mean whisky, and saving the country generally. They seemed to think that the country owed them a living, and that they should have it without labor. They thought the Freedmen's Bureau was to support them in idleness as long as they lived. They waited a long while in vain for the "mule and forty acres," and when the bureau was abolished and the rations stopped then for the first time they began to see that the black man as well as the white man could not escape the law of Almighty God, that "in the sweat of his face man should eat his bread all the days of his life." When they found this out they came back to the old plantations and went to work.

This negro property had constituted half the wealth of the Southern people, and with its loss the land deteriorated in value from 60 to 90 per cent., and in many instances even more than that, and even that the carpet-bagger undertook to confiscate by excessive taxation.

Mr. President, after all these calamities and the frequent visitations of yellow fever and overflow we must admit that the cup of misery of the Southern people was filled to the brim, that no people in all history were so sorely tried as they have been, and that they should have made any progress at all, that they should have worked or striven, that they should have preserved their manhood, is a marvel; but we have it upon the best authority, the authority of the ablest educator of the North and South, that to-day in every Southern State of this Union there is in operation a system of common schools with all the machinery necessary to make them as efficient as the schools in any State of the Union, and all that is wanting to give them that efficiency is more money with which to run them.

Now, sir, by the terms of this bill the people of the South will get three-fourths of the fund.

Mr. MORGAN. Will the Senator from Kentucky allow me to ask him a question?

Mr. WILLIAMS. Yes, sir.

Mr. MORGAN. Is it his opinion that if the number of schoolmasters and the number of school-houses had been doubled during the calamitous period he talks about the negroes of the South would have been benefited?

Mr. WILLIAMS. I do believe education makes a negro a better citizen and a better laborer, makes anybody better, for I have tried it myself on my own farm; and I tell you that an intelligent man is worth twice as much as an ignorant man as a laborer. See the difference between the negroes down South and in Kentucky, where all of them have more or less education, for education is not confined to the school-house; it is derived also from association with intelligent people. Education comes from that as well as from the school-house. Our negroes in Kentucky have intelligence enough to manage any machinery, let me tell the Senator from Alabama. In my country you find a great many blacksmiths, plasterers, and carpenters are negroes; they can work all farm machinery. They are the best coachmen we have.

Mr. President, there is no people in this country more anxious for the advancement and education of the negro than the people of the South. It is to them a necessity. They know that he must be educated; he must be civilized, or he will go back to barbarism. They know this perfectly well; and everybody down South understands that intelligence will make a man, black or white, a better citizen and a better laborer.

I am sorry that my friend the Senator from Ohio [Mr. SHERMAN] is not in his seat, for I regretted the other day to hear him express himself in terms of such distrust of the justice and fairness of the Southern people as to say he would not trust them with the disposition of their portion of this fund. He wholly misstates the race prejudice at the South, for every man who knows the negro as well as I do, or half as well as I do, knows well that there is far more prejudice at the North

against the negro than there is at the South. The negroes understand this themselves. Whenever one gets into trouble he flies at once to the old master for help. He goes to the Southern man first. "True as gospel," I hear a gentleman say. There is no doubt about that; and to say that the Southern people are prejudiced against the negro is a wide mistake.

To say that the object of the Congress of the United States in granting this aid to the common schools is to make a political machine of them is trifling with the question. It is an insult to American statesmanship to say it. There is no such purpose. There is more opposition on the Republican side to this bill at this moment than there is on the Democratic side. Too many of you are afraid to intrust us with the management of this fund. That is the only trouble. You all sympathize with the great purpose of the bill, which is to lift the ignorant children of the country from ignorance and darkness.

Mr. President, there is nothing in the objections as to the influence of the Federal Government over these schools. Why has it not taken control of the universities and colleges and public schools out West and down South? Nearly all the great schools in my State were founded on the distribution of money and land from the Federal Treasury. The Federal Government has never attempted to interfere with our deaf and dumb asylum or our agricultural university, and the very foundation of Kentucky's common-school system to-day is her portion of the distribution of the surplus in the Treasury in 1837. We have added to it year by year by taxation, by turning in various sources of revenue the State had from fines and penalties, and her share of the turnpikes and railroads and things of that sort. She has put them all into the common-school fund, and we have now about $1,300,000 annually to appropriate, and when we get a million from the Federal Treasury under this bill our schools will go on advancing.

It is nonsense to say that this donation will destroy and damage in the end the common schools. You might as well say that it is bad policy to give a young man just starting in life a few hundred dollars, because it will make him dependent upon his father and destroy his manly self-reliance. No, sir; there is nothing in all that. Start these schools into successful operation, and before the period runs round when the aid will terminate their success will be so marked and universal that all will be willing to tax themselves to continue the advantages of the system.

Sir, the three great civilizers of the world to-day are the Gospel, the school-house, and the railroad. When you shall have carried these great agencies of modern civilization into all the dark nooks and corners of the land you will have placed your institutions upon firm foundations.

Sir, there can be no real freedom where ignorance and prejudice prevail. The thraldom of the taskmaster is not half so galling as the bondage of ignorance and vice. The one enslaves the freedom of the body, the other enslaves the immortal soul.

Mr. MORRILL. Mr. President, when the Senator from Kentucky [Mr. BECK] who first addressed the Senate sat down I did propose to say something; but the admirable speech of the last Senator from Kentucky [Mr. WILLIAMS] who has spoken has nearly driven out of my mind the speech made by the first Senator. I must say that I had supposed we should not proceed to discuss the tariff question until some tariff bill was before us, but the Senator from Kentucky [Mr. BECK] has brought it in here to-day, as he often has done heretofore, and as I presume he will again. I believe that the Senator from Kentucky was born left-handed.

Mr. President, a single word in relation to one or two points of his speech. The fact of the Senator seizing this opportunity to address the Senate on the tariff seems to be an indication that he was doubtful about having an opportunity of discussing it when it is legitimately and regularly in order. Indeed, he expresses himself as somewhat doubtful whether the tariff bill of Mr. MORRISON will ever reach the Senate. But I should not dare to give the country encouragement from these doubts exhibited and expressed by the Senator from Kentucky. If it could be announced to the public that that bill was not to come to the Senate I think it would be the greatest measure of relief that the country has had for some considerable time.

At the present time we look abroad, and we find that almost every species of property is being depressed and going lower day by day in point of price or value. It is so with agricultural products, it is so with manufactures, and it is so with stocks. I had a letter this morning from Saint Louis from one of the first merchants there, in which it was stated that business there was fair, and but for the agitation and uncertainty as to the action of the House on the tariff the writer thought they would get along prosperously.

Mr. President, the Senator from Kentucky of course has made an able speech, as he always does, and it has been decorated with the usual amount of classic quotations from speeches made on this side of the Chamber which he most frequently presents. So far as his castigation or whipping of myself was concerned, I must say very much in the words of the little boy who was being flogged by his own mother, and when he cried she asked him why he was crying. "Why," said he, "I think, mother, your strength begins to fail; you don't strike me so hard as you used to." [Laughter.]

But, Mr. President, he recovered his strength when he came to deal with the recusants of the Democratic party, and intimated that they were sneaks and cowards if they did not support the Morrison bill, and again I thought he recovered it a little when he got after the Senator from Mississippi [Mr. GEORGE].

But, Mr. President, there is one great error in the whole statement of the Senator from Kentucky that I can not forbear even at this late hour to refer to, and that is in relation to the amount of percentage of the present tariff compared with the tariff before the last act was passed. If you will take the amount of our importations as they were before the 30th day of June, 1883, and compute the amount of the tariff upon them, you will find that the estimated rate of reduction from the then existing tariff was not very far from being accurate. It is the fall in prices that has made the difference between the estimate then and what turns out perhaps to be the fact now; that is to say, iron, Bessemer-steel rails, every description of woolen goods, every description of cotton goods, have gone down in price, and wherever the duty is levied as a specific, of course when you come to translate it into an ad valorem it will appear as a greater percentage.

But, Mr. President, I mainly rose to say this, that the Senator from Kentucky having brought this subject before the Senate on a question that was wholly inappropriate, I trust the Senate will hereafter give me, if no other Senator chooses to discuss it, an opportunity to make some sort of reply to quite a number of the propositions that were presented by the Senator from Kentucky, and I promise that I will not take half as long in preparing a speech as was taken by the Senator from Kentucky, and I hope not more than half as long as he occupied the attention of the Senate in delivering it.

Mr. BAYARD obtained the floor.

Mr. HOAR. I ask the Senator from Delaware to yield to me while I give notice of some amendments which I wish to have printed.

Mr. BAYARD. Certainly.

The PRESIDING OFFICER. If there be no objection, the amendments will be received and printed.

Mr. HOAR. I will not detain the Senate with having these amendments read at length if they may be printed in the RECORD and also printed formally in document form.

The PRESIDING OFFICER. The amendments will be printed in the RECORD if there be no objection. The Chair hears none.

The amendments of Mr. HOAR are as follows:

Amend section 1, line 3, by striking out "ten" and inserting "eight."

Further amend section 1 by striking out the words after "to wit," in line 5, down to and including the words "shall cease," in line 11, and inserting in lieu thereof:

"The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000."

Strike out all the eleventh section after the word "child," in line 7, and insert: "Without distinction of race or color an equal opportunity for education. The term 'school district' shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools."

Amend section 5 by striking out all after the word "laws," in line 6.

In section 2, strike out all after the word "States," in line 6, and insert "such computation shall be made according to the census of 1880."

Mr. HOAR. I wish to say, if I may trespass on the indulgence of the Senator from Delaware, that the principal change that the amendments which I move makes is that instead of beginning with $15,000,000 and then going down to a very small amount, I suppose it may be likely that some of the States may not be prepared to make so large an increase in their expenditure, and will not have the machinery ready the first year, and my amendments propose to give $7,000,000 for the first year; ten millions for the second; fifteen millions for the third, and then to go down, diminishing two millions a year, to five millions, when the grant is to stop; and it ends in eight years instead of ten, not carrying the operation beyond the census of 1890, when by the bill as it now stands there will be a very small amount to be divided and on an altogether different principle of distribution. This reduces, therefore, the whole amount which this bill provides for from one hundred and five millions to seventy-seven million dollars.

Another amendment which I propose is one which, being merely a change of phraseology, is to require the States to pay as much as they expend. That is already in.

Mr. HARRISON. Will the Senator from Delaware yield to me?

Mr. BAYARD. Yes, sir.

Mr. HARRISON. I offered the other day an amendment, which is pending, to the effect that the amount allotted to any State should not exceed the amount expended by that State in the preceding year for school purposes, excluding school buildings. Of course that amendment made necessary some preliminary report from the State in order that the Secretary of the Interior in making the distribution might know how much had been expended in the preceding year, and so make the distribution for the first year. I desire to offer an amendment now that will provide for that preliminary report, and also for striking out entirely from the bill the District of Columbia, upon the idea that we administer directly the law with reference to the District of Columbia now, and that it would simply be confusing things to introduce the District into the bill.

I have not embodied in the amendment which I now present the idea

contained in the amendment I suggested the other day, that the distribution should be confined to States having an illiteracy exceeding 10 per cent. I have omitted that feature from this amendment, being of the opinion that if so much money even as is proposed by the Senator from Massachusetts is to be given it should go to all the States, but still upon the basis of the illiteracy of the total population. There are some other changes proposed, but these are the principal ones, and I need not detain the Senate to explain the others. I ask that we may have a reprint of the bill with these amendments and with the amendments offered by the Senator from Massachusetts, so that they may be together before the Senate to-morrow morning.

Mr. FRYE. Let the amendment appear in italics in the bill.

Mr. BLAIR. Let them be printed as separate amendments, not incorporated in the text of the bill.

Mr. HARRISON. I do not mean to incorporate them in the text of the bill, to be treated as the text of the bill, but simply that they may be printed with the bill in italics, so that Senators may see just what is stricken out and what is proposed to be inserted, instead of having to refer to line 7, for instance, and see what comes out there and what is inserted and work it out in that way.

Mr. BLAIR. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Indiana [Mr. HARRISON]? If there be no objection that order will be made, and the bill and amendments will be printed as suggested.

Mr. BAYARD. I understand that the Senator from Mississippi [Mr. GEORGE] desires to make a short explanation of his remarks, possibly of yesterday. I shall ask the favor of the Senate of their attention for a short time to-morrow. I desire to express my view upon this measure. I shall not do so to-night. I will therefore yield for the purpose of allowing the explanation to be made by the Senator from Mississippi.

Mr. BLAIR. In this immediate connection will the Senator from Delaware allow me to say a word? In order to facilitate the desires of Senators I should like to give notice that to-morrow at the close of the morning business I shall move to take up the bill so that the Senator from Delaware may be early heard.

Mr. BAYARD. I shall assist the Senator by my vote for that purpose. I yield to the Senator from Mississippi for the purpose of an explanation.

Mr. GEORGE. Mr. President, I was interrupted when I was making the explanation which I thought was due to the Senator from Kentucky [Mr. BECK]. I wish to add only a word or two to what I have said in reply to the Senator from Kentucky. I desire to repeat my expression of my regret that he should ascribe a remark of mine (made perhaps in a too playful spirit) to a disposition to undervalue his great service to the country on the questions of the tariff. I disclaim any such purpose. Almost at the very moment the Senator entered upon his retort upon me I was expressing to a brother Senator [Mr. SLATER] my admiration of his great and enduring contribution to the thought and learning of the country upon the subject.

In one thing the Senator I have no doubt will, upon reflection, see that he has done me injustice. If he will look again at the debate as it is reported he will find my remarks (alluded to by him) were in reply to a question propounded by him to me, and not, as he stated, to the Senator from Texas.

Sir, if I have said anything in this debate, or if I should at any time say anything unacceptable to him, I hope he will attribute it to the infelicity of extempore speech, or to any cause other than a want of admiration for his talents or respect for his character, or gratitude for essential and great services rendered by him to my own State at a time when she had to rely on others than her own sons to defend her.

Mr. HARRIS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *April* 3, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### LEAVE TO SIT DURING SESSIONS.

On motion of Mr. MATSON, by unanimous consent, the Committee on Invalid Pensions was granted leave to sit during the sittings of the House.

#### LOAN OF FLAGS, BUNTING, ETC.

Mr. GEORGE D. WISE. Mr. Speaker, I ask unanimous consent for the introduction and present consideration of a resolution which I believe will not be objected to after it is read.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized to loan to the mayor of the city of Richmond, Va., or to such committee as may be appointed by the R. E. Lee camp to receive the same, such flags and bunting as can be conveniently spared, to be used in the decoration of the armory of the First Regiment of Virginia Volunteers on the occasion of a fair to be held there in May, 1884, to raise funds to build a home for maimed and disabled confederate soldiers, with such security for their prompt and safe return as he may deem necessary: *Provided*, That the transportation of said flags and bunting to and from Richmond shall be without expense to the Government.

The SPEAKER. Is there objection to the present consideration of the resolution.

There being no objection, the joint resolution (H. Res. 223) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GEORGE D. WISE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### EULOGIES ON THE LATE THOMAS ALLEN.

Mr. BROADHEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 1819, to print certain eulogies delivered in Congress upon the late Thomas Allen, of Missouri, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

*Be it enacted, &c.*, That there be printed of the eulogies delivered in Congress upon the late Thomas Allen, a member of the Forty-seventh Congress from the State of Missouri, 12,000 copies, of which 4,000 shall be for the use of the Senate and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury is hereby directed to have printed a portrait of said Thomas Allen to accompany said eulogies; and for engraving and printing said portrait the sum of $500, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. BROADHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JAMES H. WOODARD.

Mr. PEELLE, of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 1027, for the relief of James H. Woodard, and put it upon its passage. I will state that a report has been made by the War Claims Committee, through the gentleman from Ohio [Mr. GEDDES], for a similar bill in the House.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

*Be it enacted, &c.*, That the Paymaster-General of the Army is hereby ordered to pay to James H. Woodard, late adjutant of the One hundred and twenty-eighth Regiment of Indiana Volunteer Infantry, the pay and allowances of an adjutant of infantry from the 7th day of March, 1864, to the 22d day of June, 1864. Payment shall be made out of the appropriation for the Army for the present year.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. PEELLE, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ADDITIONAL LABORER IN FILE-ROOM.

Mr. BUCKNER. I ask unanimous consent to offer for reference to the Committee on Accounts a resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved*, That the Clerk be authorized to employ a laborer in the file-room, to be paid out of the contingent fund of the House, at the rate of $30 per month, during the present session.

There being no objection, the resolution was read, and referred to the Committee on Accounts.

#### INDIAN MASSACRE IN OREGON.

Mr. GEORGE. I desire to offer a privileged report from the Committee on Indian Affairs for present consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred the following resolution—

"*Resolved*, That the Secretary of the Interior be, and he is hereby, authorized and requested to make an examination and investigation into the massacre by Indians of Dr. Marcus Whitman and others, in the Columbia River Valley, Oregon, in 1847, and to report to this House the names and ages and sexes of those massacred, and also of all those who survived or escaped said massacre (at said times and places), and now living, with their present places of abode; and what property, kind and value, was destroyed, and to report any and all facts referring to said massacre, and to make such recommendations in the premises as the facts ascertained by him seem to justify"—

beg leave to report that the massacre of Dr. Marcus Whitman and others by Indians, in the year 1847, was an event in the history of the early settlement of the Pacific Northwest, and the claims of the survivors are entitled to consideration. There appears to be much valuable information in the Interior Department, and accessible to the officers of the Indian Bureau. Your committee think that all

the information should be collected and reported to Congress, both as a matter of record and for such use as may be deemed advisable. Your committee therefore report the resolution back with the recommendation that it do pass.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. GEORGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA MONTH'S PAY.

Mr. DOCKERY. Mr. Speaker, I ask leave now to call up the joint resolution (H. Res. 66) providing a month's extra compensation to certain employés of the House of Representatives for present consideration.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. REAGAN. I wish to inquire if that resolution comes from a committee.

Mr. DOCKERY. The resolution is identical in terms with a resolution reported by the Committee on Accounts, which has been referred to the Calendar of the Committee of the Whole House on the state of the Union.

Mr. REAGAN. I object.

Mr. ELLIS. I demand the regular order.

EMPLOYÉS IN FOLDING-ROOM.

Mr. SPOONER. I rise to make a privileged report. I am directed by the Committee on Accounts to report back the resolution which I send to the desk and request its present consideration.

The Clerk read as follows:

*Resolved*, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ twelve additional laborers in the House folding-room for the purpose of folding speeches, to be paid out of the contingent fund of the House at the rate of $720 per annum: *Provided*, That the said twelve additional employés shall be dropped from the rolls of the Doorkeeper at a period of not more than one month after the expiration of the present session.

The report of the committee was read, as follows:

The Committee on Accounts, to whom was referred the above resolution, respectfully report that they have considered the same and find that the necessity exists for the employment of such additional assistance, and therefore recommend the passage of the resolution.

Mr. RANDALL. I would suggest that this work should be done by lads, not by laborers, which implies grown persons. It can be better done by boys than it can be done by men, and the mode of payment ought to be so much per thousand for the work done, as heretofore. I have no objection to the securing of this work to be done, but I think it can be more efficiently performed in the way I suggest.

Mr. COX, of New York. I answer my friend from Pennsylvania by saying that the plan which he suggests of having the work done by boys at so much a thousand has been tried and was an utter failure. One-half of the speeches were so folded as to be worthless; five hundred out of every thousand stuck together. They found out in the folding-room that the best plan is to get men, who will take some care in this business.

So far as this resolution is concerned, it is the same as was introduced in the last session, and is the customary resolution, as I find by looking back in the RECORD. The Doorkeeper, at my suggestion, this morning has made a little statement of facts, which I will submit to the House, for we are all interested in this matter. There are 25,000 speeches now received daily in that folding-room, and after a little, after a fortnight or so, especially after the Presidential campaign becomes more active, we will have five or ten times as many.

Mr. BROWN, of Pennsylvania. How many will there be of your tariff speech?

Mr. COX, of New York. Oh, I will not say anything about the tariff. I will inform the gentleman, however, that there are 75,000 copies of my speech now in process of folding, I hope for the general and common weal. I am informed by the Doorkeeper there are 50,000 speeches now in the folding-room waiting to be folded. There are 30,000 books and documents, not speeches, now on hand to be folded which require to be sent to members. An average of 12,000 of these books and documents are being received daily in this immense folding-room.

Mr. KASSON. How many employés are there there?

Mr. COX, of New York. About twenty-five.

Mr. KASSON. How many are employed in folding?

Mr. COX, of New York. I think only four or five now.

Mr. KASSON. What do the rest do?

Mr. COX, of New York. I have a statement here of this work in the last Congress. Mr. Urner, of Maryland, who reported a similar resolution in 1882, said:

There are now, as I am informed by the Doorkeeper and the superintendent of the folding-room, thirty persons employed in folding documents and speeches, and they are distributed and are employed in receiving and sending out the mail direct from the folding department. A great many members of Congress, we are informed, have their documents mailed direct from the folding-room, and do not, therefore, have them sent to their rooms. Four are employed in filling the orders of members. One man is employed in keeping a register of accounts of members in regard to their documents. Then there is one person employed on a speech-book, keeping an account of speeches; one for miscellaneous work, a man-of-all-work around the department, who is considered one of the most important men.

The folding-room is now being filled up, and a greater number of these books and documents will be received from now on. Within the next ten days the Agricultural Reports will be in to the number of 100,000. This statement does not include the reports, &c., that are being constantly received for folding. If, therefore, anything is to be done to utilize this organization for sending out our speeches we must pass the customary resolution.

Mr. RANDALL. Nobody objects to having this work done. But my judgment is, and I believe it is formed upon experience, that it can be better done by boys than by men. And there ought to be a contract limitation. There ought to be a fixed price of $1, $1.25, or $1.50 per thousand, and not a wide discretion to pay any price. The pay of these laborers would be $60 per month. And therefore I suggest to the gentleman from New York [Mr. COX] an amendment providing that the work shall be done by boys, and that it shall be done at a contract price. From one dollar to a dollar and half per thousand I think would be the right price.

Mr. KASSON. Let it be the usual price heretofore paid.

Mr. RANDALL. I would have it the usual price. But I would like to give these boys this work at any rate.

Mr. KASSON. More work would be done in that way.

Mr. RANDALL. I believe it would be done quicker and better.

Mr. COX, of New York. The Doorkeeper tells me the work can not be done in that way.

Mr. RANDALL. I do not care what the Doorkeeper says. I have been here longer than he has been.

Mr. COX, of New York. And I have been here longer than the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania moves to amend the resolution by striking out "at the rate of $720 per annum" and inserting a provision that boys shall be employed and paid at the usual contract price.

Mr. COX, of New York. What is the usual contract price?

Mr. RANDALL. A dollar or a dollar and a quarter a thousand for speeches, I believe.

Mr. MCMILLIN. It was a dollar a thousand in the Forty-sixth Congress, when boys were employed for the purpose. I agree with the gentleman from Pennsylvania [Mr. RANDALL] that this work was done then by boys. My experience has not gone in the direction of the experience of the gentleman from New York [Mr. COX]. So far from finding one-half of the speeches lost by reason of being improperly folded, I have not found that any were lost.

Mr. REED. Can these speeches be folded in the way they were folded in the last Congress at any such price as was paid for folding them in the Forth-sixth Congress? The method used in the Forty-seventh Congress was superior to that in the Forty-sixth Congress.

Mr. MCMILLIN. Let the price be fixed at a proper rate and the work will be done properly, if care is exercised in the selection of boys for the purpose when there is work for them to do. I have seen the time when the folders were there with nothing to do, when there were not speeches adequate to the number of employés. And the very same thing will occur under the resolution of the gentleman from New York [Mr. COX] if it is not amended as suggested by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. REED. I do not want to interfere in this question of economy, for of course no Republican has any right to do that in this Congress——

Mr. MCMILLIN. And the gentleman has no tendency that way.

Mr. REED. I simply want to say that we do not desire to have any inferior folding done; that is all. That is our department and we have a right to speak about that.

Mr. MCMILLIN. And in that you will meet a concurrent sentiment on this side of the House.

Mr. KASSON. It is a mere matter of the proper construction of the force.

Mr. SPOONER. This resolution provides for a force in the folding-room such as has been heretofore provided in previous Congresses. That force seems to be necessary in order to do the work with which that office is burdened during the long session of each Congress. The Committee on Accounts have examined the matter and believe that this additional force is required, and they have reported back the resolution in the form in which it was submitted to them.

I do not know that the committee has any special desire as to whether men or boys should be employed for this purpose, or whether those employed should be paid at a fixed salary per month or at a contract price. That I think the committee are quite willing to leave to be decided by the judgment of the House. I will move the previous question on the resolution and amendment.

Mr. RANDALL. If the work is to be done under contract, I do not want the number of boys employed to be limited. That will depend upon the amount of work to be done.

The SPEAKER. The gentleman proposes simply to employ an additional force.

Mr. RANDALL. A force of lads from time to time sufficient to do the work at a contract price.

Mr. KASSON. Would it not be well also to provide that the terms shall be approved by the Committee on Accounts, so that they may regulate the prices to be paid for different classes of work?

Mr. RANDALL. Very well; I think that is well enough.

Mr. COX, of New York. I hope the amendment will not be adopted, for it will be equivalent to doing nothing to relieve the folding-room from the pressure now upon it. Besides, I am not certain that there is any law fixing a contract price.

Mr. RANDALL. I do not think the gentleman should say that my amendment will be equivalent to doing nothing to relieve the pressure upon the folding-room, when I provide for the employment of a sufficient force.

Mr. DOCKERY. I desire to say that the Committee on Accounts have given this matter some consideration, and agreed to report the resolution as submitted by the gentleman from New York [Mr. COX]. But inasmuch as it will cost less to the country to accept the amendment of the gentleman from Pennsylvania [Mr. RANDALL] than it will to discuss it, I hope the member of our committee having the matter in charge will accept the amendment and let the resolution be passed.

The SPEAKER. The Clerk will now report the amendment as proposed to be amended.

The Clerk read as follows:

*Resolved*, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ an additional force of boys in the House folding-room for the purpose of folding speeches, to be paid out of the contingent fund of the House at the usual contract price: *Provided*, That the said additional force of boys shall be dropped from the rolls of the Doorkeeper at a period of not more than one month after the expiration of the present session.

Mr. RANDALL. The gentleman from Iowa [Mr. KASSON] suggested a further amendment, which was that the contract prices should receive the approval of the Committee on Accounts.

Mr. KASSON. If there is no question as to what the usual contract is that would not be necessary.

Mr. STORM. What is the use of the proviso in the resolution in view of the fact that the work is to be done by contract?

Mr. RANDALL. The latter part of the resolution should be stricken out, so as to have these boys discharged when the work is done.

Mr. KASSON. I think the work will be done by the time named.

Mr. SPOONER. At the request of the gentleman from Ohio [Mr. HILL] I withdraw temporarily the demand for the previous question so that he may be heard.

Mr. HILL. I trust the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] will not be adopted. Boys were employed in the Forty-sixth Congress for this purpose. They have been employed in this Congress. The other day when we had the Morrison tariff bill printed and distributed to members, when it came to be folded we found laid upon our desks in the same packet a print of the journal of the Reconstruction Committee of the Thirty-ninth Congress, and in some cases they were sent out by members as the tariff bill.

Mr. STORM. I deny that the boys were guilty of that trick of foisting upon members of Congress a document not intended to be sent to them. That was done by somebody connected with the office of the superintendent of the folding-room.

Mr. HILL. I do not say by whom it was done.

Mr. STORM. I do.

Mr. HILL. It is one of those things which may occur whenever boys are employed.

Now, where the work is done at a stipulated price by the thousand, the boys are so anxious to make money rapidly that they get the documents pasted together and mixed up in every conceivable manner. Why not let the Doorkeeper employ a force of competent men to assist him in the folding-room, with instructions to discharge them when he does not need them? We might as well give him discretion in the employment of men as in the employment of boys. What is the difference? I know that these boys in the folding-room do their duty as well as they can; but the trouble is they are crowded too much. Besides, members should recollect that this is the Presidential year; and every member wants to make a campaign speech; so that there will be three times as much work to do as usual.

Mr. Speaker, I am opposed to that kind of economy which begets negligence in public affairs. It is false economy, and will not do credit to any party here or elsewhere. The Forty-sixth Congress is no criterion by which the work of this Congress can be judged. We have thirty or forty more members here now than there were in the Forty-sixth Congress. We have a larger constituency than members of the Forty-sixth Congress had. It requires more force to do the work of this Congress; and I hope the House will be generous enough to give it.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. RANDALL], which, as the Chair understands, includes a proposition to strike out the proviso of the resolution.

Mr. RANDALL. Yes, sir. Let this additional force be employed so long as may be absolutely necessary and no longer. If this force be required for three or four months during the recess, they can be employed.

The SPEAKER. The resolution as proposed to be amended by the gentleman from Pennsylvania will be read.

The Clerk read as follows:

*Resolved*, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ an additional force of boys in the House folding-room for the purpose of folding speeches, to be paid out of the contingent fund of the House at the usual contract price while employed.

Mr. WARNER, of Ohio. The words "to be approved by the Committee on Accounts" should be added.

The SPEAKER. The first question is upon that portion of the amendment of the gentleman from Pennsylvania which proposes to strike out the proviso at the end of the resolution.

Mr. RANDALL. That should go out entirely.

The question being taken, it was decided in the negative; there being ayes 18, noes not counted.

The question being taken on the remaining portion of the amendment of Mr. RANDALL, it was not agreed to; there being—ayes 52, noes 67.

Mr. DINGLEY. I ask for the reading of the resolution as modified.

The SPEAKER. It has not been modified. The question is now upon the adoption of the resolution as reported by the committee.

The resolution was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

Several members called for the regular order.

Mr. ELLIS. I move that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

## INDIAN APPROPRIATION BILL.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of continuing the consideration of the Indian appropriation bill; and pending that motion I move that all debate in Committee of the Whole on the pending appeal be limited to ten minutes.

Mr. CALKINS. Mr. Speaker, I make the point of order that debate upon a question of order in Committee of the Whole is a matter within the control of the chairman.

The SPEAKER. The Chair does not think that the House can control this question.

Mr. ELLIS. Then I call for a vote on my original motion.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair), and resumed the consideration of the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

The CHAIRMAN. The pending question is on the appeal of the gentleman from Illinois [Mr. CANNON] from the decision of the Chair.

Mr. HOBLITZELL. Mr. Chairman, I would not trespass upon the patience of the committee but for the fact that distinguished gentlemen on the other side of the House have taken upon this appeal anomalous positions, which in my judgment are without foundation in reason or in a fair construction of the rule, and are calculated, on account of the parliamentary ability of the gentlemen who have taken those positions, to mislead the judgment of the Committee of the Whole in its action.

The rule, I submit, was adopted for the purpose, as stated, of limiting the action of the Committee on Appropriations as well as the Committee of the Whole in any attempt to change existing law, and was designed to restrict such changes in accordance with the conditions expressed in the rule.

Now the provision of the bill under consideration does not attempt any such change of existing law; but this question arises upon the amendment submitted, which does seek to change existing law, and it is to this question that the attention of the committee is directed.

I submit that amendments proceed in one of three modes: either by a motion to strike out, or by a motion to insert, or by a motion both to strike out and insert.

Under the common parliamentary rule all amendments are admissible whether they are cognate to the proposition under discussion or not. Under this special rule an amendment is only admissible when it is cognate to the proposition. Under the common parliamentary law a motion to strike out and insert is divisible, but the first must be put before the other. But under the special rules of this House that common parliamentary rule has been abandoned, the House declaring by its rules that it shall be indivisible.

The first question to be determined is, is the amendment germane? How are you to ascertain that fact? What is the amendment? It is the entire proposition to strike out and insert. Simply to strike out would place you in the position stated by the gentleman from Ohio [Mr. KEIFER]. This proposition of the bill is simply an endeavor of the Committee on Appropriations to meet the condition of existing law providing for these civil Indian inspectors and their pay at so much per year. The amendment seeks to change existing law and at the same time strike out the appropriation. The motion to strike out, if it were

divisible from the other, would have no effect, simply because the law would still stand and a deficiency bill would have to be reported to meet the provision of the law. On the other hand, the proposition contained in a portion of the amendment to insert would not meet the change of law if it stood alone, because it does not retrench expenditure.

The gentleman from New York [Mr. HISCOCK] and the gentleman from Maine [Mr. REED] have stated that, if the ruling of the Chair is correct, then you may strike out any proposition in an appropriation bill and insert any other proposition, cognate or otherwise. I deny that under the very limitation of the rule, which declares it to be the duty of the Chair to determine whether the proposition is germane. That of itself is a complete answer to that proposition of those gentlemen.

Suppose a gentleman in moving to strike out this provision of the bill should attempt to change the Revised Statutes of the United States, would that be cognate to the proposition under discussion? Would it be cognate to the amendment? Not at all, and the Chair would rule the whole proposition out as not germane, because it must be germane as a whole. The proposition to change existing law here is cognate to the proposition in the bill. Why? Because by the motion to strike out you retrench expenditure, while the portion to insert changes existing law.

Mr. REED. It has got to be done in one time and one motion.

Mr. HISCOCK. I ask the gentleman from Maryland to yield to me for a question and to make a suggestion.

Mr. HOBLITZELL. Certainly.

Mr. HISCOCK. Part of the proposed amendment transfers a part of the duties confided to the Interior Department away from that Department and gives them to the War Department. Will the gentleman from Maryland tell me what distinction he would make between this proposition and a proposition to transfer the whole Indian Bureau from the Interior Department to the War Department? In the matter of principle and under the construction of this rule, how can the gentleman draw any distinction between the transfer of a part and the transfer of the whole Indian Bureau to the War Department?

Mr. HOBLITZELL. This amendment does not propose to transfer the Indian Bureau or any part of it from the Interior Department to the War Department. That is the way in which I understand the proposed amendment. As it has been perfected by the gentleman from Montana [Mr. MAGINNIS], it provides that the officers of the Army who shall be detailed and designated for the performance of the duties of Indian inspectors, now discharged by civil employés, shall remain and be under the control of the Interior Department. The case therefore is not analogous to the one stated by the gentleman from New York.

Now, the motion to strike out and insert being indivisible in every case, it is the duty of the Chair first to pass upon the question whether it is germane or not. It can not be germane if the proposition to insert is not cognate to the proposition it strikes out. Therefore this is within the provision of the rule, and the ruling of the Chair must be held to be the correct one.

Mr. REED. Will the gentleman permit me to ask him a question?

Mr. HOBLITZELL. Yes, sir.

Mr. REED. Would you consider a proposition to insert this without the provision to strike out as admissible?

Mr. HOBLITZELL. Of course not.

Mr. REED. Why?

Mr. HOBLITZELL. Because then it would not come within the provision of the rule.

Mr. REED. That answers the whole business.

Mr. HOBLITZELL. It would not be admissible for the simple reason that it is an attempt under a motion permitted by general parliamentary law to amend a bill in a way not within the meaning of the special rule of the House.

Mr. REED. If the gentleman will permit me I would ask, do you think that an inadmissible proposition can be dragged in by annexing it to an admissible one? In other words, does a good proposition make good a bad one or does a bad one make bad the whole proposition and vitiate the whole thing? Now, that is exactly the ground on which this stands.

Mr. HOBLITZELL. Not exactly.

Mr. REED. It is the identical question here.

Mr. HOBLITZELL. That is like the construction the gentleman gave on yesterday in the consideration of this question and in construing the rule by using this language, saying it should be read in this way:

"Nor shall any provision in any such bill or amendment"—
Now take out the unnecessary words—
"Nor shall any provision in any * * * amendment thereto, changing existing law, be in order," &c.

Mr. REED. That is correct.

Mr. HOBLITZELL. I say that question is just like the statement the gentleman made of the case. Now, Mr. Chairman, we are working under a special rule of this House. The general rule or the rule that governs parliamentary bodies and the common rule of parliamentary law would permit just the very thing that the gentleman from New York and the gentleman from Maine state in taking the position that they are taking on this question, and that is to break down the provision of the rule which says that the proposition to strike out and insert is indivisible.

Mr. REED. The gentleman will permit me to say that there is nothing in that.

Mr. HOBLITZELL. The gentleman from Maine knows full well that any amendment under the common parliamentary law may be offered, whether germane or not, and it is admissible for consideration. Whether it shall be accepted or not is a question for the determination of the House. But in this Committee of the Whole, under the special rule or the general rules adopted for its guidance, the duty devolves upon the Chair to determine whether a proposition is germane or not, and being germane, whether it retrenches expenditure. That duty has been exercised by the Chair, who has held that it is germane, because under section 7 of Rule XVI a motion to strike out and insert is indivisible. Otherwise what would be the use of the motion to strike out and insert and the rule declaring it to be an indivisible proposition, and still when you come into the House you say that it is divisible and that the rule shall not operate?

Mr. REED. The gentleman must see that that is only one way of putting the question to the House.

Mr. HOBLITZELL. What did the gentleman say?

Mr. REED. That the question of dividing the proposition is only one way of putting it to the House; that is all.

Mr. VALENTINE. Let me ask the gentleman from Maryland, do you hold the proposition to impose this duty now performed by civilian inspectors upon Army officers to be germane to the subject-matter of this bill simply because it is annexed to a motion to strike out?

Mr. HOBLITZELL. The motion to strike out and insert is admissible, and is admissible as one indivisible proposition; for the reason, in the first place, that the motion to strike out does retrench expenditures; and secondly, the motion to insert does change existing law and it is cognate to the matter under discussion.

Mr. VALENTINE. Then all that is necessary to make any amendment germane to the subject-matter, according to the construction the gentleman from Maryland gives it, is to first retrench expenditures—strike out "ten" and insert "five"—and then add to it something else, so as to make the proposition indivisible.

Mr. HOBLITZELL. No, sir; it can not be germane unless it is cognate to the proposition.

Mr. VALENTINE. But according to your construction it may be cognate if coupled with a proposition which would not in itself be admissible. Now, the proposition standing alone without the motion to strike out would not be germane.

Mr. HOBLITZELL. The gentleman will understand me to argue of course that you can not segregate the motion to strike out and insert.

Mr. CALKINS. Mr. Chairman, this presents an important question to the committee. It is very important that the rules shall be administered uniformly and correctly. Therefore no person who is temporarily in the chair should have any pride of opinion with reference to a decision of any question of order; and the only question to be determined is, what is the proper construction to be given to the rules? Now, I will state one or two facts, or call the attention of the committee to them, before proceeding to the discussion of the point of order that is now to be determined. Prior to the Forty-sixth Congress there had been a rule adopted which was formulated and introduced by my colleague. In the Forty-fifth Congress it was found that much legislation was often put upon appropriation bills, which led to very great difficulty. When the rules were codified in the Forty-sixth Congress the rule now under discussion was somewhat modified by the gentleman from Illinois [Mr. MORRISON], and a substitute offered by him was adopted, after long debate, in place of the rule as it had been previously adopted. The true construction of that rule gave rise to much discussion. It was comparatively new. The House had not operated under it nor had the committee.

Mr. Robinson, of Massachusetts, then a member of the House, presented an amendment, which materially reduced the amount upon the face of the bill and then added a proviso not connected with that reduction; and the then presiding officer, who is now the Speaker of this House, stated he was in doubt as to whether the provision as offered by the gentleman from Massachusetts was in order, but he would overrule the point of order for the purpose of having the committee determine the point. I have that decision before me. I will not stop to read it.

At that time, however, the committee was satisfied with the decision of the Chair and no appeal was taken; so that the first construction that this rule had was from the present Speaker of the House, procured by the gentleman from Massachusetts, who had offered a proposition by which he proposed to reduce and did reduce by his amendment the amount carried by the bill, but added a proviso to it immediately not connected with that reduction.

This took place in the Forty-sixth Congress. In the Forty-seventh Congress—it is true the political complexion of the House had changed, but that made no difference about the administration of the rule, because the rule is to be administered by all parties the same way or

ought to be—in the Forty-seventh Congress the question arose again, first, I believe, on the Post-Office appropriation bill. A point of order was immediately made—and I have the decision before me—the point of order was immediately made that the amendment was obnoxious to the rule, for the reason that upon its face it did not retrench expenditures and that the portion of the amendment reducing the amount was made simply for the purpose of getting another substantive proposition before the House. The gentleman from Pennsylvania [Mr. RANDALL] criticised very harshly the ruling of the Chair. I have before me the debate that took place. The Chair then remarked that he was following the decisions of Mr. CARLISLE and Mr. CONVERSE, which were precisely in point, but that whenever the point was made against any substantive proposition he reserved the right to rule upon that point when it came up.

Mr. REAGAN. Will the gentleman allow me to interrupt him simply to call his attention to the point that in each of those cases the substantive proposition offered was not an execution of the original purpose intended to be carried out, while this is intended to carry out the very object of the original proposition?

Mr. CALKINS. I will come to that in a moment.

I have those decisions before me and the debates that took place. Subsequently on the Post-Office appropriation bill in the Forty-seventh Congress, while the same gentleman was presiding, it was moved by the gentleman from Missouri [Mr. BLAND] to reduce the amount of money carried under a certain clause in that bill and add:

*Provided*, That it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law.

The amount that was carried by that clause of the bill was reduced in the amendment and this proviso followed. Mr. Robinson, of Massachusetts, made the point of order not against the whole amendment but against that clause of it which changed existing law, although it was germane to the proposition—and this answers my friend from Texas [Mr. REAGAN]—it was germane to the very proposition then under consideration and for which the amount to be appropriated had been reduced, which brings it precisely within the point here being discussed. Mr. Robinson made the point of order. After a very careful consideration the Chair made the following decision, which I will ask the Clerk to read.

The Clerk read as follows:

The CHAIRMAN. The Chair will state that this is the first time, so far as he has been able to learn, that the precise point of order made by the gentleman from Massachusetts has been made. Points of order going to the entire amendment have been made in the last Congress and in the present during the consideration of this bill, but the precise point now raised by the gentleman from Massachusetts has never before been made under the rule since it was amended. When the Chair decided a point of order raised upon an amendment reducing the amount covered by this bill an appeal was taken from the decision, as members will recollect, upon the point that where the amount was reduced for the purpose simply of attaching to the reduction a new substantive proposition not necessarily connected with it, it was not within the purview of the rule. The Chair, upon the point as then presented, maintained the same doctrine held by the gentleman from Kentucky [Mr. CARLISLE] and others when occupying the chair in Committee of the Whole in the last Congress.

The Chair now holds that a point of order against a substantive provision which upon its face has no relation to the amount which is reduced in another substantive proposition is well taken. In this case the amendment embraces two propositions. One is to reduce the amount covered by the bill. To that substantive proposition a point of order will not lie because it is within the rule. But as the second proposition—that "it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law"—is not a necessary part of the reduction of the amount covered by the bill, a point of order will lie against it.

Mr. CALKINS. That was the first decision made under this rule. It was followed through the Forty-seventh Congress and has so far been followed by every chairman who has occupied the chair in this Congress. And here is another decision by Mr. KASSON, of Iowa, when occupying the chair in the Committee of the Whole in pursuance of that decision.

Mr. REAGAN. I would suggest to the gentleman from Indiana that it is impossible to know what that means unless he lets the precise amendment be read on which the ruling was given.

Mr. CALKINS. I can state it quicker than it can be read. The proposition was to strike out a certain amount in a clause or to reduce the amount and then add a proviso that no contractor should sublet his contract.

Mr. REAGAN. That still leaves it uncertain as to whether the second part of the amendment was executive of the original proposition.

Mr. CALKINS. It was connected with it and was germane, but was a change of existing law, just as I shall claim this is. I think further on the gentleman from Texas will be satisfied by my remarks without taking up the time now further in reading. I ask the Clerk to read the paragraph which I have marked of the decision of the chairman.

The Clerk read as follows:

The CHAIRMAN. The gentleman fails to observe the language of the rule, namely: It must be an effect of the amendment objected to that reduces the amount covered by the bill; for otherwise any amendment would be in order when you added to it a reduction of $1 as an independent clause, and there would be no distinction between the proposition of the proviso and the proposition in the main body of the rule. It is not enough that some part of the amendment retrenches expenditure in a general way. The new legislation must do it in a special way. The Chair will keep close to the rule, and therefore sustains the point of order.

Mr. CALKINS. Now, Mr. Chairman, on that point observe the language of the rule:

Nor shall any provision—

That is, a substantive provision, a provision containing a single point which when stripped from everything else is something substantive—

Nor shall any provision—

Says this rule—

in any such bill or amendment thereto changing existing law be in order—

It does not stop there. It goes on "except such as, being germane to the subject-matter of the bill, shall retrench expenditures," &c. What shall retrench expenditures? The "provision in any such bill or amendment" must of itself retrench expenditures; the part of the provision, a substantive proposition itself, must reduce expenditures, or else it is obnoxious to this rule if it changes existing law.

That brings me to the proposition before the committee, which is, first, to strike out a clause in this bill and thereby get rid of certain officers. That will reduce the amount carried by the bill, because it abolishes certain offices and therefore abolishes their salaries. Against that as a substantive proposition no point of order will lie. Why? Because it is within the rule; it abolishes the offices, it abolishes salaries, and thereby retrenches expenditures.

Then what do you come to? You come then to a substantive proposition to substitute in lieu and place of the clause stricken out, of the persons provided for in that clause, other persons; that is a substantive proposition. What does that do? It changes existing law. Does it retrench expenditures on its face? No; alone it does not retrench expenditures one dollar or one cent.

Mr. REAGAN. I would inquire of the gentleman what he does with clause 7 of Rule XVI, which prohibits the division of an amendment?

Mr. CALKINS. I will speak to that, for I may as well speak of it here as at any time. We have two rules, both for a purpose. The one rule says that a motion to strike out and insert is not divisible. I agree to that. But there is another rule, which says that, in reference to a certain class of appropriation bills, no new legislation changing existing law shall be in order, no "provision in any such bill or amendment thereto changing existing law shall be in order." You do not divide the amendment; you simply launch against a provision of it a point of order, and the Chair is to say whether that provision of the amendment, standing alone, is in order under the rule. That is the proposition. There is no division of the amendment; you do not divide it at all.

The rule which provides that no proposition to strike out and insert shall be divisible simply means that you can not call for separate votes, one upon the motion to strike out and another on the motion to insert. That is what it means. It means that you can not call for a separate vote upon the two propositions contained in the amendment.

Mr. REAGAN. That answers the whole of the gentleman's argument, if you can not call for a division on the vote.

Mr. CALKINS. You can not have the amendment divided on the vote. But when you come to construe that rule with the clause in the other rule, providing that no appropriation bill or amendment thereto shall contain a provision changing existing law unless that provision of itself retrenches expenditures, then you can launch a point of order against it without having it divisible. The question for the Chair to decide is, Does that proposition come within the rule? That is what the Committee of the Whole must determine; whether the proposition comes within the rule.

What does this amendment propose? It proposes, first, to strike out the clause providing for five Indian inspectors. That is all right; no point of order can lie against that. What else does it do? It proposes to change existing law; it proposes to put in something in place of existing law. What is that?

It simply proposes to tear from the statute-book a section of the law, and under refuge of an appropriation bill to make an amendment to the law and change existing law. Now, if you leave this door open your rule is gone, just as was said when the chairman of the Committee of the Whole made his decision in the Forty-sixth Congress; just as was said by the gentleman from Illinois; you can revise the whole Revised Statutes under such a construction of the rule as that.

Now, a further point. If the point which seems to be insisted upon by the gentleman from Texas [Mr. REAGAN] should prevail, you will then lose the whole benefit of this rule. There must be some time and place where a point of order can be made against any and every substantive proposition in a bill or amendment. If you can take refuge under the two rules as they seem to be construed by my friend from Texas [Mr. REAGAN], and introduce an amendment containing two or more propositions, and say that one rule is not applicable to them because another rule says the proposition shall not be divided, that the one rule shuts off the other, then there is no time at which a point of order may be launched against any single substantive proposition in any amendment. After it has been voted into the bill, of course no point of order will lie against it. And the gentleman from Texas [Mr. REAGAN] says no point of order can be made upon it before it is voted in because the rule says it can not be divided. So the rule catches the House up, and gives no op-

portunity for a point of order to be made at any time against such a substantive proposition.

What is the question here? It seems to me to be in a nutshell. First, we have the motion to strike out. Is that a substantive proposition of itself? Nobody disputes that. As a substantive proposition it is in order, for the committee can at any time strike out a provision of the bill containing an appropriation for the salaries of officers.

Then there is a second proposition, to substitute in place of that which is to be stricken out another proposition. What does that other proposition do? It proposes to change existing law; all admit that. Is it obnoxious to the rule? The rule says that you shall not by any provision in an amendment or appropriation bill change existing law except by retrenching expenditures. But the gentleman from Texas says that it is simply to supply the vacuum made by striking out the clause in the bill, and therefore it connects itself with the bill. That is the very thing which the rule was made to prevent.

I think, Mr. Chairman, I have said all that I need to say on this question.

Mr. MAGINNIS. Mr. Chairman, I do not propose to enter into a discussion of the subtleties of the point of order. I propose to address myself to a statement of facts in reference to this matter. This is of course an entirely different proposition from the transfer of the Indian Bureau to the War Department. It simply proposes that certain officers shall be assigned to the performance of certain duties; it adds no new duties to those now belonging to officers of the Army.

It will be remembered that some years ago there was great scandal in the country in regard to the manner in which supplies were delivered to the Indians. We were told, for instance, that when ten sacks of flour were delivered for the use of the Indians receipts were given for a hundred; that when a few cattle were delivered at a corral, the herd was driven around three or four times, and receipts given for three or four times as many cattle as were actually delivered.

In order to put an end to the scandal and correct abuses of this kind, an order was made which is now in force and has been ever since that time, that no distribution of annuity supplies should be made unless the supplies were inspected and their distribution witnessed by an Army officer. That order has been and is to-day carried out. The abuses have been reformed. The delivery of supplies for the Indians is now regularly witnessed and certified to by an Army officer under the direction of the Secretary of War without any mandatory provision.

The present amendment simply provides, in the same direction, that the general inspection of the books of the agencies and their whole conduct shall be made by Army officers. It assigns to these officers no duties different from those already performed by them under the law. It does not transfer the Indian Bureau to the War Department.

Mr. CANNON. Then, if the amendment is not a change of law, what necessity is there for its adoption?

Mr. MAGINNIS. Because it is a good thing. It ought to be agreed upon in this House by unanimous consent. I am sorry that a point of order has been raised against a provision so well adapted to promote the efficiency of the Indian service.

Mr. ELLIS. I move that the committee now rise for the purpose of closing debate.

Mr. REAGAN. I hope the gentleman will withhold that motion for a moment.

Mr. ELLIS. Very well; I yield to the gentleman.

Mr. REAGAN. Mr. Chairman, if the proposition made by the gentleman from Illinois and other gentlemen on that side of the House be true, then under the rules no amendment can be received which does not simply strike out. Under the construction which they lay down, you can offer no amendment which strikes out one thing and inserts another.

The point of difference in regard to this proposition I understand to be this: the object of the provision in the bill is to provide for inspections by five officers who are to be paid under the bill at the rate of $2,500 a year each, making $12,500. The amendment proposes simply, not to change the existing law but to execute it by a different agency already provided by law.

Mr. CALKINS. My friend falls into an error. When you strike out the provision which it is proposed to strike out there can be no execution of the present law; that law is gone; you simply provide a new law.

Mr. REAGAN. Gentlemen have all the time ignored clause 7 of Rule XVI. They insist that this proposition embraces two amendments, when in fact, under our rules, as has been well explained by the gentleman from Maryland, it is but one amendment, and by virtue of a special rule, modifying the ordinary parliamentary law, is indivisible.

There can be no question that the whole amendment taken together reduces expenditures to the amount of $12,500 and does not change existing law, except to provide a different agency for doing the very thing now provided for by law.

The CHAIRMAN. It was stated yesterday by the gentleman from Maine [Mr. REED] and possibly by other gentlemen who discussed this appeal that their remarks were designed, in part at least, to invite the Chair to review the decision he had made, with a view to securing a reversal of that decision by the Chair himself. Suggestions coming from such respectable sources the Chair could not decline to entertain. He has therefore re-examined the grounds of his decision as made yesterday. Inasmuch as this review of the question has not resulted in discovering to the Chair any error in the decision of yesterday, but on the contrary has brought added confidence in its correctness, the Chair desires to state briefly the reasons which constrain him to adhere to his ruling.

For the information of the Committee of the Whole the Clerk will report the amendment as first presented by the gentleman from Texas [Mr. THROCKMORTON] and then the amendment as subsequently modified upon the suggestion of the gentleman from Montana [Mr. MAGINNIS].

The Clerk read the original amendment, as follows:

Strike out lines 122, 123, and 124 and insert the following:

"That the Secretary of War shall detail five officers not under the grade of captain of the Army, who shall act as Indian inspectors. Said officers may be changed at any time the Secretary of War may deem proper."

The Clerk also read the amendment as subsequently modified, as follows:

Strike out lines 122, 123, and 124 and insert in lieu thereof the following:

"The office of Indian inspector is hereby abolished, and the Secretary of War shall detail five officers of the Army, not under the grade of captain, who shall act, under the direction of the Secretary of the Interior, as Indian inspectors; and the Secretary of War shall change such officers at any time the Secretary of the Interior shall request the same to be done."

The CHAIRMAN. The Clerk will now read that portion of the third clause of Rule XXI on which the point of order rests.

The Clerk read as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The CHAIRMAN. There is no dispute about the fact that this proposed amendment changes existing law. It is therefore obnoxious to the clause of the rule just read, unless it possesses two requirements: First, it must be germane to the subject-matter of the bill; in the second place, it must retrench expenditures in one of the three ways pointed out in the rule; that is, "by the reduction of the number and salary of the officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill."

With reference to the first of these requirements, that is, that the amendment must be germane to the subject-matter of the bill, the Chair finds on investigation that his decision of yesterday is unanswerably sustained by the precedent referred to by the gentleman from Illinois [Mr. CANNON]. That precedent so referred to was the ruling of Mr. Speaker Kerr on an original provision in the legislative, executive, and judicial appropriation bill. In order that the committee may understand exactly what that ruling was, the Chair will have the Clerk read the provision on which that ruling was had.

Mr. COX, of New York. Give the page of the RECORD.

The CHAIRMAN. Page 2820, April 28, 1876.

The Clerk read as follows:

CONSTRUCTION OF RULE 120.

The following section upon which a point of order was raised in the committee and postponed for the decision of the House was then read:

"SEC. 4. That the management of all Indian affairs, and of all matters arising out of Indian relations, be, and the same is hereby, transferred from the Department of the Interior to the War Department, and the same is hereby placed under the Secretary of War, agreeably to such regulations as the President may prescribe: *And provided further*, That the office of Commissioner of Indian Affairs is hereby abolished, and the execution of all laws and parts of laws applicable to the management of Indian affairs and of matters arising out of Indian relations is hereby lodged with the Secretary of War: *And provided further*, That the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army."

The CHAIRMAN. The Clerk will now read the decision of Mr. Speaker Kerr on the point of order made against that provision, that is on the point of order whether or not the provision which the Clerk has just read was germane to the subject-matter of the bill.

The Clerk read as follows:

Much has been said on the question whether this fourth section is germane to the subject-matter of this bill. The subject-matter of the bill is indicated in its title, "A bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes." The purpose of the bill further is to regulate the salaries of officers, and in some cases to retrench expenditures by the abolition of officers, and necessarily of their salaries. In other words, in the judgment of the Chair the subject-matter of this bill is so comprehensive that it can not be said that a provision proposing in specific terms the abolition of numerous officers is not germane to a bill which regulates many offices and fixes the salaries thereto attached and abolishes other offices and their salaries. The Chair has to say, therefore, in conclusion on this point, that he is not embarrassed by the question whether or not this section is germane to the subject-matter of this bill.

The CHAIRMAN. The Chair has to remark in connection with that decision that the present case is much stronger than the case on which Mr. Speaker Kerr ruled, because the bill which contained the provision objected to was the legislative, executive, and judicial appropriation bill. It had no legislation in relation to the Indian service; it made no appropriation for the Indian service nor was there any reference whatever in the bill to the Indian service. And it was mainly on this ground that it was insisted that the provision was not germane to the bill.

General Garfield, who participated in the discussion of the point of order, thus presented this aspect of the question:

Now, on the score of its being germane, I invite the attention of the Speaker to a fact which he may not have considered. Suppose I had offered this transfer section as an amendment to the Post-Office appropriation bill, nobody would doubt that the Speaker would rule my amendment out of order on the ground that the Post-Office appropriation bill is not at all related to Indian affairs. But I call the attention of the Speaker to the fact that there is not one line, not one word in the whole bill, outside of the fourth section, that even names Indian affairs or that refers directly or indirectly to the Bureau of Indian Affairs. That subject is as clearly absent from this bill as though this were the Post-Office appropriation bill. There is no hook in this bill on which there can be hung a jurisdiction over this subject.

Yet even in that case, as we have just seen, Speaker Kerr said he had no embarrassment in holding that the provision objected to was germane. For a much stronger reason is the present amendment germane to the subject-matter of the present bill. The bill concerns directly and exclusively the Indian service and the amendment relates directly and exclusively to the same service. That the amendment is germane to the subject-matter of the bill the Chair thinks is a conclusion at once clearly dictated by reason and impregnably confirmed by authority.

Now in reference to the second requirement. Does the amendment retrench expenditures in either of the three ways pointed out in the rule?

The Chair will have the Clerk read the clause of the bill which the amendment proposes to strike out.

The Clerk read as follows:

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

The CHAIRMAN. If the amendment be agreed to, that clause is stricken out, and the Chair has no difficulty in holding that in that way retrenchment is effected by the "reduction of the amounts of money covered by the bill." Unquestionably the amendment strikes from the bill an item of $12,500.

But it is said, and on this point the Chair desires to be definitely understood, that the amendment involves two propositions, one being the proposition to strike out and the other being a proposition to insert; that the former proposition does retrench expenditure, while the latter does not. To that position the ready answer is that a motion to strike out and insert, under the rules of this House, is indivisible.

But it is said further that the matter—and that seems to be the point most strongly relied on by some gentlemen—that the matter which the amendment proposes to insert contains two distinct and independent propositions, that one of these propositions is obnoxious to the rule, and therefore the whole amendment is vitiated. And in support of this a ruling is cited, made during the last Congress. The Clerk will read the ruling.

The Clerk read as follows:

The Chair now holds that a point of order against a substantive provision which upon its face has no relation to the amount which is reduced in another substantive proposition is well taken. In this case the amendment embraces two propositions. One is to reduce the amount covered by the bill. To that substantive proposition a point of order will not lie because it is within the rule. But as the second proposition—that "it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law"—is not a necessary part of the reduction of the amount covered by the bill, a point of order will lie against it. The Chair holds that under the rule a point of order may be made against any substantive provision not directly connected with the amount covered by the bill.

The CHAIRMAN. Now, the Chair thinks he is not in antagonism with this ruling, but concedes that if an amendment contains two independent substantive propositions, one of which retrenches expenditures, while the other does not, a point of order would be fatal to the whole amendment, at least until it is so perfected as to be cured of the vice.

Such, in the opinion of the Chair, is not the case with the present amendment.

What is the amendment? Simply this: It proposes to devolve on certain military officers duties now performed by five Indian inspectors, and thereafter the employment of these Indian inspectors shall cease and be determined. The chairman submits that these two clauses, the one which provides for devolving on certain military officers certain duties now performed by inspectors, and the other, which terminates the employment of these inspectors, are not independent substantive propositions, but are congruous and coherent parts of one proposition.

The Chair feels that he might go further and safely assert that one of these clauses, that which provides for the termination of the employment of the inspectors, is the necessary and inseparable incident to the other, which transfers the duties of the inspectors to the Army officers.

But to present the matter in yet another aspect: The proposition of the amendment is to carry on a particular and existing branch of the Indian service. Now, if the two clauses be separated, that is, if the clause which devolves upon Army officers the duties now performed by the inspectors be eliminated, the proposition of the amendment is destroyed, because the service is left altogether unprovided for. In any view which the Chair has been able to take of the question the two clauses are not independent and substantive propositions, but connected and necessary constituents of one proposition.

Being still of the opinion, therefore, that the amendment of the gentleman from Texas, while it changes existing law, is still germane to the subject-matter of the bill and does retrench expenditures in the way named, the Chair is constrained to adhere to his decision of yesterday, overruling the point of order made by the gentleman from Illinois; and from this decision the gentleman from Illinois appeals to the committee.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken.

Mr. CANNON. As this is an important question I shall ask for a division.

The CHAIRMAN. Does the gentleman ask for a vote by tellers?

Mr. CANNON. No; a division will be all that is necessary.

The committee divided; and there were—ayes 114, noes 14.

So the decision of the Chair was sustained.

The CHAIRMAN. The gentleman from Texas who offered the amendment is recognized.

Mr. THROCKMORTON. I do not care specially to occupy the floor upon the amendment.

Mr. HOLMAN. Let us have a vote.

Mr. KEIFER. Unless the gentleman from Texas desires to be heard first in support of his amendment, I wish to say that I am opposed to it. The proposition embodied in that amendment is one that can not, in my judgment, be worked out satisfactorily in practice. I am not prepared to say now that it would be bad policy, to say the least, to put the control of the whole Indian Department under the War Department and manage it through the officers of the Army. That is a question which is yet to be determined. But I do think it would be very anomalous to undertake to mix up the War Department and the Interior Department, as here proposed, in the control of the Indians.

By law there are five of these inspectors authorized to be appointed, whose duties place them under the control of the Interior Department, and specially under the direction of the Commissioner of Indian Affairs. These five civil officers of the Government go wherever the Commissioner sends them for the purpose of looking into the management of the Indians, and are under his charge for that purpose. They examine and report upon the conduct of the Indian agents and the police that are employed by and under the Indian agents. These people give information and make special reports of their inspection. They have no well-defined duties, but are subject to the orders of the Interior Department. Now, it is proposed by this amendment to abolish this plan of appointing civil Indian inspectors, and impose the duties now performed by them upon certain officers of the Army, five in number, and to be of not less rank than that of captain.

This seems to me to be a very objectionable change. It is in the first place a very anomalous thing in our Government to require Army officers to report for duty to the Secretary of the Interior and be made subject to his orders and placed under his control. The officers of the Army have clearly defined duties, partly by law and largely by practice; and they are under the control of a given discipline as fixed in the Articles of War. What would govern them; what would control them while performing duties such as are performed by civilians under the direction and orders of the Commissioner of Indian Affairs or the Secretary of the Interior? Are these detached officers to be taken permanently from the control of the Secretary of War and that of the General of the Army, and put in the performance of duty for which they are not specially qualified; duties which they are not authorized or required to prepare themselves to fill? Or are they to be left to do those duties which are prescribed by law and the orders that they are to be subjected to? If the time shall come when the whole control of the Indian Department is to be placed under the Secretary of War, a harmonious scheme or plan of operations will no doubt be devised by which these Indian agencies would be controlled in a systematic and orderly manner. But here we undertake to encroach upon a policy that is working well; and it is a policy where we find no difficulty in getting along with these civilian officers against whom no charges can be made. No person has complained of any one of them. No charges have been made against these inspectors that they have failed to do their duty. The fact is that these five inspectors are selected because of their integrity and capacity to go forth and deal with questions which are presented to them.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, this is not a proposition to transfer the Indian service or any part of it to the care and keeping of the War Department. It does dispense with the services of these officers, Indian inspectors, and imposes the duties of these officers on other salaried officers of the Government with no other work to do.

One of the many things which I do not understand is the growth of expenditure, the increased cost of the Indian service. It seems to me the more we expend in preparing the Indians to take care of themselves the more we are required to pay annually for the cost of taking care of them.

In the time of Mr. Buchanan, whose administration all claim the right to abuse, our Indian service cost no less than $3,000,000. Fifteen years later, in 1875, it went up to more than $8,000,000. In 1878,

after much complaint of extravagance, it got down again to less than five millions. In 1882 it went up again to over nine, nearly ten, millions of dollars.

There are no more Indians now than formerly; I believe only about 350,000 in all. In fact, we have a less number to treat with and care for than formerly. Now that we have expended great sums of money, and more land than money, in building railroads, in cheapening the means of reaching them, we certainly can feed them cheaper than we formerly could. We can fight them and kill them as cheaply as we ever could, and if we can not rob them at as little cost as we could twenty-five or more years ago, then people are greatly mistaken in the progress we have made in these later years in our Indian policy.

I have here a statement of the annual expenditure for the Indian service for the years from 1856 to 1883, inclusive. It is as follows:

*Statement showing the net ordinary expenditures by fiscal years for the Indian service.*

| | | | |
|---|---|---|---|
| 1856 | $2,769,429 55 | 1870 | $3,407,938 15 |
| 1857 | 4,267,543 07 | 1871 | 7,426,997 44 |
| 1858 | 4,926,738 91 | 1872 | 7,061,728 82 |
| 1859 | 3,625,027 24 | 1873 | 7,951,704 88 |
| 1860 | 2,949,191 34 | 1874 | 6,692,462 09 |
| 1861 | 2,811,358 28 | 1875 | 8,384,656 82 |
| 1862 | 2,273,223 45 | 1876 | 5,966,558 17 |
| 1863 | 3,154,357 11 | 1877 | 5,277,007 22 |
| 1864 | 2,629,858 77 | 1878 | 4,629,280 28 |
| 1865 | 5,116,837 08 | 1879 | 5,206,109 08 |
| 1866 | 3,247,064 56 | 1880 | 5,945,457 09 |
| 1867 | 4,642,531 77 | 1881 | 6,514,161 09 |
| 1868 | 4,100,682 32 | 1882 | 9,736,747 40 |
| 1869 | 7,042,923 06 | 1883 | 7,362,590 34 |

One other thing I want to say is, that just why the Indians should cost so much more than formerly is to me unexplained. After diligent inquiry I have never been able to find where the more than $9,000,000 which was expended in 1882 was appropriated, even including deficiencies. In fact, it seems that this subject of expenditure and appropriation is not an exact science after all. It is ever changing, and I fear often without good reason for the change.

I have here a very carefully prepared table or statement made by that exceedingly capable, conscientious, and to the public most useful man the former chairman of the Appropriations Committee, Hon. Mr. Atkins. It will show how appropriations rise and fall without any apparent public reason for such a difference of appropriations for years coming one after the other or following immediately one after the other. The difference in appropriations for 1883 and 1884 seems to be about $65,000,000. Deficiencies may account for part; but neither here nor elsewhere can I find any explanation or excuse for what seems to me to be growing into profligate expenditure in the Indian service.

*Comparison of laws making appropriations for the fiscal years* 1883 *and* 1884, *enacted by Forty-seventh Congress.*

| Title of law. | Amount, 1883. | Amount, 1884. | Increase, 1884. | Decrease, 1884. |
|---|---|---|---|---|
| Pensions | $100,000,000 00 | $86,575,000 00 | | $13,425,000 00 |
| Military Academy | 335,557 04 | 318,657 50 | | 16,899 54 |
| Fortifications | 375,000 00 | 670,000 00 | [a] $295,000 00 | |
| Consular and diplomatic | 1,256,655 00 | 1,296,755 00 | 40,100 00 | |
| Navy | 14,819,976 80 | 15,894,434 23 | [b] 1,074,457 43 | |
| Post-Office | 44,643,900 00 | 44,489,520 00 | | [c] 154,380 00 |
| Indian | 5,229,374 01 | 5,358,655 91 | [d] 129,281 90 | |
| Army | 27,258,000 00 | 24,681,250 00 | | [e] 2,576,750 00 |
| Legislative, executive, and judicial | 20,038,000 65 | 20,454,246 22 | [f] 416,245 57 | |
| Sundry civil | 25,589,358 06 | 23,679,575 44 | | [g] 1,909,782 62 |
| District of Columbia | 1,695,098 04 | 1,700,697 23 | 5,599 19 | |
| River and harbor | 18,738,875 00 | | | [h] 18,738,875 00 |
| Deficiency | 25,689,951 10 | 2,749,941 49 | | [i] 22,940,009 61 |
| Agricultural | 427,280 00 | 405,640 00 | | 21,640 00 |
| Miscellaneous acts | 9,413,614 16 | 1,912,723 88 | | [j] 7,500,890 28 |
| Grand totals | 295,510,639 86 | 230,187,096 90 | 1,960,684 09 | 67,284,227 05 |
| | 230,187,096 90 | | | 1,960,684 09 |
| Net decrease, laws for 1884, under laws for 1883 | 65,323,542 96 | | | 65,323,542 96 |

[a] For new guns, and tests of same, for armament of seacoast fortifications.

[b] Two million three hundred thousand dollars is given for new steel cruisers (3), and for engines and machinery for the monitors. The Bureau of Construction and Repair is reduced $650,000, Steam-Engineering $600,000, and "pay of the Navy" about $100,000.

[c] Transportation by star-routes is reduced $2,000,000 and by steamboats $200,000. The other branches of the service are increased to the amount of this reduction, less the sum stated above.

[d] This increase is mainly on account of schools for Indian children.

[e] There is transferred from the Army to the legislative and sundry civil bills, on account of enlisted men acting as clerks and for the Signal Corps, about $842,000. Reductions are made as follows: Pay of the Army, $300,000; subsistence, $400,000; regular supplies, $560,000; incidental expenses, $261,000; transportation of the Army, $814,000; barracks and quarters, $180,000.

[f] This increase is principally on account of transfer from the Army bill of the amounts for enlisted men acting as clerks, &c., in the Departments.

[g] The appropriations for public buildings are reduced $1,888,700.

Mr. CANNON. I move to strike out the last word.

I can not reply to what my colleague [Mr. MORRISON] proposes to incorporate as a part of his remarks, a statement by a former chairman of the Committee on Appropriations as to the amounts of appropriations for the Indian service in former years. I may do so later, when it is printed in the RECORD and I have a chance to see it. What connection it has with this amendment I do not know, but I may find out when I read the RECORD to-morrow.

The gentleman from Illinois [Mr. MORRISON] says this is not a proposition to transfer the Indian Bureau to the War Department. I think that is true; but it is a proposition to transfer a part of the Army to the Indian Bureau. That is, you do not take Mahomet to the mountain, but you take the mountain to Mahomet.

I yield the balance of my time to the gentleman from Connecticut [Mr. WAIT].

Mr. WAIT. I cannot permit this change to be made in the existing laws, which are intended to protect the rights of the Indian tribes, without entering my protest against the same. If I understand the proposition of the gentleman from Texas, it is to repeal that section of the law which gives to the Interior Department the appointment of five inspectors and to select five Army officers to discharge the duties which are now performed by the appointees who are taken from civil life. It is, in short, to remove from office a body of men who have been selected with great care by the Secretary of the Interior, under the advice of the Commissioner of Indian Affairs, on account of their fitness for the place, who have had long training and valuable experience gained in the discharge of their official duties, and to substitute men who, though very likely able and accomplished military officers, have had no special experience in Indian affairs and no particular training that would qualify them to take the places of the present trained and experienced inspectors. It is, in short, to remove competent, efficient, and trained officials and to substitute for them men who have seen no service in the line of duties which these inspectors have discharged. What are the duties of these five inspectors? They pass from tribe to tribe under the orders of the Commissioner of Indian Affairs, see that the provisions, clothing, and other articles which the Government provides for the Indian tribes are honestly furnished and equitably distributed, that members of the tribes are protected in their rights, that they enjoy the educational advantages that the Government is pledged to bestow upon them, and to report their condition to the Interior Department.

The gentleman now at the head of the Indian Bureau can be unhesitatingly trusted to discharge all the duties of his very important office with ability and fidelity. Every one who knows him can bear testimony to his great executive ability and unbending integrity. He has selected the present inspectors, and his large experience in Congress and at the head of the Indian Bureau eminently qualifies him to decide correctly what the interests and necessities of these tribes require and to select fit men who can properly discharge the responsible duties devolving on the inspectors. I can not entertain a doubt but that he has appointed those who by inquiry and examination he found qualified on the ground of personal fitness and business training to discharge the duties of this office. Some of them have been in the employ of the Department for years. The Commissioner knows just what work to assign to each man, just what special duty each man can best perform, and now to legislate these men out of places they have so well filled and to put military men, untrained in these duties, in their places would, I think, be an impolitic step for Congress to take, and unfortunate certainly for the Indian tribes.

Mr. Chairman, I believe that we are under every obligation to the Indians of this country to do everything in our power to protect, civilize, educate, and socially advance them. We should certainly aim to qualify them to enjoy the privileges and exercise the rights of citizenship. What few descendants of the old tribes that used to possess Connecticut still remain are recognized as citizens, enjoying their lands in severalty, many of them industrious men, as farmers, mechanics, or laborers, and are respected in the social positions which they fill. Their children mingle with the white children in our public schools, and many of the descendants of the old Mohican Indians are respected for their industry and moral worth.

Again I say, Mr. Chairman, that I hope that the pending amendment will not prevail; that the able head of the Indian Bureau will not be embarassed in the proper and efficient discharge of his duties by any change in his subordinates. I should certainly be earnestly opposed, as I have said before, to have untrained and inexperienced men substituted for those whose training and experience eminently qualify them for the proper discharge of the varied duties of the positions they now fill.

Mr. COX, of New York. In 1872 we had a very large range of dis-

[h] A river and harbor bill appropriating $8,047,000 passed the House March 1, but failed of consideration in the Senate.

[i] This difference includes the following, charged as deficiencies on account of the fiscal year 1882, namely: Pensions, $16,000,000; postal service, $3,266,639.61; naval service, $425,000; Indian service, $1,036,000; public printing, $865,000; Tenth Census, $620,000. Except the sum for the postal service, these items may be called additional rather than "deficiency appropriations."

[j] This difference includes $1,660,000 for public buildings under special acts, and $1,535,279 for water supply for Washington city.

cussion on the proposed transfer of the Indian Bureau to the War Department. There was a very thorough discussion at that time. I happened to take some part in it. Some of the best men of this House on both sides, and notably Professor Seelye, took the ground that it would be wise to keep the Indian Bureau where it was, under civil influence, and not allow the Army to control it. I believe, sir, we were wise at that time in turning the Indian Bureau over to the War Department, for there was not then the same class of officers in the Army and there was a disorganization on our border which the Army tended more or less to reduce to further chaos.

But this amendment now offered by the intelligent gentleman from Texas [Mr. THROCKMORTON] does not propose to transfer the Indian Bureau to the War Department. It simply says, "Let us try an experiment in one locality, with five good soldiers, not below the rank of captain, to be inspectors." Inspectors of what? Inspectors of the supplies to be furnished to the Indians; inspectors of the agents who are appointed, sometimes very recklessly, and who after one or two years' service are found to be not the best or wisest choice.

Why should not these supplies furnished the Indians be inspected? Perhaps the worst thing that has happened to the Indian service has been the corruption attending the supplies furnished the Indians. In fact, many of the wars on our borders came from the manner in which contractors have fulfilled their contracts to furnish supplies to the Indians, and they have been called "contractors' wars."

Why is it, as the gentleman from Illinois [Mr. MORRISON] well put it a moment ago—I mean the distinguished gentleman who is not giving me any attention as I speak [laughter]—why is it that the gentleman is making an outcry for information, and wants to know why it is that our Indian affairs are costing us so much more than they used to cost, running $300,000 a year, when he and I first came to Congress, up to seven or eight millions a year now? It is because we do not pursue toward the Indians the practice and conduct which characterizes the Canadian system.

In 1872 I had information from Lord Dufferin himself, then governor-general of the Dominion, to the effect that in Canada it cost only $2.35 per capita to care for the 87,000 Indians there, while in the United States, with 300,000 Indians scattered over 200,000 square miles, it costs $60 per capita. Why does it cost more here? Because we have not cared for the Indian properly.

In Canada they make the Indian an integral part of the empire; they give him citizenship; they give him land in severalty I believe; they pay him annuities according to their treaties, and pay him, too, in the right kind of money, such as an Indian can appreciate. They try to lift him up, not to put him under the army, but to make him police his own soil, to make him his own soldier, a part of the government. Therefore he stands higher there than the great body of Indians do in our own country.

Mr. BELFORD. I am always delighted to hear any remarks that are made by my most affectionate friend from the State of New York [Mr. COX]. He has never been encompassed and surrounded by these Indian troubles, and therefore he talks most vigorously against the proposition pending before the committee.

Mr. COX, of New York. I belong to Tammany. [Laughter].

Mr. BELFORD. "Belong to Tammany!" I will say for his benefit that the Tammany tribe has been the worst we have ever had in the politics of this country. [Great laughter.]

Mr. COX, of New York. It has not cost you anything.

Mr. BELFORD. What is this proposition? Are you Democrats never going to learn any sense [laughter] or acquire any information in the very front, as Shakespeare says, "the very forefront and presence" of a Presidential election? You cut down the naval appropriation bill, as I said the other day, $8,000,000. You cut down the Post-Office appropriation bill $4,000,000. You have cut down this appropriation bill over $4,000,000. I suppose that you are all going to float out before the county on the sweet and aromatic wave of economy.

What are we required to do in the government of these Indians? Control them by the Army. We have got to subdue their outbreaks with the Army. The officers of the Army are honorable men in every respect, and we should trust them in preference to the appointment of Indian agents who go there for the sole purpose of speculation, advancement, and profit.

Mr. COX, of New York. I am on your side in that.

Mr. BELFORD. We men who live in the West, who have encountered the ravages and the devastations and the murders and the desolations of these wild tribes, know just exactly what our requirements demand of us. I am therefore in favor of subduing these Indian tribes by the strong military force of this Government.

What have we been doing for years but supporting a class of idle paupers? Yes, I say it advisedly, "idle paupers," who will not work. I say that a man who will not work, whether he is an Indian or a white man, should starve. That is my theory of the Indian question.

If we are going to appropriate every year millions of money for the support of an idle, vagrant, malevolent, malicious race, then let us go to work and take on our hands all the paupers of the United States. Who can tell us where a distinction should exist between the white pauper who can not obtain employment and the Indian who will not work? I would like to have some man tell me——

Mr. BRENTS. Will my friend——

Mr. BELFORD. Just wait a minute. I would like to have some gentleman on the floor of this House tell me upon what basis—— [The chairman raised his gavel.] Keep that gavel up a minute, Mr. Chairman. [Laughter.] I would like to have some gentleman tell me upon what basis the distinction rests. We vote millions to support Indian paupers, and would not vote a dollar to support a white man. Now, Mr. Chairman, let it drop. [Laughter.]

Mr. KASSON. I should like to tell my friend from Colorado [Mr. BELFORD] one distinction between an Indian pauper and a white one. As everybody knows, we have taken the lands of the Indians and given them to the whites to prevent the whites from becoming paupers. So long as the Indian civilization, which was as distinct and peculiar as ours, continued the Indians supported themselves. They not only asked no help from the white man but they asked the white man to keep away from them. My own State, fair and beautiful, supporting nearly two millions of people, furnished ample support for the old Sac and Fox tribes that inhabited it and controlled nearly the whole of it. But we forced them away to take up their abode where their mode of livelihood could not be by hunting.

But I can not go into that question; there is no time. I only wish to say that a moral obligation rests upon the United States to change by proper and humane methods the system by which the Indians formerly lived, a system of which we deprived them, into the system of the white man which we are urging upon them.

Now, coming to this distinct proposition, my objection to it does not rest upon the question whether it might or might not be advantageous to introduce military control into the government of the Indian tribes. A measure which I introduced in a former Congress, the Thirty-ninth, and which, having been earnestly advocated by me, passed this House, if I remember correctly, by a majority of four votes, but was defeated in the Senate, was perhaps the first proposition made here to transfer the Indian Bureau to the control of the War Department.

Hence I have no prejudices upon this subject. In my opposition to this particular amendment I speak to gentlemen on both sides of the House from another point of view. When this House voted in favor of changing the relation of the Indian Bureau from the Interior Department to the War Department that was believed to be the only mode of curing the evils of administration which then prevailed. Those evils have ceased to exist. No one is complaining now of general dishonesty or corruption in the administration of our Indian laws or in the purchase and distribution of supplies. Those matters are no more liable to abuse than the purchase of supplies for the War Department itself. Therefore, in the present condition of things, we gain nothing so far as I can see in honesty or in safety of administration by making this partial transfer of Indian management to officers of the Army.

On the other hand, do we not lose something? I submit to the judgment of the committee that we do. We have now as inspectors five experienced men, whose politics are not even known to us, who have no relation to anything except the just and humane administration of the Indian laws. I do not personally know one of them; I only know that they are approved by all men of all parties interested in Indian civilization.

Now, I say to my friend from Montana, we can not and ought not to make this a question of the mere inspection of supplies, a duty which of course an Army officer can discharge as well as a civilian, perhaps better. But these men are detailed for other and greater uses. They inspect the schools; they inspect the progress of the new system of Indian civilization. They must be men who have a heart in the work, who are in accord with the feeling of this House and of the country on this subject. What assurance have we that military officers will carry on this work to the same extent that civil officers do? We have none.

I think, sir, that a measure of this kind should certainly not be adopted until the Committee on Indian Affairs, having proper jurisdiction of these subjects, recommends the measure. The Appropriations Committee has not asked it; the Committee on Indian Affairs has not asked it. We are requested to make this change in the present system upon individual motion simply, without examination by the proper committees and without recommendation from persons directly charged with Indian administration. I do not think we ought to do it, and I hope it will not be done.

[Here the hammer fell.]

Mr. ELLIS. I move that the committee rise for the purpose of closing debate. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from Louisiana [Mr. ELLIS] withdraw his motion?

Mr. ELLIS. I do so if we can have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

Mr. ADAMS, of Illinois. May I ask the gentleman from Louisiana or the gentleman from Montana [Mr. MAGINNIS] to state all the duties of an Indian inspector. I do not know what they are, and I wish to find out.

Mr. MAGINNIS. I will state them. While the Secretary of the Interior has the general control of the Indian Bureau, its administration is immediately under the control of the Commissioner of Indian Affairs. These inspectors were provided for some years ago in an appropriation bill such as we have now under discussion, there being at that time abuses in the Indian Bureau. These inspectors are not amenable to the Commissioner of Indian Affairs. They are appointed by the Secretary of the Interior, and are his officers, their duty being to investigate the agencies, to examine the accounts of agents, to inspect the schools, to make general report on the conduct of the agents and the efficiency of administration at the different agencies. They are not, as has been stated, men of very great experience, trained to this work. I venture to say that of the five Indian inspectors now in the service of the Government there is not one whose commission is three years old. I do not think there is one whose commission is two years old. These officers are changed just as any other political officers are changed, by political pressure; they are appointed by political patronage.

Mr. KASSON. No, sir.

Mr. ADAMS, of Illinois. What I wanted was simply an enumeration of their duties.

Mr. MAGINNIS. If the argument in regard to training and experience is worth anything it is all in favor of the amendment, because these Army officers are trained to perform the very class of duties now devolving upon these inspectors. As to the objection that we propose to put a new duty upon these Army officers, that will not stand. Already Army officers are being detailed to inspect the supplies and annuities delivered at these agencies to these Indians. They are detailed as these officers would be. There is not a single distribution made at any of these agencies to any of these Indian tribes which has not been inspected and certified to by an Army officer under the control and direction of the Commissioner of Indian Affairs and the Secretary of the Interior, just as it is proposed in this case. Instead of an invasion it is to perfect the system.

Mr. ELLIS. I move that the committee rise for the purpose of closing debate.

Mr. COX, of New York. I desire to make a correction.

Mr. ELLIS. How long?

Mr. COX, of New York. One minute. I suppose I can do it in my own right.

Mr. ELLIS. No; but I will withdraw the motion to rise and yield to the gentleman from New York for one minute.

Mr. COX, of New York. Mr. Chairman, I wish to make a correction. When up awhile ago I did not state the figures of the expenses of the Indian service with exactness. When I first came to Congress in 1856 it was $2,769,429.55. It ran along, being a little more or a little less than $2,000,000, until after the war. In 1865 it ran up to $5,000,000. In 1866 it was between three and four millions; in 1871 it rose to $7,426,997; in 1872 it was $7,061,728; in 1873, $6,692,000; and in 1874, $8,384,656. In 1876 it was $5,996,000. Mark the time when it dropped from eight to five millions. It was when the matter was administered by the party of economy. Every time the Democracy came into power this expense was lessened, to the great disgust of my friend from Iowa [Mr. KASSON].

The CHAIRMAN. The gentleman's time has expired.

Mr. KASSON. I think I should reply for one minute after that.

Mr. ELLIS. I will yield for one minute.

Mr. KASSON. The gentleman will observe it arises from the process by which the Indians were reduced from wild barbarism to civilization. And under it we had no Seminole war, costing from $20,000,000 to $30,000,000 in money. It was expended for processes of civilization and under treaty stipulations.

Mr. COX, of New York. You had Modoc, Cheyenne, and a half-dozen other Indian wars besides, and they were nearly all contractors' wars.

Mr. KASSON. Not at all.

Mr. ELLIS. I move that the committee rise for the purpose of closing debate on this paragraph.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. ELLIS. I move that debate on the pending paragraph of the Indian appropriation bill and all amendments thereto be closed in thirty seconds.

Mr. ADAMS, of Illinois. I hope the gentleman will give enough time to answer the reasonable questions I asked a few minutes ago. I have listened to every speaker, following every word, simply for information, and I have not got it yet.

Mr. ELLIS. I will make it five minutes and give it all to the gentleman from Illinois.

The motion was agreed to.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The committee resumes the consideration of the Indian appropriation bill, and by order of the House all debate on the pending paragraph is limited to five minutes.

Mr. ELLIS. I will yield it all to the gentleman from Illinois.

Mr. ADAMS, of Illinois. I will employ the time yielded to me by the gentleman from Louisiana by repeating the request which I have already made, for information as to the duties of these Indian inspectors under existing law, and I shall yield the floor to any gentleman who will be kind enough to enumerate their duties.

Mr. ELLIS. I have not the statutes before me, but in general, as the gentleman will find on an examination of the statutes, this board of inspection is constituted for the purpose of traveling about among the different Indian agencies and making a general inspection of the Indian service. They inspect the accounts of the Indian agents, the schools, the provisions or other articles furnished by contractors and sent there, such as beef cattle, flour, &c., and make reports of their examination to the Interior Department. That, I believe, includes the general substance of their duties.

Mr. KEIFER. And to inquire about the condition of the Indians generally.

Mr. ELLIS. Yes, sir; everything pertaining to them and their condition.

Mr. PERKINS. And there are but five of these agents to perform this service for the entire Government?

Mr. ELLIS. That is all.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. ADAMS, of Illinois. I will yield the floor for that purpose.

Mr. MILLIKEN. Suppose these five Army officers that you propose to assign to this duty shall be called into active service, who then performs the duty of inspection?

Mr. ELLIS. I suppose the duty will be left unperformed until their places are filled.

Mr. REAGAN. The four hundred supernumerary Army officers could certainly furnish enough for that service.

Mr. ADAMS, of Illinois. If there is any gentleman who thinks the statement as to the duties of these Indian inspectors is incomplete, I shall be glad to yield the floor to him to answer further the question I have asked.

Mr. ELLIS. The gentleman from Illinois will find that the statement I have given covers about the substance of the statute defining their duties.

Mr. GEORGE. I would like to add that the inspectors of the Secretary of the Interior occupy about the same relations with him in regard to the Indian agencies and their affairs as the post-office inspectors do in regard to the postal matters and the general business of the postal service to the Postmaster-General.

Mr. PERKINS. And they had just as well assign the duty of inspecting the post-offices and other business connected therewith to Army officers as these Indian agencies?

Mr. GEORGE. Just as well devolve that duty upon Army officers as this.

Mr. ADAMS, of Illinois. That is a matter of argument, and I only ask for information. I will not detain the committee any longer.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas.

The committee divided; and there were—ayes 69, noes 54.

Mr. KEIFER. Tellers.

The CHAIRMAN. As many as are in favor of taking this vote by tellers——

Mr. KEIFER. No quorum has voted.

Mr. HOLMAN. The point of order is made too late.

Mr. KEIFER. But tellers are always ordered when there is no quorum.

Mr. HOLMAN. When that point is made.

Mr. KEIFER. The result of the vote had not been announced.

The CHAIRMAN. The Chair will order tellers.

Mr. KEIFER and Mr. THROCKMORTON were appointed tellers.

The committee again divided; and the tellers reported—ayes 91, noes 67.

So (no further count being demanded) the amendment was agreed to.

Mr. KASSON. I would suggest to the gentleman in charge of this bill whether there ought not to be added to the amendment just adopted the words:

Or when required for other service under the direction of the Secretary of War.

In other words, the amendment as it stands requires him to make this change at the request of the Secretary of the Interior. But in case the Secretary of War wants one of these officers for general service it leaves it open to doubt as to whether some provision should not be made to meet that case.

Mr. MAGINNIS. The regulations would cover that.

Mr. KASSON. It provides that he shall have the right to change at the request of the Secretary of the Interior; but, as I say, the question is open to doubt——

Mr. MAGINNIS. I think that under the general regulations of the Army he would have the right to change him anyway.

Mr. ELLIS. I do not object; but I think it is provided for already in the general regulations.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses of five Indian inspectors, including incidental expenses of inspection and investigation, $5,000.

Mr. ELLIS. I now offer the amendment which I send to the desk, by instruction of the committee.

The Clerk read as follows:

Strike out of lines 125 and 126 the words "Indian inspectors," and in lieu thereof insert the words "Army officers detailed as Indian inspectors."

Mr. HOLMAN. Let me inquire whether when these Army officers are simply detailed, as they will be here, they will not be on detached service, and of course receive mileage also under the appropriation made for the military service?

Mr. MAGINNIS. Not in this case.

Mr. HOLMAN. It seems to me that they would.

Mr. MAGINNIS. I think the usual practice is to pay their expenses when under the service of the Interior Department. We have now detailed officers performing the service of making inspections, and their expenses are paid.

Mr. ELLIS. The expense is incurred in the Indian service, and the Indian appropriation bill ought to cover the amount necessary to meet it.

Mr. HOLMAN. It should be provided for, of course, unless it is paid elsewhere. But if the same provision is made in the Army bill they may be paid twice.

Mr. ELLIS. It ought to be in this bill.

Mr. CANNON. I desire to offer an amendment to the amendment, which I send to the desk.

The Clerk read as follows:

Add the following proviso:
"*Provided*, No payment shall be made to such Army officers for traveling expenses in this service except as provided in this bill."

Mr. ELLIS. I accept that amendment.

The amendment as modified was agreed to.

The Clerk read as follows:

Pay of one Indian school superintendent, $3,000.

Mr. CUTCHEON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out in lines 128 and 129 the words "three thousand dollars" and inserting the following:

"Two thousand nine hundred and fifty dollars: *Provided*, That it shall be the duty of the Secretary of the Interior to organize within the Indian Bureau a division of Indian education, of which said superintendent of Indian schools shall be chief; and the Secretary of the Interior shall assign to said division of Indian education a sufficient clerical force for the transaction of its business.

"It shall be the duty of said superintendent of Indian schools to locate and inaugurate such additional Indian schools as may be provided for from time to time; to prepare plans for and superintend the erection of new school buildings or the remodeling of old ones; to select and employ suitable teachers for said schools; to arrange and establish courses of study for the different schools, and to modify or change such courses from time to time as may be needful; to attend to and conduct the necessary purchases of books, maps, apparatus, and school supplies for such schools, and, so far as practicable, to visit and inspect all Indian schools, and to make such suggestions to those in charge as will, in his opinion, increase their usefulness and efficiency; and to make an annual report to the Secretary of the Interior covering the transactions of his division during the year, and the statistics relative to Indian education."

Mr. ELLIS. I make the point of order on that amendment that it changes existing law, that it is new legislation, that it most unquestionably increases expenditure, and that it is not germane, as it relates to a matter of department administration, and if enacted at all belongs entirely to another bill.

Mr. CUTCHEON. I hope the gentleman from Louisiana will withdraw his objection for a moment, that I may speak to the amendment I have offered.

Mr. ELLIS. I reserve the point of order.

Mr. CUTCHEON. Mr. Chairman, I have not offered this amendment strictly of my own motion, but for the following reason: I had the honor to be designated as one of a committee of five by the national council of the Congregational churches of the United States at their last meeting to present to Congress the subject of Indian education. That committee has formulated, in substance, the amendment which I now offer. Whether or no it is amenable to the point of order raised by the honorable gentleman from Louisiana it is not necessary to discuss for the time being.

The purpose of the amendment is simply to define the duties of the present officer known as the superintendent of Indian schools, and to further organize the department of Indian education by the establishment of a "division of Indian education" within the Indian Bureau. Whether or no it would increase expenses I think does not appear on the face of the amendment. It reduces the salary of the superintendent by $50, and therefore it does upon the face of it reduce expenditures. And it does not call for the appointment of any additional clerks in the department, but simply provides for their assignment.

I will not speak further on the question of order. But I desire to call the attention of the House very briefly to a few points on this subject of Indian education. This subject, Mr. Chairman, is one of the great humanitarian problems of the day, and is well deserving the earnest attention of Congress. The race questions are among the great questions which have perplexed and troubled the American people. Ever since the formation of our Government we have had the negro question before us. After that was substantially settled we were troubled by the Mongolian or Chinese question. That has been put in shape and laid away on the shelf. And now we have the Indian question still before us. And I may say the Indian is like the poor—we have him always with us. From the time our fathers set foot on this continent this has been one of the troublesome questions we have had to deal with.

There have been several different ways tried of dealing with this question. We have at one time treated the Indian tribes as independent nations, with whom we could make treaties as with foreign powers. They have been nations to make treaties with until we have obtained their great domain; but we have not recognized them as nations for the purpose of maintaining and observing treaties on our part after we had gained possession of their lands.

Again, we have treated them as wild beasts without the rights of humanity, to be hunted with bloodhounds as they were in the Florida wars, and not entitled to the usages of civilized warfare.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LONG was recognized, and yielded his time to Mr. CUTCHEON.

Mr. CUTCHEON. I thank the gentleman from Massachusetts for his courtesy.

We have begun, Mr. Chairman, within the more recent period of our history to treat the Indians as human beings, rational and immortal, who may be civilized, educated, and Christianized. This last is the one plan that promises the ultimate solution of the Indian problem.

I believe that the friends of Indian education have themselves been surprised at the success of the new method and the readiness with which the Indian children take to education.

The old idea that "the only good Indians are dead Indians" has been given the lie at Carlisle, at Lincoln School, at Hampton, at Forest Grove, among the Dakota schools, and, in fact, wherever the educational plan has been faithfully tried.

This question of how to treat the Indian problem must be met. The old idea that the Indians are "dying out" is not a true one. At the present time they are increasing, and they will hereafter increase more rapidly. They are soon to become factors in our States and local communities. It is only a question of a few years when they are to become citizens, and it is for us to prepare them for the rights and duties of citizenship. The first thing is to educate the children. Little can be done for the older Indians but to keep them as peaceable and contented under their changed relations as practicable.

But our hope is in the young. The first thing for us to do is to carry out our treaty stipulations with these Indian tribes. In the last report of the superintendent of Indian schools, upon page 7, I find the following, which I will read:

Additional day-schools are also required at several of the agencies. In connection with this matter, I present a table showing our treaty obligations to several of the tribes named above, and others not included in the above list, by which it will be seen what our failures have been. Due consideration is also given to what has been done for each tribe named. It will be seen by reference to this table that the amount which would have been required to fulfill these treaty obligations up to and including the present fiscal year would have been $3,759,400.

Under our treaties with these several tribes we are bound to maintain one school for every thirty children of school age in the tribe, and one school-house and one teacher. There is due to these tribes, under these treaty stipulations, for this purpose, the sum of $3,759,400, as follows:

| | |
|---|---|
| Apache, Kiowa, and Comanche Indians | $284,200 |
| Bannock Indians | 44,200 |
| Cheyenne and Arapaho Indians | 283,100 |
| Crow Indians | 262,200 |
| Navajo Indians | 792,100 |
| Northern Cheyenne and Arapaho Indians | 167,800 |
| Shoshone Indians | 141,700 |
| Sioux Indians | 1,491,600 |
| Ute Indians | 292,500 |
| Total | 3,759,400 |

At the date of the last report of the superintendent there are seventy-five schools supported in whole or in part by the Government, at a total cost of $339,968.17 for the last fiscal year. I call attention here to an itemized table giving financial statistics of Indian boarding-schools for the year ending June 30, 1883.

The table is as follows:

*Financial statistics of Indian boarding-schools for the year ending June 30, 1883.*

| Name of agency. | Name of State or Territory. | Name of school. | No. months in session. | Largest average monthly attendance. | Average attendance. | How supported. | Issues and expenditures. | | | | | | Cost per capita per month. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | For employés. | For subsistence. | For clothing. | For school materials. | Miscellaneous. | Total. | |
| Blackfeet | Montana | Blackfeet boarding | 6 | 16 | 13.5 | Government supplies everything. | $1,356 94 | $423 03 | $96 55 | $1 52 | $10 62 | $1,888 66 | $23 31 |
| Cheyenne and Arapaho. | Indian | Arapaho manual-labor and boarding. | 10 | 111.1 | 94 | do | 4,682 06 | 3,864 84 | 1,178 09 | 462 20 | 612 86 | 10,800 05 | 11 49 |
| Do | do | Cheyenne manual-labor and boarding. | 10 | 120 | 108.6 | do | 4,659 71 | 4,8.8 42 | 1,441 99 | 429 18 | 522 03 | 11,931 33 | 10 99 |
| Cheyenne River | Dakota | Boys' boarding and industrial | 8 | 20 | 19.6 | do | 1,131 67 | 670 55 | 19 61 | 44 17 | 572 54 | 2,438 54 | 15 55 |
| Colorado River | Arizona | Colorado River boarding | 10 | 54.2 | 50 | do | 2,914 03 | 2,605 19 | 326 59 | 65 63 | | 5,911 44 | 11 82 |
| Crow | Montana | Industrial boarding | 12 | 19.1 | 15 | do | 1,406 85 | 926 25 | 656 64 | 66 75 | | 3,056 49 | 16 98 |
| Crow Creek | Dakota | Crow Creek boarding | 10 | 32 | 27.2 | do | 1,899 33 | 935 25 | 152 13 | 59 62 | 285 00 | 3,331 33 | 12 25 |
| Fort Hall | Idaho | Fort Hall boarding | 7 | 16 | 13.1 | do | 1,246 56 | 492 43 | 188 57 | 19 89 | | 1,947 45 | 21 23 |
| Grand Ronde | Oregon | Industrial boarding | 12 | 42 | 30.5 | do | 1,465 89 | 1,664 81 | 649 59 | 267 07 | 57 50 | 4,104 86 | 11 22 |
| Great Nemaha | Nebraska | Iowa industrial boarding | 10 | 29 | 22.8 | do | 2,468 63 | 686 11 | 466 82 | 106 83 | 126 00 | 3,854 39 | 16 91 |
| Green Bay | Wisconsin | Menomonee industrial boarding. | 10 | 56 | 41.8 | do | 2,145 19 | 992 63 | 286 82 | 55 80 | | 3,480 44 | 8 33 |
| Kiowa, Comanche, and Wichita. | Indian | Kiowa and Comanche industrial boarding. | 10 | 111.3 | 87.2 | do | 4,755 00 | 3,255 11 | 3,311 20 | 150 86 | 305 95 | 11,778 12 | 13 51 |
| Do | do | Wichita industrial boarding | 10 | 59 | 46.8 | do | 4,413 15 | 1,673 36 | 1,768 40 | 99 87 | 62 50 | 8,017 28 | 17 13 |
| Klamath | Oregon | Klamath industrial boarding | 10 | 51 | 47.2 | do | 2,213 92 | 1,826 55 | 1,037 37 | 35 60 | 138 40 | 5,251 84 | 11 13 |
| Do | do | Yainax industrial boarding | 8 | 32 | 30.6 | do | 925 00 | 982 65 | 544 63 | 20 40 | | 2,472 68 | 10 10 |
| Lower Brulé | Dakota | Lower Brulé boarding | 7 | 30 | 26.9 | do | 1,352 79 | 639 80 | 442 31 | 55 63 | 182 00 | 2,672 53 | 14 19 |
| Neah Bay | Washingt'n | Industrial boarding | 12 | 61 | 49.7 | do | 2,380 00 | 1,413 59 | 757 18 | 123 08 | 260 56 | 4,934 35 | 8 29 |
| Nevada | Nevada | Nevada boarding | 6 | 40 | 33.5 | do | 1,154 88 | 584 55 | | 39 15 | 33 10 | 1,811 68 | 9 01 |
| Nez Percé | Idaho | Kamiah boarding and industrial. | 6 | 22 | 20 | do | 1,230 00 | 618 66 | 275 25 | 27 23 | 342 02 | 2,493 16 | 20 78 |
| Do | do | Lapwai boarding | 8 | 47.2 | 40 | do | 2,870 64 | 1,836 03 | 677 65 | 166 90 | 233 60 | 5,784 82 | 18 08 |
| Nisqually | Washingt'n | Chehalis industrial boarding | 12 | 41 | 30.4 | do | 2,763 50 | 2,050 36 | 989 97 | 338 57 | 367 32 | 6,509 72 | 17 84 |
| Do | do | Puyallup industrial boarding | 12 | 63.9 | 57.7 | do | 3,788 95 | 2,798 43 | 1,272 61 | 322 01 | 370 93 | 8,552 93 | 12 35 |
| Osage and Kaw | Indian | Kaw boarding | 12 | 52.5 | 41.6 | do | 2,691 54 | 1,612 01 | 1,093 29 | 105 34 | 72 50 | 5,574 68 | 11 17 |
| Do | do | Osage boarding | 8 | 78.3 | 46 | do | 3,247 90 | 1,283 20 | 1,192 88 | 103 93 | 8 10 | 5,836 01 | 15 86 |
| Otoe | do | Otoe industrial boarding | 10 | 45 | 35.8 | do | 1,938 87 | 1,137 15 | 286 78 | 140 88 | 119 71 | 3,623 39 | 10 12 |
| Pawnee | do | Industrial boarding | 10 | 72.2 | 66.9 | do | 3,631 36 | 2,593 59 | 984 11 | 84 96 | 187 75 | 7,481 77 | 11 19 |
| Pima and Maricopa | Arizona | Pima boarding | 7 | 41.3 | 35.4 | do | 2,577 79 | 710 00 | 962 43 | 107 31 | | 4,357 53 | 17 58 |
| Ponca | Indian | Ponca boarding | 6 | 66 | 62.3 | do | 2,410 12 | 1,410 17 | 1,033 27 | 38 26 | 228 56 | 5,120 38 | 13 70 |
| Pottawatomie | Kansas | Pottawatomie boarding | 12 | 34 | 30.6 | do | 2,049 75 | 1,221 77 | 333 09 | 108 66 | 225 25 | 3,938 52 | 10 73 |
| Do | do | Kickapoo boarding | 12 | 26 | 20.1 | do | 1,970 00 | 828 88 | 325 64 | 82 58 | 445 85 | 3,652 55 | 15 14 |
| Quapaw | Indian | Quapaw industrial boarding | 10 | 69.5 | 57.5 | do | 2,750 04 | 1,915 37 | 650 03 | 172 90 | 345 28 | 5,833 62 | 10 15 |
| Do | do | Seneca, Shawnee, and Wyandotte industrial boarding. | 10 | 93.7 | 82.7 | do | 3,869 99 | 3,110 49 | 1,239 84 | 114 76 | 230 28 | 8,565 36 | 10 36 |
| Quinaielt | Washingt'n | Quinaielt boarding | 11 | 25 | 23.9 | do | 1,155 50 | 698 70 | 234 88 | 104 32 | 70 00 | 2,271 40 | 8 64 |
| Round Valley | California | Industrial and boarding | 12 | 52 | 47.9 | do | 2,561 72 | 1,149 14 | 592 18 | 183 56 | 134 32 | 4,620 92 | 8 04 |
| Sac and Fox | Indian | Absentee Shawnee manual-labor boarding. | 10 | 56 | 46.1 | do | 2,699 46 | 2,220 80 | 496 30 | 210 85 | 121 35 | 5,748 76 | 12 47 |
| Do | do | Sac and Fox manual-labor boarding. | 11 | 36 | 28.6 | do | 2,010 37 | 1,268 18 | 737 32 | 119 43 | 81 35 | 4,216 65 | 13 40 |
| Santee | Nebraska | Industrial boarding | 11 | 45.8 | 37.5 | do | 2,786 80 | 2,075 40 | 816 38 | 164 53 | 405 11 | 6,248 22 | 15 15 |
| Siletz | Oregon | Siletz boarding | 10 | 49 | 41.4 | do | 2,231 62 | 784 73 | 474 18 | 47 12 | 108 73 | 3,646 38 | 8 81 |
| Shoshone | Wyoming | Wind River boarding | 4 | 17 | 13.8 | do | 367 44 | 260 21 | 152 66 | 12 15 | | 792 46 | 14 36 |
| Sisseton | Dakota | Manual-labor boarding | 10 | 78.5 | 61.7 | do | 4,135 86 | 3,072 76 | 955 58 | 191 03 | 459 00 | 8,814 23 | 14 29 |
| Do | do | Ascension industrial | 8 | 10 | 7.3 | do | 399 45 | 306 19 | 61 70 | 18 28 | | 785 62 | 13 49 |
| S'Kokomish | Washingt'n | S'Kokomish boarding | 12 | 34 | 28.4 | do | 2,139 27 | 903 28 | 543 51 | 214 88 | | 3,800 94 | 11 15 |
| Standing Rock | Dakota | Indian girl's boarding | 12 | 50 | 39.6 | do | 1,100 00 | 2,089 13 | 381 71 | 361 49 | 367 00 | 4,299 33 | 9 05 |
| Uintah Valley | Utah | Uintah Valley boarding | 8 | 13.6 | 9.4 | do | 1,293 69 | 432 85 | 173 22 | 35 64 | | 1,935 40 | 25 74 |
| Umatilla | Oregon | Umatilla boarding | 6 | 51 | 46 | do | 1,770 00 | 1,232 78 | 158 37 | 21 60 | 70 00 | 3,252 75 | 11 78 |
| Warm Springs | do | Industrial and boarding | 11 | 22.8 | 12.6 | do | 1,280 00 | 498 50 | 157 28 | 83 | 28 60 | 1,965 21 | 14 18 |
| White Earth | Minnesota | White Earth boarding | 10 | 69 | 37.9 | do | 1,956 59 | 1,249 01 | 642 53 | 207 49 | 141 25 | 4,196 87 | 11 07 |
| Do | do | Leech Lake boarding and industrial. | 8 | 32 | 27.9 | do | 1,620 00 | 899 23 | 336 00 | 54 36 | 158 83 | 3,068 42 | 13 75 |
| Do | do | Red Lake boarding | 8 | 28 | 23.3 | do | 1,069 34 | 819 35 | 328 44 | 47 16 | | 2,264 29 | 12 15 |
| Winnebago & Omaha | Nebraska | Winnebago industrial boarding | 12 | 62 | 46.9 | do | 2,632 14 | 2,315 07 | 1,414 45 | 253 67 | 650 30 | 7,265 63 | 12 91 |
| Do | do | Omaha industrial boarding | 10 | 66 | 53 | do | 2,646 94 | 2,147 06 | 1,356 43 | 239 47 | 1,298 90 | 7,688 80 | 14 51 |
| Yakama | Washingt'n | Industrial boarding | 10 | 115 | 93.2 | do | 2,853 02 | 3,672 01 | 944 68 | 73 42 | 582 37 | 7,125 50 | 7 54 |
| Yankton | Dakota | Agency boarding and industrial | 12 | 70 | 51.2 | do | 4,036 13 | 2,356 59 | 1,499 67 | 179 94 | 487 50 | 8,559 83 | 13 93 |
| Devil's Lake | do | Industrial boarding | 12 | 91 | 66.3 | Government supplies, rations, clothing, &c. and 1 teacher. *a* | 3,499 50 | 2,935 27 | 825 19 | 25 51 | 325 12 | 7,610 59 | 9 57 |
| Do | do | Boys' industrial boarding | 10 | 38 | 23.1 | Government supplies rations, clothing, &c. *b* | 860 00 | 875 33 | 374 35 | 6 78 | | 2,116 46 | 9 16 |
| Fort Peck | Montana | Industrial boarding | 12 | 66 | 43.3 | do | 2,024 78 | 2,457 55 | 1,016 35 | 176 33 | 789 40 | 6,464 41 | 12 44 |
| Sisseton | Dakota | Good Will Mission boarding | 8 | 35 | 33.4 | do | 825 00 | 1,416 07 | 383 48 | 54 92 | | 2,679 47 | 10 03 |
| Navajo | N. Mex | Navajo boarding | 7 | 86 | 70.5 | do | 1,464 50 | 2,642 49 | 621 53 | 42 64 | | 4,771 16 | 9 69 |
| Standing Rock | Dakota | Agricultural industrial boarding. | 12 | 45 | 36.9 | do | 1,500 00 | 2,092 84 | 503 28 | 143 12 | 125 01 | 4,364 25 | 9 86 |
| Cheyenne and Arapaho. | Indian | Mission and boarding | 10 | 25.3 | 19.2 | Government supplies rations, clothing, &c. *c* | | 907 41 | 118 04 | 18 40 | | 1,043 85 | 5 44 |
| Cheyenne River | Dakota | St. John's boarding | 10 | 36 | 35 | do | | 1,576 31 | | | 119 50 | 1,695 81 | 5 13 |
| Santee | Nebraska | Normal training and boarding | 12 | 61.4 | 44.2 | do | | 2,490 96 | 230 65 | | | 2,721 61 | 5 13 |
| Do | do | St. Mary's boarding | 11 | 32.5 | 28.1 | do | | 1,319 75 | 96 98 | | | 1,416 73 | 4 59 |
| Do | do | Hope boarding | 12 | 25 | 17.7 | do | | 986 79 | | | | 986 79 | 4 65 |
| Do | do | Boys' boarding | 10 | 6 | 5.1 | do | | 208 59 | 49 62 | | | 258 21 | 5 06 |
| Yankton | Dakota | St. Paul boys' boarding | 12 | 37.5 | 29.3 | do | | 1,397 43 | 134 76 | 13 49 | 22 50 | 1,568 18 | 4 46 |
| Colville | Washingt'n | Cœur d'Alene boarding | 12 | 51 | 40.6 | Everything furnished under contract. | | | | | | 3,900 00 | 10 00 |
| Do | do | Male boarding | 11 | 32 | 30 | do | | | | | | 3,000 00 | 10 00 |
| Do | do | Female boarding | 12 | 35 | 31.3 | do | | | | | | 3,063 00 | 10 00 |
| Flathead | Montana | Boys' boarding | 12 | 41 | 30 | do | | | | | | 2,891 66 | 10 00 |
| Do | do | Girls' boarding | 12 | 39 | 37 | do | | | | | | 3,000 00 | 10 00 |
| Omaha | Nebraska | Omaha Mission industrial | 10 | 53 | 39.7 | do | | | | | | 3,594 16 | 10 00 |
| Pueblo | N. Mex | Pueblo industrial boarding | 10 | 83.3 | 76.2 | do | | | | | | 9,177 31 | 12 00 |
| Tulalip | Washingt'n | Female industrial boarding | 12 | 38 | 28 | do | | | | | | 3,195 38 | 10 00 |
| Do | do | Male agricultural and industrial boarding. | 12 | 35.7 | 27.7 | do | | | | | | 2,873 23 | 10 00 |
| | | | | 3,627.7 | 2,955.2 | | | | | | | 331,968 17 | |

*a* Remaining employés under contract. *b* Employés all under contract. *c* Employés furnished by religious societies.

Mr. CUTCHEON. The first thing we have to do for these Indians is to fulfill our treaty stipulations with them; to do simply what we have agreed to do; to put at their disposal for educational purposes this fund which we owe them, as honestly owe them as one man can owe another any honest debt.

The second thing we have to do is to require of them to hold their lands in severalty. The very foundation of civil order is the ownership of property and the responsibility for its use. It gives, first, local attachment and individuality; second, it inculcates respect for the rights of others; third, it creates a regard for law and order and a dependence upon orderly government. It inspires the spirit of patriotism and attachment to the Government which protects them and their property.

In the third place, we must give them civil rights under civilized law, and political rights as rapidly as their tribal relations are dissolved. Until these people are made amenable to the laws of the Commonwealth within which they reside they will progress but slowly and under great disadvantages. They must be incorporated into the great body of law-acknowledging and law-abiding citizens, and then they will quickly assimilate in manners, in progress, in religion, and to those around them, and, swept along in the great current of civilizing influence, they will mingle in the common mass, and the "Indian problem" will be finally solved. But to this end we must provide the adequate means, and the first and most important of these is to keep all our treaty stipulations in the matter of education.

I am thankful for the noble words spoken yesterday by the gentleman in charge of this bill [Mr. ELLIS], and I trust they may be potent in this Chamber to induce a treatment of this subject worthy of the great Republic of the nineteenth century, which ought to keep its treaties with the weakest more scrupulously than with the strongest power.

Mr. ELLIS. I renew the point of order against the amendment.

The CHAIRMAN. The point of order is raised upon the amendment proposed by the gentleman from Michigan [Mr. CUTCHEON] that it changes existing law and does not reduce expenditures.

Mr. ELLIS. And is not germane.

The CHAIRMAN. The Chair has no difficulty in deciding the point of order. It is true that the amendment does propose to reduce the salary of the superintendent by the amount of $50. But associated with that proposition to reduce the salary of the superintendent is also a proposition having no natural connection with it whatever, requiring the Secretary of the Interior to organize in the Indian Bureau a separate division of education, and to assign a clerical force to that division, &c. The Chair sustains the point of order against the amendment.

The Clerk read as follows:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and traveling and incidental expenses of agents, and for pay of employés not otherwise provided for, and for pay of the four special agents, at $2,000 per annum each, $40,000.

Mr. ELLIS. By instructions of the Committee on Appropriations, I move to amend the paragraph just read by inserting between the words "of" and "agents" the word "special;" so that it will read "traveling and incidental expenses of special agents." That is rendered necessary in order to designate which class of agents are here provided for. There are two kinds, special agents and ordinary agents.

The amendment was agreed to.

Mr. ELLIS. By instructions of the committee, I move to further amend the paragraph just read by adding the proviso which I send to the Clerk's desk.

The Clerk read as follows:

*Provided*, That special agents shall be allowed $3 per diem for traveling and incidental expenses while traveling and actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

Mr. ELLIS. That is also rendered necessary in order to fix the compensation which these special agents shall receive.

The amendment was agreed to.

The Clerk read the following, under the head of "Fulfilling treaties with Indian tribes—Apaches, Kiowas, and Comanches:"

For pay of physician and teachers, $2,500; in all, $54,700.

Mr. ELLIS. By instructions of the Committee on Appropriations, I move to amend the paragraph just read by inserting between the words "and" and "teachers" the word "two;" so that it will read "for pay of physician and two teachers." That is to render certain the number of teachers and the compensation they shall receive.

The amendment was agreed to.

Mr. BELFORD. I move to amend by inserting after the paragraph last read that which I send to the Clerk's desk.

The Clerk read as follows:

Whereas by the agreement now existing between the United States and the confederated bands of the Ute Indians of Colorado, as set forth in the act of Congress entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, A. D. 1880, it is, among other things, provided that "the Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and in its vicinity in Colorado, then upon such other unoccupied agricultural lands as may be found on the La Plata River or in its vicinity in New Mexico; and

Whereas it now appears that it is impracticable to carry out the intent of said agreement as to the location of the lands thereby intended to be allotted to the members of said Southern Band of Ute Indians, for the reason that no sufficient quantity of such lands as are contemplated in and by said agreement exists in the several localities and vicinity thereof designated in said agreement and act out of which the allotments therein provided for can be made: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That instead of lands on the said La Plata River and vicinity in Colorado and New Mexico, as provided in and by said agreement, lands be allotted to the said Southern Utes in that part of the Territory of Utah known as the Uintah reservation, or in the vicinity thereof, the same in all cases to be surveyed, selected, and allotted in manner and form in all respects the same, except as is hereinafter provided, in severalty, to such and every member of said Southern Band of Utes entitled to receive lands under the provisions of said agreement as therein is provided touching the lands therein mentioned.

SEC. 2. That a commissioner shall be appointed by the President, by and with the advice and consent of the Senate, who shall proceed to carry out the provisions of the condition secondly set forth in the first section of said act, in all respects as therein provided, as though this act had not been passed, save that in making apportionment of the moneys appropriated by Congress for the purposes in said second condition expressed one-third thereof shall be apportioned to the Southern Utes who shall settle on lands in said Uintah reservation, or in the vicinity thereof; and they shall perform all other duties imposed upon them by the several sections of said act in all respects as therein provided, except that they shall file copies of the report in the second section of said act required in the General Land Office and in the offices of the surveyors-general of Colorado and Utah only.

SEC. 3. That the Secretary of the Interior shall cause to be surveyed, under the direction of said commissioner, lands in the said Uintah reservation, or in the vicinity thereof, instead of lands in the localities mentioned in said act for allotment to the said Southern Utes, sufficient in quantity to secure the settlement in severalty on said reservation of all of said band; and said commissioners shall make allotment to each and every of said Southern Band, out of the lands so surveyed, of one-half the quantity of agricultural lands and of triple the quantity of grazing lands as in said act provided; and the President of the United States shall cause patents to be issued to each and every allottee under the provisions of this act for the lands allotted them severally, with the same conditions, restrictions, and limitations contained therein as are provided in said agreement touching the lands therein provided to be allotted to said Indians; and the Southern Utes receiving allotments of lands severally under the provisions of this act in said Uintah reservation, or in the vicinity thereof, shall be deemed and held to have received and accepted the same in lieu of the land he or she would have been entitled to receive under the provisions of said agreement if the provisions thereof hereby modified had remained unchanged.

SEC. 4. That of the proceeds of the sale of the lands released and conveyed to the United States by the confederated bands of the Ute Indians, to be applied in payment for the lands (at $1.25 per acre) which may be ceded to the said Indians by the United States outside of their reservation, as provided in the third section of said act of June 15, 1880, so much thereof as shall be required (in the proper execution of the said provision) to pay for the lands ceded and to be allotted to the White River Utes within the Uintah reservation under the terms of the existing agreement, and also for the lands that shall be ceded and allotted to the said Southern Band within the said reservation under the provisions of this act, shall be deposited in the Treasury of the United States to the credit of the Uintah Band of Ute Indians residing upon said Uintah reservation, and draw interest at the rate of 5 per cent. per annum, which interest shall be paid to the said Uintah Band, or members thereof, or used for their benefit, as the President may direct, annually forever.

SEC. 5. That before any of the provisions of this act shall be executed, the full and free consent of said Southern Band of Ute Indians shall be obtained to the exchange of lands on the La Plata River and vicinity (in Colorado and New Mexico) for lands within the Uintah reservation, or in the vicinity thereof (in Utah), as provided, in effect, in the first section of this act, and also to the provision in the third section changing (by decreasing) the quantity of agricultural lands and (by increasing) the quantity of grazing lands to be allotted to each and every of said Southern Band, which consent shall be expressed in writing and signed by not less than three-fourths of the adult male Indians of said Southern Band, and shall bear the certificate of the agency interpreter, if there be one in the employ of the Southern Ute agency at the time of obtaining said consent; and if not, then of such other interpreter or interpreters as may be employed by the commissioner charged with the duty of procuring the said consent as hereinafter provided. The said consent in writing shall also bear the certificate of the agent in charge of said agency at the time, and of the commissioner aforesaid. The certificate of the interpreter or interpreters shall set forth and exhibit the fact that all of the provisions of this act requiring the consent of said Indians were read and explained by him or them (as the case may be), and were thoroughly understood by the said Indians before signing said consent, and also the date and place when and where said consent was signed. The certificate of the agent and commissioner aforesaid shall set forth and exhibit the fact that they witnessed each and every signature thereto, and that the provisions of this act requiring the consent of the Indians were carefully read to and fully understood by the said Indians before the signing of said consent by them, the said Indians; the date and place when and where said consent was signed; and that the signatures thereto represent not less than three-fourths of the adult male members of said tribe of Southern Utes. Whereupon said consent shall be filed with the Secretary of the Interior, and the provisions of this act shall be held and deemed to be in effect.

SEC. 6. That the Secretary of the Interior shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

SEC. 7. That all provisions of said agreement, and said act accepting and ratifying the same, which are inconsistent with the provisions of this act shall be deemed and held hereby wholly and forever set aside and of no effect.

Mr. ELLIS. What is that? Is not that a Senate bill pending on the Speaker's table?

Mr. BELFORD. I would like my friend to reserve his point of order.

Mr. ELLIS. I make a point of order upon this amendment under the fourth clause of Rule XXI. This is a bill pending before the House.

Mr. BELFORD. I would like my friend to reserve his point of order until I can explain the proposition.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BELFORD. This does not change existing law.

The CHAIRMAN. That is not the point of order. The point is that this is a bill pending in the House.

Mr. BELFORD. Well, we are dealing with Indians; we have in this bill provisions for the Kiowas, the Comanches, and other tribes; but when I want to deal with the Utes, the gentleman from Louisiana refuses to allow me even to present the case to this House.

Mr. ELLIS. If the gentleman wants to make a speech I will withhold the point of order for a moment.

Mr. BELFORD. If the amendment is ruled out, I move to amend by striking out the last word of the pending paragraph. Mr. Chairman, of course I took up that Senate bill not as a Senate bill but as an amendment which I desired to offer to this bill. I had not time to copy it as an amendment. I have always been friendly with my friend from Louisiana, and I thought he would not make a point of order on this proposition simply because I had not time to copy it. Of course it is a Senate bill; but you know very well and I know very well that we have not gone to the Speaker's table once during this session of Congress. We have never taken up any Calendar except on private-bill day. We have been restrained and restricted by the infernal rules of this House, which my friend from Louisiana has helped to perpetuate.

What is this bill? It does not change existing law. In 1880, when the gentleman from Pennsylvania [Mr. RANDALL] was Speaker of this House, we passed here a bill authorizing the transfer of the Ute Indians to Utah, taking them away from the White River agency. It was further provided in the bill that the Southern Utes should be transferred to the La Plata River and located there, provided land could be found for the purpose. The Government sent out a commission, which reported to the Secretary of the Interior that adequate and suitable land could not be found on that river for the support of those Indians. What is this amendment but an attempt to locate them with the White River Utes, who were sent over to the Uintah agency and given a magnificent tract of land provided they would consent to the transfer? Yet the gentleman from Louisiana, living a thousand miles from my State, rises up in his majesty and wrath and makes a point of order. Instead of doing these Indians good, he is absolutely doing them injury; because the region of country to which I propose to send them is better than that they now occupy.

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman withdraw his *pro forma* amendment?

Mr. BELFORD. Yes, sir; I give it up.

Mr. ELLIS. I will say to my friend from Colorado that I made the point of order not in any spirit of unfriendliness to him, but in a spirit of friendliness to the country.

The Clerk read as follows:

For interest on $390,257.92, at 5 per cent. per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January 20, 1825, and treaty of June 22, 1855, $19,512.89; in all, $30,032.89.

Mr. BRENTS. I move to amend by adding to the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

*Columbias and Colvilles.*—For the purpose of carrying into effect the agreement entered into at the city of Washington on the 7th day of July, 1883, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations in Washington Territory, which agreement is hereby accepted, ratified, and confirmed, including all expenses incident thereto, $85,000, or so much thereof as may be required therefor, to be immediately available: *Provided*, That Sarsarpkin and the Indians now residing on said Columbia reservation shall elect within one year from the passage of this act whether they will remain upon said reservation on the terms therein stipulated or remove to the Colville reservation: *And provided further*, That in case said Indians shall elect to remain on said Columbia reservation, the Secretary of the Interior shall cause the quantity of land therein stipulated to be allowed them to be selected in as compact form as possible, the same when so selected to be held for the exclusive use and occupation of said Indians, and the remainder of said reservation to be thereupon restored to the public domain.

Mr. ELLIS. I reserve a point of order on that amendment.

Mr. BRENTS. Mr. Chairman, the Committee on Indian Affairs, having had under consideration the message of the President of the United States recommending this appropriation for carrying out this treaty, reported on the day before yesterday in favor of this proposition with a single exception; that is, that the amount be immediately available. It is a matter of the utmost urgency and importance that immediate action should be taken to carry out this treaty.

Some seven years ago we had what was called the Nez Percé Indian outbreak, extending through Northern Idaho, Eastern Washington, and into Montana. The next year we had the Bannock outbreak, extending nearly through Idaho, Eastern Oregon, and Eastern Washington. At that time Moses and his band were ready to join the hostile Bannocks, but were prevented by the patrolling of the Columbia River and the destruction of the ferry-boats, skiffs, and canoes. But many of his band committed depredations upon the whites, and a family by the name of Perkins and some others were murdered. The next year an indictment was found against Moses for complicity and participation in those murders. He resisted arrest, but after a battle was captured and put into the Yakima jail. Being sent for by the Secretary of the Interior, he came to Washington. He was allowed, in an agreement made here, nearly three million acres of public land, set apart as a reservation by executive order. It included a part of lands which had been for years and was still occupied by miners, and of course they had to suspend their mining operations. Their machinery, costing large outlays, was going to decay, and they importuned the present Secretary of the Interior to open up a part of this reservation. This was done some time last spring. Of course it produced trouble again with these Indians. The Secretary of the Interior sent for Moses, Sarsarpkin, and other principal chiefs. They came on here, and in July last entered into this agreement, which I send to the Clerk's desk to be read.

The Clerk read as follows:

In the conference with Chief Moses and Sarsarpkin, of the Columbia reservation, and Tonasket and Lot, of the Colville reservation, had this day, the following was substantially what was asked for by the Indians:

Tonasket asked for a saw and grist mill, a boarding-school to be established at Buonaparte Creek to accommodate one hundred pupils, and a physician to reside with them, and $100 to himself each year.

Sarsarpkin asked to be allowed to remain on the Columbia reservation with his people, where they now live, and to be protected in their rights as settlers, and, in addition to the ground they now have under cultivation within the limit of the fifteen-mile strip cut off from the northern portion of the Columbia reservation, to be allowed to select enough more unoccupied land in severalty to make a total to Sarsarpkin of four square miles, being 2,560 acres of land, and each head of a family or male adult one square mile, or to move onto the Colville reservation, if they so desire; and in case they so remove and relinquish all their claims on the Columbia reservation, he is to receive one hundred head of cows for himself and people and such farming implements as may be necessary.

All of which the Secretary agrees they should have, and that he will ask Congress to make an appropriation to enable him to perform.

The Secretary also agrees to ask Congress to make an appropriation to enable him to purchase for Chief Moses a sufficient number of cows to furnish each one of his band with two cows; also to give Moses $1,000 for the purpose of erecting a dwelling-house for himself; also to erect a building and maintain a school therein; also to construct a saw-mill and grist-mill as soon as the same shall be required for use; also that each head of a family or male adult person shall be furnished with one wagon, one double set of harness, one grain-cradle, one plow, one harrow, one scythe, one hoe, and such other agricultural implements as may be necessary.

And on condition that Chief Moses and his people keep this agreement faithfully, he is to be paid in cash, in addition to all of the above, $1,000 per annum during his life.

All this on condition that Chief Moses shall remove to the Colville reservation and relinquish all claim upon the Government for any land situate elsewhere.

Further, that the Government will secure to Chief Moses and his people, as well as to all other Indians who may go onto the Colville reservation and engage in farming, equal rights and protection alike with all other Indians now on the Colville reservation, and will afford him any assistance necessary to enable him to carry out the terms of this agreement on the part of himself and his people. That until he and his people are located permanently on the Colville reservation his status shall remain as now, and the police over his people shall be vested in the military, and all money or other articles to be furnished him and his people shall be sent to some point in the locality of his people, there to be distributed as provided. All other Indians now living on the Columbia reservation shall be entitled to six hundred and forty acres, or one square mile, of land to each head of family or male adult, in the possession and ownership of which they shall be guaranteed and protected. Or should they move onto the Colville reservation within two years they will be provided with such farming implements as may be required, provided they surrender all rights to the Columbia reservation.

All of the foregoing is upon the condition that Congress will make an appropriation of funds necessary to accomplish the foregoing, and confirm this agreement; and also with the understanding that Chief Moses, or any of the Indians heretofore mentioned, shall not be required to remove to the Colville reservation until Congress does make such appropriation, &c.

H. M. TELLER,
*Secretary of the Interior.*
H. PRICE,
*Commissioner of Indian Affairs.*
MOSES, his + mark.
TONASKET, his + mark.
SARSARPKIN, his + mark.

GEORGE HEREING, his + mark,
*Interpreter for the Indians.*
J. F. SHERWOOD,
*Interpreter for the Government.*
FRANK D. BALDWIN,
*Captain, Fifth Infantry.*

Mr. BRENTS. Mr. Chairman, I will also request the Clerk to read the letter of the Commissioner of Indian Affairs, transmitted with the special message of the President, in relation to the matter.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
*Washington, November 6, 1883.*

SIR: In the spring of 1879, Chief Moses, who during the preceding summer had been under arrest at Yakima City, Wash., for alleged complicity in the murder of a white family, and who had been taken in charge by Agent Wilbur, came to this city.

Several conferences were held with him by Secretary Schurz, as the result of which Moses signed an agreement on the 18th of April, 1879, to the effect that in consideration of a reservation therein described, to be set apart for the permanent use and occupation of himself and his people, and such other friendly Indians as might elect to settle with his consent thereon, he thereby relinquished to the United States all right, title, or interest, possessory or otherwise, in and to any and all lands then or theretofore claimed by himself or people in Washington Territory.

He further agreed that he and his people would immediately remove to the reservation described and settle upon the same, and that they would not leave said reservation without the consent of the Commissioner of Indian Affairs.

By an executive order dated April 19, 1879, a tract of country was withdrawn from sale and set apart as a reservation for the permanent use and occupation of Chief Moses and his people, and such other friendly Indians as might elect to settle thereon, with his consent and that of the Secretary of the Interior. The boundaries were the same as those described in the agreement above mentioned, and are as follows, namely:

"Commencing at the intersection of the forty-mile limits of the branch line of the Northern Pacific Railroad with the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west on said boundary line to the forty-fourth degree of longitude west from Washington; thence south on said degree of longitude to its intersection with the forty-mile limits of the branch line of the Northern Pacific Railroad; and thence with the line of said forty-mile limits to the place of beginning."

It is stated in the annual report of the Commissioner of Indian Affairs for the year 1879 (page XVI) that it was deemed expedient to accede to the earnest desire of Moses to have a new reservation set apart for his occupancy, because of

the hardship and unjust treatment to which he had been subjected and in acknowledgment of his valuable services in controlling the disaffected and in preserving the peace during the excitement occasioned by the hostilities of the Bannocks. By this arrangement an expensive war was undoubtedly avoided. It having been the desire of Chief Moses that all that part of Washington Territory lying between the Columbia and Okinakane Rivers on the east, and the forty-fourth degree of longitute west from Washington on the west, the boundary line between the United States and the British Possessions on the north, and so far south as to include Lake Chelan, should be included in the reservation, and the line of the branch of the Northern Pacific Railroad having been so amended as to permit it, an executive order was issued March 6, 1880, adding to the reservation that portion of the country above described which had theretofore fallen within the forty-mile limits of said railroad. The boundaries of this addition are described as follows:

"Commencing at a point where the south boundary line of the reservation created for Chief Moses and his people by executive order, dated April 19, 1879, intersects the Okinakane River; thence down said river to its confluence with the Columbia River; thence across and down the east bank of said Columbia River to a point opposite the river forming the outlet to Lake Chelan; thence across said Columbia River and along the south shore of said outlet to Lake Chelan; thence following the meanderings of south bank of said lake to the mouth of the Shehekin Creek; thence up and along the south bank of said creek to its source; thence due west to the forty-fourth degree of longitude west from Washington; thence north along said degree to the south boundary of the reservation created by executive order of April 19, 1879; thence along the south boundary of said reservation to the place of beginning."

The area of the reservation as enlarged was estimated at 2,992,240 acres.

Soon after the executive order of April 19, 1879, was issued, representations began to be made that the northern portion of the reservation contained valuable mines which had been discovered and worked previous to that date, in consequence of which the Department, on October 11, 1882, directed Inspector Gardner to investigate the matter, and also the location and requirements of the Indians.

Inspector Gardner, under date of November 29, 1882, reported that Moses was living upon the Colville reservation, in accordance with permission granted him by Department telegram of May 17, 1879; that his total adherents numbered two hundred and twenty people, of whom one hundred and forty-four resided upon the Columbia or Moses reservation; that the mining district was located in the northern portion of the reservation, the mines being considered very valuable both in gold and silver; that prior to the executive order of April 19, 1879, white men had settled upon, discovered, claimed according to law, and worked their claims; and that it would appear that, as an act of justice, the prior rights of these parties should be respected and protected.

Inspector Gardner recommended that the entire reservation be restored to the public domain, Chief Moses and his people to be located on the southern portion of the Colville reservation, and as the Columbia reservation was given to him and his people in good faith, that they should be compensated for the restoration of this tract of country. As compensation for the relinquishment of the reservation he recommended that there be allotted to Moses and to each male adult or head of a family belonging to Moses' band three hundred and twenty acres of agricultural land, which should be inalienable and free from taxation for twenty-five years, at the expiration of which time a patent should issue; that $20,000 be appropriated to be expended for their benefit, to make provision for their support, and in the purchase of agricultural implements, wagons, harness, and tools; and that the sum of $10,000 be appropriated thereafter annually for the period of eight years, to be expended for the sole use and benefit of said Indians, as the President might direct.

In view of this report it was decided to restore to the public domain that portion of the reservation upon which the mines were located, leaving the question of the restoration of the remaining portion of the reservation and of compensation for future consideration.

Accordingly, on the 23d of February, 1883, an executive order was issued restoring to the public domain the following-described tract of country, namely:

"Commencing at the intersection of the forty-fourth degree of longitude west from Washington with the boundary line between the United States and British Columbia; thence due south fifteen miles; thence due east to the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west along said boundary line to the place of beginning."

It is estimated that the tract restored contains 749,200 acres, leaving an area of 2,243,040 acres at present included within the reservation.

In April last the commanding general of the Department of the Columbia represented that the action of this Department in restoring the fifteen-mile strip above described had occasioned much excitement among the Moses Indians, whose disposition was much more hostile than friendly, and requested authority to send Chief Moses, with one officer and an interpreter, to Washington, in order that such action might be taken as would restore peaceful relations between all concerned.

The Department, on the recommendation of this office, declined to grant the authority, but subsequently (May 1, 1883) recommended that the War Department bring Moses and two or three other prominent Indians of the band to Washington, if it had the necessary funds at its disposal, for the purpose of conference regarding the pending difficulties.

Accordingly, Chief Moses and Sarsarpkin, of the Columbia reservation, and Tonasket and Lot, of the Colville reservation, under the charge of Capt. F. D. Baldwin, Fifth United States Infantry, visited Washington in July last, and entered into an agreement, a memorandum of which was signed by Moses, Sarsarpkin, and Tonasket, and by the Secretary of the Interior and the Commissioner of Indian Affairs, on the 7th of July last. (Copy inclosed.)

This agreement, if ratified by Congress, will restore to the public domain some 2,243,040 acres in addition to the 749,300 acres restored by the executive order of February 23, 1883, in case the Indians elect to remove to the Colville reservation, while if they decide to remain, some 22,000 acres only will be required to allot the quantity of land stipulated in the agreement.

The terms upon which the Indians agree to relinquish their claims to this vast tract of country, are regarded as favorable to the Government, the amount of money required to carry the agreement into effect being comparatively small, while the proposed disposition of the funds is such as will promote the education and civilization of the Indians, and eventually render them self-supporting.

It is not considered desirable that this large reservation should be long held for the few Indians who live upon it. It is clear, however, that they are entitled to some compensation for its relinquishment, as it was given them by the officers of the Government in whose assurances they must have had confidence.

I have therefore prepared the draught of a bill providing for the ratification of the agreement and the necessary appropriation for carrying it into effect. From the nature of the stipulation, it appears to be impossible to submit a detailed estimate of the funds required. I have named a sum, $85,000, which it is believed will be sufficient for the purposes required.

As the agreement leaves the question of the removal of certain of the Indians to the Colville reservation optional with them, I have inserted a section requiring them to decide within one year from the passage of the bill whether they will remain or move.

I respectfully recommend that this draught be submitted to Congress with a request for favorable action.

I inclose two copies of this report, three copies of the proposed bill, and two copies of the agreements of April 18, 1879, and July 7, 1883.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. BRENTS. I now ask the Clerk to read an extract from a letter of Brigadier-General Miles, who commands the military district, in reference to this matter.

The Clerk read as follows:

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
*Vancouver Barracks, December 3, 1883.*

SIR: I have the honor to forward herewith the report of Captain Baldwin, with inclosures, and respectfully invite attention to the higher authorities to the same, with the request that the subject be laid before Congress at as early a day as practicable.

Last spring the Indians interested in what is known as the Moses reservation became much disturbed by the encroachment of white settlers and the cutting down of their reservation by executive order. This disaffection extended to other Indians throughout Northern Washington and Idaho Territories, and at one time threatened to involve a large section of country in a serious Indian war.

After fully investigating the difficulty, I requested authority to send the chiefs to Washington to explain and, if possible, settle their difficulties. This request was granted by the Secretary of War ordering them to Washington with suitable escort. They were sent under charge of Captain Baldwin, and it resulted in an amicable and most judicious settlement between the honorable Secretary of the Interior and the Indians.

By the terms of this agreement the Indians surrender the valuable and extensive reservation, comprising some 2,649,600 acres of territory (except what land the few families remaining take in severalty), in consideration of the Government giving them protection on the Colville reservation and the means of making themselves self-supporting. This settlement is most beneficial to the Government, the white settlements of the country, and to Indians, and I earnestly recommend that the terms be faithfully complied with on the part of the Government.

It will require an appropriation by Congress of $86,960.30 the first year, the second year $8,800, and the third year $6,300, to fulfill the obligations of the Government. It will restore to the public domain a tract of land worth at least $3,000,000.

This is a case where the Government has the opportunity and, by fair dealing and proper consideration for the interests of the Indians, can, for a very moderate consideration, locate a very large number of Indians in severalty or by families and put them in a way to make themselves self-supporting and to become a productive, prosperous people. I earnestly request that every means may be taken to promote the success of this measure.

The experience and good judgment of Captain Baldwin, judge-advocate of the Department, has been of much benefit in bringing about this settlement, and I would respectfully request that he be ordered to Washington to fully explain to the authorities or to the committee of Congress the importance of the various interests involved in this settlement.

I am, sir, very respectfully, your obedient servant,

NELSON A. MILES,
*Brigadier-General, Commanding.*

Official copy:

O. D. GREENE, *A. A. G.*

To the ASSISTANT ADJUTANT-GENERAL,
*Division of the Pacific, Presidio, San Francisco.*

Mr. BRENTS. Mr. Chairman, it is a matter of most urgent necessity that this treaty should be ratified at once and provision made for carrying out the obligations of the Government thereunder. The time has come for the planting of spring crops and the beginning of the season's work. They expected the implements of husbandry, teams, seed, and other articles specified in the agreement to have been provided and the treaty carried into effect before now. They are becoming distrustful, restive, and threaten to go upon the war-path. Settlement is pressing upon the reservation. The Indians, though not very numerous, will probably begin their depredations upon the whites, and another outbreak may ensue. While it can not be a very formidable one, it will doubtless cost the Government much more to suppress it than the amount required to fulfill the treaty. The treaty is favorable to the Government, and fair to the Indians. Good faith and good policy both demand of us that we should keep the agreement with these Indians, as indeed we should always keep our agreements with all Indians, and all others, and that this appropriation should be made, and made now. It is urgently recommended by Captain Baldwin, judge-advocate of the district, who, perhaps, had more to do in negotiating and bringing about the treaty than any other man; the commander of the district, Brigadier-General Miles; the Commissioner of Indian Affairs, the Secretary of the Interior, the President, and the Committee on Indian Affairs. I earnestly hope the point of order will not be insisted on, and that the amendment will be adopted.

Mr. ELLIS. I have no authority to accept for the committee the amendment of the gentleman from Washington Territory. But I wish to state to the House it is one of these cases where the Government of the United States has made a treaty with Indians and has taken hold of their end of it by using the lands and yet have not ratified the treaty or paid what they agreed to pay. I believe this treaty should be ratified, and I believe this amendment should prevail. I believe the Government's obligations to the Indians should be held sacred. If we expect to draw the Indian to truth and honor we should be truthful and honorable ourselves. I believe the amendment should prevail.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. ELLIS. I do.

Mr. BRENTS. I ask for a vote on the amendment.

The amendment was agreed to.

The Clerk read as follows:

CROWS.

For third of twenty-five installments, as provided in agreement with the Crows, dated June 12, 1880, to be used by the Secretary of the Interior in such

manner as the President may direct, $30,000; and $3,000 of this sum shall be expended for educational purposes.

Mr. MAGINNIS. I move to strike out the words "and $3,000 of this sum shall be expended for educational purposes," because in my belief that money spent for day-schools is only wasted.

Mr. ELLIS. I am willing to agree to that amendment.

The amendment was agreed to.

The Clerk read as follows:

For settlement, support, and civilization of Kickapoo Indians in the Indian Territory, lately removed from Mexico, including such as may be removed hereafter, $4,000; in all, $8,493.24.

Mr. ELLIS. By direction of the committee, I offer the following amendment.

The Clerk read as follows:

After line 368 insert the following:

"This amount, to enable the President of the United States to carry out the provisions of the third article of the treaty made with the Kickapoo Indians dated June 28, 1862, to be paid, under such rules as the Secretary of the Interior may prescribe, to eleven Kickapoo Indians who have become citizens of the United States, the same being their proportion of $100,000 provided for said tribe for education and other beneficial purposes under treaty of May 18, 1854, $3,716.21; and the Secretary of the Interior is directed to pay also to the said eleven Kickapoos their proportion of the tribal fund held in trust by the United States, and deposited in the United States Treasury, $3,716.21."

Mr. ELLIS. That is in strict accordance with the provisions of the treaty referred to. These eleven Kickapoo Indians have become civilized; they have become citizens of the United States and are entitled under the provisions of the treaty to this proportion of their tribal fund. It was by accident it was not included in the bill.

The amendment was agreed to.

The Clerk read as follows:

MIAMIES OF EEL RIVER.

For permanent annuity, in goods or otherwise, per fourth article of treaty of August 3, 1795, $500.

For permanent annuity, in goods or otherwise, per articles of treaty of August 21, 1805, $250.

For permanent annuity, in goods or otherwise, per third and separate articles of treaty of September 30, 1809, $350; in all, $1,100.

Mr. ELLIS. Under instructions from the committee I offer the amendment which I send to the desk. It is offered at the request of the gentleman from Indiana [Mr. CALKINS].

The Clerk read as follows:

At the end of line 411 insert:

"*Provided*, That Matilda Teresa Rousseau, of Saint Joseph County, Indiana, shall be entitled to her pro rata share of money heretofore allowed the Miami tribe of Indians by the act of March 3, 1881, notwithstanding she was not included in the enumeration provided in that act; and the Secretary of the Interior is authorized and directed to allow her the sum that will be due as provided."

Mr. CALKINS. That is right.

The amendment was agreed to.

The Clerk read as follows:

Omahas:

For second of twelve installments, being last series, in money or otherwise, per fourth article treaty of March 16, 1854, $10,000; $7,500 of which shall be expended for educational purposes.

Mr. ELLIS. By instructions of the committee, I offer this amendment.

The Clerk read as follows:

On page 19, in line 448, strike out the word "shall" and insert in lieu thereof the words "may in the discretion of the Secretary of the Interior."

The amendment was agreed to.

The Clerk read as follows:

Shoshones and Bannocks:

For school buildings and teachers, as provided for by article 7 of the same treaty, $3,000.

Mr. BUDD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "dollars," on page 29, in line 682:

"For paying the claim of J. M. Hogan, of Stockton, Cal., for depredations committed by the Shoshone Indians, and which said claim has been examined and allowed by the Secretary of the Interior and reported to Congress for the sum of $6,600—$6,600."

Mr. ELLIS. I reserve the point of order until I can hear from the gentleman from California.

Mr. BUDD. Mr. Chairman, I desire to state to the committee that these Indians, for which we are about to make an appropriation of some twenty-odd thousand dollars, some years ago committed depredations upon the property of J. M. Hogan, a resident of the city of Stockton, Cal., a man whom I have known for over twenty years, and destroyed thousands of dollars' worth of such property. They also wounded him, and he has been a cripple ever since from the effects thereof.

The claim has been presented to the Department of the Interior, as by law required, and has been fully examined into and allowed by the Secretary of the Interior. It has been reported by the Secretary to this Congress for a special appropriation, which the law requires in such cases. It was so reported December 5, 1883, and reported to the Committee on Indian Affairs on December 14. The allowance was for the sum of $6,600.

Under the law as it now exists the Secretary of the Interior may allow a claim, but has no authority to pay it until Congress makes a special appropriation for that purpose. Under the law passed in 1770, and which was in effect until 1834, the Government guaranteed to all persons payment for all damages caused by Indian depredations. In that year (1834) the law was amended and broadened so that the payments might come directly out of the Treasury of the United States. This law was changed in 1859 or 1860. The act of 1872 requires the Secretary to investigate these matters, to pass upon the claims, to allow them, and to report to Congress for a special appropriation to be made for their payment.

Mr. ELLIS. I would like to ask the gentleman if this claim has been before any committee of this House?

Mr. BUDD. I believe it has, sir.

Mr. ELLIS. Has it been reported from any committee?

Mr. BUDD. It has not been, so far as I am aware.

This amendment is, Mr. Chairman, merely a matter of absolute justice. There is the utmost propriety in the payment of this claim. It is a claim with which I am somewhat acquainted, for I have inquired into the facts carefully. I know personally that Mr. Hogan is lame and has been so for some years past, and that the claim was allowed by the Secretary of the Interior. Now if a white man injures an Indian or destroys his property or steals it the Government of the United States guarantees the right to that Indian to have the white man prosecuted in the courts, and to recover double the amount of damages done.

If the white man has not the money, then the Government of the United States pays to the Indian, out of the public Treasury, the amount of the claim. Why, then, should it be otherwise in the case of the destruction or depredations committed upon the property of a citizen of the United States by an Indian? Here is the case of a man, healthy, vigorous, attending to his business, who is pounced upon by the Indians, robbed of his property, and maltreated and severely wounded by them. He can not pursue the Indians within their reservation; he can not sue them in the courts. There is no remedy open to him except by act of Congress, which has thrown a mantle of protection over the redskin. Now, under the law, as I have said, the Department must examine the matter and must pass upon it. In this case it has already examined and passed upon the merits and recommended that this amount shall be paid. After a thorough examination the Secretary of the Interior reports to Congress for a special appropriation. So far all is well. The law has thus far been carried out, and all that remains to be done is to make the special appropriation to pay the allowed claim.

Mr. ELLIS. Was a bill introduced?

Mr. BUDD. Yes, sir. And I simply ask you gentlemen of the committee at this time to allow this matter to go in as a special appropriation under the head of the appropriations for the Shoshones, who committed the depredation. And I beg the gentleman from Louisiana not to raise that point of order.

Mr. ELLIS. I must insist on the point of order that this is new legislation and does not retrench expenditure.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUDD. I move *pro forma* to strike out the last word of the paragraph. This simply exemplifies the extreme kindness we show to the Indians of the United States. We appropriate to their sole use $60 a head as has been asserted to-day; in all, some $9,000,000 a year. If a white man sells them liquor or harms them, he is punished. But they are the wards of the Government and far above the law. There is no remedy left open to a citizen of the United States as against them. When the gentleman from Colorado [Mr. BELFORD] a short time since said he did not see why we should support these Indian paupers in preference to supporting our own paupers, the learned gentleman from Iowa replied that we had taken charge of them and ought to have some sympathy for them. He said equity had arisen in their behalf.

I ask gentlemen whether the equity is not much greater in favor of a settler who the Government of the United States says may go on or over the public land and be protected? Here is a case where a man twenty years ago suffered as I have described at the hands of this very Indian tribe that you are now patting on the back, feeding, and pampering till they get fat and strong enough and audacious enough to go out and commit the most diabolical outrages on man, woman, and child, burn hamlets or village, or commit some other crimes. Then when the case goes before the Department, as the law directs, it will be fully examined into and allowed; but when in due course it comes before Congress in the shape of a bill, that bill goes to a committee and if reported goes on the Calendar and under the rules it sleeps forever, because not reached.

If one wishes to advance it and tack it onto the very clause of a bill making appropriations for the same Indians who did the damage, a place where it ought to be, a point of order is raised and the bill goes over again. I introduced this amendment knowing it was subject to the point of order, but hoping that, in view of the action of the Department, the point would not be made, as the claim must be paid some time; but should the point be made, I desired by my proposed amendment to emphasize the outrageousness of the Government policy in favor of the Indians and against persons who bear the burdens of Government. I withdraw the *pro forma* amendment.

The Clerk read the following paragraph:

For subsistence of the Sioux and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,225,000: *Provided*,

That the supplies issued under this appropriation shall not be issued for a greater length of time at any one time of issue than ten days.

Mr. ELLIS. By direction of the committee, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 734, after the word "dollars," insert "and not exceeding $70,000 of this amount may be used for the transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed wherever practicable."

The amendment was agreed to.

The Clerk read the following paragraph:

For pay of employés at the several Ute agencies, $5,000; in all, $63,020.

Mr. BELFORD. I have been styled a barbarian from the West, but I wish to say I am willing to do more for the Indians than these civilized Christians in the East. I desire, therefore, to increase the appropriation for these Indians who have been removed from my State to another.

I offer this amendment because I have discovered a disposition in this House to decrease the appropriations instead of increasing them. I want to expend some of my sympathy on the Indians. I want to open the vaults of the Treasury [laughter] and contribute some of the surplus millions of money there to feeding these magnificent examples of American civilization. Therefore I desire this appropriation to be increased from $63,020 to $83,025.

It is very delightful to sit on the floor of this House and hear gentlemen who live in the Eastern States and who have stolen every acre that they possess and enjoy from the Indians, to hear them read us lectures about God and morality. That is a spectacle we witness almost every day.

For my part I have no practical or actual sympathy with any Indian tribe whatever. I believe a worthless people should depart from the face of this earth, and that no race that will not work should be paid as the beneficiaries of this nation. But to show my great respect for the Christian religion and the merciful character of this Government I commend to the support of my friends in this House the amendment I have indicated.

Oh, I wish you could kneel on your knees on the Western frontiers while they took off your scalps. [Laughter.] I wish you could travel on stage-coaches with a revolver across your knees and acting perpetually as a sentinel in getting to a given point. I know your soul would also be inspired by that pity which falls like the dew drops from heaven upon the dry and thirsty souls of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELFORD. I ask for a vote on my amendment.

The question being taken, there were—ayes 9, noes 37.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

For instruction, support, and civilization of the Navajo Indians, including pay of employés, and medicines, $30,000; and not exceeding $1,200 of this amount shall be paid for a clerk.

Mr. ELLIS. Under instructions from the Committee on Appropriations, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 904 strike out the word "shall" and insert the word "may;" so that it will read:

"Not exceeding $1,200 of this amount may be paid for a clerk."

Mr. WHITE, of Kentucky. Will the gentleman state what is the object of this amendment?

Mr. ELLIS. Hitherto they have been obliged to pay $1,200 for a clerk. By this amendment if they can get one cheaper they may do so. That is all.

Mr. WHITE, of Kentucky. I desire to ask the attention of the gentleman having the bill in charge to this question. This is for the instruction, support, and civilization of the Navajo Indians. I ask the gentleman from Louisiana, would it not be better to appropriate part of this money for ascertaining the reservation of those Indians, so that there may be no conflict about the school-houses after they get them built? As I understand it, there is no settled boundary to the reservation on which these Navajo Indians should be located; and there is a contest going on at the present time with settlers, who are trying to take the best or better lands, as there are no best, away from the Indians themselves. I desire to know whether the committee has made any provision for ascertaining definitely the boundary of the reservation to which the Navajo Indians belong.

Mr. ELLIS. The gentleman will find a little further on in the bill that a general appropriation is made for the survey of Indian reservations.

Mr. WHITE, of Kentucky. I find on page 46 of the bill an appropriation of $50,000 "for survey and subdivision of Indian reservations," &c.

Mr. ELLIS. And a portion of that amount will undoubtedly be applied to the survey of the Navajo reservation.

Mr. KEIFER. I desire to say that I have prepared an amendment to make it obligatory on the Department to make a survey of this Navajo Indian reservation.

Mr. WHITE, of Kentucky. I think such an amendment will be necessary, for I have carefully examined the bill and do not find in it any provision for the survey of that reservation.

Mr. KEIFER. It is an amendment to the general clause, to be found on page 46 of the bill.

The amendment of Mr. ELLIS was then agreed to.

The Clerk read the following:

For support and civilization of Joseph's Band of Nez Percé Indians in the Indian Territory, $15,000.

Mr. ELLIS. By instruction of the Committee on Appropriations, I move to amend the paragraph just read so as to increase the appropriation to $20,000. I will state that that increase is made at the request of the Commissioner of Indian Affairs. The amount of the increase, $5,000, is to be subtracted from the amount named in the bill, in lines 925, 926, and 927, for the Yakamas. It merely changes the position of the appropriation from one item to another.

The amendment was agreed to.

The Clerk read the following:

For subsistence and civilization of the Yakamas and other Indians at said agency, including pay of employés, $20,000.

Mr. ELLIS. By instructions of the committee, I move to amend by striking out "$20,000" and inserting "$15,000." The $5,000 taken from this item of appropriation is to meet the increase made in the item for Joseph's Band of Nez Percé Indians.

The amendment was agreed to.

The Clerk read the following:

FOR SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, for construction and repair of school buildings, and for purchase of cattle and sheep for schools, $400,000; and no portion of this sum, nor of any other sum appropriated by this act for the support of Indian schools, shall be paid for service rendered by any scholar taught in said schools during the period of his tuition, except for excess of value of labor over and above cost of tuition and support, or either, furnished by the Government.

Mr. MAGINNIS. I move to amend the paragraph just read by striking out the word "day" and inserting in lieu thereof the word "boarding," so that it will read "for support of Indian boarding and industrial schools," &c. In this connection I ask the Clerk to read an extract I have marked from the report of the subcommittee of the special committee of the Senate appointed to visit the Indian tribes in Northern Montana.

The Clerk read as follows:

It is, after all, upon these boarding-schools on the reservations that we must depend for the civilization of the Indian. It is useless to expect any good results from the day-schools, no matter how earnest and honest may be the teachers. The Indians are, in their primitive condition, a restless, nomadic race, and they will not submit their children to the regular attendance and systematic study required by any day-school which can expect success. In our visit to the different tribes in Montana we did not find a single day-school which amounted to anything as a factor in educating the Indian children. The system is absolutely wrong from the foundation and can never be successful. In our opinion not another dollar should be thus wasted, but let the money now thrown away upon day-schools be devoted to industrial boarding-schools alone. Nor should this question be approached as a denominational one, or in the interest of one religious sect against another. The great and overwhelming question worthy the best intellect and highest endeavor of statesman and philanthropist is how to educate and civilize the Indian, and the bounty of the Government should go to that instrumentality, without regard to dogma or creed, which can best achieve the great result.

Mr. MAGINNIS. That report was prepared by Senator VEST, and was concurred in by Senator DAWES and I believe by the entire commission. We found that in all these day-schools the children who went one week would not go the next week, but would go off with their bands somewhere else. At the Crow agency, where we have expended for the last twenty years thousands and thousands of dollars for the education of the children, at the time of our visit we found but five students at the school.

At the Blackfeet agency we found that the only possible way to induce the children to attend the day-school was to have buckets of hard-tack, the contents of which were distributed to the children, and as soon as the buckets were emptied of the hard-tack the children would leave. The difference in the attendance at the school on the days when rations were issued and the days when rations were not issued was as the difference between 50 and 200.

We witnessed one very singular and strange instance of the way this matter works at the Crow agency. In order to induce the children to attend the school the teacher there made a distribution of sugar-candy. Very much to the surprise of the teacher one morning he found that the bucks of the tribe were occupying the children's seats, while the children had been driven away. I will ask the Clerk to read another extract from the report of the subcommittee to visit the Indian tribes in Montana. The extract refers to the Jesuit school, for that was the one visited; but it applies equally well to the schools conducted by other denominations.

The Clerk read as follows:

On September 8, after a pleasant journey of eighteen miles along the banks of the Jocko River, a tributary of the Columbia, we reached Saint Ignatius Mission, situated in a beautiful rolling country, and three miles from the base of the Mission Mountains. This mission was established by Father De Smet in 1852, and in 1861 was for a time abandoned, but in 1865 the Jesuits again opened the school, and it is now in a flourishing condition. The school has now one

hundred scholars, about equally divided between the sexes, and the Government pays $100 annually for the board, tuition, and clothing of each scholar up to the number of eighty. The boys and girls are in separate houses, the former under a corps of five teachers, three fathers and two lay brothers, and the girls under three sisters and two half sisters, Father Van Gorp being at the head of the institution. The children are taught reading, writing, arithmetic, grammar, and geography, and their recitations, all in the English language, are equal to those of white children in the States of the same age.

The mission has a saw and grist mill, and planing and shingle machine, worked by the boys, several hundred head of cattle and horses, and three hundred acres of land belonging to the mission, cultivated successfully by the male scholars, the product being sufficient to furnish enough wheat, oats, and vegetables for all purposes. The girls are also taught by the sisters, besides the branches we have mentioned, music, sewing, embroidery, and housekeeping. For a time this school was only for females, and the result was that the young women, after being educated, married ignorant half-breeds or Indians, and, unable to withstand the ridicule of their companions, relapsed into a barbarism worse, if possible, than that of the husband and tribe. Now, after the establishment of the department for males, the young people when they leave school intermarry, and each couple becomes a nucleus for civilization and religion in the neighborhood where they make their home, the fathers and agent assisting them in building a house and preparing their little farm for raising a crop. Two excellent school-houses are now being erected, one with sixteen rooms, and a dormitory for fifty boys, and the other with twelve rooms for the female school, all the work on these houses being done by the Indian boys.

Mr. MAGINNIS. It was our deliberate judgment that every dollar which had been spent for the purpose of keeping up these day-schools for the Indian children might just as well have been sunk in the ocean. The only way to educate these children is to take the boys and girls and put them in boarding and industrial schools close to the reservations. One of the difficulties about the schools at Carlisle, Hampton, and other places is that the Indians are often unwilling to allow their children to go so far away from home. They are a very affectionate people, very much attached to their children, and are opposed to the idea of sending them away such a distance from them.

I believe if these industrial schools were established near the reservations, where the Indian boys and girls could go and be educated, be taught to work, be instructed in the mechanic arts, on the principle of the school referred to in the extract which the Clerk has just read, it would do a great deal of good. The system of day-schools I believe to be utterly and entirely worthless. Among the Pueblos and other settled Indians it may be that some good has resulted from such schools; but among the wild tribes I venture to say that you can not find a single scholar who in all the years we have been appropriating money for their education has been taught to read and write the English language.

Mr. ELLIS. I am sorry to disagree with my friend from Montana [Mr. MAGINNIS], for I know he has had far more practical experience among the wild tribes of his Territory than I possibly could have had. But I do radically and totally disagree with him, not doubting in the slightest that he has correctly portrayed the condition of things in Montana Territory. But there are Indians outside of Montana; and I find among them one hundred and seventeen day-schools——

Mr. MAGINNIS. My remarks do not apply to any settled band of Indians.

Mr. ELLIS. This is a general appropriation for the support of day-schools among the Indians. I find there are one hundred and seventeen of these schools in operation among the Indian tribes. I find that twenty-three have been opened during the past year, and are in successful operation. I find that the day-school is a recruiting station for the boarding-school. I find that the influence of the teachers upon the families to which the Indian children belong is most excellent and admirable. For these reasons I believe that this provision for day-schools should be maintained. The day-school is, as it were, the reveille breaking upon the ear of these people and telling them that the day of education has come. I believe that the provision in the bill for the maintenance of these schools should be retained.

The amendment of Mr. MAGINNIS was not agreed to.

The Clerk read as follows:

For support of the industrial school near Arkansas City, $25,000; for building for employés at said school, $5,000; pay of superintendent of said school, $1,500; in all, $31,500.

Mr. ELLIS. By direction of the Committee on Appropriations, I move to amend by inserting after the word "dollars," where it first occurs in the paragraph just read, the words "and said sum shall be disbursed upon the basis of an allowance of $200 for the support and education of each scholar."

The committee are of opinion that an increase from $167 to $200 as the allowance per scholar is absolutely necessary. This change does not increase the aggregate amount of the appropriation at all.

The amendment was agreed to.

The Clerk read as follows:

For support of Indian industrial school at Forest Grove, Oreg., $30,000; and said sum shall be disbursed upon the basis of an allowance of not exceeding $167 for the support and education of each scholar; pay of superintendent, $1,500; purchase of land and erection of buildings, $15,000; in all, $46,500.

Mr. ELLIS. In conformity with the amendment just adopted, and carrying out the same view, I move to amend by striking out, in line 963, the words "$167," and inserting "$200."

The amendment was agreed to.

The Clerk read as follows:

For support of industrial school for Indians at Genoa, Nebr., $20,000; and said sum shall be disbursed upon the basis of an allowance of not exceeding $167 for the support and education of each scholar; pay of superintendent, $1,500; in all, $21,500.

Mr. ELLIS. I move to amend the paragraph just read by striking out "$167" and inserting "$200."

The amendment was agreed to.

The Clerk read as follows:

For support and education of one hundred and twenty Indian children at the school at Hampton, Va., $19,000; transportation of children to and from said school, $2,500; in all, $21,500.

Mr. CHACE. I would like to ask the gentleman in charge of this bill why we should not raise the allowance per scholar for this school at Hampton, Va.

Mr. ELLIS. Because that school has a large charity support.

Mr. CHACE. That is to say, because the charitably disposed people of this country are willing to contribute their funds to support the wards of this nation, the Government should go on and let them do it.

Mr. ELLIS. The school at Hampton is a private institution, not a Government school.

Mr. CHACE. Very true; but everybody knows it is the best school in the whole lot.

Mr. MAGINNIS. I do not admit that

Mr. ELLIS. Nor do I admit it. In the second place, this school asks no more than the amount given in the bill; in the third place, it is not a Government school; in the fourth place, if charitable people are willing to help this poor Government, I am willing they should do it.

Mr. CHACE. They are not willing to do it in this way; they only do it because they consider it a matter of necessity.

Mr. RANDALL. Oh, no; the gentleman is mistaken; they take great pleasure in doing it.

Mr. CHACE. There are plenty of other charitable purposes for which they can employ their means.

Mr. ELLIS. I will state that there is another institution, the school at Philadelphia, that only asks $167 per scholar; the managers say they have funds from charitable sources and can get along with this allowance from the Government.

Mr. CHACE. The gentleman refers to the Lincoln school.

Mr. MAGINNIS. Those in charge of the mission school about which the Clerk read a while ago are willing to take all the children that may be sent there at $100 each.

Mr. REAGAN. I desire to ask the gentleman from Louisiana what has been the usual allowance made by the Government for the support of these Indian scholars.

Mr. ELLIS. The amount we have paid has never been more than $200 or less than $167. But it is found that when a school is supported entirely by the Government, $167 is not adequate. The schools that are now getting along or will get along in the future with an allowance of $167 for each scholar are supported partially by private charity. I refer to the Hampton school and the Lincoln institution at Philadelphia. After careful examination and earnest inquiry, the Committee on Appropriations arrived at the conclusion that in the case of the other schools an allowance of $200 per scholar is necessary. This includes clothing, support, and all that kind of thing.

The Clerk read as follows:

For support and education of three hundred and forty children, at $167 per annum each, at the Indian school at Lawrence, Kans., $56,780; pay of superintendent of school, $1,500; teams, wagons, and farm implements for manual-labor school, $2,000; in all, $60,280.

Mr. ELLIS. The amendment which I now send to the desk is necessitated by the change made in the amount of the allowance from $167 to $200.

The Clerk read as follows:

On page 41, in line 980, strike out the words "three hundred and forty" and in lieu thereof insert the words "two hundred and eighty-four."

In line 981, strike out the words "one hundred and sixty-seven" and in lieu thereof insert the words "two hundred."

In line 983, strike out the words "seven hundred and eighty" and in lieu thereof insert the words "eight hundred."

In line 984, strike out the words "one thousand five hundred" and in lieu thereof insert the words "two thousand."

In lines 986 and 987, strike out the words "two hundred and eighty" and in lieu thereof insert the words "eight hundred."

The amendment was agreed to.

The Clerk read as follows:

For care, support, and education of two hundred Indian children at Lincoln school, Philadelphia, Pa., at a rate not to exceed $167 per annum for each child, $33,400.

Mr. ELLIS. I move to strike out "school" and insert "institution," that being the charter name, "Lincoln Institution."

The amendment was agreed to.

The Clerk read as follows:

For care, support, and education of Indian children at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $167 for each child, $75,000; and of this amount not exceeding $5,000 may be used for the establishment and support of a boarding-school for the Pottawatomie Indians; and of said sum not exceeding $5,000 may be used for the transportation of Indian children to and from said schools, and also for the placing of children from all the Indian schools, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training, for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor.

Mr. ADAMS, of Illinois. I move to strike out the words "at a rate not to exceed $167 for each child, $75,000," and in lieu thereof to insert as follows: "at a rate not to exceed $200 for each child, $90,000."

It will be observed, Mr. Chairman, that this section places all these schools which are mainly occupied in the education of white children, in which a comparatively small number of Indian children are put with a comparatively large number of white children, upon the same footing. I desire for the committee to consider that for the same reasons stated by the gentleman from Montana [Mr. MAGINNIS] a boarding-school is superior to a day-school; for the same reason a scholar at Carlisle is better than a scholar on a reservation; and so is a scholar where fifty Indian children are put with five hundred white children better for the purpose of industrial training and education than a scholar in a school devoted altogether to the training and education of Indian children.

That these institutions have not asked for $200 for each child may be true. They have not asked to take care of these Indian children. The Government has urged them to do so. Circulars have been issued by the Commissioner of Indian Affairs and sent all over the country. Responses have not been made, because $167 is not enough.

I believe it is in the interest of the people that a considerable number of these children should be educated in this particular way. I believe the Government should offer a larger inducement than heretofore to have these Indian children taken into these industrial schools. It seems to me this $15,000 will be money as well invested as any the United States ever appropriated.

Mr. ELLIS. I have no objection to the adoption of the gentleman's amendment. I am not authorized to accept it, but I would concur in it. I see no reason why the appropriation should be increased $15,000. All the boarding-schools have been provided for already, and $75,000 is adequate for the purposes of the Department for the next year.

Mr. REAGAN. Do I understand the gentleman from Illinois to say a large number of white children as well as Indian children are provided for in this bill?

Mr. ADAMS, of Illinois. No, sir; what I have said is that Indian scholars in industrial schools where there are ten white children to one Indian child are more likely to be civilized and get a better education than in schools where the children are all Indians.

I accept the suggestion of the gentleman from Louisiana, and will leave the amount of $75,000 as it is in the bill. All I wish to do is to increase the rate from $167 to $200.

Mr. REAGAN. These Indian children are to be supported out of the appropriation under Indian treaties?

Mr. ADAMS, of Illinois. Yes, sir; and the Government has been trying to get these industrial schools all over the country intended for the training and education of white children to take a limited number of Indian children.

Mr. REAGAN. I ask for a division on the amendment.

The committee divided; and there were—ayes 64, noes 19.

So the amendment as modified was agreed to.

The Clerk read as follows:

For this amount, for survey and subdivision of Indian reservations, and of lands to be allotted to Indians, to be expended under the direction of the Secretary of the Interior, $50,000.

Mr. KEIFER. I move to add the following.

The Clerk read as follows:

And $5,000 of this sum, or so much thereof as may be necessary, shall be used for the survey and defining of the boundary of the Navajo agency.

Mr. KEIFER. Mr. Chairman, the agent of the Navajo Indians, who is a very intelligent man, appeared before the Committee on Appropriations, and I certainly state what I think was universally admitted by the committee, that he gave an exceedingly clear view of the condition of these Indians.

It turns out that this reservation has not been surveyed, and its limits are not well defined. The boundaries have not been fixed, and this people are constantly being encroached upon by white settlers, by people who are herding stock; and as a necessary result there are constant conflicts between the Indians and the settlers. It should be remembered that the Navajo Indians never ask the Government of the United States to give them support or supplies. They support themselves. They have their own herds, their own flocks of sheep. They work and toil, and are in no sense a burden upon the Government. They make blankets and sell them, and by their own labor supply all that they need for themselves. But they are in danger on every hand by the encroachments of the voracious people about them upon their reservation. It has become almost impossible to protect this tribe of Indians, so that it has become essential that there may be a barrier fixed, a line specified where the Government has power to check the encroachments of other settlers. It is necessary, therefore, to fix the limit of their reservation, and it is for this reason that this tribe, which you do not support in the ordinary way, in my judgment are entitled to have this special survey made. There are other surveys that ought to be made, but the general appropriation will probably cover them; and I think I express the view of the committee when I repeat that the boundaries of this reservation should be surveyed and defined at once.

Mr. ELLIS. I would like to hear the amendment again reported.

The amendment was again read.

Mr. ELLIS. I think that is right; I have no objection to it.

Mr. WHITE, of Kentucky. I offer a substitute for the amendment in the following language:

For surveying and defining by fixed and marked stones the boundary of the Navajo Indian reservation as provided by article 2 of the treaty of June 1, 1868, to be expended under the direction of the United States Coast and Geodetic Survey, or so much thereof as may be necessary, $5,000.

I am not particular about the work being done by the Coast and Geodetic Survey, nor have I any objection whatever to its being done by the Interior Department; but I offer this for the simple reason that the United States Coast and Geodetic Survey have already triangulated that portion of the country, and by the second article of the treaty of June 1, 1868, with the Indians it is declared:

The United States agrees that the following district of country, to wit: bounded on the north by the thirty-seventh degree of north latitude, south by an east-and-west line passing through the site of old Fort Defiance, in Cañon Bonito, east by the parallel of longitude which if prolonged south would pass through old Fort Lyon, or the Ojo-de-oso Bear Spring, and west by a parallel of longitude about 109° 30′ west of Greenwich, provided it embraces the outlet of the Cañon de Chilly, which cañon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employés of the Government or of the Indians as may be authorized to enter upon Indian reservations in discharge of duties imposed by law or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article.

Now, it will be observed by the committee that the degrees of latitude and longitude defining the boundaries of this reservation will be more readily ascertained from the surveys already made by the Coast Survey than by any other mode of doing the work, and if it has been already done in part by them, let them go forward and complete the work. Besides, the ordinary surveyor is not supposed to understand triangulation, while the Coast and Geodetic Survey not only understands it, but they have been at work already in that country; and with the lines already run by them one-tenth of the money to be expended by the Land Office will complete the work. I offer the amendment, therefore, in the line of economy, the Coast Survey having already done a large part of the work. Not that I am unwilling, sir, to trust the Land Office at all; but having done that work, I think they may properly continue it. If this amendment shall be adopted, I desire to say further that in accordance with the treaty of June 1, 1868, with this tribe of Indians, whereby among other things we obligated this nation to pay them $150,000, yet only $40,000 of which is appropriated by this bill, we should, therefore, go on and subdivide their lands into sections and quarter-sections, and then the gentleman from Ohio can offer his amendment to that end. That properly comes under the Land Office to subdivide their lands into sections and quarter-sections in order that—and I read now from the treaty—

Any person over 18 years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Until the subdivisions are made it is impossible to comply with that part of our treaty with the Indians.

By another clause of this treaty we are under an obligation, as I have already said, to appropriate $150,000 to carry it into effect. Now in this bill, as I have also said, only $40,000 are appropriated. That band of Indians who make and sell blankets, that work like people here among ourselves, living on the poorest land, I am told, in all of New Mexico, with a very few acres out of the many thousands in their boundary when it shall be ascertained that can be cultivated, digging a poor subsistence out of that miserable soil, are unable to tell which is their home. The agent there, who has to deal with and settle questions that may arise between the Indians themselves or between them and the people who encroach upon them, is unable to say where the boundary lines of their lands begin or cease. I hope, therefore, that the substitute will be adopted.

[Here the hammer fell.]

Mr. CALKINS. I desire to call the attention of my friend from Kentucky to one feature of the discretion of the Secretary which his amendment would destroy if adopted in the present language. The present reservation is insufficient for these bands of Indians. It is contemplated to add a large portion of territory westerly and easterly of the reservation as now existing. If this amendment is adopted it would restrict the survey to the treaty of 1868. It is contemplated, I think, by the Indian Office, and is at all events recommended by the Indian agent, to add a large territory to the Indian reservation. If this amendment is adopted it would cut that off. If it is left, in general language the Secretary would be authorized to mark the boundary, as we hope it will be finally arranged. I trust the gentleman will withdraw that part of his amendment.

Mr. WHITE, of Kentucky. I would have no objection to withdrawing my amendment if I thought that would help matters at all. But here is the treaty made in 1868. Already some outrages have occurred there. This has not arisen from the bad disposition of the Indians on the one hand or the recklessness of the whites on the other. It has been because of the uncertainty of the boundary. Ten years

ago that land was not considered of sufficient value to induce any white man to go there. But there are portions of it now found to be valuable. The difficulty is as to obtaining water. The Indians who are there can not get good water to drink. At the agency, which is the most favored spot in the reservation, they can not get good water to drink. What I ask is that the present reservation shall be surveyed.

Mr. CALKINS. Let me say to the gentleman from Kentucky that it is for the purpose of extending the reservation of these Indians down water courses, so that they may get more water, that I ask him to withdraw his substitute.

Mr. WHITE, of Kentucky. It is for the purposes of the men who are there troubling the Indians.

Mr. CALKINS. Oh, no; this was recommended by the Indian agent, who impressed himself on the committee and on every one with whom he came in contact as one of the best and most valuable men in the service of the Indian Department.

Mr. KEIFER. I think we ought to make no mistake about this matter. The proposed substitute would simply limit this to carry out the provisions of an old treaty and it is not proposed to do that at all. There have been negotiations going on with a view to adding certain portions of country west and south so as to give the Indians the advantage of land where they can drive their herds and get water. Some propositions have been made and considered with reference to damming the cañon so as to provide water that can be used for irrigating purposes, for the purposes of the Indians alone. They have very little water that can be utilized for that purpose, and they are often in very great straits to raise any sort of vegetables at all. They have to live upon mutton most of the year round. They have no game, but they have large herds of sheep, on which they live, and they have not asked the Government to give them anything.

The Government proposes to be very liberal and to give them in that very poor country the very best land that is there. What I object to in the substitute offered by the gentleman from Kentucky is that it would so restrict the Department that they could not do justice to these Navajo Indians.

Mr. WHITE, of Kentucky. Will the gentleman tell me where there is any such proposition or any such bill pending before a committee? Here, on the other hand, is an agreement signed by the Government and the chiefs of the tribe ten years ago.

Mr. CALKINS. I will say to the gentleman from Kentucky that the Indian agent has recommended this measure to the Commissioner of Indian Affairs, and the Commissioner has called attention to it. The Secretary of the Interior in his report has submitted it, and it is now before the House for consideration.

Mr. WHITE, of Kentucky. Is not the Indian agent asking for this survey?

Mr. CALKINS. The Indian agent wants the survey, and wants it as I have stated it. It is to be hoped that in this matter everybody will yield to the suggestions of the Indian Department.

Mr. STEVENS. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENS. This colloquial discussion may be very interesting to the gentlemen who take part in it and might be very useful to us if we could hear it. But the gentlemen seem to be discussing the matter among themselves without any reference to the rest of the House.

The CHAIRMAN. The point of order is well taken. But the Chair will say that it has no practical application now, as the colloquy seems to be finished. [Laughter.] The question is on the substitute offered by the gentleman from Kentucky [Mr. WHITE] for the amendment of the gentleman from Ohio [Mr. KEIFER]. The question will first be taken on the substitute.

Mr. WHITE, of Kentucky. I ask that it be again read for the information of the committee.

Objection was made.

The question being taken on the proposed substitute, it was not agreed to.

The question being taken on the amendment proposed by Mr. KEIFER, it was agreed to.

Mr. WHITE, of Kentucky. I offer as an amendment, to follow the amendment just adopted, what I send to the desk.

The Clerk read as follows:

For the subdivision of the Navajo Indian reservation into sections and quarter-sections and defining the same by marked corners, $10,000.

Mr. WHITE, of Kentucky. Mr. Chairman, I offer this amendment for the reasons which I shall proceed to state. I desire to call the attention of the committee again to this treaty with the Navajo Indians of the 1st June, 1868.

Mr. HOLMAN. I make the point of order on the amendment that it is new legislation and does not retrench expenditures.

The CHAIRMAN. Does the gentleman from Indiana insist on the point of order now, or does he reserve it until the gentleman from Kentucky [Mr. WHITE] shall have been heard in explanation of his amendment?

Mr. HOLMAN. I reserve the point of order for the present.

Mr. WHITE, of Kentucky. Article 11 of the treaty with the Navajoes provides:

The Navajoes also hereby agree that at any time after the signing of these presents they will proceed in such manner as may be required of them by the agent, or by the officer charged with their removal, to the reservation herein provided for, the United States paying for their subsistence *en route*, and providing a reasonable amount of transportation for the sick and feeble.

In article 5 of the same treaty is the following:

Any person over 18 years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

I know that the gentleman from Indiana [Mr. HOLMAN] will make the point that this amendment does not reduce expenditures. But I call his attention to the fact that $150,000 is due to this tribe of Indians. If that is so, then the sooner we survey their reservation, for which the Committee of the Whole, by adopting the amendment of the gentleman from Ohio [Mr. KEIFER], has appropriated $5,000 to survey the outside boundaries of the reservation, the sooner we can appropriate a part of this $150,000 which we owe these Indians for the purpose of subdividing the reservation into sections and subsections, the sooner will we enable these families who can make blankets, who know how to work as civilized people do, to make suitable provision for their support and maintenance. This tribe of Indians is as orderly and well-behaved as any civilized community. It is but a matter of simple justice to survey their reservation, so that they can find their sections and quarter-sections of land.

The CHAIRMAN. The time of the gentleman has expired.

Many MEMBERS. Vote, vote.

The CHAIRMAN. There is a point of order pending, submitted by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I make the point of order that this is new legislation.

The CHAIRMAN. The Chair would inquire for information if it changes any existing law?

Mr. HOLMAN. It is not authorized by any existing law.

Mr. KEIFER. It is authorized by treaty.

Mr. WHITE, of Kentucky. I desire to be heard on that point of order. I suppose the gentleman from Indiana is a lawyer and will rely on the laws of our country, and the treaty with these Indians is a part of the law.

Mr. HOLMAN. I will withdraw the point of order.

Mr. WHITE, of Kentucky. I think it is well enough to withdraw it.

Mr. KEIFER. One moment. I wish to say that, as I understand, the Navajo Indians do not wish this subdivision of their lands because they can not occupy their lands by allotment as other Indians do.

These Indians live in villages; they have their herds, and drive them where they can obtain feed and water for them. They could not live on quarter-sections of land if allotted to them, for they would be, in ninety-nine cases out of one hundred, without water and without any place to go to get it. They have now to go out on the plains where there is no water. They have adopted their own method of dividing their lands. They live in villages, and if the Government should require them to do what this amendment proposes, to live on allotments, they would not be able to support themselves.

The question was taken upon the amendment of Mr. WHITE, of Kentucky, and it was not agreed to.

The Clerk read the following:

For detecting and prosecuting persons who sell or barter, or donate or furnish in any manner whatsoever, liquors, wines, beer, or any intoxicating beverage whatsoever to Indians upon or belonging to any Indian reservation, $5,000. And section 2139 of the Revised Statutes be, and is hereby, amended by striking out all after the word "dollars" in the eighth line of said section; and section 2140 of the Revised Statutes be, and is hereby, amended by striking out all after the word "country," in the sixteenth line, down to and including the word "Department," in the seventeenth line.

Mr. MAGINNIS. I make the point of order on the last clause of that paragraph, that it changes existing law and does not reduce expenditures. I think the gentleman from Louisiana [Mr. ELLIS] is quite willing that the clause shall go out of the bill if an amendment which I have prepared is adopted.

The clause referred to by Mr. MAGINNIS was as follows:

And section 2139 of the Revised Statutes be, and is hereby, amended by striking out all after the word "dollars," in the eighth line of said section; and section 2140 of the Revised Statutes be, and is hereby, amended by striking out all after the word "country," in the sixteenth line, down to and including the word "Department," in the seventeenth line.

Mr. ELLIS. I think the point of order should be sustained, and I am willing that the clause shall be ruled out and the amendment prepared by the gentleman from Montana [Mr. MAGINNIS] adopted in its place.

The CHAIRMAN. The Chair sustains the point of order, and rules the clause referred to out of order.

Mr. MAGINNIS. I now move to amend by inserting, after the words "upon or belonging to any Indian reservation, $5,000," that which I send to the Clerk's desk.

The Clerk read as follows:

And no part of section 2139 or of section 2140 of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, attaché, or employé of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatever to any Indian.

Mr. CALKINS. I suggest to the gentleman from Montana [Mr.

MAGINNIS] to insert in his amendment the words "sutler or storekeeper" after the word "soldier."

Mr. MAGINNIS. That is right, and I modify my amendment as suggested.

Mr. BUDD. I move to amend the amendment by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

Any act which when done by a citizen of the United States would be a crime shall be, and is hereby declared, equally a crime when done by any Indian upon or belonging to any Indian reservation; and such Indian committing such crime shall be subject to the same jurisdiction and amenable to the same process as any citizen would be in like case. And no Department or officer of the United States of America shall have or exercise power or authority to shield or protect such Indian criminal from just punishment, nor shall any money herein or hereby appropriated be used for that purpose or to that end.

Mr. MAGINNIS. I would suggest to the gentleman from California [Mr. BUDD] that it would be better for him to withhold his amendment until the one I have offered shall have been acted on, and then offer it as an independent proposition.

Mr. BUDD. I will accept the suggestion, and withdraw my amendment for the present.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Montana [Mr. MAGINNIS] which has been read by the Clerk.

The question was taken on the amendment of Mr. MAGINNIS, and it was agreed to.

Mr. BUDD. I now offer the amendment which has been already read.

The amendment was agreed to.

The Clerk read as follows:

For the purpose of constructing irrigating ditches at Indian agencies, $50,000.

Mr. VALENTINE. I desire to offer an amendment.

Mr. MILLS. I hope the gentleman from Louisiana [Mr. ELLIS] will consent now that the committee rise. It is 5 o'clock.

Mr. ELLIS. I did hope we should get through the bill to-night; but I see that the committee is getting restless, and, at the request of many gentlemen, I move that the committee rise.

Mr. VALENTINE. Let my amendment be read and be considered as pending.

Mr. ELLIS. Very well.

The Clerk read as follows:

Insert after the pending paragraph the following:

For construction of bridges on the Santee-Sioux Indian reservation in Nebraska and the Ponca Indian reservation in the Territory of Dakota, $12,000, or so much thereof as may be necessary, to be immediately available.

Mr. ELLIS. I now renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1027) for the relief of James W. Woodard; and

A bill (S. 1819) to print certain eulogies delivered in Congress upon the late Thomas Allen.

### LEAVE TO PRINT.

Mr. BUDD, by unanimous consent, obtained leave to have printed in the RECORD remarks on the Indian appropriation bill.

### LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SLOCUM, for one week, on account of important business.

To Mr. BEACH, for three days, on account of sickness in his family.

To Mr. BARR, for one week, from April 7.

To Mr. WORTHINGTON, for ten days from to-day, on account of important business.

### PLANS FOR CONGRESSIONAL LIBRARY.

Mr. ADAMS, of Illinois. I ask unanimous consent to offer for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Committee on the Library be directed to cause to be printed, for the information of members of the House, 500 copies of a description of the plans for a new Congressional Library building, referred to in Senate bill 1139, which was made a special order for April 3.

Mr. HOLMAN. What will be the probable expense of this printing?

Mr. ADAMS, of Illinois. I have seen these plans; they cover five or six pages of printed matter. I think the cost will be but trifling.

There being no objection, the resolution was considered and adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### IMPROVEMENT OF OHIO RIVER.

Mr. STOCKSLAGER, by unanimous consent, introduced a bill (H. R. 6414) appropriating $75,000 for the protection of the Government property and communication with said property, and the improvement of the Ohio River at Jeffersonville, Ind.; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

### SOLDIERS' BOUNTIES.

Mr. STOCKSLAGER, by unanimous consent, also introduced a bill (H. R. 6415) to equalize the bounties of soldiers of the United States who served in the late war to suppress the rebellion; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

Mr. WARNER, of Ohio. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

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### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of E. C. Frost and others, relative to patent laws—to the Committee on Patents.

By Mr. S. S. COX: Memorial of the New York Mercantile Exchange and merchants and citizens of New York city, relative to silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. FORNEY: Petition for the relief of H. C. Ewald—to the Committee on the District of Columbia.

By Mr. HALSELL: Papers relating to the claim of R. D. Salmons—to the Committee on War Claims.

By Mr. HANBACK: Resolutions of Post No. 75, Grand Army of the Republic, Eskridge, Kans., relative to pensions and legislation in favor of the same—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Mrs. Agnes Crawford, for a pension—to the same committee.

By Mr. HART: Remonstrance of M. Boggs and others of Chillicothe, Ohio, against the passage of a bankrupt law—to the Committee on the Judiciary.

Also, petition of H. McCarty Post, Grand Army of the Republic, of Fayetteville, Ohio, asking for the CONGRESSIONAL RECORD—to the Committee on the Library.

Also, resolutions of Post No. 307, Grand Army of the Republic, Fayetteville, Ohio, favoring pensions—to the Committee on Invalid Pensions.

Also, resolutions of John M. Barrere Post, Grand Army of the Republic, of Hillsborough, Ohio, asking for the passage of pension laws—to the same committee.

By Mr. HAYNES: Memorial of the city government of Manchester, and petition of 359 citizens of the same place, asking for the erection of a Government building in that city—severally to the Committee on Public Buildings and Grounds.

Also, papers relating to the claim of William Trefethen—to the Committee on Claims.

By Mr. T. J. HENDERSON: Remonstrance of the Eureka and other manufacturing companies and individuals of Sterling, Ill., against the passage of H. R. 3925 and S. 1115 and all like bills, &c.—to the Committee on Patents.

By Mr. HEPBURN: Petition of Willie and Rosalie Powers, of Decatur County, Iowa, asking that the military bounty due their father, now deceased, be granted to them—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of A. Hamilton and 100 others, members of the Grand Army of the Republic, Leon, Iowa, asking for additional legislation on the subject of pensions—to the Committee on Invalid Pensions.

Also, petition of J. B. Wells and 90 others, veteran soldiers of the rebellion, asking for the establishment of a soldiers' home in the State of Iowa—to the Committee on Military Affairs.

By Mr. HOUK: Petition of Henry S. Williams and others—to the Committee on War Claims.

By Mr. KING: Petition of the New Orleans Produce Exchange and Mexican Exchange of New Orleans, for the passage of the bankruptcy bill pending before Congress—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Samuel Kelley and 214 others, for a branch of National Home for Disabled Volunteer Soldiers at Grand Ledge, Mich.—to the Committee on Military Affairs.

By Mr. LAWRENCE: Petition from citizens of Washington County, Pennsylvania, for the restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petition of John S. Sargent and others, to change the home port of vessels—to the Committee on Commerce.

By Mr. MORRILL: Petition of Eskridge Post, Grand Army of the Republic, asking for the passage of the Robinson bill for pensioning pris-

oners of war, and of S. 1 and 46 and H. R. 355, 1983, and 2022—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of George W. Hall, in reference to an allowance of bounty—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. S. J. PEELLE: Petition of the post of the Grand Army of the Republic at Southport, Ind., asking for the passage of the bill introduced by Mr. PEELLE for the relief of Harland Richardson—to the Committee on Military Affairs.

By Mr. PETERS: Affidavits relating to the claim of Mary Lemmon—to the Committee on Pensions.

Also, resolution of Eskridge Post, No. 75, Grand Army of the Republic, Department of Kansas, asking for the passage of certain bills affecting ex-soldiers—to the Committee on Invalid Pensions.

By Mr. RAYMOND: Petitions from citizens of Dakota, in favor of H. R. 3856, relative to the homestead law—to the Committee on the Public Lands.

By Mr. ROSECRANS: Petition of Lieut. John B. Eaton and others; of Lieut. H. Ludlow and others; of Lieut. W. B. Homer and others, and of Lieut. William L. Geary and others, all officers of the Army, for favorable action on S. 1677, extending the provisions of section 1207, Revised Statutes, to lieutenants of the line—severally to the Committee on Military Affairs.

By Mr. VANCE: Paper relating to the claim of Thomas C. Dickey for money lost in mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WAKEFIELD: Petition of Post No. 80, Grand Army of the Republic, of Edgerton, Minn., praying for a pension to Samuel Cook—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Resolutions of the Board of Trade of Minneapolis, Minn., urging the passage of the national bankrupt act—to the Committee on the Judiciary.

By Mr. WELLER: Petition of Mrs. A. E. Phillips and others, widows, for the immediate passage of H. R. 4009, for increase of widows' pensions, &c.—to the Committee on Invalid Pensions.

By Mr. E. B. WINANS: Petition of Delia Grummond—to the Committee on Pensions.

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## SENATE.

### FRIDAY, *April* 4, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### OHIO MUSTER-ROLLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio.

This joint resolution having passed both Houses, the Chair will state, was enrolled and signed by the Speaker of the House of Representatives and by the President *pro tempore* of the Senate, but the signature to the enrolled bill here has not yet been announced. The Senator from Missouri [Mr. COCKRELL] not now in his seat entered a motion to reconsider, and the House was requested to return the resolution, which has been done. The Chair thinks that it is his duty to inform the Senate that before the motion to reconsider was made he had signed but not announced the signature of the enrolled resolution, and it is not yet announced. The rules seem to provide that it is the duty of the Chair on signing an enrolled bill to see that it is delivered to the Committee on Enrolled Bills for presentation to the President; but the Chair thinks that the proper construction of the spirit of the rule is that if a motion to reconsider be entered in time, as it was in this case, to withhold the announcing of the signature and to leave the enrolled bill to await the determination of the Senate on the motion to reconsider. If there be no objection, therefore, the joint resolution, with the motion to reconsider, will be placed on the Calendar, and the signature of the enrolled resolution will not be announced.

Mr. HARRIS. Would not the better course be to let the bill lie on the table awaiting action on the motion to reconsider, subject to be called up by the Senator entering the motion?

The PRESIDENT *pro tempore*. It will stand on the Calendar, together with the motion to reconsider, and can be moved at any time in the morning hour after resolutions are through, or after the morning hour, on motion, under the ninth rule. It does not seem, in the opinion of the Chair, to put it at a disadvantage to place it on the Calendar, as other motions to reconsider bills are. The Chair will receive a motion to lay it on the table if the Senator from Tennessee prefers.

Mr. HARRIS. No; I do not see, under the view expressed by the Chair, that there is really any difference. It is subject to the call of the Senator who entered the motion in either position.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance relative to the case of Wilhelm Tegethoff, a disabled skilled workman recently employed at the Springfield armory; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. BAYARD presented a memorial of H. B. Caverly and other citizens of New York, remonstrating against the passage of any law to receive trade-dollars other than at their market value as bullion; which was referred to the Committee on Finance.

He also presented the petition of S. P. Powles and 222 other citizens and business firms of New York city, praying for the suspension of the coinage of the standard silver dollar; which was referred to the Committee on Finance.

Mr. GORMAN presented the petition of Professor M. A. Newell, Maryland State superintendent of public instruction, Henry A. Wise, superintendent of Baltimore (Md.) city schools, and the members of the Baltimore city school board, praying for the passage of the bill (S. 398) to aid in the establishment and temporary support of common schools; which was ordered to lie on the table.

Mr. ALLISON. I present a petition of citizens of Iowa, praying that a pension be granted to David Galbraith, Nelson D. Bates, and William Ross Wallace. The petition describes in detail the military service of these three persons. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ALLISON presented the petition of N. B. Howard Post, No. 92, Grand Army of the Republic, Department of Iowa, praying for an amendment of the pension laws; which was referred to the Committee on Pensions.

He also presented a memorial of citizens of Dubuque, Iowa, against the proposed repeal of the law authorizing the manufacture of vinegar by the vaporizing process; which was referred to the Committee on Finance.

He also presented the petition of H. H. Field and other citizens of Iowa, praying for the passage of the bill granting pensions to those who served in the United States Army during the war with Mexico; which was referred to the Committee on Pensions.

Mr. WILSON presented the petition of Anna Ginn, of Kirkville, Iowa, praying for the passage of an act granting to her a pension on account of the death of her husband from disease contracted in the military service during the war of the rebellion; which was referred to the Committee on Pensions.

Mr. SEWELL presented a statement relative to the United States powder depot at Dover, N. J., prepared by Maj. J. P. Farley, United States Army, showing the necessity for an additional appropriation for that work; which was referred to the Committee on Appropriations.

Mr. MILLER, of California. I present the petition of Miss Herrmine Thomson, of California, praying that she be permitted to preempt one hundred and twenty acres of land within the reservation at Camp Independence, California. This is a young girl 18 years old, the daughter of a deceased soldier, who served in the Army of the United States for twenty years, including the late war. He died from the effects of wounds received in the late war, and was buried on the land which she desires to take up as a home, and I hope the Committee on Military Affairs, to which I move that the petition be referred, will give this matter careful attention.

The motion was agreed to.

Mr. MCMILLAN presented a petition of a large number of soldiers in the late war in favor of the passage of Senate bill 1028, to equalize the bounties of soldiers who served in the late war for the Union; which was referred to the Committee on Military Affairs.

Mr. VOORHEES presented resolutions adopted by Hall Samuel Simmson Post, No. 226, Grand Army of the Republic, Department of Indiana, Charleston, Ind., favoring certain legislation in behalf of ex-Union soldiers; which were referred to the Committee on Pensions.

Mr. MITCHELL. I present a memorial of the Commercial Exchange of Philadelphia, in favor of the redemption or legalization of the trade-dollar, which I move be referred to the Committee on Finance.

In this connection, if I may be permitted a single remark, I desire to present what to me are interesting figures collected by a member of Congress from my State in relation to the number of trade-dollars held in that State. He addressed letters to all the bankers and depositaries of money, and generally circulated through the press of the State inquiries in relation to the subject. The result of his inquiries in answer to those letters is that banks, bankers, and trust companies hold at par in that State $796,749 of these dollars; private individuals and societies hold $1,641,134; and at a discount from 10 to 15 per cent. in all by the banks and by private individuals there are held $123,044.

I simply desire to say that so far as my State is concerned there is very great anxiety that there should be some relief on this subject; but at the same time I think the public opinion of my State will be very strongly against the enactment of such a law as the proposed measure which has come to the Senate from the House if it shall result in an increase of the silver coinage, but that it will be far wiser at this time at least to proceed as far in the settlement of this question as to authorize the Secretary of the Treasury in his discretion to suspend that coinage.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Finance.

Mr. COKE presented the petition of Catherine B. Arnold, widow of Maj. Ripley A. Arnold, late major, Second Regiment United States Dragoons, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. DOLPH presented the petition of the Chamber of Commerce of Tacoma, Wash., praying for the passage of the bill making that place a port of entry; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present the affidavits of William Lockhart, Daniel Steele, Dr. Louis H. Westerly, and the joint affidavit of Elijah Price, Wiley Cope, and E. H. Brant, a letter from the Adjutant-General dated December 17, 1883, and a letter from the Second Auditor dated December 15, 1883, to accompany the bill (S. 517) granting a pension to William Lockhart. I trust the Committee on Pensions will give early and favorable consideration to the bill. This is all new evidence and is now submitted for the first time. I move the reference of the papers to the Committee on Pensions.

The motion was agreed to.

Mr. LOGAN. I present resolutions adopted by the Board of Trade of Chicago, Ill., expressing their opinion that the continued coinage of silver dollars is opposed to sound financial policy and is consequently subversive of the highest commercial interests of this country, and asking that authority be given to the President to appoint a committee for the purpose of examining into certain questions in reference thereto. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented a petition of Miles Carroll Post, No. 111, of the Department of Missouri, Grand Army of the Republic, praying for certain legislation in favor of ex-Union soldiers; which was referred to the Committee on Military Affairs.

He also presented the petition of Curtis Post, No. 84, Grand Army of the Republic, Department of Missouri, praying for general legislation favorable to ex-soldiers of the late war; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Quincy, Ill., protesting against the passage of the patent-right bill now pending in the Senate; which was referred to the Committee on Patents.

He also presented resolutions of Coblentz Post, No. 272, Grand Army of the Republic, Department of Illinois, indorsing the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions for Union soldiers; which were referred to the Committee on Pensions.

He also presented a petition of Lieut. L. B. Copeland Post, No. 28, of the Department of Missouri, Grand Army of the Republic, Raymore, Mo., praying for the equalization of bounties of soldiers of the late war; which was referred to the Committee on Military Affairs.

He also presented a petition of Army officers, praying for the reorganization of the infantry arm of the service; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chicago Trade and Labor Assembly, protesting against the repeal of the present patent laws and against passing any law to contract the currency; which was referred to the Committee on Patents.

He also presented a memorial of manufacturers of Sterling, Ill., remonstrating against the passage of Senate bill No. 1115 and House bill No. 3925, amendatory of the patent laws; which was referred to the Committee on Patents.

### REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1890) to provide for the erection of a post-office at Fortress Monroe, Va., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1725) for the erection of a public building at Saratoga Springs, N. Y., reported it with amendments.

He also, from the same committee, submitted a report to accompany the bill (S. 1885) for the erection of a public building at Wilmington, Del., reported by him yesterday.

Mr. VEST, from the Committee on Territories, to whom was referred the bill (S. 1947) to authorize the appointment of a commission by the President of the United States to run and mark the boundary line between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas, reported it without amendment.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 2344) for the relief of Melissa G. Polar, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 774) for the relief of Melissa G. Polar, reported adversely thereon; and the bill was postponed indefinitely.

### EXPORT-TRADE COMPILATION.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress, to report it with sundry amendments, and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. It will be treated as read in Committee of the Whole if there be no objection, and the first amendment reported from the Committee on Printing will be read.

The CHIEF CLERK. At the end of line 4, in section 1, after the word "thousand," it is proposed to strike out the word "two" and insert "seven;" and in line 7 to strike out the word "Senate" and insert "said;" so as to make the section read:

That the Public Printer be, and he is hereby, authorized and directed to print, for the use of Congress, 4,700 copies of Senate Miscellaneous Document No. 46, first session Forty-sixth Congress, with additional data, to be furnished by the compiler of said document, showing the imports for the fiscal years ended June 30, 1879, 1880, 1881, 1882, and 1883, and a compilation of exports the growth, produce, and manufacture of the United States from 1789 to 1883, inclusive (ninety-four years), in which the quantity, value, and value per unit of quantity of each article are given by fiscal years and decades; also the value exported to each country and value from each State, with other additional data, prepared by Charles H. Evans, of the Treasury Department.

The amendment was agreed to.

The next amendment was, in section 2, line 4, before the word "copies," to strike out "one thousand" and insert "fifteen hundred;" in line 5, after the word "Senate," to strike out the words "fifty for the House library, fifty for the Senate library, fifty for the Congressional Library, fifty" and insert in lieu thereof the words "one hundred;" so as to make the clause read:

That the documents described in the foregoing section be stitched and bound as one volume; that 3,000 copies of the same be for the use of the House of Representatives, and 1,500 copies for the use of the Senate, 100 for Ways and Means Committee.

Mr. COCKRELL. Before that amendment is agreed to I should like to know exactly the proportion of these documents that is allotted to the Senate and to the House. I may wish to offer an amendment. The Senator from Maryland can explain it.

Mr. GORMAN. The number allotted to the House is 3,000, and to the Senate 1,500.

Mr. HAWLEY. The usual way.

Mr. GORMAN. The usual way.

Mr. COCKRELL. If that is the way, I have nothing further to say.

The PRESIDENT *pro tempore*. As amended the joint resolution provides for 3,000 for the use of the House of Representatives, and 1,500 for the use of the Senate, and 100 for the Ways and Means Committee, and 100 for the Senate Committee on Finance by a subsequent amendment. The question is on agreeing to amendment last reported.

The amendment was agreed to.

The next amendment of the Committee on Printing was, at the end of line 7, section 2, to add the words "and one hundred for the Senate Committee on Finance."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. GORMAN subsequently said: I ask unanimous consent to correct a verbal mistake in the joint resolution just passed by inserting the word "of" before "the" in the twelfth line of the first section. It is a mere typographical error.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent to correct the phraseology of the joint resolution just passed by inserting the word "of" after the word "exports," in line 12, so as to read: "and a compilation of exports of the growth, produce," &c. If there be no objection this correction of the phraseology will be considered as agreed to. The Chair hears no objection, and it is agreed to.

### CONGO COUNTRY IN AFRICA.

Mr. GORMAN. I am directed by the Committee on Printing to report favorably the following resolution:

*Resolved*, That 1,000 additional copies of Senate report No. 393 of the present session, together with document entitled "Africa No. 3," be printed for the use of the Senate.

I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ALLISON. What is the document?

Mr. GORMAN. I will state to the Senator from Iowa that it is a report of the Committee on Foreign Relations, made at this session, on the Congo country in Africa. Only the ordinary number was printed, and the copies are all exhausted.

Mr. ALLISON. All right.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 1990) for the relief of Hollis G. Parker; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB introduced a bill (S. 1991) granting a right of way to the Utah and Northern Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1992) granting a pension to George Dame; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM (by request) introduced a bill (S. 1993) authorizing the appointment and retirement of wounded and disabled officers of the regular Army who were honorably discharged under the act of July 15, 1870; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1994) to amend the patent laws; which was read twice by its title, and referred to the Committee on Patents.

Mr. ALLISON introduced a bill (S. 1995) granting a pension to John R. Hurd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PUGH introduced a bill (S. 1996) to pay William F. Martin, of Mobile, Ala., the value of one hundred half-boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 1997) to increase the pension of Louis J. Sacriste; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 1998) to establish an assay office at Deadwood, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Finance.

Mr. LOGAN introduced a bill (S. 1999) for the relief of John K. Le Baron; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

MISSISSIPPI RIVER LEVEES.

Mr. JONAS introduced a joint resolution (S. R. 78) making an appropriation of $100,000 for the protection of existing levees on the lower Mississippi River; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River.

Mr. JONAS. In this connection I wish to call the attention of the chairman of the Committee on Appropriations [Mr. ALLISON] to a motion which I think he intended to make.

Mr. ALLISON. I did intend to make a motion with reference to the message of the President upon this subject which was yesterday referred to the Committee on Appropriations. The message itself has been sent to the Public Printer, and therefore is not yet in the possession of the Committee on Appropriations, but such subjects have never been considered by that committee. In looking the matter over I find that a million dollars was appropriated a month or perhaps six weeks ago for the Mississippi River improvement, including perhaps levees, and the Committee on Commerce or the Committee on the Improvement of the Mississippi River had charge of that bill. I do not know its condition. I suggest, therefore, if it is in order, that the message of the President take the same direction that the bill just introduced has taken.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Committee on Appropriations be discharged from the further consideration of the message of the President of the United States on the subject of the bill just introduced, and that the message, with the accompanying papers, be referred to the Committee on the Improvement of the Mississippi River. That order will be entered, if there be no objection.

PAPERS WITHDRAWN.

Mr. VOORHEES. A few days ago I obtained an order from the Senate to withdraw certain papers that I supposed were on the files of the Senate. I find that they are in the Committee on Private Land Claims. I ask the following order, in order to enable the claimant to obtain the papers from the clerk of that committee:

*Ordered*, That the Committee on Private Land Claims be discharged from the further consideration of the petition and papers of Jessie Benton Frémont, and that she have leave to withdraw the same from the files of the Senate.

The PRESIDENT *pro tempore*. The order will be granted, subject to the rules.

OHIO MUSTER-ROLLS.

Mr. COCKRELL. Day before yesterday I entered a motion to reconsider the action of the Senate in passing the joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the governor of the State of Ohio, and accompanied that motion with a request to the House of Representatives to return the joint resolution to the Senate. The House has returned the joint resolution to the Senate, and I now ask that the motion to reconsider be agreed to, and that the resolution be recommitted to the Committee on Military Affairs. Neither Senator from Ohio objects to this, I understand.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the vote of the Senate passing the joint resolution indicated by him be reconsidered. The question is on agreeing to the motion to reconsider.

The motion was agreed to.

The PRESIDENT *pro tempore*. It is moved that the bill be recommitted to the Committee on Military Affairs. That order will be entered, if there be no objection.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 223) authorizing the Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair, was read twice by its title.

The PRESIDENT *pro tempore*. The Chair understood that the Senator from Virginia desired to call the attention of the Senate to this joint resolution.

Mr. RIDDLEBERGER. I am obliged to the Chair, but I have no wish to express about it. Let it be referred to the appropriate committee.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order is closed. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. BLAIR. I desire to move at this time to proceed to the consideration of the unfinished business, being the educational bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to, there being on a division—ayes 39, noes 4; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Delaware [Mr. BAYARD] is entitled to the floor.

Mr. BAYARD. Mr. President, it was my intention originally upon the introduction of this bill to content myself with voting silently upon it, but the debate which has progressed has disclosed to me more and more the interest and the importance of the measure.

Not only have I been deeply impressed by the practical importance of some measure of relief to large and populous sections of this country, but just in proportion as the importance and extent of that relief have been impressed upon my mind has grown the necessity for finding a justification for my support of it.

Overstatement of any proposition is never wise, and to deal in superlatives of language is only to weaken really a strong feeling. But I do not think I can be mistaken in thinking that seldom has a measure been brought before Congress that would be fraught with more profound results upon the practical workings of the form of government under which we live than that which is now pending for our consideration.

It is a proposition to exercise the taxing power of the Government of the United States for a term of years in aid of the education of the people of the respective States; in other words, to assume not only an interest, but an interest coupled with conditional powers, over the common-school system of the various communities of this country, the States of the Union. The condition under which the money is to be appropriated is the proportion of ignorant classes. Where education is more prevalent and ignorance less dense the appropriation is to be less, and where illiteracy, as it is termed (I suppose as a synonym for ignorance), exists, there more is to be expended; so that it is an appropriation based upon a condition controlled by the discretion of the General Government.

It is always right to seek to understand truly the effect, the necessary consequences that await our action; and never is it more essential than where we are exercising not our own individual rights and powers but acting as representative men executing the great trust of public power, and executing it, as we all do in this country, under the limitations of a written charter to which we are not only bound by civil penalties but by those of religion superadded.

In a public newspaper of large influence, ably and intelligently conducted, of which one of the proprietors, and perhaps one of the editors, is one of our most honored associates in this body, I mean the senior Senator from Rhode Island [Mr. ANTHONY], I find a careful editorial on the subject of this bill which I commend to the consideration of the Senate. After discussing the Blair bill, as it is called, after the dis-

tinguished Senator who presents it for the consideration of the Senate, the writer says:

The more honest, as the more truthful way of putting it would perhaps be to say that the necessity has arisen from the exercise of ultra-constitutional but necessary authority, and that it is a logical consequence of the emancipation and enfranchisement of the negro, these being the inevitable results of the war of the rebellion.

It is not at all irrelevant, however, to inquire whether the means will secure the end. The committee finds that five-twelfths of the school population of the country are growing up in ignorance of the English alphabet; that in eighty-six cities, containing a school population of over 2,000,000, over one-third of the children never enter a school-room. New York city has 114,000 children not enrolled at all, and of a school population of 385,000, there is an average attendance of only 132,000. Some of our New England villages exhibit statistics which are simply appalling. The South excuses herself on account of emancipation and poverty; the North explains herself by the inundation of a foreign population. Whatever the causes, and they are clear enough, the facts are to be admitted and faced. The prevailing sentiment is, that the State shall no longer be responsible for the education of her children, but they shall be educated by the National Government, the State doing so much as Congress shall require. This is to be understood, however, when the Federal Government undertakes this business, as of right and duty it has assumed, and the States have conceded that it has full and sovereign authority. It will be bound to look out for the "general welfare" in this behalf, according to its best judgment and highest wisdom. The schools must conform to its idea of virtue and its standard of education.

Mr. President, I concur in the result stated by this writer. I say nothing of the statistics of ignorance presented for I am disposed to think that in regard to them there is inaccuracy. I do not believe that the number of children who receive careful education in the homes of their parents, the best place they could receive it, or children who attend select schools paid for from private funds, are excluded from this great mass of alleged illiterates. In that respect I am disposed to believe the figures produced by the committee are more alarming than in truth they ought to be.

But I believe that the logical results of this bill, should it become a law, are fairly stated, and that if those who consider that it is wise and right, that it is justifiable in them as members of the Government and subject to the oath to support the Constitution, if they shall consider it wise and right to accept this appropriation in the form and manner in which it has been tendered, let them consider fairly that it is done in disregard of that mode of preserving liberty and promoting the general welfare, which was ordained by the founders of this Government in the charter which they have left for our guidance.

Mr. President, it may be pardoned if I speak of my personal feeling in connection with this subject. Never before was the conflict between inclination and the sense of duty so severe with me as now. The great fact grows upon my mind as I live under this Government, that only by the higher qualities of humanity can it be maintained; by the virtue, the self-control and intelligence of the citizens alone, can we expect the blessings of liberty shall be secured to us and to our posterity. This subject of education, what Emerson called "the miracle of intellectual enlargement," has been treated with force and eloquence by men in this Chamber who possess my affection and command my respect. The impression made upon me by the speech of the Senator from South Carolina [Mr. HAMPTON], I may say of both the Senators from South Carolina, of the Senators from Mississippi, of the Senator who has charge of this bill [Mr. BLAIR] and who by his earnestness and straightforwardness has gained my respect for his attitude in regard to the entire subject; the statements read here from such men as Dr. Mayo, as my honored friend, Dr. Curry, and from the superintendent of State instruction of Indiana—all of these speeches and statements have impressed me profoundly, and have impelled me to the strictest self-examination of my grounds of dissent; and therefore I have felt bound in what our forefathers called "a decent respect for the opinions of mankind," to state the reasons why I do not feel justified in voting to aid public education in the States in the way now proposed.

Mr. President, I comprehend the condition of the South. It has so happened that since I became a member of this body I have been, until the present session, assigned to duty upon every committee connected with the investigation of their internal affairs. It was commenced in 1871 in the State of North Carolina and rapidly extended over every State south of the Potomac River. I have gone among those people and visited their homes and cities. I have heard the inmost history of their domestic affairs brought forward by a multitude of witnesses. I have realized in my heart and by my mind the extent of their material loss by the war, the flower of their manhood slain, their strong men and warriors crippled, the desolation of their homes and cities, the upheaval of their social system, the absolute wiping out of all forms of property in the shape of credit. All these were surely enough to prostrate and annihilate the strongest and the bravest. But there was one thing worse than all, there was one cause more devastating than all, and that was that after this plowshare of desolation had passed over that land, and just at the moment when every self-governing agency that law could supply was most needed for their protection, it was the unhappy policy, it was the most unfortunate decree of the party then controlling the Federal Government, absolutely to interdict and prohibit every vestige of local self-government throughout that entire region. Sir, it was in that hour of extremest peril, when the spirit of law that alone was left to survive that terrible period was then most needed to teach men self-control and self-respect, when it was most needed to protect the fragment of property that was left, and most needed to exercise American citizens in the practice and duties of local self-government, that by military decree it was annihilated and absolutely wiped out of existence. I cite it not for the purpose of reproach, not for the purpose of crimination, but I cite it as part of the truth of history, and because it has created a condition of things to which I have turned with the deepest anxiety, and in the face of which I have felt at times almost hopeless.

Why, Mr. President, the earlier traditions of the Southern States of our country are the common glory of us all. The name of Washington ever will be the watchword of American liberty and the password to every American heart. The roll of heroes of that portion of our country is long and lustrous with the very highest virtues that attach to our nature; and if it were needed that new testimony should be brought of the courage and the virtue of the men of the Southern States, I could call no better witnesses nor could I call more willing witnesses than those who confronted them for four years upon the battlefields of the war of secession, and many of whom I am glad to say are our honored associates in this Chamber.

But, sir, I believe that history will place the achievements of the Southern men and Southern women in adversity since the war as their highest title to the respect, the affection, the confidence, the sympathy of good men and good women everywhere. When the great military leader of the South laid down his arms and surrendered all but his honor, his counsel to his brethren in arms was worthy of himself: "Gentlemen, we must now cultivate our virtues;" and these words have sunk into the hearts and minds of his countrymen, and the growth of the South toward prosperity; her advance in the arts of peace and civilization has been absolutely marvelous, considering all the adverse circumstances in which she was struggling and which have combined at almost every step to prevent her onward progress.

Mr. President, I came into this Chamber but a few years after the war had nominally closed, and my main object in coming into public life was to assist in binding up the wounds of civil war in my country, and in the restoration of all the States to their proper position of equality in the Union To that end I have opposed steadily every measure that I deemed unequal and unjust, and I have not hesitated to denounce every act of unjustified power by the Executive or by Congress where I thought it tended to the inequality of the citizens of the Union or of the States of the Union before that law whose chief glory was that all men stood equal before it. In all this I have sought to do my full duty to the South as to my brethren and my fellow-countrymen. I have been in this Chamber when not a single true representative of the interests and the opinions and the sympathies of the Southern people was found in the Chamber as a representative from the Southern States, and when the representation so called was in truth a scandalous misrepresentation, which was the result of revolution and confusion. Now the case is different. Every State has now its chosen representative. They can speak and vote as they deem best. The current of a large public opinion has risen too high for the narrowness of party hate further to assert itself, and propositions for the overthrow of States and of Legislatures, which were abundant and common here a few years ago, are now not even suggested, and should only be remembered for the purpose of warning against their recurrence.

Sir, I am grateful to God that the day has come; and yet my theory of the Government of this Union remains still unchanged. It is a union of equal States, what Mr. Madison called the compound Republic of America. I am opposed to the domination of any State or any section, as much as I ever was to the oppression of any State or any section; and the love or the mistaken sympathy for none will ever tempt me knowingly to invade the harmony of our political system.

In this view let me inquire does this bill invade the harmony of our political system? Does it transcend the powers given to Congress to lay taxes? Does it invade and occupy that field of self-exertion which I think it must be conceded remains unimpaired in the States in regard to this most intimate and important function that a community can exercise toward the individuals that compose it?

I do not propose here to discuss what is the power of a community untrammeled by a written constitution to interpose its regulations between parent and child or the relations of humanity, and supersede those duties which may well be called Heaven-created in the human breast. But suffice it to say it is the right of self-preservation of a community to prevent the growth of vice, of pauperism, of ignorance; and, recognizing that, I am prepared to agree and to follow up by my vote and action, as I believe I always have as a private citizen and as a legislator, the duty of the State to see to it that the crime, the negligence, or the poverty, or the ignorance of the parent should not prevent children of a tender age incapable of self-protection from being guarded against ill-health of mind as against ill health and misery of body. But that is not the question here. The proposition is now under the powers of the United States Government to commence and continue for a period of ten years an outlay to carry on the common-school systems within the respective States, and for this purpose to lay taxes under the authority of the Constitution. It is not a fund already in hand that is to be appropriated, but it is to provide for the creation of a fund in the future, which can only be accomplished by the exercise of the taxing power of Congress.

Mr. President, it would be very superfluous for me to meet and an-

swer the objection in regard to the power of Congress to make appropriations or donations of land for the purposes of education or for other purposes than those of education and the right of the same Congress to appropriate money for like purposes. A case was cited and has been the frequent subject of citation on this side of the Chamber by Mr. Justice Miller, of the Supreme Court, in which he not only strictly limited the exercise of the taxing power anywhere by Congress or its still more untrammeled exercise by the States to public objects within the jurisdiction of the taxing power, but his language was that to lay the hand of power upon the property of one citizen for the purpose of conveying its benefits to another was robbery under the forms of law.

That was the unanimous decision of the court of which he is a member; and yet not in one case but in a hundred cases, not in a single line of authority or the current of authority, but what Judge Black called the torrent of authority has admitted the power of the Government to deal with the public lands for the purposes of education, for the purpose of the remuneration of soldiers, for the purpose of inducing immigration, for encouraging the growth of timber, for the purpose of facilitating railroad construction. There may be found a hundred decisions by the same court which distinctly as words can permit have denied the authority to exercise the power of taxation for any but a public purpose committed to the jurisdiction of the Government that sought to exercise it.

Mr. President, the system of laying and collecting taxes adequate to the requirements of both the State and the Federal Government, by the action and power of the Federal Government alone will not and can not be restricted to a single subject; but it must soon logically, by the very nature and growth of its own powers, occupy the entire field of taxation within and without the United States. By the Constitution the entire field of exterior taxation is exclusively committed to Congress. No State can lay a duty upon imports, or if even by consent of Congress it lays any duties the net proceeds must be paid into the Federal Treasury under the Constitution. To-day under the exclusive power in Congress to lay duties upon imports, imposts, and excises, we have a system that has raised the rates of duty, not for the object of collecting revenue, but for the purpose of stimulating and assisting competition on American soil conducted behind the barrier of these external taxes. We have a result that persons who do not produce or manufacture the commodities upon which such duties are laid are incidentally taxed four times, five times the amount of revenue that is paid into the Treasury of the United States.

This system of occupying the entire field of taxation, and as a proclaimed right, has at last by the growth of time found its way into the public declarations of one of the great parties of the country. In the rich, populous, and powerful State of Pennsylvania the dominant party have by declaration to the public claimed the power as legal and advised its execution, that the present scale and rate of Federal taxation should be increased and expanded, more taxes laid, and more articles included and embraced in the schedule of taxation for the purpose of creating a surplus which may be in accordance with the line of this bill redistributed to the people from whom it was already drawn.

Mr. MITCHELL. Will the Senator allow me a word at that point? I should be glad to be enlightened in regard to any such action by the Republican party of the State of Pennsylvania.

Mr. BAYARD. I believe I can produce to the satisfaction of the Senator the resolution of a Republican State convention passed approving the scheme, which originated with Mr. Wharton Barker, of the city of Philadelphia. I had a pamphlet from that gentleman; I know that it was widely circulated, recommending the very scheme to which I have referred, and I believe that I have seen, and I think I can produce, the indorsement of that plan by the party of which Mr. Wharton Barker is an influential and honorable member.

Mr. MITCHELL. I do not wish the Senator from Delaware to understand me as saying that the Republican party did not in its platform commit itself by resolution to that plan, but I do not understand that plan to go so far, or nearly so far, as the Senator states.

Mr. BAYARD. Well, if it be necessary I will hereafter produce that resolution, if it be worth while to criticise the precise words; but the Senator will not deny that the principle avowed was that which I have stated, and that it was intended and recommended to allow the General Government to lay greater taxes and collect more revenue than it needed for its own purposes, and take care of the expenses of the States by returning to them sufficient for the payment of certain of their local affairs, such as education, especially the common schools of the State.

Mr. MITCHELL. I do not desire to interrupt the Senator, but I think it may be proper that the subject should be properly understood, and I wish to say in this connection that that proposition has never so far received my assent, although the party to which I belong passed a resolution on the subject. I think, however, it does not go so far as to justify an increase of taxation for this purpose, but only relates to a distribution of the surplus which may be in the Treasury under existing laws. It does not propose to increase taxation in any way nor to interfere with existing legislation in relation to the subject of taxation, but to provide for a proper division of the surplus in the Treasury, as those who favor that plan understand it to be.

Mr. BAYARD. Mr. President, my reference to the action of the Pennsylvania Republican State convention and to the pamphlet published by one of its most intelligent and distinguished leaders, was only intended as an illustration of the doctrine which I repeat lies imbedded within this measure we are now considering, and it becomes therefore not a question as to the principle, but simply as to the degree to which this doctrine shall be followed.

I do not know what the personal apprehensions of my friend on the other side may have been in regard to this question, nor do I know what his personal views may be about it, but I do know what the declaration of the party with which he acts has been on the subject in his own State, and I believe that I have referred to it in terms of sufficient accuracy.

There is to-day confessedly under our taxing system, external and internal, with all the extravagance and all the robbery that we know are going on, and which the administration confesses it has been unable to stop, a surplus of more than $100,000,000 annually, for which we must seek with some ingenuity a means of expenditure; and it is the doctrine of those of the school of the gentleman whose pamphlet I have referred to and of the party that adopted his declaration that it is right and proper and a due exercise of constitutional authority, for the General Government of the Union to lay taxes and collect revenue in excess of objects which were confided to its care, and to redistribute the surplus and excess to the people who had originally paid them.

Mr. President, my objection to this bill is that it is plainly in the line of such a policy, and when you embark on it it becomes a mere question of degree. If you have the right to collect money by the powers of the Federal Government not for the purposes of the Union, not for the uses of the General Government, not to carry out any power designed for the Federal Government, but to go beyond it, then you can logically and necessarily according to the will of any majority of Congress occupy the entire field of taxation, and American local self-government will die in atrophy, it will shrink to nothing from the disuse of its own faculties, and the spring of our liberties will be dried at its very source.

Mr. President, if a man be poor and if he need aid, I can see no better means of assisting him than not to take from him unnecessarily the little that he has. Whence comes the $15,000,000 the first year and the $14,000,000 the second and so on until you shall come down to half the sum at the end of ten years? Whence comes the $105,000,000 that ten years are to supply? Let it be understood I cavil not at the sum. If it were in my power to vote from myself many times over my individual share of that tax and bestow it for the purposes which have been so graphically presented, I should feel it a duty and a privilege so to do. I am not caviling at the amount, I do not say it is too large; if it can effect the cure it can scarcely be too large; but I am speaking of the principle which I think so all-important for the preservation of this Government, and I am speaking also of a measure which I think from its very nature would be unsuccessful.

To-day the condition of public education under State and local control is one of the most honest causes for American pride that American institutions can disclose.

Mr. MITCHELL. If it will not interrupt the Senator——

Mr. BAYARD. If the Senator means now to refer to the resolution of his State convention, I will ask him to bring it in a little later.

There have been few things in regard to which the American people have responded more liberally than they have in respect of providing for the education of the masses of their children, of those who by the accident of poverty, the restricted fortunes of their parents, were not able to secure that enlargement of the intellect, as Emerson calls it. There are few things more pleasant to consider than the munificence of private donations to the cause of education in this country; and be it noticed that it is not from the great scholars, it is not from the men of learning, it is not from the men who have been the professed educators of the country that the greatest aid has come, but it has been from the strong-minded men, who have fought their way through adversity and under circumstances of great trial, to whom the equitable institutions of this country have offered an easy road to fortune and advancement. It is those men who, touched by a sense of their own deficiencies and of their own early denials, have nobly determined that the poor and unfriended boys of their own land shall not suffer for want of opportunities that were denied to them. Therefore you see the college of Girard rise, and of Packer, and of Hopkins, and of Vanderbilt, and of Lennox, and of Rush, and of Peabody, and of McDonough, and of Astor, and of Pardee, and Corcoran; and this list, so pleasant to recite, so honorable to our people, could greatly be prolonged.

Sir, the other day I met a most intelligent man, a native of one of the New England States, now an honored member of the other House of Congress, who speaking to me of the manner in which the States had dealt with this question of public education, was most generous in his praise and appreciation of what he considered the superiority of the States of the western part of the country in their institutes of public education over that of New England itself. He told me that the great State of Texas had placed the public education of the people of that State upon a broader and a deeper basis than that of any State in the Union.

Sir, in such a rivalry let us all join and joyfully give the crown of excellence to the State that has best deserved it, not in reproach to any,

but simply in commendation and thanks to those who have carried this public duty to the highest degree. This is the true progress of American self-government and the conduct by the State of those things intimate in its relations to the State, and which can not be comprehended by those who live beyond its borders and therefore are not cognizant of the demands of the locality for the exercise of the beneficence referred to.

Mr. President, it has been said that it is to the interest of this country and for the general welfare of this country that vice, ignorance, illiteracy should be lessened by all lawful means, and the power of Congress to assist in this in various localities has been alleged to be found in the words providing for the general welfare of the Government, accompanying the first grant of the power of taxation to the Congress of the United States. The words occur but twice in the Constitution. They are used in the preamble to describe the great ends for which the Constitution was ordained, in the same connection with the words to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." That is a recital. There is no doubt that the general welfare of the people of the United States was the object for which the National Government was formed by a union of the colonies which had become independent States by maintaining their declaration of independence from the Crown of Great Britain. "The pursuit of life, liberty, and happiness" had ended with the belief that these great objects of the human heart had been secured by the adoption of the Federal Constitution. The formation of the Union under the Constitution was the means whereby the general welfare, like liberty and happiness, had been secured to the American people, not otherwise.

How was the general welfare under that plan of government to be secured? How was it provided for? By leaving it to the Executive, or to the judiciary, or to the Legislature to "promote" as any or all of them combined should see fit? Certainly not. It was to be secured by the agency and under the form and under the conditions of a carefully worded charter to which the delegates of each State set their hands, George Washington at their head, and the ratification of the several States thereto. When it had been so ratified by nine States it should be their government. It was almost immediately ratified by eleven, and two years after unanimously by the whole thirteen. But the object of that government, among which was the general welfare, was to be secured by means of that Constitution itself by its ordination and according to its plan, and not in any other way. Other ways however seductive, other ways however desirable, were excluded by the ordination and adoption of the plan of government which we have all here assembled to support, and this is the Chamber and this is the body where of all others this distinction between the powers of the National Government and the governments of the States is to be recognized, defended, and strictly upheld. The other branch of Congress represents the national principle; this body represents the federal principle, and ours is a government in which those two were blended. It was not intended to impair or destroy either one or the other, but from the union of the two to promote a harmony that should secure to each the powers necessary to promote the general welfare of the people of the United States, and to secure the blessings of liberty to them and their posterity.

Hence it is that all essential powers of sovereignty are found in the Government of the United States, and the great powers of peace and war, the sole power to create armies and navies and control them, the power over every individual in the Union to call him into its service whenever needful, the power of unlimited taxation in order to sustain all those great powers of government and to perpetuate the existence of a National Government—all those were plainly confided to the Congress by the Constitution; and logically and necessarily all powers incidentally and impliedly necessary to make those powers enumerated fully effective were also to accompany them.

This Constitution enumerated these powers. It made them the supreme law of the land, paramount throughout the Union. It did not define them, for this is not a charter of definition; it is a charter of delegation and enumeration; and I know but a single definition in the Constitution, and that is of the crime of treason. The powers are enumerated, but definition of the powers is left to the legislative and judicial departments.

We find in the Constitution of the United States two governments plainly recognized, or what Chief-Justice Marshall calls a dual government, a Government of the United States and a government of each of the respective States. The tenth article of amendment expressly declares that the powers not delegated to the United States nor prohibited by it to the States were reserved to the States respectively, and every article of the Constitution could be appealed to to show that it contains just such clear recognition of this duality of powers. The powers necessary for each are here recognized. Those for the General Government are enumerated and delegated; those for the States are reserved. They did not need delegation or enumeration for that which they already possessed; all remained in them which had not been delegated to the General Government or which were not expressly inhibited to them.

Now, let us carry this in mind when we look at the grant of the taxing power to Congress. "Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts." Whose debts! The Government was the Government of the United States. It certainly was not to lay taxes to pay the debts of the respective States, nor could it possibly provide for the welfare of the respective States. To adopt any other construction would throw the whole plan of the Constitution into utter confusion and reduce local self-government to a ciphers; but the General Government would provide for every local expense by Federal taxation and cover the whole field according to the theory of a portion, if not the whole, of the Republican party in the State of Pennsylvania.

Now, Mr. President, as to the "general welfare," there is a construction which, it seems to me, this bill must be founded upon, and which has been accepted here in debate, that, in my judgment, would render the rest of the Constitution entirely superfluous if it were adopted, and that would be to grant an unlimited authority, and for any and every purpose whatever, of taxation by the Congress of the United States.

One moment as to this power of taxation. It is the most sovereign power conceived of by man. It extends to everything that he can create by his industry and which may be taken from him under the power of taxation. It is essentially unlimited in every republic as in the most unlimited of monarchies. It has no other limit than the discretion of the agency to whom it is confided, and this is the power that is claimed for the Government of the United States, and justly claimed where the objects of its exercise are such as have been confided to its care by the Constitution. But the moment that you shall say that not only is the power of taxation by the Congress unlimited, but that the application of the fund so raised is unlimited and the purposes of the taxation are unlimited, then you have a government that it is idle to speak of as having any limitation on its power except the will and pleasure of the dominant majority.

On this subject what has been said? Where is the writer, where is the commentator upon American constitutional law who has ever said anything like this? It seems idle at this time, but going back to the very foundation of the Government and coming down to the present day, take any one recognized as authority on constitutional law and discover if you can any such meaning. Alexander Hamilton has been cited as a centralist of power, as the antipodes to the theory of Thomas Jefferson. I have often had occasion to cite authority in the last fifteen years in the Senate for constitutional restraints upon executive and Congressional encroachments, and I mean here to say that no American living or dead has been more impressively cited to prevent the centralization of power than Alexander Hamilton. He says—I read from page 145 of the thirty-third number of the Federalist:

> If individuals enter into a state of society the laws of that society must be the supreme regulator of their conduct. If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers intrusted to it by its constitution, must necessarily be supreme over those societies and the individuals of whom they are composed. It would otherwise be a mere treaty, dependent on the good faith of the parties and not a government, which is only another word for political power and supremacy. But it will not follow from this doctrine that acts of the larger society, which are not pursuant to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such.

After speaking of the necessity for a concurrent jurisdiction over the power of taxation, he says—I read from the preceding number of the Federalist by Hamilton:

> The necessity of a concurrent jurisdiction in certain cases results from the division of the sovereign power; and the rule that all authorities, of which the States are not explicitly divested in favor of the Union, remain with them in full vigor, is not only a theoretical consequence of that division, but is clearly admitted by the whole tenor of the instrument which contains the articles of the proposed Constitution. We there find that, notwithstanding the affirmative grants of general authorities, there has been the most pointed care in those cases where it was deemed improper that the like authorities should reside in the States to insert negative clauses prohibiting the exercise of them by the States. The tenth section of the first article consists altogether of such provisions. This circumstance is a clear indication of the sense of the convention, and furnishes a rule of interpretation out of the body of the act, which justifies the position I have advanced, and refutes every hypothesis to the contrary.

And be it remembered that that was written before the adoption of the tenth article of amendments, which recited in express language the doctrine here laid down by this commentator upon a government whose genius he is proved to have comprehended as time has gone on. It was not the question of what his original theory was of what this government ought to have been; it was not the question that he would have made a more centralized government had his plan been followed; but when the plan of others than his own, when the plan of Jefferson and Madison, that is to say a plan in accord with their judgment had been prepared, it found in Hamilton as able and as ardent an advocate as if it had been his own original proposition. Let me read a word on this subject from the thirty-second number of the Federalist:

> I am willing here to allow, in its full extent, the justness of the reasoning which requires that the individual States should possess an independent and uncontrollable authority to raise their own revenues for the supply of their own wants. And making this concession, I affirm that (with the sole exception of duties on imports and exports) they would, under the plan of the convention, retain that authority in the most absolute and unqualified sense; and that an attempt on the part of the National Government to abridge them in the exercise of it would be a violent assumption of power unwarranted by any article or clause of its constitution.

An entire consolidation of the States into one complete national sovereignty would imply an entire subordination of the parts, and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not by that act exclusively delegated to the United States. This exclusive delegation, or rather this alienation of State sovereignty, would only exist in three cases: where the Constitution in express terms granted an exclusive authority to the Union; where it granted, in one instance, an authority to the Union, and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant. I use these terms to distinguish this last case from another, which might appear to resemble it.

Now let us turn for one moment to his great compeer, the man who stood with him in the Cabinet of Washington, and as Mr. Webster said, with the hand of Washington resting upon the shoulder of each—Mr. Jefferson spoke on this subject. I find in a letter to Albert Gallatin, one of the most distinguished leaders of the Jeffersonian party:

The act was founded avowedly on the principle that the phrase in the Constitution which authorizes Congress "to lay taxes, to pay the debts and provide for the general welfare," was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the Federal doctrine. Whereas, our tenet even was, and, indeed, it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently that the specification of powers is a limitation of the purposes for which they may raise money.

I wish to cite not Mr. Jefferson alone, not Alexander Hamilton alone, but shall I take Mr. Justice Story. He has been cited and recited. There is one word of his that I think I should like to read, because it may be called his parting salute to the question. He had gone over it, apparently changing his mind from time to time or rather making various expressions of his judgment in regard to this very indefinite power claimed, but at the end he says—I read from section 980 of Story on the Constitution:

An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government, and consolidate the whole under the latter.

That is the effect of the construction which has been contended for here in debate; and do we stand here professing deliberately to consolidate all the powers of this Government, to destroy all local self-government, to annihilate all State power? In other words, do we stand here to vote to revolutionize the system under which the blessings of liberty were intended to be secured to ourselves and our posterity?

Sir, there is a writer of to-day, a man learned in the law and learned in more than the law, Dr. Francis Wharton, who I think now is filling the chair of international law in Harvard University, who has given in the present year his Commentaries on American Law to his countrymen, in which he has carefully and elaborately reviewed the historical field, and the progress of this evolution of our Government, this growth of institutions which we have heard referred to. But the question is whether evolution has resulted in revolution, for that it seems to me is in two words the result that would be reached by adopting the construction asked for by many who favor this bill. I read from page 404 of Wharton's Commentaries on American Law:

The first observation to be made on this clause is that the words "provide for the common defense and general welfare of the United States" are a qualification of the taxing power. The taxation is "to pay the debts and provide for the common defense," &c. Congress, at least by this clause, has not power to "provide for the common defense and general welfare." How far it can do this is determined by subsequent clauses. Whatever it has power to do under such clauses, this clause authorizes it to impose taxes to pay for.

Mr. President, is the power of the education of the citizens of the various States committed by the Constitution to Congress? Certainly no one will contend that it is by any express grant. Is it by implication that is even arguable? Will not any implication of that kind, assented to, lead inexorably to the overthrow of the whole theory of our form of government, to the absorption of every power in one of these dual governments under which we live and which were intended jointly to secure all the needs of government? Sir, it is to me quite as fatal, quite as treasonable in the modern sense of the word, quite as unfaithful to stab this system of ours in one mortal part as in another; but so far as I am concerned the hand which inflicts the wound shall never be mine.

This power of the education of the children and the people of the community by its very nature—for that is the rule which Hamilton laid down for the construction of constitutional powers—belongs to the States in accord with the Constitution. In the nature of things to each community, who knows its needs, local self-government includes as its most important function the moral health and mental training of its citizens. Necessarily in the nature of things it must belong to the States. By all the canons of construction there being no delegation of this power to the General Government, there being no inhibition of it to the State governments, it lay with the government where it had always inherently reposed. Therefore it does lie among what Chief-Justice Marshall calls the "immense mass" of powers that lay reserved for the control and the exclusive control of the States.

That was his language when he clothed the skeleton of Federal power with the strongest muscles it possessed. The case of Gibbons *vs.* Ogden was the declaration of vitality to the powers of the nation. It decreed one commerce for the people of the United States and one power alone to govern it; and he, with all that serenity of wisdom that marked him in his high place, said, while clothing the National Government with essential powers for self-preservation and control, he must not forget the States out of which it was constructed and upon which it must rest for its strength and security. And so after prescribing the delegated powers and conceding them unlimitedly to the General Government, he referred to that "immense mass" of undelegated powers that remained in the States, and which include their powers of self-government and all that go to make men competent for self-government. Among these none is more intimate and essential than the education, care, and training of the children. Deprive a community of control over the public education of its children and it is idle to speak of it as possessing local self-government.

No State has ever divested itself of the power nor can it ever divest itself before God of the duty to look after the ignorant, the unfortunate, the degraded within its limits. Nature demands it; our scheme of government requires it; and when Congress invades and takes possession of that field, overstepping the bounds of its power, we are throwing into confusion this beautiful fabric designed by checks and balances to secure liberty and justice among countless millions of people whose right it is to be left to control themselves in all the duties that relate to a just exercise of American citizenship.

Sir, this question of education is one of the gravest that can be stated. There is a power of the parent that the State may not invade; there is a duty of the parent that the State may possibly be called upon to fulfill should the parent neglect it; but if you seek to cure a disease, moral or physical, must you not remove the cause? Is it not common sense to go below the surface and treat the cause of the disease?

Now, Senators, which is the parent and which is the child; pauperism or ignorance? Ignorance will beget pauperism; pauperism will beget ignorance. No man who has dealt—and I claim to have sought to understand the practical bearings of this question—no man who has dealt with the very poor, those who are borne down to the extremity of pauperism, but will know that the first step to relieve them is to create a healthy body as the tenement of the healthy mind. Reasonable and sufficient food, warmth, shelter, cleanliness, decency of apparel, and comforts in life—these are almost the prime necessities before you shall begin to raise the mental condition. Every one knows that when we see a poor boy in the streets neglected and abandoned by his parents, the first thing is to make his body comfortable, to clothe him and warm him, to nourish him, and then when his physical faculties are in a proper state, to approach the higher part of his creation and permit his mind to rise to a comprehension of social duty. Can Congress do this? The States can do it. A wisely governed State does do it and ever will do it. Can Congress do this? Can the poor of the States, the sick, the maimed, pass here under the eye of this central power? Is there anything in our knowledge that befits us to enter upon this field of local examination? Sir, the best-hearted man here can do little of that which is required for local purposes and charities in Delaware or California.

So, sir, I hold that the power of Congress to provide for the general welfare is in the way contemplated and authorized by the Constitution and no other. The money proposed by this bill is to be raised by taxation by the General Government for what? To accomplish only such things as Congress is commissioned to do, over which Congress has jurisdiction, which were committed to its care by the Constitution, but over matters not committed to its care Congress has no jurisdiction; it has no power to tax in order to sustain them.

Mr. President, the concession of this power to Congress must end in the withering of the States and in the destruction of their necessary and reserved powers. The power of taxation is the most far-reaching and comprehensive power confided to Government which can be exercised in such way and under such conditions and to such extent as Congress shall see fit in its discretion. From the necessities of the subject it rests solely, and is restrained only by the discretion of the department to which it is delegated. The measure of the tax burden Congress alone can control; the subjects of the burden are restricted by the Constitution expressly as in the case of export duties and impliedly as to the instrumentalities of the States; but if it be conceded that the power to lay taxes can include subjects not within the jurisdiction of Congress but expressly and admittedly and necessarily under State control, then I say you have embarked upon a principle never before heard of or claimed, and which is dangerous in the extreme. I know this bill will be held as a precedent, in my judgment a most dangerous one, which will go far to destroy all demarkation between the powers and the duties of the General Government and the powers and duties of the State governments. This to me is alarming, and because I can not pass it by in silence I have said thus much.

Aristotle gave as a definition of intellect "that by which we know

terms or boundaries." "Teach the boy," says Emerson, "the difference between similar and the same." Mr. President, is not this accuracy of thought essential to fidelity as an American citizen to know the terms and boundaries of this dual and complex system of State and national power under which we live? It is the first duty of the American citizen; it is the main duty of the American Senator, and this is the council chamber where the terms and the boundaries between the power of the nation and the power of the pillars that support the nation should be carefully insisted upon and guarded. The safety and security of each are involved.

Confusion and distress must arise and will ensue from confounding the similar and the same in our lawmaking, and so I stand to-day to insist upon obedience to the letter and the spirit of the fundamental law. Reverence for law is a potent element in the mind of a self-governing people. As we sit here to-day the proofs of a spirit of lawlessness come to us from a great city filled with wealth and culture, and in letters of blood and by the light of her burning records we can read the dangers of departing from law; and here we stand sent by the States to represent them, and shall we not deliberate in the seclusion of our Chamber and set the example of absolute and strict adherence to the fundamental law which is the government of the American people?

Mr. President, the subject can not be surpassed in importance. It could be considered under so many phases, there are so many points of view, there could be so many illustrations, that the discussion would be as endless, as to a lover of the country it would be interesting; but the time of decision has come, and I have given at greater length than I had intended some reasons why, despite my sympathy, despite my feeling almost of despair in contemplating the difficulties and the dangers which confront my brethren in other States where this terrible race question exists, I can but feel that their States and their welfare and their liberty can be best preserved by me by adhering to my conscientious judgment of what is the true government of the American people.

All of the money now proposed to be appropriated came from the pockets of the people—and a reduction of excessive taxation will leave a much greater sum in the hands of the people, who can and will apply it more usefully to the great needs of public education.

Mr. BROWN. Mr. President, on yesterday when my friend the honorable Senator from Kentucky [Mr. BECK] was delivering his able and lucid argument on the educational question he happened incidentally to allude to the tariff question, and during the able remarks which he made on that question the honorable Senator from South Carolina [Mr. BUTLER] interrupted him, and with his consent read certain extracts from a newspaper, relating to a number of very worthy gentlemen, some of whom are my constituents, giving their opinions on the tariff question and the bearings of that question upon Southern manufactures. By the request of the Senator from Kentucky the Senator from South Carolina cut out from the newspaper the slip he read and gave it to the Senator from Kentucky to be incorporated in his remarks, and I find it in the RECORD of to-day. Those worthy and distinguished manufacturers take substantially the position that Southern manufacturers would be better off if the tariff were abolished entirely and we had absolute free trade. Of course they take this position in full view of the fact that we are obliged to raise over $300,000,000 a year by taxation to support this Government and meet all its obligations even when economically adminstered. The advocacy of free-trade is therefore the advocacy of direct taxes, to raise from the people by an internal-revenue system or by direct taxation this enormous amount of money, several times as large as the whole State tax now collected in each State. If the tariff is abolished the direct tax must necessarily follow, as they must all admit.

However, it is no part of my purpose to discuss the tariff question in this connection, and I do not intend to do so. I do not arraign the Senator from Kentucky for the remarks he made on it in his speech yesterday, because the bill before the Senate is one to appropriate money, and when we are making large appropriations it is very proper to inquire how we are to raise the money to meet the appropriations. It seems to me, therefore, that it is proper, if the Senator desires to do so, on every appropriation bill to discuss the tariff question. I make no sort of objection to it, but simply say that I do not desire to enter into that discussion now, and will not during the present discussion on the educational bill.

But as the newspaper slips referred to were read and spread upon the RECORD, and they reflect the opinions of a portion of my constituents, I think it just to another portion of the same constituency that their opinions on the other side of the question should be placed side by side with the opinions spread yesterday evening upon the RECORD.

It happened that on the very day those opinions were spread upon the RECORD here the Southern manufacturers were in convention in Augusta, Ga., examining this very question, the question of overproduction, hard times, difficulties in making the ends meet, and trying to arrive at some conclusion as to what is best to be done. They were interviewed last evening by a reporter of the Chronicle and Constitutionalist, and the result of the interviews is summed up in the Washington Post of this morning:

The Chronicle interviews with members of the convention show that the majority of manufacturers in attendance stand on the tariff plank in the Ohio Democratic platform.

As the convention was an important one and the article is short which describes it, I will send it to the desk and ask the Secretary to read it.

The PRESIDING OFFICER (Mr. ALLISON in the chair). The Secretary will read the article.

The Secretary read as follows:

OVERPRODUCTION OF COTTON GOODS—SOUTHERN MANUFACTURERS TAKE STEPS TO REMEDY THE EVIL.

AUGUSTA, GA., *April* 3.

A meeting of the owners of cotton-mills throughout the South was held here to-day for the purpose of discussing the question of the supply of and demand for cotton goods. It was stated in a circular issued by the Augusta mill-men, who originated the call for the convention, that it was their belief that the purchasing power is not equal to the supply, and that for the benefit of all concerned it was of the greatest importance that some plan should be agreed upon to reduce the production of cotton goods. President Hickman, of the Graniteville Manufacturing Company, called the convention to order and welcomed the manufacturers of Augusta. J. F. Hanson, of Macon, was elected president and A. H. Twitchell, of Clifton, S. C., secretary. Mr. Hanson said the manufacturing interests just now were in anything but a satisfactory condition, and he hoped that united action would result in favor of the manufacturers of the South.

Representatives were present of mills which contain 265,000 spindles and 8,235 looms, with a capitalization of $8,560,000. President Young, of Eagle and Phœnix Mills, Columbus, Ga., sent a letter expressing regret that he could not attend. He thought the surplus complained of was more apparent than real, and that jobbers were now buying and trading from hand to mouth and compelling factories to carry goods formerly bought in bulk. He thought that limiting the production would hurt needy operatives and engender strikes. The committee on business reported in favor of the organization of an association to be known as the Southern and Western Manufacturers' Association, the object and purpose of said association to be of the same general character as those of the New England Manufacturers' Association.

In view of the short cotton crop of last year, the committee also recommend the adoption of a resolution "recommending that our spinners and manufacturers reduce their production in proportion to the reduced quantity of raw material now in the country."

The plan for the organization of a Southern manufacturers' association was unanimously adopted. The resolution looking to a reduction of the production was discussed at length, all the speakers agreeing as to the necessity for a curtailment of the production of yarns and cloth, the only difference being as to the manner of accomplishing the result. After several hours of discussion ex-Governor Bullock offered the following, which was unanimously adopted:

"*Resolved*, That it is the unanimous sense of this meeting that the production of yarns and cloth be curtailed pending definite action by our committee."

The committee of fifteen to whom was referred the organization of a Southern manufacturers' association were instructed to formulate a plan for reducing the production of yarns and cloth. This was the largest and most influential meeting of cotton manufacturers ever held in the South. The result shows harmonious and determined action for a curtailment of the production.

The Chronicle interviews with members of the convention show that the majority of manufacturers in attendance stand on the tariff plank in the Ohio Democratic platform.

Mr. BROWN. Mr. President, as you will observe by hearing the document just read at the desk, Mr. J. F. Hanson, of Macon, Ga., was elected president of this large association of Southern manufacturers. It is stated there that a letter was read from President Young, of Columbus, giving the reasons why he could not attend. By reference to the record of yesterday's proceedings, and to the extracts read from the newspaper by the Senator from South Carolina, giving the opinions of prominent manufacturers that no tariff was necessary to enable them to prosper in their business, the opinion of President Young is referred to in very strong terms on that line. He is a very worthy gentleman and an able man; his opinions are entitled to great weight; but as other Southern manufacturers do not agree with President Young, and as Mr. Hanson, the president of the convention referred to, who is a prominent manufacturer in Macon, Ga., has replied, I think, with a great deal of force to the letter of President Young, written to Hon. HUGH BUCHANAN, of the House of Representatives, and as the opinions of President Young, though not his letter, are put upon the record by the Senators from South Carolina and Kentucky, it seems to me it would be but fair play that the reply of President Hanson should accompany those opinions upon the record. I therefore, without any intention whatever to discuss the merits or demerits of what has been said by anybody in this connection, will send the letter of President Hanson to the desk and ask that it be read.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Secretary read as follows:

COTTON MANUFACTURING IN THE SOUTHERN STATES AND IN NEW ENGLAND—THE ADVANTAGES AND DISADVANTAGES OF BOTH COMPARED—REPLY OF J. F. HANSON TO COL. W. H. YOUNG'S BUCHANAN LETTER.

The positions of Mr. Young, president of the Eagle and Phœnix Manufacturing Company, of Columbus, Ga., and myself in reference to the position of Southern cotton manufacturers as compared with those of New England and Great Britain have of late attracted some attention. They are embodied in a letter written to Hon. HUGH BUCHANAN, member of Congress from the Columbus district, by Mr. Young, which letter was read before the Ways and Means Committee, and my testimony before the same committee. A copy of Mr. Young's letter will be published with this reply. My testimony is in the hands of the committee. Of this I have no copy. I shall restate here the positions I maintained before that committee, with the facts and arguments brought forward in their support.

The question of cotton manufacture in the South is of vital importance to the people of this section. It is of interest to the country and the world. The opinions of both Mr. Young and myself will be tested by the facts in the case. When the sentiment engendered by the former shall have perished, the latter, strengthened by the logic of events, will constitute the basis upon which all permanent and profitable investments in cotton manufacturing in the South must rest. If I am in error, I am willing to be set right. To me this is a business question, like merchandising, banking, or planting. Neither can be profitably or permanently followed upon theories unsupported by experience. I will accord to Mr. Young the same position; then, stating the case as I apprehend it, submit it to the judgment of the public.

There are two theories in reference to the position of the South in cotton manufacture. One is that we have overwhelming advantages in raw material, climate, and labor, while in all other respects we are equally as well situated as the mill-owners of New England. This I understand to be the position of Mr. Young. It has always been maintained by the Eagle and Phœnix. (While Mr. Young has not been the president of that company from its organization, he has been regarded as its leading spirit.)

The other is that we have decided advantages in raw material, something possibly in climate, while it is doubtful if we have anything in labor, and that in other respects we are at great disadvantage, notably in distance from our base of supplies for machinery, repairs, and findings, and in deficient skill in construction and operation of mills, as these conditions affect cost of mills and quantity, quality, and diversity of production. To this latter opinion I am forced by experience and observation both to adhere.

So far as public opinion, in the South especially, is concerned, the former are greatly exaggerated and the latter unwisely underestimated. To this fact, for which Mr. Young is largely responsible, I attribute the wasteful and reckless investment of money in all sorts of cotton mills in the South, for several years past, and the grave situation of this interest here at present. I stated to the Ways and Means Committee that the Eagle and Phœnix had made the largest impression upon the country of any mill South, with reference to the advantages that existed here for cotton manufacture. For this reason, as well as for convenience and forcible illustration of the error of Mr. Young in many if not all of his statements, I propose to sustain my position by the reports of this company, and stand or fall by the same. I shall not go outside these reports and Mr. Young's Buchanan letter, except for a few facts and illustrations not covered by them.

Mr. Young, in his Buchanan letter, says that his consumption of cotton is fifty bales a day, and that a New England mill would have to pay for this cotton $350 more than it costs his company. This, it will be seen, is $7 per bale. Taking the weight of the bale at four hundred and seventy pounds, this would make a difference of 1.48 cents to the pound.

The market reports published in the daily papers of Columbus will show that the price of middling cotton in Boston will not average the year round more than 1 cent per pound above middling cotton in Columbus.

It must be true, then, that this is the difference, and all the difference, that Mr. Young has as an advantage in the cost of his cotton. This is so plain, and the proof so accessible, that I am surprised that Mr. Young should have overlooked it. He will find that every man engaged in the cotton trade will fully sustain this proposition.

If he has any such advantage, in the cost of his cotton, his report of last year fails to show it, as his mills did not earn $7 a bale on his consumption of cotton, as he only reports $93,800 earnings, while his consumption of cotton for the time the mills were in operation, according to his report (page 3), 298½ days, at $350 a day, would have amounted to $104,387.50.

There is no method of determining, accurately, climatic effects. In winter we require less fuel for heating the mills, and for the operatives less fuel and clothing than in New England. This is clear, and is an advantage. How far it is counterbalanced by the length of our summers, the malarious conditions, and lassitude to which we are subjected by reason of the same, is an open question. I have no data upon which to attempt a statement covering this point. So far as I am advised nothing definite is obtainable. Individual opinions, in the absence of well-authenticated results, settle nothing.

I am inclined to the belief that in labor we have no advantage. While it is cheaper here per capita, it is less efficient. Both these facts are well known and understood. The wage of an operative per day is not the question with manufacturers. They look to the cost per pound of product. This may be cheaper with efficient and higher-priced than with indifferent and lower-priced labor.

This fact may not have suggested itself to Mr. Young. If it had he must have overlooked it when he stated in his Buchanan letter that labor was higher in England than the South.

With all respect to Mr. Young's age and experience, I must be permitted to challenge this statement and demand the proof. His unsupported assertion will not settle this question. I might refute it now, but as no man, in law, is required to prove a negative, I will not consume time for this purpose. It is his statement, and is an important statement, but he must prove it by the relative cost per pound of given classes of cotton goods before it can be accepted as a basis of investment in Southern mills, or as a safe indication of Government policy in reference to the tariff question. I beg the reader to bear in mind the true basis of determining the cost of labor, skill, and efficiency, determined by quantity and quality of products, as I shall have occasion to allude to results that will fully sustain my position on this question.

Maintaining that the South has an advantage of 1 cent per pound on cotton over New England, and that this is all she has, let us take into the account the serious drawbacks against which she has to contend.

The distance from which our supplies of machinery repairs and findings of every description have been drawn is a serious tax upon the mills of the South. It involves on coarse mills from five to six car-loads of machinery for every thousand spindles put in operation before a mill starts, and is perpetual on all renewals and supplies that are necessary for its operation. It will amount to 10 per cent. on the cost of machinery at the shops.

The absence of proper skill in constructing mills has often resulted in both expensive and faulty construction. The latter is followed logically by expensive and imperfect production. These results arise also from want of skill in superintendents and heads of departments, and even the labor, when mills are properly constructed and arranged.

New England has better skill than we have. She has the accumulation of fifty years of active experience among her population. She knows the value of her best men, and keeps them. We are forced to take our supply from those who, as a general rule, can not sustain themselves upon her standard of efficiency; hence we are largely in the hands of men she would not employ in positions we are forced to place them in.

We have, as a first result, expensive mills, as I have before stated. Upon this vital point I propose to refer to the report of Mr. Young to the stockholders of his company made in February last. On page 4 of same I find that he puts down the entire value of the real estate and machinery of his company at $2,039,902.50. In the real estate charge, among other items, I notice "city and Alabama property." If this is not used or is not necessary for the successful prosecution of the business of the company it should come out. If, on the contrary, it is necessary, it properly belongs to the cost of plant. The number of spindles in the three mills, as I remember, is 44,000. Divide the cost of plant by the number of spindles, and we get $46.11 per spindle as cost. This will be further modified if the number of wool spindles in the mill is not included in the total number of spindles. I will take the number of spindles as stated, however, and the cost of the plant as including "city and Alabama property," and will venture to suggest that no better evidence of the evils of our situation could be produced than the cost of this property.

A mill, to duplicate the production of the Eagle and Phœnix, in kind, quality, and quantity, can be constructed in New England for less than $30 per spindle, including all the storehouses, dye-houses, &c., necessary for the successful handling of its business. It may be said that much of this work on Mr. Young's mills was done when the machinery and materials of all kinds were higher than at present. I know this is true, and so far as the Eagle and Phœnix is concerned, it is fearfully true. But how are we to account for the fact, or escape the results of such high cost? I attribute it largely to mistakes, bad management, and the inconveniences, not to say insurmountable difficulties, in our way, and from which every mill in the South has suffered. If the property cost $16.11 per spindle more than a new mill of same value would cost in New England now, it would seem to indicate that good policy on the part of Mr. Young would be to write off the excess of cost. This, however, would be fatal to his theories—the theories upon which so much money has been invested in Southern mills. To reduce the value of his property on his books to New England standard would place it in his assets at $1,320,000 instead of $2,039,000 as at present, and with one stroke of a pen sweep away his "reserve fund," and leave him with a deficit instead of a surplus. This reasoning is based upon information as to cost of machinery, real estate, building material, &c., in New England, on the one hand, and Mr. Young's official report to his stockholders on the other. He has not a square foot of floor space occupied by machinery, or a machine in his mills that are worth in earning capacity more than it will cost to replace them. If he purposes to run New England out of the market on coarse cotton goods, it must be admitted that this wide gap will have to be closed, or in lieu thereof much of whatever advantage he enjoys will be canceled by it.

Skill in the management of New England mills, as this relates either to the manipulation of the work in the mills or the product of the mills in the markets, is another point at which Southern mills are at serious disadvantage. Georgia 4-4 sheetings of three yards to the pound weight have for some time sold all over the country for 6 cents a yard, 18 cents per pound, freight paid by mill to point of sale. These goods are made of about number 13 yarns. They can not be marketed as fast as they are produced at that price. It costs 1 cent per pound to weave these thirteen yarns into cloth after the yarns are spun. Rhode Island yarns, number eights, made of one grade better cotton, are selling in Philadelphia and other Eastern markets for 19 cents. Now, putting the difference in spinning number eights and number thirteens at the difference in value of stock of which they are made respectively, and it will be seen that the yarns of Rhode Island, in cops as they are doffed from the mules, are selling at 1 cent per pound above Georgia sheetings. Add to this the cost of weaving the cloth, 1 cent per pound, and the 1-cent cotton advantage is lost, and another cent on top of it. The same rule will apply to Eastern-made brown sheetings, but with possibly only one-half the show of a loss to the South as between the yarn and cloth. In short, Eastern goods sell higher than Southern goods made on the same styles of machinery, of the same grade of stock, and sold in the same markets. This every dry-goods merchant in the country will corroborate. This establishes the proposition that the skill and management of New England are higher and abler than with us, and count for a great deal when stripped of all delusive shams. Our mill products are forced to find sale on their own merits in competition with the same classes of goods made in New England.

I know but little of the quality of Eagle and Phœnix products, as from some cause or causes, better understood by Mr. Young than myself, they have been largely, if not almost entirely, supplanted with our dry-goods trade by other brands of goods. I understand the same thing is true of most of the cities in Georgia, or at least with the wholesale trade of the State. It may be that Mr. Young can not compete with the manufacturers at other points, who are supplying our merchants with the same classes of goods that are made by the Eagle and Phœnix, and many of which, notably common cotton plaids, the largest item in his manufactures, come from Philadelphia.

Pursuing the question of relative cost of production in the South as against the East, in which, as it will be seen, quality is at last an important item, I beg to call attention to the fact that at Augusta, Ga., where there is located more cotton machinery than at any point in the South, and where manufacturing has paid as well or better than at any other point, and where I am bound to maintain the management of mills is as able as elsewhere, the presidents of the Augusta, Enterprise, Sibley, King, Graniteville, and Langley Companies, joined by Mr. Cawthon, of Wesson, Miss., having recently united in a call for a meeting of Southern and Western spinners in Augusta on the 3d of April, to consult together in reference to the production and consumption of Southern goods. They suggest an overproduction, and it is universally agreed that the only remedy for the situation is in stopping the machinery wholly for a time, or partially until stocks are absorbed. This action is wise. It is taken by men who have the wisdom to understand and the courage to acknowledge the gravity of the situation. If any such concerted action has been taken by their Eastern competitors it has escaped my attention. They are working close, and here and there a mill is stopped. The instances where this has occurred have been few, except in case of strikes, and these have been as infrequent as at many other times. The indications are that the New England mills are in better condition to pull through than the Southern mills. Will not Mr. Young admit that such results strengthen the positions I maintained before the Ways and Means Committee, and which I am, substantially, restating here?

In Mr. Young's letter to Mr. BUCHANAN he says:

"The South is now engaged in manufacturing standard or heavy-weight goods, and which are mainly consumed by the masses of our population South and North, and now the South sends her surplus production to the North, where they displace *all* (italics mine) such heavy-weight goods as were formerly made there and sent South."

This statement is not entirely clear. If Mr. Young intended to say that we are replacing the heavy goods consumed in the South which were formerly made North, I agree with him. If he intends to say the heavy goods at the South displace all the heavy goods made North, I beg to differ from him. I will not rest the case on an assertion of mine as against an assertion of his. Perhaps Mr. Young has never heard of the Appleton, Atlantic, Boot, Massachusetts, Tremont, and Suffolk Mills at Lowell and Lawrence, Mass., or of the Stark and Amoskeag, at Manchester, or other mills at Great Falls, N. H., Lewiston, Me., and various other points where standard heavy goods are made. Investigation will show, I think, that the South manufactures less heavy goods than New England.

I have not the data to settle this question. It must be settled, however, and Mr. Young must in this case, as in that of the dearer labor of England compared with this country, bring the proof to sustain his assertion. I will admit it on nothing short of the proof, in the absence of which I challenge the statement. I state as a fact within my knowledge that Philadelphia is selling cotton plaids to Georgia. This is the leading article of the Eagle and Phœnix's product. Mr. Young's report shows he has an enormous stock on hand, and also, as I shall show before I get through, that his profits are next to nothing. If he has the superior advantages he claims, and is so partial to the "home trade," why does he allow Philadelphia to supplant him with a trade only a hundred miles from his mills? Where are Mr. Young's boasted advantages, if he is powerless to compete with this Northern competition, and allows the weaver of Philadelphia to sell his cloth in Georgia, while Mr. Young puts his product in his warehouses? These are questions that must be answered. They must be met by recovering the trade that has been lost by the Eagle and Phœnix, and is now in the hands of men that Mr. Young tells Congressman BUCHANAN can not compete with the Eagle and Phœnix.

I beg now to call attention to the reported earnings of the Eagle and Phœnix for the past year. The capital employed in the plant of the company and put down in Mr. Young's report to his stockholders as "assets" amounts, as I have already stated, to $2,039,902.50. His earnings for 1883 are set down at $93,823.06. Nothing is said about depreciation on account of wear and tear of machinery, &c., for the year. I therefore take the amount set down as "profits" to be gross profits for the year, which are a fraction over 4½ per cent. Now, Mr. Young will not deny that at least 2½ per cent. on value of plant should be car-

ried to "sinking fund" to cover depreciation from wear and tear for the year. This low estimate presumes that his plant will last, with ordinary repairs, forty years. If 2½ per cent. is thus disposed of, he will have but 2 per cent. profits, provided he realizes the prices for all stock on hand January 1, at which same was invoiced in taking stock, preparatory to making up his accounts.

I notice that deposits in savings-bank department of the company amounted to $1,100,000. On this interest is paid, as I understand, at the rate of 6 per cent. per annum. The stock of material of all kinds, in the mills and warehouses, manufactured and in process of manufacture, exclusive of raw materials not in process, such as "supplies," "dyestuffs," "cotton," and "wool," foots up $968,000. Now it will strike any man who knows anything of the conditions upon which profitable manufacturing depends, that the business of a cotton-mill is in anything but a prosperous condition when it has to be done at figures so close that it will not permit the carrying of 2½ per cent. per annum to a special fund to cover depreciation and pay the people owning its stock, and who put up the money to build it, over 2 per cent. per annum. This suggestion is the more pertinent and forcible when goods made on such close profits have to be carried to the amount of over half a million of dollars on money from the savings department of the same company, and on which depositors get 6 per cent. interest. This is not a high rate of interest, however, but on the contrary is cheaper no doubt than could be obtained for such a business in any other way.

In this connection I desire to quote again from Mr. Young's Buchanan letter. He says: "I have visited England three times, and have investigated the cost of labor compared with the South and found it more, or higher than here." And again: "I also investigated the cost and selling price of heavy cotton goods, and *concluded* (italics mine) I could sell in England at a profit, but to do so I must adopt their peculiarities of style, and I prefer a home market."

Mr. Young's large accumulation of goods did not commence with last year, according to his report (page 3). Speaking of the operations of 1883, he says: "Our sales have exceeded the products." How? Why? Because, I suppose, he had fewer goods on hand at the close of 1883 than at the same time the year preceding, and during 1883 he had pushed goods to sale that he had stored the year before. Trade was not better in 1883 than 1882. Not so good. At the close of the former year accumulations of stock were not so large with Southern mills generally as in 1883. It must have been that Mr. Young could not meet the prices of 1882, when other Southern mills met the market and closed out their stocks. He did sell his product in 1883, and also reduced his accumulations from the preceding year, and, as every man knows who has been familiar with the course of prices, sold on a worse market than he stored on. I wish to make it plain that Mr. Young had ample time between his determination to hold goods in 1882 and his conclusion to sell in 1883 to have tested his ability to sell goods at a profit in England. If he was able to do this he owed it to his stockholders, whose interests were in his hands, to have done so, and I am persuaded he would have "changed his styles," and even waived his preference for "a home market," and sent his product to England at once if he had known he could dispose of same there at a profit. It will strike every one as a bad policy to have paid 6 per cent. interest to carry the product of a mill paying only 2 per cent. per annum on its cost with savings-bank deposits, on which he was paying three times this amount in interest, and when, as he "concluded," he had a ready demand for his product in England. To have utilized the latter market he had only to "change styles" and lay aside his preference for a "home market."

Mr. Young's conclusions and actions were not consistent, and I will venture to suggest that we shall never be able to dispose of competition from New England until we show greater capacity to adapt our styles to profitable demand for our products, and learn to sell the same upon the business principle of selling in the best market, as against any sentimental preference for other and unprofitable markets.

For the reasons I have stated I am convinced that as yet the South has no overwhelming advantages over New England in cotton manufacture even on standard heavy goods. This was substantially the line of my argument before the Ways and Means Committee. The testimony here presented, taken from the reports of Mr. Young's company, sustains the argument. If this is true, and if protection as at present secured to the cotton-mill interest of New England is necessary to sustain that interest, then the same necessity exists for protection to Southern mills. That this protection is necessary to existing cotton manufactures East is shown in the fact that the present rates of duties on cotton yarns and cotton fabrics of the fine grades has not been sufficient to develop their production in this country. Hence they are imported largely to supply a demand our own mills are not prepared to meet. The same difficulties I have pointed out as existing in the South to our disadvantage when compared to New England exist in New England when Great Britain is compared with her.

There is no mystery in such a situation. It is the result of agencies and forces that are perfectly apparent. England has the better skill, greater ability, and larger experience necessary to compete for this trade than New England has, just as New England has the advantage of the South in these particulars on the goods for the production of which they are now competing. These facts may not be admitted now, but the time is coming when they will be seen and acknowledged of all men as conditional in any great manufacturing supremacy the South is ever to obtain. Neither Mr. Young nor myself are responsible for the facts in the premises. I am endeavoring to deal with them in theory just as I find them developing in the practical handling of the cotton-mills under my charge, and in which all I have and more is invested. I can not retire from the field, if I would, without ruinous sacrifice. I think, however, that I am no worse off for acknowledging the situation as I find it than I would be were I blindly to ignore its difficulties and dangers.

Mr. Young's position in favor of free trade, whether he realizes it or not, is in direct conflict with the interests of his stockholders. He would get "free machinery" as a result of this policy, cheaper dyestuffs, and lower-priced wool. On the other hand, the enormous cost of his present property would preclude the possibility of operating it successfully in competition with new mills which would be built and supplied with lower-priced machinery and on a lower basis of cost. He would find that, as in his case, compared with New England on cost, he would be at the same disadvantage with his new competitors in the South. Free trade to the Eagle and Phœnix means a large reduction in value of its property, even on present basis of New England cost. The latter puts him at disadvantage of $16 on every spindle he operates, and free trade would still further scale that value. To put the case mildly, both combined would shrink his assets fully $1,000,000, or four-fifths of the par value of his capital stock. If Congress will support Mr. Young and shape the policy of the Government to correspond with his theories he will surely "hoist himself with his own petard."

J. F. HANSON.

MACON, GA., 1884.

Mr. BROWN. Mr. Hanson, the author of the letter just read, the president of the manufacturing association of the Southern States, is a citizen of my State. He is a gentleman of the highest order of integrity, of fine ability, of great energy, and of great usefulness; and as he has gone extensively into this question in his reply to Mr. Young, and as the opinions of Mr. Young were quoted on the floor yesterday, it occurred to me it was only an act of justice to have spread upon the RECORD the opinions on the other side of the question so that both may go to the country together. That is the only purpose I have in view at present. I may at a future time when the tariff question is before the Senate have some further remarks to make in connection with it. I do not desire to do so at present.

Mr. GIBSON. Mr. President, I would not solicit the courtesy of the Senate to make any remarks upon the bill to aid education in the States if I did not feel, after so many Senators have spoken, that by my silence I should fall short of my duty to make known the zeal and the efforts of the people of Louisiana in the cause of popular education and the inadequacy of their resources to meet the public needs in respect of it.

In my opinion, reflecting men in all parts of the country who have considered the relations that exist between the present political conditions of society and these institutions of self-government have formed the deliberate judgment that the education of the people, the enlightenment of the suffrage, the elevation of the popular character and the popular conscience, the awakening of a loftier and healthier sentiment of national patriotism, is absolutely indispensable to the preservation of constitutional liberty.

In the beginning there were no impediments to the establishment of free government in America. Our forefathers brought with them all the guarantees—Magna Charta, the Petition of Right—the Bill of Rights, the Bible of English liberty; for these were their entailed inheritances, their birthright.

After the war of independence wealth was evenly distributed, and the country was sparsely inhabited. Every man felt that by the practice of frugality and industry he could achieve an independence in fortune. Every family possessed its own home. The manners and habits of the people were simple, their morals sound, and an ardent and heroic sentiment of unselfish devotion to country, excited by common trials and sacrifices, pervaded the entire community.

> Then none was for a party,
> Then all were for the state;
> Then the great man helped the poor,
> And the poor man loved the great;
> Then lands were fairly portioned,
> Then spoils were fairly sold;
> The Romans were like brothers,
> In the brave days of old.

But, sir, a transformation has taken place in the moral and political conditions of American society, in the habits, thoughts, and occupations of the people, as striking as that which is exhibited in the material appliances and agencies of life. The aspect of affairs has completely changed. A revolution has been wrought in the constituent elements and springs of action and power; wealth is no longer evenly distributed but concentrates more and more in the hands of a few, and vast numbers of our people live from hand to mouth upon their daily wages, dependent for employment upon those who control organized capital. Taking on the corporate form, the aggregations of accumulated wealth have reached such enormous proportions and are endowed with so many and such powerful rights, privileges, and franchises by the laws that their agents and directors are enabled, whenever they come in conflict, to override the safeguards of local self-government in the municipalities and in the States and to confront and challenge the supremacy of the Federal Government itself. Appeals come up from many quarters of the Union invoking the interposition of the national authority to defend the people by legislative enactments against the unjust discriminations, the heavy burdens and exactions that organized wealth imposes upon their occupations, their earnings, and their resources.

It is proposed that the Federal Government shall purchase or control the railroads of the country, the telegraph lines, and adopt measures to prevent such discriminations as may destroy the value of property in one locality and greatly enhance it in others by artificial means, or that enable these overshadowing corporations and commercial combinations for speculation to fix a price upon the food and necessaries of life and to determine the value of labor.

There can be no doubt about the fact that the rapid accumulation of wealth in the hands of a comparatively few persons has caused a deep-seated discontent throughout the most densely settled parts of this country, and that we are on the eve of an epoch in which it will require all the conservative intelligence and influences of the people and all the resources of a wise statesmanship to solve the problem which is presented by this disproportionate distribution of property—how to reconcile the concentration of wealth in the hands of a few with the diffusion of political rights among the many, a problem as old as the science of government, and which in every age and in every stage of civilization has taxed the wisdom of men. For history teaches that wealth and authority are closely connected, the latter the inseparable prerogative of the former, and that upon the laws controlling its distribution depend generally the form of government: when in the hands of one man, a despotism; when in the hands of a few, an oligarchy; and when divided among the many, a republic. Can it be possible to preserve the liberty of the many, these institutions of self-government, after a wide chasm shall have been created separating the wealthy classes from the vast majority of the people constituting the poor, dependent for their daily livelihood upon associated wealth, in its various forms exercising a dominion far greater than the Government itself? How far do such con-

ditions of society lead to a despotic government on the one hand or to socialism on the other? How long will it be before we hear that the popular discontent can only be removed by the application of force, or that the popular wants and grievances can only be supplied by the spoliation of property or by the exertion of paternal power by the Federal Government under the plea that society must be saved from the disorders or anarchy that threaten it.

The distinguished Senator from Delaware [Mr. BAYARD] alluded a moment ago to the recent occurrences in the city of Cincinnati as teaching a lesson to Senators in this Chamber and warning them to be more faithful in their observances of the limitations upon power and in their fidelity to the guarantees of the Constitution. I read in the light of these disorders and conflagrations a different lesson. I see in them the importance, nay, the necessity, of educating the people in order that they may understand better than they do how to govern themselves; that they may comprehend not only their rights, but the duties and responsibilities of self-government. The cause of these disorders, *causa causans*, is not to be found in any imperfections of the machinery of government nor in a want of observance of the limitations of constitutional provisions, but, as I understand it, they arise out of the incompetency, the immorality, the want of self-respect and of intelligence among the people and in the officers they had elected to administer their laws.

The remedy is not to be found, therefore, in any readjustment of the framework of government or in interpretations of the Constitution, but in the forces that make up the daily life of the people, the cultivation of a more enlightened and humane spirit, of a higher sense of justice in their relations with one another. In other words, there must be self-discipline, and self-discipline can alone come from education.

While this is the development of society in one part of the country, what are the conditions in the other? Vast numbers of negro slaves were suddenly emancipated and made citizens of the Republic, and under the force of the fifteenth amendment to the Constitution they have been enfranchised. Upon a race suddenly emerging from the long night of barbarism and slavery into the sunlight of freedom have been imposed all the responsibilities of participating in the Government of the communities in which they live! Is it to be wondered at that they should be unable to meet these responsibilities with an intelligent judgment and in that spirit of self-restraint and a comprehension of public affairs which can only come from long training? Is it to be wondered at that there should be in such communities, especially in those where they equal in numbers the white race, their former masters, that there should be difficulties almost insurmountable in the preservation and efficient working of these complex institutions; of self-government that are wholly dependent upon the virtue and intelligence of the people who are to conduct them? What is the result of this state of affairs?

You find that the white people in the South have been forced in order to preserve their inheritance of constitutional liberty and the remnant of their property—I may say their civilization—by the very nature of things to act together in a solid body in one political party, while the emancipated slaves have from apprehensions that their liberties might be put in jeopardy joined in a solid mass almost the opposite political party. It was feared by the white people who had been the controlling class that if their State governments should be turned over to their recently emancipated negro slaves that, in the exercise of the power of taxation without a limit, their property would be confiscated and that internal convulsions and disorders would result similar to those that followed the emancipation and mastery of the negro race in San Domingo. I am glad to say that the relations between the two races have been gradually growing better, but it can not be hoped that there should be a readjustment of the political forces in society so long as the percentage of illiteracy and ignorance remains to such a fearful and pernicious extent. And until this illiteracy is removed there can be no division of parties in the South. The perils are too great. All questions of reform in the Government, all measures, all policies, all politics in fact, are merged in this one single issue of intelligence and property on one side insisting on supremacy with ignorance on the other, distrustful and incompetent.

Considerations of public policy induced Congress, in order to prevent the aggravation of the conditions unfavorable to constitutional liberty, to prohibit the immigration of the Mongolian race, the Chinese, into this country, and to deny to them any participation in the rights and privileges of American citizenship. And yet some of the earliest discoveries in science, and expressions of the highest morality, owe their origin to this race which in their own land have achieved the highest civilization to be found outside the limits of Christianity.

I must confess that my experience has led me to look more and more to practical measures for the improvement and elevation of the people, the source of power, rather than to statutes and constitutions that become lifeless forms unless constantly invigorated by the virtues and intelligence of those upon whom they are intended to operate.

These institutions of self-government do not grow and flourish in every soil, nor can they be maintained without the exercise of constant vigilance and the most strenuous exertions on the part of the governing and governed. They find their root, their nourishment, their support, not in numbers merely, nor in property diffused or concentrated, but in virtue and intelligence and the capacity of the people to govern themselves. The very qualities that enable a man to govern himself, to restrain his own passions, to help the weak, to injure no one, but to be just and kindly in all his relations and firm in the defense of his own rights, are the very qualities which must prevail among a people who wish to enjoy the blessings of free institutions.

I submit to the candid consideration of Senators if the conditions which I have endeavored to fairly state do not exist in both sections of the Union to an extent that excite in their minds the deepest solicitude and anxiety for the welfare of both the Federal Government which we are called upon to administer and the State governments which we represent in this august body. Are there not forces at work which if not adjusted and reconciled with these forms of government may destroy them? What is the remedy? We know what the remedy is among every other civilized people in the world but this. We know that among the most powerful and civilized nations of Europe great standing armies are held in readiness to enforce the law, to suppress discontent, to hold in check every exhibition of violence, and that the people are held down and oppressed and robbed of their earnings upon the plea that civilized governments may not be upheld and order and life and property preserved without the bayonet. We are trying the experiment of an intelligent ballot, and it does seem to me therefore that every resource of statesmanship should be brought to bear to enable the people of this country to prepare themselves by education to form a sound political judgment upon the measures and men who are to conduct their public affairs, and that they should be enabled to read the ballot which has been placed in their hands for good or for evil. Otherwise I can see in the ignorance and vice in my own country the sure source from which will spring those forces that will destroy ultimately these institutions of self-government and establish upon their ruins a chilling and blighting despotism.

The Senators who oppose this particular bill have expressed their sympathy for the cause of education and their conviction of the absolute necessity of affording the people of this country the opportunity to qualify themselves to discharge the duties that they owe their institutions of government. But it was said by the Senator from Kentucky [Mr. BECK], and repeated by the Senator from Delaware [Mr. BAYARD] to-day, that this is a measure to override the jurisdiction of the States, to supplant the family, to take the child from its mother and father, and to subvert all the existing relations of society in the States where the fund is to be applied. This opinion rests upon a misapprehension of the bill itself. If such a purpose existed and was either concealed or expressed on its face, I for one would oppose it, for no one can appreciate more than I do the supreme importance of the family organization as the indispensable unit not only of a free State but of Christian civilization.

I can not see how a grant of a few hundred thousand dollars or even of a million dollars to the States in this Union to aid education therein out of the surplus fund in the Treasury, or from the sales of the public lands or the lands themselves, could have the effect to paralyze the efforts, to weaken the energies, to destroy the self-reliance of the people, or to overturn the family organization or their local schools or their colleges and universities. It must be remembered that the grant made by this bill to the States is intended to help the States in proportion as the States help themselves to educate not only the citizens of the State but the citizens of the United States who live in the several States of the Union. And the means which enable us to make this grant, and the grant itself, are not possessed by the Government as an independent and separate entity, but belong in fact to the very people for whose benefit we are about to apply them.

I recognize our form of dual governments and the necessity of observing carefully the boundaries of power and of duties separating one from the other. This is the Government of the people of the States. This is not an alien government, but within its sphere the Federal Government is as much the government of the people of a State as the State government itself, and the resources which we are about to apply to remedy this great evil come from the earnings of the people.

The argument against this bill, then, is not that the grant is not needed by the people, it is not that the evil to be remedied does not exist, it is not that education is already too widely diffused or that the needs in this respect have already been supplied, but the entire objection expressed by the opponents of this measure has been exclusively to the source whence the grant has been derived. They confess that if a million dollars were voted by the State government to education in the State it would be a great blessing and benefit to the people thereof, but that a million dollars voted by the National Government, deriving its resources from precisely the same source as the State government, namely, the people, instead of being a blessing to the people of the State will in fact bring unnumbered woes upon them.

It is said by our opponents that such a grant by a State government to education would be beneficent because a warrant for it could be found in the Constitution of the States, but that a similar grant to aid the State in the accomplishment of the same high purpose on account of the inadequacy of the resources of the State would be injurious when made by the Federal Government because it would be done in violation of the Federal Constitution. And if the grant be injurious when made by

the Federal Government of money raised by taxation, I can not see why it should not be equally injurious if it consists of money taken from the surplus revenues of the Government or from the proceeds of the sales of the public lands, or if it be made by a donation of the lands themselves, for in every case before the benefits or the evils that are likely to be produced by the grant can occur the donation must be converted into money. In other words, no matter what may be the character of the grant or the kind of property, it must be finally resolved into money before it can be enjoyed or applied. Hence the practical results must be the same upon the communities in whose behalf these grants are made, whether they consist of one kind of property or another.

If it be true there be no authority in the Constitution of the United States for this legislation, then for one I can not favor it, for it will not do to put a strain upon the Constitution or to override that great charter which is the safeguard of all the rights and all the liberties that we possess.

Where, then, I ask is to be found the constitutional authority to make a grant of any kind to aid the States in the education of the citizens of the United States and of the States therein? It can not be found in the proposition suggested by the distinguished Senator from Georgia [Mr. BROWN], who observed that inasmuch as the emancipation of the negro was a necessity of the Union in war, it had become a necessity for the preservation of the institutions of the Union in peace that he should be enfranchised and educated. While I might admit the urgency of this suggestion and the equitable grounds upon which it rests, I can not regard any consideration whatever of public exigency to the extent of what in my opinion or in the opinion of others might be an absolute necessity as a justification for the exertion of any power by this Government. All laws of the Government that do not rest upon constitutional authority are null and void, and must be so pronounced by the Supreme Court, and contain in themselves all the elements of usurpation. The exercise of unwarranted power is not merely unconstitutional, but deals a deadly blow both to the Constitution and to the liberty which it ordained and established and in which it is incased. The tyrant's plea has always been that of necessity, and under constitutional forms of government every measure that was despotic has sought to find its vindication in the notion that it was a necessity for the preservation of the life of the nation. I can find in it, therefore, no firm ground upon which may repose the legislation which we are attempting to conduct. It points the way rather to—

> That Serbonian bog
> Betwixt Damiata and Mount Casius old,
> Where armies whole have sunk.

Nor can I find in the war amendments of the Constitution any authority for this legislation, as was indicated the other day by the accomplished Senator from Florida [Mr. JONES]. As I understand them, these amendments gather up only and embody in the organic law the fruits of the civil war with respect to two questions that were more or less involved. Of course I need not explain that the chief purpose of the amendments was to establish a direct relation between the citizens of the United States and the Federal Government under which an allegiance superior to any to the States would be due to the Federal Government, and thus the principle of secession was eliminated from the Constitution. It will be observed that to accomplish this great purpose as well as the emancipation of negro slavery it was necessary to change by amendment the framework of the Government. It could not be permitted to remain as it had been.

The Supreme Court in 1856 held in the Dred Scott decision the following language:

> But there are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they are not regarded as a portion of the people or citizens of the Government then formed. One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808 if it thinks proper, and the importation which it thus sanctions was unquestionably of persons of the race of which we are speaking, as the traffic in slaves in the United States had always been confined to them, and by the other provision the States pledged themselves to each other to maintain the rights of the master by delivering up to him any slave who may have escaped from service and be found within their respective territories.

Now, the thirteenth amendment of the Constitution declares that neither slavery nor involuntary servitude shall exist within the United States; and the fourteenth amendment, that all persons born or naturalized in the United States, or subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside; and the fifteenth amendment goes a step further by providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It will be perceived that the purpose and effect of these amendments were, first, to extirpate negro slavery as it had existed more or less in all these States from their first settlement, and to declare that persons of the negro race should become citizens both of the United States and of the States, and finally, that they should not by reason of their race be denied the right to vote either by the United States or by the States. But the fifteenth amendment of the Constitution was only a limitation or modification of the second section of the first article of the Constitution, which declares that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." It is competent, then, for a State to determine the qualifications for the voters therein, but there is one qualification that they may not any longer impose and that is the one based on race, color, or previous condition of servitude.

The right to vote in the States comes from the States, but the right of exemption from prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has. It was declared in the case of Minor vs. ———, (21 Wallace, page 178,) by the Supreme Court that the Constitution had not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. The fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. While, therefore, the effect of this amendment by the prohibition which it contains is to allow negroes to vote, it can not be held that it directly confers the suffrage upon them. Nor do I believe that it affords any constitutional jurisdiction to Congress over the qualifications of voters in the States or over the elections held therein further than to see that the States themselves have observed the prohibitive mandate contained in this amendment to the Constitution.

There is no analogy between this provision, which is purely a prohibition on the States, and those positive grants of power upon the Government of the United States itself. Prohibitions are to be found in many of the provisions of the Constitution—I was going to say perhaps in a majority of the clauses of that instrument—prohibitions on the States as well as on the United States. The whole of sections 9 and 10 consist of prohibitions, prohibitions with respect to the emigration and importation of certain persons, with respect to habeas corpus, bills of attainder, *ex post facto* laws, capitations and other direct taxes, regulations of commerce, appropriation of money, titles of nobility, &c. And every one of the ten amendments first made to the Constitution is a prohibition upon the Government of the United States and limitation upon its powers. Nor can I find in the history of the Government any legislation with respect to these prohibitions which have carried the jurisdiction of the United States further than the limits I have described.

The three last amendments or war amendments are limitations and restraints upon the power of the States. But such prohibitions do not afford a basis for affirmative legislation or for an extension of the jurisdiction of the Federal Government further than to require that the prohibitions merely shall be observed. And any legislation of the Government which may attempt to exert a power beyond these limits I believe to be unconstitutional and void.

Nor can I see any warrant or justification for the pending bill or for any grant whatever in the second clause of section 3 of the fourth article of the Constitution, which reads as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

I have felt the force of the observations of the able and eloquent Senator from Texas [Mr. COKE] upon this clause of the Constitution, but I am unable to concur with him in his conviction, as I understood him, that this clause confers on Congress any absolute power over either the territory or other property belonging to the United States. I can not find in it any justification whatever for the exercise of the power to make a grant either of the territory or of lands, or of any kind of property belonging to the United States. In my opinion, the power to dispose of and to make all needful rules and regulations means simply in the one case to sell or control the property, and in the other to erect temporary governments in the Territories of the United States until in the judgment of Congress they may be admitted as new States into the Union.

It is true, sir, that under the Articles of Confederation a grant was made by the State of Virginia of her northwestern domain to the States then leagued together, but it has always been held that the donation was accepted by the States in their individual capacity, and that the conditions that were imposed upon it in the first place by Virginia and by the confederation of States were afterward submitted to the State of Virginia for confirmation and approval. The disposition, therefore, of that vast territory was provided for before the adoption of the Constitution of the United States under a compact made between the States as independent and sovereign communities, and this provision of the Constitution which I have read was placed here for the purpose of carrying out in good faith a solemn agreement which was binding upon the States at the time that the Federal Government was established. But the public lands which have been acquired since from Georgia, from Spain, from France, from Mexico, have been paid for out of the revenues derived by the taxes imposed under the first clause of section 8, article 1, of the Constitution upon the people of the United States, or by their common blood and sacrifices in war.

Now, this territory and property of every kind and description is held by the Government in trust for the people of the United States under the enumerated powers of the Constitution for use or for settlement by

the citizens of the United States, upon fair and equitable terms, or for sale. It is clearly not held by any compact between the States as was the northwestern territory, as I have explained, for, if it were so held, then the Government of the United States could exercise no proper jurisdiction over it without the direct consent of the States. The States have governments themselves to take charge of and control and to hold for their own exclusive benefit all lands and property that may belong to them as separate and distinct communities. Any exercise of power by Congress with respect to such land or property would be an absolute and unqualified usurpation. It follows then that the territory and property acquired by the United States in the manner that I have described is properly within its jurisdiction and as far removed from the powers of the State as any other matter exclusively within the circle of authority conferred by the Constitution upon the Federal Government.

It is held by the opponents of the pending bill that the land thus acquired may constitute a legitimate grant of the Federal Government, not merely to aid education in the State, but to aid any purpose or to accomplish any object approved by the discretion of Congress. I can not understand how such property or land referred to in this provision of the Constitution may be so disposed of when it is held that the very money for which it may now be sold can not be made a grant of by the Federal Government for the same purpose. You may take money out of the Federal Treasury to buy lands with, and then donate the lands to the States; but you may not donate the money itself. You may sell the lands and take the proceeds arising from the proceeds thereof and donate them. In other words, you may make a grant of the lands which you buy out of the Federal exchequer, or of the proceeds of the sales of those lands, but you can not appropriate one dollar of the money with which the lands were purchased. Here is a distinction that I can not comprehend and that I do not believe can lawfully exist. If you make a grant of lands, or the proceeds that arise from the sales of the lands, it is to all purposes equivalent to granting the very money which was used in the purchase of the lands. But I undertake to say that under this provision which I am now considering there is no authority whatever of appropriation or to make a grant either of territory or of the lands which may be embraced in it or of any property whatever.

If the Government may surrender by virtue of this clause of the Constitution any of its jurisdiction or rights or powers over the territory, the lands, or other property of the United States to any State or corporation or to anybody except in some manner pointed out by the Constitution, it might also surrender all the other grants of power delegated to it by the same instrument—the power of declaring war, of laying duties, or of coining money, which is an assumption of a right on the part of the Government to destroy the instrument of its existence and to dissolve the Union which it was established to maintain. I can see no difference between a grant of the public lands or a grant of the proceeds of the sales of the public lands and a grant of the surplus revenues of the Government or a grant raised from the customs in principle or in effect. They constitute the sources of revenue to supply the wants of the Government and to enable it to carry into execution the powers conferred upon it and the duties imposed upon it by the Constitution.

For every acre of land donated for any purpose or for every dollar taken from the proceeds of the public lands for any purpose, and for every dollar taken from the surplus revenues of the United States for any purpose, sooner or later another dollar must be raised by taxation to supply its place. No matter in what way the contributions for grants or donations are made, whether from the lands or the proceeds arising from the sales of the lands or from taxes, they are taken in point of fact from the available resources of the people, which can be used only for the support and maintenance of the Government according to the powers delegated to it by their Constitution, and it will not do to say that the burdens will fall more lightly upon them if their lands are taken, which were purchased by their money or the proceeds of the public lands, than if they were made from taxes. It all amounts to the same in the end. It is a contribution by the people, equally burdensome whatever form it may take, and a contribution drawn, whatever may be its guise, from their resources.

I am aware that large land grants and that large grants of money derived from the sales of the public lands have been voted, and of valuable property, for various purposes, but I do not believe that the authority was derived or could be properly derived from this clause of the Constitution which we are now considering. This clause must be construed in connection with the other provisions of the Constitution, and I have endeavored to show that the disposition of the public lands can only be made in the execution of the powers and for the purposes set forth in the grants of powers in the Constitution, and that it can not be held in any case to confer upon Congress any absolute and unlimited power.

I have thus endeavored to show that the position of the Senator from Texas with respect to his interpretation of clause 2, section 3, article 4 of the Constitution was not tenable, and I think a consideration of the consequences of that interpretation would more fully perhaps expose its fallacy. Under such a construction the Louisiana territory, a third larger than the whole area of the Union at the time of the purchase, might be held to-day as a dependency over which the Federal Government might still be exercising an imperial and absolute power, and to this domain we might in time add Mexico and Canada and thus set up over the greater part of this continent and of the people a Government as unrestrained as that of Russia. It can not in the nature of things be that the Constitution, which was ordained to form a more perfect Union, establish justice, and to secure the blessings of liberty to ourselves and our posterity, could be made the basis for the establishment of such a gigantic system of unlimited power that would be as fatal to the liberties of those who should exercise it as it would be debasing to the subjects of it.

We come now to the consideration of what are called the eighteen enumerated powers of the Constitution, and I will say at the outset that if the authority for this legislation is not to be found in the first clause of section 8, article 1 of the Constitution, I am at a loss to find it anywhere. The section reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

I have endeavored to show that the lands or other property constitute one of the sources of the resources and revenues of the Government and can only be applied to the purposes and in the execution of the powers conferred by the Constitution. The other source of its revenue is the power given under this section which I have read. I undertake to say that not an acre of land nor one dollar of the revenues of the United States derived from any source whatever, whether it be from the sales of its lands or other property or from the taxes, can be appropriated in any manner or for any purpose except as provided for in the eighteen enumerated powers of the Constitution.

Three different constructions have been suggested of this clause of the Constitution: first, that it contains a grant of power to do whatever Congress may regard as necessary or proper to provide for the common defense and general welfare; secondly, that the words "to pay the debts and provide for the common defense and general welfare" are a limitation upon the power to lay taxes; thirdly, that they do not exist as a limitation, but that they contain no real significance and constitute a sort of supplementary preamble or summary indicating in general terms for what purposes the enumerated powers that follow may be exerted.

It is not necessary to discuss the first interpretation, because if such a power were conferred upon Congress the power to exercise any jurisdiction that within its discretion it might deem proper to provide for the common defense and general welfare would in fact nullify and render useless, utterly useless, any other grants of power as being superfluous. It would indeed establish a government without limits or restraints. I can not help but regard the third interpretation as equally faulty and unwarranted. The general purposes for which the Constitution was ordained and established are set forth by the framers where they should be properly found in the well-known preamble which stands like a magnificent façade of Corinthian columns to the temple that they were about to dedicate to liberty.

Every part of the Constitution bears some relation to the whole and gives a harmonious symmetry and proportion to all its parts as perfect as the work of the architect of the Pantheon itself. No word is without a meaning. There is no repetition, there is nothing superfluous, and it will be remarked that the language in the preamble is appropriate to its place, namely, "to promote the general welfare," but that when the Constitution comes to make its grants of power the whole eighth section and all its clauses is used for that purpose and that alone. Different language is employed, but language appropriate. It is no longer "to promote the general welfare," but "to provide for the common defense and general welfare."

The general welfare may be promoted and was intended to be promoted by every article and every section and every clause in the Constitution, but the general welfare can be more properly "provided for" by the exercise of the power of taxation, by which means and supplies may be obtained. The history of the proceedings of the convention with respect to this phrase indicate that it had a definite meaning and that it was not inserted by accident but by design and for a necessary purpose, and therefore any construction which renders these words meaningless and superfluous, and is in effect equivalent to expunging them from the Constitution, must create a doubt against its correctness. It was said by the distinguished Senator from Delaware [Mr. BAYARD] that these words were discovered by the framers of the Constitution and that they were employed by them as I have before observed to indicate merely, to point out the way to the enumerated powers which follow. No phrase in our language has a more ancient and honorable origin or a clearer or more definite historical signification. It grew out of Magna Charta itself, which, as Senators will remember, was confirmed upward of thirty times by kings and parliaments.

In the reign of Edward I, in order to protect the people from the sovereigns' right to levy taxes at their will and to extort subsidies to supply their prodigalities, a statute was enacted entitled *confirmatio*

*chartarum*, that all private property should be secured from royal spoliation and placed under the safeguard of the great council of all the realm. It reads as follows:

Moreover we have granted for us and our heirs as well to archbishops, bishops, abbots, and other folks of holy church as to earls, barons, and to all the commonalty of the land that from no business from henceforth we shall take such manner of aids, tasks, nor prices but by the common consent of all the realm and for the common profit—the general welfare "thereof."

And from that day to this the greatest struggles among English-speaking people have been to secure their earnings, not for particular classes and special interests, but for the common profit, the general welfare of the whole people. This phrase was found in the project of the constitution itself offered by Edmund Randolph, which, as we all know, was the germ out of which grew the Constitution under which we live. But, strange as it may appear, the first draught of the Constitution, which was presented by the committee of five on August 5, 1787, omitted these words, and perhaps the Constitution as it then stood on that day would justify the construction which Senators are placing upon it now, or that other interpretation which would leave the power to lay and collect taxes unlimited and absolute.

On the 25th of August, 1787, Mr. Randolph moved an amendment for its insertion in the Constitution, but it was defeated on a vote of ten States in the negative and one in the affirmative. Finally the committee of revision restored these words to the Constitution, and when it was adopted in the following form on the 17th day of September, 1787, "Done in convention by the unanimous consent of the States present," which declaration was signed by the members of the convention, these words were found in it, and have remained and will remain until they are expunged by an amendment to the Constitution. They constitute a limitation upon the powers of taxation. Taxes may be laid to pay the debts and provide for the common defense and the general welfare. To tax for these purposes, to raise money for these purposes, is not an undefined and unlimited power of discretion. The power to tax is unquestionably unlimited, for it is within the discretion of Congress to say how much money shall be raised, but the power of appropriation is limited to pay the debts, to provide for the common defense and general welfare. This construction of the Constitution was the one adopted early in the history of the Government, and has been steadily adhered to.

Mr. Justice Story says, section 922:

A power to lay taxes for any purpose whatsoever is a general power. A power to lay taxes for certain specific purposes is a limited power. A power to lay taxes for the common defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It can not constitutionally transcend them. If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special or local, as contradistinguished from national, it is not within the scope of the Constitution. The power then is under such circumstances necessarily a qualified power. If it is so, how then does it affect or in the slightest degree trench upon the other enumerated powers? No one will pretend that the power to lay taxes would in general have superseded or rendered unnecessary all the other enumerated powers. It would neither enlarge nor qualify them. The power to tax does not include them. No one will pretend that the power to lay a tax necessarily includes the power to declare war, to pass naturalization and bankrupt laws, to coin money, to establish post-offices, or to define piracies or felonies on the high seas.

It is said if Congress may lay taxes for the common defense and general welfare the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated, for if Congress is authorized to lay taxes for such purposes it would be strange if when raised the money could not be applied to them. That would be to give a power for a certain end and then deny the end intended by the power.

Mr. Monroe submitted a message to Congress on the general subject of internal improvements May 14, 1822, and I presume it embodied the views of his Cabinet, which was then composed of John C. Calhoun, John Quincy Adams, William H. Crawford, besides other distinguished statesmen, who must have concurred in the opinions expressed in this state paper:

A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised; that is, of appropriating it to the purposes specified according to a proper construction of the terms.

It imposes no burden on the people, nor can it act on them in a sense to take power from the States, or in any sense in which power can be controverted or become a question between the two governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other powers, since the only complaint which any State can make of such partiality and abuse is that some other State or States have obtained greater benefits from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore from its nature secondary and incidental to the right of raising money, and it was proper to place it in the same grant and same clause with that right.

The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant in the sense above stated or convey any other right than that of appropriation.

It is contended on the one side that as the National Government is a government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stages of our Government, but on further reflection and observation my mind has undergone a change for reasons which I will frankly unfold.

If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers respectively, is there no limitation to it? Have Congress a right to raise and appropriate the public money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited government instituted for great national purposes, and for those only.

It is believed that there is not a corporation in the United States which does not exercise great discretion in the application of the money raised by it to the purposes of its institutions. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of States rights, showing that it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and as sound and provident policy dictate.

Mr. Calhoun spoke as follows in the House of Representatives February 4, 1817:

The first power delegated to Congress is comprised in these words: "To lay and collect taxes," &c. First the power is given to lay taxes, next the objects are enumerated to which the money accruing from the exercise of this power may be applied, namely, to pay the debts, provide for the defense, and promote the general welfare; and last the rule for laying the taxes is prescribed, to wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterward enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms which were afterward to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary, they should have headed the list of our powers and it should have been stated that to effect the general objects the following specific powers were granted. I ask members to read the section with attention, and it will, I conceive, plainly appear that such could not have been the intention. The whole section seems to me to be about taxes. It plainly commences and ends with it, and nothing could be more strained than to suppose that the intermediate words "to pay the debts and provide for the common defense and general welfare" were to be taken as independent and distinct powers. Forced, however, as such a construction was, I might admit it and urge that the words do constitute a part of the enumerated powers. The Constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads; but it seems to me that the word "establish" comprehends something more. But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted by a unanimous vote, or nearly so, $50,000 to the distressed inhabitants of Caracas and a very large sum at two different times to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation, I expect it will be said that our Constitution is founded on positive and written principles and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress and the country (for they have not been objected to) as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

I find on page 424 of Kent's Commentaries the following:

That Congress possesses the power to appropriate money, raised by taxation or otherwise, for other purposes, in their discretion, than those pointed out in the enumerated powers, is a question that has given rise to very able and acute discussions; and the affirmative side of the question has been sustained and successfully vindicated by the practice of the Government, and the weighty authority, among others, of Mr. Hamilton and Mr. Monroe, in celebrated documents under their official sanction.

It may be asked, is there then no limit to the responsibility of Congress? I answer, unhesitatingly, that the responsibility is to the people, and in the frequency of elections. It will not do to say the power does not exist because of its liability to abuse, for all powers of the Government are subject to the same infirmity, but when the people have framed a constitution we can neither enlarge nor abridge it on the ground of inconvenience or because we may regard some of its provisions as unwise or impolitic. The Constitution must stand as it is written, and not as we would write it now.

I will not weary the Senate with any longer discussion of the constitutional aspects of the question, nor will I cite any further from the commentators thereon or from the speeches of the distinguished statesmen who have been engaged in the administration of the Government. Let us discover if we can the pathway on which the Government for the last hundred years has actually moved.

Let us see not what has been written or said, but what has been actually done by the Government, operating through its House of Representatives, its Senate, and its Executive. Surely the acts of the concurring Departments for so long a period of time must command the respect of every man even with the most limited experience and with the least practical acquaintance with the grave affairs of the administration of a government so powerful and august as this. The policy of a government determined by settled maxims and fixed in its habits and methods

and confirmed and approved by the people for a hundred years must be considered as a development of its organic and constitutional life.

One of the first acts of this Government was to afford aid in the enforcement of the quarantine laws of the States as early as in 1797, with the view of preserving the health by aiding States in their efforts in this respect. The statistics show that more than one hundred million acres of lands have been donated to the States for education, and I need hardly refer to the distribution of the surplus revenue among the States in 1836, and again the distribution of the public land revenue and assumption of the State debts in 1841, when we find a bill for such purpose carried by such leading statesmen as Clay, Bayard, Berrien, Choate, Mangum, Porter, Rives, John Q. Adams, R. C. Winthrop, and others.

When General La Fayette visited America in 1824 he was not only welcomed with every demonstration of enthusiastic affection, but Congress added substantial rewards by voting him $200,000 and 24,000 acres of fertile land in Florida; and who can estimate the amounts that we have paid out in pensions and in bounties since the establishment of the Government? Under what one of the enumerated powers can be found authority for the exercise of the revenue power, for the protection to American industries, or to pay bounties to fishermen or pensions to soldiers, or to adopt the navigation laws, or to establish courts beyond the sea, or a department of agriculture, or of fish culture, or national cemeteries, or to participate in expositions, or to make grants of lands or money to railroads, to blind asylums, or to endow colleges or universities? These things have been done, and all this legislation falls either outside of the Constitution, unless it is within under the first clause of section 8, article 1 of the Constitution, or derived by straining other clauses beyond all bounds.

The Senator from Kentucky [Mr. BECK] in his able and interesting speech yesterday upon the tariff declared that there was no warrant in the Constitution, if I understood him, for protection, and I agree with him fully if he means that it is not to be found in the enumerated powers of the Constitution. Does the distinguished Senator mean to say that the Government has been administered for the last one hundred years by administration after administration in daily and yearly violations of the Constitution? For since the first tariff bill introduced by Mr. Madison himself protection has been afforded American industry. The act introduced by him July 4, 1789, declared that "whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid," &c.

I do not say whether it has been incidental or otherwise. As a matter of fact, there never has been a tariff bill on our statute-books that did not afford protection. Even the tariff of Robert J. Walker, which is called a free-trade tariff, discriminated in favor of American productions and manufactures, and the very form of the bill which I have quoted above, introduced by Mr. Madison, shows that he derived the power to protect American industries from the general-welfare clause; that is, from the first clause of section 8 of article 1. The question I submit is not whether the protection shall be small or large, incidental or direct, but whether there be any constitutional protection at all in any degree and measure. I agree with the Senator that there can be no constitutional protection whatever unless it be found in the general-welfare clause; and if it be not lodged there, the whole history of the Government with respect to the tariff has been a series of flagrant violations of the Constitution, in fact a lawless usurpation.

I hope the Senator from Kentucky will pardon me if I invite his attention to the celebrated address to the States by Mr. Madison in favor of raising the revenue by a tax on imports, in which he declares "that taxes on consumption are always least burdensome because they are least felt, and are borne, too, by those who are willing and able to pay them, and that of all taxes on consumption those on foreign commerce are most compatible with the genius and policy of free states." I do not mean to say, Mr. President, that there are no abuses under the system of tariff taxation and that it ought not to be revised, and that it could not be lowered with safety and benefit to the American people, but perhaps I may take this occasion to observe that I believe that the burdens and inequalities, nay, even the outrages, of the internal-revenue system are greater at the present moment than those which the Senator himself has so eloquently depicted. The abuse of the tariff system has unquestionably led to the creation of monopolies, which impose heavy burdens upon the general public and add largely to taxation, while yielding little or no revenue.

But I can not shut my eyes to the fact that the internal-revenue system has also created gigantic monopolies in the interest of manufacturers, while it deprives many of the States of this Union of sources of revenue that belong properly to the people of them, and that if not diverted would pour forth a plenteous stream of wealth to fill their depleted exchequers and to fertilize their exhausted energies and war-wasted fields; a system of administration that is maintained at an immense cost by an army of partisan officials and spies, and by the enforcement of laws and regulations violative of all our notions of personal liberty, of freedom, of labor, and the inviolability of home and fireside.

It must be clear to every one who has given attention to our taxing systems as at present applied that not a single step can be taken toward the reform of the tariff with a view to revenue and not protection which will not result in largely increasing the receipts of the Government. And I am therefore at a loss to understand how the advocates of revenue reform for the purpose of reducing taxation insist upon maintaining the highest rates upon articles that yield little or no revenue to the Treasury, while they afford large bounties to the manufacturer, and at the same time reduce the rates on articles which may be called revenue articles, yielding large revenues to the Government and little or no bounty. Nor can I understand why it is that the revenue reformers should insist upon keeping up internal taxation which would be wholly unnecessary upon an intelligent reformation of the tariff the effect of which is to create monopolies as indefensible as those which are produced by the tariff system. But extremes meet.

The advocates of the manufacturers, who are enjoying large bounties at the expense of the people and block the way to reform, join the defenders of whisky and tobacco manufacturers to prevent any reduction on these articles in the interest of the producers, and both propose to unite in putting upon the free-list those very articles that now yield the largest revenues to the Government. A reduction of the tariff will not reduce taxation unless it is made upon articles on which the present rates are so high that they are rich in bounties but afford little or no revenue, and a reduction on these articles will therefore increase the revenues. But if a reduction is made upon articles that yield a large revenue and little or no bounty a reduction may be made in the receipts of the Government, but taxation will be increased. Is the object merely to reduce revenues or is it to reduce taxation and the burdens that are placed upon the people? It will be observed that every dollar collected from revenue articles goes into the Treasury and back to the people. They get the benefit of the tax. The articles upon which the rates are high or prohibitory yield large bounties to the favorite few, but pay nothing into the Treasury and constitute a heavy burden upon the people.

The defects and abuses of the tariff system can only be removed without doing injustice by a careful consideration of all its details and by adhering strictly to the rule of looking to a reduction of taxation as well as of revenues. A blind and heedless attack may work a revolution but not a reform, and produce the very opposite results from those which are really desired. The evils of the inland taxation I will not now undertake to point out, but I concur with the observations of Mr. Madison in his celebrated reply to the Rhode Island objections, December 17, 1782, "that taxes on possessions and the articles of our own growth or manufacture, whether in the form of a land tax, excise, or any other, are more hurtful to trade than impost duties."

But I refer to this matter only to call the attention of the Senate to the construction of the Constitution insisted upon, as I understand it, both by the Senator from Kentucky [Mr. BECK] and the Senator from Delaware [Mr. BAYARD], which does not allow to Congress any power from the first section of article 8. I insist that their arguments in defense of this position are addressed not so much to a consideration of the Constitution itself as to the abuses which have grown up and are likely to grow up by the exertion of any power under the general-welfare clause, and I have shown that the tariff system has stood from the very beginning on a power that they deny. It appears to me that they construe the Constitution rather as they would have it than to ascertain what it really is—the *lex scripta*.

The limited and narrow construction on which they stand is that which was advocated in the defense of the peculiar institution of the South when stress of circumstances, the peace and safety of Southern society, the security of property and life in that section induced Southern statesmen to place the strictest construction upon the Constitution and to extend to the utmost the reserved powers of the States. I beg now to call attention of the Senate to the fact that the construction which the opponents of this measure place on the Federal Constitution is precisely that which was adopted by the statesmen of the South when they formed a constitution for the late confederacy. In lieu of the first clause of section 8 of the Constitution of the United States they adopted the following in the convention which assembled at Montgomery:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts and provide for the common defense and carry on the government of the Confederate States; but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry, and all duties, imposts, and excises shall be uniform throughout the Confederate States.

Here you will observe that it was deemed necessary to leave out the clause to provide for the general welfare, and expressly to deny authority to grant bounties or to promote or foster any branch of industry. It will not do therefore to say that a constitution with these forbidden clauses in means precisely what a constitution does from which they are rejected.

I think I have now shown to the satisfaction of every candid and reflecting man that there is constitutional authority for the Congress of the United States to make a grant of land or of money to any purpose clearly within the general welfare; as for instance, to aid the States in the education of the people therein. It is admitted by the opponents of this bill that the Government may make a grant of lands or of the proceeds from the sales of the public lands. They insist that such a grant does not carry with it the jurisdiction of the Government. But they contend that a grant of money derived from taxation for any pur-

pose carries along with it the jurisdiction of the Federal Government, and that by the passage of this bill the officers of the Federal Government will be entitled to follow the money into the State, to take charge of the schools, to appoint the teachers, and to direct the studies of the children, and in fact to administer the grant in all its details and put in peril every safeguard of local self-government.

I must confess that it has been impossible for me to make the distinction between these different grants, and while the proposition has been again and again pressed upon the attention of Senators I have not heard a single reason given to show that the extent of the jurisdiction of the Government depends *upon the kind of grant* that is made. If it be a grant of land or of money from the sale of land, jurisdiction is not carried by such a grant into and over the States, but if it be of money from taxation then the jurisdiction necessary goes along with it. Upon what reason or authority can such a conclusion be based? I can see none. There is none. The very character of the beneficiaries of the grant terminates the jurisdiction of the Federal Government when it is complete. All schools of learning, free schools, scholars in universities, are among the charities enumerated in the statute of Elizabeth, and from that day to this the law has always in this country recognized all trusts, donations, or grants for the benefit and uses of schools and colleges as gifts for a charitable object, and it must be clear that the Government, from the very nature of the transaction, parts from its jurisdiction when it parts with the property by executing the donation or grant. And it has not been shown, for it can not be shown, how a donation or grant of any kind extends the jurisdiction of the Government. No single instance has been mentioned of the invasion of the States, their reserved rights, or their liberties under the guise of a grant.

I believe that if the Senators who at the outset of this debate expressed doubts as to the disposition of the Southern people to deal fairly in the application of this fund had read over the testimony of the distinguished educators who have traveled through the Southern States and made themselves familiar with the sentiments of the people, they would do themselves the justice to dismiss all apprehensions as groundless and unworthy. I can not believe the distinguished Senator from Ohio [Mr. SHERMAN], who has been so long connected with public affairs, will shut his eyes to the bright record which has been placed before the Senate by the Senator from New Hampshire [Mr. BLAIR] and the Senator from Massachusetts [Mr. HOAR], as well as the Senators from Mississippi [Mr. LAMAR and Mr. GEORGE] and the Senator from South Carolina [Mr. HAMPTON], exhibiting the zealous devotion of the people of the South to the cause of popular education and the large sums that they annually tax themselves to educate not only their own children but the children of their former slaves.

Hear what Hon. J. H. Smith, a native of New Hampshire and for many years superintendent of public instruction of Indiana, says:

> My opinion is that the Southern people are willing to do all they can to cure this great evil and remove this great wrong, and, so far as I have observed, the work that has been done under existing circumstances has been a marvelous work. The Southern people have made a heroic effort certainly in three or four States that I have visited to do the best that could be done for these colored people. I want to say that throughout the length and breadth of the Southern States, without one exception, the colored people are given the same advantages that the white people are given. And I believe, from what I saw, that we are able to trust the existing State organizations represented by these gentlemen; we are able to trust them with whatever means we can appropriate, and I speak after some investigation and after deliberation.

I must forbear to weary the Senate with testimony on this point, and I will offer only one or two more witnesses out of the many hundreds qualified by actual observation to speak.

And now I invite the attention of Senators to the remarks of Rev. Dr. J. L. McCurry, general agent of the trustees of the Peabody fund:

> With probably the most extensive acquaintance with school officers in the South possessed by any man in the Union, acquired by personal intercourse with them, I make bold to affirm that no departments of government have better qualified, more patriotic, more trustworthy, more enlightened administrators. What is needed for success in making education universal is not severe Federal supervision, subordination of State school to central authority, but a well guarded and adequate appropriation of money.

Hon. Hugh Thompson, formerly superintendent of public instruction of South Carolina, and now governor of that renowned Commonwealth, says:

> I will call the attention of the committee to the fact that there are now in the Southern States about 5,000,000 children ready and needing the opportunity of education. It would take at the lowest calculation $30,000,000 to furnish the opportunities of education to our children in the South. Gentlemen, I say as one knowing the spirit of the people, and knowing their limited resources, that we have not the means to furnish this education.

I beg now to call attention to a brief quotation from one whose name the accomplished Senator from Massachusetts [Mr. HOAR] has honored by coupling it with Horace Mann, of Massachusetts, the pioneer of public education in that State. Hear what Rev. Dr. A. D. Mayo, of Massachusetts, says:

> Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officers, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South today. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

Could testimony be stronger?

I will be pardoned if I refer for one moment to my own State. I desire to invite attention to the observations of the superintendent of the public schools of New Orleans, a gentleman of the highest order of capacity, who has devoted his life to the cause of education and who reflects the sentiments and aspirations of the people of Louisiana. Hon. William O. Rogers says:

> I know of no feeling antagonistic to the education of the negro. On the contrary, there is a growing opinion, so far as I can judge, in favor of extending to that class of our people the fullest and fairest opportunities. The kindly spirit which characterizes the relation of the two races in this city and State extends to their respective schools. There are no contentions or animosities. Teachers of equal grade are sent sometimes to the schools of colored pupils, or again to the whites, and I know of no hardships to which colored pupils are exposed by means of insufficient funds in which the whites do not equally share.

Again:

> What would national aid do for Louisiana? It would enable parish school boards to open schools where there are none now for want of funds. It would prolong the sessions of schools which are now kept open for one, two, or three months only. It would draw large numbers of children from idleness and ignorance to the school buildings, and it would enable school boards and other authorities to employ trained, competent teachers, who should be paid reasonable salaries. Without education we have unskilled labor, a discontented class of society, thriftless, heedless, with brutal passions and degrading vices, ready when roused by fanaticism or demagogism to hurl against the peace of society or the best institutions of the country a compact and powerful voting minority which already holds the balance of power between the two great political parties of the country.

Sir, this is not only the testimony of a philanthropic scholar as to the state of sentiment among the people of Louisiana, but his observations upon the ill effects of ignorance and the perils with which it menaces the peace and stability of society are worthy of the most enlightened statesman. Mr. President, I will quote no more. Why should I multiply testimony when I have but to appeal to the constitutions and laws of the Southern States to vindicate them from every charge of discrimination or indifference?

In my opinion, the most hopeful sign of the times is the profound and universal enthusiasm in favor of the education of the people throughout the Republic, and nowhere has this sentiment taken a stronger hold than upon the people of Louisiana. Besides raising a large sum by taxation from resources that are hard pressed with the never-ending battle against the great river that is to them what the sea is to Holland, there has been recently formed among the wealthiest and most public-spirited citizens of that State a corporation, styled the "Louisiana Educational Society," for the purpose of collecting means by voluntary contributions to aid in the establishment and extension of schools to educate the children, without distinction of race or color.

I have heard, sir, of many such corporations having been formed for the conduct of enterprises for individual profit, and even for the higher object of founding academies, colleges, and universities, but I venture to say that this is the first instance in this country or in any other where the leading citizens, not of a single city but of a whole State, have united their energies and resources in a corporate form, not to build a railway, not to establish a bank or a line of steamers, not, in fact, for their individual advancement or benefit, but to spread the blessings of education among the poor children of the Commonwealth.

The gentlemen engaged in this beneficent work are worthy to rank with the founders of cities and States, and to be the countrymen of Paul Tulane, who has crowned the close of a long and honorable life by dedicating his fortune to the establishment of a university in New Orleans, to use his own words, "for the promotion and encouragement of intellectual, moral, and industrial education, and for the advancement of learning and letters, the arts and sciences." Among the benefactors of mankind—the Peabodys, the Johns Hopkinses, the Corcorans—the name of Tulane will shine with resplendent luster, brighter and brighter from generation to generation, as long as free government or letters or sciences find a votary in Louisiana or the sentiment of gratitude a lodgment in the human breast.

I appeal now to the candor of Senators if such a people are not only worthy of trust but of sympathy and admiration—a people whose government not only taxes them, but who, like the pelican, which is their emblem, take freely from their own substance and life-blood to educate and nourish their young.

I am not here, sir, on their behalf to solicit favors nor to catch the crumbs that may fall from the table of a paternal government, and certainly not to indulge in appeals to the bitter memories or controversies of the past, still less to make any apologies; but I am here as an American Senator, to do all I can in a proper and legitimate manner for the welfare and advancement of the American people.

Under my interpretation of the Constitution I am justified in voting for this bill, because I believe that the general education of the people and the diffusion of knowledge are the surest reliance to correct the evils in our political and social conditions, and to preserve and maintain these institutions of free government. Who can tell how many young minds may lie buried like precious stones and gems in darkness and neglect that by the spread of light may be brought forth to direct the councils of state, or to exalt the hearts of the people with songs of divine melody, or to enlarge the realm of civilization by still prouder conquests from

the secrets of nature, or who may perhaps discover new and better guarantees for the rights of men and the guardianship of liberty—minds emulous to aid the generous aspirations of the people after

Nobler modes of life,
With sweeter manners, purer laws.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The question is on the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill.

Mr. MORGAN. Mr. President, I should be at a great disadvantage in the presentation of my views on this question if my purpose was to enlighten the Senate or the country either on the question of constitutional law involved in this great bill, for we have been listening with great attention and with every opportunity for instruction for the better part of three weeks to the opinions expressed by the most profound constitutional lawyers in this body upon the proposition whether we have the authority to pass the bill. So I will be content to inform my constituents of my reasons for the vote I will give.

The measure is the most magnificent in its proportions that was ever brought into the Senate of the United States. It is the first bill in which there is sought to be made an appropriation exceeding $100,000,000 by a single act for a specific purpose, and that not a governmental purpose, but a purpose, I may safely style it, of charity or of public benevolence, of public improvement, public cultivation. A measure having for its purpose the bettering of the condition of the private citizen, the mere unit, the atom in our great body politic.

One hundred and five millions of dollars to be appropriated by a single act of Congress is the broadest proposition that has ever been presented to the consideration of American statesmanship; and when that sum of money is required for a single generation of people, to say nothing of the repetition of this and other greater sums that we may be forced to supply for the cultivation of succeeding generations of people, we must recognize the fact that we are laying broader foundations for benevolence and charity by this act than have ever been attempted by any act of the American Congress.

The Legislatures of the States, so far as I am informed, have none of them instructed their representatives, or even advised them, that they should come here and appropriate $105,000,000 out of the Treasury for the purpose of public education. Not only have I not received such instructions from the Legislature of Alabama, but I have received no expression of opinion from the people of that State of any important or general character which would lead me to believe that they had prepared themselves for the introduction and the passage of this great measure at this time.

The measure has been received in the Senate on both sides of the Chamber, without respect of party and without respect of sectional divisions, with rather a cold welcome, especially among some at least of the older members of this body. They are afraid that they do not possess the constitutional power to do that which is required of them by the bill. I think the opinions which have been uttered in the Senate indicate at least that there is a very large division, if not about an equal division, of opinion upon the grave question of the constitutional power of Congress to pass this proposed law.

As the subject is new, as it is important, as it is very far reaching in its scope, it would seem to be a wiser policy to defer final action upon this measure until the people have been consulted throughout this great Union to ascertain whether they are willing that Congress shall exercise this new and hitherto untried power of appropriating money out of the Treasury of the United States for the education of their children.

We have also made great progress during this session of Congress in the Senate in the passage of important bills. I am informed that we have passed now more than one hundred and sixty bills, which lie upon the Speaker's table in the House of Representatives. Only thirteen of our bills have so far been considered in that body, and four of the joint resolutions we have passed out of eleven. This admonishes me that while the great length of time spent in this debate is not wasted, for it has been, I dare say, of great instruction to the people, it will be futile during this session of Congress, for the House of Representatives, we must understand, with the accumulation of business that it now has before it and with the appropriation bills still incomplete in that body, can scarcely give such attention to this subject as to warrant it in passing final judgment upon it at this session.

We are admonished also by various amendments that are put in here by Senators that the bill is not satisfactory in its details to many of them. The Committee on Education and Labor have given to it grave consideration, but they have discovered in the progress of the debate many infirmities in the bill which they themselves confess ought to be remedied by some amendment, and other Senators have suggested very important arrangements for the management and disposition of this fund, for its distribution between the States, some upon the basis of illiteracy and some upon the basis of population, differing entirely from the suggestions made by the committee.

I would content myself with a vote to recommit the bill, as it unquestionably should be recommitted, but for the fact that I have no expectation that any amendment that will be put upon the bill will make it more acceptable to me. The amendments, on the contrary, in the direction that they have taken indicate a purpose to make the measure a machine or an engine of control of the States by Congress in the administration of this fund. Those Senators who have offered amendments to the bill have not offered them in the direction of restraining the power of Congress in the management of this fund after it shall have reached the States, but to the reverse, their amendments nearly all looking to the proposition that Congress shall retain larger power over the school fund than the committee have retained for it in the bill as they have reported it.

Hence I have no expectation that the bill will be put into any better shape than it is now, so far as my views of it are concerned, by any amendment that may be offered or that may be passed in the Senate. Yet I shall be disappointed if some of the friends of the bill, on this side of the Chamber, in their eagerness to get hold of the money which now stands so temptingly before us will not yield very much more than they have done in committee, or than they have done in their speeches, to the demand of Congress to control this fund after it shall have reached the States in which it is to be expended. That is the drift of sentiment on this question. When we have laid the foundations of this new assumption of power in this bill, as proposed by the committee, with such amendments as may be ingrafted upon it by a compromise or concession between the gentlemen on this side of the Chamber and the gentlemen on the other side of the Chamber, we shall then find ourselves in the opening march of that great progress toward thorough centralization which will result in the overturning of those conservative views of government which have always characterized the great party of which I happen to be an humble member.

It may be thought necessary for the general welfare that that conservative political organization should disband, but I am not prepared for that result as yet.

Mr. President, I say it in no offensive sense, but if there was not $100,000,000 in the Treasury to-day, and if there was not a tax system yoked down upon the shoulders of the people of the United States which will yield a hundred million surplus revenue annually until we repeal or amend it, I venture to say that this bill would never have received one hour's consideration in this body. If the revenues of the United States Government had been limited to the necessary purposes of government alone, and if we were deriving through our tax system no more revenue than is necessary to execute the great purposes of the Government, if we had a treasury which emptied itself regularly for the purpose of supplying the Government with its needed resources for expenditure, this bill would never have fluttered upon the table of the President except in its death agony. It would have been passed by as an idle declaration in respect of the powers of Congress, having no immediate fruit to be distributed through the votes of Senators in this body, and therefore no useful purpose. But I feel, and every Senator here must feel, that we are standing to-day in the presence a great temptation, a temptation that I would rid myself of for two reasons, first, personal to myself as an inducement to be extravagant and wasteful in the use of revenues collected from an overtaxed people to pay a public debt and to get the country from beneath the terrible difficulties engendered by war; and a temptation to take part in a propaganda of benevolence which appeals to the warmest sympathies of my nature.

It is not necessary for me to announce upon the floor of the Senate that I am the friend of education. I have sufficiently experienced its wants to know its value. I was raised among a class of people who were compelled to work for their living and to educate themselves at the same time. While they are not a learned class of people they are still not ignorant. Many men who have been raised among them without the advantages which are now possessed by those who have an ordinary common-school education are now performing important public functions in the United States and elsewhere in the world. Whatever, therefore, would contribute to place within reach of their children the advantages of better education than their fathers had must appeal naturally to my warmest sympathies, although I may not feel that they will ever dishonor their unlettered fathers by their ignorance of the learning of the books. More than that, I have had the opportunity on the floor of the Senate of expressing my views on this question in former days both by speeches and by votes, and I have never failed to add what of encouragement I could to the cause of public education. I have only been careful to act within the limits of my duty in such matters.

Then, because a large proportion of the money which may be received under the bill by the State of Alabama may be applied to the education of the negro children who are in that State is a matter that also appeals to my personal sympathy and arouses within my heart a sentiment of strong desire that they should receive every advantage in this direction that we are capable of bestowing upon them. Not that I have realized in my experience (and therefore I must say solemnly I do not believe) that the South is in the calamitous condition that has been represented here by Senators who seemed to think that an argument drawn from the misery of their people is necessary to justify their course upon this bill.

I stand here to deny upon facts and figures this accusation against us of extreme and lamentable ignorance in the South. I realize that it must be better for any community in the world that every man, woman, and child in it should have the opportunity to learn, and should be capable of, reading and writing. In other words, it would be a

blessing if every child should have the foundations of a good English education laid as far as may be by the exertions of his father, or his friends, and, as far as may be necessary, by additional assistance of the government under which he may reside. But the education of a child by the exertions of its parents is a twofold blessing, in which each is benefited and made better.

Nor, in rejecting this overture made to the people of the South through this broad act of benevolence, as it is alleged to be and as I have no right to assume that it is not, am I in the slightest degree moved by any feeling of jealousy, pride, or resentment, or any of the lingering hates, if there were hates, existing between us in former times. These reflections came to me as an embarrassment upon my conduct, for I am averse to standing upon punctilios, but they shall only make me more cautious in my action, and not less resolute. My motives may be misunderstood, but my votes here must have the approbation of my own conscience.

The bill appropriates $105,000,000 to the cause of public education in the United States, excluding some of the States from its provisions, those that have not 8 per cent. of the whole population who can not read or write, and it requires the Secretary of the Treasury upon certain certificates being made by the governors of the States to the Secretary of the Interior——

Mr. BLAIR. The Senator is confused by the recent reprint of the bill. He was correct in his first statement. It is $105,000,000 to all the States and Territories. He refers to the reprint with the proposed amendments, not amendments made but amendments suggested.

Mr. MORGAN. Yes, I see it is the reprint.

Mr. BLAIR. The original bill is not in italics.

Mr. MORGAN. Upon a certificate made by the governor of the performance of certain acts by the Legislatures of the States, and by him also as the executive of the State, to the Secretary of the Interior and by the Secretary of the Interior to the Secretary of the Treasury, he is required to pay out the money annually on or before the 1st day of July each year, and that includes a period of ten years.

Now, let us see in a plain, practical, common-sense view of this question what this is. It is called an appropriation. I do not think that in the proper sense of the term "appropriation" we can take out of the Treasury by a bill now the money that is to be found in it ten years after date. The language is, "there shall be appropriated;" it should be "distributed." Suppose the bill should provide that the first installment of this money should be supplied out of the Treasury of the United States in the year 1900. That would scarcely be said to be within the purview of the power of this Congress, at least not within the usual practice. This is a distribution of money rather than an appropriation. A fund is to be called into the Treasury through the taxing power of the United States which the bill is to distribute among the States. If it were an appropriation it could well be challenged upon the ground that it was not an appropriation for a governmental purpose, but when we come to consider it nakedly as the truth is, it is the future distribution of a sum of money to be hereafter collected into the Treasury through such agencies of taxation as Congress has prescribed by law or may hereafter adopt. The act operates presently to distribute money that is to be gathered into the Treasury year after year until the whole sum has been raised and expended during a period of ten years to come.

Now, how is this money to be got? We say that this law shall take effect now. We say that the Secretary of the Treasury in the first year after its passage shall commence to expend the money, and then he shall expend $15,000,000. Where is the money to come from and in what way are we to get hold of it? This is a mere mortgage upon the resources of the Government. After the States have modified their legislation, as is required by the bill, so as to produce at least one-third of the amount of money that we appropriate during the first year, the arrangement may be said to have the nature of a contract between the Government and the States; and then if war shall come, if extraordinary expenditures shall be made necessary for ordinary governmental purposes during the period of ten years, we have got a mortgage by contract upon the Treasury of the United States for the distribution of this money for the period of ten years to come.

It becomes a debt that we must meet, for we appropriate it, distribute it now, and it becomes an obligation that rises to a higher dignity than a mere moral duty. It is a grant of money to the States that we can not in honor or justice recall.

How are we to get this money? Only in one of two ways under the Constitution, either by taxation or by borrowing it. Suppose I should put into the bill by way of amendment this provision: "Provided that the money that is to be distributed to the States shall be raised by being borrowed by the Congress of the United States." I would throw such a cloud over the bill by an amendment of that sort as that the people of the States would receive it with great reluctance if they received it at all, for they would see in a moment that their credit was to be pledged by Treasury certificates or bonds representing loans for the raising of money in future for distribution among the States. They would see that they were being burdened with debt as a means of compelling them to exceed their present tax-paying ability for the education of their own children. They would resent such compulsory methods of making them perform a natural duty.

When the old deposit act was passed and some $28,000,000 were distributed to the States, the money was in the Treasury. It was gotten rid of in that way because Congress could find no other way to get rid of it. We had no debts to pay, we had no prospect of war ahead of us which might absorb it, we had no great governmental works that we had projected which might take up that amount of money. It was there a dead surplus in the Treasury for distribution. This bill, being a bill for distribution and nothing but a bill for distribution, instead of distributing money in the Treasury distributes the credit of the people to the States during the period of ten years to come, as a means of compelling them to educate their children in the common schools.

Did Congress ever have the power to borrow money for the purpose of being distributed among the States? Did anybody ever conceive that Congress had the power to borrow money for a purpose like that? Yet that is this bill, for either we must maintain our power to tax this surplus out of the people for ten years to come, in order to meet the obligation at whatever expense to their personal welfare, or else we must resort to the borrowing power to provide means for compelling the people to contribute to the general welfare.

How is it that Senators, on this side of the Chamber, at least, could treat with levity the argument that was made yesterday by the honorable Senator from Kentucky [Mr. BECK], a powerful and masterly argument against prolonging and keeping in force the taxing power of the present tariff, which is considered to be very unjust and very onerous? When he said that he was unwilling to rely upon that power to supply this money, and that the Congress of the United States should now meet the public demand for reducing taxation of every kind to the level of actual necessary expenditures by the Government, he stated a most important fact. And to that I will add that it must result that the $105,000,000 pledged in this bill must be raised by its being borrowed unless the country is to be ruined. We must either keep this onerous tariff upon the people in order to raise the money, or else we must go to borrowing in order to get the money for distribution.

That is the attitude of affairs, and this brings up questions reaching very much further into the subject than the mere volume of public debt or expenditure. It raises constitutional questions, and those of a very dangerous as well as of a very serious and important character. In the attempts which have been made to justify the passage of the bill it has been treated as a bill that appropriates the money as if it was now in hand, and the question has been asked, has not Congress the power to appropriate whatever may be in the Treasury, whether it comes from taxation, whether it comes from the sale of public lands, from fines or forfeitures, or from duties laid upon patent-rights or other things? Can Congress discriminate, asks one Senator, between a dollar on that side and a dollar on this side of the Treasury, and say we have the power to appropriate this and we have not the power to appropriate that? That was the *reductio ad absurdum*, I confess, but the absurdity lies further back than all that; it lies in the fact that we are pretending to ourselves that we are making an act of appropriation here and now to operate through ten years to come of money that we have not yet got in the Treasury, when the truth is that we are merely providing that we shall distribute whatever money may be in the Treasury among the States for the purpose of education, and go in debt if the money runs short.

In order to justify this measure, Senators have recently found an immense importance to be attached to what the Senator from Arkansas [Mr. GARLAND], quoting from the Senator from Missouri [Mr. VEST], calls the "blanket clause" of the Constitution, the general-welfare clause. If the Congress of the United States has the power to use that "blanket clause" whenever it pleases to justify any excesses in its own conduct, the Constitution of the United States is something that rests only in the discretionary will of Congress.

That is the Constitution under the "blanket clause" as Senators construe it, and not the Constitution handed down to us by our fathers, for if we have the right under this "vagrant clause" of "the general welfare" to determine the objects to which we will apply the money of the people, and also to determine the power which we possess to compel them to supply the money, and also to measure by our own will the control that necessarily belongs to the power that appropriates money over its distribution and application—if we have got all that in our reach and if we can conveniently fall back upon this "blanket clause" to justify our action, then there was no need of our fathers bequeathing to us liberties that are guarded, restricted, and preserved in a written Constitution. That "blanket clause" was all that could be necessary for the future action of the Government of the United States. All else was idle waste of words.

The will of Congress declaring what is "the general welfare," how much money it takes to supply "the general welfare," in what manner this money shall be used in supplying "the general welfare" down to the least particulars of its application, that, sir, is the constitution of the "blanket clause."

It was not that "blanket clause" that I was brought up to revere as the soul of the Constitution. I was brought up to believe that I had be-

queathed to me in common with my countrymen at least a legacy of constitutional law and right and justice, limiting the powers of Congress as well as the powers of every other department of this Government. If the limitations upon the powers of Congress are stricken out, little matter is it to me whether I am under the despotism of a congress or the despotism of a king or an autocrat. There is not a body of civilized legislators in the universal world which claims to itself the power that has been claimed under the "blanket clause" of the Constitution by Democrats on this side of the Chamber. The most autocratic government on earth that pretends to have conceded to its subjects any rights whatever of a permanent, fixed, and organic character denies to itself the right to determine what is for the general welfare to the extent of enacting laws to take taxes and property from the people and apply them to suit itself, without question and without answer to anybody as to the purpose or manner of its application.

The term "general welfare," as found in the Constitution, must have some boundary. If the words have no boundary and no definition, they are the only terms in the Constitution that have none. If our fathers have left to us this unbridled and unlimited right of definition of Congressional power and have not given to us some authentic definition of what they meant when they put those words "to provide for the general welfare" in the Constitution, instead of having bequeathed to us constitutional liberty they have bequeathed to us merely the power of making slaves of the men whom we presume to represent upon this floor, and dependent provinces of the States which sent us here.

There must be some definition of the term "general welfare" as used in the Constitution. Where are we to look for it? This phrase is used twice, first in the preamble to the Constitution and afterward in connection with the taxing power. The great publicists of the past, the men who framed the Constitution itself, never pretended that the recital of the purposes for which the Government was formed in the caption of the Constitution which contains the term "the general welfare" was of itself any definition of the power of any part of the Government of the United States, either the legislative, the judicial, or the executive. Those words occur only once afterward, and that is in connection with the taxing power. It has been confessed in this debate, I believe on all sides and by almost everybody, that where they occur in connection with the taxing power they are intended as words of limitation upon the power of Congress to tax, not substantive grants of power for legislative purposes, but mere words of restraint upon the power of taxation.

Was there any reason appearing in the history of the ordination of the Constitution which gave to that view pertinency and force? You remember that under the Confederation no tax could be raised for war or peace to support the Government or for any purpose whatever except by the concurrent votes of nine States of the confederacy. When our fathers first united themselves into what we might call the nebulous form of government under the Articles of Confederation they expressly prohibited Congress from taxing the people of the States for the purpose of raising money for any purpose whatever unless nine States should concur. When they ordained this new form of government and instituted two tribunals, the House and the Senate, to be invested with the great legislative functions of the Constitution, and when they further provided that a majority vote could pass all bills unless in the instance of a veto by the President, they yielded up the taxing power into the hands of a mere majority not of States but of individual representatives in these two bodies. But, thinking that the division of the bodies into two legislative tribunals might after all be not quite a sufficient restraint upon the power of taxation, they then resorted to this provision: that "for the common defense and the general welfare" Congress might pass laws enforcing taxation. This is a restraint upon the power of taxation. That is the way it happened to be put into the Constitution, not as the grant of a substantive power of legislation, but a restraint upon the power of Congress in respect of taxation. These facts of history will not be disputed. Being undisputed, they control the question of the interpretation of the words "general welfare" found in the Constitution.

Mr. President, is there any power named in the Constitution of the United States, whether it is granted to or reserved by a State, or whether it is granted to the Federal Government, to the President, to the judiciary, or to the National Legislature, that is not for the general welfare? Did the convention put into the Constitution any deed of power to be exercised by any person whatever except for the general welfare? They put in nothing for local welfare, however, as the Senator from Kentucky who sits behind me [Mr. WILLIAMS] remarked. All was for the general welfare. Now, what were those powers? Every power enumerated as mentioned in the Constitution, it makes no difference whether it was given to one body or another, is a power for the general welfare, and only for the general welfare.

Was it intended by the use of the term "general welfare" to put into the hands of Congress some vague and indefinite power outside of and above and beyond all that great scheme of government which is portrayed and fully planned and definitely settled in the body of that instrument? Did anybody believe that the States of the American Union in the formation of that Constitution, after they had formed the entire plan with the utmost care and consideration and had expressed all that they understood in respect of the general welfare, still left, as has been said, some "vagrant power" conferred upon Congress, to be determined by themselves as to its efficiency, its boundaries, its strength, and the time and method of its application; or did they mean when they ordained the Constitution that that instrument itself expressed what was their full, complete, and perfect idea of the general welfare?

I take it that when we want to understand what the general welfare is, in the sense of the Constitution of the United States, we must go to that system of government, we must examine all the powers that are incorporated in that instrument, whether they are given to one person or political body or another, and there we shall find what is meant by general welfare. It means that part of the welfare of the country which has been intrusted by the people in the ordination of this great Government into the hands of the three great departments of the Government—the legislative, the executive, and the judicial. It is not Congress alone that has to deal with the general welfare. There is not an appointment sent in here by his excellency the President that does not relate to the general welfare. There is not a treaty that is ratified by the Senate, after having been made by the Executive, that does not relate to the general welfare. No judge pronounces a decision on the bench that does not relate in some sense to the general welfare. The power to act for the general welfare is by no means confined to Congress.

Let me call the attention of the Senate to some of the distributions of the power to control the general welfare that are made by the Constitution:

Each State shall have at least one Representative.

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When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

There is a portion of the general welfare intrusted to the States of this Union and to their governors:

And if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

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The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

What a very important portion of the general welfare is intrusted to the States themselves by that article of the Constitution!

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Here are the State and Congress acting in concert for the general welfare.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

And that is for the general welfare.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

And that is for the general welfare.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

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The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature can not be convened), against domestic violence.

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And the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution.

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A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

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In choosing the President, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

And then it prescribes the places of meeting, &c., and Representatives in Congress shall be chosen every two years by the people of the States.

These are all matters relating to the general welfare as presented in the Constitution of the United States; and I wish to ask all Senators who think that the "blanket clause" in the Constitution enables them to appropriate money or to tax the people for the general welfare if they believe that they can tax the people of the United States for the execution of these parts of the general welfare which are intrusted by the Constitution to the State Legislatures and their executives.

Mr. MAXEY. While the Senator from Alabama was speaking there occurred to my mind a very important letter on the direct point from Mr. Madison to Mr. Edmund Pendleton, then governor of Virginia, dated the 21st of January, 1792.

Mr. MORGAN. Will the Senator do me the kindness to send it to the desk and have it read?

Mr. MAXEY. I think it has not been read in this debate, and I should

like to have it read. I ask the Secretary to read the marked passage. I have given the date.

The Chief Clerk read as follows:

I have reserved for you a copy of the report of the Secretary of the Treasury on manufactures, for which I hoped to have found before this a private conveyance, it being rather bulky for the mail. Having not yet succeeded in hitting on an opportunity, I send you a part of it in a newspaper, which broaches a new constitutional doctrine of vast consequence, and demanding the serious attention of the public. I consider it myself as subverting the fundamental and characteristic principle of the Government, as contrary to the true and fair as well as the received construction, and as bidding defiance to the sense in which the Constitution is known to have been proposed, advocated, and adopted. If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions. It is to be remarked that the phrase out of which this doctrine is elaborated is copied from the old Articles of Confederation, where it was always understood as nothing more than a general caption to the specified powers, and it is a fact that it was preferred in the new instrument for that very reason, as less liable than any other to misconstruction.

Mr. MORGAN. Among the authorities on the construction of the Constitution of the United States I have never found any that I thought were more reliable and more satisfactory than the writings and speeches of Mr. Madison, for he had unquestionably more to do with the framing of that instrument, the adjustment of its language and of its parts, than almost any other American citizen. Mr. Jefferson's expositions of the Constitution were not those of a person who was in the convention and participated in its debates, and who therefore had the opportunity to see the bearing of every part toward every other part. Mr. Jefferson was also radical in his views in respect of human liberty. The old Constitution as it was ordained did not contain a full expression of his views, and he may be more truly said to be the father of the amendments containing the American bill of rights than he was the father of any other portion of this great system of government. I therefore, in accepting a guide among contemporaneous interpreters of the Constitution, rely with more confidence upon Mr. Madison's opinions than I do upon those of any other man. What he has said in the letter which has just been read is a mere summarizing of the whole subject. I will present to the attention of the Senate after a while an argument made by Mr. Madison in Congress upon the cod-fisheries bill.

Mr. MAXEY. If the Senator will pardon me a moment, I wish to call his attention to the date of that letter, January 21, 1792, when the whole matter was fresh in the mind of the members of the constitutional convention.

Mr. MORGAN. And the speech which I propose after a while to read from was in the same year, February 7, 1792, while his mind was drawn to the subject not only by the bill in Congress but by various interpretations which other persons were placing upon this phrase.

I insist, Mr. President, that it was never intended that we should have States with no exclusive powers over subjects relating to the general welfare of the people subject to their jurisdiction, or that Congress at its discretion should have all power over the general welfare of all the people of the United States at large. The Constitution of the United States extends everywhere within the limits of the United States, and its mandatory power and its protecting power and its prohibitory power and its enabling power is found free in all those limits; but the jurisdiction of Congress to enforce its mandates and its protection is far from being as extensive as the Constitution. That is limited, while the Constitution is universal in its bearing.

The power of Congress is limited or prohibited in every one of the instances to which I have just called attention relating to the general welfare. In the matter of choosing a Senator to this body Congress, though it may do some things in respect to that election which are supposed by the Constitution to have reference to the general welfare, can not choose the men who elect any of us as Senators here, or who are to elect those who are to be our successors. Congress can not control the whole subject of election, though it has a limited jurisdiction over it.

But suppose that when the time came for the election of a Senator it should be stated in this body that the State treasury was empty; that there was no money to pay the representatives of the people to assemble at the capital of the State where the election of a Senator was about to occur; that the election of a Senator relates to the general welfare of the country; and that it was therefore necessary that Congress should make an appropriation to pay the expenses of the State Legislature in order that they might elect a Senator.

Suppose the proposition was stated here that the State of Alabama had refused to make any appropriation at all for the purpose of holding an election for members of the House of Representatives. That relates to the general welfare; and while the States have the power to regulate almost everything in respect to such elections, and while Congress has the power to revise their statutes upon that subject, would any Senator arise here and offer a bill that Congress should appropriate money enough to have those elections conducted in Alabama, or would any gentleman put an amendment upon a bill to raise $100,000 by tariff taxation or otherwise for the purpose of conducting Congressional elections in the State of Alabama, and state a pretext for it that the State had omitted or refused to make such an appropriation?

There, sir, is a matter relating to the general welfare; but it is a subject to which the power of the State extends, and not the power of Congress, and in that instance, as in very many others in the Constitution, the powers of Congress in respect of the general welfare are by no means as extensive as the powers of the Constitution of the United States or of the States. No, sir; we stop far short of it. The fathers when they intrusted powers to this body put fetters and limitations on our powers, and they designated in the enumeration of our powers the subjects in respect to which we might control or provide for the general welfare.

The very first clause in the Constitution of the United States limits the jurisdiction of Congress. The very first pen that was put to paper for the purpose of describing the powers of the Federal Government wrote a stern limitation upon the powers of Congress: "All legislative powers herein granted shall be vested in a Congress of the United States;" not universal legislative power, not power commensurate with the idea of Congress, whatever that might be, of the general welfare, but the legislative power "herein granted" is confided to and vested exclusively in Congress. As Senators supporting this bill would read, necessarily, this part of the Constitution it would be "all legislative powers herein granted" and all else that may comport with the general welfare according to the honest opinion of Congress are vested in Congress.

We find, then, not only this restriction upon the extent of the general-welfare clause, but we find various other restrictions in the body of the Constitution, even down into the amendments. Fearing that they had not sufficiently guarded against the usurpation by Congress of powers which the people never thought of intrusting to it, and especially when those powers came in conflict with those to be exercised by the States, our fathers immediately after they adopted the original Constitution placed still further limitations and restrictions upon the powers of Congress. These are found in the amendments to the Constitution.

Mr. President, when I was elected a Senator from Alabama it never occurred to me or to any member of the legislature who did me the honor to vote for me or to the people of that State, or, I suppose, to anybody, that one part of my mission here was to raise school funds to educate the people of my State, no more than that I was to come here and get supplies for the insane hospital, for the institution for the deaf, dumb, and blind, or for the poor-houses of the respective counties, or for the improvement of the common roads of the country, or any other subject that might relate to the general welfare of my people. We have got a constitution in my State and a Legislature elected under it, and in that Legislature may be found men of equal ability with any who are here or have been here from my State upon the floor of either of these Houses. Limited powers are prescribed to them in the constitution, but ample power is given on the subject of public education; plenary power is given to them almost on that subject. Encouragement is expressed in the constitution itself for this great purpose, and those legislators are designated as persons who by law must measure out the proper quantum of relief and assistance to public schools there. It never occurred to me that I had come here for the purpose of raising funds by begging or by legislating for the purpose of building up schools in my State. I have not come here as a mendicant apostle of a propaganda in Alabama that requires money to be begged out of gentlemen of the North to sustain and support us in those industries and enterprises and duties which we ought to perform for ourselves.

Sir, I have the honor to be the father of a family, an honor that I prize as much as anything that I have enjoyed in this world, and I could not receive a greater insult than for a man to come to me and say to me, "I desire to clothe your children for you; I desire to furnish them food; I desire to furnish them a common-school education; I want them to be well raised in point of physical energy and power; I want them to be decent in appearance; I want them to be people who can associate respectably in common society; and, therefore, I propose to relieve you of the burdens which the God of nature and the affections of your heart have devolved on you, burdens which are so dear to you, which so stimulate your manhood, which so build you up in all your efforts to try to earn a living and a respectable standing for yourself and for them—I want to take these out of your hands; you are hardly competent for these duties, anyway, and you can enjoy yourself so much better in the lassitude and ease and indulgence that you can afford to take if I am just permitted to take off these natural burdens which the God of nature put upon your shoulders; and I will do it by an act of Congress, and somebody else will pay all the expenses."

That would offend me, Mr. President, and if he rightly understood it, it would offend the blackest man who works in the cotton-fields of my State; for if you have the power to tax that man and his neighbor to educate his child—and perhaps you have, and I know you have under the State constitution—he, if he understands it, when he finds that you are going not only to educate his child, but to make the education compulsory, will say: "Sir, I would rather do without your money, and have the control of my child."

Mr. BLAIR. Will the Senator permit me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. Is it any more disgraceful to that negro that this duty, if undone by any other power, should be performed by the National Government than by the State government? Do not each equally take from him that paternal duty which he fails to discharge?

Mr. MORGAN. That is very true, Mr. President; the argument is

a good one, so far as the disgrace to the man is concerned. At the same time, to any man who has the ability to educate himself or his children, it is by no means a compliment for a State legislature or for a national legislature to come and take the job off his hands. It is no compliment to him, and it is scarcely fair to him that it should be done, especially if you go to the other step, which you have the perfect right to go, after having taken the first one, and that is to compel him to send his child to school, and to your school.

Now I insist, Mr. President, that the entire Constitution, and all that belongs to the Government it ordains, is the true definition of the general welfare it was intended to promote. It can not be narrowed so as to exclude from the definition anything that belongs to the Government of the United States, nor can it be stretched so as to include in such definition any power not therein granted expressly or by necessary implication to the Government by the people who ordained it. They ordained it under this restriction: "The powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

But Congress is very far from having in charge all this broad field of "the general welfare." It can promote and provide for the general welfare as far as its powers extend, but there it must stop. So much of the general welfare as is confided to the care of Congress it can promote and provide for, but so much of the general welfare as is confided to the States Congress can not promote or provide for, either by laws designed to control the same or by appropriations to provide for the expense of promoting the same. It has the power to raise revenue in several ways and to appropriate the same for any matter relating to the general welfare which the Constitution, either expressly or by necessary intendment, places within the jurisdiction of the Federal Government. But Congress can no more enlarge than it can contract the powers of that Government by its own mere declaration. That would make a new constitution every time that Congress might conclude to make a new declaration of its powers.

Now, let us look at another phase of this question in the light of history.

When the Constitution was formed, the States that I will proceed to name had certain constitutional rights which they certainly never gave up, and in reference to the delegation of which, by the States to the United States, there is not the remotest hint in the Constitution.

Sir, you may search with all the anxiety possible, and you will find no word in the Constitution that relates to public charity, to public benevolence, to public education, to insane asylums or deaf and dumb institutions, or to public roads, except post-roads—no hint of it. If it had been the intention of our fathers, who then had written constitutions in their respective States, to have placed within the jurisdiction of Congress power to touch questions of this kind, either by the appropriation of money or by the taxation of the people or by legislative expedients, would there not have been some man found who in the convention would at least have made such a suggestion?

Sir, there was not a man who ever arose on the floor of that convention and hinted at the idea that the subject of public education was one of the subjects that they intended or expected to intrust to Congress; and in the absence of all expression on this subject, and while the State governments had made in their constitutions express and ample provision for the exercise of these particular powers by those State governments, are we to infer that our fathers were so blind and so indifferent in respect to the powers to be conferred upon this new and limited Government as that they should never refer to it by a word in the Constitution to indicate the thought or by the expression of a single suggestion in the convention which framed the Constitution that the general welfare for which Congress was to provide by taxation included the support of common schools in the States?

Now let me call attention to some of the constitutional features that then existed in the different States, and I do it with a view of suggesting the inquiry whether these States intended to give up to the Congress of the United States the powers that they in their constitutions at that time had expressly charged upon the State governments and expressly reserved to them. Here is Delaware, in her constitution of 1792:

SEC. 12. The Legislature shall, as soon as conveniently may be, provide by law for ascertaining what statutes and parts of statutes shall continue to be in force within this State; for reducing them, and all acts of the general assembly, into such order, and publishing them in such manner, that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of election, and regulating the same, in such manner as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries, for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be, without spoiling the whole, and for advertising and making the sales, in such manner and at such times and places as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences.

Now I will turn to the State of Georgia. In 1777 Georgia had this provision in her constitution:

ART. 54. Schools shall be erected in each county and supported at the general expense of the State, as the Legislature shall hereafter point out.

Some Senators I suppose will think that under the "blanket clause" that was a mistake of Georgia, for although she put it in her constitution that schools should be established and supported by the State, the real intent was that they should be supported by the Federal Government under the general-welfare clause. Did Georgia ever mean to give up that power to the Federal Government, either directly or by implication? Did she in authorizing the Congress of the United States to legislate for the general-welfare, if you wish to have it in that way, yield to Congress the power to establish schools in her State or to tax her people for their support? Never did she do that. Georgia held on to this rightful reservation of power, and in 1798 it was repeated. In her constitution of 1798 it is said:

SEC. 13. The arts and sciences shall be promoted in one or more seminaries of learning; and the Legislature shall, as soon as conveniently may be, give such further donations and privileges to those already established as may be necessary to secure the objects of their institution; and it shall be the duty of the General Assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Now, turn to Maine in 1820. I refer to Maine because she was a part of the original territory of Massachusetts, and down to the time of her separation the constitution of Massachusetts applied to her. In the Maine constitution of 1820 it is provided:

ARTICLE VIII.

LITERATURE.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people, to promote this important object the legislatures are authorized, and it shall be their duty, to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow from time to time, as the circumstances of the people may authorize, all academies, colleges, and seminaries of learning within the State.

Massachusetts says, in her constitution of 1780:

ART. 3. As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality, and as these can not be generally diffused through a community but by the institutions of the public worship of God and of public instructions in piety, religion, and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their Legislature with power to authorize and require, and the Legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic or religious societies to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily.

Mr. ALLISON. I ask the Senator from Alabama to yield to me that I may move that the Senate do now adjourn.

Mr. MORGAN. I yield.

Mr. BUTLER. I ask the Senator from Iowa to withdraw that motion for a moment while I give notice of an amendment which I propose to offer to the pending bill. I ask the Secretary to read it so that it may be printed.

Mr. ALLISON. I withdraw the motion for that purpose.

The Chief Clerk read the proposed amendment of Mr. BUTLER; which was to add to the bill as a new section:

The money to be provided for in this bill shall be raised by a direct tax, to be levied annually upon each of the States of the United States, which shall be apportioned among the several States according to their respective numbers.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. ALLISON. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *April* 4, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

REPAIRS TO THE EXECUTIVE MANSION CONSERVATORY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, inclosing a communication from Col. A. F. Rockwell asking for an appropriation for repairs to the conservatory of the Executive Mansion; which was referred to the Committee on Appropriations.

LIGHTING THE EXECUTIVE MANSION, ETC.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a letter from Col. A. F. Rockwell, United States Army, asking for an appropriation of $4,000 to supply a deficiency in the appropriation for lighting the Executive Mansion and public grounds, and for repair and care of the Executive Mansion for the present fiscal year; which was referred to the Committee on Appropriations.

HEIRS OF FRANCISCO GARCIA.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting a tracing of plat

of survey of private land claim of heirs of Francisco Garcia, New Mexico; which was referred to the Committee on Private Land Claims.

KANSAS RAILROAD GRANTS.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill (H. R. 6416) to provide for an adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

Mr. CANDLER, by unanimous consent, was granted leave of absence on account of sickness in his family.

EX-PRISONERS OF WAR.

Mr. CONNOLLY. Mr. Speaker, I have a petition from a number of soldiers in my district, asking for the passage of a bill for the relief of ex-prisoners of war. I hope there will be no objection to allowing it to be printed in the RECORD without the names.

Mr. BROWNE, of Indiana. There will be no objection if a like permission be granted to my friend from Iowa [Mr. WELLER], who has been seeking even since Congress began for a like privilege.

Mr. WELLER. I thank the gentleman from Indiana for his suggestion.

The SPEAKER. The Chair hears no objection.

Mr. HUTCHINS. With the understanding that the names in both cases are not to be printed.

The SPEAKER. Certainly.

Mr. CONNOLLY then presented the following petition; which was ordered to be printed in the RECORD without the names:

SCRANTON, PA., *March* 4, 1884.

Hon. D. W. CONNOLLY,
*House of Representatives, Washington, D. C.:*

DEAR SIR: We would respectfully ask your support of the pension bill now before Congress, known as Senate bill No. 44 and H. R. bill No. 1189.

In no class of soldiers of the late war is there such a large percentage of disabled persons as among the ex-prisoners. In the majority of cases they are permanently disabled from work or bear in their bodies the seeds of incurable disease. The number now living is comparatively small, as the diseases contracted in confederate prisons and the severity of the treatment there tended to shorten the lives of all who were prisoners for any length of time. As a rule they were attacked with scurvy in the course of a month or two after being subjected to the prison ration, and this disease opened the way for all other diseases. Lack of medicines made it impossible to treat these diseases, and they became firmly fixed in the systems of the sufferers, and the great majority have never recovered. The longer the captivity of a prisoner the less the probability of ultimate recovery; hence the graduating of the pension to the length of captivity. Being separated in many cases from their friends, companions, and regiments, and the lapse of years having obliterated remembrance of names and residence of fellow-prisoners, they are unable to furnish evidence required to procure pensions, as is the case with other applicants.

We trust you will give this bill your earnest support, and in doing so contribute to the relief of a class of old soldiers who are, as the laws at present exist, almost totally debarred from any governmental relief.

SURVIVING SOLDIERS AND SAILORS OF THE LATE WAR.

Mr. WELLER, by unanimous consent, presented the following petitions; which were ordered to be printed in the RECORD without the names:

Preamble and resolutions.

Whereas twenty years have now passed since the "Boys in Blue," by their valor on sea and land on many a hard-fought field, by their patient endurance under the irksome restraints of military life, by their sacrifices for and devotion to the cause of national unity, rendered possible the final triumph and success of the Union arms; and

Whereas many of the surviving soldiers and sailors of the war of the rebellion are now aged; many are almost physically incapacitated for laboring for the means of support for themselves and families, and at the same time, under the present laws, and for lack of sufficient evidence, are utterly unable to secure pensions, while all (or nearly all) are suffering more or less from the hardships and exposures incident to military life; and

Whereas the wounded, maimed, and partially disabled of our comrades having been at least in a measure provided for under existing laws, we feel that the time has now come when all should be recognized and receive some consideration: Therefore,

*Be it resolved by J. V. Carpenter Post, No.* 104, *Department of Iowa, Grand Army of the Republic*, That it is declared the sense of this post that all pensions of a lower grade than $8 per month should be abolished, and that all the surviving ex-Union soldiers, sailors, and marines of the late war, holding honorable discharges or certificates of the same, should receive a uniform pension of $8 per month during the remainder of their lives.

*Resolved*, That we respectfully ask of our Senators and Representatives in Congress that they use all honorable means to secure such legislation at this session of Congress as will accomplish this end.

The above preamble and resolutions were submitted to the post at its regular meeting, on Saturday, January 12, 1884, and unanimously adopted by a rising vote, with request that the same be forwarded to Hon. L. H. WELLER, member of Congress from this district.

H. B. CARPENTER,
*Commander Post* 104, *Department of Iowa, Grand Army of the Republic.*

Attest.
A. J. WARNER, *Adjutant Post.*

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*To the Senate and House of Representatives of the United States in Congress assembled:*

The undersigned, ex-soldiers and sailors of the late war, and their friends do most respectfully and earnestly petition your honorable bodies to enact the following laws:

First. To appreciate our pay to gold value at the time it was due, together with annual interest until paid.

Second. To equalize the bounties.

Believing that these measures are eminently just and, in accordance with promises, a very important part of the obligations which this great nation owes to its defenders, who, through untold hardships, dangers, and death upheld her flag in the dark and trying hours of the rebellion, restoring her unity and all inherent interests secured thereby, enabling her people to resume with grander prospects the pursuits of happiness and prosperity unknown to any other nation, and hoping that the representatives of this Government will concur in the justice and equity of the above measures, your petitioners will ever pray.

PRIVATE BUSINESS.

The SPEAKER. This being Friday the regular order under the rules of the House is the morning hour for the call of committees for reports of a private nature.

Mr. ELLIS. In order that the House may proceed with the consideration of the Indian appropriation bill, which is now nearly finished in the Committee of the Whole House on the state of the Union, I move that the morning hour to-day be dispensed with.

The SPEAKER. That motion requires a two-thirds vote.

The House divided; and there were—ayes 70, noes 1.

So the motion was agreed to.

The SPEAKER. Two-thirds having voted in favor thereof, the morning hour has been dispensed with.

Mr. MCMILLIN. This is private-bill day, Mr. Speaker, but the gentleman from Louisiana in charge of the Indian appropriation bill tells me the portions of that bill which still remain to be considered are merely formal, and he does not think they will occupy more than an hour of the time of the House. Therefore I will not insist upon proceeding to the consideration of the business on the Private Calendar for the present, and will withhold the motion to go into the Committee of the Whole House on the Private Calendar until after the appropriation bill has been disposed of.

Mr. STEELE. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar at once.

The SPEAKER. That is a privileged motion.

Mr. ELLIS. I move, for the present, that the consideration of the private business be dispensed with.

The SPEAKER. The motion that the House resolve itself into the Committee of the Whole House on the Private Calendar has precedence, this being Friday.

Mr. WARNER, of Ohio. But I thought that motion was withdrawn.

The SPEAKER. No, the gentleman from Tennessee said that he would withhold the motion for the present, but the gentleman from Indiana has insisted on making the motion at once.

Mr. STEELE. I will withdraw my motion and let the question be taken on the motion to dispense with the consideration of the private business.

Mr. KEIFER. It is not necessary, Mr. Speaker, to dispense with the consideration of the private business for to-day, but the House may go into the Committee of the Whole House on the state of the Union, and after the Indian appropriation bill has been disposed of we can then go on with the private business.

Mr. MCMILLIN. I so understood; and in that view, after the morning hour for the reception of reports from committees of a private nature was dispensed with by a two-thirds vote, I consented to withhold for the present the motion to go into the Committee of the Whole House on the Private Calendar for an hour, in which time I have been assured by several gentlemen the Indian appropriation bill will be disposed of.

Mr. STEELE. If the Indian appropriation bill can be disposed of in an hour, and that is the understanding, I will not object.

Mr. REED. Let the motion be made in that way, that we go into the Committee of the Whole on the state of the Union for one hour to proceed with the consideration of the Indian appropriation bill.

Mr. HOLMAN. I hope not.

Mr. ELLIS. I am willing to agree to that proposition, for the reason that I think in an hour the Indian appropriation bill can be disposed of.

The SPEAKER. The Chair understands the gentleman from Louisiana agrees to the suggestion of the gentleman from Maine, with the condition that if at the end of an hour the House should be engaged in a roll-call it shall be continued until completed.

Mr. STEELE. I am willing to agree to that.

Mr. HOLMAN. I do not think it ought to be done, and I hope my colleague will allow this important bill to be taken up this morning and completed, even if it takes more than an hour.

Mr. WARNER, of Ohio. It may take an hour and five minutes.

Mr. ELLIS. I do not think it will take more than forty minutes. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, and the Clerk will report the pending amendment.

The Clerk read as follows:

After line 1130 insert the following:

"For construction of bridges on the Santee-Sioux Indian reservation in Nebraska and the Ponca Indian reservation in the Territory of Dakota, $12,000, or so much thereof as may be necessary, to be immediately available."

Mr. HOLMAN. I shall have to reserve the point of order on this item.

Mr. VALENTINE. I think the point of order comes too late.

The CHAIRMAN. The amendment had not been submitted to the House until this moment, and the Chair thinks the point of order is made in time.

Mr. HOLMAN. If the gentleman will withhold the amendment for the present, with a view of submitting it if necessary at a different part of the bill, I think it will be better.

Mr. VALENTINE. I thought that this was the proper point; but if the gentleman makes the point of order on that ground, I will withdraw it.

Mr. HOLMAN. Not on that ground. This is a proper enough place if the amendment is in order. I am reluctant to raise the question of order here, but as now advised, after consultation with the members of the Committee on Appropriations, it is thought for the present best that the point of order should be raised. I now make the point of order that this is not authorized by any existing law.

Mr. VALENTINE. I do not know of any particular law which authorizes it, but it is in the line of expenditures made by Congress, and in the two preceding lines of this bill you will find an appropriation of $50,000 made for irrigating-ditches on these reservations. It is a class of expenditures that Congress is constantly making.

Mr. HOLMAN. Without acting upon this amendment at all, I suggest that by unanimous consent, with the point of order pending, it be passed over for the present.

Mr. VALENTINE. I have no objection to withdrawing it with the privilege of recurring to this part of the bill after the remainder of it shall be concluded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTEREST ON TRUST-FUND STOCKS.

SEC. 2. For payment of interest on certain abstracted and non-paying State stocks belonging to the various Indian tribes, and held in trust by the Secretary of the Interior, for the year ending June 30, 1884, namely:

For trust-fund interest due Cherokee national fund, $26,060.

Mr. PEEL, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 7 of section 2, "$2,000 to be paid George H. Pettigrew for depredation to his property at Vinita, Ind. T., by Cherokees, the same being the amount allowed said Pettigrew by the Commissioner of Indian Affairs and recommended by the Secretary of the Interior and the Committee of this House on Indian Affairs to be paid out of the Cherokee Indian fund."

Mr. ELLIS. I reserve the point of order upon that amendment, making it, of course, under clause 4 of Rule XII, that a bill is now pending before a committee of a similar tenor.

The CHAIRMAN. The Chair has no difficulty in sustaining the point of order if insisted upon.

Mr. PEEL, of Arkansas. I am aware that the point of order, if insisted upon, will be sustained. But the difference between this amendment and the one offered by the gentleman from California, on which the point of order was made yesterday, is that this has been reported by the committee——

Mr. KEIFER. Is the point of order insisted upon?

The CHAIRMAN. The Chair understands it is.

Mr. PEEL, of Arkansas. This claim, I will say, has been not only adjudicated by the Commissioner of Indian Affairs, but its payment has been recommended by the Secretary of the Interior as well as by the Committee on Indian Affairs of this House. And, as I have said, the difference in favor of this amendment is that this has been before the Committee on Indian Affairs and reported back favorably to the House, and is now pending before the Committee on Appropriations. I can see no real reason, therefore, why the point of order should be made upon it, or why it should not go into this bill.

The CHAIRMAN. The point of order is raised by the gentleman from Lousiana against the amendment just read. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 8. That any disbursing or other officer of the United States, or other person, who shall knowingly present, or cause to be presented, any voucher, account, or claim to any officer of the United States for approval or payment, or for the purpose of securing a credit in any account with the United States, relating to any matter pertaining to the Indian service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service, or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way to affect proceedings under existing law for like offenses. That where practicable this section shall be printed on the blank forms of vouchers provided for general use.

Mr. ELLIS. My attention has been called to the second proviso of that section, in these words:

*And provided further*, That the officers and persons by and between whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim.

I did not notice the language particularly of that section, it having been copied from the law of last year, but it occurs to me that that presumption of guilty knowledge is not right. These men are subject to trial; mistakes may occur; and I do not believe the presumption of guilty knowledge should be drawn from the mere fact that the officers made the transaction. I think that ought to be made clear in the course of the proceedings, and I therefore move to strike out the second proviso.

Mr. KEIFER. I would like to inquire of the gentleman from Louisiana whether that is not the present law?

Mr. ELLIS. It is.

Mr. KEIFER. Then why strike it out?

Mr. ELLIS. Because I believe it to be wrong. I believe it to be wrong for the reason that intent is the soul of every crime, and guilty intent is a crime. Now, under this proviso the very fact that the transaction occurred between certain parties is on the face of it a presumption of guilty knowledge. I do not think it ought to remain in the statutes.

Mr. KEIFER. I think the gentleman gives more force to this clause of the bill than it is entitled to have. This is a mere presumption which may arise; but it does not in any sense involve a guilty knowledge. It is very usual in criminal statutes. Where an officer is charged with the proper custody of a fund it is provided that he shall be presumed to know that he pays it out properly and in accordance with the law. That is not conclusive, however, of the fact that he has guilty knowledge of any erroneous transaction. That would be a matter for proof. He may show that he is not guilty. There are many such statutes relating to treasurers of States or counties. In my own State, where money is paid out the officer is bound to know that he pays it out in accordance with law; but it is only a presumption at last, which may be rebutted by proof.

I do not think this clause of the bill is subject to the construction which has been suggested by the gentleman from Louisiana.

It is a very wise and proper provision in a law that the person who has charge of funds shall be presumed to know beforehand that he is paying them out properly, and if he is making a mistake, while the presumption may be against him, it is not conclusive against him. I would be opposed to this proviso myself if it were intended to establish a conclusive presumption against him which could not be rebutted in case of a trial. But it is a very proper thing to provide that an officer whose duty it is to pay out a fund should be presumed to know he pays it out properly.

Mr. HOLMAN. I regret the motion to strike out this proviso has been made by the gentleman from Louisiana [Mr. ELLIS], for I scarcely think the proviso is subject to the interpretation the gentleman places upon it. In the law of my own State it is made the duty of a public officer to know the fact touching a transaction between himself and another public officer. I do not see how you can avoid that. For instance, the two most important officers connected with the administration of the finances of a State are the treasurer and the auditor. Certainly those officers ought to be presumed to know the nature of a transaction between them. The same principle applies to transactions between other officers of the Government where the co-operation of two or more persons is necessary for the adjustment of an account.

I believe this has been the law for some time, and it is not necessary really to incorporate it in this bill. It is the standing law, and I think has been the law for some years.

Mr. ELLIS. It has been the law for some years. I wish to ask my friend from Indiana this question: Suppose a criminal prosecution for embezzlement, for instance, grows out of a transaction between such officers, could the mere fact that the accused party had been a party to the transaction be used against him to convey to him the guilty knowledge and the intent to defraud?

Mr. HOLMAN. Why, sir, if he puts the fund as a public officer within the reach of another public officer, who makes the embezzlement, the fact that he has done so should be charged upon him. But if so important a provision of law as this is to be changed would it not be better to take a little more time for its consideration? This is a very important provision. And even if the words "and between" should be stricken out, the words "the officers and persons by whom the business is transacted" ought certainly be retained, although the other words are the important words, I admit. The clause would then read:

That the officers and persons by whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim.

Now, this is but a presumption, and why is not that presumption a correct one?

Mr. ELLIS. In the case of a criminal prosecution growing out of a transaction the presumption of the law is that the accused party is in-

nocent till his guilt is proved. But here that presumption is changed and the law presumes him guilty from the very fact that he was a participant in the transaction.

Mr. HOLMAN. That is the law in my friend's own State, I have no doubt. I do not know any State where it is not the law.

Mr. ELLIS. As suggested to me by the gentleman from Missouri [Mr. COSGROVE], this unquestionably shifts the burden of proof, requiring the officer who may be prosecuted to prove he is innocent.

Mr. HOLMAN. I do not think you could ever convict any person charged with embezzlement if you struck out this presumption. I suggest to the gentleman from Louisiana whether he could not do this—whether he could not strike out the words "and between" and leave the others—

That the officers and persons by whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim.

Mr. ELLIS. I have no objection to that if the gentleman will agree to add this: "but in case of a criminal prosecution such knowledge shall not be construed to impute guilty knowledge or intent to defraud."

Mr. HOLMAN. The accused officer would certainly know himself what he had done in regard to a given voucher. The object of this is to prevent the raising of vouchers.

Mr. MAGINNIS. And signing them in blank.

Mr. HOLMAN. Yes, sir; and signing them in blank. It was that practice more than anything else that induced the adoption of this provision. Here is an officer charged with the disbursement of a fund. He furnishes either a false voucher or a blank voucher for somebody else to execute. He does this in violation of the law, and the other person fills up the voucher and uses it improperly.

Mr. MAGINNIS. That is one of the ordinary practices.

Mr. HOLMAN. In that case why should the officer who furnishes the voucher not be charged with a knowledge of the fact that the other person was to use it for a fraudulent purpose?

Mr. ELLIS. In a civil suit it ought to be so. But my point is that a criminal prosecution may grow out of these transactions; and this might be construed to change the whole principle of law in regard to the presumption, and shift the burden of proof from the Government affirmatively to the accused.

Mr. HOLMAN. My friend from Louisiana knows very well that the more common case contemplated by this proviso is where a person charged with disbursement furnishes a voucher to another in blank, as suggested by the gentleman from Montana, and that other person uses that voucher in such a manner as to perpetrate a fraud on the Government. The criminal act was furnishing the voucher in blank so that it could be used for a fraudulent purpose. Why, then, should the person who furnished it not be charged with guilty intention, because the first act which he has done is a guilty act?

Mr. MAGINNIS. A man may get blank vouchers anywhere; and it seems to me the man who signs the voucher is the one who ought to know what is in it. He says to the other officer: "Get for me a dozen vouchers in blank, and I will fill them up afterward." He does that, and that is where the abuse arises.

Mr. KEIFER. I desire to call the attention of the Committee of the Whole, and especially the gentleman from Louisiana [Mr. ELLIS], to the context in which this clause is found, for the purpose of suggesting that it does not relate to criminal proceedings at all, but applies here simply to the settlement and adjustment of accounts with the proper accounting officers, and it would not at all be in the way of an ordinary prosecution in a criminal trial. It is only for the purpose of raising a presumption against the officer when settling his accounts with the Department. Take the whole section and it will be seen that it has no reference at all to criminal statutes or criminal proceedings. In my opinion it is eminently proper that it should remain in the bill as herein set forth.

Mr. ELLIS. If I can have unanimous consent, I will modify my amendment.

Mr. KEIFER. The gentleman has the right to do that.

Mr. ELLIS. Then I modify my amendment by withdrawing the motion to strike out, and instead thereof moving to insert after the word "shall," in line 21, the words "in all civil actions;" so that it will read:

That the officers and persons by and between whom the business is transacted shall in all civil actions be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim.

Mr. KEIFER. I have no objection to that; I think that is what it means now.

Mr. HOLMAN. This is not a casual matter on an appropriation bill, but is a provision of law which has received the sanction of successive Congresses, and it relates to some of the most delicate business relations of the Government, relations between agents of the Government not under the eye of the chief officers—contractors and subcontractors. It seems to me that a well-established principle of law should not be changed or modified without very careful consideration. I trust my friend will allow this section to remain for the present.

Mr. ELLIS. Does the gentleman object to the modification of my motion?

The CHAIRMAN. Is there objection to the gentleman from Louisiana [Mr. ELLIS] moving his amendment?

Mr. KEIFER. The gentleman has a right to modify his amendment or to withdraw it and move another.

Mr. ELLIS. I withdraw my motion to strike out and move, as I have indicated, to insert after the word "shall" the words "in all civil actions."

Mr. HOLMAN. That presumption of course is indulged in regard to civil proceedings.

The amendment of Mr. ELLIS was agreed to.

The Clerk resumed and concluded the reading of the bill, as follows:

SEC. 9. That hereafter each Indian agent be required, in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above 18 years of age, the number of females above 14 years of age, the number of school children between the ages of 6 and 16 years, the number of school-houses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers.

Mr. ELLIS. The Committee of the Whole gave unanimous consent to recur to page 47 of the bill for the purpose of considering the amendment submitted by the gentleman from Nebraska [Mr. VALENTINE].

The CHAIRMAN. The Clerk will report the amendment on page 47.

The Clerk read as follows:

After line 1130 insert:

"For construction of bridges on the Santee-Sioux Indian reservation in Nebraska, and the Ponca Indian reservation in the Territory of Dakota, $12,000, or so much thereof as may be necessary, to be immediately available."

Mr. VALENTINE. If members of the Committee of the Whole will give me their attention for a few moments, I will endeavor to explain this amendment. It refers to two small agencies, one situated in Northern Nebraska and the other in Southern Dakota. The Santee Sioux, referred to in this amendment, is the smallest band of the six nations of the Sioux, the most civilized of those bands.

A few years ago the Santee Sioux band asked to be taken from the great Sioux reservation and allowed to go over into Nebraska, where they might become agriculturists. The President of the United States by an executive order selected from the public domain in Nebraska a small reservation, and this band was placed upon it. Running entirely through the reservation is the Bazile, a stream which for a large portion of the year is impassable.

The other reservation, the Ponca reservation, is located in the forks between the Missouri River and the Niobrara River, both of which are impassable streams for the entire year. They are not bridged, and there are no ferries at that point.

It will be remembered that a few years ago the Poncas were taken by the Government and transported under an Army escort to the Indian Territory. A portion of these Indians have returned to their old reserve and are now living there and are attached to the Santee Sioux reserve, which is twelve miles distant. These Indians can not communicate with the agent nor the agent with them for a great portion of the year by reason of the two streams running between them.

The agent has recommended to the Commissioner of Indian Affairs that an appropriation be made to construct bridges across these two streams. The Commissioner of Indian Affairs has recommended it to the Secretary of the Interior, and on the 1st of February last the Secretary of the Interior sent a special communication to the Committee on Appropriations of this House urging upon Congress to make the small appropriation of $20,000 for this purpose. For some reason or other unknown to me this communication was never laid before the committee and was not considered by the subcommittee or the full Committee on Appropriations in the consideration of the bill now before the committee.

I can not procure the document I have referred to because a member of that committee carried it out of the committee-room for the purpose of looking at it, and, as he told me, for the purpose of preparing a provision to be inserted in this bill. He has that communication somewhere, I do not know where, and he is not now in the city and has not been in the city since this bill came before the Committee on Appropriations for consideration. It is from no fault of mine or of the Committee on Appropriations, so far as I know, that this provision was not inserted in the first draught of the bill. I think, so far as the members of the Committee on Appropriations are concerned, that had the communication been presented to them they would have inserted such a provision in the bill.

It will be noticed that the amount which I name in my amendment is only $12,000, while the amount asked for by the Interior Department is $20,000. From personal knowledge of the location of the streams and from consultations with practical bridge-builders, I undertake to say that two substantial bridges can be erected for the purpose desired at an expense not to exceed $12,000. I have therefore reduced the amount estimated for by $8,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. Not waiving the point of order, I wish to inquire of my friend from Nebraska [Mr. VALENTINE] whether I understand him correctly that this appropriation is to construct a bridge or bridges to furnish communication between bands or parts of the same tribe of Indians?

Mr. VALENTINE. Yes, sir; on the Santee Sioux reservation it will. The bridge across the Niobrara will place the Poncas in a position to reach the agency. The agent of the Santee Sioux has charge also of the Poncas, who have returned to the old reservation.

Mr. HOLMAN. Now, as I understand, the importance of this bridge is to enable a part of the tribe to reach the agency.

Mr. VALENTINE. Yes, sir.

Mr. HOLMAN. The agency from which they get their supplies?

Mr. VALENTINE. Yes, sir. Now, if the gentleman will permit me, I will make a further statement in his time, as my time has expired.

Mr. CHACE. As I understand—I wish to know whether my understanding is correct—the Santee Sioux Indians and the Poncas are both under the same agent.

Mr. VALENTINE. Yes, sir.

Mr. CHACE. And it is necessary that this bridge be constructed so that the Indians may be able to communicate with their agency?

Mr. VALENTINE. Yes, sir; that is it exactly; to communicate with their agency and get their supplies.

I wish to state one thing further, which I think it due to the House I should state at this time. A few years ago, when I first came to Congress, there was on the part of the white residents a feeling of hostility toward the Santee Sioux, a feeling so strong that the white people were almost ready to take their shotguns and drive these Indians away from that portion of the country. But since that time a better feeling has grown up; and I have heretofore attempted, and hope during the present Congress to be able, to secure the passage of a law which will allow the Santee Sioux to occupy lands in severalty upon a part of their present reservation in Nebraska. These Indians in Nebraska have now no title to their lands. They belong to the best class of Indians in the West. They are becoming agriculturists.

Now, through this reservation passes the Bazile, a stream which is impassable during a large portion of the year. This reservation is almost in the center of a county, the county seat lying on the north of it and a large settlement on the south. A portion of the people of the county can not reach the county city a large part of the time because the stream is not bridged and they can not get over it.

Mr. HOLMAN. This stream is within the reservation?

Mr. VALENTINE. Yes, sir.

Mr. HOLMAN. How have the people been able to cross the stream heretofore?

Mr. VALENTINE. During a portion of the year they could not get across; they have had to wait until it became passable. I have crossed it by swimming my horses, but I could not carry many supplies in that way.

Mr. HOLMAN. They have no boats, vessels, or anything of that kind?

Mr. VALENTINE. No, sir; none at all.

Mr. HOLMAN. What kind of bridges are these to be, wooden structures?

Mr. VALENTINE. Yes, sir; I understand so.

Mr. CHACE. Of course they must be the cheapest kind. No doubt they will be wooden structures.

Mr. VALENTINE. I have not determined what they shall be; I shall leave that question to the Indian Department.

Mr. HOLMAN. One other question and I am done, I believe. Has it been the practice of the Government heretofore to build bridges within the limits of these reservations?

Mr. VALENTINE. It has. In other reservations lying within my State—the reservations of the Winnebagoes and the Omahas—all the streams running through the reservations are bridged, and well bridged. They have been bridged at the expense of the Government.

Mr. HOLMAN. Are any bills pending in Congress to divide up this reservation, to open it up to settlement?

Mr. VALENTINE. No, sir; so far as I know, none at all. I hope, however, before this Congress adjourns, to procure the passage of a bill allowing these Indians—the Poncas and the Santee Sioux—to take land in severalty as rapidly as they may be able to do so.

Mr. HOLMAN. And sell a portion of the land?

Mr. VALENTINE. No, sir; no part of it is to be sold.

Mr. HOLMAN. Mr. Chairman, after the explanation of the gentleman I do not feel justified in insisting on the point of order, although I know nothing at all about the merits of this proposition except from the statements made here.

Mr. ELLIS. I will state that the Department of the Interior urges most strongly that this appropriation be made; but the papers came to us after the bill was framed.

Mr. VALENTINE. There certainly can be no objection to it.

The amendment of Mr. VALENTINE was agreed to.

Mr. ELLIS. I move that the committee rise and report the bill to the House with a recommendation that it be passed as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, and had directed him to report the bill back to the House with sundry amendments.

The SPEAKER. The question is on the adoption of the amendments reported from the Committee of the Whole House on the state of the Union. Is a separate vote demanded on any amendment?

Mr. HOLMAN. Yes, I shall ask for a separate vote on the amendment to the second proviso of section 8.

The SPEAKER. The Clerk will read the amendment indicated.

The Clerk read as follows:

Line 21, section 8, after the word "shall" insert the words "in all civil actions;" so it will read as follows:

"SEC. 8. That any disbursing or other officer of the United States, or other person, who shall knowingly present, or cause to be presented, any voucher, account, or claim to any officer of the United States for approval or payment, or for the purpose of securing a credit in any account with the United States, relating to any matter pertaining to the Indian service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service, or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall in all civil actions be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way to affect proceedings under existing law for like offenses. That where practicable this section shall be printed on the blank forms of vouchers provided for general use."

Mr. HOLMAN. I suggest that the gentleman from Louisiana in charge of this bill go further, so that this proviso shall apply not only to civil actions but to the settlement of accounts. If the gentleman will agree to that amendment in reference to the settlement of accounts it will perhaps make the amendment safer.

Mr. ELLIS. I do not object to that amendment.

The amendment to the amendment was agreed to; and then the amendment as amended was concurred in.

The SPEAKER. The Chair hears no objection, and the other amendments of the Committee of the Whole House on the state of the Union will be concurred in.

The was no objection, and it was so ordered.

Mr. ELLIS. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ELLIS. I demand the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. Under the rules the yeas and nays will be taken on the passage of the bill.

The question was taken; and it was decided in the affirmative—yeas 225, nays 5, not voting 93; as follows:

YEAS—225.

| | | | |
|---|---|---|---|
| Adams, G. E. | Dargan, | Hiscock, | Millard, |
| Aiken, | Davis, G. R. | Hitt, | Miller, J. F. |
| Alexander, | Davis, L. H. | Hoblitzell, | Milliken, |
| Anderson, | Davis, R. T. | Holman, | Mitchell, |
| Arnot, | Deuster, | Holmes, | Morgan, |
| Atkinson, | Dibble, | Holton, | Morrill, |
| Bagley, | Dibrell, | Hooper, | Morrison, |
| Ballentine, | Dingley, | Horr, | Morse, |
| Barksdale, | Dockery, | Houk, | Moulton, |
| Barr, | Dorsheimer, | Houseman, | Muldrow, |
| Belford, | Dowd, | Howey, | Muller, |
| Belmont, | Dunham, | Hunt, | Murphy, |
| Blanchard, | Dunn, | Hutchins, | Murray, |
| Bland, | Eldredge, | Jeffords, | Mutchler, |
| Boutelle, | Elliott, | Johnson, | Neece, |
| Boyle, | Ellis, | Jones, B. W. | Nelson, |
| Breckinridge, | Ellwood, | Jones, J. H. | Nicholls, |
| Brewer, F. B. | Everhart, | Jones, J. K. | Oates, |
| Brewer, J. H. | Evins, J. H. | Jones, J. T. | O'Hara, |
| Broadhead, | Ferrell, | Jordan, | O'Neill, Charles |
| Browne, T. M. | Findlay, | Kasson, | O'Neil, J. J. |
| Brown, W. W. | Follett, | Kean, | Paige, |
| Buckner, | Forney, | Keifer, | Parker, |
| Budd, | Funston, | Kelley, | Peel, S. W. |
| Caldwell, | Fyan, | Ketcham, | Peelle, S. J. |
| Campbell, J. M. | George, | King, | Peters, |
| Cannon, | Glascock, | Kleiner, | Phelps, |
| Carleton, | Goff, | Lacey, | Pierce, |
| Cassidy, | Greenleaf, | Laird, | Poland, |
| Chace, | Guenther, | Lanham, | Potter, |
| Clardy, | Halsell, | Lawrence, | Price, |
| Clay, | Hammond, | Lewis, | Pryor, |
| Cobb, | Hanback, | Libbey, | Pusey, |
| Collins, | Hancock, | Long, | Randall, |
| Connolly, | Hardeman, | Lore, | Rankin, |
| Converse, | Harmer, | Lowry, | Ray, G. W. |
| Cosgrove, | Hart, | Lynan, | Ray, Ossian |
| Cox, S. S. | Hatch, W. H. | McCoid, | Reese, |
| Cox, W. R. | Haynes, | McComas, | Riggs, |
| Crapp, | Hemphill, | McCormick, | Robertson, |
| Culbertson, W. W. | Henderson, D. B. | McMillin, | Robinson, J. S. |
| Cullen, | Hepburn, | Matson, | Robinson, W. E. |
| Cutcheon, | Hewitt, G. W. | Maybury, | Rockwell, |

| | | | |
|---|---|---|---|
| Rogers, J. H. | Stevens, | Valentine, | Willis, |
| Rogers, W. F. | Stewart, Charles | Van Alstyne, | Wilson, James |
| Rosecrans, | Stockslager, | Vance, | Wilson, W. L. |
| Rowell, | Storm, | Wait, | Winans, E. B. |
| Seymour, | Strait, | Wakefield, | Wise, G. D. |
| Shelley, | Sumner, C. A. | Ward, | Wolford, |
| Singleton, | Sumner, D. H. | Warner, A. J. | Wood, |
| Skinner, T. G. | Talbott, | Weaver, | Worthington, |
| Smalls, | Taylor, E. B. | Wellborn, | Yaple, |
| Spooner, | Taylor, J. D. | Weller, | York, |
| Spriggs, | Taylor, J. M. | White, Milo | Young. |
| Springer, | Tillman, | Whiting, | |
| Steele, | Tucker, | Wilkins, | |
| Stephenson, | Tully, | Williams, | |

NAYS—5.

| | | | |
|---|---|---|---|
| Culberson, D. B. | Throckmorton, | Turner, Oscar | Wemple. |
| Reagan, | | | |

NOT VOTING—92.

| | | | |
|---|---|---|---|
| Adams, J. J. | Curtin, | James, | Ryan, |
| Barbour, | Davidson, | Kellogg, | Scales, |
| Bayne, | Duncan, | Lamb, | Seney, |
| Beach, | Eaton, | Le Fevre, | Shaw, |
| Bennett, | Ermentrout, | Lovering, | Skinner, C. R. |
| Bingham, | Evans, I. N. | McAdoo, | Slocum, |
| Bisbee, | Fiedler, | McKinley, | Smith, |
| Blackburn, | Finerty, | Miller, S. H. | Snyder, |
| Blount, | Foran, | Mills, | Stewart, J. W. |
| Bowen, | Garrison, | Money, | Stone, |
| Brainerd, | Geddes, | Morey, | Struble, |
| Breitung, | Gibson, | Nutting, | Thomas, |
| Brumm, | Graves, | Ochiltree, | Thompson, |
| Buchanan, | Green, | Patton, | Townshend, |
| Burleigh, | Hardy, | Payne, | Turner, H. G. |
| Burnes, | Hatch, H. H. | Payson, | Van Eaton, |
| Cabell, | Henderson, T. J. | Perkins, | Wadsworth, |
| Calkins, | Henley, | Pettibone, | Warner, Richard |
| Campbell, Felix | Herbert, | Post, | Washburn, |
| Candler, | Hewitt, A. S. | Ranney, | White, J. D. |
| Clements, | Hill, | Reed, | Winans, John |
| Cook, | Hopkins, | Rice, | Wise, J. S. |
| Covington, | Hurd, | Russell, | Woodward. |

So the bill was passed.

On motion of Mr. ELLIS, by unanimous consent, the reading of the names was dispensed with.

Mr. YOUNG. I am paired with Mr. BAYNE, of Pennsylvania, on all political questions; but not regarding this as such, I have voted.

The following pairs were announced from the Clerk's desk:

Mr. LE FEVRE with Mr. MOREY.

Mr. GEDDES with Mr. JAMES.

Mr. COOK with Mr. MILLER, of Pennsylvania.

Mr. MORGAN with Mr. MORRILL.

Mr. YOUNG with Mr. BAYNE.

Mr. MCADOO with Mr. THOMAS.

Mr. GREEN with Mr. WADSWORTH.

Mr. DUNHAM with Mr. SMITH.

Mr. COBB with Mr. HOLTON.

Mr. FORAN with Mr. PETTIBONE.

Mr. SCALES with Mr. BURLEIGH.

Mr. ERMENTROUT with Mr. BRUMM.

Mr. DAVIDSON with Mr. STRUBLE.

Mr. LAMB with Mr. RICE.

Mr. POST with Mr. EVANS, of Pennsylvania.

Mr. KASSON with Mr. BEACH.

Mr. HERBERT with Mr. OCHILTREE.

Mr. TOWNSHEND with Mr. WASHBURN, until April 8.

Mr. SENEY with Mr. BISBEE, until April 8.

Mr. BENNETT with Mr. JOHN S. WISE, until April 7.

Mr. HURD with Mr. MCKINLEY, until April 8.

Mr. BLACKBURN with Mr. RUSSELL, until April 8.

Mr. HEWITT, of New York, with Mr. STEELE, until April 8.

Mr. WORTHINGTON with Mr. BOWEN, until April 15.

Mr. MORSE with Mr. CALKINS, on this vote.

Mr. GARRISON with Mr. HENDERSON, of Illinois, for this day.

Mr. BINGHAM with Mr. MONEY, for this day.

Mr. KASSON. I find myself paired with the gentleman from New York, Mr. BEACH. I have voted, but I submit to any gentleman on that side of the House if this should be regarded as a question on which the pair should be maintained. If so, I will withdraw the vote.

Mr. ELLIS. This is not a political question.

Mr. COBB. I am paired on political questions; but not regarding this as such, I have voted. I will, however, withdraw the vote if any gentleman on the other side desires me to do so.

The result of the vote was then announced as above recorded.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE PRIVATE CALENDAR.

Mr. CRISP. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. CRISP. It appears, Mr. Speaker, by the Private Calendar, that House bill No. 3935 is placed thereon, and has therefore been referred to the Committee of the Whole House on the Private Calendar. That is a public bill; it is a general law, and was doubtless inadvertently referred to the Private Calendar. I move, therefore, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of that bill, and that it be referred to its proper calendar.

Mr. BROWN, of Pennsylvania. What is it about?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

Mr. MCMILLIN. That is unquestionably a general bill, and should not have been placed on the Private Calendar.

Mr. MATSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MATSON. I wish to ask whether that bill was not introduced into the House by the committee in lieu of one or more private bills.

The SPEAKER. It was; and the Chair will state that owing to that fact this bill was referred to the Committee of the Whole House on the Private Calendar. It was reported by the Committee on War Claims in lieu of quite a number of private bills referred to that committee. The Chair, of course, not knowing the contents of the bill, but only hearing its title read, supposed it contained the names of the same persons referred to in the private bills, and consequently directed its reference to the Private Calendar. It is now stated, however, that it is a general bill, and applies to all soldiers of the late war who were charged with desertion.

Mr. DINGLEY. Let me ask if the House had not entered upon the consideration of that bill on the last private-bill day?

The SPEAKER. It was considered by the Committee of the Whole on last Friday.

Mr. DINGLEY. Then is it not now too late to change the reference?

The SPEAKER. The fact that the committee had entered upon the consideration of the bill does not deprive the House, by a direct vote, of the privilege of making the change.

Mr. DINGLEY. But not upon a point of order?

The SPEAKER. No, it would require a vote of the House.

Mr. BUDD. I rise to a correction of the RECORD.

The SPEAKER. There is a matter of privilege already pending before the House. The gentleman from Georgia moves to discharge the Committee of the Whole House on the Private Calendar from the consideration of this bill and refer it to the Committee of the Whole House on the state of the Union. The Chair thinks if that is done, that it should take its place on the Calendar as of the date it was reported to the House.

Mr. DINGLEY. If it be referred to the Committee of the Whole House on the state of the Union, its consideration having been already entered upon, will it not lose its position as unfinished business?

The SPEAKER. It will.

Mr. DINGLEY. Then I hope it will not be done.

Mr. STORM. This bill a week ago to-day was considered in this House and quite extensively discussed. It is the only bill that gives relief to a large class of soldiers in whom many of the members are interested. If it does not remain on this Calendar, many of the bills members are anxious about can not have a hearing.

Mr. SPRINGER. Then let us discharge the Committee of the Whole House on the Private Calendar from its consideration, and consider it now in the House as in Committee of the Whole. It ought to go to the House Calendar anyhow. It is evidently improperly referred to the Private Calendar; but I do not think it belongs to the Calendar of the Committee of the Whole House on the state of the Union.

Mr. MCMILLIN. It is a general law, and should be considered on a different calendar. The Friday calendar is for the benefit of private claims, and should be exclusively for that purpose.

Mr. JONES, of Wisconsin. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JONES, of Wisconsin. On last Friday this bill came up for consideration. It was considered and discussed for an hour or more, and I think fully discussed. It seems to me it is entirely too late now for the House to determine whether it will or will not discharge any of its committees from the further consideration of a measure that has been so far considered.

The SPEAKER. It is never too late for the House to determine whether it will or will not discharge any of its committees from the further consideration of any measure.

Mr. SPRINGER. I ask a division of the question of discharging the Committee of the Whole House on the Private Calendar from the consideration of this bill and its reference to the Committee of the Whole House on the state of the Union.

Mr. RANDALL. I have no doubt the motion to take from the Calendar a public bill is always in order.

The SPEAKER. The Chair thinks so.

Mr. RANDALL. But I want to apprise the House that if that action is taken with reference to this bill it should give it the same status that it has now or one that will secure it early consideration.

This bill relates to a matter connected with which there are, I should suppose, more than one hundred private bills. In effect there is hardly a member on this floor from the northern section of the country who

has not one or two or more bills seeking to have the record of a discharged soldier corrected.

Mr. STEELE. The bill the gentleman from Pennsylvania [Mr. RANDALL] has referred to is House bill No. 4083, which has passed the House and is in the Senate. The only difference between this and the other bill is that it provides for men that have enlisted, deserted, and enlisted again.

Mr. RANDALL. The gentleman from Indiana [Mr. STEELE] is in part correct. The bill he refers to as having passed the House does grant some relief, but it leaves out a large number of soldiers. Unless this bill is passed a large number of soldiers would be left without remedy, such for instance as those who went from one regiment and enlisted in another—who did not actually in fact desert the service, but changed their military authority.

Mr. STEELE. There are half a dozen bills pending in the House like that, but not more than half a dozen.

The SPEAKER. The Chair is advised that the motion of the gentleman from Georgia [Mr. CRISP] was to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill and refer it to the House Calendar.

Mr. CRISP. That is my motion.

Mr. RANDALL. I understand, if the suggestion of the Speaker is adopted as to the date of reference being preserved, it would place the bill at the head of the House Calendar. I would further suggest that it be placed there as unfinished business.

Mr. WELLER. I desire to make a parliamentary——

The SPEAKER. The gentleman will state it.

Mr. WELLER. If a vote is had on the motion to take this bill from the Private Calender and put it on the other Calendar and that motion is defeated, will not then this bill be considered to-day in its regular order on the Private Calendar?

The SPEAKER. If the motion is defeated the bill will be considered to-day or at some other time in its order on the Private Calendar, whenever the House shall proceed in Committee of the Whole to the consideration of business on the Private Calendar.

Mr. WELLER. Then I hope the House will vote down the motion of the gentleman from Georgia.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] makes the suggestion that the bill be placed on the House Calendar and be considered as unfinished business of that Calendar.

Mr. VANCE. The effect of that will be that you can only reach the bill by going to the consideration of the House Calendar.

The SPEAKER. That can be done by a majority vote of the House after the morning hour.

Mr. REAGAN. But it could only be done to-day by a vote of two-thirds.

The SPEAKER. The Chair has submitted that proposition simply as a suggestion or request made by the gentleman from Pennsylvania, not as a motion.

Mr. RANDALL. I withdraw it if the disposition of the House is to vote down the proposition.

Mr. ROSECRANS. I wish to say this: The bill which the Committee on Military Affairs reported to the House, and which has passed the House and gone to the Senate, provides for a very large number of cases of muster-out and correction of record. It excludes a few cases which would be included in the bill about which we are speaking.

But I apprehend that a portion of those cases to which my friend from Pennsylvania alluded as not being provided for in that bill would be justly excluded, because the soldiers in those cases were bounty-jumpers. But there is a portion of those soldiers who were excluded in our bill who probably ought to be included. We think the speediest way to reach that is to reach it in the Senate, and then if the bill comes back to the House act upon the amendment of the Senate favorably here. That will save the time of the House and the necessity of passing another bill, which covers mainly the same ground as the one we have already passed. I have no doubt all that ought to be done and which the House would be willing to have done could be done in that way much more expeditiously than by undertaking to consider this second bill. Therefore I hope the Committee of the Whole House will be discharged from the consideration of it as a private bill, and that it will be put on the Private Calendar.

Mr. DINGLEY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. If the pending motion should be rejected, would not a motion be in order to go into Committee of the Whole House for the purpose of considering the Private Calendar, which would bring up the consideration of that bill at once?

The SPEAKER. That motion would be in order.

Mr. CRISP. The motion I made was made in the interest of the orderly conduct of the business of this House. It appears that through inadvertence a public bill was referred to the Committee of the Whole House on the Private Calendar. Even in the limited experience I have had here I see that on private-bill day the House is thin; but few members are present. That is not the case when public legislation, legislation affecting the whole country, is anticipated.

This bill in my judgment should go to the House Calendar; and when placed there the House can reach it whenever they get ready by going to the House Calendar. They can do that by a majority vote. And the suggestion of the Speaker is that it take its place on that Calendar as of the day when it should have gone there. I submit to the House whether, because they favor any particular measure, it is wise or proper to disregard the rules of this House, or to fail to correct what is conceded to be an improper reference, simply that some particular bill or law may be passed. Had we not better observe the rules, and by the rules reach legislation, and not attempt to legislate in spite of or over the rules? I demand the previous question.

Mr. WELLER. I would like to ask the gentleman from Georgia a question, if he will permit me.

Mr. STEELE. What is the regular order?

The SPEAKER. The regular order is the motion made by the gentleman from Georgia.

Mr. STEELE. I call for the regular order.

Mr. WELLER. The question I wish to ask is whether the effect of this motion would not be to defeat the passage of the bill this session?

Mr. MORRISON. It will not defeat anything. It is entirely right.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. CRISP].

Mr. SPRINGER. That motion I believe is divisible?

The SPEAKER. It is.

Mr. SPRINGER. Then I ask for a division of it.

The SPEAKER. The vote will then be first taken on that part of the motion which proposes to discharge the Committee of the Whole on the Private Calendar from the further consideration of the bill indicated.

The question was taken; and upon a division there were—ayes 43, noes 64.

Mr. CRISP. Inasmuch as this is a question affecting the observance of the rules of the House, I must ask for the yeas and nays.

Mr. SPRINGER. There seems to be some confusion resulting from the division of the question. I therefore withdraw the demand for a division of the question, so that the vote can be taken on the entire motion.

The SPEAKER. The demand for a division having been withdrawn, the question now is upon the motion to discharge the Committee of the Whole on the Private Calendar from the further consideration of the bill indicated, and to place the same on the House Calendar.

The question was taken; and upon a division there were—ayes 33, noes 90.

Mr. HAMMOND. No quorum has voted.

Tellers were ordered; and Mr. CRISP and Mr. DINGLEY were appointed.

Mr. BROWNE, of Indiana. Would it not be better to adjourn? We are really doing nothing now.

The House again divided; and the tellers reported that there were—ayes 52, noes 118.

So the motion to discharge the Committee of the Whole was not agreed to.

Mr. DINGLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### CORRECTION OF THE RECORD.

Mr. BUDD. I rise to a correction of the RECORD.

The SPEAKER. The gentleman will state it.

Mr. BUDD. On yesterday an amendment submitted by me to the Indian appropriation bill was objected to on a point of order raised under subdivision 4 of Rule XXI, that the amendment was the substance of a bill pending before the House, and the Chair very properly sustained the point of order. The RECORD makes it appear that the amendment was objected to under subdivision 3 of Rule XXI, which objection would not have been sustained by the Chair. I ask that the RECORD be corrected so as to show that the point of order was raised under subdivision 4 of Rule XXI.

The SPEAKER. If there be no objection the correction will be made.

### ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. VALENTINE. I ask the gentleman to withdraw that motion until I can have an improper reference of a bill changed.

Mr. MCMILLIN. If it will not give rise to any debate.

Mr. VALENTINE. It will not. I send up a resolution to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Committee on Public Lands be discharged from the further consideration of the bill of the House No. 6333, and that the same be referred to the Committee on Pacific Railroads.

Mr. VALENTINE. The Pacific Railroad Committee is the proper committee to consider that bill.

Mr. ANDERSON. I am inclined to object to that.

Mr. VALENTINE. I knew you would. Let the bill be read; it is very short.

Mr. McMILLIN. I can not yield further. I must demand the regular order. We have already taken up two hours of the day and done nothing.

Mr. VALENTINE. I think that if the bill is read nobody will object. I am sure the Speaker, when he hears the bill read, will say that the reference to the Committee on Public Lands was improper. It is a bill granting the right of way to a railroad through the Yellowstone National Park.

Mr. BLAND. I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with an amendment, in which the concurrence of the House was requested, a joint resolution of the following title:

A joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress.

ORDER OF BUSINESS.

Mr. McMILLIN. I now insist upon my motion to go into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

Mr. MULDROW. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MULDROW. When the Committee of the Whole on the Private Calendar rose last Friday it had under consideration House bill No. 1000, for the relief of Myra Clark Gaines. The bill had been read, and the gentleman from Missouri [Mr. COSGROVE] had the floor upon it, and yielded to a motion that the committee rise.

The CHAIRMAN. The Chair will direct the RECORD to be examined in order to ascertain.

Mr. STEELE. And I hope the Chair will also ascertain how the bill in relation to charges of desertion came to be passed over. I believe it was passed over with the understanding that it should come up for consideration to-day.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi [Mr. MULDROW] that the bill to which he refers was not considered on Friday last.

Mr. MULDROW. I have the RECORD here, and ask that the Clerk read the portion I have marked.

The Clerk read as follows:

The next business on the Private Calendar was the bill (H. R. 1000) for the relief of Myra Clark Gaines.

The bill was read, as follows:

* * * * * * *

Mr. HOLMAN. I believe this bill is reported by the gentleman from New York [Mr. ROBINSON]. It will undoubtedly give rise to a very prolonged debate, and I suggest to that gentleman that it be passed over informally.

Mr. COSGROVE. The bill was not reported by the gentleman from New York.

Mr. ROBINSON, of New York. I introduced the bill originally, but the gentleman from Missouri [Mr. COSGROVE] reported it from the Committee on Private Land Claims, and has charge of it. I have no objection to any arrangement which the Committee of the Whole may make.

Mr. COSGROVE. I certainly do not want to consent and will not consent that this bill should be passed over; it should be disposed of in its order. This question has been before Congress for years, and there have been three or four reports of committees favorable to this claim. Here is another report in favor of the claim, and I think the Committee of the Whole should now proceed to act upon it.

Mr. HOLMAN. I trust my friend from Missouri will not insist on the committee proceeding with this bill to-day. I am not only opposed to the bill in its main features but I am opposed especially to the issue of land-scrip. I would rather see the Government do anything else than that. I think no policy would be more fatal.

There are several bills which have been laid aside to be reported favorably which should be acted upon by the House, and it has been agreed that the yeas and nays shall be taken on one of them, which will occupy some time. I therefore move that the committee rise.

Mr. McMILLIN. I would suggest to the gentleman from Indiana that before that is done he should allow the report accompanying the bill to be read, in order that it may be printed in the RECORD and examined by those who are to act upon it hereafter.

Mr. HOLMAN. Very well; I withdraw the motion until the report is read.

Mr. COSGROVE. Mr. Chairman, I have not yielded the floor; and I do not understand how gentlemen can take me off the floor by the motion that the committee rise.

Mr. McMILLIN. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. COSGROVE] has the floor.

Mr. COSGROVE. I have no objection to the report being read, neither have I any objection to the committee now rising, but I do not want this bill to be displaced. I want it to be considered in its order on the Calendar. If gentlemen want the report to be read I have no objection to that.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that if the committee should now rise the pending bill will not be passed over, but will retain its place on the Calendar to be considered when the House shall again go into Committee of the Whole.

Mr. McMILLIN. I am willing that instead of the report being now read it shall be printed in the RECORD.

Mr. HOLMAN. The report is quite a long one, and there is scarcely time enough for its reading now.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] asks unanimous consent that the report be printed in the RECORD without being read. Is there objection?

Mr. HOLMAN. I think it is entirely too long a report to be printed in the RECORD, and we all have it in our rooms.

Mr. McMILLIN. I withdraw the request as to the printing of the report, and move that the committee rise and report its action to the House.

The motion was agreed to.

Mr. MULDROW. The RECORD shows that the gentleman from Missouri [Mr. COSGROVE] had been recognized as entitled to the floor upon the bill.

Mr. HOLMAN. When the bill to relieve certain soldiers of the late war from the charge of desertion was reached, I believe it was passed over informally though I do not recollect the exact manner in which it was passed over.

Mr. STORM. I have the RECORD here. I read from the top of the second column on page 2582:

The CHAIRMAN. The gentleman from Tennessee asks that the pending bill be passed over for one week. Is there objection?

There was no objection.

There being no objection, the bill was passed over for one week. Now I make the point——

Mr. HOLMAN. My point of order is that this measure was, in the language of the chairman of the Committee of the Whole, as accepted by the Committee of the Whole, "passed over for one week." The House now at the end of a week goes again into Committee of the Whole. I submit that while the bill to which the gentleman from Mississippi [Mr. MULDROW] has called attention is in fact unfinished business, still a bill which was first reached on the Calendar and which was passed over for one week resumes now its place on the Calendar and takes precedence of the other bill.

Mr. MULDROW. The point I make is that the bill for the relief of Mrs. Gaines is unfinished business, and comes up now just as though the House had not adjourned on last Friday at the precise moment when it did adjourn.

The CHAIRMAN. The Chair will decide this matter——

Mr. STEELE. I want to call the attention of the Chair to page——

The CHAIRMAN. The Chair is prepared to decide the question. The committee not having entered upon the consideration of the bill to which the gentleman from Mississippi has called attention, that bill can not be considered as unfinished business; it was laid aside to retain its place on the Calendar. But the consideration of the bill "to relieve certain soldiers of the late war from the charge of desertion" was entered upon; that bill was considered, and it is the bill which now comes before the Committee of the Whole.

RELIEF FROM CHARGE OF DESERTION.

The Committee of the Whole House resumed the consideration of the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

Mr. LYMAN. I am requested to state that the gentleman from Ohio [Mr. GEDDES] is absent from his seat to-day on account of sickness. As the introducer of this bill, he ought perhaps to be here during its consideration. I am requested, therefore, to ask that the bill be laid aside without prejudice, to be taken up on another occasion.

A MEMBER. Let it be laid aside for one week.

Mr. STEELE. Make it two weeks.

The CHAIRMAN. The Chair will state, for the information of the committee, that the gentleman from Ohio [Mr. GEDDES] has requested the gentleman from Wisconsin [Mr. JONES], who is next in order upon the Committee on War Claims, to represent him in the consideration of this bill.

Mr. LYMAN. Then I withdraw my proposition.

Mr. JONES, of Wisconsin. I do not insist that this bill be considered to-day, if by going over it will not lose its place on the Calendar.

The CHAIRMAN. The Chair will state that it will not lose its place on the Calendar.

Mr. WARNER, of Ohio. Let it go over till my colleague [Mr. GEDDES] shall be here.

Mr. HOUK. Although the bill may not lose its place by going over, will it stand as the first business for consideration on the next private-bill day?

The CHAIRMAN. It will unless otherwise ordered.

Mr. DINGLEY. I hope we shall proceed with the consideration of the bill to-day.

Mr. JONES, of Wisconsin. Objections to laying the bill aside come from every quarter. Therefore I think it best that the consideration of the bill should proceed to-day.

Mr. LYMAN. I have no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. JONES] will proceed.

Mr. JONES, of Wisconsin. Mr. Chairman, there has been sent to the Committee on War Claims——

Mr. BROWNE, of Indiana. Before the gentleman begins, I desire to inquire whether there are not certain proposed amendments pending

to the bill. If so, I would be glad if they could be stated now, for the information of the Committee of the Whole.

The CHAIRMAN. There are no amendments pending. The gentleman from Wisconsin will proceed.

Mr. JONES, of Wisconsin. I wish to have read, for the information of the Committee of the Whole, a letter from the Secretary of War, which has been received by the Committee on War Claims since last Friday.

The Clerk read as follows:

WAR DEPARTMENT, *Washington City, April 3, 1884.*

SIR: My attention has been called to the terms of my letter to you of the 14th of January, 1884, in relation to legislation proposed to authorize the removal of the charge of desertion from the record of certain soldiers of the late war, and upon reflection I am satisfied that I should have been more particular in that letter in referring to proper restrictions to be placed upon the Secretary of War in acting upon the cases of men who deserted from their original regiments, and enlisted in other regiments, and served without fault through the latter enlistment. I ask your leave to modify the letter above referred to in this regard.

The cases which have attracted my attention have been those where the time and manner of the desertion and of the new enlistment were such as to indicate, without much doubt, that the desertion was not inspired by a desire to abandon the service, or to secure any personal benefit other than a change of personal relations. Casting out of consideration the small bounty of $100 given by the Government under the act of 1861, the first bounty of consequence offered by the Government was $300, under a general order dated June 25, 1863; but on August 4, 1862, a draft was ordered if any State did not before the 15th of August, 1862, fill up its quota of a call for 300,000 men. The records of this Department do not show when local authorities began to offer bounties for recruits to fill their quotas, nor the character and amount of such bounties; but it is believed that the above date, August 4, 1862, may be taken as a time before which certainly no local bounties were offered, and before which no substantial pecuniary inducements existed for desertion and a re-enlistment in another command. By that time also a general knowledge of military duties had been acquired sufficient to inform any soldier that leaving one regiment and going to another without authority, under any pretext, was a serious military offense for which he should bear all lawful consequences. If, therefore, you will permit me to amend the last clause of my letter so that it will read, "I would, therefore, suggest, for the consideration of the committee, while considering the proposed amendment, the propriety of a further amendment giving the Secretary of War, under such restrictions as may seem proper, the discretionary power to remove the charge of desertion raised against soldiers who subsequently, but prior to August 4, 1862, enlisted, and received an honorable discharge after faithful service in another regiment," my suggestion will not include a condonation of the offense of bounty-jumping, or deserting and re-enlisting to procure a bounty.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
*Secretary of War.*

Hon. GEORGE W. GEDDES,
*Chairman Committee on War Claims,*
*House of Representatives, Washington, D. C.*

Mr. JONES, of Wisconsin. I yield five minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. Mr. Chairman, one fact is certain; there are numbers of soldiers who served faithfully in the last war against whom the charge of desertion undeservedly stands on the records. Something must be done, or these men are left with this badge of infamy upon them. Now, it is utterly impossible, as the experience of everybody in legislation and all other human transactions shows, to adopt any general rule which may not be in some cases abused.

And if we pass this law undoubtedly there may be exceptions to the general rule and some unworthy person may take advantage of it. But I apprehend there is not a gentleman on the floor of this House who has investigated this subject, who has looked into it and analyzed the character of the soldiers against whom this charge stands upon the records of the War Department, who will pretend to say that anything like a majority, or indeed any considerable portion of the men to be relieved by the passage of this act, come within the position assigned to them by the distinguished gentleman from Indiana [Mr. STEELE], who seems to think the entire proposition is for the benefit of bounty-jumpers, and bounty-jumpers alone.

There is another fact to which I shall briefly allude. You gentlemen who were in the service on either side know it to be true that every man against whom the charge of desertion has been entered was not actually or intentionally a deserter from his command. The mark of desertion entered down against any man's record depends in a great measure on a combination of circumstances. If a man was absent from his command without leave, without any intention of deserting, down goes the mark against him upon the records of the War Department. Every man who was absent without leave stands, as I understand it, in the War Department as a deserter unless he had the sagacity to go to work at once and have the matter properly adjusted either by the action of his superior officer or through the medium of a court of inquiry. This is well known to those who are cognizant of the military service. Who that was in the military service does not know that this charge of desertion was entered against soldiers who were absent without leave, but without any intention or purpose of desertion, and who, supposing the matter capable of full and fair explanation, and taking it for granted that such explanation was accepted, as a matter of course neglected to take the necessary steps to have the charge examined and the record corrected. Now, as I understand it, this bill does nothing more or less than invest the Secretary of War with the power to look into all such cases and analyze them for the purpose of ascertaining by the proof whether or not the soldier did or did not have the criminal intent to desert from his command. If the case be one where the soldier was absent innocently, then relief ought to be afforded, and it is in such cases, as I understand it, that this bill does afford the necessary relief.

Mr. BROWNE, of Indiana. The gentleman has not carefully considered this measure. It provides that the charge of desertion shall be removed where the soldier deserted one command in the Army and then joined another command from which he received an honorable discharge.

Mr. HOUK. "I thank thee, Jew," for that word. That explains the whole thing; for if the soldier joined another command in the Army and was honorably discharged from the service, it is the strongest evidence which could be presented that he did not intend disgracefully to desert his command, but was loyal to the flag of his country.

Mr. BROWNE, of Indiana, rose.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HOUK. I hope the interruption will not be taken out of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOUK. I ask the gentleman from Wisconsin to yield to me for one minute longer.

Mr. JONES, of Wisconsin. Certainly.

Mr. HOUK. Another thing in connection with these deserters is this: This charge of desertion, marked down against the soldier upon the records of the War Department, frequently resulted from the bad temper or ill-will of the officer in command, taking advantage of a mere technical desertion, without any intention on the part of the soldier to desert his flag. It depended on the relations between the officer and the soldier whether the soldier was marked down as a deserter or not. Every one acquainted with the military service knows soldiers were wrongfully and improperly entered as deserters by their superior officers through malice.

The CHAIRMAN. The gentleman's time has expired.

Mr. JONES, of Wisconsin. How much time have I left?

The CHAIRMAN. Eighteen minutes.

Mr. JONES, of Wisconsin. I will reserve that time until I hear from the other side.

Mr. STEELE. I will take the floor, Mr. Chairman, and yield for ten minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Chairman, I approach the discussion of this question with something of the diffidence of my friend from Michigan [Mr. HORR], perhaps more, because I rise to oppose the bill. First, I have felt I could oppose this measure under the leadership of such gentlemen as my friend from Indiana [Mr. STEELE], my friend from Iowa [Mr. HENDERSON], and my friend from Indiana [Mr. BROWNE], all of whom were distinguished and faithful officers of the Union Army, without having questioned either my patriotism or my disposition to do everything which could properly be done by the Government in behalf of men who served loyally in the Union Army.

There are some things to which I wish to call the attention of the House before members are called upon to cast their votes. Unquestionably it is proper certain men should be relieved from the charge of desertion which has been improperly entered against them on the records of the War Department; but I fear the committee in preparing the second section had in view certain aggravated cases, and, intending only to cover such cases, have gone further than is proper for us to go under all the circumstances. In the brief time I have I propose to state the effect the passage of this measure will have upon the public Treasury as an incident to the effect it will have upon the class known as deserters. I doubt not its effect upon the public Treasury will meet the cordial support of my genial friend from Colorado [Mr. BELFORD]. [Laughter.]

Mr. Chairman, I have before me letters from the Pension Bureau telling me that the number of claimants under the arrearages act that will be relieved by this bill is 2,500. I am further informed that the amount which will be paid to them as arrearages will be $2,500,000. Now, I ask gentlemen on the committee having charge of this bill if they have thoroughly investigated these 2,500 claims and made up their minds that they wish to relieve even one-fifth of that number, and allow, under the provisions of such a bill as this, $2,500,000 to be taken out of the public Treasury and paid them simply as arrearages without regard to the merit of the party?

Mr. WELLER. As a member of the committee I will say to the gentleman that I would take out $2,500,000 very quickly for the soldiers.

Mr. HISCOCK. Mr. Chairman, there is no man who would be more willing to take out or to pay out $2,500,000 for the benefit of certain classes of our soldiers, to those who were meritorious and deserving, than I. But, sir, you want to bear in mind here that there are 2,500 of them covered by this bill, and you want to make up your mind clearly whether or not all of them are entitled to this clemency and gratuity before you are willing to pass such a bill.

Now, this is a bill not simply to allow the stain of desertion to be removed from the military records of these men, but it is a bill to allow a certain class of claimants to collect their arrearages under the pension law and to have pensions paid them for all future time.

But I have some information here from the War Department to which I desire also to call the attention of the committee. We find, Mr. Chairman, that previous to March 17, 1863—bear in mind the dates—

previous to March 17, 1863, the desertions from the Army amounted to 91,038. It is impossible to tell from any of the records of the Department what proportion of these men who deserted re-enlisted. You will remember, sir, that it was about August, or perhaps in the fall, of 1862 that local bounties amounting to $1,000 began to be paid by the counties and cities. The bounty varied in certain localities, but that was near the amount that was paid. Now, previous to the March following, 91,000 had deserted.

Mr. ROWELL. Will the gentleman allow me to ask him a question? Does he say that it was in the fall of 1862 that these bounties were offered, or does he mean the fall of 1863?

Mr. HISCOCK. Usually the large bounties were offered, I think, in the spring of 1863. But the call for 300,000 additional men was made, as the committee will remember, in August, 1862.

Now then, Mr. Chairman, from March 18, 1863, to December 31, 1863, during nine months of that year, the desertions were 38,296. Well, sir, we will take the number of desertions now from January 1, 1864, to December 31, 1864, when the largest bounties were paid, and you will doubtless be startled to learn that in these twelve months the desertions from the Army reached the number of 90,840 men. From January 1, 1865, to December 1 of that year the desertions were 58,420, making in the aggregate of all the desertions during the war a total of 278,000 men. Now the question arises whether the members of this committee should not be a little more careful in the provisions to be adopted here, and look to it critically and see what classes of men the bill actually covers. And I put this question to them, having presented the bill for our consideration: Is it safe to put a provision into this bill which may have so wide a range, simply because it covers one particular man that a gentleman has in his mind who presents a meritorious case and whom he may desire specially to relieve from the stain resting upon his name? That is the question presented.

Mr. Chairman, it is impossible, as I have already intimated, to tell at the War Department the number of men who deserted and re-enlisted. But in the letter which I have before me I will read what is said by the Adjutant-General of the Army with reference to the amount of money that in his judgment will be necessary, from the best information that he is able to obtain, to meet the requirements of this bill in its present form. He says:

As to the probable amount of money involved in the bill (House bill 3935, to relieve certain soldiers from the charge of desertion), I can only state approximately that it is believed it will take from thirty to fifty millions of dollars.

Again I appeal to gentlemen of this committee if it is safe to put a provision in a bill that will cover some particular meritorious case that you have in your mind when it may go further and cover the cases of 200,000 deserters who ought not to be relieved, and at the same time take from the public Treasury of this country anywhere between thirty and fifty millions of dollars? I believe, sir, for it is a matter that does not admit of serious question, that there is a certain class of cases that ought to have relief extended to them; but what I object to is that this provision of the bill has not had the consideration that I believe it ought to have before it is adopted by the House. And I do not believe that such eminent gentlemen as the chairman of the Committee on Military Affairs, General ROSECRANS, who will always guard the rights of the soldiers, my friend from Indiana, General BROWNE, whose voice is ever heard in advocacy of the soldier, my friend who sits immediately behind me [Mr. HENDERSON, of Iowa], who comes here a cripple from the war, and the gallant gentleman from Indiana [Mr. STEELE] sitting behind him, I do not believe, sir, that these gentlemen would give misleading information or that their wise advice ought to be disregarded in opposition to the adoption of a loose provision in the bill that will open the door as wide as this does and that takes from the Treasury the sums of money I have mentioned, sums large enough in the aggregate, as I intimated at the outset, to satisfy my friend from Colorado [Mr. BELFORD] in his efforts to dispose of the "surplus" in the Treasury.

Now, Mr. Chairman, in this connection I will send to the Clerk's desk to be read the report of the Provost-Marshal-General for the period from March 17, 1863, to March 17, 1866.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HISCOCK. I hope the gentleman from Indiana will yield to me two minutes longer.

Mr. STEELE. Certainly.

Mr. HISCOCK. This is the report of the Provost-Marshal-General on desertions. I do not care myself to adopt the language he has employed. I desire simply to have his report read. It will be profitable at least to have it considered, and I hope we will have order while it is being read, for it is very important as bearing on this question.

The Clerk read as follows:

DESERTIONS.

It appears beyond dispute that the crime of desertion is especially characteristic of troops from large cities and of the districts which they supply with recruits. The ratio per thousand of desertions to credits throughout the loyal States is 62.51. In the State of New York it rises to 89.06, and in the small States near New York city it is still higher. In New Jersey it is 107; in Connecticut, 117.23; in New Hampshire, 112.22. Yet the general ratio of New England is but 74.24, the ratio of Massachusetts being 66.68; that of Vermont, 51.75; and that of Maine, 43.90. In the West, where large cities are rare, the average ratio sinks to 45.51.

It is probable that a more minute examination of the statistics of the Army than has yet been made would reveal the fact that desertion is a crime of foreign rather than native birth, and that but a small proportion of the men who forsook their colors were Americans. It is a notorious circumstance that the great mass of the professional bounty-jumpers were Europeans. In general the manufacturing States, as, for instance, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, rank high in the column of desertion; and this result is to be attributed not only to the fact that such States are dotted with towns and cities, but to the secondary fact that these towns and cities are crowded with foreigners. The respectable and industrious part of this population did, indeed, produce a mass of faithful troops; but with these were mixed a vast number of adventurers, unworthy of any country, who had no affection for the Republic, and who only enlisted for money.

In general, those States which gave the highest local bounties are marked by the largest proportion of deserters. The bounty was meant to be an inducement to enlistment; it became, in fact, an inducement to desertion and fraudulent re-enlistment.

It is a singular and at first sight a puzzling fact that two extreme Western States, Kansas and California, are distinguished respectively by the high ratios in desertion 117.54 and 101.86. But it must be remembered that more than half the male population of Kansas entered the service, and that consequently its contingent contained an unusually large percentage of men whose presence was necessary to the subsistence and protection of their families. In further explanation of this fact something may be attributed to a lax state of discipline natural in border regiments serving for the most part in a somewhat irregular defense of their own frontiers. As for California, it is to be observed that a portion of the contingent of that State consisted of men levied in the large cities of the East or of adventurers from all quarters of the globe collected in the cosmopolitan thoroughfares of San Francisco.

Mr. HISCOCK. Now, Mr. Chairman, the history I have had read was written——

The CHAIRMAN. Does the gentleman from Indiana [Mr. STEELE] yield further to the gentleman from New York?

Mr. STEELE. Yes, sir. How much more time does the gentleman from New York want?

Mr. HISCOCK. I suppose I can be recognized in my own right and then I can return to the gentleman from Indiana whatever time I may receive from him.

The CHAIRMAN. The gentleman from Indiana has twelve minutes of his time remaining.

Mr. STEELE. I yield eight minutes more to the gentleman from New York.

Mr. HISCOCK. Mr. Chairman, as I was about to say, the history that has been read was written after the close of the war. And I think, sir, there are gentlemen upon this floor who remember as I do that the last calls were filled in the Northern States too largely by deserters. It was a notorious fact, almost an open secret, that gangs came over from Canada, deserters who had fled and gone there; that they went from one provost-marshal's office to another. And it was understood before all of those troops had been moved to the front that real hostilities were closed. This provision covers all of those men who doubtless went forward. They deserted a dozen times, many of them, and many of them received a dozen bounties of a thousand dollars each. And yet perhaps they went to the front and without any service or without any substantial service in the face of the enemy, they received an honorable discharge. And all this class of men is to be let in.

Mr. Chairman, I will go as far as any man in removing the charge of desertion from the soldier who deserves to have that charge removed. And I believe if I act under the advice and follow the example of the gentlemen whom I have named I shall go as far as I can go consistently with a due regard to the honor of those who did not desert.

There is a class of men, Mr. Chairman, that doubtless should have relief. I have here a communication from the War Department bearing upon that question which I shall ask to have read from the Clerk's desk. I will say, sir, it is believed at the War Department it would be much better to invest some officer with a discretionary power with reference to this question; to give him judicial functions—not to narrowly limit him in the exercise of his discretion, but give him full discretion or judicial power over all cases coming within certain classes.

I send to the desk to have read the classes of soldiers within which it is thought by the War Department relief from the charge of desertion should be extended.

The Clerk read as follows:

First. When charged with desertion, who voluntarily returned within thirty days and served honorably to the end of their term of service.

Second. Men who deserted from hospital or from furlough given from a hospital while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily to the service and served honorably until discharged or who died from such wounds, injuries, or disease while so absent and before the date of muster-out of their regiments.

Third. Men who returned under the President's proclamation and served honorably until discharged.

Fourth. Men who left the service without proper authority (and thereby became deserters) for the purpose of relieving their families residing within the enemy's lines from distress or want, and who returned voluntarily and served honorably until discharged.

Fifth. Men who, while awaiting exchange, deserted from parol camp, or while on furlough from a parol camp or other authoritative source, and who voluntarily returned and served honorably until discharged.

Sixth. Men who deserted from a furlough given by any authoritative source, and who, during such absence, died from wounds inflicted by the enemy or disease contracted in the service before the muster-out of their commands.

Mr. HISCOCK. Mr. Chairman, I will vote to give the discretionary power to the Commissioner of Pensions or to the Secretary of the In-

terior to relieve soldiers coming within those classes from the charge of desertion. But I think I have demonstrated that this second provision has not had that consideration that it ought to have. I think I have demonstrated that it is in the interest of the claim agents rather than in the interest of the honest and faithful soldier. I think I have demonstrated that this Committee of the Whole House on the Private Calendar is not the proper place to formulate the provisions which should be adopted by the House. And what I desire, sir, is this, that this bill may be recommitted to the committee, that the committee may consult with the Secretary of War and with the Commissioner of Pensions and carefully investigate and determine what classes ought to be relieved, and then bring in a bill here relieving those classes. But I hope no provision will be adopted because this man or that man has in his mind the case of some neighbor perhaps who is suffering great hardships that are covered by the bill—I hope, I say, no provision will be adopted which in covering one such case will give relief to one hundred and fifty professional bounty-jumpers—in that proportion. I am sure that a provision can be formulated that will not be liable to the objection I have made.

The CHAIRMAN. The gentleman from Indiana [Mr. STEELE] has five minutes of his time remaining.

Mr. STEELE. I desire to reserve that.

Mr. HISCOCK. I hope that some time I may be recognized in my own right, and then I will yield some of my time to the gentleman from Indiana [Mr. STEELE], as I have used up so much of his time.

Mr. JONES, of Wisconsin. As it may change somewhat the current of debate, I wish now to give notice of an amendment which I will offer at the proper time for the purpose of making this bill conform somewhat to the ideas of the Secretary of War. I ask that the amendment be read.

The Clerk read as follows:

Add to section 2 of the bill the following:

"*Provided*, That the provisions of this act shall not be applicable to any soldier who willfully deserted for the purpose of obtaining a bounty by re-enlistment; and the granting of relief in each case shall be discretionary with the Secretary of War, after an investigation of the facts."

Mr. JONES, of Wisconsin. I now yield five minutes to the gentleman from Pennsylvania [Mr. STORM].

Mr. WELLER. I desire to know the order of debate on this bill.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STORM] is entitled to the floor for five minutes.

Mr. WELLER. I wish to be recognized, as a member of the committee reporting this bill, when the proper time comes.

The CHAIRMAN. The Chair will decide upon that when the proper time comes. [Laughter.] The gentleman from Pennsylvania [Mr. STORM] is entitled to the floor.

Mr. STORM. I have paid serious and thoughtful attention to the remarks made by the gentleman from New York [Mr. HISCOCK] who has just addressed the committee. I wish myself that the consideration of this bill could have been postponed for one week. I conceive that there may be important and serious consequences hanging upon our action upon this bill which should be very thoughtfully and carefully considered by this committee.

I would say to the gentleman from New York that the Committee on War Claims when it considered this bill did not probably take into consideration all the consequences that would follow upon its passage. For instance, they did not go into the question of how many soldiers might be affected by the provisions of this bill. I do not think that would be a proper method of considering a question of this kind. If these soldiers are entitled to the relief which this bill seeks to afford them, they ought to have it without regard to the consequences to the public Treasury. If they are not entitled to it, then of course there should be no provisions at all made for them. It is hardly a proper way to consider legislation to first consider whether we can afford to pay for that which is right or just to the soldiers. And I will say that we did not consider the question in that aspect.

What have we done, and what is the complaint which is made here? The bill which the Committee on War Claims has reported is precisely the bill that was passed at the first session of the Forty-seventh Congress. It is precisely that bill, word for word, with two exceptions. One change which we have made is to add to the second section these words: "or who subsequently enlisted in another regiment or company."

That is an addition to the act of 1882, which was made at the suggestion of the Secretary of War, who said that provision should be made for that class of soldiers. And the amendment proposed by my colleague on the committee, the gentleman from Wisconsin [Mr. JONES], and which has just been read at the Clerk's desk, will if adopted obviate the objection of the gentleman from New York [Mr. HISCOCK] that bounty-jumpers might claim the benefits of this bill if passed in its present shape.

The other change we have made was to omit from the fourth section of the act of 1882 the second proviso, as follows:

That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than twelve months, or who intentionally deserted, shall be entitled to the benefits of the provisions of this act.

The Secretary of the Treasury held that that second proviso annulled the act, so that it did not give him any more power than he had before that bill was passed. I presume that the Secretary of War, in construing the section, when the question came up as to whether a soldier intentionally deserted or not, felt himself bound by the record before him that the soldier had deserted, and held that that record was proof conclusive of intentional desertion. The Secretary of War recommended that the second proviso of section 4 of the law of 1882 should be omitted, and we have done so.

Mr. DINGLEY. Was not that second proviso to which the gentleman refers inserted in the bill by the Senate, and was not in the bill as it passed the House?

Mr. STORM. I am glad to be informed of that. It was not, then, the action of the House, but was the action of the Senate. Therefore the bill which we have to-day before us is precisely the bill which passed the Forty-seventh Congress and was approved by the President, with the exception I have stated.

Mr. SEYMOUR. Did not the bill of 1882 contain the words "or who intentionally deserted," and have not those words been left out of this bill?

Mr. STORM. They were in the law of 1882, and the Secretary of War recommended that they should be left out of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES, of Wisconsin. I now yield ten minutes to the gentleman from Illinois [Mr. ROWELL], a member of the committee.

Mr. ROWELL. As a member of the committee reporting this bill it was my desire to be recognized in my own time, so that I might discuss this question deliberately. It has seemed to me that there has been a disposition to take us off the floor, and therefore I accept the ten minutes so kindly yielded to me by the gentleman in charge of this bill.

The CHAIRMAN. The Chair will correct the gentleman in that respect. No gentleman has spoken except members of the committee or gentlemen to whom members of the committee have yielded their time. The gentleman from New York [Mr. HISCOCK] spoke in the time of a member of the committee.

Mr. ROWELL. Mr. Chairman, unquestionably this bill may need some amendments; but that the purpose of section 2 is wise and beneficent I think no gentleman on this floor having a proper consideration for the honor of the Union Army will deny. If the measure is in the interest of absolute justice, the question whether it may cost more or less money ought not to be considered; but how a bill which provides that this restoration of a man to the rolls shall give no title to back pay or bounty can entail any additional expense, except to the extent that it may add to the pension-roll, I can not understand. Nor can I understand the mathematics by which it is determined that because there are 2,000 applicants for pensions who have the charge of desertion marked against their names, therefore this bill will create 2,000 additional pensioners. In other words, I see no reason for the assumption that every one of those applicants, if the charge of desertion be removed, will be able to make the necessary proof to entitle him to a pension.

It must be remembered, Mr. Chairman, that the Union Army was made up of volunteer soldiers. They were not men educated in war; they had not made war a profession. They were men accustomed to the freedom of civil life; they were not habituated to the severe rules of army discipline. In the early days of 1861 so anxious were young men all over the North to serve their country that they hurried to enroll their names as volunteer soldiers. The result was that men of different temperaments were associated together. Men frequently became members of companies in which they were not acquainted. In many cases men were put under officers who were their inferiors in intelligence, in social standing, and in everything that goes to make up manhood. Those men, thus suddenly brought under the severe discipline of the Army, were at the same time in many instances brought in conjunction with uncongenial companions and placed under officers unfit to command them. On this account the desertions were more numerous than they otherwise would have been—not for lack of patriotism, but because men left a particular company or regiment for the purpose of seeking better associations, with better opportunity of serving the country. Besides, we all know that in the fall of 1862, by reason of certain untoward influences which existed throughout the North, many men were induced to go home who afterward, under the proclamation of the President, returned to their commands.

Now, the question is whether we are to treat these men as we would professional soldiers making the business of arms their life pursuit, or whether we are to treat them as men who knew nothing about military life when they enlisted, who enlisted to fight and did fight, and who, in many cases, when they had deserted went back to the Army, served faithfully and well, and came home wounded and disabled.

The fact that we have received from the War Department the suggestion that there are six or eight classes of men who ought to be relieved is a sufficient evidence that there ought to be something done which was not done by the bill which passed this House to relieve a class of men not included in this bill.

I am ready to confess that I never had the experience of my brother from Indiana with "bounty-jumpers." I never had the experience of men deserting on the battlefield and then coming back to the Army again.

Mr. STEELE. I ask the gentleman what reason he has to infer from

anything I have said or from anything he knows in regard to me that I have had any experience with "bounty-jumpers?"

Mr. ROWELL. I can answer the question. The objection raised to this bill by the gentleman from Indiana was that it would benefit "bounty-jumpers" and those who deserted on the battlefield. He seemed to have a great fear that under this bill some dishonorable soldiers would receive the benefits designed for those who served their country honorably. I would rather be deceived a thousand times a year than be always suspicious of my fellow-men, especially those who went into the Army and on the battlefield imperiled their lives for their country.

While there was a large list of desertions, one-half of those desertions could be accounted for by the fact that when a man by any accident was absent without leave his officer marked him on the records as a deserter, though he may have been as gallant a soldier as the man who so marked him and having no more intention to be a deserter. A large number of men marked as deserters went home from hospitals to die. Numbers of others started back to their regiments and were unable to reach them, and so anxious were they to fight that they enlisted in other regiments.

Mr. HENDERSON, of Iowa. Does not the bill already passed cover such cases?

Mr. ROWELL. No, sir; not a single soldier who deserted and afterward enlisted in another regiment is covered by that bill. Every man who deserted from one regiment and afterward went back and fought in another stands upon the records of his country as a deserter, though he may have come home with a leg or an arm off.

Mr. HISCOCK. Does not the gentleman believe it possible to formulate a measure which will cover such cases?

Mr. ROWELL. I do.

Mr. HISCOCK. Very well. There will be no objection to adopting a measure which will cover that class of cases. But I have pointed out that the provisions of this bill would cover 150,000 others. I have made no argument against removing the charge of desertion in such cases as the gentleman describes. What I complain of is that this bill, while designed to cover such cases, does also in fact cover cases which no one wants to relieve.

Mr. ROWELL. I stated in the outset that possibly this bill would have to be amended; but I do not want to see it amended in such a way as to exclude all those who should be the beneficiaries under it. You can not adopt any general rule which may not in particular cases work some injustice. That result can not be accomplished either in civil or in military life. While we should endeavor, as far as possible, to exclude the bad cases, I would not make a law so rigid that it would exclude the good ones. I know that on the pension-rolls are many men who ought not to receive pensions. But I repeat, you can not make a general law which bad men in some cases will not take advantage of.

All those for whom I have been pleading are practically excluded from the other bill, and the gentleman who reported that bill now seems to be opposed to their being included under this proposition.

Mr. HENDERSON, of Iowa. Will the gentleman allow me to ask him a question?

Mr. ROWELL. Yes, sir.

Mr. HENDERSON, of Iowa. You have stated a proposition here that attracts my attention very warmly. In other words, you say there was a class of men who went home to hospitals, who were put into hospitals and died there, and who have been carried on the rolls of the Army as deserters. I do not know that is true. You refer also to a class of men who were marked as deserters, and yet who were wounded in battle. I asked a question a moment ago whether the bill we have already passed does not cover that class of cases as well as the bill which the gentleman is now advocating?

Mr. ROWELL. The gentleman misunderstands me.

Mr. HENDERSON, of Iowa. Just wait for a moment.

Mr. ROWELL. I can not wait a moment longer. I have not the time to wait.

Mr. HENDERSON, of Iowa. But I have not finished my question.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROWELL. I hope the gentleman from Wisconsin will yield to me for a minute longer.

Mr. JONES, of Wisconsin. Certainly.

Mr. ROWELL. The gentleman from Iowa has taken up my time. I said men who had deserted——

Mr. JONES, of Wisconsin. Mr. Chairman how much time have I remaining?

The CHAIRMAN. There is five minutes remaining on either side.

Mr. ROWELL. I said that men who had deserted and then enlisted in other regiments and who were afterward killed in battle. The bill does not cover such cases, and indeed does not cover any one except those who deserted and returned to their command and died after re-enlistment in hospital, or after they had returned home. As I understand the original bill——

Mr. HENDERSON, of Iowa. If one bill does not cover them the other does.

Mr. ROWELL. I can not yield.

The CHAIRMAN. The gentleman's time has expired.

Mr. JONES, of Wisconsin. Mr. Chairman, I have yielded to others most of the time under my control, and I only wish to add a few words to the debate. All gentlemen concede that some legislation is necessary on this subject. The eminent gentleman from New York [Mr. HISCOCK] concedes it. The gentlemen of the Military Committee concede it; every one who has given the subject any consideration concedes it. The question is, what shall that legislation be? I submit that with the amendment which the committee have authorized me to offer to the bill, and which cures the defects which have been suggested, we can afford to pass this bill for the benefit of a large class of men who have been marked on the rolls as deserters inadvertently and improperly.

There were large numbers of brave soldiers who went early to the war, who stood by the flag during all the hours of the nation's danger and shared in the rejoicing of the last great victories, who were anxious to see home and friends, and who, when there were no longer any battles to fight, did not wait for the tedious delays that sometimes preceded the final and formal discharge.

Mr. MAGINNIS rose.

Mr. JONES, of Wisconsin. I beg pardon; in the few minutes remaining I can not yield.

The origin of this bill is this: There have been introduced by many members large numbers of special bills for the relief of soldiers who were beyond all doubt brave and worthy men, whose standing and character in their regiments and at home were above reproach; but in many cases they found to their surprise that the rolls at the War Department contained a record of their desertion. What should be their roll of honor was a record of their disgrace, and of unmerited disgrace. In the few moments remaining I can not enumerate these instances. I will only refer to one instance which came to the notice of our committee and which now occurs to me.

A young soldier who was as true and loyal as the average Union soldier—and that is honor enough for any man—learned while in Tennessee of serious illness in his family at home. Anxious as any of us would have been under such circumstances, he told his trouble to his captian. The captain, who perhaps was more kind-hearted than wise, told him to go home, and to return as soon as the condition of his family would warrant. He went to his home. His regiment moved on toward the front. After a few weeks the soldier returned to and rejoined his regiment. In the fortunes of war his captain was killed. The young soldier fought bravely, like his comrades, until the end of the rebellion. Time passed on, and when he made application for a pension he was told that the rolls showed that he who had ventured everything he had on earth was a deserter.

Probably every member of this House has had brought to his attention some case where a soldier was entitled to relief of the kind which this bill will afford.

The committee are not disposed to insist strenuously upon the language of the bill or the amendment. What we desire is some bill which will meet the great number of cases now meriting relief. The Secretary of War recognizes the importance of some action upon this subject. His views are contained in the letter which I have caused to be read.

The objections of the gentleman from New York [Mr. HISCOCK] are fully met by the proposed amendment.

It is proposed that in every case the facts shall pass under the scrutiny of the Secretary of War; that no charge of desertion shall be removed unless the Secretary believes, in view of all the facts, that the relief ought to be given. It is not fair to assume that in every case such soldiers will be entitled to a pension. They must first satisfy the Secretary of War that the charge of desertion is unjust. They must then prove, like other soldiers, their disability. If they can pass these ordeals they ought to have their pensions, and it would be simply an outrage to deny them.

And now I will say that I have no greater admiration for bounty-jumpers than any one else. I shall not become their defender or apologist. It is barely possible that while ninety-nine brave fellows will have removed from their military record an undeserved stigma and disgrace one bounty-jumper may also obtain a relief which he does not deserve; but that shall not deter me from doing justice to the deeply wronged men for whose benefit this bill is framed.

While my time remains I move that the committee rise for the purpose of limiting general debate.

Mr. BROWNE, of Indiana. Allow me to send up a proposed amendment. I believe after gentlemen hear it they will accept it. I have that confidence in it.

Mr. STEELE. Who does the gentleman yield to?

Mr. JONES, of Wisconsin. I insist on my motion that the committee rise for the purpose of closing general debate. The gentleman from Indiana can offer his amendment hereafter.

Mr. HISCOCK. Is it in order to move that the bill be reported to the House with the recommendation that it be recommitted to the Committee on War Claims with the pending amendments?

The CHAIRMAN. It will not be until general debate has been exhausted; then amendments will be in order.

The motion of Mr. JONES, of Wisconsin, was agreed to.

The committee accordingly rose; and the Speaker having resumed

the chair, Mr. COX, of New York, reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and particularly the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion, but had come to no resolution thereon.

Mr. JONES, of Wisconsin. I move that all general debate on the pending bill in the Committee of the Whole House on the Private Calendar be limited to one hour on each side.

Mr. STEELE. I move to amend by making it thirty minutes, fifteen minutes on each side.

The amendment was agreed to, and the motion as amended was adopted.

Mr. JONES, of Wisconsin, moved that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion, and, by order of the House, all general debate has been limited to thirty minutes, fifteen minutes on each side.

Mr. WELLER. Mr. Chairman, I did not understand the motion of the gentleman from Indiana to limit this debate to thirty minutes, fifteen on each side. My understanding was that thirty minutes on each side were to be allowed. I should be glad to have a statement from the Chair upon that point.

The CHAIRMAN. The Chair will state that by the action of the House all general debate on this bill has been limited to fifteen minutes on each side.

Mr. WELLER. Mr. Chairman, I must confess myself a little surprised that upon a bill involving a matter of such magnitude as is involved in this bill, the time for this discussion should have been thus restricted. It has been shown already, by a number of gentlemen who have addressed the committee, preceding me, that this bill possibly involves the expenditure of some millions of dollars, and to my mind matters of more consequence than even the millions that have been referred to, and that is, the welfare and well-being of those of our gallant soldiers who served well in the Army during the time of our nation's peril, but who, influenced during the last days of the war by the hardships and perils they had so patiently and courageously endured to that time, and believing the war had practically closed, and having before their mind's eye and their soul's door the memory of home and loved ones, left for that home and those loved ones and stood not on the order of their going; nor had they thoughts of the possible consequences to their reputation as valiant soldiers and honorable men, neither the questions of how their said acts might affect their purse, their standing as to patriotism, or the possibilities of tarnished reputations as a lasting heritage to wife, children, childrens' children, and other relatives and friends.

I am exceedingly regretful, therefore, that my time should be limited to fifteen minutes, for I desire, as a member of the committee who drafted the bill, to present my reasons fully and to elaborate carefully the grounds that induced me in the Committee on War Claims to support the bill and which induce me now to give it my sanction.

I find that there has come to me in the last few weeks a large number of cases wherein desires are expressed and requests made that they be relieved by act of Congress from the charges of desertion resting against them, and also I am in receipt of the most urgent appeals by gallant soldiers against whom no charges of desertion rest that an act be passed by this Congress relieving their comrades from such blight on their otherwise fair name and fame. While I have no time in the brief moments allotted to me to read much of the correspondence that I have on my desk, I now ask permission to print such of it in the RECORD as a part of my remarks as may seem proper to further disclose my views and the reasons for the position I assume.

The following letter, sent to me by Hon. S. Kirkpatrick, of Ottumwa, Iowa, indicates the views of an old soldier and as true a man to the cause of the Union as can be found in the State:

OTTUMWA, IOWA, *January* 28, 1884.

DEAR SIR: I return you the letter requested. I am of the opinion that it was the intention of the father of the bill referred to that the charge of desertion should be removed from all soldiers who willfully left their commands at the close of the war. Their actions in the literal construction of the law would be desertion, but not in a very aggravated form. The father of the bill (Ben. Butterworth, I think, of Ohio, now deceased), after consultation with that class of deserters, presented the bill, and he understood that it should apply to those men who, tired of service and knowing full well that the war was virtually at an end, left their commands and are regarded as deserters. They have never been discharged. Neither have they received pay for a considerable length of time before quitting their commands. As near as could be ascertained there were about ten thousand of these men, and they now ask for relief, to be discharged, and to receive compensation for their services. I think the case has been fairly presented, and in their behalf I ask your honorable self to act.

Yours,

S. KIRKPATRICK.

Hon. L. H. WELLER.

I sent this particular letter to the honorable the Secretary of War, Robert Lincoln, and from him received the following reply:

WAR DEPARTMENT, *Washington City, January* 22, 1884.

SIR: In reply to your letter of the 19th instant inclosing one addressed to yourself by Mr. S. Kirkpatrick, in which he states that an act of Congress was passed several years ago by both Houses, and signed by the President, removing charges of desertion against certain soldiers and stating that the Secretary of War, naming myself, in some way declared some "technicality" in the law and thus made it a dead letter, you asking in your letter to be directed to the law and to the ruling of the Secretary of War and to the method of correcting the technical objection declared by the Secretary, I have the honor to advise you that the statute referred to by your correspondent is undoubtedly the act "to relieve certain soldiers of the late war from the charge of desertion," approved August 7, 1882 (22 Stats. at Large, 347).

The "technicality" referred to by Mr. Kirkpatrick is a provision which was inserted in the act while it was considered in the Senate after it had passed in the House of Representatives, that no soldier should be entitled to the benefit of the act who intentionally deserted, which will be found in the fourth section of the act. Therefore, when it has appeared in an application that the soldier in whose case the application is made was a deserter, it has been uniformly held that he was not entitled to the benefit of the act. The subject was discussed by me in answer to a resolution of the House of Representatives, and my answer to the House on the subject under date of December 15, 1882, is printed as Executive Document No. 20, House of Representatives, Forty-seventh Congress, second session, a copy of which is herewith inclosed. I believe that in that communication all of your questions are answered as fully as I am able to respond to them.

The letter to you from Mr. Kirkpatrick, which is dated Ottumwa, Iowa, January 14, 1884, is returned to you herewith as requested.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
*Secretary of War.*

Hon. L. H. WELLER,
*House of Representatives.*

Said Secretary also inclosed to me, as a part of his reply, the following communication made by him in response to a resolution on the part of the House of Representatives, calling for information relating to the act of August 7, 1882, which is in words and figures following, to wit:

WAR DEPARTMENT, *Washington City, December* 15, 1882.

SIR: In response to the resolution of the House of Representatives, adopted on the 12th instant, by which the Secretary of War is directed to furnish the House the following information, namely, what action has been taken, under the act of August 7, 1882, "to relieve certain soldiers of the late war from the charge of desertion," what changes in the former law have been decided by the War Department to have been made by said act, and what classes of soldiers charged with desertion have been considered by the War Department to be embraced by the said act, and, further, what additional legislation is deemed necessary to enable him to carry out the provisions of the first and second sections of said act, I have the honor to state that no action has been taken under the above-mentioned act other than a careful consideration of its terms and of various official views and professional arguments as to its effect, and the preparation of a decision by myself, which was at the time the resolution was adopted in readiness to be given to the Adjutant-General for his guidance in the disposition of cases presented to the Department. A copy of this decision is herewith submitted.

It will be seen therefrom that I consider myself compelled by the terms of the act to exclude from its benefit any soldier who deserted, or who, in other words, quitted the military service without leave with the intention of not returning, certainly at any time before the 20th day of August, 1866, the date ascertained by the Supreme Court of the United States for the termination of the war.

No case has been brought to my attention of a volunteer soldier who enlisted "for three years or during the war" and deserted after that date. By that time nearly all the volunteer forces had been mustered out of service.

Inasmuch, therefore, as I consider myself prohibited by the act from removing a charge of desertion when it was originally entered correctly and in accordance with the facts, and as on the other hand the Secretary of War has always deemed himself authorized by law to remove or correct a charge when he was satisfied that the soldier in question had not committed the military crime of desertion as above defined, but not to remove it if correctly entered, it is considered that no increase of authority in removing charges of desertion has been given by the act. It may not be improper to add here that it has not been, as I am advised, the practice of the Department in any case to remove literally or expunge a charge of desertion. The record of a soldier once so charged will always show the fact that the charge was made. Any removal or change is merely indicated by a subsequent entry to that effect.

In response to the last inquiry, as to what additional legislation is deemed necessary to enable the Secretary of War to carry out the provisions of the first and second sections of said act, it will be necessary to consider the two sections separately. Under the first section of the act read alone it would be the duty of the Secretary of War in all cases to remove a charge of desertion now standing on the rolls against any soldier of the volunteer service who served in the late war if he served faithfully until the expiration of his term of enlistment or until the 22d day of May, 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty.

The section embraces all cases in the three classes, and that without regard to the length of their service previous to desertion. Its operation is, however, restricted by the last proviso of the fourth section, which says that no soldier who served in the Army a period of less than twelve months, or who intentionally deserted, shall be included in the benefit of the provisions of the act. In my opinion, therefore, further legislation repealing the last proviso of the fourth section is necessary to enable the Secretary of War to carry out the provisions of the first section.

No additional legislation is deemed necessary to carry out the provisions of the second section, as it stands alone, for the reason that it is not considered to give any new authority to the Secretary of War, as it merely directs the correction of the charge of desertion erroneously made. If, however, it did give such new authority, it should be remarked that the last proviso of the fourth section excludes from its operation soldiers who served less than twelve months.

The views which I have expressed as to the operation of the bill have not been reached without much reflection, and even hesitation, for they are in effect that the bill which passed the House on the 7th of April, 1882, the provisions of which were plain and harmonious, was, by two of the subsequent amendments, one in the second section and the other in the fourth section, so changed that as finally passed by Congress, instead of authorizing as it did when it first passed the House certain action in a particular class of cases for which authority did not before exist, it directly prohibited such action. No other conclusion has seemed to me possible without ascribing to the crime of desertion as referred to in this act some element as yet undefined in addition to those which have so long without question been held to complete the offense. I find no authority in the act for so doing.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
*Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MEMORANDUM.

The first section of the act of Congress approved August 7, 1882, entitled "An act to relieve certain soldiers of the late war from the charge of desertion," makes it the duty of the Secretary of War to cause the charge of desertion

against volunteer soldiers to be removed in cases where it shall be made to appear to his satisfaction, from the official records, or from other satisfactory testimony, that the soldier so charged had—

First. Served faithfully until the expiration of his term of enlistment;

Second. Had served until the 22d day of May, 1865; or,

Third. Was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, the Secretary being directed by this section to remove the charge of desertion in cases coming within its provisions where, by reason of absence from his command at the time it was mustered out, a soldier failed to be mustered out and to receive an honorable discharge.

The second section is simple in its provisions, and governs those cases in which the soldier returned after unauthorized absence and served faithfully, he never having intended to desert.

The third section directs the issue of a certificate of discharge upon the removal of the charge of desertion.

The fourth section, after providing for payment of withheld pay and bounty, provides that no soldier who served in the Army a period of less than twelve months or who intentionally deserted shall be entitled to the benefits of the provisions of this act.

The two principal questions raised under the act requiring decisions are as follows:

First. It is urged that no volunteer soldier who enlisted for three years or during the war can be properly held to have deserted after the 22d day of May, 1865. This is urged on the ground that, from the whole act, it appears that Congress has decided that the war ended on the 22d day of May, 1865. As the act now reads, it is certainly difficult to assign any good reason for the use of those words in the first section, but it would require more definite expressions of Congress than are to be found in the act to assign a date for the termination of the war other than the 20th of August, 1866, which is the date ascertained by a decision of the Supreme Court of the United States for its termination, under which the Attorney-General (16 Opinions, 675) decided that volunteer soldiers who in July, 1875, committed the acts constituting the crime of desertion, were properly charged with that crime. The Attorney-General said:

"So long as, in the judgment of the political department, the objects of the war had not been attained and secured, the Army was to remain upon the alert to resist any violence, direct or collateral, principal or incidental, that might arise to jeopardize success. In such a condition of things, it seems impossible to allow soldiers to draw distinctions involving the degree or direction of the professional service which they are to render."

Second. It has been suggested that in excepting from the benefits of the act soldiers who "intentionally deserted," Congress did not intend to except all soldiers who left the military service without permission with the intention of not returning, but that distinctions should be made, taken from the motives of the soldier, his own personal circumstances, or the situation and probable direction of the command of which he was a part, and that this intention of Congress is to be gathered from the whole act, and particularly from the use of the words "intentionally deserted," instead of the simple word "deserted."

I am not able to perceive any distinction between desertion and intentional desertion, desertion being a clearly defined military crime which can not be committed without intention. To desert is to quit the military service without leave and with an intent to remain permanently absent therefrom. If a soldier absents himself without leave, but there is in the case an absence of proof, either in his declarations or in the circumstances attending the act, or in his subsequent conduct, that he had the intention of not returning, his offense is not desertion, but absence without leave. If, therefore, it was, as urged, the intention of Congress that the charge of desertion should be removed from the record of a soldier (he having served at least twelve months) who served faithfully (1) until the expiration of his term of enlistment, or (2) until May 22, 1865, even if he then quitted the service with the intention of not returning, then, in order to carry out the actual legislative intention, it would be necessary to disregard the exception above mentioned as repugnant to the body of the act, for such a soldier intentionally deserted, and would be within the exception.

It is not, however, clearly within the meaning of the act, or any part of it, that it was to benefit a soldier who absented himself without leave with the intention of not returning, or in other words, who deserted. The act itself is not an act for the relief of deserters, but of those charged with desertion. A fair construction of the first and third clauses of the first section would seem to be that the absence referred to was of a character susceptible of explanation, and that the soldier, if present at the muster-out of his command, would have been entitled to an honorable discharge. Each case mentioned in the first section is carefully described not as a deserter, but as one "who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge," and if the deserters (or intentional deserters, if the expression is preferred) are excluded from the benefits of this act, it still describes a very large number of cases of soldiers charged with desertion, but against whom there is no evidence of desertion in its proper sense other than the charge on the rolls.

There would seem, therefore, to be no room for the application of the rule of construction which requires that an exception should be disregarded which is repugnant to the body of the act, and the charge of desertion will therefore not be removed in any case where it appears that the soldier, before the expiration of his term of enlistment, quitted the military service without leave with the intention of not returning, as, in my opinion, such removal is prohibited by the express terms of the act.

ROBERT T. LINCOLN,
*Secretary of War.*

WAR DEPARTMENT,
*December* 12, 1882.

I find in these communications that there is a widespread desire among many honorable and patriotic men to have these charges of desertion wiped out from the records of the War Department, and to have such parties placed on the muster-out rolls of the proper Department as being honorably discharged. By the said report of Secretary Lincoln it will be seen that the bill which passed the House during the Forty-seventh Congress was so amended in the Senate that it became wholly inoperative in giving relief in any case that came to the attention of the War Department—first, for the reason that it was held that no soldier could leave his regiment or the service without permission before the 20th day of August, 1866, the date ascertained by the Supreme Court of the United States as the date of the termination of the war, except the charge of desertion be attached, saving of course, that he quitted without the intention of returning; and I aver that none intended to return who left for home, wife, and loved ones after May 1, 1865.

The said Secretary in his said response, on the third page thereof, states, "It has been suggested that in excepting from the benefits of the act soldiers who 'intentionally deserted' Congress did not intend to except all soldiers who left the military service without permission with the intention of not returning, but that distinction should be made, taken from the motives of the soldier, his own personal circumstances, or the situation and probable direction of the command of which he was a part, and that this intention of Congress is to be gathered from the whole act, and particularly from the use of the words 'intentionally deserted,' instead of the simple word 'deserted.'"

The finding and conclusion of the Secretary of War was that he was unable to perceive any distinction between the words "intentionally deserted" and "deserted."

I have no desire to be a party to placing bounty-jumpers and willful deserters on the same footing as honorably discharged soldiers, but I hold to the statement that there were hundreds of patriotic men who had suffered all the ills and hardships and perils of war life, who could no longer resist the temptation to leave for home to see the loved ones and to care for, provide for, protect and cherish them, and therefore stood not on the order of going, nor had care of contingent results.

I here present a letter received by me from a soldier residing in my district, but who was detailed for service near the close of his term of enlistment, and at the date of the muster-out of his company he was far absent from the rendezvous of his command, and therefore failed to receive his proper vouchers for honorable discharge from service and is to-day accounted as a deserter.

This letter is accompanied by a certificate made and signed by the adjutant-general of the State of Wisconsin, certifying the fact of enlistment and such absence with no record of honorable discharge, which said certificate is in words and figures following, to wit:

BROWNSVILLE, IOWA, *March* 31, 1884.

DEAR SIR: I have a claim against the Government for services in the volunteer service as member of Company D, Thirty-ninth Wisconsin Regiment, for which I have never had any pay. I was on detached service in Madison until about four weeks before the regiment came home. I was then ordered to report to the regiment in Milwaukee, when they returned on the 12th of September, 1864. I enlisted in Company K, First Wisconsin Heavy Artillery, and was in Madison when the Thirty-ninth returned, and failed to get mustered out of the Thirty-ninth.

Will you please put the case before the proper Department, and oblige,

Very respectfully, yours,

J. B. NOBLE.

Hon. L. H. WELLER.

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STATE OF WISCONSIN, ADJUTANT-GENERAL'S OFFICE.

This is to certify that the records of this office show that James B. Noble, late a private in Company D, of the Thirty-ninth Regiment of Wisconsin Infantry Volunteers, enlisted at Burlington, Wis., on the 18th day of May, 1864, for the term of one hundred days; was mustered into the military service of the United States at Camp Washburn, Wisconsin, on the 3d day of June, 1864, by Capt. J. B. Collins.

There is no muster-out roll of Company D on file in this office, but the records of the office show that the Thirty-ninth Regiment was mustered out at Camp Washburn, Wisconsin, 22d day of September, 1864, on the expiration of its term of service.

The records further show that said soldier when enlisted was 18 years of age.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol in the city of Madison, this 8th day of March, A. D. 1884.

[SEAL.] C. P. CHAPMAN,
*Adjutant-General.*

I believe this bill is one that has already been too long delayed. Relief to such as are mentioned in the terms of this bill should have been granted long ago. Indeed, the stigma that now rests on their names can no longer serve the purposes of good government or invoke patriotism on the part of those that suffer under its baneful influences.

I was not at the front in the hour of our country's peril, but I had relatives there very near and dear to me. [Laughter.] Mr. Chairman, I will desist until we can have order in the committee.

The CHAIRMAN. The committee will be in order.

Mr. WELLER. And because of the sufferings and inflictions which I know they underwent, I desire that the relief proposed by this bill shall be granted, not only to such as may be near and dear to me, but also to the multitude who are of no kin but who served the country faithfully, but by reasons of rulings of a superior power and their lack of great and very particular caution, under the temptations which the circumstances of the then present occasion presented, they left the service without proper permit, and to-day are—not only themselves, but their relatives and friends also—under the stigma of desertion.

I am certain of the fact, Mr. Chairman, that there are thousands who went to the front and fought valiantly for the old flag and for the life of the nation who are now suffering under the stigma that rests against their names in the War Department.

Mr. HANBACK. Will the gentleman permit me to ask him a question?

Mr. WELLER. Certainly.

Mr. HANBACK. I understand you to say that you are interested in this bill because it applies to kinsmen of yours who are near and dear to you.

Mr. WELLER. I not only said that, sir, but I said also that I was interested in the bill because it applied to thousands of others who were not of blood kin to me and who had served their country faithfully.

Mr. HANBACK. Will you permit another question?

Mr. WELLER. Yes, sir.

Mr. HANBACK. Do I understand, then, that you have kinsfolk upon the rolls of the country who were deserters?

Mr. WELLER. I have [great laughter], and under this bill I want to say that they are relieved by proper form of law from an unjust stain. I want to say further, Mr. Chairman, in reply to the gentleman from Kansas, that I have kinsfolk that fought for the life of this Union in the hour of their country's peril, and who went through such sufferings as that they were inspired in the closing hours or days of the war to leave the Army to go to their homes to see mother or father or wife or children, and at a time or under circumstances that they had not time to return, had not time to get proper certificate or formal record of discharge, and the result was that they are placed upon the rolls as deserters. This was the case with men who were as true to the old flag as ever went to the front at any time. But yet to-day not only these people but their children and their children's children are living under the ban of desertion, and I would have them relieved of that stain.

The objection is made to this bill by the gentleman from New York [Mr. HISCOCK] that it will take millions of dollars out of the Treasury. I want to know what those millions are there for. I want to know why we shall not take these millions out and pay them to those that suffered for years as thousands did at the front. Too long have the soldiers been paid in undying gratitude; now let us pay him in hard cash, honest silver dollars. I want to say, Mr. Chairman, I believe that there is but one single objection that can be or will be urged, in very truth, to having these millions paid out of the Treasury, and that is that it would increase the volume of money in circulation. [Laughter.] I know what the effect upon the business interests of this country would be by increasing the volume of money in circulation. It would take the business interests of the great Northwest and the West and the Southwest and the South out of the hands of the Shylocks that control the finances and the commercial interests of this country, and they are to-day residing on Wall street in New York, and Chestnut street in Philadelphia, and have their syndicates scattered throughout all of the large cities of the Union. That is the great objection, and it is really the only objection that has in truth and fact been raised to passing the bill for the payment of back pay and bounty years ago.

Now, in the time that is left me I wish to read a petition that is being sent to me by the hundred from the soldiers of the Grand Army of the Republic. I have been trying, as was stated by the gentleman from Indiana [Mr. BROWNE], for weeks to get this petition before this House and secure for it an honorable place in the records of the proceedings of this body. I will now read it:

*To the Senate and House of Representatives*
*of the United States in Congress assembled:*

The undersigned, ex-soldiers and sailors of the late war, and their friends do most respectfully and earnestly petition your honorable bodies to enact the following laws:

First. To appreciate our pay to gold value at the time it was due, together with annual interest until paid.

Second. To equalize the bounties.

Believing that these measures are eminently just and, in accordance with promises, a very important part of the obligations which this great nation owes to its defenders, who went through untold hardships, dangers, and death, upheld her flag in the dark and trying hours of the rebellion, restoring her unity and all inherent interests secured thereby, enabling her people to resume with grander prospects the pursuits of happiness and prosperity unknown to any other nation, and hoping that the representatives of this Government will concur in the justice and equity of the above measures, your petitioners will ever pray.

It is true that by the aid of the gentleman from Indiana [Mr. BROWNE] I this morning received the recognition of having this petition, which I have tried here for weeks to have printed in the RECORD, so printed. I did not secure the printing of the names. I now propose, in my time, to read the names attached to this petition:

S. N. Brace, of Fredericksburg, Iowa; H. A. Pond, A. J. Warren, James Mitchell, Colonel Whitcomb, R. W. Kidder, William Case, R. B. Gardiner, M. P. Butler, R. D. Blake, Otis Lyze, J. D. Dahnall, J. Ellis, M. R. Benedict, B. B. Botler, M. V. Box, John Brockway, General Milo L. Sherman.

And here I wish to say in regard to the name of General Milo L. Sherman that not only did he go to the front in the hour of our country's peril, but he is recognized through the State of Iowa as among the most brilliant and patriotic of men that left home and all to follow and fight for the flag and to secure a victory for the nation as a union of States under a common constitution.

I now read the other names following:

Thomas Miner, John H. Ellison, H. B. Carpenter, John Dayton, Frank M. Appleberry, Joseph Ellison, Henry Beaver, E A. Churchill.

Not only these men whose names which I have read, but thousands of others have been praying in season and out of season to the Congress of the United States to grant the relief that is indicated in this petition. Why have they not had it all these years? There have been millions piled in the Treasury, locked up from circulation, doing no more good to the business interests of the country than would one-half or two-thirds of the life-blood circulating in our bodies if taken out and put in a receptacle and laid away. What has been the reason? I repeat, and I want to emphasize the statement, the only reason in the world is that to do justice to the soldiers would increase the volume of money in circulation and take the business interests of the country out of the hands of those who have been preying thereon for years, and who are at the head of every corporate monopoly that is sucking the life-blood out of the people.

Returning again to this bill, I will say I am in favor of the amendment proposed by the gentleman from Wisconsin [Mr. JONES]. While I am in favor of that, I will say that I only accede to it for the reason that I doubt whether the bill would pass without it. I have been most agreeably surprised to find that the gentlemen, with a few exceptions, on the Democratic side of the House have been generous, so far as my knowledge of their acts this session is concerned—have ever been generous in their propositions to aid the soldiers who were in the Union armies, while I find several gentlemen on the Republican side of the House who are making strong and determined opposition to the relief proposed by the terms of this bill, which terms, as I understand it, are practically indorsed by the present Secretary of War, Robert Lincoln.

I deplore it. I deplore the fact that any Republican can be found on this floor who is less willing to be generous, as indicated in this bill, than many others present who served under the confederate flag. The gentleman from New York [Mr. HISCOCK] makes a computation of the sum of money that it would take from the United States Treasury if this bill were to pass, and he and his compeers seem to be using every element of power and eloquence they are the possessors of to hold such soldiers who served so faithfully to the strict line and letter of the law that existed at the close of the war, yet making no allowance, proper, it seems to me, for circumstances surrounding, inducements presented that were an overpowering temptation to leave the service without such permits as would leave them an honorable standing among their fellows, who are in truth and fact no more worthy than they, but were the happy possessors of less impetuosity, more stolid indifference to home and home influences and home surroundings.

Why should we not give immunity to these men? Here we find those who served in the army against the Union, those who were in the army of the rebellion. But these confederates have been granted immunity, have had their political disabilities removed, the right of franchise restored, and that means a restoration of citizenship; and yet, forsooth, because of desertions under circumstances such as enumerated by the chairman of our Committee on War Claims [Mr. GEDDES] and others, no proper relief can be had as in my judgment ought to be granted. I can not see why such a distinction should be made, except that the one class could not hope for or expect to receive any dollars from the United States Treasury, while it is certain that the others would.

I had a brother who was in the Army. He served faithfully beyond his term of enlistment; he was weary and sick with forced marches, bad provisions, worse water, and outrageous lack of attention; he had been anxiously looking and longing for the time to come when he could leave the service and go to his home and see mother. He was heart-broken with homesickness, and when the news came that he was to be permitted to go, to leave for home—he was then on the shores of the Mississippi River—he started to the boat-landing with others, and I am informed by one who claimed to be an eye-witness that he died with overjoy, coupled with physical weakness, and was there hurriedly buried.

It requires no stretch of imagination to come to the conclusion that only a slight inducement coupled with favorable circumstances would have induced my brother John to have deserted the service as thousands did, concluding that their time was fairly out, or that the war was really at an end, or the more potential reason that absence from home and the loved ones for months or years had induced conditions of mind and body such as to subject their judgment to its ruling sway, and moved them to disregard a wiser course, perchance, and await the red-tape methods of the officials under whom they served.

In conclusion, I desire to state my hope that the Democratic side of this House will show its magnanimity, in return for the immunity granted to the confederate soldiers by restoration of citizenship and as they have in other instances of like character this session, to the soldiers and vote for this bill. If opposition must come, I hope it will come as it appears so far to have come, from the Republican side of this House as represented by the two gentlemen from Indiana [Messrs. STEELE and BROWNE] and the gentleman from New York [Mr. HISCOCK].

[Here the hammer fell.]

Mr. STEELE. I yield three minutes to my colleague from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. I will employ, Mr. Chairman, the three minutes allotted to me in asking the attention of the committee to an amendment which I now offer, if it be in order. If not in order now, it will be when the bill comes to be considered by paragraphs for amendment. I hope the committee will give attention to its reading.

The Clerk read as follows:

Strike out the first and second sections and insert:

"That the Secretary of War is hereby authorized and directed, in his discretion and upon satisfactory evidence, to relieve from the charge of desertion the following:

"First. Men charged with desertion who voluntarily returned within thirty days and served honorably to the end of their term of service.

"Second. Men who deserted from hospital, or from furlough given from a hospital, while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily to the service, and served honorably until discharged, or who died from such wounds.

injuries, or disease while so absent, and before the date of muster-out of their regiments.

"Third. Men who returned under the President's proclamation and served honorably until discharged.

"Fourth. Men who left the service without proper authority (and thereby became deserters) for the purpose of relieving their families residing within the enemy's lines from distress or want, and who returned voluntarily and served honor ably until discharged.

"Fifth. Men who, while awaiting exchange, deserted from parol camp, or while on furlough from a parol camp or other authoritative source, and who voluntarily returned and served honorably until discharged.

"Sixth. Men who deserted from a furlough given by any authoritative source, and who, during such absence died from wounds inflicted by the enemy or disease contracted in the service before the muster-out of their commands."

Mr. BROWNE, of Indiana. If I have any time remaining I will return it to my colleague [Mr. STEELE].

The CHAIRMAN. The gentleman from Indiana [Mr. STEELE] has twelve minutes of his time remaining.

Mr. WARNER, of Ohio. I hope the gentleman from Indiana [Mr. BROWNE] will include in his amendment those also who left their regiments after the close of the war, which I believe was May 25, 1865.

Mr. STEELE. I now yield five minutes to the gentleman from California [Mr. ROSECRANS].

Mr. ROSECRANS. There are a few points to which I desire to call the attention of the Committee of the Whole. The first is that the Committee on Military Affairs had before it some fifty or sixty private bills for correction of muster-rolls and for relief in cases of this kind. All of those bills were considered by the committee and a general bill prepared and reported to the House which it was believed would cover almost all the cases before the committee. That bill was House bill No. 4383, and it passed the House on the 18th of February last.

Since we reported that bill we have learned of two or three other classes of cases which were not covered by it and which probably ought to have been included. As the main provisions of that bill were carefully considered and adapted to secure substantial justice without opening the door too widely, and as the bill is now before the Senate, I think legislation satisfactory to almost all gentlemen on this floor whose friends through them have been asking for relief can be more speedily reached by the proper amendments to be made in the Senate. I think the bill of the House, properly amended by the Senate, will meet the additional cases which had escaped our attention.

With regard to the bill now before the Committee of the Whole, section 1 proposes to correct the record of any "soldier who served faithfully until the expiration of his term of enlistment, or until the 22d day of May, A. D. 1865." If that shall pass it will provide for those proper and just cases where soldiers technically deserted after the 25th of May. There may be a great many bad cases that would be included, but I think words can be chosen so as to exclude the bad ones and give relief to the others.

Section 2 of the bill as it now stands will open a very wide door. It provides for granting relief to any soldier charged with desertion who "voluntarily returned to his command or who subsequently enlisted in another regiment or company and served in the line of his duty until he was mustered out of the service and received a certificate of honorable discharge." That would admit those who deserted for the purpose of re-enlisting and gaining a bounty. I will send up to be read an amendment which I wish to offer to section 2, if it be now in order.

The CHAIRMAN. The bill is not now open to amendment.

Mr. ROSECRANS. I ask that it be read as a portion of my remarks, and give notice that I will offer it at the proper time.

The Clerk read as follows:

Insert, after the words "who subsequently enlisted in another regiment or company," the words "without having done so to escape punishment for misconduct, or without having received any bounty or pecuniary reward therefor."

Mr. ROSECRANS. For reasons which I have already stated to the committee, in my opinion we shall reach the results which are desired by the friends of good and honest soldiers by a shorter process if we lay this bill aside and do nothing with it, and depend upon having inserted in the House bill now before the Senate the amendments which can be shown to be just and proper, or to have the proper amendments made after the bill shall have been returned to the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEELE. The gentleman from Nebraska [Mr. LAIRD] in his remarks on Friday last, referring to me, said that his experience with bounty-jumpers had probably not been so great as mine. And the gentleman from Illinois [Mr. ROWELL] to-day said the same thing. Now, I want to say to those gentlemen that they can perhaps reflect upon me, but they can not reflect upon my regiment.

I served from April 23, 1861, until the close of the war, and nearly ten years subsequently, and I say that no man, I care not where he comes from, ever served with more gallant men than I did, both in the volunteer and in the regular service. From first to last there were 1,560 names on the rolls of the regiment to which I belonged; and when we came to be mustered out in July, 1865, there were but three hundred and fifty-five of them left, and there had been only sixteen desertions from the regiment.

I belonged to an army and to a regiment that were never whipped. We had no bounty-jumpers; we had no men who deserted and enlisted again. I did not belong to an army that on the 29th day of August, 1862, lay within the sound of our own guns and the sound of the enemy's guns without ever moving a foot to the assistance of their fellow-soldiers. I can not say as much for the gentleman from Nebraska. I do not lay the fault with him or his comrades, but to his corps commander; but I say that I was fortunate in not being with such a command.

If my regiment was whipped at all, it was because the army of Chickamauga was whipped in 1863. If we were whipped then, my regiment and probably my division was whipped. But I give you my word of honor that I did not know it, nor did my regiment know it until after we had marched back to Rossville, Ga., where we arrived after midnight on the 20th of September, 1863, and no regiment of that gallant army left the Chickamauga field after mine.

Now, a word in regard to all this slopping over about the soldiers and the quoting of the gentleman from Indiana as having a heart steeled against them. Do gentlemen recollect that on the 8th day of February I reported back to this House ninety bills looking to the removal of charges of desertion; that I had examined every one of those bills, examined them carefully, and in their stead reported back a general bill which has been passed by this House, and which covered every meritorious case? Of those ninety cases only three were cases of men who had enlisted in one regiment and then deserted from it and gone to another. I have introduced and by direction of my committee reported a bill mustering officers and enlisted men who were commissioned and not mustered through no fault or neglect on their part, and it passed the House. I have introduced and by direction of my committee have reported a bill, which is on the Calendar and I hope will pass, that make enlistment, acceptance into service, sufficient evidence of soundness prior to enlistment and give arrears to soldiers and widows who have applied or may since July 1, 1880; also, a bill to equalize the bounties—a sufficient answer, I hope.

But, Mr. Chairman, men who after enlisting in one regiment deserted and enlisted in another regiment have not the temerity as a rule to come here and ask for relief, because they in most cases belonged to the class of men known as "bounty-jumpers." You say by this bill if a man enlisted in one regiment and re-enlisted in another, that it should not be treated as an offense. I grant you that there are instances of that kind where no blame may attach; but suppose a man enlists in one regiment as "Smith" and deserts, enlists in another regiment as "Jones" and deserts, enlists in another regiment as "Brown" and deserts, and so on until finally when the war closes he occupies a position probably as teamster, hospital nurse, or some other position involving no danger; should the charge of desertion against him be removed because at last he received an honorable discharge, although during the course of the war he may have re-enlisted twenty or thirty times, receiving a bounty each time? How are you going to find out that such was not the fact? There is no way of doing it.

Why, sir, at Indianapolis, Ind., while the bounty-jumping was going on, there was a case in which four men were shot; and one of those men—my friend from Ohio [Mr. WARNER] will remember the case—confessed that he had deserted and re-enlisted thirty times. In New York, as I have been informed upon authority which I do not doubt, men went from one recruiting office to another, enlisting again and again, making it a matter of business and realizing large amounts of money, though probably they never went to the front until the close of the war.

Another objectionable feature in this bill is that it requires no service. A man may have enlisted on the 15th of May and deserted on the 23d of the same month without having performed any service; yet this bill relieves him.

I wish to say that in the bill already passed provision is made that where men served conscientiously till the close of the war and then in the exuberance of their joy, after May 1, 1865, went home to their families without awaiting formal discharge, the charge of desertion shall be removed. That class of men is provided for by the bill already passed. It also——

The CHAIRMAN. The time of the gentleman has expired. The time for general debate, as limited by order of the House, has now expired. The first section of the bill will now be read, after which the bill will be open for amendment.

The first section of the bill was read, as follows:

*Be it enacted, &c.*, That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 22d day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

Mr. BROWNE, of Indiana. I desire to offer a substitute for both the first and second sections. May I make that motion now, or must I wait until the second section has been read?

Mr. HOBLITZELL. I have an amendment to the first section.

Mr. DINGLEY. I desire to offer an amendment to the first section.

Mr. BROWNE, of Indiana. I move to strike out the first section and insert the provision which I send to the desk.

Mr. DINGLEY. Are not amendments designed to perfect the section in order before a substitute? I send up such an amendment.

The CHAIRMAN. The gentleman from Indiana proposes to strike

out the first section altogether and insert a new provision. That motion may be pending; but before the question is taken on striking out the first section amendments to perfect that section are in order. The gentleman from Maryland proposes an amendment to perfect the first section, which will be read, after which the Chair will recognize the gentleman from Maine [Mr. DINGLEY].

Mr. STEELE. I rise to a parliamentary inquiry. This bill being the substance of another bill already passed, would a point of order lie against its further consideration?

The CHAIRMAN. The Chair thinks that the point of order comes too late. The consideration of the bill has already proceeded.

Mr. BROWNE, of Indiana. Another good reason why the point of order would not lie is that this bill is not like the one already passed.

The CHAIRMAN. The Chair will not consider that question any further. The amendment of the gentleman from Maryland [Mr. HOBLITZELL] will be read.

The Clerk read as follows:

In line 10 strike out "22d" and insert "1st," so as to read "until the 1st day of May, 1865."

Mr. HOBLITZELL. This amendment is necessary in view of the fact that the disbandment of the Army of the Potomac was at an earlier date than that of the Army of the Southwest.

Mr. DINGLEY. That amendment is similar to the one which I sought to offer. I hope it will be adopted. It simply puts the first section in the same shape in which it passed this House in the Forty-seventh Congress.

The amendment of Mr. HOBLITZELL was agreed to.

Mr. BROWNE, of Indiana. I move to strike out the first section of the bill and in lieu thereof to insert what I send to the Clerk's desk to be read.

The Clerk read as follows:

That the Secretary of War is hereby authorized and directed, in his discretion and upon satisfactory evidence to relieve from the charge of desertion the following:

First. Men charged with desertion who voluntarily returned within thirty days and served honorably to the end of their term of service.

Second. Men who deserted from hospital, or from furlough given from a hospital, while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily and served honorably until discharged, or who died from such wounds, injury, or disease while so absent and before the date of muster-out of their regiments.

Third. Men who returned under the President's proclamation and served honorably until discharged.

Fourth. Men who left the service without proper authority and thereby became deserters for the purpose of relieving their families residing within the enemy's lines from distress or want, and who returned voluntarily and served honorably until discharged.

Fifth. Men who, while awaiting exchange, deserted from parol camp, or while on furlough from the parol camp or other authoritative source, and who voluntarily returned and served honorably until discharged.

Sixth. Men who deserted from a furlough given by any authoritative source, and who during such absence died from wounds inflicted by the enemy or disease contracted in the service before the muster-out of their commands.

Seventh. Men who deserted or left one command solely for the purpose of joining another, and did join another command within thirty days thereafter and served until the end of the war and were honorably discharged.

Mr. BROWNE, of Indiana. Mr. Chairman, the first six clauses contemplated by the amendment are those suggested by the Secretary of War, and if gentlemen of the committee have paid attention to the reading of the amendment they will have discovered it includes certainly every possible case of merit. But it was thought by gentlemen the classes suggested by the Secretary of War did not sufficiently include those men who were to be relieved by the bill, and I therefore inserted a seventh class, covering those who deserted one command solely for the purpose of joining another command and who did join such other command within thirty days thereafter and served until the end of the service and were honorably discharged. I do not in these classes exclude, except by the word "solely," those who may have deserted for the purpose of procuring an additional bounty. But certainly the word "solely" is sufficiently comprehensive.

All these cases are left subject to the Secretary of War, just where they should be. It is impossible by arbitrary terms to define just such persons as are entitled to this relief. There is no better tribunal to which these may be left than to the Secretary of War and to his Adjutant-General, because they will be reviewed by the Adjutant-General to be submitted for the action of the Secretary of War. So the amendment provides for the relief of seven separate and distinct classes, including the class named by this original bill, and leaves the relief in every instance to the Secretary of War, who shall judge of the propriety of giving it on the evidence which may be submitted to him.

I do not think there is any gentleman here who fears in this regard the present Secretary of War or any other who may succeed him of either of the two political parties. I do not know of what political party the next Secretary of War may be, and so far as this question is concerned I do not care.

The CHAIRMAN. The gentleman's time has expired.

Mr. WARNER, of Ohio. I desire to offer an amendment to the amendment.

The CHAIRMAN. The amendment of the gentleman from Indiana is a substitute for the first section.

Mr. WARNER, of Ohio. I have an amendment to come in at the end of the seventh class in the gentleman's amendment, and also another amendment to be added as an eighth class.

The CHAIRMAN. The Clerk will read the first amendment to the amendment, proposed by the gentleman from Ohio.

The Clerk read as follows:

Add at the end of the seventh class "and who received no other additional bounty under such second enlistment."

Mr. WARNER, of Ohio. That makes it conclusive. If the motive for desertion was to obtain the large local bounty offered in 1864, then I think they ought not to have the benefit of this bill.

Mr. STEELE. Let me ask the gentleman a question. Suppose a man on the first enlistment did not get any bounty?

Mr. WARNER, of Ohio. I have used the words "additional bounty" in my amendment.

Mr. STEELE. That would be no additional bounty, because it would be his first bounty.

Mr. WARNER, of Ohio. I can not yield. The classes named in the amendment of the gentleman from Indiana ought all of them to be relieved from the charge of desertion, but beyond that men who left their regiments after the war ended, after the proclamation announcing the war was closed, many of whom said their obligations to the Government were over, having fought gallantly to its close, who in sight of their homes left their commands, should also be relieved.

They left for no other motive than merely to get back home. Such persons, as is well known, left for other motives frequently than the mere object of getting out of the Army. Some of the soldiers left sweethearts behind them and were in a hurry to get home, and I do not blame them. All such classes ought to be relieved from the charge against them. It was not desertion in the strict sense of that term. But that class of men who deserted for the sake of re-enlisting in order to draw the large bounties offered, and especially that class who went in gangs, as we know they did in 1864, under the last call of the President, from city to city, from capital to capital, and from rendezvous to rendezvous, enlisting, drawing the local bounties and deserting the same day, going with their attendants from place to place, ought to be excluded; and we must be more careful in drawing a bill of this character so as not to admit such classes to the benefits which it proposes to grant to worthy men. We must not give a bounty for desertion. That is dishonoring the honorable soldier who did his duty faithfully.

This bill, I think, ought really, then, to be recommitted to the committee, and when the proper time comes I shall make a motion to that effect, in order that it may be thoroughly revised.

Mr. HEWITT, of Alabama. Will the gentleman permit me to ask him, how can it be possible to find out whether persons who received bounty deserted or not?

Mr. WARNER, of Ohio. It is easy to know it where they received that bounty from the General Government. It is more difficult to ascertain in reference to the local bounties. But I will state to the gentleman from Alabama that in most of the States there are records still accessible, and from which a great deal of information can be obtained upon the subject.

Mr. HEWITT, of Alabama. But did not the bounty-jumpers enlist under different or assumed names?

Mr. WARNER, of Ohio. Yes, as a rule. They enlisted in one regiment under one name, and then deserted and joined another, perhaps under a different name. Or they deserted after enlisting without being assigned to a regiment; and there are cases where men who had deserted after enlisting again enlisted and served to the end of the war under the name of their final enlistment and obtained an honorable discharge under that name. How many would come under the provisions of this bill I do not know. But none of the class that I have mentioned ought to be permitted to enjoy the benefits it confers. There are a few that left their regiments and re-enlisted in other regiments, perhaps intending to desert when they left, but reconsidered the idea and served during the war. I have no objection to relieving them, but I desire to exclude the class of bounty-jumpers totally; they should never be relieved.

Mr. DINGLEY. Mr. Chairman, I want to ask the gentleman from Indiana [Mr. BROWNE] whether in offering this proposed amendment it is designed to be an addition to the bill which was recently passed by the House, the bill No. 4383, that passed the House on the 18th of February?

Mr. BROWNE, of Indiana. That, if the gentleman from Maine will remember, is a bill which covers the point of desertion subsequent to the 1st of May, 1865. As that point is covered in that bill, I do not think it necessary to include it in this amendment.

Mr. DINGLEY. Then I understand this is not a substitute for the bill that was passed?

Mr. BROWNE, of Indiana. Certainly not; it is supplementary to the other bill.

Mr. DINGLEY. I now yield to my colleague from Maine.

Mr. BOUTELLE. Mr. Chairman, I desire to offer an amendment in the form of an additional section.

The CHAIRMAN. The Chair will state that that is not in order now. There is an amendment to the amendment now pending, and an additional section can not be offered until we get through with the

bill. The question is on agreeing to the amendment of the gentleman from Ohio to the amendment offered by the gentleman from Indiana.

Mr. STEELE. I move to strike out the last word simply to ask my colleague from Indiana in what particular point his amendment differs from House bill 4383, already passed?

Mr. BROWNE, of Indiana. Was the interrogatory addressed to me?

Mr. STEELE. It was.

Mr. BROWNE, of Indiana. I think if my colleague had listened to the reading of my amendment he would not have needed to ask the question.

Mr. STEELE. It was impossible to hear it in this part of the Hall.

Mr. BROWNE, of Indiana. He would have seen that it differed in many and very material respects from the bill to which he refers. The bill to which he refers is a bill, if I understand it correctly, that simply relieves from the charge of desertion those who left their commands subsequent to the close of the war. It relieves that class only, and my amendment leaves that class solely out. This is one of the differences I think my colleague will understand.

The CHAIRMAN. The Chair will state that an amendment to the amendment is now pending, and the gentleman from Indiana is speaking by unanimous consent only. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add at the end of class 7 the following:
"Who received no additional bounty under such second enlistment."

Mr. BROWNE, of Indiana. If I am permitted to do so, I am willing to accept that amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Indiana will be considered as modified by the acceptance of the amendment just read.

There was no objection.

Mr. STEELE. Mr. Chairman, now I move to strike out the last word. The bill No. 4383 does include another class of men. It includes the class that went home—deserted, if you please—and who returned under the President's proclamation and served to the close of the war. It relieves them where they voluntarily returned and provides that the charge of desertion shall be removed, although the provision of the bill was more particularly intended for soldiers who, by their officers' permission, went home to look after suffering families or to bury some relative, or for other causes, and then voluntarily returned and served until they were killed or until the close of the war.

The bill now in the Senate passed by the House covers that class of cases. This bill No. 4383 in addition makes it incumbent on a man to have served at least six months before he shall have any benefit from the provisions of the bill. The bill that is proposed here does not make any limit. If a man had enlisted on the 15th of May, or even on the 21st, and deserted on the 22d day of May, although he might have received a thousand dollars bounty and seen no prior service, he would come under the provisions of the bill under consideration. These men who had seen no service should have gone down to Texas as part of the army of observation, as it was called, and those men who had served through and till the close of the war ought not to have been called to go down there. The bill which passed the House provides they shall have seen six months' service before they can have the benefit of the act.

Mr. ROGERS, of Arkansas. I move to strike out the last word. I would like the Clerk to read the first clause of the amendment offered by the gentleman from Indiana [Mr. BROWNE].

The Clerk read as follows:

First. Men charged with desertion who voluntarily returned within thirty days and served honorably to the end of their term of service.

Mr. ROGERS, of Arkansas. The suggestion I make to the gentleman from Indiana is that I think the phraseology should be "who voluntarily returned to their command."

Mr. BROWNE, of Indiana. I think so, too; and I will be glad if the committee will give consent to the insertion of those words.

The CHAIRMAN. If there be no objection, the amendment will be modified in accordance with the suggestion of the gentleman from Arkansas accepted by the gentleman from Indiana.

There was no objection.

Mr. ROGERS, of Arkansas. One other suggestion I desire to submit to the consideration of the committee. It is whether or not the recognition of the principle of allowing a man to desert one branch of the service and go into another branch of the service has not in its very nature a tendency calculated to impair the efficiency of the service. So far as I am concerned, I would not recognize that principle. If you permit men to go from the cavalry into the artillery, from the artillery into the cavalry, from the infantry into the artillery, from the artillery into the infantry, you can not uphold the discipline of the Army. I say we should not recognize that principle. If these gentlemen who are dealing with the cases of their comrades are disposed to recognize it I am willing to go with them; at the same time stating to them I think it is a bad principle and one that ought not to be recognized, and that will result in the end in impairing the efficiency of the service.

Mr. HOBLITZELL. I offer as an amendment to the amendment of the gentleman from Indiana what I send to the desk.

The Clerk read as follows:

*Provided*, That no soldier shall be entitled to the benefits of this act against whom more than one charge of desertion shall be found to exist: *And provided further*, This act shall apply to the Navy as well as the Army.

Mr. HOBLITZELL. I understand the gentleman from Indiana [Mr. BROWNE] has no objection to that being incorporated with his amendment.

Mr. BROWNE, of Indiana. I accept the gentleman's amendment. And I move to strike out the last word for the purpose of saying a few words further.

Mr. CURTIN. I wish to understand from the gentleman from Indiana whether he has accepted the amendment of the gentleman from Maryland [Mr. HOBLITZELL]. According to that amendment, if a man is charged with desertion, merely charged with it, he is excluded. I think the gentleman should not accept that amendment.

Mr. BROWNE, of Indiana. I ask the Clerk to report again the amendment offered by my friend from Maryland, that I may see whether it is subject to the criticism of the distinguished gentleman from Pennsylvania.

The Clerk read as follows:

*Provided*, That no soldier shall be entitled to the benefits of this act against whom more than one charge of desertion shall be found to exist: *And provided further*, This act shall apply to the Navy as well as the Army.

Mr. BROWNE, of Indiana. I think my friend from Pennsylvania is correct, and I hope the gentleman from Maryland will consent that the phraseology shall be changed.

Mr. CURTIN. I would suggest that in place of the words "found to exist" the language should be "established by sufficient proof."

Mr. KASSON. The word "proved" would cover what the gentleman desires.

Mr. HOBLITZELL. I accept the suggestion and modify the amendment so that it shall read "against whom more than one charge of desertion shall be proved."

Mr. BROWNE, of Indiana. I think I can meet some of the suggestions made by some of the gentlemen about me. This whole bill, if this amendment shall be approved by the committee, submits the questions arising under the several clauses, including persons to whom relief may be given, to the discretion of the Secretary of War. It does not arbitrarily determine that any one person coming within any one of these classes shall have the relief simply because he belongs to the class, but allows the Secretary of War to hear the evidence in the case in whatever shape it may reach him, and determine when he has the whole question before him; first, does the soldier belong to one of the classes contemplated by this legislation; and, secondly, are the surroundings in this particular case such as to commend it to the clemency of the War Department? I think it is left just where it ought to be left. We can not by adopting any arbitrary language give relief to those who ought to have it and exclude from it those who are entitled to it. But when we have fixed a class and authorized a tribunal to determine upon the evidence, then we may hope that those only who merit clemency will receive it.

Mr. HISCOCK. I desire to ask the gentleman from Indiana whether he thinks this power should be given to the Secretary of War or to the Commissioner of Pensions? I do not know, myself. I only ask the question for information and desire to call the gentleman's attention to it.

Mr. BROWNE, of Indiana. By all means it should be given to the War Department.

Mr. KASSON. Where the records all are.

Mr. BROWNE, of Indiana. In the first place, because the War Department has exclusive control of the records; and in the second place because the War Department is presumed to understand something about military law, while the Commissioner of Pensions may be a mere civilian.

Mr. HISCOCK. Let me ask the gentleman this question——

Mr. STEELE. I desire to have read for the information of the Committee of the Whole the bill which has already passed the House, so that gentlemen may fully understand its provisions. That bill provides that all which may be done shall be done in the discretion of the Secretary of War. I ask that the bill may be read as a part of my remarks.

Mr. HISCOCK. I desire to make this suggestion to the gentleman from Indiana [Mr. BROWNE]. It is very likely that under one of the provisions of this bill the question of desertion will be established by proof outside of the record. I imagine that in most cases the class of persons who enlisted then deserted and re-enlisted were persons who re-enlisted under different names from those under which they originally enlisted. I wish to suggest whether the Pension Bureau would not be more apt to have that kind of evidence than the War Department.

Mr. STEELE. I ask to have read as a part of my remarks the bill which I have sent to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

*Be it enacted, &c.*, That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in

all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave, and after such charge of desertion or absence without leave voluntarily returned to his command and served in the line of his duty until he was mustered out of the service, and received a certificate of honorable discharge.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence: *And provided further*, That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than six months shall be entitled to the benefit of the provisions of this act. That the provisions of this act shall apply also to the soldiers of the war of 1812, Black Hawk war, and the war with Mexico.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. PERKINS. I desire to say a word in opposition to the amendment which was offered by the gentleman from Maryland [Mr. HOBLITZELL], and to suggest to him that I have prepared an amendment to be offered to the second section of this bill, and for that reason I hope he will not insist upon his amendment to the first section. I ask that the amendment I have prepared may be read by the Clerk.

The Clerk read as follows:

Add to section two the following:

"*Provided*, That no such soldier shall be entitled to the benefits of this act against whom more than one charge of desertion shall be found to exist, or who obtained more than one bounty, or when it shall appear that the cause of desertion was to obtain a bounty for re-enlistment."

The CHAIRMAN. The Chair will suggest to the gentleman from Kansas [Mr. PERKINS] that the amendment submitted by the gentleman from Maryland [Mr. HOBLITZELL] has been accepted by the gentleman from Indiana [Mr. BROWNE] as a portion of his amendment.

Mr. PERKINS. I did not know that the amendment of the gentleman from Maryland [Mr. HOBLITZELL] had been accepted by the gentleman from Indiana [Mr. BROWNE]. I desired to suggest that that amendment to this section be not insisted upon, but that I may be permitted to offer to the second section the amendment which has been read.

I desire to say, Mr. Chairman, that it is my judgment that this bill is not open to the criticisms of the gentleman from New York [Mr. HISCOCK] and of other gentlemen who have addressed the committee. It has been suggested that when men deserted from one organization and enlisted in another they re-enlisted under assumed names; that, for instance, a man would enlist under the name of "Smith," and then would desert and re-enlist in another regiment under the name of "Jones." The provisions of this bill would not be applicable to cases of such men. It must be made to appear that a man who enlisted and then deserted re-enlisted in some other organization and served in it and was honorably discharged. If a man enlisted in one regiment as "Smith" and then deserted and re-enlisted in another regiment as "Jones," he could not make it appear that "Smith" had served in another organization until honorably discharged. In order to avail himself of the benefits of this bill he must show that he deserted and served in a subsequent organization until honorably discharged; and he could not show that "Jones" was the identical man who deserted as "Smith."

Mr. BROWNE, of Indiana. I think the gentleman is right.

Mr. PERKINS. The amendment I suggest is that when it is made to appear that a man has deserted more than once, or that he has received more than one bounty, or that he deserted in order that he might secure a bounty for re-enlistment, he can not avail himself of the benefits of this act.

Mr. BOUTELLE. As the proviso offered by the gentleman from Maryland [Mr. HOBLITZELL] including the Navy in the operations of this act may be open to the criticism of being somewhat vague, and as the Marine Corps is not technically covered by the term "Navy," I desire to ask him to accept a substitute for his proviso which will cover the ground more fully.

The CHAIRMAN. The proposition of the gentleman from Maryland [Mr. HOBLITZELL] has been accepted by the gentleman from Indiana [Mr. BROWNE], and is included in his amendment.

Mr. BOUTELLE. I will ask that my amendment be read.

The Clerk read as follows:

*Provided*, That the Secretary of the Navy shall be, and is hereby, authorized and empowered to apply the provisions of this act to all cases of appointed or enlisted men of the Navy and of the Marine Corps who served in the late war.

Mr. HOBLITZELL. I see no objection to that.

Mr. BROWNE, of Indiana. I think that is right, and if I can do so I will accept it as a part of my amendment.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Maine [Mr. BOUTELLE], and which has just been read, will be considered a part of the amendment of the gentleman from Indiana [Mr. BROWNE]. And the amendment of the gentleman from Indiana as modified will now be read.

The Clerk read as follows:

Strike out all of the first section after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed, in his discretion and upon satisfactory evidence, to relieve from the charge of desertion the following:

"First. Men charged with desertion who voluntarily returned to their commands within thirty days and served honorably to the end of their term of service.

"Second. Men who deserted from hospital or from furlough given from a hospital while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily to the service and served honorably until discharged, or who died from such wounds, injury, or disease while so absent, and before the date of muster-out of their regiments.

"Third. Men who returned under the President's proclamation and served honorably until discharged.

"Fourth. Men who left the service without proper authority, and thereby became deserters, for the purpose of relieving their families residing within the enemy's lines from distress or want, and who returned voluntarily and served honorably until discharged.

"Fifth. Men who while awaiting exchange deserted from parol camp, or while on furlough from a parol camp or other authoritative source, and who voluntarily returned and served honorably until discharged.

"Sixth. Men who deserted from a furlough given by any authoritative source, and who during such absence died from wounds inflicted by the enemy or disease contracted in the service before the muster-out of their commands.

"Seventh. Men who deserted or left one command solely for the purpose of joining another and did join another command within thirty days thereafter and served until the end of the war and were honorably discharged, and who received no additional bounty under such second enlistment: *Provided*, That no soldier shall be entitled to the benefits of this act against whom more than one charge of desertion shall be proved: *And provided further*, That the Secretary of the Navy shall be, and hereby is, authorized and empowered to apply the provisions of this act to the cases of appointed or enlisted men of the Navy or Marine Corps who served in the late war."

Mr. HOBLITZELL. I suggest to the gentleman offering this proposition that the word "established" be substituted for the word "proved."

Mr. KASSON. The meaning is the same.

Mr. WARNER, of Ohio. The amendment as just read does not include that class of men who left their regiments after the war was all over.

Mr. CUTCHEON. They are covered by the other bill.

Mr. BROWNE, of Indiana. I intentionally omitted that class of men, because they are provided for by another bill which has passed this House and is now in the Senate.

Mr. WARNER, of Ohio. Does not that bill include also several of the classes embraced in the amendment of the gentleman from Indiana?

Mr. BROWNE, of Indiana. No, sir.

Mr. WARNER, of Ohio. I think it does. Besides, I supposed this was probably intended to be a bill which, if passed by the House and the Senate, would be the only act on this subject.

Mr. CUTCHEON. I desire to call the attention of the Committee of the Whole, and especially the gentleman from Indiana who offers this substitute, to what seems to me to be an omission. I listened carefully to the reading, but as I heard the substitute it is not limited to any war or to any particular period, nor is it specified whether it applies to volunteer forces or the regular Army or to both. I would ask that the first part of the substitute be read again, so that we may see whether it is limited in that respect.

Mr. STORM. The bill contains that limitation.

Mr. PETERS. There is no reason why the substitute should be limited to any particular war. If the principle is correct in relation to the last war, it is correct in relation to all our wars.

Mr. WARNER, of Ohio. I move to amend the amendment of the gentleman from Indiana [Mr. BROWNE] by inserting before the classification the words "or who left their regiments after May 1, 1865."

Mr. HISCOCK. It seems to me that in view of the suggestion made by the gentleman from Michigan [Mr. CUTCHEON] and other suggestions which have been made on the floor, the wisest policy for this Committee of the Whole is to recommend to the House that the bill be recommitted to the committee which originally reported it, and that when reported back to the House it take its present place upon the Calendar, and stand precisely as it stands to-day, as the unfinished business on the Private Calendar. This course will delay the bill only a week; and the advantage to be gained is that the committee which originally framed the bill will be able to consider it in connection with all these amendments and suggestions, and also to examine it in connection with the bill on the same subject already passed by the House; so that when this bill shall be finally passed we shall not be repeating ourselves in legislation. I move therefore that this bill be reported to the House with a recommendation that it be recommitted, and when reported, with or without amendments, it shall retain its place on the Private Calendar as unfinished business.

Mr. HAMMOND. I rise to a parliamentary inquiry. This bill is

now confessedly on the wrong calendar. Now, I ask whether a motion can be entertained that when the bill comes back to the House it shall again go upon the wrong calendar?

The CHAIRMAN. The chairman of the Committee of the Whole has nothing to do with that question.

Mr. HAMMOND. I wanted to call the attention of the House to that point.

Mr. HOUK. If the gentleman from New York [Mr. HISCOCK] will modify his motion so as to require that the Committee on War Claims, to whom he proposes to recommit the bill, shall report it back not later than next private-bill day, and that the bill shall then take its present place on the Calendar, I, as one of the friends of this bill, will vote for his motion.

The CHAIRMAN. The motion of the gentleman from New York is not in order. The only motion which the Chair can entertain is a motion to amend or to strike out the enacting clause.

Mr. HISCOCK. Is it not in order to move that the bill be reported to the House with a certain recommendation?

The CHAIRMAN. That is not in order.

Mr. BUCKNER. The Committee of the Whole can rise with the view of taking such action in the House.

Mr. McMILLIN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and particularly the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion, and had come to no resolution thereon.

Mr. JONES, of Wisconsin. I move that the bill, with the amendments pending thereto, be referred to the Committee on War Claims, and that the bill shall retain its place on the Private Calendar without prejudice.

Mr. HAMMOND. I make the point of order this bill does not belong to the Private Calendar, and that if it be recommitted to the Committee on War Claims it must when it is reported back from that committee go to the Committee of the Whole House on the state of the Union, to which it properly belongs.

The SPEAKER. The bill is not in the House, but in the Committee of the Whole House on the Private Calendar, and the House can not recommit it to the Committee on War Claims until it has been brought back before the House.

Mr. HISCOCK. Let me make a suggestion: that the gentleman from Wisconsin move the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and it be recommitted to the Committee on War Claims, and that when reported back from that committee, with or without amendment, it shall go to the Committee of the Whole House on the Private Calendar, and retain its place as unfinished business.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. Is it in order to move to strike out the enacting clause?

The SPEAKER. The bill is not in the House, and that motion must be made in committee, where the bill is.

Mr. JONES, of Wisconsin. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill.

The SPEAKER. That is a motion requiring unanimous consent, the House having this morning refused to discharge the Committee of the Whole House on the point of order it was improperly referred to that committee.

Mr. JONES, of Wisconsin. I ask unanimous consent.

Mr. BROWNE, of Indiana. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. If the motion should prevail, when the bill comes back from the Committee on War Claims will it be considered in the House, or go to the Committee of the Whole House on the Private Calendar?

The SPEAKER. It will be reported back to the House for reference to its appropriate calendar, whatever that may be.

Mr. CONNOLLY. I shall object unless I have unanimous consent to offer an amendment, to be printed in the RECORD and go to the Committee on War Claims with the other amendments.

Mr. BROWNE, of Indiana. I object anyhow.

The SPEAKER. The motion is not before the House.

### SANTIAGO DE LEON.

The next business in order was the bill (H. R. 1724) for the relief of Santiago de Leon, reported from the Committee of the Whole House on the Private Calendar with the recommendation that it do pass.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. What has become of the motion to recommit?

The SPEAKER. The motion to recommit could not be submitted until the Committee of the Whole House on the Private Calendar was discharged from its further consideration.

Mr. WARNER, of Ohio. I understood the gentleman from Wisconsin to make that motion.

The SPEAKER. But it required unanimous consent to submit that motion, and objection was made. The bill is not pending in the House, but in the committee.

The pending question is on the bill (H. R. 1724) for the relief of Santiago de Leon, on which the gentleman from Indiana [Mr. HOLMAN] demanded the yeas and nays.

Mr. HISCOCK. I rise to put a parlimentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Will the bill for the relief of certain soldiers of the late war from the charge of desertion come up as unfinished business next Friday.

The SPEAKER. It will, of course, when the House resumes the consideration of the business on the Private Calendar.

Mr. HISCOCK. The Committee on War Claims, then, can in the mean time consider the various amendments which have been proposed and be prepared to submit a proposition which may be deemed best to cover the cases which properly ought to be relieved, and in that way the same result will be accomplished as if the bill had been recommitted.

Mr. HOLMAN. It was agreed in Committee of the Whole House that a yea-and-nay vote should be taken on the bill for the relief of Santiago de Leon, the object being to take a test vote as to claims growing out of the late war which were cognizable before the Southern Claims Commission. It was for that reason I demanded the yeas and nays.

Mr. BLAND. Pending that, I move that the House do now adjourn.

Mr. KEIFER. That would of course cut off the night session for pension bills, and I hope it will not be done.

Mr. HENDERSON, of Iowa. Would that motion, if adopted, dispense with the night sessions?

The SPEAKER. It will for this evening.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Is a motion to take a recess in order, pending the motion to adjourn, or is it a motion of a higher privilege than the motion to adjourn?

The SPEAKER. The motion to adjourn takes precedence. The question now is on the motion of the gentleman from Missouri, that the House do now adjourn.

The House divided; and there were—ayes 41, noes 83.

So the House refused to adjourn.

Mr. McMILLIN. I move that the House do now take a recess until half past seven this evening.

Mr. MATSON. I would suggest to the gentleman from Tennessee that he modify his motion by moving to take a recess in accordance with the previous order of the House providing for Friday evening sessions.

Mr. McMILLIN. Very well; I will make the motion in that form.

The motion was agreed to.

The House accordingly (at 4.30 p. m.) took a recess until 7.30 p. m.

### AFTER THE RECESS.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session.

Mr. MATSON. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the Private Calendar to consider pension bills under the special order of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of pension bills on the Private Calendar, and the Clerk will report the first bill.

### WILLIAM J. LEE.

The first business on the Private Calendar was the bill (H.R. 1073) granting a pension to William J. Lee.

Mr. MATSON. I ask unanimous consent to pass over that bill informally, allowing it to retain its place on the Calendar.

There was no objection.

### ELENOR STOUGH.

The next business on the Private Calendar was the bill (H. R.1164) to restore to the pension-roll the name of Elenor Stough; reported by the Committee on Invalid Pensions with an amendment.

The bill and report were read.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. HORR. Is there any one who knows the circumstances of this case? It seems to me to be a very unusual thing to restore a person, once married and by her own act dropped from the pension-roll, again to the position which she occupied. I do not remember of a single instance within my experience of that kind.

Mr. HEWITT, of Alabama. There have been one or two instances.

Mr. HORR. It seems to me there should be some stronger ground for granting this pension than is set forth in the report. Is there any precedent for it?

Mr. MATSON. I can recall two or three. The daughter of Andrew Johnson, ex-President of the United States, was restored to the pension-rolls by the last Congress under similar circumstances. The widow of Colonel Bass, who was killed in action, is another. Her name was restored under almost precisely similar circumstances. These two instances I recall. I think, however, the precedents so far have been confined to the cases of widows of persons killed in battle.

Mr. HOUK. Mr. Chairman, there are precedents in the action of the Pension Office for this. I know of a case myself where a widow married and was dropped from the rolls, but was subsequently divorced and her name was again taken upon the rolls. The marriage was declared void and she was restored to the pension-roll.

Mr. MATSON. That was probably a case where the marriage was void *ab initio;* it was not a legal marriage.

Mr. HOUK. The reasons would be the same.

Mr. HORR. Not a bit of it. It seems to me in the case referred to by my friend from Tennessee the marriage must have been absolutely void in the first instance. Now I concede where a case occurs of that character the party whose name was dropped from the roll on account of being married and the marriage was set aside subsequently as illegal ought to be entitled to restoration.

Mr. MATSON. As it is evident, Mr. Chairman, that this bill is going to provoke a discussion, and I should like Judge GEDDES, the author of the bill to be present, and since it was passed over on account of his illness on last Friday evening, I ask now that it be again informally passed over.

Mr. HORR. I hope that will be done, because before I should vote for it I would need to have an explanation of the circumstances that would make it a stronger case than it now appears. I do not think the precedent ought to be set.

The CHAIRMAN. Without objection, the bill will be laid aside informally.

There was no objection.

ROWLAND WARD.

The next business on the Private Calendar was the bill (H. R. 4180) granting an increase of pension to Rowland Ward, with an amendment.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Rowland Ward, late a private in Company I, Fourth Regiment New York Heavy Artillery, to $30 per month, in lieu of the pension now received by him, the increase hereby granted to commence from the passage of this act.

The report is as follows:

The case of Rowland Ward is an exceptional one. Probably there is not another similar to it in the history of the late war. The petitioner enlisted in Company E, Fourth New York Heavy Artillery, on the 29th day of September, 1862, for three years, and in a battle at Ream's Station, Va., on the 25th day of August, 1864, was wounded by a bursting shell, which resulted in the total loss of the lower jaw. The disfigurement is most remarkable and repulsive, and can not but excite in the beholder a sentiment of pity. Coupled with the disfigurement, which is permanent, there is the additional disability of not being able to partake of solid food. The power of mastication is destroyed; the muscles employed in swallowing are impaired, and the unfortunate man can not but be rendered uncomfortable and unhappy. In the abstract of testimony presented with the application for an increase of pension the following appears:

J. C. Lyon and J. H. Simon certify "that claimant is unable to perform any manual labor other than light work in his garden, and can not masticate food, but only eat such as is prepared in liquid form, which does not give him sufficient strength for any hard labor."

Examining Surgeon William B. Alley says that Ward had his under jaw nearly all shot away at Ream's Station, Va., August 25, 1864. The wounds are healed with great deformity. He is quite deaf in the right ear. His face, tongue, and throat are partially numb. It is difficult for him to talk and to swallow. He has no power to masticate his food, and is compelled to take it in a liquid form. Tongue is injured so that he can not manage food when in his mouth. He loses flesh continually, and suffers more or less from chronic diarrhea. His disability is equivalent to loss of one hand and one foot, and total of second grade, entitling him to $24 per month, and must continue through life. No more examinations necessary.

L. J. Ames, examining surgeon, says: "The lower jaw has been destroyed and the chin is gone, the face disfigured, the mouth contracted and deformed. There is great difficulty of articulation and utterance, and no power of mastication, with difficulty of digestion, rendering liquid food carefully prepared a necessity to his existence. The disability is permanent in its present degree. While in hospital the patient was operated upon two different times. The part of the face torn off was replaced by taking the skin back from a point on the neck and near the ear and peeling the same to the place near the destroyed point, and lapping the same over the part torn away, but under the tongue, thus forming in the place of an under jaw a skin sack as a receptacle for the tongue and mouth.

The committee are of the opinion that as Ward served faithfully, and has suffered so fearfully, and is incapacitated greatly from earning his living, that his pension should be increased. He is now 66 years old.

The committee recommend the passage of the bill with the following amendment: Strike out the word "thirty," in line 6, and insert "forty."

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET CALLANAN.

The next business on the Private Calendar was the bill (H. R. 3951) for the relief of Margaret Callanan; reported with an adverse recommendation by the committee.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior is authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Callanan, of Orange, in the county of Essex, in the State of New Jersey, widow of Eugene Callanan, late a private in Company F of the Second Regiment New Jersey Volunteers, and to pay her a pension at the rate of $8 per month, and the allowance provided for minor children under 16 years of age, from and after the 18th day of March, A. D. 1864, the date of the death of her said husband.

The report is as follows:

The petitioner asks a pension on account of the death of her husband, who was a private in Company F, Second Regiment New Jersey Volunteers. The Pension Office rejects her claim because the disease of which he died did not originate in the service and line of duty.

It seems the soldier obtained a furlough on the 10th day of February, 1864, for thirty-five days, and while at home, on the 18th of March, 1864, died of typhoid pneumonia. The Surgeon-General can give no evidence in the case, and the claimant swears she can not furnish any evidence as to the origin of the disease.

Dr. Lyman M. Crane testifies he was first called to visit the soldier professionally March 12, 1864, and found him very ill with inflammation of the lungs, and that he continued to suffer from said disease without abatement until he died. Affiant thinks it probable the said disease was contracted in the service and prior to the date of granting the furlough. The doctor's conclusion is not positive and stands alone and unsupported.

The committee are of the opinion that the ground for granting a pension is very slight, and therefore report adversely and recommend that the bill do not pass.

The CHAIRMAN. In the absence of objection this bill will be reported to the House with the recommendation that it be laid upon the table.

Mr. FIEDLER. I object.

The CHAIRMAN. The Chair will hear the gentleman from New Jersey.

Mr. FIEDLER. Mr. Chairman, this bill was introduced by myself, with the belief that while this applicant is not perhaps technically or under a strict construction of the law entitled to a pension, still, as the report shows, I think that his widow should be entitled to relief by Congress under the peculiar circumstances of the case. If I understand the facts, the committee, through the gentleman from New York [Mr. BAGLEY] who made the report, reported it adversely on the ground that the furlough expired before his death. He had received a furlough for thirty-five days, which would have expired on the 15th of March. He died on the 18th, which shows that he was not probably in a condition to leave home and report for duty. He was examined on the 12th of March, before the furlough expired, and was found to be very ill with inflammation of the lungs. He died in consequence of that sickness, and the medical testimony is to the effect that the disease was probably contracted in the service.

Mr. HEWITT, of Alabama. But he was not in the service at the time.

Mr. FIEDLER. He was not in active service but he was on furlough.

Mr. HEWITT, of Alabama. Still the disability was not incurred in the service or in the line of duty.

Mr. MATSON. The law provides that unless the soldier is away on sick leave or on veteran furlough he would not be entitled to a pension for any injury contracted during its existence. Now this was the ordinary furlough.

Mr. FIEDLER. I understand that is the reason that the Pension Department could not grant the relief, and hence the application to Congress.

Mr. HOBLITZELL. Will the gentleman from New Jersey yield to me for a moment?

Mr. FIEDLER. Yes, sir.

Mr. HOBLITZELL. I understand from the reading of the report the difficulty is in locating the origin of the disease as to the point of time, whether the disease originated while this soldier was in active service or whether it originated after he received the furlough. The slight testimony based on the statement of the physician was not thought sufficient to justify a favorable report.

Mr. FIEDLER. The physician could not certify the disease originated in the service, and for that reason I understand the Pension Department could not grant a pension under the law. The widow comes to Congress and appeals for a special act in her favor. It is a matter of charity, as I think, although I do not appeal on the ground of charity alone, but I think many cases are passed favorably by the House which are no more deserving than this one. I do not desire to oppose the committee. I believe I have the sympathy of the committee with me. They have looked through the whole evidence. I have no evidence before me beyond what is contained in the report. I did present a petition in this case at one time, but I can not now lay my hand on it. My ground for asking favorable action in this case is that the soldier was taken sick while on furlough, and he was then virtually on duty. Whether he caught the cold which started this disease before he left the service does not clearly appear. The physician says it is probable he did, but he can not swear positively it was so.

Mr. BAGLEY. I examined this case and made the report; and at the suggestion of the gentleman from New Jersey [Mr. FIEDLER] I had the case placed on the Calendar as an adverse report.

The principle involved in this case is whether a pension should be granted when a soldier died while on furlough and not in the line of

duty. It seems he was perfectly well when he went home. He contracted the disease when at home and died there. I do not wish to antagonize the gentleman from New Jersey in his case. I am perfectly willing the House should take it into consideration. I only wish to say that is the point involved. He was on furlough, contracted his disease while on furlough at home, and died there.

Mr. FIEDLER. I ask unanimous consent that this bill may be passed over informally for the present. I may be in a condition hereafter to submit more evidence to the committee in regard to it.

There being no objection, the bill was passed over informally.

MARCUS A. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 2407) for the relief of Marcus A. Hamilton, reported adversely from the Committee on Invalid Pensions.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marcus A. Hamilton, formerly of Company K, First Regiment New Jersey Cavalry Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2407) for the relief of Marcus A. Hamilton, having had the same under consideration, beg leave to submit the following report:

That the case is still pending in the Pension Office, a request having been made for additional evidence. Under the circumstances the committee feel that the case has not arrived at that stage where it should be considered by Congress, and therefore ask to be discharged from its consideration.

Mr. BAGLEY. I will state to the committee that there was an error in putting this report on the Calendar. The bill should have been laid on the table. I move that the bill be laid aside to be reported back to the House with the adverse report of the Committee on Invalid Pensions.

The motion was agreed to.

HONORA KELLEY.

The next business on the Private Calendar was the bill (H. R. 1056) granting a pension to Honora Kelley.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Honora Kelley, widow of James Kelley, late a sergeant of Company K, Fifth United States Cavalry, to date from the death of the soldier.

The bill was reported with the following amendments:

In line 4, after the word "pension-roll," insert "subject to the provisions and limitations of the pension laws."

In line 7, after the word "cavalry," strike out the words "to date from the death of the soldier."

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1056) granting a pension to Honora Kelley, having had the same under consideration, beg leave to submit the following report:

As shown by the papers from the Pension Office, Honora Kelley is the widow of James Kelley, who enlisted in the United States Army January, 1854, and served continuously until December 6, 1878, when discharged from Company K, Fifth United States Cavalry. He received a severe wound of abdomen in a fight with Indians May 17, 1858. The only treatment shown during his entire service, except for this wound was in 1869 for epistaxis. Major Malon certifies that the soldier was under his command for ten years, and during that period had repeated violent nose-bleedings, threatening his life, and it was the current belief that these bleedings were the result of the wound received in an engagement with Indians.

The soldier died February 23, 1879, of pneumonia, at the Shoshone and Bannock Indian agency. The attending physician, Assistant Surgeon Grimes, certifies that on the 23d of February, 1879, he was called upon to attend Kelley, and found him in the last stage of pneumonia. He died on the same day, and it is his belief that the disease would not have terminated fatally had not Kelley been broken down and worn out by the vicissitudes of long service in the Army.

Lieutenant Thomas states that the soldier was discharged December 6, 1878. Authority was obtained for his re-enlistment from the Adjutant-General of the Army. But objections were raised by the commanding officer of the post to the residence of Kelley's family upon the reserve or about the post. His re-enlistment was postponed till he could make suitable arrangements for his family. While so doing he contracted the disease of which he died, and which terminated fatally from exposure incident to long frontier service.

Captain Woodson also certifies that during last year's service the soldier appeared much shaken and broken down, evidently the result of long frontier service.

This committee, in view of the length of service of this soldier, and the further fact that he was at the time of his death to all intents and purposes a soldier of the United States Army, recommend the passage of the bill with amendments as follows: Insert after the words "pension-roll," in line 4, the words "subject to the provisions and limitations of the pension laws," and strike out all after the word "cavalry" in line 6.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PATRICK HORAN.

The next business on the Private Calendar was the bill (H. R. 283) granting a pension to Patrick Horan.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Patrick Horan, late a teamster in the Quartermaster's Department of the United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 283) granting a pension to Patrick Horan, having had the same under consideration, would submit the following report:

The committee, after an examination of the proofs in this case, adopt the report of the Committee on Invalid Pensions of the Forty-seventh Congress, and make said report their own, as follows:

"[House Report No. 1551, Forty-seventh Congress, first session.]

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6501) granting a pension to Patrick Horan, having had the same under consideration, would submit the following report:

"The petitioner, Patrick Horan, of Joliet, Ill., was enrolled on or about September 15, 1861, as a teamster of the Quartermaster's Department, by Capt. G. E. D. Diamond, at Saint Louis, Mo. He was never discharged, but paid last at Fort Riley, Kans., and sent back to Saint Louis on the 28th of November, 1866.

"While serving as a teamster he was taken prisoner of war at the battle of Poison Springs, and was confined at Camp Ford, Tyler, Tex., from about April, 1864, to about the middle of February, 1865. While a prisoner he was without shelter or covering of any kind, and in June, 1864, was exposed to a rain-storm of fourteen days' duration. During his confinement he dug a hole in the ground, in which he slept. In consequence of his exposure and suffering he was stricken with paralysis, from which disease he has been suffering to the present time.

"His statement as to his imprisonment, exposure, and incurrence of paralysis in rebel prisons is corroborated by the testimony of Henry B. Clark, himself an inmate of said prisons, and by the testimony of John B. Arnold, of the Chicago Mercantile Battery.

"The evidence also shows that prior to and on his arrival at said prison he was in sound health. The testimony of neighbors, of Joliet, Ill., shows that upon his return to Joliet, after the war, he was afflicted with paralysis, which has continued to the present time, making him completely unable to perform any physical labor.

"Dr. W. Dougall, of Will County, Illinois, states that since 1874 petitioner has been under his treatment; that he has carefully studied his case; that he is suffering from 'locomotor ataxia,' caused by exposure and sleeping upon damp ground; that it gradually grows worse; is incurable, and will soon render him entirely helpless. His claim was rejected by the Pension Office on the ground that petitioner was not in the military service of the United States, and therefore does not come under the general provisions of the pension law; but the Pension Bureau is of opinion that his claim is a meritorious one and should be allowed by 'special act;' and that if such special act is granted the pension should commence from the date of its passage, at such rate as the claimant, upon examination, may be found to be entitled to.

"Your committee are of opinion that the claimant is entitled to the relief he seeks, and therefore recommend the passage of the bill."

Mr. HEWITT, of Alabama. I think that is going a little further than we usually do. This is going to the civil list and putting a man on the pension-roll who was not in the military service. I shall object to the passage of this bill. I think it had better be passed over without action.

Mr. CULLEN. It seems to me if the gentleman from Alabama understood this case he would withdraw his objection. If ever there was a meritorious case this is one. If the gentleman insists on his objection, I do not propose to waste the time of the committee; but I want to state the case very briefly as I know it to be from personal observation.

It is true that, technically speaking, Patrick Horan was not a soldier. He enlisted as a teamster in the Quartermaster's Department. The service was at all events a perilous one, and at times more dangerous than that of the man who carried a musket. Streams were to be forded and dangerous bridges crossed, and the property of the Government defended often with the lives of the teamsters. This man was a part of the Army and under military discipline. He dare not desert his post in the face of the enemy. As a citizen he would have been entitled to the protection of the Government, but he was in the Army and taken a prisoner of war. He was treated as a prisoner of war, treated as a soldier and suffered as such. The report just read is but a feeble presentation of his suffering. Without proper food, with but little clothing, and no blanket for covering, exposed to a pitiless storm of two weeks' duration, he was compelled to burrow in the wet ground to prolong his miserable life. For this cruel suffering I propose to arraign no one. Doubtless brave men on the other side suffered privations but little less severe. With scanty supplies, if any suffered for lack of food and shelter it would be the prisoner. It was but the fortune of war. In whatever form this man enlisted he suffered as a soldier, with soldiers.

He was in the service of the Government when it was impotent to give him protection, and for that Government he sacrificed his health and became a physical wreck. His life for nearly twenty years has been one of agony and sore distress. The paralysis which then seized him holds him still in its grip of death and is hurrying him with rapid strides toward the grave. No man can look upon him as he endeavors to move on the street, with curved spine, bowed head, and leaning on his crutches as he vainly tries to drag his paralyzed limbs along, without a heartache. The young and strong man of twenty years ago is older than the man of three-score and ten and much more helpless.

The Pension Office rejected this claim because technically Horan was not enlisted as a soldier, but certify that it is a case of merit and recommend it for Congressional action. It is an exceptional case in every aspect. The manner in which the disability occurred and its intensity are peculiar. In equity this man should have drawn a pension for the last nineteen years. His substance has long since been wasted and he subsists on the charity of kind neighbors. His case is one that properly comes within the purview of Congress; and the Pension Office say it has merits. The bill was thoroughly discussed in committee, and in Committee of the Whole in the Forty-seventh Congress, and passed in the House. It was then, as it must now, be considered an exceptional case. Probably not another like it can be produced.

Congress has heretofore passed bills to pension nurses, the sisters of deceased soldiers, and others not strictly of a pensionable class, and I think in most of cases, if not all, they did right. They were exceptional cases, as is this. Because it is exceptional and extreme I am in favor of the passage of this bill. Horan is not of my party. I only know him by sight; that was enough for me when I knew he came to his pitiable estate while serving his country. The Congress that refuses him a pension I fear will not stand high in the estimation of a thousand men who see him from time to time and do not fully appreciate a strict construction of the pension laws in such a case while great liberality of construction is given in others. Mr. Chairman, I move that the bill be laid aside and reported to the House with a favorable recommendation.

Mr. HORR. I hope the Chair will take a vote on the question of laying aside this bill to be reported favorably to the House, and I think if that vote shall be comparatively unanimous my friend from Alabama [Mr. HEWITT] will not insist upon his objection. If there ever was a case where a teamster should be allowed the same rate of pension that a soldier would get, this is such a case.

Mr. COSGROVE. I would inquire if teamsters employed in the capacity in which this man was employed were not considered a part of the Army?

Mr. BROWNE, of Indiana. Sometimes teamsters were detailed from those who were regularly enlisted in the service, and at other times they were hired and were but civil employés.

Mr. COSGROVE. Were their names carried upon the rolls?

Mr. BROWNE, of Indiana. Not upon the muster-rolls, but upon the quartermaster or commissary pay-roll.

The CHAIRMAN. The question is upon the motion of the gentleman from Illinois [Mr. CULLEN], that the bill be laid aside to be reported favorably to the House.

The question was taken by a *viva voce* vote, and the chairman announced that the ayes had it.

Mr. HEWITT, of Alabama (in his seat). I call for a division.

The CHAIRMAN. The Chair will not recognize a call for a division unless the gentleman making it rises in his place.

Mr. HEWITT, of Alabama (rising). I demand a division.

The committee divided; and there were—ayes 42, noes 1.

So (no further count being called for) the bill was laid aside to be reported favorably to the House.

### MARY G. HAWK.

The next business on the Private Calendar was the bill (H. R. 284) for the relief of Mary G. Hawk.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary G. Hawk, widow of Robert M. A. Hawk, deceased, late a captain and brevet major in the Ninety-second Regiment Illinois Volunteers, subject to the limitations and provisions of the pension laws.

The report (made by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 284) for the relief of Mary G. Hawk, have had the same under consideration, and submit the following report:

After an examination of the papers on file in the Pension Office, your committee would adopt the report of the Committee on Invalid Pensions in the Forty-seventh Congress and make it their own, as follows:

"[House Report No. 1901, Forty-seventh Congress, first session.]

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7066) for the relief of Mary G. Hawk, has had the same under consideration, and beg leave to submit the following report:

"The claimant is the widow of Robert M. A. Hawk, who served as captain of Company C, Ninety-second Illinois Volunteers, from March 23, 1863, until June 21, 1865, when mustered out. On the 12th of April, 1865, while in action at or near Raleigh, N. C., he received a gunshot wound, which necessitated the amputation of the right leg at lower third of thigh. For this disability he was pensioned at $20 per month from date of discharge, which rate was subsequently increased to $24. He died in the city of Washington, June 29, 1882, of apoplexy. The widow filed a claim for pension under the general laws, alleging that the death cause was the direct result of the injury received in the military service. In support of her allegation she has filed the following evidence:

"The affidavit of Clinton Helm, late surgeon of the Ninety-second Illinois Volunteers: Affiant testifies that Captain Hawk received a gunshot wound April 12, 1865, the ball entering about three inches above the right trochanter, and passing out in the mesial line about three inches below the umbilicus, severing the right external iliac artery, and consequently cutting off the circulation from the leg. Affiant amputated the leg at its lower third. Necrosis of the lower end of the femur followed, and after some years a part of the bone was removed. The limb continued to discharge for about ten years after the amputation before it finally healed. The officer always suffered from want of exercise on account of the loss of the leg, and in consequence thereof grew fleshy. Hawk, prior to the injury, was a very active, robust man, and being forced to change to an indoor, sedentary life, failed to get exercise sufficient to keep up a proper circulation of the blood, which, in the opinion of the affiant, tended to produce the apoplectic condition said to have caused death.

"From the affidavit of Dr. D. M. Greeley it appears that the affiant was Captain Hawk's family physician during the last five or six years of his life. Knew that he was a sound man before he enlisted, and that after discharge his health was not good. Suffered from necrosis of the bone at the lower end of the stump for several years after the amputation. Affiant is of opinion that by reason of the great change in the circulation by the loss of limb the heart became affected, as is often the case, in particular when so important an artery as the external iliac has been severed. Statistics show that in a majority of cases of apoplexy, either hypertrophy, dilatations, or valvular disease of the heart exists. In Captain Hawk's case the pulse as well as the action of the heart was variable. Digestion was imperfect. The headache, of which he often complained, in connection with the variable pulse, may be accepted as sure symptoms of cardiac disease. The manner in which any of the conditions of the heart spoken of affects the circulation of the brain, producing apoplexy or rupture of the blood-vessels of the brain, is sufficiently intelligible, and quite well understood by all medical men.

"Dr. Thomas Winston also swears that it is his opinion that the injury received in service was the cause of Captain Hawk's death. Dr. Nelson Rinedollar testifies to a well and personal acquaintance with the officer prior and since the war. He describes fully the injury to the leg, and fully agrees with the physicians that had Captain Hawk been spared his limb and afforded the privilege of proper exercise, apoplexy would not have occurred in his case.

"Dr. Henry Shimer testifies to a long acquaintance with Captain Hawk and to his physical condition after the amputation of the leg. From his own personal knowledge of the case he is clearly of opinion that the destruction of the right external iliac artery, together with the poisoned condition of the blood, and the inability to take proper exercise, were important factors in producing that degeneration of the arteries of the brain which ultimately gave way, thus producing the apoplectic attack.

"Dr. B. T. Buckley swears that he believes the death of Captain Hawk to have been caused by apoplexy originating in degeneration of the arteries resulting from a sedentary and inactive mode of life, and from circulatory and blood changes induced by a wound of the external iliac artery, and consequent gangrene, necrosis, and amputation of the leg twice repeated.

"The widow's claim has been rejected by the Pension Office on the ground that the fatal disease is not due to causes which had their origin in the service.

"After careful consideration of all the evidence presented in the case the committee is of opinion that the injury received by Captain Hawk in the military service of the United States, was, to say the least, an important factor in the officer's death day, and therefore reports favorably on the bill, and asks that it pass, amended, however, by striking out, in line 7, all after the word 'volunteers.'"

Your committee would therefore recommend the passage of the bill (H. R. 284) placing the name of Mary G. Hawk on the pension-roll, subject to the limitations and provisions of the pension laws.

There being no objection, the bill was laid aside to be reported favorably to the House.

### ISAAC DEMARANVILLE.

The next business on the Private Calendar was the bill (H. R. 4059) granting a pension to Isaac Demaranville.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac Demaranville, late a private in Company E, Ninety-third Illinois Volunteers.

The report (made by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4059) granting a pension to Isaac Demaranville, submit the following report:

We find that Isaac Demaranville enlisted August 13, 1862, in the Ninety-third Illinois Volunteers. He makes affidavit that at the battle of Missionary Ridge, November 25, 1863, he received a gunshot wound in the left leg, and was taken prisoner and confined at Belle Island, and then taken to Andersonville prison, where he remained until February 26, 1865, when he was paroled. He claims that while in prison at Andersonville he received a severe injury to the back by slipping while carrying a pine log. The case was rejected by the Pension Office because he could not furnish evidence of his comrades. The report of the Adjutant-General is that he was missing in an action at Tunnel Hill, in front of Chickamauga, Ga., November 25, 1863. His regiment was in action at that place on that date. His name was dropped from subsequent muster-rolls until those for March and April, 1865, take his name up, with similar remarks to that stated above. He was mustered out at Springfield, Ill., June 24, 1865, to date May 29, 1865. Prisoner-of-war records show him captured at Missionary Ridge, Ga., November 25, 1863, paroled at N. E. Ferry, N. C., February 26, 1865. Certificate of examining surgeon, January 21, 1878, gives description of the wound, and also states that he can not fully satisfy himself as to origin of injury to the back. Your committee would respectfully submit that fifteen months' incarceration in that prison-pen at Andersonville ought to exempt him from the requirement to furnish evidence, and would, therefore, recommend the passage of the bill.

Mr. HEWITT, of Alabama. I would like to have the gentleman who reports this bill to the House make some explanation of it. It seems, according to the language of the report, that the committee came to the conclusion that this man was entitled to a pension because he was confined in Andersonville prison for fifteen months.

I am not one of those who believe that men who were captured during the war are more meritorious than those who were not. I do not pretend to say that every man who was captured was captured because of cowardice, for many of them were brave and good men, and this man may have been one. But we all know that many men upon both sides were captured through cowardice, because they laid down, did not try to get out of the way, and were taken prisoners.

Simply because a man was captured and made a prisoner of war is no evidence that he has a better case or was a more meritorious soldier than the man who was not captured. Unless there is some better reason presented why he should have a pension than that this man was captured and kept in prison for fifteen months I shall oppose the bill.

Mr. MORRILL. I am somewhat surprised at the position taken by the gentleman from Alabama [Mr. HEWITT]. I do not see how the report can be construed as meaning that this pension should be granted because the man was a prisoner. The report states very explicitly that he received a gunshot wound in the left leg at the battle of Missionary Ridge; that he was taken prisoner there, and that while confined in prison he sustained a very severe injury to his back.

The case was rejected by the Pension Office because the man was unable to prove by any comrade the wound he had received at Missionary Ridge or the injury he sustained while in prison. The report simply states that in the opinion of the committee fifteen months' incarceration in the prison-pen at Andersonville ought to exempt the man from the requirement to prove by his comrades that he was wounded. The injury is unquestioned and the surgeon describes it fully, but the man can not prove where he received the injury, simply because he was taken prisoner and separated from his comrades and was unable to pro-

cure their evidence. I have examined very carefully the papers in this case.

Mr. HEWITT, of Alabama. Was this man captured because of the wound he received in battle?

Mr. MORRILL. Yes; a wound received in battle at Missionary Ridge.

Mr. HEWITT, of Alabama. And he was captured at Missionary Ridge?

Mr. MORRILL. He was captured there after he was wounded.

Mr. HEWITT, of Alabama. I withdraw my objection.

Mr. MORRILL. I thank the gentleman; I knew he would withdraw it after he understood the case.

Mr. BLANCHARD. I desire to make an inquiry of the gentleman. It is stated in this report that the committee were satisfied that the facts were fully proven. So far as I am able to gather from the report the only evidence which was submitted to the Pension Office and to the committee of this House was the affidavit of the man himself. The committee in its conclusions do not say that they believe that affidavit of the man himself is sufficient proof of the fact, but they say that because he was fifteen months in the Andersonville prison he should be relieved from the necessity of furnishing any additional testimony as to the facts with reference to his case.

Now, I wish to ask the gentleman whether or not the committee believed the facts were sufficiently proven before the committee to show that this man is entitled to this pension.

Mr. MORRILL. In reply to the gentleman, I will say that there was considerable evidence before the committee, and it all went to sustain the statement of the applicant. There was nothing against his application but the absence of evidence proving that the injury which he states he received while in prison was so received. It is proved that he was a sound man when he went into the service, and that when he came out of prison he had in some manner received this injury; but it could not by any possibility be proved how and where this injury was received, because by reason of his imprisonment he was separated from his comrades.

Mr. HORR. Does not the report of the examining surgeon describe this injury?

Mr. MORRILL. It describes the gunshot wound, and also speaks of this other injury.

Mr. BLANCHARD. I will ask the gentleman further whether this man's application was not rejected at the Pension Office because he was unable to furnish any evidence except his own affidavit that this hurt in the back was received while he was incarcerated in Andersonville prison?

Mr. MORRILL. As stated in the report which I have submitted in this case, this man's application was rejected at the Pension Office because he could not furnish the evidence of his comrades as to this injury in the back. But he was sound when he entered the service, and was suffering from this injury when he came out.

Mr. BLANCHARD. Then the committee had no new evidence—no evidence except that which had been submitted to the Pension Office?

Mr. MORRILL. That is all.

Mr. BLANCHARD. With reference to this point I wish to read the concluding lines of the report.

> Your committee would respectfully submit that fifteen months' incarceration in that prison-pen at Andersonville ought to exempt him from the requirement to furnish further evidence, and they would, therefore, recommend the passage of the bill.

Now, as I understand, in the opinion of the committee the fact that this man was incarcerated in Andersonville prison should be accepted as exempting him from the necessity of submitting evidence that the injury to his back was incurred during his confinement in Andersonville prison.

Mr. MORRILL. I will repeat the statement I have already made, and I will try to make it just as plain as the English language can make it. The proof was that this man was sound when he went into the service. The report of the Adjutant-General says that he was missing in the action at Tunnel Hill in front of Chickamauga. The applicant states that he received a gunshot wound in the leg. When he came out of prison, after fifteen months' confinement, he shows this wound and the other injury. The United States examining surgeon describes the wound and the injury, but the man is unable to prove by any of his comrades when or how he received this injury. The report simply states that in view of his having suffered fifteen months' confinement in prison, he ought not to be required to prove that injury by the evidence of comrades; that he ought to be exempted from such requirement in view of the fact that it is utterly impossible for him to get that proof, because he was at the time separated from his comrades.

Mr. COSGROVE. Is this soldier now disabled in any way in consequence of any wound that he received in the service?

Mr. MORRILL. At the present time?

Mr. COSGROVE. Yes, sir.

Mr. MORRILL. The report of the surgeon states that he is.

Mr. HOBLITZELL. Does the report of the surgeon show that there was a gunshot wound or a wound inflicted by a shell?

Mr. MORRILL. A gunshot wound clearly.

Mr. HOUK. Will my colleague on the committee [Mr. MORRILL] yield to me for a moment?

Mr. MORRILL. With pleasure.

Mr. HOUK. As I understand this question, Mr. Chairman, the proof of the existence of this wound is conclusive. The soldier was sound when he went into the service. It is proved that he was taken prisoner and confined at Andersonville for fifteen months. As I understand the report of the committee it is submitted that in view of his confinement in prison, away from his comrades, so that there are no witnesses whom he can produce to show what took place there, he should be exempted from the necessity of producing such proof. This, as I understand, is stated in the report as a reason why he could not comply with the requirement of the Pension Office. It is not held that he should receive a pension because of his imprisonment, but it is simply stated that as this man by being taken prisoner was separated from his comrades, he should not be required to produce evidence which under the circumstances it must be impossible for him to procure. All the circumstances show a reasonable certainty that the injury was received at the time and in the manner stated by the applicant.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

There being no objection, it was ordered accordingly.

### MARY ALLEN.

The next business on the Private Calendar was the bill (H. R. 2100) granting a pension to Mary Allen.

The bill was read, as follows:

> *Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Allen, widow of John Allen, late a private in Company H, Seventy-second Regiment Missouri Enrolled Militia.

The report was read, as follows:

> Mr. MORRILL, from the Committee on Invalid Pensions, to whom was referred the bill (H. R. 2100) granting a pension to Mary Allen, reported as follows:
>
> Mary Allen is the widow of John Allen, who enlisted August 12, 1862, in the Seventy-second Regiment Missouri Enrolled Militia, and died in service from fever December 23, 1863. Application for pension was made in 1878, but rejected by the Pension Department under paragraph 3, section 4693, which provides "that no claim of a State militiaman or non-enlisted person on account of disability, &c., * * * shall be valid unless prosecuted to a successful issue prior to July 4, 1874." The evidence shows that John Allen died of disease incurred in the service during his term of enlistment.
>
> We recommend the passage of the bill.

Mr. WARNER, of Ohio. When was the death of this soldier? Did it take place in the service or subsequently?

Mr. BROWNE, of Indiana. I understand the report to say that he died in the service.

Mr. PERKINS. He died in the service.

Mr. WARNER, of Ohio. Was this regiment serving in the United States service?

Mr. MORRILL. It was under United States authority.

Mr. WARNER, of Ohio. That is all I wish to know.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

### HIRAM M. HOWARD.

The next business on the Private Calendar was the bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.

The bill was read, as follows:

> *Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Hiram M. Howard, late a private in Company I, Second Regiment Kansas Volunteer Militia, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

> Mr. MORRILL, from the Committee on Invalid Pensions, to whom was referred the bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans., reported as follows:
>
> We find that Hiram M. Howard was enrolled September 5, 1863, in the Kansas State militia. That on the 10th of October, 1864, he was mustered into service in Company I, Second Regiment Volunteer Militia, and that the regiment was immediately ordered into Missouri to repel the Price raid, which then threatened Eastern Kansas. That on the 22d of October, 1864, while in battle at Big Blue, Jackson County, Missouri, he received a severe wound, the ball passing through the left arm and lodging in his left lung. He fell to the ground insensible, and while in this condition was run over, and several of his ribs were severely fractured.
>
> In March, 1875, claimant made application for a pension, but was debarred under the third paragraph of section 4693, which provides that pension claims of militiamen must be proved prior to July 4, 1874. Claimant makes affidavit that he did not know of the existence of any statute of limitation. That for a number of years after he was wounded he was able to practice his profession as a physician and thus support his family. That he also had some property, which relieved him of the necessity of applying for a pension. That he is now completely broken down in health and unable to support his family. Technically, the Pension Department can not grant him a pension; Congress can, and it is not presumed that they will refuse to do so because he had the manliness to refuse to ask aid while he was able to provide a livelihood for himself and family. Now, enfeebled and broken down from the effects of his wounds, he is compelled to call for help on that Government that he so gallantly defended when it needed the service of all its brave and loyal sons. The testimony in the case is so full and clear as to leave no doubt that the facts are as stated in this report. The committee therefore recommend the passage of this bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES E. HENDRICKS.

The next business on the Private Calendar was the bill (H. R. 2059) to increase the pension of Frances E. Hendricks, reported adversely.

Mr. MORRILL. This is an adverse report. I move it be passed over for the present and retain its place on the Calendar.

The motion was agreed to, and the bill was passed over.

N. C. RIDENOUR.

The next business on the Private Calendar was the bill (H. R. 5443) for the relief of N. C. Ridenour.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he hereby is, directed to place the name of N. C. Ridenour, late second lieutenant of Company F, Twenty-third Regiment of Iowa Volunteer Infantry, on the pension-roll as such second lieutenant, the Secretary of the Interior to rate him in accordance with such rank; the increase of pension herein authorized to commence upon the passage of this act and be in lieu of all other pensions.

The report was read, as follows:

Mr. HOLMES, from the Committee on Invalid Pensions, to whom was referred the bill (H. R. 2000) for the relief of Newton C. Ridenour, second lieutenant Company F, Twenty-third Iowa Volunteer Infantry, reported as follows:

A bill for the relief of this claimant was introduced in the Forty-seventh Congress and reported favorably by the Committee on Invalid Pensions (H. R. 6523), being a substitute for the original bill (H. R. 310), same session, and passed the House.

The following is the report of the Invalid Pension Committee in regard to said bill in the Forty-seventh Congress, which is adopted and made a part of this report:

"Newton C. Ridenour, late second lieutenant Company F, Twenty-third Iowa Volunteer Infantry, was granted a pension July 26, 1880, at the rate of $3 per month, the certificate being No. 164978. Prior to and until June 29, 1863, said Ridenour was serving with his regiment in the field in the campaign against Vicksburg as an orderly sergeant. On June 29, 1863, was commissioned second lieutenant, for which place he was recommended early in June, said commission being dated June 29, 1863.

"About the 5th day of July, 1863, by order of the officer commanding the regiment, said Ridenour took command of Company F, and continued in command until October 5, 1864, when he was assigned to staff duty. Said Ridenour was discharged as an enlisted man as of the date of June 29, 1863, and he was accepted and mustered in as second lieutenant to take effect July 1, 1863. Immediately after the surrender of Vicksburg said Ridenour, in charge of said company, in July, 1863, marched from said city to Jackson, Miss. During said march said claimant was attacked with varicocele, and was at times rendered thereby unable to march, and was compelled to resort to the ambulance. When he entered the service he was a strong, healthy man. Previously to said month of July, 1863, or in the latter part of June of that year, the petitioner was somewhat unwell, although the precise nature of his ailment is unknown, and he was not then aware that it was the varicocele for which he was afterward pensioned. It is not certain that said disease had its inception before July, 1863. But if that was the fact, it is apparent and uncontradicted that the principal development, growth, and establishment of the disease occurred after the commencement of the march from Vicksburg to Jackson. It is shown by medical evidence that the disability of said Ridenour is permanent and incurable, and that such disability incapacitates said Ridenour from performing manual labor.

"This committee is of the opinion that under the existing circumstances of the case as hereinbefore stated said Ridenour should be regarded as a second lieutenant at the time of the occurrence of the disability for which pension has been granted and his rating should be increased accordingly.

"This committee therefore recommend the passage of a substitute bill, which is herewith submitted."

Your committee would recommend the substitution of the accompanying bill in lieu of the bill (H. R. 2000) Forty-eighth Congress, and that the claimant be granted a pension as provided in said substituted bill.

All of which is herewith submitted.

Mr. BROWNE, of Indiana. I should like to have some explanation of this case. If I comprehend the report from its reading, this claimant was pensioned in the rank he held at the time he incurred the disability. This proposition is to increase the pension by increasing the rank, or by assuming at the time he held a commission and was entitled to be regarded as a second lieutenant. I do not believe in increasing a pension in that way. If he was in fact a second lieutenant at the time the disease was incurred, the Pension Office by inquiring of the War Department can ascertain whether it was so or not.

I make this statement because this is not an isolated case by any means. There are hundreds of them, and I might say thousands of them, where soldiers were injured at a time when they held commissions or rank beyond that which they actually had. It was necessary they should have a command sufficiently large to entitle them to be mustered; and besides they must have discharged the duties of the higher rank. They must have been mustered into the service under the higher commission. If it be true in this case this disability was incurred at the time this soldier held the rank by which his pension was rated, I do not think we should interfere to increase his rank. It would be better to muster him into the regular Army and put him on the retired-list.

Mr. HOLMES. I desire to say in reply to the remarks of the gentleman from Indiana that the proof is in some respects conflicting. This man, as shown by the evidence of record, on June 29, 1863, was commissioned as a second lieutenant and mustered in as such July 1.

Now, it seems that his disability, by the preponderance of evidence in this case, arose after he was acting as a commissioned officer, but perhaps before he was mustered in, certainly, however, while he was acting as a first lieutenant. I think the preponderance of evidence clearly shows that, and the committee so found when they reported the bill, after a careful examination of the testimony.

Mr. BROWNE, of Indiana. Will the gentleman allow me? What are the allegations of the declaration in the Pension Office? When does the claimant allege, in his original application, the incurrence of the disability?

Mr. HOLMES. If I recollect aright, he claims to have incurred it on this very march, as stated here in this report.

Mr. HORR. When was that?

Mr. HOLMES. That was on the march from Vicksburg to Jackson, Miss., July, 1863.

Mr. STRUBLE. He started out on July 5 on that march. I know the fact, for I was there.

Mr. HOLMES. Yes, sir; he was commissioned as a first lieutenant on the 1st of July, or rather he was mustered in to take effect on that date, and started on this march on the 5th.

Mr. BROWNE, of Indiana. When was he commissioned?

Mr. HOLMES. To date from the 1st of July, 1863.

Mr. HORR. When was he mustered?

Mr. HOLMES. He was mustered in to date from the 1st of July, although he was mustered in a few days after the receipt of his commission.

Mr. ROBINSON, of Ohio. What year was that?

Mr. HOLMES. In 1863.

Mr. ROBINSON, of Ohio. That was the rule of the Department at that time.

Mr. HOLMES. I understand that all pensions heretofore have been granted on that basis.

Mr. ROBINSON, of Ohio. I will state, Mr. Chairman, that it was the rule of the War Department to muster all officers in the field from the date of their commissions, and they took rank from the date of their commissions. It was afterward, in 1863, in the latter part of the year, that this rule was changed, and officers were not allowed to take rank in the Army until they were mustered.

Mr. HOLMES. I understand that to be the rule that applied to this case. I looked it up quite thoroughly at the time, and all of these facts are borne out by the record. The disability was incurred, according to the opinion of the committee, after he had been acting as an officer. The medical reports are different in this latter particular, the later reports increasing the disability. This pension is based upon the later reports. We had no doubt in our own minds that the disability was incurred in the service while he was acting as a first lieutenant, and that he was entitled to be rated as of that rank.

Mr. HEPBURN. Mr. Chairman, this applicant, as shown by the report, was mustered out as an enlisted man to date from the 29th of June, 1863, at which date he was commissioned as a second lieutenant. He was not therefore an enlisted man at the time of the incurrence of the disease. He was placed in command of one of the companies of his regiment as a lieutenant by order of the officer commanding the regiment. If he was not mustered in until a later date it was not his fault. Immediately after he was commissioned he was placed in command of the company and they started out on an important expedition. They were in the field in active service, and there was no opportunity for Lieutenant Ridenour's being mustered, and that is the reason that this pension was not granted by the Department. But not only is he entitled to this rank and to this pension, but there is great injustice done him by this report. He should have this pension, to date from the incurrence of the disease; and I desire to move to strike out from the ninth line of the bill the words, "the passage of this act," and insert the words, "the incurrence of his disease."

There is nothing but simple justice in this. He was not an enlisted man when that disease was incurred. He was an officer. He was serving as such and was recognized as such, and because he was not formally mustered as such was through no fault of his own, and he should not be the sufferer by it.

Mr. MATSON. I am in favor of the passage of this bill, but I am opposed to the amendment of the gentleman from Iowa. It has been the uniform practice, and it is hardly necessary I should remind the House of the fact, not to grant arrears in special-act cases. The proposition made by the gentleman from Iowa implies the rerating of this pension from the date of the disability; and our committee have uniformly refused that in all other cases, and I think it ought not to be done in this.

So far as the case is concerned, I think the committee have decided fairly upon the probabilities.

Mr. BROWNE, of Indiana. If the gentleman will allow me, I would ask, if it be true that he was mustered out as a private on the 29th of June and mustered in as a second lieutenant to date from the 1st of July—and he alleges in the declaration for a pension that the disability was incurred subsequently to the 1st of July—I would like to know the reason why the Commissioner of Pensions made so grave a mistake as to have found that he was simply entitled to a pension as a sergeant. I think there is a mistake somewhere along the line of this case as to the facts.

Mr. MATSON. I think I can perhaps give the gentleman a satisfactory answer to that question. The report shows that this soldier was sick, for he was then an enlisted man, some time in June, but that the particular complaint, which I need not mention—a reference to the report will disclose what that is—probably arose subsequent to the time

of his being taken sick. Gentlemen perhaps will remember the nature of the disease for which he is pensioned.

Mr. BROWNE, of Indiana. Is it not true, then, that in his application for a pension he alleges the disease was incurred prior to the 1st day of July?

Mr. MATSON. Perhaps he did allege that he was taken sick and it resulted in this thing, and the evidence seems to show that the disease for which he is now claiming a pension had its origin, growth, and development subsequent to the time at which he was mustered as a second lieutenant. Therefore the committee, while not favorable usually to the applications for rerating pensions, thought that under the circumstances this case was fairly shown to be one in which the rating should be made to this person as an officer from the date of the passage of the act, but not to go back.

Mr. WARNER, of Ohio. If the disabilities for which this soldier was pensioned originated after the date of his commission and the date at which he was entitled to muster, then clearly he is entitled to the increase; but if not, if the disability was really incurred before that date, I think it a very bad way to increase pensions by increasing rank. I think the whole question ought to turn upon that fact. If the disability was incurred prior to the date of his commission and the date at which he was entitled to be mustered, then the pension ought not to be increased in this way; but if it was incurred after that date, then I have no objection to the passage of the bill.

Mr. CUTCHEON. There is no doubt in this case in regard to certain things. There is no doubt but this man ceased to be an enlisted man prior to the 1st of July, 1863, and from that time he was not only performing the duties of a commissioned officer, but when he was mustered his muster was dated back, so that it took effect from the 1st of July. The whole question is whether the disability was incurred while he was an enlisted man or whether it was incurred after he became a commissioned officer.

Mr. WARNER, of Ohio. Before or after July 1; that is the whole question.

Mr. CUTCHEON. Yes, sir; before or after July 1. Now, as throwing some light on the question, I desire to call the attention of the committee to the fact that after the 1st of July, to wit, on the 6th of July, he set out with us on that march from Vicksburg to Jackson, performing the duties of a commissioned officer; in other words, that the illness or disease, or whatever it may be called, with which he was afflicted during the month of June did not prevent him from performing his duties as an enlisted man and did not prevent him from entering on the discharge of his duties as a commissioned officer; and that while he was in the discharge of his duties as a commissioned officer this disease fastened itself on him and disabled and disqualified him; and from that time dates the permanent disease which has ever since followed and disabled him. Therefore it seems apparent to me that the disability dates from the time he was a commissioned officer and not from the time he was an enlisted man.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN], which the Clerk will again report.

The Clerk read as follows:

Strike out the words "passage of this act," and insert in lieu thereof, "incurrence of the disease."

The question being taken on agreeing to the amendment, there were—ayes 11, noes 31.

So (further count not being called for) the amendment was not agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MALVIN PIERCE.

The next business on the Private Calendar was the bill (H. R. 1985) granting a pension to Malvin Pierce.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Malvin Pierce, late first sergeant of Company E, Eighth Michigan Cavalry Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1985) authorizing and directing the Secretary of the Interior to place the name of Malvin Pierce on the pension-rolls of the United States, respectfully report:

That Melvin Pierce was a sergeant in Company E, Eighth Michigan Cavalry. His total disability while in the line of duty appears clearly established by the records of his case. He was a prisoner of war at Andersonville, Ga., and other points for about eight months. General S. S. Fry, who commanded in Kentucky during the early part of the war, speaks very highly of Pierce, the latter having been a clerk at his headquarters. The evidence of General Fry and many other witnesses shows him to have been free from any habits of dissipation, and that he was very attentive to his duties. He entered the Army a healthy, able-bodied man, and returned from it a wreck.

While in prison at Andersonville, Ga., he, with about a thousand others, were offered the opportunity of taking the oath of allegiance as soldiers of the Confederacy. The oath was administered orally, the men repeating it altogether. Pierce swears he went out with the others, but did not take the oath; that he accepted the offer of the enemy to save his life, and that he nor any of his comrades were ever given arms except ten or twelve old muskets, with which was performed guard duty over themselves. He testifies that he never bore arms against the United States, and that he did not aid the so-called Confederate States in the war of the rebellion.

Shortly after taking the oath, so called, he was taken to the hospital delirious, where he remained at Macon, Ga., until General Wilson captured the city. The Pension Office rejected the application for pension on the sole ground that he went into the confederate service.

In consideration of the terrible sufferings endured by prisoners of war at Andersonville, and that, as stated by the applicant for pension, it was the alternative of death or the oath, we recommend the granting of a pension to applicant, subject to the limitations and provisions of the pension laws.

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANK F. FITKIN.

The next business on the Private Calendar was the bill (H. R. 1986) granting a pension to Frank F. Fitkin.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank F. Fitkin, late a private in Company B, Thirty-first Regiment of Iowa Infantry Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1986), authorizing and directing the Secretary of the Interior to place on the pension-rolls of the United States the name of Frank F. Fitkin, respectfully report:

That they have examined the record in this case, and find that Frank F. Fitkin entered the service as a private in Company B, Thirty-first Iowa Volunteers, on the 13th of August, 1862, and was discharged May 26, 1865. He claims disability by reason of kidney disease and rupture incurred while in the line of duty as a soldier. The evidence showing that his disability exists is conclusive. The examining surgeon to whom this case was referred reports that disability on hernia would entitle him to $2 a month, and his disability on cystitis to $3 a month. That his disabilities originated in the service was shown by uncontradicted testimony. The hernia was received by a fall at the battle of Mission Ridge, while a member of Company G, Ninth Iowa Volunteers.

The committee would recommend that he be placed on the pension-roll, subject to the limitations and provisions of the pension law, to take effect from and after the passage of this bill.

Mr. HEWITT, of Alabama. I would like to ask why the Commissioner of Pensions did not put this man on the roll?

Mr. HOLMES. The Pension Office thought there was not sufficient evidence showing that the injury originated while the soldier was in the line of duty.

Mr. HEWITT, of Alabama. The report says there was.

Mr. HOLMES. We think the evidence establishes that fact. That he received the injury in the service there is no question. Whether he received it in the line of duty was a question with the Pension Office. We think, in view of all the evidence there is on record, the pension should not be refused. The committee, taking that view, authorized a favorable report. That the soldier received his disability while in the line of duty, we think there can be no question.

The bill was laid aside to be reported to the House with a favorable recommendation.

F. NELSON, T. CAINE, AND H. C. SANDERS.

The next business on the Private Calendar was the bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Frederick Nelson, T. Caine, and Henry C. Sanders, of Wyoming Territory, late employés of the Quartermaster's Department of the United States Army, who were severely wounded and disabled for life, while connected with Major Thornburgh's expedition, in the engagement with the Ute Indians, September 29, 1879.

The report (made by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1711) granting a pension to Frederick Nelson, T. Caine, and H. C. Sanders, have had the same under consideration, and beg leave to make the following report:

This bill was introduced in the Forty-seventh Congress (H. R. 4982) and reported favorably upon from the committee, No. 1471. A careful review of the bill and the facts sustaining it seem to fully warrant the favorable report made upon it in the Forty-seventh Congress. It was not reached for action during that Congress. The report made by the former committee, and above referred to, is so fair and complete a résumé that the committee incorporate it herewith in their report.

"[House Report No. 1471, Forty-seventh Congress, first session.]

"Mr. CULLEN, from the Committee on Invalid Pensions, submitted the following report, to accompany bill H. R. 4982:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4982) granting a pension to Frederick Nelson, T. Caine, and R. Sanders, have had the same under consideration, and beg leave to make the following report:

"In support of the bill claimants present the certificates of Capt. James Gilliss, assistant quartermaster United States Army, and R. S. Vickery, assistant surgeon United States Army, at Fort D. A. Russell, Wyoming Territory.

"Captain Gilliss certifies that at the time of the fight of Maj. T. T. Thornburgh, Fourth United States Infantry, with the Ute Indians on Milk River, Colorado, September 29, 1879, Henry C. Sanders was in the employ of the Quartermaster's Department as a citizen blacksmith. Also, that at said time and place Frederick Nelson and Thomas Cain were employed as teamsters in the Quartermaster's Department.

"Surgeon Vickery certifies as follows:

"'The following-named men, employés in the quartermaster's department, were with the command of Capt. J. S. Payne, Fifth Cavalry, in action with the Ute Indians on Milk River, Colorado, September 29, 1879, and were wounded in that action, and were received into this hospital October 19, 1879, with other wounded men from the same field.

"'Their condition then was as follows:

"'Frederick Nelson, gunshot wound of left shoulder, the bullet passing over and grazing the bone; gunshot wound of left leg, the ball entering at lower and outer border of left thigh, ranging downward; it still remains deeply lodged among the muscles. He had also scars of wounds received in the war of the rebellion—a shell wound fracturing the right leg, and a flesh wound of neck from rifle-ball. He was in this hospital until March 2, 1880, and still remains totally disabled, the result of his wounds.

"'Henry C. Sanders, wound from rifle-ball passing across back part of left

knee, wounding the bone and opening the joint. As the result of it there has been much inflammation and an immense amount of suppuration all along the leg and thigh. He is still confined to bed in hospital, but is now recovering. Totally and permanently disabled.

"'Thomas Caine, bullet wound of chest, right side; the ball entered over third rib and came out between seventh and eighth rib, fracturing the ribs and perforating the lung. He was discharged from hospital, wound healed, January 5, 1880.'

"There is also on file the following statement by Capt. J. S. Payne, Fifth Cavalry, commanding the expedition against the Utes, indorsed upon letter addressed to him by Frederick Nelson:

"'Nelson was with my command as teamster in the campaign last fall, and served in that capacity faithfully. During the affair of Milk River, September 29, October 5, he did the duty of a soldier courageously and cheerfully until he received a painful wound, from which he is now suffering and by which he is disabled for life. His conduct came under my personal observation, and I take pleasure in recommending that a pension be granted him.'

"In addition to the above there is on file the following house joint resolution and memorial of the Legislative Assembly of Wyoming Territory:

"'*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

"'Your memorialists, the Legislative Assembly of the Territory of Wyoming, respectfully represent that H. C. Sanders, Fred. Nelson, and Thomas Caine, citizens of this Territory, while in the employ of the United States Government, and doing duty as soldiers under the orders of officers of the United States Army, were wounded and permanently disabled in an engagement with the Ute Indians at Milk River, Colorado; said engagement being known to the country as the "Thornburgh massacre.

"'And your petitioners would further represent that these persons, being disabled for life while protecting the property of the United States, and taking arms against the public enemy in obedience to Army authority, are entitled to relief of a suitable pension in each case, such as the gratitude and liberality of a great power naturally award to its defenders at all times.

"'As under existing United States laws there are no provisions by which claims of this class can be adjudicated and allowed, your petitioners pray that the persons hereinbefore mentioned, upon showing by proper affidavits their authorized service of and employment by the Government, their presence at the action named, and that the wounds there received have caused permanent disability, may obtain relief at your hands by the passage of an act granting to said persons such a pension as the presentation of facts and circumstances in each case may seem to warrant. And for such action on this memorial your petitioners, the Legislative Assembly of the Territory of Wyoming, will ever pray.

"'*Be it resolved*, That the secretary of the Territory of Wyoming be requested to forward a copy of this memorial to Hon. M. E. POST, Delegate in Congress, and that he be instructed to use his best endeavors to secure the result prayed for therein.'

"The committee are of opinion that the claimants are entitled to the relief asked for, and therefore report favorably on the same with the following amendments: Strike out the letter "R" before the word Sanders in the title of the bill and in line 6, and insert in both places the following, "Henry C.;" also strike out all after the word "seventy-nine," in line 11; and thus amended ask that it do pass."

The committee are of the opinion that the claimants should be granted the relief asked for in the bill, and report favorably on the same.

Mr. VAN ALSTYNE. This is another instance of an application on the part of a civilian who was in the service in connection with the Army for a pension for an injury received while in that service. I have myself no objection to the granting of pensions in all cases like this. I think this is a meritorious case, one that commends itself favorably to my consideration, as I believe it will to people generally.

But special legislation of this character results in wrong-doing, in that it leaves without the pale a large number of others who are equally entitled to like relief. They should be permitted to receive the same benefits that the more industrious applicant receives, who comes to Congress and obtains the relief asked for. For the purpose of remedying what to my mind is this wrong, I will move that the Committee of the Whole be instructed to report this bill back to the House with a recommendation that it be recommitted to the Committee on Invalid Pensions, and that that committee be instructed to report a general bill which will cover all cases of this kind, so that the parties entitled to this relief may present their claims to the Pension Bureau and have them granted.

Mr. BROWNE, of Indiana. I make the point of order that it was decided this afternoon by the then chairman of the Committee of the Whole that such a motion as that submitted by the gentleman from New York [Mr. VAN ALSTYNE] is not in order.

The CHAIRMAN. The Chair sustains the point of order. A motion to recommit can be made only in the House.

Mr. VAN ALSTYNE. Then I give notice that I will make the motion in the House.

Mr. HEWITT, of Alabama. It seems to me that the Committee of the Whole has the right to report a bill back to the House with a recommendation. I do not know any rule to prevent it.

Mr. BROWNE, of Indiana. It was decided expressly to the contrary this afternoon. As a matter of course the Committee of the Whole can not recommit a bill.

Mr. HEWITT, of Alabama. It is not proposed that the Committee of the Whole shall do it.

Mr. BROWNE, of Indiana. In the House a motion to recommit may be made. In the Committee of the Whole we can only amend a bill, or lay it aside to be reported favorably or unfavorably.

Mr. HEWITT, of Alabama. The Committee of the Whole can recommend to the House what the House should do with the bill. That is the very purpose and object of considering this or any other bill in the Committee of the Whole. It is true that this Committee of the Whole can not recommit a bill, but it may recommend to the House to do so; it is but a mere recommendation.

Mr. BROWNE, of Indiana. The gentleman may be right; I do not pretend to controvert the question with him. This afternoon the then chairman of the Committee of the Whole decided differently.

Mr. HEWITT, of Alabama. And that may have been a wrong decision.

Mr. STEELE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. The point of order has already been decided by the Chair, and debate upon it is out of order.

The CHAIRMAN. The Chair was indulging the gentleman from Alabama [Mr. HEWITT] to make his statement. The question is, Shall this bill be laid aside to be reported favorably to the House?

There was no objection, and the bill was accordingly laid aside to be reported favorably to the House.

JULIA A. CHAMBERS.

The next business on the Private Calendar was the bill (H. R. 4317) increasing the pension of Julia A. Chambers.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Chambers, widow of John Chambers, late an ordnance-sergeant in the United States Army, who died at Fort Monroe, January 30, 1879, and increase the pension paid her to $20 per month.

The report (made by Mr. JOHN. S. WISE) was read, as follows:

The Committee on Invalid Pensions of the Forty-seventh Congress recommend the passage of this bill. We think they were justified in so doing.

For the reasons set forth in their report, which is hereto annexed, and which we ask shall be made part hereof, we recommend the passage of the bill.

[House Report No. 173, Forty-seventh Congress, third session.]

"The Committee on Invalid Pensions, to whom the subject was referred, submit the following report:

"Julia A. Chambers is a pensioner at the rate of $8 per month, which she asks Congress to increase to $20 per month.

"It appears that petitioner is the widow of Ordnance-Sergeant John Chambers, United States Army, who died in the United States military service at Fort Monroe, January 30, 1879, after having served in the Army nearly half a century. It also appears that she is the daughter of William Johnson, who was in the military service of the United States for a period of thirteen years, and who was discharged therefrom by reason of wounds contracted in battle with Indians.

"Petitioner alleges that she is 60 years of age; that the greater portion of her life has been spent in the Army with her husband and father. She states that she is infirm in addition to the disability on account of age, and that the pension now paid her is wholly inadequate to satisfy her necessities.

"In view of the fact that this is an exceptional case; that she suffered the hardships of her husband and father, in their long services in the Army, the committee think the relief asked should be granted, and they recommend that the bill herewith reported do pass."

Mr. HORR. I wish that some one who knows about this case would give us some information. From what I have understood from the report it does not seem to me that this case comes within any rule which it would be safe for us to adopt.

Mr. MATSON. If the gentleman will allow me, I will try to enlighten him as much as I can. This case comes from the State of Virginia; it was introduced by a member from Virginia [Mr. LIBBEY], and was reported from the Committee on Invalid Pensions by a member from Virginia [Mr. JOHN S. WISE].

I think the report states very clearly the facts upon which the committee base their recommendation that the pension in this case should be increased. It appears that this woman is now quite old, and considerably infirm in addition to her age; that she is the widow of a man who served in the Army as an enlisted man for nearly fifty years, and she is the daughter of a man who served in the Army for nearly thirteen years and was discharged because of wounds received in an Indian fight. The greater portion of her own life, especially that during the time of her marriage to the soldier now dead, has been spent in the Army.

Time and time again this House has granted an increase of pension from $30 to $50 a month to widows of general officers because of their long service, because those officers had worn themselves out in the service of their Government.

Mr. HORR. Will the gentleman tell me by what parity of reasoning we should give this woman more than $8 a month, when we give the widow of a man killed in the service, of a man who lost his life in battle, only $8 a month? If the gentleman can give me any reason why this woman should be pensioned at $20 a month, and we should still retain the widows of soldiers killed in the service on the rolls at only $8 a month, I should like to hear it.

Mr. MATSON. So far as regards the retaining of the widows of soldiers on the rolls at $8 a month, I will say to the gentleman that the Committee on Invalid Pensions has reported a bill in favor of increasing the pensions of all widows of soldiers to $12 a month. A general bill of that character has been reported to the House, and we hope to pass it at an early day, and I think it will be passed substantially without objection.

Now, this bill proposes to increase the pension of this woman to $20 a month. The committee have recommended this increase because this woman is the widow of a man who was more than an ordinary soldier, who spent his whole life in the service of the Government—nearly fifty years. The committee believed this pension should be granted because of the exceptionally long service of this woman's husband, and because we have repeatedly pensioned the widows of general officers at the rate of $50 a month on account of the long service of such officers.

This woman is very old and infirm; she asks only that her pension be increased to $20 a month. Her husband served almost as long as any officer ever served the Government continuously. He occupied the place of ordnance sergeant, which I am informed by the distinguished gentleman on my left [Mr. ROSECRANS] is a very responsible position. He was, during his term of service in charge for many years of Fort Washington, down the river here. The Committee thought in view of this man's exceptionally long service—I wish to impress that fact upon gentlemen of the House—this pension should be granted.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Indiana [Mr. MATSON] how it happens that his committee is taking jurisdiction of bills of this kind. This is about the third or fourth bill of this sort reported from that committee.

Mr. MATSON. If the gentleman desires to have any bills for consideration by his committee, I can say that we have plenty to spare.

Mr. HEWITT, of Alabama. I simply wanted an explanation of the matter.

Mr. MATSON. I do not know how this particular bill came before our committee. But I know it has been reported by us. However, as this man served during the last war, that fact would entitle our committee to jurisdiction of the case.

Mr. CUTCHEON. Can the gentleman from Indiana state something about the financial circumstances of this woman?

Mr. MATSON. She is very poor; and, as the report states, her present pension is not sufficient to meet her absolute necessities.

Mr. WARNER, of Ohio. I wish to ask the gentleman from Indiana a question. What pension would this sergeant have been entitled to under the pension laws had he been totally disabled?

Mr. MATSON. There are three grades of disability——

Mr. WARNER, of Ohio. I mean what is understood by the term "total disability"—not special disability.

Mr. MATSON. For the highest grade of disability, the pension is $50 a month.

Mr. WARNER, of Ohio. I do not mean specific disability; I mean total disability of his grade.

Mr. HORR. Eight dollars a month would have been the pension.

Mr. MATSON. Eight dollars a month is the pension allowed to those who are totally incapacitated for the performance of hard manual labor. Twenty-four dollars a month is the rate for those incapacitated for the performance of any manual labor. Fifty dollars a month is allowed to those who are so totally helpless as to require the regular assistance and attendance of another person.

Mr. WARNER, of Ohio. Then it appears that the pension to which the husband would have been entitled had he been totally disabled is $8 a month. The rule which has been very seldom departed from has been not to grant by special acts any greater pension to the widow than the husband would have been entitled to.

It seems to me that the grounds upon which it is proposed to grant this increase of pension are all wrong. Inquiries are made as to the pecuniary circumstances of this widow. Why, sir, half the world, I was about to say, is half the time on the ragged edge of want. The question of destitution is not a question by which to determine whether a pension should be granted in any particular case.

If this increase of pension is to be granted upon the ground of service, that reason fails. I hold that pensions should be granted for disability only, not for service, not for destitution. The husband in this case would have been entitled to $8 a month. The widow, though she may be, like thousands and tens of thousands of others, aged and destitute, should receive no more than $8 a month.

I can see no reason in this case for departing from the ordinary rule. If it is proposed to raise the pensions of all widows, very good; then this pension will go up when the general increase is made. But there has been no substantial reason given for the passage of this special act, except a pitiful story, such as can be told with equal truth in hundreds and thousands of other cases.

Mr. WILSON, of Iowa. Mr. Chairman, general rules are established by Congress for the pensioning of deserving persons—soldiers, their widows and orphans. Congress has unquestionably the right to establish such general laws. But it appears that the Committee on Invalid Pensions think the facts are sufficient to justify them in recommending us to make an exception in the case of this woman. We have just as much right to make an exception as we have to establish the rule. We make exceptions quite often for the benefit of the widows of field officers—men who have held high rank in the Army. I think we can with equally good grace make an exception for the benefit of a poor woman, whose father and husband spent their lives in the service of the Government, she herself, by reason of their services, not having had the advantages of that home-life wherein she might have gathered about her the comforts required in old age.

I hardly think it worth our while to cavil and quibble about doing a generous and graceful thing to this poor woman.

Mr. MATSON. If it were an original proposition, to increase pensions of the widows of distinguished general officers I should not favor it.

Mr. WARNER, of Ohio. They are the last cases.

Mr. MATSON. But after it has been done to them, I could not have the face to refuse this poor woman.

Mr. WARNER, of Ohio. You are right in that.

Mr. MATSON. The precedents are bad.

Mr. WARNER, of Ohio. That is true.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANSON B. SAMS.

The next business on the Private Calendar was the bill (H. R. 1127) granting a pension to Anson B. Sams.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, directed to place the name of Anson B. Sams, late of the Third North Carolina Mounted Infantry, on the pension-roll, subject to the limitations and restrictions of the pension laws.

The report was read, as follows:

Anson B. Sams, private, duly enlisted in Company A, Second Regiment North Carolina Mounted Infantry, was attacked in December, 1863, with hernia and weakness of the eyes from exposure in actual service. We think he proves this satisfactorily by his comrades. There is some technical trouble as to his production of medical certificates, growing, doubtless, out of his being an assistant surgeon and treating himself. The Committee on Invalid Pensions in the Forty-seventh Congress reported favorably on his claim. We do likewise.

We recommend passage of the bill, with an amendment making it read "Company A, Second North Carolina Mounted Infantry."

The CHAIRMAN. The first question is on the amendment reported by the committee.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

P. M. SHANNON.

The next business on the Private Calendar was the bill (H. R. 4613) granting a pension to P. M. Shannon.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of P. M. Shannon.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4613) granting a pension to Preston M. Shannon, submit the following report:

The testimony in this case is very strong, and to the mind of your committee is conclusive of claimant's disability, its origin in the service, its continuance up to the present time, and in fact that it is permanent, and that he is entitled to a pension.

The testimony is very clear that he was sound when he enlisted, that he came out of service afflicted with rheumatism, and that he still suffers with the same to a degree that disables him from earning a living by manual labor.

It seems that his claim was rejected because he was unable to show medical treatment while in the service, and for a period of some space after he was discharged from the Army; and also because there is no hospital or other record of treatment in the service. But he has satisfactorily accounted for these omissions, in the opinion of your committee, by showing that his regimental surgeon had been dead for several years when he prepared his case, and that he was unable to ascertain the whereabouts of the assistant surgeon, if indeed he was then living. He also gives satisfactory reasons why he was treated in camp and not in the hospital.

His captain and other witnesses, shown to be entitled to credit, testify as to the origin of his disability while in the service and its continuance up to the time when they made their affidavits, of such a character as to indicate that he is permanently disabled therefrom.

After a careful examination of all the testimony, your committee believe that he is entitled to a pension, and therefore report back bill H. R. 4613, and recommend that the same be passed.

The CHAIRMAN. The Clerk will read the amendments reported by the committee.

The Clerk read as follows:

Strike out "P." and insert "Preston;" and after "Shannon" insert "late of Company —, Third Tennessee Infantry."

Amend the title so as to read: "A bill granting a pension to Preston M. Shannon."

Mr. STEELE. I never before heard of a company blank. I did not know we had any such in the service. [Laughter.]

Mr. HOUK. When I drew the bill I did not exactly know the letter of the company and so I left it blank. I know this man and that he served in the Third Tennessee Infantry.

Mr. STEELE. If the gentleman from Tennessee knows the man it is all right.

Mr. HOUK. I move to amend the amendment of the committee by making it read "Third Tennessee Infantry."

The amendment to the amendment was agreed to; and then the amendments of the committee as amended were concurred in.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH MOYAL.

Mr. MATSON. I move that the committee rise.

Mr. HOUK. I hope not. I have not been greedy in reporting these cases, and I hope the gentleman will withdraw his motion so we may consider the next bill which was reported by me.

Mr. MATSON. Very well, then; I will withdraw my motion.

The next business on the Private Calendar was the bill (H. R. 1836) for the relief of Elizabeth Moyal.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Moyal, mother of Stephen

Moyal, late of Company K, Tenth Regiment Tennessee Cavalry, in the war of 1861.

The report w read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1836) for the relief of Elizabeth Moyal, submit the following report:

This is a claim by a dependent mother. Her dependence on this soldier is substantially and sufficiently proven. The right of claimant to her pension is established provided the soldier was in the line of his duty when killed. The facts are these: The lieutenant-colonel of his regiment and the captain of his company and several comrades testify that the command halted to take a meal at Natchez, Miss., when the soldiers' mess, composed of several comrades, made a small stick fire to boil coffee. At this juncture one of the mess—and the weight of the proof shows it was the deceased—put his pot on the fire, when a comrade by the name of Redden removed it, from which act a dispute arose, in the midst of which Redden stabbed and killed the soldier, the son of claimant.

The evidence shows the soldier to have a good record, and there is nothing to show that he was at any fault in the controversy which ended in his death. We think he lost his life in the line of duty, and that his mother, being dependent on him at the time, is entitled to a pension, and therefore report back H. R. 1836, and recommend that it do pass.

Mr. HOUK. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HEWITT, of Alabama. I ask for a division on that motion.

The committee divided; and there were—ayes 40, noes 4.

Mr. HEWITT, of Alabama. No quorum has voted.

Mr. HOUK. I hope the gentleman will not insist upon that point of order.

Mr. HEWITT, of Alabama. I will not if the gentleman will agree to let the committee rise after this bill has been disposed of.

Mr. HOUK. All right.

Mr. HEWITT, of Alabama. I withdraw the point of no quorum.

So the motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I now move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had according to order had under consideration the pension cases on the Private Calendar, and had directed him to report back sundry bills with various recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole House on the Private Calendar with favorable recommendations were severally considered, ordered to be engrossed for a third reading, read the third time, and passed, namely:

A bill (H. R. 283) granting a pension to Patrick Horan;

A bill (H. R. 284) for the relief of Mary G. Hawk;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 2100) granting a pension to Mary Allen;

A bill (H. R. 501) for the relief of Hiram M. Howard, of Richmond, Kans.;

A bill (H. R. 5443) for the relief of N. C. Ridenour;

A bill (H. R. 1985) granting a pension to Malvin Pierce;

A bill (H. R. 1986) granting a pension to Frank F. Fitkin;

A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 4317) increasing the pension of Julia A. Chambers; and

A bill (H. R. 1836) for the relief of Elizabeth Moyal.

The following bills reported from the Committee of the Whole House on the Private Calendar with amendments were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed for a third reading, and, being engrossed, were read the third time, and passed, namely:

A bill (H. R. 4180) granting an increase of pension to Rowland Ward;

A bill (H. R. 1056) granting a pension to Honora Kelley;

A bill (H. R. 1127) granting a pension to Anson B. Sams; and

A bill (H. R. 4613) granting a pension to P. M. Shannon.

The SPEAKER. The titles will be amended so as to conform to the action of the House if there be no objection.

MARCUS A. HAMILTON.

The following bill, reported from the Committee of the Whole House on the Private Calendar with an adverse recommendation, was considered, the recommendation of the Committee of the Whole concurred in, and the bill ordered to be laid on the table, namely:

A bill (H. R. 2407) for the relief of Marcus A. Hamilton.

Mr. MATSON moved to reconsider the several votes above taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 30 minutes p. m.) the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. M. BROWNE: Petition of George W. Lennard Post, Grand Army of the Republic, of New Castle, Ind., for a pension to Eliza Ann Albertson, widow of John B. Albertson, deceased—to the Committee on Invalid Pensions.

Also, resolution of the post of the Grand Army of the Republic at Selma, Ind., on the subject of legislation for the relief of the soldiers of the war of the rebellion—to the same committee.

Also, petition of 54 wage-workers of the city of Richmond, Ind., for legislation to prevent the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

By Mr. COOK: Memorial of citizens of Iowa, relative to railroads and canals—to the Committee on Railways and Canals.

By Mr. CUTCHEON: The petition of citizens of Hesperi, Mich., asking for the establishment of a soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. R. T. DAVIS: A bill making an appropriation for the construction of breakwater entrances and approach for the Cape Cod ship canal—to the Committee on Rivers and Harbors.

By Mr. DOWD: The petition of A. J. Hunter, J. N. Hunter, and 20 others; of A. D. Hepburn, W. J. Martin, and 35 others, all citizens of Mecklenburg County, North Carolina, for national aid to education—severally to the Committee on Education.

By Mr. HARMER: Petition of Army officers, in favor of the passage of H. R. 2613—to the Committee on Military Affairs.

By Mr. HURD: Petition of H. E. Foster and others, for establishment of a Michigan branch of the national soldiers' home—to the same committee.

By Mr. KASSON: Petition of George Hamilton and others, of Iowa, asking additional measures for the benefit of soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. NELSON: Resolution of the Farmers' Alliance of Clay County, Minnesota, in favor of the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. PAYSON: Memorial of certain citizens of Kittitas County, Washington Territory, for the forfeiture of the Northern Pacific land grant—to the Committee on the Public Lands.

By Mr. W. E. ROBINSON: Memorial of William Coventry and H. Waddell, relative to postal reform—to the Committee on the Post-Office and Post-Roads.

By Mr. ROSECRANS: The petition of 200 officers of the Third, Fourth, Fifth, Seventh, Ninth, Tenth, Twelfth, Thirteenth, Fourteenth, Twenty-third, and Twenty-fourth Regiments of Infantry, and of Jacob Kent, captain Eighteenth Infantry, and other officers, for the passage of H. R. 3117 for the reorganization of infantry regiments—to the Committee on Military Affairs.

Also, petition of Lieut. William C. Birkheimer and others, officers of artillery, for the passage of Senate bill 1677—to the same committee.

By Mr. ROWELL: Petition of 1,400 citizens of Seattle, Wash., in favor of forfeiting Northern Pacific Railroad land grants—to the Committee on the Public Lands.

Also, petition of members of posts of the Grand Army of the Republic of Chicago, Ill., for an amendment to pension and bounty laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. STOCKSLAGER: Bill appropriating $50,000 for the improvement of the navigation of the Ohio River at New Albany, Ind., and for the protection of the banks of the river at that point, &c.—to the Committee on Rivers and Harbors.

Also, affidavit of Mrs. Maria L. Van Deventer, relative to renewal of patent—to the Committee on Patents.

By Mr. WILKINS: Petition of George C. Townsend and 50 others, and of Isaac McIntyre and 50 others, all citizens of Muskingum County, Ohio, relative to the restoration of the duty on wool—severally to the Committee on Ways and Means.

By Mr. WOOD: Memorial of Rose Lawn Post, No. 253, Department of Indiana, relative to pensions, bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

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## SENATE.

### SATURDAY, *April* 5, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of the State of New York; which was read, and referred to the Committee on Commerce, as follows:

STATE OF NEW YORK, IN ASSEMBLY,
*Albany, March* 20, 1884.

Whereas the Constitution of the United States prohibits a State from levying any tax upon commerce for purposes of revenue; and

Whereas the Congress of the United States has an unquestioned power to establish a system of fees for the support, care, and maintenance of quarantine: Therefore,

*Resolved* (*if the senate concur*), That the Congress of the United States be, and is hereby, requested to establish by law such just and equitable fees for the port of New York, and for all ports of entry in the United States, as a conference of the representatives of the State boards of health of the maritime States and of the National Board of Health may recommend or as Congress in its wisdom

may enact: the object of this resolution being to establish economical and efficient commercial and health service in the principal maritime ports of the country.

By order. CHAS. A. CHICKERING, *Clerk.*

IN SENATE, *April* 2, 1884.

Concurred in without amendment.

By order. JOHN W. VROOMAN, *Clerk.*

The PRESIDENT *pro tempore* presented a petition of the Chamber of Commerce of Tacoma, Wash., praying that Tacoma be made a port of entry; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present the petition of Anderson Winfrey, of Carrollton, Mo., praying reimbursement for expenditures made by him during the year 1864 for recruits for the Forty-fourth Missouri Volunteer Infantry, with affidavits of Henry C. Manning, William N. Waters, and John T. Patton to accompany the same. I move that the petition be referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin. I think the petition had better be referred to the Committee on Military Affairs.

Mr. COCKRELL. I will state that having been a member of the Committee on Claims and the Committee on Military Affairs for six years, at one time on both committees, I find that I made reports from each of those committees on this very question; so there is no regularity in the reference. Sometimes such matters are sent to the Committee on Military Affairs and sometimes they are sent to the Committee on Claims. I find that I myself have reported from both committees on this question.

Mr. CAMERON, of Wisconsin. Let the petition go to the Committee on Military Affairs.

Mr. COCKRELL. Very well.

The PRESIDENT *pro tempore*. If there be no objection the petition will be referred to the Committee on Military Affairs.

Mr. SAWYER presented a petition of Johannes Brothers and 6 other dealers in tobacco at Green Bay and Fort Howard, Wis., asking for additional clerical force in the First Comptroller's Office, to prevent the present delay in the settlement of claims for rebate; which was referred to the Committee on Appropriations.

He also presented a memorial of Capt. David Evans and 6 other officers of the revenue-marine service, in favor of the passage of the bill (H. R. 4483) to promote the efficiency of the revenue-marine service and providing for retiring the aged and disabled officers and regulating examinations in the revenue-marine service; which was referred to the Committee on Commerce.

Mr. LOGAN presented a petition of officers of the line of the United States Army, praying for the passage of Senate bill No. 1667 extending the provisions of section 1207 Revised Statutes of the United States to the lieutenants of the line of the Army, and subject to the restrictions and conditions contained in the said bill; which was referred to the Committee on Military Affairs.

He also presented the petition of John G. Burchfield, late private Company G, Thirteenth Regiment Tennessee Cavalry, praying to be granted an invalid pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Shawneetown, Ill., praying an appropriation for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. DAWES presented a memorial of citizens of Massachusetts, remonstrating against the passage of certain bills for the amendment of the patent laws; which was referred to the Committee on Patents.

### REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1716) to provide for the erection of a public building in the city of Springfield, Ohio, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1715) to provide for the erection of a public building in the city of Dayton, Ohio, reported it with an amendment.

Mr. CAMERON, of Wisconsin. Some time ago a bill (S. 1934) authorizing the Court of Claims to grant a rehearing in the case of Sophia B. Moore *vs.* The United States was introduced and referred to the Committee on the Judiciary. Subsequently some documents relating to the bill were presented and by mistake referred to the Committee on Claims. I report those back, and ask that the Committee on Claims be discharged from their further consideration and that they be referred to the Committee on the Judiciary where the bill is.

The report was agreed to.

### FALSE PERSONATION OF GOVERNMENT OFFICERS.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor, and have instructed me to report it back with two amendments. As the bill is one of importance and is being pressed by the Pension Office particularly, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with amendments, in line 6, after the word "Department," to insert "or any officer;" and in line 9, after the word "Department," to insert the words "or any officer;" so as to make the bill read:

That every person who, with intent to defraud either the United States or any person, falsely assumes or pretends to be an officer or employé acting under the authority of the United States, or any Department or any officer of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the United States, or any Department or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or imprisonment not longer than three years, or both said punishments, in the discretion of the court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. GARLAND, the title was so amended as to read: "A bill making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States, or any Department or any officer thereof, and prescribing a penalty therefor."

### BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2000) to reimburse the several States for interest paid on war loans, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 2001) for the relief of Hiram S. Richardson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2003) to correct the military record of William S. Smith, of Tennessee; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Military Affairs.

### SILK-CULTURE.

Mr. MORGAN. I present a memorial from the State board of silk-culture of California, and in connection with that memorial, and by request, I desire to offer a bill on the same subject, which I wish to bring to the attention of the Senate. The memorial sets forth the progress of silk-culture in California and is a most instructive and interesting paper. It is very brief, and I trust the Senate will indulge me in the request that it may be printed in the RECORD. One feature of it is remarkable. I will read that part of it:

For these reasons principally we shall not ask at the hands of your honorable body any protective tariff upon the raw material. We are satisfied that American skilled labor, with the superior improved appliances of mechanical invention as compared with the servile labor of foreign lands, confined to the crude and imperfect appliances for reeling and preparing raw silk which have been but little improved for centuries, will render our products of such superior fineness and reliability as to successfully compete with all rivals, even at present prices.

I had the honor when the existing tariff was under discussion in the Senate to propose an amendment to the tariff bill to take raw silk, reeled silk, from the free-list and put it under a duty of 10 per cent. ad valorem, my purpose being to give some encouragement to an industry which had been entirely neglected in the United States, and also because I believed that silk in all of its uses was comparatively a luxury and that it was a proper subject of taxation.

On reading the memorial of this California Silk Culture Association and the report which accompanies it, the first annual report of that association, I have become satisfied that the remedy I then proposed for their relief is not necessary, and inasmuch as this is the first industry, I believe, that has ever memorialized Congress disclaiming any desire to have a protective tariff levied upon the country in its favor, I think it is my duty to request that the memorial shall go into the RECORD, and I ask its reference to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Agriculture and Forestry.

Mr. MORGAN. In that connection I ask leave to present the report of the association and ask its reference to the same committee.

Mr. MILLER, of California. I desire to ask the Senator what the memorial prays for.

Mr. MORGAN. I omitted to state that it prays for a silk-culture bureau in the Department of Agriculture, through which facilities may be furnished for distributing the eggs and plants, different descriptions of mulberry, and information in respect of the reeling and preparation of silk for the weavers.

The PRESIDENT *pro tempore*. The Senator from Alabama, the Chair understands, desires that the memorial be printed in the RECORD.

Mr. MORGAN. The memorial, but not the report accompanying it.

The memorial was ordered to be printed in the RECORD, as follows:

Memorial of the California Silk-Culture Association.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

We, the undersigned, officers and members of the California Silk-Culture Association, respectfully represent to your honorable body that the production of raw silk in the United States is entirely practicable; that it ought to be and may

easily be made one of the great industries of the country, and that in view of its importance and practicability it is highly deserving of encouragement from the National Government.

We beg leave to submit to your consideration the following very brief summary of facts:

The estimated value of the raw silk produced in all the countries of the world amounts to the enormous sum of $400,000,000 annually, most of which is derived from those Asiatic countries to which the raising of this precious fiber has been principally confined since its origination there in the early dawn of human civilization.

In every country where silk is produced in considerable quantities this source of wealth has been recognized as meriting public protection and encouragement, and particularly in its infancy has it received pecuniary aid from governments. So jealousy did the Chinese Government guard this interest, that the cultivation of silk was not permitted to go beyond its boundaries for thousands of years, when in the sixth century two missionaries, at the risk of their lives, conveyed clandestinely, by the aid of a hollow cane sufficient silk-worm eggs to commence the business in the vicinity of Constantinople, whence it spread through nearly every European country.

In France, Italy, Germany, and all other enlightened lands where silk has become a valuable article of commerce, it has attained such importance through the fostering care and financial aid extended to it by the governments of those countries; and even China and Japan still continue, as they have done for centuries, to extend royal recognition to this gigantic and beneficent industry by frequent edicts of their sovereigns for the further development and protection of silk products.

The importation of silk fabrics into the United States amounts to about $35,000,000 annually, while the cost of the raw material which is required to supply our three hundred and eighty-eight silk factories amounts at the lowest estimate to about $20,000,000 each year. Of this sum China and Japan receive the greatest part, yet there are nearly two-thirds of the territory of the United States where the production of raw silk can be accomplished with more satisfactory results than in those lands of the Occident.

The practicability of silk-culture in the United States has passed through the experimental stage and has now assumed the form of one of the most important questions pertaining to American industry and commerce. That our soil and climate, and particularly those of California, owing to the absence of thunder-storms and of rains in summer, are peculiarly adapted to silk raising is conceded by silk experts throughout the world who have investigated our advantages; and the fact presents itself to us as a nation that every dollar of the thirty-five or forty millions paid annually to foreign silk producers should flow into the coffers of our own laboring classes; and that the 200,000 surplus working women of this country, who are to-day employed at starvation wages in avenues of labor already greatly overcrowded or not employed at all, might be made happy, well-paid workers in this lucrative and most attractive field of industry.

The aggregate valuation of the silk products of American mills is about $80,000,000 annually, and yet this important branch of manufacture is compelled to rely mainly upon the producers of Asia for the raw material whence this vast sum is realized.

That the reeled silk brought into this country from China and Japan is so shamelessly adulterated with various weighty substances as to entail a loss of at least 40 per cent. upon the purchasing manufacturer is too well known to require further notice. That American-raised silk is free from all this adulteration is an undisputed fact, and the saving to the consumer would amount to about $20,000,000 if this amount of raw material were supplied to our factories by our own people, as it well can be.

That the more favored localities of the United States, and particularly California, where silk-culture has received attention, can be made enormously productive and of the best quality of this costly fiber is unquestioned, as is also the superiority of American mechanism over that of all other portions of the globe.

For these reasons, principally, we shall not ask at the hands of your honorable body any protective tariff upon the raw material. We are satisfied that American skilled labor, with the superior improved appliances of mechanical invention as compared with the servile labor of foreign lands, confined to the crude and imperfect appliances for reeling and preparing raw silk, which have been but little improved for centuries, will render our products of such superior fineness and reliability as to successfully compete with all rivals, even at present prices.

The rapid advance made in silk-culture through the aid of governmental encouragement, particularly where it is struggling into existence, constrains us to urge upon your honorable body the wisdom of rendering pecuniary assistance to this most important branch of industrial wealth. The recent experiment made in our State of California by the creation of a State board of silk-culture commissioners, the establishment of a silk-reeling school or filature, and an appropriation of public money to maintain the same, convinces us that the only sure and speedy avenue to the successful development of this eventually profitable industry is through national legislation in its behalf; and, with this end in view, we earnestly petition your honorable body to make an appropriation of $150,000, to be divided equally between a silk-culture bureau at Washington and five experimental silk-culture stations to be located in connection with school gardens and filatures in States possessing the greatest natural advantages for producing silk, and that one of them shall be established in California at some point easily accessible from San Francisco.

And your memorialists will ever pray, &c.

MRS. LAURA DE FORCE GORDON,
MRS. E. B. BARKER,
MRS. THEODORE H. HITTELL,
CHARLES A. BUCKBEE,
THEODORE H. HITTELL,
*Committee on Memorial.*

THE CALIFORNIA SILK-CULTURE ASSOCIATION,
By MRS. E. B. BARKER, *President*,
MISS SALLIE R. HEATH, *Secretary*.

SAN FRANCISCO, *February* 12, 1884.

The bill (S. 2002) for the creation of a silk-culture bureau and the establishment of silk-culture stations was read twice by its title, and referred to the Committee on Agriculture and Forestry.

## PATENT BILLS.

Mr. PLATT. The copies of Senate bill No. 1115, House bill No. 3925, and House bill No. 3934, relating to practice in patent suits, have been exhausted. I wish to have the usual number of copies reprinted, and therefore ask for the adoption of the following order:

*Ordered*, That the bills S. 1115, H. R. 3925, and H. R. 3934 be reprinted for the use of the Senate.

The PRESIDENT *pro tempore*. The order will be granted, if there be no objection. The Chair hears none.

## REPORT ON ALASKA.

Mr. BOWEN submitted the following resolution; which was referred to the Committee on Territories:

*Resolved*, That the Secretary of War be, and is hereby, directed to transmit to the Senate the official report by Lieut. Frederick Schwatka, United States Army, of his military reconnaissance of 1883 from Chilkaht Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska.

## ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII.

Mr. BLAIR rose.

Mr. HALE. The Senator from New Hampshire, I suppose, rises to move to take up the unfinished business. I do not propose to antagonize that, but I think it my duty to say that on Monday next I shall ask the Senate, whatever may be then before it, to lay aside the unfinished business and take up the naval appropriation bill. It was reported to the Senate on Tuesday last, and in reporting it I gave notice that I would call it up probably not later than Thursday, but the debate ran on upon the bill in charge of the Senator from New Hampshire, and hoping that the consideration of that bill would be completed this week, I have refrained from bringing the naval appropriation bill before the Senate.

I hope we may be able to finish the educational bill to-day; but whether we do or not, I shall feel like taking the sense of the Senate upon proceeding with the naval appropriation bill on Monday. It is a most important bill. The Committee on Appropriations has incorporated very important amendments upon the House bill, which I presume the Senate will adopt, as it has already taken action in that direction, and the bill ought to go back to the House very soon for consideration there. I do not need now to urge upon Senators the importance of getting the appropriation bills through as fast as they come from the House. They come slowly enough at any rate. On Monday I shall seek to call up that bill.

Mr. BLAIR. I shall hope if the Senator does make that motion, in case the Senate shall not conclude the educational bill to-day, that it may be the sense of the Senate that the educational bill is quite as important as the one to which he has alluded. It is necessary that the bill, if it becomes a law during this session at least, should reach the House of Representatives before a great length of time. The appropriation bill to which the Senator refers has of course been considered by the other branch of Congress and the educational bill has not been considered at all there. It also involves an appropriation, and after this protracted debate, which fortunately now shows indications of coming soon to a conclusion, I should expect that either Monday, or at the latest Tuesday, the Senate would be able to dispose of it finally.

Mr. HALE. The Senator will allow me——

The PRESIDENT *pro tempore*. The Chair will state that the debate is proceeding by unanimous consent.

Mr. HALE. I shall take but a moment. The Senator will allow me to remind him that I, as representing the Committee on Appropriations, in reporting the naval appropriation bill have not sought to push his bill out of the way, but have been very patient. The Senator should bear in mind that while the bill which he has in charge is one of the gravest importance it has already consumed nearly three weeks of the time of this body, and that if other business is to be done the educational bill must not be allowed to run its slow length much longer. I hope the Senator discovers those signs that he refers to that the debate is running out. I have not been able to see them, and therefore thought it best to give the notice.

Mr. BLAIR. Of course there is no objection to the notice, nor can the Senator fail to observe that the control of the bill has been in the Senate and not in the possession of the member now addressing the Chair. I have seen no indication on the part of the Senate to shirk the usual amount of labor, nor have I been able to discover any lack of interest in the speeches which have been made or in the importance of those speeches as touching the general welfare of the country. Although it has been a somewhat protracted debate, I do not think that any Senator should intimate to the Senate that it has been wasting its time. I hope that as long as we have proceeded to so near the close of that debate the Appropriations Committee, which after all must like the rest of us have some regard to the general sentiments of the Senate at large, will permit us to complete the consideration of the bill.

So far as the use of the time between now and Monday at 12 o'clock is concerned I shall be here until that time, and will urge the consideration of the bill so far as it seems to be a proper thing to do consistent with its interests and the public interests generally.

Mr. SAWYER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Wisconsin.

Mr. BLAIR. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Wisconsin.

Mr. SAWYER. I ask to take from the Calendar Senate bill No. 1797 and put it on its passage. It is a bill for the construction of a rail-

road bridge across the Saint Croix River. The bridge is to cross the river above where almost all the commerce is. There is very little commerce above there. It is a high bridge. The Saint Croix is a tributary of the Mississippi——

The PRESIDENT *pro tempore*. The Chair will state that debate is not in order on a motion to take up the bill.

Mr. BLAIR. Mr. President——

Mr. SAWYER. If it takes any time I shall not press it at this time.

Mr. BLAIR. Is not my motion pending and may it no the acted upon?

The PRESIDENT *pro tempore*. The Senator from New Hampshire, the Chair understands, did not make any motion.

Mr. BLAIR. I certainly made the motion. I moved that the Senate now proceed to the consideration of the unfinished business.

Mr. SAWYER. I was recognized by the Chair and made a motion to proceed to the consideration of the bridge bill.

Mr. BLAIR. I do not wish to interfere, but let the educational bill be taken up and then I will give way in the usual formal manner.

The PRESIDENT *pro tempore*. The Chair understands from the notes of the Reporter that the Senator from New Hampshire did not make any motion until the Senator from Wisconsin [Mr. SAWYER] had risen and addressed the Chair and had been recognized.

Mr. BLAIR. I was not aware that the Senator from Wisconsin had addressed the Chair before I made the motion. I had not resumed my seat.

The PRESIDENT *pro tempore*. The Chair felt bound, as a matter of duty, to put the motion of the Senator from Wisconsin. The question is on agreeing to the motion of the Senator from Wisconsin to proceed to the consideration of the bill indicated by him.

The motion was agreed to.

### BRIDGE OVER SAINT CROIX RIVER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1797) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 22, after the word "feet," to strike out the words:

*And provided further*, That if said bridge shall be so built, the detention of passing said bridge shall not be construed as interfering with the navigation of the stream. And further.

And to insert the word "provided."

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "shall," to insert "from time to time;" and in line 7, after the word "of," to strike out "a" and insert "the proposed;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall from time to time prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the proposed location, &c.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 3. That the said railroad company shall have the right to construct passage-ways on said bridge for foot-passengers and vehicles of every description, and to charge a reasonable toll therefor; but the rates of toll shall be submitted to the Secretary of War, and shall be subject to his approval and to any change he may think proper from time to time.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 4. That such alterations or changes as may be required by the Secretary of War or Congress in any bridge constructed under the provisions of this act shall be made by the said railroad company at their own expense; and it is hereby expressly provided that Congress reserves the right at any time to alter or amend this act.

Mr. GARLAND. I move to amend the amendment by inserting the words "or repeal" after the word "amend."

Mr. SAWYER. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. HARRIS. The word "or," before "amend," should be stricken out, so as to read "to alter, amend, or repeal."

The PRESIDENT *pro tempore*. The phraseology will be corrected by striking out the word "or" where it first occurs, if there be no objection.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 283) granting a pension to Patrick Horan;

A bill (H. R. 284) for the relief of Mary G. Hawk;

A bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.;

A bill (H. R. 1056) granting a pension to Honora Kelley;

A bill (H. R. 1127) granting a pension to Anson B. Sams;

A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 1836) for the relief of Elizabeth Moyal;

A bill (H. R. 1985) granting a pension to Malvin Pierce;

A bill (H. R. 1986) granting a pension to Frank F. Fitkin;

A bill (H. R. 2100) granting a pension to Mary Allen;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 4180) granting an increase of pension to Rowland Ward;

A bill (H. R. 4317) increasing the pension of Julia A. Chambers;

A bill (H. R. 4613) granting a pension to Preston M. Shannon;

A bill (H. R. 5443) for the relief of N. C. Ridenour; and

A bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1027) for the relief of James H. Woodard; and

A bill (S. 1819) to print certain eulogies delivered in Congress upon the late Thomas Allen.

### AID TO COMMON SCHOOLS.

Mr. BLAIR. I move that the Senate now proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the education bill. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the motion of Mr. PLUMB to recommit the bill to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. MORGAN. Mr. President, when the Senate adjourned yesterday I was submitting for its consideration something of the constitutional history of the States at the time and before and subsequent to the adoption of the Federal Constitution in respect of the measures which they took to foster and promote the education of the people. My purpose in that reference was to show that the several States of the Union had taken that subject entirely into their own charge; that they had provided amply for the education of the people through their respective constitutions, and that therefore the education of the people was a subject connected, it is true, intimately with the general welfare, but belonging to that part of the general welfare which was left purposely in charge of the States.

I had read a portion of the constitution of Massachusetts, having previously read from the constitutions of some other States. I will proceed now to call attention to other provisions in the constitution of Massachusetts. Chapter V, section 2, of the constitution of 1780, has the following provision:

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people being necessary for the preservation of their rights and liberties, and as these depend on spreading the opportunities and advantages of education in the various parts of the country and among the different orders of the people, it shall be the duty of Legislatures and magistrates in all future periods of this Commonwealth to cherish the interests of literature and the sciences, and all seminaries of them, especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity and good humor, and all social affections and generous sentiments among the people.

Those are very important principles connected with the social welfare and the general welfare which the government of Massachusetts took into consideration in framing its constitution as early as 1780. They seemed to regard themselves as being entirely competent to the task of providing to the largest extent for the morals, the manners, the temper, the social affections, the generous sentiments of their people, and it seems not to have occurred to the Commonwealth of Massachusetts that there was any occasion for relying upon any other form of government for dealing with or assisting in any of these endeavors.

The history of Massachusetts bears out the proposition that she confided this portion of the general welfare to the proper tribunal, that she did not remit it into the hands of Senators who might be elected hereafter from Alabama and Wisconsin and Oregon and Illinois, or any of the States that were not in the contemplation of the statesmen of that day, but that she undertook in virtue of her own sovereignty, of her own powers, to provide for her people all these necessary assistants to the general welfare and their progress. They even go so far as to inculcate the duty upon the Legislature of providing by law so that sincerity and good humor and social affections and generous sentiments shall be encouraged among the people. And, sir, we see the fruit of

it here in this body and elsewhere. We see the high degree of intelligence which Massachusetts has aided to distribute throughout the length and breadth of this land, and we see how uniformly good-natured and good-humored are the representatives from that splendid Commonwealth. I congratulate that ancient Commonwealth upon her success in laying down in her constitution those principles of government which belong appropriately to the States, and which have brought such beneficent results upon individuals as well as upon the entire community.

Now I turn back to the earlier part of the same constitution, and I read articles 4 and 5, for the purpose of impressing still more firmly upon the mind of the Senate and of the country the fact that while Massachusetts was ordaining these very ideas and duties of benevolence to her own people, she was protecting her people and her State rights, in addition to the guarantees which were found in the Articles of Confederation and the Constitution of the United States, by a declaration of certain principles and rights and powers belonging to the State which are totally incompatible with the idea that Congress was left, by Massachusetts at least, in the guardianship of the education of her people, or of any other matter that pertained to their social and personal welfare as individuals or as a community. Articles 4 and 5 say:

ART. IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

ART. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are the substitutes and agents, and are at all times accountable to them.

If there was no other fact in this whole history but the single fact that Massachusetts, one of the States which framed the Constitution of the United States, had made in her constitution the express reservation of power which I have just read, and had expressly said that she shall hereafter enjoy every power, jurisdiction, and right which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled, that would be sufficient as an answer to the proposition that she had reserved to herself the right to exercise every power and duty toward her people which she expressed in this Constitution, and every power and duty to her people which she did not expressly delegate to the United States in forming their constitution. How could it be argued against Massachusetts, with her constitution thus pregnant with denials of the power of Congress to regulate the general welfare upon the subject of education, that she had surrendered all that right and all that power to the Congress of the United States under any circumstances or conditions or that she ever expected that she would do so?

Now, sir, I will turn to the constitution of North Carolina, that glorious old State which led the van in the declaration of her independence, and which, in her Mecklenburg declaration, put the very frame of words together which the Congress of the United States afterward adopted as the best fitted to express their views of the independence and sovereignty of the United States of America. That State ordained in the forty-first article of her constitution of 1776:

XLI. That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more universities.

Has North Carolina ever yielded that power to the Federal Government in any sense whatever? Has she ever so far berated her own sovereignty as to be willing to admit that the Federal Government, in these latter days, has more power than it had at the time of the formation of the Federal Constitution, and that the United States now has power which that noble State recorded as belonging solely and exclusively to her in her constitution of 1776? That constitution was formed at a time when it was necessary, as is stated in the preamble to it, to organize civil society in order to escape from the effects of the turbulence and turmoil with which the then opening war with Great Britain distressed and harassed the country, but in the midst of all these troubles and anxieties they bethought themselves of the future, and counting the fact that the principles which underlay their State constitution and their declaration of independence would inure to the advantage of their posterity for many generations to come, a proud and an independent people laid deep and well this noble foundation of State rights and State sovereignty in that grand constitution. Sir, I will not disregard it; I will not ignore it; I will not come here as a representative from Alabama presuming that I have the right to prescribe anything to North Carolina in respect to the education of her people or to put before her a condition which will humiliate her to the extent of saying "Take this money I offer you; do it on the terms I offer it; if not I will withdraw it." That State, if her voice was truly uttered upon the floor of the Senate, would respond to such a demand as that by quoting this article 41 of her constitution of 1776, and she would say "we provided before you were a State and before the Constitution of the United States was formed, and amidst the first smoke of the first battle for the independence of the country—we provided with sedateness and care for the education of our youth, and that ground we have never seen proper to abandon; content yourselves with attending to your own business and let North Carolina pursue the course that she laid down for herself and her people as far back as 1776."

Ohio put similar provisions in her constitution after being organized as a State out of territory that had been granted by Virginia, Virginia herself having accepted by an act of her Legislature the act of Congress for the organization of the Northwestern Territory which excluded slavery from that portion of the public domain, Virginia, therefore, being the first State in the American Union to put the *imprimatur* of her approval upon the abolition by act of Congress of slavery in any part of the territory of the United States. Ohio, in the constitution of 1802, provides in sections 25, 26, and 27 as follows:

SEC. 25. That no law shall be passed to prevent the poor in the several counties and townships within this State from an equal participation in the schools, academies, colleges, and universities within this State which are endowed in whole or in part from the revenues arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies, and universities shall be open for the reception of scholars, students, and teachers of every grade, without any distinction or preference whatever contrary to the intent for which the said donations were made.

SEC. 26. The laws shall be passed by the Legislature which shall secure to each and every denomination of religious societies in each surveyed township which now is or may hereafter be formed in the State an equal participation, according to their number of adherents, of the profits arising from the land granted by Congress for the support of religion, agreeably to the ordinance or act of Congress making the appropriation.

SEC. 27. That every association of persons, when regularly formed within this State, and having given themselves a name, may, on application to the Legislature, be entitled to receive letters of incorporation to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

That is what Ohio had to say on the subject. Pennsylvania, in 1683, in section 28 of the frame of government, as it is called, of Pennsylvania, provided:

28. That all children within this province of the age of 12 years shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

And Vermont in 1786, in her constitution, provided:

38. Laws for the encouragement of virtue and prevention of vice and immorality ought to be constantly kept in force and duly executed, and a competent number of schools ought to be maintained in each town for the convenient instruction of youth; and one or more grammar schools be incorporated and properly supported in each county in this State. And all religious societies or bodies of men that may be hereafter united or incorporated for the advancement of religion and learning or for other pious or charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates which they in justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

The State of New Hampshire, which has the honor of being represented on this floor by the author of this bill, in articles 6 and 7 makes certain provisions in respect of education which are very marked in their character and which go to the whole extent of claiming exclusive jurisdiction over the subject of common-school education and every other form of education, and not only so, but of applying to it religious tests and excluding from the privileges of teaching in the schools those persons in that State who might belong to other than Protestant denominations. I do not know what they would do to those men who deny entirely the existence of the Deity, but I take it for granted that they would not be permitted under the provisions which I now read to participate in the government of any school whatever:

Sixth. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity and of public instruction in morality and religion: Therefore, to promote those important purposes, the people of this State have a right to empower, and do hereby fully empower the Legislature to authorize from time to time the several towns, parishes, bodies-corporate, or religious societies within this State to make adequate provision, at their own expense, for the support and maintenance of public Protestant teachers of piety, religion, and morality: *Provided, notwithstanding*, That the several towns, parishes, bodies-corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay toward the support of the teachers of another persuasion, sect, or denomination.

And every denomination of Christians demeaning themselves quietly, and as good subjects of the State, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this constitution had not been made.

Just here there is a remarkable provision for the propagation of the Christian faith, as understood by the Protestant denominations, in the constitutions of New Hampshire, and there are some exclusions from the right of public teaching in matters of morality and religion applicable to those who are not members of a Protestant denomination.

Now, let us take this matter under consideration for a moment. Was not that esteemed by the people of New Hampshire as being a part of the general welfare of the people of that State? Why should they go into this detailed and very elaborate statement of the rights and powers and duties of the State and of its magistracy in respect of matters of piety, morals, and religion, unless they conceived that the regulation thereof was necessary for the general welfare of the people of New Hampshire? But when it came to ordaining the Constitution of the United States, the doctrine of the divorce of the civil from the religious ele-

ment had obtained such a strong foothold among the delegates representing the different States of the Confederation that a provision was incorporated in the Constitution of the United States that Congress should make no law affecting in any respect a question of religion. Here is the general welfare, so far as that power is concerned, and so far as New Hampshire is concerned, excluded in express terms from the jurisdiction of Congress and confided, therefore, into the jurisdiction of New Hampshire.

Can it be said that religion is a matter of no general concern to the people of the United States, although it may exist in a false form, or under improper conditions, in some of the States or Territories? If that be so, why have we concerned ourselves so sedulously about the prohibition of Mormonism and the breaking down of the Mormon Church in the Territory of Utah. What is it to the citizen of Alabama if a priest or a member of the Mormon Church chooses to indulge in polygamy in the Territory of Utah? Nothing but the public scandal and disgrace of such a matter upon the institutions of our country, nothing but the planting of a seed of immorality there, which, if tolerated, may spring up into a crop of unrighteousness and wickedness throughout the whole length and breadth of our great population. Yet we deny expressly to Congress the power to legislate on any subject touching religion; and New Hampshire put in her constitution of 1792, and has retained to this very day, many of the provisions which regulated religion in New Hampshire as a matter of general welfare and public concern.

Mr. BLAIR. I do not know what the Senator refers to. The former provision in our constitution with relation to what is called the religious test is not in the existing constitution of New Hampshire.

Mr. MORGAN. The Senator from New Hampshire, if he had given as much attention to taking care of his own people and the preservation of their constitutional rights at home as he has in bestowing benevolence upon the people of Alabama, would understand better than he has just stated that while some religious tests for office have been, by amendment, taken out of the constitution of New Hampshire within latter days, yet the standard religious test relating to the regulation of public schools remains in that constitution.

Mr. BLAIR. I do not know what the Senator refers to just now.

Mr. MORGAN. I will read from article 7 of that constitution. After having laid down in articles 5 and 6 the right of the people to worship God and the manner in which they should proceed to worship Him and the manner in which public religious teaching should be conducted and the persons who might be permitted to conduct those teachings, in order to make these provisions secure against any interference by the Congress of the United States with this reserved and highly prized right in article 7, they say this:

> VII. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

Mr. BLAIR. I understood the Senator to say that there was something in the constitution of New Hampshire in the nature of a religious test either for the right of suffrage or the holding of office, something that is not to be found in the constitutions of the States generally, and something inconsistent with absolute religious freedom. If I incorrectly understood the Senator, then there was no occasion for my interruption. If I did so understand him, I would say that there is at the present time nothing of the sort in our constitution. For a great many years, for half a century at least, before the formal repeal of the provision formerly in our constitution, it was a dead letter; and as I said once before on the floor of the Senate during my short service here when that matter was called up, I myself, some twelve or fourteen years ago, sat in the Legislature of New Hampshire side by side with an Irish Roman Catholic, a representative from the city of Manchester.

Mr. MORGAN. The right to hold office, from which Catholics were excluded by the original constitution of New Hampshire, has been conferred upon them by an amendment to that constitution. I have been unable to find, though reading the amendments down as late as 1877, which I presume was the date of the last amendment, any change in the language of this part of the constitution of New Hampshire, which I again read:

> Therefore, to promote those important purposes, the people of this State have a right to empower, and do hereby fully empower, the Legislature to authorize from time to time the several towns, parishes, bodies-corporate, or religious societies within this State to make adequate provision at their own expense for the support and maintenance of public Protestant teachers of piety, religion, and morality.

If that item has been stricken out of the constitution of New Hampshire it has been a very late thing.

Mr. BLAIR. We recognize the Catholic religion as a religion.

Mr. MORGAN. Not in your constitution.

Mr. BLAIR. I will not waste the time of the Senate on that point. I notice by the morning papers that a Roman Catholic diocese has just been established in New Hampshire by the appointment of the Pope.

Mr. MORGAN. That may be also, but can they teach, can they exercise the powers and functions of public teachers of piety and morality and religion which are prescribed and guaranteed in this article of the constitution, and which New Hampshire took very great pains to protect against the power of Congress to repeal it or to alter it in any way, by saying that "we claim this right as ours, and ours forever, and it having never been delegated to the Congress of the United States, we reserve that power to ourselves?"

I do not complain that New Hampshire took that view of the general welfare in her ordination of the organic law of her State; she had a perfect right to do it; and although I think that she pushed this question rather to an extremity, and although I am persuaded that New Hampshire still occupies constitutionally the ground that she took in 1792 upon this question, yet I concede to her that which she claims, and I deny to Congress the power to pass a law, though they may think it for the general welfare, which shall enact and provide that every man, Protestant, Catholic, Jew, or gentile, who wishes to teach the public of New Hampshire shall have the right to do it, that feature of her constitution to the contrary notwithstanding.

Mr. PIKE. The Senator will permit me to say that I think anybody in New Hampshire can worship God according to the dictates of his own conscience freely. The only trouble there is we do not worship quite as much as we ought to.

Mr. MORGAN. The right to worship God according to the dictates of his own conscience freely is provided for, but the office of public teacher is still confided by the constitution of New Hampshire, if I understand it correctly, alone to persons who profess the Protestant religion. Am I right in that?

Mr. PIKE. I do not think there is any discrimination at all.

Mr. MORGAN. I only read from the constitution of New Hampshire. If it has become obsolete I am not responsible for that. That it may have become obsolete in the mind of one of her Senators is not perhaps a just remark to make, or an insinuation that I ought to make here; but still there stands the letter of it; I have read it to the Senate; it is unanswered, and the exclusion still exists, and no man who is a Catholic to-day has a right to teach in public the doctrines of morality and religion, according to the constitution of New Hampshire.

Mr. BLAIR. There was a time when there was something like an established system of religion, an established church, in New Hampshire, and the provision to which the Senator has reference now related to that; but for many years the voluntary system, as it is called, has been the only form of church establishment existing in that State, unless it may be that of the Catholic Church; and the provisions from which the Senator is reading, so far as they relate to the public teaching of religion, have no reference whatever to any existing order of things.

Mr. MORGAN. That means that the people of New Hampshire have got their own consent to disregard entirely the constitution under which they live, for here the constitution is. I protest again; I say New Hampshire had a perfect right to do this in her organic law; she can exclude Catholics if she chooses, Jews, or any other class of religionists from holding public office or from ministering in things sacred or things secular within the borders of her State, or from receiving any pay or compensation from the treasury of the State for their work. She has a perfect right to do all this; and although this provision is, in the mind of the Senators from that State, obsolete, and although they insist that what is called the voluntary system of free worship has been substituted by common consent in place of the former restricted and exclusive system, yet I would not dare, as a member of the Senate, to vote for a bill, upon my ideas or anybody's ideas of providing for the general welfare, to reform the constitution of New Hampshire so as to compel them to recognize, in point of law, that which they do in point of fact, the right of people to worship God and to teach the worship of God in such manner as their consciences may dictate.

There is another proposition that I bring to the attention of the Senators, that while the New Hampshire constitution is in this form, and while that State claims the protection of guarantees which were put in its own constitution against the power of Congress to provide for the general welfare so as to break down the right of the State to control her internal and domestic affairs—while these things remain in that form, I protest that there is no evidence before the Senate that the people of New Hampshire have ever surrendered to Congress the right to interfere in the management of their public schools, and I submit that we have no right to compel New Hampshire to do this.

Now, Mr. President, I think I have demonstrated from the history of the country that what we call "the general welfare," and which applies alike to the people of all the States and all the Territories of this great country, was divided out, in respect of the jurisdiction to provide for and control it, in laying the original foundations of this Government. A part of it was assigned to the States and a part of it to the Federal Government. I have quoted from the constitutions of various States existing at the time that the Federal Constitution was ordained, and some before that time, some since that time, and I could proceed to quote from the constitution of every State in the American Union of modern origin to show that the right to control the education of the people has been claimed always as belonging to the local jurisdiction, and not to the general or Federal jurisdiction.

When I have brought these facts together and contrasted them with the utter silence of the Federal Constitution on all questions like this, on all questions of a kindred character, I think I may assume upon the

history of the country, as it is written in the great book of the law, that the law of the land is and has always been that the Congress of the United States (to use the accurate expression of the Senator from Texas [Mr. COKE] in his speech) has jurisdiction of "the general welfare" only to the extent of the powers granted to Congress in the Federal Constitution, and that the jurisdiction of "the general welfare," in every other respect, belongs to the local governments, called the States, or whatever they may be.

In connection with this observation and with this record of history which I have had the honor to lay before the Senate I will ask the Secretary to read the remarks of Mr. Madison upon the cod-fishery bill, made in 1792 in a debate in Congress on the passage of that bill. I wish to put these remarks of Mr. Madison in this record as being the contemporaneous exposition of one of the greatest men who was in the convention that framed the Federal Constitution, and one who was most familiarly informed of every principle that was brought into discussion at the time the Constitution of the United States was framed, because I think from such contemporaneous exposition we get far more light than we possibly can from the refinements even of the ablest lawyers made at this day and time.

The Secretary read as follows:

Mr. MADISON. It is supposed by some gentlemen that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawback, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the general welfare. This, sir, in my mind raises the important and fundamental question whether the general terms which have been cited are to be considered as a sort of caption or general description of the specified powers, and as having no further meaning and giving no further powers than what is found in that specification, or as an abstract and indefinite delegation of power extending to all cases whatever; to all such at least as will admit the application of money, which is giving as much latitude as any government could well desire.

I, sir, have always conceived—I believed those who proposed the Constitution conceived—it is still more fully known and more material to observe that those who ratified the Constitution conceived that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers, but a limited government tied down to the specified powers, which explain and define the general terms.

It is to be recollected that the terms "common defense and general welfare" as here used are not novel terms first introduced into this Constitution. They are terms familiar in their construction and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great a latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such powers as are now assigned to them. On the contrary, it was always considered clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves, whether it was ever supposed or suspected that the old Congress could give away the money of the States in bounties to encourage agriculture, or for any other purpose they pleased. If such a power had been possessed by anybody, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The novel idea now annexed to those terms and never before entertained by the friends or enemies of the Government will have a further consequence, which can not have been taken into the view of the gentleman. Their construction would not only give Congress the complete legislative power I have stated; it would do more, it would supersede all the restrictions understood at present to lie in their power with respect to a judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever.

This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it, Congress must have power to create and support a judiciary establishment with a jurisdiction extending to all cases, favorable in their opinion to the general welfare, in the same manner as they have power to pass laws and apply money providing in any other way for the general welfare. I shall be reminded, perhaps, that according to the terms of the Constitution the judicial power is to extend to certain cases only, not to all cases. But this circumstance can have no effect in the argument, it being presupposed by the gentlemen that the specification of certain objects does not limit the import of the general terms. Taking these terms as an abstract and indefinite grant of power, they comprise all the objects of legislative regulations, as well such as fall under the judiciary article in the Constitution as those falling immediately under the legislative article, and if the partial enumeration of objects in the legislative article does not, as these gentlemen contend, limit the general power, neither will it be limited by the partial enumeration of objects in the judiciary article.

There are consequences, sir, still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county, and parish, and pay them out of their public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House is a proof that the doctrine in question was never entertained by this body. Arguments wherever the subject would permit have constantly been drawn from the peculiar nature of this Government as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. In a very late instance—I mean the debate on the representation bill—it must be remembered that an argument much used, particularly by gentlemen from Massachusetts, against the ratio of 1 for 30,000 was that this Government was unlike the State governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to, and, therefore, that a smaller number of Representatives would be sufficient to administer it.

Arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufacturers, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it can not be necessary to enlarge upon. A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce: but will any one say that by virtue of a mere power to lay duties on imports Congress might go directly to the produce or implements of agriculture or to the articles exported. It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such a power might indirectly and incidentally affect exports.

In short, sir, without going further into the subject, which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion that were the power of Congress to be established in the latitude contended for it would subvert the very foundations and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn or what consequences ensue from such a step it is incumbent on us all to consider.

Mr. MORGAN. When Mr. Madison delivered that speech on the cod-fisheries bill he was in the atmosphere of the then current facts of history to which I have just been calling the attention of the Senate. He did not think that it was necessary to bring out that history which was so recent and so fresh in the minds of all the legislators of that time in order to vindicate the position which he announced to Congress with so much force and so much earnestness upon that occasion. I have brought forward that history not that the Senate has been unmindful of it, but to refresh the recollection of the Senate and of the country upon the facts of the case and to give force and efficiency by this re-enumeration of these facts to the profound and earnest remarks of Mr. Madison delivered on that occasion, in which he felt, and stated that he felt, that the latitudinarian construction which is given to the term "general welfare" in this very debate would if indulged in upturn the very foundation of the Constitution of the United States. Senators must excuse me if I am not prepared to follow them in their interpretations of this instrument to the extent of voting for this bill after the enunciations of Mr. Madison upon that question, and after the Government of the United States from the date of that speech and before that time down to the present moment, has never resorted to the taxation of the people of the United States at large for the purpose of educating the children in any of the States. I can not follow them because of my doubts upon the question, if I may call them doubts. My views of the question are solid and earnest convictions against the constitutional power; but if I had only doubts, and they were enforced as they are by the judgment of a man like Mr. Madison, who was in the constitutional convention and who was in Congress speaking of powers—those reserved and those given to the Federal Government—if I was only left in doubt, under these circumstances would it be expected of me that I would do like the honorable Senator from Kentucky [Mr. WILLIAMS] said he would do, resolve his doubts in favor of the poor and the humble and the needy and the oppressed?

We have a daily and an hourly chance to resolve all doubts in favor of that class, for the Scriptures tell us, "For the poor ye always have with you." We are never separated from them. No community, however great or prosperous, is ever free from a class who must depend upon public charity; but, as was so well observed by the Senator from Delaware [Mr. BAYARD], what do the people of California know about the charity that should be exercised in behalf of the people of Maine, and what do the people of New Hampshire know of the charity needed to be expended through governmental institutions and laws in behalf of the people of the State of Alabama?

Sir, our commissions as Senators from these respective States do not include the right to consider questions of this kind; and there being so much of doubt, to say the least of it so much of uncertainty, in respect to the exercise of this power, it seems to me that it is our duty to each other as well as to the country to stop until the people can amend this Constitution if they think that the calamitous condition of illiteracy and ignorance in the country is so great and so pressing and so dangerous as that some public measure must be taken by Congress to aid in its improvement.

The annexation of Louisiana was alluded to here, and the waiver by Mr. Jefferson of his earnest, strong, conservative views of strict construction of the Constitution in order to carry that measure into effect. The Senate will remember, however, that Mr. Jefferson, after the measure had passed, after the treaty had been made, and while Congress was in the act of accepting it and providing for the extension of our laws over that territory, still earnestly urged that the States should take the matter in hand and amend the Constitution so that *nunc pro tunc* it would operate to cover the breach which had been committed as a matter of great public exigency.

The power of amendment was put in the Constitution of the United States, and we have a right to suppose that the Legislatures of the thirty-eight States of this Union will have as much wisdom in clearing up doubtful questions as any one Senate or any one House of Representatives may be expected to have upon constitutional law; and if by the emancipation of the negroes, or if by the influx of uneducated and poverty-stricken foreign population, or if by any other means there has been a growth of ignorance and illiteracy in this country the mastery of which is not within the powers of the local governments in certain places and quarters, let us when we recognize that evil and doubt the power which we have to remedy it, or when we find our compeers in this body honestly and seriously doubting our power to reach the question, let us take pause and refer the subject to the amending power of the State Legislatures over the Constitution of the United States. If we had more frequent resort to that remedy and could more frequently

test the sense of the people of the different States of this Union in respect to the exercise of doubtful constitutional powers we should take a course which would conserve this Government in future against this friction and attrition which some time or other may tear it to pieces in spite of all the conservatism and wisdom of the best men we have.

Congress, autocratic and arbitrary in the execution of its powers, disdains to leave questions to States and to the people in order to ascertain what is their sovereign will upon those great questions of controverted powers on the part of the Government of the United States about which their representatives in both Houses differ so essentially.

I here leave this constitutional question. I have not ventured into the discussion of the letter and terms of the Constitution in respect to the powers of taxation connected with the general welfare and the common defense, for the reason that the able argument made by the Senator from Texas [Mr. COKE] was so clear and so unanswerable, it seems to me, that it would be a mere waste of time and words for me to attempt to add anything to its force or its effect. I stand upon that argument, adopting it as fully and completely as if I had had the honor or ability to utter it myself.

I have been taught that the gathering of power into the hands of Congress is among the most dangerous of the evils to which our form of government is liable. My experience in the Senate has only increased my apprehensions as to the prevalence of this evil purpose. We have done much in this direction, and I do not recall an instance in which Congress has refused to seize upon any power that the popular will has for the moment demanded that it should grasp to carry out a favorite object or to relieve against some stress of misfortune. In this course of dealing we have so emasculated the State governments that even they join in the prayer to Hercules for his help.

Sir, I was bred, I may say, a State-rights Democrat, having, however, come from a family none of whom belonged to that political affiliation, but having formed my opinions upon this subject as the growth of my youth and manhood from a study of the Constitution and the writings which claim to be proper expositions of that instrument. I therefore belong to that class of Democrats who are called State-rights Democrats, Democrats who insist upon the preservation of the reserved rights of the States against the aggression of Congress or of any other department of the Federal Government, believing that this reservation of rights and the protection of the reserved rights is essential to the maintenance of the welfare of the whole body-politic of this great country of ours.

But I have been led to observe and sometimes to remark that the wasting away of the powers and rights of the States is more due to their inactivity in their assertion, to their want of confidence in the ground upon which they stand in their assertion, to their neglect of their constitutional powers, privileges, and duties, to the abandonment of what belongs to the States, than even to the aggressive spirit of Congress or of any other department of the United States Government. We find States coming up here with resolutions from their General Assemblies, and we find Senators on this floor who are the embassadors of States rising in their places from day to day and claiming the protection and assistance of Congress whenever anything strikes the attention which Senators suppose may possibly give the States some slight inconvenience. Here, of late, tornadoes have been used as a means of appealing to the Congressional power to take away from the States their right and their duty of protecting their own people or their communities through the benevolent office of charity, which they would doubtless and have indeed exercised to all who have been troubled or afflicted. Cattle diseases spring up, overflows occur, and Congress is appealed to for help.

In May, 1874, there was an overflow that occurred in my State on the Tombigbee or the Black Warrior River, a small, narrow stream whose bottom-lands were not very extensive; and as soon as it was understood that some plantations had been inundated and some stock swept off the members of Congress then representing or claiming to represent that State brought in a bill to appropriate, I believe it was $400,000, for the relief of the people who had been overflowed by the Tombigbee and the Warrior Rivers, and the bill was passed. The general welfare of the whole State of Alabama and of the United States was a sufficient plea in apology for giving $400,000 at that time for the overflowed people in that portion of my State. The money was authorized to be expended in bacon and in flour and other food for human consumption. It was so expended. The overflow had passed away before the bill passed Congress and new crops were growing upon the land that Congress was providing for before the bill was signed by the President. Nevertheless the $400,000 went into public distribution in the State of Alabama; and it was distributed in the next October and November elections upon the highest points of the sand mountains throughout a large region of country where the people wanted what was called in that country "overflow bacon."

I can not get that picture out of my mind. There was the general welfare of the people invoked and with success to justify this political fraud; the money was voted, and the bacon was bought, and the politicians went around with their greasy hands and distributed it to the men who cast greasier ballots that they could not read, and in that way the general welfare was promoted! Men got rations of bacon to cast ballots that they could not read through the broad benevolence and the wonderful healing power of our acts of usurpation under what we call the general-welfare clause, and which has been aptly termed here "the blanket clause" of the Constitution; the clause that, in the name of the general welfare, is a safe cover for iniquities, as charity is a convenient mantle for other sins.

Congress legislates constantly with the intent to control the property, the business affairs, the morals, the manners, the sentiments of the country, so as to accomplish the purposes of a political party, instead of legislating for the liberties and material welfare of the great body of the people that we represent. Its legislation is fitful and often whimsical. It grants hundreds of millions of acres of land to railroads in obedience to a great clamor for public improvement and for immigration to the Pacific. It then stands by and allows those grantees to abuse their powers so long as they are enriching men of great influence and contribute to the support of a dominant party. When the people wake up to the injustice they are compelled thus to undergo, Congress turns about and in the most sudden and violent way tears the whole structure down and destroys all that it can lay its hands upon for the sake of the alleged "general welfare" and to answer the popular demand!

The general welfare is invoked in the first place for the purpose of making the donations, and after they have been made and the companies and individuals have grown enormously rich upon their proceeds, then you turn around and invoke the general welfare to tear the whole structure down, waste the property, cut up vested rights, destroy property rights of men and corporations, and all because there is a public clamor raised and a demand made that this excessive legislation shall be wiped out.

Congress has allowed the ulcer of Mormonism to eat into the body-politic in the Western Territories, and when the evils of the disease have become threatening it has cut up and destroyed the very vitals of civil liberty to get at the supposed root of the disease and to eradicate it. A bill is pending here now to revoke Territorial legislation, take away the right of suffrage, and take the ballot out of the hands of the people in Utah, notwithstanding they are educated people. We have laws to take the ballot out of the hands of the people as a punishment for crime, before they are convicted of criminal charges and accusations. This is another instance where the general welfare has been invoked, first to let them alone in the enjoyment of their alleged religious opinions and sentiments; and then it is invoked to tear them up as a civil community and to punish them as a religious community, to confiscate their church property, and to abolish what they claim to be their religion.

I do not think they can make such claims honestly and faithfully, but still they claim that they are a religious people. I am discussing now the question of the general-welfare power and how Congress swings it back and forth to answer its own demands and to respond to whatever may be fitful or whimsical in the demands of public sentiment as expressed through the newspapers and otherwise.

Congress has enfranchised the negro, and it has enacted many unconstitutional laws to protect him in the use of the ballot that it now claims he can not read or understand and therefore can not intelligently use. Let us look over the history of this legislation a little and see what Congress has not attempted to do for the purpose of giving the negro the ballot and of protecting him in the use of it, and not only the ballot but all other descriptions of what are termed civil rights, and how the United States Supreme Court has been called upon and has rendered decision after decision obliterating the acts you have passed here because they were violations of the Constitution. Sir, in times of public excitement, in times when popular opinion is strong and urgent in a certain direction, is it our experience that Congress is not entitled to be trusted in determining, for good and all, "what is the general welfare?" If it were not for the conservative opinions of the Supreme Court in correcting the decisions upon the general welfare made in this body we should have had a Constitution by this time that would have been so threadbare that no American who claimed the liberties of his fathers would have been reconciled to its further existence.

Congress first invites the black man from Virginia and Maryland and North Carolina and elsewhere through the United States to come into the District of Columbia. It confers upon him as an example of freedom and liberty the right to the ballot to be cast in common with the white men of this District—a District which has more population than several States of the American Union, and some of them old States; more, I believe, than Oregon; more, I know, than Colorado and Nevada; more, perhaps, than some of the other States, or if not more about as much—a great capital city, with vast amounts of property accumulated here, and old-established and sedate social institutions, with every appliance of order and law and social excellence and elevation with churches, school-houses, hospitals, all that pertains to the welfare of the rich and poor, with palatial residences, cottages, and tumble-down tenements, all occupying the same neighborhood with equal freedom and advantage of breathing the air of heaven to the occupants, all enjoying the right to pursue happiness in the manner their own judgment and conscience shall dictate, and to worship God according to the dictates of their conscience. Congress set the example of manhood suffrage in this District by giving the ballot to the negro, who

came rushing into this District, where the fountains of liberty were supposed to flow perennially and always in crystal streams.

Drinking eagerly of their flood-tide beneath the Arcadian shades, the new worshipers of liberty knelt amidst the beautiful surroundings of this Capitol. This is a place to which the man of the highest taste would naturally be invited by its attractions, and the place to which the pilgrims in search of the realities of freedom came first to drink its intoxicating draughts of infinite delight. In troops they came, and what was the result? Congress, in order to get rid of them, in its fitful mood has abolished the suffrage in the District of Columbia for black and white. These noble Senators by whom I am surrounded, and some of whom own property in this District to the value of millions of dollars perhaps, those who live in palaces of which the kings of the earth might be proud, are willing that they themselves shall be disfranchised rather than they shall confer the power of the ballot upon their servants. They are willing to abandon that feature of republican government in the United States which involves the responsibility of rulers and public servants to the constituency that they serve. They are willing to forego everything in the nature of free government in which the individual man may participate in order to escape the doom that they see awaits them and their property if they allow the negro man to vote in the District of Columbia. Sir, they give up the ballot themselves and require the wisest and best of men in this District to yield up all rights of free government and participation in government, which is the only right of government they can enjoy—because they can not vote for President and Vice-President like the people of the States, they can not have representation in Congress, with a voice at these desks or in the other House to represent them by the voting power—they are yielding all this only for the purpose of getting rid of the ballot of the negro.

Was there ever, Mr. President, a stronger evidence of the fitfulness of legislation and its whimsicality, when the Congress of the United States, having the right to enact laws and the power to judge of the general welfare, declared, in the first instance, that every negro man 21 years of age who had been a resident of this District for a certain time should have a vote in the direction of its public affairs, and then afterward, when they had tested the evils of negro suffrage which this law directed, they abrogate the whole system of the ballot, deny the ballot to white and black, and say there shall be no free government in the District of Columbia, because they can not afford, inasmuch as they reside here and have got property in this District, to expose their property to the assaults of the ballot in the hands of the negro? These liberty-loving patriots could not consent to expose their interests to his control. They could not afford to stand the uplifting which perhaps the negro might gain in social position and equality here, and in order to rid themselves of this *bête noire*, in order to escape the doom which they had invoked upon themselves by their own doctrines and own enactments, they will simply retire from the privileges of American liberty and abjure their rights and privileges as citizens, and they will say to the Congress of the United States, "We do not want to vote at all."

Often when looking at that venerable man George Bancroft, and that other venerable, pure, and noble man Mr. Corcoran, and the *savans* and scientists, men of eminence, of historic fame, who have congregated about this capital in order to enjoy the association of men liberal in letters and large in means who congregate here to enjoy the repose and quietude of the evening of life in the presence of the opportunities which may be enjoyed here, I have thought how little confidence there is to be put in a Congress of the United States which would disfranchise men like these to escape the plain duty of putting the right of suffrage in this District upon grounds that are safe for the welfare of the people. I have nothing to say about the political hypocrisy of this act; it is not necessary that any man should comment upon the matter. That stands blazoned in shameful letters upon the history of the last ten years of the United States. Let the party which is responsible for it take up the subject and digest it, "put it in their pipes and smoke it," when they read lectures and homilies to me about the denial of the right of the ballot to negroes in my State, or complain at my refusal of their proffered largesses when they say that they want to educate the negroes that we have among us so as to qualify them for suffrage in the States.

How many negroes, Africans, ex-Africans, part Africans are there in the District of Columbia who are esteemed by honorable gentlemen here to-day as among the most elevated men in morals, in character, and in attainments in the world? There are many such, sir. We send some of them abroad on foreign missions and others we confirm to high offices in the secret sessions of this body; and the Senators who have been here with me for seven years know how I have stood upon these questions, and that my conduct has been marked by entire generosity and liberality upon that score. But reviewing our own conduct and the presence and the situation of these men among us, can we deny that they have intelligence enough to read the ballots which they cast in the box and understand the principles of government for which they would vote? They can mount the rostrum and deliver lectures to us upon governmental affairs which would instruct the best of us, perhaps, and yet we deny them the ballot; while we claim that it is necessary in order that the negroes in the States shall have the qualifications to vote to spend $105,000,000 at the first move to educate them to the proper use of the ballot. Let us first extract the beam that is in our own eye, that we may see more clearly how to take the mote out of our neighbor's eye.

Mr. President, I do not recur to this in any political sense, for I have determined to keep out of this debate so far as I could political allusions and references. The debate has been conducted upon very high principles, and so far as I am concerned I desire that it shall continue in the same line and upon the same plane. I know the Senate is prepared now to hear from a Southern Senator something of his views in respect to the present status of the negro and what we can accomplish for him by spending $105,000,000 chiefly and mainly if not entirely for the purpose of educating him so that he can read the ballot that he casts and can understand some of the principles of the Government in reference to which he is exercising the franchise of a voter.

In the convention that framed the Constitution of the United States the negro was a source of the greatest bitterness of feeling, and from that day to this his presence in the United States has caused nothing but strife and bloodshed. I say "nothing;" I will qualify that remark; it has cost great strife and much bloodshed. The negro has been very much more the beneficiary of all that he has received and all that has been done to him and for him in the United States than the people with whom he has been associated. Now he is a citizen. I respect him and his rights as such, and I am willing to do for him as a citizen what I would do for any other citizen of the United States. But in that character his rights are no greater than mine and no greater than the rights of my family. His ignorance and his vices are a heritage from a savage ancestry.

Up to the year 1860 no man thought it necessary that the power of Congress should be invoked for the purpose of educating the children of the men who fought through the war of the Revolution, or the war of 1812, or the war with Mexico, even of those children who were left orphaned.

Sir, allow me to ask you whether you are conscious of the fact that the people of the United States have any higher grade of personal or political morality now than they had in the year 1800? Do we show better evidences of enlightenment and civilization or better fruits of cultivation now than our fathers did at the beginning of this century? Who built the Constitution we are discussing to-day, which has been pronounced the world over as the masterpiece of a single effort of constitutional ordination? Men from communities where there were scarcely any public schools, to say nothing of governments to foster and sustain them—men came forth from the wilderness, some of whom as compared with what we pretend to know in this day and hour would be called ignorant. How did they compare with our educated generations? They organized the Government and put it on foot; they voted for President after President, and they decorated the history of the United States with a roll of great men which century after century to come will never dare the enterprise of emulating. The Government went on in its operations, not ignorantly, not unwisely, not inconsiderately. It went on with beautiful power and smoothness of action and strength to build up the people within its limits and to establish a character for it among the nations of the earth that has been enjoyed by no human government that ever existed in the annals of history. Yet they had a comparatively uneducated basis of population, and there were thousands and tens of thousands of voters who could not have read the ballots that they cast in the boxes when the most renowned of our Presidents and other men of the past were elected to the high offices which they filled.

Sir, it is not the ignorance of the people in respect of letters that disqualifies them from the exercise of the powers of the franchise in this free government of ours, but it is the ignorance of the substantial virtues of patriotic manhood and it is the inattention to that sense of duty which after all is the anchorage of the individual and of the heart of the great public in any country.

Until 1868 there was not dumped in upon us an enormous mass of ignorant men just out of slavery who had no conception of our government and could not have had any power or capacity to understand it. That act, fortunately for the people of the United States, though well intended merely to amplify the powers of the few white men who might be placed in control of this great mass of ignorance, has not had the result of so vitiating or demoralizing the ballot or the elective power of this country as to sweep away the foundations of civil liberty and constitutional law; but, on the contrary, it turns out in the providence of God that the early teaching of these people in their new relations of citizens was left in the hands of men who had for them a personal regard founded upon long and intimate friendly association as master and slave; men who had a conscientious regard for the obligations which they take before Almighty God to obey the Constitution of their country. It was fortunate that they fell into the hands of a set of men who were scrupulous and guarded in reference to all political duties, and who believed and realized that their participation in the politics of the country was intended and designed only for the welfare of their families and the good of the people at large.

What has been the result? In the midst of poverty and distress and embarrassment of every moral and material character, in the midst of social distress of a most terrific nature, these people have coolly and quietly and calmly marched on in the line of duty until they have convinced the negroes themselves that they are upright and honest citizens, and that their purpose in participating in the government of the States and of the United States is to do good to all the people and not to do harm to any.

Through this moral heroism which pervaded all classes of the South, the men and the women too of the South, we have been enabled to give direction to political affairs there, so that instead of barbarism and ignorance capturing the country and destroying it, new life has sprung up, great accessions of strength have come to the people there, and I can state in the presence of this honorable Senate and the country to-day that there are no communities in the civilized world where law and order are better preserved, where justice is more thoroughly and more cheaply administered, where the taxation is so light. It is a country where the peace of society is so precious to the people, where honor and duty control in every relation of life from the family circle to the highest official rank and station, where the relation of parent and child is maintained with all that delicacy of sentiment and strength of union and harmony of purpose which belonged to the class of people who laid the foundations of our constitutional system and of our great social system in the United States.

The negro has been very greatly educated in letters since he was emancipated, and he has unlearned some lessons that he understood well at the time he was a slave, and the unlearning of which has cost his family very great trouble. Throwing off himself all idea of discipline, he has dismissed discipline from his home circle, and his little children have been allowed to grow up without that sort of parental control which at last lies at the foundation of all good society and all good government. If we should abolish the family relation in the United States and break the bands and scatter asunder the little congregations about the hearthstone, we would strike a blow at the Governments of the United States, State and Federal, which no power of statesmanship could ever redress or remedy.

But the negro, after his discipline ceased, ceased himself to be a disciplinarian, and he has allowed his family to grow up in idleness and unthrift to such a degree that every gentleman who is here now from the South understands me perfectly well when I assert that there is less to be expected from the young negro generation in the United States in its prospective contribution to the moral power, to the wisdom, to the social and political strength of this country than is to be expected from so many Arabs on the deserts of Egypt.

I do not speak these words reproachfully toward that race, for I can scarcely conceive how they could have done otherwise or better, having the responsibilities of family and state thrown upon them without any knowledge gained by experience of the duties that they were to perform to society and to the State. I speak of this matter more with the feeling of one who despairs of furnishing an adequate remedy for an evil than I do in the sense of complaining of that race of men for their inefficiency in personal government or as a factor in the political government of the country.

Still they have improved in book knowledge, many of them. How much it has improved their morality, how much it has improved their usefulness to society, I hardly dare to contemplate; for, not among our people so much but in other sections of the United States, the Northern and Northwestern States and in the District of Columbia, it appears that that class of men have become the leaders in all the worst phases of crimes that are being committed. I would not dare to recount in the Senate Chamber, indeed, I could not with propriety recite in the presence of this assemblage, that which the men of that race who have had fifteen years to recover their manhood, if they lost it during slavery, are doing in the way of desperate crime. Many of them seem to have lost all idea of self-government and self-control, and they do not hesitate to assault society in its most delicate relations, and to destroy men, women, and children under the most cruel circumstances. I am not sure that the morality of the negro race has been one particle improved since their emancipation, and yet thousands and millions of dollars have been spent, south, north, east, and west, in their education. I believe that mere book learning is not the essential cure for the troubles which beset that race.

But let us suppose, for the sake of argument, that the negro family have been very greatly benefited by the assistance of the schoolmaster in the United States; let us take that more pleasant and encouraging view of this subject, and then let us attempt to realize what is his situation among the people of all sections of this country.

We find, as I have referred to the fact, that he is tabooed in the District of Columbia as a voter or a participant in political affairs, and every man who must be associated with him at the ballot-box is in like manner deprived of his privileges. What is his social condition here? Is it any better or any worse than it is in the State of Alabama? Is he a more independent man, a more self-respecting man, is he a better element of society, is he more recognized in social standing in the District of Columbia than he is in the State of Alabama? Surely not, sir. The negro in the District of Columbia is in the same groove precisely that he is in the State of Alabama. The whole family, from that woman who may have personal beauty and graces but who may be tinted with the slightest infusion of the blood of Africa in her veins, down to the blackest man who drives a dray through these streets, is equally excluded from all social recognition in this District by the white race. The negro in this District moves in the groove which he has selected, or which has been selected for him by society, or else by the decree of Almighty God. He belongs to a class, and that class is a caste in our society and in our politics. Do for him what we may, we have not the moral power or the political or physical power to elevate that man out of that groove.

It is not unnatural, neither is it to be considered a matter of surprise, that when all society turns the back of its hand upon the negro race and excludes them from fraternization at the hearthstone, they should become clannish, that they should unite with each other in political association, in churches, in schools, in society, and everywhere else. It is not to be wondered at that no alchemy has yet been found by which we could dissolve this close affiliation between the negroes in al the respects to which I have alluded.

Here he is in the United States, a man who is ranked at the very foot of our social relations. The Indian on the Western plains, though a savage and though a brute, revengeful, dangerous, but still proud and independent in his spirit, is rated by every white man in the United States as being socially the superior of the negro. The Indians also, in the earlier times in the Southern States, recognized that fact as distinctly as the white man, and many slaves belonging to the African race I have seen in the ownership of the Creek and the Cherokee Indians. They owned thousands of slaves, and they migrated them across the Mississippi among the five civilized tribes that now occupy that country.

We can not remedy this matter of caste by educating the negro. We can improve his condition as a man, qualified to take care of himself, to make money, to accumulate property around him, and all that, and in God's name let us do it, for we owe that to him as a duty of humanity whenever and wherever we can do it; but we owe him a very much higher duty than that if we can perform it, and that is to teach him the value of manhood and self-reliance.

Of what value to him or his race is a negro's manhood, his self-reliance, his talents, his capacities in the United States of America to-day? Of how many banks is he president? of how many railroads or other corporations is he manager? how many machines does he run by steam or by water power? What stocks does he own? what corporations does he manage? What business occupations is the negro found in except in keeping an apple-stand or something like that in the sheltered part of the highways in your cities? The progress he has made in these directions does not comport with the talents that belong to that family of people, nor with the education they possess, nor with their physical ability and industry, their capacity for labor, and their fidelity to the trusts which are reposed in them.

You may go to the great city of New York and look in vain for a cab-driver of the African family or a street-car driver. If you find a negro driver of a vehicle in the city of New York, he is mounted upon some private carriage with a pompon upon his hat and a uniform about him to indicate the servility of the man and the fact that he is simply a body servant. How is it in the streets of Washington? Which of these railroad companies dares to intrust the driving of a car upon your public streets in the hands of a negro? Not one. Why? Not because Southern people are here to be offended with such things, for we are not, but it is because the jealousy between the white race and the black in this District is so powerful that the railroad companies do not dare to give a negro employment in these public positions here.

Mr. BLAIR. They go in the more dignified capacity of passengers.

Mr. MORGAN. They do, and they do it with my hearty consent, and I ride by them with more ease and freedom than the Senator from New Hampshire does, for I have been raised among them and I have learned to know that they are good people in their hearts in the main; they have good instincts; they are polite and kind; they are good-hearted and good-natured. I have none of that jealousy toward them which crops out in all places and in all public procedure of every kind in the District of Columbia. I would not deny a negro the right to vote in the District of Columbia because I might be afraid that he would presume upon that privilege to come up into my parlor instead of going to my kitchen, as he does to visit some of the celebrated Republican politicians of this country. But I deplore the situation of that race in this country, and I am quite satisfied that it can not be remedied merely by adding to his education, because in adding to his education you increase his desire for higher and better associations and make him in the language of those who do not understand him properly a presumptuous and an intrusive man. You have tried it in the District of Columbia. The negroes in the District of Columbia are as well educated as the majority of the white people are in almost any of the older States of this Union. But of what avail is his education to him or of all that you can do for him, when with all that has been done by himself and by others for his advantage he still is down in the rut of caste and has no power to relieve himself?

I do not know that I have the wisdom or the sagacity to suggest a remedy for this difficulty. It is enough for me to know that the mere advantages of education are not sufficient to bring that man into that position socially or politically in this country which his talents would entitle him to if he could stand simply upon that foundation; but he is afflicted with a race objection, a caste belonging to his race, from the effects of which he can never recover in this land. He can not do it by intermarriage with the white family, for all the members of Congress that may live from now to the year 2000 or 3000 can not induce the women of this country to recognize the offspring of an African as being

a person with whom they and their daughters can associate upon the terms of intimacy which belong to the family relation. We can not break that sentiment down if we chose to do it. We are not strong enough to do it and never will be.

I am not disposed to fly in the face of the decrees of Providence or to try to remedy them by Congressional acts. For my part I would rather give this people an opportunity to go to a land where they would be recognized not merely as equals but as superiors of their own race, and where the bounteous provisions of Almighty God, which he seems to have put under the seals of his providence for centuries past, which seals are being now just broken, may be utilized by the negro in the mastery and conduct of those great powers of commerce and government which will not merely contribute to his wealth and to his consequence and improvement in the world, but which will enable him to draw that race to which he belongs up into a civilization of which he and they and the world would be proud.

I am far from being satisfied that the negroes will avail themselves of such opportunities for growth as a race and for wealth as individuals. I would rather Congress would give $50,000,000 to establish a steam line between New York city, or Savannah, or Charleston, and the mouth of the Congo River than to have you give to the people of Alabama $100,000,000 to induce them to relax their efforts for the education of the communities by which they are surrounded and will be hereafter.

It is not for me to try to solve this great question. It is enough for me to say and to argue before the Senate of the United States that the expectations which Senators found upon the passage of this measure are totally mistaken. The fruits that they expect to gather from the expenditure of $105,000,000 in the education of the negroes will turn to ashes upon their lips and will be a source of extreme mortification and disappointment to the negroes themselves. I do not propose to colonize them in the Indian Territory or in Mexico or in Africa, but I do propose to let it be understood that the negroes of this country ought to exert themselves to utilize the advantages which they have, and if they find around them a barrier which is impervious to their efforts in the society where they are placed, let them, with that spirit of enterprise that ought to characterize men of ability, harness themselves for the great work of reaching out to a land where they can have importance and consequence, and where they can do good to themselves and to their fellow-men.

Alabama has been held up before the Senate of the United States as one of the States which has a very large percentage of illiteracy. The Senator from New Hampshire has prepared and laid before the Senate numbers of tables which are extracted from different official reports, some from the census reports and some from other quarters, in which there is portrayed a percentage of illiteracy to be found in the different States of the Union of people of the different educational ages. I hope the Senator will not be shocked if I should undertake to state upon my personal knowledge and observations that it is not true in respect of the people of Alabama that every fourth man or every fourth child that is above the age of 10 years is unable to read or write. Census reporters, gatherers of educational statistics, or any other set of men inquisitive about the affairs of the people of Alabama may present their views of this question in such light as may suit them; but I know (and when my voice reaches the people of Alabama it will be responded to by the people throughout that State as one man) it is not true that every fourth man, woman, and child above the age of 10 years in the State is incapable of reading and writing. The Senator from New Hampshire brought forward these statistics in the very best of faith and he doubtless believes them, but my life from a boy 8 years of age has been spent among the people where this large mass of illiteracy is said to exist; I know them intimately well; I know hundreds, yes, thousands of them by name, their place of residence and their family relations, and I never was more astounded in my life than when these statistics came to confront me in the Senate with the accusation against my people that one-fourth of them were incapable of reading and writing.

Sir, look at their prosperity under the circumstances of oppression which they have been compelled to meet. Look at the government you gave us after the war was over. Look at the satrapy that ruled us in Alabama. Look at the Freedmen's Bureau. Look at the carpet-bag government. Look at the robbery of the State treasury and the county treasuries. Consider the fact that the school fund raised by taxation out of our people was made the especial prey of these people, and that not one dollar in every five that was taxed out of the people for school purposes ever reached the school-house. Look at the turmoil and distress which visited our people, and compare these things with our prosperity. Does the Senator think I am a cruel-hearted man, that I am a revengeful man? Have I been here these seven years and have made no impression upon the individual Senators to the effect that I am at least a moderately humane and kind-hearted man? Yet even I can point you to a house that was set on fire on a November night, extinguished after the most terrible exertions, and afterward on three separate occasions riddled with bullet-holes that now display themselves there, the balls passing through the chambers of my sleeping children and cutting the bed-clothes above them, and all at the instigation of politicians who controlled the negroes. This was not done because I was in their way as a politician, but because they knew I had a voice to speak and the manhood to utter my sentiments and to proclaim the wrong that they inflicted upon our people.

Sir, I am not singular in this, but hundreds, yes, thousands of people in my State have suffered he same things. But still they have not been aroused like the people of Cincinnati, because of the failure of justice, to burn court-houses and destroy militia and in turn to get themselves destroyed by fifties. No, sir; that conservative feeling of which I have spoken, that self-reliance, that moral courage which looks to the end for the reward and is not afraid to march over the intervening ground to get justice and reap a harvest of right has sustained these people. They have not faltered while the negroes were massed together as a voting body, under the control of the worst men who could be selected—from Northern society, I was about to say, but I will not disgrace Northern society by supposing that they ever actually belonged to it or were recognized by it—and were used to work their pleasure on our people. These masses of men voted solidly always for the support of these outrages and wrongs and robberies, and yet the people of Alabama have come up through great tribulation with a sound constitution, with low taxation, with prosperous schools, to which we devote $500,000 a year and more. Out of a taxing power of $1,500,000 a year we give one-third of it to the education of the people, and the poll-tax which is levied in our State is levied upon the negroes and the whites, but all the poll-tax goes to the education fund.

Under circumstances of this sort I must be excused if I inform the Senate and the country that my State is calumniated by figures which are brought in by the Senator from New Hampshire; and while I have no personal resentment about it, I do deny it as a fact of history. I denounce it as being unjust to a great and a good people.

I observed on yesterday, about the time I was closing my remarks, that the Senator from South Carolina [Mr. BUTLER] brought in an amendment to the bill, which he intimated he would press, in which he provides that the money to be expended under this bill shall be raised by a capitation-tax.

Mr. BUTLER. A direct tax.

Mr. MORGAN. A direct tax.

Mr. EDMUNDS. That is a capitation-tax.

Mr. MORGAN. A capitation-tax is a direct tax, but there may be direct taxes that are not capitation-taxes. I say it with all due deference to the greater wisdom of the Senator from Vermont. I will take it, however, as a capitation-tax for the purpose of illustrating a point that occurs to my mind in connection with the Senator's amendment. Here we are providing for "the general welfare," as is alleged, and in order to make ample provision for it, wanting to raise $105,000,000, I will suppose that we put on a capitation-tax which would be equal now to about $2 per capita upon all the people of the United States in the States, and that we set it apart in this bill for the purpose of educating the illiterate people, mainly the negroes, in the State of Alabama.

The constitution of the State of Alabama provides that a capitation-tax or a poll-tax, as it is called, may be levied there not to exceed a dollar and a half per capita. This capitation-tax in Alabama can only be levied for the purpose of maintaining the public schools. The fund thus derived can not be diverted to any other purpose whatsoever. That is a constitutional provision in Alabama—one that we can not violate there—and one I hope that the Congress of the United States can not violate, although Congress was kind enough on one occasion to give to the people of the State of Alabama a constitution which they voted down, and which was so reported to this body.

Suppose that for this purpose of public education, which is in aid of all the common schools of Alabama, with a bill drawn in the very language of that constitution, we put the capitation-tax at $5 per head upon the people of that State and the people of Massachusetts and Connecticut for the purpose of raising money to educate the illiterate in the State of Alabama and elsewhere, let me ask which of these two sovereigns is to be respected in the collection of that capitation-tax? The State of Alabama says that no capitation-tax shall be levied in that State to exceed a dollar and a half per capita, and that it shall only be levied for the purpose of public education. The United States Government comes in through its Congress and enacts a law which says that the capitation-tax in the State of Alabama and elsewhere shall be $5 per capita, and that the money thus raised shall only be devoted to the purpose of public education. Which is the sovereign in the collection of that tax? Will it be urged and argued here that both governments may go on to collect a tax of the same nature and upon the same subject and for the same purpose? Congress can collect a tax for the support of the Government of the United States by capitation levy, but can Congress collect a tax for the support of education in Alabama by a capitation-tax upon the people of Alabama and Massachusetts, which capitation-tax shall be twice or three times as much as that which the constitution of Alabama permits her legislation to levy for identically the same purpose?

Mr. President, there can be no partnership in sovereignties in this country. There are concurrent powers to be exercised by the Federal and the State Government, but when concurrent powers are being exercised the power of the United States in virtue of its supremacy over the States usurps the field and domain of legislative authority in such

cases, and the power of the State falls. They can not be exercised in partnership or in common.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the chair). Will the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. Yes, sir.

Mr. HOAR. I am not now dealing with the constitutional question of the rightfulness of this exertion of authority, but I was interested in the Senator's statement of the impossibility of the joint taxation. I do not speak now of its differing in constitutional sanction, but does it differ in fact between the ordinary case of a State and a township? The township in my State raises its taxes for certain purposes, it may be for the support of common schools, and there may be a State tax levied upon the same people, levied among the towns for the same object if the State chooses to make an additional grant from the State to that raised by the towns. Now, supposing it were within the constitutional power of the State, what is the difficulty in the United States and the State doing the same thing?

Mr. MORGAN. The difficulty is in the mind of the Senator from Massachusetts, who does not appreciate the distinction between a Massachusetts town and the State. There is the difficulty. A State of the American Union has never been likened, in my recollection of affairs, to a township.

Mr. HOAR. If my friend will pardon me, I put my question in entire——

Mr. MORGAN. Good faith.

Mr. HOAR. Respect for the Senator's argument.

Mr. MORGAN. I know.

Mr. HOAR. Because I am exceedingly interested, as I have often been, in his legal distinctions.

Mr. MORGAN. But the Senator from Massachusetts brings up a supposed analogy between a Massachusetts town and the State.

Mr. HOAR. If the Senator will pardon me, if I am not trespassing upon his courtesy too much——

Mr. MORGAN. Not at all.

Mr. HOAR. I understood the Senator to say in speaking as to whether the United States Constitution had given us a certain power or not, that the two powers were incapable of concurrent exertion by different authorities; that it could not be as a matter of possibility that there should be one lawful power, the State, and another lawful power, the United States, imposing for the same purpose upon the same people a tax of the same character. I ask in reply, are there not very common instances of just that thing in States and towns, not that the State does not differ from the United States, not that the town does not differ from the State, but that the actual and practical thing is concurrently done by two bodies entirely different. If that be true, why can it not be done? Suppose, in other words, there were written expressly in the United States Constitution what some of the Senators on the other side of the Chamber imply there: "The United States shall have the authority to assess a capitation-tax for the sake of aiding popular education in the States;" is it not entirely possible that the United States and the States could both exercise that power if that were there?

Mr. MORGAN. The Senator from Massachusetts might have put a very much stronger case to me than the one he has, because there is really no analogy between the relation of States to the Federal Government and the relation of towns in Massachusetts to the State government. The towns in Massachusetts have not sovereignty in any sense of the word. The States have sovereignty in many senses, and where in virtue of their sovereignty they have concurrent powers with the Federal Government, as I confess they have in many cases, the two powers, operating through their respective agencies, are supplied and supported from their respective treasuries in doing a particular work, I will say. The position that I took was that there could not be any partnership between them, but that in that case it belonged to the United States Government, in consequence of its supremacy, to assume the control at its will and pleasure, and to exclude the inferior sovereignty from any participation in that work whatsoever.

I will illustrate by a case that occurred in the Supreme Court of the United States in which I was of counsel. The State of Alabama voted probably $200,000 for the purpose of dredging in the Bay of Mobile. Its agents went to work upon lines of survey that had been established by the United States Government before that time. After that time the United States Government made an appropriation, and they went to work upon the same field and upon the same survey. The question arose whether the act of the Legislature of Alabama was constitutional under the constitution of that State, inasmuch as it related to a work that had been surveyed and might be done by the Government of the United States. The result of the action, without proceeding to give all of its features, was this: The Supreme Court held that the United States had the right of access to that harbor at any time for the carrying on of the work, and it might usurp or take all the work into its own hands and expel the State from any participation in it in virtue of its supremacy and in virtue of its jurisdiction to improve the harbor, and that therefore the State might proceed until the Government of the United States undertook the work or indicated its determination through an act of Congress to undertake the work. There was a clear line of demarkation drawn between the power of the United States in a given area of territory to do a certain thing and the power of the State to do it. Either might do it in the absence of the other, but when the powers came together they could not be consorted, they could not be formed into a joint or united power, but the supremacy of the United States would necessarily expel the inferior sovereignty from the ground whenever it chose to do so.

Hence I assert again as my conviction that if a poll-tax is levied for the purpose of educating the people of Alabama in the common schools of that State by the Congress of the United States, and a poll-tax is levied by the State of Alabama for the same purpose and upon the same people, and the United States poll-tax is $5 while the constitutional poll-tax in Alabama is a dollar and a half, when the United States exercises its authority to provide money through a capitation-tax for the education of the people in the State of Alabama in their common schools, that State could never after that collect its own tax. The United States would usurp the power; its supremacy would establish the $5 poll-tax, if it was constitutional, as being the tax to which the people of Alabama must yield and which they must pay.

Hence I argue, and I think I do it rightfully, that the Government of the United States can not levy a poll-tax in the State of Alabama for the purposes of education; neither can they levy it in the State of Massachusetts; and more particularly do I argue that the people of Massachusetts who are to be taxed, not according to their property, but according to their numbers, can not be by the Congress of the United States made liable to a capitation-tax to educate the people of a richer community who may have no such numbers. I will take the people of Colorado, who are very rich in mines and in their land-holdings and in their new properties of various descriptions in comparison with their numbers. I will also take the people of the State of New York, who are very rich; but the New York people amount to 5,000,000 and more, while the people of Colorado, I believe, amount to not quite 200,000. You levy a capitation-tax on New York of a dollar, and you raise $5,000,000 or more in New York by capitation-tax. When you come to distribute it under your bill and you select illiteracy as the basis of distribution and count the Indians in, if you want to, or you may select population as the basis of distribution, or any basis you please under the general-welfare clause as interpreted by Senators on this floor—when you come to distribute the $5,000,000 you have taxed out of the people of New York in the State of Colorado upon any basis that you choose to select you destroy the uniformity of taxation and rob a poorer people to enrich a wealthier community. A presentation of the absurdity of that proposition as it addresses itself to our sense of justice and of right would be enough, it seems to me, to convince any man at least of the doubtfulness of our constitutional power to inflict such an act as that upon the country.

Whether we resort to the public land sales, whether we resort to money taxed out of the people under the tariff or under the excise laws, or whether we shall resort to a direct tax, a capitation-tax, there is no view of this case in which it can be justified, in my opinion, that Congress shall step outside of the boundaries of its jurisdiction, as defined in the great body and volume of the Constitution of the United States, to raise money for purposes none of which are referred to in the body of that instrument. The recitals of that instrument are as dumb as Egyptian history in respect of education or any of the other benevolences that we are trying to execute through the enlargement of the general-welfare clause in our Constitution.

I will devote a very few moments to the consideration of the items of this bill for the purpose of showing that Senators on this side of the Chamber are mistaken when they suppose that the bill does not interfere with the disposal of these funds after they shall have reached the State. I will take this provision first:

> SEC. 12. That any State in which the number of persons 10 years of age and upward who can not write is not over 5 per cent. of the whole population thereof, shall have the right to receive its allotment and to apply the same for the promotion of common-school and industrial education, or the education of teachers therein, in such way as the Legislature of such State shall provide.

Those States which have not an illiteracy in excess of 5 per cent. of the entire population can dispose of this money in such a manner as the Legislature of such State shall provide; but how is it with those States that have an excess of 5 per cent. of illiteracy? They must dispose of it in the manner prescribed in the bill. What else is this but a declaration on the part of Congress that in some States it has the right to dispose of this fund as Congress may declare, whereas other States that have not got 5 per cent. of illiteracy or above that rate may dispose of this money in such a way as the Legislature of each State may provide? Why does the bill give to the State of Massachusetts a right to dispose of this money in such a way as the Legislature may provide, and deny to the State of Alabama the right to dispose of the money in such a way as its Legislature may provide? The discrimination, of course, is based upon the idea that Massachusetts does not need the money, but involved in that discrimination, by the necessity of the very words in which it is couched, is found the proposition advanced in the bill that Congress may discriminate between the States, giving to the one the absolute right of disposal of the money as its Legislature may provide and giving to the other the right to dispose of it only in the manner and

upon the terms and conditions prescribed in the act. Senators are mistaken when they conceive that the power of disposal of the money is not retained in the hands of Congress.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. Will the Senator from Alabama yield to the Senator from New Hampshire?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. I only wish to call the Senator's attention to the fact that the limitation to the general purpose applies to all the States. The section which he has read gives to the State which has not an excess of 5 per cent. of the whole population thereof "the right to receive its allotment and to apply the same for the promotion of common schools and industrial education, or the education of teachers therein, in such way as the Legislature of such State shall provide." You will observe that the purpose is the same.

I wish to suggest to the Senator that the idea is not (at least it was not in the minds of the committee) that the States to which the smaller apportionment is made do not really need and ought not to expend the money. It is to be assumed that if they need it they would raise it themselves. The necessities of education exist in all the States to a much larger extent than the provision to supply those necessities is made. There is no State in the Union (at least that is my own personal view in regard to it) that comes nearly up to really a proper standard of its duty with reference to the education of its children, not Massachusetts herself even. There is no State that can put on any special airs of complacency over its well-doing in this regard comparatively or absolutely. I wish to say, as long as I am permitted to interrupt the Senator, that there is no special occasion for any person in this country to claim that it is tendering a charity or doing a benevolence toward any other section of this Union, nor on the part of any portion of the country to place itself in the attitude of a receiver of benefits or favors from the Government at large.

Mr. MORGAN. I do not complain of the discrimination that is made in the bill for economic reasons or because of any supposed injustice that might result to my State or any other State, but I call attention to the fact that Congress in this enactment claims the power, the right, to discriminate, to put duties and conditions upon one State that it does not upon another, and the more important fact thus clearly disclosed that the bill in terms concedes to Congress the power to control the expenditure after the money has reached the States.

When we endowed the agricultural colleges in 1862 the fund was given entirely into the hands of the States for their management. Why has not that been done in this bill? How much character have the States of the South lost in the administration of the educational fund applied to agricultural colleges? Have we not done our duty? Have we not built up flourishing institutions upon those funds? Have we not honestly administered the fund in every particular? Have not the scholars who have come from those institutions been men who have served the country well in various capacities? I know some of them now from the agricultural college in my State who are here in this city serving the Government of the United States even with distinction. A young man who attended the expedition in the search for Greely, the young sergeant who stepped from the deck of that ship and after having done his work put up his photographic instruments and took a photograph of the ship as she sank through the ice, was a graduate of the agricultural college at Auburn, Ala., who came here and joined the Signal Service, and was assigned to duty upon one of those ships. The State of Alabama has had her way with that fund, and she has managed it discreetly and well, notwithstanding the honorable Senator from Ohio [Mr. SHERMAN], who I regret is not in his seat, thought that Alabama and her sister Southern States would not do to trust in the administration of this fund. There stands the record in respect to the agricultural colleges to disabuse his apprehensions as well as to refute his insinuations and to relieve us from their weight.

I do not care whether that Senator has a good opinion of us or not. I will say nothing that might be offensive in his absence, but perhaps it would not be unkind in me to say that the people of Alabama thoroughly reciprocate the exhibition of feeling that he made towards the States of the South on this floor. They remember that he has said upon the floor of the Senate that anything was justifiable in morals and in law that will break down the Democratic party and build up the Republican party. After that declaration from so eminent a man we are not chagrined that he appears to have a bad opinion of us in any respect. I appeal to the record of the agricultural colleges to show that if the Congress of the United States intends to make a donation of money out of the Treasury to the Southern States for the assistance of the education of the negro, there is no reason in the history of the past to doubt that we shall make an honest, faithful, wise, and just disposition of the money.

This discrimination, I repeat, I do not complain of, because it may intimate that some of the States which have a large illiteracy must still be kept in check-lines in their management of this fund under the guidance of Congress. What I complain of is the exercise of the power by Congress in this bill to follow that fund after it has been donated and the power to call the States to the bar of the Senate, year after year, upon their reports for the judgment of this body and the other House upon their conduct.

I do not wish to see the proud State of Alabama arraigned at the bar of the Senate of the United States to answer how she has disposed of money, come from what source it may, in the discharge of a duty which she owes to her own citizenship. I would as soon have suspected my own mother of infidelity to the claims of her children upon her natural affections as to suspect the State of Alabama in the administration of any fund left in her charge for the benefit of her people. No, sir; her record is immaculate, and the only stain upon the history of Alabama that Almighty God has ever allowed to rest upon her escutcheon is that which has been planted by negro suffrage, placed by the gentlemen in this Chamber on the other side in the hands of the agents of this Government to go there and pollute and corrupt the fountains of justice and the whole record of the history of that State. Besides that her record is immaculate, her honor is untarnished, her fame is above reproach. When your ships lay barricading the ports of Mobile and of all the South and navies floated there to guard the exit and the entrance to our ports, the State of Alabama, while she did not have money to buy quinine for her sick or spinning-wheels for her women to make thread to weave cloth upon their looms for their children, and while the blistering sands of the fields were burning the naked feet of the women who followed the plow through the furrows to make corn for the soldiers, for husband, and for children distant in the war, Alabama collected gold out of her people, and she ran the blockade with it, and she paid the interest on her public debt punctually in London during the whole period of the war. No State of the American Union or in the universe ever before exhibited a more honest and conscientious regard for duty than that State has done. God knows I rejoice in her fame.

After our property had been destroyed, our homes devastated, our men buried, and our women and children in orphanage turned off for self-support in the best way that they could, you imposed the negro ballot upon us, and now you claim that the negro can not read his ballot. For fifteen years he has been voting a ballot that he could not read. He has been voting always with your party; he votes with it yet. Do you propose to dismiss him from your party by teaching him how to read his ballot, or do you propose to strengthen the hold of your party upon him by teaching him how to read the ballot? Your hold upon him is perfect, unrelaxing, permanent, unavoidable, and we know it. We submit to it. Only our superior intelligence, only the fact that we belong to a governing race of men to which you also belong prevents us from crouching beneath this consolidated power and having it to rule over us to the crushing out and ruin of every interest, social, moral, political, and material, that we possess. Sir, our fame is untarnished, our credit good at home and abroad. It is true that we have now a ten-million debt, six millions of which were put upon us by carpet-bag rule since the war.

It has often occurred to my mind during this debate that inasmuch as the general welfare—according to the contemplation of some Senators—allows the Congress of the United States to search about through all our domain for objects of bounty and beneficence, why it has never occurred to them that they should assume the State debts caused by carpet-bag rule, and pay the interest, upon condition that we would vote a similar sum to the education of the negroes, thereby vindicating themselves among the people who will read our history by trying to rectify the evil which they planted upon us in the shape of that enormous debt, and at the same time giving us the command of our resources in order that we may have a better opportunity to extricate ourselves.

Sir, can Congress assume these debts of these States? If not, why not, under the blanket-clause construction of the Constitution? Why can not Congress recognize the fact that this debt has been piled up upon the Southern States in fraud of their rights and in fraud of justice? If it can educate the negroes because they can not read the ballot, why can it not provide for this other great calamity of public debt which has been put upon us by the negroes because they could not read the ballots and because somebody else did the writing and consequently voted the ballot for them? Open the door as it is intended to be opened in this bill, and when we have got strength enough and skill enough and are sufficiently wanting in patriotism to consolidate ourselves with the balance-of-power party we can elect Presidents of the United States among Northern selections for the purpose of having these debts assumed and paid. But, sir, we will never engage in this wrong. I abdicate that authority and that power, so far as I am concerned, on behalf of the State of Alabama. I lay down all expectation of that kind, because I have an honest, sincere, and, I trust, a manly and proper regard for the people of the United States and the Constitution handed down to us by our fathers. I love it and I respect it and the men who ordained it. I revere all the grand principles embodied in it, and am proud of the beautiful and magnificent history which clusters about its progress in the civilization of this whole world; and, sir, I also revere it and I obey it because I have sworn to do so, and I must know in support of it that I am not doing a doubtful thing, but that I am doing by my vote that which I am authorized to do, or else the Senate must excuse me from taking that step.

I can not, Mr. President, get my consent to vote for this bill, because I honestly and sincerely believe that in doing so I should step outside the authority which I possess as a Senator from Alabama and I should violate my conscience.

Mr. RANSOM. Mr. President, I would not interrupt the speech of

the Senator from Alabama when he made some allusion to North Carolina, and I now ask the attention of the Senator from Alabama to what I shall say.

The Senator from Alabama paid a grand tribute to the State of North Carolina, but in the conclusion of that tribute he thought proper to say, as I understood him, that "if her voice could be truly uttered upon the floor of the Senate, certain things would or would not occur."

I regret, Mr. President, to have to ask the Senator from Alabama if he contemplated by that expression that the voice of the State of North Carolina was not truly uttered upon the floor of the Senate by myself?

Mr. MORGAN. Well, Mr. President, I can say about that that the idea never occurred to me, until the Senator from North Carolina suggested it, that there could be any want of fidelity on the part of her Senators in uttering what they believe to be not only the voice of North Carolina, but what they believe to be for the best interests of that State and all the States. I was speaking about the voice of North Carolina of 1776, as uttered in her constitution, and I repeat that I think a true utterance of that voice as it was then intended would forbid the Congress of the United States from assuming jurisdiction over the schools of North Carolina. That is my opinion, at least. Of course, I did not intend, and never thought of attributing to the Senators from North Carolina, or either of the Senators, any want of fidelity in their views or any want of independence in their construction of their duty in this body.

Mr. RANSOM. Mr. President, I hoped that the Senator from Alabama could not so have intended, and I know now that he did not so intend; and I thank him, not only for the noble expression he used in reference to my State, but I also thank him for the prompt way in which he has removed the impression which I had, and when he reads his remarks he will see that he would have had, upon his statement in reference to North Carolina to which I have alluded.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill to the Committee on Education and Labor.

Mr. BLAIR. I do not know of any advantage there could possibly result from recommitting the bill to the committee. It is evident from the divergence of opinion here in the Senate that we shall not be able to cope with it in committee at all.

Mr. VEST. I ask for the yeas and nays on the pending motion.

The years and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOAR. I ask unanimous consent to interrupt the roll-call to make a statement. I was authorized by the Senator from Kansas [Mr. PLUMB], now absent from his seat, to withdraw this motion to recommit——

Mr. VEST. The motion was made by the Senator from Kansas.

Mr. HOAR. He authorized me to withdraw it in order that the question might be taken first on the amendments.

The PRESIDING OFFICER. The roll-call can not be suspended except by unanimous consent of the Senate.

Mr. VEST. Let us take the vote.

The PRESIDING OFFICER. Objection is made.

The roll-call was continued.

Mr. FRYE (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON]. If he were here, he would vote "yea" and I should vote "nay" on this motion.

Mr. JONAS (when Mr. GIBSON'S name was called). My colleague [Mr. GIBSON] is paired with the Senator from Oregon [Mr. SLATER].

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Rhode Island [Mr. ANTHONY] on this question, I understand. I do not know how either would vote on this motion.

Mr JONES, of Florida (when his name was called). I am paired with the Senator from Texas [Mr. COKE]. If he were here, I should vote "nay."

Mr. GEORGE (when Mr. LAMAR'S name was called). My colleague [Mr, LAMAR] is necessarily absent. He is paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, my colleague would vote "nay."

The roll-call was concluded.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is absent and paired with the Senator from South Carolina [Mr. HAMPTON]. My colleague, if present, would vote "nay."

The PRESIDING OFFICER (Mr. PLATT). The Chair is paired with his colleague [Mr. HAWLEY] on some votes relating to this bill. He does not know how his colleague would vote, if present, on this motion, and therefore withholds his vote.

Mr. CAMERON, of Wisconsin. I wish to announce that the Senator from Delaware [Mr. BAYARD] is paired with the Senator from New York [Mr. MILLER]. The Senator from New York, as I understand, would vote "nay" on this question. I do not know how the Senator from Delaware would vote, but I believe he would vote "yea," at least I am so informed.

Mr. MANDERSON. My colleague [Mr. VAN WYCK] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. FARLEY (after having voted in the affirmative). I withdraw my vote and announce my pair with the Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "yea." I withdraw my vote.

Mr. BUTLER. Before the result is announced I think perhaps I had better recall my announcement as to the pair of my colleague [Mr. HAMPTON] with the Senator from Rhode Island [Mr. ANTHONY], for I think very likely from what I have heard since that they would vote together on this proposition, and perhaps it would be safer to pair my colleague with myself. I therefore withdraw my vote and announce my pair with him, simply stating that I should vote "yea" and he would vote "nay." I think it quite likely from what I understood that the Senator from Rhode Island would vote "nay" also.

The result was announced—yeas 10, nays 35; as follows:

YEAS—10.

| | | | |
|---|---|---|---|
| Beck, | Hale, | Morgan, | Vest. |
| Cockrell, | Harris, | Plumb, | |
| Groome, | Maxey, | Saulsbury, | |

NAYS—35.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Jackson, | Pike, |
| Allison, | Dolph, | Jonas, | Pugh, |
| Blair, | Edmunds, | Kenna, | Ransom, |
| Brown, | Garland, | Lapham, | Vance, |
| Call, | George, | Logan, | Voorhees, |
| Cameron of Wis., | Gorman, | McMillan, | Walker, |
| Colquitt, | Harrison, | Manderson, | Williams, |
| Conger, | Hill, | Miller of Cal., | Wilson. |
| Cullom, | Hoar, | Morrill, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Anthony, | Farley, | Lamar, | Riddleberger, |
| Bayard, | Frye, | McPherson, | Sabin, |
| Bowen, | Gibson, | Mahone, | Sawyer, |
| Butler, | Hampton, | Miller of N. Y., | Sewell, |
| Camden, | Hawley, | Mitchell, | Sherman, |
| Cameron of Pa., | Ingalls, | Palmer, | Slater, |
| Coke, | Jones of Florida, | Pendleton, | Van Wyck. |
| Fair, | Jones of Nevada, | Platt, | |

So the motion to recommit was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Indiana [Mr. HARRISON], which will be read.

The CHIEF CLERK. The proposed amendment is in section 8 to strike out all after the word "provided," in line 6, and insert in lieu thereof the following:

That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Mr. HARRISON. It would be best perhaps that I should ask consent to withdraw that amendment. It embodies a proposition which is found also in the amendment I submitted later.

The PRESIDENT *pro tempore*. The Senator from Indiana is entitled to withdraw it, the yeas and nays not having been ordered and it not having been amended.

Mr. HARRISON. Then I do withdraw the amendment, and ask leave to submit in their order the amendments which I have proposed and which have been printed.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The question now recurs on the amendment to the same paragraph proposed by the Senator from Kansas [Mr. PLUMB], which will be reported.

Mr. PLUMB. The amendments which the Senator from Indiana proposes to offer hereafter are of the same general purpose.

Mr. HARRISON. Precisely, only coupled with other things.

Mr. PLUMB. Then I withdraw my amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his amendment.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Chair will first endeavor to ascertain whether there is any other amendment pending. [Examining the record.] The Chair believes that no other amendment is pending, but the Senator from New Hampshire [Mr. BLAIR] gave notice that he would offer one changing phraseology.

Mr. BLAIR. I will not offer the amendment.

Mr. HOAR. I desire now to move the first amendment of which I gave notice the other day.

The PRESIDENT *pro tempore*. The Senator from Massachusetts proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed in section 8, line 8, after the words "which shall not," to insert:

Each preceding year have complied so far with the conditions hereof as is required for that year. Each State shall.

Mr. HOAR. That is not the one. I desire to have reported the amendment of which I gave notice and which was reprinted with the bill. It is, in section 1, line 3, to strike out "ten" and insert in lieu thereof the word "eight."

The PRESIDENT *pro tempore*. The amendment will first be reported.

Mr. GEORGE. I wish to ask a question about which copy of the bill the Chief Clerk is reading from. From the last print?

The PRESIDENT *pro tempore*. From the last print. The amend-

ment proposed by the Senator from Massachusetts in the last print will now be read.

The CHIEF CLERK. In section 1, line 3, it is proposed to strike out the word "ten" and insert in lieu thereof the word "eight;" so as to read:

That for eight years next after the passage of this act, &c.

Mr. HOAR. If there be no objection, that and the next amendment may be put as one question, as they run together.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that his next amendment be read and considered and that the question be taken on his two amendments together. Is there objection? The Chair hears none. The next amendment will be read.

The CHIEF CLERK. In section 1, line 5, after the words "to wit," it is proposed to strike out all down to and including the words "shall cease," in line 11, and to insert in lieu thereof the following:

The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000.

The PRESIDENT *pro tempore*. The question is on agreeing to these two amendments.

Mr. LOGAN. I do not desire to interfere with any arrangement that is made, but I call the attention of the Senate to the fact that prior to any amendment of this character being offered and submitted I offered an amendment and had it printed. I think at least that the proposition I offered has precedence over this amendment.

Mr. HOAR. I make no question about that. If the Senator prefers to have his amendment voted on first I have no objection, though his would be in order as an amendment to mine.

Mr. LOGAN. I understand that, but I would rather yours should be in order as an amendment to mine, inasmuch as mine was offered first. I have no disposition to interfere with anything, but I offered the amendment in good faith.

Mr. HOAR. Let the Senator's amendment be read for information.

The PRESIDENT *pro tempore*. The Chair by the rules is obliged to recognize Senators as they rise and address the Chair, and the Senator from Massachusetts, having addressed the Chair, was recognized and made his motion to amend. The Chair has no authority to lay amendments before the Senate of which notice merely has been given, because Senators giving notice often change their minds. The Chair was obliged to recognize the Senator from Massachusetts, who offered his amendment.

Mr. LOGAN. I am not complaining of the Chair having recognized the Senator from Massachusetts. I rose when the Senator had the floor and gave way to him as a matter of course; but I offered this amendment to the bill some time ago; it was printed, and I only now ask, this amendment being in order and having been offered first, that it shall be voted on first.

Mr. HOAR. I will waive any question about that. I have no choice, and therefore, as the Senator from Illinois has a choice, let him make it.

Mr. LOGAN. I do have a choice.

Mr. HOAR. I withdraw my amendment.

Mr. VOORHEES. May I inquire of the Senator from Illinois and likewise the Senator from Massachusetts whether the amendments are exactly the same?

Mr. LOGAN. No, sir; they are not. The amendment of the Senator from Massachusetts is of the same character as the amendment I offered. It is almost a literal copy of it, except that the sums are different.

Mr. VOORHEES. Let the amendment be reported.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. LOGAN] offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to strike out section 1 and insert in lieu thereof:

That for ten years next after the passage of this act there shall be annually appropriated, from the money in the Treasury not otherwise appropriated, the following sums, to wit: The first year, the sum of $15,000,000; the second year, the sum of 17,500,000; the third year, the sum of $20,000,000; the fourth year, the sum of $18,000,000; the fifth year, the sum of $16,000,000; the sixth year, the sum of $14,000,000; the seventh year, the sum of $12,000,000; the eighth year, the sum of $10,000,000; the ninth year, the sum of $8,000,000; the tenth year, the sum of $6,000,000, ten annual appropriations in all, when appropriations under this act shall cease; which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

Mr. LOGAN. I do not desire to discuss this amendment at any length, but merely to call the attention of the Senate to the proposition contained in it.

According to the statistics which we have there are about $80,000,000 expended per annum in the United States for common schools. If this bill is to be of any benefit whatever to this country and the bill is right in principle and the manner in which it is framed, we ought at least, if we appropriate money at all, to appropriate enough to do some good, and less than the amount appropriated in this bill will be, in my judgment, of but very little advantage to the country.

That is all I have to say in reference to it, except that I made a proposition in the Senate some time since in which I asked an appropriation of $60,000,000. That, of course, could not be considered by the committee having charge of this bill. Then I offered another proposition at this session of Congress asking that $50,000,000 be appropriated.

I do not wish to detain the Senate. I have examined the question somewhat, of course not so thoroughly as the Committee on Education and Labor. I have examined it sufficiently to satisfy myself that an appropriation less than is included in the amendment I have offered will be of some benefit, of course, but not sufficient to carry out the object intended by the bill.

Mr. WILLIAMS. I understand the Senator's amendment does not change the basis of distribution.

Mr. LOGAN. Not at all.

Mr. WILLIAMS. But that it increases the amount.

Mr. LOGAN. I propose instead of commencing at $15,000,000 and running down, to commence and run up half the time, and then go on the down scale the rest of the time until it ceases at $6,000,000, with an appropriation which I believe will accomplish something, running it up to $20,000,000 and then down the scale to $6,000,000. I think that is a good basis, because I think if anything is to be accomplished it will be by appropriating sufficient to secure some good. That is all I desire to say.

Mr. MORGAN. How much is the aggregate?

Mr. LOGAN. One hundred and thirty-six million five hundred thousand dollars is the whole aggregate in my amendment for the ten years.

Mr. BLAIR. Let the amendment be read.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The amendment of the Senator from Illinois [Mr. LOGAN] will be again read.

The Chief Clerk read the amendment of Mr. LOGAN.

Mr. BLAIR. I only wish to say that so far as I am personally concerned I believe that the views expressed by the Senator from Illinois are correct. I would be glad to see the bill amended in the manner indicated in his proposition. I have thought that, although the efficiency and the benefit to be derived under the bill would be largely increased if the sum were raised in the manner indicated; nevertheless perhaps, in the existing sentiment of this body, it might be less probable that we should succeed in the ultimate passage of the bill if this amendment were adopted than if it were rejected. If I fail to vote for this amendment, it is only for the reason that I think it may possibly endanger the final result. The amendment in my judgment is in the right direction.

Mr. HALE. What is the aggregate?

Mr. BLAIR. The aggregate under this amendment in ten years would be $136,500,000. By the bill itself during the same time it would be $105,000,000.

Mr. HALE. About $31,000,000 more?

Mr. BLAIR. Yes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. PLUMB. I should like to ask the Senator from New Hampshire, as he has some doubt about the effect the amendment would have on the bill, if he does not think double the amount would make the bill that much stronger—stronger in the ratio of the amount proposed to be appropriated. I suggest whether the Senator from Illinois would not accommodate the rising feeling of the Senate on that subject by simply putting in a much larger sum, and thereby making the measure more attractive.

Mr. BLAIR. I admit that by increasing the amount of the appropriation, its faithful application being understood in the one case as well as in the other, the benefit would be increased; but I think I have a wholesome consideration for the necessities that may yet arise in looking after the other wants of the country, and wish to save money for those purposes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

Mr. LOGAN. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I was paired with the Senator from Ohio [Mr. PENDLETON]. I have transferred that pair to the Senator from Pennsylvania [Mr. MITCHELL], and I will vote "nay."

The roll-call was concluded.

Mr. JONES, of Florida. I am paired with the Senator from Texas [Mr. COKE]. If he were here, I should vote "nay."

Mr. MAXEY. My colleague [Mr. COKE] would vote "nay" also.

Mr. CAMERON, of Wisconsin. The Senator from Delaware [Mr. BAYARD] has been paired with the Senator from New York [Mr. MILLER].

Mr. GEORGE. My colleague [Mr. LAMAR] is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. PLUMB. I wish to state that my colleague [Mr. INGALLS] is detained from the Chamber by illness.

The result was announced—yeas 2, nays 47; as follows:

YEAS—2.

| | | | |
|---|---|---|---|
| Brown, | Logan. | | |

NAYS—47.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Jackson, | Plumb, |
| Allison, | Farley, | Jonas, | Pugh, |
| Beck, | Frye, | Kenna, | Ransom, |
| Butler, | Garland, | Lapham, | Saulsbury, |
| Call, | George, | McMillan, | Sawyer, |
| Camden, | Gorman, | Manderson, | Vance, |
| Cameron of Wis., | Groome, | Maxey, | Vest, |
| Colquitt, | Hale, | Miller of Cal., | Voorhees, |
| Conger, | Harris, | Morgan, | Walker, |
| Cullom, | Harrison, | Morrill, | Williams, |
| Dawes, | Hill, | Pike, | Wilson. |
| Dolph, | Hoar, | Platt, | |

ABSENT—27.

| | | | |
|---|---|---|---|
| Anthony, | Fair, | Lamar, | Riddleberger, |
| Bayard, | Gibson, | McPherson, | Sabin, |
| Blair, | Hampton, | Mahone, | Sewell, |
| Bowen, | Hawley, | Miller of N. Y., | Sherman, |
| Cameron of Pa., | Ingalls, | Mitchell, | Slater, |
| Cockrell, | Jones of Florida, | Palmer, | Van Wyck. |
| Coke, | Jones of Nevada, | Pendleton, | |

So the amendment was rejected.

Mr. LOGAN. I rise now to offer another amendment to the bill. I move to add the following as an additional section:

SEC. —. That there shall be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school fund, to be paid out annually to each State and Territory at the end of the year on proof of the expenditure made during such year, which shall be expended for the erection and construction of school-houses for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education, in Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior as in case of other moneys received under the provisions of this act.

Mr. President, from the fate the other amendment met it is very likely that this will meet the same; but inasmuch as I have not agreed to any proposition that I am compelled to vote for, I desire to call the attention of the Senate to this amendment which I offer, and which strikes me as being reasonable if this bill is to pass.

We have now statistics and estimates showing that it will require about 57,465 school-houses for the necessary uses of the children if this bill shall go into operation and the children of this country are to be educated. I propose an appropriation of $2,000,000 to assist in building school-houses in sparsely settled portions of the country; and that sum, according to the estimates, will build at least 20,000 school-houses. Plans have been made for a very nice school-house, comfortable in all its departments, to cost from $200 to $250 apiece. In some places a school-house that would be suitable for the neighborhood may be built for $75 or $50, while in other places it might cost $100, and in others it might cost $200 or $250, according to these plans.

In my judgment there is not very much necessity of appropriating money to educate children unless the children can have some place in which to be educated. The statement made the other day that they go into dwelling-houses and so on is not correct. That is not the way the children will be educated so far as these common schools are concerned. According to the distribution provided for in the bill if it passes the money will be used by the States, and can be used where school-houses are already prepared to receive pupils without ever erecting another school-house in addition to those already erected. It does seem to me that if you want to provide for the education of illiterate people, and especially for the education of the colored people, of the South you must provide some accommodations to go along with it.

The first bill I introduced in Congress on the subject contained a provision that none of the money should be used for the purpose of erecting school-houses, but I became satisfied afterward on examination and reflection that I was in error in that particular, that a portion of the money ought to be appropriated for the purpose of assisting in erecting school-houses in neighborhoods where the people were poor. The answer to that, I know, is that the States will provide for this. But you must remember that each town—at least it is so in the North and I presume it will be so in the most of the Southern States—assesses a tax commonly known and called the school-tax, other than the State tax, for the purpose of supporting schools in that locality, where the people are so poor that they can not themselves pay a tax to build a school-house and can not raise the money, as is frequently the case in many counties where the population is nearly all composed of colored people. They will not be able to tax themselves to build school-houses and tax themselves also in connection with this fund for the education of the children. Hence if you do not provide for building houses or for assisting the people in building the houses or giving them encouragement in that direction, the money appropriated by this bill will be used in communities where houses are already erected, and where the people are more capable of raising taxes for this purpose than they are in the more impoverished portions of the country, where they are not able to do it. If we propose to do anything to aid and assist these people in educating themselves, let us do it in the right way: provide first that they may have an opportunity of being educated, and then if you apply the fund for the purpose of hiring teachers to educate them, this fund, according to the way it would be used under this bill, would be devoted to hiring teachers to educate the children; but who would build the school-houses in which they should be educated?

I suppose it may be said they can do as was done in old times, one take an ax, another a pick, another a spade, and cut down the trees and hew the logs and put up the house themselves; but who is going to do that? They may do it or they may not do it, and a people who are of a rather shiftless character, a people who have been situated as these poor people have been, must have somebody to direct them in the proper way. Many of them are intelligent. Probably you will find in all neighborhoods some who are intelligent enough, but a provision like this will give them encouragement, and allow them to build houses for the purpose of having schools for the education of their children, and if you aid them in doing it you will accomplish much more in my judgment than by scattering the money without affording them any facilities whatever by which they shall have an opportunity to be educated other than merely employing teachers.

Mr. GEORGE. I should like to say one word in regard to the amendment of the Senator from Illinois. The vote in favor of the amendment which has just been acted on seems to me to indicate that all who so vote are opposed to appropriating that much money. I voted against it simply on the ground that I thought it would imperil the passage of the bill.

Mr. LOGAN. I will ask the Senator if it imperils the passage of the bill that $15,000,000 is appropriated the first year, would it not be better to reduce the appropriation according to his theory, if he wants the bill passed? I am opposed to the reduction of the amount, but the Senators who desire the passage of this bill to secure a sufficient amount to educate these people, as they have indicated in their speeches, and who voted against my amendment, will find before this is over that the result will be a very large reduction, and you are only helping gentlemen who want to take all the money out of this bill by your votes.

Mr. GEORGE. Let me say that I do not think the Senator offered the amendment with a view of defeating the bill at all.

Mr. LOGAN. No, sir; I offered it in the best of faith, for the reason that I presented the first bill in the Senate Chamber asking that money raised by taxation be distributed for education, first taking the whisky tax, afterward taking $50,000,000 of tax derived from internal revenue and from the sale of public lands. I have been in good faith from the beginning and I am in good faith now, and I offer it because I believe it will require that amount of money and more to accomplish that which you gentlemen propose in this bill; and unless you appropriate money sufficient to do it your law will be a failure.

Mr. GEORGE. I rose merely to say that I did not doubt the good faith of the Senator, and that I would have been in favor as an original proposition of his amendment, but I supposed it would best secure the passage of the bill to vote against it.

Mr. BUTLER. The amendment of the Senator from Illinois is, I believe, to appropriate $2,000,000 for school-houses.

Mr. LOGAN. Yes, sir.

Mr. BUTLER. In case that amendment prevails, I should like to inquire to which government, State or Federal, the school-houses will belong when they are built?

Mr. LOGAN. That is very easily answered. They would belong to the State. This sum is only appropriated to aid in building the school-houses. I offered the amendment giving $100 where the house costs $200, and $50 where it costs $100. This would grant aid from the Government. I do not know what may be in the bill when it ends in reference to the distribution of the fund; but my object is that the money shall be used for helping the people build school-houses in which they themselves are to be educated.

Mr. VOORHEES. Mr. President, I thought well of the former amendment offered by the Senator from Illinois, and regretted voting against it. I wish to distinctly understand the amendment now before the Senate. Of course the general fund appropriated by the bill can be devoted to any branch of the business of education.

Mr. LOGAN. No, sir.

Mr. VOORHEES. I shall be glad to hear the Senator on that point. That was the object I had in rising.

Mr. LOGAN. Do you mean the amendment I offered?

Mr. VOORHEES. I mean that the general appropriation made by the bill, amounting in the aggregate to $105,000,000, can be used in building school-houses.

Mr. LOGAN. No, sir, not at all. It is expressly provided in the bill that no portion of the money shall be used for that purpose; and that is the reason I offer the amendment.

Mr. VOORHEES. Then I shall vote for the amendment offered by the Senator from Illinois.

Mr. WILLIAMS. I shall vote against this amendment, because it has not been the practice nor is it the law in my judgment of any State in this Union to tax the whole people of the State to build school-houses in the districts. I know it is not so in my State.

Mr. BLAIR. If the Senator will allow me to make a remark, the Senator misunderstands the amendment

Mr. WILLIAMS. I was just going to say——

Mr. LOGAN. Does the Senator understand that this amendment requires the whole people to be taxed to build a school-house?

Mr. WILLIAMS. No, sir; I understand this amendment to appropriate $2,000,000 in addition to the appropriation in the main bill, for the purpose of erecting school-houses in the different districts.

Mr. LOGAN. For the purpose of aiding in the erection of school-houses.

Mr. WILLIAMS. I do not think that any of the States in their common-school system provide means for erecting common-school houses. They leave that matter entirely to the people of the school districts.

Mr. LOGAN. Certainly, and that is my purpose.

Mr. WILLIAMS. And some of the districts tax themselves by vote of the people of the districts for money with which to build school-houses.

Mr. LOGAN. The very object of this amendment is to aid those very people in the districts that are poor.

Mr. WILLIAMS. In most of the States to be benefited by this bill there are already school-houses erected, or in a large number of them at least; but the portion of the country to be chiefly benefited is a region where timber is abundant. The practice, I know, in my State is when we want to build a school-house in the poorer but well-timbered portions of the State, the people go with their broad-axes and crosscut-saws and cut down the trees and hew the timber into logs, and take them to the nearest saw-mill and have them sawed into planks to make the roof and floors. Where timber is not so abundant they take around a subscription in the afternoon and get money subscribed enough to erect a school-house.

That is the way we do it. I have helped to build three school-houses in the last five years myself. No taxation has ever been put on our school district for school-houses. The people there have voluntarily contributed money enough to build them, and the neighbors have gathered in with their broad-axes and crosscut-saws and erected the buildings themselves. A school-house does not cost much money in a timber country, and the State does not propose to build school-houses anywhere.

Mr. BLAIR. Nor is it so provided in this amendment. The Senator misapprehends, I think, the force of the amendment somewhat.

Mr. WILLIAMS. No, surely not. The amendment of the Senator from Illinois provides that $2,000,000 shall be used for the purpose of building school-houses.

Mr. BLAIR. I would not think of interrupting the Senator if I did not feel that he was misapprehending the amendment a little. If he will listen to me a moment, I think I can remove his objection.

Mr. WILLIAMS. I shall be thankful for a correction. I shall listen with pleasure.

Mr. BLAIR. It is shown by one of the tables that has been alluded to, printed in the RECORD of the 19th of March, that in order to furnish school-house accommodations to the unenrolled scholars in the Southern States alone (and a great many are wanted in the Northern States as well) 36,000 new school-houses are needed.

Mr. LOGAN. Fifty-seven thousand.

Mr. BLAIR. Thirty-six thousand in those States; 57,000 in the whole country.

Mr. LOGAN. That is what I say; 57,000 for the number of children who are not provided for.

Mr. BLAIR. In the whole country.

Mr. LOGAN. Yes.

Mr. BLAIR. But in what we call the Southern States 36,000 are necessary. It is fair to presume that in the course of the next few years this want will be very largely supplied. A great number of school-houses are to be erected, and it is of very great consequence that these school-houses should be erected in accordance with proper sanitary principles and regulations, and with a proper regard to the convenience and comfort of the scholar and the teacher. In other words, they should be erected after some common model, and that the latest and the best. It was testified before the committee by one of the superintendents of public instruction that in one of the States of the Union many of the school-houses cost only about $50 to $100. One hundred and fifty dollars, $200, or $300 builds a very good school-house, and he stated, as does the Senator from Kentucky, that in many localities the people get together, cut the trees, hew them, and build a very excellent building of logs, which answers every purpose, at an actual cash cost of very seldom more than $50, $75, $100, or $150. The neighbors give their work, they give the logs, they draw the timber, and they contribute the remainder, so that with a money outlay of $50 or $100 in almost any of these sparsely populated communities a suitable school-house can be obtained, and if it is only built in accordance with a proper model it serves as a pattern for all the others round about.

The sanitary conditions essential to a school-house are the same sanitary conditions that are essential to a dwelling-house; and one of the great evils in this country, one of the great sources of contribution to ill-health and sickness and death, is the fact that the dwellings of the country are not properly constructed. If you put in a community a school-house built in accordance with sanitary rules and regulations it serves not only as a model for the construction of all other school-houses throughout that portion of the country, but of dwellings as well. So the effect of the adoption of this amendment would be to plant all through the South and largely through the North, too, a new and model school-house, in accordance with which institutions of that kind can be constructed anywhere, giving practical instruction to the eye of the people everywhere, and in addition to that a great benefit will be conferred in the construction of the dwellings of this country.

Mr. VEST. May I ask the Senator a question?

Mr. BLAIR. Yes, sir?

Mr. VEST. I should like to ask him who furnishes the plan?

Mr. BLAIR. The amendment shows that. I will state the substance of it. This amendment proposes to distribute $2,000,000 only; not $2,000,000 per year, but $2,000,000 in all, in sums not exceeding $100 in any case, and in no instance to contribute more than one-half the amount necessary in order to secure the construction of the school-house. So if $50 in cash, with the contributions of the neighbors, will build a house, that is all that will be taken from the fund. But assuming that $100 is taken for each school-house, then this sum will assist in the construction and stimulate the construction of 20,000 school-houses in this country.

The appropriation is by the terms of the amendment confined to the sparsely populated and the poorer districts of the country; and the plans—that is the point to which the Senator from Missouri called my attention—are by the terms of the amendment to be furnished free by the Bureau of Education of the United States. They have of course the latest models, the latest ideas, and can furnish them without any substantial expense. They can be printed upon common paper and circulated, and will be sufficient to guide in the work of construction.

I hope, Mr. President, that this amendment will be adopted. So far as its adding anything to the appropriation in the bill is concerned, I ought to state that it is already apparent that an amendment is to be offered and very strongly pressed, and very likely it may become incorporated with the bill, which will reduce the term of the operation of this bill to eight years and the aggregate amount to be expended during those eight years to $77,000,000. If it continued for the ten years it would be within $5,000,000 of the amount appropriated in the bill as it now stands; but if the reduction is made to $77,000,000 by the proposed amendment of the first section, it would seem a very trifling burden to add this amendment of the Senator from Illinois to the bill for the very significant and important purpose which has been indicated. I hope that the amendment will prevail.

Mr. CALL. Mr. President, I voted against the former amendment offered by the Senator from Illinois, but it was because the committee had agreed to support the bill as it stood. I appreciated the purpose and the interest the Senator from Illinois had already taken in the subject. I shall support this amendment. I do not see that it conflicts in any point of view with the bill. I understand it simply proposes to aid in those districts where the people are unable to build their own school-houses.

Mr. BUTLER. I should like to ask the Senator from Illinois a question in reference to his amendment. It says:

> That there shall also be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the money appropriated in the first section, which shall be known as the common-school-house fund, to be paid out annually to each State and Territory.

Do I understand the Senator to mean by that $2,000,000 annually are to be paid out?

Mr. LOGAN. No sir.

Mr. BUTLER. The $2,000,000 is to be paid out annually for how many years?

Mr. LOGAN. It does not provide for any number of years. If the amendment be adopted it means, or at least I tried to have it mean, that as long as the school-houses were built they should be paid for. The twenty thousand may not all be built this year. Some may be built and a portion of the money paid out for those so built, and for the number built next year that portion will be paid out, and so on. That is the meaning of it. If it is not intelligible in the manner in which it is drafted, we can change it so as to make it so. That is the object.

Mr. BUTLER. I should like to ask the Senator another question. His amendment says:

> Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education.

Mr. LOGAN. I think it is expressed so as to be understood, but there is no trouble in changing the words so as to make the design clear.

Mr. BUTLER. To whom shall the plans be furnished and who are to superintend the building?

Mr. LOGAN. The plans are already in the office, as I understand; at least plans have been drafted and will be received from the office here in Washington.

Mr. BUTLER. Precisely, but——

Mr. LOGAN. The school-houses are to be built as they are now, by the officers of the school districts. Whoever has charge of that matter will have charge of building the school-houses. This does not change

the law of the State; it does not attempt to do it or to interfere with it. The object is that this money, if appropriated, shall be distributed in the same manner. How? Paid over to the States, as this bill provides for the distribution of the school fund for common schools, and in the same manner this will be distributed for the building of school-houses.

That is all that the language used in reference to the distribution being according to the first section means, that it shall be distributed in the same manner to the States and Territories, and then it goes into the uses when distributed as required in the different sections where school-houses are to be built, the plans to be furnished without cost. It means that the plans shall be furnished by the national Bureau of Education, and they shall be furnished without cost to the persons building the school-houses, namely, the officers in the school district, whoever they may be, who shall have charge of building school-houses. That is a matter for the State to provide for, and not for us to provide for in this bill.

Mr. HARRIS. I should like to ask the Senator from Illinois who is to determine the question as to the sparseness or density of the population where these school-houses are to be built. It is not a general provision, as I understand the amendment, to build school-houses wherever they may be needed; but, as explained by the Senator from New Hampshire, it is to aid in the construction of school-houses in sparsely settled neighborhoods. Who will determine the question as to whether the neighborhood applying is a sparsely or a densely populated neighborhood?

Mr. LOGAN. I think that is a question which can be very easily answered.

Mr. HARRIS. I hope so.

Mr. LOGAN. The Senator in a manner seems to think there is something terrible in that. I presume where the Senator resides, if he was inquired of to-day where the most thickly settled portion of his county was he could inform the Senate. I presume if he was inquired of as to where the most sparsely settled portion of that county was he could give that information. If you have a school superintendent in your county who has not capacity enough to determine the sparsely and the densely populated portions of your county you had better choose another one. It would be determined just as any other fact is determined, by the proper officers of your States, not by the General Government. I can not tell where the sparsely settled portions of your States are or the densely populated portions are outside of the cities. I can not determine it by an amendment nor can the Senate, but the officer who has charge of the common schools of the county or district, or however it may be laid off in your States, from his own information and by making inquiries, must ascertain it as he ascertains anything else. Turn to the census, and there you will find the information now without going any further.

Mr. HARRIS. The Senator from Illinois did not seem to quite comprehend the question that I propounded.

Mr. LOGAN. I thought I did.

Mr. HARRIS. If I understand the amendment of the Senator, it proposes to appropriate a gross sum of money which according to his estimate will aid in the construction of some 20,000 school-houses, when according to statistics there are 57,000 school-houses necessary. It will probably appear in the practical application of this fund that you will find perhaps every locality needing a school-house applying for it. The party entitled to it is the party residing in a sparsely settled neighborhood. It seems to me that some tribunal, State or Federal, will have to determine the question as to which of the 57,000 applications that are made for aid are to be entitled, as only 20,000 out of the 57,000 can be aided.

Mr. LOGAN. It seems to me to be as simple a proposition as any in the world. Suppose there were 100,000 school-houses required. The people in the localities where school-houses are not required would not apply for aid from this fund; there are many places in the country where they do not need it. Wherever school-houses are already erected, the application would of course be refused, because they have the accommodations.

Mr. HOAR. Will the Senator allow me? The difficulty that occurs to me is the one which I suppose occurs to the Senator from Tennessee, and the Senator from Illinois does not meet it as it exists in my mind. I do not understand that it is based on any difficulty in finding out whether a territory is sparsely or densely settled by the person whose duty it is, but the question is, who is to determine which of these communities shall have it, the State authorities or the Commissioner of Education or the Secretary of the Interior or some other; who is to determine?

Mr. LOGAN. Mr. President, I will answer the Senator from Massachusetts. If he will tell me who is to determine as to the distribution of the fund that is appropriated for school purposes, then I will tell him who is to determine about this. This is to be distributed to the States and Territories just as the school fund is distributed to them. Who then determines where that is to go?

Mr. HOAR. The State, of course.

Mr. LOGAN. Well, then, the State determines this. You give it to the State and let the State decide for its people, and that is all there is in it.

Mr. HOAR. That I understand.

Mr. LOGAN. That is all there is in this proposition. You distribute the school fund, $15,000,000 or $20,000,000 or whatever it may be, to the State or Territory. It passes from the hands of the General Government. Then the States distribute it according to their law; that is, for the benefit of the illiterate class it is to be distributed, I suppose according to population. That is the provision of the bill in reference to the illiterate class. So then this money goes into the hands of the State or Territory, and if the General Government does not say in this proposition how it shall be distributed, it goes in accordance with the provisions of the bill, then, to the officers of the State, for them to determine the question as to the densely settled or sparsely settled portions of the country. It is certainly true that a school superintendent would not distribute a portion of this money to a neighborhood already supplied with a school-house; but he would distribute it where they have not a school-house, where the people are not able to build school-houses, where the population is sparse, so far separated that they have not organized schools. It would naturally be determined according to the judgment of this person. That is the way I would determine it, and I presume the way the Senate would determine it. There is no other way to determine it according to this bill. That is the object of this amendment.

Mr. CALL. I understand the proposition of the honorable Senator from Illinois to be very plain as he states it. This amendment is to become, if adopted, a section of the pending bill, which provides for the distribution of this money to the State authorities to be expended in accordance with the existing school systems for the purposes declared in the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GORMAN (when his name was called). On this amendment I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "yea."

Mr. JONAS (when Mr. GIBSON's name was called). My colleague [Mr. GIBSON] is paired with the Senator from Oregon [Mr. SLATER].

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. MCMILLAN (when his name was called). I was paired yesterday with the Senator from Delaware [Mr. BAYARD] on questions arising on this bill, but I find that my pair continues to-day, although it was not mentioned, as the Senate was not expected to be in session to-day. The pair, however, has been transferred to the Senator from New York [Mr. MILLER]. I therefore am at liberty to vote. I vote "nay." The Senator from Delaware, if present, would vote "nay" on this amendment as I understand. I am not aware how the Senator from New York would vote.

Mr. GEORGE. I desire to announce the pair of my colleague [Mr. LAMAR] with the Senator from New Jersey [Mr. MCPHERSON].

The roll-call having been concluded, the result was announced—yeas 20, nays 28; as follows:

YEAS—20.

| | | | |
|---|---|---|---|
| Blair, | Frye, | Jonas, | Pike, |
| Brown, | Garland, | Kenna, | Ransom, |
| Call, | George, | Lapham, | Sawyer, |
| Camden, | Hoar, | Logan, | Voorhees, |
| Colquitt, | Jackson, | Morrill, | Walker. |

NAYS—28.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Harrison, | Platt, |
| Allison, | Dawes, | Jones of Florida, | Plumb, |
| Beck, | Dolph, | McMillan, | Pugh, |
| Butler, | Farley, | Manderson, | Vance, |
| Cameron of Wis., | Groome, | Maxey, | Vest, |
| Coke, | Hale, | Miller of Cal., | Williams, |
| Conger, | Harris, | Morgan, | Wilson. |

ABSENT—28.

| | | | |
|---|---|---|---|
| Anthony, | Gibson, | Lamar, | Riddleberger, |
| Bayard, | Gorman, | McPherson, | Sabin, |
| Bowen, | Hampton, | Mahone, | Saulsbury, |
| Cameron of Pa., | Hawley, | Miller of N. Y., | Sewell, |
| Cockrell, | Hill, | Mitchell, | Sherman, |
| Edmunds, | Ingalls, | Palmer, | Slater, |
| Fair, | Jones of Nevada, | Pendleton, | Van Wyck. |

So the amendment was rejected.

Mr. LOGAN. I have another amendment to offer. I move to insert as a new section the following:

SEC. —. No State or Territory that does not distribute the moneys raised for common-school purposes equally for the education of all the children, without distinction of race or color, shall be entitled to any of the benefits of this act.

I desire just a moment to explain the amendment. I have no faith in its being adopted, because I see that nothing which is for the benefit of this bill is going to be adopted. The law in Kentucky provides that the taxes assessed on the property of the white people shall be used only for the education of white children, and the only educational fund there for the colored people is that which is raised from taxation on their own property. In Delaware the law is pretty much of the same character. This provision is to indicate to the States that they will not get any of this money until they provide for the equal distribution of the school fund among colored as well as white children. If a State can

not afford to do that, the Government of the United States ought not to appropriate one dollar for the education of its children. That is all there is in it; and the object I have is to require the States to give this money equally to the colored as well as to the white children, and not only this money, but the school money generally, before they get any benefit from this appropriation.

Mr. HARRISON. I am in favor of the principle contained in the amendment which the Senator from Illinois has offered, and I only rise to call his attention to the fact that in an amendment I have proposed, which is printed together with the bill, this same provision is contained, and is contained in connection with a clause requiring a preliminary report by the States of what they have done in the preceding year, and then proceeds as follows:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color either in the raising or distributing of school revenue or in the school facilities afforded.

Mr. LOGAN. I understand that.

Mr. HARRISON. I do not know where the Senator proposes to put his amendment in the bill. I only rose to suggest, as it is contained in connection with a proposition that I think will meet his concurrence, that we shall have the preliminary report as to these facts from the State, whether it would not suit him as well to have it voted upon in connection with the other matter which I have proposed.

Mr. WILLIAMS. Let me respond for one moment to my friend the Senator from Illinois. What he stated was the law in Kentucky, but that law was repealed two years ago.

Mr. LOGAN. I beg the Senator's pardon. It has not been repealed, and your Legislature has never voted on the repeal. Although the Senator represents that State and ought to know better than I do about this, yet I feel authorized to state that your supreme court have decided the law to be unconstitutional, but your Legislature has not repealed it.

Mr. WILLIAMS. But the superintendent of public instruction has gone on and distributed the money to all, and the colored children get their portion of it as well as the whites. I will not say positively, because I have not the acts before me, but my recollection is that the statute was repealed two years ago.

Mr. LOGAN. No, sir; I beg the Senator's pardon. The matter is before your Legislature now. It has not been repealed.

Mr. WILLIAMS. My Republican colleague in the other House [Mr. WHITE] confirms what I say. He was at my back this moment. I stated it substantially to the Senate several days ago. If I had thought there would be any question about it I would have provided myself with the acts. But I know one thing, the supreme court of our State has decided the old law to be unconstitutional, and the black children are entitled to the benefit of the fund as well as the white; and they have gone on and organized schools, getting their proportion with the whites.

Mr. LOGAN. I understand what your supreme court have decided, for I have read the decision. It is immaterial as to whether the law has been repealed or not. My understanding is that it has not been repealed. If the law has been repealed and the distribution in your State is equal to the children of both races, then this proviso does not affect your State, and certainly can not be objectionable to you.

Mr. WILLIAMS. Except that it is already in the bill.

Mr. LOGAN. It is not in the bill. It is in an amendment that the Senator from Indiana proposes to offer. I am offering this amendment to the bill. I have no objection to the amendment of the Senator from Indiana, but I presented this amendment some days ago and had it printed, and said I would offer it to the bill. I do not say that there is any particular difference whether my amendment or his is adopted; but inasmuch as this was offered first and I offered it and it is before Senate, I shall ask that it be voted upon. The action on it need not affect the amendment of the Senator from Indiana.

Mr. HARRISON. I have no disposition in the world to rob the Senator from Illinois of any credit. I only called his attention to the fact that by the bill as it stands there is no provision made for any report from the States before the first year's money is distributed. My amendment provides for that, and provides that this very fact, this very condition which he expresses in his amendment, shall appear by the report of the authorities of the State, not simply to be judged of by the Secretary of the Interior; and it was merely a matter of convenience, because if the amendment he proposes is adopted and goes into a certain place in the bill, then it will not come in properly in connection with the preliminary report. So far as any credit one way or the other is concerned, I should be glad to turn over this whole amendment and let the Senator adopt it as part of his own and move it, so that it may be voted on in the proper place.

Mr. LOGAN. The Senator is very sensitive. I said nothing about credit to anybody.

Mr. HARRISON. I am not sensitive at all.

Mr. LOGAN. I certainly said nothing about any credit to anybody. I ask no credit for it. I offered it because I thought it was right. I certainly had something to do with introducing bills on this subject, and I do not claim any more right than anybody else; but I surely have a right to offer an amendment if I desire to do so.

Mr. HARRISON. Unquestionably the Senator has the right. I simply rose to make a suggestion whether, in order to keep the bill in some such shape that we would not be getting in things and then having to modify them if another amendment was adopted, we should act on the two propositions together—that was my suggestion—and that we should require this preliminary report, and directly in connection with it put in the proposition the Senator has mentioned. That was all. It was simply in order that the text of the bill, if these amendments receive the concurrence of the Senate, shall be in proper shape.

Mr. LOGAN. I suppose the committee that met together and organized this bill, if they have done it, voted this proposition out of the bill, and I do not see any way for me to do except to have it voted on I offered it as an amendment, and I only ask a vote.

Mr. VOORHEES. I simply wish to say that the purpose of the amendment offered by the Senator from Illinois is eminently right, eminently correct. At the same time I do not attach very great importance to its adoption, for the reason that whether the State of Kentucky has already repealed the act referred to or not she certainly will do it as soon as this bill becomes a law. And further than that, in justice to that old Commonwealth, whose blood fills my veins as well as those of the Senators from Kentucky, I wish to remark that that law, although still lingering on the statute-book, is not executed by her authorities, and there are no distinctions or discriminations against the colored race in the matter of education in Kentucky any more than in any other State of the Union. Still if the Senator from Illinois insists on his amendment and thinks it important, it is right in principle, and I shall vote for it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois [Mr. LOGAN].

The amendment was agreed to.

Mr. HOAR. I now move as one amendment the two propositions which the Senate consented might be put as one.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to amend the bill. The amendment will be read.

The CHIEF CLERK. In section 1, line 3, it is proposed to strike out "ten," before "years," and insert "eight;" so as to read:

That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit.

And in line 5, after the words "to wit," to strike out:

The first year the sum of $15,000,000, the second year the sum of $14,000,000, the third year the sum of $13,000,000, and thereafter a sum diminished $1,000,000 yearly from the sum last appropriated, until ten annual appropriations shall have been made, when all appropriations under this act shall cease.

And to insert in lieu thereof:

The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000.

Mr. HOAR. Mr. President, I wish to say a word in regard to this amendment, and but a word.

It is true that this amendment diminishes by about $30,000,000 the aggregate amount appropriated by the original bill, but the original bill is liable to two or three considerations. In the first place, it begins with a very large sum, the sum of $15,000,000, and proposes to distribute to some States a sum equal to twice what they now appropriate. A great many very experienced persons feel that it will be impossible, suddenly and at once and without any previous notice, to provide for the wise, economic, and efficient expenditure of so large a sum of money. As has been already stated, 57,000 more school-houses are needed to make an efficient common-school system throughout the country. The amendment of the Senator from Illinois proposed, as I thought very wisely, to provide in part for that building, and I hope that amendment will be yet adopted, before the bill gets through, by the Senate, which defeated it by only three or four votes.

In the next place, the bill goes over the period of the next census, the census of 1890, so that you have got for the two smallest sums, which are to be distributed under the orginal bill, to make for two years only a total change in the proportion of the distribution to a district or a State. You get a very different proportion these last two years from what they had the preceding two years, as well as a diminishing sum.

If the $77,000,000 which I propose turn out to be insufficient, and the experiment—which is an experiment, viewed with grave concern by its friends as well as its opponents—succeed, undoubtedly Congress at the close of these eight years will do what shall be found necessary and expedient and wise. The judgment of the whole American people will be unmistakably expressed upon the general scheme long before the expiration of that time, and any defect in the present scheme can be supplied in the future. But it seems to me, having been as early and as earnest a friend of this general scheme as anybody, that it is wiser to begin as this amendment does with a smaller sum the first year, increase it the second, increase it again the third, and then let the process of diminution begin and have it terminate at the end of eight years, when the new census will have ascertained the condition of the people in respect to illiteracy and the population of the different States and counties.

Mr. BLAIR. Mr. President, I desire to say with reference to this amendment that it has become apparent by consultation with individual Senators upon both sides of the Chamber that with many the con-

siderations stated by the Senator from Massachusetts have great weight, and I feel constrained personally to yield my judgment to theirs. When one examines the amendment closely, however, the difference is not one which seriously embarrasses or diminishes the efficiency of the bill. It reduces the term of its operation two years, but the bill itself is a bill making appropriation for but one year and a declaration of policy to be pursued for a certain length of time which can be safely acted upon by the States interested provided that the conditions which the bill contains are complied with. If the bill should continue operative under the amendment for eight years the total expenditure would be $77,000,000. If it were $80,000,000 the average would then be $10,000,000 yearly, and for the ten years it would make the amount carried by the bill $100,000,000, which is only $5,000,000 less than it now provides for.

I yield my judgment on this matter with great reluctance, I must confess, but I think that the bill will be stronger and that the general judgment of the Senate ought to be preferred to my own.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. MORGAN. I should like to inquire of the Senator from Massachusetts how much is the reduction he proposes?

Mr. HOAR. The total amount proposed by the amendment is $77,000,000, and the amount in the original bill is $105,000,000, $28,000,000 difference.

Mr. MORGAN. That is a very small matter, $28,000,000, in a bill of this description, but I would admonish the Senator from Massachusetts that it is really the interest of the friends of the bill to have the amount large, because he will lose votes for it if he does not keep the sum up to $105,000,000. It is not the principle of the bill so much as the amount of money involved in it that gives it currency and popularity and strength, and as he is a friend of the bill, he ought to manifest his friendship by keeping up the amount.

Mr. HOAR. I have said in the hearing of the Senator that I was a friend of this bill.

Mr. MORGAN. Then I hope the Senator will keep it up to the maximum rate of $105,000,000, and I venture to suggest that he will weaken the bill very much, if he does not actually destroy it, because it will not do to undertake to get the Senators on this side of the Chamber committed to the principle of this bill without furnishing a very large amount of money as an inducement for their votes. [Laughter.] And if there is any disclosure of a policy of a reduction of this amount of money now or hereafter some of the Senators on this side will feel very badly if they should find that their friends on the other side were not going to give the amount of money which it has been understood was to be the fruit of this bill in consideration of their votes.

Mr. HOAR. Mr. President, I do not know what motives the Senator from Alabama may choose to impute to his political associates on the other side of the Chamber. I am myself sometimes thought to speak with considerable emphasis, and I believe some gentlemen think with some bitterness. I do not know the gentleman on that side of the Chamber to whom I would impute the motive, in my secret heart, which the Senator from Alabama, if I understand him, has openly avowed. I profess to be the friend of this bill and of this measure, and in moving this amendment I move it because I think it makes the bill better. I think it wiser, this being, as we all agree, a great experiment, experimental as to its producing the general effect that we desire; experimental also in the matter whether we shall find State agencies and instrumentalities now prepared and ready to carry out its purposes. I vote for this bill because these men at the South, colored and white, are my countrymen, entitled within the functions of the National Government to my interest, care, and friendship as much as the citizens of Worcester County, Massachusetts, where I dwell. If it be a matter of national concern to provide by national authority that the American people shall be fit in intelligence for a republican government; if we have the right (as we have the right to defend this Constitution in war) to defend it against the greater danger of ignorance in cases where the local instrumentalities, through their own misfortune or through their own fault are unable to do it, then this bill is an exertion by national authority of a proper national constitutional function.

I do not put my support of this measure on any argument growing out of the right to appropriate money for the general welfare. I do not go into any subtle refinements as to any distinction between the right to give land and the right to give money. I undertake to say that the Legislature of this nation has a right to save the life of this nation against whatever danger; and at a time—I do not impute it to any Senator on this floor—when honest men, intelligent men, influential men declare in my hearing that this black ignorance in this country is so great a menace to their property, their government, their civilization itself that all must perish alike if the mandate of our Constitution be obeyed and these men have their votes counted man for man honestly and fairly in State and national elections, and that that danger is so great and so overwhelming that they deem themselves entitled to resort for self-preservation to any agency of force or finesse that will keep these men from the ballot—there are certainly intelligent men and influential newspapers in numbers that say that in this country—I think it the duty of the National Legislature to say at least we will exert within the bounds of reason our constitutional power and this great national force to remove this menace. I think it is a better thing to try the experiment whether by educating a black man he can be made fit for American citizenship than without trying that experiment to cheat him out of his vote.

Mr. MORGAN. I am sorry that did not occur to the Senator before he conferred the citizenship on him. He should have tried the experiment of educating him then.

Mr. HOAR. Well, Mr. President, I will not be drawn into a crimination or recrimination in regard to past history, recent or remote. I will not talk with a man, in the way of debate I mean, as to whether I did right or wrong or whether he did right or wrong from 1860 to 1865; as to whether I did right or wrong or he did right or wrong from 1865 to 1875, or as to any other period of history about which the two sides of this Chamber are divided. I have this one thing to say, that the people of the North view this not as a party measure, as the votes in this Chamber have already shown. When my honorable friend from Indiana and myself can come together, representing Massachusetts Republicanism and Radicalism and Indiana Democracy, and say to our friends in these Southern States, "We will tax our constituencies to the extent that they can bear, and give over to your States the money to educate and elevate these people who are cast upon you," I do not propose to accompany that act by a discussion of the question whether I or you have been right in our conduct or our opinions in the past.

Why, Mr. President, are we not American citizens? Can we not talk about educating our children and raising the money to do that without having flung in our faces everything by way of taunt and sting that the memory and imagination of the honorable Senator from Alabama can suggest to him?

Mr. MORGAN. If the Senator from Massachusetts will allow me just one moment.

Mr. HOAR. Certainly.

Mr. MORGAN. I merely wish to say to him that this morning when I had the honor of reading a portion of the constitution of Massachusetts the Senator was not in his place, and I desire now to refer to what I then said for his information. This is what I said:

> They even go so far as to inculcate the duty upon the Legislature of providing by law so that sincerity and good humor and social affections and generous sentiments shall be encouraged among the people.

I begged the Senator not to get ill-humored, for I read to him from his own constitution.

Mr. HOAR. The Senator from Alabama has taken six mortal hours addressing such Senators as had the additional virtue not mentioned in that constitution of patience to sit in their seats and hear him, to crowd together everything by the way of sting and insult that he could think of with which to meet on behalf of the great Commonwealth which he in part represents this offer from Massachusetts.

Mr. MORGAN. But my people have never put me under the injunction of being in a good humor while I was being abused by other people.

Mr. HOAR. I undertake to say—I do not yield any further—that I do not mean to be drawn into a debate or discussion in regard to the political history of this country, remote or recent. We come here with from $77,000,000 to $105,000,000 in our hands and we say to you, "If this money will help you to educate the illiterates in your States, whom some of you say you can not educate from your own resources, take it and God bless you," and the Senator from Alabama replies with the fact that the merchants of Boston and of Newport two hundred years ago practiced the slave trade and that somebody else did something immediately after the war, and so on, and so on, and so on.

Mr. MORGAN. Will the Senator allow me to say that in all of that six hours' speech I did not refer to the slave trade? The Senator has imagined what he thinks I ought to have said about him and his people.

Mr. HOAR. Somebody did.

Mr. MORGAN. I suppose I had better express my regret that I did not tell the truth on him while I was up and which I did not do from forbearance.

Mr. HOAR. Somebody did. Whether it was the Senator from Alabama [Mr. MORGAN] or the Senator from North Carolina [Mr. VANCE] I shall not undertake to be sure.

Now, Mr. President, to come back to this amendment. It seems to me, giving the best and most careful examination to the matter that I can, that the sum of $15,000,000 can not in all probability be usefully, economically, and efficiently expended the first year, and that instead of starting with the larger sum we had better start with a smaller sum, and let our $15,000,000 be expended the third year, when the State superintendents and the State authorities will have got used to it. I think it is better to stop our expenditure with the census of 1890, at the end of eight years. We shall get the new census probably about 1892 or 1893. We did not get the last one until 1883. That is the whole of the amendment.

Mr. GEORGE. I desire to ask the Senator from New Hampshire one question. Does he regard the adoption of this amendment as essential to the success of the bill?

Mr. BLAIR. I will state precisely how I think the situation is. About half the Democrats are against the bill anyway, and about half the Republicans are against the bill anyway unless it is somewhat amended. I am satisfied if this amendment is adopted, and some other amendments that I think do not weaken or hurt the bill at all, we can get a nearly unanimous vote on this side and just as many on the other, and we shall get the benefit of the measure.

Mr. MORGAN. If the Senator from Mississippi had addressed the question to the Senator from New Hampshire as to what the caucus action was on the bill perhaps he might have succeeded in getting a knowledge as to the shape in which it is to be put.

Mr. BLAIR. I will tell the Senator about the caucus. The caucus was a conference. We had much difference of opinion. I stood for this bill absolutely and unqualifiedly, and nobody knew until I came into the Chamber to-day and began voting that I was not going to vote absolutely for the bill. But I am satisfied in my own mind that the bill is stronger and we can pass it with some modifications. I dare not run the risk of losing this great measure upon what I consider secondary considerations, and I have yielded my judgment somewhat.

Mr. MORGAN. I am very glad that the Senator from New Hampshire has informed us that there was a caucus and this measure took shape in that caucus. Whether he is bound by a caucus of his own party or not makes no difference to me; but certain of our friends on this side will have the satisfaction of knowing when the bill is passed that it is one which has been shaped in a Republican caucus. I supposed that this measure was really one that would carry out the pretensions of its friends, that it was not a party measure in any sense at all, while here we find that a Republican caucus has met upon it and determined upon its shape, and I hope upon its destiny also.

Mr. VEST. As a matter of course I suppose that nothing which can be said, especially by one entertaining the views I do, can affect the vote on the measure; but I simply want to congratulate the Senator from Massachusetts upon having boldly avowed what the real basis of this measure is and what the advocates of it mean that it shall effect. It is not enough that it should be a caucus measure. The Senator from New Hampshire says that if the caucus amendments are adopted it insures a unanimous vote upon that side of the Chamber.

Mr. BLAIR. I said no such thing, or if I did say it I withdraw it. I did not mean it.

Mr. VEST. You said words to that effect.

Mr. BLAIR. I said I thought it would secure very nearly a unanimous support on this side of the Chamber. It will not have a unanimous support. There are several Senators on this side who are absolutely opposed, as I understand them, to the bill in any form; as radically opposed to it, I think, as the Senator from Missouri. I said I was satisfied the bill would be very much stronger. I made a close calculation as to how the Democratic side of the Chamber would vote, and I know better now how they will vote than I know how my friends on this side of the Chamber will vote. I can tell you very nearly.

I said what I did in regard to our conference simply because I would not so treat this measure as to intimate that there is any secret to be concealed in it. There is no understanding that Republicans are or are not to vote for the measure. No Republican caucus binds a Republican in that sense that I have ever attended. I am as much at liberty as a party man to vote against this amendment as I ever was.

Mr. LOGAN. If the Senator from Missouri will allow me, I should like to say a word.

Mr. VEST. Certainly.

Mr. LOGAN. I wish to say in regard to the caucus that if there was any caucus on this bill I did not receive any notice of it. If I had attended, probably I should not have offered my amendment and have had an almost unanimous vote of the Republicans against it. I was not in any caucus where this bill was discussed, and I think if there had been a caucus I at least ought to have been notified. If the amendment was prepared in the caucus I might object to it, because I certainly received no notice of it, and I might regard the vote that was given on my amendment as a symptom of something that I did not understand. I hope hereafter if my friends go into caucus they will let me know about it.

Mr. VEST. I sympathize with the Senator from Illinois in the amendment which he offered in reference to erecting school-houses in the South. If I entertained the opinions which the Senator from Massachusetts avowed here representing the caucus of the Republican party I would have voted for school-houses, and libraries, and to have put a library in the reach of every man, woman, and child in the Southern States. The same power which can pass this bill upon the basis which the Senator from Massachusetts invoked here could give to the South school-houses and libraries and turnpike roads to the school-houses and all the facilities for obtaining education.

The Senator from Massachusetts avows in the very broadest shape the doctrine which Mr. Hamilton announced in 1791 and which Mr. Madison and Mr. Jefferson denounced as leading to centralization and to an utter destruction of the rights of the States. All that is simple history; and it is saying that we have no right to shape our legislation according to the opinions of the men who helped to frame the Constitution.

I congratulate the Senator from Massachusetts and I congratulate myself that I did not misunderstand the object of this bill. The meaning of it is to pledge the Senate to the doctrine so boldly and eloquently avowed by the Senator from Massachusetts, that whenever Congress thinks that the life of the Government is in danger, to use a Republican phrase, then Congress can do what it pleases. The Senator avowed here that whenever the people of a State fail either through neglect or inattention or from any other cause to do what Congress thinks is absolutely necessary for the welfare of the General Government, then Congress has a right to interfere.

Mr. HOAR. If the Senator will pardon me, I did not say "absolutely necessary for the welfare of the General Government." I disclaim that. I said "the national life."

Mr. VEST. Exactly, "the life of the nation;" that was the phrase.

Mr. HOAR. That was the phrase.

Mr. VEST. That is the campaign phrase on which the changes have been rung for fifteen years. You can do anything "to preserve the life of the nation." The Senator from Massachusetts sneers at the idea of going to the Constitution for this authority. He says, "I stand here not upon the general-welfare clause, not upon the clause in regard to the Territories and empowering Congress to make rules and regulations in regard to them or the property of the United States; I go to the higher law; I go to any measure that is necessary to preserve the life of the nation." Then if the Senator and his colleagues think that a tariff not for revenue but to the very highest extent necessary to protect any of the industries of this country is necessary, they do not go to the Constitution for the authority, they simply say, "the life of the nation is involved and we will pass this law." Tear up the Constitution; it is obsolete, like the words of Madison and Jefferson, on that side of the Chamber. New lights have come to us. Tear down these arguments; let us become iconoclasts, and put in their place this new doctrine of necessity to save the life of the nation.

I have not been mistaken in regard to the meaning of it, and I congratulate my colleagues upon their learned constitutional arguments and their quotations from the cobwebs of the past that have had so happy and delightful a consummation.

Mr. CALL. Mr. President, I shall vote for this bill. I should vote for it if the Republican caucus had directed the Senator from Massachusetts to report the amendment which he has offered. I do not conceive that the difference between political parties rests upon the proposition whether one caucus or another may recommend some specific measure not connected with party distinctions. Neither do I agree with the honorable Senators from Missouri, nor from Texas, nor the Senator from Delaware, nor the Senator from Alabama, that they speak correctly when they interpret Mr. Madison and Mr. Jefferson and the fathers of the country as affirming that to give, either in money or in lands, aid to a prostrate and helpless State to reorganize its industries or its educational system is contrary to the spirit of the Constitution or without the sanction of their example. We have heard a great deal of that; but I hold in my hand—as this question has been raised here so often—a message of Mr. Jefferson's which I wish to read. Mr. Jefferson in one of his messages, on the 2d of December, 1806, says to Congress:

> Education is here placed among the articles of public care—

This is a message addressed to Congress, and it is in regard to education, national education, as to which we have been so often told here that we are violating the canons of the Democratic party and the past history of the country in voting money to the States to be applied by them in their own way and under their own laws.

Mr. Jefferson says:

> Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal, but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation. The subject is now proposed for the consideration of Congress, because if approved, by the time the State Legislatures shall have deliberated on this extension of the Federal trusts and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand and without employment.

It is true that he favored an amendment of the Constitution to give to Congress the power of national education. But how, in the face of this recommendation, can gentlemen claim his authority for the proposition that to give aid to the States for that education in conformity with the State organization and subject to the power of the State, and intrusted to their care alone, is a subversion of the principles of the Constitution and without the sanction of his example, when he makes an express recommendation to Congress that it should be done, and, if necessary, an extension of the Federal trust should be made in order to accomplish it?

Mr. BUTLER. May I ask the Senator a question just in that connection?

Mr. CALL. Certainly.

Mr. BUTLER. Is there anything in that language that justifies Federal aid to State institutions? Is it not confined strictly and exclusively to national purposes?

Mr. CALL. I beg the Senator's pardon; it is to give to Congress the unquestioned power to legislate for national education everywhere that

Mr. Jefferson makes that recommendation. That power the exercise of which Senators insist would destroy the Constitution he recommends to be extended and given to Congress by an amendment to the Constitution.

Mr. COKE. Was that amendment adopted?

Mr. CALL. It was never adopted; but both land and money were given. Here is the list which Alabama and every other State had, giving the distribution of the Federal money, which constitutes now the magnificent fund of education in all the States which received it:

| | |
|---|---|
| Maine | $955,838 25 |
| New Hampshire | 669,086 79 |
| Massachusetts | 1,338,173 58 |
| Vermont | 669,086 79 |
| Connecticut | 764,670 60 |
| Rhode Island | 282,335 30 |
| New York | 4,014,520 71 |
| New Jersey | 764,670 60 |
| Pennsylvania | 2,867,514 78 |
| Delaware | 286,751 49 |
| Maryland | 955,838 25 |
| Virginia | 2,198,427 99 |
| North Carolina | 1,433,757 39 |
| South Carolina | 1,051,422 09 |
| Georgia | 1,051,422 09 |
| Alabama | 669,086 79 |
| Louisiana | 477,919 14 |
| Mississippi | 382,335 30 |
| Tennessee | 1,433,757 39 |
| Kentucky | 1,433,757 39 |
| Ohio | 2,007,260 34 |
| Missouri | 382,335 30 |
| Indiana | 860,254 44 |
| Illinois | 477,919 14 |
| Michigan | 286,751 49 |
| Arkansas | 286,751 49 |
| Total | 28,101,644 91 |

As was stated by the Senator from Kentucky [Mr. WILLIAMS], it was the distribution in 1836 of this surplus money, which in all the States which properly used it has created a magnificent fund of education and which has done so much to advance the people of those States.

I ask the Senator from Texas, where does he find in the Constitution the power to annex the territory of Texas to the United States and to appropriate money to pay the debts of Texas? Is it a power committed to the jurisdiction of Congress to pay the debts of a foreign state or of one of our own States? Whether foreign or domestic, no such power is expressly granted, and surely no one will say that by a treaty with a foreign power the express grants of power in the Constitution can be either increased or diminished. Sir, there is far more authority for this donation of money to States than there was for the annexation of the State of Texas, and everybody knows and admits it.

Nor did Mr. Jefferson stop there. I hold in my hand a letter from Mr. Jefferson in which he speaks of the treaty of annexation of Louisiana, and what does he say to my distinguished friend from Missouri [Mr. VEST] who speaks of the cobwebs of the past? He says:

> The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of their country, has done an act beyond the Constitution. The Legislature, in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it.

That is the kind of strict construction of the Constitution by Mr. Jefferson which gentlemen talk so much about, and assert that to depart from it would be to overthrow the Government. And so it was with Mr. Monroe. We all know that they all—Jefferson, Madison, and Monroe—denied the power of the Government to establish internal improvements. We know that the bills that the Senators from Texas and Missouri vote for now every year without objection were affirmed by Mr. Jefferson, Mr. Madison, Mr. Monroe, and by Mr. Calhoun, until the Memphis convention for the improvement of the Mississippi River, to be entirely unconstitutional, as they did the aid to national education; and yet these gentlemen constantly vote for the exercise of a power which these all deny and which was proposed to be given to Congress by an amendment to the Constitution.

I differ from the honorable Senator from Massachusetts. I do not believe that we have any authority, any power, to violate the autonomy and the essential rights and powers of the States. I do believe, as Mr. Monroe most conclusively affirms in his argument, that the power of appropriation does cover every object for the common defense and the general welfare applied as every other power of the Constitution must be consistently with the preservation of the rights and the integrity and power of the State. The bill proposes to do it.

I meet gentlemen upon the other side half way. We appropriate money to aid the States to exert their power. They are free to accept or reject it, and that is all there is in it. We give money to help a State to reorganize its resources and to lift it up, and the Senators who oppose that bill occupy the position of saying that if from any cause the States, Northern or Southern, are exhausted by taxation, prostrate, enfeebled by public calamity, they can not accept, and we can not give them money to aid them and relieve their people temporarily. We can not touch them; but however much they may ask us, we must leave them in their state of feebleness and ignorance and want. I do not so interpret the Constitution; neither did Mr. Jefferson in the case of Louisiana, nor Mr. Calhoun in the case of Texas. I appreciate and respect the motives and opinions of Senators on both sides who oppose this bill, but I can not agree with them.

I accept the practical interpretation of the Constitution by Mr. Jefferson in the spirit and intent with which he made it. He says: "To the States are reserved all legislation and administration in affairs which concern their own citizens only; to the Federal Government whatever concerns foreigners or the citizens of other States; * * * neither having control of the other, but within its own department."

Sir, the Constitution is greater, it is wiser, it is more powerful, it is more beneficent than Senators would make it. Its power of appropriation can be used to aid the States without interfering with their sovereign powers or their internal affairs. The bill does it, and does it generously and carefully, and I think in a manner that will attract the consideration and the approval of the country.

In 1824 that remarkable and very great man Mr. Jefferson, in his ardent zeal for the abolition of slavery, in favor of an appropriation of money or land by the United States for this object, the States consenting, said:

> I am aware that this subject involves some constitutional objections. But a liberal construction of the Constitution justified by the object may go far, and an amendment of the Constitution the whole length necessary.—*Jefferson's Works*, volume 7, page 335.

Mr. Monroe, on the 4th of May, 1822, in defining the right of appropriation as distinct from the right of sovereignty and jurisdiction over the territory of the States, uses this clear language:

> Although they (the States) may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by specific compacts with the United States.

This has been the real and practical interpretation of the Constitution by the long line of Presidents anterior to the war. Within its limits the rights and powers of the States and the National Government can both be used with the utmost beneficence, and no infringement made by either on the other. That this has been the rule of interpretation the acquisition of Louisiana and Florida and Texas all bear witness. Without it, the Senators from Texas, Louisiana, Missouri, and myself, and the States we represent, are out of the Union and have no right to seats here, "for the Constitution and the laws made in pursuance thereof" are the supreme law.

Mr. BROWN obtained the floor.

The PRESIDENT *pro tempore*. The Chair, under the new rules, will take this occasion, with the permission of the Senator from Georgia, to lay before the Senate sundry bills from the House of Representatives for reference.

### HOUSE BILLS REFERRED.

The bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 283) granting a pension to Patrick Horan;

A bill (H. R. 284) for the relief of Mary G. Hawk;

A bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.;

A bill (H. R. 1056) granting a pension to Honora Kelley;

A bill (H. R. 1127) granting a pension to Anson B. Sams;

A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 1836) for the relief of Elizabeth Moyal;

A bill (H. R. 1985) granting a pension to Malvin Pierce;

A bill (H. R. 1986) granting a pension to Frank F. Fitkin;

A bill (H. R. 2100) granting a pension to Mary Allen;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 4180) granting an increase of pension to Rowland Ward;

A bill (H. R. 4317) increasing the pension of Julia A. Chambers;

A bill (H. R. 4613) granting a pension to Preston M. Shannon; and

A bill (H. R. 5443) for the relief of N. C. Ridenour.

### AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. BROWN] is entitled to the floor.

Mr. BROWN. I yield for a moment to the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. I should like to give notice of an amendment which I propose to offer to the bill, and ask that it may be printed, if the bill is not disposed of to-night. I propose to strike out section 12 and insert in lieu thereof:

> That no portion of the money to be expended under the provisions of this act shall be expended or paid in any State in which the number of persons of 10 years of age and upward who can not write is less than 9 per cent. of the whole population thereof.

The PRESIDENT *pro tempore*. If there be no objection the proposed amendment will be printed.

The Senator from Georgia [Mr. BROWN] is entitled to the floor.

Mr. BROWN. I yield for a moment to the Senator from Texas [Mr. MAXEY].

Mr. MAXEY. I only want a moment to reply to the statement of the Senator from Florida [Mr. CALL] that in Mr. Jefferson's annual message of December 2, 1806, he was for giving to Congress the power to extend aid to national education everywhere. In that annual message of December 2, 1806, Mr. Jefferson says:

> The duties composing the Mediterranean fund will cease by law at the end of the present season. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.
>
> When both of these branches of revenue shall in this way be relinquished there will still ere long be an accumulation of moneys in the Treasury beyond the installments of public debt which we are permitted by contract to pay. They can not, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt and the complete liberation of our revenues—the most desirable of all objects; nor, if our peace continues, will they be wanted for any other existing purpose.
>
> The question, therefore, now comes forward, to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.
>
> By these operations new channels of communication will be opened between the States; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which though rarely called for are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State Legislatures shall have deliberated on this extension of the Federal trusts, and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.
>
> The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent of war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

Mr. CALL. Will the Senator from Georgia allow me to reply?

Mr. BROWN. I will yield for a moment to the Senator from Florida, as the Senators are discussing an important point.

Mr. CALL. I did not intend to be understood as saying that Mr. Jefferson recommended the establishment by Congress of a system of common-school education in every State then existing. I did say that he proposed to Congress that education should be the subject of national aid and national power consistently with the rights of the States and the power of the States.

Mr. MAXEY. And that Congress should propose an amendment to the Constitution for that purpose.

Mr. CALL. He did assert that it was a matter of so much importance that the Constitution should be amended. The difference between these gentlemen and myself and others is that they assert that consistently with the power of the States, not interfering with their autonomy, their right to control this fund, the mere donation by Congress would be subversive of the governments and destructive of the powers of the States. That is the difference. There is their inconsistency.

Mr. BROWN. Mr. President——

Mr. BUTLER. Will the Senator from Georgia yield to a motion to adjourn?

Mr. LOGAN and Mr. MILLER, of California. Let us have an executive session.

Mr. BLAIR. I hope that neither of those motions will be made, or certainly if made that they will be voted down.

Mr. BUTLER. We are a good deal mixed in our views on the Constitution, and I thought perhaps by next Monday morning we could, to use a common phrase, "straighten out" a little. Therefore I hope the Senator from Georgia will yield to a motion to adjourn.

Mr. BLAIR. I hope the Senate will not adjourn.

Mr. ALLISON. We have done a very good day's work to-day.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BROWN. If it is the desire of the Senate to adjourn, I shall yield and take the floor on Monday.

Mr. BUTLER. At the suggestion of the Senator from Illinois and the Senator from California I will change the motion, and will move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask the indulgence of the Senate for a moment before that motion is put.

The PRESIDING OFFICER. Debate is not in order except by unanimous consent.

Mr. BLAIR. I hope the Chair is willing that I should have a moment.

The PRESIDING OFFICER. There is no objection on the part of the Chair.

Mr. BLAIR. I believe that we can finish this bill to-night. ["No!" "No!"] I do not think if we go on with the bill and the amendments that there will be a great deal more of debate, and I am anxious to remain and accomplish that purpose. I understand we have had an intimation from the chairman of the Committee on Appropriations that it might be well to adjourn or go into executive session. If that should be acted upon, I trust he will not say anything about the naval appropriation bill next Monday or Tuesday.

Mr. ALLISON. I must turn my friend from New Hampshire over to my friend from Maine [Mr. HALE], who has charge of the naval appropriation bill.

Mr. HALE. I agree with the Senator from New Hampshire, that if the Senate are willing to stay here five, six, or eight hours longer we can finish the bill.

Mr. ALLISON. I hope the Senator from Maine will not call up the naval appropriation bill on Monday, if we can have an understanding in the Senate that the education bill shall be finished on Monday. We might have an understanding of that sort.

Mr. HALE. Now, let a proposition be made, perhaps by the Senator from New Hampshire if he is willing to make it, that the final vote shall be taken on Monday at any hour in the afternoon that he may name, 2, 3, 4, or 5 o'clock, and I shall be very glad for one to agree to it. If that can be agreed upon now, I shall not attempt to push the naval appropriation bill on that day. Let the Senator make his proposition.

Mr. BLAIR. I ask unanimous consent that at 4 o'clock on Monday all debate upon the bill and pending amendments shall cease, and that the vote shall be taken.

Mr. VOORHEES. Say half past 4.

Mr. BLAIR. Very well, I will say half past 4 or 5; I am not particular as to the hour.

Mr. VOORHEES. Half past 4 will do.

Mr. BLAIR. I ask unanimous consent that at half past 4, on the suggestion of the Senator from Indiana, debate upon the bill and pending amendments shall cease, and that the vote shall then be taken.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the debate upon the pending bill shall cease on Monday at half past 4 o'clock, and that the vote shall then be taken.

Mr. HARRISON. I should like to ask the Senator from New Hampshire whether he means that as we reach the various amendments which are to be voted upon there is to be absolutely no explanation of them?

Mr. BLAIR. I assumed that by that time the pending amendments would probably have been discussed and disposed of, many of them. I do not suppose that we shall consume the day until half past 4 o'clock in discussing the now pending amendment.

Mr. HALE. We have been for the last two hours now considering amendments and voting upon them.

Mr. BLAIR. Certainly, and disposing of them.

Mr. VOORHEES. When I suggested half past 4 it occurred to me that that would be ample time to discuss each amendment as it arose, and that we should reach a conclusion of the debate on the amendments and on the bill by that time.

Mr. HARRISON. But, if my colleague will excuse me, we may not reach an amendment at all until half past 4; the entire time may be taken up in general debate on the bill. Then we shall come to the amendments, and while I do not want to make any speech on the bill, I do not want to be hampered by an agreement that would prevent me from making a brief explanation of my reasons for proposing a particular amendment.

Mr. VOORHEES. I would not interfere with any Senator's right to do that.

Mr. HALE. Then let me make a suggestion, that at 2 o'clock on Monday all general debate shall cease upon the bill; that after that hour debate upon the amendments shall be under the five-minute rule; and that the vote shall be taken upon any pending amendments and upon the bill at 4 o'clock.

Mr. BLAIR. At half past 4.

Mr. HALE. Half past 4.

Mr. BLAIR. Would that be satisfactory to the Senator from Indiana [Mr. VOORHEES]?

Mr. HALE. The Senator from New Hampshire will move to take up the bill the first thing after the routine morning business.

Mr. VOORHEES. It is perhaps due to myself to say this much. I had intended to make some remarks upon the bill and give my reasons why I favored its general principles, why I thought it was a wise, beneficent, and patriotic movement in the right direction. I refrained from doing so this afternoon when I might have done it for the purpose of allowing a vote, if possible, to be reached this evening, and I

would stay here for that purpose and abstain from making any remarks at all. At the same time, if the character of debate which has been indulged in here this afternoon on my own side of the Chamber is to be continued I would not quite wish discussion on the amendments to be confined to five minutes. There has not been a fair opportunity yet to reply to some things that have fallen from Senators on this side of the Chamber in the last half or three-quarters of an hour, and I would not wish the five-minute rule to apply from and after 2 o'clock on Monday.

The PRESIDING OFFICER. Does the Senator from New Hampshire modify his proposition?

Mr. BLAIR. I ask——

Mr. BUTLER. If the Senator from New Hampshire will permit me to make a suggestion, I will make this suggestion to the Senator from New Hampshire, that all long speeches shall cease after half past 4 o'clock.

Mr. LOGAN. I would amend that by agreeing to withdraw the Constitution from the debate and then the debate will cease.

Mr. BUTLER. I do not know but that I should be willing to accept that amendment.

Mr. BLAIR. I am under great obligation to both Senators, but I do not think I can make the proposition.

Mr. ALLISON. I suggest, in deference to the views of the Senator from New Hampshire, that at 3 o'clock on Monday general debate upon the bill shall cease, and that afterward the amendments shall be considered under what is known as the five-minute rule, and the bill be disposed of before the adjournment on Monday. Then we shall have the bill in hand.

Mr. BUTLER. I suggest 4 o'clock. It would be hardly fair to cut off the Senator from Indiana [Mr. VOORHEES] and the Senator from Georgia [Mr. BROWN].

Mr. VOORHEES. Will the Senator from Iowa restate his proposition? I did not understand it.

Mr. ALLISON. I suggest that at 3 o'clock on Monday what is known as general debate on the bill shall cease.

Mr. VOORHEES. That is right.

Mr. ALLISON. And that afterward amendments shall be considered under the five-minute rule, limiting us all, and that we shall vote finally on the bill on Monday before adjournment.

Mr. VOORHEES. That is so entirely satisfactory that I intended to make that proposition myself.

Mr. HARRISON. Do I understand the Senator when he speaks of the five-minute rule to mean the rule by which Senators shall speak but once and but for five minutes?

Mr. ALLISON. I mean the five-minute rule that we adopt in the consideration of appropriation bills, which is that a Senator may offer an amendment and explain it.

Mr. HARRISON. The Senator from Massachusetts tells me that under that rule a Senator may speak as often as he pleases, though but for five minutes each time.

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. The Chair will state the proposition of the Senator from Iowa. It is that there shall be unanimous consent that all general debate on the bill shall cease at 3 o'clock on Monday, and that the amendments shall be considered after that hour under the five-minute rule, and the bill be disposed of on Monday.

Mr. VOORHEES. At half past 4.

Mr. ALLISON. Before adjournment.

The PRESIDING OFFICER. Before adjournment.

Mr. VOORHEES. I understood the proposition to be that general debate shall close at 3 o'clock, and that amendments shall be considered from that time until half past 4, when the vote shall be taken.

Mr. ALLISON. No; no time is fixed for the final vote.

The PRESIDING OFFICER. According to the understanding of the Chair, the proposition is that the vote shall be taken on Monday, without any limitation as to the time when the vote shall be taken.

Mr. VOORHEES. That is all right.

The PRESIDING OFFICER. Is there objection?

Mr. RIDDLEBERGER. I object.

Mr. BLAIR. Let the Chair state the proposition again.

The PRESIDING OFFICER. The Chair understands the proposition to be that on Monday general debate on the bill shall cease at 3 o'clock; that amendments shall then be considered under the five-minute rule, and the bill be disposed of during the day.

Mr. HARRIS. The five-minute rule referred to is the five-minute rule under Rule VIII, I suppose, which is that each Senator may speak five minutes on the same question, and but once.

The PRESIDING OFFICER. The Chair does not so understand the proposition. The Chair understands the proposition to be the five-minute rule usually adopted on appropriation bills.

Mr. ALLISON. Yes; that is my proposition.

Mr. BLAIR. Then I give notice that I shall move to take up the educational bill immediately after the conclusion of the morning business on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. RIDDLEBERGER. I did object; but I may not object if I can understand it. If I understand the colloquy that I have just heard between the Senator from Maine [Mr. HALE] and the Senator from New Hampshire [Mr. BLAIR], it is understood that immediately after the educational bill is disposed of some other special order comes up.

Mr. BLAIR. Not at all; I did not understand it so. It depends on the will of the Senate.

Mr. HALE. I shall move to take up the naval appropriation bill.

Mr. RIDDLEBERGER. Then I am not disposed to put all the business of the Senate in that shape.

Mr. HOAR. It is in that shape now. The Senator from Maine can at this moment move to take up the appropriation bill if he wanted to, or at any other time. I understand that if this consent is given, after the educational bill is out of the way the Chair would lay before the Senate the next matter in order. Then the Senator from Maine would move to lay it aside, or whatever way he chose, in order to take up the appropriation bill.

Mr. HALE. All the business is before the Senate after this bill is disposed of, and is of course entirely in the hands of the Senate. Some motion would be made by somebody or other to proceed to the consideration of a bill. I will say to the Senator from Virginia that what shall be done when the pending bill is disposed of is not involved in the understanding now sought to be made. Whenever this bill is through the measure will come up afterward that the Senate may decide to take up.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Iowa as stated by the Chair?

Mr. RIDDLEBERGER. The only purpose I could have had in making any objection was to try to get this bill to a vote to-night and have it disposed of in some way. There are some other matters pressing for attention, and I thought I would object to a postponement until Monday. Still, out of deference to the wishes of Senators, I will withdraw the objection.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BUTLER. Then I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### SATURDAY, *April 5*, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBOTT, until Monday next.

To Mr. PEELLE, of Indiana, until Monday.

To Mr. JOHNSON, until Tuesday, April 8.

To Mr. FOLLETT, for ten days from to-day, on account of important business.

To Mr. TUCKER, for two days.

#### DAILY HOUR OF MEETING.

Mr. BUCKNER. I desire, Mr. Speaker, to submit a privileged motion for reference to the Committee on Ways and Means.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved*, That on and after the 14th day of April, 1884, the hour of daily meeting of the House for this session be 11 o'clock a. m.

The resolution was referred to the Committee on Ways and Means.

#### COAST-LINE WATER WAY, ATLANTIC AND GULF SEABOARD.

Mr. GOFF. Mr. Speaker, I am instructed to submit a privileged report from the Committee on Naval Affairs. I am directed by the Committee on Naval Affairs to report back the following resolution, referred to that committee, and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved*, That the Secretary of the Navy and the Secretary of War be, and they are hereby, requested to report to this House, at the earliest day practicable, upon the feasibility and expediency of constructing an interior coast-line of water ways for the defense of the Atlantic and Gulf seaboard, together with an outline of the plan of the same and a general estimate of the cost thereof.

Mr. COX, of North Carolina. Is that a privileged report?

The SPEAKER. It is a resolution of inquiry referred to the Committee on Naval Affairs and reported back by them.

The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. GOFF moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DIBRELL. I now demand the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees.

Mr. DIBRELL. I move to dispense with the morning hour, my object being to then move that the House go into Committee of the Whole House on the state of the Union upon the agricultural appropriation bill. If we go into committee now on that bill we can finish it to-day.

The SPEAKER. The first question will be upon the motion to dispense with the morning hour. That requires a vote of two-thirds.

The House divided; and there were—ayes 73, noes 5.

So (two-thirds voting in favor thereof) the morning hour was dispensed with.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I am instructed by the Committee on Agriculture to report back the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, which was recommitted to the committee for reference to the Calendar.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. DIBRELL. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BOYLE in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of appropriation bills. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

Mr. DIBRELL. Mr. Chairman, I move that the first formal reading of the bill for information be dispensed with.

The CHAIRMAN. If there be no objection, the first formal reading will be omitted.

There was no objection.

Mr. DIBRELL. Mr. Chairman, the Committee on Agriculture, in formulating the bill now under consideration, making an appropriation to defray the expenses of the Agricultural Department for the fiscal year ending the 30th June, 1885, having carefully considered all of the wants of that Department, have been as liberal in their recommendations to the House as they could well do from an economic standpoint.

The bill appropriates $430,590, which is an increase of $24,950 over the amount appropriated for the present fiscal year, and is $81,550 less than the estimates sent to Congress for the next fiscal year. But the above sum it appears meets the approbation of the Commissioner, who has spoken complimentally of the liberality of the committee.

The sum appropriated for this Department, one of the most important in the country, when compared with the appropriations made to carry on any other Department of the Government, looks very small and insignificant, but the committee believed it was sufficient, and the Commissioner has approved it and expressed himself as fully satisfied with our action.

The great prosperity attending every branch of business, and especially that of agriculture, for the past few years, the great increase in our population and growth of our manufacturing industries, is wonderful. The benefits derived by the agricultural interests of the country at large from the many valuable scientific examinations and reports made through this Department in regard to modes of farming, the habits and mode of destroying insects injurious to the crops of the country, the contagious and infectious diseases of animals, the distribution of improved and valuable seeds, have had a wonderful effect upon the country. And I am constrained to believe that this Department, if properly encouraged by liberal appropriations to enable it to carry out and perfect all such examinations and reports, will in the future develop a greater interest in its success and management than has ever been exhibited before. The wonderful growth and increase in our wealth and population is mainly due to the agricultural interests of the country. To prove this I herewith submit the following statement, which was furnished me by Hon. J. R. Dodge, Chief Statistician of the Agricultural Department, in regard to the production and export of three of the leading articles of our export trade, to wit, cotton, breadstuffs, and animal industries; which is as follows:

In eighteen years before the war cotton production amounted to 53,000,000 bales; in eighteen years since 1865 the production amounts to 75,000,000 bales. The annual average in the first period was nearly 3,000,000 bales; in the latter more than 4,000,000.

The consumption in this country is almost exactly twice as much in the latter period, amounting to nearly one-third of the product, whereas it was before but one-fifth.

The average exports of cotton between 1825 and 1830 were valued at $26,624,436; in 1883 the value was $247,328,721. Yet in the first case the exports were 52.6 per cent. of all agricultural exports, while those of last year were but 36.1 per cent. of agricultural exports.

Great as these exports of cotton are, the aggregate foreign shipments of our agriculture are nearly three times as much. Breadstuffs amounted to $208,049,529, and animal products to $131,015,453.

This comes from variety in industry. There is no less cotton; on the contrary, there is very much more; and many other productions besides of far greater value even than the cotton.

Since 1865 the exports of cotton have brought $3,665,940,553 into the country, and yet those of bread and meat have been greater, amounting to $4,180,734,410 For seven years past breadstuffs alone have brought more money from abroad than cotton. The following statement shows the receipts from those great branches of exports of agricultural products:

| Years. | Cotton. | Breadstuffs. | Animal products. |
|---|---|---|---|
| 1866-'69 | $798,309,431 | $204,010,597 | $140,739,873 |
| 1870-'76 | 1,447,803,864 | 739,792,955 | 578,833,224 |
| 1877-'83 | 1,419,827,258 | 1,459,889,884 | 1,057,467,877 |
| Total | 3,665,940,553 | 2,403,693,436 | 1,777,040,974 |

*Values of exports from the United States of domestic merchandise and of the exports of the products of agriculture.*

| Year ending June 30— | Value of exports of domestic merchandise. | Value of exports of merchandise other than products of domestic agriculture. | Value of exports of products of domestic agriculture. | Per cent. of products of agriculture. |
|---|---|---|---|---|
| 1850 | $134,900,233 | $26,294,520 | $108,605,713 | 80.51 |
| 1860 | 316,242,323 | 59,681,451 | 256,560,972 | 81.14 |
| 1870 | 455,208,341 | 94,019,858 | 361,188,483 | 79.34 |
| 1871 | 478,115,292 | 109,649,281 | 368,466,011 | 77.07 |
| 1872 | 476,421,478 | 107,624,853 | 368,796,625 | 77.41 |
| 1873 | 575,227,017 | 128,327,013 | 446,900,004 | 77.69 |
| 1874 | 633,339,368 | 131,967,877 | 501,371,501 | 79.16 |
| 1875 | 559,237,638 | 128,931,068 | 430,306,570 | 76.95 |
| 1876 | 594,917,715 | 138,804,200 | 456,113,515 | 76.67 |
| 1877 | 632,980,854 | 173,246,706 | 459,734,148 | 72.63 |
| 1878 | 695,749,930 | 159,557,057 | 536,192,873 | 77.07 |
| 1879 | 699,538,742 | 153,062,039 | 546,476,703 | 78.12 |
| 1880 | 823,496,353 | 137,985,262 | 685,961,091 | 83.25 |
| 1881 | 883,925,947 | 153,531,004 | 730,394,943 | 82.63 |
| 1882 | 733,239,732 | 181,019,913 | 552,219,819 | 75.31 |
| 1883 | 804,223,632 | 184,954,183 | 619,269,449 | 77.00 |

From these figures it will be observed that the export trade in cotton has not increased since the year 1866 up to the year 1883, because the demand abroad would not justify its exportation, the amount exported for the past nineteen years averaging about the same. But the increased manufacturing facilities in this country, with our large increase in population, has consumed the balance, including the large increase in production. While this is the case with cotton, the export trade in breadstuffs has increased more than 100 per cent. from the year 1870 to the year 1876, and nearly 100 per cent. from 1876 to 1883 over the export trade the previous six years. The export trade in animal products has increased in a like ratio, or from 1870 to 1876 it had increased over 100 per cent. over the three years preceding that date; and then, from 1876 to 1883, the export trade in animal products had nearly doubled the last prior six years, when our total exports for the last fiscal year reached the enormous sum of $804,223,632—more than it was ever known to reach before, except in the years 1880 and 1881. Seventy-seven per cent. of this, or $619,269,449, was of agricultural products. This exhibit ought, and I think will, convince the most skeptical financier that the present great and growing prosperity of our country is due in a great measure to the agricultural industries of the country, which have produced this large surplus, that has fed and clothed more than 50,000,000 of our own people and then brought more than $619,000,000 into this country from other countries who have purchased our products to feed and clothe their people, in one year. The lowest average per cent. of our export trade in agricultural exports, from the year 1850 up to the year 1883, is 72 per cent., ranging up as high as 83 per cent. of the whole.

The average value of all animal products, except that of cattle, remains near the same for the past ten years, while that of cattle has more than doubled in that time. And the price of breadstuffs, which is always governed by supply and demand, fluctuates according to the supply and demand in the country. Then, in my judgment, the great agricultural industries of this country are greatly superior in value to that of any other industry; in fact, all other industries are dependent entirely upon it, and could not prosper but for the hard-fisted yeomen of the country who till the soil and produce this vast wealth. Then let us deal fairly and liberally with this branch of the Government, not extravagantly, for extravagance begets corruption and fraud, but let Congress always vote money to anything that promotes the agricultural industries of the country. The farming interests have a very small representation on this floor. Farmers never hang around Congress as lobbyists, nor do they employ any one to lobby for them, but they till the soil and bring forth nearly all of our riches, for which they should have due regard and protection in their honorable pursuits, and Con-

gress should never forget the men who thus produce so much wealth annually. I claim to be an humble farmer, and know whereof I speak.

In thus giving my views in regard to the agricultural industries of the country, I trust it will not be considered out of place in me to express my opinions in regard to other questions pending before Congress, some of which are yet to be acted upon and others that have been disposed of. I know it is common for men to differ, and upon great political questions it is right and proper that men should differ, and that they should freely commune together and exchange their views upon all questions that they may have to pass upon, and when the time for action comes, let us look alone to the welfare of our common country. I believe that every member of this honorable body desires to legislate for the good of the whole country; but it is natural that men should differ, and differ widely, as to what is best for the country at large.

I know that local interests influence the action of many of us. I think it is a duty that every Representative owes to his constituents who elected him to this honorable and responsible office to represent the will and wish of those constituents so far as they may make it known to him, and to endeavor to the best of his ability to carry out their wishes upon all bills of a public nature. A member who will not do this should be retired by his constituents and one selected who would have due regard for those he represents. Believing this, I think in my course in this Congress I know the wishes of my constituents, which are in accord with my own views. Having opinions of my own thus backed by an honorable and noble constituency, and believing them to be for the best interests not only of those whom I have the honor to represent but for the whole country, I dare express my opinions and to stand by them. Under no circumstances could I be induced to cast a vote that I believed would be detrimental to the best interests of those whom I am endeavoring to represent.

I may differ with many of my friends on both sides of this House, but my convictions are from an honest heart and a desire to do something that will remove a great and an unjust burden that rests upon the people of the country, and upon none with a heavier and more oppressive hand than upon farmers, producers, and laboring men, who can not come to Congress to lobby for relief, nor can they employ counsel to advocate their claims for relief, but must depend upon the slow and tardy action of Congress. On the 1st day of April the report of the Secretary of the Treasury showed a surplus of available cash in the Treasury of more than $150,000,000, with more than $400,000,000 cash in the Treasury, with a surplus over demands flowing into the Treasury annually of about $120,000,000, and with collections wrung from the pockets of our constituents of more than $1,000,000 per day.

Now, with these facts before us, it is conceded on all sides that we should reduce taxation to such an extent as the revenues will be ample to pay the ordinary expenses of the Government economically administered, pay pensions, and pay our bonded indebtedness as it matures. Then how shall we reduce it, and by reducing taxation relieve the people of the burdens above referred to? In my opinion the best way to do so is to abolish the entire internal-revenue system. The country demands and expects this Congress to meet and dispose of this issue, to cease collecting this large surplus that goes into the Treasury and is there hoarded up as a temptation to extravagant legislation, fraud, and corruption. I have been a steadfast advocate of this proposition ever since a surplus was being collected, and now, when the surplus is growing and the demands upon the Treasury are growing less by diminishing the public debt, by reducing interest and the payments of the arrears of pensions, it is the best time we have ever had to abolish the entire system.

Some honorable gentlemen argue that they will never vote for free whisky with a tax upon sugar and salt. I do not advocate free whisky. If it was in my power to do so, I would prohibit the use of whisky or any intoxicating drink as a beverage; but that is an impossibility and should not now be discussed.

When a bill was brought into the House by the Ways and Means Committee of the Forty-seventh Congress to reduce internal taxation, I had strong hopes that we could accomplish much more than was done by that bill, but was disappointed. Our Republican friends, who brought in that bill, made a great flourish of trumpets as to what they would do to reduce taxation, and they are entitled to the gratitude of the world for their liberality and magnanimity in removing the 1-cent stamp on matches, 2-cent stamp on patent medicines, 2-cent stamp on bank-checks and upon bank capital and deposits; and by hard pleading by the friends of the farmer we did prevail upon them to let a farmer or producer of tobacco sell one hundred dollars' worth of his own production of tobacco without paying a license tax, but they refused to allow him to remove his tobacco from the place of production in order to find a purchaser. This they considered magnanimous to the farmer.

They then began a revision of the tariff with an assurance that they would make large reductions as recommended by that humbugging Tariff Commission. And among their first efforts was to show their friendship for the agricultural industries by knocking the tariff down upon American wool without a corresponding reduction upon woolen manufactures; in other words, they struck down American wool to enable the American manufacturer to make the better profits upon his manufactured goods. And when they had forced their tariff bill through the House under the gag and with much labor and tribulation, and then when the calm after the storm has come and a close examination as to the effects of the tariff reduction, we find that the reduction upon an average is only about 2 per cent. But then they had accomplished a great work. Instead of abolishing the entire internal-revenue law, as they should have done, they had relieved the poor distressed banks, whose annual net profits are about $40,000,000, of the tax upon deposits, circulation, and checks. They had relieved the manufacturer of matches of 1 cent per box, and patent medicines 2 cents per bottle, all of these reductions inuring to the benefit of the banks and manufacturers. They did not touch an article that abolished an office or saved a dollar in the expense of collecting. That was in keeping with that party. So long as they have been in power they have not shown a disposition to abolish an office or curtail expenditures in the administration of affairs.

And now the question is brought squarely before this Democratic House as to the best means to reduce taxation and reduce the large surplus that is daily flowing into the Treasury. Some disposition of this kind is an imperative duty upon this Congress. It is our duty to meet the issue, and we should do so at once and save the tax-payers from the unnecessary burdens resting upon them.

My convictions as to the best means to get rid of this surplus and to reduce taxation to the demands of the Government, economically administered, are well known by every member of this House who served in the three last preceding Congresses. I have given the subject a thorough consideration and feel a very great interest in the subject, because my constituents are interested, and I believe the total abolition of all internal taxation would be one of the very best moves that could be made by the Democratic party.

Internal taxation has never been resorted to by our Government except as a war measure. It was always obnoxious to the masses and was repealed at the very earliest day possible. And now, nearly twenty years after our late civil war, with a Treasury full and overflowing with money, there can be no valid reason for continuing the law. I may differ with many of my good Democratic friends upon this subject; nevertheless I claim the right to judge for myself and for those who sent me here. I have as much faith in the ultimate success of the Democratic party as any one here, and I propose to stand by my party and do battle for her triumph. If a majority of my party differ with me it does not discourage me; nor will it drive me from the party. I will always go with my party in everything that tends to promote its success or that will benefit the country. And if I choose to differ with some on grave questions, it will be a difference of opinion only, and will in no wise alienate me from the party. My only regret on this point is that we can not all see alike, that we could have no party divisions.

But as the question how best to go about reducing taxation and revenue is before us, I, like many others, have my views, and I propose to advocate them, let the consequences be what they may. Personally I have very little feeling upon the subject, but I know those whom I represent have a great interest at stake, and knowing this increases my desires upon the subject.

There are but two propositions to reduce taxation: one is the abolition of the internal taxes, and the other is by a reduction of the tariff; and I propose to show that it is better to reduce taxation by abolishing internal-revenue taxation and let the tariff alone for the present. If it is an odious tariff, the Republican party are responsible for it, and I am willing to give it a fair trial without indorsing any of its unjust discriminations. If we scale the tariff as proposed by the honorable Committee on Ways and Means, we are not certain as to its effects. We do not know whether it will increase or diminish the revenue, when we want to reduce the revenue. If by reducing the tariff rates as proposed in that bill it increases the importations in a corresponding ratio, we will have as much revenue as now; but if the importations remain the same as now, of course there will be a reduction of revenue to that extent; but no human being can tell how that will be, whether the tariff bill reported will increase or diminish the revenue. A scaling tariff duty will not save a dollar's expense in the collection, as it costs as much to collect a low tariff duty as it does a high one.

Upon the other hand, if we will abolish the internal-revenue law we know exactly what we are doing. We know that we will reduce the revenue about $120,000,000 annually. We know that we will save over $5,000,000 paid annually to over 5,000 internal-revenue officers employed to collect it; and at least five millions more that is paid out annually in costs, fees of professional witnesses, spies, informers, marshals, attorneys, and others. Thus at one swoop we would save at least $10,000,000 in salaries and expenses, which could be added to other receipts of the Government. The repeal of this law would rid the country of many thousand men employed in the execution of the law who care for nothing save the money they can make out of it, whether honestly or not, and who are a curse to the country and a disgrace to the Government. Do this and the people who have been harassed and bedeviled by this class of men will once more feel like free and independent American citizens.

The Ways and Means Committee a few weeks ago reported their first relief bill to this House in the shape of a bill extending the period for whisky in bond to five years, and that being a bill of great importance alone to the distiller and wholesale dealer, it took precedence and we

consumed one entire week in listening to speeches for and against the bill; and every speech and argument used in favor of the passage of that bill was that the Treasury was full and the country or the Government did not need the money. If that is true, why keep the law upon the statute-books? Why not repeal or abolish the law and stop collecting this tax, that is admitted upon all hands is unnecessary? The plea that there was an overproduction was not a good one, and one that Congress could not entertain. If they did the manufacturer of iron and other products might follow the example, as they doubtless would, and claim relief from Congress by reason of overproduction, and claim that prices were not regulated by supply and demand. Every argument used by the friends of the bond-extension bill confirms me in my opinions as to the necessity of repealing the law.

As stated before, I am no advocate for free whisky; but I want to get rid of this curse upon the country. Turn the whole question over to the States; let them levy and collect a tax by their State officers upon the manufacture and sale of spirits; give grand juries inquisitorial powers to prevent frauds, and by this means they could raise a very large revenue which they could add to their school fund or deduct it from taxes upon real estate and other property. It would be a great source of State revenue to many of the States that would be glad to levy and collect such a tax, and I have no doubt every State where it is manufactured would avail itself of the benefits of such a law.

If the honorable gentlemen comprising the Committee on Ways and Means will heed the appeals made to them by the people oppressed by the law, they would soon report a bill, if not to repeal or to abolish the law, to change and simplify the collection of these taxes, and thereby greatly reduce the expenses of collection and prevent the many outrages perpetrated upon people of the country by unprincipled subordinates employed in its execution. If in their judgment Congress can not abolish the entire system, then let them report a bill coming half way by abolishing all of the small privilege taxes; also the tax upon tobacco, cigars, and snuff, and upon distilleries used exclusively for the distillation of fruits and berries. This would reduce internal revenue about $26,000,000 per annum, as shown by a statement furnished me by the honorable Commissioner of Internal Revenue, which shows that the receipts from fruit distilleries for the first seven months of this fiscal year were only $716,461.20; from tobacco, all sources, $14,938,905.39. Now, this reduction can safely be made, and if the tariff bill should make a reduction of even forty millions there would be no deficit in revenue. Even this much would be of vast benefit to the people of the country. It would relieve owners of orchards of a great embarrassment, would encourage the growth and culture of fruit, and would in no wise increase the consumption of spirits as a beverage.

The report of the Commissioner of Internal Revenue shows a list of officers consisting of 126 collectors, 981 deputy collectors, 852 gaugers, 1,855 storekeepers, 1,435 clerks and other employés, and 35 inspectors of tobacco—in all, 5,284—enough to form a respectable brigade of office-holders, employed to execute a law that is now unnecessary. Besides the above there are thousands of deputy marshals, United States commissioners, professional witnesses, informers, and spies, who live entirely by the pickings afforded them by this law, and who should be made to go to work for a living. The Commissioner's report makes a favorable report as to the expense of collecting this revenue in the main, but when you come to look at the cost of collection by district, and get a little farther away from the Department, every one is bound to admit there is a great waste of public money for which no valid excuse can be given.

Take Tennessee, for instance: the second collection district collected $119,241.32 revenue, at a cost of $33,240.68, or about 28 per cent.; the fifth collection district collected $979,279.85, at a cost for collecting of $93,686.58—nearly 10 per cent.; the eighth collection district collected $75,369.12, at a cost of $12,004.51, or 16 per cent. In the second Georgia district the cost of collecting was 23 per cent., and in the third Georgia district it was 25 per cent. In the second Alabama district the cost of collecting was 31 per cent. In the second North Carolina district the cost of collection was 33 per cent., and in the sixth North Carolina district it was 40 per cent. Now, with these facts before us, with a large surplus in the Treasury, are we justified in keeping such a law upon the statute-books? There is no excuse for it, unless it be expressly for the purpose of giving away the revenue thus collected to an army of office-holders, because no sane man will argue that this large expenditure is necessary. In addition to this heavy expense, look at the cost, trouble, and expense this law, executed as it is by such a class of men in the interior, entails upon the people of the country who are charged with its violation.

I could find hundreds of instances of outrages that have been perpetrated by these pretended officials upon honest, unoffending citizens purely for the purpose of black-mail and fees. Then, is it good policy to keep such a law upon the statutes, a law that is more abused than any in existence, all when we do not need the money? And right here, in reply to the idea that this large expenditure was necessary to suppress moonshining, I desire to say that all the moonshiners in the country together have not swindled the Government out of half as much as have the regularly licensed distillers. I do not mean to charge that they all do so, or that any do now, but that such has been the case, as was proven in the whisky-ring scandal a few years ago. The Commissioner's report shows suits began for violations of internal revenue in the year 1883 to be 4,558. Each suit of this character will cost the defendant, if acquitted, at least $50 in counsel fees, traveling and other expenses, and if convicted it will cost him not less than $100, making upon an average thirty or forty thousand dollars per annum wrung from the pockets of a class of people usually poor and unable to bear such expenses, and generally not well informed as to the law. All of this money goes into the pockets of the Shylocks, who are thus seeking their pound of flesh.

Take the above number of suits and costs for the past ten years, and you have 45,000 suits, at a cost to the defendants of three or four hundred thousand dollars, all with a Treasury full of money. On the second Monday in January last the United States court met at Knoxville. It was a cold, wintry day, with a deep snow on the ground. There were present three hundred and twenty-five witnesses and one hundred and fifty defendants, all ruthlessly dragged away from their homes and their families during that severe wintry weather by the United States marshals upon charges of a violation of the internal-revenue law. And when the district judge learned that a majority of the defendants had been arrested for buying and selling Saint Jerome's Bitters and Hostetter's Bitters he instructed the grand jury not to find any true bills, and told the parties thus arrested to go home. But that did not pay for the humiliation of being arrested and carried off fifty to seventy-five miles to court, their expenses, and counsel fees. This is a sample of the way in which the law is executed throughout the South. Then, is it any wonder that the people clamor for its repeal? It is generally in the South executed by men of little character and less regard for the law and justice.

There were 3,036 suits dismissed last year. The Government or the defendants have the costs to pay. There were pending 1st July last 3,227 suits. The expenses of the Department of Justice last year were nearly $3,000,000. And it was not all paid to star-route attorneys at one to two hundred dollars per day, but it is reasonable to suppose that large sums of this expenditure went to district attorneys and others on these frivolous prosecutions in internal-revenue cases against a poor class of people, generally unable to pay counsel fees.

The authorities deal very harshly with the people in the interior for very trifling offenses, much more so than it does with men for greater ones. It has not been very long since an officer in this city, holding a high and honorable position, was found to be a defaulter (not to use a harsher name) to the amount of $150,000. He was arrested and imprisoned for a few weeks and then turned loose in this city in broad daylight by a United States deputy marshal, and apparently no effort made to recapture him. I allude to Captain Howgate. I am no apologist for any law-breaker, but my opinion is if Captain Howgate had been a common countryman he would to-day be undergoing a long sentence in some penitentiary.

The reports show the convictions last year for violations of internal-revenue law to be 2,664; acquittals, 600; nolled or quashed, 1,400. All this trouble, expense, and litigation when we do not want the money! Now, I say let us repeal the entire law, raise money enough to run the Government by import dues, and if at any time it should be necessary to raise more revenue, then it would be easy to place a small income tax upon the wealth of the country, its rich banks and bankers, railroads, manufacturers, bondholders, and the like, and not be making the poor of the country pay all of the taxes while there is so much wealth in the country untaxed. The national banks and railroads built by land grants and subsidies are the creatures of Congress. They are all protected by the strong arm of the law. The annual profits of this untaxed wealth is more than a thousand millions of dollars per annum, and still they do not pay a dollar toward defraying the expenses of the Government, while every dollar of internal-revenue tax is collected directly from the products of labor and the soil. This is all wrong, and there is no better time to right this wrong than now.

Mr. PIERCE. Mr. Chairman, the time which my colleague from Tennessee, General DIBRELL, has so kindly given me I shall not devote to the present bill, but shall speak to a subject that is fraught with more importance to the agriculturists of this country than the bill now before the committee. The people that I have the honor to represent are largely engaged in agriculture, and I most cheerfully give my support to any measure that has for its object the advancement of their interests or the amelioration of their legislative burdens. And, Mr. Chairman, the majority report on House bill No. 5893, "to reduce import duties and war-tariff taxes," most clearly evidences that they appreciate the wants of the overburdened laboring masses of this nation. And let me say here that while this bill does not give that equalization to the impost inequalities of the existing tariff rates I think should be given, yet I believe it to be a move in the right direction and shall give it my hearty support.

When the fall elections in 1880 were over and the results had been ascertained, it was found that the party which had been in power during the Forty-fourth, Forty-fifth, and Forty-sixth Congresses had been defeated; that the people had again placed in power the Republican party. Democracy had won the Forty-fourth and two succeeding Houses upon the issues of promised economy in the administration of governmental affairs and reduction of tariff duties. Its promises of economy it faithfully kept, but signally failed to reduce the tariff rates, for which

they were rebuked with defeat by the people in the elections of 1880. The Republicans of the Forty-seventh Congress, having felt the pulse of the people upon this question of revenue reform, thought to profit by the defeat that had overtaken Democracy, and conceived the idea of a tariff commission, which they carried into effect, and assumed the rôle of Democracy previous to the 1880 election.

During the first session of the Forty-seventh Congress an act was passed creating the Tariff Commission, giving the selection and appointment of those to constitute it to the President. In the selection of its members the great masses of the people hoped the President would recognize some other than the "infant industries," but this hope they saw dissipated in the make-up of its members. From center to circumference of this broad land of ours went this *rara avis* of the Republican party, and upon its wide-spreading pinions, in gilded letters, the laboring masses read, "Tariff reduction; tariff reform." But upon the floor of this House, before full-fledged, some daring Democrat had written upon its caudal appendage, "Fraud." I will not follow this "bird of ill-omen" in its wanderings during the summer and fall months of 1882 amid the smoke of the "infant industry" of the great Commonwealth of Pennsylvania, nor the waving, golden sugar-cane of Louisiana, or the "silver-threaded infant" of California.

The elections of 1882 came and passed. The people of the nation had studied well this creature of Republicanism, and in it they saw no good. They had seen the brand put upon it by Democracy, and in their sovereign will they repudiated both it and its paternal ancestors, and when in December, 1882, its fathers met in the place of its birth it rendered to them an account of its experiences and gathered knowledge. The result we have in the present tariff rates. And although this creation of the Republican party now sleeps with leaden eyes, the brand Democracy stamped upon it when given its being is now shadowed in this House in 1.74. Mr. Chairman, it is not because the Democratic party stands pledged to the country to modify the present tariff duties to suit the necessities of the laboring classes that I favor this bill, but because those laboring classes need it and it is just in an economic administration of the Government. The commission appointed by the President, at the behest of the last Congress, acknowledged that—

> A substantial reduction is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

If that language clothed a truth in 1883, it is no less the truth in 1884. The political character of this House, coming as its members do fresh from the people, is a demonstration of that "demand by the best conservative opinion of the country," demonstrating that the demand was for a trial of the Democratic policy of a revenue tariff simply sufficient to support an economic administration of the Government, evidencing they had tired of the policy of the Republican party which had been on trial for twenty years under the denomination of protected and incorporated capital, the few against the many. That "popular demand" could not be ignored. The Republican House of the Forty-seventh Congress tried it and the people cast them out, to fill their places with Democrats, upon the old familiar slogan, not of free-trade but of tariff for revenue and an economic administration of government. And should that party abuse the confidence of the masses, they in turn will have to give place to a new party—a party of and for the people.

In their power and majesty they have spoken, and say no longer shall $2,000,000,000 be wrung from agriculturists and laborers to enrich a few monopolists and capitalists. The substantial reduction promised in the tariff by that commission is not to be found in its practical workings; the present is not a reduction in the tariff it promised to reduce. The tariff of 1863, which it promised to reduce, is not an improvement, not even *in toto* a modification of the old one. After its first six months' working we find it made a reduction of just 1.74 per cent. on the $100 value of imported goods over the old law, after promising 20 and probably 25 per cent. reduction in rates. December 31, 1883, the first six months of the present tariff, the dutiable merchandise imported into the United States, valued at $235,898,109, paid duties amounting to $96,574,136, which was 40.91 per cent. on the value. Under the operation of the old law, during the corresponding period of 1882, there was collected, as duties on $260,856,273 of imported dutiable goods, $111,265,507, or 42.65 per cent. on the value—a difference of just 1.74 less under the new law.

Thus we find, after all the promises of that commission and of that Republican Congress, there is in reality no reduction to amount to anything. The substantial reduction they admitted as demanded by the best conservative opinion of the country is still demanded. The poor man's life necessaries are still taxed higher than the luxuries of the rich; flannel higher than their velvet and laces; coarse blankets higher than broadcloth; medicine from 30 to 200 per cent., but champagne only 46 per cent., and in like proportion are the absolute necessaries of the farmers and laborers of this country discriminated against and in favor of the rich. By the old tariff the poor pay more than double what the rich do, and by the present tariff there is only a difference of 1.74 per cent. on the dollar in their favor, where 20 to 25 per cent. was acknowledged to be demanded.

Mr. Chairman, what has been the policy of the Democratic party in the past? No better evidences can be given of what it was and has been than to take the utterances of its then leaders, whose mighty minds shaped the policy of the party and whose guiding hands carried it far out upon the high seas of national prosperity—a policy that gave adequate encouragement to American industries and plenty to the farmers and laborers of the nation and made the land to bloom and blossom as a rose. Mr. Buchanan, in discussing the tariff of 1824, said:

> I will never consent to adopt a general restrictive system, because the agricultural class of the community would then be left at the mercy of the manufacturers. The interests of the many would then be sacrificed to promote the wealth of the few. The farmer, in addition to the premium which he would be compelled to pay the manufacturer, would have also to sustain the expenses of the Government.

Mr. Polk, in his first inaugural address, delivered on the 4th of March, 1845, said:

> In exercising a sound discretion in levying discriminating duties within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few at the expense of the toiling millions by taxing lowest the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy, and highest the necessaries of life, or articles of coarse quality and low price, which the poor and great mass of our people consume.

Sirs, what Mr. Buchanan and Mr. Polk said should never be done has for twenty years, in its iniquitous effects, been taking from the poor and needy of this fair land the fruits of their toil, and turning them into the coffers of the wealthy few, making the poor poorer and the rich richer. Look to-day at the prostrate condition of agriculture and labor. Go among the laborers of the protected industries. Do we find happiness, plenty? No, sirs; but we find here want in every guise haunting the wretched homes of their still more wretched occupants, for under the exactions of protection home to them is an alien word, and often even in winter's chilling blasts, under the heartless command of protection, have they gone forth into darkness, leaving a worse midnight behind. Upon the other hand, we find that this robber system has given millions to the favored few, but every dollar in these vast fortunes has been wrested from labor and been moistened with the sweat of toil. Mr. Chairman, some facts but recently given before the Committee on Labor I incorporate as a part of my remarks.

Mr. T. V. Powderly, of Scranton, Pa., master workman of the Knights of Labor of the United States, representing 500,000 workingmen, who are interested in several bills which are before Congress, testified as follows:

> I am interested in the eight-hour law, the land bill, and bill on imported labor under contract introduced by Mr. FORAN. These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one women living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken. The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West. A demand is now going up for an amendment of the Chinese bill in such particulars as it has been shown deficient.

William Leech, of Malaga, N. J., of the W. G. W. A., said:

> I was at Malaga last year when certain Belgians were brought to that place. It was our duty to find out from them if the situation of affairs at Malaga had been made known to them before they came, or whether it had not been misrepresented to them. When we attempted to obtain this information the company had thirty-five of us enjoined by the courts from interfering with them. The window-glass workers were ordered out of their homes in midwinter and compelled to move. Last spring we went to work, the Belgians in one factory and the citizens in another. They have since left Malaga, the firm having changed managers.

Emile Bouillet, of Zanesville, Ohio, W. G. W. A., said:

> I was hired at Antwerp by an agent of Dean F. Williams, of Zanesville, Ohio, who came for a set of men (sixty). When I went to see him I asked him why he came to Europe for men. He replied "that men were scarce and work plenty in the United States." I told him we would expect the same wages paid in the United States. He said "they would pay the New York tariff." When we arrived at Zanesville we discovered that the New York tariff was 25 per cent. less than the regular price. I complained to the company of this misrepresentation, and they answered that "they did not authorize the payment of more than what they were then paying." At Kent the company did not pay the price agreed upon. They brought them to Kent on a contract for three years. The men were not permitted to associate with American workingmen lest they might find out the true state of affairs. Two of these men were arrested and put in jail for some days for violating this contract. When we arrived, a friend of one of us was met by a man whom he knew in Europe. As soon as they commenced to talk the manager ordered the arrest of the party. When we arrived at Mansfield, Ohio, a member of the firm came into the car and inquired if any of us could speak English; I answered that "my father and I could." He then warned us not to talk to the men.
>
> Question by member of committee. What is the difference between the wages paid these foreigners and Americans?
>
> Answer by John Schlicker. Between 28 and 50 per cent.

William F. Barclay, representing the miners of the coke region of Pennsylvania, said:

> I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home; even when sick they go to the poor-house, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in

the sun that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day, then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justness. The condition of the miners and coke-makers generally is aggravated by the company stores which abound in this district. I priced potatoes before I left and could have bought them of an outside dealer for 50 cents per bushel, while the price in the company stores is 80 cents per bushel. If the men do not deal in the store, they are discharged.

Mr. Barclay also furnished the committee with the following written statement:

We have the following evidence that the importation of laborers under contract does exist. The captain of the vessel on which Joseph Welsh, brother of Hon. John Welsh, ex-member of the Pennsylvania Legislature, came to the United States informed him that the large number of Slavonians on board the vessel were imported laborers shipped to America under contract; that the importers had made a special contract with the steamship company at a very low rate for their delivery in the United States, and that their accommodation would be in accordance with the rates, and that should he (Mr. Welsh) not receive the proper care he should complain to him (the captain). I have this from Mr. Welsh himself. We have much other evidence of their being imported by special agreement to work for certain firms. We have discovered an agency at work engaged in the business of importing laborers, agents in Europe gathering the men, an agent in New York receiving them and forwarding them to destinations. I have in my possession evidence that a firm having a branch in the city of Pittsburgh is engaged in this business. E. Dorner & Co. is the name of the firm who have received a certain amount per head for such imported laborers.

William Ashton, of Philadelphia, Pa., W. G. W. A., said:

My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window-glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Brothers. The following year Baker Brothers imported seventeen, King Brothers twenty-two, and Swindell Brothers twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the glass-blowers' association and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and molds with them. The European workman can not turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract; hence the employers are at liberty to pay them what they please.

Val Haas, Baltimore, Md., W. G. W. A., said:

The situation was misrepresented to them; some of them, when the exact situation was explained to them, quit. Two Germans who quit work were refused their clothes and were arrested. I have been called up at night by these men to explain to them the trouble, as we could not get near them or they near us, so that an understanding might be had. They were under constant police surveillance, and we were enjoined from interfering with them. These foreigners were natives of France, Belgium, and Germany; they were brought in three different parties. In 1879 Baker Brothers brought forty-eight and King Brothers twenty-five. Baker Brothers brought a second lot of twenty-five and King Brothers and Swindell Brothers twenty-three. Previous to this last importation there was no strike. Some of these men are here yet; others have gone away. The effect has been a 12 per cent. reduction of wages.

Charles Leffler, Baltimore, Md., W. G. W. A., said:

My statement is substantially the same as Messrs. Ashton and Haas. Mr. Swindell says he does not want the foreigners any more; they accomplished the object intended, the reduction of wages.

Mr. A. C. Robertson, of Pittsburgh, Pa., said:

The number of foreign glass-bottle blowers brought to the Western States under contract is about eighty in all, distributed in five factories, namely: La Salle, Ill., thirty-six; Covington, Ky., thirteen; Louisville, Ky., fourteen; the balance in Streator, Ill., and New Albany, Ind. They receive about 40 per cent. less wages than American blowers; or, in other words, they get 8 cents per dozen for quart beers, while the American gets 13 cents per dozen. The effect of this competition will be to bring the native workmen down to the level of pauper labor. The hollow-glass workmen west of the Alleghany Mountains have not worked since last June. They have been during all this time enjoying the luxury of a lockout. Last year's revision of the tariff virtually increased the duty on green glassware nearly 100 per cent.; but notwithstanding this increase the manufacturers are endeavoring to force a reduction of 20 per cent. in wages. Previous to the revision there was an importation of about 200,000 gross of bottles. Since the new tariff went into effect there has been scarcely any importation of this ware. Two American blowers will turn out eighty dozen bottles per day, while two of the foreign blowers turn out but fifty dozen per day. The manufacturers seem to favor free trade in labor and a high protective tariff upon their manufactured goods or wares.

I here give, Mr. Chairman, the statement of Mr. Nimmo of the act of March 3, 1883.

*Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected, during the six months ended December 31, 1882 and 1883.*

| Articles. | Six months under the old law—1882. | | | Six months under the new law—1883. | | | + Increase. — Decrease. | |
|---|---|---|---|---|---|---|---|---|
| | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Ad valorem. |
| | | | *Per cent.* | | | *Per cent.* | | *Per cent.* |
| All dutiable merchandise | $260,856,237 | $111,266,507 | 42.65 | $235,898,109 | $96,514,136 | 40.91 | — $24,958,128 | — 1.74 |
| Sugar and melada | 44,432,311 | 23,180,590 | 52.17 | 46,800,671 | 23,121,601 | 49.40 | + 2,368,360 | — 2.77 |
| Iron and steel and manufactures thereof | 32,499,426 | 12,713,996 | 39.12 | 23,698,937 | 7,924,225 | 33.44 | — 8,800,489 | — 5.68 |
| Wool: | | | | | | | | |
| Clothing | 1,210,689 | 671,415 | 55.46 | 2,399,515 | 1,073,311 | 44.73 | + 1,188,826 | — 10.73 |
| Combing | 135,123 | 67,839 | 50.19 | 615,677 | 267,704 | 43.48 | + 480,554 | — 6.71 |
| Carpet | 3,505,980 | 974,202 | 27.79 | 4,345,385 | 1,087,094 | 25.02 | + 839,405 | — 2.77 |
| Manufactures of wool | 22,400,387 | 14,943,626 | 66.71 | 22,064,512 | 15,202,183 | 68.90 | — 335,875 | + 2.19 |
| Manufactures of cotton | 14,967,850 | 5,629,658 | 37.61 | 12,067,631 | 4,835,714 | 40.07 | — 2,900,219 | + 2.46 |
| Manufactures of silk | 19,999,119 | 11,738,469 | 58.69 | 21,286,252 | 10,617,057 | 49.83 | + 1,287,133 | — 8.86 |
| Earthen and china ware | 4,423,146 | 1,896,705 | 42.88 | 3,824,951 | 1,830,363 | 47.85 | — 598,195 | + 4.97 |
| Glass and glass ware | 4,271,305 | 2,327,660 | 54.49 | 3,943,197 | 2,187,362 | 55.47 | — 328,108 | + .98 |
| Spirits and wines | 5,003,625 | 3,706,142 | 71.22 | 2,945,001 | 2,659,312 | 90.30 | — 2,258,624 | + 19.08 |
| Malt liquors | 511,772 | 227,370 | 44.43 | 490,315 | 235,823 | 48.10 | — 21,457 | + 3.67 |

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 10, 1884.

JOSEPH NIMMO, JR., *Chief of Bureau.*

From which it will be seen that on many of the articles of imported goods the tariff rates were increased, while, on the other hand, nearly all of the manufacturers have reduced the wages of their employés from 10 to 20 per cent. We hear almost on every side that if Congress reduces the present tariff rates the manufacturers will "shut up shop." This, Mr. Chairman, is the bugbear with which they hope to bulldoze this House into longer permitting this onerous and unjust system to go unrevised, and thereby continue their enormous profits. Who suffers from overproduction and the closing down of the factories, the laborers or the owners? I let Mr. Swank, the secretary of the American Iron and Steel Association, answer this question, as given in his May report, 1883, for the year 1882, when he said:

At the beginning of June nearly all the mills referred to (rolling-mills in Pittsburgh and the West) were closed by a general strike, which continued until the last of September, when work was resumed upon the scale of wages which had previously prevailed. During the strike of four months the prices of rolled iron did not advance, notwithstanding the stoppage of so many mills; a fact which clearly demonstrated that the capacity to produce this form of iron had again, as in the panic years, exceeded the demand. At the same time it must be frankly admitted that our rolling-mill capacity has for some time been in advance of the consumptive wants of the country, and that, through the check to the overproduction of rolled iron which was afforded by the strike of 1882, *it was in no sense a calamity* to the manufacturers."

Why is it that depression assails the workman instead of the employer? Upon what principle of political economy is this condition accounted for, except upon the fact that Republican policy tends to encourage monopolies while depressing labor? We may have had overproduction, but it has not produced bankruptcy; it has created wealth. As shown by the census of 1880, of over 50,000,000 people one-half were engaged in agriculture, and their aggregated wealth was $12,104,081,430, on which they now make a profit of only from 3 to 3½ per cent., while the manufacturers realize a profit of from 37 to 67 per cent.

Of what benefit is a protective tariff to the agriculturists of this country? The answer of the protectionists is: "By maintaining protection on other industries a larger domestic market will be created for the products of the farmer." Upon this proposition I join issue, for the light of history upon this question shows indisputably that with the increase of protection the home market has become less and less favorable to the agriculturists.

*Production of wheat.*

| Year. | Wheat produced. | Wheat exported. | Per cent. | Tariff rate per cent. |
|---|---|---|---|---|
| | *Bushels.* | *Bushels* | | |
| 1840 | 615,525,302 | 13,199,049 | 2.1 | 30 |
| 1850 | 867,453,967 | 15,951,635 | 1.9 | 24 |
| 1860 | 1,239,039,945 | 22,955,135 | 1.8 | 19 |
| 1870 | 1,629,027,600 | 57,290,529 | 3.5 | 43 |

These figures clearly show that the consumption of wheat (and the same applies to other agricultural products) in the home markets was greater under the tariffs of 1840 and under the revenue tariffs of 1855 and 1857–'60 than under the higher protective tariff of 1870. While in 1859–'60 the value of manufactured exports was 17.5 per cent. of the value of our total exports, in 1869–'70, under ten years of high-tariff policy, they were 13.4 per cent.; and in 1879–'80, after twenty years of high tariff, they were only 12.5 per cent. Agricultural products under the effects of that system have largely increased in exportation; manufactured products had run down to 12.5 per cent., showing conclusively that our great agricultural products—wheat, corn, cotton, rye, seeds, hay, beef, bacon, pork, lard, butter, cheese, &c.—which we are forced to export in value to hundreds of millions of dollars annually, can not be benefited by any tariff. The value of surplus agricultural products that for want of a home demand had to seek a foreign market were as shown in the following table.

*Values of exports from the United States of domestic merchandise, and of the exports of the products of agriculture, and the percentage which the exports of such products bear to the total value of exports of domestic merchandise for the years mentioned.*

| Year ended June 30— | Value of exports of domestic merchandise. | Value of exports of merchandise other than products of domestic agriculture. | Value of exports of products of domestic agriculture. | Per cent. of products of agriculture. |
|---|---|---|---|---|
| | *Dollars.* | *Dollars.* | *Dollars.* | *Per cent.* |
| 1820 (ended Sept. 30) | 51,683,640 | 10,025,967 | 41,657,673 | 80.60 |
| 1830 (ended Sept. 30) | 58,524,878 | 10,429,694 | 48,095,184 | 82.18 |
| 1840 (ended Sept. 30) | 111,660,561 | 19,112,494 | 92,548,067 | 82.93 |
| 1850 | 134,900,233 | 26,294,520 | 108,605,713 | 80.51 |
| 1860 | 316,242,423 | 59,681,451 | 256,560,972 | 81.14 |
| 1870 | 455,208,341 | 94,019,858 | 361,188,483 | 79.34 |
| 1871 | 478,115,292 | 109,649,281 | 368,466,011 | 77.07 |
| 1872 | 476,421,478 | 107,624,853 | 368,796,625 | 77.41 |
| 1873 | 575,227,017 | 128,327,013 | 446,900,004 | 77.69 |
| 1874 | 633,339,368 | 131,967,877 | 501,371,501 | 79.16 |
| 1875 | 559,237,638 | 128,931,068 | 430,306,570 | 76.95 |
| 1876 | 594,917,715 | 138,804,200 | 456,113,515 | 76.67 |
| 1877 | 632,980,854 | 173,246,706 | 459,734,148 | 72.63 |
| 1878 | 695,749,930 | 159,557,057 | 536,192,873 | 77.07 |
| 1879 | 699,538,742 | 153,062,039 | 546,476,703 | 78.12 |
| 1880 | 823,946,353 | 137,985,262 | 685,961,091 | 83.25 |
| 1881 | 883,925,947 | 153,531,004 | 730,394,943 | 82.63 |
| 1882 | 733,239,732 | 181,019,913 | 552,219,819 | 75.31 |
| 1883 | 804,223,632 | 184,954,183 | 619,269,449 | 77.00 |

Mr. Chairman, the manufacturing States, as shown by the Tenth Census and still later statistical reports, produce a sufficiency of provisions to support the manufacturers and the laborers engaged in their factories. They do not now, nor ever did, depend upon the great grain, swine, and cattle States. Mr. Nimmo, Chief of the Bureau of Statistics, says the manufacturing States consume nearly all of their provisions, and neither export abroad nor furnish any considerable market for the grain-producing States; that the markets of the East are of no appreciable advantage to them. They must depend upon themselves and upon the markets of Europe. Mr. Nimmo states further that 95 per cent. of the exports of breadstuffs and provisions come from the West.

Take the manufacturing State of Pennsylvania. We find by the tenth census that her population was 4,282,891; that her production of wheat was 19,462,405 bushels; corn, 45,821,521 bushels; oats, 33,841,439 bushels; rye, 3,683,621 bushels; buckwheat, 3,593,326 bushels; Irish potatoes, 18,284,819 bushels. Take the first item, wheat, and at the average consumption of 4⅔ bushels per capita Pennsylvania had raised wheat enough for her own demand, and taking the average consumption per capita of her other productions we find she was independent of the outside world.

We have the word of Mr. Nimmo that none of the manufacturing States export their provisions. America produces more largely than any other country in the world of wheat, corn, cotton, oats, beef, pork, and mutton, and the claim of the protectionists that a protective tariff enhances the price of these products is not proven by the history of tariff legislation in this country.

Will any gentleman upon the floor of this House dispute this proposition: that the money of the farmer comes from his surplus crops; that his wheat, corn, &c., are so much money to him; that his income is based upon the surplus yield of his farm; that his profit is determined by the price of the articles in the market in which he is forced to sell? No considerable class of American farmers are or can be benefited or protected by the present high-tariff duties.

We find by the report of Mr. Nimmo for the fiscal year ending June 30, 1883, that the total value of the exports of domestic merchandise was $804,223,632, and that of this sum $619,269,449 were the products of agriculture, being 77 per cent. of the entire exports coming directly in competition with the pauper labor of Russia and of India, where wages were only a few cents a day.

What resulting benefits do the farmer laborers of America receive from a protective tariff? None; for the inexorable law of supply and demand, not a protective tariff, fixes the price of labor and of the products of agriculture. The price of agricultural labor is controlled by the price received for the surplus products of the labor employed.

Mr. Chairman, as to the effect of protection upon both agricultural and manufacturing wages there is most ample evidence in Europe and in America prior to 1860. France, not only one of the finest countries in the Old World, but with a population whose innate love of their beautiful land binds them to her soil, had a protective tariff which she greatly modified, and wages advanced 30 per cent.; and when in 1881 she raised her tariff to a protective scale wages began to fall, and we notice in almost every report from her shores that destitution and want are being most oppressively felt by her laborers. In our own country in 1829 the wages of farm laborers were from $7 to $10 per month. During the same period the wages of mechanics were from 50 cents to $1 per day. In 1842 the tariff rates were raised to an average of 41 per cent., and during the four years of its existence the wages in none of the industries were increased. In 1846, after the adoption of the Walker tariff, which reduced the rates to an average of 24 per cent., wages began to rise, and from 1846 to 1860 the census of 1860 says there was an advance in wages of employés in manufactures of 30 and in the wages of farm laborers of 50 per cent. From 1824 to 1836 and from 1842 to 1846 there was the highest protective rates ever given to or enjoyed by the iron industries in this country, and during these years of high protection the average wages of the employés did not exceed 88 cents a day. In 1846 the tariff rates upon iron were reduced about one-half, when wages began to advance, and when in 1860 there was a still further reduction of these duties the wages of these iron workmen were $1.25 a day; nor were the beneficent influences of this reduction confined to the workmen in the iron manufactures, but was appreciably felt by the employés in every class of manufactures.

In 1845 the average wages in the factories of Lowell, Mass., were $1.05; in 1859, $1.45 a day. In 1850 the average wages of factory employés were $248 a year, and in 1860, $289 a year. Under this system of tariff for revenue this country was blessed with what the distinguished Speaker of this House has justly called "the golden era in our history."

And in this connection I do not desire to ignore the fact that during the census year of 1880 average wages of manufacturing workmen were $346, which was due to an enormous demand for manufactures, which compelled the manufacturers to pay higher wages until this abnormal demand was supplied; and the claim of the protectionist that this system of protection tends to give a fixed and an increased wage rate to manufacturing laborers is still further and most forcibly refuted by the admission of the manufacturers, together with the evidence of their employés, that the average rate of wages in our manufacturing industries does not at the present time exceed $275 a year, while in 1860 it was $289 a year. The average tariff rate in 1884 is 40.91 per cent. In 1860 the average rate was less than 20 per cent. ad valorem.

By the census of 1880 the laborers in the cotton-mills of the United States received an average rate of $244, since which time there has been a 20 per cent. reduction, reducing their wages below $200 a year. The published reports of Secretary Frelinghuysen show the average annual wages of the employés in the English cotton mills to be $251 a year. It is an admitted fact that our native workmen are the most intelligent and skillful and give a larger return as the fruits of their labor than those of any other country. The last census tells us that the average production of American workmen in that year was $1,960 per capita, while the English workmen produced only an average of $780 per capita, and this fact is shown by Mr. Blaine, when Secretary of State, in a special report in 1881. And yet the American workman is receiving less for his labor than the Englishman. These are some of the evidences of the "great benefits" protection is conferring upon the labor of America.

The act of March 3, 1883, increased the duties on earthenware from 42.88 per cent. ad valorem under the old law to 47.85 under the new law, on glass and glassware from 54.49 per cent. ad valorem to 55.47 per cent. ad valorem, and on manufactures of wool the new law increases the ad valorem rate 2.19 per cent., and on manufactures of cotton they are increased 2.46 per cent. In the face of these facts each one of these protected industries has greatly reduced its wage rates. This is the way protection elevates American labor. And now, in conclusion, Mr. Chairman, as the most potent reason why this House should pass some bill giving relief to the agriculturists and laborers of this country, I here give the language of the President, in his message in December, 1882:

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been, among our people, wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year

ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.

But I renew the expression of my conviction that such rapid extinguishment of the national indebtedness as is now taking place is by no means a cause for congratulations; it is a cause rather for serious apprehension. If it continues, it must be speedily followed by one of the evil results so clearly set forth in the report of the Secretary.

Either the surplus must lie idle in the Treasury, or the Government will be forced to buy, at market rates, its bonds not then redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.

It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views as to the best methods by which that policy should be made operative none of its benefits have as yet been reaped.

The popular voice, as spoken by the elections, demands a mitigation of this burden on the necessaries of the people. The depression in all branches of industry and in wages, under this extreme tariff, makes an imperative demand on the Democratic majority in this House for relief.

Mr. DIBRELL. I now yield to my colleague from Tennessee [Mr. TAYLOR].

Mr. TAYLOR, of Tennessee. Mr. Chairman, I am exceedingly obliged to my friend and colleague General DIBRELL, a member of the Committee on Agriculture, for his courtesy in yielding me a part of his allotted time in the discussion of the agricultural appropriation bill, now before the House. While I shall cheerfully vote for the bill on its final passage, I desire to state that the only difficulty I fear is that the several amounts proposed for the fiscal year may be too small. Thus the Department may be handicapped by an inadequacy of means to meet its necessities. I am a zealous advocate of liberal appropriations for meritorious demands and enterprises in the interest of agriculture, and think the wise policy to pursue is to be just to all industrial pursuits.

Beyond this, at present, I shall not discuss this measure; but desire to call the attention of the House to H. R. 1457, introduced by my distinguished friend from South Carolina [Mr. AIKEN], who is also a member of the Committee on Agriculture. That bill proposes an enlargement of the Department. In my opinion such enlargement is absolutely required, and will greatly appreciate its efficiency.

With the objects desired to be attained by the proposed legislation I am in perfect sympathy. The provisions of the same are a stride in the right direction. The bill proposes to enlarge the duties and responsibilities of the Commissioner of Agriculture, and to promote that official to the dignity and rank of a Cabinet position with a corresponding salary.

The first section provides for the establishment of a department of agriculture in the city of Washington. The second provides that there shall be appointed by the President, by and with the advice and consent of the Senate, a secretary of agriculture, to preside over said department of agriculture, who shall be equal in rank and pay to the Secretaries now constituting the Cabinet.

The question presents itself, Mr. Chairman, why should not this be done? Why should not the important agricultural interests, the producers of the country, those engaged in industrial pursuits, who number so great a proportion of our entire population, be more thoroughly and prominently recognized in the councils of the country, and their well-being properly represented and advanced? Just and merited recognition has been tardy and too long delayed. Now, sir, there is an increasing and imperative demand, which has ripened from an expressed desire that the great agricultural pursuits, which are the substratum of national prosperity and civilization, shall be placed upon a corresponding level with other like important positions, and indicate to the world that the Government recognizes to the fullest extent its obligations to those engaged in the various farming industries. It will be a pledge, an earnest that it is determined to foster and by wholesome legislation encourage this class of our population.

Thus far, Mr. Chairman, meager as has been the opportunities and facilities, and parsimonious as has been the appropriations, still under the supervision of the Commissioner of Agriculture wonderful and beneficial results have been accomplished. Our farming interests all over the nation commend with pride the efforts and achievements of the Commissioner, whose indomitable energy and perseverance have accomplished such invaluable results. These results are seen in disseminating intelligence of a beneficial character concerning agriculture, and also such scientific matters associated with its industrial pursuits. Great benefit has been derived from the presentation and publication of valuable statistical information, upon all the important variety of industries which are intimately allied with agriculture.

The prime importance of this question has been and is being fully realized. In quite a number if not in all the States of the Federal Union, the Legislatures have created under ample constitutional warranty the office of Commissioner of Agriculture. He is appointed by the executive and constitutes a member of the gubernatorial staff. These commissioners are working with commendable zeal to promote the interests of their respective States. They are securing and furnishing information and suggestions promulgated by and emanating from practical farmers, upon the cultivation of the various products, and the adaptability of soil and climate for their culture.

In many of the States conventions are held, discussions had upon all questions relating to farming, involving the time and manner of planting and sowing, the proper cultivation, and the surest and most abundant crop. These State commissioners, being alive to their great responsibility, have crop reporters of representative, practical agriculturists, not theorists merely, who make monthly reports and statements of crops, of the final yield, accompanied with suggestions as to cultivation, and such practical information as shall tend to increase the profits of the farm. Their views, gathered from the experience of quite a number, located in different sections, in regard to the various methods of planting and the crops most profitable and preferable, the varieties, &c., are published, and are manifestly of great importance to the great body of the people.

Unusual interest is being manifested in all the States, and an activity developed heretofore unprecedented. Is it not therefore proper that the agricultural commissioners of the respective States should have a Federal head, a Secretary in the Cabinet of the Chief Executive? Is it not right to have a chief who can represent the varied and vital interests of the body of farmers and laboring men in the councils of the nation? Such a secretary should be selected from the practical agriculturists, and not from theorists merely or politicians.

The department if created should have for its ultimate object the utility and benefit of the particular industries represented—the men who till the soil, fell the forests, raise the subsistence of the continent, plant the orchard and the vine, raise the horses, cattle, sheep, and swine, and who have invested in these enterprises almost the wealth of the nation. They constitute that grand army of noblemen who are the creators of government, and when combined represent more than twelve thousand millions of capital. They contribute more to uphold and sustain the country's greatness and independence than all other classes. They are her pride and boast in time of peace, strength and reliance in time of war. They furnish a noble, sturdy, and invincible army of volunteers, jealous of the national honor and integrity, constituting not only its wealth and support in the detail of contributing taxes, but also its protection and defense in the hour of peril. We need more of them, and every incentive warranted by the Constitution should be given and exercised by the United States, as an inducement to encourage these agricultural industries, so essential to our national growth and prosperity.

The objection that this bill increases the number of the Cabinet and creates more patronage to be dispensed by the Executive is indeed unworthy as a reason of opposition to the passage of this measure. It is no sufficient response to the pressing demands of the age.

The hackneyed and oft abused demurrer as to the constitutionality of such progress can not be successfully urged. If it can, the argument applies with equal force to other Cabinet positions.

Nearly a century ago the Cabinet consisted of only three members, being the Secretaries of the Departments of State, Treasury, and War, and from time to time, as the exigencies of the times demanded, it has been increased to the present number. The Navy Department was organized in 1798, and not until 1829, under President Jackson, was a Postmaster-General invited to a seat in the Cabinet. In 1849 the Department of the Interior was inaugurated and the Secretary made a Cabinet officer. The Department of Justice was not established until the year 1870, the Attorney-General having, however, previously acted as a Cabinet officer, thus demonstrating that by the genius of our Government and the policy of our laws, when necessity arises, Congress has plenary power to legislate for the growing interests of the people under the Government. There is now an appeal, yea, a demand, for the creation of this portfolio, attended by such merits as commend themselves to our sense of justice, suggestive as a matter of urgency, that a department of agriculture should be established in the city of Washington.

Again, I recur to the inquiry, Mr. Chairman, why not make the head of the Agricultural Department a Cabinet officer? The cost attending the proposed legislation is insignificant when compared with the incalculable results. No objection in the oft-prostituted name of economy should be urged, when we consider that so much of the fixed capital in the United States is invested in agriculture and the industries connected with and dependent upon it for sustenance. Consider also that a large proportion of the taxes and revenues for the support of the Government are collected from 26,000,000 of our industrial population who are engaged and interested in agricultural and kindred industries for a living, and that the number is annually and rapidly augmenting.

By this great interest we are daily growing richer and more powerful. The vast amount of capital, the great number of our fellow-citizens, representing so much of our aggregated wealth, virtue, and intelligence, should not longer be denied official recognition to which they are so eminently entitled. Let it be represented by a secretary in the important councils of the nation, and thus the most honorable calling in our land will be elevated and encouraged.

The several branches of this pre-eminent industry present an inviting

field for the exercise of learning and scientific development, for practical experience and a thorough and intelligent understanding and application of the subject. Consequently, a successful termination of this bill will contribute largely to an increase of information, practical, useful, and scientific, to the farmers of our Republic. They will be stimulated by valuable results, emanating from the practical suggestions of the Secretary, gathered from agricultural operations and reports from every section.

As was truthfully asserted by one of our Commissioners in 1875—

Farmers and planters now realize that there is something in this important work beyond the mere drudgery of sowing, reaping, and curing.

Men of science and learning, especially in these industrial interests, have given this subject much thought. They have furnished to the plainest comprehension intelligence that is valuable and instructive, which is being utilized in every community. The reason is apparent. Mr. Chairman, we have so much invested in these industries, so many dependent upon their success, such vast treasure and capital in live-stock, farms, and the products of the same, annually amounting to more than two and a quarter billions of dollars, that it overshadows all other avocations, and consequently commands, nay, demands, attention.

In their numerous and largely attended conventions all over the country, agriculturists are calling the attention of Congress to the investigation of the merits of their appeal. But recently, Mr. Chairman, the president of the National Agricultural Congress issued an address to the farmers of the United States, in which he states that the ultimate aim and purpose of the National Agricultural Congress is, first, to arouse agriculturists themselves to a realization of the national importance and prosperity of agriculture; and, secondly, to enforce a recognition of it upon the representatives of the people who have been delegated to administer the State and National Governments.

Reflecting the desire of the organization over which he presides, he says:

In order that agriculture may be placed upon an equitable footing in the executive branch of the Government, it is believed, and we should demand, that it should be represented in the Cabinet by a minister of equal influence, honor, and dignity with any and all other constitutional advisers of the President, to the end that its true relations to taxation, commerce, to finance, and all other great industries may be effectively studied and understood, and presented and defended with proper dignity and force in the councils of the nation.

This, Mr. Chairman, is the utterance of the body of the agriculturists, who constitute 57 per cent. of the population of the United States.

Our country, under the skilled and developing hand of chemical science in its best force, when harnessed to the car of progress for the cultivation of the soil, has become the great granary of the world. We export largely of our surplus to foreign ports, and receive millions of treasure in return. We produce and furnish more breadstuffs, grain, meats, stock of all kinds, provisions, cotton, and other products than any country on the inhabitable globe. We have an abundance for our 52,000,000 inhabitants. In fact ours is a land of plenty, pregnant with every desirable comfort and natural blessing, surrounded by and endowed with all the advantages that nature can bestow. We can now from our great abundance feed and clothe the entire world after caring for ourselves. Is it not a marvel?

Mr. Chairman, when we contemplate the vastness and greatness of our country, its splendid, unsurpassed, and inexhaustible resources, and the large proportion of our population engaged in agricultural industries, and the development of these resources, we are impressed with the imperative necessity of affording every constitutional facility for the accomplishment and promotion of the magnificent results which must flow, from a broader, more extended and liberal recognition and aid. The Government which has been fostered and protected, yea nurtured into greatness and opulence by the very people who now through their organizations ask that these additional facilities be afforded them, can not longer refuse their reasonable demands. As one of their representatives, and in their name, I earnestly ask for it.

The Federal Union is but promoting its own interest, and strengthening herself in the affection of the people; it is adding to her deserved wealth and influence by aiding with wholesome, salutary legislation the pursuits and industries contemplated in this measure. It is incumbent on us to make a departure, avoid the quicksands of the past, be more liberal in providing for the growth of our industries, and let them no longer occupy subordinate positions. Increase our facilities, make liberal appropriations for every needed enterprise. Only think, Mr. Chairman, that while France for agriculture and commerce appropriated over $20,000,000, Russia for agriculture and public lands nearly $15,000,000, Austria and Hungary for agriculture alone $5,500,000, Great Britain $800,000, Sweden $650,000, the United States, that outstrips all in productions and has more at stake, only appropriated for the same period about $174,686. It is our duty to do more in this respect. As an evidence of the rapidity with which our agricultural interests are increasing and the value of the same, I append herewith and invite your attention to a carefully prepared statement of the production, area, and value of the corn crop from 1871 to 1883, inclusive, following which is a table showing our exports and value of corn and corn-meal for said years, and a corresponding one of wheat.

*Corn area, product, and value of crop from 1871 to 1883, inclusive.*

| Calendar years. | Total production. | Total area of crop. | Total value of crop. | Average value per bushel. | Average yield per acre. | Average value of yield per acre. |
|---|---|---|---|---|---|---|
| | *Bush.* | *Acres.* | *Dollars.* | *Cents.* | *Bush.* | *Dollars.* |
| 1871 | 991,898,000 | 34,091,137 | 478,275,900 | 48.2 | 29.1 | 14 02 |
| 1872 | 1,092,719,000 | 35,526,836 | 435,149,290 | 39.8 | 30.7 | 12 24 |
| 1873 | 932,274,000 | 39,197,148 | 447,183,020 | 48.0 | 23.8 | 11 41 |
| 1874 | 850,148,500 | 41,036,918 | 550,043,080 | 64.7 | 20.7 | 13 40 |
| 1875 | 1,321,069,000 | 44,841,371 | 555,445,930 | 42.0 | 29.4 | 12 38 |
| 1876 | 1,283,827,500 | 49,033,364 | 475,491,210 | 37.0 | 26.1 | 9 69 |
| 1877 | 1,342,558,000 | 50,369,113 | 480,643,400 | 35.8 | 26.6 | 9 54 |
| 1878 | 1,388,218,750 | 51,585,000 | 441,153,405 | 31.8 | 26.9 | 8 55 |
| 1879 | 1,547,901,790 | 53,085,450 | 580,486,217 | 37.5 | 29.2 | 10 93 |
| 1880 | 1,717,434,543 | 62,317,842 | 679,714,499 | 39.6 | 27.6 | 10 91 |
| 1881 | 1,194,916,000 | 64,262,025 | 759,482,170 | 63.6 | 18.6 | 11 82 |
| 1882 | 1,617,025,100 | 65,659,546 | 783,867,175 | 48.5 | 24.6 | 11 94 |
| 1883 | 1,551,066,835 | 68,301,889 | | | 22.7 | |
| Total | 16,831,057,018 | 659,307,639 | | | | |
| Annual average. | 1,294,696,694 | 50,715,972 | | | 25.5 | |

*Corn and corn-meal, quantity and value, exported from 1871 to 1883, inclusive.*

| Years. | Quantity. | | | Value. | | |
|---|---|---|---|---|---|---|
| | Corn. | Corn-meal. | Total corn. | Corn | Corn-meal. | Total corn. |
| | *Bushels.* | *Barrels.* | *Bushels.* | *Dollars.* | *Dollars.* | *Dollars.* |
| 1871 | 9,826,309 | 211,811 | 10,673,553 | 7,458,997 | 951,830 | 8,410,827 |
| 1872 | 34,491,650 | 308,840 | 35,727,010 | 23,984,365 | 1,214,999 | 25,199,364 |
| 1873 | 38,541,930 | 403,111 | 40,154,374 | 23,794,694 | 1,474,827 | 25,269,521 |
| 1874 | 34,434,606 | 387,807 | 35,985,834 | 24,769,951 | 1,529,599 | 26,399,350 |
| 1875 | 28,858,420 | 291,654 | 30,025,036 | 24,456,937 | 1,290,533 | 25,747,470 |
| 1876 | 49,493,572 | 354,240 | 50,910,532 | 33,265,280 | 1,305,027 | 34,570,307 |
| 1877 | 70,860,983 | 447,907 | 72,652,611 | 41,621,245 | 1,511,152 | 43,132,397 |
| 1878 | 85,461,098 | 432,753 | 87,192,110 | 48,030,358 | 1,336,187 | 49,366,545 |
| 1879 | 86,296,252 | 397,160 | 87,884,892 | 40,655,120 | 1,052,231 | 42,707,351 |
| 1880 | 98,169,877 | 350,613 | 99,572,329 | 53,298,247 | 981,361 | 54,279,608 |
| 1881 | 91,908,175 | 434,993 | 93,648,147 | 50,702,669 | 1,270,200 | 51,972,869 |
| 1882 | 43,184,915 | 288,942 | 44,340,683 | 28,845,830 | 994,201 | 29,840,031 |
| 1883 | 40,586,825 | 267,297 | 41,655,653 | 27,756,082 | 980,798 | 28,736,880 |

*Wheat area, product, and value of crop from 1871 to 1883, inclusive.*

| Calendar years. | Total production. | Total area of crop. | Total value of crop. | Average value per bushel. | Average yield per acre. | Average value of yield per acre. |
|---|---|---|---|---|---|---|
| | *Bush.* | *Acres.* | *Dollars.* | *Cents.* | *Bush.* | *Dollars.* |
| 1871 | 230,722,400 | 19,943,893 | 290,411,820 | 125.8 | 11.5 | 14 56 |
| 1872 | 249,997,100 | 20,858,359 | 310,180,375 | 124.0 | 11.9 | 14 87 |
| 1873 | 281,254,700 | 22,171,676 | 323,594,805 | 115.0 | 12.7 | 14 59 |
| 1874 | 309,102,700 | 24,967,027 | 291,107,895 | 94.1 | 12.3 | 11 66 |
| 1875 | 292,136,000 | 26,381,512 | 294,580,990 | 100.0 | 11.0 | 11 16 |
| 1876 | 289,356,500 | 27,627,021 | 300,259,300 | 103.7 | 10.4 | 10 86 |
| 1877 | 364,194,146 | 26,277,546 | 394,695,779 | 108.2 | 13.9 | 15 08 |
| 1878 | 420,122,400 | 32,108,560 | 326,346,424 | 77.7 | 13.1 | 10 16 |
| 1879 | 448,756,630 | 32,545,950 | 497,030,142 | 110.8 | 13.8 | 15 27 |
| 1880 | 498,549,868 | 37,986,717 | 474,201,850 | 95.1 | 13.1 | 12 48 |
| 1881 | 380,280,090 | 37,709,020 | 453,790,427 | 119.0 | 10.1 | 12 03 |
| 1882 | 504,185,470 | 37,067,194 | 444,602,125 | 88.2 | 13.6 | 11 99 |
| 1883 | 420,154,500 | 36,393,319 | | | 11.5 | |
| Total | 4,688,812,504 | 382,037,794 | | | | |
| Annual average. | 360,677,885 | 29,387,523 | | | 12.3 | |

*Statement showing the quantity and value of wheat and wheat flour exported from 1871 to 1883, inclusive.*

| Years. | Quantity. | | | Value. | | |
|---|---|---|---|---|---|---|
| | Wheat. | Wheat flour. | Total wheat. | Wheat. | Wheat flour. | Total wheat. |
| | *Bushels.* | *Barrels.* | *Bushels.* | *Dollars.* | *Dollars.* | *Dollars.* |
| 1871 | 34,310,906 | 3,653,841 | 50,753,190 | 45,143,424 | 24,093,184 | 69,236,608 |
| 1872 | 26,423,080 | 2,514,535 | 37,738,487 | 38,915,060 | 17,955,684 | 56,870,744 |
| 1873 | 39,204,285 | 2,562,086 | 50,733,672 | 51,452,254 | 19,381,664 | 70,833,918 |
| 1874 | 71,039,928 | 4,094,094 | 89,463,351 | 101,421,459 | 29,258,094 | 130,679,553 |
| 1875 | 53,047,177 | 3,973,128 | 70,926,253 | 59,607,863 | 23,712,440 | 83,320,303 |
| 1876 | 55,073,122 | 3,935,512 | 72,782,926 | 68,382,899 | 24,433,470 | 92,816,369 |
| 1877 | 40,325,611 | 3,343,665 | 55,372,103 | 47,135,562 | 21,663,947 | 68,799,509 |
| 1878 | 72,404,961 | 3,947,333 | 90,167,959 | 96,872,016 | 25,095,721 | 121,967,737 |
| 1879 | 122,353,936 | 5,629,714 | 147,687,649 | 130,701,079 | 29,567,713 | 160,268,792 |
| 1880 | 153,252,795 | 6,011,419 | 180,304,180 | 190,546,305 | 35,333,197 | 225,879,502 |
| 1881 | 150,565,477 | 7,945,786 | 186,321,514 | 167,698,485 | 45,047,257 | 212,745,742 |
| 1882 | 95,271,802 | 5,915,686 | 121,892,389 | 112,929,718 | 36,375,055 | 149,304,773 |
| 1883 | 106,385,828 | 9,205,664 | 147,811,316 | 119,879,341 | 54,824,459 | 174,703,800 |

When, sir, we consider the growth of this one commodity in our diversified farming, are we not irresistibly driven to the conclusion that it is marvelous? In thirteen calendar years the area of the corn crop has increased 34,000,000 acres, in round numbers, and doubling in 1883 the area in cultivation in 1871, with a corresponding increase in the yield and also in the value. The export of corn and corn-meal is a great source of revenue to our people, running as high in value as $54,279,604 in the year 1880. In addition to this source of accumulative wealth derived from agriculture alone, there was sown in 1882 18,494,691 acres in oats, yielding an average of 26.4 bushels per acre, and amounting in value to $182,978,022.

The succeeding statistics give an idea of the exports of preserved meats, pork products, and fresh beef. They disclose that we annually derive an immense revenue from these various sources, and convey intelligence of the enormous value of our home productions. When it is considered, furthermore, that in addition to these exports we daily feed over 50,000,000 people, there is nothing more wonderful in the advance of any people in the "wealth of nations."

*Preserved meats.*

| Countries to which exported. | 1879. | 1880. | 1881. | 1882. | 1883. |
|---|---|---|---|---|---|
| England | $5,344,791 | $5,632,385 | $4,363,237 | $2,702,264 | $3,018,439 |
| Scotland | 906,260 | 961,010 | 719,356 | 750,967 | 658,994 |
| British West Indies and Honduras | 66,949 | 76,201 | 52,413 | 35,954 | 28,026 |
| Germany | 402,999 | 389,823 | 291,846 | 179,681 | 139,434 |
| France | 86,976 | 150,810 | 83,091 | 14,296 | 26,606 |
| Belgium | 72,381 | 74,643 | 55,633 | 68,307 | 30,594 |
| Cuba | 39,239 | 17,396 | 5,903 | 11,167 | 4,579 |
| Other countries | 291,813 | 574,932 | 400,078 | 445,972 | 672,230 |
| Total | 7,311,408 | 7,877,200 | 5,971,557 | 4,208,608 | 4,578,902 |

*Exports of pork products.*

| Years. | Bacon and hams. | | Pork. | | Lard. | |
|---|---|---|---|---|---|---|
| | Quantity. | Value. | Quantity. | Value. | Quantity. | Value. |
| | *Pounds.* | *Dollars.* | *Pounds.* | *Dollars.* | *Pounds.* | *Dollars.* |
| 1873 | 395,381,737 | 35,022,137 | 64,147,461 | 5,007,035 | 230,534,207 | 21,245,815 |
| 1874 | 347,405,405 | 33,383,908 | 70,482,379 | 5,808,712 | 205,527,471 | 19,308,019 |
| 1875 | 250,286,549 | 28,612,613 | 56,152,334 | 5,671,495 | 166,869,393 | 22,900,522 |
| 1876 | 327,730,172 | 39,664,456 | 54,195,118 | 5,744,022 | 168,405,839 | 22,429,485 |
| 1877 | 460,057,146 | 49,512,412 | 69,671,894 | 6,296,414 | 234,741,233 | 25,562,665 |
| 1878 | 592,814,351 | 51,752,068 | 71,889,255 | 4,913,657 | 342,766,254 | 30,022,133 |
| 1879 | 732,249,576 | 58,074,433 | 84,401,676 | 4,807,568 | 326,658,686 | 22,856,673 |
| 1880 | 759,773,109 | 50,987,623 | 95,949,780 | 5,930,252 | 374,979,286 | 27,920,367 |
| 1881 | 746,944,545 | 61,161,205 | 107,928,086 | 8,272,285 | 378,142,496 | 35,226,575 |
| 1882 | 468,026,640 | 46,675,774 | 80,447,466 | 7,201,270 | 250,367,740 | 28,975,902 |
| 1883 | 340,258,670 | 38,155,952 | 62,116,302 | 6,192,268 | 224,718,474 | 26,618,048 |

*Exports of fresh beef.*

| Years. | England. | Scotland. | France. | Total exports. |
|---|---|---|---|---|
| | *Pounds.* | *Pounds.* | *Pounds.* | *Pounds.* |
| 1877 | 39,906,940 | 9,304,050 | ..... | 49,210,990 |
| 1878 | 44,800,369 | 8,746,100 | 487,690 | 54,046,771 |
| 1879 | 46,962,039 | 5,830,950 | 1,039,941 | 54,025,832 |
| 1880 | 70,524,861 | 13,950,000 | ..... | 84,717,194 |
| 1881 | 81,637,577 | 21,714,900 | ..... | 106,004,812 |
| 1882 | 49,672,848 | 15,700,093 | ..... | 69,586,466 |
| 1883 | 54,279,542 | 24,791,300 | ..... | 81,064,373 |

The aggregated value of property intimately connected with farming and its results sums a grand total which staggers credulity. Investigation astonishes us at the results. Mr. Chairman, upon other products, with the statistics of which I will not weary the patience of this House, we find a corresponding increase. Taken all together, it makes a showing that is calculated to inspire confidence and excite exultation in every American heart and beget a desire that this bill should pass. For instance, we export annually, or did in 1883, the following articles of the value stated:

| | |
|---|---|
| Agricultural implements | $3,883,919 |
| Animals, living | 10,833,635 |
| Bread and breadstuffs | 207,853,021 |
| Cotton and cotton manufactures | 258,586,054 |
| Tobacco, and manufactures of | 22,095,229 |
| Wool and carpets, &c | 388,328 |
| Leather, and manufactures of | 8,033,818 |
| Mineral oil | 44,913,079 |

These are given as some of the more important exportations, and do not include many articles. The cotton crop alone, which is principally confined to ten of the Southern States, amounted to 6,957,000 bales in 1882, with an average weight of bales of 474.38 pounds. The acreage in cultivation was 16,276,691 acres, and the value of the crop $309,696,500. In 1883 the acreage was 16,777,993, and the production 6,014,220 bales, of an average weight of 489.95 pounds.

This being the case, in view of the partial array of figures and results, the great importance of the subject, the wealth involved, the millions in interest, why should we further pursue a parsimonious policy toward these diversified branches of our industry? Why throw obstacles in the way? Rather take off the brakes, let on the light, apply the steam, and tender every inducement and encouragement in the way of conciliatory legislation that will conduce to scientific, practical agriculture. Let the Government extend its aid for the enlightenment of our race, the advancement of our national interests, the development of our resources, by a deservedly earned recognition; let improved methods be adopted, experiments tested, and every appliance and facility afforded commensurate with the imperative demands of the great body of our population.

Conventions of farmers are being held in every section, and they earnestly request necessary legislation and proper recognition, at least in proportion to the amount they contribute to the support of the Government and its wealth and greatness.

We should emulate the suggestions of the great Webster and "strive to attain an enlightened agriculture." He characterized it as "the basis of all national wealth." It has been and is approved by the most accomplished political economists of the world. The duty of Congress is to heed this growing request and to encourage our people to still grander achievements. Let it infuse a spirit of confidence that their chosen representatives will reflect their wishes when honestly ascertained. Are we not their servants? Should we not fearlessly represent them and insist upon the enactment of all laws conducive to the public weal? Thus we best promote their interest and the happiness of all our people. Agriculture is of primary importance, and as the Republic progresses and increases in population so does agriculture progress, and its successful development accelerates the power and growth of the country.

Therefore, Mr. Chairman, I repeat, everything legitimate and constitutional should be accomplished that will tend to the enhancement of agriculture, manufactures, and internal commerce, and in doing so we but advance to, and attain that exalted destiny awaiting us in the future history of mankind. The costs attending the carrying into effect the provisions of this bill are insignificant. They can not be objected to by the most chronic economists. Its failure to pass will demonstrate a want of true, genuine economy and exhibit a want of exalted statesmanship.

The existing arrangement of the bureau, which by its chief and subordinates has proven its efficiency under present circumstances and paucity of allowances, comprises almost a sufficiency of officers, who are salaried, to perform the routine duties, could be retained in the department if it were enlarged, and with but a small outlay of additional expense the proposed legislation would be a success.

In addition to the duties at present incumbent and sought to be attached to this department, the secretary should be required to keep thoroughly posted as to the production, acreage, yield, and the market value of all articles and commodities of agricultural production and domestic commerce, with the necessary costs, including transportation, and to inform the country in regard to the same.

His duties should be enlarged and made to include several of those connected with the Treasury and Interior Departments, such as Commissioner of Railroads, geological surveys, Light-House Board, the Coast and Geodetic Survey, and others I shall not now enumerate. They are in no wise akin to the finances of the Government, but in their apparently neglected condition, are simply orphans under the wardship of these several bureaus.

I would, Mr. Chairman, remove every clog that retards progress, and concentrate agriculture, manufactures, internal commerce, animal industries, and every interest connected with them in one general department, with the hope that its national importance would be justified. Let it be fully equipped for all practical purposes and scientific experiments. The value of the statistician to the agriculturists can not be estimated.

Instead of instrumental agencies being applied in elevating agriculture and increasing its productions, under the policy of our laws and the effect of legislation, this interest of primary importance has been relegated to the rear and in a measure loaded down. Its degradation is attempted by neglect, while it should be honored and dignified by appropriate legislative enactments. What presents a more inviting field to the young and buoyant just entering man's estate than that of a farm, the raising of the different crops, the waving wheat, luxuriant corn, the meadow and the clover-fields, the fleecy staple as it hangs from the cotton-boll, fruits, flowers, and the raising of fine stock? There is so much of independence surrounding such a life, supplemented with comfort and an appreciable absence of the vexations attending other business avocations.

With the coming and going of the propitious seasons he plants and sows, reaps and gathers his crops. His fertile fields, well cultivated with improved implements, yields a golden harvest; his stock increases; he has a surplus over the requirements of necessity which is marketable. His is an honest calling; he sleeps soundly, knowing that his abundance has been acquired by honest exertion, and not at the sacrifice of another's interest, and that with the strength and intellect God has given

him he can succeed. This independence, this comfortable, happy life, should be encouraged; but instead of ennobling this pursuit, legislation has burdened it with a tax of 40 per cent. of all the products raised, by unjust discriminations against them, thus deterring men from these pursuits, and hence the professions, manufactures, and trades draw largely from the genius and ability of our people, because these hold out inducements for a greater revenue.

The failure of the Government to regulate transportation as between the States, leaves the farmers in the shipment and marketing of their products at the mercy and conscience of railroad corporations that have fattened and grown rich from the sweat of the faces of the laboring millions. These mammoth monopolies that are enslaving the people and demanding tribute to their increasing potency, have amassed their opulence from the labor, skill, and industry of the farmers. They are an organized body who extort from him a large per cent. of his earnings. With the fund so wrung from enterprising labor they procure their emissaries, agents, and attorneys to infest the State and national capital as lobbyists, to shape and control legislation in their interest, and to the great detriment of the industries of the country.

Thus the chains are forged and braided still closer, and they thrive upon the unconscionable exactions made in their exorbitant tariff of charges. They clamor for more stringent laws.

It is, therefore, Mr. Chairman, high time to organize the agricultural interests as against the tyranny and exactions of capital that has heretofore secured such discriminations against them.

I have had the pleasure recently of reading the eloquent, admirable, and statesmanlike address of Senator VANCE, of North Carolina, to the convention of the National Agricultural Association on "The farmer and politics," in which he truthfully states that "every interest in America comes to Washington to influence legislation except the agricultural. The 'business interests' are as regularly and conspicuously on hand as the representatives of foreign nations, and forty times more importunate."

He further truthfully asserts that it is a fact worth noting that "of all the colossal fortunes owned by so many American citizens not one has been made by agriculture. All have come by some of the other pursuits. Many thousands of them are made yearly by handling the farmer's products, but not one by the farmer himself. Every man who touches his productions makes more clear profit thereby than did he in coaxing them from the earth."

Is it any wonder, Mr. Chairman, that agriculturists are awake to their interest and protesting against a further continuance of this extraordinary course pursued, whereby, as Senator VANCE alleges, "one country merchant absorbs the profits of a hundred farmers, one in a great city will absorb the clear earnings of a thousand; one railroad line will consume the net proceeds of a province?"

Under the laxity of our penal code and elasticity of statutory provisions, in the ordinary course of trade "corners" are organized, capital concentrated, "bucket shops" and legalized corporations are established in the great centers of trade, and these preside in judgment upon the prices of all commodities and "bull and bear" the market as their interests dictate as to prices, which robs the agriculturists often of the value of his products, to the manifest detriment of labor.

These corporations control and fix prices. They regulate the same, not by the natural law of supply and demand, but by the power and potency of organized money, which thrives upon the losses and at the expense and misfortune of the labor and industry of others.

Salutary laws should be enacted to prohibit and bridle such power and its reprehensible abuse. Buyer and seller should be brought closer upon a common level, without intervening hinderances as to fair and remunerative prices. Labor should not be shackled in the ordinary channels of trade. We find that as soon as the rich products of the soil, the hard-earned fruits of honest exertion, pass from the control of the farmer and are clutched in the grasp of concentrated capital, prices temporarily fluctuate and finally advance, and a margin is the result. Princely fortunes are thus made by greedy speculators who had no agency in the production of the commodity, while labor invariably loses. Indeed, capital makes more clear profits out of the agricultural products than does the producer. If legislation tolerates longer these abuses and they go on unrestrained and unbridled, and Congress disregards the rights and warnings of the people, these corporations will soon have complete mastery of our agricultural, manufacturing, and other material interests.

Therefore, Mr. Chairman, this I insist is a forcible argument for the passage of this bill, to prevent the abuse of privileges. We should call a halt before these monopolists and magnates assume supreme control and own the property of the country, and the people so materially reduced. Provide for a secretary who will watch with jealous solicitude the wants of this department, and who will recommend needed legislation to circumvent the evils complained of, and by advisory means, if no other, aid in protecting the agricultural, manufacturing, mining, and commercial interests of the States.

Before concluding, Mr. Chairman, I ask the indulgence of the House, and hope in charity I shall be pardoned if State pride induces me to refer particularly to my own native and beloved State of Tennessee, and the interest her people have in the passage of this measure. She is interested in the progress which she herself has made and is making, and her present status and relation as to agricultural pursuits and products in the sisterhood of States. During the late civil conflict her soil was pressed by the martial tread of hostile armies. It was reddened by the blood of her own and the sons of other States. Great battles were fought within her borders and millions of property destroyed and emancipated. Her farms were neglected and dilapidated, furnaces idle and shops closed. Towns and cities were burned and almost annihilated; stock killed or driven away, the character of labor changed, and general bankruptcy and threatened ruin stared her brave people in the face. A gloomy pall brooded o'er her destiny. The energies of her people were temporarily paralyzed. With bowed heads and saddened hearts they mourned the loss of their slain sons, comrades, and friends, as they beheld the shattered remnants of prosperity, and looked upon their houseless chimneys and the charred ruins of once happy and comfortable homes, as they stood the stern and bleak sentinels of uncivilized war. But her population was composed of brave men and noble women, and with a new resolution and heroic determination they looked not behind them to brood in memory over the disconsolations and defeats of the past. They could not be subdued by former discomfitures and irreparable losses. They went forward in the march of progress to the attainment of their former prosperity.

To-day, sir, Tennessee stands unparalleled, and history fails to record an instance where a people have recovered from financial embarrassment more rapidly. Homes have been rebuilt, houses remodeled and beautified, and farms, reclaimed and refenced, are now yielding abundant crops. Evidences of improvement are seen in every direction. The skill, energy, and industry of her people have accomplished much; and, with a commendable reverence for the motto, "Agriculture and Commerce," engraven upon her great seal, her population of 1,542,359 souls have devoted themselves to agriculture, and their efforts and investments have been rewarded. To-day we find the Volunteer State, God bless her! standing in the line of agricultural achievements among the first States of the Federal Union. She owes this to the indomitable energy of her people, to a generous, productive soil, and a genial climate, adapted to the cultivation and growth of a diversity of products.

From the recently published census reports we find that Tennessee yields annually the following:

| | | |
|---|---|---|
| Indian corn | bushels | 62,764,429 |
| Wheat | bushels | 7,341,353 |
| Oats | bushels | 4,722,190 |
| Rye | bushels | 156,419 |
| Buckwheat | bushels | 33,434 |
| Cotton | bales | 330,644 |
| Tobacco (of the value of $1,538,757) | pounds | 29,365,052 |

Her farm animals consist of—

| | Number. | Value. |
|---|---|---|
| Horses | 272,764 | $19,569,913 |
| Mules | 178,191 | 13,825,840 |
| Milch cows | 313,742 | 7,379,212 |
| Oxen and other cattle | 466,084 | 7,802,246 |
| Sheep | 655,214 | 1,172,833 |
| Hogs | 2,127,966 | 8,863,618 |

The area of the farms cultivated in Tennessee is 20,666,915 acres, of the value of $206,749,837. Add to the foregoing summary her interest invested in other live-stock and the income from other productions, fruits, and vegetables, incident to her varied farming, and an array of facts are presented which are truly astonishing.

Tennesseeans are anxious and eager for a thorough organization of their farmers into associations. They assemble and dispassionately discuss scientific agriculture, the improved methods, the adaptability of her soil to different products, and the necessary reformation in the system, machinery, and implements in the cultivation of the various crops.

A commendable zeal is manifested by her chief executive and commissioner in giving all the aid in their power, and their efforts have been attended with signal success. The raising of stock is encouraged, and our annual fairs are an evidence of the triumph in this interest.

Therefore, Mr. Chairman, in behalf of the great agricultural interests of my State, I shall vote for this bill with a consciousness that I am in accord with the desires of my fellow-citizens, and because I think it eminently right.

I hope to see the day, not far distant, when extravagant expenditures will be cut down, appropriations reduced to an economic standard, and an amount sufficient, which is economy, devoted to the promotion of the industrial pursuits of the land. While this class of our fellow-citizens pay largely over one-half the expenses of the Government, State and national, the amount heretofore appropriated the Department has been quite too small to meet its great and urgent demands.

Legislative aid has been invoked and exorbitant sums expended, special privileges granted to nearly every business interest but that of agriculture. Lands have been granted by the millions of acres in the construction of railways, public thoroughfares, and improvements, and they have had the fostering hand of the Government extended them and the gracious benefit of legislation.

Public and private corporations, banks, and all kinds of colossal monopolies have had indulgences, and many questionable and disreputable jobs have passed Congress under the guiding hand of their money-eyed friends and lobbyists, while the all-important agricultural interests have hitherto failed to receive the recognition it demands. We have a plethoric treasury with millions of surplus, and can afford the appropriation of a sufficiency to successfully carry on this department.

I rejoice, Mr. Chairman, to see the agriculturists uniting. Their number is large, influence great, and aggregated wealth vast. It will be potent, as they demonstrate that they can and will play a pre-eminent part in the political arena. I thank the House for the indulgence so generously extended me.

Mr. JONES, of Wisconsin. Mr. Chairman, I wish to make a few suggestions concerning some of the features of this bill.

It will be noticed that under the division of "agricultural statistics" it is proposed to appropriate about $134,000. I have every reason to suppose that the work of gathering these statistics is carefully done, and I know personally that the results of the work are eagerly sought by the farmers. Every day's mail furnishes me ample evidence of that fact. I only wish that I could supply a quarter of the demand which exists in my large and populous district for the books and the seeds furnished by the Department of Agriculture.

The suggestions which I have to make will be in the line of making this appropriation of the greatest use to the greatest number. We do not pay out this large sum of money simply that the Commissioner and his corps of assistants may gather up facts and figures and experience for future use. We pay it out to obtain the best fruits of their labors in order that the entire community may also enjoy their benefits. In the past the annual reports on agriculture have been principally the means of bringing the labors of the department to public attention. Those reports no doubt serve a good purpose, and should probably be continued; but they reach only a small proportion of those who would gladly obtain them.

I wish to call attention to these smaller monthly reports, one of which I now hold in my hand. They have never been widely distributed and their usefulness is not so generally known.

During the past year I have taken occasion to examine them, and I know that they treat of subjects which are of vital importance to every farmer in this country. They are filled with useful facts concerning the best methods of cultivating and producing various crops—concerning the acreage of crops at the East and at the West. One I notice is a report upon the numbers and values of farm animals. Others relate to the success or failure of different crops in different sections in this country and in Europe. Under the provisions of law each one contains a statement of the freight rates upon different railroads. Every one of these little cheap reports contains information which would be welcomed in the home of every reading, intelligent farmer who speaks the English language. My suggestion is that these little reports, which if printed in large quantities would cost only a few cents each, should be so generally circulated as to thoroughly disseminate whatever the Department of Agriculture may gather that is worth knowing. In this way the public will have the benefit of the $134,000 appropriated for their good.

It is true, sir, I have noticed in some of these reports that the Commissioner mixes heresy with his facts. The Commissioner would perhaps be more than mortal if he should entirely forget politics and the beauties of a protective tariff. But I am willing to leave it to the hard sense of the farmers to settle their own theories. I would like to have them given the facts and figures which these reports contain, and they can separate the chaff from the wheat. Now, there is only one objection which can be urged to the generous printing and circulation of these reports, and that is the matter of expense. I examined last evening the last report of the Public Printer to ascertain what information I could give the House upon that subject. There is no reference to these reports, but I did find reference to other matters in which I became interested, and which will be of interest to the gentlemen of this House. That report convinces me that either we are amply able to print and circulate very widely these little pamphlets and other inexpensive documents, or else that our system of public printing is wasteful and prodigal in the extreme.

And in passing allow me to say that in my judgment if this same report of the Public Printer were to be placed in the hands of every one of our constituents there would be an overhauling of this business of public printing very soon after the next election.

Let me call attention to a few of the more conspicuous of these expenditures.

The printing of the second annual report of the director of the Bureau of Ethnology costs $34,500. The third annual report costs the same. From page 28 of the report of the Public Printer it will be seen that the printing of the works just referred to, together with that of other works on ethnology, is estimated to cost the little sum of $140,600.

How deeply our constituents are interested in this subject of ethnology I have not had time to ascertain, nor do I know how many of them have ever had the honor of seeing or admiring these expensive volumes for which they have all contributed to pay.

Again, the printing of the final report of the Geological Survey, volume 3, cost $44,235. Of this there were 6,100 copies, costing more than $7 per copy. It seems that the expense of printing the Geological Surveys enumerated in this report of the Public Printer amounts to about $110,000. I regard this expenditure as less open to criticism than any which I shall refer to, and yet I very much doubt whether the public generally will believe it necessary to expend so great a sum in this direction. It has cost also about $40,000 to print the History and the Geology of the Comstock Lode. Whether these publications were more valuable as contributions to science or as an advertisement of the Comstock lode I am unable to say. The printing of one of them cost more than $7 per copy; and if those copies have been distributed it has been about in the ratio of one to each 11,000 of our people.

A little farther on in the report appears a statement of the cost of printing Hayden's twelfth annual report. Of this there were 11,900 copies, which cost $103,802, or more than $8 per copy. It ought to be a valuable work. The Public Prinfer tells us that the engraving and lithographing alone cost $63,470. Perhaps one citizen in each 5,000 is its favored possessor. But it must not be forgotten that every tax-payer who follows the plow, or who is a wage-worker in the shop or the manufactory for his daily bread, pays his share of this expense.

I doubt, sir, if it is quite consonant with the spirit of our institutions to expend these large sums of money in this manner. I am confident that whatever may be valuable in these publications might have been preserved, and might have been far more widely disseminated than it has, by an expenditure of one-quarter of the money which they have cost. If some one had the time and inclination it might be an interesting pursuit to trace out the history of these rare volumes, to see where they go and whose property they become. But this is a subject over which the tax-payer can meditate to his heart's content.

There may be some defense for a part of the expenditures to which I have alluded. But I now come to another class of publications for which I assert there is no justification whatever. I find there is reported an expenditure of about $40,000 for the printing of eulogies in honor of deceased Senators and Members of the Forty-seventh Congress. This is a custom which should either be abandoned or extended. If it is a wise and judicious expenditure of the public moneys, it should not be confined alone to those whose associates have the power of appropriating public money. If the practice is to exist at all, there is every reason that these eulogies should also extend to those not members of Congress who have been distinguished in public life. A little more than a year ago a distinguished citizen of Wisconsin and of this Republic passed away. He had been for nearly twenty years a Senator of the United States. He had rendered his country eminent service abroad. At the time of his death he was a Cabinet officer I have not heard that Congress caused eulogies to be printed in his honor at public expense. He needed no such eulogies. His long, eminent, and unsullied public career was eulogy enough. The same may be said of every distiguished man, whether in public or in private life.

It may be gratifying to members of Congress to pay this tribute to the memory of their associates. But that is not the only consideration. If the public moneys were our own we could use them in a thousand ways in paying graceful tributes to thousands of worthy men.

I am satisfied that the public would not if they fully understood it approve the expenditure which this custom now involves.

I might allude to other expenditures in the public printing which if generally known would, I have no doubt, attract attention. Perhaps some of the other items are even more open to criticism than those which have been mentioned.

What I have said is in no partisan spirit and with no intention to do injustice to any man; therefore it should perhaps be said that the Public Printer is not responsible for the incurring of these expenditures. The last Congress was responsible. We of this Congress will also be responsible if we continue them.

Nor have I called attention to these abuses—for I believe them to be abuses—with any intention of discouraging the printing of such documents as are required by a proper regard for the public good. The Government properly has its bureaus of statistics. Citizens willingly pay their money to support them. Nor would they begrudge the money which should be expended in printing and giving these statistics wide and generous circulation.

The money expended in printing one of the books to which I have referred would have printed millions of these little pamphlets which contain information that every intelligent farmer would be eager to obtain. There are sent to each member of Congress four or five of these little reports each month for distribution; the past month I received five. This would be perhaps one for each 30,000 of my constituents. In my judgment $200,000 of these expenditures reported by the Public Printer were unnecessary. That sum of money could have been expended in printing less expensive documents, which could have been generally distributed among all classes of people, rich and poor alike. I have referred more particularly to agricultural reports because this bill in part relates to those. But what has been said concerning these is equally true of other publications which are and might be printed by the Government. The consular reports are filled with facts concerning the industries and progress of other nations which would be gladly welcomed in almost every American home.

It must be borne in mind, too, that the massive volumes of census reports which are being prepared and published at great expense are not accessible to the masses. There could be printed statistical abstracts of these reports at comparatively small expense, abstracts which would contain the pith and substance of the larger reports, and which might take to the homes of the common people the information which their money has helped to collect. Those who have always enjoyed the advantages of the great city libraries can have but little conception of the satisfaction which such books as I have mentioned would give to those whose lives are spent in their country homes. Half of my life has been spent upon a farm. I know that as a rule books which have merit and which go to a farmer's home are appreciated, and they bear their fruit.

My complaint is that the Government should appropriate toward this printing fund such magnificent sums for a favored few and such a pittance for the masses.

I would gladly see some of the money which has heretofore been dedicated to extravagance in public printing devoted to other purposes. We have many thousands of constituents who would gladly receive such documents as we could print and send without extravagance. They would not demand elegant bindings; they would not expect those magnificent engravings for which they have had to pay, but on which they have never gazed.

These plain, inexpensive, but useful publications would bring to the farmer's home information which would place him more nearly on a level with those of whom he buys and to whom he sells. They would dignify and sweeten the laborer's toil. They would give the honest ambition of his boys and girls something on which to feed.

I ask not greater expenditures, but expenditures so directed as to instruct and please an infinitely greater number of men and women. The changes which I suggest may not come in a day, but I am confident that the present system can not be of long duration.

Mr. DIBRELL. I now yield five minutes to the gentleman from Illinois [Mr. CULLEN], a member of the committee reporting this bill.

Mr. CULLEN. I have no intention of consuming the time of the Committee of the Whole in making a general speech on either politics, the tariff, or any other subject not connected with this agricultural appropriation bill. I do not propose to take any notice of the criticisms of the gentleman who has just taken his seat in regard to the extravagance and waste of money in the publication of the results of scientific research in the various departments of this great Government. I apprehend that no exception will be taken to the publications of the Agricultural Department on the ground that they do not furnish practical information to the people most interested in that great industry.

I rose only to say that having in committee gone through this bill and carefully considered all the items contained therein, I am satisfied in my own mind that it is a fair bill; that there are no extravagant items in it, and that there is nothing in it but what is necessary and proper in order to continue the work of that Department for the benefit and advantage of the people. There are some items of appropriation in this bill which are less in amount than the estimates called for; there are some items that may perhaps be considered as too low. That, however, is only a question as to whether this Congress desires to greatly enlarge the labors of the Department or to keep it practically as it has been heretofore. There are some items in this bill which this Committee of the Whole may see proper to increase. I refer more particularly to that item of appropriation for the purchase and distribution of seeds, &c. The Committee on Agriculture thought it best to leave that item as it has been heretofore, at $75,000, notwithstanding the increased membership of this House. The committee, however, are willing, if it shall be thought proper, that that item of appropriation shall be increased to $100,000, the amount estimated for by the Commissioner of Agriculture.

Believing, then, that the bill is a fair one, that it will answer all the purposes and all the demands of the Agricultural Department, that the appropriations contained in it are not so small in any respect as to cripple the efficiency of that Department, and believing also that if any amendments shall be proposed they may be fairly and properly considered and the provisions of the bill explained under the five-minute rule, I will not now take up any more time, but will yield to the gentleman in charge of the bill [Mr. DIBRELL] for any motion which he may think proper to submit.

Mr. DIBRELL. I now ask consent that the Committee of the Whole proceed to the consideration of this bill by paragraphs under the five-minute rule.

There was no objection.

The Clerk began the reading of the bill, and read the following:

Entomological division:

For compensation of entomologist, $2,500; one assistant entomologist, $1,400; for assistants in entomological division, when necessary, $4,000; for investigating the history and habits of insects injurious to agriculture and horticulture, experiments in ascertaining the best means of destroying them, for drawings, and for chemicals and traveling and other expenses on the practical work of the entomological division, $20,000; in all, $27,900: *Provided*, That the amount expended for traveling expenses shall not exceed $3 per day, inclusive of transportation.

Mr. DIBRELL. I am instructed by the Committee on Agriculture to move to amend the proviso in the paragraph last read so that it will read as follows:

*Provided*, That the amount expended for such assistants, when making investigations, shall not exceed $3 per day, exclusive of transportation.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Seed division:

For compensation of chief of seed division, $1,800; one superintendent of seed-room, $1,200; four clerks, at $1,000 each, $4,000; one clerk, at $840; for the purchase and propagation, and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, to be distributed in localities adapted to their culture, $75,000. An equal proportion of two-thirds of all plants, seeds, cuttings, vines, and shrubs shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved vegetable seeds, plants, cuttings, and vines: *But provided, however*, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents; in all, $82,840.

Mr. VANCE. I move to amend the paragraph just read so as to increase the amount for the purchase, propagation, and distribution of seeds, &c., from $75,000 to $100,000. I think the amount here proposed for seeds and cuttings, $75,000, is not sufficient.

Mr. HATCH, of Missouri. I will state, for the information of the committee and of the gentleman from North Carolina [Mr. VANCE] submitting the amendment, that the sum named in this bill for this purpose, $75,000, is the same in amount as that which has been appropriated from year to year for the past three or four years. There was a difference of opinion in the Committee on Agriculture as to whether or not the amount should be increased in consideration of the increased membership of the House and of the area of territory over which these seeds are to be distributed. It was agreed by the committee that if a motion was made in Committee of the Whole to increase this sum they would not raise the point of order upon it, but permit the question to be determined by the Committee of the Whole.

I will say further, for the information of members, that I have been informed by the chief clerk of the Agricultural Department, who has charge of this seed division, that $100,000 worth of seeds can be distributed for about the same cost that is required to distribute $75,000 worth; in other words, that the machinery of the Department as now arranged, with perhaps a very small increase, will enable them to distribute $100,000 worth of seeds at about the same expense that it now costs them to distribute $75,000 worth. I hope we may have a vote promptly on the amendment.

Mr. DIBRELL. I will state that the subcommittee preparing this bill inserted the amount asked for by the Commissioner of Agriculture.

Mr. VANCE. How much was that?

Mr. DIBRELL. Seventy-five thousand dollars. As there seems to be a disposition to increase the amount, I will not object.

Mr. VANCE. I do not wish to occupy the time of the committee unnecessarily. I really think that $100,000 for seeds is a very small amount for the purpose, and I hope that the friends of the bill on both sides of the House will give us that amount.

The question was taken upon the amendment of Mr. VANCE; and upon a division there were—ayes 88, noes 13.

So (no further count being called for) the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. DIBRELL. I ask unanimous consent to go back to line 127, on page 6, for the purpose of making an amendment to increase the aggregate appropriation in that paragraph, which relates to "seed division," from $82,840 to $107,840. This increase is necessary by reason of the amendment making an increase of $25,000 in the amount appropriated for the purchase and distribution of seeds.

The CHAIRMAN. If there be no objection that amendment will be made.

There being no objection, the bill was amended accordingly.

Mr. DIBRELL. I move that the committee now rise and report the bill to the House, with the amendments.

Mr. PETERS. I wish to offer an amendment to come in at the close of line 184.

Mr. HATCH, of Missouri. We have passed that.

Mr. DIBRELL. I make a point of order on the amendment.

Mr. PETERS. Then I will offer the amendment to come in at the close of the bill, though it would probably come in more properly at the end of the first section.

Mr. DIBRELL. I make the point of order that the bill has been completed and a motion made that the committee rise.

Mr. PETERS. I rose and obtained, I believe, the recognition of the Chair before that motion was made.

Mr. HATCH, of Missouri. The gentleman from Kansas [Mr. PETERS] proposes to offer an amendment to a paragraph that has been passed. Under the rules that amendment is not in order. I make the point of order against it.

Mr. PETERS. I will offer the amendment to come in at the end of the bill.

Mr. DIBRELL. Then it is not germane.

A MEMBER. How do you know that till the amendment has been read?

The CHAIRMAN. The amendment sent to the desk by the gentleman from Kansas [Mr. PETERS] will be read.

The Clerk read as follows:

Add to the bill the following:

"Reclamation of arid and waste lands:

"SEC. 3. For locating and sinking artesian wells, with a view to reclaiming arid and waste public lands, in the State of Kansas, $10,000; to be expended under the direction of the Secretary of the Interior: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States."

Mr. PETERS. I offer that, Mr. Chairman——

Mr. HATCH, of Missouri. I make a point of order that this amendment is new legislation and increases expenditures.

Mr. PETERS. I hope the gentleman will reserve his point of order long enough to allow me to make a statement.

Mr. HATCH, of Missouri. I have no objection to permitting the gentleman to make a statement for a minute or two.

Mr. CULLEN. I desire to give notice that if the amendment be entertained, I propose to move to amend it by striking out "Kansas" and inserting "Colorado." That is where they are working now.

Mr. PETERS. Mr. Chairman——

Mr. AIKEN. I rise to a parliamentary inquiry. I wish to know whether upon a bill making appropriations for the Agricultural Department it is legitimate to introduce a provision requiring an appropriation of money to be expended by the Secretary of the Interior?

Mr. PETERS. The Secretary of the Interior, I believe, has charge of the Bureau of Agriculture.

Mr. HATCH, of Missouri. No, sir; he has nothing to do with it. I insist on my point of order.

The CHAIRMAN. The point of order is well taken.

Mr. PETERS. I wish to state this——

Mr. DIBRELL. I move that the committee rise and report the bill to the House with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOYLE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5261) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with a recommendation that the bill be passed as amended.

Mr. DIBRELL. I move the previous question upon agreeing to the amendments reported from the Committee of the Whole House, and upon ordering the bill to be engrossed and read a third time.

Mr. PERKINS. I rise to a parliamentary inquiry. After the previous question is ordered, can a motion be entertained to amend one of these sections or paragraphs?

The SPEAKER. The previous question, if ordered, will cut off all amendments and all debate.

Mr. PERKINS. Is it in order to make the motion now?

The SPEAKER. It is not, pending the demand for the previous question.

Mr. PERKINS. I would like to suggest the character of my amendment, so that the gentleman from Tennessee [Mr. DIBRELL] may determine whether he will insist upon the previous question.

Mr. TURNER, of Kentucky. Let the amendment be read by the Clerk.

Mr. PERKINS. The amendment I wish to offer is to strike out $25,000 as the amount of the appropriation for investigating infectious and contagious diseases of domestic animals, and to insert "$50,000, or so much thereof as may be necessary."

Mr. DIBRELL. I do not consent to that amendment. I insist upon the previous question.

Mr. HATCH, of Missouri. The House has already passed a bill on that subject; and if it passes the Senate, the gentleman's amendment will not be necessary.

Mr. PERKINS. I agree with the gentleman; but I am afraid it will not pass the Senate.

The previous question was ordered; and under the operation thereof the amendments reported from the Committee of the Whole House on the state of the Union were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and was accordingly read the third time.

Mr. DIBRELL. I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. HATCH, of Missouri. This being a general appropriation bill, I suppose the yeas and nays must be taken upon its passage.

The SPEAKER. The question is, Shall the bill pass? On this question, under the rules of the House, the yeas and nays must be taken.

The question was taken; and it was decided in the affirmative—yeas 211, nays 0, not voting 111; as follows:

YEAS—211.

| | | | |
|---|---|---|---|
| Adams, G. E. | Everhart, | Libbey, | Rosecrans, |
| Aiken, | Evins, J. H. | Long, | Rowell, |
| Alexander, | Fiedler, | Lovering, | Ryan, |
| Anderson, | Findlay, | Lowry, | Shaw, |
| Atkinson, | Finerty, | Lyman, | Shelley, |
| Bagley, | Forney, | McCoid, | Skinner, C. R. |
| Ballentine, | Fyan, | McComas, | Smalls, |
| Barksdale, | George, | McCormick, | Spooner, |
| Bayne, | Glascock, | Matson, | Spriggs, |
| Bisbee, | Goff, | Maybury, | Springer, |
| Blanchard, | Greenleaf, | Millard, | Steele, |
| Blount, | Halsell, | Miller, J. F. | Stevens, |
| Boyle, | Hancock, | Mills, | Stewart, Charles |
| Brainerd, | Hardeman, | Mitchell, | Stewart, J. W. |
| Breckinridge, | Harmer, | Money, | Storm, |
| Breitung, | Hart, | Morey, | Strait, |
| Brewer, F. B. | Hatch, W. H. | Morgan, | Sumner, C. A. |
| Brewer, J. H. | Haynes, | Morrill, | Sumner, D. H. |
| Browne, T. M. | Hemphill, | Morrison, | Talbott, |
| Brown, W. W. | Henderson, D. B. | Morse, | Taylor, E. B. |
| Buckner, | Henderson, T. J. | Moulton, | Taylor, J. M. |
| Budd, | Henley, | Muldrow, | Thompson, |
| Caldwell, | Hepburn, | Murphy, | Throckmorton, |
| Calkins, | Herbert, | Murray, | Tillman, |
| Campbell, Felix | Hewitt, G. W. | Mutchler, | Turner, H. G. |
| Cannon, | Hiscock, | Nelson, | Turner, Oscar |
| Carleton, | Hitt, | Nicholls, | Valentine, |
| Chace, | Hoblitzell, | O'Hara, | Van Alstyne, |
| Clardy, | Holman, | Paige, | Vance, |
| Clay, | Holmes, | Parker, | Wadsworth, |
| Cobb, | Holton, | Patton, | Wait, |
| Connolly, | Hopkins, | Payson, | Wakefield, |
| Converse, | Horr, | Pierce, | Warner, Richard |
| Cosgrove, | Houk, | Peel, S. W. | Weaver, |
| Covington, | Houseman, | Perkins, | Wellborn, |
| Cox, S. S. | Howey, | Peters, | Weller, |
| Cox, W. R. | Hunt, | Poland, | Wemple, |
| Culberson, D. B. | Hutchins, | Price, | White, J. D. |
| Culbertson, W. W. | Jones, B. W. | Pryor, | White, Milo |
| Cullen, | Jones, J. H. | Pusey, | Whiting, |
| Cutcheon, | Jones, J. K. | Randall, | Wilkins, |
| Dargan, | Jones, J. T. | Ranney, | Williams, |
| Davis, L. H. | Kasson, | Ray, G. W. | Willis, |
| Dibble, | Keifer, | Ray, Ossian | Wilson, James |
| Dibrell, | Kelley, | Reagan, | Wilson, W. L. |
| Dockery, | King, | Reed, | Winans, E. B. |
| Dorsheimer, | Kleiner, | Reese, | Winans, John |
| Dowd, | Lacey, | Riggs, | Wise, G. D. |
| Duncan, | Laird, | Robertson, | Woltord, |
| Dunn, | Lanham, | Robinson, J. S. | Yaple, |
| Eaton, | Lawrence, | Robinson, W. E. | York, |
| Eldredge, | Le Fevre, | Rockwell, | Young. |
| Ellwood, | Lewis, | Rogers, J. H. | |

NAYS—0.

NOT VOTING—111.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davis, G. R. | Jeffords, | Rogers, W. F. |
| Arnot, | Davis, R. T. | Johnson, | Russell, |
| Barbour, | Deuster, | Jordan, | Scales, |
| Barr, | Dingley, | Kean, | Seney, |
| Beach, | Dunham, | Kellogg, | Seymour, |
| Belford, | Elliott, | Ketcham, | Singleton, |
| Belmont, | Ellis, | Lamb, | Skinner, T. G. |
| Bennett, | Ermentrout, | Lore, | Slocum, |
| Bingham, | Evans, I. N. | McAdoo, | Smith, |
| Blackburn, | Ferrell, | McKinley, | Snyder, |
| Bland, | Follett, | McMillin, | Stephenson, |
| Boutelle, | Foran, | Miller, S. H. | Stockslager, |
| Bowen, | Funston, | Milliken, | Stone, |
| Broadhead, | Garrison, | Muller, | Struble, |
| Brumm, | Geddes, | Neece, | Taylor, J. D. |
| Buchanan, | Gibson, | Nutting, | Thomas, |
| Burleigh, | Graves, | Oates, | Townshend, |
| Burnes, | Green, | Ochiltree, | Tucker, |
| Cabell, | Guenther, | O'Neill, Charles | Tully, |
| Campbell, J. M. | Hammond, | O'Neill, J. J. | Van Eaton, |
| Candler, | Hanback, | Payne, | Ward, |
| Cassidy, | Hardy, | Peelle, S. J. | Warner, A. J. |
| Clements, | Hatch, H. H. | Pettibone, | Washburn, |
| Collins, | Hewitt, A. S. | Phelps, | Wise, J. S. |
| Cook, | Hill, | Post, | Wood, |
| Crisp, | Hooper, | Potter, | Woodward, |
| Curtin, | Hurd, | Rankin, | Worthington. |
| Davidson, | James, | Rice, | |

So the bill was passed.

The following pairs were announced from the Clerk's desk:

Until further notice, as follows:

Mr. CURTIN with Mr. KEAN.

Mr. WEMPLE with Mr. JOHNSON.

Mr. GEDDES with Mr. JAMES.

Mr. COOK with Mr. MILLER, of Pennsylvania.

Mr. MORGAN with Mr. MORRILL.

Mr. MCADOO with Mr. THOMAS.

Mr. GREEN with Mr. WADSWORTH.

Mr. FOLLETT with Mr. DAVIS, of Ohio.

Mr. DUNCAN with Mr. SMITH.

Mr. BEACH with Mr. HOLTON.

Mr. FORAN with Mr. PETTIBONE.

Mr. SCALES with Mr. BURLEIGH.

Mr. ERMENTROUT with Mr. BRUMM.

Mr. DAVIDSON with Mr. STRUBLE.

Mr. LAMB with Mr. RICE.
Mr. POST with Mr. EVANS.
Mr. HERBERT with Mr. OCHILTREE.
Mr. SNYDER with Mr. BABB.
Until April 8, as follows:
Mr. TOWNSHEND with Mr. WASHBURN.
Mr. SENEY with Mr. BISBEE.
Mr. BENNETT with Mr. J. S. WISE.
Mr. HURD with Mr. MCKINLEY.
Mr. BLACKBURN with Mr. RUSSELL.
Mr. HEWITT, of New York, with Mr. STEELE.
Mr. WORTHINGTON with Mr. BOWEN.
Mr. TALBOTT with Mr. HARMER.
Mr. LORE with Mr. PEELLE, of Indiana.
Mr. O'NEILL, of Pennsylvania, with Mr. MCMILLIN.
For this day as follows:
Mr. HERBERT with Mr. MCCOID.
Mr. VAN EATON with Mr. HANBACK.
Mr. FERRELL with Mr. JEFFORDS.
Mr. CLAY with Mr. LIBBEY.
Mr. STOCKSLAGER with Mr. PEELLE, of Indiana.

Mr. STEELE. I have voted, not regarding this as a political question.

The vote was then announced as above recorded.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ISSUE OF CLOTHING, COMPANY K, FIRST UNITED STATES INFANTRY.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report of the proceedings of a board of survey convened at Whipple Barracks, Arizona, recommending the passage by Congress of a bill authorizing the issue of clothing to enlisted men of Company K, First United States Infantry, in lieu of clothing destroyed by fire; which was referred to the Committee on Military Affairs.

## FORFEITURE OF A LAND GRANT IN OREGON.

Mr. PAYSON. Mr. Speaker, I desire to make a privileged motion. I move to take from the House Calendar the bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings, reported from the Committee on the Public Lands, and put the same upon its passage.

The SPEAKER. The bill will be read.

The bill was read. It is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all lands granted by chapter 69, page 94, 16 Statutes at Large, approved May 4, A. D. 1870, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," and all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under said act, be, and they are hereby, declared forfeited and determined; that all of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States [and the Attorney-General is hereby instructed to enforce the provisions hereof by proper judicial proceedings]. In case any of the lands embraced within the terms of this act, to which the said railroad company or its successor would have been entitled had the said road been constructed as provided in the act making the grant, have been sold by either of said companies prior to January 1, 1884, the party or person so purchasing any of said lands shall have the right to the lands so purchased upon making proof of the fact of such purchase at the local land office of the district where said land may be located: *Provided*, That all unpaid purchase-money on such sales shall be paid to the United States, through the receiver of public moneys at the proper land office; and upon proof as above, and payment of such unpaid balance, if any, within twelve months of the passage of this act, patents shall issue to the parties entitled thereto for the land.

Amend the title so as to read: "A bill to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon."

The SPEAKER. The question is upon ordering the bill to be engrossed and read the third time.

Mr. GEORGE. I would like to be heard upon this question.

Mr. PAYSON. I desire that the report may be read in connection with the bill, which will be the argument upon which I shall ask the passage of the bill.

The report was read, as follows:

Mr. PAYSON, from the Committee on the Public Lands, submitted the following report (to accompany bill H. R. 181):

The Committee on the Public Lands, to whom was referred bill H. R. 181, having had the same under consideration, submit the following report:

By the act of Congress approved May 4, 1870 (16 Statutes at Large, chap. 69), a grant of the public lands was made to aid the Oregon Central Railroad Company in constructing a railroad and telegraph line "from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill River, near McMinnville, in the State of Oregon."

The grant was of the usual right of way, necessary lands for depots, sidetracks, &c., and also the alternate sections, designated by odd numbers, nearest said road, to the amount of ten sections per mile on each side of the road; the act also made the usual provision for indemnity in case of prior sale or other disposition by the Government of the odd sections which otherwise would have passed to the company.

Section 3 provides that whenever sections of twenty or more consecutive miles of the road and telegraph line should be completed the Secretary of the Interior should cause the same to be examined, and if properly constructed and equipped he should cause patents to issue to the company for so much of the granted lands as should be adjacent to and conterminous with the completed sections.

Section 5 provides that the company should, by mortgage or deed of trust, appropriate and set apart all the net proceeds of the granted lands as a sinking fund for the payment of the first-mortgage construction bonds of the company authorized by the act to be issued.

Section 6 is as follows:

"*And be it further enacted*, That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years, from said date."

Portland is distant from Astoria, inland, 117 miles. From Forest Grove to the Yamhill River near McMinnville is 27½ miles, making the whole length of the road and its branch 144½ miles.

Before the expiration of the six years named in the act making the grant the company constructed a line of road from Portland westwardly toward Forest Grove about 25 miles, and thence southwardly to the Yamhill River near McMinnville about 27½ miles, in all 47½ miles of constructed road practically on the line of the road proposed in the grant.

The road as constructed, however, did not end at the Yamhill River, but its construction was continued to the south, up the Willamette Valley to Corvallis, and its construction still being proposed to be continued southwardly to the Oregon State line, to meet the system of railroads being built northward in California to the State line by the Central Pacific Railroad Company.

This line of railroad being considered is now owned by the Oregon and California Railroad Company, which last company has absorbed the Oregon Central, and succeeded to all its property rights and franchises in 1881, and all operated by the Oregon and Transcontinental Company under practically a perpetual lease.

We quote from the brief of the counsel as to this succession by the California and Oregon Railroad Company to the rights of the Oregon Central:

"The great purpose of the reorganization uniting the property and interests of the two organizations for the purpose of having a better basis of credit was to secure as speedy as possible the completion of the uncompleted portions of both roads, to wit, from Roseburg south to a connection with the Central Pacific, which, on account of its greater importance to all the people and the Government, was to be first completed, if work on all could not progress at the same time, or in case funds to carry on both at the same time could not be raised, and then the line to Astoria."

To understand this fully it should be stated that the Oregon and California Company is claimed to be the successor of another Oregon Central Railroad Company which was organized in Oregon to receive a grant of public lands made by act of Congress, July 25, A. D. 1866 (14 Stats., p. 239), which grant was made to aid in the construction of a line of railroad from Portland south to the Oregon State line, to meet there a line of railroad being built northwardly by the Central Pacific Company, the two lines, the one in California and the one in Oregon, when united, to form a through line from Portland to San Francisco. In 1880 the Oregon and California Company had its line constructed south to Roseburg, in Oregon, and the Central Pacific had its line built northward, in California, to Redding.

Mr. Henry Villard had at this time secured control of all the lines of railroad transportation in Oregon except the Oregon Central, the road being considered here, and in 1881 secured this and consolidated it with the Oregon and California Railroad, and, as stated by the attorney for that corporation in the quotation from his brief above, to use the credit of the Oregon Central, added to that of the Oregon and California, to build first the railroads to the Oregon State line—two roads where only one was intended by Congressional aid—and to defer, at least, and as we shall show presently, eventually abandon, the building of the road for which this grant was made.

That part of the projected road for which this grant was made, namely, from near Forest Grove to Astoria, a distance of ninety-seven miles, has not only not been completed, but no work has ever been done upon it.

The lands embraced within the limits of the grant, estimated for the main line at 1,120,880 acres, have been for all these years withdrawn from sale and settlement and still remain so.

No lands whatever have ever been patented to the company, although it should be stated that the forty-seven and one-half miles constructed have been inspected under authority of the Interior Department and pronounced as properly constructed.

An examination of the debates in Congress at the time this grant was made will show what, indeed, would be plainly apparent by a glance at the map, that the main factor in the case was railroad and telegraphic communication between the well-settled section about, even then, the important city of Portland and Astoria. The condition and situation is well stated in the brief of the attorney for the company here, and we insert it:

"The line of road in aid of the construction of which this grant was made, though short, is one of vital interest to the people of Oregon, especially those of Northern Oregon; and it is only by the completion of the ninety-seven miles of uncompleted road that the vast interests—commercial, military, and otherwise—now rapidly developing at Astoria, near the mouth of the Columbia, can be brought into communication by rail with the great transcontinental road.

"Astoria, the mouth of the Columbia, the military forts of Stevens and Canby, hedged in as they are on the Washington Territory side by almost impassable ranges of mountains, find their only hope of obtaining rail connection with the transcontinental lines in the completion of this road; and it was this anomalous condition of affairs, in connection with the great cost of the construction of this road, and the commercial and military necessities of the case, that led Congress in 1870 to regard the building of this short line as a national undertaking, and hence this grant in aid of its construction."

It will be remembered that about the time Mr. Villard secured control of this road and merged it in the Oregon and California, thus securing control of all the routes of railroad transportation in Oregon, he also secured control of the Northern Pacific Railroad Company, and thus had in control the entire railroad transportation system of Oregon, Washington, and the extreme Northwest.

Confessedly, by the company's attorneys, the immense load of construction thus being carried—

"The expensive character of the work on the remaining ninety-seven miles to Astoria, and other reasons of a financial character, the company, notwithstanding this grant, was unable to secure funds with which to complete this Astoria section, and at the same time push the construction of its road southerly to a connection with the southern transcontinental roads. That portion of the road that is completed was constructed by the Oregon Central Railroad Company, to which the grant was made."

The citizens of Astoria, interested in the construction of the road, who desired the benefit of the munificent grant, in tangible shape, in the construction of the road, instead of being held as an asset, to be used when and as should suit the convenience of the Oregon and Transcontinental Company (which corporation stands as the lessee of all the Oregon and Washington lines, as well as the financial controller of the Northern Pacific, as your committee is advised and believes), have been clamoring for the construction of the road for years, but could get nothing but indefinite promises.

It is in proof before the committee that companies have been ready for organization, and to build the road without a dollar of Government aid or an acre of land, if this company was out of the way.

The Forty-seventh Congress was memorialized by large numbers of the citizens of that part of Oregon to forfeit the grant, so that private capital would be

free to embark in the enterprise of building the road without the danger of a competition with this grant to a rival.

But assurance was given by Mr. Villard, in response to an inquiry of a member of that Congress, that "its construction will be commenced during the coming year" (1883).

On this assurance and the claim for equitable delay by the company, the committee of the Forty-seventh Congress delayed action.

During the past vacation the matter was still pressed by the Astoria people, and finally Mr. Villard, on September 13, 1883, wrote the secretary of the Astoria Chamber of Commerce:

"Referring to the conference had with the committee of your chamber of commerce at my office in this city on April 24 last, I am only now able to redeem the promise then made that I would inform your chamber of commerce at the earliest possible moment of the result of the survey of the Astoria-Forest Grove line. So many unforeseen obstacles were encountered in making the surveys that it was a matter of absolute impossibility to complete the work at an earlier date. I regret to say that the estimates of the cost of the line in question now before me are so large that it will be impossible for the Oregon and Transcontinental Company, as lessee of the Oregon and California Railroad Company, to undertake its construction. According to the engineers' figures the cost will be no less than an average of $50,000 per mile in money, not including the probable cost of proper terminal facilities at Astoria, estimated at $750,000. Under the existing mortgage we could not possibly issue more than the nominal amount of $30,000 per mile in bonds on the line, and there are absolutely no means to meet the deficiency at the command of either party. We must therefore abandon the project."

We have before us a memorial passed unanimously by the Astoria Chamber of Commerce November 22, 1883, averring, among other things:

"Memorial to restore to the public domain certain lands granted to the Oregon Central Railroad Company.

"*To the honorable the Congress of the United States:*

"Your memorialists, the Chamber of Commerce of the city of Astoria, of the State of Oregon, would most respectfully represent:

"That on the 4th day of May, 1870, your honorable bodies passed an act granting to the Oregon Central Railroad Company of Oregon the alternate sections of land to the extent of twenty sections per mile, including the iron and coal therein, to aid in the construction of a railroad from Portland to Astoria, with a branch from a suitable point of junction at or near Forest Grove to McMinnville, in the State of Oregon. Said lands were conditionally granted to said railroad for a distance of twenty miles each side of said railroad, and in case the ten full sections per mile could not be found on each side of said road within the said limit of twenty miles, other lands should be selected within a limit of twenty-five miles on each side to make up such deficiency.

"That said grant was made on the expressed condition that said railroad should be completed in six years from said date, and that said limit expired more than seven years ago.

"That the portion of the railroad most easily constructed between Portland and McMinnville (a distance of about fifty miles) was built within the specified time, but since that time no part of the main line between Forest Grove and Astoria (a distance of about one hundred miles) has been built, nor is it in process of construction.

"That the president of the company now holding the grant has publicly declared his unwillingness to build the road.

* * * * * *

"We would further represent that the lands of this company are rich in timber, iron, and coals; that the cost of the proposed railroad is not excessive, and we firmly believe that the road would have been built many years ago if the grant had been held by parties whose interests were not against the building of the road, and would be built now if the land grant were only declared forfeited.

"That the Oregon Central Railroad, built and to be built, is controlled by transfers and lease to the Oregon and Transcontinental Railroad Company, and the latter company is opposed to any extension of its system to Astoria.

* * * * * * *

"That the continuance of this grant is acting as a barrier to the settlement and development of the country and its resources; and that it is also acting as a bar to the building of a railroad by any other company through the same section.

"Wherefore, your memorialists would most earnestly but respectfully pray that all the said lands granted the Oregon Central Railroad Company, together with all lands which are overlapped by the Northern Pacific limits, and which are within a limit of twenty-five miles of the Oregon Central Railroad's located route (whether in Washington Territory or in Oregon), and all lands which would have inured to the Oregon Central Railroad in case it had been built, be declared forfeited and thrown open to public settlement under the general land laws of the United States.

"And we further most emphatically protest against any transfer or patents being granted of any of this overlapping grant (or any lands within twenty-five miles of the Oregon Central route) to the Northern Pacific Railroad Company, and as in duty bound we shall ever pray.

"Passed the Chamber, November 22, 1883."

Similar memorials, signed by over 2,000 citizens of Oregon, in the vicinity of the line, are also before us, and nobody, except those representing the company's interests, opposes the forfeiture.

In signing the petition for the forfeiture of the grant Mr. Gaston writes as follows:

GASTON, OREG., *December* 4, 1883.

I was president of the Oregon Central Railroad Company at the time Congress made the grant referred to in the above petition, and presented the matter before committees of the Senate and House of Representatives. And while the lands were then needed to secure the construction of the road, the circumstances of this country have been so changed since that the grant is, in the hands of its present owners, an obstruction to the construction of a railroad to Astoria and the development of the country. For if the grant was forfeited the country would be at once rapidly settled up, and other railroad companies would build a narrow-gauge railroad, if not a more expensive line.

JOSEPH GASTON.

As bearing on the question of the necessity of continuing the grant to insure a road to Astoria, it appears, by the current newspapers from Astoria, that upon the information given to the country that this committee had resolved to recommend forfeiture of this grant, capitalists have already visited Astoria with a view to secure terminal facilities and some local aid, and build the road. The newspaper account of the visit is as follows:

"He came to Astoria to make negotiations concerning the immediate construction of a standard-gauge railroad from here to Forest Grove. From his knowledge of the country to be traversed by the road it must be of standard gauge, thoroughly built throughout, well ballasted, and provided with all the safeguards against washouts, &c. The road, in his judgment, would cost to build from here to Forest Grove about $2,250,000. His proposition was for Astoria to give toward the building of this road the sum of $200,000 and suitable terminal facilities. It is reported on the street that at a meeting at the chamber of commerce rooms, on Saturday afternoon, Colonel Taylor promised thirty-four acres of land and accompanying tide land and water-front at Smith's Point, being worth at a fair valuation $40,000; and that other citizens present had so far expressed themselves concerning the amounts they would give, varying from $1,000 to $5,000, as to leave little doubt but that the $200,000 would be immediately forthcoming.

"Mr. Negus went on to say that the parties for whom he was acting were satisfied as to the financial desirability of the investment, and only looked on the giving of the bonus named and the facilities asked for as a fair expression on the part of our citizens. He said that the proposed road would not be in the interest of, nor would it be owned or controlled by, any existing corporation now on this coast; that he was fully prepared to negotiate, and that could everything prove satisfactory the work of construction would be immediately begun at Astoria and pushed to a speedy completion. In answer to a question as to who the parties were, Mr. Negus declined to say more than that he was one of the principals; that the corporation when organized would be composed of Massachusetts men, and that the moneys required would be raised in London.

"In deference to Mr. Negus's wishes much that was said is not here set down. In response to the query as to his future movements and the probable result of his visit he said that that was as yet undetermined. His visit here has given him a large amount of information concerning the place, its prosperity, and probable future; he was most favorably impressed, and now that he had visited Astoria he was more than ever in favor of building the railroad forthwith, and that the matter of the grant was still to be disposed of. Were the grant out of the way, the fall of 1885 would see Astoria in railroad communication with the remainder of the country. The road that he proposed to build must run through a country covered by the present grant, and while arrangements could and possibly would be made to allow the building of the line, yet nothing but the forfeiture of the grant would insure the best results derivable from the enterprise.

"Right here, as always, the whole matter seems to hinge; while the grant spreads its shadowy grasp over the magnificent scope of territory between here and Forest Grove, it deters any capital from building the road. In the present instance Astoria has sufficient proof. Here among us is a man representing millions, a man who has made the building and operating of railroads the study of his life, whose attention has been attracted by the inviting field for investment, who has become convinced of the financial desirability of the enterprise, whose requests have been liberally responded to by Astoria, and who goes on to-day's steamer with nothing definite arranged, solely because of the uncertainty occasioned by the existence of a grant which was in all justice forfeited eight years ago by non-compliance with the conditions coupled with its creation, but which still floats like a low-hung storm-cloud between that territory and the sun of prosperity."

The apparently unanimous expression of public sentiment of the citizens interested in connection with events occurring leads us to conclude that as a matter of policy the grant is not needed to secure the construction of a road; indeed, that one will be built sooner without it than with it in the hands of the present claimant.

On the foregoing state of facts, none of which are in dispute, the question is presented as to what is the proper action for this Congress as to this grant.

It must be remembered that under the law the grant of lands to aid in the construction of this road is a grant *in presenti*, and the conditions in the act conditions subsequent (Rutherford *vs.* Green's Heirs, 2 Wheat.; Luessen *vs.* Price, 12 How., 59; Schulenberg *vs.* Harriman, 21 Wall., 44; Van Wyck *vs.* Knevals, 16 Otto; Opinion Attorney-General Devens, 16 Opinions Attorneys-General, page —; Opinion Attorney-General Brewster, U. S. Senate Ex. Doc. 31, first sess. 48th Cong.); that the legal title to all the land is in the railroad company; and your committee also agree with the counsel for the company that the legal title so conveyed by the granting act is a subject of sale and transfer by the original grantee (subject, as we insist and shall show, to the condition contained in the act). So that no question arises as to the alleged transfer of the grant by the Oregon Central to the Oregon and California, so far as the passing of the legal title, as such, is concerned. We agree that the last-named company took by the transfer all that the first corporation had, and stood where the Oregon Central stood, with the legal title to the grant and charged with the conditions imposed and the burdens created by the act.

This brings us, then, to consider the real question at issue; and as this is the first grant we have considered where the question is presented of the effect legally of part performance by the grantee or its "successor and assign," of the conditions named in the granting act, and as the determination of that question in this case is to be a precedent, necessarily, for the action of the committee in subsequent cases, in like character of grant, we have given the subject careful attention, and believe our conclusions fully warranted.

Upon the agreed statement that the grant was one *in presenti*, counsel for the company insist that this grant is materially and radically different from any grant ever made by Congress *before* or *since* in these two very material respects:

First. There is no reservation in it whatever of any kind or character of a right to re-enter for condition broken; and

Second. There is no reservation whatever of any right to alter, amend, or repeal the act. Nor is there, third, as in the North Pacific and Atlantic Pacific, any reservation of a right upon the part of Congress, in case the grantee does not complete the road within the time specified, "to do any and all acts and things which may be needful and necessary to insure a speedy completion of the road."

All there is in the act upon the subject of a condition is in these words:

"SEC. 6. And the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years from the same date."

Counsel call attention to the fact that in grants of this character, before and since, Congress has generally, in terms, provided for forfeiture for breach of the expressed condition, and that in this case there is a departure in the language, in this, that all that section 6 provides is as above recited; and, quoting from his brief:

"It is respectfully insisted that the clause in the last section of the act (section 6) requiring said company to complete a section of twenty or more miles within two years, and the entire road within six years from the date of the grant, inasmuch as there is no clause of reverter or right of entry for condition broken, and no reservation of any right to alter, amend, or appeal, can not be held a condition, but simply a direction; it is not a limitation, but merely declaratory of the desire of Congress in the premises, and the failure to keep which on the part of the company gives no right to forfeiture."

We do not deem it necessary to argue that proposition. No language could be used more apt to make the estate one on condition subsequent than is used in this act. The words are of present grant "there is hereby granted," and then section 6, "and the foregoing grant is upon condition," &c.

This has always been held by the Supreme Court of the United States, as shown by the cases cited above, to make the grant one on condition subsequent. (See those cases.)

Again, the counsel urges:

"But conceding for the present that the words used in the last section are sufficient to create a condition, it is respectfully insisted that there being no express reservation either of a right to re-enter, or to alter, or repeal, Congress has no power to declare a forfeiture, and it can be done, if at all, by the judiciary alone. That the very most that Congress could do in this case would be to instruct the Attorney-General to institute the necessary proceedings to have a judicial forfeiture declared.

"There being no such reservation in the grant of May 4, 1870, it follows that the judiciary only, and not Congress, can declare a forfeiture on account of failure to perform conditions.

"And, aside from all technical rules, it is respectfully submitted that the judiciary, and not the legislative department, is the one to which all these questions of failure to comply with conditions subsequent should be remitted. The questions to be determined are essentially of a judicial and not of a legislative nature."

We considered the same question in the Texas Pacific case, and are content to repeat here what we said there as to both propositions, namely, first, the lack of power to declare forfeiture because of a want of express reservation of the right; and, second, that declaring a forfeiture is a judicial proceeding purely. We said in that case:

"As has been stated, we have had the benefit of legal argument by some of the most eminent counsel in the land, and the claim by this company to the grant on legal grounds may be stated in this way:

"By the act making the grant the title to the land passed to the Texas Pacific—the act was a grant *in præsenti*, with a condition subsequent.

"The Texas Pacific thus being vested with legal title (although subject to the condition subsequent, which contained, among other things, the building of the road to San Diego, and the completing the whole line by May 2, 1882, and that there should be no consolidation with any competing line, yet), the legal title was an assignable interest, which could be conveyed, and that by the deed made by the Texas Pacific January 18, 1882, to the Southern Pacific, it became vested with the legal title to all land, and because Congress did not, in making the grant and coupling with it a condition subsequent, in express terms to reserve to itself the power to declare the grant forfeited for breach of the condition if it should not be complied with, therefore no right of forfeiture exists, and the hands of Congress are tied, and the Government is powerless to resume the grant by reason of such omission.

"In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant, or it does not exist.

"No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interests being so great, we have examined the books on the question, and are not able to find a single authority in support of the proposition, and we believe none can be found.

"On the contrary, Washburn on Real Property, volume 2, third edition, page 15, asserts the rule to be:

"'Where the condition of a grant is expressed there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it.'

"See also Jackson *vs.* Allen, 3 Cowan, 220; Gray *vs.* Blanchard, 8 Pick., 284; Littleton section 331.

"Indeed, all the cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

"Counsel also urge that under the law a forfeiture of a grant is purely a judicial question, one for the courts alone, and that Congress has no power in the matter.

"We are of different opinion. It seems perfectly clear to this committee that a declaration of forfeiture is only the act of the grantor asserting his right to resume the grant, to be exercised at his option, terminating an estate for breach of the condition on which it is granted. The power rests with him; it is at his option whether he will exercise it or not; purely a matter of discretion, with the exercise of which the courts have nothing to do; and until it is exercised there is nothing on which the court can act.

"When forfeiture is declared and resumption of ownership asserted by the grantor, then the court may be invoked to declare whether the right existed or whether it had been effectively exercised; but the question of forfeiture is with the grantor, personal or legislative, as the grant is private or public, and the judiciary has no jurisdiction whatever until after the grantor has acted to assert his or its right to declare the forfeiture, and then the grantee may invoke the judiciary.

"To us this is too clear to be regarded as debatable or needing elaboration."

To this it might be added that the judicial proceedings suggested as a necessity by the opponents of forfeiture must be specially authorized by Congress. Nobody pretends that the Department of Justice could institute any such proceeding without an express act of Congress authorizing it; therefore the whole matter comes back to this, that affirmative legislation must be had, and we are clearly of opinion that Congress is the only body to exercise the option of reclaiming the lapsed grants.

No difficulty has arisen in any of these cases as to the fact of non-performance; indeed, in all of them breach of the condition is admitted; so there are no disputed questions of fact to be investigated; and whether the people shall preserve their own property is clearly a question more properly for the people to determine through their representatives than for any court. The Supreme Court, in United States *vs.* Repentigny (5 Wallace, 267), decided that an act of Congress is an equivalent for the ancient "inquest of office found."

The election to waive the foreiture or to enforce it rests with Congress.

It is a question of intention, and neither the executive nor judicial department of the Government can know what the pleasure of Congress may be, and can not, therefore, act to revest the title until Congress has declared its intention in that regard.

As to the grant, then, as an entirety, as a whole, the counsel insists that there is no power whatever in Congress to deal with it, and that we not only can not but ought not to forfeit it.

And here it may be well to call the attention of the House especially to the position of this company. It not only never began the construction of the road for which the grant was given, namely, to Astoria; it simply built out from Portland toward and up the Willamette Valley, for purposes of its own, to meet the California system, as is agreed by the counsel, and for ten years has utterly failed and refused to move a spade of earth toward Astoria; not only this, but the company has, as we have shown by the letter of Mr. Villard, "utterly abandoned the project."

This is admitted by counsel; there is no pretense that there is any change in the policy of the company, no promise by any one in authority that any attempt will be made to do any work on the road, yet the counsel for it argues that we can not and ought not to attempt to take back this great grant for settlement.

Refusing to build the road and earn the land; abandoning the project absolutely, they insist that no power exists in Congress to retake the title, but these lands must lie as a waif beyond our power. This is the frontier line of corporation assurance in their claims to the public lands. We conclude that we have the power to declare a forfeiture, and the question is, how far does it extend?

In cases like this, where there is no limitation in the act on the power, the declaration of forfeiture relates back to the date of the grant, and the Government is restored to its original estate.

This follows from the nature of the estate granted; the estate is one on condition subsequent—that is, an estate liable to terminate and become no estate on the happening or non-happening of some event in the future.

Here the legal title to the grant as an entirety passed to the company by the act as fully and completely as though the patents had issued at that date, subject, of course, to the conditions named in the grant.

Let this be kept clearly in mind: that the act passed the legal title and conveyed all the estate which the grantee could get; the subsequent building of the road and the issuing of patents only gave precision to the grant, but did not add to or strengthen the title which the company had under the act. What it had, it derived wholly from the act making the grant. This the Supreme Court has expressly and repeatedly decided. There has been an absolute breach of the condition of this grant since May 4, 1876, and an abandonment of the project. Therefore there is a right of forfeiture. How far does it extend?

In Sheppard's Touchstone, 154, it is said:

"It is generally true that he that doth enter for a condition broken doth make the estate void *ab initio*, and that he shall be in of his first estate in the same course and manner as it was when he departed with the possession and at the time of the making of the condition. And hence it is that if there be any charge or incumbrance on the lands, as if the lessee of land upon condition grant a rent charge out of the land or enter into a statute or recognizance and the cognusee has the land in execution and this charge is after the condition is made, in this case when the condition is broken and the party doth re-enter he shall by relation avoid the rent, statute, and recognizance and hold the land freed from them all."

The same doctrine is found in other authorities. Thus in Coke-Littleton, 202*a*, it is said broadly:

"He who enters for breach of condition regularly shall have the land of his first estate."

At 201*a* it is said:

"In these cases if the rent be not paid at such time or before such time limited and specified within the condition comprised in the indenture, then may the feoffer or his heirs enter into such lands or tenements and then in his former estate to have and to hold and the feoffee quite to ouste thereof."

This is the language of Littleton. Coke says:

"Regularly it is true he that entereth for a condition broken shall be seized in his first estate or of that estate which he had at the time of the estate made upon condition, but yet this fayleth in many cases."

Coke goes on to specify the cases in which it "fayleth." They are placed under the two heads of "impossibility" and "necessity," and have no application here.

Butler and Hargreaves, in their note to this passage, say:

"It may be further observed: First, That as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, as dower, &c., and all mesne incumbrances of the feoffer."

The same doctrine is in 1 Rolle Abridg., 474, 617. Comyn's Dig., tit. Condition, 0. 6.

So in Greenleaf's Cruise on Real Property, vol. 2, p. 25, sec. 10 (in Greenleaf's edition the original six volumes are bound in three, and the passage quoted is therefore in his first volume as bound), it is said:

"Where a particular time is appointed for the performance of a condition, it must be performed at or before that time."

At page 40, sec. 39, it is said:

"Upon the breach of a condition the feoffer or grantor, or his heir, becomes entitled to the estate to which such condition was annexed."

At page 44, sec. 52, it is said:

"Where a person enters for a condition broken the estate becomes void, *ab initio*; the person who enters is again seized of his original estate in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, together with all charges and incumbrances created by the feoffee during his possession; for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to these charges."

In section 53 the writer says that on re-entry a rent charge or judgment is gone; and in section 54 he says the dower of the feoffee's wife is gone on re-entry.

Washburn on Real Property, volume 2, sec. 13, says:

"When such entry had been made the effect was to reduce the estate to the same plight and cause it to be held in the same terms as if the estate to which the condition was annexed had not been granted."

At page 457, same volume, sec. 24, it is said that *an estate subject to a condition does not lose its capacity of being sold or devised in the same manner as an indefeasible estate*, but that the purchaser or whoever takes the estate will take it subject to the condition annexed.

Kent declares the law to the same effect:

"Persons who have an estate or freehold subject to a condition are seized, and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by statute of limitations or by estoppel."

Again he says:

"Laches are chargeable upon the grantee (of an estate subject to condition), even though such grantee or his assignee be an infant or *feme covert* for non-performance of the condition annexed to the estate."—*Kent's Commentaries*, volume 4, pages 125, 126.

As held in the case of Jackson *vs.* Crisler (1 John. Cas., 125, 126), he who purchases an estate of a grantee who holds upon a condition subsequent takes the estate subject to the condition. He must look to the title and take it as it exists.

The Supreme Court of the United States has expressly decided this to be the law in the well-considered case of Foxcroft *vs.* Mallet (4 How., 353). The State of Massachusetts gave a large body of land in Maine to Williams College on the condition that thirty settlers in each township might each have one hundred acres for $5. The college conveyed a township to Ingersoll, who conveyed 6,000 acres of the same to Samuel Mallet, subject to the condition that it should bear its proportion of that burden.

Mallet gave back to college a mortgage upon all the land without expressly referring to that condition in his title, though he did refer to the deed.

That mortgage was afterward foreclosed and the lands were conveyed thereunder by mesne conveyances to Foxcroft, who claimed to own the whole tract by title superior to David Mallet, one of the settlers who took title after the mortgage was made. The court decide that the mortgagor could not pass by mortgage a greater interest than he obtains; that—

"The condition or charge was on the land as an incumbrance by the very terms of the deed to him, and he could not if he tried convey a title to the land which should be free from it. Such a condition attaches to the land wherever it goes, although the same should pass through a hundred hands. In our view it operates like a covenant which runs with the land, and all assignees are bound by covenants real that run with the land." (Page 377.)

The case of Schulenberg *vs.* Harriman, 21 Wallace, 44, has been cited as against this doctrine, but an examination of that case will show that it is in harmony with the principle. That case arose on this state of fact:

A grant was made to the State of Wisconsin to aid in the construction of a certain railroad.

The road was not built within the time—ten years—and after its expiration the plaintiff went upon the land and cut a lot of trees growing upon it and floated them off with others.

The defendant, as agent for the State, seized the logs as its property, they having been cut from the lands, the title to which was in the State, under the grant, as he insisted.

The plaintiff replevied them, and as to the claim that the title was in the State by the grant made these points:

(1.) That the legal title did not pass by the act of the State; that the act did not vest the title *in presenti*; that the State was only an agent for the future disposition of them.

(2.) If the title passed to the State by said acts, such title reverted to the United States, no part of the road having been built at the expiration of the period

limited in the grant, the condition being, "If the road is not completed within ten years no further sale shall be made, and the lands unsold shall revert to the United States."

So the precise question was whether there was title in the State sufficient to maintain trespass or replevin against a wrongdoer.

The court held that the grant was one *in presenti;* that the legal title to the lands passed to the State by the act itself; that the conditions in the act were conditions subsequent, and as to them the court said:

"The provision that all lands remaining unsold after ten years should revert to the United States if the road be not then completed is no more than a provision that the grant shall be void if a condition subsequent be not performed; * * * that it is the settled law that no one can take advantage of the non-performance of a condition subsequent annexed to an estate in fee but the grantor or his heirs, or the successors of the grantor, if the grant proceed from an artificial person, and if they do not see fit to enforce a forfeiture on that ground the title remains unimpaired in the grantee.

"In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant that right must be asserted by entry or its equivalent; if the grant be a public one it must be asserted by judicial proceedings authorized by law, * * * or there must be some legislative assertion of ownership of property for breach of the condition, such as an act directing the possession and appropriation of the property or that it be offered for sale or settlement."

Upon the question of sales by the State after failure to complete the road within the ten years the court says:

"The provision in the act of Congress of 1856 that all lands remaining unsold after ten years shall revert to the United States, if the road be not then completed, is no more than a provision that the grant shall be void if the condition subsequent be not performed. * * * The prohibition against further sales, if the road be not completed within the period prescribed, adds nothing to the force of the provision. A cessation of sales in that event is implied in the condition that the lands shall then revert: if the condition be not enforced the power to sell continues as before the breach, limited only by the object of the grant and the manner of sale prescribed in the act.

"It was further held that where no action had been taken to assert forfeiture of the estate granted by the act, the title remains 'in the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections.'"

The court therefore held that the plaintiff could not recover the logs, and, as must be apparent, the only question dealt with was the one of legal title, and of course, as the legal title (though subject to the condition subsequent) was in the State by the grant, it would continue there until Congress took advantage of the breach of the condition by asserting a forfeiture.

This is in harmony with the text-books; the legal title is in the State or the corporation, as the case may be, and the estate may be sold, conveyed, and mortgaged precisely as though the condition was not annexed.

Washburn says, in his work on real property, volume 2, page 452, section 24:

"An estate subject to a condition does not lose its capacity of being sold or devised in the same manner as an indefeasible estate, but the purchaser or whoever takes the estate will take it subject to the condition annexed. So, in Kent's Commentaries, volume 4, pages 125-126, it is said: 'Persons who have an estate or freehold, subject to a condition, are seized and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by the statute of limitations or by estoppel.'"

Foxcroft *vs.* Mallet, 4 Howard, 353, also contains a full exposition of the law on this subject worthy of careful reading.

But Van Wyck *vs.* Knevals, 16 Otto, 365, is relied on as an authority, that by a partial performance by the company it earns, so to speak, a proportional amount of its grant as to all the road constructed before a declaration of forfeiture, in the proportion to the whole grant that the constructed portion of the road bears to the whole length of the line. The question was between individuals, and as to priority of right, in this state of case. Van Wyck entered the land April 13, 1870, and received a patent therefor November 15, 1871.

The map of definite location of the road, which gives precision to the grant, was filed in the Department of the Interior March 25, 1870, accepted the same day, forwarded to the local land office April 8, 1870, and received there April 15, 1870. In the mean time Van Wyck had made his entry, and the question was whether the filing of map or the notice at the local land office gave the right to the company to the land, Knevals claiming from the company. On that question the court held for Knevals that the filing of the map and its acceptance by the Department fixed the right.

The condition in the grant in question was as follows:

"*Provided further,* That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made the lands remaining unpatented shall revert to the United States."

And on the question we are considering, the language of the court relied on by those denying the right of absolute forfeiture is as follows:

"The defendant [Van Wyck] having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant, alleging that the company never completed the construction of the entire road for which the grant was made; that after filing its map with the Secretary of the Interior, it changed for part of the distance the route of the road, and that it never complied with the conditions of the law of Nebraska for the extension of its road within the limits of that State. We do not deem these objections, when considered with the facts on which they are based, as having any force. There is to them a ready and conclusive answer. Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that, therefore, the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. Patents for some of the adjoining sections were accordingly issued to the company, and a right to all of them, not specially reserved by the condition of the grant, vested in it. So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented, the transaction on the part of the Government was closed, and the title of the company perfected. The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted (not reserved) is equally clear.

"If the whole road has not been completed any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings or through the action of Congress. (Schulenberg *vs.* Harriman, 21 Wall., 44.) A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach.

"All, then, that the court decides is that, as between the Government and the company, the title passed by the grant; it acquired precision by filing the map without regard to the question of notice; that, under the act, when the lands were patented, the transaction is closed, and for the obvious reason that, in the condition in the grant, the act of *revertitur,* in a declaration of forfeiture is restricted to "the lands remaining unpatented."

Let it be remembered that in the acts making these grants various powers are conferred and various restrictions on the power of forfeiture are provided, and we agree that Congress may impose restrictions upon the power to declare a forfeiture in case of default; that it may bind the Government by a limitation as to the extent of the reversion, as to what lands shall be affected by the assertion of the right, and what shall be exempted from the operation of the forfeiture; further, that whatever limits the act itself or subsequent legislation imposes on the power to declare forfeiture, either as to the manner of its exercise or the extent to which it shall extend, or as to what shall be exempted from its operation, subsequent Congresses are bound.

In the earlier grants, like that to Illinois for the Illinois Central, the power to declare forfeiture was restricted to this: that if the railroad was not completed within ten years, the State should pay the United States what it received upon sales by it; the title of the purchasers to remain valid; the title to the residue of the lands to reinvest in the United States as if the act had not been passed. (9 Stat., p. 467.)

In later grants, like those to Mississippi, Alabama, Florida, and other States, in 11, 13, and 14 Stat. at Large, the restriction on the power of forfeiture was that if the roads were not completed within the time fixed "no further sales shall be made, and the lands unsold shall revert to the United States."

Or, like the cases of the Wisconsin Central, and Lake Superior, and Michigan Railroads (13 Stat., pages 64 and 66), where, if the roads were not completed, "no further patents shall be issued to the company, and no further sales shall be made, and the lands unsold shall revert to the United States."

Or, like the grants to Arkansas, Minnesota, and Missouri (14 Stat., pages 83 and 87), where, if the roads were not completed as required, "the lands not patented shall revert to the United States."

Or, like the grant to Iowa (13 Stat., 72), for the Sioux City and Saint Paul Railroad, "if the road be not completed within ten years, the lands not patented shall revert to the State for the purpose of securing the completion of the road; and should the State fail to complete the road within five years after the ten years, then the lands undisposed of shall revert to the United States."

Or, like the California and Oregon, and the Oregon and California grants, 14 Stat., 239, if the roads were not completed, or failed to file assent as required, "the act shall be null and void, and all lands not conveyed by patent at the date of such failure shall revert to the United States."

Or, like the Northern Pacific act, 13 Stat., 365, the Atlantic and Pacific act, and the Southern Pacific act, 14 Stat., 292, the Texas Pacific act, and the New Orleans, Baton Rouge and Vicksburg act, 16 Stat., 573, where the right of forfeiture was not restricted, but left as a common law (unless modified by the subsequently conferred power to mortgage, not necessary to be noticed now and here) with the imposition of further conditions, "that the United States might, in case of default, do any and all acts necessary to insure the speedy completion of the road."

Or, as in the case, in the act we are now considering, where the "estate on conditions" simply is granted, and no restriction whatever on the power of forfeiture. These different classes of conditions and restrictions on the power we are discussing show the varying moods of Congress on the question, and each case must be examined, when the exercise of the power is invoked, under the particular terms of the condition and the restriction, if any, in it, and as to them all this clearly follows under the authorities; that where, as in this case, the grant stands on common-law grounds, without restriction on the power by act of Congress, the forfeiture restores the whole grant as it was "at the date of it, at the time of making the condition," nothing but full performance under the act or waiver by some expressed enactment will prevent it.

Although the attention of the learned counsel for the company was especially called to this question (and time given to examine into it), namely, the power to declare an absolute forfeiture of this grant notwithstanding a portion of the road has been built within the time, not an authority has been produced to the committee showing or tending to show that the power does not exist; nor does the committee believe that a respectable authority can be produced either elementary or among the reported cases decided by the courts, holding that the power to declare an absolute forfeiture is not in the grantor in cases like this where there is no restriction in the act, or any subsequent enactment.

There is no question of constructive waiver in this case, because nothing has been done since the expiration of the time within which the road was to have been built. This, the committee think, determines the legal question, and that Congress has the power to declare full forfeiture.

But having the power, it does not follow that it ought to be exercised.

The question of proper policy in the exercise of a wise and just discretion is frequently more difficult of solution than the one of legal right. In this case there appears absolutely no equity or claim to favorable consideration for aid for that part of the road built.

As clearly appears, it was not intended as part of the road Congress desired. The branch was to be from a "point of junction" with the main line, near Forest Grove, clearly contemplating a main line; no road was ever built beyond that point, but constructed road, used as part of another main line up to Corvallis and south of that, to secure, not the road aided by Congress, but, as counsel admit, "for the purpose of having a better basis of credit to secure as speedily as possible the completion of the uncompleted portions of both roads from Roseberg south to a connection with the Central Pacific," practically to secure and control the lines of transportation in the hands of Messrs. Huntington and Villard, and leave Astoria shut out from the privileges Congress intended she should have.

Not only so, but all these years, by asserting that he intended to build the road, others were deterred from entering upon the work free of expense to the Government, and this vast area of land, 1,500,000 acres, withheld from sale and settlement by this "dog-in-the-manger" policy.

The letter of Mr. Gaston, former president of this company, inserted above, fully explains this.

Mr. Villard's company, he writes, has "abandoned the project" of building the road.

We submit they ought to abandon the grant; and we report the annexed bill forfeiting the grant, for favorable action and passage.

We have not been able to learn certainly whether this company has assumed the right to dispose of any of these lands to settlers or not, but are led to believe that it has to some extent; and to guard against any possible wrong, and to do justice to any citizen who may ignorantly have purchased any of these lands, we add a section giving such persons, if there be any, a prior right to the land that they assume to purchase of the company, for reasons which will suggest themselves to the House on reading the section, and commend themselves to its judgment.

Mr. PAYSON. Mr. Speaker, I only wish, at the outset of this discussion, to make a brief statement as to the substantial features of this bill, and in doing so I shall occupy only so much time as the gravity of the case would seem to require.

This bill comes to this House unanimously reported from the Committee on Public Lands. It involves 1,130,800 acres of the public lands. The claim which is made to a portion of it is made solely by the Oregon Central Railroad Company. No other corporation is interested in it, so far as we know. There is neither legal nor equitable claim on the part of this corporation to a single acre of the land which is involved. Indeed, it is conceded by the legal representatives of the railroad company, that if there is in this Congress the legal right to assert a forfeiture they have no legal claim to a single acre of the land. It

is only just to say that a claim is made equitably to perhaps 320,000 acres of the land.

Mr. BELFORD. Mr. Speaker, I regard this measure as the pioneer in the discussion that is to follow regarding this question of forfeitures; and I sincerely hope that we shall have order so that the gentleman from Illinois can be distinctly heard in the Hall. This is the beginning of the discussion of these railroad grants, and I insist that there shall be order during the discussion, or that we shall suspend business.

The SPEAKER. The Chair will endeavor to preserve order, and gentlemen on the floor will cease conversation.

Mr. PAYSON. I take it, Mr. Speaker, that I am entirely safe in saying that if there is any one question upon which public sentiment is united in this country, the whole nation over, it is that every acre of the public domain that is now being claimed by these corporations to which they have not a clear, legal right, or a countervailing equitable claim, that every acre of it shall be restored to the public domain and made subject to sale and settlement under existing law. So I shall waste no time in the discussion of that proposition as to whether there is a public demand for this kind of legislation.

Coming, then, to the facts in this case upon which the House will be called to vote, they may be briefly, and, I think, clearly stated in about this way: In 1870 this grant of the public domain was made to this railroad company as the consideration for the building of a railroad line from Portland to Astoria. Assuming that the House is familiar with the geography of that country, I will simply state that the distance from Portland to Astoria is one hundred and twenty-two miles. The grant was made for the building of this railroad, and the authority was given to build a branch line from a suitable point of junction, in the language of the act, near Forest Grove, which is distant twenty-five miles from Portland, up to Willamette Valley, toward the Oregon State line, at a place called McMinnville, in the State of Oregon, twenty-two miles distant. This entire road was to be constructed within six years from the date of the grant. The time expired, therefore, in May, 1876.

The road was not built——

Mr. BELFORD rose.

Mr. PAYSON. If the gentleman will not interrupt me, I will state all of the facts in connection with the matter, and as to every fact which I shall state I think there will be no dispute even by the only gentleman whom I have heard of as opposed to the bill. I refer to the gentleman from Oregon [Mr. GEORGE].

The construction of this road was begun at Portland. I should say in passing that an examination of the debates in this House as well as in the Senate at the time the grant was made will show that the principal object of making the grant was to secure the connection—a railroad connection—between Portland, on the Willamette River, in the interior of Oregon, and Astoria, on the Pacific coast. The construction of the road was commenced within the time and forty-seven and one-half miles of the road built within the period specified.

The road was constructed out to Forest Grove, then up the Willamette Valley to McMinnville, in all forty-seven and one-half miles, within the period prescribed by the act.

Mr. BELFORD. Will my friend from Illinois permit me to ask him a question?

Mr. PAYSON. Yes, sir.

Mr. BELFORD. Did not a panic come on the country in 1873, and was not every business interest prostrated and paralyzed by reason of that panic, and especially in relation to the construction of railways?

Mr. PAYSON. As a matter of the financial history of this country, I will say yes. But that had nothing whatever to do with this enterprise.

I was about to state, when interrupted by the gentleman from Colorado, that the construction of this road came into the hands of Mr. Henry Villard, who had succeeded to the control of the entire railroad system in Oregon, and not only that, but of the Oregon Navigation Company's line of transportation on the Columbia River. Desiring to make a connection between this line and the Huntington railroad system in California, which was extending its road northward to the Oregon line, Mr. Villard and his associates abandoned absolutely the construction of this main line of road in consideration of which this grant of land was made. Instead of treating it as a part of the main plan they used it merely as a factor in the scheme of connecting the Oregon system with the south.

A mortgage put upon it for a million and a half of dollars was used to secure terminal facilities in the city of Portland, and not a dollar of it in perfecting the scheme for which Congress made this great grant of land.

To make myself understood by an illustration which we will all understand, and anticipating perhaps the argument that will be advanced by the gentleman from Oregon [Mr. GEORGE], let me say the situation is precisely this as to this constructed piece of road: Suppose Congress made a grant to some company to build a railroad from this Capitol to Georgetown along Pennsylvania avenue, with a branch up Four-and-a-half street to the City Hall. That is an illustration of the situation. The railroad company commence and build down Pennsylvania avenue, then turn up to the City Hall, and for purposes of their own continue their line to the city of Baltimore and abandon absolutely the balance of the road from Four-and-a-half street to Georgetown. That is the case precisely.

I hold in my hand the printed copy of a letter from Mr. Villard to the Astoria Chamber of Commerce, written in 1883. After having so long held that grant of land as an absolute pall on its settlement and sale, he announces to these people that he absolutely and utterly abandons the project and does not intend to construct the road.

During the last eight or ten years—the proof is before us—corporations have been organized and individuals have associated themselves together and have been willing to build this road without a dollar of subsidy or without an acre of land. And as a part of the current history of the transaction I may state that only one month ago in the city of Astoria, on the assumption that this House would indorse the action of your committee relating to this grant, steps were being taken to build this road without a dollar of aid from the Government, with the amount perhaps of $100,000 of local aid from the citizens of Astoria.

There is the case in a nutshell, and all there is of it. I do not care to go into the legal argument here, for it is absolutely unnecessary, as to the power of Congress to declare a forfeiture in this act; nor do I intend to waste the time of this House in arguing the question of policy outside the question of right so far as regards the forty-seven and a half miles of constructed road.

Mr. HORR. May I ask the gentleman a question?

Mr. PAYSON. Yes, sir.

Mr. HORR. How much of this road has been built on the line of the land grant?

Mr. PAYSON. Twenty-five miles.

Mr. HORR. And none along the rest of it?

Mr. PAYSON. None of the rest built or attempted to be built.

Mr. HENDERSON, of Iowa. Do you forfeit the grant along the twenty-five miles?

Mr. PAYSON. We do.

Mr. HORR. What is the length of the whole line?

Mr. PAYSON. One hundred and twenty-five miles.

Mr. HORR. I want to get at the fact. In the grant of this land was there provision made that the company should get lands as certain portions of their road were completed?

Mr. PAYSON. That was provided in the act.

Mr. HORR. Have the patents for those lands been issued?

Mr. PAYSON. There has never been any patent issued.

Mr. HORR. Were the company entitled to patents for the lands?

Mr. PAYSON. No, sir; they were never entitled to an acre of the land, as the committee unanimously agree.

Mr. WARNER, of Ohio. Not entitled to any, even for the part they built?

Mr. HORR. If the lands were to be patented to the company as they went along with the construction of the road, why did they not get the patents?

Mr. PAYSON. I do not know. The Interior Department refused to issue the patents.

Mr. HORR. Were they not entitled to them on the portion of the road constructed?

Mr. PAYSON. They were not entitled to them.

Mr. HORR. Why were they not entitled to them?

Mr. PAYSON. Because the grant was on the condition that the entire road was to be completed prior to May 10, 1876, and it never was completed, but was abandoned.

Mr. HORR. I understand you to say that they did build a portion of the road.

Mr. PAYSON. They did; but the Interior Department regard it, as I regard it, and as I think every lawyer will regard it, that unless that road is constructed they are not entitled to any land.

Mr. HORR. I think I now understand you.

Mr. WARNER, of Ohio. The gentleman has mostly answered the question which I wish to ask him, which is whether the Committee on Public Lands consider this company entitled to any part of the grant proportionately to the amount of road they had built, or whether there had been patented to the company any land for the portion built?

Mr. PAYSON. There has been none patented to them.

Mr. WARNER, of Ohio. And the company is entitled to none?

Mr. PAYSON. We all agree to that.

Mr. WARNER, of Ohio. And the committee so report?

Mr. PAYSON. The committee so report.

Mr. RAY, of New York. The gentleman says that no road has been built over this precise line. I would ask him if any road has been constructed between the terminal points or upon a substantial parallel line?

Mr. PAYSON. There is no railroad communication between Portland and the interior in any way.

Mr. GEORGE. Between Portland and the interior?

Mr. PAYSON. I should say between Astoria and the interior. I believe that is all I care to say in the presentation of this matter in the outset, and I will reserve the remainder of my time, unless some gentleman desires to ask me a question.

Mr. COX, of North Carolina. The gentleman says that this company is not entitled in law to any of this land. Are they entitled to any in equity?

Mr. PAYSON. They are not, and the gentleman would have understood my reasons for saying so if he had heard what I had said in the opening of my remarks. I will repeat what I have said in reference to it.

Mr. LACEY. I would suggest that questions should be addressed to the Chair, so that we may hear what the questions are and appreciate the answers.

The SPEAKER. The point of order is well taken.

Mr. MILLARD. I would like to ask the gentleman a single question.

Mr. PAYSON. Certainly.

Mr. MILLARD. Was not this road to be built in sections of twenty miles?

Mr. PAYSON. I think so.

Mr. MILLARD. And were not certain portions or sections of this road completed and accepted by the Government?

Mr. PAYSON. I think so.

Mr. MILLARD. And you propose by this bill to forfeit not only the lands earned by the company for the portions of the road which were constructed and accepted by the Government, but also all the lands which would come to the company had it constructed the other portion of the road?

Mr. PAYSON. Precisely; and for this reason. I will occupy a moment more of my own time in answering the question of the gentleman. Any lawyer who will examine this grant or who has listened to the reading of the report will see that the grant is one known among lawyers as a grant *in præsenti*, upon conditions subsequent, the conditions being that the road shall be completed as required by law.

Mr. WARNER, of Ohio. The whole road.

Mr. PAYSON. Yes, the whole road. No matter what provisions may have been made as to details, no matter if there is a provision in the grant that the road may be examined in sections, or that patents may issue when those different sections are accepted by the Government, all the time that is subject to a reserved right on the part of Congress, to be exercised whenever, in its discretion, it chooses to exercise the right of declaring a forfeiture of the whole grant for breach of the conditions. The law is as well settled as that two and two make four in mathematics, that the issue of patents for sections accepted does not strengthen at all the title that the railroad company has to the land.

Mr. WARNER, of Ohio. I wish to ask the gentleman one more question.

Mr. PAYSON. I yield to the gentleman with pleasure.

Mr. WARNER, of Ohio. I understand that in this bill the rights of settlers on any of these lands are fully protected.

Mr. PAYSON. Yes, sir; I should have stated that at the outset. The railroad company has assumed to have the title to these lands, so that it has sold a large portion of this grant. We are advised that parties are now in possession claiming under the imperfect title which they obtained from the railroad company. The committee in this bill recommend that every purchaser from the railroad company shall be treated as though he was a purchaser from the Government to the extent of his purchase, and to validate the title in him to the lands he thus holds.

Mr. HORR. Do I understand that the company has exercised ownership over these lands?

Mr. PAYSON. They have assumed the right to sell the land to settlers upon this grant. More than that, and I am glad the gentleman has asked the question, though the act provides that the company shall sell to actual settlers only in quantities of one hundred and sixty acres to each settler, it has assumed the right to sell thousands of acres for the timber which is upon it to a single person or corporation, without any shadow of right or authority to do so.

Mr. HORR. Do their mortgages cover any of these lands?

Mr. PAYSON. They do. They have given a mortgage of $1,250,000 upon some of these lands; to what extent we are not advised, nor could we ascertain.

Mr. HORR. Now, do I understand the gentleman's position to be this: If a company goes on and completes a certain portion of its road in good faith under the terms of its contract, and is allowed to have lands patented as certain portions of the road are completed, it may go on and build perhaps one hundred and twenty miles in that way, and then, because the company does not build the rest of the road within the time, the Government has an equitable and moral right to declare the entire land forfeited and take away from the company what it has earned?

Mr. PAYSON. When the gentleman asks what we have a "moral right" to do, that is a question which every member will settle for himself. If he asks whether we have a legal right to do it, I say unhesitatingly yes; and I have never heard any lawyer, except some attorney for a railroad company, who ever denied the proposition. If the gentleman asks me whether we have an equitable right, I say to him that the question of equity must be settled by every member of this House in accordance with his notion of equity. If he asks me what my judgment is in this case, I answer promptly and say that I do not believe this railroad company has an equitable right to a single acre of this land, nor is there a member of the Committee on Public Lands who so believes.

Mr. HORR. That is not the question. Does the gentleman believe it possible for an equity to be created in a case of the kind I have stated?

Mr. PAYSON. Certainly I believe it; and the Committee on Public Lands so believe. There are bills on your Calendar in which we recognize this equitable right. We believe every case should stand on its merits, and wherever the forfeiture is opposed by any countervailing equity we recommend that such equity should be regarded. There are on your Calendar bills in which we have allowed some of these corporations millions of acres of land to which legally they have no more right than I have to the ground on which this Capitol stands; we allow the lands to the companies in such cases upon principles of equity.

But I do not propose in this discussion to argue the question of equity in those cases. I confine my remarks to the case under consideration now and here; and as to that I say there is neither a legal right nor an equitable right on the part of the company to an acre of land involved in this grant.

Mr. CANNON. I understand my colleague [Mr. PAYSON] to say that in this bill the rights of purchasers from this railroad company have been protected.

Mr. PAYSON. Absolutely.

Mr. CANNON. And I also understand him to say that a mortgage has been placed on all or some of the lands where the road has been completed to the extent of $1,250,000.

Mr. PAYSON. Yes, sir.

Mr. CANNON. Now, does this bill protect the rights of the mortgagees?

Mr. PAYSON. It does not. It lets them stand precisely where the law leaves them. When the mortgage was negotiated the statute was open to the examination of the men who invested their money in that mortgage. They knew, or are presumed to have known, what they were doing. The Committee on Public Lands do not recognize that there is any obligation imposed upon Congress to protect the rights of everybody who from one motive or another may have invested money in that class of securities.

But as to the men who went there poor, who braved the dangers of frontier life and in good faith, in ignorance of the law, purchased lands from this railroad company, assuming that it had the power to sell what it had not the power to sell, we propose not to subject them to any evil or inconvenience but to treat them, on equitable grounds and equitable grounds alone, as if they were purchasers from the Government.

Mr. CANNON. Will my colleague yield to me for a question?

Mr. PAYSON. Mr. Speaker, how much time have I?

The SPEAKER. Thirty-two minutes.

Mr. PAYSON. Then I yield to my colleague.

Mr. CANNON. One other question in the same line, for it is right in point. I think the committee has done well in that respect so far as the settlers are concerned; but as I understand this mortgage of $1,250,000 was necessarily made to protect bonds which have been issued. Now presumably those bonds are held by various people——

Mr. PAYSON. I did not yield for a speech.

Mr. CANNON. Then I will ask my colleague this question, whether it is not as equitable to protect the widow or the orphan or the trust fund that may happen to hold one of these bonds secured by mortgage (who had the same notice as the settlers and no more) as it is to protect the settlers?

Mr. PAYSON. Very likely, Mr. Chairman, if the holders of the bonds were the widows and orphans that the gentleman refers to so feelingly, but observation of the business public in this country does not lead to the conclusion that the holders of these railroad securities belong to the class that my colleague would desire to protect here. I never happened to hear that any of these widows and orphans live in million-dollar houses in the city of New York.

Mr. WEAVER. I understand the gentleman to say that the bill as reported by the committee protects those who have purchased lands from the railroad company?

Mr. PAYSON. Yes, sir.

Mr. WEAVER. And that the original act provided they should not purchase a quantity exceeding one hundred and sixty acres to each person?

Mr. PAYSON. Yes, sir.

Mr. WEAVER. And further, the gentleman stated, as I understood, that in some cases they have purchased as high as a thousand acres.

Mr. PAYSON. Only the timber from it; not the fee of the land, but the timber from it.

Mr. WEAVER. As I understand, you do not provide in your bill for anybody in excess of one hundred and sixty acres of land? That I understand to be in accordance with the provisions of the act.

Mr. PAYSON. Yes, sir.

Mr. WARNER, of Ohio. Will the gentleman yield to me?

Mr. PAYSON. Yes; for a question.

Mr. WARNER, of Ohio. Does the mortgage referred to by the gentleman from Illinois cover the entire land grant, or only a part of it?

Mr. PAYSON. It covers the entire grant to the company. Every thing they could mortgage. It has been stated, and never disputed——

Mr. BELFORD. Allow me to ask the gentleman a question.

Mr. PAYSON. Yes, if you will make it brief. If my friend from Colorado will come at once in his happy vein to the point, I will be glad to hear him.

Mr. BELFORD. You have thirty-two minutes remaining of your time and certainly you can yield me one of them.

Mr. PAYSON. With pleasure.

Mr. BELFORD. You stated every lawyer connected with a railroad company——

Mr. PAYSON. I think the gentleman is mistaken.

Mr. BELFORD. Let me put my question. The gentleman stated on the floor of this House that nobody was opposed to this bill except the attorney of some railroad.

Mr. PAYSON. I beg the gentleman's pardon.

Mr. BELFORD. You said——

Mr. PAYSON. I can not yield to be misrepresented.

Mr. BELFORD. I have not the slightest idea of misrepresenting the gentleman from Illinois. Have I not uniformly authorized you, sir, to cast my vote in that committee according to your judgment?

Mr. PAYSON. Yes; you have.

Mr. BELFORD. I never was an attorney of a railroad company.

Mr. PAYSON. Mr. Speaker, I can not yield for that purpose.

Mr. BELFORD. For, sir, I am opposed to this whole theory.

Mr. PAYSON. There is no gentleman in the House whose good opinion I regard more than that of the gentleman from Colorado; and if he will not leave me for one minute, I wish to set myself right with him.

Mr. BELFORD. I have been listening to your speech with delight and approvingly.

Mr. PAYSON. The gentleman misunderstood me.

Mr. BELFORD. What did you say, then?

Mr. PAYSON. I said as a legal proposition I never heard any lawyer except an attorney for a railroad company deny the power on the part of Congress to declare forfeited every grant of this kind if Congress chose to exercise its option.

Mr. BELFORD. You are right in that.

Mr. PAYSON. If no other gentleman desires to ask me a question, I will reserve the balance of my time.

Mr. CUTCHEON. I wish to ask the gentleman a question.

Mr. PAYSON. I will yield for that purpose.

Mr. CUTCHEON. Do I understand the gentleman from Illinois to state this validates the purchase of titles from the railroad company to the extent of one hundred and sixty acres? If so, I wish the gentleman to explain by what sort of law or equity such titles can be validated.

Mr. PAYSON. Simply as a matter of equitable necessity. The title as we take it under the law is subject to be forfeited, and the United States clearly would have the right to recognize an unauthorized sale on precisely the same doctrine if you should undertake to sell my horse without authority and the gentleman from Massachusetts should purchase it I could validate it if I chose to do so. In order to save any inconvenience resulting in declaring this entire grant forfeited, and allowing these settlers to come in and pre-empt and make homestead filings under the general law, the committee have thought, Mr. Speaker, it was not an improper thing to recommend they be treated as purchasers from the railroad company, having in the main paid for their little holdings, because the little amount they would have again to pay into the Treasury of the United States would be a mere bagatelle to us, but might amount to a vast deal to each of them. There is no rule of law requiring us to do it, but we recommend it because we think it is a gracious thing for a great Government like this of ours to do toward one of its citizens who is placed in the situation these citizens are, to recognize the purchase from the railroad company of a portion of the land included in the grant to which the railroad company have no title.

Mr. CUTCHEON. I understand the gentleman further to say it is his opinion this railroad company has no title either in law or equity.

Mr. PAYSON. You understood me correctly if you so understood me.

Mr. CUTCHEON. And that that appears from the public records—from the muniments of title, so to speak. Now, can any equity possibly arise in favor of these purchasers? In other words, can the title rise higher than its source?

Mr. PAYSON. As a matter of harsh law, no; but this same policy, I wish to say, the Committtee on Public Lands has adapted to every one of these grants we propose to forfeit—that is, to treat every man in possession as an actual settler; to treat him who is in possession in good faith under the color of law as having a just claim; to treat him as a purchaser from the Government. As a matter of harsh law, I agree they have no such claim, but we think it is a matter of equity we should extend toward them.

Mr. CUTCHEON. Then it amounts simply to a gratuity, or what may be called a donation, to these people?

Mr. PAYSON. Practically it amounts to that.

Mr. CHACE. May I ask the gentleman a single question in this connection?

Mr. PAYSON. I will yield for a question.

Mr. CHACE. As I understand the gentleman, he says that this company has issued bonds upon the lands which were granted to them under the original act?

Mr. PAYSON. Yes, sir.

Mr. CHACE. And that these bonds have been placed upon the market and sold?

Mr. PAYSON. Yes, sir.

Mr. CHACE. And that innocent purchasers are now in possession of these bonds—bonds which they have purchased upon the market believing them to be valid?

Mr. PAYSON. They have been sold in the markets, I have no doubt.

Mr. CHACE. Very well. Then why do you not recognize the equities of the holders or purchasers of those bonds as much as you do the rights of the people who purchased the lands?

Mr. PAYSON. Because, sir, in the judgment of the committee they did not rest on equal dignity and are not entitled to be so considered. An investment made in a railroad bond is an investment made ordinarily by a capitalist as such, and when he pays out his money for such a bond he does it with the understanding that he is taking all of the chances as to whether or not the railroad company will pay the bond or put itself in a position that it can avail itself of all of the securities to which it may be entitled under the grants made to it by the General Government. We regard, therefore, the equities of the settlers who have gone upon these lands for the purpose of establishing a home as of superior dignity and entitled to more consideration than the bondholders who have purchased the bonds on speculation. [Applause.]

Mr. ADAMS, of Illinois. May I ask a question?

Mr. PAYSON. I will yield to my colleague for a question.

Mr. ADAMS, of Illinois. I desire to ask my colleague whether he understands that in this part of the land the titles to which have been validated, so to speak, to the purchasers it was the intention of the committee to make a distinction between purchasers who are actual settlers and those who are not?

Mr. PAYSON. No, there was no such intention. And I will state to my colleague that we did not take that into consideration, for this reason: The act which authorized the company to make the sales of these lands provides that they shall not sell in quantities larger than one hundred and sixty acres and to actual settlers. The act of Congress provides that; and we have information upon what we regard satisfactory advice that the railroad company has sold no lands in larger amounts than that to actual settlers, although they have assumed the right to sell the timber from large areas of these lands.

I now reserve the remainder of my time.

The SPEAKER. The Chair will state that the gentleman has thirty minutes of his time yet remaining, instead of the time heretofore erroneously announced by the Chair.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. 4993) making it a felony for any person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any department thereof, and prescribing the penalty therefor.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. 1797) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

## FORFEITURE OF OREGON RAILROAD GRANTS.

The House resumed the consideration of the bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings.

Mr. GEORGE. Mr. Speaker, while I was anxious that this bill should receive consideration, in the belief that this House would amend its defects, I must say that as it stands reported by the committee it can not receive my support. In order that this House may fully understand its defects and may amend and perfect the bill, I shall endeavor to explain the situation.

Congress, by act passed fourteen years ago, gave the Oregon Central Railroad Company six years in which to build, and required that twenty miles or more should be constructed within two years, and that as often as twenty miles or more were completed patents for coterminous lands should be made to the company. Twenty miles and more were built within the first two years. These lands thus earned the bill proposes to forfeit in addition to the unearned part from Forest Grove to Astoria.

Now, Mr. Speaker, I have prepared here a rough map which will show in a general way to the House the situation and geographical location. It will be seen from this map which I hold up in view of the House the location of this road and the relative position of the points named. [For map see next page.]

This bill proposes to forfeit every acre of the grant earned from Portland to McMinnville. Now, if this House is willing to do that, then let it pass the bill now under consideration. But if you agree with me that in justice and in equity and in law this company earned this grant from Portland to McMinnville, then vote with me to amend the bill by


PACIFIC OCEAN.
Astoria
Columbia River.
Uncompleted portion, 97 miles.
McMinnville.
Completed road, 27¼ miles.
Forest Grove.
Completed road, 20 miles.
Portland.
Willamette River.
Columbia River.

striking out that part which forfeits the earned portion, leaving that part which forfeits the unearned portion.

Several MEMBERS. That is right.

Mr. GEORGE. Now I wish to call your attention again to the situation.

The whole of the upper and lower valley is interested in the extension to Astoria of this road. Many of the reasons exist to-day that prompted Congress to extend this aid in the first instance.

Mr. GLASCOCK. What is the distance from Forest Grove to Astoria?

Mr. GEORGE. The distance from Forest Grove to Astoria is ninety-seven miles. The road between those points has never been built, and the land is unearned.

Mr. JOSEPH D. TAYLOR. Why was not that built?

Mr. GEORGE. It is a road difficult of construction, and although it runs through valuable timber lands, with excellent prospects for coal developments and soil of great richness, yet the country is much broken and with lands largely covered with underbrush and not generally settled; and assuming Portland and Astoria as terminal points, the road traffic would be in direct competition with river craft and deep-sea going ships. I believe that this road needs the aid of a land grant to insure its completion in the near future. The present company after careful survey announce that the uncompleted portion will cost $30,000 per mile. I care not who builds it so that it be built. In the last Congress I introduced a bill relating to this matter, which had it become a law would have resulted either in the building of the road or the forfeiture of the land grant by the close of the present year.

In this Congress, recognizing that one section of the State immediately interested was restless on account of the non-completion of the road, the fact that a large section was tied up from settlement and development; the fact that the Chamber of Commerce of Astoria, an enterprising and progressive city, directly interested, memorialized Congress for a forfeiture; the fact that petitions for forfeiture were pouring in from citizens of my State along the line of road and elsewhere; the fact that the president of the company concerned had addressed a public letter to the Astoria Chamber of Commerce saying that his company "must abandon the project;" the fact that the Legislature of my State at its last session memorialized Congress to forfeit the grant for reasons stated in the memorial; the fact that no one whom I have the honor to represent has ever expressed to me a wish to the contrary, I concluded to favor a forfeiture of the unearned part. It was with reluctance, however, that I felt that such must be the case—that aid to our development should be withdrawn. I had hoped that the road would be built, and I was loath, as the only Representative of the three hundred and twenty-five members on this floor directly interested, to raise my voice and vote for a forfeiture; for I could not but feel that if we could not secure a road with the aid of a land grant, we could not readily expect one without it. However, some of our best citizens directly interested think otherwise. It is claimed by them, and also by the Committee on Public Lands, that if this grant is out of the way some other company will build the road. I hope so; that is all I can say. I tell you the man who gets up here on the floor and says that the road is to be built without any aid knows a great deal more about the situation than I do, who have lived there for thirty years. I hope, however, that he may be right.

Mr. PAYSON. Will the gentleman allow me a question?

Mr. GEORGE. Yes, sir.

Mr. PAYSON. Does the gentleman not know from the names of citizens I have given him while this matter was pending that prominent citizens of Astoria whom he indorses as truthful men make the statement to me which I have made in this House?

Mr. GEORGE. I have already stated in my remarks that estimable and enterprising citizens of my own State believe that if this grant was out of the way the road would be built, and I have said that I only hoped that they were correct in their faith; that is all. I know they are worthy and well-meaning, and generally know what they are about.

Mr. RAY, of New York. I desire to ask the gentleman from Oregon [Mr. GEORGE] a question, in order if possible to remove a doubt that exists in my own mind. Is it not to be presumed that when the Government made this grant it did so for the purpose of encouraging the building of this entire line of road in order to open up all this country?

Mr. GEORGE. I think it is presumable that Congress meant exactly what it said in this grant and in every other similar grant. It proposed that the land should be dedicated to the completion of the entire road; but it also provided for cutting the road up into continuous and contiguous sections, and that as fast as sections of twenty miles had been built the road should be considered to have earned and should receive the land conterminous with such sections so built.

Mr. RAY, of New York. One other question, if the gentleman will permit me?

Mr. GEORGE. Certainly.

Mr. RAY, of New York. If you allow the grant to be cut up into sections in that way——

Mr. GEORGE. That is what the statute says.

Mr. RAY, of New York. If it is an entire contract and an entire grant I would ask the gentleman if cutting it up into sections in that way and giving the benefit of the grant to the company for the several sections of the road so constructed would not result in the end in a fraud upon the Government by allowing the company to build such sections of the road as it pleased through the rich portions of the grant, perhaps, and taking therefor the rich and valuable lands and leaving unearned the poor and the worthless lands?

Mr. GEORGE. I do not know that I caught the exact purport of the question, but if there is anything in the suggestion of the gentleman it is against the passage of the original act, a matter which at the present time has passed out of our control. As to the value of lands earned I shall explain further on.

Mr. NICHOLLS. Will the gentleman permit me to ask him a question?

Mr. GEORGE. Certainly.

Mr. NICHOLLS. I only desire to know who are the attorneys here of this railroad company.

Mr. GEORGE. So far as that is concerned I have no special information. It is well known by the committee that a gentleman distinguished in my State appeared before that committee in behalf of a number of these roads, including this one. I need not give names on this floor.

Mr. NICHOLLS. The gentleman from Oregon does not himself represent this road?

Mr. GEORGE. I disclaim any idea or intention of representing this or any other company. I have never in my life been employed by a railroad company. I would suffer my right arm to be cut off before I would, as a representative of the people, accept a fee or a promise of a fee, directly or indirectly, from a corporation or anybody else concerning a matter that was to come before me in my representative capacity as a member of this House. [Applause.]

I was going on to say when interrupted that I was anxious in opening this land to settlement to retain some of the substantial benefits of the Congressional aid toward the development of our fair young State, and on receiving a bill prepared by the Astoria Chamber of Commerce, providing for the forfeiture of the unearned part of the grant, as several other bills to like effect had already been introduced by others, I introduced it with an amendment taken from my bill in the Forty-seventh Congress, providing for the rights of settlers on forfeited lands, and with an amendment providing for the retention in the Treasury of the United States of all moneys collected by the United States during the next ten years for lands within the granted limits, to be paid over during that time to the first company completing the road. It did not provide that the lands should be sold at any prescribed price, but left them open to the land laws, and therefore the proceeds would have been such moneys as might have been paid in on pre-emption claims, timber claims, and coal lands, but much of the land would go as homesteads, thus probably not insuring much of a fund, yet I believe it to be just and right, injuring no one, while promoting the public welfare. But our committee having charge of such matters have ignored this provision and in fact ignored our bill and have made the forfeiture absolute. They not only forfeit the part unearned, as contemplated by the bill of the Astoria Chamber of Commerce, but they entirely forfeit even the earned portion. This part of the bill I can not indorse, and I will not vote for it. The lands along the line of the completed part were, I believe, fairly and legally earned. I do not propose to argue the legal proposition involved, but I have, however, my decided convictions on the points applicable, and I feel it would be wrong to attempt to divest the company of its earned lands.

The committee reporting this bill contend that this grant is an entirety, and every mile must be built before any land could be earned.

I differ entirely from this view, and while I shall not argue the law point, I will briefly call attention to the provisions of the bill. Every one admits that this was a grant *in presenti* on condition subsequent. It was a grant liable to be defeated in case the conditions were not performed. What were the conditions? I quote from the grant—

> The foregoing grant is upon the condition that said company shall complete a section of twenty miles or more within two years.

Again—

> That whenever and as often as the said company shall complete and equip twenty or more consecutive miles, the Secretary of the Interior shall cause the same to be examined at the expense of the company, * * * and if such section * * * is properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to and conterminous with the said completed sections.

Now, under that grant, on building forty-seven and one-half miles within the six years and nearly all within the two years, what legal right have we to forfeit the lands along conterminous to the forty-seven and one-half miles of completed road?

Mr. RYAN. Why was not that done? Why were patents not issued?

Mr. GEORGE. I do not know whether the company has applied for patents or has received them, I do not understand that they have ever been refused.

The legal minds on the committee claim that Congress has a right to forfeit these earned lands, and the question then arises whether we should.

I know that the Holman resolutions, a mixture of grains with much

chaff concealed and apparent—which passed this House almost unanimously, aside from objectionable features which meant a repeal instead of amendment of the desert-land act, timber-culture act, timber act for Oregon, Washington, California, and Nevada, as well as the preemption act, in compliance with public clamor in the East, said that every acre of land subject to forfeiture in every land grant ever made ought to be forfeited without any examination or investigation and irrespective of all equities, yet I thought then as I now think that they were hastily considered, entirely too sweeping as well as useless; for the resolutions forfeited nothing, being merely a bombastic declaration; for every case must necessarily be considered on its merits when it arises. I believed then as I now believe that it would be unjust to take advantage of mere technicalities, in entire disregard of all equities.

I thought then as I now think that the deliberations of fifty other committees were and are entitled to some consideration as well as the Committee on Public Lands, especially when it made such work as it has with this bill. I thought then that it was inexpedient to bind the House to consider bills such as this committee might formulate, repealing our land laws of the West, in preference to bills in the interest of the revival of American shipping, commerce, judiciary, banking, currency, agriculture, foreign affairs, military and naval affairs, Indian, Territorial, and pension affairs, Mexican pension bills, and every other bill of interest to any section. I saw no reason why they should all clear the track in order that the Committee on Public Lands, constituted as it is, could report any scheme affecting our western lands or land grants.

By my vote on these resolutions, as I understood them, I reserved to myself the right and privilege of passing upon all the forfeiture bills according to the dictates of my own judgment as they arose. I have always been willing to afford every aid to amend existing defects in land laws that frauds might be prevented or punished or to forfeit all railroad land grants that should be forfeited. I have so voted this session and shall continue to so vote. And when I think, as in the present case, that lands are being forfeited that should not, I shall vote as I believe to be just and right, I care not what the consequences may be.

The committee claim that having the power to forfeit, while it does not follow that the power ought to be exercised, yet that in their judgment this is a case that would justify a forfeiture. The reason assigned is extraordinary. The report of the committee falsely assumes that the road constructed was not on the line contemplated by Congress. This surely is news in Oregon. And the committee speaks of "branch" and "main lines," words which do not occur in the act at all.

The title of the act says a "road from Portland to Astoria and McMinnville;" that is, a road from Portland to Astoria and a road from Portland to McMinnville. In the body of the act it defines the route more definitely, saying, "a road from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill River, near McMinnville." To build this road required a common or main line running west from Portland to Forest Grove, over twenty miles, and from there north about ninety-seven miles to Astoria, and south about twenty-seven miles to McMinnville. Now, because the company only built the common line west from Portland, over twenty miles, and then the southern extension from there to McMinnville, and have used the completed portion with an extension farther on up the valley from McMinnville, built without land-grant aid, therefore, in the judgment of the committee, the company should be punished by forfeiting all the land they earned under the act. In other words, we should forfeit the lands earned for the same reason that we can forfeit them, namely, because the company did not build all of the road. This is the plain English of it. No one regrets more than myself that the whole of this road was not built, but how any one can claim this as a justification for tearing up what was done I am at a loss to understand.

Mr. Speaker, I know that corporate power has hitherto been swollen by State and national legislation to questionable extent, and while I would favor to any fair degree legislation looking to limitations, yet in our haste to do something let us not be unjust. We must not forget that the objectionable feature of this bill is a question of interference with vested interests where corporation property rights are but the aggregation of individual property rights. This great and good Government is too great, too good, too powerful to afford to do wrong. We must not forget that property rights must be respected and justice and equity accorded.

There is another objectionable feature in the bill as reported. The original act gave the railroad company a right of way through the public lands, with necessary lands for depots, stations, side-tracks, &c., but this bill proposes to forfeit and repeal "all rights, titles, and privileges" granted by the original act, and that these lands shall be subject to sale, &c., thus in effect selling out the very road-bed used by a road constructed in good faith within the time prescribed by the act. Can anybody claim that this is just? If you pass this bill as reported it will make an old-established road, built years ago and within the time of the act, a trespasser upon the public lands traveled over. This is the language of the grant, and the bill before us forfeits all rights under the original act:

> The right of way through the public lands of the width of one hundred feet on each side of said road, and the right to take from the adjacent public lands materials for constructing said road, and also the necessary lands for depots, stations, side-tracks, and other needful uses in operating the road, not exceeding forty acres at any one place.

Let me point out another defect. It has been stated on this floor that the bill proposes to protect actual settlers. I tell you, Mr. Speaker, it does nothing of the kind. It proposes, on the contrary, to protect every speculator who has purchased lands from the company, even to tracts of any size. Every speculator has his purchase confirmed, it matters not how many acres he may have attempted to gobble up; but the bill does not contain a single word in behalf of actual settlers who do not happen to be purchasers from the company. It does not even mention settlers. These settlers who in perfect good faith, believing that as the time for earning the lands had expired and that the company's right was really forfeited, and from that cause have settled upon odd sections, erecting homes, clearing and improving the lands, and residing thereon, possibly ever since 1876, the date of the expiration of the act, are, I submit, entitled to full and fair consideration. At least they are entitled to as much consideration as the bill gives to the land speculator who purchased from the company.

Not one of this class of honest, industrious, hard-working, *bona fide* settlers is protected by this bill. I shall propose an amendment that will protect them. As I have said, they have no privity of title with the company whatever.

Mr. PAYSON. Will the gentleman yield for one other question?

Mr. GEORGE. Certainly.

Mr. PAYSON. Does the gentleman assert that there are no persons who as settlers have purchased land from the railroad company in quantities of one hundred and sixty acres each?

Mr. GEORGE. I do not know for certain. Probably there may be a number of persons who are also settlers who have purchased one hundred and sixty acres each.

Mr. PAYSON. Was the gentleman present when ex-Senator Mitchell argued this question before the committee?

Mr. GEORGE. I was, a portion of the time.

Mr. PAYSON. Does not the gentleman know ex-Senator Mitchell made the statement that there were hundreds, not to say thousands, of settlers along the Willamette and Columbia River Valley who had purchased land in quantities of one hundred and sixty acres each and who should be protected?

Mr. GEORGE. I have no recollection of such an astonishing statement as that.

Mr. PAYSON. Will the gentleman say, as a Representative from the State of Oregon, that he believes it is not true?

Mr. GEORGE. I do not think there are anything like that number of such settlers.

Now, I say we ought to fix a limit of one hundred and sixty acres, or some other number at any rate, instead of confirming unlimited sales of lands to any and every body. I have an amendment prepared which I propose to submit in order to perfect the bill in this particular.

Now, Mr. Speaker, that I may not be misunderstood or misrepresented in this matter, I will again state that if this House will amend this bill so as to forfeit the unearned part of the grant merely, affording a reasonable protection to settlers or actual individual purchasers along the line, I shall record my vote in its favor, and therefore I shall at the proper time submit amendments for consideration with a view of thus perfecting the bill. As it stands it surely needs amendment. Aside from the objectionable features I refer to, it will, if passed, do what no one desires, not even the most ardent forfeiture advocate, and I shall propose an amendment to remedy that glaring defect also. The bill not only proposes to be unjust to the original company by forfeiting all its earned lands of forty-seven and one-half miles, reaching from Portland to McMinnville, but it is grossly negligent and careless in the clause proposing to confirm any and all lands that have been conveyed by the original company. It says that in case any of the lands to which the original company (the Oregon Central) or its successor would have been entitled had the road been constructed fully to Astoria have been sold by either the Oregon Central or its successor prior to January 1, 1884, the party or person so purchasing shall have the right to the lands so purchased, and upon proof of purchase and by paying any balance due the company to the United States patents shall issue to such parties. Did you ever see anything more loose or outrageous? Every acre of this land, earned and unearned, has been sold by the Oregon Central and paid for. It was first sold to the Oregon and California Railroad Company—a fact well known by the committee—and the Oregon and California, as its successor, has sold the whole by mortgage conveyance. In the inconsiderate haste to unjustly forfeit earned lands a bill is proposed which on its face carelessly confirms the whole grant without the building another foot of the road.

A pretty mess this is! A bill tearing up a constructed road, forfeiting its right of way and earned lands along the constructed line, and then confirming all unearned lands without building another mile; a bill attempting to forfeit what it ought not to forfeit, and confirming what it ought not to confirm; a bill forfeiting all title on the part of the Oregon Central and confirming everything earned and unearned to its assigns or to the assigns of the Oregon and California! Instead of loosening the hold of the corporation upon the lands, it binds the whole grant in chains beyond all remedy. I know it was not intentional upon the part of the honorable committee to have the language so loose and subject to such a construction, but that does not alter the fact that it is, and that a most fatal mistake has been made.

I undertake to say that the amendment at the close of this bill does what no member of the committee ever intended to do and what no member of this House will ever support. Now I appeal to this House to pause before it is too late, before it enacts this hasty and inconsiderate bill into a law. Let us take this bill up and carefully consider it and amend it and make it just, free it from careless and fatal mistakes, and make it at least a fair *forfeiture* bill and not a bill confirming title.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. GEORGE. Certainly.

Mr. HOLMAN. The gentleman has called attention to the third section of the original act, which provides that the company, as each twenty miles of the road are completed and accepted, shall be entitled to patents for the lands on either side of the track. Now, can the gentleman from Oregon explain for what reason the Secretary of the Interior refused to issue those patents?

Mr. GEORGE. I do not know whether the Secretary of the Interior has issued the patents or refused to issue them. That is a matter between the company and the Secretary of the Interior, and I have no knowledge of it whatever. I know nothing about the private business of the company.

Mr. RAY, of New York. If the gentleman pleases, I should like to ask him a question: If that be true that all this land was sold prior to that time, why do you need to object to this bill? This simply would be an act confirming the title of the present owners, nothing more or less.

Mr. GEORGE. Because this bill proposes to confirm the unearned part without requiring any more road to be built. Besides, the first general conveyance was to another corporation and conveyed everything, and the report of the committee so states; there can be no doubt about that. I suppose from the language of their report they never intended to confirm what their act confirms; I have too much faith in the honor and integrity of the members of that committee to suppose they ever intended the bill should have the effect these words convey.

Now, this can all be amended; it can all be perfected by amending the bill so as to forfeit the unearned part and preserve to the company the part which they have earned. I have five amendments which I have prepared and which I shall offer to this bill. The first amendment will correct the evil of the bill forfeiting the road-bed and right of way. The second and third will prevent unjust forfeiture. The fourth and fifth amendments will protect the actual settlers along that line who have not been purchasers from the company, but have settled there without any title on their part, believing the land was forfeited. It will limit purchasers to one hundred and sixty acres. That is fair, right, and proper, and this House will assuredly indorse it. Then I propose to amend the closing part so as to remedy the defect of giving this unearned land to the company as the language of the bill proposes. Then the bill will simply be one confirming to the company the lands they have earned and protecting the rights of innocent purchasers and settlers along the unearned part, throwing the rest of the unearned lands open to the public domain. Is not that fair and right?

I will yield with pleasure to any gentleman who desires to ask me a question.

Mr. KASSON. I desire to ask a question which perhaps I should have asked of the gentleman in charge of the bill, but not having done it I will now call the attention of the gentleman from Oregon to this language contained in lines 23, 24, and 25:

*Provided*, That all unpaid purchase-money on such sales shall be paid to the United States, through the receiver of public moneys, at the proper land office.

I suppose from that language the land has been sold on time and that some payments for which notes or bonds have been given have not matured, but will mature after the passage of this act. The first question is whether this does not violate a clause of the Constitution which prohibits impairment of obligations of contracts already made. If these bonds and papers are out making promises to pay, and in no ignorance of the fact, but simply as a question of law between two parties, I would ask whether it is enough to defend that on the ground of failure of consideration, and whether in any event the parties owning the lands, the farmers, would not be subjected to a good deal of expensive litigation, especially in cases where the bonds or notes have passed into the possession of other parties?

I should like to call the attention of the gentleman from Illinois [Mr. PAYSON] having charge of this bill to that fact.

Mr. GEORGE. As I said before the affairs of this company with their assignees outside of matters of general notoriety are unknown to me. The legal points involved in the question have not been fully discussed by me.

I simply regard this grant, I repeat, as I believe every lawyer on this floor or elsewhere must, as a grant *in presenti*, a grant made with graduated conditions subsequent, and the graded conditions having been performed and the grant having to that extent been in part earned, the lands subject to the unperformed conditions only are open to the action of Congress. If we undertake to go further our action will be or ought to be void.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. GEORGE. Yes, sir.

Mr. JOSEPH D. TAYLOR. If the Government agreed to convey to this railroad company a given quantity of land for building a given number of miles of railroad, and this company has constructed two-thirds of the railroad, which the company could construct for $20,000 per mile, and if they refused to construct the other third part of the road, which would cost them $40,000 a mile, I desire to ask whether it would not be equitable and fair to prorate the land; in other words, to give them lands pro rata for the value of the railroad that they have built in proportion to the expense of its construction? Would not that be fairer than to give them the whole or rather to give them two-thirds of the land for building two-thirds of the railroad, when they by their own volition assumed only to build that part that they could construct for one-half of the money which the other would cost?

Mr. GEORGE. I think the gentleman misunderstands me and misunderstands the purport of the bill.

Mr. JOSEPH D. TAYLOR. I understood you to say that the road yet to be built would cost some $40,000 a mile, that it crosses two ranges of mountains, and would be an expensive line to construct in comparison with the portion already built.

Mr. GEORGE. The gentleman quite misunderstood me. I said I thought Mr. Villard's estimates were about $30,000. It crosses two elevations of hills or mountains, it is true, but they are rather low. The other portion of the road was also a difficult road to construct, although not quite so much so. But my proposition is simply to let the land alone which they have earned along the completed part of the road and allow the unearned lands to go, as desired by the people there.

Mr. HISCOCK. May I ask the gentleman a question? Do I understand the gentleman from Oregon to hold that the land on the line from Forest Grove to Astoria is substantially undisposed of except to this one company?

Mr. GEORGE. I do not so wish to be understood. There are purchasers from the company along the line, and there are actual settlers, who believed it was forfeited to the Government and have no privity of title from the company.

Mr. HISCOCK. Does the gentleman from Oregon know the amount of land covered by the contract made by the original parties to this grant and the Oregon and California company?

Mr. GEORGE. Oh, that includes the whole grant; that includes all franchises and everything.

Mr. HISCOCK. Do you know the terms of the contract which is saved by this report?

Mr. GEORGE. I do not, sir; it simply transferred the whole line, and is recognized by the report of the committee in this case.

Mr. HISCOCK. The validity of that transfer or contract is recognized?

Mr. GEORGE. Yes, sir.

Mr. HISCOCK. In other words, the rights of the grantees are recognized.

Mr. GEORGE. Yes, sir.

Mr. PAYSON. I hope the gentleman will answer for himself, and not the committee, upon that point.

Mr. HISCOCK. Does the gentleman from Illinois claim that the rights of the grantees are not reserved by the bill?

Mr. PAYSON. I do. That is precisely what I claim. I will when I take the floor again, I think, show that to the satisfaction of the gentleman from New York.

Mr. HOLMAN. May I ask the gentleman a question?

Mr. GEORGE. Yes, sir.

Mr. HOLMAN. Will the gentleman state if he has ascertained the reason why the patents were not issued upon the forty-seven miles of road which were built within the terms of the law and within the meaning of the third section of that act? I wish to know how it happens that the Secretary of the Interior did not authorize the issuing of the patents for the amount of land alleged to have been earned; and I wish to ask my friend if this does not arise under the last section of this act, which is substantially in these words: That the foregoing grant is upon condition that the said company shall complete a section of twenty miles of said railroad or telegraph within two years and the entire line within six years? Is not this interpretation placed upon that, that inasmuch as no patents were issued under the third section of the act the whole period of time had expired; the Secretary holding that under the provisions of this last section the contract between the corporation and the Government was invalidated, and having failed, he declined to issue any patents?

Mr. GEORGE. In the first place, I did not state that the Secretary of the Interior had ever refused to issue a patent. I do not know whether that is the case. I suppose, if such is the case, that it was for some other reason, because this same language is employed in a number of other grants where the patents have been issued regularly to the companies for lands along the line where they have completed the road.

Mr. HOLMAN. But have any patents ever been issued to this company for these lands?

Mr. GEORGE. Let me ask the gentleman, do you understand or do you know as a matter of fact whether the Secretary of the Interior has ever refused to patent an acre of this land along the forty-seven and one-half miles?

Mr. HOLMAN. I have understood he has declined to issue a patent.
Mr. GEORGE. But you do not know it from your own knowledge?
Mr. HOLMAN. No, sir; not from my own knowledge.
Mr. GEORGE. I would like to ask the gentleman from Illinois [Mr. PAYSON] if he knows as a matter of fact that the Secretary of the Interior has refused to issue patents for this land?
Mr. PAYSON. I am told by the chief clerk of the railroad division in the office of the Commissioner of the General Land Office that they have refused to issue patents on application made for the reason that this road was not completed within the time, and the additional reason that the matter was pending before Congress. Mr. Smith, the chief clerk of the railroad division of the General Land Office, is my authority for that statement.
Mr. GEORGE. When was this refusal made?
Mr. PAYSON. I do not know as to the date.
Mr. GEORGE. With all due deference to the gentleman from Illinois, I must state that I do not believe the Secretary of the Interior has ever made such a refusal; I may, however, be mistaken. I can not believe it unless the gentleman states upon his own knowledge that he knows that it is so. I think he surely has misunderstood Mr. Smith. However, that is immaterial.
Mr. PAYSON. The chief clerk of the railroad division of that office told me what I have stated.
Mr. GEORGE. I do not know whether this company ever made application for these patents. I think the company probably acted upon the theory that these lands are granted by the act and the patent is only evidence of title, and it is not necessary for them to apply for patents. A portion of these lands were within another railroad grant, namely, the Oregon and California Railroad. This grant earned was not a very valuable one. In addition to being an overlapped grant, as stated, it was through an old settled section, and much of the lands were already taken up along the line before the grant to the company. Consequently it has not been a matter of such great financial interest to them. The indemnity limits, extending only a few miles farther out being also in a settled portion, added but little to the grant in value.
Mr. HENLEY. They did not apply for the patents because they did not want them.
A MEMBER. To avoid paying taxes.
Mr. BELFORD. I desire to state that one of the reasons that existed for the refusal of patents to this road or any other was the newspaper clamor that occurred in this country last winter; and the Secretary of the Interior, with whom I have been intimately acquainted for thirteen years, desired to submit the whole subject to this House; and if he has not issued the patents, it was because he desired to secure primarily the judgment of this body on that subject. On that my friend from Oregon can rely.
Mr. GEORGE. This much I do know of my own personal knowledge, and I have it also from the Interior Department, that the first twenty miles and over were built within the first two years of the grant, as required by the act and accepted by the Interior Department and the President of the United States; and I do know further that the other twenty-seven miles were built within the six years, most of it within the first two years, and that it was passed upon by the Interior Department and by the President of the United States and accepted, every mile of it—that I do know—and all built within the time fixed by the act.
Mr. REAGAN. I suppose the gentleman does not mean by that statement to be understood as saying that the condition of the closing section of that act has been complied with?
Mr. GEORGE. That the company has not built the entire road is a matter of public notoriety that is not disputed here. And there are a number of other roads in the United States where they have not built the entire road; and it has never been urged by any one that I know of that you should forfeit the earned part of a grant simply because the company had not earned the rest of it.
Mr. HOLMES. Will the gentleman from Oregon permit me to ask him how many acres in the aggregate have been sold by the company to settlers which are validated by this bill?
Mr. GEORGE. That is another part of the private business between the company and the settlers which I can not answer, because I do not know. But I can say this: that every acre, earned or unearned, has been conveyed by the Oregon Central Company to the Oregon and California Company, and this bill confirms that conveyance.
Mr. HORR. If the gentleman will permit me, I wish to say there seems a good deal of question as to the issuance of these patents. I understood the gentleman from Illinois [Mr. PAYSON] to admit that whether they were issued or not had not anything to do with the real title.
Mr. PAYSON. The gentleman understood me correctly.
Mr. GEORGE. That is correct as a matter of law.
Mr. VALENTINE. Have any parties paid taxes on these lands?
Mr. GEORGE. I do not know whether they have or not.
I shall take pleasure, Mr. Speaker, so far as possible in answering any further question that may be addressed to me in regard to this matter.
Mr. RAY, of New York. I desire to ask one question, if the gentleman pleases. Will you state the character of the country through which the road has been constructed and the character of the country through which it has not been constructed?
Mr. GEORGE. I will, with pleasure. This whole sheet of paper [holding up a sheet on which was outlined the road in question] will represent generally a timbered country, much of it broken and quite hilly. This constructed portion of the road [indicating] runs over the hills back of Portland and through gaps in and along the valleys, but the country is pretty much covered with timber, except a portion of some of the valleys. The other portion of the country is much covered with timber and underbrush, and is broken, except where there are occasional settlements and a small prairie.
Mr. ADAMS, of Illinois. Regarding the completion of the road, so far as it has been completed, as a substantial part of the thing which Congress wished to have done, I would like to have the gentleman explain the commercial or other industrial relations between the different points.
Mr. GEORGE. I will try to. Portland is at the head of ship navigation, about one hundred and twenty miles from the ocean. [Referring to the sketch on the paper.] This will represent the ocean, this the Columbia River, and this the Willamette Valley. The grant was proposed to aid in the construction of a road from Portland to Astoria and McMinnville, Astoria lying to the north and McMinnville to the south. So far as the road has been built it is a part of the plan proposed by Congress to be carried out. When the balance of the road is completed, then Astoria will have the benefit of every mile of road already built under the act.
Mr. HORR. Has the gentleman any way of knowing how much per mile that portion of the road cost which has been built?
Mr. GEORGE. I do not know. Probably not quite so much per mile as the uncompleted portion would cost.
Mr. PAYSON. I did not exactly understand the last portion of the statement of the gentleman. Will he be kind enough to repeat it as to the relative difficulty of building this road?
Mr. GEORGE. I say that it was not as difficult or expensive to build that portion of the road completed, from Portland to McMinnville, as it would be the portion from Forest Grove to Astoria.
Mr. HORR. Do I understand the gentleman to say that the portion which has been constructed is the easier part to build?
Mr. GEORGE. I suppose it is easier than the part which has not been constructed, but the difference I do not know.
Mr. WHITE, of Kentucky. And the unearned portion of the grant is not so valuable as the land lying along the finished portion of the road?
Mr. GEORGE. That possibly is true to some extent, but so much of the land had been taken up by actual settlers along the portion of the road which has been built and by the prior grant to the Oregon and California Company, that it did not leave much land for the Oregon Central Company.
I would ask how much time I have remaining?
The SPEAKER. The gentleman has five minutes of his time remaining.
Mr. GEORGE. I have promised to yield a portion of my time to some gentleman.
Mr. HORR. You had better reserve what little time you have left.
Mr. GEORGE. I will yield five minutes to the gentleman from Illinois [Mr. ROWELL].
Mr. ROWELL. I think the gentleman from Oregon [Mr. GEORGE] had better retain his time. Five minutes is not enough time in which to make any speech upon this question.
I desire only to say that while I believe the original policy of granting land in aid of the construction of railroads was a good policy, while I believe it has opened up a great empire to settlement and has brought thousands of farms within the reach of settlers, yet I believe the time has now come when Congress should declare forfeited all unearned land grants. I am therefore heartily in favor of every bill before this House forfeiting all land grants heretofore made and now unearned by the companies.
But in swinging away from one policy to another, when the time has come to adopt another, we are apt to go to such extremes as to destroy the thing we attempt and intend to do. I seriously doubt if this bill passes whether it will not open up a series of lawsuits that will be a blight upon the settlement of this country for years to come. I seriously doubt whether in a court of equity a bill that does not provide that time shall be of the essence can be enforced, and these lands, earned and unearned, can be forfeited to the Government under such a bill.
I know the theory that forfeitures are indivisible. But in regard to a grant which provides that land should be earned as fast as sections of twenty miles of road had been built, I seriously doubt whether a bill that does not provide for a strict forfeiture of the grant in the case of a road which has proceeded to build sections of twenty miles that have been accepted by the Government can be held to be effective so as to operate as a sweeping forfeiture by which every acre of land in the grant, both earned and unearned by the company, can be saved to the people who shall hereafter purchase lands of the United States along the line of the road. I doubt very much whether under such a bill settlers can obtain titles which will be sustained in the courts.

In this case, here is one hundred miles of land grant which in the interest of justice and equity we may forfeit without any question that the courts will sustain it. But if we pass this bill and declare forfeited also the earned lands along the forty-seven miles of the road which have been built, it may give rise to lawsuits in the courts and introduce an element into this case that there is no need of and which is not required by any demands of justice or equity.

I do hope that we shall pause and do what we ought to do, so that we may pass every one of these forfeiture bills in such a shape as to protect the interests of the United States and of actual settlers and not introduce an element of hesitation and doubt, promotive of future litigation.

Mr. HENLEY. The railroad companies threaten to litigate in any event.

Mr. ROWELL. I do not refer to litigation by the railroad companies, but by other parties who may be interested in these lands.

Mr. GEORGE. Mr. Speaker, if I had the time I should be glad to yield to several other gentlemen; but I have not. I desire now to present my amendments to the House for consideration. Am I in order, Mr. Speaker, in presenting them at this time?

Mr. PAYSON. I rise to a parliamentary inquiry. I have no objection to the amendments proposed by the gentleman from Oregon [Mr. GEORGE] being voted upon. But I wish to know whether those amendments can be presented now and be considered as pending when the previous question is moved?

The SPEAKER. They can, if the gentleman does not object.

Mr. PAYSON. I have no objection to the gentleman offering the two amendments about which he has spoken to me.

The SPEAKER. The gentleman from Oregon will send up his amendments.

Mr. PAYSON. I desire to be recognized.

The SPEAKER. The gentleman has thirty minutes of his time remaining.

Mr. PAYSON. Let the gentleman from Oregon send up his amendments.

Mr. GEORGE. I would like to submit five amendments to the bill and a substitute,

The SPEAKER. That can only be done by unanimous consent.

Mr. PAYSON. I object to that.

The SPEAKER. The Chair does not mean to decide that it would not be in order to offer an amendment and an amendment to the amendment; but five amendments and a substitute can not be presented at one time except by unanimous consent.

Mr. GEORGE. My substitute merely embodies the amendments I desire to propose.

Mr. PAYSON. Let us understand, Mr. Speaker, whether the gentleman proposes to offer his amendments or his substitute.

Mr. GEORGE. The amendments and also the substitute.

Mr. PAYSON. The substitute I object to.

Mr. GEORGE. Then I submit my amendments.

The SPEAKER. Does the gentleman from Illinois [Mr. PAYSON] consent to allow the gentleman from Oregon to offer five amendments?

Mr. PAYSON. I will consent to that.

Mr. BELFORD. If the amendments of the gentleman from Oregon are to cut off debate, I object.

The SPEAKER. The offering of the amendments will not cut off debate. The amendments will be read.

The Clerk read as follows:

After the word "act," in line 9, insert the words "excepting the right of way, with necessary lands used in operating the road constructed."

Mr. PAYSON. That is almost the exact language of an amendment which I had intended to offer. I accept that amendment.

The SPEAKER. The Clerk will read the other amendments sent up by the gentleman from Oregon.

The Clerk read as follows:

Insert after the word "States," in line 13 of the printed bill:

"*Provided*, That this act shall not apply to any lands included in the grant aforesaid conterminous with that portion of the line of railroad and telegraph which was completed prior to May 4, 1876."

Amend the amendment of the committee by inserting after the word "grant," in the eighteenth line of the second page:

"And which lie conterminous with that portion of the line of railroad and telegraph line which was not completed prior to May 4, 1876."

Insert after "eighty-four," in line 20, these words:

"To actual settlers thereon, or to individuals other than actual settlers, in tracts not exceeding one hundred and sixty acres to each."

Mr. PAYSON. While I do not agree that the amendment just read is necessary, I am willing, in order to save all possible question, to accept it.

The SPEAKER. The House must vote upon the amendments. The Clerk will report the next amendment sent up by the gentleman from Oregon.

The Clerk read as follows:

Add to the bill the following:

"That in the case of all lands forfeited to the United States under the provisions of this act, all persons who at the date of the passage of this act, and who are otherwise qualified, are actual settlers in good faith on any such lands, on making claim to the same under the homestead, pre-emption, or other laws within six months after the same shall have been declared forfeited, shall be entitled to a preference right to enter the same in accordance with the provisions of this act, and of the homestead, pre-emption, or other laws, as the case may be, and shall be regarded as having legally settled upon and occupied said lands under said pre-emption, homestead, or other laws, as the case may be, from the date of such actual settlement or occupation. And in case any such settler may not be entitled to thus enter or acquire such land under the existing laws, they shall be permitted, within one year after the passage of this act, to purchase not to exceed one hundred and sixty acres of the same at the price of $1.25 per acre; and the Secretary of the Interior is hereby authorized and directed to make such rules and regulations as will secure to said actual settlers the benefit of these rights."

Mr. PAYSON. I will say for the information of the House——

Mr. BRENTS rose.

Mr. PAYSON. I decline to yield for the amendments which the gentleman from Washington Territory [Mr. BRENTS] desires to offer. I would be glad to oblige him; but I do not think I ought to yield.

Mr. BRENTS. I would like to have my amendments read for information.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] declines to yield.

Mr. HOLMAN. I hope my friend from Illinois will yield to me a moment.

Mr. PAYSON. I agreed to allow the gentleman from Indiana [Mr. HOLMAN] to offer an amendment, to be considered as pending. I yield to him now.

Mr. HOLMAN. I offer the amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

In lines 12 and 13 strike out the words "sale and settlement under existing laws of the United States" and in lieu thereof insert the words "settlement under the provisions of the homestead laws only."

Mr. PAYSON. I have promised to yield for three minutes to the gentleman from California [Mr. HENLEY] who is a member of the Committee on Public Lands.

Mr. DUNN. I hope the gentleman from Illinois will permit me to offer an amendment.

Mr. PAYSON. I have not seen it, and do not know what it is; but I will not object to the amendment being read at the Clerk's desk.

The SPEAKER. Amendments can only be offered by unanimous consent. There are more amendments pending now than can be allowed under the rules.

Mr. PAYSON. I am willing to allow the gentleman's amendment to be read at the Clerk's desk.

Mr. DUNN. I will send up my amendment and have the Clerk read it.

The Clerk read as follows:

Strike out all after and including the fifteenth line to and including the twenty-ninth line and insert the following:

"*Provided*, That in case any lands embraced within the terms of this act, to which the said railroad company or its sucessor would have been entitled had the said road been constructed as provided in the act making the grant, have been sold by either of said companies prior to December 1, 1883, the *bona fide* settlers or occupants who purchased and settled upon any of said lands shall have the prior right to purchase or homestead the same in the manner and to the extent allowed by existing laws of the United States."

Mr. BRENTS. I offer the following amendment.

The Clerk read as follows:

Strike out the following:

"In case any of the lands embraced within the terms of this act, to which the said railroad company or its successor would have been entitled had said road been constructed as provided in the act making the grant, have been sold by either of said companies prior to January 1, 1884, the party or person so purchasing any of said lands shall have the right to the lands so purchased upon making proof of the fact of such purchase at the local land office of the district where said land may be located: *Provided*, That all unpaid purchase-money on such sales shall be paid to the United States, through the receiver of public moneys at the proper land office; and upon proof as above, and payment of such unpaid balance, if any, within twelve months of the passage of this act, patents shall issue to the parties entitled thereto for the land."

And in lieu thereof insert:

*Provided*, That in case any of said lands lying conterminous with the constructed and accepted portion of said road were sold or contracted to be sold by either of said companies prior to January 1, 1884, the purchasers thereof, their heirs or assigns, upon making proof of such purchase and payment to such company of an amount equal or exceeding $1.25 per acre at the local land office, or on making payment to the receiver of public moneys for such land office of a sum which, added to the sum paid to such company, may amount to $1.25 per acre, shall be entitled to patents therefor from the United States.

Mr. COBB. I object to those amendments.

Mr. PAYSON. I will yield now to the gentleman from California for three minutes.

Mr. HENLEY. Mr. Speaker, an objection has been urged against this bill which seems to me to arise from some slight confusion of moral perception. It is held the Public Lands Committee in this bill has distinguished between the equities of the bondholders of this railroad and the actual settlers. I am frank to confess that is so. And why is it? There were two classes of parties whose alleged moral rights were involved in this bill: One class was of those who invested in these railroad securities predicated on this land grant; and the other, the ignorant, rude, uncultured, adventurous settlers, who, proceeding on the idea the railroad company were the owners or would be of these public lands, supposing in point of fact the railroad company had ample power to alienate and sell, went upon the lands and made their homes there. That is one character of individuals whose rights are affected by this

bill, and the other was these investors in railroad securities. As to one class, and I hope the House will not be misled on that matter, as to the uncultured, the uneducated, the ignorant, and the poor settler; he has not the means, he has not the opportunities to consult competent legal authority for the purpose of informing himself as to his rights, and he went in good faith and made settlement on the lands of this railroad grant. But how is it with the capitalist? He has had at his disposal the best legal talent in the country, and he made this investment with his eyes open, knowing everything the settler was ignorant of. That is the distinction which the Committee on Public Lands drew in reference to this matter: that the capitalist must stand on the law as it is, but that as to the settler in good faith we give him the right to consummate his purchase, and so far as any amount may be due to the railroad corporation it can be paid to the Government and credited to him.

The CHAIRMAN. The gentleman's time has expired.

Mr. JOSEPH D. TAYLOR. Why do you not confine it to the settler?

Mr. HENLEY. We do.

Mr. GEORGE. No, it does not say settler.

Mr. PAYSON. I will now yield five minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I would like to have fifteen minutes.

Mr. PAYSON. I only have seventeen minutes left.

The SPEAKER. Taking out the time occupied in reading amendments the gentleman has twenty-seven minutes left.

Mr. OATES. I ask to be recognized in my own time.

The SPEAKER. The Chair will state to the gentleman from Alabama that the gentleman from Illinois in charge of the bill has given notice that at the expiration of his time he will demand the previous question.

Mr. OATES. As a member of the committee I desire to be recognized in my own time.

The SPEAKER. Of course if the gentleman from Illinois demands the previous question and that is sustained the Chair will be unable to recognize the gentleman from Alabama.

Mr. PAYSON. There seems to be a general feeling that this bill should be disposed of to-night, and, if so—— [Cries of "No!" "No!"]

Mr. OATES. I should like to be heard in my own right.

Mr. PAYSON. Then I will yield the floor and let the gentleman from Alabama be recognized in his own time. I give notice to the House that I will not move the previous question to-day; but will reserve the remainder of my time.

Mr. OATES was recognized.

Mr. BLOUNT. I ask the gentleman from Alabama to yield for a motion to adjourn.

Mr. OATES. I will yield the floor for that purpose, retaining my right to it when this question comes up again.

Mr. BLOUNT. Then I move that the House do now adjourn.

Mr. BROWNE, of Indiana. I hope the gentleman will withhold that motion for a moment. The other day the House passed a very important public measure, which has been amended by the Senate by the insertion of simply two words, a mere formal amendment. I desire, therefore, unanimous consent of the House to take this bill from the Speaker's table with a view to concurring in the Senate amendments. This is a bill to protect the people from certain persons who are fraudulently representing themselves as officers or agents of the General Government.

Mr. MILLS. That is right.

The SPEAKER. Unless the motion to adjourn is withdrawn the Chair must recognize it.

Mr. BLOUNT. I will withdraw the motion.

### FRAUDULENT ASSUMPTION OF DUTIES OF UNITED STATES OFFICERS.

Mr. BROWNE, of Indiana. I now ask unanimous consent to take from the Speaker's table for the purpose of concurring in the Senate amendments the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing the penalty therefor, for the purpose of concurring in the Senate amendments.

The SPEAKER. The amendments of the Senate will be read.

The Clerk read as follows:

In line 3, after the word "Department," insert the words "or any officer."

In line 6, after the word "Department," insert the words "or any officer."

Amend the title as follows: "Making it a felony for any person to falsely or fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing a penalty therefor."

The SPEAKER. If there be no objection, the amendments of the Senate will be concurred in.

There was no objection.

### DEFICIENCY, DEPARTMENT OF JUSTICE.

Mr. RANDALL. I present a letter addressed to the chairman of the Committee on Appropriations by the Attorney-General in relation to deficiencies in that Department. I want to say that all such papers should come through the House and not directly to the chairman of the Committee on Appropriations. I make this statement in order that Cabinet officers or heads of Departments may understand that we can only get jurisdiction of matters of that character through the action of the House.

The SPEAKER. The Chair will state in addition that Rule XLII requires that the estimates of appropriations and all other communications from the Executive Departments intended for the consideration of any of the committees of the House shall be addressed to the Speaker and by him submitted to the House for reference.

Mr. RANDALL. That is the rule, and it is the right way, and the only way the committee can have jurisdiction.

The SPEAKER. The Chair will lay before the House the communication from the Attorney-General to which the gentleman refers.

The SPEAKER accordingly laid before the House a letter from the Attorney-General, transmitting estimates of deficiencies on account of expenses of United States courts for the fiscal year 1884.

Mr. RANDALL. I ask that the paper be printed and referred to the Committee on Appropriations.

There being no objection, the communication was referred to the Committee on Appropriations, and ordered to be printed.

### GREELY RELIEF EXPEDITION.

Mr. RANDALL. I also ask that the Senate bill (No. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for the rescue of or ascertaining the position of the Greely expedition be taken from the Speaker's table and referred to the Committee on Appropriations.

There being no objection, the Senate bill was taken from the Speaker's table, read by its title a first and second time, and referred to the Committee on Appropriations.

Mr. BROWN, of Pennsylvania. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

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### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Proceedings of a mass meeting of citizens of Seattle and King County, Washington Territory, relative to the forfeiture of the unearned land grant of the Northern Pacific Railroad—to the Committee on the Public Lands.

By Mr. CLAY: Papers relating to the bill for the relief of certain drafted men in Pendleton County, Kentucky—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorials of C. M. Merrick, Jesse Orr, and others, J. W. Moffly, and J. E. Ramsey, relative to national banks and national bankrupt law—severally to the Committee on Banking and Currency.

Also, memorial of the Philadelphia press against the repeal of duties on works of art—to the Committee on Ways and Means.

Also, memorial of Colbron Day Chauncy, relative to the tariff, &c.—to the same committee.

Also, anonymous memorial on the Library building bill—to the Committee on the Library.

Also, memorial forwarded by Hon. J. C. Bucher, of Pennsylvania, in favor of H. R. 5003, for relief of certain medical officers, &c.—to the Committee on Military Affairs.

Also, memorial of C. W. Ranlet and A. M. Paff, relative to the national banking system—severally to the Committee on Banking and Currency.

By Mr. FINDLAY: Petition of Clement D. Hill, asking to have refunded to him from the Treasury of the United States the proceeds of the sale of his life estate in certain lands in Prince George's County, Maryland, sold under a decree of the United States district court for the district of Maryland—to the Committee on the Judiciary.

By Mr. GUENTHER: Petition of ex-soldiers and members of W. D. Walker Post, No. 64, Grand Army of the Republic, Department of Wisconsin, praying for the enactment of a liberal pension law and the reenactment of the arrearage act—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Resolutions of the Chamber of Commerce of Pittsburgh, Pa., in favor of the passage of the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. HOUSEMAN: Petition of Col. S. White, H. A. Hydorn, and 80 others, member of Champlin Post, No. 29, Grand Army of the Republic, Grand Rapids, Mich., to establish a Michigan branch of National Soldiers' Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. LIBBEY: Resolution of the City Council of Portsmouth, Va.—to the Select Committee on the Public Health.

By Mr. MAYBURY: Petition for an increase of pension to Edward B. Wright—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Papers relating to the claim of Elizabeth Walling—to the Committee on War Claims.

By Mr. PUSEY: Joint resolution of the Legislature of Iowa, asking Congress to resume unearned land grants—to the Committee on the Public Lands.

By Mr. RIGGS: Papers relating to the bill for the relief of James T. Dodson—to the Committee on War Claims.

By Mr. ROSECRANS: Petition of R. N. Smith, first lieutenant, and others, officers of the Twelfth Infantry, for passage of S. 1667—to the Committee on Military Affairs.

By Mr. CHARLES STEWART: Petition of citizens of Hardin County, Texas, asking for an appropriation to continue the work of harbor improvement at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Resolutions of the Board of Trade of the city of Minneapolis, Minn., requesting the passage of a national bankrupt act at this session of Congress—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of Mankato, Minn., protesting against the passage of any act that shall in any manner abridge, restrict, or limit the navigation of the Minnesota River—to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of Saint Paul, Minn., asking for liberal appropriations to the Post-Office Department, that they may extend and improve the present postal service, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: Petition of D. S. Ellen and many others, praying that John Granger be replaced on the pension-roll—to the Committee on Pensions.

By Mr. VAN EATON: Petition of over 100 citizens of Mississippi and Louisiana, for an appropriation to save the harbor of Natchez, Miss., and Vidalia, La.—to the Committee on Rivers and Harbors.

Also, papers relative to the necessity of the same—to the same committee.

By Mr. VAN ALSTYNE. Resolutions of the Board of Trade of the city of Albany, N. Y., recommending the passage of a general bankrupt law—to the Committee on the Judiciary.

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## SENATE.

### MONDAY, *April* 7, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MESSENGER IN DOCUMENT-ROOM.

The PRESIDENT *pro tempore* laid before the Senate the following letter from the Sergeant-at-Arms; which was read, and, with the accompanying report, referred to the Committee on Rules, and ordered to be printed:

SERGEANT-AT-ARMS, UNITED STATES SENATE,
*Washington, April* 7, 1884.

SIR: I most respectfully call your attention to the inclosed report from the superintendent of the document-room. It will be seen that the young man is incapacitated for the duties required of him. Having been appointed by a resolution of the Senate, I request the further pleasure of your honorable body concerning the same.

Very respectfully, your obedient servant,

W. P. CANADAY,
*Sergeant-at-Arms United States Senate.*

To Hon. GEORGE F. EDMUNDS,
*President Senate.*

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a memorial signed by leading citizens, manufacturers of Lima, Ohio, remonstrating against the passage of certain House bills and also certain Senate bills which they represent are inimical to the interests of inventors and patentees. I also present a memorial somewhat similar in character from citizens of Dayton, Ohio. I move that the memorials be referred to the Committee on Patents.

The motion was agreed to.

Mr. MAXEY presented the petition of H. McBride Pridgen, of Texas, praying an amendment of the extradition treaty between the United States and Mexico; which was referred to the Committee on Foreign Relations.

Mr. GEORGE presented the petition of Mary D. Hamilton, Francis D. Hamilton, Mrs. L. M. McKinney, and J. D. Hamilton, of Marshall County, Mississippi, and the petition of Susan W. Goode, of Marshall County, Mississippi, praying payment for certain stores and supplies taken and used by troops of the United States in 1862 and 1863; which were referred to the Committee on Claims.

Mr. MANDERSON presented a memorial of merchants of Omaha, Nebr., and other places, remonstrating against the repeal of the act of March 1, 1879, concerning the manufacture of vinegar; which was referred to the Committee on Finance.

Mr. CONGER presented the memorial of John K. Boies and 148 other citizens of Michigan, remonstrating against the passage of the House bill decreasing the time in which patents shall run; which was referred to the Committee on Patents.

Mr. HARRISON presented the petition of Boothroyd Post, No. 31, Grand Army of the Republic, Department of Indiana, praying for the passage of certain relief measures for the benefit of soldiers now pending in Congress; which was referred to the Committee on Pensions.

Mr. DOLPH presented two memorials of citizens of Franklin County, Washington Territory, remonstrating against the forfeiture of the land grant of the Northern Pacific Railroad Company; which were referred to the Committee on Public Lands.

Mr. BUTLER presented the petition of I. N. Sutherland and 75 others, citizens, merchants, and business men of South Carolina, praying for the passage of what is known as the "brewers' bill," now pending in Congress; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom were referred certain amendments intended to be proposed to the bill (S. 1876) providing for an inspection of meats for transportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, to report the same, and ask that the bill be reprinted with these amendments.

The PRESIDENT *pro tempore*. The bill will be reprinted with the additional amendments now reported from the committee, if there be no objection.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1881) for the relief of W. H. Tibbits, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2004) for the relief of W. H. Tibbits; which was read twice by its title.

IRRIGATION IN CALIFORNIA.

Mr. PLUMB, from the Committee on Public Lands, reported the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed for the use of the Senate 1,000 copies of Executive Document No. 290, first session Forty-third Congress, relating to irrigation of the San Joaquin, Tulare, and Sacramento Valleys, California.

BILLS INTRODUCED.

Mr. MCMILLAN (by request) introduced a bill (S. 2005) to authorize the Court of Claims to investigate the claim of George F. Brott for logs used in the construction of Fort Abercrombie, Dakota Territory, and to give judgment for the same; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2006) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," approved August 5, 1882; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. GEORGE introduced a bill (S. 2007) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was read twice by its title.

Mr. GEORGE. I introduce this bill by request. I wish to state that I do not indorse nor condemn the bill, for I have not read it. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. WILSON introduced a bill (S. 2008) to provide for the payment of the amounts that may be found to be due to postmasters under the act of March 3, 1883, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE introduced a bill (S. 2009) granting a pension to Isabella Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2010) granting a pension to John S. Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2011) granting a pension to Mary M. Lyon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2012) for the relief of James Bainter; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2013) for the relief of George S. Comstock; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 2014) to amend section 4419 of the Revised Statutes of the United States, and for the better protection of lives of passengers and others carried on steam vessels; which was read twice by its title, and referred to the Committee on Commerce.

ABOLITION OF PRIZE-MONEY.

Mr. BECK. I submit the following resolution, and ask that it may be acted upon now, unless there is objection:

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether in his opinion the efficiency of the Navy would be impaired by the repeal of all laws granting prize-money in any form to the officers and sailors of the Navy of the United States as now provided for by title 54 of the Revised Statutes, giving such reasons for or against a repeal of said provisions as he may think desirable for the information of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BLAIR. If it should lead to any lengthy debate I should like to reserve the right to object.

Mr. BECK. I have not a word to say about it. The reason why I desire it is that we are now entering on the building of a new navy. A number of steel cruisers are already ordered, and the appropriation bill which will be before the Senate to-morrow provides for still others. They are not to be ships of war in the proper sense. The ships that

will have to do the fighting will be the ironclads and others. I thought perhaps it would be well to ascertain whether it would not be wise to abolish prize-money.

Mr. BLAIR. It is simply a call for information, and if the Senator does not anticipate debate upon the resolution I shall not object to its consideration.

Mr. BECK. It is simply a call for information, to know what would be the effect upon the Navy if that were done, with a view of providing for it, unless there is shown good reason why it should not be done.

Mr. BLAIR. I have no objection, unless it should lead to protracted debate, in which case I reserve the right to object; that is all.

The resolution was considered by unanimous consent, and agreed to.

CAMP DOUGLAS MILITARY RESERVATION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order is closed. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. BLAIR. I move that the Senate now proceed to the consideration of the unfinished business.

Mr. WILSON. Will the Senator yield to me for a moment?

The PRESIDENT *pro tempore*. The Chair will first state the question. The Senator from New Hampshire moves that the Senate proceed to the consideration of Senate bill 398, known as the educational bill. Does he yield to the Senator from Iowa?

Mr. BLAIR. Yes, for a formal matter.

Mr. WILSON. When Senate bill 478 was reached under Rule VIII I objected to its consideration, and consequently it went over to be considered under Rule IX. The Senator from South Carolina [Mr. HAMPTON] is anxious to have the bill restored to its place under Rule VIII. I have examined the report accompanying the bill since I made the objection, and I am content to withdraw it in order that the bill may be restored to its place on the Calendar.

Mr. PLUMB. What is the bill?

Mr. WILSON. It is the bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas Military reservation, in the Territory of Utah.

The PRESIDENT *pro tempore*. The Senator from Iowa asks, pending the motion of the Senator from New Hampshire, unanimous consent that the bill indicated by him be placed at the head of the Calendar, under Rule VIII, as the Chair understands. Is there objection? If there be no objection, the bill will be at the head of the Calendar under Rule VIII.

CHARLES BREWSTER.

Mr. COCKRELL. Pending the consideration of the motion of the Senator from New Hampshire, I ask that Order of Business 413, being the bill (S. 651) to authorize the President to restore Charles Brewster to his former rank in the Army, which was reported adversely by the Senator from Indiana [Mr. HARRISON], be recommitted to the Committee on Military Affairs. There is no objection to it. It is only a formal matter.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from New Hampshire, the Senator from Missouri asks unanimous consent that the bill indicated by him be recommitted to the Committee on Military Affairs. If there be no objection that order will be entered.

Mr. COCKRELL. I ask that the papers in relation to the case be taken from the files of the Senate and referred to the committee.

The PRESIDENT *pro tempore*. The bill will be recommitted, together with the accompanying papers.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing the penalty therefor.

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the motion of the Senator from New Hampshire [Mr. BLAIR] that the Senate now proceed to the consideration of the educational bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 398) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. HOAR, in section 1, line 3, to strike out "ten" before "years" and insert "eight;" so as to read:

That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit.

And in line 5, after the words "to wit," to strike out:

The first year the sum of $15,000,000, the second year the sum of $14,000,000, the third year the sum of $13,000,000, and thereafter a sum diminished $1,000,000 yearly from the sum last appropriated, until ten annual appropriations shall have been made, when all appropriations under this act shall cease.

And insert in lieu thereof:

The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000.

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. BROWN], the Chair believes, is entitled to the floor.

Mr. BROWN. Mr. President, during the learned and eloquent argument submitted by the honorable Senator from Alabama [Mr. MORGAN] on Friday and Saturday last, as I understand the argument he took strong ground against the constitutionality of the present bill, assuming the position that the States alone have the power and the right to educate the children of the respective States. To establish more conclusively this position he read from the constitutions of several of the States as they existed prior to the formation of the Constitution of the United States and subsequent to that period, assuming that the constitutional provisions that were contained in the constitutions of the respective States clearly contemplate the exclusion of Federal interference in the education of the people and the assumption and ability on the part of the States to discharge that task. The honorable Senator used the following language:

Mr. President, when the Senate adjourned yesterday I was submitting for its consideration something of the constitutional history of the States at the time and before and subsequent to the adoption of the Federal Constitution in respect of the measures which they took to foster and promote the education of the people. My purpose in that reference was to show that the several States of the Union had taken that subject entirely into their own charge; that they had provided amply for the education of the people through their respective constitutions, and that therefore the education of the people was a subject connected, it it true, intimately with the general welfare, but belonging to that part of the general welfare which was left purposely in charge of the States.

There the position is taken that the States by their constitutions have taken the subject entirely into their own charge, and provided amply for the education of the people.

Among other constitutions referred to was the constitution of my own State, which has always had a liberal provision in reference to the education of the people both in the primary branches and in the collegiate branches of education.

The Senator from Alabama, however, by some inadvertence passed over the constitution of his own State, which is itself very liberal on that question. I find in the constitution of Alabama, article 12, section 2, the following language:

The principal of all funds arising from the sale or other disposition of lands or other property which has been or may hereafter be granted or intrusted to this State, or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

That refers to lands and other property donated or given by the United States heretofore or hereafter. It seems, therefore, in making ample provision for the education of the people, that the State of Alabama doubtless, as the Senator says, considered it had done so, but as a part of that means it provided for the acceptance of donations of land or other property from the Government of the United States and for an inviolate good faith and proper disposition of the proceeds of the sales of the lands and other property.

I do not know exactly what other property was referred to unless it may have been in contemplation that money was property. I suppose it was not contemplated by the convention of the people of Alabama in forming the constitution of Alabama that the Government of the United States would donate not only lands, but the custom-house at Mobile, or some other property of that character, as the barracks wherever there may be any, for educational purposes. It intended to use "property" no doubt in its broadest sense, and include money or any other kind of property. There is the expressed provision in the constitution of Alabama as one of the means of educating the people for the care and protection of the proceeds of all donations heretofore made or hereafter to be made by the United States to the State of Alabama.

But this was not all. Since the adoption of this constitution of Alabama the honorable Senator himself has on more than one occasion introduced in the Senate a bill to donate forty-odd thousand acres of the public lands to Alabama to aid in rebuilding the University of Alabama. It seems, therefore, to be convenient to the people of Alabama to have a little assistance occasionally from the Government of the United States in carrying out their great educational system.

I recollect in the Forty-sixth Congress I voted, I think, with the honorable Senator from Alabama for a donation of land for the university of that State, and the bill passed this body. It did not probably get through the House of Representatives. I am not sure but we passed the same bill again at this session.

Mr. PUGH. The same bill.

Mr. BROWN. We had it before us, and I am right; it was passed. So that the Senator has persistently kept up his line of application to the United States Government for aid to rebuild the University of Alabama, and we have granted them forty-odd thousand acres of land so far as the Senate can grant it at this immediate session, to say nothing of our action at a previous session.

I think we did right. But still it seems that the State of Alabama is not conducting her educational affairs entirely under her own control and with her own means. As I have said, it is very convenient

occasionally to have a little help from the Government of the United States; and her Senator has been vigilant in securing it.

In 1862 Congress passed an act known as the land-grant act, in which it made provision for the distribution of certain quantities of public land among the several States in aid of education of a particular character or particular characters. I want to refer to that act, or at least to a section of it, as I believe the State of Alabama availed herself of the benefit of that act. She certainly was entitled to it, and, if I recollect correctly, she took the benefit of it. That act contained a section that in making the donation to the States the Government did not do so without imposing terms and restrictions, but there were restrictions even in that act. The section I refer to reads as follows:

That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than 5 per cent. upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

There is a provision, however, that it is to be done notwithstanding the restrictions that are put upon the use of the fund in such manner as the Legislatures of the States may prescribe. Probably all the States had prescribed the manner of disposing of this fund that endowed agricultural colleges with certain powers and with certain qualifications, and they had excluded females from some of those colleges. There was a grievance it was thought by some, and yet if the matter were left entirely in charge of the States, and no provision made by Congress on the subject, females were perpetually excluded, could not come in, could have no share in this fund. The question came up then very naturally whether Congress ought not further to interfere and regulate that matter notwithstanding this donation, and whether females ought not to have an equal participation in the fund; and there the honorable Senator from Alabama with commendable zeal, and in a good cause it was, too, came to the front. When the educational bill known as the Morrill bill was up in the Forty-sixth Congress for discussion the Senator offered the following amendment:

And said last-mentioned act of Congress is hereby amended so as to require each State and Territory to establish in said colleges schools for the instruction of females in such branches of technical education as are suitable to their sex.

That would look a little like an interference with the will of the State. This fund had been given to the State, having been raised by the sale of lands donated to the State, for certain educational purposes, which were prescribed in the act, and she had excluded females. With that action the Senator from Alabama was justly indignant, and he offers the amendment to the bill, he states, to admit females, for that is the purport of it, and, as I shall show by his argument, that was the object he had in view. I think it was a proper amendment, and I believe I voted with him for it, because I thought it ought to be incorporated. In discussing that question the honorable Senator said:

But the construction of the law placed upon it by the men who have in charge these institutions needs to be remedied and corrected, and that is the main purpose of my amendment.

The purpose was to remedy and correct the action of the State on this subject as to the use they would make of the fund.

Mr. MORGAN. The act of Congress, not the State—the act granting the donation to the schools.

Mr. BROWN. Well, we will see a little further on how that is:

My amendment—

Says the Senator—

My amendment, however, goes further than that; it reaches to that part of the education of the common people of this country at this day and time which is most requisite for their real preparation for the ordinary and compulsory duties of life. Of course a common-school education in the elementary branches of learning is not to be dispensed with; that is an indispensable basis of all technical education; but we are devoting ourselves, it seems to me, exclusively in this law either to the teaching of the mere elementary branches, to which women may be admitted, or when we pass beyond that, of teaching the technical branches of education only to men. The doubt and difficulty in which the construction of this statute involves the subject, it seems to me, ought to be removed by an act of Congress, and the amendment which I propose is directed precisely to that point. I desire to make it not only permissive in these schools to receive women for education, but to make it compulsory—

That is, the State has not disposed of this fund as she ought to have done, or she does not let the class come in that ought to come in, and the Senator proposed therefore to make it compulsory on the State schools to admit that class; or, in other words, *compulsory* on the State to admit that class into these schools—

that they shall provide a school within this college somewhere or in some way by which the women of the land may be enabled to be taught branches of industry which will be useful to them in their maintenance and in the establishment of their independence as people.

That doctrine seemed a little strong to some of the Senators, and the Senator from Vermont [Mr. EDMUNDS] interrupted and said:

May I ask the Senator a question for information?
Mr. MORGAN. Certainly.
Mr. EDMUNDS. I wish to know where we get the authority to change the terms upon which the States accepted these grants, which were complete in themselves at the time, and which were not continuing like this present bill, there being, so far as I saw when I looked at it just now, no provision that Congress reserved the right to change the provisions under which the States were to accept the donation?
Mr. MORGAN. We are making an additional donation, conferring an additional bounty on the State.
Mr. EDMUNDS. Not for the benefit of the agricultural colleges.
Mr. MORGAN. Oh, yes; they are expressly named here as receiving a large part of this.
Mr. EDMUNDS. As far as that would go, we could impose terms.
Mr. JONES, of Florida. Is not a portion of this fund to go to the existing agricultural colleges?
Mr. MORGAN. Expressly.
Mr. JONES, of Florida. One-third of it?
Mr. MORGAN. A very large proportion of it is to go to the agricultural colleges as they are now established, under this bill, and I suppose, of course, that in the appropriation of additional money to the agricultural colleges we have the right to introduce terms, and we can make it a condition, if we choose, that the States shall not have the benefit unless they adopt the terms.

Again the Senator from Alabama says:

There is scarcely a State in the Union that devotes any specific attention to this very matter, and it is time that the Congress of the United States had at least set the example to the States, and now that it has a favorable opportunity I hope that Congress will not fail to do so.

Congress then, it seems, had the constitutional power to set the example.

The Senator from Alabama proceeds:

It is very true that under ordinary circumstances the establishment and endowment of schools of technology requires a good deal of money, requires quite a variety of professors and instructors and tutors in various branches of industry which our people are following in the land, and it is equally true that the amount of money which is to be raised under this bill is comparatively a small one. Some Senators have expressed the hope and the confidence that this fund will hereafter be added to. I join very heartily in that hope and in that confidence, and that not only this fund will be increased by private contributions, but that hereafter we shall find other means arising from the general Treasury of the United States for the purpose of aiding in this very important movement, I think one of the most important movements which have ever addressed themselves to the civilization of the people of the United States.

There the Senator does not seem to have been drawing the fine-spun distinction, as it seems to me it is, between donating land and the proceeds of land or the land that belongs to the Government and the money that belongs to the Government, but he looks to the time when the fund will be added to not only by individual donations but from the *general Treasury* of the United States. That was not unconstitutional at that time according to the opinion of the Senator from Alabama.

I will send to the desk and ask the Secretary to read something further that I have marked.

The Secretary read as follows from the RECORD:

Mr. MORRILL. May I ask the Senator from Alabama if he does not believe this is a question that had better be left to the several States, when all but fourteen of these colleges have already admitted women to all their privileges, and the very institution that he has mentioned was established by the agricultural-college fund?
Mr. MORGAN. I should be entirely willing to do that; but we have been nearly twenty years conducting these colleges or some of them under this law, and yet, as I have remarked, there are only half of them—there is less than half of them—that admit women at all to the colleges. They are barred from going there by regulations of the institution, and in not more than three or four of all these colleges are there any special schools of instruction in reference to the common industries of life. The experiment has been a failure, if that was one of its purposes.
Mr. MORRILL. The Senator of course is aware that one great reason in the smaller States is that the fund has not been sufficient.
Mr. MORGAN. I think the fund ought to be sufficient for that purpose, before almost any other you could name, except to teach the elements of an English education. The fund has been quite sufficient to have in all these agricultural colleges boys decked out in military gear, with bands of music and drums, and drill officers sent there for the purpose of training them as soldiers. I do not know one, perhaps there are some, but I do not know one of these agricultural colleges which is not a regular barrack, a camp of soldiery, where the youths of the country are made to step about and strut about in uniforms, wearing swords and carrying guns—in my judgment a very useless waste of money.
Then, again, there are large numbers of professors in these colleges, quite an extraordinary number of them, far more than is necessary to teach the simple branches of education which are taught in these colleges. There is a great loss of money there. We leave it to the States, of course, but I am disposed to put some restriction upon the expenditure of this money hereafter, and I think that one class of people who are totally neglected and totally unprovided for ought to be provided for by an act of Congress, which shall require the State schools to admit women; I do not mean into the college proper on the basis of coeducation with boys, but I mean that they shall be admitted into schools prepared for them, and that the purposes of these schools shall be directed specifically to their education in the ordinary industries of life and in a great many technical pursuits where they can earn the means of subsistence.

Mr. BROWN. I find in the speech of the honorable Senator from Alabama delivered on Saturday last this language:

What I complain of is the exercise of the power by Congress in this bill to follow that fund after it has been donated and the power to call the States to the bar of the Senate, year after year, upon their reports for the judgment of this body and the other House upon their conduct.

I do not wish to see the proud State of Alabama arraigned at the bar of the Senate of the United States to answer how she has disposed of money, come from what source it may, in the discharge of a duty which she owes to her own citizenship.

The greatest trouble of the Senator in regard to the present bill is the interference with the States by calling them to the bar of the Senate and House of Representatives to make a showing as to how they have disposed of this property. It would seem from the remarks just read from the Senator from Alabama that he was finding a great deal of fault with the way the States had disposed of the agricultural college fund, and especially with the way the boys were rigged out in military

uniform as if at a camp of instruction, and the fact that they had refused to permit females to participate and be educated in the colleges, and he was at that time for regulating that matter and putting in restrictions and conditions. It seem to me therefore that the position that the Senator took then is hardly reconcilable with the one that he takes now on this question. It is not important that it should be, because wise men change when they are satisfied they are wrong. I want to read a little further from the Senator's speech on this same question:

If this provision should have no other effect than merely to distribute information of that sort among the people of the United States at large, and particularly among the uneducated people of the section of country in which my friend from Georgia lives and in which I live, the accomplishment of that one result would be quite sufficient to justify us in making this requirement upon the States.

The language there is "requirement upon the States." Again:

I ask the Senate to adopt this amendment because I believe it will be the starting-point of a very great movement in this country. I believe that it can not possibly do any harm; that it does not in the slightest degree embarrass the bill, which has all of my sympathy and will have my support. I commit it to the candid attention of the Senate and ask for it their support.

Mr. President, these are rather strong expressions that I have read from the speech of the honorable Senator on the Morrill bill. I will summarize them a little, quoting the language of the Senator in only parts of the sentences. "No reason for despairing of success if we shall make it *compulsory on the States to adopt* a system of this kind;" "quite sufficient to justify us in making this *requirement* upon the States;" "I am disposed to put some *restrictions* upon the expenditure of this money hereafter;" "this class ought to be provided for by act of Congress, which shall require these schools to admit women; that the purpose of these schools shall be *directed specifically* to their education in the ordinary industries of life," &c. Again he says: "I join very heartily in that hope and in that confidence that not only this fund will be increased by private subscriptions but that hereafter we shall find other means arising from the *general Treasury* of the United States for the *purpose of aiding* in this very important movement—I think one of the most important movements which have ever addressed themselves to the civilization of the people of the United States." Again he says: "We have the right to introduce *terms*, and we can make a *condition* if we choose that the States shall not have the *benefit* unless they *adopt* the *terms;*" "I desire to make it not only permissive in these schools to receive the money for education, but to make it *compulsory* that they shall provide a school within this college somewhere or in some way by which the women of the land may be enabled to be taught branches of industry," &c.

These were the expressions used by the honorable Senator from Alabama in reference to the *compulsory means* and the *terms* to be adopted when the States had not carried out the trust in reference to the agricultural-college scrip as he thought ought to have been done. I find no fault with these utterances. I thought they were wise at the time. I voted with the Senator. He voted for the bill and so did I, and I still think Congress when it appropriates the money has the power he claimed for it in this very able speech.

It may be proper, however, that I should refer to the bill known as the Morrill bill and see what were its provisions in reference to the imposition of terms, reports, &c. I mean the bill that the Senator from Alabama and I voted for. There are two sections of the bill bearing on that subject that I send to the desk and ask to have read. One is on page 221 and the other is on page 227 of the same volume of the RECORD. It is in small print.

The Chief Clerk read as follows:

SEC. 6. On or before the 1st day of September in each year the Commissioner of Education, under direction of the Secretary of the Interior, shall certify to the Secretary of the Treasury as to each State, Territory, and district, whether it is entitled to receive its share of the apportionment under this act, and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress, in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner. If Congress shall not at its next session direct such share to be paid, it shall be added to the general educational fund.

* * * * *

That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year until January 1, 1885, and thereafter four months in each year, a system of free public schools for all the children within its limits between the ages of 6 and 16, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report to the Commissioner of Education of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintaining a system of free public schools.

Mr. BROWN. Mr. President, I have had those two sections of the Morrill bill read to show what were the provisions of the bill for which the Senator from Alabama and I voted in reference to the reports that were to be made by the States and the power that was reserved to Congress over the fund. I think if the Senator will compare these provisions with the provisions in the present or Blair bill, he will find that they were quite as onerous and quite as stringent as those of this bill. The States not only had to report the number of schools, the number of school-houses owned, the number of school-houses rented or hired, the number of children in the schools, how long they had been taught, that the schools up to a certain period must be kept open three months in the year, after that period four months, and a long list of this kind of items that must be embraced in the reports made by the different States, and if the States refused or neglected to make the reports then there was an officer here, the Commissioner of Education, who was authorized to look into the matter, and if he was not satisfied with the reports he was authorized to withhold the fund from the State until Congress passed an act relieving the State.

It is true, that under it the State of Alabama, the State of Georgia, and other States might be brought to the bar of the Senate and House, as the Senator from Alabama said in his speech on Saturday. That was the unpleasant part of the bill; but notwithstanding that provision in the bill the Senator from Alabama supported it and spoke in very high terms of the measure. It is true that he and I both voted to strike out these provisions, but when a majority of the Senate refused to strike them out we both voted for the bill, and I think we did right under all the circumstances.

Mr. Kernan, then a Senator from New York, moved to strike out the provision in reference to the power of the Commissioner of Education to withhold the fund. I am not sure whether there was a motion to strike out the other section or not. At least that was the distasteful part of it; but under all the circumstances, believing it was constitutional and that we had the right to pass the bill, we voted for it with these provisions contained in it. There is nothing in the present bill that seems to me to be more objectionable or more stringent than the provisions in that bill for which most of the Democrats as well as Republicans voted.

Now, Mr. President, I desire to add in this connection that the Morrill bill appropriated the whole proceeds of the sales of the public lands, and the income from the Patent Office, as an educational fund, the principal of which was to be annually invested in 4 per cent. stocks of the United States, and the interest only distributed. On motion of Mr. Teller, Senator from Colorado, that was changed in Committee of the Whole so as to distribute the principal, but in the Senate there was a failure to concur in that amendment, and as the bill passed the Senate it provided for the distribution of only the interest of the fund. I presume it will not be denied by the honorable Senator from Alabama or any other Senator that that was an appropriation of money belonging to the United States—money that had been raised by taxation, at least so far as the Patent Office money was concerned. The Senator from Alabama shakes his head. I shall therefore have to read a few authorities on that subject. I thought my friend the Senator from Mississippi [Mr. GEORGE] made that question so clear the other day in his very able speech on the subject that it would not longer be questioned that money raised in that way is money raised by taxation; but as the Senator from Alabama still denies it, I will refer to the authorities. Story on the Constitution, volume 1, section 950, says:

In a general sense all contributions imposed by the Government upon individuals for the service of the State are called taxes, by whatever name they may be known, whether by the name of tribute, tithe, tallage, impost, duty, gabel, custom, subsidy, aid, supply, excise, or other name. In this sense they are usually divided into two great classes, those which are direct and those which are indirect. Under the former denomination are included taxes on land, or real property, and under the latter taxes on articles of consumption. The Constitution, by giving the power to lay and collect taxes in general terms, doubtless meant to include all sorts of taxes, whether direct or indirect. But it may be asked, if such was the intention why were the subsequent words "duties," "imposts," and "excises," added in the clause? Two reasons may be suggested; the first, that it was done to avoid all possibility of doubt in the construction of the clause, since in common parlance the word "taxes" is sometimes applied in contradistinction to duties, imposts, and excises, and in the delegation of so vital a power it was desirable to avoid all possible misconception of this sort; and, accordingly, we find in the very first draught of the Constitution these explanatory words are added. Another reason was that the Constitution prescribed different rules of laying taxes in different cases, and therefore it was indispensable to make a discrimination between the classes to which each rule was meant to apply.

That is very high authority, and it is certainly too broad to admit of any doubt as to the meaning of it.

I read now from Cooley's Constitutional Limitations. He says:

Taxes are defined to be burdens or charges imposed by the legislative power upon persons or property to raise money for public purposes. The power to tax rests upon necessity, and is inherent in every sovereignty. The legislature of every free state will possess it under the general grant of legislative power, whether particularly specified in the constitution among the powers to be exercised by it or not. No constitutional government can exist without it.

I need not read all the author says on that subject. It is sufficient to say that *taxes* are defined to be "burdens or charges imposed by the legislative power." The legislative power imposes a burden or charge on every person who makes a discovery that he desires to have patented of paying into the Treasury a certain fee; that is, an amount of money raised by the imposition of an act of Congress. It is imposed by legislative authority, and it is therefore a tax.

Blackstone, in his Commentaries, which I thought I had before me but I have not at this minute, lays down the rule that the receipts from the post-office fall under this head. I think I need not elaborate that. It seems to me there is no sort of question about it, that an amount of money raised by authority of law from citizens, no matter whether it be a fee paid for the privilege of getting a patent or whether it is a fee paid for a license to distill whisky, or whether it is a fee paid for a

license to sell tobacco, or any other imposition of like character, is a tax in the general sense of the term.

Therefore, Mr. President, I take it that the Morrill bill provided for the distribution of a portion of the money raised by taxation among the States for educational purposes, and not only so, but it provided for the distribution of the entire proceeds of the sales of the public lands—no matter where they came from, what part of the Union or what part of the Territory, if the public lands were sold, the income was paid into the Treasury of the United States and became the money of the United States, and became subject at once, if the bill had become a law, to be set apart as an educational fund.

I know there have been fine-spun distinctions attempted to be drawn here between the voting of lands belonging to the people and the money belonging to the people. The question was very properly put by the honorable Senator from Indiana [Mr. VOORHEES] the other day when the honorable Senator from Mississippi [Mr. GEORGE] was delivering his fine speech on this question: suppose we were to distribute the land in Alaska for which we paid $7,000,000 raised by taxation on the people, would we have a right to do it? The honorable Senator from Mississippi replied that we would, and we might then sell Alaska again and buy it back again and distribute it every time over and over. If it is necessary to go through all that humbuggery each time or the proceedings necessary to meet that fine-spun distinction, I had rather say, we should only have to buy Canada or Cuba occasionally and distribute the proceeds for the education of the people. There would be no objection to that it seems; that would be constitutional; but we can not take the money, it is said, out of a sum that has been raised by taxation. I have shown though very clearly, whatever dispute there may be about land, that the money raised by the Patent Office is a tax, money belonging to the people of the United States in the Treasury, and the Senator from Alabama voted to take it out of the Treasury and distribute it for this very purpose.

Mr. JONES, of Florida. Allow me to ask whether there be any distinction between a bill to provide for the education of the mass of the whole American people and the education of the blind people of the United States?

Mr. BROWN. I am not able to see how there can be any distinction so far as the question of power is concerned. If the Government of the United States has the right to educate the blind, it has the right to educate those who can see. If it has the right to educate in the primary branches, it has the right to educate in high schools or in colleges. There can be no distinction in principle.

Mr. BUTLER. May I ask the Senator from Florida if the United States Government has ever done such a thing as to educate the blind in the respective States?

Mr. JONES, of Florida. It has appropriated a large sum of money out of the tax-payers as a fund to aid in the education of the blind.

Mr. BUTLER. Precisely; but that does not answer the question I put to the Senator. I asked him if Congress had ever made an appropriation such as is contemplated by this bill to educate the blind.

Mr. BROWN. I will show when the time comes what Congress has done.

Mr. JONES, of Florida. I will say that in the Forty-fifth Congress a bill passed both Houses appropriating $150,000 in aid of the education of the blind. The bill shows for itself.

Mr. BUTLER. Upon what plans?

Mr. JONES, of Florida. The details I do not go into. The principle is what I speak of—as to the question of power.

Mr. BUTLER. Congress makes very large appropriations for the Military Academy at West Point; so it does for the Naval Academy at Annapolis; but they are confessedly national institutions.

Mr. JONES, of Florida. This was a Kentucky institution, located in Louisville.

Mr. BUTLER. I believe the Government has built an asylum for the deaf-mutes in this District, but that the Government has clear and unquestionable jurisdiction over——

Mr. JONES, of Florida. This was not for the District.

Mr. HOAR. The Senator will pardon me. Unless I very much err in my recollection, Congress passed a bill making quite a liberal grant to the blind asylum in the State of Kentucky, which was carried through under the direction of the honorable Senator from Kentucky [Mr. BECK] a few years ago. I aided somewhat in its passage.

Mr. BUTLER. That was not the point I made to the Senator from Florida. That applies to only one State. Is there any bill that has been introduced in Congress and passed that appropriated money for all the States alike, thus interfering with the domestic affairs of the States? That is the point I want answered. I want some Senator to tell me where Congress has appropriated one dollar of a character such as is contemplated in this bill.

Mr. BROWN. I prefer to pass that. It will lead to long discussion.

Mr. BUTLER. I beg pardon.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Georgia resumes the floor.

Mr. BROWN. Mr. President, I am aware that a great deal has been said here about the views taken of the powers of Congress in the early period of the Government by Jefferson and other distinguished patriots of that day, and it has been said that they did not find in the Constitution a grant for the education of the people, and the honorable Senator from Texas [Mr. MAXEY] read from one of Jefferson's messages on Saturday afternoon to show that fact. I only want to refer to one sentence of the portion of the message which was read by the Senator from Texas. Referring to the indirect tax-payers, Jefferson says:

> Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.

The Senator read that to show that Mr. Jefferson thought it was necessary to change the Constitution before Congress could appropriate money to aid in the cause of education; that it was necessary to add further enumerations to the Federal powers; but let it be borne in mind that in the very same sentence Mr. Jefferson classed roads and rivers and canals with education. If it is necessary to have an amendment of the Constitution and an enlargement of the enumerated powers before you can appropriate money for education, Mr. Jefferson being the authority, then, as the honorable Senator from Florida [Mr. CALL] stated so well in his able speech of Saturday evening, where do you get the authority to appropriate money for the improvement of rivers and harbors if you can not make appropriations for education? Jefferson classed the two together. In the sentence I read from his message Jefferson spoke of the necessity of an enlargement of the enumerated powers of the Federal Government before you could appropriate money for either. There has been no such enlargement on this point, as Senators I suppose will all admit, and still at every session of Congress, while the question is raised as to our right to appropriate money for education, we do appropriate large sums for the improvement of rivers and harbors. Where do we get the power to do the one and not the other? Mr. Jefferson classed them together.

Mr. BAYARD. May I answer?

Mr. BROWN. Yes, sir.

Mr. BAYARD. Undoubtedly Mr. Jefferson made the statement that the Senator has read from his message. About twenty-four years after that time the case of Gibbons *vs.* Ogden was heard in the Supreme Court, and the argument of Mr. Webster and the judgment of Chief-Justice Marshall not only urged but determined that the subject-matter of rivers and harbors was exclusively under the control of the National Government. That opinion was the reflex of the public opinion, and it has been acted upon from that day until this without a questioning voice anywhere.

Mr. BROWN. What was the date of that opinion?

Mr. BAYARD. The decision was in 1826, and that decision was in accord and has been accepted without dissent in this country from any quarter that I have heard of. It has been followed by the court, and is laid down so luminously and so clearly as the great pathway of the national power over the rivers and harbors of the country as essentially a part of the national commerce, the power to regulate which was expressly given to Congress, that that has been the only accepted interpretation of the Constitution since the time it was so decided.

Mr. BROWN. Mr. President, there are two satisfactory replies to my honored friend from Delaware. One is that Mr. Jefferson classed the two together, education and rivers, canals and roads. If the Supreme Court has decided in one case that there was no necessity for an amendment of the Constitution, but that the power existed, then it is fair to suppose that Mr. Jefferson, having classed them together, the other question, if before the court, would have been decided in the same way. Mr. Jefferson had one of those master minds that did not make mistakes in these classifications. He saw and said that they both stood upon the same ground, upon the same common level. I do not quote his language. The Supreme Court has said since, in the case of one of them, according to the Senator from Delaware, that the power does exist without constitutional amendment. Then, if Mr. Jefferson is good authority, the power exists in the other also, and the constitutionality is established.

But I can not quite concur in recollection with my friend from Delaware in reference to this power never having been questioned since that time. I am very much mistaken in my recollection if it has not been questioned several times in the national Democratic platform since 1827. And a system of internal improvements by the General Government has been condemned over and over again in the platform of the Democratic party since the decision referred to.

The Senator from Delaware, therefore, is utterly at fault when he states that it has not been questioned. It may not have been questioned by the Supreme Court since that time, but prior to the late war it was questioned over and over again in the national platform of the Democratic party, of which he is an honored member. It is true, since the war we have yielded it. The Southern rule of strict construction then contended for generally controlled the Democratic conventions. We denied the power then, and still there were acts passed by every Congress giving aid to improve rivers and harbors in Northern and Western States. We refused to take the appropriations in the South, standing on principle, and we have greatly suffered by it; but now nobody questions it, neither the Democratic party in its conventions nor the Republican party in its conventions.

So much, then, for the objection that Mr. Jefferson thought there ought to be additional enumerations of Federal power before education or the improvement of roads or rivers and harbors could be taken up under the jurisdiction of the Congress of the United States.

Mr. BAYARD. May I interrupt my friend?

Mr. BROWN. Certainly, for a question or a suggestion.

Mr. BAYARD. Undoubtedly as each case arose, whether an appropriation was national in its character or whether it was for purely local interest, the principle was sought to be applied. As river and harbor bills have been presented to Congress in many cases, there could be so little pretense that the navigation of the Union, the commerce of the Union, was involved in local expenditures, that it has led to protest after protest, rather against the facts of the given case than against the broad principle which it is asserted had been established by the decision of the Supreme Court and I think to the satisfaction of every constitutional lawyer, and that is that the commerce of the Union is the only commerce. There is but one commerce as there is but one flag, and the jurisdiction over commerce is national and is not State.

That I mean to say; but when it comes to making an appropriation to a given river, to a given place on the seacoast, it may well be that the uses to which the river can be put are so restricted, so petty, and so confined that it does not rise to the dignity of commerce or of navigation, and therefore it has been said "it is local and not national; commit it, therefore, to the interest of the locality and not give it to the General Government." That is what I think is the truth about it.

I beg pardon of my friend for interrupting him.

Mr. BROWN. I am very glad of the interruption.

Mr. President, the reply is that Mr. Jefferson included the whole class of river and harbor improvements and road improvements in the sentence that I have referred to. The Supreme Court in Ogden's case referred to such rivers and harbors as are necessary in carrying on the general commerce of the country. The Senator now draws that distinction, and it is the correct one. But I want to call his attention to this fact. I say that now all parties vote for these appropriations. We have waived that doubt. If we can waive it in the matter of rivers and harbors, why can we not waive it in the much more important matter of the education of the people, where the very life of the nation, as has been said, may be at stake upon it? At every session of Congress we pass laws not only to improve these navigable streams such as are included in the decision in the Ogden case, but we pass them for other smaller rivers, like the French Broad in North Carolina and the Coosawattee in Georgia and trout streams in West Virginia, and yet the Democrats on this side almost unanimously vote for them.

Mr. BAYARD. Not unanimously.

Mr. BROWN. Almost unanimously. In other words, we have waived that. As General Jackson in his Maysville road veto, which was referred to by the Senator from Mississippi the other day, laid down the rule, that where there has been a long practice on a particular line of construction we have no right to set aside the practice established by construction. It is better to adhere to the rule of construction than to interfere by uprooting it. Now, we have done exactly that in the case of rivers and harbors; and if we could waive Mr. Jefferson's scruple as to rivers and harbors that do not come within the Ogden case, why may we not waive it when we come to the question of the education of the great mass of the people, where everything depends upon it. I do not say the life of the nation; I do not agree with the honorable Senator from Massachusetts [Mr. HOAR] on that subject. I do not say that we have the power or that we should have the power, if we have no other constitutional ground for it, to educate the mass of the people because Congress judges that the life of the nation hangs upon it. I do not believe that opinion is concurred in by any one on this side of the Chamber who votes for this bill. I certainly repudiate it; but still I say it is almost a vital question, a very important question at least, to educate the mass of the people, who are to be the future voters of the States and of the United States, for we have now to speak of voters of the United States under the late decisions of the Supreme Court.

I think it is rather late in the day to raise this constitutional question, and it seems to me my friend from Alabama was right about it in the Forty-sixth Congress and is wrong about it now.

Mr. President, one more point, and I shall not further enlarge. Such have been my pleasant relations with the Senator from Alabama and my high regard for him, and such are still my kind relations and my regard for him, that I should not have made any of these criticisms upon his course whether I thought it consistent or inconsistent if it had not been for what seems to me to be an uncalled-for and unjustifiable assault on his part upon those of us on the Democratic side of the Chamber who vote for this bill. That is the object and the only object I have had in view in reviewing his course on this great measure. I find in the RECORD of yesterday the following language:

> Mr. HOAR. The total amount proposed by the amendment is $77,000,000, and the amount in the original bill is $105,000,000, $28,000,000 difference.
>
> Mr. MORGAN. That is a very small matter, $28,000,000, in a bill of this description, but I would admonish the Senator from Massachusetts that it is really the interest of the friends of the bill to have the amount large, because he will lose votes for it if he does not keep the sum up to $105,000,000. It is not the principle of the bill so much as the amount of money involved in it that gives it currency and popularity and strength, and as he is a friend of the bill he ought to manifest his friendship by keeping up the amount.
>
> Mr. HOAR. I have said in the hearing of the Senator that I was a friend of this bill.
>
> Mr. MORGAN. Then I hope the Senator will keep it up to the maximum rate of $105,000,000, and I venture to suggest that he will weaken the bill very much, if he does not actually destroy it, because it will not do to undertake to get the Senators on this side of the Chamber committed to the principle of this bill without furnishing a very large amount of money as an inducement for their votes. [Laughter.] And if there is any disclosure of a policy of a reduction of this amount of money now or hereafter some of the Senators on this side will feel very badly if they should find that their friends on the other side were not going to give the amount of money which it has been understood was to be the fruit of this bill in consideration of their votes.

The amount of money to be the fruit of this bill in consideration of their votes! Mr. President, I say this was gratuitous, uncalled for, and unjustifiable on the part of the Senator from Alabama. He has no right to question my motives or the motives of any other Senator on the Democratic side of this Chamber on this bill or any other. He has no right to say that an amount of money was to be the fruit of the bill in consideration of our votes. That is virtually saying that we would barter our votes for a large enough sum, but you had better not cut down the sum, or they may not be willing to sell out for the smaller amount. Of course that was not the language, but I think that was the idea conveyed to the Senate and to the galleries when the "laughter" came in. I say this was unjustifiable on the part of the Senator. It was unkind, undignified, and unsenatorial.

Mr. President, I will not say that he committed the same error with the same motive that he attributes to us when he gave his vote for this principle precisely in the Morrill bill in the Forty-sixth Congress for a much smaller sum. That was only for one or two millions a year to be added to the school fund, the interest to be distributed, and even that with his then convictions was sufficient to carry his vote. His then convictions were that there was no constitutional difficulty about the bill, and he was right, therefore, in voting for it, if it had been but $50,000 that controlled his vote. He would have done it under a sense of duty as effectively as if $50,000,000 or $500,000,000 were the amount proposed.

I voted with him at the same time for that small amount to be added to the fund to be distributed for the support of education. I believed I was right then. He believed he was right then. I believe I am right now, and I believe he is wrong now. But, while that is my opinion, I have never questioned his motives. He has certainly a right to change his opinion as he has done if he finds he is wrong, and he would neither be an honest man nor a brave man (and he is both) if he failed to change when he found he was wrong. Doubtless he has reasons that are conclusive to his mind why he should have changed his opinion on this question, and I admire him rather than condemn him for the change if he feels it was his duty, but while he is making the change he should be a little more charitable to his brother Senators who choose to continue to stand where he stood then and vote as he voted then.

Mr. VOORHEES. Mr. President——

Mr. JONES, of Florida. Will the Senator yield to me?

Mr. VOORHEES. For how long?

Mr. JONES, of Florida. Not long. It will be remembered that a short time ago a little colloquy occurred between the Senator from South Carolina [Mr. BUTLER] and myself, and I just want to make a remark; but if the Senator from Indiana prefers the floor——

Mr. VOORHEES. I would yield with great pleasure, as the Senator from Florida knows, and I would to the Senator from Alabama [Mr. MORGAN] who now rises, but perhaps I might as well make the few remarks which I design making at this time as any other, and the Senators will have the time they might occupy now after I get through.

Mr. VOORHEES proceeded to address the Senate. Having spoken till 3 o'clock,

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Indiana that by unanimous consent of the Senate the time for closing general debate has arrived—3 o'clock.

Mr. VOORHEES. I should like ten minutes more.

Mr. BUTLER. I move that the Senator have the time.

The PRESIDENT *pro tempore*. It is not necessary to make a motion. The Senator is entitled to speak. These understandings are not put from the Chair as orders of the Senate.

Mr. HARRIS. Still, in view of the fact that it was an understanding which the Senator from Indiana would not be willing to violate, I ask that the question be put to the Senate if unanimous consent is not given.

The PRESIDENT *pro tempore*. Is there objection, under the understanding that the Senator from Indiana be permitted to proceed? The Chair hears none.

Mr. VOORHEES. Mr. President, I only want to occupy the floor a few minutes in justice to my friend from Alabama. I feel that after the attention I have given to the Senator from Missouri the Senator from Alabama would feel justly hurt if I did not notice a most extraordinary matter connected with his argument on this floor.

Mr. VOORHEES. Mr. President, I have been a listener to this most instructive debate from the beginning, and it was my intention to have so remained to the end. No discussion in this body since the war has been of greater importance in my judgment or will be more fruitful or far-reaching in beneficial results than the one now drawing to a close. The measure itself now before the Senate has never been surpassed in

the elevation and benevolence of its spirit nor in the magnitude and value of its immediate and ultimate purposes.

But tempting as has been the subject and deeply interested as I have been, yet I would not have asked to detain the Senate a single moment had it not been for the tone of certain remarks made in the close of the discussion on Saturday evening by the Senator from Alabama [Mr. MORGAN] and the Senator from Missouri [Mr. VEST]. It seemed to be their object to make it appear disreputable for a Senator on this side to support this bill because it had met the approval of a caucus on the other side of the Chamber. I will have to entertain a far lower estimate of my own independence of character before I will be driven from doing what my conscience and my judgment conceive to be right because other people who do not agree with me on other subjects may agree with me on this one. I can imagine no argument less likely to influence my mind or conduct than such an one. Whether this bill has been the subject of caucus by Republican Senators I know not and care not. On a measure of this kind, so non-partisan, so utterly destitute of politics in every line and feature, I would meet with Senators of every shade of opinion anywhere and everywhere. I could meet in consultation with the other side of the Chamber on a measure like this without fearing any danger to my own position in my own party. A Senator whose party relations may be endangered or misunderstood by consulting with his political opponents on a measure of education, of progress, of the enlightenment of the people of this country of all parties, all classes, races, and conditions, must have very insecure and infirm political affiliations.

Mr. President, in the simplest way possible and in the briefest I propose to give some of the reasons why I look favorably upon this measure. It comes in the right spirit. Any measure coming here as a measure of peace between the sections should be received with grateful approbation by every lover of his country. In the organization of our Government there was a calamity interwoven with its very foundation, there was a cause of sectional strife and alienation, an element of eternal irritation and bitterness, an institution embodied in our fundamental law from which sprang the irrepressible conflict. For that institution one section is not more responsible at the bar of history than another. It resulted, however, in those scenes of ruin and disaster over which the whole country, the North and the South, have alike wept. Any measure, therefore, that comes here in the spirit of fraternity I welcome as a peace offering and rejoice in it as a means of harmony and restored unity.

Sir, as a measure of amity and good-will this bill comes from the right quarter; it comes from New England, and no nobler offering to the welfare of this whole country ever emanated from that section. Do Senators expect me, standing here as I do allied by blood and lineage to the South and representing in part a great Western State, to be less liberal toward the Southern people than New England? Indeed, no one has manifested any pleasure in opposing this great measure. Even those who oppose it on constitutional grounds openly lament the necessity of doing so, announcing with emphasis that all their sympathies are with the measure. The Senator from South Carolina [Mr. BUTLER], opposing the bill with great ability, nevertheless has recognized its kind and fraternal spirit. The Senator from Delaware [Mr. BAYARD], the Senator from Ohio [Mr. PENDLETON], and I believe the Senator from Alabama [Mr. MORGAN] have concurred in that view.

The good faith of this measure as one of conciliation and kindness to the South can not be questioned. It embraces the present and future generations of both races. The prejudices of New England and the North are laid aside in its provisions. It can not be said that its New England origin has caused any discrimination in favor of the colored race. It takes the illiterate white child by the hand as well as the illiterate black. Its object is to lay open the book of knowledge with an impartial hand.

Am I not justified, then, in saying that it is a great measure of conciliation such as we all would have gladly welcomed at any time during the last twenty years? What have good men prayed for more than any other one thing in this country? They have prayed for peace upon the troubled waters; they have invoked the spirit of reconciliation. I hail this great measure as the most progressive and powerful movement for reconciliation, peace, and harmony that has been known in the history of this Government.

But, Mr. President, there is another reason in this connection why I look with favor on this bill. It is a proper recognition of a just responsibility on the part of the whole people toward the negro race. It is sometimes contended that the Southern people should alone be charged with the care of the black man and black woman; that all the ills and burdens which have been entailed on the South are due to the fact that the South was solely responsible for slavery. At the date of the Revolution slavery existed by law in every American colony.

The responsibility for American slavery must be borne alike by the North and the South. The original act of injustice to the negro was the work of the whole American people. His enslavement was agreed to in the Constitution by every State, and it is eminently right that all alike shall now bear the burden of his education and join in rendering him the aid which is his due. The curse of slavery fell on the colored man in the North as well as in the South, and it was never withdrawn from him in the North until his labor was unprofitable. All sections shared the responsibility and should share alike the just claims of the negro for such reparation as may be best for him and his race.

If the education and enlightenment of this once oppressed race is right in itself, then let the whole country take part in it; the work should devolve on no one section alone, even if that section was able to meet such a responsibility.

But, sir, if the work contemplated in this bill should be devolved on the South alone, what is the spectacle presented? Everybody concedes that the South is unable to accomplish it. I heard my distinguished friend from South Carolina [Mr. BUTLER] oppose the bill. I did not agree with him, and yet it afforded me pleasure to hear him. There was a magic in the manly courage with which he contended that the South was able for this stupendous task alone. God helps those who help themselves, and in the spirit of that doctrine I will respond to the Senator from South Carolina by saying that I will all the more cheerfully aid his people because of the fact that they are doing all they can to help themselves. In fact, I would have but little hope of the future if the Southern people themselves had fallen short of their duty.

The Senator made a strong showing of growth and progress in South Carolina and claimed for her the ability to do all that is requisite for the education of all her people of both races. I rejoice at the picture of prosperity which he displayed, but I fear to agree with him; and even if South Carolina can do all that is claimed, still there are other States which are powerless in the presence of the needs of their people. I love to see the Senator put his State to the front, take all the honor that is her due, and show that she has progressed, improved, and applied her resources justly and equitably to the cause of education.

Other States have also made their showings as to fair dealing with the cause of education. Sir, in this connection I desire to show by the testimony of the colored people themselves that they have been treated by the white people of the South with absolute fairness on the subject of education and in the matter of schools and benevolent institutions.

I wish to show that the State governments of the South can be trusted to make an honorable and fair use of the great fund provided in this bill.

Some years ago the Senator from New Hampshire [Mr. BLAIR], the author of this bill, and myself were members of a committee and made extensive investigation in regard to the discontent and migratory movements of certain portions of the colored race in the South. One of the subjects investigated and on which there was no conflict of testimony, if I remember correctly, was the treatment of the colored children in the schools. That investigation did good It threw light into dark places. Certain evils it is true had taken place. They were corrected by the very fact of agitation, but on the subject of the schools there was but one voice. I read from the testimony of Mr. O'HARA, a very respectable and highly intelligent colored gentleman, who is now a member of the House of Representatives from North Carolina. He was describing the depressed condition of affairs in North Carolina and was asked whether they had not had very destructive floods the year before. He replied:

A. Yes, sir, very; and last year we had droughts also, so that the crops were very short, and that caused labor to be very low; and because of the feeling that exists between the people in that State, I will relate this, that a few Saturdays ago the people living in that section of the country called Scotland Neck held an agricultural meeting. White people and black people met together and had a talk about this subject. Richard A. Smith, a white man and leader there, spoke, and I spoke too, and the result of the meeting was that they thought on account of the increase of the price of cotton they ought to increase the wages of the hands, and they did so. As another remarkable fact connected with this, I will state that there are some colored people who hire laborers in that section and are interested in the price of labor. These whites they have property, and have to have labor to assist them in cultivating it, and naturally they want the labor cheap.

Q. State the condition of the education for children in North Carolina?

A. The condition of the children in North Carolina according to our system at present is poor. I mean poor as to all classes; in our law there can be no discrimination. Eight and one-third per cent. of the property-tax and 75 per cent. of the poll-tax, I think, is used for school purposes, each class getting its *pro rata* share; and if it had not been for some oversight in the last legislation, an omission to sign the bill, I think, we would have had a very good system of public schools in the State. Of course education is not there for the poor classes as it is in the District of Columbia, where you have large taxes and have a Federal Government to supply it, and in large cities like New York, but I think it will compare favorably with that in any rural district in any section of the country. I read the report of the Commissioner of Education, and see that the schools in the interior of nearly all the States in the rural districts are as nothing compared with the schools in the towns and cities, and I think ours will compare about as favorably as any. We need, however, a great deal of improvement yet, and I think it will come gradually.

Q. Have you seen the last report of the superintendent of education?

A. I have not.

Q. Do you know that the number of children attending school in North Carolina is increasing from year to year?

A. Yes, sir; I know they are increasing from year to year. I think, however, we have made one mistake. I think we have made a sad mistake in the employing of cheap teachers. Our people seem to have got the idea into their heads that $20 a month is paying enough for a teacher, and the result is you can not get first-class teachers. First-class teachers will not work for such a price as that; but wherever they offer $20 for teachers, they pay the same to white teachers and black teachers alike. I know a case in point—

Continues this colored man—

My wife holds a first-class certificate; she receives $20 a month, and teaches

a colored school. The daughter of Col. David C. Clark, one of the leading white gentlemen of the city, also holds a first-class certificate; and she teaches a white school at $20 a month.

Then the Senator from North Carolina [Mr. VANCE] asked him:

This is done in order to make the money spread over as much time as possible?

A. Yes, sir; but there is another result. The best teachers will not remain in such places, but will go where they can be better paid. Only the poorer class of teachers and persons living there, who are not compelled to rely on their teaching for a support—only persons so situated will teach.

Q. Has not your State appropriated money for the establishment of a normal school for the education of teachers?

A. We had a normal school at one time. It was at first only temporary, but I think our Legislature has made it permanent. As we advance and get a little more money we will have more schools of all kinds.

What a touching appeal this is from such a source to men now considering this bill. Again:

Q. Has not the State also provided asylums for the unfortunate of your race?

A. Yes, sir; the same facilities are offered the black and white alike in that respect. We have a deaf and dumb school for the colored people, under the same rules and government as that for white people; they are taught, fed, and clothed under the same system as the whites. In fact, it is not very long since I went through both institutions—the one on one side of our city, the other on the other. They have the same kind of provision, meats, vegetables, and fruits; the same bedding and furniture, carpets, pianos, &c., all the same in both institutions, without any discrimination at all.

Q. What provision has been made for the insane?

A. Owing to the crowded condition of our present insane asylum, it has been found necessary to build two others; one for the whites at Morganton, and one at Greensborough, in what is called the "negro belt," exclusively for colored people—an institution that will compare favorably with institutions of the same kind in any part of that country; as good as the one they are building for the whites at Morganton.

Q. It is not as large?

A. No; it is not as large; it is not necessary that it should be as large, because our percentage of insane is not as large as it is among whites; and the negro population is only one-third that of the whites.

I have read this testimony in support of the bill in order to show that we are bestowing this fund upon States and peoples who are treating the colored people fairly, and as a guarantee that the fund will not be abused, that there will be no discrimination made in its use on account of race or color. I wish no element of distrust to be in this bill. I will not vote for it if the guardianship of the Federal Government follows a dollar of the money into the States. I shall vote for it with full confidence or not vote for it at all. I shall confide entirely or I will not confide at all. For that reason I am showing that in regard to education and benevolence schools and charities have been established in the South for the black man as well as for the white man. This great and undisputed fact pleads in eloquent tones for the passage of this bill.

There was a wide field of this kind of testimony which I might read by the hour. Much of it came from North Carolina, and all to her honor. There was much also from Louisiana, all to the same general purport. I pass it over, but I am tempted beyond my power of resistance to read to the Senate a few answers which were elicited from a man whom the Senator from New Hampshire will well remember. He came from the county of Bolivar, Mississippi, the region of the Yazoo, in that State. His face was as black as the wing of a raven. He was dressed as well as any Senator on this floor. He bore himself with great propriety of demeanor and with an unassuming dignity that was pleasant to witness. His name was Lewis Stubblefield. He told us he was born in Virginia, was a slave until Lee surrendered, and had not $3 worth of clothing on his back at that time. When he came before us he was the owner, with an unencumbered title, of over six hundred acres of Bolivar County bottom-land, said to be as productive as any the world contains. He owned cattle and horses, mules and hogs; he hired labor, this full-blooded African, and white labor in many instances. After telling the committee that he had made all his lands and stock by his hard work and attention to business since the war, and that there was nothing to prevent any other man of his race from doing as well in that State, he testified as follows about school privileges:

Q. Mr. Stubblefield, how is it about opportunities for schooling your children in your county?

A. Well, sir, our people in Bolivar has the same chance that the whites does for schooling their children—

I read his imperfect grammar as it is printed here—

there is no exception made in the schools at all.

What an overwhelming piece of proof that is.

The schools are kept up—

Continues the questioner—

by the taxation of the people, are they?

A. Yes, sir.

Q. Where the colored man has property he pays the school taxes the same as the white man does?

A. Yes, sir; it is all equal as to that.

Q. And all share alike in the privileges of the schools?

A. Yes, sir; that portion of the business has been passing through my hands for the last eight years; I am identified with that sort of work.

He was a supervisor of schools.

Q. How many members are there in your board of supervisors?

A. Five men on our board, sir; one member from each of the supervising districts.

Q. How many of these supervisors on your board are white and how many are colored?

A. Three are white and two are colored; but the three whites are there by my consent.

He was in a county with a large colored majority. Continued he:

We would have elected on last Tuesday a week ago another member, a colored man, but I would not consent to it.

He wanted the white man to remain. And much more I might read. Among nearly a hundred colored men called as witnesses, that was the burden of the testimony of each one. I remember that this man Stubblefield stated he was a Republican in politics, and on election day that he often rode with his neighboring land-owner, a white man, and a late confederate officer, to the polls, and while his white neighbor voted the Democratic ticket he voted the Republican ticket without molestation. Am I wrong in supposing that it is proper and right to adduce these facts to Senators in order to inspire confidence in the disposal of so large a sum of money?

I am told, however, Mr. President, that with all the good purposes of this bill it is not within the purview of the Constitution. I am not here to dwell on the benefits and blessings of education, nor am I here to discuss the decisions of courts or what the distinguished men of the earlier days of the Republic have individually said in regard to the powers of this Government, but I am here to declare what every man knows and what no one will deny, that the cause of education has been recognized in the acts of the Government itself as a national cause from the first hour of its existence until the present moment. It was recognized by Washington and in the utterances of all the fathers and framers of the Constitution. The cause of education, I repeat, was recognized and recommended as a national cause, a cause with which the welfare of the country was intimately associated.

The policy of this Government on this subject is as plain as a well-beaten pathway. I might follow the example of other Senators and read the letters, the messages, the reports of distinguished men of the past and the decisions of the courts. Will it not, however, be quite as conclusive as to the powers of the Government to show what it has actually done at every stage of its existence as to point out what eminent men and the courts have said it might do? I, too, might quote opinions, but I prefer to state facts. When I show what the Government has done upon this very question I presume it will be conceded that no higher authority can be produced. The policy of the Government is so continuous and unbroken that it has received the support of all the wise and great in our history.

What do we see when we turn to this policy? Every State admitted into the Union since the adoption of the Constitution has received upon her admission a birthday present, as it were, a rich donation of lands, an educational endowment in behalf of the children she was to bring forth and train up for duty as American citizens. This was a present from the National Government to every State; to yours, sir [Mr. HARRIS, in the chair], and to mine; and what a splendid endowment it has been! Can I stand here and forget what was done for my own State? Indiana had her sixteenth section; she had her university lands; she had her land-scrip given to her in lieu of lands that could not be taken up in her own borders. Am I to ignore these facts when an appeal is made to me by people who have had thrown upon them an unnatural and abnormal condition of affairs in the liberation and enfranchisement of a whole race buried in ignorance? New States came into the Union with natural surroundings and with no exceptional burdens. The Southern States are struggling to-day with a problem heretofore unknown in human history and with a responsibility far beyond their power to meet. But with no such appalling circumstances surrounding the other States of the Union, the policy of this Government toward them has been all the time in the exercise of that power which is now denied by the Senator from Alabama [Mr. MORGAN] and other Senators on this floor, when it is invoked for the relief of the afflicted States of the South.

Every sixteenth section of public land in the States admitted prior to 1848 and every sixteenth and thirty-sixth section of such land in the States and Territories since organized have been granted for educational purposes. The lands granted for educational purposes, both for common schools and universities, throughout the Union have amounted to nearly 100,000,000 acres. Yet I am told that the Goverament has not the power to aid the cause of education in the States. Why not the power?

Do you answer that lands can be granted but not money? I had promised myself that I would not waste any time on that point. Money is no more a thing of value than land. One is a commodity as the other is. Money is worth only what it can be exchanged for, and so are lands; and when lands are donated, it is with the express understanding that the State can exchange them at once for any other commodity, money or anything else, that will best promote the cause of education. I shall waste but little time on that point. According to this distinction between the donation of lands and the donation of money Congress has the power to grant the recently acquired Territory of Alaska to the several States for educational purposes, well knowing that the States would sell the Territory and apply the proceeds to their schools, but Congress could not have donated the seven millions to the States for school purposes which we paid to Russia for the Territory. Such a proposition only needs to be stated to be rejected.

The following table of lands granted for school purposes will be of interest as illustrating the policy of the Government on this subject:

| State. | Year. | Acres. |
|---|---|---|
| Ohio | 1803 | 704,488 |
| Indiana | 1816 | 650,317 |
| Illinois | 1818 | 985,066 |
| Missouri | 1820 | 1,199,130 |
| Alabama | 1819 | 902,774 |
| Mississippi | 1803 | 837,584 |
| Louisiana | 1806 | 786,044 |
| Michigan | 1836 | 1,067,397 |
| Arkansas | 1836 | 886,460 |
| Florida | 1845 | 908,503 |
| Iowa | 1845 | 905,144 |
| Wisconsin | 1846 | 958,649 |
| California | 1853 | 6,719,324 |
| Minnesota | 1857 | 2,969,990 |
| Oregon | 1859 | 3,329,706 |
| Kansas | 1861 | 2,801,306 |
| Nevada | 1864 | 3,935,428 |
| Nebraska | 1864 | 2,702,044 |
| Colorado | 1875 | 3,715,555 |

In addition to these grants to the States there have been donated over 30,000,000 acres to the eight organized Territories of the United States, making an aggregate of lands granted to the States and Territories for school purposes of 67,893,919 acres.

Then, for the purpose of aiding in the establishment of universities, still other lands have been donated to the States and Territories, amounting in all to 1,165,520 acres.

Next comes the land-scrip. I have other tables and figures here which I will not dwell on at length. But I see that one university in Indiana is put down in this official report as the recipient of over $212,000, proceeds of the sale of land-scrip which was issued to Indiana in lieu of land that she could not locate within her borders. There are some striking revelations in these statistics. The need of the South is very sore, and yet abundance has in some instances been given where nothing was needed. California, coming into this Union thirty years ago with a crown of gold upon her head and untold wealth in all her veins, was the recipient from the Government of nearly seven million acres of land for educational purposes. She was rich, with a magnificent future before her; yet the power of the Government was thought to be equal to the task of giving her a great domain besides; now it is denied to the States that are poor and depressed indeed.

Allow me to call attention also to the transactions of 1836 between the Federal Government and the States, which resulted in vast assistance to the cause of education within the States. They illustrate the fact that Federal assistance has taken every shape. In 1836 the Federal Government found itself with a surplus of revenue on its hands, and by act approved June 23, 1836, provision was made to deposit the same with the States in proportion to their representation. The amounts thus deposited with the States will be shown by the appended table:

| | |
|---|---|
| Maine | $955,838 25 |
| New Hampshire | 669,086 79 |
| Massachusetts | 1,338,173 58 |
| Vermont | 669,086 79 |
| Connecticut | 764,670 60 |
| Rhode Island | 382,335 30 |
| New York | 4,014,520 71 |
| New Jersey | 764,670 60 |
| Pennsylvania | 2,867,514 78 |
| Delaware | 286,751 49 |
| Maryland | 955,838 25 |
| Virginia | 2,198,427 99 |
| North Carolina | 1,433,757 39 |
| South Carolina | 1,051,422 09 |
| Georgia | 1,051,422 09 |
| Alabama | 689,086 79 |
| Louisiana | 477,919 14 |
| Mississippi | 382,335 30 |
| Tennessee | 1,433,757 39 |
| Kentucky | 1,433,757 39 |
| Ohio | 2,007,260 34 |
| Missouri | 382,335 30 |
| Indiana | 860,254 44 |
| Illinois | 477,919 14 |
| Michigan | 286,751 49 |
| Arkansas | 286,751 49 |
| Total | 28,101,644 91 |

And although the law making this distribution provides for the return of the money to the Federal Treasury "whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the public Treasury," yet no such requirement has ever been made. Thus we see that for nearly fifty years past the States have enjoyed a practical donation from the Federal Government of more than twenty-eight millions in actual money, which in almost if not quite every instance has been converted into the school funds of the several States. New York thus appropriated the four millions and over which fell to her share, and the other States generally followed her example, while the Federal Government gave its approval by its silent acquiescence.

What else has been done in the matter of education as a national work? Do Senators forget recent events? Since the war more than $6,000,000, not in lands, but in money, have been appropriated by Congress for colored schools in the South. I have the appropriation acts here if there is any question as to my statement. The freedmen's schools have been fed with national appropriations during the last twenty years, and to the extent of over $6,000,000. Is it not somewhat late in the day to call in question the power of Congress to pass the pending measure? I give you a precedent in your own day and generation. How is it to be answered? Do you oppose this bill by saying that the schools for the freedmen were unconstitutional? Why, then, was that question not tested in the courts? It could easily have been done at the proper time.

But, sir, I come to a still later date and even a more striking illustration. Within the last twelve months, during the last fiscal year, Congress appropriated $400,000 with which to educate the Indian children at Hampton and at Carlisle. How will you answer that? Where were the voices now so eloquent, where the speeches now so learned and so long, when that bill passed the Senate, taking $400,000 of tax-raised revenue out of the Treasury with which to instruct and enlighten the little copper-colored, dark-eyed, straight-haired children of the desert within a hundred miles of this Capitol? Where were these vigilant sentries of the Constitution then? Were they dozing on their posts, or is the dusky Indian dearer in their regard than their own blood and kin? The white child is in this bill; the white face is here as well as the dark one. Is the barbarian's child of the forests, the offspring of the frontiers, a more important and cherished object of your care than the white child of the South? Does the Constitution expand in its application in one direction and contract in another? Is there a certain elasticity in the Constitution toward the schools at Hampton and Carlisle and a contractability in the same instrument when applied to schools of your own?

I am amazed, it fills me with wonder when I hear some of the arguments which have been advanced on this floor. There is not a year, nor a month, nor a week, nor a day since 1789 to the present hour in which the authority in this bill in one shape or another has not been the active policy of this Government for our own people as well as for other races. This policy fills all our history with its precedents and the whole land with its blessings.

But, Mr. President, we have heard much able and learned discussion in regard to a strict construction of the Constitution. Sir, I am for a strict construction of the Constitution. I am for strictly construing it in order to accomplish, not to defeat, the great ends for which it was ordained. I wish to so construe it as to promote and fulfill those beneficent and lofty aims proclaimed in the instrument itself. I would strictly construe that immortal instrument as a vital, affirmative force for the achievement of its own declared purposes and the accomplishment of our destiny as a united and enlightened Republic. To me it means what it says; to my mind there is not a meaningless provision in it. When it declares its purpose "to promote the general welfare," and declares further on among the grant of powers that Congress shall provide for that great end I do not feel at liberty to assume that the framers of the Constitution were indulging in words, mere words, without meaning, life, or force. I firmly believe too that the power of self-preservation exists in this Government. The object of its creation was to live, not to die.

I never did believe, and do not now, that a power was originally injected into the Constitution by which this Government could be destroyed. I never did believe, and do not now, that there were reserved powers in the States by which this Government could be dissolved and broken up. I did not believe it before the war nor during the war, and took every proper opportunity to say so. I do believe there are certain great rights reserved to the States for their sole exercise; they are easily found and are of inestimable value, but the doctrine of State rights has been carried too far in the past, and will be again whenever it is invoked to defeat legislation of the kind we are now considering.

Sir, we have had an era of strict construction. May I not talk plainly? May I not say what is in my mind to say? The strict construction of ante-war times was born of an institution which exists no more. The opposition in the Southern mind to a liberal construction of the powers of the Federal Government originated with the institution of slavery. It was your local and domestic institution; you had it to protect; you dreaded the interference of the Federal authority in the slightest degree, and in proportion as you were threatened with that power you vehemently denied its existence in any and every form in which it was asserted. This was no more than natural, but the reason which made the rule then has passed away, and now there is no people, there are no States in this Union whose future hope and welfare are so vitally interwoven with a liberal construction of the Constitution as the people and States of the South. In ten thousand ways, from year to year, the Federal Government can and will encourage, foster, and promote their great local interests, extend them a helping hand in the development of their mighty resources and in enhancing their general prosperity. The noble self-reliance, fortitude, and industry of the Southern people since the war have touched the heart of the whole country, and they need no longer fear the power of the Federal Government. Mutterings and menaces may now and then occur for partisan purposes, but they

will pass speedily and harmlessly away. Were I a Southern Senator I would hail such a measure as this as the dawn of a new and a better day for me and for mine.

But, sir, even when we were in strict construction times, when the Government was administered by men who guarded narrowly, as it is now contended, against the faintest trace of an invasion of the rights of the States by the Federal Government, what did we accomplish? Let us go back and see whether we were so very powerless even then. The purchase of Louisiana has been alluded to here, and Jefferson has been quoted on that subject. It might have been said further that he was thought in certain quarters liable to impeachment for making that purchase. There is no enumerated power in the Constitution authorizing it, and Jefferson himself doubted whether there was an implied power. He said as much. He said he had done an act beyond the Constitution, and suggested an amendment to cover and protect the transaction. I regard Jefferson as the wisest political thinker in human history, and yet the men who surrounded him, who were his advisers and counselors, decided against his suggestion in this instance and convinced him that the amendment was not necessary, that the Constitution warranted what he had done. The judgment of his contemporaries and of posterity has sanctioned the great act as essential to the general welfare and glory of the country.

And did we not at a later day and in the exercise of the same power take Texas to our arms? I will not say that we purchased Texas as we did Louisiana, but there is an analogy between the transactions; we paid the debts of Texas and took her into the family of States. Where was the power to do that? The treaty-making power? The treaty-making power can add nothing to the powers of the Constitution already there. It has been said that Louisiana and Texas were secured under the clause which authorizes us to provide for the common defense; that Louisiana might have been used to our detriment by a foreign power; that England was conspiring to get a foothold in Texas; and therefore we had a right to secure possession of these vast scopes of territory as a measure of common defense. Sir, I was raised upon a farm, my father owned land, and I remember that he acted sometimes upon the same principle in buying a piece of land contiguous to him.

But surely the Constitution means nothing of that kind. If it does we can buy Canada and clear up to the North Pole on the same principle. No; the simple truth is Jefferson saw that the exclusive possession of the channel and of the mouth of the Mississippi River were necessary to the general welfare, the prosperity, advancement, wealth, and growth of the country, and he grasped the occasion to accomplish these legitimate objects of Government with more eagerness and zeal than is usual in an executive officer. Nearly the entire correspondence on the subject with the minister of the great Napoleon will be found in Jefferson's own hand, although his Secretary of State was one of the most accomplished men of his times.

Texas came to us upon the same principles which governed Jefferson in securing Louisiana; then the vast acquisitions of territory following the Mexican war, until now all that mighty region from British America to the Gulf of Mexico, from the Mississippi River to the Pacific Ocean, stands to-day, and will stand forever, as a monument to the foresight, sagacity, and prophetic statesmanship of Thomas Jefferson while executing the welfare clause of the Constitution, without a single specific grant of power to warrant the first steps taken or any that followed. There it stands, the seat of present and future empire. We secured it all during the days of strict construction. Louisiana, Texas, and all the other vast regions I have mentioned confront us as a stupendous refutation of the idea that we can do nothing for the general welfare under a strict construction of the Constitution.

Sir, it seems to me that if we can spread our banner by purchase and by conquest over foreign soil, if we can extend the boundaries of the Republic, we can, without a specific grant of power, also erect schoolhouses and educate our people. But let us examine this point a little further in relation to what has already been done. Under the doctrine now advanced against the pending bill where is the power authorizing the purchase and collection of a Congressional Library? Under what head does it come? If this doctrine is to prevail we must abandon the Library to its fate; we must also wipe out many of the most brilliant and most patriotic events in our history. Where is the authority to gather the natural wealth of the world, its curiosities, its subjects of science, in the Smithsonian Institution and the National Museum? Do you reply that the Constitution makes it our duty to promote the arts and sciences? That is true, but the clause of the Constitution which declares that duty also provides the means for its execution by copyright and by patents granted to inventors. That is the specific limitation as to the means whereby the arts and sciences are to be promoted. Where, then, is the power by which the grizzly bear of the Sierras is caught, skinned, and made to stand as if in life in the Smithsonian? Where is the power by which the bones of that magnificent king of race horses, Lexington, were procured and are now on exhibition as a model equine skeleton in the same institution? Where is the power that gathers the fishes of the sea, the reptiles of the earth, and all the curiosities of animated nature together for instruction at the expense of millions? Will some Senator tell me? I shall not take it as an interruption. Behold our beautiful gardens. I love them; I love to think and to speak of them. I visit them as often as I can. I love to see the wealth and beauty of the physical world. But where is the granted power, unless under the general-welfare clause, for the money we annually appropriate for the botanical and the propagating gardens? I would be glad if some gentleman would point out any other clause.

I am aware that I am but restating the position which the Senator from Arkansas [Mr. GARLAND] assumed on this subject at the opening of this discussion and which he maintained with such conspicuous ability. And in this connection I wish to call attention to a striking fact.

This debate has been long and able on both sides of the question, but I have heard no Senator undertake to answer the legal argument of the Senator from Arkansas. I have heard no one grapple with the decisions cited by him nor with the facts showing the history of our legislation. The argument made by the master mind of the Senator from Arkansas has gone without even attempted refutation. It is a most significant oversight. Nor do I now deem it necessary to discuss the legal aspects of this question further than, as I have heretofore stated, to show what has been done—not so much what has been decided or said, but what has been done. That is all I am seeking to do; for after the argument of the Senator from Arkansas and the very able and thorough arguments of the two Senators from Mississippi and the Senator from Louisiana [Mr. GIBSON] the constitutional question is closed forever; nor will it ever again seriously arise in connection with such a measure as this.

But to resume our illustrations of the exercise of power to promote the general welfare.

Why, sir, Jefferson not only purchased Louisiana, but in 1804 he organized and sent forth that immortal exploring expedition led by Lewis and Clarke—Clarke the brother of George Rodgers Clarke, whom John Randolph styled the Hannibal of the West; and Lewis, Jefferson's private secretary. For more than two years they were hidden from the world and thought to be lost. When they returned, however, they were laden with the spoils of knowledge. They had reached the headwaters of the Missouri, crossed the Rocky Mountains near the track where now the Northern Pacific Railroad speeds its locomotive, descended the Columbia River until they looked on the Pacific Ocean from its mouth, making and preserving careful observations and ample notes of all they saw for the use and instruction of the Government. And from that day to this our Territories have all been extensively and thoroughly explored. Go to Major Powell's office in the National Museum and you will see the truth of what I say. But how did those splendid drawings, engravings, and maps of queer and distant scenes and countries come to hang on his walls unless there is some general power such as has been asserted and conclusively demonstrated by the Senator from Arkansas?

As I walk from the Senate to the other end of this Capitol I never pass through the old hall of the House of Representatives without lingering and looking. It has a new name, Statuary Hall, and I see there the statues of the illustrious dead. It is the American Valhalla, "the palace of immortality." Washington is there, and around him in mute majesty are gathered the heroes and leaders of Revolutionary times. Lincoln is there, faithfully delineated in face and form, sad, thoughtful, and care-worn. Kosciusko, over whose fall freedom wept in all lands, is there; and Pulaski, who died at the head of his legion at Savannah for American liberty; and the great soldier Nathaniel Greene, and many others whose names are full of glory, are there. But where is the power in the Constitution to place them there unless the Senator from Arkansas has found it?

Pause also in the Rotunda. There the artist has strongly appealed to every sentiment of patriotic pride in the American heart. There, on canvas, Columbus makes his immortal discovery of a new world, there the Mayflower moves upon the deep; there the Declaration of Independence is signed in solemn and august council; there Burgoyne surrenders; there Cornwallis lays down his sword and the war ends at Yorktown; there Washington returns his commission to Congress and retires to Mount Vernon. Who can look unmoved on such scenes? And yet if the opponents of this bill are right they are all there in violation of the Constitution.

During nearly all my service in the Senate I have been connected with the Committee on the Library. We have purchased valuable papers left by eminent men; also great historic paintings. At the last session of Congress we purchased the celebrated life-size portrait of Washington by Charles Wilson Peale, who was soldier and artist both, for which Washington commenced his sittings at Valley Forge and finished them during the ensuing campaign. During the present session a bill has been reported from the Committee on the Library, and I expect to call it up as soon as possible, to complete the monument at Saratoga in commemoration of the surrender of Burgoyne, in commemoration of that great event which gave us our French alliance and revived the darkening hopes of America. Now, in all these things is it possible that we have been mistaken in our just powers, and have been acting outside the Constitution? Across this broad land from the Atlantic to the Gulf there is a vast belt of country where great and brave armies fought twenty years ago. As the traveler passes through this belt filled with its sad memories he sees

here and there the flag of the country flying. Looking beneath its folds he beholds a national cemetery where the dead are buried in clean, well-kept graves, marked with headstones, covered with grass and flowers, and guarded and cared for by a superintendent, a Federal official. Where is the power for this? Sir, the construction which Senators opposed to this bill seek to place on the Constitution is too narrow to embrace our national grave-yards.

Again, I am a representative from a State that is out of debt; its credit is high, it is rich in natural resources and in the graces of cultivation; and yet it has been but a few short weeks since we were compelled to ask and receive aid from Congress in behalf of a portion of our people. Ohio did the same. Those two great empire States of the West came here for charitable assistance. If our Legislature had been in session or could have been called together in time to afford relief we would not have accepted a dollar from the Federal Government. But when our towns were swept away, when our people sent up a cry of suffering, when I spent my mornings in the War Office and my afternoons here and my colleagues were doing the same, ascertaining the necessitous condition of our people and hurrying appropriations through for their assistance, did we stop to question the power of the Government to do what we called for?

In 1882 a flood swept the whole Mississippi Valley, and a half million of money was appropriated to relieve the disasters it inflicted. Other floods will desolate the low plantations of the Mississippi, and we will again come to your aid. When the yellow fever with its sweltering venom smote the towns and cities of the South and destroyed her people at high noon and at midnight a national board of health was organized by act of Congress, with power to call forth all the resources of science to allay the pestilence. If the Government can minister to the ailments of the body in the States why not also to the mind? I do not believe in a government which can not or will not help its people in their distress, in a government whose constitution is to be construed in the way of obstruction and not in the way of promotion.

I repeat, sir, that Indiana is a great and strong State. Her school system is equal to any in the civilized world. She has over $10,000,000 in a permanent school fund, which can be increased but never diminished under our constitution. She owns more than $12,000,000 worth of school property. She is paying between three and four million dollars per annum for school teachers. Coming from such a State as that, can I not afford to go as far as the Senator from New Hampshire, as far as the Senator from Massachusetts, in assisting the cause of education in the South? If I failed to do so, those who know me best I think would be most surprised.

Now, Mr. President, there was an incident in this debate which I must briefly notice. There was a tone of criticism on the part of the Senators from Missouri [Mr. VEST] and Alabama [Mr. MORGAN] on Saturday evening which I thought unwarranted. Perhaps it meant not much more than to remind Democratic Senators to be careful how they voted for this measure, for fear they might find themselves in the Republican party or in some way lose their standing in their own.

There is a great deal too much of this thing at this time; a great deal too much disposition in this body and elsewhere to make some one hobby or some one measure a test of a man's party fealty. I can not be dragooned in that way. I never have been and I never will be. I repeat, perhaps the Senator from Missouri meant no more than in the kindness of his heart to give Senators like myself and others a note of warning. For his kind intentions I thank him, but for some things I shall say now I am afraid he will not thank me. He must believe, however, that I mean well. The Senator from Missouri speaks with a tongue that bears a charm. If I am reading the most fascinating book I lay it down when he rises. His lips seem touched with the honey of Hymettus and his voice is music to all listening ears, but in looking into the record of legislation I fear his memory might be somewhat improved. This is not a fatal infirmity, but is sometimes a troublesome one.

I have here a bill which was introduced on the 12th of February, 1880, by the Senator from Vermont [Mr. MORRILL]. It is a bill to incorporate the national educational association. What big, strong words, importing Federal power. The national educational association. Ordinarily I would say that a bill with such a title would fearfully frighten a strict constructionist of the modern school. It organized some fifty or one hundred men, I can not count their names in the bill, into a body-corporate by the name of "The National Educational Association," in and of the District of Columbia.

Sections 2 and 3 provide:

SEC. 2. That the national educational association shall have power to make and amend its constitution, by-laws, and rules, consistently with law, and to hold, by purchase, grant, gift, or otherwise, real or personal estate not exceeding $50,000 in value.

SEC. 3. That twenty-five members of the national educational association shall constitute a quorum for the transaction of business, and that said association shall meet and organize under this charter on the first Monday of July, 1880, and annually thereafter shall meet at such time and place as it may designate; and whenever called upon by any department of the Government shall investigate and report upon any educational subject without compensation for such services.

This is the organization of an educational bureau by Federal power. When this bill came up in the Senate, I find the following discussion:

Mr. Blaine rose.

Mr. TELLER. If this bill can be voted on shortly I shall not object to its consideration, but otherwise I am going to object to it.

Mr. BLAINE. Then I will not say a word.

Mr. TELLER. If anybody wants to say anything, I shall not object at present.

Mr. BLAINE. I will say only a very few words, especially as I do not see the honorable Senator from Wisconsin [Mr. Carpenter] in his seat. When this bill was up yesterday that Senator made some remarks which struck me as being of a character that ought not to go at least without answer, if not contradiction. One particular declaration arrested my attention at the time. The honorable Senator, who is known throughout the country as an able lawyer, and therefore his words are taken as having weight on any question of law or Constitution, made the declaration—

When I read it I almost thought my friend the Senator from Missouri had made the speech. Listen to what Carpenter said:

"No matter how important the subject of education may be, it is not a subject committed to this Government, and unless committed by express words or by reasonable implication we have no control over it, we have no right to further it, to hinder it, or to do anything whatever in regard to it."

That is a very good State-rights statement coming from Mr. Carpenter on that side of the Chamber, showing there was no politics in education then and there is none now. Mr. Blaine goes on to say:

He objected to diffusing information in regard to education beyond the District of Columbia, and the Senator, with an air of absolute conclusiveness, pronounced it to be wholly beyond the constitutional power of Congress to do it.

Just as the Senator from Missouri says now. Mr. Blaine continues:

I stated at the time that some of the notable framers of the Constitution of the Union did not take the same view as the honorable Senator from Wisconsin. Twice in General Washington's annual messages to Congress he recommended a national university.

Senator Blaine then read the same passage from General Washington which has been read by the Senator from Georgia [Mr. BROWN] on the floor. Then, continuing his comment, Mr. Blaine says:

And yet the honorable Senator from Wisconsin makes the declaration I read just now, in the very face of the fact that Congress for the last thirty years has been largely aiding in maintaining an institution which does not stop even at diffusing knowledge among the citizens of the United States; which does not stop at the District of Columbia, where he says we are wholly stopped; it does not even stop at all the Territories of the Union, including the States thereof, but its object is the "diffusion and increase of knowledge among men;" and I think within the last thirty years we have given a very large sum to the Smithsonian Institution for that special object.

Mr. Blaine concluded by saying:

I merely rose to say that the remark of the honorable Senator from Wisconsin was not, in my judgment, good law or good Constitution, and it certainly is not in accordance with the practice of the Government ever since its foundation.

Thereupon the vote was taken and the yeas and nays are here recorded. There were thirty-one Senators who voted for Mr. Blaine's construction of the Constitution. There were seventeen Senators who voted with Mr. Carpenter and for the doctrine of the Senator from Missouri at this time, but I confess that a look at the roll-call surprises and troubles me. Voting with Mr. Blaine and for the principle which I now think correct I find the Senators from South Carolina, Mr. BUTLER and Mr. HAMPTON, Mr. HARRIS, Mr. MCPHERSON, Mr. MAXEY, and Mr. VEST. Sir, I like to be in that company. These names are good authority. I am strongly attached to every one of these gentlemen. I find no fault with them for voting for this National Educational Association, and may I not ask their charity for me while I vote the same way now?

Mr. BUTLER. Will my friend allow me to ask him whether that bill organizing a national education society pretended to interfere with any of the domestic concerns of any of the States?

Mr. VOORHEES. It did not, and if the bill before the Senate, as I have already said, interfered in the slightest degree with the management of the school system of your State by your State authorities I would not vote for it. I vote for it simply as a donation, to enable you to do what you can not accomplish with your own insufficient means.

Mr. BUTLER. According to my construction of the language of this bill my friend certainly will not vote for it, for I think it does that very thing.

Mr. VOORHEES. That is a question of construction. I am very decidedly of a different opinion. But I hold in my hand another act of Congress on the same subject. Here is an act passed March 2, 1867, entitled "An act to establish a department of education." This act was approved March 2, 1867, and makes "a Department of Education." I have not time to dwell on its details, and I only cite it to show how often and how fully the power now denied has been exercised.

The Senator from Missouri will pardon me another allusion which I know will gratify him and also the Senator from Kansas [Mr. PLUMB]. The Senator from Kansas filled this Hall with sorrowful complaints a few weeks ago on account of sick cattle in his State. He now opposes this educational bill. He asked for $25,000 to cure and care for his cattle, and he finally got $50,000. The Senator from Missouri, though somewhat reluctantly I think, at last heard the lowing of those suffering herds and voted for the $50,000. His ears are now closed to the cry of the children, white and black, throughout the South, but the bleating of calves, the bawling of cows, and the bellowing of bulls in Kansas, with here and there a sound from the western counties of Missouri, struck on his sympathetic ear and reached his tender heart. The question of power stood not in his way then, and the money of this Government flowed out for the purpose of healing the feet and the mouths of stricken cattle. I voted with the Senator from Missouri then, and I only regret that he and the Senator from Kansas find it more difficult to vote for this measure of relief to human beings than I did in voting for their measure to relieve the herds of the prairies.

I wish next to notice a very extraordinary circumstance connected with the very able and brilliant speech of the Senator from Alabama [Mr. MORGAN]. He commenced, it will be remembered, on Friday last but did not finish, and resumed the next day. Before he resumed his speech, however, on Saturday he introduced a bill which is the most splendid illustration of the difference between preaching and practicing strict construction I have ever known. It fell upon my mind with very peculiar force. The Senator, while in the middle of a speech denying the power under the Constitution to aid schools in the States, introduced a bill entitled "A bill for the creation of a silk-culture bureau and the establishment of silk-culture stations." I will not offend the intelligence of the Senate by asking what enumerated power of the Constitution authorizes a silk-culture bureau in this Government.

I do not say that the bill is necessarily unconstitutional under my construction, but if the Senator from Alabama is right in his opposition to the pending measure, then his silk-culture-bureau bill is the most unconstitutional proposition ever read in the Senate Chamber.

Let us see what it is: "It provides that such a bureau shall be established as one of the bureaus of the Agricultural Department, and shall embrace in its organization five silk-culture stations, to be established as follows: one for the North Atlantic States, location Pennsylvania; one for the South Atlantic States, in Florida; one for the Gulf States, in Alabama; one for the Northwestern States, in Iowa; and one for the Pacific States, in California. The object of the establishment of the bureau and the several silk-culture stations it declares to be experimentally to raise silk-worms"——

Mr. MORGAN. If the Senator will indulge me for a moment——

Mr. VOORHEES. Wait until I read this through.

Mr. MORGAN. I want to relieve the Senator of unnecessary agitation by saying that the RECORD shows I introduced the bill by request.

Mr. VORHEES. "Study their nature and the means of improving their productive qualities; to investigate the diseases to which they are subject; to cultivate and by all means deemed proper to encourage the cultivation of the plants adapted for feeding silk-worms, and to experiment in silk, with a view of ascertaining the best appliances and methods for conducting the various operations of preparing the raw silk. It provides for an appropriation of $150,000 for carrying out the objects of the bill." And it provides a salary of $2,400 a year for the superintendent. I know the RECORD shows that the Senator introduced the bill "by request." If he means by that to say he is not in favor of the bill that will end all discussion upon it, but as he is silent, and in the absence of such a disclaimer he must pardon me for pointing out the fact that he has answered his elaborate two days' argument by introducing such a measure. I am contending for a power in this Government which will enable it to aid the children of the South to read the Lord's Prayer, and the Senator answers back with a bill to make silk. Silk is a luxury of the rich, and when I make my plea on behalf of the poor, he erects a silk-culture bureau before my face. When I vote for a bill which will enable the rising generations of the South to read the Sermon on the Mount, he replies with a bill on the subject of silk-worms, cocoons, and mulberry leaves!

Sir, I look hopefully to the future of the South. I regard this movement in the cause of education of infinite importance and full of future glory. The conduct of the Southern people themselves gives assurance that the movement will be executed in good faith and will bear precious fruits. No people on the globe, with their country devastated by war, their cities sacked and burned, their society shocked and demoralized, their social and industrial institutions torn down and destroyed, have ever recovered themselves so well, with so much manhood, force, and rapidity, as the people of the South. With this measure now to aid their own noble efforts there is a day just before them such as they themselves have not dreamed of.

You Senators around me, and I too, with hair growing gray, will not live to see the full fruition of our work; we will not live to see the entire fullness of the great harvest of blessings which will flow from this legislation; but our children and our children's children to the latest generations will rise up and call blessed those who provided for them this great and munificent bounty. The business enterprise of the North and West is penetrating the South, and my desire is that light and knowledge shall also bless her people of every race and hue. I hold in my hand an article giving an account of the enterprise of Western and Northern men in the South during this present year, and the reading of it gave me so much pleasure that I venture to ask the Senate to hear it:

PROGRESS OF THE SOUTH—FIGURES WHICH SHOW A REMARKABLE DEGREE OF ENTERPRISE.

One of the striking features of the industrial progress of the South is the immense amount of Northern and Western capital seeking investment there. The Southern people themselves are also displaying remarkable energy in establishing new enterprises and in building up their own section.

In what States has this increase taken place, and in what branches of manufacturing is most progress being made, are two questions of particular interest, the answer to which will show that the entire South is sharing in this improvement and that almost every industry is represented. Our figures show that in the amount of capital stock of enterprises organized this year Kentucky takes the lead of all the Southern States with $6,851,000, while following not far behind comes Alabama with $5,210,000, and of the two we think Alabama's represents more actual money and less paper only than Kentucky's.—*Baltimore Manufacturers' Record.*

I would say to the Senator from Kentucky, whether he is for a tariff for revenue only or for revenue with incidental protection, the enterprise and the labor of the world will find the coal-beds and the iron-ore of Kentucky and all the other Southern States and dig them out, and give new life and wealth to that section.

But to proceed with this most interesting exhibit:

Alabama is making wonderful progress. It is really marvelous to note day after day the long list of new enterprises started in that State. They embrace almost every industry. It is true that the boundless coal and iron resources of the State are attracting great attention, resulting in the organization since January 1 of a number of heavy mining and iron-furnace companies. But other industries are also flourishing. A very extensive cotton-mill, large machine-shops, rolling-mills, planing-mills, and similar enterprises help to swell the list.

Virginia ranks third in the list with $3,830,000, represented by cotton-mills, saw-mills, rolling-mills, nail-works, mines, furnaces, and numerous other industries, while Texas comes fourth with $3,593,000. The list of new enterprises in Texas includes almost all industrial branches except cotton manufactures, and in that line she does not seem to be making any progress, notwithstanding her fine advantages for cotton-mills. Georgia is fifth on the list with $2,040,000, and Maryland sixth with $2,014,000. North Carolina is making splendid progress, and in every part of the State new factories are the order of the day. Cotton, woolen, flour, and saw mills, tobacco factories, mining companies, and machine-shops are among the new enterprises started, the aggregate capital being $1,227,000. Tennessee shows up with $846,000, made up rather by many industries of moderate extent than by a few heavy concerns. Virginia counts up for the first two months of the year $916,000, South Carolina $904,000, while the other States figure up something less than $500,000 each.

Notwithstanding the depression in the cotton-goods trade of the world, the South is steadily pushing on in the building of new cotton-mills. Among the enterprises of this kind now under way is a newly organized company to build a $175,000 mill at Columbia, Tenn.; a $200,000 mill in Durham, N. C.; a $50,000 mill for Trenton, Tenn.; a $200,000 mill in Dalton, Ga.; one to cost $84,000 in Griffin, Ga.; a $300,000 mill in Roanoke, Va.; and an additional mill to cost about $100,000 by a Rome (Ga.) factory company; while the company at Columbus, Ga., now running about 40,000 spindles, proposes to put up a new $1,000,000 mill. A company will build a $300,000 mill at Darlington, S. C., to be finished in the fall, and another of equal cost is under construction at Newberry, in the same State; while Fayetteville, N. C., and one or two other places in that State, will also soon have new cotton-mills.

At Rockingham, N. C.; Lowell, in the same State; Danville, Va.; Montgomery, Ala.; Selma, Ala.; and Birmingham, Ala., new factories or extensions are being constructed. The aggregate cost of the above-mentioned mills will be about $3,250,000. These mills will add 100,000 or more spindles to the number now in the South.

This article shows that industry and wealth are spreading their energies over the face of the whole South in a most remarkable degree. Is it inappropriate that I cite this fact in connection with a bill for education in the same section? If our young and business men are going into that beautiful country to start coal-mines, put up iron-mills and cotton factories to develop its material resources, is it not incumbent on us from all sections to promote there the cause of education? You need skilled labor. The negro is most naturally an agricultural laborer. You need educated men to enter your manufacturing establishments. Looking at the Senator from Mississippi, as he is directly before me, I am reminded that in the last census it is stated that Mississippi alone, under full and scientific cultivation and development, can produce the entire 6,000,000 bales of cotton which the whole South now produces. I would gladly live to see the people of the South realize the wealth and power there is for them in that great cotton belt running from Eastern North Carolina to Western Texas. When the hum of machinery is heard throughout that vast region, when manufactories are built in the cotton fields, when the production and the manufacture combine to make the profits, with no transportation account to pay, then will the South be the wealthiest portion of this Union, if not of the world.

Sir, the scholarly Senator from Texas who sits before me [Mr. COKE] ventured to predict that the bill now being considered would be a Pandora's box to the South. Who was Pandora, and what was her box? There are different versions, but according to my memory of Grecian mythology she was the "all-endowed" beautiful woman to whom was intrusted a box filled with winged blessings for mankind. Her curiosity tempted her to open it, when all the blessings escaped and flew away with the single exception of Hope. There are other accounts as to the contents of her box, but I choose to adopt this, and to say that if this bill only brings you hope it will not be in vain. Hope is earth's greatest comfort. But the other blessings in the bill will not fly away. They will remain in the shape of school-houses and colleges, lighting your hilltops and illumining your valleys, and securing a higher plane of existence and enjoyment for the present and coming generations. Rather will this measure when it becomes a law be to the people of the South as the shield of Achilles to the Grecian warrior, a measure of safety, defense, power, and bearing with it every element of beauty, refinement, wealth, culture, domestic pleasure, and Christian grace which the cultivation of letters and the promotion of the sciences and arts can bestow upon a great and upright people. The shield which Thetis bore from Vulcan to Achilles before the walls of Troy was emblazoned all over with opulent cities, prosperous villages, smiling plains—

> Rich crops waving for harvest,
> Reapers, reaping the crop with the bright hooks grasped in their right hands

vineyards with "the dark grapes hanging in clusters;" herds of straight-horned, beautiful oxen; council chambers of high debate; scenes of domestic happiness; marriage feasts, with music, dance, and song; and

> All the constellations that gem, like a diadem, night's brow;
> Pleiades, and Hyades, and the glory of mighty Orion.

Sir, as the shield of the hero was an emblem of the power, the glory,

and the civilization of Greece, so to my mind is the measure now before the Senate a symbol and a sign of the future prosperity of the South and of the general welfare of the whole country.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. JONES, of Florida. Mr. President, a great deal has been said here with respect to the power of Congress to enact this bill. In the few remarks that I addressed to the Senate when this debate opened I gave clear expression to my opinion in respect of that power. I have not any more doubt about it now than I had then and I am not going to repeat myself, but what I want to say now is that the Senate on former occasions has indicated what its power was over subjects of this character.

I do not complain that public men shall change their opinions about constitutional power. I never cite the vote of any Senator here and parade it before the body or the country to show that he is inconsistent. I do not think there is any inconsistency whatever in a public man voting at one time a little different from what he did at another; but I say when this great body establishes a precedent of power by its votes as an entirety, it is always legitimate to refer to it as a source of information. The Supreme Court of the United States would feel humiliated if in the discussion of a great legal question a lawyer were to bring before it one of its own decisions in point and say: "This question, your honors, is *res adjudicata;* you decided so and so in a previous case, and that is the question now before the court." Of course the court sometimes overrules itself, but always with some degree of humiliation. I do not argue that a political body should not be bound down to strict rules of judicial *res adjudicata*, but after the Senate has committed itself on this question of power, as I claim that it has, it is a little too late in the day for any member of it to ridicule the views of those who entertain the opinion we do.

Now, Mr. President, I hold in my hand a bill that came from the House of Representatives in 1878 to aid the blind to see, or at least to improve those who were deprived of the great power of vision, by helping a great institution located in Kentucky, the State of my friend on my left [Mr. BECK]. It was thought that the interests of that great institution might be subserved and the interests of the blind all over the Union promoted if it could get $250,000 out of the tax money of the people of the United States. They did not ask that it should come from the proceeds of the public lands; there was no disguise about it. This great institution created in the interest of this unfortunate class of people wanted help and they appealed to this great power. The bill passed the other House and came here. I say in my place in the Senate to-day that every constitutional objection that can possibly be urged—I will not go any further—to the bill now before the Senate could be urged to the bill that I hold in my hand and which passed.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Florida will suspend for a moment. It becomes the duty of the Chair to remind him that the debate is proceeding by unanimous consent. Under the agreement it is to proceed after 3 o'clock under the five-minute rule.

Mr. JONES, of Florida. I ask, with the permission of the Senate, that the bill may be read.

Mr. CALL. I yield my time to my colleague.

Mr. JONES, of Florida. Mr. President——

Mr. MORGAN. If that is to be done, I think it is a violation of the understanding of the Senate. I have been attacked here by two Senators this morning *in extenso* and *furioso*, and I have not asked the Senate to give me any time to reply to them. I will take occasion to do that when the measure of the Senator from Vermont [Mr. MORRILL] comes up, which I expect to move as a substitute for this bill before we get through. I object to any Senator's time being extended.

Mr. JONES, of Florida. The Senator has himself taken up so little time heretofore in discussing the bill——

Mr. MORGAN. And some Senators have been absent from this District during much of the time that the discussion has been going on.

The PRESIDENT *pro tempore*. The Senator from Alabama expresses an unwillingness to consent to an extension of the time of the Senator from Florida.

Mr. JONES, of Florida. I wanted to ask that the bill be read and that the record of two bills passed by the Senate might be laid before the body.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. JONES] is, under the rules, entitled to the floor. The bill will be read if there be no objection.

Mr. BLAIR. Have I the floor?

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. ALLISON. What becomes of the understanding had in the Senate?

The PRESIDENT *pro tempore*. The Chair, as the older Senators all know, by the rules of the Senate has never been understood as authorized to enforce an understanding, it depending upon the consent of the members of the Senate. Therefore the Chair is obliged to hold that the Senator from Florida is entitled to the floor and may speak, under the rule, as long as he thinks fit.

Mr. HARRIS. Has not the five-minute rule become a rule of the Senate in its application to this bill, and is it not as much the duty of the Chair to enforce it as to enforce any other rule of the body?

The PRESIDENT *pro tempore*. The Chair does not so understand it under the constant practice of the Senate.

Mr. JONES, of Florida. I do not wish to take advantage of the ruling of the Chair, although it is entirely right, and I shall not proceed without unanimous consent.

Mr. BLAIR. Perhaps I can make a suggestion which will relieve us of difficulty.

The PRESIDENT *pro tempore*. The Senator from Florida has taken his seat, and the Chair recognizes the Senator from New Hampshire to speak on the pending amendment.

Mr. BLAIR. If the Senator from Florida will pass me the data he would like to give the Senate I will occupy my five minutes in placing them before the Senate.

Mr. CALL. If the Senator from New Hampshire will allow me——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. BLAIR. I do not like to yield.

The PRESIDENT *pro tempore*. The Senator from New Hampshire does not yield.

Mr. BLAIR. In one moment I will conclude.

Mr. CALL. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Florida rises to a point of order. He will state it.

Mr. CALL. I was recognized by the Chair immediately on the conclusion of my colleague's remarks and took the floor.

Mr. BLAIR. I yield the floor to the Senator from Florida [Mr. CALL].

Mr. CALL. I yielded the floor to my colleague. I desire to know if it is not in order that he shall proceed?

The PRESIDENT *pro tempore*. The Chair does not so understand it. Under the practice of the Senate every Senator must speak in his own time.

Mr. CALL. I submit to the Chair if a Senator takes the floor and is recognized, has he not the right upon the appeal of another Senator to be interrupted by him?

The PRESIDENT *pro tempore*. The Chair thinks he has.

Mr. CALL. That was the fact. I gave way to my colleague. The question is whether he had the right to proceed and whether I had the right to do it.

The PRESIDENT *pro tempore*. The Chair does not think that the Senator from Florida who is now addressing the Chair can rise and yield his time to his colleague. The order of the Senate, by unanimous consent, was that the debate should be governed by the rule about appropriation bills, which is to confine debate on amendments thereto to five minutes by any Senator on the pending motion. That, therefore, does not allow several Senators to speak for fifteen or thirty minutes. The Chair decided that the Senator from Florida in front of the Chair [Mr. JONES] was still entitled to the floor until he surrendered it in his own right; but he did surrender it, and the Chair recognized the Senator from New Hampshire, who is now entitled to the floor.

Mr. BUTLER. Will the Senator from New Hampshire permit me to interrupt him for a moment?

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. BLAIR. I desire to occupy the floor for the purpose of placing before the Senate the matter which the Senator from Florida desired to have stated and for no other purpose. Since I have but five minutes in any event, I do not like to have the time otherwise occupied. If the Senator from Florida desires me to do it, I will do so. If he does not, I will yield the floor and he can introduce that matter at some later stage of the debate.

Mr. JONES, of Florida. I said distinctly to the Senate that I did not wish to take advantage of the ruling of the Chair and proceed against the understanding of the body except by unanimous consent. I wish to speak but for a few moments. If that is not conceded to me, I yield the floor to the Senator from New Hampshire.

Mr. BLAIR. Will it not suit the Senator from Florida better at a later stage of the debate, upon some of the amendments, when he will be entitled to take the floor to introduce the matter himself that he wishes to present?

Mr. JONES, of Florida. Very well.

Mr. BLAIR. Then I yield the floor.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. VEST. Mr. President, on Saturday last the Senator from Indiana [Mr. VOORHEES] advertised the fact that he intended to proceed this morning to powder the Senator from Alabama [Mr. MORGAN] and myself into the smallest atoms possible. I have not lost any sleep on account of that threat and do not know that I suffer any injury in mind or body at present. It is not the first time that the war has not come up to the manifesto. The Senator's speech to-day was simply a succession of brilliant tropes and figures and second-hand rhetoric which never touched at all the measure before the Senate.

I can not congratulate him upon the fact that his attack upon me consisted of a very tawdry imitation of the attack made by the Senator from New Hampshire [Mr. BLAIR] the other day upon the Senator from Kansas [Mr. PLUMB]. It was hardly worthy of the oratorical or rhetorical brilliancy which usually accompanies the efforts of the Senator from Indiana. One would have supposed from the manifesto of Saturday and from his feeble attempt at classic brilliancy to-day that he was attempting to go back to the days of the Homeric era when as schoolboys we used to read of Tydides.

> Hark to Tydides rushing from afar,
> As with his golden chariot wheels he thunders to the war.

Sir, there was once in this country a distinguished statesman who obtained the sobriquet of the Moses, who should lead the negroes to the promised land, and now his successor comes from Indiana, is a second Moses to lead the pickaninnies of the South to country school-houses in order to learn the doctrine of true democracy.

Whatever my views may have been, they are certainly as consistent as the political course of the Senator from Indiana and the speech he has delivered here to-day with the speeches he has made heretofore. I did vote for the resolution of the Senator from Kansas appropriating $50,000 to assist the authorities of Kansas with their consent to extirpate the disease that threatened the cattle of the whole Union, and I believed then and believe now that I was clearly as a lawyer and as a statesman inside of the decision of the Supreme Court in Gibbons *vs.* Ogden, where it was decided that the authorities of the United States could assist the authorities of a State in exercising health and quarantine laws, because the general power was vested in the Government to regulate commerce. In the Kansas case I believe that the power to regulate commerce among the States brought that resolution within the constitutional power.

But, Mr. President, why talk about the Constitution? Why sing hymns when we have had a constitutional funeral such as has been solemnized throughout this debate? I have but this to say: I will never again undertake to stand here and make an argument upon the Constitution and appeal to this side of the Chamber to sustain me either upon precedents coming from statesmen or upon opinions of the Supreme Court. We have heard of the monkeys in council who sat in grave and deliberate judgment upon a question of state until some mischievous wag threw in their midst a handful of nuts, when the council broke up in the most "admired disorder." One hundred and five million dollars has been thrown into this council of state and the monkeys are grabbing in every direction, and if that part of the menagerie from Indiana does not get its part of the nuts it will not be the fault of the distinguished Senator who has spoken to-day.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN and Mr. SAULSBURY. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, line 3, it is proposed to strike out "ten" before "years" and insert "eight;" so as to read:

> That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit.

And in line 5, after the words "to wit," to strike out:

> The first year the sum of $15,000,000, the second year the sum of $14,000,000, the third year the sum of $13,000,000, and thereafter a sum diminished $1,000,000 yearly from the sum last appropriated, until ten annual appropriations shall have been made, when all appropriations under this act shall cease.

And to insert in lieu thereof:

> The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000.

The PRESIDENT *pro tempore*. These two amendments were by previous understanding agreed to be submitted as one, and the Chair will put the question on the two branches together if there be no objection.

Mr. LOGAN. Before the vote is taken on this amendment I desire to say a word. I shall vote for the amendment, but in doing so I wish to place upon the record my opinion at least that the amount fixed by the amendment as now proposed will not be adequate for that which is desired to be accomplished by the bill. For the purpose of aiding and assisting in the education of the illiterate children of the whole country certainly $7,000,000 for the first year to be applied as a fund for the education of the number which the statistics show require aid can not be sufficient. The amount that is appropriated annually by several of the different States of the Union for common schools within their own limits is greater than the amount here for the aid of all the schools. My own State appropriates $7,000,000 per annum for common-school purposes. My judgment is that this sum is totally inadequate to accomplish the object that we desire.

In proposing the amendment that I did the other day, which was voted down by a very large vote in the Senate, I believed that the amount commencing and running up to $20,000,000 and then decreasing annually until the last amount will be $6,000,000 would have accomplished something in the direction that we all seem to be moving. But the opinion of the Senate is otherwise, and that it may not be considered that I shall obstruct in the slightest degree any measure that is calculated to aid and assist in the education of the children of our country, and especially when it is the education of the poor and unfortunate in many parts of our country who are entitled at least to receive aid and benefit from somewhere, I shall vote for this amendment if it shall seem to meet the judgment of a considerable majority of the Senate after having stated that I do not believe that it will accomplish the object that we desire shall be accomplished.

The aggregate amount proposed is $77,000,000 in eight years. Let us reflect for one moment. It is $77,000,000 to be distributed through eight years to aid and assist in the education of all the children of the country. Almost $75,000,000 is expended annually in this country now for the education of the children, and you propose to take the amount that is absolutely necessary to be expended in one year and distribute it over eight years; and can you imagine that this is going to accomplish much in educating the unfortunate children of this country? I do not believe it; but at the same time——

Mr. HOAR. Will the Senator allow me to interrupt him, although I do not know that I ought to do so in his five minutes?

Mr. LOGAN. Certainly.

Mr. HOAR. The Southern States raise only about $14,000,000 now.

Mr. LOGAN. I understand so.

Mr. HOAR. In the year when $15,000,000 are distributed about $11,000,000 will be given to those States which now raise $14,000,000.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Illinois that according to the understanding his time has expired, but he is still entitled to the floor under the rules.

Mr. LOGAN. I shall not claim it. I merely desired to make these remarks in order that I might give my views in reference to what may be accomplished by the amendment.

Mr. BLAIR. I have marked here the four States that pay over $7,000,000 annually for educational purposes.

Mr. LOGAN. If I may be allowed, I will merely call attention to a memorandum given me by the Senator from New Hampshire [Mr. BLAIR]. The school fund annually of Illinois is $7,858,414; of New York, $10,923,402; of Ohio, $8,133,622; of Pennsylvania, $7,994,705. Those States appropriate annually that amount, and the amount is increasing annually; and can we believe that the amount here proposed by the Senator from Massachusetts will accomplish our object?

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when Mr. HALE'S name was called). I received a note from the Senator from Maine [Mr. HALE] stating that he is necessarily absent to-day. I am paired with him on all amendments to this bill. On this one he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. ANTHONY], but I am informed by the Senator from Vermont [Mr. MORRILL], who was to decide as to the pair, that he would vote "yea" on this amendment. I shall therefore vote; I vote "yea."

Mr. VEST (when his name was called). I have a general pair with the Senator from Kansas [Mr. PLUMB]. I do not know how he would vote on this question. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. KENNA. I wish to announce that the Senator from Maryland [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. LAMAR. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were here, I would vote "nay" on the bill; and therefore I shall not vote on this question.

Mr. JONES, of Florida (after having voted in the negative). I desire to withdraw my vote, and announce my pair with the Senator from New Jersey [Mr. SEWELL].

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. MANDERSON. I wish to announce that on the bill and on all the amendments my colleague [Mr. VAN WYCK] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. MORGAN (after having voted in the negative). Since I have voted I have arranged a pair with the Senator from Arkansas [Mr. WALKER], who is absent, and I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. LOGAN. Inasmuch as I see on both sides of the Chamber the desire to have the amount reduced, I shall vote "yea."

The result was announced—yeas 38, nays 12; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Hoar, | Pike, |
| Bayard, | Edmunds, | Jackson, | Platt, |
| Blair, | Frye, | Jonas, | Pugh, |
| Call, | Garland, | Kenna, | Sawyer, |
| Camden, | George, | Logan, | Sherman, |
| Cameron of Wis., | Gibson, | McMillan, | Voorhees, |
| Colquitt, | Hampton, | Manderson, | Williams, |
| Conger, | Harrison, | Miller of Cal., | Wilson. |
| Cullom, | Hawley, | Miller of N. Y., | |
| Dawes, | Hill, | Morrill, | |

NAYS—12.

| | | | |
|---|---|---|---|
| Brown, | Coke, | Maxey, | Saulsbury, |
| Butler, | Groome, | Pendleton, | Slater, |
| Cockrell, | Harris, | Ransom, | Vance. |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Gorman, | McPherson, | Sabin, |
| Anthony, | Hale, | Mahone, | Sewell, |
| Beck, | Ingalls, | Mitchell, | Van Wyck, |
| Bowen, | Jones of Florida, | Morgan, | Vest, |
| Cameron of Pa., | Jones of Nevada, | Palmer, | Walker. |
| Fair, | Lamar, | Plumb, | |
| Farley, | Lapham, | Riddleberger, | |

So the amendment was agreed to.

Mr. HOAR. I now move to amend the second section by striking out, after the word "States," in line 6, the words "and until otherwise provided such computation shall be made according to the last preceding published census of the United States," and inserting:

Such computation shall be made according to the census of 1880.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. HOAR. I now move to amend the eleventh section of the bill by striking out all after the word "child," in line 7, in the following words:

An opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided, and new ones may be established, as may be deemed best in the several localities:

And to insert:

Without distinction of race or color, an equal opportunity for education. The term "school district" shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. HOAR. I wish to say a few words in favor of the amendment. I appreciate the force of the arguments which have been advanced by many Senators, whether as arguments upon the Constitution or as addressed to the sound discretion of the General Government. I am not myself in favor of using the taxing power to compel the States to pay a sum of money for common-school purposes which shall be returned to them on condition that they manage their common schools in a certain way. Without questioning the power in this particular case, I think we shall all, on both sides of the Chamber, be unanimously of the opinion that it is a power which it is inexpedient to exercise. I am in favor of adding to the ordinary branches taught in our common schools in my State a provision for what is called industrial education within reasonable limits, for teaching the pupils so to apply scientific knowledge that it may be made useful in the practical arts of life. That is what I understand by industrial education; but that is not, to say the least, universal in the common schools of this country. To compel a State to raise its share or any share of $100,000,000, perhaps all it can raise for school purposes might be taxed in that way within the limits of its ability to pay, and to return the State's portion of that money from the General Government only on condition that it manages its schools in a certain way does seem to me an interference with the management of the schools, whether it be constitutional or not.

The bill when this is stricken out will contain no condition whatever except such conditions as are essential to make it certain, or as shall seem to Congress essential to make it certain, that the money shall reach its object. It is true this section is left then that the money shall be used in the school districts, and there is a provision later in the bill for teaching reading, writing, and geography; but as was very aptly and felicitously said by the senior Senator from Mississippi [Mr. LAMAR] the other day, those are not conditions imposed upon the States in substance; they are mere definitions. Instruction in reading, writing, and geography is a definition of the common-school system of this country. There probably is not a common school in the country in which those things are not taught. The bill permits the State to make an application beyond that if it sees fit, but it nowhere requires it as a condition.

My amendment strikes out the provision requiring the State to apply the money as far as may be for industrial education and inserts language so as to read: "thereby giving to each child, without distinction of race or color, an equal opportunity for education." Then it transfers to this section from another section, where the term "school district" is used, the definition which the bill now contains of the school district; that is, that it shall include the corporations, of whatever name, by which the States exercise this power.

Mr. SHERMAN. Mr. President, there are one or two observations which I desire to make in regard to this amendment. In the first place, I do not see what reason there is for striking out the clause which allows the money to be expended in "existing public schools not sectarian in character." That provision is stricken out. It seems to me that the public money of the United States ought to be distributed among schools not sectarian in their character. I think that phrase or its equivalent in some form should be retained.

Mr. HOAR. The Senator will pardon me; the clause which is stricken out was intended to authorize giving this money to schools which were not common schools, not belonging to the general common-school system, if there were public colleges and things of that kind, and therefore if that was to be done sectarian schools ought to be prohibited. But as the bill is now limited to the common-school system of the States, in which in no instance in the country is there any sectarianism allowed, that does not become necessary.

Mr. SHERMAN. Where is the provision in the section that confines it to common schools?

Mr. HOAR. The language is that the moneys "shall be used in the school districts of the several States and Territories," that school district being the city, town, parish, or corporation clothed by law with the power of maintaining common schools, which is the definition.

Mr. SHERMAN. But here is the trouble. The Senator moves in line 7 to strike out the words "an opportunity for common-school and, so far as may be, of industrial education." I desire to see that clause preserved, and made to read "an opportunity for education in common schools not sectarian in character."

Mr. LOGAN. It ought to provide for common schools alone.

Mr. SHERMAN. That is what I propose. Therefore I hope the Senate will not strike out that language in the section, but leave it so that it will read "thereby giving to each State an opportunity for common-school education not sectarian in character."

Mr. HOAR. If the Senator will allow me, we agree in our opinions absolutely; there is no difference. I think I have accomplished what the Senator desires; but the fact that he does not think so is enough to make me desire to go further in expressing it. Suppose we add in the second line so as to make it read "shall be used in the school districts of the several States and Territories for common schools only in such way as to provide," &c. That will accomplish it.

Mr. SHERMAN. I think the words "not sectarian in character" ought to accompany "common schools," so as to make it read "an equal opportunity for education in common schools not sectarian in character."

Mr. HOAR. But there are no common schools sectarian in character, and can not be from the necessities of the case. It does not seem to me that it is worth while to use that language. It is like the suggestion as to a law against parricide. Nobody can suppose that a common school in any State or Territory within eight years from this time will become a sectarian school.

Mr. SHERMAN. It is well enough to guard against that. Such a provision is contained in the school laws of nearly all the States, and I think it ought to be kept here. I know that there exist in some of the large cities common schools, perhaps not by that name, but essentially common schools for the very lowest grade of learning, that may become sectarian in character.

Mr. HOAR. I have no objection to it.

Mr. SHERMAN. I think it ought to be included.

Mr. HOAR. Let my amendment be adopted as I have stated it, and then let the Senator move, or I will if he pleases, to insert the words after the word "Territories," in line 3.

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. PENDLETON. Let it be reported.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the amendment.

Mr. SHERMAN. It connection with that, and as part of the same, the Senator from Massachusetts says he will accept so far as he is concerned an amendment in the second line, so as to read "that the money distributed under the provisions of this act shall be used in common schools not sectarian in character in the school districts of the several States and Territories," the words to be added coming in after the word "used," in line 2.

Mr. HOAR. That is a separate amendment.

Mr. SHERMAN. But it is part of the same—"shall be used in common schools not sectarian in character."

Mr. HOAR. "Only in common schools."

Mr. LOGAN. Let it read "shall be used only in common schools not sectarian in character."

Mr. SHERMAN. I will add the word "only;" so as to read, "shall be used only in common schools not sectarian in character." That is already in the bill.

The PRESIDENT *pro tempore*. In what line does the Senator from Ohio propose his amendment to come in?

Mr. SHERMAN. In line 2, after the word "used."

The PRESIDENT *pro tempore*. That is an amendment in a separate part of the section not now under consideration.

Mr. SHERMAN. But it is simply a transposition of the parts stricken out below. Part of the words stricken out below are preserved by the amendment I suggest. The same words are to be found in lines 8 and 9. It has been understood that these words should be inserted.

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Ohio being considered a part of the amendment of the Senator from Massachusetts?

Mr. PENDLETON. We have not been able to hear my colleague upon this side of the Chamber. If there is a necessity that I should do

it I will move to strike out any word there in order that he may tell us what it is that he desires. I have not been able to hear him.

Mr. HOAR. The vote had better be taken separately on the two questions.

Mr. SHERMAN. I will explain my amendment, then. I find in the section as it now stands, lines 8 and 9, that the fund is limited to the support of common schools "not sectarian in character." It is proposed to strike out and to insert words to which I have no objection, "without distinction of race or color." I propose to transfer the words "common schools not sectarian in character" and to put these words in line 2, so as to read:

That the moneys distributed under the provisions of this act shall be used only for common schools not sectarian in character, in the school districts, &c.

The PRESIDENT *pro tempore*. That amendment is not, as the Chair thinks, now in order, the Senator from Massachusetts declining to modify his amendment, and he could not do it without unanimous consent, as it is in a separate part of the section. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. CALL. I wish to ask the attention of the Senate to the fact that the amendment proposed by the Senator from Massachusetts prevents the use of any part of the money for industrial education.

Mr. HOAR. The Senator will pardon me. It leaves the States at perfect liberty to apply it in that way, but it does not compel them to use it for industrial education unless they desire.

Mr. CALL. I should have said that the amendment did not, but the bill with the words "industrial education" stricken out, as I understand it, limits the use of this money to common schools, to teaching reading, writing, and such branches as are known under the general term of a common-school education.

Mr. HOAR. The Senator will pardon me, it provides expressly in another part of the bill that the States may teach such other things as they choose in their common schools.

Mr. SAULSBURY. Mr. President, I have not given any attention to the details of the bill because I am opposed to the bill upon principle. I am opposed to it as a scheme, and I have paid but very little attention to the details of the bill. I shall vote against the bill, and I am inclined to vote against every amendment that is offered to it. I understand that certain amendments have been fixed up in a caucus for the purpose of being ingrafted on the bill. If that is the case I have no disposition to aid in the caucus scheme in reference to this measure. I am not disposed to consider that a matter fixed up in reference to a bill that is wrong in itself can be right. I do not think that the Republican caucus can ingraft any provision upon a bill which I think is obnoxious and wrong from beginning to end that is right. I am free to confess my views of this whole scheme. It makes very little difference to me whether the matter is perfected or becomes more obnoxious by amendments that may be offered to it. I shall content myself therefore either with not voting at all upon the amendments or voting against those which I understand were fixed up in a caucus.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. SHERMAN. I now move to insert the words I proposed a moment ago. In section 11, line 2, after the word "used," I move to insert the words "only for common schools not sectarian in character;" so as to read:

That the moneys distributed under the provisions of this act shall be used only for common schools not sectarian in character in the school districts of the several States and Territories, &c.

Mr. GEORGE. There is no objection to that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. MORGAN. I should like to inquire whether the object of that is to exclude Catholic communities that may have chartered rights to establish common schools from the benefit of this fund? As I understand the amendment, it can have no other purpose, because corporations, cities, parishes, and other institutions of a municipal character authorized by the laws of the respective States to conduct common schools are included in this provision of the bill. They are provided for, and it is enacted that the money shall be paid to them.

There are Catholic institutions, Catholic corporations, and perhaps municipalities within the States under the control of the Catholic Church, and we very well understand that that great denomination of people have for a long time been turbulent I may say, have complained a great deal that they are compelled to contribute out of their taxes to the common-school funds of the country and yet are compelled to have their children educated in those schools by teachers whom they regard as not being better than pagans. If the purpose of the amendment is to drive the Catholics into a corner I should like to understand it.

Mr. SHERMAN. I have no purpose except to preserve a clause that I believe is in the laws of nearly all the States of the Union. This amendment is not aimed at the Catholics, nor at the Methodists, nor at the Presbyterians, nor at any form of religious worship. It simply declares that in the distribution and use of the public money, both State and national, the money shall be disbursed and used for non-sectarian schools, not to propagate any faith, not even the Christian faith; not to propagate Catholicism, nor Presbyterianism, nor any other creed.

This same provision, I may say, is contained in the laws, I think, of nearly every State. If there is any common-school system in which the Catholics have exclusive control, I do not know of it. If there is any common-school system in which the Methodists have any control, I do not know of any. The amendment simply declares the general principle that the money shall be used in the common schools free from sectarian influence.

Mr. FARLEY. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. FARLEY. What common schools are sectarian in their character? I do not know of any common schools in the United States that are thought to be sectarian.

Mr. SHERMAN. I do not think there are any, but the words are found in the general laws.

Mr. FARLEY. My question leads to this point: If there are no common schools that are sectarian in their character, why incorporate the amendment in the bill?

Mr. SHERMAN. In the first place, because it is in the bill as it stands; it is in every school law. I believe myself that the Catholics of this country are coming to the conclusion that many of their ideas about common schools are erroneous. I know of my own knowledge that in many communities all the children, Catholics as well as Protestants, go to the common schools, and that certainly ought to be the rule.

Mr. SAULSBURY. I should like to ask the Senator from Ohio what would be the effect if the board of school commissioners in any district or in any county should determine that they would have a Protestant Bible taught in that school, whether that would be regarded as a sectarian school?

Mr. SHERMAN. That is a question I do not wish to answer. We had a great deal of controversy in our courts in Ohio about that, and our courts I think held that that could not be prescribed by the trustees.

Mr. HOAR. I do not think that the amendment of the Senator from Ohio is necessary, because I think the idea is expressed in the bill; but if a Senator of his great experience and intelligence thinks the bill should be made more clear by inserting the language he suggests, I shall myself defer to his opinion and vote for it.

We have, I suppose, as large a proportion of Catholics in the State and in the city where I reside as in any community in the United States, with scarcely an exception, and there is no class of our community that, as a rule, are more stanch friends of our common-school system. The Catholic members of the school board sit side by side with the Protestants, urging the most liberal expenditure and the most careful supervision, and, with very few exceptions indeed, the members of that great and influential sect prefer that the common-school system shall be kept from any sectarian or priestly influence.

Mr. BLAIR. May I make a suggestion that I think will satisfy everybody? We need to put this provision in so that the Mormons will not get any of the fund.

Mr. JONES, of Florida. It seems to me to be a work of supererogation to put an amendment of this kind on the bill There is nothing sectarian in it, I think, as it now stands.

Mr. SHERMAN. The words are in the bill.

Mr. JONES, of Florida. I am willing to accept it as it is. The Senator from Ohio has said that he does not know that any of the schools in the United States are now under sectarian influences. This overparticularity might give offense in some quarters where it would be better that none should be given. I think we can trust the disposition of this fund to the schools as they exist in the United States under the respective systems, for that I think is the purport of the bill—to give this money to the States to aid the schools as now existing.

Mr. ALLISON. The common schools.

Mr. JONES, of Florida. The common schools; and it is entirely unnecessary in my opinion to incorporate a provision to provide against a contingency that can not exist, and therefore give rise to comment among religious sects that by an overexertion of power and particularity it was attempted to discriminate against them in some way. I do not think it is wise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. SAULSBURY. I do not know that I have a right to speak again, but I may put a question. I wish to ask the Senator from Ohio whether the courts in his State have not decided that opening the schools with the reading of a chapter in the Bible in the morning constituted the school in which that was done a sectarian school, and whether if the bill is passed with the amendment which he offers common schools could be opened in the State of Ohio by reading a chapter from the Bible without constituting them sectarian schools? I understand that that has been the decision of the courts in Ohio, and that the supreme court of that State has affirmed that the reading of a chapter from the Bible constitutes a school a sectarian school.

Mr. SHERMAN. I do not so understand the decision. It was a construction upon the phraseology of the Ohio law. Without that law be-

fore me I should not like to undertake to state the decision of the court. They simply held that the trustees had no power to prescribe the reading of the Bible, if I remember correctly. My colleague, who lives in the city where the case occurred, will know much better than I. My impression is that it was a simple construction of the law of Ohio, probably differently worded from any law we have before us.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. JONES, of Florida. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I wish to state once for all that I am paired upon this measure with the Senator from Maine [Mr. HALE]. I do not know how he would vote on any of these questions. I think I would generally vote "nay."

Mr. GORMAN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH] on all amendments, as well as on the bill itself.

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. He is opposed to the bill. Therefore I shall not vote on this amendment.

Mr. MORGAN (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER]. If he were here, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call having been concluded, the result was announced—yeas 32, nays 18; as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Allison, | Frye, | Jackson, | Pendleton, |
| Blair, | Garland, | Kenna, | Platt, |
| Brown, | Gibson, | Lapham, | Pugh, |
| Camden, | Hampton, | Logan, | Riddleberger, |
| Conger, | Harrison, | McMillan, | Sawyer, |
| Dawes, | Hawley, | Manderson, | Sherman, |
| Dolph, | Hill, | Miller of N. Y., | Voorhees, |
| Edmunds, | Hoar, | Morrill, | Williams. |

NAYS—18.

| | | | |
|---|---|---|---|
| Bayard, | Coke, | Harris, | Slater, |
| Butler, | Colquitt, | Jonas, | Vance, |
| Call, | Cullom, | Jones of Florida, | Wilson. |
| Cameron of Wis., | Farley, | Maxey, | |
| Cockrell, | George, | Ransom, | |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Groome, | Miller of Cal., | Saulsbury, |
| Anthony, | Hale, | Mitchell, | Sewell, |
| Beck, | Ingalls, | Morgan, | Van Wyck, |
| Bowen, | Jones of Nevada, | Palmer, | Vest, |
| Cameron of Pa., | Lamar, | Pike, | Walker. |
| Fair, | McPherson, | Plumb, | |
| Gorman, | Mahone, | Sabin, | |

So the amendment was agreed to.

Mr. HARRISON. I now move the first amendment proposed by me the other day, which is to strike out all of section 3 and insert in lieu thereof what is on the desk of the Secretary.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana will be reported.

The CHIEF CLERK. It is proposed to strike out all of section 3 and to insert in lieu thereof:

SEC. 3. That no State or Territory shall receive any of the benefits of this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the character of the school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of school-houses; whether any discrimination is made in the raising or distributing of the school revenues or in the school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived; the manner in which the same were apportioned to the use of the schools; the number of white and the number of colored schools; the average attendance in each class, and the length of the school term. No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color either in the raising or distributing of school revenues or in the school facilities afforded: *Provided*, That separate schools for white and colored children shall not be considered a violation of this condition. The Secretary of the Interior shall thereupon certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act and also the amount due to each.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. HARRISON. I suppose Senators have generally read the amendment with sufficient care to understand its effect. As the bill was originally reported from the committee the distribution for the first year was to be made without any report at all from the States. The fund appropriated was to be distributed to all the States upon the basis of illiteracy named in the bill, without any preliminary report being required. The amendment which I proposed early in the discussion of the bill to the effect that the amount apportioned to each State should not exceed the amount which the State had given the preceding year out of its own revenues applied to common-school education made it necessary in my judgment that we should have from the State some preliminary report as to the condition of schools in the State in the first place, with a view of ascertaining from an official report whether the particular State did maintain within its limits a system of free common-schools without distinction of race or color, except (and the amendment provides for that) that a system of separate black and white schools should not be considered a distinction of race or color; and also that we might have an official report as to the amount of money which had in the preceding year been expended by the State, in order that the Secretary of the Interior in making his distribution of the amount appropriated from the public Treasury might know just how much should go to each State.

If Senators have observed the amendment they will see that it requires simply in advance the same information which in the original bill was required to be furnished by the proper officers of the State at the end of the first year and as a prerequisite to any second allotment under the bill. It does not introduce, as I think, any new conditions; it does not require any other action on the part of the State except that it requires it to be taken in advance of the first allotment in order to furnish us the basis on which this fund may be distributed.

I take it, therefore, that those who found nothing objectionable in the bill itself and in its requirements as to reports from the several States will find nothing objectionable in this amendment, which simply requires, as I have said, a preliminary report from the States upon the same matter.

I desire to suggest that the word "common," before the word "school," in line 6 in the amendment which I have proposed, should be inserted.

Mr. LOGAN. Will the Senator allow me to call his attention to line 29 in the amendment?

Mr. HARRISON. Line 29 is not in this amendment.

The PRESIDENT *pro tempore*. How does the Senator from Indiana modify his amendment?

Mr. HARRISON. By inserting the word "common" before the word "school," in line 6 of the amendment. The President is probably looking at the bill as printed with the amendments. I refer him to the separate print of the amendment. It corresponds with line 14 of the printed bill, "showing the character of the common-school system."

The PRESIDENT *pro tempore*. The Senator from Indiana is entitled to modify his amendment, and the Chair understands him to modify it by inserting, after the word "the" and before the word "school," in line 14 of section 3 of the last reprint, the word "common."

Mr. HARRISON. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. HARRISON. It has also been suggested to me—and while I do not think it necessary I yield to the suggestion—that in line 29, section 3, after the words "distinction of," the words "race or" should be inserted before "color;" so as to read "without distinction of race or color."

The PRESIDENT *pro tempore*. The Senator from Indiana modifies his amendment, in line 29, section 3, by inserting after the words "distinction of" the words "race or." It will be so modified.

Mr. BUTLER. Why not insert "nativity" after "color," I suggest to the Senator from Indiana?

Mr. HARRISON. Does the Senator from South Carolina know of any such distinction contained anywhere? I have no objection to it, however.

Mr. BUTLER. Certainly I do. The State of Rhode Island makes some distinction of that kind.

Mr. HARRISON. In its school system?

Mr. BUTLER. Not in the school system, but in the matter of voting.

Mr. HARRISON. We are dealing here simply with the school system, and as I have never heard anywhere in the country of a distinction being made as to the nativity of a child in the school facilities afforded, I think I shall decline to accept the amendment proposed by the Senator from South Carolina.

The PRESIDENT *pro tempore*. The time of the Senator from Indiana has expired.

Mr. HARRISON. Will the Senate indulge me simply to suggest two other verbal corrections in the amendment?

The PRESIDENT *pro tempore*. The Senator has a right to speak to any new amendment he proposes under the understanding.

Mr. HARRISON. In order, then, that this descriptive word "common" may be carried through the amendment, I propose that in section 3, line 20, at the beginning of the line, before the word "school," the word "common" shall be inserted, and also in the same line after the word "the" and before "school."

The PRESIDENT *pro tempore*. The Senator from Indiana modifies his amendment in section 3 of the reprint by inserting after the word "the," at the end of line 19, the word "common," and after the word "the," in the 20th line, the word "common;" so as to make the word "school" wherever it occurs there read "common school." The amendment is modified accordingly.

Mr. HARRISON. Then in line 27, section 3, instead of the words "that have not provided" I propose to insert "shall not have provided."

The PRESIDENT *pro tempore*. And in line 27, section 3 of the re-

print, the Senator from Indiana modifies his amendment so as to make that line read:

No money shall be paid out under this act to any State or Territory that shall not have provided, &c.

Mr. WILLIAMS. Mr. President, there is not a more ardent supporter in the Senate than myself of the general principles of this bill, but I can not consent to support an amendment which proposes to compel the governor of a sovereign State to report to the Secretary of the Interior. The clause as it stands suits me perfectly well, and I am opposed to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. BLAIR. If any one will examine the language of the original section and compare it with this language to which allusion has been made in the amendment, he will see that there is absolutely no difference whatever in the meaning of the original section and of the amendment. The amendment says that no State or Territory shall receive the benefits of this act until a report has been made. The other provides that the Secretary of the Interior shall receive a report which shall be made by the State officer. It is only a preliminary condition upon the performance of which the money may be received in either case. The State is under no necessity of performing this condition unless it sees fit. It is not any change whatever in the force or meaning of the bill.

Mr. WILLIAMS. I beg pardon of my friend from New Hampshire, because the original section says:

That the Secretary of the Interior, at the close of each fiscal year, shall ascertain the total amount of the school fund to which the States and Territories and the District of Columbia are entitled under the provisions of this act.

And the amendment as proposed requires that the governor shall report to the Secretary of the Interior. There are other means of ascertaining besides requiring the governor of the State to report to a Cabinet officer.

Mr. JONES, of Florida. Mr. President——

Mr. HOAR. The Senator will pardon me——

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. HOAR. I merely wish——

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. JONES, of Florida. Yes, sir.

Mr. HOAR. If the Senator from Kentucky will look at the thirteenth section of the bill he will find there an imperative mandate—

That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor.

True, that is stricken out. That was an order that the report be made. Instead of that the language in this amendment only says that the money shall go if the governor makes the report. The bill as it stood ordered the governor. That is stricken out and softened by the present amendment.

Mr. JONES, of Florida. Mr. President, it seems to me that there is a great deal more importance attached to these reports than is necessary. In the bill to which I drew the attention of the Senate a while ago a similar report was required to be made—the bill for the education of the blind. There is nothing in the present bill which says from what quarter the report shall come, and it may be from the chief of the educational bureau of the State. Section 4 of the act approved March 3, 1879, which appropriated $250,000 to aid in the education of the blind, has a similar provision. Let me read the whole act:

A bill to promote the education of the blind.

Whereas the trustees, superintendent, and teachers of the various State and public institutions for the instruction of the blind, representing the interests of over 30,000 blind persons in the United States, have united in a petition to Congress to take into consideration the needs of the blind in the United States; and

Whereas the Association of the American Instructors of the Blind, at their session in Philadelphia, in August, 1876, representing twenty-six State and public institutions for the instruction of the blind, have set forth in a series of resolutions that the especial needs of the blind are embossed books and tangible apparatus, and have recommended that if any aid should be given by Congress it would most efficiently come through increasing the means of the American Printing House for the blind, located in Louisville, Ky.; and

Whereas it appears that the Kentucky Legislature, in 1858, by an act of special legislation, declared James Guthrie, W. F. Bullock, Theodore S. Bell, Bryce M. Patten, John Milton, H. T. Curd, and A. O. Brannin, and their successors, a body corporate under the name and style of the Trustees of the American Printing House for the Blind, with the avowed purpose of printing books and making apparatus for the instruction of the blind of the United States for general distribution, and for the sake of philanthropy, and with no desire for pecuniary gain; and

Whereas the States of Louisiana, Mississippi, Tennessee, Kentucky, New Jersey, and Delaware have made appropriations for the aid of said American Printing House for the Blind, for which, on account of the outbreak of the civil war, only a small part of the money appropriated by the first three named States was ever available; and

Whereas by the money from the States of Kentucky, New Jersey, and Delaware, a printing-house for the blind was established, and is now supplied with presses, type, stereotype foundery, steam-engine, a well-equipped bindery, and all the appliances necessary for the manufacture of embossed books, and has for the last ten years been manufacturing embossed books superior in every way to any manufactured elsewhere, which have been distributed gratuitously to the blind in the States of Kentucky, New Jersey, and Delaware, by which the blind in those States have been very much benefited; and

Whereas it is desirable that the blind of the whole country should be equally benefited, and the intentions of the trustees to establish an educational institution of the most practical beneficence and wisest philanthropy upon a national basis, should be accomplished, inasmuch as the education of the blind is a subject of national importance: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of $250,000, out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at 4 per cent., of the issue of July, 1870, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

SEC. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semi-annually, to the trustees of the American Printing House for the Blind, located in Louisville, Ky., and chartered in 1858 by the Legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semi-annual interest upon the said bonds, upon the following conditions:

First. The income upon the bonds thus held in trust for the education of the blind shall be expended by the trustees of the American Printing House each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by this income shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House shall require; and each institution shall receive, in books and apparatus, that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

Second. No part of the income from said bonds shall be expended in the erection or leasing of buildings.

Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind, manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky.; and the price put upon each article so manufactured or furnished shall only be its actual cost.

Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Ky., are not using the income from these bonds for the benefit of the blind in the public institutions for the education of the blind in the United States.

Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of $20,000, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

Sixth. The superintendents of the various public institutions for the education of the blind in the United States shall each, *ex officio*, be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Ky.

SEC. 4. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

SEC. 5. That this act shall take effect from and after its passage.

Such provisions are simple matters of detail, not affecting in the least the principle of the bill. Here was an act which appropriated out of the money in the Treasury $250,000 to aid in educating the blind, and I ask in all seriousness if there exists authority in the Constitution to make that appropriation whether there does not reside a power there to educate those that can see?

As I have said, I attach no consequence to the individual votes of Senators, but I am invoking the action of the body to sustain itself, and I find that these bills have all these little details about them. But the great principle, after all, that lies behind is whether we have authority to appropriate this money. If we have we have authority to couple little conditions like those in the Kentucky bill.

Now, sir, where are you going to draw the line on this question? In the great case of Gibbons *vs.* Ogden Chief-Justice Marshall said that there was no authority in this Government to touch the health laws of the States, and after going over every power and authority that resided in the General Government on the subject of commerce he came down and said that there was no power in the General Government to make any law with respect to the public health in the respective States. Still we have departed from that, and I think I can say without exaggeration that if there ever was a judicial officer who carried the powers and functions of this Government to the fullest possible extent it was Chief-Justice Marshall; but he excepted out of the general power of this Government the power to touch the regulation of the public health in the States. But we have provided for that. We have established quarantine boards; we have quarantine officers in my own town receiving pay from the General Government and supervising the public health of the State.

I voted against the proposition referred to awhile ago by the Senator from Indiana [Mr. VOORHEES] to establish a national association of education because I discovered or thought I discovered in that proposition far more danger to the institutions of the State than in this. I felt at the time that it was not a wise thing to do to establish such a national authority; but when it is proposed to give a sum of money to

the States to be applied I say almost unconditionally—because there are no conditions in this bill that materially interfere with the independent exercise of the authority of the States over this domestic institution—I have to vote for it according to the precedents that have been established for my guidance by the votes of this body hitherto.

Mr. BROWN. Mr. President, I want to offer an amendment, if I am in order, to the amendment of the Senator from Indiana, which I trust he will accept, and which would, I think, make his amendment much less objectionable and still accomplish the same object. In line 12 of section 3, on page 3 of the bill, I would insert, after the word "until," the words "the school commissioner shall, under the direction of the governor thereof, file with the Secretary," striking out "governor."

Mr. HOAR. Suppose there be no school commissioner?

Mr. BROWN. There is in every State.

Mr. BLAIR. Would it answer to strike out "Secretary of the Interior" and insert "President," so as to have the report filed with the President?

Mr. BROWN. The real objection made on this side, I understand, is to the requirement that the governor of the State shall make report. I only desire to amend the section so that the proper State officer, under the direction of the governor, shall make the report. That will remove much of the objection.

Mr. HARRISON. I really can not see how the suggestion of the Senator from Georgia would avoid any difficulty here. If the objection is made that we can not make a distribution of this fund contingent upon the fact that a certain officer of the State, the governor, shall make a certain report, I do not see how you can make it contingent upon the fact that the school commissioner of the State shall make it. He is equally an officer of the State with the governor.

Mr. BROWN. I simply ask that you do not require the governor to make the report, whatever may be your authority, but that the proper officer under his direction shall make it.

Mr. HARRISON. I do not understand——

Mr. RIDDLEBERGER. I should like to ask the Senator from Indiana how the State could make report if it had no such officer?

Mr. HARRISON. I was going to make that suggestion; but I had used the word "governor" here because I knew it to be descriptive of an officer that nearly every State has. If I said "superintendent of public instruction" I should name an officer that is recognized under the laws of my State, but there might not be such an officer in Georgia.

Mr. BROWN. Then, if the Senator will permit me, I will say "the school commissioner, if there be one, or if there be none, the secretary of state." I believe there is a secretary of state in every State.

Mr. HARRISON. If I could see that this suggestion really relieved any difficulty, I would not hesitate to agree to it.

Mr. BROWN. I think it does relieve a great deal.

Mr. HARRISON. It seems to me that it does not. Undoubtedly the material for the report, perhaps the entire report which is to be submitted here, would be prepared by the school superintendent of the State, and it would simply need to be certified by the governor, under the provisions of the amendment which I proposed. It seems to me it practically means the same thing. If it is to be under the direction of the governor by the State superintendent, then, undoubtedly, the governor must in some way on the paper transmitted to the Secretary of the Interior certify it, and if he does I do not see why he could not, under the bill, pursue precisely the same course. And yet, if it be the duty of the Secretary of State, or the superintendent of public instruction, or whatever officer under the laws of the State may have charge of these statistics, he can most conveniently certify them, and the governor can use them and simply attach his own certificate under the bill.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment proposed by the Senator from Georgia.

Mr. BROWN. I desire to have it understood as it stands. It is:

> The commissioner of education, if there be one, and if not, the secretary of state, under the direction of the governor.

Mr. HARRISON. If the Senator from Georgia will allow me, now, he says "commissioner of education." That is not the description of the officer in my State who is to do the duty, nor in Connecticut, as the Senator from Connecticut [Mr. PLATT] says. Therefore, if we do not happen to have an officer known as a school commissioner in every State, the amendment of the Senator would transfer the duty to the secretary of state, where it ought not to be at all. There are numerous States that have no such officer as a commissioner of education.

Mr. BROWN. What is the title of your officer?

Mr. HARRISON. Superintendent of public instruction.

Mr. HOAR. In our State the function is exercised by a board—the board of education.

Mr. HARRISON. I think we have named an officer here that all the States have, and he can choose the appropriate machinery in his State for getting the information, and simply certify it.

Mr. BROWN. Then to get at that point, as there is an officer we all have, I would modify the amendment so as to say "secretary of state." Every State has a secretary of state.

Mr. HARRISON. But he is not the officer who has charge of school matters in the State, and it is illogical to ask him to report on what he has not charge of.

Mr. CAMERON, of Wisconsin. The statistics concerning the schools do not come through the secretary of state at all in my State.

Mr. CONGER. I rise to a point of order. I ask whether the yeas and nays have not been ordered on the amendment of the Senator from Indiana?

The PRESIDENT *pro tempore*. An amendment is open to amendment after the yeas and nays have been ordered. It can not be modified after the yeas and nays have been ordered, but it is open to amendment by any Senator.

Mr. RIDDLEBERGER. The amendment proposed by the Senator from Georgia, it makes no difference how he puts it, it seems to me is utterly impracticable. We have no secretary of state in Virginia; we have no commissioner of education in Virginia, and three other Senators have stated the same thing on this floor in reference to their States. It just narrows itself down to this, that some gentlemen think a governor ought not to report to the Secretary of the Interior. That is all there is of it. At last it is a question of State rights. If there is any way of bridging over this little difficulty, something that will adjust itself to all the conditions, I am ready to vote for it. If the Senators do not want to have the governor of a State report to the Secretary of the Interior, then let him report to the President of the United States. The underlying principle of this whole bill is that of general education, and all this matter of reports is, if I may be pardoned the expression, mere quibble.

What I want is that this money shall go right down to Virginia for the benefit of the children of that State, and I care not who may be called upon to make the report nor to whom he may make it, so that there shall be an officer of that State on the one hand and an officer of this Government on the other, each being recognized, the one by the State and the other by the Federal Government.

I say again—and I want to call the attention of the Senator from Georgia to it—this will not meet the situation. Three Senators have answered that there is no such officer as a commissioner of education in their States. Two others have answered that there is no such officer as a secretary of state in their States. We all know that there is a governor in each State and the governor can make the report. If there be an objection of that sort that the governor ought not to report to the Secretary of the Interior, then I ask the Senator from Georgia to change that so as to require him to report to the President of the United States.

Mr. BROWN. I will offer the amendment in this shape: After the word "until," in line 12 of section 3, insert "the officer of the State in charge of public education shall, under the direction of."

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment of the Senator from Georgia [Mr. BROWN] to the amendment of the Senator from Indiana [Mr. HARRISON] will be reported from the desk.

The CHIEF CLERK. In section 3, line 12, after the word "until," it is proposed to insert "the officer of the State in charge of public education shall, under the direction of;" so as to read:

> That no State or Territory shall receive any of the benefits of this act until the officer of the State in charge of public education shall, under the direction of the governor thereof, file with the Secretary of the Interior a statement, &c.

Mr. HOAR. In my State I do not think any officer can be said to be in charge of public education. We have a board of education composed of twelve persons, I think. They have a secretary, who is an active and efficient person and does work of that kind; but I am not aware that he has any duties which could be properly described by the provision of the amendment. It seems to me that if you wish to avoid apparent compulsion on the governor you might say "until the governor or some proper officer of the State under his direction makes the report."

Mr. ALLISON. It seems to me that this is rather a delicate controversy. What is desired is correct and accurate information respecting the schools of the State. Now, who is the chief officer of the State? It is the governor. He has a right to receive from the superintendent of schools or the secretary of state or any officer in the State such information as may be required here. What is he asked to do? Simply to certify that information to the Secretary of the Interior. What for? In order that a proper basis of distribution according to law may be made to the several States. Now, is it possible that we are going to stand upon technicalities with reference to a particular officer in a State? What difference does it make with reference to any principle whether this is certified by a common-school superintendent or by the highest and most responsible officer in the State?

It seems to me that this is a necessary and proper provision in order that the Secretary of the Interior may make out the proper data, so as to reach not only to Georgia but to every other State which receives this benefaction. Every State is interested that proper information shall be given from every other State in order that the proper apportionment may be made, and that is all there is in this provision.

Mr. BUTLER. I thought the census of 1880 was the basis upon which this bill was framed! What is the necessity for any additional information if that is the basis?

Mr. ALLISON. Is it possible that the Senator from South Carolina proposes that we shall expend $77,000,000 for the purposes of education and take no account of the money? Some officer somewhere must be responsible for this expenditure—I do not mean with reference to how the schools shall be carried on, but as to whether it is expended at

all or not. Suppose the State of South Carolina should get a half-million of this money and no part of it should be used for common schools——

Mr. DAWES. Some gentleman.

Mr. ALLISON. Some gentleman! They are all gentlemen in South Carolina.

Mr. DAWES. Some individual.

Mr. ALLISON. Suppose some individual in South Carolina should get four or five hundred thousand dollars of this money, is it not worth while for somebody to know that that money has been expended for common schools, and who will know better than the chief magistrate of that great sovereign State? Certainly nobody.

Mr. BUTLER. Then what is the objection to the bill as originally drafted?

Mr. ALLISON. I am not discussing that bill; but I find an amendment which meets my approval.

Mr. BUTLER. The third section of the bill as reported by the committee provides:

That the Secretary of the Interior, at the close of each fiscal year, shall ascertain the total amount of the school fund to which the States and Territories and the District of Columbia are entitled under the provision of this act, and shall certify the same to the Secretary of the Treasury. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion the said total sum so certified among the several States and Territories and the District of Columbia upon the basis of population and illiteracy specified in the second section of this act.

That is the bill as it was framed by the Committee on Education and Labor. It seems, however, the Republican caucus met and agreed on the amendment we are now discussing as a substitute for the solemn action of the Committee on Education and Labor. That seems to be about the only reason I can at present understand for pressing this particular amendment so earnestly, when the bill itself provided ample protection to the Government and everybody else.

Mr. HARRISON. The bill proposes to make the first distribution without any inquiry into what the several States had done for education. The amendment which I proposed early in this debate was that they should have no more than they had spent the preceding year. Therefore the necessity for some preliminary report, just such as the bill requires, as a preliminary to the distribution of the second year.

Mr. BUTLER. I called attention to the bill as originally drafted by the committee, but it seems the Republican caucus has modified that and brought in an amendment here which it insists upon substituting.

Mr. HOAR. The original draught had a provision in as to all the years but the first.

Mr. BUTLER. What is the use of the amendment then? Simply because the caucus demand it?

Mr. HOAR. No, no. It was desirable that we should understand how the money was going. The bill had a provision that the Secretary of the Interior should receive from the governor a report as to every year but the first, and if there were no expenditure there was no provision. This amendment simply provides that the report shall show.

Mr. BUTLER. I thought the bill was brought here on the basis of the census of 1880, that all the information necessary would be procured from that, and that information having been procured by the Secretary of the Interior, this money would be turned over to the superintendents of education in the respective States to be expended by them under State laws; but it seems there are to be some restrictions thrown around it for the purpose of getting possession of the schools of the country. That is about where I suppose it will end.

Mr. BLAIR. There is nothing under this, not a thing, excepting that it was thought there might be some difficulty in the way of calling Legislatures together and making arrangements with reference to the acceptance of this first payment; and so it was provided that upon the performance of an easier act by the governor of the State, the filing of this first report preceding any payment, this money might be made over to the State without any embarrassment or trouble in getting Legislatures together anywhere. That is all there is of this that is of any consequence, and it is a matter of ease and convenience to the States if there are any so situated that legislative action would be necessary. At least that objection was raised and discussed, and I am very willing to see the amendment adopted for that reason.

So far as this relation between the State officers and the United States officers is concerned, there is not the remotest difference between the amendment and the original bill. The explanation of the Senator from Massachusetts that there was compulsion in the original bill, that it absolutely required a report, is an incorrect explanation; that is, it is no explanation at all. Both the amendment and the bill require after the first year reports of the manner of the expenditure and the condition of the schools as a condition precedent to the second and subsequent payments, and if they do not choose to make the reports they do not get the amounts. They have their election, of course. There is no difference. There is nothing to be mystified about, and I do not think that anybody who is intelligently anxious for the success of the bill will sympathize at all with the difficulties that the Senator from South Carolina has in his mind.

Mr. RANSOM. I will presume to say that I do not think it possible that any member of the Senate can be more anxious for the passage of this bill than I am. In addition to that I see now on the desk of my colleague the laws of the last session of the Legislature of North Carolina instructing the Senators of that State to vote for a bill of this character. But I trust my friend from New Hampshire will bear with me when I tell him that I at least think this amendment is not only dangerous to the purposes for which the bill is proposed to be enacted—I will not call it a dangerous precedent, but I will call it a dangerous principle in this Government.

I have read this amendment in the last few minutes with all the attention I possibly could, and it leaves distinctly, without question, to the Secretary of the Interior the distribution of this fund to this extent: that is, he is to determine whether the certificates made by the governors of the States conform to this act.

Mr. BLAIR. The Senator will permit me——

Mr. RANSOM. With great pleasure.

Mr. BLAIR. In the first instance, as the bill provides, the whole matter is subject to revision by Congress if he decides incorrectly. Of course some executive officer must decide in the first instance and execute the law.

Mr. RANSOM. I comprehend that difficulty, and that difficulty, as it has been called, has led, as every Senator here well knows in his own experience in this body—take up any year and he will find it so—I will not say to abuse, because I am not in the habit of using that word, but to confusion and trouble in respect to the action of Cabinet officers upon questions of discretion of this character. I do not think that any small matter of convenience, that any consideration of a little time, should prevail upon the Senate to give to an officer of this Government like a Cabinet officer (and I speak of them all with great official respect, and many of them with personal respect) this great discretion of determining whether this money shall be issued under the law or not.

Now, the paramount power in this country is in the supreme judicial tribunal of the land. That tribunal settles finally, as the opinion of the country now is, all constitutional questions, whether they come from Congress or from the executive government. It is proposed to make a Cabinet officer in this instance the judge of whether this money shall be distributed or not. Do we not at once perceive the difficulty, the peril of having a State hanging here upon the decision of a Cabinet officer as to whether this school fund shall be issued the next year or not? The Cabinet officer says, "This money must not be distributed: the governor of the State of North Carolina has not complied, as I think"—a Cabinet officer thinks—"with this law. I hold up this money until the governor of North Carolina comes here and makes his certificate conform to the opinion of the Secretary of the Interior."

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired.

Mr. HAWLEY. Mr. President, I have listened with a great deal of interest and anxiety in common with all my friends to the discussion of this measure. I should have been perfectly willing to be converted to the belief that I ought to vote for it, but the drift of the discussion has settled me in the conviction that I am bound to vote against it. In the mean time I am willing to endeavor to improve the bill as far as possible. I have been waiting to see gentlemen in favor of this measure get into precisely the difficulties under which the Senator from North Carolina now labors. You can not command a governor or a State government or any State officer to give you the statistics necessary to base this bill upon. You have no right to issue such an order to them; they are in no respect subject to your jurisdiction. You can have all the census you wish of the State; the Constitution tells you to get it; you appoint your own officers and send them there to get it. Now, here is the trouble: the framers of the bill have tried to make a trade, they have tried to make a bargain, and impose a condition precedent upon the governor of a State, "If you will give us all these figures honestly every year we will give you the money, but if the Secretary of the Interior thinks you have not done it we will not give the money." Why did you not order the State government to give you all these figures? You could not do it. Why did you not order the governor of the State to give you these reports? You could not do it.

Mr. LOGAN. Allow me right there to make a suggestion?

Mr. HAWLEY. Certainly.

Mr. LOGAN. I do not wish to enter into the debate about this matter, but to call the Senator's attention to this point: This law is not a command on the governor to do an act, it only says to him, we want you to act as the medium of conveying the information to us that we may distribute the money for the benefit of the children of your State. That is all. He is merely to be the medium to convey the information, and if the State refuses to convey the information then there is no obligation imposed on the Government of the United States to distribute the money. That is all there is in it. There is no command.

Mr. HAWLEY. That is rather arguing the case in my time. The Senator is welcome to do it, but I would rather he should do it in the time of another.

Mr. LOGAN. I did not want to take the Senator's time.

Mr. HAWLEY. The Senator says very much what I have been saying myself. Knowing that you can not command the governor, you ought not to offer him a price for the statistics of his State. Without

intending to do it, I think in a subsequent section of the bill its friends have fallen into error; they say in section 13:

That the governor of each State and Territory receiving the benefit of this act shall, on or before the 30th day of June of each year, file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursement made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer.

You begin by acknowledging a lack of control over the common-school question by not imposing a command or duty on any State officer. If you have a right to command the State officers to give these statistics, it implies a right to go further. I do not see why you should not then go into the whole regulation of schools. If you can not order the State authorities to give you these figures, then go on and get them through the constitutional method provided by annual censuses of the school population, &c., and when you have begun that you have got well started toward establishing a common-school system in each State by Federal authority, and then gentlemen may prophesy for themselves, but I prophesy that you will have come to the end of a healthy system of popular education in the country. Let the people who have carried on this work for ninety-five years carry it on a while longer. They are making magnificent progress in popular education.

Mr. GARLAND. Mr. President——

Mr. RIDDLEBERGER. I wish to ask the Senator from Connecticut a question.

Mr. HAWLEY. I have yielded the floor in general.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Arkansas.

Mr. GARLAND. Mr. President, the executive department of this Government cannot know any officer of the State legally, except the governor, and if Senators will take the pains to run through the many statutes they will find that it is a constant proceeding to call on the governor. The Secretary of the Interior certifies a list of swamp lands under the act of 1850 to the governor, and the governor certifies back that it is all right, and he demands a patent for the lands so certified, and he gets it. The Secretary of War certifies a list of muster-rolls under the act of 1873 to the governor, and the governor examines and certifies that there are so many companies and they are entitled to a distribution of arms under the act.

I could cite many cases of that sort. It is nothing new. You can not say "superintendent of education," because some States have no superintendent. We have in Arkansas, and he has to report annually under the law to the governor. Some States have a commissioner of education; some States have a board of education. So you would have to put in a long phrase, "the State authorities under the school laws of the State," or words to that effect; but you can not skip over the governor, because he is really the only State official this Government can know.

I corresponded a good deal with the Secretary of War for arms for Arkansas, which he did not give me, when I was governor. I corresponded frequently with the Secretary of the Interior about swamp lands, some of which he gave me and some of which he did not. I did not feel insulted, nor did my people. You can not deal with anybody else but the governor of the State, for you do not know legally any other person there, and the statutes are full of such instances.

Mr. BUTLER. I should like to ask the Senator from Arkansas if as governor of that State he recognized the right of the General Government to issue a mandate to him?

Mr. GARLAND. There is no mandate, as I understand it, here.

Mr. BUTLER. No; but I should like to ask the Senator to answer my question, if he would have recognized the right of anybody in the Federal Government to issue a mandate to him as governor of the State of Arkansas?

Mr. GARLAND. I certainly would not.

Mr. BUTLER. Then I want to call the Senator's attention to a line of this bill on the eighth page, section 13:

That the governor of each State and Territory receiving the benefit of this act shall, on or before the 30th day of June of each year, file with the Secretary of the Interior a statement, certified by him.

Mr. HARRISON. Will the Senator allow me now, that we may not run ahead, to say that I have an amendment to that very clause he is criticising which will conform it exactly to the provision we are now discussing when we reach it?

Mr. CALL. Mr. President, I think there is no kind of objection to the amendment proposed by the Senator from Indiana. I hope there will be no objection on the part of the friends of the bill to it. It is certainly the customary proceeding and it is the duty of the chief executive officer of each State to certify whatever may be proper to be certified as evidence to anybody else. I hope it will be agreed to.

Mr. RIDDLEBERGER. Mr. President, I am getting a little interested in this bill at this stage, because up to this time I have thought that all of us who were in favor of general education were going to vote for it. It is in pretty good condition now to pass except that there may be some sort of difficulty, as it seems, in the mind of the Senator from South Carolina that you can not issue a mandate against the governor of a State or you can not compel a governor to do this, that, or the other thing. I should like to say to the Senator from South Carolina that a writ of mandate does not lie against the governor of a State and does not lie against any other officer of a State. There has been no question more certainly settled than that.

Now what is the difference? Only this, that in dealing with the governor we are dealing with a constitutional officer whose tenure we know, who has some responsibility, who has a constituency behind him. The other officers named by the Senator from Georgia do not exist in some of the States, and in those in which they do exist they depend entirely on the action of the Legislature itself. The superintendent of public instruction and the whole board of education in Virginia can be removed at any session of the Legislature, and within the last sixty days I have seen the whole system of public education in that State overturned.

Why not deal with the constitutional officer? There can be but one reason, and that is that you hold that the governor of a State should not report to a Cabinet officer of the United States. If that be your reason, then let the governor of the State report to somebody whom you may regard as his superior—not have the report made by a commissioner of education, or a superintendent of public instruction, or any man whose tenure of office depends upon the vote of a majority of the General Assembly of a State, but some officer who has constitutionally some tenure that we know.

I am as jealous of what I understand to be State rights as any gentleman on this floor. I must recognize the fact that some of those things that I called State rights once have been licked out of me, and I do think that we can make an appropriation here for the purpose of public education, and it is not beneath the dignity of any governor of any State to make a report to any officer of this Government that gives the money for the purpose indicated in the bill.

Mr. HARRISON. Mr. President, I only want to say for the benefit of the Senator from North Carolina [Mr. RANSOM] that the objection which he makes would be absolutely fatal to any condition in this bill. It can not be avoided unless we make this distribution absolute and not to depend upon anything in the school systems of the several States, because if we retain in this bill the condition that the distribution shall not be made to a State which has not provided by law a general system of public schools without distinction of race or color—if that is in the bill, then the disbursing officer of the General Government, whoever he may be, the Secretary of the Treasury, must when he draws his warrant or as a preliminary to the drawing of it determine the question whether the particular State demanding the money is within the condition. Here we simply confide that necessary essential authority in determining that question, which would rest with the Secretary of the Treasury if it were not placed elsewhere, with the Secretary of the Interior, and require him to certify to the Secretary of the Treasury that the conditions do exist which entitle a particular State to its allotment of this money, and the objection the Senator makes can not be obviated without striking every condition out of this bill and providing for an absolute distribution to every State, or by inserting the names of the States which should be entitled to the distribution.

I have endeavored in framing this amendment to meet the views of those on the other side of this Chamber who have favored this bill, and I have proposed here no condition that in my judgment was not essential. I have introduced no new condition, but I simply require another report of precisely the same character as the condition of the first allotment which the bill that has met the approval of those who have spoken on the subject required as the condition of the second allotment.

Mr. HOAR. I wish simply to add that the amendment on this particular point under discussion will probably not strengthen the objection which has been made; that is, while the bill as originally agreed on was a mandate upon the State officer, the present bill does not undertake to exercise authority to issue a mandate to him, but merely says upon his doing so and so the State shall receive so and so. The Senator from Arkansas says it is conformable to other laws.

Mr. GROOME. Before the question is taken on this amendment I should like to ask a question of the Senator from Indiana. In the concluding portion of his amendment he uses this language:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color, either in the raising or distributing of school revenues or in the school facilities afforded.

I want to call his attention particularly to the words "distributing of school revenues." I will state to him that under the law of Maryland we levy a State tax of 10 cents upon the $100 upon all the assessable property in the State for school purposes, and it is estimated that that levy will give us somewhere from four to five hundred thousand dollars, and under an express provision of our appropriation bill $100,000 of the amount raised must go for the support of colored schools.

In addition to that, there is in the school law of our State an express provision that all local taxes raised for school purposes from the property of colored persons must be applied exclusively to the education of colored persons. Now, the question I want to ask the Senator is this: Whether Maryland, in her very effort to protect and educate the colored persons by providing, among other sources of revenue for their schools, that the entire sum so raised from local taxation on their property shall go to the schools for the education of that race, has not, if this amendment pre-

vails, cut herself off from any opportunity to receive any portion of the money to be appropriated by this bill?

Mr. HARRISON. I do not know that I quite understand the Senator from Maryland. Do I understand him that the gross school revenue raised in his State by the assessment or levy which he has referred to is $400,000?

Mr. GROOME. No, sir; it is estimated in the appropriation bill that the revenue raised by State taxation for school purposes will approximate $500,000.

Mr. HARRISON. Suppose it be $500,000. Then, do I understand the Senator that the first $100,000 is to be applied to the education of the colored children?

Mr. GROOME. The appropriation bill says that $500,000, or so much thereof as may be raised by this levy of 10 cents on the $100, shall be applied to school purposes, and then says that $100,000 of the sum raised shall be applied to the colored schools. So that if, as a matter of fact, but $100,000 of the taxes for school purposes were actually paid into the Treasury in any year, that whole amount would have to go to the support of the colored schools.

Mr. HARRISON. Then I understand $400,000 of the total amount raised goes to the white schools and $100,000 to colored schools; and the Senator asks me whether that would bring his State within the provisions of this bill. I should say not. I should say that it would be necessary for the State of Maryland, in order to entitle herself to the benefits of this bill, to make an equal distribution per capita between the white and colored children of the State.

Mr. GROOME. The Senator has misconceived my question. My question was as to whether the provision by which the amount of local school taxes raised from the property of colored persons should go exclusively to the support of schools for the education of colored persons would not deprive the State of Maryland of all benefit under this bill?

Mr. HARRISON. I think it would; but before we got to that, the fact that the distribution is not made equally, but that only $100,000 of the $500,000 raised is given to colored schools, without regard to the second provision, namely that the amount raised by taxation upon colored people shall be expended on their own schools—either one of these, in my judgment, would exclude the State of Maryland from the benefits of this act.

Mr. GROOME. I will say to the Senator from Indiana, by way of answer as to that part of his remarks as to the disproportion of the State appropriations for the schools of the two races, that it is approximately in the proportion that the two races bear to each other in our State. About seven-ninths of the population of the State are white persons.

Mr. HARRISON. Then all that would be necessary would be to put it upon that basis by legislation.

The PRESIDENT *pro tempore*. The time of the Senator from Maryland has expired, under the understanding.

Mr. HARRISON. I hope the Senate will bear with me while I say that this provision was intended to prevent discrimination against the colored people.

The PRESIDENT *pro tempore*. The Senator from Indiana has been heard upon this amendment.

Mr. HARRISON. I asked consent——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Indiana proceeding?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. Right on this point I wish to put in a fact. The number of whites 10 years of age and over in Maryland is 544,086.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has been once heard on this amendment, the Chair finds on looking at his notes.

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I do not, until I add that the number of blacks is 151,000.

Mr. MORGAN. Does the Senator from New Hampshire mean to break the rule?

The PRESIDENT *pro tempore*. There is no rule. It is an understanding, which the Chair can not enforce.

Mr. McMILLAN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. MORGAN. I do not.

The PRESIDENT *pro tempore*. The Senator does not yield.

Mr. MORGAN. In addition to what the Senator from Maryland has said in respect to the law of his State on the subject of discrimination in the levy of taxes and the distribution of school money, I wish to read from the statutes of Alabama.

> Each township or other school district shall be entitled to receive for the support of public schools therein all the poll-tax raised in and for such district, and the county superintendent of education of each county shall see that the amount of poll-tax paid by white persons shall be applied exclusively to the maintenance of schools for white pupils, and all paid by colored persons exclusively for schools for colored pupils; and in his annual reports the county superintendent of education must show how much poll-tax he has received since the last report for each race in each district of his county.

In the county in which I live, where we have 40,000 colored and 10,000 white people, the poll-tax, if paid by the negroes, would be four times as great as that paid by the white people, and they get the exclusive benefit of it under this statute in their local or township schools. Now, because we have provided in our statutes that the negroes paying the poll-tax shall have the benefit of it for the education of their own children the method proposed by the Senator from Indiana would exclude the State of Alabama from any participation in any part of this fund; we have to go and change that statute before we can participate in this fund at all, and in changing it we should have to tax, if we chose to do so, the negroes in the county of Dallas, in Alabama, for the purpose of educating the white people there. That would be the result of it, and this Secretary of the Interior, or whoever it may be who has the right to pass upon the question whether we have made the preliminary compliance so as to entitle ourselves to a standing before the Treasury for this money, would exclude us from the donation of something like a million dollars the first year, before we should have a chance under our biennial system of legislation to even assemble our Legislature to get the benefit of this law.

The act as it is proposed to be amended and the act as it was considered in committee are both very crude. I will presently, upon another amendment, draw the attention of the Senate to a constitutional objection in the State of Alabama which prohibits us from receiving this money in the form in which it is offered to us now. We can only receive the principal and put it at interest under our constitution. We should have to change the constitution of the State of Alabama, in my opinion, before we could receive the benefits of this bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Georgia [Mr. BROWN] to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. In section 3, line 12, after the word "until," it is proposed to insert "the officer or person of the State in charge of public education shall under the direction."

Mr. BROWN. The word "shall" in the next line ought to be stricken out.

The PRESIDENT *pro tempore*. That will come in place after this amendment shall have been acted on.

The Secretary proceeded to call the roll.

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Kansas [Mr. INGALLS].

Mr. HARRISON. I thought the Senator was paired with the Senator from New Jersey [Mr. SEWELL].

Mr. JONES, of Florida. Only temporarily. I was paired with him on one vote.

Mr. HARRISON. I would say to the Senator from Florida that the Senator from New Jersey [Mr. SEWELL] would vote "nay" on this amendment.

Mr. JONES, of Florida. Very well; then I announce my pair with the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER].

The roll-call was concluded.

Mr. GARLAND. My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. My colleague, if present, would vote "nay."

Mr. MORGAN. The Senator from Arkansas [Mr. WALKER] being paired with the Senator from Oregon [Mr. SLATER], I vote "nay."

The result was announced—yeas 18, nays 32; as follows:

YEAS—18.

| | | | |
|---|---|---|---|
| Bayard, | Groome, | Kenna, | Vance, |
| Brown, | Hampton, | Morgan, | Vest, |
| Butler, | Harris, | Pendleton, | Williams. |
| Camden, | Jackson, | Ransom, | |
| Colquitt, | Jonas, | Saulsbury, | |

NAYS—32.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Hoar, | Morrill, |
| Blair, | Edmunds, | Lapham, | Pike, |
| Call, | Frye, | Logan, | Platt, |
| Cameron of Wis., | Garland, | McMillan, | Pugh, |
| Coke, | George, | Manderson, | Riddleberger, |
| Conger, | Gibson, | Maxey, | Sawyer, |
| Cullom, | Harrison, | Miller of Cal., | Voorhees, |
| Dawes, | Hawley, | Miller of N. Y., | Wilson. |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Farley, | Lamar, | Sewell, |
| Anthony | Gorman, | McPherson, | Sherman, |
| Beck, | Hale, | Mahone, | Slater, |
| Bowen, | Hill, | Mitchell, | Van Wyck, |
| Cameron of Pa., | Ingalls, | Palmer, | Walker. |
| Cockrell, | Jones of Florida, | Plumb, | |
| Fair, | Jones of Nevada, | Sabin, | |

So the amendment to the amendment was rejected.

Mr. GROOME. I move to amend the amendment of the Senator from Indiana by striking out all after the word "color," in line 29 of section

3, down to the word "provided," in line 31, and inserting in lieu thereof the words "in the raising of school revenues."

The Senator from Indiana has already told me that these words "or distributing of school revenue" would cut out the State of Maryland under her law as it now stands from any share in this appropriation. I want also to call attention to the last words of the clause, in which, unless the system provides for equality of school facilities between the children of different races, no State can have any share of this appropriation. It is a matter of fact in Maryland, and I presume in other border Southern States, that there is a sparse colored population in the northern tier of counties. The result is in Maryland that the school districts for white and colored children are not identical in their boundaries. Colored children, from the very necessity of the case, sometimes have to go considerably farther to get to a district school than the white children. The law does not intend to make any invidious distinction against them, but it has to make the school districts territorially larger, in order that a sufficient number of children may be brought together to form the school.

Such being the case, any provision in this bill that requires that there shall be precise equality of school facilities in Maryland, and other States similarly situated, for white and colored children, as I understand it, deprives those States of all share in the distribution of this fund. Hence it is that I hope this amendment which I have offered will prevail.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The Chair will first have the amendment reported before the Senator from New Hampshire proceeds.

The CHIEF CLERK. The amendment to the amendment is in line 29, of section 3, after the word "color," to strike out "either in the raising or distribution of school revenue or in the school facilities afforded," and to insert in lieu thereof "in the raising of school revenue;" so as to read:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of race or color in the raising of school revenue.

Mr. HOAR. The effect of that amendment would be that while it compelled the colored people to be equal to the whites in the raising of the revenue, it would not insure their having an equal share of it after it was raised.

Mr. BLAIR. Mr. President, I think that if one will commence the sentence and read the whole together he will see that the leading idea is simply that there shall be a system of free schools established:

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color.

There is no State that has not a system of free common schools without distinction of color. Then come the additional words, "either in the raising or distribution of school revenue or in the school facilities afforded." There is no State that has not a free school without distinction of color, which comes clearly and emphatically within this clause, and no State would be embarrassed in receiving the money by reason of these additional words. The objection of a difficulty which is suggested by the Senator from Maryland does not arise because these sparsely settled regions are inhabited by white children or black children. The distinction is not one of color. They might be all white children or all black children, or they might be half white and half black in these sparsely settled regions. It is not distinctly based on color at all. It is simply the circumstance that the regions to which this applies happen to be sparsely inhabited, and of course it is more difficult to provide schools for children scattered over perhaps half a dozen square miles than the same number of children scattered over a single square mile. That circumstance, however, does not depend upon the color of the children, and this phraseology has entire reference first to the establishment of a system of free schools, and second that whatever distinction or inequality there may be growing out of the absolute necessities of the case shall not be based upon color. This does not apply at all to what the Senator from Maryland says. I see no difficulty with the clause.

Mr. SAULSBURY. I think the more this bill is considered the more objectionable it becomes. The bill proposes to raise money by taxation out of the whole people of all the States for the purposes of common-school education. Then the details of the bill provide that unless any State in the Union shall conform to the requirements and conditions of this bill it shall not be entitled to any of the money appropriated by it. It may have made ample provision for the education of every child within the State, white and colored, but unless it conforms to the conditions required in this bill not a dollar of this money can be received under the provisions of the bill. Each State, therefore, is required to come and bow the knee to Baal, to obey the behests of Congress as provided for in this bill, or it shall not have one dollar of this money.

Then, again, the executive of the State is required to make report to a head of a Department here, actually seeking to do indirectly what you admit you can not do directly. You know you can not devolve any duty on a State officer, and yet you seek to provoke coercion for the performance of a duty you can not directly impose on him; otherwise the people of his State shall not be the recipients of any portion of this fund.

I do not know what will be the effect of this bill, but I will venture one assertion: There will be much dissatisfaction felt after it is passed in the very States now anxious through their Senators to obtain the money. For my part I am careless about it one way or the other. Being opposed to the bill, as I shall continue to oppose it by my vote, I do not care where the money goes; the small State which I represent will do her duty. If she does not, it is none of the business of Congress.

Mr. HARRISON. I hope the Senator from Maryland will himself see after the suggestion of the Senator from Massachusetts that his amendment as he proposed it would certainly not be right. It provides for an equality of taxation, but not for an equality in the enjoyment of the funds raised, as the Senator from Massachusetts has said. I do not think that the equality of school privileges which is provided for here would mean that every colored child should be in exactly the same geographical relation to a school-house with every white child. I do not think it would mean that; but it would certainly mean that there should be reasonable facility in the way of school-houses, reasonably accessible to the children who were assigned to a particular school district. It certainly would, it seems to me, exclude a State that made its colored school districts five miles square and put one colored school in the center of it, whereas it made its white school districts only one mile square. I think that sort of thing would be in violation of the law, and it may be that in order to bring the school systems of the several States upon that basis of equality between the races which is prescribed by this bill some State legislation may be necessary in some States. That is very likely; but I had supposed until we came to the discussion of this measure here, from the debate that had preceded, that there was only one State in the South, and that Kentucky, which had any unequal laws on this subject; but as we come to discuss this measure it seems to be developed that there are inequalities in other States. Now, if there are such and the State desires to get the benefit of this fund—and I am willing to put this question upon the broad, equal plane which is prescribed by this bill—it can very readily be done.

Mr. GROOME. Can I take the floor properly, Mr. President?

Mr. MORGAN. I would like to know what is meant by this? Does it mean pupils of equal grade and character, books of the same sort, school-houses equally convenient to the people whether black or white? "School facilities" has not heretofore been a term found in the statutes of the United States, and we can therefore resort to no judicial interpretation of the meaning. We have to guess at that.

Mr. BUTLER. I suggest to my friend from Alabama that under this provision the Secretary of the Interior is the exclusive judge.

Mr. MORGAN. I said we had to guess at it. I believe he does the guessing for us in this case; but this bill with the features we are putting into it now and as it came from this committee will be the subject of debate in respect of thirty-eight States and Territories of this Union for the next twenty-five years if we pass it.

Mr. LOGAN. Get up a new issue, then.

Mr. MORGAN. Of course some gentlemen who look to the doom of fate would like to have a new issue, but I am not going to look out for any, as I am not a candidate for the Presidency. The old issue will do me very well. But here we are providing for school facilities. The Senator from Maryland has informed us of a system in his State which is very admirable. Now here is a district which contains, I will say, fifty white pupils. It takes an area five miles from the center to include fifty white pupils; it would take an area of ten miles to include fifty negro pupils. It is a town or whatever you please to call it; in my State it would be a township. On that Maryland organizes two school districts for the convenience of the pupils in order to get the school-house as nearly as possible to the center. You say we may have separate schools for negroes and white people without violating this law. Therefore we must have two school-houses. They ought, each of them, to be as nearly as possible at the center of that township and equally accessible to all parts as provided in this act for two school districts, they covering the same identical area, in order that the children may have equal advantages of school facilities whether black or white.

Under this bill as proposed to be amended there would be an inequality of distribution between the whites and blacks, because the negro would occupy a district ten miles in circumference, while the whites would occupy a district five miles in circumference. Take the county of Dallas, in Alabama, where there are not more than ten white children to every one hundred black children. In that rich county the school districts would have just the inverse effect precisely of the school districts in Maryland in the part the Senator refers to. Here are one hundred negro pupils and ten white pupils. If you want to get a school of one hundred white pupils you would have to go nine times as far with your school district as you would to get in the negroes. That is "school facilities," and unless we can arrange in some way or other to put a school-house within the proper reach of the negroes in the communities or the white people in the communities, then the Secretary of the Interior is to decide that we are not entitled to the money. Here a sovereign State, as it yet happens to be called sometimes, is hung up upon the will and pleasure of the Secretary of the Interior to determine

whether the school districts in Alabama furnish equal facilities throughout the length and breadth of that State for blacks and for whites. That is what the Congress of the United States, or at least the Senate, is engaged in trying to do.

Mr. BUTLER. And I will state further, in corroboration of what the Senator from Alabama says, that the Secretary of the Interior under this amendment is the exclusive judge of the school facilities furnished in the respective States. He is not only to be the judge of whether the facilities are equal as to the distribution of facilities, but he is to have the right to send down and inspect the school-houses and determine whether they are frame or log, 20 feet square or 100 feet by 150 feet, whether the blackboards are the same in each school-house, whether the school-books are the same, and whether the facilities are the same throughout. If in his judgment he should determine that they are not equal, he has the right under this amendment to prevent a State receiving the money. There can be no other construction put upon this amendment. It says that—

No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age without distinction of color either in the raising or distributing of school revenue or in the school facilities afforded: *Provided*, That separate schools for white and colored children shall not be considered a violation of this condition.

Now what follows?

The Secretary of the Interior shall thereupon—

When?

certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act, and also the amount due to each.

Throwing the entire judgment of the school facilities, the raising and distribution of the school revenues, upon the Secretary of the Interior, and any State or Territory may not get one dollar of this money if the Secretary of the Interior should determine that the governor had not complied with every single requisition of this amendment although the State had complied with all the requisitions I have stated. I submit that that is putting the common-school system of this country absolutely at the mercy of a Cabinet officer of this Government, and there is no other construction to be put upon it.

Mr. BLAIR. There is an appeal to Congress.

Mr. BUTLER. The Senator from New Hampshire says there can be an appeal to Congress. Suppose Congress should not be in session and would not be perhaps for months after the Secretary of the Interior had declined to certify that all those requisitions had been complied with?

Mr. LOGAN. Will the Senator allow me to ask him one question?

Mr. BUTLER. Certainly.

Mr. LOGAN. Has he is his mind now an officer that he would desire to have make this statement?

Mr. BUTLER. No. I am very frank to say that I do not think any Federal officer ought to determine it.

Mr. LOGAN. Who should determine it?

Mr. BUTLER. My own opinion is, if we admit the constitutional right of Congress to make an appropriation and to make it according to illiteracy by the census of 1880, which I supposed until recently was the basis on which it was to be determined, the money should be paid over to the State to be disbursed by the State officers in aid of common schools.

Mr. LOGAN. Would not some officer then have to determine as to the mode and manner of distribution, as to school facilities, &c.?

Mr. BUTLER. Some Federal officer?

Mr. LOGAN. Some officer, State or Federal.

Mr. BUTLER. Certainly.

Mr. LOGAN. The objection you have to this provision is that it is a Federal officer and not because it is a particular individual.

Mr. BUTLER. No; it is not that.

Mr. LOGAN. Then what is the objection, because some person will have to determine that question? If the objection does not go to the point that it is a Federal officer, what is the objection?

Mr. BUTLER. I will indicate by reading to the Senator the conditions required by the act of 1862 making the distribution of agricultural land-scrip, which was the sole condition that if the money should be lost it should be replaced by the State, and no part of it should be used for building school-houses, &c.

The PRESIDENT *pro tempore*. The time of the Senator from South Carolina according to the understanding has expired.

Mr. RANSOM. I do not know that I can speak for the Senator from South Carolina in reply to my friend from Illinois, but I can speak for myself.

As I understand this bill, before Senators would vote for it on the statements made on the floor of the Senate in the debate, and in view of the contemporaneous history we have in reference to the school question in the Southern States, I apprehend there can be but little doubt, I do not believe there can be any doubt that without any inducements of the benefits of this or any other bill, of their own accord, without using these expressions "equal facilities" and "discriminations," the Southern States have been eminently and extraordinarily just to the colored people in the matter of education. Without any bounty from the General Government to the Southern people every Southern State, as appears by history, by all the testimony on the subject, by the light pouring in from every source, has done rightly, justly, nobly, and grandly upon this question. Now the Senate is asked to say to these States, "before you can draw this money, although you have voluntarily given the highest moral evidence of your conscience and your duty upon this matter, before you can have a dollar of this money you must send your governor here, he must make a certain formal, specified, determined certificate to the Secretary of the Interior, and then that official must determine, in the language of the amendment, "whether you are entitled to this money or not."

My idea is, and I suggest it to the Senator from Indiana with the hope that he will embody it, that upon the certificate of the governor of the State the money should be issued at once to the State.

Mr. HARRISON. Certificate of what? Will the Senator state?

Mr. RANSOM. A certificate like that first provided in the original clause of the bill, that the State has a common school system and that her funds are distributed equally, justly, and fairly.

Mr. LOGAN. Will the Senator allow me to ask who would make that certificate?

Mr. RANSOM. I do not object to the governor of the State making that certificate.

Mr. LOGAN. To whom should he make it?

Mr. RANSOM. He may make it to the Secretary of the Treasury, he may make it to the Secretary of the Interior; but I do not propose to have the certificate of the governor of a State passed upon by any officer of this Government. If it is ascertained hereafter that the certificate of the governor of the State is false, if any State in this Union—and I do not believe that there is a Senator who can lay his hand upon his heart and say that he believes such a thing will occur—if any State is recreant or false, then let Congress say she is recreant or false, and not any Secretary of the Interior, or any Secretary of the Treasury, or any Cabinet, or any executive officer say that a State has not done its duty in these premises, and that she can not have the money. Where shall we be, where will the Senator from Illinois be, where shall I be if our governor sends his certificate here and the Secretary of the Interior will not discount the bill? He says it is not right; we must come and beg for the money, or we must go back and have the certificate amended.

Mr. LOGAN. I will say to the Senator that the governor of my State would have no feeling in reference to having to make a certificate. I am only surprised that the feeling exists on one side of the Chamber. I have no doubt about the governor of the State of Illinois making his certificate and not complaining of being required to do it, either. It is not material to me whether he makes it to the Secretary of the Interior or any other Secretary; he will make it for the people of the State, and make it truthfully, and so any other governor ought to do.

Mr. RANSOM. Mr. President——

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired.

Mr. RANSOM. Then I move to change the word "and," in the amendment of the Senator from Maryland, and I can have a few minutes more.

The PRESIDENT *pro tempore*. The Senator will state his amendment.

Mr. RANSOM. I move to strike out the word "and."

The PRESIDENT *pro tempore*. The Chair is informed that there is no word "and" in the amendment.

Mr. HARRISON. Is it not an amendment in the third degree?

Mr. RANSOM. Well, the word "the" or the word "facilities." I believe I learned that art in this body from the Senator from Vermont, if I am not mistaken about it.

The PRESIDENT *pro tempore*. If the Senator from North Carolina will state where his amendment is to come in the Chair will have it reported.

Mr. RANSOM. I will move to strike out the word "facilities."

The PRESIDENT *pro tempore*. The Senator from North Carolina moves to amend as will be stated.

The CHIEF CLERK. At the end of line 30, it is proposed to strike out the word "facilities."

Mr. HOAR. I rise to a question of order.

Mr. HARRISON. I made the point of order that this was an amendment in the third degree, and at the same time I asked that there might be consent that the Senator from North Carolina should proceed.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is in order. The amendment of the Senator from Maryland is to strike out and insert, and the amendment of the Senator from North Carolina is to perfect the paragraph proposed to be stricken out.

Mr. HARRISON. Very well.

Mr. RANSOM. I ask pardon of the Senate for this little ruse of that practice which has been habitual in the Senate ever since I have been a member of the body.

I wish to say to my friend from Illinois that I am not discussing and I shall not discuss this question from a partisan or a sectional view. As I said before, I have the instructions of the Legislature of the State of North Carolina, the very Legislature that sent me here, to vote for this bill. I do not want to discuss the question what are the views of the

governor of Illinois or the governor of North Carolina as to the rights of the States, but I want to treat this as applying to all the States, and if Senators will reflect upon it they will agree with me.

I do not wish a fund which is to be paid to each State in this Union (for I believe every State is to have a portion of this fund) to depend on the discretion of any executive officer of this Government. We can trust the governors of the States when they send their certificates here and say that these school laws are in compliance with the acts of Congress. That is going very far for us. That certificate should be taken as true; it at least should be *prima facie* evidence that the State is entitled to draw the money, and then if any State should not do its duty, if any State should be found recreant, Congress can take the matter in hand.

Mr. LAPHAM. Will the honorable Senator allow me to make one inquiry?

Mr. RANSOM. Yes, sir.

Mr. LAPHAM. Can we not trust the Secretary of the Interior as well as trust the governor to act properly?

Mr. RANSOM. The question warns me how rapidly we are tending in the wrong direction. The Senator asks me if we can not trust some human being, if we can not trust some officer. I tell him no; forever no. The theory of this Government is that you shall not trust men; you shall trust law. Has not every newspaper in the country been full for the last dozen years of mistakes, of errors committed by Cabinet officers in the administration of the Government?

Mr. CAMERON, of Wisconsin. By governors also.

Mr. RANSOM. By governors, too, if you will. But here is the final supervision of Congress, and the simple question is after what has been stated on this floor to the world on this question of the action of the South, will you take the certificate of the governor of a State or do you prefer to let that governor send the certificate to the Secretary of the Interior and say you will trust no one else but your Secretary?

I ask the Senator from New York why he will not trust the governor of one of the sister States of this Union? What is there in any governor now, north or south, that you would not trust his statement? Do you not take his statement when you take your seat on this floor? How do you have a right to participate in the proceedings of this body unless under the act of 1866 you have the certificate of the governor of your State? And yet you can not take his certificate in a question of money.

Mr. LAPHAM. All that is done under an act of Congress, but I answer the honorable Senator by saying suppose the governor by inadvertence should omit to state one of the facts required by this Government, would you have the Secretary of the Interior pay the money? Suppose he should wholly omit to report one of the requisitions of this Government, would you have the Secretary, notwithstanding that, pay the money?

Mr. RANSOM. I did not hear the Senator from New York.

Mr. LAPHAM. I say, suppose the governor's report should wholly omit certifying on one of the requisitions of this Government by inadvertence, would you have the Secretary pay the money?

Mr. RANSOM. Mr. President, that comes right to the very marrow of the issue. I would not have the Secretary of the Interior, an officer of this Government by appointment of the President, refuse to a State——

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired.

Mr. HOAR. Mr. President, it seems to me the Senator from North Carolina has made his impassioned argument under an entire misapprehension of what the proposition is.

Mr. RANSOM. I hope I have.

Mr. HOAR. There is not anything in the pending amendment which implies distrust of the governor of a State. We propose, and the Senator agrees, I understand, every friend of this bill without exception on this floor agrees, that this money ought to be distributed to the States and distributed by the States upon a system which will secure equal school privileges to all children without distinction of race or color. There is no exception. Now, then, we have got to do one of two things. We have got to wait till Congress can take up and examine for itself the existing school system in every State, in which case this bill could not begin operation for a year or two, or we have got to trust somebody to find out what States are ready to undertake it on that principle now, and let it begin at once as quick as we can get our appropriation through this summer.

This bill says that the governor of the State shall state what the school system is. The governor is not to say whether they comply with this act of Congress or not; the governor is not to say whether these conditions exist in his State or not. They may or may not. He tells us what the conditions are, and there is not the slightest likelihood that anybody will question the integrity of these officials in doing it. Then the Secretary of the Interior, instead of waiting a year or two for Congress, takes those States where he finds that the conditions of this act exist and makes computation and apportionment, and reports to the Secretary of the Treasury, who pays the money. Somebody has got to make that apportionment. If the governor of any State does it, you have to submit to him all the reports of the governors of all other States to see what his State's proportion is. Therefore you have got to lodge in somebody the power.

The bill says the governor shall tell us what the fact is. The Secretary of the Interior on receiving those reports shall take the States which seem to come within this provision and shall give them the benefit. If he says the Maryland provision which has been described by the Senator from Maryland prevents that State from complying with the act, he states it truly just as the Senator stated it truly, the Secretary of the Interior says, "That is not one of the States to which I am entitled to pay the money over." Maryland will be in Congress the 1st of December next to say, "The Secretary has erred; we came within the provisions of the law when the Secretary thought we did not." That is all there is in it. How there is any indignity to the governor of any State, or how we can carry out the scheme of this bill without waiting two years before it starts in its operation unless some Federal officer is to make this apportionment, I can not see. It seems to me that all this impassioned argument is based on a misapprehension of what my friend from Indiana proposes.

Mr. CONGER. Mr. President——

Mr. VOORHEES. Let the amendment be reported once more.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield for the reporting of the amendment? The amendment to the amendment is to strike out the word "facilities."

Mr. RANSOM. I withdraw that.

Mr. VOORHEES. I want to hear the amendment as offered by my colleague read.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield for that?

Mr. CONGER. If it does not come out of my time. If it does, I do not yield.

The PRESIDENT *pro tempore*. It would come out of the Senator's time.

Mr. VOORHEES. I withdraw the request, of course.

Mr. CONGER. Mr. President, I have not taken any part in this debate. There are certain provisions in this bill that are proposed and that are being considered by the Senate which I regard as essential to have in the bill to secure my support to its passage, if I can vote for it at all, and among them is that Congress may follow the disposition which is to be made of the money that it appropriates everywhere and for every purpose reasonably and fairly. That should be in this bill.

The objection to giving any discretion to a Cabinet officer seems to me the most surprising proposition, and especially from the Senator from North Carolina, of any objection that has been made here at all. Why, sir, for years and years appropriations to the extent of millions, and I think as great as $127,000,000, have been made where the expenditure of the money has been (although the specific sums have been mentioned for particular objects of expenditure) left to be expended or not at the discretion of the Secretary of War. My friend, with eager outstretched hands, has sought not to defeat the passage of that bill, not to refuse the appropriation of that money for his State, with the provision existing in the river and harbor bill continuously, never questioned, never doubted, leaving the exercise of that discretion to the Secretary of War. That has been the action of Congress year after year as to the expenditure of money appropriated in the river and harbor bill, and it has been left there after Congress itself had certified the exact amount to be appropriated upon each and all the improvements named in the bill in all the States. Who ever heard that there was any danger in leaving the expenditure of $8,000,000 or $10,000,000 or $12,000,000 or $18,000,000 a year to the discretion of the Secretary of War? The point never was raised here, but now in a measure of this kind which must have somebody to exercise some discretion——

Mr. RANSOM. May I interrupt the Senator from Michigan?

Mr. CONGER. Yes, sir.

Mr. RANSOM. It is very true that in the first clause of the river and harbor bill the expression of which my friend speaks is always used, but he knows very well—for no person is better acquainted with the river and harbor bills than he is——

Mr. CONGER. The Senator talks fast; but my time goes on faster than the Senator talks.

Mr. RANSOM. The Senator from Michigan well knows that there never has been a proposition made in a river and harbor bill to reduce that bill 50 per cent., 25 per cent., or any amount, and leave the distribution of the money to the Secretary of War, that he and I and all of us did not vote it down.

Mr. CONGER. That is no answer. The Senator does not deny that every river and harbor bill says that the money herein appropriated shall be expended under the direction of the Secretary of War.

Mr. RANSOM. I will not interrupt my friend.

Mr. CONGER. The Senator knows that the payment of money has been suspended for months by the discretion of the Secretary of War; and some of it, although appropriated for a particular object by so august a body as the Congress of the United States, has not been expended at all because the Secretary of War did not direct it to be done.

Mr. BUTLER. May I interrupt the Senator?

Mr. CONGER. I can not yield. Can the gentleman himself not take his own five minutes?

Every warrant that goes to the Treasury, every dollar of the money that is paid out of it is paid out under that same direction and that same discretion. But when a million of dollars is to go into a Southern State my friends here flaunt before us and around themselves and around their States the great boon of State rights and constitutional privileges, and refuse to receive money granted, as they all claim it should be granted, for the benefit of their States.

I am glad of this discussion, and I am glad to have the people of the United States know that men oppose the distribution of any money out of the Treasury for the education of white or colored people at the South because the law intends in creating the fund to so word the statute that there shall be a fair and equal distribution of that money to the colored people. Let the people of the United States read the discussions of the last week. I have not sought to engage in those discussions. I was desirous that this bill should be so amended and so prepared that with some kind of regard for my own conscience and my own ideas of right I could vote for it.

The PRESIDENT *pro tempore*. The time of the Senator from Michigan has expired.

Mr. MORGAN. I believe the Senator from North Carolina has withdrawn his amendment.

Mr. RANSOM. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from North Carolina now withdraws his amendment. He had not the floor to withdraw it while the Senator from Michigan had the floor. The question recurs on the amendment of the Senator from Maryland [Mr. GROOME] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. On page 4, section 3, I move an amendment to strike out—I believe, however, that would be in the third degree or how is that? I move in section 3, line 30, after the word "revenue," to strike out "or in the school facilities afforded."

The PRESIDENT *pro tempore*. The Senator from Alabama moves to perfect the paragraph proposed to be stricken out by the motion of the Senator from Maryland. That is in order.

The CHIEF CLERK. In section 3, line 30, after the word "revenue," it is proposed to strike out "or in the school facilities afforded."

Mr. MORGAN. When this bill came from the committee it had a condition subsequent annexed to it; that was to say that the money might be stopped by Congress or by the Secretary of the Treasury in the event that after its appropriation, after it had gone into the hands of the States, it was not applied by the Legislatures or by the States in conformity with the provisions of the act. The Senator from Indiana proposes now to put a condition precedent in the bill, also retaining the former condition subsequent, on which a forfeiture of the right of money would occur. He now proposes a condition precedent, that is to say, that before any money shall be paid into the State treasury at all a certain report shall be made in compliance with certain requirements contained in this amendment. That report shall be made by the governor according to this provision, and it shall be made to the Secretary of the Interior; and if the Secretary of the Interior shall determine upon that report or otherwise that the State is not in condition according to her legislative situation to avail herself of the fund applied by this act, then she shall not have the money in her charge at all; but the State must then come to the Congress of the United States in the nature of an appeal to present the subject here before she can get the money.

That interposes the authority and the decision of the Secretary of the Interior antecedent to the payment of any money into the hands of the State at all, to determine whether the State is in condition to carry this act into effect, or whether under her existing state of law there may be some discrimination in her statutes in favor of the negroes or in favor of the white people. I have pointed out discriminations here in favor of the negroes in my State and the Senator from Maryland has done the same thing in his. The Senator from North Carolina has referred to such discriminations, and all in the line of the true statement or history of the case, that the Southern people have been earnest and determined in trying to convince the people of the Northern States, with whom they have had trouble on the subject of the negro, that their intention and disposition in the handling of their funds raised by taxation was to benefit the negroes in the way of education.

Now, I say that to add another condition to this bill, a condition precedent before the money can be put into the hands of the State's treasurer at all, is to cast a suspicion over every State of the South that may undertake to receive it, and is to bring that State before the Secretary of the Interior to receive his judgment upon her whole social condition in respect to schools and school enactments. That would be an unwelcome thing, I must say, to any of the States of the South or of the North either. I would not undertake to put such conditions upon the State of New York or upon any other State of this Union, that an officer of the Federal Government should inspect her condition as to legislation, and as to the distribution of the school funds, and as to the employment of teachers, the building of school-houses, the apportioning of school districts, and the furnishing of facilities for schools before she should be allowed to have the money under this bill, particularly under a bill where if she has received the money the Secretary of the Interior or of the Treasury may afterward report to the Congress of the United States, or may even according to this bill decide against the State in respect of her having a further right of distribution under this fund, and upon that the bill provides that the State shall have the right of appeal to Congress—a rather humiliating position I confess, but at the same time I suppose we must take it. It will not be taken of course by my vote, but I should like Senators on both sides of the Chamber to consider whether we are not loading down the States with very improper and very unnecessary conditions in respect of the execution of this bill.

Mr. GROOME. Mr. President, now that I can do so in order, I avail myself of the opportunity to answer the question of the Senator from Indiana [Mr. HARRISON] addressed to me some time since. The Senator appealed to me to know whether I did not myself see, in view of the suggestion made by the Senator from Massachusetts [Mr. HOAR], that, if my amendment prevailed, while the colored race would bear its share of taxation for school purposes in my State, it would not get its fair share of the educational facilities afforded in that State.

I answer him without the slightest hesitation that I do not see it, but, on the contrary, see that if my amendment prevails that race must get full justice under the residue of the Senator's amendment or my State can get no money. The amendment of the Senator from Indiana would still provide that no money should be paid out to any State until that State had "provided by law for a system of free common schools for all its children of school age without distinction of race or color." That would secure to colored children an equality of educational advantages with white children, so far as the difference in numbers of the two races in any locality would render that practicable.

If my amendment be adopted, before Maryland can get any part of this money it must appear that she has provided a public-school system which gives to the colored school children opportunities for education of the same character as are given to the white children of that State. Nor was the Senator's remark kind that it appeared from what I had already said that Maryland had made invidious distinctions in this matter of education against the children of the colored race.

I have always been in favor of educating to the fullest extent of common-school education the children of the colored race. My colleague and myself in the Maryland Legislature had both the pleasure of voting for the original act in 1872 which set aside the annual sum of $100,000 of the State school-tax to be applied, as I have already said, for the benefit of that race, and which the white race can not touch. In addition to the State tax, nearly three-quarters of a million of dollars are also annually raised by local taxation for school purposes and equitably apportioned between the races. But it so happens that the population of our State in certain localities is very unequally distributed so far as the two races are concerned. Take my own county of Cecil as an illustration. There are in the county as a whole about five whites to one colored person, and the disproportion in the upper part of the county between the two races is very much greater. In that part of the county there are probably ten whites to one colored person. Now, from the very necessity of the case the school districts have to be territorially larger in that part of the county for the colored people than for the whites, or the result would be either that the white schools would be excessively overcrowded or that the colored schools would have no such attendance as would provide employment for a teacher. Our law provides that the character of education in the common schools for both races shall be precisely the same.

But when you come to the matter of school facilities, we either have got to compel the colored children, because of sparseness of the colored population in that part of the State, to go a considerably greater average distance to reach a common school than the white children have to go, or we have got to educate the two races in mixed schools. There is no other alternative. We can not give the colored children precise equality of facilities with the white race except by putting both in the same school, and that is what the people of Maryland will never willingly do.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. GROOME. Certainly.

Mr. BLAIR. Does the school system of Maryland by law, which is the language of this amendment, provide that because the children in a sparsely settled portion of the country happen to be colored, therefore they shall have less school facilities on that account, or does it provide that the children of any color in sparsely settled districts shall have less privileges than they shall have in districts more populous?

Mr. GROOME. It does not.

Mr. BLAIR. Then this criticism upon the language of the bill does not apply, if the Senator will read it carefully.

Mr. GROOME. I have read it carefully, and I think I understand its meaning.

Mr. BLAIR. It only relates to distinctions made by law, and nothing else. The distinctions of fact are not provided for in it.

Mr. GROOME. What is the distinction——

The PRESIDENT *pro tempore*. The time of the Senator from Maryland has expired.

Mr. HARRISON. I desire, if I can, to bring this debate back to where it started. The Senators on the other side of the Chamber who gave their confidence and their argument in support of the bill did it with a provision plainly written in the face of it that the payment of the second allotment to any State should be conditioned upon a com-

pliance and a certification of that fact by the governors of the respective States, a certification, too, precisely or almost identically in the same language that is used in the section which is now under discussion. The question simply is, are we insulting or offending the Southern States when we say this shall be preliminary to the first distribution? Gentlemen did not resist a provision that this should be done as a condition preliminary to the second allotment. Then where does the offense or the insult or the injury come in if in order to get the basis of distribution the first year, in order to know how much they have expended and how they have expended it, we require as a preliminary to the first payment a report like the one that is required before the second payment?

Mr. RANSOM. May I ask the Senator a question?

Mr. HARRISON. I can hardly yield any time of my five minutes. The Senator can have his own time by moving to amend similar to the amendment he moved a few moments ago.

Mr. RANSOM. I simply wanted to ask one question.

Mr. HARRISON. We are simply insisting upon a distribution of this fund which goes out of the general Treasury between the races without any distinction. The only reason we are voting any money out of the Treasury for education is because of the illiteracy which prevails among the black people in the South and because we have accepted the statement which has been made by Senators here that their States were unable to take up and carry the burden of their education. Is it unreasonable, then, when the object of our benefaction is primarily to secure education to the colored people, that we should ask the States that receive an allotment under the bill that they shall make an equal distribution of their own revenue as well as that which they receive from the General Government between the races without any distinction?

For one I say unless this distribution can be made upon that basis, unless the black boy and girl in the South can share equally in the privileges of education, then I am opposed to the bill, because it will not reach the evil that we are endeavoring to eradicate. It may be that some of the States will need to modify some of their legislation, and if the right spirit prevails there (such a spirit as many of the Senators on the other side have manifested here and have said was expressing the sentiment of their people) they will promptly make such modifications in their State laws as will put their educational system upon this broad and equal plane between the races, and then all the difficulties that they have observed in the bill will vanish at once. We have simply insisted here that there should be equality and fairness in the distribution between the races, and if there are inequalities in State legislation let them be removed.

Mr. RANSOM. I simply desire to ask the Senator from Indiana one question. I submitted, I hope cheerfully, to an interruption from him. My question is this, if the Senator from Indiana will hear me: If his amendment is substantially the provision of the bill as it now is, why has he offered this amendment and why does he insist upon it?

Mr. HARRISON. Does the Senator from North Carolina desire an answer?

Mr. RANSOM. Yes; of course I do.

Mr. HARRISON. I must have been very inapt in what I have stated heretofore or the Senator would have caught the difference between my amendment and the bill. The bill provides for no preliminary report for the first year. It provides for a distribution without reference to the amount that the State may raise, giving two dollars for one. I proposed that the State shall only have dollar for dollar, and a preliminary report became necessary in order to know what their system was.

Mr. RANSOM. To illustrate a little the difference between myself and the Senator from Indiana, I have cheerfully again submitted to his interruption when he peremptorily refused me one.

Mr. HARRISON. I do not wish to discuss any question of courtesy. The Senator asked me a question.

Mr. RANSOM. I certainly would not reflect upon the courtesy of the Senator from Indiana. The Senator from Indiana, as I understand him, says that the purpose of his amendment is to have these certificates preliminary to the first distribution of this fund, and that the bill already provides for the other annual distributions. Now I ask the Senator from Indiana this candid question, and I know he will answer it candidly. Has he not proposed a different certificate from the one in the bill originally? I ask him if his amendment does not differ entirely from the bill, and if in his remarks just now he did not say that he intended that it should differ?

Mr. HARRISON. I think not in any substantial particular.

Mr. RANSOM. Then why not take the original bill?

Mr. HARRISON. Because the original bill has nothing in it as preliminary to the first payment.

Mr. RANSOM. Then let the original bill apply before any money is paid out at all. Let compliance with the original bill be precedent to the payment of the first installment, if I may call it so, and do away with the Senator's long amendment.

Mr. BUTLER. Mr. President, I have just one word to say in regard to the amendment of the Senator from Indiana. I find some other difficulties about this amendment than the one suggested by the Senator from Indiana. I understand his proposition to be that his anxiety is to have such a report as will secure the impartial disbursement of this money. That I understand to be the object which he has in view by his amendment, and that that report shall come in preliminary to any distribution of the money by the Federal Government.

Mr. HARRISON. I desire by this report to ascertain what the States are entitled to under the distribution made by the provisions of the bill and the amount that should go to each State.

Mr. BUTLER. Precisely. Now I have got the Senator to a point where I think we can come to some understanding with each other. He says that he desires that the report shall be made in advance; that that certification shall be made by the governor of the State. To whom? To the Secretary of the Interior. And he desires that that certificate shall show a certain state of facts in the State from which the governor comes. That I understand to be the Senator's proposition.

Now, what I object to is that the Secretary of the Interior should be the sole and exclusive judge of the sufficiency of that certificate. The Senator from Michigan says that we trust the Secretary of War with the disbursement of money. Certainly, but he does that upon his own responsibility as a Cabinet officer. There is no proposition in the bill to disburse one dollar by the Secretary of the Interior. Not one cent does the Secretary of the Interior disburse. If the Secretary of the Interior were to disburse the money, it would present a very different state of things, because he would do that upon his responsibility as a Cabinet officer.

Mr. CONGER. The bill provides that he shall certify to the Secretary of the Treasury, and the Secretary of the Treasury shall pay——

Mr. BUTLER. I decline to yield to the Senator from Michigan.

The PRESIDENT *pro tempore*. The Senator from South Carolina is entitled to the floor, and must not be interrupted without his consent.

Mr. BUTLER. The Senator from Indiana says that the Secretary of the Interior shall be trusted in this bill. I say that possibly he might be a very honest man. It is no reflection upon a Cabinet officer, but let us suppose a case. Suppose there is a heated political controversy going on—and I care not whether that Cabinet officer is a Democrat or a Republican—and suppose that during the existence of that heated political controversy the governor of a State should certify to the Secretary of the Interior such a state of things, and the Secretary of the Interior should say to him, "Well, that, perhaps, is your opinion about it, but unless you agree to use your influence to carry your State in accordance with my political principles I shall pick some flaw in that certificate, and you can not have the money."

The Senator from Illinois [Mr. LOGAN] sneers. Mr. President, we have seen in this country a great many such instances as that I have just depicted. It is not at all impossible that a Cabinet officer might use his office to have the money disbursed as a corruption fund. It has been done before, and it will be done again if this bill passes. I care not whether he is a Democrat or whether he is a Republican, put a million dollars into a Cabinet officer's hands to send into my State, and it is not impossible, it is not even improbable in the light of the past, that he may say to the governor, "Carry your State for my political party and you shall have the money, but unless you do it you shall not have a dollar; I can pick such a flaw in your certificate as will prevent your having the money until after the election."

That is what I object to in this amendment. It puts the States at the mercy of a Cabinet officer who is responsible to nobody but his chief. The governor of a State is elected by the sovereign people of the State and he is responsible to his constituency. I say if the alternative is presented to me whether I will trust a governor in preference to a Cabinet officer, I will trust a governor because of his responsibility to his constituency. He has his office, he has his official life by reason of the ballots and suffrages of the sovereign people, and the Cabinet officer has his office by virtue of a statute of Congress.

Mr. MILLER, of California. A Cabinet officer is liable to impeachment.

Mr. BUTLER. Yes; and a great many people are liable to impeachment.

Mr. MORGAN. After the election.

Mr. BUTLER. After the election. I believe Mr. Jefferson said about the matter of impeachment that it was a mere bugbear or bugaboo, or something of that sort; that it did not amount to anything.

Mr. PLUMB. Mr. President, we are having a few side lights, it seems to me, thrown on this matter, growing out of the discussion. Here is my friend from North Carolina [Mr. RANSOM], who sat placid and gentle and quiet during all the time the main question was being settled, when we were agreeing to give this money, waiving all questions of State rights and everything of that sort, and there was not a word from this representative of the great State of North Carolina about any invasion of his State so long as we proposed only to give the money. But now when we propose to fix terms and the people who pay the money propose to fix the terms, it is an insult to his State and the governor of the State; and I suppose the tempestuousness of the Senator from North Carolina is a fit example of his people whom he represents here.

This is a national donation designed to be given to the State of North Carolina, and if they were to give their proper aliquot proportion they would not be here asking it. It is because they are to get money from somebody else outside of their own resources that this measure is proposed. It is because the people of Kansas are to give something from

their revenue; it is because the people of New York are to give something from their revenue, and the people of Massachusetts and Connecticut, and the other Northern States, and it is because the people do give it in the shape of Federal taxation that it becomes a national expenditure which the nation has a right to evidence in any way it pleases, and the States which take it have no right to object to any kind of condition that may be attached to it. They need not take it if they do not want it; but to say that the nation which makes the appropriation can not follow the expenditure and shall not through agencies of its own determine how it shall be expended and sit in judgment upon the method of that expenditure after the expenditure has been made is an assertion of a States-right doctrine which I conceive the Senator from North Carolina has been lying in wait for. He was perfectly willing that we should give to these States this money by an absolute donation for them to do just exactly as they pleased about it.

Then comes the Senator from South Carolina [Mr. BUTLER] with a suggestion which I have no doubt has been in the mind of a good many people before, but it comes more freshly to me in view of what he said, that in some way there was some politics in the expenditure of this money. The Senator says in a sub-tone that he believes there is.

Mr. BUTLER. I will say it out. I believe that there is politics in this bill.

Mr. PLUMB. Now, let us see about this matter. The Senator says he is afraid some Secretary of the Interior will say to the governor of some State, "Unless you carry your State for my party I shall not pay you this money." I think that if a national officer is likely to say that, if that is a present danger to be guarded against, the danger that that governor when he gets the money will spend it to carry his State is a great deal more lively source of apprehension, or as the Senator from Massachusetts [Mr. HOAR] suggests, that he will give an untrue certificate because he is obedient to a local condition of things or a local sentiment.

Mr. BUTLER. If my friend will pardon me, that is an additional argument against the passage of the bill.

Mr. PLUMB. I am not seeking for arguments against the bill.

Mr. BUTLER. You are making the argument stronger against its passage.

Mr. PLUMB. I am not seeking for arguments against the bill for the reason that I could not recite all the arguments that occur to me against the bill between now and to-morrow morning. I regard it as vicious in every line and letter; but if it is to be passed let it stand on the proper footing—a national donation or national expenditure to be controlled through national sources by national officials subject to the national authority, or else let there not be any appropriation made at all.

It has now become plain that the intention of the bill has been from the beginning (or at least the idea has been in the discussion) that this would finally be a donation substantially like that in 1836 out of the surplus revenues of the United States, to be divided up, to be used by the States just as they pleased. If we are to abdicate our functions as national legislators, as representatives here not only of the States but of the nation, we should put into as few and brief phrases as possible the donation to the States on the basis of illiteracy or whatever other basis you please, and then tell the States to take the money and bid them God-speed, do what they please with it. The Senator from North Carolina nods, and I have no doubt that is his view, and the view of the governor of North Carolina, and that a similar view is entertained by the people of that great State.

If the Secretary of the Interior is not the proper person to make the distribution, let us find some one. If we can not find a Secretary of the Interior who is to be trusted to do this business, how can we find a governor of a State whom we can trust? Here is a man who carries on the business of his office in this capital. He is responsible to us and is responsible to the people of the entire country, a responsibility which is much greater, begging the pardon of the Senator from North Carolina, than the responsibility of the governor of a State can possibly be. If the Secretary of the Interior is not a proper person to make the distribution, let the Secretary of the Treasury make it, or the President.

Mr. BUTLER. The Senator will pardon me.

The PRESIDENT *pro tempore*. The time of the Senator from Kansas has expired.

Mr. BUTLER. I will say to the Senator—

The PRESIDENT *pro tempore*. The Senator from South Carolina has already spoken upon the pending question. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Maryland [Mr. GROOME]. Is the Senate ready for the question?

Mr. CALL. Let the amendment be reported.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to perfect the paragraph proposed to be stricken out, on the motion of the Senator from Maryland, in section 3, line 30, by striking out after the word "revenue" the words "or in the school facilities afforded."

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Maryland [Mr. GROOME].

Mr. MORGAN. Let that be reported.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The CHIEF CLERK. In section 3, line 29, after the word "color," it is proposed to strike out the words "either in the raising or distributing of school revenue, or in the school facilities afforded" and to insert in lieu thereof "in the raising of school revenues;" so as to read:

No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age without distinction of race or color in the raising of school revenues.

Mr. RANSOM. I move to amend that by inserting the word "common" before "school."

The PRESIDENT *pro tempore*. It is not in order to move to amend the amendment. That is in the third degree.

Mr. BLAIR. That is in now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GROOME].

The amendment was rejected.

Mr. MORGAN. In section 3, line 19, I move to strike out, after the words "school-houses," down to the word "derived," in line 23, in the following words:

Whether any discrimination is made in the raising or distributing of the school revenues or in the school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. That portion of the amendment relates to the report which shall be made by the State authorities to the Secretary of the Interior. I propose to strike out that portion of it because it would only embarrass the action of the State government. The bill as it is proposed to be amended would take effect of course from the date of its passage, and we find that certain of the States have made discriminations, some in favor of the negroes, some against the negroes perhaps, but more generally in favor of the negroes, in the matter of school facilities and school education, in the distribution and raising of school funds; and if the Senate will strike out that portion of the certificate which the governor is required to make it will disembarrass this matter very much.

I suppose it is taken for granted that any suggestion I may make about this matter is in hostility to the bill. If the bill is to become a law, it is as much my interest as that of any person, I suppose, that it should be a good law, and a law that may have some operation.

When the bill passes it will date according to its terms from the day of its approval by the President. The States are excluded by the bill which under present systems, at the date of the bill, make discriminations of the character which are referred to here, although the intention in making the discrimination might have been for the benefit of the colored population; and we shall have a system of laws which no man can read without saying that at the date of the passage of the bill if there was any of this discrimination contained in the statutes of the State, then the State is not entitled to this money.

Suppose we take a more liberal or generous view of the question or of the text of this amendment than that. Then the State Legislatures must be assembled, and they must pass laws for the purpose of getting rid of any discriminations that may exist in their present statutes before they can avail themselves of this money.

The bill proposes that the money shall be expended within a year from its passage. That is the theory and purpose of the bill. With a bill operating in that way, no State that has any discrimination in the language of the donation of this money can possibly receive any money, at least until she has amended her statutes so as to root out and abolish any sort of discrimination in favor of blacks or in favor of whites.

I do not suppose the Senator from Indiana really intended it should have that effect, but I submit that that is the necessary effect of it, and this would be very much disembarrassed if he would strike out these words, so that the governor shall not be required to report:

Whether any discrimination is made in the raising or distributing of the school revenues or in the school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived.

I do not know why the Senator from Indiana wants to know the sources from which the revenues are derived. Must the governor go over the whole tax-list of his State and point out the different sources from which the revenue is derived before he can go to the Secretary of the Interior and have his certificate approved so that he can draw the money for his State under a bill of this kind?

The suggestion made by the Senator from South Carolina was both wise and opportune, for we do know that money moves the political atmosphere of this country more thoroughly and more profoundly than any other one element we have to contend with. Every Senator in this body knows that the great enemy of public liberty in this land to-day is money in the hands of political contrivers and machine-workers. In this coming Presidential campaign to which we are looking forward the ability of candidates on both sides is counted by the money they and their friends it is expected can handle. A governor of a State comes here with his certificate. The people desire him to have the

money for distribution among themselves. The Secretary of the Interior says, "I will not give it to you until you make a showing here according to this bill of the situation of your laws that will enable you to receive it." The governor says, "Well, I will put into the certificate anything or I will take out of the certificate anything if you will let me have the money, because my people are pressing for it; if I do not get it I am crushed and ruined as a politician, as an individual; I am counted upon as a factious opponent of the law; I am at your mercy; do with me as you please." That is the attitude in which you place our governors.

Mr. HARRISON. I do not see what is to be accomplished by striking out the clause referred to by the Senator from Alabama. It does not change the condition upon which the money is to be paid. That is found later on in the section, and it would still be impossible for the Secretary of the Interior to pay out money to any State that made this discrimination. So striking it out of the report to be made by the chief executive of the State would not at all modify the conditions on which it was to be paid to the State.

Now, Mr. President, as to this talk which we have heard about the danger that the Secretary of the Interior may use his discretion, his official judgment which is called for by this bill, for base and political purposes, it is quite possible that governors and school superintendents may use this money when it comes to the States for such purposes. Those of us on this side of the Chamber, I would say to the Senator from Alabama, who are favoring this bill have not been unmindful of the fact that this very money that goes out of the United States Treasury into the treasury of the States may become a potent local factor in politics, but if we are to legislate on this question at all we must trust to each other somewhat.

Mr. MORGAN. The Senator from Indiana will not, of course, speak in that way, for if it were so he would not have held a caucus upon it.

Mr. HARRISON. I do not know to what the Senator refers by speaking of what were so; but I say to him that matter has been considered by every one of us who favor this bill that it was possible this money in the States might be used for local purposes The Senator from Kentucky [Mr. BECK] and other Senators on that side have more than once, since this debate has been on, given utterance to sentiments that if we had been prompt to resent this side of the Chamber might before this have made the discussion of this bill intended to appropriate money for educational purposes a partisan and a bitter discussion. We were told the other day by the Senator from Kentucky that he never trusted men twice. Mr. President, on this side of the Chamber we do trust men twice. If we did not it might be impossible for some of us to be on as friendly relations as we are with some of the Senators on the other side of the Chamber.

Mr. MORGAN. Or with your own party either.

Mr. HARRISON. I do not know what the Senator means by that, nor do I intend now to bring in any discussion which shall be unpleasant. We have simply confided to an officer of the General Government here—and I may stop to remark that my friends on the other side seem to take it for granted that the Secretary of the Interior for an indefinite period of time is going to be a Republican—we simply provide what is absolutely essential, as I showed to the Senator from North Carolina awhile ago, if you put a single condition in this bill, that the man who pays out the money must pass upon the question whether that condition has been met. The only way to avoid the difficulty which Senators have is to wipe out the condition and simply say that if a governor says "my State conforms to the conditions of the law," then the money shall go without any statement from him as to what his law is or as to the amount that they have expended out of their own revenues the previous year.

Mr. President, I do insist that this provision is reasonable, that it contains nothing that is insulting, that it contains nothing that trenches upon the dignity or authority or independence of any State, but simply requires a statement of certain things which must be known before the money can be distributed, and confides in an officer of the General Government a discretion that must rest somewhere as to whether the conditions have been complied with.

Mr. RANSOM. Mr. President, after the reproach which I received from the Senator from Kansas [Mr. PLUMB] for exercising what I considered to be a virtue, that of silence, in this body, my friends will not think I am intruding on the patience of the Senate. I have not had the time during this discussion, nor has it been my custom in the Senate, to speak much on any question. Perhaps I would have done better if I had followed the example of the Senator from Kansas. He shall not provoke or tempt me upon this bill to enter into a personal or partisan discussion. I regret—and I speak it with all the sincerity that it is possible for me to speak—that any allusion should be made here to party.

I tell the Senator from Indiana that I would have opposed this proposition just as strongly if the present Secretary of the Interior was a Democrat. I am resisting with all the ability I have (and I am sorry that the Senator from Kansas sees in it nothing but faction) what I believe to be a dangerous principle. It is not right, it is not in accordance with our Constitution; it is not in accordance with a free representative government that in the hands of one officer appointed by the President, not elected by the people, you should by one line in a bill or by forty lines in a bill commit at the same time the highest legislative, judicial, and executive power.

Why, Mr. President, what does a law amount to, what will this statute amount to after it is passed, if you make it hang upon the discretion of the Secretary of the Interior? Is that the function of Congress? If the Constitution of the United States and the people give us these great powers, are we here in the face of them to hand them over to a Secretary of the Interior? I speak with great respect of the present Secretary of the Interior. I am glad he is my personal and respected friend, although a Republican. But has not the history of this country demonstrated that it is dangerous to trust any Cabinet officer too far?

The Senator from Kansas alluded to the bill of 1836. Has he forgotten the notable discussion upon the removal of the deposits and the change of General Jackson's Secretaries of the Treasury? Does not the Senator from Kansas know that that act of removal of his shook this country to its center and raised a storm in the Republic almost equal to that of the late war?

Sir, we have no right to take these powers of ours that the people and the Constitution have given to us and hand them over to a Secretary of the Interior. The conscientious, the candid, the patriotic, the benevolent author of this bill on the floor of the Senate—and I say that from the bottom of my heart—has said "but the bill reserves to you an appeal to Congress."

Mr. HOAR. Do you not want the conditions complied with?

Mr. RANSOM. They have been complied with, and they will be complied with. He says appeal to Congress. What will that amount to? The Secretary of the Interior, in his arbitrary discretion, responsible to no State, responsible to no popular vote, actually vetoes the distribution to one State, or to thirty-eight States, and then you come before Congress to get Congress to do—what? Can you remove him? No. Can you impeach him? You can not unless he is corrupt; you can not unless you can prove almost a felony upon him. Then where is your remedy? What will you do? Will you turn around and amend your bill? Where will be the innocent illiterate children of the South or of the West whom you propose to educate? No, Senators, do not divest yourselves of this great, high power.

The PRESIDENT *pro tempore*. The time of the Senator from North Carolina has expired. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. BAYARD. It is with a great deal of regret and pain that I have heard the question of distrust of the good faith not only of individuals but of parties discussed upon this floor; and I am sorry that the Senator from Indiana felt impelled to say what he did.

The motives of this amendment I will not impugn in the least; but it is open obviously to the difficulty that the very framework of our Government interposes between what I think is the benevolence extended and the object which is desired to be reached. The laws of the Union should be uniform; in many cases it is required that they should be uniform; and you are here attempting to adopt a system of laws that should be uniform to arrive at a system in the different States that no matter what may be their merits can not be uniform. The end and the means are not apportioned; they are not in harmony, and the consequence is that I do not think you can frame a bill unless you leave conditions entirely aside as was the original framework of this measure, which will be a practical and a working measure for the object designed. How can you state a uniform proposition which is not according with the letter, certainly with the spirit of our national legislation, for all the States? How can you apply it to thirty-eight different systems?

I have read the amendment which proposes to impress the condition of equal school facilities for white and colored children as the condition under which alone the appropriation is to be made to each State. I do not believe as a matter of fact that if that condition is strictly adhered to and enforced upon the bill 5 cents of these $100,000,000 will reach the real object for which the bill was designed, and that was to assist those whose illiteracy forms not only the greatest injury to themselves but the insecurity to the Commonwealth where they live and to the entire country. That is my criticism upon this amendment, and it is the trouble which comes from using the resources of a power that should always act on a uniform system and adapting it to another system individual in its nature and with the different features that thirty-eight different jurisdictions naturally would impress upon their independent systems.

I have stated before and I hope that my objections were comprehended and the spirit of them as to this assumption——

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce to the Senator from Delaware that his time has expired.

Mr. FRYE. Mr. President—

> O wad some power the giftie gie us,
> To see oursels as others see us!

The Senator from Delaware expressed great pain and regret that any politics whatever should be brought into the discussion of this question, and yet I sat here at least fifteen minutes a few days ago and heard criticism, aspersion, practical insult, boiled down in words that blistered, against the Republican party for every measure of reconstruction

from the first to the very last, from the Senator from Delaware, and the Senator from North Carolina repeated it, and the Senator from Kentucky added insult after insult to the Republican party for every measure of reconstruction. We have been taunted here day in and day out with having pillaged the South, with having plundered the South, with having treated her with every injustice, and almost every indecency; and yet, forsooth, if one single word is said on this side about the duty of the Government of the United States to follow an appropriation of a million of dollars into one of these States, then it is a matter of profound regret to the Senator from Delaware and to other Senators.

Mr. President, I have taken no part in this discussion. I have taken no part in it because I knew that my feelings were getting into that condition that I would not throw fire-brands into the discussion of a question of this kind; but how long, oh, Lord! how long, are we to be compelled to sit here and submit to these aspersions?

Mr. President, I will not now enter into this discussion except to enter my solemn protest, with all the solemnity of the Senator from Delaware, against any political question being brought into the discussion of this great humanitarian question.

Mr. CALL. Mr. President, I should like to ask the Senator from Indiana a question. I do not see anything so serious in this amendment of his. The amendment is only a recital of an act which is customarily performed by the governor of a State, and very properly performed, and the information which he is required to certify I do not regard as very important to the exercise of the power of the Secretary of the Interior. I wish to ask what necessity is it that there should be a report of the sources of revenue from which the State funds are raised?

Mr. HARRISON. I answer the Senator simply that we may see how much has been raised by taxation. The State is not to have more until we see what sources this comes from, whether it is a temporary donation of some one for a year, or whether it is a permanent fund with interest on it, or whether it is an assessment for the current year.

Mr. CALL. Well, I have no serious objection to it.

Now another point. The proviso is the important portion of the proposition, to which I see no particular objection. It provides that—

> No money shall be paid out under this act to any State or Territory that has not provided by law a system of free common schools for all of its children of school age, without distinction of color, either in the raising or distributing of school revenues.

Why shall not the distribution of money answer all the purposes? Of what consequence is it where the money is raised from?

Mr. HARRISON. I would say to the Senator that that was intended to meet the very case which has been suggested to be an existing case in some of the States, that the taxes were specially and distinctly levied upon colored people and upon white people; and the idea was that there should be a common and uniform assessment upon everybody, and then a common and uniform disbursement. That was all.

Mr. CALL. I suggest to the Senator that the word "distribution" would accomplish that, and at the same time the inequality in the raising of revenue in the State of Maryland is only to the advantage of the colored people, for it gives them all the money they raise from themselves, and then if you distribute equally the whole school fund they are only that much better off.

Mr. HARRISON. I think the Senator is mistaken as to the condition of things in Maryland. They get one-fifth of $500,000 and then what they pay themselves. That is not an equal distribution.

Mr. CALL. My suggestion is to leave in this bill the word "distribute," and then of course they will have to have an equal amount of the whole revenue distributed to them, and it does not matter where it is raised from.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama to the amendment of the Senator from Indiana.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called.) I am paired on this question with the Senator from West Virginia [Mr. CAMDEN], who is temporarily absent. If he were present, I should vote "nay."

Mr. BECK (when Mr. HALE's name was called). I am paired with the Senator from Maine [Mr. HALE] upon all amendments. Not knowing how he would vote, I withhold my vote on all.

Mr. HAMPTON (when his name was called). I voted on one amendment just now, as I was told the Senator from Rhode Island [Mr. ANTHONY] would vote in the same way. I do not see his colleague [Mr. ALDRICH] here, and I can not vote on this question.

The PRESIDING OFFICER (Mr. HARRIS in the chair), when his name was called. The present occupant of the chair would state that he is paired with the Senator from Georgia [Mr. COLQUITT], who is temporarily absent.

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM]

The roll-call was concluded.

Mr. GARLAND. The Senator from Missouri [Mr. VEST] is paired with the Senator from Indiana [Mr. VOORHEES]. If they were here, the Senator from Indiana would vote "nay" and the Senator from Missouri would vote "yea." My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. My colleague would vote "nay" and the Senator from Oregon would vote "yea."

Mr. ALLISON. On this question I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB. My colleague [Mr. INGALLS] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. GEORGE. I learn that there is a pair between the Senator from West Virginia [Mr. CAMDEN] and the Senator from Kansas [Mr. INGALLS]. Therefore I vote "nay."

Mr. GROOME. I announce the pair of my colleague [Mr. GORMAN] with the junior Senator from Rhode Island [Mr. ALDRICH].

Mr. JONES, of Florida. I am informed that the Senator from New Jersey [Mr. SEWELL] would vote in the negative on this amendment. So I vote "nay."

The result was announced—yeas 8, nays 33; as follows:

YEAS—8.

| | | | |
|---|---|---|---|
| Bayard, | Coke, | Jonas, | Pendleton, |
| Butler, | Groome, | Maxey, | Saulsbury. |

NAYS—33.

| | | | |
|---|---|---|---|
| Blair, | Garland, | Logan, | Pugh, |
| Brown, | George, | McMillan, | Riddleberger, |
| Call, | Harrison, | Manderson, | Sawyer, |
| Cameron of Wis., | Hawley, | Miller of Cal., | Sherman, |
| Conger, | Hill, | Miller of N. Y., | Williams, |
| Cullom, | Hoar, | Morrill, | Wilson. |
| Dolph, | Jackson, | Pike, | |
| Edmunds, | Jones of Florida, | Platt, | |
| Frye, | Kenna, | Plumb, | |

ABSENT—35.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Jones of Nevada, | Sabin, |
| Allison, | Fair, | Lamar, | Sewell, |
| Anthony, | Farley, | Lapham, | Slater, |
| Beck, | Gibson, | McPherson, | Vance, |
| Bowen, | Gorman, | Mahone, | Van Wyck, |
| Camden, | Hale, | Mitchell, | Vest, |
| Cameron of Pa., | Hampton, | Morgan, | Voorhees, |
| Cockrell, | Harris, | Palmer, | Walker. |
| Colquitt, | Ingalls, | Ransom, | |

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. It has been suggested to me with a view of perfecting the amendment that there should be put in line 24 of section 3, after the word "the" and before the word "schools," the word "common," so as to read, "to the use of the common schools." And then in the following line, after the word "colored," the word "common" should be inserted; so as to read:

> The number of white and the number of colored common schools.

Mr. MORGAN. I should like to ask the Senator from Indiana to define for us what a common school is. The schools in Alabama are called public schools, and they are graded; graded in four degrees. The higher schools in Alabama of the public system teach a very extensive academic course. I do not know whether they are common schools, or whether they are public schools, or whether they are academies.

Mr. HARRISON. I would say to the Senator that this term is one of universal use, at least so far as my observation goes, and applies to such schools of the lower order, not including universities and colleges, as are maintained by the State out of its revenues for the free use of its children—a common-school system.

Mr. MORGAN. I would say to the Senator that in the Southern States I think chiefly they are called public schools and not common schools. Almost all of them are graded schools and reach very far above anything indicated in this bill as being the general-welfare standard of education or the degree of the general-welfare standard.

The PRESIDING OFFICER. Is there objection to agreeing to the verbal amendments proposed by the Senator from Indiana? The Chair hears none, and they will be inserted. The question recurs on the amendment of the Senator from Indiana as amended.

Mr. BAYARD. Let us have the yeas and nays.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the yeas and nays have already been ordered on the amendment of the Senator from Indiana.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this amendment I am paired with the Senator from Missouri [Mr. COCKRELL]. If he were present, I should vote "yea."

Mr. BECK (when his name was called). On this amendment I am paired with the Senator from Maine [Mr. HALE]. I would vote "nay" if he were here and he would vote "yea."

Mr. JONES, of Florida (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

Mr. MORGAN (when his name was called). On this amendment I am paired with the Senator from New York [Mr. LAPHAM]. If he were here, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. GARLAND. My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. I also announce the pair between the Senator from Missouri [Mr. VEST] and the Senator from Indiana [Mr. VOORHEES].

Mr. CAMERON, of Wisconsin. I desire to announce that the Senator from Minnesota [Mr. SABIN], who is opposed to this bill, is paired with the Senator from Michigan [Mr. PALMER], who is in favor of the bill. The Senator from Kansas [Mr. INGALLS] is paired with the Senator from Pennsylvania [Mr. MITCHELL].

The PRESIDING OFFICER [Mr. HARRIS]. The Chair would announce that the present occupant of the chair is paired with the Senator from Georgia [Mr. COLQUITT], who, if here, would vote for this amendment, while the Chair would vote against it.

Mr. GORMAN. I announce my pair with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 28, nays 15; as follows:

YEAS—28.

| | | | |
|---|---|---|---|
| Blair, | Frye, | Jackson, | Pike, |
| Cameron of Wis., | Garland, | Logan, | Platt, |
| Conger, | George, | McMillan, | Pugh, |
| Cullom, | Harrison, | Manderson, | Riddleberger, |
| Dawes, | Hawley, | Miller of Cal., | Sawyer, |
| Dolph, | Hill, | Miller of N. Y., | Sherman, |
| Edmunds, | Hoar, | Morrill, | Wilson. |

NAYS—15.

| | | | |
|---|---|---|---|
| Bayard, | Camden, | Jonas, | Saulsbury, |
| Brown, | Coke, | Kenna, | Vance, |
| Butler, | Farley, | Maxey, | Williams. |
| Call, | Groome, | Ransom, | |

ABSENT—33.

| | | | |
|---|---|---|---|
| Aldrich, | Gibson, | Lapham, | Sewell, |
| Allison, | Gorman, | McPherson, | Slater, |
| Anthony, | Hale, | Mahone, | Van Wyck, |
| Beck, | Hampton, | Mitchell, | Vest, |
| Bowen, | Harris, | Morgan, | Voorhees, |
| Cameron of Pa., | Ingalls, | Palmer, | Walker. |
| Cockrell, | Jones of Florida, | Pendleton, | |
| Colquitt, | Jones of Nevada, | Plumb, | |
| Fair, | Lamar, | Sabin, | |

So the amendment was agreed to.

Mr. HARRISON. I desire now to submit the amendment which is in the hands of the Secretary, to strike out section 4 and insert——

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be reported.

The CHIEF CLERK. It is proposed to strike out all of section 4 and insert in lieu thereof:

That the amount so apportioned to each State and Territory shall be drawn from the Treasury by warrant of the Secretary of the Treasury, upon the monthly estimates and requisitions of the Secretary of the Interior as the same may be needed, and shall be paid over to such officer as shall be authorized by the laws of the respective States and Territories to receive the same.

Mr. RANSOM. Perhaps my apprehension about it is entirely unnecessary, but I would suggest to the Senator from Indiana that as I read this clause it means such officer as is authorized by the laws of the State to receive this money. That being the case, none of this money would be received by the States until a law of that character had been passed. Would it not be as well to say here "to the officer authorized by the laws of the respective States and Territories to receive the common-school funds of the State?"

Mr. HARRISON. I will say to the Senator from North Carolina that in considering the section as it stood it seemed to me that the matter was left in this situation: that this money would be paid over to an officer not authorized by law to receive it, who would not be held upon his official bond for it, and therefore that it was necessary to use the language which I have used in this amendment that it shall be paid to some officer authorized to receive it.

It may be that under some general statutes of the State the treasurer would be authorized to receive it; it may be that in some States he would not; but I would not meet that latter difficulty as the Senator from North Carolina would by turning it over to an officer who would not be held for it on his official bond, but I would wait until the State had provided by law who should receive it, because it would be a very loose method of distribution to turn this money over to officers who were not authorized by law to receive it and who were not held on their bonds for it.

Mr. RANSOM. I will interrupt the Senator so that I may have a chance to say a word. I do not know that the Senator could have given a better illustration of the confidence which he really has in the States in reference to this matter than to suggest that they would not have it turned over to officers without bond. I do not suppose they would. The Senator's amendment provides for no such thing, and I am glad that the Senator in that respect is disposed to trust the States. I think there can be no doubt that whatever officers are intrusted with educational funds in the States have to give bonds. I can not speak knowingly of all the States, but I know it is so in my State. I simply want that this fund shall be available at the earliest possible moment.

Mr. HARRISON. I want the same thing, but I want to avoid the anomaly of paying over such a large sum of money to men who have no authority by law to receive it. Therefore this language, I think all will agree, is essential.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. HOAR. I now make a motion, the reason for which I stated before, and which I thought was included in the amendment which I moved. I was misled by the printing of the bill. I move to strike out all of section 5 after the word "laws." That strikes out the latter part of that section about different races which has been already adopted in a little different phraseology in the amendment of the Senator from Indiana, and it is not necessary to repeat it. The first part of the language proposed to be stricken out, from line 6 to line 10, makes it imperative upon the States to instruct females in branches of technical or industrial education suitable to their sex and to give instructions in the industrial arts. The States are at liberty under the general bill, under a later section, to do that if they please, and this strikes out the obligation.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be read.

The SECRETARY. In section 5, after the word "laws," in line 6, it is proposed to strike out the residue of the section as follows:

And shall include, whenever practicable, instruction in the arts of industry, and the instruction of females in such branches of technical or industrial education as are suited to their sex, which instruction shall be free to all, without distinction of race, color, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, living in the same community but attending separate schools, from receiving the benefits of this act the same as though the attendance therein were without distinction of race.

Mr. MORGAN. I hope the Senate will not strike out the portion of the fifth section which is proposed to be stricken out by the motion of the Senator from Massachusetts. This bill is really intended to make provision for the education of the colored race. There is some varnish with respect to the education of poor white people, but the real purpose of it is to educate the negro race. Now, there is nothing that the young negroes of this country need to be taught so much as industrial and technical education of certain descriptions. They are not calculated to become scholars; their condition in life does not warrant it. They are compelled in order to sustain themselves, particularly in the cotton and sugar growing regions of the South, to labor a long time during each year in company with their parents for their common maintenance and support.

We can not afford in the South to pay negroes wages in raising cotton that the world will buy it from us to be compared with those of operatives in Northern factories and in Northern industries as they are called. The result is that any man, whether white or back, is compelled to work a very large portion of the year if he raises cotton and the grains and other food necessary to sustain him while he is at work. You may go through the State of Alabama—and that is about as good a State as there is in the South, about as prosperous as any—and you will find from this time of the year on to the end of the year white men with their wives and daughters and sons in the cotton-fields at work making the crops.

Mr. HOAR. May I ask the Senator if the schools in Alabama are stopped now?

Mr. MORGAN. No; the work is light, but it requires the larger portion of the year. The fact is it is a sort of motto among the farmers of the South that it takes thirteen months a year to make a crop of cotton and get it to market. So our people are occupied a great portion of the time in the labor necessary for their support, both black and white. We can not hope, under the present condition, that these people in the South will become learned and lettered people. They ought to have, of course, the elements of a good English education, as is suggested in this bill; but the most important thing that we can do at all for the young negro race in the South is to teach them those industries in the schools which are useful and honorable to themselves and their families, and a considerable portion of the time they are occupied in schools ought to be devoted really to that.

There is not in the whole South, so far as I know, a technical school. There is some technical education in the normal schools of the State, but very little. That man who is a real philanthropist, or a negrophobist, or whatever he may call himself, a friend of the negro family in this country, who desires to benefit that race, will educate them in the industries, to start them to work upon a basis which will after a while lead them to become operatives in manufactories, &c. As it is now, they are learning almost nothing of that kind, and I think we ought to make it compulsory upon the States having charge of the education of the negroes to use the money in this way, for if we do not start the system in this act it is not likely that it will take shape hereafter.

We ought to compel those who have the control of this fund to apply it to the industrial education of the boys and the girls in the South.

It is more particularly valuable, I believe, to the women than it is to the men, because they are confined necessarily to a larger degree of indoor labor, and there are many very useful arts which can be taught in the school or where the rudiments can be taught upon which they can go on and build an education which will compensate them more for the time they may spend in the school-house than anything else they could possibly acquire. I hope the Senate will not strike out the proposition.

Mr. HOAR. I ask consent to say one word, as I did not occupy my five minutes before. If what the Senator from Alabama says is true——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Massachusetts proceeding again? ["None."]

Mr. HOAR. If what the Senator from Alabama says is true, that these arts are not now taught in any common school in the South, the bill without my amendment will require every Southern State to revolutionize at once its educational system. It will require them to discharge the teachers they have now and to get new teachers who are required to teach industrial arts where they are not taught. If the amendment prevails the Southern States will as fast as in their discretion they think best introduce these industrial branches.

Mr. MORGAN. If the Senator will allow me, I wish to say to him that we have no such system of education in the South and the public attention has not been drawn to it. My point is to compel attention to it, to compel the starting of this system of education.

Mr. HOAR. They will not get anything until they change, if the amendment is not made.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, my next amendment is to strike out section 7. That section relates to the District of Columbia, and the motion goes upon the idea that whatever educational interests we have in the District of Columbia we provide for in the appropriation bill for the District. As that is exclusively under the jurisdiction of Congress, we do not need to embrace it in the provisions of this bill, which relates to States and Territories.

Mr. MORGAN. I looked at that proposition of the Senator from Indiana with a good deal of attention, and I could not understand why he wanted to get out the District of Columbia from this bill. I took it for granted it was because the negroes here were not entitled to vote and therefore it was not worth the while of the Republican caucus to educate the negroes of this District.

Mr. HARRISON. I assure the Senator that was not the reason, but it was because we expect in the appropriation bill for the District of Columbia, which my friend from Iowa [Mr. ALLISON] will presently report, to make liberal provision for schools here in the District.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana to strike out the seventh section of the bill, which will be read.

The Secretary read as follows:

SEC. 7. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but its existing laws and school authorities shall not be affected by the operation of this act. The school board of the District of Columbia shall be charged with the duty of superintending the distribution of its allotment, and shall make full report to the Secretary of the Interior.

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, in section 8 I move to strike out all after the word "provided" and insert the following:

That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

I ask to modify that amendment. It has been suggested to me by the Senator from Mississippi [Mr. GEORGE] and others that perhaps the expression "out of its own revenues" might limit the sum used by the State to the general taxes of the State and might not include those local assessments for taxation which are authorized by law. I therefore ask to insert after the word "revenues" the words "or out of the money raised under its authority."

I think it is fair that where taxes are raised in a municipality or in a county and used for that purpose the money so raised should be counted in measuring the amount.

Mr. MORGAN. In Alabama—I can not speak for the other Southern States—we have sold public lands donated to us, the sixteenth section largely, and the proceeds of the sales are held in the treasury of the State, and have been since they were disposed of, and we pay 8 per cent. interest per annum on these proceeds, each township receiving interest upon the amount of money for which its section was sold. Is that a fund raised out of the revenues of the State?

Mr. HARRISON. I should think undoubtedly it was.

Mr. MORGAN. The bill does not so express it, and I do not think any lawyer would so construe it if he had a lawsuit depending upon it.

Mr. HARRISON. It does not say "raised by taxation" but "out of its own revenues," and that is undoubtedly a part of the revenue of the State.

Mr. MORGAN. No, sir; it is not a part of the revenue at all; it is part of the trust fund the State has to pay interest upon. The State has always paid the money and paid the interest upon it. It is held as a fund in the treasury now. It is held there on the faith and credit of the State, and the constitution provides that the interest shall be paid upon it. All that fund, as a matter of course, will go for nothing under this amendment. We should have to amend our tax laws so as to increase them by about $400,000 a year. We tax our people now $1,500,000 a year. Of that we expend $1,150,000, or about that, in governmental purposes, and the balance is applied to the school fund. About one-third of our taxes go to the school fund, of the actual taxation annually. If we are required to tax our people two millions of money, say so. We shall never get the people of Alabama to consent to a heavy tax amounting to two millions of money a year. We can not bear it.

Mr. PLUMB. It seems to me the Senator from Alabama is wrong in this matter. Whatever they do levy, as I understand the amendment, the United States authorities give them an equivalent amount. Whatever the State of Alabama does provide out of her own revenues under the authority of her own law, the National Government adds an equal amount. Consequently the State of Alabama is not required to increase its levy.

Mr. MORGAN. Here is a provision that requires so many millions of dollars a year to be paid out, a specific sum, so many millions a year to be paid out each year successively, and the quota of Alabama is based upon her illiterate population. She is entitled to that quota, but in order to get that quota she must increase her taxation in the State perhaps quite double what it is now. We are bearing all the burden of taxation there that we can bear really.

Mr. BLAIR. The State of Alabama will draw her full quota under the $15,000,000 clause even now, or at least over half of it, and with the $7,000,000 appropriated in the bill as amended she will get her full share upon the basis of illiteracy.

Mr. MORGAN. Of course she will get it, but she will have to double her State tax in order to get it.

Mr. BLAIR. Not at all. She will not have to increase her taxation at all. She is now raising an amount as large as she will receive under the provisions of the bill as amended—her proportion of $7,000,000, the whole amount the first year.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. GEORGE. I desire to offer some amendments. They all go to the same point. The object is to require the States for the first four years not to raise more than one-third of the amount they shall receive from the Treasury and for the last four years that they shall raise an amount equal to the amount they receive from the Treasury. That was the way the committee originally reported the bill, and I think that is the fair way to do it.

Many of the States, as has been shown already in this debate, have taxed themselves to almost the full limit of the power of taxation. It does seem to me that in this act of donation and beneficence to the States there ought not to be imposed a condition which would operate so onerously to some of them as this condition will.

I therefore, for the purpose of carrying out that idea, move that after the word "that," in line 14 of section 8, the words "for the first four years" be inserted; that in line 16, after the word "than," the words "one-third" be inserted; and that there be added to the end of the section the following words:

And the last four years no greater sum shall be paid to any State or Territory in any one year than the sum expended out of its own revenues and money raised under its authority for the preceding year.

The PRESIDENT *pro tempore*. The Chair will first state the modification made by the Senator from Indiana [Mr. HARRISON] in line 17 of section 8, inserting after the word "revenues" the words "or out of moneys raised under its authority." That modification the Senator from Indiana has made. The Senator from Mississippi [Mr. GEORGE] now moves first to amend in line 14, after the word "that," by inserting "for the first four years."

Mr. HARRISON. Of course the amendment as it is put now must be considered as a part of that which is to follow; it means nothing of itself, and the proposition of the Senator from Mississippi is that the United States Government shall pay three times as much as the State raises, for the first four years. I hope the Senate will not adopt that amendment. In the first place, under the appropriations as they are provided for now in the bill, I take it there would not be enough money, nor anything like enough money, to pay to the different States three times as much as they raise now. That provision was in the original bill, but the original bill appropriated $105,000,000, and now that this is reduced to $77,000,000 and the $15,000,000 to be appropriated the first year is reduced to $7,000,000 under the amendment of the Senator from Massachusetts, the suggestion of the Senator from Mississippi does not apply; it would be inharmonious with the bill.

I have not time now to examine the tables of the Senator from New Hampshire [Mr. BLAIR], but I think he will bear me out in saying that the present appropriation would not at all suffice to pay three times as much to the States as they expend out of their own revenues.

Mr. BLAIR. No, it would not. I know there is no State that would be obliged to increase its present taxation in order to receive the full amount that it can receive under the bill as amended.

Mr. GEORGE. What was the statement made by the Senator from New Hampshire?

Mr. BLAIR. I know of no State, unless it be Louisiana possibly, and I am sure there is no State that will be obliged to increase its present

taxation in order to receive the full amount that it can draw under the bill as amended for the first year.

Mr. GEORGE. For the first four years?

Mr. BLAIR. The third year it would get a share of the $15,000,000; but there is no State, on the other hand, as far as I know, and there can not be more than one or two certainly, which are not every year increasing their own taxation for school purposes, their own school revenues, and I have no idea but what in three years from this time the State of Mississippi will be raising that amount of school money from her own revenues which will enable her to draw the full amount that she can get under the $15,000,000 clause which applies the third year.

I do not think that this is a practical matter of discussion myself as the bill has been amended. I think the amendment is well enough and does not interfere with the status of any State.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi desire to move his second amendment?

Mr. GEORGE. No, sir; not now.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. I wish to inquire of the Senator in charge of this bill what has become of the definition of common schools, or is it stricken out?

Mr. BLAIR. It is in an amendment already adopted.

Mr. MORGAN. I find that in section 4, on page 4, these words: "The term 'school district' as used in this section shall include cities, towns, parishes, or such other corporations as by law are clothed with the power of maintaining common schools," seem to be stricken out.

Mr. BLAIR. "All corporations clothed by law with the power of maintaining common schools" is in language taken from the section stricken out.

Mr. MORGAN. Is there no definition in the bill now of what a common school is?

Mr. BLAIR. As amended there is. The definition to be found in section 4, which is stricken out, is adopted at the close of section 11, on page 8:

The term "school district" shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools.

Mr. MORGAN. The same language?

Mr. BLAIR. It is the provision prepared by the Senator from Mississippi; the same thing.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, in section 10, line 2, I move to strike out the words, "or the District of Columbia," so as to make the section read:

SEC. 10. That no part of the educational fund allotted to any State or Territory shall be used for the erection of school-houses or school-buildings of any description, nor for rent of the same.

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, in section 12, line 3, I move to strike out the word "five" and insert "eight;" so as to read:

SEC. 12. That any State in which the number of persons ten years of age and upward who can not write is not over 8 per cent. of the whole population thereof shall have the right to receive its allotment and to apply the same for the promotion of common-school and industrial education, or the education of teachers therein, in such way as the Legislature of such State shall provide.

Mr. MORGAN. I move to amend that by substituting "twenty-five" for "eight."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. Some of the older States of this Union, enjoying advantages from the General Government in the way of tariff protection and otherwise, and enjoying a long run of commercial prosperity and freedom from the hardships and struggles of the wasting part of the war, have been enabled to furnish their people a school fund, so that they have reduced the illiteracy to 5 per cent. or below. I believe that is shown by the tables put into the Senate early in the discussion.

I object that it is wrong that the States which have had these advantages for so long a time and have not been compelled to endure the sufferings and hardships of other States should be permitted to have the entire control of this fund that we vote to them "in such way as the Legislatures of said States shall provide." It is an unjust and unfair discrimination, and it is an unconstitutional discrimination if there is any Constitution left at all, to pretend to make an appropriation of money for a general purpose and to give to any one State who may be concerned in the benefits of that appropriation advantages over the rest. There is no reason that can be stated in philosophy, none in respect of the spirit at least of the Constitution, why the State of Massachusetts should have the unlimited right to dispose of this money in the way that her Legislature shall provide, and that the State of Alabama should be restrained to dispose of it in such way as may be provided in this bill by an act of Congress. That is an unjust discrimination against the States, and there is no sound reason for it.

The Senators from Massachusetts can look on with perfect composure at any dealing that the Congress of the United States may hereafter take with respect to this fund so far as it concerns the State of Alabama, saying to themselves, as they lock themselves up in the security which is provided in this bill, "What care we whether we hold it or not? Our sympathies, our benevolence, our goodness, our Christian virtues may induce us to allow you to have this fund, to even vote it, but under what compulsion are we, what community of interest is there between Alabama and Massachusetts after you have enacted this law in respect to the payment of this fund into the hands of the State for the education of the people there?"

Mr. HOAR. You are not going to give us sufficient to make it a cherry worth distributing. That is the answer to all that.

Mr. MORGAN. Then the Senator from Massachusetts need not take his cherry. If it requires two bites to take it, let him not make any bite at it at all. I do not care whether the sum given to Massachusetts is a small one or a large one. She has had under this Government more support than any other part of this continent. She carries less abroad in the way of exports that other people purchase than any other State that I can recall now. She makes neither corn nor cotton nor wheat nor oats, nor does she make cattle or hogs for exportation. She furnishes but little to the external commerce of this world.

I observe that the Senator from Connecticut wants to raise it to 9 per cent. in order to get his State also within this boundary where nobody can interfere and nobody can touch it, and where they can look on quietly at the struggles that other men in other portions of the country have to make for the purpose of getting their allowance of their conduct and control of their own affairs. Let it not be pretended by the friends of this bill on the other side of the Chamber that they are doing justice according to the law and the Constitution by this bill.

Mr. PLATT. Mr. President, the Senator from Alabama is entirely mistaken as to the scope of the amendment which I propose to offer. The amendment which I propose to offer is to strike out this section entirely, and then to provide that no State whose illiteracy is in excess of 9 per cent. shall receive any portion of this money for any purpose whatever.

Mr. MORGAN. Then I did misunderstand it.

Mr. WILLIAMS. I do not see the necessity of this section at all except to make a difference between the States of this Union. Why shall this section be put here allowing the States that have not an illiteracy beyond 8 per cent. to use their portion in the establishment of normal and technical schools? Let them take it as we do, as part of their common-school fund, then if they choose to appropriate a certain portion of their own taxation to these technical and normal schools let the thing be uniform throughout the whole country, and not make this invidious distinction in the most important measure that has been before Congress during this session. It strikes me as making a distinction between the States where illiteracy is greater than 8 per cent. and States where it is less. It allows those where illiteracy is less to appropriate their portion to a totally different purpose, and requires those whose illiteracy is greater than 8 per cent. to appropriate the whole of theirs to common-school education. Let all the States have it for school purposes, and if they have more than they want let them take out from their own State tax a portion and appropriate it to technical and normal schools or whatever they choose in furtherance of the general purpose of education.

Mr. BLAIR. It seems a little difficult to get on with those who prevent the reception of anything because they already know enough, so that they do not want it, as is the case with some of the States, as has been urged here upon the floor as a reason for striking out the Northern States, when on the other hand the remaining States that would then be benefited object to being legislated into the records of the country, as they express it, as pauper States.

Now, there ought to be satisfaction under the bill in one form or another from the same class of objectors. After it is modified to suit them when they make one objection, they ought to be satisfied with it.

Having said thus much, I wish to state precisely the reason for this section. The bill provides that not exceeding 10 per cent. may be expended for the education of teachers. Teachers are indispensable to schools. The States most needing this money are without teachers as well as without school-houses, and without the necessary means of giving instruction. On the other hand, the wealthier States, the older States, so far as the common school as an institution is concerned, are getting but a very small amount under this distribution, a distribution which being based upon illiteracy carries something of course to every State in the country, because there is more or less illiteracy everywhere; but the Northern States are not receiving enough under this bill, so that if it is distributed broadcast to every child within their borders of school age, as is the requirement in this bill, that child will not get enough to pay for handling the money.

In my own State a child might get 20 or 25 cents. It is not worth while to make a State distribution, for we have no State distribution in New Hampshire, and many other States raise their money in small local communities. We have no State fund in New Hampshire of any

consequence; and therefore in order to make the small sum that is coming to a State like New Hampshire (there will be perhaps $25,000) of any real advantage, being in the State treasury, it seems very proper that the State, while it has the right to distribute it just as any other State if it sees fit to the scholars per capita, nevertheless should possess the right under the bill to appropriate 10 per cent. of what it does receive to normal schools and the training of teachers, and it should also have the right to appropriate the whole to that purpose if it sees fit.

This section requires that whatever they do receive shall be applied to the same general purpose which the other States receiving a larger amount are required to apply their funds to, but in order that the fund may be of any use at all some provision of this description seems to be necessary.

Now, as to its being wanted in the Northern States, there is no doubt that in every State something is needed. Certainly I know many States where additional facilities in the education of the teachers is necessary. It is so in my own State, and this little sum of $25,000 would be a very substantial benefit in New Hampshire for that purpose, and so in many other States. And therefore I hope the Senate will be willing to let this section stand as it is. I am opposed to any amendment like that suggested by the Senator from Connecticut [Mr. PLATT]. I think we should all stand on the same basis and receive in proportion to our actual needs; and if there is less need, that is, less illiteracy, in one State, she should receive less in proportion to her population, and that is no invidious distinction. That is the one we adopt; but the striking out of certain States is an invidious distinction, and for States that are receiving a larger amount to raise an objection here that seriously affects the little my State is to receive I think is hardly the thing to do.

The PRESIDENT *pro tempore*. The time of the Senator from New Hampshire has expired.

Mr. LOGAN. Mr. President, I am opposed to the proposition of the Senator from Connecticut, and at the same time I am in favor of striking out this section.

Mr. MORGAN. If the Senator from Illinois will allow me I will withdraw my amendment and give way to his motion. I withdraw my amendment, Mr. President.

The PRESIDENT *pro tempore*. The amendment of the Senator from Alabama is withdrawn. The question recurs on the amendment proposed by the Senator from Indiana to strike out "five" and insert "eight" in section 12, line 3.

Mr. LOGAN. This bill goes upon the theory that those who are denominated and known as illiterates in this country shall receive an equal benefit from the donation from the National Government. The bill is understood to be one "to secure the benefits of common-school education to all the children of the school age * * * living in the United States." That is the language of the bill. If that be, so let the money be distributed according to that theory; and if the bill provides that the money shall be used for a common-school system and none other in one State, let the same rule and principle apply to other States. There are persons who are illiterate in all the States. If we aid them upon that ground we may as well aid them in one place as in another. Because the States are able to educate their own children, because they are willing to do it, is no reason why you should provide that they shall have no portion of this fund if they are willing to accept it, because it should apply to one child as well as another, whether it resides North, South, East, or West, if entitled to the benefit.

Another reason I oppose it is this: We have had a line drawn between the North and South long enough, and I will not support any character of legislation which is denominated general legislation in this Congress or any other that makes a distinction between the States of this Union. One of the great troubles we have had in this country has been the different theories of the different portions of the country. I mention it not in any spirit of feeling or animosity toward any section of the country. We should wipe out everything that would show a distinction of any character whatever where we can avoid it.

Now, why appropriate the money for normal schools in the North and for common schools in the South, I ask any one? Why do it? If a State in the North is capable and competent to support the common schools, it is competent to support the normal schools. Then upon the ground of their ability and capacity to support their own schools they can support one class of schools as well as the other class of schools.

Let us make no distinction in the bill in reference to States and Territories, but apply it alike to all persons who are entitled to receive the benefits of this donation, no matter where they may be. I do not believe that one dollar of this money should be used for normal schools or for institutions of any character save the common schools of our country. It is there that the poor children and the illiterates of this country are to obtain the education they will obtain. Those who are not capable and have not the means to educate themselves elsewhere, acquire the education that may be obtained in common schools, which is sufficient for them in almost any kind of business into which they may enter. Let the money be used for that purpose, for the benefit of that class, and not for the benefit of any other class.

It being the intention of the bill when first introduced and the intention as expressed by all the promoters of the bill at the time, let the principle exist and remain in it that we first started with, that it shall be for the benefit of the common-school system of the country wherever it is necessary, and for nothing else.

Mr. PLATT. The amendment proposed by the Senator from Illinois should recall the Senate from its wanderings to the consideration of the objects and purposes of the bill. The bill is introduced and supported upon one theory only, and that is that in sixteen States of the Union there is greater illiteracy by reason of the fact that the colored race is there. It has been stated from the commencement of this discussion to the present time that that was the reason why the General Government has been called upon to aid in this education.

I undertake to say if it were not for the fact that it is believed there is an obligation upon this Government to educate the colored children of this country, nobody would have introduced such a bill as this here, and no such bill would have been reported. Go to the country on the proposition that this bill is for any other purpose except for the education of the colored children of the country, and it would have no support whatever. There is no warrant for it in the Constitution; there is no warrant for it in the history of this Government. All its advocates put it upon that ground, and why not let us be honest and apply it for that purpose? If the bill were to educate children in the Northern States, there is not a Senator here who would vote for it. If the bill were to educate colored children in any State where the illiteracy was so great for that reason that the General Government ought to step in, all Senators would vote for it.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. PLATT. Certainly.

Mr. LOGAN. I wish to call the Senator's attention to one fact. Without naming the Territories, if he will examine the statistics he will find that two or three of the Territories are in as much need of aid and support for the benefit of a common-school system for the education of children there as exists in any of the Southern States.

Mr. PLATT. The Territories generally are making every exertion to provide funds for educational purposes, and some of the Territories have a larger fund in proportion to population for the education of their children than almost any of the States.

From the start of this discussion I have had great difficulty in voting for the bill. I sympathize with the object of it; I want to vote money to educate the ignorant colored children of this country, and that is the ground on which the bill is put. That is what the country understands we are trying to legislate here for; but I have great trouble about voting for a bill not one-third of the money appropriated by which will ever reach the colored children of this country. I do not believe the people of this country desire the Government to go into the education of children in the States where education is fairly provided, and where the States are able and willing to provide that education, and where the percentage of illiteracy is very small indeed.

Mr. HOAR. I do not think my friend from Connecticut states the theory of the bill or the evil which the bill is intended to remedy quite correctly. It is true that the occasion for entering upon this field of legislation was the fact that by reason of the enfranchisement of the colored race a large portion of the illiteracy of the country was added to its citizenship; and if that had not happened undoubtedly no bill of this character would have been introduced. But it is not true that anybody expected to confine the benefits of the bill to the colored children of the country. It is not true that the evil which it is intended to reach and remedy exists exclusively in the colored race. There is, as the statistics which have been read show, a large mass of white illiteracy, I think in one State amounting to 33 per cent. of its whites above the age of ten years who are unable to write.

It will be remembered that the statistics of illiteracy which are exhibited by the census-taker fall very far short of the actual truth. Every man who can barely write his name reports himself to the census-taker as a person able to write. It is said by one of the very highest authorities in educational statistics that there ought to be added at least 33 per cent. to the number of persons reported as illiterates in ascertaining the number of people who have no education, who are illiterate for all practical purposes of receiving or imparting knowledge by reading or writing.

It is not therefore true that we are looking out for the colored race alone. The colored people of course turn the scale and that makes this evil, which existed largely among the whites in some portions of the country, an evil of national proportion and demanding national correction.

The theory of this section, to which the Senator from Illinois [Mr. LOGAN] objects, is simply this, that there are some States whose percentage of illiteracy is so small and the sum they are to receive is so small under the bill that it is not worth the cost of introducing in those States a new system of distribution and a new system of reporting for the money which they will get.

I will take my own State of Massachusetts. We shall get, if I have computed it correctly, about $100,000 only. We have about three hundred and forty towns, and among those towns are twenty-two large cities, and eight or ten more that will be cities within ten years probably, and forty or fifty more towns of five, six, eight, or ten thousand inhabitants. Our school moneys are raised by the townships. The State has a school fund very small in proportion to what the towns

raise by taxation. The income of it is distributed on certain conditions and in a certain manner; not the manner provided by this bill, though equally to all the children of the State alike. Now, to compel us or to compel the State of New Hampshire—we having much less than the amount of illiteracy prescribed in the section, and having, as I said the other day, no illiteracy among our native children at all—it would be a great inconvenience and great cost for the little sum we are to get to make us go through this cumbrous and inconvenient mechanism.

That is the whole of it. It is not for the sake of making any distinction in the principle between the States. Those States are named. It only says that where the percentage is so small that it is not worth while to have it distributed, where the States are performing the duty themselves so thoroughly, you may let them take this one sum and distribute it by itself.

Mr. BUTLER. I should like to ask the Senator from Massachusetts if it is not a discrimination against the States having a greater proportion of illiteracy?

Mr. HOAR. Those States give 10 per cent. of their own proportion to the same purpose.

Mr. BUTLER. Is not that a discrimination against the States? That is to say, this section will permit one State to regulate the fund according as its Legislature may require, but those States that have 8 per cent. of illiteracy must be governed by the Congress of the United States.

Mr. HOAR. Those States where there is a clear and palpable need of it for common schools shall have it go to the common schools, or, in other words, where it is worth the cost of the machinery the common schools shall have it in that way; but there are some States where the amount is so small it is not worth while.

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired.

Mr. HOAR. The normal school is a system of educating the teachers for the common schools——

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts has expired.

Mr. MORGAN. We have been having, as I understand, about 700,000 of population drawn from foreign countries for several years past, perhaps for ten years past or more than that. Assuming that one-fourth of those are within the educational age, a very large proportion of them certainly can not speak the English language and they can not read the ordinary school-books in the English language. One of the purposes of the bill is to have the children educated in the common schools up to the proper educational standard in that language. If I am correct in my figures, we have 875,000 people in the United States now who come from foreign countries, and must be within the school age, representing that to be from 5 to 21.

I think under such circumstances the States of the North need not flatter themselves that they have not got something yet to do. I spent about six weeks in Boston last year. It is a nice, beautiful city, with a splendid population, but I undertake to say that there is not a town in the United States that in the lower part of that city has a more rowdy, uneducated, boisterous, uncontrolled population than the city of Boston. That is due very largely to the illiteracy of the people. They are emigrants who have come in there; I must say they are very largely Irish people; but if there is a place in the world where a schoolmaster is needed it is right in the city of Boston. If you can compel them to go to school there and to submit to discipline you will do more for Massachusetts in that particular than you can do for almost any State that I know of; at least that part of it. The great body of the people of Massachusetts in the country are educated people; their children are cared for; but this foreign flood of immigration that comes into the city of New York, the city of Boston, the city of Philadelphia, the city of Baltimore, must increase the rate of illiteracy very greatly as it is described in this bill.

Mr. HOAR. The Senator will permit me to say that the State is doing that work so faithfully now and so efficiently that while her population has increased enormously within the last decade and the proportion of her foreigners has increased enormously, the percentage of her illiteracy among her foreigners has largely diminished and is diminishing every year.

Mr. MORGAN. I have no doubt that it is.

Mr. HOAR. We have in school in Massachusetts more children than the census gives us children of school age within that State.

Mr. MORGAN. I have no doubt we have a great many more in Alabama in school than the census gives us of school age in that State. The census is not a reliable report upon any part of this subject in my judgment. How it happens of course it is not for me to explain, but in regard to any portion of the United States it is not reliable.

The Senator from Illinois [Mr. LOGAN] referred to the illiteracy of the Territories. How does that happen? It happens because this flood of immigrants pours to the Northwest.

Mr. CAMERON, of Wisconsin. Not at all.

Mr. HARRISON. No; it is the Southwestern Territories, Arizona and New Mexico, that were referred to.

Mr. MORGAN. It will be found by an examination of the table submitted to us that the Territory of Utah has a less proportion of illiteracy to-day than several of the older States of the Union. Utah is not very celebrated for its good morals, but they have a very fine school system in Utah. I have been there; I have examined it. A very large proportion of the children of Utah are in school every day that they can spare from work upon the farms of their fathers, and as to Sunday-schools, there never was such a country for Sunday-schools as Salt Lake City and the surrounding region.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired.

Mr. HARRISON. I am a little surprised at the sensitiveness to what is supposed to be a discrimination against the Southern States in the section of the bill which we are now considering. The bill goes upon the idea that I suppose three-fourths of the total sum that is appropriated is to go to the South. It has been deliberately framed with that object in view. Instead of distributing this money upon the basis of population or the census of school children, it has been distributed upon the basis of an illiteracy that gives from two-thirds to three-fourths of it to the Southern States.

Mr. BUTLER. Will the Senator pardon me just there?

Mr. HARRISON. Certainly.

Mr. BUTLER. I presume the Senator refers to what I said about the discrimination against the States. If it be true that so much of this money is to go to the South, why not let it go there on the same terms that it goes to Indiana, for instance, or any other State in the Union?

Mr. HARRISON. Simply because the condition of things in the South that makes it just for us to make this discrimination in its favor makes it improper that it should be used exclusively for high schools or the higher branches of education.

Mr. BUTLER. But what right has the Senator to assume that it will be used exclusively for high schools in the South? That is what I can not understand.

Mr. HARRISON. I have no right to assume it; I do not assume it; but I propose in the bill that we shall direct its use to the eradication of the evil the existence of which we recognize and for the removal of which the bill is framed. As the Senator from Massachusetts [Mr. HOAR] has said, we have reserved to the Northern States so small an amount of this munificent appropriation that to distribute it all through our common-school districts in the State is simply an inconvenience; in many of the States we had better be without it. Therefore, some days ago I proposed to offer an amendment which should confine the entire appropriation to States having over 10 per cent. of illiteracy. I would have been glad if the bill could have been put upon that basis; but if the amount of the appropriation is to be $77,000,000, as has been agreed, then I am not willing that it should be put upon that basis, for it is too large a sum.

But are we giving any offense to our friends in the South when we say to them, "Though we would have been entitled upon any basis of population to much the larger part of the fund, yet we have given away all but about a quarter of it to you, and now we simply ask that in the use of that quarter in the Northern States we may not be compelled to distribute it among our school districts where it would simply disturb the machinery of our schools, but that our Legislatures may be allowed to use it in the normal school or in the agricultural college or in some method that will make it really a benefit to us?" It must be expended for schools. Even where there is a higher rate of illiteracy we allow 10 per cent. to be used for the education of teachers. I think there can be no wiser use of a limited amount of this fund than to prepare in the different States people who will be competent to take charge of schools.

Mr. BUTLER. Then I understand, if the Senator will pardon me, that there is not the same degree of accountability in those States which have less than 8 per cent. of illiteracy that there would be in a State having 8 per cent. or over?

Mr. HARRISON. What does the Senator mean by "the same degree of accountability?"

Mr. BUTLER. I mean precisely what I say, that there is not the same degree of accountability.

Mr. HARRISON. There is precisely the same degree of accountability, only the discretion as to the use of it is changed and enlarged. The sole difference is that in the States having less than 8 per cent. of illiteracy we enlarge the discretion of the Legislature in dealing with the fund.

Mr. BUTLER. In other words, it will be a surveillance over the States of the South and will not be over the States of the North.

Mr. HARRISON. Not a whit more. We require those States to report what they have done with the money, just as we require the Southern States to report, and to state what their school system is. They have to make the entire report precisely as they do from the other States; but we simply enlarge the discretion of the Legislature in order that this fund may do us some good. We have diminished it to such an extent that it will do us no good if we are to distribute it through our common-school districts, and we simply ask the privilege of using it so that it may do us some good.

Mr. BUTLER. Then I will ask another question. Can not the Legislatures in those States where there is 8 per cent. of illiteracy exercise

the same judgment and be just as much trusted and relied upon for a faithful application of this money as those States that do not have so much illiteracy?

Mr. HARRISON. I say it is not a question whether the Legislatures are to be relied upon; it is simply a question of the direction by Congress of the money to the purpose for which we vote it. I would not be willing to give this discretion to any State having more than 8 per cent. of illiteracy and professing its inability to deal with the common-school question in that State. I say we ought to direct by the bill that it should go for common-school education alone.

Mr. LOGAN. I move to strike out the last line for the purpose of making a remark. I desire to call the attention of the Senator from Indiana to this fact——

The PRESIDENT *pro tempore*. The Senator from Illinois will state what his amendment is.

Mr. LOGAN. To strike out the last line of the section.

The PRESIDENT *pro tempore*. That amendment is not in order at this time. The Senator from Illinois may move to strike out "eight" and insert "nine" if he likes.

Mr. LOGAN. I will do it, sir.

Mr. SHERMAN. Move to strike out "eight" and insert "ten."

Mr. LOGAN. I will make any motion necessary, merely to call the attention of the Senator from Indiana to this proposition: Take what he says himself and what is said by the Senator from Massachusetts and the Senator from Connecticut also, that the theory of the bill is to educate the colored people, they being the illiterate people and the people to whom we owe a great obligation as it is inferred from what has been said. If that be true, the only way to do that is by the distribution of the fund to common schools.

Now, take the State of Kansas. I do not know what the exact population is, but there are more colored people in the State of Kansas than there are to-day in the State of Maryland, perhaps more than there are in the State of Kentucky. There are more colored people in the State of Illinois than there are in Delaware.

Take the colored people in the North, who are a part of the colored people who were slaves prior to the late war; they are entitled to a portion of this distribution as well as the colored people of the South. If you use the money for the purpose of aiding the normal schools of the country, you then deprive the colored people of the North of a great portion of the benefits of this fund, not for the reason that they are not permitted to attend the normal schools, but the fact is that they do not attend them except a few. Take the two normal schools in my own State. In one of them I have never known more than one colored person to be educated, although it is located in a portion of the State where the most of the black population of the State live.

The adoption of this section strikes out all the power of your legislation to do the very act that you claim the bill proposes to do, and that is to apply the fund for the benefit of the colored people of the land. I look upon the theory of the bill as applicable to all classes, colored and white, who are illiterate; but according to the statement of the gentleman that it is peculiarly and particularly for the benefit of the colored people of the South or of the colored people of the North, for they are all of the same race——

Mr. HOAR. I did not say that.

Mr. LOGAN. No, but it has been said by different Senators. According to that theory this section is certainly not in accordance with the desire of the Senators who promote this bill. I do not believe that you can satisfy the people of this country with that section in it.

I live in a populous State. It is a rich State. The people are capable of educating their own children, and they do it. They do not stand in the scale to-day, as far as illiteracy or education is concerned; but, proud people as they are, if they are called upon to pay a great portion of the tax for assisting in the education of these people I think they will not refuse their own proportion and share of this fund that is to come from the National Government. Nor do I believe that there is a State in the East that will refuse it. Small or large, it makes no difference; all are entitled to it. If they pay the tax that produces this fund they are entitled to their pro rata share of it, no matter whether it is small or great. For those reasons I think the section ought not to remain in the bill.

Mr. HOAR. This whole thing is illustrated by the story of a colored man who was to raise a crop of cotton, of which he was to have a third. On being asked how it turned out, he said they only had a third of a crop, so he took the whole. This bill provides that in every State of the Union the Legislature may, in its discretion, apply 10 per cent. of the money that it receives to normal schools.

Mr. PLATT. Of what character?

Mr. HOAR. In the ninth section on the seventh page, for teachers of common schools. Normal schools are a kind of common school. It is there that the teachers of common schools are instructed.

Mr. LOGAN. No; I beg the Senator's pardon, they are not a part——

Mr. HOAR. Let me state it. Normal schools are in my opinion, and I affirm, a part of the common-school system. That is my opinion about it. They are so in our State. But whether they are or not, they are a method for providing teachers and instruments for the common schools. Every State in this Union will be entitled to appropriate a tenth of the money that it gets for that purpose, but in a good many of the States the whole sum they will get will not amount to a tenth that the other States will get, or much more, so where the amount they are to get is so small that it is not worth the cumbrous mechanism of distributing over the whole common schools you say that this object for which the other States are going usually to pay out as much of the money in actual sum as this little sum, all the States that have less than 8 per cent. of illiteracy may apply their entire proportion to this purpose. Some of the States have only 2 per cent. of illiteracy. New Hampshire has only 2 per cent. of illiteracy, I think.

Mr. BLAIR. New Hampshire has about 5 per cent. Wyoming has 2.67 per cent. of illiteracy.

Mr. HOAR. Well, 2 or 3 per cent. Instead of letting them pay the tenth of it to normal schools you let the Legislature if it chooses give the whole, and practically Massachusetts will not give as much, New Hampshire certainly will not, or Connecticut, or Vermont, or will Maine, give as much of the sum received by the bill, if the Legislatu reelect to give the whole to normal schools, as North Carolina or Georgia will, they being confined to the tenth. Georgia gets thirty-six times as much of this fund as New Hampshire, and she is at liberty therefore under the bill to give more than three times as much as New Hampshire is. That is the whole of it.

Mr. ALLISON. Mr. President——

Mr. LOGAN. I wish to ask the Senator from Massachusetts——

Mr. HOAR. If I have any time left, I will give it to the Senator from Illinois.

Mr. LOGAN. You have time; you can answer it "yes" or "no." My question is in regard to the story the Senator told of the colored man who raised only a third of the cotton. I should like to have the Senator state whether the colored man got that third or whether he did not.

Mr. HOAR. Certainly, he got it.

Mr. LOGAN. Under this bill I do not think he would get it.

Mr. HOAR. The colored man was the legislator, who made the distribution himself.

Mr. ALLISON. The only argument I have heard in favor of this twelfth section is that it will be some inconvenience to States like New Hampshire and Massachusetts to distribute this fund on account of its being so small. I think those States had better subject themselves to some little inconvenience in order to have a general system with reference to this matter.

It is said that this is a discrimination by the bill against a portion of our country. I think it is of that nature, because, although no States are mentioned, it is true that this provision fixing 8 per cent. applies to every Northern State except Rhode Island, and the point above 8 per cent. includes every Southern State, and includes the Territories of New Mexico and Arizona.

Therefore I shall vote against this amendment and I shall vote with the Senator from Illinois to strike out this section, because I believe that if this section is to be retained the money should be distributed in the way that we have provided elsewhere. The object of the bill is practically stated in one of its sections, and I think this is in violation of the object of the bill:

> That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories.

If that is the object of the bill, and I take it to be its object, I am not in favor of establishing a system of normal schools in every State of this Union which will grow in its expenditure, and which will come here year by year, not for these eight years but for all succeeding years, asking us to make appropriations to maintain that system of normal schools. I am in favor of striking out the twelfth section and leaving every State to stand upon the general provisions of the bill.

I will say further that my inclination is to vote for the amendment suggested by the Senator from Connecticut [Mr. PLATT] so as to confine the bill to the real purposes which the debate has disclosed to be the intent of it.

Mr. PLATT. The discussion upon this amendment makes more clear the wrong principle upon which this money is given. A word has arisen in the discussion which has fallen from the lips of almost every Senator who has discussed the bill which is dangerous in its tendency, and that is the word "distribution."

The bill professes to aid education, because, as is said, the colored race are illiterate and because certain States within which that illiteracy of the colored race exists are unable to remedy the condition of things. But the moment that you go outside of that, the moment that you forget the purpose of the bill and give money to the State of Kansas or to the Territory of Wyoming, which has less than 3 per cent. of illiteracy, then you come to the distribution of money among the States. That is a dangerous doctrine and one which I do not want to sanction.

I think that there is much to be feared from the idea which is prevailing in the Senate that if the Government is going to do anything in any one State to aid education it must, in order to do it, distribute some money to all the States. That is an evil which we have much reason to fear. It is for that reason that I do not desire that these States which have so small a percentage of illiteracy shall have any portion of this money. If there was no more illiteracy in this country

than exists within the States which come within the amendment which I propose to offer and have not 9 per cent. of illiteracy, nobody would pretend to justify this bill. But there seems to be an idea that because in certain sections of the country there is a large proportion of illiteracy, and because the States there are not able to deal with it, the Senate and the Government can not deal with it unless they distribute some paltry pittance to all the States of the Union.

If this distribution be made it will be the first time in the history of this Government that there has ever been *eo nomine* a distribution of money to the States, and I fear that it will not be the last time, but it will be a precedent which will justify future distributions for other purposes.

I want to vote for this bill. I think the purpose of aiding in education where the States are unable to do all that should be done is a good one, and I want to vote for it. I wish the General Government to supply the means, but I do not want, in order to have such a bill pass, that we shall adopt the principle of taking money out of the national Treasury and distributing it among the States, for that is just what this bill is, and nothing else.

The PRESIDENT *pro tempore*. The time of the Senator from Connecticut has expired. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN], to strike out the word "eight," in line 4, and to insert "nine."

Mr. LOGAN. I withdraw the last amendment that I offered.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois is withdrawn. The question recurs on the amendment proposed by the Senator from Indiana [Mr. HARRISON], to strike out the word "five," in line 3 of section 12, and to insert "eight." [Having put the question.] The noes appear to have it.

Mr. PLATT. I do not think the question was understood.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana to strike out the word "five," in line 3 of section 12, and to insert the word "eight."

Mr. PLATT. The Senator from Illinois did not withdraw his first amendment?

Mr. LOGAN. No; I withdrew the last amendment. My first amendment is to strike out the whole section.

The PRESIDENT *pro tempore*. That amendment is not in order until the question is taken on the amendment of the Senator from Indiana.

Mr. LOGAN. I was going to ask whether the question to perfect the section first would not be taken before the question can be taken on the motion to strike out the section.

The PRESIDENT *pro tempore*. The question of perfecting must first be put. The question is on agreeing to the motion of the Senator from Indiana to increase the per centum from 5 to 8 per cent. of the population, &c., in respect of using the money for normal schools.

The question being put, there were on a division—ayes 16, noes 22; no quorum voting.

Mr. HARRIS and Mr. HARRISON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. BECK (when Mr. HALE'S name was called). I am paired with the Senator from Maine [Mr. HALE]. I do not know how he would vote on this amendment, and I withhold my vote.

Mr. HARRIS (when Mr. FARLEY'S name was called). The Senator from California [Mr. FARLEY] is paired with the Senator from New York [Mr. LAPHAM], and both Senators are temporarily absent.

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON], unless my vote should be necessary to make a quorum.

The roll-call was concluded.

Mr. JONES, of Florida. On this amendment I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

| | | | |
|---|---|---|---|
| Blair, | Edmunds, | Hoar, | Platt, |
| Conger, | Frye, | McMillan, | Riddleberger, |
| Cullom, | Harrison, | Manderson, | Sawyer, |
| Dawes, | Hawley, | Miller of N. Y., | Sherman, |
| Dolph, | Hill, | Morrill, | Wilson. |

NAYS—25.

| | | | |
|---|---|---|---|
| Bayard, | Colquitt, | Maxey, | Ransom, |
| Brown, | George, | Miller of Cal., | Saulsbury, |
| Butler, | Harris, | Morgan, | Vance, |
| Call, | Jackson, | Pendleton, | Williams. |
| Camden, | Jonas, | Pike, | |
| Cameron of Wis., | Kenna, | Plumb, | |
| Coke, | Logan, | Pugh, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Aldrich, | Farley, | Jones of Florida, | Sabin, |
| Allison, | Garland, | Jones of Nevada, | Sewell, |
| Anthony, | Gibson, | Lamar, | Slater, |
| Beck, | Gorman, | Lapham, | Van Wyck, |
| Bowen, | Groome, | McPherson, | Vest, |
| Cameron of Pa., | Hale, | Mahone, | Voorhees, |
| Cockrell, | Hampton, | Mitchell, | Walker. |
| Fair, | Ingalls, | Palmer, | |

So the amendment was rejected.

Mr. LOGAN. I now move to strike out the section.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Illinois moves to strike out section 12.

Mr. HAWLEY. I was rising to support that; I did not know but that the motion was pending already. I shall vote to strike out that section. We are developing, as we proceed with this discussion, the serious objections to the whole measure. Here is a great temptation. This provision of the bill would give to my State $31,000 to apply to the normal school.

Mr. BLAIR. Not necessarily; just as you please about it.

Mr. HAWLEY. But the State is abundantly able to take care of both her normal school and her common schools, and she does it. The State may say, "Here is so much clear gain; let us endow the normal school with it." If I have not sense enough to resist that temptation here—and people will scold me at home for voting against it—if I have not sense and courage enough to do it now, I wish to ask you how at the end of eight years you will stop doing it? You are beginning a system of distribution of surplus revenue to conduct within a State that which the States know they ought to do, that which they always have done, that which they are perfectly willing to do according to the best of their ability. You are by this bill beginning to teach them to go to the General Government when they feel a little unable to perform an obvious duty.

It is proposed to give to my State $31,000 for this purpose. We are behaving as if we had found some money somewhere that did not come by taxation; some that we were at liberty to spend in a general way, as if your wife should say, "Having inherited a thousand dollars from a kind uncle, now I will have a sealskin coat." But this money all came from taxation; it all came from the pockets of the people; it came for definite constitutional purposes. I lament that there is such a surplus. This is not the first error into which we shall be drawn by having $100,000,000 to spare. I wish we had not one dollar over the necessities of the Government and the sinking fund. We are embarking on a course that has nothing in my opinion but danger in the future to the best interests of the States.

Mr. MAXEY. Mr. President, the Senator from Indiana inquired about certain States having a certain percentage of illiteracy taking this money to be distributed among the higher grades of schools above common schools, and said for that reason that it would derange the common-school system to distribute it among them.

The objection I have to this bill from beginning to end is that whenever the United States goes inside a State to distribute funds there, it deranges their whole school system. You paralyze the energies of the people of the State which uphold and maintain the school system. You teach them to rely upon the Federal Government to support their schools, and when the eight years have passed away you have demoralized the people on the question of common schools, you will have a great system of common schools built up by what is called the munificence of the Federal Government, and your people in the States will have been taught not to rely upon themselves by taxation to support that system.

In the end you will injure the school system in every State. Let every State rely upon its own energies; upon its own manhood; upon its own resources, and you will do what the South is now doing, build up a common-school system. Let them alone, and at the end of these eight years, let alone, they will have a better common-school system than they will have if you give this $77,000,000 out of the Treasury of this Federal Government, and at the end of eight years you will have the children educated by the action of the people, by their exertion, by their own will, and by the effects they see from that exertion. You will have a common-school system going onward and upward, just like in Massachusetts, when they began in a small way fifty years ago; they started, and they have gone on step by step until they have a magnificent system. Let the States alone, and they will have that system.

Sir, I believe that it is demoralizing to a State for this Government to come in and help her people who are not helpless. I do not agree even with those gentlemen who believe their States need helping. The way to make a man worth help is to let him always rely upon himself and not upon others. The way to make a people independent—and the independence of a people is the jewel of a State—is for them to rely on themselves. Manhood is of the essence of success in private affairs. The manhood of the people of a State is the success of the State. Let us rely upon ourselves.

For this reason I am opposed to the whole system from beginning to end. I do not want this money distributed among the States, because I believe it will do more harm than good.

Mr. BLAIR. This section is not of any particular consequence. It is not worth fussing about. I hope it will be stricken out. I trust there will be no more time wasted upon it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois [Mr. LOGAN] to strike out the twelfth section of the bill.

The amendment was agreed to.

Mr. SHERMAN. I desire to offer an amendment that I introduced early in the debate, to come in at the end of the second section.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to add at the end of section 2:

And the sum so paid shall be apportioned among the several counties, cities, towns, parishes, and townships of each State or Territory, and, when practicable, among school districts, as defined by this act, in the proportions that the number of persons in such corporations, who being of the age of 10 years and over can not write, bears to the number of such persons in such State or Territory according to the census of 1880.

Mr. SHERMAN. Mr. President, section 2 of this bill makes an apportionment among the States of $77,000,000 according to illiteracy, or, to use another phrase, the phrase used in the bill, according to the number of persons in the different States that can not write. This rule of apportionment is a just rule under the circumstances, because the evil we are seeking to redress is the degree of illiteracy which grew out of the existence of slavery in the Southern States. The rule, therefore, of apportionment is correct.

The evil to be removed is the ignorance that prevails, especially among the great mass of the negroes that have been freed by emancipation, and therefore I am very willing to see this distribution made, although the State which I represent receives practically nothing from this appropriation—I think $100,000 out of $7,000,000—and I do not care whether it receives anything or not.

This money is to be divided among the States according to illiteracy. All that I desire, the only amendment I intend to propose to this bill and the only one I care to see enacted to carry out the idea of its distribution, is that this money shall be divided by the States according to the same rule of illiteracy. I wish to prescribe no other, and I do not see how any State or the people of any State can take offense or find fault with this rule of distribution. The money is given to them to enable the States to educate ignorant people in their limits, to remove to a certain extent the cloud of illiteracy that prevails in those States. The rule of justice that gives them so large a portion of this fund, nearly three-fourths, that gives them $11,600,000 out of $15,000,000, that rule which gives them this enormous disproportion according to population ought to be applied also in the distribution of this money among the people of the States according to their geographical divisions.

Now let me illustrate: In the valley of the Shenandoah, as beautiful a country as the sun shines upon, there is a rich people who cultivate a productive soil, where the degree of illiteracy does not exceed 8 or 10 per cent. In other portions of Virginia, as in the Petersburg region, there is an illiteracy that approaches 50 or 60 per cent. So while with 5,000 school children living in the valley of the Shenandoah there would be among them according to the tables furnished to us now about six hundred illiterate people who can not write, in the region about Petersburg there would be among 5,000 people over 3,000 that can not read and write.

Mr. MAXEY. Will the Senator yield to me?

Mr. SHERMAN. No; I have but five minutes.

Mr. MAXEY. I was only going to call the attention of the Senator to one point where he is mistaken.

Mr. SHERMAN. I will hear the Senator; he says I am mistaken.

Mr. MAXEY. That would derange the entire system of distribution in the States, which is on the number of children within the scholastic age.

Mr. SHERMAN. That is precisely what I want to do. I desire to make this distribution depend upon the illiteracy of the different portions of the State; and, to carry out my illustration, is it right to give to 5,000 school children in the valley of the Shenandoah the same amount of money to aid in educating six hundred illiterate people as you would give to the region about Petersburg, where the same number of school children have among them more than 3,000 illiterate people, or five times as many? There is the principle.

I think there is no difficulty under the census of 1880 in dividing this money among the different counties or cities, and if you please among the school districts, according to the number of people to be taught there, among the people to be educated, and those communities ought to have this money in proportion to their illiteracy. To require of the people of the Petersburg region, for instance—I merely give that as an example—to educate 3,000 illiterate children in a neighborhood with the same money which would educate six hundred in the valley of the Shenandoah would be an act of injustice, and the same irregularity exists elsewhere. There are in many of the Southern States large portions of intelligent educated population. I am told that in some of the cities of the Southern States the degree of illiteracy falls clear down, so that it probably would not exceed 10 or 12 per cent., while in other portions, perhaps in Mississippi and some other places, the illiteracy rises to as high as 70 per cent. Now, if you are to deal with this question as a practical evil you must divide this money and apportion it among the illiterates of the South, and not by a general rule of distribution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. Mr. President——

Mr. SHERMAN. I will submit a *pro forma* amendment, because I do not wish to speak again.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. HARRIS. I should like to ask the Senator from Ohio if I understand his amendment, supposing from hearing it read and from the remarks he has submitted that he proposes that this appropriation shall be followed by Federal authority not only to the States but to each and every county of the State, and from the county to every school district in the State and determine its distribution as between the school districts of the county. Is that the effect of the amendment?

Mr. SHERMAN. You invite me to answer a question, but I will not violate the rule. I will move to strike out——

Mr. HARRIS. The Senator can answer in my time.

Mr. SHERMAN. I know that; but I move to strike out the last word in my amendment.

I answer then the Senator from Tennessee frankly no. This money ought to be expended by the State authorities. We can not, nor do I desire to, enter any State of this Union and expend this money. It must be done under the State authority by school teachers selected in the State, in school-houses established in the State, under the terms of this bill.

Mr. HARRIS. Will the Senator allow me to ask if that State authority is to be controlled by the language of his amendment in the method of distributing this fund as between the school districts of the various counties of the various States?

Mr. SHERMAN. I answer, not in the slightest degree; but we can say where our money shall be expended. We may say where that money shall be apportioned. So, by the same rule that this money is paid to the States, we may say that it may be apportioned in that way, and when so apportioned it is left to the will of the State and to the people of the State, the Legislature of the State, to say how that money shall be expended.

Mr. HARRIS. Will the Senator pardon me again?

Mr. SHERMAN. Certainly.

Mr. HARRIS. Does not his explanation mean exactly what I implied in my first question?

Mr. SHERMAN. I think not.

Mr. HARRIS. That his amendment controls the distribution of this fund not only as between the various counties in the State, but as between the various school districts in a county?

Mr. SHERMAN. The Senator asked me a moment ago as to the method of expenditure.

Mr. HARRIS. On the contrary, I undertook to ask, and thought I did ask, the Senator the same question that I now ask him.

Mr. SHERMAN. Now, I will answer that this does nothing whatever except to apportion this money among the geographical divisions of the State, leaving to the State authorities the mode, method, manner, and means of expending the money; and it is perfectly just. You receive this money from the Government of the United States upon a certain rule of apportionment, which gives you an enormously larger sum than you would receive on the basis of population.

Mr. BUTLER. May I ask the Senator would not the duties of the State officials then be purely and simply ministerial under this amendment?

Mr. SHERMAN. On the contrary, the duties of the State officials are absolute in the direction and control of this money. The money must be expended in the portions of the State provided for by this distribution just as it is to be distributed among the States, and it leaves the State authorities the same absolute control over the expenditure and administration of this money. Has not the United States, if it has the power to grant this money at all, the right to say where it shall be expended? Clearly so; and it seems to me that this forms a rule that would relieve the evil that is now complained of, the evil of illiteracy.

Even then I believe the fund here proposed to be distributed will be ample in counties and portions where there is a great amount of illiteracy. The fund given by the National Government would enable them to establish more schools and give greater facilities, while in other more favored regions where this degree of illiteracy does not prevail there would be a less fund to be distributed within that geographical region.

Mr. MILLER, of California. Allow me to ask the Senator a question. Does he establish the basis of illiteracy on the children of school age or take the illiteracy of all the people?

Mr. SHERMAN. I would prefer to take the rule of distribution according to the illiteracy of children; but I take the same rule that is provided for the distribution of the money among the States under the bill, so that the same rule of distribution would be applied to geographical divisions, taking the census of 1880 as a guide, and that is the only guide in both cases, taking the same rule precisely. It is to be applied in the distribution of this money among the geographical portions of the different States as it is applied when they receive the money from the national Treasury. The more I have thought of this matter, over and over again, I see no practical difficulty in the way.

The table and amount of apportionment will be furnished by the Secretary of the Interior under the language of this bill, and then the States receive this money just as fully and absolutely as they would receive it under the bill as it now stands, only, however, that it is imposed upon the State as one of the conditions of this grant that it shall distribute this money according to illiteracy, giving greater facilities where there are more to be taught and less school facilities where there are less to be taught, and not giving, as in the case I put a moment ago, the same amount of money to educate six hundred illiterate children in the

Shenandoah Valley as you would give to educate thirty-four hundred in the region around Petersburg, in what is called the Black Belt.

That is all there is in this amendment. I have thought of it in every possible aspect that can present itself to my mind. It seems to me just and fair. And I believe it will remove much of the difficulty in the minds of many Senators here in regard to this bill, and does not in any sense encroach on the rights or powers of the States.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. RIDDLEBERGER. Mr. President, if this bill is anything it is an educational bill, and I should like to have eliminated from it on one side or the other or both sides of this Chamber the whole question of race and color, and let us understand that this money is going to be appropriated, if at all, for the education of the children of this country. We have settled all the preliminary questions, chief among which was the power of this Government under the Constitution to make this appropriation.

Now, the question which the Senator from Ohio raises would be answered back at once from the State of Virginia that if you appropriate this money in this discriminating way, by counties and by school districts, if you please, so as to give a certain section of that State more of it than you give to another because there is more illiteracy there, you encroach on the State's province. Has it ever occurred to the Senator from Ohio that that rich Shenandoah Valley of which he speaks has to contribute a much larger proportion of the State school fund than the south side section, and yet our State distributes it equally among all those people.

There is the answer to the proposition. If the State of Virginia is expected to distribute this school fund equally without regard to who pays it or who gets the advantage of it, why should we stand here and attempt to discriminate in that way?

That, sir, is the answer to it all, and that would make it so unpopular that a school system of this kind would not live a year. I want a system and I want it so popular as that it will outlive me, but if you start it in the way the Senator from Ohio proposes it will not live a year.

Can we not eliminate the question of race and color, the question of sections, and not seek to narrow it down to sections of country or sections of State? If we are for a system of free and general education and this Government has money to give to that purpose, and has the constitutional right to give it, let us give it, give it at once, give it promptly, not stintingly or hesitatingly.

I undertake to say further that if you will read the amendment of the Senator from Ohio and if the Senator will read it again himself he would not undertake to answer a bill in chancery, for he says "as far as practicable." The language, if I heard the amendment aright, is "as far as practicable;" and I undertake to say that that is not the kind of language to be used in drawing a great bill like this, where it is to undergo construction perhaps by the courts. I think the amendment itself is much more impracticable than the law would be if the amendment were ingrafted upon it. I hope it will be the pleasure of the Senate to vote down such an amendment as that, and let this fund be distributed without regard to race or color, for the free and general education of all the children of all the States; and unless we do that we shall have done nothing when we have passed this bill.

Mr. WILLIAMS. Mr. President, I hope this amendment will not be adopted, and I do not believe it will be. It is not only impracticable to carry its provisions out in the counties and school districts of the counties, but in my judgment it is utterly destructive of the bill itself. It proposes that the States shall receive this money on the basis of the illiteracy of those States, and that they shall distribute the fund in the counties and school districts according to the degree of illiteracy. How is it possible for a State to ascertain that? The only possible way for the States to distribute the money is to distribute it among the children that are in attendance on the schools, for every child that goes to school can in two or three weeks learn his alphabet.

You would have then in one district degrees of illiteracy which it would be impossible for any school superintendent on earth ever to comprehend. You would have one class that had got in their a, b, c's, and another class that had progressed as far as "baker," and you might have another district that had got to addition. Who is going to make this calculation? You will have to take a census in every county and school district in the State in order to ascertain the degree of illiteracy and the proportion that each school district would be entitled to of the fund that fell to the State in the general distribution. It is impracticable. It is the most ridiculous mode I ever saw for the distribution of a fund for any purpose on earth.

Mr. SHERMAN. Allow me to say to my friend that the rule is the census of 1880, the same rule by which the distribution is made among the States. It is not a changeable rule at all, but the rule of 1880 extends to the counties as it does to the States. There is no practical difficulty in the way.

Mr. WILLIAMS. But then the object of distributing this fund is to educate the children, and the States are the best judges. If you intend that they shall manage it, let them manage it; if you intend that the Federal Government shall manage it, say so; but do not make this a condition. The States are well enough disposed to this whole matter. It is abundantly proved before the Senate from the highest educational authorities of this country that no people is more willing to elevate the negro than the people of the South; but this proposition is impracticable and can not be carried out.

Mr. BLAIR. Just one moment. I have quite a number of pages of memoranda which I have had taken from the minutes of the census, showing that the enumeration districts oftentimes included counties, sometimes part of one county and part of another. In short, the census was so taken that it is utterly impracticable to ascertain the illiteracy by counties, and therefore the basis of distribution which the Senator from Ohio speaks of would utterly fail.

So far as the bill itself is concerned it provides that the distribution shall be made in such a way as to equalize the money that goes to each child per capita throughout the State. This fund goes in with the funds of the State, and both making one aggregate, are so distributed as to produce an equalization of school privileges throughout the State. I do not think that anything could be more just, and this amendment certainly would practically defeat the bill.

Mr. CALL. The best reply that can be made to the amendment proposed by the Senator from Ohio, which is intended as an impeachment of the good faith and the capacity of the States to make this distribution as may be required for the interest of the illiterate people, is to be found in a statement which I have from the superintendent of schools in Florida showing the distribution and the taxation for school purposes in that State. It is as follows:

Statistics do show that some, if not all, Southern States raise much more money for educational purposes in proportion to their assessed values than some of the most prosperous of the Northern States, and the newspaper press has not neglected to assert the fact, and in support of it we give certain figures in the case of Florida as compared with eight States, fairly representing the area of Northern territory from Maine to Kansas:

| | School receipts. | Assessed valuation. | Population. |
|---|---|---|---|
| Kansas | $1,740,593 | $170,813,375 | 996,096 |
| Rhode Island | 582,965 | 258,522,198 | 276,531 |
| New York | 10,895,765 | 2,679,139,133 | 5,082,871 |
| Maine | 1,089,414 | 235,978,716 | 648,936 |
| New Jersey | 1,914,447 | 527,451,222 | 1,131,116 |
| Michigan | 3,772,321 | 810,000,000 | 1,636,937 |
| Indiana | 4,480,306 | 720,944,231 | 1,978,301 |
| Minnesota | 1,679,297 | 258,055,543 | 780,773 |
| Total | 26,165,108 | 5,660,904,416 | 12,531,561 |

A statement of expenditures per capita of school children in the eight States, obtained from the report of the Secretary of the Interior, volume 4 of Messages and Documents, 1881 and 1882, shows these figures: Kansas, $4.68; New York, $6.57; New Jersey, $5.22; Rhode Island, $9.16; Maine, $4.61; Indiana, $5.80; Minnesota, $4.13; Michigan, $5.27. Florida (obtained from the official reports of the comptroller and treasurer of the State of Florida for the year 1883, $3.54 per capita of school children.

The assessed value of property in the eight States given amounts to about $444.78 for each person (using the figures given in the census for 1880 for ascertaining the population), and the average expenditures in the same States for each child of school age is $5.67. The assessed value of property in Florida will average to each person about $205.20 (using the census figures of 1880 for population), and the average expenditure as above given for each child of school age is $3.54. The census figures are adopted to find the population of Florida, and the property valuation is from State assessment of 1883, which is nearly double that of 1880, and allows the figures to show much more to the advantage of the eight States in the following comparative results: $444 per capita; $5.67 average expenditure for each child in the eight States; per cent., 1.217. $205 per capita; $3.54 average expenditure each child in Florida; per cent., 1.727.

The permanent investment of school fund increased from $250,284.25 in 1882 (the accumulations of thirty-seven years from March, 1845) to $429,984.25 in 1884—an increase of $178,700 in two years, being nearly 75 per cent. increase. We add the following summary of the State educational finances, as given us by State Treasurer L'Engle:

| | |
|---|---|
| Amount raised for school purposes in Florida: | |
| General school tax raised by the State | $55,297 30 |
| County school tax raised by the counties | 169,543 72 |
| Total raised by taxation | 224,840 72 |
| Add interest upon the permanent investment for educational funds | 37,507 00 |
| Aggregate school receipts | 262,347 72 |

From this statement it will be seen that in the eight States mentioned—Kansas, Rhode Island, New York, Maine, New Jersey, Michigan, Indiana, and Minnesota—the per capita valuation of property from the reports of the census is $444, the average school expenditure $5.67 for each child in those eight States, the per cent. being 1.217. In Florida the per capita is $205 of property, $3.54 is the average expenditure for each child in the State, and the per cent. is 1.727, exceeding that of these eight States, which is equally distributed to every colored and white child according to the degree of illiteracy throughout that State, impartially and without any kind of distinction—a taxation greater than that according to the per capita valuation of property in the eight States which I have named.

Now, I ask the Senator from Ohio, in all fairness, why impeach the good faith and the capacity of these States to make the distribution of the fund given by the Government, as they have cared for the fund raised by this very onerous taxation upon themselves?

Mr. GEORGE. Mr. President, there is one consideration to which I

desire to call the attention of the Senator from Ohio and the Senate. The amendment, as I understand it, proposes that the money appropriated by this bill shall be distributed in each school district according to the number of illiterates in each.

The object of this bill is to equalize school privileges throughout the States. These conditions occur in many of the Southern States—they do not occur in Ohio; there are sparsely settled districts in which there are a few children, living so far apart that a school of over ten or twelve scholars can hardly be got together. The land is poor and the people are poor. If this money is distributed according to the amendment of the Senator, the children in these poor districts, living so far apart, being obliged to attend the schools at which there are so few scholars, the schools in those districts would receive such a small proportion of the money distributed that it would do no appreciable good.

In one of these districts, and there are plenty of them in the South, there are not more than ten or fifteen children who can be got together near enough to go to a single school. If you distribute the fund per capita to these it would produce so little that enough money could not be raised to get a competent teacher. Then, again, there would be a larger amount of illiteracy owing to the larger population in a rich school district, and that illiteracy would result, not from an inability in that district to furnish the means to have schools, but from an indisposition on the part of children or their parents to go to the school, and the result would be that you would deprive the children of these poor and sparsely settled districts of any means of education, and you would pile up unnecessarily in the rich districts, thickly populated, an amount of money not needed by them, and which could not be used, because the children would not go to school or their parents would not send them.

The bill requires enough already.

In the eleventh section it is provided that the money shall be so used "as to provide, as near as may be, for the equalization of school privileges to all the children of the school age." Let us observe that rule—and that is the soul of this bill—to educate everybody. It is not that each individual shall get from the bill an equal amount. He may not need it; the locality in which he lives may furnish all the means needed, while the locality in another place would not be able to do it. I think the amendment of the Senator from Ohio would result in destroying the equality provided in the eleventh section of the bill.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his *pro forma* amendment?

Mr. SHERMAN. Yes, sir.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Ohio as an amendment to section 2.

Mr. SHERMAN. On that I should like to have the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I have noticed on page 10, section 13, of this bill the following language as the bill has been amended by the Senate:

The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

Mr. HARRISON. That amendment has not been acted on or proposed yet. I shall propose it when we get to it.

Mr. SHERMAN. I have not withdrawn any amendment except the *pro forma* amendment which I moved.

Mr. MORGAN. I know. Will the Senator from Indiana allow me to ask him whether this amendment has been adopted by the caucus?

Mr. HARRISON. It has not been acted on.

Mr. MORGAN. By the caucus?

Mr. HARRISON. I should not like to disclose to the Senator what took place in the caucus.

Mr. MORGAN. You would not?

Mr. HARRISON. No, I would not feel at liberty to do that. I have only to say to the Senator that we had better success in the way of harmony in the caucus we had here than the Senator's friends had at the other end of the Capitol.

Mr. MORGAN. Because you had more unity of purpose.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the motion of the Senator from Ohio to add to the second section.

Mr. MORGAN. I am speaking to that, rather in an indirect way; but still I am speaking to that amendment. I thought it was a legitimate inquiry to enter upon whether or not this part of the bill which I find in section 13 was dictated by the caucus. If that part of the amendment can get in, which I suppose the Senator from Ohio contemplates will be the fact, because a caucus has acted upon it, and nobody denies that, then I think I discover the reason why the Senator from Ohio is so desirous of having this in here. It gives him an opportunity of having some more investigations.

Instead of being confined to States and trying them here at the bar of the Senate, he can go into districts and counties, and instead of having two investigations pending here have two hundred after this bill shall have been adopted and after we shall have entered it upon the laws of this land. Look at the opportunity here that will be furnished for these political investigations:

The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

As the bill proposed, that is confined to States, State by State. As the Senator from Ohio proposes to amend it, it will extend to districts and counties and neighborhoods, and he can fix the place; he can go to this delectable point about Petersburg, where he says illiteracy is so great, though Virginia seems to have had some of her most notable statesmen to represent her from Petersburg. I was astonished to hear the complaint the Senator from Ohio made against that neighborhood and that district.

I am persuaded that the Senator from Ohio is at heart as much opposed to this bill as I am, and I gather it from the fact that he is attempting to put upon this bill a set of amendments which, if they succeed, if they are incorporated into the bill, will result in putting the bill in such an attitude before the Senate and before the country as that nobody can propose to vote for it.

I think I can not be mistaken upon this proposition. The Senator from Ohio is rarely mistaken in any view that he takes of a public question. He looks far into the future, far down into the recesses of that which lies beyond; and here he proposes in connection with his amendment to have the Senate of the United States giving for the next ten years to come, and perhaps twenty, or at least as long as the Republican party has a hope or expectation of maintaining control of this Government, an opportunity of having investigation after investigation into questions of whether there will have been some misappropriations or discriminations made in the neighborhoods about in the different States in the Union.

When the Senator's amendment comes to be tested by this part of the bill which the caucus has recommended, and which I suppose it is required shall be adopted, I think I see a very great difficulty in the adoption of the amendment and also of the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I would vote "nay" if he were here.

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. I should vote "nay" were he present.

Mr. JONES, of Florida (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here, I should vote "nay."

Mr. LAMAR (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I am against the amendment.

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired with the Senator from Kansas [Mr. PLUMB]. My colleague, if present, would vote "nay."

Mr. LAMAR. On consultation with the Senator from New Hampshire [Mr. BLAIR], I learn that the Senator from New Jersey [Mr. MCPHERSON] would vote "nay" if present, and therefore I vote "nay."

Mr. CAMDEN. I wish to announce that I am paired with the Senator from Kansas [Mr. INGALLS] on the bill itself, but I understand that the pair does not extend to the amendments.

The result was announced—yeas 7, nay 35; as follows:

YEAS—7.

| | | | |
|---|---|---|---|
| Conger, | Edmunds, | Miller of Cal., | Sherman. |
| Dolph, | Manderson, | Platt, | |

NAYS—35.

| | | | |
|---|---|---|---|
| Bayard, | Cullom, | Jackson, | Pendleton, |
| Blair, | Dawes, | Jonas, | Pike, |
| Brown, | Frye, | Kenna, | Pugh, |
| Butler, | Garland, | Lamar, | Ransom, |
| Call, | George, | Logan, | Riddleberger, |
| Camden, | Groome, | Maxey, | Saulsbury, |
| Cameron of Wis., | Harris, | Miller of N. Y., | Williams, |
| Coke, | Harrison, | Morgan, | Wilson. |
| Colquitt, | Hawley, | Morrill, | |

ABSENT—34.

| | | | |
|---|---|---|---|
| Aldrich, | Gibson, | Lapham, | Sewell, |
| Allison, | Gorman, | McMillan, | Slater, |
| Anthony, | Hale, | McPherson, | Vance, |
| Beck, | Hampton, | Mahone, | Van Wyck, |
| Bowen, | Hill, | Mitchell, | Vest, |
| Cameron of Pa., | Hoar, | Palmer, | Voorhees, |
| Cockrell, | Ingalls, | Plumb, | Walker. |
| Fair, | Jones of Florida, | Sabin, | |
| Farley, | Jones of Nevada, | Sawyer, | |

So the amendment was rejected.

Mr. HARRISON. I now move to amend section 13 by striking out down to and including the word "governor," in the third line, and inserting what I send to the Chair. I said to the Senator from Alabama when he called attention to this language that I intended to propose a modification of it before it was voted upon. The Secretary will take this modification as I suggest it:

That no second or other allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior, &c.

I propose to strike out the words "on or before the 30th day of June of each year," because it is an arbitrary date, and it might be that the report might come in afterward. It is simply to make the condition that this report shall be made first before the allotment is made—I think it is better—so that the section will read:

That no second or other allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him, &c.

As the bill runs now.

The PRESIDING OFFICER. The Senator from Indiana moves to amend the thirteenth section. The Secretary will report the amendment.

The CHIEF CLERK. In section 13 it is moved to strike out the following words:

That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor.

And to insert in lieu thereof:

That no second or other allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him.

Mr. HARRISON. The Senator from Massachusetts suggests that instead of "second or other," it should be "second or later," so as distinctly to exclude the first.

The PRESIDING OFFICER. Does the Senator modify the amendment?

Mr. HARRISON. I will substitute the word "later" for "other."

Mr. HOAR. Say "subsequent."

Mr. HARRISON. Very well; say "second or subsequent allotment."

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment was agreed to.

Mr. HARRISON. I do not know whether the amendment as acted upon includes the striking out of the words "on or before the 30th day of June of each year." I inquire whether the question was taken on that also?

The PRESIDING OFFICER. It has not been taken on that.

Mr. HARRISON. Then I move to strike out those words.

The PRESIDING OFFICER. The Senator from Indiana moves to amend section 13 further, by striking out the words "on or before the 30th day of June of each year," in line 4.

The amendment was agreed to.

Mr. HARRISON. Now, in line 10 of the same section, I move to strike out the words "section 4 of."

The amendment was agreed to.

Mr. HARRISON. Now, Mr. President, at the end of this section I move to insert what is in the hands of the Secretary.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to amend the section further. The amendment will be read.

The CHIEF CLERK. In line 37 of section 13, after the word "herein," it is proposed to insert:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

Mr. BUTLER. Now, Mr. President, I want to read that amendment as it has been amended. I want it to go in the RECORD. I do not remember the exact langauge of the amendment which has been adopted, and so I shall begin after the words "each year," on line 5:

File with the Secretary of the Interior a statement, certified by him—

That is the governor.

The PRESIDENT *pro tempore*. The amendment as agreed to at the beginning of section 13 will be read if there be no objection.

Mr. BUTLER. I shall be glad to have it done.

Mr. MORGAN. Let the whole section be read.

The Chief Clerk read as follows:

SEC. 13. That no second or later allotment shall be made under this act to any State or Territory unless the governor of such State shall first file with the Secretary of the Interior a statement——

Mr. HARRISON. The Chair will allow me. I desire to correct a clerical error. The word "later" was changed to "subsequent"—"second or subsequent."

The PRESIDENT *pro tempore*. The Chair recollects that the change was made. The word "subsequent" will be inserted.

Mr. BUTLER. Now I ask the secretary to read the rest of the section.

The PRESIDING OFFICER (Mr. PLATT in the chair). The residue of the section will be read, if there be no objection.

The Chief Clerk continued the reading, as follows:

a statement certified by him, giving a detailed account of the payments or disbursement made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory as required by section 8 of this act, and also of the number of public, common, and industrial schools; the number of teachers employed, the total number of children taught during the year and in what branches instructed, the average daily attendance, and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district, and such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds or any part thereof received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified it shall not be deemed a failure to comply with the conditions herein.

The PRESIDENT *pro tempore*. The amendment will now be read.

The Chief Clerk read as follows:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

The PRESIDENT *pro tempore*. The question is on this amendment.

Mr. BUTLER. I want to call attention to that portion of the section which follows line 20:

And such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require.

The amendment has the *imprimatur* of the caucus upon it, evidently, and I suppose it will be gulped and swallowed without any grimace or hesitation by our friends on this side, having been passed on by the caucus. I want to call the attention of the Senate, however, to its provisions:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior—

Not Congress; no other power, no other authority, but the Secretary of the Interior—

Shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

I think that might have been followed by an amendment: "whereupon Congress shall appoint a committee of investigation to proceed to such portions of the South as the Secretary of the Interior may suggest, and have a report made to Congress." I think that might as well have gone along on all fours with the amendment as far it has gone.

For one I can not vote for a measure that so thoroughly and completely emasculates the independence of the States and destroys the autonomy and self-respect of the respective Commonwealths. I have not stickled about State rights in this debate or any other. I do not propose to do so; but we have a written Constitution, and I have sworn to obey it; and while I shall not, as I said, stickle about strict construction or State rights, it does seem to me that that instrument is entitled to some respect at our hands; and if this bill with this amendment and this section does not completely destroy the self-respect and independence of the States of this Union, I do not see how the Senate could go to work to accomplish it.

Mr. GARLAND. I want to move an amendment on line 45 of section 13 in the amendment of the Senator from Indiana [Mr. HARRISON], to strike out the words "hear and examine" and insert in lieu thereof the word "receive." I do not object to the provision objected to by the Senator from South Carolina, for I think it is a proper enough safeguard for the Secretary of the Interior, who has charge of this matter throughout, to see that the law has been complied with. Indeed, that runs through everything in the relations of the General Government with the States. But when we give the Secretary of the Interior power to "hear and examine," that seems to put the power in the hands of the Secretary of the Interior to institute and organize a sort of court to arraign before its bar the officials of the States who have control of the management and disbursement of this fund.

I am very clearly of opinion that if that power is given the Supreme Court, on a contest, would hold it to be unconstitutional, because in the very early history of this Government, in the somewhat celebrated case of Hepburn in the second or third of Dallas, the judges on the circuit, Chief-Justice Jay being on circuit at the time, declined to exercise powers that Congress put upon them in the nature of commissioners, holding and stating the broad principle that these Departments of the Government were separate, and you could not delegate to one the powers of either of the others; you could not make a judge an executive officer, and you could not make an executive officer a judge. This attempts to do that.

Then I do not care to encounter a judicial combat about this matter or to incur any litigation in regard to it. It would be unseemly for

the Secretary of the Interior to send for persons and papers and make himself a kind of court to inquire into the distribution of this fund. I should have no objection to his receiving any complaint that might be made and turning it over for Congress in the exercise of its authority to see what should be done in the premises.

I do not think that on reflection the friends of this amendment will care to go so far as to say that the Secretary of the Interior shall be constituted a court to hear and examine questions of this character. In all these transactions as one of the executive officers of the Government he has to make his annual report through the President to Congress of all proceedings in his Department. That is well enough. Whatever complaint is made or whatever praise or credit in reference to the distribution of this fund is due I am perfectly willing he shall receive and turn over to Congress for its consideration, but I think in good faith the friends of this measure who have stood by it all along had better let these words go out and insert the word "receive."

Mr. HARRISON. The Senator from Arkansas seems to object that there is some judicial function conferred upon the Secretary of the Interior. I do not understand these terms so at all. It does authorize him to collect information. The amendment which the Senator from Arkansas proposes would simply make him the medium through which a petition or remonstrance or communication to Congress would come to us. It would not give him power to act on the information or to verify the statements made in it.

All that was intended by this provision was that if there was complaint made in any section of the country of an unjust discrimination in the use of this fund the Secretary of the Interior should receive that complaint, and that he should have some power to examine into the question whether the law was or was not in the particular case violated, and report his opinion or conclusion to Congress, to report not simply the complaint but any other information that came to him or that he was authorized by law to collect, just as all the Departments do, just as the Secretary of the Interior does with reference to the timber laws and various other laws the supervision of which is with him. He makes some inquiries with reference to them, and he reports the facts to Congress.

I do not think the amendment is subject to the criticism which the Senator from Arkansas makes, and I assure him that it was not intended to incorporate here anything that should be offensive to the true friends of the bill.

Mr. SAULSBURY. I should like to ask the Senator from Indiana a question. I understood him to say there was no judical power conferred on the Secretary of the Interior. I see that he is authorized to do certain things on a misapplication of the fund, that the State or Territory so misapplying the money or failing to do certain other things shall forfeit the right to any subsequent apportionment. Now, I apprehend that somebody must determine whether there has been a failure. There must be some person to declare the forfeiture. Who is that person, I should like to ascertain from the Senator?

Mr. HARRISON. Ultimately Congress, of course; but if Congress has made an appropriation and has directed the Secretary of the Treasury to pay it out to certain descriptions of persons or to certain persons upon certain proof being made, the Secretary of the Treasury must judge whether a person applying is of the description of persons authorized to receive it, and he must judge whether the proof which the person makes is according to the law.

This feature runs through our appropriation bills. When we pass an appropriation bill, bills for private claims, pension claims, what do we do? We say that a person who has served in the Army and who has suffered a disability so and so shall receive a certain pension. Who settles the question whether he has or not? This same Secretary of the Interior decides. So in all patent matters.

Now, what we propose here is that when we appropriate money to be paid out to certain classes of States who have done so and so in their own legislation, we must primarily commit the question to the person who is to pay out the money or to certify it for payment by the Secretary of the Treasury; and, of course, when he reports to us what he has done it is all subject to the control of Congress. If we find that he has withheld an appropriation that ought to have been distributed, it is perfectly competent and perfectly easy for Congress to direct its distribution.

Mr. BUTLER. Suppose the governor of a State should be dissatisfied——

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. SAULSBURY] is yet entitled to the floor. He was speaking, and asked a question which was being answered in his time.

Mr. BUTLER. Will the Senator from Delaware yield to me for a minute?

Mr. SAULSBURY. Yes.

Mr. BUTLER. Suppose the governor of a State should be dissatisfied with the finding of the Secretary of the Interior, what showing would that governor of a State have for a hearing?

Mr. HARRISON. Just what I suggested. If there is a complaint made from any section of the Senator's State, if there is an unequal and an unfair distribution of this fund, if the statute has been violated in one feature and that complaint is made to the Secretary of the Interior, undoubtedly if the governor chooses to present to him any statement showing that that allegation is false he will have opportunity to do it, and if he is dissatisfied with the action of the Secretary of the Interior, which as the disbursing officer he must take, he has only to lay the case before Congress and ask us to direct the appropriation notwithstanding.

Mr. BUTLER. This is the first time in this debate that I have heard the Secretary of the Interior called a disbursing officer. I do not understand that he handles a dollar of money.

Mr. HARRISON. I did not use the term accurately. He certifies for disbursement to the Secretary of the Treasury; he draws the requisition.

Mr. BUTLER. He does not disburse money.

Mr. HARRISON. The Senator's criticism is verbally correct, but not very important.

Mr. MORGAN. The bill provides in section 13:

> And if any State or Territory * * * shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, &c.

Now, there is a forfeiture. What is the meaning of a forfeiture in law? It means the destruction by some act of a right that has been granted depending upon a condition subsequent. In order to determine the forfeiture there must be some person who has judicial authority to ascertain its existence. A forfeiture relates to the surrender of a right, not to the surrender merely of a privilege or an expectation. In this bill it certainly relates to the surrender of a right, because the money has been appropriated and has been assigned to the State, and, therefore, the term "forfeited" applies to the surrender or the destruction of some right that has existed. In order that that forfeiture shall be made complete there must be some sort of judicial authority exercised to get it. It may be by a judge or it may be by some special officer designated by law to give effect to the forfeiture.

Now we proceed to ascertain from this bill, or the amendment proposed by the Senator from Indiana, who is the judge, who is the officer empowered by the bill for the law to declare and enforce by this forfeiture. It is declared in this language:

> If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided.

The Secretary of the Interior may declare the forfeiture, or in the event he finds that ground does not exist for declaring the forfeiture he may go on and distribute the fund for another year, leaving the whole judicial power of ascertainment and determination, according to the very terms of the amendment and the terms of the bill, in the hands of the Secretary of the Interior. While this is the case, the Senator from Arkansas says, "True enough the Secretary of the Interior may declare the forfeiture, he may prevent the money from coming to the State on the second allotment or any subsequent allotment, but he must be allowed to hear but not examine any complaints of misappropriation," &c. That is a very fine softening of the subject. At the same time it does not affect the material merits of the question.

Why should we say to the Secretary of the Interior, who has the power to hear and the power to determine the forfeiture and the power to step in between the State and the money and to prevent a State from getting the second or subsequent installment of this appropriation, "you may hear any complaints of misappropriation or of any unjust discrimination but you must not examine into the same?" There is a very startling want of logic in that proposition, it occurs to my mind.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired.

Mr. MORGAN. That is all I desire to say, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. GARLAND] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. BLAIR. Let the question be stated again.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The CHIEF CLERK. In section 13, line 45, it is proposed to strike out the words "hear and examine" and insert in lieu thereof the word "receive;" so as to read:

> The Secretary of the Interior shall have power to receive any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. MORGAN (when Mr. LAPHAM's name was called). The Senator from New York [Mr. LAPHAM] is paired with the Senator from California [Mr. FARLEY]. My pair has been transferred.

Mr. PLUMB (when Mr. VANCE's name was called). The Senator

from North Carolina [Mr. VANCE] and myself are paired on this proposition. If the Senator from North Carolina were present he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 23, nays 23; as follows:

YEAS—23.

| | | | |
|---|---|---|---|
| Bayard, | Colquitt, | Jackson, | Pike, |
| Brown, | Garland, | Jonas, | Pugh, |
| Butler, | George, | Kenna, | Ransom, |
| Call, | Gorman, | Maxey, | Saulsbury, |
| Camden, | Groome, | Morgan, | Williams. |
| Coke, | Harris, | Pendleton, | |

NAYS—23.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Logan, | Platt, |
| Blair, | Edmunds, | McMillan, | Riddleberger, |
| Cameron of Wis., | Frye, | Manderson, | Sawyer, |
| Conger, | Harrison, | Miller of Cal., | Sherman, |
| Cullom, | Hawley, | Miller of N. Y., | Wilson. |
| Dawes, | Hoar, | Morrill, | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Allison, | Gibson, | Lapham, | Slater, |
| Anthony, | Hale, | McPherson, | Vance, |
| Beck, | Hampton, | Mahone, | Van Wyck, |
| Bowen, | Hill, | Mitchell, | Vest, |
| Cameron of Pa., | Ingalls, | Palmer, | Voorhees, |
| Cockrell, | Jones of Florida, | Plumb, | Walker. |
| Fair, | Jones of Nevada, | Sabin, | |
| Farley, | Lamar, | Sewell, | |

The PRESIDENT *pro tempore*. The Senate being equally divided, the motion is lost. The question recurs on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. JONES, of Florida, (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were here I should vote "nay."

Mr. MORGAN (when Mr. LAPHAM's name was called). The Senator from New York [Mr. LAPHAM] is paired with the Senator from California [Mr. FARLEY].

The roll-call was concluded.

Mr. PLUMB. I am paired on this question with the Senator from North Carolina [Mr. VANCE].

Mr. CAMDEN (after having voted in the negative). I am paired with the Senator from Kansas [Mr. INGALLS]. I withdraw my vote.

Mr. ALLISON. I transfer my pair with the Senator from Missouri [Mr. COCKRELL] to the Senator from Colorado [Mr. HILL]. I vote "yea."

The result was announced—yeas 24, nays 22; as follows:

YEAS—24.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Hoar, | Morrill, |
| Allison, | Dolph, | Logan, | Platt, |
| Blair, | Edmunds, | McMillan, | Riddleberger, |
| Cameron of Wis., | Frye, | Manderson, | Sawyer, |
| Conger, | Harrison, | Miller of Cal., | Sherman, |
| Cullom, | Hawley, | Miller of N. Y., | Wilson. |

NAYS—22.

| | | | |
|---|---|---|---|
| Bayard, | Garland, | Jonas, | Pugh, |
| Brown, | George, | Kenna, | Ransom, |
| Butler, | Gorman, | Maxey, | Saulsbury, |
| Call, | Groome, | Morgan, | Williams. |
| Coke, | Harris, | Pendleton, | |
| Colquitt, | Jackson, | Pike, | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Anthony, | Gibson, | Lapham, | Slater, |
| Beck, | Hale, | McPherson, | Vance, |
| Bowen, | Hampton, | Mahone, | Van Wyck, |
| Camden, | Hill, | Mitchell, | Vest, |
| Cameron of Pa., | Ingalls, | Palmer, | Voorhees, |
| Cockrell, | Jones of Florida, | Plumb, | Walker. |
| Fair, | Jones of Nevada, | Sabin, | |
| Farley, | Lamar, | Sewell, | |

So the amendment was agreed to.

Mr. HARRISON. In section 14, line 4, after the word "Territory," I move to strike out the words "or the District of Columbia;" so as to read:

Whether any State or Territory has forfeited its right to receive its apportionment, &c.

The amendment was agreed to.

Mr. HARRISON. In section 14, line 7, after the word "Territory," I move to strike out the words "and the District of Columbia;" so as to read:

And each State and Territory from which such apportionment shall be withheld, &c.

The amendment was agreed to.

Mr. HARRISON. I move to strike out all after the word "Congress" where it first occurs in section 14, line 10, being the following words:

And if the next Congress shall not direct such share to be paid, it shall be added to the general educational fund for distribution among the other States and the Territories and District of Columbia which shall be entitled to the benefit of the provisions of this act.

The amendment was agreed to.

Mr. MORGAN. In section 14, line 7, after the word "forfeiture," I move to strike out the following words:

And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

I do not want my State, I will say, for one State, to be put into the attitude in this Government of taking an appeal from the decision of an inferior officer of the Government to the Congress of the United States. The idea that a State must come here in order to get her rights and take an appeal to the Congress of the United States is something that I think is rather beneath her dignity.

The Secretary of the Interior, when he is confirmed in his office, has to get the advice and consent of the Senators from that State in connection with the rest of the Senators representing as embassadors other States in this Union, and I do not care to have him boosted up into that sort of dignity and authority in this Government as that my State has to take an appeal from his decision upon a matter of constitutional right belonging to her. Her dignity may have been trampled under foot, her people may not deserve in the opinion of other States the respect of communities which are organized as great constitutional governments in this land; but so far as I am concerned, my State at least enjoys my confidence and my honor and my esteem and my reverence to that degree that I shall never consent either to take an appeal for her from the Secretary of the Treasury or the Secretary of the Interior, or to sit in the Senate of the United States to hear such an appeal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. BROWN. I can not quite agree with my friend from Alabama on this amendment. My State is exactly in that attitude now. At the last session of Congress we passed a statute appropriating thirty-five thousand five hundred and some odd dollars to the State of Georgia, and the Comptroller of the Treasury has credited that to a debt which Georgia as a State does not owe, and I have had to appeal to Congress to relieve us from the decision of the Comptroller of the Treasury.

Mr. MORGAN. Will the Senator allow me to ask him whether he had to get the assistance of an act of Congress to take an appeal before he came here, or did he come as a Senator and introduce a bill?

Mr. BROWN. Of course I came and offered a bill, but I had to appeal from the decision.

Mr. MORGAN. No; there was no appeal in that case. An appeal humiliates a man when you require him to go from a superior to an inferior jurisdiction.

The PRESIDENT *pro tempore*. The Senator from Alabama has once spoken on this amendment.

Mr. MORGAN. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered, and being taken resulted—yeas 6, nays 40; as follows:

YEAS—6.

| | | | |
|---|---|---|---|
| Butler, | Hawley, | Pendleton, | Saulsbury. |
| Camden, | Morgan, | | |

NAYS—40.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Jackson, | Morrill, |
| Bayard, | Dolph, | Jonas, | Pike, |
| Blair, | Edmunds, | Jones of Florida, | Platt, |
| Brown, | Frye, | Kenna, | Pugh, |
| Call, | Garland, | Logan, | Ransom, |
| Cameron of Wis., | George, | McMillan, | Riddleberger, |
| Coke, | Groome, | Manderson, | Sawyer, |
| Colquitt, | Harris, | Maxey, | Sherman, |
| Conger, | Harrison, | Miller of Cal., | Williams, |
| Cullom, | Hoar, | Miller of N. Y., | Wilson. |

ABSENT—30.

| | | | |
|---|---|---|---|
| Allison, | Gibson, | Lapham, | Slater, |
| Anthony, | Gorman, | McPherson, | Vance, |
| Beck, | Hale, | Mahone, | Van Wyck, |
| Bowen, | Hampton, | Mitchell, | Vest, |
| Cameron of Pa., | Hill, | Palmer, | Voorhees, |
| Cockrell, | Ingalls, | Plumb. | Walker. |
| Fair, | Jones of Nevada, | Sabin, | |
| Farley, | Lamar, | Sewell, | |

So the amendment was rejected.

Mr. HARRISON. In section 15, line 3, I move to strike out the words "and the District of Columbia" after the word "Territories," so as to read:

That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department.

The amendment was agreed to.

Mr. BLAIR. I move to amend the first section by adding at the close of the section as it now stands amended:

And the first-named sum of $7,000,000 is hereby appropriated for the purposes of this act.

As the bill now stands it is simply an enactment that there shall be annually appropriated the sum specified.

Mr. ALLISON. I think I would let that go until after we get the bill through.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to amend section 1 by adding thereto what will be read by the Secretary.

The Chief Clerk read the amendment.

Mr. BLAIR. Upon consultation with the chairman of the Committee on Appropriations, who thinks it would be better to withraw the amendment for the present, I will do so.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. PLATT. I move to amend by adding as an additional section what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add the following as an additional section:

SEC. —. That no portion of the money to be expended under the provisions of this act shall be expended or paid in any State in which the number of persons of 10 years of age and upward who can not write does not exceed 9 per cent. of the whole population thereof.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. PLATT. I do not know that I desire to say anything more upon the amendment than I have said upon the discussion of a former amendment, at least but little. I am, as I said, very much in favor of what I suppose to be the purpose and object of the bill. I shall bring myself to vote for the bill, however, with very great reluctance, if at all, if this amendment is not adopted. I desire to protest earnestly against any action of Congress which recognizes the doctrine of the distribution of the money from the Treasury of the United States among the States. I fear that this does.

One single other suggestion. The bill professes not to inaugurate the system of national aid for education as a permanent system. In section 8 as it stands I find these words:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided, &c.

I submit that the bill is entirely inconsistent if it extends this aid to States which do not need the money. At the end of the appropriations which are contemplated by the bill, no Senator supposes that the States in which illiteracy is the greatest will have such a perfected school system that there will be as small a percentage of illiteracy as in the States which under my amendment would not receive any of the benefits of this measure. If it is the theory of the bill that these appropriations shall stop at the end of eight years, or at furthest at the end of ten years, there is no argument upon which Congress can justify the extension of the bill to the States which have now a more perfect system of education and a less illiteracy than the States which have the greater portion of illiteracy will have at the time when these appropriations will cease.

It seems to me that if we are to extend this aid to all the States, it looks to a system of national education for all time, and I fear that such will be the case.

Mr. DOLPH. Mr. President, I shall vote for the amendment because it is in accordance with my views as expressed in the few remarks that I made on the bill at an early stage in the debate.

While I am on my feet I desire to say that on the 23d of last month I proposed certain amendments in order to have them printed, and in explanation of the reason why I do not offer them I will state that the amendment proposed by me, as I explained heretofore, was for the purpose of providing some supervision on the part of the General Government in the distribution of this fund. That having already been provided for in a more economical manner and probably just as effectively by conferring the right of supervision upon the Secretary of the Interior by the amendment offered by the Senator from Indiana [Mr. HARRISON], I shall not offer the amendment which I proposed and which was printed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 11, nays 34; as follows:

YEAS—11.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | McMillan, | Platt, |
| Butler, | Frye, | Miller of Cal., | Sawyer. |
| Dolph, | Hawley, | Pendleton, | |

NAYS—34.

| | | | |
|---|---|---|---|
| Bayard, | Cameron of Wis., | Dawes, | Harrison, |
| Blair, | Coke, | Garland, | Hoar, |
| Brown, | Colquitt, | George, | Jackson, |
| Call, | Conger, | Groome, | Jonas, |
| Camden, | Cullom, | Harris, | Jones of Florida, |
| Kenna, | Miller of N. Y., | Pugh, | Williams, |
| Logan, | Morgan, | Ransom, | Wilson. |
| Manderson, | Morrill, | Riddleberger, | |
| Maxey, | Pike, | Sherman, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Allison, | Gibson, | Lapham, | Sewell, |
| Anthony, | Gorman, | McPherson, | Slater, |
| Beck, | Hale, | Mahone, | Vance, |
| Bowen, | Hampton, | Mitchell, | Van Wyck, |
| Cameron of Pa., | Hill, | Palmer, | Vest, |
| Cockrell, | Ingalls, | Plumb, | Voorhees, |
| Fair, | Jones of Nevada, | Sabin, | Walker. |
| Farley, | Lamar, | Saulsbury, | |

So the amendment was rejected,

Mr. BUTLER. Now that the amendments of the Republican caucus have been voted upon, I shall ask the privilege of introducing an amendment which I offered a day or two ago, but I expect——

Mr. HARRISON. May I ask the Senator whether he has secured the consent of his colleagues on that side to his amendment?

Mr. BUTLER. That was not at all necessary. I am not like my friend from Indiana, who has to secure the consent of a caucus before he can offer an amendment. I expect my amendment will have the fate of the amendment of the Senator from Connecticut [Mr. PLATT], as his amendment does not appear to have been through the crucible of a caucus. But I wish to see if our friends who are advocating the bill are willing to run their hands into the pockets of their constituencies and see if they will take out the money to pay this sum. ["No!" "No!"] Well, I want to test it.

The PRESIDENT *pro tempore*. The Senator from South Carolina proposes an amendment, which will be reported.

The CHIEF CLERK. It is proposed to add as an additional section the following:

SEC. —. That the money to be provided for in this act shall be raised by a direct tax to be levied annually upon each of the States of the United States, which shall be apportioned among the several States according to their respective numbers.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment just reported.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. HOAR. I desire to inquire of the Chair, as a matter of order, if that amendment is in order under the Constitution? It is a provision for a direct tax, and can such a measure be originated in the Senate?

The PRESIDENT *pro tempore*. That is a constitutional question, not a parliamentary one. The Chair thinks the amendment is in order as a parliamentary question. If the Chair were obliged to hold as a point of order that all unconstitutional provisions should be rejected by the Chair, the Chair might find himself much occupied.

Mr. HOAR. The Chair will pardon me. I desire to say that in all legislative bodies in this country, including this Congress, unless I am very much mistaken in my recollection, the constitutional right to originate a measure is ruled upon by the presiding officer as a question of order. I have heard it done several times in the House of Representatives. It is a question of order. It may be the Chair is quite right in ruling that he has no right to deal with it.

Mr. BUTLER. This is an appropriation bill originating in the Senate. The Senate has voted for it so far——

Mr. HOAR. If the Senator will pardon me for interrupting him——

Mr. BUTLER. Certainly.

Mr. HOAR. The Senator moves to change a bill which is not a general appropriation bill, although it contains a provision that money shall be appropriated, into a tax bill. That is the effect of this amendment.

Mr. BUTLER. It is an amendment to an appropriation bill.

Mr. HOAR. If the bill went down to the House the Speaker of the House would rule as a question of order as to its reception as a bill from the Senate containing this proposition.

The PRESIDENT *pro tempore*. The Chair thinks that that may be; that the House of Representatives might refuse to receive a bill which they thought the Senate had no right to originate; but the Chair adheres to its opinion that it is not within the province of the Chair to rule this amendment out of order on the ground that the Chair may think with the Senator from Massachusetts, that it is an unconstitutional provision. That the Senate must decide in voting for or against it.

Mr. HOAR. If the Chair will pardon me, that is a ruling on my question of order. The question which I raised is a question of order, not a constitutional question.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. DOLPH. I should like to inquire of the Senator from South Carolina whether in his amendment he has adopted the language of the Constitution?

Mr. BUTLER. I have adopted the language of the Constitution. That instrument has been so kicked and cuffed about in this body for the last week or ten days that I do not know whether there is anything left, but I thought I would adopt part of the language of that instrument. I have done so in terms; and I hope the Senate will not find fault with me for adopting the language of the Constitution, if we can not conform to it in our votes.

The PRESIDENT *pro tempore*. The question is on agreeing to the

amendment of the Senator from South Carolina [Mr. BUTLER], on which the yeas and nays have been ordered.

The Secretary proceeeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE].

The roll-call having been concluded, the result was announced—yeas 6, nays 38; as follows:

YEAS—6.

| | | | |
|---|---|---|---|
| Butler, | Dolph, | Morgan, | Pendleton. |
| Coke, | Harris, | | |

NAYS—38.

| | | | |
|---|---|---|---|
| Bayard, | Edmunds, | Jones of Florida, | Platt, |
| Blair, | Frye, | Kenna, | Pugh, |
| Brown, | Garland, | Logan, | Ransom, |
| Call, | George, | McMillan, | Riddleberger, |
| Camden, | Groome, | Manderson, | Sawyer, |
| Cameron of Wis., | Harrison, | Maxey, | Sherman, |
| Colquitt, | Hawley, | Miller of Cal., | Williams, |
| Conger, | Hoar, | Miller of N. Y., | Wilson. |
| Cullom, | Jackson, | Morrill, | |
| Dawes, | Jonas, | Pike, | |

ABSENT—32.

| | | | |
|---|---|---|---|
| Aldrich, | Farley, | Lamar, | Saulsbury, |
| Allison, | Gibson, | Lapham, | Sewell, |
| Anthony, | Gorman, | McPherson, | Slater, |
| Beck, | Hale, | Mahone, | Vance, |
| Bowen, | Hampton, | Mitchell, | Van Wyck, |
| Cameron of Pa., | Hill, | Palmer, | Vest, |
| Cockrell, | Ingalls, | Plumb, | Voorhees, |
| Fair, | Jones of Nevada, | Sabin, | Walker. |

So the amendment was rejected.

Mr. RANSOM. I beg leave to offer an amendment to the body of the bill. In section 13, line 20, after the word "school district," I move to strike out the words:

And such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. RANSOM. Mr. President, at this late hour I shall detain the Senate but a moment. I hope that the committee, especially its chairman in charge of the bill, will give me attention for a few seconds while I call attention to these words.

In this same section it is provided what shall be a forfeiture of this appropriation, and the words declaring that forfeiture are almost as general as the words which I propose to strike out.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield?

Mr. RANSOM. Certainly I do, sir.

Mr. BLAIR. It is suggested by several Senators, as well as by the Senator from North Carolina, that there is no objection to those words being stricken out. The requirements are very specific and numerous, and perhaps there may be some objection, as the Senator suggests, to those words. I have no objection to their being stricken from the bill.

The question being put on the amendment, there were on a divison—ayes 23, noes 14; no quorum voting.

Mr. PENDLETON. Let the roll be called.

Mr. CAMERON, of Wisconsin, and others. Give it up.

The PRESIDENT *pro tempore*. The rule requires, when it appears there is no quorum——

Mr. RANSOM. Let us take another division.

Mr. CONGER. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are demanded by the Senator from Michigan.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 30, nays 14; as follows:

YEAS—30.

| | | | |
|---|---|---|---|
| Bayard, | Dolph, | Jackson, | Pike, |
| Blair, | Edmunds, | Jonas, | Pugh, |
| Brown, | Garland, | Kenna, | Ransom, |
| Call, | George, | Lamar, | Riddleberger, |
| Camden, | Groome, | Maxey, | Sawyer, |
| Coke, | Hampton, | Miller of N. Y., | Williams. |
| Colquitt, | Harris, | Morgan, | |
| Cullom, | Hoar, | Pendleton, | |

NAYS—14.

| | | | |
|---|---|---|---|
| Butler, | Frye, | McMillan, | Platt, |
| Cameron of Wis., | Harrison, | Manderson, | Wilson. |
| Conger, | Hawley, | Miller of Cal., | |
| Dawes, | Logan, | Morrill, | |

ABSENT—32.

| | | | |
|---|---|---|---|
| Aldrich, | Beck, | Cockrell, | Gibson, |
| Allison, | Bowen, | Fair, | Gorman, |
| Anthony, | Cameron of Pa., | Farley, | Hale, |
| Hill, | McPherson, | Sabin, | Vance, |
| Ingalls, | Mahone, | Saulsbury, | Van Wyck, |
| Jones of Florida, | Mitchell, | Sewell, | Vest, |
| Jones of Nevada, | Palmer, | Sherman, | Voorhees, |
| Lapham, | Plumb, | Slater, | Walker. |

So the amendment was agreed to.

Mr. MORGAN. I offer the following amendment as an additional section to the bill:

The fund provided in this act shall not be withheld from any State on account of the fact that its constitution forbids the expenditure of the principal sum of any money that may be appropriated by Congress for the purpose of public education.

I will explain that my purpose in offering the amendment is to get around a difficulty which the constitution of Alabama seems to interpose in regard to the Legislature accepting this fund in the form in which the bill tenders it. I will read it:

The principal of all funds arising from the sale or other disposition of lands or other property which has been or may hereafter be granted or intrusted to this State, or given by the United States for educational purposes, shall be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

I desire to protect the State of Alabama from any possible construction of this act by the officers of the United States Government upon which they would be induced to withhold the fund because they might suppose that under the constitutional provision Alabama would have no right to receive this and apply it to the purposes of education. Our Constitution requires that the principal sum of all moneys appropriated by the United States or of property received from the United States or the proceeds of the sales of all property received from the United States shall be set apart as a permanent fund and that the interest alone upon the fund shall be applied to the purpose of education.

This safeguard was put in the constitution of the State in order to prevent the Legislature from making any waste of funds arising from property donated by the Government of the United States for the purposes of education, in order, in other words, to get our State out of the trouble into which Florida seems to have fallen, which had 82,000 or 98,000 acres, I forget which, of public lands donated by an act of Congress, and a constitutional ordinance for the establishment of a university in that State, and nobody has ever yet heard of a Florida university. The lands are all gone or the scrip, or whatever it was, and the whole subject perished and the university is not there. Our State, when we got possession of the government recently, ordained in its last constitution that whatever of funds had arisen or might thereafter arise by donations from the Government of the United States, or by the sale of public lands or other property by appropriations from the Government of the United States in favor of education in our State, should be put into a permanent fund and should not be touched by the Legislature except for the purpose of education, and that only the interest of it or the proceeds of it should be so applied. This may stand in the way.

Mr. MILLER, of California. Does the Senator as a lawyer think that that clause would prevent the use of this money for school purposes as described in this act?

Mr. MORGAN. I think so, because the word "appropriation" is in it. If it was simply the proceeds of the sales of land donated to us, perhaps it would not; but the word "appropriation" is in this constitution. But my point is to prevent any officer of this Government from making the point upon Alabama that she is not entitled because of this provision of her constitution to receive it. It is a precautionary measure. It may not be necessary, but still it is an expression of the opinion of Congress.

Mr. MILLER, of California. This is appro priated not as a permanent school fund, but as a temporary aid to carry on common schools.

Mr. MORGAN. But these lands were not appropriated to establish a permanent school fund. We were not required to sell them or keep them. We had perfect authority to do as we thought proper, and so we applied them to schools.

Mr. LOGAN. I ask the Senator if that provision does not apply to appropriations made to the State of Alabama?

Mr. MORGAN. Yes, and this appropriation is one made to the State of Alabama.

Mr. LOGAN. No, sir; it is an appropriation to all the States together, an appropriation of so much money for school purposes for all the children of the United States. A portion of it is to be set apart for a certain purpose, to be used for the children of Alabama; but it is not an appropriation to the State of Alabama.

Mr. MORGAN. Nevertheless if there is a constitutional provision in any State that it should not receive any money from the Government of the United States, I presume you would have to get around that.

Mr. WILLIAMS. Allow me to ask a question for information, because I shall be governed by the Senator's opinion in this matter very much. I understand this to be a distribution among the States for a specific purpose. That purpose is to aid in the establishment of common schools. Now, does the Senator think the provisions of the constitution of the State of Alabama refer to general appropriation of public moneys to the States or to appropriations on the condition prescribed

in this bill? His opinion as a lawyer—for I have great confidence in it—may control my vote.

Mr. MORGAN. There never has been a general appropriation in the United States of land or money for educational purposes, except you might except the agricultural-scrip grant, which required that the Legislature should first receive by an act of the Legislature the donation from Congress before it could be effective.

The PRESIDENT *pro tempore*. The time of the Senator from Alabama has expired. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. CALL. I do not propose to detain the Senate now, but only to say that the Senator from Alabama is mistaken in the reference he made to Florida. The lands appropriated formerly for a university there were in part divided between the seminaries of Florida, and they are doing very well upon that foundation. A portion of the lands were sold and the money invested in State bonds, and subsequent to the war, under a decree of the United States court, they were very improperly sold as part of the assets of a railroad corporation. I will not go further into that matter at present.

Mr. PUGH. I differ with my colleague as to the construction he places on the constitutional provision. I have no doubt that it applies to unconditional gifts or grants, and has no application whatever to this appropriation, and that is required to be expended annually by the States as one of the conditions of the appropriation. But I do not see that this amendment of his as an additional section can do any harm. It merely provides that it shall not be an objection to a State receiving its share of this appropriation that it has such a provision in its constitution as my colleague has read. It is perfectly harmless, but I differ with him as to the construction of that clause in our constitution.

Mr. LOGAN. I should like to ask the Senator if he thinks Congress can amend the constitution of a State?

Mr. PUGH. Oh, no.

Mr. LOGAN. Then what validity will there be in this amendment if we adopt it? No amendment we make here can affect it in the slightest degree.

Mr. PUGH. I do not think it would have any legal effect whatever.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The Chair will state that when the bill came up for consideration the Committee on Education and Labor reported one amendment to take the place of the original text. It was agreed by unanimous consent that that amendment should be treated as the text of the bill and open to amendment. The Chair is in doubt now whether there is more than one amendment reported from the Committee of the Whole, or whether the original amendment of the committee having been agreed to be treated as the text, all the amendments made to that are to be considered now open. The Chair is inclined to think that as the amendment has been made the text, the question now is on agreeing to the amendment made as in Committee of the Whole. Shall the question be taken on the entire amendment together or on its various clauses separately? ["All together!"]

Mr. MORGAN. I desire to have a separate vote upon the amendment I offered on page 10, section 14, line 9.

The PRESIDENT *pro tempore*. That amendment was disagreed to and is not now before the Senate.

Mr. MORGAN. Then I will offer it in the Senate.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. MORGAN. I now renew in the Senate the same amendment I offered a while ago in Committee of the Whole. Beginning on line 8 of section 14, I move to strike out:

> And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. MORGAN. It is a matter of impossibility that the Secretary of the Interior or the Secretary of the Treasury or any other officer of this Government can make a final and conclusive decision against a State in relation to a matter of this kind, or indeed any matter that Congress can not rectify by its legislative action. There is no occasion for putting in here the words that an appeal shall be taken, and certainly we have no power as a Congress to give a right to a State to take an appeal from a decision made by an inferior officer of this Government.

When the States come here they do not come on appeal. It is no judicial tribunal that they come to on appeal. It is mere legislative action that they invoke. Suppose that this is stricken out; should I not have a right as a Senator from Alabama in the event that her allowance of money under this bill had been refused to her by the Secretary of the Interior to offer here a bill or joint resolution revoking his action or correcting it?

By putting these words into this bill we simply signify that we suppose the States of this country, because they receive some largess or donation from Congress upon certain conditions, put themselves in an attitude that they must appeal or have the right derived from Congress to appeal from the decision of the Secretary of the Interior or of the Treasury, as the case may be, to this tribunal. I think that the Senate, on looking the subject over and finding that there is so little confidence in it, will hardly commit themselves deliberately to that enunciation of doctrine; but I want still to see whether they will do it or not.

Mr. HAWLEY. I hope that clause will be stricken out. I do not comprehend the reasons for keeping it in. The State can come here whether it is in or out of the bill, saying that notwithstanding the technical irregularities of the report of the governor the allowance should be made to the State; and if that be not so, I should like to see the form of the writ of error which the State would bring from the decision of the Secretary of the Interior to Congress.

Mr. HARRISON. I suppose that word "appeal" there is not used in the technical sense at all. It is a good deal as the Senator from Connecticut said. It simply means that the State may come to Congress. We all know a State may come without any affirmative expression of that kind in the bill.

Mr. HAWLEY. Then I would not put that condition in there.

Mr. HOAR. It is to show that it is not intended that the Secretary of the Interior shall be a final judge, that is all.

Mr. HAWLEY. He is not anyhow, and he can not be against a bill offered by any Senator.

Mr. HOAR. We do not wish to have it claimed "We refer to this officer the decision of all these questions, and you are concluded whether right or wrong; Congress will not trouble itself with it." The clause is intended simply to show that Congress reserves the right to act.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. HOAR. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment is to strike out the words which will be read.

The CHIEF CLERK. In section 14, line 7, after the word "forfeiture," it is proposed to strike out:

> And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

The amendment was rejected.

Mr. LOGAN. I offer the following amendment as an additional section to the bill:

> SEC. —. That there shall also be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school-house fund, from which there shall be paid out annually to each State and Territory at the end of the year, until said sum of $2,000,000 shall be exhausted, and no longer; which shall be expended for the erection and construction of school-houses for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education, Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

Mr. MILLER, of California. I would ask the Senator from Illinois to whom will these school-houses belong after they are built?

Mr. LOGAN. They will belong to the States, as a matter of course, or the township or district or proper authority of the State.

Mr. MILLER, of California. Does this provide for the purchase of sites?

Mr. LOGAN. No, sir; it does not provide for the purchase of any site, for the reason that that is unnecessary. The people of the district building the school-house will receive so much money to aid them for this purpose, the same as the aid to the schools.

Mr. CONGER. Are these houses to be built according to plans?

Mr. LOGAN. According to plans furnished by the Bureau of Education in Washington.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN's name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Kansas [Mr. INGALLS].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I am not voting on any of these amendments because of the pair I have had with the Senator from Maine [Mr. HALE] who is absent.

The result was announced—yeas 16, nays 25; as follows:

YEAS—16.

| | | | |
|---|---|---|---|
| Blair, | Colquitt, | Hoar, | Logan, |
| Brown, | Edmunds, | Jackson, | Pike, |
| Butler, | George, | Jonas, | Ransom, |
| Call, | Hawley, | Kenna, | Wilson. |

NAYS—25.

| | | | |
|---|---|---|---|
| Bayard, | Frye, | Manderson, | Riddleberger, |
| Cameron of Wis., | Garland, | Maxey, | Saulsbury, |
| Coke, | Groome, | Miller of Cal., | Sawyer, |
| Conger, | Harris, | Morgan, | Williams. |
| Cullom, | Harrison, | Morrill, | |
| Dawes, | Jones of Florida, | Platt, | |
| Dolph, | McMillan, | Pugh, | |

ABSENT—35.

| | | | |
|---|---|---|---|
| Aldrich, | Farley, | Lapham, | Sewell, |
| Allison, | Gibson, | McPherson, | Sherman, |
| Anthony, | Gorman, | Mahone, | Slater, |
| Beck, | Hale, | Miller of N. Y., | Vance, |
| Bowen, | Hampton, | Mitchell, | Van Wyck, |
| Camden, | Hill, | Palmer, | Vest, |
| Cameron of Pa., | Ingalls, | Pendleton, | Voorhees, |
| Cockrell, | Jones of Nevada, | Plumb, | Walker. |
| Fair, | Lamar, | Sabin, | |

So the amendment was rejected.

Mr. HOAR. I ask unanimous consent to move an amendment in an amendment which has already been adopted on my motion, which I thought had been included. On the eighth page, eleventh section, in the definition of the term "school district," it reads:

The term "school district" shall include all cities, towns, parishes, and all corporations clothed by law with the power of maintaining common schools.

The Senator from Mississippi [Mr. GEORGE] says that there are other territorial subdivisions in some of the States, including his own, which are not corporations, which have not the power of suing or being sued. I move to insert after the word "parishes," in the thirteenth line, the words "and other territorial subdivisions."

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to amend section 11, line 13, as follows: After the word "parishes" insert "and other territorial subdivisions."

Mr. HOAR. I will have it read "territorial subdivisions for school purposes."

The PRESIDENT *pro tempore*. The Senator from Massachusetts modifies his amendment so as to read "and other territorial subdivisions for school purposes." The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SAULSBURY. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. RANSOM. I wish to say before I vote on this bill that I have received in common with my colleague—and I speak as well for him as I do for myself—the instructions of the last Legislature of North Carolina that we should vote for a bill of this character. I regret very much that there are provisions in this bill which are repugnant to my judgment and which I think greatly impair its value, but I feel called upon to vote for the bill. It is a bill in my judgment of most beneficent promise to the people of this country. ["Vote!"] I do not intend to make a speech.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that according to the understanding debate is not in order, all amendments having been disposed of.

Mr. RANSOM. I do not mean to debate. A great poet once said that it was human to hate those whom we have injured. I think he might have said with more truth that it is human to love those whom we have benefited; and if that sentiment be true, I believe the benignity and beneficence of this measure upon the people from whom I come and upon that section of the Union will have a better effect than anything else could have. I regret, as I said, that there are so many features in the bill which do not command the approval of my judgment; but I shall vote for it, first under the instructions of the Legislature of North Carolina, and second because I think it will do good.

I hope that future Congresses, if it becomes necessary, may remedy the evils; and still more, if it be allowable for me to say so, I do trust that in the course of this bill through Congress it will finally take such shape that the States shall receive this grand donation just as the States of the great West received the donation of the public lands, with full faith and confidence that the States themselves will do right in the use of the donation, and not be embarrassed by conditions which, in the judgment of some of us, perhaps the sensibilities of more of us, impair the value of the measure.

Mr. HARRIS. Mr. President, I hope the Senate will excuse the Senator from North Carolina for voting for the bill. [Laughter.]

Mr. COKE. Mr. President——

Mr. RANSOM. I hope the people of Tennessee will excuse the Senator from Tennessee for voting against the bill.

Mr. HARRIS. The people of Tennessee will take care of that.

Mr. RANSOM rose.

The PRESIDENT *pro tempore*. Senators will address the Chair and not speak until they are recognized.

Mr. RANSOM. The Senator from North Carolina——

The PRESIDENT *pro tempore*. The Senator from North Carolina will please suspend. Does the Senator from Texas yield to either Senator?

Mr. COKE. I do not, Mr. President. I simply desire to say that I regret extremely to differ as widely as I do with my friend from North Carolina. During the period that I have been a member of the Senate in my humble judgment no bill has ever been introduced into this body and received its serious consideration fraught with so much evil to the country as this bill now about to pass. Mr. President, I can not hear myself.

The PRESIDENT *pro tempore*. The Senate will please be in order. The Chair will remark, as he did to the Senator from North Carolina, that according to the unanimous understanding debate is not in order, but it is in order, as the Chair thinks, under the rules of the Senate. The Chair mentioned the same thing to the Senator from North Carolina. The Senator from Texas is entitled under the rules to proceed.

Mr. COKE. I think, Mr. President, that I see in the future more trouble, more strife, that I see the fomentation of more difficulties between the two races in this country, and especially in the South, to arise from this bill than ever ensued from the reconstruction laws. I think I see a system of extravagance and corruption in the administration of common schools in this country beginning with the passage of this bill if it shall pass, removing as it will the management of these schools ultimately from the supervision of the people of the States to Federal supervision at this capital. I think I see more extravagance and corruption than has ever existed before in the management of a school system. I think I can see in the future great dissatisfaction among the people. I think, look where I will where this law will operate, that I can see only evil and no good.

I hope I may be mistaken if the bill shall pass. I hope that its passage, however, will be arrested in the other House of Congress; that the institutions of the people which have been reserved to their management in the States will by the House be preserved to them, and that the action of this body, if it shall so far forget what I believe to be its constitutional duty as to pass this bill, will pass for naught.

It is useless to look to the Senate any longer. The people must rely upon the House of Representatives if they would be saved the misfortune which in my judgment the passage of this bill will bring upon this country.

I have no more to say, Mr. President. I say this simply to express my utter dissent from the views of the honorable Senator from North Carolina, venturing, however, to express the hope that if the bill does pass I may prove to be mistaken.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. HAWLEY. Mr. President, I hate to take even a moment of time, but I will make just one or two observations.

The extent of illiteracy, so far as the future of the country is concerned, has been greatly exaggerated by the statistics spread before us, as it is quite possible to show mathematically. The total illiteracy of the country according to these tables is 15,128,578. The total of children enrolled in the public and private schools is 10,245,914; that is to say 67.7 per cent. of all the children in the country are enrolled. It has been the habit of those who defend such bills to say that therefore 32.3 per cent. are growing up without the possibility of knowing the English alphabet; but let me show in a single moment the gross mistake this is.

In some States the limit of school age is from 5 to 21; that is to say, the school life is sixteen years. It is obviously possible that the return of those States shall show that only one-half the children are enrolled in the public schools, and yet that every child in each of those States may go to school eight years and acquire a comfortable common-school education. There is where the error comes in in this reasoning. You may take the best system of education you please and you never can find that all the children of school age are enrolled. They come as near it perhaps in my State as any.

The average attendance is probably 10½ years out of the 12; therefore, with 67.7 of the children of the country enrolled, it is yet possible that every child may attend school 9 years and 7 months. The average school time in the country is 14.2 years. Every child, it may be, will attend 9 years and 7 months, and yet the returns show these frightful figures of illiteracy.

I do not deny that with the adult ex-slave population and with a large number of foreigners included in our census there are many adults who can not read or write; but the future of the children of the country was never so bright as it is to-day, and never growing brighter with more rapidity, growing by the very best possible means from the free heart and the generous exertion and self-sacrifice of the people; and the more you relieve them from it the less you strengthen and the more you weaken the public system of the country.

The money that comes from a long distance, that is not felt by the tax-payers, is money easily expended; and that may be said of the whole Federal revenue. Therefore we should be the more jealous as to what we do with it. It is as costly as if we took it by direct taxation right out of their pockets. I believe it has been said here, but if it has not it can be now, that if this money were to be levied by direct taxation this bill would not get ten votes in the Senate.

But I did not intend to make a speech, or even to say so much as this. I wish to close with just four lines from the address of the school superintendent in my State in opposing this general measure:

All experience teaches us that such distributions of public money are wasteful, that they give opportunities for jobbery and corruption, that they kill the very interests which they are planned to promote, and that they end in debauching the people with their own money.

God save that this is not true prophecy in this case.

Mr. HOAR. I desire before any other Senator takes the floor to enter my protest against the continuance of the debate.

The PRESIDENT *pro tempore*. The Chair has repeatedly stated that according to the understanding debate is exhausted. The Chair has no power to enforce this understanding of the Senate. The question is, Shall the bill pass? Is the Senate ready for the question? The yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On the passage of the bill I am paired with the Senator from Missouri [Mr. COCKRELL]. If he were present, I should vote for the bill.

Mr. BECK (when his name was called). On the passage of the bill I am paired with the Senator from Louisiana [Mr. GIBSON] who left the Chamber because he was not well. If present, he would vote "yea" and I should vote "nay."

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Kansas [Mr. INGALLS]. If the Senator from Kansas were here, my colleague would vote "yea" and the Senator from Kansas would vote "nay."

Mr. MORGAN (when Mr. FARLEY'S name was called). The Senator from California [Mr. FARLEY] is absent from the Chamber. He is paired with the Senator from New York [Mr. LAPHAM]. If the Senator from California were here, he would vote "nay" and the Senator from New York would vote "yea."

Mr. FRYE (when Mr. HALE'S name was called). On this vote my colleague [Mr. HALE] is paired with the Senator from Pennsylvania [Mr. MITCHELL]. If my colleague were here, he would vote "nay" and the Senator from Pennsylvania would vote "yea."

Mr. HAMPTON (when his name was called). I have been released from my pair with the Senator from Rhode Island [Mr. ANTHONY], and I shall vote for the bill. I shall do so actuated very much by the motives and with some of the feelings that have been so eloquently expressed by the Senator from North Carolina [Mr. RANSOM]. I vote "yea."

Mr. PLUMB (when the name of Mr. INGALLS was called). My colleague [Mr. INGALLS] is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were present, he would vote "nay."

Mr. LAMAR (when his name was called). On the passage of this bill I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were here, he would vote "nay" and I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were present, I should vote "nay" and he would vote "yea."

Mr. RANSOM (when Mr. VANCE'S name was called). As before stated my colleague [Mr. VANCE] if here would vote "yea." He is paired with the Senator from Kansas [Mr. PLUMB].

Mr. MANDERSON (when Mr. VAN WYCK'S name was called). My colleague [Mr. VAN WYCK] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. GARLAND (when Mr. VEST'S name was called). The Senator from Missouri [Mr. VEST] would vote "nay." He is paired with the Senator from Indiana [Mr. VOORHEES], who if here would vote "yea."

Mr. GARLAND (when Mr. WALKER'S name was called). My colleague [Mr. WALKER] is paired with the Senator from Oregon [Mr. SLATER]. The Senator from Oregon would vote "nay" and the Senator from Arkansas would vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. The Senator from Michigan [Mr. PALMER] is paired with the Senator from Minnesota [Mr. SABIN], The Senator from Michigan, if present, would vote in favor of the bill. and the Senator from Minnesota would vote against it.

Mr. ALDRICH. On this question I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 33, nays 11; as follows:

YEAS—33.

| | | | |
|---|---|---|---|
| Blair, | Edmunds, | Jones of Florida, | Pugh, |
| Brown, | Frye, | Kenna, | Ransom, |
| Call, | Garland, | Logan, | Riddleberger, |
| Cameron of Wis., | George, | McMillan, | Sawyer, |
| Colquitt, | Hampton, | Manderson, | Williams, |
| Conger, | Harrison, | Miller of N. Y., | Wilson. |
| Cullom, | Hoar, | Morrill, | |
| Dawes, | Jackson, | Pike, | |
| Dolph, | Jonas, | Platt, | |

NAYS—11.

| | | | |
|---|---|---|---|
| Bayard, | Groome, | Maxey, | Pendleton, |
| Butler, | Harris, | Miller of Cal., | Saulsbury. |
| Coke, | Hawley, | Morgan, | |

ABSENT—32.

| | | | |
|---|---|---|---|
| Aldrich, | Fair, | Lamar, | Sewell, |
| Allison, | Farley, | Lapham, | Sherman, |
| Anthony, | Gibson, | McPherson, | Slater, |
| Beck, | Gorman, | Mahone, | Vance, |
| Bowen, | Hale, | Mitchell, | Van Wyck, |
| Camden, | Hill, | Palmer, | Vest, |
| Cameron of Pa., | Ingalls, | Plumb, | Voorhees, |
| Cockrell, | Jones of Nevada, | Sabin, | Walker. |

So the bill was passed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order, being Senate bill No. 1372, to establish a uniform system of bankruptcy throughout the United States.

Mr. BLAIR. I wish to move that the bill just passed be reprinted as amended before it is sent to the House.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the bill just passed be reprinted for the use of the Senate. Is there objection?

Mr. HARRIS. The bill will be engrossed to be sent to the House.

The PRESIDENT *pro tempore*. Is there objection to the order to reprint?

Mr. PLUMB and Mr. SAULSBURY. I object.

Mr. BLAIR. I hope there will be no objection made. This bill will be called for largely. The officers of the Senate came to me and said that it would be very necessary.

Mr. PLUMB. I do not withdraw my objection. It will be printed in the House. It just makes one entirely unnecessary print.

Mr. BLAIR. But it must be taken from the Speaker's table before it can be printed there.

The PRESIDENT *pro tempore*. Objection is made, and it is not open to debate.

Mr. BLAIR. I think the Senator will withdraw his objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes; in which it requested the concurrence of the Senate.

SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. The next special order will be stated.

The CHIEF CLERK. A bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I move that the Senate do now adjourn.

The motion was agreed to; and (at 11 o'clock and 42 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *April* 7, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absense was granted as follows:

To Mr. WAIT, for ten days, on account of important business.

To Mr. ELLIOTT, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOUK, by unanimous consent, leave was given to withdraw the papers of J. D. Hale, now on file, having been heretofore referred to the Committee on War Claims in the Forty-seventh Congress.

CINCINNATI LAW LIBRARY.

Mr. JORDAN, by unanimous consent, introduced a joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library; which was read a first and second time.

Mr. JORDAN. I ask for the present consideration of the joint resolution.

The joint resolution was read, as follows:

*Resolved, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish and deliver to the Cincinnati law library two complete sets of the Reports of the Supreme Court of the United States, of the circuit and district courts of the United States, two complete sets of the Revised Statutes of the United States and Statutes at Large, a complete set of the Annals of Congress, of the Congressional Globe and the CONGRESSIONAL RECORD and the Journals of the Senate and House of Representatives, and copies of any other documents and publications made by the United States or any of the Departments which can be supplied without inconvenience to the Government.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BEACH. I desire to inquire if that resolution has been before any committee of this House.

The SPEAKER. It has not.

Mr. BEACH. I think it should be referred to a committee.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

Mr. JORDAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I call for the regular order.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

STREETS, ETC., IN WASHINGTON, D. C.

Mr. SHELLEY introduced a bill (H. R. 6417) regulating the use of avenues, streets, alleys, and reservations in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDED CHINESE RESTRICTION ACT.

Mr. GLASCOCK presented a memorial of the Legislature of the State of California, asking for the passage of the amended Chinese restriction act now pending before Congress.

Mr. GLASCOCK. I ask that the memorial be read.

The memorial was read, as follows:

SACRAMENTO, CAL., *April* 3, 1884.

*The Speaker of the House of Representatives, Washington:*

I am authorized to inform you that the Legislature of the State of California has passed the following Senate concurrent resolution, relative to the speedy passage of the Chinese restriction act now pending in Congress:

Whereas there are now pending in the Senate of the United States and in the House of Representatives certain measures which will tend to relieve the State of California from the continued immigration of Chinese:

*Resolved*, That it is the sense of senate of the Legislature of California, the assembly concurring, that the Congress of the United States should, without unnecessary delay, pass the amended Chinese restriction bill now pending before that body.

*Be it further resolved*, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

THOS. L. THOMPSON, *Secretary of State.*

The memorial was referred to the Committee on Foreign Affairs.

DIAMOND MATCH COMPANY.

Mr. LORE introduced a bill (H. R. 6418) for the relief of the Diamond Match Company; which was read a first and second time.

Mr. LORE. This bill involves a question of construction of law. I ask that it be referred to the Committee on the Judiciary.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

INTERNATIONAL PRISON CONGRESS.

Mr. HITT introduced a joint resolution (H. Res. 225) to authorize the President to appoint a commission to the international prison congress; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PERRY B. BOWSER.

Mr. WOOD introduced a bill (H. R. 6419) to pay Perry B. Bowser $500 as back pay for recruiting and for expenses borne in the military service of the United States; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

AMERICAN COLLEGE IN ITALY.

Mr. WOOD submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

*Resolved*, That the Secretary of the State Department is hereby requested to send to this House all the facts and information he has respecting the threatened confiscation of the American college in Italy by any law or decree of the Italian Government.

E. B. TULEY.

Mr. STOCKSLAGER introduced a bill (H. R. 6420) for the relief of E. B. Tuley, of New Albany, Ind.; which was a read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DOROTHY HOWARD.

Mr. STOCKSLAGER also introduced a bill (H. R. 6421) for the relief of Dorothy Howard, widow of Henry Howard, late of Company A, First Kentucky Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSRS. CRUMBO AND MELCHER.

Mr. STOCKSLAGER also introduced a bill (H. R. 6422) making an appropriation of $1,958 to reimburse Messrs. Crumbo and Melcher for money lost on the contract to construct road from New Albany, Ind., to the national cemetery near that place; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND GRANTS.

Mr. WILSON, of Iowa. I present a joint resolution of the Legislature of the State of Iowa in regard to grants of public lands to railroads. I ask that the resolution be read.

The joint resolution was read, as follows:

*Be it resolved by the General Assembly of the State of Iowa:*

First. That in view of the rapid absorption of the public lands of the United States fit for settlement, we do hereby earnestly request our Senators and Representatives in Congress to use their influence so that where grants of public land have been made directly to any corporation to aid in building railroads, and the terms of said grants have not been substantially complied with, steps may be immediately taken to have the unearned portion of such lands revert to the United States, that the same may be thrown open to settlement.

Second. That the secretary of state be, and he is hereby, instructed to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved March 27, 1884.

The joint resolution was referred to the Committee on the Public Lands.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. FUNSTON introduced a bill (H. R. 6423) for the erection of a public building at Fort Scott, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ISSUE OF DUPLICATE CHECKS.

Mr. MORRILL introduced a bill (H. R. 6424) to provide for the issue of duplicate checks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM PRITCHARD.

Mr. TURNER, of Kentucky (by request), introduced a bill (H. R. 6425) for the relief of William Pritchard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES LOVE.

Mr. TURNER, of Kentucky (by request), also introduced a bill (H. R. 6426) for the relief of James Love, of Marshall County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. M. VAUGHN AND MRS. L. JACKMAN.

Mr. THOMPSON introduced a bill (H. R. 6427) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. BROWN.

Mr. ROBERTSON introduced a bill (H. R. 6428) for the relief of William H. Brown, of La Rue County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BEN A. STITH.

Mr. ROBERTSON also introduced a bill (H. R. 6429) for the relief of Ben A. Stith, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEREMIAH JEFFRIES.

Mr. ROBERTSON also introduced a bill (H. R. 6430) for the relief of Jeremiah Jeffries, of Hardin County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. P. M'CLURE.

Mr. ROBERTSON also introduced a bill (H. R. 6431) for the relief of John P. McClure, of Grayson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. STEWART.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 6432) for the relief of John F. Stewart, guardian of the children of James Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMAN O. COLLINS.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 6433) for the relief of Payman O. Collins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. F. CORNELIUS.

Mr. HALSELL introduced a bill (H. R. 6434) for the relief of H. F. Cornelius, of Logan County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALGERNON S. WALKER.

Mr. HALSELL also introduced a bill (H. R. 6435) for the relief of Algernon S. Walker, of Allen County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. T. AND T. R. EUBANK.

Mr. HALSELL also introduced a bill (H. R. 6436) for the relief of C. T. and T. R. Eubank, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOGAN M. DISHMAN.

Mr. HALSELL also introduced a bill (H. R. 6437) for the relief of Logan M. Dishman, of Simpson County, Kentucky; which was read a

first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEBASTIAN HEETER.

Mr. HALSELL also introduced a bill (H. R. 6438) for the relief of Sebastian Heeter, of Allen County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES FOSTOR.

Mr. HALSELL also introduced a bill (H. R. 6439) for the relief of James Fostor, of Allen County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES R. NARSTON.

Mr. HALSELL also introduced a bill (H. R. 6440) for the relief of James R. Narston, of Allen County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL STOVAL.

Mr. HALSELL also introduced a bill (H. R. 6441) for the relief of Daniel Stoval, of Scottsville, Allen County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALGERNON S. WALKER.

Mr. HALSELL also introduced a bill (H. R. 6442) for the relief of Algernon S. Walker, executor of the late Herman Whitney, of Allen County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES W. HERNDON.

Mr. HALSELL also introduced a bill (H. R. 6443) for the relief of James W. Herndon, administrator of Peter Burr, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES BOREN.

Mr. HALSELL also introduced a bill (H. R. 6444) for the relief of James Boren, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. B. W. CAMP.

Mr. HALSELL also introduced a bill (H. R. 6445) for the relief of M. B. W. Camp, of Edmonson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSHUA E. LOGAN.

Mr. HALSELL also introduced a bill (H. R. 6446) for the relief of Joshua E. Logan, of Logan County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANKLIN COUNTY SEMINARY.

Mr. HALSELL also introduced a bill (H. R. 6447) for the relief of Franklin County Seminary, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CUMBERLAND PRESBYTERIAN CHURCH OF RUSSELLVILLE, KY.

Mr. HALSELL also introduced a bill (H. R. 6448) for the relief of the Cumberland Presbyterian church of Russellville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. A. M'ELWAIN.

Mr. HALSELL also introduced a bill (H. R. 6449) for the relief of W. A. McElwain; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL SEARS.

Mr. HALSELL also introduced a bill (H. R. 6450) for the relief of Samuel Sears; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL E. CARPENTER.

Mr. HALSELL also introduced a bill (H. R. 6451) for the relief of Samuel E. Carpenter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. WILLEMAN THURMAN.

Mr. HALSELL also introduced a bill (H. R. 6452) for the relief of Mrs. Willeman Thurman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALLEN COUNTY (KENTUCKY) COURT-HOUSE.

Mr. HALSELL also introduced a bill (H. R. 6453) for the relief of the Allen County (Kentucky) court-house; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. P. HENDRICKS.

Mr. HALSELL also introduced a bill (H. R. 6454) for the relief of W. P. Hendricks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM L. HUDSPETH.

Mr. HALSELL also introduced a bill (H. R. 6455) for the relief of William L. Hudspeth, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASBURY DAWSON.

Mr. HALSELL also introduced a bill (H. R. 6456) for the relief of Asbury Dawson, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. DRAIN.

Mr. HALSELL also introduced a bill (H. R. 6457) for the relief of A. Drain, of Scottsville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEATING AND VENTILATION OF STREET-CARS.

Mr. ELLIS (by request) introduced a bill (H. R. 6458) to provide for the heating and ventilation of street passenger-cars within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES G. FULLILOVE.

Mr. BLANCHARD introduced a bill (H. R. 6459) for the relief of James G. Fullilove, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FOREIGN CHARGES ON AMERICAN VESSELS, ETC.

Mr. DINGLEY submitted the following resolution; which was referred to the Select Committee on American Ship-building and Ship-owning Interests:

*Resolved*, That the Secretary of the Treasury be requested to inform the House what light dues, charges, and other equivalent taxes are imposed on American vessels entering and clearing from the ports of foreign countries, and also with what nations the United States have reciprocal commercial or maritime treaties or arrangements, the dates at which the same were entered into, and the provisions of such treaty or arrangement.

GEORGE H. SPENCER.

Mr. ROCKWELL (by request) introduced a bill (H. R. 6460) for the relief of George H. Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to printed.

NELSON GAMMONS.

Mr. LOVERING introduced a bill (H. R. 6461) granting a pension to Nelson Gammons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN E. PLIMPTON.

Mr. LOVERING also introduced a bill (H. R. 6462) granting a pension to Ann E. Plimpton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. LOVERING also introduced a bill (H. R. 6463) granting pensions for service in the Army and Navy of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE MUELLER.

Mr. HOUSEMAN introduced a bill (H. R. 6464) granting a pension to Theodore Mueller, late of Company E, Eighth New York Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH RICE.

Mr. ELDREDGE introduced a bill (H. R. 6465) granting a pension to Elizabeth Rice; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

THOMAS E. DAVIS.

Mr. WAKEFIELD introduced a bill (H. R. 6466) granting a pension to Thomas E. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARCELLUS S. CLOUGH.

Mr. WAKEFIELD also introduced a bill (H. R. 6467) for the relief of Marcellus S. Clough; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELISHA G. POWERS.

Mr. HATCH, of Missouri, introduced a bill (H. R. 6468) granting a pension to Elisha G. Powers, a survivor of the Black Hawk war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PROTECTION OF LIVES ON STEAM VESSELS.

Mr. CLARDY introduced a bill (H. R. 6469) to amend section 4419

of the Revised Statutes of the United States, and for the better protection of lives of passengers and others carried on steam vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER E. DRAKE.

Mr. ROSECRANS introduced a bill (H. R. 6470) for the relief of Alexander E. Drake; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATENT LAWS.

Mr. FIEDLER introduced a bill (H. R. 6471) to amend the patent laws; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JONATHAN SKINNER, DECEASED.

Mr. FIEDLER also introduced a bill (H. R. 6472) for the relief of the heirs of Jonathan Skinner, deceased, late of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONVICT LABOR.

Mr. FIEDLER also introduced a bill (H. R. 6473) to enable the Attorney-General to collect statistics relating to criminals and convict labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MRS. LOUISE M. PEMBERTON.

Mr. BREWER, of New York, introduced a bill (H. R. 6474) for the relief of Mrs. Louise M. Pemberton for arrears of pension; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

SETH GRAVES.

Mr. BREWER, of New York, also introduced a bill (H. R. 6475) for the relief of Seth Graves, private Company I, One hundred and eighty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO SOLDIERS AND SAILORS.

Mr. ROGERS, of New York, introduced a bill (H. R. 6476) granting a pension to certain soldiers and sailors and marines who served in the regular and volunteer forces during the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC P. LOCKMAN.

Mr. ROGERS, of New York, also introduced a bill (H. R. 6477) for the relief of Isaac P. Lockman, late Eighty-third New York Volunteers, asking for a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MILLER.

Mr. ROGERS, of New York, also introduced a bill (H. R. 6478) for the relief of John Miller; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALEXANDER HAMILTON.

Mr. HUTCHINS introduced a bill (H. R. 6479) granting a pension to Alexander Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET G. HALPINE.

Mr. HUTCHINS also introduced a bill (H. R. 6480) granting a pension to Margaret G. Halpine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH COLES.

Mr. HUTCHINS also introduced a bill (H. R. 6481) granting a pension to Elizabeth Coles; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

E. HUNT, DECEASED.

Mr. MILLARD introduced a bill (H. R. 6482) to amend the record as to desertion of E. Hunt, deceased, One hundred and ninth New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOYNTON LEACH.

Mr. MILLARD also introduced a bill (H. R. 6483) for the relief of Boynton Leach, late lieutenant in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM M. PALMER.

Mr. O'HARA introduced a bill (H. R. 6484) for the relief of William M. Palmer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MANUFACTURERS OF STILLS AND WORMS.

Mr. YORK introduced a bill (H. R. 6485) to amend section 3244 of the internal-revenue laws so far as they relate to the manufacturers of stills and worms; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. HARRINGTON.

Mr. VANCE (by request) introduced a bill (H. R. 6486) for the relief of John R. Harrington; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALMON C. BROCKWAY.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 6487) for the relief of Almon C. Brockway; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MODELS—PATENT OFFICE.

Mr. KEIFER introduced a bill (H. R. 6488) for the purpose of dispensing with the use of models in the Patent Office; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN H. WALKER.

Mr. KEIFER, also introduced a bill (H. R. 6489) for the relief of John H. Walker, late a captain, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COL. J. FRY.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. 6490) for the relief of Col. J. Fry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE BLUBAUGH.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 6491) for the relief of George Blubaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER MARCH AND OTHERS.

Mr. JORDAN introduced a bill (H. R. 6492) for the relief of Peter March, Frederick Kimmerly, David Vaughn, Barney Schooley, Eliza Scott (widow of Joseph Scott), Phebe C. Clement (widow of Isaac Clement, Frederick Smith, Owen McNabb, and Thomas Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BALTHASAR KITT.

Mr. JORDAN also introduced a bill (H. R. 6493) granting a pension to Balthasar Kitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. BRATTON.

Mr. BOYLE introduced a bill (H. R. 6494) granting a pension to John S. Bratton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPRENTICESHIP IN DISTRICT OF COLUMBIA AND TERRITORIES.

Mr. HOPKINS introduced a bill (H. R. 6495) to provide for indentured apprenticeship in the District of Columbia and the Territories of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

VALENTINE HERTZ.

Mr. DUNCAN introduced a bill (H. R. 6496) for the relief of Valentine Hertz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD HOWARD.

Mr. HARMER introduced a bill (H. R. 6497) for the relief of Edward Howard, late corporal Company D, Fortieth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHEROKEE AND ARKANSAS RIVER RAILROAD COMPANY.

Mr. YOUNG introduced a bill (H. R. 6498) to incorporate the Cherokee and Arkansas River Railroad Company; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DAVID WARD.

Mr. POLAND introduced a bill (H. R. 6499) for the relief of David Ward; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANK SIGERIST.

Mr. PRICE introduced a bill (H. R. 6500) for the relief of Frank Sigerist; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS THE SAINT LAWRENCE.

Mr. PRICE also introduced a bill (H. R. 6501) to authorize the construction of a bridge across the Saint Lawrence River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL BROTZMAN.

Mr. PRICE also introduced a bill (H. R. 6502) granting a pension to

Samuel Brotzman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CORDOVA.

Mr. DEUSTER introduced a bill (H. R. 6503) granting a pension to John Cordova, late private of Company C, Fifteenth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. C. MOORE.

Mr. DEUSTER also introduced a bill (H. R. 6504) granting an increase of pension to T. C. Moore, late colonel Thirty-fourth Regiment New Jersey Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORYDON MILLARD.

Mr. DEUSTER also introduced a bill (H. R. 6505) granting a pension to Corydon Millard, late chaplain Fourth United States Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MURPHY.

Mr. WINANS, of Wisconsin (by request), introduced a bill (H. R. 6506) for the relief of William Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TOLL-ROAD COMPANY, IDAHO.

Mr. SINGISER introduced a bill (H. R. 6507) to incorporate the Salmon City and North Fork Toll-road Company, in Idaho Territory; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

MONTANA AND IDAHO RAILROAD.

Mr. MAGINNIS introduced a bill (H. R. 6508) creating the Montana and Idaho Railway Company a corporation in the Territories of Montana, Idaho, and Washington; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

AMERICAN COLLEGE IN ITALY.

Mr. SPRINGER submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

*Resolved*, That the President of the United States be requested to furnish the House of Representatives, if not incompatible with the public interests, with copies of all correspondence in the Department of State in reference to the confiscation or conversion by the Italian Government of the property of the American college or other property interests of American citizens in Italy. And if in the opinion of the President a proper occasion has arisen he is respectfully requested to interpose the good offices of the United States to protect the property of American citizens from confiscation or conversion by that government.

JOHN D. ADAMS.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 6509) for the relief of John D. Adams; which was read a first and second time.

Mr. ROGERS, of Arkansas. I suppose under the rule this bill would go to the Committee on Claims; but I ask that it be referred to the Committee on the Post-Office and Post-Roads, inasmuch as that committee has before it now another bill of the same character.

The bill was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM STEPHENSON.

Mr. FYAN introduced a bill (H. R. 6510) granting a pension to William Stephenson, father of —— Stephenson, private Company D, Twenty-fourth Missouri Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM STAPLES.

Mr. CABELL introduced a bill (H. R. 6511) for the relief of Abram Staples; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. W. M'HENRY.

Mr. JONES, of Arkansas, introduced a bill (H. R. 6512) for the relief of R. W. McHenry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUST WAGNER.

Mr. YAPLE introduced a bill (H. R. 6513) granting a pension to August Wagner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE H. GLICK.

Mr. WARD introduced a bill (H. R. 6514) for the relief of Catherine H. Glick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS R. BRUNER.

Mr. WARD also introduced a bill (H. R. 6515) for the relief of Thomas R. Bruner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSISTANT NAVAL CONSTRUCTORS.

Mr. EATON (by request) introduced a bill (H. R. 6516) regulating the appointment of assistant naval constructors; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HORSE-RAILWAY ON ROCK ISLAND.

Mr. NEECE introduced a bill (H. R. 6517) to empower the Secretary of War to promote the establishment under certain conditions of a horse railway upon and over the island of Rock Island, and connecting the cities of Davenport and Rock Island therewith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RIVER OBSERVATION.

Mr. KING introduced a bill (H. R. 6518) to increase the efficiency of the river observation of the Signal Service; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COMMON SCHOOLS.

Mr. KING also introduced a bill (H. R. 6519) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

NAVY RETIRED-LIST.

Mr. WELLER submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

*Resolved*, That the Secretary of the Navy be, and is hereby, requested to furnish this House a list of the names of any and all officers now on the retired-list of the Navy who are receiving over $3,000 per year, and who have seen no sea-service and less than sixteen years shore or other duty at the time of retirement; and to further report to this House at what age any such officers entered the service, and whether any special merit attaches to them, and what duties such officers have performed and the pay they have received therefor in detail.

E. A. ALBERTSON.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 6520) granting a pension to Eliza Ann Albertson, widow, and to the infant children, of John B. Albertson, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIS G. GRAHAM.

Mr. CALKINS introduced a bill (H. R. 6521) for the relief of Willis G. Graham; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET J. BOYD.

Mr. CALKINS also introduced a bill (H. R. 6522) granting a pension to Margaret J. Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD W. CASLEY.

Mr. RUSSELL introduced a bill (H. R. 6523) for the relief from the charge of desertion of Edward W. Casley, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTRACT SURGEONS.

Mr. MURPHY introduced a bill (H. R. 6524) for the relief of persons who served as contract surgeons during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROAD TO CORINTH NATIONAL CEMETERY.

Mr. MULDROW introduced a bill (H. R. 6525) to construct a road to the national cemetery at Corinth, Miss.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TERRITORIAL BUSINESS.

Mr. RANDALL. Under instructions of the Committee on Rules, I report the resolution which I send to the Clerk's desk, and give notice that after it has been read I shall demand the previous question on its adoption.

The resolution was read, as follows:

*Resolved*, That Tuesday, April 8, and Tuesday, May 13, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Territories, not, however, to include any bills for the creation of new Territories or the admission of new States.

Mr. EVINS, of South Carolina. I desire to inquire of the gentleman from Pennsylvania [Mr. RANDALL] if it is the intention by that resolution to exclude the consideration of bills other than those for the admission of Territories as States? As I heard the resolution read it would appear to exclude even the bill providing a government for the Territory of Alaska, which is an important measure.

Mr. WASHBURN. I ask that the resolution be again read.

The resolution was again read.

Mr. RANDALL. I will say to the gentleman from South Carolina [Mr. EVINS], who is a member of the Committee on Territories, that I think the language of the resolution will exclude the consideration of any bill for the creation of a Territorial government for Alaska. That matter can be reported upon by the Committee on Territories and take its place on the Calendar and be considered in due course.

Mr. EVINS, of South Carolina. I hope the House will not agree to the resolution in its present shape. The bill establishing a government for the Territory of Alaska has already passed the Senate and has been unanimously reported by the Committee on Territories of this House. If it is left to take its chance upon the Calendar there is scarcely any possibility that it will be reached in regular order. It is a bill of vital importance to the people who have gone into that Territory, and certainly Congress should not longer hesitate about furnishing those people with some form of government. I simply make this statement to the House for the information of members. I am satisfied if members will reflect upon the matter for a moment they will see the propriety of so modifying this resolution as not to exclude legislation in reference to Alaska.

Mr. RANDALL. This report is made at the instance of the Committee on Territories, and so far as I can learn meets their approval. I understand that that committee does not desire to have any subject brought up for consideration under this resolution which will be likely to give rise to an extended discussion. That is the reason why the limitation was made, in order that the days designated might be devoted to the consideration of matters of importance to the Territories, and at the same time such matters as will not lead to the consumption of all the time allowed in the consideration of but one or two measures. I have no authority to accept any amendment.

Mr. CASSIDY. This resolution contemplates the consideration of only such business as may be reported from the Committee on Territories. I think it is not broad enough. The Delegates from the Territories should have an opportunity to call up and have considered any business relating to their Territories, whether from the Committee on Territories or from any other committee of this House.

Mr. HOLMAN. I demand the regular order; I understand that the previous question has been demanded on the resolution.

Mr. RANDALL. Under the rule fifteen minutes' debate is allowed on each side.

Mr. HOLMAN. After the previous question has been ordered.

Mr. KASSON. I would like to ask the gentleman from Pennsylvania [Mr. RANDALL] a question. Is it intended to exclude the consideration of any bill making provision for the government of Alaska? If it is, then I would inquire of the gentleman if he would not except Alaska?

Mr. RANDALL. I have already stated that the resolution was drawn to exclude legislation in relation to Alaska.

Mr. HOLMAN. I insist on the regular order.

The SPEAKER. The regular order is the demand for the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor.

PUBLIC BUILDINGS.

Mr. STOCKSLAGER. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made; and that in the consideration of each bill and its amendments not more than thirty minutes shall be consumed in debate—fifteen minutes on each side.

Mr. HOLMAN. I call for a second on the motion to suspend the rules.

The SPEAKER. The Chair will appoint tellers on the demand for a second, and the gentleman from Indiana, Mr. STOCKSLAGER, and the gentleman from Indiana, Mr. HOLMAN, will act as tellers.

The House divided; and the tellers reported that there were—ayes 153, noes 32.

So there was a second.

The SPEAKER. Under the rule of the House thirty minutes will be allowed for debate, fifteen minutes in support of the resolution and fifteen minutes against it.

Mr. STOCKSLAGER. Four months of this session have already passed. There have been reported from the Committee on Public Buildings and Grounds of this House thirty bills in relation to public buildings, four of them bills to extend the limitations fixed by previous acts of Congress, leaving twenty-six original bills reported by the committee of this House. These bills are in the Committee of the Whole House on the state of the Union. There are upon the Speaker's table twenty-four bills in relation to public buildings which have passed the Senate. This includes eleven bills which are duplicates of bills reported by the House committee.

And I have said, four months of session have elapsed, and I believe we have not in a single instance gone to either of those Calendars, and I think it exceedingly doubtful whether we shall be able to do so at any time during this session. The question, then, for the House to determine now is whether any bills for the erection of public buildings shall be passed by this Congress during this session. If any such bills are to be passed, this or a similar resolution must be adopted fixing a day for the consideration of such business.

I take it that the policy of this House will not be that no public-building bills shall be passed. If that is to be the policy of this House, however, we should know it now; if this House is to pass no measure of this kind, however meritorious, there is no necessity for our committee to go on and perfect bills or for the Senate to send us bills of this character to go upon our Speaker's table.

That is all there is in this resolution. It simply provides that Wednesday, April 9—the day after to-morrow—shall be fixed for the consideration of public-building bills on the House Calendar and upon the Speaker's table, makes this business a continuing order from day to day until disposed of, not to interfere with revenue or appropriation or pension bills or special orders. It also confines debate upon any bill to thirty minutes—fifteen on each side.

Mr. WILLIS. What becomes of the bills not yet reported?

Mr. STOCKSLAGER. Those bills which may be reported hereafter will be considered of course as they may be reached upon the Calendar. Without further remarks now I will reserve the remainder of my time.

Mr. WARNER, of Ohio. Will the gentleman allow me to ask a question?

Mr. STOCKSLAGER. I will answer the gentleman's question if I have the time; I do not want to occupy all my time just now.

Mr. WARNER, of Ohio. I hope the gentleman will at any rate have time to tell us how much money these thirty-seven bills reported from the House committee——

Mr. STOCKSLAGER. Not thirty-seven, but thirty.

Mr. WARNER, of Ohio. And twenty-four bills from the Senate call for?

Mr. STOCKSLAGER. I will tell the gentleman how much money the House bills call for. Including the increase of the limitations fixed in public-building acts passed heretofore, they propose to authorize the appropriation of $4,643,000. That is the amount—the limit.

Mr. WARNER, of Ohio. Will that complete the buildings?

Mr. STOCKSLAGER. Yes, sir. Deducting the bills which simply extend the limits of former acts, the total amount appropriated by these House bills is $2,917,000—an average of $112,000 to each bill.

Mr. WARNER, of Ohio. What is to be the average cost of these buildings?

Mr. STOCKSLAGER. One hundred and twelve thousand dollars for each is the average. I now reserve the residue of my time.

Mr. HOLMAN. Mr. Speaker, there are undoubtedly a number of bills reported from the Committee on Public Buildings and Grounds which ought to be passed—bills in favor of which there is a public reason; and I concede that bills of that class ought to be considered, but here is a great mass of bills. I regret very much to antagonize the views of my colleague [Mr. STOCKSLAGER], the chairman of the Committee on Public Buildings and Grounds. I had hoped that such of these bills as are really meritorious and the buildings really required in the public service would come before the House from time to time in the regular course and be considered, at least to the extent that the House may deem proper to consider such bills at this session. But this resolution goes to the broadest extent. It not only fixes a day for the consideration of this class of bills, but provides that these bills shall be considered from day to day until disposed of. Now, how many of these bills are there even now? If I correctly counted them, there are thirty-three of these bills on the House Calendar—House bills reported from the House Committee on Public Buildings and Grounds.

A MEMBER. Thirty.

Mr. HOLMAN. Thirty; and there is a sufficient number on the Speaker's table from the Senate to swell the aggregate, if I have counted correctly, to fifty-five. Fifty-five bills even now!

Mr. MILLS. The gentleman should remember that some of these bills from the Senate are for the same purpose as bills pending in the House.

Mr. HOLMAN. There may be some Senate bills which are duplicates of House bills.

Mr. CASSIDY. They are all duplicates, as I understand, except ten.

Mr. HOLMAN. Well, the number of these bills reported from the House committee and those upon the Speaker's table count up fifty-five, if my counting is correct. The amount of money involved in these bills, to begin with, is $7,529,000. The amount involved, however, is not of so much importance as a fact to which I wish to call attention—that this is but the beginning. We have reached the month of April; and the amount involved in the bills now before us at this comparatively early period of the session is over $7,000,000. This is the beginning not only as it concerns the session, but the beginning as it concerns the question of expenditures of public money involved in these bills—bills which it is proposed to pass by a general combination of local interests.

But, Mr. Speaker, there is a consideration beyond all that. We have reached the 7th day of April, and we have passed through this House the Post-Office appropriation bill——

Mr. BELFORD. And cut it down $4,000,000.

Mr. HOLMAN. The Naval appropriation bill——

Mr. BELFORD. And cut it down $8,000,000.

Mr. HOLMAN. The West Point Academy appropriation bill——

Mr. BELFORD. And cut it down three or four million dollars.

Mr. HOLMAN. The Agricultural appropriation bill and the Indian appropriation bill. Thus we have passed in the House only five of the thirteen great appropriation bills which must be passed by both Houses of Congress before we adjourn—eight of the leading appropriation bills yet to be considered.

You have in addition to that a very important measure affecting your revenue pending before this House, the tariff bill, and a series of the most important bills affecting the public lands. Gentlemen talk about an adjournment in June! Have we considered, Mr. Speaker, that the consideration of these great and important public measures which are pressing upon us, questions not only of public importance but public necessity, are to be more or less affected during the time these bills for the erection of public buildings are slowly working their way through the House?

Mr. BELFORD. It will take surplus money out of the vaults of the Treasury.

Mr. HOLMAN. Independently of that, you have entered on the discharge of a public duty I deem as important as any that was ever devolved on Congress, a subject which you have put in the very front rank of your measures to be considered and acted upon at this session, that of reforming your public land laws and determining to what extent grants heretofore made shall be restored to the public domain for the benefit of *bona fide* settlers and landless people. Those measures, Mr. Speaker, are all to be affected to a greater or less degree, as well as your appropriation bills, your tariff bill, and other important public measures now pending and to be pending, all these are to be affected for the purpose of considering—what? These special and local measures for the erection of public buildings which have not even been recommended to you by the head of a single one of your Departments.

Mr. BELFORD. We do not want any head of Department to recommend them.

Mr. HOLMAN. Buildings not estimated for, as well as not recommended, and touching which this House has no official information whatever.

Mr. BELFORD. They have nothing to do with them.

Mr. HOLMAN. Not covered even by estimates of appropriations in the ordinary course of business.

Mr. YOUNG. Every one of them, I understand, is recommended.

Mr. HOLMAN. None of them are mentioned in your Book of Estimates. Neither of them has been recommended by the Treasury Department, or the Interior Department, Post-Office Department, or any other Department of the Government, so far as I am informed, for none of them appear in the public estimates. Not one of them, sir, so far as I am informed, comes here with the authority of any recommendation from those charged with the administration of your public affairs. And yet, sir, great public measures, some of them of the highest public importance and of the most urgent necessity, will be postponed, while these bills of merely local and personal interest are to consume the time of the House day after day for no one can tell how long a period.

Mr. COX, of New York. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. COX, of New York. Will the gentleman please state to the House what is the aggregate amount of appropriation made by these bills to which he refers?

Mr. HOLMAN. As I infer by running over the list there are some fifty-five, and the amount involved in the first instance is something over $7,500,000 to begin with.

Mr. BELFORD. And there is a surplus of $150,000,000 in the Treasury which ought not to be allowed to stay there.

Mr. STOCKSLAGER. Let me make a correction.

Mr. BELFORD. That is a magnificent exhibition of Democratic generosity.

Mr. COX, of New York. I do not see why these bills should not take their chance with other bills.

Mr. HOLMAN. My colleague [Mr. STOCKSLAGER] has time of his own, and I hope he will let me say, in addition to what I have already said, without interruption, that under the rule allowing suspension of the rules and half an hour of debate on each proposition the Committee on Public Buildings and Grounds can secure the passage of all of this class of bills which are entitled to special consideration and all that are necessary for any public purpose. I have suggested that some ten or fifteen of these bills, the most meritorious, be selected by the Committee on Public Buildings and Grounds, and let the House consider them in a body if you think proper; but do not take up the time of the House to the exclusion of other business for the consideration of this long list of bills, some of which are of public importance, and many of merely private and local concern and for comparatively unimportant localities. To devote days of the precious time of this session of Congress to the consideration of such special matters not recommended by any Department seems to me to be utterly unjustifiable in the present condition of the public business.

Mr. BELFORD. I should like to ask the gentleman a question.

Mr. HOLMAN. How much time have I left?

The SPEAKER. Eight minutes of the gentleman's time remain.

Mr. HOLMAN. I will yield three minutes of that time to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER rose.

Mr. LOWRY. Before the gentleman proceeds I should like to ask my colleague a question.

Mr. HOLMAN. I will yield for that purpose.

Mr. LOWRY. I understood my colleague to say that not one of these bills was recommended by any of the public functionaries connected with the various Departments of this Government.

Mr. HOLMAN. I said so far as I am informed.

Mr. LOWRY. I desire to state most respectfully for the information of my colleague that the Supervising Architect of the Treasury has recommended one of these bills.

Mr. HOLMAN. For an increase or for an original structure?

Mr. LOWRY. For an increase.

Mr. HOLMAN. I spoke, as the gentleman will recollect, of original propositions.

Mr. MILLS. I know of one he recommends for an original building.

Mr. HOLMAN. I have not heard of a single such instance. There are no such estimates.

Mr. LOWRY. I beg leave to state that the case I refer to has been recommended.

Mr. HOLMAN. I take it for granted that as to the public building in my friend's district there has been a recommendation for the extension of the building and for increase of the appropriation. I am glad to make this correction, but this is not an original work.

Mr. LOWRY. It was recommended not only by the present Supervising Architect of the Treasury, but it was concurred in by the former Supervising Architect and approved by the Secretary of the Treasury.

Mr. HOLMAN. I am glad to make the correction.

A list of the bills is as follows:

| | |
|---|---|
| H. R. 1458 (Report 64), for a public building at Greenville, S. C | $50,000 |
| H. R. 357 (Report 65), to provide for the construction of a public building at New Albany, Ind | 100,000 |
| H. R. 1339 (Report 111*), to increase the appropriation for the erection of the public building at Pittsburgh, Pa | 1,500,000 |
| H. R. 1484 (Report 112), for the erection of a public building at Chattanooga, Tenn | 100,000 |
| H. R. 702 (Report 114), for the erection of a public building in the city of Augusta, Me | 150,000 |
| H. R. 1415 (Report 128*), to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor | 100,000 |
| H. R. 441 (Report 129*), for the completion of a public building at Council Bluffs, Iowa | 100,000 |
| H. R. 4385 (Report 184), for the erection of a public building at Augusta, Ga | 200,000 |
| H. R. 162 (Report 213), for the erection of a public building at Macon, Ga | 125,000 |
| H. R. 190 (Report 214*), to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill | 26,000 |
| H. R. 38 (Report 215), to provide for a building for the use of the Federal court, post-office, internal-revenue, and other civil offices, and a United States jail, in the city of Fort Smith, Ark | 250,000 |
| H. R. 1321 (Report 340), for the erection of a public building at Reading, Pa | 80,000 |
| H. R. 4979 (Report 341), to provide for the improvement and enlargement of the public building at Richmond, Va | 75,000 |
| H. R. 3716 (Report 364), for the erection of a public building at Saratoga Springs, N. Y | 200,000 |
| H. R. 4989 (Report 366), for the erection of a public building at Carson City, Nev | 100,000 |
| H. R. 483 (Report 388), for the erection of a public building at Keokuk, Iowa | 150,000 |
| H. R. 3315 (Report 389), for the erection of a public building at Paterson, N. J | 80,000 |
| H. R. 2912 (Report 390), for the erection of a public building at La Crosse, Wis | 100,000 |
| H. R. 3593 (Report 391), for the erection of a public building at Chicago, Ill | 50,000 |
| H. R. 1013 (Report 436), for the erection of a public building at Troy, N. Y | 200,000 |
| H. R. 5264 (Report 441), for the erection of a public building at Lancaster, Pa | 100,000 |

| | |
|---|---|
| H. R. 2949 (Report 442), for the erection of a public building at Port Townsend, Wash | $57,000 |
| H. R. 870 (Report 443), to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and United States internal-revenue officials, and for other Government purposes | 75,000 |
| H. R. 5672 (Report 630), for the erection of a public building at Wilmington, Del | 150,000 |
| H. R. 805 (Report 631), to provide for the construction of a public building at Jackson, in the State of Michigan | 75,000 |
| H. R. 5673 (Report 632), for the erection of a public building at Sacramento, Cal | 100,000 |
| H. R. 1570 (Report 633), for the erection of a public building at Waco, Tex | 100,000 |
| H. R. 5674 (Report 634), for the erection of a public building at the city of Tyler, in the State of Texas | 50,000 |
| H. R. 848 (Report 734), to provide for the erection of a public building in the city of Duluth, State of Minnesota | 100,000 |
| H. R. 5693 (Report 736), for the erection of a public building at Akron, Ohio | 100,000 |
| S. 233,* an act providing for the enlargement and improvement of the post-office, custom-house, and court-house, at New Haven, Conn | 50,000 |
| S. 53, an act providing for a public building at San Antonio, Tex | 200,000 |
| S. 55, an act to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada | 100,000 |
| S. 146, an act for a public building at Greenville, S. C | 50,000 |
| S. 147, an act to authorize the purchase of a site for a building for a post-office, court-house, and other public offices in San Francisco, Cal | 350,000 |
| S. 160, an act for the erection of a public building at Camden, N. J | 75,000 |
| S. 222, an act for the erection of a public building at Fort Scott, Kans | 100,000 |
| S. 396, an act for the erection of a public building at Nebraska City, Nebr | 75,000 |
| S. 505, an act for the erection of a public building at Huntsville, Ala | 100,000 |
| S. 574, an act appropriating money for the purchase of a site and the erection of a suitable building for the United States courts, post-office, and other Government offices, in the city of Winona, State of Minnesota | 100,000 |
| S. 636, an act for the erection of a public building at Oshkosh, Wis | 100,000 |
| S. 674,* an act to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill | 26,000 |
| S. 854, an act to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire | 300,000 |
| S. 1146, an act to provide for the erection of a public building in the city of Annapolis, Md | 100,000 |
| S. 1429, an act to provide for the erection of a public building at Montpelier, Vt | 75,000 |
| S. 1473, an act to enlarge the United States custom-house at Richmond, Va | 100,000 |
| S. 1504, an act for the erection of a public building at Pueblo, Colo | 100,000 |

NOTE.—Those marked with a * are increases over former appropriations, in the case of H. R. 1339 the limit of cost being increased to $1,500,000.

I will now yield for three minutes to the gentleman from Ohio.

Mr. WARNER, of Ohio. It does seem to me, Mr. Speaker, that this proposition to displace all of the public business before this House and give preference to a number of bills for the erection of public buildings throughout the country—matters of mere local interest only—is entirely unwarranted and should not be adopted. I quite agree with the gentleman from Indiana [Mr. HOLMAN] in that respect. Not only that, sir, but I am informed that there are not less perhaps than three hundred bills of this character. I may be misinformed as to the number, but that there are probably not less than three hundred bills calling for the erection of public buildings which have been introduced and sent to the Committee on Public Buildings and Grounds up to this date.

Mr. STOCKSLAGER. My friend from Ohio is largely in excess of the number.

Mr. WARNER, of Ohio. Such is my information.

Mr. STOCKSLAGER. I venture to assert that the number will not reach one hundred.

Mr. WARNER, of Ohio. Well, even one hundred is a very large number to be considered by the committee. But, sir, these buildings will probably cost, or rather an appropriation, if appropriated for at all, will be made of from one hundred to one hundred and fifty thousand dollars for each, and before we are through with them that expenditure will average perhaps $200,000. Mr. Speaker, until we can change the entire plan of constructing public buildings, until we can bring their cost down to something near at least the cost of buildings which the people can afford to erect for themselves in these various localities, I am opposed to the whole system. This method of appropriating $150,000 for the erection of a public building in a town where there is not a single structure erected by the people that has cost as much as $25,000 or $30,000 or from that to $50,000 is all wrong; and yet that is the plan upon which the Government has proceeded in the construction of its buildings all over the country. Where the expenditure may be limited within reasonable bounds; where it might be justifiable in certain cases to appropriate $20,000 for a public building or $15,000 or even $10,000, which would construct a building quite as good as other buildings in such localities, it is the practice to appropriate $100,000, $150,000, or $200,000.

Mr. TULLY. And where the Government does not pay $500 a year rent.

Mr. WARNER, of Ohio. Yes, sir; it is far more economical in most cases for the Government to pay the rent than to put up the building. Besides that, especially in political years, these structures will involve largely increased expense for care and repairs. These buildings, if erected, will require under such circumstances to be painted two or three times a year; it will cost more to take care of them, to furnish them, to keep them up, than it would to rent such buildings as the Government actually requires. And now for such purposes to lay aside, to push over all the public business before the House in order to give preference to this class of bills is in my judgment a mistake and altogether inadmissible and wrong.

[Here the hammer fell.]

Mr. HOLMAN. I yield now two minutes to the gentleman from New York [Mr. COX] if he desires it.

Mr. COX, of New York. Mr. Speaker, I only desire to say a word, and that is this: Fairness to the other committees of this House and to the gentlemen charged by its authority with other matters demands that every bill should take its chances before the House fairly and equally, and that no preference should be given to any committee over the others. I do not believe it is right to give a special privilege to this one committee. In a bill so arranged that if one goes through all of these buildings will go through, it is especially wrong to do so. It is the old game. I can not possibly designate it by its proper title, for I was once called to order in this House for calling it "log-rolling." But that kind of legislation is bad. It can not be justified. Let each building, either for increase or otherwise, be allowed to stand on its own foundation.

Mr. STOCKSLAGER. It will do that anyhow.

Mr. HOLMAN. I do not desire to prolong the debate——

Mr. YOUNG. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG. I wish to ask how long gentlemen opposing this measure will have the right to speak in this way.

The SPEAKER. Under the rule of the House fifteen minutes are allowed in support of, and fifteen in opposition to, the proposition.

Mr. YOUNG. The gentleman has already exceeded that limit.

The SPEAKER. The Chair thinks not.

Mr. YOUNG. If I am not mistaken, my watch indicates that they have already passed beyond that period.

The SPEAKER. The Chair thinks that two minutes yet remain in opposition.

Mr. HOLMAN. I wish to ask my colleague from Indiana, the chairman of the Committee on Public Buildings and Grounds, how many other bills are pending before that committee for the construction of public buildings.

Mr. STOCKSLAGER. I am not able to give the exact number, but there are several.

Mr. HOLMAN. But there are quite a number, as I understand, still unacted upon.

Mr. STOCKSLAGER. Yes, sir. Each one, however, of course will depend upon its own individual merits.

Mr. HOLMAN. I now yield the remainder of my time to the gentleman from Tennessee [Mr. MCMILLIN].

The SPEAKER. The gentleman from Tennessee has one minute.

Mr. MCMILLIN. Mr. Speaker, in that one minute I propose to say that by this resolution not only will the opportunity be given for the increase of the already large number of these domed and turreted mausoleums of expiring liberty, but it will be done by a process never before inaugurated in this House. This embraces more than fifty bills, which will cost from five to ten millions dollars. I hope this House will not enter upon such a wild career in the erection of public buildings as the last Congress did. Where buildings are needed, let them be built. But where they are not, let us not bind ourselves here to a consideration of Senate bills without ever referring them to a committee of the House. It is proposed that that list of bills, about fifty in number, shall be put through here in violation of all the rules of the House.

Mr. STOCKSLAGER. The number is thirty-nine.

Mr. MCMILLIN. But you say there are others from the Senate which will take the same course.

Mr. YOUNG. I rise to a question of order. Has not the time for the opposition to the resolution expired?

The SPEAKER. It has not. Fifteen minutes are allowed in support of the resolution and fifteen minutes in opposition to it. Only one minute remains of the time allowed in opposition to the resolution, which is now being occupied by the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. It is proposed to pass the Senate bills without referring them to any committee of the House, in violation of the rules, with a debate on these bills each involving from $50,000 to $1,500,000 of only fifteen minutes on a side. There are good bills among them, but we should have an opportunity to separate the wheat from the chaff.

The SPEAKER. The time for debate in opposition to the resolution has expired.

Mr. STOCKSLAGER. I yield three minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I recollect that during the last session of Congress the distinguished gentleman from Tennessee [Mr. MCMILLIN] stood up here in the face of this House and asked that the salaries of members of Congress should be reduced.

Mr. MCMILLIN. I was judging by what some of them deserved.

Mr. BELFORD. Hold on; I have but three minutes. I say that a man of brains who is fit to be here can secure from his earnings in his profession every year from $10,000 to $20,000. The gentleman from

Tennessee is a fit companion for the gentleman from Indiana, who objects to this bill because it takes out of the national Treasury the enormous sum of $7,000,000. They should be braced together like the love birds of Africa and sweetly float through the air with the feathers of the one touching the feathers of the other forever and forever. [Laughter.]

I say that this Government, having a vast surplus revenue in the Treasury, should secure for itself a home in every important place in this country where it transacts judicial business. I challenge the gentleman from Indiana to deny that proposition. Why should not our nation have a home everywhere where it has a national court-house? Let demagogy go to the devil. [Laughter.] Let us act like men of sense and judgment and discretion. My time is out. [Laughter.]

Mr. STOCKSLAGER. I yield four minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I shall support this resolution for the reason that I see no other way to reach these bills on the Calendar. Gentlemen have been taking very exaggerated views of it. The bills amount to $4,000,000. It is assumed that there is implied an appropriation of $4,000,000 during the fiscal year out of the Treasury. That is untrue, sir. The bills simply provide that the buildings may be constructed, leaving the sum of money to be devoted to the purpose entirely within the hands of any future Congress.

I remember, sir, when I first came to the consideration of appropriations for public buildings I found the building at Cincinnati, the one at Chicago, the one at New York, &c., some of them involving from two to eight and ten millions of dollars. But the large expenditures which alarmed the country in reference to the great public buildings have passed away. These bills involve expenditures ranging from $50,000 to $100,000, and this long list that is paraded here to frighten members away from a fair consideration of these bills all put together do not equal the cost of the building at Cincinnati, or Chicago, or New York, or Philadelphia.

Mr. GEORGE D. WISE. There was $800,000 appropriated for New York last year.

Mr. BLOUNT. I say this is all a bugbear—the parading of this list as to the number of public buildings. The number is great, but the sum of money that can be appropriated at any time is small. If we appropriate the whole of it now in this Congress it would not amount to more than $4,000,000, and the practice of Congress is to appropriate not the whole sum, but from 25 to 30 per cent of the amount; so that if the usages of this House be followed, instead of these bills authorizing an expenditure of $4,000,000, the amount will not be more than a million and a half at the next session and nothing at this.

I trust that we shall not hesitate to fix a day for the consideration of these bills. When the day shall have been fixed it is perfectly competent for the House to examine them bill by bill, and to determine as to each particular building whether or not you shall agree it shall be constructed at all. The bills do not carry a dollar even if you pass them. The whole matter of expenditure is in your hands afterward.

I know, sir, that there is some fear that possibly bills may pass that ought not to pass. But I am aware that the policy of the country has been for years to construct these buildings. The majority of the House is anxious to consider the bills, and the chairman of the Committee on Public Buildings and Grounds tells us there is no way in which they are likely to be reached except the way which the committee recommends. Although the bills may not be all that I desire, I propose for one to give my vote for their consideration, reserving the right to pass upon the rights of each individual measure hereafter.

Mr. STOCKSLAGER. I yield one minute to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. The gentleman from Georgia [Mr. BLOUNT] has stated the question aright. The object of the resolution is simply to give these bills consideration. The House is not obliged to appropriate money for any one of these buildings unless it finds it meritorious. Now, is the House afraid of itself? Is it afraid to take these bills into consideration? We simply want to have them considered.

The gentleman from Ohio thinks it would be cheaper to rent buildings. I would say to the gentleman it would be cheaper for him to die than to live. He can buy a coffin for five dollars, while he can not live very long for that.

In the capital city of my own State there are between eighteen and nineteen million pieces of mail matter handled annually in two old buildings three hundred feet apart, with no vaults and with no protection at all against fire for the property of the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. STOCKSLAGER. How much time have I remaining?

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. STOCKSLAGER. In that two minutes I desire to say simply that the Committee on Public Buildings and Grounds of this House have very carefully examined these bills. As I stated in the outset, the average amount covered by each bill is about $110,000. There are just thirty-nine bills altogether, including both House and Senate bills. The House bills, including those which provide for extending the limitations imposed by previous acts, cover the amount of $4,643,000; excluding those bills, the appropriations covered by them will amount to $2,917,000.

Of the twenty-four bills from the Senate which are upon the Speaker's table eleven are duplicates of those which have been reported by the Committee on Public Buildings and Grounds of this House, leaving only thirteen Senate bills not included among those reported by the House Committee. That makes a total of thirty-nine bills, carrying somewhere between four and five millions of dollars, if all the bills shall become laws and the whole amount named in them shall be appropriated.

As I have before said, all that the committee ask is that these bills shall have a hearing. I think it is due to the committee, it is due to the people of this country so largely interested in these matters, that there shall be some time set apart for the consideration of these bills.

The SPEAKER. The time allowed by the rule for debate has expired. The question is upon the motion of the gentleman from Indiana [Mr. STOCKSLAGER] to suspend the rules and adopt the resolution which has been read.

Mr. COSGROVE. I ask that the resolution be again read.

The SPEAKER. It has been twice read; but if objection is not made it will again be read.

Mr. MILLS. I object.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. After a resolution has been debated, can it not be read again as a matter of right on the part of those members who have not been able to fully catch its meaning?

The SPEAKER. Every member on the floor has a right to demand that a resolution shall be once read; that is a matter of right. This resolution has been read twice, perhaps three times. The gentleman from Missouri [Mr. COSGROVE] asked to have it read again, and objection was made.

Mr. HOLMAN. I trust no objection will be made to its being read again.

Mr. MILLS. I object.

The SPEAKER. Objection is made. The question is upon agreeing to the motion to suspend the rules and adopt the resolution.

Mr. WARNER, of Ohio, and Mr. BEACH called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 54 in the affirmative.

The SPEAKER. There having been no vote taken to-day, the Chair will count the other side.

The negative vote was then taken.

The SPEAKER. Upon ordering the yeas and nays there are 53 in the affirmative and 93 in the negative. More than one-fifth voting in favor of ordering the yeas and nays, they are ordered.

The question was taken; and there were—yeas 162, nays 77, not voting 83; as follows:

YEAS—162.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ermentrout, | Lewis, | Scales, |
| Aiken, | Everhart, | Long, | Shelley, |
| Anderson, | Evins, J. H. | Lore, | Singleton, |
| Atkinson, | Findlay, | Lovering, | Skinner, C. R. |
| Barbour, | Finerty, | Lowry, | Skinner, T. G. |
| Barksdale, | Funston, | Lyman, | Smalls, |
| Bayne, | George, | McCoid, | Spooner, |
| Belford, | Gibson, | McCormick, | Spriggs, |
| Bennett, | Glascock, | McKinley, | Stephenson, |
| Bisbee, | Goff, | Maybury, | Stewart, Charles |
| Blount, | Greenleaf, | Miller, J. F. | Stewart, J. W. |
| Brainerd, | Guenther, | Milliken, | Stockslager, |
| Breckinridge, | Hanback, | Mills, | Stone, |
| Breitung, | Hancock, | Morrill, | Strait, |
| Brewer, F. B. | Hardeman, | Moulton, | Struble, |
| Brewer, J. H. | Harmer, | Muldrow, | Talbott, |
| Browne, T. M. | Hart, | Murphy, | Taylor, E. B. |
| Brown, W. W. | Hatch, H. H. | Nelson, | Tillman, |
| Budd, | Hatch, W. H. | Nicholls, | Tully, |
| Caldwell, | Haynes, | Nutting, | Valentine, |
| Campbell, J. M. | Hemphill, | O'Hara, | Vance, |
| Carleton, | Henderson, D. B. | O'Neill, Charles | Van Eaton, |
| Cassidy, | Henderson, T. J. | Paige, | Wakefield, |
| Collins, | Heniey, | Payne, | Weaver, |
| Connolly, | Hepburn, | Peelle, S. J. | Wellborn, |
| Converse, | Holmes, | Perkins, | Weller, |
| Culberson, D. B. | Hopkins, | Peters, | Wemple, |
| Culbertson, W. W. | Houk, | Poland, | White, J. D. |
| Cullin, | Houseman, | Price, | White, Milo |
| Cutcheon, | Hurd, | Pryor, | Wilkins, |
| Dargan, | Jeffords, | Pusey, | Willis, |
| Davis, L. H. | Jones, J. H. | Ranney, | Wilson, James |
| Davis, R. T. | Jones, J. T. | Ray, G. W. | Wilson, W. L. |
| Dibrell, | Kelley, | Reed, | Winans, E. B. |
| Dorsheimer, | Kellogg, | Reese, | Wise, G. D. |
| Dowd, | Ketcham, | Rockwell, | Woodward, |
| Dunn, | King, | Rogers, J. H. | Yaple, |
| Eaton, | Lacey, | Rogers, W. F. | York, |
| Eldredge, | Laird, | Rosecrans, | Young. |
| Ellis, | Lanham, | Rowell, | |
| Ellwood, | Lawrence, | Ryan, | |

NAYS—77.

| | | | |
|---|---|---|---|
| Alexander, | Buckner, | Crisp, | Herbert, |
| Bagley, | Campbell, Felix | Deuster, | Hewitt, G. W. |
| Ballentine, | Clardy, | Dockery, | Hill, |
| Beach, | Clay, | Fiedler, | Hitt, |
| Blanchard, | Cobb, | Forney, | Hoblitzell, |
| Bland, | Cosgrove, | Fyan, | Holman, |
| Boyle, | Covington, | Graves, | Howey, |
| Broadhead, | Cox, S. S. | Halsell, | Jones, B. W. |
| Buchanan, | Cox, W. R. | Hammond, | Jones, J. K. |

| | | | |
|---|---|---|---|
| Kleiner, | Oates, | Snyder, | Ward, |
| Le Fevre, | Parker, | Stevens, | Warner, A. J. |
| McComas, | Patton, | Storm, | Warner, Richard |
| McMillin, | Payson, | Sumner, D. H. | Whiting, |
| Millard, | Pierce, | Taylor, J. D. | Williams, |
| Mitchell, | Peel, S. W. | Taylor, J. M. | Winans, John |
| Morey, | Rankin, | Thompson, | Wolford, |
| Morgan, | Reagan, | Throckmorton, | Wood. |
| Morse, | Riggs, | Turner, H. G. | |
| Murray, | Robertson, | Turner, Oscar | |
| Neece, | Seymour, | Van Alstyne, | |

NOT VOTING—83.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dibble, | Johnson, | Rice, |
| Arnot, | Dingley, | Jordan, | Robinson, J. S. |
| Barr, | Duncan, | Kasson, | Robinson, W. E. |
| Belmont, | Dunham, | Kean, | Russell, |
| Bingham, | Elliott, | Keifer, | Seney, |
| Blackburn, | Evans, I. N. | Lamb, | Shaw, |
| Boutelle, | Ferrell, | Libbey, | Slocum, |
| Bowen, | Follett, | McAdoo, | Smith, |
| Brumm, | Foran, | Matson, | Springer, |
| Burleigh, | Garrison, | Miller, S. H. | Steele, |
| Burnes, | Geddes, | Money, | Sumner, C. A. |
| Cabell, | Green, | Morrison, | Thomas, |
| Calkins, | Hardy, | Mutchler, | Townshend, |
| Candler, | Hewitt, A. S. | Ochiltree, | Tucker, |
| Cannon, | Hiscock, | O'Neill, J. J. | Wadsworth, |
| Chace, | Holton, | Pettibone, | Wait, |
| Clements, | Hooper, | Phelps, | Washburn, |
| Cook, | Horr, | Post, | Wise, J. S. |
| Curtin, | Hunt, | Potter, | Worthington. |
| Davidson, | Hutchins, | Randall, | |
| Davis, G. R. | James, | Ray, Ossian | |

So (two-thirds voting in favor thereof) the motion to suspend the rules and adopt the resolution was agreed to.

Before the result of the vote was announced,

Mr. HOLTON said: Mr. Speaker, I was in my seat during the roll-call, but did not hear my name called. I desire to have my vote recorded.

The SPEAKER. The gentleman from Maryland [Mr. HOLTON] states that he was in his seat during the roll-call, but failed to hear his name. He asks leave to record his vote. Is there objection?

Mr. COX, of North Carolina. I object.

Mr. BLOUNT. I have been requested to announce that the gentleman from Florida, Mr. DAVIDSON, is unable to be here to-day on account of sickness in his family.

The following pairs were announced from the Clerk's desk:

Mr. TOWNSHEND with Mr. WASHBURN, until to-morrow.

Mr. HEWITT, of New York, with Mr. STEELE, on all political questions, until to-morrow.

Mr. WORTHINGTON with Mr. BOWEN, until the 14th instant.

Mr. ERMENTROUT with Mr. BRUMM, on political questions, until further notice.

The following-named members were announced as paired on this question:

Mr. CANNON with Mr. SENEY.

Mr. RAY, of New Hampshire, with Mr. SPRINGER.

Mr. RANDALL with Mr. CALKINS.

Mr. CABELL with Mr. MATSON.

The following-named members were announced as paired for this day:

Mr. MONEY with Mr. BINGHAM.

Mr HISCOCK with Mr. BLACKBURN. Mr. HISCOCK, if present, would vote to consider the tariff on wool and Mr. BLACKBURN would vote "no."

The following-named members were announced as paired until further notice.

Mr. DIBBLE with Mr. DINGLEY.

Mr. POTTER with Mr. LIBBEY.

Mr. O'NEILL, of Missouri, with Mr. DUNHAM.

Mr. MULLER with Mr. WAIT.

Mr. CURTIN with Mr. KEAN.

Mr. WEMPLE with Mr. JOHNSON.

Mr. MILLER, of Pennsylvania, with Mr. COOK.

Mr. MORGAN with Mr. MORRILL.

Mr. MCADOO with Mr. THOMAS.

Mr. GREEN with Mr. WADSWORTH.

Mr. DUNCAN with Mr. SMITH.

Mr. FORAN with Mr. PETTIBONE.

Mr. ARNOT with Mr. BURLEIGH.

Mr. DAVIDSON with Mr. JOHN S. WISE.

Mr. LAMB with Mr. RICE.

Mr. POST, of Pennsylvania, with Mr. EVANS, of Pennsylvania.

Mr. HERBERT with Mr. OCHILTREE.

Mr. SNYDER with Mr. BARR.

Mr. DAVIS, of Illinois, with Mr. FOLLET.

The result of the vote was announced as above stated.

## TARIFF ON WOOL.

Mr. CONVERSE. I move to suspend the rules so as to discharge the Committee on Ways and Means from the further consideration of the bill which I send to the desk and pass the same.

The Clerk read as follows:

A bill (H. R. 1218) to restore the rates of duty on imported wool.

*Be it enacted, &c.*, That the rates of duty to be levied, collected, and paid upon the three several classes of wool and hair from the alpaca, goat, and other like animals, as now classified by law, which may be imported from foreign countries, shall be restored and fixed at what they were on each of the three classes, respectively, of said articles at the time of the passage of the act of March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes," any law to the contrary notwithstanding.

Mr. MORRISON. I demand a second on this motion.

Mr. MCKINLEY. For the purpose of saving time, I suggest that a second be considered as ordered by unanimous consent.

Mr. MORRISON. I have no objection.

The SPEAKER. If there be no objection, the motion will be considered as seconded. The Chair hears none. The question is now upon agreeing to the motion. Under the rules thirty minutes are allowed for debate—fifteen minutes in favor of the motion and fifteen minutes against it.

Mr. CONVERSE. I yield four minutes to my colleague [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, in the few minutes which by the courtesy of my colleague I am permitted to occupy I will have little time to more than express my hearty approval of the bill now under consideration and my earnest desire that it may be enacted into law.

The general revision of the tariff made by the last Congress reduced the duties on wool to 10 cents and 12 cents per pound on first and second class wools. That is, it abolished the 10 and 11 per cent. ad valorem which under the act of 1867 were assessed on these two classes of wool in addition to the specific duty of 10 and 12 cents per pound.

The bill now before us proposes to restore the ad valorem rates, so that hereafter the duties to be levied and collected upon these two grades of wool shall be 10 cents per pound and 11 per cent. ad valorem upon one class, and 12 cents per pound and 10 per cent. ad valorem upon the other. In a word, it restores the duties upon wool as fixed by the act of 1867. It is only proper that I should state that the last House never had an opportunity to vote upon the wool duty as a separate proposition, but was compelled to vote upon the Senate bill as agreed to in the conference committee as a whole. The alternative was then presented to the House of passing the bill as an entirety, which involved reductions in custom rates and large reductions of internal-revenue taxes amounting to $40,000,000 annually, or defeat it, and thus lose everything of good which the bill contained. Had the question of disturbing the wool duty been presented distinct and separate, the reduction would never have taken place. This was shown when the Ways and Means Committee authorized one of its members to offer as a committee amendment the wool duties of 1867, which would have been presented and passed had the consideration of this schedule ever been reached in the House. Nor would the conference committee have failed to correct the wrong if it had not been made manifest by repeated votes in the Senate that the increase proposed upon wool would certainly have defeated the bill in the Senate.

The reduction was made under the circumstances I have named, and the injustice of it has come to be recognized by the Republican party and by many Democrats in Ohio and other States. We now have an opportunity to do justice to this important article of American production, and the proposition of my colleague, plain and simple, is to correct the injustice, and place the wool industry of the country where the legislation of last winter found it.

The act of 1867, which this bill proposes to restore, was in every sense a just one, equitable in its provisions, and time has demonstrated its practical benefits in the growth and development of wool production. In 1850 there were 21,723,220 sheep in the United States, producing 52,516,959 pounds of wool; in 1860 there were 22,471,225 sheep, producing 60,264,913 pounds; in 1870 there were 28,477,951 sheep, producing 100,102,387 pounds; in 1880 there were 43,576,899 sheep, producing 235,648,834 pounds; in 1883, 50,500,000 sheep, producing 320,000,000 pounds of wool.

From 1860 to 1870, during the decade when the protective-tariff act of 1867 went into operation, the number of sheep increased 25 per cent., while in the decade between 1850 and 1860 it was less than 4 per cent., while the price of wool has decreased to the consumer, amply demonstrating that adequate protection does not increase the cost of the protected article.

There are more than a million of our fellow-citizens directly interested in this form of production. They constitute the farmers of the country, great and small. They feel that a great wrong has been done them; that the value of their product has been most seriously diminished, and that unless Congress gives them the needed relief their business will be further seriously crippled and eventually destroyed; that sheep-husbandry in the older States will be a thing of the past, and the production of the finer grades of wool which enter so largely into domestic manufacture will be exclusively the product of Australia and other foreign countries, which can result only to the injury of our own people; for when Australia once gets control of this market she will increase the price to the manufacturer and consumer. In every aspect, therefore, and for every interest in the United States this bill ought to pass.

The farmers, busy with their own employments, do not often come to this legislative body asking for legislative relief, and when they do come their requests should receive the highest consideration, and when just and reasonable, as in this case, they should command prompt and favorable action.

Petitions from all of the wool-growing States, extending from Ver-

mont to California, have poured in upon this House almost daily from the opening of the session, urging the prompt restoration of the wool duty of 1867. It is not Ohio alone, but every State in the Union is concerned in your favorable action upon this bill. Their appeals should not go unheeded. I do not doubt that every member on this side, as a simple act of justice, will vote for this measure. It is in harmony with the principle of protection which we advocate as a party and the policy which we have always pursued. There should be no halting in response to their request. I earnestly appeal to you to vote for this bill, and with the aid of gentlemen on the other side we may to-day, so far as this branch of the legislative will can do it, right this wrong.

This motion requires a two-thirds vote; so with the entire vote of this side of the House we must have a large vote from the other side to succeed. May I appeal to the Democrats of this House to aid generously by their votes in this much-needed legislation? I venture to do it the more boldly because your brethren last fall in Ohio, by platform, public speech, and campaign literature, assured the people in the most authoritative manner that the wool duty of 1867 should be restored at the beginning of this Congress. It was not the campaign clatter of irresponsible politicians, it was the voice and the utterances of the leaders of the party in the State supported by the leaders of the party in other States.

Mr. DUNN. Who are they?

Mr. MCKINLEY. Why, the whole Democratic party. I hold in my hand a pamphlet issued by the authority of the Ohio State central Democratic committee, in which they said if Mr. Hoadly was elected governor of Ohio that this Congress, which fortunately was Democratic (as they declared), on the very first days of its session should wipe out the iniquity inflicted on the wool-growers by the Republicans of the last Congress. The people heard and believed these party assurances, and thousands of wool-growers who had always theretofore voted otherwise voted the Democratic ticket, transferred the entire political power of the State from the control of the Republican to that of the Democratic party, captured the executive and both branches of the Legislature, and elected a United States Senator. And now that you have gathered the fruit of their faith and your promises, the farmers and wool-growers of the State demand and have a right to demand that you make good your pledges and keep faith with those who acted upon your assurances. You have secured the prize of victory—party success—now step up and keep your promises. [Applause on the Republican side of the House.] Do I make this too strong? Let me read you what your party said last September, and you will say that if they were dealing fair and honorably with the people then, they have a right to expect the prompt passage of the bill:

I read from a pamphlet issued by the Democratic executive committee of Ohio and sent broadcast over the State in the campaign of last fall:

The Democrats propose to work industriously for power, with full confidence in the intelligence of the people, and when they obtain power to at once repeal the iniquitous measure (the wool tariff).

Is it possible to obtain a restoration of the duty entire?

This is the question which every sheep-owner in Ohio is asking himself. We say to every farmer, and with all possible emphasis, that the question must be answered now.

Next year will not do. The reason is clear; the issue has been raised in the present Ohio campaign, and the wool interest elsewhere, as well as the enemies of the wool interest, are unanimous in recognizing that the result of the Ohio campaign will decide whether the duty shall be restored immediately or whether its restoration shall be left to the chances of the future.

The election of Hoadly, on the other hand, means the triumph of the Democrats and the success of their objects, of which the unconditional restoration of the duty on wool entire is one of the most important. This triumph will create a most irresistible sentiment throughout the nation in favor of the wool-growers, and when Congress meets next winter (it is, fortunately, Democratic in the House) the strength of public opinion will be so great that the President will not dare resist it, and he will readily sign any measure brought forward for relief. The consequence will be that farmers will be able to retain their flocks and go on with the profitable production of wool. The election of a Democratic Legislature insures the election of a Democratic United States Senator from Ohio and largely increases the chances of having a Democratic majority in the United States Senate, and in that event the Democratic party will be in a situation to redeem its promise made to the wool-growers of Ohio in its State platform. Farmers of Ohio, can you trust the party that has in our national Legislature outraged and robbed you at the bidding of the capitalists of New England? Is there any hope for you from such a party, who have thus deliberately sacrificed your dearest and best interest? The party that created this great wrong can not be trusted to give you relief. The Democrats in Congress were your friends. They sought by every means in their power to prevent this wrong from being inflicted on you. Trust the Democratic party in this matter; it has promised to and will give you relief.

Will you ignore these promises, so authoritatively made, and deny the great farming class this much-needed legislation?

I am earnestly and heartily for this bill and sincerely hope the House will give it the requisite number of votes to insure its adoption, and thus demonstrate its purpose to carefully guard and protect the American wool raised by the American farmer against the foreign competitor whose product is prepared for the market by a cheap labor—so cheap and illy paid that no farmer in the United States can or will enter with it the field of competition. Our farmers who have contributed so largely to the wealth and progress of this nation are justly entitled to the relief they ask.

Mr. CONVERSE. I now yield to the gentleman from California for two minutes.

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. My point of order, Mr. Speaker, is this: The gentleman from Ohio has asked permission to print certain things which was not given by the House; that is, to print certain expressions used in the Ohio campaign last year.

Mr. MCKINLEY. Yes, sir.

Mr. COX, of New York. Let me ask the gentleman if he includes me in the list?

Mr. MCKINLEY. No; I do not.

Mr. COX, of New York. I wish to correct a story that has been going the round on that subject.

Mr. MCKINLEY. I understood the gentleman from New York while he spoke in Ohio last fall for the Democratic party did not get on the platform of protection adopted by the Democratic party of that State. [Laughter and applause on the Republican side.]

Mr. COX, of New York. You are right. I do not object to granting permission to the gentleman to print.

The extent of this interest will be observed from the following statistics:

*Statement showing for the United States the number of flocks of sheep, exclusive of those on public-land ranches, the figures being furnished by Mr. Jacob R. Dodge, statistician Department of Agriculture.*

| | | | |
|---|---|---|---|
| Alabama | 23,875 | Montana | 137 |
| Arizona | 39 | Nebraska | 2,119 |
| Arkansas | 20,595 | Nevada | 97 |
| California | 4,326 | New Hampshire | 11,206 |
| Colorado | 406 | New Jersey | 5,822 |
| Connecticut | 3,194 | New Mexico | 814 |
| Dakota | 1,819 | New York | 75,523 |
| Delaware | 1,986 | North Carolina | 52,541 |
| Florida | 1,001 | Ohio | 93,984 |
| Georgia | 25,514 | Oregon | 4,605 |
| Idaho | 128 | Pennsylvania | 72,425 |
| Illinois | 39,803 | Rhode Island | 790 |
| Indiana | 54,069 | South Carolina | 10,049 |
| Iowa | 17,220 | Tennessee | 62,924 |
| Kansas | 3,804 | Texas | 8,390 |
| Kentucky | 60,598 | Utah | 2,001 |
| Louisiana | 5,449 | Vermont | 16,573 |
| Maine | 34,132 | Virginia | 32,494 |
| Maryland | 10,498 | Washington | 1,067 |
| Massachusetts | 3,488 | West Virginia | 30,909 |
| Michigan | 62,119 | Wisconsin | 58,487 |
| Minnesota | 24,208 | Wyoming | 44 |
| Mississippi | 15,466 | | |
| Missouri | 63,990 | Total United States | 1,020,728 |

*Sheep and wool.*

| States and Territories. | Sheep. | Sheep on farms. *a* | Ranch and range sheep. *b* | Wool. *c* |
|---|---|---|---|---|
| | *Number.* | *Number.* | *Number.* | *Pounds. d* |
| Alabama | 347,538 | 347,538 | ..... | 762,207 |
| Arizona | 466,524 | 76,524 | 390,000 | 313,698 |
| Arkansas | 246,757 | 246,757 | ..... | 557,368 |
| California | 5,727,349 | 4,152,349 | 1,575,000 | 16,798,036 |
| Colorado | 1,091,443 | 746,443 | 345,000 | 3,197,391 |
| Connecticut | 59,431 | 59,431 | ..... | 230,133 |
| Dakota | 85,244 | 30,244 | 55,000 | 157,025 |
| Delaware | 21,967 | 21,967 | ..... | 97,946 |
| Florida | 105,681 | 56,681 | 49,000 | 162,810 |
| Georgia | 527,589 | 527,589 | ..... | 1,289,560 |
| Idaho | 117,326 | 27,326 | 90,000 | 127,149 |
| Illinois | 1,037,073 | 1,037,073 | ..... | 6,093,066 |
| Indiana | 1,100,511 | 1,100,511 | ..... | 6,167,498 |
| Iowa | 455,359 | 455,359 | ..... | 2,971,975 |
| Kansas | 629,671 | 499,671 | 130,000 | 2,855,833 |
| Kentucky | 1,000,269 | 1,000,269 | ..... | 4,592,576 |
| Louisiana | 135,631 | 135,631 | ..... | 406,678 |
| Maine | 565,918 | 565,918 | ..... | 2,776,407 |
| Maryland | 171,184 | 171,184 | ..... | 850,084 |
| Massachusetts | 67,979 | 67,979 | ..... | 299,089 |
| Michigan | 2,189,389 | 2,189,389 | ..... | 11,858,497 |
| Minnesota | 267,598 | 267,598 | ..... | 1,352,124 |
| Mississippi | 287,694 | 287,694 | ..... | 734,643 |
| Missouri | 1,411,298 | 1,411,298 | ..... | 7,313,924 |
| Montana | 279,277 | 184,277 | 95,000 | 996,482 |
| Nebraska | 247,453 | 199,453 | 48,000 | 1,282,656 |
| Nevada | 230,695 | 133,695 | 97,000 | 655,012 |
| New Hampshire | 211,825 | 211,825 | ..... | 1,060,589 |
| New Jersey | 117,020 | 117,020 | ..... | 441,110 |
| New Mexico | 3,938,831 | 2,088,831 | 1,850,000 | 4,019,188 |
| New York | 1,715,180 | 1,715,180 | ..... | 8,827,195 |
| North Carolina | 461,638 | 461,638 | ..... | 917,756 |
| Ohio | 4,902,486 | 4,902,486 | ..... | 25,003,756 |
| Oregon | 1,368,162 | 1,083,162 | 285,000 | 5,718,524 |
| Pennsylvania | 1,776,598 | 1,776,598 | ..... | 8,470,273 |
| Rhode Island | 17,211 | 17,211 | ..... | 65,680 |
| South Carolina | 118,889 | 118,889 | ..... | 272,758 |
| Tennessee | 672,789 | 672,789 | ..... | 1,918,295 |
| Texas | 3,651,633 | 2,411,633 | 1,240,000 | 6,928,019 |
| Utah | 523,121 | 233,121 | 290,000 | 973,246 |
| Vermont | 439,870 | 439,870 | ..... | 2,551,113 |
| Virginia | 497,289 | 497,289 | ..... | 1,836,673 |
| Washington | 388,883 | 292,883 | 96,000 | 1,389,123 |
| West Virginia | 674,769 | 674,769 | ..... | 2,681,444 |
| Wisconsin | 1,336,807 | 1,336,807 | ..... | 7,016,491 |
| Wyoming | 450,225 | 140,225 | 310,000 | 691,650 |
| Indian Territory | 55,000 | ..... | 55,000 | ..... |
| Total | 42,192,074 | 35,192,074 | 7,000,000 | 155,681,751 |

*a* Exclusive of spring lambs. *b* Estimated. *c* Spring clip of 1880. *d* Not including the following items, the result of special investigation: Texas and California fall clip of sheep reported on farms, 13,000,000 pounds; wool of other (ranch) sheep, 34,000,000 pounds; pulled wool and fleece of slaughtered sheep, 38,000,000 pounds; making an aggregate of 240,681,751 pounds.

Mr. CONVERSE. I yield now two minutes to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. I can not do much, Mr. Speaker, in this debate inside of two minutes; but as a contribution from one of the largest wool-producing States in this Union I desire to say that the present tariff is regarded in the locality where I come from as being unjustly discriminative in favor of the manufacturer and against the wool farmer, and as a measure of justice to the farmer the tariff of 1867 should be restored upon wool.

Mr. CONVERSE. I now yield two minutes to my colleague from Ohio [Mr. WILKINS].

Mr. WILKINS addressed the House. [See Appendix.]

Mr. CONVERSE. I reserve the balance of my time until I hear from the other side.

The SPEAKER. The gentleman has eight minutes remaining.

Mr. MORRISON. Mr. Speaker, it will be remembered that the Tariff Commission, at the end of its eighth months' exercises, fixed the duty on wool as it is in the law to-day. Their report was approved by the gentlemen on the other side of the House and their protective friends, few in number, on this; approved in the Senate, went to a committee of conference, and finally became a law. Professedly these gentlemen would undo their work and restore the duty to the rate where they found it. What estimate is to be made of their professions the country will rightly determine. Whatever may be the views of gentlemen upon the question of protective bounties, the duty on wool cannot justly or rightly be considered apart from the duty upon woolen goods into which the wool extends and makes up a very large part of the cost of manufactured woolen goods.

A bill has been reported to the House on the general subject of the tariff, embracing the rates of duty on both wool and woolen goods, and I shall ask the House on Tuesday of next week to take up that bill and consider it, and with it this question of the tax or duty on wool and woolen goods, together with the other questions of taxation which that bill presents.

I now yield the remainder of my time to the gentleman from Ohio [Mr. HURD], since it is claimed to be in some way an Ohio question.

The SPEAKER. The gentleman has thirteen minutes remaining.

Mr. HURD. Mr. Speaker, I oppose this motion, because it proposes to restore the duty on wool and thereby increase the price of that commodity. It does this directly by increasing the price of foreign wool required in domestic manufacturing. The question thus plainly presented is, ought the price of wool to be increased by legislation?

There are three classes interested in the answer to this question—first, those who consume articles made of wool; secondly, those who manufacture woolen goods; and, thirdly, those who produce the raw material itself.

The manifest effect upon the first class—the consumer—is to increase the price of his woolen goods, for you can not add to the price of the raw material of which the article is made without increasing the price of the article itself. Ought, then, to the consumers of this country the price of woolen goods be increased? To this question, Mr. Speaker, there can be but one answer. At all times and under all circumstances in our northern climate wool is an indispensable article of daily consumption. It is shelter to the houseless, covering to the shivering, and fuel when the light of the fire is extinguished. The life of the workingman, the artisan, and the mechanic without the protection of woolen clothing would be insupportable while they toil, and their condition without it would be miserable indeed, after their daily toil is ended.

If these remarks be true ordinarily, how painfully true are they now. This has been a winter of unexampled severity. More than half a million of men are out of employment. In debt, without wages, strong men everywhere are seeing their families suffer because they can not get the work they are anxious to do.

Has this House of Representatives, to these sufferers, nothing more to say than this, that the necessaries of life to them shall be increased in expense? The very proposition is a mockery of their misfortune. The passage of this bill would be an unforgivable wrong to millions. It is not an auspicious time to make clothing dearer to the poor. If bounties are needed for any industry, in God's name take them out of your overflowing Treasury, not out of your suffering poor. [Applause.]

Secondly. What is the effect upon the manufacturer of the proposed legislation? That interest everywhere is in a state of depression. Many mill-owners have gone into insolvency. More have reduced the hours of labor. Many have shut up for a time. Few are running all the time and to the full extent of their capacity. In the midst of this embarrassment among the the wool manufacturers, does this House propose to add to their burden, by increasing the price of their raw materials?

One of the chief causes of the present depression is the high price of foreign wool. The duty even as it stands now under the present tariff, with the cost of importation added, increases the price of foreign wool to the American manufacturer nearly 60 per cent. above what it is at the port of shipment. In 1880 the American mills consumed 300,000,000 pounds of wool. Of these, 75,000,000 were imported. Nearly one-fourth of their consumption was of foreign production. They have the power in these mills to consume nearly twice as much as they do. To be able to manufacture to the extent of half of their capacity they have been obliged to import 75,000,000 pounds of foreign wool with the increase of price which the tariff makes. The mills of America can manufacture nearly 600,000,000 pounds annually. The wool-growers of America produce 300,000,000 pounds annually. Your high duty therefore disables your manufacturer from getting the wool he is required to have in order to supply deficiencies of home production. And by this very tariff, too, you have robbed these men of the markets of the world. England, with free wool, sells abroad one hundred and twenty million dollars' worth of woolen goods annually. America, with high duties on wool, sells abroad scarcely four hundred thousand dollars' worth. Pass this bill and increase the price of foreign wool, and you add to the embarrassment of every woolen manufacturer, you compel a further reduction of the wages of their operatives, and lock still more tightly against them the doors of the markets of the world.

Mr. Speaker, this wrong to the consumer, this wrong to the manufacturer is attempted to be justified on the ground that the American farmer will get a better price for his wool. This is a delusion. Who makes the market for the American farmer? No man buys wool and takes it to his own home to spin and weave it into clothes. It is the American manufacturer who makes the market for the American farmer. And just as he is prosperous or depressed is the price of wool high or low. [Applause.] It is natural that a man in prosperity will pay a better price than the man whom adversity has overtaken. And in this country to-day you find this astonishing situation—a high duty on foreign wool and a low price of American wool. And I charge here now that this low price of American wool is largely attributable to the high price of foreign wool.

There are three grades or classes of wool in the market: First, the superfine or the Silesian wool; second, the intermediary or combing wool; and, third, the coarse carpet wool. Of these America does not produce the superfine wool or the carpet wool, and it can not produce them. Therefore no duty on them can be of any benefit to the farmer of this country. He does not grow them.

As to the intermediary grade this is the situation: The wools of the foreign countries have a fiber and texture which our wools do not possess, and the American manufacturer needs them to mix with American wool to produce the best results. No man can make a good suit of clothes out of American wool alone. From England, from France, and other parts of the world we want their wool with its fiber to make the best product for our manufacturer in his work of supplying the home demand.

You see to-day, Mr. Speaker, that the whole supply of foreign wool is imported because of the necessity of manufacture. Let foreign wool come in free or let the duty be further reduced and you will bring in more foreign wool to commingle with the American wool to enable our manufacturers to make the best cloths. I believe every pound of foreign wool of intermediary grade that comes into this country makes more valuable every pound of wool raised here. The basis of my proposition on this point is that the foreign wool does not come into America in competition with American wool, but to supplement its deficiencies. This is no idle theory of mine. During the low duties on wool from 1847 to 1861 the farmers got on an average 5 cents per pound more for their wool than they have received from 1867 until now under the high protective tariff adopted in the year last named. In England when a proposition was made to take the duties off of wool altogether it was antagonized as calculated to destroy the wool-growing interests; but the result is that from that time until now the price of wool has steadily advanced, subject only to those fluctuations which affect all occupations.

In France we have the same result, for when the duty on wool was reduced from 33 to 22 per cent. wool immediately advanced 6 per cent. and continued at that rate. One of the principal statisticians of France reported to the French Government that "high duties on wool made low prices at home, while low duties on wool or free wool made good prices at home." In that report M. Baudrillard said, "The home" (French) "production is not sufficient for the daily wants of our industry. Every check thrown in the way of the latter affects its activity. As soon as our manufacturers can not procure foreign wool they decrease their production, because they can not find at home the required qualities, and the French wool which they would have used to mix in lies about in the markets."

Mr. Speaker, I believe if wool were put on the free-list to-day, with a corresponding reduction of the tariff on woolen goods, the result would be a large increase in manufacturing, a large addition to the number of operatives employed, an increase of at least 10 per cent. in the price of wool to the farmer, and a reduction of 25 per cent. in price to the people who have to purchase woolen clothes.

I know that I have been requested by the Democratic Legislature of the State of Ohio to vote to restore the duty on wool. I have a great respect for it as a body; I have a great respect for its individual members, so many of whom I know well and favorably. But I would not vote in this House to make woolen clothing dearer to the laboring population of this country if every Democrat in the State of Ohio should ask me to do so. [Applause on the Democratic side.]

Woe to the party that proposes to obtain power by making the expense of living heavier and the struggle for existence still harder for those who can scarcely carry it on now. The path of victory to such a

party is through the misfortunes and sufferings of their fellow-men. If lifted into power it will be on the shoulders of taxation and monopoly. The leaves of its laurel will be entwined with a poison vine which will cause them to wither even as they are being gathered.

For one I do not care that the party to which I belong shall come into power unless it shall be to give freer trade to our people, better investments to its capital, larger wages to its laborers, and greater glory to the American name on the high seas and among the nations of the earth.

[Here the hammer fell, and the gentleman resumed his seat amid great applause.]

The SPEAKER. The time for debate in opposition to the resolution has expired. The gentleman from Ohio [Mr. CONVERSE] is entitled to eight minutes remaining of his time in support of his resolution.

Mr. CONVERSE. Mr. Speaker, the gentleman from New York, in his handsome address the other day on the tariff, said that "some sheep farmers" had been before the Committee on Ways and Means. He denied that the farming interest had been there represented, and from his remarks one might infer that sheep-husbandry in the United States is an insignificant industry.

Mr. HENLEY. What gentleman from New York?

Mr. CONVERSE. I refer to Mr. COX. It may be worth while for the members of this House in the short fifteen minutes' debate allowed on each side to call to mind the magnitude and importance of this industry before they cast a vote which shall impair its value or leave it in a crippled condition, and which will make a difference of half a million votes in the results in the election next November. This is not a question, as asserted by my colleague [Mr. HURD], whether woolen clothing, which in his brilliant rhetoric serves as shelter, raiment, and food for the poor, shall command a higher price than it now does.

When the rates of duty on wool were reduced on the 3d of March, 1883, though the act did not take effect till the 30th day of June, the price of wool immediately went down, and the clip of 1883 was sold at 5 cents per pound less than it would have brought but for the reduction of the rate of duty. It is a singular commercial fact that although the reduction of duty was only 3½ cents per pound, yet from increased importations overstocking the market, or from the pressure of a declining market or other unknown cause, the price in the open market was reduced 5 cents per pound. The farmers of the country lost in the transaction not less than $15,000,000, of which sum Ohio lost $1,100,000. Has there been any corresponding reduction in clothing? Have the poor of the United States benefited by the transaction? The facts and figures on this point should have been presented by my colleague. They do not sustain his rhetoric. There has been no reduction in the price of clothing; if there has been any change the price has increased.

The real question is, whether this great industry shall be kept in the hands of American citizens or whether its profits shall be divided with foreign nations. [Applause.] Shall Americans who support the Government, bear its burdens, and fight its battles also control its markets and regulate them by home competition, or shall that control be shared with others, who neither support the Government, bear any of its burdens, or fight any of its battles, unless they fight against us? That is the question.

Sheep-husbandry is one of the largest, if not the largest, single productive industry in the United States. Recent statements of the statistician in the Agricultural Department show 1,020,728 flocks of sheep in the United States, exclusive of those on public-land ranches, as follows:

| | | | |
|---|---|---|---|
| Alabama | 23,879 | Montana | 137 |
| Arizona | 35 | Nebraska | 2,119 |
| Arkansas | 20,595 | Nevada | 97 |
| California | 4,326 | New Hampshire | 11,206 |
| Colorado | 406 | New Jersey | 5,822 |
| Connecticut | 3,194 | New Mexico | 814 |
| Dakota | 1,819 | New York | 75,533 |
| Delaware | 1,986 | North Carolina | 52,541 |
| Florida | 1,001 | Ohio | 93,384 |
| Georgia | 25,514 | Oregon | 4,605 |
| Idaho | 128 | Pennsylvania | 72,425 |
| Illinois | 39,803 | Rhode Island | 790 |
| Indiana | 54,069 | South Carolina | 10,049 |
| Iowa | 17,220 | Tennessee | 62,924 |
| Kansas | 3,804 | Texas | 8,390 |
| Kentucky | 60,598 | Utah | 2,001 |
| Louisiana | 5,449 | Vermont | 16,573 |
| Maine | 34,132 | Virginia | 32,494 |
| Maryland | 10,498 | Washington | 1,067 |
| Massachusetts | 3,488 | West Virginia | 30,909 |
| Michigan | 62,119 | Wisconsin | 58,487 |
| Minnesota | 24,208 | Wyoming | 44 |
| Mississippi | 15,466 | | |
| Missouri | 63,990 | Total | 1,020,728 |

The value of those flocks exceeds $250,000,000, and if the value of the lands used in the prosecution of this industry should be added, it would aggregate as large an investment as any productive industry in the United States. The annual product of wool and mutton exceeds $150,000,000, the most of which is the representative of labor expended in its production during the current year. The annual product of wool in the United States is now 320,000,000 pounds, worth above $100,000,000, and 12,000,000 sheep are slaughtered annually for food, worth $50,000,000. Sheep-husbandry furnishes employment to more men than any other single industry in the United States. It would be a low estimate to say that each flock on an average furnishes employment for two men during a considerable portion of the year. That would make 2,041,456 men, not counting those on the public-land ranches. What other single industry requires or employs half that number? Women and children and diseased or aged men and cripples can not fill the places in sheep-husbandry they can in factories. Strong, active, healthy men are required in the heat of summer to plow the ground, plant and cultivate the corn, cut the hay, prepare the fodder for winter use, and in winter's cold to follow and feed and shelter the flocks through snow and sleet and storm. For washing, shearing, marketing the wool, paring hoofs, caring for the lambs, and herding through the summer the same vigorous, healthy, and self-reliant class of laborers is required.

The 93,984 flocks in Ohio consume annually not less than 2,000,000 bushels of corn, to say nothing of rough feed. By the process of feeding we compress into the 25,000,000 pounds of wool annually produced in that State not less than 2,000,000 bushels of corn and thousands of tons of coarse feed—hay, corn fodder, summer and fall grass—and sell them thus in convenient form for inexpensive shipment. There were entered upon the grand duplicate for taxation in Ohio last year 5,130,920 sheep, valued also for taxation at $13,249,166. Large numbers of sheep are stall-fed and fattened through the winter on corn, as we fatten our hogs and cattle, and find a ready market for mutton in the spring.

The farmer thus provides extensive employment for labor, and can pay fair wages if more labor is required than he and his sons can perform. He finds a market at home for much that would not bear transportation, and in addition saves the waste to enrich his lands or restore to fertility the fields that have been impoverished by continuous cultivation, and may occupy profitably hill lands which can not be cultivated and lands poorly watered which for that reason are unsuited to other stock. It is believed that there is no single domestic productive industry in the United States which surpasses in magnitude and importance or confers more blessings upon the nation that fosters it than sheep-husbandry.

The gentleman [Mr. HURD] tells us that the duty on imported wool increases the price of clothing to the poor and distressed, and argues against the inhumanity of such a course, and advocates placing wool on the free-list. In the same breath he reminds us of the fact that wool was higher in price in the United States from 1847 to 1861, when the duties were low—merely nominal—than it was afterward when the rate was increased. He tells us also that on some occasion in France when the duty on wool was reduced from 33 to 22 per cent. wool advanced 6 per cent. and continued at that advanced price, and that the same results were observed in England on a similar occasion. He reaches the climax of his argument when he tells us that if wool were placed on the free-list in the United States it would result in an increase of at least 10 per cent. in the price of wool on the farm. One part of his argument thoroughly refutes and destroys the other part of it. The two are utterly inconsistent with each other.

The explanation of the historic facts in England, France, and the United States mentioned by my colleague is easily made. When the duty on wool is low or when wool is on the free-list home production declines, and as soon as the foreign producer or the trader finds that he has control of the market he advances the price, and large profits accrue to both the foreign producer and the trader. This is not only true of wool, but is equally true when applied to every other domestic production which from its nature can be the subject of foreign competition.

Since the establishment of the wool tariff in 1867 the price of wool in the United States has steadily declined by reason of the increased production and home competition.

The following statistics will show the number of sheep in the United States and the quantity of wool produced during the years stated:

| Census years. | Sheep. | Wool. |
|---|---|---|
| | *Number.* | *Pounds.* |
| 1850 | 21,723,220 | 52,516,559 |
| 1860 | 22,471,225 | 60,264,913 |
| 1870 | 28,477,951 | 100,102,387 |
| 1880 | 43,576,899 | 235,648,834 |
| 1883 (agricultural statistics) | 50,500,000 | 320,000,000 |

The price of wool on the farm at the close of the war was about 80 cents per pound. Now it is 35 cents per pound for washed wool. The first duty imposed on imported wool was in 1825, and fixed at 20 per cent. ad valorem, which the succeeding year was increased to 30 per cent. In 1828 the duty on wool costing 10 cents per pound and over was fixed at 4 cents per pound and 40 per cent. ad valorem. In 1829 the ad valorem duty was increased 5 per cent. and in 1830 an additional 5 per cent., making in all 50 per cent. ad valorem duty and 4 cents per pound. In 1832 wool costing 8 cents or less per pound was admitted free, and wool costing above 8 cents per pound paid a duty of 4 cents per pound and 40 per cent. ad valorem. In 1842 that costing 7 cents a pound or less paid 5 per cent. duty, and that costing above 7 cents per pound paid 3 cents per pound and 30 per cent. ad valorem. In 1846 the specific duty was abolished, and in 1847 the ad valorem duty on higher grade was fixed at 24 per cent. In 1857 wool costing 20 cents per pound or

less was admitted free. In 1861 wool costing 18 cents per pound or less, 5 per cent.; that costing from 18 to 24 cents per pound, 3 cents per pound; and that costing over 24 cents paid 9 cents per pound. In 1864 that costing 12 cents or less per pound paid 3 cents per pound; between 12 and 24 cents, 6 cents per pound. That costing between 24 and 32 cents paid 10 cents per pound and 10 per cent. ad valorem; and all costing above 32 cents per pound paid 12 cents a pound and 10 per cent. ad valorem. The act of 1867 divided imported wools into three classes, namely, clothing, combing, and carpet wools. Unwashed wools of the first and second class of the value of 32 cents or less per pound at the place from whence shipped paid a duty of 10 cents per pound and 11 per cent. ad valorem; that exceeding 32 cents in value, 12 cents per pound and 10 per cent. ad valorem. Wools of the third class valued at 12 cents or less paid 3 cents a pound duty, and that valued above 12 cents paid 6 cents per pound. Washed wools paid double and scoured three times the respective amounts.

A comparison of these enactments with the rate of increase in the number of sheep and the production per head will show the dependence of one upon the other and the motives which induced the flockmasters of the country to go to the enormous expense required to obtain the best strains of blood for breeding purposes, thus securing the best quality and largest yield of wool; and also induced them at immense cost to arrange their farms and construct buildings and appliances suitable to the care and feeding of their flocks in summer and winter, all of which must be sacrificed in the destruction of this industry by legislation.

What would be the effect of the gentleman's proposition to place wool on the free-list? The first effect for a few years would be to cheapen the wool until our farmers would abandon an unprofitable business and thus diminish the quantity of the product, and as soon as the foreign producer or the shipper found himself in control of our wool market he would advance the price far above present rates, and we could not help ourselves except by restoring the duty on imported wool and thus slowly through a long process of years developing again this industry. In case of war the price would go up to a dollar a pound, as it did in the late war of the rebellion, or $2 a pound, as it did in the war of 1812. Wool is as necessary an article in war as gunpowder or fire-arms. Of the two, the manufacture of arms could be more safely abandoned as a precautionary measure of self-defense than the production of wool, because it could be more quickly resumed in an emergency. A single year of war with the wool product in the hands of a foreign enemy, besides endangering our success and subjecting both soldiers and citizens to great suffering and loss of life, would cost us many hundred millions of dollars. It would be far more serious and expensive than the confederate cruisers built and manned by England to prey upon our commerce on the high seas.

Another effect of placing wool upon the free-list would be, even if prices are not unduly advanced, to draw from us annually one hundred and fifty millions of coin with which to pay for the wool, thus draining the country of its precious metals. Reciprocity as presented by free-traders is a delusion. We could not pay this sum by increased sales of some other home production to the parties from whom we purchase the imported wool. Europe will never under any circumstances buy more provisions than she needs, and will always buy what she needs and where she can buy cheapest. Trade is always between individuals and never between nations. The commercial statistics of all countries will show that purchases and sales are not made in the same country by the people of any other. There is no such thing as sentiment or friendship either national or personal in trade. Men engaged in foreign trade buy where they can buy cheapest and buy that which their customers demand, and which they can sell again, without regard to the balance of trade.

The next effect of placing wool on the free-list would be to deprive our countrymen, who, the gentleman says, are now in large numbers idle, though seeking work, of the industry and employment given to 2,000,000 men, and which contributes to the aggregate wealth of the Republic at least $150,000,000 per year, and would give an equal amount of patronage, employment, and profit to foreign nations.

My colleague quotes, as did the gentleman from New York [Mr. Cox], England—that robber nation of the earth—as an example for us to follow, whose laboring poor are neither fed, clothed, housed, nor educated as ours are. He says England sells one hundred and twenty millions of dollars' worth of woolen fabrics annually. Note the distinction and difference to the people between selling one hundred and twenty millions' worth of manufactured goods and the production of one hundred and fifty million dollars' worth of wool and mutton. The one is the product of the spindle and the power-loom, the other the product of human labor, in every State and Territory of this Union and in every county of many of the States.

Why, sir, do not those gentlemen know—does not every man within the sound of my voice know—that American free trade means British protection? [Renewed applause.] American free trade is British protection. Does not everbody know that when you cut down the tariff on wool you put just so much more money into the pockets of the Britishers in Australia. [Continued applause.]

My colleague [Mr. HURD] is misinformed and entirely mistaken when he talks about the superior fiber in the Australian wool, and says that a good suit of clothes can not be made from American wool. This will be news to American wool-growers, who through all these years required to build up the industry supposed otherwise. There is one variety of long, fine fiber grown in Australia which is not produced in the United States in sufficient quantities to supply a sudden demand occasioned by change of style, but which American wool-growers will agree to produce in any desired quantity within three years if the duty is restored.

They are able to do it, because they have as a basis for crossing an abundance of the best merino blood in the world, and can quickly produce almost any desired quality of wool and in sufficient quantity to supply the demand.

The Ohio wool, which denotes a particular grade of wool rather than the place were it is raised, has no superior for fineness, strength, evenness, and elasticity of fiber. Even the Australian wool does not possess these qualities in such perfection, nor can they be produced anywhere except by feeding corn or other grain when pastures begin to fail. The experiment has been tried of shipping from Ohio flocks of the best blood, producing this best quality of wool, to the western plains, where it was found that the same identical sheep produced an uneven, soft, brittle or mushy fiber, and altogether an inferior quality of wool to that produced by them in Ohio. Different causes have been assigned for this curious fact. Some assign drought, others alkali, as the cause; but to me the most reasonable is the absence of grain to supply deficiency in pasture, keep up the regular animal heat, and an even condition of flesh and strength required for the regular and even growth of the fiber. The Ohio wool furnishes the staple for the worsted in the United States, and is extensively used to mix with inferior and less expensive wool to improve the quality of the cloth to be produced. This variety is grown mainly in Pennsylvania, West Virginia, Ohio, Michigan, Indiana, and Wisconsin, but more attention is paid to breeding in Vermont than in any other State.

The gentleman [Mr. HURD] has substantially admitted the fact, and it is a fact whether he admitted or not, that under the influence of a reasonable and moderate protection to this industry from foreign competition, though never less than 34,000,000 pounds of foreign wool came in under it every year, the price steadily declined in the United States, and that the same thing occurred in England and France. He admits the price will advance when wool is placed on the free-list. Why, then, should not the duty be restored and our people permitted to enjoy the luxury of cheap wool produced at home rather than high-priced wool produced abroad? The increased production and home competition accomplish the result. His theory about mixing wools on account of the inferiority of American wool, on which he bases his whole argument, is wholly and absolutely false, and his conclusions are therefore of no value.

The question is not alone whether we shall have cheap wool and cheaper clothing, but shall we preserve this industry to our own people by enabling them to control our own markets, retain in the United States the profits of this industry, restore the richness and fertility of our fields exhausted by continuous grain-growing keep within our own borders and our own control this article of prime necessity in war, add a hundred and fifty millions to the annual increase of wealth in the Republic, furnish remunerative employment to more than 2,000,000 laborers, consume on the farm coarse food that would otherwise go to waste, and promote diversity of industry and employment. The people are more contented and happy when there is an abundance of employment, when employment seeks the man instead of the man seeking the employment. The chief capital stock in the United States consists of the skill and ability of our people to work, and when they are idle by reason of giving our employment to foreign nations our capital stock is being wasted. The month, week, or day that is not used is lost beyond recall. The $1,100,000 loss on the price of wool in Ohio last year and the $15,000,000 loss in the United States by the act of March 3, 1883, did not diminish the price of clothing one particle. Somebody received the benefit of that loss to the farmers. It was either the British wool-growers of Australia or the woolen manufacturers of New England, or possibly it was divided between them.

My colleague refers with much feeling and tenderness to the embarrassed condition of the 20,000 manufacturers of woolens, which he says is the result of the present high duty on wool. Why should they be embarrassed? The act of March 3, 1883, increased the tariff on woolens 2.19 per cent., as the importations under it show, while it reduced the duty on wools, on an average, 18 per cent. and on some varieties 25 per cent. I saw in the newspapers not long ago that certain of the New England woolen mills in January, 1884, declared annual dividends ranging from 20 to 24 per cent. on investment. The wool-growers do not realize above 3 per cent. on their investment after deducting the value of labor. I can not see why the woolen manufacturers should be embarrassed, unless it be the embarrassment of wealth. Shall we see the free-traders and the manufacturers co-operating and voting together to defeat this bill? If so, the manufacturers can not complain if the farmers should afterward combine in like manner to fix the duty on woolens. But the farmers do not desire to embarrass any other industry. All they desire is that foreigners, who contribute nothing to the support of our Government, shall not be permitted to come in untaxed, without paying a license fee therefor, and undersell them and destroy or cripple their industry.

The profits of the wool industry were barely remunerative under the old law, and had long since found a common level with the other industries in the United States. The freedom and ease with which men in this country change their employment render it impossible for any one industry to enjoy for any great length of time profits above the average of other industries unless protected by some patent right. So soon as one industry becomes more profitable than the rest enterprising men flock to it till competition restores it to the common level. So that those who sell their own services, according to the American standard of prices, ought not to complain, but ought to be willing to pay for what they are compelled to buy according to the same standard. I see no hardship in that.

The million of flockmasters, an equal number of employés, indeed all who are familiar with the subject, say the duty of 1867 must be restored or equivalent legislation had or the destruction of this great industry becomes an accomplished fact. More petitions for this restoration and remonstrating against the passage of the Morrison tariff bill, which reduces the duty on wool still lower, have been sent to this Congress than upon all other subjects of general legislation put together. They are plain, honest, truthful men, who seek no advantage, want none, who understand their own business and its necessities, and with one voice they demand relief at the hands of an American Congress, in which Democrats, who have always professed friendship and sympathy for the farmer, have the majority. There can be no question about their needing the relief. Although Australia, a British province, can not produce as good a quality of wool as ours, yet it can be used in place of ours. Australia has perennial pastures. The British Government, with an eye to the control of the wool business of the world, rents a hundred square miles for a hundred dollars per year for sheep culture. Our lands are high priced and expensive. Australia has 80,000,000 of sheep, with only 3,000,000 of people, in a territory of 3,000,000 square miles (about as large as the United States), while we have 50,500,000 sheep and above 50,000,000 of people.

There are but few items on which the farmer can be practically benefited by duty on imports, while this numerous class purchase and consume the products of all other protected industries. Can this Congress afford to deny this relief? A Republican President recommended a reduction of rate of duty on wool. A Republican Congress did it. Can a Democratic Congress refuse to restore it? These very men who are knocking at the door of Congress for relief have the power to elect the next Congress and can elect or defeat any candidate for President. I have no doubt they will exercise that power. They gave us Ohio last year on the pledge from the stump all over the State that we would make an honest effort to restore the duty on wool. The Legislature of that State, largely Democratic in both branches, by a unanimous vote instructed their Senators and requested their Representatives in Congress to support the measure for the restoration of the tariff of 1867 on wool. My colleague [Mr. HURD] says he would not do so if every Democrat in the State should ask him to do it.

In 1882 and 1883, in both of which years the Democratic party in Ohio were successful, the Democracy favored the adjustment of the tariff so as to encourage productive home industries and afford labor a suitable reward. The tariff act of 1883 does not encourage the wool industry; the act of 1867 did encourage it, though there was never less than 34,000,000 imported under it. This, sir, is a representative government, and the voice of the constituent ought to be heard and respected in this Hall. For one I expect to stand by the farmers in this country and so far as in my power promote their interests. They are patient, unambitious, industrious, saving, honest, virtuous, and fearless. They constitute the greatest strength of the Government, the foundation of its prosperity, pay its taxes and fight its battles. They do not now and never will ask anything that is unjust to any class of our citizens, and whatever they do ask ought to be conceded ungrudgingly on all sides.

The theory of free trade is contrary to the settled policy of this Government from its organization to the present time and the theory of free and cheap raw materials is founded on a fallacy. What are denominated raw materials can not be produced by automatic machinery, but are mainly the product of human labor and human skill; therefore as you cheapen the material you must cheapen the labor that produces it. Cheapening the labor tends to degradation, ignorance, and slavery, which is the cheapest form of labor in the world. But when the price of the raw material approximates as nearly as possible the price of the finished product, then human labor becomes more valuable. The laborer is elevated and free to control his own actions. He works where he can receive the greatest reward, changes his occupation or employer at will, educates his children, wears better clothes, lives in better houses, and eats better food. Man becomes more valuable than the machine. His services command more of the common products of capital and labor, and civilization assumes its highest form.

The SPEAKER. The time allowed for debate on this question has expired. The question is on the motion of the gentleman from Ohio [Mr. CONVERSE] to discharge the Committee on Ways and Means from the further consideration of the bill read at the desk and pass the same.

Mr. SPRINGER. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 126, not voting 77: as follows:

YEAS—119.

| | | | |
|---|---|---|---|
| Anderson, | George, | Lacey, | Rowell, |
| Atkinson, | Gibson, | Laird, | Russell, |
| Bayne, | Glascock, | Lawrence, | Ryan, |
| Belford, | Goff, | Le Fevre, | Shelley, |
| Bisbee, | Guenther, | McComas, | Skinner, C. R. |
| Boyle, | Hanback, | McCormick, | Smalls, |
| Brainerd, | Harmer, | McKinley, | Snyder, |
| Breitung, | Hart, | Millard, | Spriggs, |
| Brewer, F. B. | Hatch, H. H. | Morey, | Stephenson, |
| Brewer, J. H. | Haynes, | Morrill, | Stevens, |
| Browne, T. M. | Henderson, T. J. | Murray, | Stewart, J. W. |
| Brown, W. W. | Henley, | Mutchler, | Storm, |
| Calkins, | Hepburn, | Nicholls, | Sumner, D. H. |
| Campbell, J. M. | Hewitt, G. W. | Nutting, | Taylor, E. B. |
| Cannon, | Hill, | O'Neill, Charles | Taylor, J. D. |
| Chace, | Hitt, | Paige, | Tillman, |
| Connolly, | Holmes, | Parker, | Tully, |
| Converse, | Holton, | Patton, | Valentine, |
| Culbertson, W. W. | Hooper, | Payne, | Wakefield, |
| Cullen, | Hopkins, | Payson, | Warner, A. J. |
| Cutcheon, | Horr, | Peelle, S. J. | Weaver, |
| Dibrell, | Houk, | Perkins, | Weller, |
| Duncan, | Howey, | Peters, | Wemple, |
| Eldredge, | Hunt, | Phelps, | White, J. D. |
| Ellwood, | Jeffords, | Poland, | Wilkins, |
| Ermentrout, | Jordan, | Price, | Wilson, James |
| Everhart, | Kasson, | Randall, | Wilson, W. L. |
| Fiedler, | Keifer, | Ray, G. W. | Winans, John |
| Findlay, | Kelley, | Robinson, J. S. | York. |
| Funston, | Ketcham, | Rosecrans, | |

NAYS—126.

| | | | |
|---|---|---|---|
| Adams, G. E. | Deuster, | Lewis, | Scales, |
| Aiken, | Dibble, | Long, | Seymour, |
| Alexander, | Dockery, | Lore, | Shaw, |
| Bagley, | Dorsheimer, | Lovering, | Singleton, |
| Ballentine, | Dowd, | Lowry, | Skinner, T. G. |
| Barbour, | Dunn, | Lyman, | Springer, |
| Barksdale, | Eaton, | McMillin, | Stewart, Charles |
| Beach, | Evins, J. H. | Matson, | Stockslager, |
| Bennett, | Forney, | Maybury, | Strait, |
| Bland, | Fyan, | Miller, J. F. | Struble, |
| Blount, | Graves, | Mills, | Talbott, |
| Breckinridge, | Greenleaf, | Mitchell, | Taylor, J. M. |
| Buchanan, | Halsell, | Morgan, | Thompson, |
| Buckner, | Hammond, | Morrison, | Throckmorton, |
| Burnes, | Hancock, | Morse, | Turner, H. G. |
| Cabell, | Hatch, W. H. | Moulton, | Turner, Oscar |
| Caldwell, | Hemphill, | Muldrow, | Vance, |
| Campbell, Felix | Henderson, D. B. | Murphy, | Ward, |
| Carleton, | Herbert, | Neece, | Warner, Richard |
| Cassidy, | Hoblitzell, | Nelson, | Wellborn, |
| Clardy, | Holman, | Pierce, | White, Milo |
| Clay, | Houseman, | Peel, S. W. | Whiting, |
| Cobb, | Hurd, | Pryor, | Williams, |
| Cosgrove, | Hutchins, | Pusey, | Willis, |
| Covington, | James, | Rankin, | Winans, E. B. |
| Cox, S. S. | Jones, B. W. | Reagan, | Wolford, |
| Cox, W. R. | Jones, J. H. | Reese, | Wood, |
| Crisp, | Jones, J. K. | Riggs, | Woodward, |
| Culberson, D. B. | Jones, J. T. | Robertson, | Yaple, |
| Dargan, | King, | Rockwell, | Young. |
| Davis, L. H. | Kleiner, | Rogers, J. H. | |
| Davis, R. T. | Lanham, | Rogers, W. F. | |

NOT VOTING—77.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dingley, | Libbey. | Slocum, |
| Arnot, | Dunham, | McAdoo, | Smith, |
| Barr, | Elliott, | McCoid, | Spooner, |
| Belmont, | Ellis, | Miller, S. H. | Steele, |
| Bingham, | Evans, I. N. | Milliken, | Stone, |
| Blackburn, | Ferrell, | Money, | Sumner, C. A. |
| Blanchard, | Finerty, | Muller, | Thomas, |
| Boutelle, | Follett, | Oates, | Townshend, |
| Bowen, | Foran, | Ochiltree, | Tucker, |
| Broadhead, | Garrison, | O'Hara, | Van Alstyne, |
| Brumm, | Geddes, | O'Neill, J. J. | Van Eaton, |
| Budd, | Green, | Pettibone, | Wadsworth, |
| Burleigh, | Hardeman, | Post, | Wait, |
| Candler, | Hardy, | Potter, | Washburn, |
| Clements, | Hewitt, A. S. | Ranney, | Wise, G. D. |
| Collins, | Hiscock, | Ray, Ossian | Wise, J. S. |
| Cook, | Johnson, | Reed, | Worthington. |
| Curtin, | Kean, | Rice, | |
| Davidson, | Kellogg, | Robinson, W. E. | |
| Davis, G. R. | Lamb, | Seney, | |

So (two-thirds not voting in favor thereof) the motion of Mr. CONVERSE was not agreed to.

Before the result of the vote was announced,

Mr. HARDEMAN said: I am paired on this question with the gentleman from Pennsylvania [Mr. ELLIOTT]——

The SPEAKER. The rules require that pairs be reduced to writing and announced from the Clerk's desk.

Mr. HARDEMAN. A statement of this pair has been handed in writing to the Clerk; but I wish to say that on this question the gentleman from Pennsylvania would vote in the affirmative and I in the negative.

Mr. GEORGE D. WISE. Mr. Speaker, I am paired on this question with the gentleman from Ohio [Mr. FORAN]. I wish to state that if he were present, he would vote in the affirmative and I in the negative.

Mr. FIEDLER. My colleague [Mr. FERRELL] was called away by sickness, but expected to be here to-day. As he has not returned I fear

he is still detained by the same cause. I have no doubt that if present he would vote "ay."

Mr. WASHBURN. I am paired with the gentleman from Illinois [Mr. TOWNSHEND]. On this question I presume he would vote in the negative. If not paired, I should vote in the affirmative.

The following additional pairs were announced from the Clerk's desk:

Mr. RAY, of New Hampshire, with Mr. DINGLEY, until further notice.

Mr. FORAN with Mr. G. D. WISE, on the wool bill.

Mr. BELMONT with Mr. FERRELL, on this vote.

Mr. FOLLETT with Mr. COLLINS, on the wool bill. Mr. FOLLETT would vote "ay" and Mr. COLLINS "no."

Mr. FINERTY with Mr. ROBINSON of New York.

Mr. HEWITT, of New York, with Mr. STEELE. Mr. HEWITT would vote "no" and Mr. STEELE "ay."

Mr. BUDD with Mr. MCCOID, until further notice.

Mr. ELLIS with Mr. KELLOGG, for this day.

Mr. LAMB with Mr. SLOCUM, on the bill to restore duty on wool. Mr. LAMB would vote "ay" and Mr. SLOCUM "no."

Mr. HARDEMAN with Mr. ELLIOTT, on the wool and tariff questions.

Mr. SENEY with Mr. OATES, on the wool bill. Mr. SENEY would vote "ay" and Mr. OATES "no."

Mr. GEDDES with Mr. VAN EATON, on the wool bill. Mr. GEDDES would vote "ay" and Mr. VAN EATON "no."

Mr. HISCOCK with Mr. BLACKBURN, on the wool bill. Mr. HISCOCK would vote "ay" and Mr. BLACKBURN "no."

The vote was then announced as above recorded. [Applause on the Democratic side.]

## RED LAKE INDIAN RESERVATION.

Mr. NELSON. I move to suspend the rules and pass the bill which I send to the Clerk's desk to be read.

The Clerk read as follows:

A bill in relation to the Red Lake Indian reservation, in the State of Minnesota.

Whereas the said reservation contains upward of 3,000,000 acres of land, whereof about one-third is tillable land, and is occupied by less than 1,200 Indians, who have not to exceed 600 acres thereof under cultivation; and

Whereas nearly all the lands of the United States in said State suitable for agriculture, and not included in any Indian reservation, have already been disposed of, and there is a great demand among the people of said State that the Indian title to said reservation be extinguished, that suitable provision be made for the Indians by allotments in severalty and otherwise, and that the lands not required for such allotments be disposed of to actual settlers under the homestead laws of the United States: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he hereby is, authorized and directed, as soon as practicable, in person or through three commissioners to be appointed by him, to obtain and acquire for the United States of America, from the Red Lake Chippewa Indians, in the State of Minnesota, their cession and relinquishment, in writing, of all their title and interest in and to said Red Lake reservation, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient if made by the chiefs or headmen of said tribe of Indians, in a public council or meeting of the band, and assented to by a majority of the male adults of said band present at such meeting; and the acceptance and approval of such cession and relinquishment by the Secretary of the Interior shall be deemed full and conclusive proof of the assent of said Red Lake Chippewa Indians to said cession and relinquishment.

SEC. 2. That as soon as the cession and relinquishment of said Indian title is obtained, the Secretary of the Interior shall cause so much of said reservation as is agricultural or pine lands to be surveyed as Government lands are surveyed; and in making such surveys the surveyor shall carefully ascertain and note and return on the plat and in the field-notes all forty-acre or lesser tracts on which there is any pine timber standing or growing, and which tracts are for the purposes of this act termed pine lands; and upon the completion of such surveys the Secretary of the Interior shall cause the stumpage upon each forty-acre or lesser tract of said pine lands to be estimated and appraised by three competent men to be appointed by him. Such stumpage shall be estimated by the thousand feet of broad-measure upon each separate tract of forty acres or less; and such appraisal shall be at the rate of a certain sum per thousand feet, and shall in no event be less than $1 per thousand feet.

SEC. 3. That after the said pine lands have been surveyed, and the stumpage thereon estimated and appraised as aforesaid, the Secretary of the Interior shall, after having given three months' notice through newspapers of general circulation published at Saint Paul, Duluth, and Crookston, in said States, through the United States land officers for the district where the lands are situate, offer for sale and sell, at public auction, to the highest bidder for cash in hand, in forty-acre or lesser tracts, the stumpage on said pine lands, with ten years' right of removal; but such sale shall not be for a less price than the appraised value, nor shall the stumpage on any tract be sold at a less price than $2 per acre, nor shall more than one-twentieth in acreage or quantity of timber of the stumpage of said pine lands be disposed of in any one year, or otherwise disposed of than in this act provided, nor shall the United States part with the fee-simple in said pine lands.

SEC. 4. That as soon as any of the lands on said reservation other than pine lands have been surveyed, the Secretary of the Interior shall give notice thereof, which said notice shall be published in at least ten of the principal papers published in the State of Minnesota, for the full term of sixty days from the date of said notice; and at the expiration of said sixty days the said land so surveyed, and no others, shall be disposed of by the United States to actual settlers only, under the provisions of existing homestead acts: *Provided*, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States for the land so taken by him the sum of 50 cents for each and every acre, in four equal annual payments, and shall be entitled to a patent therefor only at the expiration of four years from the date of entry, according to said homestead laws, and after the full payment of said 50 cents per acre therefor; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void: *Provided, further*, That settlers who have not had the benefit of the pre-emption laws shall be entitled to enter homesteads under the provisions of this act, notwithstanding they may previously have had the benefit of the homestead laws.

SEC. 5. That the funds arising from the sale of the stumpage of said pine lands, and the funds arising from homestead entries under this act, shall be disposed of as follows: Out of said funds shall first be paid all the expenses of the surveys, estimates, and appraisals herein prescribed, and the balance remaining of said funds shall be placed in the Treasury of the United States, and draw interest at the rate of 3 per cent. per annum, which interest, and so much of the principal as the Secretary of the Interior may see fit, shall by him be expended for the benefit of said Indians, for such purposes, in such sums, and at such times, and in such manner as he may, in his discretion, from time to time determine.

SEC. 6. That the said Indians may continue to occupy said pine lands as a reservation, and use the dead and down timber thereon for fuel, until otherwise provided by law; but they are in no manner to interfere with or hinder the purchasers of stumpage in the full enjoyment of their stumpage right; it being the true intent and meaning of this act that the said Indians may continue to occupy and hold the said pine lands as hunting, fishing, and trapping grounds, and for haying and pasturage, until otherwise provided by law; but such occupancy and use to be without any prejudice or hinderance to the rights of purchasers of stumpage.

SEC. 7. That the Secretary of the Interior shall, under such rules as he may determine, make allotments of said lands other than pine lands to the said Indians in severalty as follows: To each head of a family, one quarter-section; to each single person over 20 years of age, one-eighth of a section; to each orphan child under 20 years of age, one-eighth of a section; and to each other person now living, when he or she has attained the age of 20 years, one-eighth of a section; but such allotments shall be so made as to leave the allottees in a tract separate and distinct from and not intermingled with other settlers; and for the purposes of filling such allotments the Secretary of the Interior shall withhold from settlement and entry on the eastern or southeastern side of Red Lake, or elsewhere on said reservation if necessary, a quantity of land sufficient for such allotments; and for the allotments so made as herein provided certificates shall issue to the allottees, which certificates shall be of the legal effect and declare on their face that the United States does and will hold the land thus allotted for the period of thirty years in trust for the sole use and benefit of the allottee or his or her heirs, according to the laws of the State of Minnesota, and that at the expiration of said period the United States will convey by patent in fee-simple to the allottee, or his or her heirs as aforesaid, the land so allotted, discharged of said trust and free of all liens or incumbrances.

SEC. 8. That the provisions made for said Indians in this act shall be deemed and taken to be compensation in full for their cession and relinquishment of all their right and interest in said reservation to the United States of America, as herein contemplated: *Provided*, That except as to the cession and relinquishment and the survey of the lands as provided in this act, none of its provisions shall apply to the sixteenth and thirty-sixth sections in each township so surveyed, or to the swamp lands on said reservation, but the same shall be reserved to the State of Minnesota in accordance with the acts of Congress heretofore passed in relation to such lands in said State: *Provided further*, That in case the Secretary of the Interior in making the allotments provided for in this act shall deem it necessary or proper to allot any parts or portions of said sixteenth and thirty-sixth sections, or of said swamp lands to said Indians, he is hereby empowed so to do, and thereupon said State shall be entitled to select equivalents therefor.

Mr. NELSON. This bill as it was reported from the Committee on Indian Affairs has been amended in several particulars at the request of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. To enable the gentleman to explain it fully I will ask for a second.

The SPEAKER. If there be no objection a second will be considered as ordered.

There was no objection, and it was ordered accordingly.

Mr. NELSON. I desire, Mr. Speaker, as briefly as I can, to state the nature of this bill and the objects intended to be accomplished by it. In the northwestern part of the State of Minnesota, contiguous to the international boundary line, there is a large reservation of some three millions of acres of land in area. More than one-half of that reservation, the northern half of it, is marshy and swamp land, unfit for any purposes. In the southern half, however, there are about twenty townships of pine-timber lands, and the balance of the reservation in the Red River valley is prairie land.

This reservation is occupied at the present time by some 1,200 Indians, the remains of the Chippewa tribe. Their occupancy of this reservation is quite recent.

The object of the present bill is to extinguish the title of these Indians to the lands. In the first place it provides for obtaining their relinquishment of the same. It then provides that the reservation shall be surveyed and the lands upon which there is pine timber shall be so marked in the plats and in the field notes and designated as pine lands.

These pine lands are to be disposed of as follows: The stumpage is to be estimated and appraised by three commissioners, experts, to be appointed by the Secretary of the Interior and the commission so appointed is to estimate the stumpage on every forty acres of land or the lesser subdivisions made by the Government. But in making their appraisement they are to do so at not less than $1 per thousand feet board-measure for the stumpage.

After the appraisement of the lands and upon public notice of ninety days, which notice is to be given in the leading papers as designated by the bill, the pine is to be sold at public sale and at not less than the appraisement and under no circumstances at less than $2 per acre. In order to prevent what has been the curse of that country before, it is stumpage alone that is to be sold under this arrangement and not the lands themselves.

Under prior and existing laws in Minnesota large quantities of the most valuable pine lands have been acquired by speculators and others, located and taken up by "half-breed" scrip, soldiers' additional, and all other kinds without benefit to the Government. But in this bill no scrip can be used for the location of any of these lands, for the reason that the timber only is sold, the lands remaining intact, and to be disposed of only as provided by the bill.

As to the agricultural lands, the bill provides that they shall be only

taken under the homestead law. But there is one peculiarity about the provisions of this bill. Under the homestead law as it exists to-day settlers are only required to pay the fees of the land office, but here they are required to pay for the lands at the rate of 50 cents per acre in four equal annual installments.

This amendment was incorporated on the bill at the suggestion of the gentleman from Indiana [Mr. HOLMAN], and is a copy of what is known as the Dawes bill in the Senate, in reference to the great Sioux reservation in Dakota. The proceeds of all the pine and the proceeds of all the homestead lands at 50 cents per acre are to go as a trust fund to the Indians, to be deposited with the Secretary of the Interior and to draw interest at 3 per cent. per annum.

In addition to this, Mr. Speaker, the bill provides that the Secretary of the Interior shall make allotments in severalty to all the Indians, to heads of families, one hundred and sixty acres of the best lands that can be found on the reservation, and to all other Indians, no matter of what age, eighty acres each; and in addition to these farms allotted to the Indians they are to have permission to occupy the pine lands both before and after the stumpage.

Mr. WARNER, of Ohio, rose.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. NELSON. I will yield to the gentleman from Georgia for a question first and afterward to the gentleman from Ohio.

Mr. BLOUNT. I would like to know of the gentleman in charge of this bill what is the estimated amount of the fund he thinks under the operation of this law will go into this trust fund for the benefit of these Indians?

Mr. NELSON. I can not tell you that exactly. It can only be estimated approximately. It is assumed that there are about twenty townships of land that are covered with pine timber. I imagine under the bill that the pine lands will bring from five to ten dollars per acre for the stumpage. As to the residue of the lands, which are to be sold to actual homestead settlers only, the price is fixed at 50 cents per acre.

Mr. BLOUNT. You can not, then, give the amount?

Mr. NELSON. As I have said, I can only give the amount approximately; but whatever it is, all of the proceeds of the sales, after the expense of surveying, &c., will be turned into the Treasury and left there for the benefit of the Indians at 3 per cent. interest.

Mr. BLOUNT. I would ask the gentleman further how the Indians are subsisting at this time? What is their mode of living?

Mr. NELSON. At the present time they are only partially civilized, although they carry on a little farming. The report of the Indian Commissioner shows that they have about six hundred acres on the reservation in cultivation; and for the rest there is a large lake, Red Lake, on the reservation, and they live by hunting and fishing. They are mere nomads, semi-civilized Indians.

Mr. WARNER, of Ohio. The gentleman stated, I believe, although I did not hear clearly, the number of Indians upon the reservation?

Mr. NELSON. The report of the Commissioner of Indian Affairs shows that the number is about 1,200, all told.

Mr. WARNER, of Ohio. If I understand, then, it is proposed here to give each of these Indians, to heads of families, one hundred and sixty acres of this land?

Mr. NELSON. Yes, sir.

Mr. WARNER, of Ohio. And to others eighty acres?

Mr. NELSON. Yes, sir.

Mr. WARNER, of Ohio. And the balance of it to be opened to homestead settlement after the pine timber is sold off; is that it?

Mr. NELSON. Not exactly. To follow the order of the bill, the Secretary of the Interior shall first reserve sufficient to fill all allotments to the Indians; and he has the authority and is directed to reserve any of the agricultural lands anywhere on the reservation. In other words, the Indians are to have their pick in the first instance. After they have had their pick then the pine on the pine land is to be sold—the stumpage.

Mr. WARNER, of Ohio. Separately from the land?

Mr. NELSON. Yes, sir; separately from the land, and the Indians are to have this pine land as a common in addition to their farms.

Mr. WARNER, of Ohio. Then the pine land is not to be opened to settlement?

Mr. NELSON. No, sir. It is to be reserved for the benefit of the Government, but may be occupied by the Indians as a sort of common.

Mr. WARNER, of Ohio. Reserved for the benefit of the Government?

Mr. NELSON. Yes, sir.

Mr. WARNER, of Ohio. This is a long bill, and I do not know yet whether it is one which should be passed or not. I should be glad to hear further explanation of it.

Mr. HATCH, of Michigan. Let me ask the gentleman from Minnesota a question. Is there any time limited within which the pine is to be removed?

Mr. NELSON. To prevent the pine being all destroyed at once the bill provides that only one-twentieth shall be sold each year, and the purchasers of stumpage are to have ten years' time within which to cut and remove the pine from the land.

Mr. WARNER, of Ohio. I desire to ask one other important question. Does this Indian tribe give its consent? Do the Indians severally give their consent to this measure?

Mr. NELSON. The bill provides their consent shall be first secured. If their consent is not given the whole bill fails. It all hinges on that.

Mr. SCALES. How long is the land made inalienable?

Mr. NELSON. The land allotted to the Indians in severalty is made inalienable for twenty-five years, so as to prevent its being disposed of to intriguing white men or becoming liable for mortgages or taxation.

Mr. SCALES. That is right.

Mr. HENDERSON, of Iowa. Is this recommended by the Commissioner of Indian Affairs?

Mr. NELSON. The bill is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs, and the Committee on Indian Affairs have unanimously recommended it. One word more and then I am through.

In the northwest part of Minnesota is what is known as the Great Red River Valley, a great treeless waste. It consists of rich agricultural land. At the present time they have to bring their lumber from Minneapolis and Duluth, a distance of from two to three hundred miles, and they are anxious to have this pine contiguous to that country opened, so that they may have the benefit of it. And in order that it may not be despoiled in one year, the provision of the bill is such that it will take twenty years before the pine can be sold.

Mr. WARNER, of Ohio. Let me ask the gentleman one other question. As to the residue of the reservation after what goes to the Indians is taken out, how is that to be sold? Is it to be sold in large tracts?

Mr. NELSON. It can not be taken except under the homestead law of the United States, one hundred and sixty acres to each person, with this difference from the homestead law, that the parties taking the land will require to pay 50 cents an acre. The pine timber can be sold after estimation and appraisement.

I yield the rest of my time to the gentleman from Minnesota [Mr. WASHBURN].

Mr. ANDERSON. I desire to ask the gentleman one question. I want to know if there is any limitation in the bill as to the pine being open to all? Or may it be bought by some large timber company?

Mr. NELSON. It is to be sold at public sale, one-twentieth part of it, after estimate and appraisement made by three commissioners appointed by the Secretary of the Interior, and after public notice.

Mr. WASHBURN. I do not suppose I can make this matter more clear than my colleague has already done. The legislation is in the right direction. I should have been very glad if the Committee on Indian Affairs had reported a bill introduced by myself which was more comprehensive and which took in all the reservation. In the northern part of our State we have an enormous tract of land occupied by very worthless Indians, leading a very miserable, wretched life. I think it is a question that Congress should deal with immediately. I believe these Indians should all be consolidated on one reservation—that they should be removed to the White Earth or Red Lake reservation, where they could be brought under civilizing and Christianizing influences. This bill does not go so far. But so far as it does go it is in the right direction. Here are 3,000,000 acres of land occupied exclusively by about 1,200 miserable, wretched, vagabonds of Indians.

Mr. KEIFER. Of what tribe?

Mr. WASHBURN. The Chippewas. This proposition allows, as my colleague [Mr. NELSON] has stated, the allotment in severalty, giving to each adult Indian one hundred and sixty acres of land. The balance of the land and the pine on it, which is the only value it has, will be sold for the benefit of these Indians, the proceeds to be invested by the Secretary of the Interior.

Mr. WARNER, of Ohio. Another question right there.

Mr. WASHBURN. Certainly.

Mr. WARNER, of Ohio. I see that this bill provides that this pine timber shall not be sold for less than $1 per thousand feet of stumpage. There is also a provision in the bill that it may be put up at auction and sold at not less than $2 an acre. Suppose there are 10,000 feet of stumpage on an acre?

Mr. WASHBURN. In the first place, the timber is to be appraised by three commissioners, experts, to be appointed by the Secretary of the Interior, who can not appraise it at less than $1 per thousand feet, board-measure. Afterward the timber on this land is to be put up at public sale and sold to the highest bidder, at which sale it can not be sold at less than $1 a thousand feet.

Mr. WARNER, of Ohio. Or $2 per acre.

Mr. WASHBURN. There is a provision that this sale of the stumpage shall not be at less than $2 per acre; of course with the provision that such a sale shall not be less than $1 per thousand feet.

The SPEAKER. The time for debate in support of the bill has expired.

Mr. HOLMAN. I wish to make a single remark in regard to this measure, and I also wish to put a question or two to my friend from Minnesota [Mr. NELSON]. I think that, inasmuch as this bill is a departure from our former policy of legislation, it is exceeding desirable that all the facts involved shall be distinctly understood.

I have read over the measure somewhat hastily, but it seems to me that it is a bill which sufficiently protects the rights of the Indians, and

perhaps also protects the rights of the Government. Still, there are one or two points about the bill which I would like to have more information upon.

In the first place, this bill proposes that the Government shall pay these Indians for the agricultural lands on this reservation at the rate of $1.25 an acre, which fund will go to the benefit of the Indians. Then it is provided that the settlers on these lands under the homestead law shall reimburse the Government to the extent of 50 cents an acre. The House will therefore understand that a larger sum is to be paid the Indians for these lands than will be reimbursed to the Government. That, of course, is in harmony with what has always transpired under the homestead policy, because we have frequently paid a larger sum for lands, all expenditures considered, than any amount which was ultimately refunded to the Government.

Mr. WOLFORD. I would like to ask the gentleman a question.

Mr. HOLMAN. A question; yes.

Mr. WOLFORD. Is this at the request of the Indians?

Mr. HOLMAN. If my friend will allow me I will come to that in a moment. Having called attention to that feature of the bill, I wish to suggest that if this bill shall pass it will become something more than a law; it will partake of the nature of a treaty between the Indians and the Government, so that the terms of the law may be construed as a contract, all the incidents of which, as touching the settlers on these lands, must be treated as a treaty with the Indians instead of a mere act of legislation. In that view of the case I wish to ask my friend from Minnesota [Mr. NELSON] to consent to strike out the word "existing," where it occurs before the words "homestead law," and to insert after the word "homestead" the word "only."

Mr. NELSON. I will agree to that.

Mr. HOLMAN. Now to come to the point to which my friend from Kentucky [Mr. WOLFORD] refers.

Mr. BLOUNT. I would inquire of the Chair if this bill is amendable?

The SPEAKER. It is not, except by unanimous consent.

Mr. BLOUNT. That is what I supposed.

Mr. HOLMAN. One other point. This bill provides that it shall take effect only on its ratification by the Indians at a public meeting, the ratification required being the assent of the headmen of the tribe and of the majority of the male Indians. Am I correct?

Mr. NELSON. Yes; and I will say that that clause was introduced at the suggestion of the Secretary of the Interior.

Mr. WOLFORD. Is this desired by the Indians themselves or is it only for the benefit of a few white men?

Mr. HOLMAN. I am not aware that it is pressed by the Indians at all.

Mr. WOLFORD. The Indians are to pay all the expense of estimating the stumpage, &c., before they get any of the money.

Mr. HOLMAN. Oh, no. As I understand this bill the Indians receive the benefit of whatever the stumpage sells for, and also receive from the Government $1.25 an acre for all the land taken up under the homestead law.

Mr. WOLFORD. The bill provides that the expenses must be first taken out.

Mr. HOLMAN. I suppose the expenses should be paid out of the funds derived from these lands.

Mr. WOLFORD. Another question, and then I shall be ready to vote. Is it proposed to compel these Indians to settle upon separate farms or will they have a reservation to themselves?

Mr. HOLMAN. The bill provides for allotting to each one of these Indians a certain quantity of land.

Mr. WOLFORD. Are they to be separated or to be together?

Mr. HOLMAN. I understand they are to be in a body.

Mr. WOLFORD. Does the bill say that?

Mr. NELSON. It does.

Mr. HOLMAN. For my own part I regret to see these Indian reservations disturbed, for a reason that may not recommend itself to other gentlemen. By not disturbing these reservations you will at least keep so much land beyond the possibility of being seized upon under laws which I think are unfavorable to the best interests of the country, laws which allow lands to be the subject of speculation. If these Indian reservations are reserved for a time, I think the people will sooner or later insist that these lands shall be for the use of actual settlers. Seeing that such a result must inevitably follow, it seems to me that a bill which secures to actual settlers under favorable conditions the occupancy of the land (in this case at an expense to the settler of 50 cents an acre, thereby reimbursing the Government to some extent for these expenditures), is upon the whole a favorable arrangement, favorable to the Indians, and favorable to the Government, and especially securing for settlement by *bona fide* settlers at least a portion of these lands, leaving no avenue for speculation except in regard to the timber on the lands. Whether these timber lands could be better guarded than they are in this bill I can not say, for that is a subject I do not understand. But as to the agricultural lands, in regard to which I feel anxious, I think they are safely provided for under the homestead laws only, and no other form of disposition of them should be recognized. I admit that this feature of the bill reconciles me to it, whatever my objection might be as the propriety of interfering with these Indian reservations.

I believe I had promised——

The SPEAKER. The time for debate in support of the bill has expired. [Cries of "Vote!" "Vote!"] Does any gentleman desire to be heard in opposition?

Mr. BLOUNT rose.

Mr. WARNER, of Ohio. I desire to be heard in opposition to the bill.

Mr. HOLMAN. I hope it is understood that while I am very anxious this bill should be well understood and should be right, I do not occupy the attitude of being hostile to the measure. I yield five minutes, if I have that much time, to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. The gentleman from Indiana [Mr. HOLMAN] is in a rather odd attitude—advocating the bill and at the same time taking up the time belonging to the opposition and yielding it about on this side of the House.

Mr. HOLMAN. I have yielded to the gentleman.

Mr. BLOUNT. I know that; but I must say the gentleman is very liberal with what does not belong to him.

Mr. HOLMAN. It shows my good intentions at any rate.

Mr. BLOUNT. I have no doubt the gentleman's intention is to pass this bill.

Mr. HOLMAN. Let me say that no other gentleman rose to demand a second, and I was very anxious——

Mr. BLOUNT. I rose myself to do so when the gentleman got up.

Mr. HOLMAN. I yield with pleasure the fifteen minutes to the gentleman.

Mr. BLOUNT. That is a fine specimen of liberality.

Mr. Speaker, I will venture to say that in the confusion attending the reading of this bill there were not twenty gentlemen on the floor who understood its provisions.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, is not the time for debate on this question exhausted?

The SPEAKER. It is not. Eight minutes remain to be occupied in opposition to the bill. The gentleman from Georgia [Mr. BLOUNT] will proceed.

Mr. BLOUNT. Mr. Speaker, I should not be frank toward this House if I did not confess—and I think almost any other gentleman here will acknowledge the same as to himself—that I scarcely know what this bill contains. It is said we have a recommendation from the Secretary of the Interior, but we have had no opportunity to examine it. It is said the bill comes from the Committee on Indian Affairs, but we have had no opportunity to make any examination of the report. The bill disposes of 3,000,000 acres of the public lands; and we have had no official information as to the character of those lands. We do not know what kind of lands we are disposing of.

In addition to that, sir, what has struck me as objectionable in this bill is the proposed disposition of the Indians on the land. The gentleman who makes this proposition, when asked as to the mode of life of these Indians, was somewhat uncertain as to their exact status. Some of them were farming a little, he thought, and others fishing. Another gentleman from Minnesota [Mr. WASHBURN] characterized these poor people in this language: "Wretched, miserable, vagabond Indians." Yet these poor people who have been in the custody of the Government of the United States are, in response to a demand for these lands in Minnesota for settlement, to be made the subjects of a new policy on the part of this Government. The lands are to be divided in severalty among these worthless, vagabond, roving Indians. It has been thought hitherto that even with the best Indians the allotment of the land in this manner was unwise; that under such a policy the superior intelligence of the white men would bring about the utter homelessness of even the best Indians. Yet, sir, you propose to take the vilest form of humanity, according to the speech of the gentleman from Minnesota—you propose to take these ignorant, helpless, vagabond Indians and allot to them lands in severalty. These people, who do not understand the culture of the soil, who are accustomed to making their living by fishing or in similar pursuits, are to be treated as full-grown American citizens and turned loose to the mercy of a class of men who want their lands. Within a period of twenty or twenty-five years, the period within which the power of alienation is to be limited, these Indians (although with opportunities extending over a far greater period they have reached no higher state than that described by the gentleman from Minnesota) are to be turned loose to the machinations of men who are eager to get possession of their lands.

We are told, Mr. Speaker, that the proceeds of these lands are to go into the Treasury as a fund to provide for the Indians. What will those proceeds amount to? No estimate has been presented to the House as to whether or not the money received from these lands will furnish a fund sufficient to take care of these Indians. If the lands should not yield a sufficient fund for this purpose, then we shall have made a serious mistake. We have changed their mode of life. We have taken their fishing and hunting-grounds from them. We have mocked their stupidity by putting them upon one hundred and sixty acres each, saying: "You must do what the American citizen has to do; you must

make your own living." There is not a gentleman on this floor who does not know that is a thing that is impracticable. I trust that so grave a policy as this is not to be inaugurated under a suspension of the rules.

The SPEAKER. The time allotted for debate has expired.

Mr. WASHBURN. I ask unanimous consent for time to reply to what has been said by the gentleman from Georgia.

Mr. BLOUNT. I object; they have had two-thirds of the time already on that side.

The SPEAKER. The time for debate has expired.

Mr. HOLMAN. I ask by unanimous consent, and I hope the gentleman from Georgia will not object——

Mr. BLOUNT. I object.

Mr. WASHBURN. I do not wonder the gentleman from Georgia objects to my being heard after he has misrepresented me.

Mr. BLOUNT. I have not misrepresented you. I have used your language, as the RECORD will show. I do object. I would not object if we could have full debate. Two-thirds of the time has already been taken up by the other side.

Mr. HOLMAN. I ask that the gentleman from Georgia be permitted to conclude for fifteen minutes and that then the gentlemon from Minnesota [Mr. WASHBURN] be heard.

Mr. THOMPSON. I object.

Mr. WHITE, of Kentucky. The gentleman from Indiana having taken the floor with the understanding that he was opposed to the bill, and it since being developed that he was not——

The SPEAKER. The rule of the House allows thirty minutes of debate, and the Chair cannot change that rule.

Mr. WHITE, of Kentucky. I trust that the time taken up will be allowed to those opposed to the bill.

The SPEAKER. There is objection on both sides of the House.

Mr. HOLMAN. I think I have the right as a matter of personal privilege to reply to the statement of the gentleman from Kentucky.

The SPEAKER. The Chair has asked unanimous consent to prolong the debate and it has been objected to.

Mr. THOMPSON. I demand the regular order.

Mr. HOLMAN. The gentleman from Kentucky has thought proper to say I called for a second and was not opposed to this bill.

Mr. THOMPSON. I call for the regular order of business.

Mr. CHACE. It is impossible to hear what the gentleman from Indiana is saying.

The SPEAKER. The Chair appeals to the gentleman from Kentucky to withdraw his objection to the request of the gentleman from Indiana [Mr. HOLMAN] that the time for debate be extended.

Mr. HOLMAN. I was not in the attitude of favoring this bill unless it was satisfactorily amended. The gentleman from Minnesota accepted my proposition to amend the bill. I then yielded to the gentleman from Georgia, but inasmuch as he feels injustice has been done him, I trust he will be allowed the balance of his fifteen minutes.

Mr. THOMPSON. I object, because the gentleman from Georgia has had all the time he desired and does not wish for any more and I do not see the use of it.

The SPEAKER. The question is on suspending the rules and passing the bill.

The House divided; and there were—ayes 77, noes 61.

Mr. WILSON demanded tellers.

Tellers were ordered; and Mr. BLOUNT and Mr. NELSON were appointed.

The House again divided; and the tellers reported—ayes 97, noes 71.

So (two-thirds not having voted in the affirmative) the rules were not suspended and the bill was not passed.

### SALE OF SCHOOL LANDS.

Mr. DIBRELL moved that the rules be suspended and the House Calendar discharged from the further consideration of the following bill, and that it be passed:

A bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the second section of the act of Congress passed February 15, 1843, chapter 33, be amended so as to read as follows, to wit:

"That the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste the sections reserved by the laws of Congress for the use of schools to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term of years they may think proper, in such manner as to render them productive and most conducive to the object for which they are designed."

Mr. HOLMAN. In order that we may have an explanation of this bill I ask that a second be considered as ordered.

There was no objection, and it was so ordered.

Mr. DIBRELL. By the act of 1843 it was provided that certain school lands were donated to the States of Tennessee, Arkansas and Louisiana and Illinois, and it was provided that the Legislatures of the States receiving such donations, if deemed inexpedient to sell the lands so donated, might lease them for a term of not exceeding four years. In my district there are four or five sections of these lands which come under the operation of that law, but which have been discovered to be mineral lands or are supposed to be such. The Legislature can not sell the lands without the expenditure of a large amount of money for the development of the mineral upon them. But they find that they can lease them for a term longer than that provided in the act with the right to work the minerals in them. I will state that this bill does not affect any other district in the United States except my own. These lands are of no service to anybody except for the mineral deposits. Now, if they can be leased for a longer period than four years, it is believed that no difficulty will result in disposing of them in that manner and that the amount derived will be larger than if the lands were actually sold.

Mr. WARNER, of Ohio. How much land is affected by this bill?

Mr. DIBRELL. Only four or five sections.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The motion was agreed to (two-thirds voting in favor thereof).

### TAX UPON SPIRITS DISTILLED FROM GRAIN.

Mr. THOMPSON, of Kentucky. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That it is unwise and inexpedient for the present Congress to abolish or reduce the tax upon spirits distilled from grain.

Mr. COX of North Carolina, Mr. WHITE of Kentucky, Mr. WARNER of Ohio, and others demanded a second.

Mr. THOMPSON, of Kentucky. If there be no objection, I hope a second will be considered as ordered.

Mr. COX, of North Carolina. I object.

The SPEAKER. The Chair will appoint tellers.

Mr. COX, of North Carolina, and Mr. THOMPSON were appointed tellers.

The House divided; and the tellers reported that there were—ayes 135, noes 29.

So the motion was seconded.

The SPEAKER. Under the rule thirty minutes will be allowed for debate—fifteen on each side.

Mr. WHITE, of Kentucky. Who will control the time?

The SPEAKER. The gentleman from Kentucky who submitted the motion will control the time in support of the proposition. Several gentlemen demanded a second.

Mr. WHITE, of Kentucky. I ask permission to occupy a part of the time in opposition.

The SPEAKER. The gentleman from North Carolina will control the time in opposition.

Mr. WHITE, of Kentucky. I ask the gentleman from Kentucky to allow me to offer a substitute for the resolution.

Mr. THOMPSON. I can not yield for that purpose. I ask now, Mr. Speaker, in behalf of gentlemen who have not clearly heard the resolution, that it be again reported.

The resolution was again read.

Mr. THOMPSON. I reserve the time in support of this measure until I hear from the other side.

Mr. COX, of North Carolina. I yield two minutes to the gentleman from North Carolina [Mr. YORK].

Mr. BROWNE, of Indiana. Let us reserve the whole time on both sides and come to a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from North Carolina [Mr. YORK] is recognized for two minutes.

Mr. YORK. Mr. Speaker, this resolution, in my judgment, is unwise and uncalled for at the present time. I know that it is the opinion and the wish of the people of this country that these revenue laws should be modified materially or totally abolished. I am satisfied that the wisest thing this Congress can do would be to modify, if not repeal, the internal-revenue laws. There is a demand for their repeal or material modification from all sections of the country. It is a war tax, the remains of a war measure, and my people demand a repeal of it.

Mr. MILLIKEN. Will the gentleman permit me to ask him a question?

Mr. YORK. Yes, sir.

Mr. MILLIKEN. Will the gentleman be kind enough to state the reasons why the tax should be repealed upon whisky and laid upon the necessities of life?

Mr. YORK. I see no necessity for the tax. All of them ought to be reduced or repealed as far as possible, or as far as consistent with the needs of the Government.

Mr. MILLIKEN. Let me finish the question. What reason can you assign for reducing the tax on whisky or making whisky free and keeping the tax on bread?

Mr. YORK. We must deal with this question as a great public measure. The Government of this country is in a condition to enable it to repeal the tax, and I stand here as a Representative from the State of North Carolina opposed to the adoption of any such resolution as that introduced by the gentleman from Kentucky. I want to see this law wiped from the statute-books altogether.

Mr. COX, of North Carolina. I now yield five minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. Mr. Speaker, the time has not yet come, in my opinion, when this country is in a condition nor are the people willing that the tax on distilled spirits shall be taken off. The proposition before the House is delusive. We are asked to pledge ourselves, by the adoption of this resolution, to wipe out in the estimation of some the entire internal-revenue system, or if we vote the other way it will be construed that we are in favor of the internal-revenue laws remaining as they are now, from both of which I most respectfully dissent.

If it were in order to offer a substitute at this time I should ask permission to offer the following:

That it is the opinion of this House that the tax on all distilled spirits should be reduced to 50 cents per gallon after July 1, 1887; and that it is the opinion of this House that the tax on spirits distilled from grain and deposited in bond after July 1, 1884, should be due and payable within sixty days after said spirits shall have been deposited in the bonded warehouses.

My reason is this: to undo the law passed in 1878 extending the bonded period three years, and undo the bad effects of the Carlisle bill of 1880, which gave to the distillers seven and one-half gallons of leakage and possible outage on each barrel of forty gallons; which gave the repeal of the stamp on the cask and many other privileges which large distillers are now using to enable them to accumulate millions of gallons of whisky in the warehouses, on which they hope to realize by extensions of the bonded period and then an abolition of the tax, or, failing in that, by a reduction of the tax from 90 to 50 cents, so as to leave the whisky monopolists 40 cents profit on each gallon.

If you will give the distillers notice that they must quit putting this whisky in bonded warehouses, that there is no hope for them in the future from abolishing the system and freeing them of the tax on all the whisky or any part they may have at this time in hand, you will do a good thing for all the useful business interests of this country, and possibly for the unhappy distillers themselves, who I trust will stop that bad business and use their immense capital in making the country prosperous and happy.

By passing the resolution now pending you say to these distillers, "We propose to allow the whisky law to remain as it is now." I say we should not allow it to remain as it is now. The tax may be too high, but we should not reduce it in such a way as to give the men who have 80,000,000 gallons in bond the benefit of a reduction of 40 cents on each gallon. We ought to give notice that whatever they make after the 1st July, 1884, shall not be allowed to remain in bond over sixty days, and, so as not to do injustice to holders of distilled spirits made under existing law, that after the 1st July, 1887, the tax will be reduced to 50 cents a gallon. This resolution may be construed to be in the interest of the distillers who have 80,000,000 gallons of whisky now in bonded warehouses under the operation of the existing law unless some notice of this kind be given.

If I have any time left I yield it back to the gentleman from North Carolina [Mr. COX].

The SPEAKER. The gentleman has one minute of his time left.

Mr. COX, of North Carolina. I oppose this resolution, because it is proposed to deal by piecemeal with the great subject of tariff reform, which must soon engage the attention of this House. It is unjust to many members who can not fully hear or clearly comprehend the resolution before they are called upon to vote. It is unjust to the measure itself and to cognate subjects with which it has been associated. Who expected it to be brought up to-day, and how can it be properly discussed under a suspension of the rules? The only effect of such legislation is to distract and divide our counsels. Many members, unable to explain their votes, through fear of encountering a sentiment in opposition to free whisky, may be driven to vote for it. Desiring to reflect the sentiments of the people of my State as expressed through her Legislature, I will endeavor to have abolished the whole internal-revenue system.

As the effect of this resolution will be to prolong the continuance of this odious and iniquitous revenue and embarrass other reforms to which we have partially agreed, I most earnestly protest against its passage. All excise laws have ever been odious to a free and independent people, and the present one has exposed many of the people of my State to persecutions and outrages too numerous to mention. If their burdens can not be removed by a change in the method of its collection, and it is doubtful whether they can, I would cut out the cancer, and leave the States to impose such taxes and restrictions upon the manufacture of whisky as they might deem expedient. We are becoming too much the slaves of the tax-gatherer and pay too little regard to the liberties of the humbler classes. If this subject was considered in connection with other matters of taxation the House might devise some expedients by which our revenues might be reformed. At least it is worthy of the experiment. Sprung upon us as this resolution now is, it can accomplish no good; for what is expedient to-day may become inexpedient to-morrow. It may inure to the benefit of the whisky monopolists of the West, but we are not here to legislate for that class and should not suffer ourselves to be deceived by the measure.

This whisky monopoly in the West is now coining its millions of dollars. It has no sympathy for the minor distillers scattered throughout this land. Why can it not wait until the whole revenue subject shall be acted upon? Does it fear the weakness of its proposition? If so, we should not be driven from our expressed determination to consider tariff reform and internal taxation in conjunction with each other. The moral element is not involved in this question, for many of the wisest and most judicious moral reformers desire to see an absolute divorce between the Government and the manufacturers of distilled spirits. Let us, then, move on as we have started, and not be led astray by such resolutions as the present, but decently and in order present to the country such a system of reforms as will command its confidence and respect, which I fear will not be accomplished by the legislation proposed by this resolution.

Mr. YORK. I desire just one minute more.

Mr. COX, of North Carolina. I yield another minute to my colleague.

Mr. YORK. I want to know if it will be in order to offer a substitute for this resolution in the form of a bill.

The SPEAKER. Not without the unanimous consent of the House.

Mr. YORK. I ask unanimous consent.

Several members objected.

Mr. YORK. I would like to have the bill read.

The SPEAKER. Objection is made to its consideration.

Mr. YORK. Then I will read it as a part of my remarks.

The SPEAKER. The gentleman has the right to do that.

Mr. YORK read, as follows, the bill which he desired to propose as a substitute:

A bill to repeal the internal-revenue laws on distilled spirits and tobacco, with all amendments adding to or enlarging the same.

Whereas the Government of the United States has from its earliest existence deemed it wisest and best to collect the necessary revenues to support the General Government by a tax upon imports; and

Whereas the late civil war made it necessary for the time to levy additional taxes for the support of her armies, and the increased burdens placed upon the Government mainly growing out of the troubled condition of the country from the effects of the war; and

Whereas the late civil war has been closed for a period of about nineteen years; and

Whereas the country is now enjoying a state of profound peace, prosperity, and happiness; and

Whereas the United States Treasury has now a large surplus on hand, showing conclusively no necessity for the Government continuing longer the extra burdens of taxation known as the war taxes; and

Whereas the people cry out against the further continuance of the internal-revenue laws, believing that the time has fully arrived for their repeal; and

Whereas the demands of the Government, economically administered, can be amply met by the tax on imports: Therefore,

*Be it enacted, &c.*, That the act entitled "An act to provide internal revenue to support the Government, to pay the interest on the public debt, and for other purposes," passed June 30, 1864, and all acts amending, enlarging, or adding to the same, and all laws authorizing the collection of internal revenue on distilled spirits and tobacco, be, and the same are hereby, repealed: *Provided*, That on all unbroken packages of distilled spirits, smoking and manufactured tobacco, cigars, snuff, and cigarettes, in the hands of dealers or manufacturers at the time such repeal shall take effect, upon which the tax has been paid, there shall be a drawback or rebate of the full amount of the taxes paid; but the same shall not apply in any case where the claim has not been presented within ninety days following the date of repeal.

SEC. 2. That it shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations as may be necessary to carry this act into effect.

SEC. 3. That this act shall be in force from and after its passage.

Mr. THOMPSON. I yield two minutes to my colleague from Kentucky [Mr. WILLIS].

Mr. WILLIS. I sympathize most heartily with my friend from North Carolina in his complaint of the administration of the internal-revenue law. But I do not sympathize with him and with other gentlemen who desire to remove or reduce the tax on whisky. I stand here for one for dear whisky. I believe that it is an article that will bear taxation. It is a luxury and it ought to bear taxation.

But I will not enter into that part of the discussion. I look at this matter from a business standpoint. The Federal Government has established certain relations toward this great interest. What has been the result? We find millions of gallons of whisky on the market without a purchaser. We find also that here in Congress there is a number of bills which have been introduced contemplating an abolition of the entire tax on whisky. Congress thus stands with sword uplifted over the head of this great interest; yet every man around me knows that there is not the remotest probability that that sword will ever descend.

It is due, therefore, to that interest that we should declare upon this floor that there is no possibility, there is no probability, that this Congress will either reduce or remove the tax on spirits distilled from grain, and let those interested in this great interest go on with their business, and no longer permit this threat to hang over them, which we know will never be executed. They do not know, they can not know, whether Congress has any such intention or not. But we who are here know that no such action will take place.

This vote will disclose the fact that out of the three hundred and twenty-five members upon this floor probably not 25 per cent. of them will be willing to go home to their constituents and say that they have accomplished one result for them if no other—they have made a glass of whisky cheaper by their legislation in Congress. Nor will they be willing to go home and say that, without any hope of result, as the gentleman from North Carolina [Mr. COX] admits (because he says that he does not hope that this Congress will legislate on this subject)—that without any hope of result they will agitate this question to the

destruction of a great interest that has paid a thousand millions of dollars into the Treasury of the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. VANCE. I would like to ask the gentleman from Kentucky [Mr. WILLIS] if he will aid us in modifying the system of internal taxation so as to remove the oppressive features of it?

Mr. WILLIS. I will do so whenever you give us the opportunity.

Mr. VANCE. I am glad to hear the gentleman say that.

Mr. THOMPSON, of Kentucky. I will yield two minutes of my time to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. After the explanation of the gentleman from Kentucky [Mr. WILLIS] I hardly think it is necessary for me to say much, if anything, upon this question. But I observe that whenever the question of whisky arises here at first the House reels around it in a state of uncertainty as to the object of the movement. And when the gentlemen from Kentucky raise the question here I must confess that this side of the House is at first apprehensive that their object is not entirely consistent with our views upon the subject.

I wanted to say upon this question what I think the gentleman from Kentucky [Mr. WILLIS] who has just spoken desires the House to understand and which I understood from the beginning to be the object of this resolution. It is that those engaged in this manufacture are now, by reason of the defeat the other day of the bill to extend the bonded period for distilled spirits, a result in which I concurred—they are now subjected to great expense in removing from the country a large amount of property and bringing it back again at a later period when there will be a market for it. And further than that, they are liable to severe financial disturbances as long as they remain in doubt touching the action to be taken by Congress upon the subject of taxation.

I agree with the gentleman from Kentucky [Mr. WILLIS] that this House can not during the present Congress take action looking to removing the tax on whisky. Our revenue from duties on imports is not sufficient to pay the current and necessary expenses of the Government. I think I speak the feeling on this side of the House when I say that the last internal tax to be taken off will be the tax on whisky.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. KASSON. Certainly.

Mr. MCMILLIN. I would inquire of the gentleman, what would be the deficiency in the revenues of the Government if the internal-revenue system were entirely abolished?

Mr. KASSON. I have not the figures before me, but the deficiency would be a great many millions.

Mr. MCMILLIN. Would it be about forty millions of dollars?

Mr. KASSON. I have not the figures before me and cannot state the amount, but I have no doubt it would be a great many millions of dollars.

The point I wish to get at is this: I shall vote for this resolution—first, because I think we ought not to take the tax off whisky; and secondly, I think we can not during this Congress remove the tax from spirits distilled from grain without creating a deficit in the revenues of the Government.

Mr. THOMPSON, of Kentucky. I now yield one minute of my time to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. One minute is rather a brief space of time in which to discuss a measure of this importance, but I shall probably scarcely require even that much for what I have to say, though if the measure were presented under different circumstances I should feel inclined to discuss it at some length. The resolution itself is unimportant except to give expression to the judgment of the House concerning a question that has a most important connection with the whole subject of tariff legislation, and in this regard I would if opportunity favored give my views at some length.

I desire simply at present to express my emphatic dissent from what I believe to be the dangerous heresy that is gradually gaining a lodgment in the minds of many gentlemen for whose opinions and judgments I have great respect. I do not believe it is a safe or a wise policy to be adopted by this House to remove the tax from an article that yields so large a revenue, that is of such general consumption, and which is so far removed from those commodities which can in any sense be considered necessities.

Under any other circumstances and in respect to almost any other question relating even remotely to the question of revenue I should be inclined to yield my judgment to the views expressed by the gentleman from North Carolina [Mr. COX], and insist that this proposition should be considered in the general revenue or tariff bill, which the gentleman from Illinois [Mr. MORRISON] having it in charge has just assured us will be brought before the House for consideration on Tuesday next, but I regard the disposition to remove the tax from whisky as so dangerous and pernicious a one, that I feel it my duty to denounce it on every suitable occasion. I detest the present system of collecting internal revenue as much as any gentleman on this floor, but until we can spare the money derived from this source out of the necessary revenues of the Federal Government and devise some means by which it can be collected by the States, I can not give my consent to except it from the operations of existing laws, however odious their execution may be. When we reach this point I will most cheerfully lend my aid in abolishing the system which has brought so much reproach upon the administration of a necessary law.

One of the reasons which influenced my vote this morning against the proposition of the gentleman from Ohio [Mr. CONVERSE] to restore the duty upon wool was my belief that no one article subject to taxation should be considered except in connection with a general tariff bill, but the article of whisky is very different from wool, and the proposition to exempt it from taxation is so repugnant to my ideas of sound policy that I feel it my duty as a public man to oppose it even if I have but one minute in which to do it. Better let the tax remain on whisky and take it off of some one of the thousand articles of general use and necessity upon which a most burdensome and oppressive taxation is now imposed.

Mr. THOMPSON. I now yield two minutes to the gentleman from California [Mr. BUDD].

Mr. BUDD. Mr. Speaker, whisky could be made and sold at a profit for 25 cents per gallon were it not for the heavy tax it bears. I favor the retention of that tax, and shall resist any effort made to remove it. One of my reasons for favoring the bonded extension bill was that I believed the opponents of that measure desired to defeat it that they might coerce a repeal of the tax; their leading speakers proclaimed that they favored such repeal.

In 1862 the Government began to levy a tax on whisky. From 1825 to 1861 whisky ranged in price from 15 to 48 cents per gallon, generally being less than 40 cents; it never reached 50 cents. This statement is based on official reports. A repeal of the tax at this time would encourage local stills to spring up throughout the country, as their cost is nominal, and local producers could profitably sell the article at 30 cents per gallon.

Mr. COX, of North Carolina. Does not the gentleman know that during the period he speaks of there was far less whisky made and far less drunkenness than there has been since the tax was imposed?

Mr. BUDD. Formerly the grain went into other industries; now there is often an overproduction. There is a stimulated production and consumption of whisky. As the gentleman has asked the question, I wish to state that from 1870 to 1880 the increase in the appetite for, and consumption of, liquor was fearfully rapid.

Mr. COX, of North Carolina. By reason of the monopoly?

Mr. BUDD. No, sir. By reason of the extension and expansion of this business.

[Here the hammer fell.]

Mr. BUDD. Allow me one moment to say, in answer to the gentleman from North Carolina, that in 1870 there were only 14,362 saloonkeepers and bar-tenders in the United States, but in 1880, ten years later, there were 68,461, an increase of nearly 400 per cent. I say that the appetite for liquor, as indicated by the above facts, has grown too rapidly to justify us in cutting down the tax on this article so that it might be profitably sold for 40 cents a gallon, 10 cents a quart, or a cent a drink.

Mr. THOMPSON. I yield two minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I concur with those who favor the adoption of this resolution, for the reason that the trade demands we should put a quietus upon this question. But that is not my only reason. I am in favor of the resolution because the great mass the people of this country desire to have whisky taxed. We are now realizing a revenue of nearly $70,000,000 a year from the manufacture of distilled spirits and the license to deal in them. This amount of revenue can not be raised in any other way with so little burden upon our tax-paying people. Therefore I desire there shall be an understanding reached now by this House and notice given to the country that this tax, yielding $70,000,000 a year, shall remain until the public debt is paid, and until the people can get blankets and other necessaries of life cheaper. [Applause.]

Mr. THOMPSON. Mr. Speaker, I hardly think it necessary that much should be said on this proposition. The intelligence of the House has already agreed to it. No gentleman who has chosen to oppose it has, so far as I have heard, given any reason why the tax on whisky should be reduced or abolished. I have listened to both the gentlemen from North Carolina, who, while opposed in party politics, are united at least upon one question, free whisky, cheap whisky, untaxed intoxication; but I can not understand what is their objection to maintaining this tax. To speak of the internal-revenue system in the presence of the Representatives from that State seems almost like raising a red rag in front of a mad bull—all North Carolina immediately bristles up and makes an attack upon it. One would suppose that unless we repeal the tremendous "war taxes" of which gentlemen speak they would not have enough constituents left to hold an election; that the whole population had gone into "moonshining;" had fled to their mountain fastnesses to escape deputy marshals, whose presence they seem to dread worse than Ali Baba did the forty thieves or the devil turned loose for a thousand years.

Why, sir, this is no more a "war tax" than our other taxes. All our taxes, we are told, are "war taxes." Whenever our eloquent friends here speak on the subject of reducing the tariff, they want it reduced

because it is "war taxes;" and now my friend from North Carolina wants to take off the whisky tax because it is a "war tax." But where are you going to get money to pay the pensions of your crippled soldiers and to provide the large educational fund which gentlemen are talking about distributing to the States for the purpose of educating the illiterate not only of my friend's State but all over the country? where are you to get money to redeem your national bonds unless you raise part of it by this tax on whisky?

You have nearly a hundred millions a year to provide for pensions; you need over fifty millions for interest on your national debt; you have nearly fifty millions of sinking fund to provide for, and two hundred and fifty-eight millions of past-due bonds, besides all the ordinary expenses of the Government. Will you tax clothes higher? will you tax blankets higher? They are already nearly 100 per cent. Coarse woolen clothes for the poor are now seventy-eight. Will you give the laboring man cheap whisky and high-priced clothes? Men who labor do not drink whisky, but every necessary which they and their half-naked, half-starved children eat and wear is nearly doubled in price by your taxes. If you reduce or abolish this tax upon the idle vagabonds, sots, and drunkards, you take the clothes off the back and necessaries of life in proportion from the honest, industrious laborer. The tax paid for whisky drunk by the idle is a voluntary tax paid by the vicious. If you do not like the tax, let up on the drink and you can escape. But the tax upon woolen goods, blankets, flannels, hats, shoes, and other necessaries must be paid, and when they double the price of the article, as they now do, they rob the poor man of one-half of his day's toil. Who demands the surrender of this tax? The steel-rail monopoly of Pennsylvania; the ironmongers of Pittsburgh; the woolen and cotton manufacturers of the East. The laborer does not want it, the people do not ask it, the drunkard does not expect it, and the vicious do not care for it. Let it alone.

Mr. Speaker, every time a member from Kentucky has risen on this floor it has been insinuated that he wanted to repeal the tax on whisky. Now, I want it distinctly understood that so far as Kentucky is concerned, though she is the largest manufacturer of whisky in the Union except the State of Illinois, she will favor the maintenance of this tax on whisky so long as the tax is laid on the consumer and so long as the money raised by it can be applied to any great public purpose.

Mr. HORR. I would like to ask the gentleman a question. I think he and I agree. He is for laying a tax on whisky; so am I. I am also in favor of collecting this tax. Is the gentleman?

Mr. THOMPSON. I have always been in favor of collecting the tax. I do not know but my friend has paid as much of it as I have. I have no doubt about that. From his size I would suppose he had paid more. [Laughter.] I have no doubt his State is as great a consumer of a good article of whisky as any other State.

Mr. HORR. You misunderstand me. It was not a personal question. I wish to know whether my friends from Kentucky are both in favor of levying the tax on whisky and collecting it?

Several MEMBERS. Paying it, you mean.

Mr. THOMPSON. They are in favor of collecting it on all that Michigan shall consume.

Mr. HORR. We always pay it.

Mr. THOMPSON. I hope you do. No doubt you pay your part of it.

As far as this great whisky interest of our State is concerned it is in this attitude: the action of the House taken two weeks ago has put them where they can not borrow money to pay their taxes as they fall due because they have a threat hanging over them that Congress will reduce the tax to 50 cents a gallon or it may repeal it. No man will lend the money to pay the tax when it amounts to confiscation of the property in his hands either to reduce or abolish it.

The SPEAKER. The gentleman's time has expired.

Mr. THOMPSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 179, nays 33, not voting 110; as follows:

YEAS—179.

| | | | |
|---|---|---|---|
| Adams, G. E. | Carleton, | Funston, | Hurd, |
| Aiken, | Cassidy, | Fyan, | James, |
| Alexander, | Clay, | Goff, | Jeffords, |
| Anderson, | Cobb, | Graves, | Jones, B. W. |
| Bagley, | Collins, | Greenleaf, | Jones, J. H. |
| Ballentine, | Covington, | Guenther, | Jones, J. K. |
| Barksdale, | Culberson, D. B. | Halsell, | Jones, J. T. |
| Beach, | Cullen, | Hart, | Kasson, |
| Belmont, | Cutcheon, | Hatch, W. H. | Keifer, |
| Blanchard, | Dargan, | Haynes, | King, |
| Bland, | Davis, L. H. | Hemphill, | Kleiner, |
| Blount, | Davis, R. T. | Henderson, D. B. | Lacey, |
| Boutelle, | Deuster, | Henderson, T. J. | Lanham, |
| Breckinridge, | Dingley, | Henley, | Lawrence, |
| Breitung, | Dockery, | Hepburn, | Le Fevre, |
| Brewer, F. B. | Dorsheimer, | Herbert, | Lewis, |
| Brown, W. W. | Dunn, | Hill, | Long, |
| Budd, | Eldredge, | Hitt, | Lore, |
| Burnes, | Evans, I. N. | Holman, | Lovering, |
| Caldwell, | Everhart, | Holmes, | Lowry, |
| Campbell, Felix | Evins, J. H. | Horr, | Lyman, |
| Campbell, J. M. | Finerty | Houseman, | McCoid, |
| Cannon, | Forney, | Howey, | McComas, |
| McCormick, | Parker, | Seymour, | Wakefield, |
| McKinley, | Payne, | Shaw, | Ward, |
| McMillin, | Payson, | Singleton, | Warner, A. J. |
| Maybury, | Pierce, | Skinner, C. R. | Warner, Richard |
| Millard, | Peel, S. W. | Smalls, | Washburn, |
| Miller, J. F. | Peelle, S. J. | Springer, | Weaver, |
| Milliken, | Poland, | Stephenson, | Wellborn, |
| Mills, | Price, | Stevens, | Weller, |
| Mitchell, | Pusey, | Stewart, Charles | White, J. D. |
| Morgan, | Rankin, | Stewart, J. W. | White, Milo |
| Morrill, | Ray, G. W. | Stockslager, | Whiting, |
| Morrison, | Ray, Ossian | Stone, | Williams, |
| Morse, | Reagan, | Strait, | Willis, |
| Muldrow, | Reed, | Struble, | Wilson, James |
| Murphy, | Riggs, | Sumner, D. H. | Wilson, W. L. |
| Murray, | Robinson, J. S. | Taylor, J. D. | Winans, John |
| Neece, | Robinson, W. E. | Taylor, J. M. | Wolford, |
| Nelson, | Rockwell, | Thompson, | Wood, |
| Nicholls, | Rogers, J. H. | Throckmorton, | Woodward, |
| Oates, | Rogers, W. F. | Tully, | Yaple, |
| O'Neill, Charles | Rosecrans, | Turner, Oscar | Young. |
| Paige, | Ryan, | Van Eaton, | |

NAYS—33.

| | | | |
|---|---|---|---|
| Atkinson, | Cox, W. R. | Hammond, | Storm, |
| Bayne, | Crisp, | Hardeman, | Tillman, |
| Belford, | Culbertson, W. W. | Hewitt, G. W. | Turner, H. G. |
| Bennett, | Dibble, | Mutchler, | Vance, |
| Buchanan, | Dibrell, | Pryor, | Wise, G. D. |
| Cabell, | Dowd, | Reese, | York. |
| Chace, | Duncan, | Scales, | |
| Connolly, | Eaton, | Shelley, | |
| Converse, | Ermentrout, | Skinner, T. G. | |

NOT VOTING—110.

| | | | |
|---|---|---|---|
| Adams, J. J. | Ellis, | Jordan, | Rice, |
| Arnot, | Ellwood, | Kean, | Robertson, |
| Barbour, | Ferrell, | Kelley, | Rowell, |
| Barr, | Fiedler, | Kellogg, | Russell, |
| Bingham, | Findlay, | Ketcham, | Seney, |
| Bisbee, | Follett, | Laird, | Slocum, |
| Blackburn, | Foran, | Lamb, | Smith, |
| Bowen, | Garrison, | Libbey, | Snyder, |
| Boyle, | Geddes, | McAdoo, | Spooner, |
| Brainerd, | George, | Matson, | Spriggs, |
| Brewer, J. H. | Gibson, | Miller, S. H. | Steele, |
| Broadhead, | Glascock, | Money, | Sumner, C. A. |
| Browne, T. M. | Green, | Morey, | Talbott, |
| Brumm, | Hanback, | Moulton, | Taylor, E. B. |
| Buckner, | Hancock, | Muller, | Thomas, |
| Burleigh, | Hardy, | Nutting, | Townshend, |
| Calkins, | Harmer, | Ochiltree, | Tucker, |
| Candler, | Hatch, H. H. | O'Hara, | Valentine, |
| Clardy, | Hewitt, A. S. | O'Neill, J. J. | Van Alstyne, |
| Clements, | Hiscock, | Patton, | Wadsworth, |
| Cook, | Hoblitzell, | Perkins, | Wait, |
| Cosgrove, | Holton, | Peters, | Wemple, |
| Cox, S. S. | Hooper, | Pettibone, | Wilkins, |
| Curtin, | Hopkins, | Phelps, | Winans, E. B. |
| Davidson, | Houk, | Post, | Wise, J. S. |
| Davis, G. R. | Hunt, | Potter, | Worthington, |
| Dunham, | Hutchins, | Randall, | |
| Elliott, | Johnson, | Ranney, | |

So (two-thirds having voted in the affirmative) the rules were suspended and the resolution adopted.

The following additional pairs were announced:

Mr. JORDAN with Mr. BREWER, of New Jersey.

Mr. HOLTON with Mr. TALBOTT.

Mr. LOWRY with Mr. VALENTINE.

Mr. MATSON with Mr. HANBACK.

Mr. NEECE with Mr. ROWELL.

Mr. NEECE. I have voted "ay," and if Mr. ROWELL were here he would vote the same way.

Mr. CLARDY with Mr. PETERS.

Mr. PETERS. If Mr. CLARDY were here I should vote "ay;" I do not know how he would vote.

Mr. HOUK (who would vote "no") with Mr. PERKINS (who would have voted "ay").

Mr. RYAN. Mr. BROWNE, of Indiana, left the House on account of sickness. If present, he would vote for this resolution.

Mr. SPRINGER. Mr. TOWNSHEND and Mr. WASHBURN are paired; but on this question, as they would both vote the same way, Mr. WASHBURN has voted.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STEELE, indefinitely, on account of important business.

To Mr. STORM, for two days, after to-day.

To Mr. O'HARA, for eight days, from and after Tuesday, April 8, on account of important business.

To Mr. PETTIBONE, for ten days, on account of sickness in his family.

To Mr. ROBINSON, of Ohio, for fifteen days, from April 8.

To Mr. JOHN S. WISE, until April 14, on account of pressing private business.

To Mr. ARNOT, for ten days, on account of important business.

To Mr. MUTCHLER, until Thursday next.

Mr. WARNER, of Ohio. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE. Petition of R. F. Lanier, administrator of the estate of E. Lanier, deceased—to the Committee on War Claims.

By Mr. BARBOUR: Papers relating to the claim of Rose A. Cameron, administratrix, &c.—to the Committee on Claims.

By Mr. BINGHAM: Petition of the Vessel-Owners and Captains' Association, requesting necessary appropriation for the Naval Hydrographic Office—to the Committee on Appropriations.

By Mr. J. H. BREWER: Petitions of the city council of Atlantic City, N. J., and of citizens of Atlantic County, New Jersey, for a harbor of refuge at Absecom Inlet—to the Committee on Rivers and Harbors.

By Mr. COBB: Petitions of citizens of Sullivan County, of Knox County, and of Daviess County, Indiana, relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, petition of J. P. Porter Post, No. 83, Grand Army of the Republic, Department of Indiana, for the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. COLLINS: Petition and resolutions of the Boston Produce Exchange, for the repeal of the law authorizing the coinage of silver dollars, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. L. H. DAVIS: Petition relating to the claim of Stephen Byrd, executor, &c.—to the Committee on War Claims.

By Mr. DUNCAN: Papers relating to the bill for the relief of Valentine Hertz—to the Committee on Invalid Pensions.

By Mr. ELLIS: Petition of Mrs. Susan Polk Jones and others, of New Orleans, La., praying for the passage of the French spoliation bill—to the Committee on Foreign Affairs.

By Mr. ERMENTROUT: Memorials of the First National Bank, Lorain, Ohio; of Farmers' National Bank, Franklin, Ohio; of First National Bank, Saint Louis; and of James Stott, relative to national-bank legislation—severally to the Committee on Banking and Currency.

Also, petition for the enforcement of the eight-hour law—to the Committee on Labor.

Also, memorial of D. H. Talbot, respecting creation of a grand zoological garden—to the Committee on the Public Lands.

By Mr. FIEDLER: Petition of J. M. Davis and others, asking for the enforcement of the eight-hour law, &c.—to the Committee on Labor.

By Mr. FINDLAY: Papers relating to the refunding claims of George M. Gill, of Samuel H. Tagart, and of Francis I. King—severally to the Committee on Claims.

By Mr. FUNSTON: The petition of J. E. Henderson and 44 others, of Iola, Kans., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GEORGE: Petition of merchants of Portland, Oreg., asking for a bankruptcy law—to the Committee on the Judiciary.

By Mr. HALSELL: Petition of citizens of Wayne County, Kentucky, for the improvement of the Cumberland River—to the Committee on Rivers and Harbors.

By Mr. HANBACK: Resolution of Baxter Springs Post, Grand Army of the Repubic, Department of Kansas, relative to the improvement of Baxter Springs national cemetery—to the Committee on Military Affairs.

By Mr. D. B. HENDERSON: Paper from Capt. P. E. Hall, relating to the extension of patent to S. W. Wood—to the Committee on Patents.

By Mr. HARMER: Resolution of the Board of Vessel-Owners and Captains, for an appropriation for the establishment and maintenance of branches of the United States Naval Hydrographic Office—to the Committee on Appropriations.

By Mr. HOLMAN: Petition and papers relating to the pension claim of George W. Hubble—to the Committee on Invalid Pensions.

By Mr. HOUK: Papers relating to the claim of Jonathan D. Hale—to the Committee on War Claims.

By Mr. JEFFORDS: Memorial of citizens of Washington and Issaquena Counties, Mississippi, asking an appropriation to clear out Steele's Bayou, Mississippi—to the Committee on Rivers and Harbors.

By Mr. KELLOGG: Bill for the improvement of Bayou Plaquemine, Louisiana—to the same committee.

Also, bill for the improvement of Bayou Teche, Louisiana—to the same committee.

Also, bill for the improvement of Bayou Terrebonne, Louisiana—to the same committee.

Also, bill for the improvement of Atchafalaya River, Louisiana—to the same committee.

Also, bill for the improvement of Bayou Carlin, Louisiana—to the same committee.

Also, bill for the improvement of Bayou La Fourche, Louisiana—to the same committee.

Also, bill for the improvement of Calcasieu River, Louisiana—to the same committee.

By Mr. LOVERING: Papers relating to the claim of Ann E. Plimpton—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of veterans of the late war, relative to the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORGAN: Petition of William Lawrence, James W. Sheely, and others, asking for equalization of salaries of the employés of the engineer department of the House of Representatives and Senate—to the Committee on Accounts.

By Mr. MURPHY: Joint resolutions of the Legislature of the State of Iowa, relative to land grants to railroads—to the Committee on the Public Lands.

By Mr. NELSON: Petition of White Cloud and others, in favor of H. R. 3511—to the Committee on Claims.

By Mr. PARKER: Petition of Brennan Post, Grand Army of the Republic, of Malone, N. Y., for more liberal pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PERKINS: Resolutions adopted by the encampment of the Grand Army of the Republic of Kansas, asking for an appropriation to establish a national cemetery at Baxter Springs, Kans.—to the Committee on Military Affairs.

By Mr. PIERCE: Paper relating to the claim of Stith Maynard—to the Committee on War Claims.

Also, petition of Nancy S. Fuller, for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: Petition of B. B. Wade and 45 others, of Bayfield; of L. M. Vilas and 21 others, of Eau Claire County; of D. George Robinson and 52 others, of Douglas County; of E. C. Higbee and others, of Trempealeau County; of Robert Buehler and others, of Buffalo County; and of William P. Swift and others, of Barron County, all in Wisconsin, asking increase of salary of United States judges—severally to the Committee on the Judiciary.

By Mr. ROBERTSON: Petition of Madison M. Warmouth, praying for the passage of laws to protect inventors—to the Committee on Patents.

By Mr. ROSECRANS: Petition of Capt. J. M. Lee and others, officers of the Ninth Infantry; of Capt. William W. McCammon and others, officers of the Fourteenth Infantry; of officers of the Third Artillery, Eighth Cavalry, and Sixteenth and Nineteenth Infantry; of Lieut. Charles H. Barth and others, officers of the Twelfth Infantry; and of R. D. Potts, first lieutenant, and others, officers of the Third Artillery, for the passage of S. 1677—severally to the Committee on Military Affairs.

Also, petition of Baxter Springs Post, Grand Army of the Republic, for an appropriation for purchase of land for a cemetery at Baxter Springs, Kans.—to the same committee.

By Mr. SCALES: Petition of N. S. Smith and others, for national aid to education—to the Committee on Education.

By Mr. T. G. SKINNER: Petition of R. M. Norman and others, and of James Tapping and others, all of North Carolina, for educational aid—severally to the same committee.

By Mr. STOCKSLAGER: Petition relating to the claim of Edward Crumbo and Joseph Melcher—to the Committee on Claims.

By Mr. VAN ALSTYNE: Papers relating to the pension claim of Alice Riley—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of John R. Harrington—to the Committee on Patents.

By Mr. WAKEFIELD: Petition of citizens of Faribault County, of Blue Earth County, of Jackson County, of Pipestone County, and of Martin County, Minnesota, praying that no change may be made in duty on flaxseed—severally to the Committee on Ways and Means.

By Mr. RICHARD WARNER: Petition of William Lowery, to be restored to the pension-roll—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Petition of citizens of Fillmore County, of Freeborn County, and of Mower County, all in Minnesota, in favor of the present duty on flaxseed—severally to the Committee on Ways and Means.

Also, petition of the Saint Paul Chamber of Commerce, for improving the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Memorial praying for proper legislation by Congress for soldiers—to the Committee on Invalid Pensions.

Also, memorial of laboring men, praying for the passage of laws alleviating the burdens of labor—to the Committee on Labor.

Also, memorial of Post No. 31, Grand Army of the Republic, Department of Indiana, praying for pensions, bounties, land-warrants, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WOODWARD: Petition of members of the bar and citizens of the western district of Wisconsin, for increase of salaries of United States district and circuit judges—to the Committee on the Judiciary.

By Mr. YOUNG: Petition relating to the claim of J. J. Bailey; petition of Mary A. Somerville, administratrix, &c.; of Sallie W. Macklin, administratrix, &c.—severally to the Committee on War Claims.

Also, petition of S. W. Sturdevant, administrator, &c.—to the same committee.

Also, petition relating to the claim of the heirs of John A. Oursler, and of Elizabeth Griggs, administratrix, &c.—to the same committee.

Also, papers relating to the claim of Robert J. Pirtle, administrator, &c.—to the same committee.

Also, petition relating to the claim of William A. Williamson—to the same committee.

## SENATE.

### TUESDAY, *April* 8, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of James L. Andem, stenographer, of Washington, D. C., on the subject of stenographic work for committees of the Senate, investigations, &c.; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HILL. I present a petition signed by the officers of twenty national banks and banking houses of Colorado, and a large number of business firms in Utah, and unanimously adopted by the Chamber of Commerce of Denver, Colo., praying for the enactment of a law which shall require banks to keep 10 or 15 per cent. of their legal reserves in silver coin. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. HALE presented a memorial in the form of a letter from the William H. Rice Post, No. 55, Grand Army of the Republic, Ellsworth, Me., urging further legislation in the interests of the soldiers in the late war; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented a petition of citizens of Newburg, N. Y., praying for the repeal of the act and acts supplementary thereto by which the term of many administrative officers was changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the marine underwriters of New York city, praying for an appropriation to replace the cable communication between Block Island and the mainland; which was referred to the Committee on Appropriations.

He also presented a memorial of citizens of Elmira, N. Y., remonstrating against the passage of certain proposed amendments to the patent laws; which was referred to the Committee on Patents.

He also presented a memorial of C. D. Culver, of New York, remonstrating against the passage of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. WILSON. I present a memorial of the Burlington (Iowa) Plow Company and other manufacturers and citizens of Burlington, Iowa, remonstrating against the enactment of the proposed amendments of the patent laws. The memorial is addressed to the Senators from Iowa, but is evidently intended to be considered by the Senate. I therefore present it, and move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. HAWLEY. I present sundry memorials of citizens of Connecticut remonstrating against a hostile modification or repeal of the present patent laws. These memorials are addressed to myself and my colleague in the form of letters, but as they are evidently intended for the action of Congress, I ask that they be received and referred to the Committee on Patents.

The memorials were referred to the Committee on Patents, as follows:

A memorial of the Middletown Plate Company, of Middletown, Conn.;

A memorial of the New Haven (Conn.) Clock Company;

A memorial of William Rogers and 38 other inventors and patentees, of Wallingford, Conn.;

A memorial of L. B. Jewell and 13 other patentees and manufacturers of Hartford, Conn.;

A memorial of O. B. North & Co. and 4 other patentees and manufacturers of New Haven, Conn.;

A memorial of the Bridgeport (Conn.) Knife Company;

A memorial of William H. Hoffman and 13 other patentees and manufacturers of Hartford, Conn.;

A memorial of the Swortland Manufacturing Company, of Wallingford, Conn.;

A memorial of H. B. Beach & Son and 3 other inventors and patentees of Hartford, Conn.;

A memorial of Charles M. Jarvis, vice-president of the East Berlin (Conn.) Iron Bridge Company;

A memorial of R. L. Hull, a manufacturer of Wallingford, Conn.;

A memorial of George M. Howell and 14 other patentees and manufacturers of Meriden, Conn.;

A memorial of John W. Gray and 7 other patentees and manufacturers of Hartford, Conn.;

A memorial of Joseph E. Marvel and 26 other patentees and manufacturers of Hartford, Conn.;

A memorial of E. G. Parkhurst and 21 other patentees and manufacturers of Hartford, Conn.;

A memorial of I. Henry Taylor and 6 other patentees and manufacturers of New Haven, Conn.;

A memorial of Benjamin A. Brown and 5 other patentees and manufacturers of Hartford, Conn.;

A memorial of the Hartford Woven Wire Mattress Company, of Hartford, Conn.;

A memorial of the Covert Manufacturing Company, of West Troy, N. Y.;

A memorial of the B. Shoninger Organ Company and 3 other inventors of New Haven, Conn.;

A memorial of the Plimpton Manufacturing Company, of Hartford, Conn.;

A memorial of the Collins Company and 16 other patentees and manufacturers of Collinsville, Conn.;

A memorial of the American Watch Company, of Waltham, Mass.;

A memorial of J. G. Batterson, of Hartford, Conn.; and

A memorial of the Hartford Silver Plate Company and 4 other manufacturers and patentees of Hartford, Conn.

Mr. CALL. I present a memorial of the Pensacola Board of Trade, which sets forth that the city of Pensacola has direct connection by rail on the north to the great lakes, and on the east to the Atlantic Ocean, while other and shorter local lines connect it with Perdido Bay and River, and with the rich timber, cotton, and agricultural lands of Southern Alabama and Georgia. It also sets forth that the channel on the bar requires a deepening to the depth of twenty-six or thirty feet in order to afford proper care and protection for the commerce and shipping of that port. It further states that steamers drawing thirty feet can be loaded at the railroad wharves from the cars alongside, saving all terminal expenses, lighterage, drayage, and such charges as would apply to rehandling. It asks for an adequate appropriation of $250,000 for deepening and enlarging the channel over the new bar recently formed inside of the old channel at the entrance of the harbor for the protection of the navy-yard of the city of Pensacola. This memorial also sets forth that a depth of twenty-six or thirty feet of water can easily be obtained. A new bar has been formed in consequence of the sinking of vessels which were placed there during the war.

The statistics which accompany this memorial exhibit that in 1881 there were 557 vessels at Pensacola, of which 435 were foreign vessels engaged in foreign commerce and 122 coastwise; that in 1882 there were 608 vessels at the port of Pensacola, of which 502 were foreign ships; in 1883 there were 559, of which 435 were foreign ships. The value of foreign exports in 1883 in the port of Pensacola was $2,242,417; the value of coastwise exports, $500,000; tonnage dues received at that place, $47,045; duties on imports, $4,958.64. Clearances: Steamships, 1883, 559; tonnage, 391,566. Value of timber, cotton, wool, molasses, potatoes, &c., of Choctawhatchee region tributary to Pensacola, $10,000,000; trade up the river, $2,000,000.

I ask the attention of the Committee on Commerce especially to these facts and to the petition, which I shall make a part of my remarks, and to the importance of this port and the necessity of action by that committee for the protection of the harbor from the bar, which is rapidly forming and interfering with the valuable and increasing foreign and domestic commerce of that important port. My colleague since his service here has constantly brought the interests of Pensacola to the attention of Congress and given it great prominence before Congress and the country. I have since I have been here, and very recently on several occasions, brought the interests of this port to the attention of Congress, and the Representative of that district has obtained for it repeatedly the favorable consideration of the other House. Congress has not failed to respond liberally to their efforts, but the increasing commercial and military importance of Pensacola and the high character and enterprise of her merchants demand a favorable consideration of the prayer of this petition.

I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1850) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, reported it without amendment.

Mr. MORRILL. I am instructed by the Committee on Finance to report an amendment intended to be proposed to the sundry civil appropriation bill.

The proposed amendment is to enable the State Department to restore for the use of the Congressional Library about one hundred and thirty medals that were purchased and given to the Library in 1822 by George W. Erving, who had formerly been our minister to Spain, which were then considered to be very valuable French and American medals, having been made by the French Government in the highest style of art. The first were lost by shipwreck, while being transported from France to the United States. Mr. Erving thereupon procured duplicates, and these were presented to and accepted by Congress and placed in the Library, but were destroyed by the fire in the Library in 1851.

By correspondence with the State Department I have learned that the Secretary, after communicating with our minister at Paris, has ascertained that the French Government will furnish duplicates of these medals at barely the cost, which will be about 322 francs, or about sixty or seventy-five dollars.

I ask to have the amendment and the papers in relation to the subject printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Vermont from the Committee on Finance reports an amendment from that committee intended to be proposed to the so-called sundry civil appropriation bill. The amendment, together with the accompanying papers, if there be no objection, will be printed and referred to the Committee on Appropriations.

Mr. PLUMB. On the 19th of March I reported from the Committee on Public Lands, by its direction, the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, reserving at the time the privilege for the committee to submit a written report at a subsequent date. I now present the report from the committee. I will also state that the minority of the committee desire to submit their views, and I ask that that privilege be granted to them at a subsequent day.

The PRESIDENT *pro tempore*. The Senator from Kansas from the Committee on Public Lands, to which was referred and from which has been reported the bill indicated by him, now makes a written report from that committee on the subject. The report will be printed. He also asks that the views of the minority of the committee on the same subject may be presented hereafter.

Mr. MORGAN. The views of the minority of the committee have been presented and are now in charge of the Chief Clerk.

Mr. ALLISON. They have been presented?

Mr. MORGAN. They have been presented but not printed.

Mr. PLUMB. Then I ask that the views of the minority be printed in connection with the report of the committee.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be printed in connection with the report of the majority.

Mr. PLATT, from the Committee on Patents, made the following report; which was ordered to be placed on the Calendar:

The Senate Committee on Patents, to whom was referred Senate bill No. 328, to authorize Alexy von Schmidt to bring suit in the Court of Claims, make the following report, namely:

That said Senate bill No. 328 was by said committee transmitted to the Court of Claims with the vouchers, papers, proofs, and documents pertaining thereto, by order of the committee made on the 20th day of March, 1884, to be proceeded with by said Court of Claims according to the provisions of the act of Congress approved March 3, 1883.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1970) for the payment of certain coupons of certain Indian war bonds of the State of California, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1554) for the relief of S. N. Wood, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army, reported it with an amendment.

Mr. COCKRELL. That is not a unanimous report of the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the petition of the Soldiers and Sailors' Association of Southwestern Michigan, praying for the establishment of a national home for disabled soldiers in Michigan, there having been two petitions of the same kind presented, being duplicates of each other, have instructed me to report the same back to the Senate and ask to be discharged from its further consideration. The committee has already reported a bill for the establishment of one home west of the Mississippi River, and deem that sufficient for the present.

The report was agreed to.

## BILLS INTRODUCED.

Mr. GARLAND introduced a bill (S. 2015) for the relief of Margaret Hammett, widow and administratrix of John J. Hammett, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2016) to provide a uniform mode of procedure in civil cases in the courts of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. SLATER (by request) introduced a bill (S. 2017) for the relief of J. T. and C. T. Hulett; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HILL introduced a bill (S. 2018) to provide for the deposit in the Treasury of the receipts of the money-order system, and for the payment of its expenses out of appropriations; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BOWEN introduced a bill (S. 2019) to provide for the establishing of terms of court in the district of Colorado; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BROWN introduced a bill (S. 2020) to remove the political disabilities of Edward F. Richter; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. DOLPH (by request) introduced a bill (S. 2021) for the relief of the three orphan children of William S. Hemingway; which was read twice by its title, and referred to the Committee on Indian Affairs.

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RIDDLEBERGER, it was

*Ordered*, That the papers relating to the bill for the relief of Isaac Davenport and others, known as the "Richmond rent leases," be taken from the files of the Senate and referred to the Committee on Claims.

Mr. HAMPTON. I am requested by a Senator who is absent to ask for the following order:

*Ordered*, That all papers in the case of Thomas F. Riley be withdrawn from the files and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The order will be granted subject to the rules.

## PRINTING OF EDUCATIONAL BILL.

On motion of Mr. BLAIR, it was

*Ordered*, That Senate bill No. 398, to aid in the establishment and temporary support of common schools, as passed and engrossed, be reprinted for the use of the Senate.

## CAMP DOUGLAS MILITARY RESERVATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule, commencing at Order of Business 219, being Senate bill No. 478.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah.

The bill was reported from the Committee on Military Affairs with an amendment to strike out at the end of the bill the following proviso:

*Provided*, That the money paid by Charles Popper for the survey of the land, as hereinbefore provided for, shall be deducted from the cost of the entry therof.

Mr. ALLISON. I ask that the report may be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAMPTON February 12, 1884:

The Committee on Military Affairs, to whom was referred the bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah, beg leave to report back the bill with an amendment striking out the proviso, and in this shape the committee recommend the passage of the bill.

Mr. ALLISON. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

Mr. HAMPTON. I ask the Senator who made the objection to withdraw it for a moment. I think that I can explain the bill so that there will be no objection to it.

Mr. ALLISON. I withdraw the objection for the time being.

Mr. HAMPTON. The report which was read was simply a short statement of the fact of the favorable action of the committee; but in the Forty-fifth Congress there was a very voluminous report made embodying all the facts. Those facts were that this man had settled upon the land before the reservation was laid off; he put up extensive and expensive buildings there; and a board of officers were summoned to see what disposition should be made of the land. That board unanimously reported that the Government did not want it, and it would be better for him to retain the piece of land which was of no use at all to the Government. The maps accompany the papers, and there is a letter from the General of the Army and all the officers out there recommending this disposition of it.

The report is so long that I do not wish to detain the Senate by reading it, but the facts are substantially as I have stated them. I have no doubt that the Senators from that section who are familiar with all the details can substantiate what I have said. I can only say that after full investigation in the Military Committee, with all the papers before us, the committee made a unanimous report that the bill should pass, and I hope there will be no objection to it.

Mr. CAMERON, of Wisconsin. Do I understand the Senator from South Carolina to state that this claimant settled on the land before the military reservation was laid off?

Mr. HAMPTON. Long before the reservation was laid off.

Mr. PLUMB. I will ask the Senator from South Carolina if the bill has not been reported at some previous time from some committee favorably?

Mr. HAMPTON. Not at this session, but I have here a favorable report made in the Forty-fifth Congress from which I gather the facts I have stated; and it was acted upon in the Forty-seventh Congress also. I read from the report made in the Forty-fifth Congress:

From the record filed in the case, it appears, by Executive Document No. 97, House of Representatives, first session Forty-fourth Congress, that Mr. Charles Popper settled in the Territory of Utah in the year 1864, and that he purchased of certain herders of cattle, then settled upon lands now comprised within the military reservation of Camp Douglas, their possessory rights thereupon, together with certain improvements, consisting of a log cabin and corral, for the sum of $800. Immediately thereafter he erected a slaughter-house and corral on the said land, at an outlay of $2,000, dug a ditch of a quarter of a mile in

length, laid pipes from a certain spring contiguous to the slaughter-house, at an additional cost of $500. In the year 1865 he erected a cut-stone rock building thereon, at the cost of $14,000, and expended in other improvements, such as outhouses, stables, &c., not less than $10,000 additional, making the total outlay upon said land the sum of $26,500. He has occupied said premises and held peaceable possession thereof ever since.

At this time (1865) the land was unsurveyed, and no land office had been established by the Government in Utah Territory. On September 3, 1867, however, and prior to any survey, the extension of the Camp Douglas military reservation was ordered to be established by the President, and was so announced in General Order No. 66, headquarters Department of the Platte, December 17, 1869.

The PRESIDENT *pro tempore*. The time of the Senator from South Carolina has expired.

Mr. BOWEN. In addition to what the Senator from South Carolina has just said in regard to the bill, I will state that a similar bill was reported favorably in Forty-fifth and Forty-seventh Congresses, and that it passed the Senate in the Forty-fifth Congress and passed the House in the Forty-fourth Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### FLORIDA INDIAN HOSTILITIES.

The bill to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities was announced as next in order upon the Calendar.

Mr. HAMPTON. I move that the bill with the accompanying papers be recommitted to the Committee on Military Affairs. There is some further information to be laid before the committee, I am informed, and I prefer that disposition of it.

The motion to recommit was agreed to.

### UNITED STATES STEAMER MONITOR.

The bill for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel ironclad Merrimac on the 9th day of March, 1862, was announced as next in order upon the Calendar.

Mr. COCKRELL. I object to the present consideration of that bill under the rule.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

Mr. HALE. Mr. President, before——

Mr. COCKRELL. I withdraw the objection to hear anything the Senator may have to say.

Mr. HALE. Of course I know the Senator or any Senator by an objection can send the bill to the other Calendar. I only wish to say to the Senator from Missouri and to the body that this is a bill that has passed the Senate in another Congress, that no changes have been made in the provisions of the bill then passed; it is an old subject thoroughly understood by everybody, and I believe that under the five minutes' debate we could dispose of the bill within the next fifteen or twenty minutes. I hope the Senator may withdraw his objection.

Mr. COCKRELL. I can not withdraw the objection.

The PRESIDENT *pro tempore*. The bill is objected to.

Mr. COCKRELL. I will state that I do not consider that it is necessary to consume the time of the Senate in discussing this bill when it has been reported adversely at the other end of the Capitol at the present session. We can certainly employ our time to better advantage.

The PRESIDENT *pro tempore*. The Chair will state that it is not in order to refer to the proceedings of the other House of Congress.

Mr. HALE. And particularly not in order to refer to them incorrectly.

The PRESIDENT *pro tempore*. It is not in order to refer to them in any way. The Chair will lay before the Senate bills from the House of Representatives for reference.

### HOUSE BILLS REFERRED.

The bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Education and Labor.

Mr. PLUMB. I ask that the bill may be reported at length.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, as follows:

*Be it enacted*, &c., That the second section of the act of Congress passed February 15, 1843, chapter 33, be amended so as to read as follows, to wit:

"That the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste the sections reserved by the laws of Congress for the use of schools to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term of years they may think proper, in such manner as to render them productive and most conducive to the object for which they are designed."

Mr. PLUMB. It seems to me as though to follow the course that bills of that kind usually take it should go to the Committee on Public Lands. I only make the suggestion, however.

Mr. COCKRELL. It seems to me that the bill should go to the Committee on Public Lands to inquire into the fact of the quantity of public land the State of Tennessee has ever had.

The PRESIDENT *pro tempore*. The Chair will receive any motion, but the Chair was under the impression, as the bill relates to the disposition of a fund for education, that the proper reference would be to the Committee on Education and Labor. The Chair will of course receive any motion for a different reference.

Mr. COCKRELL. I move, then, that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

### ARMY PAYMASTERS' CLERKS.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

The bill (S. 207) to amend section 1190 of the Revised Statutes of the United States, relating to paymasters' clerks of the United States Army, was announced as next in order.

Mr. PLUMB. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

### CHARLES C. HILL.

The bill (S. 875) for the relief of Charles C. Hill, of Urbana, Ohio, was announced as next in order.

Mr. COCKRELL. That is an adverse report. I ask that it be passed over.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

Mr. SEWELL. Mr. President——

Mr. COCKRELL. I withdraw the objection to hear the Senator.

Mr. SEWELL. The bill was placed on the Calendar at the request of the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I would prefer that it remain there until I get certain information, when I may want it recommitted.

Mr. SEWELL. Then let it go over.

Mr. SHERMAN. Let it go over under objection.

The PRESIDENT *pro tempore*. The bill will be passed over.

### O. L. COCHRAN.

The bill (S. 1481) for the relief of O. L. Cochran, late postmaster at Houston, Tex., was announced as next in order.

Mr. CONGER. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

### L. MADISON DAY.

The bill (S. 86) for the relief of L. Madison Day was announced as next in order.

Mr. COCKRELL. I do not think we can consider that under the five-minute rule. It is an old case, very familiar here, and it will probably lead to considerable discussion.

Mr. CAMERON, of Wisconsin. It has passed the Senate several times.

The PRESIDENT *pro tempore*. Objection is made and the bill goes over.

### JOSEPH M. CUMMING AND OTHERS.

The bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts was announced as next in order.

Mr. COCKRELL. I should like to hear the report read in that case.

Mr. ALLISON. There are some amendments to the bill.

Mr. CAMERON, of Wisconsin. The bill as introduced did not meet with the approval of the Committee on Claims and there are radical amendments recommended by that committee. The bill as recommended by the committee is a very harmless bill. I think every Senator will admit that when he looks at the amendments.

Mr. ALLISON. Suppose we hear the amendments read first.

Mr. CAMERON, of Wisconsin. Let the amendments be read now for information.

Mr. COCKRELL. Let the bill be read as it is proposed to be amended, so that we can get the tenor of it.

The PRESIDENT *pro tempore*. If there be no objection, the amendments recommended by the Committee on Claims will be read.

Mr. COCKRELL. Let the bill as proposed to be amended be read.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read as if all the amendments reported by the committee were agreed to.

The CHIEF CLERK. As proposed to be amended the bill would read:

That Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, late copartners in the business of commission merchants and bonded warehousemen in the city of New York, be permitted to sue in the Court of Claims; which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of the seizure, detention, and closing up of the commission houses and bonded warehouses of said copartners, for the breaking up and interruptfon of their said business, and for the seizure and

detention of the property, books, and papers in and connected with said business, by Joshua F. Bailey, collector of internal revenue for the fourth internal-revenue district of said State or by said Bailey and other internal-revenue officers. The United States shall appear to defend against said suit, and either party may appeal to the Supreme Court as in ordinary cases against the United States in said court; and said suit may be maintained, any statute of limitation to the contrary notwithstanding.

Mr. COCKRELL. Still I should like to hear the report.

The PRESIDENT *pro tempore*. The report will be read.

Mr. ALLISON. I think I shall object to the bill.

The PRESIDENT *pro tempore*. The further consideration of the bill is objected to, and it goes over.

STATE OF NEBRASKA.

The bill (S. 483) for the relief of the State of Nebraska was announced as next in order.

The PRESIDENT *pro tempore*. This bill was reported adversely. It is now before the Senate as in Committee of the Whole and open to amendment.

Mr. MANDERSON. In the absence of my colleague [Mr. VAN WYCK] I ask that the consideration of the bill be postponed.

The PRESIDENT *pro tempore*. The bill will be passed over.

WILLIAM P. RANDALL.

The bill (S. 76) authorizing the President of the United States to appoint William P. Randall a lieutenant-commander on the retired-list of the Navy was announced as next in order.

Mr. HALE. In the absence of the Senator from California [Mr. MILLER] who reported the bill from the Naval Committee, I ask that it be passed over retaining its place.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that this bill be passed over retaining its place at the head of the Calendar, the Chair believing that no other bill has been passed over retaining its place. Is there objection to this request? The Chair hears none, and it is so ordered.

PRACTICE IN PATENT SUITS.

The bill (H. R. 3925) to regulate practice in patent suits was announced as next in order.

The PRESIDENT *pro tempore*. This bill is a special order, and therefore the Chair assumes that it is not fair to take it up in the regular order on the Calendar at this time.

Mr. PLATT. It is perfectly apparent that that bill can not be disposed of under any five-minute rule, and it stands as a special order and I think it had better remain so.

The PRESIDENT *pro tempore*. On reflection the Chair thinks that when the Senate has directed that a particular bill be made a special order for a special day it takes it out of the general Calendar for the time being until some other order is made.

Mr. MCPHERSON. If it is in order in this connection, I should like to ask if this bill, together with other bills now before the Senate relating to the patent laws—as many and all the measures seem to me to be very crude and do not reach the difficulty that has been urged against the patent laws—can not be recommitted. I would ask if the committee would not assent to have these bills all recommitted, and then report back to the Senate some well digested plan.

The PRESIDENT *pro tempore*. The Senator can only proceed by unanimous consent, the bill not being before the Senate. If there be no objection the Senator from New Jersey will proceed.

Mr. MCPHERSON. I give notice that I shall ask leave to submit a motion to recommit all these patent bills to the Committee on Patents.

The PRESIDENT *pro tempore*. The Chair will not interrupt debate on his own motion.

Mr. MCPHERSON. The bill not being before the Senate, I shall ask leave to make the motion to recommit at the proper time.

M. H. COLLINS.

The bill (S. 1122) for the relief of M. H. Collins was announced as next in order.

Mr. COCKRELL. I should like to hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MITCHELL February 14, 1884:

The Committee on Patents, to whom was referred the bill (S. 1122) for the relief of Michael H. Collins, having considered the same, respectfully submit the following report:

This bill was favorably considered and reported by the committee of both Houses in the Forty-seventh Congress, but was not considered by either House.

The bill now reported is precisely the same as that reported by this committee on the 6th of July, 1882, except the proviso, which renders it wholly unobjectionable as now presented, and your committee report the same favorably and recommend its passage, for the reasons stated in their former report, which was as follows:

"Michael H. Collins invented a kerosene-oil lamp burner, for which letters patent were issued to him September 19, 1865. The invention is of great public utility, as it removes all danger from explosion of kerosene lamps to which it is attached. It is also a great convenience, as where it is used the glass chimney does not become heated at the bottom, and may be removed or adjusted with the bare hand.

"Since the invention, nearly all the burners in use embody its principles.

"Collins was several years in perfecting it, trying many experiments, and having numerous forms of chimneys and lamps constructed as experiments before he succeeded. He has used all due and reasonable diligence to obtain remuneration. But his invention has been extensively pirated, and he has been compelled to resort to constant and repeated suits. He has not kept accounts, but we are entirely satisfied that the receipts from sales of his patent have been exhausted thereby, and that he has received no remuneration beyond his expenses and a sum not exceeding, in all, $3,500.

"The extension will cause no perceptible burden upon the public. The royalty heretofore reserved has been 5 cents per dozen burners."

Mr. COCKRELL. This patent expired on the 19th day of September, 1882, nearly two years ago. It is for an article that is used by all laboring men throughout the United States, and in their interest I do not think we can dispose of the bill under the five-minute rule. I object to its present consideration.

The PRESIDENT *pro tempore*. The bill will be passed over.

BRIDGE AT EAGLE PASS, TEX.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 51) to authorize the construction of a bridge for the transportation of street-cars, wagons, and other vehicles, horses and other animals, and pedestrians over the Rio Grande River, between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico.

Mr. ALLISON. There seems to be no clause there respecting the authority to alter, amend, or repeal the act.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Secretary reports that there is a clause to that effect.

Mr. ALLISON. I did not hear it fully read or did not understand it exactly. I think it is not the usual clause. Allow it to be read again.

The Chief Clerk read section 4, as follows:

SEC. 4. That Congress reserves the right to withdraw the authority and power conferred by this act, in case the free navigation of said river shall at any time be substantially or materially obstructed by said bridge, or for any other reason, and to direct the removal or necessary modifications thereof at the cost and expense of the owners of said bridge; and Congress may at any time alter, repeal, or amend this act.

Mr. ALLISON. That will do. I did not hear it fully before.

The bill was reported to the Senate without amendment.

Mr. CONGER. Should not the right for a postal telegraph be reserved? It is usual to reserve the right to the Government for postal telegraphs over a bridge. I do not recollect whether that is inserted here or not.

Mr. COKE. I do not remember any such reservation, but I have no objection to an amendment that will make the reservation.

The PRESIDING OFFICER. The Senator from Michigan will indicate the amendment he wishes to offer.

Mr. CONGER. I move to insert:

The right is reserved to the United States for the establishment of a postal telegraph across said bridge.

Let that be inserted at the end of the clause relative to repealing or amending the act.

Mr. MAXEY. I would call the attention of the Senator from Michigan to the act of 1866. This bridge becomes, as all railroad bridges are, a post-route, and by the act of 1866 becomes also a postal telegraph route, the act which Congress then passed providing for certain control over telegraph lines by Congress.

Mr. COKE. But part of this bridge is within the jurisdiction of the Republic of Mexico.

Mr. MAXEY. I have no objection to the amendment, but I think it is already covered by the act already passed.

The PRESIDING OFFICER. The Secretary will report the amendment already offered by the Senator from Michigan [Mr. CONGER].

The CHIEF CLERK. At the end of section 4 it is proposed to add:

The right is reserved to the United States for the establishment of a postal telegraph across the said bridge.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I suggest that the title be amended by striking out so much of it as is between the word "bridge" and the word "over." There is no need of having that long title repeated so many times. Let it read: "A bill to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico.

Mr. COKE. I see no objection to that amendment, adding, however, the words "and for other purposes," since the bill was amended relative to a telegraph line.

Mr. HOAR. It is only to authorize a bridge.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The CHIEF CLERK. It is proposed to strike out in the title the words:

For the transportation of street-cars, wagons, and other vehicles, horses and other animals, and pedestrians.

So that the title will read:

A bill to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico.

And also to add the words "and for other purposes."

Mr. HOAR. No, it is not necessary to add those words.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the title.

The amendment was agreed to.

The PRESIDING OFFICER. The title will stand in this form: "A bill to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico."

BRIDGE AT LAREDO, TEX.

The bill (S. 664) to authorize the construction of a bridge for the transportation of street cars and other vehicles, &c., over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico, was considered as in Committee of the Whole.

Mr. CONGER. I move that the same amendment be added to this bill that was added to the other bill, reserving the right as to a postal telegraph.

Mr. COKE. I accept that amendment. It is similar to the one offered to the last bill.

The PRESIDING OFFICER. The Secretary will report the amendment proposed.

The CHIEF CLERK. It is proposed to add at the end of section 4:

The right is reserved to the United States for the establishment of a postal telegraph across said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER. I move to amend the title by adding the words "and for other purposes."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

Mr. SHERMAN. The title ought to be amended as in the last bill by leaving out the surplusage.

Mr. CONGER. Let all after the word "bridge" be stricken out down to the word "over" and add "and for other purposes."

The PRESIDING OFFICER. The question is on the amendment to the title.

The amendment was agreed to.

The title as amended was agreed to, so as to read: "A bill to authorize the construction of a bridge over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico."

JOHN H. WALKER.

Mr. CAMDEN. I ask to have the regular Calendar corrected in regard to the bill (S. 83) for the relief of John H. Walker, late a captain in the United States Army. The Calendar says that the bill was reported without amendment. It was reported with an amendment, an important amendment, and I ask that the Calendar state that the bill was reported with an amendment.

The PRESIDING OFFICER. That change will be made.

WILLIAM P. RANDALL.

Mr. MILLER, of California. The bill (S. 76) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy was passed over a little while ago, I am informed, not to lose its place on the Calendar. I ask that it be taken up now.

The PRESIDING OFFICER. The Senator from California asks the Senate to go back to Order of Business 224. If there be no objection the bill will be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Naval Affairs with amendments in line 7, after "the," to strike out "highest rate of;" and after the word "grade," in line 8, to insert "from the date of such appointment;" so as to make the bill read:

*Be it enacted*, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. William P. Randall, United States Navy, a lieutenant-commander on the retired-list of the Navy, with the retired-pay of that grade from the date of such appointment.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. MILLER, of California, February 14:

The Committee on Naval Affairs, to which was referred the bill (S. 76) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy, beg leave to report the same to the Senate with the recommendation that the bill do pass amended as follows:

In line 7 strike out the words "highest rate," and at the end of line 8 insert "from the date of such appointment."

The reasons for this recommendation are correctly stated in a report made to the House of Representatives, Forty-seventh Congress, which is adopted by this committee, as follows:

"Lieutenant Randall has recently failed of recommendation for promotion to the grade of lieutenant-commander on the active-list because of physical infirmity wholly. But for these infirmities, which are mainly the direct results of hard and faithful service in war, Mr. Randall would have been unanimously recommended for promotion by the examining board.

"The record of this officer is an admirable one. The retired-list of the Navy was created and intended for the protection of just such men as Mr. Randall, and we could wish that it contained no names less worthy than his.

"Mr. Randall was an experienced navigator at the opening of the war of 1861, and was about to sail in command of a whaling ship at that time. He gave up his command, offered his services to the United States, and on the 24th of July, 1861, was appointed an acting master in the United States Navy. He was ordered to the Cumberland, and served on that vessel at the capture of Forts Clarke and Hatteras, and in the contest with the Merrimac, at Newport News, March 8, 1862, he was in command of the after pivot-gun, which was the last gun fired on the ship in that memorable contest. On the 28th of May, 1862, he was promoted to the rank of volunteer lieutenant, and served on the gunboat Port Royal through the summer of 1862. From January 26, 1863, he commanded the United States bark Pursuit until August 12, 1864, and from that date he commanded the United States bark Restless until February 23, 1865, when he took command of the United States steamer Hendrick Hudson, and remained in that command until March 9, 1865.

"On the 17th of March, 1865, he was promoted to the rank of volunteer lieutenant-commander. On the 19th of December, 1865, he was honorably discharged from the United States Navy with the rank of lieutenant-commander.

"On the 22d of November, 1866, he was appointed as acting master; March 12, 1868, he received a commission as ensign in the regular Navy, and was promoted as lieutenant March 11, 1870.

"Since that time Mr. Randall has served in that rank, and has rendered very valuable service to the Government, as appears by his record herewith reported. His record is without spot or stain. He was desirous of remaining on the active-list, but when the time for his promotion came he was found mentally and morally qualified, but physically disqualified, and was retired as a lieutenant. We think that his service and record entitle him to retirement as lieutenant-commander, the rank which he reached on his own merits and record in the volunteer service, and before he entered the regular Navy.

"In proof of his worth and merits as an officer, we append hereto a letter signed by members of the retiring board and other officers of the Navy. Such an indorsement ought to entitle Mr. Randall to favorable consideration.

"NAVAL RECORD.

"Lieut. William P. Randall was born in New Bedford, Mass. In 1861 was about to sail in command of a whale-ship when the war commenced; was furnished with a certificate signed by the president of every insurance office in the city, to the effect that their offices would insure any vessel under his command at the lowest rates of insurance; without further indorsement was appointed an acting master in the United States Navy, July 24, 1861, and ordered to the United States ship Cumberland, serving on that vessel at the capture of Forts Clarke and Hatteras, and afterward in the engagement with the Merrimac at Newport News, March 8, 1862, at which time he had command of the after pivot-gun (which was the last gun fired from that ship). May 28, 1862, promoted to the rank of volunteer lieutenant and ordered to the gunboat Port Royal, Commander George W. Morris, which vessel did good service on the James River through the summer of 1862, and joined the East Gulf Squadron in the fall of that year. January 26, 1863 (being at that time the executive officer), detached from the Port Royal and ordered to command the United States bark Pursuit; commanded this vessel until August 12, 1864, when he was detached and ordered to command the United States bark Restless. These vessels were engaged in blockading the coast of Florida, and while commanded by Lieutenant Randall did much injury to the enemy, for which he received two complimentary letters from the admiral commanding (Admiral Stribling), with orders to read them on the quarter-deck at muster.

"February 23, 1865, took temporary command of the United States steamer Hendrick Hudson (Restless undergoing repairs at Key West), and went to Saint Mark's for General Newton, United States Army, and staff, March 9, 1865. Promoted to the rank of volunteer lieutenant-commander March 17, 1865; detached from the United States bark Restless and ordered to take the prize-steamer Ruby to New York; arrived in New York with the Ruby April 14, 1865, and waited orders until August 17, 1865, when he was granted four months' leave of absence; on December 19, 1865, was honorably discharged from the United States Navy, with the rank of lieutenant-commander. October 30, 1866, presented himself to the examining board at Hartford, Conn., for admission to the regular service, and was rejected on account of injuries received in the line of duty during the engagement between the Cumberland and Merrimac, but obtained permission from Washington for examination. He presented himself the second time, November 22, 1866, and on December 7, 1866, received an appointment as acting master on temporary service, and was ordered to the United States steamer Peoria, which vessel went to the West Indies and returned with the yellow fever on board. Detached from her in Norfolk, Va., and went to the hospital July 29, 1867; was on sick-leave until September, 1867, when he was ordered to the United States receiving ship Ohio, March 12, 1868 (three years and three days after receiving his appointment as a volunteer lieutenant-commander).

"He received a commission as ensign in the regular Navy October 12, 1868. Detached from the Ohio and ordered to command the United States steamer Leyden December 18, 1863. Promoted to master January 27, 1869, and detached from the Leyden and orded to the United States steamer Narraganasett. Joined the Narragansett in Havana, March 17, 1869. In July the Narragansett went in quarantine at Portsmouth, N. H., with yellow fever on board, when he was detached and ordered to the Boston navy-yard. September 1, 1869, ordered to command the United States steamer Palos. In October, 1869, was detached from the Palos and took command of the United States steamer Leyden. Commissioned as lieutenant March 21, 1870. May 18, 1870, detached from the Leyden and ordered to the monitor Saugus. Joined the Saugus at Havana June 4, 1870. September 30, 1870, detached from the Saugus and ordered to command the United States steamer Mayflower. Detached from the Mayflower November 3, 1870, and ordered to the United States receiving-ship Ohio, navy-yard, Boston. May 5, 1871, temporarily detached from the Ohio and ordered to Key West, Fla., as executive officer, to assist in bringing the Saugus to Philadelphia. June 22, 1871, returned to the Ohio. September 15, detached from the Ohio and ordered to the United States steamer Iroquois. January 15, 1872, detached from the Iroquois and ordered to the United States steamer Canandaigua. August 4, 1874, detached from the Canandaigua at Key West, and sent home by medical survey (with Chagres fever) on sick-leave. November, 1874, ordered to the ordnance department, navy-yard, Boston. June 10, 1875, ordered to torpedo station, Newport, R. I. October 10, 1875, detached from torpedo station and ordered to the United States receiving-ship Ohio, navy-yard, Boston. October 28, Ohio's crew all transferred to the receiving-ship Wabash. April 16, 1877, granted six months' leave of absence. October 15, 1877, ordered back to the United States receiving-ship Wabash. September 2, 1878, ordered to the Ranger, Asiatic station, as executive officer. Detached from the Ranger February 20, 1880. March 10, 1881, ordered as member of a board to organize search for steamer Jeannette. April 7, 1881, ordered to special duty under the Bureau of Navigation. Placed on the retired-list of the Navy February 15, 1882."

WASHINGTON CITY, *February* 17, 1882.

In consideration of the good record and long service of Lieut. William P. Randall, United States Navy, and as the disabilities that prevented his promotion

on the active-list are physical and incurred in the line of duty, the undersigned believe that if he is placed on the retired-list of the Navy with the rank of lieutenant-commander it will be an act of justice to a deserving officer who held this rank during the late civil war.

JOHN L. WORDEN,
*Rear-Admiral, U. S. N.,*
T. H. PATTERSON, *Rear-Admiral,*
JNO. C. FEBIGER, *Rear-Admiral,*
JOHN RODGERS,
*Rear-Admiral, U. S. N.,*
C. R. P. RODGERS, *Rear-Admiral,*
*Members of Retiring Board.*
WM. G. TEMPLE, *Commodore.*
JOHN H. UPSHUR, *Commodore.*
S. R. FRANKLIN, *Commodore.*
J. G. WALKER,
*Captain, Chief of Bureau of Navigation.*
J. C. P. DE KRAFFT,
*Commodore, Hydrographer Bureau Navigation.*
P. C. JOHNSON,
*Captain, Chief Signal Officer, Bureau of Navigation.*
R. R. WALLACE, *Captain, U. S. N.*
EARL ENGLISH,
*Commodore, U. S. N., Chief of Bureau of Equipment and Recruiting.*
THOS. SCOTT FILLEBROWN,
*Captain.*
ED. T. NICHOLS,
*Rear-Admiral, U. S. N., Chief of Bureau of Yards and Docks.*
DAVID AMMEN,
*Rear-Admiral, U. S. N.*

Mr. COCKRELL. In the first part of the report made in the House of Representatives in the Forty-seventh Congress it is stated that—

Lieutenant Randall has recently failed of recommendations for promotion to the grade of lieutenant-commander on the active-list because of physical infirmity wholly. But for these infirmities, which are mainly the direct results of hard and faithful service in war, Mr. Randall would have been unanimously recommended for promotion by the examining board.

The naval record of Lieutentant Randall shows that—

March 1, 1881, ordered as member of a board to organize search for the steamer Jeannette. April 7, 1881, ordered to special duty under the Bureau of Navigation. Placed on the retired-list of the Navy February 15, 1882.

He was placed on the retired-list with the rank of lieutenant. Now that record, which ought to show whether there was any examining board, does not show any such thing. A lieutenant or any officer may be retired because of physical disability, regardless of whether promotion is ahead of him or not. He may be retired if he is ordered before a board for promotion and found physically unfit for it if the physical disability has resulted from incidents of the service. What is this case? Here is an officer who was retired because of physical disability, and now it is proposed to give him a higher grade on the retired-list.

But take the case as presented by the report and not by the record. It is a case where it is proposed because an officer was unfit physically for promotion that we shall give him that promotion nevertheless, but upon the retired-list.

This is a fruitful field of legislation. We have, I will say, fifty cases to-day pending here in the Senate before the Committees on Military Affairs and Naval Affairs to give increased rank upon the retired-list for the purpose of giving increased pay. Every officer in the Army who had nearly reached promotion, but was retired, wants to be kept on the active-list until he can receive that promotion and then be retired, or after he is retired he wants Congress to restore him to the position that he would have attained if he had been permitted to be promoted on the active-list. It is special legislation and of a very dangerous character.

Now, unless there is something to show that this naval record as given here is wrong, I shall be compelled to object to the consideration of the case.

Mr. MILLER, of California. I will state to the Senator from Missouri that while this record, which is a mere record of the transfers of this officer and his service, does not show that he went before a board for examination for promotion, the Committee on Naval Affairs knows the fact to be that he was before such a board and did not receive his promotion because of physical infirmity which had been brought upon him by service in the war and since the war.

I went myself to the Navy Department to investigate this case, because I am as much opposed to placing officers upon the retired-list at a higher rank than they are entitled to as the Senator from Missouri or any other Senator, and the Committee on Naval Affairs has been especially careful in such cases. But this is one of the most meritorious officers in the service, as the brief record printed with the report testifies. I was informed at the Navy Department that this officer was regarded very highly; that he had rendered eminent services; that he had been sent before a board for examination for promotion; that he had been found to be color-blind and could not therefore receive his promotion. The opinion of officers of high rank at the Department was that he ought to have not only this rank but a higher rank for the eminent services he had rendered.

The fact that he was before a board for examination for promotion and was found physically incapacitated is stated here to be true. I know it from the investigation I made in the Department; and although I have not the record here before me at this time, the papers showing this fact having been sent over to the House committee from the Senate Committee on Naval Affairs, I can state on my own responsibility that such is the fact. Then it is certified to here by the officers whose certificate is attached to the report.

Mr. COCKRELL. I should like to ask the Senator from California if this lieutenant is also drawing a pension?

Mr. MILLER, of California. I do not know about that; but I do not suppose he is, and I do not think he is drawing any pension. The Senator from Massachusetts [Mr. DAWES] says he is not.

Mr. DAWES. I think not.

Mr. MILLER, of California. I think not.

Mr. DAWES. I do not speak from absolute knowledge, but that is my impression.

Mr. MILLER, of California. I am satisfied he is not drawing a pension. Admiral Worden and other officers of high rank, in the paper appended to the report, say:

WASHINGTON CITY, *February* 17, 1882.

In consideration of the good record and long service of Lieut. William P. Randall, United States Navy, and as the disabilities that prevented his promotion on the active-list are physical and incurred in the line of duty, the undersigned believe that if he is placed on the retired-list of the Navy with the rank of lieutenant-commander it will be an act of justice to a deserving officer who held this rank during the late civil war.

He is perfectly well known to all these officers. He is a man who by his long and faithful and eminent and gallant service is well known in the Navy and highly esteemed. The fact that he was before a board for examination for promotion is as well known to the Navy as any other fact in its history. I hope the Senator from Missouri will not object to the consideration of the bill, but will allow it to be acted upon, and I hope the Senate will pass it. I believe it is due to this officer on his special merits for his gallantry and good conduct and the intelligent, faithful, and honorable service which he has rendered to the country.

Mr. COCKRELL. I move to add after the word "appointment" at the end of the bill the words "under the provisions of this act."

The PRESIDING OFFICER. That is an amendment to an amendment not yet reached.

Mr. COCKRELL. I do not doubt one solitary word that the distinguished Senator from California has said in regard to the gallantry, devotion, and patriotism of this officer. I concede that and more too, but I ask, has he done anything more than his duty in the respective positions he has occupied? Is the Senate to undertake to promote every officer in the Navy or in the Army according to the view of his services taken by the Senate? That is a dangerous policy.

I must insist upon having from the Navy Department the proceedings of that board which passed upon his qualifications for promotion. I know how easy it is to make statements of this kind. This record is made from the Navy Department; if he were ordered before a board for examination for promotion, it ought to have been in the record. I desire to have this bill passed over until we can have a copy directly from the Secretary of the Navy of the order calling that board and the proceedings of that board.

Mr. MILLER, of California. I agree to that very readily provided that the bill shall not lose its place on the Calendar, and if I do not produce that record then I shall not ask to have this bill favorably considered.

Mr. PLUMB. I feel constrained to object to this bill. I know that the reasons sought to be applied in this case by this bill can not be applied uniformly to a person who has served in the Army or Navy. I introduced a bill myself at an early day in the session to secure a substantially similar result for a man who had lost an arm in the Army, and who I thought was as meritorious as the record shows this man to be—not any more so, because I am not willing to have any degrees of comparison in regard to this matter of merit where men have incurred disability in the line of duty. But there are inequalities which we can not reach, and it seems to me that we are simply aggravating the situation by taking up some cases where the proper amount of solicitation is brought to bear, or where parties seeking the aid come under the personal observation of Senators, and therefore have become an exception to the rule. We are simply entering, if we do this, upon an unending system of legislation which, while it is good enough in some sense, at the same time aggravates discriminations already existing against others. I am the more certain about this as far as my own action goes because I have been observant of the inequalities that attach to the Army service and the inequalities that exist now in regard to the rewards which have been given to those who served the country faithfully during the war, and unless I feel sure that there is a way to remedy all the inequalities of every kind and description—and they are as various as human experience can possibly make them—I am in favor of leaving them where we find them and applying some general rule, and only a general rule, which shall take up the majority of them and leave the special cases exactly where we find them.

The Senator from Massachusetts [Mr. DAWES] suggests, in the shape of a criticism of what I say, that because I can not do all I will not do anything. I am willing to stand even by that, because every time we do anything of that kind we add to the injustice which is already existing on the part of somebody else.

Mr. DAWES. The Senator does not object to making special provision for pensions?

Mr. PLUMB. No. I do not make special reference to that system because that is based upon disability, and this is not based upon dis-

ability, or if it is based upon disability it gives to this man a greater reward than his rank entitled him to; and that is what we do not do in other cases.

Mr. DAWES. The bill is based on the disability which prevented the promotion which he would otherwise have had.

Mr. PLUMB. There are undoubtedly cases, large numbers of them, where during the war a man by reason of his misfortune in losing an arm did not get promoted as he ought to have been. If we are going to search them all out, let it be done in some way whereby there shall be a rule which will operate by way of general law. I do not know that I should object to that; but I can not vote to take one man who happens to present himself saying "I would have been promoted if it had not been for some disability" and not a disability incurred by reason of exposure——

Mr. DAWES. Does the Senator really say that he will not do anything in this way toward righting wrong, because he can not do it all?

Mr. PLUMB. This is not a wrong. I say simply that we are doing a vain thing, an idle thing, because we are not touching upon the real difficulty. We are wasting our time in seeking out particular cases when we ought to adopt a general rule; and what we do in this case is substantially a reflection upon other equally meritorious cases. I am not myself willing to engage in legislation of that kind.

Mr. DAWES. It can not be that. It can not be any reflection upon other men. It is only an honest effort upon our part as the cases present themselves to dispose of them properly.

Mr. PLUMB. But the case does not present itself. The man presents his own case, and the great mass of the cases which are presented according to the theory with which we deal in legislation do not receive consideration.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. PLUMB. I object to the present consideration of the bill.

The PRESIDING OFFICER. The Senator from Kansas objects to the further consideration of the bill and it goes over.

### THOMAS G. CORBIN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 427) for the relief of Thomas G. Corbin.

Mr. PLUMB. I object to the consideration of the bill.

Mr. LOGAN. I desire to have the latter part of the bill read again. I want to hear it.

Mr. COCKRELL. I think it would be well to have the bill printed in the RECORD.

The PRESIDING OFFICER. The Senator from Illinois desires the reading of the latter part of the bill again.

The Chief Clerk read section 2, as follows:

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to pay to said Thomas G. Corbin, out of any money in the Treasury not otherwise appropriated, the difference of pay to which he would have been entitled had he been promoted on the active-list in the regular order of seniority, and been retired as rear-admiral on attaining the age of 62 years; and a sufficient sum for the purpose, to be computed by the accounting officers of the Treasury Department, is hereby appropriated.

The PRESIDING OFFICER. The Senator from Kansas [Mr. PLUMB] objects to the further consideration of the bill.

Mr. LOGAN. I want to ask a question.

Mr. PLUMB. I withdraw the objection for a moment.

Mr. LOGAN. I want to ask the Committee on Naval Affairs if this bill had consideration in that committee and was reported by a unanimous recommendation of the committee?

Mr. McPHERSON. I will first state to the Senator from Illinois that the committee have reported the bill back with amendments which the Secretary has not yet read. It has been reported by the Naval Committee; I can not say whether it was a unanimous report.

Mr. LOGAN. I will state the reason why I inquire if there is any amendment to the bill. If there is, I should like to hear it read.

The PRESIDING OFFICER. The Secretary will report the amendment reported by the Committee on Naval Affairs.

The CHIEF CLERK. After the word "of," in line 4 of section 2, it is proposed to insert "shore;" so as to read:

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to pay to said Thomas G. Corbin, out of any money in the Treasury not otherwise appropriated, the difference of shore-pay to which he would have been entitled had he been promoted on the active-list in the regular order of seniority and been retired as rear-admiral on attaining the age of 62 years; and a sufficient sum for the purpose, to be computed by the accounting officers of the Treasury Department, is hereby appropriated.

Mr. LOGAN. I do not wish to be understood as in the slightest degree desiring to criticise the Committee on Naval Affairs; nothing would be more foreign to my taste than to do that; but I must say that this is one of the most remarkable bills I have ever heard read in the Senate. Here a captain on the retired-list is to be promoted to rear-admiral because possibly he might have been a rear-admiral if he had not been retired. He might have been dismissed from the service; there might have been a hundred things done to him. The idea that we shall legislate on the probability of a man acquiring a certain position that he never has acquired is the most absurd proposition I ever heard suggested before the Congress of the United States. The other day a bill was introduced here to retire a gentleman, put him on the retired-list of the Army with the rank of colonel, because he would have attained that rank if he had remained in the service. I turned to the Army Register and I found that the major just above him was a major still. How he would have got over that major and become a colonel I never could understand. That is the idea that this bill conveys; and not only that, this man was retired as a captain, but you propose now to retire him as a rear-admiral because probably or possibly he would have become a rear-admiral if nothing had happened to him during the time between his retirement as a captain and some other period.

But not only do you retire him as a rear-admiral, but you give him back-pay as a rear-admiral because something might have happened to produce results that would have put him on the retired-list as a rear-admiral. I do think that if committees of the Senate intend to report bills of that character to the Senate they ought to be severely criticised hereafter, for there is no reason or foundation whatever for a bill of this sort being reported by a committee to the Senate. We are not legislating on probabilities or possibilities, or something that may transpire in the future or might have transpired in the past. Under the law applicable to both Navy and Army officers they are required to be retired with the rank they hold at the time of the retirement; and there is no rule that can be established other than that which will do justice to all of the officers. Any other rule will be taking one out occasionally and jumping him over everybody else, and giving him pay that he never would have received to the end of his days probably if he had staid in the Navy all that time.

Now, go to work and figure to see how he would become a rear-admiral, and tell me how he would have got over all the men that rank him now and ranked him then, that are not yet rear-admirals. Then tell me how he would have become a rear-admiral by this time. I should like to understand that proposition.

I merely make this suggestion to the committee that at least we may have this question considered when bills of this kind come before us as to the possibilities.

Mr. McPHERSON. I think if the Senator from Illinois had correctly understood the bill and the object and the purport of it, he probably would not have made the speech he has just made. From a mere reading of the bill perhaps he would have the right to draw a conclusion that the Committee on Naval Affairs intended to jump a man from the grade of captain to that of rear-admiral without any reason whatever.

Mr. LOGAN. No.

Mr. McPHERSON. But, Mr. President, there is something to be said in defense of this bill, and I think the committee were fully justified in making the report they did. Perhaps it would expedite matters very much if the report which I had the honor to make were presented to the Senate and read for the edification of the Senate before proceeding to make any remarks myself upon the question.

The Senator states that this legislation should be in perfect accordance with the rights and the justice due to the officer. If I fail to show before this case is decided that this bill does no more than award perfect justice, only justice, to this officer, then I shall submit that the Senator is right and I am wrong. I ask to have the report read.

The PRESIDING OFFICER. The Secretary will read the report.

The Chief Clerk read the following report, submitted by Mr. McPHERSON February 14, 1884:

The Committee on Naval Affairs, to whom was referred the bill (S. 427) for the relief of Thomas G. Corbin, have fully considered the same, and beg leave to submit the following report:

The facts in this case are well stated and fully set forth in the following report made by the Committee on Naval Affairs of this body in the Forty-seventh Congress:

"The Committee on Naval Affairs, to whom was referred the bill (S. 14) for the relief of Thomas G. Corbin, have duly considered the same, and beg leave to submit the following report:

"The bill proposes to authorize the President of the United States to restore Thomas G. Corbin, now a captain on the retired-list of the Navy, to the active-list, to take rank next after Commodore J. W. A. Nicholson, with restitution, from December 12, 1873, of the difference of pay between that of a commodore on the active-list on waiting-orders pay and that of a captain retired on half-pay.

"The act of April 21, 1864, 'to amend an act entiled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862,' provides—

"'That no line officer of the Navy upon the active-list below the grade of commodore, nor any other naval officer, shall be promoted to a higher grade until his mental, moral, and professional fitness to perform all his duties at sea shall be established to the satisfaction of a board of examining officers to be appointed by the President of the United States. And such board shall have power to take testimony, the witnesses, when present, to be sworn by the president of the board, and to examine all matter on the files and records of the Department in relation to any officer whose case shall be considered by them.

"'SEC. 2. *And be it further enacted*, That such examining board shall consist of not less than three officers senior in rank to the officer to be examined.

"'SEC. 3. *And be it further enacted*, That any officer, to be acted upon by said board, shall have the right to be present, if he desires it; and his statement of his case on oath, and the testimony of witnesses, and his examination, shall be recorded. And any matter on the files and records of the Department touching each case, as may, in the opinion of the board, be necessary to assist them in making up their opinion, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. And no officer shall be rejected until after such public examination of himself and the records of the Department in his case, unless he fails to appear before said board after having been duly notified.'

"The whole case narrows down to a simple interpretation of the true intent and meaning of the sections just quoted.

"Your committee have carefully examined Captain Corbin's history while in the naval service, and find that his record is unexceptionable and without blemish. He was appointed acting midshipman in 1838, and passed through all the intermediate grades of the service, having acquitted himself in a most meritorious and gallant manner throughout the entire war, and in July, 1866, was promoted to the rank of captain.

"On the 21st day of May, 1873, Captain Corbin was ordered to report in Washington to Rear-Admiral Rodgers for examination preliminary to promotion. In obedience thereto he appeared before the examining board, and was referred to the medical board for physical examination. This board examined and recommended him as physically qualified for promotion. He was then informed by the examining board that he would be required to submit to an oral examination to test his proficiency in the knowledge of his profession. He refused to submit to this oral examination on the ground that it was entirely beyond the purview of the act of April 21, 1864, and declined to appear before the board. Captain Corbin was thereupon discharged from further attendance before the board, who submitted a report to the Secretary of the Navy refusing to recommend him for promotion. The Secretary then offered him an opportunity to reconsider his determination not to appear before the examining board, of which privilege he again declined to avail himself. The papers in the case were then, by request of Captain Corbin, placed before the President, who sustained the action of the Department. Captain Corbin still declining to appear before the board for the purpose of an oral examination, on January 5, 1874, he was, by order of the Secretary of the Navy, placed upon the retired-list. This is the sum and substance of the whole case.

"Your committee, after maturely examining the act of April 21, 1864, are of the opinion that it leaves it optional with the officer to be present or absent during the examination. The act simply intended the ascertainment of an officer's fitness, mentally, morally, and professionally, by examination of witnesses and records. The framers of the act could not have meant to subject an officer like Captain Corbin, who had served his country faithfully and gallantly for thirty-five years, to the humiliation of an oral examination before he could receive that promotion which he so eminently deserved. Such an examination of young midshipmen about entering the Navy or of clerks about entering one of the Government Departments might be proper enough, but to require a person of the age and service of Captain Corbin to submit to such a thing would be unfair and unjust in every respect.

"The following letter from Hon. G. V. FOX, formerly Assistant Secretary of the Navy (who shaped and administered the act of April 21, 1864), to Senator EDMUNDS, explains the intent of this law:

WASHINGTON, D. C., *February* 17, 1881.

DEAR SIR: I inclose Senate Report No. 743 and House Report No. 116, Forty-sixth Congress, third session, in reference to the case of Capt. T. G. Corbin, United States Navy. I am able to write to you with confidence that the conclusions of these two committees as to the true meaning of section 3 of the act of April 21, 1864, agree with the intent of the Navy Department, which shaped and administered this law.

The act of July 16, 1862, neither required nor permitted the presence of any officer whose case was pending. This was made a subject of complaint by those who suffered from the action of the board; but it was more specious than valid, because the true measure of merit entitling an officer of the senior grades to promotion is not an oral examination, but the record of his whole career on the files of the Navy Department as established by himself. The inefficient clamored to be present because before a board, where there was no public prosecutor, they hoped to exert a personal and sympathetic influence. They reasoned well, and the authors of section 3, act of April 21, 1864, offset it by requiring that those who chose to be present should be "examined," and the board were also required to use "any matter on the files and records of the Department touching each case."

This is the briefest explanation I can give you of the two acts referred to, and the reasons for putting in the option of being present. This legislation was for the purpose of raising the spirit of the Navy by removing from the active-list the drunkards and imbeciles. It had no reference to and was not intended to act upon officers whose record was blameless.

I am, respectfully, your obedient servant,

G. V. FOX.

Hon. GEO. F. EDMUNDS,
*United States Senate, Washington, D. C.*

"Under section 4 of the act of July 16, 1862, no interrogation of officers upon professional subjects was ever made, because their professional reputation was satisfactorily established by the records of the Department and testimony of witnesses. A similar interpretation of section 3 of the act of 1864 was doubtless intended; otherwise that act would never have given the candidate for promotion the option of appearing or not appearing before the examining board. It requires his presence before the board of naval surgeons to ascertain his physical fitness, but it leaves his mental, moral, and professional qualifications to be ascertained from the files of the Department and the testimony of his brother officers. The evidence from that source is very complimentary to Captain Corbin, and can be referred to if desired in the papers accompanying the bill. Rear-Admiral C. H. Davis, Commodore C. R. P. Rodgers, and Capt. D. M. Fairfax, United States Navy, in answer to interrogatories propounded by the Navy Department relative to Captain Corbin, state that his reputation is the very best and that his habits are excellent, and they all pronounce him as well qualified in every respect for promotion. Commodore Rodgers says in his statement that 'he,' referring to Captain Corbin, 'is one of the ablest officers in the Navy,' and in answer to the question, 'Would you, as a commander of a squadron, have sufficient confidence in Captain Corbin to send him on an important separate service in command of a vessel of war?' says, 'I would. I should esteem myself happy in having such an officer to send on any service.'

"Commodore Rodgers was also asked this question: 'Do you, or not, consider Captain Corbin to be mentally, morally, and professionally a fit officer to perform all his duties at sea in a higher grade?' And his answer was, 'I do so consider him eminently qualified.'

"It was the duty of the examining board to summon reliable witnesses to testify as to whether in their opinion, based on actual knowledge of and contact with Captain Corbin, he was mentally, morally, and professionally qualified to fill a higher rank than the one he held. It was also its duty to call upon the Department for all the papers connected with his naval career, to examine them carefully to see whether he had ever been charged with conduct unbecoming an officer, or whether he had ever been guilty of intemperance, and when it had done that its power ended, it could go no further, and it was its duty to either recommend or not recommend him for promotion, as the evidence might justify, and any examination beyond this was a usurpation of power totally unwarranted by law. That Captain Corbin was a brave, honest, intelligent, and reputable naval officer there is no doubt; neither is there a doubt but that he was unjustly dealt with in being placed upon the retired-list without cause.

"Being satisfied as to his entire fitness for promotion, your committee report the bill back to the Senate without amendment, and recommend its passage."

## ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States. The bill is now before the Senate as in Committee of the Whole.

Mr. HALE. The Senator from Massachusetts [Mr. HOAR] who has charge of the bill just laid before the Senate does not propose to go on with it at present in antagonism to the naval appropriation bill, and I rise for the purpose of moving to take up the appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Maine, pending the unfinished business, moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. PLUMB. I rise pending that to a parliamentary inquiry. The Chair laid before the Senate at the close of the session of yesterday Senate bill No. 1372, stating as I remember that he laid before the Senate the first of the special orders. My understanding of the matter is different from that of the Chair. My understanding is that the first special order was what is called the pleuro-pneumonia bill. That was the special order for the 10th of March, while the bankruptcy bill was a special order for a time about one week later.

The PRESIDENT *pro tempore*. The bankruptcy bill was made a special order on the 6th day of March last; the bill to regulate practice in patent suits was made a special order on the 7th of March; the bill to provide means for the suppression and extirpation of pleuro-pneumonia, &c., was made a special order on the 10th of March; and the bill to remove certain burdens from the American merchant marine, &c., was made a special order on the 1st of April. The rule in respect of special orders is as follows:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

The Chair, after much consideration and without reference to any of these special orders, thought that the true interpretation of the rule as it reads was that the special orders, when there was an accumulation of them, were to be laid before the Senate in the order of time at which the Senate had directed them to be special orders, and not in the order of time for which they were fixed.

Mr. PLUMB. But that would seem to reverse the order of the Senate. The Senate had ordered that the measures should be considered in a certain order of time, and to that extent had given preference to the pleuro-pneumonia bill because it fixed an earlier period of time for its consideration. The decision of the Chair simply reverses the determination of the Senate to give early consideration to the pleuro-pneumonia bill, and fixes a later day for the consideration of that bill than the bankruptcy bill.

The PRESIDENT *pro tempore*. The Chair has seen the force of that argument; but after mature consideration and study of the new rules and the practice of the Senate, the Chair is clearly of opinion that as the rule stands the order of precedence depends upon the time when the Senate thinks the subject of sufficient importance to specially consider it, and not upon the day for which it was assigned, if the accumulation is such that all of them finally fall upon one day.

Mr. PLUMB. Then let me make a suggestion to the Chair. Take the case of a bill which has been made a special order at a time prior to the one under consideration, but the day for the consideration had not yet arrived. What would become of that special order in the course of the proceeding of the Senate under the construction of the Chair?

The PRESIDENT *pro tempore*. The Chair presumes that in a case where the day for the consideration of the order had not arrived the bill would not be before the Senate at all; but the rule provides that if the special orders severally assigned are not disposed of they shall be taken up in the order at which, not for which, they were assigned. So the Chair has felt obliged, after careful consideration, in obedience to the rule, to hold that the special order first made, without reference to the time for which it was assigned, when all of them have run into one mass and the time for all has gone by, is first to be laid before the Senate.

Mr. FRYE. If the Chair pleases, it is somewhat immaterial as to the order, because the same rule provides that by direction of the Senate any other special order may take the place of the one which is first in order; and I give notice that I shall antagonize the shipping bill with any special order except an appropriation bill.

The PRESIDENT *pro tempore*. Of course as the rule stands it is perfectly competent for a majority of the Senate, and without debate, to select which of several special orders the time specially assigned for which has passed the Senate will first consider; but it is the duty of the Chair to administer the written law of the Senate as it seems to read, and the Chair being of opinion, after careful study, that there was no other construction that could be put consistently with the language upon this rule, yesterday evening laid before the Senate the special order that the Senate had first made such.

Mr. MILLER, of New York. I desire to ask if the Chair took into consideration the fact that the pleuro-pneumonia bill had been once taken up and debate had begun upon it, and that upon the succeeding

day it was laid aside for the consideration of a joint resolution in regard to the same subject, which was discussed for several days, and that when the joint resolution had finally passed, before it had passed even, the time had arrived when the educational bill, which had been made a special order, was to be considered, and which was then laid before the Senate? That was the method in which the pleuro-pneumonia bill was displaced by the special order, the educational bill intervening before its consideration had been completed. I thought perhaps that state of facts had escaped the attention of the Chair at the time.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. If the Senator from Massachusetts will pardon the Chair, he will reply to the inquiry of the Senator from New York. The Chair will state that it had not escaped the attention of the Chair, but the pleuro-pneumonia bill having been under consideration and its consideration having been passed from, it was not left as the unfinished business for the next day and was not laid before the Senate. Its privileges as unfinished business under consideration, therefore, the Chair thinks, were waived, and the best that could be done for it next, which was open to some doubt, would be to let it be restored to its place as a special order.

Mr. MILLER, of New York. About that time it will be remembered that the question as to whether an unfinished business required to be laid before the Senate from day to day in order to hold its place was decided adversely by the Chair, I think, and the Chair decided upon a discussion of the matter that it was not necessary that an unfinished business should be laid before the Senate from day to day in order to hold its place, as had been the custom. For instance, when coming out of executive session before adjournment the Senator from Maine [Mr. FRYE] had repeatedly, when he had charge of the new rules of the Senate when they were pending, requested the Chair to lay them before the Senate immediately after coming out of executive session and just before adjournment, in order that that business might hold its place. That question coming up, if I remember correctly, the Chair then decided that that course was not necessary under the new rules, that a measure would hold its place without being thus laid before the Senate.

Therefore I was surprised yesterday evening when the Chair took occasion to lay before the Senate the bankruptcy bill as the first special order; but as the Senate was just adjourning it was impossible for me to call the attention of the Chair to it. I have no desire to antagonize the consideration of the bankruptcy bill. I had not expected, however, that it would take this position. I had fully expected that the pleuro-pneumonia bill would be laid before the Senate as the unfinished business, because its date for consideration was an earlier date than that fixed for the consideration of the bankruptcy bill.

I knew that there were two bills, the bill in regard to patents, which was made a special order at the same time with the pleuro-pneumonia bill, but I had no doubt that the Patent Committee would consent that that bill might be laid over for the time being and that the pleuro-pneumonia bill would take the preference. But I did not expect any contest between the bankruptcy bill and the pleuro-pneumonia bill, and I have no desire to have any conflict. I prefer to get along without it.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New York that he is reminded by the gentlemen at the desk, and now remembers it, that the bill which was under consideration at the time referred to by the Senator from New York was the House bill, which never has been made a special order at all, and which being superseded by other business fell back to its place upon the Calendar. The Senate bill on the same subject was made a special order.

The Chair will further state, in respect of unfinished business not being laid before the Senate from day to day on an adjournment, that the present occupant of the Chair is not aware of having decided that it was not necessary unless where an executive session took place. The Chair has always thought, and still thinks, that it is not necessary to lay the unfinished business, when the executive session is followed by an immediate adjournment, again before the Senate, because it stands as unfinished business, action upon it being simply suspended while the Senate, on a question of order or any other interlocutory motion, is considering the kind of business that the rules provide may be considered pending any legislative measure. But the Chair is not aware that he has ever decided that if in the legislative action of the Senate unfinished business be laid aside and other matter be taken up on which the Senate adjourns unfinished, there can be two bills as unfinished business, or that the bill which was laid aside would be before the Senate under the regular order on the next day unless the regular order was called up before adjournment.

Mr. HOAR. Mr. President——

Mr. WILLIAMS. I should like to make an inquiry. What does the record show?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. HOAR. Certainly; for the question which the Senator desires to put to the Chair.

Mr. WILLIAMS. I wish to know simply what the record shows, for my recollection is that we were considering the cattle bill, and when the hour for the consideration of the educational bill arrived it would be announced that the cattle bill was informally laid aside without prejudice, to be taken up as soon as we got through with the educational bill. That is my recollection. I have not examined the record to see what it shows.

Mr. HOAR. There is no Senator who would be more scrupulous to preserve any understanding which has been made than the Senator from New York [Mr. MILLER], the Senator from Kansas [Mr. PLUMB], or the Senator from Kentucky [Mr. WILLIAMS], who are specially interested in the pleuro-pneumonia bill, I am sure; but at the same time it is true that when the pleuro-pneumonia bill was laid aside it was in the first instance laid aside for a resolution relating to the same subject in the charge of that committee which they thought required instant attention, and the friends of the other business pending consented that that should go on with the understanding, as the Senator from New Hampshire [Mr. BLAIR] stated on the floor afterward, that the giving precedence to that resolution satisfied the claim of the general bill which was then pending, that they did not get that advantage and hold on to their bill at the same time. The Senator from New York did not so understand it, but I merely suggest for his consideration that some of us did. I know he did not so understand it.

What I wish to say is that it would be a great pity to have these three bills, or any two of them, put in a position of antagonism to each other. I am a friend of the shipping bill; I am a friend of the bankruptcy bill, which is in my charge as far as a Senator has charge of any matter under our customs; and I expect to follow the lead of my honorable friend from New York on the pleuro-pneumonia bill. I do not know what particular detail may be in it which ought to be corrected or amended.

I think that we can by a conference among ourselves have an understanding about these bills. I am sure my friend from Maine [Mr. FRYE] would very much regret if it should turn out that he had displaced the bankruptcy bill and defeated its chance of passage at this session, a bill which he is in favor of, for a mere discussion of the whole tariff policy of this country on the shipping bill, nothing actually coming from that, and I should feel very badly if I had interfered with my honorable friend from Maine with regard to his shipping bill without doing any good to the bankruptcy bill, or even if I did do any good to the bankruptcy bill.

I think, therefore, as to-day and to-morrow undoubtedly the appropriation bill will take precedence of all of us, we had better let these things stand as they are, and endeavor by a private conference, without detaining the Senate, to make an arrangement to which we can all three agree.

Mr. MILLER, of New York. I had no intention of antagonizing——

The PRESIDENT *pro tempore*. The Senator from New York will pardon the Chair for a moment, as the Senator from Kentucky desired to know what appeared by the record. The Chair has now the minutes, which show that on the 12th of March, the morning business being through, House bill 3967, being the House animal pleuro-pneumonia bill, was in the morning hour, and before 2 o'clock, taken up. It was considered until 2 o'clock arrived, when the special order, being the bill for the restoration of Fitz-John Porter to the Army, came up, and consequently the House bill, the only one yet ever before the Senate for consideration, fell back to its place upon the Calendar.

Mr. MILLER, of New York. I will simply say to the Senator from Massachusetts that I had no intention of antagonizing the bankruptcy bill with the pleuro-pneumonia bill, but I was disappointed in the decision of the Chair and I only desired to arrive at a full understanding of what the decision was and what it was based upon. I am entirely willing to abide by that and to take up the bills in the order indicated by the Chair, which will give the bankruptcy bill the first place among the special orders. The pleuro-pneumonia bill and the patent bill will then come together and there will have to be a decision between them; and the shipping bill will come afterward. I am entirely willing to abide by that decision.

The PRESIDENT *pro tempore*. The Chair will state the question. This debate is proceeding by unanimous consent, and the Chair thought it fit that it should proceed in order to an understanding of the operation of the rule. Pending the consideration of the bankruptcy bill, the Senator from Maine [Mr. HALE] moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. HOAR. I understood that the Senator from Maine asked unanimous consent to lay aside the bankruptcy bill informally.

The PRESIDENT *pro tempore*. That was not the way in which the Senator from Maine stated it.

Mr. HOAR. He will ask for that consent now.

Mr. HALE. My only desire is to get the bill up, and I am willing to get it up in any way that suits the Senator. I ask unanimous consent to lay aside the bankruptcy bill and to take up the naval appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Maine withdraws his motion and asks unanimous consent to lay aside the bankruptcy bill in order to proceed with the naval appropriation bill.

Mr. BECK. Let me understand that.

The PRESIDENT *pro tempore*. The Chair will state the question again. The Senator from Maine withdraws his motion and asks unan-

imous consent that the bankruptcy bill may be laid aside informally, so that the Senate may take up the naval appropriation bill. Is there objection?

Mr. BECK. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BECK. I desire to make a statement. The naval appropriation bill by all the rules and precedents of the Senate has precedence over any special order, by a majority vote when it is asked for, and I make the objection for the purpose of having the test made whether the naval appropriation bill shall not have precedence as a matter of right by a vote of the Senate.

While I am on the floor I desire to say that the naval appropriation bill is not a mere appropriation bill to be passed over *pro forma* as ordinary appropriation bills usually are, but the Committee on Appropriations of the Senate has seen fit to re-enact in this bill a measure that the Senate passed some time ago, which is now pending in the other House, for the building of seven additional steel cruisers. It has also taken up the question of finishing the monitors, and it has taken up a great many important questions; it has added, in other words, over $6,000,000 to the bill as it came from the House.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kentucky that the debate proceeds by unanimous consent. The Chair assumes that there is no objection.

Mr. BECK. I wish to make only another remark for the purpose of showing why I desire to have precedence for the naval appropriation bill. It is because of its importance and because of the important questions that are involved in it; and I desire to say further that, as the Chair has very well stated, the day fixed for all these special orders having passed and the shipping bill having been made a special order for last Friday, standing upon the same footing with the others, the whole question of American shipping, of the sailors we are to have in the future, whether in the Navy or in the merchant marine, the guns we are to have, and everything connected with the policy of our shipping interests is necessarily involved in the naval appropriation bill in the shape that it has now assumed, and the shipping bill will have to be considered almost as a part of it; and I hope the Senator from Maine [Mr. FRYE] will insist that the shipping bill shall come up immediately after it, because it is now really a part of the naval appropriation bill.

The PRESIDENT *pro tempore*. Objection being made to laying it aside, the bankruptcy bill is before the Senate.

Mr. HOAR. Then I shall insist——

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. HOAR. I desire to make an observation called for by the observation which the Senate unanimously permitted the Senator from Kentucky to make.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the debate will be permitted to go on.

Mr. HOAR. The Senate has expressed its desire to have these bills stand in a certain order under its rules. The Senate always accords to the Committee on Appropriations the courtesy of taking up (no Senator who has any matter in his charge objects to their taking up) what the Committee on Appropriations desire. Now, if the members of that committee, when it is proposed to give unanimous consent, so that the will of the Senate may be interfered with as little as possible, to let them take up an appropriation bill, come in with single objections, it is using the courtesy which the Senate extends to them in an outrageous and tyrannical manner, in my judgment.

Mr. HALE. Why does the Senator say that members of the committee do so? That is personal.

Mr. HOAR. I stated it in regard to the objection made. It is an outrageous perversion of the courtesy of the Senate.

Mr. BECK. I desire to say that in my judgment the language of the Senator from Massachusetts is outrageous and tyrannical and is wholly unworthy of anybody but him.

The PRESIDENT *pro tempore*. The Chair thinks that both the remarks of the Senator from Massachusetts and those of the Senator from Kentucky are not in order.

Mr. HALE. Now I wonder if we can not take up the naval appropriation bill by unanimous consent.

The PRESIDENT *pro tempore*. That depends upon whether the debate which is proceeding by unanimous consent is terminated. The Chair can not put the question until the debate has terminated, which is going on by unanimous consent. [A pause.] The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill. [Having put the question.] The ayes appear to have it.

Mr. HOAR. I ask for a division.

There were on a division—ayes 34, noes 2; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. Is there a second?

Mr. HOAR. I withdraw the demand for a division.

The PRESIDENT *pro tempore*. The division taken has shown that no quorum has voted. The Chair under the rules must either order a call of the Senate, which the rules expressly require, or, according to its custom, take the yeas and nays, or by unanimous consent count the Senate.

Mr. HALE. Let the latter be done.

The PRESIDENT *pro tempore*. The Chair will count the Senate. [A pause.] There are forty Senators present. A quorum is present. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to.

### PRIVILEGE OF THE FLOOR.

Mr. PLUMB. I submit the following resolution to be referred to the Committee on Rules:

*Resolved*, That Rule XXXIII be amended by adding after the words "The heads of Departments," in the seventh line of the rule as printed for the use of the Senate, the following: "including the Commissioner of Agriculture."

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules, if there be no objection.

Mr. FRYE. I should prefer that that be not referred, but that it lie over, so that the Senate may vote upon it and express its opinion. That question has been before the Committee on Rules twice already, and of course the committee would be glad to be governed by the wishes of the Senate.

Mr. PLUMB. I ask that the resolution may lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

### COURTS IN NORTHERN NEW YORK.

Mr. MCMILLAN. The Senator from Maine [Mr. HALE] has consented that I may submit a motion in regard to a bill on the Calendar, which will occupy no time. The bill (H. R. 1090) to amend the Revised Statutes, establishing the times, places, and provisions for holding terms of the district court in the northern district of New York, was reported by me on the 10th of March from the Committee on the Judiciary. I submit a motion that the bill be recommitted to the Committee on the Judiciary for the purpose of further consideration.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill indicated by him be recommitted to the Committee on the Judiciary. That order will be entered if there be no objection.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories; in which it requested the concurrence of the Senate.

### NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the bill be considered with the amendments of the committee first; that is, that the reported amendments be acted on in their order as they are reached in the reading.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent, as the Chair understands, that the bill be read by sections, and that the amendments proposed by the Committee on Appropriations be considered in order as they are reached in the reading.

Mr. ALLISON. It should be considered by paragraphs, and not by sections.

The PRESIDENT *pro tempore*. The Senator from Iowa suggests that the reading of the bill proceed by paragraphs, and that the amendments of the committee shall be considered as they are reached. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in line 57, after the word "orders," to insert "which shall specify the special necessity for such travel;" so as to read:

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, which shall specify the special necessity for such travel.

The amendment was agreed to.

The next amendment was, in the same clause, in line 58, after the word "travel," to strike out "and for traveling expenses of apothecaries, yeoman, and civilian employés."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, after the word "thereof," in line 82, to increase the appropriation from $375,000 to $410,000 for the various items stated in the clause.

Mr. MCPHERSON. I should like to know the necessity for that. Three hundred and seventy-five thousand dollars appear to have been all the pay that was considered necessary originally in the bill. I should like to know the apparent necessity that exists for an increase to $410,000.

Mr. HALE. The House of Representatives has changed——
Mr. BECK. If the Senator from Maine will allow me——
Mr. HALE. I yield to the Senator from Kentucky.

Mr. BECK. There are quite a number of amendments running through the first pages of this bill as to which the same question might very well be asked. Perhaps it would be well for the Senator from Maine now, as this is a somewhat important amendment, to make a statement that may prevent the asking of a good many other questions in reference to the increases, by referring to the estimates, the information, the urgent demand, and the reasons given for those increases. I suggest that to him now. Perhaps it will save trouble.

Mr. McPHERSON. I should like to ask the Senator from Kentucky if it would take any longer for the chairman of the committee were he to make the necessary explanation in each case as we reach it, without going through the whole of them at one time?

Mr. HALE. It is rather my fashion on appropriation bills, instead of making any extended remarks beforehand, to wait until some question arises and then try to give the explanation. It is very simple about this matter.

The House of Representatives changed the classification of the contingency item, found on lines 100 to 104, and the general item, found on lines 50 to 99. The appropriations last year for these two items were $300,000 and $100,000, respectively, making $400,000 in the aggregate. There is a deficiency under that appropriation of $48,645.29, in round numbers nearly $50,000. The Department does not object to changing the classification, but does not wish to be restricted to a sum less than it can do the business with, and asks that the two appropriations be made, $425,000 and $25,000, making $450,000 in all, so as to escape a deficiency. The Committee on Appropriations has not gone so far as that, but believes on examination of the items that $410,000 will do for this item, with $25,000 for the item on page 5, aggregating $435,000, where the Department asks for $450,000 and where last year it was necessary to expend $450,000.

Mr. BECK. Perhaps it is proper that I should explain why I made the suggestion I did. I am content that it should be done in the way suggested by the chairman of the subcommittee. This bill as reported makes very many important changes. Perhaps there will be a good many as to which no Senator will ask any question as the Senator from New Jersey asked in regard to the pending amendment. When a question is not asked the action taken by the committee is assumed to be correct, and the amendment is agreed to; and nothing appears upon the record as to the reason why that change was made. The bill as thus amended goes to the House of Representatives. There a non-concurrence is moved. The House never sees it. There is no reason given why the changes were made or the increases proposed, and the whole thing at last narrows itself down to a committee of conference without a single fact upon the record to show why the Senate made the changes it did make.

I insist that the Senate is always stronger when it appears upon record so that every man at both ends of the Capitol can see why changes are made, why increases are had, so that all shall not be confided to a committee of conference at last who will never perhaps lay the facts before the two Houses.

It was for that reason, and for that reason only, that I made the suggestion I did, because if the Senator from Maine only makes explanations when some Senator asks for an explanation many important matters may be passed over without a word in the RECORD to show why the subcommittee acted, of which I had the honor to be a member, and why the whole committee acted that perhaps would be conclusive upon the members of both Houses if the facts were made a part of the record.

I confess to having lost in the last year a good deal of the faith in conference committees that I once had. I want as little done there as possible, and I wish the two Houses themselves to see the ground upon which the conference committees see fit to act.

Mr. HALE. All this lays entirely in the power of the Senate. Whenever amendments are reached or clauses not amended that any Senator desires information upon, the Appropriations Committee will endeavor to furnish the reasons for its action.

I agree with the Senator from Kentucky that a vast body of power is always committed to conference committees. Perhaps what mitigates that as much as anything is the fact that it has fallen about in our practice that the conferees appointed are almost always those on appropriation bills who have been engaged in making up the bill, the subcommittee which takes charge of the bill and knows more about all the reasons for the action of the committee and of the Senate than anybody else. They are less likely to be misled by an ignorance of the facts, and so far as that goes it does qualify and reconcile somewhat to the vast power lodged in conference committees. I do not know of any other way we can do business finally in closing up a session and getting rid of what is before us than to give this power to conference committees.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause, to strike out from line 84 to line 101, in the following words:

And all officers of the Navy shall be credited with the actual time they may have served as officers, clerks, or enlisted men in the regular or volunteer army or navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy, in the grade having graduated pay held by such officer at the time of the passage of this act; and the record of all service of every such officer shall be entered in full, opposite his name, in the appropriate columns of the Navy Register, in the same manner as service in the regular Navy is credited: *Provided*, That nothing in this clause shall be so constructed as to authorize any change in the dates of commission or in the relative rank of such officers: *Provided further*, That nothing herein contained shall be so construed as to give any additional or longevity pay to any such officer during the time of his service in the volunteer army or navy.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 106, to increase the appropriation from $15,000 to $25,000 "for all emergencies and extraordinary expenses arising at home or abroad but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C."

The amendment was agreed to.

Mr. HALE. Before going to the next bureau, rather in the line of the suggestion of the Senator from Kentucky [Mr. BECK], as explaining the action of the committee on the items already gone over, I ask to have printed in the RECORD a letter to the Secretary of the Treasury of the Second Comptroller, and also the letter of the Secretary of the Treasury explaining the paragraph just struck out. I presume there will be no objection to their being printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

The letters referred to are as follows:

TREASURY DEPARTMENT, *April* 1, 1884.

SIR: I have the honor to acknowledge the receipt of the communication from your committee of the 14th ultimo, in which you request an examination of the provisions contained in H. R. 4716, lines 82 to 99, inclusive, relative to crediting officers of the Navy with former service in the Army or Navy, with a view to ascertaining the probable expenditure from the Treasury to carry the same into effect.

In reply thereto I have the honor to inclose herewith a report of the Second Comptroller of the Treasury on the subject, together with copies of all rulings and decisions of the accounting officers, and opinion of the Attorney-General, bearing upon the provisions relating to the same subject in the naval appropriation acts for the fiscal years 1883 and 1884.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. WILLIAM B. ALLISON,
*Chairman Committee on Appropriations, United States Senate.*

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
*Washington, D. C., April* 1, 1884.

SIR: By Department reference of the 15th ultimo I have the honor to acknowledge receipt of the inclosed letter addressed to you by direction of the chairman of the Committee on Appropriations of the United States Senate, together with a copy of naval appropriation bill (H. R. 4716), requesting an estimate of any increased expenditure required to carry the said bill into effect, and asking copies of all rulings and decisions of the accounting officers of the Treasury and any opinions of the Attorney-General which may have been rendered upon the provisions relating to the same subject in the naval appropriation acts for the fiscal years 1883 and 1884, respectively.

Please find inclosed the copies of the decisions and opinions referred to as follows, namely, in claim of Boatswain Joseph McDonald, December 29, 1882, marked "A;" Boatswain John D. Sinclair, January 3, 1883, marked "B;" two in the case of Gunner Samuel Cross, July 31 and August 16, 1883, marked "C" and "D," together with a copy of the opinion of the Attorney-General, marked "E."

The rates of "navy-pay" being dependent upon the kind of service performed, there must be for that reason more or less uncertainty in any mere estimate that can be made of its amount; and a statement of a single sum of money as the probable incurred expenditure referred to in the letter of the Senate committee would not fully answer the inquiry; because, as is indicated by the reference to an opinion of the Attorney-General, it appears not to be fully settled what periods of time are within the effects of the act of 1882 and the act of 1883 and the language of the House bill respectively.

For the purpose of the proposed estimates, I therefore assume that the benefits referred to in those acts and in the House bill do not include increase of pay in respect to services rendered prior to the officer's last entry into service in the regular Navy; and in order to arrive at the probable increased expenditure resulting from the legislation proposed by the House bill it has been necessary to estimate the probable increased expenditure made necessary by the acts of 1882 and 1883, and to deduct such increase, as well as the probable expenditure under prior laws, from the probable expenditure under the House bill.

Assuming as above that the language employed will not extend the higher rates of pay to services performed before an officer's last entry into service as an officer in the regular Navy, it is estimated that the acts of 1882 and 1883 had the effect to confer benefits in respect to services rendered subsequent to the passage of the act of 1883, which require an increased expenditure of about $29,000 per annum, and in respect to services rendered after the officer's last entry into the service and up to March 3, 1883, the date of the act of that year, an increased expenditure of about $105,000.

Under the language of the House bill those benefits in respect to services to be rendered in future are estimated at $45,000 per annum, more than would have been required if neither the act of 1882 nor that of 1883 had been passed, and for the year commencing at the date of the act of 1883 and ending March 3, 1884, a like increase of expenditure would be required, namely, $45,000.

Under the language of the House bill, those benefits in respect to services rendered from the time the officers respectively last entered service in the regular Navy to the date of the act of 1883 would probably require an increased expenditure of about $230,000, more than would have been required if neither the act of 1882 nor that of 1883 had been passed.

According to these estimates the direct reply to the inquiry made by the committee may be stated as follows:

The increased expenditure under the House bill in respect to services from such last entry into service to March 3, 1883, the date of the act of 1883, in excess of what is required by the acts of 1882 and 1883, is estimated at $125,000, and in respect to services rendered after that date, the annual increased expenditure

under the House bill above what would be required under the act of 1882 and 1883, and prior laws, is estimated at $25,000 per year. It is estimated, also, that the language of the House bill would require an increased expenditure over and above what would accrue under the acts of 1882 and 1883, and prior laws, of probably $150,000, in order to give up to March 3, 1884, all the benefits of such actual service in all respects in the same manner as if all said service had been continuous, and in the regular Navy in the grade having graduated pay held by such officer at the time of the passage of the House bill, and that the annual amount of that increase hereafter would probably be about $25,000.

The above estimates are made upon a theory that the House bill will not increase the rate of pay of an officer for services rendered by him while serving in a lower grade than that held by him at the passage of the House bill.

Very respectfully,

W. W. UPTON, *Comptroller.*

Hon. CHARLES J. FOLGER,
*Secretary of the Treasury.*

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Bureau of Navigation," in line 130, after the word "war," to strike out "civil establishment."

The amendment was agreed to.

The next amendment was, in line 134, to increase the total amount of the appropriation for the Bureau of Navigation from $80,000 to $100,000.

Mr. SAULSBURY. I should like to inquire of the Senator who has charge of the bill in reference to advancing this amount in the bill. I see in this clause there is an advance from $80,000 to $100,000. It may be all right but some of us want to know the reason for it. The amount as it came to the Senate, $80,000, included the "civil establishment," and I see the sum appropriated for that service last year was $5,000 and that is also proposed now, making a difference of $25,000 in the bill as reported. It may be all right, but I do not know anything about it, and I should like to have some explanation of it.

Mr. HALE. The Bureau of Navigation has charge of all that portion of the naval business relating to the fitting out of the vessels of the naval establishment with charts, compasses, chronometers, and kindred articles. The Department has been running for years upon an accumulation that had gathered during the years of the war and afterward. That is now exhausted. Last year the bureau had $100,000 and was able to get along by reducing the money that it paid for employing pilots in navigation. This year, to meet the new emergencies and demands upon it because it was crippled last year, it asks $130,000. The committee believes that it may be able to get along with the $100,000 that it had last year. It does not believe it can get along with $80,000, and so made that compromise between what was asked and what the House bill provides.

Now a word as to the item that the Senator from Delaware has called attention to, the striking out of the civil establishment. Let me say here what the committee has done, and it will explain the course in regard to all the bureaus. The House has reversed the plan which has been pursued by Congress for years of making a specific appropriation for the civil establishment. Congress has believed, and has acted upon the belief, that it is better for each Department and each bureau to have a specific appropriation for the civil establisment, so that a general appropriation shall not be used for clerks and employés, but that each bureau may be limited. The House changed that by putting in the civil establishment with the general appropriations, so that under the House bill with $100,000 appropriated the bureau might use $10,000 or $15,000 or $20,000 of it for clerks and civil employés. The Senate Committee on Appropriations have struck that out, and have put in the civil establishment by itself, so that no bureau shall be authorized to spend a single dollar for clerical force or employés beyond the limited sum that Congress gives for that purpose. I have no doubt this will appeal to the Senator from Delaware as being a very good provision, and all appropriation bills ought to run in that way. I am entirely confident they ought to be, and that is the reason the change has been made that he asks about.

Mr. MCPHERSON. Will the Senator state why there is the difference between the amount of the appropriations here made by our committee and the appropriations originally made by the House for like service?

Mr. HALE. I did not quite catch the question.

Mr. MCPHERSON. If I understand aright, the appropriations for the civil establishment of the different bureaus of the Navy Department were heretofore included in the appropriation bills in bulk, and such portion as they saw fit to apply for the civil establishment could be used for that. How does the amount you here propose to appropriate compare with the amount actually used?

Mr. HALE. The Senator is wrong. It has been the habit heretofore to appropriate specifically, not in general. The House changed that and put it in general terms. We have simply taken it back to the way we have been appropriating, separately, by itself, but have given the same amount that the bureaus had heretofore. They have been limited heretofore.

Mr. MCPHERSON. I see you limit the Bureau of Navigation to $5,000 for the civil establishment, the Bureau of Ordnance to $5,000, the Bureau of Equipment and Recruiting to $9,000, and you give the Bureau of Yards and Docks $24,000.

Mr. HALE. We take those sums from the expenditures of last year.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 136, to increase the appropriation "for navigation outfit of the four new steel cruisers" from $30,000 to $60,000.

Mr. HALE. That is a mistake. That "sixty" should be "thirty." The "thirty thousand," as proposed by the House, is correct. It should not be made sixty.

The PRESIDING OFFICER. Then the proper course would be to disagree to the amendment.

Mr. HALE. Certainly. I ask the Senate to do that.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 137 and 138, as follows:

For erection of compass-testing house, $7,000.

Mr. HALE. The committee decided that the Bureau of Navigation could get along, as it had for years past, without this compass-testing house. Since then facts have been laid before me more fully than before which convince me that in this new work now being undertaken of the building of the American Navy the Department needs just such a testing-house as is provided for here. The papers show that the estimates have been carefully made for an inexpensive building, and I am confident that the Department need it; that if we do not give it to them we shall be crippling them in some small way that will be very annoying and by which we should save very little money. I do not speak for the committee, because I have had no opportunity to consult the committee, but I think we had better non-concur in the amendment.

Mr. BECK. The idea I had in striking out the clause was that we had a naval observatory here and land was wanted for a new one, and in the present Naval Observatory, a pretty large building, there is plenty of room to make tests for years and years. It seems to me we ought not to make an additional appropriation for that now. I presume we are going to build a new naval observatory somewhere else, but I do not understand why we should want a testing-house such as is here proposed. Not having perhaps enough information to know all about it, I did not see why we should build a testing-house.

Mr. HALE. It is very much better that there should be an isolated building. Of course the argument can be made that as they have got along they can get on for a year or two longer, and I presume it is true that they can possibly and probably get along; but the time has come with the new demands upon the Navy when the Department believes seriously that it ought to have a building by itself, isolated, where this testing can be done. I think the Senate had better let this go and let them have the compass-testing house.

Mr. SAULSBURY. I should like to ask if we not only do not incur the additional expense of a house, but whether there will not have to be additional employés to perform the service now performed at the observatory?

Mr. HALE. No, sir; no additional employés.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out lines 137 and 138.

The amendment was rejected.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 143, to increase the appropriation "for contingent expenses of the Bureau of Navigation" from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, after line 143, to insert at the close of the appropriations for the Bureau of Navigation:

For the civil establishment at navy-yards and stations, $5,000.

The amendment was agreed to.

The next amendment was under the head of "Bureau of Ordnance," in line 150, after the word "Department," to strike out "for the civil establishment."

The amendment was agreed to.

The next amendment was, in line 152, to increase the appropriation from $105,000 to $140,000 "for procuring, producing, and preserving ordnance material; for the armament of ships; for fuel, tools, materials, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval experimental battery."

The amendment was agreed to.

The next amendment was, after line 153, to insert:

To continue the manufacture of modern guns, carriages, and ammunition for the rearmament of the Navy, $100,000.

The amendment was agreed to.

The next amendment was, after line 156, to insert:

Toward the modern armament of the Navy: For machine cannon of small caliber and appliances, $39,480; and for Gatling guns and appliances, $16,500; in all, $75,980.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment was to insert after line 171, in the appropriations for the Bureau of Ordnance:

For the civil establishment at navy-yards and stations, $5,000.

The amendment was agreed to.

Mr. MORGAN. I desire to ask the attention of the Senator in charge of this bill to that portion of the amendments of the committee from line 154 to line 156:

To continue the manufacture of modern guns, carriages, and ammunition for the rearmament of the Navy, $100,000.

I should like to know from the Senator in charge of the bill what is being done in the manufacture of modern guns, to which this appropriation is to be applied?

Mr. HALE. The Senator asks a question which calls attention to a very important subject.

Mr. MORGAN. I will say to the Senator that if it disturbs him in the course of his management of the bill to bring this subject up now, I will defer my remarks upon it or any consideration of it at present.

Mr. HALE. Not in the least. I am very glad the Senator has called attention to it, because I know he is in the habit of examining very carefully all documents and reports relating to subjects-matter in which he is interested, and I want to call his attention to the report of the gun-foundery board to be found in Executive Document No. 97, Forty-eighth Congress, first session. If the Senator has not read it I hope he will send for it and read it before the bill is finished by the Senate. It is a very exhaustive report. It is full of the most interesting facts and details, and it places before the country as has not been done before just the situation that we are in with relation to the manufacture of ordnance for our Army and our Navy.

It was a joint board made up of well-known skillful officers of the highest standing and with the best records. They visited the manufactories of arms in the Old World, and have made a very carefully prepared report showing just what the situation is as to this matter. Upon the basis of that report, which of course I can not go into now thoroughly, the Department asked Congress to appropriate this clause:

To continue the manufacture of modern guns, carriages, and ammunition for the rearmament of the Navy, $599,400.

The committee sent for the Secretary, feeling that this was a most important subject. The Secretary brought with him Commodore Sicard, who is the head of the Bureau of Ordnance. Commodore Sicard, in a most interesting interview or hearing before the Committee on Appropriations, told that committee of the condition of things as found in this report; and the long and short of it is that there are certain guns that at present can not be made in this country either by private or public establishments. We have a great plant in some of the navy-yards most of which can be utilized in the manufacture of modern ordnance, rifled cannon; but the experiments which have been made in this direction, all of them seeking to demonstrate that we can make rather than that we can not make, show thus far that without some material alteration and amplification and extension of our plant with our resources we can not make anything larger than the tubes or jackets of the 6-inch guns. The 8-inch guns the Department is not yet prepared to undertake to make. They can take the tubes as manufactured abroad, wherever it may be—at the Whitworth establishment or at Krupp's or at one of the French manufactories—and can complete them and make a good gun, as good as any power in the world has. It has not been demonstrated thus far that there can be made in the navy-yards of the Government establishments or by private corporations or individuals in this country anything larger than the 6-inch gun.

The committee was impressed in considering this matter with the importance of making a liberal appropriation toward this purpose of rearming the Navy, because everybody knows that the ships which we have now carry guns that in modern warfare would be of but little account. Warfare has progressed astonishingly in this direction. Twenty-five years ago we had the best guns in the world. The old Dahlgren gun and the Rodman gun were most admirable, most efficient, and dangerous war weapons. They have all gone into the limbo of the past, and we have got to have different sorts and kinds of ordnance now.

The committee, wanting to make liberal appropriations, were confronted with this statement of Commodore Sicard: that he could not use more than an additional $100,000 the next year over what the committee proposed to give him to furnish the armament of the new cruisers which are now building. He said that would exhaust the resources of the Government and the power and extent of our private establishments, and that $100,000 more, which the committee recommend, is all that he can use during the year to come.

I trust and believe that in the course of the next year the experiments which are being made *con amore* with the hope of good results will show that in the succeeding year we can put in the hands of the Bureau of Ordnance a much larger sum than this, a half million dollars perhaps, or it may be a million dollars, to be used to advantage in rearming our ships.

That is the reason, Mr. President, for the appropriation, and the reason that it has not been made larger.

Mr. BECK. I think it would be well if the Senator from Maine would place on record the reasons of Commodore Sicard, to be found in his letter of March 13, 1884, at page 5 of the document printed for the committee.

Mr. HALE. I think that had better be printed in the RECORD.

Mr. BECK. That gives all the reasons why he wants the appropriation.

Mr. HALE. It is a very clear statement.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears no objection, and it is so ordered.

The letter is as follows:

BUREAU OF ORDNANCE, *Washington, March* 13, 1884.

SIR: In the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, the amounts appropriated are entirely inadequate to the needs of the Ordnance Department, and several items that were estimated for by this bureau and that are of the utmost importance to the Navy are wholly omitted.

I therefore beg leave to suggest that the Senate be urged to supply these omissions, and to increase the amounts appropriated by said bill.

With this view the following amendments and additions to the bill are proposed (the reasons therefor being briefly stated in each case):

In lines 148 and 149, page 7, strike out "one hundred and five thousand dollars" and insert "one hundred and eighty thousand dollars."

*Reasons.*—Should the navy-yards at League Island, Boston, and Pensacola be closed, as contemplated by the report of the navy-yard commission, it only seems possible to avoid a comparatively small part of the annual expenditure on "ordnance" proper; because we shall still have the same number of ships to fit and keep in serviceable condition as before concentration took place, and the same amount of ordnance work must be done upon them and in connection with them.

The annual expenditure of material will not be lessened, nor the deterioration due to age, nor the necessity for replacing equipments or supplies that are becoming obsolete.

As the work at the navy-yards is at present divided, the amount expended last year at the principal working yards (New York and Washington) amounted to $108,000, and when the fitting out of ships at Portsmouth, Norfolk, and Mare Island comes to be added, the expenditure will clearly aggregate $180,000 (the amount asked for).

The increasing elaboration of ordnance material of all kinds constantly tends to an increase of work.

For some years past the supply of ammunition for target practice with machine-guns and small-arms has been bought from the appropriation "sales of small-arms." This fund being now exhausted, the expenditure must come from the appropriation "ordnance."

The estimates submitted by the navy-yards for the fiscal year covered by the bill amounted to $258,000, which the bureau cut down to $180,000.

The amount appropriated for the current year was $150,000, and though all efforts have been made to expend it economically, $135,000 has already been spent, and a deficiency of $20,000 has been asked for.

After line 149, page 7, insert:

Toward the modern armament of the Navy: 40 machine-cannon of small caliber, $118,960; 20 Gatling guns, $33,000; 3,000 magazine-rifles, $101,250; in all, $253,210.

*Reasons.*—A large part of the armament of foreign ships of war of all classes now consists of machine-cannon and of musket-caliber machine-guns. The projectiles of the machine-cannon have sufficient energy to pierce the sides of all unarmored vessels, and the steel projectiles will pierce about one and one half inches of steel plate at moderate ranges. The shell from these guns is also very destructive, and they constitute a most valuable defense against torpedo-boats. Their power and importance have so impressed foreign naval authorities that we find the number of such arms supplied to foreign ships constantly on the increase.

Only three of our ships are equipped with machine-cannon (four in each), whereas all cruisers of moderate size should have at least two, and the larger vessels from four to eight each.

The forty machine-cannon asked for would arm about fifteen ships of moderate size.

Most of our ships on the different stations have one Gatling gun each. Foreign ships have sometimes as many as six, eight, and ten each. It is safe to say that each vessel of any size should carry at least two; and twenty of such guns would only serve for ten small ships. The Gatling gun has recently been altered so as to greatly increase its efficiency, and the bureau desires to avail itself of this improvement.

Magazine-rifles are now being introduced into all services, as their use enables a much greater weight of fire to be thrown at critical moments than would otherwise be possible. All machine-arms have this great advantage, and foreign services thoroughly appreciate the fact.

The number of magazine-rifles asked for would arm about twenty small vessels.

Insert after the foregoing:

"For machine-tools, $20,000."

*Reasons.*—More machinery is required in the Ordnance Department of the Washington navy-yard, to be used in the manufacture of the new steel guns.

Lines 158 and 159, page 7, strike out "$3,000" and insert "$5,000."

*Reasons.*—The heavy freight now being handled by the bureau requires this increase of the estimate for contingent expenses. Of the $3,000 appropriated for the current fiscal year we have less that $250 left.

In line 146, page 7, strike out "for the civil establishment" and insert after line 159, same page, "for the civil establishment at navy-yards and stations, $12,234.50."

*Reasons.*—The amount at present allowed for the civil establishment only admits of the employment of one clerk or writer at four of the navy-yards, the clerical work at the other navy-yards and stations being done by the storekeepers and others whose pay is drawn from appropriation "ordnance."

The object is to release the appropriation ordnance from this tax and give adequate pay to the clerical force. But if it is judged best by Congress to pay the clerical force altogether from the appropriation ordnance, then it is requested that the $12,234.50 be added to that appropriation, making $192,234.50.

After line 164, page 7, insert:

"For the purchase of a torpedo-boat and the working drawings of the same, $55,000."

*Reasons.*—Such boats are absolutely necessary to the national defense. None have as yet been built in this country, and it is proposed to purchase the one asked for from one of the most celebrated makers abroad. It will serve as a model from which others may be constructed here.

After the foregoing insert:

"To continue the manufacture of modern guns, carriages, and ammunition for the rearmament of the Navy, $599,400."

*Reasons.*—There are no such guns, carriages, &c., now in the Navy, and it is imperatively necessary that they be provided for the national defense. The money heretofore appropriated has only served to partially commence the manufacture of type guns, carriages, and ammunition, the ships afloat in commission being still armed with obsolete and inferior cannon. The money asked for would purchase about twenty-five 6-inch guns and eight 8-inch guns, with their carriages and ammunition.

In case the above amount is not allowed, the balance that may remain on hand from the appropriation "steel rifled breech-loading guns" should at least be reappropriated.

I am, sir, your obedient servant,

MONTGOMERY SICARD, *Chief of Bureau.*

Hon. WILLIAM E. CHANDLER, *Secretary of the Navy.*

Mr. MORGAN. I called attention to this subject because I wanted information about it. Since I have been in the Senate we have been considering year by year certain experimental efforts of the Ordnance Department to get some guns suitable for seacoast defense, and also for the Navy, and we have made absolutely no progress except to ascertain that we have no guns which are of any real value; and our system must be changed in that respect, I think, before we ever make any progress.

The commission that has been spoken of by the Senator from Maine went abroad last summer, I believe, and also made some explorations through the United States for the purpose of examining into the different ordnance establishments or the different iron and steel establishments capable of manufacturing guns. It submitted a report, which I have not had the opportunity to examine with any care. I have merely glanced through it. But I understand that they recommend now that we shall go on in the old grooves and look abroad for our steel; that we shall not begin now to build establishments for the purpose of making steel or for the purpose of working steel.

I do not know whether the Committee on Appropriations of the Senate felt themselves warranted in going any farther than they have gone in providing for some changes in our system, but I believe that unless they do it we shall never have any changes. At the last Congress a joint committee was organized consisting of the chairman and some members of the two Committees on Naval Affairs and Military Affairs. They called before them a number of witnesses and made a very interesting and very able report on this subject, and then the report of the board spoken of has followed that, and the whole matter has gone to rest except the little relief that the Committee on Appropriations find that it can give to this important subject for the Navy and Army of the United States on this important matter. I should be very glad if the Senate would take into consideration whether they are not willing now to take some method of manufacturing steel and manufacturing steel guns, to lay a foundation for it that the Government can control.

Why, sir, I do not think that anything should bring a deeper blush to the cheek of an American citizen than to feel that fifty or sixty millions of people in a country like this are absolutely indefensible against any foreign foe except when they might make a landing here and undertake to attack us around our own homes. The Government of the United States, every one must admit—everybody has been saying it for many years past—is in the most defenseless condition in reference to its seacoast defense and its naval armament against almost any civilized government in the world of maritime power. The small petty powers of the earth are in advance of us, and the Senate can scarcely ever consider a subject of foreign relations that has in it any matter of delicacy at all without feeling that we are unprepared to deal with the question with that sort of energy which belongs to a great and powerful people like this.

I am not in favor of conducting the relations and affairs of nations upon a war basis; but whoever undertakes to strike out from the policy of nations that feature of the question will find that he is not abreast of the age, and he will find that he can not apply the Quaker doctrine to a government like this. We are a peace-loving people, we are not aggressive in our policies in any respect whatever; but in order to preserve the peace we must have the means at command to satisfy the other powers of the world that if they break the peace we shall be prepared to meet their assaults instantly and with force and effect.

We have a Navy that has no guns which are capable of fighting the guns of other nations. We have a seacoast that is defenseless almost, except by a few torpedo lines and a few old guns that we do not know the value of, and I think the Senate ought now to take into consideration seriously two propositions: First, of establishing in this country works for the production of steel and the making of steel guns; secondly, to supply all the proper machinery to make those guns.

We have no steam-hammer in this country that is capable of hammering the steel necessary for the largest-sized gun. Why should we be without an implement of that kind? Perhaps $100,000 or $200,000 at the outside would establish it and put it in operation. We should not then be compelled to import the steel which we put in our own guns from England and from Germany. Why should we not have that? We have got our navy-yards——

Mr. BECK. Will the Senator allow me to state to him that for an ordinary hammer the estimate is $500,000 or $600,000, and Krupp was paid $2,500,000 in Germany for one gun. The Committee on Naval Affairs are considering all these things now, and we can not reach them. Commodore Sicard made a very interesting statement about them, but they are beyond our reach now. We can not even make an eight-inch gun in our country; we have not a hammer large enough for that. Something will have to be done.

Mr. MORGAN. If $100,000 is within the reach of the Committee on Appropriations by way of amendment to this House bill to continue the manufacture of modern guns, two millions or two millions and a half or three millions is not beyond the reach of the committee; and if Mr. Krupp with his individual enterprise can build a steam-hammer that cost him two millions and a half of money, why is it that the Government of the United States can not have one that will cost three millions of money, a better one than he has got or than anybody has got?

Mr. BECK. One word more. It was ascertained that in England and elsewhere the large steam-hammers that are used in the world are owned by private establishments, and they can be utilized for a great many other things. The Navy Department has to consider whether or not we had better treat with somebody who uses these hammers for many other purposes rather than build one of our own.

Mr. MORGAN. That brings up the very point I was about to arrive at. I am satisfied after some examination into this question that the proper course for the Government to take is to interest private enterprise in connection with governmental inspection and supervision in the manufacture of guns; provide in some way an advance of money to some enterprising private citizens or private corporations engaged on our own soil in the manufacture of steel, so that they can erect these steel hammers and use them for the Government, for governmental purposes, and when not in use for governmental purposes they can be put in use for commercial purposes. I would interest them as has been done in some other cases in this country, for I know of one instance where the Government of the United States must have at least $200,000 in value of most excellent machinery of modern type in the hands of private parties to make guns for the Government. Under an arrangement of this kind these parties take the machinery at cost; they pay for it in work, pay 5 per cent. per annum or 10 per cent. per annum in work in their yards. The work is subjected to governmental supervision from the time the metal is put into the furnace until it is drawn out, manufactured, and ready for delivery at the navy-yards or wherever it may be that we want to use the gun.

If we will combine private enterprise with Government supervision in the manufacture of guns in this country there is no reason why we can not make just as good guns as they make in England or anywhere else. We have the material to make them of. If we need non-phosphoritic ores in order to get gun material, we can send to Egypt to get them, or to Spain. We of course bring in our material free that is used for the benefit of the Government. The instance to which I referred was in Boston.

Mr. HALE. The South Boston Works.

Mr. MORGAN. The South Boston Iron Works, where they have been manufacturing guns for thirty years for the United States Government and for other governments, for Italy and for Brazil and various governments, and according to their facilities and the machinery they possess they make guns equal to any in the world. It turned out that there was some surplus money at some time or other in the Ordnance Department, which I believe resulted from the sale of old scrap or old material of some kind, and the Chief of Ordnance found himself at liberty, very properly, too, to invest that money in machinery and put it in the South Boston Iron Works upon a contract of the character I have just referred to, by which that establishment was to make guns and was to refit guns, and to receive in part payment of the costs of those guns a part of the cost of the machinery which was turned over, so that after awhile the establishment will buy the machinery, will become the entire owner of it, and the Government in the mean time will have received its pay in the production of this work, these guns.

That has worked remarkably well in that one case. I have no doubt there are other cases of the kind in the United States, and I believe that if that system were observed, if we should go into it as one of our experiments, and unite private enterprise with Government assistance and Government supervision in the making of these guns, we could in a short time have guns equal to any in this world.

The Senate will pardon me for reference to a matter that I happen to have personal knowledge of in respect to the ability of our private citizens to improvise heavy ordnance and all manner of armament. When the Confederate States went to war they had no guns except those mounted on the different forts in the South; but at the town in which I live a gentleman was detailed, Catesby Jones, who had been an officer of the United States Navy, to establish a naval foundery, a gun foundery. They had no facilities. The ores were in the bank; the furnaces to melt them were not built; the trees that made the charcoal were standing in the forest. They had to build railways to get to within miles of the location. They made the iron, carried it down to the city of Selma; they brought it to the naval foundery, and out in your foundery here at the navy-yard now there are some ten or more of those guns that were captured by Admiral Farragut at the time of the capture of Mobile. Those guns were made in furnaces of a capacity of one hundred tons, and made with pine wood. No other fuel was used but pine wood. There they are in this navy-yard now. The bands that are around them are wrought-iron bands, constructed with admirable skill, such as can not be produced to-day in any navy-yard in the United States, for the mere reason that we have not got the machinery to do it with; and yet the machinery to do that kind of work is inexpensive; if it had not been we could not have gotten it in the South. We did not import it; it was improvised and made in the South.

Sir, you may take those guns and put them side by side with any of the cast-iron rifled guns in the United States Army or Navy to-day and they will bear as severe a test as any guns that have been made. There was necessity forcing those people to the production of those guns, and we would produce them if we were in a state of war to-day with any great foreign power; we would produce our ordnance, all that was nec-

essary, within a very short space of time. We would have our ships armed in a short period of time with guns of sufficient caliber and capacity to fight the guns of almost any other nation of the world. But merely because the stress of necessity is not upon us we ignore this very important matter.

I am in favor of the old saw, "In time of peace prepare for war." That is wise, sound, good policy, and it is policy that this great nation can not afford to ignore, and the greater it gets the less it can afford to ignore it.

I do not know that I shall move any amendment in this particular unless the committee think that it ought to be done at this time. I shall take it into consideration and before we get through this bill I wish to examine this report, and I hope the committee will think the subject over, and if we can arrive at some conclusion of this sort I for one will give my support to it.

Mr. HALE. The Senator, I know, has given a great deal of time and has an intelligent interest in this subject. I wish he would take this report, if he can, to-night, look it over carefully, and see what he for one, as a member of this body, is ready to do in the way of embarking in this enterprise of governmental establishments that can manufacture an entire gun. That is a serious question. It is a serious question whether the Government shall grapple with that problem. It can not be done without involving in the future an expenditure of a large sum of money. I am entirely ready to go with the Senator to any extent in so expending money, for I believe with him that there is something culpable, something criminal in the hap-hazard, easy-go-lucky way that we are going on at present with reference to our national defense. But whoever sets out on this road, whoever weds himself to this enterprise, has got to consider that from time to time large sums of money will be required. If the American Congress is ready to appropriate those sums of money and will follow its hand and will not falter, but from year to year will, almost in the nature of a permanent appropriation, give those sums of money, we shall reach that point so much desired by the Senator from Alabama—of the United States manufacturing all its guns, great and small.

As I have said, I will go with him very far in that direction. The board that considered this subject, as the Senator will find when he comes to examine the report, go into it very thoroughly. They do not arrive at the conclusion that the United States, either by governmental factories or by private means, should not manufacture these guns. Quite the reverse. They say clearly:

The board recommends the establishment of two gun factories under the control of the Government.

And it makes a selection. Then it goes on touching the question whether the Army and the Navy each should have an establishment, and arrives at the conclusion that an establishment for each branch of the military force of the Government should be set up and maintained, one for the Army and one for the Navy. They go on further and say:

With Government gun factories established for both the Army and the Navy, there will be still needed the hearty co-operation of the private industries of the country. This can not be aroused unless there is held out to them a fair prospect of remuneration. The board does not approve of a partnership in business between the Government and private firms. All history warns against such a course. But it does believe that joint, and at the same time independent, action between them can be made to work harmoniously toward the common national purpose.

The board found this difficulty when it began to deal with the question of encouraging private establishments, such establishments as are found in great force and strength in the old world under the enterprising lead of men of genius who have built them up. The board found themselves confronted with this trouble, that the private manufacturer in this country can not afford to go on, extend his plant, build up his establishment, because of the uncertainty whether the Government will come to his rescue and employ him to make guns, or encourage him to make guns, or a portion of the guns, for any length of time. They say:

At present the steel manufacturers of our country are not prepared to produce the material required for the larger calibers, and the important question arises, what means shall be adopted to induce them to study the subject and embark in the manufacture on a large scale. They can not be expected to do this at a sacrifice of their own interests. This object can only be achieved by holding out a fair prospect of ultimate remuneration for the expenditures necessary to undertake the work, and this can only be done by the action of Congress.

Everybody sees that however enterprising, however patriotic may be the owner of one of these private establishments, however much he may be willing to extend his plant and increase his establishment, he ought to feel that he can depend upon something like a permanent policy on the part of the Government in encouraging him. The English Government, the French Government, the German Government, the government, indeed, of every power in Europe that makes any essay toward establishing and maintaining a naval force, appropriates money by millions year after year, and it is because of this that the great establishments there that are the wonder of the world are kept up from year to year, knowing as they do that the governments will patronize them in that part of the world in the manner that they do. But it costs money, and a great deal of money, as I have said. If the Government has establishments of its own, which in connection with private establishments can make these great guns, as I believe it ought to have, and I am ready to vote large sums of money to that end, it ought to contemplate what it is going into; it ought not to set its hand to the plow and then go back; it ought to go steadily on appropriating money out of our surplus revenue. The board have made an estimate here.

Approximate cost of plant for producing the tempered parts of guns up to one hundred tons, ready for delivery at gun factory.

Because there are two processes, there are two stages. There is the stage of preparing the gun for the gun factory, and here is the estimate of that:

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|---|---|
| Casting | $250,000 |
| Forging (hydraulic press) | 150,000 |
| Rough boring and turning | 210,000 |
| Tempering | 50,000 |
| Total | 660,000 |
| Additional cost if liquid compression be adopted | 175,000 |

That is a favorite theory and belief with these great manufacturers. Now, a hammer, as tremendous as is its power, its compacting force, is not so efficient as the hydraulic pressure in compacting a gun. If that is added it brings the expenditure up to nearly $900,000. Then the board take the other stage, the plant for gun factories; take the tools; take them in the rough and complete them so that they become perfect ordnance for our ships or for our fortifications, and that estimate is $900,000. There of itself in one establishment covering those two stages is needed $1,800,000.

Mr. JONES, of Florida. May I ask the Senator how many establishments there are engaged in the business of gun manufacture on a large scale now?

Mr. HALE. Does the Senator mean how many in the world?

Mr. JONES, of Florida. No; I mean in the United States.

Mr. HALE. There is the South Boston foundery; there is the Midvale Steel Company, at Philadelphia; there is the West Point establishment. There are four or five different establishments that can do something toward this end in the manufacture of small guns.

Mr. BECK rose.

Mr. HALE. Will not the Senator let me complete what I am saying?

Mr. BECK. Before the Senator goes further I wish to state one fact. Commodore Sicard and others advise us that our manufacturers say that the Government of the United States at the present price of our guns would be the only customer for them, whereas Krupp and those other men are making large numbers of guns in Prussia and in England and selling them to China, Japan, Italy, and Brazil, and all the countries of the world. Therefore in building up our establishments we have to build on the basis that we ourselves are to be the only customer, and that requires a good deal of consideration as to how it ought to be done. Therefore our committee could not grapple with that subject.

Mr. HALE. All that bears very materially on this question. The board wind up by these wise and pertinent words and conclusions:

Three years—

After estimating the cost of these factories and plants—

Three years will be required to complete the tools, construct the shops, and establish the plant. Such a factory—

Costing $900,000—

Such a factory will be able to turn out per year fifty 6-inch, seventeen 12-inch, and twelve 16-inch guns, or a proportionally larger number of smaller calibers, at a yearly expense of about $2,000,000. The figures can not be pronounced exact, but the board is confident that they closely approximate accuracy. The calculations are based upon estimates obtained abroad, and do not include ocean freight and customs dues.

If Congress is ready to embark in this enterprise of building up for the Government a great gun factory and a great plant for preparing guns for the gun factory, so that our steel shall be taken and made into the tube and the tube shall be taken and wrought into the gun, and so that we shall not stop at an 8-inch gun or a 12-inch gun, at nothing short of a hundred-ton gun, I am ready to go along in that direction. But the committee did not deem it wise to embody this in their recommendations in the bill. It must be left for amendment to be offered on the floor by any Senator, and I am glad that the Senator from Alabama is considering this matter, and I hope before we reach the end of the consideration of this bill that he may have matured some plan by which we may start in upon this which I think is a worthy and a meritorious enterprise.

Mr. BAYARD. Mr. President, about six weeks ago the Senate passed a bill to build, I think, seven steel cruisers or seven vessels of war, as the commencement of a respectable naval force, it being admitted on all hands that there was no such thing to-day in practical existence as an American navy, and very wisely they proposed to commence one. There were four monitors that were on the stocks from 1872 to 1882. I believe there was an appropriation to make them efficient. Then there was a proposition to build and finish four other sloops of war, and then in addition came the bill to which I have referred, to build seven ships of varying dimensions, but all of a modern model and fitted for the purposes required by the modern progress of invention. I voted for that bill, and after the bill had passed I offered a resolution that was adopted by the Senate and sent to the Committee on Naval Affairs, directing them to report upon the expediency of building a steam-hammer with a foundery properly equipped for the construction of artillery of the largest caliber and of modern fashion.

My desire for such information had been quickened by a letter read here upon the floor from Admiral Rodgers. I can not lay my hand upon it, but my recollection of that letter was that the United States Government did not own a single breech-loading cannon, if not of any caliber, of anything like effective caliber. I think I may refer to the Senator from Maine, whose knowledge is greater of naval affairs than my own, and to my friend from Kentucky, and ask whether the Government owns to-day a single breach-loading cannon; and yet I apprehend that other cannon will be considered obsolete for the purposes of modern warfare.

Mr. HALE. I will not interrupt the Senator unless it is entirely agreeable to him.

Mr. BAYARD. I desire to be correct in my statement, and I submit it rather to the criticism of the Senator from Maine. Am I not right in this fact? I am speaking now of the state of affairs under which we live.

Mr. HALE. I do not know; I can not give the Senator information of the number of guns of different kinds, but the United States Government in the past two years has taken a number—I do not know how great—of the old cast-iron guns and has adapted them so far as it might to the modern system of breech-loading rifled guns. They are not as strong, they will not stand the pressure and the test that the modern-constructed gun will, but I can not tell the Senator how many there are of them.

I want to say one thing further in answer to what the Senator urges as to the resolution that he sent to the Naval Committee. It did, as the Senator intended, raise this whole question of the advisability, the feasibility of the Government building a gun factory and building a hammer of its own to make guns. Since the Senator introduced that resolution the report of this board from which I have been reading has been sent in to the Senate by the President, his message accompanying the report, and the Naval Committe has felt that no investigation by it could add anything to the valuable mass of information contained in that document. I do not believe that we could have produced information that would have thrown any light on this subject in answer to the Senator's resolution equal to that. That is the reason why we have done nothing more.

Mr. BAYARD. Perhaps, Mr. President, it would have been well for me to have read this report, but one may be pardoned for not reading every report that may be presented to Congress. I shall read it with a great deal of interest at the earliest possible opportunity, but I do not understand from the Senator in charge of this bill, and who is also the virtual chairman of the Committee on Naval Affairs, that there is any inaccuracy in what I have said, and I cite it not all for the purpose of finding fault with anybody; I cite it for the purpose of stating facts as they stand in order that we may apply the remedy.

I read in the bill an appropriation—

> Toward the modern armament of the Navy: For machine-cannon of small caliber, and appliances, $59,480; and for Gatling guns and appliances, $16,500; in all, $75,980.

And that is to be for the "modern armament of the Navy!" One would think that we were legislating for the kingdom of Lilliput and not for the United States of America in the condition in which we now stand.

Mr. HALE. I agree fully with the Senator there. I am in entire accord with him in that.

Mr. BAYARD. Very well. Then with due respect, I do not see here really one advance of a positive step toward a reformation of this unsatisfactory condition of things. I know that a certain amount of demand must precede the supply. Lately in reading the biography of a very distinguished English engineer and metallurgist I found that when a contract had been taken for the steamer known as the Great Eastern and the contractor looked around for a hammer in Great Britain for the purpose of forging her shafts he found the work could not be executed in that kingdom at that time, and it was that which brought the steam-hammer of James Nasmyth into use by which that shaft was forged, beaten, and the work enabled to be accomplished. But we are not without experience. We know too well what is needed; the demand for this steam-hammer is not a new one.

The Government of the United States ought to furnish itself with it unless there shall be—which I believe there is in the private establishments of this country—machinery of a sufficient force and proper construction to make cannon of modern models and caliber. When I see the United States appropriating $75,000 gravely toward modern armament and China buys from Krupp nine hundred guns each one of which will cost the whole of and more than this entire appropriation, it seems to me that our people are losing sight of all proportion of means to the end.

That there has been money enough wasted to buy all these things is true; but that does not cure the case. The point is whether now if you shall begin at the beginning and place this navy, or this proposed navy, upon the basis of progress toward completion, it is not proper to have at least the steam-machinery, the steam-hammer, the appurtenant foundery, the plant and appliances which shall enable us to commence at least the reparation of this great deficiency in our naval establishment. I am in favor—painful though it may be to be obliged to do so—of going out of this country and buying guns of the modern type. We are importing now steel plates for the turrets of the four monitors because they can not be forged in this country nor supplied here. Some information was sought by the Senator from New Jersey of the terms upon which the contracts with the English founderymen were made.

I have voted for these appropriations and I am perfectly willing to sustain by my vote the suggestion that I have made of a proportionate appropriation to start this steam-hammer and the foundery that I suppose must be one of its adjuncts. I saw the other day that the great Prussian gun manufacture and plant for a large gun would cost some two and a half millions of money in round numbers, and I do not suppose it will cost less in this country, especially when the Government builds it, for we always have to pay more than private individuals, but that had much better be bought. That the private workshops of Great Britain are able to do the work of the government to almost any extent, is a source of great safety and great pride to that country. It will be equally so to this and the safeguard to the public Treasury will consist that when the Government shall have one such establishment as will enable us to construct artillery of modern character and caliber it will not be liable to be imposed upon by a combination of private contractors. In other words there will be a fair field of competition. If the private contractor is able to do this work well and will do it reasonably, the Government will act most wisely to have its work performed by private contract. The double duty will be effected; the Government will be provided with what it wants on favorable terms and the people of the country will be educated in that skill which can only come from practice.

The English system is one from which we can fairly draw wisdom and learn by experience. The double system there obtains. The government is not subjected to any possible extortion from the private contractor, but has the advantage should he exceed what is reasonable in his demands for his work of being able to do the work themselves in their own yards. The result has been very naturally, and according I think to the public experience, that four-fifths, nay nine-tenths of the English vessels of war have been constructed in private yards, and I believe that every English gun—and they are very superior—the guns of Whitworth, the guns of Armstrong, the guns of Blakely—every one of them is furnished to the government by private contract. I know not what Great Britain may have bought from Germany. I know not what Krupp may have sold of his wonderful steel cannon to that government; but I do not think the British Government for a long time has absolutely constructed its modern artillery, although there are government shops in England where the work can be done in case of necessity on account of the greed of private competitors.

I believe the two things will run *pari passu*, the equipment and purchase of the steam-hammer by the Government, the foundery and appurtenances to it to enable the construction, if necessary, of modern artillery by the Government, and the progress by American citizens toward the construction of these guns whenever they find that their Government is disposed to buy them and will seek to purchase them. But the demand must precede the supply; there must be something to create, to furnish the supply; the incentive must exist, and up to this time there has not been much incentive for an American to embark his capital in such large sums for the purpose of building these guns. At least I say this when you look at what has been the experience of the administration of the Naval Department of this country for the last twenty years.

My friend from Kentucky [Mr. BECK] shows me in this bill that more money than the $75,980 is to be expended; that in addition to this a previous item provides $100,000 "to continue the manufacture of modern guns, carriages, and ammunition," and that is all, $175,000—about the cost of a single gun of the formidable type of the present day. In another page of the bill I find:

> To complete the ordnance outfit of the three new steel cruisers and one dispatch boat, $400,000.

Mr. BECK. With those guns complete, $100,000 will be about all the bureau can use at this time. So the head of the bureau informed us.

Mr. BAYARD. I would add further, without professing to be accurate as to precise sums, that I suppose this $400,000 will give these boats about one gun apiece; it will give the four new vessels about one gun each.

Mr. HALE. Oh, no.

Mr. BECK. My recollection is twenty 6-inch guns and eight 8-inch guns.

Mr. HALE. Four 8-inch guns.

Mr. BAYARD. I mean by guns real guns with which we can compete with the guns of other nations. I have seen myself one or two experiments in naval artillery. Suppose, then, that this $400,000 shall sufficiently arm, according to modern demands, the four ships mentioned; there we end, and for all else and for all the other ships and coast defense in this country there is the splendid sum proposed of $175,000!

Mr. JONES, of Florida. Mr. President, I appreciate all that the Senator from Delaware has said with respect to the inadequacy of this appropriation for the purpose of establishing an artillery system for the

Navy, but I can not see the wisdom of going much further than this bill provides, inasmuch as we have not yet determined fully upon the policy of building a navy. We do not want any guns unless we have some ships to carry them. The ships are the first thing to be provided. Usually the armament comes afterward and the rigging. We are speaking of naval armament.

Mr. BAYARD. What of shore defenses?

Mr. JONES, of Florida. I think the great necessity of the country at the present day is a respectable naval force. As I said in my place in the Senate when the bill was here providing for the construction of the seven new cruisers, as a member of the Senate and of the Naval Committee I understood that two years ago this Government had entered upon the policy of building a new navy, and I said that every Senator who voted in favor of the proposition that was then carried to give the Secretary of the Navy authority to do away with our wooden ships committed himself to the policy of building a new navy. When that bill was before the Senate, as the Senator from New Jersey well knows, I questioned the policy of giving that power to the Secretary of the Navy, because I felt that this political body or the other might not come up to the manifesto and be willing to make the necessary appropriations to fill the vacuum created by the retirement of our wooden ships. My fears have been realized. We have gone on; we have authorized him to retire nearly every available ship in the Navy by what is known as the 30 per cent. clause. They are going out every day, and in the course of a few years, as I said in the former debate, there will not be a ship on the ocean bearing the American flag; they will all have been retired under the authority of Congress.

The Senator from New Jersey in the discussion of the steel-cruiser bill asked me the question, I remember, if I were the Secretary of the Navy would I not dispense with the execution of that law? He read a list of the ships that had already been retired, nearly seventy in number, under the authority of Congress given to the Secretary of the Navy a year or so ago. I said to him what I say now, that no executive officer of the Government can dispense with the execution of a law. He has no dispensing power. That power once belonged to the Stuart family in England; happily for our country it never has been exercised here. The executive officer must execute the law, and he would not be a faithful officer if he did not; and under it in a year or so you will not have a ship. This was the great reason why I, as a member of the Naval Committee, came to the front a little in that discussion in conjunction with my friend from Maine and the Senator from South Carolina, and advocated the policy of replacing those ships with new vessels conforming to the changes in modern warfare and the requisitions of the times.

Now, where are we? It is well enough to talk about the creation of a factory for guns, rigging, and all that, but we have not yet any provision of law looking to the creation of a navy, I mean the hulls of ships, the most important part. This provision, I think, goes far enough as things now stand, for I am willing to go as far as any Senator in providing for the erection of a steam-hammer such as was recommended by my friend from Delaware; but we want a navy. We could better afford to do away with the Army than the Navy, for a great country, with prospective commercial relations with the whole world, and especially if the view of my friend from Kentucky, with respect to an untrammeled commercial intercourse prevails, in which I concur with him, we shall want it more still.

No nation occupying the position that this does among the powers of the earth can afford to occupy its present attitude and be at a disadvantage, as I said before, with Brazil, with all the little, weak, insignificant powers to the south of us on this continent. We have not a ship in commission to-day bearing the American flag that can compare with those of the little republics to the south, or of Spain, whose possessions lie within the sight of our own shores.

I said before that there were abuses in the Navy, but I am not here to anticipate any more. This is no party question. Any party that is in control of a government like this owes it to the country, to its citizens and its great interests to see that this important arm of the public service is not neglected. The President has sent in a special message regarding the building up of the Navy. I do not suppose he did that because he was a Republican, and when I vote for any proposition of that kind I do not do it as a Democrat. I do it because I feel in my blood and bone that all the interests of the United States require it, and that this country to-day is at a disadvantage with every other on the face of the earth with respect to her naval force.

Mr. VEST obtained the floor.

Mr. HALE. Will the Senator, before he proceeds, allow me to introduce certain amendments to be read and printed that I should like to give notice of now?

Mr. VEST. Certainly.

Mr. HALE. I give notice of two amendments to be offered at a subsequent stage of the bill when we come to the provision for fitting up the navy-yards for the purpose of constructing ships.

The PRESIDING OFFICER. The amendments will be reported for information.

The Chief Clerk read as follows:

For the purchase and erection of plant for casting, forging, rough-boring, and tempering guns up to one hundred tons, ready for delivery at gun factories, including cost of the process of liquid compression, if adopted, $835,000.

For plant for gun factory for completing guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pot, $900,000.

The PRESIDING OFFICER. The amendments will be printed for the information of the Senate.

Mr. VEST. Mr. President, commercial supremacy and naval power are inseparable. The first duty and principal object of a navy is to defend the seaboard, and next to police the ocean and protect our foreign commerce. We are the great middle country, with 10,000 miles of seacoast, $1,547,020,316 of yearly commerce, and an enormous annual increase of exports; and yet we have virtually no navy, no merchant marine, and a defenseless seaboard.

Who is responsible for this national dishonor? Who is responsible for this statement that brings the blush of shame to the cheek of every honest American citizen? Twenty of our large cities could, in the event of war with one of the foreign powers, be powdered into dust by the ironclad navies of Europe.

This condition is the result of maladministration and reckless waste of $385,000,000 appropriated by Congress since 1866 for the support of the Navy. Is it cause of surprise that some hesitation is expressed in regard to the propriety of placing millions more where all these millions have been lost? "Confidence is a plant of slow growth," and I must be pardoned for saying frankly that the American people can see nothing in either the present or past which leads them to expect from the party now in power a revival of our naval or commercial supremacy. I say this with no partisan feeling, but from the deliberate conviction that the influences which surround the Navy Department and the system of governmental policy to which the Republican party is devoted are hostile alike to the welfare of the Navy and merchant marine. What these influences may be or what this system (of which I shall say more hereafter), the paramount and immediate duty resting upon us is to furnish adequate seacoast defenses.

Mr. President, what to-day is the condition of our seaboard, stripped of all rhetoric and surplusage of words? From a most interesting article lately placed before the American public I will read one or two official extracts, and the mere statement, coming from the sources from which it is taken, beggars all rhetoric or attempt at eloquence. Says General Wright, the Chief of Engineers, in his report of 1881:

With old casemated works (than which there were none better in the world in their day), designed long before the introduction of the 800 to 2,000 pounder rifled guns into modern warfare; their walls pierced for guns long since out of date; without iron armor or shields, and but partially armed even with the old ordnance; with old earthworks, some of them built in the last century; with new ones for modern guns and mortars but partially built and rapidly being destroyed by the elements by reason of their incompletion; with gun batteries without guns, and mortar batteries without mortars; with no carriages whatever for barbette guns of large size, except such as require the cannoneers to load from the tops of parapets, from which they can be picked off in detail by the enemy's sharpshooters; with an excellent defensive torpedo system developed at our torpedo school at Willets Point, but only partially carried into effect; with but a very small number of our works prepared with the torpedo casemates and galleries necessary for securing the electrical apparatus from the enemy's fire and for conducting the electric wires to the torpedo lines, which must be laid when the day of trial comes, and with less than two hundred engineer soldiers educated for torpedo and other engineer service instead of the seven hundred and fifty-two men now authorized by law, and of whom not less than five hundred and twenty ought to be ready to supply the detachments required for torpedo duty in our fortified harbors, we can make but a feeble defense against the powerful fleets now prepared and rapidly increasing, which will sooner or later be brought against us by some of the most powerful maritime nations on the earth, or by others nearer at hand whose offensive naval means exceed our own, and whose powers are not to be despised.

If this, coming from the Chief of Engineers of the United States Army, needs supplement, let us turn to the highest naval authority, a statement of Admiral Porter, of the Navy:

What a pitiable exhibit—

Says he—

for a country like this is the report of the Chief of Engineers of the Army, who states that there is not one of our ports that has any defense against even an enemy of very inferior character. I know this to be the case from my own observation, for there is not a harbor in the country where an ordinary ironclad can not pass the batteries, choosing their own time for so doing. So it appears that our Army defenses are in the same category as those of our Navy. It is therefore indispensable that both should forthwith take a new departure to insure that effectual protection to our countrymen which they have a right to demand. * * * When I speak of our unprotected coast I refer to our lake coast as well.

Our brothers of the Northwest can listen to this: "I refer to our lake coast as well." He proceeds:

In case of war between Great Britain and the United States, it would be comparatively easy for the former to get possession of all the lakes, and with her powerful navy lay our cities under contribution or destroy them. For this reason we should pay proper attention to our defenses on the shores of the great lakes. The dangers threatened here appeal directly to our representatives from the West.

Whatever may have been the influences that have brought about or contributed to this terrible condition of affairs, there is one platform upon which we can all stand without regard to party and as citizens of the United States, and it is the overwhelming, the absolute, the indescribable necessity now and here of coast defenses for the Government and people of the United States. In the bill before the Senate I find no such provision. The Senator from Florida [Mr. JONES] tells us that with seven new cruisers we can defend our coast, and that is the commencement of a navy.

In the bill before the Senate $400,000 is appropriated to complete the ordnance outfit of the three new steel cruisers and dispatch-boat now under contract with Mr. Roach, and $2,500,000 for two additional cruisers of 4,500 and 3,000 tons, one dispatch-vessel, and four gunboats. It can not be pretended that these vessels would last an hour before the ironclads of Europe; against such vessels as the Inflexible and Alexandra, of the British navy, the former of 11,880 tons and 8,010 horse-power, and the latter of 9,490 tons and 8,610 horse-power, armed with 81-ton rifled guns. These cruisers and gunboats would not avail more than the steamers on our Western rivers.

Mr. President, we have heard here to-day about the vast expense to be incurred in buying guns for our seaboard defenses and for our Navy when it is built. Last spring effete, worn-out, bankrupt Italy, the land of macaroni and lazzaroni, launched from her own navy-yards the ironclad Lepanto, the largest and most formidable vessel now afloat, 14,000 tons, with 18,000 horse-power, running nineteen English miles an hour, impervious above the water-line to shot or shell, armed with four 100-ton turret guns and a number of smaller broadside guns, all rifled and breech-loading.

At Spezzia in 1882, the Italians, this effete and worn-out people, put the extreme test to heavy ordnance in the shape of an Armstrong breech-loading rifled 100-ton gun, caliber 17¾ inches and 33 feet length of bore.

Mr. EDMUNDS. They are building some with fifty-five feet now.

Mr. VEST. Yes; I understand they are building them larger, but this gun was actually tested with a charge of 776 pounds of powder, giving the projectile weighing 2,000 pounds an initial velocity of 1,832 feet a second, and with an initial energy, as it is called, of 46,580 foot-tons. And yet we talk about our cruisers and our defenses standing before such artillery as that!

Now look at our own condition. Upon last Saturday a gentleman appeared before the Committee on Commerce of the Senate, of which I have the honor to be a member, with the model of a sea-going vessel that he proposed to sell to the Government of the United States. The cost of that vessel was estimated at $2,000,000. The gentleman was Captain Lundborg, a Swedish naval architect and navigator. We invited the naval advisory board to be present and hear his statement. Finally it was suggested to this gentleman that a model should be built and that his experiment should be tested practically in this country. It was found out from Admiral Simpson, of the naval advisory board, that we never had a tank for testing any models in the United States; that there was no apparatus here for such purposes, and we were coolly told that we must send to Great Britain, or France, or Germany in order to test the model before we could pass upon its merits or demerits. Yet this is in a country with an overflowing treasury, over a hundred million dollars surplus annually, a defenseless seaboard, no navy, and no merchant marine.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. JONES, of Florida. Admitting all the Senator says, what remedy does he suggest in view of the situation? What ought we to do in the judgment of the Senator to remedy the matter?

Mr. VEST. The overwhelming necessity in this country now is the defense of our seaboard, for to-day we are practically at the mercy of the maritime powers of Europe. I do not deny the necessity for a navy, but I say that our first duty to the people of the United States is to defend the seacoast, and we can not do it with commerce-destroyers, with gunboats and steel cruisers of 4,000 tons and 4,500 tons burden.

The Senator asks me what to do. Take this money out of the Treasury that to-day is the fruitful source of all sorts of inventions for extravagance and even for fraud, and build five first-class iron-clads that can face the navies of the world and that can defend our seaboard both on the Atlantic and on the Pacific. We are wasting this money day by day in the construction of naval pleasure-boats and commerce-destroyers. We have no commerce. Our cities to-day are in the hands of any maritime nation that chooses to attack them, and yet Senators say that we must build a navy when our seaboard itself is defenseless!

The remedy is in the application of the vast resources of the people of the United States to the immediate necessity before them. We are asked to expend now this additional $2,500,000 in the face of the statement that the four vessels now under contract with Mr. John Roach are a failure. The highest authority in Great Britain and in the United States has so pronounced them. In his report of November, 1883, which I have before me, Admiral Porter says that those vessels are not fit for war. He says that their sailing apparatus is defective and inefficient, and he calls the attention of the people of the United States and of the Government to the fact that coal is now made contraband of war by all the European powers, and therefore that unless they have this sail-power they are practically inefficient in the event of hostilities between us and any foreign nation. More than that, in the London Engineer, the highest authority on these subjects, an article appears, and it is entirely a responsible journal, which says:

In the design of the cruiser Chicago an English engineer and naval architect will find at every turn something defective. It is not easy to see for what she is intended; against ironclads she would be helpless. It is difficult to understand what purpose the inch-and-a-half steel deck is to serve; it is too thick for a deck and too thin for defense. There is no manner of protection provided for the men, save trumpery shields on the guns. There is good reason for doubting if the Chicago can ever be a fast vessel. Her engines are revivals of devices long since obsolete, and all the vices of American marine engineering manifest themselves. No English engineer in his senses would dream of putting in compound beam engines to drive twin screws. Defective as the engines are, they are admirable when compared to the boilers. To go to sea with such boilers is simply to court destruction.

Yet we are called upon to put in the hands of the Secretary of the Navy millions more to be paid out to the same contractor, as we know it will be, to build similar vessels.

Mr. President, I will not be disingenuous enough not to state that I am unwilling to put this amount of money in the hands of the present Secretary of the Navy, unless it be under overwhelming necessity and under limitations much more stringent than those found in the bill now before the Senate. When the Senator from Delaware [Mr. BAYARD] rises upon this floor, as he has done more than once, and declares from his personal knowledge that the present Secretary of the Navy was the paid agent and lobbyist of John Roach for five years in this Capitol, when we see the contract for the construction of these new vessels given to Mr. Roach, when the Senator from New Jersey [Mr. MCPHERSON] stands here and reads the statement of a respectable man, a man of high character, to the effect that he would not bid upon these vessels because he could not have the same facilities for inspection that were afforded by the Navy Department to Mr. Roach, I must be pardoned for expressing my doubt as to the propriety of going further in the direction which we are now traveling.

As I have stated and as the Senator from Kentucky has said, naval power and commercial supremacy are inseparable. The Navy and the merchant marine must go together. They have declined together; they must advance together or cease to exist. There can be about this no sort of question, because you may build all the ships that you please, you may cover the ocean around your coast with armadas, you may construct marine artillery equal to any upon the globe, but unless you have the sailors with which to man the vessels, American sailors, such sailors as we had in the war of 1812, all these means and appliances will amount simply to nothing.

I wish to detain the Senate for a short time to examine into the causes which in my judgment led to the decadence of our Navy and of our merchant marine. To-day the bill before the Senate is constructed upon the very same ideas which Mr. John Roach and his colleague year year after year are attempting to impress upon Congress and upon the American people. We can not build ships, we can not make guns; yet Mr. Roach says you must not have ships and you must not have guns unless Americans can build the ships and make the guns. In all these long years of national dishonor and of national peril under this miserable, bigoted, and narrow policy, we have been listening to one or two men and their allies in the United States who say to us, "You shall not buy abroad," while they know and we know that we can not manufacture at home.

Every other nation upon the earth has torn down this system. There is not in all Christendom a single civilized nation except the United States that adheres to any such barbarism. Yet, as I said before, with 10,000 miles of seaboard, we listen to Mr. Roach and to this miserable cry, that until American ship-yards and American gun-makers can furnish these vessels of war and this artillery we must remain as we are.

Mr. JONES, of Florida. Will the Senator permit me to interrupt him again?

Mr. VEST. Certainly.

Mr. JONES, of Florida. Admitting the truth of what the Senator states in respect to the commercial marine (and I do not know that I differ from him in his views generally), it is important to ascertain the cause of the decadence. Is there any difference in the state of the laws with respect to the commercial marine between 1855 and the present time?

Mr. VEST. It is my purpose to answer that fully if the time will permit, but I will say to the Senator distinctly there is no difference in our mercantile laws. We have had since the year 1789 of blessed memory the very same navigation system substantially that we have to-day. I shall present in detail all the facts in regard to that matter, showing that the civil war did not cause this decline.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. HALE. If the Senator will allow me to make a suggestion it will be entirely as he prefers about it. There are matters that the Committee on Foreign Relations desire to bring before the Senate in executive session. So far as I am concerned I will express my willingness that the consideration of this bill shall cease for the present and that the Senate shall go into executive session in order that that matter may be taken up. I see the Senator is starting upon a new phase in his speech. Would it be agreeable to him to suspend his remarks and finish to-morrow, or would he prefer to go on to-night?

Mr. VEST. The only reason I speak upon the bill (I would prefer to speak upon the shipping bill, although the two subjects are indissolubly connected) is that I expect to leave the city day after to-morrow for home, and shall be gone some days.

Mr. HALE. I shall endeavor to call the bill up early in the morning after the routine business.

Mr. VEST. If the bill can be taken up soon in the morning I have no objection to yielding now, of course. I consult the convenience of the Senate.

Mr. HALE. Then upon that intimation I move that the Senate proceed to the consideration of executive business, giving notice that I shall endeavor to call the appropriation bill up in the morning after the routine business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 11 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *April* 8, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. LORE. Mr. Speaker, I ask unanimous consent that we dispense with the reading of so much of the Journal as relates to the formal introduction and reference of bills.

There was no objection.

The remainder of the Journal was then read and approved.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. O'NEILL, of Missouri, for ten days, on account of important business.

#### ORDER OF BUSINESS.

Mr. DUNN. I ask unanimous consent to take from the House Calendar the bill H. R. 5692—this is a bill to adopt the revised international regulations to prevent collisions at sea—with a view to putting it upon its passage.

Mr. MILLS. Are we not to take up the business of the Territories to-day immediately after the reading of the Journal?

The SPEAKER. If the regular order is demanded, that will be the procedure.

Mr. MILLS. I have no objection to the request of the gentleman from Arkansas individually.

Mr. EVINS, of South Carolina. If it will involve any discussion I shall demand the regular order.

Mr. HARDEMAN. I demand the regular order.

Mr. DUNN. I hope the gentleman will not insist until after we have passed this bill, which will lead to no debate, I think.

Mr. HARDEMAN. To-day has been set apart for the consideration of business from the Committee on the Territories, under the order of the House. We have only two days assigned for that business, and I insist upon the demand.

Mr. GIBSON. I desire to make a statement. I wish to say that if I had been present on yesterday afternoon when the vote was taken on the Thompson resolution I should have voted "ay."

The SPEAKER. The regular order is the consideration of business reported from the Committee on the Territories.

Mr. PAYSON. I desire to inquire whether it would be in order under the resolution adopted on yesterday to call up the unfinished business of the last legislative day?

The SPEAKER. The Chair thinks not. The Chair thinks that by the action of the House on yesterday this day was dedicated to the consideration of bills reported from the Committee on the Territories, and this has preference over all special orders or the unfinished business.

#### ANNOUNCEMENT OF A PAIR.

Mr. MONEY. I wish to announce, since it was not done on yesterday, that on the motion of the gentleman from Ohio [Mr. CONVERSE] to suspend the rules and pass a bill to restore the duty on imported wool I was paired with the gentleman from Pennsylvania, Mr. BINGHAM. He would have voted in favor of the motion; I would have voted against it.

#### L. B. COOK.

Mr. ADAMS, of Illinois. I rise, Mr. Speaker, for the purpose of presenting a privileged report from the Committee on Accounts. I am directed by the committee to report back the resolution which I send to the desk, with the recommendation that it be referred to the Committee on Appropriations.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved*, That the Clerk of the House be, and he is hereby, directed to pay L. B. Cook, out of the contingent fund of the House, a sum equal to the difference between the compensation received by him as fireman and assistant engineer in charge of the House elevator, at $1,200 per annum, from the 22d of February, 1883.

The resolution and report were ordered to be printed, and referred to the Committee on Appropriations.

#### BUSINESS FROM THE COMMITTEE ON THE TERRITORIES.

Mr. EVINS, of South Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on the Territories.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BLACKBURN in the chair).

#### BOUNDARY LINE BETWEEN UNITED STATES AND TEXAS.

Mr. EVINS, of South Carolina. Mr. Chairman, I desire, under the rule of the House adopted on yesterday and under instructions from the Committee on Territories, to call up for consideration the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Whereas conflicting claims are asserted, respectively, by the State of Texas and the United States to that portion of territory lying between the North Fork of Red River and the South Fork (or Prairie-Dog-Town Fork) of Red River, the same being claimed by the State of Texas, and so designated on its maps as Greer County, and also claimed by the United States as part of the Indian Territory; and

Whereas in consequence of said conflicting claims great difficulty and confusion exist, and the exercise of governmental functions between the respective claimants over said territory is much embarrassed and obstructed; and

Whereas the State of Texas has authorized the appointment of a commission, to act with a similar commission to be appointed by the United States, to settle and establish the boundary lines of said territory so respectively claimed; and

Whereas it is desirable and important that a settlement of these conflicting claims should be had, to the end that the said question of boundary now in dispute may be settled: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to appoint a commission of three persons, who shall be well versed in the laws governing boundary lines, and one of whom shall be a practical engineer, or if, in the pleasure of the President, it is deemed more expedient, to detail one or more competent engineers of the Army, who, in conjunction with such person or persons as may be appointed by the State of Texas, shall, at such time in the near future as may be indicated by the President, official notice of which time shall be given by him to the governor of Texas at least one month in advance of the actual service of such commission, run and mark the boundary line between said portion of the Indian Territory and the State of Texas now in controversy; and said commission shall, as far as possible, ascertain and determine the Red River indicated and intended by the treaty between the United States and Spain of date February 22, 1819. In running and marking said boundary line the said commission shall proceed as follows: Beginning at the point where a line drawn from the point where the thirty-second degree of north latitude crosses the western bank of the Sabine River, crossing Red River, and thence following the course of said Red River westwardly to the degree of longitude one hundred west from London and twenty-three degrees west from Washington, as laid down in Melish's map of the United States published at Philadelphia, improved to the 1st of January, 1818. Said commission will report their action in the premises, upon the completion thereof, to the Secretary of the Interior, with all necessary notes, maps, and other papers, in order that in determining this part of the boundary between the Indian Territory and the State of Texas it may be definitely settled whether the North Fork or the South Fork (or Prairie-Dog-Town Fork) of said river is the main or true Red River contemplated in said treaty; and the said Secretary of the Interior shall transmit the said report of such commission to Congress at the next session thereof after such report may be made, for action by Congress.

SEC. 2. That when the main or true Red River is by said commission ascertained, then such land-mark as shall plainly indicate and define the same as a corner shall be erected at the point where the one hundredth degree of longitude west from Greenwich crosses Red River.

SEC. 3. That the sum of —— dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act: *Provided*, That the same shall be applied only to the commission appointed by the United States.

Mr. LANHAM. I call for the reading of the report.

The report is as follows:

Mr. LANHAM, from the Committee on the Territories, submitted the following report (to accompany bill H. R. 1565):

The Committee on the Territories, to whom was referred the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary line between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas, respectfully submit the following report:

The object of the bill is the ascertainment of the dividing line between a part of the Indian Territory and the State of Texas, through the instrumentality of a commission, the results of whose investigations are to be hereafter submitted to Congress, in order to settle a question of confusion of boundary.

The Legislature of the State of Texas, on the 2d May, 1882, passed an act authorizing the governor of that State to appoint a commission to act in conjunction with a similar commission on the part of the United States for the purpose stated in this bill; and it is now proposed to raise the commission on the part of the United States, and to direct its action in the premises, affording thereby an opportunity to the State of Texas to co-operate with the United States in the determination of the facts out of which the controversy arises. For more than a quarter of a century it has been contended by the State of Texas that the boundary line between a portion of the Indian Territory and that State is what is now known as the North Fork of Red River up to the degrees of longitude 100 west from London and 23 west from Washington. It is claimed by the United States that what is now known as the South Fork of Red River is the boundary.

The territory lying between these two streams is that which is in dispute. It is distinctively known in Texas as Greer County, and so designated on the maps of that State. If the North Fork be the boundary this tract of country is a part of Texas; if the South Fork be the boundary, it is a part of the Indian Territory. In extent it is approximately 2,400 square miles. The dispute has its inception in the different constructions and understandings which obtain as to the true meaning and intention of the contracting parties in the treaties between the United States and Spain of date February 22, 1819, and the United States and

Mexico of date January 12, 1828, with reference to the boundary line between the different countries as therein designated. So much of said treaties as is here pertinent reads as follows:

"The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico at the mouth of the River Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude, thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude 100° west from London and 23° from Washington. * * * The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818." (*Vide* U. S. Stat. at Large, relating to public treaties, pp. 713, 474.)

Texas was admitted into the Union upon this boundary line (27th December, 1845). The said Melish's map is now on file in the State Department, and upon it only one stream is laid down as Red River, and that is shown to be a continuous stream, without fork or tributaries, until after it passes far beyond the said meridian. At the dates of said treaties, but one stream was known as Red River. Subsequent explorations have discovered the fact that there exists two streams (North and South Forks of Red River) which flow together before said degree of longitude is reached, and the point of controversy is which of these streams is the Red River contemplated and intended by said treaties "as laid down on Melish's map?" While it is not the purpose of this committee to express any opinion as to the relative merits of the conflicting claims to this territory, or to declare in favor of the title of either party, believing as they do that the investigations of the commission to be appointed ought to be free and untrammeled, still by way of formulating the nature and importance of the controversy, and emphasizing the necessity for its adjustment, it is considered not improper to submit the following statement, designed as evidentiary of the existence and magnitude of the question. For years, by the executive, legislative, and (in part) judicial authority of Texas, this territory has been claimed as being within the jurisdiction of that State.

In 1860, General Sam. Houston, who was then governor of Texas, in speaking of this matter said:

"The traditionary history of Indian tribes along its banks, the evidence of Marcy's survey, and the prominent features laid down in Melish's map alike established the fact that the North Fork is the main prong of Red River."—*Letter to William H. Russell*, 28th of April, 1860.

E. M. Pease, ex-governor of Texas, who began his investigations upon this subject in 1853, said:

"From a review of all the facts and circumstances, I am forced to the conclusion that Greer County (territory in dispute) rightfully belongs to Texas."—*Letter to John M. Swisher*, October 3, 1882.

Ex-governor O. M. Roberts, and ex-chief-justice of the supreme court of Texas, said:

"When the line may be run, * * * and with a knowledge of all the facts, the territory of Greer County, between the forks of the two streams, will be found to belong to Texas."—*Special message to Texas Legislature*, January 10, 1883.

Governor John Ireland, among other things, says:

"Inasmuch as this State feels that she has a perfect title to the territory (Greer County), I respectfully and earnestly urge such steps on the part of the United States as will enable the joint commission to be raised. * * * I am aware that the Secretary of the Interior holds that the territory belongs to the United States; we are no less confident that the territory belongs to Texas."—*Letter to President Arthur*, August 24, 1883.

By the Legislature of Texas this territory has been indicated as an integral part of the State, defined and designated as Greer County (Revised Statutes of Texas, page 132); it has been placed in land districts (*Id.*, 548); its vacant and unappropriated public domain has been set apart, one half for public free schools for the education of children in Texas without reference to race or color, and the other half for the payment of the State debt (Acts Sixteenth Legislature, page 16); it has been placed in judicial districts (Acts Sixteenth Legislature, page 28; Acts Seventeenth Legislature, page 8); it has been included in State senatorial and representative districts, and is a part of the eleventh Congressional district of that State.

In August, 1881, one James S. Irwin was indicted in the (State) district court of Wheeler County, Texas (to which county the territory now in dispute had by statute been attached for judicial purposes), for the murder of one Bryson, committed in Greer County. The defendant was brought to trial. A plea to the jurisdiction of the court was by him entered, upon the ground that Greer County was not a part of Texas nor subject to its jurisdiction. The said district court, Hon. Frank Willis, judge, overruled the plea, held that Greer County was a part of Texas, and that her courts had cognizance of offenses therein committed. Bryson was convicted of murder in the first degree, his punishment assessed by the jury at imprisonment in the penitentiary for life, was sentenced accordingly, and is now serving a life-term in the State prison of Texas.

In a still more recent case before the same judge it was sought by parties owning property in Greer County to resist the payment of taxes to the authorities of Texas, and by injunction to restrain the collection thereof, because it was alleged that Greer County was a part of the Indian Territory. The court upon hearing dissolved the injunction, and held that the assessment and collection of taxes in the said Territory by the officials of Texas was legal, thus again deciding in favor of the jurisdiction and dominion of Texas over the tract of country in controversy.—*Letters of Judge Willis to Mr. Lanham*, dated October 19, 1883, and December 27, 1883.

This will serve to show with what earnestness the claim of Texas is asserted.

On the other hand it is maintained with equal earnestness by the Secretary of the Interior that the territory in controversy is a part of the Indian Territory, and much has been recited by the Department of the Interior in support of the claim of the United States. (Senate Ex. Doc. No. 70, Forty-seventh Congress, first session; extract from Report of the Secretary of the Interior for 1877 on Texas boundary.) Much interesting information on this subject can also be had by consulting Senate Doc. No. 54, Thirty-second Congress, second session, which contains the exploration of the Red River of Louisiana, in the year 1852, by Randolph B. Marcy.

This bill may be regarded in the nature of a revival of an act of Congress passed June 5, 1858 (Vol. 11., U. S. Stat. at Large, p. 311), providing for a Texas boundary commission, and is really no new measure. In 1854 (11th February) the Legislature of Texas passed an act authorizing the appointment of a commission to co-operate with a similar commission of the United States to ascertain the identical boundary line now sought to be discovered, and in 1858, as above stated, Congress responded to the efforts of Texas by raising the commission; but no final report has ever been made in the premises, and the matter remains to all intents and purposes as if nothing had been done. This question has received some attention from the Forty-seventh Congress. In December, 1881, a bill (No. 1715) was introduced in the House to define the boundary between the Indian Territory and the State of Texas, the purport of which was to affirmatively settle the question without the intervention of a commission, and to relinquish all claim by the United States to the territory in dispute. The committee to whom that bill was referred, while expressing an opinion adverse to the title of Texas to the disputed territory, still say:

"It is manifest, therefore, that some means should be taken to settle this dispute as soon as possible. Conflicts are arising between the United States authorities and persons claiming to exercise rights on the disputed tract under the jurisdiction of the State of Texas; bloodshed and even death has resulted from this conflict." (H. R. Report No. 1282, Forty-seventh Congress, first session.)

"But inasmuch as the claim is disputed, and that with the earnestness of belief on the part of Texas, and inasmuch as none of the surveys referred to have been made with the privity of the State of Texas, the joint commission appointed (act June 5, 1858) having failed to act in concert, your committee are of the opinion that that State should have a hearing in the matter, and should have an opportunity to co-operate with the United States in settling the facts upon which the question in dispute rests. A substitute is reported for the appointment of a joint commission, the passage of which is recommended." (*Id.*, p. 4.)

No action was had at that Congress upon the joint resolution (No. 223) which accompanied the report from which the above extracts are made.

On the 24th January, 1882, there was introduced in the Senate a bill (S. 954) creating a commission as contemplated in the bill now under consideration. It passed the Senate, but has received no final attention upon the part of the House, so far as your committee is advised. Many important considerations suggest the necessity of the passage of this bill; questions of jurisdiction, of revenue taxation, of title to real estate, of the settlement and development of the country, of public peace, and others of kindred nature, all combine in support of this measure. The question of title to the disputed territory is pretermitted in the bill, and its object is the raising of the commission for the ascertainment of facts as a basis for the future action of Congress. Your committee, therefore, recommend that the bill with the amendments hereinafter suggested do pass, and further, that it receive the consideration of the House at the earliest possible opportunity.

AMENDMENTS.

Correct certain typographical errors in the first section of the preamble as indicated in the copy of the bill herewith submitted.

In the fifteenth line, page 2, section 1 of the bill, strike out the word "said" and insert the word "that."

In the twenty-fourth line, page 3, section 1 of the bill, strike out the word "crossing" and insert the words "running due north strikes."

In the first line, section 3, page 4 of the bill, insert in the blank space the words "ten thousand."

In the fourth line, section 3, page 4 of the bill, between the words "act" and "provided" insert the words "the same to be expended under the direction of the Secretary of the Treasury."

Mr. LANHAM. Mr. Chairman, it is not my purpose——

Mr. EVINS, of South Carolina. Mr. Chairman, if the gentleman from Texas will permit me to interrupt him, I understand that this will give rise to some debate, and I ask unanimous consent now that the debate be limited to one hour, to be divided equally between the two sides of the House.

Mr. REED. Mr. Chairman, I think this bill is here under a misapprehension. I think the object of the House in passing the rule which was presented by the gentleman from Pennsylvania the other day was intended in good faith to give two days for the consideration of legislation in relation to the Territories directly. Instead of that here is a boundary dispute between the United States and the State of Texas, and I submit to the chairman of the Committee on the Territories that this ought to be laid aside by general consent.

Mr. EVINS, of South Carolina. I have no option in the matter. The committee directed me to call up the bills in the order in which they appear upon the Calendar. This bill is embraced within the terms of the resolution adopted on yesterday and is here now for consideration. I repeat that I have no volition in the matter, but am acting in obedience to the instructions of the committee.

Mr. REED. This bill will give rise to much discussion and take up the time which was given to the Territories for other purposes.

Mr. LANHAM. What time does the gentleman from Maine want?

Mr. REED. As far as I am individually concerned, only a few moments; but so far as the rest of the House is concerned it may take considerable time, for it is an important matter, and will prevent the consideration of other business for the Territories.

Mr. LANHAM. It simply relates to the creation of a commission to determine a question of dispute. It is not a question of title at all, but simply a settlement of a matter of dispute as to lands claimed by the Secretary of the Interior on one side, as a part of the Indian Territory, and the State of Texas on the other as a part of the State of Texas. All that this bill seeks to do is simply to raise a commission.

Mr. REED. I think it means more than that.

Mr. HORR. I submit to the gentleman from Texas [Mr. LANHAM] that that is a very mild statement of this case. I have given it a good deal of attention. It involves a question between the United States Government and the State of Texas as to a tract of land twice as large as the State of Rhode Island. It involves a question of the old original treaty between Mexico and the United States.

Mr. EVINS, of South Carolina. I can not yield for a discussion of the question on its merits.

Mr. HORR. I do not see how the bill comes in here under the resolution of the House adopted yesterday.

The CHAIRMAN. What is the request of the gentleman from South Carolina [Mr. EVINS].

Mr. EVINS, of South Carolina. I ask unanimous consent that general debate on this bill be limited to one hour, to be equally divided between the friends of the bill and those opposed to it.

The CHAIRMAN. The ordinary method in limiting debate is for the committee to rise and have the order made by the House. Debate can only be limited in committee by unanimous consent.

Mr. HORR. I certainly must object.

Mr. HISCOCK. I make this suggestion to the gentleman from South Carolina: that this bill be allowed to lie over until the next day assigned for the consideration of business from the Committee on the Territories.

Mr. LANHAM. I will say to the gentleman from New York that it is very important that this question should be settled. The bill is reported by the Committee on the Territories with a unanimous recom-

mendation in favor of its passage. The Secretary of the Interior, representing the United States, in a letter transmitted by the President to Congress, recommends that a commission be appointed.

Mr. REED. But not this bill.

Mr. LANHAM. He recommends the appointment of a commission; and the Secretary of the Interior had before him the act of the State of Texas which is almost in every respect similar to the bill now proposed.

Mr. EVINS, of South Carolina. I do not intend to discuss the merits of the bill at this time, but only to answer what has been said. I do not see what great harm action on this bill can do. As stated by the gentleman from Texas [Mr. LANHAM], it simply authorizes a commission to go and lay out the boundary and report their action to Congress. Nothing they do can have any legal effect until Congress takes action. In other words, it is nothing but a simple inquiry into the facts of the boundary line between Texas and the Indian Territory.

Mr. HISCOCK. If my suggestion is acted upon there will certainly be but a brief postponement; and if it be at all right and fair the postponement can do it no harm. It will give the members of this House an opportunity to investigate the matter and to advise themselves in reference to the merits of the bill and the opposition to it, if any. If it stands over in that way we can all be fully posted, and the result will be, if there should really be no reasonable objection to it, there will be substantially no debate.

Mr. EVINS, of South Carolina. I should like very much indeed if it were in my power to accommodate my friends; but I stand here under instructions of the committee asking the consideration of this bill.

Mr. HISCOCK. Does the gentleman see any objection to my proposition? When is the next day that is assigned to the committee?

Mr. EVINS, of South Carolina. The 13th of May.

Mr. HISCOCK. Certainly no harm can be done between now and the 13th of May, and in the mean time there will be an opportunity for members to investigate the matter.

Mr. REAGAN addressed the Chair.

The CHAIRMAN. The Chair will state that what is now proceeding is altogether informal and outside the rule.

Mr. EVINS, of South Carolina. If we can not have unanimous consent to limit debate, I shall move that the committee rise for that purpose.

The CHAIRMAN. The Chair understands that objection is made to the proposition of the gentleman from South Carolina that general debate on this bill be limited to one hour. Thereupon the gentleman moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas, and had come to no resolution thereon.

Mr. EVINS, of South Carolina. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the pending bill. And pending that motion I move that all general debate on the bill be limited to one hour, to be equally divided between the friends and opponents of the measure.

Mr. REED. I make the point that there has been no general debate in the committee; and I suggest that the debate can not be limited until after it has been entered upon.

Mr. EVINS, of South Carolina. The gentleman from Texas [Mr. LANHAM] took the floor and commenced to speak.

Mr. REED. There has been no general debate. The gentleman from Texas did not begin his speech.

The SPEAKER. Of course the present occupant of the chair has no information on that subject except the statements of the gentlemen on the floor. If it be a fact that general debate had not commenced on the bill, then under the rules of the House the Chair thinks it would not be in order at this time to move to limit general debate.

Mr. EVINS, of South Carolina. The gentleman from Texas did take the floor and commence his argument; and I interrupted him to ask unanimous consent for the limiting of general debate.

Mr. REED. I think the gentleman from Texas had got as far as "Mr. Chairman," which to my mind does not constitute general debate, however debatable the chairman might be.

Mr. REAGAN. The wit of the gentleman from Maine is made at the expense of facts. There was not much debate, but there was more than he states.

The SPEAKER. The present occupant of the chair has no information upon that subject except what is now stated on the floor. One gentleman insists there was debate; another insists there was not.

Mr. REED. I suppose the Journal Clerk ought to be able to state what is the fact, or the Chair ought to have some authentic information from some source.

Mr. EVINS, of South Carolina. I am satisfied that the notes of the reporter will show that the gentleman did commence his speech.

The SPEAKER. As at present advised the Chair sees no way to determine the matter except to submit to the House the motion of the gentleman from South Carolina [Mr. EVINS]. The gentleman moves that the House now resolve itself into Committee of the Whole on the state of the Union, and pending that motion he moves that all general debate upon the bill under consideration in that committee be limited to one hour.

Mr. REED. But if the Chair please, I make the point of order that that motion can not be made until after general debate has begun in the Committee of the Whole.

The SPEAKER. The Chair thinks that is correct under the rules of the House.

Mr. REED. There must be some means of ascertaining the fact. I am speaking according to my understanding of it; of course I may be mistaken.

Mr. EVINS, of South Carolina. Gentlemen who were much nearer did hear debate.

Mr. REED. If the Chair please, I am aware that this is a new question in its present aspect, for the simple reason that no body ever before undertook to stop general debate upon a bill until after the first speaker had concluded. I submit to the Chair that the true ruling would be that general debate can not be closed until the first speaker has finished.

The SPEAKER. This is one of the matters upon which the chairman of the Committee of the Whole never makes any report to the House, and therefore the presiding officer of the House has no means of ascertaining officially whether general debate had been begun or not.

Mr. EVINS, of South Carolina. The facts are simply these: the gentleman from Texas [Mr. LANHAM] had taken the floor and commenced his speech. I asked him to yield to me for the purpose of obtaining unanimous consent of the committee to limit general debate to one hour. Those are the facts.

Mr. REED. And as unanimous consent was refused, thereupon the gentleman from Texas resumed the floor.

The SPEAKER. The Chair is informed by the Official Reporter of Debates taking notes at the time that there was in fact no general debate. The gentleman from Texas [Mr. LANHAM] rose, addressed the chair, and began a sentence, then yielded to the gentleman from South Carolina [Mr. EVINS], and afterward the committee rose.

Mr. REED. The gentleman from Texas [Mr. REAGAN] will perceive that my statement in regard to "Mr. Chairman" was not at the expense of accuracy.

The SPEAKER. The question is upon the motion of the gentleman from South Carolina [Mr. EVINS] that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLACKBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole and resumes consideration of the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary line between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

Mr. EVINS, of South Carolina. I now yield the floor to the gentleman from Texas [Mr. LANHAM]. I would inquire of him how much time he desires.

Mr. LANHAM. I do not propose to occupy more than a few minutes; I think possibly fifteen minutes will be sufficient for all that I desire to say.

Mr. EVINS, of South Carolina. Then I yield to the gentleman for fifteen minutes.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] is entitled to the floor for fifteen minutes.

Mr. REED. Will the gentleman permit me to make a suggestion?

Mr. LANHAM. Certainly.

Mr. REED. I would like very much if the gentleman would kindly address himself to the suggestion made by me, that is, that the bill reported from the Committee on the Judiciary last year by the gentleman from Michigan [Mr. Willits] be adopted as a substitute for the pending bill, and then I think there will be no objection to it.

Mr. LANHAM. I will endeavor to give due consideration to the suggestion of the gentleman. As I stated before, this bill has been unanimously reported by the Committee on Territories, and they have recommended that it be considered in the House at the earliest practicable opportunity.

This bill is practically in the nature of an order of survey made in an action of ejectment, where parties litigant are laying claim to the same tract of land, and there is a question of confusion of boundary. In this particular case the State of Texas insists that she is entitled to a certain tract of territory; the United States, through the Secretary of the Interior, insists that the title to that tract of country is in the United States. Now, what we seek is to have a commission to go upon the ground, examine the *locus in quo*, ascertain the facts and report the same to this or to a succeeding Congress, in order that proper action may be taken so as to settle the matter in controversy.

I have prepared a crude diagram, not very accurate nor yet very

elegant; but I hope it will subserve me for the purpose of illustrating the matter now under consideration. Under the treaty between Spain and the United States of date February 22, 1819, and the treaty between the United States and Mexico of date January 12, 1828, so much of the boundary therein agreed upon as is here pertinent is as follows, which I read:

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude, thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington. * * * The whole being as laid down in Melish's map of the United States published at Philadelphia, improved to the 1st of January, 1818. (*Vide* U. S. Stat. at Large, relating to public treaties, pp. 713, 474.)

The State of Texas was admitted into this Union upon the same boundary. Now, the Melish map, which is made a part of those treaties, shows the Red River to be one continuous stream until after it passes the one hundredth degree of longitude. In 1819, when this first treaty was made, this was an unknown land; and I think I may safely assert that no topographer had ever visited that country. Neither Melish himself nor any other had ventured that far on the frontier at that time. Hence it may safely be assumed that the Red River as here laid down is merely a supposititious or conjectural delineation of that stream. Subsequent explorations made thirty years afterward have discovered the fact that instead of the Red River being one continuous stream, as laid down on Melish's map, until after it passes the one hundredth meridian, there are two streams, as I have indicated on the diagram which I hold in my hand.

This [illustrating] represents the Indian Territory; this the State of Texas; this the Red River east of the confluence of the two streams; this the North Fork of the Red River; this what is known as the South Fork of that river.

The United States, through the Secretary of the Interior, claims that the South Fork of the Red River is the boundary. The State of Texas claims that the North Fork of the Red River is the boundary. I have indicated by an interrogation point upon this diagram the point of dispute.

Now, if the South Fork is the boundary, that land [illustrating] belongs to the United States and is a part of the Indian Territory. If the North Fork is the boundary, it belongs to Texas. It is distinctively known in Texas as Greer County. We in Texas have believed for more than a quarter of a century that this land belongs to Texas; that the North Fork is the real Red River contemplated and intended in Melish's map, which was made a part of the treaty.

But it is contended with great earnestness by the Secretary of the Interior that this land belongs to the United States. This controversy has existed for a long time. Under different political administrations of the State of Texas the chief executives of that State have insisted upon the fact that this land belongs to the State of Texas. They have made applications to the Congress of the United States in more than one instance for a co-operative commission to be created by Congress, to act with a similar commission on the part of the State of Texas. In May, 1882, the Legislature of my State passed an act creating a commission so far as Texas was concerned, to co-operate with a similar commission to be appointed by the United States to run and mark this boundary and to determine in point of fact which one of these two streams is the main Red River. The governor of my State, Hon. John Ireland, in August of last year wrote a letter to the President of the United States transmitting a copy of the act of the Legislature of Texas. That letter was referred by the President to the Secretary of the Interior. This officer investigated the question with the act of the State of Texas before him, not essentially dissimilar from the bill now proposed, and returned his opinion to the President, who then transmitted that letter to Congress for its consideration in a special message.

Now, here is the State of Texas asking the United States for a commission to assist in settling this question of confusion of boundary. The controversy arises from what a lawyer would designate as a latent ambiguity. We do not know in point of fact which one of these streams is the Red River. It is necessary to go upon the ground to get authentic facts upon which this or a future Congress can act.

The Committee on the Territories has expressly pretermitted any question of the consideration of title whatsoever, and has limited itself to a statement of the controversy which unquestionably exists.

Now, the Secretary of the Interior, with all the lights before him, with all the facts gathered from his predecessors in office—because in 1858 there was a commission created on the part of Congress to go there and co-operate with Texas in surveying the lines between that State and the Territories of the United States—the Secretary of the Interior with much information before him, including our Texas statute upon the subject, submitted a letter from which I will quote. Having recited the statute of Texas, taking it up *seriatim*, he comes to this conclusion:

It will be seen from the foregoing that the question of the disputed boundary has never been determined between the United States and the State of Texas. The latter State desires a speedy adjustment of the question, and in view of the settlement of the territory in controversy and the claims made to the tracts of land lying therein, and in view of the civil jurisdiction which prevails or ought to prevail therein, it is important that such boundary line should be finally fixed and determined. The question—

Now listen—

The question to be determined is which fork of the Red River was intended under the treaties and joint resolutions before recited to mark and designate the boundary between Texas and the United States. I submit that this does not necessarily depend upon the relative size or formation of the forks. I am of opinion—

This is the language of the Secretary of the Interior—

that it is necessary that a joint commission on the part of the United States and Texas should be formed to determine definitely such boundary line, and recommend that proper steps be taken for that purpose.

The Secretary of the Interior, as I have stated, had before him the act of the State of Texas upon this subject; and he comes to the conclusion which I have read. I might read from the report of the Judiciary Committee of the last Congress, a part of which is embodied in the report of the Committee on Territories, saying that it is manifestly necessary that some steps should be taken to settle this question.

It may not be improper for me to state that a bill almost identical with that now before the Committee of the Whole was passed in the Senate of the United States during the last Congress. I may further be permitted to state that the Committee on Territories has reported the identical bill now under consideration in the Senate.

So there seems to be no doubt now as to the propriety of trying to settle this question. Both the different political sovereignties with common *consensus* unite in the opinion that there ought to be a settlement of it.

The Secretary of the Interior, representing the Government of the United States in this respect, asks for a commission. The State of Texas asks for a commission. There is no doubt that the controversy exists. There is no question of title raised by the bill. Texas may be able to do without the tract of land in controversy, the United States may be able to do without it, but neither of these political sovereignties can afford to have the dispute perpetuated. All we ask in this bill, Mr. Chairman—and let me state it again—is an order for a surveying commission to go and ascertain the facts and report the same to Congress.

As further emphasizing the controversy which exists between the two governments, I hold in my hand, to which I invite attention, an official map of the Indian Territory, placing as part of the Indian Territory this tract between two forks of Red River. I have also before me an official copy of the map of Texas, which lays down as a county in Texas (Greer County) the very land claimed as part of the Indian Territory by the United States authorities. I wish to state one further fact. What is now known as the South Fork of the Red River, at the date of these treaties and at the date of the admission of Texas into the Union, was not known as any part of Red River. On the contrary, it was called Kechi-ah-qui-hono, which in Indian nomenclature means Prairie-Dog-Town River.

The CHAIRMAN. The gentleman's time has expired.

Mr. LANHAM. Mr. Chairman, I ask a moment more.

Mr. EVINS, of South Carolina I will yield to the gentleman from Texas what further time he requires to conclude his remarks.

Mr. LANHAM. Mr. Chairman, responding to the request of the gentleman from Maine [Mr. REED] I have this to say: I do not believe that the bill reported from the Committee on the Judiciary at the last session of Congress is sufficiently comprehensive and explicit to fully invite and direct the attention and control the action of the commission which should go there for the ascertainment of all the facts which are necessary to settle this question. That bill merely recites what the treaty is. I have taken the language of the treaty myself in this bill and made the initial point where the thirty-second parallel of latitude crosses the western bank of the Sabine River, then running by line due north to where it strikes the Red River, then following the course of Red River westward; and in making the survey it provides they shall determine, as far as possible, which one of these two rivers is the stream indicated by Melish's map.

If we take the report of the Judiciary Committee as made at the last session of Congress, or rather the substitute reported, it leaves to the arbitrary caprice or inclination of the commission to say where the one hundredth meridian crosses the Red River. Their attention is not directed to the fact that there are two streams known as Red River by that substitute. Nothing of that sort is done. There is no use of going and making a survey unless we procure some authentic and satisfactory evidence of the fact as to which one of these streams is the Red River. There is no question about the fact that the one hundredth meridian crosses both these streams, but Texas and the Secretary of the Interior of the United States ask that this question as to the real Red River of Melish's map shall be settled and that we shall have this commission to go on the ground and gather all the facts and report them to the Secretary of the Interior who shall in turn report them to Congress, and upon that information, so communicated, Congress shall act and either relegate this territory to Texas or hold that it belongs to the United States. There ought to be an end of the controversy and such means employed in the solution thereof as will offer some hopes of its consummation.

Mr. EVINS, of South Carolina. How much time have I remaining?

The CHAIRMAN. The gentleman has forty-two minutes remaining of his hour.

Mr. EVINS, of South Carolina. I will reserve the balance of my time.

Mr. REED. Mr. Chairman, I have not either as an individual or as a Representative the slightest interest where this portion of territory shall go, whether it shall be adjudged to belong to the United States or adjudged to belong to the State of Texas; all I care to have is the settlement of this question upon a basis of what is just and right. I have repeately offered to the gentleman from Texas to agree to the passage of the resolution which I shall move as a substitute for the one presented by him.

I want this House to understand what this discussion is about, because they have already by inattention in a past Congress complicated this matter by inadvertent legislation. In an act of Congress dated February 24, 1879, the legislation of the United States has located this county—for it is claimed to be a county—inside one of the judicial districts of Texas. Now, that was done not only without the knowledge of the House but also, I am informed, without the knowledge of the members from Texas. At least they never intended to forestall this question by any snap judgment or by any indirection. They not only tell us so but we all know that is so.

Mr. CULBERSON, of Texas. Will the gentleman permit me to interrupt him for a suggestion?

Mr. REED. Certainly.

Mr. CULBERSON, of Texas. If the gentleman will permit me I will state to him that the bill to which he refers was passed by Congress before there was a dispute on this boundary question. At that time there was no dispute whatever upon that point, and therefore the gentleman will see that there is a marked difference between the conditions existing then and now.

Mr. REED. I am very glad, Mr. Chairman, for the purposes of this discussion to have that statement made by the gentleman from Texas, because when we come to judge of this subject finally it will be a matter of importance, since it will show that it was not an intentional thing on the part of Congress.

But, sir, let me call the attention of the House to the fact that at the time Melish's map was made and at the time that the treaty was made by which we acquired Texas but one Red River was known, and that was the south fork of the Red River, and Melish's map shows it as plainly as any chartography can show anything on the face of the earth.

Now, there is but one opinion in the mind of any disinterested man who has examined the subject, and there can not be the slightest doubt of the fact that this territory in dispute and to which claim is made by the State of Texas belongs to the Indian Territory. All that is necessary then for Congress to do is to avoid ambiguous language which will transfer this territory which already belongs to us. Now, then, the point is this, simple and plain: Where on Melish's map did the one hundredth meridian cross the Red River? Did it cross it upon the northwest corner of Greer County or did it cross on the southwestern corner of that county? That point settled, the whole question in dispute is settled. That is the whole question presented. I repeat it whether on Melish's map, under the terms of the treaty, this point is in one place or another? How does this bill approach that subject? Instead of putting that point plainly and distinctly I believe that there will be a confusion created in the minds of every gentleman who has his attention directed to the subject. The language of the treaty is not used in the terms of the bill, but language is used which is satisfactory to the Representatives from the State of Texas.

Now I say this——

Mr. LANHAM. Will the gentleman permit me to interrupt him to read the language of the treaty?

Mr. REED. Most surely.

Mr. LANHAM. The language of that part of the treaty is as follows:

Thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches or Red River; then following the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas, &c.

That is the very language of the treaty itself. Now, the committee did not believe it was necessary to begin at the mouth of the river, in the sea, and survey all along up the river to find the point at issue; but we limited the application of the language to the point in controversy.

Mr. REED. That is the language of the treaty with a "but." Now let us have the language without any "but."

Mr. LANHAM. Does the gentleman think it is necessary, as I have said, to begin at salt-water and survey all the way up the river in order to determine the point at issue?

Mr. REED. I maintain that it is necessary to do precisely what the Willits bill calls for; that is, to mark the point where this meridian crosses Red River in the language of the treaty; and if you want to do that I am with you, otherwise I am not. Now, the point for this House to consider is whether it will adopt a bill recommended by a tribunal entirely disinterested in the question, or will it adopt a bill which is advocated word for word by the Representatives of the State of Texas, a party interested in this matter?

Now we all know, Mr. Chairman, that this question was before the Judiciary Committee last year. Why was it not there this year? Is it not a judicial question?

Mr. LANHAM. Will the gentleman permit me to answer that?

Mr. REED. Yes, sir.

Mr. LANHAM. I will do it with the permission of the gentleman. This bill in the Senate went to the Committee on the Territories. That, in my judgment, is the proper committee for its consideration. Why should it go to the Committee on the Judiciary?

All proposed legislation—

I read from the rule—

shall be referred to the committees named in the preceding rule, as follows: Subjects relating,

4. to judicial proceedings, civil and criminal law: to the Committee on the Judiciary.

Is there any judicial proceeding in this matter? Is there any civil or criminal law involved in it? None whatever. It is a mere question of fact—the ascertainment of the dividing line between Texas and a part of the Indian Territory.

What comes under the jurisdiction of the Territories?

Subjects relating to Territorial legislation, the revision thereof, and affecting Territories or the admission of States.

Mr. REED. The Indian Territory is not a Territory in the sense of that rule.

Mr. LANHAM. If the gentleman from Maine can find anything under that clause of the rule which I have just read which prohibits the Committee on the Territories from considering this matter, then I must say that he has succeeded in finding what I have not found. The authority is clearly lodged in the Committee on the Territories.

Mr. REED. The Indian Territory, I repeat, is not an organized Territory, and the question here involved is not necessarily a question which under the rule the gentleman has quoted would go to the Committee on the Territories. On the contrary, it is a judicial question, and was referred to the Committee on the Judiciary in the last Congress? That committee made a report upon the subject. It was made by Mr. Willits of Michigan. Every man here knows that he is a fair man—every man in the last Congress who met him; and his judgment of this question was embodied in this bill; and I think an effort was made to get it up but it failed.

Now, I want to call your attention exactly to the provisions of this bill of Mr. Willits. I ask you if it does not present a square statement of facts, and, if so, why it is desired to change it?

Whereas the treaty between the United States and Spain, executed February 22, 1819, fixed the boundary line between the two countries, west of the Mississippi River, as follows: Beginning on the Gulf of Mexico at the mouth of the Sabine River, in the sea, and continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches or Red River; thence following the course of the Rio Roxo westward to the one hundredth degree of longitude west from London and the twenty-third from Washington; thence crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source, in latitude forty-two degrees north; and thence by that parallel of latitude to the South Sea; the whole being as laid down in Melish's map of the United States published at Philadelphia, improved to the 1st of January, 1818; and

Whereas a controversy exists between the United States and Texas as to the point where the one hundredth degree of longitude crosses the Red River, as described in the treaty; and

Whereas the point of crossing has never been ascertained and fixed by any authority competent to bind the United States and Texas; and

Whereas it is desirable that a settlement of this controversy should be had, to the end that the question of boundary, now in dispute because of a difference of opinion as to said crossing, may also be settled: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to detail one or more officers of the Army—

Men from their occupation disinterested—

who, in conjunction with such person or persons as may be appointed by the State of Texas, shall ascertain and mark the point where the one hundredth meridian of longitude crosses Red River—

Now, one objection that was made to this was that it does not say where the Red River crosses the one hundredth meridian. If the Red River crosses the one hundredth meridian and the one hundredth meridian crosses the Red River, very likely it will be about at the same point.

Mr. LANHAM. But the one hundredth meridian crosses both these streams.

Mr. REED. The question is, Which is the Red River according to Melish's map—

in accordance with the terms of the treaty——

Mr. HAMMOND. Will the gentleman state what is the difference in the language of the proposed bill?

Mr. REED. I will show that when I get through the reading of this—

and the person or persons appointed by virtue of this act shall make report of his or their action in the premises to the Secretary of the Interior, who shall transmit the same to Congress, at the next session thereof after such report may be made, for action by Congress.

SEC. 2. That the sum of $10,000, or so much thereof as may be necessary, to be expended under the direction of the War Department, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of the United States in carrying out the provisions of this resolution.

Now I ask this House why that is not a fair thing? Why is it that something else is wanted?

Mr. REAGAN. Will the gentleman allow me to ask him a question?

Mr. REED. Yes, sir.

Mr. REAGAN. Was the gentleman from Maine in favor of that bill at the last Congress?

Mr. REED. Upon my word I can not say; but I think I voted for the report.

Mr. EZRA B. TAYLOR. The gentleman from Maine voted for it in committee.

Mr. REAGAN. I asked the question because I understood the gentleman from Maine was opposed to it.

Mr. REED. I think not. The reason I hesitated in answering the gentleman from Texas was that I could not recollect when the bill was brought up in committee and thought it possible it might have been brought up in my absence. I do not recollect having any feeling in the matter, except this, that if Mr. Willits had taken hold and examined the matter and came to the conclusion that it was a proper bill it was all right.

Mr. RYAN. Will the gentleman from Maine point out the difference between the bills?

Mr. REED. It is difficult for me to point out——

Mr. MILLER, of Texas. Will the gentleman permit me to say that the Territory of New Mexico was settled by the Mexicans. One or the other of these streams extends up into New Mexico. Which one is it? That will determine what was meant by the Red River by the Mexicans when they made the treaty.

Mr. REED. The question is, what is shown by Melish's map?

Mr. MILLER, of Texas. Melish got his information——

Mr. REED. I do not care where he got his information. But here is his map. Both parties in referring to that treaty said that the location was as laid down in Melish's map:

The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818.

It was not merely a verbal description, but it was a verbal description tied to a map and covered by a map.

Mr. MILLER, of Texas. Melish did not know where the Red River was.

Mr. REED. I do not care whether Melish knew where the Red River was or not. The question is where he said the river was.

Mr. WARNER, of Ohio. Will the gentleman from Maine point out the difference between the two bills.

Mr. REED. It is difficult for me to do that, because the second bill contains a complete change of phraseology.

Mr. JONES, of Texas. I ask the gentleman to state what is the difference between the bill of Mr. Willits and the bill before the House?

Mr. REED. If there is not any difference, why do you object to the other bill?

Mr. JONES, of Texas. Why do you oppose this bill?

Mr. REED. Because the bill I hold in my hand goes directly to the point and the other does not. The other goes into a long talk about the Dog-Town Fork of the Red River with an Indian name to it, and all sorts of matters imported into it which do not belong to the treaty or the discussion. We want it confined directly to the point.

Mr. HAMMOND. If the gentleman from Maine will permit me, I will say that this second bill uses this language:

That when the main or true Red River is by said commission ascertained, then such landmark as shall plainly indicate and define the same as a corner shall be erected at the point where the one hundredth degree of longitude west from Greenwich crosses Red River.

The point is that the true river on Melish's map is ascertained; and this bill is to render uncertain what is now certain by the treaty.

Mr. REED. Precisely.

Mr. HAMMOND. Whether the map is right or wrong, the treaty was made by the map.

Mr. REED. That is it, precisely.

Mr. WARNER, of Ohio. Then Melish's map ought to be repeated in this second section.

Mr. REED. No; we ought to adopt this other bill.

Mr. CULBERSON, of Texas. Will the gentleman from Maine [Mr. REED] yield to me for five minutes?

Mr. REED. Certainly.

Mr. CULBERSON, of Texas. I stated a while ago that when the act of 1879 was passed by Congress this dispute and confusion about the boundary of Texas was not prominent in the minds of members who supported that bill. There was no intention to conclude the United States on this question. I supported the bill myself from the Committee on the Judiciary. The fact is that this confusion about the boundary between Texas and the Indian Nation arose as far back as 1854, and Congress passed an act in 1854 or 1855 to settle this very dispute. The commissioners on the part of the United States and on the part of Texas did not agree, and no line was formally run or agreed upon.

Mr. LANHAM. And no report was made.

Mr. CULBERSON, of Texas. And no report was ever made. After that there was a contract made between the Secretary of the Interior, I think——

Mr. LANHAM. The Commissioner of Indian Affairs.

Mr. CULBERSON, of Texas. Between the Commissioner of Indian Affairs and an engineer or surveyor by the name of Brown to mark the boundary between the Indian Nation and Texas. That commission did run that line, as they supposed correctly, and did locate the spot where they supposed the hundredth degree of longitude crossed the river. But Texas was not bound by that, because its commissioners did not co-operate—in fact, it had no commissioners and was not invited to participate in that survey.

Now, if the gentleman from Maine will permit me, I want to go further and say that I was a member of the Committee on the Judiciary from which the bill was reported to which the gentleman refers, and there was a report accompanying the bill which disputed the title of Texas to this region of territory. I did concur in the bill, but I did not concur in the report at all. I believed then and I believe now that the Senate bill would fix and determine this boundary as well as the bill which is now before the House, for in my estimation there is not a particle of difference between them, not a particle; and if I had time I would like to show it.

Mr. HORR. Does the gentleman mean the Senate bill or the "Willits" bill?

Mr. CULBERSON, of Texas. I mean the "Willits" bill. If I can get the time I can show that.

Mr. REED. I will yield the gentleman five minutes more.

Mr. CULBERSON, of Texas. This whole dispute springs from the fact that it is not definitely understood where the hundredth degree of longitude crosses the river that the makers of the treaty had in their minds; that is the truth about it. If we knew what was Red River, as the men who drew the treaty understood or supposed it to be, then there would be no trouble whatever about this boundary.

Mr. HORR. The gentleman is familiar with this whole matter. Let me ask him——

Mr. CULBERSON, of Texas. I have but five minutes.

Mr. HORR. The gentleman can have more time.

Mr. REED. I will yield the gentleman ten minutes.

Mr. HORR. Did the United States Government heretofore once appoint just such a commission as this to act in conjunction with the Texas commission?

Mr. CULBERSON, of Texas. They did, under the act of 1854.

Mr. HORR. Did that commission of the United States go on the ground and meet the commission appointed by Texas?

Mr. CULBERSON, of Texas. They did.

Mr. HORR. That is right, then.

Mr. CULBERSON, of Texas. That is right.

Mr. HORR. I supposed that was so. Now what was the difficulty; why did they not settle this boundary?

Mr. CULBERSON, of Texas. The difficulty was that the commissioners on the part of Texas did not understand their instructions in such a way as to permit them to co-operate with the commissioners on the part of the United States with their construction of their instructions.

Mr. HORR. Why not; what was the difference?

Mr. CULBERSON, of Texas. That would lead me——

Mr. CUTCHEON. We want to avoid that same difficulty now.

Mr. HORR. Did they not in their action proceed to this very point, and then, because the commissioners on the part of the United States insisted upon following Melish's map, did not the Texas commissioners pull up stakes and go home and leave the other commissioners to fix the boundary?

Mr. CULBERSON, of Texas. My understanding is this: That the commissioners on the part of Texas—I believe there were two of them—declined to co-operate with the commissioners on the part of the United States because as they understood from their instructions they were required by General Houston not to concede that the one hundredth degree of longitude crossed the river at any other place except on the North Fork.

Mr. HORR. And when they could not agree the Texas commissioners went home, and the United States commissioners went on and completed the survey and made their report to the Interior Department?

Mr. CULBERSON, of Texas. No, sir; no report was ever made.

Mr. HORR. And is it not the fact that every map ever made since then was made on the line fixed by that very commission? Now, how does this bill avoid that difficulty? When you get to that very point are you to get any report from the Texas commissioners when you reach that difficulty?

Mr. CULBERSON, of Texas. I will answer that question. If the gentleman will notice the statute passed by the State of Texas on this subject he will see that it requires the governor to appoint two commissioners to act in conjunction with a like commission on the part of the United States; that they shall go upon the ground to mark out this boundary and ascertain where the one hundredth degree of longitude crosses the Red River in contemplation of the treaty between Spain and the United States—marking out the disputed line. Now, if the governor of Texas should direct his commission not to investigate whether or not the line crossed the South Fork of the Red River, then as a matter of course the commission would come to grief, just as the commission did in 1854.

Mr. HORR. Suppose they get right to the point as they did before?

Mr. CULBERSON, of Texas. They can not get there under this bill.

Mr. HORR. I would like the gentleman to show me why.

Mr. CULBERSON, of Texas. I am showing you why; because the law of Texas requires that these commissioners shall mark the boundary and establish the point where the one hundredth degree of longitude crosses the Red River.

Mr. HORR. But suppose the United States surveyors or engineers say that it crosses upon one fork and the surveyors of the State of Texas say that it crosses on the other, what are you going to do?

Mr. CULBERSON, of Texas. Both of the bills—the bill spoken of by the gentleman from Maine [Mr. REED] and the bill now before the House—provide that the commissioners shall make a report of their proceedings to the Secretary of the Interior, who shall report the matter to Congress, and that the action of the commissioners shall have no effect until confirmed by Congress.

Mr. HORR. Then who is to decide the point?

Mr. CULBERSON, of Texas. Congress is finally to decide it, as a matter of course.

Mr. REAGAN. Let me, for the information of the gentleman from Michigan [Mr. HORR], read from the language of the bill:

> Said commission will report their action in the premises, upon the completion thereof, to the Secretary of the Interior, with all necessary notes, maps, and other papers, in order that in determining this part of the boundary between the Indian Territory and the State of Texas it may be definitely settled whether the North Fork or the South Fork (or Prairie-Dog-Town Fork) of said river is the main or true Red River contemplated in said treaty; and the said Secretary of the Interior shall transmit the said report of such commission to Congress, at the next session thereof after such report may be made, for action by Congress.

Mr. HORR. Now, my point is that this bill proposes to ascertain what is the "main or true Red River," while according to the treaty we should ascertain what was the fork laid down on Melish's map.

Mr. REAGAN. Melish's map did not show the two streams at all; the existence of these two streams was only ascertained by subsequent explorations.

Mr. CULBERSON, of Texas. Now, I wish to call the attention of the House to these two bills. Of course I prefer the bill now under consideration. It was prepared by my colleague [Mr. LANHAM]. It is a fair and honest bill; it makes no effort to compromit the rights of the United States in respect to this territory. This bill I think ought to pass; but I do say there is no substantial difference between this bill and that to which the gentleman from Maine [Mr. REED] has referred. In the bill of Mr. Willits, reported from the Committee on the Judiciary in the last Congress, we find this language:

> Whereas a controversy exists between the United States and Texas as to the point where the one hundredth degree of longitude crosses the Red River, as described in the treaty; and
>
> Whereas the point of crossing has never been ascertained and fixed by any authority competent to bind the United States and Texas; and
>
> Whereas it is desirable that a settlement of this controversy should be had, to the end that the question of boundary, now in dispute because of a difference of opinion as to said crossing, may also be settled.

This bill provides that a commission shall ascertain and mark the point where the one hundredth meridian of longitude crosses the Red River, in accordance with the terms of the treaty. If that be done, this whole question is settled. Whenever Congress fixes the point (and Congress has a right to do it finally) where this one hundredth meridian crosses the Red River, as described by the treaty, then this confusion will be removed. Now, the fact is, the bill before the House does no more than that, because it provides that these commissioners shall decide which one of these forks, as explained by my colleague [Mr. LANHAM], is the Red River as understood and described in the treaty. There can be no difficulty about that, especially when this commission is required to report to Congress, and Congress holds the power to affirm or reject its work.

Mr. KASSON. Before the gentleman from Texas [Mr. CULBERSON] takes his seat I would like to ask him a question. Are there two forks of the Red River laid down in Melish's map?

Mr. CULBERSON, of Texas. No, sir; only one.

Mr. KASSON. Then does not the gentleman see that by the second section of the bill reported from the Committee on Territories we are bringing to the consideration of this commission a new branch of the Red River not in contemplation at the time of the treaty? It seems to me perfectly clear that there are two substantial differences between the two bills. The first is in the constitution of the commission. The bill of the Judiciary Committee proposes a commission of Government engineers, to be detailed on the part of the United States. This bill proposes the appointment of commissioners, in the discretion of the President, "one of whom shall be a practical engineer, or if in the pleasure of the President it is deemed more expedient, to detail one or more competent engineers of the Army." This discretionary power on the part of the President is probably not a vital difference. The first section of this bill does not use the precise language of the treaty, but I think it uses the substantial language.

I regard it as always dangerous to change the language of the treaty in submitting a question to a commission to define a boundary. But the crossing points here are substantially the points given in the treaty.

But then you come with something new between lines 33 and 37 of the bill. Giving the reason why this commission shall report to the Secretary of the Interior, you say, which is entirely surplusage, "in order that in determining this part of the boundary between the Indian Territory and the State of Texas it may be definitely settled whether the North Fork or the South Fork (or Prairie-Dog-Town Fork) of said river is the main or true Red River contemplated in said treaty."

There you submit evidently to their discretion to determine what is the main or true Red River, and then add "as contemplated in said treaty;" but the treaty says nothing about the two forks, nor does the map say anything about two forks. It seems to me that language is there for a purpose, because otherwise it is surplusage. I only know this purpose: you create what Melish's map does not create, two forks, one known as the North Fork and the other as the Prairie-Dog-Town Fork, which is new matter.

Mr. CULBERSON, of Texas. Let me submit to the gentleman from Iowa——

Mr. KASSON. Let me finish my criticism first, because I have only five minutes.

Mr. CULBERSON, of Texas. Let me answer as far as you have gone.

Mr. KASSON. If the gentleman from Maine does not object.

Mr. REED. I want to allow the fairest opportunity for discussion of this bill, and if necessary I will yield for five minutes longer to the gentleman from Iowa for the purpose of permitting the gentleman from Texas to ask his question.

Mr. CULBERSON, of Texas. We are legislating as to facts as we understand them and the geography of the country as we understand it.

Mr. KASSON. That is the answer, I suppose.

Mr. CULBERSON, of Texas. At the time Melish's map was made that was a terra incognita; it had never been explored.

Mr. KASSON. The gentleman will now allow me to go on. He has made his answer and I desire to respond to that answer. I think we ought and must object, for the reason the gentleman has stated, to the incorporation of new matter, because we are not to interpret the boundary in the light of new additions to geography, but we are to interpret it according to the light of the geography which then existed, and further, as it was actually intended in Melish's map.

Mr. CULBERSON, of Texas. This is not new geography, but old geography.

Mr. KASSON. I did not hear what the gentleman from Texas said.

Mr. CULBERSON, of Texas. At the date of Melish's map no one knew there was another fork to the Red River.

Mr. KASSON. I understand the gentleman, and that is the very point to which we must object, because we can not by new light create new facts and then say the commission shall be guided by the new facts. The language is explicit as laid down in Melish's map of 1818.

I come now to the most substantial objection indicated by the gentleman from Georgia [Mr. HAMMOND], and in order to make it plain I must read this section:

> SEC. 2. That when the main or true Red River is by said commission ascertained, then such landmark as shall plainly indicate and define the same as a corner shall be erected at the point where the one hundredth degree of longitude west from Greenwich crosses Red River.

Now, observe how you have led us along by modification of language until we reach your second section and then you abandon the treaty, you abandon Mellish's map, and you propose to say what now is found to be the true or main Red River, and force them to fix the station or landmark at that point as ascertained.

Mr. CULBERSON, of Texas. Allow me one minute. You must read that section of course in connection with the first section.

Mr. KASSON. But allow me to proceed. My criticism rests on the facts as they are here. The first section goes on with the language of the treaty and introduces new elements. I wish further to call the attention of the committee——

Mr. CULBERSON, of Texas. The gentleman will allow me just there to say——

Mr. KASSON. Please allow me to make my point clear.

Mr. CULBERSON, of Texas. I thought you wished me to respond.

Mr. KASSON. No; I thought you were to ask me a question.

Mr. CULBERSON, of Texas. I thought you asked me to answer your question.

Mr. KASSON. Now with reference to this second section. This is the important point of the bill, and unless we abandon the rights of the United States and by this bill conclude these rights before a report from the commission is received, this bill can not be accepted by the House. And the reason, I repeat, is—whatever you may think of the first section—that the objection is contained in the second independent section as I have suggested; and it is just this, that it does not undertake to follow the language of the treaty with reference to the true Red River as laid down by Melish's map, but to adopt the line of the river that may now be found by a commission. When this river is ascertained, not with reference to the treaty, then this bill makes it necessary that that point shall be indicated right there, and you conclude the commission by the passage of this bill. I can not find any escape from that position under the language of the second section. I can not, Mr. Chairman, vote for a bill of this character, while I would cheerfully support

one which does not conclude the commission in any manner, and leaves it free to find the river and to determine the point at issue as laid down by the treaty and Melish's map.

Mr. STRUBLE. I would like to inquire whether there can be any objection to amending that section?

Mr. REED. Why not pass this other bill, the Willits bill, which is free from such objections?

Mr. KASSON. I think the committee have endeavored, unintentionally perhaps, to conclude the rights of the United States and bind the commission to find what is now the location of the Red River, and not what was recognized as that river under the terms of the treaty.

[Here the hammer fell.]

Mr. REED. I will reserve the remainder of my time.

The CHAIRMAN. The gentleman from Maine has twenty minutes of his time remaining.

Mr. EVINS, of South Carolina. I yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, I avail myself of the five minutes allotted to me by the gentleman from South Carolina for the purpose of replying to the only point of objection that has been urged against the passage of this bill by those gentlemen who oppose it. These I regard as the only points which have been presented, and I will answer them in detail. It is urged against the passage of this bill that it describes what later discoveries have developed and which have been made since Melish's map was prepared. It is insisted that we must, in directing the commission, follow that map to reach the point where the one hundredth meridian of longitude crosses the Red River; and it is assumed by the gentleman from Iowa [Mr. KASSON] very distinctly, and it was also assumed by others, that any other direction to the commission is objectionable.

Now, then, Mr. Chairman, it is a well-established fact that later discoveries and investigations since the time that map was published disclose the fact that there are two branches of the Red River, perhaps unknown at that day, which come together east of the one hundredth meridian of longitude; so that if you cross the Red River as one stream you must go east of the one hundredth meridian of longitude in order to do so. The division of the river occurs inside of the Indian Territory, and consequently this meridian line must pass east of that division, which would leave to Texas a much larger scope of territory than she has any right to or claims. Is the gentleman willing to insist upon that?

Mr. KASSON. What I insist upon is that we must follow the direction of the treaty.

Mr. REAGAN. It would be necessary, as I say, to go inside of the Indian Territory to find this point of crossing. And the gentleman from Iowa objects to this bill because it discloses what later discoveries have brought to our knowledge since that map was made, that there are two rivers, and they are so distinctly two rivers that the authorities of Texas, antecedent to 1864, claimed this territory now in dispute. That State and the United States Government then entered upon measures for the purpose of settling this dispute. The question was not so free of doubt but that the State of Texas claimed jurisdiction over it, and claimed that the North Fork of the Red River was the true line, and subsequently proceeded to survey lands, and returned them to the General Land Office, assuming jurisdiction to treat it as a part of the territory of the State of Texas. At the same time the doubt as to which was the true Red River induced the Interior Department, through its officers, to assume that the South Fork of Red River is the true river as laid down in the treaty.

The gentleman from Iowa seems to make his objections to this bill on the ground that it speaks of facts which the entire Department recognize as facts, which the authorities of Texas know as facts, and which all of this House know that it does deal with as facts. They are controlling facts, which we all know to exist.

Mr. KASSON. Does the gentleman object to Melish's map?

Mr. REAGAN. The gentleman from Iowa I understand is a lawyer, and understanding that, I must confess that I was struck with wonder at the position he has taken, that you must follow entirely the description of this river which was known by no living human being when it was made, which was perhaps a matter of tradition only, and if you can not go by that description, then, according to his logic, you can not make a boundary line at all. Now, that description has been shown to be vague, undefined, and erroneous. Had it not been so there could have been no dispute. But according to the theory of the gentleman from Iowa we must adopt a condition of things which will result in creating perpetual confusion there.

[Here the hammer fell.]

Mr. EVINS, of South Carolina. I now yield ten minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. REAGAN. I should like to have had a little more time myself to have completed my sentence and wish the gentleman had dealt as liberally with me.

Mr. EVINS, of South Carolina. I yield ten minutes to my colleague on the committee, the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I think there is a misapprehension in regard to there being any difference as a matter of fact between the bill reported by Mr. Willits from the Committee on the Judiciary in the Forty-seventh Congress and the one introduced by the gentleman from Texas [Mr. LANHAM] in this Congress, and which is now before the Committee of the Whole for consideration. It is said that they differ in the description of the boundary line between Texas and the Indian Territory. Now, Mr. Chairman, I undertake to say that that is a mistake. If you will take up the Willits bill you will see at once that the description begins at the mouth of the Sabine River where it enters into the Gulf of Mexico. It follows that river to a point where the thirty-second degree of north latitude crosses it. There can be no mistake about that point. It makes no difference what any map may say or what any gentleman may say. There can be no dispute as to the location of that point, because the boundary line follows the west bank of the river Sabine until it strikes the thirty-second degree of north latitude.

The next description given in the Willits bill says, in defining the next boundary line, that it leaves that point, which is a definite point, and runs due north until it strikes Red River. There can be no doubt about this point, either, because it is also a fixed point. An engineer would have no difficulty in following this line from the point on the Sabine River where the thirty-second degree of north latitude crosses it due north to the point where it would strike the Red River. There can be no dispute about this line. These points and this line are definitely fixed by this description. We need no commission to determine any question thus far. This is a matter of description, which can not be changed. There is no difficulty in ascertaining it. Any engineer can ascertain it without any trouble whatever. Therefore there was no need of having that in this bill.

Now we are at the Red River, at the point where this line running due north from the Sabine River strikes the Red River. The next part of the description is where the difficulty arises. The Willits bill says, and so does this bill, that the next boundary line is found by following the Red River westward—not due west. If it said that the boundary would not be in doubt or in dispute a due west line from that point would be definite and could be easily ascertained by an engineer or surveyor. That would remove all trouble and obviate all difficulty. But that is not what the bill says nor is that what either bill says, for both are alike in this description. That is not the language of the treaty, the first treaty or the second treaty. It is not the language of any bill or any report. The language is, "westward to a point where the line crosses the one hundredth degree of west longitude." There is where the difficulty arises and there is where the dispute comes in, and there is no dispute or difficulty in any other line. And there the two bills are precisely alike.

The only line or boundary in dispute or that ever has been in dispute is the line running from the point where this first-mentioned line strikes the Red River to the point where Red River strikes the one hundredth meridian of longitude west from Greenwich or 23° west from Washington, and this line can only be determined by following the Red River westward, as is stated in both bills, until you find the point where Red River crosses the one hundredth degree of west longitude. The dispute is between those two points, and only between those two points. And hence in the preparation of this bill the gentleman from Texas [Mr. LANHAM] has used the same language used in the Willits bill, only he did not go back as far in his description as the Willits bill does, for it begins at the Gulf of Mexico and runs along the west bank of the Sabine River until it reaches the thirty-second degree of north latitude, and then it leaves the Sabine River and runs due north until it strikes the Red River. The present bill begins at the Sabine River at the same point precisely which is reached by the Willits bill, and runs due north over the same line. The Willits bill describes that line, which runs from the mouth of the Sabine River north until it strikes the thirty-second degree of north latitude, which this bill does not describe. This line is omitted in this bill, and here is the difference between the two bills in the description of the boundaries. From the Sabine River they both follow the same line and the same description.

So that as a matter of fact this bill goes further back toward the Gulf of Mexico, if you please, than the dispute goes. There is no dispute as to the boundary line between the Gulf of Mexico and the Red River; none whatever. The river is there and can be followed. The lines are there; their courses are defined and can be run. The bill before this committee only embraces that part which is in dispute, and has been in dispute all these long years. The dispute exists and has existed for a long time, and this bill proposes a plan of settlement, simply pointing out what part of the boundary is in dispute and a plan of adjustment.

But gentlemen say that we are surrendering up the rights of the United States; that we are ceding away this disputed tract of land. Why, sir, that is entirely a mistake. They seem to confound Melish's map with the land out there, with the territory, with the mountains and plains, with the rivers and natural divisions. Mr. Chairman, that can not be. These two rivers are there; they have been there during all the centuries of the past. They are there to-day, and you must take things as they are. Mr. Melish did not know they were there. He made his map on the supposition that there was but one stream there; and on that map he calls that stream the Red River, and the treaty calls it the Red River, and these descriptions call it the Red River. But when we

go there to ascertain where the Red River is we find two streams. We find there two rivers instead of one; we find there a north fork and a south fork.

The question is which one is the Red River? That is the question, and the only question. Why is not this bill a fair one? Melish's map is not adapted to the actual situation. When you go there to fix the boundary, when you go there to drive the stakes, when you go there to plant monuments, when you go there to fix the boundary between the Indian Territory and the State of Texas, between Greer County and some other county, you want a *locus in quo;* you want a place where you can fix corners, plant monuments, and delineate boundaries. This, and this only, we propose to do. Melish's map is a part of the description. It is an indispensable guide in making this survey, in ascertaining what was meant by this description, in showing to the commission to be appointed what was meant by the men who wrote that description. There is to be seen on Melish's map the shape and direction of Red River at that point. Intelligent men, engineers and surveyors, can probably decide by an inspection of the map whether its course and direction at that point correspond better with the North Fork or the South Fork of Red River.

I think therefore there can be no objection whatsoever to this bill so far as the description is concerned. It is an entire misapprehension to suppose that there is any job in this bill or that the State of Texas can gain any advantage from the language employed in it one way or the other. The gentleman from Texas can have no such object; the Representatives from that State certainly have no such object, and I am sure the committee did not intend to give Texas any advantage whatever by the passage of this bill. The dispute exists—let us begin there—the dispute exists; it has existed there for a quarter of a century. It has been before Congress after Congress and committee after committee during all these years, the State of Texas claiming this land and the Indian Territory claiming it. Is it not fair, is it not right, is it not just, that we should appoint a commission, and in this way take the initiatory steps toward settlement? Texas will appoint three commissioners and the United States will appoint three commissioners, and if it is a plain case that this disputed tract of land belongs to the United States, as is claimed here, and in this I concur, it is not likely that this joint commission will decide in favor of Texas. For this reason we ought to be more willing to appoint a commission.

It is not claimed that the commission is to decide this question. The commission will report the facts and give its opinion, and if the facts given do not support its conclusion, Congress can refuse, and no doubt will refuse, to confirm the report. The object of this commission is to investigate the matter and report the facts.

Mr. Chairman, this is no new thing. Gentlemen will find by reference to page 158 of fourth United States Statutes at Large that in 1826 a commission was appointed almost precisely like this to determine a disputed boundary line between the Territory of Florida and the State of Georgia; and two years later, in 1828, another law was passed appointing a commission for the purpose of fixing the boundary between the State of Louisiana and the Territory of Arkansas. We have these and other precedents for this very thing; and if it was found to be a good thing in those and other cases, we do not see why it will not be a good thing in this.

There is a necessity for this action. This territory is in the county of Greer, and the courts of Texas have assumed jurisdiction over the inhabitants. I am informed that there is to-day in the penitentiary of the State of Texas a man who was tried and convicted of murder within this disputed territory; he is now suffering his sentence in the penitentiary of Texas. If it be true that this disputed territory does not belong to Texas, but does belong to the Indian Territory, the judge of the court of Texas before whom this prisoner was tried had no jurisdiction over either the person of the criminal or the territory where the crime was committed.

Mr. REED. Will this bill give that judge jurisdiction?

Mr. JOSEPH D. TAYLOR. This bill will after a while determine the question of boundary, I hope. It is a step in that direction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOSEPH D. TAYLOR. I will ask for three minutes more.

Mr. EVINS, of South Carolina. I have promised to give away the remainder of my time.

Mr. REED. I will give the gentleman three minutes out of my time, inasmuch as I asked him a question which I hope he will answer.

Mr. JOSEPH D. TAYLOR. I will answer the gentleman's question. My judgment is that this disputed territory belongs to the Indian Territory. That is the judgment of the United States authorities, and that is the opinion of the Secretary of the Interior, and I think any competent commission will so decide; and when a decision is reached we will know definitely who has and who has not jurisdiction. But we are not here affirming the one thing or the other. The Representatives from Texas are not here affirming the one thing or the other. All they ask is that this question shall be settled one way or the other. Greer County wants to organize as a county, and she ought to do so. The people in that county are all in a state of suspense. They do not know under what authority they are living. When they are called upon to pay taxes in that county they reply, "No; we belong to the Indian Territory."

Mr. REED. And they are right about that.

Mr. JOSEPH D. TAYLOR. Men who have their flocks and their herds there, who have cattle by the thousand and tens of thousands, do not want to belong to Texas, because in Texas they make people pay taxes; and these people want to belong to the Indian Territory, where people do not pay taxes.

There is a constant dispute about the matter. When the sheriff goes over there to arrest a man the man says that he will not be arrested. The sheriff calls a posse comitatus and the cattle-men gather around in a crowd, and there is a conflict. Sometimes it comes near to bloodshed. This difficulty has existed for years and years. The State of Texas insists, and has insisted always, that this territory belongs to it, and hence it embraces this disputed territory in its map of the State and calls it Greer County. It has attached it to a certain judicial district and attempts to enforce its laws upon the inhabitants of this county. It attempts to collect taxes and enforce obedience. The United States has always denied that Texas has anything to do with this tract of country. The people ought to know to what authority they owe allegiance. The men who live there ought to know whether they live in Texas or in Indian Territory, to whom to pay taxes, to what laws they are amenable.

There was a commission appointed by Congress for this same purpose in 1858, but it failed for some reason to act. At the last session of Congress, and at this also, a bill almost the same as this passed the Senate. In 1882 the Texas Legislature passed a law authorizing the appointment of a commission to act in connection with a commission to be thereafter appointed by the United States. The President has favorably recommended the appointment of this commission. When this bill was before the Committee on Territories I called on the Secretary of the Interior and inquired of him whether there was any objection to this bill, and he said he saw none. He said most emphatically that the disputed territory belonged to the United States, but thought a commission would lead to a speedy settlement of the difficulty.

Gentlemen can see very well how naturally difficulties will arise on this disputed territory. One class of men claim that this territory belongs to Texas, another class claim that it belongs to the Indian Territory, and there is a conflict. The people are in doubt, the question is in dispute, and the Government stands aside unwilling to take any forward step for the purpose of settling this difficulty, which is a matter of great consequence to the State of Texas and to this Government, but of still greater consequence to the helpless people who live in this territory now in dispute.

The only objection I have ever seen to this bill, the only doubt I have entertained in any way in regard to it, is as to whether this commission would settle the dispute or not. I have feared that perhaps the members of the commission appointed by the governor of Texas would decide in favor of Texas, and that the members of the commission appointed by the President of the United States would decide in favor of the Government, and simply agree to disagree, and like the old commission fail to reach a conclusion. This seems to me to be the most objectionable feature of this bill, and yet this objection has not been made by any one opposing the bill.

Still they may come to a conclusion. As other commissions of this kind have heretofore been appointed and have been successful, so the commission in this case may succeed in coming to an agreement. As a matter of justice to the State of Texas, and as a matter of interest to the country at large, I think we should appoint this commission. It is conclusive of nothing. We do not surrender up any title whatever by the appointment of this commission. We simply take a step in the right direction.

Mr. WARNER, of Ohio. Why not strike out the second section of the bill?

Mr. JOSEPH D. TAYLOR. I care nothing about the second section. I do not think it a matter of any great consequence.

Mr. REED. The right way is to strike out the whole thing.

Mr. CUTCHEON. Will the gentleman explain why the Willits bill will not meet his views as well as this one?

Mr. JOSEPH D. TAYLOR. I did not see the Willits bill until it was produced here since the opening of this discussion, and have not compared it with this one sufficiently to determine the comparative merits of the two bills. I think either would accomplish the purpose intended. I only insist that the objections to this bill are not well taken. The whole matter will come back to Congress, and must abide the final action of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS, of South Carolina. So anxious am I, Mr. Chairman, that we should get through this bill and give an opportunity to our friends from the Territories to have disposed of to-day some legislation which is very important to them, that I will forego any remarks which I had proposed to make.

I want to say simply two or three words. The first thing to be ascertained is whether there has been a controversy. There has been a controversy ever since 1857 in regard to this land. In 1852 a survey

of this boundary was made by two United States officers of the Engineer Corps, General McClellan and Mr. Marcy. By a mistake they located this meridian line one whole degree farther east than the true crossing of that line. In other words, they fixed the meridian line below the forks of this stream. Texas was perfectly satisfied with that. There was no controversy about it for years, until 1857, as remarked by my friend from Texas [Mr. CULBERSON], a survey was made by contract between the Commissioner of Indian Affairs and two men named Brown and Jones, I believe. It was an astrometrical survey, which fixed the true meridian line. From that time to this there has been a controversy as to whether the United States Government or the State of Texas ought to have jurisdiction over this territory.

In 1879, as my friend from Maine [Mr. REED] has remarked, by some careless legislation this county of Greer was included in the judicial act as a part of the northern district of Texas.

Now, here are plenty of reasons for raising an issue. This issue is not a new one. You have already been told that a commission was appointed before, from which nothing came. It never made a report; and even the field notes made by it are not now accessible.

I say, therefore, there is a necessity for having this matter settled; and all this controversy about the mode of doing it amounts simply to this: whether we shall adopt the measure reported to a Republican House in the last Congress by the Committee on the Judiciary, or whether we shall adopt the measure reported to this House by the Committee on the Territories. So far as the facts are to be ascertained, there is absolutely no difference in the methods, except that by the bill proposed by the Committee on the Territories the United States Government and the State of Texas are brought face to face in this controversy, are to settle this question by joint commission—a commission appointed by the State of Texas, to be paid for under the act of its Legislature, and a commission on the part of the United States. But this commission is to take no final action. The whole matter will come back to Congress to be settled by us after we receive the report.

It does seem to me that all this controversy about methods is unnecessary; and I trust that the House will proceed to dispose of this measure in a very few minutes. I yield five minutes to my friend from Texas [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, in the limited time allowed me I can say but little upon this subject. The controversy between the United States and Texas in reference to the true boundary between that State and the Indian Territory is of comparatively recent origin; for until the boundary was interfered with by unauthorized persons so far as Texas was concerned there was no dispute whatever as to where the limits of the State extended. In 1851 or 1852, probably, officers of the United States Army, Captain McClellan being one of them, placed the intersection of the one hundredth meridian of west longitude with the Red River below the forks of that stream. That would take in a very considerable portion of territory that is now conceded by Texas to belong rightfully to the Indian Territory. But, as I have said, by some action unauthorized so far as Texas was concerned parties were sent down in the interest of the Indian Territory and a survey made, I believe, by Mr. Jones and Mr. Brown, in which they established the one hundredth meridian of west longitude a degree farther west than it had been previously established by the officers of the United States Army.

From that time on controversy has existed as to where the true boundary is. This controversy must be determined by ascertaining, if possible, what stream is referred to in the treaty of 1819 between Spain and the United States, which was kept up subsequently between Mexico and the United States and afterward recognized in the articles of annexation as between the then becoming State of Texas and the United States.

It is a little singular that the gentleman from Maine [Mr. REED], though appealed to several times to point out the difference between this bill and the measure which he seems so anxious to have substituted for it, has not answered any question propounded to him on that subject—reserving his answer, I suppose, until he shall come to conclude the remarks he may have to submit. In the estimate of that gentleman there is a very marked difference, at least in point of law if not in point of fact; and the gentleman who last spoke says there is no substantial difference in point of fact. Now, comparing the bill which the gentleman from Maine favors with that now before the committee, there will be found in the proposed substitute of the gentleman from Maine this significant omission—it does not provide in the terms of the bill before the committee that the boundary shall be determined, as it ought to be, according to Melish's map. The gentleman said, I believe—though I do not know that he would repeat it now—that this reference to the map being embraced in the preamble it is not necessary to retain it in the body of the bill itself. Most persons would readily recognize in him too learned and able a lawyer to maintain seriously the proposition that the body of the bill will be controlled by the preamble.

Mr. REED. The bill says where the one hundredth meridian crosses the Red River, in accordance with the terms of the treaty.

Mr. HANCOCK. Of course. What does he wish to insist on by his substitute if he means simply to accomplish the same thing as the bill now pending before the committee, the whole to be laid down according to Melish's map or the whole to be in accordance with the language of the treaty itself? Now, is it not likely—and I will not accuse the gentleman of any such purpose—that it may be said there is such a great controversy over this point that it is dishonestly intended to confine the commission to the treaty and not include the map.

Mr. REED. But the map is in the treaty.

Mr. HANCOCK. Then there is nothing between you if the map is in the treaty. Is the map in the treaty?

Mr. REED. Most assuredly.

Mr. HANCOCK. Then why not put it in your bill?

Mr. REED. I have got it in my bill.

Mr. HANCOCK. No; you have it in your preamble, but not in your bill.

Mr. REED. I will add a section that the preamble shall be considered a part of the bill.

Mr. HANCOCK. We prefer it as it is here. There is no chance for jobbery in this bill. We only want a fair settlement of this according to the facts as shown by the treaty and by Melish's map. But the complaint of the gentleman from Iowa [Mr. KASSON] is that no new facts should be taken notice of. I will only say that the crucial test between the respective parties is as to the Red River contemplated in this treaty and as shown by Melish's map. It is not proposed these co-operating committees shall determine that point as to the rights of the contestants to this disputed territory, but that they shall collect all the facts, make a survey, and report to Congress, when the expectation is that at least a majority of the two Houses will be disposed to do what is right and just as between these contestants.

Mr. EVINS, of South Carolina. Whatever time I have remaining I wish to reserve.

Mr. REED. How much time have I remaining?

The CHAIRMAN. Sixteen minutes.

Mr. REED. I thought I had seventeen; I do not want to lose the other minute. I will yield for five minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Chairman, all I desire to say about this bill was said in the question I put to the gentleman from Maine, nor would I add another word but for the remark made by the gentleman from South Carolina, that this was simply offering to substitute a Republican bill for a Democratic bill. I make no such efforts, and I repudiate the idea that any party politics should enter into questions which the committee says simply is honestly to ascertain where the boundary line is between United States property and property of Texas.

This question was submitted to the Judiciary Committee of the last Congress. An able Representative from Texas was on that committee. We examined the matter thoroughly and we came to the conclusion that the form of the Willits bill was right.

It differs from this bill in most essential points. It says the boundary shall be according to the treaty, which treaty is based on a particular map. There is no uncertainty about it of any kind. This bill in its second section says the boundary shall be wherever you shall ascertain the true Red River to be, without any regard to Melish's map. That map has been in existence in its improved condition since 1818. It can be ascertained very easily where the river that Melish laid down on the map is, and in naming any other fork of the river as the true river is to transfer the lands of the United States to Texas.

Mr. LANHAM. May I submit to the gentleman from Georgia one fact?

Mr. HAMMOND. I have not time. The time I am speaking in is another man's.

I want simply to say this: the committee can not wish that the State of Texas shall have that which is not hers according to the treaty, nor can it wish that Texas shall not have that which is hers according to the treaty. Let us meet on the common ground of the language of the treaty and enforce it. No man has a right to ask any more. I will vote for no more, and because the Willits bill does stand on the words of the treaty and this bill ignores part of the words of the treaty, I shall vote for the Willits bill and against this one.

Mr. REED. The gentleman from Georgia has so well presented this question it seems hardly necessary to do anything more. I did not notice the observation of the gentleman from South Carolina [Mr. EVINS], by which he undertook to make some sort of political question of this. I wish to assure the House, if it needs any assurance, that I have not the slightest party, State, or national feeling in regard to this matter; but I have investigated the subject, and believe sincerely that Greer County belongs to the United States so clearly that nothing but misaction on our part here can throw any cloud over the title.

I believe the people interested back of the Representatives from Texas have framed a bill which in its effect—for I question no man's motives and I ascribe no purposes to any man—but which in its effect will throw a cloud over the title of the United States which may cause some hesitating and doubtful report to be sent to a Congress not yet elected and of which we know nothing, which may end in our losing this immense territory. Texas does not come here as a suppliant for anything and rightfully. We spent $10,000,000 in rectifying the western boundary of Texas years ago, and it is now proposed to risk a territory as large

as the State of Rhode Island to rectify another corner. I submit that it is neither wise nor just to the people of this country for us to throw any cloud over our own title. Let us give everybody a fair chance. Let us put this thing before the commission in proper language, and then we shall be in a condition to abide by the result. But I warn the House that if this bill in its present form is passed, the bill which is now presented by this committee, so insidious in its language and full of such doubtful expressions, you will find yourselves very fairly on the road to surrendering the territory which belongs to the people of the United States instead of protecting it.

Now I offer as a substitute for the bill presented by the committee the joint resolution which I have already read to the House.

The CHAIRMAN. The Chair will state that the bill is not as yet reported for consideration by sections and amendment.

Mr. REED. I will reserve it, then, until the proper time.

Mr. EVINS, of South Carolina. I ask that general debate be now closed, and that the bill be read by sections for amendment. I will simply make one remark before that motion is submitted to the House.

I can not, Mr. Chairman, for the life of me, see where the pitfalls are in this bill, as the great danger which menaces the interests of the people of this country or which threatens any of their rights if we pass it. The language of the treaty is quoted.

Mr. REED. Will the gentleman from South Carolina permit me to point out one pitfall?

Mr. EVINS, of South Carolina. Yes, sir.

Mr. REED. The language of the treaty is:

The whole, being as laid down in Melish's map of the United States.

Now, the second section of this bill proposes a commission which shall decide which is the true Red River, not according to the treaty, but with power to fix any other point.

Mr. EVINS, of South Carolina. I do not see where the objection comes in.

Mr. REED. Now, that question has nothing to do with the subject. It is Melish's Red River which we must follow, in the language of the treaty, I do not care whether it existed or not.

Mr. REAGAN. Was Melish's Red River the true Red River?

Mr. REED. I am sure I do not know.

Mr. REAGAN. Then let us ascertain that fact.

Mr. REED. I do not know which is the true Red River nor do you.

Mr. EVINS, of South Carolina. Mr. Chairman, every one who reads the bill will see that it is based upon the treaty. There is only one fact to be ascertained. This commission is appointed to investigate it; it goes down, finds out the facts, and reports to Congress its final action.

I now ask that the bill be read for debate and amendment by sections.

The Clerk read the first section of the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to appoint a commission of three persons, who shall be well versed in the laws governing boundary lines, and one of whom shall be a practical engineer, or if, in the pleasure of the President, it is deemed more expedient to detail one or more competent engineers of the Army who, in conjunction with such person or persons as may be appointed by the State of Texas, shall, at such time in the near future as may be indicated by the President, official notice of which time shall be given by him to the governor of Texas at least one month in advance of the actual service of such commission, run and mark the boundary line between said portion of the Indian Territory and the State of Texas now in controversy; and said commission shall, as far as possible, ascertain and determine the Red River indicated and intended by the treaty between the United States and Spain of date February 22, 1819. In running and marking said boundary line the said commission shall proceed as follows: Beginning at the point where a line drawn from the point where the thirty-second degree of north latitude crosses the western bank of the Sabine River, crossing Red River, and thence following the course of said Red River westwardly to the degree of longitude 100 west from London and 23° west from Washington, as laid down in Melish's map of the United States published at Philadelphia, improved to the 1st of January, 1818. Said commission will report their action in the premises, upon the completion thereof, to the Secretary of the Interior, with all necessary notes, maps, and other papers, in order that in determining this part of the boundary between the Indian Territory and the State of Texas it may be definitely settled whether the North Fork or the South Fork (or Prairie-Dog-Town Fork) of said river is the main or true Red River contemplated in said treaty; and the said Secretary of the Interior shall transmit the said report of such commission to Congress at the next session thereof after such report may be made, for action by Congress.

Mr. EVINS, of South Carolina. There are certain amendments recommended by the committee.

The CHAIRMAN. The amendments will be read.

The Clerk read as follows:

In line 15 strike out the word "said" and insert the word "that;" so that it will read:

"The line between that portion of the Indian Territory," &c.

The amendment was agreed to.

The next amendment recommended by the committee was, in line 24, to strike out the word "crossing" and insert the words "running due north strikes."

The amendment was agreed to.

Mr. REED. I now desire to offer the following as a substitute for the bill.

The Clerk read as follows:

Whereas the treaty between the United States and Spain, executed February 22, 1819, fixed the boundary line between the two countries west of the Mississippi River as follows: Beginning on the Gulf of Mexico at the mouth of the Sabine River, in the sea, and continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches or Red River; thence following the course of the Rio Roxo westward to the one hundredth degree of longitude west from London and the twenty-third from Washington; thence crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source, in latitude 42° north; and thence by that parallel of latitude to the South Sea; the whole being as laid down in Melish's map of the United States published at Philadelphia, improved to the 1st of January, 1818; and

Whereas a controversy exists between the United States and Texas as to the point where the one hundredth degree of longitude crosses the Red River, as described in the treaty; and

Whereas the point of crossing has never been ascertained and fixed by any authority competent to bind the United States and Texas; and

Whereas it is desirable that a settlement of this controversy should be had, to the end that the question of boundary, now in dispute because of a difference of opinion as to said crossing, may also be settled: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to detail one or more officers of the Army, who, in conjunction with such person or persons as may be appointed by the State of Texas, shall ascertain and mark the point where the one hundredth meridan of longitude crosses Red River, in accordance with the terms of the treaty aforesaid; and the person or persons appointed by virtue of this act shall make report of his or their action in the premises to the Secretary of the Interior, who shall transmit the same to Congress at the next session thereof after such report may be made, for action by Congress.

SEC. 2. That the sum of $10,000, or so much thereof as may be necessary, to be expended under the direction of the War Department, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of the United States in carrying out the provisions of this resolution.

Mr. BELFORD. I move to strike out the last word.

We have had certainly an exalted spectacle here in the speech made by the gentleman from Maine. He does not live within 3,000 miles of an Indian. You have nothing to do with the measurement practically of the boundary lines of Texas and the Indian Territory; and yet living in a bow of the New England States you have displayed the most magnificent zeal on a question in which you can have no personal interest. [Laughter.]

That is all there is of it.

You manage your eastern section of the country and we will try to manage ours. [Renewed laughter.] Maine is not big enough to control the vast scope of country lying west of the Alleghany Mountains, and you have brains enough to comprehend that. [Laughter.]

What is this bill, Mr. Chairman? It is simply a bill, as I understand it, to appoint commissioners to ascertain whether a certain boundary shall be established or not. What has the State of Maine—the little Pine-tree State on the Atlantic coast—to do with the great progress of the West? I would like the gentleman from Maine to tell me why he exhibits such inordinate zeal in a case of this character, in which he can not in the nature of things have any personal interest?

Mr. REED rose.

Mr. BELFORD. I will yield the gentleman from Maine two minutes.

Mr. REED. I thought the gentleman had finished. If he has not got through I do not want to intrude upon him. What he is saying is very interesting.

Mr. BELFORD. I say it is an extraordinary thing that when any Western measure comes up this Eastern gentleman on this side of the House makes war upon it.

I appeal, as I have done heretofore, to you men from the South to stand with us men from the West, and we will put you men of the East down. [Laughter.] That is my idea, Mr. Chairman, of fighting a political battle. The interests of the South and the interests of the West are identical. And I hope to Heaven that you men from the South who have got the control of this body will stand up and protect and vindicate your own interests against the insolent arrogance of the East. If you do not, this country ought to repudiate you, as it has done in the years that are past. But if you will stand up with the people of the West, who are broad and generous and big-hearted, we will carry this country, and we will tell New York and New England that they shall obey our bidding instead of us obeying theirs. [Applause.]

Mr. STRUBLE, and Mr. EVINS of South Carolina, rose.

The CHAIRMAN. The gentleman from South Carolina.

Mr. STRUBLE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRUBLE. Would it be in order for me at this time to offer an amendment to the first section of the bill?

The CHAIRMAN. It would be in order to offer an amendment to the substitute proposed by the gentleman from Maine [Mr. REED]. The gentleman from Maine has offered a substitute for the bill as amended, and that substitute is now before the committee.

Mr. STRUBLE. If I remember the language of the bill offered as a substitute, it is much the same as the language of this section to which I desire to have the amendment apply. I would like to offer the amendment anyway.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that an amendment to the first section of the bill as reported by the committee is not now in order. The bill has been read by sections, and a substitute for the bill as amended has been offered by the gentleman from Maine.

Mr. STRUBLE. Then I would like to move to amend the substitute.

The CHAIRMAN. The Chair is corrected by the Clerk, who states that only one section of the bill as reported by the Committee on the Territories has as yet been read. The amendment of the gentleman from Iowa would be in order.

Mr. STRUBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 10 of the first section, after the word "Texas," insert the following: "Not exceeding three in number;" so that it will read:

"To detail one or more competent engineers of the Army, who, in conjunction with such person or persons as may be appointed by the State of Texas, not to exceed three in number, shall," &c.

Mr. LANHAM. I have no objection to that amendment.

Mr. STRUBLE. Very good. I have nothing to say if the amendment is accepted.

The amendment was agreed to.

Mr. HOLMAN. I believe the first section is now under consideration. I move to amend by striking out from the words "shall be," in the sixth line, to the word "Army," in the ninth line, and insert the following: "A competent engineer of the Engineer Corps of the Army."

Mr. EVINS, of South Carolina. I make the point of order that the first section of the bill has been passed.

The CHAIRMAN. The gentleman from South Carolina is mistaken. The first section is now under consideration; the second section has not yet been reported.

Mr. REED. I understood, if the Chair pleases, that all the sections were read.

The CHAIRMAN. Such was the impression of the Chair until corrected by the Clerk, who informs him that only the first section was read.

Mr. REED. Then my substitute is not yet in order, as it is a substitute for the whole bill.

The CHAIRMAN. The gentleman's substitute is in and will be considered as pending at the proper time. The gentleman from Indiana [Mr. HOLMAN] offers an amendment to the first section, which the Clerk will read.

The Clerk read as follows:

Strike out after the words "shall be," in the sixth line, to the word "Army," in the ninth line, and insert in lieu thereof "a competent engineer of the Engineer Corps of the Army;" so that it will read:

"That the President of the United States be, and he is hereby, authorized and empowered to appoint a commission of three persons, who shall be well versed in the laws governing boundary lines, and one of whom shall be a competent engineer of the Engineer Corps of the Army," &c.

Mr. EVINS, of South Carolina. There is no objection to that amendment.

Mr. HOLMAN. I only wish to say it has been the usual practice for many years where a service of this kind was to be performed that one of the officers belonging to the Engineer Corps of the Army should be detailed for the purpose.

The amendment was agreed to.

The Clerk read the second section, as follows:

SEC. 2. That when the main or true Red River is by said commission ascertained, then such landmark as shall plainly indicate and define the same as a corner shall be erected at the point where the one hundredth degree of longitude west from Greenwich crosses the Red River.

Mr. JOSEPH D. TAYLOR. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "Red River," in the first line of section 2, insert the words "as shown by Melish's map aforesaid."

Mr. JOSEPH D. TAYLOR. I presume there will be no objection to that?

Mr. EVINS, of South Carolina. None at all.

Mr. HAMMOND. I object to that amendment. The language then would be this:

That when the main or true Red River, as shown by Melish's map aforesaid, is by said commission ascertained, then such landmark as shall plainly indicate and define the same, &c.

Mr. JOSEPH D. TAYLOR. I wish to modify my amendment by striking out the three words "main or true."

Mr. HAMMOND. Let me make this further suggestion. I have written an amendment which I think will meet the gentleman's views. I send it to the desk to be read.

The Clerk read as follows:

Strike out, in line 1 of section 2, the words "the main or true Red River" and insert in lieu thereof "the point where the Red River, as laid down by Melish's map, crosses said one hundredth meridian;" and strike out of line 4 the word "the" and insert "that," and all of the words of lines 4 and 5 following the word "point;" so that it will read:

"That when the point where the Red River, as laid down by Melish's map, crosses said one hundredth meridian is by said commission ascertained, then such landmark as shall plainly indicate and define the same as a corner shall be erected at that point."

Mr. HAMMOND. That puts it right.

Mr. REED. Not all of it.

Mr. HAMMOND. That part of it.

The amendment of Mr. HAMMOND was then agreed to.

The Clerk read section 3 of the bill, as follows:

SEC. 3. That the sum of —— dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act: *Provided*, That the same shall be applied only to the commission appointed by the United States.

The first amendment reported from the Committee on Territories was to fill the blank with the words "ten thousand;" so that it will read "the sum of $10,000," &c.

The amendment was agreed to.

The next amendment reported by the Committee on Territories was, to insert, after the words "provisions of this act," the words "the same to be expended under the direction of the Secretary of the Treasury."

Mr. WARNER, of Ohio. I move to amend the amendment by striking out the word "Treasury" and inserting in lieu thereof the word "Interior;" so that it will read: "to be expended under the direction of the Secretary of the Interior." The money is to be appropriated out of the Treasury, but the survey is to be made under the direction of the Secretary of the Interior, and the expenditure should be under the direction of the same Department.

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

The CHAIRMAN. The reading of the bill by sections for amendment has been concluded.

Mr. REED. I now offer as a substitute for the bill as amended that which I indicated some time since. I do not think it is necessary that it be again read.

The CHAIRMAN. Unless it be demanded, the substitute of the gentleman from Maine [Mr. REED], which has already been reported, will not be read again.

Mr. HOLMAN. I hope it will be read again.

Mr. REED. I should be very glad to have it read if any member desires it, for I think it very important.

The substitute was again read.

Mr. REED. I desire to again point out to the House the difference between these two propositions. The one is a very simple and plain one, so plain that when it is reported upon it can confuse no one. It is a proposition for a commission to ascertain the point where the one hundredth meridian of longitude crosses the Red River under the treaty. When that shall be determined the whole question will be determined and everybody will be able to see it plainly and clearly.

The bill for which I have offered this substitute gives a right to the commission to be appointed to interpret the treaty, instead of leaving it to Congress to make the interpretation. It will enable the commission to report all their action and all the testimony which may be poured in upon them, and there will be only one party interested in pouring testimony upon them, and the result will be that when the report is made there will be a chance to claim before Congress that this territory should go to the State of Texas. Now, if the only fact which is of any importance shall be reported alone, the only fact that can control, then there can not be two opinions on either side of this House. I hope the substitute will be adopted, in order that a fair opportunity may be given for the decision of this question.

Mr. LANHAM. The objection to the substitute of the gentleman from Maine is that if it is adopted and the commission goes there as instructed by the substitute there will be no occasion to make a survey of the two rivers; there will be no facts reported to this or any subsequent Congress upon which we can act.

The CHAIRMAN. The question is on the adoption of the substitute which has been read.

The question was taken; and upon a division there were—ayes 66, noes 78.

So (no further count being called for) the substitute was not adopted.

Mr. EVINS, of South Carolina. I now move that the committee rise and report the bill to the House as amended with a recommendation that the same do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. REAGAN having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary line between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas, and had directed him to report the same back to the House with sundry amendments, with a recommendation that the amendments be concurred in and the bill as amended passed.

Mr. EVINS, of South Carolina. I now call the previous question on the amendments and on the engrossment and third reading of the bill.

The previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. REED. I call for the yeas and nays on the passage of the bill.

Mr. HOLMAN. I believe that under parliamentary law the bill is entitled to be read again at this stage; and inasmuch as it has been

amended in several particulars, which amendments I fear have not been understood by the House, I will ask that it now be read as amended.

The SPEAKER *pro tempore*. Does the gentleman desire the whole bill read?

Mr. HOLMAN. I do, so that the amendments which have been made may be understood. I do not understand all of them myself.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. HOLMAN. And at this stage I believe it is proper to call for the reading of the entire bill.

The SPEAKER *pro tempore*. If the gentleman demands it, the bill will be read.

Mr. HOLMAN. I call for the reading of the bill.

Mr. EZRA B. TAYLOR. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. EZRA B. TAYLOR. Is this reading of the bill by consent or as a matter of right?

The SPEAKER *pro tempore*. The Chair understands that it is called for as a matter of right.

Mr. EZRA B. TAYLOR. At this stage of the proceedings?

The SPEAKER *pro tempore*. Clause 2 of Rule XXI makes it a matter of right to have the bill read in full on its passage if demanded by any member.

The bill was read as amended.

The SPEAKER. The question is now upon the passage of the bill, upon which the gentleman from Maine [Mr. REED] demands the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 51 in the affirmative.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 67, not voting 116; as follows:

YEAS—139.

| | | | |
|---|---|---|---|
| Adams, J. J. | Ellwood, | Lovering, | Shaw, |
| Alexander, | Ermentrout, | McAdoo, | Singleton, |
| Ballentine, | Everhart, | McCoid, | Skinner, T. G. |
| Barksdale, | Evins, J. H. | McCormick, | Stewart, Charles |
| Beach, | Ferrell, | McMillin, | Stockslager, |
| Belford, | Fiedler, | Matson, | Struble, |
| Bennett, | Findlay, | Maybury, | Talbott, |
| Blackburn, | Finerty, | Miller, J. F. | Taylor, J. D. |
| Bland, | Foran, | Mills, | Taylor, J. M. |
| Blount, | Forney, | Mitchell, | Thompson, |
| Breckinridge, | Glascock, | Morgan, | Throckmorton, |
| Breitung, | Graves, | Morrill, | Tillman, |
| Broadhead, | Halsell, | Morrison, | Tully, |
| Buchanan, | Hanback, | Morse, | Turner, H. G. |
| Cabell, | Hancock, | Murray, | Turner, Oscar |
| Carleton, | Hardeman, | Neece, | Van Alstyne, |
| Cassidy, | Hatch, W. H. | Nelson, | Vance, |
| Clardy, | Hemphill, | Nicholls, | Van Eaton. |
| Clay, | Lore, | Seymour, | Ward, |
| Cobb, | Henderson, D. B. | Oates, | Warner, A. J. |
| Collins, | Herbert, | Paige, | Warner, Richard |
| Cosgrove, | Hewitt, A. S. | Pierce, | Wellborn, |
| Covington, | Hewitt, G. W. | Peel, S. W. | Weller, |
| Cox, W. R. | Hopkins, | Peters, | Wemple, |
| Crisp, | Jones, B. W. | Pryor, | Whiting, |
| Culberson, D. B. | Jones, J. H. | Pusey, | Wilkins, |
| Davis, L. H. | Jones, J. K. | Rankin, | Williams, |
| Dibble, | Jordan, | Reagan, | Wilson, James |
| Dibrell, | King, | Reese, | Wilson, W. L. |
| Dockery, | Kleiner, | Riggs, | Winans, E. B. |
| Dorsheimer, | Laird, | Robertson, | Wolford, |
| Dowd, | Lanham, | Robinson, W. E. | Wood, |
| Dunn, | Lawrence, | Rogers, J. H. | Yaple, |
| Eaton, | Le Fevre, | Rosecrans, | York. |
| Eldredge, | Lewis, | Scales, | |

NAYS—67.

| | | | |
|---|---|---|---|
| Adams, G. E. | Dingley, | Kasson, | Ray, G. W. |
| Anderson, | Evans, I. N. | Keifer, | Ray, Ossian |
| Atkinson, | Goff, | Kelley, | Reed, |
| Boutelle, | Greenleaf, | Lacey, | Rockwell, |
| Brainerd, | Hammond, | McComas, | Rowell, |
| Brewer, F. B. | Harmer, | McKinley, | Russell, |
| Browne, T. M. | Hart, | Millard, | Skinner, C. R. |
| Brown, W. W. | Hatch, H. H. | Milliken, | Spooner, |
| Brumm, | Hepburn, | O'Neill, Charles | Stephenson, |
| Campbell, J. M. | Hiscock, | Parker, | Strait, |
| Cannon, | Hitt, | Payne, | Taylor, E. B. |
| Chace, | Holman, | Payson, | Valentine, |
| Cullen, | Holmes, | Peelle, S. J. | Wakefield, |
| Cutcheon, | Hooper, | Perkins, | Weaver, |
| Dargan, | Horr, | Poland, | White, J. D. |
| Davis, R. T. | Howey, | Price, | White, Milo. |
| Deuster, | James, | Ranney, | |

NOT VOTING—116.

| | | | |
|---|---|---|---|
| Aiken, | Buckner, | Culbertson, W. W. | George, |
| Arnot, | Budd, | Curtin, | Gibson, |
| Bagley, | Burleigh, | Davidson, | Green, |
| Barbour, | Burnes, | Davis, G. R. | Guenther, |
| Barr, | Caldwell, | Duncan, | Hardy, |
| Bayne, | Calkins, | Dunham, | Haynes, |
| Belmont, | Campbell, Felix | Elliott, | Henderson, T. J. |
| Bingham, | Candler, | Ellis, | Henley, |
| Bisbee, | Clements, | Follett, | Hill, |
| Blanchard, | Connolly, | Funston, | Hoblitzell, |
| Bowen, | Converse, | Fyan, | Holton, |
| Boyle, | Cook, | Garrison, | Houk, |
| Brewer, J. H. | Cox, S. S. | Geddes, | Houseman, |
| Hunt, | Morey, | Rice, | Storm, |
| Hurd, | Moulton, | Robinson, J. S. | Sumner, C. A. |
| Hutchins, | Muldrow, | Rogers, W. F. | Sumner, D. H. |
| Jeffords, | Muller, | Ryan, | Thomas, |
| Johnson, | Murphy, | Sency, | Townshend, |
| Jones, J. T. | Mutchler, | Shelley, | Tucker, |
| Kean, | Nutting, | Slocum, | Wadsworth, |
| Kellogg, | Ochiltree, | Smalls, | Wait, |
| Ketcham, | O'Hara, | Smith, | Washburn, |
| Lamb, | O'Neill, J. J. | Snyder, | Willis, |
| Libbey, | Patton, | Spriggs, | Winans, John |
| Long, | Pettibone, | Springer, | Wise, G. D. |
| Lowry, | Phelps, | Steele, | Wise, J. S. |
| Lyman, | Post, | Stevens, | Woodward, |
| Miller, S. H. | Potter, | Stewart, J. W. | Worthington, |
| Money, | Randall, | Stone, | Young. |

So the bill was passed.

The following pairs were announced from the Clerk's desk:

Mr. FOLLETT with Mr. DAVIS, of Illinois, on all political questions, until further notice.

Mr. WORTHINGTON with Mr. BOWEN, until the 14th instant.

Mr. BOYLE with Mr. LAWRENCE, until the 10th instant.

Mr. DORSHEIMER with Mr. O'HARA, until the 14th instant.

Mr. HILL with Mr. HOUK, until the 18th instant.

Mr. STEWART, of Vermont, with Mr. STORM, until the 11th instant.

Mr. COX, of New York, with Mr. MOREY, until the 14th instant.

The following-named members were announced as paired until further notice:

Mr. SNYDER with Mr. BARR.

Mr. HERBERT with Mr. OCHILTREE.

Mr. LAMB with Mr. RICE.

Mr. DAVIDSON with Mr. JOHN S. WISE.

Mr. ARNOT with Mr. BURLEIGH.

Mr. RANKIN with Mr. ROBINSON, of Ohio.

Mr. DUNCAN with Mr. SMITH.

Mr. GREEN with Mr. WADSWORTH.

Mr. MCADOO with Mr. THOMAS.

Mr. MORGAN with Mr. MORRILL.

Mr. COOK with Mr. MILLER, of Pennsylvania.

Mr. WEMPLE with Mr. JOHNSON.

Mr. CURTIN with Mr. KEAN.

Mr. MULLER with Mr. WAIT.

Mr. O'NEILL, of Missouri, with Mr. DUNHAM.

Mr. POTTER with Mr. LIBBEY.

The following-named members were announced as paired for this day:

Mr. FYAN with Mr. HOLTON.

Mr. GEDDES with Mr. PETTIBONE.

Mr. BINGHAM with Mr. MONEY.

Mr. AIKEN with Mr. RYAN.

Mr. CALDWELL with Mr. KETCHAM.

Mr. BREWER, of New Jersey, with Mr. YOUNG.

Mr. CONVERSE with Mr. BAYNE.

Mr. HUNT with Mr. LONG.

The result of the vote was announced as above stated.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. EVINS, of South Carolina. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of business from the Committee on the Territories.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLACKBURN in the chair.

JUDICIAL PROCEEDINGS IN THE TERRITORIES.

Mr. EVINS, of South Carolina. I ask to take up House bill No. 4705, in relation to courts and judicial proceedings in the Territories.

The CHAIRMAN. The Chair will state that under the provisions of the resolution adopted by the House yesterday the next bill in numerical order reported from the Committee on the Territories is expressly excluded from consideration to-day, and the bill indicated by the gentleman from South Carolina is the one next in order under the resolution.

The bill was read, as follows:

*Be it enacted, &c.*, That the supreme court of every Territory shall consist of a chief-justice and three associate justices, any three of whom shall constitute a quorum; and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed: *Provided, however*, That no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court.

SEC. 2. That every Territory shall be divided into four judicial districts, and a district court shall be held in each district of the Territory by one of the justices of the supreme court at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 3. That temporarily, and until otherwise provided by law, the governor of each Territory not now divided into four judicial districts shall, by proclamation, define the judicial districts for such Territory, assign the judges thereto,

and fix times and places for holding courts therein: *Provided*, That no process, proceeding, order, judgment, or decree of any court of any Territory issued, had, made, or rendered prior to the taking effect of such executive order shall be invalidated or affected by the provisions hereof.

The report of the committee was read, as follows:

The Committee on the Territories, to whom was referred the bills (H. R. 1720 and 2942) relating to the judicial proceedings in the Territories, respectfully report the accompanying bill as a substitute for both of said bills, and recommend its passage.

The Attorney-General, in his annual report for 1883, submits the following:

"Under the provision of existing laws there are appointed in each of the Territories (except Dakota) one chief-justice and two associate justices. Much complaint is made by the bar and citizens having business before Territorial courts that the same judge who presides at the trials in the district courts also sits in the supreme court when his decisions are reviewed. The justice of these complaints is so apparent that comment is unnecessary. The matter is therefore submitted for your consideration. Since it is essential that the supreme court of each Territory should be composed of an uneven number of judges, the public interest requires that a fourth judge should be appointed in each of the Territories if the judge sitting below is not to sit in review of his cases. Moreover, the business in each of the Territories is sufficient to justify the appointment of another judge, making four instead of three. There is, therefore, no reason why Congress should not grant the citizens of the several Territories the relief they ask for in this respect."

And it would appear that his recommendation is founded in justice.

The Legislature of Washington Territory has memorialized Congress upon the question, and present their reasons as follows:

"MEMORIAL PRAYING FOR AN ADDITIONAL JUDGE FOR THE TERRITORY OF WASHINGTON.

"*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

"The memorial of the Legislative Assembly of the Territory of Washington respectfully represents:

"That its area of about 70,000 square miles and population of 150,000 constitute thirty-three counties. Of these counties three judicial districts have been formed, in each of which some twenty terms of court per year are held at the respective county seats by one of the judges of the supreme court of the Territory assigned thereto, necessitating extended time for travel to and from, irksome to the judge and very expensive. That to enable the judges to attend all the terms appointed by law the terms are necessarily of short duration, and business of importance can not receive proper consideration. The judges are greatly overworked; their salaries are inadequate for the labor. The Territory pays their extra travel, but the people are very far from being afforded necessary courts. In all the counties remote from those in which the judges severally reside the people are practically without a judiciary except at term time. That the three judges assigned to said districts constitute the supreme court to hear appeals and correct errors. 'We hold this truth to be self-evident,' no judge should be subjected to the delicate duty of trying whether his own decision should be reversed. If he be of that conscientious mold of which judges should be made, he has decided as pertained to law and right, nor should he be expected to abandon an honest conviction or admit errors. A court of last resort so constituted must of necessity afford rather the means for delay than prove a court of appeal for the reversal of error. To secure an appellate tribunal of three, neither of whom has prejudged the case, we ask for four judges, with a prohibition of the third judge who tried the case in the district court from participating in the hearing on appeal or writ of error in such cause."

The evils complained of in Washington are common in the other Territories.

Wyoming, the youngest of the Territories and with the least population, has a property valuation (largely personal) of $80,000,000. Johnson County, in said Territory, organized less than three years, has within its borders personal property of the value of about $8,000,000. This county, with this large amount of property, has had two terms of court of one week each in the last two years. The county seat of the county is two hundred and fifty miles from the place of residence of the judge of that district, and the only means of transportation is by stage or private conveyance.

It is quite evident that where there is so large property interests one week of court a year is wholly inadequate for the proper administration of the civil and criminal laws and the proper protection of life and property. Yet this was all the time that could be given for a term in that county because of the requirements of other counties. New counties are about being formed by the Legislature of that Territory now in session, and new places for holding courts will become a necessity. These can not well be provided for without an additional judge.

This being the condition of affairs in Wyoming, is it not very evident that the older and more populous Territories are in much greater need of this legislation?

The Territory of Dakota has at this time four judges, and a bill has been introduced into this Congress to increase the number to six. It is claimed by reliable gentlemen from that Territory that six judges will be barely able to transact the judicial business thereof.

The increase in the Territories of population and wealth is rapid; that their facilities for the proper administration of their laws should be increased in proportion to their growth and enlarged business interest and wealth seems to be self-evident.

Mr. MAGINNIS. Mr. Chairman, in earlier days of the Republic, when the Territorial system was first organized and the new Territories consisted mainly of a comparatively small number of hunters, trappers, and pioneers, the present system of Territorial governments was organized. It did well enough perhaps in those days. The quota required for a member of Congress was only 30,000, and that requirement advanced comparatively slowly for years. Now there is a growing disposition against the admission of new States. The Territories are large and populous, and contain great property interests. Some of them have more people and several have more taxable property than the greatest of the Colonies at the time of the Revolution. There are Territories to-day the value of whose productions and commerce is quite as great as that of the whole thirteen Colonies when they threw off the British yoke. And yet under the jealousy of the great States, who are unwilling to let two Senators from one of these new States come in to equal their own representation in the other body of this Congress, it is quite evident that no new State will be admitted by this Congress; and unless the rules of this House are so changed that a majority can overrule a minority on these questions it is not likely that any new State will be admitted for many years. It is not likely that the rules of the House will be changed, and until some party gets a two-thirds majority in the House, which is not now probable, no bill admitting a State can be passed by either party except by compromise.

These considerations make the duty of the House all the more obligatory to remedy any defects in the present Territorial system and to so modify that system as to relieve as much as possible the grievances of the orderly, industrious, and enterprising people of these younger sisters of the great Union of States.

That system is a bad one in many respects. The people are subjected to the government of strangers appointed by the Federal Government without their consent or concurrence, and very often in the face of the direct protest of the people of these Territories. Already this House has taken such notice of this abuse that its Committee on Territories has reported a bill providing that no one shall be appointed governor of one of these Territories who has not been a resident thereof for at least two years. My only objection to that bill is that it does not apply the same principle to all offices and all appointments. Indeed, I favor a bill that will permit all officers to be elected.

While all parts of the Territorial system are objectionable, there is no part of it that has been so hateful as the judicial part of it. It seems to be a prevalent opinion even among intelligent members of this House that the causes to be tried before Territorial courts are unimportant, and that any one who has the name of lawyer is quite competent to try them. The appointing power has generally acted upon the same theory; and the men who have been appointed as our judges have only too often either been broken-down politicians or men without capacity or integrity. There are many exceptions to this, Mr. Chairman, but only enough in my opinion to prove the general correctness of the rule. The judges when appointed have no independence. They are subject to removal by political influence, and threats of this sort of pressure is often brought against them to determine their judgment in causes before them. When their terms expire they are reappointed or removed by the same sort of political influence that procured the original appointments.

Mr. Chairman, outside of great railroad cases, which we also now have in the Territories, there are few cases which come up in your State courts which involve as much money or as great interests as many cases that come before these Territorial courts—cases involving great mines, great landed and other interests, requiring the finest ability and the firmest integrity. One of the greatest causes of complaint has been that the judge who tries the case in the first instance sits on the court of appeal to influence and arrange with his colleagues, so that the decisions of the supreme court are sometimes said to be a mere list of compromises between the judges. However this may be, it will be apparent that the provisions of the pending bill will work an improvement in this respect. It will not give us an ideal system, but it is the best that we can hope or expect.

This bill, which was introduced by the Delegate from Wyoming with the general approval and concurrence of all the Delegates, is about the same as one I introduced in the last Congress. A similar bill, which I introduced for my own Territory, was favorably reported from the Committee on Territories and passed by this House in the Forty-sixth Congress.

The reasons which I urged in favor of the passage of that bill at that time apply with redoubled force now that the Territory has almost doubled in population and business. I shall ask the Clerk to read part of the report of the committee made at that time by a man whose integrity and economy commanded the undivided confidence of this House, Hon. Gabriel Bouck, of Wisconsin. I know, sir, that it has been held by very competent men, such as Senators EDMUNDS and GARLAND, that the volume of business which we have presented as an argument in support of our bill ought to be easily handled by three able and competent judges. That might be so, Mr. Chairman, if our courts sat in one place only or if the means of transportation between distant points and county seats was better. But when you consider these vast distances and the slow and uncertain means of transportation you will see that prompt transaction of our business requires another judge. In my own Territory the civil cases are far behind, and, at least in one instance, I have known a man charged with crime to languish in prison for twenty-two months before we could get a court to try him. The mere statement of this fact ought to convince the House of the necessity for the passage of this bill.

The Clerk read as follows:

The Territory of Montana is about six hundred miles long and three hundred miles wide.

The western or mountainous portion, first filled with a mining and agricultural population, is divided into three judicial districts, all very large, and having such an amount of business before the courts as can scarcely be disposed of.

The eastern counties of the Territory, more recently organized and now being more rapidly settled than any other portion, have no judicial facilities, but have been temporarily attached to the older districts.

It was at one time contemplated to create a new Territory out of this portion of Montana and the western part of Dakota, but it was deemed more economical to give an additional judge to Western Dakota, which has been done, and one to Eastern Montana, which this bill proposes.

This would maintain order and administer justice quite as well and save the expense of a new Territorial government.

Miles City, the county seat of Custer and the nearest county town in the eastern counties, is four hundred and thirty-three miles distant from Virginia City, the only point in the judicial district to which these counties are temporarily attached where a United States court can be held.

The fees and mileage of marshals, witnesses, and jurors over this great distance amounts to a very large sum; so much so, that it is clear that to establish a court for these eastern counties is not only a matter of necessity, but of economy.

Glendive, the county seat of Dawson county, is still farther away from the seat of the United States court.

Mr. MAGINNIS. And now, Mr. Speaker, after this statement, which applies to the other Territories as well as my own, I move that the bill be laid aside by this Committee of the Whole to be reported favorably to the House.

Mr. STRUBLE. There is only one objection to the bill that I have, and that is to the remark of the gentleman from Montana [Mr. MAGINNIS]. He said there was no disposition to get these Territories into the Union. There is, I think, some disposition on this side to do that.

Mr. POST, of Wyoming, addressed the House. [See Appendix.]

Mr. EVINS, of South Carolina. I move that the committee rise and report the bill back with the recommendation that it do pass.

The motion was agreed to.

Mr. MAGINNIS. I move by unanimous consent that the Delegates of the Territories have leave to print their remarks on this bill.

There was no objection, and it was so ordered.

Mr. EVINS, of South Carolina. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories, and had directed him to report the same back with the recommendation that it do pass.

Mr. EVINS, of South Carolina. I demand the previous question on the engrossment and third reading of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PERKINS. I should like to make an inquiry. The provisions of this bill are broad, and I should like to make an amendment that they shall not apply to the Indian Territory.

Mr. MAGINNIS. There is no Indian Territory except in name.

Mr. BRENTS. This bill applies only to organized Territories.

Mr. EVINS, of South Carolina. I demand the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the blil was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### TERRITORIAL GOVERNORS.

Mr. EVINS, of South Carolina. I now call up from the House Calendar the bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment.

The bill was read, as follows:

*Be it enacted, &c.*, That no person shall hereafter be appointed governor of any of the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, or Wyoming who has not been a resident of the Territory for which he is appointed for at least two years next preceding the date of his appointment.

The report was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment, respectfully recommend its passage.

The reasons for this recommendation are so obvious to any one who has considered the subject, that a very brief suggestion of a few of them will, in the opinion of the committee, be sufficient to commend the provisions of the bill to the favorable consideration of the House. It will be conceded that the chief executive officer of these Territories ought to be a person fully acquainted with and fully identified with the people whose welfare is so largely committed to his keeping. He ought not only to be acquainted with the character of the people and the character of the legislation best suited to their wants and necessary for their progress and the development of their material resources, but he should be attached to the soil as a property-holder and by the many social ties growing out of permanent citizenship. Such a person would be careful of his reputation, and would have the strongest motives to deal fairly and honestly by the people.

When these Territories were first organized there was perhaps a solid excuse for the practice which still obtains of sending men from the States to act as governors, but in the opinion of the committee there can be no good reason urged for its continuance. It is, in fact, a vicious practice, inconsistent with the genius of our free institutions, and should no longer be tolerated. These high and important offices have been used quite long enough as rewards for party service or as places of refuge for unsuccessful or disappointed politicians. In nine cases out of ten men have been appointed governors of these Territories who are not only total strangers to the people, but who go, carpet-bag in hand, ready to return to their homes in the States as soon as their term of office expires. They are satisfied, therefore, with drawing their salaries with scrupulous regularity, and with a merely perfunctory discharge of the important duties of their office. They have none of the incentives which would actuate the man whose permanent residence was already fixed in the Territory and whose future was bound up with its people.

With the multiplication of railroads throughout these Territories population has poured into them, and each of them now numbers among its citizens scores of men skilled in political affairs and learned in every branch of knowledge; eminently qualified in every respect to fill these high offices. Why should not the people have the small privilege accorded them of having their chief executive selected from those who are most deeply interested in their social, political, and material welfare?

Mr. EVINS, of South Carolina. This bill is only intended to apply, as its terms provide, to the organized Territories of the United States. It requires that those who are appointed as governors of those Territories shall have been residents of the Territories to which they are appointed for two years prior to that time. There would not be any objection to this bill but for the Territory of Utah, and I do not think there should be any exception as to Utah.

Mr. HORR. Was this a unanimous report of the committee?

Mr. EVINS, of South Carolina. Yes, sir; unanimous.

Mr. HORR. A full committee?

Mr. EVINS, of South Carolina. A full committee.

Mr. HORR. Who originated the bill?

Mr. EVINS, of South Carolina. I introduced it in the House myself.

As I was going on to say, Mr. Speaker, I do not see why even Utah should be excepted. We are now, and have been for years, as all know, dealing with the problem of the Territory of Utah, and I think the best way to solve that problem is to appoint men to control affairs there who have been residents of that Territory and who understand the condition of affairs existing among that people. The sending of a stranger there as the governor of a Territory is generally a mistake, for in the very nature of things it must be several years before he ever finds out what is required or anything about the true condition of the people.

It takes half of his term to find it out as he ought to do and as the obligations of his office impel him to do. For that reason it is urgent, in my mind, that this officer should be a resident and familiar with the people.

Utah is now upon the great thoroughfare leading across the continent to our western coast. It has a large population outside of those who have made themselves inimical to a large number of the people of this country. It has plenty of men, as I understand it, who are fully qualified in every respect—as capable as any man who can be selected from any of the States—to fill the gubernatorial office. I have stated succinctly in the report, as fully as I believe necessary, the reasons why in the judgment of the committee the bill ought to pass. They seem to me to be convincing reasons.

I have had, Mr. Speaker, I may be permitted to say, some experience of carpet-bag government. I know what it is, and I think that the great security of the rights of the people in this country is in local self-government, and I want to see the government of this country brought as near to the people as it possibly can.

I now yield——

Mr. KASSON. Before the gentleman from South Carolina sits down I desire to correct one impression he has, or appears to have, that the only objection to be urged against this bill rests upon the case of Utah. To me that is comparatively a small objection, because there are gentiles as well as Mormons in Utah and intelligent people.

The opposition that I feel to this bill rests in the fact that it revolutionizes the long-continued policy and theory of the Government in dealing with the Territories.

They are regarded not as States with constitutions controlling all of their organic functions, but they are recognized as dependent Territories, in the process of attaining statehood, and as it were in trust for all the States of the Union to send to them their emigrants to find homes. Consequently we have always had the advantage of selecting a governor from any of the States of the Union, whose signature is necessary to validate legislative acts which are exclusively Territorial.

Now this bill proposes to take away from the United States the last hold that they have upon the legislation which affects the interests of future immigrants to the Territories.

Mr. MAGINNIS. Will the gentleman permit me to interrupt him just there?

Mr. KASSON. Not now.

Mr. MAGINNIS. Just in that connection?

Mr. KASSON. Allow me to finish my objection and then I will be glad to yield to any interruption. Then you find that this bill puts the entire interests of all of the United States under the absolute legislative control of a veto held to protect alien interests entirely under the control of the citizens of the Territory.

Mr. BRENTS. But the gentleman will remember that Congress has the power——

Mr. KASSON. Will the gentleman be kind enough to allow me to complete what I was about to say? I must decline to be interrupted. Congress does not propose to appoint the governor nor the members of the Legislature, I will say to the gentleman; and my point is that the whole legislative power of the Territory is proposed by this bill to be put into the hands of a temporary occupant of that Territory—temporary with reference to the period of time that it is approaching statehood.

And, sir, I have another objection, if the gentleman will yield to me long enough to complete my statement, that it is of the greatest importance that the governor should be free and independent in the exercise of his veto power and approval power of special local interests of the Territory. Under our usage there are repeated acts of the legislative power fixing lines of railroads for given roads; for the location of county seats; questions fixing a capital; all such questions which every

one of us who has lived even in the new States have encountered, where it is absolutely essential to the general interests that they shall have so important a functionary as the governor free from local influences. Another reason for the policy heretofore pursued, and which has prevailed up to this time in the selection of a governor from outside, is found in the fact that the local governor is largely under the control, and in the nature of things must be, of all local interest where his enterprises are centered. Now, the very point made in the report and claimed as a strong one in behalf of the bill, that he ought to be so interested in property and matters of local interest in the Territory, is a point against the passage of the bill, because of the fact that so many men in the Territories as we are well aware are transient in their residence and are there only seeking temporary advantages in the selection and acquiring of landed interests, the purchasing of sites near towns, in railroad interests, and other matters of that character.

Now, sir, I maintain that for both these reasons it is of great importance that one functionary of this Territory connected with legislation should represent the interests of all the States of this Union and of all future immigrants into any Territory.

Mr. BRENTS. Will the gentleman allow me——

Mr. KASSON. I yield first for a question to the gentleman from Montana [Mr. MAGINNIS], who first addressed me.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 51) to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico;

A bill (S. 398) to aid in the establishment and temporary support of common schools;

A bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah; and

A bill (S. 664) to authorize the construction of a bridge over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico.

GOVERNORS OF TERRITORIES.

Mr. EVINS, of South Carolina. I yield to the gentleman from Montana [Mr. MAGINNIS].

Mr. MAGINNIS. The most eloquent speech I ever heard made by the gentleman from Iowa [Mr. KASSON] was on the question of the admission of Colorado and was in defense of the new Territories and in denunciation of the very system he has now risen to defend.

Mr. KASSON. Of the system of appointing governors?

Mr. MAGINNIS. Yes, sir.

Mr. KASSON. No, sir.

Mr. MAGINNIS. If the gentleman will go back to the debate when on the floor of this House he answered Mr. Potter, of New York, who was objecting to the admission of Colorado, he will find in his own remarks a more eloquent denunciation of this Territorial system than I can hope to make.

Mr. KASSON. Not in regard to the appointment of governors.

Mr. MAGINNIS. But apart from that, for that is merely a personal argument, let us consider the proposition the gentleman has submitted. He says the United States ought by the appointment of one individual to have a control over these Territorial Legislatures. Why did he forget the important fact that after these Legislatures have acted, after these statutes have been passed, after the governor has signed them, this Congress retains to itself the right to review, to annul, to revise, to blot out that whole Territorial legislation whether it has been signed by that governor or not? We, sir, are infinitely more willing to trust the wisdom and action of this representative body of all the people of America than those of any man appointed, as so many are, under political patronage, who goes out to our Territories unidentified with our people, with no interest in common with us, very often a mere adventurer, and, as the gentleman from South Carolina has said, with his carpet-bag in his hand, ready to come away as soon as his term of office expires.

The same objection which the gentleman from Iowa has urged would apply to the governors of all those States. And why? In the early days, when a few hunters and trappers and pioneers merely were found in those Territories, there might have been some force in the gentleman's argument. But now, in the youngest of them men have been born and grown to manhood and cast their first vote in them, without ever having actually voted for the President of the United States in whom this patronage is lodged, and without having any voice as to who shall be their governor. I do not believe in the early days it was intended these Territories should grow to this immense size without being admitted to the Union. But I know there is a growing idea against admitting them to the Union of the States. These great States are jealous of the admission of new Territories. Their Senators are jealous of admitting two Senators from one of these Territories to balance their reputation in the Senate, and in the present state of political parties both are equally careful lest the admission of some new State should influence the balance of political power between them. And under the rules of this House, even although a majority should be in favor of the admission of a new State, a minority could and would successfully resist it. So that there is no hope of the admission of these Territories as States and of the solution of their difficulties and the removal of their grievances in that way.

The only thing then we can fall back upon is to perfect as well as we can the present Territorial system, which I undertake to say is the most infamous system of colonial government that was ever seen on the face of the globe. I go back again to the Potter debate, because I made the same statement then as I do to-day. I ask what are those Territories? They are the colonies of your Republic, situated three thousand miles away from Washington by land, as the thirteen colonies were situated three thousand miles away from London by water. And it is a strange thing that the fathers of our Republic when they threw off the yoke of Great Britain established a colonial government as much worse than that which they revolted against as one form of such government can be worse than another. I made that statement in 1876, and Mr. Potter asked me if the United States Government had ever annulled any of our laws. And the gentleman from Iowa will remember our answer, for we were then both on the same side, that not only particular enactments but the laws of whole sessions of our legislatures had been wiped away by one word.

Mr. HOPKINS. Will the gentleman allow me to interrupt him for a moment?

Mr. MAGINNIS. I will.

Mr. HOPKINS. I sympathize with the gentleman and it is only for my own information that I ask him this question, because in listening to the reading of the report I did not hear the matter alluded to. That which troubles me in this regard is the constitutional question of imposing a limitation upon the appointing power of the President.

Mr. MAGINNIS. There is no doubt that Congress can say who shall be appointed as governors of these Territories.

Mr. BRUMM. Will the gentleman permit me to ask him a question in the same direction?

Mr. MAGINNIS. Certainly.

Mr. BRUMM. Will the gentleman tell me how the President gets the authority to appoint these Territorial governors at all?

Mr. MAGINNIS. He does not get it under the Constitution, which answers the question of the other gentleman from Pennsylvania [Mr. HOPKINS]. He gets it from the statutes, and the gentleman knows very well that these Territories are authorized by statutes.

Mr. HOPKINS. The President obtains under the Constitution the right to make appointments.

Mr. MAGINNIS. And Congress has the power under the Constitution to provide officers, and the President obtains from Congress the right to appoint those officers, and Congress has the right to modify that power.

Mr. BRUMM. Will the gentleman be kind enough to show me under what law of Congress the President has the power to appoint governors of Territories?

Mr. MAGINNIS. Under the organic acts of the Territories.

Mr. BRUMM. Not under the general power to appoint in the Constitution?

Mr. MAGINNIS. He has the right under the organic acts of the Territories to make the appointments of governors, and the governors are appointed with different powers. Congress has the right to modify that power, and there is no doubt about that.

The only question before this House is in regard to these Territories, great, rich, and powerful as they are, some of them with more wealth and more means than the greatest of the colonies had at the time they threw off the yoke of Great Britain. There are Territories to-day whose exports and imports exceed all the exports and imports of the Colonies of the United States when they established the Government of the United States.

Mr. HISCOCK. Will the gentleman permit me to ask him a question?

Mr. MAGINNIS. I will.

Mr. HISCOCK. Does the gentleman believe that this bill is free from any constitutional objection?

Mr. MAGINNIS. Most certainly I do.

Mr. HISCOCK. Does the gentleman think that this bill imposes no limitation on the power of the President to appoint?

Mr. MAGINNIS. These Territorial governments have grown up outside of the letter of the Constitution.

Mr. HISCOCK. Not so.

Mr. MAGINNIS. And Congress has provided in the organic acts of these Territories how the governors shall be appointed, and Congress can modify those provisions.

Mr. HISCOCK. I beg the gentleman's pardon; the Constitution provides the manner in which officers shall be appointed.

Mr. WHITE, of Kentucky. Will the gentleman from Montana [Mr. MAGINNIS] yield to me to read section 2, article 2 of the Constitution of the United States?

Mr. MAGINNIS. No, sir; I do not yield.

Mr. WHITE, of Kentucky. You do not want the Constitution read.

Mr. MAGINNIS. I yield to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. I feel with my friend from Montana [Mr. MAGINNIS]. I believe that the President of the United States would act wisely and do well in the appointment of governors to select persons who reside in the Territories and who have interests with the inhabitants of those Territories. But I submit to my friend that I am troubled with this provision of the Constitution. I read from article 2, section 2, of the Constitution of the United States, that instrument which some people do not like to have spoken of.

Mr. WHITE, of Kentucky. I am glad the gentleman is going to read it.

Mr. EATON. That section declares that "he [the President] shall have power"—to do what?

He [the President] shall have power to * * * appoint ambassadors and other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

Mr. MAGINNIS. Now, if my friend will permit me——

Mr. EATON. Wait one moment, if you please. We establish by law that there shall be a governor of the Territory of Montana; and by the Constitution the President of the United States has the undoubted right to nominate and appoint the governor of that Territory. Instead of taking my distinguished friend who is a resident of Montana, who has all his interests there, the President goes to Maine and takes my friend the distinguished Representative from Maine. He has the right to do that; his power in that respect can not be limited.

Mr. MAGINNIS. There is no doubt he has the right to do it under the law; but there is no doubt either that the Congress of the United States has the right to fix the age, residence, and other qualifications of governors of Territories. None in the world. Under those qualifications, as established by law, the President has the right to appoint governors of Territories.

Mr. HORR. Will the gentleman permit me one question?

Mr. MAGINNIS. I yield to the gentleman from Washington Territory [Mr. BRENTS].

Mr. HORR. I want to ask the gentleman if he considers that Congress has the right by law to confine the President in his selection of a person to be governor of Montana to the residents of one county of Montana?

Mr. MAGINNIS. I have yielded to the gentleman from Washington Territory [Mr. BRENTS].

Mr. BRENTS. There is to-day, Mr. Speaker, one State in this Union that has less population than any one of the eight Territories which hav been named, with one single exception. And that State has the right not only to have one of its own citizens act as its governor, but also the right to elect that governor by the people of that State.

Yet these Territories, and some of them with three times, yes, with five times the population of that State, their people all citizens of the United States, as loyal to the Union as any citizen of the United States, as intelligent as any other citizens of the United States, are denied the right to have one of their own citizens chosen as governor, unless the appointing power may so choose in the selection of that governor.

We all know from experience that pressure is brought to bear upon him to appoint some man from some of the older States who has become obnoxious to his friends, who are influential, and who, to get rid of him, go to the President and persuade and besiege him to appoint this friend of theirs to be the governor of some far-off Territory, in order to expatriate him.

Now, Mr. Speaker, is it right that the people of the Territory should be so far ignored that they are to be denied the right to have as their governor one of their own citizens, a man acquainted with their wants and necessities, who would know how to administer the government there better than any man who might be chosen from abroad, who has no interest in their welfare, who has no concern in remaining in the Territory except so long as his commission may last?

But the gentleman from Connecticut [Mr. EATON] and other gentlemen have suggested that we can not put this limitation upon the appointing power of the President so as to require the selection of the governor of a Territory to be made from citizens of that Territory. Mr. Speaker, was Congress obliged to pass the law giving to the President the power to appoint these governors? Is Congress obliged to continue that law in force? Has not Congress the power to-day to repeal that law and allow the people of the Territories, as they ought to be allowed, to elect their governors for themselves? If Congress will not go this far, then I say it is just and right to these Territories that a citizen of the Territory, one who has an interest in the prosperity of the Territory, should be selected.

It is said that there should be some one to represent the Government of the United States in the making of the Territorial laws. Why should not the people of the Territories be allowed to make their own laws? But you do not go that far under this bill. Congress still retains the power to annul every statute passed by every Territory. You still reserve the power to wipe out all Territorial legislation, as well as the Legislature that made it, at any moment you please. Yet gentlemen are afraid that power will be absorbed by the people of the Territories to the detriment of the Government of the United States.

Why, sir, this Government is based upon the right of men to self-government. This right is enunciated in the Declaration of Independence and throughout the Constitution it is intended to be secured to the people of the United States. When the Northwest Territory was organized it was for the avowed purpose of giving the people of that Territory the right of self-government so far as it might be compatible with their situation. The reason full power of self-government was not given to them was simply that they were not considered able to support a government of their own, not because they were incapable mentally or otherwise. Those people were regarded as equals in every respect with the people of the States, except that they had not the adequate population and means to support the burdens of government; consequently the full power of self-government was withheld by Congress until, and only until, they might be able to support a government for themselves. Most of the States that have been admitted into the Union from a Territorial condition have been admitted with far less population than now exists in any of the Territories of the United States.

Mr. Speaker, this is a poor privilege which the people of the Territories ask, that they should have one of their own citizens selected as their governor. I hope this bill may be passed. It is one step in the right direction.

Mr. EVINS, of South Carolina. I yield five minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Speaker, there can be no question, it seems to me, that this bill is unconstitutional. If you have a right to restrict within a particular Territory the discretion of the President of the United States in the selection of officers under our Constitution, then you can still further restrict it. You can say he shall be limited to a certain county in each Territory. If you have the right to do that you can say he shall be restricted to a certain township. If you have the legal right to make this provision you can limit his selection to residents on a certain street in a certain town, and finally you can bring it down to a certain number on a certain street, and thereby appoint the governor yourself.

Mr. BRENTS. Does that make it unconstitutional?

Mr. HORR. It does. You have just as much right to pass a law prescribing that every judge of the Supreme Court of the United States shall be selected from the State of Ohio—a State which I know would be offended by any such discrimination. [Laughter.] No man would submit to such a violation of the Constitution. Think of it for a moment——

Mr. EZRA B. TAYLOR. Will the gentleman allow me a question?

Mr. HORR. Certainly.

Mr. EZRA B. TAYLOR. Among the appointees of the President are cadets to the West Point Academy. Now, by a law long existing and acquiesced in by everybody, those cadets are not only appointed by the President from particular districts, but they are appointed upon the recommendation of members of Congress.

Mr. HORR. They are not officers of the United States at all.

Mr. EZRA B. TAYLOR. They are appointees.

Mr. HISCOCK. In the Constitution will be found a provision that Congress shall have power to provide rules and regulations for the Government of the Army and Navy. Now, it has been held that those appointments are constitutional under that provision, that they are a part of the machinery for the government of the Army and Navy.

Mr. EZRA B. TAYLOR. But still those appointees are officers.

Mr. HISCOCK. No, sir; the question has been fully discussed, and it has been held that those appointments are constitutional in virtue only of the provision of the Constitution to which I have called attention.

Mr. HORR. Mr. Speaker, do these interruptions come out of my time?

The SPEAKER. They do, because the gentleman yields.

Mr. HORR. I do not see how I can help myself. [Laughter.]

The SPEAKER. The gentleman from Michigan can not be interrupted without his consent.

Mr. HORR. I was observing when you come to carry out this doctrine to its logical effect it is absurd on its face. If the Constitution means anything, it means that the President shall have the power to select these men. This is an attempt to prevent that. Why do our friends from the Territories put on such a terrible face about this matter? We not only pay out of the Treasury of the United States the salaries of the governors of the Territories, but we pay also the members of their Legislatures.

Mr. BRENTS. Give us the privilege of electing them and we will pay for them very gladly.

Mr. HORR. We pay for your representatives in your Legislative Assemblies as they come together.

Mr. BRENTS. Yes, and the money that is paid is put into the Treasury from our taxes just as well as it is from your taxes, and we pay them just as much as you pay them.

Mr. HORR. This matter of distinction between Territories and States is a constitutional distinction, and one which we should never lose sight of. These appointments by the Executive of this nation are made under the Constitution. He has the right to select the men, and such an instance might occur where it would be utterly improper to appoint a man who lives in the Territory.

Mr. NICHOLLS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLLS. The gentleman from Michigan has created such great disorder we can not hear what is going on. [Laughter.]

Mr. HORR. I did not hear what the gentleman from Georgia said.

Mr. BELFORD. He is trying to call the House to order so that you may be heard.

Mr. WOLFORD. Will the gentleman allow me to ask him a question?

Mr. HORR. Certainly.

Mr. WOLFORD. In the first place, so we may understand exactly what is the constitutional provision, I should like to ask the gentleman from Michigan whether the governor of a Territory is an officer of the United States or an officer of the Territory? If he is an officer of the Territory, then there can be no question at all as to the propriety of this bill. Let me ask the gentleman to say whether he is an officer of the Territory or an officer of the United States.

Mr. HORR. He is an officer of the United States.

Mr. BRUMM. Or else the President could not appoint him.

Mr. WOLFORD. I wish to call attention to the Constitution where it says that these are officers of the Territory. The Constitution provides that Congress shall make all needful rules and regulations in regard to these Territories and not the President.

Mr. REED. The Constitution does not mention Territories at all.

Mr. WOLFORD. It does say precisely what I have indicated about these Territories.

Mr. HORR. I had one word to say, and that was that this is an attempt to prescribe the rights of the President in making these appointments, and that it is a field upon which Congress ought not to enter. I believe, and I believe it not only because I think there are Territories to-day that are better to have their governors come from abroad than to have them appointed from them, but I believe the Government of the United States where there are Territories should hold some control over them, and that in doing that we should at least have a right to appoint the officers whom we pay out of the Treasury of the people of the United States as the President may see fit.

[Here the hammer fell.]

Mr. EVINS, of South Carolina. I will now yield for five minutes to the gentleman from Iowa [Mr. McCOID].

Mr. McCOID. I do not intend to discuss the merits of the bill itself, but I am surprised at the constitutional objection made by the gentleman from Connecticut [Mr. EATON]. There are two questions in regard to the appointee of a Territory; one is who is the appointing power, and that is placed in the President of the United States under the Constitution; the next is who is qualified to be appointed, and that is fixed by Congress itself. Congress may fix the qualifications of the appointee. Why, Congress has done that many a time, and the gentleman from Ohio has the point exactly, for in the case of circuit judges Congress has fixed the limitation that they must reside within their circuits. This is the same question exactly. Take the case of district judges, and they are appointees of the President, but Congress has fixed their qualification, and that is that they must reside within their districts.

Mr. HISCOCK. Is the gentleman from Iowa quite sure the President is limited to appointing them from residents of the district? The law is sure they must reside in their districts. I ask the gentleman if he is quite clear in stating the law in reference to their appointment?

Mr. REED. And if that is the law, has it ever been decided to be constitutional?

Mr. HISCOCK. I do not believe it is the law.

Mr. McCOID. I put it upon this, that Congress may fix the qualifications of the appointees.

Mr. HISCOCK. Let me ask the gentleman this, whether residence is a part of the qualification?

Mr. McCOID. It may be made so by act of Congress.

Mr. BELFORD. Of course it may.

Mr. McCOID. And the constitutional power is given to us to fix the qualification that the governor must have resided within the Territory two years.

Mr. BRUMM. We might as well make it a qualification that his hair should be of a particular color and that he should be of a particular size.

Mr. BELFORD. I would not object to that if they would make it red. [Laughter.]

Mr. BRUMM. Or it might be made a qualification as to his nationality.

A MEMBER. But what about his being a polygamist?

The SPEAKER. The gentleman's time has expired.

Mr. EVINS, of South Carolina. I now yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I do not believe the provisions of this bill to be wise. I can not make much of a statement in three minutes, and shall not try; suffice it to say that in the early settlement of these Territories the tendency is frequently to reckless legislation.

I happen now to have in my mind a statement made to me by a man, since dead, but eminent in the country, who was governor of one of the principal of these Territories a few years ago, and who took occasion to say that he was greatly criticised in the Territory for the reason that by virtue of his veto power he kept the new Legislature, elected from the new residents, from absolutely mortgaging in perpetuity the interests of the Territory and the people to follow.

But this, Mr. Speaker, is a pretty good argument for the necessity of the admission of certain of these Territories as States. I have no doubt that at least Dakota, and probably Washington, ought to be admitted, having far more than population sufficient; and I apprehend that my friends will find that this will be received indeed as but a very poor apology for their failure to provide for the prompt admission of these Territories into the Union as States. It was not contemplated that they should remain Territories for any great length of time; and although I believe that men can be found in Dakota, and perhaps in some of the other Territories as well, who are competent to act as governors, still you can not afford to violate the general rule with safety. The safest rule to follow in Utah and Arizona and all of the Territories, in my judgment, is that the President should have the power under the circumstances existing at the time to appoint the governor, the apt and proper man from either of the Territories or either of the States to fill that place.

[Here the hammer fell.]

Mr. EVINS, of South Carolina. I now yield three minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I do not desire in the brief time allotted to me to read the provisions of the Constitution that have been already cited by the gentleman from Connecticut [Mr. EATON]; but it affords me great pleasure to join hands with him in defense of the Constitution, and I am grateful, in view of some recent legislation that we have had during this session of Congress, to find that he is now calling attention to its provisions as well as to laws in violation of the Constitution.

Now, the gentleman from Iowa [Mr. McCOID] has attempted to illustrate this bill by the appointment of judges of the district courts. I say to the gentleman that I think he will search the statutes in vain to find what I understand he claims, that the President has ever been limited to a particular territory, to a particular district or to a State in making his selections to fill any office. It is true that we have the power doubtless to prescribe the qualifications of offices to some extent. That has been always done by Congress. But I submit to the gentleman from Iowa, and to any other gentleman who favors the passage of this bill, if residence has ever yet been construed as a question of qualification.

Gentlemen around me say that it has been. I would like to know when, by what act, or what judicial decision.

Mr. RANNEY. By the Constitution of the United States itself.

Mr. HISCOCK. It says that Representatives shall be residents of the States, and as I recall that provision of the Constitution it then goes on to provide that they shall possess certain other qualifications.

Mr. BELFORD. They have to be residents.

Mr. HISCOCK. Oh, yes; but the word "residents" in that sense is distinct from the qualifications required here, and I ask my friend from Massachusetts to give his opinion upon that point.

Mr. McCOID. Let me call the attention of the gentleman to the language of the Constitution:

> No person shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Mr. HISCOCK. Does the gentleman claim that that imposes residence as a qualification?

Mr. McCOID. It is a part of the provision of the Constitution; a part of the condition requisite.

Mr. HISCOCK. It says in so many words that he shall be a resident of the State. Then, as I recall it, in prescribing the qualifications of electors it says:

> That they shall have the qualifications requisite for electors of the most numerous branch of the State Legislature—

Making a clear distinction between the terms.

Mr. BRENTS. I would like to read a clause——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. EVINS, of South Carolina. I yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Speaker, if the power of the President to appoint carried with it the power to create the office the argument of the gentleman from New York and others would have more force. But the Congress creates the office for which the President makes the appointment, and Congress may annex to the office the qualifications of the officer. Whether they be previous examples or not, it seems to my mind clear that Congress has the right to annex any qualification that in its wisdom it may think proper for the person who is to fill the office.

The power of the President to appoint is not interfered with by the qualification which Congress annexes to the office. That is about all I desire to say. I like the idea of local self-government. I believe it is competent for Congress to annex this condition to the qualification for the office of governor, and shall therefore support the bill.

Mr. EVINS, of South Carolina. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I journeyed to the West a great many years ago, and I was accompanied and followed by thousands of people who went with me from the East. These Eastern people occupied all these Territories except those who have come from the South. That is the condition of affairs in the far West.

Years ago, as a beardless lad, as an Eastern boy, I had the courage to seek my home under the shelter of the Rocky Mountains. Talk about the constitutional power of the President to select a boy or a man in any of these States. Go to my own State and to a mining camp, and my dear friend from Connecticut [Mr. EATON] will find a boy dressed in red jeans working in a mine who has graduated at Harvard or Yale College. Can not the President of the United States find one of these enterprising persons who have crossed the plains, who have built up commonwealths, can not he find one there who is competent to discharge the duties of the office of governor of a Territory? The trouble with you Eastern fellows is you are making boots and baskets, while we are making States and commonwealths. All our ideas are enlarged by our surroundings. With our broad and expansive plains, with our grand and magnificent mountains, with the energy and strength of the young men who have left the East to build up that vast country, can not you trust the President of the United States to select from their number one at least as governor for a Territory? Are we not capable of self-government? When did we lose that power? You gave us our courage and our brains and our education in the East. Are you afraid to trust us now when we have crossed the whole continent and enlarged the trail of the pioneer into the pathway of empire?

Gentlemen, we are for the East and for the South, for the North and for the West, because our population is an agglomeration of the brightest brains of the whole of the sections of this Republic.

Mr. EVINS, of South Carolina. I yield five minutes to my colleague from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, I am rejoiced that several gentlemen on the other side of the House are contending to-day that there is some limitation on the discretion of Congress by virtue of certain provisions of the Constitution. But the discretion they deny to Congress they claim for the one-man power, which is worse still. They quote many passages that they regard as authority for the President to make the appointments of gubernatorial officers for the Territories in his discretion despite the will of Congress.

Now, sir, the joy I first felt that they were still willing to cite the Constitution, that they were still willing to respect it as not obsolete, was dashed and marred, I must confess, by their abdicating their own plainly granted powers in behalf of a despotism on the part of the Executive. Since a number of extracts from this not quite yet obsolete instrument have been quoted, I beg leave to read a short passage myself:

> The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. (Article 1, section 8, clause 18.)

That, sir, is the most comprehensive provision of the Constitution; in fact, it is the mainspring of the whole machinery of our Government, with the people to wind it up. I would like to know what there is to prevent Congress from passing a law to regulate every branch of the civil service or to provide a government for the Territories by annexing any qualification or condition it pleases of age, residence, or otherwise that it thinks fit, which the President must respect in making an appointment. The only limitation on the discretion of Congress in that respect is that which the Constitution itself provides in the way of age and residence and citizenship for the President and Vice-President and for members of the Senate and House and for Presidential electors.

Congress can not pass any act to add to or detract from the prescribed qualifications for these elective officers. But it can attach any qualification it pleases to any other officer or agent of this Government, and the Executive is bound to respect it. I wish I had time to pay my respects to the carpet-bag officials who have been intriguing, blundering, and domineering in the Territories as they used to do in the South, but I am sorry I have not the opportunity.

The SPEAKER. The gentleman from South Carolina [Mr. EVINS] has five minutes of his time remaining.

Mr. EVINS, of South Carolina. I think the bill has been sufficiently discussed; but my friend from Pennsylvania [Mr. BROWN] desires a few minutes. I yield him three minutes.

Mr. BROWN, of Pennsylvania. I had concluded the time I had asked for was not to be allotted me, and what I had to say has passed from my mind somewhat. [Laughter.] But when the gentleman from South Carolina and the report itself refer to the citizens of this Republic who go and locate in the Territories as carpet-baggers, I think, sir, I ought at least to protest, though this is not in the line of what I wish to say on this bill. When I traveled across the Territories of this Republic last summer I looked upon them as a part of my inheritance, as a part of my country, into which I had a right to go and be called a citizen and not a carpet-bagger. I count it an insult upon citizenship, a slander upon my countrymen, to call them carpet-baggers anywhere between the oceans. To whom do the Territories belong? Is the first there always to charge the second and succeeding comer with being a carpet-bagger?

Mr. BELFORD. Columbus was the first carpet-bagger we ever had.

Mr. BROWN, of Pennsylvania. We are all carpet-baggers of course in one sense, but not in an offensive sense. If an honorable gentleman from New York or elsewhere is appointed governor of one of the Territories, is he a carpet-bagger in the sense that he is out of place? I protest against it. I do not believe any man clothed in his right mind will charge a thing of that kind. If my friend from South Carolina should be appointed as governor in one of these Territories, and I have not the least doubt in the world but that he would make an excellent one and I shall expect he will be appointed if the Democrats get into power, I should be ashamed of myself if I were to taunt him with being a carpet-bagger because he comes from South Carolina.

Mr. TILLMAN. Does the gentleman from Pennsylvania allude to me?

Mr. BROWN, of Pennsylvania. Yes, sir.

Mr. TILLMAN. I hope then the gentleman will allow me to interrupt him long enough to define what I mean by carpet-baggers.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. BROWN, of Pennsylvania. Yes, sir; if it does not take my last half-minute.

Mr. TILLMAN. If the gentleman from Pennsylvania will permit me, what the South means by a carpet-bagger, what I mean by a carpet-bagger, is a stranger who leaves his country for his country's good and goes among a people with whom he has no sympathy, and of whose affairs he knows nothing, to get office and nothing but office, and who prostitutes that office for personal or private gain—who, when he can no longer steal from and rob and oppress the people according to the forms of law, gathers up his carpet-sack and leaves as he came, in a hurry. Any one who goes into the Territories or into the Southern States to share the fortune of the people for weal or woe is not looked upon as a carpet-bagger. We are prepared to welcome any man who comes to South Carolina or anywhere else in the South to become part and parcel of us; but we feel it both a duty and a pleasure to abhor and denounce the ravenous bird of passage that comes armed with authority to prey upon the community. [Applause.]

Mr. BROWN, of Pennsylvania. If the gentleman pleases, I notice when he refers to carpet-baggers he does so with much feeling. If all are carpet-baggers who have gone South and are going into the Territories and all carpet-baggers are robbers, the prospects are not flattering. Some gentleman on the other side of the House said the other day, "The people of the North are welcome to come South if they will only behave themselves!" I would hardly count it a cordial invitation to invite the gentleman from South Carolina to come and live in my State "if he would only behave himself." It goes without saying that an American citizen is to behave himself.

I always assume that every American citizen will do this. The gentleman would imply that the rule is the other way, that a man must prove his purpose to "behave," or he becomes a carpet-bagger, and being a carpet-bagger he is a robber! The Committee on Territories say in their report carpet-baggers are appointed as governors, and the inference is that robbers are appointed. The gentlemen make out too strong a case.

The SPEAKER. The time of the gentleman has expired. The gentleman from South Carolina [Mr. EVINS] has one minute of his time remaining.

Mr. BRUMM. Will the gentleman allow me to ask one question in reference to the Constitution——

Mr. EVINS, of South Carolina. I do not think there is any constitutional question involved here; I do not think we have any trouble on that point. When the gentleman who has just taken his seat [Mr. BROWN, of Pennsylvania] spoke of the offensive language which had been used I supposed he referred to the report of the committee. Before drafting that report I made some inquiries of gentlemen here who represent the Territories as to whether persons appointed governors of those Territories had gone there with the intention of becoming citizens of the Territories or went there merely to act as governors and after their terms had expired returned to the States, and in every instance I was informed that they returned after their terms had expired. [Here the hammer fell.] I now call the previous question upon the engrossment and third reading of the bill.

Mr. BRUMM. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. That is, if a question of constitutionality be a question of order.

The SPEAKER. It is not; it is a question for each member of the House to determine for himself when he comes to vote.

Mr. BRUMM. I ask unanimous consent to be heard for one minute.

The SPEAKER. The gentleman from Pennsylvania [Mr. BRUMM] asks unanimous consent to speak for one minute. Is there objection?

Mr. BRUMM. I desire——

Mr. HARDEMAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HARDEMAN. It is whether after the previous question has been called a gentleman can speak upon the bill?

The SPEAKER. Of course not; except by unanimous consent.

Mr. HARDEMAN. Then I object.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. As the time occupied in the debate of this bill——

Mr. HARDEMAN. I call for the regular order.

The SPEAKER. This is the regular order; the gentleman is propounding a parliamentary inquiry.

Mr. WHITE, of Kentucky. As the time for debate upon this bill has been controlled by the friends of the bill, I desire to inquire if the demand for the previous question shall be voted down whether it would then be in order to fix some limit for debate, so that there may be more time for debate.

The SPEAKER. This bill is being considered in the House, not in Committee of the Whole; and there is no such thing as limiting debate upon it except by the application of the previous question or by unanimous consent.

Mr. WHITE, of Kentucky. Then if the previous question is voted down we can continue the debate?

The SPEAKER. The debate will go on, of course, if the demand for the previous question is voted down.

The previous question was ordered.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. STRUBLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. Some time ago the gentleman from Ohio [Mr. EZRA B. TAYLOR] moved an amendment to the bill. What has become of that amendment?

The SPEAKER. The gentleman did not move an amendment; the gentleman inquired of the Chair whether the bill was open to amendment. The Chair stated that it was, but that the gentleman from South Carolina [Mr. EVINS] then had the floor and could not be taken off without his consent.

Mr. STRUBLE. Is it in order now to move an amendment?

The SPEAKER. It is not. The previous question has been ordered upon the engrossment and third reading of the bill.

The question was taken; and upon a division there were—ayes 93, noes 24.

So (no further count being called for) the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON, of Iowa. Would it be in order at this stage of the proceedings to move to commit this bill to the Committee on the Judiciary?

The SPEAKER. It would.

Mr. HENDERSON, of Iowa. As I deem this question should have the judgment of the Committee on the Judiciary upon it, I move that this bill be committed to that committee.

Mr. EVINS, of South Carolina. I hope that will not be done.

The question was taken upon the motion to commit; and upon a division there were—ayes 46, noes 87.

So (no further count being called for) the motion was not agreed to.

Mr. EVINS, of South Carolina. I now call the previous question on the passage of the bill.

Mr. HART. Is it in order, Mr. Speaker, to move to recommit this bill to the Committee on Territories with instructions?

Mr. EVINS, of South Carolina. We have just passed upon that question.

The SPEAKER. The motion to recommit has not yet been been made after the demand for the previous question. The motion made by the gentleman from Iowa [Mr. HENDERSON] was before the previous question was demanded, and therefore was not covered by the new rule of the House or by ordinary parliamentary law.

Mr. HART. I move that this bill be recommitted to the Committee on Territories with instructions to so amend it as to exclude the Territory of Utah from its operation.

Mr. EVINS of South Carolina. I hope that will not be done.

Mr. HISCOCK. I call for the yeas and nays on that motion.

The yeas and nays were ordered; there being 45 in the affirmative—more than one-fifth.

Mr. SPRINGER. It is now nearly 5 o'clock. Should the House now adjourn, would not this bill come up as unfinished business tomorrow?

The SPEAKER. It would not. It would be unfinished business when the House shall again pass to the consideration of this order of business.

Mr. SPRINGER. But the previous question has been moved.

The SPEAKER. It has not been ordered.

Mr. EATON. Mr. Speaker, many members here are not aware what the proposed instructions to the committee are.

The SPEAKER. The gentleman from Ohio [Mr. HART] moves to recommit the bill to the Committee on the Territories with instructions to report it back to the House with a provision excluding the Territory of Utah from its operation.

Mr. MAGINNIS. There are just as good gentiles, just as bitter anti-Mormons, in the Territory of Utah as there are outside of it, and men just as fit to be governor.

The question was taken; and there were—yeas 73, nays 127, not voting 122; as follows:

YEAS—73.

| | | | |
|---|---|---|---|
| Adams, G. E. | Guenther, | Keifer, | Ray, G. W. |
| Anderson, | Hanback, | Lacey, | Ray, Ossian |
| Atkinson, | Hancock, | Lawrence, | Reed, |
| Boutelle, | Hart, | Libbey, | Riggs, |
| Brewer, F. B. | Hatch, H. H. | McComas, | Rockwell, |
| Browne, T. M. | Haynes, | McCormick, | Rowell, |
| Brown, W. W. | Henderson, D. B. | McKinley, | Skinner, C. R. |
| Brumm, | Henderson, T. J. | Millard, | Spooner, |
| Cannon, | Hepburn, | Morrill, | Stephenson, |
| Chace, | Hiscock, | Nelson, | Stone, |
| Cullen, | Hitt, | O'Neill, Charles | Strait, |
| Cutcheon, | Holmes, | Parker, | Struble, |
| Davis, R. T. | Hooper, | Payne, | Taylor, J. D. |
| Dingley, | Horr, | Payson, | Wakefield, |
| Ellwood, | Howey, | Peelle, S. J. | White, J. D. |
| Evans, I. N. | James, | Perkins, | Whiting. |
| Everhart, | Jeffords, | Peters, | |
| Funston, | Jones, B. W. | Poland, | |
| Goff, | Kasson, | Price, | |

NAYS—127.

| | | | |
|---|---|---|---|
| Adams, J. J. | Eaton. | McAdoo, | Springer, |
| Alexander, | Eldredge, | McCoid, | Stevens, |
| Bagley, | Ermentrout, | McMillin, | Stewart, Charles |
| Ballentine, | Evins, J. H. | Matson, | Stockslager, |
| Barksdale, | Ferrell, | Maybury, | Talbott, |
| Beach, | Fiedler, | Miller, J. F. | Taylor, J. M. |
| Belford, | Forney, | Mills, | Thompson, |
| Belmont, | Gibson, | Mitchell, | Throckmorton, |
| Bennett, | Glascock, | Morrison, | Tillman, |
| Blackburn, | Greenleaf, | Morse, | Tully, |
| Blanchard, | Halsell, | Murphy, | Turner, H. G. |
| Bland, | Hammond, | Murray, | Turner, Oscar |
| Blount, | Hardeman, | Neece, | Valentine, |
| Breitung, | Hatch, W. H. | Oates, | Van Alstyne, |
| Buchanan, | Hemphill, | Patton, | Vance, |
| Budd, | Henley, | Pierce, | Van Eaton, |
| Cabell, | Hewitt, A. S. | Peel, S. W. | Ward, |
| Carleton, | Hewitt, G. W. | Pryor, | Warner, Richard |
| Cassidy, | Holman, | Rankin, | Weaver, |
| Clardy, | Hopkins, | Reagan, | Wellborn, |
| Clay, | Houseman, | Reese, | Wemple, |
| Cobb, | Hurd, | Robertson, | White, Milo |
| Cosgrove, | Jones, J. H. | Robinson, W. E. | Wilkins, |
| Crisp, | Jones, J. K. | Rogers, J. H. | Williams, |
| Culberson, D. B. | Jones, J. T. | Rogers, W. F. | Willis, |
| Dargan, | Jordan, | Rosecrans, | Wilson, W. L. |
| Davis, L. H. | Kleiner, | Scales, | Wise, G. D. |
| Deuster, | Lanham, | Seymour, | Wolford, |
| Dibble, | Le Fevre, | Shaw, | Wood, |
| Dibrell, | Lewis, | Singleton, | Yaple, |
| Dockery, | Lovering, | Skinner, T. G. | York. |
| Dunn, | Lyman, | Spriggs, | |

NOT VOTING—122.

| | | | |
|---|---|---|---|
| Aiken, | Davidson, | Ketcham, | Russell, |
| Arnot, | Davis, G. R. | King, | Ryan, |
| Barbour, | Dorsheimer, | Laird, | Seney, |
| Barr, | Dowd, | Lamb, | Shelley, |
| Bayne, | Duncan, | Long, | Slocum, |
| Bingham, | Dunham, | Lore, | Smalls, |
| Bisbee, | Elliott, | Lowry, | Smith, |
| Bowen, | Ellis, | Miller, S. H. | Snyder, |
| Boyle, | Findlay, | Milliken, | Steele, |
| Brainerd, | Finerty, | Money, | Stewart, J. W. |
| Breckinridge, | Follett, | Morey, | Storm, |
| Brewer, J. H. | Foran, | Morgan, | Sumner, C. A. |
| Broadhead, | Fyan, | Moulton, | Sumner, D. H. |
| Buskner, | Garrison, | Muldrow, | Taylor, E. B. |
| Burleigh, | Geddes, | Muller, | Thomas, |
| Burnes, | George, | Mutchler, | Townshend, |
| Caldwell, | Graves, | Nicholls, | Tucker, |
| Calkins, | Green, | Nutting, | Wadsworth, |
| Campbell, Felix | Hardy, | Ochiltree, | Wait, |
| Campbell, J. M. | Harmer, | O'Hara, | Warner, A. J. |
| Candler, | Herbert, | O'Neill, J. J. | Washburn, |
| Clements, | Hill, | Paige, | Weller, |
| Collins, | Hoblitzell, | Pettibone, | Wilson, James |
| Connolly, | Holton, | Phelps, | Winans, E. B. |
| Converse, | Houk, | Post, | Winans, John |
| Cook, | Hunt, | Potter, | Wise, J. S. |
| Covington, | Hutchins, | Pusey, | Woodward, |
| Cox, S. S. | Johnson, | Randall, | Worthington, |
| Cox, W. R. | Kean, | Ranney, | Young. |
| Culbertson, W. W. | Kelley, | Rice, | |
| Curtin, | Kellogg, | Robinson, J. S. | |

So the motion to recommit was not agreed to.

The following pairs were announced:

Mr. WILSON, of Iowa, with Mr. PAIGE, on this question.

Mr. BELFORD with Mr. NICHOLLS, for to-day.

The result of the vote was announced as above stated.

Mr. EVINS, of South Carolina, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. JOSEPH D. TAYLOR. I rise to a privileged question. The gentleman from South Carolina [Mr. EVINS], the honorable chairman

of the Committee on Territories, has stated that this bill had the unanimous support of that committee. In that statement he inadvertently made this mistake: the bill was adopted by the committee on the 22d of February——

The SPEAKER. The Chair does not think this is a privileged question; but if there be no objection the gentleman can make his statement.

Mr. JOSEPH D. TAYLOR. I was not present at that meeting, being absent on account of duties upon another committee. If I had been present I could not have supported this bill; and I can not support it now with the name of the Territory of Utah included in it.

I should have made this statement earlier had I not, with other members on this side, supposed, until the previous question was ordered, that the amendment of my colleague from Ohio striking out Utah was pending.

Mr. EVINS, of South Carolina. What I meant to say was that there was no opposition to the bill in the committee when it was agreed to report it to the House.

I now call the previous question on the passage of the bill.

The previous question was ordered.

Mr. WHITE, of Kentucky. I move to amend the title of the bill.

The SPEAKER. That is not in order now.

The bill was passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to amend the title of the bill. I ask that the amendment be read by the Clerk.

The Clerk read as follows:

Add to the title the words "by restricting the appointing power of the President," so that the title will read "A bill requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment, by restricting the appointing power of the President."

Mr. WHITE, of Kentucky. Now I wish to be heard in support of that amendment.

Mr. SPRINGER. I object to the amendment.

The SPEAKER. To what does the gentleman object? The question is open to debate. The previous question has not been ordered on this.

Mr. WHITE, of Kentucky. The Constitution provides in the paragraph which has been referred to by the gentleman from Connecticut [Mr. EATON] that the President—

Shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

Mr. Speaker, the President of the United States must be a natural-born citizen. "The Congress may determine the time of choosing electors and the day on which they shall give their votes for President;" but the Constitution does not give Congress the power to say where those electors shall live. It simply provides for the counting of the ballots, and declares that the person having the majority of the whole number of the electoral votes for President shall be the President. Again, the language of the Constitution is very explicit that "no person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President." [Cries of "Vote!"]

The SPEAKER. The House will be in order.

Mr. WHITE, of Kentucky. It further provides, that "neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been fourteen years a resident of the United States."

Now, Mr. Speaker, I desire to call the attention of the House to the fact that under the Constitution of the United States the people of the United States can elect none but a natural-born citizen or a man who has been for fourteen years a resident of the United States at the time of the adoption of the Constitution. At this time a native-born citizen and no one else can be elected President of the United States; neither can any one be elected Vice-President of the United States, who is to take the place of President in case of removal, death, resignation, or inability, except a native-born citizen of the United States.

Now, under the Constitution of the United States the President is empowered to "nominate and, by and with the advice and consent of the Senate, shall appoint" all Federal officers, from the embassadors down, whether in the Departments here or in the Federal offices anywhere else in the country. It provides that he "shall nominate and, by and with the advice and consent of the Senate, he shall appoint"—where from? From the District of Columbia? If you will look through these Departments in Washington you will find that not only the President but the heads of the Departments and chiefs of bureaus have used and abused the appointing power until the District of Columbia, which has been very greedy, is fully represented in them, while the States south and west are not represented according to population.

This bill goes upon the theory that there shall be no taxation without representation in the Territories. In theory that is good; but the injustice practiced upon the good citizens of the Territories is and has been for twenty years applied to my State and to other States, while the District of Columbia and a few States like Ohio and Indiana have enjoyed special advantages and favors from the appointing powers.

Mr. CLAY. If my colleague will yield to me I will move that the House adjourn.

Mr. WHITE, of Kentucky. I will if my colleague will put down his hat and wait until I get through.

Mr. SPRINGER. I will call for the previous question if the gentleman will yield to me.

Mr. WHITE, of Kentucky. I call for order.

Mr. CLAY. If my colleague will yield to me I will call for the previous question.

Mr. WHITE, of Kentucky. My colleague is a young member of the House and does not know that is contrary to the rules where a member is occupying the floor.

Mr. CLAY. I thought the gentleman yielded to me.

The SPEAKER. But the Chair did not understand that he yielded for that purpose.

Mr. WHITE, of Kentucky. I will yield to my friend from New York to make his motion.

Mr. PARKER. It being evident that the gentleman has started out for an elaborate argument, he has yielded to me, and I will move that the House do now adjourn.

Mr. WHITE, of Kentucky. I yield for that purpose and no other.

Mr. PARKER. It is perfectly apparent the gentleman proposes to occupy an hour, and we might as well adjourn.

Mr. HOLMAN. Oh, no!

Mr. SPRINGER. I object to his yielding for that purpose.

The SPEAKER. The gentleman can not object to it.

Mr. SPRINGER. Would he still be entitled to the floor when the consideration of this question is resumed?

Mr. PARKER's motion was disagreed to, and the House refused to adjourn.

Mr. SPRINGER. If the gentleman will yield to me I will move the previous question.

Mr. WHITE, of Kentucky. I do not yield for that purpose.

Mr. PARKER. I call for a division.

The SPEAKER. The Chair has announced the result. Of course if the gentleman rose in time and demanded a division the Chair would recognize him.

The gentleman from Kentucky is entitled to the floor.

Mr. WHITE, of Kentucky. I was about to remark that the President not only has the power under the Constitution of the United States, with the advice and consent of the Senate, to make these appointments, but he has exercised it from the very foundation of the Government down to this hour. You may say that that power has been abused. I believe it. You may say that he enters into corrupt bargains, if you please, with men in the other end of the Capitol to secure the advice and consent of the Senate. I will not contest it. You may say that the President of the United States abused his power in many and various ways. I am not here to defend him. You may argue that the President appoints his Cabinet. I will reply it is under that clause of the Constitution, "by and with the advice and consent of the Senate," the President appoints and those appointments are confirmed by the Senate. It is done by and with the advice and consent of the Senate. [Loud cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Kentucky is entitled to the floor.

Mr. WHITE, of Kentucky. Gentlemen seem unable to control their impatience upon this question. I am arguing a constitutional question in good faith, and as a Representative here upon this floor I have the right to be heard. [Cries of "Vote!"] If gentlemen calling for a vote have not decency enough to permit me to proceed, then let them go home or retire to the cloak-rooms.

The SPEAKER. The gentleman from Kentucky will proceed without interruption.

Mr. BUDD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUDD. The parliamentary inquiry that I desire to make is whether a member making a motion to amend the title of a bill can enter into a discussion of the merits of the whole proposition? I make the point of order that the gentleman is not confining himself to the motion he has made to amend the title.

The SPEAKER. The Chair will state that by the rules of the House each member is confined to the question under debate.

Mr. BUDD. I make the point of order that he is not confining himself to the question under debate.

Mr. WHITE, of Kentucky. The gentleman from California is a young member. [Laughter.]

Mr. BUDD. The gentleman from Kentucky must confine himself to the question before the House, which is a proposition to amend the title of the bill.

Mr. WHITE, of Kentucky. The young man from California does not understand the rules. [Laughter.]

Mr. BUDD. What did the gentleman from Kentucky say?

Mr. WHITE, of Kentucky. I said that the gentleman is a young member and does not understand the rules.

Mr. BUDD. Then I want the gentleman from Kentucky to understand that though I am a young member I understand the rules as well as he does.

Mr. WHITE, of Kentucky. Under the clause of the Constitution which I have quoted the Secretary of the Treasury has been appointed and confirmed. Under the law on the statute-books that Secretary of the Treasury is instructed, as every other Cabinet officer should be compelled to do, to distribute his appointments among the people of Territories and the States according to population.

Mr. BUDD. Mr. Speaker, I insist upon the question of order.

The SPEAKER. The Chair thinks the gentleman is not confining himself to the question before the House.

Mr. WHITE, of Kentucky. I shall proceed to discuss the amendment. I will have the Clerk read it to the House, so the House may understand the point which I am making on the amendment which I have offered to the title.

Mr. BEACH. I object.

Mr. WHITE, of Kentucky. Then let it be read as a part of my own remarks. [Great laughter.]

The SPEAKER. The amendment will be again read in the time of the gentleman from Kentucky.

The proposed amendment was again read.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I want to call the attention of my aged friend from Connecticut [Mr. EATON], who has been considering the question of Presidential succession and will soon appeal to his side of the House for support on a measure to bridge us over perhaps another great emergency, to this fact, that the importance of the Presidential office can not be overestimated.

Mr. BUDD. I want to know whether or not under the rules of the House the Speaker may not exercise the power to keep this member, who does not seem to know the rules, within bounds?

The SPEAKER. The gentleman from Kentucky will proceed in order.

Mr. BUDD. Unless he confines himself to the question under discussion I ask that he be made to take his seat.

The SPEAKER. The gentleman will confine himself to the question under debate.

Mr. WHITE, of Kentucky. I will endeavor to confine myself to the amendment in all seriousness.

This bill is a bill to restrict the appointing power of the President. My amendment——

Mr. BUDD rose.

The SPEAKER. The Chair will state that the gentleman from Kentucky has a perfect right under the rules of the House to show that such is the character of the bill, and therefore that the title ought to be amended accordingly. So long as the gentleman confines himself to that point the gentleman is entitled to proceed without interruption.

Mr. WHITE, of Kentucky. I thank the Chair for explaining to the young man from California what he does not seem to know. [Laughter.]

Mr. BUDD. When I ask thanks from any man I should prefer it to be from one who respects the rules himself. If I am a young member I understand my place better than the gentleman from Kentucky does his.

Mr. WHITE, of Kentucky. That is merely the opinion of the young man.

The bill we are about to pass with this title is a bill to restrict the appointing power of the most important office to which any American citizen can be elected under the laws and Constitution of the United States.

Mr. ROBINSON, of New York. Or to which any one can be elected anywhere.

Mr. WHITE, of Kentucky. I accept the amendment of my distinguished friend from New York.

Now, sir, we propose to restrict the appointing power of the greatest officer in our nation. By this bill we propose to say that the President of the United States shall select a man from Utah to be governor of Utah; that the President shall select a man from Arizona to be governor of Arizona; that the President shall select a resident of Montana, of Idaho, of Washington Territory, of Wyoming, of Dakota, or of any of the Territories; that he shall select residents, and no other persons, from those Territories to fill the offices of governors of those Territories.

Mr. BRENTS. Will the gentleman yield to me for a moment?

Mr. WHITE, of Kentucky. Certainly, for a question in good faith.

Mr. BRENTS. I ask the gentleman if he considers the ordinance of 1787 repugnant to the Constitution of the United States?

Mr. WHITE. I do not consider that higher than the Constitution of the United States.

Mr. BRENTS. Let me read to the gentleman——

Mr. WHITE. I do not yield for that. If the gentleman desires he can print from his book.

Mr. BRENTS. Does the gentleman not know that under the ordinance of 1787 for the government of the territory of the United States north of the Ohio River the great magna chartea of territorial government for this country passed while the convention which framed the constitution was in session, and continued in force long afterward, required the governors of those territories, or districts, as they were called, to be residents and owners of 1,000 acres of real estate therein?

Mr. WHITE, of Kentucky. I think so. I am not contending that the object of this bill is not a good one. My heart and soul are with my friend from Washington Territory. The people of Washington Territory may have been outrageously wronged in some of the officers they have had, and if it were not for the rules of this House, which confine me strictly to the discussion of the pending question, I would point to the fact that a man has been appointed from my own State to be governor of Utah who is not fit for that office. But I can not say that now, because it is contrary to the rules of the House to digress from the amendment under consideration.

Now, Mr. Speaker, are we greater than our fathers? Are we greater than the founders of this Republic? Do we propose to say that the present Executive of the United States shall be shorn of certain powers given to the Chief Executive of the people of this nation under the Constitution simply because we do not like him and do not like some of his appointees; simply because a Senator in the other wing of the Capitol may advise the President to nominate a man——

The SPEAKER. The gentleman will please confine himself to a discussion of the amendment.

Mr. BUDD. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUDD. The language of the gentleman from Kentucky has been taken down. The Chair has ruled three times that he must confine himself to the subject-matter before the House. If the Chair will cause the gentleman's argument to be read, the Chair will see that, in direct violation and contempt of the rulings of the Chair, this gentleman from Kentucky has kept on violating the rule. I want to know whether the orders of the Speaker can be enforced or whether a man can violate the rulings of the Chair with impunity?

The SPEAKER. A gentleman has no right to violate a ruling of the Chair. If he is not satisfied with the ruling he can appeal to the House.

Mr. BUDD. I wish to know what remedy we have against these violations of the rulings of the Chair?

The SPEAKER. The Chair will state to the gentleman that it is very difficult of course for the Chair to determine exactly when a gentleman on the floor departs from the discussion of the question under debate. But the Chair does not think the gentleman from Kentucky has confined himself to the question before the House.

Mr. WHITE, of Kentucky. I accept the ruling of the Chair with all respect and in all meekness, because I respect the superior knowledge of the Chair. But with all deference to the Speaker I am compelled to make these remarks. I have a very high regard for the Constitution of our fathers.

Mr. BUDD. I insist upon the gentleman from Kentucky not proceeding unless he confines himself to the question before the House.

The SPEAKER. The Chair will endeavor to confine the gentleman to the question.

Mr. WHITE, of Kentucky. If this bill passes it ought to be amended as I have suggested, because as it now is it says to the President of the United States, "You must select a governor for each of the Territories from among the citizens residing in the Territory." Now, if we can do that, we can also say that a man shall not be appointed who shall not have been a resident there for six months or six days. Under that rule the President might give the wink to a man in New York, whom he desired to appoint as governor, say of Utah, to go to Utah, buy a piece of land and live there for six months or six days, and then nominate him, and, by and with the advice and consent of the Senate, appoint him, and thus conform to your law. I will say to my friends from the Territories that I have no more respect than they have for the mode of making Territorial appointments.

But this bill does not provide the way to remedy the evil. The way to do so is to wait—wait until after the next November election. No State, except perhaps Ohio, Massachusetts, Maine, and Connecticut, has its quota of appointments in the Treasury Department. Under the act of Congress March 3, 1875, it is provided that on and after January 1, 1876, the appointments of this Department (Treasury) shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population.

What is your remedy? There is the law on your statute-book; there is a Republican officer administering that law, and yet the clerks are not appointed according to law. Who is to blame, and what is the remedy? The remedy is at the next election. Under the law giving more clerks to the Pension Office each State was entitled to receive appointments pro rata according to population; yet Indiana gets many more appointments, with better salaries, than any other State. In the Pension Office alone Indiana gets ninety-four appointees, with $129,940 salary; Kentucky gets twenty-two, with $25,340 salary.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] will confine himself to the question before the House.

Mr. WHITE, of Kentucky (continuing). I ask you to wait until after the Presidential election. That is the way to remedy this evil.

The SPEAKER. The gentleman must confine himself to the question before the House or take his seat and let the House decide the question. It is a very simple question, whether or not the title of the bill should be amended as indicated by the gentleman from Kentucky.

Mr. WHITE, of Kentucky. With all deference to the Chair I desire to confine myself to the amendment.

The SPEAKER. The gentleman will please do so, then.

Mr. WHITE, of Kentucky. Now, after having had my attention called so often to the fact that I am departing from the amendment, I desire to try and please all members who think I am not confining myself to the question before the House by conforming to the good advice of the Chair to confine myself strictly to the amendment.

What is that amendment? It is to add to the title of the bill the words "by restricting the appointing power of the President." Now, the appointing power of the President is a constitutional power, a power which is not restricted except by the modifying clause of the Constitution which I have read.

Mr. BRENTS. Will the gentleman permit me to ask a question?

Mr. WHITE, of Kentucky. No; not now.

Mr. BRENTS. I am afraid the gentleman will close his remarks prematurely.

Mr. WHITE, of Kentucky. This is the modifying clause of the Constitution: that the President—

Shall nominate, and, by and with the advice and consent of the Senate, shall appoint—

Shall appoint whom?—

shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Now, that is the Constitution of our country, which we have sworn to support. If it has been found that the President has done wrong, has abused the appointing power, this bill, which is intended to rectify that wrong, can not do so. That can only be done by a constitutional amendment restricting the appointing power of the President. At the next election you can, under the Constitution, remove the evil by electing a man as President who will not abuse the high trust reposed in him by 55,000,000 of people. I now yield the floor.

Mr. EVINS, of South Carolina. I call the previous question.

Mr WHITE, of Kentucky. I reserve the remainder of my time, in case any other gentleman desires to speak against the amendment.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Will it be in order now to move the previous question on the title of the bill?

The SPEAKER. That has been done by the gentleman from South Carolina [Mr. EVINS].

The previous question was ordered; and under the operation thereof the amendment to the title offered by Mr. WHITE, of Kentucky, was not agreed to.

The SPEAKER. The title of the bill will stand as reported.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to introduce a bill for reference. I think there will be no objection to that.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent to introduce a bill for reference.

Mr. WHITE, of Kentucky. Unless the same privilege can be granted to all I must object.

Mr. SPRINGER. After occupying the time of the House for a half an hour for nothing, I hope the gentleman will not object.

Mr. WHITE, of Kentucky. It was on constitutional questions, of which the gentleman is totally ignorant.

Mr. HATCH, of Missouri. I move that the House now adjourn.

The SPEAKER. Before submitting that question, if there is no objection the Chair will lay before the House sundry executive communications.

There was no objection.

BARRACKS ON DAVID'S ISLAND, NEW YORK.

The SPEAKER accordingly laid before the House a letter from the Secretary of War, transmitting plans and estimates for barracks and officers' quarters at David's Island, New York Harbor, and asking an appropriation of $129,466.20 therefor; which was referred to the Committee on Appropriations.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the superintendent of the State, War, and Navy Department building, asking an appropriation of $4,000 to supply a deficiency in the appropriation for fuel, light, repairs, and miscellaneous items for the State, War, and Navy Department building for the current fiscal year; which was referred to the Committee on Appropriations.

And then the motion of Mr. HATCH, of Missouri, was agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. COLLINS: Petition of Dahlgren Post, No. 2, Grand Army of the Republic, Department of Massachusetts, that a copy of the CONGRESSIONAL RECORD be sent, post-free, to each post of the Grand Army of the Republic which may apply therefor—to the Committee on Printing.

By Mr. CONNOLLY: Paper relative to pensions for ex-prisoners of war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HARMER: Petition of officers of the United States Army, in favor of the passage of H. R. 2613—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of Robert Jackson Post, No. 192, Grand Army of the Republic, of Corydon, Iowa, asking for a pension for John Hassell—to the Committee on Invalid Pensions.

Also, petition that all surviving soldiers, sailors, &c., of the late war may be granted a pension of $8 per month—to the same committee.

By Mr. A. S. HEWITT: Petition of the Board of Underwriters and marine insurance companies, asking an appropriation for relaying the telegraphic cable from Block Island to the mainland—to the Committee on Appropriations.

By Mr. ELLWOOD: Petition of L. B. Morse and 125 others, citizens of Libertyville, Lake County, Illinois, relative to the amendment to revenue laws regulating sales as to quantity of liquors, &c.—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of the Tradesman's National Bank, Conshohocken, Pa., relative to the national banking system—to the Committee on Banking and Currency.

Also, memorial of Plymouth National Bank, in relation to national-bank circulation—to the same committee.

By Mr. LACEY: Petition of Thomas H. Bartram and 39 others, citizens of Assyria, Mich., for a branch of the National Home for Disabled Volunteer Soldiers in the State of Michigan—to the Committee on Military Affairs.

By Mr. LOVERING: Petition of 951 manufacturers and others, of Lynn, Mass., for the erection of a post-office building at Lynn, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. CHARLES O'NEILL: Resolutions of the Vessel-Owners and Captains' Association of Philadelphia, relative to the revenue-marine service—to the Committee on Appropriations.

Also, resolutions of the Philadelphia Maritime Exchange, favoring the purchase of copies of Hunter's Port Charges of the World, for the use of American consuls—to the same committee.

By Mr. RANDALL: Resolutions of the Vessel-Owners and Captains' Association of Philadelphia, relative to the revenue-marine service—to the Committee on Commerce.

By Mr. RAYMOND: Petitions in favor of the passage of H. R. 3856, for the relief of homestead settlers—to the Committee on the Public Lands.

By Mr. W. F. ROGERS: Petition of John Miller, relative to H. R. 6478—to the Committee on Patents.

By Mr. STRAIT: Resolutions of McPherson Post, No. 17, and of Stephen Miller Post, No. 22, Grand Army of the Republic, Department of Minnesota, indorsing the action of the late committee of the National Encampment relative to bounties &c.—severally to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers relating to the claim of Milton S. Shirk—to the Committee on War Claims.

By Mr. WELLER: Resolutions of J. V. Carpenter Post, No. 104, Grand Army of the Republic, Department of Iowa, relative to pensions for soldiers, &c.—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. W. L. WILSON: Papers relating to the claim of the German Evangelical Church of Martinsburg, W. Va.—to the Committee on War Claims.

## SENATE.

### WEDNESDAY, *April* 9, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. WILSON. I present resolutions of the Davenport Academy of Sciences, of Davenport, Iowa, in opposition to any changes in the patent laws of the United States tending to injuriously affect the rights and interests of inventors or tending to discourage inventions. These resolutions are addressed to the Senators from the State of Iowa, but are evidently intended for consideration by the Senate. I therefore present them, and move that they be referred to the Committee on Patents.

The motion was agreed to.

Mr. HILL presented a resolution of the Denver (Colo.) Chamber of Commerce, in favor of the improvement of the harbor at Galveston, Tex.; which was referred to the Committee on Commerce

Mr. ALLISON. I present a petition, signed by 50 or more citizens of Iowa, praying Congress to build, equip, own, and operate a double-track standard-gauge steel railway from the city of New York to San Francisco, Cal., and also to provide for the expenses of such railway by the issue of United States paper money to the full amount thereof, and also praying that not one dollar more of the people's money shall be loaned to national banks or squandered upon canals, &c. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ALLISON. I present the petition of the A. B. Baker Post, No. 88, Grand Army of the Republic, of Clinton, Iowa, praying for the location of a soldiers' home in the State of Iowa, and move that it be referred to the Committee on Military Affairs.

Mr. HARRISON. If the Senator from Iowa will allow me, I would suggest that the petition should lie upon the table, as the committee have already reported a bill upon that subject.

Mr. ALLISON. Very well; let it lie on the table.

The PRESIDENT *pro tempore*. The petition will be laid upon the table, if there be no objection.

Mr. ALLISON presented a joint resolution of the General Assembly of Iowa; which was read, and referred to the Committee on Public Lands, as follows:

[Joint resolution No. 9.]

Joint resolution in regard to grants of public land to railroads.

*Be it resolved by the General Assembly of the State of Iowa—*

First. That in view of the rapid absorption of the public lands of the United States fit for settlement, we do hereby earnestly request our Senators and Representatives in Congress to use their influence so that where grants of public land have been made directly to any corporation to aid in building railroads, and the terms of said grants have not been substantially complied with, steps may be immediately taken to have the unearned portion of such lands revert to the United States that the same may be thrown open to settlement.

Second. That the secretary of state be, and he is hereby, instructed to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved March 27, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be truly copied from the original on file in this office.

Witness my hand and the great seal of the State.

[SEAL.] J. A. T. HULL, *Secretary of State.*

Mr. MILLER, of California. I present the petition of Charles Murphy, of Vallejo, Cal., praying compensation for extra work done, property lost, and damages sustained under a contract dated July 18, 1873, for excavating a pit for a dry-dock at Mare Island, California. I move that this petition be printed as a miscellaneous document, it being a matter of great importance, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. MILLER, of California, presented a petition of the Napa Grape-Growers' Association, of Napa City, Cal., praying that the tariff on imported wines, brandies, and raisins be increased; which was referred to the Committee on Finance.

He also presented a petition of citizens of Chico, Cal., praying for the repeal of the act relating to vinegar factories established and operated prior to March, 1879; which was referred to the Committee on Finance.

Mr. MORRILL presented the memorial of George H. Richmond, of Northfield, Vt., remonstrating against the passage of the bill known as the news copyright bill; which was referred to the Committee on the Library.

Mr. MILLER, of New York, presented the memorial of J. D. Smith, publisher of the Daily Mail, Catskill, N. Y.; the memorial of Thomas H. Todd, publisher of the Daily and Weekly Star, of Long Island City, N. Y.; the memorial of C. O. Kramer, publisher of the Schoharie Union, Schoharie, N. Y.; the petition of John A. Mason, publisher of the Register, of Newburg, N. Y.; and the petition of Mosher & Morgan, publishers of the Enterprise, of New York city, remonstrating against the passage of the news copyright bill; which was referred to the Committee on the Library.

Mr. HAWLEY presented the petition of J. A. Benton, professor of the Theological Seminary at Oakland, and 47 other citizens of Oakland, Cal., praying for the restoration of the Malheur reservation to the Piute Indians; which was referred to the Committee on Indian Affairs.

He also presented the memorial of J. S. Sackett & Co., of New Haven, Conn.; the memorial of A. W. Johnson and S. P. Lavigne, of New Haven, Conn.; and the memorial of the Benedict & Barnham Manufacturing, and 18 other manufacturing companies, of Waterbury, Conn., remonstrating against the repeal or hostile modification of the present patent laws; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. HARRIS. The Committee on Finance, to which was referred the bill (S. 459) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878, direct me to report the same adversely and recommend the indefinite postponement of the bill.

Mr. SHERMAN. For reasons known to the Senator from Tennessee I think it important to have the bill placed upon the Calendar.

Mr. HARRIS. Of course there is no objection to its going on the Calendar.

Mr. SHERMAN. It may be necessary to present the views of the minority when I shall have an opportunity of reading the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRIS. Certainly; there is no objection to that.

Mr. SHERMAN. I will ask leave for the minority of the committee to submit their views in this case if they desire to do so.

Mr. HARRIS. Certainly; there is no objection to that. There is a written report, and perhaps the printing of it had better be delayed until the Senator from Ohio prepares the views of the minority.

Mr. SHERMAN. I would prefer to have the report printed, and it may be that I shall not desire to submit the views of the minority.

Mr. HARRIS. Very well; let the report be printed then, and let the views of the minority be filed at such time as may suit the convenience of the Senator from Ohio.

The PRESIDENT *pro tempore*. The minority will be granted leave to file their views hereafter, if there be no objection.

Mr. HILL. The Committee on Post-Offices and Post-Roads have had under consideration the bill (S. 17) to provide for the establishment of a postal telegraph system, the bill (S. 227) to establish a system of postal telegraphs in the United States, and the bill (S. 1016) to provide for the transmission of correspondence by telegraph, and have instructed me to report an original bill to establish a postal telegraph system and recommend its passage.

The bill (S. 2022) to establish a postal telegraph system was read twice by its title.

Mr. HILL. I am also instructed to inform the Senate that the committee voted unanimously to report favorably the first ten sections of the bill relating to contracts for the service, but that a minority of the committee was opposed to that part of the bill which provides for purchasing or constructing lines. The committee will ask the privilege at a day in the near future of submitting a report in writing.

The PRESIDENT *pro tempore*. If there be no objection the committee will have leave to submit a written report at some future time.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred an amendment submitted by Mr. HOAR March 31, 1884, intended to be proposed to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, reported it with an unfavorable recommendation, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 723) for the relief of Eugene B. Rail and others, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 879) for the relief of P. L. Ward, widow and executrix of William Ward, deceased; and

A bill (S. 534) for the relief of J. S. Pickett.

BILLS INTRODUCED.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment as a substitute for the amendment reported by Mr. SHERMAN from that committee on April 7 to the bill (S. 1876) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes; and the bill was ordered to be reprinted, with the proposed amendment.

Mr. SAWYER introduced a bill (S. 2023) granting a pension to William J. Lee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 2024) for the relief of Boynton Leach, late a lieutenant in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO A BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PRIVILEGES OF THE FLOOR.

The PRESIDENT *pro tempore*. The Chair lays before the Senate under the call for resolutions a resolution submitted yesterday by the Senator from Kansas [Mr PLUMB] which went over under the rule. It will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That Rule XXXIII be amended by adding after the words "the

heads of Departments," in the seventh line of the rule as printed for the use of the Senate, the following: "including the Commissioner of Agriculture."

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HARRIS. I suggest that the resolution had better be referred to the Committee on Rules. I make that motion.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Rules.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas;

A bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment; and

Joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library.

The message also announced that the House had passed a concurrent resolution directing the enrolling clerk of the House in the enrollment of the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor, to substitute the word "therefor" for the word "thereof" where it last appears in the Senate amendment amending the title of said bill.

THOMAS G. CORBIN.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII, commencing at Order of Business 230, being Senate bill 427.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 427) for the relief of Thomas G. Corbin.

The PRESIDENT *pro tempore*. The amendment recommended by the Committee on Naval Affairs will be reported.

The CHIEF CLERK. In section 2, line 4, after the word "of," it is proposed to insert "shore;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to said Thomas G. Corbin, out of any money in the Treasury not otherwise appropriated, the difference of shore-pay to which he would have been entitled had he been promoted on the active-list in the regular order of seniority, and been retired as rear-admiral on attaining the age of sixty-two years; and a sufficient sum for the purpose, to be computed by the accounting officers of the Treasury Department, is hereby appropriated.

Mr. PLUMB. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

Mr. McPHERSON. I ask the Senator not to enter any objection, because the bill can be considered in five minutes as well as in five hours. The report has been read and I will state very briefly what the claim of Mr. Corbin is.

Mr. PLUMB. I withdraw the objection.

Mr. McPHERSON. Mr. President, I would not rise now after the reading of the report yesterday except to answer some adverse criticism made yesterday to this bill. The case stands exactly in this wise: Thomas G. Corbin is a distinguished officer of the United States Navy. His record is one of the best. There is no officer of the Navy who has a better record than that of Mr. Corbin. He was appointed acting midshipman in 1838, and passed through all the intermediate grades of the service, having acquitted himself in a most meritorious and gallant manner throughout the entire war, and in July, 1866, was promoted to the rank of captain, when he was asked to appear before the examining board for promotion to the grade of commodore. He appeared before the medical board and was examined as to his physical qualifications. He was passed by that board, and his moral qualifications were considered and passed. When he was asked to appear before the board for professional examination Mr. Corbin protested. He said that it was not the intention of the law to demand that an officer of his grade in the service, who had rendered long and distinguished service, should appear before a board of examining officers to determine as to his professional qualifications; that that was to be determined from the record itself in the possession of the Navy Department, and in the possession of the examining board. Mr. Fairfax, who was a captain in the Navy at the time, also protested against appearing before the board to be examined professionally, the claim being that the law did not require it.

Up to 1862, on the passage of the act under which the board claimed the right to demand Captain Corbin's appearance, no officer of the Navy was ever permitted to appear before the board, and owing to some complaint being made by officers that they had been unjustly treated by the board the law was amended so as to give to the officers the right to appear if they saw fit. Captain Corbin did not want to appear before the board, and claimed that, under the law, the other officers of the Navy who had served with him and who knew of his qualifications could be examined as to his fitness professionally, and also that the records of the Navy Department would show to the satisfaction of any board that he was entitled to promotion by reason of professsional fitness.

I will call attention to the recommendations made by officers of the Navy of equal rank with Captain Corbin, that of Rear-Admiral C. H. Davis, who was called before the board to give testimony with regard to Captain Corbin's fitness, that of Commodore C. R. P. Rodgers, that of Capt. D. M. Fairfax. These and a dozen others were called before the examining board and questioned as to the fitness of Captain Corbin for promotion. What do they say? Commodore Rodgers, in answer to the question, "Would you, as commander of a squadron, have sufficient confidence in Captain Corbin to send him on an important separate service in command of a vessel of war?" says, "I would. I should esteem myself happy in having such an officer to send on any service."

The PRESIDENT *pro tempore*. The time of the Senator from New Jersey has expired.

Mr. McPHERSON. I should like to have it extended for a few moments if there is no objection. I ask unanimous consent that I may state the whole case.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Jersey proceeding with his remarks?

Mr. McPHERSON. All the testimony that had ever been asked by any board of naval officers was before that board.

The PRESIDENT *pro tempore*. The Senator from New Jersey will please suspend until the Chair ascertains whether there is objection.

Mr. McPHERSON. I supposed that consent had been given.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Jersey proceeding with his remarks? The Chair hears none. The Senator from New Jersey will proceed.

Mr. McPHERSON. As I was saying, there was all the testimony before that board that had ever been demanded by any board of naval officers before in the world. Captain Corbin did not think they had the right to call him, and for some reasons which perhaps it is as well not to state, except to say that it is well known there was some feeling existing between the officers of that board and Captain Corbin, and they claimed the right under the law to humiliate——

Mr. COCKRELL. If there is any reason why Captain Corbin ought not to have gone before the board I should like to know it. Just let the Senate know it.

Mr. McPHERSON. The reason was that Captain Corbin believed the law did not require it, and, as I said before, there had never been an examining board of naval officers in the history of the Government which had asked an officer of Captain Corbin's grade to appear before the board for professional examination.

Fairfax was also required to appear before the board. He protested. The Senate of the United States two years ago promoted him and placed him back on the list where he would have been if the board had not retired him. Captain Corbin's case was before the Senate two years ago and I think it passed the Senate almost unanimously, but by reason of some delay at the other end of the Capitol the bill did not get through Congress. These are the only two cases of which I have any knowledge. The bill proposes to place Captain Corbin exactly where he would have been had it not been for the adverse action of the board.

The law did not require Captain Corbin, unless he wished, to appear before the board for professional examination. Let me read a portion of a letter written by Mr. G. V. Fox, for many years Assistant Secretary of the Navy, to Hon. GEORGE F. EDMUNDS. He says:

The act of July 16, 1862, neither required nor permitted the presence of any officer whose case was pending. This was made a subject of complaint by those who suffered from the action of the board; but it was more specious than valid, because the true measure of merit entitling an officer of the senior grades to promotion is not an oral examination, but the record of his whole career on the files of the Navy Department as established by himself. The inefficient clamored to be present, because before a board where there was no public prosecutor they hoped to exert a personal and sympathetic influence. They reasoned well, and the authors of section 3, act of April 21, 1864, offset it by requiring that those who chose to be present should be "examined," and the board were also required to use "any matter on the files and records of the Department touching each case."

In other words, the entire option was left, both previous to the law of 1862 and after the passage of the law of 1862, that the officer might or might not appear personally before the board. Captain Corbin preferred not to appear, claiming that it was his right under the law. The board did not recommend him for promotion, and consequently under the law he was placed upon the retired-list of the Navy.

Captain Corbin was a Southern man, and during the war held firmly and devotedly to the Union. He fought the battles of the Union as well and as valiantly as any officer in the Navy. There is no officer to-day in the United States Navy whose record stands better, and it was all there for the examining board to review. After his refusal, as he thought he had the right to refuse under the law, to appear personally for examination, he was placed upon the retired-list, and thus humiliated.

As I said before, there are but two cases within my recollection. There is the case of Fairfax, who three years ago was restored by the Senate with exactly and precisely the same legislation that Captain Corbin

now appeals to the Senate for in justification of his course. That is the whole case.

Mr. LOGAN. Mr. President, I do not desire to interfere any more than I can help with a committee that I am not connected with; but I wish to call the attention of the Senate to the line which we are now pursuing occasionally in reference to retirements and promotions after retirement.

The Congress of the United States first passed a law to retire Army and Navy officers in 1862. After they are retired Congress is required to take up a great portion of its time in discussing the question as to whether they have been retired properly or not. I do not know how many such cases have been before the Committee on Naval Affairs at this Congress, but I know that a great many have been before the Committee on Military Affairs which have not been reported.

Mr. McPHERSON. I should like to put in one word there. Mr. Corbin was retired under a technical retirement. There was no reason for his retirement.

Mr. LOGAN. What do you call a "technical retirement?"

Mr. McPHERSON. He was retired under a strict construction of the law.

Mr. LOGAN. That is the way all retirements are made.

Mr. McPHERSON. And such a construction as was never put upon it before.

Mr. LOGAN. I do not know anything about "technical retirement." I understand that when a man is retired from the Army or Navy he is retired from active duty and put on a retired-list, which is a mere pension-list, though it has a different name. This man was retired under the law the same as others have been retired, by the vote of a board. That is the way retirements are decided upon, both in the Army and in the Navy. His case having come before the board, they required him to appear before the board for the purpose I suppose of an examination of some character, I do not know what, perhaps as to his ability or capacity or something of that kind; I can not tell why. He utterly refused to obey their orders.

He was retired on the rank that he held at the time. Now he comes before Congress and asks you to retire him as a rear-admiral. Will the Senator please explain to the Senate why he should be retired as a rear-admiral?

Mr. McPHERSON. I will explain that in one word to the Senator. He claimed that he was unjustly retired.

Mr. LOGAN. How was that?

Mr. McPHERSON. He was retired as a captain. If he had not been retired at that time as a captain he to-day would have been a rear-admiral upon the retired-list.

Mr. LOGAN. I should like to know how you ascertain that to be a fact?

Mr. McPHERSON. By the regular order of promotion. Those who were associated with him upon the Naval Register have reached the same position.

Mr. LOGAN. All who were associated with him?

Mr. McPHERSON. I can not say as to all.

Mr. LOGAN. The law in reference to retirement in the Navy has been wholly changed since this man was retired, and there can be but one appointment where two rear-admirals are retired. Whether he would have come in the list of rear-admirals or commodores is a proposition that I do not think the Senator can answer.

Mr. McPHERSON. I think that I can answer it in this way: Captain Corbin would have been retired as a rear-admiral in the regular order of promotion before the passage of the law of which the Senator speaks.

Mr. LOGAN. There were twenty-five commodores above him, and those twenty-five commodores are not retired to-day as rear-admirals. They have not been promoted as rear-admirals. Please explain to me how this man would have become a rear-admiral with twenty-five commodores between him and the rear-admirals and when a number of these commodores are to-day on the active-list?

Any Senator who understands the rule it seems to me would certainly know at a glance that this man would not have been retired as a rear-admiral; he could not have been promoted to be a rear-admiral by this time. Quite a number of commodores, as I have stated, were before him on the active-list to be promoted as rear-admiral. He was behind that whole list. The Senator says he would have been rear-admiral. Will he please tell me how? Not by any law or in accordance with any rule. Unless Congress would have taken upon itself to have jumped him over all the commodores he could not by any possibility have been a rear-admiral. That is true, sir.

The PRESIDENT *pro tempore*. The time of the Senator from Illinois has expired.

Mr. ALLISON. I ask that the Senator have an opportunity to finish his remarks.

The PRESIDENT *pro tempore*. Is there unanimous consent that the Senator from Illinois be allowed to proceed with his remarks?

Mr. LOGAN. If there is no objection I will take but a moment longer.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. LOGAN. This character of legislation is vicious. It is well known here that at almost every session of Congress bills have been presented to retire Army officers and Navy officers with a rank that they never held and never could have held, some of them belonging to Departments of the Government or at the headquarters of the Army, where the law did not recognize the rank that they asked to be retired upon. So we find in the Army and in the Navy this character of legislation which is unwise in my judgment and inconsistent with the rule laid down for promotion in the Army and the Navy.

Now, look at the retired-list of the Navy. You have more rear-admirals on the retired-list to-day than ever belonged to the Navy. How? By just such legislation as this, by Congress retiring men as rear-admirals when they had never attained the rank, and perhaps never would have attained the rank, if they had remained on the active-list.

Now I ask why this is? The Senator says this man did his duty well. Nobody questions that. Officers in the Army and Navy both have performed their duties well. Is that any reason why they should be jumped over other officers who perform their duties well? Is that any reason why they should be retired on extravagant salaries when other officers of equal merit receive no such recognition from Congress? If you retire this man as a rear-admiral when his rank was only that of captain because he performed his duty well, will not every captain in the Navy have the same argument in his behalf to retire him as a rear-admiral because he performed his duty well?

Sir, that is not a correct rule. The rule as established by law should be obeyed and it should be recognized by Congress. When Congress enacts a law, Congress ought to at least obey its own law if it requires other people to do so. This captain in the Navy refused to go before a retiring board, he refused to appear before the President, he refused to come forward and answer questions that might be propounded to him, and having refused to do that, he was retired, and now he comes to Congress and says, "I want you to recognize in me the right to defy the board that the law created for the purpose of making an examination of myself and others if we desire to go on the retired-list." Sir, I do not think it is right; I do not think it is fair. Congress has jumped men heretofore over fifteen numbers in the Navy by an act of this kind, contrary to every principle and every rule that would be held as a fair criterion by which men should be judged in the Navy and the Army. Men have been jumped merely because they went off and performed a duty they were never required to perform as Navy officers, "for meritorious conduct," jumping other officers who performed their duties gallantly and well. As I said, this character of legislation is not correct; and it leads to ill-feeling in the Navy and in the Army, and only makes the Congress of the United States a foot-ball to be played with by these gentlemen when they feel that they ought to have higher rank when placed on the retired-list.

Take the Army. Men are placed on the retired-list as captains; they come by the dozen, and ask you to promote them on the retired-list to major and to colonel, and men who have been retired with the rank of colonel or major have asked Congress to retire them afterward with the rank of brigadier-general. Over and again this has been attempted to be done, and it has been done, too, by act of Congress, and the same acts of Congress had to be repealed because they created dissensions and ill-feeling in the Army. So it is in the Navy.

I hope this bill will not pass. If it does, there is no reason why every other captain who performed his duty should not be retired as a rear-admiral and placed upon pay as high as a Senator or Member of Congress gets, when he never expected to attain that rank really. There is not one in a hundred who ever expects when he goes into the service of the United States Navy to attain the rank of a rear-admiral, or in the Army to attain the rank of a brigadier-general; but when men come to be retired they ask Congress to give them that rank and give them pay they never received while on the active-list and while performing the duties which they say were so meritorious and so beneficial to the Government.

Mr. PLUMB. Mr. President, I think that there is enough in this report to prevent the Senate from granting the relief that is here asked for in any possible event. Certainly no matter what the state of the law might have been, there could have been no question about the authority of the Secretary of the Navy, by reason of his position as commander-in-chief of the Navy, under the President, to have required this person to go before a board or a dozen boards to submit to an examination touching his proficiency. I think that is one of those things he would have a right to require of any officer at any time. His responsibility for the conduct of the officers, his right to know the qualifications, would certainly entitle him to bring the officer before the board or to make any inquiry or any ordinary requisition touching the qualifications of the officer for any purpose.

He might do it for the purpose of assignment, present or prospective, for the purpose of determining whether he should have sea duty or shore duty, or any other service which might legitimately be in his mind in reference to the qualifications, actual or relative, of the officers under his command. This officer was guilty not only of one act of insubordination, but of three. Being before the board under the order of the Secretary, he refused to submit himself to any examination touching his qualifications for the advanced grade which he was seeking to be pro-

moted to. Having thus refused, on reconsideration of the matter the board, acting under the inspection of the Secretary, notified him that he might come again before the board for the purpose of being examined, and he declined again to submit himself to the jurisdiction of the board and the jurisdiction of the Secretary of the Navy for the purpose of having his qualifications tested. Then after that he refused to obey the order of the President of the United States to the same purpose and effect.

These three acts of insubordination would under any ordinary state of case have been sufficient to have dismissed him from the Navy; and yet in place of being dismissed he is still in the Navy, and we are asked now, according to the language of a former member of this body, to decorate him for that insubordination. I think that of itself would be enough; but in addition to that we are asked now to make up to this man something which by some misfortune it is supposed he has failed to get. Are we to establish equality, to relieve against the ordinary misfortunes of humanity in behalf of this favored class of people, favored in the matter of salaries, favored in the matter of education, favored in the matter of exemption from the ordinary misfortunes of life? Are we to act in favor of this favored class by exempting them from all those things which are common to humanity, and simply say that there shall be absolute equality everywhere? No matter what accident overtakes a man, no matter whether misfortunes of any kind which are common to everybody happen to him, is the law to step in and relieve him from the consequences?

These people have enough already. They have higher rank than the Army has and higher pay than the Army has. And there is another thing as a matter of public policy which ought to be mentioned here. We are considering the naval appropriation bill. Groaning as the Government is under the exorbitant expenses necessary to keep up the Navy, that is to say the mere *personnel* of the Navy, the mere shell of a navy, and hesitating whether we shall embark in the expenditure necessary to have a navy because the expenditure which we are already incurring is very largely unnecessary and certainly almost useless, is so much of a burden already that we do not think we can take on the additional sum necessary to have a navy in point of fact; and yet here we go on session after session, Congress after Congress, piling up these expenditures and making it more and more impossible that we ever shall have a navy every time we do it, because every time we do that we increase the ordinary budget of the Navy, and then we stand back aghast to see it is so much, and say we can not give more. Then what do we have? We simply have the officers of the Navy with a few scattered seamen here and there, a few idle navy-yards, $15,000,000 of expenditure, and an establishment at home and abroad which is an object of ridicule and derision everywhere.

The PRESIDING OFFICER (Mr. WILSON in the chair). The time of the Senator from Kansas has expired. The question is on the amendment reported by the Committee on Naval Affairs.

Mr. COCKRELL. Mr. President, Captain Corbin was entitled to promotion had he been qualified for the position. Under the law he had to be examined. He appeared before the examining board. He was required by that examining board to undergo an oral examination. This was in 1873. He declined, on the ground that the board had no power to examine him orally. The question was submitted to the Secretary of the Navy, and the Secretary of the Navy said he should submit to the examination. Captain Corbin appealed from that decision to the President. The question was submitted to the President, and the President said he should submit to that examination. He defiantly said the law did not permit or authorize the board to make the examination. He defied the orders of the board, of the Secretary of the Navy, and of the President; and now he comes in here and claims that all that proceeding was illegal on the part of the board, the Secretary, and the President. He had his legal remedy. If that board and that Secretary of the Navy transcended their powers, he had the right to go to the courts and by mandamus compel them to proceed according to law. No, sir; Captain Corbin was afraid to go into the courts. It is the same old song we hear from year to year that officers of the Army and the Navy have been deprived of their legal rights and they want Congress to restore them, and they are afraid to go to the courts. We have forced them recently to go to the courts, and the Court of Claims has just decided adversely against a large class of claims for increased salaries.

Mr. President, Captain Corbin had his legal remedy. He could have compelled that board if they were proceeding against law to have proceeded according to law; but he was afraid of the decision of the courts and he violated the orders and requirements of the President and was retired, the only alternative left under the law. It was not a technical retirement, as the Senator from New Jersey says. It was a legal retirement, a retirement in accordance with law and the requirements of law.

Mr. President, read the law quoted in this report, and read the statutes upon the book to-day, and the Naval Committee, I say, have misinterpreted the law. I boldly say it. I boldly say that the interpretation given to the old statute and the statutes now on the books is not right.

Mr. MCPHERSON. Will the Senator yield to me a moment?

Mr. COCKRELL. Certainly.

Mr. MCPHERSON. As I shall not have an opportunity of answering the Senator under the rules, not being allowed to speak again, I wish simply to submit this question: Mr. Fox, the Assistant Secretary of the Navy, who drafted the act about which the Senator is speaking, gives his interpretation of it and the Department's interpretation during the whole period of time previous to Captain Corbin's application.

Mr. COCKRELL. Is Mr. Fox the law officer of the Department? I thought the Attorney-General was to construe the law for the guidance of the heads of Departments. There is nothing in Mr. Fox's opinion at all. It is not a legal opinion, and does not rise to the dignity of it. I say under the law as it stands to-day, and under the law as it stood then, the board had the right to require this officer to submit to an oral examination, and if he refused there was but one alternative, and that was to retire him. Now, after having slept for eleven years upon his legal right to this promotion, which he could have compelled under the law if he had it, he comes to Congress and wants us to put him in a position that, in the possibility of the flight of imagination he might have attained if he had been kept on the active-list, to give him from 1873 to the present time shore-pay—yes, line his pockets with the taxes wrung from the laboring people of the country—to rob under color of law the tax-payers of the United States. I move to indefinitely postpone the bill.

The PRESIDING OFFICER. The Senator from Missouri moves to indefinitely postpone the pending bill.

Mr. MCPHERSON. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND (when Mr. WALKER'S name was called). My colleague [Mr. WALKER] is paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Kansas [Mr. INGALLS].

The result was announced—yeas 32, nays 16; as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Allison, | Cullom, | Harrison, | Platt, |
| Blair, | Dolph, | Jackson, | Plumb, |
| Brown, | Edmunds, | Kenna, | Pugh, |
| Cameron of Wis., | Frye, | Logan, | Riddleberger, |
| Cockrell, | Garland, | McMillan, | Sawyer, |
| Coke, | George, | Maxey, | Sherman, |
| Colquitt, | Groome, | Morrill, | Vest, |
| Conger, | Harris, | Pike, | Wilson. |

NAYS—16.

| | | | |
|---|---|---|---|
| Bayard, | Call, | Jones of Florida, | Miller of Cal., |
| Beck, | Farley, | Lamar, | Morgan, |
| Bowen, | Hampton, | McPherson, | Saulsbury, |
| Butler, | Hawley, | Manderson, | Sewell. |

ABSENT—28.

| | | | |
|---|---|---|---|
| Aldrich, | Gorman, | Lapham, | Sabin, |
| Anthony, | Hale, | Mahone, | Slater, |
| Camden, | Hill, | Miller of N. Y., | Vance, |
| Cameron of Pa., | Hoar, | Mitchell, | Van Wyck, |
| Dawes, | Ingalls, | Palmer, | Voorhees, |
| Fair, | Jonas, | Pendleton, | Walker, |
| Gibson, | Jones of Nevada, | Ransom, | Williams. |

So the bill was postponed indefinitely.

## NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. CAMERON, of Wisconsin. I hope the Senator will allow the Senate to proceed with the Calendar until 2 o'clock.

Mr. HALE. Last night when the Senate adjourned the Senator from Missouri [Mr. VEST] gave way for an executive session on my stating that at the close of the routine morning business to-day I would seek to bring up the bill, as he wishes to complete his speech, having to go away soon. So in accordance with that arrangement I make the motion now.

Mr. CAMERON, of Wisconsin. Very well.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. VEST. Nothing is heard more frequently and nothing is more true than the statement that our merchant marine has almost disappeared from the ocean.

Pamphlets, editorials, orations, bewildering in statistics and gorgeous in rhetoric, have alike proved unavailing to stop the decline of American shipping. I have before me now a pamphlet entitled History of American Shipping. Upon its outside cover is a lachrymose picture of Columbia as a galley slave, her "zone-encircled waist" having the inscription "American shipping," her hands chained behind her back, but carrying the suggestive motto of "Bounties to competitors," while

around her neck is the blood-curdling placard of "Booty, foreign agents, and lobbyists."

In the dismal background is an American ship-yard marked "Closed" and "For sale," while scattered all around are the broken fragments of agricultural and mechanical implements, supplemented by our national banner trailing in the mud, a mute but eloquent witness to our national disgrace. This pamphlet is from the facile pen of a gentleman formerly in one of the Departments here, who prepared the patriotic addresses delivered at each recurring session by Mr. John Roach before the Committee on Commerce, in which the web and woof of the discourse was "British gold," "Bounties to American ship-builders," "No free ships."

This fact is mentioned to prepare the reader for a ghastly likeness of Mr. Roach on the inside of the pamphlet, with the words, "The most abused yet the best friend of American labor and American shipping in the United States." But in the one hundred and thirty-six pages which follow, and which we are told are only the advance sheets, we are sorry not to find any attempt even to explain the fact that Mr. Roach has in all these years waxed fat and grown richer, while our merchant marine has steadily grown leaner and poorer, until it is now in the jaws of death.

DECLINE.

The decline of American shipping began in 1855. In that year our exports and imports amounted to $536,625,366, of which 85.6 per cent. was carried in American vessels and 14.4 per cent. in foreign vessels. In 1882 our exports and imports amounted to $1,567,071,700, of which 15.5 per cent. was carried in American vessels and 84.5 per cent. in those of foreigners. In other words, while our commerce was three times greater in 1882 than in 1855, our carrying trade had fallen off four-fifths.

What is the disease which has produced this fearful result and what the remedy?

That the civil war did not cause this decline is evident from the fact that it began really six years before the war. Of the loss of American shipping since 1840 up to 1882, 16.4 per cent. was before the war, 38.8 per cent. during the war, and 12.2 per cent. since its close.

That the evils and defects sought to be remedied in the bill from the Commerce Committee did not cause this decline is evident from the fact that we had these same evils and defects upon our statutes prior to 1855, and when our merchant marine was second only to that of Great Britain.

In fifteen years, from 1840 to 1855, our tonnage in the foreign trade increased from 762,838 to 2,378,358 tons; and yet during all these years of increase, and when our fast clipper-ships almost dominated the ocean, we had the same laws as now in regard to three months' extra wages, transportation of disabled sailors, advance wages, officers of American vessels, liability of ship-owners, hospital-tax, tonnage-tax, consular fees, and rebate on ship materials.

To assume that the measure reported by the Senator from Maine [Mr. FRYE] will, by remedying the present maritime system of the United States as to all these minor details in sailing a ship, remove the deadly blight upon our merchant marine, is equivalent to the empiricism that mistakes some cutaneous eruption for the organic disease which is sapping the life of a patient, and seeks with cuticura and moderate doses of sulphur to bring back health and vitality.

The proposed amendments to our statute law are well enough, but they should be accompanied by a remedy reaching the seat of the disease, and without which they are ineffectual. It is astonishing what ingenuity is displayed in certain quarters to invent some plausible excuse for evading the real trouble in our maritime system.

But a few years since it was fashionable to ascribe the decline of American shipping to our vicious monetary condition, and thunders of applause greeted certain astute statesmen who declared that depreciated paper money caused our ships to rot at their wharves and the grass to grow in our ship-yards.

Resumption of specie payment came, and our paper money is even better than gold, but the merchant marine is still declining. "None are so blind as those who do not wish to see."

BOUNTIES.

Time has effectually answered the absurd pretext that a depreciated currency destroyed American shipping, and time will also demonstrate the utter inadequacy of the bill before the Senate to remove the real disease.

The same school of statesmen and ship-builders who clung as long as they could to the fallacy of depreciated paper money being the malady now vociferate just as loudly for bounties to American ship builders and owners. This, after all, is the panacea, the pool of Bethesda, which will bring back to life our dying merchant marine.

Nothing is heard so often and so loudly from Mr. Roach and his followers as the assertion that England has obtained her supremacy on the ocean by a system of postal bounties lavishly expended upon lines of steamships to all parts of the world.

Even Mr. Blaine, when a member of this body, declared in the Forty-sixth Congress that in forty years Great Britain had paid $200,000,000 in subsidies to different lines of steamships, and in one instance had given to the Peninsular and Oriental Company $500,000 in order to enable that corporation to dominate the Mediterranean. Coming from so high a source, it is not to be wondered at that all the pamphleteers and penny-a-liners of the Roach school have taken up the cry and have repeated and varied this statement until it is accepted as true by the general public. The impression created by Mr. Blaine and by his imitators is that Great Britain has given so much money as naked subsidies or as inducements to her citizens to run steamship lines when they would not otherwise find it profitable to venture. That Great Britain has paid liberally for ocean mail service is certainly true, and her vast colonial system has made this outlay absolutely necessary, but she has never given sums of money out of hand and as naked subsidies, as is charged by the subsidy advocates of the United States.

The rule adopted by the English Government has always been to advertise all her ocean mail service to the lowest bidder, and to admit the world to become bidders. A striking instance of this is found in the history of the Peninsular and Oriental Company, to which Mr. Blaine referred.

In his History of Merchant Shipping Mr. Lindsay (W. S.) says that in 1837, after loud complaints had been made by the public of the defective mail service from London to Cadiz and Gibraltar, the government invited the Peninsular Company to submit plans for carrying these mails. The plans were submitted, but the government then informed the company that the service would be put up to the lowest bidder, and after advertisement this was done, resulting in the contract being awarded to another company. After a short time this company failed and the service was again advertised, and was awarded to the Peninsular Company, but only on condition that their bid should be reduced from £29,600 to £20,500.

This occurred in 1837, when ocean steam navigation was yet an experiment and regarded with distrust by many of the most experienced navigators and ship-builders.

Mr. Blaine also cited the Cunard line as a glaring instance of naked subsidy by Great Britain in order to build up her merchant marine.

In 1838 the Cunard line was awarded the contract for carrying the North American mails by steamers as the lowest bidder after public advertisement. The first contract was for £55,000 per annum and two voyages per month. Afterward the admiralty required four vessels and the pay was increased to £81,000 per annum.

The contracts required the vessels to be built under the direction of the Government and to carry British naval officers and to be subject to the order of the government in time of war.

Complaint was made by other lines that the contract was an unfair one, and an examination was had by a committee of the House of Commons, whose report showed that the contract was a fair one and the most advantageous to the government that could be made.

Speaking of the Peninsular and Oriental Company, Mr. Lindsay says:

The impression that this company owed its origin to government grants, and that it has been entirely maintained by subsidies for the conveyance of mails, is not supported by facts. Indeed, during the earlier portion of its career, the company by agreeing to carry the Peninsular mails, shortly after it had been started, for a sum considerably less than the cost of maintaining the admiralty packets then employed, with a speed, too, and regularity previously unknown, conferred an undoubted boon on the public.

When Mr. Lindsay uses the word "subsidy" it is not in the American acceptation of bounty, or a premium to do something which otherwise would not be profitable, but as the term is always used in England, meaning simply pay for postal or other government service.

If the assumption of the Roach school be correct, that subsidy has given England her supremacy, and that the same remedy should be applied to the American marine in its present emaciated and wretched condition, then from 1838, when England applied the stimulus of subsidy, she ought to have outstripped the United States, which was then relying only upon the native pluck and enterprise of her people. Now, what are the facts?

In 1837, as we have seen, England fairly entered upon the system of large postal pay to her steamship lines. For the next ten years the struggle was sharp and determined between Great Britain and the United States for supremacy upon the ocean, and in no single decade of our history have the results been more satisfactory to American skill and enterprise.

In a pamphlet which I have before me, entitled "The American Carrying Trade," by John Roach, I find the following on page 11:

1833 TO 1840.

Our commerce had grown in 1836 to $480,000,000, doubling itself in twenty years. Our tonnage increased in still larger proportion. In 1840 it was over 2,500,000 tons. We had also sold over 400,000 tons of shipping abroad, by this means bringing to the country $25,000,000 in gold, 90 per cent. of which was paid to American labor. Of our carrying trade at this period it has been well said "that its vast profits laid the foundation of the wealth of the country and built up its merchant marine with a rapidity unequaled in the history of the world."

By 1840, England's statesmen were alive to the danger of her position.

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Despite all these efforts they saw that the United States had already grown to be the second carrying nation of the world, had the raw material, mechanical skill, and energy to spare, and promised to become the first.

Again Mr. Roach says:

In 1850 we had a tonnage of 3,335,454, an increase of over 200 per cent. since 1815. Our coasting trade, from which foreign ships were excluded, employed 1,900,000 tons of shipping, an increase of nearly 400 per cent. in the same period.

All this while England was paying $4,000,000 a year to her fast steamships, which were intended to drive our clippers from the sea.

During all these years of glory and prosperity to the American merchant marine, and comparative disaster and decline of British shipping, when, as Mr. Roach tells us, England saw the "scepter of the seas departing from her," Great Britain was subsidizing her steamship lines, and the United States was paying almost nothing.

In 1848 the United States paid in bounty to vessels sailing under the American flag $100,500, and England paid for ocean postal service the same year $3,250,000. In 1849 the United States paid $235,086, and England $3,180,000. In 1850 the United States paid $619,924, and England $5,315,985. In 1851 the United States paid $1,465,818, and England $5,330,000. In 1852 the United States paid $1,655,240, and England $5,510,635, and so on in about the same proportion to 1858.

These facts show conclusively that "subsidy," as Mr. Roach terms it, is not the cause of England's maritime supremacy, and what is more pertinent to the present discussion, nor was the want of it the cause of our decline upon the ocean.

In 1851 the foreign steamship tonnage of the two countries was nearly equal, that of England being 65,900 tons, and of the United States 62,300; yet in the same year England paid for postal service $5,330,000, and the United States $1,465,818.

It is proper, however, to state in this connection that the sums named as having been paid by Great Britain for postal service are the gross amounts, without deducting repayments from her colonies and from other countries where letters are in part carried by the English mails. The repayments usually amount to two-thirds of the gross sum charged under the head of British postal expenditures, as will be seen, for example, in the fact that in 1872 Great Britain paid in gross £984,625 to steamship companies for packet service; but of this amount £210,839 was repaid by the colonies, and £442,095 by other countries, leaving £332,700 as the net payment by the government that year for purely British postage.

During the period from 1838 to 1855, when we steadily gained upon England in the contest for maritime supremacy, subsidy did not help England or the want of it retard us.

Up to January 1, 1850, both countries had substantially the same navigation laws and the ocean-carrying trade was in wooden vessels. A few iron steamships had been constructed between 1836 and 1850, but the prejudice against them was so strong that they were scarcely known as a factor in commerce. If, then, subsidy, either outright or as postal pay, be the remedy it is proclaimed, why did it not advance the ocean trade of England and the want of it retard that of the United States under the same navigation laws in both countries and with ships of the same material?

The pretense that subsidies or increased pay for ocean mail service will of themselves arrest the decline of our foreign shipping is about as ridiculous and false as the cry that British gold and British influence are working to bring about the repeal of our navigation laws, as if our worst enemy could want any more rapid decline of our foreign shipping than is now going on under the present system.

Bounties or subsidies to induce our people to make investments in a business which they otherwise would avoid are wrong in principle and ruinous in practice. The Government has no constitutional right to subsidize out of the common Treasury any one business or calling, and the only result of such legislation is to temporarily and abnormally stimulate the subsidized interest at the expense of all legitimate business competition.

Mr. Roach says that he does not want subsidies, but only increased postal pay. Yet he repudiates the idea of allowing the mails to be carried by American contractors in any but American-built vessels, and refuses to adopt the English system, which permits the whole world to bid for ocean postal service.

In the work of Mr. Lindsay on merchant shipping, to which I have referred, he says:

> And as a further proof that postal subsidies are not granted with the object of giving to English shippers any protection against the competition of the shipping of other countries, it may be mentioned that when a contract for the conveyance of mails is advertised no restriction whatever is imposed upon any foreign vessels competing; and the subsidy would be paid to foreign-owned and foreign-built vessels if it were considered that the best and cheapest conveyance of mails would then be secured.
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> For some years a subsidy was paid by the English post-office to a German steamship company for the conveyance of the mails from Southampton to New York.

If Mr. Roach really believes that the system of subsidies adopted by England has done more than anything else to build up the merchant marine, and that we should adopt the same remedy, then to be consistent he should take the whole of the English system and not a part. He should, as England has done, fling the doors wide open to the whole world, and give the contract to the lowest responsible bidder, no matter of what country or nationality. But when testifying before the shipping committee in New York, and urging postal subsidies as a certain cure for the decay of our merchant marine, Mr. Roach was asked whether he was willing to allow the mails to be carried by any but American-built ships, and he promptly answered in the negative.

For myself, Mr. President, I am willing to vote for adequate and liberal payment for ocean mail service, in lieu of the present unjust and niggardly system; but I want the contractor who receives the award as the lowest bidder to have the privilege of carrying the mails in ships bought in the cheapest market, and not that he shall be forced to buy of Mr. Roach, at an increased cost of 15 or 20 per cent.

If we are to have the English remedy, then let us have it complete, and not that part of it only which suits the purposes of three American ship-builders, at the expense of the entire shipping interest of the United States.

If additional evidence is needed to show that subsidies will not build up the merchant marine, it can be found in the history of French shipping.

On page 113 of the report of the joint committee on shipping will be found a table showing that France has bound herself by contracts made in 1854, 1861, and in 1865 to pay to various steamship lines for mail transportation the annual sum of $4,677,778. Notwithstanding this, France found that she was fast dropping behind in the race for commercial supremacy, and so, in January, 1881, a law was enacted by the French Assembly giving large premiums upon both the construction and sailing of vessels under the French flag.

In 1850 the French tonnage amounted to 688,153 tons; in 1870 it had increased to 1,072,048 tons, but in the next decade it fell off to 919,298 tons.

In his work on Our Merchant Marine Mr. David A. Wells says, in regard to the new system of French bounties:

> The results of the first year's experience of the French system, so far as reported, have not proved satisfactory. Bounties were granted for the encouragement of voyages between French ports, the French colonies, and countries out of Europe; but the returns for 1881 show a very marked decrease in the French tonnage engaged in her colonial trade as compared with 1880, when there were no bounties; while the French tonnage entries into French ports from foreign countries showed a decrease in 1881 as compared with 1880, with some marked gain in the same time in regard to clearances.
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> But what is most noticeable is that the entries and clearances of foreign tonnage (which of course receives no bounty) into French ports during 1881 showed a very large increase as compared with 1880, and was apparently in no way affected by the new and discriminating privileges extended French shipping in order to enable it to successfully compete for foreign business.

We must not look, then, to bounties or subsidies for the remedy which can resuscitate our languishing merchant marine. Liberal compensation for carrying the ocean mails is demanded alike by justice and national honor, but when it becomes a bounty pure and simple it is wrong in principle and injurious in practice.

IRON SHIPS.

In considering the causes which have brought our merchant marine to its present condition we can not ignore the fact that iron steamships have revolutionized the carrying trade of the world. Up to 1855 and even to 1860 the United States competed successfully with Great Britain upon the ocean. Our fast wooden clipper-ships carried the American flag upon every sea and to every port. England had in vain attempted to build wooden ships of equal speed and beauty. Mr. Lindsay, an Englishman devoted to his country, admits this fully, and in these words:

> I have already shown that this superiority consisted mainly in the fact that American ships can sail faster and carry more cargo in proportion to their registered tonnage than those of their competitors, but their improvements did not rest here. In considering the current expenses of a merchantman manual labor is one of the most important items, and herein our competitors, by means of improved blocks and various other mechanical appliances, so materially reduced the number of hands, that twenty seamen in an American sailing ship could do as much work, probably with more ease to themselves, than thirty in a British vessel of similar size. With such ships we failed successfully to compete, and although we have since far surpassed them in ocean steam navigation, the Americans were the first to dispatch a steamer for trading purposes across the Atlantic.

That is absolutely a historical fact. As early as 1839 Captain Stockton, of the United States Navy, ordered a small iron screw steamer from Ericsson and sent her to America. This, however, was only an experiment, and iron-ship building was sporadic and of no importance until 1850. The idea of iron floating seemed absurd, and it was objected that compasses on such vessels would be unreliable, that salt water would corrode the iron, and that the building material would be destroyed by oxidation. In 1843 the iron propeller Great Britain was launched, carrying 2,984 tons, and with engines of 1,000 horse-power. It was not, however, until about 1850 that the iron steamship became an important and established factor in British commerce. From that time to this iron and steel have surely asserted their superiority to wood in the construction of ocean steamships, until now it is a fact beyond question that the nation which expects the first rank in commerce must use vessels made of iron or steel and propelled by steam.

In durability, safety, strength, increased tonnage, economy, less insurance, comfort, and health wooden vessels must take the lower place. This being a fact conceded by every intelligent man, how are we to obtain these iron or steel steamships? We have seen that American enterprise and energy overmatched Great Britain so long as the commerce of the world was carried in wooden ships, and the same energy and enterprise must be again taxed to meet the changed conditions which now control the ocean.

That we are not able to build iron or steel steamships as cheaply as Great Britain is established beyond a doubt. The witnesses differ as to the amount, some placing it as high as 30 per cent. and others as low as 10 per cent., but that the cost of constructing such vessels is greater in the United States than in Great Britain can not be ques-

tioned. Whether the difference in cost be the greater or less per cent., so long as it exists we can not expect Americans from mere sentiment to build these ships in American ship-yards.

It is useless to say that after the vessel is once built the important question is as to the expense of sailing. No intelligent man will as a rule enter into a business where there is great competition when he is handicapped from the beginning with greater cost for the instrumentalities necessary to that business than is paid for the same articles by his competitors. It may be that for a single venture and under exceptional conditions such a course might be taken, but as a rule nothing of the kind can be expected.

I know that Mr. Roach systematically denies that iron-ship building is not increasing in the United States, but when confronted with the official figures from the Register of the Treasury, as he was before the Joint Shipping Committee, he contents himself by saying that there must be some mistake in the table.

The following is the exhibit, officially, of the construction of iron sailing and steam vessels in the United States from 1868 to 1883, inclusive:

*Tonnage of iron sailing and steam vessels built in the United States from 1868 to 1883, inclusive.*

[From statements prepared by the Register of the Treasury.]

| Year ended June 30— | Sailing vessels. | Steam vessels. | Total. |
|---|---|---|---|
| | *Tons.* | *Tons.* | *Tons.* |
| 1868 | | 2,801 | 2,801 |
| 1869 | 1,039 | 3,545 | 4,584 |
| 1870 | 679 | 7,602 | 8,281 |
| 1871 | 2,067 | 13,412 | 15,479 |
| 1872 | | 12,766 | 12,766 |
| 1873 | | 26,548 | 26,548 |
| 1874 | | 33,097 | 33,097 |
| 1875 | | 21,632 | 21,632 |
| 1876 | | 21,346 | 21,346 |
| 1877 | | 5,927 | 5,927 |
| 1878 | | 26,960 | 26,960 |
| 1879 | | 22,008 | 22,008 |
| 1880 | 44 | 25,538 | 25,582 |
| 1881 | 36 | 28,320 | 28,356 |
| 1882 | 43 | 40,097 | 40,140 |
| 1883 | 2,033 | 37,613 | 39,646 |

It will be seen from this table that the tonnage of iron steam vessels built in the United States in 1874 was 33,097 tons, and in 1881 it was 28,320, a falling off of 4,777 tons in seven years. In 1882 it was 40,097 tons, and in 1883 37,613 tons, a falling off of 2,484 tons in one year. And yet we are told, as each recurring year brings us nearer to dissolution, that the patient is showing symptoms of renewed vitality and must certainly recover.

Nothing like it has ever been known since the Scotchman's experiment to ascertain if his mare could live on nothing, and when she reached a single straw death unfortunately interfered and prevented a solution of the problem.

I commend to Mr. Roach the following from the annual report on foreign commerce for 1883:

THE DECADENCE OF AMERICAN SHIPPING EMPLOYED IN FOREIGN COMMERCE.

In our commerce with foreign countries there is still a very large preponderance of foreign vessels employed. The tonnage of American vessels entered at seaports of the United States from foreign countries amounted to 2,834,681 tons during the last fiscal year, as against 2,968,290 tons during the previous fiscal year; and the tonnage of foreign vessels entered at seaports of the United States amounted to 10,526,176 tons, as against 11,688,209 tons during the preceding fiscal year.

In 1856 the tonnage of American vessels entered at our seaports from foreign countries amounted to 3,194,275 tons and constituted 71¼ per cent. of the total tonnage entered, and in 1868, three years after the termination of the war, the tonnage of American vessels entered amounted to 2,465,695 tons and constituted 44.26 per cent. of the total tonnage entered, but of the total tonnage entered at seaports of the United States from foreign countries during the last fiscal year 79 per cent. consisted of foreign tonnage and only 21 per cent. of American tonnage.

The amount of American tonnage entered has exhibited but little change since 1868, but the tonnage of foreign vessels entered has increased from 3,105,826 tons in 1868 to 10,526,176 in 1883. In other words, foreign ship-owners have been able to secure the entire increase in our foreign carrying trade, which increase has been very large. These facts show that the decadence of American shipping is not at the present time due to incidents of the late war, but to causes which are persistent. These have been treated of somewhat at length in previous reports, and therefore it does not appear to be necessary to enlarge upon the subject at the present time.

The iron ship, especially the iron steamer, has become the most efficient vehicle of international commerce upon the ocean, to a great extent superseding the wooden ship. During the last fiscal year the tonnage of iron sailing vessels built in this country amounted to only 2,033 tons, and that of iron steam vessels to 37,613 tons, a total iron tonnage built of 39,646 tons, as against 40,097 tons built during the preceding fiscal year. How small, relatively, is the iron tonnage built in the United States is shown by the fact that during the year 1882 there were 130 iron and steel sailing vessels built in Great Britain and Ireland, the total tonnage of which was 132,340 tons, and 568 iron and steel steam vessels built, the total tonnage of which was 520,437 tons; a total of 698 iron and steel sailing and steam vessels, the aggregate tonnage of which was 652,777 tons, or sixteen and a half times the total iron tonnage built in the United States.

The small progress which we have made in the building of iron and steel vessels is even more strikingly exhibited by the fact that of the 39,646 tons built in the United States during the year ended June 30, 1883, 18,530 tons were for the home trade, which under our navigation laws is confined exclusively to American vessels, and only 21,116 tons for the foreign trade, which under the principles of maritime reciprocity now prevalent among commercial nations is free to the ships of all nations.

COST OF BUILDING IRON SHIPS.

As I have said before, the evidence varies as to the amount of difference between the cost of iron ships in this country and Great Britain, but all agree that we are unable to construct them as cheaply. The difference in cost varies from 10 or 12 to 30 or 40 per cent., and is dependent upon the class to which the vessel belongs.

In order to arrive at the truth in regard to the difference in cost between the construction of an iron steamship in Great Britain and the United States I addressed a letter to the superintendent of the American Steamship Company, a gentleman of high standing in the city of Philadelphia, and well known to the Senators from Pennsylvania and New Jersey, Mr. C. A. Griscom, and I specifically called his attention to the question of the difference of cost, because there had been great variety of testimony given before us in New York on that subject. Here is his reply:

COST OF BUILDING.

It is very difficult to compare exactly the relative cost of building in this country and abroad, because a steamship is as varying an article as a house; and you will appreciate that to broadly say one can build a house in New York cheaper than in Saint Louis does not convey any intelligent idea to the inquirer. The Red Star line, however, has on different occasions within the past five years tested this question of first cost quite as accurately perhaps as has been possible, and on each of those occasions we found that the class of steamers we contemplated building, namely, of large size, high power, completely fitted for one hundred to one hundred and fifty cabin passengers, would cost about 10 to 12 per cent. more in this country than if built by the best builders in Great Britain. But I should perhaps explain that if our inquiry had been for a freighting steamer only, or for a steamer with very moderate cabin accommodations, the difference in cost against building in this country would have been very much greater.

In other words, to the extent that extensive joiner-work becomes a part of the structure, to that extent is the American cost relatively cheapened; and to the extent that you descend in the scale toward a simple freight carrier, or so-called "ocean tramp," which means merely an iron box with engines to drive it, is the difference against building in this country largely increased and reaches as high as 30 or 40 per cent. for the smallest-powered freighter.

As appears from this—and no authority can be higher—the greatest difference in cost is in the construction of freight steamers, and unfortunately for us, this is the class of vessels most important to our merchant marine.

It is to these "iron boxes with engines to drive them," as Mr. Griscom describes them, that we must look for the transportation of our exports and imports; and when we reflect that an Englishman can buy one of these vessels for nearly one-third less than the same vessel can be had by an American it will be seen how terribly we are handicapped in the race for commercial supremacy and how hopeless is the task of inducing our citizens to enter the contest unless this inequality is in some way removed.

It is said by the advocates of our present maritime system, conspicuously by Mr. Blaine, that 90 per cent. of the cost of an iron steamship is in the cost of labor necessary to its construction, and that the high wages of workmen in the United States constitutes the difference in cost between Great Britain and this country.

Those who oppose the present system are then defied to lay their sacrilegious hands upon the wages of American workmen, and the air is heavy with Columbian eloquence about civilization, happy homes, contented firesides, education, and all the elevating influences of high wages, contrasted with the starved and pauper labor of England.

This will do for campaign purposes, but the fact is studiously concealed from the workingmen of America that the protective system which is said to give them these high wages also gives them higher prices for all the necessaries of life and largely enhances the cost of living. While the workingman receives $2 per day, one-half is taken from him by the increase in the cost of living, caused by a high protective tariff.

At the last session of Congress a piece of cloth was exhibited in the Senate by the Senator from Delaware [Mr. BAYARD], which could be bought by the English workman for 15 cents per yard, but under our tariff would cost the American workman 75 cents per yard. Even the labor bureau of Massachusetts estimates the difference in the cost of living at 15 per cent. where the English and American workman live exactly alike, and if this admission comes from that quarter, we can safely assume the per cent. to be much greater.

If the American common laborer receives 30 per cent. more, and the skilled laborer 50 per cent. more, and the cost of living is only 15 per cent. greater in this country, it is most astonishing that England is able to retain any labor at all. And yet we find that while thousands of other nationalities are flocking to our shores, very few English laborers are leaving their native lands, and especially very few skilled mechanics.

The statement that English workmen do not live comfortably and contentedly is best answered by a gentleman who was one of their number, and is now a large manufacturer in the State of Delaware.

His high character is well known to both the Senators from that State, and I make no apology for reading a letter from him on this subject, which was written in answer to certain inquiries propounded by me through one of the Senators from Delaware as to the mode of life

and the cost of living among English workmen as compared with that of workmen in the United States.

NEWARK, DEL., *January* 30, 1883.

Hon. THOMAS F. BAYARD:

MY DEAR SIR: Yours of yesterday at hand. In reply say while in England, in 1881, I took from home many letters of introduction to work-people on the other side and delivered my letters, and then made my home among the work-people, and all with whom I came in contact lived comfortably well, fully equal to what I lived in my American home during the first nine years of my married life, during which time I never received over $6 per week; so now you can see that I am just a little able to judge between the two countries. It might have been that they have done something better than their regular living while I was staying with them, but on my visit through Lancashire, in the cotton manufacturing districts, I called on the parties to whom I had letters without their having any knowledge of my coming, and I will say that I fared very well, and hope no American shall ever get worse. They then will have but little to complain of. I, as a rule, had for my breakfast coffee, bread and butter, fried bacon, and those who eat eggs had them, and in almost all cases there would be oatmeal porridge, with milk or sirup. For dinner, as a rule, I found that on a Sunday a good-sized roast of beef was provided, along with potatoes, turnips, cabbage, and in very many cases a good article of cauliflower. Through the week the beef would be brought to the table and cut cold, and I enjoyed it very much, as it was so different from my late living at home. For tea we had in many cases muffins brought to the table hot, opened and buttered, with tea, bread and butter, and seldom any meat, but frequently oatmeal porridge and milk for those who chose it. I must say I did not in the class of work-people with whom I met find that much-talked-of article, the "pauper laborer of Europe."

You will probably recollect my introducing you to a cousin of mine, a David Constantine, when you was last at my house; he had been but two days in the country at that time. He is an educated, intelligent young man of about 33 years of age, and is now working for me at carpentering, and is a good, industrious workman and entirely reliable. I took Mr. VEST's questions to him where he was at work and got him to quit work and answer to the best of his knowledge. The character of the clothing worn by factory and other work-people for every-day wear in both Lancashire and Yorkshire is what is known in England as fustian; it is both plain or cut. We call it corduroy or velveteen. They have their pants made double out of this strong material, and they cost, made up, in our currency $2.50. Mr. C. says they will last any man two years for working in; this I am satisfied from seeing the article; we get none of that best article over here; a coat and vest of same material for $3.50, and he says they will last a man a lifetime, which I should think is near correct. The article is almost as strong as leather.

He has a suit of very fine woolen goods, which he says he bought over five years since and paid $15. In my judgment such a suit here to-day would cost $30. When I was over in 1881 I found the woolen goods to be just about one-half what they are here. And as I showed you a sample of cotton-warp cloth that weighed eighteen ounces per yard of fifty-four inches wide, which the manufacturer said netted him 7½*d.* per yard, you can judge for yourself how cheap they were sold over there. Mr. Constantine has on a pair of shoes which he had made to order, and cost him $3.50. The store shoes sell at about $3, and they last from two to three years with an occasional half-soling. While I was waiting for a train at the Dewsbury Station in Yorkshire in 1881 a workingman took a seat on the bench beside myself. I noticed that he had a new pair of very strong shoes on his feet; it attracted my attention, and so I put the question to him, "What do you pay for a pair of such shoes?" His answer was 16*s.*, or about $4, which struck me as being very high. I then began to inquire how long such a pair would last, and his reply, from three to four years "wi' a bit o' mendin'."

For a good quality broad-brimmed felt hat which Mr. Constantine brought with him he paid 4*s.*, and here it would not cost less than $2. The average rent of a house for a workingman, with a cellar, kitchen, living room, two sleeping rooms overhead, and a finished attic, with range, gas, and water, all free except the gas, which, he says, cost him 3*s.* 6*d.* for a half year—such a house of stone, with garden, would cost 3*s.* 6*d.* per week. The furniture, two tables, one for dining and one for sitting room, from five to six dollars each. Chairs made of oak or maple or some hard wood, with rush or cane bottoms, at $1 each. Mr. Constantine is a cabinet-maker, and says furniture is cheaper in England than here. A very complete iron bedstead can be had from 15*s.* upward to £10 each. They are very complete (and for our hot climate I think a great improvement over our wooden ones). All ranges and cooking apparatus belong to the house, and are included in the rent.

Answer to Mr. VEST's last question: Coffee, bread, bacon, occasionally an egg, with plenty of porridge and milk or molasses (treacle) for breakfast; for dinner, beef or mutton, bread, potatoes, &c. Many use oatmeal porridge and milk for both supper and breakfast. Average cost per week for Mr. Constantine, wife, and one child, to cover all expenses of household character, including rent, &c., a pound sterling per week; and he said out of this amount, which he gave his wife with which to keep house, she saved money, and when he would sometimes be short to pay a journeyman his wages he used to borrow enough to make up the amount from his wife out of her savings.

What I have given you is reliable. It is the imaginary wants of the Americans that make it so difficult to get along. This I know to be a solid fact from my own experience, as I told you in the beginning. I never had but from $4.50 to $6 per week for wages the first nine years of my life, and they were the happiest nine years of my life. I hope this will answer.

Respectfully,

WM. DEAN.

This is the testimony of a plain, sensible, self-made man, and from his own personal experience, yet I know how little it will avail against the clamor of those who are interested in causing the American workman to believe that his greatest benefactor is the high protective system, which pays him with one hand only to rob him with the other.

In an address before the Board of Trade of San Francisco, Mr. Hopkins, a leading merchant of that city, described the operation of the high protective tariff system in these words:

For while the protected domestic market recoups the high cost and guarantees a profit on all protected articles of American manufacture, the cost of building our vessels is raised by the same means, but our market is not likewise protected. On the contrary, our shipping in the foreign trade must compete, without any possible protection from our Government, in the free, open market of the world, which of course hires vessels where it can hire cheapest. If high interest on high cost, high wages, taxes, fees, repairs, &c., make $1,000 per month the cost of running an American ship, while low interest on low cost, low wages, and the absence of taxes, fees, or repairs bring down the cost of running an English ship to $500 per month, who does not perceive that the English vessel will make money where the American owner must soon become bankrupt? Yet this is the actual condition of the shipping business now, and such it has been since the enactment of our present high tariff.

That under these circumstances common justice to our injured class, regard for the national honor abroad, as well as for the national economy which requires the retention in our own country of the enormous freights paid on American exports to other nations, and the national safety in case of foreign war—all these motives justify us in the demand that we should be placed as far as possible in such a position as if there were no tariff; and that such legislation should be promptly enacted as will place American ship-owners on an equality with those of England. Unloose the fetters; remove the weights imposed on us by our ill-fitting and outgrown laws; leave us free, as are the English, to utilize our abundant materials, our energy, and skill, and doubt not American mechanics and sailors will soon again overtake their rivals on the seas.

Every word of this energetic protest is true, and it was not necessary for the speaker to go outside of the city of San Francisco for apt illustration.

Out of five hundred and fifty vessels which left that port in 1882 only twelve were owned by citizens of San Francisco, and for the same period she paid for ocean freight to Europe $16,069,789, and to and from all ports on the Pacific coast $2,000,000, nearly all of which went to foreigners.

Nor does the high protective tariff limit its effect to the cost of labor in the construction of iron steamships. After the vessel is built and afloat its baleful influence follows the American owner and drives him from the ocean.

In the House of Representatives, during the last Congress, Mr. DINGLEY, of Maine, whose name has been given to the bill before the Senate from the Commerce Committee, made the following statement:

Practically with the liberty which a vessel has when it enters a foreign port to ship a new crew, it may be said that, so far as sailing vessels are concerned, that is not an element that enters seriously into the question.

So far as steamships are concerned, which from the very nature of the trade requires a permanent crew, there is some difficulty, but not enough to seriously interfere with the extension of our foreign carrying trade.

Mr. DINGLEY was then discussing the question of seamen's wages, and to show how much he is mistaken in his assertions I will read a letter from Mr. Griscom, of Philadelphia, from which I have already read an extract. I do not agree with all Mr. Griscom's conclusions, but his acknowledged ability, integrity, and experience as the head of the Red Star line must give his opinions great weight:

Hon. G. G. VEST,
*United States Senator, Washington, D. C.:*

MY DEAR SIR: The American Steamship Company, the stock of which is mostly owned by the Pennsylvania Railroad Company, built four iron steamers with the Messrs. Cramp, of this city, between the years of 1871 and 1874, of 3,100 tons gross measurement. They have since been operated under the American flag between this port and Liverpool, enjoying all the influence which the Pennsylvania Railroad, with her innumerable agencies and facilities, possessed.

The traffic grew so rapidly that more steamers were soon required, but the experience of operating them under the American flag, from increased wages and heavy first cost, deterred the American Steamship Company from building any further steamers, and they decided, perforce, to stand still and let the increase of the service be taken up under the British flag; and since that time ten iron and steel steamships of the most improved type have been added and run profitably under the British flag, while the four American boats under precisely the same conditions although they have been run with unparalleled success as to freedom from accident or disaster, have fallen far short of earning the interest on their first cost, and at this moment of writing are on the eve of being withdrawn and laid up or sold for some other trade.

That is a most astounding statement. Here were these steamships, six under the British flag and four under the United States flag, with all the patronage and influence of the Pennsylvania Railroad Company behind them; and yet Mr. Griscom says that the American vessels lost money side by side with those under the British flag, and he will be compelled to either sell them or put them in another trade.

Mr. FRYE. Will the Senator yield to me a moment?

Mr. VEST. Certainly.

Mr. FRYE. I hope the Senator now will show the Senate how that could be cured by permitting the free purchase of English ships, how the increased cost of running American ships will be changed at all by taking a British ship and putting her under the American flag, for that is the real question undoubtedly on the matter of free ships.

Mr. VEST. I propose to discuss that. I am discussing the question of seamen's wages now, if the Senator will pardon me, and I am proceeding to show by actual demonstration, if human testimony ever demonstrates anything, that your infamous navigation laws create this difference in wages, and, in conjunction with other causes, operate so that the American vessel can not possibly compete with one running under another flag.

Mr. FRYE. In other words, the Senator proposes to devise some plan by which the wages of American seamen will be decreased.

Mr. VEST. I propose that those wages shall be just and equitable. They are not American seamen's wages. The Senator knows that but 5 per cent. of the sailors now upon American ships are Americans. They are foreigners. All this pretext of protecting American seamen is "leather and prunella;" they are not in existence. You have no sailors. Ninety-five per cent. of the sailors now on our ships are foreigners; and under these miserable navigation laws every American vessel is bound to reship her crew when she comes back to American shores, and then the sailors are again picked up, and foreigners are paid the same wages that Americans are paid in the coastwise trade. That is what this letter states, and that is what I was going on to prove. These foreign sailors are generally the refuse of the merchant marine of other countries.

Mr. FRYE. The Senator does not say that is true of the coastwise trade?

Mr. VEST. No, but I speak of wages. These foreigners come here,

and when we reship our crews they demand the same wages that are paid in the coastwise trade.

Mr. FRYE. That is true. Under the American flag they will demand higher wages, and go under a foreign flag and take lower wages. Now, does the Senator propose to take the coastwise trade, repeal the navigation laws, and put that in precisely the same field, and have 95 per cent. of the sailors there foreigners?

Mr. VEST. I have not said a word about the coastwise trade except this: The navigation laws which require that every American vessel that comes back from a foreign port must discharge her crew and take another one, create an increase of wages to foreigners, not to American seamen.

Mr. BAYARD. May I interrupt my friend?

Mr. VEST. Certainly.

Mr. BAYARD. The question is very interesting. At the city of Philadelphia there was a line of steamships called the American line. It was composed of ships built and registered in the United States, and also of ships built and registered in Great Britain. Part of the ships were English ships owned and built, part of the ships were American ships owned and built; and when I say "owned" I mean they were held by the same class of stockholders in the steamboat company.

The other day when the Secretary of the Navy happened to be in Philadelphia he was congratulating them on the fact of having the only American line, and immediately one of the stockholders present rose and said that it might be a cause of congratulation, but the stock was for sale and the American ships would be transferred to British register in the course of three months if some American did not buy them. The same stockholders own the vessels running from the same dock in Liverpool to the dock in Philadelphia, and they were controlled by the same interest. The pay of the captain on the British ship and the pay of the sailor on the British ship was just the same under the rule of that company as the payment of the crew on the American ship, and I have wanted to know what was the magic of a new set of papers for these two sets of vessels that was to change the cost of running them. They were owned by the same people, they traversed the same distance, they carried the same commodities, and the sailors and the officers received the same wages. Every inducement to economy was the same on one ship as it was on the other.

Now the question was, what was to be gained by the change of register? I have sought to discover that. There is no magic in a name any more than changing the name on the stern. The same hull, the same ship, the same men are there; the same dues, the same port charges are paid. What, then, was to be gained? What is there that makes the difference between the operating of an American ship and running her and operating and running a British ship? It is a question of interest to me. I sit on my piazza and see these vessels, the British ship and the American ship, pass up and down that bay, owned by the same people, everything the same except the flag. The captain of the British ship wants his pay; he goes to the office. The American captain goes to the same office and gets the same pay. The dues are the same. What is the advantage of this stockholder selling out and getting a British register instead of the American? What does he gain by that? In truth, he loses one thing, he loses the right that every American vessel has to-day of engaging in the coastwise trade. Put her under a British register and she can not engage in the coastwise trade. So there is an advantage in having the vessel under an American register. And yet we are told by that stockholder, and I take it for granted he followed the law of self-interest, that it was not profitable to him. He told Mr. Chandler, the Secretary of the Navy, that if it was a matter of congratulation to have a line under the American flag, anybody might have the stock.

The point referred to by my friend from Missouri of course we are all anxious to get at, we are all anxious to understand; and he will pardon me for the length of my interruption. I hope we shall come to some conclusion that shall be fruitful of real reform.

Mr. VEST. The Senator from Delaware has stated the very point on which I was quoting from Mr. Griscom, with whom I formed a very pleasant acquaintance, and with whom I have had various discussions on this subject. He is superintendent of the company that runs one steamship line from Philadelphia to Liverpool in which there are ten vessels, and one from New York to Antwerp which is called the Red Star line, and for which he receives, as stated in this letter, ocean mail postage from the Belgian Government. The very question the Senator from Delaware has asked I asked Mr. Griscom. And this is his reply:

At the time the Pennsylvania Railroad Company established the American Steamship Company they called upon my firm to try to establish a line to the continent. We succeeded in getting some friends together and organized the International Navigation Company, the proprietors of the Red Star line. The capital required at this time and all the money which has since been raised, exceeding $5,000,000, has been subscribed in this State, with the exception of one-fifteenth, which is owned by our correspondents and representatives in Belgium. Our first impulse, naturally, was to build ships in this country and organize under our own flag. At that moment the difference in first cost, as near as we could test it, was from 25 to 30 per cent.; added to this was the continual increased cost of running. We therefore reluctantly decided that we must build abroad and organize a foreign company to own the steamers. We organized a company in Belgium, and finally, after we had been running a few years, and gained the confidence of the government and the community, we succeeded in obtaining a contract to carry the mails between Antwerp and New York, for which we receive 500,000 francs per annum.

Here you will observe a marked contrast between the way in which the Red Star line, without any particular friends or influence at Brussels, except such as were secured by performing our service well, was received and treated by the Belgian Government, and the way in which the American Steamship Company, organized here in Philadelphia, sustained by local patronage, and an object of great local pride, was treated by our Government. I believe the highest amount ever received by the American Steamship Company for carrying the mails was $2,400 per annum. If it had received only enough assistance to counteract the increased first cost and the subsequent continual higher cost of running, the ten steamers subsequently added to the American line under the British flag would undoubtedly have been added under our own flag.

For your information, I inclose you the sailing lists of the American and Red Star lines, on the outside leaf of which are the steamers engaged in each service at the present time. The first four named on the American line list are the four original boats under the American flag; the remaining five are under the British flag.

WAGES.

I ask attention of Senators to this:

The monthly wages of the four American boats is $3,150. The monthly wages of the boats running alongside of them in the American line is about $1,900, or $15,000 per steamer per annum against our flag.

Mr. FRYE. Now, if the Senator will allow me, that was the question which I asked the Senator from Delaware. The Senator from Delaware stated that the captain, officers, and men received precisely the same pay on the American and the British line.

Mr. VEST. Not the men.

Mr. FRYE. That was what he stated; at least I so understood.

Mr. VEST. I will go on and read this letter, which answers the Senator from Maine and shows where this difference is and corroborates my statement. These foreign sailors are brought here under your navigation laws, and then demand the same wages that are received by American sailors in the coastwise trade; the coastwise trade only competes with Americans, while these vessels in the foreign trade go out upon the ocean and compete with foreign vessels without any protection. I am going on to read what Mr. Griscom says is the reason.

He says the difference in the expense of running is $15,000 per annum on each steamer against the American flag.

On these four boats say $60,000 per annum, or 6 per cent. on $1,000,000 capital. If we had increased under the American flag, and had the five additional boats as now running, the wages alone against us, as compared with competitors under a foreign flag, would have amounted to $134,000 per annum on the nine steamers now running.

A similar comparison with the Red Star boats, in which service we will have ten steamers running this month, would have been in round numbers $150,000 per annum against us if we had organized under the American flag; and inasmuch as the Belgian Government gives us $100,000 per annum for carrying the mails, you will see that we have about $250,000 per annum to tempt us to expatriate ourselves with this enterprise. In other words, if Congress should pass a bill to-morrow admitting foreign-built ships to American registry, the Red Star line could not afford to abandon the flag that now protects it.

At this moment the Pennsylvania Railroad Company is negotiating with the Red Star line to take over and operate the Philadelphia and Liverpool service, now conducted by the American line, and if they do so several million of dollars more of American capital will be compelled to seek a foreign flag, unless Congress applies a proper remedy.

Mr. FRYE. Now will it interrupt the Senator——

Mr. VEST. It is no interrupion.

Mr. FRYE. I should regard it as inexcusable to interrupt the Senator if there was an opportunity to reply on this bill, but there is a shipping bill behind this.

Mr. VEST. I will state to the Senator that it does not interrupt me at all. I am very glad to hear him. I want the truth about this matter. I want to get at what is best to revive our merchant marine. I am glad to be interrupted.

Mr. FRYE. I call the Senator's attention to this: When the question has been presented to the advocates of free ships as to the coastwise trade, which has been protected against foreign competition by the navigation laws, speaking of them technically, by preventing foreign vessels taking any part in the coastwise trade—when that objection has been urged to the advocates of free ships, as a rule the gentlemen reply, "We do not propose that the ships which are purchased abroad shall be permitted to engage in your coastwise trade; we propose still to reserve that to Americans and to American ships and to the American flag." And then when the objection is made, "But your purchased ship will be under an American flag, and will you make a distinction against her because she is purchased abroad?" the reply is, "Yes; we will put a limitation upon the law that a ship so purchased abroad shall not be permitted to engage in the coastwise trade."

Now, I ask the Senator in his statement to distinguish, to have it understood whether or not in his proposition for the purchase of ships abroad he proposes any limitation whatever upon them? If he does propose that limitation, then as a matter of course his argument touching the wages of seamen will be without any force. If on the contrary he proposes to cure this matter of wages by admitting foreign-purchased ships to participate in our coastwise trade, then I desire to know that distinctly.

Mr. VEST. So far as the amendment which I proposed to the bill reported by the Senator from Maine is concerned, that only applies to foreign commerce, not to the coastwise trade. But I am now discussing the question simply of wages. I do not pretend to say that admitting foreign vessels under the American flag would remedy this question of

wages at all. I do mean to say that the repeal of that part of our navigation laws which requires an American vessel to discharge her crew when she comes from a foreign voyage and rehire them does make this unjust inequality, and that is just the thing of which Mr. Griscom complains, as I shall proceed to show.

Why is it now that under the law as it exists when an American vessel goes to Liverpool, ships her crew there of English or of Germans or of Italians, and comes back to this country, the very minute she touches the American coast under the law she must discharge all the sailors and rehire them from the boarding-house keepers and shipping commissioners, and then the very men she rehires say, "You must pay us Philadelphia and New York wages in the coastwise trade?"

Mr. BAYARD. May I ask the Senator a question to set myself right?

Mr. VEST. Certainly.

Mr. BAYARD. I stated that which I believed to be true upon information of those who have been connected with the line, that four vessels running on the same line from Philadelphia pay the same salaries to their officers and the same wages to their crews. That I understood to be the case. Now, I understand that Messrs. Wright, who I think are the agents of the line——

Mr. VEST. This letter is from Mr. C. A. Griscom. The Senator knows him?

Mr. BAYARD. Yes; he is a very well-known shipping merchant of Philadelphia.

Mr. VEST. He is the superintendent for Peter Wright & Co.

Mr. BAYARD. Yes; a firm of very high repute. I think they are the proprietors of the Red Star line. They say now that, owning ten ships, five under the American flag and five under the foreign flag, there is between those two a difference of $15,000 a year for the mere expense of wages in the ships. My friend from Missouri suggests that that will be remedied by a change in our shipping laws in regard to the shipment of seamen, so as not to oblige the American ship-owner to discharge his crew at the end, not of every round-trip voyage, but at every terminus of the trip across the Atlantic.

That is certainly a new fact, and it is one that I should feel disposed to question in the line of cause and effect. I can scarcely believe that the difference between $1,900 and $3,000 exists in the wages of two ordinary steamers to and from, when sailing from the same dock to the same dock under the same ownership, with no difference at all between them, food and clothing all the same, except the flag flying over them.

Mr. VEST. The Senator from Delaware will see from this letter that Mr. Griscom answers that very question. I would not have undertaken to have made this statement upon my own responsibility. I make it on the responsibility of a member of the firm of Peter Wright & Co., and president of the International Navigation Company.

Mr. BAYARD. A most responsible gentleman.

Mr. VEST. Here is what Mr. Griscom says on this very question.

SHIPPING CREWS.

We can not ship a crew in a foreign port and avail ourselves of the lower rate of wages there, because the Revised Statues make it obligatory upon every vessel under the American flag in the foreign trade to discharge their crews upon arrival at the United States, and on hiring a crew in the United States to contract with them to bring them back to this country, so that on the American steamers where a sailor or any other employé deserts in Liverpool, as frequently happens, we fill the vacancy by a man hired in Liverpool at the Liverpool current wages, and we are compelled by law to pay that man off on arrival here and if we want him again to rehire him. When once in this country it is only possible to rehire men at the current wages in this country, which are the rates prevailing in our coastwise trade, which is a protected trade from foreign competition, and the employés therefore naturally receive the higher scale of wages which it is necessary they should charge in order to maintain and support their families in this country. In other words, the same higher scale of wages prevails for sea-going people that prevails throughout the entire range of skilled labor on the land. Therefore as long as the policy of protection makes the cost of living in this country, and hence the scale of wages, higher than in all other countries, it will be impossible to successfully compete on the ocean against the cheaper labor of all our competitors, even with vessels at as low a cost.

Such legislation as is proposed in the so-called Dingley bill may possibly partially reach this question of hiring seamen, but it can not entirely reach the question, and my conviction is that it is the wrong way to go about it. I think our Government should recognize the conditions which surround our commerce, which are incident to the general policy of the country, and either by mail compensation or by bounties to ship-owners return to them sufficient to cover the higher cost of building and the higher cost of running. I inclose a copy of the bill which has been submitted by the Philadelphia Maritime Exchange, which I assisted in preparing, modeled after the French law, which I think is the only thorough and searching way to reach this difficulty. The objection to mail compensation is that it is not open at all, and is liable to be gobbled up by those having the most influence at Washington, irrespective of whether their enterprises are the most deserving or not.

I differ from some of my associates in holding the opinion that besides a bill for establishing bounties for running as described, foreign ships should also be admitted to American registry for a limited term, but the owners thereof should receive a less bounty than allowed upon vessels built in the United States. We should strive to encourage ship-building in this country, but not to so legislate that we may build up a monopoly in that industry, that could, by excessive profits, limit the building and running of vessels, and thus defeat the very object of allowing bounties.

In conclusion, I believe that our Government should—

1. Adopt the French bounty system, or one approximating it.

2. Admit for five years foreign-built vessels for the foreign trade to American registry.

If I have been correctly informed as to the figures, our Government now realizes $1,250,000 per annum from the tonnage-tax and makes a profit out of the postage on foreign mails of about a similar amount. The appropriation annually of a sum equal to those two items would pay bounties on a large fleet.

Such a policy as I have described would in a few years give us a commercial marine second only to Great Britain, and make us independent of the world for marketing our crops and protecting ourselves in time of war.

Yours, truly,

C. A. GRISCOM.

I will frankly state that Mr. Griscom does not agree with me in regard to the remedy. His idea is to give bounties, as the French do, and to admit foreign-built ships to registry for five years. I believe they ought to be admitted at any time that an American citizen sees proper to buy them.

Mr. BAYARD. Does not my friend think it is a very left-hand inducement under these figures to give a vessel an American register?

Mr. VEST. I do not know. That may be so now, but it would not be if our navigation laws are properly amended.

Mr. BAYARD. If she has to pay her crew double I think it would be better to let her stay under foreign registry.

Mr. VEST. But the fact remains, and that is the salient point to which this letter tends, that under our laws now one of these vessels ships her crew in Liverpool; there she pays only the same wages that the Germans pay, that the Italians pay, that the French pay, who ship their crews in Liverpool. Instead of retaining those crews at the same rate and the same wages for the round trip when she touches American soil, our Congress puts its hand on that vessel and says, "Stop! you must discharge those seamen, whether Americans or not; you must rehire them; you must go to the boarding-house keepers, to the shipping commissioner;" and the very minute this is done these people through avarice or greed find out the wages in the coastwise trade, and immediately the foreign sailors say, "You must pay us what is paid to American sailors in the coastwise trade." Now, says the superintendent of this line, that makes a difference of $15,000 a year on each one of these vessels, and on ten vessels it makes a difference of $150,000.

Is it any wonder that these four vessels, the only four we have, are about to leave the flag of their country and go to a foreign flag? Is it any wonder after we hear this statement, in view of this law, that the American merchant marine is now in the very agonies and throes of death?

Mr. FRYE. Will the Senator pardon me for one moment?

Mr. VEST. Certainly.

Mr. FRYE. It may save me the trouble of arguing the case at all. The Senator has an amendment pending to the shipping bill. Is there anything in that amendment which provides for free ships that will remedy the evil of which the Senator complains and will change the wages?

Mr. VEST. If my friend from Maine will pardon me—of course I want to hear anything he has to say—but I will discuss that hereafter. It is a little out of the line of my argument to allude to it now.

Mr. FRYE. I will not ask the Senator to do it now. My reply to the free-trade argument is that if you could purchase to-day under the laws of the United States ships anywhere in the wide world there is not an American citizen who would dream of making the purchase. Free trade in ships amounts to nothing, because you could not run them in competition with foreign ships on account of the increased cost by reason of the wages. If the Senator does not touch the coastwise trade and repeal any of the navigation laws which protect it, I want him to show before he gets through how he proposes to change those wages by his amendment.

Mr. VEST. I propose to do that. My amendment is only one of the instrumentalities I propose. I have never said, I do not say now, and I never expect to say, that free ships is the only remedy. Free ships is only one of the steps toward bringing back our merchant marine. If we were on top of the hill and on a level with the other maritime nations of the world, then it would be a different question; but we are at the bottom of the hill, and we must commence to learn to crawl like a child, and then to walk, and must take step by step.

If the Senator will do me the honor to listen to the remainder of my argument he will find that I say not only free ships but I take the remedies in the bill which he reported from our Committee on Commerce, and then I would repeal the clause of the navigation laws to which I have alluded in regard to reshipping crews. More than all, I would reform the protective system, which has struck down the merchant marine of the United States as it has struck down a great many other industries of the country.

Mr. FRYE. By increasing the wages of the people.

Mr. VEST. Not increasing the wages of the people, but by bringing everything to an abnormal and fictitious basis. I know the argument that has been made on this as well as every other question that touches the protective tariff. We are met everywhere, in every campaign, particularly in the factories and workshops, with the argument made to American workingmen, "These free-traders or revenue reformers want to take the bread out of the mouths of your wives and children." We want to do no such thing. We simply want to prove to these people, as we can prove, that the tariff does not pay them really higher wages, that it pays them with one hand and robs them with the other, and that the whole of it is nothing but a patent machine by which the impression is made that wages are increased, when in reality it is not the fact. But this is an interlude. I will go on.

I take it, Mr. President, that some time will elapse before the statements in this letter from Mr. Griscom will be answered, except by

sneers and evasion, but they show beyond question that our present maritime system is fatally defective, and that without its entire remodeling we must expect to see our flag literally disappear from the ocean. The only four steamships now carrying that flag are, as Mr. Griscom states, about to abandon it, and for this, as his letter shows, we are indebted to those "twin relics of barbarism," the high tariff and the navigation laws.

I have examined briefly the effect of the former, and I come now to the crowning outrage upon our people and commerce, the maritime system, which every other nation has abandoned except the United States.

NAVIGATION LAWS.

Mr. President, it is with the greatest difficulty that I can force myself to speak with patience or moderation of the legislation now upon our statute-books, and known as the navigation laws of the United States. They were enacted for a different era, and, as even their friends assert, in a spirit of retaliation against laws of England which no longer exist. History shows that they were "conceived in sin and brought forth in iniquity," and that they are the net result of a bargain between the New England States and South Carolina and Georgia, in which the former agreed that the slave trade, with all the horrors of the middle passage, should be kept open until 1808, provided the navigation laws should secure to New England a monopoly of the ocean carrying trade.

I know that this has been denied and Mr. David A. Wells has been abused without stint for making the assertion, but it is true, and the authorities cited by Mr. Wells put the matter beyond question. The New England States, whose principal interest was shipping, were anxious to have such navigation laws as would secure to them the entire carrying trade of the United States, and South Carolina and Georgia were equally anxious for the continuance of the African slave trade.

The curious part of this history, read in the light of recent events, is that Virginia led in the fight against slavery, while the New England States voted for its continuance, in order to traffic for slaves upon the coast of Africa, to be exchanged for rum and molasses in the West Indies.

It is the very irony of history that New England afterward assisted in desolating Virginia because she undertook to defend the institution that New England had fastened upon her without her consent and against the protest of her delegates.

While the question of permitting the further importation of slaves was under discussion in the convention that framed the Constitution of 1789, Mr. Mason, of Virginia, denounced the slave trade with all the earnestness of his nature.

This infernal traffic—

He said—

originated in the avarice of British merchants. The British Government constantly checked the attempt of Virginia to put a stop to it. The present question concerns not the importing States alone but the whole Union.

Maryland and Virginia had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain if South Carolina and Georgia were at liberty to import.

Declaring, then, with great frankness, the strong sentiments of aversion he entertained to slavery itself, he concluded by saying "he lamented that some of our Eastern brethren had, from a lust of gain, embarked in this nefarious traffic."

Luther Martin, of Maryland, declared the slave trade "to be inconsistent with the principles of the Revolution and dishonorable to the American character to have such a feature in the Constitution."

In this state of things Gouverneur Morris, adverting to the circumstances that the sixth section of the same article then under consideration contained a provision "that no navigation act should pass without the consent of two-thirds of the members present in each House"—a provision particularly affecting the interests of the New England States—suggested that this, together with the fourth and fifth sections, should be referred to a committee, in order that a bargain might be formed between the parties out of these elements of special local interest on the one side and the other.

The suggestion was adopted, and on the second day afterward the committee reported, extending the slave trade to 1800, and striking out the provision requiring a two-thirds vote to enact a navigation law.

When the report came up in the convention General Pinckney, of South Carolina, moved to extend the slave trade to 1808, and the motion was seconded by Mr. Gorham, of Massachusetts.

Mr. Madison earnestly and eloquently opposed the motion, declaring it to be dishonorable to the American character, but his opposition was in vain.

Hand in hand Massachusetts and South Carolina led the cohorts of slavery, and the motion prevailed, all the New England States, with South Carolina, Georgia, Maryland, and North Carolina, voting for it, and Virginia, Pennsylvania, New Jersey, and Delaware voting against it. Luther Martin was a member of the committee to which I have alluded, and in a letter afterward, to the Maryland House of Delegates, he says:

I found the Eastern States, notwithstanding their aversion to slavery, were very willing to indulge the Southern States at least with a temporary liberty to prosecute the slave trade, provided the Southern States would in their turn gratify them by laying no restriction on navigation acts.

In the *ana* of Mr. Jefferson can be found an account of an interview he had with Mr. Mason, corroborating the facts as I have given them; and the curious student of history and of human motives will find a full account of this "strange story" in Elliott's Debates, Hildreth's History of the United States, Bancroft's History of the Constitution, and the second volume of Rives's Life of Madison.

One of the results of this coalition, based on greed and selfishness, was swept away in a flood of tears and blood, and African slavery no longer exists upon this continent. The other, our present navigation laws, remains, a disgrace to our civilization and a curse to the country.

What are these laws, of which the birth was so disgraceful, and upon which such laudation is bestowed by Mr. Roach and his followers?

Briefly they are: That a vessel of the United States engaged in the foreign trade must be registered to entitle it to the rights and privileges of a vessel of the United States; and to be so registered must be built within the United States and belong wholly to citizens of the United States, or be captured in war and condemned as a prize, or be adjudged forfeited for breach of the laws of the United States, being wholly owned by citizens of the United States. No vessel can be registered, or, if registered, entitled to the benefits and privileges of a vessel of the United States, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless he be a consul of the United States or agent for a partner in some house of trade consisting of citizens of the United States, actually carrying on trade within the United States; or if owned in whole or in part by any naturalized citizen of the United States who resides more than one year in the country from which he came, or for more than two years in any foreign country, unless he be a consul or agent of the United States. No vessel registered as a vessel of the United States licensed or authorized to sail under a foreign flag and to have the protection of any foreign government during the existence of the rebellion can be deemed or registered as a vessel of the United States, or to have the rights and privileges of such vessels, except under provisions of law especially authorizing such register. A register may be issued to a vessel built in a foreign country when such vessel shall be wrecked in the United States and be purchased and repaired by a citizen of the United if the repairs equal three-fourths of the cost of such vessel when repaired.

If we did not know that these provisions could be found upon our statute-book they would be thought to have come from the rubbish of the Dark Ages, relics of barbarism long since passed away.

And yet, in the face of reason, right, experience, the dictates of self-interest, and even self-preservation, we persist in forbidding our citizens to buy ships, which they can not build, in order to enrich one or two men who own ship-yards in the United States.

We are told that we must regain our supremacy on the ocean; but how are we to regain it without ships equal in cost, speed, durability, and carrying capacity with those of our rivals?

Take the case of two farmers, with the same quantity of land, of the same quality, and worked with equal industry. The same sun shines upon both, and the same showers bless and refresh; but one uses the latest and most improved machinery and implements of labor, while the other uses the antique plow and spade of his forefathers, and is prohibited from buying other implements. Can there be any question as to the result?

When England found that we could excel in building and sailing wooden ships, what did her statesmen do? Did they adhere to the navigation laws enacted in the days of Cromwell, and similar to those we have now? Did they shut their eyes to the changed condition and forbid Englishmen to buy ships from America?

On the 1st day of January, 1850, the last vestige of the navigation laws was swept from the statute-books of England, and the course of her merchant marine has been onward to its present astonishing prosperity.

Governor Dingley says "that from 1849 for three years the merchant marine of the United States increased more rapidly as compared with that of the United Kingdom than ever before in the history of this country." But what became of that prosperity after three years? To-day Great Britain carries half the commerce of the whole world, while we barely manage to carry 15.5 per cent. of our own.

Can anything be worse than our present condition, unless it be the total annihilation of our shipping? Why should we adhere to a system which has permitted, even if it has not caused, our present degradation?

Mr. President, I do not mean to say that the repeal of the navigation laws will alone restore our merchant marine. I do not believe that any legislation will restore it at once, but I do believe that it can never be restored under our laws as they now are.

If we can not build ships we must buy them, and the laws which forbid this violate common sense and common right.

The great obstacle to the restoration of our shipping interest lies in the protective system, of which the navigation laws are a part. The high protective and exclusive tariff has stimulated production to an abnormal degree, and has put up the price of labor and also increased the cost of living. Our ships which go out upon the ocean to compete with those of other nations are handicapped by an excess in first cost, and by the fact that they are loaded when they go out, but have nothing to bring back.

We are competing with free trade, while our enormous tariff duties prevent other nations from trading with us.

Besides this, England is a great workshop, with a vast colonial system and the present control of one-half the commerce of the globe. To wrest this commerce from her iron grasp will be an almost hopeless task.

The glory of our merchant marine has departed because of stupid navigation laws and the inexorable laws of self-interest and trade. Cheap lands, high interest, enormous profits from railroads, manufacture, banking, have drawn both sailor and capitalist away from the ocean. The broad prairies have taken the place of the broad ocean, and the love of adventure and desire for gain have been alike gratified amid the mountains and upon the plains of the West. The brawn and sinew and hardy enterprise which manned the cruisers of 1812 are no longer found upon our ships. The deeds of Decatur and Hull and Bainbridge fall upon listless and indifferent ears, while the scream of the locomotive and the whirl and crash of the factory drown the stories of naval adventure and glory.

Not in one day or one night can a change be wrought. Changed laws and changed conditions must join, and many a weary year must come and go before our flag floats again in starry splendor above both land and ocean.

Mr. President, I have spoken earnestly and at some length, because I feel deeply the overwhelming importance of reviving our merchant marine, both to our material interests and our national honor and greatness.

In the year ending June 30, 1883, the total value of our exports and imports was $1,547,020,316. The exports of domestic merchandise amounted to $804,223,632, of which $619,269,449, or 77 per cent., came from agriculture. These enormous amounts will give some idea of the sums paid annually to foreign nations for carrying our commerce, when the same work should be done by our own ships and the profit paid to our own people.

It is not a question affecting only the seaboard States of the Union. The entire country is vitally interested, and the great grain-producing States of the Northwest, to whose people transportation is a subject of paramount importance, appreciate fully the magnitude of this question.

For the year ending June, 1882, the State of Missouri alone produced 23,819,300 bushels of wheat, 161,655,000 bushels of corn, and 30,374,200 bushels of oats, and as yet the agricultural interest of this great State is only in its infancy. Shall we ship our surplus products for the future, enormous as they must be, in foreign vessels? Or shall we revive our merchant marine and pay more than $150,000,000 annually to our own people for transportation, instead of sending that amount abroad?

Nor is this the only question. Our Navy is in as desperate a condition as our merchant marine. Although Congress has appropriated since 1866 the enormous sum of $385,000,000 for naval purposes, we are to-day virtually without a navy, and our seaboard cities at the mercy of Europe.

The merchant marine is the nursery of the Navy, and one is necessarily dependent on the other. We are now without ships and without sailors, for not more than 5 per cent. of the seamen on American vessels are Americans.

In this almost desperate condition what are we to do, and where can we find a remedy?

In my opinion no one measure will be found sufficient; nor do I believe it possible, no matter what we may do, to resume for years our place among maritime nations. When capital can no longer find speculative profits in mining and stock-jobbing and high interest; when our protective tariff shall be reduced to a revenue standard and the abnormal and fictitious prices, both for the cost of living and labor, shall be brought to a fair basis; when the cheap lands of the West shall have been sold and occupied, and our population shall have so increased as to cause sharp competition in every department of industry and investment, then our people will again turn to the ocean.

In the mean time let us repeal the navigation laws which disgrace the civilization of the age, and allow American citizens to buy ships where they can be bought most cheaply. This privilege is given the Englishman, the German, and the Frenchman; why should it be refused to the American?

If we do this, instead of listening to the interested clamor of a few owners of ship-yards, and adopt the reforms as to sailing a vessel contained in the bill before the Senate and then pay liberal and just compensation for ocean postage, we shall have done all that is possible for the American Congress.

It is suicide to adhere any longer to the narrow and bigoted system under which our shipping has gradually disappeared from the ocean. With each recurring year we are told that the next will see our ships again in every sea and the Navy an iron rampart on our seaboard. For twenty years and more we have heard this syren song, not in the soft, sweet strains that sought to woo Ulysses to his death, but in the hoarse and gutteral accents of Mr. John Roach, denouncing the advocates of free ships as emissaries of Great Britain and enemies of their country.

To continue on the road we have traveled is certain death to our merchant marine, now in the last stages of decline. In a change of our present laws is at least a hope, but without a change there is none.

Mr. FRYE. The Senator speaks about repealing the navigation laws. The term "navigation laws" may be used in a very indefinite manner. The Senator's proposed amendment does not repeal the navigation laws. What I desire the Senator to say is whether he proposes as the remedy or as one remedy for these evils to open our coastwise trade to competition from the ships that he would authorize to be purchased abroad?

Mr. VEST. I do not. My amendment does not go to that extent.

Mr. FRYE. Does the Senator himself propose it?

Mr. VEST. I do not propose it. I have not proposed it.

Mr. FRYE. Then I fail to see how those wages which are spoken of are to be affected.

Mr. VEST. Let me say to the Senator that I must have been very unfortunate in my statement. Here is an American vessel that goes to Liverpool and makes a contract there with sailors. She engages them of course at the prices that are paid in Liverpool. When she comes to the United States and that vessel touches the American seaboard our Revised Statutes step in and say, "No matter what the contract, you must reship your crew." Now, if the Revised Statutes were out of the way that American vessel could make a bargain with those sailors for that round trip or as many trips as it pleased, no matter what our coastwise wages are. Is there any other answer needed? Here the law steps in and takes an American by the throat and says, "I do not care what contracts you make, when you touch our shores you must reship your crew." I say it is wrong, unjust, impolitic.

Mr. HALE. Mr. President, I have not a single word to say in reply to the animated and eloquent screed of the Senator from Missouri [Mr. VEST] in favor of free ships and against our navigation laws. There is not in the naval appropriation bill which is now before the Senate a single clause or paragraph that in any way touches or raises the question of free ships or the navigation laws.

The Senator from Missouri is called away for an indefinite period and will not be here when the bill relating to American shipping comes up, as it will in a few days, and so I did not feel justified in appealing to him not to drag into the discussion of the naval appropriation bill this other great subject of free ships and the navigation laws; but I do now implore Senators to remember the habit and tradition and business forms and manner of this body. The appropriation bills have always been considered business bills, devoted to the subjects-matter contained in them. They raised enough subjects for discussion in the matters involved in their provisions, and all that is proper and right; but if it be the purpose to make the occasion of an appropriation bill the time for discussion upon all other matters, then Senators will see at once that the dispatch which we have been able to give to these bills will cease. All the more is it unnecessary to encumber the bill with such discussions, because the shipping bill has been made a special order and will come up naturally in a few days. So I hope we shall confine ourselves to the appropriation bill for the Navy Department, the needs of the Government in that branch of its service, and keep out all extraneous matters.

The Senator from Missouri last night before adjournment was so aggressive and so bitter in his treatment of the management of the Navy Department, and expressed so clearly his entire lack of confidence in the Department, and was so frank at last in declaring that whatever objections of detail he had to any of the provisions of the bill they all yielded to his one supereminent objection that he was unwilling to trust the Navy Department with the expenditure of any more money, that I shall be drawn into more of a discussion of some of the things stated by him and some of the reasons advanced by him for his position than I had intended. There are two or three of his propositions so fallacious, so wholly without ground, that I can not let the occasion go without attempting to answer them.

First and foremost the Senator is too bright a man, too old a Senator, too much in the habit of reading and investigating before he talks, to repeat the old and stale statement that $385,000,000 have been spent for the naval establishment in the last twenty years without results; that no account has been given of it; and that the record of that expenditure is such that the Navy Department ought to be shut off from any extra supplies at present. Does the Senator know the condition that the Navy Department found itself in at the end of the war for the suppression of the rebellion? Does he know that fleets and navies were improvised under the whip and spur of necessity at that time which served their purpose and did their work and then went out of existence like a dream? Does he know that ship after ship was built of green material that could only float in the waters for two or three brief years, and that the administrations succeeding the war found themselves with an establishment on hand that in the main was only fit to be broken up and sold; that during all those strenuous years the pressure that was upon the Navy Department was not to build ships for the future, but to maintain an existing blockade, to improvise a few fast cruisers, so that the depredations of the Alabama and her consort cruisers should be stopped by speedy ships that could chase and overtake and capture her?

The record upon this subject shows what sort of an establishment the Navy Department found itself in possession of at the close of the war. We built during the war 123 vessels in private yards at a cost of $43,138,116. We built in the navy-yards, their machinery being built in private yards, 56 vesssels, costing $21,300,821. We took from the

merchant marine by purchase 497 vessels, costing $19,625,593, and 78 old canal-boats and schooners for the purpose of sinking and obstructing the harbors at a cost of $193,771. These are the figures and that is what during the war was improvised as a navy.

When the war ended and peace came we had nothing that went to make a permanent navy. The vessels that were taken from the merchant service could only run for a year or two afterward, and under acts of Congress these with other vessels which were useless were sold, realizing to the Government $15,000,000; but they went out of existence and made no part of a naval force afterward. There were fifteen to twenty wooden vessels on the stocks in the navy-yards. They had already cost from $8,000,000 to $10,000,000, and to finish them would cost $10,000,000 more. If the money had been put into them and finished them we should have only repeated England's experiment when she tried to utilize her wooden ships, and $100,000,000 that she had spent on that kind of naval construction went absolutely out of existence and being and was charged to profit and loss.

We had not in the Navy at that time a single iron screw-steamer nor a single modern compound engine, nor had such an engine been built in the country. What we should have done then, as England and as France and as Germany and other powers making any pretension to naval force have since done, was to have sat ourselves down and by liberal appropriations laid the foundations of an enduring navy. We have done nothing of that kind.

In all the years since, from 1865 to the present time, the only single special appropriation that has been made for the purpose of building new ships, and reconstructing the American Navy, has been that of $3,200,000 appropriated in 1873. What a contrast that is to other great powers in the world!

I have sent and got some of the figures here to show what has been done during these years by the other powers referred to by the Senator from Missouri. Take England. Ten armored ships she has built of the Dreadnought class that cost $23,020,960. The Inflexible alone cost $2,935,925, the Dreadnought herself costing $2,799,825. Sixty-two armored ships of the second class cost $87,209,180; eighty unarmored ships cost $33,432,525, and sixty-nine gunboats cost $6,008,000, making a grand total that Great Britain has expended during these years up to 1879 of $141,649,705, and since 1879 this sum has been added to enough to make it almost $200,000,000.

Other nations have followed in the same line of policy. France during this time has built five armored ships of the Formidable class, costing $14,000,000; sixty armored ships costing $65,000,000; and the total cost of her ships up to 1879 was $88,500,000; and enough more has been added since then to make it more than $100,000,000. Russia has built five first-class ships, at a cost of $7,025,000. The largest one, the Peter the Great, cost alone $2,800,000, more than we propose in this bill to appropriate this year for the new cruisers that are to be built hereafter. Italy, referred to by the Senator from Missouri last night as an example, has built the most powerful naval war ships known, of the Duilio class. Five of these cost $18,505,000, over $3,000,000 apiece. The Duilio cost $3,500,000, the Italia, the Lefanto, and the Colombo, $3,835,000 apiece. Ten other armored ships cost $9,445,000, and seventeen unarmored ships $4,300,000; making a total expenditure of $32,250,000 against our $3,200,000.

Germany has built five large and powerful vessels of the König Wilhelm class. She alone cost $2,492,000. Twenty-one armored ships cost $15,167,950, thirty-six unarmored ships over $12,600,000, making in all $37,100,000. Austria has built five armored, iron-hull ships, costing $6,154,890; five armored, wooden-hull ships, costing $7,409,360; and twenty-two unarmored ships, at a cost of $5,000,000, her total being $18,564,250. Turkey alone has expended in this time $17,228,500, against our $3,200,000. Grouping these six nations together, we have a total naval construction expenditure up to 1879 of $367,813,155, and the amount expended since 1879 certainly can not be less than $75,000,000 to $100,000,000 more. I have not the figures for the late years.

Now, contrast that with what we have done, $3,200,000, and then consider what was left to us from the war, and the wonder is to-day that we have even the remnant of a navy, that we have anything left upon the waters of the globe to bear our flag. The Senator from Missouri comes in and repeats that old, stale charge that $385,000,000 have been expended for the Navy during these last twenty years, and asks where it has gone and wants the Senate to pass a vote of want of confidence in the Navy administration or in the administration of the Government itself because of that.

He ought to know that that $385,000,000 does not represent a navy; it does not represent new ships. It represents simply the expenditures of the Department, and hardly a dollar of it has gone into anything like a new ship. These appropriations have been made for the running expenses of the Department. Does the Senator want to know how it is that money has gone? Let me tell him—for I have been getting the figures, some of them exact and some of them approximate.

Of that $385,000,000 which the Senator complains has been spent wantonly and unaccounted for in these twenty years, does the Senator know that $165,000,000 have gone for the pay of the Navy, a pay regulated by law, and upon which limitations are fixed by Congress, and of which not a dollar could enter into the construction of a vessel of the Navy any more than it could enter into the construction of his house in Missouri, or mine in Maine? There is $165,000,000 of it gone at once. Does the Senator know that for provisions and clothing, as essential as it is that life should be maintained in the Navy, over $30,000,000 have gone, and not a dollar of it has touched the structure of a new ship? Would the Senator like to be informed that for repairs and maintenance of navy-yards $70,000,000 have gone in these several years, and that not a dollar of that goes into building up and maintaining a navy? Does he know that in the Equipment Bureau for coal and other supplies needed to maintain the life of the Navy as it exists as much as air, water, and food are needed for man's sustenance, $20,000,000 have gone? And for repairs of old ships that came to us as a legacy from the war, that we have been straining to keep afloat, $41,000,000 have gone?

In these great items alone I have accounted for $326,000,000 out of his $385,000,000, and if I go into the details of the smaller bureaus, the Navigation Bureau, the Annapolis Academy, the naval asylums, and all the contingencies that have been appropriated for, his $385,000,000 is swept aside and accounted for, and not a dollar of it has gone or could go into the rebuilding a navy. And yet the Senator repeats that old story.

I have gone into this for the purpose and with the hope that during this discussion we shall hear no more of that oft-repeated cry of the $385,000,000 and the want of confidence expressed in the Navy Department because of that.

Mr. BAYARD. May I ask the Senator from Maine a question?

Mr. HALE. Certainly.

Mr. BAYARD. I ask him whether it is not just also to state that in addition to the sums of money which have been appropriated by Congress since 1866, which amount to $385,000,000 for the naval establishment, large sums, the proceeds of old vessels sold and old material sold, are not justly to be added to that?

Mr. HALE. No, sir; that is not so. All of the late sales have been in subordination to the enactments of Congress, which have been extremely rigid and thoroughly observed. Every sale of vessels or material in its results is turned into the Treasury, and the Navy Department gets no benefit from them. Immediately succeeding the war, when legislation was looser and when there was not that close scrutiny given to appropriations and to the sources of expenditure, a few million dollars additional went into the Navy Department, but that was dissipated in the expenditures that were made at that time.

Mr. BAYARD. It has not been in the direct line of my assignment of duty to examine these expenditures, but I had a very strong impression, which I confess remains, that to many contractors for vessels in the way of repairs not only was money paid but that old vessels were taken by them and material furnished to them which is not included in the total sum of the $385,000,000.

Mr. HALE. The total aggregate of what the Senator refers to at the time to which he alludes was so small that it does not make a component part of importance in the funds at the control of the Navy Department. If the Senator will examine the statute he will see how clearly it is defined there that every dollar received from the sale of old ships and old material must be turned into the Treasury. That has been insisted for years, and every dollar coming in that way goes in that manner into the Treasury, and has for the last twelve years.

Mr. McPHERSON. Will the Senator yield to me for one moment?

Mr. HALE. Yes, sir.

Mr. McPHERSON. Do I understand the Senator to say that the proceeds of the sales of old material are turned into the public Treasury?

Mr. HALE. Certainly.

Mr. McPHERSON. In every case?

Mr. HALE. In every case.

Mr. ALLISON. Now.

Mr. McPHERSON. If I remember aright, if the Senator will further yield to me for a moment, the distinct charge was made by the committee of investigation of the other House, called the Whitthorne committee, that large quantities of vessels and old material, the contents of navy-yards in which material had been stored and pi'ed up for a long term of years by excessive purchases, far beyond the wants of the service, were traded off to contractors for repairs of ships and the construction of new vessels, some of which the Senator will remember were commenced under great scandals in 1874. My information is, and the records of Congress show, that the Senator's statement is not exactly in accordance with the facts as set forth in that report. I believe that no Senator or member representing that side of the Chamber has ever yet undertaken to gainsay or resist successfully the conclusions of that report.

While I am on my feet, perhaps the Senator will allow me to make another observation. He takes occasion to criticise Senators upon this side of the Chamber for objecting to large appropriations of money for the increase of the Navy. Speaking for myself, I would not withhold appropriations for a proper increase of the naval service. I am anxious for appropriations, and for appropriations adequate to meet the exigencies of the times.

Mr. HALE. I hope the Senator will not seek to interject a speech here.

Mr. McPHERSON. I am coming to my point. Since 1861 we have not been menaced by any foreign power, we have not needed these appropriations of money, and we have seemingly not needed a navy. Now, when we come to take into consideration the experience of the past, the scandals that have attended upon the Navy, the appropriations of money that have been squandered, which have been of no benefit to the country, and then when we take into consideration the existing condition in which that same state of affairs exists, when the party the Senator himself represents will still persist in keeping at the head of the United States Navy a man under whom no Senator upon this side of the Chamber and no fair-minded citizen has any confidence that the appropriations we here make will be either intelligently or honestly applied, then I say it comes with very poor grace to charge this side of the Chamber or any Senator here with a want of appreciation of the necessities of this Government.

Mr. HALE. Mr. President, I am very glad that I let the Senator go on and that he did not sit down without discharging some of the bile that is in him against the Secretary of the Navy. The Senator would be very unhappy evidently in discussing naval appropriations unless he relieved himself of some of that feeling, and I am glad to have afforded him the opportunity of doing that.

Mr. McPHERSON. The Senator will pardon me a moment. I submit to him that is a very unfair way of treating a fact if the statement I make is a fact; and I think if the Senator will read the newspapers of the country and hear the statements that are made upon every hand, he will not charge it upon my bile or upon any opposition I have to the Secretary of the Navy. I have none—none whatever. I scarcely know him. I have no communication with him. I have never visited the Navy Department of this Government, although a member of the Committee on Naval Affairs, since that gentleman has been at the head of the naval affairs of this country. But this I do say: if a great political organization in charge of the affairs of this Government will persist in keeping at the head of that Department a man who has not the confidence or even the respect of the people of this country that the appropriations made will be either intelligently or honestly employed, then the responsibility rests there, and it does not rest either with this side of the Chamber or with the people of the country.

Mr. HALE. Mr. President, I have made no allusion to that side of the Chamber. The subjects that are mainly of importance in this appropriation bill which is under my charge are subjects-matter upon which the Senate has already made its record. The new ships that are contemplated in the amendments to this appropriation bill are the ships provided for by a bill which passed the Senate and upon which, a yea-and-nay vote being taken, were found in its favor many of the old and leading and conservative and wise Senators upon the other side of the Chamber. And the Senator from New Jersey is most unjust when he intimates that I have made any reproach to his side of the Chamber. What I was saying was meant to be directed to the Senator from New Jersey, and I do not recognize the assumption that he represents his side of the Chamber, because it has been true heretofore that many Senators upon that side have realized the deplorably helpless condition in which the United States finds itself to-day and have sought early and late to aid and further and advance measures that shall relieve us from that humiliating attitude. The discussion already had upon the bill for the construction of cruisers has developed the fact that Senators upon the other side realize, as the Senator from New Jersey does not seem to do, that there are things which rise above party lines.

I hope, sir, that I shall not live many years before I shall see the American Navy what it ought to be, the pet of the American people. No matter what administration comes into power, no matter how long it shall remain, no matter when it shall go out and be succeeded by an administration representing the opposite faith in politics, the American Navy ought to be the cherished child of every administration; it ought to be, as in its past, the pride and the pet of the American people. We do not need much of an army. If we ever shall need it we can improvise it with the stamping of a foot. But the American people ought not to go on another year without showing to the powers of the world that if complications ensue, as they may in diplomacy, we have at our hand the means to defend ourselves and to maintain our honor; and that is a question which, to me, it is self-evident rises entirely above party considerations, and I do not believe that the Senator from New Jersey represents his party in this body in the opposition that he makes early and late to the provisions that are incorporated in this bill.

Mr. SHERMAN. At the request of the Senator I will read the section of the Revised Statutes which requires the proceeds of public property to be covered into the Treasury—an ordinary proceeding conducted every day:

SEC. 3618. All proceeds of sales——

Mr. McPHERSON. Approved when?

Mr. HALE. Passed in its present form in 1872.

Mr. SHERMAN. It was passed first in 1847, amended in 1866, and amended by one or two acts since.

Mr. HALE. The main amendment was passed in 1872.

Mr. SHERMAN. This is the form in which it stands in the Revised Statutes, which contains the result with the exceptions that have been made:

SEC. 3618. All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except—

Here are the exceptions—

except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue-cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of the sale of condemned navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.

And the amount of these sales is to be stated by each head of Department every year in his annual statement and reports which are published annually.

Mr. McPHERSON. I should like to ask——

Mr. HALE. I can not yield further, because if I do my time will all be consumed. I wish to go on in the thread that I began of answering the Senator from Missouri.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Maine is entitled to the floor and insists upon occupying it.

Mr. McPHERSON. The statement made by the honorable Senator from Ohio is very misleading.

The PRESIDING OFFICER. The Senator from Maine will proceed.

Mr. HALE. I do not mean to be discourteous in any way to the Senator from New Jersey. If he has any question to ask, I shall yield to him.

Mr. McPHERSON. I thought I answered the question that has been put practically by the Senator from Ohio. The Senator will understand that the law from which he read was one passed to prevent the continuance of doing exactly the things which I charge upon the Department. It was found that the law previous to that time had been violated; it was altogether too loosely drawn, and the Secretary of the Navy evaded the practical and just interpretation of the law, and what has been read is an additional law that was then passed.

I wish to ask the Senator from Ohio this question: With that law upon the statute-book is it possible for a Secretary of the Navy to order an ironclad worth $1,700,000 to be towed to the ship-yard of John Roach and only by a telegraphic message order her to be broken up?

Mr. SHERMAN. That has nothing to do with the sale of vessels.

Mr. McPHERSON. And then sold as old scrap.

Mr. HALE. The law that has been read by the Senator from Ohio had nothing whatever to do with the Navy Department, but was a general law passed to meet all the needs. I remember very well when it was passed, because I was a member of the Committee on Appropriations in the House of Representatives; and it had nothing whatever to do specially with the Navy.

The Senator from Missouri in attacking this bill has declared himself entirely dissatisfied with its provisions, and especially with reference to the new cruisers that are provided for in it. Now, let us look at that for a moment; let us see what the Committee on Appropriations has done, what it has incorporated on this bill for the action of Congress, of the Senate first.

Some weeks ago the Naval Committee, on bills that had been referred to it, took up the whole subject of the construction of new ships for the Navy, and after most patient hearings, after summoning distinguished officers of the Navy, the Secretary, the members of the advisory board, and other officers known to represent the best interests of the Navy and commanding the confidence of the country from very long and meritorious service, reported a bill for additional cruisers of the class that are now being built, which were authorized last year and appropriated for; and after full discussion the Senate passed the bill and sent it to the House of Representatives, which from that day to this has made no sign in the direction of responding to the demands made upon its attention by the overwhelming vote of the Senate.

In this condition of affairs the Committee on Appropriations, realizing that it is the only way to bring the House of Representatives to an expression upon this subject, and in order to make the issue, has done what has been done ever since the foundation of the Government, put the provision for building these ships upon the naval appropriation bill, not as new legislation, but simply as continuing and augmenting the present naval establishment of the Government, which is recognized by law and may be appropriated for from year to year. It has put upon this measure that bill in terms as passed by the Senate, passed by almost the solid votes of this side of the Chamber and by nearly or quite half the Senators on the other side, and that is the question before the Senate now, and the Senator from Missouri says first that there is no good in these ships, that they are not what we want, that they are precisely what we do not want, and that nobody has any confidence in them whose authority and judgment is worth considering, and he has quoted Admiral Porter in the speech that he made last night against this scheme.

Why, Mr. President, one of the leading advocates of these ships, one of the officers of the Navy who was eager, as the Senator from Florida [Mr. JONES], who I see now is attending to what I say, will remember—one of the most eager advocates for the building of more ships of this kind like the Chicago and the Atlanta and the Boston and the Dolphin

and the gunboats was Admiral Porter himself. The fault that he found was that the committee was not appropriating for enough ships of this class. When he was asked:

Senator BUTLER. What number of additional ships do you think we want of the class provided for?

Referring to the very class contained in the bill, this was his answer:

Admiral PORTER. I think you ought to build now twice as many as you propose in that bill.

No lack of confidence there.

It is just as easy to build them as the others, and there is plenty of money in this country—more than we know what to do with.

Senator BUTLER. You mean cruisers?

Admiral PORTER. Yes, sir, the cruisers; and then we should go to work and build fifteen or twenty of these gunboats at once, and fifteen or twenty torpedo-boats of 100 feet length, which will run from nineteen to twenty knots an hour. All that can be done rapidly.

Senator BUTLER. And then ten or a dozen cruisers?

Admiral PORTER. Yes, of large size. I speak from knowledge; I know what the country wants, and we do not want less than twelve ships of the Chicago size; we want from forty to fifty ships right off of the size of the Boston and Atlanta. I say it is an absolute necessity. If we should be suddenly involved in a war with the smallest of naval powers, we would be the most humiliated people in the world. We would have to stop boasting of our great war resources, and every man who had held an office affecting the Navy would try to throw the blame of its inefficiency on some one else.

Mr. JONES, of Florida. In that connection will the Senator permit me to make a suggestion?

Mr. HALE. Certainly.

Mr. JONES, of Florida. He will remember that Admiral Porter in that examination stated that in the course of a few years, under the authority of Congress now given and which some of our friends here opposed, there would not be a ship in the Navy, and unless some provision of law was made to substitute the old ships with new ones there would not be a vessel on the ocean to carry the American flag.

Mr. HALE. That is found immediately following what I have read. Rear-Admiral Jenkins, a distinguished officer of the Navy, was summoned. He says:

I believe I have read everything printed officially, and I have read all the criticisms that have come into my possession, foreign and domestic, in relation to the scheme of the advisory board, and so far as I am able to judge I approve of every recommendation they have made. Of course a ship is a very complex thing. Very few things in this world are perfect. We must run a little risk. Men have different opinions and all can not be right. We prove in the end who is right. I believe that the recommendations of the advisory board in regard to the first ships, those now being built and those proposed, are as good as could be provided in any country.

I could go on over this little volume, which gives all the testimony, and I could read page after page. This is true, that the Committee on Naval Affairs, which originally reported and was the sponsor of this measure, was struck forcibly with the unanimity of the officers of the Navy in approval of these ships—not entire, not complete unanimity; one or two exceptions; but all of those were explained away and the residuum was that the Navy Department believe in these ships, believe they will make the best cruisers in the world, believe that we should go on building more and more each year and that they should not be delayed.

The Senator from Missouri says that is not what we want; we want ships for coast defense; we want ships such as the great powers of Europe are building; and he instances Italy especially, which has excited his admiration by the building of heavy ships that she has engaged in and completed in the last few years. That is undoubtedly the fact. But does the Senator from Missouri realize how long it takes to make one of those ironclads, one of those war ships of the class of the Lepanto, of the Duilio, or the Colombo? He alluded to one of those as having been built last year in Italy. Why, Mr. President, I have here a statement of the length of time required to build ships and armament of the class referred to by the Senator from Missouri. The Inflexible, one of the great English armored ships of the heaviest class, took seven years to finish; the Dreadnought took nine, the Agamemnon seven, the Téméraire four, and the Monarch, a second-class armored ship, took three years, the smallest time given of any ship of the kind.

In France the Formidable has been building for years, and is yet incomplete; the Friedland, named from one of Napoleon's great battles and victories, took nine years to build; the Tonnerre took five years to build. In Italy the Italia has been under process of construction from 1876 to 1880, and is yet unfinished; the Lepanto has taken seven years, from 1876 to 1883, and is yet incomplete; the Duilio took from 1873 to 1880, seven years to build; the Dandolo from 1873 to 1882, nine years; the Princesse Amadeo from 1865 to 1875, ten years.

The building of every one of these immense mammoth structures for harbor defense or for war purposes is an exploit in itself and requires years for completion. I do not say that we should not start out; and before this bill passes, if nobody else shall propose, I do not know but that I will myself offer an amendment calling on the Secretary of the Navy to submit to Congress plans at the next session for the cost and expense and time it would take to build one of these monstrous structures of modern naval construction. But the Senator should see, as any man ought to see, that we for our protection need something beside these armored ships for harbor defense.

One of the things that contributed largely to keeping the hands of European powers off us in the war, that maintained and preserved Great Britain's neutrality, was the immense power that the American people showed of improvising a navy at that time. The fast ships that we built and sent out that pursued the corsairs frightened the English Government for fear that if hostilities occurred their whole commercial marine would be at our mercy. And I tell you, Mr. President, that with a good fleet of steel cruisers such as we started last year, such as are provided for in this bill, cruisers such as will overtake nine out of ten of the merchant ships of any power, steam or otherwise, the United States stands in a position where she can bid defiance to any foreign power.

I do not say that the Inflexible or the Dreadnought or the Duilio or the Lepanto, if they were laid alongside the Chicago or the Atlanta, by a single discharge could not blow her out of the water. These ships are not built for any such conflict as that. But let it be known that we have in our control a dozen ships of the Chicago class, twenty ships of the Boston and Atlanta class, making from sixteen to seventeen and eighteen miles an hour on the seas of the globe and ready to be sent out, and any administration in Great Britain, in France, or Germany, or any power will think twice before they will take a hostile attitude on any of the questions in which we are vitally interested here. Let that be known and felt, and it is better than anything else in preserving America and the American continent from the interference of any foreign power; and that is what these ships are made for largely.

Besides that, they are ships that will take the place of the Trenton and the Tennessee and the other wooden ships which are now fast falling into decay and must soon cease representing our flag the world over. I do not believe there is a Senator here who will get up in his place and declare that he wants to see the American flag blotted out from the ports of the world. No matter if our commerce has been decaying, the time will come when it will revive. When investments are profitable in American commerce, when it is seen that the vast bulk of the money which has been invested in internal enterprises and improvements can be better adapted to service upon the waters of the globe and a mercantile marine will pay, then the American mercantile marine will raise itself to something like its old prestige and its old prominence; and whenever that comes the American people, no matter what administration has power, ought to be in possession of a good navy that shall represent us everywhere all over the globe; and it is for that purpose that these ships are made. They are useful in that respect every day of their lives.

But the Senator says that he does not want to be dictated to and that he objects to this scheme for enriching contractors and for enriching John Roach. There is another thing that has been heard early and late here, like the $385,000,000 charge. I have nothing to say of Mr. John Roach. I have the barest acquaintance with him. I have not seen the man for a year except once meeting him on the street. I can say when it is charged that these are simply schemes for enriching and building him up while our merchant marine is growing less, that neither the Committee on Naval Affairs that sponsored this bill first nor the Committee on Appropriations that has put it on the appropriation bill has ever seen the face of John Roach or has ever heard the footfall of his foot, or has known of his presence in Washington. I do not know that he has been here during the consideration of any of these measures. Mr. John Roach, I take it, has business to attend to. If it makes him offensive to Senators or Representatives or anybody that he is a business man, that he is a prosperous man, I can not help that. I was interested in the debate that took place the other day. When the bill was before the Senate, on the report of the Naval Committee, this same gentleman was referred to. I was interested in the testimony that was brought out in the colloquy with reference to Mr. Roach. This occurred on February 27 in this Chamber.

Mr. BUTLER. There is John Roach again, the *bête noire* of my friend from New Jersey and my friend from Kentucky.

Mr. MCPHERSON. No; I have a great respect for Mr. Roach. I admire his pluck, his enterprise, his progress. I do not blame Mr. John Roach for competing with all comers for the business of the United States as well as for private business.

And later:

Mr. BUTLER. The Senator from New Jersey says he has a very high respect for Mr. John Roach.

Mr. MCPHERSON. I said for his pluck, for his enterprise, and for his progressiveness.

Mr. BUTLER. For his pluck, for his enterprise, and for his progressiveness.

Mr. MCPHERSON. I do not question his honesty in fair competition.

Mr. BUTLER. The Senator does not question his honesty. Then we have the Senator down to some point where we can put our hand upon him.

Mr. MCPHERSON. Certainly.

I have taken occasion because of the iteration and the reiteration of the charge about Mr. Roach, in whom I have not the least interest but who is continually involved in these discussions touching naval appropriations, to send to the Department and get the record of Mr. Roach as to all his transactions there, and I have it here.

When the war closed Mr. Roach was not a ship-builder. He had been

engaged in furnishing engines and machinery for ships that were fitted out by private enterprise or by the Government, and the question came up of new engines first for the new ships that were being built. Mr. Roach's first bid for two pairs of engines of the Guerriere class was $760,000. No other builder bid the same as he, and the contract was not closed. Nineteen pairs of engines were given out to other builders at $400,000 each, or $20,000 on each bid higher than Mr. Roach. There was certainly no complication there; there was no influencing or controlling improperly the Navy Department. When the contract was finally given for the Wampanoag class, Mr. Roach built one pair for $680,000, while the other contractors got $700,000. On every engine that he built of that class the Government profited $20,000 over the other contractors. The next work that he did was on the Dunderberg, which Mr. Webb was then building, which was afterward sold to the French Government, and our Government itself made money in the transaction.

After this other questions came up, and other bids and contracts were put out and made by the Navy Department. The proposition arose for putting compound engines in the Tennessee. The old engines had been found comparatively useless. The needs and wants of the world had demonstrated that compound engines were better and should be put wherever they could be into our ships. The project was advanced of sending abroad to see what could be done there in the way either of getting models or purchasing these engines; but Mr. Roach, with an enterprise that I think has characterized him always, believed that it could be done in America, and he made this proposition to the Department: He said that the navy-yards could not build these compound engines and put them into the Tennessee; that he would agree to build them with these results, putting himself under bond to accomplish the following things: First, that the engines should take up 30 per cent. less room than the old ones had, 30 per cent. less weight, and burn 30 per cent. less fuel, and furnish 40 per cent. more speed.

That does not look like a proposition of a charlatan or a contractor who is seeking to make money improperly out of one of the Departments of the Government. He went on with that notwithstanding it was said in the navy-yards and by some men in charge at the Department that it was utterly impossible for him to do this, that he was proposing a dream that no man could realize, and yet he did it.

The next transaction was building the combined engines for the Trenton. Those were advertised for and the following were the bids: Woodruff Iron Works, of Hartford, $675,000, in fourteen months' time; Quintard Iron Works, $665,000, in twelve months' time; Atlantic Works, of Boston, $663,000, in fourteen months' time; William Wright & Co., of Newburg, $650,000, in fourteen months' time; John Roach, $635,000, in ten months' time.

Thus his bid was $15,000 lower than the next lowest, $32,000 less than the average, and two months less in time of work. That does not look to me like the record of a corruptionist or a man who is not willing to submit to fair competition, for these firms that competed with him were bright, able, enterprising firms who knew what they were about and what they could do.

In 1873 the Government appropriated the $3,200,000 that I have alluded to for the construction of engines and of sloops of war. Bids were called for to build seven pairs of compound engines. The Atlantic Works of Boston was the lowest bidder and received two pairs, all that they certified they could do. The rest were built by the Quintard Works, the Woodruff Works of Hartford, William Wright & Co., of Newburg, and Murphy & Co. The price paid for these engines was $175,000 each. Mr. Roach secured the contract for one of the smaller engines at $125,000 and carried it out.

Next the two sloops of war were advertised, and by this time Mr. Roach had got into condition that he was building the finest ships that could be produced on the American continent. The bidders for these were, Harlan & Hollingsworth, $350,000 each; William Cramp & Sons, $325,000 each; John Roach, $290,000 for one, or $580,000 for both; the Atlantic Works, $320,000 for one, or $640,000 for both; and thus Mr. Roach's bid was $60,000 lower than the next bid. That would look to me like good business. I know nothing about these transactions except as the record shows them, and the showing is complete.

The next work was under advertisement for a section of the docks at the Pensacola navy-yard. The bids there run from $341,436, the highest, to $219,000 by Mr. Roach, or $60,000 saved to the Government by that contract which he carried out.

Then came the completion for the iron-clad monitors, all of which was under committees raised by the Department on due bids and competition, and where the work was divided between the best constructors in the country, one vessel being at one place, another at another, and another at another, and a fourth in California.

At last, in 1883, Mr. John Roach, who seems to stalk, like Banquo's ghost, who will never down, as the representative of immorality and corruption, was brought into competition with other contractors for the new cruisers and ships provided in the bill that we passed last year, and if anybody has the curiosity to look at those he will discover that proposals were sent out all over the country to business firms; that eight or ten of them competed, and that the competition in every way was animated; that every ship-builder had the opportunity of putting in his bid. Here is a statement of those bids:

*Tabular statement of proposals for the construction of the steam steel cruisers Chicago, Boston, and Atlanta, and the dispatch-boat Dolphin.*

| | |
|---|---|
| CHICAGO. | |
| No. 1. The Harlan & Hollingsworth Company, iron-steamship builders, Wilmington, Del. | $1,120,000 |
| No. 2. The William Cramp & Son's Ship and Engine Building Company, Philadelphia | 1,080,000 |
| No. 3. C. H. Delamater, Delamater Iron Works, New York city | 1,163,000 |
| *No. 4. John Roach, Morgan Iron Works, New York city | 889,000 |
| ATLANTA. | |
| No. 5. The Harlan & Hollingsworth Company | 775,000 |
| No. 6. The William Cramp & Son's Ship and Engine Building Company | 650,000 |
| *No. 7. John Roach | 617,000 |
| No. 8. H. F. Palmer, jr., & Co., Quintard Iron Works, New York city | 763,400 |
| BOSTON. | |
| No. 9. The Harlan & Hollingsworth Company | 777,000 |
| No. 10. The William Cramp & Son's Ship and Engine Building Company | 650,000 |
| *No. 11. John Roach | 619,000 |
| No. 12. Harrison Loring, Boston, Mass. | 748,000 |
| DOLPHIN. | |
| No. 13. The William Cramp & Son's Ship and Engine Building Company | 375,000 |
| *No. 14. John Roach | 315,000 |
| No. 15. Theodore Allen and Anthony H. Blaisdell, constituting the firm of Allen & Blaisdell, Saint Louis, Mo. | 380,000 |
| No. 16. Henry Ashton Ramsey, of the firm of H. A. Ramsey & Co., Baltimore, Md. | 420,000 |

*Accepted.

I have heard no charge made but that in these contracts everything was open and aboveboard. Congress set itself carefully to provide safeguards and provisions that would free them from any danger or any suspicion; and the correspondence that is submitted by the Navy Department from all these contractors shows how it was that Mr. Roach was enabled to underbid.

Now I dismiss him. I care nothing more about him. I do not know that he will ever have a contract to build another ship for the American Navy, and so far as I can gather from business men who know Mr. Roach and from information that Senators on this floor are better capable of producing than I, it is a matter of little account to him whether he builds ships for the Navy or not. He terrifies the souls of men who contemplate any connection of his with building ships in the American Navy, but it is not of any consequence whether he does or not.

Mr. Roach has one of the greatest establishments in the world for the building of iron and steel ships. He competes with the world in the manufacture of these structures. He has built, outside of everything done for the Government, as I understand, eighty ships, ranging from a thousand tons up to 4,500. He is a busy man. The Government is not to him a client that he must follow, or he would have been knocking day after day at the doors of the committee-rooms of the committees who have charge of this subject-matter. But he has done nothing of that kind; and if John Roach should disappear to-day the American Navy would not in its course of being rebuilt be obstructed; and if the American Navy should disappear to-day Mr. John Roach would go on in his business, as I understand, and there I dismiss him. I have only sent for this record in order that I might see myself, for I did not know it before, what it was in the past that had raised the hue and cry that has followed after him and every contract that he has been engaged in.

Now, Mr. President, the bill that the committee has reported after careful consideration not only provides for the building of the additional cruisers and the gunboats, but also for continuing the work which Congress at the last session embarked upon in the completion of the double-turreted ironclads, the Puritan, the Amphitrite, the Terror, and the Monadnock, which latter lies in California. All that question was fought out in the Senate last year, and after a most animated controversy the Senate embarked in the policy and the House sustained it on the naval bill for finishing these monitors, and we spent last year a million dollars upon them.

The committee has provided in this bill for $2,000,000 more under all the safeguards that it could throw around it, and that is intended to cover partially the feature that rests in the mind of the Senator from Missouri as to the necessity for harbor defenses. I believe that when these double-turreted monitors are finished, while they are not of the first class like the Inflexible and the Dreadnought and the Lepanto and the Dandolo and the greatest of the French ironclads, yet compared with any others of theirs they will be the most formidable structures of the sort afloat.

I shall feel myself better about that defenseless condition of our coast which the Senator from Missouri more eloquently portrayed than I can do when the Puritan is finished, when she has her guns mounted, and when she is ready upon any alarm to steam to the mouths of the harbors of our great cities and lay herself athwart the path of any foe that may menace. The sleep of men and women and children will be more secure at night when she is completed. The Appropriations Committee has sought in its report to provide for that, not as an initiatory

proceeding, but because the Senate and the House in accord last winter contributed to this end and embarked on this enterprise and spent a million dollars, which will have been wasted if we do not go on.

There are other provisions of the bill with reference to armament, with reference to guns, and if any fault can be found it is that the committee have not gone far enough. The matter of the construction of these great guns, like that of these great naval ships, is one of years; it can not be done in a year nor in two years, and we can not set up an establishment for making the forgings, the tubes, the jackets, and the rings of these great guns, from the 8-inch caliber up, and the gun factory that afterward completes them, for less than nearly $2,000,000; and if we go on under them, and with the ponderous hammers that we put in there, and with all the modern machinery which the ingenuity of man can devise, if we put ourselves in a condition where we can make our own guns of every kind and class, we can not turn out then a number of guns sufficient to fit out a rehabilitated navy for less than from a million to a million and a half or two million dollars a year.

But for one, sir, I believe that the American people are ready to see Congress embark in that expenditure. I do not believe that the picayunish policy that has been pursued by the House of Representatives for six years until within two years ago, the cutting and paring down of every appropriation and limiting and crippling the Navy Department, has any seat in the popular regard or esteem or opinion. I believe that the American people are ready to see that this work goes on and that Congress can not be better engaged or doing a more meritorious thing for the whole country than to do the things that the committee propose shall be done on this bill, and even more.

I say again in closing that this is a matter which has nothing whatever to do with party feeling. Of the appropriations that are provided in this bill only the smallest fraction can be expended by the present administration. Whatever administration succeeds, if it be that of my friends on the other side or another administration represented by this side of the Chamber, that administration has got to go on with the great work of building the American Navy, and as I have said once before, I hope I shall be found when that time comes, if the administration is in the hands of my friends on the other side, doing everything that I can do to uphold the hands of a Secretary of the Navy who is put into power by that administration, for I shall be slow to believe that any administration will put a man at the head of this great Department who will not administer its affairs honestly, who will not scrutinize contracts, who will not feel that the chief thing that he has to do touching himself is to establish a reputation for integrity and honesty.

I am not here, and am not called upon to reply at length to the intimations of the Senator from Missouri or from New Jersey of lack of confidence in the Secretary of the Navy. I only say this: He has been there during all this discussion for the last two years engaged in contracting for ships of different kinds, in carrying out the provisions of Congress for expending money. He has had all the glare of scrutiny of everybody upon him; he has had men following him who would be glad if there was an opportunity to trip and to catch him, and I say here and now, and I invite attention to my proposition, that I ask any man before this discussion ceases, if he can to put his finger on one single thing that the present Secretary of the Navy has done in his administration of the Navy Department which even suggests or raises a suspicion that anything is wrong. If there is anything of that kind I want it to come out.

If the Secretary of the Navy is not to be trusted, if Congress can not safely put money in his hands to expend—and we raised the other day a committee of which you, sir [Mr. WILSON in the chair], have the honor to be the head, to look into just such transactions—but the day some time ought to come when the head of a great Department of the Government who has no voice upon this floor, who can not be seen or heard here, shall be free from such insinuations or imputations when nothing is given to back them up.

I believe that the Secretary of the Navy is engaged in a good work. I believe that he has weeded out of the Department one abuse after another. I believe, and my investigation and acquaintance with the Navy Department lead me to believe, that in the appropriations of money intrusted to his hands he is most scrupulous and zealous in protecting the interests of the Government. I believe that no contractor can come to him and demand and obtain undue favors.

I remember that the Senator from Delaware [Mr. BAYARD] said the other day when the first discussion came up that while he could not bear testimony to confidence in the Secretary of the Navy in his political course heretofore, he knew of nothing (and his eye is keen and scrutinizing upon these things) worthy of fault-finding on the part of the Secretary of the Navy during his administration of the Department. He has striven zealously to raise the spirit of the naval establishment; he has made it seen in that establishment that personal favors can not be given there, and that all shall be treated impartially. He has made it seen that officers of the Navy who have been dismissed for lack of good conduct, for lack of skill, for negligence, and for drunkenness have no warrant from him and no encouragement to come back. He has helped to raise the spirit of the corps and of the service, so that the other day when the Government provided for an expedition to the northern seas fraught with the greatest danger and with terrors that might well appall a stout heart, and word was sent out for voluntary contribution of service to the Navy Department, the most excellent officers in it, those who are in the easiest places about Washington and elsewhere, gladly responded to the summons, and put themselves at his disposition to go upon that far-off, dangerous quest. Already I can see that the American Navy is being bettered by his administration. Neither does he come here and clamor for appropriations or for votes of confidence. Striving thus faithfully as he is, it has seemed to me hard that continually he should be subjected to insinuations and imputations with nothing given to back them.

I have spoken longer than I intended. I did not mean when the bill came up to consume time in long speeches, but to spend myself in answering questions and removing objections. What the Senator from Missouri said called me to my feet, and that has been followed by what the Senator from New Jersey said. I hope and believe that when the Senate considers this subject broadly and largely, when it sees the needs which are upon us, that by a unanimity as great as that with which we passed the bill the other day it will send this bill to the House with these amendments, and then we shall know whether either branch of the American Congress will stand in the way of the pronounced public demand for a creditable American navy.

Mr. BAYARD. I should like to ask the Senator from Maine a question, something in relation to the amendment that I find on pages 16, 17, 18, 19, 20, and 21 of this bill. It relates to an appropriation for building a number of new cruisers.

Mr. HALE. The amendment beginning on line 383?

Mr. BAYARD. On page 16. It provides for the building of new cruisers. I have read it, but I have not placed it in comparison with the bill we voted for and which passed the Senate. I ask the Senator whether this amendment is in the same language and terms as the bill that was passed by the Senate about six weeks ago?

Mr. HALE. I believe precisely. I will tell the Senator how I got the language of this amendment. The bill that we passed has never been printed in the shape we passed it. It lies on the Speaker's table, and under the rules of the House is not printed until referred. I sent to the House of Representatives and had an exact copy made of that bill and incorporated that as my amendment. I have not myself read the amendment in comparison with that bill, but that can be done.

Mr. BAYARD. I did not mean to ask the Senator as to the precision of resemblance between the two, but whether that amendment is the same bill in substance that we passed here.

Mr. HALE. Precisely the same.

Mr. BAYARD. Having passed this bill by so largely affirmative a vote, in which I was very glad to join, and which passed, I think, by a vote of three to one in this Chamber, will the Senator inform me why it is necessary now to repeat the action of the Senate? A bill for this purpose has already passed, it has gone to the other branch, and I would ask the Senator why in the form of an amendment to an appropriation bill he ingrafts this general legislation anew?

Mr. HALE. I will tell the Senator exactly. I am glad he asks the question. First, I do not admit or believe that it is a measure of general legislation. I have examined the precedents, and all through the history of the Government appropriations for additional ships have been put on to appropriation bills upon the ground that it was appropriating for an existing establishment. Even last year the Senate put the measure for building cruisers on the appropriation bill. One main reason, let me tell the Senator, why this was first considered and reported by the Committee on Naval Affairs was this—not that I had any doubt or that the majority of the Committee on Appropriations had any doubt that it might not put the bill on first, but in the last Congress the Committee on Appropriations was reproached because it sought to intrude subjects of this kind without the consent and accord and companionship of the Naval Committee, and therefore when I went upon that committee I believed and the Naval Committee believed that it was better that the investigation should be made by that committee first, and that this measure should have the approval of that committee. There never was a moment, let me tell the Senator from Delaware, when, if the appropriation bill had come up first, I should not have been in favor of putting it on, as was done last year.

Now, in addition as a reason, let me say that the bill has gone to the House, and it has, metaphorically speaking, snapped its fingers in the face of the Senate; it has not even taken it from the Speaker's table and referred it. Whether that is the will of a majority I do not know, whether that is the belief of a majority we can not tell until it is tested; but it is easy enough under the rules of the House to stifle that bill so that neither the Senator from Delaware, nor I, nor any of the majority here who passed it can ever get a record upon it.

It will lie there in that tomb entombed for this session, and for the next if that is deemed best. Therefore, upon that account the Committee on Appropriations thought—not in any way interfering, but in accordance with repeated precedents—that if we really believed in building up an American navy we should take advantage of everything that the rules give us, and should do what has been done repeatedly, put this appropriation on the naval appropriation bill. It is simply for augmenting and increasing an existing naval establishment. Suppose

the Navy were struck out of existence by storm upon the sea, does the Senator, does anybody believe that Congress can not appropriate in an appropriation bill for restoring it? Where is the difference between building the Chicago and building a boat at the Kittery navy-yard or at the Norfolk navy-yard? It is simply in the direction of extending and augmenting an existing and legal establishment of the Government, and that is why the committee has done this.

Mr. BECK. Allow me to ask the Senator whether in his judgment the Committee on Appropriations could have put in ten vessels as well as seven if they thought it right?

Mr. HALE. I think there is no difference in principle. That is a matter of discretion.

Mr. BAYARD. Mr. President, I was surprised when I found the reintroduction and, as I believe, in the words themselves, of a bill which had already been fully debated and had passed the Senate. I was surprised to find that bill transplanted and ingrafted upon a naval appropriation bill which had come to us from the House of Representatives, providing for the necessities of the Navy as it then existed. At first I thought that this amendment was out of order under our rules, and I examined the rules and discovered that it is within the exception provided for by the rules against amendments to appropriation bills in the nature of general legislation, because it is expressly allowed by the rule—I forget its number—that measures which have passed the Senate at the same session may be, in the discretion of the Senate, accepted as amendments to appropriation bills. Therefore I am disposed to believe that under the rules of the Senate this amendment is in order. But then comes the other question, why should the Senate pass the same bill twice, first separately, and in a few weeks thereafter as an amendment to an appropriation bill? The answer of the Senator from Maine is that we have reason to believe, or if not to believe to suspect, that the other branch of Congress will not act favorably at least, if they act at all, upon the bill that passed the Senate and has gone to them.

Mr. HALE. I see, I think, what the Senator is driving at. There should be a complete observance of courtesy between the two Houses; I agree to that; there ought to be.

Mr. BAYARD. There must be.

Mr. HALE. If the Senate pass this and put it before the House, if the House maintains its attitude, no one branch can drive the other. It has got to be a matter of fair agreement and consideration, and one must yield in whole or in part. I might have said this, that under the rules of the House, which, as the Senator knows, seem to obstruct rather than further business, I believe it will be impossible for the House to consider our separate bill; that they can not consider it under the rules.

Mr. BAYARD. I know nothing really of the rules of the House, I confess. There is a veil of mystery surrounding those rules which I have never been able to penetrate, and never having been a member of the House I never thought it necessary to exert my poor faculties in endeavoring to comprehend them, nor do I think it is within my purview as a Senator to study the rules of the House.

I am glad to hear the Senator take the ground that I have taken before against the right of either House to coerce, or I may say further to attempt to coerce, the independent judgment of the other. However much I may wish or think that the Navy of the United States should be increased by a number of vessels—and I do think so, and I said so, and I hold to that statement—I do not believe I have the right to cause the appropriations for the Navy as it stands under existing law, the pay of the men and the officers and the rigging of ships, and so on to be conditioned on the fact that one House shall compel the other to accept its judgment.

Some years ago this question was raised. I remember it well. Gentlemen who ordinarily agree with me in their party action differed from me on the subject, but I never had a doubt that to accept the contrary doctrine would be to resolve all the powers of the Government into one or the other of the two Houses and allow conditions to be put under which the Government should live only by the sufferance of either House. I do not believe in that. Therefore it was that I looked upon a naval appropriation bill having ingrafted upon it new features not necessary for the subsistence of the Navy as it now exists as being a measure of very doubtful policy and one which I did not think the Senate would maintain when the point came whether the necessary appropriations to maintain the Navy in its present status should have ingrafted upon it a separate measure which had met the approval of the Senate alone but which did not meet the approval of the House.

Now as to the facility of business, I am not here to urge any small or petty objection; I have not the least objection; on the contrary I think it is the wisest way to allow the issues of opinion between the two parties that control the country to pass fairly and squarely before the country that they may be understood. That is all we can do. The arbitration between the differences of party and the differences of the Houses will be finally submitted to the great court at whose bar we shall appear and plead when the question of the public policy of the country is to be considered by the people at large. The great thing is to make up issues fairly, to make up issues distinctly. If there is anything to gain strength to a party from insisting upon a measure, let them gain it. If there shall be loss, let that loss fall where it may.

I have no objection to that, but I do not want supplies to carry on the various branches of this country's Government to depend upon wrangles between the two Houses as to measures which are outside of the appropriations germane and necessary to execute existing laws.

I know it was the intention of the Senate, at least I believe it to have been the intention of the Senate, to treat this ingrafting of legislation (whether you may call it general or special) upon appropriation bills with disfavor. We considered that, and I believe it was a common opinion expressed here that it was a vicious system of legislation. Certainly I do not think that the executive branch or that either House of Congress ought to submit or ought to be asked to submit to anything like coercion by obtaining supplies to carry on the legitimate expenditures of the Government at the cost of yielding their opinions and their judgment upon matters improperly associated with the bills to furnish the Government with the money that it needs.

I recognized in this bill the re-enactment of this other legislation, and I wanted to know from my friend from Maine precisely why it was put on. If, as he states, it is merely put on for the purpose of facilitating the consideration of the question and obtaining the opinion and the consent of the other House to this matter and not put on for a coercive purpose of intimating that we must have these ships or the officers of the Navy shall starve, that removes the objection I would otherwise have to the amendment. I still believe, I say it very respectfully, that there is naught in my friend's argument that this is not new legislation. You may call it general or special; it is new. It is not the Navy as it is, but the navy to be created by law *in futuro*, and it calls for money not necessary to supply either pay or equipment or anything else.

Therefore, it is not strictly an appropriation bill with this ingrafted upon it; and yet I believe under the rules it is in order. That is the result of my examination of the rules; but I am also relieved from the other idea that it is put on in a minatory way for the purpose of saying, "You must yield your view, if you have a view contrary to that of the Senate, or else the Navy shall not be supplied."

Mr. VEST. Mr. President, I shall not abuse the patience of the Senate, but I wish to say a very few words in reply to the Senator from Maine [Mr. HALE] and in perfect frankness in regard to questions that are pending in this bill. I have endeavored in whatever I have said about the policy of the Navy Department to avoid any gross insinuations or statements as to the Secretary of the Navy. I dislike such personalities. I think that his position and mine should demand a degree of courtesy and an abstention from anything that would savor of abuse or injustice. What I have said about the Secretary of the Navy was predicated upon my honest opinion in regard to him, in which I think I am warranted by his career and antecedents as a public man. Those antecedents and that career have been discussed freely in the Senate, and I shall not go into what was said in executive session. The Secretary of the Navy is no unknown man. He has been an applicant for other positions besides the one that he holds to-day, and his antecedents and character have been fully discussed.

I say once for all that my opinion of the Secretary of the Navy is that while he is a man of great ability, of unquestionable public courage, his personal feelings and his partisan bias would lead him to do things in a public capacity that I do not think would be warranted by the interests of the country. That is my honest and deliberate judgment. I meant to say this and to say nothing more, and that is the reason why I have expressed a want of confidence in him.

Mr. HALE. The Senator does not say that in the administration of the Navy Department he believes that the Secretary of the Navy has done everything of that kind?

Mr. VEST. I am not able to say that he has done it; I could not put my finger upon one single act of his administration which would even subject him to criticism; but I mean to say that that is my general opinion based upon his antecedents as a public man. I shall not go into detail in regard to those antecedents unless some Senator challenges the statement, and then I can give my reason, I think, so explicitly that there can be no question about it.

As to Mr. John Roach, I have never assailed Mr. Roach except as the representative of a system that I believe to be fatal to the merchant marine and the Navy of the United States. He is a man of great ability; he is a man of surpassing energy. I have met him at different times when I was serving upon committees, and he appeared there in the enforcement of his views. I have simply assailed Mr. Roach, if it be assailing, because I recognize in him the embodiment of the navigation laws which I believe are destroying the commerce and the merchant marine of the United States; and that is all of it.

There is another thing I wish to say, and then I shall have nothing more to say in this debate. The Senator from Maine criticised very closely, not to say harshly, what I said in regard to the expenditure of $385,000,000 for naval purposes. Some Senator told me that I said since 1861 this expenditure was made. It was made since 1866.

Mr. HALE. I supposed it was within the last twenty years. I presumed the Senator intended to cover the time since the war.

Mr. VEST. Since the war.

Mr. HALE. I so understood him.

Mr. VEST. Since 1866 $385,000,000 have been expended for naval

purposes. I have never said or pretended to say that a dollar even of the $385,000,000 went to the construction of a navy. That is exactly what I arraign the Republican party for to-day, as I have a right to do as a Senator of the United States and a member of the opposing party. I arraign the Republican party to-day because, as the Senator from Maine, their exponent in this debate, says, they have spent $140,000,000 in paying officers when they did not have any ships. This town to-day is flooded with naval officers who have not a ship to go to and have not had for twenty years. The whole service is composed of barnacles—gallant men, brave men, scarred marine veterans, but what use are they to the country? They are marine ornaments around the corners at Washington, and that is the fault of the Republican party.

That is the issue I make plainly and distinctly. You have had possession of the country absolutely and illimitably since 1861. You can not say that you spent this $385,000,000 for vessels under the war pressure and made them out of green wood. Since 1866, with profound peace, you have spent $385,000,000, and when arraigned for it, and when asked where is the navy, you reply, "We have paid off sailors and officers." For what? You have kept sailors and you have kept officers, and you have built no ships; to-day your seaboard is defenseless, and now the Navy of the United States is a mere by-word and a matter of derision and reproach the world over.

Mr. HALE. What is the Senator's remedy?

Mr. VEST. I have tried to give the remedy. The Senator talks about a picayunish policy. Let him introduce a bill here appropriating $20,000,000 to build first-class ironclads and I will vote for it. Let him build vessels that will face the Invincible and the Alexandra of the British Navy and the Lepanto of Italy. Let him come up to the changed conditions of the world. Instead of that, the organ of the Republican party and of the Committee on Appropriations tells us now, "We must have cruisers, commerce-destroyers." For what? He says England will not dare to fight this country as long as she can carry our commerce.

God forbid that any conflict should ever again come, either upon land or ocean, between the people of England and those of the United States, the two great countries of the world. I do not anticipate it; it is the last thing I should contemplate; but I do anticipate and contemplate the much greater mortification and national humiliation that a third or fourth rate power, with no commerce itself, should assail our seaboard and batter to dust our great cities. Suppose, as Admiral Porter says, that Spain to-morrow, in a complication in regard to Cuba (and she is complaining now that we permitted a vessel to escape from Key West to attack her dependents in Cuba) should declare war against this country, what would be the result? I will read you from the highest naval authority in this country. I read from the first man in the Navy. Admiral Porter says in his official report of November, 1883:

> If Spain, the least formidable of maritime nations, should go to war with us to-morrow, she would sweep our gradually increasing commerce from the ocean by setting afloat the large, swift steamers she could buy in Europe, and we could not prevent it. Our vaunted "home squadron"—

Of which the Senator can talk so eloquently—

> and the "six tugs," which one of our statesmen declared a great auxiliary to our naval force, would retire under Sandy Hook or the friendly guns of Fortress Monroe, and be obliged to look quietly on while we were being despoiled, unless they chose to add to the laurels of the despoiler by offering themselves up as a sacrifice to satisfy public sentiment.

Would your cruisers destroy her commerce? What would the Chicago do then? It might raid a few orange or lemon ships. What would Spain care for your commerce-destroyers when she could send over here one of her first-class ironclads and batter down every city we have from Maine to Florida?

Admiral Porter alludes to Fortress Monroe. Not long since in a private conversation with one of the most distinguished Army officers of this continent we were discussing the very question that I have been attempting feebly to discuss to-day. We spoke of Fortress Monroe, and said he, "Do you know, VEST, if I were the commander of Fortress Monroe, in case of a maritime war and a foreign ironclad should moor in front of that fort what I would do?" said this gentleman, whose name is second only to that of General Grant; "I would take every soldier and every citizen I had inside of that fort and camp them outside to save their lives. The brick and mortar from exploding shells would kill every one inside of that old fort." Said he, "It is a mining machine and nothing else, built for a state of warfare which is no longer possible with civilized nations."

But the Senator from Maine says we must have these cruisers because we have nothing else. We are building two of them. What does Admiral Porter say about them? He says they are not war vessels and not fit for war.

Mr. HALE. Oh, no.

Mr. VEST. I have here his language. He says that coal is contraband of war, and that in case of a maritime war these vessels could not obtain coal; that they have not sail power enough to navigate the ocean as war cruisers, and the result is mathematical that they would be useless to us in the event of war.

Mr. HALE. The Senator has read the report, and he will not assert that Admiral Porter anywhere says that these are not war vessels or would be useless. The Senator may derive something by his own conclusion from some statement, but the Admiral, as I attempted to show by reading his testimony, is in favor of these ships and in favor of building more of them and going right on. If the Senator will turn to the latter part of Admiral Porter's testimony he will see it stated there very clearly.

Mr. MCPHERSON. The Senator from Maine will remember that Admiral Porter is in favor of giving full sail power.

Mr. HALE. There were some matters of detail, as that they ought to have more sail power, but that does not go to the substance of their construction.

Mr. VEST. I have here what Admiral Porter says in his annual report, made November 19, 1883, to the Secretary of the Navy. He censures the plan of the construction of these vessels on the ground that they are to be insufficiently sparred and rigged, and can not carry enough canvas to enable them to make fair speed independently of their engines. He calls attention to the fact that coal has been made contraband of war by the European powers, which would greatly detract from the service qualities of these vessels in time of war, as we are without proper coaling stations outside of our own boundaries, just as we are without everything else for the Navy. He infers that such fleet passenger steamers as the Alaska and the Oregon, mounted with a few powerful guns, would be very formidable in war as commerce-destroyers, &c. Then he says "the least formidable," &c., which I have read. Aside from this the Senator does not notice the statement of the highest authority in the world, the English Engineer, which states that these vessels are so constructed as to be absolutely useless. That may be too harsh a criticism, but it comes from the highest naval authority in Christendom. Yet we are asked, without having tested these two cruisers, without knowing whether this English and American authority is correct or not, to vote two million and a half more dollars to build two more cruisers, one dispatch-boat, and four gunboats.

The Senator says that it takes years to build one of these first-class ironclads; that it took seven years to build the Lepanto. Shall we ever build any unless we commence, whether it takes seven years or seventy years? Shall we ever have one of these first-class coast-defenders, not commerce-destroyers, but coast-defenders, unless we commence it? Does the Senator want money? The Treasury of the United States to-day is bloated with money. Does he want votes? My vote is ready. I will vote $50,000,000 if necessary for seacoast defense. I shall not vote one dollar to give more of these commerce-destroyers, as they are called, until we see what is to be the result of the two that are now being constructed. I shall not go in the face of Admiral Porter, I shall not go in the face of the highest naval authority in England, when at the very same time I know, when the Senator from Maine knows, that any fourth-class maritime power could send over here one of its first-class ironclads and batter down every city on the American seacoast and blow out of the water ever single one of the gunboats and cruisers that he proposes now to construct.

I have nothing more to say upon this question except to declare in the most solemn, emphatic, and positive manner that I am willing to go as far as the Senator from Maine or any public man in this country to protect the seaboard and then to build a navy that can maintain our flag and our honor in every port and on every sea. But I say in this question as in every other, I must see my way; and with my opinion of the Secretary of the Navy as a public man and with his antecedents, I shall not vote one single dollar under the circumstances for these cruisers unless it be under the most overwhelming necessity, immediate and imminent, and under limitations which are not found in the measure now before the Senate.

Mr. HALE. Will the Senator allow me to ask him a question here?

Mr. VEST. Certainly.

Mr. HALE. The Senator makes his statement, and I have no doubt with entire candor, that he wants to protect the country, and that he is ready to vote for anything that will do that. How is either branch of the legislative part of the Government to be so well instructed as to what is the advisable thing to do in this direction as by a carefully selected advisory board? We have had two of them, who considered all these subjects-matter, and then decided that the best thing to do is to build this class of ships. Admiral Porter in his testimony, which I have here, goes into that, and says the advisory board had been selected, made up of the best officers in the Navy, and that he is willing to trust them. The trouble will be that if each Senator or each Represeetative has a view that such and such a ship must be built and others must not be built, we shall never get anything done whatever.

Years have gone by and nothing has been done. The Senator says we have no navy, and he charges the Republican party with the fault that we have none. The Senator should bear in mind (I am not going to introduce any politics here) that for the last twelve years his party have had power in the House of Representatives half the time and here a portion of the time, but nothing has been done. I do not charge that as a fault or intimate that they are any more interested than we are, but just as much, both equally. Here is the first opportunity that has been taken, and taken deliberately, to do something for the Navy. It does not suit everybody, it is not a perfect plan, it may be, but it has been reached through a great deal of trouble and travail to get at it, and the naval authorities, having had the aid of the advisory board, a

good board, have selected these methods. Now, can the Senator advise any better?

Mr. VEST. I have just this to say, that I have as much respect for the officers of the Navy as it is possible for any one to have personally, but I recognize the fact, and every Senator here knows it, that the vessels to which our naval officers incline are the cruising vessels. Not one of them wants to go on an ironclad to be put out at stations. That part of the service which has its charms is the part which gratifies their love of adventure and travel, visiting foreign countries, carrying the flag as a matter of display and honor. That is a very creditable motive, but what the American people want is no more show, no more display. The national dishonor to-day is that our cities are at the mercy of any maritime power in Europe. The Republican party has had this country without dispute for more than twenty years, and I have a right to ask them, what have you done with the immense resources put in your hands?

Suppose a British ministry should stand like the Senator does to-day with such replies to such questions as I put to him, how long would they retain their portfolios as ministers of the navy or of finance? The British people would put out of power any party that had brought them into any such condition as the Republican party has brought us in to-day in this country.

The Senator talks about the Democrats having been in power. Yes, we have had a good deal of it for a long time. We had here a little sporadical control of the Senate and the House, which lasted probably altogether three months.

Mr. EDMUNDS. And which will never occur again.

Mr. VEST. The Senator from Vermont, with the spirit of prophesy upon him, says it will never occur again; yet I have known that Senator to be mistaken, great as are his intellectual attainments.

Mr. HALE. You had it six years in the House.

Mr. VEST. Six years in the House. What could we have done in six years in the House?

Mr. HAWLEY. That is what the country asks.

Mr. VEST. We could do nothing, because the Senate was against us and the President was against us and the Republican party declared all the time that we were there only for a day and made a large number of our people believe it. The greed for power and office has been so great and so absorbing on the part of our distinguished opponents and the energy arising therefrom is so great, that they absolutely make Democrats believe that we have no chance to succeed.

No, Mr. President, that will not do. To-day the Republican party is responsible for the condition of the Navy of the United States. Three hundred and eighty-five millions of dollars were spent for what? To pay officers who had no ships, sailors who had no duties, and the reply that is made to us now is, "You had the House of Representatives for six years and you ought to have done something."

Mr. BECK. Mr. President, the Senator from Maine [Mr. HALE] rose as he indicated to protest against the discussion of matters not bearing directly on the subject before us; he urged us to adhere closely to the appropriation bill that is being considered, yet he spent an hour and a half, a much longer time, indeed, than was taken by the Senator from Missouri [Mr. VEST], in regard to matters that as far as I know have very little to do with the bill that he has charge of, certainly far less than the questions the Senator from Missouri argued so ably this morning.

His first attack was upon the Senator from Missouri, because he had said that the Republican party have spent $385,000,000 in naval appropriation bills since 1866. That is true. We had spent but $330,000,000 from 1791 to 1861, and had built up and maintained a very respectable navy during that period with that amount of money. He seems to desire an issue to be made as to the conduct of the Naval Department for the last eighteen years, and argued as if he was prepared to account for the proper expenditure of all that money from 1866 until the present time by showing from appropriation bills where so much went and where so much went, indeed where it was said it all went, according to the books. I tell him now that if he opens up all these questions as to how the money has been expended in the Naval Department from 1866 to the present time his appropriation bill will be pending after the Republican and Democratic conventions are held in June or July.

If he desires to know why the laws referred to by the Senator from Ohio [Mr. SHERMAN] were passed in 1872 and 1873 he will find that it was because hundreds of ships belonging to the United States Navy were sold and absorbed in the Navy Department and no account given of them. If he wants to go into the discussion of that subject we can have a week's debate that will show rottenness and corruption and mismanagement and concealment of facts that would not be agreeable to him. I think I can prove it all by the speeches of the Senator from Massachusetts [Mr. DAWES] when he was chairman of the Committee on Appropriations of the other House; I know I can prove it by the official reports. That is a subject that I did not suppose he desired to go into, although he has thrown down the gauntlet and appears to believe that it is a proper subject to discuss here.

He spent another half-hour in reading a very able brief, seemingly prepared by some attorney, showing the merits of Mr. Roach and his patriotic purposes in all his dealings. He does not know Mr. Roach, I think he said, but somebody has prepared for him a very elaborate brief of all Mr. Roach's doings and connections with the Government, which I am glad he has laid before the Senate. He has done this as though that was part of the appropriation bill.

Mr. HALE. The Senator can find it himself. If he will go to the Department he will find it there.

Mr. BECK. I have no doubt the head of the Department is perfectly able to furnish it, considering all that has been said about his past relations with Mr. Roach.

Mr. HALE. Any clerk there can give it who has charge of or access to the records.

Mr. BECK. I am not going into any matter concerning Mr. Roach. I only assume if the Senator is anxious to proceed with the bill he would hardly have spent half an hour of what he calls the extremely valuable time of the Senate in reading a brief about Mr. Roach unless somebody was intensely interested in having that matter laid before us.

Nor do I know particularly, if the Senator was so anxious to press the bill and nothing but the bill, why the present Secretary of the Navy should have been lauded for another half-hour. About all these things, however, I have nothing particularly to say. I desire to return to the proposition the Senator started out with, that the Senator from Missouri had gone out of the way to argue questions connected with the merchant marine of this country on a naval appropriation bill, and warning those of us who were not going to leave the city that he would not expect us to do it. I desire to give him notice that I shall insist upon doing it if I deem it expedient, and I will show that it is legitimate in discussing this bill, because we need sailors quite as much as we do ships. You can not make a sailor in a day. You can not have sailors in numbers sufficient to fight our battles unless you have a merchant marine. They have been driven from the sea by bad laws and worse policy until 95 per cent. of the few sailors that are left are foreigners, and that of the most worthless class. That fact was so stated by the Senator from Maine [Mr. FRYE]. We are paying other nations now $150,000,000 a year to do our carrying trade; 62 per cent. of it is carried in English ships, while we are helpless and defenseless.

Now, what is proposed? Not to allow us to have a mercantile marine, not to allow us to have sailors, but to have fast cruisers that will go out upon the high seas to hunt for prize-money and sink English merchant ships that have no guns, but are carrying our wheat, our corn, our cattle, our exports of all sorts that we are not allowed to have ships to carry them in ourselves. The ships the Senator and his friends are proposing to build are not expected to fight the ironclads or other war vessels of the world; they are not intended for use to defend the cities and coasts of the United States. That is to be confined to torpedo-boats, to ironclads, and to land batteries. But favored pets of the administration are to be put upon these grand steel ships and to be sent out to prey upon commerce, more than all else on our own goods on foreign ships, in order to secure prize-money for themselves. They are to be the Indian agents who are to stir up the strife and make the real soldiers do the fighting and then get all the profit.

Mr. HALE. Will the Senator allow me to make a remark here?

Mr. BECK. Certainly.

Mr. HALE. I do not want the Senator to feel that I thought I could stop him if he wished to make a speech about free ships on this bill. I know I could not do that. Nobody could stop him from making a speech on any phase of the free-trade subject on any bill. He not only has the advantage of the Committee on Finance, of which he is a member, but of the discussions upon the educational bill; and now if, as a member of the Committee on Appropriations largely responsible for the course of business, he thinks that he ought to discuss free ships when within a few days a special bill touching that subject is coming up, I can not stop him. I can not stop him any more than I could stop the current of a great Niagara.

Mr. BECK. Mr. President, I am not going to discuss that question now, but we are met with a proposition to build seven more cruisers upon an appropriation bill, and we are told the House can not be trusted to pass a bill that has already passed the Senate, and such is the anxiety of the Senator from Maine and his friends to have seven more cruisers, that a proposition to build them is to be put upon an appropriation bill upon the excuse that the subject is up, and he says we have the same right to provide for seventy new ships that we have to provide for seven. I suppose if the subject of rivers and harbors was before us the Committee on Appropriations could for that reason provide for all the rivers and harbors of the United States, or because a public building comes before us for an appropriation or a post-office or a custom-house, we can provide for all the buildings in the country on an appropriation bill for the same reason. When he goes beyond the ordinary scope of a bill providing for a sufficient sum of money to carry out the provisions of existing law and seeks, although a bill has passed the Senate and is now before the House, to put coercion on the House and bring it into a conference committee and get some two men there to agree with him against the will of the House by threats of defeating the naval bill if they do not agree to pass such new provisions of law as he desires, then instead of voting to build more cruisers that, as I said, are not intended to defend the coast nor the cities of the country, not intended to contend with for-

eign ships of war, not intended to give any protection to our own people, and at the same time proposes not to allow our people to buy a ship anywhere to compete with anybody else in carrying on necessary and legitimate commerce, I shall antagonize the proposition of building these new ships by seeking to build up a merchant marine which can be converted into a navy if needed, as we are to-day prostrate at the feet of the other nations of the world, almost without a ship, a sailor, or a gun. That is the way to build up commerce. It is the true way to build up a navy. The only way, I repeat, to train sailors for the navy is to build up a merchant marine of our own that will furnish us with fast ships, that will be better cruisers, better commerce-destroyers, if needed for that purpose, because faster than those that are now sought to be provided for. They will simply be used to send men out on junketing expeditions in time of peace and secure prize-money for them in time of war to which they are not entitled, as they will not aid in any real battles. The pets of the Navy will be put upon those cruisers; they will never hear a gun fired if they can avoid it, they will never be near our coasts and harbors when trouble comes, but will keep away from the war ships of the world; their only interest will be to stir up strife, so that they can keep clear of the big guns and do what they can to put prize-money in their pockets.

Mr. EDMUNDS. Will the Senator from Kentucky listen to me for a moment?

Mr. BECK. Certainly.

Mr. EDMUNDS. I was much interested in his statement of what a fine navy we had before what is called the late war and in what he has said about John Roach and contractors. I merely wish to contribute, without entering into the debate at this time, for the information of the Senate a statement in a letter from James Buchanan, then minister at London, dated the 5th of September, 1853, and addressed to Hon. Henry A. Wise, of Virginia, on this subject of a navy. After speaking of sundry other topics of politics, &c., which are not germane to this question, Mr. Buchanan says:

> We boast loudly about our power and with justice upon our own continent; but what is our Navy compared with that of England or France? Suppose these powers or either of them should determine to prevent us from interfering in Cuba in case the time should arrive when we ought to interfere, have they not the naval power? We should at least have a navy sufficient to command our own coasts. Let the surplus money in the Treasury, or part of it, be applied to the construction of steamers, not under the superintendence of the old fogies, but by contracts with our best naval architects.

So that my friend from Kentucky will perceive that according to the opinion of Mr. Buchanan at that time the naval establishment of the United States was just about in the condition that it is unhappily now, and in his opinion the best way to remedy it was to put out by contract arrangements for building steamers, somewhat apparently in the way that is now proposed.

Mr. BECK. I do not presume that Mr. Buchanan or any one else supposed we had a navy equal to that of England or the continental powers or that we ever had an army equal to theirs, nor is it part of our system to keep up an army or navy equal to the great powers of Europe, who have to watch each other and maintain what is called the balance of power; nor does this bill propose to add one iota to the strength of our coast defenses nor to our naval armament for any purpose of resisting the ships of war that either England, France, Germany, Italy, or even Brazil could now make an attack upon us with. Nor will it do anything to building up our merchant marine, nor will it be a nursery for our sailors to any appreciable extent.

The one hundred and fifty millions that we pay every year to foreign nations under our present absurd laws enables England to feed, clothe, and maintain in active service 100,000 trained sailors at our expense, every one of whom is ready at her bidding to destroy our cities if she so orders. That $150,000,000, at $60 a ton, the average of steam and sail, would enable us to buy a merchant marine that would maintain 50,000 American sailors to meet her with. We are to-day prostrated, and it seems that it is objectionable even to suggest means of relief. When the cruisers we now propose to send out after prizes would attack English unarmed merchant ships, as they would have a right to do, with our goods on board, they would destroy more for us than they would for England.

We are beginning at the wrong end of the work, especially when we do not know whether the ships we are now building will be of any account even as prize-catchers.

All I propose to say now, indeed all I rose to say, is that I do propose if I think it best (and I will show a good reason whether the Senator from Maine likes it or not) to convince the Senate, I hope, and the country that we never will have American sailors, that we never will have the nucleus even for a navy upon the basis that he proposes to pursue by building ships that can not defend us against anything; but that we can become a naval and a commercial power by building up a great merchant marine from which we can draw sailors—a marine that can be converted into as good cruisers when needed as it is now proposed to build—for the purpose of carrying on our commerce; fast ships that will earn money for our citizens in time of peace, instead of squandering millions, as will be done under the provision that it is now proposed to make when we reach that portion of the bill, as we will some time to-morrow. I reserve the right to discuss that proposition, and I will consume less time in doing so than the Senator from Maine [Mr. HALE] did in reading Mr. Roach's brief and in telling how well the affairs of the Navy Department have been managed since 1866. I think I will make out a more satisfactory case in support of my proposition than he could in support of his.

### FALSE PERSONATION OF GOVERNMENT OFFICERS.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. GARLAND. With the leave of the Senator, let me call up a concurrent resolution from the House of some importance, which will take but a moment to dispose of.

The PRESIDING OFFICER. Does the Senator from California yield for that purpose?

Mr. MILLER, of California. Certainly.

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution received from the House of Representatives. It will be read.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the enrolling clerk of the House, in the enrollment of the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States or any Department thereof, and prescribing a penalty therefor, be directed to substitute the word "therefor" for the word "thereof" where it last appears in the Senate amendment amending the title of said bill.

Mr. GARLAND. The bill was passed by the House and came to the Senate. The Senate amended it, and it went back to the House. The House concurred in the Senate amendments, but the Secretary in engrossing the bill made the mistake alluded to, the word "thereof" instead of "therefor." This concurrent resolution is simply to correct that. I ask for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

### EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eighteen minutes spent in executive session the doors were reopened.

### HOUSE BILLS REFERRED.

The bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment was read twice by its title, and referred to the Committee on Territories.

The joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library was read twice by its title, and referred to the Committee on the Library.

### AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned.

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## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *April* 9, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

### JURISDICTION OF CIRCUIT COURTS.

Mr. CULBERSON, of Texas. I ask unanimous consent to submit for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That House bill 1578, the same being "a bill to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, to regulate the removal of causes from the State courts, and for other purposes," approved the 3d of March, 1875, which said bill is now on the House Calendar with a favorable report from the Committee on the Judiciary, be made a special order for Saturday, the 12th of April, and from day to day until disposed of, not to interfere with prior orders or with appropriation bills, revenue bills, or bills reported from the Committee on Public Lands.

The SPEAKER. The gentleman from Texas asks unanimous con-

sent to offer this resolution for present consideration. Is there objection? The Chair will state to the gentleman from Texas that the 12th of April has been set apart by order of the House for the consideration of resolutions in regard to the death of Mr. HERNDON, late a Representative from the State of Alabama.

Mr. CULBERSON, of Texas. I understand that; but this is a continuing order.

Mr. BISBEE. Would the gentleman from Texas have any objection to fixing a more remote date?

Mr. CULBERSON, of Texas. This is a continuing order. I have no idea that the bill will come up on the 12th.

The SPEAKER. There being no objection to the consideration of the resolution, the question is on its adoption.

Mr. HENLEY. I would like to hear the resolution read again.

The SPEAKER. If there be no objection, it will be again read.

Mr. HEPBURN. I desire to object to the resolution. [Cries of "Too late!"]

The SPEAKER. The Chair thinks the objection comes too late. The Chair called for objection to the consideration of the resolution, and there was none. The Chair had stated the question on the adoption of the resolution.

The resolution was again read.

Mr. DINGLEY. I wish to ask the gentleman who has introduced this resolution whether he intends this bill shall come up in its order.

Mr. CULBERSON, of Texas. I suppose it will come up in its order. The resolution provides that it shall not interfere with prior orders.

Mr. DINGLEY. It is not the intention to jump over orders previously made?

Mr. CULBERSON, of Texas. No, sir.

The resolution was adopted.

Mr. CULBERSON, of Texas, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### RAILROAD BRIDGE OVER SAINT CROIX RIVER.

Mr. PRICE. I ask unanimous consent to have taken from the Speaker's table for reference to the Committee on Commerce the bill (S. 1797) to authorize the construction of a railroad bridge across the Saint Croix River in the States of Wisconsin and Minnesota.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on Commerce.

### GENERAL LAND OFFICE.

Mr. COBB. I ask unanimous consent that Senate bill 554, to promote the efficiency of the General Land Office, be taken from the Speaker's table for reference to the Committee on the Public Lands.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on the Public Lands.

### WILLIAM B. MOSES.

Mr. ROCKWELL. I ask unanimous consent that the bill (S. 1148) for the relief of William B. Moses be taken from the Speaker's table and referred to the Committee on the District of Columbia.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on the District of Columbia.

### SEWERAGE IN THE DISTRICT OF COLUMBIA.

Mr. SHELLEY, by unanimous consent, reported from the Committee on the District of Columbia, as a substitute for H. R. 5465, a bill H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

### UNITED STATES GAS, ELECTRIC LIGHT, AND FUEL COMPANY.

Mr. SHELLEY, by unanimous consent, also reported back adversely from the Committee on the District of Columbia the bill (H. R. 1034) to incorporate the United States Gas, Electric Light, and Fuel Company, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

### PENSIONS.

Mr. KEIFER. I ask unanimous consent to present at this time the petition of survivors of confederate prisons and late Union soldiers of the war of the rebellion praying for pensions. It is signed by 2,835 in Ohio, 2,545 in Illinois, 1,460 in Indiana, 2,275 in Iowa, 2,189 in Kansas, 2,645 in Pennsylvania, 483 in Minnesota, 233 in Missouri, 446 in Michigan, 349 in Wisconsin, 672 in Nebraska, 2,465 in New York, 333 in Connecticut, 176 in Massachusetts, and 780 in California, Kentucky, and other States and Territories; in all, 19,686. I would like to have the body of this petition—not the names—printed in the RECORD.

There was no objection; and the following petition was ordered to be printed in the RECORD, and referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

The undersigned, survivors of rebel prisons and late Union soldiers of the war of the rebellion, respectfully submit to your honorable body that in common with their fellow-soldiers, many of whom are drawing pensions, they endured the privations and hardships incident to army life, and in addition were subjects of cruelties before unknown in the annals of civilized warfare in the numerous prison-pens of the South, by reason of which they contracted disability, in many cases entirely debarring them from obtaining a living by manual labor, throwing them dependent on charity. Under the rulings of the Pension Office requiring the affidavit of an officer of claimant's company or regiment or two of his comrades, giving data as to contraction of his disability, also the affidavit of a surgeon or assistant surgeon of his regiment as to treatment for stated disability while in the service, nearly all occupants of rebel prisons and their legal survivors are deprived of the beneficent effects of the present pension laws. Thrown together, as your petitioners and their comrades were, by thousands in some prisons, from all loyal sections of the Union, oftentimes without previous acquaintance, without the means to make the necessary data for the continuance of that acquaintance after discharge, unable by death and removal to find the whereabouts of such comrades, if living, as they were in prison more intimately acquainted with, they find it impossible to comply with the requirements of the Pension Office.

We therefore pray your honorable body to enact, at your earliest convenience, a law which, while it will discourage and prevent fraud, will be less stringent than the present one on the honest claimant, and which will admit as evidence of sound bodily health the medical examination each recruit had to pass at enlistment; also as to disability at and since discharge, either medical testimony or that of near neighbors or intimate friends, and not requiring evidence as to time, place, and circumstances under which disability was contracted. In view of the atrocities known to have been perpetrated on all inmates of rebel prisons, the fact that claimant was an inmate of such prison or prisons being established, together with his own statement under oath, to be received as sufficient evidence as to contraction of disability as claimed. The same classes of evidence only to be required of widows whose husbands have died or may die of disease contracted in rebel prisons.

Pension in all above cases to commence at date of discharge from the service of the United States, rating the same as under present pension laws.

And your petitioners will ever pray, &c.

### PREVENTION OF COLLISIONS AT SEA.

Mr. DUNN. I ask unanimous consent to have taken from the House Calendar and passed at this time the bill (H. R. 5692) to adopt the "revised international regulations for preventing collisions at sea." I will ask that the reading of the bill, which is lengthy, be dispensed with. The bill contains no legislation whatever beyond what is expressed in its title; it embraces not a syllable except these rules and regulations, which have been agreed to by all the maritime powers.

They can not be changed or altered by any one nation. They can not be changed by act of this Congress. This simply makes them statutory, as they have been in every other maritime nation. They go into effect next September.

The SPEAKER. The bill was read at length a few mornings ago.

Mr. ELLIS. I objected to that bill once before when unanimous consent was asked to take it up. Because it was so long I could not fully understand it, but now since I have read it I can say it is all right and I believe ought to pass.

Mr. WARNER, of Ohio. Is this a unanimous report?

Mr. DUNN. Yes; it is a unanimous report from the Committee on Commerce.

Mr. GIBSON. Does it contain any provision as to compulsory pilotage?

Mr. DUNN. Nothing at all. There is no change of the law in reference to pilotage. It contains nothing in regard to the navigation of inland waters. It relates only to navigation upon the high seas and the coasting trade, and is international exclusively. I will ask to have the report of the committee printed as part of my remarks explanatory of the measure.

There was no objection.

Report to accompany H. R. 5692.

The Committee on Commerce, to whom was referred the bill (H. R. 1387) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, have had the same under consideration, and report a substitute therefor.

The rules for preventing collisions at sea, which have been concurred in by every maritime nation in the world, without a single exception, are now statutory in every country in the world except the United States. They are international, and went into effect on the 1st of September, 1881, and now form a part of the law of the sea. It has been held by the Supreme Court of the United States that rules of this character govern the high seas; that no one country can alter them, and that ships of every nation are bound to observe them on the high seas, no matter what the municipal rules they may be governed by.

At the present time our merchant marine, although bound by this decision to observe and follow these international rules, have never been required to know and to obey them.

In the absence of legislative action by Congress upon this subject, a general order was issued by the Secretary of the Navy, in which the American rules were ordered to be followed by the Navy of the United States in American waters, and the international rules elsewhere.

The Treasury Department was invited to issue similar instructions for the government of the merchant marine, but did not do so, because it was found upon careful consideration that it had no power to formally authorize the adoption by the merchant marine of the United States of the new international rules of the road for preventing collisions at sea so long as the provisions of section 4233 of the Revised Statutes remained unchanged by Congress. So matters now stand.

It is evident that this condition of things may, and probably will, lead to difficulties between British and other foreign ships and ships of the United States. At present, for example, according to English law if a case was brought in a British court it would be decided according to the international rules, which have never been adopted for the government of our merchant marine and fishing fleet. These international regulations have now been revised by the board of trade of England, in pursuance of the merchant-shipping act, and these revised regulations for preventing collisions at sea have been accepted by the powers, and will be adopted and go into effect on the 1st of September, 1884, as will be seen from the following communication from the British minister at this capital to the honorable Secretary of State of the United States, and by him referred to Hon. JOHN H. REAGAN, chairman of this committee:

DEPARTMENT OF STATE, *Washington, February 29, 1884.*

SIR: With reference to my letter to your committee of the 10th ultimo, urging the importance of legislative action in relation to the international regulations for preventing collisions at sea, I now have the honor to inclose herewith for

your further information a copy of a note to this Department, from the British minister at this capital, from which it appears that it is desired to put the revised regulations in force on the 1st day of September next, if the approval of all the governments concerned can be obtained in time.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. JOHN H. REAGAN,
*Chairman of the Committee on Commerce, House of Representatives.*

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WASHINGTON, D. C., *February* 25, 1884.

SIR: With reference to my note of the 19th of August last I have the honor to transmit herewith a copy of the revised regulations for preventing collisions at sea, which have been drawn up by the board of trade in pursuance of the merchant-shipping act, amendment act of 1882. I am requested, in communicating these regulations to you, to state that the necessary steps will be taken by Her Majesty's Government for the adoption and circulation of the rules by the 1st of September next, to which date their operation has been further postponed in order that sufficient time may be afforded for their consideration by governments of the countries concerned.

I have the honor to be, with the highest consideration, sir,

Your obedient servant,

L. S. SACKVILLE WEST.

The "revised regulations for preventing collisions at sea," transmitted by the British minister to the Secretary of State, are copied without change or alteration into this bill, and the bill contains no other regulations whatever.

Such rules as we have in the statutes for preventing collisions at sea are embodied in section 4233 of the Revised Statutes of the United States, and are blended in a confused mass with the rules for the inland waters.

Your committee think that it is best to embody the "international rules" in a separate act or code in order to avoid confusion.

It is well said by a high naval authority that "rules for the high seas must be few in number and rigid in character in order that the whole world may act intelligently." The same rules must apply to our coast waters to prevent confusion; for there are no guides to the mariner to show him the boundary between American waters and the high seas, and he should not be obliged to use two codes except where the responsibility for a second or municipal one can be thrown upon local pilots. International rules not being subject to change or alteration by any one nation are, therefore, stable and permanent. But rules for inland waters of necessity must be subject to frequent changes and modifications as conditions of navigation alter. Therefore, separate codes are necessary.

The code for the inland waters already exists in section 4233 of the Revised Statutes, requiring an amendment of its first clause only to limit it to harbors, lakes, and inland waters, which is provided for in another bill, which your committee have recommended. That result, however, is practically accomplished by the passage of this bill.

Your committee call especial attention to the following interesting and instructive communication upon this subject from Lieut. E. W. Very, United States Navy, to the Secretary of the Navy, dated January 26, 1882:

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
*January* 12, 1882.

SIR: In your last annual report to the President of the United States you called attention to the immediate necessity of legislation with regard to the present international regulations for preventing collisions at sea, and, in view of certain measures that are now before the Committee on Commerce, and since I believe that it was through my instrumentality that the neglect of the Government to take action on this important subject was brought to public notice, I take the liberty of submitting for your consideration information with regard to it which I consider of great importance at the present time.

First. As to the importance of immediate legislation on this subject.

The rules for preventing collisions at sea, which have been concurred in by every maritime nation in the world, without a single exception, that are now statutory in every country in the world except the United States, and which went into effect on the 1st of September, 1881, now form a part of the law of the sea. The recorded decision of the United States Supreme Court is that rules of this nature govern the high seas and that no one country can alter these rules, that ships of every nation are bound to observe them on the high seas, no matter what municipal rules they may be governed by.

At the present time our merchant marine, although bound by this decision to follow these rules, have never been required to know and to obey them. That this lack of knowledge works great harm to our commerce is clearly shown by the two following examples, taken from a number which may occur:

1. The American rules for the exhibition of lights by a vessel at sea when disabled or not under control are entirely different from the international rules. Therefore our merchant vessels are liable at a time of utter helplessness to be sunk by collision, involving perhaps the destruction of the colliding vessel in addition; and in such a case not only has the United States no redress, but it will be held culpable throughout the courts of the world.

2. The international rules for lights to be carried by fishing vessels are quite different from the American ones. Our fishermen are constantly engaged in the off and in shore fisheries of the Newfoundland Banks, where the English keep up a rigid and by no means friendly patrol. Our vessels are therefore at all times liable to libel for violation of these rules, and to an amount more than sufficient to absorb the entire profits of a season's work. Moreover, their fishing leads them directly into the lane routes for the transatlantic steamers, and they are placed in great danger of being run over and sunk.

Nearly if not more than three years ago the United States notified the British Government, which had the matter in charge, that it concurred in the rules and would take action thereon. The Government is therefore pledged to the performance of this duty, not only by its distinct assertion, but by the common law of humanity and the necessity to act in concert with the world in the development of a law of the sea.

Second. As to the history of the case in this country.

In 1879, while in England, I found in a small almanac a condensed statement of these rules with the notice that sixteen of the most important maritime nations had agreed to adopt them, the United States being one of them. On my return, shortly afterward, I applied at the Navy Department for a copy of the new rules, and, to my surprise, found that no knowledge of any such regulations existed. I was authorized to make an unofficial inquiry with regard to the subject, and found that in 1877 the British Government had corresponded with the United States on the subject. The correspondence had been submitted by the State to the Treasury Department, and the latter, after having suggested a few minor alterations, which were not concurred in by the Government of Great Britain, had agreed to adopt the rules as they stood. Here the matter had stopped, and I discovered that no one, as far as I could learn, in the Treasury Department knew anything about it.

I was then ordered by the Secretary of the Navy to draw up a brief giving all the information with regard to rules of the road necessary for the information of Congress. This I did, and the brief was submitted to Congress in a letter from the Secretary in answer to a resolution of the House of Representatives. An attempt was made to secure legislation on the subject, but it failed. After Congress adjourned I suggested that there was a way in which, without legislation, the Navy might be placed in accord with the new rules. A general order was issued in which the American rules were ordered to be followed in American waters and the international rules elsewhere. The Treasury Department was invited to issue similar instructions, but did not do so. The only thing done was to give general information to our merchant captains that such new rules existed. Thus matters stand now.

Third. As to the remedy for this confused state of our rules.

The rules for preventing collisions at sea are embodied in section 4233 of the Revised Statutes. These rules, although international—declared so by the Supreme Court, and the ruling having been made in that court that no one nation could alter them—have been frequently amended, and in some places the meaning has been completely changed. Furthermore, when these rules were transferred to or embodied in the Revised Statutes a clerical error was made in rule 1 that destroyed the whole intent of the rule and has been a subject of constant legislation ever since. In no case has such legislation devised a proper remedy, although originally the rule was perfect. This error consisted in writing the words "steam-vessel" instead of "vessel under steam."

I respectfully suggest that since these rules are now, by force of universal action, only municipal in character, they be given that character in the statutes. I would recommend that the new rules be introduced as a new section of the Revised Statutes, and that, in order that no confusion may arise, they be made applicable to the government of United States vessels everywhere, except in the inland waters of the United States, for this reason: Rules for the high seas must be few in number and rigid in character, in order that the whole world may act intelligently. The same rules must apply to our coast waters to prevent confusion, for there are no guides to the mariners to show him the boundary between American waters and the high seas, and he should not be obliged to use two codes, except where the responsibility of a second or municipal one can be thrown upon local pilots.

In contradistinction to this, rules for inland waters must be subject to frequent modification as conditions of navigation alter. They can not be made applicable to the high seas except by accident; therefore a separate code is necessary, and this code already exists in section 4233, which needs only to be limited in its operation.

I respectfully suggest that the whole object may be accomplished by the following amendment to the preamble of section 4233:

"The following rules for preventing collisions on the water shall be followed in the navigation of all vessels within the harbors, lakes, and inland waters of the United States."

In adopting the rules for the high seas I respectfully suggest that the preamble of the section introduced should read:

"The following rules for preventing collisions at sea shall be followed in the navigation of all public and private vessels of the United States upon the high seas, and in all coast waters of the United States, except such as are otherwise provided for."

I finally respectfully call your attention to a slight alteration in the wording of the international rules that does not in any way alter their meaning, but makes it clearer, and is in strict conformity with United States admiralty law. The word "steamship" should be changed to the phrase "ship under steam" in the following places: Article III, opening clause; Article IV, opening clause; Article XII (*a*), opening clause; Article XII (*c*), opening clause; Article XVII, the two places where the word occurs; Article XVIII, opening clause.

I am, sir, very respectfully, your obedient servant,

EDWARD W. VERY,
*Lieutenant, United States Navy.*

Hon. WILLIAM H. HUNT,
*Secretary of the Navy.*

This subject was constantly and urgently pressed upon the attention of Congress by the Navy Department during the Forty-sixth, Forty-seventh, and Forty-eighth Congresses. (See Ex. Doc. No. 55, Forty-sixth Congress, second session, and Ex. Doc. No. 160, Forty-seventh Congress, first session, which contain all the correspondence between this and the British Government on the subject and the various communications to Congress from time to time.)

In response to a resolution of the House of Representatives passed on the 9th of January, 1880, requiring the Secretary of the Navy to report to the House "the rules prescribed by the Navy Department for the guidance of naval vessels at sea, whether in his opinion the same are in conflict with the existing rules for the guidance of merchant vessels," the Secretary made the following report to the House, which will be found to contain a very instructive history of this wise international policy. The papers referred to in his report are omitted.

Your committee earnestly unite in recommending the immediate passage of the bill herewith reported.

[House Ex. Doc. No. 55, Forty-sixth Congress, second session.]

Letter from the Secretary of the Navy, transmitting, in response to a resolution of the House of Representatives, rules for the guidance of naval vessels at sea.

NAVY DEPARTMENT, *Washington, January* 22, 1880.

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives passed on the 9th instant, which requires the Secretary of the Navy to report to the House "the rules prescribed by the Navy Department for the guidance of naval vessels at sea; whether in his opinion the same are in conflict with the existing rules for the guidance of merchant vessels; and, if so, wherein such a conflict exists; and also what measures are in his opinion necessary to be taken to establish a system of international rules which shall apply to all naval and merchant vessels at sea," and in compliance therewith to submit the following report:

Although certain principles with regard to the conduct of vessels meeting and passing each other at sea, common to all maritime nations, may be traced back almost as far as marine commerce itself, the attempts to embody these principles into rules for national or universal observance is of comparatively recent origin.

As far as the naval vessels of a country are concerned, these principles are found embodied in regulations which are centuries old and which form elements of the science of naval tactics. These regulations, however, in former times had little, if any, legal control over vessels of the merchant marines.

As commerce increased in extent and importance and as the control of vessels of the merchant marines passed from the hands of owners to those of local boards of trade, and from those of local to those of national boards, we find different nations introducing these rules as statutes for general observance, and as the science of maritime law became developed and the absolute freedom of the high seas came to be acknowledged by all maritime nations the necessity for some universal law for the guidance of vessels on the ocean became apparent.

The first movement toward establishing some universal law seems to have been made about the year 1842, the Government of Great Britain taking the initiative. In this year the British admiralty issued a set of orders prescribing certain lights to be used at night by all British vessels; the same order made a steering rule applicable to all British vessels that had previously been a board-of-trade rule only, and which was generally known as the "law of the port helm." These rules were not formally submitted to other nations, but before 1844 the majority of the maritime nations of the world had adopted them either in whole or in part. In the United States they were adopted by the Navy Department only, appearing verbatim in a general order to all United States vessels.

The law of the port helm was, however, very faulty, and in 1852 the British admiralty issued instructions, under the authority of an act of Parliament, to a

committee composed of officers of the royal navy and an elder brother of the Trinity House, to examine and report upon them.

In consequence of the condemnatory report of this committee, a second committee was organized by act of Parliament, composed of officers of the royal navy, elder brethren of the Trinity House, and members of the board of trade, to frame laws for preventing collision at sea. These laws were submitted to Parliament in 1862. They were made statutory in Great Britain, and all other maritime nations were invited to examine them in the interests of commerce at large, and, if found suitable, to legalize them.

In the course of the next two years thirty-four of the principal maritime nations of the world had approved and made statutory these laws.

In 1877, it having been found that these laws did not fulfill the requirements of marine commerce, an act of Parliament was passed authorizing an examination of them by a board similar to the previous one, consisting of naval officers, Trinity House brethren, and members of the board of trade. By this committee a revised set of laws was compiled and submitted to the government. The British Government submitted them to all the foreign maritime powers, and after sixteen of these powers had signified their approval of them and their intention to legalize them for national usage, the British Parliament made them statutory, to go into effect on the 1st of September, 1880.

It is thus seen that the present international rules for preventing collision are due entirely to the action of the British Government, and before entering into a discussion of the actions of our own Government, it is necessary to examine more closely the methods by which Great Britain arrived at the desired results.

Every nation has a right to make such municipal laws as it sees fit; therefore the right of the British Government to force the use of certain lights on board its naval and merchant vessels is unquestionable.

The British admiralty (corresponding to the United States Navy Department) issued the first instructions binding upon all British vessels, and upon reference to British authority it is found that previous to and for some time after 1842 the admiralty had a certain control over the merchant marine, which included matters of this general description.

It will be noticed that the first revisory board was made up of naval officers and a Trinity House brother.

Referring again to authority, we find that between 1842 and 1859 all pilot regulations were placed under the control of the Trinity House, and these light and steerage rules were considered to come within the limits of pilot law. Therefore the controlling Departments of the Navy and the merchant marine were both represented on the committee.

In 1862 we see the new rules framed by a committee of naval officers, Trinity brethren, and members of the board of trade. Again, by reference we find that in 1854 the British merchant marine was placed under the directions of the board of trade, the pilots remaining under the Trinity House. Thus, again, the whole marine was represented.

The new rules having been made statutory, were submitted for approval to foreign governments, and it was stated that all foreign ships who were guided by these rules should be treated as British ships in British courts of law. All the principal nations of the world approved and legalized these laws, and immediately the laws or rules changed their character. From being municipal laws, as enacted by Great Britain alone, they became, by the force of the common consent of commercial nations, an integral part of the law of the sea. It is not out of place to quote here an extract from an opinion on this self-same subject delivered by Mr. Justice Strong in the Supreme Court of the United States (14 Wall., 188):

"When we find such rules of navigation accepted as obligatory rules by more than thirty of the principal commercial states of the world, including almost all which have any shipping on the Atlantic Ocean, we are constrained to regard them as in part, at least, and so far as relates to these vessels, the laws of the sea. Undoubtedly no single nation can change the law of the sea. The law is of universal obligation, and no statute of one or two nations can create obligations for the world. Like the laws of nations, it rests upon the common consent of civilized communities."

It is stated that in 1877 the British Parliament authorized an examination of these laws, and the result of this examination was the compilation of a revised set of laws, which have been made statutory in Great Britain. Let us examine the mode of procedure in the light of the Supreme Court decision above quoted.

The proclamation declaring these revised rules statutory tells the whole story, and the following extracts are sufficient:

"And whereas the admiralty and board of trade have jointly recommended to Her Majesty that the regulations contained in the order in council * * * shall be annulled, and that there shall be substituted * * * the new regulations; and whereas it has been made to appear to Her Majesty that the governments of the several foreign countries mentioned * * * are respectively willing that the regulations * * * shall apply to ships of the said countries, respectively, whether within British jurisdiction or not: Now, therefore, * * * ."

Here we see a distinct acknowledgment of the necessity of consulting foreign nations before changing rules which Great Britian itself had made. This proclamation declaring the new rules statutory was not made until the approval of sixteen of the principal commercial nations of the world had been obtained. Nothing could be more plainly implied. The rules of 1862 were first made statutory, and then submitted to foreign governments. Their successors were first submitted to foreign governments, and after their approval had been obtained they were made statutory.

I now turn to the consideration of the actions of the United States Government with regard to rules for preventing collisions.

In 1838 Congress enacted a statute making it obligatory for all steamers to carry one or more signal lights at night. In 1842 the United States Navy Department adopted for the guidance of naval vessels the British steering and light rules which had been enacted that year. In 1849 Congress enacted a statute obliging all merchant vessels navigating the northern and western lakes to carry the lights prescribed by the Navy Department order above mentioned.

In 1852 Congress authorized the appointment of nine supervising inspectors, among whose duties it was specified—

"That it shall be the duty of the supervising inspectors to establish such rules and regulations, to be observed by all such vessels (steamers navigating rivers only), in passing each other, as they shall from time to time deem necessary for safety."

In 1863 Congress enacted a law establishing "regulations for preventing collisions on the water," which regulations were in conformity with those submitted by the British Government for its approval. In that same year these regulations were established in conformity with the act of Congress as the guiding rules for naval vessels by general order No. 34, issued by the Secretary of the Navy, which order has never been annulled or modified.

In 1865 the statutes with regard to supervising inspectors were so amended as to empower them to make steering and light regulations for all American vessels.

In 1874 the United States Statutes at Large were revised and compiled under the title of "The Revised Statutes of the United States." In this compilation the regulations for preventing collisions were amended and appeared as section 4233.

In 1878 the British Government submitted for the approval of the United States a set of amended regulations for preventing collisions at sea. These regulations were approved by the Treasury Department for the United States Government, and the British Government was notified of this approval, and partially in consequence of this approval the British Government made them statutory.

In 1879 a bill was submitted to the consideration of the Committees on Commerce of Congress proposing certain amendments to section 4233 of the Revised Statutes. This bill is still under the consideration of the committees.

These having been the actions of the United States Government, it remains to examine the effects produced by them. Previous to the year 1863 all these actions were strictly within the province of municipal law. In that year Great Britain submitted her rules with the avowed intention of attempting to establish an international maritime law. These rules were approved by the Navy Department for the Government, and in accordance with its suggestions the rules so amended as to extend their force to United States inland waters were made statutory. In suggesting these amendments directly to Congress the examining officers encroached upon the specific duties of the supervising inspectors, who, as shown above, made regulations for inland waters. They furthermore failed to comprehend the strictly international signification of the rules in recommending them for inland waters, although it was plainly evident that in certain places local regulations might be necessary which would interfere if not conflict with the rules for the sea. This point was even made by the British Goverment in subsequent correspondence. No notice, however, was taken of it, and the British Government in a circular shortly afterward issued to all governments, naming those powers who had approved the regulations, mentions the United States in the list, as follows:

"United States sea-going ships.

"United States inland waters."

Our Government being the only one in which inland waters are mentioned. In 1865 the Board of Supervising Inspectors, in conformity with the powers delegated to it by Congress, made certain pilot rules for lake and seaboard, and "pilot rules for Western rivers." The necessity for these rules is unquestionable, and in framing them it was necessary to depart in many particulars from the precepts of the general rules which had become international. The making of such rules did not imply any violation of the international rules, but no information of their enactment was given to foreign countries. Thus an act of discourtesy to all nations was done by the United States in leaving them to believe that the general rules applied still to our inland waters. Although naval vessels are constantly patrolling our lakes, seaboard, and Western rivers, no notification of the enactment of these rules appears to have ever been given to the Navy Department. This notification was a matter of prime necessity, as, since naval vessels are by statute exempted from the control of such municipal laws, the Navy Department should have been notified in order that proper and conforming regulations could be issued for its guidance.

In 1874 the regulations were inserted as section 4233 of the Revised Statutes, the wording having been amended. As long as the intent of the international rules remained unchanged and intact, the right to amend the wording was indisputable. But whatever power the Government may possess, it had not the right to in any way impair the signification of the international rules. (*Vide* Supreme Court opinion above quoted.) The wording of section 4233 is changed in many places. Omitting all changes that do not modify the intent, attention is called to the following points. In the second clause of the first article or rule the following difference of reading occurs:

International rule: "And every steamship which is under steam, whether under sail or not, is to be considered a ship under steam."

Statute rule: "And every steam-vessel, which is under steam, whether under sail or not, shall be considered a steam-vessel."

By this change it is claimed that the sense of the law is mutilated if not perverted; for by referring to the opening words of rules 18 and 19 we find, "If two vessels under steam are * * * ." The question arises, what constitutes a vessel under steam? This point is specifically answered in the international rule. It is not even referred to in the statute, and by the latter the claim may be set up that a vessel under steam and sail is not to be considered a vessel under steam. To landsmen this may appear a quibble, but it is by no means the case. A steam-vessel having the wind in her favor may set all her sails, and use only so much of her steam power as will overcome the resistance of the propeller to the water, in order to economize fuel. In this condition she is under steam and sail, but her steam power is not sufficient to control her movements. This is a condition in which naval vessels of all nations are very commonly placed, and merchant vessels frequently; and it is seen at a glance that in case of collision this question would certainly arise, and could only be decided by referring to the intent of the statute as expressed in the original rule.

It is objected to the statutory reading that it is in no sense a definition, as it reduces itself to defining a steam-vessel as being a steam-vessel when under steam.

Article XX of the international rules reads as follows:

"Nothing in these rules shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case."

This article is of such importance that its precepts are found repeatedly quoted in admiralty opinions, yet it is entirely omitted from the statutes.

Rule 14 of the Revised Statutes reads as follows:

"The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special circumstances of the service may require it."

This is a complete precept affecting all the international light rules, but it is neither expressed nor implied in the original rules, nor does it appear in the latest authorized regulations of the Navy, although of application to naval vessels only. More than this, the rule itself is in direct violation of the principles of international law.

No matter what rights naval vessels may claim during war time within the jurisdiction of the United States, they can not jeopardize neutral life and property on the high seas. A defense founded on this rule in any foreign court or in courts of arbitration would not stand an instant.

The rules being originally intended to form an integral part of international maritime law, and as such having received the approval of the United States in common with the rest of the commercial world, it became not only a point of national honor, but one of necessity, in order to guard them against mischievous legislation, that they should of themselves form a single section of the statutes, from which all strictly municipal regulations should have been carefully excluded.

By reference to section 4233 it will be found that rules 6, 7, and 12 are regulations neither mentioned nor contemplated in the original rules. They are now and by their nature must always be municipal regulations, and however absolute the necessity for their existence may be they are out of place in the midst of international rules. The rules for preventing collisions having become *de facto* an integral part of international maritime law before the Revised Statutes were compiled, the above-mentioned examples clearly show that in approving section 4233 the United States Government did violence to the laws of the sea.

It has been stated that in 1878 the British Government submitted revised rules for the approval of the United States, and that the approval was given by the Treasury Department for the Government. In so far as the merchant marine was concerned, this approval was perfectly regular, provided that such approval originated with the board of supervising inspectors, in whom lies the power delegated by Congress to make regulations of this nature for the merchant marine.

That the approval did so originate is doubted.

There was no authority, however, for the Treasury Department to examine and approve these rules for the Navy. That an examination by the Navy Department was necessary is plainly evident from the fact that one of the new rules affects naval vessels especially. Leaving this special case, however, out of consideration, the fact remains that we have squadrons of naval vessels constantly cruising on the high seas and in foreign waters which must be guided by the law of the sea; therefore the controlling authority of these vessels should certainly be consulted with regard to amendments in the law which affect these vessels. Our manner of legislation upon this subject being thus proved faulty and injurious, the questions arise, To whom is the fault attributable? And how may it be remedied? The responsibility lies directly with Congress, but in a matter of this kind Congress alone is not competent to judge of the technicalities and must call to its assistance authorities on marine affairs. The fault originally must be placed at the doors of the Navy Department, whose officers, in 1863, having in their possession a knowledge of the methods adopted by Great Britain in framing the rules, approved of them arbitrarily for both the Navy and merchant marine. Had it not been during a time of war, when our sea-going commerce was almost totally destroyed, and when all such matters were naturally referred to the Navy Department, this general approval would not have escaped protest by the Treasury Department, and proper means for approving the rules would have been used.

Since amended rules have now been approved and legislated upon by fifteen of the principal maritime nations of the world, the present seems to be the proper time to remedy former faults, and to aid instead of obstruct the development of international law.

In seeking the remedy it is not out of place to refer to the actions of the British Parliament under similar circumstances. We find that invariably when it became necessary to legislate upon collision rules committees were formed as parliamentary advisers, in which the whole British marine was represented. First it was the British admiralty alone; then the admiralty and Trinity House; then the admiralty, the Trinity House, and the board of trade; and finally, when the rules became international, the marine authorities of the entire commercial world.

In the United States we have no national board of trade or national pilot control. The board of supervising inspectors, in a manner, possess the authority in regard to steering and light rules that is vested in Great Britain in the board of trade and Trinity House. It would seem that in appointing an advisory board, to properly examine the amended rules, a difficulty would arise in providing a fair and competent representation for the merchant marine, for the reason that although the power to make regulations with regard to lights and pilotage is vested in the board of supervising inspectors, the members of that board are not necessarily experts in general maritime affairs. The special function of the members of this board is the examination of marine boilers; and although the general control of pilotage matters is in their hands, the more immediate practical control is vested in local pilot commissioners.

The approval of the new rules by the Treasury Department having been improper, I would respectfully suggest that a re-examination of them be ordered by Congress, to be made by a committee representing the whole marine. A committee composed of the following members would, I think, meet the requirements:

Two naval officers: To represent the Navy.

Two supervising inspectors: To represent the merchant marine.

One revenue officer: To represent the revenue marine and act as adviser to the inspectors.

One pilot commissioner: Chosen from among the pilot commissioners of one of our large seaports, to represent pilot interests and act as adviser to the inspectors.

One naval officer: To represent the interests of international maritime law exclusively.

In this manner there would be three members chosen directly from the Navy Department, three from the Treasury Department, and one from a local control; all branches of marine interest would be properly represented, and matters of international import would be properly guarded.

I respectfully call attention to the fact that the United States Government is already committed to an approval of the new rules, and, as they have at this time become a part of international law, the Government is bound to act in accordance with all the precepts therein stated. The functions of the examining board would be confined to making such amendments of the wording as may seem proper and necessary. They are at liberty to enlarge the precepts, but not to curtail them.

I respectfully recommend that whatever rules be approved by this committee should be approved by the Navy and Treasury Departments before being submitted to Congress, and after being made statutory they should be brought to the notice of all foreign maritime nations who have already approved the amended British rules.

Very repsectfully,

R. W. THOMPSON,
*Secretary of the Navy.*

Hon. SAMUEL J. RANDALL,
*Speaker of the House of Representatives.*

The SPEAKER. The Chair hears no objection, and the bill is before the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASING PREMISES FOR POST-OFFICE PURPOSES.

Mr. SKINNER, of New York. Mr. Speaker, I move by unanimous consent to take from the Speaker's table the bill (S. 1508) to authorize the Postmaster-General to lease premises for use of post-offices for more than one year.

I ask to make a statement of about a minute long.

The SPEAKER. Is there objection to the statement?

There was no objection.

Mr. SKINNER, of New York. Mr. Speaker, this bill has passed the Senate and has been unanimously reported from the Committee on the Post-Office and Post-Roads of this House, and it is earnestly desired by the authorities of the Post-Office Department, and for this reason: the Court of Claims has recently decided that the Government has no authority to lease beyond one year, or during the life of an appropriation bill. The result is that the Government is paying from 33⅓ to 50 per cent. more than private individuals for rent of buildings when they are obliged to make leases. It is a business proposition, and will result in a saving to the Post-Office Department. It is the unanimous report of the Committee on Post-Offices and Post-Roads of both Houses.

Mr. WELLER. What period of time does it provide that leases shall run?

Mr. SKINNER, of New York. It provides that the Post-Office Department may lease such buildings up to a period of ten years, but leases will be rescinded when the premises become unfit for occupancy.

Mr. WELLER. I should like to ask the further question whether there is any provision for rescinding a lease when the Post-Office can rent on more advantageous terms?

Mr. SKINNER, of New York. That provision is contained in the bill, giving that discretion to the Postmaster-General.

The bill was read.

Mr. YOUNG. The Committee on Public Buildings and Grounds have been considering this question, and for the present I must object. I do not object to its reference to the Committee on Public Buildings and Grounds.

Mr. SKINNER, of New York. The subject has been considered by the Committee on the Post-Office and Post-Roads of both Houses, and it is a matter especially belonging to that committee.

Mr. YOUNG. I must object.

The SPEAKER. The bill is not before the House.

EIGHT-HOUR LAW.

Mr. LOVERING. I ask by unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 4592) to pay to employés of the Government wages hitherto withheld in violation of the eight-hour law, together with the accompanyng report. It was reported from the Committee on Labor under a misapprehension, as the subject was not referred to that committee, but to another committee.

There was no objection, and it was ordered accordingly.

CORRECTION OF ENROLLMENT.

Mr. NEECE, from the Committee on Enrolled Bills, reported the following resolution; which was read, considered, and agreed to:

*Resolved by the House of Representatives (the Senate concurring)*, That the enrolling clerk of the House in the enrollment of the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing a penalty therefor, be directed to substitute the word "therefor" for the word "thereof" where it appears in the Senate amendment amending the title of said bill.

ELLEN CALL LONG AND MARY K. BREVARD.

Mr. BISBEE. I ask by unanimous consent to take from the Speaker's table the bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard for present consideration.

Mr. COX, of North Carolina. I do not object to taking up the bill for reference to the appropriate committee, but I do object to its being taken up for action.

Mr. MILLS. There are a great many of such cases, and they ought to be considered in their order.

Mr. BISBEE. Let me make a few moments' explanation, and I am sure objection to the passage of this bill will be withdrawn. The House committee have reported unanimously on the same subject.

Mr. MILLS. As I have said, there are lots of just such bills on the Calendar.

Mr. WARNER, of Ohio. The report of the committee of the House was not unanimous in this case, I think. Let it be referred.

Mr. BISBEE. Well, if I can not pass it, let it be referred.

The bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

PATRICK V. DOLAN.

Mr. GIBSON. I ask unanimous consent to offer a resolution simply for reference to the Committee on Accounts.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

*Resolved*, That the Clerk of the House be, and he is hereby, directed to pay Patrick V. Dolan, out of the contingent fund of the House, a sum equal to the difference between the compensation received by him as laborer in the House Library and that as paid to the messenger in the House Library, at $3.60 per day from the 15th of December, 1883.

There being no objection, the resolution was referred to the Committee on Accounts.

PUBLIC LANDS, NEBRASKA AND KANSAS.

On motion of Mr. PAYSON, by unanimous consent, the bill (S. 57) for the relief of the settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Public Lands.

TRANSPORTATION OF ANIMALS TO BE USED AS FOOD.

Mr. HOPKINS. I ask unanimous consent to present a resolution for reference to the Committee on Commerce.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The resolution was read. It is as follows:

Whereas it is charged that the present system of transporting live-stock by

railroad companies engaged in interstate commerce is barbarous and destructive, that 10 per cent. of the animals perish in consequence of this treatment, and the flesh of the remainder is rendered unfit for human food; and

Whereas it is charged that the flesh of animals so treated, including that of the dead and dying, is sold to the people, and can not when dressed be distinguished from sound meats, and is the source of many and various diseases; and

Whereas it appears by a report of the Committee on Agriculture of this House, January 21, 1875, that the loss by shrinkage alone in the weight of animals, caused by this system of transportation, amounted to the immense sum of $8,000,000 on the business of 1870, and must now be nearly or quite $16,000,000 per annum; and

Whereas it has been charged that said railroad companies, by a system of favoritism, give to a small number of persons known as the Association of Eveners a bonus or gift of about $15 upon every car-load of beef cattle shipped from West to East, said sum being no part of the actual legitimate cost of transportation, but is on the contrary collected by the transporters and paid over to the so-called eveners as a mere gratuity; and

Whereas the losses and charges alone constitute in the aggregate an enormous tax upon a necessary article of food, which must be borne by producer and consumer alike, diminishing the just profits of the meat-growers in the West and placing meat-food in many instances beyond the reach of the poor man in the East; and

Whereas it is charged that the act of Congress requiring railroad companies to unload stock *in transitu* at least once in every period of twenty-eight hours to be fed, watered, and rested, unless carried in cars in which the animals are adequately fed, watered, and rested without unloading, is habitually violated: Therefore,

*Resolved*, That the Committee on Commerce be instructed to inquire whether these evils do in fact exist, and to what extent they may be remedied by law, with power to send for persons and papers, and with directions to report at any time, by bill or otherwise.

There being no objection, the resolution was referred to the Committee on Commerce.

GUANO ISLANDS.

Mr. HITT. I ask unanimous consent to take from the Speaker's table the bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes, title 72, in relation to guano islands, for present consideration.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

Mr. HITT. That bill, Mr. Speaker, has been reported unanimously by the Committee on Foreign Affairs of two Congresses.

The SPEAKER. The Chair will first ask if there is objection to the present consideration of the bill?

Mr. WELLER. I object.

ORDER OF BUSINESS.

Mr. BISBEE. I demand the regular order.

Mr. WARNER, of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 421 for reference to the Committee on War Claims.

The SPEAKER. The regular order being demanded, unless that be withdrawn, will prevent the request of the gentleman from Tennessee.

Mr. BISBEE. I insist upon the regular order.

UTAH AND NORTHERN RAILROAD COMPANY.

Mr. VALENTINE. Mr. Speaker, I rise to a privileged question. I offer the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will determine whether or not it presents a question of privilege.

The Clerk read as follows:

*Resolved*, That the Committee on the Public Lands be discharged from the further consideration of House bill 6333, granting right of way to the Utah and Northern Railroad Company, and that the same be referred to the Committee on Pacific Railroads.

The SPEAKER. Does the gentleman hold that it was an erroneous reference of the bill under the rules?

Mr. VALENTINE. Yes, sir. I will send the bill up.

Mr. BELFORD. I would like to know what it is.

Mr. VALENTINE. I will ask that the bill be read.

Mr. BELFORD. Unless the members of this House can have an hour every morning for the consideration of bills, I will object to every bill by unanimous consent.

The SPEAKER. The gentleman from Nebraska submits this as a question of privilege. The Chair will cause the bill to be read, to determine whether it presents a matter of privilege or not.

The bill was read at length.

Mr. BELFORD. I object to that change of reference.

Mr. VALENTINE. Let us have a vote upon it.

The SPEAKER. The gentleman, as the Chair understood, claimed that it was a matter of privilege.

Mr. VALENTINE. I will state, Mr. Speaker, that this bill was presented for the purpose of obtaining the right of way for this railroad company through the National Park. It is to make a connection with the Northern Pacific Railroad and the Union Pacific Railroad through the National Park. It is identically the same thing asked for by House bill——

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. I ask whether that was a proper reference in the first instance under the rules of the House?

The SPEAKER. The Chair is endeavoring to ascertain. If it was properly referred, the resolution is not a matter of privilege. If it was improperly referred in the first instance, it is a matter of privilege according to decisions heretofore made by the House on a submission of the same question.

Mr. VALENTINE. The only object I have in asking this change of reference is this: that it is a matter which should be determined by the Committee on the Pacific Railroads. A bill was introduced and referred to that committee on the 29th of January granting the right of way to the Cinnabar and Clark's Fork Railroad Company, to connect the North Pacific Railroad with the Clark's Fork mines, introduced by the Delegate from Montana [Mr. MAGINNIS]. That bill granted a right of way to this company through this identical reservation. It provided for making a connection through that reservation from the Northern Pacific road to the Union Pacific——

Mr. CASSIDY. That did not encroach upon the park, however.

Mr. VALENTINE. The effect is the same exactly as that proposed by the bill I have suggested.

Mr. CASSIDY. It merely entered in at one part of the park and went out at another.

Mr. VALENTINE. This is the same.

The SPEAKER. The Chair desires to call the attention of the gentleman from Nebraska to the fact that this bill, while it relates to the railroad and telegraph lines between the Mississippi River and the Pacific coast, which, if it were the only subject introduced by the bill, would take it to the Committee on the Pacific Railroads, also relates to the lands of the United States, which, if that were the only subject, would take it to the Committee on the Public Lands.

Mr. VALENTINE. The Committee on the Public Lands of course would have no jurisdiction of this matter, because the bill itself makes it subject now to the law upon that question. They have the right—these railroads—to go through the public lands of the United States under existing law. They have that right by simply filing a map of definite location. But, Mr. Speaker, they have no right under any existing law to go through a reserve, a park, a national park, or other public grounds of the United States reserved by the Government for park purposes.

The SPEAKER. Does not that take the bill therefore to the Committee on Public Lands?

Mr. VALENTINE. I think not. But if the Speaker so decides I am willing to leave the bill where it is.

The SPEAKER. The Chair thinks the bill might have been sent by the House under the rules to either one of those committees, because it relates to two subjects, over one of which the Committee on Public Lands has jurisdiction and over the other the Committee on Pacific Railroads.

Mr. VALENTINE. I think both the bills of like import should have gone to the same committee.

Mr. HOLMAN. It is not a matter of privilege?

The SPEAKER. It is not.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. Under the resolution adopted by the House on Monday this day has been assigned for the consideration of bills reported by the Committee on Public Buildings and Grounds and Senate bills on the Speaker's table relating to the erection of public buildings.

Mr. WARNER, of Ohio. What becomes of the unfinished business, the bill which was under consideration on Saturday, reported from the Committee on Public Lands?

The SPEAKER. The unfinished business was not a special order. The Chair will cause the resolution of the House to be read.

Mr. HOLMAN. The bill from the Committee on the Public Lands was called up under a special order of the House.

The SPEAKER. The Chair will first cause the resolution adopted on Monday to be read. It is not entirely free from difficulty, but the Chair thinks its execution can be called for as against the regular order.

The Clerk read as follows:

*Resolved*, That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made; and that in the consideration of each bill and its amendments not more than thirty minutes shall be consumed in debate, fifteen minutes on each side.

Mr. REAGAN. I propose to antagonize that special order by calling up the bill (H. R. 5461) reported from the Committee on Commerce for the regulation of interstate commerce.

The SPEAKER. That can be done. The Chair will state in regard to the unfinished business that if it had not been for the adoption of the resolution just read the unfinished business, being a report from the Committee on the Public Lands, would have come up as the regular order this morning. But that resolution displaces the regular order and excepts nothing but special orders previously made and bills making appropriations and revenue bills.

Mr. WARNER, of Ohio. But does it displace a prior special order?

The SPEAKER. It does not.

Mr. WARNER, of Ohio. I allude to the special order under which the Committee on Public Lands presented that bill.

Mr. TALBOTT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBOTT. Does that special order set aside the morning hour?

The SPEAKER. It does. It is an assignment of a day subject only to certain exceptions which are enumerated in the resolution.

The Chair will state in response to the gentleman from Ohio [Mr. WARNER] that the bill reported from the Committee on the Public Lands was not a special order, but it was called up under a resolution of the House which gave to that committee the privilege to report at any time for consideration, and it stood precisely on the same footing as an appropriation bill or a bill raising revenue, which bills may be reported at any time, under the rules of the House, for consideration.

Mr. WARNER, of Ohio. This is a continuing special order, and it takes precedence of all other business of the House for to-day, does it?

The SPEAKER. Except special orders theretofore made and appropriation bills and bills raising revenue. And whenever a gentleman calls up a special order previously made the House must determine not to consider that before it can go on with the business under this resolution.

Mr. WELLER. I desire to make a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. WELLER. My inquiry is if the present ruling of the Chair excludes committees from making reports this morning?

The SPEAKER. It does.

Mr. REAGAN. I propose to antagonize the special order made by the resolution of the House on Monday with the prior special order, the bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

Mr. MILLS. As I understand, those who vote "ay" will vote to take up the special order for the consideration of bills reported by the Committee on Public Buildings and Grounds.

The SPEAKER. The Chair had better state the question. The gentleman from Texas [Mr. REAGAN] calls up a special order made before the passage of the resolution with reference to the bills reported by the Committee on Public Buildings and Grounds. Under the rules of the House the question must be first taken on the motion of the gentleman from Texas to take up the special order which he has indicated. Those who vote "ay" will vote to take up the bill indicated by the gentleman from Texas [Mr. REAGAN].

Mr. DINGLEY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. A special order has been made by the House for the consideration of the bill to relieve American shipping. That order was made for the 13th of March, to continue from day to day thereafter. The bill which the gentleman from Texas [Mr. REAGAN] proposes to call up was made a special order for March 18. Would not a motion be in order at the present time to proceed with the consideration of the prior order, the bill for the relief of American shipping?

The SPEAKER. That bill can only be reached by moving to go into Committee of the Whole House on the state of the Union to consider that order, and that motion would have precedence over the special order called up by the gentleman from Texas.

Mr. DINGLEY. I move, then, that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the special order, the bill (H. R. 2288) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, a bill which has stood at the head of the Calendar for more than two months.

Mr. REAGAN. I submit that that motion is not in order.

The SPEAKER. It is in order. The gentleman moves to go into Committee of the Whole for the purpose of considering a special order fixed for a day prior to the day indicated for the consideration of the bill to which the gentleman from Texas [Mr. REAGAN] refers.

Mr. REAGAN. While the bill was set down to be considered at an earlier day than the one I desire to call up, the order for that was made after the order for the bill to which I refer.

The SPEAKER. The priority of the day fixed for the consideration of a bill determines the order of precedence, and not the day when the order fixing such date was made. For instance, if the House should make an order to consider a given bill on the 16th, and should subsequently make an order to consider another bill on the 15th, that would be a clear indication of the desire of the House to first consider the latter bill.

Mr. DINGLEY. Both orders were made on the same day.

The SPEAKER. The question is on the motion of the gentleman from Maine that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, made a special order for the 13th day of March.

The question was taken upon the motion of Mr. DINGLEY; and upon a division there were—ayes 71, noes 82.

Before the result of the vote was announced,

Mr. DINGLEY called for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 35 in the affirmative.

The SPEAKER. That is more than one-fifth of the last vote.

Mr. GUENTHER. I call for a count of the other side.

Those opposed to taking the yeas and nays were then counted.

The SPEAKER. Those demanding the yeas and nays are 35, those against it are 111. More than one-fifth having demanded the yeas and nays, they are ordered.

### LEAVE OF ABSENCE.

The SPEAKER. Before the roll is called the Chair asks leave to submit to the House certain personal requests.

There was no objection.

Mr. ROSECRANS, chairman of the Committee on Military Affairs, asked and obtained leave of absense for two days for himself and other members of the committee to inspect the soldiers' home at Hampton, Va.

Leave of absence was also granted as follows:

To Mr. CONNOLLY, until Saturday next.

To Mr. BROWNE, of Indiana, for ten days from to-morrow, on account of important business.

To Mr. CUTCHEON, for two days.

To Mr. COX, of New York, for the remainder of this week, on account of important business.

To Mr. MCCORMICK, until the 21st instant.

To Mr. SMALLS, for fifteen days, on account of important business.

To Mr. FYAN, for ten days, on account of important business.

To Mr. STEWART, of Vermont, for one week from the 8th instant, on account of important business.

To Mr. HILL, for ten days, on account of important business.

### PRINTING A BILL.

Mr. WILLIS asked and obtained unanimous consent that Senate bill (S. 398) to aid in the establishment and temporary support of common schools, now on the Speaker's table, be printed for the use of the House.

### ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Maine [Mr. DINGLEY] that the House now resolve itself into Committee of the Whole for the purpose of considering House bill No. 2228, to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, made a special order for the 13th of March. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 76, nays 157, not voting 89; as follows:

YEAS—76.

Adams, J. J.
Bagley,
Beach,
Belmont,
Bingham,
Blackburn,
Blanchard,
Boutelle,
Brewer, F. B.
Brewer, J. H.
Brumm,
Buckner,
Burleigh,
Campbell, Felix
Campbell, J. M.
Cannon,
Chace,
Cox, W. R.
Davis, L. H.
Deuster,
Dibble,
Dingley,
Dorsheimer,
Fiedler,
Findlay,
Foran,
Garrison,
Greenleaf,
Harmer,
Hart,
Hatch, H. H.
Henderson, T. J.
Holman,
Houseman,
Howey,
Hunt,
James,
Jones, B. W.
Kasson,
Kelley,
Kleiner,
Le Fevre,
Long,
Lore,
Lyman,
McKinley,
McMillin,
Morse,
Nutting,
O'Neill, Charles
Parker,
Price,
Ranney,
Ray, Ossian
Reed,
Riggs,
Robinson, W. E.
Rockwell,
Rogers, W. F.
Russell,
Shaw,
Skinner, C. R.
Spooner,
Spriggs,
Springer,
Stephenson,
Stevens,
Stewart, Charles
Taylor, E. B.
Taylor, J. D.
Thompson,
Throckmorton,
Van Eaton,
Warner, A. J.
Whiting,
Wood.

NAYS—157.

Adams, G. E.
Aiken,
Alexander,
Anderson,
Atkinson,
Ballentine,
Barksdale,
Belford,
Bennett,
Bisbee,
Bland,
Blount,
Brainerd,
Breitung,
Broadhead,
Brown, W. W.
Buchanan,
Budd,
Burnes,
Carleton,
Cassidy,
Clardy,
Clay,
Cobb,
Collins,
Converse,
Cosgrove,
Covington,
Crisp,
Culberson, D. B.
Cullen,
Dargan,
Dibrell,
Dockery,
Dowd,
Dunn,
Eaton,
Eldredge,
Ellwood,
Ermentrout,
Everhart,
Evins, J. H.
Forney,
Funston,
Glascock,
Goff,
Graves,
Green,
Guenther,
Halsell,
Hanback,
Hancock,
Hardeman,
Hatch, W. H.
Haynes,
Hemphill,
Henderson, D. B.
Henley,
Hepburn,
Herbert,
Hewitt, G. W.
Hiscock,
Hitt,
Hoblitzell,
Holmes,
Holton,
Hopkins,
Jeffords,
Jones, J. H.
Jones, J. K.
Jones, J. T.
Keifer,
Lacey,
Laird,
Lamb,
Lanham,
Lawrence,
Lewis,
Libbey,
Lovering,
Lowry,
McAdoo,
McCoid,
Matson,
Maybury,
Miller, J. F.
Mills,
Mitchell,
Money,
Morrill,
Morrison,
Moulton,
Muldrow,
Neece,
Nelson,
Nicholls,
Oates,
Ochiltree,
Patton,
Payne,
Payson,
Pierce,
Peel, S. W.
Peelle, S. J.
Perkins,
Peters,
Poland,
Pryor,
Pusey,
Ray, G. W.
Reagan,
Reese,
Robertson,
Rogers, J. H.
Rosecrans,
Rowell,
Ryan,
Scales,
Seney,
Seymour,
Shelley,
Skinner, T. G.
Smith,
Stockslager,
Strait,
Struble,
Sumner, D. H.
Talbott,
Taylor, J. M.
Tillman,
Tucker,
Tully,
Turner, H. G.
Turner, Oscar
Valentine,
Van Alstyne,
Vance,
Wakefield,
Ward,
Warner, Richard
Weaver,
Wellborn,
Weller,
Wemple,
White, Milo
Wilkins,
Williams,
Willis,
Wilson, James
Wilson, W. L.
Winans, E. B.
Wise, G. D.
Wolford,
Woodward,
Yaple,
York,
Young.

NOT VOTING—89.

| | | | |
|---|---|---|---|
| Arnot, | Dunham, | Kellogg, | Rice, |
| Barbour, | Elliott, | Ketcham, | Robinson, J. S. |
| Barr, | Ellis, | King, | Singleton, |
| Bayne, | Evans, I. N. | McComas, | Slocum, |
| Bowen, | Ferrell, | McCormick, | Smalls, |
| Boyle, | Finerty, | Millard, | Snyder, |
| Breckinridge, | Follett, | Miller, S. H. | Steele, |
| Browne, T. M. | Fyan, | Milliken, | Stewart, J. W. |
| Cabell, | Geddes, | Morey, | Stone. |
| Caldwell, | George, | Morgan, | Storm, |
| Calkins, | Gibson, | Muller, | Sumner, C. A. |
| Candler, | Hammond, | Murphy, | Thomas, |
| Clements, | Hardy, | Murray, | Townshend, |
| Connolly, | Hewitt, A. S. | Mutchler, | Wadsworth, |
| Cook, | Hill, | O'Hara, | Wait, |
| Cox, S. S. | Hooper, | O'Neill, J. J. | Washburn, |
| Culbertson, W. W. | Horr, | Paige, | White, J. D. |
| Curtin, | Houk, | Pettibone, | Winans, John |
| Cutcheon, | Hurd, | Phelps, | Wise, J. S. |
| Davidson, | Hutchins, | Post, | Worthington. |
| Davis, G. R. | Johnson, | Potter, | |
| Davis, R. T. | Jordan, | Randall, | |
| Duncan, | Kean, | Rankin, | |

So the motion of Mr. DINGLEY was not agreed to.

The following members were announced as paired on all political questions until further notice:

Mr. WASHBURN with Mr. TOWNSHEND.

Mr. FOLLETT with Mr. DAVIS, of Illinois.

Mr. SNYDER with Mr. BARR.

Mr. HERBERT with Mr. OCHILTREE.

Mr. POST, of Pennsylvania, with Mr. EVANS, of Pennsylvania.

Mr. DAVIDSON with Mr. JOHN S. WISE.

Mr. ARNOT with Mr. BURLEIGH.

Mr. DUNCAN with Mr. SMITH.

Mr. MCADOO with Mr. THOMAS.

Mr. MORGAN with Mr. MORRILL.

Mr. COOK with Mr. MILLER, of Pennsylvania.

Mr. WEMPLE with Mr. JOHNSON.

Mr. CUTCHEON with Mr. KEAN.

Mr. MULLER with Mr. WAIT.

Mr. O'NEILL, of Missouri, with Mr. DUNHAM.

Mr. POTTER with Mr. MILLARD.

Mr. RANKIN with Mr. ROBINSON, of Ohio.

Mr. FYAN with Mr. PETTIBONE.

Mr. ELLIOTT with Mr. RICE.

Mr. CONNOLLY with Mr. SMALLS.

Mr. CANDLER with Mr. MCCORMICK.

The following were announced as paired for this day:

Mr. HAMMOND with Mr. KETCHAM.

Mr. GEDDES with Mr. BAYNE.

The following were also announced as paired:

Mr. WORTHINGTON with Mr. BOWEN, until April 14.

Mr. BOYLE with Mr. LAWRENCE, until April 10.

Mr. DORSHEIMER with Mr. O'HARA, until April 14.

Mr. HILL with Mr. HOUK, until April 18.

Mr. STORM with Mr. STEWART, of Vermont, until April 11.

Mr. COX, of New York, with Mr. MOREY, until April 14.

Mr. PAIGE with Mr. BROWNE, of Indiana, until April 19.

Mr. MURRAY with Mr. CUTCHEON, until April 11.

Mr. MCMILLIN. Mr. Speaker, my colleague, Mr. CALDWELL, is detained at home on account of sickness

Mr. MCADOO. If I correctly heard the Clerk I was announced as paired with the gentleman from Illinois [Mr. THOMAS] on all questions. My understanding is that I am paired on political questions only, and, therefore, I have voted.

The result of the vote was announced as above stated.

Mr. PAYSON. I rise to a parliamentary inquiry. Will it be in order at this time to present, as an amendment to the proposition of the gentleman from Texas, the question whether the House will consider the unfinished business of last Saturday?

The SPEAKER. The Chair thinks not. The unfinished business would have been the regular order, but the regular order is displaced by the resolution adopted on last Monday.

Mr. PAYSON. But that subject having been up and its consideration having been entered upon, why can not the question be presented at this time?

The SPEAKER. Because the resolution of the House adopted last Monday assigns this day to the consideration of a particular class of business, with certain specific exceptions; and the unfinished business is not one of the exceptions. The Clerk will read the title of the bill which the gentleman from Texas moves to take up.

The Clerk read as follows:

A bill (H. R. 5461) to establish a board of commissioners of interstate commerce and to regulate such commerce.

The SPEAKER. The gentleman from Texas moves to take up this special order, and the question of consideration is raised against it. The question is, Will the House now proceed to the consideration of the bill the title of which has just been read?

The question having been put,

The SPEAKER said: The noes appear to have it.

Mr. REAGAN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 120, not voting 100; as follows:

YEAS—102.

| | | | |
|---|---|---|---|
| Alexander, | Dockery, | Kasson, | Stewart, Charles |
| Anderson, | Dunn, | Kleiner, | Struble, |
| Bagley, | Eaton, | Lacey, | Sumner, D. H. |
| Ballentine, | Eldredge, | Lamb, | Taylor, J. M. |
| Barksdale, | Ellwood, | Lanham, | Thompson, |
| Beach, | Fiedler, | Le Fevre, | Throckmorton, |
| Belmont, | Foran, | McComas, | Tillman, |
| Bennett, | Forney, | McKinley, | Tully, |
| Blanchard, | Gibson, | McMillin, | Turner, H. G. |
| Bland, | Glascock, | Matson, | Turner, Oscar |
| Breckinridge, | Graves, | Miller, J. F. | Valentine, |
| Brumm, | Halsell, | Morrison, | Warner, A. J. |
| Buckner, | Hanback, | Morse, | Warner, Richard |
| Budd, | Hatch, W. H. | Moulton, | Weaver, |
| Burnes, | Henderson, T. J. | Neece, | Wellborn, |
| Cabell, | Henley, | Oates, | Weller, |
| Cannon, | Herbert, | Payson, | Whiting, |
| Clardy, | Hewitt, A. S. | Peelle, S. J. | Wilkins, |
| Clay, | Hewitt, G. W. | Pierce, | Williams, |
| Converse, | Hitt, | Price, | Wilson, James |
| Cosgrove, | Hoblitzell, | Reagan, | Wilson, W. L. |
| Cox, W. R. | Holman, | Riggs, | Winans, E. B. |
| Culberson, D. B. | Holmes, | Robertson, | Wood, |
| Dargan, | Jones, B. W. | Rosecrans, | Yaple. |
| Davis, L. H. | Jones, J. K. | Springer, | |
| Deuster, | Jones, J. T. | Stephenson, | |

NAYS—120.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ermentrout, | Libbey, | Rogers, J. H. |
| Aiken, | Everhart, | Lore, | Rogers, W. F. |
| Atkinson, | Evins, J. H. | Lovering, | Rowell, |
| Belford, | Ferrell, | Lowry, | Russell, |
| Bingham, | Findlay, | Lyman, | Scales, |
| Bisbee, | Funston, | McCoid, | Seney, |
| Blount, | George, | Maybury, | Shaw, |
| Boutelle, | Goff, | Milliken, | Skinner, C. R. |
| Brainerd, | Green, | Mills, | Skinner, T. G. |
| Breitung, | Greenleaf, | Mitchell, | Smith, |
| Brewer, F. B. | Hardeman, | Money, | Spooner, |
| Brewer, J. H. | Harmer, | Morrill, | Stevens, |
| Broadhead, | Haynes, | Muldrow, | Stockslager, |
| Brown, W. W. | Hemphill, | Nelson, | Stone, |
| Buchanan, | Henderson, D. B. | Nicholls, | Talbott, |
| Burleigh, | Hiscock, | Nutting, | Taylor, E. B. |
| Campbell, Felix | Holton, | O'Neill, Charles | Taylor, J. D. |
| Campbell, J. M. | Hopkins, | Parker, | Tucker, |
| Carleton, | Horr, | Patton, | Van Alstyne, |
| Cassidy, | Houseman, | Payne, | Vance, |
| Cobb, | Howey, | Peel, S. W. | Van Eaton, |
| Collins, | Hunt, | Perkins, | Wakefield, |
| Covington, | Hurd, | Phelps, | Ward, |
| Crisp, | Jeffords, | Poland, | Wemple, |
| Culbertson, W. W. | Jones, J. H. | Pryor, | Willis, |
| Cullen, | Keifer, | Pusey, | Wise, G. D. |
| Dibble, | Kelley, | Ranney, | Wolford, |
| Dibrell, | Laird, | Ray, G. W. | Woodward, |
| Dowd, | Lawrence, | Reed, | York, |
| Ellis, | Lewis, | Reese, | Young. |

NOT VOTING—100.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dunham, | King, | Robinson, W. E. |
| Arnot, | Elliott, | Long, | Rockwell, |
| Barbour, | Evans, I. N. | McAdoo, | Ryan, |
| Barr, | Finerty, | McCormick, | Seymour, |
| Bayne, | Follett, | Millard, | Shelley, |
| Blackburn, | Fyan, | Miller, S. H. | Singleton, |
| Bowen, | Garrison, | Morey, | Slocum, |
| Boyle, | Geddes, | Morgan, | Smalls, |
| Browne, T. M. | Guenther, | Muller, | Snyder, |
| Caldwell, | Hammond, | Murphy, | Spriggs, |
| Calkins, | Hancock, | Murray, | Steele, |
| Candler, | Hardy, | Mutchler, | Stewart, J. W. |
| Chace, | Hart, | Ochiltree, | Storm, |
| Clements, | Hatch, H. H. | O'Hara, | Strait, |
| Connolly, | Hepburn, | O'Neill, J. J. | Sumner, C. A. |
| Cook, | Hill, | Paige, | Thomas, |
| Cox, S. S. | Hooper, | Peters, | Townshend, |
| Curtin, | Houk, | Pettibone, | Wadsworth, |
| Cutcheon, | Hutchins, | Post, | Wait, |
| Davidson, | James, | Potter, | Washburn, |
| Davis, G. R. | Johnson, | Randall, | White, J. D. |
| Davis, R. T. | Jordan, | Rankin, | White, Milo |
| Dingley, | Kean, | Ray, Ossian | Winans, John |
| Dorsheimer, | Kellogg, | Rice, | Wise, J. S. |
| Duncan, | Ketcham, | Robinson, J. S. | Worthington. |

So the motion of Mr. REAGAN to consider H. R. 5461 was not agreed to.

The following additional pairs were announced:

Mr. RYAN with Mr. BLACKBURN, on all political questions, until further notice.

Mr. KING with Mr. WADSWORTH, on all political questions, until further notice.

Mr. CALDWELL with Mr. STRAIT, on this question.

The result of the vote was announced as above stated.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. Would it not be in order at this time to raise the question of the consideration of the unfinished business before the House—the bill reported from the Committee on the Public Lands?

The SPEAKER. The Chair thinks not, under the resolution adopted by the House on last Monday.

Mr. WARNER, of Ohio. I desire to call the attention of the Speaker

to the last branch of the resolution, providing for the consideration of business from the Committee on the Public Lands:

That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration.

Now, would not an appropriation bill or a revenue bill be entitled to consideration at this time, notwithstanding the special order?

The SPEAKER. It would, because such bills are expressly excepted from the operation of the resolution of Monday last.

Mr. WARNER, of Ohio. The order made by the House on the motion of the gentleman from Indiana [Mr. HOLMAN] provided that the committee on the Public Lands shall be authorized to report such bills at any time, subject only to revenue and appropriation bills, and then it goes on to say, "and the same shall be in like order entitled to consideration."

The SPEAKER. If it had not been for the order of Monday there is no doubt bills from the Committee on Public Lands, for the purposes indicated in the resolution the gentleman from Ohio holds in his hand, would have occupied exactly the same position as general appropriation bills and bills for raising revenue. But when the resolution was passed on Monday last the House thought proper to except appropriation bills and bills raising revenue from the operation of that rule, but did not except bills reported from the Committee on Public Lands.

Mr. HOLMAN. But would the latter resolution, passed under suspension of the rules by the House on Monday last, rescind the order made with precisely the same sanction on the preceding Monday under suspension of the rules? On the preceding Monday the House, by the same vote of two-thirds, suspended the rules and made a special order, so to speak—that is, it certainly made a special order taking a given class of bills out of the general order, making them special and declaring they should have precedence, subject only to revenue and appropriation bills. Now, will a resolution adopted by the House on a subsequent Monday under a like suspension of the rules have the effect of rescinding that prior declaration of the House?

The SPEAKER. If the bill reported by the Committee on Public Lands and heretofore under consideration had been itself a special order it would have been excepted from the operation of the resolution passed on Monday, but it was not a special order. It simply belonged to a class of bills having a certain preference by resolution of the House over other business of the House. The resolution of Monday is very similar to the resolution passed by the House during the present session, and usually passed at each session of Congress, setting apart a particular day or evening for the consideration of pension bills. This is precisely like the resolution on that subject except it makes certain specific exceptions, whereas the resolution in reference to the consideration of pension bills on Friday evening makes no exception; it sets apart a day, assigns it, dedicates it to the consideration of a particular kind of business.

Mr. WARNER, of Ohio. But under the suspension of the rules this class of business of the Committee on Public Lands was made a special order, and was placed in the same category precisely with bills for raising revenue and general appropriation bills. Under that special order made by the House these land-grant bills reported from the Committee on Public Lands were placed precisely in the same category with appropriation and revenue bills. It seems to me, therefore, the unfinished business, being a report from the Committee on Public Lands in reference to the Oregon Railroad grant, was excepted. I ask for the reading of the special order relating to public buildings.

The Clerk read as follows:

*Resolved*, That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made, and that in the consideration of each bill and its amendments not more than thirty minutes shall be consumed in debate, fifteen minutes on each side.

Mr. WARNER, of Ohio. This was a special order, made under suspension of the rules, by which all bills reported from the Committee on Public Lands of the character referred to were placed in the same category precisely with revenue and appropriation bills.

The SPEAKER. That is the exact difficulty. The bill was not made a special order.

Mr. WARNER, of Ohio. But it was by a special order placed in that category.

The SPEAKER. It was not put in a particular place, but it was placed upon the same footing precisely with general appropriation and revenue bills. That is to say, the committee were allowed to report them at any time and to take them up for consideration at any time.

Mr. WARNER, of Ohio. I ask whether it is not in the power of the House to take a vote on the question of consideration as between those bills?

The SPEAKER. The Chair desires to state——

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Now, it is known to the Chair the bills pending for the erection of public buildings and made the subject of a special order for to-day and from day to day until disposed of are bills which involve an appropriation of money out of the Treasury, and under the rules must necessarily have their first consideration in the Committee of the Whole House on the state of the Union.

If the House should then refuse to go into the Committee of the Whole on the state of the Union for the consideration of such bills, would it not then be in order to proceed with the further consideration of the unfinished business of Saturday last?

The SPEAKER. It would be unquestionably, because the bills for the erection of public buildings are left by the resolution subject to the rule, which prevents the House from reaching them at all, except by taking a vote to go into the Committee of the Whole on the state of the Union. That rule of the House requiring bills making appropriations to have their first consideration in the Committee of the Whole on the state of the Union was not changed by this resolution assigning days for the consideration of public-building bills. If, therefore, the House should refuse to go into the Committee of the Whole on the state of the Union these bills could not be considered.

Mr. HOLMAN. So I understand, that they could not be considered; and then if the House shall so vote, the bill forfeiting the Oregon land grant would come up for consideration.

Mr. MILLS. I call for the regular order of business. The Chair has already decided this question, and I hope the gentleman from Indiana will not be permitted longer to debate it unless he wishes to take an appeal from the decision of the Chair.

### PUBLIC BUILDING, NEW HAVEN, CONN.

Mr. STOCKSLAGER. I now move to take from the Speaker's table the bill (S. 233) providing for the enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn., with a view of moving that it be referred to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. Is this covered by the resolution?

Mr. THOMPSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. The House has not gone to the Speaker's table.

Mr. THOMPSON. Is it a privileged motion?

The SPEAKER. The Chair thinks so, under this resolution.

Mr. HOLMAN. But the House must go to the business upon the Speaker's table in order to take up that business, and the House has not done so.

The SPEAKER. The Chair thinks that under the resolution adopted on Monday last the motion of the gentleman from Indiana is in order.

Mr. THOMPSON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. The inquiry that I wish to make is whether the resolution passed upon Monday under a suspension of the rules did not provide that only such bills as were upon the Calendar reported from the Committee on Public Buildings and Grounds and bills upon the Speaker's table should be taken up, and only by the action of the committee? Now, unless there has been action of the committee on this bill, I claim that it is not in order under that resolution.

Mr. STOCKSLAGER. I am acting under the direction of the committee in making this motion.

Mr. THOMPSON. Action by the committee has been taken upon this bill? There has been no official report from the committee. If there has been I should like to have my attention called to it. Does the gentleman desire its reference to the committee?

Mr. STOCKSLAGER. No, I do not ask its reference to the committee, but that it be referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON. Has the committee acted upon the bill?

The SPEAKER. The Chair thinks that no written report is necessary.

Mr. THOMPSON. This bill is not pending before the Committee on Public Buildings and Grounds. It has not been considered by that committee.

The SPEAKER. The Chair thinks the Committee on Public Buildings and Grounds would have the same right with reference to bills which are taken from the Speaker's table and referred to the Committee of the Whole House on the state of the Union as with reference to those which are upon the Calendar, under the special order of the House heretofore adopted.

Mr. THOMPSON. But that resolution specified that the committee should designate the bills.

Mr. MILLS. My friend from Kentucky misunderstands the purport of the resolution. It authorizes bills reported by the Committee on Public Buildings and Grounds and also Senate bills upon the Speaker's table to be taken up.

Mr. THOMPSON. Such as have been designated by the committee, as I understand it.

Mr. STOCKSLAGER. That they shall be considered in the order as designated by the committee.

The SPEAKER. The Chair thinks the motion is in order under the resolution.

The question is on agreeing to the motion of the gentleman from Indiana to take the bill the title of which has been read from the Speaker's table and refer it to the Committee of the Whole House on the state of the Union.

The question was taken; the House divided, and there were—ayes 85, noes 35.

Mr. HOLMAN. No quorum.

Mr. BEACH. Let us have the yeas and nays at once.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. I wish to ask if it will be in order at any time to refer this bill to the Committee on Public Buildings and Grounds for a report; and, if so, at what time would it be in order?

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

RULE XIII.

* * * * * * *

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, viz: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without debate, in the following order, viz: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

The SPEAKER. This bill if taken from the Speaker's table would necessarily go to the Committee of the Whole House on the state of the Union upon a mere point of order. But it is also in order if the bill is taken from the Speaker's table to move its reference to any one of the standing committees or to any select committee that may be named. But the bill must be first taken from the Speaker's table before any motion to refer is in order.

Mr. THOMPSON. I understand the motion is now to take it from the Speaker's table——

Mr. STOCKSLAGER. And refer it to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON. Can the motion be put in that way?

The SPEAKER. The motion to refer to a standing or select committee would have preference of a motion to refer to the Committee of the Whole House on the state of the Union, because the bill would go to the Committee of the Whole House on the state of the Union, as the Chair has said, on a mere point of order.

Mr. THOMPSON. Then I ask for a division of the motion.

The SPEAKER. The first question will be on taking the bill up.

Mr. THOMPSON. I ask for a division of the question. I understand the gentleman from Indiana to make a motion to take this bill from the Speaker's table and refer it to the Committee of the Whole House on the state of the Union all in one motion.

The SPEAKER. The gentleman from Kentucky desires to move its reference to a standing committee.

Mr. THOMPSON. No; to make a separate motion of each of the two motions submitted by the gentleman from Indiana.

The SPEAKER. The gentleman desires then to separate the motion: first, to take it from the Speaker's table, and then on the question of reference?

Mr. THOMPSON. Yes, sir. Then if the House decides to take it from the Speaker's table I would like to be recognized for a motion for its reference afterward.

The SPEAKER. The Chair thinks that is an independent motion which can be made if the House agrees to take the bill up.

Mr. THOMPSON. After the question of consideration is determined I can make that motion?

The SPEAKER. The Chair thinks so, because it would necessarily go to the Committee of the Whole on the point of order without a formal motion.

Mr. WARNER, of Ohio. But an independent motion would be in order for its reference to the Committee on Public Buildings and Grounds.

The SPEAKER. It would if the bill is taken from the Speaker's table.

Mr. STOCKSLAGER. In order to save the waste of time that this will evidently necessitate, I will withdraw the motion which I have made.

Mr. BEACH. I object.

Mr. STOCKSLAGER. If the gentleman wants to place himself in the category of obstructing public business I have no objection, but the responsibility must rest with himself.

The SPEAKER. The Chair thinks the gentlemen from Indiana has the right to withdraw the motion at any time under the rules of the House, before amendment or a vote upon it.

Mr. STOCKSLAGER. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds upon the Calendar.

Mr. HOLMAN. That brings up the direct issue between the public lands and the public buildings.

Mr. MILLS. It is an issue between the consideration of the business of this House by a majority of its members or its obstruction on the other hand by a minority.

Mr. STOCKSLAGER. The gentleman can not put anybody in a false attitude by his statement.

Mr. PAYSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. When the question as to the order of business was presented by the gentleman from Ohio [Mr. WARNER], the Speaker's decision was not distinctly heard in this part of the House. My inquiry is this: If the House shall refuse to go into Committee of the Whole for the consideration of the bills indicated by the gentleman from Indiana [Mr. STOCKSLAGER], would it then be in order to call up the unfinished business of Saturday last?

The SPEAKER. The Chair will state that the only way to reach the consideration of the bills reported from the Committee on Public Buildings and Grounds is to sustain the motion of the gentleman from Indiana [Mr. STOCKSLAGER]. If that motion is not sustained the House will then proceed with the regular order of business, and the regular order would be the unfinished business, being the report of the Committee on Public Lands, which was under consideration at the adjournment on Saturday. The question is on the motion of the gentleman from Indiana [Mr. STOCKSLAGER].

The question being taken, there were—ayes 101, noes 47.

Mr. BEACH. No quorum.

Mr. ANDERSON and Mr. WARNER, of Ohio, called for the yeas and nays.

The yeas and nays were ordered, 39 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 160, nays 61, not voting 101; as follows:

YEAS—160.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ferrell, | Lore, | Scales, |
| Adams, J. J. | Findlay, | Lovering, | Seney, |
| Aiken, | Funston, | Lowry, | Seymour, |
| Atkinson, | Garrison, | McCoid, | Shaw, |
| Barksdale, | Glascock, | McKinley, | Skinner, C. R. |
| Bennett, | Goff, | Matson, | Skinner, T. G. |
| Bisbee, | Green, | Maybury, | Smith, |
| Blount, | Greenleaf, | Miller, J. F. | Spooner, |
| Boutelle, | Hanback, | Milliken, | Spriggs, |
| Brainerd, | Hancock, | Mills, | Springer, |
| Breckinridge, | Hardeman, | Mitchell, | Stephenson, |
| Breitung, | Harmer, | Money, | Stevens, |
| Brewer, F. B. | Hart, | Morrill, | Stewart, Charles |
| Brewer, J. H. | Hatch, H. M. | Morrison, | Stockslager, |
| Broadhead, | Hatch, W. H. | Muldrow, | Struble, |
| Brown, W. W. | Haynes, | Murphy, | Talbott, |
| Buchanan, | Hemphill, | Nelson, | Taylor, J. D. |
| Budd, | Henderson, D. B. | Nicholls, | Taylor, J. M. |
| Burleigh, | Henderson, T. J. | Ochiltree, | Throckmorton, |
| Burnes, | Henley, | O'Neill, Charles | Tillman, |
| Campbell, J. M. | Hepburn, | Patton, | Tucker, |
| Carleton, | Holmes, | Payne, | Turner, H. G. |
| Cassidy, | Hopkins, | Peel, S. W. | Vance, |
| Collins, | Houseman, | Peelle, S. J. | Van Eaton, |
| Covington, | Howey, | Perkins, | Wakefield, |
| Crisp, | Hunt, | Peters, | Ward, |
| Culberson, D. B. | Hurd, | Phelps, | Weaver, |
| Cullen, | James, | Poland, | Wellborn, |
| Dargan, | Jeffords, | Price, | Weller, |
| Davis, R. T. | Jones, J. H. | Pryor, | Wemple, |
| Dibble, | Jones, J. T. | Pusey, | White, Milo |
| Dibrell, | Kasson, | Ranney, | Whiting, |
| Dowd, | Keifer, | Ray, G. W. | Wilkins, |
| Dunn, | Kelley, | Ray, Ossian | Willis, |
| Ellis, | Kellogg, | Reed, | Wilson, James |
| Ellwood, | Lacy, | Reese, | Wise, G. D. |
| Ermentrout, | Laird, | Rockwell, | Wood, |
| Evans, I. N. | Lamb, | Rogers, J. H. | Woodward, |
| Everhart, | Lanham, | Rosecrans, | York, |
| Evins, J. H. | Lawrence, | Rowell, | Young. |

NAYS—61.

| | | | |
|---|---|---|---|
| Alexander, | Davis, L. H. | Holman, | Riggs, |
| Anderson, | Deuster, | Jones, B. W. | Sumner, D. H. |
| Bagley, | Dockery, | Kleiner, | Taylor, E. B. |
| Ballentine, | Eldredge, | Le Fevre, | Thompson, |
| Beach, | Fiedler, | Lewis, | Tully, |
| Bland, | Foran, | McAdoo, | Turner, Oscar |
| Buckner, | Forney, | McComas, | Van Alstyne, |
| Cabell, | Graves, | McMillin, | Warner, A. J. |
| Campbell, Felix | Guenther, | Morse, | Warner, Richard |
| Cannon, | Halsell, | Moulton, | Williams, |
| Clardy, | Herbert, | Neece, | Winans, E. B. |
| Clay, | Hewitt, A. S. | Oates, | Wolford, |
| Cobb, | Hewitt, G. W. | Parker, | Yaple. |
| Converse, | Hiscock, | Payson, | |
| Cosgrove, | Hitt, | Pierce, | |
| Cox, W. R. | Hoblitzell, | Reagan, | |

NOT VOTING—101.

| | | | |
|---|---|---|---|
| Arnot, | Chace, | Finerty, | Jordan, |
| Barbour, | Clements, | Follett, | Kean, |
| Barr, | Connolly, | Fyan, | Ketcham, |
| Bayne, | Cook, | Geddes, | King, |
| Belford, | Cox, S. S. | George, | Libbey, |
| Belmont, | Culbertson, W. W. | Gibson, | Long, |
| Bingham, | Curtin, | Hammond, | Lyman, |
| Blackburn, | Cutcheon, | Hardy, | McCormick, |
| Blanchard, | Davis, G. R. | Hill, | Millard, |
| Bowen, | Davidson, | Holton, | Miller, S. H. |
| Boyle, | Dingley, | Hooper, | Morgan, |
| Browne, T. M. | Dorsheimer, | Horr, | Morey, |
| Brumm, | Duncan, | Houk, | Muller, |
| Caldwell, | Dunham, | Hutchins, | Murray, |
| Calkins, | Eaton, | Johnson, | Mutchler, |
| Candler, | Elliott, | Jones, J. K. | Nutting. |

| | | | |
|---|---|---|---|
| O'Hara, | Robinson, J. S. | Steele, | Wait, |
| O'Neill, J. J. | Robinson, W. E. | Stewart, J. W. | Washburn, |
| Paige, | Rogers, W. F. | Stone, | White, J. D. |
| Pettibone, | Russell, | Storm, | Wilson, W. L. |
| Post, | Ryan, | Strait, | Winans, John |
| Potter, | Shelley, | Sumner, C. A. | Wise, J. S. |
| Randall, | Singleton, | Thomas, | Worthington. |
| Rankin, | Slocum, | Townshend, | |
| Rice, | Smalls, | Valentine, | |
| Robertson, | Snyder, | Wadsworth, | |

So the motion was agreed to.

Mr. SPRINGER. I ask unanimous consent to dispense with the reading of the names.

Mr. BEACH. I object.

The names of members voting were read.

The following additional pair was announced:

Mr. JONES, of Arkansas, with Mr. RUSSELL, for this day.

LEAVE OF ABSENCE.

The SPEAKER. Before announcing the result of the vote the Chair will submit some personal requests of members.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEMPHILL, from Thursday, the 10th instant, to Monday, the 14th, both inclusive, on account of sickness in his family.

To Mr. GIBSON, for fifteen days, on account of important business.

ORDER OF BUSINESS.

The result of the vote on Mr. STOCKSLAGER's motion was then announced as above stated.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering bills on the Calendar reported by the Committee on Public Buildings and Grounds in relation to public buildings.

PUBLIC BUILDING AT KEOKUK, IOWA.

Mr. STOCKSLAGER. The Committee on Public Buildings and Grounds have directed me to call up first House bill No. 483.

Mr. THOMPSON. I object to the consideration of that bill.

Mr. ROGERS, of Arkansas. I rise to a question of order. These are matters of importance, and I insist we shall have order while we are considering them.

The CHAIRMAN. The committee will be in order.

Mr. GEORGE D. WISE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GEORGE D. WISE. Is it competent for the chairman of the Committee on Public Buildings and Grounds to call up bills out of their order on the Calendar?

The CHAIRMAN. It is competent for him to do so under the resolution of the House which directs that such bills shall be considered as the committee shall designate.

Mr. WARNER, of Ohio. An objection to this bill of course carries us back to the House. I object to the consideration of the bill.

The CHAIRMAN. The bill will first be reported by the Clerk, and the Chair will then entertain the objection.

The bill was read, as follows:

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

*Be it enacted, &c.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for and cause to be erected thereon a suitable building with fire-proof vaults therein for the accommodation of the United States courts, post-office, and other Government offices in the city of Keokuk, Iowa. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State and the service of civil process therein.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. THOMPSON], who stated that he objected to the consideration of the bill.

Mr. THOMPSON. I object.

The CHAIRMAN. Will the gentleman state on what he bases his objection?

Mr. THOMPSON. It is not necessary under the rule to do more than object to the consideration of a bill in the Committee of the Whole. When objection is made to the consideration of any bill the rule provides the committee shall immediately rise and report such objection to the House, and the House shall decide whether the committee shall consider the bill or not. The resolution adopted under a suspension of the rules the other day did not suspend that rule. The resolution provides that this day is set apart for the consideration of these bills; but they are to be considered under the rules of the House and not in opposition to the rules of the House. And the rules of the House provide that when the House is in Committee of the Whole if objection is made to the consideration of a bill, the objection shall be reported to the House and the House shall direct the committee as to the order of consideration.

Mr. STOCKSLAGER. I submit to the Chair that we are considering these bills under a special order of the House which provides that such bills shall be taken up as they shall be designated by the Committee on Public Buildings and Grounds.

Mr. THOMPSON. Under the rules of the House.

Mr. MCMILLIN. I beg the gentleman from Indiana [Mr. STOCKSLAGER] to remember in that connection that while it is true that a special order was made for the consideration of these bills, and that special order was passed under a suspension of the rules, in the consideration of those bills the rules of the House are no further suspended than by the direct terms of the resolution making this special order. The rule to which the gentleman from Kentucky [Mr. THOMPSON] has referred was never suspended by that order. The method in which we shall proceed in the consideration of those bills was not changed except that thirty minutes only for debate is allowed on each bill and amendments thereto.

Mr. MILLS. I beg the gentleman from Tennessee [Mr. MCMILLIN] also to remember that by the very terms of the resolution adopted by the House on Monday last, as has been heretofore ruled, I think once by Speaker Blaine, every rule of the House is suspended, and the order of the House as embraced in the resolution is the rule of the House upon the subject, is the rule controlling the order in which those bills are to be considered. The resolution adopted on Monday was mandatory—that these bills shall be considered in the order designated by the Committee on Public Buildings and Grounds. That resolution is the order which the Chair, as presiding officer of the Committee of the Whole, is now to execute.

Mr. MCMILLIN. The gentleman from Texas [Mr. MILLS] has allowed his zeal to run away with his judgment. With all deference to him, if what he now states is true, that every rule of the House was suspended by that order, then it would not be necessary for us to be in Committee of the Whole as we now are.

Mr. MILLS. We are in Committee of the Whole under that order.

Mr. MCMILLIN. We are in Committee of the Whole under the rules of the House. The rules of the House have not been suspended except as provided by the direct terms of the resolution.

Mr. WARNER, of Ohio. We are either to consider this bill which has been called up by the gentleman from Indiana [Mr. STOCKSLAGER] under all the rules of the House or under none of them. If those rules of the House have all been suspended and the consideration of this bill is not open to the objection made by the gentleman from Kentucky [Mr. THOMPSON], then we might also proceed to pass this bill without a quorum. Suppose that there should be a call for a quorum, the same argument would lie against that as lies against the right of the gentleman from Kentucky to object to the consideration of this bill.

Mr. STOCKSLAGER. I would ask the gentleman from Ohio [Mr. WARNER] if under the resolution of the House a bill of this character can now be debated more than thirty minutes?

Mr. WARNER, of Ohio. The House can fix the time for debate.

Mr. STOCKSLAGER. And the House has done so.

Mr. WARNER, of Ohio. The House has done so; but it has not suspended all the rules of the House, and the debate must go on under the rules. Every rule of the House is now in force except so far as they have been modified by the special order. We must have a quorum here to pass these bills, and if there is objection made to the consideration of any one of these bills we must under the rules go back into the House and let the House make order in reference to it. There is nothing in the special order that suspends that rule more than any other rule.

The CHAIRMAN. The Chair will direct the Clerk to read the resolution under which the House is now proceeding.

The Clerk read as follows:

*Resolved*, That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made; and that in the consideration of each bill and its amendments not more than thirty minutes shall be consumed in debate, fifteen minutes on each side.

Mr. THOMPSON. If all the rules of the House were suspended by that order, then I would like to know why the Speaker of the House sent us into Committee of the Whole? If the rules were suspended by that order, then there is no need for us to go into Committee of the Whole to consider these bills.

The CHAIRMAN. The Chair would state that on motion of the gentleman from Indiana [Mr. STOCKSLAGER] the House resolved itself into Committee of the Whole, in pursuance of the resolution which has just been read. That resolution expressly designates the bills that are to be considered by the Committee of the Whole House; that is, "such bills reported from the Committee on Public Buildings and Grounds * * * as the committee shall designate." The chairman of that committee has indicated the bill which has just been read by the Clerk as the first bill to be considered under that order. The Chair holds that the consideration of that bill is now in order.

Mr. THOMPSON. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMPSON] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. THOMPSON. Is that open to debate?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. THOMPSON. I respectfully appeal from the decision of the Chair, because I do not think that the resolution which has been read by the Clerk goes as far as the Chair has held it to go. If I understand the decision of the Chair, it is that the resolution which has been read not only compels the House to go into Committee of the Whole, but goes so far as to direct the Committee of the Whole as to the business which it is to consider.

Now, the resolution which has been read gives no direction whatever to the Committee of the Whole, but that committee is left to pass upon its business under the rules of the House. The suspension of the rules was only so far as to allow the consideration of this particular class of bills, to give them priority, and to fix the day upon which they should be considered, not by the Committee of the Whole but by the House. The House met, and has determined to consider that business. In what order is the business to be considered? The House has determined to consider this business in Committee of the Whole, and will consider it under the rules of the House, except in so far as the resolution itself suspended those rules and prescribed the order of proceedings.

The next question is, under what rules are these bills to be considered? A rule of the House prescribes that they shall receive their first consideration in Committee of the Whole. Therefore, pursuant to the routine of business prescribed by the rules of the House, the gentleman from Indiana [Mr. STOCKSLAGER] submitted his motion that the House resolve itself into Committee of the Whole, and he is sustained by the House in going into Committee of the Whole.

When we get into Committee of the Whole the rules of the House, so far as applicable, must govern; this business of the Committee of the Whole must be proceeded with in the same way as any other business that might come before the Committee of the Whole, unless the resolution of the House prescribes a different course of proceeding. But there is nothing in that resolution which fixes a different order of business. The only change which the resolution makes from our ordinary rules is upon the subject of debate. Ordinarily, in the consideration of bills in the Committee of the Whole there is unlimited general debate until we go back into the House and the debate by a special order has been limited. Under the resolution adopted by the House with reference to this particular class of business we are limited to thirty minutes' debate on each bill; but that is the only change which the resolution makes in the ordinary rules bearing upon the proceedings of the Committee of the Whole.

Mr. STOCKSLAGER. Is it not also provided that bills shall be taken up in their order?

Mr. THOMPSON. All bills in Committee of the Whole are taken up in their order except certain bills which are entitled to priority of consideration—bills raising revenue and general appropriation bills. Bills of this character are expressly excepted in this resolution; their right of priority is preserved.

Now, my point is that these public-building bills when considered in Committee of the Whole are subject to all the rules of the Committee of the Whole, except the rule which allows unlimited debate so long as no order of the House has been made cutting off debate. In every other respect the ordinary rules are in force. Under the ordinary rules, one objection to the consideration of a bill requires that the Committee of the Whole shall rise, and then the House shall determine whether this particular bill shall be considered or laid aside. I submit that upon one objection being made we are entitled to a decision by the House whether this particular bill shall be considered or laid aside. You can not deprive the House of this right, because the rule in that respect has not been suspended.

Mr. KASSON. Mr. Chairman, I apprehend that the decision of the Chair upon this question is construed on the floor as being based upon a different ground from that which the Chair has announced. The ruling of the Chair, as I understand, does not rest upon the fact that the order of the House in this case was adopted under a suspension of the rules; it rests upon the terms of the order itself.

The CHAIRMAN. That is the ground upon which the Chair placed the decision.

Mr. KASSON. So I understood; but it does not seem to be so understood on the floor. By the terms of the resolution it is the order of the House that these particular bills be considered, and therefore it is not the right of any one member or any number of members to intercept the order of the House declaring that these bills, as designated by the Committee on Public Buildings and Grounds, shall be considered. The decision of the Chair, I repeat, rests upon the ground of a specific order of the House to consider these bills, and therefore I think we ought to sustain the decision.

Mr. THOMPSON. I would like to ask the gentleman a question. If I understand correctly, this is the fourteenth bill upon the Calendar. If these bills are to be considered in their order upon the Calendar, why should we pass over thirteen other bills to take up this one?

Mr. KASSON. That does not touch the argument. The House, by its order, has said that the first bill to be taken up shall be that indicated by the committee. We are acting under the order of the House; and whether it was adopted by a majority vote or a two-thirds vote makes no difference. I think the Chair is right in holding, and the Committee of the Whole should sustain the Chair in holding, that the order of the House is to be executed, whether we like it or not.

The CHAIRMAN. Inasmuch as there seems to be some misapprehension in regard to the ground on which the Chair based his decision, the Chair would state that he caused the resolution to be read; and the particular language on which he based his decision was this:

> That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate.

Mr. WARNER, of Ohio. But the special order does not require that these bills shall be considered in Committee of the Whole. So far as that order is concerned, they may be considered in the House. They are subject, however, to the point of order that the rules require their consideration in Committee of the Whole. The special order does not release them from liability to that rule. The House once in Committee of the Whole for the consideration of this business, the ordinary rules of the Committee of the Whole prevail. I think the gentleman from Kentucky [Mr. THOMPSON] is entirely right. The House, not by virtue of the special order but by a vote, has determined to go into Committee of the Whole to take up these bills. We are now in Committee of the Whole in consequence of that vote of the House. Being in Committee of the Whole, we are subject to all the rules, one of which—Rule XXIII, clause 4—is in this language:

> In Committee of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present.

How the special order does away with this rule any more than it does away with the rule requiring a quorum, I am unable to see. We are in Committee of the Whole by a vote of the House. These bills are to be considered subject to all the rules, modified only by the special limitation of debate.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. SPRINGER. I desire to say one word before the Chair submits the question to the committee.

The CHAIRMAN. The gentleman will proceed.

Mr. SPRINGER. I think the Chair ought to be sustained in its ruling. The rule read by the gentleman from Ohio [Mr. WARNER] is one of the standing rules of the House, and it provides that when in the Committee of the Whole House a bill is reached and objection is made, the committee shall rise and the House shall then determine whether that bill shall further be considered or not. Therefore by one of the standing rules the House may determine the order in which bills shall be considered upon the Calendar. On Monday last, however, the day on which, under the rules, they could be suspended, those rules were suspended and the House adopted a special order. Just so soon as that special order was adopted by a vote of the House it became *pro tanto* one of the rules of the House and suspended every rule which interfered with its execution.

And what does that special order or the rule then adopted provide? It provides that these bills shall be considered, not in the order which the House may designate, but in the order which the Committee on Public Buildings and Grounds shall designate. They are not to be considered in the order in which they stand upon the Calendar, but under this rule, made by the special order, they are to be considered in the order in which they are designated by the committee.

Mr. THOMPSON. That applies to the House and not to the Committee of the Whole House on the state of the Union. The Committee on Public Buildings and Grounds in the House of course, under the special order, had the right to designate the order in which the bills were to be considered; but when the committee designated the bill which was to be first considered its power was exhausted under the special order, and the House then proceeded to consider the bill under the rules of the House, modified only as to the length of debate.

Mr. SPRINGER. The committee has designated the order in which these bills shall be considered, and one of them is now before the committee under that designation, and we can not go behind that order of the House without suspending the rules, and this is not the place nor is this the day when the rules can be suspended. The chairman is evidently right in his ruling, and I hope he will be sustained. [Cries of "Vote!"]

Mr. HOBLITZELL. Mr. Chairman, I submit we should proceed to dispose of the business of the House according to its accepted rules. It is true, as the gentleman from Illinois [Mr. SPRINGER] has said, that on last Monday when the rules permitted there was a motion made to suspend the rules and fix a special order for to-day. Now, I ask the House and I ask the gentleman from Illinois what was the operation of the adoption of that special order? It simply set aside for this day an order of business as laid down by Rule XXIV.

Mr. SPRINGER. It suspended all rules inconsistent with that special

order and made it the rule of the House for the purpose of considering these bills.

Mr. HOBLITZELL. It was an order adopted for the purpose of setting aside Rule XXIV, which established the order of business and gave priority in the operation of that rule to a class of business provided for in the special order. What then? Beyond that the committee can not do anything else. It has been said by the gentleman from Iowa [Mr. KASSON] that the special order is the rule to guide the Chair. I call the gentleman's attention to the fact that no standing rule of this House can be changed except on one day's notice, nor can it be rescinded without one day's notice. Rule XXVIII says that no standing rule or order of the House shall be rescinded or changed without a day's notice.

Mr. ERMENTROUT. The special order set aside the rules of the House.

Mr. HOBLITZELL. Wait until I get through.

On Monday last the House by a two-thirds vote set aside the order of business, as provided for by the rules. The regular order of business of the morning hour and going to the business upon the Speaker's table, as well as other matters provided for by the rules, were dispensed with by the adoption of the special order. Having set aside the order of business established by Rule XXIV, are you now going to say, when you get into the Committee of the Whole House on the state of the Union, all proper motions made under the rules for the purpose of executing the order of the House adopted by a two-thirds vote shall not be recognized? If that be so, then to carry the point to its logical consequences the adoption of the special order left us without any other rule but that special order. I should like to have gentlemen who announce that theory to tell us where otherwise we get the authority to go into committee? If you suspend all the rules of the House you suspend the right to go into committee as well.

But the House did go into committee under the rules of the House, and under the special order the gentleman from Indiana [Mr. STOCKSLAGER] designated the bill which was to be considered. The special order was fully carried out, but then the gentleman from Kentucky [Mr. THOMPSON] rose and under the rules of the House said he objected to the further consideration of the bill. The Chair has decided that his objection was not in order. It certainly is in order under the rules of the House, and nowhere does the special order provide that that rule shall be suspended. What was the object of the rule? It was to have the sense of the House tested as to which one of a series of measures coming up for consideration in the Committee of the Whole House on the state of the Union had the strength to be first acted on in committee. If the special order made it imperative upon the Committee of the Whole House on the state of the Union to consider and pass on every one of these bills in their order, then this House has abdicated its authority to say under the rules which shall come up first and which shall come up next. To do that is to destroy and rescind all the rules of the House, of which the House has had no notice, and of course that can not be done.

I will for the information of the Chair read what Cushing says on this subject in his Law and Practice of Legislative Assemblies, section 1512:

> In the two Houses of Congress, beside orders of the day which are established in virtue of the parliamentary law and privileged questions which are made so by a general rule, orders of the above description are occasionally made which have the effect, under the name of special orders or assignments, to override or take precedence of all other business whatsoever. Orders of this kind may be made in the manner agreed upon and pointed out in the rules or by the ordinary major vote. In the House of Representatives it is provided by the rule that the order of business as established by the rules shall not be changed except by a vote of at least two-thirds; and in that assembly a special order (which to have the effect above mentioned must necessarily change the established order of business, and operate to suspend the rules relating to business), made for that purpose, requires a majority of two-thirds; if made by a majority only, the order so made would only have precedence over other business of the same class not made special. Of two special orders for the consideration of different topics at the same time the one first made is entitled to precedence over the other. The business which is thus made the subject of a special order is to be proceeded with at the appointed time, and may be finished by doing whatever may be necessary to that end under the order.

That is all it has done. It has changed the order of business as provided by Rule XXIV; and unless you declare that this House by the adoption of that order on last Monday has disorganized itself and abdicated its authority, you can not sustain the ruling of the Chair upon that proposition. [Cries of "Vote!"]

Mr. KEIFER. Mr. Chairman, there can be no doubt but that it is the duty of the House, through its committee, to consider these bills for the erection of public buildings in the same way that it considers all other bills of like character, except in so far as the special order made by the House on last Monday may suspend those proceedings.

A great deal of stress is put upon a rule which allows a single objection to be made in committee to the consideration of a bill, and which rule, when that objection is made, requires the committee to rise and report the objection to the House. It is claimed that the operation of that rule applies here. Let me say, first, that that question of consideration is the very one of all others that is absolutely settled by the special rule of the House adopted on last Monday. It is the question of consideration itself. And, secondly, let me say that the paragraph of Rule XX, which has been referred to, when it is examined carefully will be found to be an impossibility in its application under this special rule. That paragraph refers to an objection made to bills when they are being considered in their order upon the Calendar, and provides that when objection is made the House is given the right to decide that the bill to which objection is made shall be laid aside for the present or the consideration proceeded with, whichever the House may determine.

But the rule under which we are now acting requires that we shall consider all bills reported by the Committee on Public Buildings and Grounds and all other bills of like character on the Speaker's table in the order designated by the committee, and act on each one of them. That is the effect of the rule. So that the Committee on Public Buildings and Grounds in this instance, and so far as the question of consideration is concerned, is made supreme, and it may name in committee any one of these bills that is to be made a subject of special consideration; and when we are required under the rule to consider them we consider them under the general parliamentary rules governing the House. There is no difficulty about that.

But the question of consideration is determined by the very language of the special rule, and therefore the decision of the Chair is eminently correct.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The decision of the Chair was sustained.

Mr. STOCKSLAGER. I now yield so much time as he may desire to the gentleman from Iowa [Mr. McCOID].

Mr. McCOID. Mr. Chairman, I do not intend to detain the committee but a few moments, and in that time I wish to call their attention away from the discussion that has just taken place to the merits of the pending bill.

This is a bill providing for the erection of a public building at Keokuk, Iowa. They have in that city the circuit court of the United States, the district court of the United States——

Mr. BEACH. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BEACH. I desire to know whether we can not demand the reading of this bill?

The CHAIRMAN. It has been already read.

Mr. BEACH. Then let us have the report read.

Mr. STOCKSLAGER. I make the point of order that you can not take the gentleman from Iowa off the floor in that way.

Mr. BEACH. I wish to hear the report of the committee, if in order.

The CHAIRMAN. There is no rule requiring that to be read. The gentleman from Iowa will proceed.

Mr. McCOID. They have there the Des Moines Rapids Canal, upon the Mississippi River, and the officers and men in charge, and all of the works in connection with the canal, as well as the other officers connected with the commerce upon the river. The city is one of 15,000 inhabitants. It is between that and 20,000 now. It is a city of free delivery. The Government receives from the post-office alone at that place over $27,000 a year of revenue. The Government has, in connection with its other interests at that city, a national cemetery, where soldiers from both sides sleep beneath the flag, and the officers in charge of it. Keokuk is a city on the Mississippi River at the point where the Des Moines River, running southeastwardly through the State of Iowa, empties into the Mississippi. Across the river on the other side are three towns, Warsaw, Hamilton, and Alexandria, having a population of 3,000, 1,500, and about 1,200, so that we have a total population in and adjoining Keokuk of considerably over 20,000 inhabitants.

It is a beautiful city, well located, and has been the key of the commerce by water of that State from an early date, being at the head of the deep water navigation of the Mississippi River. It is true that since the war the city has not grown as rapidly as some others. It is far enough south of the line of the Union Pacific Railroad and continental trunk lines to have been affected somewhat by the commercial conditions that grew up during the war and since, and which have affected all of the cities south of that line. But it has superior natural advantages and is now taking a new growth. A great many manufacturing establishments have started into life within the last two or three years. Important works are being built up; and it is going to be, if it is not now, one of the most important cities in the State.

The bill is meritorious, as much so as any bill before this House. There need to be upon the merits no question whatever in the mind of any gentleman.

Until I hear something against it, I reserve the remainder of the time the gentleman from Indiana [Mr. STOCKSLAGER] has given me.

Mr. THOMPSON. I desire to ask the gentleman from Iowa a question: How much rent is paid by the Government for public buildings in Keokuk?

Mr. McCOID. For the court-house alone a rent is paid of $1,000 a year. I have a letter from the Attorney-General stating that fact in connection with the necessity for a public building for the court.

Mr. THOMPSON. One thousand dollars for the court-house?

Mr. McCOID. This is what the letter of the Attorney-General says:

> In reply to your letter of this date asking an opinion as to the necessity of a public building at Keokuk, Iowa, for the accommodation of the United States

courts, I have to say that this Department is now paying rent to the amount of $1,000 per annum for accommodation of United States courts and officers.

I wish to say further in answer to the gentleman's question that at the last term of the court Judge Love, the district judge, had to go into the State court building to hold his court, Judge McCrary holding the circuit court in the rented room that they occupy.

Mr. THOMPSON. Will the gentleman from Iowa state how much, if anything, is paid for other public buildings at Keokuk. The post-office, for example.

Mr. McCOID. I do not know how much is paid for the post-office.

Mr. THOMPSON. How much would this public building cost?

Mr. McCOID. The bill provides an appropriation of only $150,000.

Mr. THOMPSON. Is that the whole expense?

Mr. McCOID. That is the full expense. The bill says it shall be the limit of the expenditure. That amount, I wish to say, is fixed upon an estimate made by the Supervising Architect of the Treasury, and, as I understand, with the approval of the Department. The estimate was sent to the committee and the amount was fixed from that.

Mr. THOMPSON. Then we are to put up a building for $150,000 to save $1,000 rent.

Mr. McCOID. That is not the case. That is the rent merely for the court-house.

Mr. THOMPSON. I did not understand the gentleman to say there was rent for anything else.

Mr. McCOID. Oh, yes. Besides the post-office, the officers in charge of the canal, the revenue officers, and other officers of the United States are at that point.

Mr. THOMPSON. I would like to ask the gentleman for information as to how much the local court-house cost?

Mr. McCOID. I can not tell you that. That county of Lee is the oldest, and perhaps wealthiest, and has two county seats—at Keokuk and Fort Madison. The State of Iowa has the largest and chief penitentiary in the State in the same county. I do not know what was the cost of the public building for the State court.

Mr. WARNER, of Ohio. I wish to ask the gentleman from Iowa——

Mr. YOUNG. I object to the gentleman from Iowa yielding all his time to the other side to ask questions. Let them use their own time.

Mr. McCOID. I decline to yield further, and reserve the balance of my time.

Mr. HOLMAN. I presume the bill is now open to amendment. I move, in line 11, to strike out "$150,000" and insert "$100,000."

Mr. HEWITT, of Alabama. Make it $75,000.

Mr. HOLMAN. My friend suggests $75,000, and I will modify my amendment accordingly. To put the House in possession of the facts in addition to those stated by the gentleman from Iowa [Mr. McCOID], I desire that this article from a leading newspaper in that portion of the State of Iowa be read. The article is from the Burlington Daily Gazette; and I call special attention to this article for this reason.

Mr. McCOID. I wish to know if that comes out of the time on the other side.

The CHAIRMAN. It comes out of the time of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Of course it does. I hope the committee will give attention to the reading of this article. It is not a newspaper published in the town of Keokuk, a very prosperous little city of 15,000 people, I believe, in the southeastern corner of Iowa; it is not a newspaper published in that city, but it is published in that section of the State; and I am assured, and I presume that assurance will be confirmed by the gentleman who has addressed the committee, that it is a highly respectable newspaper, and it professes to report the facts.

Mr. WILKINS. Is it an article from a newspaper published in a rival city?

Mr. HOLMAN. It is from a newspaper published in another city of Iowa.

The Clerk read as follows:

A WORD TO CONGRESS ON THE PROPOSED KEOKUK PUBLIC BUILDING.

Upon what sound principle of finance or political economy can the appropriation asked by Congressman McCOID for a public building at Keokuk be justified?

At the last census Keokuk had a smaller population than the census reports showed ten years before, yet during all these years, while the Government was spending money lavishly in building the canal for Keokuk's benefit, Hon. George W. McCrary never thought of asking an appropriation for a public building, or if he thought of it he refused to do it, because he knew there was no justification for such an appropriation. What reason has come into existence since? None in the world, but the intense anxiety of the people of that good little city to anchor there the Federal court, which they plainly see will, in the language of Mr. McCOID, soon "come to Burlington by the force of gravitation" unless they do something to hold it against this force. It is thought that a building will accomplish this purpose. Such an object is an unworthy one, and should be resisted on principle as a waste of the people's money.

That there is no earthly use for the building is abundantly proven by the testimony of many prominent citizens of Keokuk. In 1878 a bill was pending to bring this court back to Burlington, where it rightfully belongs, and these good citizens appeared and opposed it, their best argument being the following, which is quoted from their printed brief (page 7):

"One of the largest and best buildings in the State has been leased by the Government for the use of the court so lately as February of this year (1878). A court-room, with convenient and commodious offices for judge, attorneys, marshal, clerk, &c., has just been fitted up at much expense. The rent paid by the Government for the whole is but $700 per annum."

The following is an extract from Marshal Root's letter, found on page 8 of the brief:

"The court is now located in the Estes Building, the largest building in the city. The court-room is large and commodious, well adapted to the purpose, suitably furnished, and other rooms for other officers on same floor and perfectly convenient to the court-room. These rooms have recently been refitted and refurnished for accommodation of this court. The court has recently removed at the expense of the Government from another building."

Again, on page 10, is found this:

"There is another reason why no change should be made. The Government has just moved into new and commodious quarters for holding the court and has made a lease for a term of years on the building, which in case of removal would be a dead loss."

And on the same page is the following:

"The court has been recently removed into new quarters leased to the Government at low figures, and fitted up by the lessors for the purposes of court, business in a manner most convenient and practicable. The quarters are well adapted and could not be improved upon. Every officer of the court is well satisfied with the present situation."

How is it possible for any member of Congress who reads this testimony, out of the mouths of the very men who are now urging this appropriation, and who wants to be faithful to his public trust, vote to expend one or two hundred thousand dollars of the public money for a building for this same court? Let a reform Congress beware of such dereliction in squandering the money wrung from the people by taxation.

The situation in Keokuk is now precisely the same as when this florid argument was made by its representative men. What does the argument show?

1. The Government occupies the largest building in Keokuk, and one of the largest in the State.

2. That it has a lease of it for a term of years, and has fitted it up with a view to convenience.

3. It is admirably adapted with offices on same floor for judge and all other officers, and it is so good that it can not be improved upon.

4. The cost to the Government is only $700 a year.

5. A removal of the court will result in a dead loss of this rental to the Government. That is to say, if the Government should remove the court and surrender the lease no one would rent the largest building in the city, as there is no other use for it except for a court-house.

And yet the men who deplore the loss of $700 a year for a few years on a lease are urging the Government to give up this well-adapted, commodious, cheap, and "not to be improved" establishment and spend $200,000 in erecting a building of its own—to incur an expenditure of six or seven thousand dollars a year for that which it is now getting for $700. This is not the kind of economy and reform the present Democratic Congress was elected to enforce, nor is it the kind that will tend to recommend it to further continuance in power. Such conduct will be no improvement on the "river and harbor bill" of the last Congress, partly on account of which the Democrats gained so many seats.

It won't do to say it is a small matter. He who is not faithful over a few things is utterly unworthy to be trusted with many things. We again warn our Democratic friends to beware of this kind of legislation, and when you are invited to "swap jack-knives," as it is called, on these local appropriations, remember the knives are not yours to "swap."

Mr. HOLMAN. Mr. Chairman, I do not know exactly what the editor means by "swapping jack-knives" and remembering that the knives are not ours. I do not know exactly what the application of that may be. But there is one fact in that communication to which I wish to call the attention of this side of the House especially. That paper has adopted the general theory accepted through this entire country, that this is a "reform Congress." Whether we act upon that principle or not, that is the conviction that has settled down upon the country. And one of the most potent arguments against this system of public edifices and palatial buildings, and the one which through the country has rendered the practice of appropriating annually for these buildings the most objectionable, is derived from the large sums you appropriate for each of these cities. Here is a city of 15,000 people, a prosperous little city in a State in which I believe there are seven or eight points where Federal courts are held. If I am wrong the gentleman can correct me.

Mr. McCOID. The number is six.

Mr. HOLMAN. There are, it seems, six points in the State where Federal courts are held. Here is a city with a population of 15,000, and this bill coolly proposes to appropriate $150,000 to erect a public building convenient for the population in that comparatively small portion of the State of Iowa for the accommodation of the Federal court at that point. Now, Mr. Chairman, I have moved to reduce that amount at the instance of gentlemen around me to what it seems to me would be regarded anywhere else than here a sufficient sum, $75,000. It can not be said that is not ample.

I say to gentlemen that they will largely remove the objections of our people to the erection of these buildings if they will make the appropriations therefor moderate and reasonable. The sum of $75,000 will pay for a building which will greatly exceed any of the public buildings generally erected in the States of Ohio and Indiana for the convenience of a much larger body of public officers and for the administration of justice.

Mr. McMILLIN. Will the gentleman allow me to interrupt him for a moment?

Mr. HOLMAN. With pleasure.

Mr. McMILLIN. I do so for the purpose of correcting a great error into which the gentleman from Iowa [Mr. McCOID] seems to have fallen, and into which the gentleman from Indiana [Mr. HOLMAN] to a certain extent has followed him. The gentleman from Indiana, I believe, I am so informed, has stated that the population of Keokuk is in the neighborhood of 20,000. Am I correct?

Mr. McCOID. I stated that the population of Keokuk, with that of the adjoining town on the opposite side of the river, was at least 20,000.

Mr. McMILLIN. If that is so, then I undertake to say that there has been a most wonderful increase of population in that town for the last three years. I have before me the returns of the census of 1880, from which I learn that the population of the city of Keokuk by wards is put down at 12,117. What was the population of that town ten years before?

According to the returns of the then census, only ten years before, that same town had a population of 12,776, six hundred inhabitants more than it had according to the census of 1880, or about 5 per cent. more.

Now, where is the thrift of this town which should call for an appropriation of $150,000 to erect a public building there? Where is the necessity for it? I am in favor of making appropriation for the erection of a public building wherever that is necessary. But I do protest most earnestly against building magnificent structures in towns where the commerce of the town does not keep down the pennyroyal or the dog-fennel in its streets.

Mr. HOLMAN. One additional word. I feel very confident that if we should make moderate appropriations here for these public buildings we will remove one of the strongest objections on the part of the people to this system. If you appropriate $150,000 for this particular building you will erect a building out of all proportion to the balance of the improvements in that city. The sum of $75,000 is certainly ample for any building which may be needed there. Indeed, I think that that amount would provide about as convenient and ample a building as would be provided with twice that amount.

Gentlemen must remember that the mere cost of the building is not all the expenditure that is involved. There is the construction of the approaches to the building, the improvement of the grounds about it, the furnishing of the building, and after the building is erected there is the necessity of large expenditures to maintain it, the expense of insurance and other items of expenditure. Therefore, if you pay out $75,000 for a building to take the place of the one now occupied by the United States court and which is described in the newspaper article which I have read, you will increase beyond all measure the expense of your public offices at Keokuk, even if you put the cost of the building at $75,000.

The CHAIRMAN. The time for debate in opposition to the bill has been exhausted. The gentleman from Iowa [Mr. McCOID] has three minutes of his time remaining, and the gentleman from Indiana [Mr. STOCKSLAGER] has three minutes of his time remaining.

Mr. STOCKSLAGER. I will yield to the gentleman from Iowa [Mr. McCOID] the remainder of my time.

Mr. McCOID. I want to say first that I now have the figures indicating the rents paid by the United States for offices in the city of Keokuk. For the post-office there is paid a rent of $1,200 a year; for the court room $1,000; for chambers in connection with the court $300, and for other offices $500; making a total of $3,000 a year.

In regard to the newspaper article which the gentleman from Indiana [Mr. HOLMAN] has had read, I think every gentleman on the floor understands what that amounts to. I think they know that it is simply a neighborhood quarrel growing out of the rivalry between two towns in my district.

Mr. HOLMAN. What about the matters of fact stated in that article?

Mr. McCOID. I will come to that. In regard to the statement of facts, the most charitable thing that could be said is that it is probably another of Burdette's jokes; nothing else. The facts in this case are what I have already stated and what have been found by the committee. The committee find from the evidence before them that this city contains a population of 15,000 inhabitants. The gentleman from Tennessee [Mr. McMILLIN] cites the census of the population of this town. There must be some mistake about that. It may be another instance like that of Saint Louis, where the census-takers did not get the proper figures in ascertaining the population.

Mr. WARNER, of Ohio. I would inquire of the gentleman how many officials are to be accommodated in this building?

Mr. McCOID. I can not stop for questions now; I have but a few minutes. In regard to the amount named in the bill I think gentlemen on this floor will say that $150,000 is not too much, considering the interests of the United States involved and the rent which is now paid by the Government there. The rent now paid by the Government for accommodations in the city of Keokuk equals the interest on $80,000 of United States bonds at 4 per cent. The necessities of the court are beyond question. I hope no gentleman on this floor will be misled into antagonizing this bill because of anything that has been read here or stated concerning the rivalry of two towns in relation to a matter which has been decided by this Congress four or five times. That matter has been here at times for ten years, and has been again and again decided by Congress in favor of Keokuk.

Mr. EATON. Will the gentleman permit me to ask him a question?

Mr. McCOID. Certainly.

Mr. EATON. The gentleman says that by the erection of this building the Government would save about $3,000 annually which it now pays for rent.

Mr. McCOID. Certainly.

Mr. EATON. And then the gentleman in some way, by some sort of figures, what I can not understand, says that that amount of rent so saved would equal the interest on $180,000 of bonds. I would like to inquire what sort of bonds?

Mr. McCOID. I meant $80,000; if the gentleman pleases I have erred on the right side; I have made it too little.

The CHAIRMAN. The time for debate upon this bill has expired. The question is now upon the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. WARNER, of Ohio. I desire to offer an amendment to that amendment and to be heard upon it.

The CHAIRMAN. The time for debate has been exhausted.

Mr. WARNER, of Ohio. I understood that there were three minutes left to the gentleman from Indiana [Mr. STOCKSLAGER].

The CHAIRMAN. Three minutes in favor of the bill.

Mr. WARNER, of Ohio. I understand that the special order does not say there shall be fifteen minutes for and fifteen minutes against the bill.

The CHAIRMAN. The Chair understands that that is exactly what the special order does state.

Mr. WARNER, of Ohio. I certainly did not want to speak in favor of the bill.

The CHAIRMAN. So the Chair supposed.

Mr. WARNER, of Ohio. I move to amend the amendment of the gentleman from Indiana [Mr. HOLMAN] so as to make the appropriation $50,000 instead of $75,000.

I would like to debate this proposition if I had the opportunity.

Mr. YOUNG. Mr. Chairman, I apprehend that the object of this amendment is to delay or obstruct legislation. I want to inquire whether if gentlemen claim the right to debate these amendments they will be permitted to do so under the resolution of the House?

The CHAIRMAN. Not at all.

The question being taken on the amendment of Mr. WARNER, of Ohio, to the amendment of Mr. HOLMAN, there were—ayes 40, noes 89.

[Cries of "No quorum!"]

Mr. WARNER, of Ohio. Mr. Chairman, I think we had better have a quorum on this vote.

The CHAIRMAN. The point being made that no quorum has voted, the Chair orders tellers, and appoints the gentleman from Indiana [Mr. STOCKSLAGER] and the gentleman from Ohio [Mr. WARNER].

The committee again divided; and the tellers reported—ayes 31, noes 135.

So the amendment of Mr. WARNER, of Ohio, was not agreed to.

The question being then taken on the amendment of Mr. HOLMAN, to make the appropriation $75,000 instead of $150,000, there were—ayes 61, nbes 100.

Mr. HOLMAN. I make the point that no quorum has voted.

Tellers were ordered; and Mr. McCOID and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 59, noes 107.

So the amendment was not agreed to.

Mr. HOLMAN. I move to amend by striking out "fifty;" so as to make the appropriation $100,000.

Mr. WARNER, of Ohio. I move to amend the amendment so as to make the appropriation $80,000.

The question being taken on the amendment of Mr. WARNER, of Ohio, there were—ayes 34, noes 95.

Mr. WARNER, of Ohio. I make the point that no quorum has voted.

Tellers were ordered; and Mr. McCOID and Mr. WARNER, of Ohio, were appointed.

The committee again divided; and the tellers reported—ayes 26, noes 142.

So the amendment of Mr. WARNER, of Ohio, was not agreed to.

The question being taken on the amendment of Mr. HOLMAN, there were—ayes 72, noes 83.

Mr. HOLMAN. I believe there is no quorum. I call for tellers in any event.

Tellers were ordered; and Mr. HOLMAN and Mr. McCOID were appointed.

The committee again divided; and the tellers reported—ayes 74, noes 92.

So the amendment was not agreed to.

Mr. WARNER, of Ohio. I move to amend by striking out "fifty" and inserting "twenty-five;" so as to make the appropriation $125,000.

Several MEMBERS. Let the amendment be read.

The Clerk read the amendment.

Mr. WARNER, of Ohio. I withdraw the amendment.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. THOMPSON. I object.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

The question being taken, there were—ayes 107, noes 26.

Mr. WARNER, of Ohio, and Mr. HOLMAN. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN. I hope it may be agreed that a motion may be made in the House to reduce this appropriation to $100,000; and in that event—— [Cries of "Regular order!"]

Mr. WARNER, of Ohio. If the other side will agree to that, we will withdraw the call for a quorum.

Mr. HOLMAN. I should think that in the interest of public business—— [Cries of "Regular order!"]

The CHAIRMAN. The regular order is the taking of the vote by tellers. The Chair appoints as tellers the gentleman from Ohio [Mr. WARNER] and the gentleman from Iowa [Mr. McCOID].

The committee again divided; and the tellers reported—ayes 133, noes 31.

So the bill was ordered to be laid aside to be reported favorably to the House.

PUBLIC BUILDING AT WACO, TEX.

Mr. STOCKSLAGER. I now call up the bill (H. R. 1570) for the erection of a public building at Waco, Tex.

Mr. THOMPSON. I move that the committee rise.

The CHAIRMAN. As soon as the bill is reported the Chair will submit the motion of the gentleman from Kentucky [Mr. THOMPSON].

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States court, post-offices, internal-revenue office, and other Government offices, at the city of Waco, in the State of Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment reported by the Committee on Public Buildings and Grounds was read, as follows:

Insert after the words "one hundred thousand dollars" the words "which is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. STOCKSLAGER. I will yield now twelve minutes of my time to the gentleman from Texas [Mr. MILLS].

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMPSON] has moved that the committee rise.

The committee refused to rise.

Mr. MILLS. I hope, Mr. Chairman, I shall have the attention of the committee. In the first place, I desire to ask the unanimous consent of the committee, and I do not know in its present temper I should do it, but I will do it, and that is that the Senate bill be substituted for the House bill. It is precisely word for word the same as the House bill with the amendment reported to the House bill from the Committee on Public Buildings and Grounds. The only reason for it is that if the Senate bill be taken up and passed it will save all further loss of time, whereas if we pass this House bill it will have to go back to the Senate and the whole thing be gone over again. I hope there will be no objection to considering the Senate bill instead of the House bill and voting on it instead of the House bill. I believe it is a reasonable request.

Mr. WARNER, of Ohio. I object. It may be that the reconsideration in the Senate may be a good thing. I do not know how that is; I have not yet heard any explanation of this bill. I do not know what is the population of Waco.

Mr. MILLS. I will give you the population of Waco.

Mr. ANDERSON What is it?

Mr. WARNER, of Ohio. I desire to reserve the right to object until I hear the discussion.

The CHAIRMAN. The Chair thinks it would be hardly competent for the committee to do as requested by the gentleman from Texas even by unanimous consent, because the House has directed the committee what to do. The Chair is willing to hear from the gentleman from Texas on that point.

Mr. MILLS. I have nothing further to say. I accept the decision of the Chair. I only wish to say, in a few minutes, this: The population of Waco by the census of 1880 was over 7,200, but by a recent census taken in 1883, under the provisions of a State law in reference to certain benefits to be conferred upon schools, the population was 11,321. Here is a gain of 55 per cent. in three years.

There are two large trunk lines of railway which cross it. It is a seat of learning in our State and has been for a long time. The judges of the circuit and district courts have both united in a letter stating there is no building in Waco suitable to hold court in and that none can be rented.

But without detaining the committee with further discussion, I move that the bill be laid aside to be reported favorably to the House.

Mr. WARNER, of Ohio. The special order provides for thirty minutes of debate, and no one can cut that off.

Mr. MILLS. Of course not. I withdraw the motion for the present that the bill be laid aside.

The CHAIRMAN. Does the gentleman from Texas reserve the remainder of his time?

Mr. MILLS. I do.

Mr. BELFORD. I desire to know whether I can not have five minutes' time in my own right, because I want to expose to this country the hypocrisy which characterizes the proceedings of this Committee of the Whole House. I have never engaged in filibustering. I have always been in favor of the exercise of the power intrusted to the constitutional majority of this House, and against such political Anaks as the gentleman from Ohio [Mr. WARNER] and perpetual objectors, as the gentleman from Indiana [Mr. HOLMAN]. [Laughter and applause.]

Mr. HORR. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HORR. There is so much confusion I can not hear a word of what the gentleman from Colorado is saying. [Laughter.]

The CHAIRMAN. The Chair will recognize the gentleman from Ohio [Mr. WARNER] in opposition to the bill.

Mr. WARNER, of Ohio. I desire to learn from the gentleman from Texas what kind of a building it is proposed to erect at Waco under this bill, and what uses it is to be devoted to.

Mr. MILLS. It is necessary for holding the Federal courts and providing internal-revenue offices.

Mr. WARNER, of Ohio. What is the population of Waco?

Mr. MILLS. It is as I stated it. The report accompanying the bill states all the facts.

Mr. WARNER, of Ohio. But that report has not been read.

Mr. MILLS. It has been printed and laid upon every member's desk.

Mr. WARNER, of Ohio. A great many reports have been printed and laid upon our desks or sent to our rooms—more than I could read in three months if I did nothing else. As I understand the gentleman, the population of this town of Waco was 7,200 in 1880 and that it has rapidly increased since then. Do they need such a public building there? I wish to ask the gentleman from Texas what he thinks is the probable cost of the best building now in that place? Is it more than ten or fifteen thousand dollars?

Mr. MILLS. I want to state in reply to the gentleman from Ohio, that there are court-houses over the whole State of Texas that are worth perhaps from $25,000 to $100,000 each. The one in my own county cost about $50,000. They have spent vast sums to erect public buildings for the State in all parts of Texas.

Mr. WARNER, of Ohio. Now, will the gentleman be kind enough to state as to the dwellings of the people of Texas, will he give us the average value of their class of buildings, the homes of the people who pay the taxes to build these other costly structures?

Mr. MILLS. I have never entered into an estimate of the cost of them.

Mr. WARNER, of Ohio. I will venture to assert, Mr. Chairman, that their average value is not $500 to a family. While at the rate of $100,000, which it is proposed to appropriate for the construction of this public building and other public buildings in little towns of eight or ten thousand inhabitants, it will be found on investigation to be at the rate of not less than $10,000 for office-room for every Government official that will be provided for in these buildings.

I might be willing to vote for a reasonable sum for buildings in some of the more important of these places—a sum that would be sufficient to put up a building that would compare favorably with other buildings in the same town—but I am opposed to all these monumental structures the Government is erecting all over the country.

By the last census I find that the total value of all the buildings in the United States, including business houses in all the cities and the real estate connected with them, amounts to less than $200 per capita. The average, I say, is less than $200 for each inhabitant of the United States, admitting all of the buildings of your great cities into the calculation, and, as is well known, some of them are very costly. And when you come down to the homes of the people, they who pay for all these grand structures you are building, the cost of their homes averages less than $500 per family. The houses in which the great majority of the people of the country live and rear and educate their families will not average more than $300 or $400 per family, and yet you propose to tax them to construct public buildings to cost from $10,000 to $15,000 for the office-room for the few public officials who will be accommodated in them. That, sir, is what I object to.

Some one has written:

> Of Augustus and Rome
> The poet may warble—
> How he found it of brick
> And left it of marble.

But the truth of history is that when Rome was brick her people had homes, but when Rome was marble her people were in the streets—"without houses, without homes, with nothing left but the air they breathe, they wander from place to place with their wives and their children," is what its historian says. And the story of Rome is the story of every country that has robbed its people to increase the magnificence of an official class. That is what we are doing in this country, when we are taxing our people to build such structures as are provided for in the bills of this character brought before this House.

But, sir, I object to another thing. I object to the way these bills

come here under this special order, because I find them all fastened together as links in one sausage, and evidently not all good meat, but it appears that under this special order they are all to go together. "You help mine and I will help yours." Some of these bills no doubt are good ones, but generally they are too costly. Some I could vote for, but some are altogether bad, and I object to this mode of forcing down our throats any of these bills under this order with but thirty minutes' debate. As long as I believe that there is a combination to put these bills through, good and bad alike, I will fight against all of them.

But if this combination is broken and we can construct public buildings only in places where they are really needed, and where United States courts are held, and of the character which the people of these places can afford to construct for themselves—the best class of such buildings—I should be willing to vote, no doubt, for many of them. But this erection of monuments to fancy architects in all of the little towns and villages of the country is the worst sort of extravagance. And let me remind this House that just such a class of bills as this, coupled with an extravagant river and harbor bill, by the last Republican Congress is what defeated that party in the election two years ago. The people at the polls condemned such extravagance.

Mr. HEWITT, of Alabama. The river and harbor bill was the best measure that passed the last Congress.

Mr. WARNER, of Ohio. The people said they did not want any more like it. Thirty or forty public buildings were authorized by the last Congress, I believe.

But, Mr. Chairman, this Congress was elected as a reform Congress and on the issue of economy, and I for one am willing to stand up always for wise economy. Economy has never impoverished a family; economy never beggared anybody. It has never bankrupted a State, but the want of it has been the cause of the downfall of many a proud kingdom. Voltaire said of Prussia that two hundred years ago it was but the desert of Brandenburg, but by the economy of her great Fredericks it became the center of a great power, and has become at last the most powerful state in Europe. At that same time, under Louis XIV and Louis XV, France, a rich kingdom, by the opposite policy became a beggared state. Louis XIV built theaters and churches and costly public buildings. But while the king was thus adding to his magnificence and building monuments the people were starving and the peasantry being made slaves.

That country is the best off which has the greatest number of comfortable homes for its people, and not that which has the greatest number of grand structures erected at great public cost. Somebody must pay, Mr. Chairman, for these buildings, and they pay in the end who earn on the average not $400 per year, and whose families are brought up in homes that do not average $500 per family.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. WARNER, of Ohio. Certainly.

Mr. MILLIKEN. Does the gentleman say to this House that the people of Russia, the common people of Russia, are in a better condition than the people of France?

Mr. WARNER, of Ohio. I have said nothing about the people of Russia.

Mr. MILLIKEN. Than the people of Prussia?

Mr. WARNER, of Ohio. I say it is the wise public economy of Prussia and of Germany that has elevated that state to the proud eminence it now holds, and it was the opposite policy that prostrated France in the dust a century ago.

I said it was the opposite policy that has left the ruined marble structures of Rome to stand as monuments of the folly of the age that built them. One policy enriches the people, the other magnifies but, at the same time, enfeebles a government and does not improve its officials.

Mr. BURLEIGH. May I ask the gentleman from Ohio a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. BURLEIGH. Is it not true that in France the common people raised more money to pay off their national debt than was ever done in any other nation?

Mr. WARNER, of Ohio. France has not paid off her debt. France to-day owes $3,800,000,000, on which her laboring classes must pay over $150,000,000 of interest annually. That is the result of the wasteful policy inaugurated years ago in France, the opposite of the economical policy of Germany. But it is true that the people of France since the revolution have greatly changed. Instead of spending their energies in magnifying rulers they have gone to work for themselves, and have been building railroads and canals and improving land and making better homes; just what every free people ought to do. The France I refer to was the France of Louis XIV, when she was pursuing the policy we are pursuing now, and wasting the people's labor and the people's money on monumental buildings instead of letting the people keep it for the improvement of their own homes. I am prepared to stand always for public economy as well as for private economy. Why, sir, the wealth of the world is nothing else but what has been saved by wise economy. And, sir, I do protest against proceeding under such an order as is now being executed, under which a lot of bills—forty or fifty or more, and more to come—for public buildings are to be put through the House. This combining together the interests of members of this House and in that way putting bills through is the worst sort of legislation. It is, I say, an iniquitous order, and I give notice that until that order is vacated I am ready to resort to every means known to the rules of the House to defeat the purpose for which the order was taken.

Mr. BELFORD. I ask the gentleman from Ohio when he changed his opinion on the subject of unlimited greenbacks with which he was willing to flood this country?

Mr. WARNER, of Ohio. I will answer the gentleman from Colorado by asking him to tell when or where, in what speech or utterance or publication, I ever favored or advocated any such thing or favored any such policy. I have never advocated greenbacks or any other form of currency, except to maintain a currency already in existence, or to keep the volume of money stable as the only way to preserve stability of value. The gentleman is therefore mistaken when he attributes any such doctrine to me, as he will find if he will read what I have said or written on that question.

Mr. BELFORD. The gentlemen from Ohio was elected to this House on that distinct issue, and now he appears as a convert to another theory.

Mr. WARNER, of Ohio. I yield to the gentleman from Missouri [Mr. BUCKNER].

Mr. BUCKNER. I do not know that I can make myself heard in the present confusion and temper of the House. But I desire as a Democrat, as one who has been in Congress now for the last ten years, to enter my protest against this species of legislation. We are tramping, my friends, just where the Republican majority tramped two years ago.

A MEMBER. That is what you are always doing.

Mr. BUCKNER. I am told that we are always doing that. It looks very much like it, my friend, I confess. [Laughter.] But we are two years behind that side of the House in the extravagance of making appropriations, not for general purposes but for personal and local purposes. We are putting on the old cast-off habiliments of our friends on the other side that they put on in the first session of the last Congress, in consequence of which the people repudiated them and elected a majority to this House in the interest of economy and reform. And does this look like reform, like reduction of taxation, with appropriations proposed for public buildings amounting, my friend from Kentucky [Mr. WILLIS] says, to from ten to twenty million dollars?

Mr. WILLIS. I beg my friend's pardon. I do not know what the amount is. I should say five or six million dollars.

A MEMBER. Seven millions.

Mr. WILLIS. Very well, seven millions; which is about three millions less than we have expended at half a dozen points in the United States.

Mr. BUCKNER. It is a larger amount than the Republicans were condemned for spending, and they admitted when they returned here after that election that that was one of the grounds on which the people had elected this House with a majority on this side.

Mr. HORR. Will the gentleman allow me to ask him——

Mr. BUCKNER. Not now. I know this, that when the short session was held you did not attempt to pass any of the bills that were then on the table except one, and that was in my own State, where the Government made by the operation a clear saving.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. BUCKNER. Yes, sir.

Mr. MILLIKEN. Does the gentleman from Missouri advise this House to vote upon the merits of this bill, or to vote with a view to a Democratic or Republican victory?

Mr. BUCKNER. I want to vote on it in the interest of the people, and not in the interest of members of Congress.

Mr. MILLIKEN. That is dodging the question. Are we to vote upon the merits of the measure before us?

Mr. BUCKNER. There are no merits in it. You are proposing to spend here $100,000 on a pretext that it is for the public benefit, when $50,000 will build you a house that will be substantial and sufficient for all purposes.

Mr. HARDEMAN. Did not Alabama get a large amount for public buildings?

Mr. BUCKNER. I am not from Alabama. [Laughter.]

Mr. HARDEMAN. I meant to say Missouri.

Mr. BUCKNER. I have not any share in this transaction.

A MEMBER. That is what is the matter. [Laughter.]

Mr. BUCKNER. I hope, Mr. Chairman, gentlemen will allow me to get along with my argument. I do not often claim the indulgence of the House.

Mr. HARDEMAN. Did not Missouri get $6,000,000 for one building, the building at Saint Louis?

Mr. TURNER, of Kentucky. I rise to a question of order. There is so much confusion that we can not hear the gentleman from Missouri.

The CHAIRMAN. The committee will come to order.

Mr. HARDEMAN. The gentleman from Missouri has not yet answered my question. Will he tell us what Saint Louis and Hannibal in his State have got?

Mr. BUCKNER. The Saint Louis building cost $4,000,000.

Mr. HARDEMAN. No wonder you are surfeited. [Laughter.]

Mr. BUCKNER. The difference from these bills is that the Government needed buildings in Saint Louis and Jefferson City. It needed them there.

Here are bills to provide buildings at places where you have to bring in the office of collector of internal revenue, when we all know that the internal-revenue officer may be changed from one place to another. And you have no other officer in the place to provide accommodations for.

The CHAIRMAN. The time of the gentleman has expired, and the fifteen minutes in opposition to the bill has been exhausted.

Mr. MILLS. I would inquire how much time I have left?

The CHAIRMAN. The gentleman has eleven minutes of his time remaining.

Mr. MILLS. I have listened with a great deal of attention to the Democratic lecture which we have heard from the gentleman from Missouri [Mr. BUCKNER]. I want to ask that gentleman, before he walks too far away from his seat——

Mr. BUCKNER. I will listen to you with a great deal of pleasure.

Mr. MILLS. I want to ask that gentleman to tell us if he got up and gave this House the benefit of the economic strictures which he has just delivered when the bill was pending for the erection of a building at Hannibal, Mo.?

Mr. BUCKNER. I was here.

Mr. MILLS. I saw you here.

Mr. BUCKNER. I did not vote for it.

Mr. MILLS. No, but you were as silent as the grave.

Mr. BUCKNER. I did not vote for it.

Mr. MILLS. Why did not you speak against it then, as you have spoken now?

Mr. BUCKNER. I did not do it because I did not do my duty; and you are not doing your duty now.

Mr. MILLS. Yes, I am; and I did my duty by Hannibal. I want to know what the gentleman said about Saint Louis and Kansas City when bills were pending here for the erection of public buildings in those cities. Did you enlighten the House with your views on that subject when those bills were pending? What makes you so sudden a convert to the cause of economy now?

Mr. BUCKNER. I will tell you. It is because you have made a ring here in which you expect to get your "share of the pork."

Mr. MILLS. And you have already got your "share of the pork." [Great laughter]. The gentleman from Missouri is a funny man; he is a singular statesman. He says that we have been elected by our people to come here and reduce taxation. Now, I want to ask that gentleman if he has not been "shooing" down our efforts to reduce taxation on the food and clothing used by the people of the United States and on their farming implements?

Mr. BUCKNER. No, sir.

Mr. MILLS. You have been contending that it was impolitic and unwise for us to do anything on that question.

Mr. BUCKNER. Yes, I have.

Mr. MILLS. That is what I said. All the trouble with the gentleman is that he has not a public building in his little town in Missouri, the name of which I do not know.

I will now yield four minutes of my time to my friend from Virginia [Mr. GOFF] and will yield to my friend from Georgia [Mr. BLOUNT] the remainder of my time.

The CHAIRMAN. The gentleman has nine minutes of his time remaining.

Mr. GOFF. In the few moments of time allowed me on this matter I desire to call the attention of the committee particularly to the remarks of the gentleman from Ohio [Mr. WARNER], and to what I conceive to be his erroneous conception of the question involved in this bill and in other bills of a similar character.

The gentleman tells us that this bill should not pass for the reason that the city in Texas where this building is to be erected is of small dimensions, that its population is only a few thousand. I, for one, claim that the people residing in a city of a few thousand inhabitants are as much entitled to the privileges and benefits of a building of this character as are those who reside in the great cities of Louisville, Saint Louis, Boston, New York, Cincinnati, and other large cities.

These buildings are not for the benefit of the inhabitants of these cities only; they are constructed for the benefit of all the people of the United States residing in the respective States of this Union. Over 200,000 of the people of the State of Texas transact business under their judicial system in this city of Waco, and they are entitled when they go there to find a building which will furnish the necessary accommodations for the proper transaction of their business. It is altogether a mistake to say that the people of the town alone are interested in the building to be erected there. While the population of this place is perhaps not 10,000, there are more than 200,000 of the people of Texas who are compelled to go there by the processes of courts, and to bring their suits at that point. You then have really a population of 200,000 who are interested in the construction of this building.

I am not scared at this clamor for reform; I am not frightened by this cry of economy. I believe the people of this country are in favor of the construction of public buildings at all points where they are demanded by the public interest. For one, I am in favor of the Government flag floating over a building owned by the Government at every point where the Government has established a court.

The CHAIRMAN. The four minutes of the gentleman have expired.

Mr. MILLS. I now yield the remainder of my time to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I do not think it necessary to occupy any of the time of the committee by remarks on this bill.

Mr. MILLS. Then let us have a vote.

Mr. WARNER, of Ohio. I move to amend the bill by striking out "$100,000" and inserting "$50,000;" so that it will read:

Shall not exceed for the site and building complete $50,000.

The question was taken on the amendment, and it was not agreed to.

Mr. WARNER, of Ohio. I now move to amend by reducing the appropriation from $100,000 to $75,000.

The amendment was not agreed to; upon a division—ayes 42, noes 120.

The CHAIRMAN. The question is upon laying the bill aside to be reported favorably to the House.

The question was taken; and upon a division there were—ayes 135, noes 21.

So (no further count being called for) the bill was laid aside to be reported favorably to the House.

### PUBLIC BUILDING AT GREENVILLE, S. C.

Mr. STOCKSLAGER. Under instructions from the Committee on Public Buildings and Grounds, I now call up the bill (H. R. 1458) for the erection of a public building at Greenville, S. C.

Mr. THOMPSON. I move that the committee rise.

Mr. EVINS, of South Carolina. I hope not.

The motion of Mr. THOMPSON was agreed to; there being—ayes 91, noes 75.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration bills for the erection of public buildings, had directed him to report back to the House the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa, and the bill (H. R. 1570) for the erection of a public building at Waco, Tex., and to recommend that the first-named bill be passed without amendment, and the last with an amendment.

Mr. STOCKSLAGER. I move that the House now take a recess until 10 o'clock to-morrow morning.

Several MEMBERS. Say 11.

Mr. THOMPSON. I move that the House adjourn.

The SPEAKER. The question is first upon the motion to adjourn.

The question being taken, there were—ayes 75, noes 92.

Mr. THOMPSON. I call for tellers.

Tellers were not ordered.

Mr. THOMPSON. I call for the yeas and nays.

On ordering the yeas and nays, there were ayes 17—not one-fifth of the last vote.

Mr. THOMPSON. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered; and the motion to adjourn was not agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had concurred in the resolution of the House that the enrolling clerk of the House, in the enrollment of the bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing a penalty therefor," be directed to substitute the word "therefor" for the word "thereof" where it last appears in the Senate amendment to the title.

### ORDER OF BUSINESS.

Mr. WARNER, of Ohio. Mr. Speaker, has there not been intervening business so that the motion to adjourn may now be renewed?

The SPEAKER. There has been nothing but a message from the Senate. The House has taken no action whatever.

Mr. WARNER, of Ohio. I move to amend the motion of the gentleman from Indiana [Mr. STOCKSLAGER] for a recess by striking out "ten" and inserting "eleven."

Mr. STOCKSLAGER. I will accept that amendment, and modify my motion accordingly.

The question being taken on the motion of Mr. STOCKSLAGER as modified, there were—ayes 127, noes 25.

Mr. THOMPSON. I make the point that no quorum has voted.

Tellers were ordered; and Mr. THOMPSON and Mr. MILLS were appointed.

The House again divided; and the tellers reported—ayes 138, noes 12.

Mr. THOMPSON. I do not insist upon the point that no quorum has voted.

So the motion of Mr. STOCKSLAGER for a recess was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House took a recess until 11 o'clock a. m. to-morrow.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. H. BREWER: Petition of citizens of Atlantic County, New Jersey, for a harbor of refuge at Absecon Inlet at Atlantic City, N. J.—to the Committee on Rivers and Harbors.

By Mr. BROADHEAD: Memorial from the Indian Rights Association of Philadelphia, relative to education among the Indian tribes—to the Committee on Education.

By Mr. BUDD: Unanimous resolutions of the Democratic State central committee of California, favoring Sumner's postal-telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CAINE: Petition of W. H. Haigh and 168 others, citizens of the Territory of Utah, praying for the restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

By Mr. CONVERSE: Petition of J. A. Arnold and 12 others, citizens of Ohio, and of W. N. Cowden and 316 others, citizens of Guernsey County, Ohio, praying for the restoration of the wool tariff of 1867—severally to the same committee.

By Mr. DEUSTER: Papers relating to the pension claim of C. T. Moore—to the Committee on Invalid Pensions.

By Mr. DOCKERY: Petition for the relief of John Taggart—to the Committee on Claims.

By Mr. DORSHEIMER: Memorial of Henry Sheldon, Joseph J. O'Donohue, and over 200 others, merchants and capitalists and citizens of New York, relative to the improvement of the Harlem River, New York—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of employés of the House folding-room, for equalization of pay—to the Committee on Accounts.

Also, petition of Presly N. Guthrie, adjutant-general of Pennsylvania, to increase appropriation for State militia—to the Committee on the Militia.

Also, memorial of the First National Bank, Saugerties, and Saugerties National Bank, relative to the national banking system—to the Committee on Banking and Currency.

Also, memorial of business men and merchants of Baltimore, Md., and of the Philadelphia Produce Exchange, for the passage of a general bankrupt law—severally to the Committee on the Judiciary.

Also, memorial for the revision of the pension system—to the Committee on Invalid Pensions.

By Mr. GREENLEAF: Petition of Sarah E. Graves, for arrears of pension—to the same committee.

By Mr. B. W. JONES: Resolutions of A. R. Macdonald Post, No. 56, Grand Army of the Republic, Department of Wisconsin, relative to pensions, bounties, &c.—to the same committee.

By Mr. J. T. JONES: Report relating to the claim of W. C. Edmonston—to the Committee on Claims.

By Mr. KEIFER: Petition of the Western Andersonville Survivors' Association, relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LAMB: Petition of the employés of the Government, for the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. CHARLES O'NEILL: Petition relating to the claim of the heirs of Capt. John Lascomb—to the Committee on Claims.

By Mr. S. J. PEELLE: Papers relating to the claim of Dr. Jonathan Conkle—to the Committee on War Claims.

By Mr. PIERCE: Papers relating to the claim of Caleb R. Clement—to the same committee.

By Mr. POLAND: Petition of George H. Richmond, against copyright for newspapers—to the Committee on Patents.

By Mr. RIGGS: Affidavit relating to the bill for the relief of James T. Dodson—to the Committee on Military Affairs.

By Mr. W. F. ROGERS: Petition of workingmen of the city of Buffalo, N. Y., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. T. G. SKINNER: Petition of C. W. Mitchell and 98 others, for educational aid—to the Committee on Education.

By Mr. SPOONER: Petition, &c., of Lewis Manross, for increase of pension—to the Committee on Invalid Pensions.

Also, memorial of Capt. William P. Martin, asking to be retired with rank and pay of captain of cavalry—to the Committee on Military Affairs.

Also, papers relating to the claim of Jeremiah McCarty—to the Committee on Pensions.

By Mr. VANCE: Papers relating to the claims of James C. McNeeley and of William Williams—severally to the Committee on War Claims.

By Mr. W. L. WILSON: Papers relating to the pension claim of Jacob Funkhouser—to the Committee on Pensions.

## SENATE.

### THURSDAY, *April* 10, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Wisconsin. To-morrow is Good Friday, and I suppose Senators do not desire a meeting of the Senate to-morrow. I therefore move that when the Senate adjourns to-day it adjourn to meet on Saturday.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that when the Senate adjourns to-day it adjourn to meet on Saturday.

Mr. COCKRELL. Would not that be amendable by moving to adjourn to Monday?

Mr. CAMERON, of Wisconsin. No.

Mr. SEWELL. Let us adjourn to Monday.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Wisconsin to move to adjourn to Saturday.

Mr. CAMERON, of Wisconsin. I move to adjourn to Saturday, but if it is the desire to adjourn over until Monday, I have no objection.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that when the Senate adjourns to-day it be to meet on Monday next. The Chair thinks the motion is not amendable.

Mr. SEWELL. I ask the Senator from Wisconsin to modify it so as to adjourn to Monday.

Mr. CAMERON, of Wisconsin. I will modify the motion so as to provide for an adjournment to Monday.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HALE. I hope that will not be done. We can not afford certainly now in the state of business to lose the next two days.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on agreeing to the motion.

Mr. HALE. Let us have the yeas and nays upon the question.

The yeas and nays were ordered.

Mr. HOAR. I hope the Senator from Wisconsin will withdraw the motion until the Senate is full and let the matter be settled once for all. It can be brought up at any time during the day.

Mr. CAMERON, of Wisconsin. Will the Senator from Maine consent, so far as he is concerned, that the Senate shall adjourn over until Saturday?

Mr. HALE rose.

The PRESIDENT *pro tempore*. The matter is not open to debate, the Chair is obliged to remind Senators. The yeas and nays have been ordered. The Chair will state the question. It is moved by the Senator from Wisconsin that when the Senate adjourn to-day it be to meet on Monday next, on which motion the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 18; as follows:

YEAS—30.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Jackson, | Plumb, |
| Beck, | Edmunds, | Jones of Florida, | Sewell, |
| Butler, | Garland, | Kenna, | Sherman, |
| Call, | Gorman, | Logan, | Slater, |
| Cameron of Wis., | Hampton, | McPherson, | Vest, |
| Cockrell, | Harris, | Maxey, | Voorhees. |
| Coke, | Hill, | Morrill, | |
| Cullom, | Ingalls, | Platt, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Allison, | Hale, | Miller of Cal., | Riddleberger, |
| Bowen, | Harrison, | Miller of N. Y., | Sawyer, |
| Conger, | Hoar, | Morgan, | Wilson. |
| Dawes, | Jonas, | Pendleton, | |
| Frye, | Lapham, | Pike, | |

ABSENT—28.

| | | | |
|---|---|---|---|
| Anthony, | Fair, | Lamar, | Ransom, |
| Bayard, | Farley, | McMillan, | Sabin, |
| Blair, | George, | Mahone, | Saulsbury, |
| Brown, | Gibson, | Manderson, | Vance, |
| Camden, | Groome, | Mitchell, | Van Wyck, |
| Cameron of Pa., | Hawley, | Palmer, | Walker, |
| Colquitt, | Jones of Nevada, | Pugh, | Williams. |

So the motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 20th ultimo, copies of such accounts and vouchers of the disbursing agent of the Department of Justice for miscellaneous expenses relating to the star-route cases, during the past three years, as appear on file in the Treasury Department; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter of M. A. Healy, commander of the revenue-steamer Corwin, upon the subject of making provision for a new and larger revenue-steamer for duty in Alaskan waters, and recommending an immediate appropriation of $175,000 therefor.

The PRESIDENT *pro tempore*. The letter, with the accompanying report, will be printed. The Chair does not know whether it should go to the Committee on Commerce or the Committee on Appropriations.

Mr. CONGER. If the object of the communication is to ask for an appropriation, it should go to the Committee on Appropriations; but if it is to have a report of a committee upon the necessity for the passage of a law authorizing the construction of such a vessel, it should go to the Committee on Commerce, which has charge of the revenue-marine service.

The PRESIDENT *pro tempore*. The letter of the Secretary contains both propositions; the necessity for such a bill, and if coming to the conclusion that it is necessary, recommending that the appropriation be made.

Mr. CONGER. I think if the character of the communication is such that it urges an immediate appropriation it should go to the Committee on Appropriations.

Mr. HALE. Such appropriations have commonly been made, always I think, on appropriation bills. I agree with the Senator from Michigan that if the need is such as is stated, as I presume it is, by the Secretary of the Treasury, as there ought not to be any delay, the matter ought to be considered by the Committee on Appropriations.

Mr. CONGER. It was with that view I made the inquiry.

The PRESIDENT *pro tempore*. The communication, with the accompanying report, will be referred, if there be no objection, to the Committee on Appropriations.

Mr. CONGER. Very well.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting a statement showing the number of enlistments in the Navy during the late war within the boundaries of each State and the States to which the men were accredited; which, with the accompanying papers, was referred to the Committee on Naval Affairs.

## PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of G. W. Shuster Post, Grand Army of the Republic, Toronto, Ohio, in favor of the passage of a pension bill recommended by the pension committee of that post; which was referred to the Committee on Pensions.

Mr. PLUMB presented a petition of ex-Union soldiers and sailors now residing in the State of Kansas, praying that certain changes be made in the pension laws; which was referred to the Committee on Pensions.

Mr. HALE presented resolutions of the Board of Trade of Portland, Me., urging legislation to promote the efficiency of the revenue-marine service, and especially to provide for the retirement of its officers; which were referred to the Committee on Commerce.

Mr. CULLOM presented resolutions adopted by Manus Post, Grand Army of the Republic, Baldwin, Ill.; resolutions adopted by Olney Post, No. 92, Department of Illinois, Grand Army of the Republic; resolutions adopted by William J. Stephenson Post, No. 249, Department of Illinois, Grand Army of the Republic, favoring the pension legislation recommended by the Grand Army of the Republic committee on pensions; which were referred to the Committee on Pensions.

He also presented a petition adopted by the Grand Army of the Republic of the Department of Utah, embracing the Territories of Utah, Idaho, and Montana, at its second annual encampment, praying Congress to take away all legislative power from the people of Utah until such time as they shall prove themselves worthy of the trust; which was referred to the Committee on Territories.

Mr. SEWELL presented resolutions adopted by the Board of Trade of Trenton, N. J., praying for the suspension of the coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. BOWEN presented the memorial of M. J. McCarty and others, of Costilla County, Colorado, remonstrating against the action of certain claimants to Mexican land grants; which was referred to the Committee on Private Land Claims.

Mr. DAWES presented the petition of John Pray and citizens of Lynn and other towns in Massachusetts, machinists, merchants, &c., remonstrating against the passage of the bills now pending for the amendment of the patent laws; which was referred to the Committee on Patents.

Mr. PLATT. I present two memorials, one the memorial J. M. Emerson, of Ansonia, Conn., and the other the memorial of the Middletown Publishing Company, of Connecticut, remonstrating against the passage of what is known as the news-copyright bill. I am not aware that any memorial of this kind has been heretofore presented, and I do not know that any bill is now pending in the Senate on that subject.

The PRESIDENT *pro tempore*. The matter is under consideration by the Committee on the Library, the Chair believes.

Mr. PLATT. Then I move the reference of these memorials to that committee.

The motion was agreed to.

Mr. LAPHAM presented the memorial of F. W. Corson, of Wappinger's Falls, N. Y., remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

He also presented a resolution of the Chamber of Commerce of the State of New York, in favor of the amended Lowell bill for establishing a uniform system of bankruptcy and urging its immediate passage; which was ordered to lie on the table.

Mr. INGALLS. I present the petition of Robert Lawson, Elizabeth Miller, John N. Eslinger, and 40 other men and 49 other women, citizens of the State of Kansas, praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchizing citizens on account of sex. I believe the Select Committee on Woman Suffrage have reported a resolution on that subject. I move therefore that the petition lie on the table.

The motion was agreed to.

Mr. ALDRICH presented a petition of the city council of the city of Newport, R. I., praying for such legislation as will allow that city to construct and maintain a sewer over or across the Government breakwater at Goat Island, Rhode Island; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a resolution adopted by the Toledo (Ohio) Produce Exchange, urging upon Congress that the excavation of the harbor at Duluth to a greater depth is seriously needed by the great and growing commerce of the lakes and favoring an appropriation therefor; which was referred to the Committee on Commerce.

Mr. MILLER, of California, presented resolutions of the Legislature of the State of California; which were read, and ordered to lie on the table, as follows:

Assembly concurrent resolution No. 1, relative to the postal-telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER.

*Resolved by the assembly (the senate concurring)*, That we heartily indorse the postal-telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER, of this State, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the people of the United States.

*Resolved*, That our Senators be, and they are hereby, instructed, and our Representatives requested, to support and by all honorable means endeavor to secure the passage of said bill.

*Resolved*, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

H. M. LA RUE,
*Speaker of the Assembly.*
JOHN DAGGETT,
*President of the Senate.*

Attest:

THOMAS L. THOMPSON,
*Secretary of State.*

Mr. PENDLETON. I have a letter from F. M. Shippey, superintendent of schools for Freeport County, Ohio, who makes a statement that there are in the treasury of England certain papers bearing the stamps of the old celebrated stamp act of 1765, which are of interest in our colonial history. It evidently was intended, though a letter to me, to be a petition to the Senate, and I ask that it be received as such, and move that it be referred to the Committee on the Library.

The motion was agreed to.

Mr. CALL presented resolutions of the Board of Trade of Pensacola, Fla., in favor of the passage of the Lowell bankrupt bill; which were ordered to lie on the table.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 431) for the relief of Sallie A. Spence; and

A bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands.

The message also announced that the House had passed a bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea; in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed enrolled bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under authority of the United States, or any Department or any officer thereof, and prescribing a penalty therefor; and it was thereupon signed by the President *pro tempore*.

## REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 200) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., reported it with an amendment.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an amendment to the consular and diplomatic appropriation bill in lieu of certain bills referred to the committee on the subject of appointing a special commissioner to visit the principal countries of Central and South America for the purpose of collecting information looking to the extension of American trade and commerce, &c. I report this amendment with a written report, which I ask to have printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from California from the Committee on Foreign Relations reports an amendment intended to be proposed to the consular and diplomatic appropriation bill. The amendment will be printed and referred to the Committee on Appropriations.

Mr. MILLER, of California. I report back from the same com-

mittee with a recommendation that it be indefinitely postponed the bill (S. 347) to authorize the appointment of a special commissioner to visit the principal countries of Central and South America for the purpose of collecting information looking to the extension of American trade and commerce and the strengthening of friendly and mutually advantageous relations between the United States and all other American nationalities.

Mr. COCKRELL. I did not fully understand the former report just made by the Senator from California.

The PRESIDENT *pro tempore*. The report of the Senator from California from the Committee on Foreign Relations was an amendment providing for this matter to be put on the consular and diplomatic appropriation bill, and his written report explains the ground on which the recommendation of the committee proceeds. He also reports sundry bills upon the subject as not necessary to be passed in view of the amendment that he proposes to the consular and diplomatic appropriation bill. If there be no objection the bill will be indefinitely postponed. The bill just reported will be indefinitely postponed if there be no objection.

Mr. MILLER, of California. I am also instructed by the same committee to report in favor of the indefinite postponement of the bill (S. 594) for the encouragement of closer commercial relationship and in the interest of and the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil.

The bill was indefinitely postponed.

Mr. MILLER, of California. I am also instructed by the same committee to report in favor of indefinitely postponing the bill (S. 1700) to authorize the appointment of three commissioners to visit the principal countries of Central and South America for the purpose of collecting information looking to the extension of American trade and commerce and the strengthening of friendly and mutually advantageous relations between the United States and all the other American nationalities.

Mr. COCKRELL. I shall ask that that bill be placed on the Calendar until I have had time to examine the substance of the amendment.

Mr. MILLER, of California. I have no objection to that.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. COCKRELL. Do I understand that the amendment reported by the Senator from California will be printed in the RECORD?

Mr. MILLER, of California. It will be printed as a proposed amendment and the report will be printed as the report of a committee.

I am also instructed by the Committee on Foreign Relations, to whom was referred the bill (S. 1860) for the relief of Richard Phœnix, to report adversely thereon. I think as the Senator from Nebraska [Mr. MANDERSON] has taken a great interest in the bill and he is not present it had better be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WILSON. The bill (S. 2008) to provide for the payment of the amounts that may be found to be due to postmasters under the act of March 3, 1883, and for other purposes, was referred to the Committee on Post-Offices and Post-Roads and has been considered by that committee. I am directed to report the provisions of that bill in the form of an amendment intended to be proposed to the bill making appropriations for the Post-Office Department, and I ask the reference of the proposed amendment to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Iowa, from the Committee on Post-Offices and Post-Roads, reports an amendment intended to be proposed to the Post-Office appropriation bill. The amendment will be printed and referred to the Committee on Appropriations.

## BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2025) for the relief of John Ricketts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2026) granting a pension to Elias Shelton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COKE introduced a bill (S. 2027) for the relief of A. B. Norton; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNA (by request) introduced a bill (S. 2028) granting a pension to Sarah M. Bissell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LAPHAM (by request) introduced a bill (S. 2029) for the relief of James A. Whalen; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 2030) for the better protection of citizens in the rights of property and to punish infringers of patents; which was read twice by its title.

Mr. PLATT. I introduce the bill by request and without committing myself to the principle of the bill in any way. I move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. HILL introduced a bill (S. 2031) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and for other purposes; which was read twice by its title.

Mr. HILL. I shall ask the consent of the Senate at some convenient time in a few days to submit some remarks upon the bill, and I ask that it lie on the table for the present.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. BOWEN introduced a bill (S. 2032) to protect employés of railway corporations engaged in interstate commerce and in the transportation of freight by railways in the District of Columbia and the Territories of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BOWEN subsequently said: I understand that bills of the nature of the one I have just introduced have been referred to the Committee on Railroads. If that information is correct I should like to have the reference changed.

The PRESIDENT *pro tempore*. If there be no objection the reference will be changed. The Chair is not advised what the practice is.

Mr. CALL introduced a bill (S. 2033) providing for a writ of error in the cause of the heirs of Arredondo against the United States of America in the circuit court of the United States for the northern district of Florida; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 2034) to remove the political disabilities of Alfred Iverson; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

## AMENDMENT TO A BILL.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

## RANCHO DE NAPA GRANT.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII, Order of Business 231, being Senate bill 1232, which will now be laid before the Senate.

The bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## COURT IN INDIAN TERRITORY.

The bill (S. 209) to establish a United States court in the Indian Territory, and for other purposes, was announced as next in order on the Calendar.

Mr. HARRISON. At the time that bill was reported from the Committee on Territories I indicated that there was a difference of opinion as to some of its provisions by certain members of the committee, myself holding some views with the minority, and it can hardly be considered under the five-minute rule. I therefore object.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes over.

## ARMS FOR SOUTH CAROLINA.

The bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States was considered as in Committee of the Whole.

Mr. PLATT. Is there a report?

The PRESIDENT *pro tempore*. There is a report.

Mr. PLATT. Let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAMPTON February 15, 1884:

The Committee on Military Affairs, to whom was referred the bill (S. 1412) authorizing the Secretary of War to adjust and settle the accounts for arms between the State of South Carolina and the Government of the United States, having considered the same, beg leave to submit the following report:

It appears from the papers in this case, furnished by the Secretary of War, that R. K. Scott, governor of South Carolina, sent the adjutant and inspector-general of the State, Franklin J. Moses, jr., to Washington in 1869 "to make requisition upon the United States Government for the quota of arms due this State and to receive and receipt for the same;" that, in pursuance of the order of Governor Scott, Moses made a requisition, and was notified by Col. T. J. Treadwell, then in charge of the Ordnance Bureau, that there was due to the State, on account of her quota of arms, the sum of $8,798.78. Upon receipt of this information, Moses wrote to General Dyer, Chief of Ordnance, that "the number of arms embraced in such quota would be entirely inadequate for the purposes for which the arms are desired by the governor;" and he asked that 10,000 Springfield muskets and the like number of sets of infantry accouterments should be issued to the State. This request was approved by the Secretary of War, and the arms were issued. The State was charged for these arms $124,000, and since their issue no arms have been issued to South Carolina except 120 Springfield rifles, for which she was charged $2,491.20.

In view of the fact that the act of April 23, 1808, directs an annual distribution of arms to the several States, and in consideration of the circumstances attending the unprecedented requisition of Governor Scott, by which the State has been deprived of her quota of arms since 1869, and will be deprived of it for many years to come, it seems to be but an act of equity that she should be relieved from the debt with which she is charged by the General Government. It will readily be perceived that if the Secretary of War has authority to issue

to any State its quota of arms in advance, and should do so, as in the case of South Carolina, for thirty years, such State would not only be deprived of all the benefits which would accrue from the adoption of improved arms, but an enormous debt might be imposed on that State.

In order that all the facts connected with this case may be fully understoood, the papers submitted by the Secretary of War are appended to this report; and your committee recommend the passage of the accompanying bill.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut desire that the accompanying papers shall be read?

Mr. PLATT. I do not.

Mr. CONGER. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be again reported.

The Chief Clerk read the bill, as follows:

*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to adjust the account for arms between the State of South Carolina and the Government of the United States, and balance the same by so reducing the overcharge made against said State in A. D. 1869, under the act approved the 23d of April, A. D. 1808, and the several acts amendatory thereof, as that the amounts paid on said account by said State for the ten years last past be taken in full satisfaction of the same.

Mr. ALLISON. I desire to ask the Senator who has charge of this bill what the effect of the bill will be upon the other States of the Union? There is an annual appropriation, as we know, for arms, which is distributed regularly among the States according to their quota of militia. Now, here is a readjustment of the account for arms furnished to South Carolina. Is it not the effect of this bill to take away from other States who are entitled to arms their proper proportion? Although some injustice may have been done to South Carolina, is it right now at this late day to take away from other States their proper quota of arms under the law of 1808?

Mr. HAMPTON. The passage of the bill will have no such effect as is contemplated by the Senator. The facts of the case are simply these: In 1869, when Scott was governor of South Carolina, he made a requisition through his adjutant-general for arms. When the adjutant-general came here he found that the annual quota of the State was about $4,000. He said that that would not be sufficient for the purpose that they had in view in South Carolina, and he asked for 10,000 rifles. They were given him, I think myself by a very great stretch of authority, but they issued arms for thirty years in advance to South Carolina. The consequence of that has been that we have received no arms from that day to this, and the State is now charged with about $60,000 of balance on the quota which was advanced in 1869. The bill simply proposes to wipe out that debt and to authorize the State to draw hereafter her quota.

I will state that a similar bill was passed unanimously last year by the Senate, and the report is a unanimous one from the Military Committee. I think there can be no objection to the bill if Senators will look into it.

Mr. PLATT. I got the impression from hearing the report read that the State of South Carolina had the arms which she was charged this $124,000 for and has them still. Now, what is this proposition? That she shall return them?

Mr. HAMPTON. The State has not the arms. They were sent to South Carolina at that time. As the militia was organized the colored troops got all the arms. Not a single arm was given to a white company in the State. The arms were very inferior and most of them have been lost. A few of them are there still. I will say that there are twelve or fifteen colored companies in South Carolina, one whole brigade in Charleston, and they are armed with those arms.

I think we ought to be entitled to our arms for the past twelve or fourteen years, but this only provides for the future. In the papers accompanying the report will be found a full statement of the case.

Mr. INGALLS. I did not understand from the statement made by the Senator from South Carolina what disposition was made of these arms. I understand there is an annual appropriation of $200,000 made for the distribution of arms among the different States under the act of 1808, and that in 1869 the properly constituted authorities of the State of South Carolina received a very large excess of the amount to which they were entitled, aggregating nearly $125,000. The allegation is not made in the report that the State did not receive the arms, nor is it accounted for whether they are there at the present time or not. But if this requisition was honored in 1869, then other States were deprived of the amount to which they were justly entitled, and if we now proceed to readjust the account upon the basis that the withholding of the amount due South Carolina for the last ten years shall be an equivalent for what she received in 1869, some other States are to be deprived of what they would be entitled to under succeeding quotas. I wish the Senator from South Carolina would state where these arms are.

Mr. HAMPTON. Very few are in the State.

Mr. INGALLS. That is not the fault of the United States Government.

Mr. HAMPTON. No.

Mr. INGALLS. The demand was made on the Government by the governor of the State of South Carolina, and in pursuance of the law the amount of arms specified in this report was delivered to the State. The fact that they are not there, or that there was a misappropriation, or that they were improperly distributed, or that they have been improperly taken care of since, imposes no additional obligation on the Government of the United States.

Mr. HAMPTON. As I said just now, I can not see how the balancing of this account can in the slighest degree affect the claim of any other State.

Mr. INGALLS. The Senator, I believe, understands that there is an annual fixed appropriation made for this purpose.

Mr. HAMPTON. I was going on to state that by the law of 1808 there is an annual appropriation, and the law explicitly declares that the arms shall be annually appropriated to the States. While I do not mean to criticise the Secretary of War for his action, I think he exceeded his authority when he undertook to issue arms to a State for thirty years in advance. If he can do it for thirty years or ten years in advance, he might for one hundred years. We have been deprived in South Carolina since 1869 of the benefit of receiving any arms, so that we have had no improved arms. The arms that were given there, as I stated, were distributed to the negro militia in the State, and there are none of them in the State now except those which are in the hands of the regiments and companies of negro militia, and they are very creditable organizations. Not a single one of these arms passed into the hands of the white militia. In 1877, when I assumed the office of governor, we endeavored to recover these arms. We found very few of them except those that were placed in the hands of colored troops, and of course they were not taken from them, and the State has been deprived from that day to this of any issue of arms at all. We simply ask now that hereafter she may receive her quota. There is a bill reported by the Military Committee increasing that appropriation to $600,000, so that every State will be amply supplied under the new bill.

Mr. SAULSBURY. I doubt very much the policy of anticipating the annual distribution of arms among the States, but I rise to say that in my opinion it would be wise to repeal the act of 1808 providing for the distribution of arms. I do not believe there is any necessity for it; and there being no occasion for the purchase of arms and for the distribution of arms among the States in time of peace, I do not see why we should spend $600,000 as now proposed for arms to be distributed. I think under the circumstances, however, South Carolina ought to be relieved from the embarrassment in which she is placed in reference to these arms. It is well known—it is understood generally at least—that the object of securing these arms in advance of the time at which the State would be entitled to them was to arm one portion of the people of that State.

Mr. CONGER. Mr. President, the report to which we have been referred and which was not all read shows that there was due from South Carolina, taking the account of the money advanced for arms, $80,596.08 on the statement of the account for the arms furnished the State. The governor of South Carolina made a requisition on the 13th of July, 1869, upon the United States Government "for the quota of arms due the State for arming the militia." The adjutant-general of the State requested on behalf of the State of South Carolina that it might be "allowed to draw so many years' quota of arms in advance as will enable us to obtain from the United States 10,000 muskets as soon as possible, in order that we may be enabled to have them altered to breech-loaders at as early a day as practicable."

The date of that communication is July 17, 1869. That was a request of the State of South Carolina from its governor through its adjutant-general. In reply to that, the matter being referred to General Dyer, the brevet lieutenant-colonel and major of ordnance in charge of the bureau, Mr. Treadwell, reports that "there is due to the State of South Carolina, on account of her quota under the law for arming the militia, the sum of $8,798.78; and, if authorized, this department might issue arms to the extent asked for in advance of future quotas to become due from our surplus arms; in which case I would recommend the issue of Springfield rifle-muskets, which have been cleaned and repaired, and that the same be charged at the price of $7 each against future quotas to South Carolina."

Under that authority the State drew seventy thousand dollars' worth of muskets and fifty-four thousand dollars' worth of accouterments. In addition to that and since that time, as late as March 9, 1878, the State drew of Springfield rifles one hundred and twenty, to the amount of $2,160 and for other things enough to make $2,500. The result was that in 1879 they had overdrawn the amount due to the State under the law $80,596.08. There is no question but what the governor of that State drew from the United States, professedly in advance of the quota it would have received, large amounts of arms. There is no doubt that they were sent to the Springfield armory and were there changed, as desired by the governor of that State, into breech-loading guns, as good arms as there were in the United States. There is no pretense but that the governor, the accredited and proper authority of the State of South Carolina, drew from the General Government by special request this amount in advance of its quota; and the action of the governor whoever he was is binding to me, who am a strong State-rights man, as all Senators here know. I say the action of that governor whoever he was, whether the present Senator or his predecessor, is binding upon the State and in regard to this matter upon the United States.

The PRESIDING OFFICER (Mr. HARRIS in the chair). It is the duty of the Chair to inform the Senator from Michigan that his five minutes have expired.

Mr. CONGER. For the purpose of having time for the further discussion of this matter I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill being objected to, goes over.

Mr. HAMPTON. May I ask the Senator from Michigan if he will let it retain its place on the Calendar, so that it shall come up at the next sitting and we shall have the opportunity then of examining all the documents?

Mr. CONGER. I shall be met with objection to going on with my remarks then, having spoken once.

Mr. HAMPTON. I shall ask unanimous consent to let the Senator speak as long as he pleases.

Mr. CONGER. Having of course the same right, if there should be a refusal of that request of the honorable Senator, to object to the consideration of the bill then as now, I am willing that it shall remain on the Calendar.

The PRESIDING OFFICER. Is there objection to the bill being informally passed over, holding its place at the head of the Calendar under Rule VIII? The Chair hears none.

CITADEL ACADEMY, CHARLESTON.

The bill (S. 1413) to empower the Secretary of War to audit the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy at Charleston was considered as in Committee of the Whole.

Mr. CONGER. If that should be changed from "audit" to "examine" the claim, so that it shall not involve the idea of a settlement of it, I have no objection to the bill.

Mr. HAMPTON. This bill is framed, as I think, to meet the views of the Secretary of War. I have been in consultation with him, and the whole matter is left to him entirely. He has to pass upon the fact whether the building has been used, and, if so, what rent is due, and if rent is due, what amount should be paid, and he then reports to Congress.

Mr. CONGER. I have no objection to that. This claim seems to have been from August, 1866.

Mr. HAMPTON. I will state for the information of the Senator that Judge Upton has examined the claim, and in a written communication, which was before the Military Committee, he says that a reasonable rent is due. We propose to let the Secretary of War, who will appoint a board, pass upon the question whether the rent is due and report all the facts to Congress.

Mr. CONGER. I have no objection.

Mr. INGALLS. I think the word "audit," in line 4, should be changed. That has a technical meaning. It is the function of an auditor of the Treasury to audit accounts. I prefer the use of the word "examine," and will move to substitute the word "examine" for "audit."

Mr. HAMPTON. I am not authorized to act for the committee, but as far as I am concerned I am perfectly willing that that change should be made.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CONGER, the title was amended so as to read:

A bill to empower the Secretary of War to examine the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy at Charleston.

BRANCH SOLDIERS' HOME.

The bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes, was announced as next in order.

Mr. HALE. Mr. President——

Mr. ALLISON. Let this go through.

Mr. HALE. If this will not take long I have no objection.

Mr. ALLISON. It will only take a few minutes.

Mr. HALE. Very well.

Mr. CONGER. There are propositions before the Senate for the establishment of branch homes for volunteer disabled soldiers in Michigan and in other portions of this country, and I desire that there shall be embodied in one bill whatever action may be taken in regard to the subject. I am especially anxious that the proposition for a branch of the Home for Disabled Volunteer Soldiers in Michigan should have early action; and if this bill goes over without prejudice, not losing its place, perhaps the committee will be able to report a bill to embody whatever is to be done.

Mr. HARRISON. The Senator from Michigan will allow me to interrupt him.

Mr. CONGER. Certainly.

Mr. HARRISON. I desire to state that there have been petitions presented to the Military Committee for the location of soldiers' homes in specified States, among others the State of Michigan. One of those petitions was reported the other day from the Military Committee by the Senator from Missouri [Mr. COCKRELL], not adversely but with the statement that the committee had taken action to the extent they are willing to go in the bill which had been reported; and the other day when the Senator from Michigan perhaps introduced some petition looking to the location of a home in that State, at my suggestion the petition was laid upon the table, for the reason that the Military Committee had already acted upon the subject as they thought. Now, if the Senator from Michigan desires this bill to be passed over until he can prepare some amendment looking to the location of a home in Michigan with a view of attaching it to this bill, there can be no objection that I know of.

Mr. CONGER. It is principally in reference to the location of a home in my own State that I desire delay.

Mr. HALE. Then let this bill go over and keep its place on the Calendar.

Mr. CONGER. I wish to say in regard to that, if any such proposition as that referred to by the Senator from Indiana was made in my hearing it was with the understanding that Michigan was provided for as well as other States, for I can not conceive it possible that the committee having the subject in charge would leave that State out of any such proposition. Let the bill go over without prejudice.

Mr. HARRISON. Before that is done I desire to say to the Senate that this bill is here without any written report from the Military Committee. It was in my charge, but was passed upon at an extra meeting of the committee held on a day when I had a meeting of my own Committee on Territories, and I was not present. It was brought to me by the direction of the Military Committee to report it, which I have done, but I did not accompany it with any written report.

Senators will find, if they will examine the last section of the bill, that it enlarges the scope of the law as it exists now with reference to all the homes as to the class of persons who may be taken to the homes. I mention this fact in order that the attention of any who choose to look at it may be called to it.

Mr. CONGER. I wish to add in this connection that my colleague and myself have received very numerous petitions from soldiers and posts of the Grand Army of the Republic in regard to this matter, and it has been pressed upon our attention from time to time by letters that the subject should be brought before the Senate. I should be sorry to have action taken on this bill until an opportunity is presented to show the committee what we wish in regard to the State of Michigan.

Mr. ALLISON. Before we pass from this bill I desire to say that I also have received, with my colleague, many petitions respecting the establishment of a home in Iowa, but I have supposed that we could not secure a home in every State in the Union and that we should be obliged therefore to locate these homes in different localities throughout the Union. I have been rather disposed to accept the report of the Committee on Military Affairs giving a range wherein this additional home may be established so as to accommodate the soldiers of several States.

Mr. CONGER. That must be very satisfactory to the gentleman, because Iowa is one of the States mentioned in the bill for such a home. Michigan is not.

The PRESIDING OFFICER. Is there objection to this bill being informally passed over, holding its place on the Calender under Rule VIII? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

The bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea was read twice by its title, and referred to the Committee on Commerce.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent to take up the naval appropriation bill at this time.

The PRESIDING OFFICER. The Senator from Maine asks the unanimous consent of the Senate to proceed at this time to the consideration of the naval appropriation bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 178, to insert under the head of "Bureau of Ordnance:"

For the construction or purchase of one torpedo-boat, after the best model of construction now in use, $55,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment and Recruiting," in line 189, after "receiving-ships," to strike out "for the civil establishment."

The amendment was agreed to.

The next amendment was, in line 193, to increase the appropriation "for equipment of vessels" from $707,000 to $850,000.

The amendment was agreed to.

The next amendment was in the same clause, after the word "dollars," in line 194, to insert:

The coal for the Navy purchased under this appropriation shall be of the kind which may be preferred by the Secretary of the Navy, after an investigation by a suitable board of officers of the comparative merits of anthracite and bitumi-

nous coal for ordinary naval uses, and the price of said coals, and the readiness with which they may be procured in the ports of the world.

Mr. BECK. On this whole question I wish to ask the Senator from Maine, who is managing the bill, whether we have not some statements relative to the superiority of bituminous coal over anthracite coal and whether we have not also information that ought to be furnished in some way as to our want of a naval station and our absolute dependence for all sorts of coal on foreign countries, showing the necessity for these amendments. We use anthracite coal now, I believe, nearly altogether, which can not be had except in our own ports, and we have neither stations nor anything else outside of our own ports, except one or two in very remote parts of the world. I think some information should be given to the Senate on these points, either orally or in print. I want it in the RECORD for the benefit of the Senate and the House.

Mr. HALE. I will state the object sought to be reached by the amendment. During the war the Navy fell into the use almost exclusively of anthracite coal. Since that time the groove into which the Navy fell has been continued, and anthracite coal is used largely or almost exclusively by the Navy. It is not the opinion of naval authorities that I have consulted, and I may say of the Secretary, that anthracite coal is the best. I believe and he believes (and I think that is the sentiment generally) that the Navy would be better out of this groove that it has been running in, and should buy and consume the other coal. The bituminous coal is not quite as comfortable on board; it makes more smoke and smell, and therefore may not be a favorite with officers; but it is cheaper, more readily attainable, and the Secretary thinks he can use it with profit and advantage. He undoubtedly has the power at present to direct the purchase of bituminous coals wherever they can be reached; but a provision of law of this kind from Congress helps the head of the Department in getting the Department out of an old and established usage, gives him an authority and a prestige, something to back him, which is desirable. That is the reason why the clause has been put in.

We have but few naval stations anywhere on the face of the earth. There is one on the Sandwich Islands which is pretty badly out of repair and needs money spent upon it, and that is why the appropriation has been increased. There is one at the point of Lower California called Pichiluego and another at the San Juan Islands. These all need something in the way of repairs; they need a supply of coal; and the amount appropriated by the House of Representatives for these items the Department say is not sufficient. Therefore the Committee on Appropriations upon this presentation increased the appropriation and inserted this amendment, which I believe has been agreed to already, giving the Secretary some encouragement in taking hold of this question of the kinds of coal to be consumed by the Navy.

The PRESIDING OFFICER. The amendment has not yet been agreed to. The Chair was putting the question when objection was made. The question is on the amendment.

Mr. McPHERSON. Will the Senator please inform me, if he can, what kind of coal is now being used by the Navy? Is it anthracite or bituminous coal?

Mr. HALE. The Senator I presume was not present when I explained this matter. That was the statement I made on taking the floor before. It is anthracite. The Navy is running in that direction.

Mr. McPHERSON. And this provision is simply to give the Secretary of the Navy power to make investigation as to which would be the most suitable coal to use?

Mr. HALE. As I have said he can do so now undoubtedly, but this helps him in that direction.

Mr. McPHERSON. Inasmuch as the district producing anthracite coal is very limited and very small, and as the coal that we shall necessarily use very largely in our naval steamers must be obtained from other sources and in foreign ports and that mainly bituminous coal, and as the appliances necessary to burn bituminous coal must be entirely different from those used to burn anthracite, it would seem to me as though it was important, if it could be done, that the furnaces, &c., on board our steamers should be so arranged as to burn bituminous coal entirely.

Mr. HALE. That is what the Secretary desires to do, and that is what I desire he should do.

Mr. McPHERSON. I have not been present in the Chamber all the time, and I wish to know whether we have reached that part of the bill which begins at line 179.

Mr. HALE. We are on page 9, line 194.

Mr. McPHERSON. I desire to ask a question of the chairman of the committee in relation to a provision from line 179 to line 181, inclusive:

For the construction or purchase of one torpedo-boat, after the best model of construction now in use, $55,000.

I ask would it not be wise to insert the words "after approval by the advisory board," inasmuch as all these matters relating to our ships, the purchase, repairs, &c., of ships are under the control and direction of the advisory board? Would it not be wise to have the construction or purchase of this torpedo-boat placed entirely under the advisory board?

Mr. HALE. I have no objection to that. It is a thing that comes under the head of the Bureau of Ordnance. It is a specialty. I would not want anything done that would seem to imply any lack of confidence in the head of that bureau, who is, as the Senator knows, a very competent and faithful officer.

Mr. McPHERSON. I admit that.

Mr. BECK. I think we had better explain that paragraph as amended. I favored the amendment in regard to coal and the increase made by the committee in regard to all the items in the preceding clause. As was stated on the authority of Admiral Porter the other day, coal is now made contraband of war by the European nations. For that and other reasons I believe we ought to make arrangements in the furnaces of our new ships—and I understand it can be readily done without doing anything beyond changing the grate—to burn bituminous coal as well as anthracite, and very little expense will be added to their construction by this change so as to burn any of the various kinds of coal.

Mr. HALE. It is very easily done, at little expense.

Mr. BECK. It only involves the changing of the grate. The main thing to be considered is the absolutely helpless condition we are in in regard to this indispensable article. We can not to-day send an American steamship from the port of New York or New Orleans to San Francisco without being absolutely at the mercy of foreign nations for our supply of coal. That ought not to be. There is not a country on either side of the coast of South America or the West Indies where England has not her coaling stations. France has hers; and other nations have them. The people of the United States are at the mercy of the powers with whom they may have to contend in sailing from one part of our country to another part. We have not a coaling station anywhere until we reach lower California where we could get a pound of coal, except by the consent of foreigners, at the very time we might need it worst. We ought to make some arrangement such as other nations make, and which we can make just as easily as they can, whereby we can have coaling stations along the coast of South America, in Peru, Chili, and Brazil, as England, France, and other countries have, so that we can at least sail our own ships from the eastern to the western coast of the United States.

Without such indispensable adjuncts as coaling stations the idea of our becoming a warlike power is all nonsense. Years ago England, by commercial treaties with every country, established her workshops, her repair shops, her blacksmith shops, and coal-stations at convenient points, so that her ships of war can readily obtain supplies and be repaired. She sells coal to all the world as well as to us, while we have no facilities and no rights anywhere. Some steps ought to be taken if we intend to build and maintain a navy, or anything which presents the appearance of a navy, and at least be independent of foreign nations by having stations for coal, if nothing else.

I called the attention of the Secretary of the Navy to that matter the other day when he was in the committee-room, and he said that the facts I state now are true, and that they were important, and he would look into them carefully and make recommendations or suggestions at an early day as to what was best to be done in order to make ourselves reasonably independent of the powers with whom we may some time or other be at war, so that we may at least sail from one port of our own country to another.

I rose more for the purpose of making that statement than I did to say anything in regard to the amendment, which I approve.

The PRESIDING OFFICER. The question is on the amendment from line 194 to line 200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 216, to insert, under the head of "Bureau of Equipment and Recruiting:"

For the civil establishment at navy-yards and stations, $9,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in the clause making appropriations "for general maintenance of yards and docks," in line 227, after the word "dredging," to strike out "postage on letters and other mailable matter on public service, and."

The amendment was agreed to.

The next amendment was, in the same clause, in line 235, after the word "navy-yards," to strike out "for the civil establishment."

The amendment was agreed to.

The next amendment was, in line 237, to increase the appropriation "for general maintenance of yards and docks" from $220,000 to $250,000.

Mr. McPHERSON. I should like to ask the Senator who has charge of this bill why an increase has been deemed necessary by the Committee on Appropriations, in line 237, of $30,000 for the purposes provided in this clause of the House bill; and why there is an addition to the contingent expenses, in line 240, of another $10,000, and then for the civil establishment, placed in this bill by the amendment of the committee as an entirely separate affair, the sum of $24,000 additional is appropriated in lines 241 and 242? In short, why is the sum devoted here to the Bureau of Yards and Docks increased $60,000 by the Senate Committee on Appropriations over the House bill after it had been un-

derstood that every needed appropriation was put in for like purposes in the original bill?

Mr. HALE. The Bureau of Yards and Docks is what I may call the housekeeping establishment of the Navy. It has the control and custody and responsibility of the yards as divided into the several different bureaus. It has the keys; it has care of all the stock; it has the responsibility as to the buildings, the care and control of watchmen and their allotment, and everything of that kind, making it, as I have termed it, the housekeeping bureau of the Department. In the last ten years Congress has taken that important bureau and has cut it down from an annual appropriation of $800,000, gradually, to $200,000 in this bill as sent to us. For the last fiscal year that the returns are in the appropriations were $323,000, and all was expended and needed. The present year there will be spent when the year is out $250,000, and the bureau complains that it is pinched and wants another $100,000. The committee has given it in this bill $250,000, just what it had for the last year, which is less than a third of what it had ten years ago and about half what it had five years ago. It is a small sum; it will pinch the bureau. It will be hard work to do all the work of the different yards with this sum. Some buildings will be neglected, some work will not be done that perhaps ought to be done, but the committee was conservative and confined it to $250,000. That is the reason why this item has been increased from the House bill $30,000.

As to the civil establishments of the navy-yards, the last item of the appropriations for this bureau, that is the same appropriation it has had for years, and it is put here by itself as it was taken out of the general bill. The item for contingent expenses, $20,000, raised from $10,000, is the same that it was last year.

Mr. McPHERSON. But the Senator will observe that his committee have placed an appropriation for the civil establishment in a distinct and separate item by itself, whereas in the original bill provision was made for the civil establishment in the gross appropriation of $220,000.

Mr. HALE. No; it was not. The Senator will let me give him the history of that. The House went over these items and provided for the general expenses not only of this bureau but of others, and then afterward proceeded to insert the civil establishment but did not add to the amount. So the Senate committee, not adding to the general amount for this purpose, not deeming that wise, as I explained the other day, has taken out the civil establishment, which is clerical, and given to it what it has always had heretofore and which the House did not put in when it put the phrase in with the others.

Mr. McPHERSON. Am I to understand that all the amendments made by the Senate Committee on Appropriations to the House bill are found in the print before us in italics?

Mr. HALE. Yes.

Mr. McPHERSON. I find on line 235, page 10, that provision is made for the civil establishment the same as for any other thing called for under the Bureau of Yards and Docks. I find that there has been an appropriation here of something over $60,000 added to the amount appropriated by the House. I find also in looking through the entire bill that there is no single department of the Navy where most extraordinary increases have not been made far in excess of anything I have ever witnessed before. For instance, we find here for the contingent expenses in one place a large increase, the civil establishment being removed from the general sum and placed in a separate item by itself, and a separate and distinct appropriation made for it, even after the original appropriation has been largely increased.

I fail to find in the Senator's statement in reply to my question any good ground, any good reason, to show that a want exists for this increase. The Senator states as a reason that we have reduced the appropriations for the Bureau of Yards and Docks from $800,000 ten years ago to $250,000 as proposed by this bill. The Senator should understand that ten years ago we were building up the navy-yards and to-day we are abandoning them. The Secretary of the Navy has recommended, I believe, or a board appointed by the Secretary has recommended, and I think it meets with his approval, that several of the navy-yards of the country should be entirely abandoned and given up. In short, we are informed that no improvements are taking place to-day in those yards which have been recommended to be abandoned. Consequently a less sum of money is needed. But here is a large appropriation made by the House for a specific purpose, covering all the objects that the Senate committee propose to make appropriations for, and yet the Senate committee in a separate, distinct item increase the House appropriation, and then separate the civil establishment from the general body of the bill, and make a large appropriation for that.

Mr. HALE. Now let me see if I can make the Senator understand this. In the first place I should like to know whether he would prefer that the civil establishments of the different bureaus or of the different departments should be put in these bills in a lump or whether the appropriations should be kept separate?

Mr. McPHERSON. I care nothing as to that, whether they be kept separate or put in a general mass.

Mr. HALE. Let me explain to the Senator, and then I think he will care. The civil establishment is clerical. It has always been complained that if any Department had the authority to expend an indefinite sum for clerical force the pressure would be too great upon it, and it would be increasing its clerical force. There is not any Department where we do not seek to limit the amount used for clerical force. We do not want general funds taken and given in addition to the specific salaries voted, and so everywhere we appropriate distinctively and specifically for civil establishments. That has been done always in the naval bill for years past, because it was looked upon as a fitting thing to confine these bureaus, and say just how much they shall spend for clerks and civil establishment.

This year the House in passing the bill made it up without the civil establishment at all, made it up without appropriating for it, made up its general clauses and fixed the sums, and when they had got through the bill attention was called to the fact that they had not put the civil establishments in anywhere, they had not provided for them, and so they put them in the body of the bill by name, but made no appropriation to cover their expenses; put them right in with the general fund, not providing for them otherwise, leaving it to the bureaus to take what they pleased from the general fund for the civil establishment. The Senate Committee on Appropriations does not believe in that, and it has taken out the civil establishment from the general fund and put it separately, where it has always been, and then has given the money that it has had heretofore for the civil establishment. We have simply rectified what the House has done. We should not want to see the civil establishment lumped with the other items, and I think we ought to know just how much money they are spending for clerks and for salaries in the different bureaus. I want this item of expense segregated.

Mr. McPHERSON. The Senator from Maine, I think, will not deny that there has been an increase of $64,000 by the Senate amendments above the House appropriations for the Bureau of Yards and Docks. Now I should like to ask the Senator what the estimate of the Department was as to the amount required for the Bureau of Yards and Docks?

Mr. HALE. The appropriation of last year for the maintenance of yards and docks—which covers the items of the bill just read; I will not go over them in detail—was $264,000; civil establishment, $24,000; contingent expenses, $20,000; aggregating $308,000. The bill as reported by the committee this year is for maintenance of yards and docks, the items that occur here in the first part of the provision, $250,000; civil establishment, $24,000, the same as last year; contingent expenses, $20,000, the same as last year; making an aggregate of $294,000 against $308,000 last year.

Now let me say to the Senator that the only real increase over the House bill is the increase of the appropriation in line 237 from $220,000 to $250,000, which is $30,000; and the increase in line 240 from $10,000 to $20,000, which makes another $10,000; or $40,000 over the House bill. I do not consider the item of $24,000 for the civil establishment an increase, because there is nothing in the proceedings of the House which goes to show that they considered that they had appropriated for that in any way. They put it into the general fund without adding to it. But the bill has undoubtedly been increased $40,000, bringing the appropriations for this year up to $294,000 for this bureau against $308,000 last year.

Mr. McPHERSON. If I understand the Senator aright, he says there is nothing in the House bill to indicate that they had appropriated anything to the civil establishment. I have called his attention to line 235 where it is distinctly provided for.

Mr. HALE. Have I not just explained to the Senator how that got in; that after the House had proceeded and gone through the bill attention was called to the fact that they had not appropriated anywhere for the civil establishment, and then they directed that it be put into the general fund, but did not add anything to the fund in company with putting it in?

Mr. McPHERSON. Then the appropriation made by the Senate, asked for by the Department, is $64,000 greater than that given by the House, as I understand.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The question being put, a division was called for, and the ayes were 11.

The PRESIDING OFFICER. There are no votes in the negative; there is no quorum voting.

Mr. McPHERSON. I think if the question is again put by the Chair there will be a quorum voting.

The PRESIDING OFFICER. If there be no objection, the Chair will put the question again.

The question being again put the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 240, to increase the appropriation under "Bureau of Yards and Docks," "for contingent expenses that may arise at navy-yards and stations," from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, after line 240, under "Bureau of Yards and Docks," to insert:

For the civil establishment at navy-yards and stations, $24,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Medicine and Surgery," in line 269, to increase the appropriation "for necessary

repairs of naval laboratory, naval hospitals, and appendages, including roads, wharves, outhouses, sidewalks, fences, gardens, farms, and cemeteries," from $10,000 to $20,000.

The amendment was agreed to.

Mr. HALE. I call the attention of the Secretary to line 244, page 11, so that the manuscript copy may be made right. At the end of line 244 it reads: "For surgeons, necessaries for vessels in commission," &c. The word "surgeons" should be in the possessive case, "surgeons'." The comma has been dropped down. It is: "For surgeons' necessaries." It is not "For surgeons, necessaries."

The PRESIDING OFFICER. If there be no objection, that correction will be made.

Mr. HALE. The Secretary will see to it that the manuscript copy is put right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Provisions and Clothing," in the clause making appropriations "for provisions for the seamen and marines," after the word "dollars," in line 278, to strike out the following proviso:

*Provided*, That all enlisted men and boys in the Navy, attached to any United States vessel or station and doing duty thereon, and naval cadets, shall be allowed a ration, or commutation thereof in money, under such limitations and regulations as the Secretary of the Navy may prescribe.

The amendment was agreed to.

The next amendment was, in line 290, to increase the appropriation "for contingent expenses" of the Bureau of Provisions and Clothing from $30,000 to $40,000.

The amendment was agreed to.

The next amendment was, after line 290, under "Bureau of Provisions and Clothing," to insert:

For the civil establishment, $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," in line 301, after the word "drawing-room," to strike out "and for the civil establishment;" in line 302, after the word "million," to strike out "and twenty" and insert "five hundred;" in line 303, after the word "dollars," to insert "of which sum $100,000 shall be immediately available;" and in line 304, after the word "available," to strike out "and this amount shall be apportioned in monthly installments during the next fiscal year; and the apportionment shall be adhered to, except in some emergency;" so as to read:

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $1,500,000, of which sum $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, after line 316, under "Bureau of Construction and Repair," to insert:

For the civil establishment, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam-Engineering," in line 327, after the word "instruments," to strike out "and for the civil establishment, seven hundred and sixty" and insert "one million fifty;" so as to read:

For repairs, completion, and preservation of machinery and boilers, including steam-steerers, steam-capstans, steam-windlasses, &c., in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores; purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, one million fifty thousand dollars.

The amendment was agreed to.

The next amendment was, in the same clause, line 329, after the word "dollars," to strike out the following words:

And the unexpended balance of the appropriation of $1,000,000 made by the act approved March 3, 1883, for engines and machinery for the double-turreted ironclads be, and the same is hereby, reappropriated and made available during the fiscal year ending June 30, 1885, for the purposes enumerated in this paragraph.

The amendment was agreed to.

The next amendment was, after line 342, under "Bureau of Steam-Engineering," to insert:

For the civil establishment, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Increase of the Navy," in line 375, after the word "dollars," to insert:

*Provided*, That 20 per cent. of the amounts appropriated in the last three preceding paragraphs for the completion of the three new steel cruisers and one dispatch-boat shall be available immediately.

Mr. MCPHERSON. I should like to inquire of the Senator from Maine whether the amounts here appropriated are sufficient under the contract to complete the cruisers and the machinery for the same?

Mr. HALE. Yes. These are the amounts that added together make up the total of the limit, and are intended, as is incorporated into the bill, for the completion. It is found that 20 per cent. of these sums can be used to advantage between now and the 1st of July, and so we have put in, nobody objecting thus far, that provision. It is to complete them.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 379, to insert:

To complete the ordnance outfit of the three new steel cruisers and one dispatch-boat, $400,000.

Mr. BECK. The Senator from Maine requested me to suggest the following amendment: Strike out "$400,000" and insert "$500,000." The subcommittee desire to have that done after a re-examination of the question. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to amend the amendment by striking out "4" and inserting "5," so as to make the sum $500,000.

Mr. BECK. Not being able to answer very thoroughly some of the questions that were propounded by the Senator from Delaware [Mr. BAYARD], the Senator from New Jersey [Mr. MCPHERSON], and others, a day or two ago, on yesterday morning, at my request, Commodore Sicard was sent for and appeared before the subcommittee. He gave us full information in regard to the guns for the new cruisers, their quality and number, besides much other useful information. He called our attention to a letter of the Secretary of the Navy, addressed to Hon. WILLIAM B. ALLISON, chairman of the committee, in which he sets forth an estimate (Exhibit A, on page 21) showing the amount of money he had on hand from the appropriation for the current year and the amount which he would require to be appropriated by this bill for the next fiscal year in order to complete the armament of these ships, making a total amount of $449,992. On page 23 he furnishes an additional estimate, and on page 22 gives the reasons why that is necessary. He says, on page 22: "Since the original estimates for the cost of the armament of the steel cruisers were made changes have taken place in their secondary batteries, resulting in an additional obligation of about $54,000, and it was necessary to place this additional order immediately, otherwise the secondary batteries would not be ready in time for the ships. Thus, in any event, the $54,000 will be urgently needed to meet obligations already incurred in accordance with the act of Congress of March 3, 1883."

He proceeds to give other reasons, and then furnishes the appended Exhibits A and B, on page 23, showing the amounts required during the fiscal year ending June 30, 1885, for completing the armament of the steel cruisers to be $503,992.

Mr. HALE. Will not the Senator either read that or have that table put into the RECORD?

Mr. BECK. Exhibit A and Exhibit B had better be handed to the Reporter, to show exactly what is required.

The exhibits referred to are as follows:

EXHIBIT A.

Two hundred and thirty-four thousand dollars allotted to the Bureau of Ordnance from the appropriation for the fiscal year ending June 30, 1884, for commencing the armament of the steel cruisers, divided as follows:

| | |
|---|---|
| Machine-cannon, ammunition, &c | $149,000 |
| Steel for 11 6-inch B. L. rifles | 56,100 |
| Steel for 4 8-inch B. L. rifles | 27,934 |
| Total | 233,034 |
| Not allotted | 966 |

EXHIBIT B.

*Showing the amounts required during the fiscal year ending June 30, 1885, for completing the armament of the steel cruisers.*

| | |
|---|---|
| Contracts for construction of 11 6-inch guns | $39,600 |
| Contracts for the construction of 4 8-inch guns | 34,000 |
| Steel for 4 8-inch guns | 27,934 |
| Steel for 9 6-inch and 2 5-inch guns | 54,000 |
| Labor on 9 6-inch guns in the navy-yards | 14,000 |
| Labor on 4 8-inch guns in the navy-yards | 13,000 |
| Labor on 2 5-inch guns in the navy-yards | 11,000 |
| Carriages for 20 6-inch, 8 8-inch and 2 5-inch guns | 143,000 |
| Ammunition and magazine equipments | 85,220 |
| Gatling guns, small arms, ammunition, &c | 60,678 |
| Torpedo search-lights and plant | 21,560 |
| Total | 503,992 |

This amount of money will fully complete the armament of the four ships that are now under contract and will furnish eight 8-inch guns, twenty 6-inch guns, and two 5-inch guns, making in all thirty guns needed for these cruisers.

The commodore further explained some of the things we were discussing the other evening. For instance, he said in substance that the forgings, as they are called, for the 8-inch guns are all made in England. The forgings consist of the tubes, the jackets, and the rings. We have no machinery in this country capable of making proper forgings for guns of that size. The 8-inch guns are 22 feet long and weigh 27,800 pounds. They use a charge of 125 pounds of powder and carry a 250-pound projectile, the initial velocity of which is 2,000 feet to the second, and their range from five to six miles. Of those they are having five made at Whitworth's establishment, at Manchester, and three by Messrs. Campbell, of Sheffield. The 6-inch guns are 16 feet long. They use a charge of 50 pounds of powder and carry a 100-pound shot. The initial velocity of that projectile is 2,000 feet per second, and the

range the same as of the 8-inch guns. They are all being made in America. We have hammers and plant sufficient to make them, and guns of that size are being made here very well.

He made another statement in regard to these guns which has much to do with their power. The great length of the gun enables them to make use of a new character of powder. The most delicate experiments are being made to test the expansive power of the powder to be used, so as to distribute its explosive force through the whole length of the 22-foot 8-inch gun, so that all of it will be burned when the shot reaches the muzzle and not before. These are costly experiments, for which a large amount of money must be expended. He said that one of the 6-inch guns was now in use, and had been experimented with satisfactorily.

The Senator from Delaware inquired the other day whether we had any now in use. One of the 6-inch rifled breech-loading guns is now in position, and the tests made with it have been very satisfactory.

Mr. BAYARD. Only one?

Mr. BECK. Only one. Two of the 8-inch breech-loading rifles will be ready for use early in the fall. The material will be all on hand very soon; they are being finished at the navy-yard in Washington.

I asked the commodore other questions which were talked about on this floor the other evening. We have thirty 5 and 6 inch breech-loaders now in the Navy, the converted Parrott gun. The Army has about twenty-three, he thought, but he was not very positive about that. They have about fifty muzzle-loading 8 inch rifles, converted from smooth-bores, now in use in the Navy. I asked him furthermore what was the cost of these guns here and abroad, and this is the answer he sent me by telegraph:

NAVY DEPARTMENT, *Washington, D. C., April 9, 1884.*

To Hon. JAMES B. BECK, *Senate:*

English 6-inch gun, $5,800 without freight; English 8-inch gun, $10,400 without freight; German 6-inch gun, $4,750 without freight; German 8-inch gun, $13,000 without freight; American 6-inch gun, $9,500 without freight; American 8-inch gun, $15,500 without freight; all made by private establishments.

SICARD.

You will observe that while the German 6-inch gun costs less than the English 6-inch gun, the German 8-inch gun costs a great deal more than the English 8-inch gun. Our people are prepared to make 6-inch guns, but not yet prepared to make 8-inch guns; but the cost of both classes is very much greater here than in Europe.

Mr. MCPHERSON. I understood the Senator to say that they had estimated that the cost of an 8-inch gun in this country would be $15,000, and that they are prepared to construct them.

Mr. BECK. They are not, because they have not the plant or the hammers or any of the heavy material necessary as yet; but those matters were all spoken about here the other evening. None of us seemed to be very accurate, and at my request Commodore Sicard gave me this information. The committee agreed that if we intended to finish these guns promptly, as I think we ought in order to complete the armament of the four cruisers at the earliest possible moment, it was proper to give the Department all the money it needed to complete them, and to make immediately available whatever sum they think they can use between now and July. The Commodore further said that 100-ton guns use a charge of powder not far from 600 pounds, and that the projectile weighs about a ton.

This is all I care to say about the amendment. We may have to give the $503,000 asked for, but $500,000 in round numbers we assumed would complete the armament for the four ships now under contract.

Mr. MCPHERSON. I shall vote for the amendment proposed by the Senator from Kentucky, for I desire to appropriate the money needed to construct these cruisers under the contract, to complete the steam-machinery, to complete the batteries, to complete the masts and other work, in short every item of expense, no matter what it is, to the most minute particular concerning these ships. I desire to have an appropriation of money in order that they may be completed at once within the terms of the contract as to time, and that the money you pay for them may be made immediately available. All that I want done. I wish nothing done to retard action upon them, and if the committee have not reported the necessary amount of money I hope it will be stated now, in order that the Senate may take action upon any increased amount needed; but as to continuing the construction of like ships until these are tested I shall have something more to say.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 382, to insert:

To enable the President to strengthen the naval establishment of the United States the sum of $2,500,000 is hereby appropriated, to be expended as follows and under the following limitations: For the construction of one cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch-vessel of 1,500 tons, two heavily armed gunboats of 1,500 tons each, and one light gunboat of 750 tons, and one gunboat, not to exceed 900 tons, to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy; one steel ram, as recommended by the first naval advisory board, November 7, 1881; one cruising torpedo-boat, advocated by the same board and by the present advisory board in its memorandum of November 21, 1882; and two of the harbor torpedo-boats recommended by said first board and in the report from the Bureau of Ordnance of November 1, 1883, all of which are recommended in the annual report of the Secretary of the Navy. And, under existing law, it shall be the duty of the advisory board appointed in conformity with an act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882, to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced, or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. And for the construction of all which vessels and their armament the Secretary of the Navy shall invite proposals from all American ship-builders and builders of machinery who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract their ship-yards will be equipped for building and repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board; and in the event that such vessels, or any of them, shall be built by contract, such building shall be under contract with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once: *Provided*, That the Secretary of the Navy shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment just rendered.

Mr. BECK. I submit that the amendment just read is new legislation, and not in order under the rules of the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the amendment is in order, for the reason that it is a provision like the provisions in all the appropriation bills for increasing the establishment the bill provides for, as an appropriation bill in respect of the Treasury Department provides for more clerks, provides for new furniture, and all things that relate to the subject of the bill and the execution of the purpose of the establishment. The Chair therefore feels obliged to rule that this amendment is not general legislation within the sense of the sixteenth rule.

Mr. BECK. Then I suppose under that ruling we might provide for building a hundred new cruisers as an amendment to this appropriation bill, although there is no existing law on the subject.

The PRESIDENT *pro tempore*. The Chair does not think that the number of cruisers is affected by the rule.

Mr. BECK. I just desired to know what power an appropriation committee has. I had been taught to believe heretofore that no new legislation could be proposed on an appropriation bill, and I am very sure that the present occupant of the chair held us to a very strict accountability, and not only did not allow legislation on an appropriation bill, but not even an amendment to a House provision containing legislation. But I assume the Chair knows more about the rules than I do.

The PRESIDENT *pro tempore*. The Chair has examined the Journals as to analogous amendments at former sessions, and finds himself, as he thinks, fully supported. The distinction is a very broad and obvious one between the general legislation named in the rule and a provision of this character. "General legislation," in the general sense (there are exceptions, however), is legislation that is permanent and regulates the conduct of affairs, and does not exhaust itself of its own force, as every item or provision in appropriation bills properly does.

This amendment is to provide for doing an act which when once done the statutory part of it is entirely exhausted and the law is no longer in force; it has been executed. That is widely different from a regulation even in respect of the conduct of officers of the Navy, which regulation would be a general provision that would continue in force until repealed. The Chair therefore thinks, however great the enactment of the subject is, that within the rule it is in order. The question is on agreeing to the amendment.

Mr. BAYARD. The President *pro tempore* was not in the chair yesterday when I asked a question of the Senator in charge of the bill in relation to this amendment. I asked him whether the language of

the proposed amendment was in fact the same as that of a bill which the Senate had passed at the present session, and he replied in the affirmative. Looking at Rule XVI, respecting amendments to appropriation bills, we find that—

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

The facts of the present case are that the Senate did pass at the present session a bill identical in language with the amendment now proposed to be ingrafted upon this appropriation bill. Therefore, it seemed to me to be one of the exceptions referred to by the word "unless;" but if that exception had not been contained in the rule, it would have been in violation of the rule which forbade an amendment which added a new item of appropriation; that it did add new legislation, and that it did add a new item of appropriation to the bill.

On that ground I said I was satisfied that it was within the rule; but the Senator went further and he said something in concurrence with that which has fallen from the Chair; that is, that in effect it was not a new subject-matter, but that this being a naval appropriation bill it was competent for the Committee on Appropriations not simply to add increased amounts, but to add new items. In that reading I did not concur, for it seemed to me very plain that but for the especial language of this rule which excepted acts or resolutions which had previously been passed by the Senate during that session, a reorganization of the Navy or the creation of an entire navy would certainly not have been in order under the rules of the Senate upon an appropriation of money to support and maintain an existing navy.

The Chair, as I understand, however, has made the decision that it is competent, irrespective of the limitations of the rule, for the Appropriations Committee, for the Army necessarily as well as for the Navy, to increase by the number of war ships and the officers and crew necessary for them, or for the Army by regiments necessary, upon an appropriation bill, and that this can be done under the present rule of the Senate.

Of course the great matter is to understand what the rules are and to have an adjudication of them, in order that legislation may be conducted under them, or that the rules may be modified should the Senate find their working improper. I merely desire to say that yesterday when this matter was referred to I agreed to the fact that this amendment was in order under the rule only because it was expressly excepted by the language of the rule; but submitting to the decision, as I do, I can not bring my mind to concur that it is proper for the Committee on Appropriations to add an indefinite number of war ships, an indefinite number of regiments, an indefinite supply and creation of any force, to a bill that has come from the House appropriating money under existing law for the Army or Navy as it stood at the time.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The Chair thinks, if the Senator from Maine will pardon the Chair, that the construction of the rule is precisely the same as if this main provision had been one to buy a single gun or a cartridge or any other thing for the use of the Navy, with provisions as to how and what price and in what way and what kind of gun or cartridge should be procured; and that the large magnitude and importance of the subject does not affect the application of the law of the Senate to the question. The Senator from Maine.

Mr. HALE. I am very glad to have the support of the Senator from Delaware as to the amendment being in order, whatever may be his reason. I call his attention now to another consideration, taking its rise in the clause that he has read, which provides that an amendment may be in order if it is made to carry out "an act or resolution previously passed by the Senate during that session." I call the attention of the Senator from Delaware to that provision in our rule as bearing upon a difficulty which he indicated yesterday existed in his mind in reference to coercing the House. Does not the language of our rule, deliberately adopted by us, exclude the idea that by putting any bill that we have passed on an appropriation bill we mean to coerce the House? Do we not generally commit ourselves by this rule, which the Senator has given here, to the proposition that when we have passed a bill or a resolution we may take that same bill or resolution and put it on an appropriation bill, and that the House can raise no question upon that?

Mr. BAYARD. That really seems to be the sensible construction to be given to the words of the rule.

Mr. HALE. Then, setting aside the question of order, is this not a reasonable thing for us to do in the relations of the two Houses? I want to remove, if I can, the feeling the Senator has that the Senate is now doing anything that may look like coercing the House. I agree fully with him that that can not bedone by either House, but I do think, and I hope he will support me in this, that it is legitimate and fair and not encroaching upon the other House to put on this appropriation bill this amendment, which our rule allows us to do, simply to bring the matter before the other House.

Mr. BAYARD. I remember very well that in 1876 I was a member of a committee of conference upon an important appropriation bill. There had been a long contest between the two Houses as to many items of that bill, and I remember we were in session by night as well as by day for two or three weeks in endeavoring to settle it; finally it was settled.

But a bill had passed both Houses reducing the salary of the President of the United States, of course after the expiration of the term of the then incumbent, General Grant, to $25,000. General Grant had vetoed that bill, much to my satisfaction and with my entire approval; and the veto message lay upon the table of the House in which the bill had originated. The House of Representatives passed an amendment to the appropriation bill which was in form and substance the bill which the President had vetoed, and by tacking it upon the appropriation bill brought it again to the Senate, and of course it was proposed to send the general appropriation bill to the President with that measure upon it which he had vetoed in a separate form.

Against that I protested in committee, out of committee, on the floor of the Senate, and everywhere. He had exercised his constitutional right. If the House wanted to exercise theirs let them summon two-thirds and overcome him if they could, and if they did not think he had done exactly what he had a right to do, he was responsible to the people for his action. When the appropriation bill came up here to the Senate such a rule as this was not to my knowledge in existence in either House, nor do I think this was the rule of the Senate prior to the last revision.

Mr. FRYE. Yes; but there is no such rule in the House.

Mr. BAYARD. I know that in the House they did assume to ingraft general legislation upon appropriation bills. The Senate has refused to recognize such a right, and I think it ought in all cases. Certainly the President of the United States, one of them, within a few years has vetoed an appropriation bill on account of the improper association of general legislation upon the bill, and stated that to be his reason for it.

I do not find under the rule an objection to placing upon this appropriation bill an "act or resolution previously passed by the Senate during that session." There might be a manifestly improper association of measures, that is to say, something not germane to the bill, but yet it seems to me under this rule it might go on.

So you might take a bill that has passed the Senate and tack it to an appropriation bill and send it to the other House. I might approve or disapprove of the expediency or the propriety of such an act, but I do not deny that it is within the rules of the Senate, and therefore it may be done.

The Senator from Maine [Mr. HALE] very frankly gave his reasons yesterday for desiring this measure to be sent a second time to the House of Representatives. It has gone there once in a separate form. It is to be sent there again associated with the general appropriations for the Navy, and the rules of the Senate say that may be done. At least I could put no other construction upon the language which I read here, and I understand the Chair finds additional reasons for authorizing it to be done besides the reason I can see in the rule. One reason is enough.

Mr. FRYE. Will the Senator pardon me for a moment?

Mr. BAYARD. Certainly.

The PRESIDENT *pro tempore*. If the Senator from Maine will pardon the Chair lest the Chair should forget it, the Chair has merely decided the point of order raised by the Senator from Kentucky and under the third section of Rule XVI. That is all the opinion the Chair has given.

Mr. FRYE. The Senator from Delaware will find in clause 3 of Rule XVI a requirement that whatever amendment is offered shall be "germane or relevant to the subject-matter contained in the bill," which applies to clause 1 as much as to clause 3.

Mr. BAYARD. Do you not think there might be a collision between the two, a confusion as to that? If all general appropriation bills shall not be amendable unless, and then the exception is made in which they shall be, it seems to me that carries its own force. Or does the Senator suppose that is controlled by the third section of the rule?

Mr. FRYE. I suppose the third clause would control it, which says, "Nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received."

Mr. BAYARD. I do not suppose—and I will not imagine an improbable case—that the Senate would wish to ingraft a wholly incongruous subject upon an appropriation bill. There is no incongruity between a supply for the Navy and the increase of a single ship or some direction given to the expenditure of a fund The subject-matter is the same; but whether you can in an appropriation bill take legislation of a general nature and generally control the subject which is appropriated for is in my opinion something that the laws of the Senate were intended to prevent; and I am surprised now to find that the exception does exist to the extent that the act, supposing it to be germane as to the general subject, which has passed the Senate at the same session can be ingrafted, whether it is general or special legislation, but certainly new legislation, upon an appropriation bill.

But the language that I addressed to the Senator from Maine yesterday was to avoid any suggestion upon the part of the Senate that they thought they would put their bill in a more impressive form before the other branch of Congress; that is, by sending it attached to an appro-

priation bill instead of sending it separately and by itself. I do not think they do; not a particle. I think that the Navy as it is, the officers as they stand, are entitled under law and under the necessities of our Government to be supported; and whether as to new matters not then in existence there shall be a difference of opinion between the two Houses, that is a question to be relegated to another forum and not to be made the subject of wrangle at the cost of the existing Navy. I understand the Senator from Maine concurs with me in that view.

Mr. HALE. Yes, I certainly do. I agree fully with the Senator from Delaware that there should be the utmost courtesy and regard for courtesies between the two Houses. Nothing should be done by either House knowingly that is in any way a monition, to say nothing of a menace, to the other; but either body under the rules has the right to put on measures in order to call the attention of the other House to them and in order that the two Houses may if possible get together and settle them in a conference or by vote; nothing more.

Mr. BAYARD. I will remark that not only should there be courtesy, which of course is the great lubrication of all intercourse between men and between bodies of men, but there should be the strictest consideration for the rights of the respective Houses, which are certainly independent and coequal.

Mr. BECK obtained the floor.

Mr. McPHERSON. The Senator from Kentucky yields to me for a few moments, that I may say what I wish to say in reply to the Senator from Maine, and it will only take me a moment.

I care nothing about what the rules of the Senate provide as to the power of the Senate to attach this kind of legislation to an appropriation bill, but considering the action the Senate has already taken, having passed a bill of like character and sent it to the other House, which I suppose has been referred to the appropriate committee of the House, and upon which, as I understand, if it is proper in this place to refer to that body, the judgment of the House is not yet concluded, it is now proposed by the Committee on Appropriations to attach a like bill to an appropriation bill, and, as the Senator from Maine says, again call the attention of the House to it.

In my opinion no greater discourtesy could ever be given to the House of Representatives than that proposed by this sort of legislation. It is an indignity, a menace to the House, and I believe it will there be treated as such and characterized as it deserves. What is the result? If the bill which has been passed by the Senate and sent to the other end of the Capitol does not receive the favorable consideration of that body it ceases to agitate either House of Congress; but here is the same measure of legislation attached to an appropriation bill—I will not say for the purpose, but it will result in getting up a contest between the two Houses with respect to that measure of legislation, and, as in times past, the Democratic party will be again charged—the time is not very long gone when the Democratic party of Congress were charged—with an attempt to starve the Government. Now, I suppose we shall be liable to the same charge in case we refuse to give the needed appropriation for the naval establishment which is contained in this bill. I hope and trust, however, the House of Representatives will never accept this bill with this amendment.

Mr. BAYARD. The other House have passed this appropriation bill.

Mr. McPHERSON. Certainly, the House have passed the appropriation bill giving needed supplies to the Department; but the Senate must also take action upon it. But the Senate does more. It deliberately proceeds to affix to the bill a measure already passed and now in the possession of the other House and says, "We will go into a committee of conference upon that question and hold you to the work if it takes all summer. We know we can not get it in any other way, and we mean to have it. Chandler shall have the money in spite of your unwillingness."

Before the Senator from Kentucky proceeds I wish to ask one more question of the Senator from Maine. I understood him to say yesterday upon a question being asked by the Senator from Delaware that this amendment was an exact transcript of the bill we passed authorizing the building of the new cruisers. Am I right?

Mr. HALE. I said that the bill which we passed for the new cruisers went from the Senate to the other House and there lies upon the Speaker's table. It is not printed under the rules of the House until it is referred to a committee. It has never been printed; but I sent over and had a copy made of it. I have not myself, as I said yesterday, compared this provision with the bill, but I have no reason to believe that it in any way differs. It is substantially the same. If it is found that in any way it does differ materially, of course that can be adjusted; but I know of no difference.

Mr. McPHERSON. I should like to call the attention of the honorable Senator to the fact that the bill that originally passed, if my memory serves me right, proposed to build one cruiser of 4,500 tons of the Chicago type; it proposed to build other cruisers of the Boston and Atlanta type; it proposed to supplement that by other vessels enumerated in the bill. He will see by reference to the proposed legislation now that it makes no allusion to either the Boston or Atlanta type or the Chicago type of vessels. Do I understand that the Senator, in connection with distinguished authorities upon this subject, has decided finally that it is unsafe to proceed with the construction of vessels of that type, and that he leaves the question entirely open to such new decision, such new judgment, as may be formed by the present advisory board?

Mr. HALE. There has been no change in that regard. It is just as it was in the bill that we passed. There were no restrictions in that bill.

Mr. McPHERSON. I supposed there were.

Mr. HALE. No, sir. The debate showed and the investigation showed what the purpose was of building under that general type; but there are no restrictions. It is left to the advisory board.

Mr. McPHERSON. The examination before the Committee on Naval Affairs, both of the Secretary of the Navy and of the advisory board, all went to show that the vessels were to be constructed exactly upon the type of the vessels now under construction.

Mr. HALE. Perhaps not exactly, but substantially.

Mr. McPHERSON. Substantially. I will adopt that word, as it seems to be preferred. I objected then and I object now most strenuously to the appropriation of any sum of money, however great or however small, to duplicate vessels now under construction, or to make any new experiments in vessels until those vessels are completed and their worthiness as sea-going vessels is first demonstrated. I want to see the actual vessel afloat, her machinery in motion, and her capacity to perform the service for which she is intended thoroughly and fully demonstrated, under the contracts, for the fulfillment of which we have appropriated the needed sums of money to-day in this bill, for the construction of the hulls, the completion of the machinery, for the armament of the vessels with suitable apparatus; in short, for every item of expense to the most minute particular. For one, I voted for those appropriations because I wished to have the vessels completed within the period of time named in the contract. If the terms of the contract are fulfilled by the first day of next February we shall have the ships completed. This gives us abundance of time during the next session of Congress to make appropriations to duplicate them, and we shall have the actual vessel afloat; we shall then know something as to the qualifications of the ship, and not go on with experiment after experiment by incompetent men, squandering the public money as it is now proposed to do.

We know not whether the vessels they propose to build to-day will sink or swim when built. They are after no known type of vessels. The machinery is a departure from everything to-day employed in naval vessels; and I claim it is the duty of the Senate to go slowly and first see whether the money we have already appropriated will be used in a way that will be for the benefit of the country.

Mr. BECK. Mr. President, I raised the question of order because the rules of the Senate have been generally regarded as being quite stringent in regard to amendments of this sort. I knew it would be overruled, but I desired to have it distinctly understood what the powers of the Committee on Appropriations are. The President of the Senate announces that we might have amended the bill by proposing to build a hundred ships just as well as seven. It is now decided to be perfectly in order, and I assume, under the rule, that we could have said in the amendment how they should be built. We could submit an amendment that these seven vessels shall be built by Mr. Roach and that nobody else shall have a right to bid; indeed, they might as well not be empowered to bid, because, as the Senator from Delaware said, when the contracts were given out for the four cruisers now being built, that nobody else can get the same inspections that he can, at least they so believed. The gentleman at the head of the Navy Department understands Mr. Roach's affairs well, and doubtless has great confidence in him. He was his lawyer and his agent for years, and he understands the value of Mr. Roach's services in a great many regards, no doubt, and appreciates his fitness to build ships. Perhaps it would be as well to insert in this amendment at once that Mr. Roach is to build the seven new vessels. That would be in order, I understand; it relates to the subject; we can direct how they shall be built, who shall build them, and what we shall pay him. I suppose we could properly give him a good margin of a hundred thousand or two hundred thousand dollars, and provide that Mr. Roach shall contribute 10 per cent. of the amount for campaign purposes in the interest of the public service and to promote the general welfare. That will cover it if nothing else will.

The rules mean that the Appropriations Committee can do anything it likes. I always knew the only rule of the Senate, the only one I ever saw enforced, was that whatever the majority of the Senate wanted done it did. A majority of the Senate, I presume, wants to give Mr. Roach a new contract to build seven more steel cruisers at any price he likes, and the Secretary, his former agent and attorney, is now in a good position to give it to him. The navy-yards will doubtless be placed in a condition to be very valuable political auxiliaries next fall, and the House of Representatives is to be coerced. You may call it by some other name if you please, but we say to them, "Agree to this, or we will keep you here all summer." Senators have comfortable residences here, many of them at least, and no elections to attend to this fall. The members of the other House will have to go home to appear before their people. We say to them, "We have sent you a bill once proposing to build seven ships, and you will not pass it. Now we put that

proposition on an appropriation bill and we will keep you here all summer unless you agree to it."

That is the meaning of this amendment. Under the ruling of this morning I assume that when a court-house or a custom-house or a post-office is provided for in an appropriation bill the committee can say, "Yes, we will build this custom-house, we will build this post-office, we will build this court-house; but we will amend the bill so as to build one in the towns where each one of us lives. We can not get a report from the Committee on Public Buildings and Grounds, and there are nine of us on the Committee on Appropriations, and we live in different towns; none of us have any public buildings of any sort, neither a custom-house, post-office, nor court-house; we propose to make Congress give them to us; we will make our public buildings part of the bill, and we will direct who of our friends shall build them and fix what the price shall be. The House may not agree with us, but we will amend the appropriation bill the way we want it, and if we pass it through the Senate we can fix it in conferences by giving up other things, or stay all summer and coerce the House. The rules of the Senate make us quite potent men on that committee."

Hereafter under the ruling we have had this morning whenever a subject is up anything relating to that subject is in order. A hundred ships may be proposed by way of amendment, and if we can propose that, of course we can direct in the amendment who shall build them. We have seven navy-yards of our own, yet this amendment provides that the new ships shall not be built in our navy-yards. We have engineer officers living in enforced idleness; they are men of character; but we say that they shall not superintend them; they shall go into the hands of a favored contractor, and he shall charge, as is shown in the price we are required to pay for guns, 50 per cent. more than these ships can be built for if they were built honestly in the navy-yards of the country out of the free material and machinery which the United States has the right to buy in the cheapest markets in the world and import duty free.

I do not know anything about the advisory board; I never saw any of them that I know of, but I can take men like General Wright or General Meigs, men I do know, and direct them to take possession of any of our navy-yards and hire honest, competent men to build these ships, and they will build them for 50 per cent. less than Mr. Roach will undertake to build them for. The guns, as Commodore Sicard reported, that we buy in this country cost us $15,000, when they could be bought for $10,000 abroad; we pay $9,000 for what they pay $4,500 abroad. The vessels Mr. Roach builds will of course cost us 45 per cent. more, while the United States, reserving by law the right to buy everything in open market, will have to pay a price for everything that goes into the ships with the duty added; the officers of the United States are not to be trusted; contracts with private men are to be made so that they may be enriched. That is the meaning of this amendment. Of course I can not stop it. It could not be stopped, I presume, by all the votes of this side, even if all on this side agreed with me.

We are building four ships now that the officers of the Navy, Mr. Wilson, Mr. Clark, Admiral Porter, and others, criticise as not being what we need; they will be afloat before next March. If they are good ships we can build others of the same character, and if they are not we ought not to do so. We ought to wait until we see whether those ships are valuable or not. But the Presidential election is pending and other pressing matters have to be considered I presume, and the other House has to be forced to consent to make more experiments, regardless of the uncertainty about those now in process of construction.

I voted in committee for every dollar necessary to complete the cruisers that are now on hand, for their engines, their armament, for everything necessary to insure their speedy completion. We have advanced money now, not waiting until July but giving them every dollar they can use from this time forward out of the appropriations for next year, so as to enable Mr. Roach to finish them by the 1st day of next December. Let us wait and see whether they are such ships as we ought to duplicate or not. Not content with that, not content with the fact that we have passed a bill already through the Senate for more, barely recognizing the fact that the House has equal rights with us over all appropriations and over all contracts, we place the proposition in this bill again, so as to get it into the power of a conference committee, for that at last is the main reliance, so that if two men can be found in the House who will agree with two men in the Senate, notwithstanding the body of the House may non-concur with us in regard to the measure—by getting it into conference it is placed in the hands of two men, and of course they will ultimately carry it through, even if every other amendment is abandoned, and this provision will become the law, the body of the other House to the contrary notwithstanding. But it is in order, and everything I suppose will be in order from this time on.

What I ask is the great imperative necessity requiring the building of those seven vessels now without waiting to see whether the four that we are building are valuable for the purposes desired? Is war imminent? Have we not been doing without this class of ships for years? We are now making experiments with four. We do not know whether they will be good or bad. Some say they will be good, some say they will be useless.

It is said that we have an advisory board. Neither the House nor the Appropriations Committee has any confidence in the advisory board; the other House has no confidence in it. The House and the Senate committee have agreed, and I believe I agree with them, because from what I have heard I have not as much confidence in the advisory board as I had. One of the provisions inserted in this bill is that—

> The four pivot guns of the Chicago to be mounted on Clark's deflective single-gun turrets or V-shields, of the same weight as is now allowed for the mounting and armor protection of the guns.

The advisory board made a report saying that this deflective armor of Clark's can not be used, ought not to be used, and is not a fit thing to use. This is their language in regard to it:

> Second. The mounting of the four 8-inch guns of the Chicago in deflective turrets will probably make certain changes necessary in the half-turrets in which they are to be mounted, and this will affect the cost of their construction, and hence the contract.
>
> Again, the carriages for the guns have been contracted for, and in the event of the use of deflective turrets or V-shields these contracts would have to be annulled or the carriages abandoned.
>
> Third. In answering the Department's question as to whether or not it is considered expedient to place the guns in such turrets, it should be understood that the board's knowledge of the deflective turret or V-shield is derived from a drawing submitted by Mr. Clark, received 27th November, 1882. If the turret contemplated by the bill is such as represented in these drawings, they can not possibly be constructed upon the weight at present allowed for the mounting and armor protection of these guns.
>
> It is not deemed expedient to place the 8-inch guns of the Chicago in deflective turrets or V-shields as shown by these drawings: first, on account of their excessive weight in proportion to the protection offered; second, since the question of the advisability of having any shields for the guns of an unarmored cruiser is an open one. Among artillerists, opinions are about equally divided on the subject, and the shields already designed and contracted for are very simple and, being adjustable, can be attached or removed at pleasure.

Yet in the face of that positive report of the advisory board the House and the Senate committee have cast a vote of want of confidence in the recommendation of the advisory board, and have said: "The four pivot guns of the Chicago are to be mounted on Clark's deflective single-gun turrets or V-shields, of the same weight as is now allowed for the mounting and armor protection of the guns." Yet we are told in the face of a vote of a want of confidence by the House of Representatives and by the committee of the Senate (and I am rather inclined to think wisely, for I have rather changed my mind about them from what I have heard) that we must build seven more ships under their direction. Although we have taken the mounting of the guns of the Chicago out of their hands, and said that we have no confidence in their judgment, we have directed how these guns shall be mounted, although the board positively reported against it and say it ought not to be so done and that they have made contracts already which renders it impossible to do it. Yet after all that we are to make contracts for seven more ships under their direction and can not wait until December to see the result of their first work when there is neither war imminent nor any threat from any foreign power which looks in that direction; and if there was, the ships we are building and propose to duplicate, as I said yesterday, are not intended to enter into any combat with any foreign foe. There is not one of them that would be more than a cockle-shell in a contest with the ironclads or the great war ships either of Europe or of South America. They would not even aid in defending our coasts and seaboard cities; they would not remain near our coasts. They would be after booty in unarmed ships. They are not intended even to approach the guns of foreign vessels of war.

We propose to finish the double-turreted monitors for that purpose. We ought to buy and build big guns to place in land batteries near our harbors. We are providing torpedoes and torpedo-boats for that purpose. These things that gentlemen are now in such a hurry to multiply, which of course all the naval officers want, are merely to prey upon commerce, to be pirates upon the high seas, to hunt the merchant ships of nations that we are at war with—nations, it may be, carrying our own goods—and sink their ships with our goods on board, or escort them into some foreign port as prize for the money they can pocket safe themselves, not defending the country, interested in becoming mischief-makers for the purpose of gain. Is there any hurry in multiplying that class of ships until we can defend our coasts and cities by other means from hostile ships?

Mr. BLAIR. I should like to ask the Senator a question, and I ask it for information.

Mr. BECK. Yes, sir.

Mr. BLAIR. I understand that he complains of these cruisers as likely to destroy American goods, because American goods are being carried in English bottoms.

Mr. BECK. I do.

Mr. BLAIR. Does the Senator think that after we are at war with England and employing these cruisers against English commerce English bottoms will be carrying American goods?

Mr. BECK. I have only this to say in regard to that: I hope we shall not go to war——

Mr. BLAIR. But the Senator is assuming that we are at war.

Mr. BECK. I will answer the question fairly. If we do go to war we have not to-day an American ship that crosses the Atlantic Ocean from the great port of New York. Our goods will, of course, be upon the high seas, going and coming from all parts of the world, whenever

war is declared, largely in English bottoms, as they are now. Do you think war will be postponed when occasion for it arises until we give a year or two notice and have our goods called in from over the world and taken from on board English ships before the war is declared?

Mr. BLAIR. The Senator is not answering my question. I can answer the Senator's, but I should like to have him answer my question.

Mr. BECK. I will.

Mr. BLAIR. I will state my question again. The Senator's discourse is to the effect that we should not build these cruisers, which are to chase and destroy commerce, because our commerce goes in English bottoms, and therefore if we destroy British bottoms we destroy American commerce. Now, the question I put to him is whether, assuming the war which he does assume, the American commerce will still continue to be carried in English bottoms, and if it is not, how are these cruisers to destroy American commerce?

Mr. BECK. I do not suppose that after war was declared, and it was known all over the world that we were at war with England, any of her ships would come here to take our wheat or our grain; but her ships start from San Francisco with thousands of bushels of grain and have to go around Cape Horn and make a three months' trip before they get to London. Can not a war break out in ninety days? She goes to China and Japan and she returns; that makes a three months' trip. Can not war break out in that time?

Mr. BLAIR. Suppose it does break out in that time?

Mr. BECK. Then will not our goods go to the bottom in her ships if they are sunk by our cruisers?

Mr. BLAIR. If the Senator will allow me, suppose war does break out in that three months' time and one of these cruisers gets after a British ship and captures that British ship loaded with American grain, does he suppose that we have lost anything in retaking our own property and capturing a British ship besides? Does he imagine we shall destroy that wheat?

Mr. BECK. I think when the British ship goes to the bottom the cargo and the ship go together, and if you capture her her cargo is as much prize as the ship.

Mr. BLAIR. Does the Senator expect that we are to abolish the ordinary rules of civilized warfare and sink these innocent ships. The confederate cruisers did not do that. We simply take them as prizes and take them to an American port and return to the American owner the grain which he shipped in the British bottom, and we have the British bottom besides.

Mr. BECK. I beg pardon. I understand the goods found on a belligerent are prize as well as the bottom. As I understand the rules of all countries the foreign bottom covers the goods, and she can be sunk or taken, and the prize applies to all.

Mr. BLAIR. Then, if we capture the foreign bottom, we get the goods and will destroy neither.

Mr. BECK. Let me go on. Why are we now to build these cruisers, I ask the Senator from New Hampshire, that are not expected to defend anything? Are they to defend our coasts? Are they to defend our cities? Are they to do anything except to be pirates upon the high seas?

Mr. BLAIR. I did not understand that it was contended by anybody that these were to defend our own commerce particularly. They could defend it against weaker vessels undoubtedly, but the Senator has been informing us all the way along that we had no commerce, and I am sure it is not worth while to defend that which we have not. Our freedom from foreign attack is based upon the fact that we have nothing to destroy, and the Senator's own theory does not hold well, because he says having nothing to destroy, we employ these same foreign bottoms to transport our commodities. The thing will not work both ways.

Mr. BECK. I hope the Senator from New Hampshire knows the difference between commerce and ships to carry it in. I have always said we have an immense commerce, but we have to hire the hauling and have it done by other nations. My complaint is that our immense commerce is carried on in foreign bottoms, and that we are not now by the provisions we are seeking to make preparing ourselves to resist the enemies that we may have, whether they are French, English, German, or Brazilian, but that we are proposing to build a class of ships that are to go out upon the ocean to destroy the ships of any nation we may be at war with, and those ships may have our own goods on board, as we have no merchant vessels ourselves, and I insist that there can be no great haste in building ships of that class until we provide first to have American sailors to fight in defense of our seaboard in wholly different ships, until we provide defenses for our coasts, until we provide monitors, ironclads, torpedo-boats, and land defenses that will keep off the great ironclads of the world that these ships do not pretend to contend with, and are not expected to oppose. The pretense that we are now proposing to build a navy to fight with is the merest bald, naked pretense. These ships we are now proposing to build are not intended to fight. That is what I contend, and it is what is admitted by every one who knows anything about ships and the requirements of modern warfare. The objection that I make to this provision in this appropriation bill is that it is painfully apparent that the effort is now being made to press this through not with any legitimate purpose of defending the coast or the cities of America or of carrying on war with any foreign nation, but simply to give favored pets of the Department fine ships to go off junketing and avoid the big guns, the war vessels and iron-clad ships of the enemy, and get away from them and seek to make prize-money without danger wherever they can, whether our goods are on board or not.

If we propose to build up a navy to defend ourselves we are beginning at the wrong end. It is admitted to-day, the Senator from Maine [Mr. FRYE] has said so over and over again, that 95 per cent. of the sailors now on board American ships are foreigners, and foreigners of the poorest class, foreigners unfit to be retained in the great vessels that belong to their own nationalities. We want fighting men, we want fighting ships, we want guns that will compare with other people's guns if we mean war. We do not want pleasure-boats, we do not first want commerce-destroyers, for our own commerce is all carried in foreign bottoms and may be destroyed in them whether it is on board English or French vessels if we go to war with them, as all we send across the Atlantic, at least in steamships, goes in foreign bottoms. It is all liable to be sunk.

I protest against what I think is the indecent haste in the first instance of endeavoring to have this class of ships increased before we know whether those we are now building are of any value, and in the next place we ought to begin to endeavor to establish a nursery for our own seamen. I am not going to argue how a merchant marine can best be established. I thought I would on yesterday, but I have concluded to wait until the bill of the Senator from Maine [Mr. FRYE] in regard to our merchant marine comes up. I think I can show that until we do build up a merchant marine and have our own sailors we will have no nursery out of which we can rely on obtaining sailors for our Navy; and as long as we are paying $150,000,000 a year to foreign nations and are lying prostrate at their feet and enabling England to clothe and feed and keep in training 100,000 of her native-born sailors by doing our work, we are not doing much to prepare for war.

I will say to those who are so much opposed to free ships that England is the last country in the world that wants us to allow our people to have free ships. She is building nearly all the merchant ships for the world now. She is building for the French, the German, the Italian, for the Brazilian, and for the Mexican Governments and people. We have treaties with them that allow them to trade with us upon exactly the same terms that our own people can. We can charge no more tariff upon goods in their vessels, no more tonnage upon their ships, than on our own. England is building all the ships for all of them. There are just enough ships needed to do the carrying trade of the world.

Does it make any difference to her whether the French, German, the Mexican, or the Brazilian pays her for the ships she builds or whether we do so? Their money feeds just as many mouths of her operatives as our money would feed; she gets it all now. She will sell a ship for $200,000 that neither Mr. Roach nor any man in this country will sell for less than $300,000. Our ship-builders can not force foreign nations to pay them $300,000 for what they can get a duplicate of for $200,000. The trade of the world goes on in English-built ships.

We are simply prohibiting our own people from entering into competition with foreign nations in our own trade. Their money feeds just as many English operatives as our money would, and we are supporting for her 100,000 sailors to-day, when we have none ourselves, all for fear that Mr. Roach or Mr. Somebody-else will not get the job of building ships which no foreigner will give them, and our people can not give them, and compete with foreigners on the free, high seas in their cheap ships.

That is the policy we are pursuing. What I insist is that instead of squandering money on additional cruisers, the value of which we know nothing about, we should go to work and build up a merchant marine, with American captains, American officers, and American sailors; ships that can be converted into cruisers just as England contemplated and agreed that the Cunard steamers should be at her service whenever she desired. The Alaska to-day would be worth a dozen of these cruisers that are now building. She can sail four or five miles an hour faster than any one pretends that they will sail.

Mr. JONES, of Florida. I think the Senator is mistaken about that.

Mr. BECK. I am not mistaken. I asked the question. The chairman of the committee will correct me if I am not stating it correctly. When the question was asked if they could not build these ships and put armor on them, they said the Alaska would sail away from them. If they would take a ship like the Alaska and put half a dozen 8-inch guns on her she would run down ten times as much commerce as these ships that you propose to build. She would be earning money for citizens of the United States during all the years of peace, and would be convertible at once into a great cruiser of the American Navy the moment war demands her service. She would be manned with American sailors, commanded by American captains and officers, and be ready to maintain the honor of the country, or at least prey upon the commerce of our enemies.

Mr. McPHERSON. The Alaska will sail five miles an hour faster than these vessels.

Mr. BECK. I believe she will. The Senator from Florida contradicted me in that, but every officer will tell him so.

Mr. JONES, of Florida. What is her speed?

Mr. BECK. I do not know her speed, but I know that to be the fact, and all the officers of the Navy will so tell the Senator.

Mr. McPHERSON. Her speed is twenty miles an hour.

Mr. JONES, of Florida. I have traveled in the Alaska and know something of her speed; I know something of the speed contended for these ships, and unless all calculation fails, and there is no certainty about any thing, these ships will be as fast as she is.

Mr. BECK. There is very little certainty about the usefulness of the ships we are now building. But one thing is perfectly certain. Notwithstanding it is assumed that we had to build them, because the country demanded them and patriotism demanded them (and nobody seemed to be more anxious to insist upon a patriotic view of it than the Senator from Florida), there is not one of the ships that are now being built or that we propose to build that will even pretend to enter into a contest to defend either the harbors or the cities of the United States or to enter into any contest with any of the great armored ships and the big guns we shall have to fight with any country or nation we went to war with.

Mr. JONES, of Florida. Nobody has ever pretended that.

Mr. BECK. Then where is the patriotism, whence comes the cry that we must protect ourselves by building ships that nobody assumes are going to protect us if we get into trouble? Is it any protection to the country that we have put a few favorite pets of the Department on fine ships to get prize-money and pocket it? Are we to make it to the interest of any body of men in the American Navy to stir up strife with a foreign country by insulting somebody else and then preparing the way to capture unarmed ships, for that is about all that will come of this.

Is it not wiser, is it not better to wait until we see what becomes of those cruisers we are now building, and in the mean time exert ourselves in building up a great commercial marine that will make it unnecessary for us to pay $150,000,000 a year, as we are now paying to foreign nations, so that we may have seventy-five or one hundred thousand sailors of our own instead of only a fragment, and 95 per cent. of the fragment foreigners of the most worthless character? We have given a license to all the other nations of the world to trade with us upon the same terms that our own people can. Ought we to handicap our own people and give a monopoly to foreigners of the carrying trade of this country, and leave ourselves without a ship, without a sailor, without a gun on the great highway of the world's commerce? I do not think anybody will so contend.

I will go as far as any gentleman on this floor to do what is necessary for the national defense. I insist that we ought to go on as we now propose, and buy torpedo-boats, the best that we can find, just as we go to England and France now; and we are providing under this bill to go to Mr. Whitworth and Mr. Cammell to buy all the plant, whatever you call it, for the 8-inch gun. So I say let us go to Mr. Krupp's factory, if necessary, at Essen, and buy enough big guns to protect the harbor of New York, the harbor of Boston, the harbors of all the great cities, and build the torpedo-boats that we are now buying. We provide in this bill for buying one hundred thousand dollars' worth of Whitehead's torpedoes, with the right to manufacture. We can buy the right to make guns. Krupp has no patent on his guns. We can buy what we need and arrange to build more at home after we get a start from abroad.

If the cruisers we are now building turn out to be first-rate, why, then, build more, but do not begin at the wrong end; do not be as defenseless after you have spent this money as you were before, for that will be about the result; do not be tempted because the Secretary of the Navy has a pet contractor into whose hands he wants to get contracts at an early day or before it is even seen whether those he is building are going to be of any value——

Mr. HALE. Will the Senator allow me to ask him a question?

Mr. BECK. Yes, sir.

Mr. HALE. The Senator complains that the ships which are provided for in this amendment submitted by the Committee on Appropriations are to be useless. They are good for nothing, he says in advance, in maintaining the national honor, and asks why we proceed in this way against the light that we ought to have gained from other nations engaged in naval warfare. Now, does the Senator from Kentucky know that Great Britain, which, perhaps, is an exemplar as a naval power, one as safe to follow as any, has built in the last sixteen years one hundred and thirty-two ships of the kinds embraced in this amendment?

Mr. BECK. I know she has built many.

Mr. HALE. The numbers of ironclads, of armored ships, that any naval power builds will always be small compared with their cruising fleet, and Great Britain to-day is able to maintain herself in the ascendant as a naval power and to keep her domination over all other great powers more because she has a great cruising fleet on all the waters of the globe than from any other cause; and if war breaks out, she can annihilate the commerce of any other people because she has such a cruising fleet. We are following her example, seeking to have something like a respectable navy in this line.

Mr. BECK. Mr. President, of course every great naval power that has fighting ships and big guns has cruisers as well, but I did not suppose any nation situated as we are now would fail to put itself in an attitude of protection first, instead of leaving itself defenseless, and with all its harbors exposed, to go out on the high seas and pirate for plunder and prize-money. What would England or France or any other country do if you were to do it but sail into the port of New York or some other of our great cities at once and laugh at our cruisers.

The first thing, as I understand it, in becoming a naval power—and we do not pretend, and I hope we never shall pretend, to build up such armaments as any of the continental nations or Great Britain, either in an army or a navy—is to become a great commercial nation, and our power and aim will always be, I hope, in that direction. The Senator from Maine [Mr. FRYE] has introduced a bill to build up the merchant marine. I will not discuss that bill until it comes up, which I hope will be very soon; but in some way or other before we shall ever rank as a commercial power we must have ships of our own; we must have American sailors; we must carry our own commerce; we must keep at home the $150,000,000 a year we are now enriching foreign nations with; and in some form or other we must establish our greatness there. In the mean time we must go to Mr. Krupp or somebody else and buy such guns as will make it impossible for the ironclads of the world to enter our harbors; we must have our torpedo-boats; we must have our land defenses; and we must protect our seacoast. I have no apprehension about the lakes. Ships would have to traverse from Quebec to the Thousand Islands before they could get into Lake Ontario, and 100,000 men would take that part of Canada, and there would be no Welland Canal or a lock on it before they reached Lake Erie. The talk about the lakes is all stuff. Some naval officers think they have to be fortified. I care nothing for them; the men of the West will see to that; but we must defend our seacoast.

I am ready now to finish the cruisers we have on hand. Let us see if they are the best that can be had; let us make no mistake about that; and if we can, let us do more. I am willing to send out cruisers to make it dangerous for any country to go to war with us; but when it is assumed that we are going to build these for the defense of the country, to protect our harbors or the coast of the United States, I regard it as absurd.

Mr. HALE. Will the Senator allow me to ask him a question here?

Mr. BECK. Certainly.

Mr. HALE. How long a time will be lost if this session of Congress does not appropriate for the additional cruisers provided for in this amendment?

Mr. BECK. I will say that we have given all the money necessary to finish them. It was said when the bill was passed in February the vessels would be ready by December. The Secretary says he never said so, but it was said by other officers. I believe the contract time is December.

Mr. HALE. No, sir.

Mr. BECK. When is it?

Mr. HALE. The contract time for the completion of the Dolphin is in the late fall. The others, the Secretary says, cannot be completed according to contract until February.

Mr. BECK. The contract time was stated on the floor over and over again to be December. They will be done early this winter; they can be put upon a cruise; they can be tested before this Congress adjourns. I do not mean this session.

Mr. HALE. Before the 4th of March?

Mr. BECK. Yes, sir.

Mr. HALE. The Senator is entirely and absolutely wrong. There is no foundation in the statements of the Department or of the contractors or of the advisory board for that. No test can be made of these vessels, excepting the Dolphin, the dispatch-boat, until long after the last session of this Congress is closed, and unless this session appropriates money nothing can be done for two years from now, and that time is lost.

Mr. BECK. If that time is lost, it had better be lost than to have four worthless ships that we have spent a good many millions upon, and many more equally worthless to be thrown away, as we have had to do with the ironclads that have lain on the stocks now for ten years. The same clamor was made then with the Puritan, the Miantonomoh, the Terror, and the Amphitrite; they were all pressed through, and it was claimed for a long time that they were of no value, they had to be changed, until it is very doubtful whether they are of any value now, although we propose to finish them. What we want to know is to ascertain that we are right, and in the mean time, while we are making this test of what kind of cruisers we shall have and see if these are of any value or not, let us address ourselves to obtaining guns to defend our cities and harbors, guns that will defend them. You can buy them. China bought nine hundred from Krupp; Italy buys them; Brazil buys them; Mexico is buying them. We have not the plant to make them here. Buy enough to make Boston safe, New York safe, Norfolk safe, and Pensacola safe. I have no fear of Baltimore or Philadelphia or any of those cities situated so far up rivers that no enemy will reach them. Buy enough guns to make Portland, Me., safe. Build your torpedo-boats; build your land batteries; finish and officer our monitors, and see if these cruisers we are building are worth anything. In the mean time, whatever money we have to spend in addition to that, let us address ourselves to the building of a merchant marine; let us have a school for our sailors; let us have ships which can carry our goods, $1,600,000,000 of which we have now, and 84 per cent. of which goes in

foreign bottoms to and from our seaports. That is what I desire to see done, and I am bound to say that there is nothing in the past experience of the Navy Department that induces me to hurry up any doubtful proposition.

The Senator from Maine yesterday said in reply to the Senator from Missouri that nothing had been shown or could be shown against the management of the Navy Department. Why, sir, I have the reports of the Senator from Massachusetts [Mr. DAWES] and a great many others contradicting that. Here is a very able speech made in 1878 by Hon. Benjamin W. Harris, of Massachusetts, in which he said:

> Nevertheless the close of the war found us in possession of an ironclad fleet the largest and for defense the most formidable in the world, and with a seagoing navy sufficiently numerous and powerful to secure immunity from all danger of foreign war. We had conquered a peace after the most destructive war of modern times, and were in condition to maintain it. No nation in that supreme moment of our triumph and exultation had any temptation to engage in war with us.

Where is that fleet now? What has become of it? We had six hundred and fifty vessels when the war closed. Before December, 1871, we had—I made a note of it just now from a report made by the Senator from Massachusetts—only one hundred and thirty or one hundred and thirty-seven. Four hundred and odd ships were sold between 1866 and 1872, and we had to pass the law read yesterday by the Senator from Ohio in order to prevent that from going on, and after we did it they invented a new mode, as was suggested by the Senator from New Jersey—the breaking them up and selling them for old scrap.

Mr. HALE. Let me ask the Senator a question. He speaks of the six hundred and odd vessels we had at the end of the war. How many of that nominal number, which of course sounds large and seems to indicate a formidable navy, were vessels that had been purchased from the merchant marine, which were only useful in enforcing the blockade, which were never built for or intended for or purchased for permanent naval ships? If the Senator has not got the figures, I can tell him that out of his six hundred and odd four hundred and ninety-seven were of that fugitive, perishable, evanescent kind that in the natural course went out of existence within two or three years, and the sooner they were sold the better, and that is why they were sold.

Mr. FRYE. Those four hundred and ninety-seven were purchased at large.

Mr. HALE. Purchased at large from the merchant marine, never in any way built as naval ships, never conceived as war ships, but only purchased for transportation and for the incidents to the blockade; and now for any Senator to here reckon those vessels as a part of a permanent naval establishment seems to me is exaggerating the case.

Mr. BECK. I stated that we had six hundred and odd vessels, that four hundred and thirty-odd had disappeared, and the proceeds were expended by the Navy Department without giving any intelligent account of them. That is the fact.

Mr. HALE. What does the Senator mean by not giving any account?

Mr. BECK. I will state it in this way: The money for which they were sold was expended in addition to all appropriations made at that time.

Mr. HALE. There was not a dollar that was ever received from the sale of those perishable ships that were sold by the Navy Department in the years immediately succeeding the war which was not reported and accounted for, and every dollar of it can be found in the records of the Navy Department.

Mr. BECK. I said that they expended that money in addition to all the appropriations made by Congress.

Mr. HALE. How much does the Senator suppose that all this amounted to when they were sold?

Mr. BECK. I can tell the Senator pretty accurately, I think.

Mr. HALE. If the Senator can not tell me, I can tell him.

Mr. BECK. The Senator defended that Department very well for a good many years; not quite so successfully as he thinks he did, however. Is this true? I read now from the speech of Hon. Benjamin W. Harris, of Massachusetts, made on the 29th of May, 1878, taken from the CONGRESSIONAL RECORD, a pamphlet copy of which he was kind enough to furnish me, in which he says:

> Nevertheless the close of the war found us in possession of an iron-clad fleet, the largest and for defense the most formidable in the world, and with a seagoing navy sufficiently numerous and powerful to secure immunity from all danger of foreign war. We had conquered a peace after the most destructive war of modern times, and were in condition to maintain it. No nation in that supreme moment of our triumph and exultation had any temptation to engage in war with us.

Were those evanescent, too? Were those ironclads, ships that were good for defense, of the character the Senator from Maine has spoken of?

Mr. HALE. Does not the Senator know that every one of the ironclads that at that time were so formidable in contrast with the ships of other powers of the world have been maintained since? We have got them, but other nations have made such strides and have built such enormous ships that what was true at the time stated by the former Representative from Massachusetts, Mr. Harris, never has been true since. The American Navy never has been as formidable as it was at the close of the war; it soon fell.

Mr. BECK. Then the Puritan and the Terror and the Miantonomoh and the Monadnock and the Amphitrite will have to be thrown aside, too, because not one of them compares with the great ironclads other nations have, does not begin to compare with them. So we are repeating the same useless thing now in finishing those double-turreted monitors, and surely the cruisers we are seeking to put out would not stand a minute before any armored ship. Therefore we are to be as defenseless after we have done all that is proposed now, according to the Senator from Maine, as we are before we begin.

Mr. HALE. The double-turreted monitors, the Puritan, the Amphitrite, the Terror, and the Monadnock, when completed, will be armored ships, as destructive, as powerful, as efficient as any ships in the world, excepting a few, and a very few, of the larger class that have been built by Great Britain, France, Germany, and Italy. They are not to be compared with the ironclads that we had at the close of the war, which were then so formidable. They are not simply double or three times but are ten times as efficient, great ships of war in conflict, as any of the monitors at that time, and when completed, as I have said, will furnish us effectual defense, so far as they go, excepting against the superior class, only a few, of the great powers of the world, and I have very great doubt whether those exaggerated ships built by the naval powers within the last few years will ever be brought to our shores.

Mr. BECK. I hope they never will.

Mr. HALE. And the Puritan and her class that we are to finish and that this bill provides for finishing, with the assent I believe of the Senator from Kentucky, will make ships that will be most efficient in harbor defense; and they are what we need as a companion measure to the cruisers we are trying to provide for.

Mr. BECK. Mr. President——

Mr. McPHERSON. Will the Senator allow me?

Mr. BECK. Yes, sir.

Mr. McPHERSON. Inasmuch as the Senator from Maine in his reply to the Senator from Kentucky has referred to one vessel of the United States Navy, to wit, the Puritan; and inasmuch further as he has stated that there was not a single vessel in all this list of six hundred and fifty ships borne on the Navy Register at the close of the war for which the proceeds had not been turned into the Treasury of the United States, I wish to ask one single question: Were the proceeds of the Puritan, notwithstanding the provision of the law read by the Senator from Ohio [Mr. SHERMAN] yesterday, which required the proceeds of vessels sold to be turned into the Treasury, so paid in?

Mr. HALE. I did not say that the proceeds of the sales of ships made immediately succeeding the war were turned into the Treasury; I said that every dollar received from them could be accounted for, and the records of the Navy Department would show it. The statute passed that required everything in the nature of the proceeds of sales of ships and materials to be turned in was not passed until 1872, and in the intervening years between the close of the war and that time undoubtedly materials and ships were sold and the proceeds used by the Navy Department for its running expenses, but an absolute account can be stated of all that.

Mr. McPHERSON. The Senator from Kentucky stated the fact that the proceeds of the sales of ships were used by the Navy Department in addition to the money appropriated by Congress.

Mr. BECK. Certainly.

Mr. McPHERSON. And that was when there were laws upon the statute-book just as strong as the law of 1873 or 1874, to which the Senator refers.

Mr. HALE. Oh, no, sir.

Mr. McPHERSON. Now, the Senator from Kentucky admits that the money appropriated by Congress was a distinct and separate fund; that money received from the sale of ships and materials was also used by the Secretary of the Navy, without covering it into the Treasury, and made available for the same purposes as the distinct appropriations.

Here was the Puritan, of which the Senator has spoken, and I am glad he has brought up the question. She was a ship the most formidable in the world; a new ship, nearly completed by John Ericsson, the builder of the famous Monitor which destroyed the Merrimac. She had cost this Government $1,960,000; a new ship, never out of the harbor except when towed from the port of New York to the port of Philadelphia.

Mr. Howland, of New York, agreed to complete her in accordance with the contract and specifications for the sum of $300,000. When completed what would she have been? A vessel 60 per cent. more formidable, more able in every quality of military efficiency, more capable than the present Puritan, the miserable abortion which bears the name of the old vessel. On the order of Isaiah Hanscom, then Chief of the Bureau of Construction, acting under the authority of the then Secretary of the Navy, she was towed to the ship-yard of John Roach and ordered by telegraphic message to be broken up. John Roach broke her up. He charged this Government $6,000 for breaking her to pieces, and when he made his return to the Government he gave it four hundred and ninety tons of material less than had been put into the vessel when constructed.

Do you call that turning into the Federal Treasury the money for which vessels were sold? Without one particle of that ship remaining except the sign-board which bore her name, the Secretary commenced, under the name of repairs (the only thing which he had the authority

to do under existing law), to repair what? The sign-board of the old Puritan, and to build a vessel which four boards of survey declared if completed in accordance with the contract would sink at her moorings.

The facts are that no contract was observed, no law was obeyed; the vessels which the liberality of Congress had enabled the Government to build would go down at their moorings; money was squandered right and left; vessels were turned over to favored contractors and traded away for new material; and that is the honest administration of the Government of which the honorable Senator from Maine speaks! This he calls covering money into the public Treasury.

The Senator from Kentucky is entirely right, and I will undertake to show some time before this discussion is ended; and if I had the physical health I should have undertaken to-day to have shown the people of this country the condition of affairs in regard to the administration of the Navy. When the honorable Senator from Maine and that side of the Chamber undertake now to compel the Congress of the United States, by affixing at the end of an appropriation bill an appropriation of money to allow the same condition of things to go on under this naval administration, for the influence outside then is to-day the power inside the Navy Department; when the honorable Senator from Maine undertakes to deny the statements of the Senator from Kentucky, then I wish him to answer me with regard to the Puritan, what has become of her, what has the Government received for her, a vessel that cost $1,960,000, a new ship that had never been out of port, and was deliberately broken to pieces and bartered to a favored contractor, who returned, not what the vessel was worth, but exactly what he pleased, to the Government. What the contractor was to receive was the ship itself; what the Government was to receive depended entirely upon his discretion.

Mr. HALE. Mr. President, this is a very old story of the Senator from New Jersey——

Mr. BECK. I have not yielded the floor, but I am willing this shall go on. I only desire to make this remark before the Senator from Maine proceeds, that that is an old story that he very defiantly brought up yesterday when he said that not a dollar had been spent except what appears in the appropriation bills, and that the charge that anything had been spent wrongfully was a slander.

Mr. HALE. I am not going to take up the time of the Senator from Kentucky——

Mr. BECK. The bravado of yesterday can not be made good.

Mr. HALE. This is only a renewal of the attempt of the Senator from New Jersey to alarm and array his side of the Chamber by reviving some of these old complaints. If there was anything under the sun that was thoroughly discussed by the Senate in the last session of the last Congress, it was the very subject-matter of these iron-turreted armored ships, their inception, the whole cause of their building, their change from wooden to armored iron ships. Every point in that matter was brought out fully in the discussion last year, and on that the Senate concluded deliberately to embark in the enterprise of finishing the monitors.

Now, let me say to the Senator from New Jersey, who has arrayed here in the most impressive manner possible by him his statement as to the Puritan, that from the time the first hammer was struck on the original keel of the Puritan not one step has been taken without the action and the advisement of naval boards constituted by the Secretary; every process of condemnation was approved; and finally out of it all the action was taken by the investigation of the Department upon the claim that there had been wrong proceedings; and on the action of those boards, as I explained in the debate in the last Congress—and which if necessary I will bring here again—every subsequent step has been taken. The Senator can not show that a particle of fraud or corruption rested at the bottom of this thing. Why it is that he insists now at this late day on reviving that old controversy that was settled at the last Congress, and on the basis of which, as the Senator from Kentucky knows, the Committee on Appropriations has put an appropriation in this bill of $2,000,000 to complete these monitors, passes my comprehension.

Mr. McPHERSON. Will the Senator yield just one minute?

Mr. HALE. All the time you want.

Mr. McPHERSON. I have not raised any question regarding the Puritan. The Senator from Maine raised the question, and he spoke of the Puritan as one of the vessels for which returns had been made in answer to the statement made by the Senator from Kentucky.

Mr. HALE. I spoke of the Puritan as one of the ships we are proposing to finish. I never went into any of these old controversies. I never have brought them up. I have no objection to their being brought up. They only delay discussion on the practical ever-present question that is before the American Congress to-day, and that is, whether you will vote to rebuild the American Navy, whether you will vote supplies to maintain the national honor, whether you will here and now provide for the national defense. That is the real question. I am not going to occupy any great length of time in harrowing over these old things of the past. I do not believe that Senator can alarm that side of the Chamber by bringing these things up. It can not be done.

Mr. BECK. Mr. President, the Senator from Maine was the Senator who brought those things up on yesterday, and he read with apparent satisfaction that so many dollars of the $385,000,000 the Senator from Missouri spoke of were spent for this and so much for that, and that all had been fairly accounted for, and that that was all that ever had been spent. When I alluded to the fact yesterday and said to him that he was undertaking a job that would last him several weeks if he was going to show that everything done with that money was proper, I simply brought the official record sent by the Secretary himself to show that in addition to all the expenditure of $385,000,000 since 1866 which had been made and the result no navy, and six hundred and fifty vessels of the United States owned at the close of the war with ironclads that were said to be the best in the world according to Mr. Harris, of Massachusetts, were nearly all gone, and that the money for which they were sold prior to 1872 or 1873, at least, was all expended in addition to the appropriations made by law; and the Secretary in his report of April 10, 1872, being Executive Document No. 250, Forty-second Congress, second session, said that $119,000,000 had been appropriated for the service for the year 1865–'66, much of which was not needed because the war closed before the fiscal year began and only $43,000,000 of that sum was spent. So they had a larger surplus remaining. Secretary Welles covered $7,400,000 of that into the Treasury. There was $24,000,000 besides what the ships sold for, in addition to all the appropriations made by law that fell into the hands of the Department. Vessels and materials were sold and the Navy Department gave a sort of account of them, but such an account! I have the official document in my hand. This is a fair specimen. No human being not in the secret is any wiser after reading it.

| By whom sold. | Character of property. | When. | Where. | Amount realized from sale. |
|---|---|---|---|---|
| Admiral C.H.Bell | Furniture | July 24, 1865 | New York | $867 50 |
| | Vessels | 3d quar., 1865 | do. | 706,350 00 |
| | Do | 3d quar., 1865 | do. | 764,200 00 |
| | Boats | Sept. 25, 1865 | do. | 302 50 |
| | Vessels | Oct. 25, 1865 | do. | 509,350 37 |
| | Do | Nov. 30, 1865 | do. | 468,900 00 |
| | Lumber | Nov. 11, 1865 | do. | 3,621 28 |
| | Refuse wood, &c | 1st quar., 1866 | do. | 1,024 70 |
| | Do | 2d quar., 1866 | do. | 2,268 86 |
| | Vessels | Mar. 16, 1866 | do. | 16,200 00 |
| | Do | Aug. 28, 1866 | do. | 12,500 00 |
| | Do | June 13, 1866 | do. | 32,350 00 |
| | Do | Sept. 13, 1866 | do. | 5,000 00 |
| | Do | Oct. 5, 1866 | do. | 119,900 00 |
| | Timber | Oct. 5, 1866 | do. | 1,057 37 |
| | Vessels | Nov. 9, 1866 | do. | 6,000 00 |
| | Do | Oct. 9, 1866 | do. | 32,000 00 |
| | Refuse wood, &c | 3d quar., 1866 | do. | 1,103 50 |
| | Vessels | Jan. 19, 1867 | do. | 16,000 00 |

On the 2d day of May, 1872, I believe it was, this matter was up in the Senate as well as the House, and the present presiding officer enlightened this body as to what became of these ships. Among other things the Senator from Vermont [Mr. EDMUNDS] then said:

> But we had a little investigation during that time into some of the affairs of the Navy Department respecting the sale of some of those ships that are now making such a fuss in this debate, and it did appear in that investigation (and if Senators are very curious I think I can look up the testimony and have it read) that, not to spend any time in detailing them, some very extraordinary performances in the way of advertising ships for sale, and then taking pains to have them awarded to the lowest instead of the highest bidder, took place in that Department. One of them we stopped and broke up; one or two we were unable to.

If that Senator will take the pains to look up how those ships were sold he will enlighten the Senator from Maine very much as to the mode in which our ships were disposed of. But I rather agree with the Senator from Maine. If he is content to go back over all these things, I do not object to doing it. I have the reports here showing the contracts of the 3d of March, 1877, which were repudiated afterward by Congress, all binding the Department when there was no appropriation made by law to carry them on—all repudiated over and over again. That is one reason, among other things, why I say that I will not provide for more cruisers of this class until we see that the contracts now made by the Department are faithfully executed; that the ships are of the character we have a right to expect them to be; that they will perform the service we expect from them, especially when it has been said on this floor by naval constructors and others that they are unfit for the use for which they are intended, when it has been said on this floor that other contractors did not dare to bid because they could not get the character of inspection that Mr. Roach could get, when it is admitted that they are of no value for defense and are only fit to prevent war by intimidating other nations—which is a great deal, of course; it is one of the things that ought to follow. If the vessels now being built can only come up to that, and if the Alaska outsails them five miles an hour, what good are they going to do in stopping her? Speed is one of the greatest elements required. Until we know the practical result on these points we ought not to duplicate them. I think the Senator from Florida will agree with me in that.

Mr. JONES, of Florida. I will say that the entire testimony given before the Naval Committee by those gentlemen who have devoted their lives to the public service, and whose opinions are worth more than my own and the Senator's, all concur that they will have the

speed. I think that is the testimony of Admiral Porter and of the gentlemen of the Navy whom we examined; that there was no trouble whatever about getting the speed out of these ships; that it was the simplest question of mathematics.

Mr. BECK. I do not propose to say any more. I have expressed my views in regard to the matter. I opposed this amendment in the committee, but the majority overruled me. I have not the faith that I had a few days ago in the advisory board after I have seen and heard what I have about them. When the House of Representatives deliberately, against their report, ordered the armor of Engineer Clark to be placed on the guns of the Chicago, and when the committee of the Senate did the same thing, and I now believe they were right in doing it, though I opposed it, the House and the Senate committee have cast a vote of censure upon and not a vote of confidence in regard to that advisory board. I think that ought at least to make us wait until we see whether what they have advised is fit for use before we proceed to build any more ships under their direction.

Mr. JONES, of Florida. Mr. President, I am not going to discuss the question at length, but it seems to me to be admitted on all hands that the present state of the Navy is such as to require some action by Congress. It is admitted on all hands that we have got nothing in the way of ships to defend this country or to prevent a war. It does not matter to me whether we build ships that will prevent war or ships that will succeed in defending us after war arises; the consequence is the same. It would be infinitely better if we had a power that would enable us to avoid war, which is a thing always to be deprecated; but as I said before, according to the testimony of Admiral Porter and the other officers of the Navy examined before the Naval Committee, in a few years under the existing authority of Congress, which my friend from Kentucky helped to give to the Secretary of the Navy, there will not be a naval ship afloat to bear the American flag.

I for one, without regard to party, am not willing to take the responsibility of putting out of commission every public ship that bears the flag of this great Republic and at the same time refuse to vote a dollar to supply its place.

I know there have been abuses in the past, and nobody regrets them more than I do; but I say that the statement of that fact is no answer to the demand now made by the country for some decided action with respect to the building up of a public force. Admiral Porter says in his testimony lying before me that in a few years, under the existing act of Congress, for which the Senator from Kentucky voted, there will not be a ship afloat; and they have gone on, as my friend from New Jersey knows, for he referred to it in the beginning of this debate, and condemned sixty or seventy ships. I deprecated that authority at the time it was given. I do not like to repeat myself on this subject, but I say that all this ought to have been considered before it was determined to blot out the existing navy. I say that the country will not be satisfied after Congress has passed a law giving this very Secretary the power to dispense with every ship that now bears your flag and leave the country absolutely without a ship of war except these three or four little vessels proposed to be brought into existence under the existing contract. I do not think that will satisfy the public mind. Whatever difference of opinion there may be with respect to the existence of a naval force, the public opinion of this country will demand a larger force than the three or four cruisers now being built under the existing contract.

I said before that it was a humiliating thing for me to hear in the Senate of the United States, and have it paraded before the great powers of the world, that there was no confidence anywhere in this Republic under which its interests could be attended to in great affairs like this. It is humiliating to me to think of it going out to Great Britain and to France and to the whole world that the American Republic is in such a condition it can not trust one of its own chosen officers, its President, to take a step in the direction of building up its public force. There is not a morning chronicle in London or in Paris but what will reflect on the sentiments that have gone out to the detriment of this country and its institutions and parade them before the public of their countries.

I say there is no question of party involved in this. I do not care who is in power, whether it be a Democrat or a Republican; there are some things essential to the public interest that must be done. That is the spirit that animates me. The Senator from Kentucky intimated that it was mock patriotism. Nothing of the kind; but a necessity which everybody admits. This measure proposes to give to the President of the United States this authority. I have nothing to do with Chandler or with Roach. I do not know them in this business and never will; but I do recognize the President of the United States as the head of this great Republic, exercising under all the responsibilities that can possibly attach to the highest position on earth the functions of a great office; and when he comes and says that the interests of this people require that something shall be done in the line of building up the Navy and protecting the interests of the country, I am not going to turn away from him because he happens to be a Republican and I a Democrat.

Next year or so, if we should have a Democratic President and a Republican Senate, they might take the ground that they would not trust him with these matters affecting the public welfare. Can you keep up a Government on that line? If officers fail to do their duty, hold them to accountability; impeach them, turn them out of office; but above all things take care of the interests of the Republic. That is the position this question is in. It is all very well to talk about guns, but I say here in a few years you will not have a ship able to protect your commerce in case of emergencies or to prevent war.

As I have said repeatedly before, I do not want to see our Navy destroyed, and I voted against the law to which I have alluded because, as I said yesterday, I was apprehensive that this contingency would arise, that after Congress had given the Secretary authority to put out of commission every existing wooden ship I did not believe when the time came the authority would be extended to replace them. Is not that exactly the position of the Senator from New Jersey to-day? This ground ought to have been surveyed with the eye of a statesman before you took the first step. You ought not to have given authority to destroy our existing Navy unless you were prepared to give authority to build something in its place.

Mr. MCPHERSON. I did not vote for that.

Mr. JONES, of Florida. I did not either. The record shows that I did not. I took the ground at the time that I was willing to go slowly and to add to the Navy by degrees, but that I was not willing to give this extraordinary power the effect of which Admiral Porter testifies to here and says that in a few years there will not be a ship afloat to bear your flag.

Now, with respect to the testing of the cruisers at present being constructed that is all very well. They will not begin to replace the ships that are going out of commission. In two years from now all your best wooden ships will be gone and there is no help for it, because under this 30 per cent. clause, as the Senator from New Jersey knows, as Congress has given this authority, the country will be without the means of protecting the people. Then what are you going to do about it? Do you suppose that any party or any set of public men can stand before the country on the ground that this Government at this advanced day is not to have ships of war? Notwithstanding all that is said about our commerce (and God knows it is in a condition to merit nearly everything that has been said), the commercial marine of the United States is second to that of Great Britain to-day under all its disadvantages. The Senator from Missouri [Mr. VEST] said the other day that there is no necessity for a naval force except on account of commerce. Well, we have more commerce than France, more than Germany, more than Russia, more than any other power with the exception of Great Britain. Look at their navies. Where is the commerce of Peru, of Chili, of Brazil, of Spain, of any of the powers whose fleets are completely overshadowing those of the great Republic of North America?

Finding this great necessity, I have voted in the line of building up the Navy, and I shall continue to vote on that line. No matter what may have been the shortcomings of officials in the past, their existence will not justify me in refusing to place the country in a proper state. That is my position.

Mr. MCPHERSON. Will the Senator yield to me a moment?

Mr. JONES, of Florida. Yes, sir.

Mr. MCPHERSON. The Senator states his position, and states it very frankly and very strongly. He has already voted, if I remember aright, in favor of a bill for the Navy, which bill passed the Senate and is pending in the other House of Congress. It is now proposed to repeat that legislation upon an appropriation bill, to the imminent peril, as the Senator knows, of other appropriations, just and needed appropriations, in this bill for other purposes. Does he propose to give his sanction to such an unwarranted and audacious attempt, when in fact the House has all the right to-day, all the power it possibly can have, to deal with this question that it will have if this amendment should be adopted? Does he propose to place the members of that House in the position of being again charged with starving this Government because they refuse to agree with the Senate in voting an increase of the Navy when the same bill is pending there and has not yet been considered by the appropriate committee there?

Mr. JONES, of Florida. Mr. President, I am not going into matters between the two Houses. When it comes to that, the House of Representatives, if we are permitted to allude to it, has sent its legislation here time and again encumbered with provisions such as this body did not think proper. The Chair has already held that this provision is in order under the rules of this body. I am not going outside of this Chamber to take into consideration what the House will do or what it will not do. Whatever it does will be acceptable to me. I have only my duty to perform in this matter, and if this appropriation is in order under the rules of the Senate, and it tends in the direction that I said I favor, the building up a navy, I see nothing in the way of my supporting it, especially when I see that this country will be left in a state utterly defenseless.

Mr. MCPHERSON rose.

Mr. JONES, of Florida. I would rather the Senator would let me get through and then he can make his speech. I only want to justify myself.

I concurred with the Senator, as he well knows, when this matter was first opened two years ago, stood by him, and refused to vote to

give the power under which these results are being worked out, but I do not want to place myself in the position of refusing to give the Government money for the purpose of public defense on the sea, especially after the Executive has said that the national honor and necessity demand it, and we know from every quarter that that is the case.

You may say we are going to have no war. Possibly not, but you can not tell when war may come upon us. If, as has been said, these cruisers will have the effect of preventing war, that is a result which ought to be acceptable.

From the testimony before the Naval Committee from the officers who were there, I have not any doubt that these ships will be all that is claimed for them. As I said to the Senator from Kentucky, I did not expect them to be able to cope with the great ironclads of England and France and Italy, but still they will answer a great purpose of defense in showing to Great Britain and other maritime nations of the world—and if we have war we can only have it with them—that there is some power here to guard the public interests and to protect ourselves from their attacks. I do not think that four cruisers to take the place of our entire wooden navy will satisfy the demands of the country. What does Admiral Porter say? Let me read a question put to him by the Senator from New Jersey and his answer to it:

Senator MCPHERSON. Suppose that an appropriation of money could not be obtained sufficient to build both, which would you build?

Admiral PORTER. That is a pretty hard question to answer; we are so much in want of vessels of all kinds. In four years more almost every ship in the Navy, by the rule now adopted, will go on the retired-list. It will take more than four years to get anything like the number of ships that will be condemned by the law. Therefore I am undecided what to say about that subject.

Here is the authority of the commander-in-chief of the Navy that in four more years, under the act of Congress, for which I did not vote, but for which the Senator from Kentucky did, there will not be a ship of ours on the ocean. I say that this condition of things will not satisfy the public mind of this country in my opinion, and that neither Democrats nor Republicans, north or south, will be satisfied to see in four years every vessel that now bears the American flag retired and nothing to take its place.

It is true that our Navy never was up to the standard of European fleets and never will be; but, as I said in debate when this matter was first agitated, before the war we had a navy fit to cope with any in the world; our ships were the pride of the country; not as numerous as those of many foreign nations, but in their quality, in their build, in their naval equipment, in 1860 they were the pride of the United States. I am not going now to discuss the causes that have led to our present condition. It is enough for me to know that it exists, and I mean to put the responsibility upon those in power to put the country in something like the condition it wants to be in respect to a navy, and if they do not do their duty in this matter I mean to do mine. But I say upon the authority of Admiral Porter that in a few years the Tennessee, the Wabash, the Pensacola, all the ships you have now, will be gone, and you are going to wait to see the American flag at the head of three or four little cruisers on the ocean and our humiliation made greater even than it now is!

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *April* 10, 1884.

The recess having expired, the House (at 11 o'clock a. m., Thursday, April 10) resumed its session.

#### ORDER OF BUSINESS.

Mr. STOCKSLAGER. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of continuing the consideration of the special order made last Monday—bills on the House Calendar for the erection of public buildings.

Mr. EATON. Will the gentleman give way to me, that I may present a report? It will take but a moment.

Mr. STOCKSLAGER. Certainly; I yield to my friend for that purpose.

#### ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. EATON. The Select Committee on the Law respecting the Election of President and Vice-President, to whom was referred the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon, have considered the same, and are of the opinion that this bill in its present form ought not to pass, but have directed me to report it back with an amendment in the nature of a substitute, and to recommend the adoption of the substitute. I ask that the bill, with the substitute, be printed and referred to the House Calendar.

There was no objection, and it was ordered accordingly.

Mr. STOCKSLAGER. I now yield to my friend from Georgia [Mr. HARDEMAN].

The SPEAKER. The gentleman from Indiana [Mr. STOCKSLAGER] withdraws his motion to go into Committee of the Whole.

#### FREE ALCOHOL FOR PHARMACEUTICAL PURPOSES, ETC.

Mr. HARDEMAN. I hold in my hand a memorial from about two thousand citizens of the State of Georgia, residing in twenty-nine different counties, asking the repeal of the tax on alcohol used for pharmaceutical purposes, &c. I ask unanimous consent that this memorial, without the names, be printed in the RECORD and referred to the Committee on Ways and Means.

There being no objection, it was ordered accordingly.

The memorial is as follows:

*To the honorable Senators and Representatives in Congress assembled:*

Your petitioners beg to show that the tax on alcohol is a heavy burden on druggists, on physicians, and on all classes of people, more especially the poor of our country. This article enters largly into the medicines which are prime necessaries to the sick and afflicted. We show that most of the tinctures contain one-half alcohol, and many of them are all of alcohol as a menstruum. We show that the cost of the alcohol now in a pint of ordinary tincture is 15 cents, and in the stronger tinctures 30 cents; whereas without this tax the cost would be 3½ cents and 7⅛ cents respectively, thus making a great burden to the consumer. We respectfully suggest that it was not the desire or intention of Congress to put so high a tax on articles which are so indispensable, and ask that some means may be devised by which our pharmacists, our druggists, our apothecaries and our manufacturing chemists may have free alcohol for pharmaceutical purposes and for manufacturing medicines. We respectfully ask you to pass some law by which the burdensome tax above mentioned may be taken off.

#### PROTECTION OF MAIL MATTER FROM FIRE.

Mr. ELLIS, by unanimous consent, introduced a joint resolution (H. Res. 226) requiring the Postmaster-General to investigate and apply the most effective means to prevent the mails on postal cars from destruction by fire; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### CHANGE OF REFERENCE OF A BILL.

On motion of Mr. YOUNG, by unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 5397) for the relief H. B. Wilson, administrator; and the same was referred to the Committee on Claims.

#### JACOB AND ELIZABETH SEUER.

Mr. SMITH, by unanimous consent, introduced a bill (H. R. 6527) for the relief of Jacob and Elizabeth Seuer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. MILLS, by unanimous consent, reported back from the Committee on Ways and Means the bill (H. R. 3831) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### GUANO ISLANDS.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 874, being an act to further suspend the operation of section 5574 of the Revised Statutes, title 72, in relation to guano islands, and put the same on its passage. I will state that this bill was unanimously reported from the Committee on Foreign Affairs of the House. I have the report here, which gentlemen can have read if necessary.

Mr. WARNER, of Ohio. From what committee is this reported?

Mr. TALBOTT. From the Committee on Foreign Affairs. The bill was passed unanimously in the Senate.

Mr. WARNER, of Ohio. Is there a report in the case?

Mr. TALBOTT. Yes, sir.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

*Be it enacted, &c.*, That section 5574, title 72, of the Revised Statutes of the United States be, and the same is hereby, further suspended, as therein set forth, for the period of five years next from and after the passage of this act.

Mr. WARNER, of Ohio. I desire to have the report read, reserving the right to object until after I shall have heard it.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 2235) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands, submit the following report:

The law in reference to guano islands discovered and worked by American citizens, passed in 1856, and contained in title 72 of the Revised Statutes, prohibited them from selling the guano except for the use of citizens of the United States or residents thereof, thus excluding them from the general markets of the world. The section containing this prohibition, however, by its own terms suspended its operation five years from and after 1872, and the suspension was subsequently extended by the action of Congress until last March. Since that time, now nearly a year, the exclusion of this guano from the foreign market has been in force, and has operated disastrously upon all these enterprises in which American citizens and capital are engaged. At one time nine guano islands were actively worked by Americans, near $5,000,000 being invested in the business. Several islands have been abandoned. Only three companies are at present working, and their operations are carried on with diminishing vigor.

The deposits of phosphates discovered in the Carolinas and Georgia now sup-

ply the markets of the United States, and the price has been greatly reduced. The export from the deposits of South Carolina alone are said to be near a quarter of a million of tons annually. While they can export without hinderance, the Americans operating the guano islands appertaining to the United States are prohibited from selling abroad.

The justice and policy of the bill appear to be clear; there is no opposition to it known to exist in any quarter; your committee therefore recommend its passage.

The SPEAKER. Is there any objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### RELIEF OF CERTAIN HOMESTEAD SETTLERS IN CALIFORNIA.

Mr. PAYSON, by unanimous consent, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

### CHANGE OF REFERENCE OF A BILL.

Mr. OATES. Mr. Speaker, I ask that House bill No. 27, being a bill to amend the title of an act to exclude the public lands in Alabama from the operation of the laws referring to mineral lands (Report No. 117), which by mistake has been placed upon the Calendar of the Committee of the Whole House on the state of the Union, be referred to the House Calendar. I move, therefore, that the Committee of the Whole House on the state of the Union be discharged from its further consideration, and that the same be placed upon the House Calendar at the place which it should have been properly placed when reported.

The SPEAKER. It would take its proper place upon the Calendar without a motion. Does the bill make an appropriation of money or property or require an appropriation?

Mr. OATES. It does not; it is merely with reference to the disposition of certain public lands in Alabama.

The SPEAKER. Without objection, the bill will be referred to the House Calendar.

There was no objection, and it was ordered accordingly.

### SALLIE A. SPENCE.

Mr. WARNER, of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 431) for the relief of Sallie A. Spence, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he hereby is, directed to pay to Sallie A. Spence $100, for rent of a building at Murfreesborough, Tenn., used and occupied as a hospital, under contract with the proper military officers, during July, 1864.

Mr. DINGLEY. I reserve the right to object until I can hear a statement from the gentleman.

Mr. WARNER, of Tennessee. This bill, Mr. Speaker, has passed the Senate, and was unanimously reported upon by the Committee on Claims. The facts of the case are simply these: That this lady was the owner of a building in Murfreesborough, Tenn., which was leased from her by the War Department, under a contract fixing the payment at the rate of $100 per month. A regular voucher was given to the claimant for a month's rent under the terms of the contract, which was presented for payment, but refused on the ground that the claim originated during the rebellion in an insurrectionary State. She only asks now that the $100 due for the time during which the building was occupied as a hospital under the contract shall be paid. The bill unanimously passed the Senate.

Mr. HOLMAN. I hope the bill will be again reported.

Mr. STORM. I object.

Mr. HOLMAN. I hope the gentleman will not object, but will allow the bill to be again reported.

Mr. STORM. I will withdraw the objection until the bill is read, reserving, however, the right to object.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. WARNER, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ORDER OF BUSINESS.

Mr. STOCKSLAGER. I renew the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. WARNER, of Ohio. What is it?

Mr. STOCKSLAGER. To go into Committee of the Whole House on the state of the Union to proceed with the further consideration of the special order, being the bills reported from the Committee on Public Buildings and Grounds.

Mr. BUCKNER. Can we not antagonize that with a motion to take a vote on the bill already reported from the Committee of the Whole House?

The SPEAKER. The gentleman can antagonize it by voting against it.

Mr. BUCKNER. Is it not amendable?

The SPEAKER. It is not.

Mr. WARNER, of Ohio. The bills reported from the Committee of the Whole House on the state of the Union yesterday are unfinished business of the same class.

The SPEAKER. It is not debatable.

Mr. WARNER, of Ohio. After the recess I now move that the House adjourn; and on that motion I demand a division.

The House divided; and there were—ayes 15, noes 65.

Mr. WARNER, of Ohio. No quorum has voted.

The SPEAKER. It does not require a quorum. [Laughter.]

Mr. THOMPSON. Tellers.

Tellers were not ordered.

So the House refused to adjourn.

The SPEAKER. The question recurs on the motion of the gentleman from Indiana to go into Committee of the Whole House on the state of the Union to consider the bills under the special order.

Mr. WARNER, of Ohio. Division.

The House divided; and there were—ayes 73, noes 7.

Mr. WARNER, of Ohio. I renew the point there is no quorum.

Mr. BELFORD. I move that there be a call of the House.

Mr. STOCKSLAGER. I hope my friend will withdraw that motion.

The SPEAKER. It is not debatable.

Mr. BELFORD. If the gentleman wishes to let this filibustering go on, I do not. But I will withdraw my motion.

The SPEAKER appointed Mr. WARNER, of Ohio, and Mr. STOCKSLAGER as tellers.

### CAVALRY POST, SAN ANTONIO, TEX.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Lieutenant-General of the Army containing estimates and plans, &c., for converting one-half of the quartermaster's depot at San Antonio, Tex., into a military post sufficient to garrison six companies of cavalry, and recommending an appropriation therefor; which was referred to the Committee on Appropriations.

### SUBMARINE CABLE, RHODE ISLAND.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief Signal Officer of the Army setting forth the necessity of a new submarine cable between Block Island, R. I., and the main-land; which was referred to the Committee on Appropriations.

### ORDER OF BUSINESS.

The SPEAKER. The question is on the motion to go into Committee of the Whole House on the special order.

The House divided; and the tellers reported ayes 99.

Mr. WARNER, of Ohio. I will withdraw the point of no quorum if we can have a vote on the bill already reported to the House.

Mr. STOCKSLAGER. I have no authority from the Committee on Public Buildings and Grounds to do so.

The SPEAKER. The tellers report—ayes 120, noes 15.

Mr. WARNER, of Ohio. No quorum.

Mr. BELFORD. I demand a call of the House.

The House divided; and there were—ayes 76, noes 13.

So a call of the House was ordered.

Mr. WARNER, of Ohio. I move the House do now adjourn.

The House divided; and there were—ayes 28, noes 82.

So the House refused to adjourn.

Mr. EVINS, of South Carolina. Is it in order to move to dispense with all further proceedings under the call?

The SPEAKER. The call has not yet been proceeded with. The only mode would be to reconsider the vote ordering a call of the House.

Mr. McMILLIN. I demand the regular order of business.

Mr. EVINS, of South Carolina. I move to reconsider the vote ordering a call of the House.

Mr. WARNER, of Ohio. I call for the regular order.

The SPEAKER. That is the regular order.

Mr. MORRILL. I move to lay the motion to reconsider on the table.

The SPEAKER. The gentleman from South Carolina [Mr. EVINS] moves to reconsider the vote by which the call of the House was ordered. The gentleman from Kansas [Mr. MORRILL] moves to lay the motion to reconsider on the table.

The question being taken, there were—ayes 48, noes 37.

So the motion to reconsider was laid on the table.

The Clerk proceeded to call the roll, when the following members failed to answer:

| | | | |
|---|---|---|---|
| Anderson, | Davis, G. R. | Ketcham, | Robinson, J. S. |
| Arnot, | Davis, R. T. | King, | Ryan, |
| Atkinson, | Dunham, | Laird, | Shaw, |
| Barr, | Elliott, | Lamb, | Singleton, |
| Bayne, | Ellwood, | Lyman, | Slocum, |
| Bowen, | Fiedler, | McCormick, | Smalls, |
| Boyle, | Fyan, | Millard, | Steele, |
| Breckinridge, | Geddes, | Morey, | Stewart, J. W. |
| Brewer, F. B. | George, | Morgan, | Stone, |
| Browne, T. M. | Gibson, | Morse, | Struble, |
| Brumm, | Hanback, | Muller, | Sumner, C. A. |
| Calkins, | Hardy, | Murphy, | Thomas, |
| Campbell, Felix, | Harmer, | Murray, | Townshend, |
| Campbell, J. M. | Hemphill, | Neece, | Wadsworth, |
| Candler, | Henderson, T. J. | O'Hara, | Wait, |
| Chace, | Henley, | Paige, | Washburn, |
| Clements, | Hewitt, A. S. | Parker, | Weller, |
| Collins, | Hill, | Pettibone, | White, J. D. |
| Connolly, | Houk, | Phelps, | Wilkins, |
| Converse, | Hurd, | Post, | Willis, |
| Cook, | Hutchins, | Potter, | Wise, J. S. |
| Cox, S. S. | Johnson, | Randall, | Worthington. |
| Cox, W R. | Jordan, | Rankin, | |
| Culbertson, W. W. | Kean, | Rice, | |
| Cutcheon, | Kellogg, | Robertson, | |

When the name of Mr. ERMENTROUT was reached,

Mr. STOCKSLAGER said: It is evident there is a quorum present. I move to dispense with further proceedings under the call of the House.

The SPEAKER. The Chair does not think the call of the roll can be interrupted.

The Clerk resumed and concluded the call of the roll.

Mr. STOCKSLAGER. I wish to inquire of the Chair how many members have answered?

The SPEAKER. Two hundred and twenty-five members have answered. The doors will now be closed.

Mr. STOCKSLAGER. I move to dispense with further proceedings under the call, as there is a quorum present.

The motion was agreed to; there being—ayes 105, noes 16.

So further proceedings under the call were dispensed with.

Mr. WARNER, of Ohio. It is now within three minutes of the time assigned for the regular meeting of the House. I move that the House do now adjourn.

Mr. STOCKSLAGER. Upon that motion I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 20—not one-fifth of the last vote.

So the yeas and nays were not ordered.

The motion to adjourn was not agreed to.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. STOCKSLAGER] that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of bills reported from the Committee on Public Buildings and Grounds.

Mr. WARNER, of Ohio. I make the point of order that this day has ended.

The SPEAKER. The Chair has nothing to do with that as a point of order. The legislative day will continue as long as the House sees proper to remain in session.

The question being taken on the motion of Mr. STOCKSLAGER, there were ayes 117, noes 26.

Mr. WARNER, of Ohio. No quorum.

Mr. BELFORD. I demand a call of the House.

Mr. STOCKSLAGER. There is evidently a quorum present. The call of the House disclosed that fact, and I hope the gentleman from Colorado will withdraw his motion.

The SPEAKER. Does the gentleman from Colorado insist on his motion?

Mr. BELFORD. I insist on my motion that there be a call of the House to ascertain whether we have a quorum of courageous men or of cowards.

The SPEAKER. The question is not debatable.

The motion for the call of the House was not agreed to.

The SPEAKER. A quorum not having voted on the motion that the House resolve itself into Committee of the Whole House on the state of the Union, the Chair will order tellers, and appoints the gentleman from Indiana, Mr. STOCKSLAGER, and the gentleman from Ohio, Mr. WARNER.

The House again divided; and the tellers reported—ayes 142, noes 21.

Mr. WARNER, of Ohio. I call for the yeas and nays. It will save time to give us the yeas and nays.

The yeas and nays were not ordered, only 17 members voting therefor—not one-fifth of the last vote.

Several members called for the regular order.

Mr. WARNER, of Ohio. Let us have tellers on the yeas and nays.

Several MEMBERS. Too late.

The SPEAKER. The Chair will allow the House to decide whether tellers shall be ordered or not, although the gentleman from Ohio is somewhat late in making his demand.

On the question of ordering tellers, there were ayes 16—not one-fifth of a quorum.

The SPEAKER. Tellers are refused, the yeas and nays are refused, and the motion is agreed to.

The House accordingly resolved itsef into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds with reference to the erection of public buildings, in pursuance of the resolution of the House adopted on Monday last. The committee will resume consideration of the bill which constitutes the unfinished business.

The Clerk will report the bill.

PUBLIC BUILDING AT GREENVILLE, S. C.

The Clerk read as follows:

A bill (H. R. 1458) for the erection of a public building at Greenville, S. C.

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the city of Greenville, in the State of South Carolina, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, post-office, internal-revenue office, and for other Government uses; the plans and estimates for said building to be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and at a cost which shall not exceed the sum of $50,000 when finally completed: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected (which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys) shall be vested in the United States, nor until the State of South Carolina shall have ceded jurisdiction over the same for all purposes, during the time the United States shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

Mr. STOCKSLAGER. I yield twelve minutes of my time to the gentleman from South Carolina [Mr. EVINS].

Mr. STORM. I call for the reading of the report.

Mr. WARNER, of Ohio. It is one of the beauties of the resolution under which we are acting that we can not even have the report read.

Mr. EVINS, of South Carolina. I believe I have the floor.

Mr. STORM addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. STORM. I have risen for the purpose of calling for the reading of the report.

The CHAIRMAN. The reading of the report, the Chair will say, is a matter of debate, and it is not in order for any gentleman to demand it as a matter of right. There is no rule of the House which requires it. It is a matter of debate, and if the report be read the time occupied in reading it must come out of the half hour allowed for debate.

Mr. STORM. What rule of the House provides that the reading of a report is not always in order?

The CHAIRMAN. There is no rule of the House that declares it to be in order to have a report read, and it has been the universal practice and usage of the House to treat the reading of a report as debate.

Mr. STORM. And is that ruling insisted upon now because of this special order?

The CHAIRMAN. Because of the special order.

Mr. STORM. I hope that those who seem to be in the majority here on this question will not object to the reading of the report.

Mr. EVINS, of South Carolina. I will state the facts contained in the report more briefly than the report does, although it is a short one.

Mr. HORR. I think it has been the practice to allow any member to call for the reading of a report.

The CHAIRMAN. It is merely a practice, as the Chair understands, in the absence of objection to allow a report to be read, and when read the time of reading not to be taken out of the time for debate. But the Chair will thank the gentleman to call attention to any rule of the House giving a member the right to demand the reading of a report.

Mr. HORR. I do not know that there is any rule in direct terms, but my memory is distinct that this question was raised in the last Congress, and it was then held that any member had the right to demand the reading of the report.

Mr. McMILLIN. I do not remember a single instance when the reading of the report has been denied. I trust that in the hot haste in which we are considering these bills so important a matter will not be made the foundation for the commencement of a practice so dangerous in its nature.

Mr. EVINS, of South Carolina. In order to save time I will send up the report and ask to have it read.

Mr. McMILLIN. That is right.

The CHAIRMAN. The time taken up in reading the report will be taken out of the gentleman's time.

Mr. EVINS, of South Carolina. Then I hope the Clerk will read rapidly.

The Clerk read the report (made by Mr. DIBBLE), as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1458) for a public building at Greenville, S. C., having had the same under consideration, begs leave to report:

That similar bills were introduced in the Forty-sixth and Forty-seventh Congresses, and in both instances were reported favorably; that in the Forty-sixth Congress the bill so reported failed to reach consideration, from the crowded state of the Calendar; and in the Forty-seventh Congress a bill passed the Senate for the same purpose, and a similar bill was reported favorably by the Committee

on Public Buildings and Grounds of the House, but likewise failed of consideration for the reason above stated; and the present bill is identical with the one last mentioned.

The grounds in favor of this bill are briefly as follows:

The city of Greenville is the third city in population and importance in the State of South Carolina, and is rapidly increasing in both particulars, an official city census, taken in September, 1883, showing an increase of population when compared with the census of 1880 of over 37 per cent. in three years and three months. It is the largest city in the western district of South Carolina, and is in the center of said district and in easy railroad communication with every section of it, by lines converging to, and crossing each other at, that point. The United States courts, exercising district court and circuit court powers, are held there regularly, and at no other point in the western district, embracing one-half of the State. So large is the amount of business there transacted that its dispatch has required, during the last few years, an extra term of court every year, in addition to the regular terms designated by statute. The present United States district attorney, in a letter on the subject, says:

"A Government court-house is a necessity. More than two-thirds of the business of the United States in this State is done in the district court at that place" [i. e., at Greenville].

The dockets of the last term of the district court at Greenville contained four hundred and sixty-five cases for trial, and previous terms have shown even a larger number, amounting at one time to seven hundred and forty-five cases.

The United States courts are now held in the county court-house, where there are no accommodations at all suited for the United States. The district judge, upon this subject, says:

"There is next to no accommodations for our officers—marshal and his deputies, clerk and his deputies—and no provision at all for the safe, methodical, and decent care of the process and papers of the court."

The circuit judge also expresses the same opinion.

There is equal necessity for suitable accommodations for the postal business. As far back as 1879, 326,570 packages of mail matter were handled, and since that time the volume of mail matter has largely increased with the growth of the city. The post-office at present is kept in a rented building, and rents are continually advancing, increasing the expense of a suitable rented building year after year.

In view of the foregoing facts, your committee recommends that the bill do pass.

Mr. EVINS, of South Carolina. I would inquire of the Chair how much of my time there is remaining?

The CHAIRMAN. The gentleman has eight minutes of his time remaining.

Mr. EVINS, of South Carolina. The facts are so fully stated in the report which has just been read that I can not add very much to it in the short time allowed me. In addition to what is stated in the report, I will simply say in reference to the action heretofore taken in regard to this bill that there is now on the Speaker's table a bill passed by the Senate at this session in exactly the same words as the bill now under consideration; but unfortunately, under the rules of the House, it is beyond the reach of this committee at present.

Greenville, where it is proposed to erect this public building, is one of the most beautiful and thriving towns anywhere in the South.

Mr. STORM. What is the population of Greenville?

Mr. EVINS, of South Carolina. According to the last census, that of 1880, the population of Greenville was over 5,000. According to an official census taken in September last there were 8,355 inhabitants. As stated in the report, its progress has been marvelous, and it continues to increase in population and business. It is situated in the center of the most prosperous portion of the State of South Carolina, and, with its healthful climate and commercial advantages, is destined to become one of the chief cities of the great Piedmont belt. As evidence of the rapid growth of this part of the State, I will mention the fact that in the county of Greenville (including the two mills that are within the city limits) there are seven cotton-mills, with about 50,000 spindles and 800 looms, consuming over 20,000 bags of cotton annually. In my own county, the county of Spartanburg, adjoining Greenville, there is the same number of mills, with about 34,000 spindles and 700 looms, consuming annually over 14,000 bags of cotton. In the county of Anderson, adjoining that of Greenville, there are a number of mills, running some 15,000 spindles, with 350 looms, and consuming between six and seven thousand bags of cotton annually.

The city of Greenville is fast becoming a great manufacturing town. In addition to the cotton-mills mentioned, there are there quite a number of manufacturing enterprises, important in their character, but which I have not now time to more particularly refer to.

The United States district court, having circuit court powers, has been held at Greenville a great many years. As stated in the report which has been read, the business in that court has continued to increase with great rapidity. I have before me a certificate of the clerk of the court with reference to the amount of business transacted there. At the August term of 1880 there were 187 cases on the docket; at the August term of 1881 there were 120 cases; at the August term of 1882 there were 254 cases. At the special term which was held in February, 1883, there were 188 cases, and at the August term of 1883 there were 277 cases. In addition to the terms of the court held under the statute, embracing the months of August and September in each year, for the last two years it has been necessary to hold special terms of six weeks in February and March in order to dispose of the business of this court.

As was further stated in the report of the committee, the district attorney says that this building is an "absolute necessity." He closes the same letter referred to in the report with these words:

I hazard nothing in saying that there is no point in the Southern States where the erection of a Government building is so imperatively demanded, in view solely of the requirements of the Government service."

Hon. George S. Bryan, the district judge, who has for years been zealous in his efforts to procure better facilities for the accommodation of the court and its officers, says "there is next to no accommodation" in that respect. If I had time I could show that the accommodations are utterly inadequate. The circuit judge, assistant district attorney, the marshal, and clerk all bear testimony to the same effect.

As to the showing made in the report in reference to the amount of mail matter handled and the receipts of the post-office at Greenville, there might very properly be added one-third to each of those items, by reason of the increase of business since 1879.

Mr. Chairman, I think that in this list of bills for the erection of public buildings none of more merit than this can be presented. I trust there will be no objection to it. But for fear there may be I beg leave to reserve whatever time I may have remaining.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. HOLMAN. Mr. Chairman, it will be remembered that there are in the State of South Carolina three points at which Federal courts are held. I am glad to see that my friend from South Carolina [Mr. TILLMAN] honors me with his attention; and if I am not accurate in my statements I hope he will correct me. I hold in my hand a paper which, although the original has been mislaid for the moment, is, as I am assured by the gentleman from South Carolina who presented the original to the House, a certified copy. The original of this paper is signed by gentlemen of the highest character in six of the counties composing the judicial district of which Greenville is the center—the counties of Union, York, Fairfield, Edgefield, Spartanburg, and Lancaster. The signers are business men, lawyers, judges, and others; and in this paper they protest against the erection of this building at Greenville, on the ground that from the nature of things it is not the place where the Federal court will permanently be held. They represent that, in view of the growth of population and the location of railroads now being constructed, another point will be more central; that this appropriation of $50,000 for the erection of a public building at Greenville, with a view exclusively to furnishing facilities for the Federal court, will tend to defeat the public will of that portion of South Carolina in respect to the location of the Federal court; will prevent an unbiased determination as to where the permanent location shall be. With this explanation I ask that the paper, without the names, be read.

Mr. MONEY. If all these people agree upon a place, will the gentleman vote for the bill to construct a building at that place?

Mr. HOLMAN. That state of facts is not yet presented. I am content to meet the case as it comes. "Sufficient unto the day is the evil thereof."

The Clerk read as follows:

The undersigned respectfully submit that the bill now before the Congress of the United States to appropriate the sum of $50,000 for the building of a United States court-house for the western district of South Carolina, at Greenville, S. C., should not pass, for the following reasons:

Because Greenville is located too far from the center of the district and is less accessible to all the counties of the district, except Anderson, Pickens, and Oconee, which are the smallest and least populous of the said counties.

Because Spartanburg, S. C., is much nearer the center of the district and has much better railroad facilities, and on this account is preferred by all the counties in interest except those above named. Greenville has but two railroads, and one of these runs through the western section of the district and accommodates only a small number of the people thereof, while Spartanburg has three railroads, which run north, south, east, and west through nearly the centers of the several sections. Besides, the Greenwood, Laurens and Spartanburg Railroad has been graded and will probably be running within this year, which will make Spartanburg more accessible than Greenville to a still larger section of the district.

Because the resources of the upper part of South Carolina are as yet but partially developed, and the center of trade and commerce not yet fixed, and a United States court-house should not be located until these things have been accomplished.

Because the present indications point to Spartanburg as the future center of trade, commerce, and railroads for the western district.

Because the court-house should be located where witnesses, jurors, attorneys, and parties can reach it by the cheapest and most convenient route, and in the shortest time. This consideration will be very important when one of the terms of the circuit court shall be held in the western district.

If it be urged that Greenville has been for a long time the place for holding the court, we answer that it was selected for that purpose at a time when that place had greatly the advantage of Spartanburg in all the facilities for holding court, except in its geographical position. This is all now changed, and Spartanburg presents her claim in the confidence that every argument which would influence an impartial mind is in her favor.

Mr. HOLMAN. Gentlemen can not fail to see, from the moderate statements of this protest of citizens of South Carolina against the location of this public building at the point named in the bill, that the question here presented is whether, as the motive now urged for this appropriation seems to be so uncertain in its character, it ought to be allowed to influence our conduct in the appropriation of this money.

Yesterday the Committee of the Whole ordered to be reported favorably to the House a bill appropriating $150,000 for the erection of a public building for the purposes of the Federal court at Keokuk, Iowa; yet gentlemen, I have no doubt, are now completely informed that the public interests require the location of the Federal court at a different point in that State, and that it is more than likely—the chances are much more than equal—that the appropriation of $150,000 for the erection of a public building at that point will have one of two effects: it will either involve ultimately a loss to the Government by reason of a change in the location of the Federal court, or else it will tend to fix

permanently the Federal court at that particular point, contrary to considerations of convenience and public interest.

Mr. McCOID rose.

Mr. HOLMAN. The gentleman will excuse me for a moment. What I object to is the passage of bills for the erection of public buildings at these numerous points where Federal courts have been provided for, and provided for with the view of furnishing an argument in favor of locating public buildings at those points—with the view of forestalling the action of the people of those States in determining through their Representatives and Senators in Congress where the Federal courts shall permanently be held.

Mr. McCOID. What I wanted to say was that the gentleman in introducing into the discussion of the pending bill his remarks with reference to the Keokuk bill is unfair. He knows that every railroad running into the other town runs into Keokuk also; that Keokuk has railroad facilities equal to those of the other town; that the two towns are but forty miles apart; that Keokuk is an important town upon the Mississippi River, and is in the most populous county in the judicial division——

Mr. HOLMAN. My friend will have to excuse me; I can not yield to him further.

Mr. McCOID. The gentleman has introduced his remarks about Keokuk into the discussion of this bill, in order, I suppose, insidiously to injure the bill which has already passed. The gentleman's course is unfair, and is perverting the facts.

Mr. HOLMAN. The gentleman need not get into a passion. His bill has been reported favorably to the House, and he can afford to be courteous, even if his local interests are at stake. I do not think our interests in any measure ought to destroy our temper. I put the case of Keokuk for the purpose of illustration; and what I have said is more than sustained by an article read yesterday from one of the most respectable papers in the State of Iowa.

I now yield three minutes to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Chairman, as I presented the memorial which has just been read by the gentleman from Indiana [Mr. HOLMAN], I desire to state some of the facts in reference to its presentation. It was forwarded to me in the absence of my colleague [Mr. EVINS], in whose district most of the people reside who signed it, and I was asked to present it, and I did present it merely because I respect the sacred right of petition, no matter from what quarter it comes.

I say to this House now, in all candor, that memorial was gotten up in a spirit of rivalry and jealousy on the part of the town of Spartanburg, between which and Greenville, where it is proposed to locate this building, there is and has long been a fierce contest for precedence in trade and power; a spirit of rivalry and jealousy—nothing more.

The entire South Carolina delegation are in favor of this bill. Everybody in the State except those actuated by the petty jealousy just mentioned are in favor of it.

Mr. Chairman, in erecting this grand Capitol at a cost of thirteen and a half million dollars we have had some regard for the comfort of members as well as for providing a symbolical structure worthy of the dignity, wealth, and greatness of this mighty Government. Now, if it be proper to build a fit Capitol in which the Legislature of the United States shall meet, why not construct comfortable and respectable quarters for the judiciary and for the collectors of customs duties and internal revenue? Why not have decent edifices for the post-offices of the cities? There is such a thing as moral power which in governments in respect to many things is far superior to physical power. The time has passed when the Federal Government should be living from hand to mouth and holding its courts in an old barn or at the mercy of some owner of a piece of dilapidated property, or even being dependent on the States. While I do not want the United States to dominate the States, I, even as an ultra State-rights man, if you choose to call me so, do wish to see this Government have suitable quarters for its judicial officers to hold court in and where the public records may be safely preserved, and I do hope, as we have only claimed the modest sum of $50,000 for this Greenville building, that the House will agree to grant it to us.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEWITT, of Alabama. I should like to ask the gentleman from South Carolina what is the character of the four hundred and sixty-five cases reported to be upon the docket of the court in Greenville?

Mr. TILLMAN. Most of these cases are for alleged violations of the internal-revenue laws, and that is one reason why I wish to repeal those laws.

Mr. WARNER, of Ohio. Mr. Chairman, if this bill were here standing upon its own merits outside of any combination to put through this House a number of bills under a special order which binds and gags the House, I might vote for it. I think I should. I do not understand, however, upon what theory $150,000 is appropriated for a public building for the same purpose at Keokuk, Iowa, with a population of six or seven or eight thousand people and $100,000 at Waco for a building for the same purpose, and $50,000 in Greenville, S. C., for a building for the same purpose. I say I do not know upon what theory, unless it be on this theory: that the $150,000 and $100,000 and the $50,000 are only the beginning of expenditures that are hereafter to be made. We know that has been the course in the construction of our public buildings heretofore. The gentleman from Connecticut will bear me out in the assertion that the appropriation of $200,000 for the public building in the State was run up to over $900,000 before we got through with it. So it has been with all the public buildings. I find nothing specific as to the character of the building in this bill except that the architect shall submit a plan, but what will be the cost this House officially has no means of knowing. If you would give the architects and the engineers of the country all the money they want to expend there would be no occasion for reducing taxation.

One word further. My objection, therefore, to this bill principally is it comes here combined with others under a rule that is not only iniquitous itself, but against good public morals; and all bills, Mr. Chairman, passed under such a rule should, in my judgment, if not defeated here, be vetoed after they have passed.

[Here the hammer fell.]

Mr. STOCKSLAGER. I will yield to the gentleman from South Carolina [Mr. EVINS].

Mr. EVINS, of South Carolina. I would not say another word except for the fact that the memorial read by the gentleman from Indiana places me in a position where it is necessary I should say something. It has already been stated by my colleague [Mr. TILLMAN] that this memorial arises out of a contest between two rival towns. As a native and resident of Spartanburg, which my friend has so eloquently represented, I should be delighted if it were consistent with my public duties and what is best for the public service to transfer this court-house from Greenville to Spartanburg. But I stand here as the Representative of the fourth Congressional district, and not merely as the Representative of my own town and county.

Mr. STORM. I ask the gentleman from South Carolina whether the facts set forth in that petition are true or not; that is what the House wishes to know and not anything about the rivalry between these two towns.

Mr. EVINS, of South Carolina. I will answer the gentleman if he will only take his seat.

Now, the facts are these: Greenville is very near the geographical center of the district.

The CHAIRMAN. The gentleman's time has expired.

Mr. STOCKSLAGER. I still have four minutes left, and will yield two of them to the gentleman.

Mr. TILLMAN. It is only about thirty or thirty-five miles from the geographical center.

Mr. EVINS, of South Carolina. I hope this will not come out of my time.

Mr. BELFORD. I rise to make a parliamentary inquiry. I would like to understand as to the extent of the resolution fixing to-day for the consideration of these public-building bills. Does it apply to Senate bills on the Speaker's table, or is it confined simply to those in the Committee of the Whole House on the state of the Union?

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry at this time, as we are engaged in the consideration of a particular bill.

Mr. BELFORD. I understood the gentleman's time had expired.

The CHAIRMAN. No; the gentleman has two minutes more.

Mr. EVINS, of South Carolina. As I said a moment ago, Mr. Chairman, Greenville has all of the advantages, I think, that any other point in the district has as a place for holding the courts of the United States. It has sufficient railroad facilities; one long line of railroad running north and south through the whole district, and another line running east and west through the entire district. There is no difficulty whatever on that point. Another railroad, too, is now being constructed from Greenville to Laurens, adding still further facilities.

The reasons given in the memorial I do not think should prevail against the facts stated in the report of the committee, and I have no doubt the House will agree with me.

Mr. STOCKSLAGER. Mr. Chairman, I desire to say but a single word in order to place the Committee on Public Buildings and Grounds in a proper position before this House. With reference to the memorial which has been sent up by my colleague from Indiana, I will state it did not reach the committee until long after the bill had been reported to the House. This committee, therefore, has now all of the information that is to be obtained with reference to that matter.

I do not know what weight should be given to it. Opportunity has been given to gentlemen from that State to have expressed their views upon the subject, and I do not think that they are averse to the action of the committee in presenting this bill.

Mr. STORM. Let me ask the gentleman a question.

Mr. STOCKSLAGER. Certainly.

Mr. STORM. Do you know anything to the contrary as to the facts stated in the paper which was read?

Mr. STOCKSLAGER. I do not, sir.

Mr. STORM. The gentleman coming from that district would not allow the question to be asked. Now, I want to know from somebody who has information upon the subject as to the facts of that memorial.

Mr. STOCKSLAGER. I know nothing at all with reference to it except what is set forth in the memorial itself.

Mr. EVINS, of South Carolina. What question is it the gentleman from Pennsylvania says I would not permit to be asked?

Mr. STORM. I asked you whether you could state as to the facts contained in that memorial. When I asked the question you told me to take my seat.

Mr. EVINS, of South Carolina. I said if the gentleman would take his seat I would answer the question.

Mr. STORM. But you did not answer it.

Mr. EVINS, of South Carolina. I said that it was a local question as between the two places, that there was a contest for the building.

Mr. STORM. Now I want to know with relation to the facts set forth in that memorial.

Mr. TILLMAN. The gentleman I think is mistaken in the character of the memorial.

Mr. STORM. What I want is the fact as to the geographical situation of the two towns. It is set forth there that one of them, where it is proposed to put this building, is not properly located.

Mr. TILLMAN. That is undoubtedly a mistake.

Mr. EVINS, of South Carolina. I would say to the gentleman that the location of this building at Greenville is approved by a very large body of the people of the State and district, and the law requires the courts to be held at that point.

The CHAIRMAN. The time allowed for debate on this has expired.

Mr. STOCKSLAGER. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

PUBLIC BUILDING AT NEW ALBANY, IND.

Mr. STOCKSLAGER. I now call up House bill 337, to provide for the construction of a public building at New Albany, Ind.

Mr. PERKINS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PERKINS. I would like to renew the inquiry made by the gentleman from Colorado, whether, if the Committee on Public Buildings and Grounds desire to do so, it will be competent for them to move to take up a bill upon the Speaker's table from the Senate under the resolution which was adopted on Monday?

The CHAIRMAN. The Chair would state that he hardly considers that a parliamentary inquiry; but as a matter of fact the Chair does not think, under the terms of the motion under which the House resolved itself into Committee of the Whole this morning, it can consider any bills except those reported by the Committee on Public Buildings and Grounds, because the motion limited the committee to the consideration of those bills. Besides that, the Senate bills on the Speaker's table are in the House and have not been referred to the committee.

Mr. PERKINS. The resolution adopted on Monday was that we should set apart yesterday and subsequent days for the consideration of such bills reported from the committee and also such as were upon the Speaker's table from the Senate.

The CHAIRMAN. The Chair understands that these bills upon the Speaker's table must be first considered in the House. The Chair will state, however, that a ruling on that subject would hardly be pertinent now; nor would the Chair consider himself bound by a mere statement of opinion not called for by an actual question which has arisen.

Mr. KEIFER. That had better come up in the regular way when the question shall be raised.

The CHAIRMAN. The Chair does not announce that, as he intimated, in the nature of a ruling.

Mr. STOCKSLAGER. I now call up the bill which I have intimated, House bill 337.

The CHAIRMAN. The bill will be read.

The Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise procure a suitable site for a public building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space not less than fifty feet, including streets and alleys, and cause to be erected thereon, at the city of New Albany, in the State of Indiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, the internal-revenue service, and the post-office; the plans and estimates of said building having first been prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, upon calculations and specifications that will insure the completion of the building at a cost not to exceed the sum of $100,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States jurisdiction over the same for all purposes, during the time the Government shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

Mr. STOCKSLAGER. I ask for the reading of the report.

The CHAIRMAN. The report will be read in the turn of the gentleman.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 337) providing for the erection of a public building at New Albany, Ind., for the use of the Government of the United States as a court-house, post-office, and other Government uses, have had the same under consideration, and respectfully report:

That New Albany, Ind., contains a population of over 25,000 inhabitants. The post-office at New Albany is the distributing office for about fifty other offices. The receipts of the office are now over $15,000 annually. It requires the services of seven persons to transact the business of the post-office. The territory within its delivery embraces fully 35,000 people. The Government is compelled to rent such buildings as can be obtained, without regard to their adaptability or convenience to the public, for the use of the post-office and internal-revenue office at a large annual rental.

The United States circuit and district courts are located at New Albany. Within the last twelve years a large number of cases, admiralty, bankruptcy, and other civil cases, some of them involving large amounts, have been tried in these courts. And owing to the proximity of the United States quartermaster depot buildings and grounds at Jeffersonville, Ind., over which the United States courts have exclusive jurisdiction, as well as to other and natural causes, a large number of criminal cases have also been tried in the United States courts at this place. The office of the clerk of these courts, which is located two and a half squares from the place where the courts are held, has a large file of important documents, which are altogether insecure from fire. The courts are held, by permission of Floyd County, Indiana, in the grand-jury room in the county court-house, a place wholly inadequate for the easy and convenient transaction of its business.

There has been no custom-house at New Albany for a number of years, because there is no Government building in which to transact the business. The business has been audited through the Louisville, Ky., custom-house, at great inconvenience to the mercantile interests of New Albany. One firm alone, the proprietors of the glass-works, imports annually over a thousand tons of soda-ash, emery-stone, arsenic, and felting, for use in manufacturing glass. This business, as now done, entails much trouble, annoyance, and expense upon the importers. In addition, New Albany is the largest manufacturing city in the State. Her facilities for railroad and water transportation are excellent, and then she is growing rapidly in population and wealth. A bill for the erection of a public building at New Albany was favorably reported by the Committee on Public Buildings and Grounds in the Forty-sixth Congress, and again in the Forty-seventh Congress, but in both instances failed of a passage because they were not reached on the Calendar.

In view of the above facts, your committee recommend the passage of the bill, limiting the cost of the building and site for the same to $100,000.

Mr. STOCKSLAGER. Mr. Chairman, if I can have the attention of the committee, I would like to be heard for a few minutes on this bill. The report as read sets forth the facts briefly in regard to the propriety of the construction of this building at New Albany, and I shall ask permission to append to my remarks some additional statistics in regard to the manufacturing business and enterprises of that city:

STATISTICS OF NEW ALBANY.

This city is the county seat of Floyd County, Indiana. Population in 1884, estimate based on average annual increase, 22,000; estimate based on township trustees' enumeration, 25,000. Location, on Ohio River, nearly opposite Louisville, Ky., and the most important town on the north bank of the Ohio between Cincinnati and Evansville, and about midway between these two cities. Immediate railroad connections with all points of the State, with all the advantages of river transportation afforded by the Ohio and its tributaries. Direct railroad lines to Saint Louis, Chicago, Cincinnati, Indianapolis, and all points North, West, East, and South.

*Trade statistics.*—Value of river trade, $13,500,000; railroad tonnage in 1882, 240,000 tons; coal consumed annually, 7,000,000 bushels; number of industrial establishments in the city, 139; capital invested, $7,544,490; hands employed, 4,836; wages paid annually, $2,091,744; value of annual products and sales, $26,851,257.

The most important industrial establishments are plate and window glass and bottle and fruit-jar works, rail-mills, cotton-mills, hosiery-mills, cotton-batting factory, stove-works, steam-forge works, four merchant flour-mills, three large furniture factories, four large founderies and machine-shops, two extensive bent-wood works, six large tanneries, three large cooperage works, four large breweries, two large railroad-spike works, four large planing-mills, large boot and shoe factories, two brass founderies, carriage and wagon works, and cigar and tobacco factories, and other establishments representing various industries.

Two terms of the Federal courts are annually held in this city. These courts are held in the county court-house. The United States revenue service has an important office in the city, the tobacco, cigar, beer, and wholesale and retail liquor interests paying a large revenue to the Government here. The Federal courts held in this city are pensioners for a court-room upon the bounty of the county commissioners, the Government paying no rental.

The city does a large wholesale trade in groceries, dry goods, boots and shoes, liquors, &c. There are Government offices in the city as follows: Deputy clerk of Federal courts, United States commissioners, deputy United States marshal, deputy United States internal-revenue collector and assessor, postmaster. The business of the Federal courts for this district is steadily on the increase, as well as that of the post-office. Railroads centering at New Albany: Louisville, New Albany and Chicago; Jeffersonville, Madison and Indianapolis; Ohio and Mississippi; New Albany and Saint Louis Air Line. These roads afford facilities for reaching every county in the State but three, and to these there is river navigation by the Ohio.

New Albany is the most important manufacturing city in Indiana, both in number and extent of its factories. One establishment alone in the city, the De Pauw American Plate Glass Works, annually pays the Government $25,000 as custom charges on imported raw material, soda-ash, &c. Wholesale liquor, wholesale drug, wholesale queensware, and other dealers, besides other manufactories, also pay a large revenue in customs duties. The Government pays annually a heavy rental for a building for the use of the post-office. The importance of the office in this city is annually growing, and will demand increased facilities at increased cost to the Government.

Now a word as to the question of policy of the Committee on Public Buildings and Grounds with reference to bills reported by that committee. I ask the opportunity to speak upon that subject upon my own bill, so that no man can charge me with an attempt to affect any other bill. The policy of erecting public buildings by the Government outside of the city of Washington for the transaction of the public business of the Government is no new one. It has been in existence for nearly three-quarters of a century.

During that time nearly $80,000,000 have been expended on public buildings outside of this city. I believe about one-third of that amount has gone to three States, the States of Missouri, Ohio, and New York. My friend, Colonel YOUNG, of Tennessee, a member of this committee, has compiled a detailed statement of all these statistics, which he will submit when an opportunity is offered.

I believe that a wise economy demands that we should erect public

buildings at such places as the business, the convenience, and the necessities of the Government require.

Mr. HOLMAN. Will my friend allow me a single question?

Mr. STOCKSLAGER. I have so little time that I cannot yield now. But I will answer any questions the gentleman desires to ask in his own time.

I am as much in favor of economy in the erection of public buildings, I believe, as my friend and colleague, Judge HOLMAN. I believe that a rigid economy should be exercised, and I think a reasonable sum only should be appropriated for these buildings. I do not agree with the Architect of the Treasury in the following views expressed by him in his letter submitted to the chairman of the Committee on Public Buildings and Grounds in the Senate:

It does not seem to me that the subject of the erection of public buildings should be considered solely from the standpoint as to whether it is a profitable investment of public funds, but that the question of encouragement of industry and the cultivation of architectural and mechanical art may very properly be entertained, particularly when bills are under consideration for public buildings at cities whose inhabitants have not hitherto been able to profit by the education to be derived from the erection by private parties of buildings with some pretensions to architectural beauty. In furtherance of these objects, I think it would be wise to adopt a liberal policy in making appropriations for the construction of public buildings.

Secretary Folger, in a communication transmitting this letter, says:

For my part, I recognize no rule for providing a building at any place save that of the needs of the Government at that point. In other words, the sole consideration with me is one of present and continued economy with reasonable consideration of convenience.

I heartily agree with Secretary Folger in his views upon the subject. Neither do I believe in that other theory that we should have immense structures erected throughout the country to produce on the minds of the people of the country an impression of awe as to the great strength and power of the Federal Government. I do not believe in any such doctrine. It is a fallacy, and I am sorry to hear gentlemen advocating the erection of these buildings for such reasons. Again, I believe that the money expended on the public buildings throughout this country has been to some extent extravagantly and wastefully expended. But if we refuse to make appropriations on the ground of extravagance and waste in the expenditure of the money we appropriate, I ask gentlemen of this House where will you make any appropriations? Point me to a Department in this Government where two-thirds or more than one-half at least of the members of this House do not admit there is waste and extravagance in its expenditure. And yet gentlemen do not refuse to make appropriations that are necessary and proper for that reason. Neither do I think they should do it in this instance.

I think the law governing the erection of public buildings should be amended, and the Committee on Public Buildings and Grounds are now preparing this session to introduce a bill and endeavor to push it to its passage for the purpose of providing a better and more economical system of constructing.

So far as this bill now under consideration is concerned, I ask for $100,000. I believe it is a meritorious bill and should pass. I do not believe the amount asked is too much, although I believe it is sufficient. And yet I will say to any gentleman upon this floor, to any member of this committee, that if he thinks the bill standing alone is not meritorious or that the amount asked is too large, I shall not take it as an attack upon me, an attack upon my bill, or an attack upon the committee if he shall oppose its passage or in good faith makes a motion to reduce the amount. But I should be compelled to consider it in that light if I thought it was simply for the purpose of filibustering and wasting the time of the House, as many of the motions heretofore made in my judgment have been.

Now, one word to my friend from Ohio [Mr. WARNER], who talks about a gag, a gag rule, and these bills being banded together and log-rolled through. I say all that is unjust, unwarranted, and uncalled for and untrue. Every gentleman of this committee knows that the gentleman from Ohio almost talked himself hoarse yesterday. He talked nearly all day yesterday and has commenced it again to-day. He has talked more than any other man on this floor; certainly much more than I have done; certainly much more than any member of the Committee on Public Buildings and Grounds. Then why should he speak of being gagged?

The gentlemen from Ohio and other gentlemen on the floor have seen proper to denounce in very severe terms the method adopted by the House, by more than a two-thirds vote, for the consideration of these bills. How have these bills been passed heretofore? Four-fifths of them have passed under a suspension of the rules, and had this special order not been made these bills could only have passed this House in that way. Under that system, which is one of favoritism entirely, the same debate, and no more, is allowed that is permitted under the special order. And under a suspension of the rules no amendment can be made. Under this order unlimited amendment can be made. Now, which is the fairer and the better system? That this is no fair-minded man will gainsay. Then why all this outcry against this method of passing these bills? It is not founded on reason and is all wrong.

The gentleman from Ohio speaks of the appropriations here made as being only an entering-wedge, and that additional sums will hereafter be asked to complete the buildings. If the gentleman will listen to the reading of one of these bills, and I believe they are all alike in form, he will find the appropriations are limited absolutely to the amount specified, and can not be changed unless they are changed by the action of a future Congress. Of course we can not bind a future Congress on this or any other subject; but we go as far as we can go to limit the expenditure of that amount. That amount and no more than that, without the action of a future Congress, can be expended. The law makes it a penal offense for the officers of the Government to expend an amount beyond the appropriation. This much I have said in justice to the Committee on Public Buildings and Grounds.

Mr. TULLY. May I ask the gentleman from Indiana a question?

Mr. STOCKSLAGER. Certainly.

Mr. TULLY. Which is the larger city, Keokuk or New Albany?

Mr. STOCKSLAGER. I presume New Albany.

Mr. WILLIS. It is three times as large.

Mr. STOCKSLAGER. I do not know the population of Keokuk, and therefore can not answer the question of the gentleman from California accurately. The population of New Albany is about 25,000.

Mr. TULLY. Then upon what principle is there an appropriation of $150,000 for Keokuk, and only $100,000 for New Albany?

Mr. WILLIS. That is due to the modesty of the chairman of the Committee on Public Buildings and Grounds. I am acquainted with all the facts.

Mr. STOCKSLAGER. My friend says it is due to my modesty. I thank him for the compliment. But there are other things to be considered, as, for instance, the relative cheapness of material in different parts of the country. We have in the neighborhood of New Albany the best building-stone in the country, superior to either granite or marble, and it can be delivered at New Albany at one-fourth the price of either granite or marble. I think $100,000 will be amply sufficient. It would not be, perhaps, if we had to go one hundred miles for material, or if we were compelled to build of granite or marble. But I do not believe in building of granite or marble when you can get good stone much cheaper and as durable.

Mr. Chairman, in this connection I desire to submit to the committee, as a reason why we can build more cheaply at New Albany than at some other places, some facts and figures bearing upon the excellence and durability of Indiana building-stone, and its cost as compared with various other leading building-stone, granite, and marble.

I desire to submit the following letter from Professor Collett, State geologist in Indiana, a man who stands pre-eminently high in his profession:

STATE OF INDIANA,
DEPARTMENT OF GEOLOGY AND NATURAL HISTORY,
*Indianapolis, Ind., April 4, 1884.*

DEAR SIR: You will find my remarks on the Indiana oolitic limestone on pages 29 to 33, inclusive, Geological Reports, Indiana, 1881, which I send by express to you; also mechanical tests, carefully measured, pages 34 to 47, same report.

The analyses show it is of wonderful purity, 95 to 98 per cent. carbonate of lime. The impurities are organic matter (petroleum) with a minimum or freedom from corrodable minerals. Consequently it is capable of withstanding in this changeable climate the action of air, heat, and frost, and I have specimens showing the delicate hair-line striations of the glacial epoch as perfect as if made yesterday, yet exposed to the elements, according to astronomers, full five thousand years. It is in humanity's time fairly indestructible.

In the climate of the United States, with abundant moisture and quick changes of temperature, rigid granite and marble can not submit to the rapid expansion and contraction incident to quick changes. Indiana oolitic limestone, however, is elastic, will bend and stretch (see table after page 42, Indiana Geological Reports, 1881), returning to its original power and resonant as steel after being so bent one thousand times. In purity and elasticity it is unparalleled, unique. It occurs in several counties, on several lines of transportation, so favorable, competing rates are obtained, and as well competing prices.

Soft in the quarry, it is cut out of the living rock with steam channelers, cheaply, without waste; hence can be furnished at one-quarter to one-half the price of granite, marble, or the best of worthless sandstones.

Brown sandstone, such as used for "brownstone fronts" (of Connecticut), will last fourteen to twenty years; in Philadelphia such houses [Tom Scott's] come down after fifteen years, and Indiana stone takes its place.

This Indiana oolitic limestone is used also in our new State-house, United States post-office and court-room, county court-house, and in many public and private buildings, showing perfect markings, sculpture, and elastic resonance after use of fifteen, twenty, twenty-five, or thirty years. The outcrops of the valleys, old as the glacial epoch, oppose the elements with perpendicular outcrop. It will last. It bears the heaviest burdens, 10,000 to 12,000 pounds per square inch, leaving two hundred to four hundred as a factor of safety. (The heaviest burden in the dome of the new State-house is fifty-two pounds per square inch.) It is stronger than granite, marble, or sandrock. (See table, page 43, Indiana Geological Report.)

The stone is of neutral, gray tint, grateful to the eye, becomes white, by decay of petroleum, with age; does not easily stain; and brushed with a steel brush once in ten to twenty years presents a new and showy appearance.

I believe it to be the handsomest, cheapest, and best material in the world for our climate.

I have samples in my office and exposures of this stone to visit, by which all the facts here stated may be demonstrated. It is used in one of the Vanderbilt residences, New York; in Chicago city court-house; in United States buildings, Louisville; Cotton Exchange, New Orleans; May Buildings, Saint Louis; and court-houses all over the States of Indiana and Illinois.

Yours,

JOHN COLLETT, *State Geologist.*

Hon. S. M. STOCKSLAGER, M. C., *Washington, D. C.*

As to its cost as compared with other stone and with granite and marble, I desire to submit the following statement from the same gentleman:

INDIANAPOLIS, IND., *April 4, 1884.*

DEAR FRIEND: Preparing to let the State-house contract, proposal bids were invited from quarrymen to consider in selecting material. Indiana oolitic stone

was offered and furnished three times cheaper than Portsmouth (Ohio) stone; four times cheaper than Cleveland (Ohio) buff stone; five times cheaper than Maine granite, and five times cheaper than Vermont marble. That is, they demanded for their products on the yard here three, four, and five times more than did oolitic men. The cost of cutting oolitic limestone is 15 to 25 per cent. less than sandstone or granite. Oolitic limestone may be dressed and moldings made by steam planing-machine.

JOHN COLLETT.

Mr. THOMPSON. I desire to ask the gentleman from Indiana a question.

Mr. STOCKSLAGER. I do not wish gentlemen to consume all my time with questions; but I will hear the gentleman's question.

Mr. THOMPSON. I presume that is all the use you have for your time, to give explanations.

Mr. STOCKSLAGER. I will hear the gentleman's question and answer it if I can.

Mr. THOMPSON. I ask the gentleman, as he went into the subject of the arrangements made by the Committee on Public Buildings and Grounds——

Mr. STOCKSLAGER. I did not speak of any arrangements by the committee.

Mr. THOMPSON. My question is, how many bills the committee have agreed to call up and pass under the resolution now being executed?

Mr. STOCKSLAGER. I will state very frankly to my friend from Kentucky exactly the facts. The Committee on Public Buildings and Grounds have instructed me to call up the bills on the Calendar for the erection of public buildings until I shall be otherwise ordered by the committee. I am acting entirely subject to the orders of the committee, as directed by the special order.

Mr. THOMPSON. On what days of the week does the committee meet?

Mr. STOCKSLAGER. Its regular day of meeting is Thursday, but for two weeks past it has been meeting three or four times a week, not always, however, for the purpose of considering bills for the erection of public buildings. The committee have had much other work to do. The committee may meet at any time upon the call of the chairman.

Mr. THOMPSON. Then this is to go on until Thursday of next week?

Mr. STOCKSLAGER. I can not answer that. We will go on as long as the House shall desire, unless the committee shall direct otherwise. I will reserve the remainder of my time.

The CHAIRMAN. The Chair will now recognize the gentleman from Kentucky [Mr. THOMPSON].

Mr. BELFORD. I desire to say that by some arrangement of the chairman of the committee no man on my side of the House seems to be able to get an opportunity to be heard on any one of these bills, even to put a question to a gentleman on that side of the House.

The CHAIRMAN. The Chair desires to say to the gentleman from Colorado that it has been the purpose of the Chair——

Mr. BELFORD. I do not refer to the chairman of this Committee of the Whole, but to the chairman of the Committee on Public Buildings and Grounds.

The CHAIRMAN. The Chair will state in all kindness to the gentleman that the Chair has not recognized gentlemen on the left of the Chair simply because they have not asked for recognition at the time, but there is no disposition on the part of the Chair to draw any line.

Mr. BELFORD. I do not reflect upon the chairman of the Committee of the Whole at all, but I desire to say that I have on several occasions sought to obtain the floor, and the gentleman from Ohio [Mr. WARNER] and the gentleman from Indiana [Mr. HOLMAN] have occupied the floor about all the time.

Mr. STOCKSLAGER. Will the gentleman from Colorado [Mr. BELFORD] give me his attention for a moment? I will yield to him one-half of the time I have remaining; that is, three minutes.

The CHAIRMAN. The Chair understands that the gentleman from Indiana [Mr. STOCKSLAGER] is willing to yield his time to the gentleman from Colorado [Mr. BELFORD]——

Mr. STOCKSLAGER. One-half of the time I have remaining.

Mr. CHAIRMAN. To yield three minutes to the gentleman from Colorado. The Chair will recognize that arrangement as soon as the gentleman from Kentucky [Mr. THOMPSON], who has been previously recognized, shall have exhausted his time.

Mr. THOMPSON. I will reserve my time until the gentleman from Colorado has been heard, if he desires to ask me any questions.

The CHAIRMAN. Then the gentleman from Colorado [Mr. BELFORD] is recognized for three minutes.

Mr. BELFORD. I desire to say that I am absolutely amazed at the conduct of my friend from Kentucky [Mr. THOMPSON]. During the last Congress, unless my memory is absolutely mazed and astray, that gentleman voted for an appropriation of $200,000 to build a court-house in the city of Louisville, Ky. Is that true or is it false? The gentleman also voted for an appropriation out of the public Treasury of $100,000 to build a court-house at Frankfort Ky.

Now, I desire to ask you [to Mr. THOMPSON] when did your change and conversion of heart occur? I will tell you. It was when you became one of the trinity, composed of and led by the gentleman from Indiana [Mr. HOLMAN], my old school-teacher from Ohio [Mr. WARNER], and yourself from Kentucky. Now, do you think that statesmanship consists in appropriating to your own State every dollar that you can appropriate, and then seek to deprive the other States of this Union of an equal enjoyment of the Government patronage? If I am wrong, then deny me on the floor of this House. This is the statement I make: You have appropriated $200,000 for Louisville, in your State, and $100,000 for Frankfort, in your State; and here you turn up posing as an economist and reformer. I think that is all I have to say on that subject.

Mr. THOMPSON. Mr. Chairman——

Mr. BELFORD. Oh, yes; you got Paducah in, too. You have feathered your nest, and now you propose to take the feathers out of ours.

Mr. THOMPSON. I am very glad that the attack has been made upon me by the gentleman from Colorado [Mr. BELFORD], charging me with inconsistency in opposing these bills, because it enables me to make an exhibit of my conduct and my record in that regard. Having been a member of the Forty-sixth Congress, which was Democratic, and of this House, which has a Democratic majority in it, in discharge of what I deemed a duty to my party and my country I did oppose all the public-building bills then pending. No such resolution as was log-rolled through here last Monday was ever passed through that Democratic House. There were many public-building bills pending before the Forty-sixth Congress upon the Calendar of the House, and under the rules of the House they could all be killed by a single objection.

Upon that Calendar was a bill making an appropriation for a public building at Louisville, a bill for a public building at Frankfort, one for a building at Owensborough, and one for a public building at Maysville, all in my own State, and in spite of the appeals of my colleagues, personally interested in these bills, I made the objection that killed every one of them, as well as every other public-building bill that was then upon the Calendar; for if I have been correctly informed by the Librarian, who made the examination for me, not a single public-building bill was passed by the Forty-sixth Congress after that time.

Mr. BELFORD. I am informed by a gentleman from Tennessee that over a million of dollars of appropriation was given to Kentucky.

Mr. THOMPSON. Will the gentleman from Colorado [Mr. BELFORD], who is so troubled about the plethora in the public Treasury, point to any act in his own history since he has been here where he has ever sought to protect the Treasury from plunder at the hands of anybody?

Mr. BELFORD. There is no plunder in this.

Mr. THOMPSON. In every organized effort to get money out of the Treasury during this Congress my friend from Colorado has been seen and heard leading the vanguard in the attack on the Treasury.

Mr. BELFORD. I helped you whisky men of Kentucky to keep money out of the Treasury. [Laughter.]

Mr. THOMPSON. If the gentleman was fairly posted on the whisky question he would understand that the whisky bill, if passed, would have increased the revenue. I think he knows less about that matter, I mean the whisky question, than he does about any thing else he deals with.

Now, as to the Forty-seventh Congress. The gentleman says that $200,000 was given to Louisville and $100,000 for a public building at Frankfort. Louisville is a city of 160,000 inhabitants. The small public building which had been in use something like forty years, and for nearly the whole of which time was the only public building in the State of Kentucky, had been outgrown entirely by the city of Louisville. There was not room any longer to transact the public business within that building, and upon presentation of the facts by the able Representative from the district, Congress did last year agree to enlarge that building.

Mr. BELFORD. Yes, and I voted for it.

Mr. THOMPSON. And you never gave a fairer or more righteous vote in your life if the facts be true as stated. I am not opposing the erection of public buildings where they are required by any public necessity; but I do oppose and will ever oppose any scheme which undertakes to force upon the House the consideration of forty-seven different public-building bills one after the other, without regard to propriety or necessity, all in a lump, making it the interest of every member who has one of these bills in charge to sustain the general scheme of public plunder in order that his particular measure may not fail. [Applause.] That is what I object to.

Mr. McCOID. Will the gentleman allow me to ask a question to test his accuracy?

Mr. THOMPSON. I will answer any question. I wish we only had time to discuss these matters more fully—that the rule did not gag us, practically cut off the right of debate; for I would like for the House and the country to see in its full force the "cohesive power of public plunder" holding gentlemen together upon this floor without regard to party or section, and making them sustain a scheme of this kind because of the interest each one supposes his district has in this general raid upon the Treasury. I know it is the "pork" in the pot which makes some of you at least vote for these schemes. You can not put these bills through except by putting all your "pork" into one pot, and you all know it.

Mr. BURLEIGH. Did not the gentlemen vote to take $500,000 out of the public Treasury for the sufferers by the flood on the Ohio River?

Mr. THOMPSON. Yes, sir; I voted for it as a matter of charity. I do not live within a hundred miles of the river. And I tell you now, sir, that if this was for charity—charity to the starving, houseless, homeless poor—I would vote for it; but this is not charity, it is plunder.

Mr. BURLEIGH. It is better than charity.

Mr. McCOID. As the gentleman has said that he prevented the passage of any public-building bill in the Forty-sixth Congress, I wish to ask him whether there was not passed in that Congress a bill for the erection of a public building in the district of the gentleman from Ohio [Mr. HURD]; whether there was not passed a bill for a public building at Montgomery, in the district of the gentleman from Alabama [Mr. HERBERT]; whether there were not four or five public-building bills passed in that Congress, including one at Paducah, Ky.?

Mr. THOMPSON. I can only repeat, as I have already stated, that I applied to the Librarian to furnish me a list of the public-building bills passed in the Forty-sixth Congress, and he told me there was not one.

Mr. McCOID. Did not the gentleman from Kentucky [Mr. TURNER] have a bill for a building at Paducah, in that State, passed in the Forty-sixth Congress?

Mr. THOMPSON. I can not remember whether it was in the Forty-sixth or the Forty-seventh. The Librarian may be mistaken; we may have passed four or five.

Mr. McCOID. It was in the Forty-sixth.

Mr. THOMPSON. It might have been that if that bill had been properly considered by the House it never would have passed, because it never was discussed in the House that I remember. If that bill was wrong, will the gentleman and the House make it a precedent to guide our actions?

Here is a list of public-building bills passed by the last Congress—a Republican Congress. The list embraces thirty-four different bills passed by a single Congress.

I wish right here to call attention to the fact that during the whole time the Democratic party was in power in the Forty-fourth, Forty-fifth, and the Forty-sixth Congresses, all the bills that they passed for public buildings were not equal to the plundering done by the last Republican Congress. I say that we are starting out now upon the same course. If we pass the forty-seven bills now pending before the House upon this Calendar—and God knows how many more the committee is now ready to report; I sent to the clerk of the committee this morning to get the number of bills unreported, and two messengers came back with the information that he could not be found. Has he fled in order to deprive this House of the knowledge of how many more of these bills are to be foisted upon us?

Mr. BELFORD. He is a Democrat; is he not?

Mr. THOMPSON. I do not know. I presume he is. What does that signify? There seems to be no party lines here. The only difference between him and a Republican would be about that expressed by the old man down in Georgia, who one morning went up and down the street proclaiming that the Democrats had stolen half the pork he had killed and hung up the night before. Some one wanted to know how he knew they were Democrats who had stolen the pork. He said, "If they had been Republicans they would have taken it all." [Laughter.]

Mr. MILLIKEN. Is the gentleman from Kentucky in favor of petty larceny?

Mr. THOMPSON. I am opposing the whole scheme, but if it must go through I am in favor of always making the "steal" (so called) as small as we can. Does the gentleman want to make it any larger than is necessary?

Mr. MILLIKEN. I do not want to make any "steal" at all.

Mr. TILLMAN. Will the gentleman allow me to ask a question?

Mr. THOMPSON. Oh, yes; I wish I had an hour in which to answer you all.

Mr. YOUNG. Let me make a proposition. I feel that the speech of the gentleman from Kentucky [Mr. THOMPSON] ought to be answered. I ask unanimous consent that he be permitted to continue for thirty minutes upon condition that I may be allowed a similar length of time in reply on behalf of the committee.

Mr. TILLMAN. The gentleman from Kentucky has agreed to let me ask him a question. Does he say that it is "plunder" for the United States Government to provide a proper building in which this Congress shall meet to legislate for the country? Is that "plunder?" If not, how can it be distorted into "plunder" for the Federal Government to provide decent buildings in which the business of its courts, its revenue offices, and its post-offices may be conducted, and in which the records of the Government may be preserved?

Mr. THOMPSON. I am glad the gentleman has asked me that question, because it enables me to state again that I am as much in favor of providing public buildings where there is a public necessity for them as he is. I say that each bill for a public building ought to be brought in and considered fairly upon its merits, under the rules of the House, without tying a number of bills together, as you have done here, for the purpose of log-rolling them through.

Mr. TILLMAN. One further question: Are not the members from each Congressional district the best judges as to the needs of the public service in their particular districts?

Mr. THOMPSON. No, sir; they are not. They are influenced by the passions, prejudices, and local interests of their districts and constituents; they are influenced by their own desire to secure something to which they can point as a monument of their ability, activity, energy, and popularity, indisputable evidence of what was accomplished by them during their term of service. Take only the case of this public building to be provided by the bill now pending. Do you expect this member to resist our erection of it even if unnecessary? Will we have to beg him to let us? Why, sir, human nature can not bear the strain many times repeated of securing the renomination and re-election of members to this floor if a public building gouged out of the public Treasury will secure it. [Laughter and applause.] You know we have appeal after appeal made to us on the floor of the House by members to allow them to pass their public buildings through in order that they may have something to ride back into Congress upon. There is our friend, with his head in danger, his prayers, almost tears, on the one side, and nothing on the other except patriotism and our duty to protect the public Treasury. It is hard to refuse to help them; many will not refuse. We have but little hope of securing the defeat of these bills, which are log-rolled through by combination and could not be got through in any other way.

Mr. TILLMAN. Evil to him who evil thinks.

Mr. THOMPSON. We know very well that every member of the House desires to accomplish some particular object to which he can point his constituents and upon which he can bank for his return.

Mr. HATCH, of Missouri. Will the gentleman allow me to ask him a question?

Mr. THOMPSON. Yes, sir.

Mr. HATCH, of Missouri. Did not every single Representative from the State of Kentucky, at the time the bonded whisky bill was pending before the House, make precisely the same appeal to their personal friends to help them? [Laughter and applause.]

Mr. WHITE, of Kentucky. I deny it.

Mr. THOMPSON. I will answer the gentleman.

Mr. HALSELL. So far as I am concerned, as one of the Representatives from Kentucky, I will say that I made no such appeals.

Mr. CLAY. As one Representative from the State of Kentucky, I will say to this House, Mr. Chairman, that I made no such appeal as that stated by the gentleman from Missouri.

Mr. HOPKINS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOPKINS. Has not the debate upon this proposition been exhausted long ago?

The CHAIRMAN. The Chair understands that it has not, but that there are still four minutes remaining.

Mr. THOMPSON. I am very glad, Mr. Speaker, that the gentleman from Missouri [Mr. HATCH] has asked me the question, because it enables me to answer it here and now. I did appeal on the floor of this House personally and in every other way to secure the report and passage of the bonded-whisky bill, because I knew it to be fair and just and right, and founded upon a wise statesmanship and conducive to the best interests of my constituents, as well as the best interests of the whole country. I sought in every fair way and by all proper means to secure its passage, and I believe this House made a fatal mistake, so far as that is concerned, in not passing it.

Now, I do not object, Mr. Chairman, I do not consider it improper or wrong for members of this House to make personal appeals to secure the passage of just, reasonable, and fair legislation.

Mr. HATCH, of Missouri. Does the gentleman from Kentucky mean to say that none of these bills are fair or legitimate?

Mr. THOMPSON. No; I do not say that; and if the gentleman had listened to me in the remarks which I have just delivered he would have known very well that I did not say any such thing. But I know what is troubling my friend from Missouri [Mr. HATCH]; he is thinking of the ghost of the public building he secured at Hannibal, Mo., and, like a true man as he is, having got his pork out of the pot, as was suggested some time ago, he is resolved on seeing fair play for the balance of the boys. [Laughter and applause.]

Mr. HATCH, of Missouri. Allow me to say to the gentleman from Kentucky that there is no ghost about the public building at Hannibal, Mo. The Government never expended $75,000 since it was established which has been worth more to it than the erection of that public building in the city of Hannibal, Mo.

Mr. THOMPSON. Every man who gets a public building thinks it is a public necessity, and it is a public necessity so far as he is concerned. [Laughter and applause.] I have no doubt of it. My friend is conscientious in what he says, and I will give him full credit for having done the best he could for Hannibal. But that is not the question we are discussing here now. We are urged here to pass these bills in the interest of each private individual, and many are not founded upon any good public policy. Instead of acting under the present gag resolution, as we are compelled to, I will tell you, Mr. Chairman, what I think we ought to do, and it would be much fairer than the present action; we ought to pass a joint resolution that every member on the

floor of this House shall be allowed to have in his district at least one public building, in the language of Oakes Ames, "to put where it will do the most good." [Laughter and applause.] That would make it certain that every one would have at least one public building, and we would all be renominated and all come back. Forty-seven bills for public buildings are on the Calendar in this committee, but how many more are still to be reported by the Committee on Public Buildings and Grounds we do not know and have no means of finding out. We passed thirty-four during the last Congress.

Gentlemen, is there to be a stop anywhere to this matter? The chairman of the committee tells the House that he has the gag in our mouths and he can force the consideration of these bills so long as he wishes, until he gets through the whole of these forty-seven bills and all others to be reported.

Mr. STOCKSLAGER. I beg the gentleman's pardon. I said we could pass every one the House might think proper should be passed.

The CHAIRMAN. The gentleman's time has expired. There remain now four minutes to the gentleman from Indiana [Mr. STOCKSLAGER] in favor of the bill.

Mr. STOCKSLAGER. I yield my time to the gentleman from Tennessee.

Mr. YOUNG. It is impossible, Mr. Chairman, to answer the speech which has just been made by the gentleman from Kentucky [Mr. THOMPSON], as it ought to be answered by some member of this committee, inside of four minutes; and I venture to ask unanimous consent of this committee to extend that time a little until I can review somewhat some of the statements which he has made.

Mr. WARREN, of Ohio. Only with the understanding that the other side may also have an equal extension of time.

The CHAIRMAN. The Chair can not entertain the request of the gentleman from Tennessee.

Mr. HARDEMAN. There are plenty of other bills on which the gentleman from Tennessee can be heard.

Mr. YOUNG. I do not care to occupy the time unless I can have an extension of it.

Mr. AIKEN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AIKEN. I do not know that it is exactly a parliamentary inquiry that the chairman must decide, but I know it is a question that this House would like to have answered. This, I believe, is for the erection of a public building for Indiana. Now, I desire to know if the gentleman from Indiana [Mr. HOLMAN] can not possibly find some objection to this bill. [Great laughter.]

The CHAIRMAN. The Chair will state that that is not a parliamentary inquiry.

Mr. STOCKSLAGER. If the gentleman from Indiana will permit me to answer, I will say that so far no gentleman on the floor has found any objection to this bill.

Mr. WOLFORD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOLFORD. The proposition made by the gentleman was just to keep gentlemen who are opposed to these public buildings from being heard. Now, I want to hear the debate on this question. So far as the gentleman from Indiana [Mr. HOLMAN] finds objection, I can answer that if we were not under the gag law there are a number of objections that might be offered.

Mr. HOLMAN. I wish to say to the gentleman from South Carolina that I consider this bill unusually meritorious, but I will join with him and vote against them all cheerfully.

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor.

Mr. YOUNG. I will not undertake to address the committee unless I can get unanimous consent to extend my remarks somewhat beyond the period allotted to me by the gentleman from Indiana. If there is any objection to that, I shall take some other opportunity to answer the gentleman from Kentucky.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that in his opinion he is not permitted to submit the request to the committee for an extension of the time, for the reason that the House has imposed a limitation on the debate upon these bills, and the committee can not make any departure from that limitation without the action of the House.

Mr. YOUNG. Then I shall not occupy the time.

Mr. MONEY. I will occupy the few moments remaining if I am permitted to do so.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi, no other gentleman claiming the floor.

Mr. MONEY. I rose, Mr. Speaker some time ago for the purpose of asking the very identical question which has been anticipated by my friend from South Carolina [Mr. AIKEN]. I, too, would be glad, sir, to hear the eloquent voice of my distinguished friend from Indiana [Mr. HOLMAN], who never has failed heretofore to interpose his objection to any proposition, no matter what, from any quarter of this Union that did not benefit Indiana, making some objection to the pending measure. I have been very willing to accept the gentleman's leadership frequently and have approved of the gentleman's position on many occasions. I have admired the grave decorum and grace with which he has risen on this floor to protect the Treasury of the United States from raids. I have long admired his fidelity to the Treasury. But I am unable to understand why it is that he is silent on this occasion. On every other subject the House has not failed to hear his voice in opposition to any measure affecting any State except Indiana. On all such occasions no one can say that the gentleman has not been found prowling about the sacred precincts of the Treasury to protect its surplus.

Mr. HOLMAN. Is my friend asking me a question? If so I hope he will give me an opportunity of answering his question.

Mr. MONEY. I have but two or three minutes; the gentleman can find plenty of opportunity to answer on some other bill. I am sure that he will be heard on every one of the bills now pending before this committee.

Mr. HOLMAN. My friend is certainly correct on this occasion.

Mr. MONEY. I know the gentleman is anxious to win the title of protector of the Treasury; but I know it is his desire to take care of his own people, for I remember that I caught a rap from him myself here because in discussing a matter of grave public importance I did not take care of my own people, but preferred to take care of the public interests, for which the gentleman said that I had risen to a plane of statesmanship that he could never hope to attain. But it seems to be one thing when the proposition affects any other State and quite another thing when it relates to Indiana. The gentleman exhibits a certain excess of liberality when he is giving money to Indiana, when he is to get it in his own State or for his friends; but when any other State is the beneficiary all of his great abilities are brought to the front in opposition, and the gentleman is unwilling, no matter how meritorious, to give it countenance.

Mr. HOLMAN. Now, just one moment.

Mr. MONEY. No; I can not yield.

Mr. HOLMAN. Just a word in response.

Mr. MONEY. I would be glad to hear the gentleman on this or any other question, but I must decline now. I have but three minutes.

Mr. HOLMAN. Now, I trust the gentleman will not be unfair.

Mr. MONEY. If there is an appropriation for a turnpike road in Indiana the gentleman will support it.

Mr. WHITE, of Kentucky. Did he not vote for the whisky bill?

Mr. MONEY. I have said that he would vote for a turnpike road in Indiana. I understand that he did that, from gentlemen around me. I have simply anticipated, it seems, what he would do.

Mr. HOLMAN. Will the gentleman state what turnpike road?

Mr. MONEY. Out to some cemetery there.

Mr. HOLMAN. Ah, that is a different question. Are you opposed to the construction of roads to the national cemeteries?

Mr. MONEY. No; I am not. I should vote for appropriations for every public building, because I do not believe that the Government could make a better investment; I should vote to open up our rivers and harbors to permanent navigation, to build public buildings where they are needed. [Applause.] It is a far better investment of the money than to rent them.

You do not destroy the money; you do not throw it into the river; you put it out among your people who work for it, and you get a return in the shape of public buildings suitable for offices for the administration of the affairs of this country. And besides, wherever you place a public building that belongs to the United States it is a symbol to every man of the power of this Government and tends to attach every section of the country to a government which is represented in such a permanent and durable form as appears in its public buildings. [Applause.]

Mr. STOCKSLAGER. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. WARNER, of Ohio. I call for a division.

The committee divided; and there were—ayes 106, noes 25.

Mr. WARNER, of Ohio. Is that a quorum?

The CHAIRMAN. It is not.

Mr. WARNER, of Ohio. I think there should be a quorum on the question of the laying aside of any of these bills with a favorable recommendation.

Mr. ROGERS, of Arkansas. I call for the regular order.

The CHAIRMAN. Does the gentleman from Ohio raise the point of no quorum?

Mr. WARNER, of Ohio. I do.

The CHAIRMAN. The point being raised that a quorum has not voted, the Chair will order tellers, and appoints the gentleman from Ohio [Mr. WARNER] and the gentleman from Indiana [Mr. STOCKSLAGER].

The committee again divided; and the tellers reported—ayes 150, noes 21.

So the motion was agreed to, and the bill was laid aside to be reported to the House with a favorable recommendation.

### ORDER OF BUSINESS.

Mr. THOMPSON. We have passed two bills to-day. I move that the committee rise.

Mr. McCOID. I rise to a question of order. I believe the gentleman from Indiana has the floor in charge of this matter.

The CHAIRMAN. The Chair of course recognizes the gentleman representing the Committee on Public Buildings and Grounds; but a motion that the committee rise is always in order.

The question being taken on Mr. THOMPSON's motion, there were—ayes 16, noes 82.

So the motion was not agreed to.

Mr. STOCKSLAGER. I now move, by instruction of the committee, to take up the bill H. R. 1339.

Mr. THOMPSON. I make the point of order that the last vote of the Committee of the Whole disclosed the lack of a quorum.

The CHAIRMAN. A quorum is not required on the proposition that the committee rise. A motion that the committee rise is equivalent to a motion to adjourn in the House, and on a motion to adjourn a quorum is never held to be necessary. The Clerk will report the bill called up by the gentleman from Indiana.

Mr. THOMPSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. THOMPSON. I believe the rule provides that whenever the committee finds itself without a quorum it shall rise and the chairman shall report the fact to the House.

The CHAIRMAN. The Chair has just ruled on that point.

PUBLIC BUILDING AT PITTSBURGH, PA.

Mr. STOCKSLAGER. I call up now the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, &c.*, That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Pittsburgh, Pa., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. McMILLIN. Let us have the report read. I want to see what is the necessity for this increased appropriation.

Mr. HOPKINS. Not in my time. If the gentleman wants to have the report read, the time occupied by the reading must be taken out of the time allowed in opposition.

Mr. McMILLIN. I call for the reading of the report, in order that the House may act intelligently on a bill that is to appropriate $1,500,000. And I state that it has been the custom to allow the reading of reports. I hope the House will not depart from that usage in this instance.

Mr. HOPKINS. I certainly have no objection to the report being read. The only point I make is that it shall not be charged against my time.

Mr. STORM. I raise again the question that I raised before this morning, that any member has a right to have the report read unless the House decides to the contrary. I ask for the reading of the thirty-first rule.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. STORM. I want to see if the committee will vote down the call for the reading of the report.

Mr. McMILLIN. There can be no vote unless there is an objection; and I should suppose that in a matter involving the appropriation of $1,500,000 there will be no objection.

Mr. STOCKSLAGER. The gentleman is mistaken. The bill does not appropriate a dollar.

Mr. McMILLIN. The bill provides for a building that is to cost $1,500,000.

Mr. STOCKSLAGER. I beg the gentleman's pardon again. It simply fixes the limit of the cost of a building heretofore authorized.

Mr. McMILLIN. I have never heard of an instance where the limit fixed has not been gone up to at last. This is a building that is to cost $1,500,000.

Mr. STORM. I desire to have a decision from the Chair on the question I raised.

Mr. McMILLIN. I will say to the gentleman from Indiana that I am not in error as to the nature of the bill.

Mr. HOPKINS. I wish to ask the Chair whether the report can not be read without being charged against the time of either side?

The CHAIRMAN. The Chair will state the view he takes as to the reading of the report. All debate on this bill having been limited by order of the House to thirty minutes, the Chair thinks the reading of the report is in the nature of debate and must be charged to the time allowed for debate. As there seems to be some doubt about the question, the Chair will direct the Clerk to read the ruling made by Mr. Speaker Stevenson on that subject.

The Clerk read as follows:

Mr. Marshall called for the reading of that portion of the report of the Committee on Elections which contains a statement of the votes.

The Speaker decided that under the thirty-sixth rule, which declares that "on the previous question there shall be no debate," the reading of the report called for would not be in order, as it was in the nature of an argument which at this stage of the proceedings was forbidden.

The CHAIRMAN. The Chair now states that the House having limited debate upon these bills, the reading of a report, being in the nature of debate, is not in order except it be taken out of the time for debate.

Mr. McMILLIN. With all deference to the ruling of the Chair, I wish to state that the ruling which the Chair has had read was upon a bill where the previous question had been ordered. That state of facts does not exist here. We have the simple, plain rule of the House that when the reading of a paper other than that which is to be voted upon is called for, it can not be decided by the Chair that it shall not be read, for that is not the function of the Chair. The reading comes as a matter of course, without there is an objection to it; and if there should be objection to the reading, then the question is to be decided by the House. There is no objection made to the reading of this report.

Mr. ROGERS, of Arkansas. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS, of Arkansas. My question of order is whether this subject is debatable?

The CHAIRMAN. The Chair will hear gentlemen upon it. The Chair is quite willing and desirous on this question of order to hear the suggestions which gentlemen desire to submit. But the Chair would state that if there should be a disposition to protract the debate for an unreasonable length of time the Chair would interpose, but not otherwise.

Mr. McMILLIN. I have never knowingly manifested any disposition of that kind since I have been a member of the House.

What will be the effect of this ruling of the Chair? We can have none of these reports read. We want to transact business in such a way that we will at least seem to be showing some deliberation and care in the performance of our duties as legislators upon important matters. Here are bills involving an expenditure ultimately of from seven to eight millions of dollars. Is it possible that we are to have all these bills rushed through and not a single report read in any case? I can not believe that when the House a few days ago passed the resolution under which we are now acting it intended thereby any such thing.

Mr. YOUNG. Will my colleague allow me to interrupt him a moment?

Mr. McMILLIN. Certainly.

Mr. YOUNG. It is to correct a misapprehension of the gentleman. I have so often heard it stated here that the appropriations contained in these bills amount to seven or eight millions of dollars that I think it should be corrected. All the appropriations recommended by the Committee on Public Buildings and Grounds for this purpose amount to only $4,300,000.

Mr. McMILLIN. The bills that are embraced under the resolution now controlling the order of proceedings here, if my arithmetic is not in error, involve appropriations amounting to more than $6,000,000. But whether the amount is $6,000,000 or $4,000,000, even if it is the amount suggested by my colleague [Mr. YOUNG], is it proper that we should be called upon to vote, with only fifteen minutes allowed for debate on each side, upon bills involving an appropriation of $4,000,000 without having a single report read?

Mr. McCOID. Allow me——

Mr. McMILLIN. In a moment. To recur to the immediate question, I suggest that there has been no objection made to the reading of this report.

Mr. McCOID. It is not a question of the reading of the report. The question is out of whose time the reading shall come.

Mr McMILLIN. The gentleman from Pennsylvania [Mr. STORM] suggested that it be read to come out of the time of neither side, and I think that was entirely proper and fair.

Mr. McCOID. It can be read to come out of your time.

Mr. McMILLIN. I so understand.

The CHAIRMAN. The Chair will state——

Mr. STORM. There is an additional portion of the Digest which I should like to have read, beginning at the top of page 365.

The CHAIRMAN. In one moment, if the gentleman please. The Chair will state to the gentleman from Tennessee [Mr. McMILLIN] that the reason upon which the ruling of Mr. Speaker Stevenson was based was that the reading of the report was in the nature of debate. Now, the Chair holds that the pending condition of things is exactly the situation on which Mr. Speaker Stevenson based his ruling. The House has limited debate upon each one of these bills to thirty minutes. The Chair would ask the gentleman, not by way of controversy but for his own information, what rule of the House is there which gives to any member of the House the right to demand the reading of a report?

Mr. McMILLIN. Rule XXXI, which I will read.

Mr. BLOUNT. I rise to a point of order. This point of order has been made before, whether several times or once only does not make any difference; if made once, that is sufficient for the purpose I have in

view. My point is that it is not in order to renew it again. I make this point of order for the purpose of saving time.

Mr. McMILLIN. I thank the gentleman for his economic disposition to save time.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is entitled to a ruling on his point of order.

Mr. BLOUNT. As to the gentleman's remark about my disposition to save time, let me say to him that I have a right to present to the Chair a question of order.

The CHAIRMAN. The Chair would state to the gentleman from Georgia that he has the right to insist upon a ruling on his point of order. But there is now a point of order pending before the committee which is to be determined. The Chair will state that of course this point of order can be raised against every one of these bills.

Mr. BLOUNT. That is the very point I desired to make; I thought otherwise.

The CHAIRMAN. The ruling of the Chair in one particular case does not of course preclude a ruling upon a similar case; and as on this question gentlemen are certainly very earnest in their convictions, the Chair thought it his duty, as it is his pleasure, to hear them.

Mr. BLOUNT. The rule in regard to the consideration of appropriation bills (to which I was analogizing this case) is very clear, that where a point of order has been once made and ruled upon it is not in order to make the point again.

The CHAIRMAN. This point of order has not before been made against this bill, but against another bill. The question now is simply whether the Chair should apply to this case a principle which he had applied to a prior case.

Mr. BLOUNT. I understand that this is not the same bill. But I was analogizing the consideration of these bills to the consideration of paragraphs in an appropriation bill. The question presented is the same and the reasons are the same.

Mr. McMILLIN. Mr. Chairman, the gentleman from Georgia [Mr. BLOUNT] has fallen into an error in supposing that because these bills by the action heretofore taken (by whom or how I need not say) have been locked together like the shields of a phalanx marching to the charge, therefore they are to be treated as one bill. On that point he is in error.

Now I will read the rule, the reading of which was interrupted by the gentleman from Georgia. It is Rule XXXI:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

This is not a paper upon which we are to vote finally. We are to vote upon the subject-matter, but not upon the report. The objection to the reading of this paper has not been interposed, and therefore I hold that under Rule XXXI the paper may be read as a matter of course. But putting the question upon the strongest ground taken by those who object to the reading, it is clearly the duty of the Chair to submit the question of the reading to a vote.

In this connection I wish to read from the Manual a paragraph on page 365, to which my attention has been called by the gentleman in front of me [Mr. STORM]:

> There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put.

The CHAIRMAN. While not disputing the authority which the gentleman quotes, the Chair will state that in this instance were he to direct the reading of this report or other papers he would act directly in violation of the special order of the House, which has limited the time for debate.

The Chair will state further that Rule XXXI, to which the gentleman refers, applies only to papers of which a member has the right to demand the reading. But what rule of the House gives a member the right to call for the reading of a report except as a matter of debate?

Mr. McMILLIN. I very candidly admit, Mr. Chairman, that there is no rule which in express terms gives to a member the right as a matter of course to have a report read. But so far as I have observed it has been a universal custom that the report should be read in connection with a bill to be voted upon; and this is a custom which the House ought never to depart from. The report embraces the utterances of those who have had the matter in charge, and if nothing is to be gained from having it read to the House, then the rule which requires that a bill from a committee should be accompanied with a report in writing is of no use.

Mr. HOLMAN. I wish to refer to a precedent bearing directly on this point. Under the former rules of this House on certain days assigned for the consideration of the Private Calendar a single objection was sufficient to carry a bill over. While that rule was in force the question arose whether during the consideration in Committee of the Whole of bills on the Private Calendar the reading of the report could be called for as a matter of course before the member was required to elect whether he would object or not. That question being presented while Mr. Blaine, a very accomplished Speaker, occupied the chair, he ruled that any member, before the question of objection was interposed, had a right to call for the reading of the report. If the reading of the report was in the nature of debate, then under the rule the objection could not be made after the report had been read, because the objection had to be made in the first instance.

Speaker Blaine held in cases where the right of a single objection existed to the further consideration of a bill that in case the reading of the report was asked for the member calling for the reading of the report had a right to have it read, and he so held for the reason that no debate had occurred up to that time. He decided it upon the ground—and I think I remember his language—that all men are amenable to reason, and that the paper which was asked to be read was a report accompanying the bill and which had been submitted to the House under its rules and by its order, and that no member should be required to vote until the reasons presented by the committee for its action had been read in the hearing of the House. He held on that occasion most distinctly that the reading of a report accompanying a bill then pending and before the House for its action was not to be considered in the nature of debate. Any clerk at the desk at all familiar with the subject will be able to find that ruling of Speaker Blaine. It was held not to be in the nature of debate, and, as the Chair will see at once, instead of being in the nature of debate these reports which accompany the bills are in the nature of a presentation of the facts in each individual case, and after the reading of the bill it would follow as a matter of course that the accompanying report should also be read as explanatory of the bill. Therefore the ruling of the Chair, in my judgment on this cursory examination of the subject, is not sustained by the ruling of Speaker Blaine, for that ruling was made upon the express ground that the member had a right to call for the reading of a report even where a single objection would prevent the passage of a bill, and that the reading of a report was not at all in the nature of debate.

The CHAIRMAN. Does the gentleman's argument embrace also the right to have the views of the minority read?

Mr. HOLMAN. They are not embraced because they are not a part of the report accompanying the bill; they are merely the views of the minority members.

The CHAIRMAN. The Chair will submit the question whether or not the House is required to vote on the report or whether the report is in the nature of argument to sustain the bill when members are required to vote.

Mr. HOLMAN. The report may or may not be an argument. The report may not recommend the passage of the bill at all, but simply present the facts without any recommendation.

The CHAIRMAN. But may not the report be an argument in support of the passage of the bill? And in that case certainly it must be considered in the nature of debate.

Mr. HOLMAN. The report accompanying a bill is a simple presentation of facts involved in the matter at issue, and as I have already stated in the case of a bill brought up on objection day when a single objection would prevent its passage, and when no debate was allowed under the rules, it was held that when a member called for the reading of the accompanying report he had the right to have it read, and that it was not to be considered in the nature of debate. I am confident if the decision of Mr. Speaker Blaine could be consulted by the chairman he would find that it is directly in point on the question now pending before the House.

Mr. WILSON, of Iowa. I wish to call the attention of my friend from Indiana to a question on that point.

The House last Monday morning suspended the rules and instructed us thereby how we should act when these bills from the Committee on Public Buildings and Grounds came up. One of the provisions under that resolution making these public buildings special order was that we should have thirty minutes of debate upon each proposition. Now this proposition to have the reports read is certainly debate. That resolution on Monday last on suspension of the rules suspended whatever right any member might have to test the sense of the House, whether the report accompanying a bill should be read or not. I do not wish to antagonize my friend from Indiana, for there is a good deal I admire and like in him. I have thought, perhaps, that the objector should be on our side of the House, but in this matter of point of order raised I think the gentleman is clearly wrong.

Mr. HOLMAN. The gentleman certainly has not consulted the most recent precedent on the subject or he would hold a different opinion.

Mr. WILSON, of Iowa. I am now examining this discussion on the point of order in view of the light thrown upon it by the motion to suspend the rules on Monday last.

Mr. HOLMAN. I have already called the attention of the House to a precedent directly in point where Speaker Blaine decided that the reading of the accompanying report was not to be considered in the nature of debate.

Mr. WILSON, of Iowa. Hold on.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana.

Mr. WILSON, of Iowa. Let me state the point which I am trying to make to the Chair.

Mr. HOLMAN. But has the gentleman examined the most recent precedent on that subject, that of Speaker Blaine? Mr. Speaker Lynn

Boyd was certainly a distinguished Speaker, but the precedent in the case of Mr. Speaker Blaine is much more recent.

Mr. WILSON, of Iowa. In my judgment, the Chair is clearly right; and if you wish to filibuster—and I do not take the ground we should not—why, then, filibuster in some other way than by annoying one of the best presiding officers we have had during this winter. The gentleman from Indiana says we want information. These reports of committees are sent out through the mail to us every day and we are expected to read them.

Mr. HOLMAN. But any member has the right to have them read on the floor of this House when he makes the demand, for the precedent laid down by Mr. Speaker Blaine holds that they are not to be considered in the nature of debate at all. If the gentleman from Iowa denies that such is the precedent and ruling, why then we will have the record hunted up and the decision read.

Mr. WILSON, of Iowa. But it is clear under this proposition adopted on last Monday, to suspend the rules for the transaction of this business, that everything outside of thirty minutes' debate was entirely excluded.

Now, I did not want to mix up any other thing, but simply to protest against filibustering by any one for the purpose of perplexing such a good-natured presiding officer as the present occupant of the chair [Mr. WELLBORN].

Mr. HOLMAN. The Chair is able to take care of himself.

Mr. SPRINGER. I think my friend from Tennessee and my friend from Indiana also are entirely mistaken in regard to the question of order raised here. This House on Monday last passed a new rule in regard to the consideration of a particular class of business, the class of business which is now pending before the committee. The rulings of Speaker Blaine, of Speaker Stevenson, or any other Speaker, under the general rules of the House, can by no construction be made to apply here, because the circumstances are essentially different. We have been put into a cast-iron groove, so to speak, by the adoption of the rule out of which the Chair has already decided we have no right to depart, even by unanimous consent, and the Chair would not entertain, and properly in my judgment did not entertain, the request for unanimous consent to prolonging the debate beyond a half-hour on any one of these bills; because the House on last Monday, when the rules could be suspended, decided that the debate should be restricted to one-half hour on each bill, and therefore that it was not competent for the committee even by unanimous consent to extend the time.

Now, it is evident to every member of this House, whatever may be the ruling of Speaker Blaine or anybody else, that the reading of a report of the committee is debate on any question that is pending. Everything is debate except the proposition upon which you are called directly to vote. The proposition to vote upon is the bill itself in this instance. The report of the committee is, or ought to be, a document which contains the reasons or arguments in favor of the passage or against the passage, as the case may be, if it be an adverse report of the measure. What is it, then, but debate? Nothing. Now, will the gentleman contend for a moment that he could occupy the time of the committee by the hour in reading reports if it extended the time beyond a half hour on each bill? Will he take that ground? I think not. This rule is plain. It is not subject to misconstruction. It provides that fifteen minutes shall be allowed on either side for debate, and the gentleman who controls those fifteen minutes may put into his argument anything that is pertinent to the discussion, and he may, if he desires it, incorporate the report of the committee or any other paper. But he can not extend the time beyond the fifteen minutes fixed by the House. To that it is limited. But I am surprised that gentlemen are so slow to understand the rule that ought to be so easily understood. I insist that the Chair ruled rightly, and that it should stand unless some gentleman appeals from it.

Mr. STORM. Mr. Chairman, I raised this objection, but did not raise it for the purpose of perplexing the present occupant of the chair, for I indorse heartily the compliment paid to him by the gentleman from Iowa. I raised it because when the question was up before I asked the Chair distinctly if he had ruled against my point on the ground of the special order, and I understood the Chair to say he did not but upon another ground. Therefore I renewed it because I thought that the other ruling was erroneous unless based upon the special order. But, since it has been now based upon the special order, I have nothing further to say.

The CHAIRMAN. When the question was first submitted the Chair did not base the ruling upon the special order. On a reconsideration of the question, however, the Chair finds the strongest ground upon which to rest the ruling is the special order. But the Chair still believes that it is tenable on the ground originally stated.

On both grounds, therefore, the Chair adheres to the ruling.

The gentleman from Pennsylvania is recognized in favor of the bill.

Mr. HOPKINS. Mr. Chairman, I do not propose to discuss the question of the general policy of the Government in regard to the construction of its public buildings. But I want to say a word in entering my protest against the idea that seems to be entertained by some gentlemen here, that every bill providing for the construction of a public building is a raid upon the Treasury for the benefit of some individual or of some given locality.

The Government is building its houses for the occupancy of its own officials and the transaction of its own business, and in considering such questions we are in all respects to be governed as any prudent business man would be governed in like matters, and I appeal to any business gentleman here whether in the transaction of a business involving a million of dollars he would be content to do it in a log-cabin or in a little room 10 by 12?

Now, to come to the special bill before the committee. It has been said that this is an appropriation for $1,500,000 for the construction of this building. Allow me to correct that impression in the first place. Congress passed an act appropriating $700,000 to erect a public building at Pittsburgh. Plans were submitted and approved by the Chamber of Commerce of Pittsburgh before the work of the building commenced. But in the course of the excavation quicksands were struck, and it was not a long time before the plan of the building developed. Then it was discovered they were only building a little over one-half of the proposed building. On inquiry it was found the reason of that was the limitation. The supervising architect found he could not construct the building under the limitation fixed by the previous act. The plan had been approved by the Chamber of Commerce. I may say that for the purchase of the ground the people of Pittsburgh contributed of their own money almost $50,000 to secure an eligible site for a suitable building. When this amended plan on which they were working was developed, it was found that it cut off that much of the building, leaving it an architectural abortion, and leaving it as to space very little more than is now in the public building at Pittsburgh, and that building was erected thirty years ago. The business has so grown that three of the Federal officers have been crowded out and compelled to occupy rented houses—the pension agent, the collector of internal revenue, and the surveyor of the port.

Now, I want to call attention to some of the statistics in regard to Pittsburgh. By the same ratio that has been fixed in the buildings that have been authorized already in this and in other Congresses, Pittsburgh would have been justified in asking for an appropriation of $5,000,000, based on her population and the Federal business transacted there.

At the port of Pittsburgh the total tonnage registered is 34,803. The value of the merchandise imported for the year ending June 30, 1883 was $1,361,817. The amount of import duties paid at Pittsburgh during that year was $496,097.44. As internal revenue in the twenty-second district during the past year there was paid $1,854,674.

The building which is to be erected under this bill is for a court-house for all of Western Pennsylvania, which includes not only the twenty-second internal-revenue district, but the twenty-third, the nineteenth, the twentieth, and parts of the twelfth, thirteenth, and sixteenth. The internal revenue from the district I have thus indicated would in the aggregate be over $4,000,000.

Next in order of importance is the pension office, which is one of the seventeen pension offices in the United States. There are upon the roll payable at Pittsburgh 16,006 pensioners. The amount paid last year was $3,072,281.92.

In the post-office department the receipts during the year ending June 30, 1883, were $344,891.

Now, as to the Federal courts—and I beg to state to gentlemen that I have the official papers here from all the officers confirming every statement I make—in the district court there is an average in each term of eighty cases tried, and there are two regular terms, and often three and four special terms. There are two terms of the circuit court held there. Oftentimes both courts are in session at the same time, thus requiring two court-rooms and at least two jury-rooms, and when the grand jury is in session of course an extra jury-room.

In the circuit court the average number of cases tried for years has been three hundred and ninety-seven per year. And I may say that although Philadelphia is larger in population by two to one, and although she has a public building that cost some $7,000,000, the business of the Federal courts of Pittsburgh far exceeds that in Philadelphia, and for this reason: the western district embraces more than two-thirds of the counties of Pennsylvania. I have here a statement showing that fact, which I will not stop now to read.

In regard to the population and growth of Pittsburgh, I will state that in 1860 the population of that city was 49,000, in 1870 it was 86,000, in 1880 it was 156,000, and now it is 175,000. In 1860 Pittsburgh was the twentieth city in the United States, in 1870 the sixteenth, and in 1880 the twelfth. Pittsburgh's percentage of growth for twenty years has been larger than that of New York, Brooklyn, Philadelphia, Boston, Saint Louis, Baltimore, Cincinnati, or New Orleans; and it has been larger than that of any of the larger cities except Chicago, San Francisco, and Cleveland.

The population of Allegheny County is 356,000. The population of the western district of Pennsylvania, which is to be supplied by this internal-revenue office, this court-house, and this custom-house, is over 2,000,000. The population of the county alone—I call the attention of the committee to that fact—is larger than that of any one of the seven States of Vermont, New Hampshire, Delaware, Florida, Colorado, Ne-

vada, or Oregon, and greater than the population of six of the Territories all combined.

The valuation of manufactured articles in Allegheny County per annum is $105,000,000, and exceeds in value articles manufactured in any one of twenty-seven States.

I find, Mr. Chairman, my time is rapidly running out, and I will only call attention to one or two other points. Allegheny County has recently made a contract for a court-house of her own, to cost over $2,000,000. In view of the importance of this hive of industry, which turns out a steel rail every minute of the three hundred and sixty-five days of the year and a locomotive every second day; in view of the vast amount of Federal business to be transacted; in view of the appropriations, which I say by comparison would justify a much larger claim, I think this bill should be favorably passed upon by the committee.

I submit with my remarks a letter of the Supervising Architect of the Treasury, which I will ask the Clerk to read.

Mr. SPRINGER. I suggest that it be printed in the RECORD.

Mr. HOPKINS. Very well. I will simply call attention to the fact that the Architect states that the amount specified will be required for the construction of a suitable building. And I wish also the committee to bear in mind that the $1,500,000 specified is not asked as an appropriation. Not a single dollar is asked. I reserve the remainder of my time.

The letter of the Supervising Architect referred to by Mr. HOPKINS is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
*January* 30, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, asking that at my earliest convenience I give you an estimate of the probable cost of the construction at Pittsburgh, Pa., of a building suitable to the needs of the community and adapted to necessities of the public business.

In view of the information furnished me to-day as to the needs of the various public offices to be accommodated, I am satisfied the amount specified in bill H. R. 1339, increasing the limit of the cost of the building, namely, $1,500,000, will be required for the construction of a suitable building for the accommodation of all the public offices, and, judging from the proposals received for the stone-work for a portion of the building, the work can be entirely completed within that sum.

Very respectfully,

M. E. BELL, *Supervising Architect.*

Hon. JAMES H. HOPKINS,
*House of Representatives, Washington, D. C.*

Mr. HOPKINS. How much time have I remaining?

The CHAIRMAN. There are four minutes remaining of the time for debate in advocacy of this bill.

Mr. STORM. I will reserve the remainder of my time.

Mr. WARNER, of Ohio. Mr. Chairman——

Mr. WILLIS. I ask the gentleman from Pennsylvania [Mr. HOPKINS] to yield me the remainder of his time.

Mr. HOPKINS. I will do so.

Mr. WARNER, of Ohio. I will give way until the gentleman from Kentucky [Mr. WILLIS] has occupied the time yielded to him.

Mr. WILLIS. I will not take it now. Let the gentleman proceed.

Mr. WARNER, of Ohio. This is a bill making an increase of appropriation for the erection of a public building. We have been told here several times that the appropriations contained in the bills before us are intended to be final appropriations, and are made as such.

The gentleman from Indiana, the chairman of the Committee on Public Buildings and Grounds [Mr. STOCKSLAGER], whose modesty has been commended on the floor for not claiming more than $100,000 for his own town, New Albany, will probably remember that in a former Congress an appropriation was made for a public building in another town in Indiana, the town of Evansville. If I recollect aright, $100,000 was the amount first appropriated. What did that building cost? Something over $300,000, I believe; and I remember that in the Forty-sixth Congress an appropriation of twenty or twenty-five thousand dollars was made for fences to be put around the building.

I hold in my hand the report of the Supervising Architect, and I will refer to a few appropriations which were first made for public buildings and then give the amount which they finally cost. The first one I come to is the public building at Albany, N. Y. I will refer only to buildings recently constructed and those under construction. Those bills contained, I presume, substantially the same limitations as are contained in the present bill.

Mr. WILLIS. The gentleman is entirely mistaken on that point, and that goes to the whole argument.

Mr. WARNER, of Ohio. Very well; but let us see. The building at Albany, N. Y., was authorized by act of March 12, 1872, "which act," says the report, "limited its cost to $350,000."

Mr. WILLIS. My friend certainly does not wish to say to this House that the law under which the Albany building was constructed is the same as that under which present buildings are being constructed?

Mr. WARNER, of Ohio. I have read from the report of the Supervising Architect, which says that "the cost of the building at Albany was limited to $350,000."

Mr. WILLIS. The gentleman knows, or ought to know, if he undertakes to instruct the House, that under existing law the plans are to be made and the contracts let out before the building is begun.

Mr. WARNER, of Ohio. I hope the gentleman will make his argument in his own time. What did the building at Albany really cost? It cost $725,000. Now, take another building, the post-office at Cincinnati, Ohio.

Mr. WILLIS. In your own State.

Mr. WARNER, of Ohio. The bill which made the first appropriation limited the cost to $1,750,000. What has it cost? It has already cost $5,400,000, and not completed yet, I believe.

Mr. HOPKINS. Will the gentleman allow me to ask him if that was not before the law prescribing a penalty in case the architect should prepare plans and make contracts in excess of the appropriation?

Mr. WARNER, of Ohio. The architect can not tell in preparing his plans and making his estimates exactly what a building will cost.

Mr. WILLIS. He ought to be able to do so.

Mr. WARNER, of Ohio. And he is not made a criminal for not doing that which he is not able to do.

Mr. HOPKINS. The law prescribes the penalty.

Mr. HOLMAN. If the gentlemen from Ohio will allow me——

Mr. WARNER, of Ohio. Certainly.

Mr. HOLMAN. The gentleman from Pennsylvania [Mr. HOPKINS] of course bears in mind that that criminal statute is only applicable where the bill which authorizes the erection of the building appropriates the entire sum of money for its cost. In every other case that law is entirely inoperative.

Mr. HOPKINS. I understand that.

Mr. WARNER, of Ohio. But let me go on. The architect can not himself contract beyond the appropriation. The first bill for the construction of a public building at Covington, Ky., limited the cost to $100,000; but it has cost $305,000. Scarcely a building has been authorized which has not cost more than the sum originally appropriated.

Mr. McCOID. What building is that in Kentucky?

Mr. WARNER, of Ohio. The building at Covington, Ky. Take the building at Little Rock, Ark.; the first bill limited the amount to $100,000; it has already cost $251,000.

Mr. DUNN. And it is worth it, and more, too.

Mr. WARNER, of Ohio. These buildings must be surrounded with fences; they must be furnished.

Mr. ROGERS, of Arkansas. And they ought to be.

Mr. WARNER, of Ohio. Yes. And when Congress is asked to supply furniture it will be asked to furnish it at a cost ten times what private persons would provide for themselves. These buildings are for public officials, and the theory upon which these buildings are appropriated for is that Government officials are to be aggrandized; they are to have quarters, and furniture, and everything else to compare with the buildings they occupy. Very few people can afford such or have such accommodations. I desire to ask the gentleman from Pennsylvania [Mr. HOPKINS] how many officials will be accommodated in this building in Pittsburgh after it shall have been completed.

Mr. HOPKINS. I will answer the gentleman with pleasure.

Mr. WARNER, of Ohio. I do not mean how many dollars of pensions will be paid there, but how many officials will occupy this building.

Mr. HOPKINS. I will inform the gentleman as to how many officials will be accommodated. There are over one hundred employés in the post-office there; there are thirty-odd in the pension office, and I do not know how many there are in the custom-house.

Mr. WARNER, of Ohio. The post-office employés are ordinarily in one room.

Mr. HOPKINS. By no means; they require several rooms and very large ones.

Mr. WARNER, of Ohio. But they occupy but a small part of the whole building.

Mr. HOPKINS. They occupy the entire ground floor.

Mr. WARNER, of Ohio. The truth is we are constructing buildings and furnishing offices at a rate of expenditure of from ten thousand to fifty thousand dollars for each Government official.

Mr. PAYNE. The post-office building at Pittsburgh is now a very large one, and it fails wholly to accommodate the post-office department. The internal-revenue offices occupy a building outside at a rent exceeding the interest on the full amount of the cost of this building. The pension office has to rent another building at the expense of the Government.

One word more. My friend is altogether in error in objecting to this and other bills now reported from the Committee on Public Buildings and Grounds because of the fact that certain buildings heretofore erected by the Government have exceeded in cost the amount of the limitation.

Mr. WARNER, of Ohio. The gentleman should state that in his own time.

Mr. BAYNE. Since the act of the Forty-seventh Congress the Supervising Architect has kept strictly within the limit of the appropriation allowed by law.

Mr. WARNER, of Ohio. Of what materials are these buildings to be constructed, and where are the materials to be obtained? Are you going to Vermont for marble or to Quincy for granite? Is there any assurance that the architect—and it seems to be pretty much all left to him—will not repeat the experiment tried in the erection of public buildings at Chicago and Cincinnati? For the Chicago building the

stone was transported from the Ohio River, through Cincinnati to Chicago, for the erection of the Government building there; and when the public building was to be erected in Cincinnati the stone was brought through Chicago to Cincinnati; so that there was transportation of the stone from Cincinnati to Chicago for the Chicago building and from or through Chicago to Cincinnati for the Cincinnati building. This is the sort of economy the General Government practices in erecting public buildings. And I do not believe there is a public building erected by the Government anywhere in this country that could not be duplicated to-day for one-third or one-half what it has cost the Government to build it. The United States Government erects no buildings at a less cost than two or three times what it would cost the localities to construct the same buildings. Until we can change our whole system, until we can come down to the level of something like respectable economy in the construction of public buildings, I am opposed——

Mr. MILLIKEN. When the gentleman makes his statement as to the comparative cost of buildings put up by the General Government and those erected by the States, does he base his conclusion upon any facts——

Mr. WARNER, of Ohio. I do.

Mr. MILLIKEN. Or is it simply a general statement? Has the gentleman compared the buildings of the United States Government with those erected by the States; for instance, the new State-house at Albany, N. Y.?

Mr. WARNER, of Ohio. Albany, I am afraid, is a good deal like Washington. But take buildings anywhere. Take the building at New Haven, Conn. I am informed that contractors would agree to duplicate that building for one-third what the Government has paid for its erection.

But how many buildings are we to put up? What is the theory on which they are to be located? Is it population that should entitle a town to a Government building? There are fifty or sixty towns in Ohio having a population as large as some of the towns for which we have already appropriated money to construct public buildings. There are thirty or forty towns in Indiana, I presume, with a population equal to those for which public buildings have already been provided. Are we to go on and erect public buildings in all of these towns? Are we to log-roll them through Congress by the argument, "Put a building here for me, and I will help put one there for you." Then where is to be the end?

Mr. HOPKINS rose.

Mr. WARNER, of Ohio. I can not give the gentleman any more of my time.

Mr. HOPKINS. The gentleman has no right to make his insinuation about "log-rolling."

Mr. WARNER, of Ohio. I said that might be done, and I do not think it a violent assumption.

Mr. Chairman, the theory has been advanced here that we ought to erect public buildings all over the country in this way in all these towns, as "symbols of power," palatial structures as "symbols of power." No longer a government of the people then, but one needing "symbols of power," to remind us, I suppose, that we have masters, and that these buildings are where our masters dwell! Then after you have got your great buildings, what is it going to cost to take care of them? They must be heated and lighted and cared for. How much will be added to the expenditures of the Government? Let me remind gentlemen that already in this Republic of ours—founded as a model republic by our fathers—government is costing relatively more than any government in the world. And the cost is all the time increasing, and increasing, too, faster than population increases.

A MEMBER. And it is better government.

Mr. BAYNE. It is worth all it costs.

Mr. WARNER, of Ohio. Governments are not better by being costly. Ah, sir, it was not when Rome—— [Laughter]. Gentlemen may laugh, but examples are sometimes worth heeding.

A MEMBER. Give us modern history.

Another MEMBER. Stick to Pittsburgh.

Mr. WARNER, of Ohio. It was not when Rome drained her provinces to support extravagance at home that the government was best. And, sir, as a rule testified to by all history, the best governments have been those that have cost least. Bad government is always costly, good government is always economical, say what you will. We have the power of taxation, it is true, and its machinery is terribly perfect, and just here let me give some figures to show what this Government costs as compared with other governments. In France, with a standing army of more than 500,000 men, the total expenditures, including interest on her vast public debt, were in 1883 a little over $350,000,000. In the German Empire, they were a little over $150,000,000; but of course that did not include the local governments of the several states comprising the empire, and Germany has an army of 400,000 men to maintain. But in France the cost of the local government is largely included in this statement of expenditure. In Great Britain the expenditures are $435,000,000; but this includes $150,000,000 interest on her public debt and nearly as much more for her army and navy. How do these figures compare with the expenses of our own Government? Last year we collected over $400,000,000 of revenue, and expended nearly $300,000,000.

So the truth is, unwelcome as it may be, that royalty, with crowns and thrones, great standing armies and vast naval armaments, is not costing as much to the people of other countries as republican government is costing in the United States under the policy that we have been pursuing since the war. And the policy of constructing public buildings all over the country as "emblems of power"—"emblems of the power" of a great government—will not lessen the burdens of government, we may be sure. I for one do not want any such "emblems of power." The emblems of power and the evidences of prosperity which I desire to see are improved homes for the people, the multiplication of comfortable dwellings for the people—not great, costly structures for a few Government officials.

Mr. HOPKINS. I admire the speech of the gentleman so much that I would like to know whether he is for or against this bill.

Mr. WARNER, of Ohio. I will tell the gentleman. If he will take his bill out from the operations of this order and bring it here by itself, with an appropriation for a reasonable sum—I think the appropriation proposed here is unreasonable—I will vote for it.

Mr. HOPKINS. It stands by itself now——

Mr. WARNER, of Ohio. So long as these bills are linked together under this order I condemn them all; I can not support any of them.

[Here the hammer fell.]

Mr. WILLIS addressed the committee. [See Appendix.]

Mr. WILLIS. I offer the following amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the amounts heretofore fixed as the limit of cost for the erection of public buildings at Pittsburgh, Pa., and Louisville, Ky., be, and the same are hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of each of said buildings.

"SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said buildings."

Mr. HOLMAN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The bill applies to a public building in the State of Pennsylvania. The amendment proposes to strike that out and to substitute therefor a bill covering a public building in Kentucky as well as one in Pennsylvania.

I think, sir, that there are three grounds of objection, on each of which this proposition is subject to the point of order, one of them being a matter of fact and the others arising under the rule. The first point to which I shall call attention is that you can not amend a bill embracing a single subject of appropriations by the addition of another bill or several bills of similar character, on the principle of general parliamentary law forming the basis of our rules; and for the reason that the members of the House are entitled to vote on each individual proposition. Therefore, as I understand the rule, you can not in a matter of public expenditure involving one item embrace, as is proposed here, other matters of expenditure embracing another or many items; because if you can add one public building to the pending bill you can add all the others, and of course there will be no limit.

The second objection is that there is a bill already pending in the House and never yet acted upon, as I understand it, by the Committee on Public Buildings and Grounds, for the construction of, or the enlargement of, the limits of a public building in Louisville, Ky. However disguised by the form of the bill, the fact still remains and comes to the knowledge of the Chair and is brought to his knowledge by an inspection of the bill itself that a bill of similar substance is sought to be ingrafted upon this bill as an amendment. The Chair will perceive the change in phraseology does not change the substance of the bill pending before the House, and which is sought to be ingrafted as an amendment.

The third objection rests upon a matter of fact; that is to say, that bills to be brought before the House and considered during the execution of this special order are bills which are to be brought in upon reports from the Committee on Public Buildings and Grounds. Now, in the present instance I ask if there is a report upon this bill which is sought to be ingrafted as an amendment.

Mr. WILLIS. They have reported upon this bill.

Mr. HOLMAN. The Chair has held that the chairman of the Committee on Public Buildings and Grounds might call up by this special rule bills in their order as determined on by the committee of which he is chairman. The Chair will see at once that that order of business is entirely defeated if every single bill pending here or every bill reported by the committee can be attached to the pending bill as an amendment. I understood the ruling of the Chair to be that the chairman of the committee was authorized under the special rule to call up bills in the order determined upon by the committee. While of course, if this amendment is admitted, this would be an entire contravention of that view of the Chair, if I understand it, it would allow these bills to be brought in all together, or in any order in which the amendment might choose to embody them.

But I base the point of order upon the two propositions, largely upon the second one, and I ask particular attention of the Chair to the subject and request that the Clerk be authorized to procure the bill and

call the attention of the Chair to it. I refer to the bill providing for an increase of the building at Louisville, Ky. I will ask first if that bill has been reported to the House?

Mr. STOCKSLAGER. I can state to the gentleman, my colleague——

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard upon the point of order?

Mr. WILLIS. Mr. Chairman, I am perfectly willing to submit the question to the Chair. I recognize the fact that time is precious.

The CHAIRMAN. The Chair will state on one of these points of order, the last point raised, that it would be fatal to the amendment if the fact be as stated. Hence the Chair calls upon the gentleman from Kentucky for information as to the fact stated by the gentleman from Indiana. If it be true as a matter of fact that the proposed amendment seeks to incorporate into this bill matter specifically and substantially embraced in another bill pending before the House, the Chair feels compelled to sustain the point of order.

Mr. WILLIS. I offer the amendment as a substitute for the pending bill, not as an amendment. I understand that it has always been held that a substitute was in order.

Mr. SPRINGER. A substitute is simply an amendment to the bill, but in another form.

Mr. HOLMAN. That does not change the effect. The fact that the bill is pending must be taken official notice of by the Chair when it is called to his attention.

The CHAIRMAN. The Chair will hear from the gentleman from Kentucky upon the point of order if he desires to be heard.

Mr. WILLIS. The proposition which I have offered, I repeat, is not an amendment to the bill that is pending in the committee. It is offered as a substitute, simply including another city and another amount for the same purpose as that already embodied in the bill. That has been always held as not in contravention of the rule prohibiting the embracing within a pending measure of an amendment embodying the substance of another bill pending before the House. I understand the ruling of the Chair has been for years, indeed ever since the adoption of the rules, that the substance of a bill might be embodied in the nature of a substitute to a pending bill, and that if it be offered as a substitute for the measure it may be admitted, and does not come within that strict construction of the rule which would otherwise exclude it.

Mr. HOLMAN. Will the gentleman answer another question? What becomes of the provision of the rule which limits debate to one-half hour on each of these bills? The meaning of that was of course one-half hour debate upon each proposed public building.

Mr. WILLIS. In answer to that I can only say that the gentleman himself has been fruitful of amendments in the committee. He has been offering them at the rate of ten a second up to this time, and on each one he has delighted the House with his eloquent words. It would therefore stand hardly in reason for the gentleman to complain of any one else, or to endeavor to make the point of order against me, or attempt to limit debate to strict conformity with the rule against every member and on every amendment to a bill or substitute for a bill to which he is opposed.

Mr. HOLMAN. The gentleman misapprehends me. My point is that if you embody all these bills in the nature of amendments to one bill there would only be a half-hour's debate upon the whole. The rule provides for one-half hour's debate on each one.

Mr. WILLIS. The amendment which I have offered to the pending bill is, as I have stated, in the nature of a substitute for the bill.

He has offered amendments to reduce the amount $100,000, to reduce it $75,000, to reduce it $50,000, and by each proposition of that sort, differing widely from the preceding, he has consumed the time of the House.

Mr. SPRINGER. On this point of order I desire to say a word, without wishing to take up unnecessarily the time of the committee. It is proposed to strike out all after the enacting clause of this bill, which makes an appropriation for a public building at Pittsburgh, and to insert in lieu of the matter stricken out a proposition in relation to a public building at Pittsburgh and in relation to a public building at Louisville, Ky. The proposition so far as it relates to Louisville, Ky., is embraced in another bill pending in this House. It is a separate and distinct measure pending in the House. The analogy is the same as if a private bill for the relief of a private individual were pending, and you proposed to add to that a proposition to relieve another person, which is against the rule, as you will see by examining the Digest.

Mr. WILLIS. I would like to have that decision read.

Mr. SPRINGER. I call attention to this statement, on page 224 of the Digest:

It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another.

Now, this is a public bill, and the analogies are precisely the same. The proposition offered is not germane to the bill.

Mr. WILLIS. That has been decided a dozen times.

Mr. SPRINGER. It is not germane to a bill in relation to a public building at Pittsburgh to extend the time for a public building at Louisville. The amendment relates to another subject, and the rule states—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

This is as different a proposition from the original bill as it is possible for propositions to differ from each other. They are as wide apart as Louisville is distant from Pittsburgh. I make, then, that point, that it is not germane to the subject-matter of the bill.

Again, it is not in accordance with the rule adopted on last Monday. That rule provided that the bills to which it relates should be considered in the order named by the Committee on Public Buildings and Grounds. Here is a bill about to be brought up for our consideration, not in the order suggested by the committee, but out of its order, by way of an amendment. And it is suggested to me that the bill is not even on the Calendar and is not embraced in the order at all.

Mr. HOBLITZELL. Will the gentleman yield to me for a moment?

Mr. SPRINGER. Yes, sir.

Mr. HOBLITZELL. I understood the gentleman from Illinois [Mr. SPRINGER] to say yesterday that the law for this committee was the special order for the consideration of these bills. I would like him to answer this question: How he undertakes to invoke a rule of this House to shut off this amendment when he says the law of the House was the special order adopted on Monday?

Mr. SPRINGER. I will answer the gentleman, and with pleasure. I stated yesterday that the special order revoked every rule that was inconsistent with it and no other. This rule is not inconsistent with the order at all, but is one of the rules not affected by the order of the House.

So far as the other rules of this House are concerned, not affected and changed by that rule, they are all in force in this debate; and one is that these bills shall be considered in the Committee of the Whole House on the state of the Union, where we are now considering them. The rule I have cited is not affected at all by the order passed on Monday last.

Mr. WILLIS. My attention has been called privately to clause 7 of Rule XVI, which declares:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

I desire to say in reply to that suggestion from a friend, that the subject-matter of this bill is to extend the limit upon a public building. That is the whole of it.

Mr. LONG. No; it is to extend the limit upon a public building at a certain place.

Mr. WILLIS. The subject-matter is the extension of the limit on a public building. The substitute is upon this same subject and for the same amount, the extension of the limit upon another public building as well as that contained in the original bill, the one being at Louisville, the other at Pittsburgh. But both propositions refer to the same subject-matter, both embrace the same amount; and I hold, therefore, the substitute is not properly open to criticism as coming within this section 7 of Rule XVI.

Mr. STOCKSLAGER. I desire to make one remark in justice to the Committee on Public Buildings and Grounds. In reply to a remark by the gentleman from Kentucky [Mr. WILLIS], I desire to say that I do not understand the committee have directed that this bill should be offered as an amendment to the bill relating to the public building at Pittsburgh.

Mr. WILLIS. In justice to myself I desire to make one statement. The chairman of the Committee on Public Buildings and Grounds is undoubtedly right as to there having been any formal action by the committee. But I am equally right in saying what I said before, that this amendment was offered after consultation with and by the consent of the gentleman representing Pittsburgh, and after consultation with and by the consent of every member of the Committee on Public Buildings and Grounds whom I could see yesterday, and I think I saw all except two, who were absent. That was my statement.

Mr. THOMPSON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON. Would it be in order for the Committee on Public Buildings and Grounds to accept a substitute embracing all the bills for public buildings which they have now pending?

The CHAIRMAN. The Chair thinks that is hardly a parliamentary inquiry. As a matter of fact, perhaps the ruling of the Chair will answer the question put by the gentleman.

Mr. THOMPSON. It seems you are permitted to offer by a substitute what you can not directly offer by an amendment.

The CHAIRMAN. The gentleman from Indiana has raised the point of order against the proposed amendment of the gentleman from Kentucky and based it substantially on two grounds. The Chair desires to state these grounds, that the committee may understand upon what his decision rests. The first ground on which the gentleman from Indiana bases his point of order is that the subject-matter of the amendment is different from that of the bill, and therefore the amendment is obnoxious to the last sentence of the seventh clause of Rule XVI, which the Clerk will read.

The Clerk read as follows:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The CHAIRMAN. The proposition of the pending bill relates to a public building in Pennsylvania; the proposition of the amendment

relates to a public building in Kentucky. The inclination of the mind of the Chair is that the two propositions are entirely distinct, and if this question were a new one the Chair would decide that the amendment proposed by the gentleman from Kentucky [Mr. WILLIS] related to a subject different from that covered by the original bill.

This question, however, is not a new question, but has been decided in a case somewhat analogous by Mr. Speaker Lynn Boyd. The case on which Mr. Boyd decided was this: The original bill proposed to donate certain public lands to the State of Wisconsin in aid of the construction of a railroad from Chicago to the head of Lake Superior. The amendment proposed to donate certain lands for a similar purpose to the State of Kentucky. Against that amendment a point of order was raised, and the Speaker decided that the amendment was relevant and overruled the point of order. The Clerk will read the decision.

The Clerk read as follows:

The said amendment having been read,

Mr. George W. Jones made the point of order that it was not relevant to the bill under consideration, but was on a different subject, and consequently under the fifty-fifth rule was out of order.

The Speaker stated that inasmuch as the bill provides for a donation of land to a State for railroads therein, it was competent to amend it by a provision for a donation to other States for similar purposes. He therefore overruled the point of order.

The CHAIRMAN. The fifty-fifth rule referred to by Mr. Speaker Boyd was identical with the clause of the present rule of the House which has been read by the Clerk. The Chair will state further that he has been advised, though he has not had an opportunity to give personal examination to the ruling, that it has been decided that on a bill to admit a particular Territory as a State in the Union an amendment providing for the admission of another Territory as a State was relevant.

The Chair would state further on this question that wherever a point of order is raised on the ground that the proposed amendment is not relevant to the pending bill, if there be any reasonable doubt, the Chair thinks that the doubt should be resolved in favor of the relevancy of the proposed amendment, so as to give to the committee an opportunity to dispose of the whole question, as well of relevancy as of expediency. With reference to this ground of the point of order in this case, while the mind of the Chair is not in accord with the ruling of Mr. Speaker Boyd, still the Chair, rather than undertake to overrule that decision, would submit the point of order to the committee for the determination of the committee. This course the Chair would now take, if alleged irrelevancy were the only ground on which the point of order is based.

But an additional ground for the point of order is based upon the fourth clause of Rule XXI of the House, which the Chair will direct the Clerk to read.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The CHAIRMAN. It is admitted that the matter embraced in the proposed amendment is the substance of another bill now pending before the House. Such being the case, the Chair holds that it is obnoxious to the rule, and sustains the point of order.

Mr. WILLIS. Then I will modify my amendment, in view of the decision of the Chair.

### MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title; and

A bill (S. 1413) to empower the Secretary of War to examine the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy at Charleston.

### PUBLIC BUILDING AT PITTSBURGH, PA.

The Committee of the Whole resumed its session, and proceeded with the consideration of the bill in relation to a public building at Pittsburgh, Pa.

Mr. WILLIS. I had intended to offer an amendment which I think would meet the ruling of the Chair, but upon an intimation by some gentlemen that they think it would jeopardize the passage of the bill I will not do so.

Mr. HOLMAN. I move to amend the bill by striking out "$1,500,000" and inserting "$1,000,000."

Mr. HOPKINS. The time allowed for the consideration of this bill having expired before the point of order on the last amendment was raised——

The CHAIRMAN. The Chair will state to the gentleman that that limitation of thirty minutes was only as to debate, not as to the consideration of the bill.

Mr. HOPKINS. Does the Chair hold that this amendment is subject to debate?

The CHAIRMAN. It is in order to be offered, but is not debatable.

Mr. HOLMAN. I will say that the amount I have named is $200,000 more than the sum given for the Brooklyn building.

Mr. HOPKINS. And $200,000 less than the architect says this building can be completed for.

The CHAIRMAN. The amendment is not debatable.

The question was taken upon the amendment of Mr. HOLMAN; and upon a division there were—ayes 38, noes 89.

Mr. HOLMAN. I make the point of order that no quorum has voted.

Tellers were ordered; and Mr. HOPKINS and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 42, noes 120.

So the amendment was not agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside to be reported favorably to the House?

The question being taken, there were—ayes 95, noes 21.

Mr. WARNER, of Ohio. I make the point that no quorum has voted. I think we should have a quorum.

Tellers were ordered; and Mr. WARNER, of Ohio, and Mr. HOPKINS were appointed.

The committee again divided; and the tellers reported—ayes 141, noes 31.

So the bill was ordered to be laid aside to be reported favorably to the House.

### PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. STOCKSLAGER. By instruction of the Committee on Public Buildings and Grounds, I now call up the bill (H. R. 1484) for the erection of a public building at Chattanooga, Tenn.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the customs officers, United States courts, post-office, and other Government offices, at the city of Chattanooga, in the State of Tennessee. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Tennessee shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. STOCKSLAGER. I yield to the gentleman from Tennessee [Mr. YOUNG], who reported the bill.

Mr. YOUNG. I yield five minutes to my colleague [Mr. DIBRELL].

Mr. DIBRELL. I ask for the reading of the report. If the House will hear this report and afterward a brief statement in regard to this case, I think no member will object to this bill.

The CHAIRMAN. The report will be read; but it must come out of the gentleman's time.

Mr. DIBRELL. All right.

The report (made by Mr. YOUNG) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1484) to erect a public building in the city of Chattanooga, Tenn., respectfully submit the following report:

The city of Chattanooga is a prosperous, growing, manufacturing city, situated on the south bank of the Tennessee River, which drains a territory of more than 30,000 square miles. Chattanooga is the principal distributing and shipping point of all the produce shipped down said river. It is the terminus of seven prominent railroads. The United States district and circuit courts are held regularly at that place, and the business of said courts is rapidly increasing, owing to the large commercial business done at Chattanooga. The population of the city by a recent enumeration is near 25,000.

Chattanooga is a port of entry. The Roan Iron Company, engaged in the manufacture of steel rails, paid $150,000, in 1882, duty upon steel blooms, &c. The depression in prices the last year stopped their manufacture until the receipts were greatly reduced.

The post-office receipts for one quarter only, ending 1st January, 1884, were $8,000 and upward, and increasing so rapidly that larger postal facilities are necessary.

When the Tennessee River is opened for free navigation Chattanooga will be the principal shipping point for a large territory in several States.

As Tennessee is a large and populous State with only four public buildings, your committee are of the unanimous opinion that a public building should be erected at Chattanooga, and therefore recommend the passage of said bill.

Mr. DIBRELL. Mr. Chairman, Chattanooga is the terminus of seven important railroads, and an eighth is now being constructed. It is one of the largest manufacturing towns in the South. Only last week a 200-ton furnace was started there. Two weeks ago a subscription was begun, and on the first day $200,000 subscribed, to erect another blast-furnace there. When the Tennessee River shall have been opened by removing the obstruction at Muscle Shoals we shall have water communication with New Orleans and other important points. In the course of ten years Chattanooga will be a city of 50,000 population.

Last year there were erected there eighty-seven storehouses, ranging from two to four stories high, and between four hundred and five hundred dwellings, a large number costing from $10,000 to $15,000 each. The Methodist Episcopal Church North has established a Southern university at Chattanooga, and during this year will expend from $50,000 to $100,000 in the erection of buildings. The Roan Iron Company, as stated in the report, has paid from $120,000 to $150,000 per annum as import dues upon steel blooms for the manufacture of steel rails. These duties had to be paid at Norfolk and Savannah. But Chattanooga is

now by law a port of entry. There is an important signal station there. The marine-hospital funds are collected and disbursed there. The United States circuit and district courts sit there, and the statement here in a Chattanooga paper is that when the State courts are in session there is frequently no room for the jury and they have to go out of doors to deliberate upon their verdict because no accommodations can be obtained convenient to the court-house.

All that is wrong in this bill is that it does not appropriate enough money. My constituents are complaining of me because I do not ask for a larger appropriation. It seems to me that no man here, if he will consider the necessity for a public building at Chattanooga, and the very moderate appropriation proposed in this bill, can refuse to vote for it.

Mr. McCOMAS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland [Mr. McCOMAS] rise to oppose the bill?

Mr. McCOMAS. I do.

The CHAIRMAN. The gentleman is entitled to fifteen minutes.

Mr. McCOMAS. Mr. Chairman, I desire to say a word in opposition to the class of bills which are included in this long catalogue of bills reported favorably from the Committee on Public Buildings and Grounds, aggregating $6,068,000 so far as heard from in the bills in this House, and about $3,000,000 in bills passed by the Senate and now on the Speaker's table. I am aware that some of the Senate bills are duplicates of those reported by the House committee, but the total makes a sum of at least $8,000,000 to be expended for purposes which, so far as I can satisfy my judgment as a Representative, do not warrant the expenditure, especially when it is to be made with insufficient opportunity for consideration and without any prior investigation; for the partial and roseate statements of the member from the district seeking the aid of the National Government is after all the argument of the advocate. The report of the member as a subcommittee is rather a restatement of this appeal than a thorough investigation, and the favorable report of the committee, whose manifold public duties prevent a thorough inquiry, is only the result they reach by conjecture upon the data they can obtain.

The gentlemen who compose this committee in respect of character and capacity are the peers of any on this floor, but they inherit a method which is execrable, inadequate, and which ought to be reformed. In 1862 when Congress appropriated but $6,000 for public buildings no evil results could follow. A committee sitting at the Capitol had time to inform itself when its inquiry was limited to several buildings proposed in one or two States. But what shall be said in favor of such a method for a committee which can only afford a couple of hours each week wherein it is compelled to pass upon applications for hundreds of buildings in all the States and Territories of this country, hearing only statements in favor of the application, having no reports of engineers or architects, and without the inspection for which many of the paid special agents of the Government or the paid officers of its Army or Departments might be made responsible.

In times of peace, when Congress and the people find a large surplus revenue at hand, the most insidious temptation to extravagance, the situation portrayed in this table is the legitimate result of such a faulty method.

*Bills on the Calendar of the Committee of the Whole House on the state of the Union, reported from the Committee on Public Buildings and Grounds.*

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|---|---|
| H. R. 1458 (Report 64), for a public building at Greenville, S. C | $50,000 |
| H. R. 337 (Report 65), to provide for the construction of a public building at New Albany, Ind | 100,000 |
| H. R. 1339 (Report 111*), to increase the appropriation for the erection of the public building at Pittsburgh, Pa | 1,500,000 |
| H. R. 1484 (Report 112), for the erection of a public building at Chattanooga, Tenn | 100,000 |
| H. R. 702 (Report 114), for the erection of a public building in the city of Augusta, Me | 150,000 |
| H. R. 1415 (Report 128*), to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor | 100,000 |
| H. R. 441 (Report 129*) for the completion of a public building at Council Bluffs, Iowa | 100,000 |
| H. R. 4385 (Report 184), for the erection of a public building at Augusta, Ga | 200,000 |
| H. R. 162 (Report 213), for the erection of a public building at Macon, Ga | 125,000 |
| H. R. 190 (Report 214*), to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill | 26,000 |
| H. R. 38 (Report 215), to provide for a building for the use of the Federal court, post-office, internal-revenue, and other civil offices, and a United States jail in the city of Fort Smith, Ark | 250,000 |
| H. R. 1321 (Report 340), for the erection of a public building at Reading, Pa | 80,000 |
| H. R. 4979 (Report 341), to provide for the improvement and enlargement of the public building at Richmond, Va | 75,000 |
| H. R. 3716 (Report 364), for the erection of a public building at Saratoga Springs, N. Y | 200,000 |
| H. R. 4989 (Report 366), for the erection of a public building at Carson City, Nev | 100,000 |
| H. R. 483 (Report 388), for the erection of a public building at Keokuk, Iowa | 150,000 |
| H. R. 3315 (Report 389), for the erection of a public building at Paterson, N. J | 80,000 |
| H. R. 2912 (Report 390), for the erection of a public building at La Crosse, Wis | 100,000 |
| H. R. 3593 (Report 391), for the erection of a public building at Chicago, Ill | 50,000 |
| H. R. 1013 (Report 436), for the erection of a public building at Troy, N. Y | $200,000 |
| H. R. 5364 (Report 441), for the erection of a public building at Lancaster, Pa | 100,000 |
| H. R. 2949 (Report 442), for the erection of a public building at Port Townsend, Wash | 57,000 |
| H. R. 870 (Report 443), to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes | 75,000 |
| H. R. 5672 (Report 630), for the erection of a public building at Wilmington, Del | 150 000 |
| H. R. 805 (Report 631), to provide for the construction of a public building at Jackson, in the State of Michigan | 75,000 |
| H. R. 5673 (Report 632), for the erection of a public building at Sacramento, Cal | 100,000 |
| H. R. 1570 (Report 633), for the erection of a public building at Waco, Tex | 100,000 |
| H. R. 5674 (Report 634), for the erection of a public building at the city of Tyler, in the State of Texas | 50,000 |
| H. R. 848 (Report 734), to provide for the erection of a public building in the city of Duluth, State of Minnesota | 100,000 |
| H. R. 5693 (Report 736), for the erection of a public building at Akron, Ohio | 100,000 |
| S. 229 (Report 1058), to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla | 100,000 |
| H. R. 707 (Report 1059), to provide for the erection of a public building at the town of Houlton, Me | 50,000 |
| H. R. 6410 (Report 1060), for the erection of a public building at Charlotte, N. C | 75,000 |
| H. R. 6411 (Report 1061), to provide for the selection of a site and erection of a new public building at Detroit, Mich | 900,000 |
| H. R. 6412 (Report 1062), to amend chapter 464 of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana" | 50,000 |
| H. R. 1618 (Report 1063), to provide for the construction of a court-house and post-office at Clarksburg, W. Va | 50,000 |
| | 6,068,000 |
| S. 238*, an act providing for the enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn | 50,000 |
| S. 52, an act providing for the erection of a public building at Waco, Tex | 100,000 |
| S. 53, an act providing for a public building at San Antonio, Tex | 200,000 |
| S. 55, an act to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada | 100,000 |
| S. 78, an act for the erection of a public building at La Crosse, Wis | 100,000 |
| S. 146, an act for a public building at Greenville, S. C | 50,000 |
| S. 147, an act to authorize the purchase of a site for a building for a post-office, court-house, and other public offices in San Francisco, Cal | 350,000 |
| S. 160, an act for the erection of a public building at Camden, N. J | 75,000 |
| S. 235, an act to provide for the erection of a public building in the city of Augusta, Me | 150,000 |
| S. 256, an act to provide for a building for the use of the Federal court, post-office, internal-revenue, and other civil offices, and a United States jail in the city of Fort Smith, Ark | 100,000 |
| S. 292, an act for the erection of a public building at Fort Scott, Kans | 100,000 |
| S. 396, an act for the erection of a public building at Nebraska City, Nebr | 75,000 |
| S. 505, an act for the erection of a public building at Huntsville, Ala | 100,000 |
| S. 574, an act appropriating money for the purchase of a site and the erection of a suitable building for the United States courts, post-office, and other Government offices in the city of Winona, State of Minnesota | 100,000 |
| S. 636, an act for the erection of a public building at Oshkosh, Wis | 100,000 |
| S. 674,* an act to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill | 26,000 |
| S. 854, an act to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire | 300,000 |
| S. 1040, an act to provide for the construction of a public building at New Albany, Ind | 100,000 |
| S. 1117, an act for the erection of a public building at Macon, Ga | 125,000 |
| S. 1146, an act to provide for the erection of a public building in the city of Annapolis, Md | 100,000 |
| S. 1429, an act to provide for the erection of a public building at Montpelier, Vt | 75,000 |
| S. 1473, an act to enlarge the United States custom-house at Richmond, Va | 100,000 |
| S. 1504, an act for the erection of a public building at Pueblo, Colo | 100,000 |
| S. 1600, an act for the erection of a public building at Augusta, Ga | 200,000 |
| | 2,871,000 |

NOTE.—Those marked with a * are increases over former appropriations—in the case of H. R. 1339 the limit of cost being increased to $1,500,000.

Mr. Chairman, it is, I know, an ungracious thing to oppose the wishes of gentlemen who, pressed by local interests and reasons of moment to them, are urging these measures, but I think it is a duty to resist this combined effort to erect forty public buildings. Is it proper that the House, which has now for two days been voting the expenditure of sum after sum for these purposes, should recklessly continue this procedure until the aggregate of these vast sums voted for in Committee of the Whole have been appropriated.

Do the members of this House know that in the course of a century only about two hundred public buildings have been erected in the States and Territories by the Government outside of the District of Columbia? Do you know that although you have within one hundred years built only two hundred public buildings you are now proposing to build over forty in a single session of Congress, of a Congress vaunting itself as the most economical of all economical Congresses that has ever sat in this country? Do you know further we have in this whole Union expended for public buildings outside the District of Columbia up to 1883 but $83,429,839, and yet the Senate bills on this Calendar reach nearly $3,000,000, while the House bills aggregate $6,068,000? In other words, it is proposed to appropriate for public buildings at one session one-

tenth of all that has been appropriated for public buildings since the foundation of the Government.

Mr. BROWN, of Pennsylvania. I ask the gentleman to yield to me for a question.

Mr. McCOMAS. I regret that I can not do so, as the time I have is barely enough for myself.

I put it to gentlemen here who are officially charged with the responsibilities of legislation, and who on the other side of this House daily assume they have been sent here as Democrats to Congress because they represent the careful economy which the people of this country demand and require, to tell the House upon what system this long list of public buildings has been made up. I find there are twenty-three Democratic districts and thirteen Republican districts represented in this list so far as it has been made up. Is that the sort of economy to which they would invite us on this side, asking us to vote with them in swelling up the appropriation by some seven or eight millions of dollars upon these public buildings which are by favoritism and not on account of public need scattered over thirty-four States?

Can it be expected, Mr. Chairman, that any committee of gentlemen having in charge the erection of public buildings throughout the United States and making up a list including thirty-four States out of the thirty-eight should be controlled only in making appropriations of the public money by what was best for the general welfare, and that they should not be affected by a bias in favor of their own localities? In such a position they are surrounded by influences which they can not resist. I do not mean to impute improper motives to any one, but as I have said we are all affected by a bias of which we are frequently ourselves unconscious. It happens that the individual member when he comes to vote finds himself constrained against his better judgment to uphold what has been reported by the committee. The committee use the best light they can get. There is no investigation and there can be none. I say it is not worthy of the House that we should continue to make appropriations in this random way.

The members whose districts are favored are constrained to think kindly of all others in this long chain of appropriations. A chain is no stronger than its weakest link, and the member so strongly influenced by local pressure is induced unconsciously to support the weakest link that the chain may draw his own portion of it across this floor. Members from the several States are gently disarmed of opposition by the donation of a sum in their respective States, and with thirty-four States thus invited to the alliance, who can successfully resist this powerful co-operation of local interests which in the guise of a national improvement is being pressed through this House to the prejudice of all matters of great national concern? For myself, sir, I am told by these reports, vote away eight millions of the surplus if you would secure $100,000 for Annapolis.

This vicious system of combination should be stopped, and some better mode devised. Even in the river and harbor bills, against the abuses of which so much has been justly said, there is a preliminary survey before any appropriation is made for the improvement of any particular river or harbor. Some responsible officer, some responsible authority, investigates and reports all the facts, furnishes all the estimates and data necessary to advise the House as to what is proper to be done. But in this matter of the erection of public buildings, upon which we are to begin to expend such vast sums of money, nearly equaling in amount the appropriations contained in the river and harbor bills, we have no recommendations or preliminary reports of the facts involved, but are left in each case to be influenced altogether by local pressure, without regard to what is best for the public good. And we vote under an order of this House which allows only thirty minutes for debate.

Now what is the principle upon which the committee have acted? What entitles a community to a public building by an act of Congress? What excludes a community from this favor? What is the principle upon which the little town of Waco, in Texas, prosperous and growing as it is, but with a population of only six or seven thousand, gets a public building? It has a sort of carrier-pigeon court, which will sit a few weeks there and then flies to another town and then another in six different sections of the State, a court where business is not yet sufficient to make it permanent; and because a peripatetic court wants a public building in that little town of Waco we are compelled to grant it here under the local pressure brought to bear upon us and because its fate is linked with better measures. The result is that caprice and not judgment determines the matter. It is legislation by guessing, appropriation by caprice. The system half the time builds the building in the wrong place and not in the right one.

These buildings are not confined to the capitals of the States nor to the largest cities nor to the busiest towns in those States. And the mischief commences only with the first appropriation. These buildings have thus been made the bantlings of Congress. The tables I hold in my hands show they will return again and again. The caprice of the architect succeeds to the caprice of the Legislature. When the custom-house is abolished or the United States courts consolidated the building becomes useless to the nation. And this is to be apprehended in more than one of these cases. I say this in no spirit of parsimony. I favor fair and liberal appropriations for real national needs and for public buildings, as well as for all branches of the public service.

I find in the district in Maryland which I have the honor to represent, in Cumberland, Hagerstown, and Frederick, cities ranging in population from nine to fifteen thousand, three of the largest towns in that State, with manifold and rapidly growing industries, railway trains going and coming every day, and yet if they had applied for public buildings they would have been denied because they have no Government business except the post-office. They no longer have a revenue collection district located there, nor the pretext of a migratory United States court, or a miniature custom-house to veneer an appropriation. While my own town, with railroads passing in every direction, with about a hundred trains going and coming every day, with a rapidly growing population, is denied a public building, I see towns here in the list of much less importance, business, and population asking $50,000 and $150,000 for a public building, and in almost every case it is not a sentiment of nationality that is gratified, but a local town or county pride, thinly veiled by a plausible demand for a Government subsidy for a national court-house or custom-house. The Democratic party under Southern leadership, despite its constitutional objections to internal improvements, now seeks to squander millions of public moneys for purely local buildings, over which the old flag will float only to catch the appropriation.

I believe that to-day, sir, if even a tithe of the very money which you are expending here in this capricious legislation, which will aggregate millions of dollars and which will also succeed in combining a sufficient vote to sweep all these bills through the House, were to be expended to encourage the people of this broad land to build in all the towns second and third class post-offices on long leases houses for the use of the post-offices as has been recommended by Postmaster-General Gresham, to be leased at a low rental or a fair valuation to the Government, you would save money to the people of this country and give the people a thousand-fold more than you can by thus expending millions. You would carry on more successfully the flourishing operations of the postal service by adequate clerical help and in commodious houses, which service this House, instead of promoting, has already endeavored to cripple; while on the other hand you are enthusiastic in lavishing expenditures of millions on such measures as this. It does seem to me when you are going to spend in the little towns of this country from $50,000 to $150,000 and from that up to a million and a half of dollars in one city to inaugurate or continue or complete buildings without investigation from anybody or without plans it is a subject that should have a little more attention than you propose to give it here under the rule adopted for the consideration of these bills. It seems to me also that you should take note of the fact that the "extravagant" Congress which has just expired—the Republican Congress—expended, so far as I have been able to ascertain, only about $1,660,000 in all for these expenditures, while you are now called upon to expend five times that amount at one sitting.

Sir, from the very beginning of the tables, which I shall ask leave to include in my remarks, to the end you will find that the growth of each one of these buildings has far exceeded all expectations in the way of expenditure.

Every one of the bills on this long list which you have brought before this House ought to be recommitted, the whole body of them, with instructions to the committee to report a general law declaring what classes of buildings shall be erected by the nation, including not only forts and arsenals, barracks and lazarettos, and hospitals, as already provided by law, but custom-houses, court-houses, and post-offices of certain grades, and precisely defining the degree of public and national importance or business which will warrant such appropriation, preceding all by utilizing the civil and military officers already in the pay of the Government to make careful investigations in the section of the Union concerned, make accurate reports, and let all be subject to the responsibility of the Secretary of the Treasury, who shall report to Congress for its decision after intelligent consideration. In a word, be as careful about building a house as you now desire to be about building a war vessel. I know it will not be done. I know that it is an appeal made in vain. I know that there is too much of the sentiment of local gain pervading this House and that it will override all scruples of public prudence. But there ought to be a recommitment of every bill like this, with instructions to the committee to establish a standard of propriety for the guidance of this House which would admit of the erection of public buildings only after due investigation and careful examination and preliminary survey and estimate.

This Democratic Congress, and my Republican brethren might as well bear it in mind, by these bills and the impending river and harbor bill are about to expend more money in one session, although professing to be opposed to internal improvements, than the old Whig party ever expended in all its administration of this Government. You will expend for local purposes and local pride more money than you have denied for public purposes.

You will deny to the clerks of the post-offices, as you have done already, less than $1,000,000, which will go home to all the people of all the land, giving much-needed facilities, and yet spend seven times that amount in this capricious legislation. You will deny the country here a navy, and you have already cut off all hope of building more war vessels, which might have been the pride and the glory and the defense of this nation, in order to squander these millions of money here to throw it away in districts where local influences and ofttimes po-

litical purposes are the ruling motives, the inception and final approval of these vast building projects.

Now, Mr. Chairman, for myself, being held in the dark and finding out the light as best I can, I do not consider that the reports of the committee which accompany these bills for public buildings, or the ten or twenty reports which will dispose of $8,000,000, and which are all reported by one man and considered, perhaps, in a perfunctory manner, perhaps looked at by the committee, I do not believe that it is the right and proper method of presenting a subject for our consideration, and I shall object to each one of them and vote only for a few of them when I am convinced there is an actual national need, voting against the most of them because they do not measure up to that high standard of public usefulness which requires the expenditure of the people's money. A surplus shall not tempt me to public extravagance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCOMAS. I shall ask leave to print in the RECORD the remainder of my remarks.

There was no objection.

Mr. YOUNG. Mr. Chairman, it is not my purpose to devote much of the little time I have at my command to the advocacy of this particular bill, its claims to the support of the House having been sufficiently set out by my colleague from Tennessee [Mr. DIBRELL] and the report of the committee which accompanies it. I only desire at present to submit a few remarks touching the general policy of constructing public buildings, and in vindication of the Committee on Public Buildings and Grounds against the unjust and unfounded charges which several gentlemen have seen proper to prefer against it since the discussion of the various bills which it has reported to the House was commenced.

If the committee of which I am a member, and in whose behalf I speak, as well as three-fourths of the members of this House, are to be held up before the people of the country as jobbers and spoilsmen and put upon trial for the alleged commission of these offenses against legislative propriety and decency, I for one propose to examine somewhat the charges made against me, and in order to enable the public to judge intelligently of my guilt or innocence I also propose to show the character and credibility of the witnesses by whose testimony I am to be convicted. Before referring further, however, to our accusers and the credit which should be given to their testimony, I desire to say that the Committee on Public Buildings and Grounds in reporting every bill which they have caused to be placed on the Calendar, and in every recommendation made by them, have been actuated by as high a sense of public duty as ever prompted the conduct and action of any committee of this or any other Congress. So far from their recommendations involving an extravagant and needless expenditure of public money, as has been so frequently charged by gentlemen either ignorantly or thoughtlessly, I maintain that the bills which they have reported are all in the interest of public economy, and that a large saving of public money would be secured by their passage. This fact I can easily demonstrate, if I can have the time to do so, not by any argument of mine, but by the logic of facts and figures which I shall endeavor to submit before the conclusion of my argument.

One would suppose from the alarm and trepidation manifested by the gentleman from Kentucky [Mr. THOMPSON], the gentleman from Indiana [Mr. HOLMAN], the gentleman from Ohio [Mr. WARNER], and the gentleman from Missouri [Mr. BUCKNER], that the erection of a public building is a great public calamity, and that the Treasury of the Federal Government had been kept depleted from the day of its organization up to the present time by the building of these "costly structures," as they term them. From the great outcry which they make against this alleged raid upon the Treasury, it might be concluded by those as little imformed upon the subject as they seem to be that hundreds of millions of dollars had been expended in the construction of public buildings, whereas the truth is that only two hundred and four have been authorized for the entire country from the foundation of the Government up to the present time, and fifty of these have not yet been completed, and all of the money expended upon them up to the 1st day of July, 1883, amounted to less than $80,000,000.

I venture to say that there is no other country in the world containing more than 50,000,000 of people, and an extent of territory equal to ours, that has expended so small an amount of money in the erection of public buildings. In extent of territory, wealth of resources, growth, progress, and enterprise, this country is unequaled by any other one in existence. And yet we have expended but this comparatively small sum of money in prosecution of works which evidence our nationality and greatness. Of course this computation does not include the Capitol building and those for the accommodation of the various Government Departments in the District of Columbia. I have no data at hand from which to calculate the cost of these latter buildings, but whatever it may have been, and however numerous and extensive they may be, it is a fact well known to every member of this House that they are even now wholly insufficient for the demands of the public service, and that the erection of additional ones is every day urged upon Congress. As to whether or not the buildings recommended by the Committee on Public Buildings and Grounds, and which created so much commotion among a small minority of the House, are needed for the public service, let the following figures speak:

We are now paying $1,400,000 per annum for the rent of buildings in different parts of the country in which to transact our public business, an amount sufficient to pay the interest at 10 per cent. per annum on $14,000,000, at 5 per cent. on $28,000,000, and at 3½ per cent. on more than $40,000,000, twice the amount that would be required to erect every public building at present demanded for the use of the Government.

From statements furnished me by the heads of different Departments I learn that they pay rent as follows:

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|---|---|
| Interior Department | $148,180 |
| Post-Office Department | 328,332 |
| Treasury Department | 319,722 |
| War Department | 544,449 |

This is exclusive of what rents may be paid by the Navy Department and the Agricultural and Medical Bureaus; so that it is not improbable that the total amount of rents paid by the Government will aggregate altogether more than one million and a half of dollars. Now, I respectfully submit to the unselfish and patriotic statesmen who have so vehemently opposed the recommendations of the Committee on Public Buildings and Grounds which is the wiser and more economical course for us to pursue: to continue paying a rental for public buildings amounting within itself to more than half the expenditure advised by the committee, or to appropriate the small amount of money covered by these various bills for the construction of buildings which the Government itself would own. In the light of the figures I have just given, is it economy to rent or to build houses for the Government?

It may be economy to continue the present system of renting and to advocate it may be statesmanship, but I doubt if many people will believe it. These gentlemen who assail us so vigorously and undertake to lecture us in respect to our duty to the public are some of them older Democrats than I am perhaps, but none of them have been or will, I apprehend, in the future be more loyal to the principles and teachings of the party to which I belong than myself. They tell me that I am paving the way for Republican success at the next Presidential election by advising the House to adopt and pass measures involving a wasteful and extravagant expenditure of money. I heard this same doctrine of economy preached by the gentleman from Missouri [Mr. BUCKNER] and other statesmen like him in the Forty-fourth Congress, and what was the result? We came into that Congress with a majority of seventy-four in the lower House and submitted to the leadership of the gentleman and others educated in his peculiar school of economy and cut down expenditures more than $20,000,000. This, however, did not seem to have the effect which should follow the gentleman's logic, for we came back to the Forty-fifth Congress with our majority reduced more than one-half. We continued the policy of economy recommended by the gentleman, and in the Forty-sixth Congress we barely had a majority at all. And still following the same leadership and the same teachings the Forty-seventh Congress found a clear majority against us, and the Speaker's gavel was placed in the hands of a Republican. If this is the result of your economy, if this is the outcome of your leadership, you had better abandon the one and abdicate the other in favor of a different policy and wiser leaders. My friend from Missouri [Mr. BUCKNER] reminds me of my duty to the Democratic party and what the public expects at my hands and that of every other member of the House. He says that we were sent here to reform existing abuses and to secure an economical administration of the Government. What are the abuses the people expected us to reform when they sent us here? Was it to stop the construction of public buildings and to keep locked up in the Treasury $100,000,000 paid by the people under an unjust and oppressive system of taxation? No, sir; this is not the character of economy and reform which was expected at our hands.

You and I, as well as a majority of the members of this House, were sent here under instructions from our constituents not to wrangle over the construction of a few public buildings, but to effect a reformation in reference to a great vital question of political economy and a method and system of taxation that affects most nearly the interests of every man in the country. I ask my friend what he has done in that direction and what he proposes to do? Does he propose to go on collecting taxes under the present system until a few hundred millions more of money is taken from the pockets of the people and hidden away in the vaults of the Treasury? Is it wiser and more statesmanlike to do this than to expend a few millions of dollars in a way which will benefit not only the public, but the laborers, artisans, and poorer class of the people? I ask my friend from Kentucky [Mr. THOMPSON] if he believes that it was a wiser measure of statesmanship to lend $70,000,000 at 4 per cent. interest to the dealers in and manufacturers of whisky than to expend two or three millions of dollars in the employment of some of the idle but willing hands now seeking an opportunity to grasp the implements of labor?

Mr. THOMPSON. I would like to answer the gentleman's question.

Mr. YOUNG. I have not time to yield.

Mr. THOMPSON. You should not ask a man a question and then decline to hear him answer it.

Mr. YOUNG. I think your answer would be a question to me, so I will say that I would have supported your bill perhaps if I had been here.

Mr. WOLFORD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOLFORD. In debate has a gentleman the right to put a

question to another gentleman and then refuse to wait for an answer to his question?

Mr. YOUNG. I will gladly hear my friend from Kentucky [Mr. THOMPSON] to-morrow, but now I have but ten minutes, and I must use that to say a few things more to these gentlemen which I think needs to be said. I desire to ask a question or two of the gentleman from Ohio [Mr. WARNER], a gentleman for whom nobody has a higher regard than I have. I would like to know of him what were his ideas of political economy and of relief to the people from burdensome taxation when on Monday last he voted for a measure which would, according to the testimony of his eloquent colleague [Mr. HURD], have taken from the pockets of the poorer class of people many millions of dollars by compelling them to pay higher prices for all the woolen goods they are compelled to use.

Mr. WARNER, of Ohio. I do not agree with my colleague as to that.

Mr. YOUNG. That may be; you may have too much wool in your district, but judging from the vote on the question a very large majority of your party agree with him, and if the proposition had been to restore the tariff upon any other article now on the free-list you would, I suppose, have denounced it as eloquently as your colleague did.

The gentleman from Ohio has given us some refreshing historical information in respect to public buildings and their effect upon the rise, progress, and downfall of nations and governments which was not heretofore in possession of the House and is only known to scholars and men of antiquarian research and learning. I never heard before that the enterprise and public spirit of a people led in any way to the downfall or destruction of their government, but on the contrary it has been my belief, formed from the little I have learned of history, that these were the evidences of vitality and strength. If history discloses any other fact it has escaped my observation.

The gentleman drew a beautiful rural picture of the Romans when they were wandering with their wives and children, their flocks and herds, over the hills and valleys that surround the Eternal City, dwelling without houses in the open air. My colleague [Mr. MCMILLIN] embodied in chaste and classic language a beautiful poetic idea when he declared a day or two since "that the splendid public buildings of the country were the crowned and turreted mausoleums of dead and buried liberty." This is poetry, but poetry only; the element of fact does not enter into it. In short, there was more poetry than truth or logic in the eloquent declamation of my colleague. Let me ask of both him and the gentleman from Ohio [Mr. WARNER] if it is their opinion that works of public improvement erected by the labor of the people under the patronage of the Government tend to debauch the one or destroy the other? Do they believe that Rome was greater when its people were semi-savages, clothed in the skins of wild beasts, and dwelling in tents and caves, than they were when they had built their splendid water ways and aqueducts, their Coliseum and amphitheaters, when they had erected temples and palaces, and when Cæsar at the head of his invincible legions had overthrown and conquered every surrounding nation and compelled their people to acknowledge its greatness and pay tribute to Rome?

The CHAIRMAN. The time of the gentleman is up.

Mr. YOUNG. I did not think my time had expired.

Mr. DIBRELL. I will yield what time I have left to my colleague and will be glad for him to proceed.

The CHAIRMAN. The gentleman from Tennessee [Mr. YOUNG] will proceed.

Mr. YOUNG. I want to ask these gentlemen further, if they believe that France was greater under the reign of the Bourbons or under the following empire? Under the former France languished and declined, debauchery reigned at the court, public works were unknown, idleness and poverty prevailed all over the kingdom, the people were turbulent and lawless, clamoring for bread or for work. Under the latter the Champs Elysées and boulevards of Paris were constructed, public roads and public buildings were erected all over France, peace and quiet were restored, the people were given work, and industry and thrift took the place of idleness and poverty. Now I ask these economic statesmen, these learned students of history, if they believe that the French Government was more popular and powerful when the mob of Paris was besieging the Tuileries while Louis XVIII was trembling upon his throne, or when the great Napoleon at the head of his army was carrying the eagles of France across the bridge at Lodi, dictating peace at Campo Formo, or overthrowing the allied powers of Europe on the field of Austerlitz? The gentleman points to Russia as illustrative of the effect of his theory of economy upon governments. That country, I suppose, is his ideal of one ruled by a government of economy.

Mr. WARNER, of Ohio. I beg the gentleman's pardon, I did not name Russia.

Mr. YOUNG. Then you name Prussia, I suppose.

Mr. WARNER, of Ohio. Yes, Germany.

Mr. YOUNG. There is no Germany now; it is all Prussia. Take that government then, where tyranny and despotism are written on every page of its history, where the whole legislative and executive power is wielded by one iron hand at the bidding of the king. In Prussia there are no public buildings, I infer from the statement of my friend. In Prussia there is no liberty as known and understood in this country. Then it follows, I suppose, from the logic of my friend, if his theory be correct, that in countries where there are no public buildings, absolute despotic tyranny is the ruling attribute of government. If the practice of his system of economy has worked this effect in Prussia, I trust it will never be received with public favor in this country.

A MEMBER. Tell him about Egypt.

Mr. YOUNG. Ah, yes; thank you. I will analyze another one of his illustrations. Does he think that the Egypt of to-day, the plaything of Europe and the prey of every surrounding nation, is stronger than it was in the days when the pyramids were reared and the palaces of the Ptolemies were builded?

Mr. WARNER, of Ohio. That is it—symbols of power.

Mr. YOUNG. Yes, sir, and symbols of progress too; evidences not only of the growth and greatness of a government, but of its dignity and power as well. By your theory you would give less dignity and respectability to the Federal Government than is possessed by a State, or even a county or municipality. Nearly every State, county, and city in the country constructs and owns enough of buildings for the transaction of their business, and few individuals will live in a rented house if they have means to build one of their own.

The disadvantage under which the Government must necessarily labor in the renting of buildings for public use is too apparent to every one to admit of dispute. It is not usual that more than one or two buildings in any given locality can be found which are suitable for public purposes; hence there is ordinarily no competition, and the Government is left a victim to the rapacity of those who chance to own the buildings, and I think it extremely probable that the Government pays upon an average for rent more than 10 per cent. upon the value of the buildings rented.

Hon. PETER V. DEUSTER made a report from the Committee on Expenditures on Public Buildings to the Forty-sixth Congress in respect to the custom of renting, which contains some valuable information on this subject, and points out most strongly the abuses of the entire system.

I submit the following extract from that report, which I shall ask to have printed with my remarks, and I trust that the gentlemen who have manifested such activity in guarding the public interests will give it a careful perusal:

The Secretary of the Interior makes return of $32,700 paid for rent of buildings required here in Washington for his Department. Said amount is made up as follows:

The "Jessup building" (Pension Office), corner Twelfth street and Pennsylvania avenue, for which $20,000 rent is paid for the upper stories. This rent is equivalent to a fraction over 13 per cent. of the assessed or salable value of the property; "Wright property," corner of G and Eighth streets, costs $7,200, which is 17 per cent. of "assessed" value of the building; Johnson property, northwest corner G and Eighth streets, costs $1,500, or over 13 per cent. of its assessed value; "Barnard" building, corner Thirteenth and Pennsylvania avenue, costs $4,000, which is equivalent to 6.25 per cent. of the assessed value of the property.

The Secretary of this (Interior) Department, in answer to the request of the committee for his official statement of rents paid, replies:

"The length of time required to obtain similar information of all the buildings rented by this Department throughout the country would be so great (perhaps several months) that it is deemed inexpedient to undertake it, unless you regard it of great importance, in which event you will please advise me."

The Department of Justice in 1878 reported annual rents paid amounting to $86,905; and this amount very nearly approximates what is required at the present time.

The Navy Department reported in 1878 $13,400 throughout the country, and now pays for use of buildings in this city about $2,000 per annum for rent.

The Department of Agriculture pays no rent whatever.

The resolution calls for information in regard to the "assessed and salable" value of the rented premises, and as such data can not be given without sending agents all over the country to assess and estimate the real value of the property it would be almost an endless undertaking to obtain full and accurate information to the extent called for.

Your committee, therefore, having investigated this subject as far as possible at this time, submit these views and figures. We add that in the opinion of your committee it is an unwise policy on the part of the Government to pay rents from year to year that are equivalent to 5, 6, 10, and even as high as 20 per cent. of the value of the property rented.

The total amount annually expended for rented premises in all the Departments exceeds one and a quarter millions of dollars, a sum equivalent to 4 per cent. interest on more than thirty-one millions of dollars. This amount judiciously expended would construct several hundred handsome public buildings, enough to supply the needs of the public service for half a century to come, and put one in every important city in the Union not already supplied.

Of course much of this aggregate amount is made up of small sums required for many unimportant places, where rent is paid for the use of rooms and offices for the customs service, Internal Revenue, and Post-Office Departments, in towns and villages throughout the States and Territories. But that the Government is needlessly spending money for rent can not be questioned or denied.

Your committee would further suggest that the inconvenience, trouble, and expense that would follow frequent or sudden removals to some extent places the Government in the power of the owners of the rented premises and endangers the safety of the public records.

What is true in respect to renting buildings for public use in the District of Columbia as set out in the above report is true in a greater or less degree throughout the entire country, and from the information I have been able to obtain on the subject, I am of the opinion that the abuse is greater elsewhere than here in Washington city.

Gentlemen who manifest such energy and zeal in combating measures of legislation as has been exhibited by the four or five gentlemen who have been conspicuous in their opposition to the bills reported by the Committee on Public Buildings and Grounds ought, it would seem, to

possess at least a reasonable degree of information concerning a matter they have discussed so much and so intemperately, but it does not appear to have occurred to them that it was at all necessary to take the trouble of acquainting themselves with the facts. I say this because there seems to be a sharp rivalry between them as to who shall talk longest and talk, most in order, I presume, to prevent as little talking as possible by those who are in a condition at least to give them some information, which it seems they do not possess. And I am further led to this inference from the fact that they do not seem even to have read a single report accompanying the bills, and they have continually and persistently perverted and misrepresented the facts, though I do not charge that they did so purposely, but rather in the inconsiderate haste with which they have rushed into this debate.

Now, it is a somewhat ungracious task to expose their fanciful and unsupported statements, but I am of opinion that the House would like to act advisedly in this matter, and I am not altogether without hope that the gentlemen themselves, when informed as to the exact state of affairs, will agree with me that these measures are not only demanded in the interest of public economy, but that they will benefit in a very proper and substantial manner a large class of people who sorely need it. It has been loosely asserted in different forms of expression by nearly all of the gentlemen who have done the speaking for the opposition that the committee has reported anywhere from forty to sixty bills, involving an expenditure ranging anywhere from eight or ten to an indefinite number of millions of dollars. The gentlemen might as well have stated the number of bills to be five hundred and the expenditures at a thousand million of dollars. This would have been just as easy and only a little further removed from the facts. The committee up to this time have reported but thirty bills altogether for the erection of new buildings and the enlargement of those already authorized by previous acts of Congress.

The expenditure recommended for new buildings only amounts to $2,842,000, while that recommended for the enlargement of buildings already authorized and in process of construction amounts to $1,811,000 making a total of $4,653,000. A considerable discrepancy thus appears between the facts and the extravagant statements of these gentlemen. But they say, "What about the Senate bills?" I answer that I am not a Senator and did not report them, but when they come before the House for its action, unlike the gentlemen, I shall endeavor to inform myself concerning their merits, and then vote for or against them as my judgment and sense of duty dictate.

For the information of my friends, however, as they seem to need information in respect to the Senate as well as to the House bills, I will state that those bills which have so far passed the Senate and been reported to the House aggregate $1,000,725, but the larger part I believe of the appropriation asked for in these bills is also for the enlargement of buildings already authorized.

It is not my purpose, however, to defend the Senate bills nor the Senate Committee on Public Buildings and Grounds; I only hold myself responsible for the action of the House committee. By that I shall stand, and am willing to submit my action on that issue to the public judgment.

It has been charged that these bills were not carefully and intelligently considered by the committee; that they were unsupported by the recommendation of any Government official or heads of Departments, all of which is the product and outgrowth of an undisciplined fancy. Every bill was carefully considered after having been submitted to the head of the Department having control of public buildings and an estimate furnished of how much the proposed building should cost. This was as to the construction of new buildings, while in respect to those buildings for the enlargement of which the committee has recommended appropriations the proper officers of the Government have assured the committee that the proposed enlargement was an absolute public necessity, and the committee did not feel at liberty to disregard these recommendations and embarrass the public service.

The recommendations of the committee proper therefore reach to only the sum of $2,842,000, a sum less than has been appropriated by any Congress since 1872 for public buildings. I suppose, of course, the gentlemen who have been making all this outcry did not know this fact; but nevertheless it is true, as will appear from the following figures: The Forty-fourth Congress authorized and appropriated for public buildings $5,731,554; the Forty-fifth Congress, $8,037,475; the Forty-sixth Congress, $8,252,477; the Forty-seventh Congress, $13,457,800.

So far we have recommended the expenditure of vastly less money for the erection of public buildings than has been expended by any one of the last four Congresses. I am told by my friend from Missouri [Mr. BUCKNER] that I will defeat the Democratic party, and the country is told by him and the other gentlemen both that I and the two-thirds of the members of this House who have been acting with me are jobbers and legislative log-rollers. Perhaps if our accusers and other disciples of their school of statesmanship had talked less about imaginary economy and worked more in the interest of the real article they would have accomplished far more valuable results.

But the gentlemen say that their opposition is not so much grounded upon any objectionable feature of the bills themselves as upon the method of their passage. Now, does this objection rest upon a solid basis or upon another fanciful structure? The resolution of the House under which we are proceeding sets apart certain designated days for the consideration of bills reported from the Committee on Public Buildings and Grounds, and this the gentleman calls a combination of forces to secure the consideration of all these bills within a given time, or to put the proposition in the less classical but possibly more forcible formula of the gentleman from Kentucky [Mr. THOMPSON], we have brought a pot into the House in which every hungry Congressman is boiling his own pork in the shape of a custom-house for his district. As I have no pork in the pot myself, I suppose my friend will relieve me from the imputation of being actuated by any personal consideration.

But, now, what is there unusual in this proceeding? Do the gentlemen not know that it is a custom of long standing in this House to set apart a particular day for the consideration of bills reported from some one of the different committees? We have now a standing order setting apart one day in each month for the consideration of bills reported from the Committee on the District of Columbia and one day of every week for the consideration of bills on the Private Calendar, and yet I never heard it charged that these orders were the result of any improper combination or that the proceedings under them were in any way considered as an objectionable method of legislation. So far from this method of considering bills for the erection of public bufldings being an objectionable one I maintain that it is the fairest and safest one under which such bills were ever passed. The gentlemen know as well as I do that no bill for a public building has ever passed this House, at least within the past ten years, except under a suspension of the rules and in the most summary manner, and yet they complain that these are now being hurried through without an opportunity for discussion or amendment.

In view of the anxiety and capacity which many gentlemen have exhibited to talk long and talk often in the discussion of these measures, the wisdom of placing a limitation upon debate is most conspicuously shown, for without restraint nobody knows when they ever would have stopped.

It is a maxim of our Government, and a wise one, too, I think, that legislation should be fair and impartial, and that its benefits, whatever they may be, should be equally and justly distributed, and it may be worth while to inquire whether or not this has been done in the erection of public buildings heretofore. Of the $79,000,000 which has been expended in the erection of public buildings since the beginning of the Government $36,639,121 has gone to four States alone, as follows:

| | |
|---|---|
| Missouri | $7,093,494 29 |
| Ohio | 7,681,538 57 |
| Massachusetts | 8,207,595 07 |
| New York | 13,676,493 10 |

Which amounts to nearly one-half of the whole sum expended in the entire United States, and adding something over $7,000,000 for Pennsylvania, the amount will be swelled to more than one-half. I am not complaining of the large sums expended in these States, perhaps it was required and justified by their wealth and population and the amount of public business necessary to be transacted within their limits, but I do complain that gentlemen coming from those States so largely favored by Government benefactions should object when the States of the South and the younger ones of the West seek to obtain something like a fair share of whatever benefits may flow from this character of public legislation. I must remind them that it is scarcely kind, and certainly not generous, when Iowa, the growing young State of the West, asks for a small appropriation for a public building, nor when Texas, the Empire State of the Southwest, asks a similar favor, for them to oppose it so strenuously. But, to use the simile of the gentleman from Kentucky [Mr. THOMPSON], they have got their pork and are now unwilling to feed their hungry brethren. No wonder the gentleman from Missouri [Mr. BUCKNER] and the gentleman from Ohio [Mr. WARNER] can afford to play the rôle of bold, patriotic, and disinterested legislators when it is considered that their States between them have received from the national Treasury for the erection of custom-houses something over $14,000,000, and that there is no town in the district of either one of them large enough to build a custom-house in.

But I shall not rely upon refuting the flimsy arguments of the gentlemen who have assailed us for the vindication of the action of my committee. I shall place its defense upon the broad ground of a wise public policy, and one that will commend itself to the common sense of the people. With more than a hundred millions of dollars of surplus revenue in the Federal Treasury, paid by the people in the discharge of unnecessary and unequal taxes, I will risk their judgment upon my conduct when I endeavor in a legitimate manner to return some of it to the source from which it was gathered. Better expend it for the benefit of the people in wages for their industry and labor than to let it remain where it is, a constant temptation to the thousand jobbers always ready to depredate upon the public Treasury. There are all over the country thousands of honest, industrious laborers willing to work and seeking employment. Why not, therefore, expend for their benefit a few millions of the money which they have paid into the Treasury, while at the same time you will be prosecuting public works required by the exigencies of the public service?

When an opportunity is presented I will endeavor to reply further to

the arguments which I have noticed only briefly in my remarks for want of time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG. I ask unanimous consent for five minutes more; everybody else has talked himself to death but me.

The CHAIRMAN. The gentleman asks consent for five minutes additional time. Is there objection?

Mr. YOUNG. I want to ask my friend, pursuing this subject further, if he can point to any nation in history——

Mr. THOMPSON. If this debate is to be continued, I want it continued for an hour longer.

Mr. YOUNG. Well; I would be glad to take an hour longer.

Mr. HARDEMAN. If we give this privilege to one we should give it to all.

The CHAIRMAN. Does the gentleman object?

Mr. HARDEMAN. I must object.

Mr. YOUNG. Then I ask the privilege of printing the further remarks I desire to make, or I will avail myself of some opportunity tomorrow to make additional remarks.

Mr. DIBRELL. I now move that this bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. Before that motion is put, I move to amend by reducing the appropriation from $100,000 to $75,000.

Mr. DIBRELL. I hope that will not be done.

The question was taken upon the amendment of Mr. HOLMAN; and upon a division there were—ayes 24, noes 98.

So (no further count being called for) the amendment was not agreed to.

Mr. WARNER, of Ohio. I move to amend by inserting these words:

*Provided*, That this building shall be constructed of brick or durable stone.

If this building is to be for use and not as a "symbol of power," that amendment should be adopted.

The question was taken on the amendment of Mr. WARNER, of Ohio; and upon a division there were—ayes 7, noes 98.

So (no further count being called for) the amendment was not agreed to.

The CHAIRMAN. The question is now upon laying the bill aside to be reported favorably to the House.

The question was taken; and upon a division there were—ayes 110, noes 14.

Mr. WARNER, of Ohio. No quorum has voted. We should have a quorum on ordering such a bill as this to be reported.

Tellers were ordered; and Mr. DIBRELL and Mr. WARNER of Ohio were appointed.

The committee again divided; and the tellers reported that there were—ayes 139, noes 25.

So the committee ordered the bill to be laid aside to be reported favorably to the House.

### PUBLIC BUILDING AT AUGUSTA, ME.

Mr. STOCKSLAGER. By instructions of the Committee on Public Buildings and Grounds, I now call up House bill No. 702, for the erection of a public building in the city of Augusta, Me.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Augusta, in the State of Maine, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, United States courts, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings, by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States; and the State of Maine shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process thereon.

Mr. MILLIKEN. I have presented this bill to the House only because I believe that the interests of the public service demand that this building should be erected. I believe that the amount of business done in the city of Augusta, Me., is such that it must be clear to members of this House that a public building is demanded there, that it will be economy for the Government to erect this building.

Augusta is the capital of the State of Maine, but it has no public building. Its post-office receipts directly from the sale of stamps are more than $83,000 annually, and the amount of post-office business transacted in that city is between six and seven hundred thousand dollars a year. In the post-office there are handled annually between eighteen and nineteen million pieces of mail matter. There is distributed there annually for pensions $2,500,000. There is an internal-revenue office there.

Augusta, Me., is the seventh city in this country in the amount of its second-class mail matter. The first is New York, the second Chicago, the third Boston, the fourth Philadelphia, the fifth Saint Louis, the sixth Cincinnati, and the seventh Augusta, Me.

Now, all this business is done in two old buildings, three hundred feet apart, with no safety-vaults; and it is done at such inconvenience that I believe it would be a saving of public money for the Government to erect a building there. Why, sir, the Government pays $3,300 a year as rent for these inconvenient buildings, which are, however, the best facilities that can be obtained for the business of the Government in that city.

Besides, sir, Augusta, if I am rightfully informed by my friend from Indiana [Mr. HOLMAN], who I believe is always right on statistics, is the only capital in this country, except the capital of Nevada, that has no public building at all.

Mr. Chairman, I have always believed that facts are the best arguments; therefore I ask the Clerk to read, in my time, the report of the committee, and whatever time may remain I will reserve.

The report of the committee (made by Mr. MILLIKIN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 702) for the erection of a public building at the city of Augusta, in the State of Maine, would respectfully report:

That Augusta is the capital of the State, with a population of 8,666, showing a small increase during the last decade. It is situated on the Kennebec River, in the center of population in the State, has a fine and extensive water-power, has large industries in the manufacture of cotton, lumber, boots and shoes, &c., and has good railroad facilities, and is surrounded by thrifty and growing towns and cities within a radius of twenty miles.

The post-office business of Augusta for the year ending June 30, 1883, was as follows, namely:

| | |
|---|---|
| Cash receipts of office | $83,878 13 |
| Stamped third-class matter with stamps not purchased at the Augusta office | 48,051 09 |
| Receipts from money-orders issued | 37,086 02 |
| Receipts from money-order drafts | 3,650 00 |
| Receipts from money-orders deposited by postmasters | 183,571 00 |
| Amount of money-orders paid | 139,288 95 |
| Amount of money-order money deposited with Postmaster Goddard at Portland | 84,179 00 |
| Amount deposited with assistant treasurer at Boston, Mass. | 72,480 30 |
| Total postal business of the office | 652,184 49 |
| Total number of money-orders issued during the year | 2,467 |
| The number of money-orders paid during the year | 21,936 |
| Total number of sacks of newspapers sent from the office during the year | 47,378 |
| Total number of circulars sent | 5,709,180 |
| Total number of pieces of mail matter handled by letter-carriers | 1,332,663 |
| Total number of pieces of mail matter handled during the year | 18,173,928 |

In the amount of second-class mail matter for the year ending June 30, 1882, Augusta ranked as the seventh post-office in the United States, New York city being first; Chicago, second; Boston, third; Philadelphia, fourth; Saint Louis, fifth; Cincinnati, sixth; Augusta, seventh. Augusta's post-office receipts show a large increase each year since 1879, when they were $51,440, and are likely to increase in future, for they are in great part due to large publishing houses located here, which do a business which extends all over the globe, and has been increasing for more than a decade. They have extensive permanent buildings and the very best class of printing machinery, and together with the cotton and lumber industries here have a continually growing business.

We also find that this vast mail is handled in two separate buildings, more than three hundred feet apart, which is both inconvenient and unsafe, as these buildings have no fire-proof vaults, and is very expensive to the Government.

For these unsafe and inconvenient buildings the Government pays a rental of $3,300 per year; and though they are the best that can be had, they afford but poor returns in the accommodations which they give for the rental paid. It is estimated by Mr. Manley, the present postmaster, that $3,000 per year might be saved to the Government in rental and by reason of the superior facilities which a properly constructed building would afford.

There is a United States pension office at Augusta, which distributes annually $2,500,000 on account of pensions. The internal-revenue office is also located at Augusta, and at least one term of the United States court is required to be held there, on account of its central location in the State and the commercial interests which center here. Augusta is at the head of navigation on the Kennebec River, and in the midst of a large and rapidly increasing manufacturing and commercial community.

A bill similar to the one accompanying this report passed the Senate of the Forty-seventh Congress and was favorably reported to the House, but on account of the illness of Mr. Lindsey, who had charge of it, was not called up on the Calendar.

Your committee would therefore recommend that bill H. R. 702, accompanying this report, do pass, limiting the cost of said building and grounds when completed to the sum of $150,000.

Mr. MILLIKEN. I move that the bill be laid aside to be reported favorably to the House.

Mr. McADOO. Mr. Chairman, no stereotyped sneers which may be directed against the opponents of these measures should prevent members of the House from doing their duty to the people at large. It seems to me that this "omnibus" scheme for the erection of public buildings partakes very much of the character of the river and harbor bill. No doubt there are rivers and harbors in this country which ought to be improved, and the improvement of which would be of general advantage; but under the forms of appropriations for rivers and harbors great abuses and gross waste of the money of the people have found their way into our legislation. A similar remark may be made in regard to the erection of public buildings. There are undoubtedly localities in the United States where the Government should have good substantial buildings; but in regard to matters of this kind there has been a log-rolling system. There is no man on the floor of this House who might bring a stronger case in behalf of the erection of a public building in his district than I could; but I have refrained from presenting such a proposition, because I was not willing to enter into what I consider indecent "deals" in order to secure that object. When I say "deals" I mean that natural feeling of obligation, dependence, and

mutual kindness toward members with similar projects and which does not necessarily imply a direct and openly dishonorable understanding and agreement.

Mr. YOUNG. Has the gentleman introduced any bill for the erection of any building?

Mr. MCADOO. I have not.

Mr. YOUNG. Did you know in advance that the committee was going to pursue this course, and was that the reason you did not introduce any bill?

Mr. MCADOO. I knew nothing of what the committee was going to do.

Mr. YOUNG. Then that is not the reason you did not introduce a bill.

Mr. MCADOO. I did not introduce any bill because I knew the general character which the people of the country attribute to the manner in which these bills have been passed.

Mr. YOUNG. This never was done before.

Mr. MCADOO. Now, sir, it has been said——

Mr. BURLEIGH rose.

Mr. MCADOO. I must decline to yield for the present. Mr. Chairman, I think the argument that these public buildings should be erected because they represent the "moral power" of the United States is entirely fallacious. We want the power of this Government to be represented by buildings honestly erected under honest legislation, and free from all suspicion of personal interest.

Let each of these bills stand on its individual merits. The "moral power" of this Government can not be represented through this broad land by costly and palatial buildings, the legislation for which has been driven through this House by—what? By a syndicate in the interests of selfishness, by a system of legalized local larceny, symbolizing the "moral power" of this great country!

Such monuments to the "moral power" of the Republic would be bad teachers to the youth of the land, educating them to believe that the advancement of personal interest, and not patriotism, was the standard by which representative men were gauged.

The moral grandeur of our country consists in the freedom, happiness, intelligence, and prosperity of the individual citizen; not in the glitter and glare of a gorgeous display of governmental power, but in its simplicity and democracy and its strong hold on the affections of the people.

One further fact about these bills. Do gentlemen on this floor know that many of these bills are introduced here to stop the natural drift of population? Members come here from a district in which some town is languishing; natural causes are taking away its population. To stop this natural drift they propose to erect a great public building (such as a Federal court, for instance) at the expense of the Government as a stimulus to that particular locality.

In this particular instance, so far as Augusta, Me., is concerned, I am not sufficiently cognizant of the facts to vote intelligently and understandingly for or against the measure. As has been said—very ably and pertinently—by the gentleman from Maryland, we have not in these cases the same opportunity for information as in the case of the river and harbor bill. In connection with that bill (to be taken, it is true, for what they are worth) there are surveys by Government engineers whose reports we have before us. We have some facts upon which we can form our judgment. But in this case we are groping in the dark. We must depend solely on the judgment of the Representative of that particular locality; and I say with all due respect to the gentleman from Maine that he is on general principle as unfair a juror as would be the plaintiff in a particular case if he were put into the jury-box to render a verdict upon his own case. We have nothing here but the statement of the gentleman who represents the district, made through the committee or made personally upon the floor of the House.

Mr. MILLIKEN. I will ask the gentleman whether he intends to reflect upon my integrity as a Representative?

Mr. MCADOO. I do not intend to reflect upon the integrity or honor of the gentleman from Maine or any other gentleman.

Mr. MILLIKEN. I desire to say to the gentleman that the figures which I have cited in this case he will find in the report of the Post-Office Department, if he will look at it. The statements are not made upon my authority as a Representative.

Mr. MCADOO. I will say that it is a disadvantage to the gentleman (as it is a disadvantage to every gentleman who is asking the passage of any of these bills) that he is more or less interested. I think the best course would be to give a lump sum to the Post-Office Department or some other Department of the General Government and make it responsible for the distribution.

To have gentlemen come here asking appropriations for buildings under the pressure of their individual interests and that of their localities, and as to its justice and necessity compelling this House to take their word for it, is, I think, without disrespect or questioning of their motives, an unfair system of legislation.

I will yield now for five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, my main purpose is to call attention to the propriety of reducing the amount of this appropriation. I had occasion to state in the first remarks I submitted to the House on this subject that there were some of these bills undoubtedly which should pass. Some of them are meritorious measures. It occurred to me, sir, that in the case of two capitals, that of Maine and that of Nevada, it would be fair and proper, inasmuch as Federal courts are held at both of those points, public buildings should be erected there. I thought, sir, there were some ten or twelve of these bills that the House, with proper regard for the public interest, might take up, consider, and pass, and I certainly should be inclined to select among those the bill now pending. The capital of Maine, the capital of Nevada, and the capital of California are the only three capitals at which public buildings have not been erected or authorized to be erected. I am told that Montpelier, Vt., has not a public building. I had overlooked that fact. As to Sacramento, in California, the overshadowing influence of the large number of public buildings at San Francisco has undoubtedly prevented the erection of a public building there.

I say again, sir, as I said at the beginning of this discussion in the House, that I thought some of these were meritorious measures and some of them ought to pass, and that the country would approve of reasonable appropriation of money for any like this at this time. I think the indignation which will be aroused over the country will be more at the method than the character of the bills which may be passed or the amounts involved. And I hope I do not overlook the fact on this side of the House that the bills being urged in the progress of this procedure are to increase appropriations which were deemed ample in the last Congress during its first session, and upon which the public judgment has already been pronounced, as has been seen in the change of the two sides of the House.

The city of Augusta, Me., had a population of 8,566 inhabitants according to the last census, being a slight advance over the population of the preceding decade, which was 7,808, showing an increase of near a thousand, a moderate and healthy increase of population. It has a court; it has a pension office, as there is a pension agent located there. And gentlemen should observe, while that argument has been urged with great pertinacity, there is a bill pending which meets with general approval reducing the number of pension agents, which will at least in this particular locality change the location of that particular agency. And that is not an unimportant question entering into the consideration of this subject.

It is proposed to appropriate $150,000. Augusta, Me., is contiguous to the great deposits of granite. I take it for granted as the principal material entering into the cost of this building there it would be cheaper than anywhere else to which our legislation applies. You have thought proper in the town of my colleague, the chairman of the committee [Mr. STOCKSLAGER], New Albany, having 26,000 people, with a Federal court, with all the other offices there except a Federal pension agency referred to by the gentleman from Maine, you have thought there an appropriation of $100,000 was sufficient. I think it is ample, and for one, although a citizen of Indiana, I would not have voted for it if that measure had contained a dollar beyond that sum. That is clear up to the average cost of public buildings in the counties and States in my own section. Thinking $100,000 was ample in Indiana, and more than ample, I think the committee should agree to scale down this building to a reasonable sum. Gentlemen should not shock the sensibility of our people by putting up buildings much more costly than those in the same region. It is not increase of space, it is not more elegant and commodious rooms, but it is the embellishments which enter into this enormous increased cost of our public edifices over the structures generally erected throughout the country. Such a building should harmonize more with the nature and genius of our Government and the necessities of the country.

I move therefore to reduce the appropriation—perfectly conscious of the propriety of the erection of this building, for it stands in my judgment among the most favored class of these buildings—but I am justifiable, I think, in asking the committee to reduce this appropriation to $100,000. If at the town of New Albany, a town of twice the population, four times in fact the population of any town named so far, $100,000 was considered sufficient, I ask you gentlemen upon what principle of public necessity and for what public reasons can you insist upon an appropriation of $150,000 for this building right at the point in your territory where the material is most readily and cheaply obtained?

I therefore move to strike out "$150,000" and insert "$100,000."

Mr. MCADOO. I desire, having reserved the remainder of my time, to add a single word to what I have already said.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. MCADOO. In that one minute I wish to state simply that in that State of Maine there are nine custom-houses that only collect $26,928, while they have public buildings aggregating in value $137,659.80. So, Mr. Chairman, they seem to have more public buildings in Maine, so far as the collection of customs duties is concerned, than they have revenues to collect.

I desire to say if that report is true of which the capable gentleman from Maine is the author——

Mr. MILLIKEN. What is that?

Mr. MCADOO. I am referring to the report in this case, prepared I believe by the gentleman himself.

Mr. MILLIKEN. But there is a better man behind me and just as capable of drawing the report.

Mr. McADOO. I am not reflecting upon the report; it is sufficiently capable. It is an able document, so far as that goes; but I was going on to say that this $150,000, if that report be correct, will not be sufficient according to the opinions expressed in the report itself, and I venture to say that, this amount being appropriated, you will find the gentleman or some other gentleman applying to the next Congress and asking that they will vote to the State of Maine an additional appropriation to carry out the work thus begun.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLIKEN. Mr. Chairman, I desire to be heard for a few minutes, with the consent of the committee. I wish to repeat that I presented this bill to the House, as I said in the beginning of my remarks, upon the merits of the case itself, and not upon anything else whatever. I believe that the great business demands of that city require that the Government of the United States should build a good, safe, comfortable, and convenient building for the accommodation of a post-office that handles almost nineteen millions of pieces of mail matter, and does a post-office business that amounts to between six and seven hundred thousand dollars. I think this should be done for the reason that an office conducting such a business as that should not be required or expected to do it in two buildings three hundred feet apart, with no vaults for storage, and no possible safety for the public property, and at so much inconvenience that the losses occurring thereby, and the rate of $3,300 a year paid for rent, will amount to more than the interest on the $150,000 appropriated by this bill.

Now, to my friend from Indiana, whom I am very glad to find sustains me in reference to this appropriation, I wish to say a word as to the general question pertaining to the bill, and that is this: that from the very situation of affairs it is entirely necessary that this public building should be pretty near the railroad depot. You can not take it away far from this depot without great inconvenience as well as great expense to the Government.

To place it there where the post-office is now, you have got to place it in a position where land is most expensive in Augusta; and you can not purchase a site suitable for a building of this character at the point indicated for less than from $25,000 to $40,000.

I do not want, Mr. Chairman, one dollar more for this public building than is necessary to give to this Government a proper place to transact its business efficiently; and I wish to say in one sentence, in so far as all of these bills are concerned, and in answer to gentlemen who oppose them, that I should not vote for one appropriation here where I would not vote for it if I myself owned the resources of this Government, had its debts to pay, and was looking upon it personally as a business question whether I would or would not make the investment.

Mr. STORM. May I ask the gentleman a question?

Mr. MILLIKEN. Yes, sir.

Mr. STORM. The gentleman is a member of the Committee on Public Buildings and Grounds——

Mr. MILLIKEN. Yes, sir.

Mr. STORM. And says that when he presents this bill he desires it to stand upon its own individual merits?

Mr. MILLIKEN. Yes, sir.

Mr. STORM. Now, I want to ask the gentleman whether he has not supported and voted for each of these preceding bills?

Mr. MILLIKEN. I did, sir; and I wish to say plainly to the gentleman——

Mr. STORM. I am not through with my question. You propose to vote for those that are to follow?

Mr. MILLIKEN. I propose to vote for every measure before the House which I think is just.

Mr. STORM. I ask the gentleman to answer my question.

Mr. MILLIKEN. The gentleman is now holding the floor in my own time.

Mr. STORM. No, sir; you are speaking now by the charity of this House.

Mr. MILLIKEN. I do not ask the House to extend its charity to me. I do not ask charity for this bill. I am speaking on my own bill and in my own time, and if the gentleman asks a question, if he is a gentleman he will listen for the answer. I say that I shall vote for every bill that comes before the House, whether from the Committee on Public Buildings and Grounds or from any other of the committees, which commends itself to my judgment and possesses merits which warrant my support. But I will confess to the gentleman from Pennsylvania, in so far as I know as to how I am going to vote on any question, when he will show me his warrant as being my confessor.

Mr. STORM. The gentleman has yet to give an answer to the question whether he proposes to vote for the rest of the bills for public buildings on this Calendar.

Mr. MILLIKEN. I will say to the gentleman that it is none of his business for what bills I shall vote.

Mr. STORM. Then the gentleman virtually says in the presence of this House that these measures are all together, cut and dried, and he proposes to stand by every bill, whether it be for Greenville, S. C., with a population of 5,000, or for Augusta, Me., with a population of 8,000, or for any other place on the list.

Mr. MILLIKEN. The gentleman says what he has no authority for saying.

Mr. STORM. You do not answer my question because you dare not say you will vote against any of those bills lest those interested in them should strike you back.

Mr. MILLIKEN. If one bill comes up that is unjust, I will vote against it.

Mr. STORM. Announce beforehand what bills you will vote against, and then see what your log-rolling will amount to.

Mr. MILLIKEN. When the gentleman speaks of log-rolling, that may be something in his own experience; it does not apply to me. The man who is a thief cries "thief." You have been talking of log-rolling all the time and you have produced no evidence of it. And I want to say the people of this country will not be deceived by this cheeseparing, canting, hypocritical talk.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. STORM. I wish to say to the gentleman——

Many MEMBERS. Vote! vote!

Mr. STORM. All I wish to say is this—— [Cries of "Vote!" "Vote!"] I ask three minutes' time.

Mr. MILLIKEN. If I have any time left I give it to the gentleman from Tennessee [Mr. YOUNG].

The CHAIRMAN. The gentleman has no time left.

Mr. STORM. I will have my say hereafter.

The CHAIRMAN. Gentlemen will be seated and the committee will come to order. [After a pause.] The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN], which the Clerk will read.

The Clerk read as follows:

In line 15 strike out the word "fifty;" so that it will read: "shall not exceed the cost of $100,000."

Mr. BELFORD. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. My inquiry is whether the resolution assigning a day or days for the consideration of this class of business cuts off debate under the five-minute rule on amendments that may be offered?

The CHAIRMAN. The Chair will state to the gentleman from Colorado that the resolution limits all debate to thirty minutes.

Mr. BELFORD. On the original proposition.

The CHAIRMAN. And on all amendments. It does not cut off amendments, but it prevents debate on the amendments. The question is on the amendment of the gentleman from Indiana.

The question being taken, there were—ayes 62, noes 98.

Mr. HOLMAN. No quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Maine, Mr. MILLIKEN.

Mr. THOMPSON. I move that the committee rise.

Mr. STOCKSLAGER. I hope that will not be done. Let us get through with this bill.

The question being taken on Mr. THOMPSON's motion, there were—ayes 57, noes 101.

So the committee refused to rise.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana. The gentleman from Indiana, Mr. HOLMAN, and the gentleman from Maine, Mr. MILLIKEN, have been appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 106.

So the amendment was not agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside to be reported favorably to the House?

Mr. THOMPSON. I call for a division.

The committee divided; and there were—ayes 110, noes 30.

Mr. THOMPSON. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers.

Mr. THOMPSON. Pending that, I move that the committee rise.

The question being taken on Mr. THOMPSON's motion, there were—ayes 55, noes 100.

So the committee refused to rise.

The CHAIRMAN. The question is on laying aside the bill to be reported favorably to the House. A quorum not having voted, the Chair will appoint tellers, and appoints the gentleman from Kentucky [Mr. THOMPSON] and the gentleman from Maine [Mr. MILLIKEN].

The committee again divided; and the tellers reported—ayes 134, noes 31.

So the motion was agreed to; and the bill was laid aside to be reported favorably to the House.

Mr. THOMPSON. I now move that the committee rise.

Mr. STOCKSLAGER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. STOCKSLAGER. To call up another bill.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. THOMPSON] that the committee rise.

The motion was agreed to, there being—ayes 104, noes 74.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration bills on the Calendar reported by the Committee on Public Buildings and Grounds, had directed him to report back to the House sundry bills without amendments and to recommend their passage.

Mr. THOMPSON. I move that the House adjourn.

Mr. STOCKSLAGER. I move that the House take a recess until 11 o'clock to-morrow.

The SPEAKER. The question is first on the motion to adjourn.

Mr. SPRINGER. I move that when the House adjourns to-day it be to meet on Friday. This is the legislative day of Wednesday.

The SPEAKER. The Chair thinks such a motion would make no difference. If the House adjourns it will be to meet on the next legislative day, and that will be the calendar day of Friday.

Mr. SPRINGER. This is the calendar day of Thursday. If the motion I have indicated is not placed on the Journal you take no account of the day intervening between Wednesday and Friday.

The SPEAKER. If the gentleman insists on his motion the Chair will entertain it.

Mr. SPRINGER. If the Chair does not think it necessary I will not insist upon it. I withdraw the motion.

The question was taken on the motion to adjourn; and upon a division there were—ayes 77, noes 90.

Before the result of the vote was announced,

Mr. THOMPSON called for tellers.

Mr. McMILLIN. I call for the yeas and nays; we may as well have them ordered at once.

The question was taken on ordering the yeas and nays, and there were 57 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 97, not voting 129; as follows:

YEAS—96.

| | | | |
|---|---|---|---|
| Alexander, | Garrison, | McKinley, | Springer, |
| Bagley, | Graves, | McMillin, | Stevens, |
| Ballentine, | Greenleaf, | Matson, | Stewart, Charles |
| Barksdale, | Halsell, | Miller, J. F. | Storm, |
| Beach, | Hatch, H. H. | Mitchell, | Sumner, D. H. |
| Blackburn, | Hatch, W. H. | Morrison, | Taylor, J. M. |
| Bland, | Henley, | Mutchler, | Thompson, |
| Boyle, | Herbert, | Neece, | Throckmorton, |
| Breckinridge, | Hewitt, G. W. | Oates, | Tully, |
| Caldwell, | Hiscock, | Patton, | Turner, Oscar |
| Campbell, Felix | Holman, | Pierce, | Van Alstyne, |
| Clardy, | Howey, | Peel, S. W. | Ward, |
| Clay, | Hunt, | Price, | Warner, A. J. |
| Cobb, | James, | Pryor, | Warner, Richard |
| Cosgrove, | Jones, B. W. | Ranney, | Wellborn, |
| Culberson, D. B. | Kasson, | Riggs, | Weller, |
| Cullen, | Kleiner, | Rogers, W. F. | Whiting, |
| Deuster, | Lanham, | Rosecrans, | Williams, |
| Dockery, | Le Fevre, | Scales, | Wilson, W. L. |
| Dorsheimer, | Lewis, | Seney, | Winans, E. B. |
| Duncan, | Lovering, | Seymour, | Winans, John |
| Eldredge, | Lyman, | Singleton, | Wolford, |
| Follett, | McAdoo, | Skinner, T. G. | Wood, |
| Forney, | McComas, | Spriggs, | Yaple. |

NAYS—97.

| | | | |
|---|---|---|---|
| Adams, G. E. | Davis, R. T. | Jones, J. H. | Rogers, J. H. |
| Aiken, | Dibble, | Kean, | Smith, |
| Atkinson, | Dibrell, | Keifer, | Spooner, |
| Bayne, | Dowd, | Lacey, | Stephenson, |
| Belford, | Dunn, | Lawrence, | Stockslager, |
| Bennett, | Ellwood, | Lore, | Struble, |
| Bisbee, | Ermentrout, | Lowry, | Talbott, |
| Blount, | Evans, I. N. | McCold, | Taylor, J. D. |
| Boutelle, | Everhart, | Maybury, | Tillman, |
| Brainerd, | Evins, J. H. | Milliken, | Turner, H. G. |
| Breitung, | Funston, | Mills, | Vance, |
| Brewer, F. B. | Glascock, | Morrill, | Van Eaton, |
| Brewer, J. H. | Guenther, | Nelson, | Wakefield, |
| Brown, W. W. | Hardeman, | Nutting, | Weaver, |
| Buchanan, | Hart, | Parker, | Wemple, |
| Budd, | Haynes, | Payne, | White, J. D. |
| Burleigh, | Henderson, D. B. | Peelle, S. J. | White, Milo |
| Burnes, | Henderson, T. J. | Perkins, | Willis, |
| Campbell, J. M. | Hepburn, | Peters, | Wise, G. D. |
| Cannon, | Holmes, | Poland, | Woodward, |
| Carleton, | Hooper, | Pusey, | York, |
| Cassidy, | Hopkins, | Ray, G. W. | Young. |
| Connolly, | Horr, | Ray, Ossian | |
| Crisp, | Houseman, | Reese, | |
| Davidson, | Jeffords, | Rockwell, | |

NOT VOTING—129.

| | | | |
|---|---|---|---|
| Adams, J. J. | Browne, T. M. | Cook, | Dingley, |
| Anderson, | Brumm, | Covington, | Dunham, |
| Arnot, | Buckner, | Cox, S. S. | Eaton, |
| Barbour, | Cabell, | Cox, W. R. | Elliott, |
| Barr, | Calkins, | Culbertson, W. W. | Ellis, |
| Belmont, | Candler, | Curtin, | Ferrell, |
| Bingham, | Chace, | Cutcheon, | Fiedler, |
| Blanchard, | Clements, | Dargan, | Findlay, |
| Bowen, | Collins, | Davis, G. R. | Finerty, |
| Broadhead, | Converse, | Davis, L. H. | Foran, |
| Fyan, | Jordan, | O'Hara, | Slocum, |
| Geddes, | Kelley, | O'Neill, Charles | Smalls, |
| George, | Kellogg, | O'Neill, J. J. | Snyder, |
| Gibson, | Ketcham, | Paige, | Steele, |
| Goff, | King, | Payson, | Stewart, J. W. |
| Green, | Laird, | Pettibone, | Stone, |
| Hammond, | Lamb, | Phelps, | Strait, |
| Hanback, | Libbey, | Post, | Sumner, C. A. |
| Hancock, | Long, | Potter, | Taylor, E. B. |
| Hardy, | McCormick, | Randall, | Thomas, |
| Harmer, | Millard, | Rankin, | Townshend, |
| Hemphill, | Miller, S. H. | Reagan, | Tucker, |
| Hewitt, A. S. | Money, | Reed, | Valentine, |
| Hill, | Morey, | Rice, | Wadsworth, |
| Hitt, | Morgan, | Robertson, | Wait, |
| Hoblitzell, | Morse, | Robinson, J. S. | Washburn, |
| Holton, | Moulton, | Robinson, W. E. | Wilkins, |
| Houk, | Muldrow, | Rowell, | Wilson, James |
| Hurd, | Muller, | Russell, | Wise, J. S. |
| Hutchins, | Murphy, | Ryan, | Worthington. |
| Johnson, | Murray, | Shaw, | |
| Jones, J. K. | Nicholls, | Shelley, | |
| Jones, J. T. | Ochiltree, | Skinner, C. R. | |

So the motion to adjourn was not agreed to.

The following additional pairs were announced for to-day:

Mr. GEDDES with Mr. STRUBLE.

Mr. COLLINS with Mr. RUSSELL.

Mr. ELLIS with Mr. DINGLEY.

Mr. SHAW with Mr. O'NEILL, of Pennsylvania.

Mr. JONES, of Arkansas, with Mr. REED.

Mr. DAVIS, of Missouri, with Mr. VALENTINE.

Mr. NEECE with Mr. HENDERSON, of Illinois.

The following were announced as paired on this vote:

Mr. CONVERSE with Mr. WILSON, of Iowa.

Mr. WILKINS with Mr. LONG.

The following were also announced as paired:

Mr. HEMPHILL with Mr. JOHN S. WISE, on all political questions, until further notice.

Mr. HAMMOND with Mr. KETCHAM, until April 14.

Mr. LAMB with Mr. STEWART, of Vermont, until April 11.

Mr. COX, of North Carolina, with Mr. BRUMM, for to-day.

Mr. JONES, of Arkansas, with Mr. STEPHENSON, until April 24.

Mr. BUCKNER with Mr. SMITH, until April 15.

Mr. STRUBLE. I desire to state that I am paired with Mr. GEDDES, of Ohio, on political questions. Not regarding this as one, I have voted.

The result of the vote was then announced as above stated.

Mr. TALBOTT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBOTT. I would inquire if the order of the House in relation to business reported from the Committee on Public Buildings and Grounds would give that business precedence over private bills to-morrow?

The SPEAKER. The Chair prefers to decide that question when it is presented. The question now is upon the motion of the gentleman from Indiana [Mr. STOCKSLAGER] that the House take a recess until 11 o'clock to-morrow.

Mr. COBB. On that question I call for the yeas and nays.

The yeas and nays were ordered, there being 42 in the affirmative—more than one-fifth of the last vote.

The SPEAKER. Before the roll is called the Chair will lay before the House certain executive communications, and also reports from the Committee on Enrolled Bills, if there be no objection.

There was no objection.

### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 431) for the relief of Sally A. Spence; and

A bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting papers and reports on the depredation claim of William L. Robinson, Cyrus Beers, and Solomon Vaile, and of Abiel Morrison; which was referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House, adopted January 23, 1884, transmitting a report of the Commissioner of Indian Affairs, inclosing a list of claims allowed in the Department of the Interior for depredations by tribes of Indians who have annuities or other funds due them from the United States.

Mr. HOLMAN. I ask that that communication be referred to the Committee on Indian Affairs.

There was no objection, and the communication, with the accompanying papers, was accordingly referred to the Committee on Indian Affairs, and ordered to be printed.

### JOSÉ MARIA DE MARTINEZ.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the surveyor-general of Arizona

on the private land claim of José Maria de Martinez; which was referred to the Committee on Private Land Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SUMNER, of California, indefinitely.

To Mr. HOUK, for ten days, commencing April 10, on account of important private business.

To Mr. DARGAN, for ten days.

To Mr. STEPHENSON, until the 20th instant, on account of important business.

To Mr. CULLEN, indefinitely, on account of sickness in his family.

To Mr. CABELL, for four days, on account of sickness.

To Mr. CULBERTSON, of Kentucky, until the 16th instant.

To Mr. MOULTON, until May 1, on account of important business.

ORDER OF BUSINESS.

Mr. HATCH, of Missouri. I move that the House do now adjourn.

The SPEAKER. No business has been transacted by the House since the motion to adjourn was voted down.

Mr. HATCH, of Missouri. Why, Mr. Speaker, executive communications have been referred to committees, and leave of absence has been granted in a number of cases. Certainly business has intervened since the vote upon the motion to adjourn.

Mr. THOMPSON. It was by unanimous consent.

The SPEAKER. The Chair by unanimous consent laid before the House certain executive communications——

Mr. HATCH, of Missouri. It was official business of the House.

The SPEAKER. If the gentleman insists on his motion, the Chair supposes it is in order.

Mr. STOCKSLAGER. I see that there is a disposition on the part of the House to adjourn and I do not wish to antagonize it. Therefore, if there be no objection, I will withdraw my motion for a recess.

The SPEAKER. The motion for a recess is withdrawn. The question is on the motion that the House adjourn.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry. If the House should now adjourn, when we meet to-morrow will it be Friday or Thursday.

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at 6 o'clock p. m.) the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BISBEE: Petition for the improvement of the Saint John's River—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Papers relating to the claim of E. C. Chirouse—to the Committee on Naval Affairs.

By Mr. F. B. BREWER: Petition of Samuel C. Noyes Post, No. 232, Grand Army of the Republic, relative to pensions, bounties, &c.—to the Committee on Invalid Pensions.

By Mr. CASSIDY: Memorial of the Grand Army of the Republic, Department of Utah, praying for the abolition of the legislative power of that Territory—to the Committee on the Territories.

By Mr. COSGROVE: Petition of citizens of Sedalia, Mo., for the erection of a public building at Sedalia, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. CULLEN: Petition of Warren S. Noble, D. F. Higgins, and others, ex-soldiers, of Joliet, Ill., relative to pensions, equalization of bounties, &c.—to the Committee on Invalid Pensions.

By Mr. DEUSTER: Petition of the bar and business men of Milwaukee, asking for the passage of the bill to increase the salaries of the district judges—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Memorial of the officers of divers national banks in Minnesota, New York, and Pennsylvania, in regard to the national-bank circulation—to the Committee on Banking and Currency.

By Mr. GUENTHER: Petition of the H. J. Lewis Post, No. 129, Grand Army of the Republic, Department of Wisconsin, for amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. HAYNES: Petition of John B. Clarke, publisher of the Manchester Mirror, and of Kendall & Ladd, publishers of the Manchester Weekly Budget, for the defeat of the news copyright bill—to the Committee on the Judiciary.

Also, petition of George B. French and others, citizens of Portsmouth, N. H., for a survey of the channel of Little Harbor near Jerry's Point, New Hampshire—to the Committee on Rivers and Harbors.

By Mr. HARDEMAN: Petition of citizens of Georgia, asking for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Resolutions of the Dubuque Medical Society, favoring the bill for publication of National Pharmacopœia—to the Select Committee on the Public Health.

Also, resolutions by J. J. Stillman Post, No. 194, Grand Army of the Republic, Department of Iowa, as to pension laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Howard County, Iowa, asking for the retention of duties on flaxseed oil, &c.—to the Committee on Ways and Means.

By Mr. HENLEY: Petition of citizens of the State of California, to increase the tariff on wine, brandy, and raisins—to the Committee on Ways and Means.

By Mr. B. W. JONES: Resolutions of Marshall Grange, No. 24, relative to experimental stations—to the Committee on Agriculture.

Also, resolution of T. J. Hungerford Post, No. 39, Grand Army of the Republic, Department of Wisconsin, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. KELLEY: Memorial of the Moral Education Society, of Philadelphia, relative to the National Board of Health, &c.—to the Select Committee on the Public Health.

By Mr. MURPHY: Resolutions of the Davenport Academy of Science relative to inventions, &c.—to the Committee on Patents.

By Mr. RAYMOND: Petition of citizens of Dakota, in favor of the passage of the bill (H. R. 3856) relative to the homestead laws—to the Committee on the Public Lands.

Also, petition for vacating a part of the military reservation of Fort Stevenson, Dakota—to the Committee on Military Affairs.

By Mr. W. F. ROGERS: Remonstrance against the passage of the news copyright bill—to the Committee on Patents.

By Mr. ROSECRANS: Petition of Capt. H. C. Egbert and others, officers of the Twelfth Infantry, and of Maj. F. Mears and others, officers of the Twenty-fifth Infantry, in support of H. R. 2613—to the Committee on Military Affairs.

Also, petition of Lieut. Col. N. Douglas and others, officers of the Fourteenth Infantry, and of 9 officers of the Eleventh Infantry, in support of Senate bill 1677—to the same committee.

By Mr. STEPHENSON: Petition from the bar of Portage County, Wisconsin, for an increase of salary of United States judges—to the Committee on the Judiciary.

Also, the resolutions of Baxter Spring Post, No. 133, Grand Army of the Republic, Department of Kansas, to enlarge national cemetery—to the Committee on Military Affairs.

By Mr. E. B. TAYLOR: Petition of McFarland Post, Grand Army of the Republic, relative to pensions—to the Committee on Invalid Pensions.

By Mr. VANCE: Bill to provide for a survey of Green River, in Polk County, North Carolina—to the Committee on Rivers and Harbors.

By Mr. G. D. WISE: Petition of John K. Mitchell, for removal of disabilities—to the Committee on the Judiciary.

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## HOUSE OF REPRESENTATIVES.

### FRIDAY, *April* 11, 1884.

The House met at 12 o'clock m. Prayer by Rev. F. D. POWER, D. D.

The Journal of Wednesday's proceedings was read and approved.

LADY FRANKLIN BAY EXPEDITION.

Mr. ELLIS. I am instructed by the Committee on Appropriations to report back Senate bill 1871, authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition, and to ask unanimous consent for its consideration in the House as in the Committee of the Whole.

The SPEAKER. The Clerk will read the bill, reserving the right to object.

The Clerk read the bill, as follows:

*Be it enacted, &c.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to make proclamation immediately, and cause said proclamation to be published and distributed as thoroughly as may be in such foreign ports as are interested in navigation and traffic in the Arctic seas, that the Government of the United States will pay a reward of $25,000, to be equitably paid or distributed to such ship or ships, person or persons, not in the military or naval service of the United States, as shall discover and rescue or satisfactorily ascertain the fate of the Greely expedition; but such proclamation shall not be made in terms that will involve the United States in any future liability or responsibility beyond said reward, or will induce unprepared vessels to incur extraordinary peril or risk; and the determination of the Secretary of the Navy as to the right of any man to said reward, or a share thereof, shall be conclusive upon all persons.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole.

Mr. MILLS. Let us hear some explanation of the bill, reserving the right to object.

Mr. WELLER. I object.

Mr. ELLIS. I ask the gentleman from Iowa to listen to me before he insists on his objection.

Mr. WELLER. I will wait for a moment before insisting on my objection.

Mr. ELLIS. Mr. Speaker, some years ago, I think in 1880, the Government of the United States sent Lieutenant Greely with an expedition to Lady Franklin Bay. He was sent by the United States Government, and I ask the gentleman to pay attention to what I am saying. It was a naval expedition, but officers and men, both of the Army and Navy, with the ships of the United States Navy, were sent under an act of Congress for scientific purposes. The expedition failed

to return; it was arranged with Lieutenant Greely that efforts should be made for his relief in 1882 and 1883 if he did not return. Those expeditions were sent, but failed, on account of the unusual rigors of the northern winter, to reach him or communicate with him. They are our countrymen; they are officers and men of the United States Army and Navy, they are in charge of United States vessels, and they are, if alive, in extreme peril.

One of the expeditions which went out left stores, provisions, and clothing near the entrance of Smith's Sound, just at the entrance to Kane's Basin, about two hundred and twenty miles below the point to which Lieutenant Greely went in Lady Franklin Bay. The Government has organized under act of Congress another expedition for their relief. That expedition can not possibly depart on its merciful mission before the 1st or 10th of May next; before it can possibly reach the entrance of Smith's Sound where the supplies of stores and provisions were left the whalers and sealmen of the American and British merchant marine will be in all those waters; they understand the language of the natives, and under the stimulus of the proposed reward will make close search into all the inlets, bays, and islands of those wintry seas, and they may perhaps save the lives of the devoted men composing Greely's expedition by four or five or ten days; they may save the lives of these gallant officers and men of the United States Army and Navy sent there at the behest of this nation. They may save their lives by being eight or ten days sooner than the expedition possibly can be expected to reach there. If so, the object of the Greely relief expedition will be accomplished much sooner by some eight or ten months and the expedition will be enabled to return that much sooner to the United States at great economy, at a great saving of money, and the avoidance of further risk to ships and men. Every sentiment of duty, every throb of humanity to our imperiled countrymen prompts this bill should pass, and that the United States shall in its obligation to these men leave no stone unturned and no resources unexpended to rescue those men who by its behest were sent into their present position of peril. They went at our behest. Educated to obey—

> Theirs not to reason why—
> Theirs but to do and die—

they went to dare dangers, to encounter perils, to brave difficulties that we—some of whom here were once used to the horrors of war—can not adequately conceive; and having placed them in their awful position of peril, is it not our solemn and imperative duty to rescue and bring them home to their friends who grieve for them, and to their country to whose service they have dedicated their lives, and to this end to leave no expedient untried that shall accomplish this purpose? I hope and believe now that no gentleman will object to the consideration of this bill.

Mr. WELLER. I wish to say in reply to the remarks of the gentleman from Louisiana that we have already during this session made an unlimited appropriation to fit out cruisers for these waters for the relief of the Lady Franklin Bay expedition.

The SPEAKER. Does the gentleman from Iowa insist on his objection?

Mr. WELLER. I desire to speak for a few moments in answer to the gentleman from Louisiana. I wish to give the reasons briefly why I refuse to yield unanimous consent to the request of the gentleman from Louisiana. [Cries of "Regular order!"]

The SPEAKER. The regular order is called for on both sides of the House, and if the gentleman insists on his objection the bill is not before the House.

Mr. HAMMOND. I do not understand that the gentleman from Iowa insists upon his objection.

The SPEAKER. He states that he does.

Mr. HAMMOND. I understand he is arguing the question as though the bill were under consideration.

The SPEAKER. But still he insists upon his objection.

Mr. WELLER. I wish to have an opportunity to make a statement of the ground of my objection.

The SPEAKER. Does the gentleman withdraw his objection for that purpose?

Mr. WELLER. I withdraw it for the present in order that I may make a statement.

The SPEAKER. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

There was no objection, and it was ordered accordingly.

Mr. WELLER. Now, Mr. Speaker, there has been already an unlimited appropriation made by this House for the relief of the Lady Franklin Bay expedition or of the Greely party. I was at that time opposed to the granting of this unlimited appropriation, believing that there was a method that could be adopted by Congress which would be far preferable to that. In view of my opinions, I presented, many weeks ago, to the consideration of this House a bill asking for an appropriation of $100,000 for this very purpose. That bill was introduced by myself in this House and was referred to the proper committee. Subsequent to that time a bill was presented at the other end of the Capitol, in the Senate, touching this very question, and asking simply an appropriation of $25,000, which passed the Senate and came to the House and was referred to this same Committee on Appropriations. Now, the objection that I have made to this matter is made because I believe the work of this House has been ignored by the Appropriations Committee, and that they have paid special attention to the bill presented by the Senate instead. I am of the opinion that this House should see to it that it should have the preference in the consideration of its own bills over matters introduced by the Senate. I believe that the House should see to it that bills presented by its own members shall have priority of right before the Appropriations Committee, and should be considered in preference to bills from the other end of the Capitol, and not pigeon-holed or otherwise ignored.

Further, sir, my objection is that this same measure could have been passed by both Houses of Congress weeks ago if the Appropriations Committee had paid the attention to it that they have paid to the work of the Senate. I am in favor of granting the relief, but I do not believe that we should, on the one hand, grant an unlimited appropriation to buy ships, specially fit them out for the waters of the Arctic seas, and provide them with stores and send them on their mission, and then, on the other hand, make another appropriation in the way that this bill proposes to do. I believe that it is entirely unwarranted. I believe that it is ignoring the rights of this House in the premises in regard to this whole matter, and that this bill should come up in its proper order, and give the Appropriations Committee an opportunity, if they have not already availed themselves of it, to make a report upon the bill that had priority of right and that was called to their attention in due time and proper manner weeks before this bill saw the light of day. [Cries of "Vote!"]

Mr. ELLIS. I now yield three minutes to the gentleman from New York [Mr. ROBINSON].

Mr. ROBINSON, of New York. Mr. Speaker, I hope that this bill will pass immediately. I rise, however, for the purpose of proposing an amendment to the bill. I move that the sum fixed, $25,000, be stricken out and that $50,000 be inserted for the object contemplated by the bill.

Mr. WELLER. I move to amend the amendment by making it $100,000.

Mr. HOLMAN. I presume the gentleman from Louisiana did not intend when he yielded the floor to permit amendments to be offered.

Mr. ELLIS. I did not yield the floor for amendments.

Mr. ROBINSON, of New York. If there is objection I shall, of course, not attempt to make the motion. I hope, however, the gentleman from Louisiana will not object to an amendment.

Mr. ELLIS. I cannot yield for an amendment.

Mr. ROBINSON, of New York. I shall not, then, persevere in the attempt to offer one.

Allow me to say in the moment or two which the gentleman has been kind enough to yield to me, that I trust there will be no opposition to the passage of this bill, insignificant as is the sum which it proposes to appropriate, and notwithstanding my fears that it will be a total failure in the end. We should have at least $100,000 appropriated for this purpose. We have already paid $100,000 for one ship, and for another ship we have paid about the same sum, and in addition to that we have gone down on our knees to a foreign nation, begging another from them which in the end will avail nothing for the rescue of the gallant officers and crew of that ill-fated expedition.

Offers were made, as gentlemen around me are well aware, to build ships which would have been superior in all respects to those which we have begged from a foreign nation and those which we have bought, which would have been ready for the service on which they were to be sent by the first of this month, more than ten days ago, which would have given an opportunity to American ship-builders and shipyards to build the ships of our own material. Had this option been given to them they would have been ready, as I have said, to have furnished these ships to the Department by the first day of this month. But that opportunity was never granted to them, and now it is too late to complain.

I can only repeat the wish, sir, that this appropriation was $100,000. I wanted it $50,000 at least, which was the amendment I had desired to offer, and though the gentleman from Louisiana would not yield for that purpose, I heartily support him in urging the immediate passage of this bill.

Mr. WELLER. I ask the gentleman from Louisiana if he will yield to me to allow an amendment increasing this appropriation to $100,000?

Mr. ELLIS. I can not, and I will state very briefly the reasons. In the first place, I have no right under the instructions I have from the Committee on Appropriations to open up this bill to amendment. In the second place, the Senate believe, and the Committee on Appropriations also believe, that if a large amount like $100,000 was offered as a reward it would be, perhaps, a stimulus to many persons to risk their lives and their vessels in the search, and we would probably have to send relief for somebody else before the purpose of the expedition has been accomplished. I think, therefore, the original reward contemplated, the comparatively small sum of $25,000, would be sufficient to stimulate the whalers to make careful survey and search of all the bays, inlets, and islands in those regions, and, if successful in their search, will arrest the progress of our relief expedition at the entrance of Smith's Sound and send it back home.

Mr. WELLER. I desire to ask the gentleman a question.

Mr. ELLIS. I will hear it.

Mr. WELLER. Does the gentleman regard the interests at stake as being just simply of the importance of $25,000? Or would he regard the interests at stake as of the importance of $100,000?

Mr. ELLIS. Sir, the lives of those gallant soldiers and sailors can not be estimated in dollars and cents.

Mr. WELLER. Then permit me to inquire why not offer $100,000 reward at this time, being an amount that would be somewhat commensurate with the interests at stake, and run the risk of the judgment of the men who undertake the enterprise to navigate those waters and make that search for relief in the matter of the dangers involved?

Mr. ELLIS. Because we believe it would unduly stimulate men to run into peril.

Mr. HAMMOND. In other words, because you think $25,000 enough.

Mr. ELLIS. Yes, sir.

I yield three minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. When the earthly life of my friend from Iowa shall have ended and he shall have floated into the fields of illimitable and immeasurable space I give a guarantee that I will erect a monument to him, and the first line on it will be, "I object;" and below that I will have engraved on that monument a precise and absolute copy of the damnable rules of this House. [Laughter.] I think the rules and the gentleman from Iowa will go fitly together and float down the stream of eternity forever and forever. [Renewed laughter.] Here is a bill passed by the Senate, recommended by a Democratic committee, reported to this House, and antagonized by the luminous and elaborate gentleman from the State of Iowa, who must have started his craze on the greenback question and the Lord knows where it will end. [Laughter.]

Mr. WELLER addressed the Chair.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] has the floor, having made the report, and is entitled to the floor for one hour.

Mr. ELLIS. I demand the previous question.

Mr. WELLER. I trust the gentleman will yield to me a minute or two.

Mr. ELLIS. I withhold the demand for the previous question and yield the gentleman from Iowa [Mr. WELLER] one minute.

Several members called for the regular order.

Mr. WELLER. I apprehend it is in regular order for me to pay briefly my attention to the distinguished gentleman from Colorado.

Mr. BELFORD. You can go at it whenever you get ready.

Mr. WELLER. I have been an admirer of the brilliant remarks that the gentleman from Colorado so frequently, in order and out of order, makes on this floor. But that which I admire more than the brilliancy of his remarks is the indescribable brilliancy of his countenance. [Laughter.] I am surprised, however, that the gentleman (who boasts that he is a stalwart member of the Republican party) should have a face brilliant in such shades of colors as to indicate so plainly as his countenance does the indices that he, if Republican proclamations on that point are reliable, belongs to another party and is on the wrong side of this House. [Laughter.] I trust, Mr. Speaker, that I may, when I enter the realms of eternity, float on and forever in that paradise of my eternal hope as a just and proper reward for daring to do right. But I guarantee when I do I will be found floating in a contrary direction from that which the gentleman from Colorado must inevitably take unless he reforms in very many particulars, and that speedily. [Laughter.]

Mr. BELFORD. I will be going to heaven and you will be going the other way. [Laughter.]

The SPEAKER. The time of the gentleman from Iowa [Mr. WELLER] has expired.

Mr. ELLIS. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be read a third time; and was accordingly read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PONTON BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. PERKINS. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," with the amendments reported by the Committee on Commerce.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. I object.

Mr. PERKINS. I hope the gentleman from New York [Mr. BEACH] will withdraw his objection, at least until I make a statement.

Mr. BEACH. I shall not withdraw the objection. I would not have made it if I had intended to withdraw it.

AMERICAN VESSELS IN FOREIGN PORTS.

Mr. DINGLEY. I am instructed by the Select Committee on American Ship-building and Ship-owning Interests to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury be requested to inform the House what light dues, tonnage charges, or other equivalent taxes are imposed on American vessels entering and clearing from the ports of foreign countries; and also with what nations the United States have reciprocal commercial maritime treaties or arrangements, the dates at which the same were entered into, and the provisions of each treaty or arrangement.

The report was read, as follows:

The Select Committee on American Ship-building and Ship-owning Interests, to whom was referred the accompanying resolution requesting the Secretary of the Treasury to inform the House what charges are imposed on American vessels in foreign ports, report the same back with a recommendation that it be adopted.

The resolution was adopted.

Mr. DINGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HANCOCK. I move to dispense with the consideration of private business for to-day and also to dispense with the morning hour, my purpose being to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, with a view to proceeding with the consideration of the pension appropriation bill.

The SPEAKER. That motion requires a two-thirds vote.

The question being taken on the motion of Mr. HANCOCK, there were—ayes 68, noes 50.

So (two-thirds not having voted in the affirmative) the motion was not agreed to.

Mr. HOLMAN and others called for the regular order.

CHARGES AGAINST H. V. BOYNTON.

Mr. HOPKINS. I rise to a question of privilege. I call up the report of the select committee to investigate charges against H. V. Boynton. I have the authority of the committee to say that they desire no discussion so far as they are concerned, and unless the resolution shall be debated or some one shall desire to speak in opposition to it I shall call the previous question.

The SPEAKER. The gentleman from Pennsylvania calls up as a matter of privilege the report of the select committee on charges against H. V. Boynton. The resolution will be read.

The Clerk read as follows:

*Resolved*, That the charges against H. V. Boynton are not sustained by the evidence and that there is no ground for any action by the House.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for.

Mr. THOMPSON. I desire to give notice at the present time, if in order, that to-morrow I will move to vacate the special order in relation to bills providing for the erection of public buildings.

The SPEAKER. This being Friday, the first business in order is the call of committees for reports of a private nature.

CHARLES W. HAYS.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 5698, a bill (H. R. 6528) to remove the disabilities of Charles W. Hays, of Alabama; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM HUNTINGTON.

Mr. McCOID, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 6065) for the relief of William Huntington; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NATIONAL BANK OF BARRE, VT.

Mr. MILLER, of Texas, from the Committee on Banking and Currency, reported back with an amendment the bill (H. R. 6219) to authorize the Comptroller of the Currency to issue to the National Bank of Barre, Vt., $1,300 of circulating notes to replace the same amount of unsigned notes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE F. BICKNELL.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 263) for the relief of George F. Bicknell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RUPERT G. HILL.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 5714) for the relief of Rupert G. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TENEDORE TEN EYCK.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 4000) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and to place him on the retired-list of Army officers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WEBSTER C. WEBB.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported adversely the bill (H. R. 5750) for the relief of Webster C. Webb; which was laid on the table, and the accompanying report ordered to be printed.

LIEUT. M. C. WILKINSON.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported adversely the bill (H. R. 2599) for the relief of Lieut. M. C. Wilkinson; which was laid on the table, and the accompanying report ordered to be printed.

JOSEPH W. FISHER.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported adversely the bill (H. R. 6017) for the relief of Joseph W. Fisher; which was laid on the table, and the accompanying report ordered to be printed.

EGBERT THOMPSON.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 5584) for the relief of the legal representatives of Egbert Thompson, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILBUR F. STEELE.

Mr. STRAIT, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 4360) for the relief of Wilbur F. Steele; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS J. RHODES.

Mr. OURY, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 2818) for the relief of Thomas J. Rhodes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN KAULA.

Mr. NELSON, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 2324) for the relief of John Kaula; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN COOK.

Mr. NELSON, from the Committee on Indian Affairs, also reported back with an amendment the bill (H. R. 4802) for the relief of the estate of John Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TIMOTHY M'CORMICK.

Mr. FINERTY, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 4135) for the relief of Timothy McCormick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BEDDO AND OTHERS.

Mr. GRAVES, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 1573) for the relief of William Beddo and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY MORRIS HUSBAND.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MAJ. W. W. FRYBARGER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4379) for the relief of Maj. W. W. Frybarger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. SAMANTHA HARRIMAN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN BOYLE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 389) granting a pension to John Boyle; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 205) granting a pension to John K. Mannon;

A bill (H. R. 327) granting a pension to William N. Seymour; and

A bill (H. R. 5737) granting a pension to William B. Baker.

HENRIETTA M. SANDS.

Mr. CULLEN (by Mr. MATSON), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4297) for the relief of Henrietta M. Sands; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY M. ORD.

Mr. CULLEN (by Mr. MATSON), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALONZO B. CHATFIELD.

Mr. CULLEN (by Mr. MATSON), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3112) for the relief of Alonzo B. Chatfield; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNA BECK.

Mr. CULLEN (by Mr. MATSON), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 5728) granting a pension to Anna Beck; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB LAFFERTY.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5148) granting a pension to Jacob Lafferty; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB J. MORNINGSTAR.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3403) for the relief of Jacob J. Morningstar; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EUGENE L. TOWNSEND.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5595) granting a pension to Eugene L. Townsend; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DENNIS M'GINNIS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1449) granting a pension to Dennis McGinnis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BARBARA A. SMITH.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4663) granting a pension to Barbara A. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM HARBESON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4248) granting a pension to William Harbeson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA MARIA RESSLER.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4247) granting a pension to Anna Maria Ressler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOAH CATON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2627) granting a pension to Noah Caton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM WEDDINGFIELD.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 732) granting a pension to William Weddingfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM T. M'COY.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1436) granting a pension to William T. McCoy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES AARON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4254) granting a pension to James Aaron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTHUR I. M'CONNELL.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2623) granting a pension to Arthur I. McConnell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAM HOWARD.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2629) granting a pension to Abram Howard; which was laid on the table, and the accompanying report ordered to be printed.

PETER LENNON.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 796) to increase the pension of Peter Lennon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADOLPH WEACH.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2282) granting a pension to Adolph Weach; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BAGLEY, the Committee on Invalid Pensions was discharged from the further consideration of the following bills; and they were referred to the Committee on Pensions:

A bill (H. R. 998) for the relief of James Butler; and

A bill (H. R. 3721) granting a pension to Thomas Shannon.

CATHARINE WEISS.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5976) for the relief of Catharine Weiss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO COOPER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5889) granting a pension to Alonzo Cooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. SEYMOUR.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE S. RIGGS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3332) granting a pension to George S. Riggs; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MICHAEL SHIELDS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3321) granting a pension to Michael Shields; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA EARLE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4833) granting a pension to Louisa Earle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH A. SPRINGSTEED.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5989) for the relief of Elizabeth A. Springsteed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

USEBUS SWEET.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2440) for the relief of Usebus Sweet; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH B. JACKSON.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5800) for the relief of Sarah B. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SHERMAN C. PERRY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3336) for the relief of Sherman C. Perry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY TARBELL.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3040) for the relief of Mary Tarbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN O'BRIAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5888) granting a pension to Ellen O'Brian; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYNTHIA SHAW.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3727) granting a pension to Cynthia Shaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. PIKE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3340) granting a pension to James M. Pike; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID M. NAGLE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5543) granting a pension to David M. Nagle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 6176) for the relief of Christina Gavin;

A bill (H. R. 6342) for the relief of Augustus Axmaker;

A bill (H. R. 5986) for the relief of Franklin Carris;

A bill (H. R. 5985) for the relief of Peter Kraft;

A bill (H. R. 4541) granting a pension to Mary Hunter;

A bill (H. R. 5987) for the relief of Charles Meal;

A bill (H. R. 4824) granting a pension to Philip Michael;

A bill (H. R. 5982) for the relief Mrs. Emerancy A. Reed;

A bill (H. R. 4826) for the relief of Catharine Smith;

A bill (H. R. 4855) granting a pension to Thomas Shannon;
A bill (H. R. 4827) for the relief of Peter Schultz;
A bill (H. R. 5791) for the relief of Sarah Gallagher;
A bill (H. R. 4161) for the relief of Mary L. Walker and Ella Walker;
The bill (H. R. 3310) for the relief of Henry M. Munion;
The bill (H. R. 2403) for the relief of Mary Helena Mahan, widow of Dennis H. Mahan;
The bill (H. R. 997) to pay Samuel V. Adams arrears of pension;
The bill (H. R. 4170) for the relief of Theodore Rauthe;
The bill (H. R. 2395) granting a pension to John W. Rose; and
The bill (H. R. 3707) for the relief of Charles Pierson.

MAJ. D. WILLIAMS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1738) restoring to the pension-roll the name of Maj. D. Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. KNAWBER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 499) granting a pension to Mary A. Knawber; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL BARNARD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 943) granting a pension to Samuel Barnard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HUGH DOUGHERTY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2140) for the relief of Hugh Dougherty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. H. ADAMS.

Mr. MORRILL (for Mr. HOUK), from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5835) granting a pension to J. H. Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BALLINGER.

Mr. MORRILL (for Mr. HOUK), from the Committee on Invalid Pensions, also reported back the bill (H. R. 5838) granting a pension to Henry Ballinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY M. SMITH.

Mr. MORRILL (for Mr. HOUK), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 5183) granting a pension to Nancy M. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 539) granting a pension to Jacob R. McFarren; and
A bill (H. R. 541) granting arrears of pension to Durant F. Hunt.

JOHN KANE.

Mr. HOLMES, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 1976, a bill (H. R. 6529) for the relief of John Kane; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK S. MARSH.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2453) granting a pension to Frank S. Marsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT J. GILLESPIE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 460) granting a pension to Robert J. Gillespie; which was laid on the table, and the accompanying report ordered to be printed.

HENRY ALDEN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4094) granting a pension to Henry Alden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN H. FITTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 766) granting a pension to Reuben H. Fitts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD JOBES.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported a bill (H. R. 6530) to increase the pension of Richard Jobes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GILBERT A. PHILIPS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 664) granting a pension to Gilbert A. Philips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. SCHUYLER SUTTON.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

KATE WILHARLITZ.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 663) granting a pension to Kate Wilharlitz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANN SHEFFIELD.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 662) granting a pension to Mrs. Ann Sheffield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

THEO AHRENS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5565) granting a pension to Theo Ahrens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL Z. COOPER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5124) granting a pension to Samuel Z. Cooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. KONKLE.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4568) granting a pension to Andrew J. Konkle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK BRAUNWALD.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5123) granting a pension to Frederick Braunwald; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5380) granting a pension to Patrick Coyne;
A bill (H. R. 3752) granting a pension to John Wheatley;
A bill (H. R. 5564) granting an increase of pension to Michael Cannon;
A bill (H. R. 3390) granting a pension to Henry B. Spooner;
A bill (H. R. 4572) granting a pension to Martin Douglass;
A bill (H. R. 3746) granting a pension to O. W. Minor; and
A bill (H. R. 1220) granting a pension to Hugh Ward.

JOHN L. LAKE, JR.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2331) for the relief of John L. Lake, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back with adverse recommendations the following petition and bill; which were laid on the table, and the accompanying report ordered to be printed:

The petition of John Nelson Trask; and

A bill (H. R. 3314) for the relief of John Jordan.

JAMES M. ALLISON.

Mr. WOLFORD, from the Committee on Pensions, reported adversely the bill (H. R. 2732) to restore James M. Allison, a soldier in the war with Mexico, to the pension-roll; which was laid on the table, and the accompanying report ordered to be printed.

T. I. HARDIN.

Mr. ELLWOOD, from the Committee on Claims, reported adversely the bill (H. R. 5877) for the relief of T. I. Hardin; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM G. BROWNLOW.

Mr. ELLWOOD, from the Committee on Claims, also reported adversely the bill (H. R. 5478) for the relief of the estate of William G. Brownlow; which was laid on the table, and the accompanying report ordered to be printed.

JOHN C. THOMPSON.

Mr. ELLWOOD, from the Committee on Claims, also reported adversely the petition of John C. Thompson for compensation for carrying the mail from Washington, D. C., to Leonardtown, Md., during the war; which was laid on the table, and the accompanying report ordered to be printed.

ELLEN CALL LONG AND MARY K. BREVARD.

Mr. OCHILTREE, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES VANCE AND WILLIAM VANCE.

Mr. OCHILTREE, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 3552) for the relief of the estates of James Vance and William Vance; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TERRENCE DELOZIER.

Mr. SNYDER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1431) for the relief of Terrence Delozier; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AZARIAH T. WHITTLESEY.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported adversely the bill (H. R. 4749) for the relief of Azariah T. Whittlesey; which was laid on the table, and the accompanying report ordered to be printed.

H. C. LINN.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, also reported adversely the bill (H. R. 2131) for the relief of H. C. Linn; which was laid on the table, and the accompanying report ordered to be printed.

EDWIN B. HAY.

Mr. LORE, from the Committee on Claims, reported back with an amendment the joint resolution (H. Res. 95) for the relief of Edwin B. Hay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BYRNES.

Mr. LORE, from the Committee on Claims, also reported adversely the bill (H. R. 1173) for the relief of the heirs of John Byrnes; which was laid on the table, and the accompanying report ordered to be printed.

EDWARD M. SHIELD.

Mr. LORE, from the Committee on Claims, also reported adversely the bill (H. R. 1192) for the relief of the heirs of Edward M. Shield; which was laid on the table, and the accompanying report ordered to be printed.

PARDON WORSLEY.

Mr. PRICE, from the Committee on Claims, reported back with an amendment the bill (H. R. 2685) for the relief of Pardon Worsley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES MURPHY.

Mr. PRICE, from the Committee on Claims, also reported a bill (H. R. 6531) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. PRICE. I ask leave for the minority of the committee to present views upon this bill.

The SPEAKER. What member of the committee?

Mr. PRICE. I ask it for myself.

There was no objection, and leave was accordingly granted for the views of the minority to be presented and printed with the report of the majority.

JOSEPH E. MOORE.

Mr. RAY, of New York, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 992) for the relief of Joseph E. Moore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH W. PARISH.

Mr. ROWELL, from the Committee on War Claims, reported back with an amendment the bill (H. R. 2554) for the relief of Joseph W. Parish; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES H. ADAMS.

Mr. ROWELL, from the Committee on War Claims, also reported back adversely the bill (H. R. 1892) for the relief of Charles H. Adams; which was laid on the table, and the accompanying report ordered to be printed.

REV. ERASTUS LATHROP.

Mr. ROWELL, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 3889) for the relief of Rev. Erastus Lathrop; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LUCY ANN LEE AND ALLEN G. LEE.

Mr. FERRELL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 41) for the relief of Lucy Ann Lee and Allen G. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DR. THOMAS J. JONES.

Mr. FERRELL, from the Committee on War Claims, also reported, as a substitute for bill 3626, a bill (H. R. 6533) for the relief of Dr. Thomas J. Jones; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIAS B. MOORE.

Mr. TULLY, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2999) for the relief of Elias B. Moore; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. EVERHART, from the Committee on War Claims, reported back adversely the bill (H. R. 3514) for the relief of the Washington and Ohio Railroad Company; which was laid on the table, and the accompanying report ordered to be printed.

The call of committees for reports of a private nature was continued and concluded.

The SPEAKER. If there be no objection, the Chair will now recognize for the presentation of reports of a private nature gentlemen who were not in their seats when their committees were called.

There was no objection.

CAPT. HENRY ERBEN.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 4175) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Capt. Henry Erben, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LAND TITLES IN ALBUQUERQUE, N. MEX.

Mr. MUTCHLER, from the Committee on Private Land Claims, reported back with amendments the bill (H. R. 4399) to confirm the title of the residents thereof to the town or community grant of the town of Albuquerque, N. Mex., and for the allotment and disposition of the lands in said grant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS A. WESTON.

Mr. VANCE, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 6069) for the relief of Thomas A. Weston; which was referred to the Committee of the Whole House

on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM G. BUDLONG.

Mr. DARGAN (by Mr. GREENLEAF) reported back from the Committee on Patents with a favorable recommendation the bill (H. R. 1451) for the relief of William G. Budlong; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

INDUSTRIAL EDUCATION OF COLORED PEOPLE.

Mr. AIKEN. I ask unanimous consent to report from the Committee on Education a resolution for reference to the Committee on Appropriations.

The resolution was read, as follows:

Whereas this committee believes that the kind of education now most needed by the colored people of this country is in the line of useful industries and of the mechanic arts; and

Whereas Howard University, a national institution, in the District of Columbia, has recently commenced the experiment of an industrial department in connection with their academic course with great promise of success: Therefore,

*Resolved*, That in order that an industrial department may be maintained at said university the Committee on Education respectfully recommends to the Committee on Appropriations an appropriation for the salaries of a superintendent and five instructors in the several mechanic arts in the industrial department of said institution to the amount of $3,700.

There being no objection, the resolution was referred to the Committee on Appropriations.

PROSECUTIONS UNDER INTERNAL-REVENUE LAWS.

Mr. MCMILLIN, by unanimous consent, reported back from the Committee on Revision of the Laws with amendments the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws; which was referred to the House Calendar, and the accompanying report ordered to be printed.

FORFEITURE OF NORTHERN PACIFIC RAILROAD GRANT.

Mr. HENLEY, from the Committee on Public Lands, reported a bill (H. R. 6534) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. OATES. On behalf of a minority of the Committee on Public Lands I ask consent to file to-morrow, or as soon as practicable, the views of the minority upon the bill just reported.

The SPEAKER. If there be no objection, the minority of the committee will have leave to submit their views in writing, to be printed with the report of the majority.

There was no objection, and it was ordered accordingly.

PENSIONS.

Mr. WARNER, of Ohio, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported, in lieu of various bills referred to the committee, a bill (H. R. 6535) to regulate the granting of pensions in certain cases; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Ohio. I desire to give notice that under instruction of the committee I shall on the first occasion when the committee is called for a motion to suspend the rules ask that this bill be taken up and passed.

LEGISLATURE OF DAKOTA.

Mr. CARLETON, by unanimous consent, reported back from the Committee on the Territories with a favorable recommendation the bill (H. R. 4359) in relation to the Legislature of Dakota Territory; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HANCOCK. I move to dispense with the further consideration of private business in order to take up for action the pension appropriation bill.

Mr. MCMILLIN. I desire to state, in view of the fact that the House is much behind with the appropriation business and as the Committee on Appropriations has a bill ready for action in the Committee of the Whole House on the state of the Union, I will make no effort to go into the Committee of the Whole House on the Private Calendar, in order that the House may go into the Committee of the Whole House on the state of the Union and proceed to the consideration of the pension appropriation bill.

Mr. KEIFER. As it is, I do not believe it is necessary to move to dispense with the private business in order to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. Of course the question will be put on the motion of the gentleman from Texas to go into the Committee of the Whole House on the state of the Union to consider appropriation bills, in reference to which a majority has control.

Mr. ANDERSON. I rise to a parliamentary inquiry: Would a call for the regular order of business, which would be the consideration of the business on the Private Calendar, take precedence? That is, if regular order were demanded and a motion made to go to the business on the Private Calendar, would not that motion take precedence of the motion to go into the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair understood the gentleman from Tennessee [Mr. MCMILLIN], chairman of the Committee on Claims, to say that he did not propose to antagonize the motion to go into the Committee of the Whole House on the state of the Union to consider appropriation bills.

Mr. HANCOCK's motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

PENSION APPROPRIATION BILL.

The CHAIRMAN. The first bill on the Calendar making appropriations is the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, which the Clerk will read.

The Clerk proceeded to read the bill.

Mr. KEIFER. I move that the first formal reading of the bill for information by unanimous consent be dispensed with.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The bill is now before the committee, to be considered by paragraphs, and the Clerk will read the first paragraph.

The Clerk read as follows:

*Be it enacted, &c.*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1885, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of 1812, $20,000,000; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the 30th of June, 1884, is hereby reappropriated and made available for the service of the year ending June 30, 1885: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *And provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. WARNER, of Ohio. Were points of order reserved on this bill?

The CHAIRMAN. The Chair understands they were not, and it is now too late.

Mr. HANCOCK. Mr. Chairman, I have but a few remarks to make on this bill making appropriations to pay our pensions for the next fiscal year. The total sum for that purpose proposed to be appropriated by the bill is $86,684,400. It seems to be sufficient, and it is expected a surplus will be left after all the pensions have been paid.

The appropriations for the current fiscal year, 1884, aggregate in round numbers the sum of $126,000,000; of that amount there was expended during the first six months, ending December 31, 1883, $25,673,000. Estimating that the total expenditures for the fiscal year will aggregate $60,000,000, it will be seen that an unexpended balance of the appropriations for the year of $66,000,000 will remain.

The bill reported herewith makes an appropriation of $20,684,400 for the service of the year 1885, together with all unexpended balances of the appropriations for the year 1884, which are estimated, as above, to be $66,000,000, making the aggregate amount appropriated by the bill for the fiscal year 1885 $86,684,400.

The bill further appropriates $684,400 for miscellaneous items and contingent expenses, as fuel, postage, &c. This portion of the bill I presume will excite no opposition and likely no amount of discussion. But, Mr. Chairman, there may be difference of opinion as to the second paragraph of the bill. It proposes new legislation, and changes the number of pension agents from eighteen to twelve, and reduces the pay allowed for preparing pension vouchers from 15 cents to 5 cents for each voucher in a pension case.

The reduction of the agents from the present number, eighteen, to twelve I understand is acceptable to the Commissioner of Pensions, he believing that number will be sufficient to do the work, and certainly more economically than the eighteen, and it is believed that the work will be performed just as satisfactorily as now. A strong disposition was manifested to dispense with these agents entirely, and return the whole business of paying the pensioners to the Treasury Department, where it probably rightfully belongs, and where it might be more economically performed than by the present system. But there was a disinclination on the part of some to make that change, and it was insisted that as the pensioners themselves in many instances have become familiar with this mode of payment they ought to be deferred to so far as continuing the present system is concerned, although it is not questioned that it will cost probably $150,000 more to pay them in the present manner than if they were paid directly through the Treasury Department.

The other clause of this second section, reducing the compensation allowed to the pension agents from 15 cents to 5 cents for each voucher prepared by them, will doubtless be objected to as reducing the compensation of the pension agents more than it ought to be reduced. I conceive there can be no question, Mr. Chairman, that the pension agents will be still abundantly paid for the amount of labor they are required to perform in the preparation of the vouchers. Heretofore I think it is safe to say that with the exception of but very few officers of the Government they have been paid larger sums by way of salary and

compensation in proportion to the amount of labor than almost any of the other employés of the Government. Each agent received as a salary the sum of $4,000 a year for his services and for the preparation, you may say, of vouchers for 1,000 pensioners four times a year; that is to say, 4,000 vouchers during the year. He has no compensation for that number of vouchers excepting the salary; but heretofore he has received 15 cents for each voucher in excess of that number, which it is now proposed by the Committee on Appropriations to reduce to 5 cents.

To estimate what would be fair and reasonable in this respect we have called to our assistance persons supposed to be better able to determine the amount that could be realized by the pension agents than probably the members of the committee or others connected with this body. We find that the voucher is made up in the form of this paper which I hold in my hand, and gentlemen can see here the amount of writing that is necessarily done by the clerk or the agent himself to fill it up. It will be seen that he must only fill in the blank space in these receipts; and then on the back of it indorse upon it the name and number, to indicate what particular voucher it is. It is estimated that a fair, active penman will write without difficulty as much as eighty pages of foolscap manuscript in a day. There is not probably in amount one-tenth, perhaps not more than one-twelfth, of the labor required to write one page of foolscap necessary to fill up one of these vouchers. In addition to that, however——

Mr. MORRILL. May I ask the gentleman a question?

Mr. HANCOCK. Certainly.

Mr. MORRILL. I would like to ask the gentleman if a great deal of labor necessarily performed in making up these vouchers is not in looking up the record in each case?

Mr. HANCOCK. I was just coming to that point. The mere clerical labor, the filling up of the blank places on this printed form, is not all of the labor that is necessary to be done by the agent, because if it were 5 cents for each one would be an excessive compensation. But of course they are required also to look upon the list in order to get the proper name and probably the proper amount and perchance also the proper address of the party, which, however, can not take a very great length of time or involve much labor, as the lists of the pensioners are all furnished to the agent by the Pension Bureau, and it is only a mere matter of looking over the list and ascertaining the particular facts in reference to the case in order to fill up the voucher. The voucher, however, you will remember, is not entirely filled up until it has been sent first to the party and this portion of it which relates to the magistrate's certificate has been filled up and returned.

Mr. MORRILL. May I ask the gentleman another question? He says that the voucher is partly filled up before it comes into the hands of the agent.

Mr. HANCOCK. Yes, sir.

Mr. MORRILL. And it is finished afterward by the agent?

Mr. HANCOCK. They are partly filled up before they are sent to the pensioner, and afterward when they come back the draft is sent to the party, which is an additional service rendered by the agent besides filling up the voucher. He has simply to fill up the amount in the voucher and remit the draft to the party. This payment I understand to be made upon the draft of the pensioner himself. With all of the amount of clerical labor which is required in filling up the voucher and of making the payment, it is believed that without difficulty one hundred vouchers could easily be completed in a day. Now, this printed form, the voucher, is printed without expense to the agent. All that he has to do is simply to fill it up. An ordinarily expert penman would, as I am informed, readily complete one hundred of them in a day and require no great amount of skill, which would be equal, at the rate proposed here, to a salary of $5 a day for all the labor involved. That seems to the committee to be a sufficient sum to engage the service of men eminently qualified to perform that particular duty. Indeed, I think it is such a sum for each of these vouchers in addition to the compensation which the agent receives in the first instance, and whose time certainly is not required to be actively and closely engaged for the whole year, as will secure efficient service. Getting as he does $4,000 a year, with all of his rent paid, his light and fuel furnished, and even the postage paid by the Government, it is believed that the sum ought to be and will be a sufficient compensation to secure for this service, which I regard as one that should be done efficiently and expeditiously, the best character of business talent in the country disposed to take hold of this character of occupation.

Mr. MILLARD. Will the gentleman from Texas allow me to ask him a question?

Mr. HANCOCK. Certainly.

Mr. MILLARD. Does the pension agent out of this $4,000 pay his clerks?

Mr. HANCOCK. He is not supposed to pay his clerks out of the $4,000. The fee of 5 cents on each voucher is supposed to be sufficient to pay the clerks. For the $4,000 he has to fill up 4,000 vouchers. For all over that he is paid 5 cents on each.

There is another matter of new legislation which I do not propose to particularly advocate. It is that which fixes the compensation of pension lawyers at $10. It seems to be a sort of inexorable rule that the lawyer shall in no instance receive more than $10 for his services in and about securing pensions, arrears of pay, bounty lands, &c., and only in such cases as may be successful. We find from the report of the Commissioner of Pensions that about 60 per cent. of the applications for pensions succeed, so that the average fee of the lawyer would be reduced to $6. I can not say whether that is right or not. I must confess in frankness I very much doubt it. I think the compensation is inadequate. But it was insisted by a member of the committee far more familiar with these duties than I am that about all that the pension attorneys about the capital did was to receive the papers from the attorneys in the neighborhood where the pensioner resided and present them. If that be true, probably an average of $6—for that would be what he would get—would compensate a person competent to present the papers. But if he has to perform professional labor, requiring learning in the particular duty that he undertakes to discharge, I submit to the committee whether this is a wise provision.

It has been suggested, and I think with a good deal of force, that probably pensioners and other like claimants might as well be left to the exercise of their own best discretion on this subject, rather than trammel them by requiring them to depend upon the services of attorneys who receive but a contingent fee, and that an exceedingly small one.

Mr. ROGERS, of Arkansas. Will the gentleman from Texas permit me to interrupt him at this point?

Mr. HANCOCK. Certainly.

Mr. ROGERS, of Arkansas. I want to say at this point very briefly this: The Select Committee on the Payment of Pensions, Bounty, and Back Pay have had under consideration for the past six weeks or two months two subjects. One was with reference to the rules of practice in the Pension Department and the other was with reference to the compensation of the attorneys. We have given that subject careful and long consideration, aided by the ablest counsel engaged in that practice in the city and aided meeting after meeting, for week after week by the Commissioner of Pensions himself, who has given us the result of his experience as Pension Commissioner upon this subject. We have also looked up the history of the law upon the subject, and have found the defects under the one system and under the other and the merits under the one system and under the other, and to-morrow was the day set apart for perfecting the bill for that purpose. I think the Committee on Appropriations ought to consent to have this provision of the bill stricken out, and the House should have the benefit of the bill which the committee specially delegated to consider the question have matured for that purpose.

I make this suggestion thus early that the gentleman from Texas may have the opportunity of consulting with his colleagues on the Committee on Appropriations as to the advantage of our giving the House the benefit of the investigations we have made upon this subject. And I give notice also that at the proper time I shall move to strike out that section of the bill.

Mr. BUDD. I believe the point of order that the section changes existing law would be against it.

Mr. WARNER, of Ohio. Will the gentleman from Texas yield to me for a moment?

Mr. HANCOCK. Yes, sir.

Mr. WARNER, of Ohio. In addition to what the gentleman from Arkansas [Mr. ROGERS] has said, I wish to say that the Select Committee on the Payment of Pensions, Bounty, and Back Bay undoubtedly will be prepared to report to-morrow, after one more session, a bill upon which a great deal of labor has been expended. I may add also that it is the judgment of the committee that this provision of the bill, section 2 as it stands here, while a part of what it aims at is right, as a whole should not remain in the bill.

Mr. HANCOCK. I think I can reply to both of the honorable gentlemen that I have not urged this feature of the bill very affirmatively.

Mr. WARNER, of Ohio. I observed that.

Mr. HANCOCK. I am not responsible for it. But I wish my colleague on the committee, Judge HOLMAN, to have an opportunity to vindicate his view. He is far more familiar with the subject than I am, and has a knowledge of the facts which are not familiar to me.

We down in my section of the country are not much favored with pensions. I think there are but one or two in all my section of country. I think a few others have made application, but have been denied on some immaterial, unimportant ground—some incident that might perhaps be better forgotten than recollected. [Laughter.] So this is a new subject with us, and I am not prepared to say what is the right thing to do. But I am gratified to hear it is a subject which has engaged the special attention of I think the appropriate committee to consider it.

Mr. RAY, of New York. Will the gentleman yield to me for one moment?

Mr. HANCOCK. Yes, sir.

Mr. RAY, of New York. I throw out this suggestion more for the purpose of getting information and the views of the committee on the point than for any purpose of criticising their report or their action. But it seems to me it is a proper question to come before this committee in some form or other, and I would like to ask this: Is it not a fact that your investigations show that reducing the compensation of pen-

sion attorneys to a very small amount results in the employment of very small, very cheap, very dishonest attorneys, and they in fact do the soldiers more harm than they do them good? And would it not be wise to strike out all restrictions on their fees and leave that to be a mere matter of agreement between the soldier and his attorney; so that he can employ a good man and pay him what his services are honestly worth, and thereby secure the services of good, honorable men?

Mr. HANCOCK. I can not answer the gentleman's question, except that I can say in vindication of my profession that our investigations have not led to the development of anything like dishonesty on the part of lawyers; they are generally found to be correct. If you will give them fair compensation I think it very likely that you will get efficient work. Sometimes by not giving adequate compensation you do not get the right kind of lawyers; and that often leads to litigation and expenses to an extent that is not necessary.

I will not occupy more of my time at present, but will yield to the gentleman from Illinois [Mr. CANNON], my colleague on the Committee on Appropriations.

The CHAIRMAN. How much time does the gentleman yield?

Mr. CANNON. I will take ten minutes; I may possibly want a little more.

Mr. HANCOCK. I will yield to the gentleman for ten minutes.

Mr. CANNON. The gentleman from Texas [Mr. HANCOCK] in charge of this bill has stated the amount that it carries. The bill really carries, as he well stated, the amount in round numbers of $86,684,000, although it only purports to carry specifically on its face $20,000,000. It is estimated by the committee, and by the estimate clerk of the Treasury Department, that there will be at the end of the current year an unexpended balance of the appropriations heretofore made for pensions of $66,000,000. The appropriations and reappropriations made by the last Congress for this year amounted to $126,000,000. It is estimated that $60,000,000 will be the amount expended this year, leaving $66,000,000 unexpended. This bill reappropriates that $66,000,000 and adds $20,000,000 to that amount.

Mr. HISCOCK. May I ask the gentleman now on the floor why that is done, why the money necessary for the next year is not directly appropriated, and the unexpended balances of appropriations for two or three years past returned to the Treasury?

Mr. CANNON. I suppose it is a mere matter of dress-parade; that is all. In other words, it will enable some of our Democratic friends when they go before the people during the next campaign to get on the stump and say, "We have cut down the appropriations so much." Now, here is a big item of $66,000,000 which they need not count, provided they are not good book-keepers. That might fool somebody; but yet when you take the next clause of the bill reappropriating the unexpended balance of the appropriation for the current year, which substantially amounts to $66,000,000, the whole appropriation by this bill is really $86,000,000. It, therefore, does not amount to anything; it will not deceive sensible people, and as to those who want to be deceived by it, it is not worth while to take the trouble to explain the matter further.

Mr. COBB. Allow me to ask you a question?

Mr. CANNON. Certainly.

Mr. COBB. How can you make a reappropriation without putting it iin the bill?

Mr. CANNON. You can not do so.

Mr. COBB. How then about the pretense that the appropriation is not made?

Mr. CANNON. If you do not reappropriate this $66,000,000 it will go back into the Treasury.

Mr. COBB. I understand that perfectly well.

Mr. CANNON. Let me answer your question; I have but ten minutes' time. If you do not reappropriate the unexpended balance it will go back into the Treasury and then you would have to appropriate $86,000,000 specifically. As the bill is it appropriates $20,000,000 specifically and reappropriates the unexpended balance heretofore appropriated without mentioning the amount.

Mr. COBB. How, then, is it a political trick, as the gentleman would make the House believe?

Mr. CANNON. The gentleman from New York [Mr. HISCOCK] asked why we did this.

Mr. WARNER, of Ohio. It is the right way.

Mr. HORR. It is the right way.

Mr. CANNON. Who is making this speech, I would like to know? [Laughter.]

The CHAIRMAN. The gentleman will proceed without being interrupted.

Mr. COBB. I would like to ask the gentleman a further question, if he will allow me.

Mr. CANNON. I will not allow the gentleman to ask a further question until I have answered the question of the gentleman from New York [Mr. HISCOCK] and the one already asked by my friend from Indiana [Mr. COBB]. When I have done so, if I have not then covered the whole ground, I will yield for a further question.

I say in answer to my friends from New York and Indiana that so far as the Treasury is concerned it does not make any difference whether this bill formally appropriates $86,000,000 or whether it formally appropriates $20,000,000 and reappropriates the unexpended balance for the current year, which it is estimated will amount to $66,000,000.

Mr. COBB. Now let me ask the gentleman——

Mr. CANNON. Certainly, if my time can be extended. I want to talk a little about the material matters in the bill.

Mr. COBB. Is not this bill in strict conformity with the action of ing last House of Representatives on this subject? Are we not follow-the in the same line?

Mr. CANNON. In one instance I will say that during the short session of the last Congress the House of Representatives did make a reappropriation of the unexpended balance of the appropriation for pensions, if that will satisfy the gentleman.

Mr. COBB. Then there is no political trick about it.

Mr. CANNON. I said that my friend from Indiana could go upon the stump during the next campaign and claim that his party had reduced the appropriations, and not take into account this $66,000,000 reappropriated, although it is in fact covered by this bill. And I suspect that my friend from Indiana [Mr. COBB] will do so. [Laughter.]

Mr. COBB. How can you make a reappropriation and prevent the people from knowing it?

Mr. CANNON. You can appropriate $86,000,000 pure and simple upon the face of the bill, and the bill would bear exactly the same amount of money as it would if you appropriate only $20,000,000 directly and reappropriate the unexpended balance heretofore made by a Republican Congress.

Mr. HORR. It was wrong last year, and it is wrong this.

Mr. CANNON. I hope I will be permitted to answer the questions of the gentleman from Indiana [Mr. COBB] without interruption.

Mr. COBB. I have no further questions to propound.

Mr. CANNON. I think the gentleman is correct in that last statement. [Laughter.] So much for this appropriation. I did not intend to occupy more than a minute upon it.

Now, there is a clause in this bill to which I am opposed. In the first place I will say that section 2, touching the fees of attorneys, I am inclined to think is not properly matured, and I am gratified to know that the Committee on Pensions, Bounty, and Back Pay, at the head of which is my friend from Ohio [Mr. WARNER], has given weeks of consideration to this subject and is ready to-morrow, under a special order, to take it up and exhaust it. I think the bare statement of this fact ought to be sufficient to secure the exclusion of the section from this bill.

Now, I wish to call attention to a part of section 1, commencing with line 23, on the second page, and ending with line 41, on the third page. This provision I do not approve of. It provides in brief for consolidating the eighteen pension agencies into twelve; and it provides further for cutting down the fees of the pension agents upon vouchers from 15 cents, the present rate, to 5 cents, a reduction of two-thirds. I do not think the legislation embraced in this provision is wise, and I undertake to say if it be enacted into law the pensioners will not be paid any money in the next fiscal year. I think if the House comes to understand that fact this proposed legislation will not be adopted.

I am frank to say, as a member of the Committee on Appropriations, that when this bill was adopted in committee I did not find any one who had sufficient knowledge touching the compensation of these agents and their expenses to give me any light upon the question. I was not upon the subcommittee, and I reserved the right, as my colleagues on the committee will recollect, to investigate this matter and act upon my judgment after investigation. I have given the subject as thorough investigation as was possible for me to give it at the Pension Office, and I oppose this feature of the bill.

[Here the hammer fell.]

Mr. HANCOCK. I yield the gentleman ten minutes more of my time.

Mr. CANNON. This item, it will be observed, carries an appropriation of $174,400:

> For pay and allowances of pension agents: For salary, fees for preparing vouchers, rent, fuel, lights, and postage on letters to the Executive Departments and to pensioners, $174,400.

It will be observed that this covers the entire amount of the salaries, including fees on vouchers, all the expenses for every purpose of paying pensioners. The present salary of these pension agents is $4,000 a year. In addition to this, they receive 15 cents on each voucher upon which they make payment. The former pay was 30 cents for each voucher. It has been cut down during the last eight years one-half. It was first reduced to 25 cents for each voucher, and later to 15 cents. There is no payment whatever of fees upon these vouchers, except for vouchers in excess of 4,000. Out of the salary of $4,000 and the fees upon vouchers the pension agent has to pay his clerk-hire; he has to pay for his office furniture where he is not in a public building, and also many incidental expenses, such as ice, stationery, &c.

Mr. WHITE, of Kentucky. How many of these officers are in Government buildings?

Mr. CANNON. There are seven of these offices in public buildings. Besides all this, the pension agent pays without any reimbursement all his postage other than the postage upon the correspondence with the Department and with pensioners. Now, a great many letters are writ-

ten to these pension agents by attorneys and friends of pensioners; a great many letters are written all over the country making inquiries, and it is courteous and proper that the pension agent should answer.

Mr. WARNER, of Ohio. Does he pay the postage in such cases?

Mr. CANNON. He does. All that comes out of his salary; and as I have said, where he is not in a public building he furnishes the office fixtures and all other conveniences at his own expense, and only seven of these eighteen agents have their offices in Government buildings.

Upon inquiry at the Pension Office I find that in 1881 the Commissioner of Pensions had reports from fifteen of the seventeen pension agents then in office. These reports, when consolidated, show that for every 2,500 pensioners paid it was necessary for the pension agent to employ one clerk for the whole year; and it must be borne in mind that these clerks are paid by the agent; and besides the permanent clerks, the agents are obliged to employ temporary clerks on an average of eight days every quarter.

Mr. WHITE, of Kentucky. From that time on is not the pension agent practically a gentleman of leisure?

Mr. CANNON. By no manner of means. The same report of 1881 shows that for each 16,600 pensioners paid eight temporary clerks were employed on an average of eight days during each quarter, in addition to the permanent clerks. I have given the facts, and will state the account upon these facts as to receipts and expenditures of agents.

On the 1st of July next it is estimated there will be 325,000 pensioners on the pension-roll, which in round numbers would give 27,000 pensioners to be paid by each one of the twelve pension agents proposed by this bill. Now you pay them four times a year, which would make 108,000 vouchers. Many of these pensioners let their pensions accumulate; that is they do not ask payment every quarter where the pensions are small. It is ascertained that 6.4 per cent. are not paid quarterly. It is cut down, therefore, from 108,000 by this 6.4 per cent. on account of those pensioners who aggregate their pension payments.

Now, if you deduct the 4,000 vouchers which pay nothing to the agent, and deduct that from the 108,000, after you have deducted the 6.4 per cent. you will find it leaves 96,338 payments on vouchers annually. On an average each one of these agents would get 5 cents instead of 15, which would make $4,839. The salary is $4,000. Add the two together, and that is the total compensation of each one of these pension agents, namely, $8,839.

Now let us take the expenditure on the part of each one of these pension agents. The aggregate of receipts, as I have shown, for each pension agent is $8,839. By these reports, as we have seen, there are eleven permanent clerks at $736 per annum each, and that is little enough for a permanent clerk. The permanent clerks, therefore, cost $8,096, to be paid at each pension agency. Thirteen temporary clerks employed at each agency during each quarter on an average of eight days at $2 a day for each—and that is little enough to pay—would give us $832. Add the printing and stationery which each agent furnishes at his own expense, $600.

Mr. WHITE, of Kentucky. Does not the Government furnish that?

Mr. CANNON. No; the Government does not furnish the printing and stationery.

Now, how do we find the account to stand? We find that each pension agent receives as total compensation $8,839, that his expenditures amount to $9,528. In other words, it would take all of his salary and all the fees upon vouchers, at 5 cents a voucher, to pay the expenses, and $689 in addition per annum.

Mr. WHITE, of Kentucky. Has the gentleman heard of any one of these pension agents resigning?

Mr. CANNON. No, and for the reason that the agents now receive not over $4,000 per annum under existing law, but if you require them to do this work for nothing, as this bill proposes, no one would do the service. Even my philanthropic friend from Kentucky, who like myself is not a capitalist, would not do it.

These facts are from the report of these agents made to the Commissioner of Pensions in 1881.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON. I hope the gentleman from Texas will allow me a few minutes longer, in order that I may conclude what I have to say as to this matter.

Mr. HANCOCK. How long does the gentleman wish?

Mr. CANNON. I would be glad if the gentleman would allow me to proceed, and whatever time I occupy I will return to him when I am recognized in my own right. As I have begun the statement of this matter I should like to be allowed to continue until I have finished it.

Mr. HANCOCK. I yield with pleasure to the gentleman from Illinois.

Mr. CANNON. Now, Mr. Chairman, at my request the Commissioner of Pensions communicated with the several pension agents and asked them to make a full and frank statement in reference to their receipts and expenditures. Returns were made by sixteen of the eighteen pension agents. The returns cover six months of time in 1883–'84, and for these six months the salaries of the sixteen agents were $32,000; fees on vouchers, at 15 cents per voucher, the present law, $74,488; making a total of $106,388. The expenses amounted to $58,825; or, in other words, deducting the expenditures, there was left $47,963, net compensation for sixteen agents.

Now, I will from these facts state the result at 5 cents a voucher, as proposed by the bill, for six months:

| | |
|---|---|
| Receipts by agents: | |
| Six months' salary for sixteen agents | $32,000 |
| For fees on vouchers, at 5 cents per voucher | 24,796 |
| Total | 56,796 |
| Expenditures of agents: | |
| Paid for clerical help (the permanent force being 119 clerks) | 53,170 |
| Stationery and printing | 2,755 |
| Office expenses (estimated) | 2,500 |
| Total | 58,425 |

which would take all the salary and fees of pension agents and $1,629 besides for six months.

My friends around me say that they do not understand the basis of this calculation. For their information I will repeat that the statement I have made is on the basis of 5 cents for each voucher.

Mr. WHITE, of Kentucky. Let me ask the gentleman a question. Do not the pension agents make that statement themselves?

Mr. CANNON. Oh, certainly; and therefore it is all the more valuable. And if my friend from Kentucky is the champion of this measure without investigation, I submit to him, and I say it with all due respect, that I think the Committee on Appropriations also reported without investigation, and as I am on the committee I have the right to abuse myself. I do not think that there has been any accurate investigation whatever made by the committee. Now, I call the attention of the House to the fact that here is a statement made in 1881, when this question was not mooted at all, when there was no question of cutting the vouchers, and here is another statement made in 1883–'84, both of which substantially agree as to the facts. And you can not cut these expenses down any less than they are now, for the reason that the pension agent pays the same out of his own pocket and it is his interest of course that he should get people to do all of this work at the lowest possible price.

Mr. WHITE, of Kentucky. Let me ask the gentleman another question.

Mr. CANNON. Yes, sir.

Mr. WHITE, of Kentucky. Do I understand you to say that the pension agents hire all of the clerical force to which you have referred for the entire year?

Mr. CANNON. I understand——

Mr. WHITE, of Kentucky. Does not the gentleman know that the whole business is disposed of in a few days four times a year?

Mr. CANNON. Oh, in answer to my friend from Kentucky I have to say——

Mr. WHITE, of Kentucky. And the gentleman should remember that the agent's salary is quite large in the first instance.

Mr. CANNON. If the gentleman from Kentucky will permit me to answer his question, I will endeavor to do so. I will say to the gentleman that the positions of the agents are responsible ones. They have to give bonds and their work runs the whole year round, and it is found necessary, as shown by their returns, that they shall have one permanent clerk the whole year round for every 2,600 pensioners that they pay. Why, does my friend from Kentucky think that the only duty of the pension agents is to furnish the check and transmit it to the pensioners?

Mr. WHITE, of Kentucky. That is the perquisite rather than the salary——

Mr. CANNON. Does my friend suppose that the first eight days in each quarter in which he makes these payments ends the duties of the agent for the entire quarter? Does he not know that there are other and manifold duties to be performed? Does he not know that there are to be returns made to the Auditor? Does he not know that the accounts have to be made up; that the whole of the papers have to be gone over by careful comparison with the roll? That after the report is forwarded to the Auditor there is necessarily a great deal of correspondence about it; that it has to pass the Comptroller? Does my friend understand the system of settlement of these accounts?

Mr. WHITE, of Kentucky. Let me ask the gentleman if he does not think that this whole system of paying pensions could be done at the Treasury Department at a great deal less expense than through these agents?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I am consuming the time of the gentleman from Texas, and if he will allow me to cover the time I will give him my time, when I take the floor in return.

The CHAIRMAN. The Chair understood the gentleman from Texas to yield a limited time.

Mr. HANCOCK. I will yield the gentleman five minutes more if he desires it.

Mr. CANNON. I will take the floor in my own right, and if the gentleman will yield to me now all of the time to complete my statement I will return it to him.

The CHAIRMAN. How much time does the gentleman from Texas yield?

Mr. HANCOCK. Until he stops or exhausts all my time.

Mr. CANNON. I thank the gentleman.

Now, my friend from Kentucky asks a question that I do not care to discuss at this time, whether payments could not be made at the Treasury Department. I will answer him, yes, they could; but will state after investigation that the expense of payment would be greater than under the present system. It is but fair that I should call the attention of the House to the fact that under the present law the average net compensation of these sixteen agents for the last six months was at the rate of $5,995 per annum.

Mr. ROSECRANS. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. ROSECRANS. I understood you to say that there are some 325,000 pensioners or thereabouts.

Mr. CANNON. Three hundred and twenty-five thousand.

Mr. ROSECRANS. Allowing, then, four vouchers for each pensioner, that makes 1,300,000 vouchers. Allowing twelve pension agents, then there would be 48,000 vouchers that would not be paid for at all. That deducted from the 1,300,000 vouchers you will have 1,252,000 vouchers.

Mr. CANNON. I suppose the gentleman has made the computation.

Mr. ROSECRANS. Now, paying for preparing these vouchers and attending to the business in connection with them at the rate of $5 per hundred gives $64,600, which, divided among the twelve agents, would be an average of $5,380 for each. I want to ask the gentleman if in view of the amount of work performed he does not regard that as excessive?

Mr. CANNON. I will say to my friend from California that I made the calculation which I announced to the House some time ago. I have not time to stop and verify the gentleman's calculation. One thing he has not taken into account is that 6.4 per cent. of these vouchers should be deducted on account of payments made less frequent than quarterly. My friend asked, "Is not that excessive?" I will say, on the contrary, it is not sufficient to pay the expenses of payment.

Mr. WHITE, of Kentucky. Then the gentleman from Illinois admits that practically these agents get $6,000 a year now, being $1,000 more than a member of Congress receives who works during the whole year, while these agents are only employed during part of the year.

Mr. CANNON. As I go along stating the facts, before I have stated the whole of them or drawn the conclusion from them the gentleman from Kentucky springs up without addressing the Chair or asking my permission, and seizes upon one fact after I have told it in order that he may dovetail it in with his own speech. I will say to the gentleman that it would be better if he would let me state the whole case before in his inordinate zeal he rushes in when it is only half told. I state to the House very frankly that according to these last reports if the fee for the vouchers remains at 15 cents, as at present, that would give the agents $5,995 per annum.

Mr. WHITE, of Kentucky. That is, $6,000.

Mr. CANNON. Oh, yes; any fool would know that without my friend's stating it. [Laughter.]

Mr. WHITE, of Kentucky. Provided he is from Wabash.

Mr. CANNON. My friend from Kentucky is always witty, but I would rather he was witty in his own time.

Now, if it is the sense of this committee to cut that compensation down, all right. If it is the sense of the committee to cut it down so that the agents shall get just $4,000 a year after they have paid the expenses, all right; cut it down. But there is no sense in cutting it down so that they will not get anything and will have to pay from their private funds to carry on the office.

I might say, if I was ungenerous, that this is a scheme to defeat the payment of pensions. I do not think anybody on either side of the House wants to do that. But I say it is a scheme which is brought into this House without investigation and without proper knowledge, the effect of which will be, if it be written in the law, to defeat the payment of pensions.

Now, gentlemen ought to recollect another thing which is not taken into account here, that every one of these agents is responsible if he pays money on a false voucher or by mistake. And, however careful agents may be, false vouchers are presented and paid every year to the amount of hundreds of dollars, and in every instance the agent must make up the amount from his private funds.

In conclusion, Mr. Chairman, I desire to say that it costs to disburse money through the paymasters of the Army $23 per $1,000, and much is said as to the efficiency and economy of the Army, while it only costs to pay the pensioners, much greater in number than the Army, $4.76 per $1,000.

I undertake to say that never in the history of this country was money disbursed so rapidly, so satisfactorily, so economically as it is disbursed through these pension agencies. And I say, after investigation, it is not even disbursed through the Treasury Department here at Washington in payment of the public debt as cheaply, everything taken into account, as it is by these pension agents. Now, I think gentlemen will hesitate long before they will undertake without investigation to change this system.

There are only eighteen of these agents for the whole United States. The system is working admirably. I think it ought to be let alone. If it be the sense of the House that the fee should be cut down to 12 cents a voucher, or to bring down the salary of the agent substantially to $4,000, very well, so be it. But I think the House should inquire fully before they even do that, especially when they consider the amount disbursed and the responsibility of the position.

I thank the gentleman from Texas [Mr. HANCOCK] for having yielded me his time.

Mr. HANCOCK. I will take but a moment. I have here a very interesting table showing the amounts appropriated for the pension-list from 1861 to 1885 inclusive. It is carefully made out, but is not in print anywhere that I could find. When I was making the few remarks I did upon this bill I did not have it before me. I now ask that it may be printed in the RECORD for the use of members.

There was no objection. The table is as follows:

*Army and Navy pensions.*

| Fiscal year— | Estimates. | Appropriations. | | | Expenditures. |
|---|---|---|---|---|---|
| | | Regular. | Deficiency. | Total. | |
| 1861 | $849,000 00 | $849,000 00 | *a* $136,527 64 | $985,527 64 | $1,036,064 06 |
| 1862 | 1,082,000 00 | 1,082,000 00 | *a* 1,089 62 | 1,083,089 62 | 853,095 40 |
| 1863 | 1,450,600 00 | 1,450,600 00 | | 1,450,600 00 | 1,078,991 59 |
| 1864 | 7,685,300 00 | 7,685,300 00 | | 7,685,300 00 | 4,983,924 41 |
| 1865 *b* | 3,200,000 00 | 3,200,000 00 | 3,565,000 00 | 6,765,000 00 | 16,338,811 13 |
| 1866 *b* | 11,230,000 00 | 11,230,000 00 | 2,500,000 00 | 13,730,000 00 | 15,605,352 35 |
| 1867 *b* | 15,440,000 00 | 15,440,000 00 | 70,000 00 | 15,510,000 00 | 20,936,551 71 |
| 1868 *b* | 33,280,000 00 | 33,280,000 00 | | 33,280,000 00 | 23,782,386 78 |
| 1869 | 30,330,000 00 | 30,350,000 00 | 15,000 00 | 30,365,000 00 | 28,476,621 78 |
| 1870 | 23,250,000 00 | 19,250,000 00 | 80,000 00 | 19,330,000 00 | 28,340,202 17 |
| 1871 | 30,490,000 00 | 34,740,000 00 | | 34,740,000 00 | 34,443,894 38 |
| 1872 | 30,000,000 00 | 29,050,000 00 | | 29,050,000 00 | 28,533,402 76 |
| 1873 | 30,480,000 00 | 30,480,000 00 | | 30,480,000 00 | 29,359,426 86 |
| 1874 | 30,500,000,00 | 30,480,000 00 | | 30,480,000 00 | 29,038,414 66 |
| 1875 | 30,480,000 00 | 29,980,173 33 | 375,000 00 | 30,355,173 33 | 29,456,216 22 |
| 1876 | 30,500,000 00 | 30,000,000 00 | 75,000 00 | 30,075,000 00 | 48,257,395 69 |
| 1877 | 29,401,500 00 | 29,481,500 00 | | 29,481,500 00 | 27,963,752 27 |
| 1878 | 28,533,000 00 | 28,533,000 00 | | 28,533,000 00 | 27,137,019 08 |
| 1879 | 28,000,000 00 | 29,371,574 00 | 456 09 | 29,372,030 09 | 35,121,482 39 |
| 1880 | 29,616,000 00 | 54,391,455 33 | 1,808,623 04 | 56,200,078 37 | 56,777,174 44 |
| 1881 | 32,434,000 00 | 32,404,066 09 | 9,241,290 59 | 41,645,356 68 | 50,069,279 62 |
| 1882 | 50,000,000 00 | 50,000,090 00 | 18,282,306 68 | 68,282,396 68 | 61,345,193 95 |
| 1883 | 100,000,000 00 | 100,000,000 00 | 16,000,500 90 | 116,000,500 90 | 66,012,573 64 |
| 1884 | 101,575,000 00 | 86,575,000 00 | 1,287 49 | 86,576,287 49 | |
| 1885 | 40,000,000 00 | | | | |

*a* Indefinite. *b* This period includes the investment of $13,000,000 of the Navy pension fund.

Mr. HANCOCK. I will reserve the remainder of my time in case I desire to say anything further.

Mr. KEIFER. I do not rise, Mr. Chairman, for the purpose of entering upon any general discussion of this appropriation bill. My own impressions, gathered from all the statistics which I have been able to look at and from all the information we have been able to obtain in the Committee on Appropriations, is that there will be no difficulty as to the amount appropriated by this bill. In other words, $86,000,000 will be all that will be required to pay the pensions for the next fiscal year.

Some criticism may be made upon the manner of making this appropriation, and possibly such criticism may be just as applied generally to making appropriations. While this bill appropriates directly but $20,000,000, it may be fairly said that it contains direct appropriations

to the amount of $86,000,000. I admit that the amount, $66,000,000, is to some extent an estimate of what will be the surplus of appropriations over and above the amount necessary to be used in the payment of pensions for the current fiscal year. But it is probable that the appropriations made by this bill will amount to $86,000,000; that is, the direct appropriation is $20,000,000 and the unexpended balance for the current fiscal year which is reappropriated will amount to $66,000,000.

It is very probable that each appropriation bill should name the sum carried by it for the year for which the appropriation is made, and that all unexpended balances of appropriations should be covered into the Treasury under existing law. But whatever may be the proper policy in that regard, I am not criticising this bill for inadequacy of appropriation. I will therefore proceed now to consider the particular provisions of the bill to which there is objection.

The first to which objection is made, and upon which I shall spend very little time, is the proposition to pay to pension agents $5 for each one hundred vouchers, or in that proportion, paid by any agent in excess of 4,000 vouchers per annum.

Mr. LONG. What is paid now?

Mr. KEIFER. Under existing law the agents are now paid $15 per hundred in excess of 4,000 vouchers per annum, instead of $5 as proposed by this bill. I have not in such tangible form that I can use them the statistics to demonstrate what is claimed by those who have examined this question fully; that is, that if we reduce the rate of payment from $15 to $5 for each hundred vouchers we shall practically wipe out all the salaries of most of the pension agents. I have seen statements that would show that in some instances the salaries would not be sufficient to pay the clerks and run the office, leaving the agent without any pay at all for his services.

The pension agent for the State of Ohio, a careful, prudent man, who works by day and by night, informs me that upon a careful estimate he could probably run his office, if this change is made, by devoting to it his salary and hiring persons at a low rate of compensation, and not claiming one cent of compensation for his own services. I am informed that the agent at Knoxville, Tenn., who pays the pensions of nine States, finds upon a calculation carefully made that with his salary added to the fees provided by this bill it would be impossible for him to run his office, however economically he might manage it.

But there will doubtless be furnished for the information of the Committee of the Whole and of the House carefully prepared statistics which will show exactly how this proposed change will operate in case this bill should become a law with this feature of new legislation in it.

There seems to be an impression upon the part of one or two, possibly more, members of the House that these pension agents work for five or six days in each quarter, when they are rushing out these vouchers, and that they are gentlemen of leisure for the remainder of the quarter. That impression is formed carelessly and without investigation. I have had enough experience to know that the pension agent who runs his office so as to be prepared to pay the pensioners promptly at each recurring day for the payment of pensions must have a carefully organized office and work day and night, or the affairs of his office will fall into great confusion.

The vouchers which are sent out are prepared in the interval between the pay periods. There is a great deal of correspondence with persons who have to be carefully corresponded with in order to keep them advised of their rights. In the case of new pensions which are granted payments must be made in the intervals between the regular pay periods. There are also more or less persons drawing their pensions irregularly, those who did not get in their vouchers so as to be paid promptly. So the work goes on, books are kept, reports are prepared, money drawn, calculations made with reference to the coming pay-day. The pension agent is a man who is obliged to be industriously at work all the time.

And what is more, something is certainly due to the man who is responsible for the handling and proper disbursement of large sums of money, sometimes for a particular quarter at some of these agencies running up to hundreds of thousands of dollars. These gentlemen, therefore, can not be assailed on that ground. I do not propose, however, to talk longer on that subject.

It is proposed by further new legislation on this bill to reduce the number of pension agents in the United States from eighteen, which I think is the number at present, to twelve. Already in some regions of the United States a single pension agent pays the pensioners in as many as nine States. It is stated, and I have no doubt that the statement would be verified by careful investigation and experience, that whenever frauds are practiced upon the pension agent (and I trust that they occur very rarely) they generally occur a long distance from the point where he is located, not in the region of country immediately around him, but at distant points, where fraudulent identification, &c., can be gotten up. I do not believe it is wise to reduce the number of pension agents, and thereby so concentrate the work upon a single officer as to require him to pay too great a number of persons, for all these pensioners are presumably needy, and should be paid promptly on the day fixed by law.

But section 2 of this bill, to which I specially desire to call attention, proposes to fix a fee of $10 as the utmost amount which may be paid, demanded, or received by any agent or attorney in any pension case. It is provided that this shall be the only fee paid, received, or demanded.

Now, Mr. Chairman, it is very likely that at this late day it would be unwise to undertake to go back and establish the policy that every pensioner should employ his own attorney or claim agent upon such terms as he may choose to make. But a large number of persons who are applicants for pensions believe they would be better served, would obtain their pensions more promptly, if they were permitted to make their own contracts with their attorneys. They believe that in this way they would be able to employ more responsible and better trained attorneys. But it is very likely we can not go back upon our tracks and establish an entirely different policy from that which has now prevailed for years. But it is perfectly certain to my mind that we must do something in this matter; that the policy under which we are working at present is a very bad policy. In view of the present state of things, I favor a limitation upon the amount that is to be paid, which will prevent the attorney from obtaining any more than a given amount. I favor this because I think there is great danger of imposition. I, however, do not concur in the provision of the bill fixing this sum at $10 in all cases.

Let us see how this matter works, and let us speak plainly in regard to it. I believe that any member who would investigate concerning the pension attorneys in his own district would find that more money is paid to these attorneys on claims which are never passed through the Pension Office than upon claims that do go through. How does this happen? A poor widow, or any other person who feels entitled to a pension, or it may be somebody representing orphan children, goes to an unreliable attorney—unreliable in more ways than one—unreliable because perhaps he is not a man of integrity, and also unreliable because he does not understand the legal principles and rules that apply in the matter of proving up a pension case. He does not know perhaps the classes of persons who are entitled to the bounty of the Government under the pension laws. But in spite of this ignorance he is ready to say to the applicants, who are quite unable to throw away their money, "I will make an application for you." He makes the application upon a blank, charging a certain sum, which is required to be paid in advance. This sum is paid, and the application is sent to the Pension Office. About the next thing that is heard of this case is a letter which comes to the member of Congress from that district, asking about this claim; and more than half of these cases are found to be cases in which it is impossible to imagine that the applicant was entitled to a pension under any law of the United States. In more than one-half of these cases the claim agent never expected, after forwarding the application, to pay any further attention to the matter or to hear anything from it. But the inquiries are sent to us. Members of Congress are receiving inquiries—are writing and referring letters by the hundreds and thousands. We are employing competent clerks who are daily engaged in answering letters which we receive in regard to claims that never had any foundation.

Others of these claims are probably good—claims which ought to be granted; but the claim agent, who receives his money in advance, is in many cases unable, if he is willing, to go to distant parts of the country to look up the proper testimony in support of the claim, and he never does it. Thus the claim can not be allowed at the Pension Office because the attorney, for the amount of money he receives, can not hunt up the evidence or carry on the correspondence necessary to secure the allowance of the claim. Thus the claim hangs on year after year. I have recently received an inquiry about a claim of this kind seventeen years old, and ever since I have been a member of Congress, now more than seven years, I have been constantly corresponding with somebody in regard to that particular claim. The experience of other members is no doubt the same. In many of these cases perhaps the claimant would have obtained his pension in the first instance if he had had a competent attorney.

Mr. PETERS. Is there a particle of information to be obtained by the applicant for a pension that can not be obtained either at the Pension Office or through the member of Congress?

Mr. KEIFER. I think perhaps there is no information that can not be obtained in that way.

Mr. LONG. No information at this end of the line, but there is a great deal to be done at the other end in the way of picking up testimony, &c.

Mr. KEIFER. No doubt it is necessary in many cases that there should be a pension attorney.

Mr. PETERS. But is it not the fact that the pension attorney is needed at the home of the applicant and not here?

Mr. KEIFER. Yes, sir; I agree to that. But the policy is to have pension attorneys here; many of them represent thousands of cases. There is hardly a day on which we do not receive letters—I have received such letters this very morning—from people in our districts, inclosing letters of pension attorneys in this city asking the applicant to appeal to his member of Congress to do certain things toward preparing the case and obtaining the pension.

Mr. RAY, of New York. I do not care to interrupt the gentleman

only to say that is illustrative of the evils of this present pension system. I desire to state I now have in my possession letters from pension attorneys residing in this city to soldiers in my district saying, "Send your $10 with your papers, and I will do all I can. If your claim does not go through I will return the money." They have only taken the papers and placed them on file, and never have done anything else in the case. When the claim has been rejected, and the poor soldier at home is out of his $10 and his family are suffering for the want of it, they can not get enough money to come here and prosecute the miserable, dishonest attorney. Still they go on with this system of fraud, and no attention is paid to it.

I therefore say, Mr. Chairman, in my judgment and my belief this limitation ought to be "wiped out." Let us give the soldiers of the Republic the credit of possessing common sense, common intelligence, and the ability to manage their own business, and when they have that then they can employ a good attorney, an attorney of the Supreme Court, and pay him what he is worth, and have their pension cases properly attended to.

Mr. KEIFER. I am obliged to the gentleman from New York for his suggestion, which is directly in the line in which I am speaking. It is, of course, an open question what policy we should finally adopt. And I wish while I am upon the floor to say one thing against the usual plan of making applications for pensions. I hope gentlemen will think of it. If these persons who are entitled under the law to receive pensions were allowed and required to employ competent counsel in the first instance it would be largely in the interest of the Government as well as of the claimant.

What I say and mean is that not only should the application be made within a given period of time, but the applicant, through a proper and well-qualified attorney, should prepare his case and submit it for final decision, if you please; that the necessary proof should show disability, and that it arose in the line of duty; that it was disability received from wounds or disease contracted in the service; that all the proof should be brought together and arranged, and that then it should be submitted for final decision, of course leaving the right to every party to amend his case on newly discovered evidence, and leaving also the discretion to the Commissioner of Pensions or proper persons passing on these claims to allow them to amend and correct mere errors in the preparation of the cases. But we go on now preparing and preparing as evidence is requested, and pressure is made on the part of the applicant to seek out and find somebody somewhere to furnish what is needed in the matter of testimony until the case is finally worked through. It is not always in the interest of the Government to allow this mode of preparing cases having to advise from time to time the claimant in each case what further testimony is needed. In my judgment it is not in the interest of the Government that that line of proceeding should be further followed.

A MEMBER. If we were to allow no solicitation, instead of being robbed out of $10 would not the pensioner be robbed out of $25 or $50?

Mr. KEIFER. I am not able to say about that. In practice it may be true as the gentleman says. If these pension applicants understood, as they ought to understand, that they are responsible for their own attorney, that they must get a well-qualified and responsible attorney, they would probably be more careful as to the person they employed. In the counties all over the United States there are well-qualified attorneys. Some perhaps would not be willing to take a case of this sort, but there are competent, well-qualified, excellent young lawyers, who would train themselves to do this sort of work and do it well. They would learn what was requisite in order to get a claim through, what character of evidence was essential, what form was necessary, how many witnesses were required, and how to submit the claim for pension in every particular. As it is I think there is hardly a well-trained, well-educated lawyer, old or young, in the counties who is willing to take a case of that sort. I believe that is the testimony of gentlemen all round me who know anything of these matters. It is a bad state of things where there is so much money to be taken out of the Treasury, so much to be paid on lifetime pensions, that the leading lawyers, and even ordinary lawyers, will not even look at a case of this kind, so that all these matters drift into the hands of persons who set themselves up as pension attorneys, many of them knowing no principle of law or rule of evidence.

It has grown to be the belief that it is one of the duties of a legislator in the Congress of the United States to hunt up proof and to press pension cases before the Pension Office. It has grown to be so much the custom, a matter of so much grace on our part, that there is not any of them who will now refuse to do it. We have tried to do the best we can, but at the same time we are merely helping out a lame and dangerous policy in this way.

Now, I had prepared with some little thought a plan for the gradation of the payment of pension attorneys. I am not very well satisfied with it myself, but I should propose to give not more than $10 where the pensioner was not allowed to exceed the sum of $100 a year, and up to $20 where the pension granted reached the sum of $200 a year, and $25 if it was above that, and so on in that way to make the gradations and try to relieve this matter; and I provide, also, that the payment of the pension attorney shall come out of the first payment of the pension after it has been allowed, and be paid to him by the officer charged with the payment of the pension.

The effect of this course would be to enable the attorney, after he has done his work on the faith of the case and presented it on his judgment after an examination, believing that there was a good case on the first examination, and when he was successful in getting the case allowed he would be sure of his fee. The cases would then receive better attention; and this payment to the attorney should not depend upon the whim of anybody, but the agent should pay him at the time he makes the first payment to the pensioner, deducting this amount from the first payment. That would be just to the agents, to the claimants, and to the attorneys at the same time. It would be very likely to enlist lawyers and men of judgment whose examination of these cases would be worth something, and in my judgment it would have the effect of weeding out fully one-half of the applications which now encumber the Pension Office and enable us to reduce the pension force in the matter of clerks largely indeed. It would also relieve us of the work which we are doing here, making applications about rejected and imperfect cases and all that sort of thing. In view of this belief I may offer an amendment as a substitute for section 2 of the bill. If I am unable to get one that is exactly in accord with my views it will be simply because I am not certain that we can change so radically a policy that we have been running upon for so long a time.

Mr. MORRILL. I would like to ask the gentleman a question.

Mr. KEIFER. Certainly.

Mr. MORRILL. I wish to ask the gentleman if he would not consent to have the whole of this section stricken out without amendment and let the Committee on Pensions report a bill providing for this question of attorneys' fees?

Mr. KEIFER. I would be glad of that, but I am satisfied that the Pensions Committee would only report the bill. That is about all. They would never get it up for consideration. You would never get it through the House. We will be going on in the future in the evil course that we are now pursuing and gain no good results. But if I can have any assurance that we can get a bill through or on the Calendar in some relation that we can reach it, I would rather trust that committee who have examined the whole subject than to submit an amendment based upon my own judgment.

Mr. ROGERS, of Arkansas. Will the gentleman permit me a moment to make a suggestion in the line of his agument? I stated, perhaps when the gentleman from Ohio was absent from the Hall, that the Committee on the Payment of Pensions, Bounty, and Back Pay have been for some time considering among other subjects this particular one, and to-morrow has been set apart for a meeting of that committee for the purpose of disposing of that bill. And I will say furthermore that the committee are anxious to report a bill upon this and one other kindred subject which they have been carefully examining, and when reported it will be pressed with all possible haste through the House.

Mr. KEIFER. I have only to say that I am afraid it will get on the Calendar simply, and there it will remain. You will hear no more of it for this session. The gentleman on my right [Mr. POLAND] thinks that we had better strike out this section. I agree as to that, for I would like to have some reform in this policy.

Mr. RAY, of New York. Let me ask the gentleman a question. There are some things in this second section that strike me as peculiar to say the least, and inasmuch as I am in the dark here upon them I would like to have a little light from the gentleman from Ohio. There is in this bill a provision with reference to the payment for lost horses—lost-horse cases—and I would like to know whether it is the intention of this committee to put our pensioners down upon a par with or in the same category with claims for lost horses? Shall claims for pensions and claims for lost horses come into the same category and in the same law, and are they to be upon the same plane? In my judgment they should not. What is the idea of the committee in that respect? It seems to me that the second section should go out. We take care of our pensioners here in one way; now let us make provision for our lost horses in another.

Mr. ROGERS, of Arkansas. Let me say to the gentleman——

Mr. KEIFER. I will say first to the gentleman from New York that I am not the author of this clause in the bill. I am not responsible for it. But I think the gentleman submits his question wrong end first; that the policy of this bill was to put the claims for lost horses down on a par, in so far as the amounts to be paid for attorneys is concerned, with the claims for pensions.

Mr. ROGERS, of Arkansas. Will the gentleman allow me to interrupt him a moment?

Mr. RAY, of New York. Let me say to the gentleman that my idea in asking the question was that I do not think we can afford in the eyes of the country to put claims for lost horses and our pensioners in the same category. I think there is a moral obligation, and it is certainly the feeling of this country, that claims for pensions should stand upon a higher plane than claims for lost horses.

Mr. KEIFER. The gentleman no doubt is right about that.

Mr. ROGERS, of Arkansas. I wish to explain that I understood the gentleman from New York [Mr. RAY] addressed his question to the Select Committee on the Payment of Pensions, Bounty, and Back Pay. It seems I was mistaken.

Mr. KEIFER. There are many things I might have said upon this subject. I have only outlined my objections to the policy, which the

Committee on Appropriations are not responsible for, and to some of the legislation proposed by this bill. I yield the remainder of my time to the gentleman from Ohio [Mr. HART].

Mr. SKINNER, of New York. Before the gentleman from Ohio [Mr. KEIFER] takes his seat I wish to ask him a question for information. I find no information in the report or in the bill as to special examiners in the Pension Department. As I understand, there are now about two hundred and sixty special examiners. But whatever the number is, whether it is large or small, I would like to know whether it is in the power of this House or in the power of the Commissioner of Pensions to increase that number if necessary in order that cases which are referred to special examiners may be considered. I frequently have cases where the applicants have been referred to a special examiner as much as a year and a half ago, and it seems an actual impossibility to secure and examine the case, simply because there are not special examiners enough. I would like a little information in regard to this point, and I presume there are other gentlemen in the same position as myself.

Mr. KEIFER. I think there is nothing in the bill touching that matter.

Mr. HISCOCK. If the gentleman from Ohio will allow me, I will say to my colleague [Mr. SKINNER] there was last year permanent legislation enacted by an appropriation bill, as I now recall it, giving the Commissioner of Pensions the power to detail as many special examiners as he thinks necessary. He can detail clerks from his office, who have power to take evidence and make examinations. As I recall it, there is no such title affixed to them as special examiners. But they have the power to administer oaths so as to make false statements amount to perjury. And the Commissioner of Pensions can organize that force as he pleases.

Mr. KEIFER. That is a matter which will come up further along.

Mr. BOUTELLE. Will the gentleman from Ohio yield to me for a moment?

Mr. KEIFER. For a question.

Mr. ROGERS, of Arkansas. I desire to say to the Chair that it is impossible for members around me to know what is being said in the colloquy on the other side of the House.

The CHAIRMAN. The committee will come to order.

Mr. BOUTELLE. I ask the gentleman from Ohio [Mr. KEIFER] if he does not understand, as I have been personally informed by the Commissioner of Pensions this morning, that the Commissioner has made an application or a recommendation to this House for authority to appoint one hundred and fifty more of these special examiners and that he has stated the absolute necessity for them?

Mr. KEIFER. I can only say that that request will be considered in the Committee on Appropriations in connection with the legislative bill, where it properly belongs. It does not belong to this appropriation bill. And that also answers the question of the gentleman from New York [Mr. SKINNER].

Mr. SKINNER, of New York. Yes, sir.

Mr. KEIFER. As I have promised a portion of my time, I ask that the gentleman from Tennessee [Mr. HOUK], who has been obliged to go away, be permitted to print some remarks which he has prepared that are pertinent to this bill.

There was no objection, and leave was granted.

Mr. KEIFER. I yield the remainder of my time to the gentleman from Ohio [Mr. HART].

The CHAIRMAN. The gentleman from Ohio [Mr. HART] is entitled to twenty-five minutes.

Mr. HART. I thank my friend and colleague from Ohio for the opportunity he has given me to address the House. There is no subject in which my constituents have a greater interest than that of pensions for the men who served in the Army and Navy of the United States during the civil war. This interest is not confined alone to soldiers and their families, but exists throughout the entire community. I should feel that I had failed to discharge an important duty as well as failed to exercise a great privilege if I allowed this session to close without presenting and urging upon the House the necessity of more liberal legislation and of greater appropriations for the benefit of this important class of the American people.

The soldiers of the Union Army enlisted under peculiar circumstances. The Government was almost in the agony of dissolution. Its credit was destroyed and its Treasury empty. The soldier was compelled to take his wages in a depreciated currency. The money compensation he received was small in comparison to the value of his services. It is true that his contract of enlistment contained nothing upon the subject of future reward or advancement. There was, however, a very general feeling and understanding with the body of the people that he and his family should be remembered beyond the mere compensation named in the contract.

We promised in substance and effect that his wife and children should be provided for in his absence; that when he returned from the war he should be made to feel that he was gratefully remembered by his countrymen. It was not so "nominated in the bond," but I submit that it was so understood, and while this was not his motive for enlistment, he went out to battle feeling that if he died his family would be cared for, and that if he returned with an honorable record the country would not only offer words of praise and congratulation, but would also render substantial aid in case of need. We are now in a position to carry out that common understanding, that implied contract. It is not a matter of charity but of justice.

These soldiers are not paupers asking for alms; they are heroes, honorable men, demanding their rights. It would be a burning shame if the Government should permit any soldier of the Union Army ever to go to the poor house, and yet there are thousands of men who served faithfully and who to-day, on account of disease, age, or infirmity, are beginning to look with anxiety to the future, and are wondering whether their last days are to be spent in hunger and poverty almost in sight of the Capitol of the nation that was saved by their valor. There are children whose fathers lie upon the field of battle; there are widows whose husbands went down to death in the strength of their manhood who are to-day, as we all know, struggling with want. These are common statements, but everybody knows them to be true.

PENSION LAWS—PRIOR SOUNDNESS.

I wish now to call your attention to some of the statutes relating to this subject of pensions. Experience has shown them to be in many respects very defective, and however well and conscientiously the Pension Office may be administered, serious injustice is often done. One of the mistakes of the law and of the Department enforcing the law is in requiring applicants for pensions to prove that they were sound before entering the service. Hundreds of claims are rejected, I know this has been the case in my own district, upon this ground: The applicant proves his enlistment, his service, his sickness and disability while in the Army, his honorable discharge; but his claim is rejected because there is a suspicion that he was not entirely sound before entering the Army.

I submit that this is a grievous wrong. When the Government has examined a man prior to enlistment, has pronounced him sound, has mustered him in, has accepted his services, and he has proved a faithful and honest soldier, it should be forever estopped from denying him a pension upon the ground of disease or sickness prior to enlistment. To reject a claim solely for this reason is an illiberality and littleness unbecoming a great nation whose very peace and prosperity are the fruits of soldierly valor and suffering. The law and its administration in this respect should be corrected at once.

A MEMBER. That is very true.

A MEMBER. If the gentleman will permit me to interrupt him for a moment, I will state the Committee on the Payment of Pension, Bounty, and Back Pay have reported a bill prescribing precisely the rule he lays down.

Mr. HART. I understand that is so. It is an important and long-felt want existing in the administration of the Pension Bureau. To reject a claim on that ground is, as I have said, an illiberality on the part of the Government unbecoming a great nation whose very life was saved by the valor and services of these men.

A MEMBER. And I would add that it is more than illiberality, it is an outrage.

RIGHT TO ARREARS.

Mr. HART. Another feature of the pension laws which is clearly unjust is that it refuses arrears of pensions to such persons as filed their applications since July 1, 1880. Many of the best and most meritorious soldiers after the war closed thought they could get along without Government aid. They desired to be independent, and although suffering from wounds and disability arising in the service they were loath to seek assistance. As years roll by they are reluctantly forced to the conclusion that they must apply for aid. They file their applications and find that they have by their delay deprived themselves of important and valuable rights.

It often happens that the bravest and best soldier, the one who never goes to the hospital if he can help it, and who never leaves the ranks as long as he is able to stand, is the last to make complaint or to seek for assistance. There should be no statute of limitations against a soldier's pension. No time should ever come that the country refuses to listen to his prayer. The Departments should always be open to him and ready to consider his case upon its merits. It should be a sufficient pass-word to say that he was a soldier of the Union, and no delay upon his part to present his claim should be permitted to stand in the way of merited relief.

PROOFS IN PENSION CASES.

There is another thing wherein the administration of the law needs correction. I refer to the proofs required and the rules of evidence applied to the adjudication of pension claims. It is now over nineteen years since the war closed. Every day adds to the difficulty in obtaining evidence. Records are destroyed or lost, officers, surgeons, comrades, and friends are many of them dead or scattered to the ends of the earth. The memories of men fail them; the recollection of transactions and events becomes faint and obscure, and under these circumstances to apply to each case an iron and rigid rule operates as an absolute denial of justice.

I am not disposed to criticise the administration of the Pension Office. The gentlemen in charge of that department, as I am glad to bear testimony, are men of distingnished ability and high character, and they are conscientiously and honestly discharging the important and deli-

cate duties of their position. I have, however, at times been impressed with the idea that in the examination of cases their subordinates are too much inclined to presume everything against a soldier and against the integrity of his claim, and they search for grounds upon which to reject it. They are not liberal in the construction of the rules of evidence. Many claims of high merit are sacrificed to the application of narrow and technical rules.

These pension laws should at all times be administered in a broad and liberal spirit and in full view of the purposes to be accomplished. The brave and conscientious soldier, who scorns all tricks and unworthy artifices, finds himself entirely helpless. He feels in his heart that he is entitled to a pension, but the required evidence is entirely beyond his reach. Hence he must go his way unassisted, and he feels that he is forgotten and neglected by his countrymen. It was not so in the days of the war. He remembers very distinctly what promises were made to him then. He remembers how his neighbors and friends gathered around him; he remembers how they applauded his patriotism, and how earnestly they assured him that when the war was over he should never want for bread or raiment or support, and that his wife and children should be the peculiar objects of the nation's care. And as he bid them good by to take his place in the ranks of the Army; these assurances gave him faith and courage. He remembers the stern vicissitudes of the bloody struggle, the heat, the cold, the long marches, the dreary days and nights, the fierce onset of battle. Now, after it is all over, when the aches and pains and infirmities of life have come upon him, when his capacity for labor is growing less and his wants and necessities increase, and he is forced to contemplate a miserable and destitute old age, and possibly beyond it a pauper's grave, he feels, and justly feels, that his services are not appreciated and that his country is ungrateful.

I do not blame him. I am in receipt of letters almost every day upon this subject, and the pictures of anxiety and helplessness are enough to make one's heart ache. If the nation was poor, if we were in the midst of calamity, or if the exigencies of the times were such as to require great expenditure of money and strength in some other direction, the case would be different. But there is no such excuse. The Treasury is full, our revenues are enormous, every day adds to our wealth and power; and now, when the veterans of the Army who have survived the struggle and the children of their dead comrades appeal to the nation for food, for clothing, for education, and for homes, it should be deemed an honor and a privilege for the American Congress to "care for him who has borne the battle and for his widow and his orphans."

No nation can be true to itself which does not recognize its supreme obligation to reward the defenders of its honor and its life.

I come now to another point to which I desire to direct the attention of the House.

Mr. RAY, of New York. Permit me to interrupt you a moment before you take up another subject. You call attention to the rules of evidence in pension cases. I desire to ask you if in your judgment the rule adopted by the Pension Bureau can be defended which makes a distinction between the evidence of a private soldier and that of an officer and a distinction in favor of the officer?

Mr. HART. I do not think it is a just rule.

Mr. RAY, of New York. You believe it to be unjust?

Mr. HART. I do.

Mr. RAY, of New York. So do I.

Mr. WELLER. And so do I.

Mr. JOSEPH D. TAYLOR. So do I.

Mr. HART. There are thousands of honest claims pending in the Pension Department as to which there can be no relief unless the testimony of the private soldier can be received and given its full force and effect.

Mr. BROWN, of Pennsylvania. Is not the private soldier more likely to have known the physical condition and the sufferings of his fellow than any officer?

Mr. HART. Certainly; he is a great deal more likely to know the facts, and there is no reason why his testimony is not entitled to as high consideration as that of the commissioned officer.

PENSIONS ON GROUND OF SERVICE.

I now come to another feature of the subject to which I would direct the attention of the House. The first week of the session I had the honor to introduce a pension bill, which was referred to the Committee on Invalid Pensions, where it still remains. I hope it may be reported at an early day and brought to the consideration of the House. There is danger, however, that it may be stranded or strangled under the application of some of the rules of this body.

With all due respect I take the liberty of saying that the rules of the House are so mysteriously and wonderfully constructed as to render it almost impossible, especially toward the latter end of the session, to get a subject fairly heard and considered upon its merits. It seems as though they had been framed for the express purpose of preventing free discussion and necessary and important legislation.

The bill to which I have referred as introduced by myself provides that every man who served faithfully in the Army or Navy of the United States for the period of one year or more since the 4th of March, 1861, and who was honorably discharged, shall after arriving at the age of 55 years be entitled to a pension of $4 per month, and after arriving at the age of 60 years shall be entitled to $8 per month during the remainder of his life. It further provides that every man who has served faithfully in the Army and Navy of the United States for a period of one year or more and was honorably discharged, and who by reason of injuries or sickness is so disabled as to be unable to perform any manual labor, shall be entitled to a pension of $8 per month, whether the disability arose in the service or not, and it also provides for a restoration of the right to arrears of pensions.

Since the introduction of the bill I have received many communications from soldiers approving the measure, but it is suggested that the ages fixed in the bill should be 45 and 50 instead of 55 and 60. I should be very willing to have the measure changed in this respect if by so doing its passage would not be endangered in the House. I am anxious that something should be done in this direction. I respectfully submit to the House that the provisions of this bill are founded in sound policy. It is also a necessity, in order to do anything like justice to the soldiers of the Union Army.

I have already called attention to the great difficulty in securing proof in pension cases and to the fact that this difficulty constantly increases. There is a very large body of soldiers who now feel the need of pensions who under existing laws are entirely excluded. Under the present rules of the Pension Office they are unable to show any disability which accrued in the service. They can not name the day or the place when any sickness began or when any disability had its origin. They do, however, know the great and significant fact that in consequence of exposure, of overexertion long continued, their ability to labor has been lessened, that they are prematurely old, that pains and infirmities come upon them at an earlier date, that their lives have been shortened, and that their pleasures and enjoyments have been lessened. Long marches in the storm, sleeping on the ground, poor and insufficient food, extraordinary and exhausting labor, all have left their mark. For this class there is no remedy under existing laws. The pension which this bill proposes is a service-pension. In equity the claims of these men might be placed upon the ground of disability in the service, for undoubtedly it did arise there, but clear and definite proof of this fact is impossible under the circumstances of the case. I am disposed therefore to place the pension upon the ground of a just recognition by the Government of the bravery and valuable service rendered by these men.

I would publicly acknowledge, and embody that acknowledgment in the form of a clear and definite statute, the immense debt of gratitude which we owe to these defenders of the Union. I would say to them in substance: "Do not feel anxious or look with foreboding to the future. You shall never be forgotten by your country; you shall never want for the necessaries of life so long as the nation lives and the flag floats. In your lives you shall be supported and honored, your graves shall be sacred, and your names and deeds shall be enrolled upon the brightest page of your country's history." There is no action that could be taken by the Congress of the United States which would be hailed with greater delight by the great body of the American people than the passage of a law which would secure to every soldier of the Union Army a pension.

VALUE OF SERVICE AND RESULTS ACCOMPLISHED.

If you consider the character of the services on the one hand and the results and fruits of the struggle on the other you will be compelled to admit the supreme justice of this claim. Look at the state of affairs when he went into the service and contrast it with our present condition. Then we were in the midst of a great calamity. The flames of civil war were climbing up and winding around the very columns of the temple. The country was circled at night with burning camp-fires. The land shook with the tread of armies and the thunder of battle. Fear and anxiety were in all hearts. Those who constituted the very flower of our youth and manhood were enlisting and fighting for the flag and thousands and tens of thousands were marching to their deaths. It was at such a time as this that the soldier made his contract of enlistment.

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. How much more time does the gentleman want?

Mr. HART. Ten minutes.

Mr. ELLIS. I will yield it out of my time.

Mr. HART. I thank the gentleman for his courtesy.

Now, Mr. Chairman, the scene is changed. Out from the midst of these terrible days the country has emerged into the broad light of liberty and peace. The graves that were opened then are closed now and covered with the flowers of spring. The scars that the war made are becoming obliterated. The sections once in conflict are now being welded together in the bonds of fraternal love, I trust never more to be separated, and the country and its people have entered upon a career of prosperity unexampled in history.

As we survey the situation, looking first upon one scene and then upon the other, contrasting the sorrow of that day and the joy of this, the perils of that day and the security of this, as we behold a government composed of prosperous States no longer at war but engaged in generous rivalry for wealth and honor, all under the same flag, and

marching onward to still greater achievements, how should our hearts warm toward the noble band of patriots by and through whose efforts this wonderful and happy change has been wrought. For myself, when I think of these things and contemplate the golden results of that mighty conflict I feel like uncovering my head in the presence of these defenders and saviors of the nation.

Only by their valor and suffering was our prosperity rendered possible, and but for them the nation would not exist to-day. No man can estimate the value of the Union. No man can tell the measure of blessing which has come even to the present generation, and when you add to this the increasing glory and power of the Republic in centuries to come, you can in some slight degree begin to understand the nature and immensity of the debt which we owe to the men who filled the ranks of the Army and Navy of the United States during the civil war.

I am aware that some of the members of this House object to all pensions and pension laws not based upon the idea of physical disability. They hold that a purely service-pension is erroneous in principle. I can not agree with them; on the contrary, I believe the idea to be founded in justice and sound policy. It has been frequently recognized in this country and by the laws of Congress. Only a few days since we passed, under a suspension of the rules, a bill giving to every man who had served in the Mexican war for sixty days a pension. This bill was based solely upon the idea of service. By that bill we granted a pension to men who since their service in Mexico have been soldiers in the confederate army. By that bill men who fought for the Government for only sixty days and against the Government for four years are granted a service-pension. With what sort of propriety, then, can you now refuse to consider the claims of the men who rendered honest service for their country and who never betrayed it, but were always true and loyal to the flag?

It has been suggested to me that the passage of my bill would result in making heavy drafts upon the Treasury. If this be true it neither changes the principle nor the justice of the claim I make. It comes with a poor grace for a nation so rich and powerful as ours to make a plea of poverty against the soldiers. I have already referred to the immense revenues of the Government and our ability to meet any just and reasonable demands. Already the attention of the country is directed to the immense sums of money lying idle in the Treasury, and the best judgment of American statesmen is invoked as to the proper method of lessening the income and of disbursing the surplus. I would not advocate extravagance in any direction, but I do insist that we are now in a condition to deal justly and fairly by all our deserving citizens. There is no accurate means of determining how many persons would be benefited by the provisions of this bill or what sum of money would be required from year to year.

Of the 2,000,000 men who enlisted in the Army and Navy it is safe to say that over one-quarter are already in their graves; probably one-half would be nearer a correct estimate. Their ranks are rapidly diminishing. The burden imposed upon the Government will not be a heavy one, but whether heavy or light, it will be cheerfully and gladly borne by the people. I therefore most earnestly invoke the attention of the House to this subject, and express the hope that more just and liberal laws may be enacted and that abundant appropriations will be made.

Mr. ELLIS. I now yield the remainder of my time to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS, of Arkansas. Mr. Chairman, I have only a few practical observations to make, and they relate to the second section of the bill. By the courtesy of the gentleman in charge of the bill I said a few moments ago that I should move at the proper time to strike out that section. I desire in the time that I shall now consume to state the reasons why I think that section of the bill ought to be stricken out.

I regret I did not know this bill would be reached to-day, for in that event I might have presented my views more clearly and concisely than I shall be able to do, not having arranged or matured them with reference to this bill, which I had not seen until this discussion began. I can, however, point out the defects, as I believe, the section contains, and note the conclusions to which my mind has been brought by the investigation of the subject in the Committee on Pensions, Bounty, and Back Pay, where this subject has been under consideration for some time. I invite attention now to the second section of the bill. It provides as follows:

SEC. 2. That section 1 of the act entitled "An act relating to claim agents and attorneys in pension cases," approved the 20th day of June, A. D. 1878, be, and the same is hereby, made applicable to bounty, arrears-of-pay, lost-horse, and bounty-land cases, and pension cases in which arrears of pension are or shall be claimed or granted. And the fee of $10 prescribed by law shall not be payable to nor demanded or received by any agent or attorney in any pension case, whether for arrears or otherwise, or in any bounty, arrears-of-pay, lost-horse, or bounty-land case, in whole or in part, until such claim shall be allowed.

If you will examine the section named—and for the information of the committee I will read the first portion of it—you will observe that the section originally only applied to pensions. It is in the following words:

It shall be unlawful for any attorney, agent, or other person to demand or receive for his services in any pension case a greater sum than $10.

The present bill extends the provisions of the section which I have just read to the additional class of cases that I have named, namely, to bounty, arrears-of-pay, lost-horse, and bounty-land cases, as well as to pension cases, in which arrears of pension are or shall be claimed or granted.

Every person, Mr. Chairman, who has had any connection whatever with the prosecution of claims of this class—and I state frankly that I have not except in one single instance, but I get this information from others—every person who has had experience in the prosecution of pension claims knows that the great difficulty arises in cases where arrears of pension are involved. Take this character of case for example: The seed of a disease is sown in the war, say twenty years ago. It develops gradually, until five, ten, or fifteen years afterward the soldier becomes disabled and entitled to a pension. Under the pension laws, in order to procure his pension, he must trace that disease back to the Army and identify its origin with the service.

Let me ask gentlemen if they appreciate the difficulty that must arise in thousands of cases for a man who is honorably and justly entitled to his pension to make that proof? And if you leave him to make the proof he never can, for in seven out of ten instances the papers when prepared do not meet the requirements of the Pension Office, and they are rejected and sent back for amendment or alteration, and the work is to be gone over and over and over again.

And these last remarks, Mr. Chairman, are equally applicable not only to the pensioners themselves, but they are applicable as well to incompetent counsel unable to prepare the required proofs to maintain their cases under the regulations of the Pension Office. They are incompetent to present the case as it should be presented under the law. Who will say, where shall we find a member of the bar in this body who will tell us that in the prosecution of cases of this character honorable and competent counsel can be found to engage in them and perform the work that is frequently required at the pitiful sum which this bill proposes—$10 for each application? And shall we deny to men who are entitled honorably under the laws of the country to a pension the privilege of securing it by passing a law prohibiting him from paying counsel to prosecute a difficult but a worthy claim? I say, sir, that it is unwise; that it is unjust. It is not conservative legislation, and ought not to be indorsed by this committee.

Mr. HEWITT, of Alabama. May I ask the gentleman a question?

Mr. ROGERS, of Arkansas. Certainly.

Mr. HEWITT, of Alabama. Is there any question—intricate question of law arising in the pension cases as a rule? Is it not ordinarily a question of fact, that any ordinary clerk or commissioner can determine? If it requires any particular legal skill I would like the gentleman to point it out.

Mr. ROGERS, of Arkansas. I give you, sir, the benefit of such information as I have myself received from others. I have already stated that I have no practical experience. I understand that difficult and intricate questions arise in the interpretation and the construction of the pension laws; and I state further, on the information which I have received, that the greatest difficulty is the establishment of the facts by legal and competent evidence—facts which are often required in order to trace the disease back to its source and identify its origin with the service. There are difficult and intricate facts which arise in connection with the medical testimony required; questions not only requiring an acquaintance with the forms of law, but involving the highest skill of the medical fraternity for a proper determination of the case, and, as my friend here suggests, a thorough knowledge of the laws of evidence. I will add that just such ill-digested and unconsidered legislation as this proposed will inevitably increase these difficulties and foster litigation.

I hope, sir, that I may be permitted to progress in the discussion of this question without interruption, and I shall endeavor to make my remarks applicable I hope to the bill without unnecessarily prolonging the debate.

The next class to which this provision is attempted to be extended by this bill is as to lost horses. I myself in my political beliefs and doctrines have always favored just as little legislation as is consistent with sound policy and good government. And are we to be told that the officers of the Federal Army are not to be allowed to control their own business transactions? Are they not capable of making their own contracts with competent counsel and attending to their own business? Nobody except an officer is entitled to payment for lost horses. I say, therefore, it is not a creditable thing to the officers themselves or the country, nor is it consistent with a sound and intelligent public policy, to undertake by legislation to make the Pension Office a guardian for the officers of the Federal Army. As a rule they are entirely capable of attending to their own business matters.

Let us take another step. The third class also is open to objection. The argument which I have made in relation to the other two classes is equally applicable to this. It applies to pension cases in which arrears of pension are or *shall be claimed* or granted. But I say this provision is open to another objection.

Will gentlemen contend that that is wise or conservative legislation which invades contracts already made between parties? And yet that objection can be urged to more than one provision of this bill; by its very terms it not only applies to cases where the claims shall be made hereafter, but as to those where claims have already been made and

where under the law the contracts may have been made perhaps years ago. It operates retroactively.

Take the case of an officer who began five years ago the prosecution of a claim for a lost horse or for arrears of pension. He has employed counsel, and after the counsel has worked under contract for two, three, five, or six years Congress comes in and says to the counsel "you shall not receive more than $10." And it makes this statement to officers of the Army and to counsel who have entered into contracts with them. It is not conservative legislation. If any State in the Union should undertake to pass a law like that, the Federal Constitution would be invoked and it would be declared unconstitutional. And yet that is what Congress is asked to do in the second provision of this bill. Let me read another clause of this section.

And the fee of $10 prescribed by law shall not be payable nor demanded or received by any agent or attorney in any pension case, whether for arrears or otherwise; or in any bounty arrears-of-pay, lost-horse, or bounty-land case, in whole or in part, until such claim shall be allowed.

The result of our investigations has brought my mind to the conclusion that the latter part of that provision embodies a correct principle. The gentleman from Ohio [Mr. KEIFER] elaborated that subject, and perhaps I ought not to stop to discuss it further than he has discussed it; and yet I think I can throw some additional light upon it.

Let me illustrate for a moment. Here is a firm of attorneys. The Pension Office has construed the existing law so that attorneys could collect these fees in advance, and unscrupulous parties have issued circulars sending them out to all parts of the country in which they tell persons they were entitled to pensions and to send in their claims. As soon as the claim comes a demand is made for a fee of $2, $3, $6, or $10, and in thousands of cases they get it, and when they have gotten it they drop the case. Two or three different firms and perhaps more may by collusion accomplish the same result (and I have been informed it has been done) under the construction put upon this law by the Pension Office. And, as a last resort, when pressed by the applicant, they advise their clients to urge their member of Congress to visit the Pension Office and the case will be hastened or granted upon his personal solicitation. In this way members are compelled to do unnecessary work, when the attorney knew at the time he undertook the claim that under the law the parties were not entitled to a pension. And thus they saddle the responsibility on the member of Congress from the district and swindle the claimants out of all they can get in the prosecution of groundless claims.

I say, therefore, that feature of the bill which denies these unscrupulous parties the right to collect $1 of the fee until they procure the pension is not only a correct one, but a protection to honest practitioners. But $10 allowed, and the collection if so limited will not cover all the cases. One gentleman on the other side thinks that these claimants ought to be allowed, privates an l officers alike, to control these contracts themselves. But I say to him and to others that the result of our investigation is that there is a golden mean between these two extremes. I would limit them in the cases I have indicated to a fee of $10, and not allow them to collect one cent until they have procured a pension. Then in these extraordinary cases, as prosecuting for arrears, for lost horses, and for the other classes of claims I have pointed out, let them contract for some greater sum, subject to the approval of the Commissioner of Pensions, if you think best; the amount being limited, if you please, say to $25, or if you think it better to $50, certainly not above $50, because in many cases they would be unable to make anything at $10. Many cases will not be taken by competent counsel at that sum. Perhaps $25 would do. For if they get some cases where $25 does not pay them, there will still be an equalization in the easy prosecution of other cases at that sum. The main thing is to prevent these attorneys from practicing extortion on the ignorant. Make them perform the work before they receive a dollar of the fee, and you have then a wise, sound, and conservative principle on which to proceed; and if you allow a contract as high as $25 in difficult cases, you will enable many meritorious cases to be correctly determined which would otherwise be defeated for want of competent counsel. In other words, you exclude to a great extent the bad element among the practitioners, secure better service, and provide for all meritorious cases.

Let me illustrate the importance of that position. I said that in the course of my practice I had had experience in only one pension case. I have had it in two others, and, as it illustrates the point under discussion, I will tell you what that experience was. It was in compelling dishonest lawyers to disgorge that which they had taken in violation of the statutes from the pensioners by fraud and misrepresentation of facts. In one case the lawyer had procured nearly a thousand dollars for a penniless, ignorant widow, who, as I now recollect, could neither read nor write. He got her to indorse the voucher for the claim, representing that he would obtain the money and give it to her. He did get the money, but he put every dollar of it in his own pocket. I say it is not safe or wise to permit such men to have unlimited scope with the ignorant in matters of this character.

In another case a member of the bar recovered several hundred dollars, and took over $75 of it for his services. I succeeded by a proceeding for contempt in compelling him to turn it over to the parties to whom it belonged upon penalty of being disbarred. That is my experience. As we learn from the Pension Office, you can find numerous cases of similar practice in different parts of the country.

During the present session of Congress the atmosphere here in Washington has been filled with the charges that corrupt and dishonest practices have been engaged in by parties in pension cases under the law now in force.

I say, therefore, that while I have the highest regard and the utmost respect for the distinguished Committee on Appropriations, I believe if the House will join with the Committee on the Payment of Pensions, Bounty, and Back Pay and permit us to mature the bill which we now have under consideration we will be able to prepare sound and conservative legislation such as members will be able to indorse, legislation thoroughly matured and acceptable to this body. Therefore I say again that at the proper time I shall ask this House to join me and that committee in striking from this bill the second section, which in my judgment never had any business on an appropriation bill, but ought to have been left to the committee which had been intrusted by this House with the duty of preparing competent and conservative legislation upon this matter.

I believe I have now said all that I had desired to say on this subject. In closing permit me to thank my friends on both sides of the House for the attention and consideration they have yielded to me while I have been discussing this bill. I now yield to my friend from Ohio [Mr. WARNER] what time he may need.

Mr. WARNER, of Ohio. I think five minutes will be all that I shall desire.

Mr. ROGERS, of Arkansas. I yield five minutes.

Mr. WARNER, of Ohio. The gentleman from Arkansas [Mr. ROGERS] has stated so well and fully the objections to the second section of this bill that there remains very little to be said.

There are evils connected with our present pension system, and especially with the system of claim agents. It is well known that there are in the city of Washington claim agents who have made it their business, under the law as it now exists, to collect two, three, or five dollars—as much as they could—from a claimant; who, after having sent circulars to thousands of persons and obtained money from them in that way, have abandoned the claims entirely, and the claimants have no recourse except to come to members of Congress. For that reason mainly the Committee on the Payment of Pensions, Bounty, and Back Pay agree that fees in such cases should be collected only after the claim has been prosecuted to a successful termination.

This section of the bill proposes, however, as my friend from Arkansas [Mr. ROGERS] has explained, to limit the fees in cases where the claims of officers are involved. I think that is carrying it quite too far. The Committee on the Payment of Pensions, Bounty, and Back Pay have thought that in certain cases, in fact in all that class of cases which include arrears of pensions from the date of the discharge, the claimant ought to be permitted to enter into an agreement with his attorney, in order that he might be able to obtain competent attorneys to prosecute his claim, for a fee not exceeding $25, to be approved by the Commissioner of Pensions.

In the case of claims involving only an increase of pension, or a pension without arrears, I think the fee of $10 is quite enough. The fee should be allowed to stand as it now is in all that class of cases. As the committee to which I referred has substantially matured a bill embracing these features, which it will probably be ready to report to the House after to-morrow, I agree with my friend from Arkansas [Mr. ROGERS], and with other gentlemen who have spoken on this question, that this second section ought to go out of this bill. At any rate it ought to be modified before it is allowed to pass the House. I believe that is all I wish to say.

Mr. ROGERS, of Arkansas. I yield the remainder of my time to the gentleman from Ohio on the other side of the House [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR addressed the committee. [See Appendix.]

Mr. HANCOCK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6094) making appropriations for the payment of invaiid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

## MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

## ARMAMENT FOR FORTIFICATIONS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

The condition of our seacoast defenses, and their armament, has been brought to the attention of Congress in my annual messages, and I now submit a special

estimate of the Chief of Ordnance, United States Army, transmitted by the Secretary of War, for a permanent annual appropriation of $1,500,000 to provide the necessary armament for our fortifications.

This estimate is founded upon the report of the gun-foundery board, recently transmitted, to which I have heretofore invited the early attention of Congress.

In presenting this estimate I do not think it necessary to enumerate the considerations which make it of the highest importance that there should be no unnecessary delay in entering upon the work, which must be commensurate with the public interests to be guarded and which will take much time.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 11, 1884.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEWIS, for fifteen days.

To Mr. NICHOLLS, for two weeks from Monday next, on account of important business.

To Mr. BREWER, of New York, for one week, on account of important business.

To Mr. COVINGTON, for four days, beginning Monday, the 14th instant.

To Mr. ROGERS, of New York, from the 12th to the 21st instant, on account of important business.

To Mr. BROADHEAD, until the 26th instant, on account of important business.

To Mr. TALBOTT, until Monday next.

## FREE HOMES FOR SOLDIERS AND SAILORS.

Mr. WELLER. I ask unanimous consent to have printed in the RECORD a memorial and joint resolution of the Legislature of the State of Iowa relative to free homes for all surviving soldiers and sailors of the Union Army.

There was no objection.

The joint resolution is as follows:

[Joint resolution No. 11.]

Memorial and joint resolution relative to free homes for all surviving soldiers and sailors of the Union Army.

Whereas under the provisions of the homestead laws of Congress it is impossible for many of the soldiers and sailors of the late war to avail themselves of the provisions of said law, by reason of ill-health, caused by injuries and disease, received and contracted while in the service of their country, and for want of means to locate and improve homesteads as required by law; and

Whereas there is yet belonging to the United States Government enough land to give every soldier and sailor a home without detriment to the public interest: Therefore,

*Be it resolved by the General Assembly of the State of Iowa*, That our Senators and Representatives in Congress be requested to use their utmost endeavors to secure the passage of a law, at this session of Congress, giving to every honorably discharged soldier and sailor of the late war a patent for one hundred and sixty acres of the public land as a home, without requiring them to settle thereon, and that the title thereto be made non-transferable, or with such conditions attached as will secure to the soldier or sailor, or their families, all the benefits of such grant, and debar the speculator from procuring and holding the same for speculative purposes; and, further, that such homesteads be exempt from taxation for ten years, and also be exempt from all debts contracted or incurred by such soldiers and sailors for a like period.

*Resolved*, That the Secretary of State be directed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved March 29, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true and correct copy of the original joint resolution on file in this office.

Witness my hand and the great seal of the State, this — day of April, A. D. 1884.

[SEAL.] J. A. T. HULL, *Secretary of State*,
W. T. HAMMOND, *Deputy*.

The joint resolution was referred to the Committee on Military Affairs.

## SURVIVORS OF CONFEDERATE MILITARY PRISONS.

Mr. WELLER. I also ask unanimous consent that a joint resolution of the Legislature of the State of Iowa relative to certain prisoners of the war of the rebellion being placed on the pension-rolls be printed in the RECORD.

There was no objection. The resolution is as follows:

[Joint resolution No. 12.]

A memorial to Congress asking that certain prisoners of the war of the rebellion be placed on the pension-rolls.

Whereas many officers, soldiers, and sailors of the Federal Army and Navy were confined in so-called Confederate prisons for an unusual length of time, suffering great hardships and contracting disease hard and difficult to prove under existing pension laws; and

Whereas Hon. JAMES S. ROBINSON, of Ohio, has introduced in the Forty-eighth Congress a bill (No. 1189) "granting pensions to all soldiers, sailors, and marines who, while in the service of the United States, and while in the line of their duty, were taken prisoners, and as such confined in the so-called confederate prisons between the 1st day of May, 1861, and the 1st day of May, 1865," as follows: "All who were prisoners of war two months, and less than six months, one-half pension; those who were prisoners of war six months, and less than twelve months, a three-fourths pension; and all such as were prisoners of war twelve months, and more than twelve months, a total pension. And, furthermore, such surviving prisoners of war shall receive $2 per day for each day and every day's confinement in said confederate military prisons: *Provided*, That such pension shall in each case begin from the date of the passage of this act, and shall be paid at the same time and in the same manner as other pensions are now paid; *And provided further*, That this act shall not entitle any person to draw more than one pension, but that such survivors of the so-called confederate military prisons as are entitled and are receiving a pension at the time of the passage of this act shall be entitled to the increase of their pension which this act may grant them:" Therefore,

*Be it resolved by the house of representatives (the senate concurring)*, That our Representatives in Congress be requested, and Senators therein instructed, to use their best endeavors to secure the passage of an act by Congress in accordance with the provisions of said Robinson bill, No. 1189.

Approved March 29, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true and correct copy of the original joint resolution on file in this office.

Witness my hand and the great seal of the State, this—day of April, A. D. 1884.

J. A. T. HULL, *Secretary of State*,
W. T. HAMMOND, *Deputy*.

The joint resolution was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

## EIGHT-HOUR LAW.

Mr. WELLER. I also ask unanimous consent for the printing in the RECORD of a petition in regard to the eight-hour law. I do not ask for the printing of the names, but merely for the printing of the attesting name.

There was no objection.

The petition is as follows:

Petition for the enforcement of the eight-hour law and to pay to employés of the Government wages hitherto withheld in violation of the "eight-hour law."

*To the Senate and House of Representatives of the United States of America:*

Your petitioners respectfully represent that they are laborers, workmen, or mechanics who now are or who have been employed by or on behalf of the Government of the United States subsequent to the 19th day of May, 1869. That on the 25th day of June, 1868, the following became the law of the land:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the Government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed."—*Fifteenth Statutes at Large*, 77.

Your petitioners further show that on the 19th day of May, 1869, U. S. Grant, then President of the United States, issued a proclamation from which the following extract is taken:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

"Now, therefore I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor."—*Sixteenth Statutes at Large*, 1127.

Your petitioners further show that on the 11th day of May, 1872, the President of the United States issued another proclamation, of which the following is an extract, to wit:

"Whereas the act of Congress approved June 25, 1868, constitued on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by and on behalf of the Government of the United States; and

"Whereas on the 19th day of May, in the year 1869, by Executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor; and

"Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all the officers of the Government having charge of such laborers, workmen, and mechanics:

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor."—*Seventeenth Statutes at Large*, 955.

And your petitioners further show that the Congress of the United States passed an act, approved on the 18th day of May, 1872, the second section of which is as follows:

"That the proper accounting officers be, and hereby are, authorized and required in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages; and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated."—*Seventeenth Statutes at Large*, 134.

And your petitioners further show that notwithstanding the plain letter and spirit of the eight-hour law, and notwithstanding the Presidential proclamations enforcing it, and notwithstanding the interpretation given to the law by the act of Congress last quoted, which your petitioners are advised by counsel is binding upon all executive and judicial officers, your petitioners have been compelled to work ten hours for a day's work under penalty of dismissal or a reduction of their daily wages of 20 per cent. in case they worked but eight hours for a day's work.

The following order will show how and upon what authority the eight-hour law which is now enforced was violated for six months in each year for six years:

[General Order No. 227.]

NAVY DEPARTMENT, *Washington, June 30*, 1877.

The following decision of the Supreme Court of the United States is published for the information of the Navy:

* * * * * * * *

Under this construction of the law regulating public labor given by the Supreme Court of the United States, the Department has fixed the rate of labor for mechanics, foremen, leading-men, and laborers on the basis of ten hours a day. All workmen electing to labor only eight hours per day will receive a proportionate reduction of their wages.

R. W. THOMPSON,
*Secretary of the Navy*.

The above order was issued by the honorable Secretary of the Navy upon the decision of the Supreme Court of the United States, No. 401, October term, 1876, The United States, appellants, *vs.* Arthur Martin.

The judicial action is reported in the case of Martin *vs.* United States, 4 Otto, 400. The Martin case had no merit in it. Martin worked under a special contract, was paid extra wages, then made claim under the act of May 18, 1872.

His claim was adjusted. The amount found due under that act was paid and he gave a receipt in full, which relieved the Government of any further indebtedness.

The above order was enforced at the navy-yard, League Island, Pa., by the commandant, as shown by the following, a similar order being issued at each of the other navy-yards:

[Circular.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
*League Island, July 7, 1877.*

The following will be the working hours at this yard under the ten-hour rule:

From 7.30 a. m., until 12.30 p. m.
From 1 p. m., until 6 p. m.

C. H. WELLS, *Captain, Commanding.*

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[Circular.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
*League Island, September 4, 1877.*

By direction of the honorable Secretary of the Navy, the hour of quitting work on Saturdays is changed from 6 to 5 o'clock—commencing next Saturday, the 8th instant.

C. H. WELLS, *Captain, Commandant.*

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[Circular.]

NAVY DEPARTMENT, *Washington, D. C., October 25, 1877.*

SIR: The working hours in the several navy-yards may be as follows:

From March 21 to September 21, 7 a. m. to 6 p. m.:
From September 22 to March 20, 7.40 a. m. to 4.30 p. m.;

with the usual intermission of one hour for dinner. This regulation is not designed to carry with it any present reduction of pay.

Very respectfully,

R. W. THOMPSON,
*Secretary of the Navy.*

Capt. C. H. WELLS, U. S. N.,
*Commandant Navy-Yard, League Island, Pa.*

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[Circular.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
*League Island, October 26, 1877.*

The working hours at this navy-yard will be as follows, commencing to-morrow, the 27th instant:

From March 21 to September 21, 7 a. m. to 6 p. m.;
From September 22 to March 20, 7.40 a. m. to 4.30 p. m.;

with an intermission of one hour for dinner. This regulation is not designed to carry with it any present reduction of pay.

C. H. WELLS, *Captain, Commandant.*

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[Order No. 59.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
*League Island, Pa., March 20, 1883.*

The working hours at this navy-yard from March 21, 1883, to September 21, 1883, will be from 7 a. m. to 5.30 p. m., with a half hour intermission for dinner, in accordance with Department Circular No. 8, of March 21, 1878, and letter of March 29, 1879.

E. SIMPSON, *Commodore, Commandant.*

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[Order No. 60.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
*League Island, Pa., March 21, 1883.*

Commandant's order No. 59, of the 20th instant, is hereby revoked, and, by direction of the honorable Secretary of the Navy, the present eight hours of labor will continue until otherwise ordered.

E. SIMPSON, *Commodore, Commandant.*

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[Order No. 62.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
*League Island, Pa., March 24, 1883.*

Until otherwise ordered the hours of labor at this yard will be from 8 a. m. until 12 m., and from 1 to 5 o'clock p. m. This to go in to effect on Monday next, the 26th instant.

E. SIMPSON, *Commodore, Commandant.*

The eight-hour law has been violated from on or about June, 1877, to March 26, 1883, since which time it has been enforced, under orders of the Hon. William E. Chandler, Secretary of the Navy, of that date, and is now in operation at all navy-yards; and that from August 25 to September 19, 1883, while the U. S. S. Ossipee was on Cramp & Son's dry-dock, in Philadelphia, Pa., undergoing repairs, the employés were worked ten hours per day, and received one and a quarter days' wages for ten hours' work, thereby carrying out the law as passed by Congress June 25, 1868.

We would also state that during the time that the law was violated the employés were paid the same rate of wages for eight hours' work as they received for ten hours' work.

As to the War Department, we would state that the "eight-hour law" has been violated in the same manner as in the Navy Department. The employés of arsenals at Benicia, Cal., Rock Island, Ill., and Frankford, Philadelphia, Pa., petitioned the Hon. Robert T. Lincoln, Secretary of War, several months ago to enforce the law, and the following order was promulgated at Frankford arsenal, viz:

[Post Order No. 3.]

THE FRANKFORD ARSENAL, *January 8, 1884.*

I. In accordance with the decision of the Secretary of War, dated January 3, 1884, the working hours of this arsenal will, on and after the 9th instant, be as follows for all days of the week: From 8 a. m. until 12 o'clock noon, and from 12.30 until 4.30 o'clock p. m.

II. The officers in charge of shops will prepare and submit for approval of the commanding officer detailed regulations regarding signals for beginning and stopping work, roll-calls, &c.

By command of Maj. S. C. Lyford:

Official:

FRANK BAKER,
*Lieutenant of Ordnance, Post Adjutant.*

At the arsenals at Benicia, Cal., Rock Island, Ill., and other posts under the immediate charge of the War Department, the employés are compelled to work nine and ten hours per day, while at the arsenal at Frankford, Philadelphia, Pa., the employés are receiving the benefit of the eight-hour law, by order of the Hon. Robert T. Lincoln, Secretary of War, dated January 3, 1884.

Your petitioners therefore pray that a law be enacted directing and requiring your petitioners to be paid for the extra work which they have performed in excess of eight hours per day since the act quoted above provided for paying the workmen up to the 19th day of May, 1869, and appropriating the money to make said payments. And your petitioners further pray that such penal laws may be enacted as will for the future compel the administrative officers of the Government to respect the rights of labor under the eight-hour law.

Respectfully submitted by

J. M. DAVIS,
*Representative of Petitioners.*

106 RICHMOND STREET, *Philadelphia, Pa.*

The petition was referred to the Committee on Labor.

## PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. STOCKSLAGER. I rise to make a privileged report from the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman will state it.

Mr. STOCKSLAGER. I am instructed by the committee to report back a resolution of inquiry, together with a substitute, and to recommend that the substitute be adopted.

The SPEAKER. The original resolution will be read, and then the proposed substitute.

The original resolution was read, as follows:

*Resolved*, That the Secretary of the Treasury is hereby directed to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file in the Treasury Department relating to the purchase of a site for a public building in the city of Brooklyn and State of New York.

The substitute was read, as follows:

Whereas a resolution was referred to the Committee on Public Buildings and Grounds relative to the purchase of a site for a public building in Brooklyn, N. Y.; and

Whereas at a hearing before said committee specific charges were made, in writing, and filed with said committee, alleging complicity between some of the officers of the Government and the owners of real estate in said city, whereby it is alleged that the Government is likely to be required to pay an exorbitant price for the contemplated site; and

Whereas it is due to the Government as well as to the officers implicated that the facts should be ascertained: Therefore,

*Be it resolved*, That the Secretary of the Treasury is requested to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file relative to the purchase or contemplated purchase of a site for a public building in the city of Brooklyn, N. Y., and that the Committee on Public Buildings and Grounds be instructed to investigate the charges made, with power to send for persons and papers; and that the Secretary of the Treasury be requested to suspend negotiations for the purchase of said property pending the investigation.

Mr. BEACH. I object to the consideration of that resolution at this time. We should not undertake to pass a resolution of that kind within thirty seconds of the time for taking a recess.

The SPEAKER. The Chair thinks this substitute is something more than a resolution calling for information from the head of a Department. It proposes to authorize the committee to send for persons and papers and to make an investigation.

Mr. STOCKSLAGER. It is a substitute for a resolution calling for executive information.

The SPEAKER. The Chair thinks the gentleman can not, as a privileged matter, report back a resolution calling for executive information together with a substitute for an entirely different purpose.

Mr. BEACH. I call for the regular order.

The SPEAKER. The hour of 5 o'clock having arrived, pursuant to an order of the House heretofore made, the Chair declares the House in recess until 7½ o'clock this evening.

## EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

The Clerk read the following:

WASHINGTON, D. C., *April 11, 1884.*

Hon. JOHN B. CLARK,
*Clerk of the House of Representatives:*

Hon. BENTON MCMILLIN is hereby designated to preside as Speaker *pro tempore* at this evening session.

J. G. CARLISLE,
*Speaker of the House of Representatives.*

## ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Clerk will read the order of business for this evening session.

The Clerk read as follows:

*Resolved*, That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the purpose of considering business under the order of the House just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

The first business on the Private Calendar was the bill (H. R. 1073) granting a pension to William J. Lee.

Mr. MATSON. I ask unanimous consent that this bill and all other bills down to the one for the relief of Walter Dickson, on page 28 of the Calendar, be passed over informally for the present.

The CHAIRMAN. The committee has heard the request of the gen-

tleman from Indiana [Mr. MATSON]. If there be no objection it will be ordered accordingly.

There was no objection.

WALTER DICKSON.

The bill (H. R. 2017) granting a pension to Walter Dickson was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Walter Dickson, formerly of Company G, One hundred and forty-fourth New York Volunteer Infantry.

The amendment reported from the Committee on Invalid Pensions was to insert, after the word "formerly," the word "sergeant;" so that it will read "formerly sergeant of Company G," &c.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2017) granting a pension to Walter Dickson, have had the same under consideration, and beg leave to submit the following report:

Walter Dickson entered service as sergeant of Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry. He enlisted August 26, 1862, and was discharged June 5, 1865. He applied for pension to the Commissioner of Pensions, but his claim was rejected on the ground that proof was not sufficient. He was required to furnish proof of his regimental surgeon as to disability and acquired asthma, and although he had abundance of other proof, substantially covering the case, his claim was rejected, it appears, from want of proof on the part of the surgeon of his regiment. The record in the case shows that Walter Dickson was in every respect a sound man when he entered the service. As will be seen, claimant was in the service nearly three years. During the time of his enlistment he acquired asthma, resulting from fever contracted in July, 1863, while on the march from Gettysburg, Pa., in pursuit of the enemy; that his fever had troubled him, and, following this, terminated in asthma; this prior to his discharge from the service.

He was honorably discharged and mustered out with his company as second lieutenant June 25, 1865.

Capt. F. B. Hart testifies that he was captain of claimant's said Company G; that he was personally acquainted with Walter Dickson, of said company; that at some time in 1863 said Dickson contracted asthma from exposure incident to the duties of a soldier, and that such disability kept growing upon him with more severity until he was mustered out of service; and says that he knows that said Dickson was sound at time of enlistment.

Edgar A. Vermilyea testifies he entered the service of the United States, One hundred and forty-fourth New York Volunteers, in September, 1862, as an orderly sergeant of the company, and was promoted to second lieutenant in May, 1863. He was well acquainted with Walter Dickson, who was sergeant of said Company G, and that said Dickson's health in first year of said service was good.

Dr. H. W. Smith, of Garner, Iowa, testifies that he has been acquainted with the soldier three years and a half, and during that time has acted as claimant's family physician; that claimant was afflicted with asthma of a dyspeptic character, which in the physician's opinion was caused by malarial fever; that his attacks begin with great drowsiness. In respiration the ribs and shoulders raise to their utmost extent. The physician's treatment has extended over a period of three years and a half; and further states that claimant's condition unfits him for manual labor of any amount.

J. H. Barker, M. D., Samuel Hart, M. D., testify that the claimant is suffering with asthma, and has done so for some years. The last-named physician says he suffers to such an extent as to unfit him for manual labor.

J. S. Hurd, M. D., examining surgeon, says, in his certificate:

"Claimant was taken with fever while on the march after Lee's army from Gettysburg, in the month of July, 1863, and had cough from that time. Asthmatic symptoms first showed themselves at Folly Island, South Carolina, after a cold caught while crossing from Folly Island to James Island, some time in January, 1864; has had frequent asthmatic attacks, increasing in severity, since then. Since October, 1870, he has been unable to remain the whole of a single night in bed, being forced to pass the latter part of the night in a chair on account of difficulty in breathing; and is considerably emaciated."

The only proof whatever that can be said to be omitted is that of his regimental surgeon, who does not recollect his case, but as against this the report of the assistant adjutant-general of the War Department shows that in July, 1863, claimant was in general hospital, which bears out the statement of the claimant and his other witnesses as to the inception of his disease.

It is shown by the certificate of the surgeon that Dickson was sound when he enlisted, by that of the assistant surgeon that he was in perfect health and qualified for a soldier. The evidence of numerous neighbors and physicians as to his condition since the war is on record; of two others as to having asthma in the service, one of whom nursed him in the Army, together with the affidavit of Captain Hart, who says Dickson contracted asthma by exposure incident to the duties of a soldier, which kept growing upon him with more or less severity until he was mustered out of the service. Other witnesses show the contracting of asthma from the time he was mustered out until the present.

It also appears that he was wounded at the battle of Shiloh and lost the index finger of his left hand, so shattering the finger as to render amputation necessary. The same was amputated close to the knuckle. It further appears that the claimant Dickson is very poor, and is an extreme sufferer from the malady complained of.

Your committee think it a proper case for relief, and the statements of distinguished citizens who are acquainted with the claimant bear uniform witness to his character, integrity, and standing as a good citizen.

Your committee recommend the passage of the bill with an amendment inserting the name of "sergeant" in the sixth line, after the word "formerly," subject to the provisions and limitations of the pension laws.

All of which is respectfully submitted.

Mr. HEWITT, of Alabama. I would like to inquire why it was that the name of this man was not put on the pension-roll by the Pension Bureau.

Mr. HOLMES. The application in this case was rejected solely on account of the failure of the regimental surgeon to remember the case. The want of his testimony, however, is amply supplied by that of other witnesses, the members of his company, his neighbors, and his attending physician, amply showing that the disability originated in the Army during the service of this man. Indeed there is nothing wanting in the testimony, and I was myself surprised that the claim was rejected by the Pension Office. The Committee on Invalid Pensions has carefully examined the claim, and there certainly is no lack of evidence as to the disease having been contracted while in the service.

Mr. CUTCHEON. Do the proofs show that this man received the benefit of the treatment of his regimental surgeon or assistant surgeon?

Mr. HOLMES. They do. The surgeon's record shows that this man was in hospital in 1863, at the time that he asserts the disability was incurred; the record bears out his statement. The statement of the regimental surgeon is simply that he does not remember the case. They were then on the march, and no particular record was kept at that time.

Mr. HEWITT, of Alabama. Then, Mr. Chairman, this is simply a case of appeal from the Pension Bureau to Congress. There is nothing technical in the case. If the report presents correctly, as I have no doubt it does, the facts, it clearly appears that this pension ought to have been granted by the Pension Bureau under the general law.

Mr. HOLMES. It should, we think, have been granted under the general law; but this is like thousands of other cases which come before Congress, which are equitable in their nature and upon which the House acts in order to do equity.

Mr. HEWITT, of Alabama. This does not present any case of equity It presents a case of legal right; because if this soldier contracted while in the service the disease which now disables him, he is entitled, not upon equitable grounds but as a matter of legal right, to a pension. I do not wish to oppose the bill, but merely to point out that this is one of those cases which present a mere appeal from the Pension Office to Congress.

Mr. HOLMES. It is a requirement of the Pension Office, in cases of this kind, that the evidence of the regimental surgeon shall be produced.

Mr. HEWITT, of Alabama. There is no law that requires that.

Mr. HOLMES. But it is a rule of the Pension Office. The absence of such testimony from the regimental surgeon is in this case amply supplied by other evidence covering the whole ground.

Mr. WARNER, of Ohio. Mr. Chairman, this case seems to be one of a large class, in which there has been service and where, according to the report in this case (which I do not doubt is worthy of credit), there is present disability; but after the lapse of twenty years there is great difficulty in obtaining the evidence necessary to connect this disability with the service in such a manner as to show the time, place, and circumstances in which the disability was contracted and its continuance from that period to the present. If such proof could be presented in this case, the applicant would be entitled under the law to arrears. Not being able to do that, but showing present disability, he asks for a pension to date from the passage of the act.

Now, as I have said, there is a large class of cases of this kind. I think the complaints about pensions arise very largely in cases of this nature. If the House should see fit to pass a bill which has been reported by the Committee on the Payment of Pensions, Bounty, and Back Pay, I believe cases of this kind will all be removed from the consideration of this House. I have no doubt, from the report, that this is a case in which relief ought to be granted; but instead of being granted in this way—though I make no objection to this particular bill—I think there ought to be relief for this class of cases under a general law, which I trust will be speedily passed.

The question being taken on the amendment reported from the Committee on Invalid Pensions, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

AMANDA CUTTER.

The next business on the Private Calendar was the bill (H. R. 3188) granting a pension to Amanda Cutter.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda Cutter, mother of J. Henry Cutter, formerly a private in Company C, Thirty-second Regiment of Iowa Infantry Volunteers, said pension to be at the rate of $8 per month, and to commence on the 30th day of March, 1867.

The following amendment, reported from the Committee on Invalid Pensions, was read:

Strike out at the end of the bill all after the word "volunteers," and insert "to commence from and after the passage of this act."

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3188) granting a pension to Amanda Cutter, have had the same under consideration, and beg leave to make the following report:

Amanda Cutter, the claimant, is the widowed mother of J. Henry Cutter, who was a sergeant in Company C, Thirty-second Regiment Iowa Volunteers. He enlisted August 14, 1862, was mustered in the same date, and discharged December 21, 1863. He died March 30, 1867.

The said soldier left no child or children, but a widow, named Rosetta Cooper, who remained his widow until 1874, when she remarried, and is now the wife of one Harry Hurst, of Waterloo, Iowa. The son remained unmarried while he was in the service, and until August 17, 1864. The evidence shows that the petitioner, the widowed mother and claimant, was dependent on this son for support; that her husband, Moses Cutter, was 64 years old at the date of his decease; was an invalid and unable to earn any support for himself or his family for a year preceding his death, and for several years before that time was able to do but little work; that said Moses Cutter, the father of the deceased soldier, left surviving him two sons and one daughter; that the other son, Dexter B. Cutter, enlisted in May, 1861, in the Iowa Infantry, and served three years, received an honorable discharge, and re-enlisted in Hancock's Corps, where he served another year, and then returned home, dying February 14, 1870; that the remain-

ing child, Charlotte Lovejoy, died on or about February 20, 1863; that the widowed mother is alone and childless. The only property of the claimant herein is a small house and lot, which she owns and occupies, worth from $150 to $200, and has no means of support other than that she is able to obtain by labor.

On December 22, 1879, she applied for a pension as dependent mother, on account of her son, J. Henry Cutter, he having died of disease and disability incurred in the service, as shown by record and proofs. Her claim was rejected by the Pension Office in January, 1882, on the ground that the soldier left a widow surviving him, that the medical and other evidence presented showed that the soldier, J. Henry Cutter, suffered from chronic inflammation of the lungs, of which he finally died. While in the service he had the measles, while in camp at Dubuque, Iowa, and had never been well since that time.

There would seem to be no reasonable doubt from the evidence that the soldier on whose account this claim is made incurred the disability from which he died while in the Army and in the line of duty; also that his widowed mother is now very old, without any living children, and in very destitute circumstances. The only point raised by the Pension Office was that he left a widow surviving him. This wife has signed a written declination and waiver of all rights in favor of the widowed mother. If the mother was dependent on the soldier, as would appear, we can not think that justice should permit any technical rule under the pension laws to defeat her, because the soldier left surviving him a wife whom he married after he came out of the service, and who makes no claim whatever, but files an express waiver.

Your committee, therefore, recommend that the claimant, Amanda Cutter, be placed upon the pension-rolls by the Secretary of the Interior, subject to the provisions and limitations of the pension laws, from and after the passage of this act, and that with the bill so amended the same be passed.

The CHAIRMAN. The question is on the amendment.

Mr. HEWITT, of Alabama. I do not know that I have any objection to the amendment; but I wish to say that this bill is simply a new departure. There is not any technical reason why the applicant in this case was not put on the pension-roll; the law very plainly excluded her. The law excludes the dependent mother or father in any case when the soldier left a widow or minor children. In this case the soldier left a widow; and I suppose that widow drew a pension until she remarried, as I presume she did, although the fact is not stated in the report. Upon her remarriage, it seems, she relinquished all right to the pension; but she had no right to relinquish.

Mr. HOLMES. If the gentleman will allow me, I will say that this widow never drew a pension. She never applied for one. She makes an express waiver in favor of the widowed mother. If the widowed mother has any right as a dependent mother they could not be cut off by a marriage, after the services had been rendered by the soldier, and especially where the widow of the soldier had waived all her rights in favor of the widowed mother. The Government has never paid anything to the widow of the soldier.

Mr. HEWITT, of Alabama. The waiver on the part of the widow does not amount to anything.

Mr. HOLMES. But the remarriage on the part of the widow makes a perpetual waiver.

Mr. HEWITT, of Alabama. To pass this bill puts on the pension-roll a new class of persons by special favor. If that class ought to go on the pension-roll all ought to go, and it is unfair to select out one and pass a special bill for that one case, leaving all the others unprovided for. If we pass this bill we ought to pass a general bill providing for all like cases.

Mr. HOLMES. I will say, for the information of the gentleman from Alabama, that this is such a case as we pass on every day. There is no difference between this and other cases, except a mere technical difference, which in effect amounts to nothing, and it is that this man had married and left a widow, but that widow, as I have already said, has waived all her rights in favor of the widowed mother. I hope the gentleman will not insist on his objection to the bill, because it is as good and worthy a one as has passed the House during this session.

Mr. VAN ALSTYNE. It seems to me, Mr. Chairman, the only ground for granting this pension is that of sympathy for this old lady. The objection which may be brought against this bill will go further than that she is not in the line of receiving a pension, there being a life intermediate, that of the widow. When you come to look at the report you will see that the soldier was in the service only one year, that he enlisted in 1862 and was mustered out in 1863. There is not a scintilla of evidence indicated by the report which would lead us to believe that he incurred any disability in the line of duty or service which ultimately terminated in his death. While in the Army he was unmarried, and he remained so for some time after he was mustered out. He was married a year when he died. The only disease referred to is that he had measles while he was in the Army. There is no pretense that he was wounded in the service.

There is no man perhaps within the sound of my voice who has not had the experience of having the measles. It is alleged in this case that the measles resulted in inflammation of the lungs. It is exceptional that measles ever results in any chronic disease of the lungs. Chronic inflammation of the lungs I believe does not exist for the length of time which it necessarily would have existed in this case if it were the outcome of the attack of measles in 1862 or 1863, as the patient lived five or six years thereafter.

There would be no objection made to granting the pension in this case if the soldier died from disease occasioned by exposure in the Army or from wounds received in the line of duty. I think that is as far as we ought to go. The officer in the Pension Bureau having the question to pass on of course declined to grant the pension in this case from the fact that the soldier left surviving him a widow, and that of itself was sufficient without reference to any other fact. My sympathy goes out to the same extent to the unfortunate of my fellow-citizens as that of other gentlemen, and I should be willing to join in doing something in behalf of this old lady if I could find any just ground for my action.

I do not believe she is so impoverished as they would have us believe. She seems to be the owner of realty to the extent of one or two hundred dollars a year. She is better off, I understand, to-day in her circumstances than a considerable portion of the people throughout the country. I do not believe we should suffer our sympathies to carry us beyond the line of consistent propriety in the discharge of our duties in this House. I do hope that this Committee on Invalid Pensions, with the assistance they can marshal in this House on part of the members on this floor, will do what is right and just, and will not attempt to force this bill through at this time.

Mr. WARNER, of Ohio. Mr. Chairman, I agree with my friend from New York [Mr. VAN ALSTYNE] with reference to the principle involved in this bill. Would the House be willing to extend the pension laws so as to include all dependent parents whatever, whether their sons left widows or minor children or not? If it would be, then it would include this class But if it would not, then I do not think this case ought to be taken out from a class and be given the benefit of a special act, when there is a considerable class occupying precisely the same position.

This, Mr. Chairman, is an extension of the pension laws; and is it such an extension as it is desirable to make? I do not think it is. I do not think we can afford to go that far. I do not think it is in accordance with a safe public policy to go beyond parents, who would have the right to demand the assistance of their sons, were they living, for their support. In granting pensions it seems to me that is the clear line to be drawn.

Mr. ROWELL. May I ask the gentleman a question?

Mr. WARNER, of Ohio. Certainly.

Mr. ROWELL. Would not this mother, by the law, have the right to be supported by this son, although he was married, if she became dependent?

Mr. WARNER, of Ohio. That depends upon the statute law of the particular State. She would not under the common law. Besides, this mother, I understand from the report of the committee, has property of her own. But whether she would be entitled in the State of Iowa, in which I believe this case arises, to call upon her son for support, or whether he would be legally bound for her support or not, I do not know; but if it is proposed to extend the provisions of the pension laws to that class, I repeat it should be extended to all of them, and not to a single one by a special act.

Mr. MATSON. Mr. Chairman, it is well known, I suppose, to the House that under the rules of law governing the allowance of pensions this woman could not obtain a pension. Nobody pretends that she could. This bill proposes to give her a pension outside of and beyond the law because of the equities of the case. When gentlemen say that they propose to adhere rigidly to the administration of the law in deciding these cases, and are unwilling to go a step beyond that, they lay down a harsh rule which will do great injustice in very many cases. If the Committee on Invalid Pensions has any right and proper conception of its duties, one of the very first rules by which we have been guided and influenced in our actions is to be governed by the principle of doing justice in these cases where justice can not be done by the law by reason of its universality, applying the rule out of which equity itself grows.

Applying the rule, then, which guided us in our deliberations in all such cases, the committee are constrained to believe that a case is presented here involving peculiar merit. Now, this woman is shown to have been the mother of two sons, both now dead, and both of them having served their country in the last war. These were the only sons that she had. These were the only persons upon whom she could lean in her old age, and to whom she could have looked for support had they lived.

Mr. WARNER, of Ohio. Let me ask the gentleman, were they killed in the service?

Mr. MATSON. One of them served for a period of three years, the other one for a year and four months. And now we thought, after a hearing of all of these facts, that notwithstanding one of the sons had married after he came out of the service, although the mother was dependent upon him during the time he was a soldier, and if he had been killed during the war would have obtained the pension—and notwithstanding that after returning home he married, but continued to contribute to the support of his mother, and his widow never applied for a pension, the Government never having been called upon for a single dollar because of the death of this soldier, we thought under all these circumstances that it was no more than right and proper to give this old woman who had given her two sons to her country in the hour of her country's trial a pension to relieve her of her absolute necessities.

Why, the gentleman from Ohio says that she has real estate. The report shows that she has real estate to the value of $150 or $200, and nothing else; merely a little, poor, simple home, in which she can find shelter; no means of support, and very old.

Mr. HOBLITZELL. How old is she?

Mr. MATSON. Seventy-one years of age. As old as you; perhaps older. [Laughter.]

Mr. HOBLITZELL. Another question: What was the length of the enlistment of this son in the Army?

Mr. MATSON. One year and four months.

Mr. HOBLITZELL. How did he become discharged from the service?

Mr. MATSON. I suppose on account of disease contracted in the Army.

Mr. VAN ALSTYNE. Measles.

Mr. MATSON. The gentleman says measles, and that it is a very common and insignificant disease.

Why, my observation, and experience too, is that a man never had the measles, or a woman either, after they became grown, without the disease leaving in almost every instance very serious results. It is a slight disease with children, but with grown people it is a very serious one; and instead of inferring that simply because the soldier had the measles no serious results followed, the very reverse is likely to be the case. But the fact is stated here, and stated, too, upon a fair and full investigation of the case, that this result followed, and that the soldier died because of the disease he contracted in the service.

And now will this House refuse to give this old woman a pension under the circumstances? My friend from Ohio [Mr. WARNER] says it is going a step beyond the law. Of course it is. But I think the very first opportunity he had this evening he took occasion to say that he proposes to push the law even a step further——

Mr. WARNER, of Ohio. I beg the gentleman's pardon——

Mr. MATSON. That he proposes to pension all the soldiers that are disabled. That he proposes to pass a bill under which nearly all the bills we are called upon to consider will be taken out of the House. Am I right or not?

Mr. WARNER, of Ohio. You are not quite right.

Mr. MATSON. How far am I wrong?

Mr. WARNER, of Ohio. You are wrong in this: that it is not the purpose to extend the law to include any classes that are not pensionable now, but only to remove the difficulties in the way of evidence, so as to enable those who are disabled to obtain pensions to which they are entitled, not to extend the provisions of the law to include any classes not now included.

Mr. MATSON. I think I have not misstated the gentleman's proposition. I understood him to say he proposed to extend the law in relation to pensions so as to include more persons—and so I still understand him—so as to include those who have a present disability and can not prove the disability originated in the service.

Mr. WARNER, of Ohio. To cover persons who, at this distance of time, are unable to provide the evidence necessary to show that they are entitled to a pension.

Mr. MATSON. Yes; and I approve of all that. But would it be more right to extend the law to that class of soldiers than to pension this old woman under the circumstances?

Mr. WARNER, of Ohio. Then would my friend agree to extend the provisions of the pension law so as to include all dependent parents?

Mr. MATSON. I would have it include all such dependent mothers as this. I should, most emphatically.

Mr. WARNER, of Ohio. I do not say the gentleman is not right in that.

Mr. MATSON. But we are not here now for the purpose of making general laws. The committee and the House must take each case as they find it. Here is a case which I believe is a good one and ought to pass. I have no fault to find with other gentlemen who form a different judgment about it. But I do insist we can not afford to be governed by the iron rules of the law in determining upon these particular cases, but that we must be governed by the equities, by the right of each particular case.

Mr. WILSON, of Iowa. This is somebody's mother that we are speaking about. This is the mother of an Iowa soldier. She reared him for the service of the Republic. She took care of this man as the Government never could employ any one to take care of a man to bring him to the years of manhood to make him such a man as every soldier should be. And when the time came that the country called, she gave him as a free-will offering. She did not count the cost although her heart went with her great gift. She gave all she had when she gave her boy. She watched him through all the vicissitudes of army life. Years hurried upon her while her boy was gone. She read his letters when he was well, and rejoiced with him in his pride of life. She read them when he was sick and cheered him with a mother's love; she shared all his hopes and enlarged them, and shared his dejection and lessened it. She encouraged him as only a mother can. She was his first friend, his truest counselor, his best advocate. America had mothers when her great trial came and her sons were worthy of them. We should deal generously with them when they come here asking us to take the place of their lost boys. We should speak reverently and in subdued voices of their needs, and look respectfully when the House is honored with the presence of their tottering feet.

Young people can not rightly and fully value a mother. It requires mature manhood to thoroughly and completely appreciate a good mother. The question with us to-night is whether we appreciate this mother, this Iowa mother.

It has been remarked that it is doubtful whether indeed this soldier had received in the service the disabilities that attached to him when he came home from the war. I never saw an old soldier who was not more or less disabled constitutionally by his army life. There is some disability which always attaches itself to him. Thousands of them in Iowa are too proud to ask for any help. Thousands of the old mothers are too proud to ask for assistance until they are reduced down to the condition of this mother who has only $150 in the world. You see, she, like the woman in the Savior's days, gave all she had. Those heroic people, mothers and sons, are all passing quickly away. A few years and the pension-rolls will gradually fade until the cemeteries contain the last of that generation, but of our great abundance let us not refuse the necessities of life to any that ask.

Now, sir, we can make an exception here to general rules and bureau regulations. It may not be wise to make a general law pensioning women of this condition in every case. But we can certainly make an exception. When my friend from Alabama [Mr. HEWITT] was speaking on this question to-night I was reminded that I have had letters from old Mexican soldiers in Iowa asking what HEWITT of Alabama looked like; the man who made a whole night's fight at the head of this House to pension old Mexican soldiers—what does he look like? I have written in answer saying he is a tall, broad, fine-looking fellow, that HEWITT of Alabama. [Laughter.] He has got a heart in him and he has got a soul in him. He thinks of the benefits that came to the United States in the grand acquisitions through the fight made by the United States with Mexico to get those Pacific Territories; and he appreciates the work done by those old soldiers who went there and glorified the Republic in those days. That is the kind of a man HEWITT of Alabama is.

I want him to strike from the RECORD some of the remarks he has made to-night, because I do not want these old soldiers in Iowa to ask me questions in another strain about "HEWITT of Alabama."

Mr. HOLMES. One word in answer to the remarks of the gentleman as to the matter of disability. I am sure that no gentleman will interpose any objection to this case if he fully understands it. I can readily see why they should want light on this matter. But it is a case where the disability of the soldier is clearly proven, from the time that he had the measles and exhibited the first symptoms of consumption down to the time of his death. We did not think it worth while to refer to that in the report, but the evidence shows it clearly.

The pension would have been granted by the Pension Office had it not been that the applicant had since married a wife. The old mother is a widow, has never remarried, and is a dependent mother, just as she was at first. She is not to blame for the son's marrying, nor did his marrying take away the right of the son to support her.

The gentleman from Ohio [Mr. WARNER] suggests that that depends upon the laws of the particular State. It does not seem to me that that is relevant to this question at all. But I might say in answer to it that the law of Iowa provides that a man shall take care of his dependent mother. That is a wholesome law, and it should be the law of every State, and if there is any State in which that is not the law, all I can say is that I pity the State and its people.

This woman gave her two sons to the country—all the sons she had. They both served in the Army, and they both died. She has made every sacrifice that she could make, and it does not seem to be equitable that opposition should be made to the pensioning of an old lady like this, who is 70 years old, while we are pensioning the widows of general officers at the rate of $50 a month, who, to say the least, had a reasonable compensation while they lived.

It is cruel, and would be unjust in Representatives of this Congress, to deny to an old lady—one to whom, of all beings on the earth, our sympathies should go out—this small pittance, an old lady who brought these young men into being, nurtured, and took care of them, and finally gave them up as sacrifices for the preservation of the country. I trust earnestly that gentlemen will not seriously make any opposition to this bill.

Mr. HOBLITZELL. Will the gentleman allow me to ask him a question?

Mr. HOLMES. With pleasure.

Mr. HOBLITZELL. Is this claimant in your district?

Mr. HOLMES. She is not.

Mr. HOBLITZELL. Have you any personal knowledge of the case?

Mr. HOLMES. I have not; the bill was introduced by another gentleman from another district.

Mr. HOBLITZELL. Was this soldier discharged from the service on account of physical disability?

Mr. HOLMES. I understand that he was.

Mr. HOBLITZELL. Have you any knowledge upon that subject?

Mr. HOLMES. I can not make a positive statement about it. It is some time since this case was examined, but my recollection is that he was discharged before the close of the war on account of disability incurred in the service.

Mr. HOBLITZELL. Was he a volunteer or a drafted man?

Mr. HOLMES. He was a volunteer. Drafted men did not come from that section of the country; they were men of different mettle.

The question was taken upon the amendment reported from the Committee on Invalid Pensions, and it was agreed to.

The question was taken upon laying aside the bill as amended to be reported favorably to the House, and the chairman announced that the ayes had it.

Mr. HOBLITZELL (in his seat). I call for a division.

The CHAIRMAN. The Chair will not recognize the call for a division from any gentleman while in his seat.

Mr. HOBLITZELL (rising). I call for a division.

The committee divided; and there were—ayes 32, noes 1.

Mr. HOBLITZELL. No quorum has voted.

Mr. MATSON. I hope the gentleman will not make that point.

Mr. HOLMES. I trust the gentleman will not insist upon that point.

Mr. HOBLITZELL. I will withdraw the point with the understanding that this bill shall not be voted on in the House except there is a quorum present.

Mr. WILSON. That is right.

So (no further count being called for) the bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN R. WALLACE.

The next business on the Private Calendar was the bill (H. R. 4439) granting a pension to John R. Wallace.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John R. Wallace, late a member of the Union Guards, of Davis County, Iowa, at the rate of $24 per month, from and after the passage of this act.

The amendment reported from the Committee on Invalid Pensions was to strike out the words "at the rate of twenty-four dollars per month from and after the passage of this act" and to insert in lieu thereof the words "subject to the limitations and provisions of the pension laws, from and after the passage of this act."

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 4439, beg leave to submit the following report:

The petitioner, John R. Wallace, asks to be placed on the pension-roll for disability resulting from wounds received in the line of military duty. That he is permanently disabled for manual labor, and that the disability results directly from the causes stated, he furnishes abundant proof.

His petition sets forth, and the accompanying evidence fully supports, the following chain of circumstances:

During the war there were repeated disturbances along, and raids across, the border between the States of Iowa and Missouri, attended with a continued and high state of excitement and apprehension. To repel incursions and preserve order on this border the State of Iowa organized a military force or forces. A part of these forces was a military company called the Union Home Guards, commanded by Capt. J. M. Garrett, who, like all other officers of these military forces, was under orders from the public authorities to be constantly on the alert and arrest all suspected persons.

The petitioner, John R. Wallace, was a member of Captain Garrett's company. On the 7th of November, 1864, he was ordered to accompany a party under the command of the second lieutenant of his company to arrest a couple of confederate officers who were known to be lurking in the vicinity. These confederates made a strong resistance, during which the petitioner's commanding officer was mortally wounded, and himself pierced by three separate bullets, to wit, pistol-ball, which entered his left groin, passing through the body and lodging against the spine; another, from a similar ball, entered above and about one inch to the right of the right groin, passing through the right side of the body and lodging in the back part of the body near the spine; also a third wound by a ball, which entered near the spine, and, passing to the right of the center of body, lodging near and under the shoulder-blade. Medical and other evidence shows that the claimant has been permanently injured, and that he is entirely disabled from performing manual labor. The details of the case show great suffering on the part of the claimant, and your committee think him as much entitled to a pension as though he had been technically mustered into the United States service and performed the same duty. We therefore recommend the granting of the pension, but that the bill be amended so as to provide that such pension be granted subject to the provisions and limitations of the pension law, and to take effect from and after the passage of the act.

Mr. HOLMES. I would say in regard to this bill that this claimant belonged to a company of home guards, called out by the governor of Iowa for the purpose of repelling raids along the border of Missouri. The attempt made to arrest two confederate officers resulted, as stated in this report, in the killing of the officer commanding the party and the wounding three times of this claimant. He is wholly incapacitated for any kind of labor; the least exertion causes great hemorrhage from his wounds. Indeed, he is as utterly disabled as a man can be from bullet-wounds.

There is no question about the disability and no question that the man was in the military service as a member of the home guards of the State of Iowa at the time the disability was contracted. He was never mustered into the United States service, but his case is similar to scores of others which have been passed through this House. He was in the service acting in behalf of a State in repelling the invasion of the enemy. He was engaged in substantially the same duty as those troops that were regularly mustered into the service of the United States.

Mr. HOBLITZELL. I would like to put a question to the gentleman from Iowa [Mr. HOLMES], who I believe made the report in this case.

Mr. HOLMES. Yes, sir.

Mr. HOBLITZELL. I would like to know whether there are precedents for the recommendation made by the committee in this case?

Mr. HOLMES. There are numerous precedents for bills of this character.

A MEMBER. Two were passed last Friday night.

Mr. WARNER, of Ohio. The gentleman will allow me to add that if the application in this case had been made prior to 1874 this man would have been entitled to a pension under the general law.

Mr. MORRILL. There is no doubt about that.

Mr. WARNER, of Ohio. The pension laws have included cases of this kind; but this man did not make his application in time.

Mr. STRUBLE. I would like to ask my colleague [Mr. HOLMES] a question. If this soldier is entitled to be pensioned upon the state of facts presented in the report, why should he not be allowed a larger pension than $8 a month, which I believe is the rate proposed to be granted?

Mr. HOLMES. Because, being only a private, that is all he would be entitled to under the general law.

Mr. STRUBLE. But might not the pension be greater in view of the degree of disability presented?

Mr. HOLMES. We do not fix the rate at all, but allow it to be fixed under the general law. The examining surgeons will determine the degree of disability, and the man will receive pension accordingly.

The amendment reported by the Committee on Invalid Pensions was agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

ALLICIA DURRANT.

The next business upon the Private Calendar was the bill (H. R. 5457) granting a pension to Allicia Durrant.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Allicia Durrant, widow of Henry K. Durrant, late an acting assistant surgeon in the United States Army.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the case of Allicia Durrant, by the Pension Office, having examined the same, beg leave to submit the following report, with an original bill:

Under the joint resolution of Congress approved May 29, 1830, the papers in the case of Allicia Durrant, widow of Henry K. Durrant, late acting assistant surgeon United States Army, were sent to the committee by the Pension Office for consideration as to the propriety of placing applicant's name upon the pension-roll by special act of Congress, subject to the provisions and limitations of the general pension laws, for the reason that her claim appears to the Pension Bureau to be deserving and meritorious, but can not be admitted under the existing law.

The record of service of Surgeon Durrant, when he was under contract, began May, 1862, serving as acting assistant surgeon United States Army, with contrabands at Beaufort, S. C., to April 5, 1865, except that in September, 1864, he was in charge of prisoners of war at Morris Island, South Carolina. In December, 1864, was on duty under General Hatcher, and was present at the action of Honey Hill, S. C. His contract was annulled, and he was mustered into the service as surgeon April 6, 1865. From April to August, 1865, was on duty with his regiment at Beaufort, S. C., also post surgeon at same place in March, 1866, and was relieved from post and small-pox hospitals at that time.

The proof proceeds to show that from March, 1866, to March, 1877, he was on duty at upward of forty different points between South Carolina and Oregon. He was much of the time in the Territories and among the Indians, and accompanied the expedition against the Modocs. Being taken sick at this time, he was directed, by Special Order 31, headquarters Modoc expedition, dated March 20, to proceed to the camp on Lost River and report to Assistant Surgeon H. McElderry for medical treatment. During all this time his duties were arduous, and he suffered much from exposure, deprivations, and fatigue. He resigned his position on account of poor health and went with his wife to the Bermuda Islands in hopes to recuperate, where he died of scarlet fever.

In a letter written by his wife she says:

"I can solemnly declare that my husband never had a day's health after the Modoc war. At that time he endured great fatigue and exposure, from which he never recovered. When his last fatal illness came his strength gave out, and you will see by medical certificates the physicians thought he might have recovered but for the existing heart trouble. The only person who knew of his condition was the surgeon that was in charge at the lava-beds during the Modoc war, and who died suddenly while there. The poor fellow only lived six weeks after he left, and when he contracted scarlet fever we never knew. He saw no patients, as he was not practicing, and we were together traveling all the time from Oregon to Bermuda Islands, where he hoped to rest and regain his health, but we were there only ten days when death claimed him."

The proof as to death, signed by Park B. Tucker, M. D., and John Wate Reed, M. D., inspector-general of hospitals, says that they were—

"Medical attendants of the late Dr. Henry Durrant, who died in this colony suddenly and unexpectedly of scarlet fever, in May, 1877, and we are of the opinion that he would in all probability have recovered from the attack had he not been laboring under some disease of the heart, which in our opinion was induced by overfatigue and anxiety during his arduous service in the United States Army."

This certificate is dated Bermuda, March 5, 1878.

The memorandum of rejection by the Pension Office says:

"Rejected upon the ground that fatal disease, scarlet fever, was contracted after the soldier left the United States military service; hence the general pension laws do not cover the case. It may be a proper case for the consideration of Congress."

Your committee, after duly considering the case, are of the opinion that the widow of this faithful and deserving officer should have relief. Her own health is poor, and she is in indigent circumstances. It is also quite apparent from the medical testimony that her husband's death, although not directly due to disease contracted in the Army, that he was nevertheless so reduced in strength and broken in constitution that he became an easy prey to the fell disease with which he was attacked, and it is a fair conclusion that had he been a strong man, in the full flow of health, when overtaken by the disease, that he would have fought it successfully and recovered. Having this impression, and believing that the doubt, if any, should be in favor of the claimant, the committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

ANN M'CARNEY.

The next business on the Private Calendar was the bill (H. R. 3331) for the relief of Ann McCarney.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann McCarney, widow of Thomas McCarney, late a private in Company B, Thirty-second Regiment New York Volunteers, and pay her a pension from the 7th day of July, 1863.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3331) for the relief of Ann McCarney, having considered the same, beg leave to submit the following report:

The petitioner, Ann McCarney, widow of Thomas McCarney, late private in Company B, Thirty-second Regiment New York Volunteers, into which company he was mustered November 8, 1861, and from which he was discharged July 17, 1862, asks a pension on account of his death, which occurred July 7, 1863, which it is alleged was caused by disease contracted in the service.

The widow filed her application on June 19, 1880, but it was rejected by the Pension Office on the ground that the disease for which he was discharged and of which he died existed prior to enlistment.

As to the soldier's physical condition prior to enlistment, Michael Farrell, of Amsterdam, N. Y., testifies that when this soldier entered the service he was a well and sound man; that he was able to perform and did do hard manual labor; that when he returned from the Army in 1862 he was then sickly and feeble, and suffering from some disease; that he continued to grow worse and did not recover; and that he was in a failing condition ever afterward, until he died, July 7, 1863.

This statement is corroborated by Ellen McCarney and Susan Fitzpatrick, daughters of the claimant, and by James Fox and Francis Quinn, who were acquaintances of the soldier for many years prior to enlistment.

John Degolyer, who was a comrade of McCarney's, and a member of the company, remembers that soldier was taken sick while in the service, February, 1862; that while on picket duty he was out in a storm and got wet; that he returned to his tent, and next day had a very severe cold, and was so sick that he lay in his tent for several days, complaining of bad pains in his back; that he got around after many days, but did not get well.

Charles Devens, another comrade, and George W. Watkins, sergeant of the company, testify to same state of facts.

W. R. Little, the surgeon who signs the certificate of disability for discharge, says that he examined McCarney, and found him incapable of performing the duties of a soldier, because of "incontinence of urine" and general physical disability, and also says that this condition existed previous to enlistment.

The evidence strongly points to the conclusion that the soldier was a strong, healthy man before enlistment, and there is no positive evidence to show that he was not so. The physician who treated him during his sickness, and the only person who had professional knowledge of him prior to and subsequent to his enlistment, is dead. That important evidence is therefore wanting; but the testimony of his neighbors and the members of his family is positive that he was a sound man when he entered the Army. Your committee are of the opinion that he was so and that his death was referable to disease contracted from exposure and hardships while in the service, and that his widow is entitled to a pension, and therefore recommend the passage of the accompanying bill with the following amendment: Strike out all after the word "volunteers" in the eighth line.

The amendment reported by the Committee on Invalid Pensions was read, and agreed to, as follows:

Strike out at the end of the bill all after the word "volunteers."

Mr. BLANCHARD. It is not my purpose to make any captious objection to any of these pension bills; but I desire to inquire of the gentleman from New York [Mr. BAGLEY] who reported this bill, or, if he is not present, some other member of the committee, what evidence there was as to the disease of which this soldier died. It is not stated in the report, and because it is not I think the Committee of the Whole can not form any intelligent opinion whether or not the disease was contracted in the service. It seems from this report that the soldier did contract some disease in the service, and after having served eight months was discharged; but it does not anywhere appear in the report that he died from the disease which, as appears in one part of the report, was contracted in the service.

Mr. MATSON. I think I can satisfy the gentleman thoroughly on this subject. The second paragraph of the report states that the application in this case "was rejected by the Pension Office on the ground that the disease for which he was discharged and of which he died existed prior to enlistment." Now, it does not make any difference what the disease was. The Pension Office finds that that disease for which the soldier was discharged and from which he died existed during the time he was in the service and even before. It was upon this point that the claim was rejected at the Pension Office. But the committee find upon examination of the evidence that the finding of the Pension Office as to the existence of the disease prior to enlistment was not sustained. I repeat, it makes no difference what the disease was, the fact is admitted that the disease existed during the service and that the man died from it.

Mr. BLANCHARD. Since the gentleman has called that paragraph especially to my attention, I see that the disease of which this soldier died was that for which he was discharged, and that the Pension Office rejected the application upon the ground that the disease existed prior to enlistment. But I submit there is nothing in this report to show that the disease which existed during the time he was in the service contributed at all to his death. It seems that at the time he sought a discharge he was examined by the surgeon, who found him incapable of performing the duties of a soldier, mentioning the particular disease with which he was suffering, and stating that this condition existed prior to his enlistment.

Now, sir, if that be true, then this soldier is not entitled to any pension, because he did not contract that disease during the time he was in the service.

I repeat, it nowhere appears in this report there is any evidence going to show that the disease he had during the service contributed in any respect to his death after he was discharged.

I know that it is useless for me to make these criticisms on this case, as it is likely the committee is going to pass this bill. But I think this is one of the cases which should be rejected on account of the insufficiency of the evidence.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANK M. WOODRUFF.

The next business on the Private Calendar was the bill (H. R. 2467) granting an increase of pension to Frank M. Woodruff.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to rerate the pension of Frank M. Woodruff, late a member of Company G, Ninth Regiment New York Heavy Artillery Volunteers, at $8 per month, commencing at the time of his discharge, deducting therefrom the amount that he has been paid.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2467) granting an increase of pension to Frank M. Woodruff, having considered the same, beg leave to submit the following report:

The petitioner was mustered into the service of the United States on the 8th day of September, 1862, in Company G, Ninth Regiment New York Heavy Artillery, to serve three years or during the war. On the muster-roll of the company for March and April he is reported absent, wounded, since March 25, 1865. He was mustered out on June 14, 1865.

The papers show that while in the service and line of duty at Petersburg, in the State of Virginia, on or about the 25th day of March, 1865, he received a gunshot wound in the right arm while in action, the ball entering inside the arm, near axilla, and passing out above the elbow, fracturing the humerus, near shoulder joint, and that for this wound he was treated in Emory United States General Hospital, Washington, D. C.

The petitioner was granted a pension of $3 per month from August 4, 1875, and also arrears at that rate from time of discharge. The amount was increased to $8 per month from August 2, 1876, and subsequently to $8 on October 15, 1880, showing that in the opinion of the examining surgeon the disability was progressive and increasing.

The petitioner declares that he earned nothing for over a year after receiving the wound; that he can not straighten his arm; that he is a poor man and has to labor for a living; that he is a carpenter, and as such had to either work for less wages or do special line of work; at times work at farming, but can do no hard work, such as chopping, mowing, cradling, &c.

D. B. Horton, examining surgeon, says:

"I find that a bullet entered on inner side of right arm, half inch below shoulder joint, and passed down the arm about six or seven inches, coming out on inner front of arm. The bullet shattered or splintered the humerus to some extent; muscles of this section are atrophied and partially paralyzed. Being the right arm, it must disable him very much working at any kind of labor, especially as a carpenter. The elbow having been bent to a right angle for a year has never become entirely useful; has not perfect use of hand, owing to paralysis of some of the muscles of the arm."

The petitioner is seriously disabled, and the Pension Office has exhausted its powers for an increase. Under the law he can receive but $8 a month. The bill asks for the payment of arrears at that rate from the time of discharge, but your committee are of the opinion that it will be better to grant an increase from the passage of the bill, being averse to the payment of arrears without a general law. It is, therefore, recommended that the following amendments be adopted: Strike out, in line 4, the words "rerate the pension," and insert the words "place on the pension-roll the name;" and strike out all after the word "volunteer," in line 6, and insert the words "and pay him a pension of $15 per month, in lieu of any and all other pensions now received by him."

Mr. HEWITT, of Alabama. Mr. Chairman, under the general law it is made the duty of the Pension Office to rate pensions. There are different degrees of disability, and it is the duty of that office in each case to determine the degree of disability under which the claimant suffers. It seems in exercising that power conferred by the law upon the Commissioner of Pensions this soldier's disability was rated at $3 a month. Subsequently he was re-examined, when it was discovered he was entitled to a higher rate. It may have been, and the report does not negative that opinion, that when he was put upon the pension-roll his disability did not entitle him to more than $3. I believe the Pension Office, with its surgeons to examine and rate these pensioners, can better determine the amount of disability than Congress, this House, or the Committee on Invalid Pensions.

The committee, opposed as it is to the payment of arrearages, say in this case they will give this claimant $15 a month. That is, they do for this soldier what they have failed to do heretofore for others. They ought to be consistent with their past action, but in this case they raise the pension from $8, which is the highest he would be entitled to under the law, to $15 a month. That is not right.

The gentleman from Iowa [Mr. WILSON] a few moments ago, in his compliment to me in reference to my action on the Mexican pension bill, said he would like to be able when he writes again to his friends in Iowa to say that I was also a friend of the Union soldiers. If the gentleman from Iowa has noticed my humble course since I have been a member of Congress he must know I have always been a friend not only of soldiers of the Mexican war and of soldiers of the Florida and other Indian wars, but of the Union soldiers of this country. And I will send to the Clerk's desk to be read an extract from a report which I made in the Forty-fifth Congress from the Committee on Invalid Pensions.

The Clerk read as follows:

The pensions of soldiers disabled in the line of duty are in no sense a gratuity, but are supported by contract made by the Government with them at the date of their enlistment, that if disabled they should have a pension. The consideration is the service and blood of the soldier. The parties were competent to contract. The subject-matter of the contract was neither in contravention of law

nor of public policy, but was expressly authorized by law and promotive of the public good. It has every ingredient of a contract, as defined by all the law-books. The pension was predicated on the sole condition of the soldier's disability in the line of duty, and upon the happening of which condition the engagement of the Government became a perfect vested right, and was the property of the soldier as much as any bond which he may have held on the Government or other choses in action which he may have owned.

Mr. HEWITT, of Alabama. Now, to show that since that time I have not fallen from grace on that subject, I ask the Clerk to read an extract from the report I made on the Mexican pension bill that passed the House.

The Clerk read as follows:

The bill as originally drawn in the second section excluded from its provisions any one who was already drawing a pension at the rate of $8 a month or more. This section was copied from the act of 1871 pensioning the soldiers of the war of 1812. The committee, after a careful consideration of this section and its effect upon those soldiers of the Mexican war who so gallantly fought in the late war for the preservation of the Federal Union, and who may have been wounded or disabled by disease while in the service, and for which they may be now drawing a pension, and after carefully considering the difference between an invalid pension and the pension proposed by this bill, unanimously agreed to strike out of this section that clause which would have excluded from the benefits of the bill soldiers of the Mexican war now drawing a pension for disabilities incurred in the late war.

The pension which such soldier may now be drawing is that which the Government owes him under the contract made with him when he was enlisted; that is, if he should be disabled in the service in the line of duty he should have a pension, and the soldier thus disabled is as much entitled to a pension under the law as he was to his monthly pay. The consideration of the contract is the service and blood of the soldier. There is no power in Congress or in any other department of the Government to take such a pension from such a soldier. He holds it by as firm and strong a title as he holds any other property.

Mr. MATSON. Mr. Chairman, the remarks made by the gentleman from Alabama lead me to believe that there will be considerable discussion on this bill; and as the author of the bill is not present, I will ask that it be informally passed over.

Mr. PAYNE. The author of the bill is present now.

Mr. MATSON. I yield the floor to the gentleman from New York. I did not know that he was in the Hall.

Mr. PAYNE. Mr. Chairman, I am glad to have heard read the record of my friend from Alabama [Mr. HEWITT] and to find that he has been always and is now the friend of the American soldier. I was glad to hear him come down so gracefully to-night in favor of the poor old widowed mother in the case presented by the gentlemen from Iowa [Mr. HOLMES], and I hope before the pending case is decided that I may be able to write to this poor disabled soldier from the State of New York that the gentleman from Alabama is still a friend of the Union soldier.

Mr. HEWITT, of Alabama. All I want is what is right. That is all I ask.

Mr. PAYNE. And that he favors paying pensions, and liberal pensions, to meritorious Union soldiers.

But, Mr. Chairman, this case illustrates what has been so well discussed in the House this afternoon, and that is the villainous system in relation to attorneys in pension cases as fixed by the present law. Congress in their desire to protect the Union soldiers has placed so small a sum upon the services of an attorney in the prosecution of pension cases that no real attorney, unless he has more patriotism than the most of us attorneys possess, is willing to spend his time in getting up the papers and preparing the proof, putting the case in shape, and presenting it before the Pension Office. And so it was in the case of this soldier. Poor himself, having nothing with which to employ an attorney except a contingent fee that might come out of the pension if it should be granted, he went to some person who could assist him in getting the proofs in shape. Having a good and a meritorious claim, as I believe from the examination of all the papers on file in the Pension Office in this case, if he had produced the proper proofs that he might have obtained, if that attorney had been competent to understand the force of evidence so as to have presented the case in the first instance to the Commissioner of Pensions as it really existed at the time that the pension of $3 per month was granted, the soldier would not be here before Congress to-day, for in that case he would have received the full amount of $8 per month, and received it from the time that the disability was incurred in the service.

But it made no difference in the consideration of his case by the office that his three years had been spent in the service. It made no difference that his right arm was practically of no use to him. He did not present his proofs in such shape before the Commissioner of Pensions as he might have presented them if a competent person had attended to the case, and hence his allowance by the office was but $3 per month.

Seeing the injustice of this insignificant allowance himself, knowing that under the pension laws he was entitled to more than that, he made application for an increase, but, as I understand the law, that increase could not date back to the time of the disability, though it was readily granted by the Pension Office at $5 per month. Still believing and knowing that he was entitled to more, he again presents his proofs to the Commissioner, and his pension is readily increased to $8 per month. But justice is not yet done him. If he had had the proper proofs in proper shape, if he had had an intelligent person to draw his papers and get his proofs in shape in the first instance, he would have received the $8 a month from the beginning.

Now he comes to Congress and asks that justice may be done to him. A bill is introduced to rerate the pension, and that he be allowed what he is entitled to, $8 a month, from the time that the disability occurred. But it seems that the Committee on Invalid Pensions had adopted a different rule in respect to cases asking originally for pensions in this House, a rule which excluded arrears. I do not know whether it ever applied to a case where there is simply an application for rerating a pension. But, as I have said, they adopted a different rule in cases asking for original pensions here, and this case seemed to come within the terms of that rule. And yet the committee, seeing the merit of the case and endeavoring to do justice, report a bill granting this applicant $15 a month from the time that the act takes effect.

Look at the equities of the case. If the man had gone one step further and lost that right hand, as I understand it, he would have been entitled to a pension of $18 a month under the general law. There is a difference in the degree of rating pensions as between a mere gunshot wound in the right arm and the loss of the right hand or of the left hand. It seems to me that the evidence in this case is convincing that it is almost a case equivalent to the loss of the right hand or of the loss of either hand. There is equity in it. He ought to have the $15 a month, because it is shown that the disability under which he labored is such that he can not carry on his trade—is not able to do his ordinary work.

Mr. HEWITT, of Alabama. May I ask the gentleman a question?

Mr. PAYNE. Certainly.

Mr. HEWITT, of Alabama. Does not the report say that the pension is not based upon that ground, but to avoid the giving of back pay?

Mr. PAYNE. Well, Mr. Chairman, if the committee have not given the right reason, this Congress can afford to give the reason or at least to do justice to the case whether the committee have put it on the right ground or not. But on either of these grounds and upon both of them it seems to me the House should grant the pension to this man at $15 a month from now out, and try to do that justice which has failed hitherto, because he has been obliged to employ an incompetent attorney, because the laws of this country as they have been ordained by Congress do not enable him to get a real attorney to make out his papers and present them before the Commissioner of Pensions.

I hope my friend from Alabama [Mr. HEWITT] will enable me to carry the good news to this soldier from New York that he is always in favor of giving to soldiers their just and honest due, and that he is not going to take advantage of any technicality or any failure in proof simply because a man has not been able to employ an attorney who could intelligently make out his proofs to present them to the Commissioner in the first instance.

Mr. WARNER, of Ohio. I do not understand that this is a case of proof at all or a case of an attorney. I do not understand that it would have made the least difference in the world whether this man had an attorney or a claim agent at all—not in the least. It is a case of rating a disability. Attorneys are not supposed to know how to rate disabilities. Attorneys are not employed for that purpose, but to gather evidence and present the case.

How a man is rated under our practice is determined in this way: The claimant is ordered before a board of surgeons, three or five, appointed in the different districts throughout the country, the best surgeons being selected by the Pension Office to examine these applicants. This applicant doubtless—and I desire to have the attention of the gentleman from New York—went before such a board of surgeons for examination. What for? To ascertain and report the true physical condition of this claimant to the Pension Office and with that report to give their opinion of the nature, degree, and character of the disability. That report goes to the medical referee in the Pension Office who sits there from day to day, from week to week, from year to year, and passes upon all these cases upon the facts reported to him by competent medical authority, not the opinion of lawyers or witnesses, which is worth absolutely nothing in such a case as this. It is a medical question, pure and simple.

Mr. PAYNE. May I ask the gentleman from Ohio a question?

Mr. WARNER, of Ohio. Certainly.

Mr. PAYNE. Does not the medical referee take into consideration the evidence of witnesses as to the disability of the applicant, whether it does not disable him from his ordinary avocations?

Mr. WARNER, of Ohio. Not as to the rating, not as to the question of the disability. He never looks at that. It is not laid before him. He receives only the report from the board of surgeons, and upon that he acts. He may approve or not.

He may find that one board reports one rating as their opinion on one state of facts which they report, and another board might report differently. Very often, therefore, these claimants are sent before different boards. And this claimant doubtless, if he made application, would be sent before a different board for examination as to his true physical condition.

Now, Mr. Chairman, it is very plain to my mind that this is a case which this House ought not to pass upon, a case which the committee ought not to pass upon. The Committee on Invalid Pensions is not a committee of surgeons—some of them may be; I do not know but there may be surgeons upon that committee—but the committee would not

be supposed capable of passing upon a question of that kind. They did not have the applicant before them for examination, and are not competent, therefore, to report upon his true physical condition. And all this evidence that is presented is so much stuff probably. I know we have these reports; but, Mr. Chairman, with all due respect to those who make reports, I am inclined to treat them just as I do inscriptions upon tombstones—I never deny them.

Mr. BROWN, of Pennsylvania. May I ask the gentleman a question?

Mr. WARNER, of Ohio. I yield to the gentleman for a question.

Mr. BROWN, of Pennsylvania. It seems to me the argument of the gentleman from Ohio, if it proves anything——

Mr. WARNER, of Ohio. Is it a question you want to ask?

Mr. BROWN, of Pennsylvania. Yes, sir.

Mr. WARNER, of Ohio. Then ask the question; and if the gentleman will answer my argument when he takes the floor I will listen to him.

Mr. BROWN, of Pennsylvania. If the gentleman is to dictate how I am to ask the question, I will not ask it.

Mr. WARNER, of Ohio. If the gentleman desires to ask a question, I will answer it if I can.

Mr. BROWN, of Pennsylvania. It strikes me that according to the argument of the gentleman from Ohio we should not change the rating under any circumstances.

Mr. WARNER, of Ohio. It should never be done by this House or by the committee, and for this reason: They can not possibly have the necessary evidence before them to reverse the judgment of scientific men in the Pension Office, who are men of experience and who pass upon the question upon medical and surgical evidence. If we should do that, as the gentleman from Alabama [Mr. HEWITT] suggests to me, the House would be full of bills.

Therefore I say this is a case the House can not afford to pass. We can not afford to take upon ourselves the duty and the responsibility of reversing the judgment of scientific boards, and with no evidence before us but reports that are read here in our hearing.

Mr. HOBLITZELL. I should like to ask the chairman of the Committee on Invalid Pensions if he or any member on the committee can give the information upon what basis the rate of $15 a month was made? Was it a mere arbitrary fixing of $15, or was there any reason for it?

Mr. WARNER, of Ohio. It was necessarily arbitrary.

Mr. HOBLITZELL. That is what I want to know. Perhaps the chairman of the committee can give me the information.

Mr. MATSON. I do not remember much about this case; possibly it may have been considered during my absence. I have very little recollection of it, and what knowledge I do have I get from the report; at least I have no recollection of any extraneous facts.

But from the report I gather these facts: This man was severely wounded in the arm, in the right arm. While the report of one of the surgeons, perhaps, as set forth in the report of the committee, states that the disability was a progressive and an increasing one, I think I am justified in saying that the committee arrived at the conclusion that probably that was not the case.

Mr. WARNER, of Ohio. Will the gentleman allow me a question right there?

Mr. MATSON. Certainly.

Mr. WARNER, of Ohio. Would not the Commissioner of Pensions at once, on the presentation of this report, order this applicant before another board of surgeons, if he desired another examination in order to secure a just rate of pension?

Mr. MATSON. Certainly; there is no doubt about that.

Mr. WARNER, of Ohio. And would not that evidence be better than such testimony as is presented to this House or was presented to the committee?

Mr. MATSON. I want to say to the gentleman from Ohio [Mr. WARNER] and to the House that my experience with those who have had their pensions increased is this: As soon as the pension is increased they form the idea that that ought to have been the rate from the date of the beginning of their pensions; that fact is true. I admit in all its force that whenever a man's pension is increased that idea strikes him at once—that the increased rate ought to have been the rate from the beginning of the pension.

In the case of permanent wounds that do not affect any other parts of the body than the wounded parts, the pensioner is probably right about that; probably his disability was as bad at the time he was wounded as it is now, just as great.

In investigating this case the committee probably—I want the House to understand that I have no recollection of it, but gathering what I can from this report I am satisfied that the committee concluded that this disability was one of that character, and each gentleman here to-night can form his own judgment about it. The committee probably concluded that the wound was of that character, that the disability was necessarily as great at the very moment of its infliction as it was at the time the pension surgeon last examined him and fixed the rate at $8 a month. We therefore concluded that injustice had been done this man and that we would increase the pension. That is the long and short of it, as far as I can get at it.

Mr. BROWN, of Pennsylvania. And this is an attempt to get at the justice of the case.

Mr. MATSON. Certainly. The Committee on Invalid Pensions has adopted the rule, which I am sure will commend itself to the gentleman from Alabama [Mr. HEWITT], that we would in no case grant arrears of pensions, because to do so would be entering upon a very dangerous field.

Mr. HEWITT, of Alabama. Allow me to say that that was the rule adopted by the committee in the Forty-fourth and Forty-fifth Congresses, when I was on the committee.

Mr. MATSON. I understand that; and that I suppose makes the rule the more commendable to the gentleman from Alabama. We are not asking to give this man any arrears of pension; but we thought we could do something to repair the wrong that had been done him. We thought that the wound, which was in the right arm near the elbow, created as much disability at the time it was inflicted as it does now; that he had for a great part of the time drawn a pension of $3 a month, and we would now increase it to $8 a month.

Mr. HOBLITZELL. I do not think the gentleman has answered my question.

Mr. WARNER, of Ohio. As my friend seems to be so very patient under questioning, will he let me ask him a question?

Mr. MATSON. Let me first answer the one by the gentleman from Maryland [Mr. HOBLITZELL]. I will say to that gentleman that he is right in the supposition that the rate of pension here determined upon was an arbitrary rate on our part. We fixed the sum arbitrarily. We had no other data than the gentleman himself has from the report. We believed that rate would be about just and right, and therefore fixed it at that.

Mr. WARNER, of Ohio. The question I desired to ask the gentleman is this. Who does he think would be the best judge of the degree of disability, his committee or the board of surgeons and the medical reviewer of the Pension Office?

Mr. MATSON. Well, I might answer that question as they say our friends in the far East answer questions, by asking another. Who does the gentleman think was the best judge of the degree of disability, the man who rated it $3 a month, or the man who rated it at $8 a month?

Mr. WARNER, of Ohio. The degree of disability might have changed. I am not a surgeon or a board of surgeons; but for my own part I am not willing to substitute the judgment of lawyers and Congressmen on questions of this kind for the judgment of a scientific board of surgeons.

Mr. HEWITT, of Alabama. The man might have been wounded and it might have been ten years afterward that the disability developed itself.

Mr. HOBLITZELL. I think while the Committee on Invalid Pensions have sought to do justice and equity to this claimant, and in endeavoring to do that have rated his pension arbitrarily at $15 a month, according to the statement made by the chairman of that committee [Mr. MATSON] still it would I think be entering upon very dangerous ground for us to pass this bill upon any such statement of justice and equity measured by the Committee on Invalid Pensions as organized in any Congress.

One Committee on Invalid Pensions, very tender-hearted and humane might in the exercise of an arbitrary power fix a higher rate than another committee not so tender-hearted. Thus, after a while, we may find ourselves in the attitude of having various expressions of justice and equity emanating from various Committees on Invalid Pensions. It is like measuring equity according to the size of the chancellor's foot. Now, I do not think the heart of any particular Committee on Invalid Pensions is quite as reliable an authority to determine the rate of disability as the board of surgeons. They have no interest whatever in passing upon the different degrees of disability and determining the rates of various claimants. The law in the organization of such boards has had in view the securing of a body of disinterested judges to determine upon each case.

The fact that the pensioner in this case received in the first instance only $3 and that the pension was afterward increased to $5 or $8 does not imply necessarily that when he received $3 he was entitled to the $5 or $8. The rate fixed at the particular time simply expressed the degree of disability shown to the board at that time.

As I understand the statement of the gentleman from New York, there is partial paralysis of the arm of this pensioner; but it does not necessarily follow from the nature of the injury that this paralysis will extend to entire disability. On the other hand, it is possible that within forty-eight hours from the time we act on this case that arm may be totally paralyzed, and then the pensioner would be entitled upon an examination by the board to be rated at $18 a month, the rate for entire disability of the arm.

I submit that the action of the Committee on Invalid Pensions in fixing the rate of pension arbitrarily at $15 a month should not be accepted by the House when it may establish a bad precedent which may come back to plague us in the future. Surely such a precedent would do more harm than it can possibly do good. This soldier has the same means as every other disabled solder of being rated properly according

to the measure of his disability by the action of the board of surgeons. By the finding of such a board he should stand as other soldiers must stand.

Mr. PAYNE. I understand that the Commissioner of Pensions has no power to increase this pension beyond $8 a month, unless there should be total loss of the use of the right arm——

Mr. HEWITT, of Alabama. Or disability equivalent thereto.

Mr. PAYNE. Or equivalent disability. I understand that the Commissioner of Pensions has exhausted his power in this case, because it does not appear that there is total loss of the use of the right arm.

Mr. MATSON. I must correct the gentleman. As I understand, the Commissioner of Pensions would have the right to grade this man at any sum from $8 a month up to $50 a month.

Mr. PAYNE. Then there seems to be a mistake in the report, for it says in so many words that the Commissioner of Pensions has exhausted his power in this respect.

Mr. MATSON. That is a mistake.

Mr. HEWITT, of Alabama. He has exhausted his power, because the disability would not entitle the man to more than $8 a month.

Mr. BLANCHARD. The report states that under the law he can receive but $8 a month.

Mr. PAYNE. I have not been able to find in the statutes any stopping-place in such a case as this between $8 a month and $18 a month. As I understand the law, the rate can not be more than $8 a month unless there is total loss of the use of the arm—whether it be the right or the left arm I presume makes no difference.

Now, the gentleman from Maryland [Mr. HOBLITZELL] says that the committee has fixed an arbitrary sum. Why, Mr. Chairman, I would like to know how under the general law we get at the sum of $8 a month or $18 a month, or in the case of an officer $30 a month? Is not the sum entirely arbitrary? How do we arrive at the sum of $8 a month for pensions of soldiers of the Mexican war? Every general law and every special act passed for the purpose of granting pensions provides an arbitrary sum, depending, as is said, upon the generous heart of members of the committee or of the House. These sums are all arbitrary.

But the chairman of the committee says that they fixed upon this arbitrary sum in the effort to deal out equity and justice to this soldier upon all the facts in the case.

Now, Mr. Chairman, I said before the trouble was with the man who drew the papers in this case in the first instance. I still think that was the difficulty.

Mr. HEWITT, of Alabama. Then the bill ought to be recommitted.

Mr. PAYNE. By the papers in the Pension Office it appears that the final decision of the medical reviewer was based not alone upon the evidence of the examining board, but upon all the evidence in the case in regard to the disability. The evidence of the witnesses, the man's neighbors, those who worked with him, those who saw him day by day and had actual knowledge of the facts, is much better than the evidence of an examining board who only saw him but once.

Mr. ROSECRANS. If the gentleman will permit me to interrupt him I will present a similar case within my own knowledge.

Mr. PAYNE. I will yield to the gentleman from California with pleasure.

Mr. ROSECRANS. I know of a case where a man was rated at $4 a month. Under the excitement attending his presence before the examining board he seemed to have more power of his hands than he had before or had afterward. He was stirred up by the excitement of appearing before the examining board. Dr. Hamilton and Dr. Huntington thought it was a very curious case. After the examination the man was not able to unbutton his clothes or to feed himself. He had to be fed before he appeared before the examining board as well as afterward; but, as I have said, under the excitement of appearing before the examining board he seemed to have more power with his hands than was usually the case with him.

Mr. PAYNE. It appears this man was rated at $3 a month on the 4th of August, 1875. Less than a year afterward, on the 2d of August, he was rated at $5 a month. Each time he was examined by one of these boards of competent doctors. Again in 1880, four years afterward, he was rated at $8 a month. The committee find—and if the House would take time to read the evidence on file in the Pension Office they would be satisfied—there was no difference in his disability on the 4th of August, 1875, or in 1880.

Mr. HEWITT, of Alabama. When did he first file his application?

Mr. PAYNE. That I do not know, and there is nothing in the report to indicate it. I do not remember that fact; and I would not undertake to say.

Mr. HEWITT, of Alabama. He did not file till 1875, which is good evidence his wound did not develop into any disability.

Mr. PAYNE. How many thousands of pensioners there are who had as good a case in 1865 or 1866 as they had afterward, but who left their cases for fifteen or twenty years, meritorious cases, too, without bringing them to the attention of the Pension Office. It appears from the evidence in this case that this man was wounded, was in hospital, and that this disability which he received in the Army continued from that time down. By the evidence of the case, instead of getting better, it appears that the disability has been growing worse. The only trouble was in the preparation of his papers in the first instance in his not calling in the evidence of his neighbors, the men who worked with him and knew as well as any medical examiner could what the real trouble was with him and what was the nature of his disability.

Mr. MATSON. Mr. Chairman, this has provoked such discussion I will ask, in behalf of the Committee on Invalid Pensions, that this case and the one succeeding it on the Calendar, as the gentleman making the reports from that committee is not present in the House, may be informally passed over for the present.

Mr. WARNER, of Ohio. I think we should have a vote in a case of this kind, and that it should be voted down.

Mr. MATSON. The gentleman will not lose anything by allowing the cases to remain upon the Calendar, as he will have an opportunity to vote upon them when they come again before the committee.

Mr. VALENTINE. Now, Mr. Chairman, if the gentleman wishes to pass over this case, I must frankly say that I do not, for I believe that it is a case which ought to be voted on at this time and laid aside to be reported to the House with the recommendation that it do pass. In my judgment it is a good case and ought to be enacted into law. I have listened to the reading of the report and heard the remarks of gentlemen on both sides of the House. I believe that the committee acted wisely and that they are wise and proper persons to judge of the degree of disability. We all know, and especially those who have been giving personal attention to these pension cases, that under the general law which gives a certain sum to a certain class of cases or certain degree of disability in many cases coming under that class, by reason of its stringency pensioners are unjustly dealt with. There is no gentleman here on this floor who is not aware of that fact. Indeed, the Commissioner of Pensions has frequently admitted to me, as I have no doubt in similar cases he has to other members of the House, that if the law permitted him he would give a greater rate of pension. But the law did not give him any such authority. He was restricted in his action, and the only thing he could do was to recommend that the particular case should be taken to Congress. By the general law the Commissioner is restricted to a certain sum and to a certain degree of disability.

Now, in this case the committee reported they are satisfied the degree of disability which this soldier labors under is greater than that for which he has been rated by the Pension Office under the law, and for which he is now drawing a pension. They come into this House and state that we report to you our judgment to the effect that this soldier is entitled by reason of the degree of his disability to a greater sum than he has been paid; that he has not been receiving the amount he should properly have received, and is entitled as a matter of justice to the sum named. I for one am ready to grant it.

Mr. HEWITT, of Alabama. Will the gentleman allow me to ask him a question?

Mr. VALENTINE. Certainly.

Mr. HEWITT, of Alabama. If the gentleman will examine the report he will find that it does not state what he is saying now. It does not say that he is laboring under any disability which entitles him to receive $15 a month.

Mr. VALENTINE. Not only has the chairman of the Committee on Invalid Pensions so stated, but the report to this House shows conclusively that he is not receiving what he is entitled to, and that therefore the committee recommend $15 a month.

Mr. HEWITT, of Alabama. No; if the gentleman will examine the report he will see that it sets out the fact that in order to avoid giving back pay this sum is proposed. They do not think that he was rated high enough in the first instance; and to make up the difference they now propose that he shall go on at the increased rate of $15 a month.

Mr. VALENTINE. I know what the gentleman from Alabama says is contained in this report. But it also shows that this applicant has been unjustly dealt with heretofore.

Mr. MORRILL. Let me ask the gentleman from Nebraska if it is not better in his judgment to pass this over than to waste time?

Mr. VALENTINE. I admit that. I have no wish to consume the time of the committee. I do not desire to be classed among those statesmen who have been known so often to bud out in this House with a policy that would seem to indicate an opinion that it is better to consume a hundred dollars' worth of time rather than lose the opportunity of making ten cents' worth of objection. I do not want to be classed with them, and therefore I shall not detain the committee.

Mr. MATSON. I renew my request, and ask that this bill be laid aside informally.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. WARNER, of Ohio. There is objection. If it be laid aside to come up before a full House on Friday next, I shall not object.

Mr. MATSON. To obviate further delay, I will state to the gentleman from Ohio that my object is to consult with the gentleman from New York [Mr. BAGLEY] who reported the bill from the committee, with a view to having his consent that this and the next bill on the Calendar shall be recommitted to the committee for a further investigation.

Mr. WARNER, of Ohio. That is satisfactory to me.

The CHAIRMAN. Without objection this bill will be laid aside informally.

There was no objection, and it was ordered accordingly.

JAMES M. ETTER.

The next business on the Private Calendar was the bill (H. R. 4163) granting a pension to James M. Etter.

Mr. MATSON. I make the same request in reference to that bill, that it be passed over informally.

There was no objection, and it was ordered accordingly.

DORATHEA BOTHNER.

The next business on the Private Calendar was the bill (H. R. 1084) granting a pension to Dorathea Bothner.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dorathea Bothner, widow of Gustavus Bothner, late second lieutenant of Company C, Thirty-eighth New York Volunteers.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1084) granting a pension to Dorathea Bothner, having considered the same, beg leave to submit the following report:

Gustavus Bothner, husband of the petitioner, was mustered into the service of the United States as second lieutenant in Company C, Thirty-eighth Regiment New York Volunteers, December 12, 1862, and was discharged February 16, 1863. His death occurred May 12, 1874. At the battle of Fredericksburg, Va., he received a gunshot wound in the left shoulder, and it is so reported by the Surgeon-General of the United States Army. For this disability he was pensioned April 11, 1873, at $7.50 per month, to date from February 17, 1863. The widow filed her application for pension June 30, 1874, and it was rejected by the Pension Office, on the ground that the immediate cause of death—phthisis pulmonalis—was not the result of his wound.

Dr. B. A. Mylins, the soldier's physician, testifies as follows:

"That he attended soldier professionally for the last five years for neuralgia of the left shoulder and affection of the left lung, both caused entirely by a gunshot wound through the cord of the neck, the ball coming out at the left shoulder."

The same witness testifies again, May 6, 1874, on soldier's application for increase:

"That he is physician to the pensioner, and has been for eight years. He was suffering from gunshot wound of left shoulder. The shock to the muscles partly paralyzed the arm and side, causing a sluggish flow of blood through the lung; the cords of the lung fastening under the shoulder gradually became diseased, and finally worked into the lung, producing hemorrhage."

The same witness, who is an M. D., residing at 635 Lexington avenue, New York, testifies April 22, 1875:

"That he has been the family physician of the soldier from 1866 to the date of his death. At the time of deponent's first visit to soldier he found him suffering with pain in the left lung and lameness in the shoulder. Deponent made a number of careful examinations, and the result showed a wound from a gunshot, which entered the neck, grazed the cervical vertebræ, then passing down entered the cavity of the thorax, injuring the left lung, and finally came out between the ribs near the spinal column. The injury of the nerves caused partial loss of power, and the injury of the lung caused disease of that organ, evidently due to the gunshot wound. The disease of the lungs progressed slowly, but was incurable, and was finally the cause of death, which occurred from disease of the lungs, after eight years of regular professional treatment. Deponent can safely pronounce soldier's death to have been caused by injury to the lungs from gunshot wound, of which he died May 12, 1874."

The examining surgeon certifies to the good standing of Dr. Mylins as a physician.

Your committee are of the opinion, from the evidence adduced, that the soldier's death was plainly traceable to the wound received in the service. It shows that he suffered continuously from the time of discharge to death, and that the lung disease had its origin from the gunshot wound. Your committee, therefore, recommend the passage of H. R. 1084, granting the relief asked for by the petitioner.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELLIDA I. MIDDLETON.

The next business on the Private Calendar was the bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy.

The bill is as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy, and to pay her, from and after the passage of this act, the sum of $50 per month.

The report is as follows:

The Committee on Pensions, to whom was referred bill H. R. 2702, after duly considering the same, report it back and recommend its passage on the following statement of facts:

Rear-Admiral Edward Middleton entered the Navy in July, 1828, and served twenty-two years at sea in all grades up to that of commodore, and that during the period of nearly fifty-five years in the service of his country he won the approval of the Navy Department. His last command was that of the Pensacola navy-yard. While there he was retired from active service at the head of the list of commodores, having reached the age of 62. In two months he would have been commissioned a rear-admiral and received the pay of that grade. Congress, recognizing his claim to promotion, in 1876 passed a special act advancing him to the grade of rear-admiral on the retired-list, but not mentioning any increased pay corresponding to the rank given, he was not benefited pecuniarily thereby. He died in the city of Washington, D. C., on the 27th day of April, 1883.

He inherited from his forefathers a valuable property situated near Charleston, which was destroyed by the Union armies in their occupancy of that portion of the State just before the close of the late war. His widow, Ellida I. Middleton, is left with two children, a girl of 14 and a boy of 11 years of age, respectively, in straitened circumstances.

Your committee can see no good reason why the said widow should not have the same pension that has been allowed to the widows of other officers of similar rank to that of her late husband, to wit, $50 a month. Rear-Admiral Middleton spent the best years of his life in the service of his country, during which time he could not successfully engage in private business, so as to provide for his family after his death. In a large number of similar cases the Government has recognized its responsibility for the support of the widow of a naval officer above the rank of captain by granting her a pension of $50 a month. Your committee therefore, following the precedents, recommend that the bill do pass:

Mr. WARNER, of Ohio. I suggest to the chairman of the Committee on Invalid Pensions that he move the committee do now rise and let this case go over until Friday next. It is evident that it can not pass here to-night and ought not to pass.

This is a bill to grant a pension of $50 per month to the widow of a naval officer, and, while I know that there are precedents for such bills, no such bill ought to pass. When we grant but $8 a month to the widow of a soldier who was killed in battle and $30 per month to the widow of a major-general who was killed in battle, there is in my judgment no good reason—none has ever been offered yet that is satisfactory to my mind—for the granting of pensions of $50 to the widows of naval officers or officers in the regular Army.

I give notice now that there must be a quorum to pass such a bill as this. I do not wish to debate it if the gentleman will move that the committee do rise. If not, I desire to be heard further.

Mr. HEWITT, of Alabama. I think if my friend from Ohio would examine back to see what has been done heretofore in just such cases as this, and probably cases not so meritorious, where the service was not so long at least, that he would withdraw his objection. I suppose there are sixty-odd cases, possibly more, where Congress has granted by special acts the increase of such pensions to $50 a month.

Now, I remember but a few weeks ago the gentleman from Ohio himself raised an objection to a pension in the case of the widow of Surgeon-General Barnes. And I remember when he was appealed to by the gentleman from Virginia [Mr. TUCKER] to withdraw his objections, he did so and let it go through. The gentleman is therefore on record as allowing one case of that kind to go through. Now, I do not pretend to say that this admiral's services were any better than those of Surgeon-General Barnes; but I do say his services for more than fifty years for his country—his whole life to his country—entitle his widow to this pension. He left a widow and two children in straitened circumstances, and it seems to me, as the Government has granted pensions in all such cases at $50 a month, the gentleman from Ohio ought to be willing to withdraw his objection and let this case go through.

Mr. BLANCHARD. I should like to ask the gentleman from Alabama a question.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. HEWITT, of Alabama. I do, very gladly.

Mr. BLANCHARD. Has not this widow a pension under the law; and, if so, what is the amount of it?

Mr. HEWITT, of Alabama. She has $30 a month, I suppose.

Mr. BLANCHARD. And this is a proposition to increase it to $50?

Mr. HEWITT, of Alabama. Yes, sir. There are about sixty cases where Congress has done it for widows of officers of the same rank. Congress has never refused in a single instance since I have been here to pass this kind of bills.

Mr. CUTCHEON. I wish to ask the gentleman a question. I did not catch in the reading of the report what was the full rank of this officer when on the active-list.

Mr. HEWITT, of Alabama. He was a rear-admiral.

Mr. WARNER, of Ohio. The gentleman from Alabama has referred to another case, in which my objection was withdrawn. I desire to state the circumstances under which it was withdrawn. I was called out of the House and was not able to come in at the time. The gentleman from Virginia appealed to me, and not being able to come in I said I would not continue my objection, being out of the House.

We are told there are fifty or sixty precedents for this. I presume there are, but they are just fifty or sixty too many. If you can give me any other reason than that it has been done before for increasing the pension of the widow of a general officer of the Army or of a rear-admiral of the Navy who has received Government pay all his life, then I might withdraw my objection.

But, Mr. Chairman, the gentleman from Alabama says that Rear-Admiral Middleton left his widow and children in need. That was his fault. He should not have left them in that condition. Drawing the salary which he drew for the twenty or thirty years he was in the Government service, he should have made a saving. And I say we ought to teach these officers of the Army and Navy that out of their pay they are expected to make a provision for their families and learn to save as other people have to do.

Mr. ROSECRANS. Will my gallant friend from Ohio allow me to ask him a question?

Mr. WARNER, of Ohio. Certainly; with pleasure.

Mr. ROSECRANS. It seems to me a pertinent question to ask the gentleman. Do you think it is easy, from what you hear, for these salaried officers of the Army and Navy to lay up anything?

Mr. WARNER, of Ohio. I think they can, and they ought. If they exercise the economy which people in general are expected to exercise, they ought to, and I will state why.

Mr. ROSECRANS. When you state it as your opinion that they ought

to, would it not be fair that an appeal should be made to the experience of those people? They are interested in their own cases; they are interested in the welfare of their own families, and so far as I know, except a fortunate few, with all the care they can take, they seldom accumulate for old age or for the support of their families anything that amounts to a row of pins.

Mr. WARNER, of Ohio. In answer to the gentleman, I will say the widow of this officer is entitled under the law to $30 a month. She is entitled to just as much as the widow of a major-general shot on the battlefield is entitled to. I ask if this widow should be considered entitled to more than the widows of major-generals who were shot in the field under the command of my distinguished friend from California [Mr. ROSECRANS]?

Mr. ROSECRANS. I do not think myself I could point out a special reason why a rear-admiral's widow should receive more than a major-general's widow. But I will say to my distinguished friend from Ohio that $50 a month for a family such as hers is represented to be and such as other families are to whom Congress has given $50 a month is not more than a pension of $8 is to those who are able to cook and wash for themselves. I believe it is right to do what Congress has done in these fifty or sixty cases. When they find a family of a general officer are needy and appeal for at least enough to keep them decent, it is fair for Congress to increase their pensions as we have done in those fifty or sixty cases from the regular allowance of $30 per month to $50 per month.

Major-General Mitchell's widow was given $50 a month. Major-General Mower's widow—my friend from Connecticut [Mr. WAIT] can tell us in what distress she is. She writes him that she needs it. I submit to the gentleman from Ohio whether, after having indicated his views and done that ably, and after we have given him credit for his spirit of economy, whether it would not be fair for him to allow the majority to settle the case in their way?

Mr. WARNER, of Ohio. We are often appealed to in that way, and the appeal is very strong that we should do no more than express our opinion.

But, Mr. Chairman, we have rules of the House. It is assumed that we are always acting with a quorum in the House. We know there is no quorum here now; that only those have come here who have come to aid in the passage of these bills, and that bills do not have here the consideration at these evening sessions that important bills are entitled to have.

Mr. HEWITT, of Alabama. I will ask the gentleman whether he does not come here to help to pass bills?

Mr. WARNER, of Ohio. I did.

Mr. HEWITT, of Alabama. Then why do you oppose them?

Mr. WARNER, of Ohio. I have opposed only those which I thought ought not to pass, and I have favored the passage of those which I thought should pass.

I desire myself to debate this bill at much greater length if it is going to be pressed to a vote. I think we might as well draw the line here and now. If we decide that the widow of a general officer of the regular Army or of an officer of the Navy shall be granted a pension of $50 a month, and only $30 a month shall be granted to the widows of the higher officers of the volunteer service, and but $8 a month to the widow of a private soldier, then let that be decided; and when it is once made the law I will make no further opposition, because no further opposition will then do any good. But in order to establish that rate, to make that the law, I must insist that we must have a quorum in this House. I hope the gentleman will let this bill go over until next Friday in the day-time.

Mr. HEWITT, of Alabama. Will the gentleman yield to me for a question?

Mr. WARNER, of Ohio. Certainly I will.

Mr. HEWITT, of Alabama. I want to ask the gentleman if he is in favor of reducing the pensions of officers and their widows to the same rate as that now allowed to private soldiers and their widows?

Mr. WARNER, of Ohio. In reply to that question, I will say that that subject has been under consideration by the committee of which I have the honor to be chairman, and I think it has been the opinion of the majority of that committee that there ought to be no distinction. While I have not in any speech or in any report which I have made expressed my opinion upon that point, now that the question is asked me, I will say that my inclinations are entirely in that direction.

At any rate I am settled in the conviction that we ought not to grant pensions of $50 a month to the widows of officers of the regular Army and widows of rear-admirals of the Navy, officers who drew large pay in their lives, and deny the same rate of pensions to the widows of officers who were killed upon the field of battle, and also give but $8 a month to the widows of private soldiers. I have no doubt on that proposition; and having none, I must insist upon such a question having consideration in a full House, or at least in a House with a quorum.

Mr. MATSON. The gentleman from Ohio [Mr. WARNER] is wrong in one respect. Whenever the widow of a major-general has applied to have her pension increased to $50 a month it has always been done.

Mr. WARNER, of Ohio. And been done by special act.

Mr. MATSON. That precedent, which I have had occasion heretofore to say I thought was a bad one, and which I should oppose if it was now at its inception, began by increasing the pensions of the widows of general officers who fell upon the field of battle; that is where it had its beginning. It was not begun with the widows of naval officers, but with the widows of general officers who were killed upon the field of battle, and among the first was the widow of Major-General Wadsworth, of New York.

That precedent led to another precedent, which is now well established. I refer to the practice of Congress in granting to the widows of general officers of the Army and the widows of officers of equal rank in the Navy who had served a long time, and whose widows were left in indigent circumstances, the same increase of pension.

The bill now under consideration was introduced by the gentleman from Pennsylvania [Mr. RANDALL], who is not here to-night. I understand that the gentleman from Ohio [Mr. WARNER] is willing that this bill shall pass the Committee of the Whole and be reported to the House, with the understanding that it shall not be voted on until Friday next.

Mr. WARNER, of Ohio. The gentleman from Indiana [Mr. MATSON] misunderstands me. I want this bill to have consideration in the House next Friday, not a mere vote.

Mr. MATSON. I understood the gentleman differently.

Mr. WARNER, of Ohio. That is what I proposed.

Mr. MATSON. The bill can not be reached then. If that is the proposition of the gentleman, and he still says that he intends to demand a quorum upon the bill, while I have not charge of it and it did not come from the committee to which I belong, it seems to me it would be useless to further consume the time of the House at this evening session.

Mr. HEWITT, of Alabama. I want a vote on the bill in the committee to-night. I am sure my friend from Ohio will withdraw his objection when he finds that we are all in favor of the bill.

Mr. WARNER, of Ohio. I want to discuss the bill further before it comes to a vote.

Mr. HEWITT, of Alabama (to Mr. WARNER). I have faith in you, General.

Mr. WARNER, of Ohio. I am glad that you have. An old divine once said that no one ever succeeded in trying to serve the Lord in such a way as not to offend the devil, and I think that is a good rule to follow.

Mr. WILSON, of Iowa. Stick to the devil. [Laughter.]

Mr. WARNER, of Ohio. I will stick to the true rule. If this bill is to be pressed to a vote, then I desire to discuss the question further; if not, then I will not further consume the time of the House.

Mr. BROWN, of Pennsylvania. If it is only a question of allowing the gentleman from Ohio [Mr. WARNER] to discuss the subject further, then why not let the committee sit here and listen to the gentleman while he discusses it, seeing that he has had no time to do so?

Mr. WARNER, of Ohio. You can not get a vote on the bill to-night.

Mr. HEWITT, of Alabama. If the gentleman from Ohio will agree to allow the bill to be reported to the House, I will agree that a vote shall not be taken on it except when we have a quorum here; and I will further agree that the gentleman shall have a full hour to discuss it, if he wants to do so, before I call the previous question.

Mr. BROWN, of Pennsylvania. That ought to be satisfactory.

Mr. WARNER, of Ohio. How long does the gentleman say he will allow for discussion in the House?

Mr. HEWITT, of Alabama. I will give you an hour.

Mr. WARNER, of Ohio. When will it be called up in the House?

Mr. HEWITT, of Alabama. When it is regularly reached. I will not ask that it be voted on to-night.

Mr. WARNER, of Ohio. In that event, why not let the bill go to the House to be considered there with a quorum? This is an important question to be settled. Let it go over to be considered on Friday. We might as well settle this question upon this bill; because if the House determines to allow $50 in such cases, then we may just as well pass a general law and end these special bills. We may as well decide the question on this case as on any future case. Let us make this the test; but before we decide it let there be a fair discussion.

Mr. HEWITT, of Alabama. I want to state one other thing to the gentleman, and then if he will not yield I will give up the matter and we will pass over the bill. I want to state to him that this commodore owned considerable property about Charleston, S. C., which was destroyed during the late war; and that is one reason of the poverty of his widow and children. If the gentleman will not withdraw his objection upon that statement I can say no more.

Mr. WARNER, of Ohio. The gentleman from Alabama makes a strong appeal to our sympathy. It is a kind of appeal that is made here day after day. But if we should yield to such appeals and pass bills upon the emotion of the moment, where would we be? That is what we have done in too many cases. I do not believe myself in this emotional kind of legislation.

I wish to say to the gentleman further that it seems to me in his last statement he has, to use a common expression, "given away" his whole case by changing entirely the ground on which he bases it.

Mr. HEWITT, of Alabama. Oh, no; I have not changed the ground at all.

Mr. ROWELL. Did not the gentleman from Ohio in arguing this case a little while ago urge that this man ought to have laid up money for his family; and did he not give that as a reason why a pension should not be granted?

Mr. WARNER, of Ohio. I do not change my position in that regard. This officer drew pay all the time he was in the Navy, and he ought to have saved enough for the comfortable support of his family.

Mr. HEWITT, of Alabama. I have shown you why he has not left property to his family; his property was destroyed during the late war.

Mr. WARNER, of Ohio. Well, I must insist that we may as well upon this case decide whether we are going to allow $50 a month to the widows of officers of the regular Army and the Navy. When that question has been decided by a full House upon proper discussion, I shall have no more to say.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

The question being taken, there were—ayes 35, noes 5.

Mr. WARNER, of Ohio. I make the point that no quorum has voted.

Mr. HEWITT, of Alabama. I ask unanimous consent that this bill be passed over informally, not to lose its place on the Calendar.

Mr. WARNER, of Ohio. I have no objection to that.

The CHAIRMAN. If there be no objection, this bill will be passed over informally, retaining its place on the Calendar. The Chair hears no objection, and it is so ordered.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar, having had under consideration pension bills, had directed him to report back to the House various bills with the recommendation that they be passed with or without amendments, respectively.

BILLS PASSED.

The following bills reported from the Committee of the Whole House on the Private Calendar were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1084) granting a pension to Dorathea Bothner; and

A bill (H. R. 5457) granting a pension to Allicia Durrant.

The amendments reported to the following bills were agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2017) granting a pension to Walter Dickson;

A bill (H. R. 3331) for the relief of Ann McCarney; and

A bill (H. R. 4439) granting a pension to John R. Wallace.

AMANDA CUTTER.

The SPEAKER *pro tempore*. The Committee of the Whole House on the Private Calendar have reported with an amendment the bill (H. R. 3188) granting a pension to Amanda Cutter.

The amendment was agreed to.

Mr. HOLMES. That bill was reported to the House on an agreement with the gentleman from Maryland [Mr. HOBLITZELL] that a vote should be taken on it in the House. I wish to act in good faith, but as the gentleman is not present I do not know whether he insists upon having a vote on the bill in the House or not.

Mr. MATSON. It was agreed that the vote should not be taken on this bill until a quorum was present, and therefore I move by unanimous consent that the bill be allowed to remain as unfinished business coming from the Committee of the Whole House on the Private Calendar, and to be taken up when that class of business is next in order.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 5 minutes p. m.), the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. F. CAMPBELL: Petition for the improvement of Johnson's Inlet, New York—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of the First National Bank of Grafton, Mass., relative to the national banking system—to the Committee on Banking and Currency.

Also, memorial in favor of free sugar—to the Committee on Ways and Means.

Also, memorial in favor of penny letter-postage—to the Committee on the Post-Office and Post-Roads.

By Mr. FORAN: Petition of 300 citizens, inventors, manufacturers, and merchants, of Cleveland, Ohio, protesting against the further limiting the life of patents and protesting against the passage of laws discriminating against inventors—to the Committee on Patents.

Also, petition and resolutions of the board of trade of the city of Cleveland, Ohio, asking that the further coinage of silver be stopped for two years, and that bank notes of less denomination than $5 be not issued—to the Committee on Coinage, Weights, and Measures.

By Mr. HAYNES: Petition of members of the Marine Society, Board of Trade, and merchants of Portsmouth, N. H., for an appropriation for the survey of Portsmouth Harbor—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: Petition of James Nolder Post, No. 329, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of the Robinson bill—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of Tonganoxie Post, Grand Army of the Republic, Kansas, asking for the enactment of pension laws asked for by the committee of the Grand Army—to the same committee.

By Mr. MURPHY: Joint resolution of the State of Iowa, relative to free homes for all surviving soldiers and sailors of the Union Army—to the same committee.

Also, joint resolution relative to pensioning ex-prisoners of war—to the same committee.

By Mr. NEECE: Affidavit of employés of the Rock Island arsenal, relative to the eight-hour law—to the Committee on Labor.

By Mr. CHARLES O'NEILL: Petition of Benjamin W. Hopper, for increase of pension—to the Committee on Invalid Pensions.

By Mr. PETERS: Resolutions of Pap Thomas Post, No. 52, Grand Army of the Republic, and letter of Maj. J. G. C. Lee, United States Army, asking for the passage of H. R. 557—severally to the Committee on Military Affairs.

By Mr. REAGAN: Petition of C. G. Wells and 57 others, citizens of Galveston, Tex., for the passage of H. R. 4482, relative to the revenue-marine service—to the Committee on Commerce.

By Mr. CHARLES STEWART: Memorial of John Gray and associates, proposing to enter into contract for removal of obstructions to navigation at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. WELLER: Petition of employés of the folding-room for increase of pay, and for other purposes—to the Committee on Accounts.

By Mr. MILO WHITE: Petition of Rogers Post, No. 11, Grand Army of the Republic, Department of Minnesota, and of Robinson Post, Grand Army of the Republic, Department of Minnesota, asking Congress to pass such pension laws as were recommended by the committee of the national encampment of the Grand Army of the Republic—severally to the Committee on Invalid Pensions.

By Mr. WOOD: Memorial against the newspaper copyright bill—to the Committee on the Judiciary.

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## HOUSE OF REPRESENTATIVES.

### SATURDAY, *April* 12, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ARMAMENT FOR FORTIFICATIONS.

Mr. ELLIS. Mr. Speaker, I rise to a privileged question. It is to correct an improper reference. Yesterday a message from the President, accompanied by a letter from the Secretary of War in reference to seacoast defenses and their armament, was referred to the Committee on Military Affairs. I move that committee be discharged from its further consideration, and that it be referred to the Committee on Appropriations, where it properly belongs.

Mr. ROSECRANS. It does not belong to our committee.

The SPEAKER. If there be no objection, the change of reference will be ordered accordingly.

Mr. HOLMAN. I object.

Mr. ELLIS. Can not I have a vote on my motion?

The SPEAKER. The gentleman can do so. He claims an improper reference has been made, and it is a matter for the House to decide. It has been the practice to submit the matter to the House. It was referred to the Committee on Military Affairs at the suggestion of the gentleman from Indiana, as it relates to permanent annual appropriations.

Mr. ELLIS. I move that committee be discharged, and it be referred to the Committee on Appropriations.

Mr. KEIFER. Let the communication be read.

The Clerk read as follows:

*To the Senate and House of Representatives:*

The condition of our seacoast defenses and their armament has been brought to the attention of Congress in my annual messages, and I now submit a special estimate of the Chief of Ordnance, United States Army, transmitted by the Secretary of War, for a permanent annual appropriation of $1,500,000 to provide the necessary armament for our fortifications.

This estimate is founded upon the report of the gun-foundery board recently transmitted, to which I have heretofore invited the early attention of Congress.

In presenting this estimate I do not think it necessary to enumerate the con-

siderations which make it of the highest importance that there should be no unnecessary delay in entering upon the work, which must be commensurate with the public interests to be guarded and which will take much time.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 11, 1884.

Mr. KEIFER. The Committee on Appropriations have that same subject under consideration, and I think it is proper that this should also be referred to them While it is a request for a permanent annual appropriation, still it is a subject that must come before that committee, and had as well go before it now as at any other time.

Mr. COX, of North Carolina. Mr. Speaker, that communication relates to an appropriation permanent in its character——

Mr. ELLIS. Suppose it does?

Mr. COX, of North Carolina. Well, suppose it does!

Mr. ELLIS Who appropriates for fortifications? There can be no dispute about this reference.

The SPEAKER. The Chair will state that, strictly speaking, under the rules of the House this question is not debatable; but the Chair has listened to the suggestions of gentlemen upon the subject, there being no objection.

Mr. REAGAN. I object to debate on this question.

The SPEAKER. The question is, then, on the motion made by the gentleman from Louisiana to discharge the Committee on Military Affairs from the further consideration of this communication and refer it to the Committee on Appropriations.

The motion was agreed to.

Mr. ELLIS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HANCOCK. I demand the regular order.

The SPEAKER. The regular order of business is the call of committees for reports, but the Chair desires to submit an executive communication and personal requests of members, if there be no objection.

There was no objection.

LEASE OF POST-OFFICES.

The SPEAKER laid before the House a letter from the Postmaster-General, in relation to the necessity of an increase in the appropriation for the ensuing fiscal year by reason of the passage of the bill (S. 1508) authorizing the lease of premises for the use of post-offices of the first, second, and third classes, and also transmitting copy of a letter from the Postmaster-General to the chairman of the subcommittee of the Committee on Appropriations of the Senate; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE, of Minnesota, indefinitely, on account of sickness in his family.

To Mr. MANZANARES, indefinitely, on account of sickness in his family.

KANSAS RAILROAD LAND GRANT.

By unanimous consent, leave was granted to Mr. BELFORD to present the views of the minority of the Committee on the Public Lands to the bill (H. R. 6416) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas; which was ordered to be printed with the report of the committee.

Mr. HANCOCK. Regular order.

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I belong to the Committee on Public Lands, which is privileged to make reports in reference to land-grant railroads. Until this morning I have not been able to prepare my minority report. I ask whether the question of privilege covers my right to present that report?

The SPEAKER. The Chair will state to the gentleman that it can not be done as a matter of privilege; but the Chair has just asked the House and obtained consent for the gentleman to present it. He can therefore submit it at any time during the day that he desires.

NORTHERN PACIFIC RAILROAD LAND GRANT.

By unanimous consent, leave was granted to Mr. BRENTS to present his dissenting views as a member of the Committee on the Public Lands on the bill (H. R. 6534) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which were ordered to be printed with the report of the Committee on the Public Lands.

ORDER OF BUSINESS.

Mr. HANCOCK. I move to dispense with the morning hour for the call of committees.

Mr. REAGAN. I hope we will not do that. We ought to have a morning hour to make reports. I have a privileged report which I desire to submit.

The SPEAKER. The Chair will state to the gentleman that that would be in order after the demand for the regular order if it be a privileged report.

APPOINTMENTS, NEW YORK CUSTOM-HOUSE.

Mr. REAGAN, from the Committee on Commerce, submitted the following report:

The Committee on Commerce having had under consideration the following resolution, respectfully report it back to the House with the recommendation that it do pass.

The SPEAKER. The resolution will be read.

The resolution was read.

It is as follows:

*Resolved*, That the Secretary of the Treasury be, and he hereby is, requested to furnish the House with the correspondence, if any, now pending with subordinate officers of customs at New York as to the interpretation and construction of section 1754 of the Revised Statutes and the civil-service law with reference to the preference given by the aforesaid section and law to honorably discharged soldiers and sailors.

The resolution was agreed to.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HANCOCK. I renew the motion to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-thirds vote.

The question was taken. The House divided; and there were—ayes 70, noes 40.

Mr. McADOO. I demand tellers on the motion.

Tellers were not ordered, 14 members only voting therefor.

So (two-thirds not having voted in the affirmative) the motion to dispense with the morning hour was not agreed to.

BILLS OF LADING.

Mr. DORSHEIMER, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 2414) to make bills of lading conclusive evidence in certain cases; which was referred to the House Calendar, and, with the amendment and accompanying report, ordered to be printed.

APPEALS FROM SUPREME COURT DISTRICT OF COLUMBIA, ETC.

Mr. POLAND, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OHIO JUDICIAL DISTRICTS.

Mr. SENEY, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 2525) to transfer Logan County from the western division of the northern judicial district of Ohio to the eastern division of the southern district of the said State; which was laid on the table, and the accompanying report ordered to be printed.

LIGHT-HOUSE ON DOG ISLAND, FLORIDA.

Mr. REAGAN, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 5724) making an appropriation for the erection of a light-house on Dog Island, Florida; which was referred to the Committee on Appropriations.

LIGHTS ON LOWER CAPE FEAR RIVER.

Mr. REAGAN, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 5100) to establish lights on the Lower Cape Fear River, North Carolina; which was referred to the Committee on Appropriations.

REVENUE-MARINE SERVICE.

Mr. PETERS, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 6120) to promote the efficiency of the revenue-marine service.

The SPEAKER. Does the bill make or require an appropriation?

Mr. PETERS. It requires no appropriation.

Mr. REAGAN. It requires an increase of rank of officers.

The SPEAKER. The Chair thinks it requires an increase of appropriation hereafter to execute its provisions. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the report, will be printed.

Mr. REAGAN. I desire to present the views of the minority on this bill, to be printed with the report of the majority.

There was no objection.

Mr. PETERS. I also report back from the Committee on Commerce several bills for which the bill just reported is a substitute.

The following bills, reported back from the Committee on Commerce, were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4483) to promote the efficiency of the revenue-marine service.

A bill (H. R. 5519) providing for a retired-list for the officers of the revenue-marine service.

A bill (H. R. 5979) to promote the efficiency of the revenue-marine service; and

A bill (H. R. 6227) to promote the efficiency of the revenue-marine service.

BRIDGE ACROSS MISSOURI RIVER AT WHITE CLOUD.

Mr. PETERS, from the Committee on Commerce, also reported, as a substitute for H. R. 5315, to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route, a bill (H. R. 6536) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. PETERS, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minnesota; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS MISSISSIPPI RIVER AT SAINT PAUL.

Mr. PETERS, from the Committee on Commerce, also reported back with an amendment the bill (H. R. 4799) to authorize the construction of foot and carriage or railroad bridges across the Mississippi River at Saint Paul, Minn.; which was referred to the House Calendar, and, with the amendment and accompanying report, ordered to be printed.

BRIDGES ACROSS MISSISSIPPI RIVER.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for H. R. 5434, a bill (H. R. 6537) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. CLARDY, from the Committee on Commerce, also reported, as a substitute for S. 1797, a bill (H. R. 6538) authorizing the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS RIVERS IN WISCONSIN.

Mr. CLARDY, from the Committee on Commerce, also reported, as a substitute for H. R. 5433, a bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF FRUIT-GROWERS, ETC.

Mr. GREEN, from the Committee on Agriculture, reported, as a substitute for H. R. 4564, a bill (H. R. 6540) for the relief of fruit-growers and to encourage the cultivation of fruit; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOWEY obtained unanimous consent to present the views of the minority, to be printed with the report of the majority.

CAPT. DOUGLASS OTTINGER.

Mr. GOFF, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 1334) for the relief of Capt. Douglass Ottinger, of the revenue-marine service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASSISTANT ASTRONOMERS AT NAVAL OBSERVATORY.

Mr. GOFF, from the Committee on Naval Affairs, also reported back with a favorable recommendation the bill (H. R. 4782) to fix the positions of the assistant astronomers at the Naval Observatory; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES N. CARPENTER.

Mr. GOFF, from the Committee on Naval Affairs, also reported back with an adverse recommendation the bill (H. R. 2853) for the relief of James N. Carpenter; which was laid on the table, and the accompanying report ordered to be printed.

LEASE OF POST-OFFICE BUILDINGS.

Mr. SKINNER, of New York, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. 5091) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE FOR LETTER-CARRIERS, ETC.

Mr. SKINNER, of New York, from the Committee on the Post-Office and Post-Roads, also reported back with amendments the bill (H. R. 2409) granting letter-carriers and clerks in the first and second class post-offices thirty days' leave of absence in each fiscal year; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. COSGROVE. On behalf of a minority of the Committee on the Post-Office and Post-Roads I ask consent to submit their views upon the bill just reported.

The SPEAKER. If there be no objection, the minority of the committee will have leave to file their views, to be printed with the report of the majority.

There being no objection, leave was granted.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2686) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT SAINT JOSEPH, MO.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, also reported back with amendments the bill (H. R. 5080) to amend an act entitled "An act to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri," approved August 5, 1882; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT SCRANTON, PA.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (H. R. 5139) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," and making an additional appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 3441) for the erection of a public building at San Antonio, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, also reported back with amendments the bill (H. R. 154) to authorize the Secretary of the Treasury to erect a public building in the city of Jacksonville, Fla.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1147) to provide for the erection of a building for the accommodation of the post-office, custom-house, court-rooms, and other Government offices in the city of Wilmington, in the State of North Carolina; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT AUBURN, N. Y.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. PUSEY, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 2123) for the erection of a public building at Wichita, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CLAIMS UNDER EIGHT-HOUR LAW.

Mr. LOVERING, from the Committee on Labor, reported, as a substitute for H. R. 1006, a bill (H. R. 6541) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SARAH J. BREMMER.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5632) granting a pension to Sarah J. Bremmer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRIET S. BRISBINE.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 5780, a bill (H. R. 6542) granting a pension to Harriet S. Brisbine; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEWELL F. TIBBETTS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3702) granting an increase of pension to Sewell F. Tibbetts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY ANNA EGAN.

Mr. LAIRD, from the Committee on Pensions, reported back with amendments the bill (H. R. 3979) granting an increase of pension to Mary Anna Egan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. KATE C. M'DOUGAL.

Mr. LAIRD, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 70) granting a pension to Mrs. Kate C. McDougal; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALFRED WOOD.

Mr. VAN ALYSTNE, from the Committee on Claims, reported back adversely the petition of Alfred Wood; which was laid on the table, and the accompanying report ordered to be printed.

PAYMENT OF FEMALE NURSES DURING THE WAR.

Mr. CONNOLLY, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back the bill (H. R. 307) to provide for the payment of female nurses during the war; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ALCOHOLISM.

Mr. KLEINER, from the Select Committee on the Alcoholic Liquor Traffic, reported back adversely the bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes; which was laid on the table, and the accompanying report ordered to be printed.

Mr. PRICE. Mr. Speaker, I desire, by unanimous consent of the House, to submit the views of the minority and in favor of reporting back the bill with the recommendation that it do pass. They are not prepared at this time, and I only ask permission to file them when they are ready and to ask unanimous consent that they may be ordered to be printed with the report of the majority.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

ILLINOIS AND MICHIGAN CANAL.

Mr. MURPHY, from the Committee on Railways and Canals, reported back the bill (H. R. 1879) to provide for the acceptance by the United States of the grant of the Illinois and Michigan Canal and all its appurtenances from the State of Illinois; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DUCK VALLEY INDIAN RESERVATION, NEVADA.

Mr. SKINNER, of North Carolina, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

F. C. BULKLEY.

Mr. SKINNER, of North Carolina, from the Committee on Indian Affairs, also reported back with an amendment the bill (H. R. 4056) for the relief of F. C. Bulkley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

Mr. COX, of New York, by unanimous consent, was granted leave of absence until Tuesday next, on account of sickness.

EXTENDING SIGNAL SERVICE TO FARMERS.

Mr. AIKEN. I am directed by the Committee on Agriculture to report back a bill (H. R. 4292) for the relief of the farmers of the United States by extending to them the benefits of the Signal Service, and to move that it be referred to the Committee on Appropriations.

Mr. KEIFER. Has not the Committee on Agriculture the power to make appropriations in this respect under the rules?

Mr. AIKEN. This simply enlarges the appropriation already embraced in one of the appropriation bills, and for that reason we have recommended its reference to the Committee on Appropriations.

Mr. HOLMAN. I think it should go to the Committee of the Whole on the state of the Union.

Mr. AIKEN. I think I have the right to move, under the instructions of the Committee on Agriculture, its reference to the Committee on Appropriations.

The SPEAKER. It is in order for the gentleman to move its reference to one of the standing committees of the House. Does the gentleman from Indiana insist on his motion that the bill be referred to the Committee of the Whole on the state of the Union?

Mr. HOLMAN. I withdraw my motion.

Mr. AIKEN'S motion to refer the bill to the Committee on Appropriations was agreed to.

ORDER OF BUSINESS.

Mr. WILSON, of West Virginia. I desire to take a bill from the Speaker's table for reference to the Committee on the District of Columbia.

The SPEAKER. The regular order of business has been demanded.

FORFEITURE OF A LAND GRANT IN OREGON.

Mr. PAYSON. I call up for consideration the unfinished business, which is the bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon and to enforce the same by judicial proceedings, reported from the Committee on the Public Lands, and put the same upon its passage, on which the gentleman from Alabama [Mr. OATES] is entitled to the floor.

PUBLIC BUILDINGS.

Mr. THOMPSON. I gave notice yesterday, Mr. Speaker, that I would to-day make a motion to rescind the standing order of the House in reference to the consideration of bills coming from the Committee on Public Buildings and Grounds for the erection of public buildings, and if in order, I should like to take up the matter and have it disposed of. We have too little time left to-day, as I understand that at 2 o'clock, according to previous order of the House, we are to have memorial services on the death of the late Mr. HERNDON, of Alabama. I gave notice yesterday of my intention to move to rescind the order in reference to public buildings, and I ask that it be taken up at once.

The SPEAKER. What is the gentleman's motion?

Mr. THOMPSON. If I am in order I now make the motion to rescind the order by which the House set apart the 9th of April, and afterward from day to day until disposed of, for the consideration of bills for the erection of public buildings coming from the Committee on Public Buildings and Grounds.

Mr. DIBBLE. I object.

The SPEAKER. That is equivalent to raising the question of order as to whether the gentleman under the notice given by him can make the motion to rescind the order to which he refers. It is a matter of some importance and some difficulty. If it be a standing order the House made on last Monday, then the Chair perhaps would have little difficulty in determining what are the rights of the gentleman under the notice given by him on yesterday, but the real question appears to be whether that is a standing order or not.

Mr. THOMPSON. I understand the gentleman from South Carolina to raise the point of order. I believe that is subject to debate. He raises the point of order, or rather he raises the question of consideration against the motion I submitted. I think the order made last Monday is in one sense a standing order of the House. When the subject was up for consideration on last Wednesday the question was made at that time whether it was a special order or not, and I understood the Speaker to rule it was not a special order and was not subject to the exceptions to be taken to a special order.

I wish to call the attention of the Speaker especially to page 3044 of the RECORD of the proceedings of the House, of date April 10, when the gentleman from Indiana [Mr. HOLMAN] made the point of order that this was a special order, and nothing but a special order, made by the House, and was, therefore, subject to be intereepted in its operation by any other special order or general order theretofore made, and especially was liable to be intercepted by the demand for the unfinished business coming over from the Committee on Public Lands. The Speaker ruled as follows:

If the bill reported by the Committee on Public Lands and heretofore under consideration had been itself a special order it would have been excepted from the operation of the resolution passed on Monday, but it was not a special order. It simply belonged to a class of bills having a certain preference by resolution of the House over other business of the House. The resolution—

And this is the part to which I desire to call the special attention of the Chair—

The resolution of Monday is very similar to the resolution passed by the House during the present session, and usually passed at each session of Congress, setting apart a particular day or evening for the consideration of pension

bills. This is precisely like the resolution on that subject, except it makes certain specific exceptions, whereas the resolution in reference to the consideration of pension bills on Friday evening makes no exception; it sets apart a day, assigns it, dedicates it to the consideration of a particular kind of business.

Now, in that case the Speaker ruled that this was not a special order, but that it was in the nature of a standing order of the House, precisely the same in its character, force, and effect as the standing order of the House which sets apart Friday of each week for the consideration of bills reported from the Committee on Invalid Pensions and for no other business, except that the Friday evening order of business under which the House operates, as a standing order, makes no exception in favor of any other character of business, whereas this order did except general appropriation bills, revenue bills, and other prior orders of the House. Therefore, it being in its nature a standing order of the House, and a standing order continuing from day to day until disposed of, under the demands of these gentlemen representing that committee if they choose to enforce the execution of that order, it continues to operate as a continuing standing order of the House until it finally exhausts itself with the consideration of every bill reported from the Committee on Public Buildings and Grounds and possibly every one to be yet reported by that committee, and not only that, but all of the bills upon the Speaker's table which are reported from the Senate.

Now, what is a standing order of the House? There is a clear distinction between two classes of orders, that is to say there are two grades of orders—special orders, made for the consideration of a special subject and which terminate with the consideration of that special matter, and a standing order which is more permanent in its character and which must endure until it is rescinded by the action of the House itself. The special order exhausts itself with the subject-matter to which it applies. The general or standing order continues in force until action is taken by the House for its repeal.

Now, we have many standing orders in the House. The House operates under fixed rules. The rules then are but the standing orders of the House. They are in the nature of standing orders. Their effect is equivalent to that of standing orders. For instance, we have a standing order that we will meet every day at 12 o'clock until it shall be repealed by order of the House. That is a standing order until the House chooses to rescind it. Upon notice given in accordance with another standing order the House has the right to rescind it; and the other standing order to which I refer requires one day's notice of the intention to change the time of meeting. And so, also, with any other order which makes out and lays down the general order of business for the House, which it must adhere to and pursue from day to day until the business is concluded or the resolution rescinded.

This resolution under consideration to which I refer does that, and in that respect the Speaker was right when he said it was not a special order but a general or standing order, subject to be rescinded upon one day's notice. What is the difference between that and what you term a rule of the House? The language of the eighteenth rule of the House is:

> No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor.

Now, I apprehend that there was some reason for the adoption of that rule. The rules of the House should not be changed without due notice. Nor ought the standing orders of the House to be changed without notice. It ought not to be possible for any gentleman to rise in his place and offer a motion to rescind the rules of the House without due notice of the intention to do so. Nor is it admissible where a fixed rule has been made to change the rule without reference of the motion to the Committee on Rules and a report back from that committee. But, sir, the standing orders of the House, as I understand, are not of the same dignity as the rules of the House, while to a certain extent they have the same effect and force. They are not so general in their character and operation, but while they are not so general in their operation the House ought to have the same power to change them. A standing order of the House, such as this, ought therefore to be subject to a revision by the House. There ought to be and must be some mode left by which the House can disengage itself from the entanglement into which it may be placed if it chooses to do so. We ought not to be coerced in the contention of a rule which it becomes desirable and necessary to rescind. There ought to be some way whereby the House, when tired of the subject, might escape its consideration. Now, what chances are there to do that if this is to be considered as the rule of the House, to be rescinded only on a report made by the Committee on Rules?

But it is not nor has it become a standing rule of the House. Nor is it a special order of the House. Special orders are not rescinded upon notice. When the House has suspended the rules and made a special order for any purpose it ought not to be in the power of a simple majority of the House to undo that act. A special order has to be considered and the House does not intend to escape its consideration. It is limited in its operation. It does not continue except for that special purpose. The time to be expended in and upon it is not of sufficient moment to require the day's notice to be given that you will move to suspend it.

But here is a standing order assigning the consideration of certain business from day to day and continuing from day to day the consideration of a special matter, and I think it clearly comes within the range of the twenty-eighth rule that upon a day's notice it shall cease to be a standing order if the majority consent.

I therefore make the motion to rescind the general order made upon last Monday for the consideration of these bills on the 9th of April and from day to day until all of them are considered.

Mr. YOUNG. How much time have we on this side?

The SPEAKER. This is a question of order. The time for its discussion is within the discretion of the Chair.

Mr. YOUNG. I yield to my colleague the chairman of the Committee on Public Buildings and Grounds.

Mr. STOCKSLAGER. I yield to my colleague on the committee, the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. As I understand, the motion of the gentleman from Kentucky is to rescind a general order. I do not understand, even after his ingenious argument, that he claims it comes in terms under the rule which applies to a standing rule or order.

The very terms of the resolution passed by a two-thirds vote of this House in suspension of the rules declare that this is a special order of the House. The House declared that under a suspension of the rules, and that part of it is unchangeable, because the resolution has in it these words, "and that this special order continue from day to day," &c. Therefore the House itself, under a suspension of the rules, has determined that this order shall have the character of a special order.

But, Mr. Speaker, under general parliamentary law also it is a special order. It is not a standing order for this reason, that in its own terms it provides for its termination. It provides it is to continue until a certain contingency arises, and then it ceases; it "stands" no longer. A standing order is only abrogated by regular action of the House upon the order. It is therefore not a standing order in that sense. And it provides for limited debate, so that if the House proceeds in good faith under that order without interruption or filibustering, with the thirty minutes' debate allowed on each bill, the order would very speedily terminate. Therefore, Mr. Speaker, I think the point of order is well taken, because the order provides in terms for its own termination.

Mr. SPRINGER. I think the point of order is well taken. It seems to me very unusual that the gentleman should make a motion to set aside a special order of the House made on a Monday when the rules may be suspended and which can only be made at that time. It would seem very strange after the House by a two-thirds vote had fixed a special order of businesss if it should be in order at any time to set that order aside. I think the question is too clear for argument.

The SPEAKER. As the Chair said when the gentleman submitted his motion, the only difficulty, or at least the principal one, about the matter arises upon the question whether the resolution passed on Monday is or is not a standing order of the House. The Chair has never decided, according to its present recollection, that the order made on Monday was not a special order. The Chair decided that the unfinished business which was sought to be introduced as against the business under this resolution was not a special order; and the Chair decided that this resolution was different from a mere order of the House fixing a particular bill for consideration on a particular day, inasmuch as it dedicated or set apart and assigned a day for the consideration of a class of business, and in that one respect the Chair said it was precisely like the resolution of the House assigning Friday evenings for the consideration of pension bills. But it does not follow from that that this is a standing order of the House. The Chair will cause to be read the definition of a standing order as laid down by Cushing in his work on the Practice of Legislative Assemblies.

The Clerk read as follows:

STANDING ORDERS.

> The orders of both houses, which are known by the name of standing orders, are those which they have from time to time agreed to for the government and regulation of their proceedings and which they have declared to be standing orders. Orders of this description do not expire with the session or parliament in which they are made, but endure from one parliament to another, and are of equal force in every succeeding parliament until vacated, rescinded, or abrogated by the house in which they are established. A standing order is sometimes made at once, but, not infrequently, an occasional order or resolution of a previous session or parliament is revived and declared to be a standing order. Thus a resolution of the house of commons of December 11, 1706, "that this house will receive no petition for any sum of money relating to public service but what is recommended from the crown" was revived June 11, 1713, and declared to be a standing order, and has ever since been observed as such. The system of standing orders, which plays so important a part in the proceedings of the English Parliament, has no existence in the legislative assemblies of this country. The nearest approach to it is found in the rules and orders of the Senate of the United States and other similarly constituted bodies. That branch being a permanent body, containing always more than a quorum of its members, and being duly organized, its rules and orders are not renewed from one Congress to another.

The SPEAKER. The order made last Monday may continue during the entire session, and would do so unless rescinded or repealed or unless the business for which it provides should be considered before that time. It might have continued to operate only one day, because it ceases to have any effect as soon as the business mentioned in the resolution is disposed of by the House.

It is in the power of a majority, as the Chair has decided heretofore, to control the business of the House, notwithstanding that order. A

part of the bills to which the order relates are in Committee of the Whole on the state of the Union; the others are on the Speaker's table. The Chair has decided that as to one class of business embraced in the resolution the majority of the House can at any time prevent the further transaction of business under the order by refusing to go into Committee of the Whole for the consideration of such business. As to the other class of business, the majority can at any time refuse to proceed to the consideration of that class of business on the Speaker's table, and thus stop the operation of the order.

The Chair would be very glad, however, to have the sense of the House upon this point, and for that purpose will submit to the House the question whether or not the motion of the gentleman from Kentucky [Mr. THOMPSON] can now be entertained under the rules.

Mr. YOUNG. Mr. Speaker, is discussion ended on this question?

The SPEAKER. The Chair proposes to submit the question to the House. Of course gentlemen can make brief statements in regard to it.

Mr. YOUNG. Mr. Speaker, if I am recognized I would like to address the House briefly.

The SPEAKER. On this question?

Mr. YOUNG. Well, I must deal frankly with the Speaker and say that I do not desire to confine my remarks strictly to the proposition before the House. If, however, I am heard for a little while it may enable the House to give a more intelligent vote upon this question, though I propose to discuss a somewhat different question—the question rather of the propriety of the proposed action than the strict legal aspect in which the matter is presented to the House as a question of order.

The SPEAKER. Is there objection to the gentleman from Tennessee [Mr. YOUNG] proceeding with his remarks?

Mr. WARNER, of Ohio. For what time?

The SPEAKER. How much time does the gentleman from Tennessee desire?

Mr. WARNER, of Ohio. Does the gentleman wish to discuss the public-buildings question for an hour?

The SPEAKER. The Chair does not know.

Mr. YOUNG. I want to reply to some of the speeches made within the last week. I am going to discuss the proposition that has given so much trouble to the House.

Mr. WARNER, of Ohio. Then I will not object. I would rather hear speeches upon the subject than pass the bills.

Mr. BEACH. I think there should be some limitation of time.

The SPEAKER. How much time does the gentleman from Tennessee ask?

Mr. YOUNG. I would like to have thirty minutes. If the gentleman from Alabama [Mr. JONES], who is entitled to the floor at 2 o'clock, will yield for thirty minutes, I will ask the House for an hour. I really believe it would contribute to a proper determination of this matter. I do not wish to speak for an hour myself, but would divide the time with other gentlemen. I think it might be well for gentlemen to sit and hear me for a while.

The SPEAKER. Does the gentleman from New York [Mr. BEACH] insist——

Mr. BEACH. I shall object, unless the gentleman confines his remarks within twenty minutes.

Mr. THOMPSON. We want a vote on this question.

Mr. BEACH. At 2 o'clock the House enters upon another order.

Mr. STOCKSLAGER. I submit that the objection of the gentleman from New York [Mr. BEACH] comes too late.

The SPEAKER. Not at all. The gentleman from Ohio [Mr. WARNER] objected and then withdrew his objection; but that can not prevent another gentleman from renewing the objection. If it could, a single member, by objecting and afterward withdrawing the objection could force a matter upon the consideration of the House.

Mr. YOUNG. The gentleman from Ohio did not object to my proceeding with this discussion, but only raised an objection as to the length of time to be occupied.

The SPEAKER. Certainly; and when the gentleman from Ohio withdrew his objection, the gentleman from New York [Mr. BEACH] renewed the objection as to the time to be occupied, and desired to know how much time the gentleman from Tennessee wanted.

Mr. STOCKSLAGER. Is not that a matter within the discretion of the Chair?

Mr. YOUNG. I am willing to go ahead until some one desires me to quit.

Mr. REAGAN. As the gentleman does not propose to discuss the question now before the House, I object.

Mr. YOUNG. That objection comes too late.

The SPEAKER. The Chair thinks not.

Mr. YOUNG. I had the floor.

The SPEAKER. The Chair recognized the gentleman from Tennessee, and when he made his request, which he could not do without first obtaining the floor, the Chair submitted it to the House.

Mr. YOUNG. I have been here for ten years and never objected to the gentleman from Texas [Mr. REAGAN] talking all he wished. I now want only thirty minutes to defend myself and my committee from unfounded and unjust aspersions. I think it is a little unkind on the part of my friend from Texas to object in this way.

Mr. REAGAN. My objection was made on the ground that the gentleman did not propose to discuss the question before the House.

The SPEAKER. The question immediately before the House is a question of order raised by the gentleman from South Carolina [Mr. DIBBLE] upon the motion of the gentleman from Kentucky [Mr. THOMPSON]. The question of order is whether this motion, notice of which was given yesterday, can now be entertained under the rules of the House.

Mr. THOMPSON. Let us have a vote on the question.

Mr. YOUNG. If gentlemen want to vote on the question without knowing anything about it, let them do so.

Mr. THOMPSON. My friend from Tennessee [Mr. YOUNG] did not promise to give us any light on this question of order.

The SPEAKER. The question is whether the motion made by the gentleman from Kentucky is now in order.

Mr. WILSON, of Iowa. If it is not too late, I would like to say a word on this point.

The SPEAKER. The gentleman from Iowa [Mr. WILSON] will proceed.

Mr. WILSON, of Iowa. I wish to appeal to the Chair not to submit that question to the House unless some one takes an appeal from his decision, because the ruling of the Chair on this question is so evidently right that even to admit the necessity of submitting it to the House would in my judgment be a thing that ought not to be done.

Now, Mr. Speaker, no motion can be made in the House except it be a motion provided for by the rules, and it must be made at the time the rules provide it should be made. The rules say what we can do and the order of business prescribes when we can do it. We have a provision under the rules that on Monday and on certain of the last days of a session of Congress motions can be made for special orders by a two-thirds vote, and at the time designated those special orders can force themselves right into the middle of business which has been presented and is proceeding under the ordinary rules of the House. By a two-thirds vote on Monday and those last days of a session of Congress a certain time is set apart and dedicated by the House to the consideration of that particular business which has been made the special order. At the time fixed it must be attended to, and unless a majority of the House at that time, on the question of consideration being raised, refuses to proceed with it, it must come up for consideration.

It was decided by one of your predecessors, Mr. Speaker, on that point that you can take a horse to the water, but you can not make him drink. And at any time the majority of the House, when it becomes dissatisfied with its own special orders, can refuse to go on and consider them. Special orders can hang in the House, and some have hung for two years. You can take it up and consider it for a little while and then let it be passed over, and in a month it can be taken up again, or it can be taken up next year. It is still a special order, and the moment a majority of the House wishes to take it up they can do so. The motion of the gentleman from Kentucky [Mr. THOMPSON] can be submitted under the rules of the House provided no one objects. But objection has been made. It is a question in my mind, if he obtained unanimous consent, whether he could have moved to postpone to a day certain the consideration of the special order; but to move to rescind it is so clearly out of order that I hope the Chair will not submit it to the House unless some one appeals from his decision.

Mr. THOMPSON. I wish to make one or two suggestions in reply to what the gentleman has said, and then I am willing the House should pass on the subject. If I understand the gentleman from Iowa, he takes the position that it was not in order to make this motion which I have made to rescind the special order. I understand the Speaker has decided to leave that question to the House, whether it is in order now to make this motion after a day's notice to rescind this order.

I desire to call the attention of the House specially to Cushing's Law and Practice of Legislative Assemblies, because it distinctly declares that standing orders are wholly unknown to the legislative bodies of this country. There is nothing like a standing order of the British Parliament. Their standing orders are their rules. They work under standing orders instead of by rules, as we do. Cushing says "the system of standing orders, which play so important a part in the proceedings of the English Parliament, has no existence in the legislative assemblies of this country." Why do they not? He says that the only thing which can be compared with standing orders of the British Parliament are the rules adopted by the Senate of the United States, because that alone is a continuing body in this country. This House of Representatives is not a continuing body, and consequently it can not adopt standing orders which will continue from Congress to Congress and bind our successors. The Senate, as I have said, is a continuing body. It changes one-third of its numbers every two years, but the rules which it adopts have a continuing effect. There any standing order continues until it is rescinded by the Senate, but we are not in a like situation; we are not a continuing body in the sense in which this authority on parliamentary law indicates.

I think, therefore, it is proper that the Speaker should submit the question to the House. It is with great propriety, in my judgment,

he submits to the consideration of the House whether they shall reserve to themselves the right to set apart an order of that kind after a day's notice.

Mr. WILSON, of Iowa. Was notice given by the gentleman of this motion to rescind the special order?

Mr. THOMPSON. Yes.

Mr. WILSON, of Iowa. When?

Mr. THOMPSON. Yesterday.

Mr. WILSON, of Iowa. But the rules say you can only give notice to amend the rules of the House on Monday. It is not in order to do it on any other day.

Mr. THOMPSON. I beg the gentleman's pardon, the rule does not say that.

Mr. WILSON, of Iowa. That is in accordance with the traditions of the House.

Mr. THOMPSON. I am not old enough to know the traditions of the House, but I know that my motion is in order under the rules of the House. The rules say that on one day's notice a motion can be made not only to set aside a standing rule of the House——

Mr. WILSON, of Iowa. You can not get the floor to do so, as it is not in regular order to give notice except on Monday.

Mr. THOMPSON. I got the floor on yesterday and gave notice that I would to-day make a motion to rescind that special order.

Mr. WILSON, of Iowa. Well, you got it, I suppose, on your good looks. [Laughter.]

Mr. THOMPSON. I got it by the unanimous consent of the House, which is itself tired of the subject.

Mr. WILSON, of Iowa. If the gentleman speaks upon the subject, that is a different thing, altogether. I am speaking now of the rules of the House, not the subject upon which the House acted.

Mr. DIBBLE. May I ask the gentleman from Kentucky a question?

Mr. THOMPSON. With pleasure.

Mr. DIBBLE. Did not the gentleman qualify his notice by saying "if in order" he would give it? It so appears in the RECORD of yesterday, and no notice of this motion appears in the Journal.

Mr. THOMPSON. I do not remember, sir, that there was any qualification. I think I said, in substance: "Mr. Speaker, if it is in order I will now give notice that on to-morrow I will make a motion to rescind this order of the House;" and the Speaker recognized my motion. By unanimous consent the notice was given. There was no objection made from any quarter, and it went into the RECORD.

Mr. WARNER, of Ohio. It was in order if there was no objection.

Mr. THOMPSON. And I think further that it is eminently proper that the House should be able to pass upon the subject in some form. There has never been a ruling made by a Speaker, or a precedent established by the House upon the subject heretofore, and I think now is as good a time as can be found to make a ruling upon a question involving so much importance as this.

The SPEAKER. The Chair is ready——

Mr. WILSON, of Iowa. A single word, if the Chair will permit me. This will make a complete revolution in our rules, of course. It goes to the effect that when a special order is made by the House, by a two-thirds majority under a motion to suspend the rules on Monday, by anybody getting up in his seat any time thereafter and giving one day's notice that he will make a motion to rescind it, a majority vote of the House will be empowered to vacate that order. That is the effect of it. Now, the proposition on which the chair is called to rule—and I am satisfied that the present occupant of the Chair desires to be not only fair but more than fair with the House; but on this question we ought to divorce two things from each other, that is to say, whether we want to consider the question of public buildings as one thing, and whether to revolutionize the rules of the House as another.

If we do not want to go on with the public buildings, the question of consideration effects the purpose of my friend from Kentucky. But it will be a revolutionary proceeding if we now, without the consideration of the Committee on Rules, and merely with the animus behind this among gentlemen who desire to stop public buildings, shall in this manner change the rules of the House so that a special order made by a two-thirds vote and under a suspension of the rules on Monday can be vacated at any time by a majority. It revolutionizes the rule relative to giving one day's notice of the change as well as the other.

The SPEAKER. The Chair has no hesitation about deciding the question, and has already intimated to the House his opinion upon it. But this question very largely concerns the rights and privileges of the House itself as a body; and, as has been stated, it is entirely a new question. For that reason alone the Chair desires to have the advice of the House upon it. The Chair has an opinion upon it, which it has intimated.

The question is, Shall the motion made by the gentleman from Kentucky be entertained?

The question was taken; and the Speaker decided that by the sound the "noes" seemed to prevail.

Mr. THOMPSON. I demand the yeas and nays.

Mr. PERKINS. Will the Chair be kind enough to state the question?

The SPEAKER. The motion of the gentleman from Kentucky is to rescind the order made on Monday last in relation to the consideration of bills reported from the Committee on Public Buildings and Grounds. The Chair submits the question to the House whether or not the motion made by the gentleman from Kentucky shall be entertained. Upon that motion the gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 78, nays 101, not voting 143; as follows:

YEAS—78.

| | | | |
|---|---|---|---|
| Alexander, | Graves, | Morgan, | Storm, |
| Beach, | Halsell, | Morse, | Sumner, D. H. |
| Blanchard, | Herbert, | Murray, | Taylor, J. M. |
| Bland, | Hewitt, A. S. | Neece, | Thompson, |
| Breckinridge, | Hewitt, G. W. | Oates, | Throckmorton, |
| Caldwell, | Hitt, | Patton, | Turner, Oscar |
| Clardy, | Hoblitzell, | Pierce, | Van Alstyne, |
| Cobb, | Holman, | Peel, S. W. | Wadsworth, |
| Collins, | Hunt, | Post, | Ward, |
| Converse, | Jones, B. W. | Ranney, | Warner, A. J. |
| Cox, W. R. | Kleiner, | Reagan, | Warner, Richard |
| Culberson, D. B. | Lanham, | Riggs, | Wellborn, |
| Davis, L. H. | Le Fevre, | Robertson, | Williams, |
| Deuster, | Long, | Shelley, | Wilson, W. L. |
| Dockery, | McAdoo, | Singleton, | Wolford, |
| Dorsheimer, | McMillin, | Skinner, C. R. | Wood, |
| Eaton, | Matson, | Skinner, T. G. | Yaple, |
| Eldredge, | Millard, | Slocum, | York. |
| Follett, | Miller, J. F. | Snyder, | |
| Forney, | Miller, S. H. | Stewart, Charles | |

NAYS—101.

| | | | |
|---|---|---|---|
| Adams, G. E. | Everhart, | Keifer, | Rosecrans, |
| Aiken, | Evins, J. H. | Lacey, | Rowell, |
| Bayne, | Ferrell, | Laird, | Ryan, |
| Belford, | Findlay, | Lowry, | Scales, |
| Bennett, | Finerty, | McCoid, | Seney, |
| Bisbee, | Funston, | Maybury, | Spooner, |
| Blount, | Garrison, | Milliken, | Springer, |
| Boutelle, | Goff, | Mitchell, | Stockslager, |
| Brainerd, | Greenleaf, | Morrill, | Stone, |
| Breitung, | Hanback, | Muldrow, | Strait, |
| Brown, W. W. | Hancock, | Mutchler, | Taylor, J. D. |
| Buchanan, | Hardeman, | Nelson, | Tillman, |
| Budd, | Hart, | Payne, | Tucker, |
| Burleigh. | Hatch, H. H. | Payson, | Vance, |
| Candler, | Hatch, W. H. | Peelle, S. J. | Van Eaton, |
| Cannon, | Haynes, | Perkins, | Weaver, |
| Connolly, | Henderson, T. J. | Peters, | Wemple, |
| Cosgrove, | Hepburn, | Poland, | White, Milo |
| Crisp, | Holmes, | Price, | Whiting, |
| Cutcheon, | Hopkins, | Pryor, | Willis, |
| Davidson, | Houseman, | Pusey, | Wilson, James |
| Dibble, | Jeffords, | Ray, Ossian | Woodward, |
| Dibrell, | Johnson, | Reed, | Young. |
| Ellis, | Jones, J. H. | Reese, | |
| Ellwood, | Jones, J. T. | Rockwell, | |
| Ermentrout, | Jordan, | Rogers, J. H. | |

NOT VOTING—143.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dargan, | Kasson, | Ray, G. W. |
| Anderson, | Davis, G. R. | Kean, | Rice, |
| Arnot, | Davis, R. T. | Kelley, | Robinson, J. S. |
| Atkinson, | Dingley, | Kellogg, | Robinson, W. E. |
| Bagley, | Dowd, | Ketcham, | Rogers, W. F. |
| Ballentine, | Duncan, | King, | Russell, |
| Barbour, | Dunham, | Lamb, | Seymour, |
| Barksdale, | Dunn, | Lawrence, | Shaw, |
| Barr, | Elliott, | Lewis, | Smalls, |
| Belmont, | Evans, I. N. | Libbey, | Smith, |
| Bingham, | Fiedler, | Lore, | Spriggs, |
| Blackburn, | Foran, | Lovering, | Steele, |
| Bowen, | Fyan, | Lyman, | Stephenson, |
| Boyle, | Geddes, | McComas, | Stevens, |
| Brewer, F. B. | George, | McCormick, | Stewart, J. W. |
| Brewer, J. H. | Gibson, | McKinley, | Struble, |
| Broadhead, | Glascock, | Mills, | Sumner, C. A. |
| Browne, T. M. | Green, | Money, | Talbott, |
| Brumm, | Guenther, | Morey, | Taylor, E. B. |
| Buckner, | Hammond, | Morrison, | Thomas, |
| Burnes, | Hardy, | Moulton, | Townshend, |
| Cabell, | Harmer, | Muller, | Tully, |
| Calkins, | Hemphill, | Murphy, | Turner, H. G. |
| Campbell, Felix | Henderson, D. B. | Nicholls, | Valentine, |
| Campbell, J. M. | Henley, | Nutting, | Wait, |
| Carleton, | Hill, | Ochiltree, | Wakefield, |
| Cassidy, | Hiscock, | O'Hara, | Washburn, |
| Chace, | Holton, | O'Neill, Charles | Weller, |
| Clay, | Hooper, | O'Neill, J. J. | White, J. D. |
| Clements, | Horr, | Paige, | Wilkins, |
| Cook, | Houk, | Parker, | Winans, E. B. |
| Covington, | Howey, | Pettibone, | Winans, John |
| Cox, S. S. | Hurd, | Phelps, | Wise, G. D. |
| Culbertson, W. W. | Hutchins, | Potter, | Wise, J. S. |
| Cullen, | James, | Randall, | Worthington. |
| Curtin, | Jones, J. K. | Rankin, | |

So the House refused to consider the motion a question of privilege.

On motion of Mr. THOMPSON, by unanimous consent, the reading of the names of members voting was dispensed with.

Mr. POST, of Pennsylvania. I desire to state that my colleague, Mr. DUNCAN, was obliged to leave the House on account of sickness.

Mr. DEUSTER. My colleague from Wisconsin, Mr. GUENTHER, is absent on account of sickness.

Mr. SCALES. I desire to state that the gentleman from New York, Mr. BAGLEY, is detained at home by indisposition.

The following members were announced as paired on all political questions until further notice:

Mr. BURNES with Mr. CALKINS.
Mr. CAMPBELL, of New York, with Mr. DAVIS, of Illinois.
Mr. TOWNSHEND with Mr. WASHBURN.
Mr. SNYDER with Mr. BARR.
Mr. HEMPHILL with Mr. WAKEFIELD.
Mr. ARNOT with Mr. BURLEIGH.
Mr. MCADOO with Mr. THOMAS.
Mr. MORGAN with Mr. MORRILL.
Mr. COOK with Mr. CULLEN.
Mr. CURTIN with Mr. KEAN.
Mr. MULLER with Mr. WAIT.
Mr. O'NEILL, of Missouri, with Mr. DUNHAM.
Mr. POTTER with Mr. MILLARD.
Mr. RANKIN with Mr. ROBINSON, of Ohio.
Mr. FYAN with Mr. PETTIBONE.
Mr. ELLIOTT with Mr. RICE.
Mr. GIBSON with Mr. SMALLS.
Mr. LEWIS with Mr. MCCORMICK.
Mr. COVINGTON with Mr. HOLTON.
Mr. BROADHEAD with Mr. STEELE.
Mr. NICHOLLS with Mr. CHACE (except on the tariff).

The following were announced as paired for this day:

Mr. LAMB with Mr. MCCOMAS.
Mr. DINGLEY with Mr. LORE.
Mr. STEVENS with Mr. HENDERSON, of Iowa.
Mr. HISCOCK with Mr. BALLENTINE, on this vote.
Mr. CLAY with Mr. VALENTINE.
Mr. DUNN with Mr. STRUBLE.
Mr. BAGLEY with Mr. OCHILTREE.
Mr. MCKINLEY with Mr. MORRISON.
Mr. GEORGE with Mr. TURNER, of Georgia, on this vote.

The following were also announced as paired:

Mr. WORTHINGTON with Mr. BOWEN, until April 15.
Mr. DORSHEIMER with Mr. O'HARA, until April 14.
Mr. HILL with Mr. HOUK, until April 18.
Mr. COX, of New York, with Mr. MOREY, until April 14.
Mr. PAIGE with Mr. BROWNE, of Indiana, on all questions except the tariff, until April 18.
Mr. HAMMOND with Mr. KETCHAM, until April 14.
Mr. BUCKNER with Mr. SMITH, until April 15.
Mr. DARGAN with Mr. BRUMM, until April 15.
Mr. JONES, of Wisconsin, with Mr. STEPHENSON, until April 24.
Mr. MOULTON with Mr. STEWART, of Vermont, until April 15.
Mr. CABELL with Mr. O'NEILL, of Pennsylvania, until April 14.
Mr. TALBOTT with Mr. HARMER, until April 14.
Mr. MILLS with Mr. KASSON, until April 14.
Mr. TULLY with Mr. LIBBEY, until April 15.
Mr. GLASCOCK with Mr. WHITE, of Minnesota, until April 15.
Mr. ROGERS, of New York, with Mr. BREWER, of New York, until April 19.

The result of the vote was then announced as above stated.

Mr. WARNER, of Ohio. I take it this order will terminate at noon on the 4th of March, 1885, anyway.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence for one day was granted to Mr. ADAMS, of New York.

## THE LATE THOMAS H. HERNDON.

The SPEAKER. By resolution of the House, this day at 2 o'clock was assigned for the offering of resolutions expressive of regret at the death of the late THOMAS H. HERNDON, a Representative-elect of this House. That hour has now arrived.

Mr. JONES, of Alabama. I offer the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That this House has heard with deep regret of the death of THOMAS H. HERNDON, late Representative-elect to this House from the State of Alabama.

*Resolved*, That as a testimonial to his memory the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

*Resolved*, That a copy of this resolution be transmitted by the Clerk of this House to the family of the deceased.

*Resolved*, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that as a further mark of respect to the deceased this House do now adjourn.

Mr. JONES, of Alabama. Mr. Speaker, as Colonel HERNDON's successor in this House, it becomes my duty, as his friend it is my privilege, to pay a humble tribute of respect to his memory. His well-known modesty and his aversion to everything like ostentation forbid that I should indulge in the language of extravagant praise so common on an occasion like this. I shall, therefore, in what I have to say simply call attention to a character of rare symmetry and completeness, and endeavor to hold up to public view the record of a life full of honors and full of usefulness.

THOMAS H. HERNDON was a native of Alabama. He was educated in the schools and at the university of that State. After reading law at Harvard University he was admitted to the bar, and thereafter devoted his life and his talents to the service of his people. He was several times a member of the Legislature. He was a delegate to two of the most important conventions ever held in the State. During the late war he was colonel of an Alabama regiment, and was several times severely wounded in battle. His command was engaged in the thickest of the fight at Chickamauga, where he received a wound which was at the time supposed to be mortal.

In 1872 he was earnestly supported by his party friends as candidate for the office of governor. His friends, who were numerous and devoted to him, justly considered him worthy to represent Alabama in the Senate of the United States, and frequently and zealously supported him for that exalted position. He was thrice returned to represent the Mobile district in this House. After a long and honorable career of public service, on the 28th of March, 1883, only a few days after his term of service in this Congress commenced, he died at his home in Mobile, in the bosom of his family and in the midst of constituents who were all his friends.

It was my good fortune, Mr. Speaker, to know Colonel HERNDON well. I knew him at the bar, and in public and private life. He was a representative man. He was a type of the best elements of his State. Always and everywhere he was a gentleman. Born in Alabama, he had grown with her growth. He had fought and suffered with his people in war, and in peace he had labored to restore the blessings of good government. He was thoroughly identified with the people of Alabama by birth, by association, and by common pursuits and common sufferings. He knew their wants, and was in warm sympathy with their purposes and their aspirations. Hence it is not surprising that the people of Alabama desired that his abilities should not be confined to the bar. Had he lived, it was the hope of his friends that his influence in public affairs should not be confined to the limits of a Congressional district, but might sweep out into broader fields of usefulness.

Colonel HERNDON was a model soldier, illustrating that rare combination of courage and gentleness which immortalized Sir Philip Sidney.

Mild in manner, fair in favor, sweet in temper, fierce in fight.

And in all the positions of trust to which he was elevated in civil life he exhibited the same modesty and courage that had rendered him conspicuous in the field. He was true at all times to his convictions and never swerved from the path of duty.

In private life Colonel HERNDON was modest as a woman, gentle as charity, and possessed a genial magnetism that attracted men and bound them to him "as with hooks of steel." While he lived laborious days, he did not scorn the delights of life. But it was in the sacred precincts of the home circle that his social nature shone with the purest luster. Upon his hearthstone the fires of domestic happiness always burned brightly. In his home peace and love were enthroned; there he found an incentive to his ambition and rest from his public labors. Learned and successful as a lawyer, brave and chivalrous as a soldier, enlightened as a statesman, singularly fortunate in all his family relations, his life was blessed with a larger share of happiness and brightened with more of "sweetness and light" than usually fall to the lot of mortals.

I will be followed by other gentlemen whose remarks will show in what high estimation Colonel HERNDON was held by his fellow-Congressmen. It was my desire, and it would have been highly gratifying to the family of our departed friend, that to-day's obsequies should have been graced by the taste and eloquence of my distinguished friend from New York [Mr. COX], but I am this moment in receipt of a letter from him informing me of his being confined to his bed by sickness. In this letter he incloses to me a letter addressed to him by Mr. John Bigelow, formerly our distinguished minister to France, which contains sentiments so appropriate to this occasion, and so fitly illustrating the utilities of occasions like this, that I send it to be read at the desk.

The Clerk read as follows:

APRIL 10, 1884.

DEAR MR. COX: Until to-day I have had no opportunity of running through the memorial addresses which you were good enough to send me, and for which please accept my cordial thanks. I thank you not only for sending them to me but for uttering them. Any man who does or says anything to cultivate and cherish a respect among our people for their benefactors gives power to the Government, efficacy to the laws, and new guarantees to public order. In doing all this he in a corresponding degree checks and discourages the satanic spirit of detraction and irreverence with which the privileges of a free press are always conditioned.

Mortuary eloquence is neither history nor biography nor criticism, but the commendation in high places of those virtues which should illustrate public life, helps to elevate and sustain the national standard of official duty, and in that respect answers a purpose as important perhaps as if it embodied the fullness, the accuracy, and the discrimination of all three. The higher we raise the popular standard the more will the people find to admire and respect in those who have had a part in shaping the history of their country.

The taste and skill with which you have decorated the tombs of your departed friends one at least of your readers gratefully appreciates.

Very truly, yours,

JOHN BIGELOW.

Mr. FORNEY. Mr. Speaker, it was my good fortune during the life of my deceased colleague, Hon. THOMAS H. HERNDON, to be numbered among his friends. We had known each other for more than a third of a century. During this long period our relations had been the most cordial, friendly, and intimate. What I have to say upon

this sad and solemn occasion I know but voices the general sentiment of the people of his State from the mountains to the Gulf. No citizen of Alabama from its organization as a State was more beloved, esteemed, or respected. He was a native of Alabama, born and raised in the county of Greene, the most beautiful section of the South, lying in the heart of the cotton-belt, with its broad acres and fertile fields.

My colleague was brought up in the midst of a refined and highly cultivated community. He had all the advantages of learning that the country afforded. He received a classical education at his State university; after graduation entered the law school of Cambridge, Mass. He commenced his professional career in the city of Mobile. His education, training, and natural ability rapidly secured for him a high position at the Mobile bar, then as well as now noted for the number of learned, prominent, and distinguished lawyers.

THOMAS H. HERNDON was a true Southerner; a representative man of the South; the soul of honor; chivalrous, polished, and courtly in manners; kind and generous in spirit; conservative in temper and action; considerate of the feelings of others, but brave in principle and true to every trust confided in him. He had occupied many prominent positions in Alabama. The people of Mobile, when he was quite young—in 1857—knowing his great worth, appreciating his ability, integrity, and high character, elected him to the Legislature. During the great excitement which pervaded the South in 1860 he was elected a delegate from Greene County to the convention known as the secession convention of Alabama. He took a prominent position in that body. The result of that convention was the adoption of the ordinance of secession, on the 11th of January, 1861, which separated Alabama from the Federal Union. My colleague voted for that ordinance. He was one of those who honestly and conscientiously believed it was right. So believing, when the hour came for action, thoroughly in feeling and sympathy with his people, he joined the confederate army. By his valor, coolness, and efficiency in camp and field he was promoted to the rank of colonel. He had the entire confidence of the officers and men of his regiment; upon many fields of battle won the admiration of his general, who on several occasions mentioned him in his reports of engagements with the enemy for his bravery and gallantry upon the field.

During the war he was twice wounded so severely that he could with credit and honor to himself have retired from the army; yet so soon as his wounds were healed, like a true patriot, he would return to his command. There he remained to the close of the war, until his chief surrendered and the cause which he so nobly and gallantly espoused was lost. The war over, his fortune destroyed and gone, he resumed the practice of his profession, and soon took rank with the leading lawyers of his State. The people of Mobile again called him from private life—elected him as a delegate in 1875 to the constitutional convention of Alabama. No one delegate took a more active part in that convention than he did or had more to do in the formation of the present constitution of Alabama.

In 1876–'77 he was again elected to the Legislature of his State, and was regarded as one of the leading members of that body, occupying the most prominent positions and taking an active part in the discussion of all important measures. In 1878 he was chosen a member to the Forty-sixth Congress from the first district of Alabama. He had not sought the position. At the time of his nomination he was actively engaged in his profession and was fast regaining his lost fortune. The people called him and he accepted the trust tendered. His course in the Forty-sixth Congress met the approval of his constituents and he was re-elected to the Forty-seventh and Forty-eighth Congresses, serving with distinction and ability upon the Committees of Foreign Affairs and Commerce.

But, Mr. Speaker, he was not permitted to take his seat in this Congress. After a long and severe illness, with intense suffering, he departed this life on the 28th of March, 1883, in the midst of friends and surrounded by the loved ones at home. Mr. Speaker, HERNDON has gone from among us; gone to a better, brighter, and purer world. The family circle will miss the kind, tender, and indulgent father, the affectionate, loving, and devoted husband; society, the genial, affable, and pleasant companion, the generous, noble, and true friend; the client, the able, faithful, and reliable counselor; the bar of Alabama, one of its leading lawyers and brightest ornaments; the State, one who may be truly classed among the bravest of her brave sons, a patriot, a statesman whose garments were unstained, pure and spotless, one who had been faithful to every official obligation during his public life.

Mr. Speaker, I was present at his burial and witnessed the universal demonstration, the grand outpouring of the people of Mobile to do honor to their distinguished Representative, to pay the last tribute of respect to one whom they had esteemed and honored in life. From the church to the cemetery the streets were alive with thousands of people, all classes, both races, the aged and the young. The various military organizations, secret societies, orders, and associations of the city followed the cortege to the grave. This demonstration told unmistakably and truly how he was loved at his home. He had lived with them from early manhood; with them he had commenced his professional career; they had watched his course through life with pride and admiration. They knew him well. They loved him for his sterling worth, the purity of his character, the sincerity of his friendship, for that noble, true, generous, and liberal heart that beat within his breast. As we stood around his grave there was another pleasing incident. The floral offerings, numerous and beautiful designs of rare flowers, covered the casket. After it was lowered to its last resting-place and all was over, garlands of choicest flowers, wrought by fair hands, encircled his grave. This pure, chaste, and beautiful offering from the daughters of Mobile spoke more eloquently than words how he was loved by his people at home, a people who will hold him in memory as fragrant as the magnolia groves that line the bay shore where he now quietly, peacefully, and calmly sleeps.

Mr. HORR. It falls to my lot to do perhaps an unusual thing, and that is to talk for a few moments to the members of the House in reference to our deceased brother and friend without that preparation which is usually made for such occasions. I shall make this attempt simply because of my respect for Mr. HERNDON, and my lack of preparation arises entirely from the fact that my other duties have been such that it has been impossible for me to find time to do what I should like to have done. Therefore, whatever I may say upon this occasion, while it may lack the finish which is due to such an occasion, will perhaps have one advantage—it will be simply what comes into my mind from the memories that cluster around the name of our departed friend.

Mr. Speaker, we learn but little of the real character of men as we serve with them upon the floor of this House. What I mean is this: That here it is always a sort of intellectual arena—a sort of fight which simply brings out one-half or one side of a man, so that you may serve here with a member year in and year out and yet know little of the qualities which go to make up his real character. Some one has said, I do not know who, that no one ever knows a person well unless he lives in the family with him, sees him in his own home, meets him in the little every-day affairs of life; and I sometimes think that perhaps that is in every respect true.

But while we do learn but little of men as we meet them here from day to day on the floor of the House, is it not equally true that we do often come to know men well with whom we serve upon the active, laborious committees of this House? For two years I served with Mr. HERNDON upon the Committee on Commerce. It was a laborious committee. I had there the opportunity to meet him almost every day of the session; for in the Forty-seventh Congress we were at work constantly in that committee. In that way I think I learned more of his character than I could have learned by meeting him on the floor of this House in perhaps ten years' service. During those entire two years, Mr. Speaker, I do not recollect a single instance of anything but the most pleasant relations between Mr. HERNDON and every member of the committee. And what is perhaps still stranger, while he and I differed as widely as two men could differ on questions of politics, I do not now remember to have had the least difference with him on any question of business, and that committee, as you all know, was devoted entirely to business, to the development of the business interests of the country.

I very well remember the last time that I ever saw him. The committee had been postponing for days matters which pertained to his State and district on account of his illness in order that we might receive from him his wishes as to the different matters before the committee. He finally came in—feeble, but with the same quiet, unobtrusive manner that so attached to him every member of the committee. And I recollect, as he went over the list and pointed out the instances in which his people were affected by the legislation we were proposing, how careful and conscientious he was to demand only what his people ought to have. And I reveal no secrets of the committee when I say that in a list of twenty requests we adopted without a dissenting voice every one of his recommendations. He was a safe man to follow. He was a man whose head was always level, and whose judgment was accurate on questions of public business or public policy.

Some of you gentlemen around me here who were his neighbors will no doubt speak of Mr. HERNDON as you knew him socially. I knew nothing of his family relations; but from my intimate acquaintance with him during those two years of laborious committee service I feel the utmost confidence in saying that he was a kind father and an excellent husband. And when you have said that of a man you have said more than when you call him a statesman. A great many men have been statesmen who have not been the best of citizens. But there was never a man who was the best of citizens, a kind father and husband, who might not have been, if given the opportunity, an excellent statesman.

I look back upon my relations with Mr. HERNDON as among the pleasant recollections of my life. I revere his memory simply for those quiet, sterling qualities which in our every-day life we recognize as the elements that dignify and ennoble the character of men in the genuine relations of life. More than this I could hardly say of any one; less than this I could not say of my friend, Mr. HERNDON, and do him justice or do justice to my own feelings toward him.

Mr. DOWD. Mr. Speaker, it is related of an eminent English statesman that, being about to sit for his portrait, he was interrogated by the artist with reference to certain splotches on his face, whether they should appear in the picture or not, he answered with emphasis, "Paint me as I am, blemishes and all." And when the late Governor Graham, of

my own State, had delivered a well-considered eulogy upon the life and character of Hon. George E. Badger, being asked why he had not been more fulsome and ornate in his descriptions and characterizations, his reply was:

> It was not my purpose to see what a flaming picture I could draw, nor to make a grandiloquent sketch of an ideal orator, lawyer, and statesman, suited to no one in particular; but I was trying to describe George E. Badger just as he was, to draw a picture that would look like him and nobody else.

So in this instance. The highest eulogy that could be pronounced upon THOMAS H. HERNDON would be to describe him just as he was.

Whether as the youthful orator in his graduating speech, declaiming in tones of thrilling and fiery eloquence upon that patriotic sentiment, "Our country, right or wrong;" whether as the slender and handsome bridegroom, 20 years of age, leading to the altar a lovely bride of only 16 summers; whether as the young husband and father, kissing adieu to his wife and children and hastening to the front at the sound of war; whether lifting his voice above the din of battle and dauntlessly leading his comrades into the very vortex of destruction and death, or lying upon a soldier's couch, pale and exhausted from fractured limbs and loss of blood; whether thoughtful and grave over the problem of reconstruction or bearing down carpetbagism with the terrific force of his invective and ridicule; whether as the young barrister or maturer lawyer; whether in victory or defeat; whether rolling in pain and torture at his hotel while a member of this House or cracking jokes to groups of members and pages in the corridors and behind the railing in this Hall, wherever he was, whatever he was doing, his highest praise, his best eulogy, would be to hold him up before the public and let him appear *ipsum ipsissimum* THOMAS H. HERNDON, just as he was.

It is not my purpose to make any extended sketch of the life and public services of the deceased, nor to dwell at length upon the topics suggested by this occasion. I shall only refer very briefly to some of the leading events in his life and mention a few of his many excellent traits of character.

His father was a Virginian, born in Spottsylvania in 1794. At the age of 16 he came to Washington to seek employment, and formed the friendship of Gales & Seaton of the old National Intelligencer, and retained that friendship unabated through life.

His mother was a daughter of Judge Henry Toulmin, of an old English family who fled from the persecutions of the reign of the Second James and sought repose as well as political and religious liberty in the new colonies, settling first in Kentucky and afterward upon the Tombigbee, in Alabama. Judge Toulmin, the maternal grandfather, was a man of marked ability. In Kentucky, in early life, he was secretary of state and compiler of the laws. In Mississippi, a few years later, he occupied a high judicial station, and won great distinction by his decisions of questions then attracting the attention of the whole country. And still later in life he held high positions in the State of Alabama, being engaged, as the last work of his long and useful life, by the Legislature of that State, to make a digest and compilation of its laws.

THOMAS H. HERNDON was born July 1, 1823. His father was a successful merchant and farmer, having settled after leaving Washington on the Black Warrior, in Erie, Green County. THOMAS was a bright and intellectual boy and had good advantages. One of his first teachers was Judge Sam Houston, still living in Mississippi. Having taken a preparatory course at La Grange, he entered the sophomore class in the University of Alabama at the age of 17. Graduating with distinction in 1847, he went in September of that year to Harvard College, Cambridge, Mass., where, in July, 1848, he took his degree of bachelor of laws. In December, 1848, he was married, being only a little more than 20 years of age and his bride 16.

Mrs. Herndon, his excellent and devoted wife, is a daughter of Dr. Abram Franklin Alexander, an eminent physician and a North Carolinian by birth, whose ancestors for several generations lived in the county of Mecklenburg, which I have the honor to represent in this House and to call my home. Doctor Alexander was the grandson of Abraham Alexander, the president of the series of meetings which formulated, and of the convention which in May, 1775, promulgated the Mecklenburg declaration of independence, more than a year in advance of the national declaration of July 4, 1776.

Mr. HERNDON early took an interest in politics. In 1851 he was the nominee of the Democratic party for the Legislature, and though the county had a large Whig majority he was defeated by only a few votes. In 1853 he moved to Mobile and became a member of the law firm of Chandler, Smith & Herndon, which had a large and successful practice. He was elected to the Legislature from Mobile in 1857, and was a member of the secession convention in 1860. On the breaking out of the war he entered the army with the rank of major and was soon promoted to that of colonel, and was twice severely wounded. After the close of the war he returned home and resumed the practice of the law, but soon became again engaged in politics. He was among the foremost in that desperate struggle which resulted in wresting the State of Alabama from the hordes of carpet-baggers and plunderers who had obtained control in the dismal period of reconstruction.

In 1872 he was the Democratic nominee for governor of the State, receiving the full party vote, but was defeated by a small majority. In 1876 he was again a member of the Legislature, and had a considerable following for United States Senator in the Democratic caucus when Senator MORGAN was nominated. He was elected a Representative to the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and died on the 28th day of March, 1883.

My acquaintance with Mr. HERNDON began with the Forty-seventh Congress, and, knowing him somewhat intimately, I should say his most prominent characteristic was his extreme amiability and mildness of temper. His cheerfulness seemed never to desert him.

A long, painful, and hopeless illness did not render him morose nor drive away the softness and sweetness of his disposition. And yet he was fond of life, and had the keenest relish of its pleasures. An earnest and faithful worker in whatever he had to do, he was yet fond of amusements and keenly enjoyed his hours of recreation. Patient of labor, enduring with fortitude the cares and toils of life, he did not scorn its delights nor refuse to pluck a rose on his pathway because, forsooth, he might encounter a thorn. He seemed to appreciate the philosophy of life and pleasure as typified in the familiar stanzas:

There's a ripple of rhyme
On the river of time,
As it floats thro' the years and the ages,
And a sunny gleam
Or a golden dream
On the saddest of life's sad pages.

There's a sad refrain
To the sweetest strain,
The longest day soon closes;
And so we'll take,
For their sweet sake,
The thorns 'mid life's sweet roses.

The daylight fades
In deepest shades,
And life has many phases;
The falling dew
And sunbeams, too,
Make buttercups and daisies.

In his friendships he was both ardent and steadfast. Warm-hearted and genial, close and confidential with his friends, he united dignity with complaisance in that rare proportion which at once commands the highest respect and the warmest affection. It was only the beautiful and the good in the world that seemed to have any affinity for him. It was impossible for him to have an enemy, as there was no place in his heart for envy or hatred or malice.

To his life has flow'd
From its mysterious urn a sacred stream,
In whose calm depth the beautiful and pure
Alone are mirror'd.

With all this gentleness and softness of heart he adhered to principle with the firmness and heroism of a stoic, and he was as open and frank with an adversary as he was close and confidential with a friend, "as gentle as a woman—as stalwart as a grenadier."

In his marriage he was most fortunate. His wife was indeed a helpmeet for him. Engaged when he was 19 and she 15, it could have been nothing but a love match; and no two hearts could have been more closely united or two dispositions more perfectly assimilated and blended than theirs. Much of his success in life was due to the strong sense and inspiring devotion of his faithful wife. In the field of his enterprises and labors she was ever his bright incentive, in adversity his stay and support, in the hour of triumph she was his pride and his joy, and in affliction and sorrow his solace and comforter.

As their young hearts were cemented in the enchanted season of early love, so their wedded life seems to have been an unbroken spell of love. Theirs was truly a love-life. In a recent letter written with reference to this occasion, Mrs. Herndon uses this emphatic language:

> I feel that I should be more resigned to God's will in this sad bereavement because of the long, happy, and blissful life I have enjoyed.

To them love must have been the morning and evening star and the bright bow to span all the dark clouds that overhang the journey of life. It blazed upon the marriage altar and shed its radiance upon the peaceful tomb. In their home it was the source of beauty, the parent of melody, and its voice was music. It was the builder of their every hope, "the magician that changes worthless things to joy and makes right royal kings and queens of common clay; the perfume of that wondrous flower, the heart—a sacred passion without which we are less than beasts and with which earth is heaven and we are gods."

Mr. Speaker, there is no appeal from that inexorable decree which dooms us all to death. Generations of men will appear and disappear as spring and autumn and day and night, and the multitudes which now people the earth will soon be gone, as the flight of sparrows or the mists of the morning. Death is the antagonism of life, and the thought of the tomb is the skeleton at every feast. We do not want to go down into the dark valley, although its gloomy passages may lead to perennial sunshine and happiness—

For in that sleep of death what dreams may come,
When we have shuffled off this mortal coil,
Must give us pause.
* * * * *
The dread of something after death,
The undiscover'd country, from whose bourn
No traveler returns, puzzles the will;
And makes us rather bear those ills we have,
Than fly to others that we know not of.

The hope of immortality was eloquently uttered by the death-devoted Greek in the beautiful dream of "Ion," and finds a deep response in every thoughtful heart. When about to yield his life a sacrifice to fate, his Clemanthe asked if they should meet again, and his response was, "That dreadful question I have asked of the hills that look eternal, of the clear streams that flow forever, and of the stars among whose azure fields the raised spirits walk in glory."

Mr. CULBERSON, of Texas Mr. Speaker, the history of the life and eminent career of Mr. HERNDON has been well told by those who have preceded me, and I come now only to express my sorrow for his loss and to offer a brief but sincere tribute to his virtues and his memory. I was reared in the State of Alabama, and from my earliest boyhood whatever concerned the well-being and honor of that State or the character, virtues, and lives of her prominent men has been of great interest to me.

Although I had never met Mr. HERNDON until the organization of the Forty-sixth Congress, his character and public services and his eminent career were all well known to me. I was prepared to appreciate his inestimable worth. Our personal acquaintance began with that Congress, and our personal relations soon became most intimate and friendly. He was my friend, and when his bright life closed in death I sincerely deplored his loss.

Mr. HERNDON was no ordinary man. In private and social life he was a charming companion. He was the pride and admiration of every circle of friends. His finely cultured mind, the warmth and frankness of his genial nature, and his pleasing manners gave him a cordial welcome to every social circle. Indeed, in every element that ennobles human nature none excelled him, and no one in all the range of my acquaintance seemed to possess in such a remarkable degree all of those qualities of head and heart that make human nature lovable. There was no station in life for which he was unfitted, and none filled by him he did not adorn by his learning, ennoble by his virtue, and endear by his pleasing manner.

He was a thorough and accomplished lawyer, and was greatly devoted to his profession. At the very outset of his professional career he took rank among the foremost members of the bar of Alabama, then and now renowned throughout the Southwest for its thorough learning and integrity. His mind was incisive, analytical, and thorough. Though he possessed genius of the highest order, he reached his conclusions after patient consideration, and when reached he had the courage of his convictions, and maintained them with all the fervor and power of his nature. He was indeed an ornament to the legal profession, and his eminent career as a lawyer is worthy of the highest emulation.

As a soldier serving the "lost cause" his noble characteristics shone resplendently. Whether in the pride and pomp of the opening of the great struggle between the sections, in the suffering and privations of actual war, or upon the battlefield, or in the gloom and disaster of defeat, he was the same true, hopeful, and devoted patriot, beloved by all. In all the ranks of that great army that went to battle inspired by what it deemed a patriotic duty there was none gentler, braver, truer than the lamented HERNDON.

His name in camp and field was the synonym of all that is heroic in courage, noble in patriotic devotion to duty, magnanimous in victory, or hopeful in defeat. He loved his home, his native State, with more than filial devotion, and served her cause in peace and war with all the energy of his tireless nature. When the noble deeds of the sons of Alabama in that great struggle shall be gathered up by the historian there will be no brighter, purer, or lovelier chapter than that which shall record the sacrifices, the unselfish love of home and country, the indomitable courage and fortitude of her gifted son whose virtues we commemorate and whose death we now deplore.

His devotion to Alabama cost him years of physical pain, and finally his life. A wound received upon the battlefield shattered his frail form. Surgery was powerless to repair the injury. Year by year he walked in the very shadow of death. At last, in the meridian of his useful life, his spirit yielded to the conqueror, and one more victim lay upon the altar of patriotic duty.

When the war closed Mr. HERNDON returned to his home in the lovely city of Mobile and resumed the practice of the law. The vicissitudes and results of the war had swept away his fortune. He carried the wound which daily wasted his vital energies, but neither adversity nor privation nor wounded health broke his manly spirit. Success crowned his toil.

He was not, however, permitted to enjoy but for a short time the quiet and comforts of private life and the undivided pursuit of his profession, so congenial to his tastes and nature. Alabama had entered upon the most critical period of her history. She was in the jaws of reconstruction. The wisdom of his counsel was demanded in the service of the State. With that self-denial which ever characterized his eventful life, he abandoned his private business and entered the Legislature of Alabama. This occasion forbids allusion to partisan or political subjects that would mar its solemnities. In the presence of a common loss and a universal grief the voice of party is hushed, and eulogy records the merits which all alike concede. His election to Congress was a fitting recognition of the great service he rendered his people and State in the days of their trial, and with what industry, fidelity, and intelligence he served his constituents his colleagues bear willing testimony to-day.

Mr. HERNDON was not a politician in the ordinary acceptation of that character, but he was a scholar, an accomplished lawyer, a brave and generous soldier, and cultured statesman. He scorned, as unworthy his noble nature, the ordinary arts of the politician and the misleading artifices of the demagogue. He was a profound and independent thinker and maintained under all circumstances the courage of his convictions. His frail and wasted physical condition in some degree unfitted him for an equal part in the ordinary tumultuary proceedings of the House of Representatives, but in all those departments of labor devolved upon a member of Congress in which laws are primarily shaped and policies determined, in the council chambers of committees, in party conferences, he was the peer of any member who sat with him upon this floor.

Mr. Speaker, the family circle composed of husband, wife, daughters and sons, broken by the death of our friend, was a true type of domestic happiness. Whatever of the gloom of adversity obtruded upon it, whatever of disquiet and solicitude invaded its sacred precincts, was speedily expelled by the presence of its head.

His countenance was sunshine itself, his voice the expression of confiding love, and his deportment, under all circumstances, the offspring of the nobility of human nature.

He was a devoted husband—gentle, kind, and confiding; a generous, indulgent, loving father. All these virtues, and more, impressed themselves upon the modest home of that bright and happy circle. The gloom which now enshrouds that once happy home tells in unmistakable language the irreparable loss of wife and children, and proclaims in silent eloquence the virtues of the lamented dead.

Mr. HENDERSON, of Illinois. Mr. Speaker, it is not my purpose at this time to speak at any length of the life and character of the late THOMAS H. HERNDON. That has been done by others who are more familiar with his character and better prepared to speak of his many virtues than I am.

My acquaintance with Mr. HERNDON began soon after he became a member of this body, and was brought about by a similarity of names, on account of which I often received his letters and opened them through mistake, and he quite as often received and opened mine. And in this way an acquaintance began between us which became quite intimate and cordial, so much so that it was with much regret and sorrow I heard the sad intelligence of his death.

But, Mr. Speaker, I have only intended on this occasion to express the respect which I entertained for Mr. HERNDON, and to say that in all my acquaintance and association with him he always impressed me as a man of the highest and noblest character.

I never had the honor of serving upon any of the committees of the House with Mr. HERNDON. Nor did our legislative duties bring us in contact with each other very often. But I had opportunities to observe and did observe his deportment here as a member of this House, and I always found him to be, as my friend from Alabama [Mr. JONES] has said, a perfect gentleman. He was quiet, dignified, honorable in his intercourse with his fellow-members, and able and faithful in the discharge of his public duties. I have been impressed with the belief that owing to failing health Mr. HERNDON never exhibited to the House fully the ability, the high and manly qualities which he really possessed. But certainly, Mr. Speaker, no one who observed the amiable character, the exemplary life of Mr. HERNDON could fail to respect and admire the man for his many noble qualities.

I will detain the House but a moment longer. I only desired, as I have said, to pay a brief tribute to the memory of Mr. HERNDON, and in conclusion will say that I shall always remember him as one whose character it was profitable to study. He was a man of ability and sterling worth; a gentleman who brought to the discharge of all his public duties the highest integrity and fidelity, and we but honor ourselves in cherishing his memory.

Mr. HERBERT. Mr. Speaker, THOMAS H. HERNDON was a typical Southerner, one of that class we proudly point to as the outgrowth of Southern civilization. There is not a virtue that embellishes true manhood that did not find in him a perfect exemplification.

He was modest as a woman, tender as a girl, brave as a lion, generous to a fault, and, amid all the vicissitudes of an eventful life, whether radiant among his friends in the calm sunshine of peace, or in the vanguard of his comrades breasting the dark storm-clouds of war, he was absolutely true to his convictions of right. His character shone like a star, and like a planet in the heavens it became brighter and brighter as the night grew darker.

Intellectually he was not so pre-eminent, and yet he was possessed of distinguished ability. He was highly efficient as a legislator and devoted to the interests of his constituents; but ill health impaired his usefulness when a member of this House. He was a successful lawyer, clear in his perception of legal propositions and forceful in their statement. Here as everywhere his character came to his aid. He enjoyed the confidence of all men, and this gave him weight as a jurist and effectiveness as an advocate. In sarcasm he had the power to excel,

but he restrained himself. His wit sometimes flashed and cut like a falchion, but he carried it as a sword asleep in its scabbard. The casual acquaintance seldom knew he possessed it. He also had fine executive capacity. In the dark days that came upon the South in 1867–'68, when in the South began that terrible political struggle which culminated in the great campaign of 1874, when of those who believed with him the stoutest hearts had lost hope, HERNDON came to the front, an appointed leader, and to him more than any other was his party in the beautiful city of Mobile indebted for the grand triumph it ultimately won. For his devotion, his patriotism, his unselfishness the people loved him, and as they loved him so he loved them.

Mr. Speaker, it has been my melancholy pleasure to attend two great funerals. I was at Cleveland, Ohio, where so many of the American people were gathered around the bier of the murdered Garfield. Never did the pomp and pride and luxury of grief find more fitting illustration. As I looked on the vast sea of humanity that surged to and fro it seemed as if the North and the South, the East and the West had met on one common ground. As the eye ran over the floral decorations, it appeared that Mother Earth had given up all her flowers that the florist might weave them into forms of beauty in honor of a favorite son; and when the black plumes waved and the grand cavalcade moved, and Euclid avenue, the most beautiful street in America, was packed for miles and miles with the procession, civic and military, that pageant was a revelation—a testimonial to the genius of the dead statesman the like of which eye had never seen before.

Mr. Speaker, there was grief there; the Union was mourning over the victim of the assassin. But, sir, there was something more than grief. The place that had been vacated was too great, the occasion was too momentus, the elements comprising it were too diverse, to permit that vast assembly to be animated solely by a single impulse. Even under the shadow of the tomb, though the thrill of horror that followed the shot of the murderer yet vibrated in the hearts of the people, there were hope and fear and wonderment and other impulses contending with the grief that permeated that mighty concourse of people.

Two years later I attended the other funeral. It was a beautiful April morning in a quiet Southern city by the sea. No tragedy had brought about the death of him we had come to bury. Human hands had not assailed, but human aid had been exhausted in the effort to save. He had died quietly at home, amid kindred and friends, the victim of a slow, merciless, incurable disease. If it had been possible, expectation had discounted grief.

He was not a great orator, whose words had rung over the Union. He was not a dead President; none came out of curiosity to see the face of the great man for the first time; but every home in that city seemed as silent as the grave. Its more than thirty thousand people had gathered to bury a dear, familiar friend. One impulse animated all; everywhere the paraphernalia of woe; everywhere flowers, tokens of affection; in every face of high or low, rich or poor, the signs of sadness and sorrow. It was a touching sight to see the merchant, the lawyer, the laborer, the old and the young, the white and the colored man pass one by one around the coffin, each taking a last sad look at the face of him who was the friend of all.

And so with mingled grief we laid our dead colleague away to sleep among the flowers. Rest thee, HERNDON! Your life was as beautiful as the flowers of the field, and it teaches a lesson that will not like them fade away and die.

Mr. SHELLEY. Mr. Speaker, THOMAS HOOD HERNDON was born at the village of Erie, on the Warrior River, in Green County, Alabama, on the 1st day of July, 1828, and died at Mobile, Ala., on the 28th day of March, 1883. He spent his boyhood at the place of his nativity, surrounded by the best influences of a home abounding in all that can refine the heart, improve the intellect, exalt the character, and develop manhood. From there he went to the State University, at Tuscaloosa, where he graduated in the year 1847. He read law with Hon. Joseph W. Taylor, a distinguished lawyer and orator, and at Harvard, and was admitted to the bar in 1849. He settled at the town of Eutaw, in his native county. Before he reached the years of maturity he was an ardent Democrat. He took an active interest in politics and became associate editor of the Eutaw Democrat, of whose editorial columns he had entire charge during the exciting times of 1850.

In 1851 he was elected a member of the house of representatives of the State Legislature and served for one year. During the month of September of that year he wrote a series of letters, over the signature of "John Taylor of Carolina," to the Montgomery Advertiser and Gazette, which exhibited his varied learning and brilliant literary attainments. After the expiration of his term in the Legislature he returned to his home and devoted his time to his profession, without any abatement, however, of his deep interest in the politics of the country.

In the year 1853 he removed to Mobile, and in the year 1857 was elected by the Democratic party to represent Mobile County in the lower house of the State Legislature. He returned to Eutaw in 1859, and was chosen in 1860 a delegate with Hon. James D. Webb to represent Green County in the secession convention of the State of Alabama. He was conspicuous as a leader of the younger members of the convention, among whom were many of the most brilliant young men of the State.

As soon as possible after the adjournment of the convention he entered the confederate army as major of the Thirty-sixth Alabama Infantry. He was afterward chosen colonel of that regiment and served with that rank until the close of the war. He was distinguished for high courage and gallantry as a soldier. He was wounded at the battles of Chickamauga and Atlanta, and surrendered at Meridian, Miss. After the close of the war he settled again at Mobile, where he engaged actively in the practice of the law, in partnership with his brother-in-law, Col. Robert H. Smith, the firm doing the leading practice in the city.

Colonel HERNDON never shirked the duties of a good citizen; consequently the drafts made upon him by his fellow-citizens, which were constant and heavy, were always promptly met. He was chosen president of the central council of the Democratic party of Mobile County in 1868, during the Presidential campaign of that year, in which position he displayed rare executive capacity and eternal vigilance. He was nominated by the Democratic party for governor of Alabama in 1872, but was defeated by Hon. D. P. Lewis, the Republican nominee, after a heated campaign, in which he fully sustained his reputation as a brilliant debater and enlightened statesman.

In September, 1876, Colonel HERNDON was chosen by his fellow-citizens of Mobile County as one of the delegates to represent that county in the constitutional convention which framed the present constitution of the State of Alabama. He was chairman of the committee on the executive department, and the people of the State are probably more largely indebted to him than any other delegate for the compact and methodical manner in which that constitution now exists.

Colonel HERNDON was again elected a member of the house of representatives of the State Legislature from Mobile County in November, 1876, and served as chairman of the judiciary committee of that body. He received a very complimentary vote in the Legislature that year for United States Senator.

He was first chosen a member of this House in November, 1878. He received the nomination from the convention of his party while absent from the State, without solicitation. He hesitated to accept the nomination, notwithstanding the complimentary manner in which it had been tendered, as by its acceptance he sacrificed a large and very lucrative law practice. The record which he made during his service here is known to the country.

Mr. Speaker, with my feeble words I feel that I will not be able to do justice to the character of my dead friend. Sublime in his courage, exalted in his ambition, noble in his patriotism, pure in his instincts, honorable in his actions, true in his friendships, THOMAS H. HERNDON combined in his character more of the human virtues and graces than any man I ever knew. His courage manifested itself in the very beginning of his career, and was always a conspicuous element in his character. Born of pure motives and lofty aspirations, it sustained him in the pursuits of private life and in the discharge of public duties, and enabled him to do right always, even in opposition to popular sentiment. Guided by wisdom and prudence, quickened by a sensitive conscience, he confronted danger when encountered in the discharge of duty with a calm fearlessness that made him invincible.

His ambition was of that exalted kind which lifts a man above mere personal considerations. He accepted position more to enlarge his field and increase his powers of usefulness than to gratify selfish ends. He was not indifferent to popular applause, but he never sought it. His highest ambition was to do his duty well. His patriotism was instinctive. He loved his country with devotion. He believed in her republican institutions, and favored the largest degree of liberty consistent with the good of society and the well-being of the citizen. At the same time he recognized the claims of Government upon the citizen, and was ever prompt to respond to the call of public duty—to spend and be spent in the service of his country.

In his actions he was ever honorable. His appreciative sense of honor led him to make any sacrifice for its vindication, for he was utterly incapable of doing a dishonorable act. In his nature he was refined. His instincts were pure, his feelings cultivated. He was a rare combination of bravery, tenderness, and truth. In his friendships he was sincere and faithful. No man ever enjoyed his friendship who was not impressed with the nobility of his character and the fidelity of his nature. His intellectual attainments were of a high order. He did not have that rugged strength of intellect which attracts attention by its brusqueness rather than its force, but his mind possessed all the elements of intellectuality in their purest form and so well organized that he enjoyed powers far above most men. To these great natural gifts, improved and strengthened by industrious and careful culture, may be ascribed the large measure of success which he attained in the various walks of life. His exalted character, his intellectual powers, his extensive and varied learning, his brilliant literary attainments, united with his industrious, systematic, and painstaking habits, gave him capabilities for usefulness that bore abundant fruit all through his active life.

His life was devoted to public interests. He loved his native State, and his best years were given to her service. In peace and in war his wisdom and courage have made their impress upon every page of her history. To him as much as to any other man in the State are we in-

debted for the restoration of our government to the control of our intelligent and virtuous classes. To his wisdom and patriotism we owe many of the wisest provisions in our present State constitution.

Alabama will always hold in grateful remembrance the valuable services of her gifted son, whose courage so strikingly illustrated her manhood and whose wise counsels contributed so largely to her prosperity and the advancement of her civilization.

My personal relations with Colonel HERNDON can not be described in language. I loved him as I loved my own soul. Drawn to him by a mysterious power which I could not resist, the feelings, aspirations, and secrets of my heart were confided to him with perfect faith. His tender sympathy was my consolation in the hour of my sorrows; his thoughtful advice was my ready assistance in the hour of trouble. I miss his friendship; I miss his love. He is gone; he is dead. He has crossed over the river and is resting gently in the shade of the tree of eternal life. His toils and his sorrows are ended. He is now gathering the fruits of his great and good life. The joys of heaven are his.

Decorated with a crown of glory, the reward of the virtues which adorned his pure life here, he awaits us beyond the grave. May God help me so to live that when this life is ended I may be permitted to join him in that haven of rest, where friendship and love which united us here may be revived and intensified through all eternity.

Mr. OATES. Mr. Speaker, that day in a man's destiny which is like no other is his death day, "a transition out of visible time into invisible eternity," and if not to be lamented, because the inevitable for all, yet it awakens a feeling of awe and deepest interest in the hearts of all, who must experience profound sorrow when one of the best and most useful is called hence. After what has been so well said concerning the character and virtues of my late colleague I fear that anything I may add will but mar the beautiful imagery and pathetic eloquence which have been expressed in words as perspicuous, pure, and select as the characteristics of him whose career they so faithfully portray.

But, sir, I knew and loved him too well to remain silent when the last sad tributes here in this grand old Hall where he served his people and country long and faithfully are being paid to his memory. No eulogium, however high; no feeling we can express, however deep; no praise we can utter, however extravagant, can benefit him now or add to his spotless name; that is as unsullied and enduring as the placid waters of the beautiful bay on whose shores he lived and loved so well and where his honored ashes now repose.

As the great rock in mid-ocean serves as the eternal beacon to the mariner, so his solid character stands a model, challenging emulation by the young men of his native Alabama. His scholarly attainments and thorough elementary training made him an accurate logician and gave him reputation as a lawyer. He was a sensible talker rather than an eloquent speaker. He was less ornate than solid. He knew that in this practical age eloquence of speech is of secondary importance to scope and variety of knowledge; but the delicacy of his constitution limited his research and hindered his progress. Of medium height, slender stature, and sallow complexion, his manner, while civil, respectful, and dignified, was also classical, clerical, and proud, rather than cordial; hence with those who did not know him well he was not popular. But beneath his cold exterior there was nowhere a warmer, more generous, sympathetic, or braver heart.

He was of high social qualities. His hospitality and liberality were bounded only by the extent of his means. If he had a fault—and who has not?—it was prodigality for his family and friends. To know him was to love him, and with those who knew him he was immensely popular.

My acquaintance with him began in 1867, and during the four succeeding years we served together on the Democratic State executive committee. In comprehensiveness and breadth of thought he was equaled by few, and in executive ability surpassed by none. In 1872 he was my successful rival for the Democratic nomination for governor of Alabama. But this, instead of estranging us, as such rivalries too frequently do, made us faster friends. During the sixteen years of our acquaintance our friendship grew stronger, and was attested by tears at our final separation.

Novalis, a German writer, has said that a strong character is but a completely fashioned will. This found illustration in my late lamented colleague. His intellect was the servant of his will. That deep conviction, that firm resolve, like the electric lamp on the Dome of the Capitol, shed its gentle yet steady effulgence on all around him and won their admiration.

Brilliant intellects with deficient will-power are too often like the threads of silver ore which lie scattered here and there, dazzling and encouraging by their brilliancy and surface richness, but, alas! when the deluded miner's expectancy is at its zenith the vein vanishes and his hope sinks with it. But that of my departed friend—light placer on the surface—deep down was a Comstock lode. The strong will is the strong man.

His devoted wife and grief-stricken orphans remain to cherish his name, but the loving husband, the indulgent and tender father, the true friend, the brave soldier, the wise statesman, the sterling patriot, the perfect gentleman, THOMAS HOOD HERNDON, is gone from us forever, leaving to his children the richest of all inheritances, a spotless reputation.

Mr. WILLIAMS. Mr. Speaker, the relation the cradle bears to the grave is painfully suggestive of both their near and natural kindredship. The one is succeeded by the other as surely as wave follows wave in the ebb and flow of the tide. The shrieks ushering into the family home the one unerringly foretell their approaching counter response in the wails at the brink of the other. The one is the known receptacle of our helpless loved ones for the time, the other for all remaining time.

In the one undisturbed quietude and repose are the conditions sought and fostered; in the other attained in a spell unbroken by our most pitiful endeavors. In the one we deposit the opening flowers of our love, sweetly dimpling in angelic beauty; in the other, their faded and dissolving forms, distressingly precious to our bleeding hearts. The one invokes our wakeful vigils for the continued vitality and healthful forthcoming of its loved occupants; the other our most agonizing solicitude for their revitality and immortal uprising. Around the one our hearts carol the lays of sweet affection and love; over the other afford heaven and earth incontestable proof of their depth and devotion.

This untiring devotion to the sleeping dead quickens into existence attendant *genii* standing upon the prostrate demon of skepticism, dissipating the clouds of his foul doubts wherewith he had sought to obscure the light of the star of Bethlehem, and proclaiming it all around the world that the love enkindled over the cradle will not expire or flicker, but shall survive with increased and increasing luster at and beyond the grave.

That the divine agency of the grave, in its exercises upon our hearts, is to our affections and love rather that of the crucible to the treasures of the refiner. That, phœnix-like, rising from the desolation and dust of that sorrowful and instrumental test, and free of all base alloy, our affections and love are divinely enstamped with the seal of an immortality proclaiming its birthright in the Heaven-ordained resolve to go to our loved ones by acting out through God's revealed means a—

> Life that shall send
> A challenge to its end,
> And when it comes say, Welcome, friend.

That this Heaven-ordained resolve, grounded in its firm foundation upon the immovable Rock of Ages, nurtures and commissions forthward the invigorated and entwining tendrils of our indestructible affections and love. That these tendrils, emanating from a sacred soil of the heart, not of the earth earthy, and wherein it is the pleasure of the divine Husbandman to culture his immortal exotics, lap over into the unknown world in pursuit of the absent loved ones, inspired by the truth of faith's conviction, that—

> Who in life's battle firm doth stand,
> Shall bear hope's tender blossoms
> Into the silent land.

That, in their ascending and unvarying course homeward, they will entwine and thread the golden trackway of faith up to that happy land that is fairer than day.

That, in the sweet by and by, and while awaiting us over there, they will be trailed by a faith reuniting our hearts in indissoluble ties with the dear loved ones gone before.

Could the innumerable tendrils of love, which throughout the ages have entwined their ascent homeward, all be unveiled to the human eye, if for an instant only, methinks the domain of space would glisten and glitter with their heaven-tinted weft and woof, while the boundless dome of the mansions of the blest would appear in the enchanting distance, canopied with their felicitous beauty and unrivaled splendor.

> O land! O land!
> For all the broken-hearted
> The mildest herald by our fate allotted
> Beckons, and with inverted torch doth stand
> To lead us with a gentle hand
> Unto the land of the great departed,
> Into the silent land!

What fragrant clusters of love's undying tendrils would be seen in that silent land, embosoming and embowering in their special entwinings the sweet and lovable spirit of the late and honorable THOMAS H. HERNDON, of Alabama, could only be dependent upon how many there were who came to a true knowledge of him while dwelling here upon the earth; for, Mr. Speaker, I hazard nothing in saying to those who truly knew him, none came to that knowledge but to love him.

Would that within range of subserviency to my call slumbered supernatural powers, the very inherent magnetism whereof when awakened evolved original and elaborate skill in the striking and refined tracings, the pure and delicate touch, and the polished, correct finish of subjects eliciting their transcendent dealing.

Even then would I barely be equal to the emergency of presenting him as he truly existed, than which no tongue or pencil ever descried a more pleasing and attractive image. Even then would I be trammeled with if not overcome by misgivings of success in an effort to hold him forth to those unfavored with a knowledge of his physical, mental, and moral outfit, robed in the grandeur of his finished and vivid portraiture. Powers thus scarcely less than miraculous in their exhibitions should at least be commanded to unveil to their enraptured

view his stately person, magnificent figure, manly face, and towering, polished brow, ornamented in the majesty of exquisite features, and wondrous in their enkindled and enkindling inspiration.

Prominent among these gems of nature's royalty were his eagle-beaming eyes, the luster whereof was irresistible in the fascinations of their unexcelled charms; his finely marked, well defined, extended mouth, whose thin, seamed, compressed lips utteringly bespoke volumes in character and will power; his well set, thoroughly architected Saxon nose, jaw, and chin, whose classic mold significantly indicated their inseparable attendance upon rare, luminous forces and well-grounded powers. I would alike be dependent upon that miraculous power for the ability to depict with a vitality corresponding to that of life his penetrating and captivating expression of countenance; his looks, which had something in them so superexcellent and that was so wanting in a name; expression and looks, generated and born of, nurtured and matured by the inspiring glow and light illuming and wreathing this blended association, this grand assemblage of facial features and parts, pronouncedly imposing in the display of his thoroughbred personage—a personage calmly reposing upon its conscious and unstinted strength, as it unfolded an entirety embodying the richest and rarest profusion of nature's unbounded liberality, promoting him to the high rank reserved for those enstamped with her marked favoritism, and sweetly inducing the conviction that none was ever more fashioned, favored, and finished after the divine creative image of his Maker.

In despair of attaining to the goal of an ambition invoked in the interest of a consummately achieved portraiture of him, I find myself remitted to the cheerless undertaking, and with faltering expectations of its fulfillment, of what I crave may at least suffice as an acceptably wrought reminder thereof—in pursuit of this last resort, I affirm, and what was so well known to those acquainted with him, that in the particulars mentioned, including withal his entire mental and physical confirmation, a total exemption therein from any deformity or blemish afforded the least significant feature in his prepossessing and brilliant array. In the meanwhile their clustered and inspiring beauties, their diffused and animating enchantment, sealed with nature's impress of rare forces and high-born powers, would have invested the most exacting and unyielding critic with a spirit of positive inhibition to all promptings, the least suggestive of any change whatever, in a make up and finish wherein all were so lovably harmonious, impressively engaging, and attractively majestic.

In his stately person, in his sinew and muscles, his nerve, energies, power, and bottom, Mr. HERNDON, like the eagle or thoroughbred courser, was unencumbered with any of the dross or incubus resulting from redundancy of physical matter. If in his person apparent delicacy was to be seen, it may well be remarked it was untrammeled with any latent physical or mental effeminacy. Manifestations unmistakable in their teachings abound in the texture and fiber of his heft and elements, foretelling his ample capacity for active labor, thought, and speed, interlinked with corresponding powers of elastic endurance, and that when brought into full play they would not fail to put upon their highest mettle any and all who essayed in the commendable if perilous task of continuing abreast with him.

In his grand figure he would have been a conceded and esteemed model for symmetry to have pursued and copied, while in his manners he was so courtly, in his action so unaffectedly dignified, and in his courtesies of standard and high breeding so sweet, he could have been successfully presented as their hailed preceptor, whose exemplary tutorage would have challenged the profound attention if not the unqualified approval of all. Moreover, in the particulars pertaining to pleasing neatness and commendable taste and tidiness he was, what all would have held him to be, a finished pattern, dispensing with suggestions of improvement.

From his bewitching countenance uniformly flashed and radiated a beaming and bright expression of intelligence, sparkling as the diamond. Indeed, he was in every particular and essential entering into and constituting his elements, finish, and polish, naught less in his brilliant display and superb excellencies than a veritable diamond of nature in the great multitude of the human race; one, according to our American taste, too superexcellent and invaluable in its ingredients and composition to be misapplied in associations or comparisons with crowns of royalty, and yet never more fitly in its impressive place than when immortally bedecking the divinely royal brow of its own maternity, Dame Nature.

Besides, this bright, intelligent expression acquired new and increasing luster and attractiveness from a wreathed and savored sweetness of temper, profusely gentle, kind, true, and manly; a temper and disposition highly relishable in its refreshing and revivifying influences to all mingling and associating with him. For his was inherently a genial and companionable nature, enticing and luring in its exhilarating savory and fragrancy, insomuch its happy effects would have been no more apparent and palatable had they been susceptible to and substantially realized by its fortunate recipients through the tests of their natural senses.

As a resulting out-turn, a natural and crowning finish to a combination so uniquely interesting, he embodied and prefaced an interwoven beauty of person and countenance, adjudging him rightly and decreeing him justly to be "a joy forever." This pronounced beauty, in which he was so strikingly arrayed, was attractively arresting, even to the listless observer favored only with a passing view, and who could not fail to render him the just homage of his involuntary admiration.

Superadded to all this wealth of his enrichment by these most enviable parts, traits, and characteristics was his pre-eminence as the soul of honor, truth, and unalloyed physical and moral courage. Indeed, he never looked, spoke, nor acted otherwise, and was thus marked and unerringly emblazoned to mankind, insomuch those little acted upon by these noble and ennobling attributes failed not to recognize and appreciate his birthright and divine title to them.

A most brilliant and eloquent son of America, deplorably prostrated upon the ground by the baneful effects of inebriate habits, was stumbled upon at night by one, then, now, and likely ever to be the most eminent of all her renowned jurists. In reply to his apologetic inquiry as to whom he had so regretfully thus offended, the recumbent brother, with eyes peering up into the presiding beauties of the evening firmament, and in a voice ringing out in the stilly night musical and touching, responded, "A fallen star, yet beautiful and brilliant in the dust." The star of Mr. HERNDON'S beauty and brilliancy, unsubjected to intrusions in the dust, moved grandly and triumphantly on in the safe and sublime orbit outlined by the King of all true nobility for nature's ordained barons of liberty, among whom he stood by divine right a born and towering chieftain.

His mental parts were pre-eminently appropriate, and exaltedly becoming in the endowment and adornment of our brother in his native dignity and truly majestic display, rather than as so feebly and inadequately herewith sketched. His innate and imperial mental forces were robustly muscular and active. Unconscious of burden therefrom, they were, in massive capability, equal to the most extended thought, and linking enforcing argumentation—for he was mentally stout, erectly balanced, and firmly planted by nature—upon the unwavering feet of an intuitive logician of magical skill and power.

His perceptive faculties, potently penetrating and pellucidly clear, were marshaled and presided over by no less a luminary than if continuously companionated with some morning star, one of a glittering host apparently bestudding his intellectual firmament. Likewise with his descriptive forces, equally acted upon from the same brilliant canopy, rendering them vividly photographic in their nature and verifying action, even so much the object or theme he sought to array seemed present with and visibly standing before you.

His exhaustless fund of startling and inimitable humor, his blistering and withering satire, and his soul-upheaving heart-melting pathos never failed to come to the front when occasion demanded, nor of robing his subject or theme in the attire and style suitable to and sufficiently substantial for a full journey down the columns and currents of enduring history. For the lightnings of genius flashed from his eyes no less perspicuously than the thunders of eloquence audibly pealed from his lips. His sense of the ridiculous was simply the keenest of the keen, while his tact in its exposure, through rib-testing exhibitions, could not have well been surpassed. When thus engaged his memorable part was upheld and sustained amid surroundings of ludicrous scenery, most adroitly arousing, in its arrangement by him, and performed in a manner never to be forgotten by the multitudes inexpressibly refreshed while thrown into unrestrainable hilarity thereat.

His fancy, or imagination, corruscating with the brilliancy infused from his mental firmament, and aboundingly intuitioned for all the grand purposes of illuming with the heat and glow of a promethian fire his mental furnace, of roseating his sublime thoughts and ideas in colors and beauties suitable to their natural dignity and correctly ascertained magnitude, did not, however, sway the scepter of power in his well-ordered and solid mind. It was subordinated to the enforced position of an ever-present and ready auxiliary to his sterner, more useful, and enduring forces—forces which exhumed and prepared the ore, forged and welded the grand links, constituting the steeled, marvelous, and resistless chain of ponderous argumentation and fiery logic; faculties capable, and with electric thought, of eliminating from his subject, and down to the bed-rock thereof, all whatsoever foreign thereto or incongruous therewith; intellectual instrumentalities fraught with the power in their chemicalizing action of dissolving down to its original units the constituent elements of that subject, of divining and displaying them, with whatever pertained or related thereto, in all its phases and bearings, and with an accuracy, fullness, and power at once heralding the presence and dealing of the master-magician spirit of the same; mentalities imbued with Vulcan strength in their intuitive grasp of the fruitful and exhaustive results flowing from his profound investigations and powerful analysis; and in their gigantic stretches of his sweeping and overwhelming combinations they upheld, marshaled, and thundered his deductions and conclusions with a perspicuity and an intensity of feeling and thought few if any would dare wantonly to provoke, and fewer still would volunteer to improve.

No renowned, invincible chieftain ever descried with more unerring certitude the line upon which to plant the legions of his bristling columns for the approaching fray and in more frightful array to the foe than, with a strategy born of Omnipotence, did he align the assemblage

of his grand mental marshals pending momentous struggles, invoking their rally around his talismanic banner. With a skill that was consummate and a tact that was supreme they were wielded and hurled upon the lines of the opposing forces with telling effect. No redoubtable knight upon the arena of a tournament, with his plumed fame rendering illustrious the legends of literature, and acting under a cordon of the inspiring eyes sparkling from the circles of assembled beauty and grace, ever displayed a more gallant mien and chivalric courage than did he unveil when, baring his helmet to the foe, he poised his trenchant blade, braced upon the lion-hearted breast of his indomitable will-power, and crowned with the dauntless majesty of his own native grandeur.

Powers so august and knightly in their brilliant array and action, so pronounced and defiant in their development and outcome, could have been no otherwise than manifestly and essentially Herculean in their origin. Their pre-eminence, however, was augmented in no inconsiderable degree by being the stalwart factors of a mind thoroughly organized and ramified in its unbounded area, height, and depth—factors rarely combined in one, whose unification was properly a notice to mankind of increase in their separately formidable but when aggregated their then accumulative and aggressive force. They were crowned with the prowess of a signal and vigorous training by, and a royal investiture in, the classic armory of thorough, finished scholastic attainments. Thus armed and equipped with all the needful instrumentalities for whatever contests that might arise, however heated, or to the hilt, if you please, he stood ever ready for the combat, and with his incisive weapons flashing with the burnished polish resultant from a thorough research, a profound investigation, and a wise understanding of his subject.

Mr. Speaker, generations will come and go before Alabama again may be able and equally so fortunate as to honor this Hall with the presence of another such son, another rarely endowed, exquisitely adorned, and wisely matured THOMAS H. HERNDON; one whose dutiful bearing toward and in her behalf was without complaint or reproach and above suspicion; one whose recognized relations to her, whether as a private citizen or a public servant, whether she was engulfed in the horrors of war or blissful in the possession of peace, whether reveling in prosperity's outturn or cast into the pits of adversity, could have been rendered no more pure, true, and filial in its sacredly fulfilled obligations and devotion than if borne toward the affectionate and honored mother of his birth; one who ever stood calmly ready to launch, with a heroism rivaling that of the bravest of the brave, his earnest, honest, and tireless endeavors even to the extremity of the pledge of his life, fortune, and sacred honor in the defense of her rights and the preservation of her untarnished fame; who was ever sagacious, wise, fearless, and faithful in all his acts in that behalf; ever unswerved or moved therein by selfish considerations other than those conspiring to her growth and prosperity; ever uncramped or acted upon thereby through any personal ambition other than in so far as it promised to promote her honor and glory; embedding his dauntless stand unyieldingly by her fortunes and honor, he contended with all the power of his regal forces for and by every honorable method attainable enforced, enlarged, and elevated her material, civil, social, and political existence and liberty as a great American Commonwealth, her constitutional duties, rights, privileges, and immunities as a proud State of this grand family union of States.

His unwavering devotion to, and unfaltering endeavors for, the good and glory of his own Commonwealth were not without their correlative blessings alike to all the other States; for the wholesome well-being of no member of the body politic could well be promoted without a resulting good therefrom to the entire membership even when not so intended. But, sir, it would be a rank injustice to his revered memory for lodgment to be suffered a conviction that the fervid patriotism, generating, nourishing, and maturing this sublime devotion to this unbounded interest in, the general welfare and honor of his own State, was confined alone to her borders or those of her soil.

Not wishing to encumber your time with a recital of his many private and public acts, and whose very essence was fraught with overwhelming refutations of an implication his instincts would have scorned and rebelled interminably against, allow me, with all becoming modesty, to suggest that the patriotism, like charity, its parent stem, which distills its benign influences and blessings profusely throughout the thresholds of its own borders, is the alone one ever yet commissioned by nature and countersigned by Heaven for a journey abroad; for that philanthropic visitation on which it was his bold and fond delight actively to engage, whose confines were never less contracted than the bounds of his own glorious country—yea, from the outposts of whose bounds it was his equal satisfaction unrefrainingly to wing his fruitful thoughts and blissful conceptions in the interest of the entire human family of the world, speeding them to an uncalled halt at the line defined by Deity as the exterior boundary of all finite advances; a boundary presenting not only an impassable barrier to all finite efforts, but also clearly defining the line of separation between the realizing present and the mysterious, unknown future, and whose alone extended limits constituted the only pent-up Utica known to his aggressive spirit in its towering career of his grandly superendowed powers.

The sunbeam sparkled with no more brightness to his radiant eye than to his illumed mind flashed and glittered the grand truth and its essential philosophy so sublimely expressed by Britain's world-renowned bard, when into words his pen ingemmed the undying utterance that—

> Heaven from all creatures hides the book of fate,
> All but the page prescribed, the present state;
> From brutes what men, from men what angels know,
> Or who could suffer being here below?
> The lamb thy riot dooms to bleed to-day,
> Had he thy reason would he skip and play?
> Pleased to the last, he crops the flowery food,
> And licks the hand just raised to shed his blood.
> Oh! blindness to the future kindly given,
> That each may tread the road marked out by Heaven,
> Who sees with equal eye, as God of all,
> A hero perish, or a sparrow fall;
> Atoms or systems into ruin hurled,
> And now a bubble burst, and now a world.

If in my feeble efforts thus far made in the display of our brother you have failed to see him grappling in tireless heroism with all the difficulties and troubles encountering the usefulness and honor of his pathway in life; if you have not seen him standing upon and master of the highest eminence of human thought attainable by finite capacity; if you have not seen him in the throes of a genius, pressing restively upon the limits prescribed to finite endeavors for room wherein to afford vent to cramped powers, with a mettle, physical, mental, and moral, no counterfeit in mankind could face, any more than darkness can confront the silvery dawn of light; with a devotion to right calmly unshaken by the prospects of immediate death; with a disinterested care and concern for the well-being of his species, obscuring self entirely from view, then, and indeed, have I failed to remind you whatever of him. These were priceless muniments of his more than enriched heritage. They were his birthright, descending as heirlooms from an ancestry who preserved them unimpaired and untarnished, and by him they have been alike transmitted to his own blood.

He descended from a lineage immortalized, more than a quarter of a century ago, by William Lewis Herndon, of the United States Navy, who sealed his devotion to duty with his life while in command of the mail steamship Central America. That noble sire, of the lines of lineage from whence our brother hailed, had passed through a terrific hurricane at sea only to find his craft disabled and irremediably sinking. Eliciting aid from some small vessels, happily in sight, he effected the safety of about one-fourth of the six hundred passengers and crew aboard the doomed craft, and to one thus escaping from her deplorable fate he committed his watch and other keepsakes consigned to his wife, then a resident of this city and the mother of the late and lamented consort of our present and highly esteemed most excellent President.

The abandonment of his sinking craft, with nearly five hundred souls yet remaining aboard and unprovided for, was so wholly at variance with his keen sense of the honor due to his country's service, that he remained upon her deck, wedded in death to his post of duty. The last seen of him by those escaping a watery grave through the aid of his unselfish and supremely noble nature was his proud person, clad in the full uniform of his rank and service, erectly standing at the wheel-house of his fast disappearing steamer. In this position undaunted he stood until the waters had passed over and closed forever from their view this commander of heroic blood. In language somewhat after that of another, may I not say—

> While he asked not that fame should his merits rehearse,
> Though he asked not a shaft to be sculptured in verse,
> The world beheld, in his stand, as he gave up the ghost,
> Blood, heroic to the last, when he went down at his post.

Among the "full many gems of purest rays serene the dark unfathomed caves of ocean" will reveal to the light of the last day, none will measure higher in the peerage of deathless devotion to the post of duty, ever the post of honor, than that of William Lewis Herndon.

The blush of shame should mantle the fair cheek of our country at the thought that until this day no monumental tribute has been reared to the imperishable memory of one who held that country's honor infinitely higher than he did his life. Such was the heroic blood coursing the blue veins and animating the big heart and brainy power of our deceased brother, the deserved kinsman of the immortal commander of the ill-fated Central America.

Sir, may I not, without the indulgence of any undue pride, mingle congratulations with my condolences to Alabama in her good fortune to have afforded this House and the world a specimen of our race so rare, noble, and commendable, and whose relation to her, be it said to her honor, though it may add to the poignancy of her grief, "was to the manner born?" His treasured dust rests and mingles with the perennially swarded, the flowery-odorized soil from whence it hailed. And the precious spot wherein that priceless dust is entombed will be pyramided by the hearts of her people in more arousing, enduring grandeur, and with more pulsating, thrilling expression of thought and feeling than was ever inspired or prompted by any of those materialized, stupendous structures of the East.

Mr. Speaker, however inscrutable the decrees of an all-wise Providence may appear to our finite capacity, the unconditional and trust-reposing surrender of our will to that of His own is only the more neces-

sitated thereby; becoming, as it should ever be esteemed, our imperative duty. But how sublimely does it ascend to the pinnacle prominence of the highest of all privileges as well as a pleasing duty when, facing up to and beholding the unalterable decree suspended from the scepter of His omnipotent power, we read therein from His proclaimed will to mankind that all things shall work together for good to those who love Him.

With what awakened gratitude and heart-bounding delight should we hail and embrace a duty so profound in its blessings, a privilege so exalting in its exercises, as thus to combine and harness all things together in the interest of earnest coworkers for our present and eternal good; by whose consolidated strength the mass of darkness and torturous doubt surrounding and obscuring us from His divine favors would be dispelled, as it would open up and wall with His everlasting promises a clearly defined way from the footstool of duty to the elysium fields of unlimited and unending blessings, happily conspicuous among which would be a coinheritance as an adopted joint heir of His beneficent and exhaustless estate.

But grander and more munificent than all else would be our unrestrained privilege of mingling and participating with those, unceasingly glorifying His divine will. To this inheritance of that estate and to this admission of that grandest of all privileges our esteemed friend and dearly beloved brother was ushered on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and eighty-three, and in the fifty-fifth year of his earthly existence.

He had fought the fight, had kept the faith, and clad in the whole armor of God, he stood poised upon the crumbling brink, traced by the dread elements of the dark river, its unbaffled pilot skillfully untying the last tinsel cable confining his game spirit to the shores of earth. With a heart undismayed by any stings therefrom, unterrified by its somber, turbid surges, and reclining blissfully upon the hope which he had as an anchor of his soul both sure and steadfast, and which entereth into that within the veil, he calmly looked out upon the approaching scenes, shifted and shifting under the guiding hand of the pale messenger. Moving out upon its eventful and awfully critical currents, he uplifted the telescope of a faith in his Mediatorial Master, the twin-sister of his inspiring hope, and saw revealed there through the extending hand of deliverance from the arm of omnipotent power of his Merciful and Heavenly Father.

Withdrawing for the moment his attention from the glorious insight thus afforded within the borders of the silent land, and intently conscious that he was upon the eve of closing his eyes in instant death, he turned them for the last time here upon the heart-broken partner of his toils, sorrows, and joys, bidding farewell to this fitful dream of existence, he whispered in his dying voice to that justly dear, untiringly devoted, and tenderly loving helpmate, as he mingled there with his last good-by on earth: "All is well with me." God succor, comfort, and provide for her desolate, distressed, and sorely tried heart in this overwhelming bereavement, is the breathing prayer of his and her innumerable friends.

That he should have passed away from earth poor in this world's goods, yet rich in his unproclaimed deeds of charity, was a fate inevitable to him—a fate induced, yea, fixed, by a generous benevolence and whole-souled charity for his fellows too genuine ever to allow its perishable trash to accumulate in hands never closed in the presence of the needy and distressed or under appeals for their relief. His wealth of intellectuality and Samaritan spirit interdicted that badge of poverty proclaiming there were none to do him homage. Thousands of scores there were of those who realized a special delight therein. Acres who had ever thus been acted upon, embracing all shades, grades, and conditions of society, stood in sorrow-breathing silence, and with eyes bedewed in tears around his bier, wherewith, under the soil of his birth, his idol form was being consigned to rest in the narrow confines of its long home—multitudes, embracing not only his own State, but scattered hither and thither throughout this broad land, though absent in person, were present and participating in heart-aggrieved contemplations the solemn ceremonies of that mournful occasion.

The fiat for his transition found him in the fruitful maturings of the golden autumn of his earthly career, richly ladened with and abounding in useful, rare, and superexcellent fruits, fruits endowing a life of unmixed blessings to his fellows and of assured immortality to himself. Our deprivations, as recipients, of those so much esteemed and coveted blessings are full enough to prompt our natures to arise in rebellion thereat and to deplore a calamity so calamitous. But the comforting unction comes in soothing benedictions to our aching hearts, imbuing them with the consoling assurance that our temporary loss has been his eternal gain. And while the loss may weaken the ties of earth, the gain will more than correspondingly strengthen the attractions of heaven.

> Dear, beauteous Death, the jewel of the just!
> Shining nowhere but in the dark;
> What mysteries do lie beyond thy dust,
> Could man outlook that mark!

That Mr. HERNDON'S career should have unfolded a life glowing with the inborn inspirations of a lofty genius, rich in its incidents and exhibitions of all the elements of innate and high-born manhood, and fruitful in its manifold feats of paramount usefulness and signal honors can be no matter of surprise to the least thoughtful.

That he should have inherently scorned, loathed, and repulsed everything unbecoming, low, or mean; that he should have enticingly led his fellow-man by precept and example onward, upward, and steadfastly in all that was noble, grand, and true, none who knew him would not, could not gainsay.

That he should have been one to whom mankind, in unsolicited choice, cheerfully and cordially tied in the closest bonds of unselfish friendship, unreserved confidence, and, as was so apparent to them, without the semblance of any hazard whatever to their confided trusts, is too plain not to be seen by all.

That he should have been one deeply, lastingly beloved by his people, should have been their special pride, the apple of their eye, the gem of their hearts' citadel, and should have been exalted and honored by them with lavishing hands and with fond delight, should not, could not excite any wonder.

That he should have been a cherished and finished ornament to society, one ever welcomed to its gay and festive midst by the greetings alive with the warmth of fond hearts alone; that he should have been a lawyer of unquestioned eminence, a warrior of unchallenged heroism, and a statesman of enlarged resources, resources coextensive with his growing country's increasing and vast demands, none can doubt. That his good name should have been esteemed and decreed by his people and those who came truly to know him as a jewel-coined synonym of the beautiful and bright, the brave and true, who could, if he would, dare deplore?

That this endeared name is thus enshrined and sentried in the hearts of the sons and daughters of his own loved, flowery land of rest, a land whose interest and honor it was his pride and delight jealously and zealously to guard on this floor as one of her cheerfully accredited, unboundedly intrusted Representatives, their entire united voice from her mountains to his own orange-grove seaboard promptly would declare. That he should have been a citizen of prominence in living up to the full requirements of the law, undauntedly maintaining on all occasions the majesty and supremacy of its mandates; that he should have been an endeared and an endearing friend, a devoted, affectionate, and tender husband, a loving, kind, and honored father, needs no affirmance from any one whatever.

That, though absent, he never will be forgotten by those favored with his acquaintance or blessed with his friendship; that though, alas! alas! dead, his memory will never cease to be treasured by them, and with increased and increasing fondness therefor; that though the grave, so beautifully defined as the footprint of angels, for the time may hide from us all that was mortal of our dear friend and brother, and yet that we shall be permitted to see him again, are all divinely bottomed intendments and glorious expectations we most confidently entertain. Their realization and enjoyment may be called in question, doubted or denied; but, if so, it will hail from those and from those only who in their hearts have said, "There is no God."

> If a star were confined into a tomb,
> Her captive flame must needs burn there;
> But when the hand that locked her up gave room,
> She'd shine through all the sphere.

Within man's mortal tenement burns a captive flame, lit up by the same infinite hand that enkindled "all the constellations that gem, like a diadem, night's brow." The beams of intelligence, ever emitting from that immortal flame, go out in quest of nature's mysteries as they sport in their contemplations amid the beauties, relations, distances, and orbits of the glittering host marshaled on the nightly plains, and eagerly seek to know more of the source of their own promethian fire. These fugitive beams, eluding the fetters of an irksome confinement, and with a speed in their flight unknown to electricity, bound to the outer circle of the remotest of those orbits. Even though disallowed the divine pre-eminence, whereon Israel's great leader stood when he viewed the landscape o'er, nevertheless, if guided by the light of the Star of Bethlehem, as they survey the limitless domain of space spread out before them, they may see through a glass darkly into Jehovah's pre-emption area, wherein his children arrived, arriving and homeward bound will find mansions prepared for them upon his eternal camping-ground.

How oft recalled to our contemplations is it as a melancholy fact, that the flowers we so tenderly nurture and so much enjoy in their fragrant array of unsurpassed glory, that the objects unceasingly caressed by our love's fondest affections and joyfully afforded favored niches within the temple of our hearts as idols of our life's devotion, all had the seed of death implanted within them when those of life were quickened into existence. But, sir, in our musings thereon how important that we fathom with earnestly inquiring thought deep down into the philosophy therefor would we contentedly learn and consolingly realize why all earthly pleasures and treasures of the heart are so transitory and fleeting.

When thus fathomed and comprehended we can not fail to recognize in them witnesses of Almighty God, whose testimony is sure, making wise the simple; whose evidence, disregarding all peradventure, wisely

institutes and promulgates, as an anchoring conviction of the heart, the momentous truth that our Maker never intended this earth as man's abiding place. We hear it proclaimed on every hand that nothing dies but in fulfillment of His omnisciently established decrees, while by His divine agency we alike see and know its place is at once resupplied with newness of life.

Throughout all nature these reproductive links have been coining in continuous order from creation's dawn, and will so transpire until the hand that suspended this earth in the orbit of its existence and concentrated upon its prepared bosom the creative power of His own omnipotent will shall withdraw it therefrom. In man alone has He breathed the inspiration to look with confident hope beyond the dissolution of his earthly house of this tabernacle, and to know that he has a building of God, a house not made with hands, eternal in the heavens. In his decay, step by step, as he descends to the grave, Faith illumes with extended and extending ken and Hope invigorates with increased and increasing brightness the grand truth embraced by Charity with unyielding devotion that with those wisely prepared therefor to be absent from the body is to be present with the Lord.

For this cause, though the outward man is perishing, yet will the inward man be renewed day by day. When thus reverently understood and spiritually realized, death becomes the unfolding door of entrance upon renewed, increased, and increasing vitality, wherein mortality is swallowed up of life. Through the thresholds of this unclosed door, open and to remain open for the reception of the last pilgrim of the human race, will continue to pass those more than golden links in the countless strand of the family of humanity, among whom will shine with a luster not of earth, a luster inherited and reflected alone from the face of their Divine Master, those of our race ransomed, purified, and redeemed by His atoning grace. This onward march to the source of all good will never halt until it shall have encircled and environed to the full measure of His own divine purpose the supreme throne of our Heavenly Father.

In accordance with His own eternal decrees, the last pilgrim of earth will have then passed through and closed forever behind him the door of death, and will have been added to that grand army, enlisted, marshaled, and encamped upon the Elysian fields of His unending glory.

We stand in the midst of the progress of this startling, momentous, and solemnly eventful existence, mingling therewith while borne upon its resistless currents to those near and nearing transcendent changes.

Clad in the livery of our dearest esteem, affection, and love for our so much missed, lamented brother, and planted within the inspired circle, reflected from and lined by the crowning halo of the immortal genii of our devotion, we proclaim it here and now, and with a resolve which shall know no varying or the shadow of change, that, God being our helper, we will go to our brother.

He that hath found some fledged bird's nest may know
At first sight if the bird be flown;
But what fair field or grove he sings in now,
That is to him unknown.

And yet as angels, in some brighter dreams,
Call to the soul when man doth sleep,
So some strange thoughts transcend our wonted themes
And into glory peep.

The question being taken on the resolutions submitted by Mr. JONES, of Alabama, they were unanimously adopted; and then, in accordance with the concluding resolution, the House (at 3 o'clock and 45 minutes p. m.) adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Resolution of the Missouri Civil Service Reform Association, relative to civil service—to the Committee on Reform in the Civil Service.

By Mr. CONVERSE: Memorial of J. H. Newton, of the Advocate, and others, publishers of Newark, Ohio, remonstrating against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. DEUSTER: Memorial of the board of officers of the German Society of Pennsylvania, for the better delivery of letters of foreign origin—to the Committee on the Post-Office and Post-Roads.

By Mr. ERMENTROUT: Memorial of the Chamber of Commerce of New York city, relative to the Lowell bankruptcy bill—to the Committee on the Judiciary.

Also, memorial of the New York Cotton Exchange, relative to the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Civil Service Reform Association League, fixing tenure of office at four years—to the Select Committee on Reform in the Civil Service.

By Mr. FINDLAY: Resolution of the Missouri Civil Service Reform Association, relative to the civil service—to the same committee.

By Mr. GOFF: Two petitions of late officers of the volunteer army, in support of H. R. 3485 and 1306—severally to the Committee on Invalid Pensions.

By Mr. W. H. HATCH: Resolution of Paddy Shields Post, No. 36, Grand Army of the Republic, of Clarence, Mo., in favor of certain bills recommended by the national pension committee of the Grand Army of the Republic—to the same committee.

Also, resolution of the Missouri Civil Service Reform Association, relative to the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. D. B. HENDERSON: Resolution of the Chamber of Commerce, New York city, favoring the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. HURD: Petition of Levi Beebe and others, of Berkshire, Mass., favoring free trade—to the Committee on Ways and Means.

Also, petition of Harry Smith and 312 others, of Charles Lee and others, of Max M. Bergman, and many others, and of Horace J. Sprague and many others, all of Toledo, Ohio, favoring the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, petition of H. D. Lindley and others, of Toledo, Ohio, against the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

By Mr. LACEY: Petition of N. A. Reynolds and 32 others, citizens of Branch County, Michigan, for a national soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. LIBBEY: Petition of the citizens of Smithfield, Va., relative to the improvement of Pagan Creek—to the Committee on Rivers and Harbors.

By Mr. LONG: Resolution of the Missouri Civil Service Reform Association, relative to the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. McCOMAS: Petition of 259 citizens of Lonaconing, Alleghany County, Maryland, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MORGAN: Resolution of the Missouri Civil Service Reform Association, relative to civil service—to the Select Committee on Reform in the Civil Service.

By Mr. MORRILL: Petition of Fort Donaldson Post, Grand Army of the Republic, Saint Mary's, Kans., asking for the enactment of the laws asked for by the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of the board of marine underwriters of Boston, praying for an appropriation for the removal of the telegraph cable at Block Island—to the Committee on Appropriations.

By Mr. MURPHY: Resolution of the Missouri Civil Service Reform Association, relative to the civil service—to the Select Committee on Reform in the Civil Service.

Also, resolution of Iowa Legislature, relative to jurisdiction of United States circuit courts—to the Committee on the Judiciary.

Also, petition of soldiers and citizens of Olin, Iowa, asking for an appropriation to locate a soldiers' home in the West—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of John E. Sherman Post, Grand Army of the Republic, for amendment of pension laws—to the Committee on Invalid Pensions.

By Mr. PUSEY: Joint resolution of the Legislature of Iowa, relative to jurisdiction of United States circuit courts—to the Committee on the Judiciary.

By Mr. OSSIAN RAY: Petition of Henry L. Phillips and the congregation of St. Luke's church, Charlestown, and of Henry E. Hovey, rector, and 86 members of St. John's church, Portsmouth, N. H., for the adoption of the educational plans recommended by the Secretary of the Interior in his report for 1882, &c.—to the Committee on Indian Affairs.

By Mr. REED: Memorial against the news-copyright bill—to the Committee on the Judiciary.

By Mr. RIGGS: Petition for the relief of John H. Edwards—to the Committee on Military Affairs.

By Mr. ROSECRANS: Petition of five officers of the Third Artillery, United States Army, for the passage of S. 1677—to the same committee.

By Mr. STORM: Petition of Mary K. Cayce, of Hot Springs, Ark., asking for the passage of a bill allowing her to purchase certain lots of land on Hot Springs reservation, &c.—to the Committee on the Public Lands.

Also, petition of Jacob W. Parker, of the same import—to the same committee.

Also, petition of Andrew McGeehan and 54 others, citizens of Hazleton, Luzerne County, Pennsylvania, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. WELLER: Joint resolution of the Legislature of the State of Iowa, relative to free homes for all soldiers and sailors of the late war—to the Committee on Military Affairs.

Also, joint resolution of the Legislature of Iowa, relative to pensioning ex-prisoners of war, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WILLIS: Resolution of the Louisville Typographical Union, protesting against the pending copyright law—to the Committee on the Judiciary.

## SENATE.

### MONDAY, *April* 14, 1884.

Prayer by Rev J. J. BULLOCK, D. D., of Washington, D. C.

NAMING A PRESIDING OFFICER.

Mr. INGALLS called the Senate to order, and the Chief Clerk read the following letter:

SENATE CHAMBER, *Washington, D. C., April* 14, 1884.

*To the Senate:*

Pursuant to the rules, I hereby name and designate Hon. JOHN J. INGALLS, a Senator from the State of Kansas, to perform the duties of the Chair during my absence this d..;

GEORGE F. EDMUNDS,
*President pro tempore.*

Thereupon Mr. INGALLS took the chair as presiding officer for today.

THE JOURNAL.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (Mr. INGALLS in the chair) presented the petition of J. H. Soulé, of Washington, D. C., praying for an increase of pension to widows and dependent relatives; which was referred to the Committee on Pensions.

Mr. HARRISON presented the memorial of James J. Lash, of Albion, Ind., the memorial of Williams & Hossler, of Warsaw, Ind., and the memorial of William C. Talcott, and others, of Valparaiso, Ind., remonstrating against the proposed news-copyright bill; which were referred to the Committee on the Library.

Mr. SEWELL presented resolutions adopted by the city council of Atlantic City, N. J., relating to a harbor of refuge on the coast at that place; which were referred to the Committee on Commerce.

Mr. HALE presented the memorial of the publishers of the Evening Express, of Portland, Me., and the memorial of J. H. & F. H. Harford, publishers of the Cape Elizabeth Sentinel, of Cape Elizabeth, Me., remonstrating against the passage of the news-copyright bill; which were referred to the Committee on the Library.

Mr. HAWLEY presented the following memorials, remonstrating against the repeal or hostile modification of the present patent laws; which were referred to the Committee on Patents:

A memorial of Simpson, Hall, Miller & Co., and 7 others, manufacturers and inventors, of Wallingford, Conn.;

A memorial of Isaac Cole and 4 others, of New York city;

A memorial of Professor Alexander C. Twining, C. E., of New Haven, Conn.;

A memorial of R. Wallace & Sons Manufacturing Company, of Wallingford, Conn.;

A memorial of the Whiting Manufacturing Company of New York;

A memorial of J. H. Bullard and 18 other manufacturers and inventors of Springfield, Mass.;

A memorial of D. W. Wesson and 15 other manufacturers and inventors of Springfield, Mass.; and

A memorial of the Billings & Spencer Company and 9 other manufacturers and inventors, of Hartford, Conn.

Mr. HAWLEY also presented the petition of Samuel Cupples, president; Charles Claflin Allen, secretary, and 108 others, officers and members of the Civil-Service Reform Association of Missouri, praying for the repeal of the act of May 15, 1820, fixing the tenure of certain administrative offices at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PLATT. On the 25th of March last a convention of inventors was held at Cincinnati, Ohio, at which there was a registered attendance of some six hundred persons, and something over 4,000 letters of sympathy and concurrence in the objects of the convention were received. That convention passed certain resolutions which I have been requested to present to the Senate and have read. I ask that the resolutions may be read.

The resolutions were read, and referred to the Committee on Patents, as follows:

Whereas the incentive and rewards given inventors by the Constitution of the United States and the laws of Congress passed thereunder have done more perhaps than any one cause to advance our whole country to the front rank in wealth, resources, and industries among all nations of the world; and

Whereas any material change in those laws would in the opinion of this association seriously retard our material progress as a people: Therefore,

*Resolved*, That our Senators and Representatives in the United States Congress are respectfully requested to oppose the passage of any bill which would have the effect to discourage inventions by impairing the value of patented property or imposing any conditions on the owners of such property in prosecuting and maintaining their rights to the full value of their said property which are not equally applicable under the laws of Congress to the rights of all property and the remedies provided to protect the same for all citizens of our entire country.

*Resolved*, That the inventors, patent-owners, brain-workers, and citizens of the United States, in convention assembled, where patent interests antagonize no other, but benefit all classes of the community alike, demand the continued protection of our present patent system unimpaired by Congress.

*Resolved*, That since the money derived from the fees paid by the inventors to the Government is ample to pay all the cost and charges, it is the imperative duty of Congress to provide sufficient force in the Patent Office to do the work well and to keep it up to date, and in all details and particulars to thoroughly equip the Patent Office for its work by providing sufficient accommodations for its force, an ample library of books and publications pertaining to patent and scientific matters, and full and complete digests of inventions in all the classes, and rooms and means to enable the inventor and patentee to search into the novelty of any device or the state of the art in any given direction.

*Resolved*, That the dignity and importance of the business of the Patent Office demand that it should be severed from the Interior Department and made a department by itself, with a head duly recognized as a member of the Cabinet.

*Resolved*, That since the matters adjudicated in the Patent Office are in a very large degree legal in their scope and bearing, it is the evident necessity of the case that there should be a distinctly legal bureau or division of this office, clothed with the authority to hear and decide said matters and enforce its decisions.

*Resolved*, That though there have been nearly 300,000 patents granted, there have been scarce a score of patents which the public has objected to, and no patent based on a wrong which the courts have not finally held invalid.

*Resolved*, That since under our law the Patent Office must be self-sustaining, and since there are very large requirements to cover the expense of properly equipping the Patent Office for full discharge of its duties, it does not at present seem to be expedient to reduce the Government fees on patents.

*Resolved*, That protection under the patent system is of more vital importance to us as a nation than the protection of any other industry connected with our Government.

*Resolved*, That Congress be requested to so modify section 4887 of the United States Statutes that letters patent for the invention of a citizen of the United States shall continue in force for the full term of seventeen years, whether such invention shall or shall not have been previously patented in any foreign country.

Mr. PLATT presented the memorial of Gillespie Brothers, publishers of the Advocate, Stamford, Conn., remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

Mr. DAWES. I present the memorial of Mrs. James A. Garfield and 500 other citizens of Cleveland, Ohio. This memorial represents that in 1863 the Government made a treaty with the Nez Percé Indians, who held their reservation under a treaty by which a majority of the Indians surrendered a portion of their reservation, but Chief Joseph and several other chiefs refused to join in that treaty and refused to leave the reservation. They were permitted by the Government to remain upon that reservation without molestation for fourteen years when troops were sent to forcibly drive them out of it, which involved us in a war with Joseph and his band. The memorialists say that Joseph and his band retreated before the United States troops 1,300 miles and then surrendered to General Miles upon a pledge given by General Miles that they should be removed to their brethren in Idaho; but in violation of that pledge the United States removed them first to a prison in Leavenworth, Kans., where they remained a year and a half, and that they were then transported to the Indian Territory to a very unhealthy location, in which half of them have died. There are but about three hundred and fifty of them now left, mostly widows and orphans, and but three children of the whole number that have been born since 1878 have lived to three years of age.

There is a bill pending in the Senate to authorize the Secretary of the Interior to remove such of the remainder of this band back to their old home as in his opinion can safely be done, and these memorialists pray for the passage of that bill. I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES. I present also two petitions for the same purpose, one from Harvey County, Kansas, and the other from Sedgwick County, Kansas. I move that they be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES. I present resolutions of the Legislature of the Commonwealth of Massachusetts, in which they resolve, for the reasons set forth in the resolves, that House bill No. 4483, relative to the revenue-marine service of the United States, commends itself to that Legislature as a just and wise measure, and say they will be glad to see their Senators and Representatives support it. I ask that the resolutions may be printed in the RECORD, and referred to the Committee on Commerce.

The resolutions were ordered to be printed in the RECORD, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS,
*In the year one thousand eight hundred and eighty-four.*

Resolution relative to the revenue-marine service of the United States.

*Resolved*, That the Legislature of Massachusetts is fully impressed with the importance of the revenue marine and the efficient and valuable service it has rendered to the Government and to the ocean, lake, and river commerce of the country, as well as in saving the lives and property of hundreds of those engaged therein; and

*Resolved*, That as there is no provision of law whereby those who may become disabled by age, injuries, or other cause in said service may be retired, as is the case in the naval and military service of the Government, which in the judgment of this Legislature should be remedied: Therefore,

*Resolved*, That it is the sense of the Legislature of this Commonwealth that the bill (H. R. 4483) now before Congress, entitled "A bill to promote the efficiency of the revenue-marine service," is one which commends itself to us as a wise and just measure, and one which we would be glad to see the Senators and Representatives from the State support.

*Resolved*, That a copy of the foregoing resolutions be forwarded to the Senators and Representatives in Congress from Massachusetts.

HOUSE OF REPRESENTATIVES, *March* 27, 1884.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*
SENATE, *April* 1, 1884.

Adopted in concurrence.

S. N. GIFFORD, *Clerk.*

A true copy. Attest:

EDWARD A. McLAUGHLIN,
*Clerk of the House of Representatives.*

Mr. SHERMAN presented a petition of McCall Post, No. 123, Grand Army of the Republic, Buena Vista, Ohio; a petition of Spiegle Post, No. 208, Grand Army of the Republic, Shiloh, Ohio; a petition of McCoy Post, No. 1, Grand Army of the Republic, Columbus, Ohio; and a petition of Zeller Hamilton Post, No. 206, Grand Army of the Republic, Middle Point, Ohio, praying for the passage of certain pension bills; which were referred to the Committee on Pensions.

He also presented the memorial of J. D. Stine, publisher of the Torchlight, Xenia, Ohio, and the memorial of J. O. Amos, publisher of the Democrat, Sidney, Ohio, remonstrating against the news-copyright bill; which were referred to the Committee on the Library.

Mr. McMILLAN. I present the petition of the Saint Paul (Minn.) Chamber of Commerce, praying for an increase of the appropriation for the improvement of the Mississippi River at Saint Paul, for the harbor of West Saint Paul, for the expenditure of $15,000 heretofore appropriated for the improvement of the river at that point, and for a further appropriation for the same purpose. The petition is accompanied by a map of the locality, which I send up with the petition. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. McMILLAN presented the memorial of the Chamber of Commerce of Tacoma, Wash., in favor of the passage of an act making Tacoma a port of entry; which was referred to the Committee on Commerce.

Mr. MILLER, of New York, presented the memorial of T. D. Curtis & Sons, of Syracuse, N. Y., and the memorial of the publishers of the Journal, of Port Chester, N. Y., remonstrating against the passage of the news-copyright bill; which were referred to the Committee on the Library.

Mr. HOAR presented a petition of the Washington Fire and Marine Insurance Company and others, praying for an appropriation for the renewal of the telegraphic cable at Block Island; which was referred to the Committee on Commerce.

He also presented a petition of certain Government employés, praying for the enforcement of the eight-hour law, and to pay to employés of the Government wages hitherto withheld, in violation of the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of 20 citizens of Brookline, Mass., praying for a repeal of the tenure-of-office laws; which was referred to the Committee on Civil Service and Retrenchment.

Mr. ALDRICH presented the petition of Bishop T. M. Clark, of Rhode Island, and others, members of the Indian Rights Association of Providence, R. I., praying for an appropriation for the education of certain Indian tribes; which was referred to the Committee on Appropriations.

Mr. WILSON presented a joint resolution of the General Assembly of the State of Iowa; which was read, and referred to the Committee on the Judiciary, as follows:

[Joint resolution No. 15.]

Joint resolution and memorial in regard to jurisdiction of United States circuit courts.

Whereas by act of Congress approved September 24, 1789, the jurisdiction of the circuit courts of the United States in suits between citizens of different States was extended to cases in which the amount in controversy exceeded $500; and

Whereas for almost one hundred years the amount thus fixed has remained unchanged, while the commercial and material interests of the country and the business of the courts have increased many fold, and the reasons why so small an amount should determine such jurisdiction no longer exist; and

Whereas corporations organized under the laws of other States, and doing business in the State of Iowa, have systematically removed all cases possible to the United States courts, thus compelling the citizen of this State to pursue his remedy in the United States court, and in many cases amounting to a denial of justice, and causing great inconvenience, unreasonable delay, and unnecessary expense: Therefore,

*Be it resolved by the General Assembly of the State of Iowa*, That our Senators and Representatives in Congress are hereby requested to use their influence to procure such a modification and change of existing law, so as to increase the amount determining the jurisdiction of the circuit courts of the United States, commensurate with the increase of commercial interests and business of the courts and the demands of the people.

*Resolved*, That the secretary of state be directed to forward to the President of the Senate of the United States and the Speaker of the House of Representatives a copy of the foregoing resolutions, with the request that the same be laid before each House of Congress, and that a copy be sent to each Senator and member of Congress from this State.

Approved April 3, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true copy of the original on file in this office.

[SEAL.] J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

Mr. WILSON presented a joint resolution of the General Assembly of the State of Iowa; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

[Joint resolution No. 11.]

Memorial and joint resolution relative to free homes for all surviving soldiers and sailors of the Union Army.

Whereas under the provisions of the homestead laws of Congress it is impossible for many of the soldiers and sailors of the late war to avail themselves of the provisions of said law by reason of ill health caused by injuries and disease received and contracted while in the service of their country and for want of means to locate and improve homesteads as required by law; and

Whereas there is yet belonging to the United States Government enough land to give every soldier and sailor a home without detriment to the public interest: Therefore,

*Be it resolved by the General Assembly of the State of Iowa*, That our Senators and Representatives in Congress be requested to use their utmost endeavors to secure the passage of a law, at this session of Congress, giving to every honorably discharged soldier and sailor of the late war a patent for one hundred and sixty acres of the public land as a home, without requiring them to settle thereon, and that the title thereto be made non-transferable, or with such conditions attached as will secure to the soldier or sailor, or their families, all the benefits of such grant, and debar the speculator from procuring and holding the same for speculative purposes; and, further, that such homesteads be exempt from taxation for ten years, and also be exempt from all debts contracted or incurred by such soldiers and sailors for a like period.

*Resolved*, That the secretary of state be directed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved March 29, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true and correct copy of the original joint resolution on file in this office.

Witness my hand and the great seal of the State, this — day of April, A. D. 1884.

[SEAL.] J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

Mr. WILSON presented a joint resolution of the General Assembly of Iowa; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

[Joint resolution No. 18.]

Memorial and joint resolution in reference to the applications for pensions.

Whereas thousands of applications for pensions are now pending in the United States Pension Office, and have been pending from two to ten years; and

Whereas many of the applicants gave the best years of their lives, their health, their strength in the defense of their country, and many gave up husband and father; and

Whereas many of them have now no means of support, but have with their families been reduced to abject poverty and want: Therefore,

*Be it resolved by the General Assembly of the State of Iowa*, That these applications of right ought to be speedily adjusted; that the expectations, hopes, and just rights of those who suffered wounds and disease for their country's good should not longer be delayed.

*Resolved*, Second. That our Senators and Representatives in Congress be, and they are hereby, requested to use all their influence to secure the most speedy and adequate adjustment practicable of all such claims.

*Resolved*, Third. That the secretary of state be instructed to furnish a copy of the memorial and joint resolution to each of our Senators and Representatives in Congress.

Approved April 7, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Witness my hand and the great seal of the State, April 9, 1884.

[SEAL.] J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

Mr. WILSON presented a joint resolution of the General Assembly of Iowa; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

[Joint resolution No. 12.]

A memorial to Congress asking that certain prisoners of the war of the rebellion be placed on the pension-roll.

Whereas many officers, soldiers, and sailors of the Federal Army and Navy were confined in so-called confederate prisons for an unusual length of time, suffering great hardships and contracting disease hard and difficult to prove under existing pension laws; and

Whereas Hon. JAMES S. ROBINSON, of Ohio, has introduced in the Forty-eighth Congress a bill (No. 1189) "granting pensions to all soldiers, sailors, and marines who, while in the service of the United States, and while in the line of their duty, were taken prisoners, and as such confined in the so-called confederate prisons, between the 1st day of May, 1861, and the 1st day of May, 1865, as follows: "All who were prisoners of war two months, and less than six months, one-half pensions; those who were prisoners of war six months, and less than twelve months, a three-fourths pension; and all such as were prisoners of war twelve months, and more than twelve months, a total pension. And, furthermore, such surviving prisoners of war shall receive $2 per day for each day and every day's confinement in said confederate military prisons: *Provided*, That such pension shall in each case begin from the date of the passage of this act, and shall be paid at the same time and in the same manner as other pensions are now paid: *And provided further*, That this act shall not entitle any person to draw more than one pension, but that such survivors of the so-called confederate military prisons as are entitled and are receiving a pension at the time of the passage of this act shall be entitled to the increase of their pension which this act may grant them:" Therefore,

*Be it resolved by the house of representatives (the senate concurring)*, That our Representatives in Congress be requested, and Senators therein instructed, to use their best endeavors to secure the passage of an act by Congress in accordance with the provisions of said Robinson bill, No. 1189.

Approved March 29, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true and correct copy of the original joint resolution on file in this office.

Witness my hand and the great seal of the State, this—day of April, A. D. 1884.

J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

Mr. WILSON presented a memorial of the publishers of the Herald, Frie Presse, and Weekly Blade, newspapers published at Council Bluffs, Iowa, and a memorial of the publishers of the Messenger and the Times, newspapers published at Fort Dodge, Iowa, remonstrating against the proposed news-copyright bill; which were referred to the Committee on the Library.

He also presented a memorial and resolutions of the Board of Trade of Burlington, Iowa, remonstrating against the passage of several bills pending in Congress relative to the patent system and laws of the United States; which were referred to the Committee on Patents.

Mr. FARLEY presented a joint resolution of the Legislature of California; which was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

Assembly concurrent resolution, No. 1, relative to the postal-telegraph bill introduced in Congress by Hon. Charles A. Sumner.

*Resolved by the assembly (the senate concurring)*, That we heartily indorse the

postal-telegraph bill introduced in Congress by Hon. Charles A. Sumner, of this State, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the people of the United States.

*Resolved*, That our Senators be, and they are hereby, instructed, and our Representatives requested, to support and by all honorable means endeavor to secure the passage of said bill.

*Resolved*, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

H. M. LA RUE,
*Speaker of the Assembly.*
JOHN DAGGETT,
*President of the Senate.*

Attest:

THOMAS L. THOMPSON,
*Secretary of State.*

Mr. CONGER presented a memorial of B. H. Williams, of Port Huron, Mich., remonstrating against the passage of the bill to copyright news matter; which was referred to the Committee on the Library.

He also presented a petition of the Soldiers and Sailors' Reunion Association of Southwestern Michigan, praying for the erection of a home in Michigan for disabled soldiers; which was referred to the Committee on Military Affairs.

Mr. LAPHAM presented a memorial of editors of certain newspapers published at Hornellsville, N. Y., and a memorial of editors of the Journal, of Port Chester, N. Y., remonstrating against the passage of the news-copyright bill; which were referred to the Committee on the Library.

He also presented a resolution of the New York Cotton Exchange, in favor of the stoppage of the further coinage of the silver dollar until some readjustment of the relative values of gold and silver coins may be accomplished; which was referred to the Committee on Finance.

Mr. COCKRELL. I hold in my hand a memorial, numerously signed by gentlemen and firms engaged in the tobacco business, remonstrating against the agitation looking to a repeal of the tax now imposed upon their business. They are content as the tax stands, and say that any agitation of the question of the tax demoralizes their trade and very seriously affects their business, and that during such agitation sales are hindered and parties wait, hoping always for more than is realized, thus virtually stopping their business for the time, which is never regained. The memorialists further represent that the tax is now so light that it is not felt by the trade, while it aggregates to the Government a large sum in liquidating the national debt, which all good citizens desire paid at the earliest possible day. They do not think a debt by the Government any more a blessing than an individual debt; and they therefore pray, in the interest of trade and that of the Government, that the tax may rest as it is until the Government shall need no further internal taxes in paying off the national debt.

I heartily indorse the sentiments of the memorial, and move that it be referred to the Committee on Finance, and I hope that that committee will adopt the same.

The motion was agreed to.

Mr. BUTLER presented the memorial of W. J. Oliver and other citizens of South Carolina, remonstrating against the passage of a news-copyright bill; which was referred to the Committee on the Library.

Mr. PLUMB presented a petition of members of Fort Donelson Post, No. 256, Grand Army of the Republic, Saint Mary's, Kans., praying for the passage of laws in accordance with the recommendations of the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Board of Trade of Ottawa, Kans., in favor of the passage of the bill granting to the Southern Kansas Railway Company the right of way through the Indian Territory; which were ordered to lie on the table

Mr. PLUMB. I present a memorial of the Board of Trade of the city of Albuquerque, N. Mex., in regard to certain occurrences which have recently taken place in that Territory; and I will venture to ask unanimous consent that it may be read at length. It is upon a very important subject and presents somewhat at length, but tersely, the matters of difference in that Territory.

The memorial was read, as follows:

*To the Senate and House of Representatives of the United States:*

Your memorialists, the officers and members of the Board of Trade of the city of Albuquerque, in the Territory of New Mexico, on behalf of themselves and all the people of said city, would respectfully represent:

First. That an act of Congress authorized the holding of a session of the Territorial Legislature of the Territory of New Mexico, to be begun on the 18th day of February, A. D. 1884.

Second. That on the day above mentioned the two houses of the Territorial Legislature aforesaid were organized amid much confusion, and in a manner which a very large and intelligent portion of the people of the Territory did then and do now regard as irregular, improper, and illegal.

Third. That on account of said alleged irregularity and illegality in the organization of the bodies assuming to be the Legislature of the Territory, certain men holding uncontested rights to seats in the council did refuse, and have ever since refused, to qualify and take their seats in that body.

Fourth. That the council is and has from the first been composed of less than a majority of those who hold certificates of election from the lawful authorities as legally elected members of that body, together with two persons who did not possess or present any evidence of their right to seats, but were admitted by the arbitrary act of the Secretary of the Territory, and whose rights to seats in that body were never investigated or passed upon by the council.

Fifth. Under the ruling that it does not require a majority of all the members of the body to pass an act, but only a majority of those present, the votes of four persons are sufficient to pass bills in the council as at present organized, and two of these may be persons who hold no certificates of election, whose competitors were returned as elected and whose rights to seats have never been examined or passed upon by the body in which they are acting, thus making it possible for any two of those who were returned as members to pass bills, make appropriations, and do all other acts which should be done only by a majority of all the members of the council.

Sixth. That the Legislature as thus constituted has passed divers and sundry acts which in their character are inimical to the public interest, and which, as your memorialists firmly believe, were passed for the purpose of promoting the personal aggrandizement of certain individuals at the expense of the public good, and the effect of which would be to subject the people of the Territory to unwise and unjust laws, to put upon them, contrary to their will as expressed in their petitions and protests, unnecessary and onerous burdens of taxation which the business interests of the Territory are unable to bear, and to bring upon the people of the Territory great hardship in their persons and property.

Seventh. That it has made lavish and unreasonable appropriations for unnecessary and improper purposes, and has provided for the issuing of bonds therefor, which would place upon the people of New Mexico a burden of public debt greater than has ever heretofore been contracted by any Territory of the United States, and greater than the taxable property of the Territory can bear.

Eighth. That it has provided for the creation of debts which, with the interest upon the same, would equal 5 per cent. of all the tax-paying property in the Territory, and has provided for the commencement of costly and unnecessary public buildings which will require the appropriation of much larger sums for their completion by other Legislatures in the future.

Ninth. That a very large proportion of all the best property of the Territory is held by religious organizations and used for purposes of business, such as orchards, gardens, and vineyards, and that the body assuming to be the Legislature has passed an act exempting all this from taxation.

Tenth. That it has passed a so-called public-school law, which is unjust and anti-American in its provisions, which places the public-school fund of the Territory virtually at the disposal of the church, which makes the schools that are supported by public taxation essentially sectarian in character, contrary to the genius of American institutions and at variance with the progressive educational spirit of the age.

Eleventh. That its course has been mainly governed by what was undoubtedly a deliberate plan to further the interests of a few individuals at the expense of the public treasury and the public weal, and, in order to carry through its unjust and corrupt plans, has promised favors to those individuals and those communities that have supported it and has endeavored to punish by unfriendly legislation those that have opposed it.

Twelfth. That two of the most populous and important cities of the Territory, Las Vegas and Socorro, because their people took an active part in opposition to certain acts of injustice and extravagance, have been "punished" by the passage of laws disincorporating them, against the protest of nearly all their citizens, and they are thus left in a state of confusion and without any form of local government.

Thirteenth. That it has levied a duty upon all graded or thoroughbred cattle coming into the Territory, thus laying a burden upon an industry that ought to be protected and encouraged, striking a blow at one of the most important interests of the Territory and violating the provision of the Constitution of the United States which guarantees unrestricted commerce between the States.

Fourteenth. That it has ordered the erection of costly buildings for a capitol and Territorial penitentiary, which works, if necessary, should be constructed by the United States, and has provided for the payment therefor by the issuing of large amounts of bonds, to pay the interest and principal of which will render necessary a burden of taxation which the property of the Territory is not able to bear, and which must inevitably lead the Territory into financial distress and repudiation.

Fifteenth. That it has passed an act ratifying the action of the commissioners of San Miguel County, who through improper influences have entered into a contract for the building of a court-house at an expense of $125,000, in defiance of the protests of the tax-payers of the county, who assert that $40,000 at the utmost for such a building is as much as the property of the county can bear.

Sixteenth. That it has passed divers and sundry other acts making extravagant and unnecessary appropriations of public money and authorizing the reckless expenditure of the public funds, all of which combined will place upon the tax-payers of the Territory a burden greater than they can bear, and greater than has ever been assumed by any other Territory of the United States.

Seventeenth. That the credit of the Territory is already seriously impaired, its obligations selling for not more than 80 cents on the dollar, and the enormous debts which have been authorized by this Legislature must inevitably render its paper comparatively valueless, or render necessary a rate of taxation which the property of the Territory can not bear, which would seriously retard development and check the growth of our most important industries.

Eighteenth. That it has acted in all things in utter disregard of the petitions and supplications of the people, and has left no escape from the conclusion that its action has been governed by corrupt motives and by a desire to enrich a few individuals at the expense of the public.

Nineteenth. That, despite the enormous percentage of illiteracy in New Mexico (which is far greater than in any other division of the United States), it has failed to establish an American public-school system; though it has levied a generous school tax, it has so provided for the management and disposal of the fund as to turn it all into the control and for the benefit of the church, and though it has made lavish appropriations from the public treasury for the benefit of church institutions, it has failed to provide for the appropriation of a dollar for the building of school-houses.

Twentieth. That it has been so far engrossed in serving the personal ends of a few individuals that if has ignored and neglected all the important public interests of the Territory.

Twenty-first. That for the foregoing and many other reasons of like character that might be enumerated for the purpose of rescuing the Territory from an insupportable burden of unnecessary indebtedness; for the purpose of protecting our property and business interests from the outrages with which they are threatened, and for the purpose of saving the people of the Territory from the evil consequences of legislation which is corrupt in its nature and anti-republican in its character, your memorialists would respectfully ask that each and all of the acts of the body which assumed to be the Twenty-sixth Legislative Assembly of the Territory of New Mexico may be annulled and set aside.

The above memorial being presented at a meeting of the Albuquerque Board of Trade, held on April 5, 1884, was on motion unanimously adopted.

W. K. P. WILSON, *First Vice-President.*
CHAS. ETHERIDGE, *Secretary pro tempore.*

Mr. PLUMB. I move that the memorial be referred to the Committee on Territories.

The PRESIDING OFFICER. That reference will be made.

Mr. CONGER. I ask to have the names of the signers to that paper read.

The PRESIDING OFFICER. The Chief Clerk will report the names attached to the paper.

The CHIEF CLERK. "W. K. P. Wilson, first vice-president; Charles Etheridge, secretary *pro tempore*."

Mr. CONGER. Of what?

The CHIEF CLERK. "Your memorialists, the officers and members of the Board of Trade of the city of Albuquerque, in the Territory of New Mexico, on behalf of themselves and all the people of said city, would respectfully represent."

Mr. CONGER. Has it been referred?

The PRESIDING OFFICER. To the Committee on Territories.

Mr. BAYARD. I ask unanimous consent to have printed in the RECORD the recommendation of the grand jury of the United States district court of Delaware respecting certain public buildings in Wilmington, Del., to accompany the report made by the Committee on Public Buildings and Grounds on the bill (S. 1885) for the erection of a public building at Wilmington, Del. It is a mere recommendation that an appropriation for public buildings in that town should be made.

The paper was ordered to lie on the table, and to be printed in the RECORD, as follows:

The undersigned, grand jurymen for the United States court for the district of Delaware at its session this 9th day of April, A. D. 1884, would most respectfully represent that,

Whereas the United States court-rooms in the city of Wilmington are totally unfit and inadequate for the business of said court: Therefore,

*Be it resolved*, That our Senators and Representatives in Congress be most respectfully but earnestly requested to secure an appropriation for the purpose of a building suitable for the uses of said court.

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|---|---|
| JOHN V. CHRISTY, *Foreman.* | G. H. ROBINSON. |
| F. M. DUNN, *Secretary.* | CHAS. DENNY. |
| AMOS COLE. | S. T. JENKINS. |
| MINOS CONAWAY. | JNO. B. COOPER. |
| WM. P. BESWICK. | THOMAS J. BOWEN. |
| JOHN W. DAY. | SAMUEL FINLEY. |
| ROBERT B. JUMP. | E. C. ROSS. |
| W. M. BRACKIN. | E. H. GREGG. |
| JAMES LANK. | E. O. RAYMOND. |
| JOS. L. BLACK, JR. | |

*District of Delaware, ss:*

I certify that the foregoing is a true copy of the preamble and resolutions reported to the United States district court for said district by the grand inquests of the United States of America in and for said district on April 9, 1884.

Witness my hand and seal of said court this 10th day of April, A. D. 1884.

[SEAL.] S. RODMOND SMITH,

*Clerk United States District Court, District of Delaware.*

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported them adversely; and they were indefinitely postponed:

A bill (S. 1707) to establish a court of appeals, and to provide additional circuit court judges;

A bill (S. 1722) to establish a court of appeals, and to provide for certain changes in the constitution of the circuit courts of the United States when sitting in banc, and for other purposes; and

A bill (S. 471) to provide for courts of review in the various circuits of the United States, and to regulate the practice in civil and criminal cases in the courts of the United States.

Mr. HOAR. I am directed by the same committee, who had before them the subject of relieving the Supreme Court from the accumulation of business and providing additional circuit courts, to report an original bill and recommend its passage.

The bill (S. 2035) to establish a court of appeals was read twice by its title.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 581) to define the routes of steam-railroads in the city of Washington, and for other purposes, reported it with an amendment in the nature of a substitute, which was ordered to be printed; and, on motion of Mr. GORMAN, the bill was recommitted to the Committee on the District of Columbia.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 2346) for the relief of Sarah A. Redmond, reported it with an amendment, and submitted a report thereon.

Mr. SHERMAN. I am directed by the Committee on the Library, to whom was referred the joint resolution (H. Res. 224) granting certain publications to the Cincinnati Law Library, to report it with an amendment. I give notice that to-morrow I shall ask the attention of the Senate to the joint resolution, so that it may be put on its passage. I should like to have the accompanying letter of the Secretary of the Interior printed.

The PRESIDING OFFICER. The order to print will be made, and the joint resolution will be placed upon the Calendar.

BILLS INTRODUCED.

Mr. SLATER introduced a bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; which was read twice by its title.

Mr. SLATER. I ask that the bill may lie on the table, and I give notice that on Thursday next, at 2 o'clock, I shall seek to call it up for the purpose of submitting some remarks on the subject of land grants and their management and forfeiture.

The PRESIDING OFFICER. The bill will lie on the table subject to the call of the Senator from Oregon.

Mr. MILLER, of New York, introduced a bill (S. 2037) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 2038) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PIKE introduced a bill (S. 2039) to authorize the issue of duplicate certificates, bonds, or other evidences of debt against the District of Columbia in cases of loss or destruction; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GROOME introduced a bill (S. 2040) for the relief of Capt. Andrew W. Johnson; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALDRICH introduced a bill (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. GEORGE introduced a bill (S. 2042) to protect American laborers; which was read twice by its title, and referred to the Committee on Education and Labor.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SHERMAN, it was

*Ordered*, That the letter of Joseph Neumann, presenting to the Senate a flag made from California silk, be taken from the files, and referred to the Joint Committee on the Library.

CALIFORNIA EAST BOUNDARY LINE.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged by citizens of the counties of El Dorado, Alpine, and Mono, in the State of California, that an error was made by Alexey Von Schmidt in the survey of the east boundary line of the State of California, whereby a strip of territory belonging to said State about a mile in width extending through said counties has been attached to the State of Nevada:

*Be it resolved*, That the Secretary of the Interior is hereby directed to make investigation of said survey and report his findings to the Senate, with his recommendation of such action as he may deem necessary in the premises for the restoration to California of any territory which may have been taken from said State by mistake or otherwise.

SURPLUS DEPOSIT WITH THE STATES.

Mr. GARLAND submitted the following resolution; which was read:

*Resolved*, That the Committee on Finance be instructed to inquire whether the Secretary of the Treasury should not be authorized and directed to carry out the provisions of the thirteenth and fourteenth sections of the act of Congress approved June 23, 1836, entitled "An act to regulate the deposits of the public money," by making the deposit of the fourth installment which was postponed by the act of Congress of October 2, 1837, entitled "An act to postpone the fourth installment of deposit with the States," with such of the States then entitled thereto and which have not received the same out of the present existing surplus revenue not otherwise appropriated in the manner provided by said act of 1836, and report by bill or otherwise.

Mr. GARLAND. I ask that the resolution may lie on the table. I shall call it up in a day or two for the purpose of making an explanation of it.

The PRESIDING OFFICER. The resolution will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 2017) granting a pension to Walter Dickson;

A bill (H. R. 3331) for the relief of Ann McCarney;

A bill (H. R. 4439) granting a pension to John R. Wallace; and

A bill (H. R. 5457) granting a pension to Allicia Durrant.

The message also announced that the House had passed the following bills:

A bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition; and

A bill (S. 1272) for the relief of Millie E. Hays, widow of John Hays, deceased.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 431) for the relief of Sallie A. Spence; and

A bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands.

DEATH OF HON. THOMAS H. HERNDON.

The message further communicated to the Senate the intelligence of the death of Hon. THOMAS H. HERNDON, late a Representative-elect to the House from the State of Alabama, and transmitted the resolutions of the House thereon.

Mr. PUGH. I ask that the resolutions may lie on the table, on account of the absence of Senators who desire to make remarks upon the resolutions. I give notice that I shall not call them up for action by the Senate until 4 o'clock on Friday next.

ROCKPORT A PORT OF DELIVERY.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. HOAR. I ask unanimous consent to take up for consideration at the present time a bill which will require no debate. It is merely to correct an error in the Revised Statutes.

The PRESIDING OFFICER. The pending question, the Chair would state, is to proceed to the consideration of the naval appropriation bill.

Mr. HOAR. Pending that motion I ask unanimous consent to consider this bill.

Mr. HALE. If it will take no time I shall yield.

Mr. HOAR. It will take no time.

The PRESIDING OFFICER. The bill will be read by title for information.

Mr. HOAR. Let the Secretary read the entire bill for information. It contains but three lines.

The Clerk read as follows:

A bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester.

*Be it enacted, &c.*, That the second clause of section 2527 of the Revised Statutes, describing the district of Gloucester, is hereby amended by making the town of Rockport a port of delivery therein.

Mr. HOAR. The town of Rockport has been set off from Gloucester. It has been a port of delivery for many years as a part of Gloucester. When the statutes were revised the statement was accidentally omitted that it should be a port of delivery, leaving the old town only. It has been treated as a port of delivery ever since, as I am told, and the mistake has just been discovered. The bill has passed the House and is reported unanimously by the Committee on Commerce.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. CONGER. I wish to ask the Senator if this is the same bill in substance as the one reported by the Committee on Commerce of the Senate?

Mr. HOAR. It is; it is the identical bill.

Mr. CONGER. The House bill?

Mr. HOAR. The House bill. They have not changed it as they have reported it.

The bill was passed.

NAVAL APPROPRIATION BILL.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment reported by the Committee on Appropriations appearing between lines 383 and 476 of the printed bill. Is the Senate ready for the question?

Mr. BAYARD. What is the question? Is it on the amendment for the new cruisers?

The PRESIDING OFFICER. The amendment comprised between lines 383 and 476 of the printed bill.

Mr. HALE. The amendment was read in full on the last day the Senate was in session. I will state to Senators that it covers the bill for the new cruisers.

Mr. BAYARD. That is, the main amendment for the seven cruisers?

Mr. HALE. Yes, sir.

Mr. BAYARD. I have but a word to say about that, Mr. President. This amendment is in substance and form a measure that was passed by the Senate at the present session, and because it was passed by the Senate at the present session it may, as appears by the sixteenth rule, be ingrafted as an amendment upon an appropriation bill.

I understood the President *pro tempore* of the Senate to rule that upon other grounds this measure would be considered not only germane but proper as an amendment to an appropriation bill. In his view upon that subject I do not concur, but as he has made the decision I take no appeal from it.

Although the sixteenth rule permits the amendment to be in order, yet I do not think it expedient or right that it should be placed upon this bill. The Senate has done its duty, and by a majority vote, in which I joined, it has signified its approval of the proposition to build a new American navy, and as an installment of that navy to create seven additional cruisers, not of great strength or warlike power but of considerable swiftness, that they may act as adjuncts to American commerce and protect American commerce.

There was a most odious appellation given to these vessels, one that grated on my ears, calling them "commerce-destroyers." I hope they never will have occasion to be used as commerce destroyers. It may be the unpleasant function and duty of the American Navy to cripple the commerce of a hostile nation, but I had rather vote for this measure with the view that American commerce needs protection and assistance in foreign ports, as I believe the American people now are awakening to the fact that our manufacturers and producers are to have other markets than our home market, and to that end that the unwholesome ligatures shall be loosed which excessive tariff rates have tied up our markets with and have so increased the cost of production that our manufacturers and producers can not find foreign markets for their commodities; but that there is to be greater commercial freedom for the people of the United States than for the last twenty years they have been allowed to enjoy. Looking upon the building of these seven vessels, together with the four that were authorized previously, as a proper, seasonable, and reasonable step toward the end in view, I voted for the bill as a separate measure.

I expect if the opportunity be given me to vote for a reduction in prohibitory duties now imposed by law in order that the cost of production, of manufacture in the United States may be lessened and the people of the United States may have access to other than their home market. That is, I say, one of the most desirable features to be contemplated by this increase of the American Navy. I need not refer to other services that these vessels can perform in the immediate present and possibly in the future. Hydrographic surveys have been neglected in the last twenty years. These vessels can assist in making them possibly. There is to-day a great field of employment for the officers of the American Navy which they are not sent upon; and in that I include hydrographic surveys upon the high seas. We have contributed little or nothing to that process of enlightenment and aid in the world's commerce. There was a time a few years back when one American by his own ability, his genius as a geographer, and his labor in office, bestowed incalculable wealth upon the entire commercial world. I refer to Capt. M. F. Maury, lately in charge of the Observatory in this city. His charts, his sailing directions, his geography of the sea, brought not only honor to himself and his country, but the most important benefits upon the entire commercial world. With that service by him, it seems to me that the American aid to general commerce almost ended.

Now, sir, I desire to see it restored. I believe these seven ships will assist in restoring it. I look upon them, I say, as an adjunct to a commerce which I hope to see expanded and which I believe the wisdom of the American people is bound to produce that they no longer intend to be tied up in their home market, under which labor is compelled to unpaid idleness for many months in the year simply because when the home market is supplied there is no possible outlet for the remainder.

But, Mr. President, while I have signified my willingness for this Navy, while I have spoken and voted in favor of the creation of this Navy, despite very unpleasant obstacles to the expenditure of money at this time (which I do not care again to refer to and only did refer to in the course of the line of my duty), still I do not see why this measure is repeated a second time at the same session by the same branch of Congress, and I do object to its being placed upon an appropriation bill. It is the beginning of a practice which has always been condemned in the Senate and even when it has been assented to it has been with constant expressions of protest; and that is the ingrafting of general legislation or new legislation upon bills that *ex vi termini* were intended only to supply money to carry out existing laws.

Why, sir, there are features further proposed to this bill in the shape of amendments offered by the honorable Senator from Maine in respect of providing $1,800,000 plant for a gun-factory and providing also for the purchase or erection of plant for castings, forgings, and tempering guns of a large caliber—expressions very wise in themselves, but which are just as plainly new legislation as words can define.

Mr. JONES, of Florida. Will the Senator allow me a suggestion?

Mr. BAYARD. Certainly.

Mr. JONES, of Florida. I wish to have a clear idea on this subject. I can not for the life of me see wherein this can be said to be independent or new legislation. I have again and again voted for appropriation bills coming from the House that had on them legislation repealing laws and changing laws, and there was no question about it. But here the Naval Committee reported a bill authorizing the construction of these seven ships. In the regular course, I take it, that bill should have gone to the Appropriations Committee and then come to the Senate; but before going to the Appropriations Committee it was passed through the Senate. The Naval Committee passed on the question of the construction of the cruisers in regular course, and it ought to have gone from there to the Appropriations Committee and let that committee have provided for the money necessary to construct them. This is in substantial compliance with that usage; and the authority that has been given by the Senate to the bill of the Naval Committee may stand as a reference to the Appropriations Committee. That is the way I look at it.

Mr. BAYARD. I think the Senator from Florida is in error. I submit to him very respectfully that he is wrong as to the practice of the Senate on this subject, or the order of business. It was perfectly competent for the appropriate committee, that is to say the Committee on Naval Affairs of the Senate, to bring in a proposition to increase the Navy, and in the same bill to provide for paying for that increase; and that was precisely what they did. They did it in due and regular form. There was no objection from any source as to the method of presenting the

measure, and the discussion that took place was entirely as to its merits. So I think my friend from Florida is in error in supposing that this roundabout process should be resorted to and that the Naval Committee should report a bill to build a navy and then send it to the Appropriations Committee to learn the cost of the proposed navy and to provide an appropriation to cover it. That has not been the custom; that is not the rule of the Senate.

The Naval Committee proceeded precisely as they ought to have done. They made up their minds that the Navy needed reconstruction and replacement. They did produce a bill to that effect, and they said that they needed so many vessels and they needed so much money to build them, and the Senate passed that bill and it has gone to the House of Representatives. That was all regular and I voted for it; I sustained it. But now the proposition is to pass the same measure over again as an amendment ingrafted on an appropriation bill sent here from the House.

Mr. HALE. Will the Senator allow me to ask a question?

Mr. BAYARD. Certainly.

Mr. HALE. What is the force of that rule which the Senator has referred to which provides that a bill which has already passed the Senate may be incorporated in an appropriation bill, unless it is intended to cover just such a case as this? What force will the Senator give to that rule if it does not include the case that is now before the Senate?

Mr. BAYARD. Here is an exception to the denial of the right of amendment upon an appropriation bill, unless the amendment proposed has received the approval of the Senate at the same session. Of course the necessary implication is that you may ingraft upon an appropriation bill a measure that has received the approval of the Senate at the same session.

Mr. HALE. It says so in terms, does it not?

Mr. BAYARD. I say that the rule permits it.

Mr. HALE. In terms?

Mr. BAYARD. I say that the rule permits it in terms. I can construe the words as having no other meaning. But because the rule permits it, that does not make it in my judgment a proper form of legislation.

Mr. HALE. Certainly it must remove any impression that there is a desire to unduly force the other body, because our rules which the Senate have adopted and which conclude the Senator as well as me do provide this very thing.

Mr. BAYARD. The Senator from Maine has perfectly satisfied me that he has no intention of forcing the other House. I was very glad to have the statement made by him because I do not like suggestions of coercion or force. They are out of the question. A man here in either body ought not to be coerced except by his own sense of duty; and to such coercion he ought to yield and to no other coercion. Therefore I accept fully what my friend from Maine says—that this is simply a method of bringing the subject a second time and more directly before the attention of the House in order to procure their answer yes or no in regard to it. I do not know that I particularly object to getting their opinion upon the subject, but they certainly have the opportunity to vote on that bill now. We can not compel them to agree to these new cruisers, and I do not know that we can compel them to consider the subject.

Mr. HARRIS. Will the Senator from Delaware allow me to present to the Senator from Maine what I conceive to be the meaning of the rule in answer to the question he propounded to the Senator from Delaware?

Mr. BAYARD. I shall be very glad to hear it.

Mr. HARRIS. The Senate having passed a bill which if it become a law will involve the necessity of the expenditure of money, it is then competent for the Senate to incorporate in an appropriation bill the appropriation, but not the legislation—the appropriation which may become necessary if this bill that the Senate has passed at this session shall pass the other House and become a law. If the appropriation be made, however, and no law shall be passed authorizing the building of the cruisers the appropriation would fail. It would not be used for the purpose for want of an object. That is what I conceive to be the meaning of the rule.

Mr. HALE. I will not controvert with the Senator from Tennessee about the meaning of this rule and what it comprehends. Taking the view of the Senator from Delaware as to what this rule does comprehend, and his statement made the other day that it embraced this amendment—starting upon that as my hypothesis, the ground for acting, I was seeking to bring out from the Senator from Delaware that if it did not cover this it did not cover anything. I have no controversy with the Senator from Tennessee about the rule myself. That is another thing.

Mr. HARRIS. My suggestion was in respect to the point made by the Senator from Delaware. I beg, if the Senator from Delaware will permit me, to say this: If you incorporate into this appropriation bill the legislation that makes the appropriation necessary, which gives the authority to expend the money as well as to appropriate it, you do put the Senate in an attitude under which the conferees on the part of the Senate may say to the conferees on the part of the House, "These necessary appropriations shall not be made unless you consent to that legislation;" whereas, if you had confined yourselves to putting simply the appropriation made necessary by the bill passed by the Senate in this bill without the legislation, the House could very well have afforded to make the appropriation, leaving its ultimate expenditure upon the passage of the Senate bill which authorized it. I beg pardon of the Senator from Delaware.

Mr. HALE. The answer to that, if the Senator will allow me, is that it has already been ruled and is now the law of the body upon which we are proceeding, that the amendment submitted by the Committee on Appropriations is not general legislation, that it is simply an appropriation of money to be used in the building up and augmenting of a department of the Government already provided for by law.

Mr. BAYARD. Allow me to ask the Senator from Maine a question. There is no doubt, I believe, that the bill which passed the Senate did appropriate the money to build these vessels. The bill that we voted for last February, or whenever it was during this session, appropriated the money to carry on the work?

Mr. HALE. The original bill; oh, yes.

Mr. BAYARD. Therefore the bill was complete, authorizing the construction of the vessels and providing the money to construct them. Was not that so?

Mr. HALE. Complete if it passes both Houses.

Mr. BAYARD. I am speaking so far as the Senate is concerned. That is so.

Mr. HALE. Yes.

Mr. BAYARD. Now, the language of the rule is in accord with the suggestion of the Senator from Tennessee. In the first place it provides:

> 1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Unless it be made to carry out the provisions of the bill which passed the Senate and which, as the Senator said, provided for the construction of a navy and appropriated the money to build the ships. Now, what do you mean by declaring that your amendment shall be in order if it is to carry out the provisions of a bill heretofore passed at this session? It is not certainly to re-enact authority to build the ships, but it is on an appropriation bill to carry out the provision to build those ships. Is not that the meaning of the rule? Here are words in accordance with the interpretation given by the Senator from Tennessee where the exception is made to the inhibition of amendments upon general appropriation bills in the case of an "act or resolution previously passed by the Senate," which need to have their provisions carried out. Of course if their provisions are to be carried out on appropriation bills, it is by the appropriation of money. This does more than that.

Mr. HALE. I was proceeding, and have been all the while, on the basis of the statement that the Senator himself made on Thursday, that under this rule he believed this amendment to be in order. That is the basis of all I have said. The Senator from Tennessee does not agree with that. He does not think that this is in order under the rule. That raises another question entirely. But on the basis of the statement of the Senator from Delaware, that the rule which he has read does make this amendment in order, then I can not see how he can have any hesitation about putting it onto this bill.

Mr. BAYARD. The Senator from Maine, I know, is disposed to deal very candidly with the question unembarrassed by the forms of legislation and to assist in presenting it fairly. I am disposed to think that my assent was given too broadly on Thursday to that ruling under the language as to ingrafting any act or resolution on an appropriation bill because it has passed the Senate at the same session. It is simply to carry out the provisions of such an act. Now, what were those provisions? What do you mean by carrying out the provisions of an act in an appropriation bill? Is it not, I submit fairly, to furnish the money to carry them out? I submit to the Senator from Maine if that is not a satisfactory interpretation of the rule to him? That is, you are to carry out the provisions of the act, which is a very different thing from authorizing the ingrafting of any act or resolution upon an appropriation bill?

Mr. MILLER, of California. Will the Senator allow me to ask a question?

Mr. BAYARD. Certainly.

Mr. MILLER, of California. I understand the Senator to say that if this were a provision making an appropriation to carry out the provisions of a bill which had passed the Senate heretofore during this session it would be in order. Now, would it not be necessary to describe what the appropriation was designed to carry out? And has there been anything more than that done in the amendment to which he takes exception?

Mr. BAYARD. Now, I ask the attention of the Senator from Maine, because that is the very point between us. Suppose the Senate had passed a bill authorizing the construction of the seven additional men-of-war, and had made no provision for payment, and that bill had passed to the House; now, it seems to me that under this rule it would have been proper, in order to carry out the provisions of that bill

which passed the Senate, that we should by an amendment find the money to carry these provisions into effect. In this case, however, we have not only passed a bill authorizing the construction of the seven cruisers but we have passed a bill authorizing the expenditure of the money to pay for them. Now, it is proposed in this appropriation bill not to put on an amendment providing money to pay for these seven cruisers, but an amendment regulating the entire matter and appropriating anew upon an appropriation bill and providing new legislation of a similar character which independently we have passed and sent to the House as a separate measure.

I must say that upon reflection I am compelled to restrict my view as to the order or disorder of this amendment to this last statement which I have made, and that considering the nature of the bill with which we are dealing, which is a bill appropriating money to carry into effect existing laws, it is made competent by this rule of the Senate to ingraft upon that bill an amendment to carry out the provisions of another act which we have passed at the same session; that is to say, to make appropriations to carry into effect the provisions of that act; but I do not believe under this rule that because a bill making appropriations was coupled with a distinct and new measure you can take that entire bill and ingraft it on an appropriation bill. It is to that extent that I am disposed to restrict the construction which I assented to last Thursday or some time last week, and which has been quoted by the Senator from Maine.

But, Mr. President, if it were in order by the rule (which I am disposed now, as I say, to restrict) to ingraft a totally new and independent measure on this appropriation bill, I do not think it would be right to do so. It is not a form of legislation that I would recommend or that I am here to sustain. We can do no better than present our measures articulately, so that they may be precisely understood and stand or fall on their own merits. That is good in every contract or proposition in life: that a man should make himself understood so that he may be answered yes or no to what he is asking for and asking in the right way. The forms of law all tend to that, and the forms of legislation all tend to that or ought to, and that is to distinctness and articulateness of demand.

In this case the Senate has plainly and distinctly asked the House to concur with them in building these seven new vessels. They have accompanied that already by giving their consent and aid to finding the money from the Treasury to build the vessels. That is complete. Everybody understands it. But is it wise or right upon an appropriation bill to couple not merely the provision of money to carry out this measure which we passed at the present session, but to repeat the measure itself by ingrafting it upon an appropriation bill? It is not right; it is not wise; and I do not hold upon examination that it was intended by this rule to allow it.

I have heard in the Senate over and over again the most obvious and most just criticism upon the legislative vice of ingrafting general legislation upon an appropriation bill. Each measure ought to stand or fall on its own merits; and if you mix it up with appropriations for a variety of subjects you may endanger the appropriations, or you may secure the appropriations by carrying a very doubtful measure with them. That is not a wise form of legislation. Omnibus bills have been prevented by the constitutions of several of the States. My impression is that the State of Pennsylvania objects to and prevents two variant measures from being joined in the same bill. It is the objection to the omnibus bill that we call a river and harbor bill that it contains an infinite variety of measures, some good and others bad. In this case I do not think a man who wishes to vote supplies for the Navy ought to be compelled to vote for or against a bill to build these new ships with it.

Mr. MCPHERSON. I should like to ask the Senator from Maine the object of placing this legislation upon the appropriation bill. It has been denied here that there was any coercion in it, that any coercion was contemplated. What is it if it be not coercion? If it is not placed here with the intention of coercing the House of Representatives to pass this amendment, why is it affixed to a bill containing other matters for which appropriations must be made? The Senate has already passed a bill of like character, one which the honorable Senator himself declares to be an exact transcript of what is here proposed; it is now in the possession of the House, and if they desire to act upon it, if it is deemed of sufficient importance by them to pass, it can be taken up and acted upon at any time.

Now, what is the necessity and where is the necessity of putting this legislation upon an appropriation bill if it be not to say to the House of Representatives, "The Senate has twice passed judgment upon this measure: first, in an original proposition, in a bill standing alone by itself; and secondly, the same bill affixed to an appropriation bill." The judgment of the Senate having been expressed twice, when the committees of conference of the two Houses meet together the Senate conferees can quite properly and quite justly say, "The Senate has twice expressed its judgment on this legislation; we deny your right to refuse it; we insist upon it, and mean to remain here till you do give us the legislation demanded on this appropriation bill."

I submit, Mr. President, that under the rule itself it has no place upon this bill. In right and justice to the other branch of Congress it has no right here, and there is no necessity for it whatever, even in the estimation of those who have voted for it, because a like appropriation is contained and the manner of its expenditure is also set forth in the bill already passed by the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment reported by the Committee on Appropriations.

Mr. BAYARD. I would rather record my judgment upon this matter. The rule provides:

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

I should like to have a vote of the Senate on the relevancy of the amendment now proposed.

Mr. CAMERON, of Wisconsin. When the amendment was offered the other day, the Senator from Kentucky [Mr. BECK] distinctly raised the question of order, which was passed upon by the Chair at that time, and no appeal was taken. So it seems to me that the question of order has already been decided.

Mr. BAYARD. But if the Senator will read Rule XVI he will find that although the President of the Senate decided and no appeal was taken and no demand was made for it to be submitted to the Senate, yet the language of the rule at the end of clause 3 is this:

> And all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

The PRESIDING OFFICER. The Chair will state to the Senator from Delaware that the President *pro tempore* of the Senate decided at the last sitting of the Senate upon the question of order that was raised, which was that this amendment was not general legislation. The question of relevancy if raised—and any Senator has a right to raise it—must be submitted to the Senate under the rule, and the Senator from Delaware now raising the question of relevancy, the Chair will submit that question to the Senate for its decision.

Mr. BAYARD. I ask the Chair to submit that question.

Mr. HALE. I only wish to say a single word upon that point. Undoubtedly the Chair has ruled correctly that at any stage——

The PRESIDING OFFICER. The Chair would state to the Senator from Maine that by unanimous consent of course any suggestion upon the question pending may be received.

Mr. HALE. I was only going to make a suggestion.

The PRESIDING OFFICER. Unless there be objection the Senator will proceed.

Mr. HALE. I shall take up no time. I think hardly any Senator would on the question of relevancy to the subject-matter of the bill—appropriations for the Navy—be prepared to vote that this is not relevant. Appropriation bills have heretofore been loaded with general legislation entirely distinct and apart from the Departments for which they are made; but that an appropriation for new ships for the Navy is not relevant to an appropriation bill for the Navy seems to me to be a proposition that very few Senators on reflection would vote for. So I am content that the vote may be taken at once on that.

The PRESIDING OFFICER. The question is, Is the amendment reported by the Committee on Appropriations relevant to the bill? Senators regarding it as relevant will say "ay;" those of the contrary opinion, "no." [Putting the question.] The ayes appear to have it.

Mr. MCPHERSON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am usually paired with the Senator from Vermont [Mr. EDMUNDS], who is detained on account of sickness. I suppose he would vote "yea" if present. I shall vote "yea" myself.

The roll-call was concluded.

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB]. My colleague has been called home by necessary business, and will be absent for some days. I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. CAMERON, of Wisconsin. The Senator from Illinois [Mr. CULLOM] is paired with the Senator from North Carolina [Mr. VANCE]. The Senator from Michigan [Mr. PALMER] is paired with the Senator from Ohio [Mr. PENDLETON].

The result was announced—yeas 35, nays 14; as follows:

YEAS—35.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Hoar, | Morgan, |
| Allison, | Frye, | Jackson, | Morrill, |
| Bowen, | Garland, | Jones of Florida, | Pike, |
| Brown, | Hale, | Kenna, | Platt, |
| Butler, | Hampton, | Logan, | Sabin, |
| Cameron of Wis., | Harris, | McMillan, | Sawyer, |
| Coke, | Harrison, | Miller of Cal., | Sewell, |
| Conger, | Hawley, | Miller of N. Y., | Wilson. |
| Dawes, | Hill, | Mitchell, | |

NAYS—14.

| | | | |
|---|---|---|---|
| Bayard, | Farley, | Jonas, | Van Wyck, |
| Beck, | George, | McPherson, | Williams. |
| Call, | Gorman, | Pugh, | |
| Camden, | Groome, | Slater, | |

ABSENT—27.

| | | | |
|---|---|---|---|
| Anthony, | Fair, | Manderson, | Saulsbury, |
| Blair, | Gibson, | Maxey, | Sherman, |
| Cameron of Pa., | Ingalls, | Palmer, | Vance, |
| Cockrell, | Jones of Nevada, | Pendleton, | Vest, |
| Colquitt, | Lamar, | Plumb, | Voorhees, |
| Cullom, | Lapham, | Ransom, | Walker. |
| Edmunds, | Mahone, | Riddleberger, | |

The PRESIDING OFFICER. The Senate decides that the amendment is relevant. The question is on agreeing to the amendment.

Mr. McPHERSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be read if desired. The Chair will state to the Senator from Georgia that the amendment is about one hundred lines, and has been fully reported. Does the Senator desire the amendment reported?

Mr. BROWN. I withdraw the request.

Mr. BAYARD. It is scarcely necessary for me to repeat that I was and am in favor of the increase of the Navy proposed in the bill of which this amendment is a copy; but I am not in favor of ingrafting that measure in this form on an appropriation bill, and therefore I shall vote against it.

Mr. JONES, of Florida. I desire to say, sir, that this subject does not present the difficulty to my mind that it seems to do to some Senators. In my position on the Naval Committee I have had an opportunity, as I stated before, of ascertaining the necessities of this branch of the public service, and I made up my mind that in any way that I could vote to add a new ship to the Navy I would do it. The mere form of this thing does not matter to me. I have voted to concur with the House of Representatives in adding measures to appropriation bills. The Committee on Public Buildings and Grounds propose appropriations for buildings time after time, and after they are proposed they are referred to the Committee on Appropriations to provide the money. It has been done here over and over. The appropriation made a few years ago for the improvement of my own navy-yard first had to pass through the Naval Committee and then go to the Committee on Appropriations before it could go through the body. This is substantially that proposition, and as a friend of the new Navy I am not going to permit any technicality to stand in the way of voting for it when I feel that the country demands it and the interests of the public service require it.

It is said that the rules of the Senate will be violated. I do not see it. The rule expressly provides for this case, and I can not conceive of any party question involved here. A few years ago I staid here day after day to sustain the action of the other body that had ingrafted legislation on appropriation bills and had repealed every obnoxious feature in our election code. My vote is on record, and my speech is there, in which I justified the House in ingrafting upon an appropriation bill a provision to sweep out of existence every obnoxious law relating to elections that was then on the statute-book. And am I going to stultify myself now with respect to a provision that looks to nothing but the appropriation of a few million dollars to add a few ships to the Navy after having made the record that I did make to support the House of Representatives in 1879—am I going to take the high ground that I can not give a few dollars to the Navy because it is distinct legislation?

As I said before, this is a proposition to give to the President of the United States the authority to do this thing. On him I shall throw the responsibility. Everybody admits the wants of the Navy. So far as concerns the obnoxious fact that these vessels are to be "commerce-destroyers," I understand there is nothing meant by that but that if war should happen they shall stand as a menace to France and to England, not to compete with their ironclads or their great ships of war, but to make seizures of their private vessels on the high seas according to the laws and customs of nations.

Mr. BAYARD. The Senator did not misunderstand me to say that I objected to that?

Mr. JONES, of Florida. No.

Mr. BAYARD. I only said it was a very odious term for me to hear attached to an American man-of-war.

Mr. JONES, of Florida. I insist that all that was meant by "commerce-destroyer" was that so far as commerce was a benefit to the enemy it would be destroyed, but not by the torch, not by destruction on the high seas, but by legitimate seizure and condemnation according to the usages of nations. That I say it is perfectly legitimate for this nation to do: to put upon the ocean fifty fast vessels, if necessary, so that England may understand that she can not go to war with the United States with impunity and maintain at the same time her commercial marine, about which so much has been said here.

There is a strong public sentiment in this country, Mr. President, both Democratic and Republican, in favor of a navy; there is no question of party here; and I think I may say that I am better serving my party when I take the ground that I do to-day and indicate to the country that I am willing to vote in any way I can in order to add to the efficiency of our public force.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. If he were here, I should vote "nay" and he would vote "yea."

Mr. CAMDEN (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. I should vote "yea" on this amendment and he would vote "nay."

Mr. HILL (when his name was called). I am paired on this question with the Senator from Arkansas [Mr. WALKER].

Mr. COKE (when Mr. MAXEY's name was called). My colleague [Mr. MAXEY] has been called home on business and will be absent several days. During his absence he is paired with the Senator from Massachusetts [Mr. DAWES].

Mr. VOORHEES (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I should vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay," and I presume he would vote "yea." My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB]. My colleague would vote "nay."

Mr. MILLER, of New York. I am paired on all political questions with the Senator from West Virginia [Mr. KENNA]. I should like to inquire of his colleague if he considers this a political question on which I should observe my pair?

Mr. CAMDEN. My colleague would vote "nay."

Mr. MILLER, of New York. That being the case, I will say that if the Senator were present I should vote "yea."

Mr. CAMERON, of Wisconsin. The Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 27, nays 18; as follows:

YEAS—27.

| | | | |
|---|---|---|---|
| Aldrich, | Frye, | Logan, | Platt, |
| Allison, | Garland, | McMillan, | Riddleberger, |
| Bowen, | Hale, | Miller of Cal., | Sabin, |
| Butler, | Harrison, | Mitchell, | Sawyer, |
| Cameron of Wis., | Hawley, | Morgan, | Sewell, |
| Conger, | Hoar, | Morrill, | Wilson. |
| Dolph, | Jones of Florida, | Pike, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Bayard, | Farley, | Jackson, | Slater, |
| Beck, | George, | Jonas, | Vance, |
| Brown, | Groome, | McPherson, | Van Wyck. |
| Coke, | Hampton, | Pugh, | |
| Colquitt, | Harris, | Ransom, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Anthony, | Edmunds, | Lamar, | Plumb, |
| Blair, | Fair, | Lapham, | Saulsbury, |
| Call, | Gibson, | Mahone, | Sherman, |
| Camden, | Gorman, | Manderson, | Vest, |
| Cameron of Pa., | Hill, | Maxey, | Voorhees, |
| Cockrell, | Ingalls, | Miller of N. Y., | Walker, |
| Cullom, | Jones of Nevada, | Palmer, | Williams. |
| Dawes, | Kenna, | Pendleton, | |

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 476, to insert:

For procuring tools and otherwise preparing for the construction of iron or steel ships, $150,000, the same to be expended in fitting for construction of the hulls of such ships such navy yard or yards as may be deemed most advantageous to prepare and use for such work.

The amendment was agreed to.

The next amendment was in line 483, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For completing the Mohican at the Mare Island navy-yard, $50,000, to be immediately available.

The amendment was agreed to.

The next amendment was stated to be to strike out from line 484 to line 487, inclusive, as follows:

For care and safe-keeping of the iron-clad monitors now in the hands of the contractors when they shall have been turned over to the Government by said contractors, $5,000.

The amendment was agreed to.

Mr. BECK. I think that amendment ought to go as part of the next one, because if the Senate fails to agree to the amendment proposed to be inserted by the committee this clause of the House bill ought to remain. I think the Senate will agree in all probability to the amendment offered by the committee, but until that is done, I suggest to the Senator from Maine who has charge of the bill whether this ought not to be treated as part of that amendment.

The PRESIDING OFFICER. The Secretary will report the next succeeding amendment as printed.

Mr. HALE. It was intended to substitute the next succeeding printed amendment for the clause just read.

The PRESIDING OFFICER. Then the amendment is to strike out and insert.

Mr. HALE. Yes.

The PRESIDING OFFICER. It will be so reported. The amendment is to strike out the words just read and to insert in lieu thereof what will now be read.

The CHIEF CLERK. In lieu of the words proposed to be stricken out, the Committee on Appropriations propose to insert:

For continuing work upon the double-turreted monitors, $2,000,000, the same to be applied toward procuring the side and turret armor and armament and finishing the vessels; and the Secretary of the Navy, acting under the advice of the naval advisory board, in the same manner in all respects as in the construction of the steel cruisers, shall not, in procuring such armor and armament and finishing the monitors, exceed as the total cost of such completion the amounts estimated in the report of the board of October 25, 1883, and the report of the Secretary of December 1, 1883; and in all purchases of armor or contracts for construction there shall be free and open public competition.

The PRESIDING OFFICER. The question is on the amendment as now reported to strike out and insert.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 502 to line 506, inclusive, as follows:

Naval line officers may be detailed as instructors in mathematics or other branches of learning in any schools or colleges, according to the act of February 26, 1859; but the total number of all naval officers so detailed shall not exceed forty.

Mr. HOAR. I should like to ask the committee why that is stricken out?

Mr. HALE. Mainly because it is clearly a provision of legislation changing the law as it stands now, and the committee did not deem it advisable to incorporate it into the bill. It went out with other matters which the Senator must have noticed.

Mr. HOAR. If it is put on that ground I will not make any controversy; but I simply wish to say that it is a very sensible and useful provision. There are a great many institutions in this country which are now giving instruction in steam-engineering and in construction, and the people whom they educate would be of great service and great assistance to the country in the case of a naval war requiring a sudden expansion of our naval strength. While I do not wish to controvert the principle on which the committee have acted in striking out this clause, I desire to say that I hope the committee will find an opportunity to enlarge the power now possessed by the Secretary of the Navy in this direction hereafter.

Mr. HALE. The authority comprehends engineering officers now.

Mr. HOAR. I am aware of that; it comprehends all officers under the rank of lieutenant now, whether engineer officers or not, as I understand.

Mr. PLUMB. It ought to be understood, I think, in regard to this provision that it does not limit the detail of engineer officers to engineering or construction; that the purport of it was to permit the detail of officers of the Navy other than engineers for the teaching of mathematics and things of that kind, which they can not do better than anybody else. It would be, I think, vicious to extend this idea of detailing naval officers to others than those possessing proficiency in some special branch which could not be taught by the ordinary professors in colleges, which is certainly not true of mathematics.

While the Senator from Maine says the action of the committee was because this provision was legislation, the vote which I gave for striking it out did not depend on that proposition of it at all, but it was because I regard the legislation proposed as vicious in itself. The present law permits the detail of officers of engineers to teach those branches which can not be taught by an ordinary instructor. This only gives the privilege of teaching mathematics in addition.

Mr. HOAR. There are many officers who are in the line and above the rank of lieutenant who would be exceedingly useful in this branch of instruction, and whose pupils might render great service to the country in the case of a naval war requiring the improvisation of a large naval force. While the criticism which the Senator from Kansas makes on this clause of the bill as framed is entirely sound, yet I think it would be better to limit the bill so as to cover the grounds of the objection which the Senator from Kansas has suggested if we were proceeding to legislate on this subject at all.

Mr. PLUMB. But the law as it now stands permits the detail of engineers for the purpose of teaching steam-engineering in colleges, and this is intended to enlarge that so as to permit the detail of naval officers to teach mathematics. If it is desirable to increase the number of engineers who may be detailed for the purpose of teaching their special branch of proficiency, that is one thing.

Mr. HOAR. The Senator remembers that last year or the year before last we abolished the special education of cadet-engineers, and all our officers now are educated alike, as I understand, at Annapolis.

Mr. PLUMB. That will not apply to the existing establishment.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations striking out from lines 502 to 506, inclusive.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Marine Corps," after the word "dollars," in line 617, to strike out the following clause:

And from and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, below seventy-five; and after the number of officers shall be reduced as above provided, the whole number of commissioned officers on the active-list in the Marine Corps shall not exceed seventy-five.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 3, in the following words:

SEC. 3. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof, together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer: *Provided further*, But the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps, or commander in the Navy, who has been retired by reason of wounds received in the service.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. HALE. There are certain amendments that are mainly formal that I would call attention to. In line 76, after the word "care," I move to insert "and fittings;" so as to read:

Care and fittings of library.

The amendment was agreed to.

Mr. HALE. In line 81, after the word "instruction," I move to insert "professional journals;" so as to read:

Reports, professional investigation, cost of special instruction, professional journals, and information from abroad, &c.

The amendment was agreed to.

Mr. HALE. In line 194, I move to insert, after "coal," the words "or other fuel."

The PRESIDING OFFICER. By unanimous consent that amendment can be incorporated, it being a proposition to amend an amendment already agreed to. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. HALE. In line 198, after "coal," I move to insert "and of other fuel."

The PRESIDING OFFICER. That also must be done by unanimous consent. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. HALE. In line 199, after "coal," I move to insert "or other fuel."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. HALE. In line 392, after the word "tons," where it occurs the second time in that line, I move to insert, in order to make the clause clear, "this boat;" so as to read:

Not to exceed nine hundred tons, this boat to be built on plans and specifications, &c.

The PRESIDING OFFICER. Is there objection to this amendment? The Chair hears none, and the amendment is agreed to.

Mr. HALE. In line 446, I move to strike out "and their armament;" so as to read:

And for the construction of all which vessels the Secretary of the Navy shall invite proposals, &c.

The PRESIDING OFFICER. Is there objection to this amendment?

Mr. MCPHERSON. I should like to ask the Senator in charge of the bill the necessity or apparent necessity for striking that out.

Mr. HALE. The Senator will see himself that when propositions are made for the ships there are certain provisions that ship-yards may have in readiness, but they have nothing to do with the armament. The armament does not go into the bid for constructing the vessels. That is entirely separate and distinct.

Mr. MCPHERSON. I do not see that it makes any difference.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

Mr. MCPHERSON. I should like to ask the Senator from Maine the result of striking out those words in line 446, whether it will not have the effect of removing the armament of these vessels entirely from any range of competition and leave the matter in the hands of the Secretary of the Navy without any limit whatever as to the method he shall pursue in the purchase of the armament of these ships?

Mr. HALE. The Senator will see that this is the clause that provides that before constructing the ships proposals shall be invited from American ship-builders, who must show that their yards are or will be equipped to the extent necessary for construction. It will throw out a large portion of the ship-builders if you oblige them to show that they have their yards ready for the building of the armament. The point is simply that you can not ask ship-builders to agree that they will build guns or that they will have their yards ready to build guns. That is why I have moved to strike out those words, and they have been stricken out.

There are one or two other amendments which I wish to make, which I gave notice of the other day. The first is in relation to the gun-foundery and the other in relation to the gun-factory.

The PRESIDING OFFICER. The first amendment indicated by the Senator from Maine will be read.

The CHIEF CLERK. At the end of line 382 it is proposed to insert:

For the purchase and erection of plant for casting, forging, rough-boring, and tempering guns up to one hundred tons, ready for delivery at gun-factories, including cost of the process of liquid compression, if adopted, $835,000.

Mr. BECK. I make the point that that is new legislation.

Mr. HALE. I should hardly think that that point is well taken. We have appropriated all through the bill, under the proper bureaus, for the construction of guns, for ordnance, and this is simply to perfect methods by which it may be done. I will say, however, to the Senator from Kentucky that if he will withdraw his point of order I shall withdraw the amendment. I do not urge it, but will only urge the adoption of the amendment providing for the gun-factory, believing that the forgings, the tubes, the jackets, the rings can be, as the gun board conclude in their report, built by private enterprise, which should be encouraged. Therefore I do not urge the amendment.

The PRESIDING OFFICER. Does the Senator from Kentucky withdraw his question of order?

Mr. BECK. No, sir; I do not desire to withdraw anything.

Mr. HALE. I am willing to withdraw the amendment if the point of order is withdrawn.

Mr. BECK. Of course, then, I withdraw the point of order.

Mr. HALE. I withdraw the amendment. Now let the next amendment be read.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. After line 382 it is proposed to insert:

For plant for gun-factory for completing guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit, $900,000.

Mr. BECK. I desire something in that direction done, and I do not really know but what the Senator from Delaware has a proposition which I should be very glad to have submitted. I desire something of that sort done, but I desire it done with more care than can be given in this bill, perhaps.

Mr. HALE. Does the Senator make a point of order?

Mr. BECK. Not now.

Mr. BAYARD. The amendment of the Senator from Maine is in the line of a proposition which I entirely approve, and that is that the Government of the United States should, after this very long interval of neglect, commence the preparation of some facilities for the construction of modern artillery. I have read with some interest and care the report of the gun-foundery board to which my attention was directed by the Senator from Maine, to be found in House Executive Document No. 97 of the present session. I have read it carefully, and it seems to be most intelligently stated. The result of their recommendations is in some degree embodied in the two amendments presented by the Senator from Maine; but he has not presented them subject to the conditions that the board recommend. At page 47 of the report, after criticising the English, the French, and the Russian systems of constructing artillery, they state the conclusions of the board, as follows:

The conclusions of the board on this subject accord with the plain teachings of these historical instances. It accepts the system now pursued in France as the proper standard for imitation, and recommends that in inaugurating the manufacture of war material in our own country a conformity as close as circumstances will admit to the plans which have proved so successful in France should be observed.

The plan in France was this:

As an example of depending alone on government works France was a perfect instance before the Franco-German war. During the period referred to the government founderies were the sole source of supply of the armament of the country; the officers charged with the work formed a close corporation; their action was never exposed to the public; their ideas were never subjected to criticism; the ingenuity and inventive talent of the country were ignored and resisted, and no precaution was thought necessary to provide a supply in case of need of rearmament. The result is well known; a great crisis came; the government works were inadequate to meet the additional demands made upon them, and the patriotic efforts of private establishments were inadequate to produce all the material that was needed. How entirely France has now altered her system is shown in a previous part of this report; her present practice is theoretically perfect, and it has proved to be practically efficient. Her government establishments are still retained, but as gun-factories simply, in which the parts are machined and assembled, but for foundery work she depends upon the private industries of the country, and many of these works have found it to their profit to establish gun-factories which supplement the government factories to a great extent.

That makes the recommendations of the board obviously wise, and the Government by having gun-factories of its own as well as other plant for making the raw material will never be subject to extortion by private contractors, because unless they shall propose to do their work upon fair terms the Government will have the ability to turn to its own facilities and prevent its suffering at their hands.

On page 50, however, we come to the conclusion of the report signed by this foundery board. They state the cost of casting, forging (hydraulic press), which it seems by the late experience is preferred to the steam-hammer process of forging, rough-boring, and turning, and tempering, and the approximate cost of plant for gun-factories to be found in this document, the one at $775,000 and the other at $900,000. But they say:

Three years will be required to complete the tools, construct the shops, and establish the plant. Such a factory will be able to turn out per year fifty 6-inch, seventeen 12-inch, and twelve 16-inch guns, or a proportionally larger number of smaller calibers, at a yearly expense of about $2,000,000. The figures can not be pronounced exact, but the board is confident that they closely approximate accuracy. The calculations are based upon estimates obtained abroad, and do not include ocean freight and customs dues.

* * * * * * *

The facts that the United States is destitute of the means of fabricating the modern guns so urgently needed for national defense, and that at least three years will be required to complete the tools, construct the shops, and establish the plant, would seem to demand an immediate appropriation of the amount ($1,800,000) estimated for the establishment of the proposed gun-factories.

That is to be the total cost of these two establishments which have been suggested by the amendment of the Senator from Maine. It is obvious that if three years are required installments of one-third of the amount stated should ratably be appropriated as time goes on. But, sir, there ought to be something more before this money is appropriated; there ought to be something more than mere approximation. There can be and there ought to be an examination, and a detailed examination, and drawings and estimates, in order to ascertain how much of this $2,000,000 in round numbers will be needed in each year to commence and carry on economically the proposed structures.

I am strongly in favor of this appropriation when we have put it under the proper restrictions under estimates in detail; and it is a strange thing that it has been so long delayed. It is proper that it should be immediately commenced, and economy will dictate that preparation for the commencement is essential. We must know more about it than we can in this way and by this amendment. I ask to have read for information that which I would propose as a substitute for these two amendments; but I apprehend that both the amendments will be withdrawn by the Senator from Maine, because they are not in order on this bill. The point has been suggested by the Senator from Kentucky as to one, and it will be as to the other, for it was only withdrawn to allow an explanation. If the Senator will allow my proposition to be read perhaps he will agree with me in permitting this amendment, which appropriates no money, but directs examination to be made, to be incorporated in the bill.

Mr. HALE. I presume the Senator and I will come to an accord on this matter, because we are seeking a common end. I have already withdrawn one amendment, and only the second one now remains. I shall be glad to hear what the Senator proposes.

Mr. BAYARD. I ask that my amendment be read for information.

The PRESIDING OFFICER. The amendment of the Senator from Delaware proposed as a substitute will be reported.

The Chief Clerk read as follows:

That it shall be the duty of the Secretary of the Navy, with the assistance of the naval advisory board, appointed in conformity with the act approved August 5, 1882, to report to Congress on the first day of the next ensuing session a plan and estimate for the preparation and purchase of plant for a gun-factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit; also for purchase and preparation of plant for castings, forgings, rough-boring, and tempering guns up to one hundred tons ready for delivery at gun-factories, including machinery for liquid compression; and to report the full and detailed estimates for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government or by private contract, or by a combined system whereby the said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriation can most economically be made.

Mr. HALE. So far as I see, I am entirely willing to withdraw the other amendment and accept this amendment that has been submitted, or will be, by the Senator from Delaware. It is in the line of a more complete investigation of this important subject. The gun board does not believe in the Government erecting what is provided for in the second part of the Senator's amendment, but he has well provided in that for the whole question to be considered. The report that we get under this will, if anything can, throw additional light. And directly in point here I ask that there may be printed in the RECORD a letter from the Secretary of the Navy on this subject, inclosing a letter to him from Admiral Simpson, who was at the head of the gun-foundery board.

The PRESIDING OFFICER. If there be no objection the letters will be printed in the RECORD. The Chair hears no objection.

The letters are as follows:

NAVY DEPARTMENT, *Washington, April* 10, 1884.

SIR: I have the honor to inclose a copy of a letter from Rear-Admiral Edward Simpson, president of the gun-foundery board, relative to the amendments proposed by you to the naval appropriation bill for providing means for the manufacturing within the United States of material for heavy cannon and for the fabrication of naval guns from such material. I concur with the board in advising that private works should be induced to produce the necessary steel by contracts involving a fixed annual appropriation continued for a series of years, and that the guns should be fabricated at Government factories.

As the subject is novel and any appropriations for these objects will be large, I recommend that there be added a requirement that the sums shall be expended only with the assistance and advice of a board appointed by the President after confirmation by the Senate, three members of which at least shall consist of naval officers.

Very respectfully,

WM. E. CHANDLER,
*Secretary of the Navy.*

Hon. EUGENE HALE,
*Acting Chairman Naval Committee, United States Senate.*

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NAVAL ADVISORY BOARD, *Washington, April* 9, 1884.

SIR: Referring to an amendment to the naval appropriation bill "reported for information" by Senator HALE in the Senate, which provides for the manufacture of metal for cannon at Government expense, I ask your attention to the following conclusions arrived at on this subject by the gun-foundery board:

The board concluded that the Government should fabricate the guns at gun-factories.

The board concluded that the manufacture of the material, including casting,

forging, rough-boring and turning, and tempering should be done by private works.

The amendment reported yesterday is opposed to the mature conclusions of the board, which desired this encouragement given to the private industries of the country.

In order to encourage this outlay of private funds, the board proposed a permanent appropriation (similar to that for supplying arms to the militia) for "providing the country with modern artillery." This appropriation would be a guarantee against loss to those who undertake the work.

The proposals of the board would thus involve—

1. Nine hundred thousand dollars for the establishment of a complete Government gun-factory for the Navy.

This includes the fabrication of guns of the largest calibers. So far as the Navy is concerned, the plant for guns from 12-inch to 16-inch calibers might be omitted at present; guns up to 12-inch caliber is all we will require for some time. This would reduce the amount of the appropriation to $550,000.

2. To keep the full plant, including that for 16-inch caliber, busy (producing fifty 6-inch, seventeen 12-inch, and twelve 16-inch guns yearly) a permanent yearly appropriation of $2,000,000 will be required. Leaving out the guns from 12 to 16 inch calibers would reduce the amount about one-half, say to $1,000,000.

If half of this amount be estimated for labor at the gun-factory and half for purchase of material, the private manufacturers will have the guarantee of $500,000 yearly to remunerate them for the expense of putting up a plant for preparing the material for guns for the Navy alone.

I would recommend as a substitute for the amendment referred to the following:

"For the purpose of providing modern artillery for the Navy of the United States, for the purpose of encouraging in the United States the manufacture of material suitable for modern artillery, and for the purpose of establishing a guarantee against loss to those manufacturers in the United States who will undertake the manufacture of suitable material, $1,000,000, to be a permanent yearly appropriation to be expended under the authority of the President for the specific purposes cited.

"For plant for gun-factory for completing guns embracing all calibers up to twelve inches, including buildings and shrinking-pit, $550,000."

I feel confident with such a guarantee the material for cannon will be forthcoming from our own steel-works. I believe that the Cambria Works at Johnstown would entertain the idea seriously and at once.

Very respectfully,

E. SIMPSON,
*Rear-Admiral, United States Navy, President of the Gun-Foundery Board.*

Hon. W. E. CHANDLER,
*Secretary of the Navy.*

Mr. HALE. I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Maine is withdrawn.

Mr. BAYARD. Now I offer my amendment, to which I understand there is no objection.

Mr. HALE. I hope no objection will be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, which has been read.

Mr. ALLISON. Mr. President, while I agree in the general view of the Senator from Delaware and of the Senator from Maine who has charge of this bill, I do not think the amendment now suggested by the Senator from Delaware is exactly what we should adopt in this regard.

At the last session of Congress we appointed a joint commission consisting of Army officers and naval officers whose duty it was to examine this whole question of guns, and they have made their report, which the Senator from Delaware has read from. That examination was exhaustive in its character. If we are to build up a system of defenses through the Navy and through our fortifications, it seems to me that in any investigation we make on this subject we should unite both the Army and the Navy. What can the Secretary of the Navy and this advisory board do that has not already been done? What can they do to furnish us additional light on this question?

Mr. BAYARD. They can utilize every particle of the information found by this joint board. The board has already recommended two of these establishments, one at the Washington navy-yard for the Navy and the other at West Point for the Army; but they are mere recommendations as to a general plan; they are not sufficiently specific or detailed to permit any man in charge of private money or public money to make an expenditure upon such a report as is now before us.

It is true, for they themselves have recommended it, that the Army should have its own foundery, and that the Navy should have its own establishment, because if there were a mingling of jurisdiction there would be confusion among the officers. That is all well enough. I think that everything asked for in the amendment is necessary for the Army, and I believe it is necessary for the Navy, and I think it ought to be provided for as to each. They both touch the question of the Government providing establishments of its own for the creation of war material of a modern character.

My amendment was intended certainly to provide, and I think the Senator from Iowa upon examination will find that it provides for such a detailed report as will enable us economically to make those appropriations that shall give the Government, in this case for the Navy only (in some other bill I trust it will be for the Army also separately), a workshop of its own that will place it beyond the power of extortion by private parties.

Mr. HALE. Another feature struck me as valuable in the amendment suggested by the Senator from Delaware, which the gun-foundery board have not gone into, and that is the investigation which could be reported to us in December as to the capacity of private establishments in this country to do a part of this work. The gun-foundery board did not go into that.

Mr. ALLISON. We all know perfectly well that there is not a private establishment in the United States to-day which can do this work.

Mr. HALE. Has the Senator read the letters from the Cambria Iron Works that have just come into the Department, and others, showing the condition they are in and how little expense they would be at in order to make these founderies?

Mr. ALLISON. I have read those letters, and I undertake to say that if we enter upon a system of defense with reference to our Army and our Navy, we shall very soon find men in this country who are enterprising enough and energetic enough, and who have the means, to furnish all the plant necessary for the making of the steel and the forgings with which to build these guns. I do not want any information myself upon that question. I agree with the gun-foundery board that it is not wise for this Government to undertake to manufacture steel from ores and to undertake the great business of manufacturing guns from the ores of our country.

Mr. BAYARD. There is nothing of that kind suggested in this amendment.

Mr. ALLISON. It is suggested that the Secretary of the Navy and the advisory board inquire into that. We have already had one board who have inquired into that, and they report against it.

Mr. BAYARD. Is the Senator not in error?

Mr. ALLISON. Then I have not read correctly the amendment.

Mr. BAYARD. The Senator is in error. He will find that the amendment relates only to the items to be found on page 50 of the report of the gun-foundery board.

Mr. ALLISON. I ask that the latter clause of the amendment may be read again.

The PRESIDING OFFICER. The Secretary will report the latter part of the amendment again.

The Chief Clerk read as follows:

And to report full and detailed estimates for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government, or by private contract, or by a combined system whereby the said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriation can most economically be made.

Mr. ALLISON. That does not cover the point.

The PRESIDING OFFICER. The Chief Clerk had better report the whole amendment.

The Chief Clerk read as follows:

That it shall be the duty of the Secretary of the Navy, with the assistance of the naval advisory board, appointed in conformity with the act approved August 5, 1882, to report to Congress on the first day of the next ensuing session a plan and estimate for the preparation and purchase of plant for a gun-factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit; also for purchase and preparation of plant for castings, forgings, rough-boring, and tempering guns up to one hundred tons ready for delivery at gun-factories.

Mr. ALLISON. That is all I desire to have read. I think we have satisfactory evidence in the report of the gun-foundery board that it is not wise for the Government to enter into the business of manufacturing steel for guns.

Mr. HALE. Let the Senator strike out that part of the amendment.

Mr. BAYARD. The amendment does not provide for the manufacture of steel for guns.

Mr. ALLISON. Then I do not understand the amendment.

Mr. HALE. Let that part be stricken out.

Mr. BAYARD. They can utilize any information. Let the amendment be modified by striking out that part of it, if the Senator thinks it covers that; but I really do not think it does, for I have copied this——

The PRESIDING OFFICER. Will the Senator suggest the language to be stricken out?

Mr. HALE. That part in relation to the founderies.

Mr. ALLISON. The board has already reported against this.

Mr. BAYARD. The question is stated at page 50 of the report: "approximate cost of plant for producing the tempered parts of guns up to one hundred tons, ready for delivery at gun-factory;" and then they go on to give the items of that cost. It is entirely competent for the Government to make provision for that, in my judgment, when we know the details and the expense of it.

The PRESIDING OFFICER. The Chief Clerk will report the modification suggested by the Senator from Iowa.

The CHIEF CLERK. It is proposed to strike out the following words:

Also for purchase and preparation of plant for castings, forgings, rough-boring, and tempering guns up to one hundred tons ready for delivery at gun-factories, including machinery for liquid compression.

Mr. ALLISON. In other words, what I desire is that this examination and investigation shall relate wholly to the manufacture of guns by the Government, and not to the manufacture of raw material for use as guns.

Mr. HALE. Forgings?

Mr. ALLISON. For forgings.

Mr. BAYARD. With due respect to my friend from Iowa, I think he is cutting too deeply in this matter, and that he is excluding information; for this is only information. It binds Congress to no appropriation. But the Government of the United States ought to be able to make a gun itself.

Mr. ALLISON. From the ore?

Mr. BAYARD. That does not make it from the ore. It never will be run from the ore in this case. I know that you now can convert iron ore into steel by a single process; there is no doubt of that. It is not proposed, as I understand, that the Government should manufacture steel, but it is to have the founderies in which guns can be cast from steel purchased or made elsewhere.

Mr. ALLISON. The Senator from Delaware will bear with me. I have myself given some examination to this subject, and I have some opinions respecting it. What I desire to provide against is that this Government shall undertake the business of manufacturing the material from which steel guns are made.

Mr. McPHERSON. Will the Senator from Iowa yield for a question?

Mr. ALLISON. Yes, sir.

Mr. McPHERSON. Does the Senator from Iowa think that Herr Krupp, who is a large manufacturer of guns in Westphalia, would permit any manufacturer on earth to supply him with the material that he puts into his guns? In other words, would he go into the market and buy such material as he could purchase upon the market and manufacture his guns, which require of course that they should bear tremendous strain and tension, in preference to making the material himself, and then knowing when the material was ready to put in the gun that it would perform all that was demanded of it?

Mr. ALLISON. I do not know what Mr. Krupp would do. I have no doubt he would much prefer to make his entire plant, including the steel and every raw material that goes into the making of a gun; but I know that there is not a government on earth to-day that manufactures the steel from which guns are made. Great Britain does not do it; France does not do it. They all purchase their forgings, their steel, their castings, and build up their guns.

Mr. McPHERSON. Nearly all purchase the gun itself.

Mr. ALLISON. Many of them purchase also the guns. France makes some guns, but purchases others.

What I desire is simply to confine this investigation to what I think we ought to do, namely, providing a plant whereby we can take the raw material of steel and from it build up such guns as we wish to use in our Navy and in our Army.

Mr. BAYARD. Will my friend suggest a modification of the amendment? I have entirely the same object in view. I have no idea of the Government going into the manufacture of steel, but I have an idea of their going into the manufacture of guns from steel.

Mr. ALLISON. So have I. The Senator and I have no difference on that point.

Mr. BAYARD. If the Senator so modifies the amendment as to answer that purpose, I shall be perfectly satisfied.

Mr. MILLER, of California. There is not any doubt about the amendment. It does not include the manufacture of steel.

Mr. ALLISON. It includes the castings.

Mr. MILLER, of California. Taking the pig-iron and castings does not include making pig-iron. It says, "also for purchase and preparation of plant for castings, forgings, rough-boring, and tempering guns up to one hundred tons." The use of pig-iron or iron in its first base of manufacture to be cast and forged has no reference to the manufacture of iron or steel from the ore.

Mr. ALLISON. If the Senator will bear with me, this steel is now cast by what is known as the open-hearth process from the ores, and is cast in one single piece, requiring a casting certainly as high as fifty tons for a hundred-ton gun; much larger perhaps. That can be done at any steel establishment that has the plant prepared for it. I have no doubt the Cambria Iron Works, with an expenditure of $50,000, could manufacture these castings (and the rough-boring of course is still another process) for guns say 10 or 10½ inches in diameter. But when it comes to a 16-inch gun, of course there must be immenselylarger castings in order to cast into one single piece. For that reason I think that we had better allow our own steel manufacturers to grow up into this business. We are not likely to build a 16-inch gun within the next year or the next two years, at least not more than one or two of them.

I do not believe there are to-day in the world twenty-five 100-ton guns. It is a rare thing indeed that those guns are cast either for the army or for the navy, for fortification, or to be put upon ships. Therefore I do not believe it is necessary for us to rush into a plant which will include the construction of 16-inch guns. Our manufacturers of steel will grow up into this business as rapidly as we desire them to grow. We are building now 6, 8, and 10 inch guns. By the time we get ready to build 16-inch guns our steel manufacturers will be ready to furnish the castings and also the machinery for rough-boring those guns.

Therefore it was that I ventured to suggest to my friend from Delaware that we should confine this examination and investigation and this expenditure for the present to the creation of a plant, not for the manufacture of material for guns, but for the manufacture of the guns themselves; and that is exactly what the gun-foundery board recommend and nothing else.

Mr. McPHERSON. What is the objection to making the inquiry thorough? What is the objection to inquiring into it? I understand that the amendment is only one of inquiry.

Mr. ALLISON. There is no objection whatever, except that the gun-foundery board, consisting of Army officers and Navy officers, have already made the inquiry, and it is absolutely impossible to make that inquiry thoroughly unless the officers shall visit Europe. How can the naval advisory board go over the inquiry made by the gun-foundery board unless they themselves make a journey to Europe? The gun-foundery board at the expense of the Government went to Europe and spent the summer there visiting every foundery and every great establishment for the manufacture of guns except Krupp's, and they were not permitted to visit Mr. Krupp's establishment. Are we to repeat that by sending this naval advisory board to Europe to go over the examination that has been already made by the gun-foundery board?

I wish to confine our investigation to what the Senator from Delaware desires and what I desire, namely, the amount of machinery necessary, the cost of that machinery, and the best place to plant it for the manufacture of guns from the raw material, which we shall purchase either in this country or in some other country from the manufacturers of steel.

Mr. McPHERSON. I should like to ask the Senator from Delaware why it is that instead of offering such an amendment to the appropriation bill he does not introduce a joint resolution continuing the old board both of Army and Navy officers jointly? Both branches of the service are interested. The Ordnance Department of the Government has received more attention from the War Department than from the Navy Department. It is of more importance to the War Department. Why take from the commission which has been appointed and which has reported certain facts to Congress the responsibility and power and confer it entirely upon the naval branch of the service?

Mr. BAYARD. Simply because it seemed to me more convenient to use this bill for the purpose of a mere inquiry, not detracting in the slightest from its effect and not adding a dollar to its cost, so as to get the information that would enable us to vote money as speedily as possible for the procurement of this armament. If the Senator thinks there should be a separate board, and that we should have separate action, separate consideration, more time to think——

Mr. McPHERSON. Then I shall simply ask that the amendment be modified so as to include also the Secretary of War as well as the Secretary of the Navy. If the advisory board of the Navy is included I would also include the Ordnance Bureau of the Army, as practically the same committee of investigation will be had in this case as the one who have already made their report. I suppose there will be no objection to such a modification of the amendment.

Mr. BAYARD. It is called the foundery board.

The PRESIDING OFFICER. Does the Senator from Delaware so modify his amendment?

Mr. BAYARD. I have no objection to the modification.

Mr. MORGAN. I should like to have the amendment read as modified.

The PRESIDING OFFICER. If the Senator from Delaware chooses to so modify his amendment, the Chief Clerk will report it as modified.

Mr. BAYARD. All right.

The Chief Clerk read as follows:

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the Ordnance Department and the naval advisory board appointed in conformity with the act approved August 5, 1882, to report to Congress on the first day of the next ensuing session of Congress a plan and estimate for the preparation and purchase of plant for a gun-factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit, &c.

Mr. HALE. Why does not the Senator, which would be better still, provide that this shall be done by the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, and then let it go on? Would not that be better than to mix up the Ordnance Department and the advisory board? I suggest to the Senator from Delaware, in lieu of "the Ordnance Department and the naval advisory board" to insert "gun-foundery board, which is hereby revived."

Mr. BAYARD. I think that would be better.

The PRESIDING OFFICER. The amendment will be so modified. It will be read as modified.

The Chief Clerk read as follows:

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, appointed in conformity with the act approved August 5, 1882, to report to Congress on the first day of the next ensuing session a plan and estimate for the preparation and purchase of plant for a gun-factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit.

Mr. HALE. The reference to the date should be stricken out, because that refers to the act authorizing the advisory board.

Mr. McPHERSON. I submit to the Senator from Iowa that he had better let them examine into the whole matter.

Mr. ALLISON. March 3, 1883, is the date of the act providing for the gun-foundery board.

Mr. HALE. There is no necessity to put in the date.

Mr. MORGAN. I hope the Secretary will be allowed to report the entire amendment. The remainder of it is the important part, as I understand.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Delaware has accepted the amendment suggested by the Senator from Iowa?

Mr. BAYARD. I accept that.

The PRESIDING OFFICER. At the suggestion of the Senator from Alabama [Mr. MORGAN] the amendment as modified will be reported.

Mr. HALE. The whole amendment.

The PRESIDING OFFICER. The whole amendment as modified.

The Chief Clerk read as follows:

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, to report to Congress on the first day of the next ensuing session a plan and estimate for the preparation and purchase of plant for a gun-factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit; and to report full and detailed estimates for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government or by private contract, or by a combined system, whereby said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriation can most economically be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment as just reported.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Where does the amendment come in?

Mr. HALE. It will follow the amendment just adopted.

Mr. BAYARD. I understand that the Senator from Maine withdrew his second amendment?

Mr. HALE. Yes, sir; all those have been withdrawn.

The PRESIDING OFFICER. The amendment now offered by the Senator from Maine will be reported.

The CHIEF CLERK. After line 382, as amended, it is proposed to insert:

The Secretary of the Navy is hereby directed to report to Congress at its next regular session a plan or plans for the construction of one armored vessel for the United States Navy of not exceeding 8,500 tons displacement, the cost of the same with machinery and armament, and the time which the process of construction of such vessel would take.

The amendment was agreed to.

Mr. HALE. I ask to have printed as part of the debate upon the amendment just adopted a letter upon armored ships from the Secretary of the Navy, and also from the head of the advisory board.

The PRESIDING OFFICER. That order will be made if there be no objection.

The letters were as follows:

NAVY DEPARTMENT, *Washington, April* 11, 1884.

SIR: I transmit herewith a copy of a communication, dated this day, from the president of the naval advisory board, concerning the expediency of an appropriation for the construction of an armored broadside war vessel.

Very respectfully,

WM. E. CHANDLER,
*Secretary of the Navy.*

Hon. EUGENE HALE,
*Acting Chairman of the Committee on Naval Affairs,*
*United States Senate.*

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NAVAL ADVISORY BOARD, *Washington, April* 11, 1884.

SIR: Referring to the debate in the Senate on the amendments to the naval appropriation bill, objection is raised by some Senators to granting additional vessels for the Navy on the ground that the cruisers asked for are not of such fighting quality as to match armored vessels of other nations, the inference being that if a bill were presented for the construction of an armored vessel it would meet with their approval.

The first advisory board was fully sensible of the need of armored vessels for the Navy, but, in consideration of the great need of cruisers to carry the flag abroad it recommended as the first step in "rehabilitating the Navy" the construction of vessels to supply this, the most pressing want of the service. Construction of armored vessels was confidently expected to follow in due order after a sufficient number of unarmored vessels should have been built to form a cruising force. It seems apparent that the building of armored vessels and of unarmored vessels was not proposed to be carried on simultaneously from a disinclination to call for very large appropriations.

For the purpose of conforming to the implied desires of Senators for armored ships, and from the fact that there is no doubt of the need of them, I respectfully recommend that the programme laid out by the first advisory board be so far departed from as to admit of having one armored vessel under construction constantly, even while the work of providing cruisers is in progress.

The length of time required for such constructions is from three to five years; they are very costly and will involve much study and careful preparation; besides, the selection of a type will be a matter requiring much deliberation.

In relation to the last point, the selection of a type, I submit general dimensions and some particulars of two armored vessels which represent the most advanced ideas of the present day. One of these would, most probably, be the character of the vessel that would be recommended by such a body as the advisory board.

Her British Majesty's ship Imperieuse, not yet completed, was commenced in 1881. She is called an armored cruiser, and is intended for service on foreign stations, where fast unarmored ships may have to be opposed, and where second-class ironclads may have to be engaged. Her dimensions are as follows: Length, 315 feet; beam, 61 feet; draught, 25 feet; displacement, 7,400 tons; indicated horse-power, 8,000; speed, 16 knots.

The battery will consist of four 9.2-inch guns, each mounted in an armored barbette, and six 6-inch guns in broadside. The barbettes are arranged one forward, one aft, and the others abreast of each other at the sides amidships; the heavy guns are thus situated at twice the height from the water that they would be in a turreted ship, and can be fired, three together, in any direction. The speed and armament here described does not greatly exceed that of the Chicago, but the difference in displacement of 2,900 tons admits of the following armor:

Throughout the length occupied by the machinery and boilers (139 feet) the sides are protected by 10 inches of compound armor for a depth of 8 feet, the deck over this is 1½ inch thick, bulkheads of plating 8 inches thick run athwartships at the forward and after extremities of the side armor, thus forming a citadel inclosing the machinery and boilers. Forward and abaft the citadel, at the level of its lower edge, extends a protective deck 3 inches thick sloping downward to the sides, as in the Boston and Atlanta. The barbettes are 17 feet in diameter, and are armored with 8 inches of steel, which protects the machinery for turning, elevating, and loading the gun, and an armored chute leading to below the armor-deck makes the passage of ammunition safe and rapid. The pilot tower is protected by 10 inches of armor.

Contrasting the protection afforded by the armor above stated with the vulnerability of the Chicago, the advantage of the increased displacement of the Imperieuse becomes apparent.

Another type of vessel that would come up for consideration is the turreted ship Riachuelo, just completed for the Brazilian Government by an English firm on the Thames. Her dimensions are as follows: Length, 305 feet; beam, 52 feet; draught, 20 feet; displacement, 5,700 tons; indicated horse-power, 6,000; speed, 16 knots.

The armament consists of four 9-inch guns in two turrets, and six 6-inch guns on the upper deck. There is an armor-belt of eleven inches thickness, covered by a 2-inch deck, and the turrets have ten inches of armor.

The armor protection is by no means so complete as that of the Imperieuse, nor is the arrangement of the battery so effective, but on the other hand the speed is greater and the displacement is 1,700 tons less.

These instances are cited to show that a board can not, except after the most careful study and examination, decide upon even the size and general dimensions of an armored vessel best suited for our puposes. Therefore, in suggesting the form for an act of Congress which will best carry out the recommendation I make in this communication, and estimating the time required for completing the vessel as three years, I would propose that the authority should be given somewhat in the following form, namely:

"For the construction of one armored vessel of not exceeding 7,500 tons displacement, $1,000,000; such vessel to be constructed under the same conditions as prescribed for the construction of the steel cruisers, and its armor and armament procured, at a total cost not to exceed $2,500,000."

Very respectfully,

E. SIMPSON,
*Rear-Admiral, United States Navy.*

Hon. WM. E. CHANDLER,
*Secretary of the Navy.*

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Shall the question be taken upon the amendments in gross? Hearing no objection, the Chair will so put the question.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I ask unanimous consent to make a report from the Committee on Appropriations.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The report will be received, if there be no objection.

Mr. PLUMB. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, to report it with amendments. I give notice that I shall call the bill up for action by the Senate at an early day, probably on Wednesday morning.

## WITHDRAWAL OF PAPERS.

On motion of Mr. PLUMB, it was

*Ordered*, That the papers in the case of the claim of A. A. Thomas be permitted to be withdrawn from the files of the Senate.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

The message also announced that the House had passed a joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, in which it requested the concurrence of the Senate.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the following acts:

An act (S. 1027) for the relief of James H. Woodard; and

An act (S. 1817) to regulate appeals and writs of error in certain cases.

## HOUSE BILLS REFERRED.

The PRESIDING OFFICER. The Chair will lay before the Senate certain bills from the House of Representatives for reference.

The joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 2017) granting a pension to Walter Dickson;

A bill (H. R. 3331) for the relief of Ann McCarney;

A bill (H. R. 4439) granting a pension to John R. Wallace; and

A bill (H. R. 5457) granting a pension to Allicia Durrant.

SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER. The Chair lays before the Senate the first special order under the assignment of special orders hitherto made, being Senate bill No. 1372.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I ask unanimous consent that the bill be read by sections.

Mr. ALLISON. For amendment?

Mr. HOAR. For amendment.

The PRESIDING OFFICER. That order will be observed if there be no objection. The Chair hears none. The Secretary will proceed to read the bill.

Mr. ALLISON. I should like to understand what the Senator from Massachusetts means by reading the bill by sections. That is to say, after we pass a section we can not go back to it?

Mr. HOAR. I should like that.

Mr. ALLISON. Otherwise there is no particular advantage in reading it by sections.

Mr. HOAR. I ask that. Of course when the bill gets into the Senate we can go back to any section.

Mr. ALLISON. Of course.

Mr. HOAR. That is understood.

The Chief Clerk read the first nine sections of the bill.

Mr. COKE. I desire to reserve the right to offer at the proper time an amendment to section 9. I give notice of it now.

Mr. HOAR. I suggest that there be unanimous consent that the Senator from Texas may return to section 9 hereafter at any time when his amendment is prepared.

Mr. PLUMB. Why would it not be wise to have unanimous consent to return to any section?

Mr. HOAR. We can do that in the Senate.

Mr. PLUMB. Why not do it as in Committee of the Whole?

Mr. GEORGE. I desire to know whether it is necessary to offer an amendment to a particular section at the first reading of the bill as we go along?

Mr. HOAR. As I understand it, the bill is now being read through by sections as in Committee of the Whole, and you can not go back to any section to offer an amendment as in Committee of the Whole unless the consent be reserved at the time; but it will be open to any Senator to offer an amendment in the Senate after the bill is reported to the Senate.

Mr. HARRIS. When the bill has been read through and all the committee amendments have been acted upon the whole bill will be before the Senate as in Committee of the Whole and open to amendment.

Mr. HOAR. The Senator was not present when the unanimous consent was given?

Mr. HARRIS. No, I was not.

Mr. HOAR. There are no committee amendments. Instead of reporting one hundred or two hundred amendments to be acted upon, the committee reported an original bill containing all their amendments. That is the bill before the Senate. Before the reading of the bill was begun I asked unanimous consent that the bill be read by sections for amendment, and that there should be no going back, and that was the consent given; but the statement was made that any Senator who desired to offer an amendment could offer it in the Senate notwithstanding this agreement, if it was not ready at the time the particular section was read. I understand that the Senator from Texas [Mr. COKE] desires to offer an amendment which is not yet prepared, and the suggestion is that he reserve the right to go back to it, to which I suppose there will be no objection.

Mr. COKE. I desire to offer an amendment to section 9, just read, whenever it shall be in order and proper to do so. I simply wish to give notice now of my intention to offer an amendment to section 9 at the proper time.

The PRESIDING OFFICER. The Chair understands that the Senator from Texas has the right now to propose his amendment.

Mr. COKE. Then I will propose it. In the first line of section 9, after the word "that" where it first occurs, I move to strike out the words "the court of bankruptcy may direct that," and to strike out all of the section after the word "State," in line 3; so as to make the section read:

That any debt, demand, or property claimed by the trustee shall be sued for in the appropriate court in the State.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

Mr. COKE. Mr. President, I wish to state simply the object of the amendment. The section as it now stands, if unamended, will grant to the district and circuit courts of the United States jurisdiction over every debt and demand that may exist in favor of the estate of a bankrupt. People living fifty, one hundred, two hundred and fifty, or, as in my State, sometimes as far as three hundred or four hundred miles from a Federal court, may be sued in the Federal court by the trustee of a bankrupt for a ten or twenty dollar debt, and the costs in the Federal courts are always two or three times as heavy as they are in the State courts. The amendment that I propose strikes out all that part of the section and leaves the jurisdiction of the State courts as that jurisdiction now stands for the collection of the assets of the bankrupt.

Mr. HOAR. I think the purpose which the Senator from Texas has in view is a meritorious and proper one. I believe I did state to the Senator in private that when I originally drew the portion of the section which I drew, it contained a provision reserving the rights of the State courts as they would exist if the suit were by or against the debtor himself; but it seems to me that his amendment goes a little too far, because it not only secures the adverse party to the controversy with the bankrupt's estate from having small suits brought in the United States court at a great cost and at a great distance in some cases from his residence (which is a proper and wise security in my judgment), but it also cuts up by the roots all the existing constitutional jurisdiction of the Federal courts so far as it is possible to do that by legislation. For instance, suppose a trustee in bankruptcy has to travel from Texas to Massachusetts to collect a claim there. This amendment would deny that trustee in bankruptcy the right to appeal to the Federal court, although if the Texas debtor, the bankrupt, without going into bankruptcy, had come to Massachusetts to enforce his claim he would have that constitutional right.

If the Senator will allow his amendment to be moved and treated as pending, I think perhaps I can with a little time suggest to him, when we come back to it before the bill is finally disposed of, something which will accomplish all he wants and which will not be liable to the objection I have stated.

Mr. COKE. I do not believe that the objection made by the Senator from Massachusetts is a good one. I think the jurisdiction of the Federal courts over the debtor as it now stands would remain notwithstanding the section were amended as I propose. Yet I am entirely willing to confer with the Senator and allow the amendment to be passed over so that we can make it satisfactory.

Mr. HOAR. If the Senator will allow it to be passed over I will suggest a form.

Mr. COKE. Very well.

Mr. GEORGE. I was not in when the unanimous agreement was made about amendments. I do not know that I understand the extent to which the agreement was made. I desire to know now whether amendments must be offered as the bill is read by sections, or whether the mere notice of an amendment, the reservation of the right to offer an amendment, will be sufficient. I understood that that is all which will be required, but I want to have it definitely stated.

The PRESIDING OFFICER. The Chair thinks that under the agreement, if a section is passed over as in Committee of the Whole without amendment, it will not be open to amendment until the bill is reported to the Senate, at which time an amendment can be offered to any section of the bill.

Mr. GEORGE. Then a mere notice that an amendment would be offered will not do?

The PRESIDING OFFICER. That could only be binding by further consent. The Senator could ask permission to offer an amendment at a subsequent time, and the agreement being made the section could be returned to subsequently.

Mr. GEORGE. I ask unanimous consent, then, that the agreement be extended so as to include mere notice of an amendment. I have several amendments which I have marked, but I have not prepared them. I wish to vote for the bill, but I can not vote for it as it now stands.

Mr. FRYE. What is the reason why the Senator can not offer his amendments to the bill after it is reported to the Senate? Every section of the bill will be open to amendment the moment it is reported to the Senate.

Mr. GEORGE. There seems to be some advantage, however, in passing over a section as in Committee of the Whole without amendment.

Mr. FRYE. I do not know of any.

Mr. GEORGE. And it will take no more time to act upon such amendments in Committee of the Whole than after the bill is reported to the Senate.

The PRESIDING OFFICER. The Chair thinks there is no parliamentary advantage in the matter. It is simply a question of convenience and economy of time. The right to amend is reserved absolutely.

Mr. CAMERON, of Wisconsin. If the Senator from Mississippi will ask unanimous consent that section 9 may be returned to for the purpose of offering any amendment that he chooses at a subsequent time to offer to it, I have no doubt that such consent will be at once given.

Mr. HOAR. So of any other section.

Mr. CAMERON, of Wisconsin. Or any other section.

Mr. GEORGE. Very well.

Mr. FRYE. But the Senator has not asked that there shall be unanimous consent given to return to the section.

Mr. GEORGE. I now ask unanimous consent to offer amendments, as in Committee of the Whole, after the sections have been passed over.

The PRESIDING OFFICER. To what sections?

Mr. GEORGE. There are several; I can not indicate them all now; at least half a dozen, or a dozen.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that he be permitted to offer amendments to a dozen sections of the bill after the bill has been read as in Committee of the Whole.

Mr. HARRISON. I suggest that the simpler way would be to reconsider the consent given by the Senate when the bill was first laid before the Senate, so that the liberty which the Senator from Mississippi asks for himself may extend to us all.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to reconsider the agreement previously made in regard to the reading of the bill by sections as in Committee of the Whole.

Mr. HOAR. I shall object to that.

Mr. HARRISON. The Senator from Massachusetts was not attending. The Senator from Mississippi asked leave for himself to offer a number of amendments to different sections of the bill after they have been passed over in the reading as in Committee of the Whole.

The PRESIDING OFFICER. The sections not being specified.

Mr. GEORGE. Not specified.

Mr. HARRISON. The sections not being specified. If that liberty is to be conceded it had better be uniform throughout the Chamber. Therefore I suggest we can get along better in that way.

Mr. GEORGE. To relieve Senators from all difficulty upon the subject, as I shall have the same right to offer amendments after the bill is reported to the Senate, I withdraw my request.

The PRESIDING OFFICER. The amendment proposed by the Senator from Texas [Mr. COKE] to section 9 is pending and undetermined, the Chair understands, the agreement being that it is to be returned to for action hereafter. The reading of the bill will proceed.

The Chief Clerk read section 10 to the end of line 13, as follows:

SEC. 10. That appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed from the circuit to the district courts in cases at law such as are mentioned in the last section, when the amount in dispute exceeds $500; but no such appeal or writ of error shall be taken or allowed unless it is claimed, and notice thereof given to the clerk of the district court, to be entered with the record of proceedings, and also to the adverse party, within twenty days after the entry of the decree or judgment sought to be reversed, nor unless the appellant or plaintiff in error shall give bond and comply with the other provisions of law relating to appeals and writs of error, respectively.

Mr. MCMILLAN. That section, I suppose, will have to be passed over pending the question as to section 9. In this section you will observe it is provided:

That appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed from the circuit to the district courts in cases at law such as are mentioned in the last section.

If that section is to be amended in accordance with the motion of the Senator from Texas, it will modify the character of that section perhaps, and there will be no subject for this reference to act upon. The sections seem to be dependent upon each other.

The PRESIDING OFFICER. Does the Senator from Minnesota ask that the section be passed over without action?

Mr. MCMILLAN. I suggest to the Senator from Massachusetts that that would be necessary.

Mr. HOAR. I have no objection.

Mr. GEORGE. I move to amend section 10, in line 4, by striking out "such as are mentioned in the last section."

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. FRYE. That should not be done unless section 9 is amended.

Mr. GEORGE. No; I want that to stand over.

Mr. HOAR. I have no doubt that I can suggest an amendment to section 9 which will accomplish entirely what the Senator from Texas wishes to accomplish, and at the same time will leave the constitutional right of any party to sue unaffected by this bill, even if we could affect it by legislation, as we can not; and if that is done, the amendment which the Senator from Mississippi suggests will not be necessary, because there will be certain cases where the jurisdiction of the United States court will still exist. It seems to me that the true arrangement would be to have a provision that the trustee shall resort to the same court as the bankrupt whose successor he is would have been compelled to resort to. That would prevent the summoning of the debtors of the bankrupt by his trustee or assignee into the Federal court for a small claim from a great distance, and in addition to that would give the court the power, where the debtor had a choice between the State or the national tribunal, to order the assignee to go into the State tribunal also. If that is done it will leave section 10 operative. I therefore suggest to the Senator from Mississippi not to move his amendment now, but to wait and see what the Senate does with section 9 when we go back to it after the amendment is drawn. If they amend section 9 in that way, which makes his amendment proper, it will be open to him in the Senate, and of course if you succeed and amend section 9 in committee the Senate will amend section 10 in the Senate if it requires amendment, as a matter of course.

Mr. GEORGE. My amendment was offered simply to leave it open for the consideration of the Senate in case the amendment of the Senator from Texas was adopted, and I have no objection to its lying over to be acted on after the Senate takes action upon the amendment of the Senator from Texas.

Mr. FRYE. There would also, if section 9 was amended, be required an amendment to section 11, and I believe those are the only two sections. Therefore I move that sections 9, 10, and 11 be passed over without prejudice. I ask unanimous consent that those three sections may be passed over without prejudice.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the sections are passed over. Shall they be read?

Mr. FRYE. There is no use in reading them now. Go on to section 12.

The Chief Clerk read section 12.

Mr. PLUMB. I move to amend in line 10 by striking out the word "one-half" and inserting "two-thirds." I do not make that motion as expressing exactly what I think on the general proposition. I have in my mind localities in which the number of commissioners here provided for will be absolutely inadequate. As the Senator from Texas said a few moments ago, there are portions of Texas three or four hundred miles remote from any Federal court, and that is just as true of the State of Kansas, and will be even under this amendment. That is to say, the people will be just as remote from the *situs* of these commissioners as they are now from the location of the Federal courts, because in that State, two hundred miles one way by four hundred the other, there can be only three commissioners appointed even under my amendment. It will be impossible to so locate them as that a large number of people will not be obliged, on account of the business they will have to attend to before the commissioners, to go one, two, or perhaps five hundred miles to attend before them as witnesses or as otherwise interested in the business of bankruptcy.

It ought to be the purpose of this bill to bring the convenience of the administration of the estates of bankrupts as near to the people interested as possible, and I think, therefore, that there should not be the particular limitation which has been provided for, and I am not certain that there ought to be any except such as is contained in lines 2, 3, and 4, leaving to the circuit court the question of determining absolutely the number of commissioners which may be necessary for the transaction of this business in the respective circuits. There will be no danger, I think, that this power will be abused, and if a limit is placed it ought to be placed in such a way that at least the number will be sufficient to render some accommodation to the mass of the people.

Take the State of Rhode Island, which has, I believe, three Representatives in Congress——

Mr. HOAR. Two.

Mr. PLUMB. It would be entitled to two commissioners. It is about the size of a man's hand as compared with the State of Kansas, which would be entitled to only three. While I am not contentious about any particular form of words to express the idea, I suggest to the Senator from Massachusetts that the bill should be amended in such a way as to accomplish the purpose I have named.

My amendment is to strike out "one-half" and insert "two-thirds," so as to make the proviso read:

*Provided*, That in States entitled to not more than six members of Congress the number of commissioners shall not exceed three, and in any State entitled to more than six members of Congress the number of commissioners shall not exceed two-thirds the number of members of Congress to which said State is entitled.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. HOAR. This, of course, renders it possible to create a larger number of officers than the bill provides for.

Mr. PLUMB. Not necessarily.

Mr. HOAR. If the court so hold. The committee were of opinion that commissioners not exceeding one-half the number of members of Congress in States where there were more than six would be able to do the business everywhere. The commissioner is to go to the neighborhood. I do not mean that he will travel to every man's house or every man's neighborhood, but he will go about to different places in the district, so that in the case of the sparsely settled territory where two Congressional districts taken together would occupy a large space of territory, it seems to me it would be better to leave the one commissioner to go to such convenient places within his jurisdiction as may be found necessary than to have another salaried officer, because persons engaged in agriculture, planting, and that class of pursuits are exempted from the involuntary operation of this bill, and the bankruptcy business in that class of communities will be very small indeed.

It seemed to the committee that it was very clear that one-half the number of the members of Congress, that is, one commissioner for every two Congressional districts, would be all that were necessary. Now, take the case of the State of Rhode Island, that is a great commercial and manufacturing community, the most thickly settled territory in the United States, crowded with manufacturers and merchants and traders who will be the subjects of this bill. I believe it is said that 95 per cent. of all persons engaged in trade in this country fail some time in their lives; it used to be said some years ago at any rate. The bill does not require two commissioners for a State like Rhode Island. It only permits it. I think that the bill goes as far as is necessary or as will be found desirable for any community in the United States.

Mr. PLUMB. There is one thing the Senator from Massachusetts should not overlook, and that is that this bill is going to occasion failures. The passage of this bill is going to double the number of failures in

this country at least. I venture to say that I shall have occasion to recall that prophecy before my term expires, and to show by the records that it is proved to be true. So then it will not do to take the limited number of failures occurring now as an evidence of the business that is going into these courts. This privilege of getting rid of one's debts which is valued so highly is going to be made large use of; but it remains to be said that the number of commissioners ought to bear some relation to the territory over which they are to operate.

While it is true that now the State of Rhode Island is much more thickly populated than the State of Kansas, and it will be true always perhaps, at the same time the disparity between them is constantly lessening, and if the Senator from Massachusetts is willing to trust to the circuit court whether two commissioners are needed in the small State of Rhode Island he should be just as willing to trust to the same authority to declare how many are needed in the State of Kansas or in the State of Texas. As the Senator from Texas has called my attention to it, at the present time the State of Texas would be entitled to only five, or if you could make a commissioner out of a fraction of a man it would be five and a half, to be accurate. Under the same rule there would be three and a half for the State of Kansas. The State of Texas is larger than any other three or four of the largest of the American States, and the ability of the commissioner to transact the business, to be familar as he ought to be to some extent with the business brought before him, to have some knowledge of the country generally, would be taxed to the utmost; and so of other States as well.

While I am on this subject I would call the attention of the Senator also to the fact that the Territory of Dakota with 500,000 people, with a territory twice as large as the State of Kansas nearly, having about 156,000 square miles, and the Territory of Montana, which I think is still larger, each has only one commissioner, and that Territory is divided by great mountain ranges, with means of communication of the most primitive character. It would amount, as I think, to an embargo upon the business of the commissioners very largely, and perhaps lead to something like an unseemly strife as to who should be the one commissioner before whom all this business should be brought, and who should be charged with all these onerous and responsible duties.

I think the suggestion I make will not mar the symmetry of the bill but will add to its efficiency; and as the Senator from Massachusetts supposes that the bill is in the right direction and is going to accomplish a great deal of good, I do not see how he can object to bringing these instrumentalities nearer to the people and removing whatever doubt may exist as to the propriety of the number of persons who are to operate its provisions.

Believing that it is not unreasonable, I hope the Senate will adopt this amendment or even make the number larger. This would only add one for all the territory of Kansas; it would only add one for the State of Texas by reason of the fact that there would be no way of making the whole number exactly equal to one-half simply of the representation from that State or from the State of Kansas as it is now and will continue to be until after the census of 1890. Instead of being that it ought to be as great as three-fourths, or perhaps it would be even better if all the limitation were stricken out, so that the number of commissioners should not exceed the number of Representatives. That would enable the courts from time to time to adjust the business to be transacted under this law to the convenience of the people, and I presume the courts could be intrusted with this power. They are not under the control of politicians. It is not expected that these appointments will be made at the behest of anybody, but with a sole view to the public good, as the commissioners of the circuit court are now appointed.

Mr. HOAR. Mr. President, I am personally entirely willing to trust the discretion of the circuit court as a general rule, but the bill was drawn in reference to what was supposed to be the settled policy of Congress, to deposit no discretion, especially a discretion to create a salaried officer anywhere. That should be left to the legislature altogether.

While I am no prophet or son of a prophet, I do not agree with the expectation of my honorable friend from Kansas that this bill is to increase bankruptcies or failures. Failures go on in this country at the rate of about 11,000 a year. That is the average of some years past. There are added to the list of undischarged insolvent debtors more than 10,000 every year, without any national bankrupt law. When there is a bankrupt law a great many debtors will settle with their creditors, make compromises and get relief, indulgence, and extension, not being as now at the mercy of any single creditor who may expect to get a preference by holding out. If a debtor now goes to his creditors and asks for a composition, any single creditor can prevent, unless he is paid in full, a compromise between debtor and creditors, whereas if this bill passes the debtor goes to the creditors with the knowledge affecting both that if the creditor will not accept a reasonable compromise that the debtor can comply with he can go into bankruptcy and get his discharge by the law and the estate will be diminished by the amount of the expenses. So unquestionably the 100,000 old bankrupts, more or less, who now exist in the United States, will a large part of them resort to the bankrupt law, and for a year or two you will have many bankruptcies; but when the law gets permanent and its settled operation goes on, I believe there will be less bankruptcies than there would be without it—fewer stoppages to business.

I am not at all strenuous about this matter; and if gentlemen like the Senator from Texas and the Senator from Kansas representing large States prefer that the limit should be two-thirds, I have no great objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. PLUMB. As this general subject has been mentioned for which perhaps I am responsible, I wish to say that I regard this bill as a great improvement over the old bankrupt law. It is in fact a very much better bill than I had believed or even hoped would be drawn. I confess that I have regarded the adoption of any bankrupt bill with a great deal of apprehension. I think the repeal of the old bankrupt law was a most essential thing to the revival of the prosperity of this country.

I know, however, that there is a very wide and persistent demand for the passage of a bankrupt law; and so far as I am concerned I do not propose to interpose to prevent the result which is likely to follow from that sentiment. I am willing that it shall be embodied substantially in the form the Senator from Massachusetts has proposed. I do not doubt that this is as good a law perhaps as could be framed; but I say to the Senator that I think while it will be much better than the old law, it is still bad in some particulars. It will encourage people to enter upon doubtful ventures; it will set up in every considerable town men who are not legitimate traders, men who do not care whether they trade or not because they know they can get settlement; they can get settlement on honestly failing that they can not get now. I have had some experience in these matters and I never knew a time when a man who had honestly failed could not get a discharge by turning over his property. If he dishonestly failed some creditor would hold out and he would not get a discharge; but all the honest men can always get it. The operation of this law will be availed of by dishonest men who will go into all the towns, put out a red rag to sell goods that they have bought from somebody more credulous than wise, and run a muck against the local traders, selling goods below cost, thus breaking down honest traders; and if they do not win at that, they will simply charge the loss on somebody else, go through bankruptcy, and come out brand new, indorsed, ready for a new enterprise of the same kind.

It is largely a blow at legitimate merchants, at men who expect to pay their debts and do by a course of honest dealing, dealing with the expectation of realizing a profit to enable them to pay their debts. That class of people do not want a bankrupt law. The only class of people in this country who do want a bankrupt law is a class of men about large cities who do not care to go to the expense of local collections. They want to have machinery by which they can turn around in their own establishments and settle the whole question right there.

However, as I said, the feeling for such a bill has become a sentiment; and while any bankrupt bill would not meet with my approval, at the same time whatever bill is passed I want to have it in such a way that it may bear with the least burden on the people. I know the expenses of administering it are not to be compared with the individual expenses which will have to be incurred by persons who seek the benefit of it, who are witnesses, &c., in the settlement of cases. Therefore I want these commissioners brought by necessity as near as possible to the people whom they are to serve or with whom they are to come in contact in the administration of their great trust.

Mr. GARLAND. One of the chief objections to the former bankrupt law, enacted in 1867, with its various amendments, was the great expense which accrued, to a considerable extent out of the numerous officers, and the efforts of the committee in this direction have been to cut down as much of the expense and burden as possible, so as not to consume the entire estate of the bankrupt in expenses and that the creditors may get something.

There is a very good restriction in this section. A circuit court of two justices is to act in this particular matter in reference to the appointment of commissioners. I think if the Senator from Kansas insists on his amendment the real gist of it will be better carried out by striking out the proviso entirely, so as to leave the circuit court, with two justices, a discretion, occupying the ground and knowing the circumstances surrounding every State and the business before them, to appoint as many commissioners as the business may justify. I for one thought the bill in its present shape was better to limit them to this particular number; but if any restriction is going to be taken off I think it had better be taken off entirely and leave the judges to decide as to the necessity of these particular appointments. While I do not support the amendment offered by the Senator from Kansas, yet if he is going to insist on one of that spirit and meaning I think he had better move to strike out the proviso entirely.

Mr. PLUMB. That is my preference. I think we can easily trust all this matter to the wise discretion of the circuit judges without any limitation except as to the number of Congressional districts. I would strike out the proviso so that they should not appoint more than a number equal to the number of members of Congress.

The PRESIDING OFFICER. Does the Senator modify his amendment?

Mr. PLUMB. I withdraw my previous amendment and move the one suggested by the Senator from Arkansas.

Mr. HOAR. I shall not resist that. I defer to the judgment of Senators who live in sparsely settled States.

The PRESIDING OFFICER. The part proposed to be stricken out will be read.

The SECRETARY. In section 12, after the word "entitled," in line 6, it is proposed to strike out:

*Provided*, That in States entitled to not more than six members of Congress the number of commissioners shall not exceed three, and in any State entitled to more than six members of Congress the number of commissioners shall not exceed one-half the number of members of Congress to which said State is entitled.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read from section 13 to the close of section 17.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Massachusetts to the word "county," in line 6 of section 17, and inquire whether it should not be "country?"

Mr. HOAR. That is a misprint. Let the Secretary make the change.

The PRESIDING OFFICER. That change will be made.

The Secretary read sections 18 and 19.

Mr. GEORGE. I should like to ask the Senator from Massachusetts who has charge of this bill the reason for the fee in this section, as indicated in line 12, of $10 to a commissioner for each case? I would substitute "not exceeding $1,000 in any one year." It seems to me where there are a great many cases in bankruptcy the salary of this officer would be unduly augmented by a fee of $10 in each case. I should like to hear from the Senator from Massachusetts upon this subject.

Mr. HOAR. The most vigorous and earnest attack upon the scheme provided by this bill which I have heard of anywhere in the country within the last six months has grown out of a claim by very intelligent and experienced persons residing in the large cities that the allowance is not enough to secure competent legal ability and responsibility and integrity in these commissioners. They say it is an attempt to get cheap law, which is always very dear law in the end. That is the criticism that has been made on the bill.

The desire of the committee and all the promoters of this bill has been to commend it to the Senate by making as great a saving as possible both to the public Treasury and to the estates in the expenses. The rock on which the old law split was the inordinate fees. But it was supposed that in some estates there would be long complicated cases where the commissioner would have to work all the time, and where he lived in a city where the expenses of living were high it was supposed that the court might in some cases find that even $3,000 a year would not be an adequate compensation. It was thought better, therefore, not to limit it absolutely to that sum. If we do put in what the Senator suggests instead of this provision, the judges will have the power which the Senator from Mississippi and the Senator from Texas questioned so much in regard to the discretion of the United States judges in another bill that we had up to make allowances up to the limit the bill provides, and they might do it in all cases.

This permits only $10 to be allowed for each case, and of course would allow the judges to go above $3,000 a year in those communities where the number of cases is very large; and that would be only in the commercial and manufacturing regions of the country. It seemed to us, therefore, that a limit by the cases would on the whole be safer and cheaper, and at the same time would more secure justice to the commissioner in the extraordinary cases where he ought to have an allowance than to commute it by a sum of money. We went over that matter very carefully again and again.

Mr. GEORGE. The Senator will understand and the Senate will understand that judges always make an allowance. In the bill introduced by the Senator in the last session the limit was $1,000 a year instead of $10 a case. That would make the salary $4,000.

Mr. HOAR. Three thousand dollars.

Mr. GEORGE. Do the commissioners only get $2,000?

Mr. HOAR. The commissioners got $3,000 by that bill in all cases, and had an additional allowance at the discretion of the court of a thousand dollars more. If it be true that a judge will always give the maximum allowance, as the Senator says, that would make $4,000 a year all over the country. Instead of that we put it at $2,000, and then a limit by the amount of business which would not in four-fifths of the districts of the country be got up to the additional thousand dollars, but in a few districts like New York, Philadelphia, Boston, and perhaps in New Orleans, where they have a great number of cases, it is not very likely the commissioners would ordinarily come up to one hundred cases a year, which would be a case for every three days. Take one hundred cases a year and you give him an additional thousand dollars. It may be that the first year or so after the bill goes into operation in the commercial centers, districts in which the number of cases will be large, the Senator will see that if we went back to the thousand dollar allowance in connection with the amendment adopted on the motion of the Senator from Kansas, the result would be a very large increase of the aggregate expense of the bill.

Mr. GEORGE. Does the Senator think $10 a case would be cheaper than $1,000 a year?

Mr. HOAR. I have no doubt of it whatever.

The PRESIDING OFFICER. The reading of the bill will proceed.

Sections 20 to 27 inclusive were read.

Mr. GEORGE. I would like to ask the Senator from Massachusetts whether the receiver can get possession of the property before it is taken without the bond provided for in section 26. In section 26 it is provided:

That no warrant or injunction interfering with or restraining the prosecution of the ordinary business of the alleged bankrupt shall issue unless the petitioning creditor execute and file with the clerk of the court a bond to the alleged bankrupt, in the penal sum of not less than $500, with sureties to be approved by the judge, conditioned to pay all damages resulting from granting the same, in case it shall be ultimately decided that the creditor was not entitled thereto.

In section 27 the court is allowed to appoint a receiver before adjudication, before the party has been found to be guilty of any act of bankruptcy, and there seems to be no provision for a bond in a case of that sort, in case the receiver shall have been improperly appointed, the party's business improperly interfered with.

Mr. HOAR. I think the provision of line 23 and the subsequent part of section 26 runs through the whole bill, and in case there is any doubt about it I will add:

The judge may, subject to the conditions of the last section——

Mr. GEORGE. As to bond.

Mr. HOAR. Yes, sir—

subject to the conditions as to bond in the last section—

to make it free from doubt.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be reported.

The CHIEF CLERK. After the word "may," in line 1 of section 27, it is proposed to insert:

Subject to the provisions of the last section as to a bond.

The amendment was agreed to.

Sections 28 to 31 inclusive were read.

Mr. HOAR. I think in line 17 "where" is a misprint for "when." I ask consent that that amendment be made.

The PRESIDING OFFICER. If there be no objection the correction will be made. The Chair hears no objection.

Mr. GEORGE. I move to strike out in line 3 of section 31 the word "five" and insert "two;" so as to read:

That any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of $200, may apply, by petition.

I believe that if the amendment which I have offered is not adopted a great many meritorious cases will not get relief under this bill. I know that there are persons, and there are many persons, in this country who, being indebted to the amount of $200, are unable to make any progress in life owing to that burden which they can not get rid of. Men who are without property sometimes get involved in small sums and they find it impossible to escape from the burden thus imposed upon them. I think that it is but just and right that the limit should be reduced from $500 to $200.

Mr. HOAR. The bill reserves, as did the statute of 1800, the first bankruptcy act in this country, the power of the States over all cases which are not embraced within its provisions.

Mr. GEORGE. How is that?

Mr. HOAR. The bill reserves now, which was not the case in the last bankrupt law, but was the case in the first bankrupt law of 1800, to the States the power to provide for the discharge or otherwise deal with the case of bankrupts not included in the provisions of this bill; so that every State will be entitled to make its own arrangements for all debtors under $500.

This bill requires the payment of $50 and of $10, making $60, and 1 per cent. of the gross assets as the charge for settling the estate. That is the whole charge in all cases. Now, do you ask a person who owes $200 first to pay $60? The supposition is that he has not got $200, and has not enough to be able to make a compromise with his creditors and have the remaining money that is necessary to get relief. It seems to me it is a pretty expensive machine in proportion to his debt if he has to pay $60 to the United States and 1 per cent of the gross assets besides to get a discharge from $200. I think that $500 is little enough, and that the States will in all cases make some provision by which little indebtednesses will be provided for. Where a man owes only $100, or two or three hundred dollars, he is not very likely to have his creditors at a distance in other States. It is not likely to be a commercial bankruptcy. I think the $500 limit small enough.

Mr. GEORGE. In answer to the suggestions made by the Senator from Massachusetts, I desire to say this: In the first place, a State under the Constitution of the United States has no right to release a party from any debt due to a citizen of another State; in the second place, as to the amount of fees, it would be, if this amendment is adopted, very proper to have a further amendment reducing the amount of the deposit for costs to be made by the person who owes less than $500. There would be no want of harmony, no incongruity in such a provision in

the bill to reduce say to $10 or $15 the deposit for costs required to be made by persons who owe less than $500.

I know that the benefits of this act will not reach a very large class of persons, especially in the South, who owe these little debts and who have no means of paying them. Especially I speak now—and I hate to do that by way of discrimination—in behalf of my colored constituents, many of whom owe sums of less than $500, debts contracted in one way and another. They can never relieve themselves from that liability. I do hope that the Senate in passing a bill intended to benefit insolvents and the poor people of the country will not have it so provided that those who are really in the most need of it can get no benefit from its provisions.

Mr. HOAR. In addition to the suggestions I have made that you are using too large a cannon to fire off at a small target if you reduce this to $200, there is a provision in section 43:

And the court may allow the bankrupt a sum of money, not exceeding $500, for his support pending the proceedings, if his circumstances require it.

He shall also be allowed reasonable wages for services rendered his estate at the request of his trustee, and the usual fees for his attendance as a witness when required to attend for his own examination, or in any other matter excepting at hearings on the question of his discharge.

In other words, the expense would in nine cases out of ten of those which the Senator proposes be more than the amount from which the claimant would get discharged.

Mr. GEORGE. The allowance of the $500, as I understand, is only out of the assets of the debtor; but it does seem to me that the persons to whom I have alluded ought not to be deprived of the benefit of this act because the allowance made to them might include all they possess in the world.

Mr. HOAR. Will not the State take care of that? For instance, if there is such a condition of things as the Senator supposes among the colored people of Mississippi or any other State, or the poor white laborers in my own—if there are such cases there, will not the State provide some cheap, prompt, and expeditious arrangement, without the mechanism of a bankrupt law, by which the little indebtedness of this kind may be canceled and the debtor discharged? There would not be one in ten thousand, I presume, certainly not one in one thousand, of those persons who would be found owing debts beyond the limits of the State in which they reside.

Mr. GEORGE. Suppose that they owed money to a creditor who should assign to a person residing out of the State?

Mr. HOAR. I take it the chances of a Mississippi creditor who had a debt against a colored person, whose debts all told did not exceed $200, assigning it to a citizen of another State would be very remote.

Mr. GEORGE. It may be that the States could furnish a remedy.

Mr. HOAR. My friend will pardon me. That kind of debt is not assignable. The little poor workingman does not give a negotiable promissory note for his debt. It is a debt to his grocer or to his doctor or for some little neighborhood trade. I will not detain the Senate by debating it any longer, but it seems to me it is better to leave it to the States.

Mr. GEORGE. I am obliged to say that, notwithstanding the Senator's explanations of the terms of this bill are generally satisfactory to me, and I am very willing, as a general rule, to act upon them; yet his explanation of this part of the bill has not been satisfactory.

In the first place, a good many States have never passed any insolvent laws since imprisonment for debt has been abolished. There are many agricultural States that have never passed any law of that sort at all. I do not think there was ever any such law in force in Mississippi since the abolishment of imprisonment for debt.

But, in addition to that, when we are legislating for all the people of this country under an admitted power of Congress, is it right for us to turn over to the tender mercies, or otherwise, of the several States that portion of our people, that class who are least able to protect themselves? I take it that we ought to act for them just as we do for persons of larger means.

Mr. GARLAND. For one I would prefer that the old limitation of $300 should remain in this bill, and I am disposed after all I have heard to still think so. The matter ought to be considered; and as it is getting somewhat late, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *April* 14, 1884.

The House met at 12 o'clock m. Prayer by Rev. ALBERT R. STUART, D. D.

The Journal of Saturday's proceedings was read and approved.

#### MRS. MILLIE E. HAYS.

Mr. BLAND. I ask by unanimous consent to take from the Speaker's table the bill (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased.

The SPEAKER. For reference or for present consideration?

Mr. BLAND. The bill has already passed the Senate and is now upon the Speaker's table, and I ask unanimous consent to take it from the Speaker's table and put it upon its passage.

The SPEAKER. The bill will be read, reserving the right to object.

The bill was read, as follows:

*Be it enacted*, &c., That the proper officers of the Interior Department be, and hereby are, authorized and directed to prepare and cause to be issued and delivered to Millie E. Hays, the widow of John Hays, deceased, a bounty land-warrant for eighty acres of land, upon the surrender of bounty land-warrant numbered 26454, issued under the act of Congress of September 28, 1850, in such form that the same can be located by said Millie E. Hays, or assigned and transferred by her and located by her assignee, as other land-warrants are located upon the public lands.

The SPEAKER. Is there objection to taking the bill from the Speaker's table for present consideration?

Mr. HOLMAN. I hope the gentleman from Missouri will give the House some reason why this bill should be taken up at this time for action.

Mr. BLAND. It had a favorable report in the Senate from the Committee on Public Lands and from that report it appears that John Hays did on October 9, 1852, at the United States land office at Shawneetown, in the State of Illinois, attempt to locate bounty land-warrant No. 26454, for eighty acres of land, issued under the act of Congress of September 28, 1850, to John Sullivan, upon the south half of the northwest quarter of section numbered 2, in township numbered 8 south, and range numbered 3 east; and the said John Hays had purchased the said land-warrant in good faith, and paid the full value therefor, from Robert M. Hundley, now of the city of Marion, in Williamson County, Illinois, and procured the said Hundley to make the said location of said bounty land-warrant upon said land in the name of said John Hays; and the said Robert M. Hundley finding the entire back part of said warrant covered by the written assignment of the said John Sullivan and the requisite certificates thereto, did in good faith and honesty erase the name of the party from whom he had purchased the said warrant and to whom the said John Sullivan had so assigned the same on the back thereof, and insert the name of the said John Hays, to whom he had sold the said warrant; and Robert M. Hundley did thereupon complete the location of said warrant upon the said land in the name of the said John Hays so far as the same could be done at the said local land office and deliver the said land-warrant to the register and the receiver of the said land office, and did receive from the said local land officers a duplicate receipt of said location; and the local land officers did forward the said land-warrant with the said John Hays's name written over the said erasure in the said assignment, with one of the duplicate receipts of the said location in the name of said Hays, to the General Land Office, at Washington, D. C.; and the Commissioner of the General Land Office suspended the said location because of the said erasure in the said assignment thereof, and returned the said land-warrant to the said local land office for correction; and the said John Hays was unable to perfect the assignment as required, not being able to find the said John Sullivan or the party whose name had been erased, and in 1856 returned the said land-warrant to the General Land Office; and in 1860 the Commissioner of the General Land Office addressed a letter to said Hays advising him of said suspension; and in 1878 the duplicate receipt of the said location thereof was sent to the General Land Office, and the Commissioner of the General Land Office returned the said land-warrant, with a copy of said letter to said Hays advising him of the suspension; and the said land-warrant was again returned to the General Land Office, with the affidavits of the said Hays and the said Hundley explaining the said erasure and assignment, and the Commissioner of the General Land Office refused to issue a patent until the assignment was perfected as required, and returned the said land-warrant with the affidavits thereto attached, and advising that cash could be substituted for the warrant and a patent issue in the name of John Hays; and a cash payment for the said land was thereupon made to the General Land Office in lieu of the attempted location of said bounty land-warrant, and a patent issued to the said John Hays, and a duplicate warrant was refused to be issued without special legislation; and the said John Hays was the actual and real owner of said land-warrant, without the pretension or assertion of any claim thereto by any person whomsoever, and departed this life in the year 1879, leaving his widow, the said Millie E. Hays, entitled to said land-warrant.

There was no objection. The bill was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FOOT-AND-MOUTH DISEASE IN MAINE.

Mr. REED. Mr. Speaker, I ask by unanimous consent to submit for adoption at this time the resolution I send to the Clerk's desk to be read.

The Clerk read as follows:

Whereas it is alleged that the foot-and-mouth disease has been introduced into the State of Maine through the fault or oversight of the United States officials who are charged with the duty of inspecting the quarantine importations of cattle: Therefore,

*Resolved*, That the Committee on Commerce be directed to make due investi-

gation into the matter, with authority to report at any time such bill as they may deem proper, to reimburse the authorities of said State and the citizens thereof for such expenses as have been properly and judiciously incurred and may be incurred in suppressing the disease.

There was no objection, and the resolution was received and adopted.

Mr. REED moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REED. I ask by unanimous consent that the letter of the governor of the State of Maine stating those facts be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The letter is as follows:

STATE OF MAINE, EXECUTIVE DEPARTMENT,
*Augusta, April* 11, 1884.

DEAR SIR: I was pleased to learn that you had followed up my request made to Commissioner Loring, and that Professor Smith had been designated to report to me.

The United States is largely responsible for the introduction of this dreaded disease into our State. It has not only created great excitement and alarm among our farmers, but has occasioned considerable individual and public expense, which must be paid. Everything has been done by our authorities to keep the disease within narrow limits, and so far with good success. We desire to eradicate every vestige and germ of this disease. There are cattle in quarantine that belong to parties in other States. This disease has been introduced here by the importation of foreign cattle, and it is further alleged that great carelessness beyond the control of the State is the cause of this public calamity. In view of these facts, I would respectfully ask that the State have the advantage of such an appropriation of money from the United States as will satisfy the payment of all necessary bills occasioned by the introduction of this disease and will prevent further increase.

I am, very respectfully, your obedient servant,

FREDERICK ROBIE.

To Hon. THOMAS B. REED, *M. C.*

LABOR COMMITTEE—SPECIAL ORDER.

Mr. HOPKINS. Mr. Speaker, I submit for present consideration the following resolution on behalf of the Committee on Labor.

The Clerk read as follows:

*Resolved*, That Saturday, April 19, be set apart for the consideration of bills reported from the Committee on Labor.

Mr. HOLMAN. I reserve the right to object to the introduction and adoption of the resolution until the bills which are to be considered have been indicated.

Mr. HOPKINS. I can indicate the bills which it is the intention of the committee to report on that day.

Mr. HOLMAN. Let them be named in the resolution itself.

Mr. HOPKINS. I do not object to that.

Mr. HOLMAN. What are they?

Mr. HOPKINS. The bill to establish a department of labor statistics, the bill to prevent importation of labor under contract from abroad, and the bill to enforce the eight-hour law. Those, Mr. Speaker, are the only three bills which have been reported from the Committee on Labor which it is the intention to call up for action on Saturday next, if that day be set apart for the consideration of the business of the Committee on Labor.

Mr. McMILLIN. Does it except preceding orders?

The SPEAKER. It does not.

Mr. McMILLIN. Do you except the preceding orders, such as revenue bills, &c.?

Mr. HOLMAN. I must object, unless it also excepts the bills forfeiting land grants, reported from the Committee on Public Lands.

Mr. ELLIS. I understand those bills are reported unanimously from the Committee on Labor.

Mr. HOPKINS. They are. If gentlemen insist on their objection, of course I will modify my resolution accordingly; but I think one day ought to be set apart for the consideration of business coming from the Committee on Labor, in which so many of our fellow-citizens are interested. This is not a continuing order, but is only to set apart one day for the consideration of that business.

Mr. HOLMAN. I thought it was a continuing order; and if it is only to set apart one day, I will withdraw all further objection.

The resolution was again read.

Mr. HOLMAN. The bills which the gentleman has indicated are the bills which are to be considered on that day?

Mr. HOPKINS. Yes, sir.

Mr. HOLMAN. It is understood, then, that it applies only to these three bills.

There was no objection, and the resolution was received and adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LONG. Do those bills under that resolution take precedence of other special orders?

The SPEAKER. The Chair does not decide that question at this time. The Chair has decided when other special orders are called up a vote must be taken on considering them.

ARCHIBALD HUNDLEY.

Mr. SHAW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 286) granting relief to Archibald Hundley for recommittal to the committee.

The SPEAKER. Has this bill been reported from the committee?

Mr. SHAW. It was reported by the committee without prejudice, the Committee on Military Affairs.

The SPEAKER. It is a bill which has been reported adversely and laid upon the table?

Mr. SHAW. Yes, sir. I ask that it be taken from the table and referred to the Committee on Military Affairs.

The SPEAKER. If there be no objection the bill will be taken from the table and recommitted to the committee.

There was no objection, and it was ordered accordingly.

DR. JOHN B. READ.

Mr. HEWITT, of Alabama. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, and put it upon its passage.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

*Resolved, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to organize a board of officers, of not less than three in number, selecting the same from the ordnance and artillery arms of the United States service, who shall examine all the facts relative to the said claim of Dr. J. B. Read, and ascertain whether the United States have made any use of any invention of the said Read in projectiles; whether the same, if so used, were used under any contract, express or implied; to what extent, if any, his invention was so used, and whether such use was valuable to the United States; and if so, what sum, if any, under the circumstances of the use, the United States ought in justice to pay for the same; and that such board do make their report thereon with all convenient speed to the Secretary of War, to be by him transmitted to Congress for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by them.

The committee recommend the following amendment:

In line 11, after the word "implied," insert the following words: "Whether he consented to the use of said projectiles by the confederate government against the United States, and whether his invention was used by the United States."

The SPEAKER. Is there objection to the request of the gentleman from Alabama that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of this joint resolution, and that the same be put upon its passage?

Mr. WARNER, of Ohio. Has this been reported from the Committee on Military Affairs?

Mr. ROSECRANS. It has been. It is all right.

Mr. HEWITT, of Alabama. It has the unanimous report of the committee.

Mr. WARNER, of Ohio. Then I have no objection.

The SPEAKER. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF DUPLICATE CHECKS.

Mr. BURLEIGH. Mr. Speaker, I ask unanimous consent that Senate bill (No. 1705) to provide for the issue of duplicate checks be taken from the Speaker's table and passed.

Mr. SHELLEY. I demand the regular order.

The SPEAKER. The regular order is in the nature of an objection.

Mr. BURLEIGH. I will state to the gentleman from Alabama that this provides simply for the issuance of duplicate pension checks which have been lost in transmission. There are a number of cases of that kind pending, and this is a general bill covering the whole ground. It will save the necessity for the passage of a number of special bills.

Mr. SHELLEY. I will withhold the objection for the present.

The SPEAKER. The regular order is withdrawn; the bill will be read.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARNER, of Ohio. Has that bill been reported by any committee of this House?

Mr. BURLEIGH. I think not. There are several special bills which have been recommended by the committees, but this is a general bill covering the whole ground of the special bills which have heretofore been considered by the committees of the House. As I have said, it will save the necessity for special legislation in a number of cases.

Mr. KASSON. It is all right, and ought to pass.

Mr. WARNER, of Ohio. I do not know that I have any objection to this particular bill, but I think as a rule that all matters of legislation of this character should first have their consideration in some committee of the House.

Mr. MORRISON. I have objection.
The SPEAKER. Objection is made.
Mr. BURLEIGH. Then I ask its reference to the proper committee.
The SPEAKER. Does the gentleman from Ohio object to its reference?
Mr. WARNER, of Ohio. I have no objection to that.
Mr. WOLFORD. I object.

PUBLIC BUILDING, ASHEVILLE, N. C.

Mr. YOUNG. Mr. Speaker, on Saturday last I reported a bill from the Committee on Public Buildings and Grounds for the erection of a public building at Asheville, N. C. It does not appear to have been inserted in the RECORD. I now ask that the proper reference of the report be made.
The SPEAKER. The Chair is informed that the gentleman from Tennessee had himself withdrawn the report, and it therefore was not considered as having been presented.
Mr. YOUNG. Then I now ask consent to offer it and that it be inserted in the Journal and RECORD.
There was no objection.
Mr. YOUNG, by unanimous consent, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1125, a bill (H. R. 6543) for the erection of a public building at Asheville, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are also in order for reference to appropriate committees, and also resolutions of inquiry addressed to heads of Departments.

RITTENHOUSE MOORE.

Mr. SHELLEY introduced a bill (H. R. 6544) for the relief of Rittenhouse Moore, of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHICKASAW NATION OF INDIANS.

Mr. SHELLEY also introduced a bill (H. R. 6545) for the relief of the freedmen of the Chickasaw Nation of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REORGANIZATION OF THE SUPREME COURT.

Mr. JONES, of Alabama, introduced a bill (H. R. 6546) to reorganize the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. BUDD submitted a concurrent resolution of the Legislature of the State of California indorsing and asking the passage of the postal-telegraph bill; which was referred to the Committee on the Post-Office and Post-Roads.
Mr. BUDD. I ask unanimous consent that the resolution be printed in the RECORD.
Mr. COSGROVE. I object.
The SPEAKER. The Chair will state to the gentleman that the request can not now be entertained even if objection had not been made, this being simply a call of States for the introduction and reference of bills.

VETERANS' HOME OF CALIFORNIA.

Mr. ROSECRANS introduced a bill (H. R. 6547) authorizing the issue of clothing to the inmates of the Veterans' Home of California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIM OF FLORIDA.

Mr. DAVIDSON introduced a bill (H. R. 6548) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF LOUIS GOLDSTONE.

Mr. BISBEE introduced a bill (H. R. 6549) for the relief of the heirs of Louis Goldstone; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS FLYNN.

Mr. BUCHANAN introduced a bill (H. R. 6550) for the relief of Thomas Flynn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY S. STONE.

Mr. HAMMOND introduced a bill (H. R. 6551) for the relief of Mrs. Mary S. Stone, administratrix; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET BEYMER.

Mr. DAVIS, of Illinois (by Mr. ADAMS, of Illinois), introduced a bill (H. R. 6552) granting a pension to Margaret Beymer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. REIMAN.

Mr. HITT introduced a bill (H. R. 6553) granting a pension to Mary C. Reiman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP TRAMELL.

Mr. TOWNSHEND introduced a bill (H. R. 6554) granting a pension to Philip Tramell, late private Company I, Third Illinois Volunteers, in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. MARY HAVENS.

Mr. SPRINGER introduced a bill (H. R. 6555) granting a pension to Mrs. Mary Havens and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAMES OF STREETS IN WASHINGTON, D. C.

Mr. SPRINGER also introduced a bill (prepared by Mr. Goodfellow, of the Coast Survey) (H. R. 6556) to change the names of certain streets in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.
Mr. SPRINGER. I introduce this bill by request of a gentleman connected with the Geodetic Survey.

CHRISTOPHER C. CANN.

Mr. WARD introduced a bill (H. R. 6557) for the relief of Christopher C. Cann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CHAPMAN.

Mr. COBB introduced a bill (H. R. 6558) for the relief of Elizabeth Chapman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN A. HASSELL.

Mr. HEPBURN introduced a bill (H. R. 6559) for the relief of John A. Hassell, late of Company M, Third Iowa Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB ZIKES.

Mr. FUNSTON introduced a joint resolution (H. Res. 227) for the relief of Jacob Zikes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAXATION ON INCOMES.

Mr. TURNER, of Kentucky, introduced a bill (H. R. 6560) to equalize taxation and impose a tax on incomes over $5,000; which was read a first and second time.
Mr. ELLIS. I call for the reading of that bill.
The bill was read, as follows:

Whereas the bondholders and millionaires have paid no tax upon their incomes to support the Federal Government for over twenty years; and
Whereas taxes should be justly imposed and all should bear the burdens of taxation to defray the expenses of the Government, and there should be no favored class: Therefore,
*Be it enacted, &c.*, That a tax of 3 per cent. on all incomes over $5,000 and a tax of 5 per cent. on all incomes over $10,000 and a tax of 10 per cent. on all incomes over $100,000 shall be levied and collected, under such rules and regulations as shall be prescribed by the Secretary of the Treasury.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

JOSEPH OATS.

Mr. HALSELL (by request) introduced a bill (H. R. 6561) for the relief of Joseph Oates; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE OHIO RIVER.

Mr. HALSELL (by request) also introduced a bill (H. R. 6562) to empower the Cincinnati Pier Bridge Company to erect a bridge across the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL N. GAINES.

Mr. HALSELL also introduced a bill (H. R. 6563) for the benefit of Samuel N. Gaines; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

D. R. HAGGARD.

Mr. HALSELL also introduced a bill (H. R. 6564) for the benefit of D. R. Haggard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES R. ALLEN.

Mr. THOMPSON introduced a bill (H. R. 6565) for the relief of Charles R. Allen, of Anderson County, Kentucky; which was read a

first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. A. PENNEBAKER.

Mr. WOLFORD introduced a bill (H. R. 6566) for the relief of C. A. Pennebaker; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ADDITIONAL HOLIDAYS FOR DISTRICT OF COLUMBIA.

Mr. ELLIS introduced a bill (H. R. 6567) providing for additional holidays for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PRESERVATION OF PUBLIC RECORDS.

Mr. ELLIS also introduced a joint resolution (H. Res. 228) looking to the preservation of the public records from fire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IMPORT DUTIES, ETC.

Mr. KING introduced a bill (H. R. 6568) to amend an act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, placing cotton-ties, agricultural implements, and other articles on the free-list; which was read a first and second time, referred to the Commitee on Ways and Means, and ordered to be printed.

SALE OF RAILROAD LANDS IN LOUISIANA, ETC.

Mr. KING. I submit the resolution of inquiry which I send to the Clerk's desk.

The SPEAKER. The resolution will be read.

The resolution was read, as follows:

*Resolved*, That the Commissioner of the General Land Office is hereby requested to report to this House at the earliest practicable time——

The SPEAKER. This is not a resolution calling upon the head of a Department for information. If the gentleman will change it so as to make it a call upon the Secretary of the Interior it will be in order.

Mr. KING. I will modify the resolution as suggested.

The resolution as modified was read, and referred to the Committee on Public Lands, as follows:

*Resolved*, That the Secretary of the Interior is hereby requested to report to this House at the earliest practicable time the number of homestead and pre-emption entries which have been allowed in both the odd and even numbered sections, respectively, within the limits of the grant made to the State of Louisiana to aid in the construction of a railroad from Vicksburg to the Texas line west of Shreveport since the definite location of said road, giving the aggregate acreage of such entries and the number of acres which have been so entered and patented; also to report the amount of land within said grant which since the definite location of the road has been sold by the United States to persons purchasing at private entry on both the odd and even numbered sections, giving the amount which has been patented in each case and giving the names and number of persons making such homestead, pre-emption, and private entries, respectively.

JOHN C. PHILLIPS.

Mr. BLANCHARD (by request) introduced a bill (H. R. 6569) for the relief of John C. Phillips; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEW ORLEANS AND NORTHEASTERN RAILROAD COMPANY.

Mr. ELLIS introduced a bill (H. R. 6570) to authorize the payment of money due the New Orleans and Northeastern Railroad Company for mail transportation during the year ending June 30, 1883; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EDITH M. NICHOLLS.

Mr. MILLIKEN introduced a bill (H. R. 6571) granting a pension to Edith M. Nicholls, of Searsport, Me.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOTLEIB WEISER.

Mr. COVINGTON (by request) introduced a bill (H. R. 6572) for the relief of Gotleib Weiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BARNES.

Mr. HOBLITZELL (by request) introduced a bill (H. R. 6573) for the relief of Henry Barnes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES REVENUE MARINE.

Mr. LONG presented a resolution of the Legislature of Massachusetts; which was read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS,
*In the year one thousand eight hundred and eighty-four.*

Resolution relative to the revenue-marine service of the United States.

*Resolved*, That the Legislature of Massachusetts is fully impressed with the importance of the revenue marine and the efficient and valuable service it has rendered to the Government and to the ocean, lake, and river commerce of the country, as well as in saving the lives and property of hundreds of those engaged therein; and

*Resolved*, That as there is no provision of law whereby those who may become disabled by age, injuries, or other cause in said service may be retired, as is the case in the naval and military service of the Government, which in the judgment of this Legislature should be remedied: Therefore,

*Resolved*, That it is the sense of the Legislature of this Commonwealth that the bill (H. R. 4483) now before Congress entitled "A bill to promote the efficiency of the revenue-marine service" is one which commends itself to us as a wise and just measure, and one which we would be glad to see the Senators and Representatives from the State support.

*Resolved*, That a copy of the foregoing resolutions be forwarded to the Senators and Representatives in Congress from Massachusetts.

HOUSE OF REPRESENTATIVES, *March* 27, 1884.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

SENATE, *April* 1, 1884.

Adopted in concurrence.

S. N. GIFFORD, *Clerk.*

A true copy.
Attest:

EDWARD A. McLAUGHLIN,
*Clerk of the House of Representatives.*

EVA D. KELLOGG.

Mr. MORSE introduced a bill (H. R. 6574) granting arrears of pension to Eva D. Kellogg, widow of Charles D. Kellogg, late first lieutenant Company D, One hundred and thirty-seventh New York Regiment; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPORTATION OF MERCHANDISE FROM CANADA, ETC.

Mr. MORSE also introduced a bill (H. R. 6575) concerning the importation of merchandise of Canada and Newfoundland into the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. PARMELIA SMITH.

Mr. ELDREDGE introduced a bill (H. R. 6576) granting a pension to Mrs. Parmelia Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MONTI.

Mr. STRAIT introduced a bill (H. R. 6577) for the relief of Mary Monti; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FORWARDING MAIL MATTER.

Mr. MONEY introduced a bill (H. R. 6578) to amend section 3940 of the Revised Statutes, relating to the forwarding of mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RED LAKE INDIAN RESERVATION.

Mr. NELSON introduced a bill (H. R. 6579) in relation to the Red Lake Indian reservation in the State of Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANDERSON COLLETT.

Mr. BLAND introduced a bill (H. R. 6580) granting a pension to Anderson Collett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER THE MISSOURI RIVER.

Mr. BUCHANAN introduced a bill (H. R. 6581) for the construction of a bridge over the Missouri River at or near Hamburg, Mo.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. L. H. CRENSHAW.

Mr. GRAVES introduced a bill (H. R. 6582) for the relief of A. L. H. Crenshaw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UTAH AND NORTHERN RAILWAY COMPANY.

Mr. VALENTINE introduced a bill (H. R. 6583) granting the right of way to the Utah and Northern Railway Company; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

CIVIL SERVICE.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 6584) making persons honorably discharged after service in the Army or Navy during the late war eligible to certain appointments in the civil service without the civil-service examination required by law; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

STEAM-BOILER INSPECTOR FOR THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL, of New York (by Mr. DORSHEIMER), introduced a bill (H. R. 6585) to amend the act creating the office of steam-boiler inspector for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN C. FRÉMONT.

Mr. DORSHEIMER introduced a bill (H. R. 6586) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC F. QUINBY.

Mr. GREENLEAF introduced a bill (H. R. 6587) granting a pension to Isaac F. Quinby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERSONAL BAGGAGE FREE OF DUTY.

Mr. JAMES introduced a bill (H. R. 6588) to amend the Revised Statutes so as to admit free of duty a limited amount of baggage belonging to persons coming from foreign countries; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ASA DYE.

Mr. WEMPLE introduced a bill (H. R. 6589) for the relief of Asa Dye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALICE RILEY.

Mr. VAN ALSTYNE introduced a bill (H. R. 6590) granting arrears of pension to Alice Riley, of Troy, Rensselaer County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA L. STRONG.

Mr. WADSWORTH introduced a bill (H. R. 6591) granting an increase of pension to Maria L. Strong, widow of Admiral Strong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT S. ORTON.

Mr. STEVENS introduced a bill (H. R. 6592) for the relief of Albert S. Orton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARSHALL N. COOK.

Mr. STEVENS also introduced a bill (H. R. 6593) for the relief of Marshall N. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF CLAIMS BY TREASURY DEPARTMENT.

Mr. VANCE submitted the following resolution; which was referred to the Committee on Appropriations:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to furnish to this House a list of all claims which have been audited by the Treasury Department and which remain unpaid by reason of a lack of appropriations.

RUSSELL F. DIMMICK.

Mr. MURRAY introduced a bill (H. R. 6594) granting a pension to Russell F. Dimmick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORRIS JOY.

Mr. MURRAY also introduced a bill (H. R. 6595) granting a pension to Morris Joy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HAZLEWOOD.

Mr. MURRAY also introduced a bill (H. R. 6596) granting a pension to John Hazlewood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH MASON.

Mr. MURRAY also introduced a bill (H. R. 6597) granting a pension to Joseph Mason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT DAYTON, OHIO.

Mr. MURRAY also introduced a bill (H. R. 6598) to provide for the erection of a public building in the city of Dayton, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GOLD AND SILVER CERTIFICATES.

Mr. FOLLETT introduced a bill (H. R. 6599) to authorize and require the issue of gold and silver certificates on deposits of either gold coin or bullion or silver coin; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MARY DAY.

Mr. KEIFER introduced a bill (H. R. 6600) granting a pension to Mary Day, of Clark County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. NEIBLING.

Mr. SENEY introduced a bill (H. R. 6601) granting a pension to Elizabeth A. Neibling, widow of Col. J. M. Neibling, Twenty-first Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. SHANNON.

Mr. SENEY also introduced a bill (H. R. 6602) granting a pension to Mary A. Shannon, widow of Criner C. Shannon, private Company G, One hundred and eighteenth Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB THEIS.

Mr. MOREY introduced a bill (H. R. 6603) granting a pension to Jacob Theis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. FOEHT.

Mr. MOREY also introduced a bill (H. R. 6604) granting a pension to Samuel D. Foeht; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. ELLIOTT.

Mr. MOREY also introduced a bill (H. R. 6605) for the relief of William C. Elliott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNLADING OF COAL, SALT, ETC.

Mr. GEORGE introduced a bill (H. R. 6606) to amend section 2776 of the Revised Statutes of the United States so as to authorize the unlading of coal, salt, railroad iron, and other like articles in bulk, under the superintendence of customs officers, at the expense of parties interested, at places to be designated by the Secretary of the Treasury within the collection district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. GEORGE also introduced a bill (H. R. 6607) to provide for the construction of a public building at Portland, Oreg.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LOST LAKE AND MOUNT HOOD IMPROVEMENT COMPANY.

Mr. GEORGE also introduced a bill (H. R. 6608) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. GEORGE also introduced a bill (H. R. 6609) to amend section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the Willamette district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOUNTY LAND-WARRANTS.

Mr. BINGHAM introduced a bill (H. R. 6610) amending clause 2 of section 2426 of the Revised Statutes of the United States, in reference to persons in the naval service of the United States entitled to bounty land-warrants; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. SUSANNAH P. SWOOPE.

Mr. CURTIN introduced a bill (H. R. 6611) for the relief of Mrs. Susannah P. Swoope, assignee of William Irvin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HOGAN.

Mr. STORM introduced a bill (H. R. 6612) for the relief of John Hogan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. DELONG.

Mr. STORM also introduced a bill (H. R. 6613) granting a pension to John S. Delong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SHINGLER.

Mr. STORM also introduced a bill (H. R. 6614) granting a pension to Jacob Shingler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN J. SHARP.

Mr. PATTON introduced a bill (H. R. 6615) for the relief of Nathan J. Sharp, of Reynoldsville, Pa.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. ORR.

Mr. PATTON also introduced a bill (H. R. 6616) for the relief of John G. Orr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER FREET.

Mr. DUNCAN introduced a bill (H. R. 6617) for the relief of Oliver Freet, late private Company B, One hundred and thirtieth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. MALOY.

Mr. DUNCAN also introduced a bill (H. R. 6618) for the relief of George H. Maloy, late private in Company C, One hundred and forty-

third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANN C. BUTLER.

Mr. EVERHART (by request) introduced a bill (H. R. 6619) granting arrears of pension to Ann C. Butler, supplementary to an act approved January 28, 1873; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LENA MANROSS.

Mr. SPOONER introduced a bill (H. R. 6620) increasing the pension of Mrs. Lena Manross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO RULES.

Mr. DIBBLE submitted the following resolutions; which were referred to the Committee on Rules:

*Resolved*, That Rule XIV, sections 2 and 3, of the rules of the House be amended as follows, namely: Strike out the words "one hour" and "an hour" wherever they occur in said sections 2 and 3 in said Rule XIV, and instead thereof insert the words "thirty minutes."

*Resolved*, That in every reference to the limit of debate prescribed in Rule XIV, sections 2 and 3, which may occur in any of the rules of the House, the said rules shall be modified so as to conform to the change of limit from one hour to thirty minutes, as above provided.

*Resolved*, That the Speaker shall not entertain any request for extension of the limit of debate herein fixed beyond an extension of fifteen minutes additional to the thirty minutes above provided; nor shall such request be granted save by unanimous consent.

SEVENTH TENNESSEE CAVALRY.

Mr. PIERCE introduced a bill (H. R. 6621) for the relief of the officers and soldiers of Colonel Rogers's, Seventh Tennessee Cavalry, United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. L. CAIN AND OTHERS.

Mr. DIBRELL introduced a bill (H. R. 6621) for the relief of J. L. Cain, A. A. Kyle, A. Kennedy, and G. M. Hazen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT HOLLAN.

Mr. McMILLIN introduced a bill (H. R. 6623) for the relief of Robert Hollan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIGNAL STATION, HOUSTON, TEX.

Mr. STEWART, of Texas, introduced a bill (H. R. 6624) to establish a signal station at Houston, Tex.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OWNERS OF FORT BROWN RESERVATION, TEXAS.

Mr. OCHILTREE introduced a bill (H. R. 6625) to appropriate the sum of $136,000 to pay owners of Fort Brown reservation, in Texas, for rents due thereon by the Government from 1846 to 1884; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS OF POSTMASTERS, ETC.

Mr. REAGAN (by Mr. JONES, of Texas) introduced a bill (H. R. 6626) to amend the act of March 17, 1882, authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. H. MORGAN.

Mr. REAGAN also introduced a bill (H. R. 6627) for the relief of C. H. Morgan, postmaster at Marquez, Tex.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BUSINESS OF THE SUPREME COURT.

Mr. POLAND introduced a bill (H. R. 6628) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF TAX LAWS, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 6629) taxing shares of incorporated banks in the District of Columbia as other personal property; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STEAMER GLENELG.

Mr. BARBOUR (by request) also introduced a bill (H. R. 6630) authorizing the Secretary of the Treasury to investigate the fine imposed on the steamer Glenelg; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY H. SIBLEY.

Mr. TUCKER introduced a bill (H. R. 6631) for the relief of Henry H. Sibley; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEMUEL C. WRIGHT.

Mr. McMILLIN introduced a bill (H. R. 6632) for the relief of Lemuel C. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRUST AND INDEMNITY COMPANY, DISTRICT OF COLUMBIA.

Mr. GEORGE D. WISE (by request) introduced a bill (H. R. 6633) to incorporate the Trust Indemnity Company, of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GERARD D. MOORE.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 6634) for the relief of Gerard D. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE D. WILTSHIRE.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 6635) for the relief of George D. Wiltshire; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID HUNTER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 6636) for the relief of David Hunter, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA C. BOWERS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 6637) for the relief of Maria C. Bowers, widow of Barrabas Bowers, late a private in Company K, Seventeenth Virginia Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM ZORN.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 6638) granting a pension to Adam Zorn, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH KING.

Mr. GOFF introduced a bill (H. R. 6639) for the relief of Elijah King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN MEANS.

Mr. GOFF also introduced a bill (H. R. 6640) for the relief of Calvin Means; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN STADER.

Mr. DEUSTER introduced a bill (H. R. 6641) granting an increase of pension to John Stader; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESTERN UNION RAILROAD COMPANY.

Mr. DEUSTER also introduced a bill (H. R. 6642) for the relief of the Western Union Railroad Company; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SAMUEL BOICE.

Mr. PRICE introduced a bill (H. R. 6643) granting an increase of pension to Samuel Boice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD L. GRANT.

Mr. RAYMOND introduced a joint resolution (H. Res. 229) providing for the payment of one month's salary to Edward L. Grant, an employé of the House; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

HOPKINS COUNTY, KENTUCKY.

Mr. CLAY introduced a bill (H. R. 6644) for the benefit of Hopkins County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. JANE CONLIN.

Mr. O'NEILL, of Missouri (by request), introduced a bill (H. R. 6645) placing the name of Mrs. Jane Conlin on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DARIUS CROUCH.

Mr. O'NEILL, of Missouri (by request), also introduced a bill (H. R. 6646) placing the name of Darius Crouch on the pension-list; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY O'LOUGHLIN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 6647) for the relief of Mrs. Mary O'Loughlin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY A. BENTLEY.

Mr. LACEY introduced a bill (H. R. 6648) to restore to the pension-roll the name of Mary A. Bentley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROOF IN PENSION CASES.

Mr. LAIRD introduced a bill (H. R. 6649) regulating the proof required in certain pension cases, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES RILEY.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 6650) for the relief of James Riley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS DEAN.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 6651) to increase the pension of Thomas Dean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. STEELE.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 6652) granting a pension to George S. Steele; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN COLLEGE IN ROME.

Mr. WHITE, of Kentucky, also submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas the Central Catholic Advocate, April 3, 1884, published the following: "The Secretary of State, Frelinghuysen, on behalf of the United States, protested against the proposed sale of American college in Rome under order of the Italian court of cassation. A dispatch from United States Minister Astor, dated Rome, March 28, says: 'The American college is exempted from the propaganda sale. The protest was made at the request of Cardinal McCloskey and the American hierarchy:'" Therefore,

*Resolved*, That the Secretary of State be, and hereby is, requested to furnish this House, if not inconsistent with public policy, with a statement of all the facts and copies of all the papers in relation to the exemption of the American college in Rome, Italy, from the propaganda sale.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

Mr. WELLER presented a joint resolution and memorial of the Legislature of the State of Iowa in regard to the jurisdiction of United States circuit courts; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD.

The joint resolution and memorial is as follows:

[Joint resolution No. 15.]

Joint resolution and memorial in regard to jurisdiction of United States circuit courts.

Whereas by act of Congress approved September 24, 1789, the jurisdiction of the circuit courts of the United States in suits between citizens of different States was extended to cases in which the amount in controversy exceeded $500; and

Whereas for almost one hundred years the amount thus fixed has remained unchanged, while the commercial and material interests of the country and the business of the courts have increased many fold, and the reasons why so small an amount should determine such jurisdiction no longer exist; and

Whereas corporations organized under the laws of other States and doing business in the State of Iowa have systematically removed all cases possible to the United States courts, thus compelling the citizen of this State to pursue his remedy in the United States court, and in many cases amounting to a denial of justice and causing great inconvenience, unreasonable delay, and unnecessary expense: Therefore,

*Be it resolved by the General Assembly of the State of Iowa*, That our Senators and Representatives in Congress are hereby requested to use their influence to procure such a modification and change of existing law, so as to increase the amount determining the jurisdiction of the circuit courts of the United States, commensurate with the increase of commercial interests and business of the courts and the demands of the people.

*Resolved*, That the secretary of state be directed to forward to the President of the Senate of the United States and the Speaker of the House of Representatives a copy of the foregoing resolutions, with the request that the same be laid before each House of Congress and that a copy be sent to each Senator and member of Congress from this State.

Approved April 3, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true copy of the original on file in this office.

[SEAL.] J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

MARY C. AXLINE.

Mr. McCOID introduced a bill (H. R. 6653) granting a pension to Mary C. Axline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. STEWART.

Mr. McCOID also introduced a bill (H. R. 6654) to remove the charge of desertion from the record of John P. Stewart, late private Company D, Third Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONSTITUTIONAL CONVENTION.

Mr. McCOID also introduced a joint resolution (H. Res. 230) for the appointment of a commission of seventy-six, composed of two persons from each State in the United States, of different political parties, for the purpose of considering and proposing to the several States the propriety of the Legislatures of two-thirds of the several States calling a convention to meet on the 4th day of July, 1887, for the purpose of proposing amendments to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HULDAH MAYO.

Mr. MILLIKEN introduced a bill (H. R. 6655) granting a pension to Huldah Mayo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HANCOCK. I move to dispense with the morning hour.

The SPEAKER. There is no morning hour to-day. The amendment to the rules adopted by the House at its present session sets apart the second and fourth Mondays of each calendar month, immediately after the call of States, for the consideration of business reported by the Committee on the District of Columbia.

Mr. HANCOCK. In probably a couple of hours we can dispose of the pending appropriation bill for the payment of pensions. If in order, I move to dispense with the consideration of business of the Committee on the District of Columbia for that purpose.

Mr. SHELLEY. I make the point of order that the Chair can not entertain that motion at this time.

The SPEAKER. The Chair will cause the resolution to be read.

The Clerk read as follows:

*Resolved*, That the second and fourth Mondays of each calendar month hereafter during the continuance of the Forty-eighth Congress, after the call of States and Territories for bills and joint resolutions be, and the same are hereby, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

The SPEAKER. The motion made by the gentleman from Texas [Mr. HANCOCK] is not in order. Under the rules of the House the motion to go into Committee of the Whole House on the state of the Union is not in order until after the morning hour. The gentleman from Texas will observe the resolution just read destroys the morning hour entirely on those Mondays and sets them apart for the consideration of bills reported by the Committee on the District of Columbia.

Mr. BARBOUR. I call for the regular order.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent——

The SPEAKER. The regular order is called for by the gentleman from Virginia, the chairman of the Committee on the District of Columbia. The regular order is the consideration of business reported by that committee.

Mr. FINDLAY. I desire to submit a resolution for present consideration.

The SPEAKER. Is the call for the regular order withdrawn?

Mr. BARBOUR. Is it in order to make a qualified withdrawal?

The SPEAKER. The gentleman must withdraw the demand or insist upon it.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is insisted upon by several gentlemen.

Mr. BARBOUR. The gentleman from Maryland [Mr. McCOMAS], a member of the Committee on the District of Columbia, is authorized by the committee to call up the first bill for consideration to-day, and I yield to him for that purpose.

BENEVOLENT INSTITUTIONS IN DISTRICT OF COLUMBIA, ETC.

Mr. McCOMAS. By instructions of the Committee on the District of Columbia, I now call up for consideration from the Speaker's table Senate bill No. 1063, to amend the Revised Statutes of the United States relative to the District of Columbia, and for other purposes.

The bill was read, as follows:

*Be it enacted*, &c., That the following sections of the Revised Statutes of the United States of America relating to the District of Columbia be, and they are hereby, amended in the following manner, that is to say:

Section 545, by striking out the words "not exceeding twenty years;" so that the same shall read:

"SEC. 545. Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the promotion of the arts, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing in which shall be stated—

"First. The name or title by which such society shall be known in law.

"Second. The term for which it is organized.

"Third. The particular business and objects of the society.

"Fourth. The number of its trustees, directors, or managers for the first year of its existence."

Section 546, by adding at the end thereof the words "and other real and personal property, the clear annual income from which shall not exceed in value $25,000;" so that the same shall read:

"SEC. 546. Upon filing their certificate the persons who shall have signed and acknowledged the same, and their associates and successors, shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society, as stated in their certificate, and other real and personal property, the clear annual income from which shall not exceed in value $25,000: *Pro-*

*vided, however,* That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law."

Section 547, by striking out the words "annually, or oftener, elect from its members," and inserting the word "elect" after the word "may," in the first line; so that the same shall read:

"SEC. 547. Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen in such board of trustees, directors, or managers, the vacancy shall be filled in such manner as shall be provided by the by-laws of the society."

That section 549 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, repealed; and in lieu of said section the following is enacted:

"SEC. 459. Any property of the corporation may be leased, encumbered by mortgage or deed of trust in the nature of a mortgage, or sold and conveyed absolutely, when authorized by a vote of a majority of the shares of stock of the corporation, or by a vote of a majority of the directors, managers, or trustees of the corporation, at a meeting called for the purpose, and the proceedings of which meeting shall be duly entered in the records of the corporation; and the proceeds arising therefrom shall be applied or invested for the use and benefit of such corporation."

SEC. 2. That section 551 of the Revised States relating to the District of Columbia be, and the same is hereby, repealed.

SEC. 3. That any corporation heretofore formed under sections 545 to 552, inclusive, of the Revised Statutes of the United States relating to the District of Columbia, may avail itself of the provisions of this act by complying with its requirements, and those that this act is intended to amend; but the right to repeal this act, and to alter, amend, or abolish any charter of incorporation granted under it, is expressly reserved to Congress.

The SPEAKER. The gentleman from Maryland [Mr. MCCOMAS] is entitled to the floor.

Mr. BELFORD. I desire to offer an amendment.

Mr. MCCOMAS. I will give the gentleman an opportunity to have his amendment read.

Mr. BELFORD. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That the Botanical and Agricultural Departments, as well as the Smithsonian Institute, be kept open on Sundays between the hours of 9 a. m. and 4 p. m. from the time of the passage of this act.

Mr. MCCOMAS. I do not yield to have that amendment offered; only to have it read for information. I would be glad to accommodate my friend from Colorado [Mr. BELFORD], but his proposition is in no sense germane to the bill amending the Revised Statutes of the District of Columbia with respect to the incorporation of benevolent and charitable institutions.

Mr. BELFORD. Do you not think that looking at God's flowers on Sunday is a benevolent institution?

Mr. MCCOMAS. I have, as the gentleman has, the highest admiration for flowers, beautiful flowers, but they are not relevant to the bill just read by the clerk.

Mr. BELFORD. I think such a provision as this should be adopted.

Mr. MCCOMAS. This bill is for the purpose of improving and revising the Statutes of the District of Columbia, so that a hospital or an educational, benevolent, scientific, or other similar institution organized in this district may not be restricted to a life of twenty years, because an institution with such a benevolent purpose should not be limited to an existence of only twenty years. It is also intended to strike out that provision of the Revised Statutes whereby such a benevolent society, unlike a business corporation, is in this District allowed to hold property only for the term of five years. And the institution or society is also restricted to holding only such property as is absolutely necessary to the purpose of the corporation, and can not hold any other property in aid of the benevolent purpose intended to be accomplished by the incorporation.

Mr. ADAMS, of Illinois. That is the existing law.

Mr. MCCOMAS. That is the existing law. Under the existing law these societies are not allowed to elect as trustees and managers persons other than members of the societies; they can not now, as is often desirable, elect benevolent individuals residing elsewhere than in the District of Columbia to aid or assist in the management of the societies. Nor under existing law can these corporations mortgage or encumber any of their property, no matter how beneficial the purpose wherefor they would raise funds. Nor can they in this District sell or dispose of such property in the ordinary mode, or hold any property which is not eligible for their direct purpose. Any such society is at the mercy of any purchasers who would enforce the law against it and compel it to sell the property which it thus holds.

I send to the Clerk's desk, and ask to have read, a letter from Justice Miller of the Supreme Court, and one from Mr. Niles, the president of the Children's Hospital in this District.

The Clerk read as follows:

SUPREME COURT OF THE UNITED STATES,
*Washington, February* 5, 1884.

DEAR SIR: As president of the Garfield Memorial Hospital, organized under the general law of the District of Columbia, my attention has been called to serious defects in that law.

These were, perhaps, of no great consequence when special charters could easily have been obtained from Congress, and when occasions for such charters were few, but with the growth of the District in wealth, in culture, and in population, much of which needs charitable and benevolent organizations, the restricted and limited character of the powers conferred by the general law need reconsideration.

A very well considered bill, introduced by yourself January 14, is before your committee, and I hope it will be pressed to a speedy passage.

No such corporation, for instance, can expect to become permanently useful whose existence is limited to twenty years.

And the limitation as to the amount of property, real or personal, to be held by such an institution is an effectual barrier to the establishment of any great hospital or library or other useful public corporation.

We have nearly completed a hospital with seven acres of ground. We have another lot in the city covered with buildings which by the present law we must sell within three years from this time, whether we get a good price or not, thus placing us at the mercy of any one desiring to purchase.

However these restrictions may have been appropriate at the time of their enactment, the times and the city of Washington have outgrown them, and I beg leave to solicit your earnest attention and that of your committee to the necessity of the amendments embodied in the bill.

I have the honor to be, your obedient servant,

SAM. F. MILLER.

Hon. JOHN S. BARBOUR,
*Chairman House Committee on District of Columbia.*

CHILDREN'S HOSPITAL, *Washington, January* 11, 1884.

DEAR SIR: I am instructed by the board of directors of the Children's Hospital to request you to introduce the inclosed bill in the Senate.

The hospital was organized in 1870, under the act of Congress of May, 1870 (United States Revised Statutes relating to the District of Columbia, sections 545 to 552).

This act limits the existence of corporations created under it to twenty years; does not authorize such a corporation to mortgage any of its property, even though it be necessary for the advancement of the object for which it was organized; does not authorize it to hold real estate more than five years, except such as is in actual use of the corporation; does not authorize it to sell its real estate unless it surrenders its charter, except the lot in actual use, in which case the proceeds must be invested in the purchase of another lot to be used for the same purpose; and requires the election of trustees to be held every year, instead of in classes of one, two, and three or more years. The object of this bill is to remove these obstacles.

The Children's Hospital is particularly anxious to have the amendment passed, because several years ago Dr. J. C. Hall left it several pieces of unimproved real estate, which yield no income, but are a burden to the hospital by the annual payment of taxes.

Hoping that you will comply with the request of the directors, and will also give the matter your favorable attention when it comes before your committee (District of Columbia), and before the House, I have the honor to be, very respectfully, your obedient servant,

SAMUEL V. NILES,
*President Children's Hospital.*

Hon. JOHN S. BARBOUR,
*Chairman of Committee on District of Columbia,*
*House of Representatives.*

Mr. MCCOMAS. I also hold in my hand, but will not trouble the House with it, another letter complaining of other grievances and showing that societies incorporated in this District for these purposes have been compelled to take much of the property intended for their purposes in the names of private persons, trustees, with power to mortgage it, in order that they might carry out the purposes of the incorporation.

The Senate bill which has been read is a substitute for a bill which was introduced into this House by the gentleman from Virginia [Mr. BARBOUR], the chairman of the Committee on the District of Columbia for this House, and a bill introduced into the Senate by the honorable Senator from Kansas [Mr. INGALLS], the chairman of the Committee on the District of Columbia of the Senate. On the 1st of April this substitute bill passed the Senate unanimously; there was no objection whatever to it. As I have said, by an amendment to section 545 of the Revised Statutes, relating to the District of Columbia, the limit of existence for these corporations to twenty years is stricken out; and by an amendment to section 546 of the Revised Statutes for the District of Columbia these benevolent associations or corporations are empowered to hold property which may be beneficial to their purpose, and to any extent, the clear annual income of which shall not exceed $2,500. By these amendments the Garfield Hospital, the Children's Hospital, and other benevolent institutions of this District of Columbia may hold property which may be given or devised to them, all the property to be subject to taxation as is the property of other institutions and of individuals. In this District the only property which is not taxed is that of churches, schools, and cemeteries.

Section 547 as amended allows the election of trustees or managers according to the by-laws and ordinary regulations of such societies usual in all the States.

Section 549 as amended allows the mortgaging or encumbering of property by the corporation in the ordinary mode allowed in many of the States.

For the same purpose the bill strikes out section 551, whereby other property than that whereon the buildings of the society stands can be held for five years only. As Mr. Niles has stated in the letter just read from the desk, one of these benevolent institutions has received from an eminent physician of this District, Dr. Hall, a devise of land in this District, which under existing law must be disposed of to the highest bidder, because the society is required to sell it in five years. To avoid such a necessity, section 551 is stricken out.

After this explanation of the scope of the substitute bill passed by the Senate, having in view an obviously good purpose, I will reserve the remainder of my time, though I am ready to yield to any gentleman who desires to ask any question. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker, I desire to say in the first place that I most cheerfully support this bill. But I wish to call the attention of the House to an abuse which exists and should be cured. I have tried to cure it by the amendment I have proposed.

On two occasions I have gone to visit the Agricultural, Smithsonian, and Botanical Gardens with ladies from my State on Sunday, because I

could find no other time to do so, but have found those places closed. Now, I say this thing ought to be corrected. These gardens ought to be opened every day. God made time and we made days. Now, let us have every day wherein we may inspect the beautiful flowers that God has created. That is what I insist upon; that is the object of my amendment.

But under existing rules and regulations not a member of this House can take his lady friends to the Agricultural Department or the Smithsonian Institution or the Botanical Garden on Sunday and allow them to inspect the beautiful creations of Providence.

Is Sunday any better than Saturday, or is Saturday any better than Monday? Those are questions for us to consider; and I have the courage on the floor of this House to propose them for your consideration. Therefore I have offered this amendment.

A MEMBER. You should read your Bible on Sunday.

Mr. BELFORD. Yes, sir; I read four chapters in the New Testament last night before I went to sleep.

Mr. Speaker, I recollect very well when I was a boy in the State of Pennsylvania they would not allow the street-cars to run on Sunday; and I remember hearing Mr. Porter, the great lawyer of that State, argue against the constitutionality of the law prohibiting street-cars from running on Sunday. Do not the cars now run on Sunday in this city and every other large city of this continent? After appropriating the money of this Government to keep the Agricultural Department and the Botanical Gardens going, why should we not have the privilege of requiring them to keep open on Sunday, to the end that the poor people who work all the week may enjoy the beauty of the flowers and the aromas connected with them? This is what we ought to do as sensible men.

I take advantage of this bill to offer the amendment because it is the first measure to which I have had opportunity to attach it. I say it is an abuse and an outrage to exclude from these places on Sunday the poor people who can not get there on week days. There is nothing so beautifully typical of the love of God as a blooming rose or a blushing violet or a sweet-smelling pansy. Can we not keep these places open, that we may there worship God on Sunday, not under the shadow of the altar, but in the blaze of the beauty that the Almighty has created? [Applause.]

[Here the hammer fell.]

Mr. McCOMAS. I am glad that the missionary zeal of my friend from Colorado [Mr. BELFORD] respecting flowers moves him to support this bill, though he advocates an amendment which is not relevant. I hope my friend from Colorado, and other gentlemen of this House, will look to these human flowers—the little ones of the Children's Hospital and the poor whom we "always have with us." To these the charitable purposes of this bill directly relate.

Mr. BELFORD. Do you not love a bouquet of flowers at the bedside of sickness?

Mr. McCOMAS. I hope the support which my friend from Colorado gives to this bill will obviate any need of further discussion. Unless some gentleman desires further explanation or debate, I will move the previous question, that the bill may be read the third time and passed.

The SPEAKER. The Chair understands that the gentleman from Maryland [Mr. McCOMAS] did not yield for the amendment suggested by the gentleman from Colorado.

Mr. McCOMAS. I did not.

The SPEAKER. The question is upon ordering the previous question on the third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. McCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 3956) to amend section 2527 of the Revised Statutes relating to the district of Gloucester.

### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

### ORDER OF BUSINESS.

Mr. BARBOUR. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of bills reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. VANCE in the chair.

### BRIDGE OVER THE POTOMAC.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of bills reported from the Committee on the District of Columbia.

Mr. BARBOUR. I call up for consideration the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River, at the Three Sisters, above Georgetown, in the District of Columbia, a substantial iron and masonry bridge with approaches; and the sum of $220,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel: *Provided*, That the Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated, and which cost shall include the construction of a substantial iron bridge over the Chesapeake and Ohio Canal and highway, and any and all approaches to the said iron bridge; and no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridge, including the masonry, iron-work, and approaches, at a cost not to exceed $220,000: *And provided also*, That the sum which may be expended under this act shall be treated and regarded as a part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act for the erection of said bridge upon its 50 per cent. of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia:" *Provided further*, That the Secretary of War shall, as soon as possible, cause a survey of the river to be made at the Three Sisters, determine the length, width, and height of said bridge, and thereupon advertise for plans and price for the construction of said bridge, such advertisement to be inserted in one or more daily newspapers published in Washington, D. C.; New York; Cleveland, Ohio; Detroit, Mich.; Philadelphia, Pa.; Chicago, Ill., and Richmond, Va., for the space of one week: *And provided further*, That the sum of $15,000 shall be available at once for such investigation and surveys and such contingencies as the Secretary of War shall deem necessary.

Mr. BARBOUR. I yield the floor to the gentleman from Alabama [Mr. SHELLEY] who reported the bill.

Mr. SHELLEY. I ask the Clerk to read the amendments reported by the Committee on the District of Columbia.

The Clerk read as follows:

In line 7 strike out the words "two hundred and twenty" and insert "eighty."

In line 8, after the word "dollars," insert "in addition to the sum heretofore provided in act 23d February, 1881."

Strike out all after line 16, including line 22 and a part of line 23, including the word "dollars," and insert the following: "*And provided further*, That no moneys appropriated by the bill should be expended until the proper authorities in the State of Virginia shall have given guarantees satisfactory to the Secretary of War to open and construct the necessary road or roads to connect the said bridge with the highways of that State, and to keep the said road or roads in good repair and open for free travel."

After the word "sum," in line 41, insert the words "not exceeding."

Mr. SHELLEY. Mr. Chairman, the act of Congress approved February 23, 1881, appropriated the sum of $140,000 for the construction of a bridge across the Potomac River at or near Georgetown. It was left to the discretion of the Secretary of War, and he sought to purchase the bridge known as the Aqueduct Bridge, which is now a toll bridge; but in attempting to negotiate with the lessees of that bridge he discovered from the parties in interest it was impossible to get a good title to that property. He then directed surveys to be made to ascertain the best site upon which the new bridge should be located. The engineers in charge of the work selected the site known as the Three Sisters as the most favorable for the construction of the bridge on account of cheapness, convenience, &c.

Mr. BLOUNT. Where is it?

Mr. SHELLEY. About half a mile beyond the Aqueduct Bridge; not quite half a mile. It was ascertained by the engineers in charge of the work that the amount appropriated is not sufficient to construct a suitable bridge in a proper location. Propositions were invited for the construction of a bridge in the location selected, and the bids showed that the $140,000 appropriated was inadequate.

This estimate exceeds the amount appropriated by the act referred to in the sum of $80,000, making the total cost of the structure $220,000, which sum is deemed sufficient by the Engineer Department for the construction of a substantial bridge of masonry and iron of ample strength and durability to insure safety and avoid accidents.

The report of the engineers is found in Executive Document 156, first session Forty-seventh Congress. The location recommended by the department—the Three Sisters—is regarded also as the most suitable on the score of convenience and economy. The site named is above the point where it is possible to navigate the river at present with steamers or large vessels, and it will not be necessary to construct a draw in the bridge for the passage of vessels.

The necessity for a free bridge at or near Georgetown for the convenience of personal and commercial intercourse between the citizens of the District and of Alexandria and Fairfax Counties, in Virginia, is admitted by all, while the interests of the Government would be promoted by its construction.

It will require a bridge of about 1,100 feet in length to span the river at that point. At any other than the site selected, either adjacent to, above, or below the present Aqueduct Bridge, the length of bridge required would be some 1,700 feet, and therefore necessarily more expensive than at this point, known as the Three Sisters.

I think it hardly necessary to say anything to show this committee the necessity of constructing a bridge which shall be open free to traffic and travel across the Potomac at some convenient point near the city of Georgetown.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. SHELLEY. Yes, sir.

Mr. HOLMAN. This bill, I believe, provides that one half of the expenditure for the construction of this bridge shall be borne by the United States and the other half by the citizens of this District.

Mr. SHELLEY. Yes, sir.

Mr. HOLMAN. Now I wish to ask upon what principle does my friend think the public Treasury ought to bear that burden? This bridge is being erected for the benefit of the citizens of the District of Columbia. Why, then, should the Government of the United States pay for it?

Mr. SHELLEY. There are several very good and forcible reasons why the General Government should pay its proportion of the amount necessary to construct this bridge. Among other things I might state, in the first place, that the Government makes important and constant use of this bridge. They pay now an annual rental or tollage to the present bridge company of about $600, I think. In addition to that the law provides, and I think very equitably and properly, that the Government of the United States should pay one-half of all the expenses incurred in the District of Columbia of every kind and character. I do not see that there are any reasons why the Government should not bear its proportion of this expenditure. On the contrary, everything seems to warrant and justify it.

Mr. HOLMAN. Does my friend think that the law passed a few years ago which fastened upon the public Treasury one-half of the expenses of the Government of the District of Columbia is a fair and reasonable regulation as between the Government and the people of the District?

Mr. SHELLEY. I do, undoubtedly. I think it is fair, just, equitable, and reasonable. I think it is only right that the Government, owning property as it does in this city, should bear its fair share of the expense of the government of this District.

Mr. HOLMAN. While the Government meets every conceivable expense touching its own property, as a general proposition, independent of paying 50 per cent. of the expenses of the administration of the government of the District of Columbia, does not the gentleman think that it is a little too much to ask this also? Does he not think it a little remarkable that until within a few years past—within the past ten years—it was not necessary that the Government of the United States should bear so large a proportion, or indeed any considerable proportion, of the expense of this District? Does he not know that this present regulation is of recent years? All the way back in our history——

Mr. SHELLEY. I know, Mr. Chairman, as we become more enlightened and make further advancement we will be more disposed to do justice to all people; and these improvements in the District of Columbia and these necessary works will be constructed under the laws by the General Government at less expense to the people of the District than they are now called upon to bear.

Mr. HOLMAN. Does the gentleman think that the large proportion of public men from all parts of the country who have become property-owners here have any effect upon that question?

Mr. SHELLEY. I think this: that 51 or 52 per cent. of the entire property of the District of Columbia belongs to the General Government. I think that 35 or 45 per cent. of the officials of the United States are now enjoying the privileges of the District of Columbia, enjoying all the protection necessary through the police regulations and otherwise without cost except in this way—the payment by the General Government of 50 per cent. of the expenditures. I think, sir, that the time has passed when we can afford to higgle about the expense of a proper system of improvements for this city which will increase the facilities of travel to it from all the adjacent country.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. SHELLEY. Certainly.

Mr. BLOUNT. I would like to ask him if when he says 51 per cent. of the property in this District belongs to the Government of the United States he does not put into the estimate of the property that belongs to the Government all of the streets, &c.?

Mr. SHELLEY. Reservations, &c. I will answer I do.

Mr. BLOUNT. I wanted that statement made.

Mr. SHELLEY. The streets are not included; the avenues are.

Mr. BLOUNT. They are not intended for the benefit of the people of the District, are they?

Mr. SHELLEY. Of course they enjoy them, and the Government also enjoys all of the privileges that are conferred upon any of the citizens. Besides that, the Government is using this bridge to-day, and are paying a tax every year to pass to and fro to their interests on the other side of the river.

Mr. WARNER, of Ohio. I would like to ask the gentleman from Alabama a question. He states that the Government is now using this bridge for communication between this and the other side of the river. What bridge does the gentleman refer to?

Mr. SHELLEY. The Aqueduct Bridge, located about the west end of Georgetown.

Mr. WARNER, of Ohio. I am not very familiar with the location, and have therefore asked for information.

Mr. SHELLEY. This bridge is owned by a company and is a toll-bridge.

Mr. WARNER, of Ohio. Would the people necessarily make use of that bridge to pass to the cemetery on the other side of the river?

Mr. SHELLEY. They would if it was a free bridge.

Mr. WARNER, of Ohio. Is it located at a convenient point for that purpose?

Mr. SHELLEY. I think so, sir; perhaps the most convenient point. The engineers have selected the site at the Three Sisters, which is not so convenient a point, but is more economical. It is no doubt true, however, that the Aqueduct Bridge would be the most convenient site.

Mr. WARNER, of Ohio. It seems to me it is rather far up to be convenient. But there may be questions of engineering and of construction that should influence that matter.

Mr. SHELLEY. When you come a thousand feet below the Aqueduct Bridge you have to cross Analostan Island, making a very expensive structure.

Mr. WARNER, of Ohio. I do not doubt another bridge is needed; but I do not quite indorse the theory of my friend from Alabama that the Government ought to pay all the taxes for all its employés and officers. I think they should pay their own share.

Mr. SHELLEY. I did not make any such statment.

Mr. WARNER, of Ohio. I am glad that is not a correct inference from what the gentleman stated.

Mr. SHELLEY. It is not a correct inference.

Mr. BLOUNT. I wish to ask the gentleman from Alabama a question. I do not remember in the bill passed some years ago for the building of a bridge——

Mr. SHELLEY. The bill was passed February 23, 1881.

Mr. BLOUNT. I do not remember whether in that bill there was provision for half the expenses to be paid by the District of Columbia.

Mr. SHELLEY. Yes, sir; it required one half to be paid by the District of Columbia and the other half by the Government.

I reserve the remainder of my time for future use.

Mr. BARBOUR. I am directed by the committee to submit some amendments to the bill which has been presented by the gentleman from Alabama, and I desire to say, sir, in that connection, and as bearing on the inquiries made by the gentleman from Ohio [Mr. WARNER], that this is not a new proposition. There is an existing appropriation made by the Forty-sixth Congress in the act passed February 23, 1881, by which $140,000 was appropriated for the construction of a bridge across the Potomac River at or near Georgetown. It was left to the discretion of the Secretary of War, on the report of the military engineer, to select the site of that bridge either at the Three Sisters, as it is called, or at the Aqueduct. When the matter came up for final disposition it was found there was a difficulty about the title to the Aqueduct site—to the piers of the Aqueduct; and the appropriation was inadequate to build the bridge at the Three Sisters. And this bill is brought before Congress now with a view to supplying the inadequacy of that original provision for the construction of a bridge at the Three Sisters.

It seemed that the trouble about the Aqueduct site, which is a more direct one and where there are already piers sufficient upon which to erect a bridge—it seemed the trouble about the title at that time could not be removed, the bill requiring the fee-simple in these piers should pass to the United States with the construction of the bridge. But recently the parties have come together, and it seems now that all the parties who could make a perfect title have agreed to make that title so that the Aqueduct site comes up in the competition now as an appropriate one for the location of the bridge.

This is not an original appropriation. The appropriation heretofore made was inadequate, falling short $80,000, which is appropriated by this bill, $40,000 of which is to be contributed by the District of Columbia and $40,000 by the Government of the United States. So after all it is only a charge of $40,000 upon the Treasury.

I will say, in reply to what has fallen from the gentleman from Indiana [Mr. HOLMAN], that I understand it has been the practice always from the beginning of the Government that the United States Government should build the bridges over the streams surrounding Washington city. They have built the bridges over the Eastern Branch. Away back in General Jackson's time they built the Long Bridge. And I believe they built the Chain Bridge. And here is a bridge essential for the connection of the District with the country on the Virginia side of the river, and essential to enable persons to pass conveniently to Arlington Cemetery and to Fort Myer, where they have a signal station, to which it is the immediate and direct approach. These two places are only half a mile apart. One is used now as a toll-bridge, and to the great detriment, inconvenience, and cost of the country people who come here to market, and who at present are compelled to cross that toll-bridge.

Then the old Long Bridge, which for a long time supplied the wants and accommodated the people on the other side of the river, was by act of Congress given to a railroad company and is now paralleled with a railroad bridge. The railroad company is compelled to keep up the bridge for vehicles. The result is that the two lines of railroad and the way for vehicles are right close together, and to pass that bridge with vehicles is a matter of extreme difficulty and danger. Of course there are teams that can pass it, but as a general thing there is a risk of life

and property in crossing where so many railroad trains are continually in transit.

Under the circumstances I do not think the committee ought to hesitate to make this small additional appropriation for an object which is so much wanted, which will accommodate the markets of Washington, which will accommodate the purposes of the Government in connection with Arlington, and will accommodate the numerous visitors from all parts of the country who want to go to Arlington to see the national cemetery and to Fort Myer signal station. All these things are to be taken into account as a part of the accommodation.

Mr. BLOUNT. I should like to ask the gentleman from Virginia——

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. BARBOUR. I should in the first place prefer to have read the amendment I have indicated. I move, as an additional section to the bill which has been reported by the gentleman from Alabama, what I send to the desk.

Mr. SHELLEY. Is there an amendment pending now?

The CHAIRMAN. There are amendments submitted by the committee which are now pending.

Mr. SHELLEY. No others?

The CHAIRMAN. No others. The amendment sent up by the gentleman from Virginia will be read.

The Clerk read as follows:

SEC. 2. That for the purpose of establishing a free bridge and in lieu of erecting the bridge provided for in the preceding section, the Secretary of War may, in his discretion, purchase the Aqueduct Bridge now crossing the Potomac River, at Georgetown: *Provided*, Said bridge, with all the appurtenances, rights, and franchises connected therewith, including piers and real estate for abutments and approaches, can be purchased for a sum not exceeding $85,000, to be paid to the lessees of the Alexandria Canal, and $15,000 to the Alexandria Canal Company; the said $15,000 to be applied to the discharge and satisfaction of certain judgments against said canal company which are liens against its property; which sums, or so much thereof as may be necessary, may be paid out of the money appropriated by this act: *Provided further*, That a good and sufficient title thereto can be secured to the United States, to be approved by the Attorney-General of the United States, within sixty days after this bill shall become a law. It is further provided that the Alexandria Canal Company, or its present lessees, shall have the right to maintain at their own cost and expense a canal aqueduct of the same width and depth as the one now in use, and to attach it to or suspend it from said bridge; and whenever a permanent bridge shall be erected upon said site the same shall be of sufficient strength to sustain a canal trunk or aqueduct; but the construction, attachment, and maintenance of such trunk or aqueduct shall be such as the Secretary of War may determine, and shall be without cost or liability to the United States or the District of Columbia.

Mr. SHELLEY. With reference to the amendment just read, I desire to say that the same or similar provisions are in the law as it now exists, the law which appropriated $140,000 for the construction of a free bridge at or near Georgetown. The objection to giving this discretionary power to the Secretary of War is that the Government does not get anything but a right of way over the piers of this aqueduct bridge. The sum of $85,000 here proposed to be appropriated is merely for the purpose of obtaining the right of way, the right to build a bridge over the aqueduct piers, leaving the title to the piers and to the aqueduct in the canal company.

The Government of the United States originally paid $300,000 toward the construction of that bridge and of the canal from Georgetown to Alexandria; they loaned the company that much money for that purpose. In addition to that they donated $100,000 for the same purpose. Now, by paying the $85,000 here proposed the Government will only get the right of way over the piers of this aqueduct, the title to the piers and to the aqueduct remaining in the company.

In 1866 the present proprietors of that bridge leased it from the Alexandria Canal Company for the term of ninety-nine years, and agreed to pay the nominal sum of $1,000 a year for the canal and bridge from the north side of the Potomac to the city of Alexandria. They claim that they have expended a large amount of money in restoring the canal and building a bridge over the aqueduct in order to accommodate the public. The estimate of the cost of the bridge is $25,000—the cost of putting the bridge there which spans the Potomac. Of course the aqueduct and the piers were previously constructed. Congress granted to these lessees the right to construct a foot and wagon way over the aqueduct.

The Government is now asked to pay $85,000 to purchase back that privilege. The only investment which the lessees have made in that bridge is the sum of $25,000. The other money which they have expended can not be properly charged to the bridge, for they had to keep up the aqueduct anyhow and to keep up the canal. The Government has no use for either. The mere right of way is not worth the sum of $85,000 to the Government or to the District of Columbia. I therefore move to amend the amendment by making the amount $50,000 to be paid to the lessees for this right of way.

Mr. WARNER, of Ohio. Will the gentleman allow me to ask him a question?

Mr. SHELLEY. Certainly.

Mr. WARNER, of Ohio. Is this $85,000 for the purchase of the right of way over the Aqueduct Bridge to be in addition to the amount to be expended upon a new bridge?

Mr. SHELLEY. No; it is to be in lieu of it.

Mr. WARNER, of Ohio. In lieu of the new bridge?

Mr. SHELLEY. Yes; the Government is to pay $85,000 to the lessees for this right of way.

Mr. WARNER, of Ohio. In which case there will be no new bridge.

Mr. SHELLEY. In that case we will not build the new bridge. The amendment also proposes to give $15,000 to the lessors of the canal company for the purpose of discharging some liabilities that rest upon this property. Then the balance of the appropriation is to be used for the construction of the superstructure over the aqueduct piers. The present wagon-way there is very frail, not sufficient for the purpose. This bill contemplates the construction of an iron bridge across these piers, above the aqueduct, of sufficient strength to sustain and support the aqueduct canal.

Mr. WARNER, of Ohio. There is to be a new superstructure on the piers after the purchase of the wagon-way?

Mr. SHELLEY. Yes, sir.

Mr. WARNER, of Ohio. And altogether the cost would be as much as for a new bridge?

Mr. SHELLEY. Not so much.

Mr. WARNER, of Ohio. Nearly as much.

Mr. SHELLEY. The total cost would be $200,000; $85,000 to the lessees, $15,000 to the lessors, and $100,000 for the superstructure.

Mr. WARNER, of Ohio. Resulting in a saving of how much over a new bridge?

Mr. SHELLEY. Just $20,000.

Mr. WARNER, of Ohio. While I am on the floor I would like to ask another question, of the gentleman from Virginia [Mr. BARBOUR]. That gentleman stated, I believe, that the Government has constructed the Long Bridge, the Chain Bridge, and perhaps one or two other bridges entirely. I would ask the gentleman if the State of Virginia did not join in the construction of one of these bridges?

Mr. BARBOUR. Never.

Mr. WARNER, of Ohio. They were constructed entirely by the Government?

Mr. BARBOUR. Entirely. I will reserve the remainder of my time, after yielding to the gentleman from Colorado [Mr. BELFORD] for five minutes.

Mr. BELFORD. One of the most interesting epochs in our national history can be found in the first volume of Benton's abridgment of the debates of Congress, which I would like to commend to the attention of my lovable friends on the other side. It pertains to the location of this Capitol. [Going down the aisle toward the Democratic side.] They had many a serious debate in the first Congress with reference to the location of the national capital.

A MEMBER. Why do you always go over there when you speak?

Mr. BELFORD. I have to come over here to impress my views upon them.

This, gentlemen, is the capital of our nation, a nation of 50,000,000 of people, and within the next twenty years we should make it a city grander than Paris.

But we can only make it so by encircling the brows of our "Three Sisters" with the garland of flowers that I intend to have open on Sunday in the Agricultural Department. Think of one sister garlanded and belted with the most beautiful posies; and then think of three of them, and my lovable friend from Indiana [Mr. HOLMAN], with his bosom heaving and shaking and swelling in the contemplation of a spirit of grand generosity, will never declare that he objects to that belt of flowers. [Laughter.]

What objection can there possibly be to opening these agricultural grounds on Sunday? Why should any gentleman on this floor raise a point of order on such an amendment? It does not involve the expenditure of one dollar additional. You already have your employés there; and by adopting such a proposition as I offer, you open that institution for—what purpose? For the benefit of the poor people of this country.

The Democratic party has control of this House. It has control of your committees. Why do not these committees direct some member to accept an amendment so wholesome, so God-some, so beneficent as this.

I am ready to vote for this bill, and will do so cheerfully. But let us garland and garnish, let us adorn and beautify this bridge, even if it be on Sunday when the great mass of the people will cross it, with these beautiful and magnificent flowers. I appeal to you gentlemen to aid me in accomplishing this result.

Mr. BARBOUR. I yield five minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I am in favor of the amendment which provides for purchasing from the Alexandria Canal Company and their lessees the entire title to the Aqueduct Bridge. One gentleman on the other side has said that the amendment proposed only the purchase of the right of way. As I understand the proposition, and if I am mistaken I hope the chairman of the Committee on the District of Columbia will correct me, it is to purchase for the sum of $85,000 to be paid to the lessees of the canal company and $15,000 to be paid to the lessor, the Alexandria Canal Company, the fee, the real estate, everything on both sides of the Potomac River belonging to the company, save and except the right on the part of the canal company to continue the aqueduct across the river as it is now. As I understand the matter, this easement alone is to be retained by the Alexandria Canal Company; nothing more.

As has been stated, the Aqueduct Bridge is half a mile or more east

of the Three Sisters, and as a location for a bridge is much more eligible. As I understand, no sufficient calculation has yet been made to ascertain accurately the cost of constructing the bridge at the Three Sisters; but from the best information I have been able to obtain the cost will be more than $300,000. I think any gentleman having any knowledge on this subject who will examine that location will come to this conclusion. At the Three Sisters, you have on this side of the river an approach for the bridge which does not present very much difficulty, and yet it will be expensive because of its height, the ground for the approach being much more unfavorable than the ground at this end of the Aqueduct Bridge.

On the other side, the Virginia side, there is no approach at all—no way to get back from the river. On that side there is an immense gorge leading back in a northwesterly direction, very deep and very narrow. On either side of this gorge and all along the south side of the Potomac there are high hills, extending a considerable distance up and down the river and coming to the water's edge. If the bridge is built at the Three Sisters, I do not see how a road can be built from the south end of it unless at an enormous cost. The steep hills come so close to the river that a road can not be made either up or down the river to any advantage, and the chasm is so narrow and rises so rapidly as to make the construction of a road up it almost impossible.

I am unable to determine how much would be the cost of a bridge constructed at that point, or in what way the bridge would be of any very great advantage to the Government. The Aqueduct Bridge is too far to the west for the convenience of the people in Washington, and the Three Sisters is still farther west and more out of the way. The Aqueduct Bridge is at the west end of Georgetown, and the Three Sisters is half or three-quarters of a mile beyond Georgetown. But the distance from the south side of the bridge, if it is built at the Three Sisters, to Arlington and to the Government buildings on that side of the river will be increased much more than on this side on account of the circuitous route which the hills would make absolutely necessary.

But if the Aqueduct Bridge is purchased, we have a good location, and we can have a good bridge at a great deal less expense. The approaches to the Aqueduct Bridge are already built and the charter of the ground on both sides of the river at this place is admirably adapted to an improvement of this kind. The best grades that can be attained anywhere along the Potomac can be found at both ends of the Aqueduct Bridge, and as this bridge has been built for a long time the roads on the south side as well as on the north side have been located with reference to it. There is probably no better grade from any point on the river to Arlington Heights than the one from the south end of the Aqueduct Bridge. This can be learned by any gentleman who will take the trouble to make the necessary examination.

If a bridge is to be built for the benefit of the Government I think it very important that this location should be adopted rather than erect a bridge at the Three Sisters. I am not discussing the necessity of building a bridge, nor the propriety of building one. I do not propose to discuss this feature. The only point I desire to make is that if a free bridge is to be constructed across the Potomac River at either of the two places named it should be located where the Aqueduct Bridge is, and not at the point called the Three Sisters, for the reasons I have given; because it will accommodate the Government and the people of the District better, make an easier road, and will cost a great deal less money, both to the Government and the District of Columbia.

As I understand, there is no trouble in regard to this question of title. The United States Government, I believe, already owns more than one-half of the stock of the Alexandria Canal Company, which owns the fee of the land and the Aqueduct Bridge. The United States, as I understand it, owns 3,500 shares out of 6,800. I am aware that the Government has not all these shares in possession; but it has 2,280 in possession, and there has been a decree of the United States circuit court ordering the surrender of the residue. Therefore, we should not forget that this property already belongs largely to the United States. There can be no question about title, as the owners of 1,100 shares have already consented and entered into a written contract to join with the Government at the next regular meeting of the Alexandria Canal Company stockholders in the acceptance of this proposition. This 1,100 shares and the 2,280 shares which the Government now has in possession is a majority of all the stock capable of being voted, and will no doubt control the action of the company and bind all the stockholders.

No one need fear litigation, as there is but one question in the courts, and there has been but one, and this is as to the ownership of the 1,220 shares which belong to the United States and are now held by Virginia, and which she refuses for some reason to give up. The court decided against her, and she has appealed to the Supreme Court.

The piers which it is proposed to use are very large, and are said to be very good. There are perhaps no such piers anywhere else in this country. They cost more than half a million dollars, and time and use have shown them to be perfect in their structure and durability. When these piers were built it was found necessary to expend twice or thrice as much money as was expected in order to make the work durable, and I have no doubt that this indicates the additional expense which would have to be incurred in the erection of a bridge at the Three Sisters, especially in the deep and wide channel south of the rocks called Three Sisters.

[Here the hammer fell.]

Mr. BARBOUR. I yield the gentleman from Ohio five minutes more, if he so desires.

Mr. JOSEPH D. TAYLOR. Not only is the aqueduct the best location for this new bridge; but in my judgment the erection of the bridge at that point will be a very large saving to the General Government as well as to the District of Columbia. It is true that the $85,000 to be paid to the lessees of the canal company seems to me a large sum; and I do not like the manner in which the money is to be divided as between the lessors and the lessees; but it is the way the parties themselves propose to divide it. The lessees, as I understand it, insist on having $85,000; and the lessors ask only $15,000, which I understand is to be used in removing certain liens or incumbrances now upon the property. When this sum is paid we shall have, as I understand it, an absolute title, except that the canal company is to have the right to continue the aqueduct where it is now at their own expense. The piers are large enough and strong enough so support the bridge and aqueduct both. They were so built.

I imagine that the question of title will not in the future present any difficulty. I think the time will come, and that the time is not far distant, when this privilege which the canal company proposes to reserve will be valueless to them, will be abandoned, and will cease to be any impediment to the exercise of full title on the part of the Government or the District of Columbia.

It has been stated in this debate, and, as I understand, correctly, that this lease is made for ninety-nine years at only $1,000 a year. Now, I can not imagine that the interest of the canal company in this aqueduct can be now or hereafter of any great value when the price set upon it is only $1,000 a year.

I think the time will come when these piers will be no longer used for the acqueduct, when the canal will be abandoned, and when the title of the Government will be as complete as if the purchase were now made without any reservation at all. So we are not only saving $20,000 upon the present outlay, but we will save $100,000 in addition. I do not know that this $100,000 that is provided for need be appropriated at all. It was said that it would take $100,000 to build a superstructure, but this bridge is in reasonable repair now. The piers are good.

The superstructure, to be sure, is not the very best, but it has been good enough for many years, and it is good enough now for the ordinary travel which passes over it. So then we can get a bridge and get it at once at $100,000, which is less money than has already been appropriated for this purpose. It is a toll-bridge now and can at once be turned into a free bridge. As everything else of a public character in Washington is free, your committee and the people who live here and the people who visit here think there should be a free bridge between Washington and points south of the Potomac River.

In my judgment, Mr. Chairman, we should adopt the amendment proposed by the chairman of the committee and purchase the Aqueduct Bridge and use it for the present, and when we do build a new bridge build it on the piers now owned by the canal company, the piers of the Aqueduct Bridge. In this way we will save $120,000 until we build a new bridge, and when the new bridge is built we will, according to present estimates, save $20,000, and I think from the reports of former engineers that we will save more than $100,000 and have a better bridge in a better location. The same skillful engineering that selected this point for the Aqueduct in preference to the Three Sisters fifty years ago, when they spent a million dollars in perfecting this grand work, confirms the claim I now make that it is the best location for a bridge. More than one engineer has estimated, as the executive documents show, that a good bridge at Three Sisters will cost more than $300,000, on the supposition that the rocks called Three Sisters could be used, which I think doubtful. I would be glad to see this bill so amended that we could now only purchase the Aqueduct Bridge and make it a free bridge and use it for the time being, and I suggest this to the committee.

Mr. SHELLEY. I still believe, Mr. Chairman, we can not get as much as we ought to get for this $85,000. I do not think the amendment gives us a sufficiently clear title to the piers and to the rest of the property.

Mr. BARBOUR. The bill provides that the title shall be made satisfactory to the Attorney-General of the United States.

Mr. SHELLEY. I am informed it is impossible to get these men to take less than $85,000.

I withdraw the amendment I offered of $50,000, and at the proper time will ask the House to vote on the amendment of my colleague, the gentleman from Virginia.

I think we might save the expenditure of the cost of superstructure now by simply investing a few thousand dollars in the repair of the present structure, but it is built of wood and liable to decay, needing constant repairs. The investment of $100,000 in a structure of an iron bridge would cost nothing or comparatively nothing for repairs, and in that way would save more than the interest on the money which is invested in its construction. In my judgment, therefore, the Secretary of War should be directed to proceed at once to acquire title to the bridge and to erect a suitable iron structure.

Mr. BLOUNT. I should like to ask the gentleman a question, and that is whether more than half of this property does not already belong to the Government of the United States, and furthermore whether it is a reasonable allowance to pay them the sum which has been indicated while at the same time we allow them to keep up their canal in connection with the bridge?

Mr. SHELLEY. The Government has now the clear right to about 3,200 shares of the stock—perhaps the Government will be entitled to a larger amount.

Mr. JOSEPH D. TAYLOR. Are not the shares of the Government a majority of the whole stock?

Mr. SHELLEY. Not at all.

Mr. JOSEPH D. TAYLOR. Are not the shares of the Government in the stock of the Alexandria Canal Company?

Mr. SHELLEY. Certainly.

Mr. JOSEPH D. TAYLOR. They only receive $15,000 to go to remove mortgage liens, but the $85,000 goes not for any property in which the Government of the United States has any interest whatever, but to the lessees of this Aqueduct Bridge. Hence it is not a very liberal appropriation at the best.

Mr. SHELLEY. The $85,000 goes to buy the rights of the lessees in their lease of this property. They surrender their lease for the amount of $85,000. Fifteen thousand dollars is the amount to be paid to the owners under the bill, and the Alexandria Canal Company is to be allowed to continue their canal in connection with the bridge and at their own expense.

Mr. MULDROW. I wish to offer an amendment so as to give a proper interpretation to the language intended to be employed by the committee in the bill. In line 35, after the word "with," I move to insert the words "one-half of." The purpose of the committee was to charge one-half to the District of Columbia and one-half to the United States.

Mr. BARBOUR. I am willing to accept that amendment.

The CHAIRMAN. The Chair hears no objection.

Mr. SHELLEY. Let the amendment reported by the committee be read for the action of the House.

The CHAIRMAN. The Clerk will read the first amendment of the committee.

The Clerk read as follows:

Strike out "220," and in lieu thereof insert "80;" so it will read: "And the sum of $80,000, in addition to the sum heretofore provided in the act of the 23d of February, 1881, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel."

Mr. BLOUNT. I should like to ask the gentleman from Alabama another question, if he will yield the floor for that purpose.

Mr. SHELLEY. Certainly.

Mr. BLOUNT. I have been informed that the commissioners of the District of Columbia are opposed to the construction of this bridge, and I should like to ask the gentleman from Virginia whether that is true or not?

Mr. BARBOUR. I will say in answer to the gentleman that I have no official notice individually, nor has the committee any official notice, that the commissioners are opposed to the bill. The committee are in possession of no such information. I have heard some rumors to the effect that they did not like to let the money go; that they did not want to part with so much of the fund which might be applicable for other purposes at this time. But I supposed, of course, that that was a very natural feeling on their part, and that they would desire to hold on to all of the money they could retain to apply to the improvement of the streets and sewerage of the city. But regarding this bridge as an exceedingly important question, not only to the people of the District of Columbia and the adjoining country, but to some extent a question of national importance, because it is the only method of accommodation for those persons who are going to Arlington, Fort Myer, &c., the committee have thought it necessary and proper to recommend the passage of the bill, differing in that regard from the alleged views of the commissioners.

Mr. FOLLETT. If I may be permitted to say in response to the gentleman from Virginia, I will state that I have been advised personally by the commissioners of the District of Columbia that the funds of the District government will not now justify the building of this bridge, for the reason that it necessarily comes out of the fund for the improvement of streets and the extension of the sewerage system of the District. That is the only flexible part of the appropriation for the District of Columbia, and if the funds applicable for that purpose are diverted it will to that extent suspend the extension of the sewerage system, and the improvements of the streets as well, for the time being. Now, it is regarded as very important that these works shall be continued.

It is very desirable in many parts of the city that the sewerage system shall be extended, and for that reason the commissioners tell me that for the present at least they are opposed to entering upon the work of the construction of the bridge, and that the funds would be much more advantageously expended in the city in the extension of the sewerage and in the repairs and improvements of the streets.

Mr. SHELLEY. I will answer the gentleman from Ohio——

Mr. BARBOUR. Permit me for a moment to answer the question of the gentleman.

Mr. SHELLEY. Certainly.

Mr. BARBOUR. A satisfactory answer to the remarks of the gentleman from Ohio is that this is not an original appropriation. There is an existing law which appropriates $140,000 for the construction of this bridge. That appropriation is standing now unrepealed, ready to be utilized whenever the title to the approaches is acquired and other conditions can be made favorable to the construction of the bridge. So, practically, there is nothing new recommended by the present bill. There is no new money appropriated by it, if the amendment I proposed is incorporated into the bill, excepting the $15,000 addition, which is to clear the title. That is the only real appropriation out of which the District Commissioners would have to pony up $7,500, and that they can well afford and still continue the work of street improvements, &c.

Now an appropriation has been already made to secure the building of the bridge. This question, it should be borne in mind, has been canvassed and discussed before for many years, and it finally culminated in the act of February 23, 1881. The only thing that is required at the present time in order to secure the title and prevent further delay or defeat and discouragement of the friends of the free bridge is to adopt a provision which has been inserted that if the aqueduct proposition can not be carried out in detail, then in order to secure the construction of the bridge its location has been fixed at the Three Sisters, and that the work shall be commenced within a reasonable time, and that only a period of sixty days is asked for the purpose of determining which is to be the point. I am clear in my own mind, and the committee on an examination of the subject is clear, and I think everybody that has looked into the matter is of the same opinion, that if the amendments proposed here are adopted, and this bill passed, that the title will be made clear to the satisfaction of the Attorney-General, and that this $15,000 which is required to pay an old judgment lien which binds the Alexandria Canal Company will be all the additional fund that the District will have to provide for.

Mr. BLOUNT. That is provided you make a contract with the canal company.

Mr. BARBOUR. They have already signed the papers. All that is necessary will be to call a stockholders' meeting to carry out and ratify the agreement which has been already made and signed by the directors.

Mr. BLOUNT. This proposition then in reference to the Aqueduct Bridge is a substitute for the bill as read.

Mr. BARBOUR. It is an alternative proposition. It is simply to secure a bridge.

Mr. WILSON, of West Virginia. The first proposition was to construct a bridge at the Three Sisters. But if the Aqueduct Bridge can be acquired within the time specified by the bill, it is believed to be a better location——

Mr. SHELLEY. In reference to the opposition of the commissioners of the District of Columbia and their objection, as alleged, to this matter, I desire to say that the president of that board made his objections known to me. His objection was as stated by the gentleman from Ohio [Mr. FOLLETT] that it would divert too much money from the improvement of the streets and the pavements and the sewerage system of the District of Columbia. They regarded that as a more important work than the construction of the bridge. But after looking into the matter and considering all of the questions the Committee on the District of Columbia differed with the commissioners. They believe the revenues of the District are sufficient to enable the commissioners to invest the sum necessary in the construction of the bridge and to go on with the ordinary improvements of the streets at the same time.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee, which the Clerk will read:

The Clerk read as follows:

Strike out of line 7 the words "two hundred and twenty" and insert in lieu thereof the word "eighty" so that it will read:
"And the sum of $80,000 be, and the same is hereby, appropriated," &c.

Mr. WARNER, of Ohio. A word upon that amendment. I confess that I do not understand the real effect of that amendment, and I wish to ask for information. It is proposed in the bill to appropriate $220,000, but this amendment, as I understand it, reduces it to $80,000?

Mr. SHELLEY. It just increases the amount appropriated to $220,000. There was an appropriation originally of $140,000.

Mr. WARNER, of Ohio. This makes it $220,000?

Mr. SHELLEY. Yes, sir.

Mr. BLOUNT. I do not understand that sum of money is likely to be used.

Mr. SHELLEY. Not unless they go on with the construction of the bridge upon that site.

Mr. MULDROW. Not if they procure the aqueduct site.

Mr. BLOUNT. And I understand the gentleman from Virginia [Mr. BARBOUR] to say that is about arranged.

Mr. MULDROW. That was the impression which prevailed in the committee this morning.

Mr. WARNER, of Ohio. It seems to me we ought to know which we are to do; whether we are to buy the piers of the Aqueduct Bridge or to build a new bridge.

Mr. SHELLEY. That is the very thing which we can not determine now. If we can get the Aqueduct Bridge we will have a better site. We authorize the Secretary of War to purchase that bridge. If he succeeds in doing so we will have a site better than the other.

Mr. WARNER, of Ohio. It leaves a good deal of discretion with the Secretary of War.

Mr. JOSEPH D. TAYLOR. I wish to ask the gentleman from Alabama if he does not think it would be better to extend the time during which title may be acquired?

Mr. SHELLEY. I think not. I think sixty days is ample. If it is not acquired in that time it can not be acquired at all without proceedings of condemnation.

Mr. JOSEPH D. TAYLOR. Is it not necessary that there shall be a meeting of the stockholders of the canal company, and that the title shall be perfected by the action of that corporation? And yet you have limited the time in which that is to be done to sixty days. Would it not be better to extend it to three or four months? We all know how apt delays are to arise.

Mr. SHELLEY. That matter was considered by the committee, and we came to the conclusion after consultation with the parties in interest that it could be accomplished in sixty days.

Mr. McCOMAS. I ask the gentleman from Alabama whether or not if you lengthen the time you would not at once lose the coercive force of the alternative proposition, whereby the committee hope a free bridge may be secured in a better place for a less sum of money? Would not extending the time defeat the very purpose which is had in view by the alternative proposition? Is not that so?

Mr. SHELLEY. I think it would have that effect.

Mr. BARBOUR. The only object of allowing time is to give the stockholders of the Alexandria Canal Company an opportunity to come together. A meeting has been called, I understand, for next month.

Mr. JOSEPH D. TAYLOR. But suppose there should be some delay, some difficulty as to the time, does not your bill compel the authorities to proceed at once after sixty days and locate the bridge at the other point?

Mr. BARBOUR. For the reasons which have been stated, I do not see that any more time is required.

Mr. SHELLEY. The sixty days begin after the bill becomes a law; and in the mean time there will be ample time to give notices and call the meeting.

The CHAIRMAN. The question is on the adoption of the first amendment reported by the committee, which the Clerk will report.

The Clerk read as follows:

In lines 7 and 8, strike out "$220,000" and insert "$80,000."

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

In line 8, after the word "dollars," insert "in addition to the sum heretofore provided in the act of the 23d of February, 1881."

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

Strike out, from line 18 to line 25, the following:

"And no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridge, including the masonry, iron-work, and approaches, at a cost not to exceed $220,000."

And insert in lieu thereof the following:

"*And provided further*, That no moneys appropriated by this act shall be expended until the proper authorities in the State of Virginia shall have given guarantees satisfactory to the Secretary of War to open and construct the necessary road or roads to connect the said bridge with the highways of that State, and to keep the said road or roads in good repair and open for free travel: *And provided also*."

The amendment was agreed to.

The CHAIRMAN. The question is next on the amendment offered by the gentleman from Mississippi [Mr. MULDROW], which the Clerk will read.

The Clerk read as follows:

In line 35, after the word "with," insert the words "one-half of;" so that it will read:

"And the United States shall be credited with one-half of the amount which it may pay under this act for the erection of said bridge upon its 50 per cent. of the expenses of the District of Columbia."

The amendment was agreed to.

Mr. O'NEILL, of Missouri. I offer the amendment which I send to the desk, my object being to include Saint Louis among the places where the advertisement shall be published.

The Clerk read as follows:

After "New York," in line 47, add "Saint Louis, Mo."

The amendment was agreed to.

Mr. BARBOUR. I ask that the amendment which I offered under instructions of the committee be now read.

Mr. JOSEPH D. TAYLOR. I want to offer an additional amendment at line 47. I move to insert, after the amendment just adopted the words, "Columbus, Ohio." We have great bridge-builders there, and I wish them to have an opportunity of competing.

Mr. BARBOUR. Provision is made in the bill for publication in one city of Ohio already—Cleveland.

Mr. JOSEPH D. TAYLOR. That is too far off.

The CHAIRMAN. The question will first be on the amendment offered by the gentleman from Virginia [Mr. BARBOUR], which the Clerk will read.

The Clerk read as follows:

Add as an additional section the following:

"SEC. —. That an act entitled 'An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes,' approved February 23, 1881, be amended as follows, to wit: By striking out from the second section of said act all of said section after the words 'District of Columbia,' in the twentieth line (as printed in the United States Statutes at Large)."

The amendment was agreed to.

Mr. JOSEPH D. TAYLOR. I now offer my amendment.

Mr. SHELLEY. I hope the gentleman will not offer that amendment. The people of Ohio will be sufficiently informed by the advertisements in the papers at Cleveland.

Mr. JOSEPH D. TAYLOR. I think not. I move to amend by inserting, in the forty-seventh line, after the word "Michigan," the words "Columbus, Ohio."

The amendment was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Virginia [Mr. BARBOUR] by instructions of the Committee on the District of Columbia.

The amendment was read, as follows:

Add as a new section the following:

"SEC. 2. That for the purpose of establishing a free bridge, and in lieu of erecting the bridge provided for in the preceding section, the Secretary of War may in his discretion purchase the Aqueduct Bridge now crossing the Potomac River at Georgetown: *Provided*, That the said bridge, with all the appurtenances, rights, and franchises connected therewith, including piers and real estate for abutments and approaches, can be purchased for a sum not exceeding $85,000 to be paid to the lessees of the Alexandria Canal, and $15,000 to be paid to the Alexandria Canal Company, the said $15,000 to be applied to the discharge and satisfaction of certain judgments against said canal company, which are liens against this property, which sums or so much thereof as may be necessary may be paid out of the money appropriated by this act: *Provided further*, That a good and sufficient title thereto can be secured to the United States, to be approved by the Attorney-General of the United States, within sixty days after this bill shall become a law: *And it is further provided*, That the Alexandria Canal Company or its present lessees shall have the right to maintain at their own cost or expense a canal aqueduct of the same width and depth as the one now in use, and to attach it to or suspend it from said bridge; and whenever a permanent bridge shall be erected upon said site the same shall be of sufficient strength to sustain the canal trunk or aqueduct, but the construction, attachment, or maintenance of such trunk or aqueduct shall be such as the Secretary of War may determine, and shall be without cost or liability to the United States or the District of Columbia."

The CHAIRMAN. The question is upon agreeing to the amendment which has been read.

Mr. WARNER, of Ohio. What has become of the amendment of the gentleman from Alabama [Mr. SHELLEY] to reduce the sum of $85,000 to $50,000?

The CHAIRMAN. The Chair understands that that amendment has been withdrawn.

Mr. SHELLEY. Ascertaining that it would be an impossibility to purchase this property for the sum of $50,000 I withdraw the amendment.

Mr. McCOMAS. Was there not an amendment to reduce the sum from $85,000 to $50,000?

The CHAIRMAN. That amendment was withdrawn.

Mr. McCOMAS. Can I now renew it?

The CHAIRMAN. The gentleman can renew the amendment.

Mr. McCOMAS. Then I do so. I move in line 8 of the amendment to strike out "$85,000" and insert "$50,000."

Mr. SHELLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland [Mr. McCOMAS] desire to be heard upon his amendment?

Mr. McCOMAS. I will yield to the gentleman from Alabama [Mr. SHELLEY] for a moment, if he desires it.

Mr. SHELLEY. I was convinced of the impracticability of my amendment, and therefore I withdrew it. Before I offered it I was led to believe that the purchase of this property could be made for the sum of $50,000. I have since been convinced that that can not be done, and believing that if my amendment was made it would defeat all negotiations for the purchase of this property, rather than run that risk I am willing to leave the amount at $85,000.

Mr. McCOMAS. Because I believe, as my friend from Alabama [Mr. SHELLEY] did believe, that the sum of $50,000 will be adequate for this purpose, I renew the amendment in order to obtain the sense of the House upon it. Under all the circumstances it does seem to me that the parties in interest, rather than have the other bridge built, will accept this sum, and if they do so it does seem to me that they will be amply compensated. I shall therefore ask for a vote on my amendment, because I think it is a just and fair proposition and will not antagonize the building of a free bridge.

Mr. BARBOUR. I hope it will not be the pleasure of the committee to adopt the amendment proposed by the gentleman from Maryland [Mr. McCOMAS]. I think if gentlemen will examine this subject and consider the facts of the case it will be perfectly apparent to them that the Government by the payment of $85,000 to the lessees of this canal and $15,000 to the lessors will be making a most excellent bargain.

These piers are very expensive; they have been put into the river

at a very great cost, and the lessees of the Alexandria Canal hold possession of them. Of course the Government ought not to take this property from them without giving them a fair price for it, as a matter of equity. The Government can not put piers for any bridge across the Potomac River at any point for less than $150,000, if it can do it for that sum.

By this arrangement with these lessees the Government will obtain a free bridge at a saving at the minimum of $50,000. As I understand it, these lessees have already expended about $200,000 on this bridge and the aqueduct together. When they come forward here and offer to give the Government the use of the piers for $85,000, and the expenditure of $15,000 to the canal company will remove the obligations which now rest upon the property and enable a clear title to be given to the Government, it seems to me that we will be making a most excellent bargain.

Mr. MULDROW. I desire to say simply this, while the proposed amendment may seem to be in the direction of economy, practically that will not be the result, and I will state the reason. This bill provides for the erection of a bridge across the Potomac at the Three Sisters at an expenditure of $220,000. If this Aqueduct property can be purchased at the price indicated in the amendment offered by the gentleman from Virginia [Mr. BARBOUR], that is, $85,000 to the lessees and $15,000 to the lessors, making in all $100,000; and if, as would appear by the evidence given before the committee, the superstructure on these piers can be erected for the maximum cost of $100,000, then it will be a saving to the Government of $20,000 to adopt the amendment of the gentleman from Virginia. Should the amendment of the gentleman from Maryland [Mr. MCCOMAS] be adopted, limiting the price to be paid to these lessees to $50,000, in my judgment, from the evidence submitted to the committee, the parties holding the title to the piers will not part with it for that sum. If they refuse to part with it, then under the terms of the bill you will be compelled to erect the bridge at the Three Sisters at a cost of $220,000.

Mr. JOSEPH D. TAYLOR. What assurance have you that the bridge can be built at the Three Sisters for $220,000?

A MEMBER. The report of the engineer.

Mr. JOHN S. WISE. Mr. Chairman, this bill originated in a desire, as I understand, on the part of a large population near to this city to have means of ingress and egress with respect to Washington, and from a widespread feeling that some good bridge is necessary. As far back as 1852, and continuously since, if I understand correctly, the site at the Three Sisters was designated as the most desirable point for a bridge across the Potomac. The report of the engineer corroborates this statement. All the old Virginia roads converge at the site of the Three Sisters; and a bridge there would lead into the counties of Loudoun and Fairfax; whereas at the aqueduct it leads simply to a local cut-off population in the little county of Alexandria.

Now, I believe I am not mistaken in my statement as to the desire of the people interested, so far as I can gather it and so far as it has been expressed to me. The object of locating the bridge upon these old piers of the aqueduct is simply, in my judgment, to give an opportunity to some people to sell to the Government of the United States an old played-out, broken-down, bankrupt structure, that is not worth the money they are trying to get for it.

Mr. MULDROW. The gentleman will permit me to suggest that the piers alone upon which the aqueduct bridge has been built cost the parties who erected them $600,000.

Mr. JOHN S. WISE. I understand what they cost; and it will cost the United States a great deal more than $600,000 if we enter into the arrangement proposed, because the taking of these piers is to be coupled with the responsibility of keeping up the aqueduct there, which would be a constant burden upon the Government of the United States.

Mr. BARBOUR. The bill expressly excludes that.

Mr. JOHN S. WISE. Moreover, I undertake to say the title to that property is bound up in a complicated litigation in the courts of the United States. I do not believe the canal company can make a good title under any circumstances, within the time limited in the bill.

A bill has passed the Senate of the United States to give to the people a good bridge on Government ground, uncomplicated with any job, and at a fair price, and in a good location.

Mr. BARBOUR. When did the bill pass the Senate?

Mr. JOHN S. WISE. I understand the bill has passed the Senate.

Mr. BARBOUR. The gentleman is mistaken. The bill has never passed the Senate, unless it passed to-day.

Mr. JOHN S. WISE. I may be mistaken. I accept the gentleman's statement. Whether I am correct on that point or not, I say that a bridge located at the present aqueduct will not meet the desires and needs of the people of Virginia, because it would only open communication with Alexandria County, which, I believe, is not more than five or six miles square altogether. A bridge located at the Three Sisters will give ingress and egress to the population of Loudoun and Fairfax Counties and the adjacent country.

I hope the House, before acting on this question, will consider these things and not trammel or handicap this bill with amendments, the result of which, in my judgment, can only be to put money into the pocket of a bankrupt concern that has possession of these old piers and wants to make a good fat thing out of the Government of the United States by selling them to it.

[Here the hammer fell.]

Mr. ROCKWELL. Mr. Chairman, I understand that the Committee of the Whole, in the amendment already adopted, has decided the question which the gentleman from Virginia [Mr. JOHN S. WISE] has been discussing. Probably he was not present when the vote was taken. As I understand, the matter before the Committee of the Whole at this time is a very simple one. The question is whether the Secretary of War shall have the privilege of paying $50,000 or $85,000 for these piers. The amount originally proposed was $85,000. An amendment was made, as I understand, reducing the sum to $50,000 and that amendment was rejected. But the gentleman from Maryland has renewed the amendment, and the question is now simply, as I understand, whether the Secretary of War shall have the discretion to pay $50,000 or $85,000. Upon this point it appears there is a difference between two members of the Committee on the District of Columbia. But how is the Committee of the Whole to judge which of these propositions is correct? The question presented is simply whether we shall give to the Secretary of War the discretion to expend, if he deems it necessary, the larger sum named—$85,000. It seems to me further discussion on this point is idle. If there is a division of opinion in the Committee on the District of Columbia, I think we certainly ought to give the Secretary of War, in the power which we confer upon him, the benefit of the doubt implied in that division of opinion. I trust, therefore, that the amendment proposed to cut down this sum from $85,000 to $50,000 will not be adopted.

Mr. CRISP. Mr. Chairman, I have listened to the debate on this bill to learn the necessity for its passage and to hear some reason submitted to the committee why another bridge should be built across the Potomac, and thus far I have heard nothing that tends to show the necessity or propriety of expending this large sum. We are told by the gentleman from Ohio [Mr. FOLLETT] that the commissioners of the District do not ask for the erection of this bridge. We are told by the gentleman from Virginia [Mr. JOHN S. WISE] that the people of Virginia want it, but I fail to hear anything showing that the people of the United States want it or need it.

Is it necessary? If so, why? Gentlemen submit that a bill was passed at the last session of Congress authorizing its construction, and contend that therefore it is necessary. In my judgment, Mr. Chairman, that does not follow. It does not follow because one Congress passes a bill to erect a bridge that its erection is necessary and we ought to increase the appropriation. If no better reason exists for the erection of this bridge than has yet been given, my judgment is that we should not only decline to increase the appropriation but we ought to repeal the act heretofore passed.

What is the necessity for it? Can no one answer? Who is it to serve?

Mr. BARBOUR. The District of Columbia.

Mr. CRISP. How is it to serve the District of Columbia? Have they not bridges already? Some gentleman says it is for the purpose of going to Arlington. You can go there now. I have been there over the bridge.

Mr. SHELLEY. Did you have to pay?

Mr. CRISP. Of course, I paid a small toll. Why should we furnish a bridge connecting the District of Columbia with Virginia when Virginia does not pay a dollar of the cost? The gentleman from Virginia [Mr. JOHN S. WISE] told you what Virginia wanted. He told you where the roads converged in Virginia, and he told you that was the point where the bridge ought to be built. Why? Did he tell you because it would benefit the District? Not at all, but because the people of Virginia wanted it there. That is the proposition.

Mr. JOHN S. WISE. If the gentleman will allow me I will respond to that inquiry.

Mr. CRISP. If I misrepresented the gentleman I will be glad to yield to him to be corrected.

Mr. JOHN S. WISE. I thought the Government of the United States for a long time had shown such a desire to get into Virginia they would like to have the best way to get there. And I thought a bridge which connected the capital with one of the States of the Union was more or less an international idea, and I did not feel it necessary for me every time I got up on this floor to give renewed assurances that we of Virginia were a part of the Union.

Mr. CRISP. That has nothing to do with this bill. This is a matter of business.

Now, I ask this committee again what reason has been given why this bridge should be built at the cost of the United States? I think we have now two bridges crossing from the District to the Virginia shore.

Mr. BARBOUR. One is a railroad bridge and the other is eight miles off.

Mr. CRISP. Suppose it is eight miles off, can not the people go to it and cross? Why should we spend $220,000 to make it a little more convenient for the people of Virginia to come here? It seems to me the bridge is more for the benefit of those people than it is for the people of the District, and yet the chief beneficiaries are not to pay one dollar of the cost.

I understand the United States pays one-half of the expenses of the

District, and there is some reason for that; but why should we pay money from the Treasury of the United States for an enterprise that a few of the people of Virginia want? The District commissioners do not want it now; they need their revenues for other purposes; and yet we propose by this bill to force them to contribute to the building of this bridge. I protest against it; there is no necessity for it, and there are many reasons why we should not do it.

One gentleman of the committee says they differ with the commissioners and therefore recommended this bill. I respectfully submit to this committee that the commissioners of this District, being specially charged with the administration of affairs here, and having doubtless carefully investigated this subject, are likely to know more about the necessities, wants, and requirements of the people of the District than the members of a committee who are here only for a few months. Not being furnished with any satisfactory reason why this large appropriation should be made, I am compelled to oppose this bill. If there appeared a real necessity for the proposed bridge I would be in favor on proper conditions of aiding in its erection; but it occurs to me that it is not right to spend the people's money on an enterprise like this when it is not demanded by the necessities of the case, and when the authorized heads of the people for whose benefit alone we are authorized to make the appropriation tell us they do not desire its construction at this time.

Mr. LAIRD. I should like to ask some member of the committee a question. I will ask the gentleman from Mississippi [Mr. MULDROW]. I should like him to state why the site at the Three Sisters was selected. I understand they are rocks in the river above Georgetown; but why were they selected?

Mr. MULDROW. The reason is this: There are certain islands in the center of the Potomac River known as the Three Sisters; they are rocky and furnish not only the best but the cheapest foundation for the piers to be erected for the superstructure of this bridge. It is the most eligible and economical point near Georgetown for the people there, for whom in the main this bridge is being erected. The people are compelled to pay toll going across the river on the Aqueduct Bridge. The people in the neighborhood who bring their produce to Georgetown are compelled to pay toll as well as those who come across that bridge to Washington. The people of Georgetown, indeed, have to pay additional on everything transported back or forth over that bridge. And therefore it is important to that people that this bridge should be built. This location, the Three Sisters, has been selected on account of the cheapness with which the bridge can be built in comparison to what it would cost at any other suitable place, because of these islands in the middle of the river upon which the piers can be more cheaply and more rapidly constructed. Besides that, the approaches to the bridge are considered to be excellent.

Mr. LAIRD. The bill is predicated upon investigations made by the engineers?

Mr. MULDROW. Yes, sir.

Mr. LAIRD. And after examination of the bottom of the river at that point?

Mr. MULDROW. I think so.

Mr. BARBOUR. I will explain to the gentleman from Nebraska as to that point.

Mr. LAIRD. I will give way to the gentleman from Virginia in a few minutes. For the present I wish to say a word upon another point in connection with this subject.

Some gentleman on the floor made during this debate a remark which from my standpoint I regard as peculiarly pertinent—that perhaps to this Congress the needs of the municipalities of Georgetown and Washington do not afford so strong a motive cause for the erection of this bridge as the fact that the people of the whole United States are concerned in the question of having opened to them an easy, direct, and practicable route to the national cemetery at Arlington. That route should be opened free to all, and I am ready to vote for the passage of such a measure; for in my judgment there should be no obstruction to the accessibility of that point. I am ready to contribute, so far as my vote goes, to the erection of a public improvement which shall open up a practicable, easy route to that cemetery. I find every day of my life here that somebody comes and asks to be shown the route to the national cemetery. They are advised that there are two modes of access to it, either by going across the Long Bridge, where they are in danger of trouble to their teams, owing to the fact that the cars cross that bridge and the noise of the locomotive is likely to frighten horses, or, on the other hand, they can have the privilege of crossing in the neighborhood of Georgetown, providing they are willing to pay a tribute to some corporation whose existence I know nothing of.

Now, then, I would like to ask the Committee on the District of Columbia why it is necessary to go, if they have any other answer to make, to a point a mile or a mile and a half above Georgetown and two miles or two and a half miles from the center of the city, to find a point where you can fling a bridge across the river, thereby necessitating considerable travel on this side as well as on the other side of the river to reach this point of national interest to the United States?

Mr. WILSON, of West Virginia. As a member of the Committee on the District of Columbia I wish to state that I visited the several bridges now existing and examined this point known as the Three Sisters, where it is proposed to erect this new bridge. I visited them in company with the president of the board of commissioners of the District of Columbia. It has been correctly stated by the gentleman from Nebraska [Mr. LAIRD] that the only means at present of passing from the District of Columbia over to the Virginia side, the only access from this side of the river to the national cemetery, is over either the Long Bridge, which is in itself a railroad bridge and dangerous to cross on account of trains, or over the Aqueduct Bridge, in Georgetown, which is a toll-bridge, and where the rates are exorbitant. I agree with him that there should be free access to the national cemetery for citizens who want to pass and repass, visiting the Government property on the other side of the river, as well as to allow people visiting this city to bring their produce and their articles from the Virginia side of the river to the markets here. This free access is something which not alone the city of Georgetown, not the people of Virginia, as the gentleman from Virginia has said, but the whole people of the District of Columbia need, and in which they are interested; and so far as the cemetery is concerned I may say it is a matter of interest to the people of this country. All are interested in having free access to that great cemetery.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. WILSON, of West Virginia. Then I will take the floor now in my own right, since I have exhausted the remainder of his time.

I was going on to say, sir, that there are but these two bridges which I have named now existing to afford means of access to the other side of the river, the Long Bridge and the Aqueduct Bridge, which is a toll-bridge. The only other point where a bridge can be constructed at a reasonable cost is at the Three Sisters, and I will tell the gentleman the reason why that is so. If you will visit the Aqueduct Bridge you will find piers which probably in their masonry and construction are equal to any bridge in this country. The information I have had from persons familiar with the subject enables me to say that when the Government undertook to erect this bridge it was found necessary to go so far below the bed of the stream to reach a solid foundation that the construction of the piers alone cost in the neighborhood of a half-million of dollars.

At the point known as the Three Sisters, about a half-mile above Georgetown, the river is very narrow and is likewise very deep. At the Three Sisters there are rocks about midway in the river, one of which can be utilized for the erection of a pier, and the immense expenditure found necessary in the construction of the piers of the Aqueduct Bridge will be obviated.

The Engineer Department, after an examination of the subject, reported in favor of utilizing one of these rocks, and it was estimated that the entire construction at that point need not exceed the sum of $220,000. There are, it is manifest, strong reasons, therefore, for the construction of the bridge at that place. It is the only place where a bridge can be constructed for such a sum. It is the only point hereabouts where the bridge can be erected for any moderate sum.

Mr. LAIRD. I desire to ask the gentleman a question there. It is proposed to make an appropriation of an additional sum of $80,000, as I understand, for the purpose of purchasing the bridge structure known as the Aqueduct Bridge. Now, if that be purchased, is it the idea of the committee that the construction of the bridge at the Three Sisters shall be abandoned?

Mr. WILSON, of West Virginia. Yes, sir; because the Aqueduct Bridge is located so as to be far more convenient to the people of the District of Columbia, and I believe from what I have seen in visiting that point far more convenient to the people of Virginia. The roads center at that point; whereas at Three Sisters there is a bluff on the District side of the river and a bluff on the Virginia side, and considerable money would have to be expended in making approaches at that point.

Mr. BLOUNT. If I am not turning the gentleman from West Virginia from the course of his argument I would like to make an inquiry at this point.

Mr. WILSON, of West Virginia. I will hear the gentleman's question and answer it if I can.

Mr. BLOUNT. One of the amendments which I believe has been agreed to provides the bridge to be built where the Aqueduct Bridge is now shall be of sufficient strength to sustain the aqueduct.

Mr. WILSON, of West Virginia. Yes. The aqueduct conveys the Chesapeake and Ohio Canal to the city of Alexandria.

Mr. BLOUNT. So I understand. But by this amendment for all future time the Government is bound to keep the bridge not only for the accommodation of the people passing at that point into and out of the District, but they are bound to keep such a structure as will sustain the aqueduct.

Mr. SHELLEY. The piers support the aqueduct, and then the part between the two piers is suspended from the bridge.

Mr. BLOUNT. I understand that. But I understand also from the reading of the amendment that the bridge is to be constructed not solely for the purpose of allowing people to pass from the Virginia side to the District side and *vice versa* with their wagons and conveyances, but that it must be a structure of sufficient strength to sustain the aqueduct below.

Mr. WILSON, of West Virginia. The aqueduct is already there.

Mr. BLOUNT. But the amendment contemplates the bridge is to be built of sufficient strength to sustain the aqueduct. So that you give to the company not only this sum of money, but a guarantee that you will always keep a bridge there of sufficient strength not only for the purposes of travelers but for their own commercial purposes.

The CHAIRMAN. The time of the gentleman from West Virginia has expired. Does the gentleman from Georgia claim the floor?

Mr. BLOUNT. I rose simply to ask some questions for information from the gentleman from West Virginia whose time has now expired.

The CHAIRMAN. The gentleman from Georgia can now proceed in his own right, if he so desires, for five minutes.

Mr. BLOUNT. I understand the gentleman from Ohio [Mr. WARNER] desires the floor.

Mr. WARNER, of Ohio. I rose to take the floor to make the inquiry whether under that amendment the Government would be committed to maintaining the canal on those piers?

Mr. SHELLEY. No, sir. The amendment expressly stipulates that it shall be at the cost of the canal company.

Mr. WARNER, of Ohio. Without committing the Government to any expense in regard to it?

Mr. BLOUNT. It is more than that. It is an obligation of the United States to make a bridge of sufficient strength not only for the accommodation of the persons using the bridge but for the use of the canal company in having the aqueduct suspended therefrom.

Mr. WARNER, of Ohio. If there is any partnership under that amendment between that corporation and the Government, whereby the Government is obligated to contribute anything to the maintenance of the aqueduct, I am opposed to it. I am willing the corporation should have the right to maintain its own aqueduct on these piers, because I conceive the piers are strong enough to support the aqueduct.

Mr. MULDROW. That is all there is in the bill.

Mr. WARNER, of Ohio. But if the Government is bound to contribute to the maintenance of the aqueduct I am opposed to it. I understood, however, from gentlemen of the committee the Government is not obligated at all. I wish gentlemen would make that plain.

Mr. MULDROW. The right reserved to the Alexandria Canal Company is that they shall have the right to hang their aqueduct from the piers of the bridge which they now use. That is the only reservation.

Mr. WARNER, of Ohio. That is as I have understood it. Does it require the Government to construct a bridge to which they may attach the aqueduct?

Mr. BLOUNT. To settle this matter I will read the language of the amendment itself:

> It is further provided that the Alexandria Canal Company or its present lessees shall have the right to maintain at their own cost and expense a canal aqueduct of the same width and depth as the one now in use, and to attach it to or suspend it from the said bridge, and whenever a permanent bridge shall be erected upon said site the same shall be of sufficient strength to sustain the canal trunk or aqueduct.

Mr. WARNER, of Ohio. I see that does commit the Government to maintaining a bridge there of sufficient strength to support that aqueduct for a private corporation. I do not think the Government should enter into any such partnership as that.

Mr. BARBOUR. The proposition is for the Government to come in and buy a right to build a bridge on these piers. When they come to do that they find the bridge already occupied with a trunk or aqueduct which is suspended from the present bridge. The two things are necessarily associated. When the Government comes to put its new bridge there in buying the canal company out and getting this cheap site for a bridge they must make some concession to allow this trunk to be maintained which is to be connected to some extent with the bridge. But the amendment also provides that the maintaining of that aqueduct or trunk shall be at the expense and cost of the Alexandria Canal Company.

Mr. WARNER, of Ohio. If the gentleman from Virginia will allow me, the distinction is right here. I do not remember just now distinctly the present plan. But if it were only to permit the aqueduct to be sustained on these piers, and it could be sustained on the piers independently of the bridge, the piers being now strong enough to support the aqueduct and the bridge, I should have no objection. But to obligate the Government to construct this bridge in such a manner as to support the aqueduct for this company and of sufficient strength for that purpose, it seems to me would be a source of trouble to ourselves in the future.

Mr. BARBOUR. Of course the gentleman must see the canal company would not consent to have this aqueduct destroyed. If by building this bridge you should destroy the aqueduct, there should be some provision made to prevent such destruction. The gentleman from Ohio can move any amendment which he thinks is necessary.

Mr. WARNER, of Ohio. If the proposition is that the Government shall construct a bridge strong enough to suspend this canal aqueduct to it, then I think that is a partnership which the Government should not enter into.

Mr. SHELLEY. The present bridge, which is a very frail structure, is sufficient to support the aqueduct; and of course the kind of bridge which the Government should build for its own purposes would sustain the weight of the aqueduct. There will be no increased cost to the Government, no increased responsibility, for the structure which will be necessary for the purpose will support the aqueduct.

Mr. WARNER, of Ohio. The gentleman does not mean to say that it will require a bridge of no more strength to carry an aqueduct than for a public highway. If in addition to its own weight the bridge must be strong enough to sustain the canal, of course it must be stronger than for a highway simply.

Mr. SHELLEY. The gentleman must understand that this aqueduct rests on the piers, and it is suspended to the bridge only in the spaces between the piers.

Mr. WARNER, of Ohio. And that is just the reason why the bridge should be made stronger.

Mr. SHELLEY. Of course; and the necessary strength for such a bridge will be sufficient to support the aqueduct without any trouble.

Mr. WARNER, of Ohio. Of course, if you make the bridge strong enough, but that will add to the cost and will make the Government a partner with the aqueduct company owning the bridge.

Mr. LAIRD. I would inquire what we are to get for this $85,000 to be paid to the Aqueduct Company?

Mr. BARBOUR. The use of the piers.

Mr. WARNER, of Ohio. It seems to me that the company should pay the Government something for building a bridge to which they can swing their aqueduct.

Mr. SHELLEY. Yes; but the present bridge is acknowledged to be frail and will not last many years.

Mr. BLOUNT. I think we have had experience enough with this canal company to be a little cautious in what we do. I hold in my hand the report of Colonel Abert, United States civil engineer, from which it appears that the Government now has 3,000 shares in this canal company. Those shares were obtained in this way: The Government advanced money to the canal company and was secured by 3,000 shares of the stock of the company. The Government has those shares of the stock as collateral, and I am told that that stock is utterly worthless. That was our first experience with this company; the stock is not worth a nickel to-day.

We now have another proposition to pay this company $85,000 for the use of these piers, a company whose stock is utterly worthless. We are to pay this company, or to pay the lessees of the company, $85,000 for the use of these piers on which we are to construct a bridge.

And it is carefully provided in this bill that we are to construct a bridge of sufficient strength from which this canal aqueduct can be suspended. The very fact that the bill is so carefully guarded is suggestive of the necessity of the construction of a new bridge at an early day. I apprehend that the present bridge is a very poor one; my information has been that it is an old bridge and out of repair. One of the reasons why Congress is called upon to pass a law authorizing the construction of a new bridge is the inadequacy of this present bridge.

I remember the debate, for I was here at the time, upon the proposition to build a bridge. We had no reason to apprehend that a bridge was to be built for any other purpose than for the transit between this District and Virginia. As the gentleman from Ohio [Mr. WARNER] has said, I do not want any proposition which will bring the Government into partnership with the canal company in this matter.

I have seen the Government tricked too often by such propositions. I do not mean by that that the honorable gentlemen who support this proposition on this floor would do anything knowingly to injure the Government. Indeed, I have not the slightest suspicion that the gentlemen who are advocating this proposition would be capable of recommending any legislation that in their opinion was unfavorable to the Government. But I have seen so often plausible propositions pass through this House, and then a few years afterward we have learned that they involved some job.

As said by my friend and colleague from Georgia [Mr. CRISP], I do not see why we should be in any great haste about this matter. I certainly can see why this bill should not pass with this provision in it. The District commissioners, who have never been scrupulous in their economy, who have the power of assessing taxes in this District, tell you that the interests of the people who are to be taxed are of such a character that expenditures for a bridge should be made in quite another direction.

By the organic act of the District these commissioners are required to submit to Congress estimates of what is needed to be done. I hold that under that organic act it was almost incompetent for the Committee on the District of Columbia to come in here with such a proposition as this without the recommendation of the District commissioners, when the law expressly contemplated that Congress should first know the wants of the District through those commissioners.

[Here the hammer fell.]

Mr. JEFFORDS. As a member of the Committee on the District of Columbia I believe I am entitled to be heard.

The CHAIRMAN. Debate has been exhausted upon the amendment.

Mr. JEFFORDS. I move to strike out the last word. This matter was discussed a great deal in the committee. From the first my own mind was in favor of the proposition to build a free bridge at the Three Sisters. This discussion, especially the remarks made by the gentle-

man from Ohio [Mr. WARNER], and the gentleman from Georgia who has just taken his seat [Mr. BLOUNT], have convinced me that my first impression in regard to this matter was right.

Nor do I believe that the Government should enter into any contract with other parties in regard to this matter. It seems to me the Government should build a bridge and own it. If the proposition giving the Secretary of War discretion to purchase the Aqueduct Bridge should be persisted in I believe we shall have no free bridge at all. It is better to spend $220,000 than to attempt to save the $20,000 which it is said might be saved by making the arrangement proposed.

In the Committee on the District of Columbia I yielded an unwilling assent to this provision giving to the Secretary of War discretion to buy this Aqueduct Bridge. But the discussion here to-day has developed the fact that it is dangerous for the Government to undertake to build such a structure or superstructure as will uphold the aqueduct. This, I think, has been demonstrated by the gentleman from Ohio. Hence, though I subscribed to this provision of the bill in committee, I believe we had better return to the simple proposition recommended so often by the Government engineers—that we should build a free bridge at the Three Sisters. The matter will then be stripped of all incumbrances, all negotiations, and we shall understand exactly what we are doing.

I yield the remainder of my time to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I understand that the Government, in General Jackson's time, built the Long Bridge. Now it transpires that this bridge, built by the Government, is owned by railroad companies. I would like to inquire whether the Committee on the District of Columbia ever took into consideration the extinguishment of the easements of the railroad companies in the Long Bridge, because if we have one bridge open to foot-passengers and vehicles, that is enough.

After the Government has built the Long Bridge the title turns up in the railroad companies. It is proposed that we shall buy the Aqueduct Bridge, and the title will turn up in a canal company. I am opposed to that sort of an arrangement upon business principles. We can, as I understand from the statement of the gentleman from Virginia, get nothing more than an easement in the property of this corporation, and a lawsuit in connection with the easement, I suppose.

The question being taken on the amendment of Mr. MCCOMAS to strike out "$85,000" and insert "$50,000," it was not agreed to.

Mr. WHITE, of Kentucky. I move to amend the bill by striking out all after the word "inserted," in line 45, down to the colon in line 49, and inserting, after the words "to be," in line 49, these words: "posted in each and every free-delivery post-office in the United States." I move further to amend by striking out, in line 50, the word "fifteen" and inserting "five," so that the amount will be $5,000 instead of $15,000.

The CHAIRMAN. The amendment will be read by the Clerk.

The Clerk read the amendment:

Mr. MULDROW. I make a point of order upon the amendment. I understand that the portion of the bill to which it relates has been passed by the Committee of the Whole.

Mr. WHITE, of Kentucky. I do not so understand. If I am wrong, then of course the gentleman is correct in his point of order. As I understand, the whole bill is open to amendment in any clause or line.

The CHAIRMAN. The Chair thinks the point of order well taken. The portion of the bill to which the gentleman proposes his amendment has been agreed to in Committee of the Whole.

Mr. WHITE, of Kentucky. Then I move to amend by striking out the last word. This proposition to appropriate $15,000 to be immediately available for investigating and making surveys relative to the location of this bridge between the District of Columbia and the State of Virginia is a question that should be carefully considered. If this bridge is to be built, why should the United States build it? That is the question which arises in my mind. Why should not the State of Virginia pay one-half of the whole expense, and why should not the District of Columbia pay one-half of the remainder?

A MEMBER. They do.

Mr WHITE, of Kentucky. Is Virginia to pay one-half of the cost of constructing this bridge? Not at all.

Mr. BARBOUR. I will say to the gentleman that the State of Virginia has comparatively little interest in this bridge.

Mr. WHITE, of Kentucky. As I understood the gentleman from Virginia [Mr. JOHN S. WISE] there are at least two counties of that State very much interested in having the bridge erected at the Three Sisters.

Mr. TUCKER. Will the gentleman yield a moment?

Mr. WHITE, of Kentucky. I will yield for a question.

Mr. TUCKER. Not for a question, but for an answer.

Mr. WHITE, of Kentucky. The gentleman can take the floor when I am through.

Mr. TUCKER. I want to answer the gentleman's question.

Mr. WHITE, of Kentucky. Very well.

Mr. TUCKER. I will say to the gentleman from Kentucky what I believe to be entirely true, that the constitution of the State of Virginia forbids that State to make appropriations for any such improvements as this bill contemplates.

Mr. WHITE, of Kentucky. I can only say that this is a very cheap answer. It does not cost the State of Virginia a cent to respond to that.

Mr. TUCKER. It may be a cheap answer, but if the gentleman from Kentucky understands that the obligations of the constitution are cheap, then he will probably understand the answer a little better.

Mr. WHITE, of Kentucky. I can very readily understand the gentleman's obligations to the State of Virginia; but let me ask him what is his obligation to the nation? Is he to be particular about the money of the State of Virginia but lavish as to the funds belonging to the nation?

Mr. JOHN S. WISE. Will the gentleman from Kentucky allow a suggestion?

Mr. WHITE, of Kentucky. Certainly I will yield to the handsome gentleman from Virginia.

Mr. TUCKER. I accept the discrimination. [Laughter.]

Mr. WHITE, of Kentucky. It was marked without my making it. I did not make it myself.

Mr. JOHN S. WISE. In answer to the suggestions of the gentleman from Kentucky, I want to state that I have never understood that the State of Virginia proposed to have anything to do whatever with the construction of this bridge. Certainly the proposition to build it by the State never has been made that I am aware of; and I can shrewdly guess that if it had been made it would have been rejected. I understood that the policy of building the bridge was determined upon by the United States Government, and the question was where should it be located. I understand further that the object in building it is to give the people in the neighborhood of this capital an opportunity to come to the city, as well as to give persons who desire it access to Arlington and the other Government property on that side of the river. I never pretended to say that Virginia was interested in the matter, but simply that the people in certain counties proximate to the bridge would be more convenienced by its location if it was placed higher up the river than if placed below the Aqueduct Bridge. I suppose when a man builds a bridge he consults the convenience of the people who are to cross it, and I do not see what Virginia's interest is in the matter further than that, for she does not propose to build it now or at any time hereafter.

Mr. WHITE, of Kentucky. The gentleman from Virginia has changed his tune since he made his first speech. When he spoke before it was for the benefit of the people in two counties in Virginia. Now he speaks for the benefit of the people who want to visit the Government property over the river. Before he drew a contrast between his own people in Alexandria, who derived benefit from passing over by the present old bridge, and showed that there was a job in that arrangement; and also spoke in behalf of the people in two of the counties of Virginia above the bridge, and in favor of the location in their interest at a point as close to them as possible, the Three Sisters.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHELLEY. I now offer the amendment which I send to the desk and ask the Clerk to read.

The Clerk read as follows:

Insert after the word "law," in line 18 of section 2:

"*Provided further*, That if the Secretary shall fail to procure a good title as above within the said sixty days, he shall proceed at once to construct a bridge at the Three Sisters."

Mr. WHITE, of Kentucky. I make the point of order that the bill is not subject to such amendment.

The CHAIRMAN. The amendment is in order at this point in the bill.

Mr. WILSON, of West Virginia. I offer an amendment to come in at the place of the amendment offered by the gentleman from Alabama. It is at the same point in the bill.

The CHAIRMAN. It can not be offered now as a pending amendment.

Mr. WILSON, of West Virginia. Could it be read for information?

The CHAIRMAN. The amendment may be read for information.

The Clerk read as follows:

Strike out in line 18, after the word "law," down to line 24, after the word "Aqueduct," and insert:

"It is further provided that as long as the Government maintains said bridge the Alexandria Canal Company or its present lessees shall have the right to maintain at their own cost and expense a canal aqueduct of the same width and depth as the one now in use, and to attach or suspend it from the piers of the bridge."

Mr. WARNER, of Ohio. I would suggest to the gentleman the words, "supported from the piers," rather than the words used in the amendment.

Mr. BLOUNT. Is that a pending amendment?

The CHAIRMAN. The amendment of the gentleman from Alabama is the pending amendment. The other was read for information.

Mr. SHELLEY. If in order to do so I am willing to make that a part of the amendment which I have offered—couple the two together and make them one amendment.

The CHAIRMAN. The question then will be taken upon the two propositions combined.

Mr. BLOUNT. The language is quite different. I do not know that the obligation of the Government is at all changed.

Mr. SHELLEY. It is simply two provisos coupled together.

Mr. WARNER, of Ohio. The amendment offered, as I understand, by the committee materially changes the proposition. The piers, as I understand, as now constructed are strong enough to support both a highway bridge and an aqueduct. Now this continues the right to the aqueduct company to use the same piers for the support of their aqueduct as now, and leaves the Government free, at any time it may elect to do so, to construct a new road bridge independently of the aqueduct, thus relieving the Government entirely from any obligation to support an aqueduct or a bridge from which an aqueduct shall be suspended; at the same time it leaves the right to the present canal company to use the piers. To that I see no objection myself.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Alabama [Mr. SHELLEY] as modified by the gentleman from West Virginia [Mr. WILSON].

Mr. BLOUNT. I desire to have the amendment as now modified read.

The Clerk read as follows:

*Provided further*, That if the Secretary shall fail to procure a good title as above within the said sixty days he shall proceed at once to construct a bridge at the Three Sisters. It is further provided that as long as the Government maintains said bridge the Alexandria Canal Company or its present lessees shall have the right to maintain at their own cost and expense a canal aqueduct of the same width and depth as the one now in use and to attach or suspend it to the piers of said bridge.

The amendment was agreed to.

Mr. SHELLEY. I move that the bill be laid aside to be reported to the House with the amendments.

Mr. FOLLETT. I hope that motion will not prevail.

Mr. WHITE, of Kentucky. I move to strike out the last word. I made a proposition a while ago, which was decided to be not in order; but I desire to make a few remarks upon it.

Mr. FOLLETT. Mr. Chairman, am I recognized?

The CHAIRMAN. The Chair thought the gentleman from Ohio had yielded the floor.

Mr. FOLLETT. No, sir; I want to be heard for a few moments.

The CHAIRMAN. The gentleman from Ohio [Mr. FOLLETT] will proceed.

Mr. FOLLETT. In the preparation of the District appropriation bill our object was to try to bring the expenditures of the District of Columbia within the amount of money we had to appropriate without at all taking into account the construction of this bridge, and the work which I did has been considerably reduced by the Appropriations Committee, and still for the purpose of properly conducting the affairs of the District of Columbia and keeping within the limits of the money there is to appropriate, we find it is absolutely essential to deny a great many things which I think ought to be allowed if there was money to do it, and most of which I deem much more important than the construction of this bridge.

I am not alone in this view. The authorities in this District, the commissioners of the District of Columbia, believe this is not the time to build this bridge or to make appropriations from the funds of the District for this purpose. If this bill passes there is substantially appropriated from $200,000 to $220,000, to be taken one-half of it out of the funds raised in the District of Columbia and applied to the building of a bridge which I undertake to say not one in a hundred of the people of the District will have occasion to use in the next ten years. I may be a little out of my reckoning in that calculation, but I have not yet heard that there is an absolutely essential necessity for the construction of the bridge.

There is a necessity of improving the streets. There is a necessity of improving the sewerage system of the District; a necessity that applies to the health, happiness, and prosperity of the District. There are no approaches as yet constructed to a bridge to be built at the Three Sisters; and this bill provides that the State of Virginia shall make those approaches if we build the bridge. Further than that, sir, there is no provision in this bill by which we have any right to go into Virginia to build the piers at the other end of the bridge.

The entire expense of this bridge is placed upon the District of Columbia and the Government of the United States, and that too without there being money to pay for it, unless you take it off your streets and off your sewers and appropriate it to this purpose. This is the only flexible part of the expenditure of the District of Columbia from which it can be taken. There is an eyesore here southeast of the Capitol. All over the city is a demand for the improvement of the streets and the placing of them in such a condition as to make them desirable to live upon. In view of that, without any request from the District or the District authorities, this Congress, of its own motion and by the action of its committee, proposes to build this bridge. I always desire to pay due respect to committees when they act in obedience to a request of the people affected; but when they act independently of that I think each member of this House is placed upon his own responsibility in determining whether or not the appropriation shall be made. If this bridge is built, if this appropriation is made, it is necessary that the expenditures necessary for the improvement of streets, for the improvement of sewers, and for securing the proper sanitary condition of the city should be ordered to stop or be largely reduced.

Mr. WHITE, of Kentucky. I beg pardon of the gentleman from Ohio [Mr. FOLLETT] for rising when he had the floor. I supposed he had simply risen to object to laying aside the bill for favorable action, without desiring to debate. In furtherance of what the gentleman from Ohio has said, I desire to call the attention of the committee again to the fact that we ought not to pass this bill until we put into it a clause that the State of Virginia shall pay one-half of the expense incurred in the construction of this bridge. I insist upon this not only to protect the Treasury of the United States but to protect the citizens of the District.

As has been well said by the gentleman from Ohio [Mr. FOLLETT], we are entailing an expense upon the District by passing this bill of $110,000. But I insist that you should put a proviso in the bill that the Secretary of War shall expend none of the money hereby appropriated until the authorities of the State of Virginia shall have given guarantees satisfactory to the Secretary of War that they will pay one-half of the cost of the construction of this bridge, will open and construct the necessary roads to connect the said bridge with the highways of that State, and keep said roads in good repair and open for free travel. Until that is done we ought not to pass this bill. If we do that we will then save to the District of Columbia $55,000, which can go to the improvement of the streets, &c., of the city.

Mr. GOFF. I would ask the gentleman from what he has been reading?

Mr. WHITE, of Kentucky. I read from the bill as I want to have it amended. I read the amendment which I think should be put in the bill, providing that the Secretary should not expend any of this money until he had assurances from the State of Virginia that that State would pay one-half of the cost of this bridge; that the State of Virginia shall build roads to connect with the bridge, keep them in good repair and free for travel.

I would add to the bill a provision that the Secretary of War shall not expend any of this money for this purpose until the State of Virginia obligates herself to pay one-half of the cost of this bridge. If the constitution of the State of Virginia will not allow her to do that, then let us wait until the State of Virginia changes her constitution. The people of that State are to derive one-half of the benefit of this bridge, and why should the Treasury of the United States be required to pay all the bills? That is a very liberal proposition to come from the senior member from Virginia [Mr. BARBOUR].

That gentleman says that the constitution of Virginia will not permit the Legislature of Virginia to appropriate any money for any such purpose. So much the worse for the State of Virginia; her constitution ought to allow it. Her citizens are to derive the benefit of this bridge, as was very plainly portrayed by the very handsome gentleman from Virginia.

Besides, the proposals for building this bridge are to be advertised for in a few newspapers. It seems that this is not only to be for the benefit of a few people in Virginia and to tourists in the city of Washington, all to be provided at Government expense, but it is to be for the benefit also of a few newspapers. Listen to the wording of the bill:

The Secretary of War shall * * * advertise for plans and price for the construction of said bridge, such advertisement to be inserted in one or more daily newspapers published in Washington, D. C.

How many daily newspapers are there in Washington? There are four of them, and every one of them would come in for a share of this appropriation. But it does not stop at Washington. The Secretary is to advertise also in "one or more daily newspapers published in * * * New York, Cleveland, Detroit, Philadelphia, Chicago, Saint Louis, Richmond." Under that he may advertise in every daily newspaper in those cities. Then there is to be appropriated $15,000 for a survey which ought not to cost more than $2,000.

[Here the hammer fell.]

Mr. WILSON, of West Virginia. I do not propose to answer the remarks of the gentleman from Kentucky [Mr. WHITE], because he has been discussing a portion of the bill which the Committee of the Whole has already passed upon. But on behalf of the Committee on the District of Columbia I want to say a word or two in response to the remarks of the gentleman from Ohio [Mr. FOLLETT].

That gentleman would have us believe that this is a matter for which the authorities of the District of Columbia have not asked, for which the people of the District have not asked; that it is simply some scheme devised and matured in the room of the Committee on the District of Columbia, and which Congress is asked to pass without anybody having asked it to take any such action. Whatever may be the views of the commissioners of the District of Columbia on this matter (and I do not believe their views are such as the gentleman would have us suppose), I know this fact as a member of the Committee on the District of Columbia, that from all sections of this District there has been a demand for this bridge; that there has come from this District petition after petition to the committee and to the House asking for the construction of a bridge across the Potomac River at this point.

Not only has it been asked for by the people of the District, whether their rulers desire it or not, but it is a matter of convenience for the

people of Washington and of the District. I say to the honorable gentlemen from Ohio and Kentucky that I consider it a disgrace that the mothers and orphans of soldiers coming here from different sections of the country can not get to Arlington where their fathers and brothers are buried without their meeting this tax now in force over the Aqueduct Bridge. I believe the Government owes it to them to give free access to the cemetery at Arlington.

But I do not believe the objection of the gentleman from Ohio will apply to the bill as now proposed by the committee. There is already in force an act of Congress appropriating $140,000 to build a bridge at the Three Sisters. I know from personal observation that that is not the best point for the location of a bridge. However it might accommodate a few residents and farmers on the Virginia side of the river, it will not accommodate the people of the District of Columbia as a bridge located at the aqueduct would do.

This bill as now prepared by the committee proposes to allow the commissioners of the District of Columbia, by the present expenditure of only $100,000 ($40,000 less than the amount already appropriated and $50,000 of which will come out of the revenues of the District of Columbia), to acquire this Aqueduct Bridge, located at a point far more accessible and convenient for the people of the District than would be a bridge at any other point. This bridge can be thrown open and made a free bridge, over which the marketing from the other side of the river can come to the District of Columbia, and over which the people of the District can go free, and which will provide free and convenient access to the national cemetery at Arlington.

[Here the hammer fell.]

Mr. SHELLEY. I ask that we now have a vote.

Mr. BLOUNT. I hope that will not be done.

Mr. SHELLEY. It is getting late.

Mr. BLOUNT. I know it is getting late, but it is never too late to examine carefully any proposition to appropriate the people's money.

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. BLOUNT. I move to amend by striking out the last two words. In 1878 the Congress of the United States provided that one-half of the expenditures for the District of Columbia should be paid out of the Federal Treasury and the other half by taxation upon the people of the District. The very next year after the adoption of that provision this Government paid out of the Treasury of the United States as its share more money than had been expended upon this District from the beginning of the Government through a period of more than seventy years.

At the time of the passage of that act of 1878 great abuses had occurred in District affairs. Congress knew the local influences which might impress the minds of members in reference to matters relating to the District of Columbia; and in order to establish careful guards in this direction they put into the organic act this language:

> The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District.

What is the Secretary of the Treasury to do after estimate has been made for the construction of bridges? The very thing we have under consideration. The next step to be taken by the Secretary of the Treasury is thus prescribed:

> The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the commissioners of the District of Columbia, who shall transmit the same to Congress. To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent. thereof; and the remaining 50 per cent. of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

These are the provisions of the organic act of 1878. Congress, understanding the liability that members might be imposed upon or deceived and that thus improper legislation might be procured, threw out these outworks——

[Here the hammer fell.]

Mr. HARDEMAN. Believing that my colleague [Mr. BLOUNT] is on the right line, I yield my time to him.

Mr. BLOUNT. I am much obliged to my colleague.

Congress, I say, threw out these safeguards, requiring that before any expenditure of this kind should be made—before, if you please, a bridge should be constructed—the District commissioners should consider the question; that their estimate should be submitted to the Secretary of the Treasury for his examination and approval; that it should be by him brought to the attention of Congress, and that when this had been done we should pass upon the question.

But, sir, we are abandoning these safeguards. A proposition is reported and urged here to build a bridge, although the gentleman from Cincinnati [Mr. FOLLETT] tells this House that the District commissioners declare the undertaking is not a proper one to be entered upon at this time; that there are other conveniences and necessities of the people of the District to be provided for, and they suggest a postponement of this bridge.

Why should we not pay regard to the recommendation of the commissioners? What necessity is there for the construction of this bridge at the present time? Why should we not heed the advice of the commissioners, who, under the law of the land and by the appointment of the President of the United States, are specially charged with making recommendations of this character, who represent the people of this District, who are to pay one-half the expense of this structure?

Is there any great commercial necessity for this bridge? In some cases free bridges are important to a city in a commercial point of view, and for this reason the people of a city sometimes see fit to tax themselves for such structures. But can it be said that there is any reason of that kind in this case? Our information from the proper official source is directly the reverse.

My friend from Virginia tells you that Virginia will never contribute anything for this bridge. Certainly she would do so if it were important to her citizens that the bridge be constructed. Even the counties immediately interested might be authorized to tax themselves for their proportion. But I say there is in this case no commercial necessity such as sometimes suggests the erection of free bridges. I can see no reason why the people may not continue for a time to pay the small tolls that are charged at present.

The District Committee in reporting this bill ignores the representation of the District commissioners, who inform members of Congress that there is no adequate necessity for the immediate construction of this bridge. Sir, I am not disposed to attach any special degree of weight to the recommendations of the District Committee when the gentleman from Alabama [Mr. SHELLEY], a member of that committee, is so thoroughly identified with what I regard as a heresy in reference to this District as to repeat the statement, refuted time and again, that the United States own one-half of the property in this District. He admits that this property lies mainly in your streets and reservations, which the people here enjoy and which are utterly worthless except for purposes of that sort.

Mr. SHELLEY. The property of the Government is not entirely in streets and reservations.

Mr. BLOUNT. I did not so state; but the gentleman will admit that the great bulk of the property of this Government in this District lies in these beautiful highways and reservations——

Mr. SHELLEY. And public buildings.

Mr. BLOUNT. Oh, I know there are some public buildings——

Mr. SHELLEY. And public parks.

Mr. BLOUNT. Yes, Mr. Speaker, the people of Washington do not have to provide and maintain their parks like the people of other cities——

Mr. SHELLEY. And fish-ponds and agricultural establishments——

Mr. BLOUNT. Well, Mr. Speaker, if the gentleman sees fit to talk about "fish-ponds" and matters of that kind I am willing he should go on without reply.

[Here the hammer fell.]

Mr. SHELLEY. Mr. Speaker, the speech of the honorable gentleman from Georgia [Mr. BLOUNT] would have done very well in the original consideration of this question. Three years ago Congress had this matter under consideration. At that time it was carefully and patiently investigated, and the question was then determined after mature deliberation. The commissioners of this District appeared before the District Committee and recommended an appropriation of $140,000 for the construction of this bridge which they are now opposing.

Mr. MCMILLIN. And in that connection let me say that at that time it was stated the appropriation then made for the construction of this bridge would be all that would be asked for it; that it was all which was needed. Here now, however, we have an increase of appropriation of something like $80,000, making $220,000 in all.

Mr. SHELLEY. The committee have not disregarded the act of 1878 in this matter. They have acted upon the estimated cost, as reported from the Engineer Department of the United States Army. That estimate was made after surveys and careful investigation. The report was made to the Secretary of War, and by the Secretary transmitted to Congress. This being a matter in which the District of Columbia is not alone interested, we took the recommendation of the engineers in charge of the work, looking at it in its national as well as local aspect.

Mr. WARNER, of Ohio. I rise long enough in opposition to the bill to call attention to a provision which requires that the State of Virginia shall give satisfactory guarantee to the Secretary of War to open the roads to connect with this bridge. But, sir, I see nothing in the bill requiring the State of Virginia to give title to the ground on which these piers must rest. Is there any provision of that sort or not required?

Mr. SHELLEY. The owners of the property on the other side of the river have obligated themselves to surrender the title to the ground for the location of the piers.

Mr. WARNER, of Ohio. Is it a sufficient title?

Mr. SHELLEY. It is. The right of way is granted to make approaches to the bridge. They are to be safe and convenient approaches

in connection with the neighboring highways. In reference to the Aqueduct Bridge these things are already acquired. If that purchase is made that question is settled.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a question?

Mr. SHELLEY. No, I can not. Now, this matter has been carefully investigated. The gentleman from Georgia says the expenses of this District are increasing. Yes, they are. The expenses of this House are also increasing. The expenses of the Doorkeeper of this House are more now than the whole expenses of the House of Representatives were forty years ago. Is that any good reason why we should fail to make the necessary appropriations for public purposes? The gentleman mistakes the age and time in which we live. We have to keep our expenditures up to the necessities of our progress and in accordance with our commerce and civilization.

Mr. WHITE, of Kentucky. Mr. Chairman, in reply to the gentleman from Alabama, I desire to call his attention to the fact that the senior member from Virginia [Mr. TUCKER]——

Mr. SHELLEY. We are protracting this debate most unnecessarily, and I therefore ask for a vote on my motion.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor for five minutes.

Mr. WHITE, of Kentucky. The senior member from Virginia in the hearing of both sides of the House said under the constitution of that State the Legislature of Virginia was not permitted to make an appropriation for any part of the sum for the construction of this bridge. I desire to put this question to the gentleman from Virginia in my own time, as he would not allow me to do it in his time. If that be true, under what part of the constitution of Virginia do you expect that State will give satisfactory guarantees to the Secretary of War to construct and keep open the necessary roads to connect this bridge with the neighboring highways?

Mr. SHELLEY. The State of Virginia has not to do that, but it is done by the local communities.

Mr. WHITE, of Kentucky. The local communities have something to do with it. The gentleman from Alabama may be familiar with the constitution of Virginia and I am not. It has been stated by the senior and junior members from Virginia—the two handsome members from that State—that the constitution of that Commonwealth prohibited the Legislature from appropriating money for any such purpose as the construction of a bridge. It is provided here that the District of Columbia shall pay one-half and the United States the other half, but the State of Virginia is to pay nothing. In my judgment the State of Virginia, which is to get most of the benefit of this bridge, should pay $110,000, and the United States and the District of Columbia $55,000 each. I should like to have some more satisfactory explanation of this matter than we have yet had. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Alabama withdraw his *pro forma* amendment?

Mr. SHELLEY. I do.

Mr. CANNON. I move to strike out the last word for the purpose of calling the attention of gentlemen on this side of the House to the statement made by the gentleman from Ohio [Mr. FOLLETT], he having charge of the District of Columbia appropriation bill. There was some confusion at the time, and I fear it was not heard by gentlemen on this side of the House. This is a proposition to build a bridge and to appropriate some $80,000 in addition to the $140,000 heretofore appropriated.

Now, then, the gentleman from Ohio stated, and I want to enforce it, that there are works in progress in the city of Washington, and headway has been made upon them, of importance, that ought not be suspended; and he instanced the work on the streets and the construction of sewers. He showed that this work ought to be done in preference to the building of this bridge, and the proposed appropriation for the next fiscal year for this purpose is more than sufficient to exhaust the revenues for that year without this appropriation. Now, it is proper enough to build the bridge; but when you come to choose between the bridge and the other works that are in progress, I can see without more investigation that in my opinion the bridge ought to wait. That is all I wanted to say, and I withdraw the amendment.

Mr. SHELLEY. I now insist upon my motion that the bill be laid aside and reported to the House with a favorable recommendation.

The question was taken. The committee divided; and there were—ayes 37, noes 63.

Mr. SHELLEY. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted the Chair will appoint tellers.

Mr. SHELLEY and Mr. BLOUNT were appointed tellers.

The committee again divided; and the tellers reported—ayes 48, noes 86.

Mr. SHELLEY. No quorum.

The CHAIRMAN. The Chair will have the Clerk to read the rule.

Mr. BLOUNT. I hope that we may be permitted to continue to count until a quorum is obtained.

Mr. SHELLEY. Would it be in order to move that the committee do now rise?

The CHAIRMAN. It would.

Mr. BLOUNT. Not pending the count, would it?

Mr. WHITE, of Kentucky. I ask for the reading of the rule.

The CHAIRMAN. The Chair will entertain the motion that the committee rise.

Mr. SHELLEY. What would be the effect?

Mr. BLOUNT. The gentleman from Alabama is counting the vote now.

Mr. SHELLEY. I ask what would be the effect of the motion? Would it have the effect of killing the bill?

The CHAIRMAN. The Chair will announce that on this question the tellers report ayes 48, noes 87. No quorum has voted.

Mr. SHELLEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VANCE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, had come to no resolution thereon.

### FUEL FOR HOUSE OF REPRESENTATIVES.

Mr. TOWNSHEND. I ask unanimous consent to offer a resolution for reference to the Committee on Accounts.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

*Resolved*, That the Clerk of the House be authorized and directed to purchase by private contract, and without advertising therefor, twenty cords of best oak wood for immediate use of the House of Representatives, said purchase to be made under the direction of the Committee on Accounts, and the wood to be paid for out of the contingent fund of the House.

There being no objection, the resolution was referred to the Committee on Accounts.

### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT, from the Committee on Appropriations, reported a bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

### PURCHASE OF CERTAIN HOSPITAL RECORDS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a communication from the Secretary of War of the 5th instant, submitting copies of certain papers, consisting of a letter dated February 16, last, from Mr. Houghwout Howe, of New York city, presenting a proposition for the sale to the Government for the sum of $5,500 of certain hospital and other records pertaining to an association founded in New York city in April, 1862, for the purpose of extending relief to soldiers of the late war; a report of an examination made of these records by a representative of the War Department, and a report of the Adjutant-General stating that the records would prove of great value to the Department in the settlement of claims of deserving soldiers, as well as in detecting fraudulent claims, as the books, &c., contain information not now of record in the War Department.

The Secretary of War, it will be observed, recommends that an appropriation be made by Congress of the necessary sum for the purchase of the records referred to.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 14, 1884.

### PIÑA BLANCA LAND GRANT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a tracing of the plat of the survey of the private land claim of Juan Montes Virgil, known as the Piña Blanca Grant, New Mexico; which was referred to the Committee on Private Land Claims.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FOLLETT, for the remainder of the week, on account of important business.

To Mr. SHELLEY, for ten days, on account of important business.

### REPRINT OF A REPORT.

On motion of Mr. OATES, the report of the Committee on the Public Lands, declaring a forfeiture of lands granted to aid in the construction of the Northern Pacific Railroad, together with the views of the minority, was ordered to be reprinted for the use of the House.

### ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester.

And then, on motion of Mr. BARBOUR (at 5 o'clock and 20 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Five petitions of citizens of Pittsburgh and Allegheny, Pa., relative to education and civilization of the Indians—severally to the Committee on Appropriations.

By Mr. BUDD: Petition from the raisin-growers and others in California, in relation to the tariff on foreign raisins—to the Committee on Ways and Means.

By Mr. CURTIN: Petition of the Maimed Soldiers and Sailors' League, for an increase of pension to soldiers and sailors who have lost an arm or a leg—to the Committee on Invalid Pensions.

Also, petition of J. M. Davis and others, for the enforcement of the eight-hour law—to the Committee on Labor.

Also, petition of Helen M. Whaley, of the Clinton Democrat, against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. DIBBLE: Petition of Yates Snowden and others, against the news-copyright bill—to the same committee.

By Mr. DORSHEIMER: Petition of E. S. Jaffray & Co., Arnold, Constable & Co., and many others, merchants, manufacturers, bankers, and consumers, of New York, for the reduction of taxation of import duties, &c.—to the Committee on Ways and Means.

By Mr. DOWD: Petition of J. F. Blythe and 22 others, citizens of Mecklenburg County, North Carolina, for national aid to education—to the Committee on Education.

By Mr. DUNCAN: Petition of George H. Meloy, for relief—to the Committee on War Claims.

By Mr. ELDREDGE: Petition of the Soldiers and Sailors' Reunion Association of Southwestern Michigan, asking for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

By Mr. EVERHARD: Petition of the Missouri Civil-Service Reform Association, relative to the civil service—to the Committee on Reform in the Civil Service.

By Mr. GREEN: Bill for the improvement of New River, in the State of North Carolina—to the Committee on Rivers and Harbors.

Also, petition of A. J. Johnson and 47 others, for the improvement of Black River, North Carolina—to the same committee.

Also, petitions of B. C. Hunsucker and 53 others, of Moore County, North Carolina, and of Will C. Doub and 50 others, citizens of Moore County, North Carolina, for national aid to education—to the Committee on Education.

By Mr. GREENLEAF: Petition of Isaac F. Quinby, for a pension—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of Edward Saxe Post, No. 135, Grand Army of the Republic, Department of Wisconsin, and of J. W. Appleton Post, No. 116, Department of Wisconsin, relating to pensions and in support of the report of the committee of the Grand Army of the Republic—severally to the same committee.

By Mr. HAMMOND: Petition of G. M. Jones and others, of Conyers, Ga., and of Judge James Jackson and others, of Atlanta, Ga., in favor of the Blair educational bill—severally to the Committee on Education.

By Mr. H. H. HATCH: Petition of citizens of Bay City, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. W. H. HATCH: Resolutions of Post No. 43, Grand Army of the Republic, Hannibal, Mo., relative to pension, &c.—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Joint resolutions of the General Assembly of the State of Iowa, in relation to the jurisdiction of the United States circuit court—to the Committee on the Judiciary.

Also, joint resolutions of the General Assembly of the State of Iowa, for placing ex-prisoners of war on the pension-roll—to the Committee on Invalid Pensions.

Also, joint resolutions of the General Assembly of the State of Iowa, for free homes for the surviving soldiers and sailors of the late war—to the Committee on the Public Lands.

By Mr. HEPBURN: Joint resolutions of the General Assembly of the State of Iowa, for the speedy disposition of applications for pensions—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, joint resolutions of the General Assembly of the State of Iowa, for placing the names of ex-prisoners of war on the pension-roll—to the Committee on Invalid Pensions.

Also, joint resolutions of the General Assembly of the State of Iowa, in relation to the jurisdiction of the courts of the United States—to the Committee on the Judiciary.

Also, joint resolutions of the General Assembly of the State of Iowa, for free homes for the surviving soldiers of the United States in the late rebellion—to the Committee on the Public Lands.

Also, petition of Lieut. Oscar J. Converse, in relation to his proper retirement—to the Committee on Military Affairs.

By Mr. A. S. HEWITT: Petition of importers of tea into New York, Boston, and Philadelphia, in favor of H. R. 5678—to the Committee on Ways and Means.

By Mr. HITT: Resolutions of John Musser Post, Grand Army of the Republic, Orangeville, Ill., for amendment to pension laws—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Papers relating to the claim of Joseph N. Dawson and others, and of John T. and Sarah A. De Sellum—severally to the Committee on War Claims.

By Mr. McKINLEY: Papers relating to the bill for the relief of Joseph H. Moore—to the Committee on Military Affairs.

By Mr. MAGINNIS: Petition of citizens of Livingston and of the Yellowstone Valley, praying for the division of Gallatin County and for the establishment of a new county, &c.—to the Committee on the Territories.

By Mr. MILLIKEN: Petition of W. H. Stevens and others, to so amend pension laws as to give a pension to widows who, having received a pension, have remarried, and whose second husband has died—to the Committee on Invalid Pensions.

Also, petition of members of Freeman McGilveny Post, No. 30, Grand Army of the Republic, for a pension to Edith M. Nichols—to the same committee.

By Mr. MOREY: Resolutions of Williamsburg Post, Grand Army of the Republic, relating to pension laws—to the Committee on Invalid Pensions.

Also, protest against the news-copyright bill—to the Committee on the Judiciary.

By Mr. MORGAN: Petition of T. S. Cox and 400 others, citizens of Lawrence and Dade Counties, Missouri, in favor of the Blair educational bill—to the Committee on Education.

By Mr. MURPHY: Joint resolutions of the State of Iowa, relative to applications for pensions—to the same committee.

By Mr. MURRAY: Petition of Joseph R. Keene and others, relative to an increase of pension, &c.—to the same committee.

By Mr. O'HARA: Memorial of citizens of Warren County, North Carolina, asking for national aid to popular education—to the Committee on Education.

Also, memorial from the Missouri Civil-Service Reform Association, relative to the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. J. J. O'NEILL: Resolution of the Missouri Civil-Service Reform Association, relative to the civil service—to the same committee.

By Mr. PRYOR: Petition of the grand jury of the circuit court of the United States at Huntsville, Ala., asking for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. PUSEY: Joint resolution of the State of Iowa, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. OSSIAN RAY: Remonstrance of John B. Clark and others, publishers, of Manchester, N. H., against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. REED: Two petitions of citizens of Portland, Me., relative to the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. ROSECRANS: Petition of Governor George Stoneman, of California, and others, for the modification of the act of August 5, 1882, so as to admit to the Navy graduates from the Naval Academy of 1881 and 1882—to the Committee on Naval Affairs.

By Mr. RYAN: Resolutions of the Legislature of the State of Kansas, praying for a settlement of claims for Indian depredations—to the Committee on Indian Affairs.

By Mr. SHAW: Petition of Barnhill Post, No. 162, Grand Army of the Republic, Department of Illinois, for the consideration of the report of the Grand Army of the Republic on pensions—to the Committee on Invalid Pensions.

By Mr. SHELLEY: Memorial for the relief of the freedmen of the Chickasaw Nation of Indians—to the Committee on Indian Affairs.

By Mr. CHARLES STEWART: Petition of John Gray and associates, proposing to remove obstructions to navigation at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Petition of Mr. Florida Kennedy, relative to a pension—to the Committee on Pensions.

By Mr. J. D. TAYLOR: Petition of P. Shafer and 39 others and of A. H. Caldwell and 49 others, of Washington Township, Belmont County, Ohio, asking for the restoration of the wool duty of 1867—severally to the Committee on Ways and Means.

Also, petition of John N. Clark and 37 others and of Seth Marlatt and 27 others, asking for the restoration of the tariff of 1867 on wool—severally to the same committee.

By Mr. TOWNSHEND: Petition of Dr. John W. Hitchcock, for allowance of arrears of pension—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of W. B. McGill and others and of William F. Quinn and 49 others, citizens of Washington County, Ohio, asking for the restoration of the tariff of 1867 on wool—severally to the Committee on Ways and Means.

By Mr. W. L. WILSON: Papers relating to the claim of Gerard D. Moore and of George D. Wiltshire—severally to the Committee on War Claims.

By Mr. WOODWARD: Remonstrance of George M. Read, of La Crosse, Wis., against the passage of the news-copyright bill—to the Committee on the Judiciary.

Also, petition of E. B. Cornwall Post, No. 63, Grand Army of the Republic, Department of Wisconsin, relating to pensions and bounties—to the Committee on Invalid Pensions.

By Mr. YAPLE: Petition of the executive committee of the Soldiers and Sailors' Reunion Association, and of C. O. Gregory, Alfred A. Key, and others, citizens of Centreville, Mich., asking for the establishment of a Michigan branch of the National Soldiers' Home in Michigan—severally to the Committee on Military Affairs.

## SENATE.

### TUESDAY, *April* 15, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills, heretofore signed by the Speaker of the House of Representatives:

A bill (S. 431) for the relief of Sallie A. Spence; and

A bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands.

SEACOAST DEFENSES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

*To the Senate and House of Representatives:*

The condition of our seacoast defenses and their armament has been brought to the attention of Congress in my annual messages, and I now submit a special estimate of the Chief of Ordnance, United States Army, transmitted by the Secretary of War, for a permanent annual appropriation of $1,500,000 to provide the necessary armament for our fortifications.

This estimate is founded upon the report of the gun-foundery board, recently transmitted, to which I have heretofore invited the early attention of Congress.

In presenting this estimate I do not think it necessary to enumerate the considerations which make it of the highest importance that there should be no unnecessary delay in entering upon the work, which must be commensurate with the public interests to be guarded and which will take much time.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 11, 1884.

MILITARY RECORDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a communication from the Secretary of War of the 5th instant, submitting copies of certain papers, consisting of a letter dated February 16, last, from Mr. Houghwout Howe, of New York city, presenting a proposition for the sale to the Government for the sum of $5,500 of certain hospital and other records pertaining to an association founded in New York city in April, 1862, for the purpose of extending relief to soldiers of the late war; a report of an examination made of these records by a representative of the War Department, and a report of the Adjutant-General stating that the records would prove of great value to the Department in the settlement of claims of deserving soldiers, as well as in detecting fraudulent claims, as the books, &c., contain information not now of record in the Department.

The Secretary of War, it will be observed, recommends that an appropriation be made by Congress of the necessary sum for the purchase of the records referred to.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 14, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief Signal Officer of the Army, submitting a plan and estimate for a fireproof building for an office suitable for the uses of the Signal Service; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in answer to a resolution of the 1st instant, information relating to the office of marshal for the middle and southern districts of Alabama and concerning the person now exercising the duties of that office; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting a certified copy of the record in the case of Chairs *et al. vs.* The United States (the Arredondo grant, in Columbia County, Florida); which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of survey of unconfirmed private land claim in the Territory of New Mexico, No. 124, known as the Peña Blanca grant, Juan Montes Vigil, claimant.

The PRESIDENT *pro tempore*. This communication will be printed, and, with the accompanying paper, which will not be printed, being a mere tracing, referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a joint resolution of the General Assembly of the State of Iowa, urging such a modification of existing law as shall increase the amount [$500] determining the jurisdiction of the circuit court of the United States in certain cases commensurate with the increase of commercial interests and business of the courts and the demands of the people.

The Chair understands that a resolution identical with this was presented yesterday by the Senator from Iowa [Mr. WILSON]. If there be no objection, this joint resolution will be referred without further reading to the Committee on the Judiciary. All these papers are transmitted to the Chair officially, and the Chair therefore feels bound to lay them before the Senate.

The Chair presents a telegraphic copy, certified by the secretary of state, of a resolution passed by the Legislature of the State of California, urging the speedy passage of the Chinese immigration legislation now pending before Congress. It will be read.

The Chief Clerk read as follows:

SACRAMENTO, CAL., *April* 4, 1884.

*To the President of the United States Senate, Washington, D. C.:*

I am authorized to inform you that the Legislature of the State of California has passed the following senate concurrent resolution relative to the speedy passage of the Chinese restriction act now pending in Congress:

"Whereas there are now pending in the Senate of the United States and in the House of Representatives certain measures which will tend to relieve the State of California from the continued immigration of Chinese,

"*Resolved*, That it is the sense of the senate of the Legislature of California (the assembly concurring) that the Congress of the United States should, without unnecessary delay, pass the amended Chinese restriction bill now pending before that body.

"*Be it further resolved*, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress."

THOS. L. THOMPSON, *Secretary of State.*

The PRESIDENT *pro tempore*. The resolution will be laid upon the table, the bill upon the subject having been reported.

The PRESIDENT *pro tempore* presented a petition of citizens of New Tacoma, Wash., praying that the land grant relating to the Cascade division of the Northern Pacific Railroad may be continued and delivered upon the completion of that road to Puget Sound; which was referred to the Committee on Public Lands.

He also presented a memorial of Kearny Post, No. 48, Grand Army of the Republic, of East Wallingford, Vt., urging the adoption of the recommendations of the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the memorial of Leslie Thorn, George Hansener, and Henry Rappold, of Buffalo, N. Y., editors of The Truth, remonstrating against the passage of the news-copyright bill now before Congress; which was referred to the Committee on the Library.

He also presented the petition of Mrs. Anna Burrington, of Manchester, N. H., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CONGER presented the memorial of H. N. Mather, of Saginaw, Mich., remonstrating against the passage of the bill to copyright news matter; which was referred to the Committee on the Library.

He also presented resolutions adopted by the Grand Army of the Republic, Post No. 210, of Michigan, relative to further legislation in regard to pensioning ex-soldiers; which were referred to the Committee on Pensions.

He also presented resolutions of the Board of Trade of the city of Detroit, Mich., in favor of the enactment of a law suspending the coinage of silver dollars for at least two years and discontinuing the issue of all bills of less denomination than $5; which were referred to the Committee on Finance.

Mr. SHERMAN presented resolutions adopted by the Dick Mason Post, No. 304, Grand Army of the Republic, of Lowell, Ohio, favoring the passage of certain pension laws; which were referred to the Committee on Pensions.

Mr. FRYE presented the memorial of O. M. Moore, editor and proprietor of The Phonograph, at Phillips, Me., remonstrating against the copyright-news bill; which was referred to the Committee on the Library.

Mr. CALL. I present the petition of P. Wise, inspector of hulls, and Daniel Fry, inspector of boilers, of Apalachicola, Fla. The petition respectfully asks Congress to increase the salaries of the United States local inspectors of steam vessels at that place to the sum of $1,200 per annum, and is accompanied by a statement of the number of vessels and the amount of inspection at that port. When the proper order is reached I shall introduce a bill which accompanies the petition. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. VOORHEES presented a memorial of citizens of Daviess County, Indiana, formerly soldiers in the late war of the rebellion, and a resolution adopted by Boothroyd Post, No. 31, Grand Army of the Republic, Delphi, Ind., in favor of the passage of a bill for the equalization of bounties; which were referred to the Committee on Military Affairs.

He also presented the memorial of William C. Talcott and other editors, citizens of Valparaiso, Ind., and the memorial of James J. Lash, of Albion, Ind., remonstrating against the passage of the news-copyright bill; which were referred to the Committee on Pensions.

He also presented a petition of survivors of the Mexican war, praying for the passage of a bill granting them pensions; which was referred to to the Committee on Pensions.

Mr. BLAIR. I present the memorial of Kendall & Ladd, of Manchester, N. H., and the memorial of John B. Clark, editor of the Manchester Era, the journal having the largest weekly circulation in New England, I think, remonstrating against the passage of the proposed news-copyright bill. I move that the memorials be referred to the Committee on the Library.

The motion was agreed to.

Mr. ALLISON presented a petition of citizens of Jasper County, Iowa, praying for the location of a soldiers' home in the State of Iowa; which was ordered to lie on the table.

He also presented a resolution adopted at a meeting of the executive committee of the Civil Service Reform Association of Missouri, urging the repeal of the act of May 15, 1820, and acts supplementary thereto, by which the tenure of certain administrative offices was fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Davenport (Iowa) Academy of Natural Sciences, protesting against any amendment or change in the existing patent laws that will shorten the period of the existence of a patent or will in any manner obstruct the inventor's control of his invention; which were referred to the Committee on Patents.

He also presented resolutions adopted by the L. G. Ireland Post, No. 118, Grand Army of the Republic, of Sibley, Iowa, indorsing the recommendations made by the pension committee of the Grand Army of the Republic for certain amendments to the pension laws; which were referred to the Committee on Pensions.

Mr. ALLISON. I also present resolutions adopted by the Board of Trade of Burlington, Iowa, protesting against the passage of certain bills now pending in both Houses of Congress proposing certain modifications and changes in the laws relating to patents, which I ask may lie on the table.

Mr. HAWLEY. Those petitions have been coming in considerable numbers, and should be sent to the Committee on Patents instead of being left on the table.

Mr. ALLISON. Very well; I ask that the memorial be referred.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Patents.

Mr. COCKRELL. I present two resolutions adopted on the 5th of April, 1884, by members of Colonel Grover Post, No. 78, Department of Missouri, Grand Army of the Republic, at Warrensburg, Mo., indorsing the recommendations made to Congress by the committee on pensions of the national body of the Grand Army of the Republic and requesting legislative action to carry them into effect, and also recommending that General A. J. Smith be placed on the retired-list of the Army with the rank of major-general. I move that the resolutions be referred to the Committee on Pensions.

The motion was agreed to.

### SIOUX INDIAN RESERVATION.

Mr. DAWES. I ask the Senate to take up now for consideration the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, of course yielding to any morning business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate now consider the bill indicated by him. Is there objection?

Mr. CALL. I object.

Mr. DAWES. I understand there is further morning business and I withdraw my request.

The PRESIDENT *pro tempore*. The request is withdrawn.

### REPORTS OF COMMITTEES.

Mr. CALL, from the Committee on Patents, to whom was referred the bill (S. 1832) for the relief of William C. Dodge, reported it without amendment, and submitted a report thereon.

Mr. BLAIR. I am directed by the Committee on Education and Labor, to whom was referred the bill (S. 654) to provide for a commission on the subject of the alcoholic-liquor traffic, to report it without amendment, and to accompany the report, as a part of the report, with sundry statements made before the committee on the subject. I ask that the report be printed and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. That order will be made.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865, reported it without amendment, and submitted a report thereon.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 1005) for the relief of the Nez Percé Indians, in the Territory of Idaho, and of the allied tribes residing upon the Grand Ronde Indian reservation, in the State of Oregon, reported it with an amendment.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (S. 463) to provide for coinage at the branch mint at Denver, Colo., reported it with an amendment.

### SURETIES OF J. O. RAWLINS.

Mr. BAYARD. I am instructed by the Committee on Finance to ask that the bill (S. 329) for the relief of the sureties of the late J. O. Rawlins be recommitted to that committee, together with the report accompanying the bill.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

### BILLS INTRODUCED.

Mr. MILLER, of California, introduced a bill (S. 2043) for the relief of Mrs. Maria L. Strong; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2044) granting a pension to Richard Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2045) for the relief of the Eastern Presbyterian church, in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PUGH introduced a bill (S. 2046) for the relief of Rittenhouse Moore, of Alabama; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2047) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

### SURPLUS DEPOSIT WITH THE STATES.

The PRESIDENT *pro tempore*. Concurrent and other resolutions are now in order. Under the rules the Chair lays before the Senate a resolution offered yesterday by the Senator from Arkansas [Mr. GARLAND]. It will be read. [A pause.] The Chair understands that the indorsement on the back of the resolution is erroneous. It appears on the Journal, the Chair understands, that the resolution was ordered to lie on the table.

Mr. GARLAND. That was the order. At a subsequent day under the call of "concurrent and other resolutions" I shall move to take it up.

### WITHDRAWAL OF PAPERS.

On motion of Mr. PIKE, it was

*Ordered*, That the papers in the claim of William Bowen be withdrawn from the files of the Senate for the use of the Committee on the District of Columbia of the House of Representatives.

On motion of Mr. PLATT, it was

*Ordered*, That Stephen N. Smith have permission to withdraw from the files of the Senate original letters patent granted him in the United States and in Canada for improvement in machines for making lacing-hooks.

### PAUL STROBACH.

Mr. MORGAN submitted the following resolution; which was read:

*Resolved*, That the Committee on the Judiciary be directed to inquire and report whether Paul Strobach, whose confirmation as marshal of the middle and southern judicial districts of Alabama has been rejected by the Senate, is now discharging the duties of that office, and whether he is entitled to execute the powers and duties of such office in the place of M. C. Osborne, who was suspended by order of the President in the vacation of the Senate.

Mr. MORGAN. I ask that that resolution be printed and go over.

The PRESIDENT *pro tempore*. The resolution will be printed and go over until to-morrow.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3956) to amend section 2527 of the Revised Statutes relating to the district of Gloucester; and it was thereupon signed by the President *pro tempore*.

### CINCINNATI LAW LIBRARY.

Mr. SHERMAN. I ask the consent of the Senate to consider House joint resolution No. 224 at this time. It is on the Calendar, having been reported yesterday from the Committee on the Library.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the Senate consider at this time the joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let the letter of the Secretary of the Interior be read for information, reserving the right to object.

The PRESIDENT *pro tempore*. If there be no objection the letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April* 11, 1884.

SIR: Replying to your communication of the 10th instant, inclosing a joint resolution of the House providing that certain documents shall be supplied by the Secretary of the Interior to the Cincinnati law library, I have the honor to inform you that the only documents enumerated therein that can now be fur-

nished by this Department are a partial set of those that are usually denominated Congressional documents, embracing the journals and executive and miscellaneous documents and the reports of the committees of the two Houses of Congress.

Of these documents the Department can furnish such as belong to the last six Congresses and a portion of certain of the preceding Congresses. The Department can also supply a partial set of the Annals of Congress. The surplus copies of the Reports of the Supreme Court remaining after the distribution directed by law is made are delivered to the Librarian of Congress, to be deposited in the Congressional Library. I have no information that the reports of the circuit and district courts of the United States are held for distribution by any Department of the Government.

The Revised Statutes and the Statutes at Large are now distributed by the honorable the Secretary of State. The Congressional Globe and RECORD have never been printed for distribution by any Department of the Government, most of the Departments being obliged to purchase from the Government Printer such as are required for their own official use. Such as are still available for distribution are in the hands of the Public Printer.

It is therefore evident that but a small portion of the documents named in the resolution can be supplied by this Department. It is suggested, in order to secure the object desired, that the resolution be amended in such way as to provide that in case the documents enumerated are not at the disposal of the Secretary of the Interior he shall be authorized to call for the same upon any Department or office of the Government from which they may be procured, or that the names of the several officers in whose charge the documents are now held be inserted in the resolution.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. JOHN SHERMAN, *United States Senate.*

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. I must necessarily reserve the right to object until I hear some explanation of it.

Mr. SHERMAN. I will explain it.

Mr. COCKRELL. I should like to hear the Senator make some explanation of it. I make this point: It reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish and deliver to the Cincinnati law library two complete sets of the Reports of the Supreme Court of the United States, of the circuit and district courts of the United States.

Then, in addition—

Two complete sets of the Revised Statutes and Statutes at Large; a complete set of the Annals of Congress, of the Congressional Globe and the CONGRESSIONAL RECORD, of the Journals of the Senate and House of Representatives; and to enable him to comply with this resolution he is authorized to call upon and receive from any Department or office any of such books which can be supplied without inconvenience to the Government.

The joint resolution directs him to furnish all these books; in other words, to purchase at the expense of the United States two full sets of the Supreme Court Reports and of the reports of the circuit and district courts of the United States which have never been published by the Government for distribution, and then two sets of the Revised Statutes and of the twenty-two volumes of Statutes at Large, the price alone of which I believe is $5 apiece.

Mr. SHERMAN. The Senator has totally misunderstood the measure.

Mr. COCKRELL. That is the effect of the resolution.

The PRESIDENT *pro tempore*. If the Senator from Missouri will suspend for a moment the Chair will ask if there is unanimous consent for this discussion.

Mr. SHERMAN. I hope now that consent will be given to take up the resolution.

Mr. COCKRELL. Certainly; of course.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the discussion will proceed by unanimous consent.

Mr. SHERMAN. The Senator totally misunderstands the scope of the resolution as it will be construed by the Department and as it reads upon its face. It only provides that the Secretary of the Interior shall deliver to the Cincinnati law library one set of the documents named if he has them.

Mr. COCKRELL. No; I beg pardon.

Mr. SHERMAN. Let me go on and finish my statement.

Mr. COCKRELL. That is the very point. In regard to the other books it does not make any such provision.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to be interrupted.

Mr. SHERMAN. That is the legal construction. There is no provision here for the purchase of anything; there is no appropriation made for the purchase of anything. There is no pretense, either on the part of the other House which passed the resolution or the Committee on the Library which reported it or the Secretary of the Interior in construing it that he would be required to purchase these books.

The resolution was sent to the Secretary of the Interior in the usual way for any intimation of amendment that he might propose. He proposed an amendment that was adopted by the Committee on the Library and which is inserted at the close. If the Senator wishes to guard against such a construction of the resolution as that it means that he shall buy these books I have no objection to inserting the proper words, although I do not think it necessary.

Let me state to the Senate that the books of the Cincinnati law library, a public library owned largely by the lawyers of Cincinnati but open to all the courts of the county of Hamilton, the courts of the State of Ohio, and of the United States, all of which are held in the city of Cincinnati, were burned by the mob in the destruction of the courthouse. Every book was destroyed, and the lawyers are now calling for subscriptions and are gathering books together and will soon replace that library, which was said to have been the best law library in the United States. At all events it was the best one west of the mountains, and was a great monument of law learning, probably better than the law library here in the Capitol. Certainly they thought so at any rate. It was estimated to be worth $100,000. They propose now by their private contributions and in various ways to gather enough money to buy books to restore that library. It was thought that as Congress distributed a certain portion of public documents to the various Departments this law library might properly call upon Congress to contribute such books as it had in its possession which would tend to aid them in gathering together a library. The joint resolution was simply introduced for that purpose. I have no doubt that this law library had all the books which are mentioned in the joint resolution, and to the extent that Congress could give them those books from among the surplus books in the different Departments it would aid that much in the restoration of that valuable law library. That is all there is of it.

It is not expected or intended that the Department of the Interior will be called upon to purchase any book whatever, but only to receive such as are in the different Departments. At the suggestion of the Secretary of the Interior the latter clause has been inserted, so that he can call upon the different Departments and offices for such books as may be properly spared, and send them to Cincinnati. At his suggestion a provision was inserted, so as to read:

And to enable him to comply with this resolution he is authorized to call upon and receive from any Department or office any of such books as can be supplied without inconvenience to the Government.

If the Senator desires to make it clear, let it read "without cost" or "without purchase."

Mr. COCKRELL. I have an amendment which I will suggest to the Senator.

Mr. WILSON. I will suggest to the Senator from Ohio, if he will allow me, that he add to the resolution these words:

But no purchase of said books shall be made at the expense of the United States.

Mr. COCKRELL. I was just going to suggest an amendment which I think will cover it probably at a better place, which is to make the first part of the resolution read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish and deliver to the Cincinnati law library, if the same can be done without inconvenience, from publications on hand belonging to the Government, and without cost to the Government, two sets, &c.

Mr. SHERMAN. I have no objection to that amendment.

Mr. COCKRELL. Let the words I have suggested be inserted in that part of the resolution, so as to apply to the whole thing.

Mr. SHERMAN. I have a letter here from Mr. Rufus King, who is president of the Law Library Association, stating that they do not expect the Government to contribute anything except such documents as may be on hand and not needed by it and which can be conveniently spared, and he puts the same construction upon the resolution. But there is no objection to the amendment in either form.

Mr. COCKRELL. I suggest the amendment. I think it covers the point more fully probably.

Mr. WILSON. I am not particular which form of amendment is adopted.

Mr. COCKRELL. Let my amendment be read.

The PRESIDENT *pro tempore*. The joint resolution is not yet before the Senate.

Mr. WILSON. I think the amendment I have suggested probably effects the purpose as clearly as the other, possibly more so, by simply adding the words:

But no purchase of any of said books shall be made at the expense of the United States.

Mr. SHERMAN. I am willing to have either or both. If it is necessary I move that the Senate proceed to the consideration of the joint resolution. I supposed it had been taken up.

The PRESIDENT *pro tempore*. It can only be taken up by unanimous consent. The Chair asked for unanimous consent, and then unanimous consent was given for debate upon the question of giving unanimous consent.

Mr. SHERMAN. I ask for unanimous consent to proceed to the consideration of the joint resolution. We can now dispose of it readily.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution referred to? The Chair hears none. It is before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read the joint resolution.

The PRESIDENT *pro tempore*. The Committee on the Library recommend an amendment, which will be read.

The CHIEF CLERK. In line 11, after the word "Representatives," the committee report to strike out the words:

And copies of any other documents and publications made by the United States or any of the Departments.

And to insert:

And to enable him to comply with this resolution he is authorized to call upon and receive from any Department or office any of such books.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. WILSON. I move as an amendment to the amendment of the committee the words which I stated.

The PRESIDENT *pro tempore*. The Chair finds that the amendment proposed by the Senator from Iowa comes in in another part of the resolution.

Mr. SHERMAN. I trust the Senate will allow the vote to be taken on this amendment. The amendment was suggested by the Secretary of the Interior, and I suppose there is no objection to it.

Mr. HOAR. The words, "Debates of Congress," should follow the words "Annals of Congress," I think, so that both publications may be included.

The PRESIDENT *pro tempore*. That comes in in another part of the resolution and does not relate to the amendment recommended by the committee. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] moves an amendment, which will be read.

The CHIEF CLERK. It is proposed to add to the joint resolution the following words:

But no purchase of any of said books shall be made at the expense of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Massachusetts [Mr. HOAR] will be now reported.

The CHIEF CLERK. In line 9, after the word "Annals," it is proposed to insert the words "and Debates;" so as to read:

A complete set of the Annals and Debates of Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. COCKRELL. In lines 6 and 7 I move to strike out the words "of the circuit and district courts of the United States." Those reports never have been printed for distribution.

Mr. SHERMAN. The Secretary of the Interior states already that they have never been published by the Government. I have no objection to having those words stricken out, because the reports are not on hand.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri, striking out the words "of the circuit and district courts of the United States."

The amendment was agreed to.

Mr. COCKRELL. Now I ask that the resolution be read as amended.

The PRESIDENT *pro tempore*. The resolution will be read for information as amended.

The Chief Clerk read as follows:

*Resolved, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish and deliver to the Cincinnati law library two complete sets of the Reports of the Supreme Court of the United States; two complete sets of the Revised Statutes of the United States and Statutes at Large; a complete set of the Annals and Debates of Congress, of the Congressional Globe and the CONGRESSIONAL RECORD, of the Journals of the Senate and House of Representatives; and to enable him to comply with this resolution he is authorized to call upon and receive from any Department or office any of such books which can be supplied without inconvenience to the Government.

The PRESIDENT *pro tempore*. The joint resolution is still open to amendment.

The joint resolution was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. INGALLS. It seems to me that the resolution is rather inconsistent in its terms. The Secretary of the Interior is required to furnish and deliver these books to the Cincinnati law library. They are specified and the titles of them are given. He is directed to call upon those Departments that may have them for distribution to enable him to comply with this direction. It appears to me that the subsequent amendment that there shall be no cost or expense to the United States Government in carrying out the resolution does not relieve the Secretary of the Interior from the absolute direction to furnish and deliver these books that is contained in the first part of the resolution.

I suppose the intention of the Senator from Ohio is merely to authorize the Secretary of the Interior to furnish from the archives and collections of the Government such of these publications as can be spared without impairing the collections of the Government and without expense to the Treasury. If that is the case, it ought to say so. As it is now it is inconsistent. There is an absolute mandate on him in the first place to furnish and deliver these books, and the fact that there is to be no expense to the Government does not relieve him from the command of Congress which is contained in the first part of the resolution.

Mr. COCKRELL. I suggest an amendment which I think will meet the objection and make it plain. I propose to insert after the word "library," in line 5, the words:

If the same can be done without inconvenience from publications on hand belonging to the Government, and without cost to the Government.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish and deliver to the Cincinnati law library, if the same can be done without inconvenience, &c.

I think that would make it perfectly plain and carry out the Senator's idea.

Mr. SHERMAN. I have no objection to any such amendment. This resolution was sent to the Secretary of the Interior and he did not object to the form, and only proposed one amendment. It is a resolution from the other House. I think if I had been drawing the resolution I should have made it much shorter than it is. I have no objection to adding the clause suggested by the Senator from Missouri.

Mr. COCKRELL. I move then the amendment which I suggested. It makes it plain and meets the objection, and does not change the intention or purpose of it.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri is not now in order, being a proposition to amend a different part of the resolution from the amendments made as in Committee of the Whole.

Mr. SHERMAN. The Senator can offer it after the amendments made as in Committee of the Whole have been concurred in.

Mr. COCKRELL. Very well.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. If there be no objection the question will be taken on all of the amendments at once.

The amendments were concurred in.

Mr. COCKRELL. Now I move to strike out after the word "authorized," in line 4, the words "and directed;" and after the words "to furnish" to strike out the words "and deliver;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized to furnish to the Cincinnati law library.

And then to insert after the word "library" the words:

If the same can be done without inconvenience from publications on hand belonging to the Government, without cost to the Government.

Mr. SHERMAN. I suppose the main object in drawing that language was that the Secretary of the Interior would send these books as he could through the mails free with a frank. This might require him to deliver them here. However, we can arrange that or pay the postage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

## CORRECTION OF AN ERROR.

Mr. HARRIS. I offer the following concurrent resolution:

Whereas in Senate bill 1063, entitled "A bill to amend the Revised Statutes relating to the District of Columbia, and for other purposes," which passed the Senate on the 1st day of April, 1884, in that clause of said bill amending section 549 of said Revised Statutes by an error of the print is described as "section 459," and with such error said bill has passed the House of Representatives and been enrolled: Therefore,

*Resolved by the Senate (the House of Representatives concurring)*, That the figures in said act descriptive of said section of the Revised Statutes relating to the District of Columbia be changed from "459" to "549."

This is a simple transposition of figures describing a section to be repealed. I ask for the present consideration of the resolution.

Mr. INGALLS. Does the Senator from Tennessee think that the difficulty can be reached by a concurrent resolution, the bill having passed both Houses in the method prescribed by the Constitution?

Mr. HARRIS. I see no reason why it may not. The suggestion was made by the Committee on Enrolled Bills that that was the shortest and best method of remedying it, and I see no reason why it will not do. The bill has not gone to the President yet, and I suppose a concurrent resolution would enable us to change those figures and send it to the President in the form that it should have been passed.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Tennessee that the Chair is under the impression that such a resolution would have to pass by unanimous consent, inasmuch as it violates the rule in regard to enrolled bills, which must be signed by the presiding officers of the two Houses after they are enrolled according to the truth and then presented to the President. This of course would be a violation of the rule, inasmuch as the bill is to be changed after the signatures.

Mr. HARRIS. I have no objection to changing it to a joint resolution, which will meet the objection, I suppose.

The PRESIDENT *pro tempore*. The Chair thinks if the bill has not been sent to the President that a concurrent resolution directing a reenrollment of the bill, and then it being re-signed by the presiding officers of the two Houses, it would become operative, providing also that the other bill should not be presented to the President. That is only a suggestion of the Chair.

Mr. HARRIS. I am inclined to adopt the suggestion of the Chair, by reforming the resolution so as to conform to the suggestion made by the Chair. My only object is to correct the error.

The PRESIDENT *pro tempore*. If there be no objection then the Senator from Tennessee can withdraw his resolution and offer it again.

in the form he desires. If there be no objection the concurrent resolution will be regarded as withdrawn.

Mr. HARRIS. Sooner than reform the resolution, I believe if there be no objection other than that which I see now I will simply change it to a joint resolution and let the resolution stand as it is.

Mr. INGALLS. That would requite the signature of the President of the United States.

Mr. HARRIS. So it would.

Mr. INGALLS. It appears to me that the difficulty can be better surmounted by asking unanimous consent to the adoption of this resolution as a concurrent resolution. Of course the practice is a very dangerous one. The assertion that this was an error in the description of a section of a statute would not change or in any way modify the danger that might result from this practice; because, after a bill has passed both Houses in the method prescribed by the Constitution, if we can change by concurrent resolution any of its terms, there is no limit to what might be accomplished by the procedure that is now proposed by the Senator from Tennessee. We might change an appropriation of a thousand dollars to a million in the same way. But I assume that by unanimous consent and the agreement that this was an error of the clerk or of description in the enrollment the difficulty might perhaps be overcome.

The PRESIDENT *pro tempore*. The Chair would suggest that it seems from the statement of the Senator from Tennessee that the error was in the original draught of the bill as printed, and the bill therefore was ordered to be engrossed with this error in it, the Senate adopting the error, and it was not any fault of the clerk. So the bill is now truly enrolled as it was ordered to be engrossed.

Mr. HARRIS. That is certainly true. I hold in my hand the original bill as it came from the Printer and as it passed, and in respect to this particular matter it reads:

That section 549 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, repealed; and in lieu of said section the following is enacted:

"SEC. 459"—

And then proceeds the section as amended. The error is apparent. I read from the bill held in the hand of the Clerk at the time it was acted upon and at the time it passed.

Mr. DAWES. The Senator from Kansas speaks of a bill passing both branches in the manner prescribed by the Constitution. The Constitution prescribes that we shall make rules how it shall pass; and I suppose that any bill which has gone through the several forms will be presumed to have been passed according to our rules, because if it does not in point of fact conform to the printed rules it conforms to a rule in which all of us acquiesced at the time. If a bill gets through with the proper enrollment and signatures it must be assumed to have gone according to our rules; that is, either our established rules or those established rules modified by common consent. Therefore if this bill ever gets through and appears enrolled with the proper signatures, it has got through both branches and will be presumed to have got through both branches in the manner prescribed by the Constitution, the only manner being according to the rules which the Constitution permits both Houses to establish for themselves either as standing rules or rules for the time being. Hence the suggestion of the Chair that it be re-enrolled and re-signed will carry it to the end in the proper way and reach precisely what the Senator from Tennessee is seeking for; and it seems to me he will reach it in the shortest and safest way by requiring a re-enrollment.

Mr. HARRIS. I am informed by the clerks at the desk that this bill has not been signed by either the President *pro tempore* of the Senate or the Speaker of the House. It is a Senate bill, and is now in the possession of the Senate, having passed the House without amendment.

Mr. DAWES. But I suppose it will come here with the signature of the presiding officers of the two Houses. Is such a signature attached to a bill which has this mistake in it?

Mr. HARRIS. It has not been signed by either the President *pro tempore* of the Senate or the Speaker of the House of Representatives.

Mr. DAWES. Then there is no need of a re-enrollment; there is no need of anything except to direct the finishing up of this bill in the manner indicated by the Senator from Tennessee.

Mr. HARRIS. That is exactly what my resolution proposes to do.

Mr. DAWES. Then I can not see any objection to it.

Mr. HARRIS. It proposes to transpose the figures of a section.

Mr. DAWES. Nothing is plainer than that the two Houses can direct their officers how to enroll a bill.

The PRESIDENT *pro tempore*. The Chair is still of opinion that the passage of this resolution requires unanimous consent.

Mr. HARRIS. Then I ask unanimous consent that it be at this time passed.

The PRESIDENT *pro tempore*. The question is, will the Senate unanimously agree to the passage of this resolution correcting this error existing in the bill named when it was passed by the Senate? Is there objection? The Chair hears none; and the resolution is unanimously adopted.

## SIOUX INDIAN RESERVATION.

Mr. DAWES. I now renew the motion I made some time since to take up Order of Business No. 334, being Senate bill 1755.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

The Secretary read the first section of the bill.

Mr. DAWES. I ask that the bill be considered by sections. There are a few amendments to be made as to changes in boundaries, and one being made it becomes necessary to change others, and I should like to offer them as the reading proceeds. I hope the Senate will permit me to offer an amendment to the first section now.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to offer amendments by sections as the reading proceeds. Is there objection?

Mr. DAWES. It will take less time.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order is adopted.

Mr. DAWES. I move to strike out, in line 11 of section 1, after the word "to," down to the word "thence," in line 15, as follows:

A point due west from the intersection of White River with the one hundred and second meridian; thence due east to said point of intersection, and down said White River to a point in longitude one hundred and one degrees and twenty minutes west.

And in place thereof to insert:

The mouth of Rapid Creek; thence in an easterly direction along the northern edge of the Bad Lands to the mouth of Black Pipe Creek on White River; thence up the Black Pipe Creek southerly to the source of its principal branch.

The amendment was agreed to.

Mr. DAWES. I move to add to the section:

Also the following tract of land situate in the State of Nebraska, namely, beginning at a point on the boundary line between the State of Nebraska and the Territory of Dakota where the range line between ranges 44 and 45 west of the sixth principal meridian in the Territory of Dakota intersects said boundary line; thence east along said boundary line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary line; thence due east along said boundary line to the place of beginning.

The amendment was agreed to.

Section 2 was read.

Mr. DAWES. In section 2 the change which has been already adopted renders another one proper, namely, striking out all the section after the word "namely," in line 5, as follows:

Beginning on the north boundary of the State of Nebraska at a point in longitude 101° and 20′ west, and running thence due north to White River; thence down said White River to a point in longitude 99° and 30′ west; thence due south to said north boundary of the State of Nebraska; and thence west on said north boundary to the place of beginning.

And in lieu thereof inserting:

Commencing in the middle channel of the Missouri River, opposite the mouth of White River; thence down the middle channel of said Missouri River to a point opposite the mouth of Platte or Pratte Creek, including, however, entirely within said reservation all islands, if any, in said river; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to a point due south from the source of the principal branch of Black Pipe Creek; thence due north to the said source of Black Pipe Creek; thence down said creek to the White River; thence down White River to the place of beginning, in the Missouri River.

The amendment was agreed to.

Section 3 was read.

Mr. DAWES. I move to strike out the words "at low-water mark on the east bank," in line 6, and insert instead thereof "in the middle of the channel."

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Chair will take the liberty of calling the attention of the Senator from Massachusetts to the usual language, "the center of the main channel of the river."

Mr. DAWES. I adopt that suggestion, "center of the main channel."

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified.

The amendment was agreed to.

Mr. DAWES. I move to strike out, in line 8, the words "east bank along said low-water mark" and insert the same words as above—"center of the main channel."

The amendment was agreed to.

Mr. DAWES. I move to insert, after the words "Grand River," in line 9, the words "including, however, entirely within said reservation all islands, if any, in said river."

Mr. ALLISON. I suggest to the Senator from Massachusetts that that will not do.

Mr. DAWES. Why not?

Mr. ALLISON. One-half the islands may be nearer the east bank.

Mr. DAWES. That is true; but if an island in the river can be occupied by the whites for the purpose of putting up whisky-shops and the like, it was thought that the Interior Department had better be authorized to reserve it for these Indians.

Mr. ALLISON. I am in entire sympathy with the Senator on that question.

The amendment was agreed to.

Mr. DAWES. In line 17 of the same section, after the words "Cannon Ball River," I move to insert "center of the main channel of the."

The amendment was agreed to.

Section 4 was read.

Mr. DAWES. The same amendments are necessary in this section. On the sixth line, after the words "beginning at a point," I move to strike out "at low-water mark on the east bank" and to insert in lieu thereof "in the center of the main channel."

The amendment was agreed to.

Mr. DAWES. In line 9 the words "east bank" should be stricken out and the words "center of the main channel" inserted. Perhaps I ought to state to the Senate that the old treaty carried the reservation clear over and included the whole river on the east bank. It was not thought wise to have it carried there if settlements were to come up to the east bank, nor would it be wise to take it to the west bank. It was therefore deemed better for the interest of the Indians and for everybody concerned that the line should be at the center of the river.

The amendment was agreed to.

Mr. DAWES. Then in line 10 I move to strike out "along said low-water mark" and insert "including also entirely within said reservation all islands, if any, in said river."

The amendment was agreed to.

Mr. DAWES. In line 16 I move to insert "center of the main channel of the" before the words "Missouri River."

The amendment was agreed to.

Section 5 was read.

Mr. DAWES. I move to amend in section 5, line 9, after the word "latitude," by striking out "thence south on said parallel" and inserting in lieu thereof the words "thence on said forty-fourth degree of latitude to western boundary of township number 72, thence south on said township's western line."

The amendment was agreed to.

Mr. DAWES. In the tenth line, after the words "Fort Lookout," I move to insert "thence."

The amendment was agreed to.

Mr. DAWES. Before the words "Missouri River," in, line 11, I move to insert "center of the main channel of the;" and in line 12, after the word "north," to strike out "on" and insert "in the center of the main channel of the."

The amendment was agreed to.

Section 6 was read.

Mr. DAWES. I move to strike out section 7 without reading it and insert a substitute which has been agreed to by everybody I believe.

The PRESIDING OFFICER. The proposed amendment to section 7 will be reported.

The CHIEF CLERK. It is proposed to strike out section 7 and insert in lieu thereof:

SEC. 7. Each member of the Santee Sioux tribe of Indians now occupying a reservation in the State of Nebraska shall be entitled to allotments upon said reserve in Nebraska as follows: To each head of a family one-quarter of a section; to each single person over 18 years of age one-eighth of a section; to each orphan child under 18 years of age one-eighth of a section; to each other person under 18 years of age now living one-sixteenth of a section; with title thereto and rights under the same in all other respects conforming to this act. And said Santee Sioux shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were residents upon said Sioux reservation, receiving rations at one of the agencies herein named: *Provided*, That all allotments heretofore made to said Santee Sioux in Nebraska are hereby ratified and confirmed, and each member of the Flandreau band of Sioux Indians is hereby authorized to take in Moody County, in said Dakota, the same allotments authorized by existing treaties and this act on any part of said reservation, and all allotments heretofore made by members of said band in said county are hereby ratified and confirmed, subject to the limitations and conditions of such treaties and this act. And said Flandreau band of Sioux Indians is in all other respects entitled to the benefits of this act the same as if receiving rations and annuities at any of the agencies aforesaid.

Mr. DAWES. The seventh section of the bill created a reservation outside of the Sioux reservation in Nebraska, and this is a substitute for it, which seems to everybody to be quite as advantageous for the Indians and much better for the settlers. It gives the Indians all they desire for allotments, and gives them all other privileges under this act in the Sioux reservation. They choose to go down into Nebraska and locate their allotments, and this is yielded to them. That is all.

The amendment was agreed to.

The Secretary read from section 8 to section 11 inclusive.

Mr. DAWES. After the tenth line, at the close of section 11, I desire to add the following:

And no tribal patent provided for by this act shall in any way interfere with or be a bar to any future grant to any railway corporation of a right of way, and necessary grounds for railroad purposes across any reservation hereby created, by any agreement made with the Indians to which such reservation is set apart, negotiated under the direction of the Secretary of the Interior and ratified according to law in all respects the same as if this act was not passed.

This bill provides for a tribal patent of this land to the tribe. It does not provide any way by which, if the tribe and the United States want subsequently to put a railroad through the land, the right of way can be acquired, and this amendment provides that, notwithstanding the tribal patent, railroad rights may be granted by Congress just the same as if this law had not passed. That is, an agreement must be made with that particular tribe and ratified by Congress. This takes the whole reservation out from under the confederation of tribes and gives each particular tribe its own reservation. The amendment provides that notwithstanding the tribal patent or deed, still a railroad company may make an agreement with a particular tribe to let the railroad go over its land, and if that is ratified by Congress it will have the same effect as if the tribal patent did not exist. That is the object of the amendment. It would otherwise bar such a right, I suppose.

The amendment was agreed to.

Sections 12 and 13 were read.

Mr. DAWES. I desire to amend section 13. The quantity of land allowed to the Poncas in the section is just twice as much as it ought to be, and therefore in the eighteenth line I move to strike out "one-half" and insert "one-quarter;" in line 19 to strike out "one-quarter" and insert "one-eighth;" in line 21 to strike out "one-quarter" and insert "one-eighth;" in line 22 to strike out "one-eighth" and insert "one-sixteenth," making the allotment just half what it is in the section as printed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. DAWES. I will explain that. These Poncas that are to be provided for are a remnant of that band which was forced down into the Indian Territory. The band after it got down into the Indian Territory released all its rights up here, but this portion had fled back. The Interior Department undertook to make an agreement with the Sioux Indians to give them the quantity of land which is printed in this section of the bill, but that agreement never received the sanction prescribed in the treaty. The committee in this bill proposed to provide for those Indians, and they wrote the bill providing for them the quantity of land which an effort had been made to get the Sioux to agree to; but all the Sioux and the Santees who have gone into Nebraska take into their allotments just one-half that quantity. Therefore, inasmuch as that had not been agreed to, it was thought best to conform that agreement to all the others, and at the same time compensate these Poncas by giving them the other advantages which the bill gives to all the Sioux. So the Poncas have, instead of the larger quantity of land, the smaller quantity, which is precisely what all the others take by allotment, and then they have all the advantages the Sioux have under the old treaty and under this act. So it was thought at the Interior Department and by the committee who visited the ground that the Poncas were taken better care of by this provision than they were in the original agreement.

Mr. CONGER. The Poncas have been driven from reservation to reservation, from good reservations to poor ones, and from poor ones to worse ones, and then to this reservation, for this is the fourth removal, if I recollect aright——

Mr. DAWES. This does not require any removal. They are right where they went when they came back from the Indian Territory, and this is carrying out what in point of fact they are doing. I would not countenance any removal of the Poncas, nor would I countenance anything that would not do full and ample justice to that little body of Poncas who have suffered, whether wittingly or unwittingly, at the hands of this Government very hard treatment; but here they get, instead of three hundred and twenty acres each to the head of a family, just one-half that, one-fourth of a section, one-hundred and sixty acres of land in severalty and in fee-right where they claim that they always were entitled to stay, and they get in addition to that the educational privileges of the old Sioux treaty, which they do not otherwise get, which they have no share or lot in, and they get the annuities and the rations that the Sioux get. They are not entitled to those under any circumstances. It was thought by their friends that it was better for them to take one-hundred and sixty acres each in fee, and take these educational privileges and these annuities, than for us to give them a larger quantity of land than any other Indians in that vicinity, and at the same time not permit them to have the annuities and other privileges that their neighbors have. It was making a distinction which they could not understand, and it would be better for them to take this method.

Mr. CONGER. This little remnant of a band who had vast territory in their hands in the early history of this country and from different causes have been reduced to a remnant are perhaps as intelligent a body of Indians as there are left in our country. They have been persecuted shamefully both by the Government and by agents and in all possible ways. Their history repeated to our children one hundred years hence, if written out, would be a perpetual disgrace, as many other cases of bad management of the Indians would be to our civilization and our time.

Somebody in preparing this bill prepared it with reference to what seemed to be the idea of some justice and some fairness to this quite intelligent and bright tribe of Indians, and I venture to say that somebody who wanted some of these lands and the better portion of them has told this committee that the Indians would be better off if they had less land, and I notice in all these treaties, if they are before Congress for a time, there are people who continually attempt to diminish the amount of land that is given to the Indians, until it is a very common feeling with many that 6 feet by 3 is all that is necessary to leave to an Indian, and a proportionally smaller amount for his minor children, on the theory that the dead Indian is the good Indian——

Mr. DAWES. I call the attention of the Senator——

Mr. CONGER. One moment. I say the theory seems to be that the dead Indian is the good Indian, and in that condition of goodness

is entitled to 6 feet by 3 of the land over which he roamed once as chief and owner.

Now, sir, I am a good deal surprised at the reasons given for this diminution, cutting down all at once what seems to have been prepared in this bill with great care as to the amount of lands allowed to these Indians. There is no provision for further subdivision; there is no provision in this bill for lands in common, not that can be owned in individual right. There are some lands in common. I do not know exactly the position where these Poncas are, whether they are in what is called the Omaha reservation just below Sioux City on the Nebraska side——

Mr. DAWES. I think if the Senator understands just what is provided for these Poncas he will see that they are taken better care of than they would be if they had the agreement which they failed to get from the Sioux Indians carried out. They are on the Sioux reservation in Dakota—98,000 acres. It was theirs to begin with, not belonging to these particular Indians but to the tribe, and it was without any reference to them run around by the boundaries of the old great Sioux reservation in Dakota, and they were driven out of it. This band of one hundred and eighty-four ran away from the Indian Territory and came back to this reservation and are on this land in Dakota; they have no rights under the Sioux treaty, and an effort has been made to get the Sioux to give them land enough for these one hundred and eighty-four Poncas. Mr. Kirkwood and the friends of these Poncas negotiated an agreement by which the Sioux chiefs agreed to let them have this larger quantity, but the treaty required the ratification of that agreement by the tribes at home. When it got back to the tribes at home they said that the larger quantity was greater than any individual Indian of their own tribe was entitled to under their treaty, and that they would agree to one hundred and sixty acres, but that they would not agree to three hundred and twenty, for that was just double what under their own treaty their own Indians were allowed, and therefore it could not be ratified.

Now this agreement sets them up in the Dakota reservation on just as much as the Dakota Indians have, and it gives them in common with the Dakota Indians all the rest of the land in common, makes them a part of the tribes so far as beneficiaries are concerned, gives them all the lands in common along with the others, and gives them the annuities and gives them the schooling provisions of the treaty, and gives them what in this act is contained, an extension of those school privileges for twenty years. That is the real fact.

I sympathize with all that the Senator from Michigan says about these Indians. I have spread myself upon the record till the Senate has become tired of it, probably, in vindication of the rights of these Poncas; and the committee that went out there and visited the ground were all in sympathy with what the Senator says. The committee are agreed that on the whole these amendments as I have suggested them put these Poncas in a much better position than they would be if they had their original agreement. I hope the Senator will see it in that light, because I do not want to have a controversy with him on that point. I do not want him to think for a moment that anybody has forgotten the original outrage upon these Ponca Indians. The committee have put these Ponca Indians on a better footing than they were ever put before.

Mr. CONGER. Mr. President, I was about to say that I do not wish any disagreement with the Senator from Massachusetts, because in the main since he has had the control of Indian matters in the Senate I have been very much pleased with the humanity and the fairness and the disposition to protect even against prejudice the remaining tribes of Indians that are scattered through the West which have marked his action. I give him all credit for the fact that on many occasions he has been zealous to go further than his fellows in the Senate to protect the rights of Indians and explain their rights. And yet there is a little too much Yankee trading in this to suit me. I say it without disparagement or prejudice.

What does this bill mean? It was drawn to give some benefit to these poor Poncas, these intelligent Poncas. They knew enough to run away from the Indian Territory and get back into the climate and latitude and region where they and their fathers had lived for centuries. They could not be made slaves and shackled down there in that insalubrious climate (insalubrious to them), and against the whole Government and against all its officers they ran away from the Indian Territory in squads, a family by itself, individuals by themselves, and some together, and they worked their way back to their old home.

The PRESIDING OFFICER. The Senator from Michigan will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is Senate bill 1372.

Mr. CONGER. I ask permission of the Senate to say a word or two more.

Mr. HOAR. As representing the bankruptcy bill as far as any one Senator does I will make no objection if the Senate pleases to let it be laid aside informally by unanimous consent and let this Indian bill be finished. If it shall turn out that the bill leads to a protracted discussion, I shall reserve the right to call up the unfinished business.

Mr. FRYE. I want the Senator from Massachusetts to remember that I am behind him with an important bill and that I yielded very gracefully.

Mr. DAWES. I hope the Senator will not object. I think after we have disposed of this point there will be nothing in the bill that will cause any debate.

Mr. HOAR. I suppose five or ten minutes will conclude the bill.

Mr. CAMERON, of Wisconsin. It will probably occupy a little more than five or ten minutes, but the time will be brief.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] asks unanimous consent that the unfinished business be temporarily laid aside, not to lose its place, in order that the bill taken up on the motion of the Senator from Massachusetts [Mr. DAWES] may be proceeded with. Is there objection? The Chair hears none.

Mr. CONGER. It is necessary that I should say a word more, because I had cast a little reflection on that portion of our beloved land represented by the Senator from Massachusetts in saying that this was a Yankee trick. What does this mean? It means that after the bill drawn up by those who thought they were doing justice to this tribe by giving them a certain amount of land, those of my own race and people who are anxious to secure the best land everywhere—they have got the best land in the world, but they want the best of the best always—have induced this committee to cut off half the Ponca lands, and how? By agreeing to give them the money that belongs to the Sioux tribe, to be expended for education and for other things, to make them participators in the property and rights and benefits of the Sioux tribe, which we have secured to them by treaty, to pay for lands we give to our own brethren the whites. That is the way it is. Can not Congress give them the full quota of these lands, and also give them these privileges which are spoken of?

Mr. CAMERON, of Wisconsin. Will the Senator yield for a moment?

Mr. CONGER. Yes, sir.

Mr. CAMERON, of Wisconsin. What I desire to say is that the poor Poncas have no lands. All of those that we propose to give them we give them with the assent of the owners of those lands, to wit, the great Sioux Nation. We proposed at first, it is true, to give three hundred and twenty acres to each head of a family; but it was subject to the assent of the Sioux, and the Sioux have not yielded their consent to it.

Mr. CONGER. Talk about consent and about treaties with Indians! When did the Poncas consent to relinquish their first reservation, and when their second, and when their third, and when did they leave and run away from the fourth reservation which this Government had given them in the Indian Territory? Talk about consent and about rights! The Poncas once had the best lands in the United States; they were a powerful nation; they were a people intelligent and bright, and they have been driven from place to place till they are destroyed and worn out, and now we tell them that the reservation we first got away from them they can not have, and the second and the third they can not have, and they have gone away from the fourth, and now we tell them they have no land, and we will give them a little. A succession of infamous wrongs to that people brings us to the point where we can say to them boldly that they have no land, and that if we give them anything it is a free gift.

I think, notwithstanding the demand for these lands from all peoples of the earth that we are trying to save for those of native birth and of foreign birth, we might give the natives of the soil in a grazing country not well suited for agriculture, depending on irrigation, at least a little place to pasture their cows and nurture their ponies.

The PRESIDING OFFICER. The question is on the amendment to section 13 proposed by the Senator from Massachusetts.

The question being put, it was declared that the ayes appeared to prevail.

Mr. CONGER. I call for the yeas and nays. ["No!" "No!"] Let us divide. If you have not got a quorum, give the land.

The PRESIDING OFFICER. A division is demanded.

The question being put, there were on a division—ayes 16, no 1; no quorum voting.

Mr. CONGER. With a minority of the Senate present there is no doubt of the verdict of sixteen. I do not think it is well for sixteen Senators to take away all the rights of the Poncas or half of them.

Mr. PLATT. I ask for the yeas and nays.

Mr. CAMERON, of Wisconsin. The statement of the Senator from Michigan is a very extraordinary one. We take away none of the rights of the Poncas.

The PRESIDING OFFICER. Is the call for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. PIKE. I wish to have the amendment reported.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment.

Mr. DAWES. If I may have unanimous consent for this bill to be taken up to-morrow morning and finished I shall not interfere further with the regular order and will stop now.

The PRESIDING OFFICER. The Chair is unable to see how anything can be done without a quorum present, it having appeared that no quorum has voted.

Mr. DAWES. That is so.

Mr. CAMERON, of Wisconsin. Let there be a call of the Senate; that will determine whether there is a quorum present.

The PRESIDING OFFICER. The Chair thinks the best way will be to have the yeas and nays taken on the amendment.

Mr. DAWES. Before the yeas and nays are taken, let me say that these fugitive Poncas are without homes and without a foot of land. The tribe itself was forced down into the Indian Territory, and when they got down there they sold out their rights to the Government. These people would not stay there. They were wronged from beginning to end. It was a bold theft. But these people have no homes. They came up to this Dakota reservation, and we make this provision for them. Because we do not make it just as large again as we do for any other Indians, and because we undertook in the beginning to make it as large again and failed, the Senator from Michigan is afraid we are ruining these Poncas!

The PRESIDING OFFICER. The question is on the amendment, upon which the yeas nays have been ordered.

The yeas and nays were taken.

Mr. HAMPTON. I beg to announce that my colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. ALLISON. My colleague [Mr. WILSON] is paired with the Senator from Ohio [Mr. PENDLETON].

The result was announced—yeas 40, nays 2; as follows:

YEAS—40.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Jonas, | Plumb, |
| Allison, | Frye, | Jones of Nevada, | Pugh, |
| Bayard, | Garland, | Logan, | Ransom, |
| Beck, | George, | McMillan, | Riddleberger, |
| Blair, | Hampton, | Manderson, | Saulsbury, |
| Bowen, | Harris, | Mitchell, | Sawyer, |
| Brown, | Harrison, | Morgan, | Slater, |
| Cameron of Wis., | Hawley, | Morrill, | Van Wyck, |
| Coke, | Hoar, | Pike, | Voorhees, |
| Dawes, | Jackson, | Platt, | Wilson. |

NAYS—2.

| | |
|---|---|
| Call, | Conger. |

ABSENT—34.

| | | | |
|---|---|---|---|
| Anthony, | Farley, | Lamar, | Sabin, |
| Butler, | Gibson, | Lapham, | Sewell, |
| Camden, | Gorman, | McPherson, | Sherman, |
| Cameron of Pa., | Groome, | Mahone, | Vance, |
| Cockrell, | Hale, | Maxey, | Vest, |
| Colquitt, | Hill, | Miller of Cal., | Walker, |
| Cullom, | Ingalls, | Miller of N. Y., | Williams. |
| Edmunds, | Jones of Florida, | Palmer, | |
| Fair, | Kenna, | Pendleton, | |

So the amendment was agreed to.

Mr. WILSON. I merely rise to say that I understand it was announced by my colleague [Mr. ALLISON] that I was paired with the Senator from Ohio [Mr. PENDLETON]. That pair was transferred to the Senator from Michigan [Mr. PALMER], and that will account for my voting.

The PRESIDING OFFICER. The RECORD will show the fact.

Mr. DAWES. I do not feel at liberty to ask the indulgence of interfering further with the regular order, but I want to say to the Senate that this opens to actual settlers ten million acres of land. There is an immense pressure everywhere, especially in Dakota, to get this bill through, and unless it can go to the other branch very early there will be no hope of its getting through under a year. I will ask the Senate if they will not permit me to have it finished to-morrow morning. I think there will be no opposition if the President will ask the consent of the Senate that it may be taken up to-morrow.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the bill under consideration be taken up to-morrow morning immediately after the conclusion of the morning business. Is there objection?

Mr. FRYE. Did the Chair state the request of the Senator from Massachusetts correctly?

Mr. DAWES. Immediately after the morning business.

Mr. FRYE. I understood that he asked that we might take it up and finish it to-morrow.

Mr. DAWES. I do not intend to trench upon the regular orders.

Mr. FRYE. All right; then I shall not object.

Mr. HARRIS. Does the Senator from Massachusetts mean to-morrow morning during the morning hour?

Mr. DAWES. After the morning business, within the morning hour.

Mr. HARRIS. To the exclusion of the Calendar under the eighth rule?

Mr. DAWES. Yes; I thought the Senate would indulge us to that extent under the statement which I have made as to the special importance of this bill. I hope the Senate will allow us that indulgence.

Mr. HARRIS. I yield to the emergency as stated by the Senator from Massachusetts; but I give notice that so far as I have the power I shall insist upon going to the Calendar after the morning business up to 2 o'clock daily hereafter.

Mr. DAWES. Will not the Senator let us finish this bill?

Mr. HARRIS. I yield on the present occasion to the appeal of the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent asked for by the Senator from Massachusetts? The Chair hears none. Therefore to-morrow, after the morning business, this bill will be further considered by unanimous consent.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa;" in which it requested the concurrence of the Senate.

## AMENDMENT TO A BILL.

Mr. FARLEY submitted an amendment intended to be proposed by him to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

## SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE], in line 3, section 31, to strike out "five" and insert "two;" so as to read:

That any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of $200, may apply, by petition.

Mr. HOAR. I wish the Senator from Arkansas [Mr. GARLAND] would move his amendment to make the amount $300 and I will consent to it.

Mr. GARLAND. I move to strike out "two" and insert "three,"

Mr. GEORGE. That does not dispose of my amendment.

The PRESIDING OFFICER. The Chair understands that it is proposed, as an amendment to the amendment, to strike out "two" and insert "three." The question is on the amendment of the Senator from Arkansas to the amendment of the Senator from Mississippi.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended, to strike out "five" and insert "three;" so as to make the amount $300.

The amendment was agreed to.

Mr. COKE. I now propose the amendment adverted to yesterday to section 9. I move to strike out that section and insert the following in lieu thereof:

SEC. 9. That any debt, demand, or property claimed by the trustees shall be sued for in such court, either State or Federal, as the bankrupt would have been entitled to resort to in enforcing the same claim: *Provided*, That the court of bankruptcy may in any case where the jurisdiction of the State and Federal courts is concurrent direct that the suit shall be brought in the State court.

Mr. HOAR. There is no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. COKE].

The amendment was agreed to.

The Secretary resumed the reading of the bill and read sections 32 and 33.

Mr. HOAR. I wish to move a mere verbal amendment in line 2 of section 33, after the word "debts," to insert "as aforesaid." I move that amendment.

The amendment was agreed to.

Mr. GEORGE. I desire to ask the Senator from Massachusetts a question before I offer some amendments. I desire to call his attention to the first part of section 33. The section commences—

That any person being a trader, residing and owning, &c.,

I desire to know whether he construes the bill as if those words "being a trader" were inserted in each one of the following clauses separated by a semicolon?

Mr. HOAR. I do, very clearly; they run through the entire section as I understand.

Mr. GEORGE. I offer the following amendment to line 18 of the section: After the word "creditor" I move to insert "who is also a trader," so that the provision will be that any preference made by a trader to any other creditor, except one who is a trader himself, shall not be a cause of involuntary bankruptcy. That is the idea.

Mr. HOAR. So that anybody may prefer his wife, or brother, or sister, or daughter?

Mr. GEORGE. Yes, sir; prefer any honest creditor that he has.

Mr. FRYE. Is not a trader an honest creditor?

The PRESIDING OFFICER. The Senator from Mississippi moves to amend by inserting after the word "creditor," in line 18, the words "who is also a trader."

Mr. GEORGE. Mr. President, the right of a debtor in failing circumstances to make a preference of one creditor over another is as old as the common law itself, recognized in England as well as in this country. It has never been denied, except where some proceedings like these have been instituted. The author of this bill has so far yielded to the idea that compulsory proceedings ought not to extend to the community generally that he has confined them to proceedings

against persons who are traders—a very proper limitation. I think it would be entirely consistent with that idea to confine these involuntary proceedings to transactions between traders themselves, and for reasons which I will now state.

In a large portion of this country, in the rural districts, the country merchant, who is a trader in the absence of banks, is the depositary to a very large extent of the cash of the farmers in the community who have extra money. He is also very frequently the debtor of these farmers in the way of purchasing their crops. The money which is thus deposited with him and the proceeds of the crops thus bought go into his business. They are used in liquidating his debts which he owes to other creditors; they go to swell his assets. But the time comes in the history of a great many of these country merchants when they are embarrassed, when they are in failing circumstances. Now, under this section as it stands he would not be permitted to pay back any of these funds or to pay any of these debts, although these debts and these deposits were created for the benefit of his business and actually went into his business and swelled his assets for distribution among his creditors.

Mr. President, there is something in the idea that when traders have contributed each one his share to the general fund of the bankrupt trader, when each has sold him goods, then when there is a failure there should be a distribution pro rata among these contributors; but that does not apply, I submit with great respect, to those who are not engaged in trade, who are the mere creditors of this party for accommodation, who frequently lift him out of trouble that he has got into in reference to his trading business.

Then again these persons do not stand—and I desire to call the attention of the Senate to that—on equal terms with the other creditors in ascertaining the solvency of the country merchant. We know as part of the commercial history of this country that the standing, the responsibility, the credit of every trader in this land is the subject-matter of a report made to commercial agencies in the large cities. These reports are made for circulation among traders, among factors, among merchants who are dealing with these parties. They find out at the very first instant when there is danger and protect themselves, while the farmers or persons residing in the neighborhood have no access to these reports; they only look at the party as he appears in business at home; and they regard him as solvent as long as there is no judicial process interfering with his business or until he voluntarily makes an assignment for the benefit of his creditors. That is the way this is done; we all understand it; and the result is that while traders having access to these commercial reports are fully posted as to the condition of any trader or merchant in the country, they can see at a long distance whether it is proper to refuse credit to him or to extend credit to him, when his neighbors, frequently deceived by the credit which he has obtained in the large cities from the wholesale merchants, filling his shelves with goods, and everything seems to go on prosperously, know nothing of the rottenness which the others may know. So I say it would be unjust, that it would be unfair to this class of creditors to make a preference paid to them an act of bankruptcy on the part of the trader or country merchant.

Then again, Mr. President, as the section now stands he is prohibited from making a preference to anybody whatever. If he pays his washerwoman he has committed an act of bankruptcy, and his washerwoman may be compelled to return the money. If he pays his butcher's bill, if he pays any family expense which has been incurred upon a credit, he commits an act of bankruptcy, and these parties become the recipients of a prohibited and unlawful thing.

I think it is just and right when we confine these involuntary proceedings to traders alone that we should take the next logical step and confine acts of involuntary bankruptcy to acts between traders alone, and in that view I insist on the amendment which I have offered.

Mr. HOAR. Mr. President, of course this amendment is a destruction of the bill. I do not suppose there are ten persons in this country who would be in favor of a bankruptcy bill with the proposition of the Senator from Mississippi in it. I suppose that the rate of interest in the Senator's State of Mississippi is probably about 10 per cent., the average rate of interest which people pay for loans of any considerable permanence where the credit of the debtor is perfectly good or even upon mortgage security. I do not know how that is; the Senator will correct me if I have it too high, but I suppose it is about that. The Government of the United States borrows money at a little less than 3 per cent. on long loans to-day. The price of a Government bond indicates a rate of interest a little less than 3 per cent. The rate of interest for money on call loans in the large and small commercial and manufacturing cities where there are banks ranges from 3 to 4 or 5 per cent., fluctuating a little.

A man went up from Boston this last summer into one of the cities in the interior of Massachusetts with several hundred thousand dollars to loan and applied to the debtors there who were borrowing money at 5 per cent. to take the capital which he represented—he was the agent of capitalists—at 4 per cent., to which the debtors replied that the advantage of borrowing money at their own savings-banks and in their own neighborhoods was that if there came a hard time the savings-banks would not press them suddenly to pay, while his clients, who were strangers, might. Thereupon he gave them a stipulation that the debtor might make the payment at any time or in any sum he chose, and the creditor should not be at liberty on his part to call for the debt in less than ten years; and on that bargain he loaned out a number of hundreds of thousands of dollars.

Now, what is the difference? Why is it that the debtor State of Mississippi pays 10 per cent. for all the money it borrows and creditors in Wall street, New York, or in State street, Boston, will loan money close at home at 3 per cent. to the Government or at 4 under these circumstances so advantageous to the debtor? There is but one explanation of the thing. The telegraph brings for all purposes of business connection these two communities within ten minutes of one another; the laws of the United States are the same, sending their rain on the evil and the good alike, from Maine to San Francisco. It is simply the prevalence of a spirit like that which is indicated by the amendment proposed by my honorable friend from Mississippi that there are certain persons—I will not say it is the opinion of the entire community—who do not mean that bargains made by debtors and creditors shall be fairly and justly kept by the debtor, that there is not to be fair play.

Why, sir, just let it be believed that under the laws of the United States the creditor is put under the most absolute restraint against injustice, tyranny, or oppression; but when that restraint is accomplished, if the debtor fails, that portion of his property which ought not to be reserved on liberal exemption to himself or his family shall be divided justly, man for man, without distinction of party, and this great accumulation of pent-up capital would rush from the North like a wave, fertilizing, enriching, benefiting, and stimulating those communities.

Now, sir, the Senator from Mississippi proposes that if a trader anywhere fails, having distant creditors, the law of the United States shall permit that trader to postpone to the last those distant creditors and to take the property, out of which he can pay 60, 70, 80, or 90 per cent., and give it to his sisters, or mother, or wife, or children, or cousins, or aunts, or his neighbors. It does not seem to me that that is just or that it is expedient for the traders or the people of Mississippi. The incorporation of that amendment in this bankruptcy bill, if it pass, I believe—I express my opinion—would cost that people millions upon millions of dollars, if the bill was in force ten years, in keeping up the rate of interest.

These men expect to buy goods of manufacturers and traders at a distance; they expect to borrow capital of the capitalists; that is their necessity if they are to trade and live and be a commercial community in any degree, and they will pay for it. The creditor class is not the loser by inequality or by injustice on the part of the debtor, and of the creditor class the sharp tyrant least of all is the loser. It is the debtor whose interest it is to secure absolute equality in payment; it is the debtor community, it is the debtor State, it is the debtor neighborhood, and not the creditor, whose interest is at the foundation of this bill and the scheme upon which it is framed.

I say again, as the result of much meditation, study, and inquiry upon this special matter for many years, and especially of late years, that you have to have just the one belief spread where capital extends that the debtors, wherever in this country they are found, will pay their debts proportionally if they can not pay them in full, justly, man for man, without exception or discrimination, and the pent-up accumulation of capital will run over this country like a Mississippi flood.

Mr. GEORGE. Mr. President, the Senator's argument does not hold good when tested either by reason or by the experience of this country and England. In the first place we have had a bankrupt law in this country which contained the very provision which I am seeking to change by the amendment I have offered, and I did not see during the existence of that bankrupt law (and it extended over a great many years) any very great desire on the part of capitalists to make investments more than they did before or than they have shown since. We have no bankrupt law now. By the law of every State in the Union, I believe, certainly by the common law of England, every man who possesses property and is indebted has a right, although he be in failing circumstances, to dispose of that property fairly and impartially to any one of his creditors or more to the exclusion of all others. And yet while this is the law now all over this country, all over the South, we see, contrary to the Senator's statement——

Mr. JONAS. Will the Senator allow me to say that is not the law of Louisiana. It prohibits preference.

Mr. GEORGE. I was speaking of States in which the common law prevailed. I say, sir, notwithstanding this, we see capital going into the Southern section of the country at an unprecedented rate. There is nothing in that argument.

Then in England this has been the law from the earliest period of the common law, and yet there has been no more prosperous country than England. But the Senator misstates the object of my amendment entirely when he says that under it a man may give his property to his wife, or his child, or his relative. That is not the purpose and meaning of my amendment. He will be compelled to pay to a *bona fide* creditor, and he must do it under the strict limitations of the common law governing preferences of this sort. Although the law tolerates and approves the right of the owner of property to make such disposition of it in payment of his debts as he sees proper, yet when he does make a preference the law looks at it with jealousy and scrutinizes it with a view to

see whether there was any intent in making the payment to secure a benefit to himself or commit a fraud on others.

But, Mr. President, I insist that although there may be some inconvenience, as there will be from any rule of law that may be adopted on this subject, arising from the rule as I say it ought to be, it is still a just provision; it is right; it is in accordance with the law which we and our forefathers have been accustomed to from the beginning down to the present time.

Mr. HOAR. I should like to inquire of the Senator from Mississippi whether if a man goes to New Orleans from his neighborhood and purchases a stock of goods and goes home he would favor the right of that person to distribute the stock of goods among the neighbors and let the New Orleans merchant go without his pay?

Mr. GEORGE. The Senator has no right to ask me any such question from anything that has occurred or from the force of the amendment which I have offered.

Mr. HOAR. I understand that to be the force of the amendment exactly.

Mr. GEORGE. I do not propose to do any such thing by the amendment. I only propose that when a trader whom the New Orleans merchant has set up as a man of capital and credit goes into the country and borrows money and takes it to New Orleans and pays his debts there with part of it, and when the pinch comes and the merchant in New Orleans knows from the reports of the commercial agencies his condition and the country people know nothing of it, I only propose that they shall have a fair showing to get their money. That is my statement of the case, and it has truth and justice in it.

The way this bill stands now any manufacturing company, any merchant in embarrassed circumstances who owes his laborers, owes his clerks, owes his porters, owes the men who do the drudgery of his business, can not pay them one dollar without committing an act of bankruptcy. That is the way the bill stands. He is absolutely bound to make a division among all his creditors pro rata. I make this statement, although there is a provision in the bill that after a party has been declared a bankrupt and when the bankrupt court comes to divide the assets these servants and clerks may be paid not exceeding $100 for labor during the preceding six months; but while that rule obtains under this bill as to a division of the assets after the party has been declared a bankrupt, yet the trader cannot make that payment before he goes into bankruptcy without committing an act of bankruptcy.

Mr. CAMERON of Wisconsin. That is a very important statement, and I would inquire of the Senator from Massachusetts whether that is the construction which he puts upon this bill?

Mr. HOAR. Certainly not. It is not a preference in violation of this bill to pay a person whom the law says may be paid in full.

Mr. GEORGE. The language of the bill is—

> Or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences.

That is the way the language of the bill is, and you will not find anything in this bill about paying, by the trader, clerks and laborers a sum not exceeding $100.

Mr. HOAR. How is that a preference? The Senator is now criticising language simply. We do not differ on what the effect of the bill ought to be. How is it making a preference to a "creditor as hereinafter defined" to give a portion of the estate to a person who is entitled to it? That is not a preference. That is giving the man his right.

Mr. GEORGE. This is a very curious bill. The very extract I have read shows the Senator from Massachusetts that debtors are not permitted to do what the assignees are permitted to do, for in it we have this extraordinary provision:

> Or makes an assignment for the benefit of existing creditors, with or without preferences.

After the bankruptcy, as I understand, except a few special cases excepted from the operation of the act——

Mr. HOAR. If I may be permitted again to interrupt my friend from Mississippi——

Mr. GEORGE. Of course.

Mr. HOAR. I have too much respect for his legal judgment to suppose that he does not understand what has been a common phrase in bankruptcy legislation for centuries, I have no doubt. What this bill prohibits is the man's undertaking to put his property beyond the reach of the law. If a debtor conveys to his brother or his lawyer or to some irresponsible person his property, to any person whom the law does not authorize to receive and divide it among the creditors in their behalf, the bill says that shall be an act of bankruptcy entitling the law to take it from him and distribute it itself, whether there is contained in that conveyance the principle of equally dividing it or whether there is contained in that conveyance the principle of dividing it so as to have preferred creditors. That is no more than the supreme court of Massachusetts has held—the decisions vary in the country—is a fraud at common law. That is the law, providing that if a man fails his property shall be attached and taken on execution by any creditor. In the absence of any bankrupt law a man who undertakes to put that property out of his own control, where it can not be seized in the mode the law provides, commits a fraud on the legal proceeding, and you may by attachment or seizure on execution set aside that act. This provision in the bill only applies that to the bankrupt law.

Mr. GEORGE. In answer to that I would say that if the creditors get the assets of the party equally it does not make any difference whether it comes through a general assignment to them or whether it comes through the bankrupt law.

Mr. HOAR. But if the Senator will pardon me once more, it makes a good deal of difference there. It makes no difference, it is true, if a man gets his pay how he gets it, but it makes a great deal of difference whether the property of a bankrupt may be put by him into the hands of a person whom the law can not reach, who does not give a bond, who is not subject to constant supervision of the court, whom the creditors can not interrogate or deal with, because it is barely possible that when a man has made such an assignment to such an assignee the creditors will not get the property. Now, what this bill says is not that after the creditors have got it it shall be taken from them if they have not got it in the way the law provides, but the debtor shall not substitute a bankrupt law of his own for the bankrupt law of the country.

Mr. GEORGE. I know the Senator from Massachusetts is not so ignorant of the law as his speech would seem to indicate. The trustees appointed under any assignment are subject and liable to the jurisdiction of the court of chancery from the very moment they enter on their trust. If there is even the slightest deflection from the execution of the trust a court of chancery will remove them, appoint another trustee, and require him to administer the trust estate according to law and according to the terms of the assignment.

I do not want at this stage of the argument to be turned into an argument of that question. I intend to make a motion to strike out "without preferences" when we get to it. I have merely alluded to it to show that the Senator was mistaken in his construction of the bill in asserting that what the law permitted to be done after the adjudication in bankruptcy is permitted to be done before proceedings of that sort are commenced, and I mentioned that to show that he was mistaken in that; that if the bankrupt did the exact thing which was the object of the proceeding to secure, namely, make a fair and equal distribution of his property among his creditors, that in itself was an act of bankruptcy.

Mr. GARLAND. Mr. President, in the first section of the bill there is a definition of what is termed "a trader," and then, in line 34 and from that on to the end of the section, is defined what shall not be a trader. It says the term "trader"—

> shall not include persons who buy goods and merchandise for sale only to their tenants, employés, and laborers, nor who buy to sell again any goods or chattels from such tenants, employés, and laborers, &c.

It is plainly to be seen from that definition which we start with in the bill that the amendment of the Senator from Mississippi, if adopted, will defeat in the beginning the whole purpose of the bankrupt bill. It leaves the door open to a fraudulent transaction on the part of a debtor with an innumerable class of people, and you permit him to do then indirectly what the bankrupt bill says he shall not do directly.

If the Senator from Mississippi will look for a moment he will see that this debtor would necessarily be compelled to owe at least two of the class of persons who are not traders. If he owed two and preferred one, certainly injustice would be done to the other, as great an injustice would be done as if he came within the meaning of the word "trader" as defined by the first part of the bill.

The whole theory of the bill on that point is that when a trader becomes insolvent, as the term is expressed here, he can not make any preference, because from the time he becomes insolvent in theory the bankrupt act takes possession of his estate. It may be some time after that before proceedings are filed, but when they are filed they relate back to the commission of the act of bankruptcy, whether it was the actual occurrence of insolvency or any act of bankruptcy committed.

Now I wish to call the attention of the Senator from Mississippi to the concluding part of this section 33, the proviso commencing in line 49. My judgment is that that proviso will go a long way to remedy the evils he complains of in the remarks he has submitted to the Senate, and that proviso has reconciled me to this feature of the bill. I preferred originally what was called the creditor's bill, as reported by the Senator from Kansas [Mr. INGALLS] at the last session of Congress; but with the discretion given by the proviso commencing on line 49 to the courts to compute the value of the assets of the debtor as compared with his debts and to permit him to go on for a period not exceeding ninety days and see if he can meet his obligations I am satisfied. That provision incorporated in this proviso has reconciled me to the bill, and I think it will go a long way to meet some of the difficulties suggested by the Senator from Mississippi and the difficulties that necessarily arise in an agricultural country such as he and I represent where the people have stated times of the year to sell their crops and receive their money, and do not do, as they do in other places and in other cities, business by the month. They have their annual receipts, if you please, for their crops, and upon those they do their work and carry on their affairs and business.

When the bankrupt act of 1867 first came out the question as to what was insolvency under it was tested in a case brought from the State of Arkansas. It looked to me then as it looks now, that to put a man into

bankruptcy who owed $30,000 and had $50,000 of available assets, if you gave him time to operate upon, almost amounted to cruelty. But yet the Supreme Court held in the case of Toof *vs.* Martin (13 Wallace) that it mattered not how much assets he had, if he failed to pay his commercial paper in the regular course of business after fourteen days and the payment was suspended for that length of time he was insolvent, although he might have had upon his shelf three times the amount of estimated property at least over and above the debt that he was sued for or the debt that he failed to pay.

This proviso goes, I say, a great way to remedy that and to leave these agricultural people some period of time in which to make their arrangements, and so of the merchants who trade in that country and trade upon the capital and credit of those people. It leaves them a proper opportunity to see if they can not under the order of suspension of the court carry on their business and after a while successfully meet their debts.

I think if the Senator from Mississippi will examine it closely he will see that it removes to a great extent some of the troubles that we had formerly and at which he has hinted in his remarks; but I think his amendment breaks down the theory of the bill and opens too wide a door for the frauds that the bill is intended to remedy and to cover in its execution.

Mr. GEORGE. Mr. President, I feel a great deal of interest in the amendment which I have offered. I think probably its adoption will be the test as to whether I shall be able to vote for the bill, and therefore I hope I will be excused for pressing on the consideration of the Senate the views which I entertain in support of it.

In the first place, I wish to call the attention of the Senate to the fact that preferences, which are so much denounced by the Senator from Massachusetts and which incur also the censure of the Senator from Arkansas, are allowed in this bill to everybody except traders. Every farmer, every lawyer, every doctor, every man who is not within the definition of a trader may make his preferences just as he did before the passage of this measure. How is it, therefore, that when this right of preference, recognized by the common law from the very beginning down to this time, and recognized also in this bill as to everybody else except traders, when confined to them alone is to be such a source of fraud in the community? As I said before, a preference does not mean a fraudulent gift; it does not mean a fraudulent assignment. It means a fair and *bona fide* payment or security given, and unless it be such it can be set aside.

As to the position taken by the Senator from Arkansas in regard to the proviso in section 49, with due deference to him I must state that it does not remove, it does not even touch, so far as I can see, the objections which I urged against the bill. The whole scope of that proviso is simply that where a trader has been put into bankruptcy, if it appears to the court that he is nevertheless good and solvent, the court may allow him ninety days in which to prove that fact, although he may have committed some default in the payment of his commercial paper. That is the whole extent of it. It does not allow him during that time to make any payment to anybody which will operate as a preference.

So, calling the attention of the Senate again (for I wish to press that upon their attention) that the doctrine of preferences is not discountenanced by the bill but recognized in everybody except traders, the object of my amendment is the logical sequence of the position in the bill. It does not destroy its theory; it makes it harmonious and consistent to confine these preferences alone to transactions between traders. A trader alone is made guilty of an act of bankruptcy for making a preference, and I want it to be enacted (and I think that is the logical result of that position) that the preference alone shall be to a trader to have that effect.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. SLATER. In line 29 of section 33 I move to strike out "six" and insert "three;" so as to make the clause read:

*Provided*, Such petition is brought within three months after the act of bankruptcy has been committed.

I think that six months is too long a time to be allowed for an act of bankruptcy to run before any advantage is taken of it. Under the old law, if my memory serves correctly, it was four months. I am not sure about it. It ought not to be more than four months, and I think it ought not to be more than three months.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. SLATER].

Mr. HOAR. I hope that will not be adopted. Six months is the old time, if I am not mistaken in my memory.

Mr. CAMERON, of Wisconsin. Six months was the time.

Mr. SLATER. The old law, I understand, was four months. I know in my State of several hardships that were occasioned by the length of time. Three months is long enough.

Mr. HOAR. We are legislating for a people whose commercial transactions extend over very great distances. A manufacturer in Philadelphia sends his product to a merchant in San Francisco or in Oregon, and it is quite difficult very often for a creditor to learn the preferences of a debtor, which are very often secret. Does the Senator find that four months was the time under the old law?

Mr. SLATER. It was six months. I see.

Mr. HOAR. That was my recollection, but I was not confident enough to affirm it positively.

It seems to me that three months would in many cases enable these preferences to go undiscovered. The bill, as the Senator will observe, as in a case of fraudulent concealment under the statute of limitations and similar provisions which are familiar to every lawyer in the Senate, does not make the discovery of the preference nor the concealment of the preference a fact of any importance. It depends on the actual fact, and the limitation begins to run from the fact. It seems to me it would be very unjust to shorten the time by one-half when we consider that the transactions in this country which grow out of the sales of manufactured articles are between persons dwelling thousands of miles apart.

Of course the benefits of the bill, as far as it is a benefit to creditors, applies equally to foreign creditors, to English creditors, to German manufacturers, and to secure some reasonable chance for an equal division of the debtor's estate six months seems certainly a sufficiently brief period. I hope the amendment will not be adopted.

Mr. SLATER. I will modify the amendment, and make it four months instead of three.

The PRESIDENT *pro tempore*. The amendment will be modified accordingly.

Mr. SLATER. The whole trouble and difficulty between the advocates and opponents of a general system of bankruptcy is between the commercial centers and the rural sections of the country. The rural sections of the country do their business on an entirely different plan from that on which business is done in the commercial centers. By the present system of doing business in the commercial centers there is the means of ascertaining the situation of traders in different parts of the country, and they have under a bankruptcy system like this a constant percentage of advantage, while its operation and practical administration amounts in many instances to a complete crushing out of the rural interests. It is to that point that I would direct attention, and to save the rural interests from being overslaughed while giving what is just and proper to the commercial centers. Those doing business in New York and the other great cities of the country ought to have some means whereby to protect themselves, but in giving that protection to them we should be careful not to give them so large a percentage of advantage.

Mr. HOAR. I merely wish to observe that the Senator's last statement is largely met by the consideration that the bill differs from that introduced last year and also from the bankruptcy act of 1867 when it was in force, the bill not applying to anybody but traders, so that in all the rural communities nobody but a trader will be affected by it.

Mr. ALDRICH. I observe that the time fixed by the act of 1867 was six months.

Mr. SLATER. Yes, I learned that afterwards.

Mr. ALDRICH. I never heard of any complaint from any quarter as to the length of time.

Mr. SLATER. I will say to the Senator from Rhode Island that in the Western States, in sparsely settled sections, the operation of laws of this kind is necessarily more harsh in rural sections than in a densely populated section of the country, and consequently the percentage of advantage to a merchant doing business in the commercial centers is very much greater than it would be west. In my State there was almost a universal sentiment against a bankruptcy law, but lately the sentiment has somewhat changed. Our commercial men are in favor of it, and are anxious to have a bankruptcy law; and this bill is very much less harsh than the one which was before the last Congress.

Mr. ALDRICH. I should think in sparsely settled portions of the country a longer time would be necessary than in commercial communities. It would seem to me that they would require a longer time within which to file their proceedings.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Oregon. [Having put the question.] The Chair is in doubt; he will put the question again. [Having again put the question.] The Chair will be obliged to divide the Senate; it is impossible to determine by the sound.

There were on a division—ayes 7, noes 16; no quorum voting.

Mr. HOAR. I hope the Senator will withdraw the amendment. He can move it again in the Senate.

Mr. SLATER. I withdraw the amendment.

The PRESIDENT *pro tempore*. It appears that there is no quorum present. If there be no objection——

Mr. PLATT. Let us have the yeas and nays upon agreeing to the amendment.

The PRESIDENT *pro tempore*. The yeas and nays are demanded. Is there a second?

The yeas and nays were ordered, and the Secretary called the roll.

Mr. CONGER. I desire to announce that my colleague [Mr. PALMER] is paired with the Senator from Ohio [Mr. PENDLETON] for whatever time he is absent.

Mr. BECK. I wish to announce that, being engaged in the Committee on Appropriations, I am paired with the Senator from Maine [Mr. HALE] upon all questions connected with this bill.

Mr. COKE. I wish to state that my colleague [Mr. MAXEY] was called home on business and will be absent for some time. He is paired with the Senator from Massachusetts [Mr. DAWES].

Mr. DAWES. I stand paired with the Senator from Texas [Mr. MAXEY] at any time when his colleague thinks that he would desire me to be so paired. I shall refrain from voting upon this question.

The result was announced—yeas 14, nays 28; as follows:

YEAS—14.

| | | | |
|---|---|---|---|
| Brown, | George, | Jonas, | Slater, |
| Call, | Groome, | Morgan, | Voorhees. |
| Coke, | Harris, | Pugh, | |
| Farley, | Jackson, | Saulsbury, | |

NAYS—28.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Ingalls, | Platt, |
| Allison, | Frye, | McMillan, | Plumb, |
| Bayard, | Garland, | Manderson, | Riddleberger, |
| Blair, | Hampton, | Miller of N. Y., | Sabin, |
| Cameron of Wis., | Harrison, | Mitchell, | Sawyer, |
| Conger, | Hill, | Morrill, | Sherman, |
| Dolph, | Hoar, | Pike, | Wilson. |

ABSENT—34.

| | | | |
|---|---|---|---|
| Anthony, | Dawes, | Lamar, | Ransom, |
| Beck, | Fair, | Lapham, | Sewell, |
| Bowen, | Gibson, | Logan, | Vance, |
| Butler, | Gorman, | McPherson, | Van Wyck, |
| Camden, | Hale, | Mahone, | Vest, |
| Cameron of Pa., | Hawley, | Maxey, | Walker, |
| Cockrell, | Jones of Florida, | Miller of Cal., | Williams. |
| Colquitt, | Jones of Nevada, | Palmer, | |
| Cullom, | Kenna, | Pendleton, | |

So the amendment was rejected.

Mr. SAULSBURY. In section 33, line 11, I move to strike out all after the word "intent" down to and including the word "payable," in line 17, in the following words:

Or who, being actually insolvent, suffers his property to be seized on execution, and fails within twenty days thereafter to redeem the same from such seizure; or has suspended and not resumed payment of his commercial paper or open accounts, made, passed, or contracted in the course of his business, for a period of thirty days after the same were payable.

The section applies to traders who have been guilty of fraud. The words which I seek to strike out do not impute any fraud and ought not to be applied to persons who have been guilty of fraud, but simply because of their inability to pay their debts, as for instance if a man suffers an execution upon his property and does not release the execution and pay it in twenty days, it is made a cause of involuntary bankruptcy.

The language which I propose to strike out assigns causes for involuntary bankruptcy. I am opposed to the assignment of anything as a cause for involuntary bankruptcy unless there is fraud. A man's poverty ought not to be made the subject of a cause for involuntary bankruptcy. He may be poor, he may be actually insolvent, yet struggling to pay his creditors; and I think a man in those circumstances ought to have some chance in life as well as other men. Wherever there can be fraud traced to and fixed upon a debtor I am perfectly willing that his creditors shall then proceed against him and throw him into bankruptcy; but unless there are some instances of fraud, something that impeaches the honesty of the man, I am not disposed myself that he shall be cast into involuntary bankruptcy. For that reason I have moved to strike out those words. If a man owes a book account to a merchant, to a blacksmith, or to a mechanic, thirty days after it is payable it becomes a cause of involuntary bankruptcy under this section. There are a great many honest men who might be thrown into bankruptcy under that provision, and I am therefore opposed to the clause and move to strike it out.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

Mr. HOAR. The first part of the passage proposed to be stricken out would not ordinarily affect the debtor whom the Senator from Delaware seems to commiserate. That is put in to prevent a creditor from getting an attachment or execution and getting the whole of the debtor's property, and getting all he sees against the other creditors, getting an advantage. Certainly it can make no difference to a debtor whether his property is taken on execution and sold by a single creditor, which the Senator proposes not to have interfered with by a bankruptcy law, or whether it is divided properly and fairly among his creditors, with this exception, that as the Senator wants to leave the law the debtor's property is taken by the sheriff, sold, and he does not get a discharge from anything except so far as the particular debt is paid or the execution satisfied by the seizure or execution; the other creditors do not get anything and their debts are not discharged; whereas under the bill, if the debtor after twenty days does not redeem his property from execution, then it is taken and divided equally among the creditors, and if he is honest he is discharged from all his debts.

So it seems to me it is a singular sympathy which my friend from Delaware is manifesting when he moves to strike out that part of the section. The other part relates to a distinct matter, and of course relates only in the case of commercial accounts or paper to what is called suspended payment. When the debtor for thirty days has suspended payment, then the creditors may see that the property is divided instead of it all going to a single creditor, subject, however, to a later provision, to which the Senator from Arkansas called attention. It is not necessary for me to repeat what he said. But even in that case or in any of these cases if the debtor comes in and says, "I hope and expect to make payment before a certain time," and the court finds there is a reasonable possibility, it may give him ninety days more to manage his business and settle up.

Mr. SAULSBURY. In reference to a debtor whose property has been seized on execution, there are many honest men who are a little embarrassed in their circumstances, and some creditor has issued an execution for the purpose of making himself safe, not for the purpose of closing the man out, but simply that he may have a lien upon the man's property. The man perhaps would not be closed out by the sheriff upon that execution. It is simply the effort of the creditor to secure himself, without any intention whatever of interfering any further with the debtor. He is willing to give him a chance to pay his debts, but simply desires to secure himself by a lien upon his property. Hundreds of men who have been under execution have been indulged by their creditors, and have been ultimately enabled to relieve themselves from their embarrassment, and instead of being thrown into bankruptcy have been able to adjust their debts and to continue their business. But under this provision, if some unfeeling creditor, for the purpose of securing his claim or otherwise, issues an execution against his debtor, at once the man becomes a bankrupt, and may be proceeded against and thrown into involuntary bankruptcy by his other creditors.

I have no doubt that the honorable Senator who has charge of this bill has himself in the course of his life stepped up and assisted debtors under execution and advanced the money to relieve them from the particular execution in order that they might continue their business. It is the experience of almost every man who has done any business whatever that he sometimes finds an honest debtor who is being pressed perhaps with an execution upon his property, and he will advance the money and pay his execution for him. But the provision of the bill is, if the man could not find a friend to do that within twenty days, if the execution creditor was willing to let the execution remain and not push it and close it out, it becomes a case of involuntary bankruptcy. That is a very harsh measure toward an honest debtor.

Wherever you can trace fraud in the transaction of the debtor I am willing that his creditors shall have the benefit of this measure and proceed against him; but poverty is no crime, and I am unwilling that any man who is an honest man, however poor he may be, shall be thus placed at the mercy of his creditors.

I therefore hope that my motion to strike those words from the bill will prevail.

Mr. GARLAND. Before the Senator takes his seat I wish to call his attention to a fact. I think he has omitted in his remarks to notice what are really the words upon which this whole matter turns: "Or who, being actually insolvent." In the case that he instances of a man who is not insolvent, of course he would not be declared bankrupt; they would not compel him to go into bankruptcy. The theory is, as I said before on another proposition, that the party is actually insolvent. He can not make any preference and he can not suffer his property to be disposed of, because the law already seizes hold of it to distribute it equally among his creditors.

Mr. BAYARD. That must be a condition-precedent.

Mr. GARLAND. Of course. The former act read "or who being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency;" but here we put it down to actual insolvency, "who, being actually insolvent." I think the Senator from Delaware probably has failed to notice the words I have alluded to here. It is a condition-precedent, and when that occurs of course the creditors ought to be permitted to have the debtor's property which has been seized on execution and kept under execution for twenty days.

Mr. SAULSBURY. I should like to ask the Senator from Arkansas what he means by an insolvent. Does he mean a man who has been judicially decided to be insolvent, or does he mean a man who has been in such circumstances that by general repute it is known that he is unable to pay his debts? I did notice the words quoted by the Senator, and I see that those words apply to a man who may be in such embarrassed circumstances that he can not pay his debts just at that particular time. That is the class of men I am seeking to relieve. If the man has been judicially determined to be insolvent, that is another question. Why do you not put those words in if that is the object you have in contemplation? If the purpose is to declare that every man who is unable to liquidate his debts at a particular moment is insolvent, then I say it is a harsh measure against that class of debtors and to that I am opposed to it.

If the Senator will incorporate the words "who being judicially declared insolvent by some proceeding in court," I shall have no objection to the clause; but if you are to leave it upon the general estimate that the man is insolvent because he is not able to pay his debts at a particular moment I am opposed to it; for there are hundreds and thousands of men in this country who, if called upon to pay their debts

to-day, could not do it; if they had an execution upon their property they could not discharge it unless some friend stepped forward to relieve them. But yet you make that kind of a man subject to the creditors who see proper to proceed against him and throw him into bankruptcy.

It is to that provision I am opposed, and I shall vote certainly myself to strike out those words. In fact I shall vote for no measure that seeks to put any class of men who have not been guilty of fraud at the mercy of their creditors to throw them into involuntary bankruptcy. If you carry fraud home to any debtor where he has sought to defeat the collection of honest debts by fraudulent practices, I am perfectly willing that his creditors shall have all the remedies they can against him, but I shall not vote to make poverty a crime, punishable by this kind of a proceeding.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

The amendment was rejected.

The PRESIDING OFFICER. Unless there are further amendments to this section the reading of the bill will proceed.

Mr. GEORGE. There are some other amendments to be offered to section 33. I was waiting for some other gentleman to proceed. I know there are some others to be offered besides the one I am going to offer now, as they are not here to present their amendments at this time.

The PRESIDING OFFICER. The Chair is informed that the Senator from Alabama [Mr. MORGAN] gave notice of an amendment to the pending section.

Mr. GEORGE. Yes, sir; he wishes to offer an amendment to it.

The PRESIDING OFFICER. The Senate can return to the section at any time.

Mr. HOAR. I shall for one consent to that. The amendment of the Senator from Alabama I suppose is his amendment about speculating in futures?

Mr. GEORGE. Yes, sir.

Mr. HOAR. It can be put in the bill anywhere almost, in one place as well as another, if put in at all, which I hope it will not be. I will for one consent when we get to the end of the bill that the Senator from Alabama may go back and move his amendment to this section if he prefers to have it offered here, so as not to lose the time now.

Mr. GEORGE. I have two other amendments to offer to section 33 and two to offer to section 34, all of which I deem important. I did not desire to offer them until after the Senator from Alabama had offered his amendment.

Mr. HOAR. I suggest that the Secretary read on. There are a good many sections coming now that it is not likely will be sought to be amended. Let the Senator go back when we get to the end of the bill.

Mr. GEORGE. I should like to go back to the sections on involuntary bankruptcy.

Mr. HOAR. We can go back when we get to the end of the bill.

The PRESIDING OFFICER. Section 33 will be passed over with that understanding.

Mr. HOAR. The Senator will understand that if anybody does object, he has his rights again in the Senate, so that he will be perfectly protected.

Mr. GEORGE. I desire to have consent to come back to these involuntary bankruptcy provisions.

Mr. HOAR. I shall not object.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill at section 34 and read to the end of section 39.

Mr. BAYARD. I submitted privately to the Senator in charge of the bill yesterday an amendment, to come in at lines 4 and 5 of section 39. At present it requires one-fourth in value and number of the known creditors to enable the judge to appoint a trustee where there is a failure to select one. A gentleman of great experience in the city of Philadelphia, who held the position of register in bankruptcy, has made what I think is a very sensible suggestion, and that is to dispense with the fraction of one-fourth in value and number of the known creditors and allow the judge upon the request of any creditor to appoint a trustee where there has been a failure to elect one. His language in writing upon this subject is as follows:

> It happened under the act of 1867 that in very many cases where there were no assets creditors would fail to attend a meeting called to make the choice of assignee or trustee, or refuse to vote or take any part in the election. In such cases under the old law the register or the court would appoint. In the present bill it would seem that before the judge can appoint in case of failure, it requires that one-fourth of the creditors should make the request.

Therefore, in section 39, lines 4 and 5, I move to strike out the words "one-fourth in value and number of all known creditors," and to insert the words "any creditor;" so as to read:

> And upon request of any creditor the judge may appoint a trustee when there is a failure to elect one or a refusal to accept the trust.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. BAYARD].

Mr. HOAR. I hope that amendment will be adopted. I think it is reasonable. The sentence which has occasioned the amendment about appointing a trustee where there is a failure to elect was transferred to another place, and that is the way it happened to be in there.

Mr. HARRISON. I wish to suggest whether if the words are stricken out, as proposed by the Senator from Delaware, the effect will not be to put it in the power of the judge to appoint the trustee where the trustee chosen by the creditors refuses to accept. I am sure it would. Suppose a trustee has been chosen by the creditors who is interested in the estate and he refuses to accept?

Mr. BAYARD. If the Senator will read line 6 I think his criticism will be answered. It is only in case where there is a failure to elect or a refusal to accept the trust.

Mr. HARRISON. Precisely; and the point I make is that at a properly constituted creditors' meeting a trustee may be chosen, and if he refuses to serve, is it right to deprive the creditors of the right, in case they choose to select another, to make that selection, and to commit the whole matter to the judge? I agree with the Senator that where the creditors do not take interest enough in the matter to choose a trustee they ought not to defeat the proceedings and the judge ought to be allowed to appoint, but if they have chosen one and he refuses, I think they ought to be allowed to choose another.

Mr. BAYARD. I apprehend, if the Senator pleases, that there should be a harmony in the two interests which a judge would certainly respect, and as the power to choose the assignee is vested in the majority of the creditors in number and value already, that he would not against their wish make such an appointment. But this is really to provide for cases of what I may call apathy or indifference on the part of creditors. I think it is practically a wise amendment.

Mr. HOAR. I will suggest, after this is adopted, an amendment which will cover the point made by the Senator from Indiana: that is, to make it read that the judge may appoint a trustee when there is a failure to elect one, or a refusal to accept the trust and a subsequent failure to elect at the same meeting. That will come in later.

The PRESIDING OFFICER. The question now is upon the motion of the Senator from Delaware [Mr. BAYARD] to strike out and insert.

The amendment was agreed to.

Mr. HOAR. To meet the point made by the Senator from Indiana [Mr. HARRISON], after the word "trust," in line 7, I move to insert the words "and a subsequent failure to elect by the creditors;" so as to read:

> And upon request of any creditor the judge may appoint a trustee when there is a failure to elect one, or a refusal to accept the trust and a subsequent failure to elect by the creditors.

Mr. WILSON. I suggest to the Senator from Massachusetts that he extend the amendment a little by making it read "and a subsequent failure to elect by the creditors within a time to be fixed by the judge."

Mr. HOAR. Very well; there is no harm in that, though I think the judge would give it that construction. Of course the subsequent time to elect would be a reasonable time, probably at the same meeting. There is only one meeting where they can elect; therefore, under the bill without putting in that language, if the meeting terminates without electing a new one, that is a subsequent failure to elect; they can not elect at a subsequent meeting under the law.

Mr. WILSON. But they might not be able to agree at that meeting.

The PRESIDING OFFICER. Does the Senator from Massachusetts adopt the suggestion of the Senator from Iowa?

Mr. HOAR. I will accept the suggestion.

The PRESIDING OFFICER. The amendment as modified will be read.

The CHIEF CLERK. In section 39, line 7, after the word "trust," it is proposed to insert:

> And a subsequent failure to elect by the creditors within a time to be fixed by the judge.

So as to read:

> And upon request of any creditor the judge may appoint a trustee when there is a failure to elect one, or a refusal to accept the trust and a subsequent failure to elect within a time to be fixed by the judge.

The PRESIDING OFFICER. The question is on the motion to insert the words just read.

The amendment was agreed to.

Mr. HOAR. Section 39 should also be amended by inserting a semicolon at the end of the first line, after the word "trustee." The omission is a mistake of the printer.

The PRESIDING OFFICER. The clause will be so corrected if there be no objection. The reading of the bill will proceed.

Section 40 was read.

Mr. HARRISON. The word "adimssion," in line 6, is a mistake. It should be "administration."

Mr. HOAR. There is a misprint.

The PRESIDING OFFICER. The correction will be made.

Mr. HARRISON. I am not sure that that makes it right.

Mr. HOAR. It is a misprint. It should be "admission" instead of "adimssion."

Mr. HARRISON. The "allowance?"

Mr. HOAR. The allowance.

The PRESIDING OFFICER. Is the language right?

Mr. FRYE. The word is spelled wrong; that is all.

Mr. HOAR. It is a misprint. I think the word "allowance" would be better, so as to read "the allowance of debts."

The PRESIDING OFFICER. The Senator from Massachusetts suggests that the word "adimssion," in the sixth line, be changed to "allowance." The change will be made if there be no objection. It is so ordered.

Mr. HOAR. In line 22 of section 40 three words are omitted by mistake of the printer, the words "of such trustee" after the word "duty." It should read:

And it shall be the duty of such trustee to conform to such directions unless the court for some just cause otherwise orders.

The PRESIDING OFFICER. The words "of such trustee," in the twenty-second line of the fortieth section, will be inserted unless there be objection. The reading of the bill will be resumed.

The Chief Clerk read sections 41 and 42.

Mr. GEORGE. I wish to ask the Senator from Massachusetts whether in the latter part of section 42, where it avoids all liens, charges, or incumbrances, all attachments and everything of that sort, if a party who is not subject to involuntary proceedings should make any of these assignments or suffer any of these liens or judgments which would be good at the time under this proposed law, whether if he afterward applies in an involuntary proceeding in bankruptcy it would avoid those things?

Mr. HOAR. I so understand it, that a lien occasioned by a mere suit would ordinarily be the thing which would make it the duty of the debtor as an honest man to go into bankruptcy to prevent the preference of a single creditor.

Mr. GEORGE. He might have taken a different view of honesty from that under the law allowed him. I simply wanted to know what meaning was attached to it.

Mr. HOAR. I understand that. It dissolves the attachment.

The PRESIDING OFFICER. The reading of the bill will be continued.

The Chief Clerk read section 43 to section 48, inclusive.

Mr. HOAR. In the second line of section 48 the word "trustees" should read "trustee."

The PRESIDING OFFICER. That correction will be made.

The Chief Clerk resumed the reading of the bill and read sections 49 to 55, inclusive.

Mr. HOAR. There was a change made in section 46, at the suggestion of the Senator from Delaware [Mr. BAYARD] and the Senator from Iowa [Mr. WILSON], authorizing the judge to appoint in the case of failure to elect by the creditors, or in case of refusal of the person elected, and a failure to make a new election within the time fixed by the judge, which implies that the judge might authorize a new election at a later meeting. That requires a change in line 5 of section 46 which I did not observe at the time. The Senator from Iowa has called my attention to it. I ask unanimous consent, in line 5 of that section, after the word "chosen," to strike out the words "at the first meeting" and to insert the words "by the creditors;" so as to read:

And this whether he is chosen by the creditors, or appointed by the judge or commissioner, or fills a vacancy.

I suppose there will be no objection to that amendment.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to strike out and insert certain words which he has indicated in section 46. Is there objection? There being no objection, the Senate returns to section 46, and the question is on the motion to strike out and insert.

The amendment was agreed to.

Mr. GEORGE. I wish to call the attention of the Senator from Massachusetts to an amendment that I desire to offer in section 55, line 19, after the words "twelve months." With a view of preventing the sacrifice of real estate, especially in the South, I propose to add the words:

Or in three years, if the court shall think it best for the interest of the creditors.

I wish to state to the Senator from Massachusetts and to the Senate that sales of real estate in the South are usually made entirely on credit of several years, or part cash and the balance payable in one, two, and three years; and if real estate is put up at a judicial sale on as short a credit as that named in the section it would not bring one-half of its value. That is the object of the amendment I offer.

Mr. HOAR. How much do they give in the Senator's State when the sheriff sells it?

Mr. GEORGE. They give very little.

Mr. HOAR. How much time?

Mr. GEORGE. None. It is a cash sale.

Mr. HOAR. I would suggest to the Senator that three years is a very long time for keeping the entire bankruptcy proceedings open. It is better in nine cases out of ten, if there happens to be a piece of real estate that would be sacrificed, to have it sacrificed than to keep the bankruptcy proceedings open for three years. To keep the proceedings open even as long as this bill provides, twelve months, has occasioned criticism.

Mr. GEORGE. I wish to say in reply to that that the amendment I offer leaves it entirely to the discretion of the judge, who shall first decide that it is best for the interest of the creditors. The language I propose is:

Or in three years, if the court shall think it best for the interest of the creditors.

I am sure if the amendment is not adopted there will be a very great sacrifice in the sales of real estate in the South.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. HOAR. I suggest a mere grammatical change, to read a little better, in line 11 of section 55, where it says "the trustee shall mail a notice thereof to each creditor of the time and place of sale," to change the sentence so as to read, "the trustee shall mail to each creditor a notice of the time and place of sale." It is rather an awkward sentence. The amendment does not change the meaning.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The Secretary read sections 56, 57, and 58.

Mr. HARRISON. I ask the Senator from Massachusetts whether the word "in," after "reckoned," in line 10 of section 58, is not surplusage?

Mr. HOAR. Yes, it is; it should be stricken out.

Mr. GEORGE. I desire to offer an amendment to section 58.

The PRESIDING OFFICER. The Senator from Mississippi will suspend for one moment. An amendment is pending.

Mr. GEORGE. I thought that was disposed of.

The PRESIDING OFFICER. The amendment suggested by the Senator from Indiana will be reported.

The SECRETARY. In section 58, line 10, it is proposed to strike out the word "in" after "reckoned;" so as to read:

But the time which elapses between the filing of the petition and the appointment and qualification of the trustee shall not be reckoned against him.

The PRESIDING OFFICER. That amendment will be made if there be no objection.

Mr. GEORGE. I move to insert in line 8, section 58, after the word "appointed," the words "nor extend the time of limitation in such case." The provision now reads in this way:

This provision shall not in any case revive a right of action barred at the time when a trustee is appointed.

And the amendment is—

Nor extend the time of limitation in such case.

Mr. HOAR. I do not see any objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. GEORGE. In order to carry out that idea, I move, in line 10, after the word "trustee," to insert "first qualified."

Mr. HOAR. That simply expresses in words what I suppose would be held to be the meaning of the sentence without it. I have no objection to the amendment.

The amendment was agreed to.

Mr. GEORGE. I suggest now whether it would not be better to strike out the words "against him," at the close of line 10 and beginning of line 11, and say "shall not be reckoned" against any one.

Mr. HOAR. There is no reason why that time should be deducted as against the other party. The other party is not under any disqualification.

Mr. GEORGE. I have another amendment to offer: at the end of the section to insert "except in cases of concealed fraud;" so as to read:

The trustee shall be allowed to cancel his bond immediately upon favorable review of his administration by the court; and any and all actions against said trustee shall be barred by the final adjustment of the estate, except in cases of concealed fraud.

Mr. HOAR. That of course reopens the entire estate. I suppose the object was to meet in this law the difficulty which the Senator from Kansas complained of in the other and which he introduced a special bill at the last session to meet, and that is the keeping these bankruptcy matters forever open, undisposed of. The idea was to have some time when as against all mankind this thing is closed, when the bondsman has no further responsibility for his principal, and when nobody can come and bring all the creditors and all this machinery back again into court. Whether it would not be better on the whole to adhere to the strict limitation of the bill I am not quite sure. I do not think the Senator's amendment will do any harm.

Mr. FRYE. It is not against the bondsman.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

Mr. GEORGE. The object is that where the trustee shall confessedly conceal fraud in the settlement of his accounts, there shall be no bar until there is a discovery of the fraud.

Mr. HOAR. I do not object if the Senator insists on it.

Mr. HARRISON. I suggest to the Senator from Mississippi that if

the amendment he has proposed be adopted, the ordinary rule that the statute would begin to run from the discovery of the fraud would not apply; but in the case of a concealed fraud there would be no limitation at all.

Mr. GEORGE. I think the statute would commence running from the time the fraud was discovered. That is the ordinary rule.

Mr. HARRISON. I know it is the ordinary rule; but we are adopting here a special statute of limitation, and unless that is incorporated here I should think it would not be the rule, but that there would be no limit at all.

Mr. GEORGE. Does the Senator suggest that that ought to be expressed as a part of the amendment?

Mr. HARRISON. I think it ought to be expressed that it should not be brought longer than two years or one year after the discovery of the fraud.

Mr. GEORGE. I will put it one year after the discovery of the fraud.

Mr. HOAR. I think six months would be long enough.

Mr. GEORGE. Very well; I will put it at six months:

And the time of six months is allowed after the discovery of the fraud.

The PRESIDING OFFICER. The Senator from Mississippi modifies his amendment. The amendment will be reported as modified.

The SECRETARY. It is proposed to add to section 58:

Except in cases of concealed fraud, and in such cases the time of six months is allowed after the discovery of the fraud.

Mr. HOAR. Say "in such cases such actions may be brought within six months from such discovery."

The PRESIDING OFFICER. The amendment as reported does not carry out the idea.

Mr. GEORGE. Very well, let it be modified by adding "in which such action may be brought."

Mr. FRYE. That is not needed.

The clause now reads:

And any and all actions against said trustee shall be barred by the final adjustment of the estate.

And then to add "except in six months after discovery of the fraud" is all that is necessary to secure a bar in six months after discovery.

The PRESIDING OFFICER. The Senator from Mississippi will reduce his amendment to writing, and the next section will be read meanwhile.

Mr. GEORGE. Very well.

Section 59 was read.

Mr. GEORGE. Referring back to section 58 I offer my amendment in this form; I move to add to the section:

Except that in cases of concealed fraud actions may be commenced within six months after the discovery thereof.

The amendment was agreed to.

Mr. HARRISON. I want to ask the Senator from Massachusetts as to the effect of the last clause of section 59:

In case of the refusal of the court to grant a discharge to any bankrupt, the proof of debt filed in such proceeding shall be considered, for all intents and purposes, as a judgment roll, and like proceedings may be had for the collection of such debt, less the amount paid thereon for dividends, as in the case of an ordinary judgment.

I suppose the intention was that the proofs of debt in these cases should be treated as a judgment entered against the debtor for that amount; but, if so, I submit that the bill ought to have some provision for putting them upon the more permanent records of the court as judgments, because if the proceedings under this bill are like those under the bankrupt law of 1867 those proofs are in paper; there is no judgment docket made up of the allowances with any date and amount. It seems to me if that provision is retained there ought to be some provision made for transferring them to the judgment docket of the circuit or district court, so that they would be accessible to those who inquire for liens against the property of any person; and there ought also to be some provision as to the relative date from which these liens were to be calculated; that is, whether a proof made to-day of a claim takes precedence as a judgment of this date against proof made to-morrow or next day in the course of the bankruptcy proceedings. It seems to me that that provision is left indefinite and that it ought to have some such provision as I have suggested.

I am sure it will lead to great trouble if proofs are made under this bill (and I am not familiar enough with it to know whether they are), and the records are kept as they were under the former law, and you treat the claims allowed as judgments of the United States courts. Unless provision is made for some judgment record and unless some definite regulation is made as to the date from which they are to operate as liens, I see no reason why, if they are to be treated as judgment liens, they should not all be treated as of one date, and perhaps the date of the decree refusing the discharge, or some such provision.

Mr. HOAR. The suggestion of the gentleman from Indiana certainly is a very weighty one. The operation of this law is, of course, to suspend all the ordinary methods of proceeding for the collection of debts by the creditor. His suit is dismissed on motion in any court of the United States, either State or national, and he is prohibited from bringing his suit. It is an answer to the suit that these proceedings are pending. That being the case, suppose the debtor does not get his discharge, the creditor ought not to have the statute of limitations running against him while he could not lawfully prosecute his suit. Perhaps it has been the only thing that has saved the statute of limitations, and he has been dismissed from the court in consequence of the provisions of this bill. So the idea of this section is that there should be a judgment, that the proof should itself operate as a new judgment for the amount proved. Of course in many cases there would be a partial dividend, which would reduce the amount. I do not know how it may be in other parts of the country, but in all the bankruptcy proceedings that I have had any experience with, and I rather think that will prove to be true everywhere, there is drawn off in the United States courts a sheet, which is preserved by the clerk of the court, containing the list of debts proved and the amount.

Mr. HARRISON. But it does not go upon any judgment docket; it is not indexed; it is not put in shape for convenient ascertainment by those who are searching the records for title.

Mr. HOAR. But I was coming to that presently. The creditor of course will know whether he has proved his claim, and he will know where to go to find this new judgment; but we have no experience in our part of the country of a condition of things where a judgment itself is a lien. There is no such thing as a judgment lien in any New England State or in any Eastern State so far as I am aware at the present time. When the execution is issued and the sheriff seizes any particular piece of real estate he makes a record of his seizure in the office where deeds are recorded, where all titles are recorded, so that this section needs no amendment or addition so far as any community with which I am familiar is concerned.

But the Senator reminds me, what I did not think of before, that there are States in the Union where the mere entry of a judgment operates as a lien upon all the debtor's land within the jurisdiction of the court. That is a defect in the bill. It should have been foreseen. I did not foresee it. So I think it would be better to reserve the section and have an amendment, carefully considered, something like this: requiring the creditor proving his debt, if he desires to make it a lien upon the debtor's estate, to cause it to be entered on the docket of the court as ordinary judgments. Of course it is no improper burden on him; and then some reasonable provision that a man whose claim is proved to-day shall not have a lien in preference to the man who proves his to-morrow. I would like, however, before dealing with this question, to ask the Senator does a judgment in his State operate as a lien on after-acquired real estate?

Mr. HARRISON. The question of priority as to after-acquired real estate would be settled by the levy of the execution after it operates.

Mr. HOAR. Is it a lien?

Mr. HARRISON. Yes, it would become so.

Mr. HOAR. That is, suppose I have not a dollar of real estate in the State of Indiana and the Senator gets a judgment against me, and I inherit twelve months hence a piece of real estate in Indiana, does that judgment without any other proceeding become a lien?

Mr. HARRISON. Undoubtedly it becomes a lien from the very date that the title vests in the case supposed by the Senator; but if there were two judgments against the Senator the question of priority would be settled by the earliest levy.

Mr. HOAR. Of course all the existing real estate of the debtor goes into the bankruptcy proceedings and all liens on that are dissolved by the bankruptcy proceeding. So if you give the creditor a right to have his claim indexed in the judgment docket, if he sees fit at any time, there is no occasion for any provision as to priority between two creditors unless the judgment of to-day operates as a lien on future-acquired real estate, which I did not suppose it would, but the Senator knows better than I do about that. I understand the Senator to say that it does.

Mr. MILLER, of California. It certainly does in my State.

Mr. HOAR. If that be true in any State of the Union there ought to be a carefully prepared addition to this section to provide for that case. If the Senate will consent to reserve the section I will ask the Senator from Indiana to prepare an amendment.

Mr. HARRISON. I would rather the Senator from Massachusetts, who has charge of the bill and who can preserve its relations better than I, should do so; but I want to make an additional suggestion to him: It seems to me that the better way would be to provide not upon suggestion or motion of the creditor, but to provide absolutely in such cases that the debts unpaid and proved against the bankrupt should be transferred to and entered upon the judgment docket of the court. I think it would be better, then, in order to settle these questions of priority, that they should be really treated as one judgment, and that anything realized from execution thereafter should be divided among these unpaid debts against the bankrupt's estate equally, precisely as it would have been if the money had been received and distributed by the trustee. In other words, it is treated as one judgment with a specification of the amount coming to different creditors, and if execution issues it issues for the whole amount, and whatever is realized is divided. It seems to me that is the fairer way.

Mr. HOAR. I suggest that the Secretary proceed with the reading until 5 o'clock, and then I will move an adjournment unless the Senate

desire to remain longer, which is not likely, and I will prepare an amendment to cover the difficulty.

The PRESIDING OFFICER. This section will be passed over, and the reading of the bill will proceed.

Sections 60 to 70 inclusive were read.

Mr. GEORGE. I desire to ask the Senator from Massachusetts a question in relation to section 70. There are some district courts which have circuit-court powers. I desire to know what kind of revision is provided for in cases pending in those courts, or whether there is any.

Mr. HOAR. That depends on the general law as applicable to those courts, as I understand. The Senator from Arkansas [Mr. GARLAND] can answer that question a great deal better than I, because he is familiar with one of those jurisdictions.

Mr. GARLAND. It would depend, as the Senator from Massachusetts has said, on the revisory power generally over those courts. We passed a general law on the 3d of March, 1879, for example, giving the right of review to the circuit judges over those district judges who exercise circuit-court powers. This bill, without some amendment, would be held to refer to that general supervisory power.

Mr. GEORGE. But would there be a supervisory power?

Mr. GARLAND. No doubt of it. That was the opinion of the committee when it had the bill under consideration.

Section 71 was read.

Mr. GARLAND. We are coming now to a point of importance, and I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. It is moved by the Senator from Arkansas that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *April* 15, 1884.

The House met at 12 o'clock m. Prayer by Rev. ALBERT R. STUART, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction of bills and joint resolutions.

There was no objection.

The Clerk read the remainder of the Journal, which as read was approved.

#### BUILDING FOR SIGNAL SERVICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from the Chief Signal Officer of the Army, submitting a plan and estimates for a building for the use of the Signal Service; which was referred to the Committee on Public Buildings and Grounds.

#### UNIVERSITY OF ALABAMA.

Mr. OATES. I ask unanimous consent to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State, and that the bill be brought before the House for present consideration.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

*Be it enacted, &c.*, That 46,080 acres of the public lands in Alabama are hereby granted to the State of Alabama, in addition to the lands reserved to said State by the acts approved April 20, 1818, and March 2, 1819, for the benefit of the University of Alabama, to be applied, as far as may be necessary, to the erection of suitable buildings for said university and to the restoration of the library and scientific apparatus heretofore destroyed by fire, such application to be made in such manner as the Legislature of said State may direct or may empower the trustees of said university to direct: *Provided*, That the State of Alabama shall pay the expenses of agents appointed by the governor thereof to select such lands, to be reimbursed out of the proceeds of the sales thereof.

SEC. 2. That the governor of Alabama may appoint one or more agents to select the lands granted in this act from any public lands within said State not included in some subsisting grant made by the United States; and such agent shall make report of such selections to the Commissioner of the General Land Office, to be approved by the Secretary of the Interior.

SEC. 3. That the provisions of this act shall not apply to any legal subdivision of land to which the right of homestead entry or pre-emption shall have attached in favor of any person who is entitled to such homestead and pre-emption entries, and who is occupying and claiming such subdivision of the public lands in Alabama at the time when such selections are approved by the Secretary of the Interior. And in cases where it is found that such claims are superior to the rights of the State of Alabama herein granted, the said State may select other lands in lieu thereof, and in like quantity, elsewhere in the said State, from the public lands of the United States, so as to make up, as nearly as may be, the total number of acres of land granted in this act to said State.

SEC. 4. That when the selections of said lands are so made, and are approved by the Secretary of the Interior, the title to the same shall vest in the State of Alabama, to and for the use and benefit of said University of Alabama, to be applied first to the uses and purposes declared in the first section of this act, and then to the endowment of said university, and to no other purpose whatever; and patents shall issue to said State for the lands so selected and approved. And the State of Alabama shall by law direct the sale of such lands; and the money arising from such sales shall be paid into the treasury of the State of Alabama; but no expenses that may be incurred in making such sales, after the selections of lands made under this act are confirmed by the Secretary of the Interior and are entered on the township maps of the proper land offices, shall be paid by the United States.

SEC. 5. That the Secretary of the Interior is empowered to make all needful and proper regulations and rules for carrying this act into effect, and for the decision of all questions that may arise as to the right of the State of Alabama to any lands that may be claimed under the provisions of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. The bill is quite a long one, and the subject of it is very interesting. I desire to reserve the right to object until the gentleman from Alabama gives an explanation.

Mr. OATES. If the gentleman from Indiana will withhold his objection and the House will allow me one minute for explanation I think no one would object.

The SPEAKER. Is there objection to the gentleman from Alabama making a brief explanation, the right to object to the consideration of the bill being reserved?

There was no objection.

Mr. OATES. The bill provides for giving to the State University in Alabama 46,000 acres of lands, to be selected from the public lands within the State of Alabama. This is in consequence of the loss and destruction of the buildings there when occupied by the United States troops in 1865. The University of the State of Alabama was a very flourishing institution, and about the close of the war a portion of the Army of the United States came there, and the soldiers occupied the university buildings, which, I suppose unintentionally and probably by accident, took fire and were burned, nearly all of them. The loss by the destruction of the property, in addition to a valuable library of 30,000 volumes, was estimated at $240,000. Since that time the State of Alabama, impoverished as it was, has been as liberal as it could be in contributing money to replace those buildings, but it has not been able to do it. This bill simply grants a portion of the public lands in Alabama to be used in replacing the necessary buildings of the university. The bill has been before the Committee on Public Lands of this House, and has a unanimous report in its favor from that committee. I trust no gentleman will object to it.

Mr. HOLMAN. I have always been opposed to any disposal of the public lands except for purposes of settlement. But inasmuch as the Committee on Public Lands are unanimously agreed in favor of the bill, and as the facts stated by the gentleman from Alabama present a stronger case than usual in behalf of this institution, I do not feel justified in interposing an objection, although I regret to see any measure authorizing a departure from what I think should be the fundamental principle of the Government in dealing with its public lands, that they are not for sale, but that they are designed for homes for the people. Unless this were for the benefit of an educational institution I should object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS THE MISSISSIPPI RIVER AT DUBUQUE.

Mr. HENDERSON, of Iowa. I ask unanimous consent to have the bill (H. R. 450) taken from the House Calendar for present consideration, together with an amendment reported by the Committee on Commerce.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

A bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa."

*Be it enacted, &c.*, That the act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," be amended by striking out of section 2 of said act the words "that the bridge shall be constructed with a suitable ponton draw of not less than five hundred feet in width, located over the main channel of the river," and inserting in lieu thereof the words "that the bridge shall be constructed with a ponton draw or draws of such length and location as shall be ordered by the Secretary of War."

The amendment proposed by the Committee on Commerce was read, as follows:

Add to the bill at the end thereof the following words:

"*Provided*, That said draw or draws shall not be less than four hundred feet in length."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LADIES' WAITING-ROOM.

Mr. BLACKBURN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

*Resolved*, That the Clerk of the House be, and is hereby, directed to purchase the necessary furniture and carpeting for the ladies' waiting-room, subject to the approval of the Committee on Accounts, and to pay for the same out of the contingent fund of the House.

ORDER OF BUSINESS.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I ask unanimous consent to have reprinted——

Mr. CASSIDY. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. ADAMS, of Illinois. I rise to make a privileged report.

The SPEAKER. The gentleman will submit it.

PURCHASE OF WOOD FOR USE OF THE HOUSE.

Mr. ADAMS, of Illinois. The Committee on Accounts unanimously instruct me to report back to the House and recommend the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Clerk of the House be authorized and directed to purchase by private contract and without advertising therefor twenty cords of best oak wood for immediate use of the House of Representatives, said purchase to be made under the direction of the Committee on Accounts, and the wood to be paid for out of the contingent fund of the House.

The resolution was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York. I ask consent, Mr. Speaker——

The SPEAKER. The regular order has been called for.

Mr. COX, of New York. I understand that that has been withdrawn.

The SPEAKER. The Chair recognized the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] when the regular order was demanded.

Mr. CASSIDY. I will withdraw the demand for the regular order for a time.

SUPPORT OF COMMON SCHOOLS.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent that part 2 of Report No. 495 be reprinted. The number already printed has been exhausted.

The SPEAKER. That portion of the report containing the views of the minority?

Mr. JOSEPH D. TAYLOR. The views of the minority on House bill 4980, to aid temporarily in the support of common schools.

Mr. WILLIS. Why not let both parts of the report be reprinted?

Mr. JOSEPH D. TAYLOR. I have no objection to that.

The SPEAKER. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] asks consent that the report of the majority, with the views of the minority, on House bill 4980, to aid temporarily in the support of common schools, be reprinted for the use of the House.

There was no objection, and it was ordered accordingly.

ENSIGN L. K. REYNOLDS.

Mr. COX, of New York. I am instructed unanimously by the Committee on Naval Affairs to ask consent to report back for present consideration Senate joint resolution No. 26, granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, &c.*, That Ensign L. K. Reynolds, United States Navy, be, and he is hereby, granted permission to accept the decoration of the Royal and Imperial Order of Francis Joseph, awarded him by the Austrian Government, in recognition of heroic conduct in saving the lives of the crew of the Austrian bark Olivo, November 24, 1879.

The SPEAKER. Is there objection to the present consideration of the joint resolution which has just been read.

Mr. FINERTY. I object.

Mr. COX, of New York. I hope that I will be allowed to make a statement, as other gentlemen have been heard on their propositions.

Mr. FINERTY. I will hear the gentleman, reserving the right to object.

Mr. COX, of New York. Ensign Reynolds, who is the beneficiary of this little joint resolution, goes off very soon on the Greely relief expedition. That is why the Committee on Naval Affairs recommend immediate action on the joint resolution. The only objection that has been made to it is that this testimonial is a badge of royalty. I have here a letter from the Austrian minister showing that that is an entire mistake.

A year and a half ago Ensign Reynolds, at the Azores, rescued twelve men from the Austrian-Hungarian bark Olivo, at the risk of his own life, by jumping into the sea during a hurricane. His courage has been recognized by our Life-Saving Service, by the Boston and New York societies, and at last by the Austrian-Hungarian Government, who have sent him this medal.

There can be no objection to allowing him to accept this medal. It is not a badge of nobility; it is only a badge of humanity. I therefore ask that before this man departs on his dangerous mission this joint resolution may be passed. It is just the same thing as giving a medal of our own Life-Saving Service.

Mr. ROBINSON, of New York. Those of us who are opposed to all this tomfoolery are willing to allow it to come up if a short time for discussion is permitted; otherwise we must object.

Mr. FINERTY. I am perfectly willing to allow discussion on this subject, as the gentleman from New York has had his say. If he agrees to that, I will not object.

Mr. COX, of New York. How much time does the gentleman desire?

Mr. MORRISON. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for, which is the call of committees for reports. The morning hour begins at 12 o'clock and 30 minutes p. m.

LINCOLN NATIONAL BANK, NEBRASKA.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln; which was placed on the House Calendar, and the accompanying report ordered to be printed.

SIGNAL STATIONS ON NANTUCKET.

Mr. O'NEILL, of Pennsylvania, from the Committee on Commerce, reported back with an amendment the bill (H. R. 3890) to establish signal stations upon the island of Nantucket and submarine telegraphic communication with the mainland; which was referred to the Committee on Appropriations.

BRIDGE OVER WHITE RIVER, ARKANSAS.

Mr. DUNN, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 6264) to authorize the Arkansas Midland Railroad Company to build a bridge over the White River in the State of Arkansas; which was placed on the House Calendar, and the accompanying report ordered to be printed.

SAINT CLOUD WATER-POWER AND MILL COMPANY.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for H. R. 3678, a bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water-Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES MARINE HOSPITAL AT NEW ORLEANS.

Mr. BARKSDALE, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 2211) to construct, maintain, and support a floating ward or hospital in connection with the United States marine hospital at New Orleans; which was referred to the Committee on Appropriations.

AMERICAN PAPERS TO BARGE PIRATE.

Mr. WADSWORTH, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York; which was placed on the House Calendar, and the accompanying report ordered to be printed.

SAC AND FOX INDIAN RESERVATION.

Mr. PERKINS, from the Committee on Indian Affairs, reported, as a substitute for H. R. 5350, a bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CITIZENSHIP OF INDIANS.

Mr. GRAVES, from the Committee on Indian Affairs, reported, as a substitute for H. R. 4057, a bill (H. R. 6659) authorizing the Secretary of the Interior to create a commission to try and to dispose of claims for citizenship in the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Indian Nations; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

KAW OR KANSAS INDIAN SCRIP.

Mr. PEEL, of Arkansas, from the Committee on Indian Affairs, re-

ported back with a favorable recommendation the bill (H. R. 4709) for the payment of Kaw or Kansas Indian scrip, which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

PENSIONS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4911) to pension soldiers and sailors for disabilities in addition to loss of a leg or an arm; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 1652) to grant pensions for service in the Army, Navy, and Marine Corps of the United States during the war of the rebellion; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. MATSON. I ask consent that the minority of the committee have leave to present their views in writing upon the bill just reported.

The SPEAKER. If there be no objection the minority of the committee will have leave to file their views, to be printed with the report of the majority.

There was no objection, and it was ordered accordingly.

ABRAHAM J. REBER.

Mr. STRUBLE, from the Committee on Pensions, reported, as a substitute for H. R. 2025, a bill (H. R. 6660) rerating Abraham J. Reber and granting him arrears of pension; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES H. PLUMMER.

Mr. ROWELL, from the Committee on War Claims, reported back with amendments the bill (H. R. 4442) for the relief of Frances H. Plummer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PROTECTION FROM FIRE IN HOTELS, ETC.

Mr. FIEDLER, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 933) to provide for the better protection of life against fire in hotels and lodging-houses in the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

REFUND OF DISTRICT OF COLUMBIA ASSESSMENTS.

Mr. FIEDLER, from the Committee on the District of Columbia, also reported back adversely the bill (H. R. 2860) making appropriation for the refunding of two-thirds the amount of assessment made under the act of Congress approved July 8, 1870, upon the property-holders owning property on Pennsylvania avenue from First street to Fifteenth street, and Louisiana avenue from the intersection of Four-and-a-half street to Seventh street, in the city of Washington, D. C., during the year 1871, for street improvements on said avenues; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC GARDENS OF WASHINGTON.

Mr. SINGLETON, from the Committee on the Library, reported back adversely the bill (H. R. 1226) for the consolidation of the public gardens of Washington; which was laid on the table, and the accompanying report ordered to be printed.

BARTHOLDI FOUNTAIN.

Mr. SINGLETON, from the Committee on the Library, also reported back adversely the joint resolution (H. Res. 45) providing for the removal and relocation of the Bartholdi fountain; which was laid on the table, and the accompanying report ordered to be printed.

HOMESTEAD-LAW MONUMENT.

Mr. SINGLETON, from the Committee on the Library, also reported back adversely the bill (H. R. 5438) granting lands in aid of the erection of a monument commemorative of the homestead law.

The SPEAKER. If there be no objection, this bill will be laid on the table.

Mr. COX, of New York. I ask that it be placed on the Calendar.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FORBES'S HISTORICAL ART COLLECTION.

Mr. SINGLETON, from the Committee on the Library, also reported back the bill (H. R. 6339) providing for the purchase of Forbes's historical art collection; when the Committee on the Library was discharged from the further consideration of the bill, and it was referred to the Committee on Military Affairs.

STATUE OF JAMES A. GARFIELD.

Mr. SINGLETON, from the Committee on the Library, also reported back a communication from the Secretary of War submitting a letter from Col. A. F. Rockwell, of the United States Army, relative to the statue of James A. Garfield; when the Committee on the Library was discharged from the further consideration of the same, and it was referred to the Committee on Appropriations.

CIVIL SERVICE.

Mr. COX, of New York, from the Select Committee on Reform in the Civil Service, reported back adversely the bill (H. R. 3672) to improve the civil service by relieving the legislative officers from the performance of executive functions; which was laid on the table, and the accompanying report ordered to be printed.

APPOINTMENTS IN CIVIL SERVICE.

Mr. LYMAN, from the Select Committee on Reform in the Civil Service, reported back adversely the bill (H. R. 6186) making persons honorably discharged after service in the Army or Navy of the United States during the late war eligible to certain appointments in the civil service without the examination now required by law; which was laid on the table, and the accompanying report ordered to be printed.

WESTERN DISTRICT OF VIRGINIA.

Mr. TUCKER, from the Committee on the Judiciary, reported back adversely the bill (H. R. 3454) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the district courts for the western district of Virginia; which was laid on the table, and the accompanying report ordered to be printed.

COMMERCIAL TRAVELERS.

Mr. BREWER, of New Jersey, from the Committee on Manufactures, reported back the bill (H. R. 986) to regulate the commerce between the States pertaining to commercial travelers; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ADDITIONAL MEMBERS OF TERRITORIAL LEGISLATURES.

Mr. LAWRENCE, from the Committee on Territories, reported back with amendments the bill (H. R. 1674) to provide for additional members of the Legislatures of the several Territories and an increase of pay to the members and officers thereof; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING TESTIMONY.

Mr. TALBOTT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That the subcommittee on naval affairs having in charge the inquiry into the Jeannette expedition have leave to print the testimony given before them from day to day for the use of the House and the committee.

Mr. TALBOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of joint resolution (H. Res. 224) granting certain publications to the Cincinnati Loan Law Library, with amendments; in which concurrence was requested.

It further announced the adoption of a resolution to correct an error in the bill (S. 1063) to amend the Revised Statutes relating to the District of Columbia, and for other purposes; in which concurrence was requested.

TARIFF.

Mr. MORRISON. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of revenue bills.

Several members asked for a division on the question.

Mr. ELDREDGE. I demand the yeas and nays.

Mr. KELLEY. I hope there will be no embarrassment interposed to going into the committee, as the point can be made at a later stage after the tariff bill shall be reached.

The SPEAKER. The demand for the yeas and nays is withdrawn, and on the division the ayes seem to have it. It is so ordered.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is in committee for the consideration of revenue bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

The bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. MORRISON. I presume there is no objection to dispensing with the reading of the bill. Therefore I ask, by unanimous consent, that it be done.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. EATON. Mr. Chairman, I object to the consideration of that bill.

Mr. KELLEY. I also object.

The CHAIRMAN. Objection having been made to the considera-

tion of the bill, under the rules the committee will rise and report the objection to the House for its action.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, when objection was made, and the committee accordingly rose, and under the rules he was directed to report the objection to the House.

The SPEAKER. The question before the House on the objection reported from the Committee of the Whole House on the state of the Union is, Shall the committee proceed to consider the bill which has been objected to?

Mr. KELLEY. On that motion I demand the yeas and nays, in order to save time.

The question was taken; and it was decided in the affirmative—yeas 140, nays 138, not voting 44; as follows:

YEAS—140.

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|---|---|---|---|
| Adams, J. J. | Dibrell, | Le Fevre, | Skinner, T. G. |
| Aiken, | Dockery, | Lore, | Slocum, |
| Alexander, | Dorsheimer, | Lovering, | Snyder, |
| Anderson, | Dowd, | McMillin, | Springer, |
| Bagley, | Dunn, | Matson, | Stewart, Charles |
| Ballentine, | Eldredge, | Maybury, | Stockslager, |
| Barksdale, | Ellis, | Miller, J. F. | Strait, |
| Beach, | Evins, J. H. | Mills, | Sumner, D. H. |
| Belmont, | Forney, | Mitchell, | Talbott, |
| Bennett, | Garrison, | Money, | Taylor, J. M. |
| Blackburn, | Geddes, | Morgan, | Thompson, |
| Blanchard, | Graves, | Morrison, | Throckmorton, |
| Bland, | Green, | Morse, | Tillman, |
| Blount, | Greenleaf, | Muldrow, | Townshend, |
| Breckinridge, | Halsell, | Murphy, | Tucker, |
| Buchanan, | Hammond, | Murray, | Turner, H. G. |
| Buckner, | Hancock, | Neece, | Turner, Oscar |
| Cabell, | Hardeman, | Nelson, | Vance, |
| Caldwell, | Hatch, W. H. | Oates, | Van Eaton, |
| Candler, | Hemphill, | O'Neill, J. J. | Wakefield, |
| Carleton, | Herbert, | Pierce, | Ward, |
| Cassidy, | Hewitt, A. S. | Peel, S. W. | Warner, Richard |
| Clardy, | Hoblitzell, | Potter, | Wellborn, |
| Clay, | Holman, | Pryor, | Weller, |
| Cobb, | Houseman, | Pusey, | Williams, |
| Collins, | Hurd, | Reese, | Willis, |
| Cosgrove, | James, | Riggs, | Wilson, W. L. |
| Cox, S. S. | Jones, B. W. | Robertson, | Winans, E. B. |
| Cox, W. R. | Jones, J. H. | Rogers, J. H. | Winans, John |
| Crisp, | Jones, J. K. | Rosecrans, | Wolford, |
| Culberson, D. B. | Jones, J. T. | Scales, | Wood, |
| Davidson, | Jordan, | Seney, | Woodward, |
| Davis, L. H. | King, | Seymour, | Worthington, |
| Deuster, | Kleiner, | Shaw, | Yaple, |
| Dibble, | Lanham, | Singleton, | Young. |

NAYS—138.

| | | | |
|---|---|---|---|
| Adams, G. E. | Foran, | Libbey, | Rice, |
| Arnot, | Funston, | Long, | Robinson, W. E. |
| Atkinson, | George, | Lyman, | Rockwell, |
| Barbour, | Glascock, | McAdoo, | Rowell, |
| Barr, | Goff, | McCoid, | Russell. |
| Belford, | Guenther, | McComas, | Ryan, |
| Bingham, | Hanback, | McKinley, | Skinner, C. R. |
| Bisbee, | Hardy, | Millard, | Smith, |
| Boutelle, | Harmer, | Miller, S. H. | Spooner, |
| Boyle, | Hart, | Milliken, | Spriggs, |
| Brainerd, | Hatch, H. H. | Morey, | Steele, |
| Breitung, | Haynes, | Morrill, | Stevens, |
| Brewer, J. H. | Henderson, D. B. | Muller, | Stewart, J. W. |
| Brown, W. W. | Henderson, T. J. | Mutchler, | Stone, |
| Budd, | Henley, | Nutting, | Storm, |
| Burleigh, | Hepburn, | Ochiltree, | Struble, |
| Cannon, | Hewitt, G. W. | O'Hara, | Taylor, E. B. |
| Chace, | Hiscock, | O'Neill, Charles | Taylor, J. D. |
| Converse, | Hitt, | Paige, | Tully, |
| Curtin, | Holmes, | Parker, | Valentine, |
| Cutcheon, | Hopkins, | Patton, | Van Alstyne, |
| Davis, R. T. | Horr, | Payne, | Wadsworth, |
| Dingley, | Howey, | Payson, | Warner, A. J. |
| Duncan, | Hunt, | Peelle, S. J. | Washburn, |
| Dunham, | Jeffords, | Perkins, | Weaver, |
| Eaton, | Johnson, | Peters, | Wemple, |
| Elliott, | Kasson, | Phelps, | White, J. D. |
| Ellwood, | Kean, | Poland, | Whiting, |
| Ermentrout, | Keifer, | Post, | Wilkins, |
| Evans, I. N. | Kelley, | Price, | Wilson, James |
| Everhart, | Kellogg, | Randall, | Wise, G. D. |
| Ferrell, | Ketcham, | Ranney, | Wise, J. S. |
| Fiedler, | Lacey, | Ray, G. W. | York. |
| Findlay, | Lamb, | Ray, Ossian | |
| Finerty, | Lawrence, | Reed, | |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Bayne, | Connolly, | Holton, | Rankin, |
| Bowen, | Cook, | Hooper, | Reagan, |
| Brewer, F. B. | Covington, | Houk, | Robinson, J. S. |
| Broadhead, | Culbertson, W. W. | Hutchins, | Rogers, W. F. |
| Browne, T. M. | Cullen, | Laird, | Shelley, |
| Brumm, | Dargan, | Lewis, | Smalls, |
| Burnes, | Davis, G. R. | Lowry, | Stephenson, |
| Calkins, | Follett, | McCormick, | Sumner, C. A. |
| Campbell, Felix | Fyan, | Moulton, | Thomas, |
| Campbell, J. M. | Gibson, | Nicholls, | Wait, |
| Clements, | Hill, | Pettibone, | White, Milo. |

So the House determined to proceed with the consideration of the bill.

The following pairs were announced:

Mr. FOLLETT with Mr. CONNOLLY, on all political questions. Mr. FOLLETT would vote for consideration, and Mr. CONNOLLY against, on this bill.

Mr. NICHOLLS with Mr. WHITE, of Minnesota, on all political questions and on the consideration of the tariff bill. Mr. WHITE, of Minnesota, would vote for the consideration and Mr. NICHOLLS against.

Mr. FYAN with Mr. PETTIBONE, on all political questions.

Mr. RANKIN with Mr. ROBINSON, of Ohio. Mr. ROBINSON, if present, would vote against the Morrison bill at every stage.

Mr. MORGAN with Mr. MORRILL.

Mr. COOK with Mr. CULLEN.

Mr. SHELLEY with Mr. THOMAS.

Mr. BURNES with Mr. CALKINS.

Mr. CAMPBELL, of New York, with Mr. DAVIS, of Illinois.

Mr. DARGAN with Mr. BRUMM.

Mr. GIBSON with Mr. SMALLS.

Mr. LEWIS with Mr. MCCORMICK.

Mr. COVINGTON with Mr. HOLTON.

Mr. BROADHEAD with Mr. BAYNE. Mr. BROADHEAD would vote for the consideration, Mr. BAYNE against the bill at all stages.

Mr. HILL with Mr. HOUK.

Mr. CLEMENTS with Mr. BROWNE, of Indiana.

Mr. REAGAN with Mr. STEPHENSON.

Mr. MOULTON with Mr. WAIT.

Mr. ROGERS, of New York, with Mr. BREWER, of New York.

Mr. LOWRY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat when his name was called?

Mr. LOWRY. I can not say that I had quite reached it.

The SPEAKER. Then the gentleman from Indiana is within the rule.

Mr. LOWRY. If permitted to vote I would vote in favor of taking up the bill. I was at the moment out of my seat attending to some emergent business for constituents. This is the only important roll-call at which I have not been in my seat during the session. There have been two exceptions only and they were instances of little importance. I had assurance that if here at this hour I would be in good time, and had also arranged to be notified. But if the one vote is necessary to success I hope a motion to reconsider will immediately be made, and as I am now within the bar my vote will still count and secure the consideration of the measure.

The SPEAKER. Under the rules of the House the Chair cannot entertain the request of the gentleman.

Mr. COVINGTON. I am paired with Mr. HOLTON, who is absent, sick. If he were present, he would vote "no." I should vote "ay" on this question.

Mr. CRISP. My colleague, Mr. CLEMENTS, is detained by sickness. If he were present, he would vote "ay."

Mr. TOWNSHEND. I move to dispense with the recapitulation of the names.

Mr. RUSSELL. I object.

Mr. STORM. My colleague, Mr. CONNOLLY, was called away by reason of a death in his family. If he were present, he would vote "no."

Mr. VALENTINE. During the reading of the pairs there was so much confusion in the Hall that I think it likely some gentlemen have been announced as paired who have voted. I therefore ask that the names of those paired be again read.

The SPEAKER. If there be no objection the list will be read again.

Objection was made.

Mr. MILLS. My colleague, Judge REAGAN, is detained from the House in consequence of sickness.

The result of the vote was then announced as above recorded, amid loud applause.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, in which amendments the concurrence of the House of Representatives was requested.

THE TARIFF.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The committee, under instructions from the House, will proceed with the consideration of the bill to which objection was made.

Mr. MORRISON. Mr. Chairman, information comes to us from the executive branch of the Government that the people are burdened with unnecessary taxes and contribute annually large sums to the public Treasury not necessary for public uses. The majority of the House is justly held responsible both for its legislation and its neglect to legislate. The fact that our customs or tariff revenue is not limited to the necessities of the Government is, so far as I know, not questioned by any member of the majority here where bills to reduce as well as to raise

revenue must originate. While taxation is admitted by all to be excessive, the extent to which its burdens are imposed directly and indirectly in excess of the requirements of the Government is the subject of much diversity of opinion. The amount of annual surplus is dependent upon the speed with which we pay the public debt.

The Treasury estimate of expenditure, including such annual payment on the public debt as is enjoined by the law under which the debt was made, is for the current year $40,000,000 and for next year $60,000,000 less than the estimated revenues on the basis of existing laws. The Treasury estimate of annual surplus may, therefore, be fairly stated at $50,000,000. Of this needless taxation and surplus with their attendant aggravated evils we can not fail to relieve the people without flagrant disregard of public duty.

REDUCTION OF TAXES ONLY REFORM PRACTICABLE.

It is not claimed that the bill reported by the committee will afford all the relief demanded of the people's representatives. It is but an advance toward and a promise of more complete revenue reform, to attain which a general revision of the tariff and a more equitable adjustment of rates on its long list of dutiable articles is essential. Such a revision and adjustment was believed to be unattainable at the present session of Congress. A bill was therefore reported having for its chief purpose the reduction of taxes. It will create no surprise that in the opinion of the minority members of the committee the bill is not sufficiently harmonious in its relations to be approved by them or by protectionists generally. They find in it no merit because, as they allege, it proposes to reduce duties "alike," and without regard to particular industries. To protectionists any measure is without harmony and without merit which deprives their favorites of any bounty, though such measure but responds to the statement of the fiscal officer of the Government that, "The question still presses, what legislation is necessary to relieve the people of unnecessary taxes?"

It would be only just to correct the inequalities in the present law by an increased tax or duty on wool, tin-plates, cotton-ties and wire-rods, say our opponents who find neither harmony nor merit in a tax bill which only reduces taxes.

HORIZONTAL REDUCTION.

A reduction "alike" or horizontal is not the most logical or best, but none other was practicable. Protectionists oppose it not because it is to them illogical in its method of reduction, but because it is a reduction at all. The late revision, after leaving the hands of the manufacturers and their Tariff Commission, was completed in conference, of which three leading members were Messrs. MORRILL, KELLEY, and SHERMAN, who have made all the tariffs of the last 25 years. They are the chief architects of the present system, and it will not be lightly said by the friends of the system that the revision as it came from such hands was not consistent and harmonious. They laid some duties as low as 10, others as high as 100 per cent. and higher. These are to be reduced 20 per cent., or to 8 and 80. Relatively they remain the same. To the people they will be a little lighter.

This horizontal or equal method is not new. In 1872 it was adopted to reduce and in 1875 again to increase the tariff—this too by those who now find in it no merit.

Once deprive the system of its enormous bounties and the right adjustment of rates will be a matter of easy accomplishment.

TAXES WILL BE MORE REDUCED THAN REVENUE.

Gentlemen are disturbed lest revenues will increase under the bill. Professedly they are alarmed at the possibility of taking less of the people's earnings while putting more money in the people's Treasury. The enactment of a law that would accomplish this should not be classed among national calamities.

The bill will decrease the revenue and lessen the burden of taxation in largely increased proportion.

There are now but few duties which do not much exceed revenue rates. Except as to these the reduced duties will leave our own products above the level of fair competition, and our own people will in the future, as always in the past, supply their own wants by their own matchless skill. The year 1860 was a time of plenty. With a tariff too low for revenue—lower by one-half than that we now offer to modify—we had in fourteen years less than two of adversity, more than twelve of wonderful progress. The laborer for wages was at least as well and the grower of grain better paid than they are in this year 1884, and in that year, 1860, of bounteous plenty our importations of foreign goods were less to the person, or in proportion to population, than in the years 1880–1882. (I.)

FREE SALT, COAL, AND LUMBER.

To the list of articles now imported free of duty, amounting to nearly one-third of all our importations, it is proposed to add salt, coal, wood, and lumber. Salt is already freed from tax for fishermen, also for the exporter of meats, to lessen the cost of food to the people of other countries, not for our own; coal is untaxed for use on vessels having by law the exclusive right to the coasting trade, or engaged in the foreign carrying trade—a privilege denied to persons engaged in other pursuits. Such privileges and exemptions should not be confined to the few, but extended to all. It is now more than twelve years since the protectionists themselves, the late President Garfield among them, passed a bill in the House placing coal and salt on the free-list. Since then they have done nothing which so much commended them to the people.

The revenue from wood and lumber imported and hereafter to be admitted free of duty has in the ten years last past not much exceeded $10,000,000, or $1,000,000 per annum. The census returns show the domestic wooden products to exceed $500,000,000 per annum. If the average duty of 20 per cent. on the imported wood adds but 10 per cent. to the price of that produced here, its increased cost to the people has been $50,000,000 per annum, or $500,000,000 in the ten years. In these ten years, under pretense of taxing this article to secure $10,000,000 of revenue, we have compelled the people to pay $500,000,000 in bounty to encourage the destruction of forests and the felling of trees; and in the same time we have given more than 18,000,000 acres of land under the timber-culture act as bounty to encourage the planting of other trees and other forests.

HIDDEN AND CONCEALED ENORMITIES OF PRESENT LAW.

In the estimates made by Mr. Evans, a clerk of experience in the Bureau of Statistics, which actual payments on importations show to be but estimates though based on official data, it appears the bill would leave in the cottons but two articles—of cotton yarns, not the finest—dutiable above 40 per cent.; in woolens but one coarse carpet wool, which we do not produce, above 60 per cent., and in iron and steel but few above 50 per cent. These rates have been fixed as the limit above which on these articles no duty shall be collected. The present rate on the finest cotton is 40 per cent., and yet it is an unquestioned fact, as shown by invoices and payments made, that duties exceeding 100 per cent. (exceeding the first cost) are exacted and paid on cotton goods the duty upon which is, in the estimates referred to, stated to be less than 20 per cent. The same is true of iron and steel in different degrees. In the woolen schedule these abuses are most glaring. In all they result from enormities hidden and concealed both in classification of articles and rates of duty. The limit of 40, 50, and 60 per cent. on the cotton, metal, and woolen schedules is intended to expose and remedy these hidden enormities.

There are those who assume the virtue of a willingness to abate something from custom-house taxes, and aspire to be counted revenue reformers, but do not find in this measure the relief demanded by them. Those really desirous of affording some relief from existing abuses will not fail to find their opportunity in removing taxes yeilding $8,000,000 on sugar, as much on cotton and woolen goods, and $14,000,000 on other articles used in every home.

MORRILL TARIFF AND WAR INCREASE.

In March, 1861, the tariff of previous years, sometimes named in contradictory terms a "free-trade tariff," gave place to the Morrill tariff, which the House had passed early in 1860, and which its author at the time said "would place our people on a level of fair competition with the rest of the world." Goods which were imported under this tariff act of March, 1861, for $100 must pay to-day $155. An increase resulting from war rates and additions under various pretexts still remains, averaging 55 per cent. of the former duty, and on many articles double as much. The reductions proposed are so limited as never to place our people below but to leave them far above the level of fair competition on which the Morrill tariff placed them. This is proposed in the hope that there might be no division among the people's representatives on the "question" which "still presses what legislation is necessary to relieve the people from unnecessary taxes."

Duties sufficient for protection in 1861 ought to be more than sufficient after twenty-five years. It is a cardinal faith of the protectionist, so far as he has any faith not measured in dollars and cents, that protection cheapens production, strengthens productive power, and fits its favorites for less dependence upon the bounty of the Government. Why, then, may we not expect to have their co-operation in a reduction of taxes so moderate? And shall we not have the co-operation of their incidental allies? Or must they make up in works what they lack in faith, and still give and give to the miserable system dying of its own excesses?

LATE REVISION ONLY REDUCTION IN NAME.

In executive communications, and in the report which I had the honor to make on behalf of the committee, it has been already shown that the executive branch of the Government, its fiscal officer or department, the Tariff Commission, and the people were during the last Congress in entire accord as to the necessity of a substantial reduction of tariff taxes, and that all the agencies charged with that duty have failed to do more than make a reduction in name, not in fact. In other words, all the agencies chosen to revise and reduce the tariff, including the two Houses of Congress, have been deceived themselves, and for a time deceived the people, into the belief that they had been relieved from the payment of unnecessary taxes they are yet compelled to pay.

The official statement appended (II) shows that the average cost of importing goods valued at $100 was only $1.74 less under the new than

under the old law, and that the average cost or duty under the new law is 41 (40.91) per cent.

It is also shown that the late revision and alleged reduction of duties has not been followed by increased but by reduced importations resulting in less revenue; that the largely increased protective rates made in some branches of all leading industries have not been followed by increased compensation to the workers in these industries, but the reduction of wages begun before the revision has been continued and often followed by further reductions; and that our manufacturing capacity exceeds the wants of our own people, resulting in lower wages, loss of employment, enforced idleness, suffering, and misfortune.

This is the protective scheme we are asked to let alone, because we are told the country wants relief from Congressional agitation.

AGITATION.

The insufficient, not to say deceptive, character of the late revision, the manner of making it, and the circumstances attending its adoption alike forbid that it should be permanent. When it was being forced upon the country with assumptions and assurances which have not been verified, I warned its authors it would give no contentment to the public mind and no rest from agitation, because it did not afford the relief admitted to be a measure of justice by the commission packed to perpetuate existing abuses. I said then that its authors in and out of Congress but deceived themselves if they expected from this measure so much as a temporary settlement.

In a speech made in January last at Columbus, Ohio, Hon. Columbus Delano, a protectionist, long a member of Congress and member of President Grant's Cabinet, said, substantially, that of his own personal knowledge the Tariff Commission was secured by the manufacturers whose salaried agent they caused to be made its president, and as their agent here, after his and his employers' commission had made its report (his own report), he secured many changes in it greatly to the advantage of manufacturers. I hardly need to say that a revision procured through such agencies and methods is entitled to no respect whatever.

It is correctly said that a tariff too low necessitates change to obtain needed revenue. It is equally true when too high, as ours now is, change is necessary to avoid a surplus from imports on which the duty is not prohibitory. The only security from agitation and change, therefore, is to confine the taxing power to its rightful purpose of obtaining revenue limited to the necessities of the Government. When no more revenue is needed by the Government of the people, it has attained the limit of its power to tax the people.

PROPERTY SHOULD PAY THE TAXES.

It is now nearly 8 years since I first said here:

Burdens of Government should be borne in proportion to ability to bear them. Property should pay the taxes. He who has much should pay much; he who has little should pay little; and he who has none, none.

And later—

Legislation which helps an unjust distribution of property, or an unfair division of the proceeds of labor, is a great public wrong.

And it is just because of this great public wrong that burdens are unequal which are laid upon the necessities and comforts of human existence. The First Congress, pressed by the needs of a nation grievously in debt, with an empty treasury, departed from this most just rule of equal taxation and resorted to the indirect method of obtaining revenue. This was justified at the time upon the assumption that an impost on trade was a tax in proportion to ability to pay it, because it was claimed that consumption was generally proportioned to the circumstances of individuals. This assumption has not been verified in our experience. It was in fact never true. With the then conditions and habits of our people it may be the evil effects of the plan were not apparent. Subsequent history not only shows its monstrous injustice but its baneful results. Some of these are to be found in the fact that this method of obtaining revenue so increasing the cost of living consumes all the earnings of a great majority of the people in the struggle for existence.

UNEQUAL BURDENS OF TARIFF TAXES.

Estimates based on the census statistics show that as many as 18,000,000 of our people do some work or are occupied in some business; that the average earnings of at least 16,000,000 of these do not much exceed $300 and are wholly consumed in means of daily subsistence. These, too, are the millions who in shop and field strike the blows of all production. All the accumulations of and boasted additions to our national and individual wealth go to one-tenth of those who earn it; and of these but few indeed appropriate the great mass of the savings of the people and are enriched by the profits of the labor of other men.

Like estimates will show that the few who profit most from the labor of all contribute little under this system of unequal taxation, not more than 2 per cent. of their savings, while the great mass of workers, including the dependent poor, pay the bulk of taxes, all of which is subtracted from the too scanty means of comfortable living.

This indirect method of obtaining revenue came early into use among those who had not only pledged but expended their fortunes for the right to establish commerce. Once established, they taxed it, for the best of reasons—they had nothing else to tax. They were impartial, too, in their exactions. Manufactures, as well as tea, coffee, and spices, articles produced and those not produced here, were made to contribute. Then, as now, the country's commerce was largely with England, whose king had caused the substance of the people to be eaten out. Tax-paying was not a favorite employment at that time, though the taxes on manufactures were but one-fifth of what we now pay. Light as they were, it may be they were yet lighter when it was declared, as it was, that their food and clothing, including tea, coffee, and spices, not grown here, were taxed for the encouragement and protection of manufactures, for had not our commerce been cut off by England, against whom manufactures were to be encouraged and protected?

REVENUE TARIFF—FREE TRADE.

To get away from impost taxes is to us practically impossible. Certainly I do not expect the people to abolish a revenue system to which they have been so long accustomed. I do expect to confine it to its rightful purpose and correct its abuses. Need I repeat that when the Government has taken from the people all that it needs for the cost of frugal administration, then the hand of the tax-gatherer must be staid. In such a limit to the right to lay taxes the protectionist, finding himself no longer pensioned on the industries of the country more or less prosperous than his own, will discover free trade. Ours is a very free country of very free men, both very freely taxed. In the same sense that we are free men in a free country freely taxed, we may be correctly named free-traders when we insist that the trade and commerce of the country and the necessities of comfortable living shall be freed from all taxes not essential to the Government for public uses.

INTERNAL-REVENUE.

The amount required from customs is dependent upon what may be received from internal revenue. The abolition of internal revenue means free and cheaper liquors but heavier-taxed and higher-priced sugar and other articles essential in every household. I am not called upon to defend the system, which has many abuses. Of the two systems it is the cheaper in administration, immensely cheaper in its results. The spies and informers complained of are common to both. So offensive is the impost that gentlewomen are required for its execution in part. The repeal of internal revenue means more than additional cost of living and greater privation to the poor; it means a permanent public debt which few own and many pay and which corrupts administration. The earlier statesmen described it as a moral canker and dangerous to good government.

While we cannot doubt the existence of great wrongs in the execution of internal-revenue laws, especially in the South Atlantic States, many of these may be cured. Neither is it because of these abuses of administration that the abolition of the liquor and tobacco taxes is demanded in the States far north and substantially free from these flagrant abuses of administration.

Mr. Jefferson has been summoned here as often as four times in a single day and made to bear testimony to the "infernal" character of a tax on whisky.

It was Mr. Jefferson who said:

Public debt is a moral canker from which we ought to emancipate posterity.

It was Mr. Jefferson who said:

Agriculture, manufactures, commerce, and navigation are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be reasonably interposed.

It was Mr. Jefferson who said:

Foreign spirits, wines, teas, coffee, cigars, salt are articles of as innocent consumption as broadcloth and silks, and ought, like them, to pay but the average ad valorem duty of other imported comforts. All of them are ingredients in our happiness, and the government which steps out of the ranks of the ordinary articles of consumption to select and lay under disproportionate burdens a particular one, because it is a comfort, pleasing to the taste, or necessary to health, and will therefore be bought, is in that particular a tyranny.

It was Mr. Jefferson who said:

Taxes on consumption, like those on capital or income, to be just must be uniform.

It was Mr. Jefferson who said:

I do not mean to say that it may not be for the general interest to foster for a while certain infant manufactures until they are strong enough to stand against foreign rivals; but when evident that they will never do so, it is against right to make the other branches of industry support them.

It was Mr. Jefferson who said:

When it is found that France could not make sugar under 6 francs (h) a pound, was it not tyranny to restrain her citizens from importing at 1 franc (h), or would it not have been so to have laid a duty of 5 francs (h) on the imported? The permitting an exchange of industries with other nations is a direct encouragement of your own, which without that would bring you nothing for your comfort, and would of course cease to be produced.

It is a little singular that Mr. Jefferson should be so often summoned here by the friends of the bounty system to tell us so little when he knew so much. He was not made to bear witness to the moral canker and corrupting influence of a public debt, or that all industries are most thriving when left most free to individual enterprise; that taxes on consumption to be just must be uniform; that protection is only justifiable "to foster for awhile certain infant manufactures until they are

strong enough to stand against foreign rivals, but when evident that they will never be so, it is against right to make the other branches of industry support them." Why was he not permitted to tell the whole truth?

Macaulay says:

> There is a certain class of men who, while they profess to hold in reverence the great names and great actions of former times, never look at them for any other purpose than in order to find in them some excuse for existing abuses. In every venerable precedent they pass by what is essential and take only what is accidental; they keep out of sight what is beneficial and hold up to public imitation all that is defective.

ABUSES, TO CONTINUE WHICH INTERNAL-REVENUE IS TO BE REPEALED.

What are some of the existing abuses for which some excuse is to be found in professed reverence for the great name and great actions of Jefferson? In the first six months under the new tariff 36,000,000 yards of woolen goods for women's and children's clothing were imported, and upon every one hundred dollars' worth (at first cost) $68.32 was paid in duty. Under the old law the duty would have been $68.74—42 cents more.

While this abuse continues to exist the grower of grain, who is compelled to find a foreign market and exchanges his product for woolen goods, must on his return give to the Government out of every hundred yards of cloth 68¾ yards for the privilege of selling the other 31¾ yards. This helps those most clamorous for internal-revenue repeal, who, or their friends, make woolen goods to sell 31¾ yards as nearly as possible at the first cost of the 100 yards imported. At the last session, while promising to reduce tariff taxes, these new disciples of Jefferson so increased them on manufactures of iron and other metals, including cotton and other machinery, that the planter who exchanges 100 bales of cotton for any of these manufactures must on his return surrender to the Government the foreign proceeds of 45 for the privilege of selling or using that received in exchange for the other 55 bales. All makers of iron products, with their especial representatives, profess reverence for the great name of Jefferson in continuance of this abuse.

Yet these are but examples of the innumerable existing abuses which it is proposed to perpetuate by the repeal of the internal revenue; for when we shall have abandoned this profitable source of revenue the lightest of our many burdens carried only by the willing, then will the protectionist claim to find reason not only to continue but even to augment the enormous bounties and exactions of the present tariff.

It is said this is a war tax and must be repealed now that the war has ended. The obligations of the war have not ended with the war itself. In the last twenty-two years we have paid nearly $800,000,000, and in the next twenty-two years we will pay not less than $1,000,000,000 for pensions. The bonded debt was never quite $2,400,000,000. It is yet more than $1,200,000,000. The cost of the war is not half paid. Internal taxes which yielded more than eight-tenths of the revenue obtained from that source have been repealed. Liquors and tobacco, which yielded less than two-tenths alone, are now made to contribute. And whatever else may be said of the system, what it takes from the people it puts in their Treasury. What under the urgencies of war was added to the weight of customs, especially that which yields bounties indirectly, remains to plague us, cut off our commerce, and prevent an exchange of our products abroad for which there is no market at home.

These additions or war-tariff rates should be repealed, because without yielding revenue they increase the taxes and burdens of the people. Until these are removed internal revenues ought not to be further reduced. Even the repeal of the tobacco tax would be unwise finance and only justifiable as a help, if need be, to the removal of tariff abuses.

UNSATISFACTORY CONDITION OF ALL INDUSTRIES.

The office of all others I am least ambitious to fill is that of alarmist or foreboder of evil to my country and its people. And certainly the report of the committee does not overstate the fact in saying "the condition of manufacturing industries is not satisfactory." Those of us who refuse to shut our eyes to facts must admit this to be true of most if not all industries.

In that referred to in the committee's report, iron and steel, it is shown that its most important division was idle one-third of the time in the year 1882 and yet produced all the iron the people could use. In the year 1883 less iron was made than in the previous year, and therefore more mills were idle. The same is true of all leading industries; they have outrun in their capacity to make goods the ability of the people to use and pay for them. Our mills, furnaces, forges, cards, and spindles more than equal the wants of our population. Shall we wait for our people to grow up with the mills, cards, and spindles? That will never be while Congress offers bounties for the products of new mills.

In the same journal of daily news you may read of manufacturers before Congress protesting against a reduction of taxes which yield them bounties, of the opening of new mills or shops, of old ones shutting down and running on part time, of a 20 per cent. horizontal cut or reduction in wages, and of manufacturers before Congress protesting against a reduction of taxes which yield them bounties, hypocritically assuming that they are protesting that wages may be maintained.

While the mills stand still and their owners divide among themselves profits eight months of the twelve, what is the laborer to do? To take, with or without the forms of law, part of the earnings of those who work the whole twelve months to pay twelve months' wages to those who are permitted to work but eight, would be dishonest. To maintain by taxation an industrial system which enforces idleness with its attendant suffering upon men willing to work is a crime. Both are impossible of long continuance consistent with the welfare of the State, for when all who are willing to work find employment their earnings but little exceed their daily subsistence. Want of employment for great masses of industrious men from any cause can not fail sooner or later to bring suffering, misfortune, and hunger, and hungry men are dangerous.

WE WANT A MARKET ABROAD FOR WHAT WE CAN NOT SELL AT HOME.

When industrial and financial misfortune came upon us in 1873 it was credited by protectionists to a depreciated currency and other relics of the war, excepting always tariff taxes. Abundant harvests here, and short crops abroad, brought us good prices for our grain in foreign markets and out of trouble in 1879. Evidently the stoppage of mills and shops, the cutting of wages, and want of employment for men willing to work, are danger signals to all industrial interests. It is not new industrial establishments we need, for we have more than are employed. It is not men to work, for many are idle; besides we have free trade in labor and a half million a year come from abroad. What we want is a market; somebody to buy abroad what we can not sell at home. Agricultural products can not relieve us, as in the financial troubles of 1873 to 1879, because the customers who then bought of us have other sources of supply in India and elsewhere in the East. These are being so developed that they can supply food in ever-increasing abundance.

If this were not so the division of labor and its growing productive power compels us to find other markets than our own for manufactures which have so outgrown the wants of our own people. Whatever else the tariff has or has not done it has taxed us out of all other markets than our own; and such was the purpose of its authors. On this subject Mr. MORRILL said while a member of the House:

> When one nation admits cotton or any raw material free of duty other nations are forced to follow the example or cease to manufacture beyond their own consumption, unless they give equal compensatory advantage upon exports.

When Mr. MORRILL and his associates, who made and who continue the present tariff, refused to admit ores, coal, wood, wool, and other raw materials free of duty, they were not ignorant of the effect of such refusal, and must have intended our people should "cease to manufacture beyond their own wants."

UNTAXED MATERIALS.

That we may manufacture beyond our own wants the policy of Mr. MORRILL and his associates must be so changed that in materials constituting so large an element of the cost of production our people must be placed on a level of fair competition with all others. It was for this purpose that in the bill as first presented by me ores, coal, and some of the cruder materials for use in manufactures were placed on the free-list. Ultimately and speedily, too, all classes would be benefited by such legislation—the manufacturers first, laborers most. Yet the proposition met no favorable response from the manufacturers themselves, or, so far as I am advised, from any member here claiming to be the especial representative of the industrial interests. Untaxed ores lie at the bottom of all real reform in the metal schedule. The tax on iron ore with interest and profits on investment goes into and increases the cost of the pig, then into the bar and the more finished product, adding the cost at every stage of production. The same is true of all the cruder materials which are used in the processes of production. Revenue must be derived from products ready for consumption if ours is to be a manufacturing nation at all commensurate with its unlimited resources or beyond the wants of its own people.

LOW TARIFF DEVELOPS COUNTRY MOST.

When this is done manufacturing industries may add something to the wealth of the nation by reason of the tribute which other nations must pay to its endless resources and the unrivaled skill and intelligence of its people.

The grand aggregate of national wealth, counted in the census at $43,300,000,000 in 1880, was but $26,460,000,000 in 1870. "Behold," exclaims the protectionist, "the results of our system which so multiplies and nearly doubles the wealth and national savings in a single decade." Further investigation will show that in the ten years from 1850 to 1860 with very low tariff taxes wealth was more than doubled, and that was the only decade in our history which doubled wealth. Protection has prevented this industry from bringing anything to the wealth of the country from abroad. Had manufacturing industry produced more that could be sold profitably abroad it might have better claim to the credit of the country's growth and development, when for its own prosperity it has been dependent upon other domestic industries.

DUTIES MUST BE REDUCED ON BOTH MATERIALS AND MANUFACTURES.

To the extent that materials are relieved from tax the articles into which they enter derive advantage over competing articles of foreign make, and the duty on such competing articles should be correspondingly reduced. Without this manufactures would be more highly protected than they now are and more rates would be prohibitory.

It may be asserted that competition would regulate all this in the public interest, but the assertion is not justified by the practices of protected interests. The fact is quite notorious that distinctive branches of manufacturing industry highly protected against foreign competition combine to maintain prices to the injury of the general public. In the larger industries such combination is more difficult, but it pervades the whole system, and for twenty-five years Congress has been a party to it. Some of the larger industries have tariff committees to advise Congress how to make laws that they may make money. Opportunities for such combinations have grown into monopoly.

The use made by the manufacturers of their advantages bestowed by Congress does not justify Congress in adding to them. To compensate them for income and other domestic war taxes estimated by the advocates of more protection at the time to be $128,000,000, they were given largely increased protective rates. They secured the removal of the $128,000,000 fifteen years ago, but adhere to the increased compensatory duties with the tenacity of men in pursuit of some honest purpose.

TARIFF TAXES DO NOT ALL GO TO THE TREASURY.

In estimating the causes of present or possible financial and industrial embarrassment the great burden of taxation must not be forgotten. Since 1865 national, State, and local taxes have exceeded $1,200,000,000, and the contributions of the people do not all reach the Treasury. This is especially true of tariff taxes imposed for protection.

It is sometimes claimed that certain taxes are more popular or less unpopular than others. An inquiry on that subject would probably disclose the fact that as a rule the tax will be most popular with each tax-payer of which he pays least and others pay most. The sum necessary for good government must be paid. When one pays less another must pay more than his fair proportion. And there is probably nothing for which a thoroughly honest man will so readily excuse himself for being dishonest about as the payment of taxes. Still they must be paid and by our own people.

The doctrine that the importer pays them for us is apparently exploded. If the foreign maker were permitted to and did sell in our market 100 tons of iron at $1,400, or $14 per ton, duty-free, the maker of iron here must sell at the same price. If a duty of $6 were imposed on the foreigner he must add it to the price and sell it for $20 if he returns with the same amount for his iron. Suppose he does not add the duty to the price, but pays it himself, sells his iron at the same price as if it paid no duty, $14, and returns with $8 per ton; how would the maker of iron here be benefited or protected? It is only because the duty goes into the cost and price of the foreign article that the domestic producer is protected.

To afford protection a duty must be a tax. To what extent customs revenue and the tax on articles of foreign make add indirectly to the annual burdens of the people through the increased cost and price of the home-made competing article is yet a matter of much speculation. Sometimes the price of the domestic article is increased to the amount of the whole duty on the foreign; sometimes to no part of it. But the duty on foreign articles whenever they are imported adds something to the price of what are made here. Two years ago I made an estimate, based on official statements taken from the census and Bureau of Statistics, which showed that in the census year the whole increase in cost of sugar to the consumer resulting from the tariff, which on sugar and molasses is largely a revenue tariff, was $48,820,418, which was so divided that the Treasury received $7.51 of revenue, while the planter received $1 of bounty.

The duty on hoop-iron was $31.66 per ton. The price of the domestic article was $14.61 more than the price of the foreign article, including cost of importation, which was an increase equal to half the duty. The Treasury received $500,986, and the manufacturer $1,414,876, or $2.82 for $1 to the Treasury. On bar-iron the average duty was $22.66 per ton; the value and price of the home product was $7.40 in excess of the cost of the imported article, including cost of importation, an increase equal to but one-third of the duty, and the manufacturer received $4,907,761 bounty; the Government, $1,641,453 in duty—$3 to manufacturer, $1 to the Government. Iron rails pay $16.68 duty. The increased cost over the foreign article was $11.33, or two-thirds of the duty. The cost of iron rails was increased by the tariff $6,114,916, of which $5,290,119 went to the manufacturer, and $824,747 to the Treasury; $6.41 for bounty to $1 for revenue. (III.)

From this statement it will appear that those who use these articles of home production pay for them at prices increased, some of them, to the extent of the whole duty; on others less than half the tax on the same goods when imported, and that under this system the annual tax-paying burdens of the people do not end with the contributions to the Treasury for public uses.

Since this statement or estimate was made the prices of the articles selected for illustration may have changed and the duty on some of them have been modified; this requires some modification of the statements, but they illustrate the principle or lack of principle by which this system confers especial advantages on its favorites.

Estimates of the cost of this system to the people resulting from the increase of prices and the cost of living have been made by many who have given great consideration to the subject, among them Professor Perry and Robert J. Walker, both of whom estimated it at much more than goes to the Treasury. Mr. Tilden, with more caution, writing of our enormous taxation, said:

It was aggravated by most unscientific and ill-adjusted methods of taxation that increased the sacrifices of the people far beyond the receipts of the Treasury.

PRICES AND COST OF LIVING INCREASED BY TARIFF.

A comparison of present prices with those of twenty or fifty years ago can not be made with entire accuracy. The make, style, and structure of fabrics are continually changing. Old things new made are given new names. In the report of the Iron and Steel Association made in May of last year, already referred to, the price of anthracite pig-iron per ton is given for 1860 at $24 per ton, for 1880 at $28; rolled bar-iron, 1860, at $60; for 1880 at $60, and iron rails, 1860, at $48, for 1880 at $49. These prices indicate that in iron there has been no decline of prices in the last twenty-five years.

Accurate comparison can not be made in textile fabrics of cotton, wool, flax, and silk; but in these goods, of some descriptions at least, prices are lower than they were twenty-five years ago, but not nearly so low as they would be but for the expense added to the cost of making them by the high rate of protective taxation.

In the statements made before the committee by the representatives of the Iron and Steel Association, protesting against the bill, they said, "If the duties are reduced the selling price of our products must be reduced;" and such were the statements made before the committee generally, thus admitting that prices are kept up by the tariff. Except when a reduction is proposed, the contrary doctrine is insisted upon; and before this debate is ended it will be insisted again and again that whatever reduction of prices has occurred in recent years results from the tariff, when the fact is they result from the ever-growing genius and aptitude of men. That goods are made at less cost year by year by reason of our bettered processes we learn in the every-day affairs of life.

Then why should restrictive legislation distribute the advantages of all human progress as applied to popular well-being among the favorites of Congressional legislation? If the same effort is required now as long ago to obtain the same comfort and good fortune, of what use to humanity is all we have learned? Only a few years ago the cost of railroad service was two or three times its present cost; their owners made great reductions voluntarily and still had great profits. By reason of the intelligent use of what has been learned in building and operating railroads further reductions were only just. Every State in the Union asserted the prerogative of the people and required railroads to carry at reasonable rates. No man's wages was reduced, neither was that subject inquired of. By reason of the same causes which enable railroads to carry cheaper, the makers of all things material for use in our mills, fields, and homes are made cheaper; and yet the Congress of the United States interposes to keep up prices and the cost of human comfort, that the people may have no benefit of what has been learned in all these years.

EXPORT OF AGRICULTURAL PRODUCTS DOUBLE THAT MANUFACTURERS USE.

In the lower cost of transportation on land and sea is to be found one chief agency of the wondrous development which bounty-fed manufacturers credit to protection. The system, by adding to the cost of the materials for railroad construction, has increased the cost of railroad transportation at least 25 per cent. In the lower cost of carrying agricultural products they have found their only sources of profit. On more than one occasion here I have exposed the fallacy of obtaining a home market for agricultural products through protection maintained by taxing agriculture. In 1880 the agricultural product was counted in the census at $2,212,540,927. Assuming that these products were used by the people equally without regard to their occupations, those engaged and employed in manufacturing, including all mechanics, also miners, consumed of the products classed as agricultural three hundred and thirty-five million dollars' worth, while for more than double as much, or six hundred and eight-five million nine hundred and ninety-one thousand and ninety-one dollars' worth, the producers were compelled to seek a foreign market.

WAGES OF LABOR NOT HELPED BY TAXING IT.

During more than half of the last ten years wages have been as low or lower than before the adoption of the taxing policy as a pretended means of making wages higher. They are lower still when compared with the use which those who earn wages are compelled to make of them, for they must use them to obtain the means of comfortable living. Counted by what our laborers are able to accomplish and produce in quantities, and especially in values, wages here are but little more in many industries than the wages paid by our chief commercial rivals.

There is but one horizontal reduction for which our opponents are willing to legislate—the reduction of wages—and this their favorites, with or without regard to legislation, are now executing day by day with cruel regularity.

Of all the false pretenses with which protection mocks its victims the assumption that labor is helped or protected by taxing its earnings is the flimsiest. Protectionists, in common with our people, invite the surplus labor of all the world to come, untaxed, unrestricted, free, and join us on equal terms and share in the profits of the wonderful heritage this newer world affords. The captains and masters of industry, if not masters of Congress as well, take to themselves protection of a very different kind—they tax the people at home that they may have no competition from abroad.

REPUBLICAN PROTECTIONISTS CURE THE ILLS OF OVERTAXATION BY MORE TAXES—DEMOCRATIC PROTECTIONISTS BY MORE PLATFORM.

In the opinion of the minority members of the committee, representing as they do the friends of the prevailing policy, the cure for whatever of national ills exist, so far as they result from taxation, is to be found in higher-priced clothing and other articles useful in fields, mines, and homes; for that is what is meant by higher-taxed wool, fence-rods, cotton-bands, and tin-plates. Some of our friends here would cure the ills of overtaxation with a declaration of purpose, the execution of which they would carefully avoid. And here is the declaration. It is called the Ohio platform:

> We favor a tariff for revenue limited to the necessities of Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, afford just compensation to labor, but not to create or foster monopolies.

A tariff for revenue limited to the necessities of the Government is demanded by this plan of relief. Is the tariff now so limited? If not, then why refuse to limit it? Who among the Representatives of the goodly people of that State who made this declaration believes it is so limited? Who among them believes the pending bill will reduce the revenue below the necessities of the Government? These are questions to which the plain people of the country want an answer. They will demand to know why tariff taxes are not removed in part if they are beyond the revenue limit. Do gentleman expect to escape responsibility because rates are not rightly adjusted? The adjustment will be the same when reduction is made, but whatever of monopoly belongs to it will be fostered by 20 per cent. less than it now is. If this platform has an honest meaning it is that the tariff shall be lowered to a revenue basis. And gentlemen but deceive themselves who expect the people will be deceived by a refusal to legislate in accordance with this declared purpose. If the protective policy is to be the continuing policy of the Government, it will be, and ought to be, intrusted to its friends, the Republican party.

ARGUMENTS FOR PROTECTION BASED ON ASSUMED DANGER OF REVENUE TARIFF.

Every argument in support of the protective policy is based on the assumption that any considerable tariff modification, especially a modification to the revenue basis, will destroy manufacturing industries, compel the abandonment of shops and mills, and force those now engaged in them into other employments. This is the old, old story. It was told of manufacturing industries in their infancy; it will be told when protection brings them to decay. Eight years ago I introduced the first bill for free quinine and providing for untaxed alcohol for use in making it. At once it was insisted that quinine-making would become a lost art among us if such a bill should pass into a law, and it did not then pass. Later on, when the story of free quinine got among the people, another placed the bill before the House, omitting the free-alcohol provision, and the bill became a law, protectionists themselves feeling obliged to vote for it. The great Philadelphia house did not go into decline, but continued its business of quinine-making successfully as the second largest quinine establishment in the world. So every legitimate industry would go on with a revenue tariff.

It is insisted that wages are so much higher here than in countries seeking our markets that revenue duties will not equalize the difference in the cost of production. Conceding the truth of what is not true, that the foreign rival must pay for the privilege of selling in our markets a sum equal to the difference in wages to enable the home producer to sell with reasonable profit, let us see if revenue rates will compensate for that difference. The census value of manufactures for 1880 was $5,369,579,191. The wages paid in making them were $947,953,795. The difference in cost of goods is said to be the difference in the cost of wages. But suppose the difference between the cost here and the cost abroad amounts to all the wages paid here, then these manufactures would cost abroad $4,421,625,396. Suppose the average rate of duty which the bill before the House leaves at 33 per cent. was reduced to 22 per cent., and at that rate this $4,421,625,396 in value of goods was imported. It would cost the importer at that rate, of 22 per cent., $972,757,587, which not only makes up for the difference in wages but exceeds all the wages paid for making all the goods.

If those who claim especial friendship for manufacturing industries will insist on their going into decay and then dying, some other apology must be found for their taking off than the removal of unnecessary taxes.

## APPENDIX.

### I.

*Statement showing total and per capita importations in the years 1860, 1880, and 1882.*

| | 1860. | 1880. | 1882. |
|---|---|---|---|
| Population | 31,443,321 | 50,155,783 | 54,163,000 |
| Total importations | $353,616,119 00 | $667,954,746 00 | $724,639,574 00 |
| Importations to the person | 11 24 | 13 31 | 13 72 |
| Dutiable | 279,874,640 00 | 459,652,883 00 | 514,060,567 00 |
| Dutiable to the person | 8 90 | 9 16 | 9 73 |
| Free merchandise | 73,741,479 00 | 208,301,863 00 | 210,579,007 00 |
| Free to the person | 2 34 | 4 15 | 3 98 |

### II.

March 11, 1884, Mr. MORRISON, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to which was referred so much of the President's message and accompanying documents as relates to the revenue, respectfully reports that in said message and accompanying documents the President has deemed it his duty to give to the Congress information as follows:

"To make a start in the proposed reduction of revenue from imports, the Tariff Commission had been created. In good faith it undertook the work. In its report to Congress it said: Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country. * * * Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

* * * * * * *

"The chairman of the Senate Committee on Finance, in explanation of the bill before the Senate last year, which after various amendments became a law, estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby.

"These intentions and calculations have not been verified.

* * * * * * *

"So the question still presses, what legislation is necessary to relieve the people of unnecessary taxes?"

Your committee find that in the first six months ending December 31, 1883, under act of March 3, 1883 (the new law), dutiable merchandise was imported into the United States valued at $235,898,109, on which duties were paid amounting to $96,514,136, being 40.91 per cent. on the value thereof. In the corresponding six months of the year 1882, under the old law, the value of dutiable imports amounted to $260,856,273, and the duty paid was $111,266,507, or 42.65 per cent. on the value. It thus appears that the average cost of importing goods valued at $100 was only $1.74 less under the new than under the old law.

This exhibit of reduction in rates made by act of March 3, 1883, amounting to 1.74 per cent. of the duty, is subject to an unimportant modification resulting from changes in value and other conditions, some of which increase and others reduce comparative ad valorem rates.

The nominal reduction made by the proposed bill is 20 per cent., or one-fifth of the present rates. With the Morrill tariff limitations in the bill, and the liquor and silk schedules omitted, as they are, the actual reduction on the basis of last year's imports will not exceed 15.74 per cent. on the whole importation of dutiable goods. Together the average reduction made in the Tariff Commission bill (act of March 3, 1883) and that to be made by the proposed bill do not equal the reduction "at which the commission aimed."

Wood, sawed lumber, coal, and salt are of such universal use among and so necessary to all the people that in view of the present abundant Treasury receipts it is not deemed advisable longer to obtain revenue from a tax on these articles.

The decrease in revenue as shown by the receipts under the new law other than that resulting from the nominal reduction of 1.74 per cent. results from the falling off to the value of nearly $25,000,000 of imports in the first half-year, under the new law, as compared with first half of the previous year under the old law. The reduction of revenue receipts under the bill reported is estimated at $31,000,000 on the basis of last year's imports. To the extent of that $31,000,000 the bill will "relieve the people of unnecessary taxes." To that extent taxes will be reduced directly "as a measure of justice to consumers," and indirectly in largely increased proportion.

From a statement made by the Bureau of Statistics, a copy of which is appended to this report, it appears that duties or tariff taxes were decreased on some and increased on other articles of imported goods under act of March last (the new law). While this is true, there has been no increase of the rates of wages in any, but a reduction of wages in most industries, as well in those whose competing products received more as in those that obtained less protection under the act of March last.

The condition of manufacturing industries is not satisfactory. In common with other industries, they only recovered late in 1879 from reverses or partial paralysis of five years' duration. In less than three years' after this recovery such new evidences of industrial adversity appeared that in one of the largest, best-paying, and best-paid industries, iron and steel, the calamity of four months' stoppages and idleness fell upon the workers dependent upon it, not upon the capital invested in it.

In the annual report of the American Iron and Steel Association for the year 1882, made May 1, 1883, by James M. Swank, esq., secretary of the association, he says:

"At the beginning of June nearly all the mills referred to (rolling-mills of Pittsburgh and the West) were closed by a general strike, which continued until the last of September, when work was resumed upon the scale of wages which had previously prevailed. During the strike of four months the prices of rolled iron did not advance, notwithstanding the stoppage of so many mills, a fact which clearly demonstrated that the capacity to produce this form of iron had again, as in the panic years, exceeded the demand. * * * At the same time it must be frankly admitted that our rolling-mill capacity has for some time been in advance of the consumptive wants of the country, and that the check to the overproduction of rolled iron which was afforded by the strike of 1882 was in no sense a calamity to the manufacturers."

It is believed by your committee that the condition of the iron and steel industries and of the workers in them has not much improved since 1882; that the

condition of other industries is not unlike and differs only in degree from iron and steel; that the calamity of frequent-recurring industrial embarrassment and enforced idleness is inseparable from the enormities of our protective system; and that the calamities of such a system always fall upon the laboring poor.

Your committee therefore report the bill with the title above, and with the recommendation that it be passed "as a measure of partial relief to the people from unnecessary taxes, as a measure of justice to consumers," and "conducive to the general industrial prosperity."

*Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected during the six months ended December 31, 1882 and 1883.*

| Articles. | Six months under the old law—1882. | | | Six months under the new law—1883. | | | + Increase. — Decrease. | |
|---|---|---|---|---|---|---|---|---|
| | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Ad valorem. |
| | | | *Per cent.* | | | *Per cent.* | | *Per cent.* |
| All dutiable merchandise | $260,856,237 | $111,266,507 | 42.65 | $235,898,109 | $96,514,136 | 40.91 | — $24,958,128 | — 1.74 |
| Sugar and melada | 44,432,311 | 23,180,590 | 52.17 | 46,800,671 | 23,121,601 | 49.40 | + 2,368,360 | — 2.77 |
| Iron and steel, and manufactures thereof | 32,499,426 | 12,713,996 | 39.12 | 23,698,937 | 7,924,225 | 33.44 | — 8,800,489 | — 5.68 |
| Wool: | | | | | | | | |
| Clothing | 1,210,689 | 671,415 | 55.46 | 2,399,515 | 1,073,311 | 44.73 | + 1,188,826 | — 10.73 |
| Combing | 135,123 | 67,839 | 50.19 | 615,677 | 267,704 | 43.48 | + 480,554 | — 6.71 |
| Carpet | 3,505,980 | 974,202 | 27.79 | 4,345,385 | 1,087,094 | 25.02 | + 839,405 | — 2.77 |
| Manufactures of wool | 22,400,387 | 14,943,626 | 66.71 | 22,064,512 | 15,202,183 | 68.90 | — 335,875 | + 2.19 |
| Manufactures of cotton | 14,967,850 | 5,629,658 | 37.61 | 12,067,631 | 4,835,714 | 40.07 | — 2,900,219 | + 2.46 |
| Manufactures of silk | 19,999,119 | 11,738,469 | 58.69 | 21,286,252 | 10,617,057 | 49.83 | + 1,287,133 | — 8.86 |
| Earthen and china ware | 4,423,146 | 1,896,705 | 42.88 | 3,824,951 | 1,830,363 | 47.85 | — 598,195 | + 4.97 |
| Glass and glass ware | 4,271,305 | 2,327,660 | 54.49 | 3,943,197 | 2,187,362 | 55.47 | — 328,108 | + .98 |
| Spirits and wines | 5,003,625 | 3,706,142 | 71.22 | 2,945,001 | 2,659,312 | 90.30 | — 2,258,624 | + 19.08 |
| Malt-liquors | 511,772 | 227,370 | 44.43 | 490,315 | 235,823 | 48.10 | — 21,457 | + 3.67 |

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 10, 1884.

JOSEPH NIMMO, JR., *Chief of Bureau.*

III.

*Statement of the quantity, value, &c., of domestic and foreign hoop (band and scroll) and bar iron, iron rails, and sugar and molasses, produced and imported into the United States during the year ended June 30, 1880.*

[From reports of Census Bureau and the Bureau of Statistics.]

HOOP AND BAR IRON AND IRON RAILS.

| | Hoop (band and scroll) iron. | | Bar-iron. | | Iron rails. | |
|---|---|---|---|---|---|---|
| | Domestic production. | Foreign imports. | Domestic production. | Foreign imports. | Domestic production. | Foreign imports. |
| Tons | 96,843 | 15,823.76 | 663,211 | 71,800.12 | 466,917 | 52,598.69 |
| Value | $6,094,484 00 | $720,903 82 | $35,302,431 00 | $3,111,218 43 | $20,978,637 00 | $1,635,980 00 |
| Value per ton | 62 67 | 45 56 | 53 33 | 43 33 | 44 93 | 31 10 |
| Rate of duty per ton | | *31 66 | | *22 86 | | 15 68 |
| Amount of duty received | | 590,986 01 | | 1,641,453 82 | | 824,747 49 |
| Freight on foreign (estimated) per ton | | 2 50 | | 2 50 | | 2 50 |
| Cost per ton with freight added | | 48 06 | | 45 83 | | 33 60 |
| Bounty paid by consumer per ton | 14 61 | | 7 40 | | 11 33 | |
| Bounty paid by consumers on domestic production | 1,414,876 22 | | 4,907,761 40 | | 290,169 61 | |
| Bounty paid by consumer on domestic production is to duty received by the Treasury as | $2 82 to $1 | | $2 99 to $1 | | $6 41 to $1 | |

*Average.

SUGAR AND MOLASSES.

| Articles. | Foreign. | | | | Domestic. | | | |
|---|---|---|---|---|---|---|---|---|
| | Quantities. | Values. | Rate of duty. | Amount of duty received. | Quantities. | *Values (estimated). | Rate of bounty. | Amount of bounty paid (estimated). |
| Sugar | lbs., 1,625,971,302 | $68,052,639 55 | av., 2.44c. per lb. | $39,739,306 49 | lbs., 198,962,278 | $13,191,200 02 | av., 2.44c. per lb. | $4,854,679 58 |
| Molasses | gals., 39,433,745 | 8,978,008 50 | 6¼c. per gal. | 2,464,609 00 | gals., 12,189,190 | 3,528,770 51 | 6¼c. per gal. | 761,834 38 |
| Total | | 77,030,648 05 | | 42,203,915 49 | | 16,719,970 53 | | 5,616,503 96 |

*The values are estimated upon the value of the foreign article, with the ad valorem rate of duty added thereto.

Mr. BURLEIGH. May I ask the distinguished gentleman from Illinois a question?

Mr. MORRISON. Certainly.

Mr. BURLEIGH. I should like to ask the gentleman why he selected the year 1880 for the price of bar-iron instead of 1884?

Mr. MORRISON. Because we have no official data for any other year.

Mr. BURLEIGH. I will state to the gentleman that in 1860 the price of bar-iron was $60 per ton, while in 1884 it is but $36.

Mr. MORRISON. I took the census year and the official data.

Mr. BURLEIGH. And puddlers' wages in 1860 were $1.75 per day, while their wages now amount to $2.75. There has been a decline in iron since 1860 of 40 per cent.

Mr. MORRISON. The gentleman can make a speech in his own time.

The CHAIRMAN. The gentleman from Illinois has ten minutes of his time remaining.

Mr. MILLIKEN. May I ask the gentlemen a question?

Mr. MORRISON. Certainly.

Mr. MILLIKEN. How much do you expect this bill to reduce the revenues?

Mr. MORRISON. It is estimated that the reduction of revenue will be from twenty-five to thirty millions, and the reduction of taxes double as much.

Mr. KELLEY. Mr. Chairman, in obedience to the suggestion of friends I am to follow the distinguished chairman of the Committee on Ways and Means, whose remarks, however, I do not propose to discuss in detail. The premises I shall assume and the general scope of my argument will, I think, be regarded as making a clear issue between us on the grave questions he has raised by proposing a bill providing for a general reduction of our custom duties.

I do not believe that a cheapening of goods, which involves a reduction of wages, can relieve any stagnant American industry. The evil from which we are suffering is not that goods are not cheap enough or that we can not produce them in sufficient abundance and of satisfactory quality. The truth is—and the sooner American lawmakers shall accept it as a controlling consideration the better it will be for the country—that the power of production the world over has, upon the prevailing basis of the distribution of the joint production of labor and capital, outrun the power of consumption; that all markets are overstocked; and that in every land multitudes of skilled and industrious

people have, from many proximate, but secondary causes, been idle for a large portion of many recent years.

Nihilism in Russia, socialism in Germany, socialism in the western and nihilism in the eastern sections of Austria, communism in France, socialism accepted by the state within the limits of the British Islands, in the promotion of which Gladstone and Beaconsfield were for years engaged in a heated race and which will present almost every question the British Parliament will consider during the present session, are but expressions of the discontent born of indescribable suffering which the masses of the people of all transatlantic countries feel they can no longer endure. Enforced idleness, want, and misery are found in every industrial center; machinery stands idle part of every year; capital claims that it can only obtain its fair reward by further reducing the wages of labor, while the average supply of food of the laboring classes is in many parts of Europe inadequate to the development and support of the human system.

In a recent letter from Zurich, my daughter, Miss Florence Kelley, says:

> Our countryman, Dr. ——, informed us last evening that though for fifteen years he had been official physician to the poor in some of the worst wards of New York, he had never seen in America a case of pernicious anæmia—which is the shrinking and decay of the bones of a human being as the result of insufficient food during childhood and youth—a disease which when it has once attacked the system can not be eradicated by any diet that may subsequently be taken; but that "unfamiliar as this disease is at home, it is so common here that the frequent cases exposed at the clinics attract no special attention."

A GLANCE AT THE CONDITION OF BRITISH LABORERS.

Are our Democratic associates in their mad pursuit of cheap goods willing to add pernicious anæmia to the list of diseases with which our working people are already familiar?

Sir, last year I spent three months in England, "prosperous, merry, free-trade England." After the first week my increasing strength permitted me to ride or walk a little each day, and I was tempted to visit the slums of London, which I did under proper police protection. I also read or had read to me each of the daily journals, and on Saturday for thirteen consecutive weeks the articles entitled "How the poor live," which, written and illustrated by Mr. George R. Sims and Frederick Barnard, appeared in the Pictorial World.

Enlightened as I had thus been, it did not surprise me to learn that distinguished prelates of the established church had in a church congress warned those to whom they had a right to speak with authority that the condition of the poor of England, as they had found it upon personal inspection within a short distance from the palaces of the Queen and the Prince of Wales, was as bad as that of the French sans culottes in the years immediately preceding the sanguinary revolution of 1793. A dissenting clergyman, the eloquent and devoted pastor of Bloomsbury chapel, which stands but a few hundred feet from Bloomsbury Square and the solid middle-class mansions around it, said to his congregation that he had found but a short distance from the pulpit from which he spoke a family of nine, including father, mother, sons and daughters, who occupied a cellar not larger than the space marked by six of the pews his hearers occupied. "This was not," he said, "a peculiar case, but one of many thousands."

Within a week we have read, at least those of us who watch the papers for such indications of the condition of the British people, of a family found by the coroner near Westminster's grand old abbey, and in one of the most aristocratic quarters of London, in a cellar without a window, one member of which—a girl of full age—had just died, but whose flesh had been largely consumed by vermin before death had come to her relief. These are said to be familiar chapters in the lives of tens of thousands who, though able and willing to work, can find no place among the wage-earners of free-trade England, who our Democratic friends present as a national exemplar from whom they would have us accept as indisputable truths dogmas the prevalence of which in that country has produced these terrible results. Under their leadership we are to enter the race with the world for cheapness. They should remember that when Cobden and his co-workers began the agitation for free trade, Carlyle admonished them that they were entering into a race with barbarous nations for the production of the "cheap and nasty." It was he, too, that gave the political economy taught by Malthus and Ricardo the appellation of the "dismal science," because it suggested war, pestilence, and famine as beneficent agents appointed by an all-wise and loving Providence as the only agents whereby He could relieve the earth of an inevitable surplus of population. That dismal science still prevails in British schools, and consequently no animal that can be utilized is of so little value in England as an unemployed working man or woman with a reasonably good appetite for bean-cake or oat-meal porridge.

"Yes," I think I hear some of you rejoin, "you studied the poverty of London, which is, we are ready to admit, unparalleled." No; I I spent ten days, unknown to everybody but my daughter, who was my companion, in Birmingham and in visiting the manufacturing towns around that rich and beautiful city. We visited so much of the overcrowded precincts of the city itself as a lady might ride into, and in charge of a policeman I went beyond these limits. Our visits embraced Halesowen, Lye, Lye-Waste, and Cradley, where we found women making nails, trace-chains, heavy fire-bricks, and galvanizing hollow-ware.

I observe among those who do me the honor to be present my friend from Kentucky [Mr. TURNER], who comes to each succeeding Congress on the doctrine of free trace-chains, a bill to transfer which article to the free-list he never fails to introduce. The introduction of the bill does nobody any harm, and I shall continue to welcome him as long as I shall be returned and a Democrat comes from that district.

Mr. TURNER, of Kentucky. I never weary in well-doing, and I hope that after a while you will grant us that reasonable request.

Mr. KELLEY. Oh, yes; you ought to have free trace-chains, for we learned that the women who make them, if they are quick and good hands, can realize 25 cents a day. [Applause on the Republican side.] And all that they have to pay out of their weekly wage of 6*s.* is 1*s.* 6*d.* for the forge and fuel, and another 6*d.* for having the rods out of which to make the chains brought to the forge. Free trace-chains! God forbid that any Kentucky girl or woman should ever work at such unwomanly employment for such starvation wages, even though it be to furnish cheap trace-chains to my friend and his constituents. [Applause.]

I say to the gentleman as my friend Emory A. Storrs said to a party of Englishmen when at the dinner-table of a friend in London, they undertook to badger him on the subject of free trade. "Gentlemen, you do not want to provoke a discussion of that intricate subject at this social board. I will admit that free trade is best for you, at least for those of you who can afford to purchase anything; but I claim that protection is best for us. The vital difference between us is that you think more a great deal of a cheap shoe than you do of a prosperous shoemaker; while in America we think more of the welfare of the artisan than of the cheapness of his product." [Renewed applause.]

In one of the smallest and dingiest of the forges of Halesowen we found two men at work making light nails, such as girls are put to making when at 14 years of age the British law allows them to leave school and enter upon their lives of unwomanly toil. One of these men was a cripple and the other was evidently suffering from pulmonary disease. One of them by expending his force for full time could earn 3*s.* per week and the other 4*s.*, from each of which sums are deducted weekly 1*s.* for fuel and furnace rent, so that at the close of the week they had as a net result of their joint toil $1.25. In the villages I have named, all of which are appendages of Birmingham, we also saw English girls and matrons making large fire-bricks; one carrying against her breast or stomach heavy lumps of wet clay, out of which her co-worker, it may be her sister or mother, molded the immense bricks which she who had brought the clay carried to a heated space near to where she was to pick up her next load of wet clay. Why, you ask, do these girls engage in such work? The answer is a simple one; they prefer to make bricks, because they can make 6*s.*, or a dollar and a half, net per week, while their sisters who make nails or chains can not assuredly earn so much, and are, as I have said, subject to a charge of 1*s.* 6*d.* per week for fuel and rent of forge.

The chief specialties of Cradley are chains and hollow-ware. There we saw girls galvanizing stew-pans, boilers, bath-tubs, and other articles of like nature. The desperate struggle for life imposed on British toilers by cheap goods and low wages is well illustrated at Cradley. The assured receipt of $1.50 a week will tempt women from the nail or chain maker's forge to the brick-shed. The pay of a galvanizer is $1.75 per week; and for this additional shilling girls will pass the forge and the brick-shed to engage in a galvanizing room, although the strongest of them knows that in less than six months the gases generated by the process will vitally impair her health. In this connection I submit a brief extract from one of Miss Kelley's published letters.

> It is characteristic of the neighborhood of Birmingham that each village has one industry; thus nailers and chainmakers are as thoroughly separated as though their work differed radically and separation were needed. But the difference between Lye-Waste and Cradley is slight. There are the same forges, the same hovels, the same dusty roads, and the same industrious people. To tell the story of the chainmakers, who we watched at their forges, is merely to repeat the picture of Stocking Lane, and this I have no wish to do. Here and there, however, the forges are interspersed with factories and "works," and the facts as to these works illustrate some of the ills to which the nailers eagerly fly in their effort to escape from their peculiar slavery.
>
> In one establishment we were shown young women at work on galvanizing pails, and our guide (who had come over from Lye-Waste for our benefit) observed privately concerning them, "They'm flyin' from nailin', and they thinks it's a fine thing to get seven shillin's a week. But they gets poorly, and then they gets sick, and then their parents has to keep 'em, and they don't earn nothin' for a long time till they'm well again." This we were prepared to believe, for we found difficulty in breathing in the first room to which an intelligent foreman showed us. This was a large, dusky room, with a high ceiling, and arrangements for ventilation with which we could find no fault. But in the middle of the room stood a seething cauldron of a steaming fluid. Back of this stood a man dipping pails in the cauldron and handing them to young girls, who swiftly rolled each pail in a heap of sawdust, then deftly brushed the fluid over the metal surface, assuring an equal coating to every part. A few moments of breathing the fumes from the cauldron made our retreat to the sultry outdoor air very refreshing, and sufficed to convince us of the unwholesome nature of this work, even before we noticed long rows of carboys of vitriol which furnish one ingredient of the galvanizing fluid. "The inspection is severe," observed the foreman. "The works are closely watched, and if a girl works a half-hour overtime we're brought up roundly. It's very unwholesome work."

This brief extract will convince you that I do not speak of things of which I have merely read. No, gentlemen, I speak of incidents that I saw and of people with whom and whose employers I conversed. Sir, I do not want American goods to become so cheap that, as my distinguished friend the chairman of the Committee on Ways and Means [Mr. MORRISON] said, we can sell to other people. God forbid that American

labor shall ever be embodied in any production that shall be cheap enough to be sold at Halesowen, Lye, Lye-Waste, Cradley, and other manufacturing villages that surround Birmingham. [Applause.]

But depressing as was the influence of each of these towns in which the employments are in this country regarded as demanding masculine muscularity, girls and women are almost the only workers, our visit to Myrthyr Tydvil and to the great Dowlais iron-works upon the hill overlooking Myrthyr was still more saddening. In the neighborhood of Birmingham, Manchester, and Bradford the school law is admirably enforced, and during school hours children between 5 and 14 years of age are not frequently seen upon the highways. In this Welsh mining and iron district the contrast in this respect was as striking as it was painful. Here it is evident that the local authorities give but little if any attention to the enforcement of the only law which protects British childhood from the cruelest exactions of British industry. Here we found boys and girls loitering listlessly at all hours of the day in the reeking admixture of clay and grime which make the sidewalks and highways. It would have been a satisfaction to see them indulging in any of the plays of joyous childhood, but in our several tours we saw no instance of this.

The factory law, however, has even here had one good effect; it has reduced the number of women employed in the Dowlais works from nearly 3,000 to about 1,000; and for this womankind throughout the civilized world may well be grateful. The Dowlais works are engaged in the production of heavy iron of all descriptions; the interior is a net-work of railroads, forges, furnaces, rolling-mills, and trip-hammers, the coarse labor in attendance upon all of which, as well as at the mouth of the coal-pit on the cars, was until quite recently the special and almost exclusive work of girls and their mothers. The number of them, as I have said, has been reduced to about 1,000, and of these we saw some loading and unloading coal-cars; others, one upon the car pitching bricks to another upon the wet, rough floor, who piled them according to orders; others were handling and carrying heavy iron plates or bars from the lifting of which I would have shrunk in my days of greatest vigor.

Having asked the privilege of speaking to any of these women when not engaged, we felt free to interrogate them as to their wages. They might not have answered me, but to one of their own sex, who addressed them in tones of sympathy, they told their stories freely; and from all of them we learned that 6s. ($1.50) was regarded as good wages for a week. I am unwilling to reduce the duties on any form of iron or steel 20 per cent., as is proposed by this bill, in order to allow my countrymen to consume the results of the labor of these British maidens, wives, and matrons. The plea that their employers, in order to sell us such cheap goods, must compel them to accept such wages is not one that satisfies my judgment, but is one from which my manhood revolts.

At Manchester we remained nearly a fortnight. It is a noble city, the management of whose municipal affairs is unequaled in the United States. To Sheffield our visit was less protracted. The houses, grounds and conservatories of the great steel-makers who so long controlled our market, to some of which we were admitted, are regal in their extent and magnificence, but the offensive surroundings of the homes of the working people and the brutal coarseness we encountered at every turn in their quarter of the city made us glad to beat an early retreat.

The American traveler finds much to admire in the best parts of Birmingham, Manchester, Sheffield, Bradford, and every other great industrial center of England, but going thence to the localities in which working people dwell he will, unless he be a tariff reformer who believes that to get his supplies cheap is the chief end of man, be shocked by the terrible contrast he beholds. In each city and town he will find long rows of small houses, between every two of which is an arched alley leading to a court, upon either side of which there are from four to six houses. These, like the front ones, are without cellars or underdrainage, have three small rooms rising one above another, each also having a house like unto itself built against its rear wall, the consequence of which is that thorough or through ventilation is impossible in any of these huddled groups of houses for workingmen and their families. The streets are the only play-ground for children, as well as drying ground for the wash of each family, whose patched and ragged garments flaunt in the breeze on lines drawn from house to house as if by common consent or express stipulation. For the use of the occupants of each court, together with those of the front buildings, there is one hydrant and one privy. In view of these hard conditions is it not too much to expect cleanliness, modesty of bearing, or chastity itself of families who are habitually huddled together in this fashion.

A house in any of the villages referred to, as small or smaller than these, of similar construction, with three rooms, the lower one a living-room, parlor, kitchen, and sitting-room, with broken-stone floor, and chambers above, which furnish sleeping accommodations to the parents, the sons and daughters, and not infrequently to the husbands and wives of the sons and daughters and their children, all of whom are thus crowded into two little sleeping-rooms.

Yet it is of these sets of three apartments, contracted, dark, undrained, and unventilated, that those apostles of falsehood, Professor Sumner, of Yale, and Perry, of Williams College, speak when they compare their rental with that of the homes of American artisans to prove the superior condition of the working people of Great Britain to that of those of the United States.

It will hardly be regarded as possible that other classes of British laborers are housed with less consideration than the facts I have presented indicate, but the London Echo of Monday, October 8, 1883, says:

The paper read by Mr. George Smith, of Coalville, before the social science congress, on Saturday, gives a lamentable account of the condition of large numbers of canal children. Mr. Smith tells us that there are close upon 30,000 of these children of school age who never enter a school. Many of the cabins in which they live are so small that a man can neither stand upright nor lie out straight on the bed on which he and his wife and his children have to lie.

FREE SHIPS.

One of the most insidious pretensions for the overthrow of our protective system is the demand for the admission of free ships and the material out of which ships may be built. Is there such a demand for ships to engage in international commerce as to justify us in abolishing the duties on pig, bar, angle, and heavy iron generally and on steel for the construction of Government and commercial vessels at the probable cost of dooming thousands of our workmen to idleness by opening our market to the free sale of British ships for which foreign capital and enterprise can find no employment? This is not a fancy sketch of the depressed condition of the British carrying trade or of the effect of such legislation upon our own coal, iron, and steel industries. This will appear to the most skeptical from the following telegram clipped from the Philadelphia Public Ledger of this morning:

DEPRESSION IN THE SHIPPING TRADE.

LONDON, April 12.—The depression in English shipping has become extreme. The ports are crowded with destitute and suffering sailors. In Shields alone there are 4,000 seamen out of employment. A hundred steamers are lying idle upon the Tyne. Ten thousand laborers in the Tyne ship-yards are out of work, and as many more in the Sunderland ship-yards. Business is slack in the yards along the Clyde, but so far there has been less suffering than in the other ship-building localities.

RAW MATERIALS.

Mr. Chairman, the persistency with which the unmeaning cry that raw material should be admitted free of duty has been maintained for years has nearly persuaded many good people that heavy duties are imposed on wide ranges of raw material which we can not produce for ourselves. Ignorant men may echo these cries as parrots chatter, but the free-trade Democracy, as represented on this floor, know better, and shout for free raw material for the purpose of deceiving the people. What article of raw material which they would make free can they name that is not and has not for years been on the free-list? The author of the original Morrison bill could find none. The free-list was to be a cardinal feature of his bill, the 20 per cent. reduction was to be less important because a less philosophic and a somewhat hap-hazard application of the doctrines of British political economy. To illustrate these doctrines scientifically an extended free-list was necessary. All this the chairman of the Committee on Ways and Means understood perfectly, and that list as it appeared in the original bill embraced some twenty-five or thirty articles, among which, my friend will pardon me for saying, there was not one single specimen of unwrought material. Material that has been wrought is not raw. No one will say that broadcloth is raw material because a tailor may shape a coat therefrom. And so long as the designation raw material may properly be withheld from broadcloth so long it must be admitted that the authors of this bill were unable to find a single specimen of imported raw material that had not already been relieved of import duties. The fraudulent character of the claim that the great majority of the articles embraced in the free-list of the original bill were of the nature of raw material was so apparent, that the majority of the committee, at the instance I think of the author of the bill, withdrew all but three of them, namely, coal, lumber, and salt, every one of which is a prepared or manufactured commodity.

Is not coal raw, asks some misguided disciple of Sumner and Perry? Yes! When still in the earth and is bought and sold, as children say, unsight, unseen, coal is raw; but when thousands and oftentimes hundreds of thousands of dollars have been expended in obtaining access to it and preparing it for the purposes of manufactures and commerce; when shafts have been opened and breakers and railroads have been constructed and provided with adequate motive power and rolling-stock, and when hundreds or thousands of people have been employed in mining, manipulating, and sorting it so that while the coal shall be sent to market the slate and other impurities with which nature had intermixed it shall be left behind, it is absurd to speak of it as raw or unwrought material.

Is lumber, as described in the free-list of this bill, a raw material? No, sir! Timber in the forest is raw, and rough timber and quite a number of kinds of hewn timber are already on the free-list. Every article of wood embraced by the free-list of this bill as finally revised is material largely advanced by the expenditure upon it of money and labor. The remaining article in this wonderfully scientific free-list is salt.

Sir, instead of salt being a raw material it is a highly manufactured finished product, the raw material for the manufacture of which is brine as it wells up or is pumped from its hidden sources in the earth. The expenditure of time, fuel, and labor converts the raw material furnished by nature into the commercial article known as salt, and which is needed

by mankind for so many vital purposes. Now, sir, why may not a deduction of 20 per cent. from existing duties on these highly manufactured articles, coal, lumber, and salt, do as well in the way of tariff reform as a like reduction on the duties imposed on all the manufactured articles embraced by this bill? Will some advocate of this free-list tell me the process by which he reaches the conclusion that coal delivered to the steamer at the seaboard or at the forge or factory in the remote interior of the country is a raw material? how it is that boards sawed, planed, tongued and grooved, and other forms of wood prepared for carpentering and cabinet-making are ascertained to be raw materials? and by what magical power it is that nature, without the aid of man's labor or the expenditure of his time and money, converts *brine* into pure, dry salt and packs it into "bags, sacks, barrels, and other packages?" It must be remembered that this Morrison bill does not propose to put brine on the free-list. Oh, no; it provides for free salt, whether in bags, sacks, barrels, or other packages, and as it also makes these coverings free, it ought to tell us on what kind of trees or vines nature hangs the ready-made bags, sacks, and barrels as so much raw material.

Sir, I deny that the free-trade wing of the Democratic party on this floor is in favor of free native raw material or will admit many forms and grades of it to use till they have paid inordinate taxes. The two materials which enter into more of our mechanical and scientific productions than any other are brimstone and alcohol. We import much of our brimstone and it has long been on the free-list; but alcohol is an American production removed but one degree from a raw material, in the production, current price of and an extended market for which our farmers have a vital interest. I speak of corn; yet, sir, with a single exception, these gentlemen who clamor so lustily for free raw material and cheap raw material have within a week proposed, voted for, and carried a resolution in favor of maintaining and requiring the payment of a tax of 90 cents on the manufactured product of every peck of corn before it can go into the market and be sold for use in the arts. Of the free-trade raw-material Democracy on this floor every man, with the single exception of my friend from New York [Mr. HEWITT] (who does me the honor to listen to me, and who after three years of controversy between us as to the possibility of using methylated spirits frankly announced to the House the other day that he was in favor of free alcohol because it was a raw material which entered into so large a number of our manufactures), is opposed to the untaxed manufacture of those important forms of raw material, corn, rye, fruit, barley, hops, and tobacco. They demand the privilege of importing free of duty an infinite variety of foreign manufactured goods under the pretense that they are raw, but insist upon taxing all forms of material our farmers can produce, including nature's great and only solvent, the rival of brimstone in the universality of its use in the arts, at the rate of 90 cents a peck upon corn, the raw material from which it is extracted by a single process of manufacture. My free-trade friends, if you are in favor of free raw material for manufactures, and wish to secure ample markets and good prices for the crops of our farmers, why do you insist upon the prepayment of a tax of $3.60 upon a bushel of corn before you permit its first manufactured yield to go into the arts in the United States? Out upon such hollow and shallow pretenses of devotion to American interests and national industries! It is the free-trade wing of the Democracy I thus denounce, for my Democratic colleagues from Pennsylvania are all in favor of removing these infamous impositions upon our home production and commerce.

Before leaving this question finally I should say that the tax we impose on his corn is but part of the wrong we do the farmer. It is a tax of more than 400 per cent., and to this extent increases the cost of every alcoholic preparation, whether of drug or perfumery, whether collodion for the production of a photograph or chloroform for benumbing the senses during the operation of the dentist or surgeon, whether the preparation by his wife of her winter's supply of liquid camphor and arnica, or whether it has gone into any of the thousand articles which he purchases for daily use without suspicion that in their cost he is paying the "whisky tax." This tax is higher than any duty known to the tariff, and falls upon almost every manufactured article the farmer purchases, and he should know that they who insist upon its maintenance are more devoted to the theories of foreign economists than they are to the practical economies of their laboring countrymen.

### THE TOBACCO TAX.

What is the effect of the tobacco tax upon the interests of the farmer and the wage-earning classes generally of the country? The Speaker of the House submitted a proposition to the recent Democratic caucus for the repeal of the tobacco tax and reduction of the tax that prevents the small farmers of the South from using the raw material they grow upon their peach and apple trees. He, however, coupled with these genereous offers a proviso that such legislation would only be granted in consideration of the reduction of the duties imposed by the present tariff. With this boon to farmers he would bribe their Representatives to unite with him in prostrating the manufacturers of the country and their workmen. It is creditable to their discretion that no gentleman who figured at that caucus has yet exhibited the courage to present such a bill to Congress and the people. This resolution by its terms and in the source whence it emanated is so remarkable that the country may be incredulous as to my statement; I had therefore better present its text as I found it in the Democratic organ the morning following the caucus:

Mr. CARLISLE then offered the following resolution, which was adopted—88 to 27:

"*Resolved*, That in order to reconcile conflicting opinions and secure legislation reducing taxation the plan for the reduction of taxes at the present session of Congress should embrace a provision repealing all internal-revenue taxes on tobacco, snuff, and cigars, and special taxes connected therewith, and also reducing the tax on brandy distilled from fruit to 10 cents per gallon: *Provided*, Such repeal and reduction shall not be made except in connection with the reduction of tariff duties."

Let us look at the effect of this tobacco tax upon the earnings and possible savings of our laborers, the repeal of which can be purchased only at such fearful cost. During the last fiscal year it yielded something over $46,000,000, and the bill of March 3 last would, it was hoped, reduce the receipts from this source nearly 50 per cent. The receipts from tobacco, snuff, and cigars will therefore amount this year to about $25,000,000, every cent of which is wantonly abstracted from the producing classes of America. No foreigner has hitherto paid or is now required to pay the tobacco tax. When it is manufactured tobacco goes into a bonded warehouse, and when it is to be exported it is delivered to the carrier, released from bond, and free from tax.

Chewing is not the habit of our wealthy and more refined citizens. We rarely find a cuspidor exposed in any part of an elegant mansion, but we do find in many instances daintily wrought ash-cups and the conveniences for smoking in richly appointed libraries. The consequence is that our rich men contribute no part of the millions which we derive from the internal tax on tobacco. If they smoke or offer to their friends an American cigar it is because they have been cheated in a purchase. They pay for and desire to use imported cigars. If, therefore, they put any taxed tobacco between their lips it is because they have been cheated.

To learn who contribute the $26,000,000 to the surplus treasure of the Government this year you must go into the mines, the furnaces, the forges, and the workshops of the country, or watch the groups on a fair and pleasant evening that gather about the homes of our working people in town and city. Here you will see gathered at the homestead door parents and children, and the weary father while enjoying these hours of quiet home life is in almost every case seen to be smoking his pipe or giving other evidence that he finds comfort in indulgence in the tobacco habit. So with the sailor; as he walks his lonely watch under the stars or in the beating of the storm finds a companion whose influence is soothing in a quid of tobacco, regardless of the fact that his Government is making him pay a tax of from four to eight hundred per cent. upon its true market value.

You may reply to these economic truths by saying that tobacco is not a good thing for laboring people to use; that it is useless if it is not positively injurious to them, and should therefore be taxed. If you rest your statutory infringement of the rights of the American growers and consumers of tobacco upon this doctrine, will you not do me and those of your countrymen who are burdened by these unnecessary taxes the favor to read the clause in the Constitution which justifies you in mulcting with pecuniary penalties those who find comfort in its use, as do the miner, the sailor, and the millions of those employed in every department of labor within the broad limits of our country from whom you will this year abstract $26,000,000?

Before these taxes were imposed the workingman in any Northern city or town could for 1 cent buy four cigars made of better tobacco than he now buys for use in his pipe; but now the tax on each cigar is more than the price was or would be again for the grade of cigars of which I speak if the tax was repealed. To remove the tax on tobacco would be to remit to the industrial classes of this country from twenty to twenty-five millions of dollars a year, and the responsibility for not doing it, as well as for maintaining the tax on alcohol, which goes into the arts, rests with that party which has a majority of seventy in this House.

### TAUGHT BY EXPERIENCE.

The producing classes of England are at last realizing how great a burden upon them is the excise or internal-tax system. Many of them are confused by the fact that the government ingeniously speaks of an internal tax as an excise duty, and as yet fail to see the vital contrast in the effect of a burdensome tax and a protective duty; but experience is very rapidly enlightening them on this point. Here is a curious illustration of the fact I assert, the report of which I clipped from the London Standard of April 4, 1883, on which day it appeared as current news in all the leading journals. Gentlemen will observe that the chancellor of the exchequer, in closing his interview with a deputation of the silver trade in London, said:

There was no doubt, having himself gone over Tiffany's and the other large shops in New York, that the development of the silver trade in the States was due to their fiscal policy.

This admission by the British chancellor of the exchequer is a severe reflection upon the course now being pursued by the chairman of the Committee on Ways and Means and his followers in striving to reverse the fiscal policy to which our manufacturing supremacy is due. But here is the article itself:

A deputation of the representatives of the silver trade in London waited yesterday on the chancellor of the exchequer in respect to the silver duties. The

deputation was introduced by Sir George Campbell, M. P. Mr. E. J. Watherston and Mr. Johnson laid the views of the deputation before the chancellor of the exchequer, strongly urging the abolition of the duties on silver, as tending to cripple the trade far in excess of any value to the revenue likely to accrue. Another member of the deputation urged upon Mr. Childers the desirability, if the revenue did not permit of the reduction, to replace the silver duties by a 10 per cent. duty on imported watches and clocks, which would exactly make up the deficiency and at the same time benefit the interests of workingmen.

Mr. Childers in reply said it was scarcely the time to come before Parliament to ask for the remission of so important a sum, exceeding £100,000 In reference to the plea that the present duty of 1s. 6d. per ounce restricted trade it was a fact that of late silver had fallen in price 1s. per ounce, and yet the sales had decreased. With regard to the proposal to place a duty on watches and clocks he asked if that was not protection, and did the member of the deputation seriously ask him to adopt that policy?

The MEMBER. We would if we thought there was any chance of getting you to do so.

Mr. Childers said there was no doubt, having himself gone over Tiffany's and the other large shops in New York, that the development of the silver trade in the States was due to their fiscal policy. But he questioned the feasibility of giving effect to the proposals, though he promised to give the subject his thorough consideration.

The admission of the superiority of our financial system from such a source is a noteworthy fact, but the demand by so influential a deputation for the repeal of internal taxes and the substitution therefor of protective duties is a fact of such common occurrence as to deprive the rest of the article of a title to special notice.

Mr. Chairman, the working people and the tax-payers of England are no longer exulting over the prosperity they derive from free trade. They are convinced that a financial system which burdens its labor, capital, and enterprise with internal taxes while subjecting them to free competition with the productions of the most inadequately paid labor of the world is false and destructive. Here [holding up a package of pamphlets] are a few protectionist pamphlets. They are from British workingmen, manufacturers, ship-owners, members of Parliament, barons, earls, and dukes. The Earl of Dunraven is a leading man in the movement, and from one of his latest speeches, which came to me but last evening in the Iron Age of the 10th instant, I propose to show you some of the effects of low duties and low wages upon what was the foremost nations of the world when little more than forty years ago she insanely embraced the dismal science and engaged in the race for the cheap and nasty.

I find the speech in the report of a fair-trade demonstration at Birmingham. The proceedings were published largely in the press not only of Birmingham, Manchester, Sheffield, and other manufacturing towns, but of London. The Earl of Dunraven is president of the Fair-Trade Association of Great Britain. In the course of his remarks at the Birmingham demonstration he said:

It was claimed that England has benefited greatly by free trade. The great strides she made after the abolition of the corn laws are all attributed to the change in our fiscal system. That was partially but by no means altogether true. There were a great many other causes at work besides free trade. Free trade was of great benefit to us at one time, for the simple reason that we had the monopoly of the world's markets.

The people of the United States have not a monopoly of the world's markets, and therefore free trade can not be of the same benefit to them that it was to those who had that monopoly.

Other nations had no means of supplying themselves with goods. They had to buy from us, and consequently as our market was assured, as there was no difficulty in selling, it was an immense benefit to us to be able to buy everything as cheaply as possible. But since then things have altered very materially. Foreign nations have not only learned to supply themselves, but they are beginning to supply others. Although it is true that England made great strides under free trade, it is equally true that other nations have made as great, or even greater, strides under protection. The United States had increased £165,000,000 in accumulated wealth, France £75,000,000, and Great Britain £65,000,000. In percentage of trade increases Great Britain was only 21 per cent., while the United States was 67 per cent. In fact England was the last of the nations, instead of the first, as she ought to be.

Gentlemen will please notice that this statement is no "wandering Yankee's lie," but the statement of the Earl of Dunraven when surrounded by manufacturers and other influential personages from every part of England. Let me just here invite attention to a vital fact. In the race for cheapness manufacturers leave well fed countries and find their way to those in which labor is most depressed, and whose people, therefore, work for the smallest modicum of food and clothing; we find confirmation of this fact in a speech made by Mr. Robert P. Porter, late secretary of our Tariff Commission, at a fair-trade congress at Leamington, England, November 10, 1883. It may be well for me to say in passing that by the cry of fair trade is meant the repeal of internal taxes and the imposition of such duties on imports as will give British labor at least an equal chance with that of foreigners in British markets. It is a protest against free trade as advocated by our Democracy. In the course of his admirable address Mr. Porter said:

In France and Germany the industrial progress during the last ten years has been more marked than in Great Britain. The most dangerous of England's continental competitors in the textile industries may be found at Lille, Roubaix, Tourcoing, Rouen, and St. Etienne, in France; and Crefeld, Aachen, and Chemnitz, in Germany. The Rhenish and Westphalian coal and iron districts, with such works as those of Essen and Dortmund, and those at Seraing, Belgium, can produce iron and steel as cheaply as England can, and the certainty of a home market gives these protective countries the advantage in the contest for foreign trade. In view of this you will not be surprised when I tell you that I have found shoddy manufactures from Batley and Dewsbury established in Aachen, Prussia; Lancashire and Scottish spinners in Rouen; Leicestershire hosiery manufacturers in Saxony; Yorkshire wool-combing establishments in Rheims; Dundee jute mills in Dunkirk; all-wool-stuff manufacturers in the vicinity of Roubaix; English iron and steel mills in Belgium, and English woolen mills in Holland. I conversed with some of the gentlemen owning or superintending these mills, and was told that they could manufacture cheaper in these protective countries than in free-trade England. Removing their capital to the continent has secured a profitable home market, while England was near with widely open ports to serve as a "dumping ground" to unload surplus goods made by foreign labor superintended by English skill. In this way the English markets are swamped and the laborer undersold.

CONTRACTING OUR INDUSTTIES.

Mr. Chairman, by the reduction of duties that were not excessive and the total repeal of others we have begun the dangerous work of expelling manufacture hitherto well established in our midst. When the Forty-seventh Congress assembled it was my hope and that of my protectionist associates, and I think it was also the hope of the really conservative men of the country, that while there might be reduction of duties in some instances, there were others in which by departmental or judicial decision or Congressional action duties under which industries had grown up had been fatally reduced, which might now be restored. In this hope we were disappointed; a vigilant minority proved in many instances capable of not only preventing restoration of just duties, but in alliance with a few Republican malcontents were able to reduce others below the protective standard. This action, together with that of the Forty-sixth Congress, in putting quinine on the free-list effected the banishment of several branches of industry which are of national importance, if not essential to national independence.

For many years we manufactured the best and purest quinine and cinchonidia that were produced anywhere; their character and quality were unquestioned. But two establishments in the world assumed to compete with us in these respects—the Howards of England and Pelletier of France. The tax of 90 cents a peck on corn when manufactured imposed a duty of $1.80 per gallon on the solvent vital to the manufacture of these drugs, but it could be paid because a protective duty countervailed this otherwise destructive influence; but by a united Democratic vote, aided by a few misguided but professed protectionists, quinine, cinchonidia and all other salts of quinia have been put upon the free-list. The gentlemen on that side of the House who engineered and accomplished this work tell the country that they are for a revenue tariff; they even tell us in the face of what we have seen them do in this very matter that they are for a revenue tariff.

Let us test their sincerity by this action of theirs. To in part countervail the tax on alcohol, cinchona bark had been put on the free-list, and when quinine and cinchonidia were also put there, what revenue from these drugs had these revenue-tariff men left the Government? To this extent, at least, their demand for a revenue tariff is like their protestations in favor of free raw material—hollow and insincere.

What has been the result of this absurd legislation? Why, Mr. Weightman, the surviving member of the firm of Powers & Weightman, determining not to be driven from a business to which he had devoted the best years of his life, sent a competent agent to Europe to establish a manufactory of quinine and cinchonidia where wages were low. Within six weeks he has purchased the largest establishment of the kind in Germany, and having shipped his stock of raw and partially manufactured materials and his retorts and other implements, has also sent that brilliant chemist and scientist Dr. John Weightman to superintend the manufacture by German laborers of quinine, cinchonidia, and other salts for his old customers and those of his old home competitors. With German wages and free alcohol he can undersell all American competitors, and thus monopolize the American market, as well as secure a good share if not all the money the Government used to receive from the duty on quinine and other salts of quinia. By thus banishing one house we have closed all the others and made the United States the dumping-ground for the cheap and adulterated quinine of all irresponsible continental manufacturers.

The argument with Mr. Weightman is that if the United States prohibit him by law from following his business here he will pursue it elsewhere, and if he thus makes apparent to his countrymen the necessary results of such absurd legislation, he may do some good to the future industries of the country he loves and which is so gifted with raw material. Thus did anti-protective legislation banish one vital industry and deprive a few hundred American laborers of employment. But we have recently perpetrated graver follies of the same kind.

The Republican party had put a duty of $2\frac{2}{10}$ cents per pound on tin plates, under which duty the manufacture of such plates was successfully established at more than one point, when the Treasury Department succeeded by some means in permitting itself to be persuaded that a comma, which if removed to another clause would reduce the duty to 1 1-10 cents per pound, was out of place. It thereupon, instead of referring the question to Congress who had put the comma there, ordered the suggested change to be made and thus ruined the proprietors of the young establishments who were just organizing a prosperous business and perpetuated our dependence on Great Britian for the $20,000,000 worth of tin plates we consume per annum. So, too, a decision of the Treasury first, and Congressional action subsequently confirming it, reduced the duty on cotton-ties and hoop-iron cut to lengths, and left the American market at the mercy of foreign manufacturers, because no establishment in the country could pay American wages for the manufacture of these articles and compete with the starvation wages of England.

In the last revision of the tariff there was a special provision that

where one or more rates of duties were made applicable to the same article the highest rate should be applied by the Treasury. This was the case as to iron and steel wire rods, to which in construing different parts of the bill it was found three rates were applicable. To solve this difficulty the Department practically ruled that Congress meant lowest when it said highest, and declared the lowest duty, six-tenths of 1 per cent., to be that which must be collected. Thus was banished from the country the manufacture of iron and steel wire rods; and I am informed by my friend from New York [Mr. HEWITT], whose authority on this point no Democrat will dispute, that he and all other American manufacturers of wire rods, which was a large and very important branch of the iron trade, are now unable to manufacture rods in competition with the low prices prevailing in Europe, and have had to abandon the manufacture of rods and import their entire supply.

Mr. HEWITT, of New York. Let me interrupt the gentleman to say that it was your tariff that did it, and not a Democratic tariff.

Mr. KELLEY. I am not discussing the question whether the tariff enacted last session was adopted by Republicans or Democrats, but can truly say that if 20 per cent. of the Democrats in each House had united with the Republicans we would have put through a tariff which would have prevented the destruction of the gentleman's business and allowed his firm to make its wire-rods in this country and by the aid of American workmen.

Mr. HEWITT, of New York. Would you have allowed me to fix things on the conference committee.

Mr. KELLEY. Yes, sir. But no Democrat would accept a place on that committee save Mr. CARLISLE, who, by common consent of his partisan friends, did so that he might report what was done by the committee. Senator after Senator declined to serve, and we waited nearly a day just at the close of the session in the hope of getting Democrats to come in and aid in perfecting the complex details of the bill.

Mr. HEWITT, of New York. Then the whole performance was a Republican performance, according to the gentleman's own statement, and they are wholly responsible for the result.

Mr. KELLEY. No. Democrats like you shirked it; and the Republicans who sat on the conference committee had to deal with the material sent it. The effort was to defeat the bill by delay, and thus Democratic tactics made it primarily necessary to deal summarily with many parts of the bill.

Mr. HEWITT, of New York. Allow me to state that Democrats like myself were not here.

Mr. KELLEY. The gentleman palters with the question, and will, if permitted, consume my time as that of the committee of conference was so nearly consumed by Democratic delays. I must therefore proceed by asking the gentleman from New York or any of his Democratic associates to tell me whether it is the Republicans of the House who are here and now proposing to further reduce the duty on wire rods 20 per cent.? Who voted to consider the proposition to-day, the Democrats or the Republicans? The gentleman talks about and endeavors to confuse what occurred a year ago; but I propose to go back but two hours, so that the day's Journal can tell the most oblivious of us what he has just done. [Laughter.] There will be no question of veracity between us on a journalized fact not two hours old.

A MANUFCTURING NATION WITHOUT WORKSHOPS.

Having shown that the British ship-building interest is much depressed, and that British sailors and ship-owners are suffering greatly by the depression of the carrying trade, let me now proceed to furnish proof of the proposition that if the nations of the world are to compete simply for cheapness of production, and if cheap commodities for consumers is the chief end of man and the highest object of government, general production must be transferred to those countries in which the laboring classes can keep soul and body together on the least amount and cheapest character of food. It was in support of this theory that I invited your attention to the fact that British capitalists whose lives have been devoted to the production of leading British fabrics and wares have carried their capital and skill to foreign countries in which, by the aid of lower wages, they can manufacture more cheaply, and after supplying the country to which they have gone, can dump their surplus goods free of duty into merry, old, free-trade England, the predominant characteristic of which is coming to be the prevalence of misery and starvation.

The rapidity with which the burden of excise duties or internal taxes, the weight of which is not offset by countervailing protective duties, is verifying the prediction made by Sir Edward Sullivan about fifteen years ago, that under this policy England would soon become a manufacturing nation without any workshops, would long since have awakened to a sense of danger a people who were less enslaved by fetich worship than are the political economists of Great Britain. Here is the Manchester Examiner of March 27 telling us of the closing and destruction of Messrs. Jackson's textile mills at Blackburn. It is not so suggested, but it is nevertheless quite within the range of possibilities that the Messrs. Jacksons will transfer their mill to India, where wages are lower and production cheaper than in any country of Europe.

In consequence of bad trade and their inability to effect an insurance on the older portion of their mills in George street west and neighborhood, Blackburn, the firm of Messrs. R. R. Jackson & Co. have given orders for the whole concern to be closed, and both in the spinning and weaving departments the hands are working up the material on hand. It is expected that they will all have finished within three weeks. The old mill and the new mill, containing 71,000 spindles, are to be razed to the ground, and the material sold. Phœnix Mill, which has been only recently rebuilt after a fire, is to have its looms taken out and sold, and then sold as a spinning mill, containing 18,000 spindles. In the two first-named mills the whole machinery is new and on the throstle principle. The three weaving sheds, containing respectively 733, 365, and 185 looms, are to be let, either separately or together, as going concerns if possible. Messrs. Jackson pay over £1,000 weekly in wages, having in their various mills, which form one great block, 89,000 spindles and 1,500 looms. The whole of the buildings to the west of the watch-house are to be pulled down, and these are the most extensive portions of the premises.

INDIA'S WRONGS AND BRITAIN'S PUNISHMENT.

Mr. Chairman, the story of the recent industrial progress of India is in my judgment more interesting so far as economic questions are concerned than that of any other people. No measure that promised to prevent the diversification and restrict the quantity of Indian manufactures to which their powers might be extended has been omitted by either the British or the Anglo-Indian Government. For many years the Indian tariff imposed a duty of from 3 to 5 per cent. on cotton goods imported into that country and admitted raw cotton duty free. To these provisions Lancashire uttered no objection so long as she enjoyed a practical monopoly of the Indian market. But 10 cents a day is liberal pay for an Indian weaver or spinner, and in the race for cheapness India was beating Lancashire; this if it could prevent it the British Government must not permit. The viceroy, doubtless under instructions from the home government, submitted to his council a proposition for the repeal of the duty on imported cotton goods. The council, pointing to the revenue the duty yielded, £1,000,000 annually, reminded the viceroy that this large sum had failed to prevent a deficiency in the budget, and voted against the proposition. The council was powerless, and the viceroy by an arbitrary edict abolished the duty.

This, however, was not enough to satisfy rapacious Lancashire. Low wages compensated for the loss of duty, and the number of Indian mills continued to increase. This sign of prosperity among pagan subjects the Christian Government of Great Britain could not tolerate so long as there was a hope of its defeat. How could that be accomplished? Lancashire was quick to suggest means. The short-staple cotton of India can not be worked successfully without an admixture of long-staple foreign cotton, which had always been admitted free of duty, but this should now be subjected to a tax; and, against the protest of every chamber of commerce in India, in 1875 a tax of 5 per cent. was imposed on all raw cotton which should thereafter be imported into the country. No violation of the laws of British political economy could be more flagrant than this.

The Calcutta Englishman of August 5, 1875, said:

If the details given in the telegram which we publish this morning are correct the new tariff bill is about as infamous a measure as ever a subservient legislature sought to impose upon a voiceless people. An import duty on raw material is under any circumstances one of the worst modes of raising the revenue that can be devised. But the duty which the Government is about to impose on a particular quality of raw cotton imported into this country is nicely calculated to produce the greatest amount of injury that could possibly be inflicted by such an impost. The present viceroy is too acute an economist not to know what the effect of such a measure must be, and it is impossible to resist the conviction that it is for the sake of the injury it will inflict on India that the measure is proposed.

He who wishes to read the details of this infamous procedure will find it condensed into a few pages of David Syme's Industrial Science.

But—terrible experience for Lancashire!—the result of this inhuman action of the British Government of India has proven that Indian laborers, whose food is exclusively rice, can live for less than 10 cents a day. Let me reserve the district of Orissa from this statement. It is an agricultural district, from the rivers of which the people take fish sufficient for winter food. Upon the salt to preserve the fish there is imposed a direct tax of 500 per cent. Ten cents a day will not always support a laborer in Orissa; for within the memory of my friend the 500 per cent. tax on salt has twice doomed the people of the district to permit their whole catch of fish to rot and the province of Orissa to the loss of a million of its people by famine.

[Here the hammer fell.]

Mr. CHACE. I move that the time of the gentleman from Pennsylvania be extended.

The CHAIRMAN. Is there objection to the time of the gentleman from Pennsylvania being extended? The Chair hears none.

Mr. KELLEY. With thanks to the committee, I proceed to bring to its attention a body of facts which, while they confirm the theory I am supporting, also prove that a just God is enabling the poor, persecuted, hunted, and starved millions of British Indians to punish their oppressors by crowding English productions out, not only of the Indian market but out of Oriental markets generally, by means of the cheapness at which their oppressors have compelled them to work.

Prominent among the manufacturers and warehousemen of Manchester is Mr. Robert Barclay. He is a frequent contributor to the press when economic questions are under consideration. His latest pamphlet, entitled "Foreign competition and the silver question," furnishes the following impressive facts:

There is little direct data obtainable showing the displacement of British manufactures in India itself by the Bombay mills. The Calcutta import-list, however, giving imports from other Indian ports, shows an increase in yarns (presumably from Bombay) of from 8,814 bales in 1879 to 15,899 bales in 1882. Other

articles, such as T cloths, under this head also show a rapid increase; but re-exports may be included, and I do not give the figures. As negative evidence, however, the stationary, or rather the declining, figures of the imports from England, as shown in the Indian statistics, which give more full details than our own board of trade returns, are very suggestive. They are as follows for the last three years:

| | April 1 to March 31— | | |
|---|---|---|---|
| | 1880-'81. | 1881-'82. | 1882-'83. |
| | *Yards.* | *Yards.* | *Yards.* |
| Manufactured gray piece-goods imported into India from the United Kingdom | 1,160,745,903 | 1,093,756,075 | 1,079,849,622 |
| Manufactured bleached piece-goods imported into India from the United Kingdom | 282,764,355 | 267,473,795 | 231,939,081 |
| Manufactured colored, printed, or dyed goods imported into India from the United Kingdom | 315,373,965 | 251,642,193 | 318,369,975 |
| Total | 1,758,884,223 | 1,612,872,063 | 1,630,158,678 |

As regards the increase of exports from India the following figures speak for themselves:

*Exports of yarns to China, Japan, &c.*

| Year. | Quantity. | Value. |
|---|---|---|
| | *Pounds.* | |
| 1876-'77 | 7,926,710 | £367,303 |
| 1877-'78 | 15,600,201 | 682,059 |
| 1878-'79 | 21,333,508 | 886,481 |
| 1879-'80 | 25,862,474 | 1,109,234 |
| 1880-'81 | 26,901,346 | 1,282,576 |
| 1881-'82 | 30,786,304 | 1,368,836 |
| 1882-'83 | 45,223,000 | 2,014,100 |
| 1883—one-half year, April 1 to August 31 | 22,282,567 | 866,250 |

*Exports of piece-goods to China, Japan, &c.*

| Year. | Yards. | Value. |
|---|---|---|
| 1876-'77 | 15,544,168 | £373,657 |
| 1877-'78 | 17,545,464 | 372,304 |
| 1878-'79 | 22,661,231 | 420,150 |
| 1879-'80 | 25,800,501 | 444,309 |
| 1880-'81 | 30,424,032 | 540,711 |
| 1881-'82 | 29,911,017 | 556,409 |
| 1882-'83 | 41,563,000 | 759,800 |
| 1883—one-half year, April 1 to August 31 | 24,880,355 | 374,092 |

The following particulars, also taken from a Chinese newspaper in March last, show the Bombay yarns were cutting out English yarns at the port of Hong-Kong, Bombay yarns having increased from 3,000 bales in 1875 to 75,000 bales in 1882, while English yarns had decreased during the same period from 16,000 bales to 11,000 bales.

*Table showing number of bales of 16s to 24s shipped to Hong-Kong.*

| | 1875. | 1877. | 1878. | 1879. | 1880. | 1881. | 1882. |
|---|---|---|---|---|---|---|---|
| Bombay yarns | 3,000 | 16,000 | 24,000 | 40,000 | 39,000 | 55,000 | 75,000 |
| English yarns | 16,000 | 12,000 | 13,000 | 12,000 | 19,000 | 15,000 | 11,000 |

Mr. Barclay in this instance confined his investigations to the cotton textile trade, with which his interests are so largely identified, and his facts are certainly very suggestive. They are, however, more than confirmed by the Economist, the highest financial and economic authority in England. In the issue of that paper of the 29th of last September, under the title of "Some features of the Indian trade," is an elaborate notice of the annual review of the foreign trade by Mr. J. E. O'Connor, the assistant secretary to the department of finance and commerce, from which review I make the following brief extracts:

The bulk of the Indian trade is with this country, but of late years we have not been securing so large a proportion of the business as we formerly did. In the five years ending March, 1877, the proportion of the trade with the United Kingdom to the whole trade of India averaged 60.72 per cent.; for the following five years the average was 56.53 per cent., while last year it was 55.31 per cent.

* * * * * * *

Although, however, this is still the day of small things so far as Indian manufactures are concerned, these are making considerable progress. Here is the record of the growth of the cotton weaving and spinning during the past four years:

| | Year ending March— | |
|---|---|---|
| | 1883. | 1878. |
| Number of mills | 62 | 53 |
| Number of looms | 14,882 | 10,533 |
| Number of spindles | 1,583,782 | 1,289,760 |
| Number of persons employed | 52,763 | Not stated. |

Now, moreover, a new cotton-mill is about to be established at Bangalore another at Bodnera, in Berar, and eight more at Bombay, and it is therefore, Mr. O'Conor thinks, to be expected that at the end of this year there will be at least seventy-two mills at work in India, with about 19,000 looms and little less than one and three-quarter million spindles, and employing about 58,000 operatives. Now, also, the mills in the north of India are competing with us in the supply of woolen goods of the coarser qualities. In the manufacture of jute goods also an increasing business is being done, the number of gunny bags exported last year being 60,738,000, as compared with 42,073,000 in the previous year, there being also a very large increase in the exports of gunny cloths. So prosperous, indeed, is this branch of manufacture that several mills are being extended and new ones erected, and it is expected that 1,500 additional looms will be in operation next year. Then the bootmaking industry, Mr. O'Conor reports, has taken a large development; though as yet it does not interfere with the import trade, as it is confined to a cheaper class of goods. Of beer, the Indian breweries produced last year 2,514,000 gallons, of which the Government took 1,700,000 gallons for the supply of the army, and now the Indian is supplanting to a considerable extent the English beer. And as to other industries, Mr. O'Conor writes that "the output of coal is increasing, and new fields of great capacity and good quality are being opened out; that the manufacture of iron is being carried on, and there is some prospect of its being taken up and carried out on a large scale, with that of steel, by English capitalists; that the manufacture of paper has taken a new and good departure; while that of leather has largely developed, and that in various other directions India is beginning to supply her own wants."

TEH WHEAT MARKET.

These papers refer only to the interference of India's cheaper goods with the markets of England; but here is matter of interest to American wheat-growers. It is a paragraph from the Railway News, which was copied into the Manchester Examiner and Times for March 27, 1884:

Referring to the great development of wheat exports from India since 1879, the Railway News says in 1879 the wheat exported from India was 1,044,000 hundredweights, of the value of £514,000, while in 1882 the exports increased to 19,863,000 hundredweights, and their value to £8,604,080. In the current year this quantity will proably be largely exceeded. It is a significant fact, and one which should not be lost sight of in estimating the value of railway enterprise in India, that, concurrently with a scale of rates regarded in some quarters as ruinous and disastrous, the East Indian Railway is now paying 8 per cent. upon its capital—largely increased as it was by the bonus paid to the shareholders on the state exercising its right of purchase—of £38,000,000.

This paragraph, Mr. Chairman, tempts me to recur to my opening remark, and ask our wheat-growers whether it may not be true not only of manufactures but of their special agricultural industry that the power of production has outrun the capacity of the people to consume. To settle this question properly in their own minds they must not only consider our own undeveloped capacity and that of the Saskatchewan Valley and other wheat-fields of the new Northwest, but that of India, and far more potential for evil to us than India, the great wheat-growing prairies of Southern Russia. The rapidly declining price of wheat and the reduced export demand for it indicates the possibility of what political economists call a glut in the market, but which, in nine cases out of ten, philosophic inquiry proves to be a want of ability on the part of the people to purchase the amount of commodities they usually consume. The market may be overstocked with a particular article, but can not be glutted with everything that man wants while great masses of people suffer from the lack of ability to supply their least expensive wants. The future of the wheat market may in my judgment be discussed as an exceptional article with which the world's markets may be overstocked while the ruling rates of wages prevail.

The abandonment of the protective system even to the destruction of particular manufacturing industries by which we have already excluded the manufacture of quinine, tin plates, wire rods, cotton-ties, and hoop-iron cut to lengths, which latter articles consume hundreds of thousands of tons of raw iron annually, has wrought two evil effects upon the American farmers' interests.

American laborers and their families feed on American grain and provisions, but the Germans, who are henceforth to manufacture our quinine, and the laborers of whatever continental country who are to produce our supply of cotton-ties, hoop-iron cut to length, wire rods, and tin plates, together with the hundreds of thousands of tons of iron they will consume annually will be provided with cheaper food from other lands.

This is one effect of even partial free trade upon the interests of farmers. The other is that the men we have banished from the mine, furnace, and factory find their way to fresh farms to increase the production of wheat of which the supply is already superabundant. The primary want of the American farmer is a quick and remunerative home market. When our mills, forges, furnaces, and factories were busy and our operatives were well paid we consumed nine-tenths of all the cereals we could grow, but with idleness prevailing in industrial centers, with the reduction of wages and the power to consume, and with great branches of industry expelled from the country, we can not look to an increase in the home demand or the maintenance of past prices.

I have said that our wheat-growers are in more danger from Russia than from India, and this is true. Southern Russia is one immense body of prairie land, as fertile as and in all respects resembling the rich wheat fields of Illinois. The aggregate of Russia's production of wheat for export has hitherto been limited by the want of agricultural machinery, railroads leading to available seaports, and a system of elevators. When these improvements shall be introduced in connection with the little better than Indian wages that are paid to Russian peasants, the foreign market for grain produced on our high-priced land, and at from one to two thousand miles from ports of shipment, will not pay the cost of production and transportation.

But it will be asked, is there danger of the establishment of such means of competition? In reply to this question I beg leave to tell gentlemen that the Russian Government has been and is again in negotiation with American parties to establish in the heart of this great wheat-growing country factories for the production of agricultural implements, to undertake the construction of railroads over the level surface of this prairie land, and of systems of elevators at convenient points along the railroads and in the shipping ports to which they will lead. I am no prophet of evil, no Cassandra, and have not risen to say to our farmers that this overwhelming competition is their inevitable and immediate fate; my mission is now, as it has been for all the years of my mature life, to avert, if wise counsels can do it, such disaster to any portion of the American people. Observation and the privilege of many years of intimate intercourse with Henry C. Carey have taught me that identity of interests among the people of a great country abundantly supplied with multifarious native material is created and maintained by the diversification of employments; that when manufactures prosper the farmer finds a ready market for his productions, from the smallest that reward the care of his wife or children to the great crops, such as corn; wheat, cotton, and tobacco; and that his prosperity reacts upon his countrymen who are engaged in producing wares and fabrics for his use. The highest degree of general prosperity is only attained by the promotion by each class of the prosperity of all other classes.

If he will accept and apply broad truths like these the American farmer is in no danger of a glut in the market for the growth of his fields; he, too, can diversify his productions, and in doing so can secure the market afforded by more than 55,000,000 of energetic people, among whom pernicious anæmia and kindred diseases are unknown—the market of 55,000,000 of people who, unlike the ryot of India who raises wheat but lives on rice and knows not the taste of animal food, eat meat daily, make daily use of tea and coffee, and are free consumers of sugar. Yes; and herein the wheat-grower may find a cure for his apprehension. For sugar alone we now pay to foreigners more than $100,000,000 a year, every dollar of which will in a few years, if our farmers be but true to themselves, go into their pockets, together with those of the proprietors of corn and sorghum mills and sugar refineries, around which industrial villages will cluster in every part of our farming land on which Indian corn will ripen. In making this assertion I am not drawing upon imagination. That clear, crystallized sugar can be profitably produced in merchantable quantities from corn is demonstrated beyond a doubt; and that corn sugar is a much less profitable growth and manufacture than is sugar from sorghum is also a fact demonstrated and established beyond all peradventure.

Our farmers, therefore, need not fear the competition of low wages in the wheat fields of India and Russia. Wheat-culture exhausts the soil. The wheat we export beyond the sea carries with it the vital principles of the farm on which it was raised, which does not return to enrich the producers' acres as it does when consumed in industrial villages or large cities near to where it was grown. With sugar-yielding plants it is otherwise; they are green plants, and give to the soil the nutriment they absorb from the atmosphere. Wherever corn will ripen sorghum can be produced in perfection, and the value of the seed of this plant alone is found to be equal to the cost of growing and housing the entire crop. Not only does this seed furnish nutriment to swine and horned cattle, but historians and travelers give us abundant assurance that in the past more people have lived on sorghum seed than have been sustained by wheat. Myriads of the people of the interior of Africa and Asia, from which dark regions we are but now receiving supplies of richer varieties of the sorghum plant than we have yet grown, have for centuries found in its seed food-supply equal to that the Caucasian races have found in wheat.

It is, however, not from the seed, but the stock of the plant that sirup and sugar are extracted, and this is not taken until fodder, as efficient and adequate in supply as is yielded by corn, has been stripped from it, and after having yielded its luscious juice, the stock leaves a residuum or bagasse rich in value as material from which to manufacture paper or, when properly dried, as fuel for culinary or other purposes. In sober truth it may be said that there is no industry practiced by our farmers on a large scale east of that greater Sicily, our marvelously endowed California, which gives the farmer such returns as may be earned by him who will devote his acres, under his own intelligent supervision, to the production of sorghum for a neighboring sugar-mill; but if the farmer wishes to maintain the value of his acres, his implements, and his labor he must not run mad in pursuit of the cheap and nasty or hope for bright and happy days for his posterity by inflicting the dogmas of the dismal science upon the manufacturing laborers of his country. Let him above all things require his Representative to stand by the duties which protect those of his countrymen who are already engaged in the production of sugar and sirup, whether from cane, corn, or sorghum.

Thus may the wheat-grower avert the dangers which threaten his interests. But what is to be done to protect our artisans and laborers from degradation such as the American traveler finds in foreign lands—degradation which is threatening the peace of every transatlantic country and the edicts of whose secret societies, whether of nihilist, socialist, communist, land-leaguers, or what not, are the premonitory mutterings of a convulsion which in its violence will probably exceed that of "'93," and which good men may hope will put the future on a nearer foundation of justice to humanity than any human government now illustrates? How, I ask again, shall we protect and defend the homes, the wives, and the children of our laborers from such degradation as the same class suffer in other lands? How secure such rewards to labor as will sustain our public schools and provide reasonable education for all our children; how protect American women from being degraded as I have seen women in Austria, Germany, Switzerland, the Netherlands, France, England, and Scotland, into beasts of burden in the field and laborers at merely nominal wages in attendance upon men who do skilled work in the construction of great buildings, in forges, founderies, rolling-mills, glass-works, and coal, iron, or other mines? If our Republic is to live, the wives of our men and the mothers of our children must be protected at whatever cost of economic abstractions against such degradation as this. [Applause.] One step in this direction should be taken at once. We should forthwith prohibit the importation of cheap labor, and send back to whatever country they have been shipped from men or women who have signed contracts in foreign lands or on shipboard to work at lower than prevailing American wages. [Renewed applause.] This measure, though an important one, is but a palliative in a matter in which radical and enduring relief is demanded.

Having pondered the question during the watches of many a night and sought counsel from the best thinkers to whose voices or volumes I have had access, I can point to but two means by which a better distribution of the joint products of labor and capital may be secured and our laboring classes be saved from justifiable discontent by having the opportunity to work at living wages in every month of the year. They are, first, secure to productive labor a larger proportion of the joint production of labor and capital; and second, to make such statutory provision for the Territories and the District of Columbia and appeal to the Legislatures of the several States also to provide by law that eight hours or less shall be the longest period in any one day that man or machinery may move in productive employment. [Great applause.]

How these vital changes are to be accomplished I do not see. In other lands the effort will be made through blood and carnage. Here, where the laborer's vote is of as much weight as that of the millionaire, the revolution, for such it will be, will doubtless come peaceably, but its coming is inevitable, and this fact should be forever in the contemplation of the legislator. I see but one way through which we can reach this great result; it is, if need be, to realize the wish of Jefferson, not by putting a sea of fire between us and other manufacturing countries, but by enacting a tariff that will so far secure our home market to our producers that manufacturers may afford to run their machinery eight hours and pay those who attend it a day's work for this amount of labor.

It is for our country and our countrymen we legislate. Our country is unlike any other. It is in the breadth and the infinite variety of its resources sufficient unto itself, and could live if it imported nothing but what would be exchanged for that which would be surplus within our limits. Our Government is also unlike any other. It is not a monarchy; it is not a despotism; it is not an oligarchy; but is a free democratic Republic, of which every human being born within its limits is a citizen, entitled to the rights of a free man, and with the duty laid upon him of assisting in the maintenance of the perpetuity of a government which can live only so long as virtue, intelligence, and independence characterize its citizens. May that Government be immortal. But, friends and countrymen, this it can not be if we are to enter it in the unholy race Britain is making with barbarous nations for the "cheap and nasty" under the terrible teachings of the "dismal science." [Great and continued applause.]

Mr. MILLS. Mr. Chairman, it is a fact admitted by all that the present rate of taxation is too great. It is a fact admitted by all that there is a demand in all parts of the country for a reduction of its burdens. If we intend in good faith to respond to that demand it is important for us to consider where we will begin the work. Shall we repeal the internal-revenue taxes, as demanded by some, or shall we reduce the tariff, as demanded by others? It can not be denied that increased consumption will follow the reduction of price of any tax-bearing article. The whole list is before us. What articles on these lists commend themselves most strongly to our consideration to be cheapened in order that their consumption may be increased among the people? Is it whisky or food? Is it whisky or clothing? Is it whisky or the implements of labor? Reduction must take place on some of these articles, and we must now determine what we will reduce. The people demand a reduction of taxation, but I do not understand that they are clamoring for cheaper or more abundant whisky, but that the necessaries of life may be placed within easier reach of those who labor for their daily subsistence.

But there are some here and elsewhere who denounce the whisky-tax as an "infernal tax" and demand its repeal. Whence comes this demand? Who are these zealous reformers that are compassing sea and land and preaching a crusade for the emancipation of whisky from the clutches of the tax-gatherer? Who is it that is so eager, so zealous, so importunate for cheaper and more abundant whisky? It does not come from those who make it, who pay taxes on it, who sell it, or who drink it. These are strange facts. But there is a constant pressure for the repeal of the internal-revenue tax and that tax only. It comes from

those who quaff the sparkling juice of the grape, which is taxed more lightly than whisky. It comes from a combination of manufacturers, national bankers, and bondholders. Why are they so anxious for its repeal? Because all three of them are interested in the perpetuation of the public debt, and the annual revenues of the Government are paying off that debt at the rate of a hundred million every year.

The bondholder has his fortune invested in that debt. It is a sure and safe investment on which he pays no taxes, either national, State, or municipal. If his bonds are paid he must invest his capital where he will not feel so secure and where he will have to join other people in helping to support his State and local government. But the internal revenue is paying this debt, and therefore to him it is an "infernal tax." The national bankers own $350,000,000 of these bonds. The Government has paid them 90 per cent. of these bonds in dollars as good as gold, and a bill is on the Speaker's table which has passed the Senate to pay them a hundred cents on the dollar and yet continue to pay them interest on the whole sum nominated in the bonds. They have a mortgage written upon the muscles of the laboring people of the whole country to secure the payment of principal and interest. They do not want the debt paid. When it is paid they will draw no more interest from the people on their investment. But the internal revenue is paying the debt, and to them it is an "infernal tax."

The manufacturer has been rolling the public debt as a sweet morsel under his tongue. Whenever the people, prostrated by exorbitant taxation, complain of the burden he is always ready with an answer to the complaint by pleading the necessities of high tariffs to meet the annual interest of the debt. If the debt is paid his plea will be gone and high tariffs will go with it. Therefore the internal-revenue tax to him is an "infernal tax." These three powerful classes are deeply interested in the retention of the public debt as long as possible, and if possible forever. They are constantly piling argument on top of argument and entreaty on top of entreaty to have this "infernal tax" repealed.

Since the war we have repealed more than three hundred millions of internal-revenue taxes. We have repealed all the taxes on incomes, all the taxes from railroad and telegraph companies. We have repealed heavy taxes imposed on domestic manufactures. We have repealed taxes on bankers, on liquor dealers, and on the manufacture of playing-cards. And now, when the consumer of clothing and food and the implements of labor ask you to cheapen the necessaries of life to him only 20 per cent., you offer him free whisky or nothing. You gave away to bankers and whisky dealers and the manufacturers of patent medicines about $40,000,000 last year, and you thought that would stop paying the public debt. But it did not, and now you want to give up the tax on whisky. Now, what shall we reduce? The question is pressing upon us for settlement. It will not down. It can not be evaded. Shall we repeal the whisky tax and perpetuate the debt, or shall we retain the whisky tax, continue the payment of the debt, and relieve the people by reducing taxation on the necessaries of life?

The bill which we present you joins issue sharp and decisive with those who urge the repeal of the internal-revenue tax. It demands reduction of taxation on the necessaries of life—on the food which the people eat, the clothes they wear, the implements with which they work. The proposition which we ask you to support is a very moderate and conservative one. It is extreme in nothing. It was drawn with a view to harmonize all elements of opposition to high taxes. It does not meet my views. It does not reflect my opinions. But at a time when all admit that taxation is too high, it ought to be agreed that a very moderate reduction of 20 per cent. ought to be made on the necessaries of life.

But it is argued that this bill provides for a horizontal reduction, and that horizontal reduction is unequal, unjust, unwise, and impolitic. It would seem from what we hear that the committee had gotten up some novelty and brought to the House. Why, sir, we have had horizontal taxes on our statute-books from the very dawn of the Government. Look back through the history of our taxation and you will see an old law that imposes a horizontal tax of 10 per cent. on all goods imported into this country in foreign ships. You will see another old law which imposes a horizontal tax of 10 per cent. on all goods produced in countries east of the Cape of Good Hope and imported from points west of that cape.

In 1833 the great compromise tariff introduced by Mr. Clay, the father of protection in this country, was passed by Congress. Under that law there was a horizontal reduction of the tariff of 10 per cent. in 1833, a horizontal reduction of 10 per cent. in 1835, a horizontal reduction of 10 per cent in 1837, a horizontal reduction of 10 per cent. in 1839, and in 1842 a horizontal tariff of 20 per cent. was reached by the sliding scale, and it was agreed that that should remain the law of the future, and that the bill should be regarded as a settlement of a long-vexed question—"a treaty of amity and peace," as it was characterized by its distinguished author. These are not all of the horizontal taxes we have had during our history. In 1865 there was a horizontal increase of 20 per cent. on the taxes levied on the schedules of domestic manufacture; and in 1866 there was a horizontal reduction of 20 per cent. on domestic manufactures. In 1872 there was a horizontal reduction of 10 per cent. on the schedule of imported goods, and in 1875 there was a horizontal increase of 10 per cent. on imported goods.

So that horizontal taxes, though not the wisest and best for some reasons, are not entirely unknown to our laws.

Mr. Chairman, the passage of this bill, while it reduces the present high rate of taxation only 20 per cent., will be a very substantial relief to the people. But great as are all the benefits that will flow from a reduction so moderate on articles entering into every-day consumption by the people, that is but half of its benefits. It will remove many obstructions that impede and cripple our foreign trade. It will increase the importation of foreign articles. It will increase the exportation of domestic articles. It will cheapen the products of manufacture. It will increase the value of the products of agriculture.

A mere glance at the manifest of our foreign trade exhibits the fact that it is composed chiefly of agricultural products on one side exchanged for manufacturing products and articles entering into manufacture on the other. Four-fifths of our exports of domestic merchandise are the products of the farm and field, and they must remain so for many years to come, because we live in a new country where the soil is rich and cheap and the climate mild and genial. With comparatively small expenditure of capital and labor it produces large crops. It is the market that supplies the food to the thickly populated and older countries of the world where the land is too poor to produce and too costly to till. To labor in shops and factories is the law of necessity to the crowded populations of Europe. To labor in the field and farm is equally the law of necessity to the sparse populations who live on the cheap and fertile lands of the United States.

By the inexorable law of necessity the European manufacturer and the American farmer are customers of each other, and our agriculture is seriously involved in all legislation that restricts the importation of foreign goods. If we keep out foreign manufactures we keep in our agricultural products and force them to sacrifice upon a market largely oversupplied and where there is little demand. After supplying all our home wants we have a large and constantly growing surplus that can only find markets in foreign countries. What is to become of this surplus? Year by year it grows greater. More than half of our people live by the labor of the field, and the prosperity of all depends upon its success. All who live by labor in manufactories, mines, and transportation, all the professions and all the occupations, depend upon the success of the farm for employment and subsistence. Whatever we do the interest of all demands that agriculture shall not be injured.

But if we refuse the products of the foreigner he is compelled to refuse ours, for he has nothing to give in exchange. Trade is the mutual exchange of equivalents. We send to Europe the surplus products of our farms because we can produce them cheaper here than they can be produced there. They send us in return the products of their manufactories because they can be produced there cheaper than here. Each product goes from the lower to the higher market to obtain the increased value. Each sends to the foreign market to sell because it is the highest market for the export. Each sends to the foreign market to buy because it is the lowest market for the import, and in both cases both parties are actuated by the motive of gain, which is the sole motive that actuates all trade, foreign and domestic.

Our foreign trade, therefore, being an exchange carried on mainly between our farmers and foreign manufacturers, every hinderance thrown in the way of that trade is a serious injury to our agriculture, and through it to the whole country. Our crops are now far beyond the requirements of our home consumption, and for the want of sufficient markets they are decreasing in value as they increase in quantity. What are we to do? If the foreign market is closed against us our agriculture is prostrated at a blow. This is a matter of the deepest concern to the West and South. The North and East do not produce such large crops because their soil and climate do not permit it. The large body of their farming products is marketed at home, but in the West and South that grow the wheat and corn and cotton and raise the provisions that constitute the greater part of our exports it is almost a question of existence. The people in the New England States and New York, Pennsylvania, and New Jersey have markets at home for nearly all of their farm products. The country there is not exclusively adapted to either agriculture or manufactures. Each branch of industry finds a market with the other. It is not so with us in the West and South. We must either have the foreign market or none.

The chief of the Bureau of Statistics, in a report recently laid on our tables in reference to the German tariff on our pork, says that 93 per cent. of the total exports of hog products from the United States during recent years have consisted of the surplus products of the States of Ohio, Michigan, Indiana, Illinois, Kentucky, Tennessee, Missouri, Kansas, Nebraska, Iowa, Minnesota, and Wisconsin. These are the people you are striking when you prohibit the importation of foreign manufactures, for every dollar of importation you prohibit you likewise prohibit the exportation of a dollar's worth of the products of agriculture.

But you say you do not prohibit us from exporting; you want us to export all we can and sell for gold and bring it home and buy domestic goods. How would you do in trading with Italy, that has no gold, but only a paper money, and Austria and the Argentine Confederation? Some countries carry on their exchanges in depreciated paper, worth little at home and nothing abroad. There your trade would stop. But suppose every people had a gold and silver circulation, you could not

trade on such terms. The coin of a country is its home circulation. It can not be sent off except in small amounts to settle balances, and then it in due course of trade returns again.

But suppose we demand of Great Britain the gold for the four hundred millions of farm products we send her, it would take all her gold to pay for one crop. As our policy is to sell, not to buy, we will not send that gold back again. Next year we will have another crop to sell. How can she buy? Her gold is all gone; she can not get it back. Why, sir, it is absurd to talk about international trade carried on by selling for gold and buying nothing. International trade is an exchange of one commodity for another. The question returns upon us, what will we do with our surplus agricultural products? You meet us again with another theory. We must encourage the growth of home manufactures; we must put the consumer and producer side by side, and make a home market for our agricultural surplus. Now, it is a sufficient answer to this to say that for twenty years we have had this system in all its vigor, and yet we have not had the consumer of our agricultural products side by side with our farmers in the South and West.

After twenty years of high protective tariffs the farmers of Iowa and Kansas and Nebraska and the rest had to go to Europe to find consumers. But suppose all the manufacturing establishments in the East were taken up and carried West, with all their laborers, would they consume any more in the West than in the East? The consumption would be the same. In order to make a home market for our surplus agricultural products there must be an increase of manufacturing laborers twice or three times as great as the present number; but that can not be, because the present amount of manufacturing labor is sufficient to make all the products our people can consume, and then they can not get work full time. So their number can not be increased, but the agricultural laborers are increasing all the time, and the question still remains unanswered, What is to become of our surplus agricultural products?

My venerable friend on the other side [Mr. KELLEY] gives us still another theory. He says we must diversify our industries. The farmer is to be consoled by the advice to stop farming to such excess and go into manufactures and reduce the product of the farm and increase the product of the factory. This carries him still deeper into the Serbonian bog. How can any considerable number of farmers change their occupation? It takes large capital, skill, and training to carry on manufactures successfully. Our farmers are men in but moderate circumstances. They have their little farms and the stock and farming implements necessary to till them. They have no capital to go into manufactures, and besides there are more products now being manufactured than can be consumed.

All these theories are fallacious and deceitful. The farmer is shut up to his occupation. There is no escape from it. He can no more abandon it than the pilot can abandon his ship when the storm is driving it on the reefs and rocks. It is the merest trifling to tell him to quit the plow and go to the forge or the loom. You tantalize him when you advise him to abandon the only occupation by which he can live and go to manufacturing. When he asks you to take the hand of the Government out of his pocket you tell him to stop farming and go to the end of the rainbow and gather gold! The question what is to become of our surplus agricultural products that are increasing in quantity and decreasing in value for want of markets, remains unanswered. Now, let me show you what high tariffs have done for our farmers since we have had them. In 1850 the value of all farm products was $1,299,197,682. In 1860 the value of all farm products are not given, but the quantities are. These largely increased, and so did the value of all farm products. Mr. Grosvenor, in his work, "Does protection protect?" says of that crop:

> By far the greater part of our production of wealth is by means of agriculture. The annual product of that branch of industry according to the census of 1860 was about $2,598,393,364.

Hon. Robert J. Walker, ex-Secretary of the Treasury, in a letter addressed to the people of the United States, November 30, 1867, says:

> From 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase.

These two gentlemen are both accurate statisticians. I take Secretary Walker's statement of the value of the crop of 1860, not because I think it more accurate than Mr. Grosvenor's, but because it is a little less.

Ninety-five per cent. increase on the crop of 1850 would make the value of the crop of 1860 $2,533,435,659.

The value of all farm products in 1870 as given by the census was $2,447,538,630. The value of all farm products as given by the census of 1880 was $2,213,402,564.

From these figures it will be seen that the crop of 1880 was not as great in value as that of 1860 by $300,000,000. Had that ever occurred to you? Notwithstanding there were 4,000,000 more men laboring in the fields to make that crop; notwithstanding there were 120,000,000 more acres in cultivation; notwithstanding there were three thousand millions more money invested in farms and farming implements than in the year 1860—yet the entire value of all farm products was largely under that of 1860, twenty years before that. How did this occur? How could it be so? Was there a blight on the fields? No. Was the crop destroyed by mildew or the army worm? No. On the contrary, the crop of 1880 was twice as large as that of 1860. Everything of farm production increased in quantity. Then how could the value of the farm products in 1880 be under that of 1860? It was the result in the fall of the price of farm products. And that was caused by the high-tariff obstructions that were thrown in the channels of commerce in 1861, and which obstructions still remain. Now, let us see what farmers have made by high tariffs.

If we take the whole agricultural products of 1860 and divide that by the number of those whose labor produced that value, we find that the farmers realized, in 1860, $778 each, in 1870, $413 each, and in 1880, $289 each. So it seems that high tariffs that keep him out of the foreign markets with his products are not very beneficial to him. The manufacturer did not fare so badly. While he did not prosper as he did under the low tariff of 1860, he did better than the farmer. He had a million more men employed in 1880 than he had in 1860, and a thousand millions more money invested; but he made a profit of 36 per cent. over cost of wages and material, while he made 47 in 1860; but the farmer made little or nothing above subsistence. While the price of agricultural products has fallen so since 1860, have manufactured products fallen at the same rate? No. If you will look at the reports of the Iron and Steel Association you will see that pig-iron was higher in 1880 than in 1860, and so was bar-iron, and so was railway bars. If you will look at a schedule of the prices of protected articles you will not see the same decline; you will see window-glass and many other things higher instead of lower; and for the best of reasons: the high tariffs compel the farmer to sell in the markets where the supply is already greater than the demand, and it compels him to buy in the market the products of manufacture where demand is greater than the supply, and he loses both ways.

These are startling figures, and the unhappy condition of our farmers is the logical result of the destruction of their markets. His products had to be forced to sale in markets oversupplied when there was little or no demand, and of course at ruinously low prices.

The uniform result of high tariffs has been to increase the price of the protected articles and decrease the price of farming products. We began the policy of protection in 1816 as a temporary policy. The doctrine was advocated before that, but all the tariffs prior to 1816 were revenue tariffs. In 1816, having just passed through a trying war with Great Britain, our statesmen favored a temporary protection to infant manufactures till they could stand alone, in order that the Government might be independent and self-supporting in time of war. This was the ground on which Mr. Dallas placed his support of the Walker tariff of 1846. In giving the casting vote that passed the bill through the Senate, he said:

> The struggle to exert without abatement the constitutional power of taxation in such a manner as to protect by high duties on imports many of the productions of our own soil and labor from the competition of other countries has endured for more than thirty years. During that period a system of high taxation has prevailed, with fluctuations of success and failure. It ought to be remembered that this exercise of the taxing power was originally intended to be temporary. The design was to foster feeble "*infant*" manufactures, especially such as were essential to the defense of the country in time of war. In this design the people have persevered until these saplings have taken root, have become vigorous, expanded, and powerful, and are prepared to enter with confidence the field of fair, free, and universal competition.

In 1816, when we began to protect infant manufactures, especially cottons and woolens, it was stated by Mr. Clay that protection was only wanted for three years. And when the act was passed a protective duty of 25 per cent. was put on cottons and woolens till 1819. After that they were to return to the revenue standard of 20 per cent. In 1818, a year before the temporary policy was to expire, Congress again extended the protective duty to 1826. What was the effect of this policy at its first inauguration? The first thing that attracts our attention is the falling off of our foreign trade. Our imports that year were one hundred and forty-seven millions; they declined for years throughout the whole protective period, and did not reach that amount again till 1835. From 1800 to 1816 our foreign trade increased 42 per cent., and from 1816 to 1832 it decreased 20 per cent. From 1820 to 1830 our foreign trade was not as great as from 1800 to 1810, notwithstanding the war between the British orders in council and the Berlin and Milan decrees, that made the high seas a field for the plunder of neutral goods as well as the continent under the command of the armies of France and England. During that period every spot on the ocean was a scene of conflict, and "the highway of nations was almost without a flag floating on its surface except the flag of commercial marauders." Yet this dreadful conflict between these exasperated belligerents was not so destructive to our commerce as the high tariffs from 1820 to 1830. Cotton and breadstuffs fell 50 per cent. after the tariff of 1816. In 1824, when the tariff was again increased, our foreign trade again fell off. In 1828 the tariff was again increased until it became so odious that it was characterized as the tariff of abominations. Our foreign trade again fell. Our imports in 1830 had fallen from one hundred and forty-seven millions in 1816 to seventy millions. And that period from 1820 to 1830 is admitted to be the darkest period in our history. In 1833 the compromise tariff was enacted that put the country on a sliding scale from protection to revenue.

Now, we have seen our foreign trade falling off every time the tariff

was increased. Do we see the same thing when it is reduced? On the contrary, our imports rose from one hundred and eight millions in 1833 to one hundred and eighty-nine millions in 1836. Our foreign trade increased 40 per cent. by 1841. How did it affect agricultural products? Just as it does always when markets are opened for their sale. Agricultural products rose, and manufacturing products fell. From 1835 to 1842 raw cotton rose 60 per cent. and cotton goods fell 40 per cent. In 1839 raw cotton was worth 15 cents per pound. Between 1833 and 1842 woolen manufactures increased 60 per cent. while flannels, blankets, and other woolen goods were constantly falling in price. Why, the exports of the manufactures of iron increased during the existence of the gradually falling duties till 1842, when they showed an increase of 300 per cent. for the whole period.

In 1842 the revenue tariff was repealed, and a high protective tariff was again adopted. The same result follows this that followed the tariffs of 1816, 1824, and 1828. Foreign trade falls off, and as a consequence agricultural products fall in price. Cotton, which was 15 cents a pound in 1839, is 6 cents in 1843; other farm products shared the same fate with cotton. Protected articles, such as cotton goods, woolens, iron, and sugar, rose from 20 to 100 per cent. So depressed were all farm products that the year 1843, succeeding the year of the high tariff, has been characterized as the low-water mark of the century. The exports of iron, which increased 300 per cent. under the revenue tariff of 1833, decreased 50 per cent. under the protective tariff of 1842.

On the 30th day of July the Walker tariff was enacted, to go into effect the 1st day of December, 1846. How was our foreign trade affected by this low revenue tariff? It increased so much that from the 1st of December, 1846, to 1st of December, 1847, the revenue had increased eight and one-half millions notwithstanding the very great reduction of duties. How did this affect agricultural products? Just as a revenue tariff always does when it opens a way for them to market. Agricultural products rose from July 30, 1846, to December 1, 1846, 23½ per cent. on an average; cotton rose 18.3 per cent; wheat, 17.3; rye, 18; corn, 24.5; oats, 40.9; barley, 24.7. Seven of the principal crops as shown by the Secretary of the Treasury in his report of that year had increased in value during the six months succeeding the passage of that bill more than $115,000,000, and it was estimated that the increased value of the whole crop for the same period was three hundred and fifty millions. This additional value was given to the agricultural products of the country because the tariff of 1846 opened a way for them to market. But that is not all of its benefits to the farmers. It decreased the prices of manufactured products correspondingly. It added three hundred and fifty millions to his crops, but it added three hundred and fifty millions to the purchasing power of his money.

High tariffs hurt us all when we buy, but they hurt the farmer twice. They hurt him when he sells and hurt him when he buys. But did not the low tariff of 1846 ruin the manufacturers? I have heard all sorts of statements made about the pernicious effects of that tariff on our manufacturers. The official records show that our manufacturers prospered under the low tariffs from 1846 to 1860 as they never did before, and as I am sure they never will again until the way is again opened for our agricultural products to foreign markets.

I have here a statement showing the average annual increase of the values of the products of domestic manufactures. One period is from 1850 to 1860 under low tariffs, the other from 1860 to 1880 under high tariffs. Manufactures increased at 8 per cent. per annum in the first period and 6 in the second; capital invested in manufactures increased 8 per cent. for the first and 6 for the second; cotton goods increased 7 per cent. in the first and 3 per cent. in the second; woolen goods, 4 per cent. in the first and 11 per cent. in the second; iron, 8 per cent. in the first and 7 per cent. in the second; steel, 90 per cent. in the first and 14 per cent. in the second; paper, 11 per cent. in the first and 7 per cent. in the second; leather, 10 per cent. in the first and 10 per cent. in the second; rolled iron, 10 per cent. in the first and 17 in the second; pig-iron, 5 per cent. in the first and 17 per cent. in the second; glass, 8 per cent. in the first and 6 per cent. in the second; printing, 18 per cent. in the first and 9 per cent. in the second; musical instruments, 15 per cent. in the first and 9 in the second; agricultural implements, 15 in the first and 15 in the second; silk, 47 in the first and 15 in the second; hosiery, 60 in the first and 16 in the second; boots and shoes, 7 in the first and 6 in the second.

It will be seen that there were but three exceptions in all the manufactured products in the United States. All increased more in the low-tariff period than in the high-tariff period except woolen goods and rolled iron and pig-iron. There is a substantial reason for each of these exceptions. By the tariff of 1842 all wool under 18 cents a pound was dutiable at 5 per cent. By an oversight in the act of 1846 all wool was dutiable at 30 per cent., which was the same as all manufactures of wool. The result was that the woolen business was almost destroyed. In 1857 all wool under 20 cents was free, and for three years the woolen business increased rapidly and showed by the census of 1860 43 per cent. increase for the decade, the greater part of which increase occurred between 1857 and 1860. During the period between 1860 and 1880 there has been an enormous duty both on wool and woolens, which has given the market almost exclusively to the domestic producer.

The increase of rolled iron and pig-iron in the high-tariff period is due to the great demand for iron and steel rails to meet the extraordinary growth of our railway system during the last twenty years. Our own factories were unable to fill the orders, and had to increase their capacity for production to meet the extraordinary demand. It is said that a great many furnaces went into bankruptcy between 1846 and 1850. There were some bankrupt establishments that failed, but there were twenty-seven blast-furnaces started in Pennsylvania during the same time. There were 500,000 more tons of coal burned in the iron furnaces in that State in 1847 than in 1846, and a million more tons in 1850 than in 1846. That does not look like they had been destroyed. The product of iron increased from 1852 to 1856 at 55 per cent., while under the high tariff of 1842 it only increased 42 per cent. From 1852 to 1856 there was the strongest competition the iron interest ever had in the United States. Enormous importations of iron poured in to meet the demand of our railroad companies, which were extending their lines with great rapidity.

But notwithstanding the severe test to which they were subjected they kept their fires lighted, their chimneys smoking, and their anvils ringing. They passed the severe ordeal successfully and not only drove the foreigner out of the home market but invaded him in the foreign market. In 1850, of all the iron consumed in the United States 93 per cent. was domestic production and 7 per cent. foreign. In 1860, with a low revenue tariff of 24 per cent., still of the entire consumption 93 per cent was domestic and 7 imported. Now, that is a very important fact for protectionists to consider; but that is not all of it yet. In 1870, under a high tariff on iron, only 90 per cent. of the consumption was made at home, and only 92 per cent. in 1880. Of the home consumption of cottons in 1850, 77 per cent. was domestic production and 23 per cent. foreign; while in 1860, when the duty was only 19 per cent., 93 per cent. was domestic product and 7 per cent. imported. The importations of cotton decreased 50 per cent. from 1850 to 1860; but in 1870 the domestic product, under a high protective tariff, was only 89 per cent. and the foreign 11 per cent. of the home consumption, and in 1880 it was 90 per cent. to 10.

Now what does this prove? It proves conclusively that you can do better without commercial restriction than with it. It proves that iron and cotton did stand alone without protection and prospered more than it has done with all its aids. Now why is this?

A MEMBER (to Mr. MILLS). Do not hurry. We will extend your time.

Mr. MILLS. Mr. Chairman, we gave the gentleman from Pennsylvania [Mr. KELLEY] all the time he wanted; will the same courtesy be extended to me? If so, I need not talk so fast.

Mr. MCKINLEY. I ask unanimous consent that the gentleman from Texas be allowed all the time he wants.

The CHAIRMAN (Mr. SPRINGER in the chair). The gentleman from Texas has sixteen minutes remaining but the gentleman from Ohio [Mr. MCKINLEY] asks unanimous consent that the gentleman have leave to continue his remarks so long as he may desire. The Chair hears no objection.

Mr. MILLS. I thank the committee for its courtesy.

Have we not heard here all the time that if our tariff is low the pauper products of Europe will come in and drive our people into bankruptcy? This idea arises out of a total misapprehension of the whole question. As I stated at the outset, every dollar you let come in lets another one go out. Wealth is made both by what we import and what we export. The more people trade the richer they get, when they give a day's labor for that which would cost them more than a day's labor to produce. Our natural wealth increased from 1850 to 1860 at 126 per cent., or over 12 per cent. per annum, and from 1860 to 1880 at 6 per cent. per annum. Why did our wealth increase twice as fast under a low revenue tariff as it did under a high protective tariff? It was our foreign trade that did it. There is a striking similarity between the growth of our national wealth and our foreign trade. From 1830 to 1850 our national wealth increased 4.72 per cent. per annum. Our foreign trade increased for the same time at 3.56 per cent. per annum. From 1850 to 1860 our national wealth increased at 12.60 per cent. per annum and our foreign trade at 11.70 per cent. per annum. From 1860 to 1880 our national wealth increased at 6.30 per cent. per annum and our foreign trade at 5.25 per cent. per annum. It was our growing commerce that made our wealth grow so fast from 1850 to 1860, and that enabled the people to buy more manufactured products, and that increased the domestic production. High tariffs by destroying our commerce destroyed our wealth, injured our farmers, and retarded the production of our manufactures. When we struck down our commerce we "killed the goose that laid the golden egg."

Let us take one small item to show how exchange makes us grow in wealth. In 1872 railway bars were worth $37.50 in England and $75 here. Now it is evident that with the tariff out of the way $75 would add one more ton of railway bars to the wealth of the country if bought in England than it would if bought in Pennsylvania. The high tariff destroys that value by keeping that ton away; and so it does every article it keeps away. We send abroad domestic commodities to the amount of $800,000,000. If it were not for the tariff we would send more, and then the $800,000,000 would be increased in value 10 or 15 per cent. and it would bring back things produced at the least cost of production abroad, and they would bring additional value to the country.

If the wealth of the country had increased from 1860 to 1880 as it

did from 1850 to 1860 our national wealth would to-day be over sixty billions instead of forty-three. The increasing wealth of the country enables the people to purchase and consume more of the products of manufacture, and that keeps their laborers engaged and gives them constant employment. When the wealth is decreasing or its rate of increase is slackened the people are less able to satisfy their wants, there is less demand for the products of manufacture and less employment for their laborers. During the last twelve months numbers of industrial establishments have had their doors closed because the people are not able to buy and consume their products.

My colleague on the committee [Mr. HEWITT] is trying to help the manufacturer out by giving him free raw material so that he may go into the foreign market, as he can not find a sufficient demand in the home market to keep his works going and his laborers employed. His measure only gives half relief. I want to give him both the foreign and home market and both filled with buyers, who want his products and have the capacity to purchase them. That can only be done by extending our foreign commerce as far as we possibly can. Not only should we put raw materials on the free-list, but the manufactured product should be burdened as lightly as possible. Would not that ruin our manufacturers? Why, 85 or 90 per cent. of all the manufactured products of the United States can be made here cheaper than they can be produced abroad and delivered here.

If we were to break down all the barriers that stop our trade, and support the Government by an income tax, a tax on whisky and some other things, and leave our trade as free as possible, the domestic producer would supply 85 or 90 per cent. of all the manufactured goods we consume. There are many things which we could not supply. There are secrets in the manufacture of certain goods which give to certain persons the monopoly of their production. There are certain countries that are specially adapted to certain manufactures. We do not manufacture broadcloths, as I am informed. The finest silks can only be produced in the dry climate of France and Italy. I saw a gentleman take from his pocket this morning a piece of cloth that is only made at one place in the world, and that one place in France.

Fine laces may be made in Belgium which could not be made here. But we can make with the full competition of the world 85 or 90 per cent. of the whole amount we consume cheaper than it can be made in any foreign country and delivered to us. The history of our manufactures under the tariff of 1857 is proof to my mind of that fact. That tariff had duties running down from 24 to 5 per cent., and our manufacturers were never so prosperous. Let us look at the exports of 1860. That will show the condition of the country, and especially of its manufactures.

I have a table here showing the per cent. of annual increase of our exports for two periods: one from 1850 to 1860, under low revenue tariffs, and the other from 1860 to 1880, under high protective tariffs. The exports of all domestic merchandise increased 12 per cent. per annum in the first period and 6 per cent. in the second; agricultural products, 13 per cent. in the first period and 5 per cent. in the second; domestic manufactures, 12 per cent. in the first period and 5 in the second; cotton goods, 13 per cent. in the first period and 5 in the second; iron and steel, 19 per cent. in the first period and 5 in the second; hats, 20 per cent. in the first period and one-quarter of 1 per cent. in the second; boots and shoes, 60 per cent. in the first period and decreased in the second; wearing apparel, 15 per cent. in the first period and decreased in the second; earthen and stone ware, 30 per cent. in the first period and 3 per cent. in the second; glass, 10 per cent. in the first period and 9 per cent. in the second; tin, 20 per cent. in the first period and 14 per cent. in the second. Now, sir, this does not look like breaking down our manufacturers by low tariffs. It shows that we not only kept our home markets but we were invading the foreign manufacturer in the markets of the world, and that our manufacturing industry did better under low tariffs than it did under high tariffs designed especially for its protection.

But it is contended that high tariffs necessarily make high wages, and that the laborer working in the factory is the chief beneficiary of that policy. As proof of that we are cited to the fact that our manufacturing operatives get higher wages than the same class in England, where there is free trade on all the products of manufacture. It would be a sufficient answer to this to say that operatives in England get higher wages than operatives of the same class in France and Germany, where they have high tariffs as we have here. If it is a logical result that follows high tariffs, why does it not have the same effect there that it does here? If high wages are produced by high tariffs, why is the rate of wages different in different localities in the United States?

The rate of wages paid iron-workers is not the same in Chicago that it is in Pittsburgh. The rate of wages paid to cotton-workers is not the same in Lowell that it is in Columbus and Atlanta. The tariff is the same in all these places, and if the tariff fixed the rate of wages the wages would be the same. But the tariff does not regulate the rate of wages. It may for a time give higher profits to the manufacturer, but it can not compel him to give wages above the market price, and he does not do it. Like all other people he buys what he wants at the lowest price for which it can be procured, and labor is no exception to the rule. Wages are not governed by an act of Congress but by the demand for work, and the amount of work ready to respond to that demand and the ability of the employer to pay for it.

When the people are all prosperous and wealth is accumulating rapidly there is a great demand for work, because the wants of a people always increase in proportion to their ability to satisfy them. When the people are not prosperous and wealth is not rapidly accumulating there is a lessening demand for work, because there is a lessened ability to employ and pay for it. When there is a great demand for labor it is high. When there is little demand it is low. Now, the question which the laborer is interested in determining is how to increase the demand for his labor. Labor is high here now compared with what it is in Europe, because the demand here is greater than the supply, and there the supply is greater than the demand. Our country is new, theirs is old; our country is sparsely settled, theirs is crowded; our lands are cheap and rich and theirs are high and worn. Labor is more profitable here than there. It can make more in a given time here than it can there, and the price of the wage is the measure of the value of labor, as interest is of the value of money.

Agriculture is the controlling industry that regulates the rate of wages in this country, because it has three times as many laborers employed as manufacturers, and more than all other industries combined. It controls the price of wages just as the larger market controls the prices in the smaller. The markets in New York control the prices in Jersey City, and the large quantities of wheat sent by the United States and Russia to England control the prices at which the few thousand bushels from Chili and Brazil must be sold in Liverpool and London. The constant demand of agriculture to cultivate our cheap and fertile lands keeps up the price of labor. And when wages begin to decline it is a sure indication that the farmer is not prospering. If wages are to stay high, it must be because agriculture is profitable. It is indispensible that the national wealth must be constantly increasing among the people to enable them to employ labor.

When we had low tariffs from 1850 to 1860 the national wealth increased at 126 per cent. and the rate of wages increased at 16 per cent. Under the high tariffs from 1860 to 1880 the national wealth increased at half that rate and the rate of wages increased at 8 per cent. The high tariffs retarded the increase of the fund that employs labor, lessened the capacity of the people to pay for it, that lessened the demand, and that lowered the price.

Now, how is the wealth of the people to be increased and diffused? It is by every one working to accomplish the greatest results by his toil. The farmer must be permitted to cultivate his field to the best advantage, and sell his products in the markets that offer the highest prices, and buy in the markets that offer the lowest. By that means his wealth is increased. He demands more labor to employ his capital and more of the products of manufacture to satisfy his wants, and that gives increased employment to manufacturing labor. The extent of the consumption of manufactures depends on the capacity of the people to purchase. And the rate of wages in manufactures depends on the amount of consumption. Labor will not be employed to produce faster than the product is consumed, and when the consumption is arrested overproduction soon compels cessation of work, the fires are put out and the laborer discharged.

The purchasing power of wages is not as great now as it was in 1860. The chief of the bureau of statistics of Massachusetts reports that wages were 10 per cent. less valuable in 1881 than in 1860. Why was labor less vlauable in 1881 than in 1860? Because the people were less able to employ labor and consume its products. And why was that the case? Because high tariff had prevented them from accumulating wealth by buying on the lowest markets and selling on the highest. The high tariff now prevailing had reversed the law that governs the production of wealth and compelled the farmers, the greatest producers of wealth in the country, to sell on the lowest markets and buy on the highest. Continue this policy for a few years longer and the most disastrous consequences may ensue. Compel the consumers of Europe, who are the customers of our farmers, to go elsewhere to find cotton and wheat and provisions, and our agriculture falls prostrate in the dust. Then the farmer can no longer employ his own operatives, and they will be turned loose to seek employment in other industries, and that will bring the wages of all labor down. Then he will not be able to consume the products of manufacture, and production must stop and the manufacturing laborers must be discharged. Then will come a period of distress, and in their desperation a few more towns and cities may be burned.

Mr. Chairman, agriculture, manufactures, and commerce are the chief sources of wealth and power in all countries. Each of these great industries is intimately connected with and dependent upon the others. Each rises toward its highest prosperity where all are unfettered and free. Each finds its highest development in the highest development of the whole. Each receives injury when the growth of the others is arrested. It is a delusion to believe that manufactures can be promoted by obstructions interposed in the way of the growth of agriculture and commerce. Every country that aspires to fill the full measure of its greatness and power must cultivate to the highest point every branch of its industry and remove from its way every hindering cause that retards its progress. Commerce is an indispensable element of national power,

and no country has ever attained great eminence without a large and extended commerce.

All people of whom we have any account in history have been traders. The earliest records of the human family show them to us engaged in traffic, and the more they have extended their commerce the more they have grown in wealth, progress, and power. In the earlier ages of the historic period, as we read in the old book that lies on the family table, the Ishmaelitish merchantmen carried the spices and balms of Canaan into Egypt and exchanged them for corn. But Israel only rose to the highest point of her power and glory when her merchant king pointed her people to the sea, bade them build ports and ships and carry the commerce of the world. It was under the illustrious son of David that Zebulon became "a haven for ships," as the patriarch had prophesied centuries before. Her capital became renowned throughout the earth for its wealth and magnificence.

The inspired chronicler tells us that he made silver to be as stones in Jerusalem. Amid all the principalities and powers of the East the little kingdom of Israel was as a city set upon a hill that could not be hid. But her light went out, and she went down "like a bright exhalation in the evening," when her commerce died with her king. The Phœnicians and Carthagenians lived by the shores of the Great Sea and for centuries were the carriers of the world's commerce, and the wealth and splendor of Tyre and Sidon and Carthage are themes that have come down through the many centuries that intervene between them and us. The Venetians were a feeble people who were driven into the islands of the Adriatic by the powerful hordes that overran and devastated Southern Europe, but they cultivated commerce as the only pursuit left them by their more powerful masters, and by commerce alone they outstripped all the nations of Europe in amassing wealth. Venice was the banking-house of the world in the Middle Ages and the carrier of its commerce; but Venice sank into oblivion when the bond that wedded her to the sea was broken.

History tells us that Holland was once among the great powers of Europe, and Amsterdam was the world's banker, and when we search in her history to find that period we find it when her fleets were on all the waters of the world, carrying on an extended and growing commerce, and when the Dutch admirals carried the inverted broom at their masts as a symbol that they swept the seas. Portugal, too, was one of the leading powers of the earth, and the page of her history points to her meridian when her bold navigators were buffeting with storms in the southern ocean hunting a passage around the Cape of Good Hope for Portuguese commerce to India.

Spain, in old age and decay, the skeleton of that tremendous power that once made itself felt in all the countries and climes of the earth, recalls a period in her history when she overshadowed the earth with her name; when she had colonies on all the continents and among all the islands of the seas; when her laws, her language, and her literature were among all people from the grandees of Castile to the Indians and Aztecs of Mexico; but that period she finds was when her ships were carrying rich argosies from the opposite side of the globe and pouring them into her lap at Barcelona and Cadiz and Seville.

In the vicissitudes of national life England stands to-day at the head of the column; her wealth was never so vast; her power was never so great; her people were never so prosperous, so well fed, so well clothed, so well housed, so well contented. She carries more than half of the world's commerce in her bottoms and more than one-fifth of the whole is her own. Her capital is to-day the banking-house of the world, and though she can not boast of mines of gold she has more gold than any nation in Christendom. She is investing in railways, mines, and manufactures in all parts of the world, and her investments are yielding an income that returns to her annually more than $300,000,000. She has received within the last thirty years in commercial exchange with other people $9,000,000,000 more than she has sent away.

When we look back through our past history we read on its pages that there was a time when American vessels spread their white wings to the winds on all the oceans; when the ensign of the Republic was seen and known in all the ports and harbors of the globe; when by the very spell of its name it gave protection to the person and property of its citizens in all kingdoms and countries. Then it was the acknowledged symbol of a free, fearless, and powerful people who were too just to ask anything but what was right and too strong to submit to anything that was wrong; then when it rode at the mast of an American vessel it consecrated every plank on its decks as holy ground, where every citizen of the Republic and every stranger within her gates might repose with security upon the sinews of a powerful arm.

It mattered not whether it was an American seaman who had pledged his faith to her Constitution and laws, or a Hungarian exile who had been driven by the storms of oppression upon the horns of her altars for refuge, the shadow of that flag covered with immunity every one upon whom it fell. Then the poorest and the humblest might go whithersoever he would and find shelter and safety in all lands, on all seas, under all skies. Then we had commerce and battle-ships and naval power. Where now is that naval armament that once disputed with England the sovereignty of the seas? Where now are our commercial fleets that once shared with her the profits of the carrying trade of the world? Our ships are all rotted, our seamen are all dead. Ichabod is written on the folds of the once powerful ensign of the Republic, and the eye seeks in vain for its broad stripes and bright stars among the ten thousand masts that crowd the harbors of the world.

God grant that the day may soon come when American ships, freighted with American commerce, shall again go to sea under the shield and protection of our own flag. But if that day is to come it must be preceded by a reversal of the policy of commercial restriction. We must remove both by legislation and diplomacy every hindering cause that prevents the free exchange of the products of our labor in all the markets of the world. We must unfetter every arm and let every muscle strike for the highest remuneration for its toil. We must let wealth, the creation of labor, grow up in all the homes of our people. Then every industry will spring forward at a bound, and wealth, prosperity, and power will bless the land that is dedicated to free men, free labor, and free trade. [Loud applause.]

Mr. RUSSELL obtained the floor.

Mr. CANNON. Before the gentleman from Massachusetts [Mr. RUSSELL] proceeds, and before the gentleman from Texas [Mr. MILLS] takes his seat, I desire to ask the gentleman from Texas a question. If I caught his remarks correctly, he stated some time during his speech that the value of the agricultural products of 1880 in the United States was less than the value of the agricultural products of 1860.

Mr. MILLS. I do say that fact appears from the census returns. I knew it would astonish you.

Mr. HORR. It does, because it is not in any way true.

Mr. MILLS. That is a very convenient argument which you protectionists always resort to. When you are confronted with an argument that you can not escape you say it is not so. But what I say is: I give you the official returns of the census, and the Superintendent of the Census himself tries to explain the fact.

Mr. CANNON. I will ask the gentleman if he believes that to be true?

Mr. MORRISON. He has already told you that it is in the census.

Mr. CANNON. I ask the gentleman if he believes it to be reliable.

Mr. MILLS. I think that like all other tables there may be some imperfections about it, but I have no doubt the main body of it is true.

Mr. HISCOCK. Will the gentleman give in figures the agricultural values of 1860?

Mr. MILLS. I have given them from Mr. Walker and from Mr. Grosvenor, of your city.

Mr. HORR. We have the report right here.

Mr. MORRISON. If the gentleman from Massachusetts [Mr. RUSSELL] will yield I will move that the committee now rise.

Mr. HORR. Let this matter be settled. I have no doubt the gentleman from Texas [Mr. MILLS] desires to be correct, but the figures are against him.

Mr. MORRISON. Put in the figures yourself when you get the floor.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. RUSSELL] yield for a motion that the committee rise?

Mr. RUSSELL. I will yield for that motion.

Mr. EATON. Why not let this thing be settled now?

Mr. MORRISON. The gentleman is going to make a speech, and he can make the correction then.

Mr. EATON. It ought to be settled before it goes to the country; it is incorrect, I know.

Mr. MORRISON. I move that the committee now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

### NAVAL APPROPRIATION BILL.

Mr. RANDALL. The naval appropriation bill has been returned from the Senate with amendments. I move that the bill, with the Senate amendments numbered, be printed and referred to the Committee on Appropriations.

There being no objection, the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, was ordered to be printed with the Senate amendments numbered, and referred to the Committee on Appropriations.

### CORRECTION OF ERROR OF ENROLLMENT.

The SPEAKER laid before the House the following from the Senate:

Whereas in Senate bill 1063, entitled "A bill to amend the Revised Statutes in relation to the District of Columbia, and for other purposes," which passed the Senate on the 1st day of April, 1884, in that clause of said bill amending section 549 of said Revised Statutes, by an error of the print, it is described as section 459, and with such error the said bill has passed the House of Representatives and been enrolled: Therefore,

*Resolved by the Senate (the House of Representatives concurring)*, That the figures in said act descriptive of said section of the Revised Statutes relating to the District of Columbia be changed from 459 to 549.

The resolution was concurred in.

### H. J. T. MOSS.

Mr. THROCKMORTON, by unanimous consent, introduced a bill (H. R. 6661) for the relief of H. J. T. Moss; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased; and

A bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition.

Mr. MORRISON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

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PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BISBEE: Petition of Amelia Goldstone, in behalf of the heirs of Louis Goldstone—to the Committee on the Judiciary.

By Mr. W. R. COX: Memorial of the manufacturers, dealers, and citizens of Durham, N. C., requesting speedy action on part of Congress in regard to the tobacco tax—to the Committee on Ways and Means.

By Mr. S. S. COX: Petition of Alexander Oelsner, for relief—to the Committee on War Claims.

Also, protest of Mosher & Morgan, against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. DUNHAM: Petition of Marshall Field & Co. and 53 others, leading merchants of Chicago, in favor of a reduction of import duties—to the Committee on Ways and Means.

By Mr. EATON: Petition of the towns of Windsor and South Windsor, for compensation for damage to Bissell's Ferry, in the Connecticut River, caused by Government works in said river—to the Committee on Claims.

By Mr. ELDREDGE: Petition of S. M. Hamilton and 47 others, members of Dwight A. Woodbury Post, Grand Army of the Republic, Adrian, Mich., asking for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

By Mr. FORAN: Memorial of T. P. Spencer and 117 others, citizens of Cleveland, Ohio, relative to a collection of statistics relating to divorce laws—to the Committee on the Judiciary.

By Mr. GEORGE: Petition of John Beeson, for remuneration for services rendered the General Government—to the Committee on Indian Affairs.

Also, bill to make an appropriation for the permanent improvement of the mouth of the Alsea River—to the Committee on Rivers and Harbors.

Also, bill to make an appropriation for the permanent improvement of the mouth of the Sinslau River—to the same committee.

Also, bill making an appropriation for the permanent improvement of Tillamook Bay—to the same committee.

By Mr. GREEN: Petition of J. A. Worthy and others, citizens of North Carolina, for national aid to education—to the Committee on Education.

Also, petition of E. W. Ward and 165 others, citizens of Onslow County, North Carolina, to open up inland navigation between mouth of New River and Beaufort Harbor, in the State of North Carolina—to the Committee on Rivers and Harbors.

Also, petition of Navassa Guano Company and 26 others, citizens of Wilmington, N. C., praying for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. HARMER: Petition of officers of the United States Army in favor of the passage of H. R. 2613—to the Committee on Military Affairs.

By Mr. W. H. HATCH: Resolution of Captain York Post, No. 116, Grand Army of the Republic, Department of Missouri, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. HOUSEMAN: Petition of Allen Hill and others, citizens of Buchanan, Mich., to establish a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

By Mr. KING: Petition of citizens of the parishes of Richland, Morehouse, Franklin, and Caldwell for the improvement of the Bœuf River, Louisiana—to the Committee on Rivers and Harbors.

By Mr. MORSE: Petition of merchants of Boston trading with Newfoundland and the Dominion of Canada praying for the passage of an act concerning the importation of merchandise from Canada and Newfoundland into the United States—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Dwight Post, No. 109, Grand Army of the Republic, Department of New York, relative to increase of pensions, &c.—to the Committee on Invalid Pensions.

By Mr. PRYOR: Petition of W. P. Cooper and others, in favor of the erection of public buildings at Huntsville, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. W. E. ROBINSON: Petition of John W. Morgan for an increase of pension—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Petition of regimental quartermaster-sergeants for the passage of the bill creating post quartermaster-sergeant with rank, &c., of commissary-sergeants, and for an increase of pay to $34 per month—to the Committee on Military Affairs.

By Mr. RUSSELL: Petition for the relief of John Murphy—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Joint resolutions of the Legislature of Iowa, relative to the jurisdiction of United States circuit courts—to the Committee on the Judiciary.

Also, joint resolutions of the Legislature of Iowa, requesting a pension for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, joint resolution of the Legislature of Iowa, to facilitate the adjustment of pending applications for pensions—to the same committee.

Also, joint resolutions of the Legislature of Iowa, granting one hundred and sixty acres of land to all honorably discharged soldiers of the late war—to the Committee on the Public Lands.

Also, resolutions of L. G. Ireland Post, No. 118, Grand Army of the Republic, Department of Iowa, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Petition of Hicks' Post, No. 216, Grand Army of the Republic, Department of Illinois, relating to pensions for soldiers—to the same committee.

Also, petition of Eben Muse for a pension—to the same committee.

By Mr. VANCE: Petition of Hill Gowdy, of Septimus Brown, and of Sewall B. Corbett—severally to the Committee on War Claims.

By Mr. WASHBURN: Memorial of the Chamber of Commerce of Saint Paul, Minn., for an appropriation for the improvement of the Minnesota River at Saint Paul, &c.—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Petitions relating to the claims of William H. Hill, Shelby County, Tennessee; of Fendall Carpenter, Fayette County, Tennessee; of the heirs of John G. Thurman, deceased, Shelby County, Tennessee; of Richard S. Barrett, administrator of John W. Harris, deceased, Tipton County, Tennessee; of D. A. Ferguson, Hardeman County, Tennessee; of Robert Quinn, Fayette County, Tennessee; of Thomas J. Waller, of Fayette County, Tennessee; of B. W. Williamson, administrator of B. W. Williamson, deceased, Fayette County, Tennessee; of William A. Lowery, Shelby County, Tennessee; of George W. Shearin, Hardeman County, Tennessee; and of H. C. Dacus, administrator of H. A. Dacus, deceased, Tipton County, Tennessee—severally to the Committee on War Claims.

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## SENATE.

### WEDNESDAY, *April* 16, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," was read twice by its title, and referred to the Committee on Commerce.

DISTRICT COLORED SCHOOLS.

The PRESIDENT *pro tempore* laid before the Senate a communication from Hon. J. B. Edmonds, president of the board of commissioners of the District of Columbia, communicating, in response to a resolution of June 29, 1882, information concerning school premises for colored schools in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CALL. I have in my hand a letter from Rev. John E. Myers, trustee of the Presbyterian church at Saint Augustine, Fla., in the nature of a memorial, accompanied by a certificate of the commanding officer of the United States forces at Saint Augustine, Fla., during the war, which he asks be referred to the Committee on Public Lands to be considered in connection with a bill introduced by the Senator from Kentucky [Mr. BEC ].

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Public Lands.

Mr. CALL presented the petition of C. C. Lopez, president of the school board of Saint John's County, Florida, praying for the passage of the bill now pending before the Senate Committee on Public Lands donating to the city of Saint Augustine in trust certain unused lands within the city limits; which was referred to the Committee on Public Lands.

He also presented the petition of J. K. Rainey, president of the board of aldermen of Saint Augustine, Fla., praying for the passage of a bill donating to that city certain unused land; which was referred to the Committee on Public Lands.

Mr. ALLISON presented a memorial of newspaper publishers of Council Bluffs, Iowa, remonstrating against the passage of a news-copyright bill; which was referred to the Committee on the Library.

He also presented a petition of citizens of Wilton, Iowa, and vicinity,

praying for an appropriation for education in Alaska; which was referred to the Committee on Appropriations.

He also presented a petition of citizens of Clayton County, Iowa, praying that a home for disabled soldiers may be located in the State of Iowa; which was ordered to lie on the table.

He also presented resolutions adopted by the P. M. Coder Post, No. 98, Grand Army of the Republic, of Vinton, Iowa, urging the adoption of the recommendations of the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a joint resolution of the General Assembly of the State of Iowa; which was read, as follows:

[Joint resolution No. 14.]

Joint resolution and memorial of the General Assembly of the State of Iowa relating to the Des Moines River lands.

Whereas the settlers upon what is known as the lands granted to the Des Moines Navigation and Railroad Company believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly, properly, and adequately represented in court; and

Whereas the said settlers desire that the United States may be fairly and fully represented in the court: Therefore,

*Be it resolved by the house of representatives of the State of Iowa (the senate concurring)*, That our Senators and Representatives in Congress be earnestly requested to exert themselves to secure the prompt passage of a bill which shall in some way provide that the Attorney-General of the United States shall immediately institute proceedings, or cause such proceedings to be commenced at once, by action either in equity or at law, as may be deemed best, and appear in the name of the United States, so as to remove all claims from the title of said lands, and that in such action or actions to be instituted as aforesaid any person or persons in the possession of or claiming title to any land or lands under the United States, involved in such action or actions, may, at his or her expense, unite with the United States in the prosecution of said action or actions for the purpose of forever settling the title or titles of the person or persons claiming said lands.

Approved April 1, 1884.

*State of Iowa, ss:*

I hereby certify the foregoing to be a true and correct copy of the original on file in this office.

[SEAL.] J. A. T. HULL, *Secretary of State.*

Mr. ALLISON. I believe a bill substantially carrying out the wishes expressed in this memorial has been reported from the Committee on Public Lands. Therefore I ask that the resolution lie on the table.

The PRESIDENT *pro tempore*. That order will be made.

Mr. INGALLS presented the petition of Margaret Smith, widow of Joseph Smith, late a soldier in the Mexican war, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BLAIR. I present a memorial of the Liberty League of New York city, signed by William Godwin Moody, chairman of the committee on public lands, addressed to the two Houses of Congress, in which the memorialists say that they "respectfully and earnestly call the attention of Congress to the great wrongs done against the people and Government in the disposition made of the public domain, and especially to those transactions by which the people have been robbed of their heritage for the enrichment of railroad corporations." Then follow sundry historical examples cited as illustrative of a like policy pursued in former times and alleged to be instructive to the present, with a petition for remedial legislation. I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. BLAIR presented a resolution of the State Grange of New Hampshire, in favor of constituting the Commissioner of the Department of Agriculture secretary of the same and a Cabinet officer; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER, of New York. I present a memorial of the Chamber of Commerce of the State of New York, signed also by a large number of citizens of that State, which sets forth: first, that it is desirable that the metallic money of the United States should consist of gold and silver coins of interchangeable relative value, and that coinage should be restricted to the needs of commerce and the wants of the people; second, that the amount of silver dollars now accumulated in the Government vaults is largely in excess of these requirements, and that it has been demonstrated by experience that this excess can not be utilized at present as a circulating medium, and that it is desirable that the coinage of silver dollars shall be suspended for a period of at least two years next ensuing, and that in order to bring into gradual circulation the surplus silver coin now in the Treasury the further issue of bills of the denomination of one and two dollars shall be discontinued.

This memorial is signed by the president and secretary of the Chamber of Commerce of the State of New York and by several thousand citizens of the State. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. MANDERSON presented the memorial of Messrs. Hammond Brothers, of Fremont, Nebr., remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

He also presented a memorial of Seward Post, No. 3, Grand Army of the Republic, Department of Nebraska, praying for certain pension legislation; which was referred to the Committee on Pensions.

Mr. MITCHELL presented the petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the passage of the Lowell bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of W. B. Roberts and 64 other manufacturers and inventors, citizens of Crawford County, Pennsylvania, praying that no law to abridge the rights of patentees be passed; which was referred to the Committee on Patents.

He also presented a memorial of manufacturers and inventors of Wilkes Barre, Pa., and the memorial of G. H. Perkins, of Philadelphia, Pa., remonstrating against the passage of certain bills to amend the patent laws; which were referred to the Committee on Patents.

He also presented a petition of citizens of Pennsylvania, praying for the repeal of the act relating to vinegar factories established and operated prior to March, 1879; which was referred to the Committee on Finance.

He also presented a petition of the Vessel-Owners and Captains' Association of Philadelphia, praying that Congress make the appropriation necessary to maintain the United States Naval Hydrographic Office; which was referred to the Committee on Appropriations.

He also presented eight memorials of citizens of Beaver and other towns in Pennsylvania, remonstrating against the passage of the news-copyright law; which were referred to the Committee on the Library.

He also presented the petition of A. H. Jackson Post, No. 299, Grand Army of the Republic, of Pennsylvania; the petition of A. T. Pontius, and 47 other members of Craig Post, No. 75, Grand Army of the Republic, of Pennsylvania; and the petition of E. J. Rice Post, No. 211, Grand Army of the Republic, of Factoryville, Pa., praying that Congress comply with the recommendations of the pension committee of the Grand Army of the Republic in relation to pensions; which were referred to the Committee on Pensions.

He also presented a memorial of the Maimed Soldiers' League, of Philadelphia, Pa., in favor of an increase of pension to $40 a month to those having lost an arm or leg in the service; which was referred to the Committee on Pensions.

Mr. MITCHELL. I present the petition of the Philadelphia Maritime Exchange, praying for the passage of the bill (H. R. 4168) making an appropriation for the purchase of Theodore Hunter's Port Charges of the World for the use of United States consuls. I suppose the petition should go to the Committee on Commerce.

The PRESIDENT *pro tempore*. It will go to the Committee on the Library, according to the usual practice, matters relating to the purchase of all books being so referred.

Mr. MITCHELL. It is not for the use of the Library, but only for the use of consuls as such officials. I spoke to the chairman of the Committee on the Library and he thought it might go to the Committee on Commerce. A bill on the subject was referred to the Committee on Commerce in the other House.

The PRESIDENT *pro tempore*. The petition will be referred, if there be no objection, to the Committee on Commerce.

Mr. PLUMB. I present resolutions adopted by the Western Kansas Cattle-Growers' Association, an association thoroughly representative of the cattle interests of that State, in favor of the passage of what is known as the pleuro-pneumonia bill. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. WILLIAMS presented a petition of the Louisville (Ky.) Board of Trade, praying for a suspension of the coinage of silver; which was referred to the Committee on Finance.

Mr. JONES, of Nevada, presented a petition of wool-growers and others interested in the woolen industry in the State of Nevada, praying for a restoration of the duty on wool; which was referred to the Committee on Finance.

Mr. LOGAN presented resolutions adopted by Elmos Ryon Post, No. 382, Grand Army of the Republic, Department of Illinois; resolutions adopted by Dexter Post, No. 336, Grand Army of the Republic, of Wellsville, N. Y.; resolutions adopted by Augustin Post, No. 179, Grand Army of the Republic, Department of Illinois; resolutions adopted by Dunham Post, No. 141, Grand Army of the Republic, of Decatur, Ill.; resolutions adopted by Manns Post, Grand Army of the Republic, of Baldwin, Randolph County, Illinois; resolutions adopted by John Musser Post, No. 365, Grand Army of the Republic, of Orangeville, Ill.; resolutions adopted by Andy Hosmer Post, No. 342, Grand Army of the Republic, Department of Illinois; and resolutions adopted by Olney Post, No. 92, Grand Army of the Republic, Department of Illinois, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented a memorial of the Wyoming Stock-Growers' Association of Wyoming Territory, remonstrating against any legislation amendatory of the land laws which would cripple the stock-growers' industry in that Territory; which was referred to the Committee on Public Lands.

He also presented seven petitions of officers of the line, United States Army, praying for the passage of Senate bill 1677, extending the provisions of section 1207 of the Revised Statutes to the lieutenants of the line of the Army; which were referred to the Committee on Military Affairs.

He also presented a petition of Dr. John W. Mitchell, late surgeon Fourth Regiment United States Colored Troops, praying for an increase of pension; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Edwardsville, Ill., remonstrating against the proposed changes in the patent laws; which was referred to the Committee on Patents.

He also presented a petition of members of the Ohio Legislature, praying for the appointment of Hon. John P. Green on the commission to investigate the condition of the colored race as proposed by Senate bill No. 1464; which was referred to the Committee on Education and Labor.

He also presented a petition of the Legislature of New Mexico, praying that unjust discrimination in supplying forage to military posts in that Territory be removed; which was referred to the Committee on Military Affairs.

He also presented a petition of colored men of Connecticut in convention assembled, praying favorable action on Senate bill 1464, creating a commission to inquire into the condition of the colored people; which was referred to the Committee on Education and Labor.

He also presented the memorial of H. J. Dunlop, of Champaign, Ill., remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

He also presented a petition of Hicks Post, No. 216, Grand Army of the Republic, Department of Illinois, praying general legislation favoring ex-Union soldiers; which was referred to the Committee on Pensions.

He also presented a petition of regimental quartermaster-sergeants, headquarters district of New Mexico, Santa Fé, N. Mex., praying for an increase of their pay to $34 per month and the establishment of a grade of post quartermaster-sergeants; which was referred to the Committee on Military Affairs.

Mr. SEWELL presented a memorial of Hugh Boyd, of New Brunswick, N. J., and a memorial of the Chimes Printing Company and other firms, of Paterson N. J., remonstrating against the passage of the news-copyright bill; which were referred to the Committee on the Library.

He also presented resolutions adopted by Ulric Dahlgren Post, No. 25, Grand Army of the Republic, Department of New Jersey, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

Mr. COCKRELL. I hold in my hand a copy of a memorial of the executive committee of the Civil-Service Reform Association of Missouri, being resolutions declaring "that in the opinion of this league it is indispensable to a complete reform of the civil service that Congress should repeal the act of May 15, 1820, and acts supplementary thereto, now embodied in sections 769, 1864, 2217, 2244, 2613, and 3830 of the Revised Statutes of the United States, by which the tenure of administrative offices was fixed at four years, for the purpose and with the effect of creating periodical vacancies in said offices to be filled by the appointing power. The practice of rotation in office thus introduced into the subordinate civil service, by what Mr. Jefferson at the time denounced as 'a mischievous law' and as a baneful source of intrigue and corruption, is foreign alike to republican principles and to sound business methods. To the Executive it secures the partisan advantages, while enabling him to escape the odium and the responsibility of arbitrary and causeless removals from office. To the faithful public servant the menace of partisan attack is only postponed, not averted; while the temptation to abuse the appointing power for partisan ends still remains, even though restrained in part by the present civil-service rules." They "therefore advocate, as the next urgent step in this reform, a return to the early practice of the Government, under which, while no right or property in any office was recognized, nor any life or permanent tenure was created, the fidelity and good behavior of public servants, as in the case of private agents, was made the sole condition of the continuance of their employment. And it is recommended to all civil-service associations throughout the country that they make strenuous and unceasing effort in the direction of this further and most necessary reform, and the executive committee of the league is hereby authorized and directed to take such action as they may find expedient and practicable in aid of legislation in the sense of this resolution."

I am informed that the original of the memorial was sent to the Civil-Service Association in New York and will probably be transmitted to the distinguished Senator from Connecticut [Mr. HAWLEY]. I move that the copy of the memorial which I now present be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. SAWYER presented resolutions of the Henry W. Cressy Post, No. 42, Grand Army of the Republic, Tomah, Wis., and resolutions of the Edward Saxe Post, No. 135, Grand Army of the Republic, Wautoma, Wis., in favor of an increase of pensions to soldiers, their widows and orphans; which were referred to the Committee on Pensions.

### REPORTS OF COMMITTEES.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 521) for the relief of Ernest H. Wardwell, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 969) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee, reported it with amendments, and submitted a report thereon.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1437) to remove the charge of desertion from the military record of David A. Hawk, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

### BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 2048) granting a pension to Elizabeth Templeton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK (by request) introduced a bill (S. 2049) granting a pension to James King; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILLIAMS introduced a bill (S. 2050) for the relief of Eliza Clarke, of Louisville, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 2051) to revive the grade of General of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2052) granting a pension to William Gieseking; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2053) for the purchase of a site and erection of a public building at the city of Wilkes Barre, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS introduced a bill (S. 2054) regulating the use of avenues, streets, alleys, and reservations in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate to authorize the change of certain figures in the enrollment of the bill (S. 1063) to amend the Revised Statutes relating to the District of Columbia, and for other purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State;

A bill (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased; and

A bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition.

### PAUL STROBACH.

The PRESIDENT *pro tempore.* "Concurrent and other resolutions" are in order. The Chair lays before the Senate a resolution offered yesterday by the Senator from Alabama [Mr. MORGAN]. It will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Committee on the Judiciary be directed to inquire and report whether Paul Strobach, whose confirmation as marshal of the middle and southern judicial districts of Alabama has been rejected by the Senate, is now discharging the duties of that office, and whether he is entitled to execute the powers and duties of such office in the place of M. C. Osborn, who was suspended by order of the President in the vacation of the Senate.

The PRESIDENT *pro tempore.* The question is on agreeing to the resolution.

Mr. MORGAN. Mr. President, the question presented by the resolution for the consideration of the Committee on the Judiciary is one of importance, and it becomes of singular importance because it brings up what I suppose to be a conflict between a decision of the district court of the United States in Alabama and the hitherto entertained opinion of the Senate in respect of the proper interpretation of the tenure-of-office act, the act of 1869, commencing with section 1767 of the Revised Statutes and going down to section 1770.

M. C. Osborn was confirmed by the Senate on the 16th day of April, 1880, as marshal of the middle and southern districts of Alabama. That was four years ago to-day. His term of office expires to-day. On the 17th of March, 1883, he was suspended by the President, and Paul Strobach was appointed to discharge the duties of the office during such time as the statute would authorize him to do so. On the 18th day of December, 1883, Strobach was nominated for the same office by the President, and he was rejected by the Senate on the 5th of February, 1884. After Strobach's rejection by the Senate Osborn appeared in the district court of the United States and moved that he be reinstated in his office, contending that the rejection of Strobach, who was the temporary incumbent by appointment of the President, reinstated him under the statute.

The court heard arguments upon that question and made a decision, which has been reported by the Attorney-General of the United States in his reply to a resolution of this body, in which the court held that there was no vacancy in the office, but that the office was occupied by Strobach under temporary appointment, and that his appointment

would continue until the end of this session of the Senate unless it should be vacated by order of the President.

So it appears that to-day the office of marshal to which Osborn was confirmed by the Senate on the 16th of April, 1880, is vacant by the expiration of the term, and it appears also that, under the decision of the district court of the United States, Paul Strobach has the right under the statute to hold the office until the end of this session of the Senate. That is a question that I thought merited the attention of the Judiciary Committee of the Senate and of the Senate also, and that it was my duty to bring it forward and have a decision here through which it could be determined whether it is within the power of the President of the United States to protract the term of office of a marshal beyond the limitation of four years, which the statute says shall be the term during which he may hold and exercise the duties of marshal.

I maintain that at least on to-day there is a vacancy in the office; but Strobach is still discharging the duties and functions of the place. I shall not submit an argument to the Senate upon this proposition now, for the reason that I know the Judiciary Committee will take cognizance of it at a very early day and will be prepared to enlighten us upon what is the proper interpretation of the statute.

I have thought it also my duty to bring it to the attention of the Senate because, the Senate having rejected Strobach's nomination and Strobach still continuing to occupy the office, I have felt that a wrong was being done to the people of the State of Alabama.

Without expressing any opinion as to the merits of Strobach in respect of the office, it is my duty to call the attention of the Senate to the fact that on the 11th of May, 1883, he was indicted in a number of cases for presenting false and fraudulent accounts against the United States in his character of deputy marshal when he was discharging that office under Mr. George Turner, who was the predecessor of Osborn in the office. Quite a number of indictments were found, to some of which demurrers were sustained, and afterwards when Judge Woods took the bench the demurrers were overruled and the indictments were held to be good. Finally, upon that class of cases, on the 9th of June, 1883, there was a verdict of not guilty in favor of Strobach, but on the 22d day of May, 1883, in the same court a different batch of indictments, which did not contain charges as to the same offenses but of kindred offenses, were filed against him, and among the number was an indictment of perjury. That was filed on the 22d of May, 1883, and that indictment was nolprossed by the order of the United States Attorney-General in a letter which he addressed to the district attorney, Mr. Smith, dated January 19, 1884.

Strobach was nominated to the Senate in the face of this indictment December 18, 1883, and was rejected on the 5th of February, 1884. The Attorney-General of the United States submits a letter with his report in reply to the resolution of the Senate, dated Washington, December 17, 1883, with a postscript to it dated January 19, 1884, and in that letter, after proceeding to state that he caused investigation to be made into the criminality of Strobach and into the question of the manner in which he had been acquitted of these other cases, not including the case of perjury, he says:

> This all being done from abundance of caution, I laid the whole matter before the Solicitor-General of the United States and Mr. Simons, the attorney for the Department of Justice in the Court of Claims. They, too, examined the subject with care, and both agreed that the acquittal was contrary to the evidence, and that the man ought to have been convicted, and they further suggested and reported that there ought to be a trial upon some one of the pending indictments, even if it resulted in an acquittal, thinking that the ends of justice required that at least.
>
> During these examinations I expressed to none of these gentleman any opinion upon the subject, but I purposely abstained from even forming one. It is now my duty to pass upon it, and I do so. It is plain to me that there could have been no malicious feeling toward this man, inasmuch as the officers who first investigated his accounts and detected his offenses went to Montgomery in the ordinary course of their duty, without having any knowledge of him whatever, or of any one connected with him, and never having been brought in contact with him until they undertook the examination of those accounts.
>
> The general agent, too, was unacquainted with him, knew nothing of him, or of anybody connected with him, and after the report made by the examiners, and after the district attorney had indicted him, was by my special order detailed to go to Montgomery and see to the prosecution of the complaints, being specially cautioned in the first instance by me verbally, and then by telegraph and by letter, to see that Mr. Strobach was fairly tried, without any appearance of official pressure or hostile feeling by the Department through its agents.
>
> The district attorney preferred the bills of indictment, having examined the subject, and the grand jury found them. The man was tried, and during the course of the trial, and afterward, a great clamor was raised in his behalf, asserting that he was unjustly and wickedly prosecuted. Why he could have been unjustly and wickedly prosecuted I can not see. There was no motive or purpose to answer that could have prompted any one of those who originated and conducted the prosecution. He was prosecuted as a legal necessity. It was the duty of the agents of the Department, having found these causes of original complaint, to pursue them in the ordinary and orderly course of criminal litigation, just as other marshals have been pursued and punished.

I shall not detain the Senate by reading the entire letter of Mr. Brewster, the Attorney-General. He proceeds, however, to say toward the conclusion of the letter that there may be some doubt resting upon the mind of somebody as to the result of a further hearing of the cases as to whether a trial of these new indictments would result in conviction. He says:

> In view of all this, and to save great expense, I have concluded to direct that these cases be abandoned, seeing no practical result that would be answered by another trial, and thinking it would be improper, illegal, and unjust to try a man where there is even a doubt if the issue has not been determined in his favor in a former trial.

In the postscript to this letter the Attorney-General says:

> This opinion and order was prepared on the 17th of December, 1883. I laid it aside for reflection and suspended action, and while I was absent on public business in New Orleans Mr. George Turner, representing Mr. Strobach, called on me recently, and on two occasions stated that my suspended action as to these pending bills of indictment stood in the way of the action of the Senate on Mr. Strobach's confirmation. Hearing this, I have again taken this up, and I have, with some misgivings, concluded to say I will order the indictments to be nolprossed. I do so because the district attorney's convictions can not be had, and because, also, there is a doubt if the former trial did not dispose of them, and to avoid expense in an experimental prosecution when it is my duty to reduce expenses.

The indictments, it seems, must give way so as to leave the Senate unembarrassed in acting on the question of Strobach's confirmation.

The singular case is presented of this opinion having been written on the 17th day of December, 1883, in which the Attorney-General expresses the moral conviction of the guilt of Strobach in those cases notwithstanding his acquittal by a jury, and then on the 18th day of December, 1883, the next day, the President sent in his name for confirmation to the Senate of the United States. This case, I say, presents the singular feature of a man being indicted in the circuit court of the United States for perjury connected with his office of marshal, and that pending that indictment, and while the Department of Justice is prosecuting it and the Attorney-General says he is doing it in good faith and upon a thorough conviction as to his duty after a full examination by special agents into the guilt of the marshal, his name should be sent here for confirmation. It is still more strange that it should be done on the 18th of December, 1883, when this opinion of the Attorney-General was filed on the 17th of December, 1883, and then that the order for the nolle prosequi, which the Attorney-General says he gave reluctantly, should not have been made until the 19th of January, 1884.

During all that time the Senate was considering the nomination of a man indicted for perjury in the circuit court of the United States, and while he was being prosecuted, in good faith, by the Department of Justice.

If the President of the United States can put such a man as that into office and hold him there in virtue of powers conferred or supposed to be conferred upon him under the statute until the end of this session of the Senate, and that, too, notwithstanding the term of office to which he was temporarily appointed expires on this day, then I think it is time that the Senate of the United States had in some way or other attempted to remodel the statutes upon this question.

I must presume that if these facts had been known to the entire administration and not simply to the Department of Justice this man would never have been put in the place, especially under an order or a commission which would hold him in his position until the end of this session of the Senate. I must assume that the President of the United States could not have known of the action of the Department of Justice in this case, for if he did that would reveal a misunderstanding and disagreement between the President and the Department of Justice which presents a very curious and a very embarrassing case to the Senate and to the Congress and to the world.

For surely the Congress of the United States can not look with composure upon a controversy between the President of the United States in making an appointment and the Department of Justice in resisting it of an officer who is to be under the control of the Department of Justice, that officer bringing to the attention of the country the fact that the man is under indictment for perjury in the circuit court of the United States at the time, and that the Attorney-General of the United States upon a full examination of the evidence believes him to be guilty morally, if not legally; and that he believed also that the cause of public justice, of public morals, required his prosecution, whether it might turn out that he would be convicted or not; and that the Attorney-General believed that there ought to be an investigation of these facts in a judicial way, which had been presented in reports to the President of the United States.

I maintain that the tenure of office fixed by the statute can not be enlarged by the order of the President under any circumstances. We have the singular condition to-day presented, under section 1769, of an office that is actually in abeyance while Congress is in session, and that must be filled, if filled at all, by an appointee of the justice of the circuit court who may preside in Alabama.

Under section 1769 provision is made in respect of an office falling into abeyance, having no incumbent, and it being impossible for the President under existing conditions to make a nomination to it. In that case the general law provides the manner in which the office shall be filled temporarily, or, to express it more accurately, the person who shall discharge the duties and functions of the office until a regular appointment can be made.

Here we have the curious instance of an office being in abeyance during the session of the Senate, no authorized incumbent, and yet all the powers of the Government requisite and necessary to fill this office existing, and the office in that State is vacant; and I might add that the person who is now discharging the duties of the office is going about from county to county and district to district over that State exploiting in the preliminary or primary conventions of a political character. Perhaps he is more useful in that capacity while he controls this office.

It seems to me, Mr. President, that this matter ought to address itself to the serious consideration of this body, and that it is necessary that the Senate should take some action in this case at an early day in order to define more perfectly and to vindicate its authority in cases of this kind. A district court holds that there is no vacancy in this office, and I think that it is the duty of the Senate to declare that there is a vacancy, and of the President and the Senate to proceed to fill it up.

Is it true that the rejection by the Senate of a man who is thus assailed by the Department of Justice is to have no effect upon his holding the office after that rejection? I must assume, of course, that the Senate in rejecting Strobach had cognizance of the public facts which appear on the files of the different Departments; and concurring thus—for they must have concurred—in the opinion of the Attorney-General, that the Senate declared that Strobach was not a proper man to be charged with the duties of the office. And it was at least a reasonable expectation that, after its action in the rejection of Strobach, there should have been some other name sent here to fill up this office and thereby prevent it going into abeyance, with no one to discharge its duties except some appointee that might be selected by a circuit justice of the United States.

I move to amend the resolution by striking out the word "vacation" and inserting in place thereof the word "recess."

The PRESIDENT *pro tempore*. The Senator has a right to modify his resolution.

Mr. MORGAN. I modify my resolution to that effect, and I ask the adoption of the resolution as modified.

Mr. CONGER. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read as modified.

The Chief Clerk read the resolution.

The resolution was agreed to.

### ORDER OF BUSINESS.

Mr. DAWES. It was agreed yesterday that Senate bill 1755, then under consideration, should be taken up after the morning business today.

The PRESIDENT *pro tempore*. The morning business is not yet concluded. Concurrent and other resolutions are still in order.

Mr. CONGER. I wish to make a report from a committee.

The PRESIDENT *pro tempore*. The Chair thinks the understanding referred to by the Senator from Massachusetts, as reported in the RECORD, does not apply until the call for resolutions is gone through with.

### OHIO CUSTOMS COLLECTION DISTRICTS.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1926) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio, to report it without amendment, and I ask for the immediate consideration of the bill. There is a dispute about the boundaries, and it is important to settle it.

Mr. INGALLS. Let the bill be read at length for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

*Be it enacted, &c.*, That section 2603 of the Revised Statutes is hereby so amended that the district of Miami, in the State of Ohio, shall comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the western bank of the Portage River to the western bank of the Miami River, in which Toledo shall be the port of entry; and so that the district of Sandusky shall comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the eastern bank of the Vermillion River to and including the western bank of the Portage River, and all the islands at the head of Lake Erie lying east of a line drawn north from the west bank of the Portage River at its mouth, in which Sandusky shall be the port of entry. Vessels shall be allowed to ply between the port of Toledo, in the Miami district, and any of the said islands, in the same manner, and subject to the same conditions, only, as if said islands were in the district of Miami.

Mr. CONGER. I wish to say that the boundaries of the two customs districts as defined here have been considered heretofore the boundaries for many years, but by some examination at the Department there is an uncertainty as to a strip of territory along the Portage River, and at the request of the Department this bill is prepared to define the boundaries.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### DISPOSAL OF SCHOOL LANDS.

Mr. DOLPH. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes, to report it favorably and without amendment. I ask unanimous consent for its immediate consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. ALLISON. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read.

Mr. INGALLS. Is there a report in the case?

The PRESIDENT *pro tempore*. No.

Mr. INGALLS. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WILLIAMS, it was

*Ordered*, That the petition and accompanying papers of Mary A. Hughes be taken from the files of the Senate and referred to the Committee on Pensions.

### SURPLUS DEPOSITS WITH THE STATES.

Mr. GARLAND. I ask leave to call up the resolution submitted by me on the 14th of April, which is now on the table.

Mr. DOLPH. I wish to ask the Senator from Kansas [Mr. INGALLS] to withdraw his objection to the bill just reported.

Mr. HARRIS. I rose for the same purpose for which the Senator from Oregon has risen, and that is to ask——

Mr. GARLAND. I do not yield. I want to get rid of a resolution I offered the day before yesterday that will take but five minutes. I understand the Senator from Kansas interposes an objection to the consideration of the bill and it has gone over.

Mr. HARRIS. That is true, if the Senator from Kansas shall decline to withdraw the objection.

Mr. GARLAND. I move to take up the resolution I introduced the day before yesterday.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves to take from the table a resolution, which will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Committee on Finance be instructed to inquire whether the Secretary of the Treasury should not be authorized and directed to carry out the provisions of the thirteenth and fourteenth sections of the act of Congress approved June 23, 1836, entitled "An act to regulate the deposits of the public money," by making the deposit of the fourth installment, which was postponed by the act of Congress of October 2, 1837, entitled "An act to postpone the fourth installment of deposit with the States," with such of the States then entitled thereto and which have not received the same out of the present existing surplus revenue not otherwise appropriated in the manner provided by said act of 1836, and report by bill or otherwise.

Mr. DAWES. Does the Senator anticipate debate?

Mr. GARLAND. I will only take about five minutes to explain the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution? The Chair hears none. The question is on agreeing to the resolution.

Mr. GARLAND. Mr. President, under the act of the 23d of June, 1836, entitled "An act to regulate the deposits of the public money," three installments of deposit were made, and on the recommendation of Mr. Van Buren, in October, 1837, the fourth installment was withheld, and there has been no payment or advance made since that day. The fourth installment to be distributed to all the States amounted to $9,367,214.97. The matter has stood in that condition ever since the withholding act of October, 1837, and at almost every session of Congress the Secretary of the Treasury brings the matter to our attention on account of the applications made by the different States from time to time for the advance or deposit of this fourth installment. He declines because there is no action of Congress since the act of 1837 withholding the installment. Finally the State of Virginia made an application for a mandamus to the Supreme Court of the United States against the Secretary of the Treasury on behalf of herself and all other States for the payment of this fourth installment. The Supreme Court decided that mandamus, and in the latter part of the decision say as follows:

But the legislative department of the Government seems, purposely, to have refrained from making the fourth installment of deposit a charge directly upon any revenues accruing since January 1, 1839. Since the last direction given by Congress upon the subject the financial necessities and obligations of the Government have been largely increased, and this circumstance, perhaps, suggests the reason why the legislative department has not fixed any day for the final execution of the act of 1836. Be the reason what it may, we are of opinion that the Secretary of the Treasury has no authority under existing legislation and without further direction from Congress to use the surplus revenue in the Treasury, from whatever source derived, or whenever, since January 1, 1839, it may have accrued, for the purpose of making the fourth installment of deposit required by the act of 1836.

So, whether it is the right of the State to ask for this installment as a legal obligation, or whether the action of the Secretary of the Treasury is right in withholding it, depends at last on the action of Congress; and it is with that view that I present this resolution, to call the attention of the Committee on Finance to the condition the matter is in and ask them to investigate it and declare whether in their judgment the Secretary of the Treasury should be authorized and directed to make payment of this fourth installment, or, if not, what legislation is necessary, if any, in their judgment to bring the matter to an adjustment. For that purpose the resolution is introduced, and I ask its adoption.

The resolution was agreed to.

### SIOUX INDIAN RESERVATION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed.

Mr. DAWES. I ask the Senate now to take up Senate bill 1755, which was under consideration yesterday.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Sections 14 to 16 inclusive were read.

Mr. DAWES. I move to add after the word "reservation," at the end of section 16, the words:

And for any land acquired by any such agreement to be used in connection therewith.

They have separate agreements, one for a right of way and one for stations and town lots. This is to include all of their agreements.

The amendment was agreed to.

Sections 17 and 18 were read.

Mr. DAWES. Immediately after the word "act," in line 5 of section 18, I propose an amendment, to insert:

Or if any such land is so occupied upon the Santee Sioux reservation in Nebraska.

There is a reservation in Nebraska that goes along with this.

The amendment was agreed to.

Sections 19 and 20 were read.

Mr. CAMERON, of Wisconsin. I wish to offer an amendment which I have submitted to the chairman of the committee and it is sanctioned by him. In line 4 of section 20 I move to strike out the words "of existing homestead acts" and insert "of the homestead laws of the United States." As the section now is it confines the entries that may hereafter be made so that they must conform to the existing homestead laws; that is, the homestead laws existing at the time of the passage of this act. It is possible that Congress may hereafter think it advisable to amend the homestead laws; and the object of the amendment is that these lands shall be disposed of according to the then existing homestead laws.

The PRESIDENT *pro tempore*. The amendment of the Senator from Wisconsin will be read.

The CHIEF CLERK. In section 20, line 4, it is proposed to strike out the word "existing," before the word "homestead," and to insert "the;" and also to strike out the word "acts," after "homestead," and insert "laws of the United States;" so as to read:

That all the lands acquired by the provisions of this act, except American Island, shall be disposed of by the United States to actual settlers only, under the provisions of the homestead laws of the United States.

The amendment was agreed to.

Mr. DAWES. The Senator from Illinois [Mr. LOGAN], who was upon the committee, desired to offer an amendment at this point, in which the committee acquiesced, but the Senator is not here, and in his stead and in his absence I will offer his amendment. It is, after the word "therefor," in line 11 of section 20, to insert:

But the rights of soldiers shall not be abridged except as to said 50 cents per acre.

They have a right of residence, which is counted by the time they served in the Army.

The amendment was agreed to.

Mr. DAWES. The word "town," where it occurs in line 17 and also in line 18 of section 20, should be "city;" so as to read "City of Chamberlain" in both places.

The PRESIDING OFFICER (Mr. GARLAND in the chair). If there be no objection, that correction will be made.

Mr. DAWES. Subsequently the word "town," in line 22, should be changed to "city."

The PRESIDING OFFICER. That change will be made.

Mr. DAWES. The words "the same" should be "said island," in line 26.

The PRESIDING OFFICER. If there be no objection, this amendment will be agreed to.

Sections 21 and 22 were read.

Mr. DAWES. I move to strike out "six months of," in line 11, section 22, and insert "one year from;" so as to read:

Which proof shall be so presented to him within one year from the passage of this act.

The amendment was agreed to.

Mr. DAWES. I omitted an amendment prepared by the Senator from Alabama [Mr. MORGAN], in section 20, immediately after the word "void," at the end of line 14, to insert:

*And provided further*, Nothing in this act contained shall be so construed as to affect the right of Congress or of the Territorial government of Dakota to establish public highways or to grant to railroad companies the right of way through said lands.

The amendment was agreed to.

Mr. DAWES. In the eighteenth line the word "*Provided*" should be "*And provided further.*"

The amendment was agreed to.

Mr. DAWES. I offer the following additional section:

SEC. 23. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, which sum, together with the unexpended balance of the $10,000 appropriated in the act of March 3, 1883, for procuring the assent of the Sioux Indians to an agreement therein specified, may be expended in defraying the necessary expenses of procuring the assent of the Sioux Indians to this act as provided in the preceding section, and the same shall be expended under the direction of the Secretary of the Interior and be repaid to the Treasury from the proceeds of the sale of the land authorized by this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## THE TARIFF.

Mr. MORRILL. Mr. President, I feel it my duty to ask unanimous consent of the Senate to redeem the promise that I made something more than a week ago to give some sort of answer to the speech made by the Senator from Kentucky [Mr. BECK]; and rather than interpolate a speech into the bankruptcy bill, although I think that bill an exceedingly appropriate bill to precede some tariff bills, I ask unanimous consent that I may occupy the attention of the Senate this morning.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Vermont. Is there objection? The Chair hears none. Unanimous consent is given; and the Senator from Vermont will proceed.

Mr. MORRILL. Never was the old proverb more true than to-day, that "Evil communications corrupt good manners." I hope I am justified in claiming to be generally an observer of the rules of the Senate and do not make speeches on the tariff when an education bill is the order of the day; but my friend the distinguished Senator from Kentucky a little more than a week ago set the bad example of making an irrelevant speech, and, like Dryden's Alexander at the famous Persian feast—

> Fought all his battles o'er again;
> And thrice he routed all his foes; and thrice he slew the slain.

The Senator's ostensible excuse was that it might be the only chance afforded to him "to lay before the Senate and the people the iniquities of the present tariff system of taxation." My excuse is that it may be my only chance to lay before the Senate and the people the iniquities of the Senator's speech. This labor on my part has not been sought, but I fear even the Senator himself would think me remiss in my duty if I were to omit that special attention to which, from his recognized ability, he is so well entitled.

It is obvious from the abundance of his rather bitter epithets that the Senator starts out with a preconceived theory that the present tariff is wholly bad, and he seems quite ready, as a Brahmin would say, "to believe a piece of sandal-wood to be a flame of fire." Even his friends, like the Senator from Mississippi, compliment the ability and apologize for the chronic idiosyncrasies of the Senator from Kentucky, as follows:

Right here in the speech of the Senator from Texas on yesterday the Senator from Kentucky [Mr. BECK] interposed, whose attention I have no doubt was called to this debate by hearing the words "taxation for revenue," for it seems the Senator from Kentucky dreams of "revenue," "taxation for revenue," "tariff for revenue," sees it in clouds, "hears it in the wind;" it is his morning lullaby, if I may so say, and his last requiem at night.

This may be too flattering, but I can not have the ill-grace to withhold any part of it.

In view of the apprehended failure of the House tariff bill, the chief purpose of the Senator's long and elaborate speech was to say to the House what Lady Macbeth said to her doubting and slow-going husband:

> But screw your courage to the sticking-place,
> And we'll not fail.

The Senator was very pronounced, even expert, as the ostentatious and self-constituted whip, at long range, of the other branch of Congress, but whether or not that branch will accept with meekness and docility the discipline so vigorously administered remains to be seen. He served this rather stinging notice upon those "who think they are Democrats:"

Men who think—

Said he—

they are Democrats, and take the position that the Senators from Vermont and Ohio do, will find but little comfort inside of the Democratic camp after the national convention meets.

And he further politely told them that "sneaks and cowards never command respect."

This means business. When the Senator from Kentucky holds the whip he always means business; and in a few days I fear some parties will be hurt; in fact some have already been hurt, and now "find but little comfort inside of the Democratic camp." Diogenes was banished from Sinope, but he is said to have retaliated by condemning his prosecutors to remain in Sinope. Which was the severest sentence the world has ever been in doubt, and it may be, after the Democratic camp has been purged of all those who do not take the position of the Senator from Kentucky, that those who remain "will find but little comfort."

The Senator dismisses old partners in a hundred battles to oblivion and silence, as though he had all majorities at his "beck and will," and then proposes at the national convention to seize the political rudder and guide the ship of state with but one rag of bunting flying, on which shall be inscribed the legend, "Kentucky only."

Senators will acquit me from having ever exhibited a willingness to make a party issue of the tariff question, which, being so interwoven with the general welfare of every portion of our country, I have been reluctant to appropriate, even its apparent advantages; but if our Democratic opponents, bidding adieu to their earlier platforms and to the teachings of their ancient and most renowned leaders, choose to thrust this new issue upon us, they may rest assured that the conflict will not be shunned, and that it may require all their reserves except in Kentucky, a State which may not seek the felicity in this contest of furnishing its full quota of combatants on both sides.

Last year a revision of the tariff was made, largely guided by the aid of a most intelligent commission previously authorized by Congress, and yet before this revision has been in practical operation beyond a fraction of one year, with results yet unascertained and unascertainable, it is slandered, passionately denounced, and the purpose earnestly proclaimed by the latest official organs of a great political party to make a sweeping and indiscriminate reduction of the tariff, applicable, right or wrong, to the great bulk of foreign imports. This is to be done ostensibly with a view to reduce the amount of revenues, and yet its advocates contend, or have contended, that revenues would be increased by a reduction of duties and the consequent opening of the doors to wider importations.

It is not to be done because American industries are in a prosperous condition and ready to suddenly meet greater foreign competition, for we have not wholly escaped the universal depression of business and trade which now vexes the whole world, but it is to be done, as boldly announced by sound of trumpet and bagpipe, to lift from an extreme exigency a political party, now for many years lacking the confidence of the country, a party which twenty-odd years ago was weighed in the balance, found wanting, and went out of power for reasons not needful to state, but which would now return to power by a general warfare against the entire home industries of the country.

The declaration without reserve is further made that what is now proposed is but an installment or the first step in the war, and that other far-reaching and more destructive campaigns are to follow. Should the war come up to the Democratic manifesto we may bid adieu to all new enterprises and those in existence may at once prepare their windingsheets. The bane of American manufactures, resulting in untold losses, has too often been the lack of stability or the unending succession of new tariff laws, ever making capital distrustful and labor hopeless. The defects of tariffs doubtless sometimes require to be cured; and last year an appropriate remedy to our revenue laws was applied, as was believed; but before we are made certain of the healthful effects of the medicine thus administered it is proposed by some doctors, suspected even by their friends to be quacks, to administer a horizontal dose of the "queer," or a dose to give everybody a foretaste of free trade; and we need not wait to know what must be its effects, as it would hardly be less than general disaster, if not ruin, to the productive and business interests of the American people.

Our own experience proves that the experiment of a blind horizontal reduction of the tariff is not only dangerous but intolerable. The country, whenever it has been tried, has not endured it and will not. To justify a change in the tariff the benefits should be large and substantial, and certainly not capricious or partisan. It will hardly do to trust such changes to those who pay no deference to usage, no favor to labor or to invested capital, and who see no difficulties in any of the problems of government, but fancy that a just and well-arranged tariff can be evoked in five minutes by the stroke of a pen.

It has been proposed to take off 20 per cent. of the existing tariff upon every article from head to foot, luxuries as well as necessaries, with such exceptions as may have been found expedient to offer for a much-wanted vote, but going skin-deep everywhere and cutting to the bone in many tender places, in order to resurrect an old party and give it a new character, furnished with a new political catechism, as though its House of Representatives would not shipwreck even a new and the best character by its misdeeds before the end of the first session of its official career. The burden will lie heavily upon those who are seeking to bleed, more or less, every industry of the country, before the wounds of last year's tariff reductions are yet healed, to give some better reasons than have yet appeared for such a universal disturbance of labor and of capital.

This horizontal 20 per cent. experiment was made in 1857, and at once became one of the potential reasons for the tariff of 1861. It was again tried at half the rate, or 10 per cent., in June, 1872, and was quickly repealed, or restored, in March, 1875. The method is that of the guillotine, and has nothing to recommend it but its brevity. No one but Doctor Sangrado, who practiced blood-letting for all ailments, could give it his approval. Even the "revenue-only" inspired Senator from Kentucky, in his speech the other day, made this truthful and touching confession, and I want to give him this credit, perhaps my only chance, for it was the rarest gem in the speech. Said he:

> I admit that we have not been able to present a very satisfactory bill for relief from tariff taxation in the House of Representatives.

No; about as "satisfactory" as the jug of horse-medicine Sancho Panza mistook for old Jamaica, but, like Sancho, the Senator appears to have a well-drilled appetite, and is very earnest that the House shall take it without wincing.

It is now loudly proclaimed by leading Democrats that they must seize upon the tariff question and offer "a tariff for revenue only" as the great political issue or the only St. Jacob's oil with which to conquer, because they have nothing else. This is at least a confession that upon all other matters the Republican administration deserves well of the country, and that there is no other vulnerable point open to attack. Before I get through I shall endeavor to show that the doctrines and traditions of the Democratic party were not always in harmony with this platform, which claims its sire in Kentucky, and its dam will be likely to be found in some other State.

The Democratic party have always claimed that they have controlled the United States Government for the most part of the time during the first seventy years of its history. But all the Presidents, without exception, up to and including President Jackson, concurred in the general tone of encouragement and protection to those who should embark their capital and labor in manufactures. Even just prior to a second election General Jackson was not tempted to say a "tariff for revenue only," but still clung to his idea of a "judicious tariff." Mr. Dallas, in his report on the tariff of 1816, said:

> There are few if any governments which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have always so regarded it.

It is a significant fact during the earlier days of the Republic that the Committee on Manufactures in the House of Representatives had charge of tariff bills, conclusively showing that protection was a leading and prominent object, and confirming the parliamentary axiom that "the child is not to be put to a nurse that cares not for it." The Committee on Manufactures, by a resolution of the House December 28, 1827, asked and obtained power to send for persons and papers, "to enable them to determine with certainty and precision the true condition of those interests, and more especially of those manufacturing interests, which had preferred claims for protection to the national Legislature."

After receiving a large amount of testimony under oath the tariff bill was presented March 4, 1828, by Rollin C. Mallary, of Vermont, chairman of the Committee on Manufactures, accompanied by a report written by Silas Wright, jr., of New York, a man whose fame, though he would not take the second place on the Presidential ticket with Mr. Polk, has no second place among the Democrats of that great State, even when challenged by a later generation. Such men as he lent a dignity and independence to the nation which we might not be able to supplement among those who by their commercial policy would reannex America, as another prostrate Ireland, to the British Empire, and thus reduce the national prestige to the rank of a second-class power.

The tariff bill of 1828, with compound duties, with specifics, with square yard and minimum duties, and all those grim protective features, now more irritating to the sensitive nerves of the "revenue-only" clan than would be even a Scotch thistle, became a law, when there was a Democratic majority in both Houses of Congress, by the votes of such eminent Jacksonian Democrats as James K. Polk, Dutee J. Pearce, James Buchanan, Silas Wright, jr., Joel Yancey, Martin Van Buren, Thomas H. Benton, and Richard M. Johnson. These old full-orbed luminaries would now pale their "uneffectual fire" in the face of the primacy of the modern transcendent lights of free trade, who now threaten trembling non-conformists with excommunication—possibly a bigger bull than their latest tariff bill.

The old-line Democrats, and I was trained in that faith, legitimately following Henry Clay, would no more have been expected to separate themselves from a protective tariff than that the earth itself should be divorced from the solar system. It is the cardinal principle of that humane statesmanship which enables men to earn more and live better and cheaper. It is the only policy which can make agricultural pursuits permanently remunerative. It is that system which largely increases the aggregate productions of manufactures and makes them, therefore, of less price to the whole world. It diversifies employments, giving to the strong and the weak of both sexes greater opportunities for earning a livelihood, as well as for increasing their general knowledge. It offers a premium to skill and intelligence, and promotes all of the useful arts.

There appears to be a sudden disposition upon the part of the new chieftains, I will not say bosses, of the Democratic party to throw overboard any Pennsylvania or other Democrat of the old regulation pattern. Vice-President Dallas, whose name once sweetened a Democratic ticket heralded with the strange device of "Polk, Dallas, and the tariff of 1842," would now be told in a Democratic caucus of to-day to take his "grip-sack" and be off with himself. President Buchanan, a life-long Jacksonian-protective-tariff Democrat, full of honors conferred by the Democratic party, crowned his political life by giving his Presidential signature on the 3d of March, 1861, to what has sometimes been called the Morrill tariff.

The distinguished Senator from Kentucky looks forward with exultation to the platform which the national Democratic convention at Chicago will adopt. "Adopt" is the proper word, for it is supposed to be already made in Kentucky, where all bourbon manufactures can be cunningly reproduced in the greatest old-régime perfection; and it is as thoroughly seasoned as could be expected after a bonded ripening of eight years. The Senator of course expects this platform to be of the Kentucky-only patent pattern. But what if Virginia should insist upon a tincture of iron? Or what if California or Florida should stick on

having some show in the timber? Or what if Louisiana should refuse to swallow it without a lump of sugar? Or what if Ohio, with a lamb-like utterance, should denounce the "Kentucky-only" platform as swinish, and "all cry and no wool"?

But the Democratic party has been an industrious as well as a versatile architect in the construction of platforms, calculated, like the old Farmers' Almanac, for the meridian of Lexington, but expected to answer for the surrounding country. They have been of different orders as the fashion of the times demanded. Sometimes the Doric, and then the Renaissance; sometimes Corinthian, and again the Queen Anne style; but all, like my distinguished friend's speeches, very miscellaneous, composite, and affluent in misrepresentation. If the Senator from Kentucky can fix up the fashion and foretell what pieces of hard and soft timber, of leather and prunella, will be dovetailed together at Chicago, whether it will be a fish or a rooster or how long it will last, he will have established his fame as high as any of the noblest figures which announce the direction of the wind from our tallest steeples.

The new platforms of Democratic national conventions must hereafter receive attention, however little consideration has been bestowed upon their previously buried offspring. The rumbling thunder of the speech of the Senator from Kentucky delivered on the third instant operated as loud explosions are always said to upon deceased bodies in the deep waters of the sea, and has brought to the surface the ghastly forms of the dead and sunken platforms of former days. Notwithstanding the "ancient and fishlike" odor of which their decayed condition may furnish a hint, I hope to be excused if I venture to ask that these once loved relics shall not be wholly neglected by their surviving relatives and friends.

Lest it should be supposed that I am not speaking by the book of this classic branch of Democratic literature, I shall present some extracts showing the quadrennial devotion of the Democratic party to inconsistency, never failing to court the latest popular breeze, believing that—

> Except wind stands as never it stood,
> It is an ill wind turns none to good.

The Republican platform adopted by the Congressional caucus in 1800—and the Democratic party now claims that it then bore the name of Republican—contained as one of its planks the following:

> Encouragement of science and the arts in all their branches, to the end that the American people may perfect their independence of all foreign monopolies, institutions, and influences.

This was a very broad and explicit indorsement of the principle of encouragement "of the arts in all their branches," and "of universal independence of all foreign monopolies." Before I get through it will be seen that the times change and Kentucky changes with them, but so much the worse for Kentucky.

I have found no record of a national Democratic platform again until 1836, when the Declaration of Independence, that all men were born free and equal, appears to have been adopted without any serious opposition, though twenty years later its author was widely denounced as a visionary philosopher, uttering "glittering generalities," and not a word about the tariff; but a further solemn declaration was made of "unqualified hostility to bank notes and paper money as a circulating medium, because gold and silver is the only safe constitutional currency." That doctrine as an article of unqualified Democratic faith seems to have lost its sweet-smelling savor, and now the illicit miscegenation of the Democratic party with the Greenback and paper-money race has become so widespread and ineradicable that it has obtained some sanction through the war powers of the Supreme Court. It may be observed that Democratic national platforms are perhaps intended to be good only for each season or until after the election, and, like cheap through railroad tickets, are destitute of holdover advantages.

In 1840 the Democratic platform set forth—

> That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvement.

This resolution was again and again repeated, though in the face of it the Illinois Central Railroad, with many other railroads, through Democratic support, received immense subsidies in land. Finally, in 1860, both the Douglas and Breckinridge wings of the Democratic party declared that—

> The Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

This being special—only reaching across the continent, and not belonging to a general system of internal improvements—had to be reckoned constitutional; but how is it to be reconciled now to pretended Democratic hostility to corporations and monopolies?

In 1872 the party declared: "We are opposed to all further grants of lands to railroads or other corporations," and now appears to be undetermined whether or not to withhold even what has been granted.

In 1840 it would seem that the Democratic party was not so rigid in its discipline and tolerated some differences of opinion, and therefore resolved not to nominate any one for Vice-President on the ticket with Van Buren, because there was a "diversity of opinion." At this time Democratic platforms contained nothing about the tariff, or nothing more than general platitudes which might be accepted by anybody, as in 1844, when "the reoccupation of Oregon and the annexation of Texas" were the great American measures.

In 1852 the fundamental idea announced was, "That the Democratic party will faithfully abide by and uphold the principles in the Kentucky and Virginia resolutions of 1798 and 1799." This they again solemnly repeated in 1856, and also resolved to hold sacred the principles of the Monroe doctrine. It is a subject of profound gratification to find that the party hold anything as sacred. It is to be feared that they generally adhere to the profane.

In 1860 the platform of both wings of the party contained this resolution, namely:

> That the Democratic party are in favor of the acquisition of the Island of Cuba on such terms as shall be honorable to ourselves and just to Spain.

That is to say, the party no longer supported the filibuster General Lopez, but was willing to give millions in money to Spain for Cuba and its slaves.

And the Douglas wing was willing to leave the question of slavery in the Territories to the Supreme Court, but the Breckinridge wing wanted outright the privilege to take their slaves with them to the Territories.

In 1864 the Democratic platform set forth that "after four years of failure to restore the Union by the experiment of war" they demanded "that immediate efforts be made for a cessation of hostilities." I think they have always been sorry that they said that.

In 1868 their platform demanded the "payment of the public debt of the United States as rapidly as practicable," and also that "when the obligations of the Government do not expressly state on their face, or the law under which they were issued does not provide, that they shall be paid in coin, they ought in right and in justice to be paid in lawful money of the United States." Here they abandoned gold and silver and wanted the public debt to be paid in paper money. And the sixth resolution of the platform demanded "a tariff for revenue upon foreign imports, and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country."

From this lucid explanation of the great principles of the Democratic party it is now plain that internal-revenue taxation is to be forever maintained—if they stick to the resolution of 1868—in order to afford incidental protection to domestic manufactures.

In 1872 the national Democratic platform contained the following words:

> That there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade; we remit the discussion of the subject to the people in their Congressional districts and the decision of Congress thereon, wholly free from executive interference or dictation.

They no longer admit that "irreconcilable differences" can now be "honest."

In 1876 the party put forth their declaration for "a tariff for revenue only," and in 1880 they made an important change, saying: "We demand that all custom-house taxation shall be only for revenue." The order and sequence of the three pivotal words "for revenue only" or "only for revenue" make all the difference as to which is the head and which the tail, or whether "revenue" wags "only" or "only" wags "revenue." It would seem that the Presidential Democratic candidate at the last election failed to find out; but, being perhaps in favor of "local option" as to the liquor traffic, finally decided that the tariff was also a local-option question.

The straight-out Democratic national platform at Louisville, in 1872, could not indorse Mr. Greeley, but went far to conciliate its protective-tariff brethern by the following:

> *Resolved*, That the interests of labor and capital should not be permitted to conflict, but should be harmonized by judicious legislation. While such a conflict continues, labor, which is the parent of wealth, is entitled to paramount consideration.

Even Horace Greeley might have been content with this very tender resolution, and would not have spit on this part of the straight-out platform.

The Democratic platform of 1876 declared their confidence in "republican self-government"—strange as it may seem—and "in the faithful education of the rising generation—that they may preserve, enjoy, and transmit these best conditions of human happiness and hope—we behold the noblest products of a hundred years of changeful history."

This was rather effusive, but must be construed to mean that the nation has some duty in relation to "the faithful education of the rising generation;" if so, it was rather strange that the recognized leaders here of the Democratic party gave so little heed to this article of their faith in their speeches and votes upon the educational bill which recently passed the Senate. I fear they are heretics and may not long enjoy comfort in the Democratic camp.

With this very abundant historical evidence of the utter untrustworthiness of the modern Democratic party to construct past national platforms, what can be expected from any new fabrication? The confidence of the people is not likely to be won by the *only* journeymen now employed.

A fruitful theme of ill-informed comment has been the supposed discrepancy between what appears to be the amount of the reduction of the revenue under the tariff of 1883 and the amount as previously estimated. This comment is based upon the importations of a fraction,

or the first half, of the year, when no accuracy is possible, for the reason of the permanent difference in the general character and description of the merchandise imported in the first half of the year from that which must be imported in the last half of the year.

These importations also change from year to year, as may be seen from the years 1876 to 1883, inclusive, when there was but one change in the tariff, that on cinchona, utterly insignificant in amount; and yet the variation in the amount of revenue and of the ad valorem rates of duty on the total imports for each fiscal year were constant, and often larger than what has been erroneously represented for the first half of the present year compared with the year previous. To compare the results of one tariff with another can only be done where the imports are precisely the same with the same classifications; but the imports are never the same, and the classification of the late tariff in some instances was changed by placing a lower rate of duty on common descriptions of manufactures and a higher rate upon finer and more luxurious descriptions. Still even a brief examination of the imports for nine months of the present fiscal year will show that the figures which have been formally paraded as the results of the first six months of the existing tariff are fatally unreliable, and that the reduction of the rates of duty has been many times greater than what it has been erroneously and persistently represented.

The estimated reduction of receipts by the change of the rates of duty on sugar was $15,000,000, and the estimate was based on the nominal reduction of rates, without taking into account any gain or increase from the application of the polariscopic test to the actual amount of saccharine strength in the classification of imported sugars. It now turns out that the polariscope has recovered nearly every dollar of revenue that was supposed to have been surrendered by the apparent reduction of the rates fixed upon sugar. I am quite ready to confess that, for one, I did not take this very efficient fraud-detector into any estimate of mine, and it only shows the magnitude of the evasions so successfully practiced under former tariffs, and which all the vigor of the Secretary of the Treasury could not wholly overcome.

Under the tariff of 1883 an item of great importance, but which cuts no figure in public discussion, was the provision by which all charges of fees and commissions, as well as all cost of inland transportation, should no longer be added to the cost of imported merchandise. Of course this permits all merchandise subject to ad valorem duties to be put upon our markets at a considerable reduction of cost, and still may leave the apparent rate of duty higher than before this very important change was made.

The almost universal undervaluation of imported merchandise, if we may give any credit to the long detailed statements of the Secretary of the Treasury, is another sickening element of uncertainty in all statistics relative to custom-house revenues.

In any consideration of the tariff of 1883 and of its reductions there is a further important fact to be taken into the account, and that is the large number of articles which were made free and wholly exempted from duty. In order to form a just and proper judgment as to what was really effected by the work done on the tariff last year I have had the very competent clerk of the Committee on Finance furnish me with a list of the changes made, showing the increase or decrease of the rates of duty upon 775 of the about 1,100 items which it is supposed are embraced in the tariff. Of these 775 items, 63 have been taken from the dutiable and put upon the free list; and of the remaining 712 items, only upon 75 has there been any increase of duties.

This increase is generally very slight, except the increase upon champagne and other wines, which, though specific, would add much to any general computation of an ad valorem rate of duties, and also very largely increase the amount of revenue. This increase was made on motion of a Democratic Senator and unanimously agreed to in the Senate. From this statement the important fact appears that in the late revision, out of 1,100 items embraced in the tariff, more than half of the whole, or 637, were subjected to positive reduction, and 63 more were entirely exempted from duty. These absolute reductions vary from 5 to 40 per cent. on every one of this long list of articles, and they stand like a phalanx to dispute the flippant assertions of unblushing partisans that no appreciable reductions have been made, and should satisfy all reasonable men that the revision was honestly, intelligently, and faithfully made.

If, as falsely claimed, there has been a large advance made by the act of 1883 of the duties on manufactures of wool, the data at hand do not show any appreciable falling off in the importations of woolen goods, which must of course follow from such an increase of rates.

At an early day after the adjournment of the present Congress, not too long a time to test the existing tariff, if it shall appear that we are giving to the Treasury too much revenue, I trust that it will be then promptly reduced; but I also hope that any such reduction will be conducted by friends, and not by those who would slaughter the great industries of the country and put the wages of labor here upon the level of those received by people who are compelled to support not only large standing armies, but also to support large standing aristocracies.

The statement of the Chief of the Bureau of Statistics, quoted by the Senator from Kentucky, so far as it relates to wool and woolens, is wholly misleading, and can not be accepted or used as a just comparison of the old and new tariff or of the results of the act of March 3, 1883, on these articles. The average foreign value of wools of the first and second classes has remained practically unchanged; and as the duty is now wholly specific, the decrease shown on estimated ad valorem rates is, therefore, very nearly equivalent to the actual removal of the 10 and 11 per cent. ad valorem made by the bill.

The present duty on wools costing 30 cents per pound is, for unwashed, 10 cents per pound; washed, 20 cents per pound; and for scoured, 30 cents per pound. For wool over 30 cents per pound, unwashed, 12 cents per pound; washed, 24 cents per pound; and scoured 36 cents per pound. On the other hand, the duty on woolens is a mixed or compound duty, and the resulting ad valorem rates depend on changes in foreign values of the goods. These values are considerably less in 1883 than for the period with which the comparison has been made in 1882, and they have been still further reduced by persistent and fraudulent undervaluations. These natural and artificial reductions have *apparently* increased the ad valorem rates, when if the estimates could have been made on the basis of values of 1882 a larger decrease of the rates would have been clearly shown on woolens than on wool. It is not necessary, however, to consider any hypothetical conditions, as an inspection of the law discloses the fact that the reduction in rates on manufactures of wool is greater than on wool. If, however, it shall be found that the wool-growers of our country need and can be benefited by any proper amendment of the tariff, it will have my cordial support.

The following statement, presented to the Committee of Ways and Means in March, 1884, shows the amount of reduction on woolen manufactures in a general way as effected by the act of March 3, 1883:

On flannels, blankets, knit goods, woolen and worsted yarns, manufactures of worsted, &c., valued at not exceeding 30 cents per pound, from 32.78 to 34.78 per cent.
Valued at above 30 cents per pound and not exceeding 40 cents per pound, 25.93 to 29.41 per cent.
Valued at above 40 cents per pound and not exceeding 60 cents per pound, 23.53 to 27.06 per cent.
Valued at above 60 cents per pound and not exceeding 80 cents per pound, from 23.53 to 26.08 per cent.
Valued at above 80 cents per pound, the reduction ranges from 13.97 per cent. on goods valued at 81 cents, to 7.31 per cent. on goods valued at $1.50 per pound.
On woolen cloth, worsted shawls, &c.—
Valued at not exceeding 80 cents per pound, it ranges from 20.13 per cent. on goods valued at 70 cents to 24.80 per cent. on goods valued at 30 cents per pound.
On finer and higher-priced goods valued at exceeding 80 cents per pound it ranges from 7.31 per cent. on goods valued at $1.50 to 13.97 per cent. on goods valued at 81 cents per pound.

These reductions are all exclusive of the reduction produced by the abolition of the duty on charges and commissions, which is fully equal to a reduction of 2½ per cent.

| Reduction in specific rate on— | *Per cent.* |
|---|---|
| All manufactures of wool, not otherwise specified: | |
| Not exceeding 80 cents per pound | 30 |
| Exceeding 80 cents per pound | 30 |
| Bunting | 50 |
| Cloaks, dolmans, talmas, ulsters, and other outside garments for ladies' and children's apparel | 10 |
| Clothing, ready-made, and wearing apparel, not otherwise provided for, and skirts and skirting | 20 |
| Cloths, woolen shawls: | |
| Valued at not exceeding 80 cents per pound | 30 |
| Valued at exceeding 80 cents per pound | 30 |
| Dress goods, coat linings, Italian cloths, and similar goods: | |
| Valued at 20 cents per yard | 16 |
| Valued at above 20 cents per yard | 12½ |
| Weighing over 4 ounces to yard | 30 |
| Flannels, blankets, hats of wool, knit goods: | |
| Valued at not exceeding 30 cents per pound | 50 |
| Valued at above 30 and under 40 | 40 |
| Valued at above 40 and under 60 | 40 |
| Valued at above 60 and under 80 | 40 |
| Valued at above 80 | 30 |
| Webbings of wool of all kinds | 40 |

These are the unimpeachable facts of the record, and certainly show a very liberal reduction in all the specific rates upon woolen goods.

Manufactures give employment to a great multitude of persons, widely distribute the expenditures, and enrich with their broadcast fertilization whole communities; but, with the capital very largely contributed and owned in small parcels, they do not often add to the number of millionaires. The importation of foreign merchandise, on the contrary, laudable as it may be, should not receive excessive favor and encouragement, because it does build up colossal fortunes and makes no distribution of its profits save among limited numbers and exclusively at the ports on the shore where imports are landed.

New York is a wondrous city, and contains very many worthy men who have made princely fortunes in foreign trade. These men, to whom the whole interior country have always been tributary, are never brought into contract with another far greater number of artificers, the men who labor with their hands, though they live in the same city. The dwellers on Fifth avenue know no more of those who live down town in flats and cellars than they do of their country cousins. And yet these artificers and workmen, according to the census of 1880, produced of manufactured commodities in the city of New York, and the annex of Mr. Beecher, sometimes called Brooklyn, the astonishing amount in value of $650,149,579; while the total amount of merchandise imported the same year throughout the whole United States was no more, all told, than $650,149,579. Strange to say, the business of the latter mo-

nopolizes the chief attention, but all the toil represented by the former is by the world forgot. Still the world moves on, and it appears, even within the two cities referred to, that manufactures are produced of scarcely less magnitude than the entire foreign import trade of our whole country.

The number of persons employed in manufactures in New York and Brooklyn in 1880 was 274,939. It would be entirely fair to say that at least two more persons were wholly dependent upon each of these for their support. That will demonstrate that 824,817 of the population of these cities have a vital interest in manufactures and the tariff, but their voices are silent among the "upper ten thousand," and the importers are solidly represented here for free trade,

The report of the Secretary of the Treasury, April 1, 1884, to the House of Representatives furnishes conclusive evidence (in addition to the undervaluation of wool) of general and extensive undervaluation of imported merchandise when subject to ad valorem duties. He says:

> The honest American merchant is precluded from importing lines of goods thus undervalued.
>
> It thus happens that when Congress enacts that the rates of duty on certain goods shall be 50 per cent. ad valorem it is found that perhaps only 30 or 40 per cent. is actually paid, according to the boldness and skill of the shipper and his American agent in falsifying market values and deceiving the appraising officers.

This is the way in which fortunes are made in the foreign trade. These are the men who contribute money for the distribution of free-trade tracts. Whether by regular orders or by a system of consignments they effectually control the bulk of the trade, and native American merchants find it impossible to compete with them.

And yet the would-be free-traders of New York with their revenue-reform clubs, their dependent newspapers, and their great wealth assume to revolutionize the industrial policy of the nation and make it subservient to their exclusive aggrandizement. This may find a responsive echo in Kentucky, but it will not among the workingmen of New York city, much less of the Empire State.

It may be well to remember that 75 per cent. of the importing business of New York is carried on by foreigners, a large part of whom are aliens, who never intend to become citizens.

Any country solely dependent upon agriculture will forever remain comparatively sparsely inhabited and be blessed with only limited fortunes. Look at Turkey and Egypt. They are destitute of manufactures, without wealth, and are destined to be the prey of the strongest naval or military power, notwithstanding that their territories are easily defensible and that their people have the courage and religious fanaticism which naturally produce the most formidable soldiers of the world. To these countries we might add others, like Ireland, India, and Poland, with all their labor confined to the soil and their trade monopolized by imperial powers. How poor they are all the world knows and sadly regrets. The Republic of Switzerland, on the contrary, mountainous and sterile, is begemmed with manufactories, and, though surrounded upon all sides by ambitious nations which often wage wars of aggrandizement, yet Switzerland, brave, honest, and industrious, maintains forever the independence of her people and the ownership of their mountain homes.

Would the land of gallant Poles ever have been subjugated and distributed by the Holy Alliance had they been anything more than a purely agricultural people? Let us confess that the late rebellion in the South of eleven States, occupying a territory nearly twice as large as that of the other twenty-four, would not have been put down, even so soon as four years, had there been no difference in the trained industrial skill of the respective sections by which the superiority to repair and restore the wide waste of war was found on the side of the Union armies. It should be added that this difference with the disappearance of slavery is also rapidly disappearing, as are other differences. There are no controversial abstractions which now prevent a region abundantly supplied with raw material, with immense coal-fields, inexhaustible mineral resources, and a whole race of laborers waiting to be employed, from as prosperous a career as awaits any other portion of the Union or of the world.

Our farmers are always dependent upon the home market for not less than 92 per cent. of their products, and it is very rarely that there is a foreign market for even so much as 8 per cent. of their products; and this foreign demand is uncertain and most likely in the future to be diminished. In 1880 our exports of bread and breadstuffs, the largest we ever had, amounted to $288,036,835, but in 1882 they fell off over $100,000,000, and amounted in 1869 to only $53,724,154. Sometimes the exports have been even much less. The exports of provisions are subject to similar fluctuations. In 1881 they were large and amounted to $151,528,268, but fell off in 1883 to $107,388,287. These exports, it will be seen, are wholly unstable and unreliable, and no foreign demand occurs save when we are compelled to undersell the whole world.

The production of wheat in India and Australia is already enormous and is rapidly increasing. Great Britain is almost the only nation whose consumption largely exceeds its own production. The acreage of British India open to wheat culture is nearly illimitable, and Great Britain is bending every effort, by cheaper transportation through the Suez Canal, to obtain her chief supplies within her own empire. For the long future the prospect of a foreign market for the products of the American farmer is by no means bright, and yet a constant and large increase of these home products of our farmers appears inevitable. With any such increase, and with no corresponding increase of demand at home or abroad, prices here must year by year tend downward.

The price of wheat in Chicago to-day is less than 80 cents a bushel, or at the lowest point ever reached for many years. The farmer's hope, therefore, and sole permanent reliance, is upon building up a greater and surer home market, by inducing larger numbers to find employment in manufactures, and thus to become regular consumers of agricultural products. If this is prevented by any "revenue-only" policy the prosperous days of agriculture in America are over, and the farmers will work hard and receive only half or two-thirds as much for whatever they have to sell as they have heretofore received. In America it is only the men who do not labor themselves who advocate the free-trade or revenue-only policy. Adam Smith, in his Wealth of Nations, declares that—

> Whatever besides tends to diminish in any country the number of artificers and manufacturers tends to diminish the home market, the most important of all markets, for the rude products of land, and thereby to discourage agriculture.

Other high authorities declare that capital carefully employed in manufactures by an agricultural nation increases in time the value of the soil tenfold. That there is much truth in these statements appears from a table published in a pamphlet of the Department of Agriculture giving a statement of the local variation of prices of farm lands in different States, comparing manufacturing counties with agricultural counties. By this (see Table A) it is shown that land in California is worth three times as much per acre in the manufacturing as in the agricultural counties. Land in the one manufacturing county in the State of Delaware is valued at an average of $73.87 per acre, but in the other two counties it is valued at only $21.56 per acre.

In West Virginia land is valued in manufacturing counties at $48.87 per acre, but only at $12.18 in other counties. In Ohio manufactures decorate almost all parts of the State with thriving towns and villages, and land is valued high: but here, in what may be called specially manufacturing counties, it is valued at $67.85 per acre, and in other counties at $42.46. In Kentucky land is valued in manufacturing counties at $36.48 per acre, but at only $12.14 per acre in other counties. In Minnesota, Connecticut, Georgia, and other States land is valued in manufacturing counties at not less than double what it is worth in other counties.

Nearly all of the improved land in this country is cultivated by its resident owners, and they will not be slow to perceive the advantages which manufactures afford by increasing the value of their estates. Kentucky has only to look across the Ohio to be convinced of these stubborn facts.

It is no crime for men or a whole people to change their opinions, though it is possible that the change may be to their own hurt. The opinions of the Marshalls and of Crittenden were once of high authority in Kentucky, and those of Clay were talismanic as well as continental in their reach. These renowned statesmen did not propagate the dry-as-dust doctrines of free trade, nor its equivalent to be found in the fleshless bones of a "tariff for revenue only," but a tariff which would promote home industries and preserve the fat of the land for their own people. This was the American system for which Henry Clay eloquently contended and fondly hoped to see adopted, not only by Kentucky but by the whole country.

Is it not time for Kentucky to reconsider the question and find out whether she has not made a mistake in turning aside from the policy and the lead of the great men who once adorned her history? If the true destiny of the State, to which her most distinguished sons once pointed the way, has been restrained and dwarfed by the dogmas of a foreign and hostile school, I have no doubt that her great men of to-day, and they are now here, would willingly obey her mandate, accept of any new revelation as to what is just and expedient, and do their best to sustain a policy which would be likely to develop the abundant natural resources of their noble State, which have unfortunately so long remained untouched.

My respect for Old Kentucky is too great to allow me to utter anything which would wound her sensibilities, though I would not let her people sleep while others seem to be distancing her in every decennial race; and I may be permitted even to ask Kentucky, with a soil, minerals, climate, and water courses unsurpassed, to look at her northern sister State of little more than equal size, and inquire how it is that Ohio appears in the census returns so much the greater State in both agriculture and manufactures if it is not that Ohio has extended a more practical hospitality to manufactures? The population of these States in 1820 was nearly equal.

In 1880 the farms in Kentucky amounted to 21,495,240 acres, and in Ohio to 24,529,226 acres, giving an advantage of only about 15 per cent. to Ohio; but the value of farm products sold, consumed, or on hand was in Ohio $156,777,152, while in Kentucky the value was no more than $63,850,155, and the value of the farms was almost four times greater in Ohio than in Kentucky. I will append a table (see Table B) which will show the productions of each State, by which it will be seen that Ohio produced 50 per cent. more corn than Kentucky, four times as

much wheat, six times as much of oats, four times as much of potatoes, and more than five times as much wool. Ohio had also more swine, twice as many cows and horses, and vastly greater dairy products.

But it is true, as will be seen by the table, that Kentucky produced a little more, and perhaps better, distilled spirits than Ohio, and almost five times as much tobacco. This exhibit as a whole, however, ought not to fully satisfy Kentucky, and it is far from being compensated by her $75,483,377 only of manufactures when compared with the $348,298,390 of manufactures produced in Ohio. The Mammoth Cave is one of the great curiosities of the world, but Kentucky should point with pride to something besides the works of nature, and, instead of urging an economical policy that will drag down Ohio, should urge that other more noble and beneficent policy which will elevate Kentucky to an equal splendor.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Senator from Vermont will suspend his remarks. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. BECK. I ask the unanimous consent of the Senate that the Senator from Vermont be allowed to conclude his remarks before the regular order is taken up.

Mr. MORRILL. I am much obliged to my friend from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent that the Senator from Vermont be allowed to conclude his remarks. Is there objection?

Mr. HOAR. Leaving the regular order in its place.

The PRESIDING OFFICER. And that the regular order be proceeded with at the conclusion of his remarks. Is there objection? The Chair hears none. The Senator from Vermont will proceed.

Mr. MORRILL. The Senator from Kentucky grows indignant upon the question of keeping up war taxes in time of peace, and would seem to indicate that the interest on the war debt and pensions of Union soldiers can hereafter be paid without war taxes. It would be more pertinent to probe the question as to what party had made war taxes permanently necessary.

The Senator indicates if his theory of a tariff shall be adopted that a demand will soon be made "that a part of the necessary revenue of the Government shall be raised by a tax on incomes." This, of course, is the auxiliary force which is to be summoned to help out the revenue-only policy. Let his allies take notice of the banquet to which they are to be invited.

The Senator boldly claims that the $64,000,000 of taxes so properly levied on raw cotton should be returned to the South, and does not seem to be aware that a report of the Treasury long ago showed that little or none of this sum was ever paid by the South, and that if it were to be returned nearly every dollar of it would go into the pockets of Northern men in Northern States.

The Senator also reiterates his stereotyped assertion that "every dollar it is proposed to donate cost the labor of the country $5 before it reached the Treasury." Of course he means that every dollar collected by a protective tariff costs $5. This is refuted by the judgment of the whole world, as shown by their adherence to the general tariff system. There is not a boy in his teens that will be deceived by the statement.

The Senator for the fifth or sixth time repeats the words that "the blanket worth $1 pays the same (duty) as that worth $5." He will not see that he is wrong in his facts, nor will he find out that blankets are sold here at as low a price as anywhere in the world. He has got his tongue attuned to these words, and when he puts it in motion he can go off and leave it, feeling sure that the same words will come forth. As one of his friends told me, "he seems to think he has found (in a blanket) a thing of beauty which is a joy forever."

The Senator very stoutly asserts "that if Mr. Tilden had been allowed to take his seat the tariff would have been promptly reformed on a revenue basis."

To show how strangely the Senator misrepresents Mr. Tilden it is only necessary to cite what General John B. Gordon, after a call upon him, sets forth as the real position of Mr. Tilden. General Gordon says: "Mr. Tilden favored Mr. Payne as the most available man, but expressed the opinion that he, too, would decline to run. * * * He [Mr. Tilden] objected strongly to making the tariff the leading issue of the campaign, insisting that the true policy of the Democrats was comprehended in the general term of reform." It is significant that Mr. Tilden's favorite candidate is Mr. Payne, an Ohio protective-tariff Democrat, and that he is also for keeping quite dark on the tariff as a leading issue.

A tariff with incidental protection is a legitimate child of the fathers of the Republic, nursed and maintained by the principles of urgent expediency, recognized and enforced by the great leaders of American institutions, when all state protection was to be superseded, as incontestably constitutional, and has resulted in the achievement of a national prosperity and growth by the useful arts of peace unexampled in the history of the human race.

It is sometimes claimed that this child, though having a constitutional and lawful birth, has now reached the age of maturity, when it should wrestle with and pit itself against the world, and is entitled to no further favors from its own family and home. Let it, however, be remembered that we started from the date when we were not permitted by colonial masters to make even a wool hat or a hobnail, while other peoples had enjoyed all the training and skill to be acquired in many preceding ages. We started as the merest tyros in manufactures, while all the master-workmen were domiciled in foreign lands. British artificers were forbidden to go abroad, and if they went, were outlawed. It is true that we have made a most commendable progress; and were foreign skill and competition gauged by its standard of one hundred years ago we should, perhaps, ask no favors; but during the past century, while we have advanced, foreign nations have not stood still, and in the productions which require extended labor and what might be almost termed hereditary aptitude it must be confessed that we have no workmen of equal skill who can be employed on the low terms accepted abroad. The difference of wages makes the difference, where there is any difference, in the price of merchandise here and elsewhere. That a wide difference does exist in wages no candid man will deny. At the very least this difference is 25 per cent. all over the American continent, and often 33⅓ per cent. or over in all foreign lands. Free trade would compel Americans to do something like 50 per cent. more work or to accept of 50 per cent. less wages. There can be no other result. To this complexion free trade must come at last, and a tariff for revenue only is a twin-brother of free trade.

The grandeur of our growth in agricultural and other industrial productions, in wealth and commerce, in learned and charitable institutions, compared with the foremost nations of the world, greatly and sufficiently vindicates the established American policy of raising a national revenue by a tariff which throws a large share of its burdens upon foreigners and gives sufficient incidental protection to our people engaged in multiplying and greatly augmenting our home productions and the general comforts of life.

The condition of laboring men and women here compared with the most favored conditions elsewhere shows the universal superiority of the thrift, intelligence, and sturdy independence of American homes and thoroughly refutes all charges against the policy of protection. Nowhere can the laboring man buy a shirt or a decent coat with less hours of labor than in the United States. Nowhere can tea and coffee be had at a less price; and nowhere can breadstuffs, butcher's meat, and all the common necessaries of the household be had so cheaply; and nowhere is the family of the laboring man so much respected or better housed.

Any change made in the tariff by which larger importations of foreign merchandise shall be made would supersede and take the place of the same amount of American merchandise, and the labor here employed in its production would remain idle or be forced into other avocations or have its wages put upon a level with the lowest grade of mankind. Ninety per cent. of all home consumption, it is fairly estimated, must be credited to those who labor with their hands. If productions are diminished they are to be the chief sufferers. If those now at work in mines, mills, and factories are driven into the field of farmers the increase of agricultural crops will diminish prices, and in the aggregate they will be of no more value than the present aggregate. The inexorable law of supply and demand will forever regulate prices.

If I have treated the positions of the Democratic party on the subject of the tariff with some levity, it is because some part of the discussion has been provocative of nothing else. But I by no means underrate the gravity of the questions involved, and I profoundly regret that the vast business interests of the country, at a moment of almost world-wide depression, should be subjected and subordinated to the supposed exigencies of a partisan and political campaign.

TABLE A.—*Local variation of prices of farm lands in certain States.*

| State. | Manufacturing counties. | | Other counties. | |
|---|---|---|---|---|
| | Number of counties. | Value per acre. | Number of counties. | Value per acre. |
| California | 6 | $36 37 | 46 | $12 78 |
| Colorado | 2 | 44 19 | 29 | 19 91 |
| Connecticut | 3 | 71 84 | 5 | 34 68 |
| Delaware | 1 | 73 87 | 2 | 21 56 |
| Florida | 1 | 14 45 | 38 | 6 14 |
| Georgia | 7 | 9 22 | 130 | 4 10 |
| Illinois | 10 | 43 96 | 92 | 29 89 |
| Iowa | 9 | 32 28 | 90 | 21 62 |
| Kansas | 5 | 24 53 | 99 | 10 31 |
| Kentucky | 10 | 36 48 | 107 | 12 14 |
| Ohio | 12 | 67 85 | 76 | 42 46 |
| Louisiana | 2 | 20 59 | 56 | 7 05 |
| Maryland | 8 | 48 94 | 16 | 22 49 |
| Minnesota | 6 | 26 24 | 72 | 12 96 |
| Nebraska | 2 | 19 09 | 68 | 10 21 |
| Pennsylvania | 13 | 86 73 | 54 | 40 02 |
| Tennessee | 4 | 17 83 | 90 | 9 56 |
| Texas | 3 | 10 23 | 207 | 4 61 |
| West Virginia | 2 | 48 87 | 52 | 12 18 |

TABLE B.—*Ohio and Kentucky, according to census of* 1880.

| | Ohio. | Kentucky. |
|---|---|---|
| Farms.....acres... | 24,529,226 | 21,495,240 |
| Value of farms, including land, fences, and buildings..... | $1,127,497,353 | $299,298,631 |
| Value of farm products sold, consumed, or on hand..... | $156,777,152 | $63,850,155 |
| Corn.....bushels... | 111,877,124 | 72,852,263 |
| Oats.....do..... | 28,664,505 | 4,580,738 |
| Wheat.....do..... | 46,014,869 | 11,356,113 |
| Barley.....do..... | 1,707,129 | 486,326 |
| Hay.....tons... | 2,212,133 | 218,739 |
| Sorghum molasses.....gallons... | 1,229,852 | 2,962,965 |
| Tobacco.....pounds... | 34,735,235 | 171,120,784 |
| Value of distilled liquors..... | $6,692,736 | $8,281,018 |
| Irish potatoes.....bushels... | 12,719,215 | 2,269,890 |
| Sweet potatoes.....do..... | 239,578 | 1,017,854 |
| Wool.....pounds... | 25,003,756 | 4,592,576 |
| Value of orchard products..... | $3,576,242 | $1,377,670 |
| Horses.....number... | 736,478 | 372,648 |
| Cows.....do..... | 767,043 | 301,882 |
| Dairy products: | | |
| Butter.....pounds... | 67,634,263 | 18,211,904 |
| Cheese.....do..... | 2,170,245 | 58,468 |
| Swine.....number... | 3,141,333 | 2,225,225 |
| Value of manufactures..... | $348,298,390 | $75,483,377 |

Mr. BECK. Mr. President, I will not delay the bankruptcy bill by making a speech. I assure the Senator from Massachusetts [Mr. HOAR] that I shall not occupy over five minutes. It would perhaps do just as well when the bankruptcy bill is up for me to show that the present high protective tariff is driving the country into bankruptcy.

I have listened carefully to the speech of the Senator from Vermont, in which he endeavored to annihilate me and disprove all I said the other day. He may have done so. He told a good many stale jokes, rung in Sancho Panza and several old almanac stories, as well as some poetry. Of course he made some very unfavorable comparisons between myself and some of the statesmen who represented my State in former days. I do not know what that has to do particularly with this argument. I charged and proved when I spoke the other day that all through the war, when that gentleman had charge of important tariff legislation, he declared that those laws were only to be temporary, that tariff taxes were to be reduced as soon as the internal-revenue taxes then imposed were removed. I showed that they had been all removed fifteen years ago. I proved that in 1870 he said the protectionists had no right to claim lawful prize of protection when the internal-revenue taxes were then all removed. I proved that the leading statesmen of his own party all insisted that the tariff reduction he had promised ought to be made. I showed that the Tariff Commission was made up of men who were not only working in the interest of the manufacturers, but that they allowed the manufacturers themselves to make up their own schedules, and that no relief had been given to the country. More than all that, I proved that he, at the head of a conference committee, disregarded the will of the Senate and of the House, and imposed taxes on all the people much higher than either House desired; that he did this against the known will of both Houses, and piled up taxes on the necessaries of life, in plain violation of his known duty.

When I charged these facts upon the floor of the Senate in March, 1883, he went into the cloak-room to avoid answering, and when he saw fit to engage in newspaper interviewing with his colleague [Mr. SHERMAN], in which each abused the other and each confessed that they had done all that I charged, although he had seen fit to abuse me in that interview (which I do not care to read, for I do not care to put uncalled-for abuse on myself in the RECORD), I chose to defend my action here in my place and in his presence and again denounced the action of the conferees and proved all I said. To-day he is as silent as the grave as to any of those facts and charges.

I supposed he would at least defend the action of the conference committee; that he would show why he imposed a duty on common earthenware up to 60 per cent. ad valorem when neither the Senate nor the House had thought of imposing such a tax, a tax far above the high war tariff. I expected him to tell why he increased the tariff upon steel-rails much higher than the two Houses had agreed should be imposed; why he inserted new clauses that neither House had ever seen into both the cotton and the woolen schedules, thereby largely increasing the taxes upon this people. He said not a word about these things, but he made comparisons between Kentucky and Ohio, comparisons between myself, humble as I am, and some of the great leaders who have had the honor to represent Kentucky in days gone by. That is to go to the country as an answer to legitimate arguments. I shall not condescend to answer them.

He says Kentucky is not as great as Ohio in her products. Kentucky is prosperous; Kentucky is happy; her people are contented, and he need not think that he can by any speech even make them discontented with her present representatives. If he wants to tell the people of Kentucky that they ought to leave me at home he might just as well save himself the trouble; they will attend to their own business in that regard and all others.

He might have taken Vermont and Kentucky for the sake of comparative growth. I might take them and compare them. Kentucky in 1840 had 779,828 people, Vermont 291,948; in 1850 Kentucky had 982,405; Vermont had 314,120. In 1860 Kentucky had 1,155,684 people, and Vermont had 315,098. In 1870 Kentucky had 1,321,011; Vermont had 330,551. In 1880 Kentucky had 1,648,708 and Vermont had 332,286—only 2,000 more people in 1880 than she had in 1870. He might have illustrated other things by picking out Vermont perhaps just as well as to have worked up contrasts as to growth between Ohio and Kentucky.

I made a good many notes in regard to the Senator's speech while he was making it, but in my judgment it is not worth answering, and therefore I have nothing to say now.

SYSTEM OF BANKRUPTCY.

Mr. HOAR. I call for the regular order.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The unfinished business of yesterday is now in order, being the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The Senate had proceeded in its consideration to section 72. Section 72 will be read.

Mr. GARLAND. In looking over section 70 of the bill since we adjourned yesterday I am not exactly satisfied with the condition in which it leaves the matter of review in district courts exercising circuit court powers. I offer an amendment, to come in after the word "dollars," in line 12 of that section, which I think will fully cover the point that was suggested by the Senator from Mississippi [Mr. GEORGE], about which I have had some reflection since.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas will be reported.

The CHIEF CLERK. In section 70, line 12, after the word "dollars," it is proposed to insert:

And if in a district court exercising circuit court powers, all rulings, when the sum in dispute exceeds $500, may be reviewed in the same manner by the circuit justice or the circuit judge of the circuit in which such district may be.

Mr. GARLAND. That covers the point suggested by the Senator from Mississippi, and which I answered yesterday; but upon reflection I am not satisfied with the answer I gave then, and on comparing the general laws with the pending measure I propose the amendment.

The PRESIDING OFFICER. The question is on inserting the words proposed by the Senator from Arkansas [Mr. GARLAND].

The amendment was agreed to.

Mr. HOAR. At the suggestion of the Senator from Indiana, section 59 was passed over to allow the consideration of the last clause in relation to a judgment-roll. I have given very careful reflection to that matter since the suggestion was made. Section 79 preserves the rights of the creditors sufficiently, and I think it will be better to have that whole matter stricken out of section 59, because when it was inserted the fact that in some of the Western States a judgment becomes a lien did not occur to me as so serious a matter as it seems now on reflection. This applies to all sorts of little debts; and of course a creditor in Maine may have his debt proved against a debtor in Oregon or California, and I think it is quite objectionable to have that merged in a judgment in the court having jurisdiction in bankruptcy, especially if the right and duty to issue execution for that debt should follow in that court. I therefore move to strike out from line 45 to line 50, inclusive, in the fifty-ninth section.

The words proposed to be stricken out were read, as follows:

In case of the refusal of the court to grant a discharge to any bankrupt, the proof of debt filed in such proceeding shall be considered, for all intents and purposes, as a judgment-roll, and like proceedings may be had for the collection of such debt, less the amount paid thereon for dividends, as in the case of an ordinary judgment.

The amendment was agreed to.

The reading of the bill was resumed and section 72 was read.

Mr. GEORGE. I move to strike out in lines 16 and 17 the words:

Performed within six months before the bankruptcy.

I do not see the justice of excluding this preference to servants and laborers whose work was done prior to the six months next preceding the bankruptcy. I think it is fair and just to them that their debts should be considered as preference debts to the amount of $100 whenever and wherever contracted. I hope the Senate will strike out that limitation of time.

I wish to state in addition that it very frequently happens that servants and laborers have claims against their employers for wages for work which was done by them more than six months prior to the bankruptcy. I think it is but fair to strike out this limit, and allow the $100 to be paid to them for work and labor, it makes no difference at what time, provided it is a valid debt against the bankrupt.

Mr. HOAR. It seems to me this is a very liberal provision. It is enlarged in liberality compared with former laws. I hope the Senate will not strike out the limitation of time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. HARRISON. I am inclined to think that the amendment of the

Senator from Mississippi is a reasonable one. If the preference is allowed to the amount of $100, I can not see that it makes any difference whether that $100 accrued to the laborer within six months or twelve months. He is allowed to have a preference up to $100, and I think the Senator from Massachusetts should consent to strike out the six months.

Mr. SAULSBURY. I shall be glad to see this amendment prevail provided the provision as to priority of debts is changed from the way it stands as reported in the bill. I shall be glad to see a preference given to wages over some of the other debts, as debts due the United States, or to the State for taxes, &c. Because it very frequently happens that the services of the employé of the bankrupt have contributed to the estate, and they are a class of men, laborers and clerks and those persons, who contribute to swell the estate. The assets of the bankrupt are very generally largely owing to the labors of these men. Under the laws of distribution of the States, when a party dies, debts due servants are among the first to be paid, and I do not see why they should be postponed to debts due the United States or to the States, because it very frequently happens, as I before remarked, that the services of these laborers or servants have contributed to the estate. They ought to be paid before some of these other claims that have priority by the bill. I shall be glad to see a different arrangement from that contained in the bill. I am perfectly willing to make these debts a preference after costs and expenses.

Mr. HOAR. I think in the fourth clause of the section the first word "debts" should be stricken out before "taxes;" so as to read:

Fourth. Taxes and assessments made under the laws of the State where the proceedings are pending, and debts due such State, when by the laws thereof such debts have priority against insolvent debtors.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Mississippi to strike out the words "performed within six months before the bankruptcy," in the fifth subdivision.

Mr. HOAR. I thought that had been agreed to.

The PRESIDING OFFICER. It has not been disposed of.

Mr. HOAR. I will not make any question about that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE].

The amendment was agreed to.

Mr. HOAR. Now I move, in line 11, in the fourth subdivision of section 72, to strike out the word "debts" before "taxes."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. GEORGE. That being done, I move to strike out the word "debts," at the beginning of the third subdivision; so as to read:

Third. Taxes and assessments due to the United States which have been proved.

Leaving out "debts" there as in the other case.

Mr. HOAR. It is the universal policy, I believe, of every State in this country and of every civilized government, and has been the uniform policy of this Government from its foundation, to give preference as against insolvent estates, whether of deceased persons or living persons who are insolvent, to its own debts and taxes, which are presumed to have been matters incurred for the carrying on of the Government itself, which is the paramount necessity of all necessities. Now, it seems to me if that policy is to be changed it ought to be changed by some special enactment applicable to all cases alike. Why the United States should have its preference against the insolvent estate of every deceased person in the country and why it should reserve the advantage of having no statute of limitations run against it and all the other advantages, and then a Senator come in and make this little attack on the policy in a bankrupt law, I do not understand. I think that should be left to general legislation. I hope the provision will not be changed. If you remove the advantage of the United States you have also to remove the advantage from the States.

Mr. HARRISON. I think the Senator from Mississippi in making the motion to strike out the word "debts" had it in mind that it was necessary in order to put the State governments on the same plane with the United States Government now that the word "debts" has been stricken out in the fourth clause.

Mr. GEORGE. Yes, sir.

Mr. HARRISON. But he is mistaken in that, because if he will read the fourth clause through he will find that debts due the States are preserved there. So the two clauses are exactly harmonious as they are now; that is, debts, taxes, and assessments due the State are preserved; so that the striking out of the word "debts" in the fourth subdivision did not make the disparity between the General Government and the States that the Senator seemed to think.

But I want to call the attention of the Senator from Massachusetts to the words in the thirteenth line, which give these debts due the State priority "when by the laws thereof such debts have priority against insolvent debtors." It may be that some of our States have no insolvent laws at all, and have no provision on this subject. The operation of this language would be that if there was a State that had no provision in her statutes by which a debt due to the State should have priority she could not claim it under this law. The suggestion I wish to make is whether it would not be best to put this precisely in the language of the third subdivision:

Debts, taxes, and assessments due to the State.

I only make the suggestion.

Mr. HOAR. The phrase "due to the State" would not cover it.

Mr. HARRISON. That is true.

Mr. HOAR. I should have no objection to amending it so far as to say, "to such State which have been proved," which we say in the clause in regard to the United States.

Mr. HARRISON. I think that would do.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. COKE. The Senator from Mississippi has been called away for a moment to the Supreme Court room.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. HOAR. I move, in the fourth subdivision of this section, to strike out the words "when by the laws thereof such debts have priority against insolvent debtors" and insert "which have been proved," after the word "State."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. WILSON. I wish to suggest to the Senator from Massachusetts and also to the Senate one difficulty that occurs to my mind—perhaps the Senator will be able to explain it—in this connection with the fifth paragraph or subdivision of this section.

Section 43 of the bill reserves to the bankrupt all the exemptions to which he may be entitled under the State law existing prior to the bankruptcy. The bill also protects liens in the nature of judgments or mortgages which may have been perfected before the act of bankruptcy. But the fifth subdivision of this section seems to me to interfere with another class of liens provided for by the laws of most of the States, if not all. I refer to mechanics' liens. These liens are to the entire amount of wages due and the cost of materials furnished. It seems to me if we are to preserve, as the forty-third section does, the exemption of the States to the bankrupt and we are to preserve the liens of judgment and mortgages, we should also preserve the liens that accrue under the mechanics' lien laws of the several States. Now, unless there is something in the bill which makes provision for that further than this preference as to $100 of wages due in the fifth paragraph of the section, then of course there would be no preference to mechanics or laborers beyond the $100 here provided for.

Mr. HOAR. This bill preserves all liens. I think I can find it.

Mr. WILSON. I have not had my attention called to that nor have I been able to get my eye upon it.

Mr. GARLAND. Section 42.

The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to make a motion relative to any change?

Mr. WILSON. I am simply making inquiry now of the Senator having charge of the bill. This is a pretty important consideration, and I would suggest that the paragraph be passed over informally until we can examine it further and see whether the matter is provided for.

Mr. HOAR. The paragraph the Senator calls attention to does not seem to me to touch his question. This is a matter of the preferences against the estate, not of the claims of priority, a totally distinct matter. It is a dividend out of the estate. This is an additional right to the workman, clerk, or servant. If he has a mortgage or if he has a statute mechanics' or laborers' lien, this is in addition to that. Of course I do not mean that he would get it paid twice, but he would have a double election of the two remedies. The statute only conveys to the trustee such property as the debtor has and such property as the debtor has subject to whatever legal liens exist at the time of the first publication of the notice.

Mr. WILSON. The amendment proposed by the Senator from Mississippi suggested this question to my mind, and I have not been able as yet to find in the bill a provision to cover it.

Mr. HOAR. If there is any question about it the question would be removed by adding some provision at the end of the bill. This particular section is not the place for it, because this is the section in regard to claims against the fund, not in regard to what property shall pass. The true way would be to add the same provision which was in Judge Story's bankrupt law, that all existing liens except as aforesaid shall be preserved. That is the effect of the bill now.

Mr. WILSON. This section provides for the priority of debts.

Mr. HOAR. The priority of claims on the fund. It has no relation at all to the right of a mortgage or a joint owner or of a creditor having a lien. That would be properly dealt with either by a general provision at the end of the bill or in the section which provides for what property shall pass to the assignee or trustee.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Iowa that it might be well to proceed with other sections, delaying the consideration of section 72 for the present.

Mr. WILSON. My suggestion was that that be passed over informally until further examination can be made.

The PRESIDING OFFICER. That will be done. The next section will be read.

Section 73 was read.

Mr. HOAR. I do not think it necessary to pass over section 72, and I will reply now to the suggestion of the Senator from Iowa. Let me repeat that the section which we are dealing with simply provides after the assignee has converted this estate into cash—into a fund to be distributed—in what order the various creditors shall have the fund paid out to them. The suggestion of the Senator from Iowa is that he wishes to be satisfied whether the bill properly preserves from passing to the assignee at all, from his getting hold of it, the property, without first securing the rights of creditors who have liens upon it either by statute or mortgage. This section which we are dealing with does not affect that question at all. That is dealt with in section 42; and if any clearer expression is required it should be put in there to accomplish the Senator's purpose. Section 42 says:

That when a trustee has been duly appointed and qualified there shall vest in him, for the purposes of this act, all the property and estate of every kind, except as hereafter provided, which the bankrupt had.

If the bankrupt's property is the right to redeem a mortgage or an estate subject to a lien under the laws of his State, that is what vests in the trustee, and that is all. Then it goes on:

And the estate in his hands shall not be subject to any liens, charges, or incumbrances which, for want of record or otherwise, would not then have been valid as against the creditors of the bankrupt.

Implying that the liens which would have been valid against his creditors by the existing law of the State shall be valid against the trustee. But if so clear and accurate a lawyer as the Senator from Iowa thinks that that section is not clear, I will consent to any phrase which he shall put in, but there is the place to put it, and not here.

Mr. WILSON. I have no doubt of that. As I have already remarked, my attention was called to the subject from the provision made in the fifth subdivision of section 72, and it seems to me that the provision in section 42 is not broad enough to reach it.

Mr. HOAR. I think it is, but I will agree to put into section 42 these words, or something equivalent: "subject to every existing legal lien except as hereinafter provided."

Mr. WILSON. Very well.

The PRESIDING OFFICER. Section 74 will be read.

The Secretary read sections 74 to 78 inclusive.

Mr. GEORGE. At the end of section 78 I move to add:

And in the meaning of this act no security given or suffered, and no payment made, shall be deemed unlawful unless it be a real preference; that is, unless it be for a greater part of the debt so paid or secured than the debtor was able at the time of such payment or securing to pay or give security on all his other debts, it being the intent and meaning hereof that an insolvent debtor may rightfully pay any credit or his pro rata or equal share of his assets or give like security out of the same.

Mr. HOAR. I hope that will not be adopted. It would very clearly overthrow the whole purpose of the act.

Mr. GEORGE. I do not see how that would overthrow the whole purpose of the act, unless it is the purpose of this act that when a man becomes insolvent he can not honestly and fairly do what this act is intended to make him do. I understand the whole object of this act is to require an insolvent's assets to be paid out equally among all his creditors with certain exceptions allowed in the act. If that is not the purpose and object of this act it is of no use to have any bankrupt act at all. The object of the amendment is to allow an insolvent to do voluntarily of his own motion that which this act is intended to make him do.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. GEORGE. Certainly.

Mr. HOAR. Does the Senator intend that a man who is able to pay 70 per cent. only of his debts may pay that 70 per cent. to a few of his favored creditors, putting them beyond risk, and then go on at the risk of his business, leaving the others to get their pay or not as his future business turns out? That is the effect of the amendment as I understand it.

Mr. GEORGE. Mr. President, in answer to the question of the Senator from Massachusetts I will say that I mean to allow an insolvent still to be a man. I do not propose, if I can help it, to have a law enacted which prevents a citizen doing honestly, fairly, that which this act is passed to make him do. It seems to me to be an anomaly in jurisprudence to pass an act to secure a result from a party before the court when that very result is prohibited to be done by the agency of the party himself. I understand that the object of a court of justice is this and no more—to compel a party brought before it to do that which he will not do willingly of himself. The object is to secure a remedy against him for his own default for his refusal to do that which the law requires him to do.

In further answer to the question propounded by the Senator from Massachusetts I have this to say: It is impossible for a man, solvent or insolvent, to make a payment to anybody without giving him a preference, unless he can get all his creditors together at one time and at one place, and hand to each of them his share of the money. If he pays one to-day, that is a preference over the man he pays to-morrow; or if he pays one at 12 o'clock it is a preference over the man whom he pays at 1 o'clock on the same day.

I think this is one of the reasons why bankrupt laws, as was so fully proven to the Senate by the Senator from Arkansas [Mr. GARLAND] and by the Senator from Kansas [Mr. INGALLS] at the last session, have all the time proved ineffective and destructive. What does a bankrupt law aim at? It wants the man in debt to pay out to each creditor his fair share of his assets. You pass a law for that purpose; you create an expensive machinery for that purpose; thirty-odd officers are salaried out of the United States Treasury for that purpose; large costs are incurred for that purpose; and yet in the very law intended to secure that thing you prohibit the man from doing it himself without cost to anybody.

Of course the debtor takes the risk in making a payment that he does not pay too much; he takes the risk of violating the provisions of this proposed act in reference to unlawful preferences. If he gives more to one than he is able to give to another, and if he violates that rule by giving more to one than he does to another, he incurs the penalties imposed by this measure. But suppose he does not do it; suppose he is honest; suppose he undertakes to carry out the intent and purpose of this act; he is insolvent; is there any inexorable law or policy that requires the debtor to go into the bankruptcy court and let the court do for him what the law will not allow him to do for himself and for his creditors? I can not see it, sir.

Recurring again to the proof brought here mountain-high by the Senator from Arkansas who sits to my left [Mr. GARLAND] and the Senator from Kansas [Mr. INGALLS] at the last session, that all bankruptcy laws both in this country and in England to the present time have been miserable failures, have resulted in simply taking the assets of the unfortunate and squandering them in administration; looking at that proof, is there anything resulting from the past history of bankruptcy laws either in England or in this country which should make us hasten to take from a citizen his property when he has done nothing wrong with it, when he does not propose to do anything wrong with it, when he actually proposes to do exactly what the bankrupt law requires him to do, and that it shall take from him the mastery and ownership and control of his property, giving it to whom? Giving it in the first place to a court, a court with all of its machinery, the judge learned in the law as he may be, but with his agents and with all this expensive machinery. Is not a court the last thing in the world to intrust with the transaction of such business? It is very competent to decide a question of law or a question of right between A and B, and to render a judgment against a party who is in default in the performance of a legal duty. But this bill goes beyond that. This proposed law makes the court a business concern. It undertakes to transfer to it and to its control and management large amounts of property. I say there is no machinery conceivable which is honest so likely to produce less good results than the management of an estate by a court.

There have been two theories in bankruptcy laws heretofore. One was what was called the official or court management. That proved a failure. The other was a management by the creditors. That proved a failure. Everything has proved a failure to the present time. Nothing has been satisfactory. The bankruptcy court has been but a mill through which were ground out large fees and perquisites and emoluments to those who managed it, robbing the debtor and paying nothing or next to nothing to the creditors.

Now, why can we not change that? Why can we not allow something to the citizen, to the debtor who must manage his own business in the ordinary time? You can not transact the business of this country through courts, through commissioners, through supervisors. It is the energy, it is the pluck, it is the good sense of the various citizens of this country who are pursuing their own callings which make this country great and prosperous.

The bill as now framed proposes to step in as to all those who in the pursuits and business of life have fallen a little behind, because under this bill the debtor is insolvent if he can pay only 98 cents on the dollar; he is insolvent if he can not meet all his debts. Under the bill he not only must be able to meet all of his debts in a reasonable time, but he must be able to meet them on the very day, or within thirty days after the time for payment. That is the definition given by the Supreme Court in the case referred to by the Senator from Arkansas yesterday, as the meaning of insolvency, and you have not changed the meaning of that by putting the word "actually" before insolvent. I suppose if a man is insolvent he is actually insolvent. It only means that he is really insolvent.

There is no definition here, as was contained in the bill reported from the Judiciary Committee last winter by the Senator from Kansas [Mr. INGALLS] defining what is insolvency. It happens under this bill that when a man has not paid his commercial paper within thirty days, although he may be amply able to pay it, he can not do that thing he ought to do, he can not pay anybody anything, he can not make an honest division of his assets, but he must go into the bankruptcy court and turn over his property there, and let it be squandered as it has always been both in England and in this country under any bankruptcy system which has ever been devised.

Instead of enacting laws to compel men to go into bankruptcy when they want to do right, and have done nothing that is wrong, I should like to see laws passed to enable them to do right, to do that which the bankruptcy law is intended to compel them to do without forcing

them unnecessarily into court. I can not understand the guardianship assumed by the bill over the unfortunate debtor who has done no wrong, who proposes to do no wrong, who proposes to do exactly what the bill requires to be done—not requires him to do, but requires to be done by the action of a court.

Mr. BAYARD. Would it interrupt my friend for me to ask him a question?

Mr. GEORGE. Not at all.

Mr. BAYARD. He has omitted the very thing to which the Senator from Arkansas [Mr. GARLAND] drew the attention of my colleague [Mr. SAULSBURY] yesterday, that before any of this coercion can be applied to a debtor he must be at the time actually insolvent.

Mr. GEORGE. What is "actually insolvent?" It just means that he can not pay his debts at that time.

Mr. BAYARD. Oh, no. I will not give the definition of actual insolvency, but I suppose——

Mr. GEORGE. Can you draw a distinction between a man who is insolvent and one who is actually insolvent?

Mr. BAYARD. I suppose the definition of insolvency can be found in half a dozen decisions.

Mr. GEORGE. It is found in the decision of the Supreme Court in Toof *vs.* Martin, cited by the Senator from Arkansas on yesterday.

Mr. BAYARD. But the definition of actual insolvency is not that a man at a given moment can not meet any pecuniary obligation. There may be outstanding credits due him which will soon enable him to do so. There is scarcely a moment in any man's life at which he may not be so caught that there could not be an immediate cash payment of his debts. That is not a case of actual insolvency.

Mr. GEORGE. The bill gives him thirty days in which to pay, I will state to the Senator from Delaware. I intend to offer an amendment and see how that will be voted on, taken from the bill reported by the Senator from Kansas [Mr. INGALLS], in which insolvency is defined, and we will see whether in the sense of the Senate that will be the rule, or the rule laid down as quoted by the Senator from Arkansas yesterday by the Supreme Court of the United States in Toof *vs.* Martin.

But, sir, it makes no difference to the argument I am making whether the party be insolvent technically by want of ability to meet his debts on the day named or within thirty days thereafter, or whether there be an actual deficiency of assets to meet his liabilities; I still stand on the ground that here you find a man who has committed no fault, who by misfortune, by fire, by shipwreck, by unfortunate speculation, by the failure of men who are indebted to him, has become unable to meet his debts, and then when he proposes to do exactly what this bankruptcy law is to be passed to secure to be done, you say to him, "You have committed an act of bankruptcy," or, in other words, that which is honest and right if done by the bankrupt court with the bankrupt's property is dishonest and unlawful if done by the bankrupt himself.

Is not that a very singular result of legislation? You hound the man by tying his hands into the commission of an act of bankruptcy, and take from him the control of his assets when he means to do, when he is actually doing, with those assets exactly what the bill says ought to be done with them.

Mr. President, I think the amendment ought to be adopted. It may destroy the theory upon which the bill is founded; I do not know about that. It will not destroy the most essential and proper theory upon which it is founded, and that is the securing of an honest, equal, and fair distribution of the assets of an insolvent debtor among his creditors. It will not destroy that. It will promote that, and will secure a larger dividend than will remain after it has been wasted and squandered either by accident or design in its administration through a bankruptcy court.

There is another amendment akin to this to which I had as well call attention right now, which I suppose would be counter to the theory of a bankruptcy law as understood by the Senator from Massachusetts. To what theory of that law is it counter? It is not counter to the theory of having an honest and fair division of the assets of the debtor among his creditors, but only counter to the theory which has proved to be the bane of every bankruptcy law which has ever been passed, that the court and its officials, its registers, its clerks, its trustees, its commissioners, and its supervisors are better managers of the estate of an individual than the party is himself, and that nothing can be done by a man who is either technically or really insolvent in the way of carrying out the very end and aim sought, a bankrupt law itself. If the Senate and the country want a bill passed which will deprive a citizen of his natural and legal rights over his property when he does not propose to do anything wrong about it—if that is the theory of the bill, I think the sooner we abandon it the better, if we can not get up a theory that is more consistent with the rights not only of the debtor himself but of his creditors.

Mr. HOAR. The bill only prohibits a payment by a debtor with intent to prefer. He must, in order to have the payment illegal or an act of bankruptcy, mean to prefer one creditor over another. That is the bill now. The Senator comes in and moves to have inserted in it a declaration that if he pays 75 or any other per cent. of his debts to one creditor and is able to pay others as much, whether he is willing or not, that shall not be an act of bankruptcy, and shall not be prohibited. That would leave the debtor who can not pay 100 per cent. on the dollar at liberty to cheat all his creditors but one and to prefer that one without having the act prohibited or an act of bankruptcy.

Everything that the Senator in his argument says ought to be accomplished is accomplished now. The effect of his amendment is simply to give a debtor a chance to cheat, as I understand it.

Mr. GEORGE. The Senator is mistaken about the bill. The preference of an insolvent trader given to an individual is not the only ground upon which he can be put into bankruptcy.

Mr. HOAR. The payment we are talking about is only with intent to prefer. That is the only practical thing here.

Mr. GEORGE. I understand; but if he pays a creditor and does not pay anybody else, then he is still liable to the others, to be proceeded against under your thirty days' clause, and he can be put into bankruptcy. What I am aiming at is that the payment of a particular sum which he would be able to pay to everybody else shall not of itself constitute an act of bankruptcy.

Mr. HOAR. It does not now under the bill, unless it is done with the intent to prefer. That is the answer to that.

Mr. GEORGE. But the bankruptcy courts would hold, because I come to that now, and they would be still authorized to hold, that any payment which does prefer was done with the intent to prefer. The Senator is very familiar with the rule of law which says that a man is supposed to intend to do what he does do, and if it does operate, as everybody sees it will, in giving this man a preference, that is not a preference in amount but a preference in time, then the intent is conclusively presumed.

But to go back to section 33, to another amendment which illustrates itself, there is a provision in this bill which prohibits an insolvent debtor from making an assignment of his property with or without preference. A man finds himself insolvent; he finds himself unable to pay his debts, and he proposes to do exactly what the bill requires a court to do for him. He makes an assignment, by which every single creditor he has is put upon an exactly equal footing. That ought to satisfy everybody; but no, that of itself is made an act of bankruptcy, and the assignment itself is declared to be void.

It seems that when a man becomes insolvent under this bill nothing can be done unless it be done in and through and by the agency of the bankrupt court. Mr. President, I have said that was an off-hand anomaly, as compared with other proceedings in this country—not anomalous in a bankrupt law, for it is in nearly all of them, I believe, and it has been the bane and curse by which all of them have proved failures—stopping and making a court and its incompetent officials the managers of private interests and depriving the owner of the right and power of control.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE] to section 78.

Mr. INGALLS. That amendment is "fearfully and wonderfully made." I hardly think the Senator from Mississippi would desire, even if his ideas were to prevail, to have that amendment incorporated as a part of the statute. There is, in the first place, a declaration of the intention of the act, and that is followed by an explanation of the meaning of the first part of the amendment, and the whole closes with a further declaration as to what the true intent of the meaning of both the preceding paragraphs is.

I am not sure that I am not partially in sympathy with the views expressed by the Senator from Mississippi, but I should be unable, under any view of the case, to give my assent to an amendment that was so peculiarly and inartificially drawn as that which he has submitted. I think the best thing that can be done with it would be to let it lie on the table.

Mr. GEORGE. Mr. President, the amendment does unusually declare the true intent and meaning of the act, but that is sometimes done, and it is very necessary to take all these precautions against the disposition, as I know it will exist, on the part of some persons engaged in the administration of this law to rule everything the other way. As the Senator from Kansas thinks well of the idea embraced in the amendment, I shall be glad to withdraw it and accept one drawn by him artificially and in proper form.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

The amendment was rejected.

Mr. INGALLS. I move to strike out of section 78 the last paragraph, between lines 38 and 43. Let the part proposed to be stricken out be read.

The Secretary read as follows:

> If a debtor shall, directly or indirectly, pay money or transfer property to an attorney-at-law for the services to be rendered him in bankruptcy beyond a reasonable retainer, and thereafter becomes bankrupt, such payment shall be a preference, and the trustee may recover the amount by summary process.

Mr. INGALLS. This paragraph appears to me to be a blow aimed directly at the legal profession, and I think it would in any event be inoperative. I should be unwilling to impose any limitation on the amount of fees that a merchant might see fit to pay an attorney for the advice and assistance he might give him in the transaction of his business. The words "reasonable retainer" are so indefinite and vague and

nebulous that it would be impossible to obtain anything like a satisfactory declaration ultimately of what they meant. A "reasonable retainer" in one section of the country might mean one thing and in another another. Of course, if there is any transfer of property to an attorney or to anybody else in advance of the initiation of the proceedings that amounts in the estimation of the officer holding the position of judge to a preference, it will be set aside. I trust the Senator from Massachusetts will see the impropriety of attempting to limit the amount of attorney's fees that a merchant might pay for counsel and assistance, especially if he were in desperate or dangerous circumstances.

Mr. HOAR. I rose a little later than the Senator from Kansas with a view of making the same motion which he has made. I think all that the clause is intended to accomplish is accomplished without it; that is, if there were a colorable or pretended conveyance of property to an attorney under pretense of paying him for services but in reality to transfer the property to him, the law would break that up, and the juries to whom that question would be submitted would apply the law with entire strictness.

Mr. HARRISON. I want to ask the Senator from Massachusetts whether this was not the object of this provision, and whether there was not perhaps a reason why it should be retained. This is not to pay for services rendered; it is to pay for services to be rendered in connection with the bankruptcy proceedings. That is, a person contemplating bankruptcy, voluntary or involuntary, and expecting litigation with creditors, some attacks upon his transfers or opposition to his discharge, undertakes in advance of the adjudication in bankruptcy to make an arrangement with his counsel, and to transfer property to him which shall pay him for all the services to be rendered in resisting the creditors or in proceedings to be instituted by the creditors. It seems to me there was abuse under the operation of the old law, and I think I have known some cases where there was an abuse which this provision would correct. It is not a preference, because the debt does not exist to the attorney. It is a contract made then with a stipulation for fees to be paid for services to be rendered, and the general provisions of the bill with reference to preferences would not affect such a contract at all.

Mr. HOAR. I think that such contracts as the Senator describes ought to be permitted; that is, the bankrupt who is to be stripped of everything except the exemption which is made ought to have the right to engage counsel to look after his legal rights in the transaction and to pay them, and he ought to have the right to pay them more than a retainer. He ought to have a right to pay for the service; otherwise he can not get the service; he is left of all mankind without counsel. The evil which has existed must certainly be guarded against by a proper administration of the law. If the bankrupt has made to a lawyer more than a fair price for such services as are fairly to be expected the trustee may sue the counsel, as he would under this clause, without this clause, and the jury would give him back the whole or the excess above what is a reasonable and just equivalent for what the bankrupt ought to have a right to secure. I therefore hope the clause will be stricken out.

Mr. INGALLS. It will be observed further that this clause also provides that if the payment is beyond a reasonable retainer in the judgment of the commission, or supervisor, or judge, this payment is a preference, and the trustee may recover—what? Not the excess above a reasonable retainer, but he may recover the entire amount; that is, the transaction may be an entirely just one, it may be a reasonable one, the contract may be such as ought to be sustained; and yet if in the judgment of the commissioner, or supervisor, or judge, it is more than he thinks the attorney ought to have been paid, larger than would have been a fair compensation for professional services, it is to be entirely set aside and the whole amount, leaving nothing whatever for payment for the attorney's fees for services that have been rendered, is to be recovered back by a quasi-criminal proceeding. I do not think that paragraph contains any provision which ought to be retained.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to strike out the last clause of section 78.

The amendment was agreed to.

Sections 79 to 83, inclusive, were read.

Mr. HOAR. I was not aware that the Senate had got past the second sentence of section 82, and I should like unanimous consent to make there a grammatical change simply.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection, the Senator may propose his amendment.

Mr. HOAR. Section 82 limits the false and fraudulent statements which are to affect the discharge to such statements made in writing and signed by the bankrupt, to prevent the pressure upon him by unfounded charges of fraud sworn to by witnesses. I move, after the word "made," in line 15, to insert the words "in writing;" and then after the word "statement," in the same line, to insert "subscribed by him;" and then to strike out "which statement shall be made in writing and subscribed by said bankrupt," in the sixteenth and seventeenth lines; so as to read:

> Or if he has within one year before his bankruptcy knowingly made in writing any false and fraudulent statement, subscribed by him, to any person or persons, and made for the purpose of being communicated to the trade, &c.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Sections 84 to 88, inclusive, were read.

Mr. GEORGE. I desire to offer an amendment to come in at the end of section 85. I ask unanimous consent to offer the amendment now.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent of the Senate to return to section 85 in order that he may offer an amendment thereto. Is there objection? The Chair hears none.

Mr. GEORGE. My amendment is to add to section 85:

> And no debt shall be released by a discharge which may be due by any bank or individual for deposits or loans, either with or without interest, when such bank or individual has within twelve months before suspension or assignment for the benefit of creditors used its deposits or assets or any part thereof in buying or selling futures in any commodity whatever, or has loaned the same to any person or corporation so engaged, or having reasonable ground to believe that the borrower would so use it, or where such bank or individuals, being insolvent, shall have still continued to receive deposits or loans, or shall have misled in any way any depositor or lender as to his insolvency.

Mr. HOAR. I should like to examine that carefully, which I can not do just at this moment; therefore if the Senator will not regard it as discourteous I will withhold consent to going back and ask him to leave it until we get to the end of the bill. It is understood that that is the same amendment in substance as that of the Senator from Alabama [Mr. MORGAN]. It relates to the same matter.

Mr. GEORGE. It embraces some other things.

Mr. HOAR. If the Senator will let it lie until we get to the end of the bill, very well. Let it be printed.

Mr. GARLAND. Let the amendment be printed, because it involves some principles that ought to be examined carefully.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. INGALLS. I move in section 87, line 3, to strike out the words "within two years after it passed."

The PRESIDING OFFICER. Is there objection to going back to section 87?

Mr. INGALLS. I thought it had just been read.

The PRESIDING OFFICER. Section 88 has been read and section 89 was about to be read when the Senator from Mississippi [Mr. GEORGE] interposed.

Mr. HOAR. There will be no objection to going back.

The PRESIDING OFFICER. Is there objection to going back to section 87 for the purpose indicated by the Senator from Kansas? The Chair hears none.

Mr. INGALLS. I move to strike out, in line 3, section 87, the words "within two years after it passed;" so as to read:

> That the order granting a discharge may be reviewed and annulled by the judge in bankruptcy of the same court, upon the written application of any creditor or creditors whose debts, amounting to not less than $250, would be barred thereby.

This section provides for the review of a discharge "upon due notice and hearing and satisfactory evidence that such order was obtained by fraud or perjury, or that the bankrupt failed to surrender all his unexempt property, or influenced the action of any creditor in respect to said discharge or to a composition by any payment or promise contrary to law, and that such fraud, perjury, or illegal act was not known to said creditors in season to be availed of in opposition to such discharge, unless it was in fact put in issue and tried in good faith, upon the objection of other creditors, before the discharge."

I doubt very much the propriety of imposing the bar of a statute of limitations to any attempt to review based upon fraud and perjury. I believe that so long as the life of man endures, if it can be made to appear satisfactorily to a court that a discharge in bankruptcy was obtained by fraud and by perjury, it ought to be set aside, and that no law is justifiable which says that the intervention of a space of time so short as two years shall prevail as a successful interposition of fraud and perjury against the rights of creditors. I hope the Senator from Massachusetts will see his way clear to permit this amendment to be made.

Mr. HOAR. Mr. President, of course no lapse of time, if it were a thousand years, ought to give effect to fraud and perjury; but at the same time it is necessary to consider the liability to mistake in the tribunal to be satisfied. It is not the case of a man contesting with a single creditor or a single enemy; it is a case where the interests of a thousand or sometimes of many thousands, often many hundreds, are concerned against one man. The debtor may have a vast number of creditors; his debts may grow out of the failure of some bank in which he is a stockholder, and the stockholder's liability may apply to him created by our statutes. I suppose there is one very well-known case in the country now being settled, where the number of creditors must be considerably more than a thousand. Now, to have the debtor exposed all his life to the danger of a false charge that he has committed perjury or fraud of any kind, that he has not fairly surrendered his property, or that he has influenced the action of a creditor by a payment on terms contrary to law, when the evidence on his side may have perished, it seems to me would be unjust. There ought to be some end. I think

that two years is pretty short and I should be perfectly willing to make it six, which would extinguish ordinarily all the claims of the creditors if there had not been any bankruptcy, unless there had been a fraudulent concealment of the cause of action itself. I should be willing to agree to an extension of the time, but I should think having no time when the debtor was safe from having his whole indebtedness brought up again by a conspiracy among two creditors would be dangerous. Suppose a man fails for a large sum of money and acquires a new fortune at the end of eight or ten or fifteen years, and then men conspire against him and bring up the old bankruptcy proceeding?

Mr. HARRISON. I would suggest to the Senator, in the line of what he has suggested himself, whether it would not be well, leaving the limitation either two years or whatever term of years may be agreed upon, to fix no limitation as to cases of concealed fraud. Under our ordinary statutes of limitations if the cause of action is concealed by any act or work on the part of the debtor the statute does not run.

Mr. INGALLS. I understand that in cases of fraud or perjury the limitation begins to run after the discovery of the fraud.

Mr. HOAR. Not at all. That never occurs. In all the statutes of limitation with which I am familiar it is not the discovery of the fraud. The fraud may be a cause of action where there is a fraudulently concealed fact, and from that time it attaches. But I wish to suggest to the Senator from Kansas further that that is not one of these things which even are to go to the jury. A man is to have his rights barred on the decision of the court. It is true that sometimes judges are excellent triers of fact, and sometimes very learned judges are very poor triers of fact, as we all know. I suggest to my friend from Kansas that to make the term six years instead of two would be a practical and reasonable adjustment of the whole thing, but not strike out the limit altogether. I move to amend the clause by inserting "six" instead of "two," before the question is taken on striking out.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to strike out "two" and insert "six."

Mr. GARLAND. The provision in the old law was two years, and I think it worked very well. I do not think it necessary to extend it to six years. When the question came up to which the Senator from Kansas referred, as to the application of the ordinary rule of the statute of limitations, the district court held:

> The application to set aside the discharge must be made within two years after it is granted; and it has been held that the ordinary rule applicable to statutes of limitation, which prevents the running of the statute in cases of fraud, while the fraud is undiscovered does not here apply, and that a different construction must be applied to the limitations under the bankrupt law. (Pickett *vs.* McGarrick, 3 Central L. J., 303; Norton *vs.* De la Villebeuve, 13 B. R., 304.) See, however, *contra*, Bailey *vs.* Weir, 12 *id.*, 24, where the Supreme Court of the United States decided that the statute of limitations does not run against the assignee where the fraud alleged has been concealed until such fraud has been or could with ordinary diligence have been discovered, and the principles enunciated in that case we have no doubt are applicable to the limitation mentioned in the foregoing section.—*Blumenstiel's Law and Practice in Bankruptcy*, 555, 556.

So that, under the decision of the Supreme Court on the former act in respect to this two years' limitation, I think the point made by the Senator from Kansas is sufficiently secured by the section, and I do not see the necessity with that construction of extending the time beyond two years. I heard no complaint against the administration of the former act so far as this point is concerned.

Mr. INGALLS. What is the precise language of the limitation contained in the previous act?

Mr. GARLAND. Section 5120 of the Revised Statutes provided that—

> Any creditor of a bankrupt, whose debt was proved or provable against the estate in bankruptcy, who desires to contest the validity of the discharge on the ground that it was fraudulently obtained may, at any time within two years after the date thereof, apply to the court which granted it to annul the same. The application shall be in writing, &c.

Mr. INGALLS. And the court held that under that language the limitation was two years after the discovery of the fraud?

Mr. GARLAND. After the discovery of the particular fraud, or after the date when it might have been discovered by the exercise of reasonable diligence.

Mr. BAYARD. Would that construction be given to this act?

Mr. GARLAND. That is my impression.

Mr. INGALLS. If that is the construction placed upon the language, it would be better to adopt the language there used so as to leave no further room for construction.

Mr. GARLAND. I think that would be well.

The PRESIDING OFFICER. Does the Senator from Kansas propose to modify his amendment?

Mr. INGALLS. The question now is on the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The first question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to strike out "two" and insert "six."

The amendment was rejected.

Mr. INGALLS. Now instead of my former amendment I move to strike out the words that I have named, "within two years after it passed," and to insert after the word "perjury," in line 7, the words "within two years after the discovery thereof."

Mr. HARRISON. Would not that leave the other causes named there without any limitation?

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

The CHIEF CLERK. In section 87, line 3, it is proposed to strike out "within two years after it passed," and in line 7, after the word "perjury," to insert "within two years after the discovery thereof."

The PRESIDING OFFICER. The question is on agreeing to the amendment just reported.

Mr. MCMILLAN. I suggest to the Senator from Kansas that he insert his amendment after the word "law," in the eleventh line, to obviate the objection made by the Senator from Indiana.

Mr. INGALLS. These clauses deal with entirely different classes of cases on the part of the bankrupt. The first is obtaining a discharge by fraud or perjury; next comes the cause arising from the fact that the bankrupt failed to surrender all his unexempt property; and in the next clause influencing the action of the creditor by payment or promise contrary to law. The insertion of the words proposed might be after "law," by adding "within two years after the discovery of such fraud, perjury, or illegal act." Upon the suggestion of the Senator from Minnesota I will modify the amendment by inserting, after the word "law," the words "within two years after the discovery of such fraud, perjury, or illegal act."

Mr. GARLAND. Let me ask the Senator from Kansas if it would not be as well then to follow up the language of the court, "or after the same could have been discovered by the exercise of ordinary diligence?"

Mr. INGALLS. If that is the language of the decision, I think it would be well to insert it.

The PRESIDING OFFICER. Does the Senator so modify the amendment?

Mr. INGALLS. Yes, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas as modified.

Mr. BAYARD. I should like to have it read.

The PRESIDING OFFICER. The Chief Clerk will report the amendment as modified.

The CHIEF CLERK. In section 87, line 3, after the word "court," it is proposed to strike out the words "within two years after it passed;" and in line 11, after the word "law," to insert the words "within two years after the discovery of such fraud, perjury, or illegal act, or after the same could have been discovered by the exercise of ordinary diligence."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRISON. I desire to make an amendment in section 88, to strike out the words, in lines 4 and 5, "some new and valuable consideration is given therefor, and."

The PRESIDING OFFICER. Is there objection to receiving the amendment to section 88, that section having been already read and passed? The Chair hears none. The amendment proposed by the Senator from Indiana will be reported.

The SECRETARY. In section 88, line 4, after the word "unless," it is proposed to strike out the words "some new and valuable consideration is given therefor, and;" so as to make the section read:

> That every promise, covenant, undertaking, and security given by any bankrupt, whether before or after his discharge, to pay a provable debt, or any part thereof, notwithstanding his discharge, shall be void, unless the same is put in writing and signed by the party making said promise, or his duly authorized agent.

Mr. HARRISON. I do not think a new consideration ought to be required. I think it is well to protect the discharged debtor against any pretense of a verbal promise to pay the debt; but if he deliberately consents in writing to renew the obligation from which he has been legally discharged in the bankruptcy court, it seems to me the moral obligation which certainly still rests upon him to pay that debt ought to be treated as a sufficient consideration in law for the new promise in writing. I think, as a question of morals, the consideration that originally moved him in the creation of the debt is sufficient to support the new promise. It is so in the case of statutes of limitation where they have fully run and barred the debt. My recollection is that it does not require a new consideration, and it is ample protection for the debtor if he is protected against the pretense that he has made an oral promise, and nothing can be alleged against him except his written promise to pay. If a man has borrowed a thousand dollars of a widow or some poor person unable to bear the loss, and is discharged from it in bankruptcy, the moral obligation to pay ought to be a sufficient consideration.

Mr. BAYARD. I should like to ask the Senator from Indiana and the Senator from Massachusetts what is the use of the section relating to new promises? There is nothing of course to prevent the voluntary payment by a man who, having become bankrupt and been discharged, subsequently becomes able to pay his debt. Of course he can do so voluntarily; there is no trouble about that; but what is the use of our undertaking to do more than prevent and entirely avoid a promise prior to his discharge? That he would pay a debt subsequently may be the

consideration to prevent a creditor from contesting his discharge and be fraudulent; but as to all voluntary arrangements he may make thereafter, they are such as we have nothing to do with and which really a law of this kind can not undertake efficiently to consider. I can not help thinking that the whole of this clause relating to new promises is very immaterial.

Mr. HARRISON. I will say in response to the Senator from Delaware that I do not think it unreasonable that the discharged debtor should be protected against the pretense that he has made an oral promise. I think that may be necessary in order to give him the full benefit of his discharge. The oral promise may be alleged against him; it stands on the testimony of men simply; and he may find his old debts loaded upon him upon proof. It is a sufficient protection if the promise is required to be in writing, as in some contracts under the statute of frauds, but I am very clear that we ought not to require a new consideration.

Mr. GARLAND. The nature of the new promise is one that runs through all the statutes of bankruptcy about which I have any information, and I think for the very salutary reason suggested by the Senator from Indiana it is thrown back frequently on the party that he simply went through or was put through bankruptcy for the purpose of avoiding certain debts and selecting afterward some debts that he desires to pay, and he becomes entangled and embarrassed afterward by debt. But this is a new feature, the point that is made by the Senator from Indiana, "unless some new and valuable consideration is given therefor." For one I am perfectly willing to have that language go out. I do not think that is necessary; but I prefer to retain the remainder of the section.

Mr. HOAR. As I understand the law at present, where a statute operates as a mere limitation on the right to sue, not extinguishing the cause of action, but only prohibiting suing on it, like the ordinary statute of limitations, no new consideration is necessary; a mere waiver of the statute privilege is enough, and by a new promise, although there be no new considerations; but where the debt is totally extinguished and gone, as by bankruptcy, it has been a debated question, if I recollect aright, whether the old moral obligation, as it is termed, is sufficient to support the promise. I think in most States in this country it is held that it is not, and that there must be a new consideration as well as a new promise to oblige a debtor to pay a debt which has been extinguished by the statute of limitations. In other words, it is a new debt.

If this is stricken out the question will then be remanded to the different States to settle, and it will depend upon the *lex loci contractus*. If our discharge will have no operation in determining the validity of a new promise by the debtor, it will depend upon the exposition of the law by the courts of the debtor's State or the State where the contract was made. That seems to me to be very reasonable, though I have no objection to the words going out.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. PIKE. I wish to propose another amendment to section 88, which is in line 7, after the word "authorized," to strike out "agent," and after the word "his," in the same line, to insert "agent," and at the end of the line to add the words "in writing;" so as to read:

Or his agent duly authorized in writing.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. PIKE].

The amendment was agreed to.

Mr. CALL. If it is in order I will move to strike out all of section 88 after the word "void," in line 4. The bill professes to be a bill to forbid preferences, but this section manifestly authorizes a preference. It authorizes a party to assume a debt from which he has been discharged. Again, the object of the bill is to set on foot a debtor released from all his obligations, and yet the section expressly provides that the released debtor may reassume those obligations and encumber himself with them for the future.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Florida.

The SECRETARY. It is proposed to strike out all of section 88 after the word "void," in line 4, as follows:

Unless the same is put in writing and signed by the party making said promise, or his agent duly authorized in writing.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

The Secretary read from section 89 to section 92, inclusive.

Mr. BAYARD. I ask the Senator in charge of the bill if he does not think we might adjourn now. It is 5 o'clock.

Mr. MORRILL. I hope that no motion to adjourn will be made. I think it is necessary to have an executive session for a few moments.

Mr. BAYARD. Let us have an executive session and adjourn afterward.

Mr. HOAR. We are within twelve pages of the end of the bill. Then there are one or two amendments to be offered, one reserved by the Senator from Alabama [Mr. MORGAN] who is not now in his seat.

Mr. BAYARD. I merely made the suggestion as a question of the convenience of the Senate. It is now 5 o'clock.

Mr. HOAR. Allow me to say that the time to-day has been taken for nearly two hours by some excellent speeches on both sides of the tariff question from the Committee on Finance, of which the Senator from Delaware is an eminent member.

Mr. BAYARD. I was not the instigator of those speeches.

Mr. HOAR. I am quite sure of that; but I suggest that we read through these twelve pages, which will probably take ten or twelve minutes, unless there are some amendments, and then adjourn, leaving the amendments of which notice has been given to be offered to-morrow.

Mr. BAYARD. How long does the Senator suppose that will occupy?

Mr. HOAR. Ten or fifteen minutes.

Mr. BAYARD. I withdraw the motion, understanding that in ten minutes we shall reach the point indicated by the Senator from Massachusetts.

Mr. GEORGE. I ask the Senator from Massachusetts and the Senate to allow me to offer an amendment to come in at the end of the bill, so that I may have it printed.

The PRESIDING OFFICER. If there be no objection, the amendment to be proposed by the Senator from Mississippi [Mr. GEORGE] will be received, ordered to be printed, and lie on the table. It is so ordered. The Secretary will proceed with the reading of the bill.

Mr. COKE. I move that the Senate proceed to the consideration of executive business. It is after 5 o'clock.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope the Senator from Texas will let us read through these sections on corporations and composition. They are not likely to suggest any amendment. It will only take a very few minutes. Considering the good-nature——

The PRESIDING OFFICER. Does the Senator from Texas withdraw the motion?

Mr. COKE. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn. The Secretary will proceed with the reading of the bill.

The Secretary read section 93.

Mr. HOAR. In line 5 of section 93 I wish to make a verbal amendment, instead of "corporators" inserting the word "stockholders." I understand that in some States the term "corporators" has a technical meaning and is confined to those who attend the first meeting and organize the company.

The PRESIDING OFFICER. If there be no objection, the alteration suggested by the Senator from Massachusetts will be made. The Chair hears none. The reading of the bill will proceed.

The Secretary read sections 94, 95, and 96.

Mr. HOAR. In section 96, line 6, after "therefor," the word "and" should be inserted; so as to read:

At least ten days before the time appointed therefor, and of the substance of said proposal.

The PRESIDING OFFICER. The Chair hears no objection, and that amendment will be made.

Sections 97 to 103, inclusive, were read.

Mr. HOAR. I ask leave to go back to section 100, and move to strike out the portion of that section after the word "control," in line 5. That section gives the court of bankruptcy jurisdiction over a compounding debtor to enforce the payment of the composition—and that I think is right—and over trustees and other officers of the court who have his property in their control; but it goes on to provide that "the district and circuit courts shall have jurisdiction concurrently with the State courts of all suits against indorsers, sureties, or others bound for such payments," &c. It has been suggested to me by the Senator from Indiana [Mr. HARRISON] that in many parts of the country there will be great objection to increasing the jurisdiction of the Federal courts, giving them jurisdiction over suits on common notes and contracts of that kind between citizens of the same State. Indeed, I doubt whether we should have the constitutional right to do it. I move to strike out that part of the section.

The PRESIDING OFFICER. Is there objection to returning to section 100, as suggested by the Senator from Massachusetts? The Chair hears none. The question is on the amendment proposed by the Senator from Massachusetts striking out all of the section after the word "control," in line 5. The words proposed to be stricken out will be read.

The CHIEF CLERK. After the word "control," in line 5, it is proposed to strike out:

And the district and circuit courts shall have jurisdiction concurrently with the State courts of all suits against indorsers, sureties, or others bound for such payments, and upon the property so bound in all matters pertaining to such composition.

The amendment was agreed to.

Sections 104 to 106, inclusive, were read.

Mr. HOAR. I shall move to fill the blanks in section 106 when the bill comes into the Senate and is about to be finally disposed of. The word "hereinbefore," in line 25 of section 106, should be stricken out. I move to strike it out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. INGALLS. The latter portion of section 106, providing for proceedings under the act of 1867, received favorable action by the Committee on the Judiciary, and now stands on the Calendar as Senate bill No. 1362, with a proviso that was agreed to by the Committee on the Judiciary, but that does not appear in this section. I move to insert after the word "mentioned," in line 36, these words:

*Provided*, That if on application under this section the court find that it would be unjust to any party in interest to compel such final determination within the time herein specified, the court may extend the time for some term to be specified in its order, beyond which there shall be no further delay in such determination.

The amendment was agreed to.

Section 107 was read.

The PRESIDING OFFICER. The reading of the bill is concluded.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 2 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *April* 16, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. DIBBLE. I am instructed by the Committee on Public Buildings and Grounds to report a substitute for a resolution referred to that committee, and to ask for its present consideration.

The SPEAKER. The original resolution will be read, and then the proposed substitute.

The original resolution was read, as follows:

*Resolved*, That the Secretary of the Treasury is hereby directed to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file in the Treasury Department relating to the purchase of a site for a public building in the city of Brooklyn and State of New York.

The substitute was read, as follows:

Whereas a resolution was referred to the Committee on Public Buildings and Grounds relative to the purchase of a site for a public building in Brooklyn, N. Y.; and

Whereas at a hearing before said committee specific charges were made, in writing, and filed with said committee, alleging complicity between some of the officers of the Government and the owners of real estate in said city, whereby it is alleged that the Government is likely to be required to pay an exorbitant price for the contemplated site; and

Whereas it is due to the Government as well as to the officers implicated that the facts should be ascertained: Therefore,

*Be it resolved*, That the Secretary of the Treasury is requested to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file relative to the purchase or contemplated purchase of a site for a public building in the city of Brooklyn, N. Y., and that the Committee on Public Buildings and Grounds be instructed to investigate the charges made, with power to send for persons and papers; and that the Secretary of the Treasury be requested to suspend negotiations for the purchase of said property pending the investigation.

Mr. BLOUNT. I would like to inquire of the gentleman from South Carolina [Mr. DIBBLE] some of the reasons why it is proposed to authorize the committee to send for persons and papers. My understanding about the matter is that $800,000 was appropriated for a building at Brooklyn, and when the matter of the purchase of the site came to be considered it was found that the price of land there was so very high that the amount appropriated was not sufficient to pay for the land and complete the building, and therefore nothing has been done. I would like to know of the gentleman in charge of this resolution whether there was anything more serious?

Mr. DIBBLE. The reasons which actuated the committee were simply these——

Mr. BEACH. I do not want the right to object to be waived.

The SPEAKER. The right to object will not be waived.

Mr. DIBBLE. We were furnished with a sworn statement of the valuation of the property by an expert, together with a sworn statement of the assessed value of the property on the tax-books of Brooklyn. Each of these valuations was a great deal less than the price which we were informed was set upon the property negotiated for.

We were also furnished with the names of witnesses, residents of Brooklyn, who from our best information were responsible and reliable, and could give further light upon this matter. The committee think it due to the officers of the Government implicated and to the Government itself that the matter should be investigated. And as the names of witnesses were furnished, and we ascertained that they were reliable persons, we accordingly added to the resolution the clause giving power to the committee to send for persons and papers.

Mr. BLOUNT. I understand the gentleman to say that the chief complaint is that the property is now held at a higher sum than it was understood at the time the bill was passed it could be obtained for, higher than it is really worth.

Mr. DIBBLE. The complaint is that the gentleman appointed by the United States Government to negotiate as its agent for this property was personally interested in the property sought to be purchased. That is a part of the complaint.

Mr. SKINNER, of New York. I desire to ask the gentleman from South Carolina [Mr. DIBBLE] if the resolution reported by the committee has received the approval of the Representatives from the city of Brooklyn; have they been consulted in reference to the action proposed by the committee?

Mr. DIBBLE. I understand they have been consulted.

Mr. HOPKINS. The resolution was originally offered by one of the Representatives from that city.

Mr. SKINNER, of New York. I know that my colleague from the city of Brooklyn [Mr. JAMES], who is absent from the House this morning, feels a deep interest in this matter, and I would like to know whether he has been consulted in reference to it.

Mr. ROBINSON, of New York. I will say that hearing these reports, receiving letters from many citizens of Brooklyn, and understanding that another gentleman would offer the resolution if some one from Brooklyn did not, I offered the resolution and it was referred to the appropriate committee. It is in the hands of a good committee, and whatever they think proper will satisfy me. I have nothing further to say upon it.

Mr. HOPKINS. The Supervising Architect of the Treasury, having heard of these allegations, came to the Capitol a few days ago and said he could not permit himself to remain under these charges, and therefore he desired this investigation. I will ask in this connection, as having had some influence upon the committee reporting this resolution, to have read two extracts from a leading journal of New York city.

Mr. REED. The point is, has the gentleman from Brooklyn, Mr. JAMES, who represents the district in which this property is situated, been consulted with regard to this resolution?

Mr. SKINNER, of New York. I shall object to the resolution until my colleague is present.

Mr. REED. I think that is right.

Mr. BEACH. Mr. JAMES told me he had no objection to it.

The SPEAKER. Objection is made, and the resolution is not before the House.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. PRICE. I ask unanimous consent to take from the House Calendar for present consideration Senate bill 1797, authorizing the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota. It is for the construction of a bridge 2,000 feet long and 50 feet above high-water mark. It is important for the progress of the enterprise that the bill should be promptly passed. It was passed by the Senate and reported from the Committee on Commerce last Saturday.

The SPEAKER. The Chair is advised that the bill is not at the Clerk's desk.

Mr. PRICE. Was it not reported back from the Committee on Commerce last Saturday?

The SPEAKER. The Chair is informed that it was not.

Mr. PRICE. Then I beg pardon for taking up the time of the House. I thought the bill had been reported back and was in the possession of the Clerk.

ANNUAL SALARIES FOR COMMITTEE CLERKS.

Mr. FORNEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

*Resolved*, That the Committee on Accounts be, and they are hereby, directed to inquire into the propriety of paying annual salaries to such committee clerks as are now paid by the session, and to report to this House by bill or otherwise such amount as they may deem a fair annual salary.

BUSINESS FROM FOREIGN AFFAIRS COMMITTEE.

Mr. CURTIN. I am directed by the Committee on Foreign Affairs to ask consent to submit for present consideration the resolution which I ask the Clerk to read.

The Clerk read as follows:

*Resolved*, That April 29 be set aside for the consideration of business from the Committee on Foreign Affairs, not to interfere with general appropriation or revenue bills, or business from the Committee on Public Lands; and should said day be occupied by the consideration of business from the Committee on Public Lands, general revenue or appropriation bills, then the next unoccupied day shall be devoted to the consideration of business from the Committee on Foreign Affairs.

The SPEAKER. Is there objection to the introduction of this resolution for present consideration?

Mr. MORRISON. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER, for four days.

To Mr. WILKINS, for the remainder of this week, on account of important business.

To Mr. KEIFER, for ten days after to-day.

To Mr. STORM, until Tuesday next, on account of important business.
To Mr. O'HARA, for fifteen days from to-day.

REPRINT OF INTERNATIONAL COPYRIGHT BILL.

On motion of Mr. DORSHEIMER, by unanimous consent, it was ordered that the bill (H. R. 2418), now on the House Calendar, granting copyrights to citizens of foreign countries, be reprinted with an amendment in the nature of a substitute recommended by the Committee on the Judiciary.

SESSIONS OF COMMITTEE ON PACIFIC RAILROADS.

Mr. CASSIDY. I am instructed by the Committee on Pacific Railroads to ask that the committee have leave to sit during the sessions of the House.

There being no objection, leave was granted.

TARIFF HEARINGS BEFORE WAYS AND MEANS COMMITTEE.

Mr. BLOUNT. I ask unanimous consent to report back a resolution from the Committee on Ways and Means.

The resolution was read, as follows:

*Resolved*, That there be printed for the use of each member of the House one copy of the hearings had before and testimony taken by the Committee on Ways and Means on what is known as the Morrison tariff bill.

The report of the committee, accompanying the resolution, was read, as follows:

The Committee on Ways and Means, to whom was referred for consideration a resolution for the reprint of the hearings lately had before said committee, report the following substitute:

"That there be printed for the use of Congress 1,000 copies of the said hearings, two copies each for each Member of Congress and each Senator, and the remaining copies for the Committee on Ways and Means."

Mr. ROBINSON, of New York. I suggest whether the phraseology of this resolution is proper where it says "for each Member of Congress and each Senator."

The SPEAKER. Senators are members of Congress. Is there objection to the present consideration of this subject? The Chair hears none.

The House proceeded to consider the resolution; and the substitute reported by the Committee on Ways and Means was agreed to.

The resolution as amended was adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JEANNETTE INVESTIGATION.

Mr. COX, of New York. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. I have here a resolution proposing to allow the chairman of the subcommittee of the Committee on Naval Affairs examining in regard to the Jeannette expedition to swear witnesses. This proposition simply follows precedent.

Mr. BEACH. Is there not before the House a bill covering this object?

Mr. COX, of New York. There is; but it has not yet passed.

Mr. BEACH. Why make this hearing a special matter?

Mr. COX, of New York. If the bill had passed we would not ask the adoption of this resolution.

Mr. BEACH. Can we not take up the general bill and pass it?

Mr. COX, of New York. We only ask this privilege as a temporary matter for a few days.

The SPEAKER. The Chair thinks this is not a matter of privilege, but if there be no objection the resolution can be considered.

Mr. COX, of New York. Let it be read.

The Clerk read as follows:

*Resolved*, That the Committee on Naval Affairs, now investigating the Jeannette expedition, be authorized to appoint subcommittees, to be composed of not less than three members, which subcommittees shall be committees of the House of Representatives.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. COX, of New York. The object is simply to allow the chairman of the subcommittee to swear witnesses in the investigation of the Jeannette expedition. The adoption of the resolution will save the chairman of the committee the necessity of going in constantly for that purpose. This is all there is of it.

There being no objection, the resolution was considered, and adopted.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State; when the Speaker signed the same.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. TUCKER. Mr. Speaker, I ask to introduce for present consideration the resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

*Resolved*, That Saturday, the 3d of May, after the reading of the Journal, be assigned for the consideration of such business as may be presented by the Committee on the Judiciary; this order not to interfere with the consideration of general appropriation or revenue bills or prior special orders.

Mr. CLAY. I object.

ATTORNEYS' FEES IN PENSION CLAIMS.

Mr. ROGERS, of Arkansas. Mr. Speaker, on last Saturday the Committee on Pensions, Bounty, and Back Pay matured a measure which it instructed me to offer, at the proper time, as a substitute for the second section of the pension appropriation bill which was under consideration last week, and went over as unfinished business. In order that members may examine it, I ask unanimous consent that it may be published in the RECORD.

There was no objection, and it was so ordered.

The proposed amendment is as follows:

A bill to regulate attorneys' fees in pension claims.

SECTION 1. That no agent, attorney, or other person shall receive any fee for his services in a pension claim until the payment of the pension.

SEC. 2. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant, and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 3. That the fee in all pension claims shall be $10, except in case of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the passage of this act, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 4. That the Secretary of the Interior shall have power to make such regulations as may be deemed proper in regard to the admission of persons to practice as attorneys before the Pension Office, the conduct of attorneys, and the suspension or disbarment of improper persons from practice.

SEC. 5. That any agent or attorney, or other person instrumental in prosecuting any claim for pension, who shall directly or indirectly contract for, demand, or receive, or retain, any compensation for his services or instrumentality for prosecuting a claim for pension greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court.

POSTAL-TELEGRAPH BILL.

Mr. ROSECRANS. Mr. Speaker, I ask by unanimous consent that the resolution of the Legislature of California heartily indorsing the postal-telegraph bill, introduced by my colleague [Mr. SUMNER], be printed in the RECORD.

Mr. COSGROVE. That subject has been acted on by the proper committee, and I must object.

BUSINESS OF THE JUDICIARY COMMITTEE.

Mr. TUCKER. The gentleman from Kentucky [Mr. CLAY] who objected to the consideration of my resolution has withdrawn his objection.

The SPEAKER. The Chair will again submit the question to the House. Is there objection?

Mr. MORRISON. Yes; I object.

The SPEAKER. The resolution is not before the House.

TARIFF.

Mr. MORRISON. Mr. Speaker, I move to dispense with the morning hour.

The SPEAKER. That requires a two-thirds vote.

The House divided; and there were—ayes 89, noes 8.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

Mr. MORRISON. I move the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is in committee for the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and the gentleman from Massachusetts [Mr. RUSSELL] is entitled to the floor.

When Mr. RUSSELL had spoken for an hour,

The CHAIRMAN said: The time of the gentleman from Massachusetts has expired.

Mr. SPRINGER. I ask unanimous consent that such extension of time may be granted to the gentleman from Massachusetts as he may desire.

Mr. BEACH. I shall object to an extension of time for any gentleman.

Mr. RUSSELL. I would like a few moments more.

Mr. SPRINGER. I hope the gentleman may be allowed five minutes more at least.

Mr. BEACH. There are a large number of gentlemen who wish to speak.

Mr. HERBERT. The gentleman from Massachusetts is a member of the committee which has had these questions under consideration, and I ask the gentleman from New York not to insist upon his objection.

The CHAIRMAN. Does the gentleman from New York insist on his objection?

Mr. BEACH. On consideration I will defer to the wishes of the gentlemen around me and withdraw my objection.

Mr. RUSSELL. I thank the gentleman.

Mr. O'NEILL, of Missouri. If there is no intention on the part of members on this [Republican] side of the House to endeavor to prevent amendment to this bill after general debate shall have closed, I will have no objection to extending the time of the gentleman from Massachusetts [Mr. RUSSELL]; but if there is such intention, then I shall object to what will be only a waste of time.

The CHAIRMAN. The gentleman can not make a conditional objection.

Mr. SPRINGER. I ask consent that the gentleman from Massachusetts have such additional time as he may desire.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Chairman, by the action of the Ways and Means Committee in reporting to the House the Morrison bill, so called, and now by the action of the House itself, we are again brought face to face with the tariff issue, and the business interests of the country are again plunged into uncertainty and distress. The appointment of a commission and the consideration and revision of the tariff laws in the last Congress held the business of the country in suspense for a full year. The work of the commission and the action of the Forty-seventh Congress in the passage of the tariff act of March 3, 1883, restored confidence in the business community, and the ax in the forests, the pick and shovel in the mines, and the various industries everywhere resumed their usual activity.

It was not expected that this work so well though not perfectly done, and these laws so important and so sensitive to the material interests of the country, were to be again, within a twelvemonth, reopened and reagitated. But it has come, and why? Is there a call coming up from the people for this? Has any interest or any section of the country asked for the reintroduction of this disturbing element? Is there any appeal, by petition or otherwise, for the reopening and revision of our tariff laws? There is but one response to this question, No!

I might except the Free Trade Club of New York, who did appear in favor of the Morrison bill and argued for free trade generally.

We turn our ear to the South and what do we hear? They say "we want no change in the tariff as it relates to our great products, sugar, rice, tobacco, iron ore, and the manufacture of cotton goods." We turn our ears to the West and they say, "Since we have found that we can profitably manufacture sugar from sorghum and glucose from corn, we wish you to make haste slowly in any change in the sugar duties, and we want the same protection for our great staple, wool, and our iron ore, copper, lead, and lumber, and the various manufactures into which our people are now rapidly engaging." We turn our ears to the North and East and to the Middle States, the great manufacturing centers of the country, and they, with but one voice, say, "Though the reductions made in 1883 tend to cripple and discourage some of our industries, we hope Congress will give the new law a full and fair trial."

The testimony before the committee, asked for and fully and intelligently given by the representatives of the leading industries, as well as by men representing the working classes of the country, should satisfy every legislator that the interests of all classes of our people will be best promoted by letting the tariff laws alone for the present. The varying conditions of manufacture and trade may require, from time to time, changes in our tariff laws, but no such sweeping changes as proposed by the Morrison bill are demanded to-day.

### WHO IS FORCING THIS ISSUE?

Why and by whom, then, has the consideration of this question been forced upon Congress and the people at this time? Plainly by the leading members of the Democratic party, and to clothe them with a living issue to present to the people in the coming Presidential contest. We, the protectionist party, accept the challenge; we stand by and are ready to go to the people with our tariff policy—the law so adjusted as to insure revenue to the Government and protection to American industry—while you still adhere to your obscure and deceptive theories, "a tariff for revenue only," and "a tariff for revenue with incidental protection." Your platform declarations on this question are vague and misleading. There is no such thing as "incidental" protection. There may be accidental protection, but not incidental.

### COMPARATIVE COST OF MILL AND OPERATION.

To illustrate: A mill of a given capacity may be erected in England for at most two-thirds the cost of one of the same capacity here. It can be operated in England for less cost for labor, taxes, insurance, &c., than here. Mr. Arnold B. Sanford, of Fall River, Mass., the largest fine-yarn spinner in this country, testified before the Ways and Means Committee that from his knowledge by personal investigation a cotton-mill costing $450,000 here could be erected for $300,000 in England. He also said that he paid on his mill at Fall River for local, county, and State taxation $7,500 per annum, and that the taxes for a similar mill in England would not exceed $1,400. The system of taxation in England is adjusted to favor the manufacturing interest. And he says, "I pay 33½ per cent. more for my labor than is paid in England."

Without a duty imposed upon the product of such a mill the American mill can not run in competition with the English. To insure the operation of our own works a duty is imposed upon the manufactured article at a point which counterbalances the difference between the excessive cost of the plant here and the greater amount paid for labor, insurance, taxes, &c., and those in England. The duty thus imposed insures its manufacture here, stops importation, and the tariff thus becomes protective. The free-traders then say it affords no revenue, as it has checked and even stopped the importation of the foreign article; the tariff rate, therefore, must be reduced to afford a revenue with incidental protection. But when thus reduced to permit importation our own works will cease to manufacture, the English goods will be imported, and the tariff upon the article has become under such circumstances a revenue tariff without protection.

I repeat, there is no such thing as incidental protection, but there may be between the beginning and the full establishment of our manufactures to supply our home demand a time when the tariff will afford both a revenue and protection; but this would be accidental, not incidental, for it would be temporary and not continuous.

### ARTICLES OF LUXURY.

There are articles consumed largely by the rich, not absolutely essential to comfort and support, upon which to impose duties for revenue. A list of a few of such articles I give below, the table showing value of goods imported and revenue derived last year under present rates of duty:

| Article. | Value. | Duty. |
|---|---|---|
| Beer, ale, and porter | $1,146,796 74 | $511,462 51 |
| Diamonds, &c | 7,608,752 61 | 761,886 41 |
| Fancy articles (alabaster, &c.) | 1,665,680 71 | 641,467 71 |
| Fancy feathers and artificial flowers | 4,399,294 46 | 1,378,369 63 |
| Musical instruments | 1,486,251 15 | 446,099 79 |
| Paintings and statuary | 3,088,673 34 | 313,584 75 |
| Silk, piece goods and manufactured | 33,307,112 37 | 19,677,999 53 |
| Spirits and wines | 2,296,734 37 | 3,358,463 12 |
| Champagnes and wines | 4,603,723 61 | 2,219,672 18 |
| Other spirits, &c., and still-wines | 5,679,909 10 | 3,152,267 85 |
| Tobacco and cigars | 10,515,806 00 | 7,700,458 34 |
| Braids, laces, &c., for ornamenting hats | 2,297,962 00 | 704,890 66 |
| Laces, cords, braids, gimps | 6,392,257 90 | 2,237,348 06 |
| Chinaware, decorated | 2,587,545 03 | 1,294,337 06 |
| Cotton embroideries | 4,928,775 37 | 1,725,607 78 |
| Meerschaum pipes | 38,305 74 | 32,671 11 |
| Fire-crackers | 265,023 97 | 281,148 08 |
| Fruits and nuts | 18,157,686 79 | 4,609,883 38 |
| Fine cut-glass ware | 1,017,677 84 | 407,075 04 |
| Fire-arms | 1,336,327 28 | 467,738 75 |
| Total | 112,815,356 28 | 51,922,431 74 |

The increased importation of this class of goods has been for the past two years at the rate of $10,000,000 per annum. Higher rates of duty might be imposed and larger revenues derived therefrom.

### THE ISSUE AT HAND.

The time has come when the true position of the two great political parties on this question of the tariff should be fully and plainly understood. Both parties should clearly and boldly assert their positions. Let the people no longer be deceived by meaningless and deceptive platforms. Let now the protective features of the tariff be submitted to the people in the next national election. If after a fair and full discussion they desire to eliminate from the tariff laws the element of protection for protection, let them assume the responsibility, choose between the two systems and parties, and accept the consequences.

### REASONS FOR PROTECTION.

Grounds for maintaining tariff laws which shall have a purpose both for revenue and protection are manifold, and have been presented in many forms before. There are no new reasons. Old ones can therefore only be reclothed and presented in new language.

In treating of this question in its very earliest history our forefathers recognized the importance of the protective as well as the revenue features of the tariff, and the policy of protection has been recognized ever since it was instituted as forming a part of the issues of the various political parties. With the Whig party it was its leading issue, and it has been one of the leading tenets of the Republican party since its formation.

As people live and learn so do nations, and we as a new people, coming after, have the experiences of older nations to follow or reject as our wisdom may dictate.

To be sure we have never experienced the results of absolute free trade, but the experience of others and our own attempts to approach it have been severe enough to warn us of its danger.

England has experimented with both protection and free trade. Owing to her peculiar situation and limited territory she has for a time prospered under the latter, but has reached that period in her history when it has become a present and serious question whether she can maintain her social, if she can her financial, position with the now more progressive nations of the world.

I have some excellent English authority showing the unrest there exists to-day in England on this question of free trade. At a public meeting in Birmingham, March 5 last, Earl Dunraven said:

It is claimed that England has benefited greatly by free trade. The great strides she made after the abolition of the corn laws are all attributed to the

change in our fiscal system. There were, however, many other causes at work besides free trade. Free trade was of great profit to us at one time for the simple reason that we had the monopoly of the world's markets. Other nations had no means of supplying themselves with goods. They had to buy from us, and, consequently, as our market was assured and there was no difficulty in selling, it was an immense benefit to us to be able to buy everything as cheaply as possible. Since then things have materially altered. Foreign nations have learned to supply themselves and are beginning to supply us. The whole of the circumstances have changed, and to say that the system which benefited us under these circumstances must be equally beneficial in altered circumstances is absurd.

It is as absurd as to say that the clothing and food most suited to persons near the North Pole must consequently be the best food and clothing for people who live in the tropics. But there is another thing to be considered. It is true that England made great strides under free trade; it is equally true that other nations made greater strides under protection. The United States increased £165,000,000 in accumulated wealth; France, £75,000,000; and Great Britain, £65,000,000. In percentage of trade the increase of Great Britain was 21 per cent., and that of the United States was 67 per cent. In fact, England was the last of the great nations instead of the first.

The number of pronounced anti-free-traders in England now is, I should think, at least a hundred times what it was in 1879, and whether that means anything I leave to others to determine. There may not be enough yet to alter the policy of the country, but there are enough to do a good deal of leavening among the masses.

SIGNS OF PROSPERITY.

At present our industrial interests are in an abnormal condition, brought about through fear as to the action this Congress may take in relation to the tariff law. If you remove this disturbing element and let the country resume its normal condition we shall continue to present to the world as an object lesson the best, most prosperous, and most happy nation on the face of the globe.

It is said that the material growth and prosperity of a country can be measured by its consumption of iron and steel. Measured by this standard we excel all nations of the world in greatness and prosperity, for we consume more iron and steel per capita than any other people. Our economic system, which thus affords such opportunities for material gains, also leads up to intellectual growth and culture, and if we measure the intellectual standard of our people as compared with others by a well-recognized rule—the consumption of paper—we shall find that we stand at the head of all nations.

Great Britain, with a population of 35,000,000, manufactured and consumed in 1881 about 374,000,000 pounds of paper; France in the same year, with a population of 37,000,000, manufactured and consumed 325,000,000 pounds; Germany, with a population of 45,000,000, consumed 396,000,000 pounds, while the United States, with a population of about 50,000,000, consumed in the census year 865,000,000 pounds, or nearly twice as much per capita as either of the three countries above named.

It is not wholly our climate which has made us so prosperous; it is not wholly our race, for we are varied; it is not wholly our natural resources, though they all help to make our success possible, but the underlying basis of it all is in the wise laws which force such a diversity of interests and at the fullest possible compensation for labor.

DIRECT ADVANTAGES OF PROTECTION.

The standard of reward for labor, from the poorest paid to the highest talent, is enlarged and fixed by the tariff laws of the country. So few deny that labor is better paid by at least 50 per cent. in this country than elsewhere that it would seem unnecessary to offer proof on this point, though I insert tables for comparison.

*Weekly wages in the Amoskeag Mills, Manchester, N. H., and in England.*

[Compiled by Channing Clapp, esq., treasurer Amoskeag Manufacturing Company. English wages from consular reports.]

| | England. | Amoskeag Company. |
|---|---|---|
| Carding—Males | $5 22 | $7 50 |
| Females | 3 45 | 4 80 |
| Pickers | 3 77 | 6 66 |
| Spinning—Males | 5 95 | 9 78 |
| Females | 3 45 | 4 80 |
| Dressing—Males | None given. | 9 78 |
| Weaving—Males | 5 50 | 10 02 |
| Females | 5 50 | 7 50 |
| Mechanics—Males | 7 54 | 11 40 |
| Laborers and firemen | 5 00 | 8 52 |

*Weekly wages in calico print works in England and the United States.*

[Compiled by Charles H. Dalton, esq. English wages from consular reports.]

| | England. | United States. |
|---|---|---|
| Machine printers | $11 00 to $15 00 | $17 00 to $28 00 |
| Machine back tenders | 4 50 to 5 00 | 5 70 to 7 00 |
| Bleach-house—Men | 4 25 to 5 25 | 6 00 to 7 50 |
| Boys | 2 00 to 3 00 | 3 00 to 4 00 |
| Sketchmakers | 10 00 to 14 00 | 23 00 to 30 00 |
| Die-cutters | 12 00 to 15 00 | 24 00 to 26 00 |
| Hand-engravers | 8 00 to 11 25 | 20 00 to 24 00 |
| Plate-cutters | 8 75 to 10 50 | 24 00 to 25 00 |
| Machine engravers | 8 75 to 11 25 | 20 00 to 26 00 |
| Pentograph engravers | 2 50 to 8 00 | 4 32 to 11 00 |
| Polishers | 5 25 to 6 00 | 6 00 to 8 00 |

In England, 54 to 56 hours per week. In the United States, 60 hours per week.

The great controversy, therefore, between those who believe in protection and those who believe in free trade is based mainly on the question of the purchasing power of the higher wages paid in this country. To this the very patent fact that no American-born laborer ever finds occasion to leave his country to improve his condition, while on the other hand so many from every country on the face of the globe leave their own and seek refuge and a home among us, ought to be a sufficient answer, but I insert a statement from Mulhall's (English) Dictionary of Statistics (London, 1884), Wages, page 462, showing the comparative wages paid in some industries in Great Britain and New York; also a comparative statement as to cost of living.

| Per week. | Great Britain. | New York. |
|---|---|---|
| Printers | $8 00 | $13 50 |
| Painters | 8 00 | 13 50 |
| Plumbers | 8 25 | 15 50 |
| Tailors | 6 25 | 14 00 |
| Shoemakers | 7 75 | 15 00 |
| Carpenters | 8 25 | 11 00 |
| Masons | 8 75 | 14 00 |
| Smiths | 7 75 | 12 50 |
| Tinsmen | 7 00 | 12 50 |

| | Average wages per week. | Food. | Surplus. |
|---|---|---|---|
| Great Britain | $7 75 | $3 50 | $4 25 |
| United States | 12 00 | 4 00 | 8 00 |

Though our system of government offers better opportunities for advancement in social life than the homes of the emigrants, you will find by personal conversation with them that it is the material advantages we offer that attract them here.

The proposition of the gentleman from New York [Mr. COX] in his recent speech in this House, that he could sit down with any intelligent mechanic and figure out to him that he would be as well off with less wages under free trade here as he is to-day, will probably not induce a single person to leave this country and seek protection under a different system, or deter a single individual from joining the great army who are annually moving to better their estate under our system, which he condemns. And the gentleman further says, arguing as to the financial condition of the immigrants:

> The terrible pauper laborer of Europe not infrequently seems to be able to save enough money to transport himself and his family across ocean and land four or five or six thousand miles to homestead or pre-empt the soil that our protected skilled labor is unable to reach.

While it is true that some of the emigrants come here with small means the great body of them are helped here through the money earned by those that have preceded them.

The distinguished gentleman from Illinois [Mr. MORRISON], chairman of the Ways and Means Committee, in his speech on this floor yesterday says:

> Estimates based on the census statistics show that as many as 18,000,000 of our people do some work or are occupied in some business; that the average earnings of at least 16,000,000 of these do not much exceed $300 per year, and are wholly consumed in means of daily subsistence. These, too, are the millions who in shop and field strike the blows of all production. All the accumulations of and boasted additions to our national and individual wealth go to one-tenth of those who earn it.

The gentleman has no authority for this statement; it can not be borne out by statistics; there is plenty of data to show the fallacy of this position.

I had occasion in the discussion of the tariff question in the last Congress to look up the financial condition of the workingmen, or such as he classes with those who work in the shops and mills, and I beg the indulgence of the House to again refer to the statement. I ascertained that in the cities of Lowell and Lawrence, where there is a population of 100,000 people employed by and maintained upon the wages paid in the various mills of these two cities, there was deposited in the savings-banks about $17,000,000. I also found that nearly seven-eighths of these deposits belonged to the wage laborers of these two cities. I made a comparison with Manchester, England, where I thought the population was more nearly engaged in like pursuits than any other city, and found that in Manchester, with 350,000 population, three and one-half times as great as that of Lowell and Lawrence, they had less than one-half as much money in the savings-banks.

I subjoin the statement:

> Lowell is about twenty-five miles from the seacoast, with an area of about 7,000 acres. It has a population of 60,000, the largest in the State or in the United States wholly engaged in the manufacture of textile fabrics, and therefore well illustrates the condition of the industrial classes in our New England manufacturing centers.
>
> Of the 60,000 inhabitants 22,559 are employed in the various corporations and mills. There are seven banks of discount, with a capital of $2,500,000. There are six savings-banks, with a total deposit of $11,646,212 to the credit of 33,408 depositors. Of this number 1,735 are depositors of amounts above $300, and 31,673 depositors of $300 and under, showing how general the habit of saving has become among our people, and what a large proportion of the funds in the savings-banks are the earnings of the wage laborers. I have it from authority that about

seven-eighths of the deposits in these savings-banks are the laid-by earnings of the wage laborers.

In Lawrence, with a population of 40,000, grown up wholly out of manufacturing and now supported by it, we find a like result. There are 13,000 operatives, three savings-banks with $5,000,000 deposits and 13,728 depositors.

Manchester, England, corresponds with these two cities in its occupations more nearly than any other. Let us contrast the condition of its people: Manchester, with a population of 341,508, has in its various savings-banks £1,434,140, or $6,883,872; a city three and a half times as large as Lowell and Lawrence, and less than one-half the amount of deposits in its saving institutions. I commend these facts to the other side of this House, who claim that the wage laborers in this country are no better off with our wages and cost of living than those of England.

This is not exceptional. It is a fair representative picture of New England and other manufacturing towns and cities, and like results will follow manufacturing as it may be established in different sections of the country, if cared for and protected as under our present system. I find that in the fourteen States that have made returns to the Comptroller of the Currency, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, Ohio, Indiana, and California (there is no data for any other), there is in the savings banks over one thousand million dollars ($1,024,856,787) to the credit of 2,876,433 depositors, an average of $356.29 to each depositor. This small average shows that the money, to a great extent, is not the property of capitalists, but the result of small savings. This is the report for 1883 and shows an increase over 1882 of more than fifty-eight million dollars ($58,059,706), in which each of the States named has shared. We have thus disposed of 2,732,595 of this 16,000,000 persons who the gentleman states consumes their whole earnings in subsistence.

Mr. HERBERT. Does the gentleman mean to be understood as saying that all of the money deposited in the savings-banks in the cities he refers to is the property of the laborers?

Mr. RUSSELL. I stated that seven-eighths of the deposits in the savings-banks was the property of the wage laborers of these cities.

Mr. HERBERT. How do you get at that fact? From the census figures? I should like to be informed.

Mr. RUSSELL. I learned of that fact through the treasurers of the savings institutions, who made that estimate. There is other evidence that goes to confirm this statement; that is, that in Lowell, where there were 33,408 depositors, 31,673 were depositors of amounts of $300 and under. This information I get from the official bank reports.

Now, Mr. Chairman, coming to that very numerous class of our population, those engaged in farming, whose rights and interests the gentleman from Illinois so ably and zealously guards, and a part of the 16,000,000 whom he says receive and consume annually in subsistence their whole earnings, 7,670,493 in number, I find that of the taxable real estate of the country, $13,036,766,925, they possess, in farms and farm buildings, $10,197,096,776, or three-fourths of the entire amount. I find by the census returns that there are 4,008,907 farms in the United States, averaging 134 acres each. I thank the gentleman from Illinois [Mr. MORRISON] for the opportunity he has afforded me to show that this hard-working and deserving class of our citizens, the land-holders, have garnered to themselves so large a share of the solid wealth of the country. Statements of the other property of the country are largely estimated, but whatever it may be, they own, as shown by the census returns, in farm implements and machinery, $406,476,055; in live-stock, $1,500,384,707.

I shall also reproduce in this connection a statement I made in regard to the percentage of women and children employed at farm and mill labor in Great Britain and the United States:

Our population as shown by the Tenth Census is not yet classified into occupations, but the proportion of males and females employed in the different industries has not probably materially changed from that shown in the Ninth Census. I find that in 1870 there were engaged in agricultural pursuits in the United States 5,225,503 males and 396,968 females—14 males to 1 female. By official returns of the industries of Great Britain and Ireland the proportion engaged in agriculture there at that time was as 6 to 1—6 males to 1 female.

In the United States the number engaged in manufacturing, mechanical, and mining industries was, males, 2,353,471; females, 353,950—7 males to 1 female. There were engaged in the same pursuits, at the same time, in Great Britain and Ireland 2 males to 1 female.

The proportion of children employed in manufacturing industries indicates more forcibly the straits to which the people of these countries are put to obtain a livelihood. The statistics showing the number of children employed in manual labor in the United Kingdom and this country are not computed on the same basis as to age. Those in Great Britain and Ireland are taken at 20 years and under, while those in the United States are taken at 16 and under.

I find that of the 2,707,421 persons engaged in manufacturing and mining in the United States, 75,643 are children under 16 years of age. And twice this number for those between 16 and 20, to bring the calculation on the same basis with Great Britain and Ireland, and we have 226,929, or 12 adults to 1 child. In Great Britain and Ireland in a total of 6,425,137 engaged in like pursuits, 1,567,716 are children under 20 years—or 4 adults to 1 child.

In England the proportion of children engaged in the above-named pursuits is about 2 males to 1 female; in Scotland 1¼ males to 1 female, and in Ireland 1½ females to 1 male. The percentage of female children to male is greater in Ireland and Scotland than in England, and you will observe the very much greater percentage of female children laborers in the two former than in the latter country.

The above statement is confirmed by further examination of the census.

Mr. TUCKER (interrupting). Engaged in labor?

Mr. RUSSELL. Yes, sir. They represent boys and girls of twenty years and under, but they are called children in the statistics.

INDIRECT ADVANTAGES OF PROTECTION.

A law, whether natural or otherwise, that compels a diversity of interest, that shall confine within our own borders the production of food and the manufacture of nearly everything required for comfort or the necessaries of life, so far tends to enlighten, and makes possible the highest standard of civilization, and this very important feature of the result of protection should not be lost sight of in considering this question.

The motives which actuated those who first sought our shores and commenced the settlement of this country were of a social order, the desire for greater freedom of religious and political thought. But the simple pursuits of agriculture which seemed the only ones possible in the earliest history of the country were not sufficient to insure our highest development, and our forefathers, seeing this, instituted those laws which made it possible to introduce and engage our people in mechanical pursuits as well as agricultural; and the continuance of manufacturing here to supply the wants of those engaged in agriculture created that competition one country with another which has brought down the cost of the manufactured article year by year and day by day to a point lower than would have existed under any other circumstances. It would, perhaps, be questioning their foresight to say "they builded better than they knew."

Our first President, Washington, saw the importance of protection and was outspoken in its advocacy.

Washington, in his first message, January 8, 1790, said:

The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation, but I can not forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to the exertions of skill and genius in producing them at home.

In another message, December 7, 1796, Washington said:

Ought our country to remain dependent upon foreign supply—precarious, because liable to be interrupted? If the necessary article should in this case cost more in time of peace, will not the security and independence thence arising form an ample compensation?

EFFECT OF HOME COMPETITION.

Special lines of goods like the French cotton prints have heretofore only reached consumers in this country at a high cost, held so not only by the manufacturers themselves controlling the market and the price, but also by the importers, who have control of these special lines and deal them to our people through high commissions.

Establishing the manufacture of any of these articles here breaks up any combination of the foreign manufacturers and the importers to exact unreasonable profits, which insures cheaper goods to the American people. This can be illustrated by a great variety of articles imported. I will cite one or two instances.

A letter by Messrs. Arnold, Constable & Co., importers, and in favor of free trade, written to Mr. HEWITT, and printed as part of the hearings before the Committee on Ways and Means, as an argument for a reduction of duties, shows as conclusively as anything I can offer the effect of American competition with foreign goods in reducing their cost to the consumer. The letter is as follows:

[Arnold, Constable & Co., New York. Paris, 21 rue d'Hauteville. Lyon, 8 Quai St. Clair. Manchester, 41 Lower Mosley st.]

NEW YORK, *February* 20, 1884.

DEAR SIR: Mr. Dalton stated before your committee that a change in cottons would prevent the manufacturers in this country from making the finer kinds of cottons, such as sateens. I send you some samples to controvert what Mr. Dalton says:

Sample A is American, 36 inches wide; cost by the case 11¼ cents per yard; the pattern is French.

Sample B is French, 32 inches wide, 4 inches narrower than the American; cost to land 18¼ cents. You will see we can no longer import the plain French cloth.

Sateens were gotten up by one of the best French manufacturers especially for us in the spring of 1882, when we had the market almost entirely to ourselves. In the spring of 1883 the Americans copied the cloth, and printed them very extensively, and are going on with them again this season.

In the spring of 1883 the Americans greatly undersold the French article, and our importations were sold without any profit, and in some instances at a considerable loss. We have been driven from the market; therefore the Americans need not fear the reduction which the committee proposes.

For the spring of 1884 we have imported sateens in very small quantity, but have produced some cottons of an entirely different weave, which we suppose will be copied next spring.

C sample, American sateen, 32 inches wide, the case price of which is 27 cents, at which price it is supposed to pay the manufacturer a profit, as he would not sell so early in the season without.

D sample, French sateen, 32 inches wide, cost to land 31½ cents.

Sincerely yours,

ARNOLD, CONSTABLE & CO.

Hon. A. S. HEWITT.

P. S.—The American has more weight than the French, but the finish is not quite as good.

Arnold, Constable & Co. say, "You will see we can no longer import the plain French cloth." Well, I don't see how they can. The American article is selling for 11¼ cents, and it costs 18½ to lay down a like article from France.

Mr. MORRISON. How much of that is duty?

Mr. RUSSELL. The duty and cost of importation may amount to fully as much as the difference between the price of the two. I do not offer this as an argument against the reduction of 20 per cent. on this particular article of manufacture to sustain its manufacture here, but offer it as an argument to show that the American manufacturers, the

monopolists and the robbers of the people's money, of which we hear so much on this floor, do not take advantage and add the duty to the domestic article as they have opportunity, but are offering to the consumer goods at 11½ cents that it costs 18½ cents to import.

The tone and spirit of this letter is in criticism of the Americans who have entered into the manufacture of these goods here to the interruption of their trade and the enormous profits they were making upon the imported article.

In the spring of 1882, when these French goods or sateens [samples of which were exhibited by Mr. RUSSELL] were introduced into this market, they were retailed at 75 cents per yard, yielding a profit to the foreign manufacturer and the importer of about 140 per cent. The manufacture of these goods in this country, which was begun about a year after, has brought down the price of the French goods to the consumer to 45 cents per yard, or 40 per cent. from the highest price.

The gentleman from Illinois, the chairman of the Committee on Ways and Means, in his speech yesterday, referring to the cotton schedule, said, "The present rate on the finest cotton is 40 per cent., and yet it is an unquestioned fact, as shown by invoices and payments made, that duties exceeding 100 per cent., exceeding the first cost, are exacted and paid on cotton goods the duty on which is, in the estimates referred to, stated to be less than 20 per cent." This he declares is one of the enormities of the tariff, hidden and concealed in classification of articles and rates of duty. The gentleman refers to the class of cotton goods called crinoline, or a gauzy cotton cloth with but few threads to the square inch, very light in weight, and very low in value on the other side where manufactured. None are manufactured in this country. These goods under the old tariff came in in what was called the "basket clause," at 35 per cent. ad valorem. By a change in the classification of the cotton schedule it was found after the law was passed that these cheap goods, which formerly came in at 35 per cent., came in under a specific duty of 3½ cents per yard, which, considering their value, is something like 100 per cent. ad valorem. No one asked to have these goods so fully protected, for there are none manufactured in this country, and it was an oversight or accident. But it amounts to very little, though these goods, which cost so little abroad, and with the duty of 3½ cents per square yard cost not exceeding 7 or 8 cents to import, are sold by Arnold, Constable & Co. at 15 and 16 cents per yard. If this or a reasonable duty is maintained, the manufacture of this material will begin in this country, prices to the consumer be largely reduced, and this firm's business and profits again be disturbed.

Mr. MORRISON. That accident, if the gentleman will allow me to say, occurred first with the Tariff Commission. They made the change, and then the same accident happened in the committee and the conference.

Mr. RUSSELL. It was no less an accident or mistake. So that we find this charge of hidden enormities as far as it relates to the cotton schedule rests on a "gauzy" foundation.

Mr. HERBERT. Will the gentleman allow me to ask him what became of that "basket clause" of 35 per cent.? I want to know what was done with it.

Mr. RUSSELL. The "basket clause" in the new law was raised for good and sufficient reasons. The old law gave importers an opportunity to evade the law; that is, change the styles or names of goods and then throw them into the "basket clause" at lower rates than they would otherwise pay; and the "basket clause" in the cotton schedule, as in all others, was made higher to prevent frauds.

Mr. HERBERT. What was done with it?

Mr. RUSSELL. The basket clause was raised. I forget the rate.

Mr. HERBERT. Raised by accident?

Mr. RUSSELL. No; I don't claim that the rate in the basket clause was raised by accident. It was fully discussed and understood in the committee. It was the crinoline or gauzy cotton cloths which I refer to whose classification was the accident.

Mr. DINGLEY. Do I understand the gentleman from Massachusetts to say that no goods of this kind are made in this country?

Mr. RUSSELL. I am so informed.

Mr. DINGLEY. Then the duty is purely a revenue one and not protective.

Mr. STRUBLE. How long has sateen been manufactured here?

Mr. RUSSELL. Not long. Within two or three years.

Mr. AIKEN. Is that sateen? [Referring to samples exhibited.]

Mr. RUSSELL. It is.

If the article upon which the tariff is imposed is not manufactured here and entirely imported, then the duty is added to the cost of the article, and more than that, high commissions are added; but when the article is in part manufactured here the whole duty is not added to the cost of the domestic article. This shows conclusively that the competition here has forced the price of these articles much below the price of importation, and the fact that the duty is not wholly added to the cost of the domestic article can be illustrated or proved by almost every article manufactured in this country.

Information from a reliable source as to the wholesale price of well-known articles of woolen goods in 1860 and 1880 are given below:

| | |
|---|---|
| Middlesex bed blankets, per pair: | |
| Net wholesale price in 1860 | $2 75 |
| Net wholesale price in 1884 | 2 55 |
| Norway plains, all wool, bed blankets, per pair: | |
| Net wholesale price in 1860 | 4 00 |
| Net wholesale price in 1884 | 3 75 |
| Made-up horse blanket, Burlap lined: | |
| Wholesale price in 1860 | 2 00 |
| Wholssale price in 1884 | 1 20 |
| Fitchburg cassimeres, 27 inches wide, all wool, per yard: | |
| Wholesale price in 1860 | 1 05 |
| Wholesale price in 1884 | 92 |
| Haile & Frost cashmeretts, 27 inches wide, per yard: | |
| Average wholesale price in 1860 and for ten years previous | 51 |
| Wholesale price in 1884 | 42 |
| Fancy cassimeres, 27 inches wide, per yard: | |
| Wholesale price in 1860 | 65 |
| Wholesale price in 1884 | 50 |

The question then is very naturally asked, Why then maintain so high a duty? The answer is plain. In the first place you can not induce capital to invest in manufacturing in this country with the increased cost of plant and labor as compared with the foreign cost and meet the varying condition of trade brought about by a foreign policy or custom to send to us their surplus in seasons of overproduction with them, which would make our market, without a protective tariff, too uncertain and unstable to invite investment, and we should then be left wholly within the control of the foreign manufacturer and importer—a condition, as I have shown, not favorable for low prices.

Take the article bleaching-powders, now on the free-list and not manufactured in this country, though very extensively used in several industries, there having been imported in 1883, 94,395,405 pounds. The price of this article in this country in 1881–'82 was about 1 cent per pound. By a combination of the foreign manufacturers the price was carried up and is now maintained at about 2 cents per pound, or an advance of 100 per cent.

Mr. MORSE. Why not make it here?

Mr. RUSSELL. Because we have not the ingredients. It only shows that where we have not the materials, and are dependent wholly on the foreign market, we are at the mercy of foreign combinations.

Mr. MORSE. The same holds good of the Hecla and Calumet Mining Company, which will sell you copper at 12 cents if you send it abroad, but if you use it here they will charge you 15.

### FREE RAW MATERIAL.

Mr. RUSSELL. The proposition of the gentleman from New York [Mr. HEWITT] that we shall have all raw material free is an ingenious, cunning device to undermine our tariff policy. It strikes directly at the foundation of the protective system, unless he confines his free trade in raw materials to those articles not produced in this country, which are few in number. The proposition to a farmer or miner that he shall not be protected in his products, whether it be wool, coal, ore, or products of his forests, or any other, while asking him to maintain a protective duty on the manufactured goods which he consumes, is unjust and unstatesmanlike, and to assert that this sentiment prevails to any extent among the manufacturers, and notably in New England, is not crediting them with the common fairness which they possess, and is not true. New England and the manufacturers are, to use a homely phrase, for the "live and let live" policy.

The attempt of the gentleman [Mr. HEWITT] to draw from the representatives of the manufacturing interests of New England an expression in favor of free raw materials has utterly failed. Mr. Charles H. Dalton, treasurer of one of our largest cotton-manufacturing establishments in New England and president of the Arkwright Club, an association of New England manufacturers, in his testimony before the Ways and Means Committee argues thus in regard to raw material:

> The theory that sundry domestic articles in their crude state are "raw materials," and should therefore be placed upon the free list, is plausible, but unsound in application. Coal, iron-ore, &c., appear upon the "Morrison" free-list by virtue, probably, of their being "raw materials." They are "raw" only so long as they remain undisturbed in their native beds. When coal is mined it has received its first manipulation; when transported to the furnace, its second; and when burned, its last. The labor and skill required for its mining and transportation is as much entitled to recognition in the policy of the Government as any other form of industry. There is no equity in saying to the men who work in a mine that they must accept foreign rates of wages or abandon their occupations, while any other applied labor is protected. The miner's work is as necessary to the public good as any other industry, and can not be degraded without degrading in some degree all labor.
>
> The manufacturer of textile fabrics in New England practically pays the wages of the miner and transporter of the coal he uses. Of the $5 per ton paid, all but the royalty to the mine-owner—25 cents or less—and the interest on investments in transportation lines is finally paid to the miners, engineers, train and boat men, and sailors employed in bringing the coal to his mills. In return these persons buy his cloth; they are his customers. If coal is put on the free-list, and if, consequently, the New England manufacturer is supplied from Nova Scotia, he will save, perhaps, 50 cents per ton, and lose a customer for four dollars' worth of his cloth, unless there should be reciprocity on the part of Nova Scotia, by which the New England cloth could be sold there.
>
> No such reciprocity is provided for, and, therefore, the New England manufacturer would be in the predicament of possibly making his cloth a shade cheaper with free coal, but with the certainty of losing his customers for a portion of his stuffs. For example, a manufacturer of an important cotton fabric would nominally save, under the "Morrison" free coal tariff, about one-fifth of one mill per yard upon his product, by buying Nova Scotia in place of Pennsylvania, Maryland, or Virginia coal, and would lose thereby customers for 2,000,000 yards of his cloth. Such a change does not commend itself to the manufacturer any more than to the American miner and transporter, especially as the gain on the cost of the cloth would be offset, probably, by the increase of cost consequent upon a reduced production.

This reasoning does not apply to articles used in manufactures which are not, or can not be, produced in this country. If any such articles are not already upon the free-list, they should be put there.

Mr. Edward H. Ammidown, a large manufacturer of woolen goods and dealer in domestic fabrics in New York city, who testified in relation to the woolen industry, said as to free wool:

My own idea is that free wool would impoverish the country to such an extent that people would not buy clothing. The wool production has increased in this country from 60,000,000 pounds to 320,000,000, and from a value of $20,000,000 to a value of $110,000,000. This production of $110,000,000 is so much clear money, and is more widely distributed probably than the product of any other industry. Every man who raises a pound of wool raises it to sell. That $110,000,000 of money, as distributed throughout the community, is $2 a head of money distributed out of the growth of wool in this country, with which people are enabled to buy clothing as well as other necessaries of life. If you cut off that production to any large extent (as you would do by free wool) you deprive the people of this country of a sum of money that is certainly equal to the interest on the national debt, and which they now have to support themselves and buy clothes with. And suppose that they can buy clothes 15 per cent. cheaper, they have not got the money to buy them with, or, at any rate, their supply of money is reduced more than 15 per cent. So that 15 per cent. reduction on the fabric does not begin to compare with the reduction of the people's means.

Grant for the sake of the argument that wool, lumber, coal, and the ores would be made cheaper (though I doubt if in the long run they would) by putting them on the free-list, you must reduce the wages of those engaged in raising wool, producing lumber, and mining your coal and ores, which will reduce the purchasing power of their wages and to that extent break down and reduce the home market for your manufacturers.

PURCHASING POWER OF WAGES.

There is paid out annually to those engaged in all pursuits at least $6,000,000,000. If you level the compensation for labor to the standard paid in other countries you would reduce this amount fully $2,000,000,000, which amount exceeds by nearly $500,000,000 your total exports of agriculture, manufacture, coin, and bullion ($825,846,813), together with the total imports of all merchandise, coin, and bullion ($751,670,305).

This $2,000,000,000 which free trade would strike off of your labor roll it can not be claimed would be counterbalanced or compensated for by cheaper merchandise, for this sum is equal to nearly one-half of the total value of all manufactured products in this country ($5,369,579,191), and nearly equal to the total value of all our farm products ($2,212,540,927). The fact is that this $6,000,000,000, compensating labor in this country, is not all absorbed by daily living in the purchase of either merchandise or food, but is the source from which is drawn the two and a half million dollars that is being daily added to the accumulated wealth of the country. It is a striking as well as a consoling fact that this tax and high-tariff burdened people are adding and holding to themselves one-third of the accumulated wealth of the whole world. One thing is certain: whatever of extra cost there may be to our people for goods of domestic manufacture, it does not go to the capital involved, for that is not receiving to-day as great a return as the capital engaged in trade and transportation, and is as low as at any other period in our history.

PROTECTION UNIVERSAL.

The protective policy has in it the elements of justice and equity, and if maintained at all must be universal in its application, or nearly so. I refer to the masses of the people. I do not mean that every individual may be reached by its beneficent influence. I can conceive how men who have built up a fortune and have invested it in bonds and mortgages at fixed rates, who measure day by day the purchasing power of their fixed income as they apply it to the articles of high living, may oppose our policy. In fact, the head and front of the free-trade leagues in the country, and notably the free-trade club of New York, are mainly constituted of people of this class.

I have at hand a list of the names of members of this club as it existed a few months ago. It may have increased in number recently, as I understand there have been strenuous efforts put forth to enlarge its membership. This list numbers 314. Of these 109 are lawyers, 66 gentlemen of leisure, 75 merchants, bankers, and brokers, chiefly importers, 27 *litterateurs* and publishers, 14 presidents, secretaries, &c., 6 professors, the remaining 17, including 2 foreign consuls, belonging to 9 different professions or businesses.

I do not deny the legal right of these gentlemen to band themselves together for united effort in the expenditure of money for the distribution of free-trade literature or by sending paid counsel to advocate before committees of Congress the principles of free trade or to otherwise attempt to educate and lead the people up to free-trade legislation in their interests. Neither do I envy them the gastronomic and bibulous enjoyments at their meetings, which seems to be one of the leading features of their organization; but we should know who these disinterested philanthropists are and where located.

The percentage of our population who are strictly consumers, not producers, compared with our busy and active population is very small. Most of us have the work of our hands and heads to dispose of. The number of those who have lifted themselves above the active duties of life is too small to shape our industrial policy.

IMPORTANCE OF THE TARIFF TO AGRICULTURISTS.

To the agricultural interest of the country, by far the largest I grant, this question of the tariff is becoming more and more important. The fertile fields of the West, their new and labor-saving machines, and the cheap transportation to the foreign markets have given this branch of our industries special privileges and profits which we can no longer so exclusively enjoy. Our principal competitors in cereal products, British America, India, Australia, and Russia, are fast improving their facilities for competition. England is subsidizing and building railroads in her provinces to afford cheaper transportation; Russia also is improving her means of transportation and building American elevators and labor-saving machines; thus making them stronger competitors in the grain-purchasing sections of the world.

British America has wheat-fields equal in extent to Michigan, Wisconsin, Missouri, Dakota, Montana, New York, and the whole of New England, with a climate not less favorable for wheat-growing than our own.

India is displacing the old rude implements of agriculture with new and modern ones, improving her lands by irrigation, and pushing railroads into the wheat-growing sections of the country. A new railroad line now constructing from Calcutta will open an outlet for from fifty to eighty million bushels per year. Another proposed line would draw traffic from 27,000 square miles of wheat cultivation, or more than 17,000,000 acres, capable of producing 150,000,000 bushels per year, thus increasing rapidly her growth and exports of wheat, as shown by the following figures: Her exports of wheat were, in 1879, 2,000,000 bushels; 1880, 4,000,000 bushels; 1881, 12,000,000 bushels; 1883, 36,000,000 bushels.

United States Consul-General Mattson, of Calcutta, says:

In order to facilitate the development of the wheat resources and to assist the export trade, the Government of India is pursuing a policy of encouragement which has already resulted in better facilities of transit to the seaboard, by the construction of new railways and in the reduction of freight; it has removed taxes, export and octroi duty; it is diffusing knowledge and instruction in the cultivation of wheat and improvement of the soil, constructing canals for irrigation and transportation, and in many other ways giving moral and material aid to this great cause, in the hope that India may ultimately become the granary of Great Britain.

Both India and Russia already show fertility of soil and skill of production nearly equal to our own, their average yield being about 12 bushels per acre, while our average yield in the census year was but 13 bushels per acre.

There are still in India tracts of 20,000 to 60,000 square miles, and in one case of 160,000, containing 20,000,000 people, without a single railroad, and these include some of the most fertile lands of the country.

Statistics from the State Department show that only about one-third of the available wheat lands in India are at present under cultivation, and that large areas of land in Russia, Australia, and Algeria are still uncultivated. The census for 1880 shows, too, that a large part of our own domain is still uncultivated. The possibility of a great increase in agricultural products in this and other countries, and the improved facilities which are now so rapidly being brought into use to cheapen farm products, raises the question whether we have not reached the point of full supply, and presents to us, and especially to our agriculturists, a new and grave problem, Where shall we find a market for our cereal products? Shall we maintain those tariff laws which promote and build up our manufacturing industries, giving employment in the mechanical pursuits and affording a home market for our farm products, or shall we undertake to compete with India and Russia in the wheat-purchasing markets of the world?

The advocates of free trade, recognizing this strong and increasing competition, urge upon the agriculturists to put themselves into a position to meet it by reducing the tariff, stopping the increase of manufactures in this country and reducing the rate of wages. But let us pause and consider how easy a journey this may be and the feast we are invited to.

India's and Russia's railroad facilities are nearly, if not quite, equal to our own—that is, they are able to transport grain from their fields to Liverpool at as low a cost as we can transport it from our fields to Liverpool, and they will soon have the same advantages in labor-saving machinery, so that it brings us directly and singly to the question of the compensation for labor.

The rate of wages has risen very rapidly in India in the last few years. I find that in 1850 unskilled labor commanded about 3 cents per day, and it has now risen 100 per cent., to the enormous sum of 6 cents per day! Farm laborers would command at the present time about 5 or 10 cents per day, and it is with this pauper labor, this semi-barbaric labor that our farm laborers are invited to compete, at least as far as it relates to the exports of wheat and other cereals. Nay, more, at no distant day these grain-growing countries will be knocking at the doors of our great seaport cities of the East with their cereal products. This is a coming event which is casting its shadow before. Then the agricultural sections of the country may not be indifferent as to the rate of duty on farm products, but be ready to vie with the other industries of the country to maintain a protective tariff all along the line for protection's sake. I predict that within five years our farm producers will find necessary and ask for an increase in the duty upon wheat and other cereals. The gentleman from Texas [Mr. MILLS] stated in his speech that the foreign market fixed the price for our wheat. It is this kind

of competition that we should seek to avoid; that is, to measure the compensation for labor in our wheat-fields with that of the ryots of India. The idea advanced by those in favor of free trade, that unless the trade is reciprocal and we purchase the manufactured products of the grain-purchasing countries they will not purchase their food of us, is plausible in argument but has no force in fact. Great Britain, our largest customer, will naturally and most certainly turn to her colonies for her supply. She is not likely to forsake her long-established policy of purchasing in the cheapest and selling in the dearest market. Let us not be misled by this argument.

DIVERSITY OF INTERESTS.

A report by the Agricultural Department gives some striking illustrations of the favorable results to farms located near manufacturing centers, both as relates to the value of the farms per acre and to the net incomes from the same. The tabulation of States to show this is as follows:

*Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States.*

FIRST GROUP.

| States. | Value of products of manufacture. | Total land in farms. | Value of farm lands. | Value per acre. |
|---|---|---|---|---|
| | *Dollars.* | *Acres.* | *Dollars.* | *Dollars.* |
| Massachusetts | 631,125,284 | 3,359,079 | 146,197,415 | 43 52 |
| Rhode Island | 104,163,621 | 514,813 | 25,882,079 | 50 27 |
| Connecticut | 185,697,211 | 2,453,541 | 121,063,910 | 49 34 |
| New York | 1,080,696,596 | 23,780,754 | 1,056,176,741 | 44 41 |
| New Jersey | 254,380,236 | 2,929,773 | 190,895,833 | 65 16 |
| Pennsylvania | 744,818,445 | 19,791,341 | 975,689,410 | 49 30 |
| Delaware | 20,514,438 | 1,090,245 | 36,789,672 | 33 74 |
| Total | 3,021,405,831 | 53,919,546 | 2,552,695,060 | 47 34 |

SECOND GROUP.

| | | | | |
|---|---|---|---|---|
| Maine | 79,829,793 | 6,552,578 | 102,357,615 | 15 62 |
| New Hampshire | 73,978,028 | 3,721,173 | 75,834,389 | 20 38 |
| Vermont | 31,354,366 | 4,882,588 | 109,346,010 | 22 40 |
| Ohio | 348,298,390 | 24,529,226 | 1,127,497,353 | 45 97 |
| Michigan | 150,715,025 | 13,807,240 | 499,103,181 | 36 15 |
| Indiana | 148,006,411 | 20,420,983 | 635,236,111 | 31 11 |
| Illinois | 414,864,673 | 31,673,645 | 1,009,594,580 | 31 87 |
| Total | 1,247,046,686 | 105,587,433 | 3,558,969,239 | 33 71 |

THIRD GROUP.

| | | | | |
|---|---|---|---|---|
| Wisconsin | 128,255,480 | 15,353,118 | 357,709,507 | 23 30 |
| Minnesota | 76,065,198 | 13,403,019 | 193,724,260 | 14 45 |
| Iowa | 71,045,926 | 24,752,700 | 567,430,227 | 22 92 |
| California | 116,218,973 | 16,593,742 | 262,051,282 | 15 79 |
| Total | 391,585,577 | 70,102,579 | 1,380,915,276 | 19 70 |

FOURTH GROUP.

| | | | | |
|---|---|---|---|---|
| Maryland | 106,780,563 | 5,119,831 | 165,503,341 | 32 33 |
| Virginia | 51,780,992 | 19,835,785 | 216,028,107 | 10 89 |
| North Carolina | 20,095,037 | 22,363,558 | 135,793,602 | 6 07 |
| South Carolina | 16,738,008 | 13,457,613 | 68,677,482 | 5 10 |
| Georgia | 36,440,948 | 26,043,282 | 111,910,540 | 4 30 |
| Florida | 5,546,448 | 3,297,324 | 20,291,835 | 6 15 |
| Alabama | 13,565,504 | 18,855,334 | 78,954,648 | 4 19 |
| Louisiana | 24,205,183 | 8,273,506 | 58,989,117 | 7 13 |
| Texas | 20,719,928 | 36,292,219 | 170,468,886 | 4 70 |
| Arkansas | 6,756,159 | 12,061,547 | 74,249,655 | 6 16 |
| Tennessee | 37,074,886 | 20,666,915 | 206,749,837 | 10 00 |
| West Virginia | 22,867,126 | 10,193,779 | 133,147,175 | 13 06 |
| Kentucky | 75,483,377 | 21,495,240 | 299,298,631 | 13 92 |
| Missouri | 165,386,205 | 27,879,276 | 375,633,307 | 13 47 |
| Kansas | 30,843,777 | 21,417,468 | 235,178,936 | 10 98 |
| Nebraska | 12,627,336 | 9,944,826 | 105,932,541 | 10 65 |
| Colorado | 14,260,159 | 1,165,373 | 25,109,223 | 21 55 |
| Oregon | 10,931,232 | 4,214,712 | 56,908,575 | 13 50 |
| Utah | 4,324,992 | 655,524 | 14,015,178 | 21 38 |
| Total | 676,427,860 | 283,233,112 | 2,552,840,616 | 9 01 |

You will observe that the first group—the largest manufacturing States of the Union—shows the value of the farm lands to be on an average $47.34 per acre; the second group, coming next in order in value of manufactured products, shows the value of the farm lands to be $33.71 per acre; the next group, coming next in order in value of manufactured products, shows the value of the farm lands to be $19.70 per acre, and the last group, having a lesser amount of other industries compared with agriculture, shows the value of farm lands to be only $9.01 per acre.

Comparisons in the same way by the subdivision of the States brings the same results; that is, where the largest percentage of the people are found to be engaged in mechanical pursuits the farm lands are most valuable and yield the largest returns.

I copy some remarks from the report above referred to, they are so pertinent to this subject. It says:

The fact that the group of States where industry is most diversified (those having only 18 per cent. of all workers engaged in agriculture) afford $457 per annum to each one, while the agricultural States, having 77 per cent. in agriculture, allow an annual income of only $160, is too significant to be explained away, too convincing for pretense of cavil. It stands as proof of the necessity of symmetry and completeness of the productive system, and as a forceful illustration of the solidarity of the industries.

Full acceptance of the truth that increase of non-agricultural workers enhances values in agriculture, as proven by this grouping of facts, has been nearly universal.

Therefore, from any standpoint, to establish and maintain new industries in this country brings like advantages and wealth to the farmer and to those engaged directly in them.

Our natural growth in population, together with the large immigration constantly going on, makes an ever-expanding demand for all kinds of American products. There is, too, an increasing per capita consumption as we grow in wealth. The very rich, the well-to-do, the well-paid mechanic and the well-paid common laborer are larger consumers, as they surround their homes with the greater and more numerous comforts of life.

MAGNITUDE OF IMPORTATIONS.

We are a good and living example of reciprocity at home; nine-tenths of our agricultural products find a market here and 98 per cent. of all our other products. The total value of articles manufactured in the United States is given in the census at $5,369,579,191; our total export of these goods for the last fiscal year was $111,890,001. The value of all domestic exports was $804,223,632 at point of shipment.

Mr. SPRINGER. Will the gentleman from Massachusetts tell us what effect a protective duty on wheat would have upon our large outgoing supply?

Mr. RUSSELL. It would certainly not prevent the outflow if there was a foreign demand and we could compete with foreign prices. The United States has for many years had the foreign market substantially at its command. Its control is fast slipping away, not from any policy of ours or inability to supply, but from the severer and increasing outside competition. A protective tariff is maintained by these two great industrial interests, farming and manufacturing. They have a close relation to each other. The protective tariff builds up manufacturing and gives employment to a large number of people engaged in industrial pursuits who consume our farm products. Only about 10 per cent. of these is now exported, estimating the value at point of production.

Mr. MORRISON. That is more than double what the manufacturing people use.

Mr. RUSSELL. That can not be so. If 10 per cent. is exported, 90 per cent. is consumed at home. As the number of those engaged in other industries compared with those engaged in agriculture is as one to two—that is, there are two persons engaged in farming to one in other industries—this latter class must constitute one-third of the home consumers, and therefore consume three-tenths of the total agricultural production.

We are now importing annually $250,000,000 of manufactured products. If these were manufactured in this country it would give direct employment to 700,000 operatives or mechanics and indirect employment and support to 3,500,000 persons. This in itself would give a home market for about one-third of our total exports of agricultural products. These elements should be watched, nourished, and cared for rather than that we should be diverted by the free-trade cry of a limited home market or deluded by the charms of an unlimited foreign market. Our home market will be steady and reliable while our people are clothed and fed with our own products. For an enlarged market let us encourage the consumer to come here, where he will be no less a consumer and our customer, but the rewards of his labor, too, will be a source of wealth to the country.

It will be well to note here that, notwithstanding the charge that we can not increase our exports of merchandise while living under a protective tariff, the percentage of our exports of manufactures, though small, is increasing.

Mr. Nimmo, chief of the Bureau of Statistics, says on this point:

The value of the exports of products of manufacture from the United States during the last fiscal year amounted to $111,890,001, as against $103,132,481 during the preceding year, and was larger than during any previous year in the history of the country. The value of the exports of products of manufacture amounted to only $45,658,873 during the fiscal year ended June 30, 1860. This indicates the growth of the exportation of manufactured articles.

INFANT INDUSTRIES.

A tariff supported by some for the purpose of establishing an industry in this country is well enough as far as it goes. The same necessity exists to-day for the maintenance of a protective tariff that existed when it was first established. It is only a question of degree. The attempts of the free-traders to bring reproach upon the tariff system by the "infant-industry" cry must not blind us to the fact that though the newer may need greater protection than the older and more firmly established, yet few industries will ever become old enough in this country to be able, without protection, to pay American wages for labor and successfully compete with the foreign manufacturer with foreign rates for labor. There should be no ambiguity upon this or any other branch of this subject. Protective tariffs are levied to counter-

balance the greater wages paid for the different kinds of service in this country—nothing else. Strip it of everything else, it must stand or fall on that.

THE MORRISON BILL.

If this Congress had begun in good faith to revise the tariff—that is, to improve its administrative features, give protection to some industries overlooked or not properly cared for in the last revision, and perhaps add some articles of raw material to the free-list—there would have been some reason in reopening this question at this time. So far the Committee on Ways and Means, who have had the tariff bill under consideration, have made no effort to improve the present law; but the bill introduced into this House by Mr. MORRISON has come back to the House without the dotting of an "i" or the crossing of a "t," except as the friends of the bill have abandoned many of the articles which they at first proposed to put on the free-list.

The provision of the bill that rates shall not be above a given figure or below the rates of the Morrill bill of March 2, 1861, will make a law difficult, if not impossible, to execute, and it will cripple and destroy many industries. Its provisions will fall unequally upon many classes of goods, and especially upon the manufactures of wool. The cut of 20 per cent., so far as it relates to the raw material, or wool under 30 cents per pound, will be estopped by the provisions of the Morrill bill, and only a reduction of 10 per cent. will prevail, as the present duty upon wools of the first class, clothing wools, and of the second class, combing wools, valued at 30 cents per pound and under, is 10 cents per pound, and the rate will be fixed at 9 cents per pound, while the reduction of 20 per cent. will wholly prevail on the goods manufactured from such wools.

WOOL.

It may be claimed by some that this will no more than equalize the rates made on wool and manufactures of wool in the last revision.

To show that no inequality exists I annex as an appendix the actual rates that existed prior to the passage of the act of March 3, 1883, and also the present rates on both wool and woolens. Gentlemen can judge for themselves.

The reduction made in the tariff on wool in the last revision followed the suggestions of the Tariff Commission, and was an equitable and fair adjustment of the duty on wool and woolens. No opposition to these reductions was made before the Ways and Means Committee while they had the bill under consideration by those engaged in sheep husbandry or any one. We did not reach the wool and woolen schedule in the consideration of the bill in the House, so no opposition appeared there. It was not until the bill was considered in the committee of conference that any attempt was made to prevent a reduction of the wool duties, then too late to effect such readjustment of the schedule in the House as would have been essential to the protection of the best interests of the wool-growers as well as the woolen manufacturers.

Although it is unfortunate that the wool-growers press a reconsideration of their interest at this time, before a Congress inimical to protective tariff legislation, which endangers the whole system, I am bound as far as I am concerned to concede to this large body of our citizens engaged in sheep husbandry the same honesty of purpose and the same degree of intelligence in presenting this question that we accord to the manufacturers, upon whose statements we must in part rely to govern our action on this important matter.

WOOLENS.

I also append a schedule of tariff rates on manufactures of wool before and after the last revision. It will be observed at a glance that large reductions have been made in the woolen schedule, varying from 3½ per cent. to 40 per cent., and a reduction on every item except the women's and children's dress-goods made wholly of wool. The greater reductions have been made on the lower and middle grades of goods, used by the masses, and the lesser on the very highest. From a change in style or fashion all-wool dress-goods are taking the place of mixed goods. This class of goods was not made in this country when the old tariff law was passed, and under it an insufficient protection was afforded to insure their manufacture here, and they were almost entirely imported, chiefly from France, Germany, and Belgium, and a few from Bradford, England. A new classification was therefore made to meet this emergency, and the rate increased. It is for this reason that the duties received upon all-wool goods since the revision of the tariff show so little diminution or change in the revenue—from the fact that nearly one-half the importations have been of this grade of goods paying a higher rate of duty than under the old law. Any one who examines carefully the changes made in the wool and woolen schedule will see the necessity, if the duty is increased upon the raw material, of a like increase upon its product to insure the manufacture here and maintain a home demand for domestic wool.

It will be observed that there is a compound duty on woolen goods. The duty per pound is to compensate for the duty on wools, it requiring three or four pounds of wool to make one of cloth, and the ad valorem duty is to counterbalance the duties on chemicals, dyestuffs, and extra cost for labor, taxes, &c.

AD VALOREM RATES.

Merchandise of all kinds the world over has declined in price from overproduction. The merchandise imported in the six months ending December 31, 1883, as referred to in the majority report on the Morrison bill, has come in at lower rates of foreign cost than under the old law, which has changed the equivalent ad valorem as it appears in that report, for as the price of goods imported under specific rates goes down the equivalent ad valorem rate goes up, and unless this fact is considered you will be misled by these printed statements that are given out without explanation. This is fairly illustrated in the article of sugar. While the reductions made in the sugar schedule amounted to fully 21 per cent. from old tariff rates and values of sugar imported prior to July 1, 1883, the statement in the report shows an equivalent reduction of only 2.74 per cent. This is also accounted for by the fact that sugar has fallen in price, and the duty being specific, the equivalent ad valorem rate has advanced.

The system of applying the polariscope test, as provided under the existing law, to ascertain the saccharine strength and value of the sugar, has checked frauds and added to the revenue from this article to an extent not anticipated.

I insert a table prepared by Mr. William Whitman, showing the wages paid in the woolen and worsted mills of Belgium, where these goods are largely made, and in similar mills in this country, the figures being taken directly from the books of the concerns:

| Occupation. | Number employed. | Average wages per week. | | Labor cost per week. | |
|---|---|---|---|---|---|
| | | In Belgium (76 hours). | In United States (60 hours). | For each class in Belgium. | For each class in United States. |
| Wool-sorting: | | | | | |
| Overseers *a* | 1 | $4 28 | $38 46 | $4 28 | $38 46 |
| Second hands *a* | 2 | 2 38 | 16 50 | 4 76 | 33 00 |
| Sorters *a* | 4 | 2 38 | 10 63 | 9 52 | 42 52 |
| Wool-picking: | | | | | |
| Overseer *a* | 1 | 2 85 | 30 00 | 2 85 | 30 00 |
| Picker-tenders *b* | 4 | 1 90 | 3 75 | 7 60 | 15 00 |
| Dyers: | | | | | |
| Overseer | 1 | 8 00 | 30 00 | 8 00 | 30 00 |
| Second hands | 2 | 3 00 | 15 00 | 6 00 | 30 00 |
| Overlookers | 2 | 2 50 | 14 00 | 5 00 | 28 00 |
| Dyers | 4 | 2 00 | 7 50 | 8 00 | 30 00 |
| Wool-carding: | | | | | |
| Overseer | 1 | 8 00 | 30 00 | 8 00 | 30 00 |
| Second hands | 2 | 3 57 | 15 00 | 7 14 | 30 00 |
| Card-grinders | 10 | 2 00 | 7 50 | 20 00 | 75 00 |
| Common hands | 2 | 1 90 | 6 07 | 3 80 | 12 14 |
| Wool-spinning: | | | | | |
| Overseer | 1 | 6 66 | 30 00 | 6 66 | 30 00 |
| Second hands *a* | 3 | 2 00 | 15 00 | 6 00 | 45 00 |
| Mule fixers *c* | 14 | 1 90 | 7 50 | 26 60 | 105 00 |
| Spinners *d* | 4 | 5 25 | 5 64 | 21 00 | 22 56 |
| Dressing: | | | | | |
| Overseers *a* | 1 | 4 30 | 18 00 | 4 30 | 18 00 |
| Second hands *a* | 15 | 2 40 | 10 50 | 36 00 | 157 50 |
| Dressers *a* | 4 | 2 80 | 13 08 | 11 20 | 52 32 |
| Weaving | 1 | 8 09 | 30 00 | 8 09 | 30 00 |
| Overseer: | | | | | |
| Second hands | 1 | 8 00 | 16 50 | 8 00 | 16 50 |
| Section hands *a* | 2 | 4 30 | 12 94 | 8 60 | 25 88 |
| Weavers *e* | 150 | 4 25 | 8 04 | 637 50 | 1,206 00 |
| Finishing | 6 | 5 71 | 34 62 | 34 26 | 207 72 |
| Overseers: | | | | | |
| Second hands *e* | 12 | 2 90 | 15 00 | 34 80 | 180 00 |
| Scourers *f* | 3 | 2 90 | 7 50 | 8 70 | 22 50 |
| Fullers *g* | 3 | 2 90 | 8 80 | 8 70 | 26 40 |
| Shearers *g* | 18 | 2 85 | 7 61 | 51 30 | 136 98 |
| Pressers *g* | 5 | 2 85 | 8 05 | 14 25 | 40 25 |
| Repair hands | 2 | 6 60 | 18 00 | 13 20 | 36 00 |
| Overseers: | | | | | |
| Machinists | 2 | 4 30 | 12 09 | 8 60 | 24 18 |
| Carpenters | 2 | 3 50 | 12 82 | 7 00 | 25 64 |
| Pipers | 1 | 4 30 | 12 75 | 4 30 | 12 75 |
| Yard hands | 1 | 5 00 | 18 00 | 5 00 | 18 00 |
| Overseer: | | | | | |
| Laborers | 4 | 2 90 | 7 61 | 11 60 | 30 44 |
| Engineer | 1 | 4 30 | 18 00 | 4 30 | 18 00 |
| Firemen | 2 | 3 60 | 8 76 | 7 20 | 17 52 |
| Watchman | 1 | 2 85 | 7 88 | 2 85 | 7 88 |
| Total | 295 | 3 68 | 9 95 | 1,084 96 | 2,937 14 |

Operatives, men if not otherwise designated.
*a* Women in Belgium.
*b* Children.
*c* Women and children in Belgium.
*d* Men in Belgium; women in the United States.
*e* Of these 100 are men and 50 women in Belgium; all are women in the United States.
*f* Women in both countries.
*g* Men in Belgium.

Here we find in one country 295 persons earning, on an average, per week $3.68, or 61⅓ cents per day; on the American basis the weekly average would have been $9.95, or $1.65⅔ per day. Mr. Whitman, however, says that an American mill will not be equipped in just the same way as to hands, and this will reduce the cost of labor to a daily average of at least $1.25 per day, against 61 cents in Belgium, or 100 per cent. higher.

The gentleman from Ohio [Mr. HURD], in his eloquent remarks in the House the other day on the wool question, said to the House and to the country that he opposed the re-establishment of the old rate of duty for the reason that it would advance the price of wool, which would be a burden and misfortune to the woolen manufacturers and in turn make additional cost to the consumer of woolen goods, a burden those people thrown out of employment by the present condition of trade could ill afford to bear. "A condition of trade," he could have fitly added, "brought about by myself and my coagitators creating an alarm throughout the country as to what this Congress might do by tariff legislation." He says the advance of the duty on wool would increase its value here—that he deplores; but in this same speech he goes on to show how lower duties on wool would advance the price here.

He says:

I oppose this motion—

The motion of Mr. CONVERSE to restore the duty on wool—

because it proposes to restore the duty on wool and thereby increase the price of that commodity.

Again he says:

I believe if wool were put on the free-list to-day, with a corresponding reduction of the tariff on woolen goods, the result would be a large increase in manufacturing, a large addition to the number of operatives employed, an increase of at least 10 per cent. in the price of wool on the farm, and a reduction of 25 per cent. in price to the people who have to purchase woolen clothes.

To reconcile these two illogical and conflicting positions he argues that lessening the cost of foreign wool by reducing the duty would increase the consumption of domestic wool, enhance its value, and afford cheaper clothing for the people, dearer raw material, cheaper manufactured goods? Let us work out his problem.

It is estimated that the wool clip of this year will amount to 300,000,000 pounds and be worth $85,000,000. The importations of wool for the last fiscal year, of the first and second classes, clothing and combing wools, corresponding with our product was 12,919,642 pounds, valued at $2,911,430.60, which is about 3½ per cent. of our consumption, 96½ per cent. being domestic. By taking off the duty on foreign wool, $2,911,430.60 the gentleman from Ohio promises to increase the value of the home clip 10 per cent., or $8,500,000. Deduct from this sum the duty paid on the foreign wools of these classes, and we have as a net result added $5,588,569.40 to the woolen manufacturer's raw material, and in turn added that much to the cost of wool products, for, as he says, "you can not add to the price of the raw material of which the article is made without increasing the price of the article itself."

The problem to make cheaper clothing out of higher-cost raw material can only be solved by the theorist, the gentleman from Ohio. This proposition will not commend itself to or catch the vote of the consumers any more than it will convince the wool-growers that lowering the duty on wool will increase the price of the domestic clip. If those who are engaged in sheep husbandry want to try the experiment of putting wool on the free-list, I could guarantee there will be no opposition on the part of the manufacturers, for the protection granted to wool in 1867 has always received the cordial support of the woolen manufacturers.

COTTON MILLS IN THE SOUTH.

A letter under date of March 13, 1884, from W. H. Young, president of the Eagle and Phenix Manufacturing Company, at Columbus, Ga., addressed to Hon. HUGH BUCHANAN, and which has gone the rounds of the free-trade press, argues in favor of the reduction proposed by the Morrison bill, and even of free trade, but as "one swallow does not make a summer" so these two or three men who have so far appeared from the South advocating free trade do not represent the true sentiment of the manufacturers of that section.

A printed circular was sent out by Mr. S. D. Phelps, of New York, to the cotton-mills of the South propounding four questions:

1. When was your mill erected?
2. What is its present capacity in spindles and looms?
3. If erected prior to 1860, have you since then increased your capacity, and if so, how much?
4. I should be glad if you would state whether you are in favor of or opposed to a reduction of the present rates of duty on the cotton goods which you manufacture

To these circulars there have come sixty responses. One was in favor of free trade, five expressed an indifference on the subject, eight made no answer to the fourth question, and forty-six were opposed to any change in the tariff. They were distributed in the States of North Carolina, South Carolina, Georgia, and Alabama, and the expressions for the retention of the present rates were clear and forcible.

The testimony of Mr. J. F. Hanson, of Macon, Ga. (recently elected president of the Southern and Western Manufacturers' Association), before the Ways and Means Committee, and his letter in reply to that of Mr. Young, read in the Senate and published in the CONGRESSIONAL RECORD of April 5, present powerful arguments in favor of a protective tariff.

As to the increase of cotton manufacturing in the South, I offer a statement from the Baltimore Manufacturers' Record of recent date:

COTTON MANUFACTURES IN THE SOUTH—PROGRESS SINCE 1880.

The South and its rapid development are everywhere spoken of. The papers, North, South, East, and West, as well as European, are almost daily telling of the unexampled progress of that fair land which stretches from the southern border of Pennsylvania down to Mexico. And thus the world knows that a new South has arisen from the ashes of the old, and that the slow and easy methods of former times has given place to a spirit of enterprise and push that would do credit to the great West with its stirring life and activity. But while the world knows of these things, it is only in a general way. Every one knows, for example, that the cotton manufacturing interests of the South have wonderfully increased of late years; but few know just how great has been that increase. Hence, with a view of showing just what has been accomplished in this one line—cotton manufacturing—we have compiled a full list of all the cotton-mills in the South, with the number of spindles and looms in each; and by comparing the figures thus obtained with the report of the United States census covering the year from June 1, 1879, to May 31, 1880, we can readily see how great has been the advance made. The summing up of these figures, which are presented in full detail further on, gives the following remarkably interesting table:

*Number of cotton spindles and looms in the South on January 1, 1884, as compiled by the Baltimore Manufacturers' Record, compared with the number on May 31, 1880, as given in the United States census reports.*

| States. | January 1, 1884. | | June 1, 1880. | |
|---|---|---|---|---|
| | No. of spindles. | No. of looms. | No. of spindles. | No. of looms. |
| Alabama | 82,057 | 1,614 | 55,072 | 1,060 |
| Arkansas | 6,300 | 39 | 2,015 | 28 |
| Florida | 1,918 | ..... | 816 | ..... |
| Georgia | 340,130 | 7,843 | 200,974 | 4,718 |
| Kentucky | 26,264 | 471 | 9,022 | 73 |
| Louisiana | 39,669 | 824 | 6,097 | 120 |
| Maryland | 169,300 | 2,581 | 125,014 | 2,325 |
| Mississippi | 49,128 | 1,120 | 26,172 | 704 |
| North Carolina | 213,672 | 3,543 | 102,767 | 1,960 |
| South Carolina | 191,048 | 3,389 | 92,788 | 1,776 |
| Tennessee | 78,887 | 1,461 | 46,268 | 1,068 |
| Texas | 12,274 | 165 | 2,648 | 71 |
| Virginia | 66,096 | 1,832 | 44,336 | 1,324 |
| Total | 1,276,422 | 24,873 | 713,989 | 15,222 |

The foregoing figures show that at the present time there are 1,276,422 spindles and 24,873 looms in the Southern cotton-mills, as against 713,984 spindles and 15,222 looms on May 1, 1880, or an increase of 562,433 spindles and 9,651 looms in just three years and a half, or an increase in that time of about 80 per cent. in spindles and 60 per cent. in the number of looms. It must be remembered that these figures do not represent the entire number of new spindles and looms placed in Southern mills since 1880, but only the increase in the present aggregate number as compared with the total on May 1, 1880; for thousands of old spindles have been taken out during the past three years and been replaced by new ones: so that could we obtain the exact number of new spindles and looms purchased by Southern mills since the census report was gathered, it would probably be not less than 800,000 of the former and 5,000 of the latter. According to the census, the value of the products of all Southern cotton mills for the year ended May 31, 1880, was a little over $21,000,000, and while the exact figures for the past year are not obtainable, yet it is believed that the value for 1883 was between $35,000,000 and $40,000,000.

The gentleman from Texas says the tariff does not regulate the rate of wages, and cites in proof one fact—that the laborers at Columbus and Atlanta do not receive as much wages, while performing the same class of work, as those in Lowell. He is in one sense correct. That is, they do not receive in the Southern mills so much per capita as they do in Lowell for the reason that they are not as skilful and do not earn as much money per day, though it cost the Southern manufacturer as much per yard to weave his cloth as it does in the East. Mr. Hanson, of Macon, Ga., in his testimony on this point, in answer to a question, said:

The question with him was at what rate per pound he could produce his goods. He had no statistics with him, but he was of the impression (and he would venture upon stating it as his opinion here) that, comparing the cotton mills of Lowell, Mass., and the cotton mills of Augusta, Ga., (which were regarded as the best mills in the South), number for number and pound for pound, labor was as cheap in Lowell as it was in Augusta, though the labor in Augusta might appear to be cheaper per capita. The hands in the Lowell mills might earn better wages than those in the Augusta mills, but when the pay-roll came to be divided up at the end by production, he doubted very seriously whether Augusta could show as good results as Lowell could.

The question is asked, how shall we reduce the revenue? Certainly not by lowering the barrier now maintained. If a reduction of 20 per cent. is made, as proposed, greater quantities of goods will come in and larger revenues will flow into the Treasury. To lower the rates at this time, when the foreign markets are glutted, would certainly not open any new market for our own surplus, but destroy what we have. If the present rates are maintained, it is hoped we shall rapidly reduce the importation of manufactured goods. There was imported in the last fiscal year, under the cotton, woolen, and iron and steel schedules goods to the value of $111,000,000, bringing into the Treasury from duties $58,000,000, as per the accompanying table:

| Schedule. | Value. | Duty. |
|---|---|---|
| Cotton | $32,359,343 70 | $12,238,500 38 |
| Wool | 42,552,455 99 | 29,166,370 09 |
| Iron and steel | 40,837,376 19 | 16,599,460 93 |
| Totals | 115,749,175 88 | 58,004,331 40 |

This importation should be and will be largely reduced under the present rate of duty if the tariff agitation would cease and a stable policy assured to capital and skill and the revenue thereby lessened.

INFLUENCE OF POLITICS.

The last Congress was embarrassed and hampered, as this one is, by a misunderstanding and want of a well defined policy in both parties as to the relation the revenue features of the tariff bear to the needs of the Government and the true relation the protective features of the tariff bear to the industries of the country. Hence we are troubled with too much revenue. Another Congress, I predict, will be so fully master of the situation that both the tariff and revenue laws can be taken up and readjusted with that intelligent and careful consideration of the subject, as it relates both to the needs of the Government and protection to our industries, that a Congress crazed with the Presidential fever can not give, and a sufficient time will have expired to obtain intelligent results from the last revision.

The fact is we do not fully realize the possibilities of this country. The variety of temperature and soil, the forests, navigable waters, and water-powers make us more independent than any other nation. The God of nature and the hand of destiny mark and direct our pathway.

Finally, in view of the facts that this country is the most prosperous financially and socially of any in the world, that all professions—the skilled artisans and the common laborers—are better rewarded for labor than in any other country, that we offer to the tillers of the soil a market for nine-tenths of their products and at better prices than are obtained by any other people, that the establishment of manufacturing enterprises, made possible by protection, in the various sections of the country is adding new value to the farm lands, and the establishment of these industries is creating a fresh competition and reducing every variety of manufacture to the lowest possible cost, I hope this House will pause in its rash and inconsiderate movement to disturb the industrial interests of the country for political purposes.

If you think the political cyclone which swept the country two years ago and wiped out the Republican majority in this House was an expression of the people on this question of protective tariff, I warn you of your mistake and predict that if you allow this idea to shape your policy and action on this bill you will be overtaken by a cyclone no less violent but broader in its scope than that of 1882, and of your party it will be said that "the wind passeth over it and it is gone; and the place thereof shall know it no more."

APPENDIX.

*Table showing rates of duty on wools prior to the passage of the act of March 3, 1883, and also under the present tariff.*

| Class. | Rate before revision, March 3, 1883. | Equivalent ad valorem. | Present tariff. | Equivalent ad valorem. |
|---|---|---|---|---|
| | | *Per ct.* | | *Per ct.* |
| Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents per pound or less. | 10 cents per pound and 11 per cent. | 55.74 | 10 cents per pound..... | 44.74 |
| Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound. | 12 cents per pound and 10 per cent. | 39.18 | 12 cents per pound..... | 29.18 |
| Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents per pound or less. | 10 cents per pound and 11 per cent. | 47.08 | 10 cents per pound..... | 36.09 |
| Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound. | 12 cents per pound and 10 per cent. | 42.33 | 12 cents per pound..... | 32.33 |
| Wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 12 cents or less per pound. | 3 cents per pound..... | 25.49 | 2½ cents per pound..... | 21.24 |
| Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound. | 6 cents per pound..... | 31.32 | 5 cents per pound..... | 26.11 |

Wools of the first class, when imported washed, shall pay a duty of twice the amount to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed.

*Table showing rates of duty on woolens prior to the passage of the act of March 3, 1883, and also under the present tariff.*

| Class. | Rate before revision, March 3, 1883. | Equivalent ad valorem. | Present tariff. | Equivalent ad valorem. |
|---|---|---|---|---|
| | | *Per ct.* | | *Per ct.* |
| Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not specially enumerated or provided for in this act, valued at not exceeding 80 cents per pound. | 50 cents per pound and 35 per cent. | 71.66 | 35 cents per pound and 35 per cent. | 59.60 |
| Same, valued at above 80 cents per pound..... | 50 cents per pound and 35 per cent. | 71.66 | 35 cents per pound and 40 per cent. | 65.40 |
| Flannels, blankets, hats of wool, knit goods, and all goods made on knitting-frames, balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other animals, except such as are composed in part of wool, not otherwise provided for in this act, valued at not exceeding 40 cents per pound. | 20 cents per pound and 35 per cent. | 90.97 | 12 cents per pound and 35 per cent. | 75.39 |
| Same, valued at above 40 cents per pound, and not exceeding 60 cents per pound..... | 30 cents per pound and 35 per cent. | 90.72 | 18 cents per pound and 35 per cent. | 68.43 |
| Same, valued at above 60 cents per pound, and not exceeding 80 cents per pound..... | 40 cents per pound and 35 per cent. | 89.08 | 24 cents per pound and 35 per cent. | 48.50 |
| Same, valued at above 80 cents per pound..... | 50 cents per pound and 35 per cent. | 66.96 | 35 cents per pound and 40 per cent. | 52.37 |
| Women's and children's dress-goods, coat-linings, Italian cloths, and goods of like description, composed in part of wool, worsted, the hair of the alpaca, goat, or other animals, valued at not exceeding 20 cents per square yard. | 6 cents per square yard and 35 per cent. | 68.75 | 5 cents per square yard and 35 per cent. | 63.13 |
| Same, valued at above 20 cents per square yard..... | 8 cents per square yard and 40 per cent. | 67.05 | 7 cents per square yard and 40 per cent. | 63.67 |
| If composed wholly of wool, worsted, the hair of the alpaca, goat, or other animals, or of a mixture of them. | New; formerly rated in class above. | ..... | 9 cents per square yard and 40 per cent. | ..... |
| *Provided*, That all such goods weighing over four ounces per square yard shall pay a duty of.... | 50 cents per pound and 35 per cent. | 68.09 | 35 cents per pound and 40 per cent. | 63.87 |
| Clothing, ready-made, and wearing apparel of every description not specially enumerated or provided for in this act, and balmoral skirts and skirting, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods. | 50 cents per pound and 40 per cent. | 62.51 | 40 cents per pound and 35 per cent. | 55.37 |
| Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods. | 50 cents per pound and 40 per cent. | ..... | 45 cents per pound and 40 per cent. | ..... |
| Webbings, gorings, beltings, bindings, braids, galloons, fringes, gimps, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tasse's or ornaments, wrought by hand or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, or other animals, or of which wool, worsted, the hair of the alpaca, goat, or other animals is a component material. | 50 cents per pound and 50 per cent. | 68.30 | 30 cents per pound and 50 per cent. | 60.98 |
| Endless belts or felts for paper or printing machines..... | 20 cents per pound and 35 per cent. | 57.16 | 20 cents per pound and 30 per cent. | 52.16 |

Mr. BLOUNT. Mr. Chairman, the wonderful progress of this country in its material wealth, its varied industries, and its population, when compared with other nations, is as captivating to the imagination and pride of her citizens as the airy structures of futurity to the budding fancies of ambitious youth. Her decades equal centuries when compared to other people. Her vast untilled and unpeopled tracts of virgin soil, her inventive genius, her products of field, forest, mine, and factory, and her political institutions, beckoning to her shores the capital, skill, and labor of the best races of the world, stimulate conceits of future glory beyond all capacity of human reckoning. Her isolated condition exempts her from the rivalries, jealousies, hatreds, standing armies, burdensome taxes, and desolating wars which curse European nationalities. Her people can pursue the thousand ways to individual advancement assured that life, liberty, and property are guarded by free institutions of their own making and directed by their own will.

Whatever of bloody internal strife the record of our past may disclose, such is the prospect our present condition paints to our hopes. Freed from foreign foes, we have nothing to fear save those internal convulsions which may afflict society under any form of national organization which may be adopted. Fortunately for us our Constitution and our laws have been distinguished as compromises of conflicting opinions, and when left to peaceful solution all our differences will be controlled sooner or later by the genius which inspired them. Ten years ago the heavy hand of misfortune was laid upon all the avocations of life, while an enormous national debt startled us into fear that even the taxes needed to carry on a gigantic civil war could not in a generation furnish much relief from the burden it imposed. Now we are told by some the debt is being paid too rapidly, and the surplus revenues, notwithstanding the reductions of taxation heretofore made, are forcing us to the further consideration of how we shall graduate them to public necessities.

The Secretary of the Treasury in his estimate of receipts for 1885 places them at $343,000,000 and the expenditures for the same period at $283,125,304.93, including the sinking fund, or an estimated surplus of $59,874,695.05. Excluding the sinking fund, the estimated expenditures will be $236,855,548, showing an expected surplus of $106,144,452. Assuming that Congress will continue to comply with the law in relation to the sinking fund, we will still be collecting from taxation $59,874,695.05 more than it is estimated we need for the Government. The expenditures ought to be at least $10,000,000 less than is asked for by the several governmental departments. The estimate for the cost of the military and naval establishments both is less than $50,000,000. The pension-list is estimated at $40,000,000. The opportunity is presented of taking off a sum equal to the cost of the military and naval establishments combined and ten millions still to spare, or a sum equal to the pension-list and $20,000,000 to spare. The revenues of this fiscal year are thus estimated on the basis of existing laws by the Secretary of the Treasury:

| | |
|---|---|
| From customs | $195,000,000 |
| From internal revenue | 120,000,000 |
| From sales of public lands | 8,000,000 |
| From tax on circulation of national banks | 3,000,000 |
| From repayment of interest and sinking fund, Pacific railway companies | $2,000,000 |
| From customs fees, fines, penalties, &c | 1,200,000 |
| From fees—consular, letters patent, and lands | 3,300,000 |
| From proceeds of sales of Government property | 300,000 |
| From profits on coinage, &c | 4,000,000 |
| From deposits for surveying public lands | 500,000 |
| From revenues of the District of Columbia | 1,900,000 |
| From miscellaneous sources | 3,800,000 |
| Total estimated ordinary receipts | 343,000,000 |

It thus appears that from customs we will get $195,000,000; from internal revenue, $120,000,000; from both, $315,000,000; and from all other sources, $28,000,000. The foregoing statement shows that reductions must be made from the two first-named items. The pending bill brings us to the consideration of reduction of duties on customs. The powers of taxation are defined in the Constitution. When they shall be exercised and how are questions of policy and justice to all tax-payers limited by the terms of that instrument. Article 1, section 8, is in this language:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States; &c.

It has been said by many eminent men that under the phrase "general welfare" Congress may fix duties on foreign articles of merchandise to prevent competition with our own manufactured products. In other words, that the power of taxation, which the American Colonies intrusted with so much jealousy to the Federal Government, is thus easily transformed into one of regulating commerce; and this, too, when the very same section in another paragraph delegates the power to regulate commerce specifically. In the works of Hamilton, volume 3, from page 244 to 251, in a communication as Secretary of the Treasury to the House of Representatives, dated December 5, 1791, we find him arguing that we may not only establish protecting duties but prohibit the sale of rival articles by duties equivalent to prohibition. And for the authority to do these things he refers us to the said section, and says:

> The terms general welfare were doubtless intended to signify more than was expressed or imported in those which preceded; otherwise numerous exigencies incident to the affairs of a nation would have been left without a provision. The phrase is as comprehensive as any that could have been used; because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the "general welfare;" and because this embraces a vast variety of particulars, which are susceptible neither of specification nor of definition.

To this construction no one can make objection. Thence he says:

> It is, therefore, of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare and for which, under that description, an appropriation of money is requisite and proper.

A prohibition of a rival article, thereby preventing any revenue from it, can not be called an appropriation of money to any object, as it can not from its terms yield any. Such reasoning from one who failed to impress his own views in our fundamental laws and who regarded them as inadequate in strength suggests that he hoped by construction to give to the Federal Government that power which the States and the people would not yield to it. It is not strange that, imbued with the same feeling, we should find him in the same document declaring for the power to prohibit the exportation of the materials of manufactures, notwithstanding clause 5, section 9 of article 1, declares no export duty shall be laid on articles exported from any State. Nor is it strange that men began to divide on the power claimed for the Federal Government by construction in the first administration, and that the contest sharpened until the popular purpose accomplished the election of Mr. Jefferson. Notwithstanding Mr. Hamilton's theories, the system of connecting protection of home industries with indirect taxation received but little development until the last war with Great Britain, when the consequent public indebtedness furnished an occasion and an excuse for it in the taxing power to pay the public debt.

I have referred to the views of Mr. Hamilton as the best illustration of those of the genuine protectionist on the question of constitutional power. The amount of revenue necessary to meet the expenditures of the Government must, under the Constitution, be met by taxation. This may clearly be done by a tariff framed for this purpose. With this purpose the objects of taxation may be so selected as to protect and foster home industries, not by prohibiting foreign trade, but by home competition with it. The duty may be too low to yield revenue and too high to yield it. Between these extremes the constitutional revenue standard is to be found. In this connection I beg leave to quote from the report of the Secretary of the Treasury of December 3, 1845—Mr. R. J. Walker's:

> The whole power to collect taxes, whether direct or indirect, is conferred by the same clause of the Constitution. The words are, "The Congress shall have power to lay and collect taxes, duties, imposts, and excises." A direct tax or excise, not for revenue but for protection, clearly would not be within the legitimate object of taxation; and yet it would be as much so as a duty imposed for a similar purpose. The power is to lay and collect taxes, duties, imposts, and excises. A duty must be laid only that it may be collected; and if it is so imposed that it can not be collected, in whole or in part, it violates the declared object of the granted power.

Again, he says:

> The Constitution declares that all bills for raising revenue shall originate in the House of Representatives. A tariff, it is conceded, can only originate in the House, because it is a bill for raising revenue. That is the only proper object of such a bill. A tariff is a bill to "lay and collect taxes." It is a bill for "raising revenue;" and whenever it departs from that object, in whole or in part, either by total or partial prohibition, it violates the purpose of the granted power.

These views of the Constitution rest upon the true construction of its language and intent, fidelity to the people who consented to it through their representatives, and such faith in its adaptation to the public good as destroys the temptation to alter it by ingenious construction. Almost from the beginning of this Government under the present Constitution until this hour the conflicting views just outlined are seen dividing public men and parties. Law books, reports of Congressional debates, magazines, and newspapers show the irrepressibility of the contest. It will find no end so long as man can gain advantage over his fellow by the use of unjust laws. His avarice is apt to outspeed his sense of justice or his patriotism.

The object of the manufacturer in seeking high duties on foreign goods is to enable him to raise the price of his own to the consumer. And generally this increase of price is equal to that of the foreign goods and the duty added, and is paid by the consumer. Of course this is bitterly denied by the manufacturers. Before engaging in controversy with them let us take the views of distinguished statesmen of their own school. Mr. Adams, on May 23, 1832, in a report from the Committee on Manufactures, uses this language:

> But the duty upon the article imported from abroad enables the domestic producer to enter into competition with the importer from abroad. So long as this competition continues the duty operates as a premium or bounty to the domestic manufacturer. But by whom is it paid? Certainly by the purchaser of the article, whether of foreign or domestic manufacture. The duty constitutes a part of the price of the whole mass of the article in the market.

Again, he says:

> The incidental effect of competition in the market, excited on the part of the domestic manufacturer by the aggravation of duty upon the corresponding article imported from abroad, to reduce the price of the article must be transient and momentary. The general and permanent effect must be to increase the price to the extent of the additional duty, and it is then paid by the consumer.

Mr. Hamilton, in his report, before referred to, speaking of protective duties, says:

> Duties of this nature evidently amount to a virtual bounty on the domestic fabrics, since by enhancing the charges on the foreign articles they enable the national manufacturers to undersell all their foreign competitors.

Mr. Chairman, I will now quote from a distinguished Georgian. Mr. Cobb, in his report as Secretary of the Treasury in 1857, when the domestic manufacturers were demanding an increase of customs duties, used this language:

> The theory of the protectionists is this: That under a low tariff the importations of foreign manufacturers is encouraged, and being brought into the country at lower prices than they can be produced, the competition with the domestic manufacturer is ruinous to his business. The remedy is to raise the duties upon the foreign article to such a point that either it will be excluded, and thus give to the domestic manufacturer the entire home market, or else it will be so increased in price by the additional duty as to enable the domestic manufacturer to receive a remunerating price for his productions.
>
> If the increased duty neither diminishes the importations nor increases the price, it is manifest that no advantage has been derived by the domestic manufacturer. If the effect should be to exclude the foreign article, then the domestic manufacturer monopolizes the home market and commands his own price. The effect upon the consumer is clear. He must pay the increased price thus put upon the article of consumption. Nor does it stop there. Under the existing state of things, when he has purchased the article he has not only furnished himself with the goods he needed at the reduced price, but at the same time has paid into the Treasury the tax required of him for the support of the Government. The measure of relief proposed by the protectionists increases the price he is required to pay for his goods, and when the foreign article is excluded leaves his tax unpaid. If, however, the increased duty should not exclude the importation of the article, but simply advance the price to a remunerating rate to the domestic manufacturer, the effect upon the consumer would be to require him to pay the additional price, not only upon the foreign article but also on the domestic manufacture. In no event can the increased duty operate to the advantage and relief of the manufacturer except by a corresponding injury to the consumer.

I have quoted from official papers liberally because the eminent positions of the authors and the large share of confidence they enjoyed, together with the fact that they are removed from the active and fervid struggles of the hour, are more likely to command a respectful hearing than any utterance coming from any man living. Now let us examine for a moment what this duty on foreign goods is. The total value of woolen goods imported in 1882 was $47,618,182. The duty collected on the same was $29,253,016, and the per cent. of duty 61.43. It is needless for me to add that this touches all woolen goods used for clothing or for any other purpose by the people of this country.

In 1880 the domestic woolen manufactures amounted to $267,252,913. Assuming the imports of these articles in 1882 to be the same as in 1880, the consumption of the domestic article exceeds the foreign nearly six-fold. Multiply the duties on the foreign articles by 5½, and you have $260,892,000 as the sum which would have gone into the Treasury had the domestic goods paid the same tax as the foreign—a sum nearly equal to the total value of the American product.

The last census shows hosiery and knit goods to be valued at $29,167,227, and manufactured in seven States, to wit, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island. Felt goods are valued at $3,619,652, and manufactured in seven States, to wit, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania. Carpets, other than rag, are valued at $31,792,802, and made in seven States—Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania. Worsted goods are valued at $33,549,942, and manufactured in eight States, to wit, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island.

The total value of woolen goods is $160,606,721. Of this sum—

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|---|---|
| Connecticut has | $16,892,284 |
| Massachusetts | 45,099,203 |
| New Hampshire | 8,113,839 |
| New Jersey | 4,984,007 |
| New York | 9,871,973 |
| Ohio | 1,678,189 |
| Pennsylvania | 32,980,786 |
| Rhode Island | 15,410,450 |
| Total | 135,080,931 |

In my own State, Georgia, it is $239,390; and her total manufacture of wool in every form is only $371,399.

Assuming the increase of price on the American product to be one-half the duty, and it is enhanced to the consumer $140,000,000, nearly all of which is given to the manufacturer in seven or eight States already designated, and is taken from the people of every locality in the American Union. And the articles used by the poor people of the country are uniformly taxed higher than any other. Out of 17,392,099 people engaged in various callings, 2,332,595 are now engaged in manufacturing; and even these must pay the higher rates designated. The number of persons engaged in manufactures of wool is 161,557. Nearly $1,000 to the hand is thus contributed by the country to the woolen manufacturers under the popular cry of protecting American labor. The actual sum paid to the laborers is $47,389,087, about one-third of the sum claimed for them. It is easy in this view to understand how nearly five-sixths of the woolen goods consumed in this country are home manufacture, and foreign competition nearly destroyed. After such an examination how sublime was the audacity which last winter reduced the duty on wool and then increased the duty on the manufactured product. These high duties have created the practice of stopping work when prices are unsatisfactory until any excess of supply over demand is cut off. In the mean time labor is either idle or partially employed. This is what is sometimes enthusiastically designated as preserving the home market for ourselves.

In my criticism on the duties prior to the law of 1883 I do not overlook the fact that under its operation they were changed. The modification has been sometimes to increase and then to slightly decrease them on the several items. They are too slight to avoid the application of what I have said to the present law. I have taken the old law as the basis of my observations, because statistical information under the new law is not yet fully accessible.

Let us look now at the cotton manufactures. The census shows that in the Eastern States, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut have invested in this industry $156,754,690. The Middle States, composed of New York, New Jersey, Pennsylvania, Delaware, and Maryland, have invested $31,014,759. The twelve Southern States have invested $17,375,897. Eight Western States have invested $3,135,000. The total capital invested is $208,280,346. It then appears that this capital is all in the six Eastern States except $51,525,656. Massachusetts owns $72,291,601; this exceeds by $20,770,945, all the capital so invested in all the States of the Union except the six designated as Eastern.

The value of the product in the Eastern States is $143,363,030; in the Middle States is $29,389,286; in the Southern States is $16,356,598; in the Western States is $2,981,196. It thus appears that while the total value of the cotton manufactures in 1880 was $192,090,110, all of this was produced in the six Eastern States except $48,727,072. Massachusetts alone produced $72,280,518 of the gross sum. We imported in 1880 goods valued at $31,285,306. The ad valorem rate of duty was 39.08 per cent. The duty collected was $12,227,103. Now, assuming that the home product was increased in value by the rate of duty and discount its value accordingly, and it would be $117,174,967, instead of $192,090,110, a clear bounty of $74,915,143. Of this last sum $61,711,582 would go to the six Eastern States. Massachusetts alone would get $28,192,913. Had this bounty gone into the Treasury we should have had there, instead of the sum stated, $87,142,246. I do not say the full price is always added to the duty. Overproduction at home will temporarily reduce the price. Then the factories abate their work, discharge their hands, or work on short time until the product equals the demand only, and then the higher rate returns. This is the normal condition.

Let us now briefly look at the manufactures of iron and steel. The total value of these products by the census of 1880 is $296,557,685. Of this Illinois, New York, Ohio, and Pennsylvania produce $223,259,136, leaving $73,298,549 to be divided between thirty-four States. Georgia's product is valued at the insignificant sum of $900,850. The total import of these articles is valued at $53,998,266. Of this $24,175,547 is duty. The residue, $29,823,719, represents the value of the product, less than 11 per cent. of the consumption in this country. The average ad valorem duty on iron is 40.38 per cent. and on steel 49.57 per cent. Discount the value of the product 45 per cent. and you give to the manufacturers of iron and steel a bonus of $133,450,958. We will be told the whole duty is not added to the price. This is sometimes true, and sometimes the price is not increased by the full amount of the duty. Nevertheless the increase will average half this sum in times of distress from overproduction, and approach very nearly to it when the demand and supply equal each other. Mr. Adams's view on this subject, heretofore quoted, is very high authority.

I will not fatigue you further by the consideration of other industries. Suffice it to say that almost every article of necessity, convenience, or luxury which the people of this country use is increased in price to them by the tariff. The advocates of protection claim they ought to have the home market. If but few goods are imported because the duty is placed so high as to prevent it, then you get but a small revenue. Then your principal object is not revenue, but to take from the great body of the people to give to large manufacturers, under the plausible pretense of keeping the home market for Americans. The principal plea is that you must do this to elevate American labor above the pauper labor of Europe. This, it is claimed, can not be done except with a high tariff. England is a free-trade country. France and Germany are protective countries. The labor in England is much higher than in the two latter countries; yet England far outstrips them in manufacture. Demand and supply regulates the price of labor everywhere. Hence you find often that when the duty is raised the price of labor goes down. We are told that protection cheapens products. A plate-glass manufacturer, in a hearing before the Ways and Means Committee, illustrated this doctrine in this way. He said ten years ago plate-glass cost $2.50 a square foot. Home competition has brought it down to $1. When asked the price abroad he said he did not know.

The census report shows that in 1880 in Europe the consumer could buy it at 60 cents per square foot. Either this gentleman was very stupid or else he intended to deceive the committee by creating the impression that plate-glass was lower in this country than anywhere else. He thought, however, the reduction of the duty on this article of 20 per cent. would ruin him. Many gentlemen representing various industries were heard. They avowed also that home competition had reduced the price to the consumer instead of raising it. None of them could be induced to give the value of their products in foreign markets, so that a comparison could be made. You can not get that sort of information from your Bureau of Statistics nor your custom-house officials. The veil is purposely kept between you and the truth. It is passing strange that this information, which is so important to an in-

telligent consideration of the great question of revenue, should be concealed. It is idle to say that it can not be reached. Your customs appraisers must know it to collect duties where so great a part are ad valorem. Nothing but a change of administration will turn the light on this darkness.

These same gentlemen in urging the necessity of letting the tariff alone in the interest of American labor revealed some singular facts. They would commence by saying the labor in this article is, say, 66 per cent.; the value of the materials, 46. When told this could leave them no profit this would be the explanation: The raw material is valued and every other expense is charged to labor. In this is included taxes, insurance, repairs, salaries of high officials, &c. When asked for these salaries they invariably refused to give them. After materials and labor are paid then they said, "We must have a profit on our capital." When asked what their profits were they declined to give them. They wanted protection and yet concealed one of the elements necessary to demonstrate how much was needed. What a sham is thus exposed in this cry for the American laborer. When asked how much duty was necessary for them they would say, "We want to be let alone." This was all Oakes Ames wanted.

A story is told of a criminal who was exported to Australia for crime. In the course of years he bought large tracts of land for an almost nominal price. Later they were discovered to be rich in iron ore, and this made him the wealthiest man in that country. His income was estimated at $500,000 per year. A friend said to him, "You ought to thank the British Government for sending you here, as it has resulted in your being the richest man in Australia." "Ah," said he, "when in England I was a burglar by trade, and I could have made $2,000,000 in a single night. All I wanted was to be let alone."

Mr. Chairman, I am not a free-trader. I believe in getting revenue from importations. I believe, however, that we should not legislate to avoid revenue, to make rich men richer and poor men poorer, under the pretense of elevating the American laborer above the pauper labor of Europe and keeping the home market for ourselves. We ought to so legislate as ultimately to reach a revenue standard. This can not be done at once. So much capital has been invested in the various manufacturing industries that a sudden change of policy would produce great disaster. Our progress should be as slow as true caution requires. Five, ten, or twenty years may be needed to accomplish it. Yet it must be done. The struggle will be fierce and arduous. Manufacturers will sacrifice political alliances, form new ones, and use every device to hold what they have. It is an almost daily observation that if the Democratic party does not abandon the effort to reduce our tariff legislation we can not elect a President. We are told the manufacturers are powerful in their wealth, and this will be used against us and effectually. If politicians on such suggestions abandon the people the time will come when truer representatives will take their places and resume the contest. The people are interested more in just and equal laws than in who shall be President. I fear, sir, that it can be said now, the Presidency is bought and sold every four years. Let us be careful lest the popular mind should be imbued with this truth and come to distrust all authority.

I honor the man who by economy, industry, and enterprise accumulates wealth. He is a public benefactor. He encourages others by his example. Just legislation is his best safeguard. I pray that laws begotten of cupidity may not characterize this country. They can but alienate the people. What social tendency they may beget no man can foretell. We live in an age of wonderful mental activity. The steam-engine, the telegraph, the spirit of invention and inquiry are but so many illustrations of it. Who shall say what of good or evil is near at hand in the political thought of this nation? Who can say that some frenzy such as that of the French revolution may not in the life of men now living repeat its horrors in our fair land? Before its avenging spirit no man nor body of men nor military force can stand in successful defiance. In its overwhelming current it will bear all men, all ideas, all forces to its destination of horror. I have faith, sir, in the people. I believe they are capable of reforming abuses by constitutional methods manifested by fair discussion. The past has demonstrated it and furnishes hope for the years to come. The great civil war alone permitted the present high taxes. The party which holds power hereafter must do it by outstripping its opponent in their reduction. Sophisms and audacious statements may be obstructions in the way, but they will only give volume and power to the current of reform which can not be staid.

Mr. Hamilton, in the report already referred to, commends pecuniary bounties for many reasons, which would require too much time for recital here. This is especially adapted to encourage farm products, he says. It can not therefore be urged, if this distinguished political economist is to be the guide, that the producers of cotton or grain which contribute so much to home manufactures are not entitled to this kind of encouragement. As I represent a cotton-growing constituency, I ask your attention to the beneficial effects such a course would have on that industry. The cotton exports in 1883 are valued at $247,328,271. The American laborer is paid, including rations, 45 cents per day. The Egyptian laborer is paid 7 cents per day, out of which he pays for his own food. One-third of $247,328,271 represents labor and is equal to $82,442,723. Now, to put the American laborer on an equal footing with the pauper labor of Egypt you must give the American producer six times this sum, $494,656,338. Deduct the $82,442,723 from that, and a clear bounty of $412,213,615 would be the bounty less the labor. This would be $164,885,344 more than the value of the exports. The home consumption, which is one-third of the product, has not been considered in this calculation, and if done would increase the bounty in the same proportion. Lands would advance two and three fold in value. Great areas now unoccupied would attract millions of people to the South. The laborer would be elevated in comforts, intelligence, and morals to a higher standard than any in the world. The manufacturer would get his raw material cheaper, and so supply all the cotton fabrics at a cheaper rate to all of our consumers. We should soon destroy the production of cotton in every other country and increase our export item in this article alone to an almost fabulous sum.

The South once had slave labor. This annual bonus would equal more than five times the value of her slave labor. She would grow richer in one decade than she did from her settlement to 1860. She, too, might become haughty and fancy it was due to her superiority over the people of other sections of the Union. In a few years she might claim this bonus a benefit to every other section, and feel enraged whenever her opinion was questioned. She might soon control the Federal Government by the power which wealth brings to a continuance of this policy. She might abandon all devotion to that Constitution which sought to restrain Federal power. Ay, she would hasten, I fear, to accept broader constructions of that instrument than Hamilton in all his love of Federal power ever dreamed of. This same policy extended to the grain-growing regions would have like effect, but I forbear entering further on the subject of bounties to farmers. I know the protected manufacturer is already impatient. I know he is ready to denounce all this as worse than nonsense, and sees in it naught but an attack on his industries. Although it is pregnant with equity and justice, this does not reach his judgment or conscience, but stirs his hatred and scorn. On the contrary, he says of him: "He ought not to be allowed to trade with any one save ourselves. He ought to be compelled by law to buy our products, though he may have to pay twice as much as the Englishman or Frenchman or German would charge him, and though these same people must buy his surplus farm products, or else it is only fit for fuel." This is their idea of equality before the law. This is their idea of republican institutions. This intent, they would have you believe, was present with our fathers when they formed and adopted the present Constitution.

Mr. Chairman, I have often heard protectionists denouncing men who represented agricultural sections and who opposed high tariffs because of the burdens imposed by them on farmers. They have declared them too feeble in intelligence to see beyond their own locality, and too narrow in patriotism to comprehend the varied pursuits of a great people. How misdirected this scorn! Because the farmer sees himself compelled to pay in a thousand forms tribute to men of large capital, invested in manufacturing industries, and is discontented at this quasi-slavery and desires a reformation in legislation which contemplates justice to all men, he is to be called stupid and unpatriotic. This pharisaical cant from selfish men is deserving only of the return of contempt from every one who regards the rights of his neighbor. The manufacturer seems to think the people and the Government were intended only for him. He is ever calling for legislative aid. He has so far succeeded. Agriculture is staggering all over this land from these burdens. Thrust yourself athwart his views and he threatens the use of the elective franchise and of his ill-gotten gains to defeat your party at the ballot-box. He organizes in great associations and boasts that he can make or unmake the political fortunes of public men for the highest offices in the land. He has dictated to Congress and the President already a tariff commission in his own interest. He clings to its iniquitous results with all the fierceness of "the mountain cat who guards her young." His opponents are stupid and narrow-minded or in the pay of England. They are getting British gold.

I have no unkind feeling toward any industry in this land. I would infuse into each of them tenfold more of life if I could by willing it. But, sir, I will not subscribe to a policy which impoverishes the great mass of our people engaged in agriculture to enrich sections engaged principally in making cotton or woolen or iron manufactures, even though, forsooth, some part of them are located in my own State. The health of our Constitution and the permanence of our institutions depend on the dignity and prosperity of our rural population. Give to them an equal chance to prosper by equal laws. Let that prosperity hold our young men to the farms. Stay in this way their drift to city life. Thus you will do more than in any other to make our nation sober, thoughtful, conservative, and happy. Our great cities have been aptly termed sores on the body politic. They are the hot-beds of vice, crime, and revolution. While commerce and manufactures necessarily create them, the evil they contain may be subjected to control always if the pure blood of healthy country life is rightly guarded by lofty statesmanship.

Mr. Chairman, the pending bill is liable to several criticisms. It is alleged that it fails to correct inequalities in the present law. I answer, the committee did not undertake to do this. It was thought best to

Mr. Chairman, I will now quote from a distinguished Georgian. Mr. Cobb, in his report as Secretary of the Treasury in 1857, when the domestic manufacturers were demanding an increase of customs duties, used this language:

The theory of the protectionists is this: That under a low tariff the importations of foreign manufacturers is encouraged, and being brought into the country at lower prices than they can be produced, the competition with the domestic manufacturer is ruinous to his business. The remedy is to raise the duties upon the foreign article to such a point that either it will be excluded, and thus give to the domestic manufacturer the entire home market, or else it will be so increased in price by the additional duty as to enable the domestic manufacturer to receive a remunerating price for his productions.

If the increased duty neither diminishes the importations nor increases the price, it is manifest that no advantage has been derived by the domestic manufacturer. If the effect should be to exclude the foreign article, then the domestic manufacturer monopolizes the home market and commands his own price. The effect upon the consumer is clear. He must pay the increased price thus put upon the article of consumption. Nor does it stop there. Under the existing state of things, when he has purchased the article he has not only furnished himself with the goods he needed at the reduced price, but at the same time has paid into the Treasury the tax required of him for the support of the Government. The measure of relief proposed by the protectionists increases the price he is required to pay for his goods, and when the foreign article is excluded leaves his tax unpaid. If, however, the increased duty should not exclude the importation of the article, but simply advance the price to a remunerating rate to the domestic manufacturer, the effect upon the consumer would be to require him to pay the additional price, not only upon the foreign article but also on the domestic manufacture. In no event can the increased duty operate to the advantage and relief of the manufacturer except by a corresponding injury to the consumer.

I have quoted from official papers liberally because the eminent positions of the authors and the large share of confidence they enjoyed, together with the fact that they are removed from the active and fervid struggles of the hour, are more likely to command a respectful hearing than any utterance coming from any man living. Now let us examine for a moment what this duty on foreign goods is. The total value of woolen goods imported in 1882 was $47,618,182. The duty collected on the same was $29,253,016, and the per cent. of duty 61.43. It is needless for me to add that this touches all woolen goods used for clothing or for any other purpose by the people of this country.

In 1880 the domestic woolen manufactures amounted to $267,252,913. Assuming the imports of these articles in 1882 to be the same as in 1880, the consumption of the domestic article exceeds the foreign nearly sixfold. Multiply the duties on the foreign articles by 5½, and you have $260,892,000 as the sum which would have gone into the Treasury had the domestic goods paid the same tax as the foreign—a sum nearly equal to the total value of the American product.

The last census shows hosiery and knit goods to be valued at $29,167,227, and manufactured in seven States, to wit, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island. Felt goods are valued at $3,619,652, and manufactured in seven States, to wit, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania. Carpets, other than rag, are valued at $31,792,802, and made in seven States—Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania. Worsted goods are valued at $33,549,942, and manufactured in eight States, to wit, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island.

The total value of woolen goods is $160,606,721. Of this sum—

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|---|---|
| Connecticut has | $16,892,284 |
| Massachusetts | 45,099,203 |
| New Hampshire | 8,113,839 |
| New Jersey | 4,984,007 |
| New York | 9,871,973 |
| Ohio | 1,678,189 |
| Pennsylvania | 32,980,786 |
| Rhode Island | 15,410,450 |
| Total | 135,030,931 |

In my own State, Georgia, it is $239,390; and her total manufacture of wool in every form is only $371,399.

Assuming the increase of price on the American product to be one-half the duty, and it is enhanced to the consumer $140,000,000, nearly all of which is given to the manufacturer in seven or eight States already designated, and is taken from the people of every locality in the American Union. And the articles used by the poor people of the country are uniformly taxed higher than any other. Out of 17,392,099 people engaged in various callings, 2,332,595 are now engaged in manufacturing; and even these must pay the higher rates designated. The number of persons engaged in manufactures of wool is 161,557. Nearly $1,000 to the hand is thus contributed by the country to the woolen manufacturers under the popular cry of protecting American labor. The actual sum paid to the laborers is $47,389,087, about one-third of the sum claimed for them. It is easy in this view to understand how nearly five-sixths of the woolen goods consumed in this country are home manufacture, and foreign competition nearly destroyed. After such an examination how sublime was the audacity which last winter reduced the duty on wool and then increased the duty on the manufactured product. These high duties have created the practice of stopping work when prices are unsatisfactory until any excess of supply over demand is cut off. In the mean time labor is either idle or partially employed. This is what is sometimes enthusiastically designated as preserving the home market for ourselves.

In my criticism on the duties prior to the law of 1883 I do not overlook the fact that under its operation they were changed. The modification has been sometimes to increase and then to slightly decrease them on the several items. They are too slight to avoid the application of what I have said to the present law. I have taken the old law as the basis of my observations, because statistical information under the new law is not yet fully accessible.

Let us look now at the cotton manufactures. The census shows that in the Eastern States, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut have invested in this industry $156,754,690. The Middle States, composed of New York, New Jersey, Pennsylvania, Delaware, and Maryland, have invested $31,014,759. The twelve Southern States have invested $17,375,897. Eight Western States have invested $3,135,000. The total capital invested is $208,280,346. It then appears that this capital is all in the six Eastern States except $51,525,656. Massachusetts owns $72,291,601; this exceeds by $20,770,945, all the capital so invested in all the States of the Union except the six designated as Eastern.

The value of the product in the Eastern States is $143,363,030; in the Middle States is $29,389,286; in the Southern States is $16,356,598; in the Western States is $2,981,196. It thus appears that while the total value of the cotton manufactures in 1880 was $192,090,110, all of this was produced in the six Eastern States except $48,727,072. Massachusetts alone produced $72,280,518 of the gross sum. We imported in 1880 goods valued at $31,285,306. The ad valorem rate of duty was 39.08 per cent. The duty collected was $12,227,103. Now, assuming that the home product was increased in value by the rate of duty and discount its value accordingly, and it would be $117,174,967, instead of $192,090,110, a clear bounty of $74,915,143. Of this last sum $61,711,582 would go to the six Eastern States. Massachusetts alone would get $28,192,913. Had this bounty gone into the Treasury we should have had there, instead of the sum stated, $87,142,246. I do not say the full price is always added to the duty. Overproduction at home will temporarily reduce the price. Then the factories abate their work, discharge their hands, or work on short time until the product equals the demand only, and then the higher rate returns. This is the normal condition.

Let us now briefly look at the manufactures of iron and steel. The total value of these products by the census of 1880 is $296,557,685. Of this Illinois, New York, Ohio, and Pennsylvania produce $223,259,136, leaving $73,298,549 to be divided between thirty-four States. Georgia's product is valued at the insignificant sum of $900,850. The total import of these articles is valued at $53,998,266. Of this $24,175,547 is duty. The residue, $29,823,719, represents the value of the product, less than 11 per cent. of the consumption in this country. The average ad valorem duty on iron is 40.38 per cent. and on steel 49.57 per cent. Discount the value of the product 45 per cent. and you give to the manufacturers of iron and steel a bonus of $133,450,958. We will be told the whole duty is not added to the price. This is sometimes true, and sometimes the price is not increased by the full amount of the duty. Nevertheless the increase will average half this sum in times of distress from overproduction, and approach very nearly to it when the demand and supply equal each other. Mr. Adams's view on this subject, heretofore quoted, is very high authority.

I will not fatigue you further by the consideration of other industries. Suffice it to say that almost every article of necessity, convenience, or luxury which the people of this country use is increased in price to them by the tariff. The advocates of protection claim they ought to have the home market. If but few goods are imported because the duty is placed so high as to prevent it, then you get but a small revenue. Then your principal object is not revenue, but to take from the great body of the people to give to large manufacturers, under the plausible pretense of keeping the home market for Americans. The principal plea is that you must do this to elevate American labor above the pauper labor of Europe. This, it is claimed, can not be done except with a high tariff. England is a free-trade country. France and Germany are protective countries. The labor in England is much higher than in the two latter countries; yet England far outstrips them in manufacture. Demand and supply regulates the price of labor everywhere. Hence you find often that when the duty is raised the price of labor goes down. We are told that protection cheapens products. A plate-glass manufacturer, in a hearing before the Ways and Means Committee, illustrated this doctrine in this way. He said ten years ago plate-glass cost $2.50 a square foot. Home competition has brought it down to $1. When asked the price abroad he said he did not know.

The census report shows that in 1880 in Europe the consumer could buy it at 60 cents per square foot. Either this gentleman was very stupid or else he intended to deceive the committee by creating the impression that plate-glass was lower in this country than anywhere else. He thought, however, the reduction of the duty on this article of 20 per cent. would ruin him. Many gentlemen representing various industries were heard. They avowed also that home competition had reduced the price to the consumer instead of raising it. None of them could be induced to give the value of their products in foreign markets, so that a comparison could be made. You can not get that sort of information from your Bureau of Statistics nor your custom-house officials. The veil is purposely kept between you and the truth. It is passing strange that this information, which is so important to an in-

telligent consideration of the great question of revenue, should be concealed. It is idle to say that it can not be reached. Your customs appraisers must know it to collect duties where so great a part are ad valorem. Nothing but a change of administration will turn the light on this darkness.

These same gentlemen in urging the necessity of letting the tariff alone in the interest of American labor revealed some singular facts. They would commence by saying the labor in this article is, say, 66 per cent.; the value of the materials, 46. When told this could leave them no profit this would be the explanation: The raw material is valued and every other expense is charged to labor. In this is included taxes, insurance, repairs, salaries of high officials, &c. When asked for these salaries they invariably refused to give them. After materials and labor are paid then they said, "We must have a profit on our capital." When asked what their profits were they declined to give them. They wanted protection and yet concealed one of the elements necessary to demonstrate how much was needed. What a sham is thus exposed in this cry for the American laborer. When asked how much duty was necessary for them they would say, "We want to be let alone." This was all Oakes Ames wanted.

A story is told of a criminal who was exported to Australia for crime. In the course of years he bought large tracts of land for an almost nominal price. Later they were discovered to be rich in iron ore, and this made him the wealthiest man in that country. His income was estimated at $500,000 per year. A friend said to him, "You ought to thank the British Government for sending you here, as it has resulted in your being the richest man in Australia." "Ah," said he, "when in England I was a burglar by trade, and I could have made $2,000,000 in a single night. All I wanted was to be let alone."

Mr. Chairman, I am not a free-trader. I believe in getting revenue from importations. I believe, however, that we should not legislate to avoid revenue, to make rich men richer and poor men poorer, under the pretense of elevating the American laborer above the pauper labor of Europe and keeping the home market for ourselves. We ought to so legislate as ultimately to reach a revenue standard. This can not be done at once. So much capital has been invested in the various manufacturing industries that a sudden change of policy would produce great disaster. Our progress should be as slow as true caution requires. Five, ten, or twenty years may be needed to accomplish it. Yet it must be done. The struggle will be fierce and arduous. Manufacturers will sacrifice political alliances, form new ones, and use every device to hold what they have. It is an almost daily observation that if the Democratic party does not abandon the effort to reduce our tariff legislation we can not elect a President. We are told the manufacturers are powerful in their wealth, and this will be used against us and effectually. If politicians on such suggestions abandon the people the time will come when truer representatives will take their places and resume the contest. The people are interested more in just and equal laws than in who shall be President. I fear, sir, that it can be said now, the Presidency is bought and sold every four years. Let us be careful lest the popular mind should be imbued with this truth and come to distrust all authority.

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Mr. Chairman, the pending bill is liable to several criticisms. It is alleged that it fails to correct inequalities in the present law. I answer, the committee did not undertake to do this. It was thought best to

make a simple and partial reduction of taxes, that a multiplicity of issues would tend to create confusion in the public mind and so lessen the moral force which has compelled and will continue to drive the high protectionists to a gradual abandonment of war taxes. The gross inequalities under the act of 1864 were permitted to remain by the Republican party until 1883, a period of nineteen years. That party preferred them to the hazards of legislation. It made a horizontal reduction of 10 per cent. in 1872, and a horizontal increase of 10 per cent. in 1875. The discussion of the tariff policy of that party in 1876 and 1880 so affected the public mind as to force it to take up the question for reduction and revision. Even a Republican President found it necessary to urge the subject upon Congress. The bill of 1883 was passed, and of course a large part of the inequalities and incongruities which had been permitted to exist were corrected in the opinion of that body. A horizontal method now is not so objectionable, therefore, as it was when adopted for reducing duties in 1872, or for increase of duties in 1875.

I submit that the country will not consider this point as conclusive against the pending bill, but rather the evidence of a partisanship which assaults everything indiscriminately coming from its opponents. A revision covering every dutiable article, no matter how wise, would have been unacceptable to the Republican party and would have made their efforts to confuse the public more easy of success.

It is said the agitation of the tariff will depress the industries of the country which were adjusting themselves to the new law. Are the manufactories of the land the only industries? With all the advantages of a protective policy under any law of indirect taxation are we to be restrained from reducing that taxation because it disturbs the protected classes? Have they become so imbued with the belief that they must be fostered by the General Government that the public good is to be found only in the horizon of their own wants?

In the report of the minority the declaration is made that no one demands this legislation except free-traders. This brings my mind to the scenes in the committee room. One gentleman would say, "I am here to represent an association for textile machinery, with a capital of $50,000,000;" another, that he represented ———, with so much capital; and so on and on marched in review the advocates of the interest of capital told by millions, tens, twenties, thirties, forties, fifties, &c. They either wanted the law let alone or some duty increased. Occasionally they would bring some laboring man from their works to give confidence to their pretense of friendship for American labor. A few gentlemen from Brooklyn and New York connected with free-trade clubs asked and obtained a hearing. The first class wanted to put money in their pockets, the latter to advocate a theory. The committee did not accept the views of either, nor indorse them. The great multitude which not only supplies this country but exports many hundreds of millions of products in corn, wheat, cotton, meats, &c., so far as the committee could know from the speeches made, had no one to urge or oppose the present bill. Unfortunately, the farmers of this country do not come to Congress through organizations designed to influence legislation. But, sir, are they unrepresented? Do the great body of the representatives of the people here know nothing of the wants of their constituents? Is the House of Representatives a sham? Sir, members of this body know as well as any one can what is the public need, and they have every interest in correctly stating it and legislating to meet it. The men who came before the Ways and Means Committee had great pecuniary interests to tempt them to misstatements and deception. No man who listened to them could fail to feel like Burns:

> For a' mankind are unco weak and little to be trusted;
> If self the wavering balance shake, it's rarely right adjusted.

No lawyer as he has seen the selfish coloring of witnesses in their cause ever pitied the weakness of humanity more than that committee must have done in these hearings. Such men were on the Tariff Commission, and such generally were the men who gave information to them on which the present law was based. Is it wonderful that they should oppose Congressional action except through a commission? Is it wonderful that they should say Congress did not have sense enough to legislate on the tariff? Sir, with an honest purpose to do right no body of men can fail to improve the present burdensome legislation.

Again, sir, we are told that a reduction of the rate of taxation will bring more money than the present law. This would at first seem paradoxical. But the explanation can be made in one way only. The present law is so high as to exclude foreign goods from our markets, or to limit the importations so that few of them will be brought here. The 20 per cent. reduction will admit more of them and so furnish more objects of taxation. This will create more competition in the market, and the consumer will get cheaper goods. Yes, sir; it is seriously said by the minority the Government will get more taxes and inferentially the people get all the necessities and comforts of life for less money if the 20 per cent. reduction is adopted. What a calamity! If this bill becomes a law and experience ratifies this prediction, the American people will want more of the evil. Their taste can easily be perverted to this heresy in political economy. They do not want the taxing power changed into one to foster monopolies to feed on their substance. Clamor, clamor, confusion, audacity, deception, and a suborned press must be summoned to battle against such a dire heresy. To reduce the revenues by increasing taxes is the battle cry. Thus the body of the people can be made to believe their burdens are light while the manufacturer is despoiling them with a rapacity worse than that of an invading army. The latter plunders and retires, while the former will ravage for centuries, by day and by night, without sympathy, remorse, or satiety.

It is said the results of the act of March, 1883, can not be appreciated until more time has elapsed. This criticism has a small measure of truth in it. Enough is known to satisfy every one that the rate of reduction is small. The following table, prepared at the Bureau of Statistics, fully sustains this statement:

*Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected during the six months ended December 31, 1882 and 1883.*

| Articles. | Six months under the old law—1882. | | | Six months under the new law—1883. | | | + Increase. — Decrease. | |
|---|---|---|---|---|---|---|---|---|
| | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Duty collected. | Ad valorem rate of duty collected. | Value. | Ad valorem. |
| | | | *Per cent.* | | | *Per cent.* | | *Per cent.* |
| All dutiable merchandise | $260,856,237 | $111,266,507 | 42.65 | $235,898,109 | $96,514,136 | 40.91 | — $24,958,128 | — 1.74 |
| Sugar and melada | 44,432,311 | 23,180,590 | 52.17 | 46,800,671 | 23,121,601 | 49.40 | + 2,368,360 | — 2.77 |
| Iron and steel, and manufactures thereof | 32,499,426 | 12,713,996 | 39.12 | 23,698,937 | 7,924,225 | 33.44 | — 8,800,489 | — 5.68 |
| Wool: | | | | | | | | |
| Clothing | 1,210,689 | 671,415 | 55.46 | 2,399,515 | 1,073,311 | 44.73 | + 1,188,826 | — 10.73 |
| Combing | 135,123 | 67,839 | 50.19 | 615,677 | 267,704 | 43.48 | + 480,554 | — 6.71 |
| Carpet | 3,505,980 | 974,202 | 27.79 | 4,345,385 | 1,087,094 | 25.02 | + 839,405 | — 2.77 |
| Manufactures of wool | 22,400,387 | 14,943,626 | 66.71 | 22,064,512 | 15,202,183 | 68.90 | — 335,875 | + 2.19 |
| Manufactures of cotton | 14,967,850 | 5,629,658 | 37.61 | 12,067,631 | 4,835,714 | 40.07 | — 2,900,219 | + 2.46 |
| Manufactures of silk | 19,999,119 | 11,738,469 | 58.69 | 21,286,252 | 10,617,057 | 49.83 | + 1,287,133 | — 8.86 |
| Earthen and china ware | 4,423,146 | 1,896,705 | 42.88 | 3,824,951 | 1,830,363 | 47.85 | — 598,195 | + 4.97 |
| Glass and glass ware | 4,271,308 | 2,327,660 | 54.49 | 3,943,197 | 2,187,362 | 55.47 | — 328,108 | + .98 |
| Spirits and wines | 5,008,625 | 3,706,142 | 71.22 | 2,945,001 | 2,659,312 | 90.30 | — 2,258,624 | + 19.08 |
| Malt-liquors | 511,772 | 227,370 | 44.43 | 490,315 | 235,823 | 48.10 | — 21,457 | + 3.67 |

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 10, 1884.

JOSEPH NIMMO, JR., *Chief of Bureau.*

The lessening of duties under the new law restrained importations until it went into operation on July 1 and facilitated them where there was an increase. This would be the natural result. And yet we find the largest falling off of importations on iron and steel and the manufactures thereof under a reduction of 5.68 per cent. ad valorem. The contrary result ought to have come from protection theories. From this tabular statement it is manifest that the reduction of the tariff under the last law is very trifling and leaves it nearly at war rates. The friends of that law stilled the popular complaint against it by avowing reductions which no man will now claim for it, and we are told to wait and see exactly what they are to be. This cry is intended for delay. The Committee on Ways and Means so believing, and knowing that the reductions originally claimed for the law are untrue, urged by a sense of justice to the people, propose to make moderate but substantial reductions by the bill they report.

It is said the reduction of duties will lower the rate of wages. I assert that no statement has come from the State Department, from the manufacturers, from any branch of the Federal Government, nor from any State government which in relation to the conditions of labor in Europe and America is not baldly deceptive. In both countries labor is regulated by the market and not by legislation. In labor trade is absolutely free. If American labor was in so much better condition than in Europe how soon would our land be filled with foreign labor and work equality? We actually receive small accessions to our population from free-trade England. Our largest are from protective Germany. Emigration to the United States continues under high and

